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Ethiopia: New State of Emergency Risks Renewed Abuses

Overbroad, Vague Provisions Undercut Rights

Ethiopia's newly proclaimed state of emergency risks further closing the space for peaceful political activity, Human Rights Watch said today. The action dashed hopes that the release of key political prisoners days earlier was a first step toward more widespread political reforms. The government should promptly repeal or revise restrictions that violate the rights to freedom of peaceful assembly, association, and expression protected under international human rights law.



Police officers patrol along a road in Addis Ababa, Ethiopia, February 21, 2018.

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On February 17, 2018, following Prime Minister Hailemariam Desalegn's resignation, Defense Minister Siraj Fegessa announced a countrywide six-month state of emergency. The Directive of the State of Emergency contains overly broad restrictions and vague language that will facilitate government abuses, Human Rights Watch said. During Ethiopia's previous countrywide state of emergency, from October 2016 until August 2017, security forces arrested more than 20,000 people and committed widespread rights violations.

"Ethiopia's new state of emergency threatens to block the peaceful expression of views on critical issues facing the country," said Felix Horne, senior Africa researcher at Human Rights Watch.

"Banning public protest and handing the army sweeping new powers to crack down on demonstrators,

media and political parties violates rights and crushes the potential for meaningful dialogue on the way forward.”

The directive bans all protests without permission of the Command Post, a body led by the prime minister to manage the state of emergency. A blanket ban on protests is an overly broad restriction on the right to peaceful assembly, including during a state of emergency. If any criminal acts are committed during a protest, the authorities can prosecute them under Ethiopian law.

The directive also broadly forbids disseminating any information deemed critical of the state of emergency. The Command Post is empowered to “close any media to safeguard the constitution,” the government’s news agency said. And regional government media outlets are prohibited from commenting on the state of emergency without Command Post permission. These measures pose a serious threat to Ethiopia’s media and expanding social media community, and place at risk Ethiopians who benefit from the media in the Ethiopian diaspora.

Much of the language in the directive is vague, with many terms undefined, including restrictions on “communicating with anti-peace groups,” or any acts that “disrupt tolerance and unity.” Given the government’s lengthy history of conflating peaceful expressions of dissent with criminal activity, the vague provisions provide Ethiopia’s abusive security forces with seemingly unfettered power to determine state-of-emergency violations.

Other problematic provisions give security forces standing permission to enter schools and universities to “arrest and stop mobs,” to search houses without a warrant, and to ban various forms of peaceful protest including stay-at-home strikes, closing shops, and blocking roads.

Anyone found violating the state of emergency is subject to arrest without warrant by the Command Post to face charges or be compelled to undergo “rehabilitation”- a euphemism for detention without charge often involving abusive treatment and political indoctrination. Torture and other ill-treatment in detention remain serious problems in Ethiopia.

Under the International Covenant on Civil and Political Rights (ICCPR), which Ethiopia ratified in 1993, during a state of emergency a government may only derogate, or suspend, certain rights “to the extent strictly required by the exigencies of the situation.” These measures must be of an exceptional and temporary nature. Other rights, such as the right to life and freedom from enforced disappearance, torture and ill-treatment, may never be suspended. Under the African Charter on Human and Peoples’ Rights, no derogation of charter rights is allowed during a time of emergency.

The United Nations Human Rights Committee, the international expert body that monitors compliance with the ICCPR, has stated that governments need to “provide careful justification not only for their decision to proclaim a state of emergency but also for any specific measures based on such a proclamation.”

Ethiopia's constitution permits the government to impose a state of emergency following a foreign invasion or due to the "breakdown of law and order which endangers the Constitutional order and which cannot be controlled by the regular law enforcement." While there were sporadic protests and incidents of unrest in the week prior to the announcement, Human Rights Watch knows of no evidence of a breakdown of law and order that could not be handled through regular law enforcement. A day before the state of emergency was announced, the communications minister denied that a state of emergency would be declared because "there are no grounds for it."

It was not clear how the state of emergency will impact upcoming countrywide local elections scheduled for May. The new restrictions raise serious concerns as to whether candidates, particularly from opposition parties, will be able to fully and freely campaign, Human Rights Watch said.

The government has not addressed most protester grievances amid a growing power struggle among parties within the ruling Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) coalition. Large-scale and mainly peaceful anti-government protests have swept through Oromia, Ethiopia's largest region, since November 2015, and the Amhara region since July 2016 despite extensive government restrictions on peaceful assembly and expression. Additional clashes over the last year, precipitated by attacks from the Somali regional government's abusive Liyu police inside Oromia region, resulted in hundreds of deaths and over one million people displaced from both the Oromia and Somali regions.

The United States government, historically a close ally of Ethiopia, issued an unusually critical statement to "strongly disagree" with the declaration of a state of emergency. Other allied governments should follow the US lead and strongly urge restoration of basic rights and the opening up of political space, Human Rights Watch said.

Ethiopia's constitution requires approval of any state of emergency by two-thirds of the House of Peoples' Representatives within 15 days of its declaration -- by March 4. House members should either vote to reject the state of emergency or ensure that all provisions inconsistent with international law are repealed or substantially revised, Human Rights Watch said.

"Restricting basic rights has led Ethiopia into crisis, and further suppression of rights through a new state of emergency only risks making matters worse," Horne said. "The government's use of a state of emergency risks plunging Ethiopia into a greater crisis. The parliament can play an important role in pushing for meaningful reforms, starting with rejecting unlawful restrictions under the state of emergency."

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