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African Union must ensure implementation of vital resolution on human rights in Ethiopia

The African Commission on Human and Peoples' Rights (the Commission) has expressed serious concern about the situation of human rights in Ethiopia. At its 51st Ordinary Session held in The Gambia from 18 April to 2 May 2012, the Commission passed a country resolution on Ethiopia¹ "condemning" and expressing "grave concern" at a number of serious human rights concerns in the country and directing recommendations to the government of Ethiopia in relation to these issues.

Amnesty International hails the resolution as an important milestone in recognizing the grave and deteriorating human rights situation in Ethiopia. The resolution also makes a crucial contribution towards breaking the silence that all too frequently surrounds the state of human rights in Ethiopia.

The recommendations presented in the resolution to the government of Ethiopia represent vital steps towards addressing some of the most serious human rights concerns in the country. As such, Amnesty International urges the African Union to take all possible measures to support the resolution and to ensure that the recommendations contained therein are accepted by the government of Ethiopia and are implemented fully and promptly.

In the resolution the African Commission declared itself "deeply concerned at the frequent allegations of the use of torture in pre-trial detention in Ethiopia." Torture and other forms of ill-treatment continue to be regularly reported throughout Ethiopia. Particularly notorious is the Maikelawi federal police detention centre in Addis Ababa, which was cited by the Commission as a principal cause of concern. Political detainees, including journalists and political opposition members, are detained in Maikelawi and subjected to interrogation before being charged with an offence. Some detainees in Maikelawi are never charged with an offence and are detained for arbitrary periods of time. Numerous current and former detainees have reported the use of torture against them during interrogation, including several defendants in recent high profile trials of dissidents, as documented in Amnesty International's December 2011 report "*Dismantling Dissent: Intensified crackdown on free speech in Ethiopia*." None of the allegations of torture cited in this report have been investigated by the relevant authorities.

As the Commission's resolution notes with concern, the risk that detainees will be subjected to torture is increased by the lack of access for independent monitors to prisons and detention facilities throughout Ethiopia.

The Commission further noted with concern that detainees are frequently denied access to legal representatives and family members, which also increases their risk of being subjected to torture or other forms of ill-treatment. Detainees in Maikelawi are regularly held incommunicado – without access to lawyers or family members – during the first one to two months of detention. It is also during these early stages of detention that torture is consistently reported to take place. In "*Dismantling Dissent: Intensified crackdown on free speech in Ethiopia*," of the 114 cases of journalists and opposition members documented in the report, all of whom were initially detained in Maikelawi, at least 105 were denied access to family members and legal representatives during the first month of their detention, and longer in some cases.

In its resolution the Commission also declared that it was "deeply concerned at the reported use of unofficial and ungazetted places of detention in Ethiopia." Large numbers of former detainees have reported being detained in military camps in the Oromia and Somali regions of Ethiopia. Other former detainees have reported detention in

¹ 218: Resolution on the Human Rights Situation in the Democratic Republic of Ethiopia, 2 May 2012:
<http://www.achpr.org/sessions/51st/resolutions/218/>

private buildings functioning as secret prisons. These detentions are always arbitrary and are not subject to judicial review. The resolution notes that the unofficial nature of these detention places “increases the risk that detainees will be subjected to torture or other forms of ill-treatment.” Numerous reports from these unofficial detention places include allegations of the use of torture. Detainees held in unofficial places of detention have no access to family members or legal counsel.

Amnesty International welcomes the recommendation of the Commission to the government of Ethiopia that access must be allowed to prisons and detention facilities for independent monitors; that all detainees must have full access to family members, legal counsel, and any medical treatment required; that all detainees in unofficial detention centres must immediately be removed to recognised places of detention; and that all detainees must be immediately charged with a recognizable criminal offence, or released.

The Commission further recommended that the government of Ethiopia should adopt strategies to provide continuous human rights training to the judiciary and prison administration, particularly in relation to fair trial rights and the rights of detainees. The implementation of this recommendation must be accompanied by clear directives from the Office of the Prime Minister and the Ministry of Justice that torture and other violations of the rights of detainees will not be tolerated, and must further be accompanied by efforts to bring perpetrators of torture to justice.

In “*Dismantling Dissent: Intensified crackdown on free speech in Ethiopia*” Amnesty International recommended that the Government of Ethiopia initiate prompt, thorough, effective and impartial investigations into all allegations of torture or other ill-treatment made by detainees cited in that report. Although some of these allegations were made in court, no investigation has been conducted into any of the complaints; nor was a response received to Amnesty International’s recommendations to the government.

The Commission also expressed that it was “gravely alarmed by the arrests 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.” During 2011 over 114 journalists and opposition party members were arrested in Ethiopia on suspicion of terrorism-related offences. The vast majority of these were subsequently charged with various offences under the Anti-Terrorism Proclamation and the Criminal Code. Much of the evidence presented against the defendants in these trials – some of which are ongoing – did not illustrate criminal wrong-doing, but were instead examples of the defendants exercising their right to freedom of expression and association.

The Commission emphasized its concerns regarding legal restrictions on freedom of speech, particularly in the Anti-Terrorism Proclamation and the Mass Media and Access to Information Proclamation. The Commission called for both laws to be amended to remove provisions that do not conform to rights of freedom of expression provided in international human rights law. In January 2012, journalists Reyot Alemu and Woubshet Taye, opposition party leader Zerihun Gebre-Egziabher and former opposition supporter Hirut Kifle, were found guilty on terrorism charges and sentenced to lengthy prison terms. Much of the evidence presented against them related to alleged reporting on and involvement in, calls for peaceful protests against the government. In December 2011 Swedish journalists Martin Schibbye and Johan Persson, who entered the country clandestinely to report on the ongoing conflict in the Somali region, were convicted on terrorism charges and sentenced to 11 years’ imprisonment. Journalist Eskinder Nega, this year’s winner of the prestigious PEN/Barbara Goldsmith Freedom to Write Award, is still on trial on terrorism and treason charges after criticizing the government and calling for reform and increased press freedom. Amnesty International has long criticized the Anti-Terrorism Proclamation and called for its amendment due to concerns that the legislation could be used to criminalize the legitimate exercise of rights to freedom of expression and association. In the above cited court cases, these concerns have been borne out.

Finally the Commission’s resolution condemned “the excessive restrictions placed on human rights work by the Charities and Societies Proclamation, denying human rights organizations access to essential funding, endowing the Charities and Societies Agency with excessive powers of interference in human rights organizations, further endangering victims of human rights violations by contravening principles of confidentiality.” The Charities and Societies law, passed in 2009, has had a devastating impact on human rights organizations in the country. As a result of the funding restrictions contained in the law, at least 17 organisations including some of the country’s leading human rights organisations, have changed their mandate to no longer work on human rights. Those organisations who are attempting to continue working on human rights have been forced to significantly scale back their operations because of the funding restrictions. A retroactive application of the law has seen the freezing of over US\$1 million in

assets of the country's two leading human rights organisations. The law grants a governmental Charities and Societies Agency wide-reaching powers of surveillance and direct involvement in the management and operations of organisations, including the power to suspend licences and confiscate and transfer the assets of any organisation.

Human rights defenders risk terms of imprisonment for violating the provisions of the law. Ethiopia's human rights defenders had been subjected to threats, attacks, and imprisonment for many years. The Charities and Societies Proclamation has institutionalised this hostility that the government has long shown towards human rights defenders.

The concern regarding the Charities and Societies Proclamation underpins all the other concerns cited in the resolution passed by the Commission – in placing restrictions on human rights work, preventing organizations from conducting research and documenting violations, obstructing the provision of assistance to victims of violations, and curtailing advocacy for legal reform, the conduct of human rights education and other essential activities, the Charities and Societies Proclamation is undermining the protection and promotion of all the rights of the Ethiopian people. Whilst the government has removed this essential layer of scrutiny and activism, it continues to be responsible for widespread human rights violations. The implementation of the recommendation of the African Commission – that the Charities and Societies Proclamation be amended in accordance with the UN Declaration on Human Rights Defenders, is therefore vital to the protection of human rights in Ethiopia.

The full implementation of all the recommendations contained in the Commission's resolution is essential for the protection of human rights in Ethiopia and must be addressed with the utmost urgency.