

Urgent Action

In Focus

An insight into the stories behind UAs

Public

July 2004

AI Index: ACT 60/014/2006

Defending their lives: On Trial in Ethiopia

PICTURE CAPTION:

From left to right: Bedru Adem, MP; Daniel Bekelle, Action Aid; Dr. Befekadu Degefe, CUD MP; Mesfin Woldermariam, Human rights defender; Kassahum Kebede, teacher; Kifle Tigeneh, CUD MP; Dr Yacob Hailemariam, CUD MP; Ms Serkalem Fasil, journalist (who has given birth in detention); Eskinder Negga, Journalist; Hailu Shawel, CUD President; Ms Birtukan Mideska, CUD Vice President and former judge; Netsanet Demisse, environment and human rights lawyer

In June and November 2005, demonstrations that left over 80 people dead and hundreds wounded took place in Addis Ababa, the Ethiopian capital, and other towns across Ethiopia in response to alleged election fraud in the May 2005 elections.

Thousands of opposition party members, human rights defenders, journalists and others were arrested during and after the demonstrations. Many have been released, but now 111 people are on trial before the Federal High Court in Addis Ababa. Charges filed against them include "high treason", "outrages against the Constitution", and "genocide". If convicted, they could receive death sentences. This trial has major implications for human rights, media freedom, democratization and the development of an effective and independent justice system in Ethiopia. The accused include elected opposition members of parliament, journalists and human rights defenders, considered Prisoners of Conscience (POCs) by Amnesty International (AI). AI is urging the international community to increase their efforts to work for the release of these defendants.

Elections and demonstrations

The general elections on 15 May 2005 were the third that took place under the 1995 Constitution and the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) coalition, headed by

Prime Minister Meles Zenwai, which has been in power since 1991. The coalition is headed by the Tigray People's Liberation Front (TPLF). The EPRDF overthrew the Marxist-Leninist government of President Mengistu Hailemariam (known first as the Dergue, or "committee", and which later formed the ruling Workers Party of Ethiopia (WPE)) after a long armed conflict. Many are still being tried on capital charges of genocide for massive human rights abuses committed over a 17-year period by the Dergue and WPE governments after the revolution of 1974, which overthrew Emperor Haileselassie's government.

In the run up to the 2005 elections, AI had expressed concern at reports of human rights violations against opposition members, particularly the Coalition for Unity and Democracy (CUD), including several killings, arbitrary detentions, harassment and intimidation by local police and militias. The EPRDF and its affiliated parties faced stronger opposition in 2005 than in previous elections by national and regional opposition parties, mainly from two coalitions, the CUD and the United Ethiopian Front (UEDF). Several opposition parties claimed that their members faced considerable restrictions and human rights abuses, particularly in remote rural areas outside the gaze of the international community and the media, centred in Addis Ababa.

Immediately after the 15 May poll, the opposition

alleged election fraud by the government and EPRDF. In response, Prime Minister Zenawi banned demonstrations and took control of the security forces in Addis Ababa. On 8 June, soldiers in Addis Ababa shot dead 42 people who were protesting at the alleged fraud. Thousands of suspected opposition party supporters were also detained in harsh conditions and some were badly beaten. After a few weeks, all had been released on bail after short court appearances (*see UA 261/05, AFR 25/013/2005, 30 September 2005 and follow ups*).

In early November, the main opposition CUD, whose 109 MPs were boycotting the new parliament after the removal of their parliamentary immunity, called for a series of non-violent protest actions and boycotts of ruling party businesses. On 1 November, 30 taxi drivers were arrested for honking their car horns during the protest action. The demonstrations reportedly started peacefully, but after riot police started using live ammunition to target protestors in the central Mercato and other districts, the protests deteriorated over the next two days into stone-throwing, building barricades and burning vehicles. Many people were reportedly beaten severely by soldiers and police with some 30 people reportedly shot dead, 150 people wounded and thousands of people arrested. Two police officers were also reportedly killed by the protestors (*see UA 284/05, AFR 25/017/2005, 2 November 2005*).

Many thousands of people are still believed to be detained incommunicado in camps, despite the release of 8,000 people without charge in November 2005. Arrests have continued into 2006. Schoolchildren, college students and teachers were among thousands of demonstrators detained, particularly in Addis Ababa and the Amhara and Oromia regions after demonstrations at the end of December (*see UA 26/06, AFR 25/003/2006, 3 Feb 2006*). The government-controlled parliament established an inquiry on 26 April 2006 to report within three months on the violence which surrounded June and November demonstrations, but the report has not yet been published.

The European Union Election Observation Mission expressed serious concerns about the fairness of the elections in both an interim report published in August 2005 and a final report published in March 2006. The final report concluded that "overall ... the elections fell short of international principles for genuine democratic elections." Prime Minister Zenawi called the interim report "garbage" and has not so far responded to the final report. In January

2006, the British government cut off US\$88 million equivalent budget support to Ethiopia due to concerns about governance and human rights issues arising from the elections.

Arrested and charged

After the demonstrations on 1 November 2005, following the street protests and police shootings, with a stay-home strike in process and many businesses closed, suspected opposition supporters, human rights defenders and journalists of the private press began being systematically arrested by police and taken away to unknown destinations. A woman was reportedly shot dead at home when she complained about the police arresting her husband, a CUD activist (*see AI press statement: AFR 25/019/2005*). Several thousand suspected government opponents from CUD and other opposition parties were detained over the coming days. There were reports of ill-treatment and intimidation of defendants after arrest, and after several weeks in custody, most of the CUD leaders and journalists went on hunger strike until they felt that the international community had taken notice.

Over 80 defendants, which included ten newly-elected members of parliament and other officials of the opposition CUD party, appeared before the Federal High Court in Addis Ababa on 23 February when the trial formally opened. Charges filed against them included treason, "outrages against the Constitution", armed conspiracy, and attempted "genocide". The grounds advanced by the prosecution for the charge of "genocide" do not meet internationally-recognized definitions of genocide and AI has called this charge "absurd". A total of 111 people have now been charged and are facing trial.

Almost the entire leadership of the CUD party are on trial, including major elected officials of the capital Addis Ababa: Dr Berhanu Negga, Hailu Shawel (CUD President and All Ethiopia Unity Party leader and civil engineer) and Birtukan Mideska (f) (CUD vice-president, Rainbow leader and lawyer). The defendants also include human rights defenders, journalists, lawyers (including Yakob Hailemariam, former UN genocide prosecutor at the Rwanda tribunal and former UN Special Envoy in the Cameroon/Nigeria border dispute), academics, members-elect of the national parliament, and members-elect of the Addis Ababa city council.

In addition, six newspaper publishing companies are charged. Twenty-five defendants are being tried in absentia for "outrage against the

constitution", including five journalists of original Ethiopian nationality who live in the United States and work for the Voice of America (VOA) radio station.

"These people are prisoners of conscience, imprisoned solely on account of their non-violent opinions and activities," said Kolawole Olaniyan, Director of Amnesty International's Africa Programme. "It is unacceptable that they are now facing serious criminal charges that could lead to death sentences and possible execution. We demand their immediate and unconditional release and a halt to this attempt by the Ethiopian government to criminalize freedom of expression and prevent legitimate political and human rights activity."

The CUD leaders and journalists decided in advance of the opening of the trial on 2 May, to boycott the trial on the grounds that they believed that it would be fundamentally unfair and that the court was not independent. They claimed that they had been convicted in advance. The court entered "not guilty" pleas on their behalf.

The trial is being held in open court before a panel of three judges headed by a presiding judge. An EU trial observer, foreign diplomats and some local and foreign journalists have been attending the proceedings, and Amharic-English interpretation is being provided by the court.

If they are convicted, the defendants will have the right of appeal to the Supreme Court. If they are condemned to death, they will have the right to petition the the President, Girma Woldegiorgis, for clemency. According to the Constitution, the President may commute a death sentence, except if the accused has been sentenced for crimes against humanity.

Human rights defenders and journalists at risk

Professor Mesfin Woldemariam, aged 76, a retired geography professor at Addis Ababa University, founded the Ethiopian Human Rights Council (EHRCO), a non-governmental organization and the only human rights group officially registered in Ethiopia, in 1991. Prior to his arrest, he was in bed for three months suffering from severe leg and back pain requiring regular medical attention. He was allowed to have his own mattress in prison but his physiotherapist was not allowed to treat him. In detention, he manages to walk with a stick. In December 2005, Professor Mesfin was among several CUD members who went on a hunger strike

for several weeks. He resumed his hunger strike on 8 February 2006 and is reported to be very weak.

Daniel Bekele, a human rights lawyer, is the policy and advocacy manager of the Ethiopian office of ActionAid, the international development agency. Netsanet Demissie, a human rights and environmental rights lawyer, is the founder and director of the Organization for Social Justice in Ethiopia (OSJE) a local human rights NGO. Both men, as anti-poverty activists, had been closely involved in activities in Ethiopia in support of the Global Call for Action against Poverty (GCAP). They were not members of any political party, and it appears that they may have been arrested solely on account of their criticisms of the government in the course of their legitimate civil society activities. Kassahun Kebede is a chair of the Addis Ababa branch of the Ethiopia Teachers association (ETA), the oldest trade union in Ethiopia.

The charges against the journalists of independent and privately-owned newspapers are apparently based on published interviews with opposition leaders that criticized the government and ERPDF during the election process. The charges against them contradict both guarantees of media freedom contained in the Ethiopian Constitution and international standards. Journalist Serkalem Fasil, has reportedly just given birth whilst in detention and has complained of a lack of medical and pre-natal care during her detention. Since 1992, at least 300 journalists have been arrested and imprisoned in Ethiopia, although since 2003, international pressure has resulted in fewer arrests and trials of journalists.

All of the defendants, except those tried in abstenia, are held in Kaliti prison on the outskirts of Addis Ababa. Cells are reportedly overcrowded, with some cells holding 30 prisoners and others holding up to 300. Sanitary and toilet facilities are inadequate, and during the night prisoners are locked into cold zinc-walled cells. Medical treatment is available when prisoners need to go to hospital, although treatment is often delayed. Written communications are not allowed, even to legal counsel, and reading materials are restricted. Consultations with legal representatives must usually be conducted in the presence of a police or security officer and must be carried out in Amharic, even if this is not the prisoner's mother-tongue. There have also been some reports of beatings of prisoners.

Will the trial be fair?

AI has received reports that many judges have been dismissed in recent years, some allegedly on account of delivering judgments against the government. Defendant Birtukan Mideska, alleges that her own dismissal as a judge was a result of her delivering a judgement that was unfavourable to the government. Other judges have allegedly been promoted on delivering favourable judgements.

On 5 December 2005, the African Commission on Human and Peoples' Rights adopted a resolution on the human rights situation in Ethiopia which included requests to release all those arbitrarily detained and to guarantee rights including fair trial, freedom of expression and political assembly. AI attended the 39th session of the Africa Commission in May 2006 and highlighted AI's concerns and pressed for the implementation of this resolution. The European Union, concerned about the fairness of trial, has appointed an international trial observer, and AI delivered a statement outlining concerns to the European Parliament on 15 May 2006.

On 24 April 2006 Ethiopia's main donor group, the Ambassadors' Donors Group, which includes bilateral donors, the African Development Bank, the European Commission, the UN Development Programme and the World Bank, called for the release of the imprisoned CUD leaders and representatives of the media and civil society, saying that "All elected leaders should be given a chance to take part in the political reconciliation process".

Louise Arbour, the UN High Commissioner for Human Rights, visited Ethiopia in late April 2006. She is reported to have met with Ethiopian Government officials, including Prime Minister Zenawi, and visited local prisons. She reportedly expressed concern about the charges against the defendants, and she reportedly described the human rights situation in Ethiopia as "worrying".

The Government of Ethiopia sent a response to AI via the embassy in London condemning AI's report and campaign: "*Amnesty has no grounds whatever(sic) for the position it took with regard to these individuals who are accused of very serious crimes, nor does it have any grounds to question the independence and integrity of the Ethiopian institutions.*"

Even so, AI will continue to urge the international community to increase their efforts to work for the release of these defendants and to mobilize AI's membership to campaign on behalf of them. AI has received messages of thanks from associates of the defendants for the report and Urgent Actions, which may continue throughout the trial.

For complete information about the defendants and the proceedings, please see AI's report, Ethiopia: Prisoners of Conscience on trial for treason: opposition party leaders, human rights defenders and journalists, AI Index: AFR 25/013/2005