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ETHIOPIA: FREE SPEECH AT RISK AMID COVID-19

(Nairobi) – The [Ethiopian](#) government has been using [Covid-19](#) restrictions and a recently declared state of emergency as a pretext to restrict free speech.

In the last month, the authorities have detained a lawyer, Elizabeth Kebede, and charged a journalist, Yayeew Shimelis, for comments on social media about the government’s response to the coronavirus. A new [state of emergency](#) declared on April 8, 2020 gives the government sweeping powers to respond to the pandemic, heightening concerns of further arbitrary arrests and prosecutions of journalists and government critics.

“While misinformation about the pandemic can be a concern, it’s no excuse to limit free speech,” said [Laetitia Bader](#), Horn of Africa director at Human Rights Watch. “The authorities should drop charges against Yayeew Shimelis, release Elizabeth Kebede, and stop detaining people for peacefully expressing their views.”

After [confirming the first positive Covid-19 case](#) on March 13, Prime Minister Abiy Ahmed announced an initial series of [directives to stem the spread of the virus](#), which also urged “media institutions to deliver accurate information to the public.”

On March 26, Yayeew, a journalist and producer of a political program on Tigray TV, a regional government-owned station, alleged on his personal Facebook page and on a YouTube channel he administers that the government ordered the preparation of 200,000 graves in anticipation of deaths from the virus. Government officials immediately [condemned his remarks as “false.”](#)

The following day, Oromia police, along with two members of [Ethiopia’s intelligence and security agency](#), [arrested Yayeew](#) at his family’s home in Legetafo, on the outskirts of Addis Ababa, and took him to the Addis Ababa Police Commission, where he was questioned about his political views and reporting. The authorities also seized his laptop, cellphone, and notebooks. It’s unclear whether they obtained a judicial warrant, as [required for searches](#).

Addis Ababa police alleged that Yayeew spread “false news” but held him for nearly three weeks without bringing formal charges. On April 15, a federal judge granted him bail, finding that investigators lacked sufficient evidence to proceed with the investigation. Federal police investigators then intervened in the case, appealing the court’s decision and accusing Yayeew of violating the revised [anti-terrorism law](#). On April 20, a federal judge granted Yayeew bail a second time, again finding that investigators lacked enough evidence to charge him with terrorism offenses.

Federal police finally released Yayeew on April 23. But, according to court documents Human Rights Watch reviewed, prosecutors have now formally charged him under the country’s new [hate speech and disinformation law](#), citing as evidence postings and private messages obtained from

Yayeseu's personal Facebook account by Ethiopia's Information Network and Security Agency (INSA).

The [new law](#), which took effect on March 23, contains an [overbroad definition of disinformation](#) that provides authorities with [excessive discretion](#) to declare unpopular or controversial opinions "false." The law also arbitrarily imposes harsher penalties for social media users who have more than 5,000 followers, as Yayeseu does.

On April 4, Addis Ababa police detained Kebede, a volunteer lawyer with the [Ethiopian Women's Lawyers Association \(EWLA\)](#), one of the country's leading women's rights groups, and transferred her to the custody of Harari regional authorities. EWLA lawyers told Human Rights Watch that officials have not charged her with any offense but accuse her of disseminating false news in Facebook posts that officials claim could "instigate violence."

One of the [posts named individuals who reportedly were infected with coronavirus](#), said that Harari regional officials had met with the alleged patients, and said that those that had contact with them should be quarantined. She identified people's ethnicity and then deleted this information in a subsequent post. Such posts raise serious privacy concerns, and individuals with Covid-19, or any medical condition, have a right to privacy. Revealing private medical information can result in stigma and discrimination, and potentially worse consequences, against those identified and individuals with whom they are associated. Nonetheless, such [actions](#) by private individuals [should not be addressed through the criminal justice system](#).

Over the past decade, Human Rights Watch has documented the Ethiopian government's [repeated use of broad and ill-conceived laws](#), including a now-amended [2009 anti-terrorism proclamation and 2008 mass media law](#), to crack down on free speech and peaceful dissent. The authorities have arbitrarily arrested, detained, and prosecuted scores of journalists, political opposition members, and activists under that law. The newly enacted hate speech and disinformation law similarly risks being used as a [tool of repression](#), Human Rights Watch said.

Under international human rights law, restrictions on freedom of expression for reasons of public health may not put the right itself in jeopardy. Any [measures taken to protect the population during a pandemic](#) that limit rights and freedoms must be [lawful, necessary, and proportionate](#). To allow for [social distancing in detention facilities](#), authorities should make concerted efforts to [reduce detainee populations](#), including by releasing suspects accused of non-violent offenses, such as those held for expressing critical or dissenting views.

Prime Minister [Abiy declared a five-month state of emergency](#) on April 8, heightening concerns about its impact on various rights, including freedom of expression and association. Anyone found [violating emergency restrictions](#) faces up to 3 years in prison or fines of up to 200,000 Birr (US\$6,149).

On April 11, the [attorney general's office released an initial set of restrictions](#) under the state of emergency. A further set of [rules published on April 20 limits gatherings](#) of more than four people, suspends suspects' right to appear before a judge within 48 hours, and broadly restricts the media from reporting Covid-19 news in a way that could "cause terror and undue distress among the public."

The state of emergency's provisions restricting media reporting, much like the hate speech and disinformation law, contain [vague, undefined language](#) that make it difficult for journalists, activists, and anyone posting on social media to know what speech or reporting would violate the law and increases the risk of misuse by authorities, Human Rights Watch said.

Since the emergency bill was passed, [Ethiopia's federal police commissioner has warned the public](#) that the police would act against anyone violating the emergency measures, including [individuals and media bodies spreading "fake news."](#)

On April 25, the police in Addis Ababa briefly held Eskinder Nega, a former journalist and current chairperson of the political opposition party [Balderas for True Democracy](#), for speaking with people whose homes were reportedly demolished by security forces. Police accused him of violating the state of emergency prohibition on gatherings of more than four people. Eskinder was held for nearly 12 hours at a police station in Kolfe-Keranio, a sub-city in the capital, Addis Ababa, then released. Police also [confiscated his phone](#) during questioning.

Ethiopia's [previous two states of emergency](#), one from October 2016 to August 2017, brought mass detentions and politically motivated arrests and expanded surveillance and numerous restrictions on movement and communication. The 2018 emergency declaration also contained provisions that criminalized the spread of information.

To [safeguard against abuse](#), emergency measures must be subject to [independent oversight and regular review](#), Human Rights Watch said. An inquiry board parliament established to oversee the state of emergency is one such [mechanism](#). Meaningful oversight can also come from a range of groups, including Ethiopian human rights institutions and civil society organizations, which should have an opportunity to raise concerns about how emergency measures are managed and enforced, including [when they end](#).

"Ethiopian authorities should not repeat the mistakes of past states of emergency," Bader said. "Over the next five months, Parliament and the public should monitor the application of these exceptional powers and ensure that they aren't abused or remain in effect after the public health crisis ends."