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“Journalism Is Not a Crime”

Violations of Media Freedom in Ethiopia



“Journalism Is Not a Crime”

Violations of Media Freedom in Ethiopia

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Violations of Media Freedoms in Ethiopia

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Glossary of Abbreviations

BSPE	Berhanena Selam Printing Enterprise
CSO Agency	Charities and Societies Agency
CPJ	Committee to Protect Journalists
DW	Deutsche Welle
EBA	Ethiopian Broadcasting Authority
EBC	Ethiopian Broadcasting Corporation
EFJA	Ethiopian Free Press Journalists' Association
EJF	Ethiopian Journalists Forum
ENJU	Ethiopian National Journalists Union
EPRDF	Ethiopian People's Revolutionary Democratic Front
ESAT	Ethiopian Satellite Television
GCAO	Government Communications Affairs Office
ICCPR	International Covenant on Civil and Political Rights
IFJ	International Federation of Journalists
ITU	International Telecommunication Union
NEBE	National Electoral Board of Ethiopia
NGO	Nongovernmental Organization
OHCHR	United Nations Office of the High Commissioner for Human Rights
OPDO	Oromo Peoples' Democratic Organization
ONLF	Ogaden National Liberation Front
OMN	Oromia Media Network
OLF	Oromo Liberation Front
SNNPR	Southern Nation, Nationalities and Peoples' Region
UDJ	Unity for Democracy and Justice
VOA	Voice of America

Map of Ethiopia



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Summary

Ever since the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) won 99.6 percent of parliamentary seats in the 2010 elections, the government of Ethiopia has escalated its repression of the independent media, limiting the rights to freedom of expression and access to information. At least 60 journalists have fled their country since 2010 while at least another 19 languish in prison. The government has shut down dozens of publications and controls most television and most radio outlets, leaving few options for Ethiopians to acquire independent information and analysis on domestic political issues. With elections scheduled for May 2015, the media could be playing a key role educating and informing the public on the issues, and providing public forums for debate. But the ruling party has treated the private media as a threat to its hegemony, and is using various techniques to decimate private media, independent reporting, and critical analysis, with drastic results.

Ethiopia now has the most journalists in exile of any country in the world other than Iran, according to Committee to Protect Journalists' statistics and Human Rights Watch research. Under repressive laws, the authorities frequently charge and the courts invariably convict journalists for their reports and commentaries on events and issues. Individuals like Eskinder Nega and Reeyot Alemu have come to symbolize the plight of dozens more media professionals, both known and unidentified, in Addis Ababa and in rural regions, who have suffered threats, intimidation, sometimes physical abuse, and politically motivated prosecutions under criminal or terrorism charges. Their trials are fraught with due process violations and the courts have demonstrated little independence in the adjudication of their cases.

Most print publications in Ethiopia are closely affiliated with the government and rarely stray from government perspectives on critical issues. Private print publications face numerous regulatory challenges and regular harassment from security personnel. Publications critical of government are regularly shut down, and printers and distributors of critical publications are closed. Journalists critical of government policies and their families live in constant fear of harassment, arrest, and losing their livelihoods. The state controls most of the media, and the few surviving private media self-censor their coverage of politically sensitive issues for fear of being shut down.

This report documents the strategies used by the Ethiopian government to control independent reporting and analysis and restrict access to information. Based on more than 70 interviews with current and former journalists and media professionals, the report describes the dire state of Ethiopia's media and the resulting impact on freedom of expression and the media.

Despite international outcry over the most publicized cases, the Ethiopian government shows no sign of greater tolerance of independent media voices as the crackdown against independent media escalated in 2014. Ten journalists and bloggers joined the list of journalists under prosecution and five magazines and one newspaper were shut down after a government campaign of threats and intimidation. The campaign included programs on state-run television portraying the publications as supporters of terrorism, harassment of the printing presses that printed the publications, government interference in distribution of publications, and numerous threats from security officials. This culminated in dozens of journalists and several owners of these publications fleeing Ethiopia and criminal charges against the owners. Courts have sentenced three owners in absentia each to more than three years in prison, without any real evidence being presented other than articles that criticized government policies. The trials of the other owners continue.

But beyond the more newsworthy arrests, the government has used various other pernicious yet more subtle techniques to stifle and silence the media. Security personnel subject journalists who write about sensitive political issues to regular threats and harassment. These threats often extend beyond the journalists to their families and friends. Those who do not censor their coverage following warnings are often arbitrarily detained, usually without charge, and threatened and harassed. Outside of Addis Ababa, mistreatment and beatings of journalists in detention are common and are often followed by criminal charges. Many longtime private journalists have been detained numerous times and have received hundreds of threats from security officials, ruling party cadres, and officials from Ethiopia's ministry of information, now called the Government Communications Affairs Office (GCAO).

The net effect is that Ethiopian journalists have to make the difficult decision between self-censoring their coverage to promote the ruling party's agenda or providing reporting or commentary that may put them and their families in danger.

In addition to threats against individual journalists, the authorities use various means to stymie the private printing presses where independent media owners print their publications. The state-owned printer, which is the only printing press with the capacity to print newspapers regularly, delays or refuses to print private publications—in one case burning 40,000 copies of a newspaper that published reports the government considered critical. Security personnel are also increasingly targeting and threatening distributors of private publications. Increasingly journalists' sources are being targeted and individuals are more and more afraid to speak to the media.

Government has stifled attempts to organize independent journalist associations, and security officials conduct extensive background checks into the political affiliations of private publications. The authorities routinely delay required permits and renewals for private publications deemed less than fully supportive of the government and ruling party.

New media has not fared much better. Many blog sites and websites being run by Ethiopians in the diaspora are blocked inside Ethiopia. In 2014, bloggers from Zone 9, a blogging collective that provides commentary on current events in Ethiopia, were charged under the anti-terrorism law and the criminal code after spending 80 days in pre-charge detention. Among the evidence the prosecution cited in its charge sheets was digital security training the bloggers took through Tactical Technology Collective, an international nongovernmental organization (NGO) that provides activists with tools to protect their privacy online. The arrest and prosecutions of the Zone 9 bloggers has had a wider chilling effect on freedom of expression in the country, elevating the level of fear among bloggers and online activists who increasingly fear posting critical commentary on Facebook or other social media platforms.

The picture for radio and television broadcasting is similar. Most of the country's radio and television stations are state-run and do not offer independent news coverage and analysis. This is critically important given that over 80 percent of Ethiopia's population lives in rural areas, where the radio is still the main medium to acquire news and information. The few private radio stations that cover political events told Human Rights Watch that local government officials have had to edit and approve their programs days before they are aired. Broadcasters who deviate from the approved content had to contend with detention and harassment by government officials.

Rather than face a life of constant harassment and fear, many journalists choose to work for one of the state-affiliated publications. Some walk the fine line of being as critical as they can be without upsetting the authorities, while others are content to churn out the government propaganda promoting and exaggerating the government's development successes. Membership in the EPRDF is often a requirement for upward mobility in these publications.

Foreign media has a limited presence in Ethiopia. Both Voice of America (VOA) and Deutsche Welle (DW) join several Ethiopian diaspora stations in providing television and radio coverage. However, the government has used various strategies to limit their domestic audience including jamming of their signals, constant threats and harassment of their staff and their sources, and most recently the targeting and arrest of individuals who are watching or listening to the diaspora-based services.

Since the 2009 enactment of the Charities and Societies Proclamation, independent civil society has largely been eviscerated while severe restrictions on the remaining opposition political parties make a vibrant and independent media sector all the more important for participation in governance and greater respect for human rights in the country. Unfortunately, what little space there was for independent coverage and analysis of news and political events has shrunk even further in 2014. The opportunity for Ethiopian citizens to access different political perspectives and analysis leading up to the May 2015 elections is bleak.

Still, much can be done to improve the media situation in Ethiopia in both the short and long-term. As a first step, the government should immediately drop charges and release detained and convicted journalists and bloggers. Ethiopia's leaders should realize that a vibrant and independent media contributes to the country's development. As such, in the coming weeks and months, the government should amend repressive laws used to target the media, including the Anti-Terrorism Proclamation. Authorities should also ensure that both law and practice are in line with Ethiopia's constitution and international standards.

Recommendations

To the Government of Ethiopia

- Immediately drop all charges and release all journalists and bloggers arbitrarily detained and prosecuted under the criminal code or anti-terrorism law.
- Repeal or substantially amend the Anti-Terrorism Proclamation and the Freedom of the Mass Media and Access to Information Proclamation so that they comply with the right to freedom of expression under Ethiopia's constitution and regional and international human rights law.
- Amend article 613 of the criminal code to remove criminal penalties for defamation.
- Limit government ownership over the print and broadcast media, and take legislative and policy measures, including the removal of barriers to private ownership, that encourage an independent and vibrant private media.
- Streamline and depoliticize regulatory processes for new publications and radio stations. Regulatory agencies should be independent and administratively and functionally separate from the state security apparatus and the Government Communications Affairs Office.
- Implement reforms to ensure the independence of the Ethiopian Broadcasting Authority (EBA).
- Eliminate restrictions on the right to freedom of movement of domestic and foreign journalists throughout Ethiopia, including in areas where serious human rights abuses are allegedly occurring. Instruct police and security personnel to permit freedom of movement of the press. Discipline any officer, regardless of rank, for restricting movement of journalists through threat, harassment, or detention.
- Cease blocking and censoring the websites of political parties, media, and bloggers, and publicly commit not to block such websites in the future.
- Cease jamming radio and television stations and publicly commit not to jam radio and television stations in the future.
- Extend an invitation to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to visit Ethiopia to evaluate the media environment for private print and electronic media and to examine the situation of imprisoned journalists.

To Ethiopia's International Donors, including European Union States and the United States

- Publicly call and privately press for the release of all journalists and bloggers arbitrarily detained and prosecuted under the criminal code or anti-terrorism law.
- Improve and increase monitoring of trials of journalists and other media professionals to ensure trials meet international fair trial standards.
- Seek access to prisons and detention centers to monitor the conditions of imprisoned journalists and bloggers.
- Publicly and privately raise with government officials concerns about freedom of expression and how these human rights violations may undermine development and security priorities.
- Provide support for improving the capacity and professionalism of Ethiopia's media, including the creation of independent journalism associations. Ensure that there are specific opportunities available for journalists with private publications and make special effort to include initiatives aimed at improving media capacity outside of Addis Ababa.
- Support efforts to ensure independent newspapers and other publications have access to printing facilities that are not government owned or controlled.

To All State-Owned or State-Affiliated Printing Houses

- Impartially print all licensed private publications in an appropriate timeframe and manner consistent with timelines for state-affiliated publications.

To Foreign Radio and Television Operators in Ethiopia

- Strengthen procedures for identifying sources that are at particular risk and develop mitigation measures for those sources. This could include consistent use of techniques such as anonymizing the identity of the individual, keeping identities confidential, and making high-profile individuals aware of the risks.

To the Governments of Kenya, South Sudan, and Uganda

- Ensure that asylum seekers, including journalists and other media professionals applying for asylum, receive prompt processing of their applications and protection from targeted threats.

Methodology

This report, on the Ethiopian government's strategies to control independent reporting and analysis and restrict access to information, is based on research conducted between May 2013 and December 2014 in Ethiopia and three other countries.

Over 70 individuals were interviewed, including victims of human rights violations, current and former journalists, other media professionals, and former government officials. Interviews focused on the interviewee's experiences since the May 2010 elections. All were interviewed individually. Interviews were carried out either in person or via telephone. Interviewees included people from both private and state-affiliated publications and a wide range of backgrounds, age, ethnicity, urban, rural, and geographic origin in order to get as broad a perspective as possible.

Interviews were conducted in English or with interpretation from Afan Oromo, Amharic, or various Ethiopian local languages into English. Several interpreters were used. Human Rights Watch took various precautions to verify the credibility of interviewees' statements. None of the interviewees were offered any form of compensation and all interviewees were informed of the purpose of the interview and its voluntary nature, including their right to stop the interview at any point. They all gave informed consent to be interviewed.

In addition to interviews, Human Rights Watch consulted court documents and various secondary material, including academic articles and reports from nongovernmental organizations, that corroborate details or patterns of abuses described in the report. This material includes previous Human Rights Watch research as well as information collected by other credible experts and independent human rights investigators. All the information in this report was based on at least two and usually more than two independent sources, including both interviews and secondary material.

In part because the Ethiopian government restricts human rights research in the country, this report is not a comprehensive assessment of the media freedom situation in Ethiopia. Human Rights Watch and other independent national and international human rights organizations face extraordinary challenges in carrying out investigations in Ethiopia given the government's hostility towards human rights investigation and reporting. As a result it

is extremely difficult to assure the safety and confidentiality of victims of human rights abuses. Increasingly, the families of individuals outside of Ethiopia who provide information can also be at risk of reprisals. Ethiopian journalists and other individuals also face significant security and protection challenges in neighboring Djibouti, Kenya, Uganda, Sudan, South Sudan, and Somaliland.

The Ethiopian government routinely denies allegations of serious human rights violations and has regularly sought to identify the victims and witnesses providing information published in human rights reports. In the past the authorities have harassed and detained individuals for providing information to, or meeting with, international human rights investigators, journalists, and others. This heightens concerns that any form of involvement with Human Rights Watch, including speaking to the organization, could be used against individuals, including in politically motivated prosecutions.

Human Rights Watch conducted research for this report inside Ethiopia, but many of the victims were interviewed outside of the country, making it easier for them to speak openly about their experiences. Given concerns for their protection and the possibility of reprisals against family members, all names and identifying information of interviewees have been removed, and locations of interviews withheld where such information could suggest someone's identity. In certain cases, pertinent information has been omitted altogether because of concerns that disclosing that information would reveal the identity of interviewees.

Human Rights Watch wrote to the government of Ethiopia on December 12, 2014, to share the findings of this report and to request input on those findings. No response was received from the government.

I. Background

Ethiopia has some history of a free press. When the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) coalition came to power in 1991, the media environment was quickly liberalized, in contrast to the situation during the ousted Derg regime.¹ The end of censorship prompted a vibrant free press, but the relationship between the government and the new private press quickly soured in the early 1990s as the media voiced criticism of government policy, particularly on perennially sensitive political issues such as the right to self-determination of Ethiopia's regions, land tenure, and ethnic representation in government.² Dozens of journalists were arrested and accused of publishing false information or violating other provisions of the 1992 press law, which allowed government authorities to detain journalists without charge.³

The Ethiopian government relaxed media restrictions ahead of the 2005 elections,⁴ but the opening was brief. The election results sparked controversy, protests, and a bloody government crackdown. Up to 200 people were killed, tens of thousands of people were detained, and scores of opposition leaders, journalists, and human rights activists were arrested. Six publishing houses and more than 20 journalists, many of them connected to the publishing houses, were among a group of more than 120 people charged in December 2005 and prosecuted in 2006 and 2007 for "outrages against the constitution" and other crimes, a number of them in absentia.⁵

The impact of the 2005 election controversy on Ethiopia's media—and on every facet of political and associational activity—has been dramatic. Since 2005 the government has

¹ Meseret Chekol Reta, *The Quest for Press Freedom: One Hundred Years of History of the Media in Ethiopia* (Maryland: University Press of America, 2013).

² For a detailed analysis of the history of Ethiopian media, see Nicole Stremlau, *The Press and Consolidation of Power in Ethiopia and Uganda*, May 2008, Dissertation, Development Studies Institute, London School of Economics.

³ Human Rights Watch, *Ethiopia: The Curtailment of Rights*, Vol. 9, No. 8(A), December 1997, <http://www.hrw.org/reports/1997/12/01/ethiopia-curtailment-rights>, pp. 30-34.

⁴ Human Rights Watch, "One Hundred Ways of Putting Pressure": *Violations of Freedom of Expression and Association in Ethiopia*, March 24, 2010, <http://www.hrw.org/reports/2010/03/24/one-hundred-ways-putting-pressure-o>.

⁵ For a comprehensive account of the trials, see Amnesty International, "Justice Under Fire: Trials of Opposition Leaders, Journalists and Human Rights Defenders in Ethiopia," AFR25/002/2011, July 29, 2011, <http://www.amnesty.org/en/library/asset/AFR25/002/2011/en/2cf63b00-1346-4997-b679-1141a150b797/af250022011en.pdf>. Many of the journalists were released in April 2007 after 18 months of imprisonment, along with other defendants from the political opposition, after agreeing to a pardon.

reinforced its strategy to manage and control information flows, including the media, and ensure that its policies are promoted but not critiqued. The government periodically jams radio broadcasts and uses other means to control access to information to the rural audience, which largely depends on radio for information. But events of the past few years show that even the relative tolerance in urban areas like Addis Ababa for greater access to information and media diversity is dwindling.

Since 2008 the government has passed laws to systematically restrict the press. In July 2008 Ethiopia's parliament adopted the Freedom of the Mass Media and Access to Information Proclamation. The law made some positive changes from the previous media law, such as barring the pre-trial detention of journalists, but it added alarming new features, including broad powers to initiate defamation suits and to demand corrections in print publications.⁶ In July 2009 parliament passed the Anti-Terrorism Proclamation, which has been used extensively against the media, both directly and indirectly.

Independent print journalism took a massive blow in December 2009 when *Addis Neger*, one of the largest independent Amharic weekly newspapers, was forced to close following a campaign of threats and harassment that resulted in most of its senior staff fleeing Ethiopia.⁷ The government claimed that *Addis Neger* had ulterior political motives, while the European Union and the United States embassy in Ethiopia both expressed concern over the declining media space, shortly after *Addis Neger* ceased publication.⁸

Five months later federal elections were held in an atmosphere of complete ruling party control, resulting in the EPRDF coalition winning 99.6 percent of parliamentary seats.⁹

⁶ See section VII on "Applicable National and International Law" for an analysis of this and other laws relevant for the media industry.

⁷ Frontline Defenders, "Ethiopia: Closure of independent newspaper Addis Neger and exile of its Chief Editors," December 10, 2009, <http://www.frontlinedefenders.org/node/2286> (accessed November 10, 2014).

⁸ Embassy of the United States in Ethiopia, "U.S. urges further Ethiopian action on Human Rights," December 10, 2009, <http://ethiopia.usembassy.gov/pr5509.html>

⁹ "Ethiopia: Government Repression Undermines Poll," Human Rights Watch news release, May 24, 2010, <http://www.hrw.org/news/2010/05/24/ethiopia-government-repression-undermines-poll>.

II. Ethiopia's Media Landscape

Ethiopia's media landscape is heavily state-controlled, and dominated by Amharic-language publications and broadcasts focused on events and issues in the capital, Addis Ababa. The Ethiopian Broadcasting Authority has regulatory authority over all media licensing and content for print publications and television and radio stations. It is accountable to the information ministry, which in 2008 was renamed the Government Communications Affairs Office.¹⁰

Ethiopia's sole television broadcaster is the state-run Ethiopian Broadcasting Corporation (EBC, formerly known as ETV) and its regional affiliates. Satellite television is increasingly common with Al-Jazeera and BBC World News drawing significant numbers of viewers, particularly in Addis Ababa. Two diaspora-run television networks, Ethiopian Satellite Television (ESAT) and Oromia Media Network (OMN), are increasingly popular.

The 81 percent of Ethiopians who live in rural areas¹¹ are largely dependent on state-controlled radio and television broadcasts, particularly radio.¹² The few private licensed radio stations tend to steer clear of politics and sensitive content and focus on issues such as sports or entertainment.

Print publications are almost exclusively in Amharic, focus heavily on Addis Ababa, and are usually only available in major cities.¹³ According to one source, 49 percent of respondents in Addis Ababa read newspapers, but only 9 percent of respondents in Oromia region and 14 percent in Amhara region do.¹⁴ Print publications have traditionally offered critical analysis and political opinion.

¹⁰ For more information, see Broadcasting Service Proclamation, *Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia*, No. 533 of 2007, <http://www.refworld.org/docid/4ba79aae2.html>.

¹¹ According to 2013 statistics from the World Bank, "Rural population," 2014, <http://data.worldbank.org/indicator/SP.RUR.TOTL> (accessed October 31, 2014).

¹² A 2011 survey found that 80 percent of respondents mentioned radio as the most important and reliable source of information. For more information see David Ward and Selam Ayalew, "Audience Survey 2011," Electoral Reform International Services (ERIS), 2011, <http://www.eris.org.uk/images/userfiles/File/Audience%20survey%20report%202011%20Final.pdf> (accessed October 17, 2014).

¹³ Amharic is the official language of Ethiopia, the main language in Addis Ababa where newspapers sell the largest amount of copies, and the main language of government.

¹⁴ David Ward and Selam Ayalew, "Audience Survey 2011."

According to the EBA, as of April 2014 there were 17 licensed newspapers (9 of which focus on political, economic, and social affairs) and 20 licensed magazines (11 of which focus on political, economic and social affairs) in a country of more than 90 million people.¹⁵ There are a variety of state-run and private printing presses that can print magazines but only one large, state-run printer that can consistently print newspapers. For a list of publications licensed by the EBA as of April 2014 that cover political, economic, and social issues, see Annex II.

Social media use is limited given that just 1.9 percent of the population has access to the Internet.¹⁶ Internet access is much higher in Addis Ababa and other cities and it is an increasingly important medium to access information that is otherwise unavailable given restrictions on traditional media.¹⁷ The Internet and social media are playing a growing role in conveying ideas, information, and perspectives among the young and educated.

The ruling party's high level of repression of Ethiopia's media environment has already had an adverse impact on the 2010 elections and bodes ill for Ethiopia's next elections, scheduled for May 2015. Open and vibrant space for both traditional and "new" media plays a critical role in the spread of ideas and information, stimulates political debate, and shapes public perceptions about current events and issues. The media also plays a fundamental role in ensuring that different political perspectives and opinions are represented, an especially important element in any free and fair election contest.

¹⁵ This includes five magazines and one newspaper that were closed after April 2014.

¹⁶ According to Internet World Stats, 1.9 percent of Ethiopians are connected to the Internet. By comparison, 47 percent have Internet access in Kenya and 38 percent in Nigeria. From Internet World Stats, "Africa," November 6, 2014, <http://www.internetworldstats.com/africa.htm#et> (accessed November 9, 2014).

¹⁷ For example, 27 percent of respondents in Addis Ababa have access to the Internet. David Ward and Selam Ayalew, "Audience Survey 2011."

III. Abuses against Media Professionals and Sources

It is simply part of what we do. If you want to write anything that is not pro-government you will receive these threats and harassment against your life and your family. For a lot of us it is terrifying and we limit our writings as a result. For those that refuse to do that, the pressure and strategies get worse until eventually we are in prison or we are exiled from our homeland.

—Recently exiled Ethiopian journalist, October 2014

The Ethiopian government uses a variety of techniques, including targeting individual journalists with threats and prosecutions and regulatory measures against publishers and printers, to restrict critical analysis of political events and public discussion of divisive issues. The government's apparent aim is to ensure that media promote—and never criticize—government initiatives and policies.

Journalists working for both state and independent publications told Human Rights Watch that they are being targeted through these various techniques, which often escalate in severity over time. If mild threats do not silence critical journalists then harsher techniques are used. As one exiled journalist said:

They use every tool in their toolbox to shut you up ... and because they control everything in the country they have many ways to keep us down. If one technique does not work they use something else to beat us down until we just can't fight anymore. Eventually we just give up and end up here [in exile].¹⁸

The most common technique employed against the media is threats and harassment by ruling party cadres, government officials, and security officials. Independent journalists are forced to self-censor or face a distinct pattern of threats and intimidation against them as described in the following subsections, while journalists with state-affiliated media outlets report being under constant pressure to promote EPRDF programs and priorities and to refrain from undertaking journalism seen as contrary to those priorities.

¹⁸ Human Rights Watch interview with journalist #8, location withheld, June 2014.

Attacks, Arbitrary Detentions, and Harassment of Journalists

Owners and editors of publications that are regularly critical of government policy or journalists who are known to write critical articles face regular and intense pressure from security officials. While some of these publications are viewed or indeed are connected with registered opposition parties, many seek to be independent, offer perspectives from all sides of the political spectrum, regularly seek the perspective of government and opposition parties alike, and generally meet the norms of independent journalism. At the same time, there are often-voiced concerns about the quality and professional standards of some of these publications. Those publications or journalists with real or perceived professional or personal ties to opposition parties, both registered and unregistered, seem to be under increased scrutiny.¹⁹

Once a critical article is published, authors or managers of the publication regularly receive threatening phone calls and text messages from ruling party cadres and security officials. A journalist who wrote an article critiquing the government's approach to development issues said, "They would threaten me to stop working against the government, and promise me a better life if I would work in their favor."²⁰ Many other individuals received text messages or phone calls from unidentified sources with various unsophisticated threats.

Sometimes security officials confront journalists on the street; in other cases police summon individuals to the federal police center, known as Maekelawi, or the Government Communications Affairs Office for questioning or interrogation.²¹ Occasionally the individuals identify themselves as security officers, but often they do not identify themselves. In such cases, detentions are usually for short periods, no more than a couple of days, and mistreatment infrequent.

¹⁹ The National Electoral Board of Ethiopia (NEBE) is responsible for registration of political parties. The NEBE puts arbitrary and onerous regulatory hurdles in place for registration of political parties. At the time of publication, a number of political parties have indicated they may boycott the 2015 election process because of concerns over the electoral landscape.

²⁰ Human Rights Watch interview with journalist #37, location withheld, October 2014.

²¹ Maekelawi is the Federal Police Crime Investigation Sector in Addis Ababa. It is where many journalists and political prisoners are first detained and interrogated. Human Rights Watch has documented various methods of torture and ill-treatment against those detained in Maekelawi. For further information on mistreatment in Maekelawi, see Human Rights Watch, *"They Want a Confession": Torture and Ill-Treatment in Ethiopia's Maekelawi Police Station*, October 2013, <http://www.hrw.org/reports/2013/10/17/they-want-confession-o>.

A freelance journalist who worked for *Fact* magazine said that after he wrote an article that criticized the government, the authorities accused him of being a foreign agent. “I criticized the government’s approach to foreign NGOs and [said it] was over the top. I was told by security officials: ‘You are an agent of a foreign enemy, you are trying to destabilize the country so you will be responsible. The next time you will see. We will not take you to prison but you will see’.” The journalist told Human Rights Watch that the threats terrified him: “Now I am more careful what I write. I cannot be as open as a journalist as I was before.”²²

A journalist, who had worked for *Feteh* and *Le’elina* newspapers and the *Addis Times* magazine, described repeated harassment and threats to his family:

The government secret service agents started following my every movement and tried to stop me from working for *Feteh* by discouraging and insulting me. One morning I was walking to work when a well-built man called me by name and forced me to accompany him to a red hatchback. There were two other people in the car. As the driver started the engine the one who sat next to the driver started telling me in detail how my parents and my sister spend their time, where they work, at which hour of the morning my mother usually went to church. He threatened me that if I care about my family then I should stop working with Temesgen Desalegn [the owner of *Feteh*].... I was afraid not just because they were repeatedly pointing their gun at my face but because I did not want to cause any danger to my parents.²³

He eventually fled the country out of fear for his own safety. After several years of threats and arrests due to several opinion pieces published in *Feteh*, Temesgen Desalegn was charged in August 2012. A court convicted him of incitement and criminal defamation and on October 27, 2014, was sentenced to three years in prison.²⁴ The publisher of the now-defunct *Feteh*, Mastewal Birhanu, was also convicted in absentia.

²² Human Rights Watch interview with journalist # 29, location withheld, October 2014. *Fact* magazine is a weekly private Addis-based magazine that focuses on political, social, and economic issues. According to the EBA, it had a print run of 2,500 copies per issue.

²³ Human Rights Watch interview with journalist #26, location withheld, October 2013.

²⁴ Committee to Protect Journalists, “Ethiopian court sentences journalist to three years in prison,” October 27, 2014, <https://cpj.org/2014/10/ethiopian-court-sentences-journalist-to-three-year.php> (accessed October 28, 2014).

Many journalists told Human Rights Watch that these types of threats are common. They said that officials made repeated references to the anti-terrorism law and the treatment meted out to other journalists, particularly imprisoned journalists Reeyot Alemu and Eskinder Nega, to instill fear.²⁵ Experienced journalists with private publications reported receiving dozens, sometimes hundreds, of these threats via telephone, text message, email, and in person.²⁶

Several journalists reporting on sensitive subjects said that senior officials of the Government Communications Affairs Office, including GCAO state minister Shimeles Kemal, invited them to meetings. The owner of *Jano* magazine said:

In June 2014, after I wrote about the Muslim protests,²⁷ I was called by the police to come to Maekelawi. I went there and then was taken directly [by car] to the office of Shimeles Kemal [at GCAO]. I was told by his employees, “This Muslim issue is calming down but you are inciting by writing on this.” After I left there I was followed home, I received phone threats over the following days.²⁸

Another journalist described the progression of threats leading to eventual criminal charges:

²⁵ Article 5 (“Rendering Support to Terrorism”) and article 7 (“Participation in a Terrorist Organization”) of the Anti-Terrorism Proclamation are regularly used against journalists. Anti-Terrorism Proclamation, *Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia*, No. 652 of 2009, <http://www.refworld.org/docid/4ba799d32.html>. For more information on this and other relevant Ethiopian laws, see section VII on “Applicable National and International Law.”

²⁶ Many of these text messages are from the same office phone numbers.

²⁷ Since 2012, members of Ethiopia’s Muslim community have organized large public demonstrations over perceived government interference in religious affairs. Muslims constitute approximately one-third of the country’s population. The protests have been met with excessive force by security forces and many protesters and others participating in or trying to report on the events have been detained and charged under the anti-terrorism law, including at least three journalists. See Human Rights Watch, *World Report 2013*, (New York: Human Rights Watch, 2013), Ethiopia chapter, <http://www.hrw.org/world-report/2013/country-chapters/ethiopia>; and “Ethiopia: Prominent Muslims Detained in Crackdown,” Human Rights Watch news release, August 15, 2012, <http://www.hrw.org/news/2012/08/15/ethiopia-prominent-muslims-detained-crackdown>.

²⁸ Human Rights Watch interview with journalist #51, location withheld, October 2014. In July 2014 this magazine was one of the publications featured in a program on EBC, Ethiopia’s state television channel, that vilified the private media. Following the airing they could not find a printer who was willing to print their magazine. The magazine has now closed and its owners have been charged under the criminal code. *Jano* magazine is a weekly private Addis-based magazine that focuses on political, social, and economic issues. According to the EBA, it had an average print run of 750 copies per issue.

After many threats and harassment, we continued our reporting as usual. I received calls warning, “Stop doing this action, or you will get a big punishment.” And then they started calling on my home line. They also started intimidating my family. They told my mother, “Tell your children to stop what they are doing.” More than 20 people called, different people, different numbers, some called from the number that we all know at Maekelawi, some from security. They had information about my family throughout the world. They knew everything. One person kept calling wanting information on my sources. I refused. He then asked about my connections with CPJ [Committee to Protect Journalists], Article 19, and then the threats became harsher: “You will taste the consequences like Eskinder Nega.” Once we published an article about the arrest of Andargachew [a Ginbot 7 leader and UK citizen] in Yemen, the threats became unbearable: “We will kill you since you refuse to stop.”²⁹

Shortly thereafter, the authorities shut down his magazine and filed criminal charges against the owner.

Many journalists unsurprisingly soften their positions following constant threats and harassment. For those who do not, arbitrary detention is often the next step. The authorities will conduct interrogations to intimidate the individual into backing down from their critical coverage. They frequently follow a line of questioning about who finances the newspaper and will attempt to connect the publication to the banned political opposition party Ginbot 7, the diaspora television network ESAT, and various foreign nongovernmental organizations or other foreign organizations.

Since mid-2014 the authorities have more frequently questioned journalists about their connections to freedom of expression organizations such as Article 19 and the Committee to Protect Journalists. They regularly question ethnic Oromo about alleged connections to Oromo opposition groups, such as the Oromo Liberation Front (OLF). Other times

²⁹ Human Rights Watch interview with journalist #33, location withheld, October 2014. Ginbot 7 was formed by some former members of the opposition Coalition for Unity and Democracy (CUD) party who fled Ethiopia after being detained and convicted of “outrages against the constitution,” among other charges, following the controversial 2005 elections. Ginbot 7 has been designated a terrorist organization under the Anti-Terrorism Proclamation. It is based outside of Ethiopia, is not a legally registered political party, has not contested any of Ethiopia’s elections, and some of its leaders have been convicted under various laws.

questioning involves pressure to reveal sources of information. Security officials usually continue the harassment after release, encouraging friends and family to pressure the individual to censor their writings, while constantly using the threat of criminal charges under the anti-terrorism law as a final incentive.

A journalist working for *Finote Netsanet*, a publication connected with the registered opposition party Unity for Democracy and Justice (UDJ), described the threats and his eventual arrest and detention in August 2014:

I was walking near [a location in Addis] with my friend, and one black car stopped ahead of us. Someone got out and told us to get into the car. They showed us their pistols, we got in, they covered our faces with blindfolds, and they took us to a villa somewhere in Addis, and took off our blindfolds and they threatened us. They told me everything about my family: my children's names, where they go to school, what [my son's] clothes are, what my wife looks like, all my history, all to scare me. For the next 10 hours, they pointed guns at our heads, insulted us, and warned us to stop writing anti-government stories. They released us after 10 hours of this. They asked me about connections with foreign organizations like Article 19 and CPJ, and asked about my connections to specific ESAT employees. They forced me to give up my password for Facebook, Twitter, and email. I interviewed [a CPJ employee] for a magazine, they even brought that magazine when they interrogated me, and went through it.³⁰

The authorities have also targeted entire publications. In mid-2014 in a tactic repeatedly used against human rights groups, organizers of the Muslim protests, and others, the Ethiopian Broadcasting Corporation produced and aired propaganda programs that vilified specific magazines and newspapers.³¹ The programs zoomed in on the front covers of five publications and suggested they were against Ethiopia's development, were trying to "destabilize" the government, and were being used as the mouthpieces of terrorist organizations. The owners of the publications told Human Rights Watch that the impact of the programs on their magazines included a decline in sales and in advertising, a

³⁰ Human Rights Watch interview #44, location withheld, October 2014.

³¹ *Lomi*, *Fact*, *Addis Guday*, *Jano*, and *Enku* magazines were all targeted on the programs.

reluctance of freelance journalists to work for them, and increased difficulty finding printers and distributors.³² A former resident of Addis Ababa said: “I used to be a regular reader of *Afro Times* [one of the targeted publications] but after the documentary when they said it was supporting terrorism, I was afraid to be seen buying it or reading it. I knew it wasn’t true but that doesn’t matter in Ethiopia.”³³

Any articles viewed as critical of Ethiopia’s development programs, coverage of politically sensitive topics such as public protests, or articles focused on any of the organizations Ethiopia has deemed to be terrorist organizations have caused particular problems for their authors and publications.³⁴ One sensitive topic that triggered escalated threats by security officials was the health of longtime Prime Minister Meles Zenawi, who died in August 2012.³⁵ One journalist wrote a series of editorials on Meles, including one criticizing the secrecy surrounding his health in the weeks before his death. The journalist said:

Somebody from Maekelawi called me to office #38 at Maekelawi in August 2012, because of my editorial[s].... They told me to stop writing or I would be prosecuted under the anti-terrorism law. I was there for eight days before being released on bail.... There was no political motive [to my editorials]. They were looking for information on who I was working with and why I was writing these articles. They would beat me with a stick on the back of the head. My family did not know where I was. For three days they would beat me at night.³⁶

Journalists report also having problems with officials when they try to report on abuses by the Ethiopian National Defense Force or other security forces including in the Somali, Gambella, or Oromia regions. Coverage of controversial criminal trials also causes problems. For example, several people told Human Rights Watch that they faced

³² Human Rights Watch interviews with journalists in exile, location withheld, October 2014.

³³ Human Rights Watch interview #48, location withheld, August 2014. *Afro Times* is a biweekly private Addis-based newspaper. According to the EBA, it had a print run of 3,000 copies per issue.

³⁴ Designated terrorist organizations include Al-Qaeda, Al-Shabaab, Ginbot 7, the Oromo Liberation Front (OLF), and the Ogaden National Liberation Front (ONLF).

³⁵ Meles Zenawi passed away on August 20, 2012, in Brussels, Belgium. Publications that tried to report on his health in the weeks before his death were specifically targeted.

³⁶ Human Rights Watch interview with journalist #44, location withheld, October 2014.

difficulties after providing commentary on the trials of the Zone 9 bloggers in 2014.³⁷ One person working for a private magazine described reprisals for tweeting from the Zone 9 trials: “They would continue their harassment during the [Zone 9] trials. They would talk about what I was writing and say: ‘Always you are exaggerating, you are degrading the country’s stature again.’ I should be able to write about what is said in a courtroom, but they wanted to stop me.”³⁸

Criminal Charges against Media Professionals

The Ethiopian government has charged at least 38 journalists with various crimes under the Anti-Terrorism Proclamation or the Criminal Code since the 2010 elections.³⁹ In all cases, security officials threatened and harassed individuals before criminal charges were filed. In most cases they were charged with criminal defamation or “inciting the public through false rumors,” grounds that should not be the basis for criminal punishment. Serious due process concerns, including lengthy pre-charge detentions, no access to legal counsel, and absence of judicial independence, marred all of the nine trials that Human Rights Watch monitored.⁴⁰

The following section summarizes five cases.

Reeyot Alemu Gobebo, a school teacher and regular contributor to the weekly newspaper *Feteh*, was arrested in June 2011. In January 2012 she was sentenced to 14 years in prison under the anti-terrorism law and the criminal code.⁴¹ According to court records, she was accused of accepting a terrorist mission, and was responsible for “the collection and transfer of information helpful for terrorist action” based on innocuous emails accessed from her email account while she was in custody.⁴² In August 2012 two of the charges were dropped on appeal and her sentence reduced to five years. Evidence introduced at trial

³⁷ For more information on the Zone 9 cases see, under section III “Abuses against Media Professionals and Sources,” the subsection on “Criminal Charges against Media Professionals.”

³⁸ Human Rights Watch interview with journalist #31, location withheld, October 2014.

³⁹ The number is likely much larger as there is little information available on charges and convictions of journalists outside of Addis Ababa.

⁴⁰ Many of these due process concerns are also present in other types of politically motivated cases. For more information, see Human Rights Watch, *“They Want a Confession.”*

⁴¹ Anti-Terrorism Proclamation, arts. 3(6), 4, 7, and 9, and the Criminal Code, *Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia*, No. 414 of 2004, art. 684.

⁴² Translated charge sheet on file with Human Rights Watch.

included intercepted phone calls and emails with journalists in the diaspora. In 2013 she received the UNESCO/Guillermo Cano World Press Freedom Prize and Human Rights Watch's Hellman/Hammett press freedom prize.⁴³

Woubshet Taye Abebe and **Elias Kifle** were both convicted under the anti-terrorism law and criminal code. Elias is the editor of Washington DC-based *Ethiopian Review* and was sentenced to life in prison in absentia. The website of *Ethiopian Review* is now blocked in Ethiopia.⁴⁴ Woubshet was the editor of *Awramba Times* and is currently serving a 14-year sentence. Intercepted phone calls and emails were key pieces of evidence in the trials—none of which were acquired through appropriate legal channels and should not have been admissible in court under Ethiopian law.⁴⁵ In October 2013 Woubshet received the Free Press Award from the CNN MultiChoice African Journalist Awards.⁴⁶

Eskinder Nega Fenta has repeatedly faced government hostility for his journalism and blogging, with eight arrests and detentions since 1993. Eskinder and his wife, Serkalem Fasil, were imprisoned for 17 months following the 2005 elections. In 2011 Eskinder wrote articles about the Arab Spring uprisings and called for peaceful protests. In July 2012, after nine months in detention, he was sentenced to 18 years in prison for conspiracy to commit terrorist acts, as well as participation in a terrorist organization and treason. Five other journalists were charged at the same time and sentenced to between eight years and life in prison, mostly in absentia.⁴⁷ In 2012 Eskinder received the PEN/Barbara Goldsmith Freedom to Write Award and in 2014 won the Golden Pen Award of Freedom.⁴⁸ In December

⁴³ The Hellman/Hammett press freedom prize is awarded annually to writers around the world who have been targets of political persecution or human rights abuses.

⁴⁴ Human Rights Watch Internet filtering testing, October 2013.

⁴⁵ For more on Ethiopia's surveillance capabilities and responsibilities, see Human Rights Watch, *"They Know Everything We Do": Telecom and Internet Surveillance in Ethiopia*, March 2014, <http://www.hrw.org/reports/2014/03/25/they-know-everything-we-do>.

⁴⁶ The CNN annual competition "rewards excellence and provides support to African journalists who tell their stories at continuing risk to their lives and safety by covering conflicts, exposing corruption or crises in an atmosphere where information is controlled or often suppressed." CNN, "African Journalist Awards," 2014, <http://www.cnn.com/WORLD/africa/africanawards/> (accessed January 14, 2015).

⁴⁷ Fasil Yenealem of ESAT satellite television; Abebe Belew of *Addis Dimts*, an Internet-based radio station; Abebe Gellaw of Addis Voice Radio; Mesfin Negash of *Addis Neger* newspaper; and Abiy Teklemariam of *Addis Neger* newspaper were the other five journalists. All six journalists were charged under articles 3, 4, 5, and 6 of the anti-terrorism law and articles 248(b) and 252(1)(a) of the criminal code. Mesfin Negash and Abiy Teklemariam were sentenced in absentia to eight years in prison. Fasil Yenealem received a life sentence. Abebe Gelaw and Abebe Belew each received 15 years in prison.

⁴⁸ The PEN/Barbara Goldsmith Freedom to Write Award "honor[s] international literary figures who have been persecuted or imprisoned for exercising or defending the right to freedom of expression." The Golden Pen Award of Freedom is awarded annually "to recognize the outstanding action, in writing or deed, of an individual, group or an institution in the cause of

2012 the UN Working Group on Arbitrary Detention concluded that Eskinder's detention was arbitrary and called for his immediate release and reparations.⁴⁹ Eskinder remains in prison. In October 2014 Eskinder and Reeyot filed an appeal with the African Commission on Human and Peoples' Rights asserting that their convictions and imprisonment violate their rights to freedom of expression and to a fair trial.⁵⁰

In July 2012, at the height of the Muslim protests in Ethiopia, chief editor **Yusuf Getachew** at *Muslimoch Guday* (Muslim Affairs) magazine was arrested and charged with incitement under the anti-terrorism law. He had written articles about the Muslim protests and the concerns of protesters that the government was interfering in religious affairs.⁵¹ Yusuf's charge sheet states that "he [Yusuf] has established media that preaches Islamic extremism after he has taken full responsibility of the media he has printed and reported articles that are violence initiators."⁵² Lawyers for Yusuf allege he was mistreated in detention.⁵³ In January 2013 managing editor **Solomon Kebede** was also arrested and charged under the anti-terrorism law in February 2013. The publication ceased operations after Yusuf's arrest. Other staff members fled the country.

The crackdown escalated in 2014. In April six members of the prominent blogging collective Zone 9 were arrested in Addis Ababa, alongside three journalists. Blogging under the slogan "we blog because we care," the Zone 9-ers covered social, political, and other events of interest to young Ethiopians. The six bloggers in custody are **Atnaf Berahane, Befekadu Hailu, Abel Wabela, Mahlet Fantahun, Natnael Feleke, and Zelalem Kibret. Soliana Shimeles**, a seventh blogger, was charged in absentia. Three journalists, **Tesfalem Waldyes, Edom Kassaye, and Asmamaw Hailegiorgis**, an editor at weekly magazine *Addis Guday*, were arrested in April.⁵⁴

press freedom." Barbara Goldsmith, "Pen American Center," undated, <http://www.barbaragoldsmith.com/newsletter.htm> (accessed January 14, 2015).

⁴⁹ UN Human Rights Council, Working Group on Arbitrary Detention, 65th Session, "Opinions adopted by the Working Group on Arbitrary Detention," A/HRC/WGAD/2012/62, December 28, 2012, <http://www.freedom-now.org/wp-content/uploads/2013/04/Eskinder-Nega-WGAD-Opinion.pdf> (accessed November 9, 2014).

⁵⁰ For more information see "Ethiopian Journalists Challenge Use of Terror Laws," *Media Defence Legal Initiative*, October 20, 2014, <http://www.mediadefence.org/news/ethiopian-journalists-challenge-use-terror-laws>.

⁵¹ Human Rights Watch, *"They Want a Confession."*

⁵² Translated charge sheet on file with Human Rights Watch.

⁵³ See "Ethiopia: Muslim Protesters Face Unfair Trial," Human Rights Watch news release, April 2, 2013, <http://www.hrw.org/news/2013/04/02/ethiopia-muslim-protesters-face-unfair-trial>.

⁵⁴ *Addis Guday* magazine is a weekly private Addis-based magazine that focuses on political, social and economic issues. According to the EBA, it had a print run of 12,000 copies per issue.

All 10 were charged under the criminal code and anti-terrorism law in July 2014. Their trials, marred by various due process concerns, continued at time of writing.⁵⁵ According to the charge sheet, evidence presented to support the charge included their participation in a digital security training course organized by the Tactical Technology Collective.⁵⁶

The crackdown continued in August 2014 when the Ministry of Justice said in a press release that six magazines and newspapers—*Lomi*, *Enku*, *Fact*, *Jano*, *Addis Giday*, and *Afro Times*—had been charged with “encouraging terrorism, endangering national security, repeated incitement of ethnic and religious hate, and smears against officials and public institutions.”⁵⁷ The press release was the first that their owners and editors heard about the charges. The charges followed a lengthy campaign of threats and harassment from security officials, ETV accusations that the publications were a “mouthpiece for terrorist groups,” and targeting of their printers and distributors.

The charges focused on various articles that appeared in the magazines. For example, the charges against *Lomi* magazine’s owners were based on three articles, including one titled: “The Adornments of Terrorism.” According to the charge sheet, the article stated: “It is not too long ago that EPRDF, worrying for its power, has started hunting and incarcerating, all in the name of terrorism, journalists and strong dissidents who, in the spirit of competitiveness, are raising opposing ideas.”⁵⁸ Another article cited on the charge sheet was written by British freelance journalist Graham Peebles.⁵⁹ On October 7, 2014, *Addis Giday* publisher **Endalkachew Tesfaye**, *Lomi* publisher **Gizaw Taye**, and *Fact* publisher **Fatuma Nuriya** were sentenced in absentia to between three and four years each.⁶⁰

⁵⁵ Their trial had been adjourned 16 times as of January 15, 2014.

⁵⁶ Translated charge sheet on file with Human Rights Watch. Tactical Technology Collective is “an organization dedicated to the use of information in activism.” See Tactical Technology Collective, <https://www.tacticaltech.org/>, for more information. The digital training tool that they are accused of using can be found at <https://securityinabox.org>.

⁵⁷ Reporters without Borders, “Ethiopian government to bring criminal charges against six weeklies,” August 12, 2014, <http://en.rsf.org/ethiopia-ethiopian-government-to-bring-12-08-2014,46796.html> (accessed January 14, 2015).

⁵⁸ Translated article on file with Human Rights Watch. *Lomi* magazine is a weekly private Addis-based magazine that focuses on political, social, and economic issues. According to the EBA, it had a print run of 12,000 copies per issue.

⁵⁹ From *Lomi*, Vol. 3, No. 91, dated February 1, 2014, to February 8, 2014, p. 6. Translated charge sheet on file with Human Rights Watch.

⁶⁰ Reporters without Borders, “Long jail sentences for three magazine owners,” October 8, 2014, <http://en.rsf.org/ethiopia-long-jail-sentences-for-three-08-10-2014,47069.html> (accessed October 28, 2014).

Targeting of Sources, Interviewees, and Informants

Ethiopian security officials often target individuals who speak to the media. Journalists at various media outlets told Human Rights Watch that in the past 12 months it has become increasingly difficult to find witnesses to events and experts who are willing to be interviewed from inside Ethiopia. This is even more of a challenge for foreign-based media such as the Voice of America, Deutsche Welle, Ethiopian Satellite Television (ESAT), and Oromia Media Network.

Much of the reluctance to be interviewed stems from increasing fear of speaking out on sensitive issues, and there have been cases in which security officials have singled out individuals because of their connections with these foreign broadcasters. In most cases the officials just warned them, but several cases resulted in people being detained. Five individuals Human Rights Watch interviewed were arrested because they had phone conversations with media outlets. Pervasive telephone surveillance, both real and perceived, has dramatically limited the amount of information that is communicated to media via telephone both within Ethiopia and internationally.⁶¹

One well-known Addis Ababa-based journalist who works for a large state-affiliated publication described the challenges of gathering information in rural areas:

There is little coverage of sensitive events outside of Addis. It's expensive for us to go there and local officials often make it hard for us to speak with people. And then when we get there people are just too afraid to speak. If they don't know you they won't speak. I speak their language [but] it doesn't matter. But I understand: if they speak to me someone will know and they will have problems.⁶²

A journalist for TV Oromia, a state-run television broadcaster, who said that she was accompanied by local security officials when interviewing students about arrests at Adama University in June 2013, told Human Rights Watch:

⁶¹ See Human Rights Watch, *"They Know Everything We Do."*

⁶² Human Rights Watch interview #14, location withheld, July 2014.

I recorded what they said about how government was trying to portray them as terrorists, but they were just students trying to learn. The people I was with [security officials] took them away to another room; two and a half hours later they came back and they were crying and were shaken up. Their story had changed completely and they told me how they had planned to blow up government institutions and public places. They clearly were just students who had been threatened. I left the campus right there so angry with my government, and after that I had many problems with security officials at my workplace. I was compelled to report to security every day after that.⁶³

Shortly thereafter she was removed from her position and now lives abroad.

These government techniques have been very effective at suppressing independent voices within Ethiopia's domestic media. But they are ineffective against foreign and diaspora media who, given that they are based outside Ethiopia, cannot as easily be intimidated into silence. For these outlets, the government uses various strategies including jamming of broadcast signals and systematic targeting of their sources, informants, and anyone who shares information with them.

Human Rights Watch documented 10 cases of individuals being targeted for speaking to VOA, ESAT, OMN, or other foreign stations. For example, in December 2010 a man who had been displaced from his land in Gambella to make way for investors described his experience to VOA. Shortly thereafter he and his colleagues were forced to flee Ethiopia into South Sudan amid threats from security personnel. Their photographs and information had been shared by Ethiopian security officials with their security colleagues in South Sudan.⁶⁴ VOA had used a pseudonym but had not altered his voice or the details of the story. Given the small population of both his ethnic group and the town he lived in and the content of the story, his identity was evident to government officials. The individual now lives in a refugee camp in a neighboring country. According to the VOA reporter on that story, he asked the individual if he would like to use a pseudonym or alter his voice. The

⁶³ Human Rights Watch interview #8, location withheld, June 2014.

⁶⁴ Human Rights Watch interview with "Mango," location withheld, June 2011.

individual, either unaware of the risk or enthusiastic to share his story, declined these protections and has now has been compelled to live abroad.⁶⁵

In March 2014 the diaspora-run Oromia Media Network began operating. OMN is a private satellite television channel that focuses on news and analysis of events in Oromia region, Ethiopia, and the greater Horn of Africa.⁶⁶ Government officials have subsequently threatened viewers and harassed individuals who have provided information to OMN. An independent documentary filmmaker said he was threatened by security personnel after being contacted by a high-profile individual within OMN to ask for technical advice:

I was called by security personnel to come to the local council office where they told me, “There is much data that is going to OMN, all of this data must be coming from you, you are giving technical support to OMN. Since they are terrorists, you are assisting terrorists. We understand what you are doing, if you do not stop it will be your end.” I had only communicated via phone with OMN but I stopped communication at that time because I was afraid, but the harassment continued from security officials.

Two weeks later he fled the country fearful for his life.⁶⁷

An employee from a *woreda* (district) in Oromia spoke to VOA about the failure of the government to pay *woreda* salaries on time. After appearing on VOA’s Afan Oromo service he was arrested. He told Human Rights Watch:

They [the authorities] told me I was a terrorist and put me in jail for 21 days. I was beaten each night for the first week and they would burn me on my

⁶⁵ Human Rights Watch interview with VOA reporter, Washington DC, June 2014.

⁶⁶ The Oromia Media Network operates out of Minneapolis, United States, and according to its website is “is an independent, nonpartisan and nonprofit news enterprise whose mission is to produce original and citizen-driven reporting on Oromia.” OMN puts forward its independent vision: “Ultimately, when it comes to media, the Oromo and other people in Ethiopia face two stark choices: state-controlled media that produces propaganda as the ruling party’s mouthpiece or the anti-government opposition media disseminating partisan polemics.” It broadcasts mainly in Afan Oromo. For more information on OMN, see Oromia Media Network, “About Us,” 2014, <https://www.oriomiamedia.org/about/>. Oromia is the largest and most populous of Ethiopia’s regions and the Oromo population makes up a significant percentage of Ethiopia’s population. The Oromo population is quite diverse in terms of history, religion and other factors but the group shares a common language, Afan Oromo, and a strong and distinct sense of ethnic and national identity. Oromos feel they have been historically marginalized by successive Ethiopian governments who do not adequately recognize their unique identity, language, and culture.

⁶⁷ Human Rights Watch interview #38, location withheld, October 2014.

arms with their cigarettes. They chained me to a table and would beat me and hit me with sticks while they accused me of exposing government secrets to the foreign media. Since I have been released they have not allowed me go back to work.⁶⁸

In another case, a radio journalist was attempting to cover a story on displacement due to clashes between Somali and Oromo communities in eastern Oromia in 2013, but security forces stopped him from accessing the area. He told Human Rights Watch: “We couldn’t cover the story but VOA managed to report on it. I was then arrested for three months because they said, ‘We deprived you to cover this so you leaked it to them’.” The journalist said he was interrogated nightly for two weeks: “They would ask me to confess to leaking information to VOA. They also wanted me to work with them and provide information on others. I refused. They would beat me with sticks. I have scars all over my body from this.” He was never charged, and never saw a lawyer during his three months in detention.⁶⁹

A man working for Ethio Telecom in a very remote area in Southern Nation, Nationalities and Peoples’ Region (SNNPR) described being pressured by the authorities to monitor who was using the VSAT phone in the local Ethio Telecom office. This was the only phone available to the community and during times of conflict between local ethnic groups, individuals within those communities spoke to Voice of America and Deutsche Welle. He said, “I was supposed to monitor who was using the phone and record any phone calls that were suspicious. When the information began appearing on VOA/DW, I was arrested and spent 18 days in prison for allowing this to happen.”⁷⁰

Exiled Ethiopians reported being intimidated by both foreign and Ethiopian security officials outside of Ethiopia once they appeared on ESAT or VOA. Several individuals told Human Rights Watch that they spoke to ESAT or VOA about their ordeals and the rights abuses they were subject to inside Ethiopia after they sought asylum abroad. One man said:

I spoke to VOA in December 2012 about my experiences in Ethiopia and then became a target of the police in Nairobi. I had five interactions. In one case

⁶⁸ Human Rights Watch interview #38, location withheld, October 2014.

⁶⁹ Human Rights Watch interview #5, location withheld, October 2014.

⁷⁰ Human Rights Watch interview #B2, location withheld, May 2013.

they had Ethiopian people with them who told me, “In Ethiopia you oppose government policy. When you leave, you speak about human rights. You didn’t stop your mission, this is a problem. This is not good for our reputation.”⁷¹

Other individuals said that their family members inside Ethiopia were targeted once an exiled family member appeared on VOA or ESAT.

Both ESAT and VOA use various strategies to protect the identities of individuals including using pseudonyms, altering voices, and omission of certain details, but these techniques seem to be used inconsistently. Individuals, particularly from rural areas, also seem largely unaware of the risks of speaking to these outlets.

Threats and Harassment from Opposition and Diaspora Groups

Journalists from both state-run and private media reported that threats, harassment, and intimidation came not only from government officials but also from opposition groups, particularly those groups in the diaspora. One journalist based outside Ethiopia said:

We are accused of being mouthpieces of [EPRDF], but then we are accused by the government of being the mouthpiece of Ginbot 7. We can’t win.... From a repressive government you would expect it, but from diaspora trying to paint themselves as an alternative, it is unacceptable. Being an independent journalist does not mean siding with the opposition, it means looking at the issues of the day in a critical manner regardless of who gains politically. But if we do not criticize the government for everything, the opposition media attacks us mercilessly with online smear campaigns and by email, phone, and even in person.⁷²

Different diaspora journalists have described receiving threats via telephone, email, and in person from unknown individuals.

⁷¹ Human Rights Watch interview #42, location withheld, October 2014.

⁷² Human Rights Watch interview with journalist #23, location withheld, October 2014.

IV. Regulatory and Other Restrictions on Media

The Ethiopian government uses various strategies and techniques to close down publications that are deemed to be too critical. Private publications close because key individuals are imprisoned, because of excessive harassment of staff, lack of options for printing the publication, and because of financial difficulties brought about at least in part by government harassment, or denial or revocation of required licenses. In other cases government officials de facto shut down publications, although it is rarely clear who is responsible or under what authority.

For example, *Lomi* magazine employees arrived at their office one day in July 2014 to find a notice on the door that the magazine had been “shut down.”⁷³

Many publications produce one issue and then close after publication under pressure from security officials. A publication owner told Human Rights Watch:

They [security officials] harassed my staff, they targeted my printers, they detained me three times, they accused me of supporting terrorism, they kept asking questions about where our financing came from, they threatened us with closure, and then our landlord started threatening us. It was too much, so we just closed. They didn’t legally shut us down but did everything in their power to ensure that we shut down. If I didn’t do it myself, eventually they would’ve done it formally for me.⁷⁴

A man who worked for a radio station in Oromia described a verbal order to close:

After Meles died, the radio station was closed down because we did not use the exact wording regarding the public displays of mourning that we were told to by government. We indicated the mourning was optional, not mandatory. They gave us specific words to read on the air in our story and we changed them to make it optional.

⁷³ Human Rights Watch interviews with *Lomi* employees, location withheld, October 2014.

⁷⁴ Human Rights Watch interview #55, location withheld, October 2014.

The man told Human Rights Watch that his movement was restricted after the closure: “We were called to the zonal office in Harerghe and were told by the chief administrator of the zone, ‘This station is supposed to reflect the government message but you were straying from your mandate so you are closed’.”⁷⁵ The radio station never reopened.

Politicization of the Regulatory System

The government of Ethiopia uses its regulation of the media to stifle new private publications. Rather than regulators overseeing the media industry in line with international standards, publications that are not affiliated with the ruling party are subject to onerous background checks and regular interactions with security officials. A variety of new magazines and newspapers told Human Rights Watch about the difficulties they faced in acquiring the necessary broadcast license despite meeting all requirements.

While the Ethiopian Broadcasting Authority has the legal authority to regulate media, according to the Broadcasting Service Proclamation it is ultimately responsible to the Government Communications Affairs Office, the former Ministry of Information. The GCAO is accountable to the prime minister, making the EBA far from an independent regulatory authority.

Any licenses acquired from the EBA are fraught with delays and questioning about the background of the individuals involved, the financing of the organization, and the political orientation of key employees.⁷⁶ This line of questioning goes far beyond the mandate of the organization as outlined in the Broadcasting Service Proclamation and the Freedom of the Mass Media and Access to Information Proclamation.⁷⁷

A journalist described the process: “Once you apply for the license, they ask with whom you have relations, both inside and outside of the country. It is very difficult to get the permits to do your work, they study your background—your family, your friends, your history, and your political connections. It’s all about politics and control and whether you are likely to criticize the government in your writings.”⁷⁸

⁷⁵ Human Rights Watch interview #5, location withheld, June 2014.

⁷⁶ Including the Periodicals License, License for Broadcasting, and various professional competency certificates.

⁷⁷ The Broadcasting Service Proclamation describes the objective of the EBA to “ensure the expansion of a high standard, prompt and reliable broadcasting service that can contribute to political, social and economic development and to regulate same.”

⁷⁸ Human Rights Watch interview #46, location withheld, October 2014.

In rural areas similar challenges exist. An Afan Oromo magazine started publishing without proper registration. Its first issue covered cultural issues and sports along with an analysis of the right to education in Oromia. Following that issue, the publisher became aware of the requirement for a permit—he applied and was refused by federal authorities in Addis Ababa. Security officials then called and threatened him because of the content of the first issue. The magazine ceased production after just one issue.⁷⁹

Even if a publication has the necessary permits and licenses, renewals are used as another pressure point against critical journalists. In January 2013 the EBA declined to renew the professional competence certificate of then-*Addis Times* publisher Temesgen Desalegn because he had not reported a change of address and ownership of his newspaper's shareholders, and failed to "submit the required two copies of every edition within 24 hours of their dissemination."⁸⁰ This excessive action was taken after officials had repeatedly warned Temesgen about his critical coverage.

Efforts to establish private radio stations are equally fraught with problems. An individual who wanted to launch a new private radio station said, "We had raised money from Ethiopian investors since Ethiopia does not allow foreign citizens to invest in media. We carried out a scoping mission in Addis. When I was leaving I was stopped at the airport and was questioned by security officials about my work as a journalist, what I intend to achieve in opening broadcast media in Ethiopia, as well as my journalism colleagues, resulting in me missing my flight. They took my belongings only returning them five days later." He added, "Their final message to me was 'We know you inside out. We know you try to be an independent reporter but I can assure you if you work with us not only will you get the license you will get land and benefits. Be wise'." The station was never established.⁸¹

International broadcasters, including VOA and DW, reported difficulties in getting licenses for stringers to work in Ethiopia.⁸² A foreign journalist or an Ethiopian journalist working for a foreign station in Ethiopia is required to have a license.

⁷⁹ Human Rights Watch interview #7, location withheld, June 2014.

⁸⁰ Translated letter on file with Human Rights Watch.

⁸¹ Human Rights Watch interview #23, location withheld, October 2014.

⁸² Human Rights Watch email communication with *Voice of America* and *Deutsche Welle* officials, November 2014.

There is no legal justification for media regulations to be used for political purposes either to deny licenses altogether or compel censorship of critical coverage.

Rewarding Political Patronage

Within state-affiliated publications, a number of journalists told Human Rights Watch that they were being pressured to join the EPRDF ruling party. A number of journalists who refused to join in “order to maintain our independence” faced problems and, in interviews with Human Rights Watch, they mentioned the lack of party membership in several cases as a reason why individuals had not been promoted or wages were deducted. Several journalists reported joining the ruling party after pressure against them became too strong. One journalist said: “Whenever there was an opportunity for promotion or to work on an interesting story they bypassed me for someone with far less experience because I refused to join the party. Finally I gave in and joined and I was immediately promoted, given a salary increase, and the problems I had had stopped.”⁸³ This journalist still works for one of the leading Addis-based government-affiliated newspapers.

A government official within a *woreda* communications bureau said:

Historically I was known as a member of a [registered] opposition party, so if I was to work in that office they forced me to be a party member. When I would refuse they will give you another label—opposition, terrorist, and so on. They detained me twice in a military barracks because of this. I saw what happened to my colleagues who gave in and joined—they give you improved positions and salaries. For example, the one who manages me didn’t complete high school, he is an OPDO member⁸⁴—me, I completed university but refuse to be a member. There is always a conflict with those people—they work with the interest of the party and nothing else.⁸⁵

Pressure to join the EPRDF also existed in journalism programs in major universities—in some cases this pressure was very direct with potential members being told they would

⁸³ Human Rights Watch interview #55, location withheld, October 2014.

⁸⁴ The Oromo People’s Democratic Organization (OPDO) is one of the four political parties that make up the Ethiopian People’s Revolutionary Democratic Front.

⁸⁵ Human Rights Watch interview #39, location withheld, October 2014.

receive good jobs in newspapers or television stations after they completed their studies if they joined. In other cases it was more indirect—party members would get invited to more networking events and training opportunities.⁸⁶

Restrictive Financial Environment

In Ethiopia, where literacy levels are low, particularly outside of major cities, and discretionary household income is low, it is very difficult for private publications to remain financially solvent. Given direct and indirect government control over various parts of the media supply chain, the authorities use this control to restrict revenues and increase expenses—making it more difficult for small publications to remain financially solvent. One owner of a now-defunct magazine told Human Rights Watch:

Our [profit] margins are low to begin with. What little profit we have disappears when government targets us and our printers. When we have to bail out our employees it costs us financially. When they don't like what we write, they accuse us of not paying taxes and our taxes go up. When government calls us terrorists or says we are working to destabilize the state, then people are afraid to buy our magazine and advertisers won't advertise, so our revenues drop.... In these cases, the outside world sees that a small newspaper couldn't make it financially, which happens, but in reality government harassment is driving our costs up and our revenues down.... In the end we can't pay our staff enough and we can't make enough money to survive.⁸⁷

Targeting Printers and Distributors

Private publications have tried to pool resources and import expensive newspaper printing equipment but they allege their equipment gets tied up in bureaucratic delays at Ethiopian customs for years on end.⁸⁸

⁸⁶ Human Rights Watch interviews #7 and #9, locations withheld, June 2014. For a more thorough analysis of this issue, see Human Rights Watch, *Development without Freedom: How Aid Underwrites Repression in Ethiopia*, October 2010, <http://www.hrw.org/reports/2010/10/19/development-without-freedom-o>; and “*One Hundred Ways of Putting Pressure*.”

⁸⁷ Human Rights Watch interview #47, location withheld, October 2014.

⁸⁸ Human Rights Watch interview #11, location withheld, June 2014.

Given challenges with the state-run Berhanena Selam Printing Enterprise (BSPE) and the lack of options for private printing presses, many new publications opt for magazine format because the equipment is cheaper, easier to import, and paper is more easily acquired. However, magazine printers are also under similar threats and pressure from security officials once a private magazine is known. One magazine owner said, “Once we print something government doesn’t like, it then becomes very difficult to find anyone to print our magazines. They are either pressured from government not to print or just scared of being associated with content that is not government propaganda.”⁸⁹

Printers who refuse to yield to government pressure have faced higher than usual taxes on imported paper, regulatory challenges, occasional closures, and loss of lucrative contracts with government sponsored publications. Some printers have closed doors completely because of these challenges, unable to compete financially with the larger state-run printer.⁹⁰

As a result of such threats and intimidation, private printing presses often refuse to print private publications. Virtually every private print publication had serious challenges finding a printing press that is willing to print. Some printing presses will take on publications when print runs are small, but once those publications reach a certain size of print run they come under pressure from security personnel to refrain from printing copies.

In other cases, security officials made no direct threats per se, but the fear of being associated with the magazines resulted in the printer dropping them. After *Lomi*, *Addis Guday*, and *Fact* were charged under the criminal code in August 2014, their printers stopped printing their publications. One well-known private printer who published one of the five magazines that were charged in 2014 stated: “After the [magazine] was charged, a plainclothes security officer came to me and told me not to print that magazine anymore. He said ‘If you print again you will go to jail.’ I signed a form so I will not print them anymore. It’s not worth it.”⁹¹

⁸⁹ Human Rights Watch interview #47, location withheld, October 2014. Magazines are typically printed in 8.5 by 11 inches (21.6 by 27.9 centimeters) format on higher quality paper whereas newspapers are printed on lower quality newsprint in a larger format.

⁹⁰ Human Rights watch interview #17, location withheld, August 2014.

⁹¹ Human Rights Watch interview #52, location withheld, October 2014.

In several other cases, government officials apparently offered printing presses very lucrative contracts for school examinations or school books as an incentive to printers to stop printing private publications.⁹² As one printer told Human Rights Watch, “Given government control of key sectors if you want to survive as a printer you need government contracts. You won’t get those if you publish private publications, none of which get us enough revenue to make it worth taking the risk.”⁹³ In one case, a security official allegedly told a printer directly they would receive lucrative government contracts if they stopped printing one specific private publication.⁹⁴

In an attempt to protect printers from any crackdowns against the publications themselves, many private publications contain the disclaimer inside the front page: “Any article/s printed on this newspaper is/are not related to the printing press.”

Many private publications state that lack of printing options caused their publications to go out of business. The owner of one private news magazine with a circulation of between 12,000 and 20,000 copies said:

Things were fine until I published an article about Ginbot 7. For the first time I even used their name in that article. My printer dropped me, I went to [another printer], they refused, then to [yet another printer], and they refused. In all I went to 16 different printers. They all refused because they were scared and I could not print my magazine anymore.⁹⁵

A number of publication owners and editors in chief told Human Rights Watch that cadres or security officials had targeted their distributors in the same way as printers. The owner of a private magazine said, “Security officials came to the office and asked for a list of the distributors we were using. They then went and told them not to distribute our magazine anymore. We had 30 or 40 distributors.” But the pressure did not stop there according to the owner. “Then they went and pressured the magazine sellers. Most of those that were

⁹² Human Rights Watch interview #11, location withheld, June 2014.

⁹³ Human Rights Watch interview #47, location withheld, October 2014.

⁹⁴ Human Rights Watch interview #45, location withheld, October 2014.

⁹⁵ Human Rights Watch interview #51, location withheld, October 2014.

new sellers would just stop, the more experienced ones would take less copies.... We also heard of security agents coming and grab the papers from the sellers.”⁹⁶

Large-scale distributors are state-affiliated and several publications report that once a private newspaper becomes more known then distributors take less copies, or refuse outright to distribute what copies they take. They said that publications are confiscated from shops or from newspaper sellers on the streets in Addis Ababa, either by uniformed police or by unknown persons. There have been reports of some distributors being arrested for continuing to distribute certain private publications but Human Rights Watch was not able to confirm these incidents.

Targeting Advertisers

Advertising revenues are crucial for any media publication. The majority of advertising revenues in the media sector come from government agencies or parastatal companies, both of which advertise primarily in state-affiliated publications.⁹⁷ Given high levels of state ownership in key industrial sectors, the extent of private business that is able to offer advertising revenues to private publications is very limited.

Many smaller, private advertisers choose to avoid aligning themselves with private publications in order to avoid government reprisals. While this seems to be largely from the fear of being associated with the publications rather than direct threats from security officials, Human Rights Watch did find several situations where advertisers had been directly or indirectly warned by government not to advertise in private publications.

The owner of *Enku* magazine said: “Once you are cast in that light by the government, no advertiser wants to be near you. After the first ETV documentary, most of our advertisers dropped out, even those that had a contract with us broke the contract. They were just too scared.”⁹⁸

⁹⁶ Human Rights Watch interview #34, location withheld, October 2014.

⁹⁷ Industrial sectors in Ethiopia that would typically have large advertising budgets are still under significant levels of state control, including telecommunications, banks, insurance companies, and breweries.

⁹⁸ Human Rights Watch interview #46, location withheld, October 2014.

Individuals at *Feteh* told Human Rights Watch that a regular advertiser told them: “‘We cannot advertise, we are afraid, we got an order from the government. Your paper is dangerous....’ They tell us we can’t advertise anymore or we will face problems.”⁹⁹

The offer of lucrative government advertising was also used as a lure to limit critical coverage in private publications. At least one editor and owner of a private newspaper that was struggling financially said that security officers repeatedly told him on the phone and in person at the GCAO that if they limit their critical coverage of political issues they would receive lucrative government advertising contracts:

This is a huge lure for a small newspaper. It is very difficult to survive financially as a private paper. Government advertising revenues that allow the state papers to be comfortable financially aren’t available for us as long as we do not write pro-government articles.¹⁰⁰

⁹⁹ Human Rights Watch interview #23, location withheld, December 2013.

¹⁰⁰ Human Rights Watch interview #52, location withheld, October 2014.

V. Suppressing Access to Information

Restricting Movement of Journalists

Ethiopian authorities regularly limit the ability of both Ethiopian and international journalists to access sensitive areas and investigate important events, both within and outside Addis Ababa.

While Ethiopia's media is very concentrated in Addis Ababa, some journalists do attempt to report on events outside of the capital. Addis-based journalists report being turned back by security forces at Ethiopia's numerous roadblocks, usually when they are attempting to cover events, such as the 2014 protests in Oromia. Those journalists that were able to access the areas faced numerous problems, including harassment and threats from security personnel, and many were arbitrarily detained until after the protest. Certain parts of the country where there are allegations of grave human rights violations are inaccessible to independent journalists, including the Ogaden area of Somali region.¹⁰¹ Journalists have also found it difficult to access areas with longstanding human rights concerns associated with government's development projects, including Gambella and the Lower Omo Valley. Areas around large-scale development projects, such as the Grand Renaissance Dam in Benishangul-Gumuz, are off-limits to journalists unless when part of a state-organized visit.

While security is often cited by officials as the main reason limiting their movement, state-affiliated journalists and other foreign journalists are occasionally permitted to visit these areas, suggesting that access limitations are more linked to the profile of the journalist than security risks.

In other remote areas, journalists are required to register with local government officials who either permit the journalist to undertake their activities, deny them permission, or require them to take a government minder or translator with them for the duration of their

¹⁰¹ The Ogaden National Liberation Front and Ethiopian security forces are engaged in a longstanding, low-level conflict in Somali region. Ethiopian security forces have regularly committed serious abuses against individuals in the Somali region, including arbitrary detention, torture, and extrajudicial killings based on ethnicity or perceived support for the ONLF. Human Rights Watch has also documented abuses by the ONLF. For more details see Human Rights Watch, *Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Region*, June 2008, <http://www.hrw.org/reports/2008/06/12/collective-punishment>.

visit. A number of journalists report undertaking long and expensive journeys only to be prevented from doing their job by local government officials.

It is critical that international journalists be given access to sensitive areas of the country in order to cover news stories that would otherwise go unreported given restrictions on domestic media. Foreign journalists have also faced harassment and interrogations upon entry or exit to the country, being denied permission by local government at the *woreda* or *kebele* level despite having national government authorization, high levels of state surveillance, and a requirement to use government translators, logistics coordinators, or drivers.¹⁰² Increasingly, journalists are being denied entry visas, particularly for visits related to human rights issues or development projects.

Several Ethiopian journalists based outside of Addis Ababa (largely in Oromia) told Human Rights Watch that, after encountering all sorts of problems with government and security officials, they had to report to the local police station each morning to ensure they do not go outside of the home community to cover events or spread information. In one case a television journalist was fired for refusing ruling party membership, while a radio journalist was detained for trying to cover a controversial story about an agricultural investor: “We were not allowed to travel anywhere, were not allowed to report on anything anymore, and had to report to the police stations each morning so that they knew we were still in town.”¹⁰³

Where journalists are unable to access areas, for both financial reasons and government restrictions, telephone is one of the few options left for acquiring information. As mobile phone coverage increases in Ethiopia, it could be an option for journalists to communicate with sources in the rural areas, but Ethiopia’s capacity to monitor the telephone is also rising.¹⁰⁴ As one journalist said, “The phone is not an option. We know our phones are monitored, and it is very possible the people we want to speak with have their phone monitored as well. But even if they are not, very few people are willing to speak to us on the phone anymore. They’re just scared of us if they don’t know us.”¹⁰⁵

¹⁰² A *woreda* is an administrative district in Ethiopia, managed by a local level of government. *Woredas* are made up of village-level administrations called *kebeles*.

¹⁰³ Human Rights Watch interview #5, location withheld, June 2014.

¹⁰⁴ For a detailed analysis of Ethiopia’s phone surveillance capabilities and how this is being used to limit freedom of expression and access to information, see Human Rights Watch “*They Know Everything We Do.*”

¹⁰⁵ Human Rights Watch interview #45, location withheld, October 2014.

Despite the vast majority of Ethiopia's population living in rural areas,¹⁰⁶ there is very little coverage of news in these areas. While the reasons for this are complex, the concentration of Ethiopia's media in Addis Ababa and restrictions on movement outside of the capital ensures that there is greatly disproportionate coverage of issues on Addis Ababa. Many significant events occurring in rural Ethiopia are never reported in Addis Ababa or outside of the country.

The 2014 Oromia Protests

During sensitive political events, the government uses a variety of tools to control the spread of information. For example, in April and May 2014 the government severely limited information about protests that swept through Oromia Region sparked by the proposed Addis Ababa Integrated Development Master Plan. The plan proposes to expand the city of Addis Ababa's municipal boundary and absorb more than 15 communities in Oromia. Demonstrators were concerned about the change of municipal jurisdiction and the displacement of Oromo farmers and residents. The protests quickly spread to involve other long-standing Oromo grievances with the government.¹⁰⁷

Many international journalists said they had great difficulties contacting individuals involved in the protests either in person, by phone, or by email. Foreign journalists trying to access the area were turned back at roadblocks by security personnel, while Ethiopian reporters who managed to report on the issue were detained or harassed by the authorities. Protesters who spoke to media were threatened or detained by the authorities while individuals watching diaspora-run television stations were harassed and threatened for viewing. Months later, foreign journalists who went to these areas reported that local people still fear speaking about these events given the possibility of reprisals against them and their families.

Several people told Human Rights Watch that in the early days of the protests the authorities arrested them immediately after they spoke to journalists. In each case the person was severely beaten in detention and released after several days. Security officials

¹⁰⁶ According to 2013 statistics from the World Bank, "Rural population," 2014, <http://data.worldbank.org/indicator/SP.RUR.TOTL> (accessed October 31, 2014).

¹⁰⁷ Security forces responded by shooting at and beating peaceful protesters, detaining hundreds by some unconfirmed estimates. There were dozens of casualties and as of December 2014 many students were still in detention, many without charge. Some students told Human Rights Watch that they were beaten and tortured in detention. For more information see "Ethiopia: Brutal Crackdown on Protests," Human Rights Watch news release, May 5, 2014, <http://www.hrw.org/news/2014/05/05/ethiopia-brutal-crackdown-protests>.

accused them of organizing the protests and asked why they were spreading “lies” to the media. In several cases they were accused of leaking information or “telling lies” to Voice of America or Ethiopian Satellite Television—those held said they had not provided information to these outlets.

The protests began just two months after the Oromia Media Network started its operation. A number of individuals in Oromia reported authorities threatened or even arrested them because they were watching OMN. A local government employee said that the *woreda* administrator questioned him:

Several of us had been watching what was happening on OMN and he threatened us: “Whoever is watching OMN will be considered an enemy by this government and will be arrested.” At least four government employees were arrested for being found to be watching it in their homes after this. Government was afraid of OMN because they believed, as they were, that they were spreading news about the protest. But isn’t that what media is supposed to do?... We couldn’t get the information anywhere else.¹⁰⁸

A journalist working for a private magazine described her experience covering the protests in Oromia:

I was interviewing people and asking them about their opinions. While this was happening, I was grabbed and forced into a car. They were security officers—they harassed and threatened me, “Don’t take part in this, it is against the government.” They took my mobile phones and my voice recorder. They then locked me in their car for the duration of the protests that day. When they came back they forced me to sign a paper that said I would not interfere in government issues. They then drove me out into the forest and dropped me off there.... I felt like a criminal. Journalism is not a crime, but in Ethiopia you are treated like a criminal just for being a journalist.¹⁰⁹

¹⁰⁸ Human Rights Watch interview #43, location withheld, October 2014.

¹⁰⁹ Human Rights Watch interview #30, location withheld, October 2014. This town was one of the areas that was slated to come under Addis Ababa Municipality’s control.

The owner of the same magazine told Human Rights Watch that security officials threatened them: “If any of these issues appear in the magazine you will be shot.” Articles appeared about the protests and he was arrested, taken to Maekelawi, placed in solitary confinement for two days, and then released on bail. This was the eighth time he had been detained in Maekelawi.¹¹⁰

The net effect of the repression was that a massive protest movement that engulfed large parts of Ethiopia’s largest region, in which at least nine people died, likely many more, and hundreds were arrested, received little domestic coverage, including in Ethiopia’s Amharic language media, and barely a mention in the international media. As one international journalist told Human Rights Watch: “We would love to do something on this issue, but if we can’t get the information easily we can’t cover the story.”¹¹¹

Censorship and Self-Censorship

Censorship? If you are a journalist you censor everything you do, if you don’t then you are no longer a journalist—you become a prisoner or a refugee.

—Journalist living abroad, October 2014

To be a journalist in Ethiopia requires considerable self-censorship, muting any criticism of government or facing ongoing harassment. Journalists working for state-run publications know that their stories must reflect government rhetoric. Several reporters suggested that government cadres are given key positions in state-run newspapers and effectively censor content. They rarely have a journalism background and have no university education—their main concern is ensuring that content follows the government line.

Private newspapers and magazines often try to walk the fine line between censoring their coverage to avoid harassment from the authorities while trying to be independent and provide critical commentary of news events. Subjects that many publications avoid or limit their coverage of include anything to do with the groups designated as terrorist

¹¹⁰ Human Rights Watch interview #32, location withheld, October 2014.

¹¹¹ Human Rights Watch telephone interview with foreign journalist, June 2014.

organizations under the anti-terrorism law. The editor-in-chief of one private magazine described particular pressures around the anti-terrorism law:

Anything to do with terrorism is the worst. We get lots of info about the OLF [Oromo Liberation Front] and ONLF [Ogaden National Liberation Front] but it is very difficult to publish anything, regardless of whether the coverage is good or bad for the government. We particularly try to avoid using their names even though everybody would know who we are talking about. Ginbot 7 is the same. When Andargachew [a Ginbot 7 leader and UK citizen] was sent back to Ethiopia, we all covered it, but we would not mention Ginbot 7 by name. We're just too scared of government twisting what we say and accusing us of being terrorists.¹¹²

Within state-run publications, journalists report being under frequent pressure to write stories that promote a government narrative and many spoke about examples where pieces that they wrote were dramatically edited to take out anything remotely critical about government. "All journalism has to promote the government narrative about how everything government is doing is good," explained a journalist. "If a school is built but there are no teachers the story will be about how government is now providing education to thousands of people when in reality nothing has changed."¹¹³

One radio journalist described producing a story about a hospital near Dire Dawa that was built by a US Catholic mission:

When my editor reviewed it, he changed it to say that the government sympathized with the local people and built the hospital themselves. It was a complete lie, but because it's in the local language [Afan Oromo] the foreigners would never know.¹¹⁴

Editors-in-chief will personally ensure that any articles covering sensitive subjects do not contain any perceived anti-government content. One journalist said:

¹¹² Human Rights Watch interview #47, location withheld, October 2014.

¹¹³ Human Rights Watch interview #12, location withheld, June 2014.

¹¹⁴ Human Rights Watch interview #8, location withheld, June 2014.

The only thing they [editors] are concerned with is ensuring that there is no content that will offend government. Sections critical of government are removed or edited, while sections are added that promote government agenda. There are no edits for quality or anything else, they don't know anything about that—the edits are just to advance government goals—it's like having our own government censors in every paper. The new laws in place [Freedom of the Mass Media and Access to Information Proclamation] hold editors-in-chief responsible for content so in a way they are just protecting themselves from problems with government.¹¹⁵

Larger radio stations said they have similar editorial policies and perspectives. Smaller radio stations in Oromia had a more direct relationship with government censors—having to regularly submit stories to a zonal or *woreda* communications office ahead of airing. A journalist working for a semi-autonomous radio station in eastern Oromia said:

Once we wanted to write a story about drought in the area and the impact it was having on farmers. We were told not to air the story because it would make government look bad. Before we air something we have to go to the “command post” at the zonal office, they [zonal leader and cadres] say yes/no or change things around.¹¹⁶

There exists similar pressure within government communications offices. A government spokesperson for a *woreda* communications office said he was under constant harassment because he challenged the government narrative:

They would tell me to lie directly: If we construct a hospital, tell the people—it took this amount of money even when the actual amount of money was much lower. If you don't do what they tell you, we will accuse you of being OLF. Before I would speak to a newspaper or a radio station, I would be prepared by the government. If I strayed from that version to tell the truth you would have your salary deducted or they would demote you.¹¹⁷

¹¹⁵ Human Rights Watch interview #11, location withheld, June 2014.

¹¹⁶ Human Rights Watch interview #5, location withheld, June 2014.

¹¹⁷ This journalist has since lost his job and is living abroad. Human Rights Watch interview #10, location withheld, June 2014.

In most cases, however, journalists employed by state-run publications censored their writings in order to continue enjoying the many benefits of working as a journalist in the state-run sector. Journalists in both private and state-run media said these benefits include higher wages, access to government press conferences, access to training opportunities, and the ability to work without harassment from authorities.¹¹⁸

A radio journalist described what happened when he aired a controversial story about the 2010 elections without going through the local government censors:

I interviewed a local Oromo Federal Congress opposition member. He talked about how the results had been manipulated by government in that area. He outlined all the evidence in my story and there was a quote from him that said “They stole the voice of the people.” I knew this one would not be allowed to be aired so we just put it on the air ourselves without going through the local administration. We would always submit our stories to the local government communications office for approval. I was arrested [and detained] for three months as a result and taken to a military camp. My colleagues were arrested and I’ve never heard of their whereabouts since.¹¹⁹

Foreign stations broadcasting in Ethiopia are also under pressure to censor their coverage to ensure they do not upset the government. In 2012, diaspora groups accused Deutsche Welle of self-censoring their criticism of government in order to be able to work in the country, a claim it denied.¹²⁰

Jamming of Radio and Television Broadcasts

The Ethiopian government completely controls the content of radio and television broadcasts that emanate from inside the country. The government owns the majority of these broadcasters and what few private stations exist avoid sensitive topics or are kept under control by threats against staff, regulatory challenges, refusal of advertisers to advertise, and other measures. For those stations that broadcast either on satellite or from

¹¹⁸ Human Rights Watch interview #27, location withheld, October 2014.

¹¹⁹ Human Rights Watch interview #5, location withheld, June 2014.

¹²⁰ Deutsche Welle denied the allegation in an open letter to Ethiomedia. See Ludger Schadomsky, “Open Letter to Ethiomedia.com”, *Ethiomedia*, January 11, 2012, <http://www.ethiomedia.com/broad/3402.html> (accessed November 24, 2014).

transmitters outside of the country (including Voice of America and Deutsche Welle), Ethiopia occasionally deliberately jams these broadcasts, preventing people inside Ethiopia from accessing these stations. Given the importance of radio in rural areas, this limits individual's access to information and independent, reliable, and critical analysis.

Radio jamming has a lengthy history in Ethiopia, but the practice increased in 2009 with the government particularly jamming both VOA and DW.¹²¹ In 2010 the late prime minister Meles Zenawi notoriously stated in response to a question from a VOA reporter about jamming that “we have for some time now been trying to beef up our capacity to deal with this, including ... jamming.” He also compared the VOA broadcasts to the Rwandan radio station Mille Collines, which was implicated in inciting genocide in 1994, calling VOA broadcasts “destabilizing propaganda.”¹²²

Government jamming increases at politically sensitive times, including around elections. It increased around both the 2005 and 2010 elections with VOA and DW programs sometimes unavailable for several days. A US embassy cable leaked by Wikileaks noted that the incidence of VOA jamming increases “in line with GoE [Government of Ethiopia] protests about VOA content.”¹²³

Frequency monitoring carried out by DW in August 2012, in the period just after Meles died, revealed that programming was blocked on at least one of their three frequencies in Ethiopia 60 percent of the time (18 days out of 30). DW was jammed on all three frequencies 30 percent of the time (9 of the 30 days). By contrast, in January 2013 there was no jamming of DW radio transmissions, only for jamming to start again in mid-February 2013.¹²⁴ DW reports that the Ethiopian government has not interfered with satellite radio and web-based broadcasts, and that since March 2013 jamming of their radio transmissions had stopped entirely.¹²⁵ VOA also reports a similar absence of jamming during this period.¹²⁶

¹²¹ See Human Rights Watch, “*They Know Everything We Do*,” for more information on radio and television jamming in Ethiopia.

¹²² “Ethiopia admits jamming VOA radio broadcasts in Amharic,” *BBC News*, March 19, 2010, <http://news.bbc.co.uk/2/hi/8575749.stm> (accessed March 4 2013).

¹²³ US Department of State, “PM’s advisor Bereket Discuss Elections and VOA with PDAs,” cited in Wikileaks cable ID: o8ADDISABABA214_a, January 29, 2008, https://www.wikileaks.org/plusd/cables/o8ADDISABABA214_a.html (accessed November 24, 2014).

¹²⁴ DW jamming monitoring spreadsheets, June 2012 to March 2013, on file with Human Rights Watch.

¹²⁵ Human Rights Watch email correspondence with Ludger Shadomsky, Head of Amharic Service, Deutsche Welle, October 2013 and November 2014.

¹²⁶ Human Rights Watch email correspondence with Peter Heinlein, chief, Horn of Africa Service, VOA, October 2013.

DW regularly engaged with the government to resolve the jamming. According to DW, government representatives told them “that we jam DW on the grounds of national security. DW is a threat to our national security.”¹²⁷ The US government publicly criticized the jamming of VOA in March 2010, stating that the “decision to jam VOA broadcasts contradicts the Government of Ethiopia’s frequent public commitments to freedom of the press.”¹²⁸

Between 2010 and 2012 Ethiopian Satellite Television,¹²⁹ a popular diaspora-run satellite television station, reported being frequently jammed, but there has been no jamming since October 2012.¹³⁰ ESAT’s shortwave radio broadcasts are routinely jammed and ESAT’s website was also blocked as of August 2013.¹³¹

The Oromia Media Network has reported being jammed twice since its March 2014 startup. On each occasion, jamming occurred for several days until OMN was taken off of that satellite.¹³² When the government chooses to jam a station on a satellite provider, this has the unintended outcome of jamming many of the other stations that also use that satellite. For example, when Ethiopia jammed OMN it also inadvertently jammed other channels on Saudi-based Arabsat including the British Broadcasting Corporation.¹³³ Satellite providers identified the source of the jamming as coming from northeast Ethiopia.¹³⁴ It was not the first time Ethiopia had inadvertently blocked other satellite stations—in early 2012 reports suggested that jamming originating from

¹²⁷ Human Rights Watch interview with Ludger Schadomsky, Bonn, Germany, March 2013.

¹²⁸ “United States Strongly Criticizes Ethiopia’s Jamming of Voice of America,” US Department of State press statement, March 19, 2013, <http://www.state.gov/r/pa/prs/ps/2010/03/138682.htm> (accessed November 24, 2014).

¹²⁹ The Ethiopian government often accuses ESAT of being a mouthpiece for Ginbot 7. The courts convicted three ESAT employees in absentia under the anti-terrorism law in July 2012 and sentenced each to 15 years in prison. All three live in the United States.

¹³⁰ “ESAT resumes broadcast on Amos Satellite,” *ESAT*, December 20, 2012, <http://ethsat.com/2012/12/20/esat-resumes-broadcast-on-amos-satellite/> (accessed January 8, 2013), and Human Rights Watch email correspondence with ESAT employee, November 2014.

¹³¹ Human Rights Watch/Citizen Lab Internet filtering testing, July 2013 and August 2013.

¹³² Human Rights Watch telephone interview with OMN executive, November 2014.

¹³³ “BBC condemns Ethiopia broadcast jamming,” *BBC Media Centre*, May 30, 2014, <http://www.bbc.co.uk/mediacentre/latestnews/2014/ethiopian-broadcast-jamming> (accessed October 30, 2014).

¹³⁴ “Eutelsat Blames Ethiopia as Jamming Incidents Triple,” *Spacenews*, June 6, 2014, <http://www.spacenews.com/article/satellite-telecom/40818eutelsat-blames-ethiopia-as-jamming-incidents-triple> (accessed October 30, 2014).

Ethiopia was responsible for stations hosted on Arabsat being blocked as far away as Lebanon. This prompted a complaint from Lebanese authorities.¹³⁵

Techniques to get around jamming are expensive and out of reach of all but the largest international media outlets.

As the Ethiopian economy grows and the middle class expands, more and more Ethiopians are turning to OMN, ESAT, and other foreign television stations for access to independent information on Ethiopian affairs.¹³⁶

These practices put these satellite providers in a difficult situation: if they agree to host a channel that could be jammed, this endangers all its other programming on that satellite. As a result, satellite providers have required increased security deposits or other guarantees should they host foreign stations that are at risk of jamming from Ethiopian authorities. This has further increased the cost of setting up a television station. Several satellite providers have told ESAT that the Ethiopian government has contacted them to pressure them not to host ESAT.¹³⁷

In addition to restricting freedom of expression and access to information, the deliberate jamming of commercial radio and television broadcasts contravenes International Telecommunication Union (ITU) regulations.¹³⁸

¹³⁵ "Jamming of Arabsat coming from Ethiopia," *Daily Star*, Feb 16, 2012, <http://www.dailystar.com.lb/News/Local-News/2012/Feb-16/163438-sehnaoui-jamming-of-arabsat-coming-from-ethiopia.ashx#ixzz1mVTDna2w> (accessed September 4, 2013).

¹³⁶ The government has historically taken strong steps in retribution for unfavorable coverage. In 2008 it severed diplomatic relations with Qatar in part because it claimed "the output of its media outlets, notably Al-Jazeera television, provided direct and indirect assistance to terrorist organizations," after a series of broadcasts about the conflict in the Ogaden area of Somali Region. In 2009 the Ethiopian government sparked a diplomatic protest when it pressured the Nation Media Group in Kenya to stop its broadcast on national television of a program on the Oromo Liberation Front, claiming the investigative report promoted terrorism; the Nation Media Group refused. See Human Rights Watch, "*One Hundred Ways of Putting Pressure*," pp. 51-52.

¹³⁷ Human Rights Watch interview with ESAT employees, Washington, DC, December 2012.

¹³⁸ ITU Constitution, art. 15, and ITU Radio Regulations, art. 15. Ethiopia joined the ITU in 1932. The International Telecommunication Union is a specialized agency of the United Nations tasked with promoting technical interoperability of telecommunications networks. They "allocate global radio spectrum and satellite orbits, develop the technical standards that ensure networks and technologies seamlessly interconnect, and strive to improve access to ICTs to underserved communities worldwide." International Telecommunication Union, "Overview," <http://www.itu.int/en/about/Pages/overview.aspx> (accessed November 3, 2014, 2013). Data from ITU's Ethiopia country profile is available at http://www.itu.int/ITU-D/afr/memberstates/country_details.asp?countryIndex=ETH.

Restricting Online Content

While online media is still in its infancy in Ethiopia, many Ethiopians living both inside and outside the country have turned to online news sites and blogs for access to information and perspectives that are unavailable through domestic media and also to express themselves without having to self-censor their tone or content. Many of them do this anonymously or under pseudonyms to protect themselves from possible government reprisals.

In response, the government of Ethiopia regularly blocks media websites that contain critical content. Popular diaspora media websites including Ethiomedia, Goolgule, Ethiopian Review, and Nazret are all unavailable inside Ethiopia.¹³⁹ Many blogsites offering Ethiopian content are also blocked inside of Ethiopia. The vast majority of blocked sites are those that focus exclusively on Ethiopian content and are run by Ethiopian organizations or individuals (either in Ethiopia or in the diaspora), although both Al-Jazeera and al-Arabiya have been blocked in Ethiopia at different times following critical news coverage.¹⁴⁰ In May 2012 Al-Jazeera's website and YouTube channel were briefly blocked following a documentary that was critical of Ethiopia's handling of the Muslim protests. On August 2, 2012, Al-Jazeera's website was once again blocked the day an Al-Jazeera program appeared online that was critical of Ethiopia's handling of Muslim issues.¹⁴¹ Three days prior to the blocking another article appeared on Al-Jazeera about clashes in southern Ethiopia.¹⁴² Videos uploaded on YouTube that showed police using excessive force against protesters during the Muslim protests were also blocked.¹⁴³

Ever since the arrest in April 2014 and prosecution of the Zone 9 bloggers, individuals told Human Rights Watch of increased self-censorship on blogs, Facebook, and other social media platforms. People also reported pressure to censor blogsites and Facebook postings.

¹³⁹ See Human Rights Watch, *"They Know Everything We Do."*

¹⁴⁰ *Al-Arabiya* is a media outlet based in Saudi Arabia and owned by Saudis that provides English and Arabic language news and current events programming.

¹⁴¹ Program can be seen at "Aljazeera Mubahser Exposed the Interference of Ethiopian Govt. Muslims religious matter," August 2, 2012, <http://www.youtube.com/watch?v=pJqXjJgoR4A&feature=youtu.be>. Article can be found at "Ethiopian journalists sentenced for 'terrorism'," *Al-Jazeera*, July 13, 2012, <http://stream.aljazeera.com/story/ethiopian-journalists-sentenced-terrorism-0022284>.

¹⁴² "Europe erupts in deadly ethnic violence," *Al-Jazeera*, July 31, 2012, <http://www.aljazeera.com/news/africa/2012/07/201273075846287757.html>. Data presented by Al-Jazeera from Google Analytics show that traffic from Ethiopia to Al-Jazeera's English language website dropped from 50,000 users in July 2012 to just 114 in September 2012. A similar drop occurred on its Arabic website. For more information see Human Rights Watch, *"They Know Everything We Do,"* pp. 56-57.

¹⁴³ Human Rights Watch email correspondence with blogger, April 2013.

This usually comes from either threatening messages on Facebook (often from unknown persons), or harassing phone calls or visits from security officials.

Whereas online media could provide access to new ideas and sharing of experiences as it has in many parts of the world, in Ethiopia, the government is using what means it has available to restrict any online content that is perceived to harm the interests of the government or ruling party.

VI. Other Controls on the Media

The Ethiopian government uses various other controls to restrict the freedom of the press.

Journalism Associations and Freedom of Association

Since January 30, 2014, when independent journalists attempted to establish the Ethiopian Journalists Forum (EJF) with a mandate to “protect and promote Ethiopian journalists” and assist in “defending the freedom of speech and of the press,” executives of the proposed association have faced continual harassment and security problems.¹⁴⁴ While some of the problems arise out of their work as journalists, some appear connected to their efforts to form an independent association. Executive committee members regularly received phone calls from security officials after EJF events. State-run media also regularly published articles suggesting that the journalists involved with the EJF had been planning to commit terrorist acts and were communicating with banned organizations.¹⁴⁵ Based on these articles, many journalists avoided participating in EJF activities, fearful of being associated with the organization.

The association also had difficulties registering with the Ethiopian Charities and Societies Agency (CSO Agency). One executive committee member told Human Rights Watch:

Someone from the CSO Agency called me and wanted to speak with me. I went to the office to speak to that person. He was not from the CSO Agency after all as he had said. He showed me his ID card, he was an intelligence officer.... He asked about the June 22, 2014 panel discussion on press freedom I organized and told me: “This is the last warning. You will not get a license. The time is coming that if you continue the activities of the association you will end up like the other [Zone 9] bloggers and journalists. We have much information about you and the association. We also obtained detail about you from those who detained individuals in Maekelawi. So you have to stop the association activity and nobody will

¹⁴⁴ EJF profile on file at Human Rights Watch.

¹⁴⁵ For example, in *Addis Admason* March 30, 2014, and *The Reporter* on March 9, 2014. Also see *Waltainfo*, February 19, 2014, <http://waltainfo.com/index.php/2011-09-07-11-57-06/12375-2014-02-19-08-59-26> (accessed December 16, 2014). Translated version on file with Human Rights Watch.

license the EJF because we know who you and your colleagues are. Otherwise be ready to take the coming final risk of you.”¹⁴⁶

Several days later, the CSO Agency announced on ETV state media that EJF was “illegal and not allowed to act as a legal organization.” No legitimate reason was given by the CSO Agency for not registering the EJF.¹⁴⁷

After speaking on Voice of America on February 4, 2014, security officials questioned two executive committee members at their office about EJF’s sources of funding. The committee members said that at the meeting security officials instructed them not to proceed with EJF’s formation, otherwise authorities would accuse them of supporting terrorism and have them arrested.¹⁴⁸ Shortly thereafter two executive committee members fled Ethiopia. The EJF is no longer operational.

There are several other media professional associations in Ethiopia,¹⁴⁹ but many are aligned with the government. The Freedom of the Mass Media and Access to Information Proclamation states: “Journalists have a right to organize themselves into professional associations of their choice.” The problems faced by the EJF were not the first time that independent media associations have had difficulties with Ethiopian security. For example, the Ethiopian Free Press Journalists’ Association (EFJA) was regularly subject to harassments, threats, and arrest before its leaders fled the country in 2005.¹⁵⁰

Lack of Government Response to Private Journalists

Many journalists, from both private and state-affiliated media, report having difficulties getting government officials to comment on their stories. Private publications told Human Rights Watch that this often makes their stories appear unbalanced with quotes from opposition parties but nothing from government officials. An editor of a private magazine said, “We want to get government perspectives, we want to be balanced, but they do not

¹⁴⁶ Human Rights Watch interview #27, location withheld, October 2014.

¹⁴⁷ Human Rights Watch email correspondence with EJF executive committee members, November 2014.

¹⁴⁸ Human Rights Watch interviews #11 and #28, locations withheld, June 2014 and October 2014.

¹⁴⁹ Including the Ethiopian Journalists Association, Ethiopian National Journalists Union (ENJU), and the EFJA.

¹⁵⁰ The EFJA was formed in March 1993 and faced a variety of challenges, including the suspension of the organization in November 2003 by the Ministry of Information. The ban was reversed in December 2004 only for the association to be targeted again during the 2005 crackdowns on the media, resulting in a number of its leaders fleeing the country, including its president, Kifle Mulat.

respond to us. I don't know if it is because they are scared or because they want to eventually show that we are not balanced in our coverage.... But we try.”¹⁵¹

In many cases, junior government officials do not speak to the media for fear of saying something politically damaging. As a former official put it, “Many of us have the same fear as journalists, if we say something wrong we are disciplined. If we stray from the government rhetoric we are disciplined. We also don't know how the media will twist what we say, so we are hesitant to speak too much in case we have problems because of it.”¹⁵²

The editor-in-chief of one private publication said that government officials told him “they don't want to be associated with our magazines because they are seen as pro-opposition.”¹⁵³

A journalist with the state-affiliated *Sendek* newspaper described one incident:

We wrote a story on the US State Department's human rights report [on Ethiopia]. We wanted quotes from government but they refused to comment on that report. I did have quotes from opposition groups though. In the end, the piece was heavily censored by my editor because it appeared unbalanced.”¹⁵⁴

Government Organized Training Sessions

A number of journalists from both state-affiliated and private outlets described to Human Rights Watch being “encouraged” to participate in the Ministry of Federal Affairs training programs. One journalist told Human Rights Watch:

We get some training from Ministry of Federal Affairs, often directly in Shiferaw's [the federal affairs minister's] office. I went to this five times. We're not forced, but we know what will happen if we don't go. Basically we go there and they just criticize all of our papers: “Why do you print this, this

¹⁵¹ Human Rights Watch interview #34, location withheld, October 2014.

¹⁵² Human Rights Watch interview #39, location withheld, October 2014.

¹⁵³ Human Rights Watch interview #47, location withheld, October 2014.

¹⁵⁴ Human Rights Watch interview #28, location withheld, October 2014.

is not good. Why do you always write bad things about the government?” Then they tell us what we should write which is all about promoting the government’s development agenda and its policies and perspectives. We only are to mention development successes and promote the new roads and schools. The course name changes, sometimes: “good journalism for development;” other times “developmental journalism.” Shiferaw is always there at the beginning and the end to set the tone.¹⁵⁵

Recruitment of Informants

Other journalists describe being pressured by security officials to become informants against other journalists. Some report once they began snooping on their colleagues the pressure stopped. Said one journalist, “I felt horrible about doing it, but I couldn’t take the pressure anymore, if I provided information on their background, their sources, and their whereabouts then my family and I could live in peace.”¹⁵⁶ This approach has resulted in journalists not trusting each other, being suspicious of colleagues when pressure on those colleagues from government lessened, and less discussion about the common challenges facing journalists.

¹⁵⁵ Human Rights Watch interview #35, location withheld, October 2014.

¹⁵⁶ Human Rights Watch interview #54, location withheld, date withheld.

VII. Applicable National and International Law

Freedom of speech and the media are essential rights in a democratic society. The ability to practice journalism free from undue interference, to peacefully criticize government representatives, and to express critical views are crucial to the exercise of many other rights and freedoms.

Under Ethiopia's constitution and international law, the Ethiopian government is obligated to respect the right to freedom of expression, including media freedom. Ethiopia is a party to the International Covenant on Civil and Political Rights (ICCPR),¹⁵⁷ which under article 19 imposes legal obligations on states to protect freedom of expression and information:

Everyone shall have the right to hold opinions without interference;...
Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.¹⁵⁸

The ICCPR, in article 19(3), permits governments to impose certain restrictions or limitations on freedom of expression, if such restrictions are provided by law and are necessary: (a) for respect of the rights or reputations of others; or (b) for the protection of national security, public order, public health, or morals.¹⁵⁹

The UN Human Rights Committee, the independent expert body that monitors state compliance with the ICCPR, in its General Comment No. 34 on the right to freedom of expression, states that the restrictions specified in article 19(3) should be interpreted narrowly and that the restrictions “may not put in jeopardy the right itself.”¹⁶⁰ The government may impose restrictions only if they are prescribed by existing legislation and meet the standard of being “necessary in a democratic society.” This implies that the

¹⁵⁷ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. Ethiopia ratified the ICCPR in 1993.

¹⁵⁸ Ibid., art. 19.

¹⁵⁹ Ibid., art. 19(3).

¹⁶⁰ UN Human Rights Committee, General Comment No. 34, Article 19, Freedoms of Opinion and Expression, CCPR/C/GC/34 (2011).

limitation must respond to a pressing public need and be oriented along the basic democratic values of pluralism and tolerance. “Necessary” restrictions must also be proportionate, that is, balanced against the specific need for the restriction being put in place. General Comment No. 34 also provides that “restrictions must not be overbroad” and that “the value placed by the Covenant upon uninhibited expression is particularly high in the circumstances of public debate in a democratic society concerning figures in the public and political domain.”¹⁶¹

In applying a limitation, the government should use no more restrictive means than are absolutely required. The lawfulness of government restrictions on speech and the dissemination of information are thus subject to considerations of proportionality and necessity. So, for example, the government may prohibit media procurement and dissemination of military secrets, but restrictions on freedom of expression to protect national security “are permissible only in serious cases of political or military threat to the entire nation.” Since restrictions based on protection of national security have the potential to completely undermine freedom of expression, “particularly strict requirements must be placed on the necessity (proportionality) of a given statutory restriction.”¹⁶²

With respect to criticism of government officials, the Human Rights Committee has stated that in circumstances of public debate concerning public figures, “the value placed by the Covenant upon uninhibited expression is particularly high.” The “mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.” Thus, “all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition.”¹⁶³

In addition, the Human Rights Committee has said that “defamation laws must be crafted with care to ensure that they ... do not serve, in practice, to stifle freedom of expression.... States parties should consider the decriminalization of defamation and, in any case, the

¹⁶¹ UN Human Rights Committee, General Comment No. 34.

¹⁶² Manfred Nowak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary* (Kehl am Rhein, Germany: N.P. Engel, 1993), p. 355.

¹⁶³ UN Human Rights Committee, General Comment No. 34, para. 38.

application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty.”¹⁶⁴

Ethiopia is also a party to the African Charter on Human and Peoples’ Rights,¹⁶⁵ which in article 9 states that “every individual shall have the right to receive information,” and “every individual shall have the right to express and disseminate his opinions within the law.” The African Commission’s 2002 Declaration of Principles on Freedom of Expression in Africa sets out regional norms guaranteeing free expression. The African Commission has held that governments should not enact provisions that limit freedom of expression “in a manner that override constitutional provisions or undermine fundamental rights guaranteed by the [Charter] and other international human rights documents.”¹⁶⁶

Ethiopian Law

Article 29 of the Ethiopian constitution of 1995 provides strong protections for freedom of opinion and expression and underscores the importance of the independence of the media.¹⁶⁷ The constitution includes a prohibition on censorship and affirms the need for access to information of public interest.¹⁶⁸ It also states that “the press shall, as an institution enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions.”¹⁶⁹ It notes the importance of media “financed by or under the control of the State ... to entertain diversity in the expression of opinions.”¹⁷⁰

However, article 29 also contains some qualifications to media freedom that are contrary to international law. While the constitution provides that limitations to freedom of expression cannot be based “on account of the content or effect of the point of view expressed,”¹⁷¹ the limitations included in article 29 contain several overly vague provisions that are vulnerable to

¹⁶⁴ UN Human Rights Committee, General Comment No. 34, para. 47.

¹⁶⁵ African [Banjul] Charter on Human and Peoples’ Rights (the African Charter), adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986, ratified by Ethiopia in 1998; and African Commission on Human and Peoples’ Rights, 166 Constitutional Rights Project and Civil Liberties Organisation v. Nigeria, Comm. No. 102/93 (1998), <http://www1.umn.edu/humanrts/africa/comcases/102-93.html> (accessed December 16, 2014).

¹⁶⁷ See Annex I for full text of article 29 of the Ethiopian constitution.

¹⁶⁸ Constitution of the Federal Democratic Republic of Ethiopia, 1995, arts. 29(3)(a and b), [http://www.mfa.gov.et/docs/FDRE%20Constitution\[1\].pdf](http://www.mfa.gov.et/docs/FDRE%20Constitution[1].pdf) (accessed January 14, 2015).

¹⁶⁹ *Ibid.*, art. 29(4).

¹⁷⁰ *Ibid.*, art. 29(5).

¹⁷¹ *Ibid.*, art. 29(6).

broad and abusive interpretation. Limiting freedom of expression in the interest of protecting “the well-being of the youth, and the honour and reputation of individuals,” is one such provision. Article 29 also allows for limitations on “the public expression of opinion intended to injure human dignity,” an ill-defined concept that is vague and prone to misuse.¹⁷²

Laws Regulating the Media

Broadcasting Service Proclamation and Mass Media Law

Ethiopia has several laws and directives governing the media, including the Broadcasting Service Proclamation and the Freedom of the Mass Media and Access to Information Proclamation of 2008 (“Mass Media Law”). While both laws reaffirm constitutional protections and prohibition of censorship, they also contain problematic provisions that grant broad powers to initiate defamation suits, impose harsh financial penalties, demand corrections in print publications, and empower government to arbitrarily deny licenses and permits.

The Mass Media Law states that defamation and false accusation against “constitutionally mandated legislators, executives and judiciaries will be a matter of the government and prosecutable even if the person against whom they were committed chooses not to press charge.”¹⁷³ As a result, journalists can be prosecuted for defamation by government even when no individual government official initiates legal action. Fines are also very high for defamation, as high as 100,000 Ethiopian birr (US\$5,000).¹⁷⁴ Article 613 of the Criminal Code also allows penalties of a fine or up to one year in prison for defamation.¹⁷⁵

The Mass Media Law also contains overly broad and discretionary provisions that force publications to publish apologies or corrections from government without defining the limits of this requirement.¹⁷⁶

¹⁷² Constitution of the Federal Democratic Republic of Ethiopia, art. 29(6). See Article 19, “The Legal Framework for Freedom of Expression in Ethiopia,” <http://www.article19.org/data/files/pdfs/publications/ethiopia-legal-framework-for-foe.pdf>.

¹⁷³ Freedom of the Mass Media and Access to Information Proclamation, *Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia*, No. 590 of 2008, art. 43.

¹⁷⁴ *Ibid.*, art. 45. In the previous media law, the Press Proclamation, criminal charges could be brought against journalists for incitement to violence, publication of false information, criminal defamation, and other offenses. These charges carried prison sentences of up to three years. Press Proclamation, *Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia*, No. 34 of 1992, art. 20(1).

¹⁷⁵ Criminal Code, arts. 244 and 613-614.

¹⁷⁶ Freedom of the Mass Media and Access to Information Proclamation, art. 40(1). It is unclear whether the broad terms of this law also apply to online media, bloggers, or print or broadcast media that also publish online. The provision states:

While ostensibly providing for improved access to information, the Mass Media Law puts a number of restrictions in place that actually hinder access to information. It provides too much discretion to government officials, allowing them to use a variety of clauses to deny access to government information including “on the pretext that the request will place an individual in jeopardy; harm commercial activities or financial welfare; or negatively impact policy, national security, or international relations.”¹⁷⁷

The law does not directly authorize censorship, but the threats of politically motivated defamation suits, high fines, and difficulty in acquiring permits effectively limit what the private press is willing to print. It is not clear if this law also applies to online content.

Broadcasting Service Proclamation

The Broadcasting Service Proclamation of 2007 empowers the Ethiopian Broadcasting Authority to regulate radio broadcasters—state-run, commercial (private), and community-based. Concerns persist about the independence of the EBA. While the EBA is established as “an autonomous federal agency having its own legal personality,” it is legally accountable to the Ministry of Information, which as of 2008 is the Government Communications Affairs Office.

The EBA is empowered, among other responsibilities, to “[e]nsure that the broadcasting service is conducted in such a manner that contributes to the proper social, economic, political and cultural development of the country.”¹⁷⁸ This is overly broad and far exceeds international norms and best practices on media regulation.

The Broadcasting Service Proclamation also states that public broadcasting service shall “enhance the participation of the public through the presentation of government policies and strategies as well as activities related to development, democracy and good governance.”¹⁷⁹ This clause is absent in the law for commercial (private) broadcasters, however the community broadcasting service shall among other things “carry out its activities based on the needs of the community regarding development, education and

“Where any factual information or matter injurious to the honor or reputation of any person is reported in a mass media, such person shall have the right to have his reply inserted, free of charge in publication in which the report appeared.”

¹⁷⁷ Ibid., art. 26.

¹⁷⁸ Broadcasting Service Proclamation, art. 7.

¹⁷⁹ Broadcasting Service Proclamation.

good governance.”¹⁸⁰ There are also limitations on broadcasting licenses being granted to “an organization of a political organization or of which a political organization is a shareholder or a member of a political organization’s supreme leadership is a shareholder or member of its management at any level.”¹⁸¹ Restricting licenses only to organizations without political connections is contrary to constitutional provisions about the freedom of the media. As previously discussed, licensing and regulation of the broadcast media in Ethiopia is prone to politicization.

Additional Legislation

Other problematic laws include the Advertisement Proclamation, which gives government arbitrary and broad control over the regulation of advertising. The law states that one of the intents of advertising is to “protect the dignity and interests of the country” and does not permit advertisement that “instigates chaos, violence, terror, conflict or fear among people.”¹⁸² These overly broad and discretionary terms can be used by government to control advertisement that does not promote government rhetoric or perspectives. It also prevents advertisements from firms “whose capital is shared by foreign nationals,”¹⁸³ limiting the ability of publications to freely decide who it is willing to accept as an advertiser and depriving publications of much needed foreign revenue.¹⁸⁴

The courts have convicted many journalists under Ethiopia’s criminal code. The criminal code includes provisions for “participation in crimes by the mass media.” This overly broad section outlines criminal responsibility for the content of periodicals, holding printers, publishers, and distributors liable in certain situations. One clause holds the importer of foreign published periodicals liable for content of those publications.¹⁸⁵ The law also has broad and vague provisions around disclosure of sources.¹⁸⁶

Various sections of the criminal code are regularly misused to charge journalists, with penalties that can range from 3 to 25 years. The most commonly used sections against

¹⁸⁰ Ibid., art. 16 (4)(a).

¹⁸¹ Ibid., art. 23(3).

¹⁷¹ Advertisement Proclamation, *Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia*, No. 759 of 2012, <https://chilot.files.wordpress.com/2012/09/advertisement-proclamation.pdf>, arts. 6(1)(f) and 7(5).

¹⁸³ Exemptions are made for foreign nationals of Ethiopian origin.

¹⁸⁴ Advertisement Proclamation, art. 1.

¹⁸⁵ Criminal Code, arts. 43-37.

¹⁸⁶ Criminal Code, art. 45.

journalists include defamation (article 613), attacks against the state (article 244), inciting the public through false rumors (article 486), and “outrages against the Constitution or the Constitutional Order” (article 238). The death penalty and life imprisonment are sentences available under article 238.

Article 486(a) states: “Whoever ... starts or spreads false rumours, suspicions or false charges against the Government or the public authorities or their activities, thereby disturbing or inflaming public opinion, or creating a danger of public disturbances ... is punishable.” This over-broadly worded section has been interpreted widely and used by the authorities to charge journalists who report on stories that are critical of government including against the owners of the magazines that were charged in 2014.¹⁸⁷

In addition to being charged under the criminal code, journalists have also been charged under the repressive anti-terrorism law. The anti-terrorism law is easily subject to abuse with its overly broad and vague definition of terrorist acts and a definition of “encouragement of terrorism” that makes the publication of statements “likely to be understood as encouraging terrorist acts” punishable by 10 to 20 years in prison.¹⁸⁸ The authorities have prosecuted journalists publishing opinions or criticisms of government policy for encouraging terrorism. Since 2011 at least 12 journalists have been convicted under this law.

¹⁸⁷ Under the most recent spate of arrests in 2014, the authorities charged magazine owners under various criminal code provisions, including for inciting the public through false rumors, article 486(b), and provocation and preparation, article 257(a) and 257(e). The owner of *Afri Times* was charged under articles 32(1)(B), 34(1)(a), 44(1), and 486(b); *Inmi* under articles 32(1)(a), 34(1)(a), 44(1), 257(a) and 257(e); *Jano* under articles 32(1)(a/b), 34(1)(a), 486; and *Enku* under articles 32(1)(a/b), 34(1), 44(1), and 486(a). Translated charge sheets on file with Human Rights Watch.

¹⁸⁸ For more information on the anti-terrorism law, see “Ethiopia: Stop Using Anti-Terror Law to Stifle Peaceful Dissent,” Human Rights Watch news release, November 21, 2011, <http://www.hrw.org/news/2011/11/21/ethiopia-stop-using-anti-terror-law-stifle-peaceful-dissent>; and “Ethiopia: Amend Draft Terror Law,” Human Rights Watch news release, June 30, 2009, <http://www.hrw.org/en/news/2009/06/30/ethiopia-amend-draft-terror-law>.

VIII. Ethiopian Government Response

Ethiopia's usual response to criticism of its stance on media freedom is to quote its strong constitutional provisions about freedom of the press. Senior Ethiopian government officials, including the prime minister, often speak to press freedom NGOs and international publications in very strong terms about the imprisonment of high-profile journalists described in this report. The typical response is to reference the constitutional provisions and to stress the rule of law and reiterate allegations of involvement of journalists with "terrorist networks." There is rarely an acknowledgement of restrictions on press freedoms.

For example, the head of the Government Communications Affairs Office, Redwan Hussein, spoke harshly about imprisoned journalist Reeyot Alemu winning the UNESCO/Guillermo Cano World Press Freedom Prize in 2013: "No one convicted by a sovereign nation as a terrorist could be glorified and awarded with awards. That is an insult to the sovereignty of the nation.... They have not been accused for their writings ... it is because they were guilty of working with terrorists."¹⁸⁹

There have been repeated denials that journalists are being targeted for prosecution. Following the 18-year-sentence handed down to Eskinder Nega in October 2012, then-head of the GCAO, Bereket Simon, stated: "But to start with the facts, you know, in the first place no practicing journalists in this manner had been summoned or charged because of his journalistic practices. None of them were sued or charged because of journalistic practices."¹⁹⁰

The government regularly defends the Anti-Terrorism Proclamation and its application against journalists. In a meeting with the Committee to Protect Journalists in 2012, Bereket reportedly said: "We in the government so far have not invoked this anti-terrorism law against any individual journalist.... It's not an instrument for censorship, for stifling dissent,

¹⁸⁹ "Ethiopia's jailed journalists seek international support," *Hindu Times*, October 21, 2013, <http://www.thehindu.com/todays-paper/tp-national/ethiopias-jailed-journalists-seek-international-support/article5256202.ece> (accessed January 14, 2015).

¹⁹⁰ Benno Muchler, "Eskinder Nega and the Absence of Press Freedom in Ethiopia," October 8, 2012, <http://benno-muchler.com/2012/10/08/eskinder-nega-and-the-absence-of-press-freedom-in-ethiopia/> (accessed December 16, 2014).

or for attacking press freedom; it is an instrument that ultimately shall be used to protect Ethiopians enjoying their constitutional rights.”¹⁹¹

Following criticism of the Anti-Terrorism Proclamation by Frank La Rue, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Bereket told Bloomberg News: “Ethiopia clearly differentiates between freedom of expression and terrorism ... is simply a very wrong defense of foreign journalists who have been caught red-handed when assisting terrorists.”¹⁹²

The arrest of the Zone 9 bloggers saw a spate of statements from government officials on the involvement of the bloggers with groups the government considers to be terrorist organizations. For example, in July 2014, following the charging of the bloggers, Prime Minister Hailemariam Desalegn stated: “Anyone who is seen and acting within this terrorist network ... will be eligible for the course of law.... When you put yourself into this network and you try to become a blogger, don’t think that you are going to escape from the Ethiopian government.”¹⁹³

Concerning the closing down of the six publications in 2014, GCAO chief Redwan told the International Federation of Journalists (IFJ) on September 24, 2014, that “the journalists had no justification to run away as they were not charged.” According to the IFJ statement, Redwan “reiterated the commitment of the Ethiopian government to respect the diversity of thoughts as long as ethical journalism is exercised. He said Ethiopia’s democracy is based on accepting and acknowledging ethnic, religious and ideological differences and this is manifested in the Constitution which everyone should uphold.”¹⁹⁴ Shortly thereafter, the authorities charged many of the owners and publishers of those publications.

Human Rights Watch wrote to the government of Ethiopia regarding the findings in this report. No response was received.

¹⁹¹ “CPJ Officials meet Bereket Simon,” *Awramba Times*, June 12, 2012, <http://www.awrambatimes.com/?p=1379> (accessed January 14, 2015).

¹⁹² “United Nations Rights Advocates Criticise Ethiopian Use of Anti-Terror Law,” *Bloomberg News*, Feb 3, 2012, <http://www.bloomberg.com/news/2012-02-03/united-nations-rights-advocates-criticise-ethiopian-use-of-anti-terror-law.html> (accessed January 14, 2015).

¹⁹³ “Ethiopian bloggers, journalists handed ‘terrorism’ charges,” AFP, July 18, 2014, <http://news.yahoo.com/ethiopian-bloggers-journalists-charged-terrorism-111240442.html> (accessed December 16, 2014).

¹⁹⁴ International Federation of Journalists, “FAJ Calls on Ethiopia to Free Jailed Journalists,” September 24, 2014, <http://www.ifj.org/nc/news-single-view/backpid/32/article/faj-calls-on-ethiopia-to-free-journalists-jailed-1/>.

IX. International Response

Ethiopia enjoys a strong relationship with a variety of regional, Western, and other bilateral and multilateral donors due to its perceived strong advances in development, relative lack of corruption, economic progress, its role as host of the African Union, as a key security partner, and in regional peacekeeping operations. As a result, the international community's public criticism of Ethiopia's worsening human rights record has been minimal. Some governments say that human rights issues are best raised by quiet diplomacy alone, arguing that public condemnations are counter-productive. The trajectory of Ethiopia's rights record over the past decade, however, does not indicate that quiet diplomacy has been effective.

UN human rights special procedures and experts have provided a rare and consistent source of condemnation of Ethiopia's growing repression, and particularly the government's use of the anti-terrorism law against the media. The Human Rights Committee's 2011 Concluding Observations on Ethiopia's report on its compliance with the ICCPR expressed concern for provisions of the Freedom of the Mass Media and Access to Information Proclamation, in particular the registration requirements for newspapers, the severe penalties for criminal defamation, and the inappropriate application of this law in the fight against terrorism, as illustrated by the closure of many newspapers and legal charges brought against journalists. The committee said that the government should revise its legislation to ensure that any limitations on the rights to freedom of expression strictly comply with article 19, and in particular it should "review the registration requirements for newspapers and ensure that media are free from harassment and intimidation."¹⁹⁵

In September 2014, five UN Special Rapporteurs expressed concern over the use of the anti-terrorism law to curb freedom of expression.¹⁹⁶ In July 2012, then-UN High Commissioner for Human Rights Navi Pillay voiced concern over "the precarious situation of journalists [in Ethiopia]."¹⁹⁷ In May 2011 a group of six independent UN experts wrote

¹⁹⁵ Human Rights Committee, Concluding Observations on Ethiopia, August 19, 2011, CCPR /C/ETH/CO/1, para. 24.

¹⁹⁶ UN Office of the High Commissioner for Human Rights (OHCHR), "UN experts urge Ethiopia to stop using anti-terrorism legislation to curb human rights," September 18, 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15056&LangID=E#sthash.bJQyrx2x.dpuf>.

¹⁹⁷ OHCHR, "Climate of intimidation against rights defenders and journalists in Ethiopia – Pillay," July 18, 2012, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12365&LangID=E> (accessed January 14, 2015).

concerning the cases of imprisoned journalists in Ethiopia,¹⁹⁸ and in February 2012 a number of UN experts expressed concern at the “persistent misuse of [the] terrorism law to curb freedom of expression” citing the cases of imprisoned Eskinder Nega, Swedish journalists Martin Schibbye and Johan Persson, and others.¹⁹⁹ And in November 2012 the UN Working Group on Arbitrary Detention concluded that the detention of Eskinder Nega is arbitrary, and that charges against him resulted from his “use of his free expression rights and activities as a human rights defender.”²⁰⁰

African human rights institutions have also been critical of Ethiopia’s restrictions on freedom of expression and the prosecutions of journalists. In April/May 2012 the African Court of Human and Peoples’ Rights adopted a resolution on Ethiopia stating it was “gravely alarmed by the arrest and prosecutions of journalists and political opposition members, charged with terrorism and other offences, including treason, for exercising their peaceful and legitimate rights to freedom of expression and freedom of association.” A case is also before the African Commission on Human and Peoples’ Rights on the legality of the conviction of to Eskinder Nega and Reeyot Alemu.²⁰¹

During Ethiopia’s 2014 Universal Periodic Review, the governments of South Korea, Germany, Chile, Canada, Denmark, Switzerland, France, Belgium, Czech Republic, Slovenia, Australia, and Austria recommended that the government of Ethiopia “guarantee genuine freedom of expression to all political leaders and the media, in light of the next elections” and several states called for reforms of the anti-terrorism law.²⁰² Major donors the United Kingdom and the United States did not raise freedom of expression concerns.

¹⁹⁸ OHCHR, Special Procedures of the Human Rights Council, Letter from six UN independent experts to President Meles Zenawi, October 4, 2011, https://spdb.ohchr.org/hrdb/19th/UA_Ethiopia_04.10.2011_4.2011.pdf (accessed January 15, 2014).

¹⁹⁹ OHCHR, “Ethiopia: UN experts disturbed at persistent misuse of terrorism law to curb freedom of expression,” February 2, 2012, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11793&LangID=E#sthash.LzC2YREZ.dpuf> (accessed January 14, 2015). Martin Schibbye and Johan Persson were sentenced in December 2011 to 11 years in prison, but were pardoned and released in September 2012.

²⁰⁰ UN Human Rights Council, Working Group on Arbitrary Detention, 65th Session, “Opinions adopted by the Working Group on Arbitrary Detention,” A/HRC/WGAD/2012/62, December 28, 2012, <http://www.freedom-now.org/wp-content/uploads/2013/04/Eskinder-Nega-WGAD-Opinion.pdf> (accessed November 9, 2014).

²⁰¹ See “Ethiopian Journalists challenge use of Terror Laws,” *Media Legal Defence Initiative*, October 30, 2014, <http://www.mediadefence.org/news/ethiopian-journalists-challenge-use-terror-laws> (accessed October 30, 2014).

²⁰² For specific recommendations, see UPR Info, “2RP: Responses to Recommendations and Voluntary Pledges,” November 14, 2014, http://www.upr-info.org/sites/default/files/document/ethiopia/session_19_-_april_2014/recommendations_and_pledges_ethiopia_2014.pdf.

X. Elections in 2015

The year leading up to Ethiopia's May 2015 elections should have been characterized by a vibrant and independent media contributing to the exchange of information, ideas, and perspectives on issues relevant to Ethiopian citizens of all political persuasions. Instead, private publications have closed down and two dozen Ethiopia's private journalists and bloggers are in prison, unable to contribute in any way to the political discourse that will shape the credibility of the elections in May 2015. Many others have fled the country, where their ability to contribute to discussions within Ethiopia is sharply curtailed.

Other avenues for open, constructive political dialogue have been severely and deliberately restricted since the 2010 elections by a government more concerned with cracking down on dissent than in ensuring an open and vibrant space for freedom of expression and opinion. It is crucial that a vibrant and independent media be allowed to flourish in Ethiopia, as provided by the constitution, to create space within which political dialogue can happen in a constructive and peaceful manner. Only then can future elections be deemed credible and in line with international standards.

Acknowledgments

This report was researched and written by Felix Horne, Africa researcher in the Africa division of Human Rights Watch. It was edited by Leslie Lefkow, deputy Africa director. James Ross, legal and policy director, and Babatunde Olugboji, deputy program director, provided legal and program review respectively.

Jamie Vernaelde, senior coordinator in the Africa division, provided production assistance and support. The report was prepared for publication by Grace Choi, publications director, Kathy Mills, publications specialist, and Fitzroy Hepkins, administrative manager.

Tom Rhodes, East Africa Representative, Committee to Protect Journalists, provided external review of the report.

Human Rights Watch would like to thank all of the individuals who shared their experiences for this report despite concerns of government reprisals.

Annex I: Article 29 of the Ethiopian Constitution

Constitution of the Federal Democratic Republic of Ethiopia, 1995, Article 29:
Right of Thought, Opinion, and Expression²⁰³

1. Everyone has the right to hold opinions without interference.
2. Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice.
3. Freedom of the press and other mass media and freedom of artistic creativity is guaranteed. Freedom of the press shall specifically include the following elements:
 - a. Prohibition of any form of censorship.
 - b. Access to information of public interest.
4. In the interest of the free flow of information, ideas and opinions which are essential to the functioning of a democratic order, the press shall, as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions.
5. Any media financed by or under the control of the State shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion.
6. These rights can be limited only through laws which are guided by the principle that freedom of expression and information cannot be limited on account of the content or effect of the point of view expressed. Legal limitations can be laid down in order to protect the well-being of the youth, and the honour and reputation of individuals. Any propaganda for war as well as the public expression of opinion intended to injure human dignity shall be prohibited by law.
7. Any citizen who violates any legal limitations on the exercise of these rights may be held liable under the law.

²⁰³ For more information see English version of the Ethiopian constitution on the government of Ethiopia's Ministry of Foreign Affairs website, [http://www.mfa.gov.et/docs/FDRE%20Constitution\[1\].pdf](http://www.mfa.gov.et/docs/FDRE%20Constitution[1].pdf).

Annex II: Selected EBA Licensed Publications

The following 20 newspapers and magazines, licensed by the Ethiopian Broadcasting Authority, report on political, economic, or social content (as of April 2014).²⁰⁴

Publication	Name of Publisher	Language	Schedule	Monthly Average Print Run
Addis Admas	Admas Advertising, Pvt. Ltd. Co.	Amharic	Weekly	6,267
Addis Guday	Roze Printer, Pvt. Ltd. Co.	Amharic	Weekly	12,000
Addis Standard	Jaken Publishing , Pvt. Ltd. Co.	English	Monthly	1,000
Afro Times	Gizaw and Thomas Entertainment and Press Works, Pvt. Ltd. Co.	Amharic	Biweekly	3,000
Arhibu	Sankopha Printing and Advertising, Pvt. Ltd. Co.	Amharic	Bimonthly	2,000
Capital	Crown Publishing, Pvt. Ltd. Co.	English	Biweekly	5,875
Enku	Alemayehu Printing and Advertising and Relation, Pvt. Ltd. Co.	Amharic	Bimonthly	2,000
Ethio-Channel	Z Press Promotion Agency, Pvt. Ltd. Co.	Amharic	Weekly	1,600
Ethio-Mihidar	Hulenta Printing and Advertising, Pvt. Ltd. Co.	Amharic	Weekly	3,067
Fact	Yofa Entertainment and Press Works, Pvt. Ltd. Co.	Amharic	Weekly	2,500
Jano	Asnakech Entertainment Press Works, Pvt.Ltd. Co.	English	Bimonthly	1,750
Keha iske pe	Berhanu and Tiruneh Advertising and Relation, Pvt. Ltd. Co.	Amharic	Bimonthly	500

²⁰⁴ See EBA website, undated, <http://www.eba.gov.et>.

Konjo	Tewodros Entertainment and Press Works, Pvt. Ltd. Co.	Amharic	Bimonthly	3,000
Life	Life Printing, Pvt. Ltd. Co.	Amharic	Bimonthly	2,500
Lomi	Dadimos Entertainment and Press Works, Pvt. Ltd. Co.	Amharic	Weekly	12,000
Sendek	Sendek Printing and Advertising, Pvt. Ltd. Co.	Amharic	Weekly	1,667
Sink	Abreham Gizaw Entertainment and Press Works, Pvt. Ltd. Co.	Amharic	Bimonthly	1,500
Reporter	Media and Communication Center, Pvt. Ltd. Co.	Amharic	Biweekly	10,750 and 8,667
The Reporter	Media and Communication Center, Pvt. Ltd. Co.	English	Weekly	4,250
Yegna Press	Yordanos Seyoum Media Printing and Advertising, Pvt. Ltd. Col.	Amharic	Biweekly	2,700

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Lane Hartill, *Researcher*
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Annex III: Letter to the Government Communication Affairs Office



HRW.org

December 12, 2014

Minister Redwan Hussein
Government Communication Affairs Office (GCAO)
Government of Ethiopia
P.O. Box: 1364/530
Addis Ababa, Ethiopia

Via facsimile: +251-115-52-20-60, +251-115-54-25-87

Re: Media Freedom in Ethiopia

Dear Minister Redwan,

I am writing to request the government's response and perspective regarding research that Human Rights Watch is conducting on media freedom in Ethiopia.

Human Rights Watch is an independent organization that monitors and reports on human rights in more than 90 countries. We produce reports on our findings to raise awareness about human rights issues and to promote policy recommendations for change.

Since May 2013, Human Rights Watch has been investigating the situation of private media in Ethiopia. Human Rights Watch has found that since 2010, at least 60 journalists have fled Ethiopia while at least another 18 have been imprisoned. The authorities regularly harass, threaten, and detain journalists who are not viewed as supportive of government policy, generating fear and self-censorship. Dozens of publications have been shut down. Printers and distributors are regularly targeted for their work with private publications and websites are blocked. The regulatory system is very politicized and the authorities strictly limit/prevent independent journalism associations from forming.

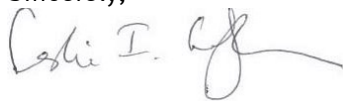
Human Rights Watch is committed to producing material that is well-informed and objective. We hope you and your staff would be able to answer the following questions so that your views are accurately reflected in our reporting:

1. Ethiopia's constitution contains strong provisions on freedom of expression and press freedom, yet many journalists have fled the country and others have been prosecuted for their work. What steps is Ethiopia taking to ensure that the media will be able to freely investigate and report on issues ahead of the May 2015 elections?
2. Given minimal private radio and television stations based outside of Addis Ababa, and the concentration of print media in Addis Ababa, has the government provided incentives or adopted policies to promote independent media outside of Addis Ababa?
3. It is our understanding that the Ethiopian Broadcasting Agency (EBA) has the legal authority to regulate media, and according to the Broadcasting Service Proclamation it is ultimately accountable to the Government Communication Affairs Office (GCAO). Could you please confirm whether this is currently accurate? What role does the GCAO play in regulating content and conduct of media professionals? If the GCAO is accountable to the Prime Minister, how does this affect the EBA's position as an independent regulatory authority?
4. In 2014, several journalists and bloggers have been arrested for allegedly communicating with nongovernmental organizations advocating freedom of expression, including Article 19 and the Committee to Protect Journalists. On what legal basis are these individuals detained?
5. The African Court on Human and Peoples' Rights (ACHPR) ruled on December 5 that Burkina Faso violated the rights of Burkinabé editor Issa Lohé Konaté by sentencing him to 12 months in prison for defamation, and that the government of Burkina Faso must amend its laws relating to criminal defamation. What steps does the Ethiopian government plan to take to bring its legislation in line with the ACHPR decision? Will this ruling affect the cases of Ethiopian journalists convicted under article 613 of the criminal code?
6. Several journalists and media professionals detained in Maekelawi and other detention centers have alleged that they were subjected to ill-treatment in detention, or had difficulty gaining access to legal counsel. What is the government's response to these allegations? Will the government permit representatives of human rights organizations and foreign diplomats access to prisons and detention centers to privately meet with detained journalists?
7. Please provide details on any government officials including security personnel who since 2010 have been investigated, suspended from duty, disciplined or prosecuted for harassing, threatening or arbitrarily detaining journalists or other media professionals.
8. Can you please clarify the current status of the draft proclamation on distribution of print media?

9. The Freedom of the Mass Media and Access to Information Proclamation states in article 5(2) that “Journalists have a right to organize themselves into professional associations of their choice.” Given this, on what legal basis was the Ethiopian Journalist Forum (EJF) denied registration?
10. The Freedom of the Mass Media and Access to Information Proclamation provides a mechanism for freedom of information requests. Could you please provide information on the freedom of information requests to date – including the number of requests made and the number that have been fulfilled.
11. Human Rights Watch has documented the intentional jamming of numerous radio stations and television stations in apparent contravention of International Telecommunication Union (ITU) regulations. On what legal basis did Ethiopia jam these stations? Does the reduction of jamming since April 2013 indicate a change in policy regarding jamming by the Ethiopian government?
12. What policies or procedures are in place to guide the government’s blocking of certain websites? What is the legal basis for this practice?
13. What role did the GCAO or other government institutions play in the production or content of the programs that were shown on EBC in 2014 that targeted private publications?
14. A number of journalists have reported being called to the GCAO offices after being detained by security forces and being questioned over content of their articles or publications. Given EBA’s role as the regulator of media content, under what legal basis does the GCAO question detained journalists?

Thank you for your consideration of this letter and we look forward to your responses to our inquiries. We would appreciate receiving your response to this letter by January 12, 2015, to ensure that it can be reflected in our final report. We would also greatly appreciate the opportunity to meet with you in person to discuss these questions and the findings of this report. Please let us know a suitable time for a visit.

Sincerely,

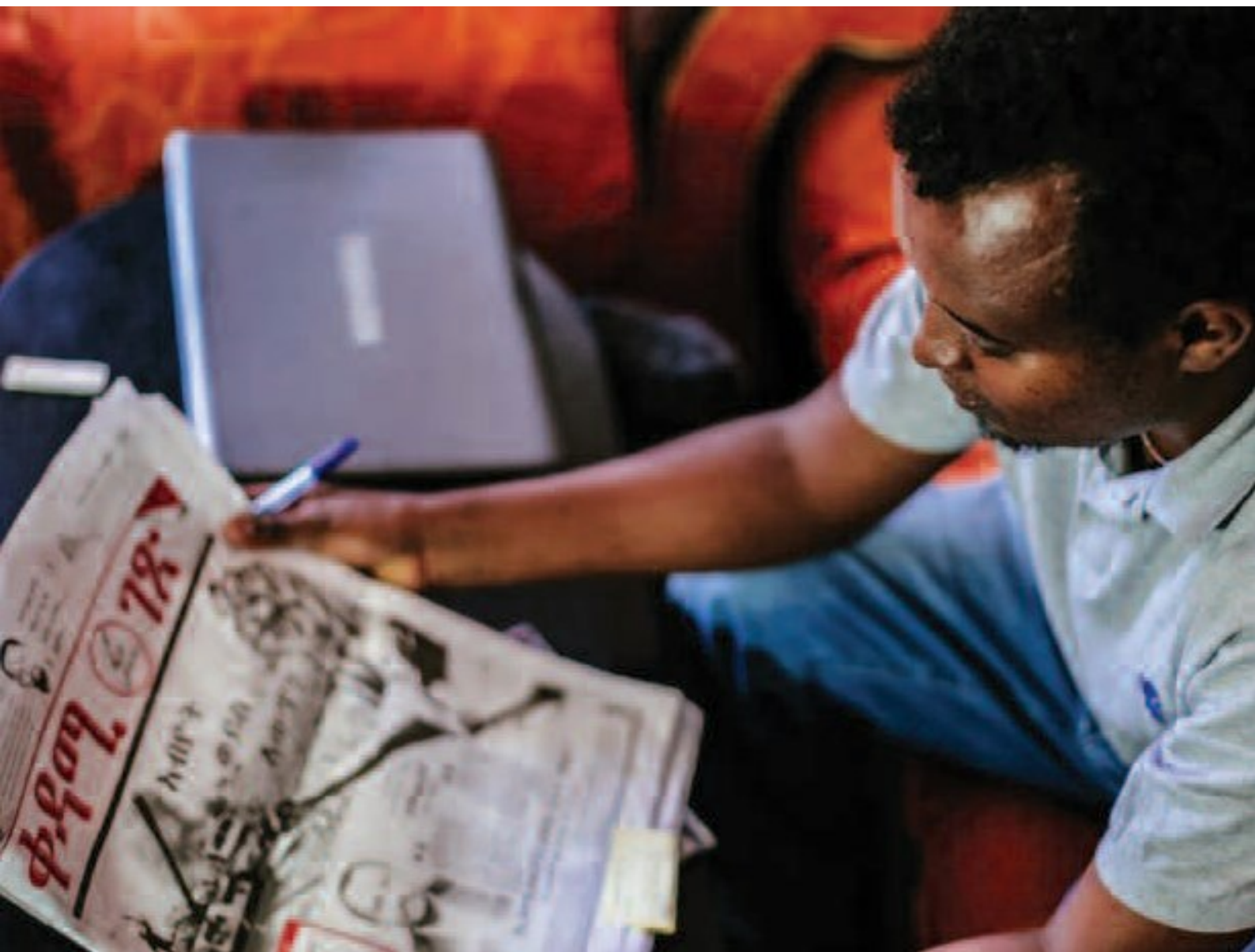


Leslie Lefkow
Deputy Director, Africa

CC:

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With the approach of Ethiopia's elections in May 2015, the environment for the media is dire. The little independent media that existed during the last elections in 2010 has been further repressed over the past five years.

The government regularly threatens and arrests journalists and bloggers who are remotely critical of government policy. At least 60 Ethiopian journalists have fled into exile since 2010 and another 19 languish in prison. In 2014, six independent publications closed amid a constant barrage of harassment and eventual criminal charges against many of the owners and editors. Self-censorship is rampant, the regulatory system is politicized in favor of the ruling party, and printers and distributors are pressured into dropping private publications that offer critical coverage. Independent radio and television stations based outside of Ethiopia are routinely jammed and webpages offering critical perspectives are blocked. The net effect is diminishing access to independent news coverage and analysis in Ethiopia.

"Journalism Is Not a Crime": Violations of Media Freedom in Ethiopia documents the strategies used by the Ethiopian government to control independent reporting and analysis and restrict access to information. Based on more than 70 interviews with current and former journalists and media professionals, this report describes the dismal state of Ethiopia's media and the resulting impact on freedom of expression and the media.

Human Rights Watch calls on the Ethiopian government to immediately release detained and convicted journalists and bloggers and amend repressive laws used to target the media. Concerned governments and regional and international institutions should publicly and privately raise concerns about violations of media freedom with Ethiopian government officials.

(above) An exiled Ethiopian journalist reading a now defunct newspaper in 2014.

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(front cover) Newspaper readers at Arat Kilo, a square in Addis Ababa, Ethiopia.

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