



The Chairperson
African Commission on Human and Peoples' Rights
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**Item 9 (b, iv.): Special Rapporteur on Freedom of Expression and Access to Information in Africa:
Ethiopia**

Madame Chairperson, Honourable Commissioners,

Freedom of expression was subjected to a sustained attack in Ethiopia during 2011, and this has continued into 2012. In the six months since the last session of this Commission, five journalists, one opposition party leader, and one former opposition supporter have been sentenced to lengthy prison terms for offences under the Anti-Terrorism Proclamation.

Another high profile dissident journalist, Eskinder Nega, is currently on trial – for the eighth time. He is charged with terrorism, treason and other offences. The trials also continue of at least 101 opposition party leaders and members. A further five journalists, two political opposition members and one human rights defender are also on trial in absentia. All are being tried for various offences under the Anti-Terrorism Proclamation and Criminal Code, including treason and attacking the integrity of the state.

Many of those convicted or still on trial had been vocal in their commentary on national politics and in criticising government practice. Many were arrested in the days immediately after public criticism of the government, involvement in public calls for reform or applying for a permit to hold demonstrations, or after attempting to conduct investigative journalism in a region of Ethiopia to which the government severely restricts access.

Evidence presented in the trials of those already convicted, and cited in the charge sheets against the defendants in the ongoing trials does not illustrate activities that amount to criminal wrongdoing or terrorism. Instead, much of the evidence presented in these cases relates to the defendants exercising their rights to freedom of expression and association. Evidence has included numerous newspaper and website articles written by defendants criticising the government, communication with news outlets known to be critical of the government, articles written about the uprisings in the Middle East and North Africa, poems written by defendants, and even articles sent to the defendants by other people.

Further, much of the evidence against some of those already convicted related to the journalistic reporting on or alleged involvement in calls for peaceful protest against the government.

Prosecutions and convictions on the basis of these evidences indicate that freedom of expression is being criminalised in these trials, and that peaceful opposition to the government or calls for peaceful protest are being interpreted as acts of terrorism.

In addition to those on trial, large numbers of other opposition members arrested in 2011 remain in arbitrary detention since their arrest. Some of those arrested are reported to have disappeared.

In October 2011 the Prime Minister publically announced that further arrests of opposition leaders and members would take place, and indeed the crackdown continued, with more arrests of opposition figures taking place between October and December 2011. In the first week of December alone 135 people were arrested in the Oromia region, some, if not all, of whom were members of the two main Oromo opposition parties.

The prolonged series of arrests and prosecutions of critics and opponents of the government indicates the systematic use of the law and the pretext of counter-terrorism to silence those who criticise or question government policy and practice.

The provisions of the Anti-Terrorism Proclamation define terrorism so broadly that they can be used to criminalise freedom of expression and legitimate peaceful activity, including that of journalists, opposition members and peaceful protestors. This misuse of the broad provisions of the legislation has been illustrated in the cases cited above.

The series of arrests and prosecutions have also sent a chilling message to others attempting to exercise their right to freedom of expression – remain silent or risk arrest. In November 2011, the Awramba Times newspaper, one of the last remaining independent media voices, shut down and its editor fled the country after a smear campaign in a state-run publication and a warning of imminent arrest. The Awramba Times deputy editor was one of those journalists sentenced to lengthy prison terms in January 2012. Another journalist and at least one opposition politician also fled in November after being threatened with arrest.

Representatives of other groups critical of the government were also arrested during 2011. Large numbers of students were arrested across the Oromia region, including from the universities of Jimma, Haromaya and Nekemte. The authorities have not availed any official information on these arrests including names of those arrested, what they are charged with and where they are detained.

There were also a number of incidents during 2011 in which people were arrested whilst peacefully protesting against a range of human rights violations, including forced evictions and political arrests of others.

Three laws introduced since 2008 – the Anti-Terrorism Proclamation, the Charities and Societies Proclamation and the Mass Media Proclamation, significantly curtail citizens' right to freedom of expression and their ability to criticise their government. These three laws, the arrests and prosecutions in 2011 and the inherent threat to others, mean that there is ever-decreasing independent political commentary or scrutiny of government actions. In this context the government of Ethiopia continues to be responsible for widespread human rights violations.

The restrictions on freedom of expression in Ethiopia therefore underpin and exacerbate all other violations of the rights of the Ethiopian people.

Amnesty International calls upon the African Commission to:

- Urge the Ethiopian authorities to observe their obligations under domestic and international law to protect and promote freedom of expression, by immediately ending the practise of arresting those who hold different political opinions;
- Call upon the Ethiopian authorities to cease the targeting of journalists who are conducting their legitimate professional work, which includes reporting on peaceful protests and reporting on the activities of opposition groups, armed groups and groups proscribed as terrorist organisations;
- Urge the Ethiopian authorities to cease the use of criminal prosecutions to silence the freedom of expression of opposition politicians, independent media, and other groups critical of the government.

- Urge the Ethiopian authorities to ensure that all detainees are promptly charged with a recognisable criminal offence or are released immediately and unconditionally.
- Call upon the Ethiopian authorities to make available full details of all those arrested in 2011, including members of political parties and students. Information must include the names, current location and detention status of all detainees.