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ETHIOPIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

In the perspective of the May 2010 general elections, the first since the contested 2005 elections that were marred by a severe repression of civil society, the Ethiopian Government sought in 2009 to muzzle all forms of opposition against Mr. Meles Zenawi's Ethiopian People's Revolutionary Democratic Front (EPRDF), particularly political opponents, journalists and human rights defenders. Thus, while the opposition sought to build a common front before the elections¹, opposition parties alleged in November 2009 that nearly 450 of their members were jailed to stop them running as candidates². Additionally, the EPRDF's ethnic federalism did not curb conflicts, but rather increased competition among groups over natural resources and power. In rebellion-torn areas like the Oromia and Ogaden regions, ethnic federalism remained artificial and the rebellion remained active.

On July 7, 2009, the Parliament adopted a drastic Anti-Terrorism Law, which allows for severe restrictions of freedom of expression, freedom of assembly and the right to a fair trial. It provides for a broad definition of the terrorist act and peaceful and legitimate dissent with the current administration, including political opposition as well as criticism by independent human rights groups, could fall within the definition provided by the law. A street protest against Government policies could be qualified as terrorist activity if, for example, private property is damaged in the course of the protest. Protesters as well as its organisers could face sentences up to 15 years to life imprisonment or even death. In addition, the Amharic-language weekly *Addis Neger*, known for being outspoken, announced on December 4, 2009 that its 28 November issue would be the last one until further notice. The management said it was forced to take this decision because of the Government's intention to prosecute the newspaper and its staff under the Anti-Terrorism Law³.

1/ In June 2008, the Unity for Democracy and Justice Party was created by some of the opposition leaders who were imprisoned between 2005 and 2007.

2/ See Human Rights Watch Report, *One Hundred Ways of Putting Pressure, Violations of Freedom of Expression and Association in Ethiopia*, March 24, 2010.

3/ See Reporters Without Borders.

In 2009, the Ethiopian authorities also used the Freedom of the Mass Media and Access to Information Proclamation⁴ to silence journalists⁵ and, in January 2009, a Government agency, the Ethiopian Broadcasting Authority, was given exclusive authority over media regulation. The authority immediately issued directives not included in the Media Law stripping any media executive with more than two percent ownership share of any editorial authority in order to “avoid homogeneity of news and viewpoints”. In April 2009, the agency denied licenses to three journalists under the pretext that they had been convicted of “treason, outrages against the Constitution and incitement to armed conspiracy” in 2007 after covering the crackdown consecutive to the 2005 elections. In June 2009, it ordered private *Sheger Radio* to stop carrying programs for *Voice of America*⁶.

Adoption of legislative reforms restricting the environment for human rights activities and successive closure of several NGOs

In the run-up to the general elections, the Ethiopian administration completed the existing restrictive legal framework with the adoption by the Parliament, on January 6, 2009, of the “Charities and Societies Proclamation Law” No. 621/2009 (CSO Law), which creates a very restrictive environment for human rights defenders and sharply restricts the activities of most civil society organisations, including foreign and domestic human rights NGOs. The text extends the definition of “foreign NGO” to all NGOs in Ethiopia receiving more than 10% of foreign funding, and bans such NGOs from carrying out a high number of human rights related activities, including women and children’s rights, disabled persons, ethnic issues, conflict settlement and resolution, governance, and democratisation. In a country where 95% of Ethiopian NGOs currently receive more than 10% of foreign funding and where local funding sources are virtually non-existent, this new legislation deeply undermines the civil society’s capacities of action. The new piece of legislation also provides for the creation of the Government-appointed “Charities and Societies Agency” (CSA) – with wide-ranging discretionary powers related to the registration, functioning and dissolution of NGOs. Before the new law, the Ministry of Justice decided on registration. In case of refusal, the applicant organisation had the possibility to appeal this decision before a court. With the new legislation, any application for the registration of a “foreign NGO” is

4 / The law was adopted by Parliament on July 1, 2008. It stiffened existing penalties for libel and granted Government prosecutors the exclusive discretion to summarily block any publication for national security, but banned pre-trial detentions of journalists, at least in principle.

5 / For instance, four editors of Amharic-language weeklies were detained from three to 16 days on criminal charges in 2009.

6 / See Committee to Protect Journalists.

submitted to the CSA, and any refusal of registration can only be appealed before the board of this agency. A second refusal by this body is deemed a final decision. The agency has also exclusive competence with regard to the dissolution of “foreign NGOs”. The possibilities of appeal will be the same as these applied to registration. The agency has also the power to appoint and remove executive members sitting in such organisations. Moreover, the CSO Law imposes disproportionate criminal penalties for minor administrative breaches of the law, stating that executive members of all charities and societies who allocate more than 30% of their budget to administrative expenses shall be subjected to fines or imprisonment.

Since the adoption of this draconian law, most of local NGOs have been obliged to abandon their human rights activities so as to continue receiving foreign funds⁷. About eleven have chosen to re-register as “human rights” organisations, running the risk to face dissolution⁸. Additionally, the Ethiopian Human Rights Council (EHRCO) was forced to change its name because the CSA claimed that it should have branches in five regional States although the CSO Law only requires that membership-based charitable societies have their membership distributed in five regional States, which EHRCO fulfilled. The CSA also forced EHRCO to amend some provisions of its statute such as removing the monitoring of elections and provision of voter education, although this was in violation of the CSO Law⁹. On December 11, EHRCO was finally re-registered. In spite of these requirements and delays, the bank accounts of EHRCO and the Ethiopian Women Lawyers Association (EWLA) were frozen by the Agency on December 8, 2009 although the funds were from pre-existing grants and the law was not due to take effect until February 2010. CSA officials informed EHRCO staff that as an “Ethiopian organisation” under the CSO Law, this retroactive application of the law was legitimate, despite the CSO law provides the CSA with no such powers. Although EWLA appealed to the Prime Minister to unfreeze its bank account, at the end of 2009 the account remained frozen. As a consequence, on December 18,

7/ Among them the African Initiative for a Democratic World Order (AIDWO), the Action Professionals Association for People (APAP), the Organisation for Social Justice in Ethiopia (OSJE), the Society for the Advancement of Human Rights Education (SAHRE), the Ethiopian Human Right & Civic Education Promotion Association (EHRCEPA), the Centre for the Advancement of Peace & Democracy in Ethiopia (CAPDE), the Ethiopian Federation of Persons with Disabilities (EFPD), the Research Centre for Civic & Human Rights Education, “Hundee” (Roots), “Zega le-Idget”, “Zema Setoch Lefitih” and Kembatta Women’s Self-Help Center Ethiopia Association.

8/ Among them the Ethiopian Human Rights Council (EHRCO), the Ethiopian Women Lawyers’ Association (EWLA) and the Ethiopian Bar Association (EBA). The three were finally re-registered.

9/ The Electoral Law adopted in 2007 was also used to restrict the activities of human rights organisations in the electoral process. Indeed, those willing to undertake election monitoring or voter education now have to obtain a specific license from the Ethiopian National Board, which was not granted to all of them.

EHRCO had to close nine of its 12 field offices, and had to lay off 44 of its staff, several of whom also had to flee the country.

Moreover, in July 2009, the activities of 42 NGOs were reportedly suspended by the Ethiopian authorities, allegedly because their activities overtook their mandate and represented a threat to peace and development in southern Ethiopia. Most of the NGOs were engaged in the preservation of culture and environment, which was deemed as a threat to the ruling party as their action was considered a potential threat to State monopoly of land ownership. Regional authorities also ordered the bank accounts of these NGOs to be frozen and vowed to continue taking similar actions on others. However, Ethiopia's Southern Regional State Justice Office Chief, Mr. Yilma Meresa, refused to disclose the name of the suspended organisations¹⁰.

Obstacles to human rights defenders' access to information in zones of rebellion and arbitrary arrests

Over the past years, the Government has remained suspicious of anyone who tried to collect information on human rights violations in zones of rebellion, in particular in the Oromia and Somali regions¹¹, and arbitrary arrests continued to be a tool of repression used by the authorities in 2009. The access to the armed conflicts zones like Ogaden also remained tightly monitored and forbidden to human rights defenders and humanitarian organisations, which have been compelled to leave the area over the past years. For example, Mr. **Paulos Abebe**, Head of EHRCO Arbaminch branch office (South region), was arrested in Derashe Special District and detained in Gidole police station without food, water and clothes from January 14 to 17, 2009, while conducting an investigation in Derashe, Southern Nation Nationalities of Peoples Region. He was arrested by Wereda officials on the ground that he had failed to report his visit to Derashe to the local authorities, although he had a letter explaining his mission and could not deliver it because the officials in charge were not available. On January 17, he was released on bail and the investigation was ongoing at the end of 2009. Further, by mid-2009, Mr. Abebe received death threats while investigating the acts of torture inflicted on prisoners in February 2009 in Arbaminch prison and was constantly followed, prevented from going to the prison and meeting victims of human rights violations. He subsequently fled to Addis Ababa but was pursued by plain

10/ See World Alliance for Citizen Participation (CIVICUS) Press Release, July 24, 2009.

11/ For instance, Mr. **Abdi Abate**, an EHRCO member, was arrested in July 2007 in Nektme and charged with "supporting the Oromo Liberation Front (OLF)". On May 4, 2009, the Federal High Court eventually dismissed the charges against him, and ordered his release.

clothes security agents who also tried to abduct him on August 26, and his two sources of information were imprisoned after he fled his home town. Fearing for his safety, he had to flee the country on October 4, 2009. Mr. **Muguleta Fentaw**, Head of EHRCO in Dessie (Ahmara region), as well as Ms. **Elsabet Gizaw**, a member of EHRCO, also faced hindrances in 2009 in relation with their human rights activities.

Human rights activities hampered by a prevailing climate of fear and of surveillance

In 2009, the major obstacle faced by human rights defenders remained the climate of fear prevailing in the country because of the continuous intimidation and threat of detention and prosecution made by senior Government officials in the State media, especially following the issuance of the annual human rights reports by the US State Department and Human Rights Watch in February 2009. For instance, Ms. **Madhere Paulos**, Director of EWLA, fled the country, fearing prosecution following the Ministry of Foreign Affairs statements against US State Department's annual human rights report, which cited EWLA and EHRCO. Furthermore, human rights defenders' communications by phone and email were routinely under surveillance and the authorities sought to control information by blocking access to the websites of human rights organisations. Because of this climate of fear and of Government repression, many human rights defenders had not other option than to flee the country in 2009, for fear of reprisals against their human rights activities, as was the case for Messrs. **Yoseph Mulugeta**, EHRCO Secretary General, **Abiy Mesfin**, Editor of *Addis Neger*, **Manyawkal Mekonnen**, Director of the Organisation for Social Justice in Ethiopia (OSJE), and Mr. **Kassahun**, Programme Officer of the Peace and Development Committee.

Use of years-old criminal cases to silence journalists reporting on human rights violations

The Ethiopian Government resumed in 2009 its long-standing practice of reviving years-old criminal cases, some of them seemingly dormant, as a way to silence critical journalists reporting on human rights violations. Thus, on August 24, 2009, Mr. **Ibrahim Mohamed Ali**, Editor of the weekly newspaper *Salafiyya*, and Mr. **Asrat Wedajo**, former Editor of *Seife Nebelbal*, a weekly that was banned amid the 2005 Government crackdown on the press, were sentenced to one year of prison and convicted under the Criminal Code and the 1992 Press Law, amended by the Freedom of the Mass Media and Access to Information Proclamation of 2008, in connection with coverage of sensitive topics dating back several years. Mr. Wedajo was charged in connection with a 2004 story alleging human rights violations against the Oromos. Mr. Ali was charged in con-

nection with a piece written by a guest columnist and published in 2007, criticising the Ministry of Education's proposal to restrict headscarves for female Muslim students at public education institutions. Mr. Ali returned to court in September 2009 to face more charges over coverage of religious issues. Both announced that they intended to appeal the verdict and, as of the end of 2009, remained detained at Kality prison, outside Addis Ababa. At the end of 2009, the appeal was still pending. Likewise, on June 4, 2009, Mr. **Abebe Worke**, EHRCO Chairperson and *Voice of America* correspondent in Addis Ababa, and Mr. **Ababa Meleskachew Amaha**, Reporter for *Voice of America*, were arrested for alleged "illegal use of radio equipments" and "trying to sell equipment illegally". The equipment in question was imported by Addis Broadcasting Company (ABC) with a grant from the Government of Norway a few years ago, hoping that it would secure the licence to operate a radio station. In May 2009, the Government shut down ABC and accused Messrs. Worke and Meleskachew, ABC shareholders, of illegally owning broadcasting equipment. Messrs. Worke and Meleskachew were taken to court on June 5, 2009 and the judge remanded them in custody until June 15, granting a request of police for more time to conduct investigation. They were held at the premises of the customs authority in Addis Ababa. Messrs. Worke and Meleskachew were released on bail on June 12, 2009 after the Federal First Instance Court ruled on the bail application on June 11, 2009¹². On July 15, Mr. Meleskachew was acquitted and Mr. Worke was convicted. Mr. Worke filed an appeal, which was pending at the end of 2009.

Urgent Intervention issued by The Observatory in 2009

Names	Violations / Follow-up	Reference	Date of Issuance
	Obstacles to freedom of association	Press Release	January 9, 2009

54 12/ They respectively paid a bail of 15,000 birr and 30,000 birr (about 850 euros).