

ETHIOPIA

Journalists in prison - press freedom under attack

1. A long-running pattern of attacks on the private press

There are currently at least 16 journalists in prison in Ethiopia. In total over the past five years, over 200 editors and reporters from the independent private press have been arrested at various times, and several of them many times over.

They were detained under the Press Law which was introduced in October 1992, 17 months after the government of Meles Zenawi came to power. Other people connected to these newspapers -- publishers, office managers, newspaper distributors and street-sellers -- have also been arrested. Over a dozen journalists have fled the country, alleging that they have been persecuted for their professional journalistic activities and their published opinions.

Most of the 16 journalists now in prison have been detained for some months but without being formally charged. Two are serving prison sentences of between one and two years. The imprisoned journalists are all held in Addis Ababa, either temporarily in the police Central Investigation Centre (known as *Maikelawi* or the Third Police Station) or after court remand or sentencing in the Central Prison (known as *Karchele*). Dozens more journalists arrested in the past year were provisionally released on bond but could still face prosecution and imprisonment.

In the last four months of 1997 there were at least 17 new arrests. There have been 14 more recorded in the first three months of 1998. As some were provisionally released, others were arrested. January 1998 saw an unprecedented attack on one newspaper alone, *Tobia*, where four of its journalists were arrested, the office was burnt down by unidentified arsonists, and six office staff were detained on suspicion of setting fire to their own office.

Nearly all the journalists who have been arrested since 1993 were detained because of newspaper articles critical of the government. Amnesty International considers most of them as prisoners of conscience imprisoned on account of the peaceful expression of their opinions and their professional activities as journalists.

Background

Detentions of journalists have taken place in a context of widespread human rights violations. Scores of peaceful government opponents, as well as several thousand suspected supporters of armed opposition groups fighting in different parts of the country, are detained without trial. Torture, "disappearances" and extrajudicial executions keep on being reported, particularly in the conflict zones in the Oromo and Somali regions, but also in the capital Addis Ababa.

Press freedom was severely restricted by Emperor Haile Selassie's government (1930-1974) and much more so by its successors from the 1974 revolution up to 1991 -- the Dergue and Lieutenant Colonel Mengistu Haile-Mariam's Workers Party of Ethiopia (WPE) government. Under the Dergue, which committed massive human rights violations for which Dergue members are now on trial, publications and press organizations were tightly controlled. The Dergue violently suppressed any opposition or independent opinion. Newspapers were official propaganda organs and of poor journalistic quality. After the overthrow of the Mengistu government in 1991 by the Ethiopian People's Revolutionary Democratic Front (EPRDF), Meles Zenawi's government made a commitment to democratic freedoms and a multi-party political system, and pledged to support the rights to freedom of opinion, expression and association.

However, today there are no opposition parties in the EPRDF-dominated federal parliament, although it contains representatives of over 60 pro-government ethnic-based parties. Only a few opposition parties have been officially given registration and even they operate under great difficulties, particularly outside the capital. Pressure has been exerted on trade unions, local non-governmental organizations (NGOs) and professional associations (journalists and teachers, in particular) so that they do not oppose the government. Despite much talk by the government of human rights progress, the only open human rights monitoring group, the Ethiopian Human Rights Council, has been refused registration and its bank account has been frozen, although it has not been shut down. Government critics and opponents have at times been accused of supporting or having links with armed opposition organizations, such as the Oromo Liberation Front (OLF), the Ogaden National Liberation Front (ONLF) and others. In these troubled circumstances, the main public forum for peacefully expressing independent and critical opinion has been the private press.

2. The Press Law - a weapon against press criticism

The Press Law was gazetted in 1992 as a "Proclamation to provide for the Freedom of the Press". It says: "Freedom of the press is recognized and respected in Ethiopia" (article 3.1) and "[The] Press stands for the pursuit of fundamental freedom, peace, democracy, justice, equality and for the acceleration of social and economic development" (article 4.1) .

After 17 years of total government and party control over the media, the Press Law seemed to promise a new era of freedom of expression. Formal censorship bodies were abolished. The Press Law allowed an independent and privately-financed press alongside the government-funded official media, which include the television service, radio and a number of newspapers such as the *Ethiopian Herald* (in English), *Addis Zemen* (in Amharic), *Berissa* (in the Oromo language), *Al-Alem* (in Arabic), and other government publications. In 1996 these state media were given some limited autonomy, although they still present official views, avoid criticizing the government and do not report on human rights violations. More than 200 independent publications, including over 60 newspapers (mainly weeklies), were registered by the Ministry of Information as required under the Press Law, with none apparently being refused registration.

For the first time in Ethiopia, independent newspapers flourished. But as a result of arrests and other intimidation, their number is now reduced to under 20. Virtually all are published and allowed to circulate only in Addis Ababa. Most publish in Amharic, with a few in English. Alongside party newspapers of the ruling EPRDF and the Tigray People's Liberation Front (TPLF, which has its own radio station), two registered opposition parties also have their own newspapers (*Andinet* for the All-Amhara People's Organization and *Amarech* for the Coalition of Alternative Forces for Peace and Democracy in Ethiopia). The rest are small privately-financed enterprises, such as *Addis Tribune*, *Reporter*, *Monitor*, *Etiopis*, *Beza*, *Ethio-Times*, *Seife Nebelbel*, *Madda Welabu*, *Agere*, *Neqa*, *Urji*, *Wonchif* and *Tobia* (the last three are now closed). *Press Digest* and *Seven Days* provide weekly compilations in English of articles from the state press and the private press. Exile magazines, some of them containing articles advocating armed opposition, seem to be barred from distribution.

The chapter of the Press Law relating to "Responsibilities of the Press" established a number of criminal and imprisonable offences designed to replace previous legislation restricting the media. Article 10 (2) sets penalties of up to three years' imprisonment and/or

a fine of up to 50,000 birr (US\$7,700 equivalent) for any press reporting which commits:

- a. *any criminal offence against the safety of the state or of the administration ... or of the national defence force*
- b. *any defamation or false accusation against any individual, nation/nationality, people or organization*
- c. *any criminal instigation of one nationality against another or incitement of conflict between peoples*
- d. *any agitation for war.*

Liability for an offence rests with the editor, journalist or publisher - but sometimes all have been arrested because of the same published article.

In practice, the government has tolerated numerous critical and sometimes misinformed or abusive articles and cartoons published in the private press, without taking action. But on many occasions over the last five years, the authorities have taken harsh measures against the private press, particularly over articles reporting on armed conflict which dispute the government account. They have responded harshly to articles accusing the government or particular officials of embezzlement or abuse of power. They have not replied to or investigated reports published about human rights violations. Most journalists, editors and publishers have been summoned for police questioning or have been arrested, many of them on several occasions. Foreign journalists too -- of whom there are few based in the country -- work under considerable difficulties from the authorities.

The government has refused to register a professional media association founded by the private press -- the Ethiopian Free Press Journalists Association (EFJA). The EFJA campaigns against the imprisonment of journalists under the Press Law and regularly publishes lists of detained journalists. It works with international media associations, such as the International Federation of Journalists, of which it is a member. The EFJA chair, Kifle Mulat, was arrested on 11 February 1998 because he refused to delete from a list of detained journalists the names of three *Urji* journalists charged with armed conspiracy and he is still detained without charge. Kefale Mammo, the EFJA president, fled the country in late 1997 to seek asylum after receiving death threats and warnings that he might be falsely accused of some criminal offence. The EFJA is a rival to the official Ethiopian Journalists Association (EJA), which supports the Press Law and has not criticized detentions of journalists.

The most commonly used charges against journalists on account of their published articles have been subsection (c) of article 10 (2) of the Press Law, the

vaguely-worded offence of “criminal instigation of one nationality against another or incitement of conflict between peoples”, supplemented by article 480 of the Penal Code (1957), which provides for imprisonment for even vaguer offences of “spreading false rumours, suspicion or false charges against the government or public authorities or their activities, therefore disturbing or inflaming public opinion or creating a danger of public disturbances”, and article 580, which provides for imprisonment for defamation. In practise, all these legal provisions have been used to detain or prosecute journalists for legitimately exercising their right to freedom of expression.

There have been numerous cases of journalists arrested for criticizing government policies, harassment of the opposition, abuse of power or corruption by government officials, or particular government actions. Some were held for stories which may have been untrue or were speculative or difficult to substantiate. Reporting on armed conflict, where official information was scarce, was particularly targeted. For example, Tesfaye Deressa and Bekele Mekonnen of *Urji* were charged in December 1995 with “publishing false information and disseminating it internationally” in connection with their report of an Oromo Liberation Front (OLF) military action, referring to an OLF military communique and casting doubt on a government statement about the conflict. The charge was that they “described the situation as if there was no peace but active war and by doing so they encouraged violence and instigated war in the country”. They were also charged with the same offence for publishing a military communique by the opposition Islamic Front for the Liberation of Oromia (IFLO). Garuma Bekele and Solomon Namara of the same newspaper were charged in May 1996 with “publishing false information” when they reported new taxation in Oromia Region.

Daniel Kifle of *Fendisha* magazine was jailed for 18 months in June 1994 on a defamation charge for an article alleging corruption by Tamrat Layne, then Deputy Prime Minister and Minister of Defence -- who was himself arrested two years later and is currently on trial for embezzlement. Alemu Lemma of *Mebruk* magazine was arrested in June 1995 and sentenced to two years’ imprisonment for Prime Minister Meles Zenawi, publishing false information about armed conflict in the east, and defaming a housing official in an article alleging abuse of authority and embezzlement.

Although Amnesty International has been unable to clarify details of all the arrests, charges and trials involving journalists, the pattern of arbitrary restrictions on press freedom is clear from the huge number of journalists arrested and from the particular cases the organization has investigated.

3. International standards relating to the freedom of the press

Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which Ethiopia ratified in 1993 and which is incorporated into domestic law in accordance with article 9.4 of the Constitution, states that:

1. *Everyone shall have the right to hold opinions without interference.*
2. *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.*
3. *The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
 - (a) *For respect of the rights or reputations of others;*
 - (b) *For the protection of national security or of public order, or of public health or morals.*

Further restrictions are allowed by article 20 of the ICCPR:

1. *Any propaganda for war shall be prohibited by law.*
2. *Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.*

Ethiopia's Constitution (1995) guarantees freedom of expression and freedom of the press and the capacity of the press to "*entertain diverse opinions*". It states that "*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.*" The legal limitations it allows concern "*the honour and reputation of individuals*" and "*propaganda for war*".

In order for the Ethiopian government to fulfil its constitutional responsibilities as well as its treaty obligations under the ICCPR in this regard, laws regulating the exercise of freedom of expression need to be framed clearly and explicitly in respect of what is permitted and what is criminalized. The offence in the Press Law of "incitement of conflict between peoples", for example, is particularly vague and has allowed arrests and trials of journalists for reporting on conflict in articles which did not advocate violence. Its broad and ill-defined provisions have allowed for the arrests and prosecutions of journalists for writing articles with no intent to incite to violence, nor demonstrably linked to actual violence nor likely to imminently provoke violence.

As regards the offence of "publication of false information", regulations on press freedom should allow for a wide latitude of reporting in the interests of encouraging open discussion of matters of legitimate public concern. Otherwise they place disproportionate restrictions on freedom of expression which cannot be justified under international standards as being necessary in a democratic society.

In the interests of protecting the rights or reputations of others, public officials who consider themselves defamed can, in addition to exercising the right of reply, resort to legal actions which anyone regardless of status or function can utilize in order to defend their reputation, but without recourse to detentions, state prosecutions and prison sentences. Criminal legislation should not be used in such a way as to stifle criticism of state authorities or to intimidate those who voice legitimate concerns about the actions or practices of public officials. This would not happen if the offences were more precisely defined and if the law was applied in accordance with international standards. Instead, the Press Law and other provisions of the Penal Code have been used to threaten the basis of freedom of expression in Ethiopia. In the words of the United Nations Human Rights Committee, commenting on Article 19 of the ICCPR: "When a State Party imposes certain restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself"¹. The UN Special Rapporteur on the Right to Freedom of Opinion and Expression has also pointed out that freedom of expression underpins a broad range of human rights: "the right to freedom of expression

¹Human Rights Committee, General Comment 10: UN Doc. HRI/Gen/1 (1983).

*can be described as an essential test right, the enjoyment of which illustrates the degree of enjoyment of all human rights enshrined in the United Nations Bill of Human Rights, and that respect for this right reflects a country's standard of fair play, justice and integrity."*²

The government frequently claims that arrests and prosecutions under the Press Law are directed against publications inciting "ethnic hatred" or "hate crimes" or "war propaganda". The dangers of inter-ethnic and inter-communal violence are very real in Ethiopia, which has over 70 ethnic groups (known as "nationalities") and where most pro- and anti-government groups are ethnic-based. But the published articles to which Amnesty International has had access cannot be construed as "advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence". These charges and accusations appear, on the contrary, to have been used as a pretext to silence political dissent which does not in fact advocate hatred or violence against any ethnic group. The published articles said to advocate "war propaganda" were reporting on armed conflict rather than advocating it, and thus should have been considered in the context of the right to information rather than as incitement to armed opposition.

While recognizing that ensuring the right balance between the freedom of the press and its responsibilities is often a complex task, Amnesty International maintains that people should never be imprisoned for the legitimate and non-violent expression of opinion.

4. Government rejects international criticisms of attacks on press freedom

The government maintains that it is protecting press freedom through the Press Law and points out that it has not banned any publication. It claims that it is lenient rather than oppressive in its handling of critical press reporting. It denies that the Press Law is inconsistent with the Constitution's commitment to press freedom.

²Commission on Human Rights, UN Economic and Social Council, 4 February 1997, E/CN.4/1997/31. Particularly useful for any review of the Press Law would be the reports to the Commission on Human Rights since 1991 of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, especially in relation to the question of the human rights of all persons subjected to any form of detention or imprisonment.

Despite strong and persistent international criticism of the continuing pattern of arrests of journalists, the government has so far displayed no intention of reviewing the scope and application of the Press Law. The government has rejected, but without detailed rebuttal, the widespread international criticism of its attacks on journalists. The critics include some of the western donor governments including the United States of America, international media NGOs such as the Committee to Protect Journalists³, *Reporters sans Frontières*⁴, and International PEN⁵; media unions such as the International Federation of Journalists⁶; international human rights organizations such as Human Rights Watch Africa⁷, as well as Amnesty International⁸; the Ethiopian Human Rights Council⁹; and the Ethiopian private press association, the EFJA. These reports have delivered severe criticisms of the government, the police and the courts for the detentions and trials of journalists, saying these are serious and persistent violations of international standards relating to freedom of expression and information.

There have been numerous workshops in Ethiopia run by international media organizations and lectures by academics on press freedom, attended by both the state press and the private press. However, it does not seem that this has led to a meaningful dialogue between the different and opposed sections of the press in Ethiopia, or with international media organizations. Common ground does not seem to have been yet found on the right to gather and impart information to the public or on issues of press freedom and professional journalistic ethics and standards. The Ministry of Information and the police have not changed their positions. The official claim that freedom of the press is

³Clampdown in Addis - Ethiopia's Journalists at Risk, Committee to Protect Journalists, New York, October 1996.

⁴Freedom of the Press Throughout the World - 1997 Report, Reporters Sans Frontières, Paris, 1997.

⁵International PEN Writers in Prison Committee, Case-List from June to December 1997, International PEN, London, 1997.

⁶International Freedom of Expression Exchange (IFEX) at www.ifex.org, www.ifj.org and ifj.safety@pophost.eunet.be

⁷Ethiopia - The Curtailment of Rights, Human Rights Watch Africa, New York, December 1997.

⁸Ethiopia: Accountability for past and present - human rights in transition, Amnesty International, London, April 1995 (AI Index: AFR 25/6/95).

⁹The human rights situation in Ethiopia (12th report), Ethiopian Human Rights Council, Addis Ababa, November 1997.

firmly protected by the government is constantly repeated, despite all the evidence to the contrary.

The courts dealing with Press Law cases have signally failed to uphold press freedom. They have interpreted the Press Law and other laws relating to the press without taking sufficient account of the obligation under the Constitution and international human rights treaties to protect the right to freedom of opinion and expression.

5. Other violations against detained journalists

The detentions of journalists have involved numerous violations of their basic rights as guaranteed by the laws and Constitution of Ethiopia. They have often been detained unlawfully for the first period after arrest, detained incommunicado for weeks, denied confidential access to legal counsel and arbitrarily refused bail. The fairness of the court hearings and trials have also been open to question. There have been frequent adjournments and delays in court hearings, in part because of a severe shortage of judges following dismissals of judges and judicial reorganization.

With some exceptions, however, journalists have generally been treated by the police and courts better than most other political prisoners. In contrast, most of the several thousand other political prisoners in Ethiopia have been arbitrarily detained for much longer periods and without being brought to court at all, and there have been many reports of torture, "disappearances" and extrajudicial executions of political prisoners, many of them accused of contacts with armed opposition organizations.

Rights violated after arrest

Journalists who have been arrested face serious judicial shortcomings:

- detainees are frequently not taken to court within 48 hours of arrest, as is required by the law and the Constitution, and no judge is known to have criticized this illegal police action or punished the police for illegal detention
- detainees are usually held incommunicado before being taken to court, and even after being taken to court they often have no access to family or lawyers for several days or weeks -- judges have never criticized this police practice, which exposes the detainees to the risk of ill-treatment
- police often at first refuse to acknowledge holding the detainees and this leads their families to think they might have "disappeared"; even after informally acknowledging the detention they only allow families to send food and changes of clothing (as is customary in Ethiopia) and continue to deny visits.

Provisional release delayed and prohibitively expensive

Provisional release on a police or court bond is permissible in all the journalists' cases. However, police have always demanded that the arrested journalist is remanded in custody for investigation, on a two-weekly basis as the law provides. Judges have consistently accepted without questioning the police opposition to provisional release on bail and have remanded journalists in custody, giving them little opportunity to challenge their decision, or to find legal counsel, or for legal counsel to raise objections and have these fairly heard. Repeated denial of bail seems to be a punitive measure resulting in lengthy periods of detention. The four *Tobia* journalists arrested in January 1998, for example, have been detained for four months already without being charged, and Atnafu Alemayehu of *Tomar* magazine was held for two months without charge in early 1997.

All the detained journalists have eventually been granted provisional release, when the police have stopped opposing it, after detention of up to several months. But the pattern of long delays of granting provisional release contravenes article 9 of the ICCPR: "*It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial*".

After provisional release, further action has hardly ever been taken. But the threat and possibility of prosecution does not expire and some cases have been revived after a long delay. In January 1998, for example, Lulu Kebede of *Nega* magazine was reportedly re-arrested in connection with an article he published in 1995 claiming that parliament was dominated by a few of its members.

Provisional release is made more difficult by imposing prohibitively expensive bail conditions. The bond requires the prisoner, or a relative or friend, to deposit a guarantee in the form of a property bond that they will not abscond but will report to the police or the court when required. Some journalists have remained in detention for months because they could not find a guarantor or provide their own financial surety -- the regular bond of 5,000 birr (US\$770 equivalent) is often more than a journalist's annual salary. Finding guarantors is also difficult when a person has been bonded several times before. Even higher bond conditions have been imposed at times -- 10,000 birr (US\$1,540 equivalent) in the case of the recent arrests of two journalists and the publisher of *Wonchif* newspaper, accused of defaming President Negaso Gidada.

Unfair trials

Since 1992, between 20 and 30 journalists have been tried by the High Court in Addis Ababa, before panels of three judges. Only about one in 10 of those arrested was eventually brought to trial. Most were convicted under article 10 (2) (c) of the Press Law and article 480 of the Penal Code. Some were fined and others received prison sentences ranging from six months to two years, suspended in a few cases. Those who appealed to the Supreme Court all lost their appeals. The trials were difficult to document and there were no independent trial observers who might have compiled reports. Not all the

accused had legal defence counsel, either because of difficulty in contacting a lawyer or inability to afford the fee. There are no official transcripts of the proceedings (which are in Amharic) other than judges' handwritten notes, and court judgments are difficult to obtain.

The following issues have been identified as not being consistent with international standards of fair trial:

- denial of access to a lawyer in the initial period after arrest
- denial of confidential access to a lawyer at all stages -- a prison or security guard is always present and listening to the consultation, which is thereby not confidential, and the overheard conversation could well be passed to an officer in the prison, police or security service, or even the prosecution, which would be a serious obstacle to fair trial
- denial of permission to receive and return documents and to correspond with legal counsel.

Confidential access to legal counsel is a right upheld by Principle 18 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. The UN Principles on the Role of Lawyers state: "*Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationships are confidential*" (Principle 22). The police and prison authorities have systematically barred such confidential access and courts have done nothing to prevent or stop this practice, which has no legal basis.

Convicted prisoners

Once sentenced to a prison term, journalists have experienced poor prison conditions like all political prisoners. Some imprisoned journalists have found that judges have not counted their pre-trial remand imprisonment towards the sentence. Convicted prisoners have a legitimate expectation of one-third remission of sentence for good behaviour but the prison authorities have often arbitrarily refused this customary privilege. One journalist arrested under the Press Law, Abay Hailu of *Wolafen* newspaper, died of a lung complaint in the Central Prison clinic in February 1998 after two years in prison, but there has been no inquest into his death so as to clarify whether he had received all necessary medical treatment.

Three "disappearances"

Nike Kassaye, a journalist on *Beza* newspaper, was abducted by unidentified gunmen in Addis Ababa in January 1995 and "disappeared". He had previously been arrested under the Press Law in late 1994, provisionally released on bond, then ordered to report to the police. The bond had to be paid by his guarantor as he failed to report. The authorities denied holding him but he later stated to Amnesty International that after his abduction by

armed security offices he had been held for six weeks in a secret detention centre run by the security service. He was severely beaten and denied medical treatment, until he became seriously ill with typhoid. He was eventually admitted to hospital, from where he later escaped. After some time he fled to Kenya and applied for asylum there. Even there he was not safe, as a senior Ethiopian embassy official followed him and accosted him, threatening him and his family to make them stay quiet and keep away from the opposition in exile. He was finally resettled to another country.

Two journalists who were abducted by alleged government security officers in 1994 are still “disappeared”. Whether or not they were detained because of their published articles or because of suspected membership of opposition groups is not clear. Berhanu Ijiga, of *Lubar* newspaper, was abducted in Addis Ababa in June 1994, possibly as a suspected member of the clandestine opposition Ethiopian People’s Revolutionary Party (EPRP). Deeg Yusuf Kariye, of *Sheeko Shahid*, a newspaper of the Ogaden National Liberation Front (ONLF), was abducted in Gode in the Somali Region in July 1994. Neither has been seen since, and there are fears that they might have been extrajudicially executed in a secret detention centre.

6. The *Tobia* and *Urji* Cases

Two prominent critical newspapers, *Tobia* and *Urji*, have borne the brunt of the arrests. *Tobia* (the name being a pronunciation of "Ethiopia") is a leading private Amharic-language weekly newspaper (also on the Internet). Its editors and journalists have been arrested probably more times than those of any other newspaper. Mulugeta Lule, a former *Tobia* editor and EFJA vice-chair who left the country in 1997, had been summoned for police investigation at least nine times and bonded eight times since 1993. In June 1995 he was given a two-year suspended sentence and 10,000 birr fine [US\$1,540 equivalent] for "publishing false information" about reports of fighting between government and rebel forces in Gondar and Gojjam districts. Other arrests involved articles about the assassination attempt against Egyptian President Mubarak in Addis Ababa in June 1995 and the November 1995 assassination attempt against ex-President Mengistu Haile-Mariam in exile in Zimbabwe. The articles were critical of the government but did not advocate or incite violence.

The most recent action by the authorities against *Tobia* was the arrest of a total of 10 *Tobia* staff - four journalists arrested in connection with a published article, and six administrative staff arrested hours later following the burning down of the newspaper's office. On 16 January 1998 Taye Belachew, the former editor, Anteneh Merid, the deputy editor and EFJA secretary general, Goshu Moges, acting manager of its publishing company (*photos below*), and Birru Tsegaye, the acting editor, were arrested for publishing an internal UN document on emergency evacuation procedures for its Ethiopia-based staff. The UN Economic Commission for Africa (ECA) later confirmed the existence of such procedures, saying they were operative in Ethiopia at Phase 1, "a precautionary stage". It

said that this "in no way undermines the peace and stability of the Federal Democratic Republic of Ethiopia" (*Ethiopian Herald*, 11 January 1998), as *Tobia* had alleged and which was evidently the reason for the arrests. The ECA criticised the *Tobia* article as "grossly misleading" and "likely to give a false impression to readers" and said that the ECA procedures "did not intend to imply that Ethiopia is not a safe and secure country". At the time of writing, the four *Tobia* journalists had still not been charged with any offence or provisionally released. Amnesty International has appealed for their release as prisoners of conscience.

The six *Tobia* administrative staff, now provisionally released, were said to be detained on suspicion of involvement in the arson attack on their own office. They were not charged and appeared to have been detained simply because of association with a critical newspaper.

Urji ("*Star*") is a private Amharic-language newspaper, with an occasional English edition, which is owned by an Oromo company and reports primarily on Oromo issues. It has published interviews with leaders of the Oromo Liberation Front (OLF), which is fighting the government in the Oromo region, and OLF military communiques. *Urji* has documented human rights abuses against Oromos suspected of links with the OLF -- arbitrary detentions, torture, "disappearances" and extrajudicial executions. It has never openly called for support for the OLF's armed activities but it is regarded by many as politically sympathetic to it. *Urji* journalists have been arrested many times. In September 1997 its general manager, Garuma Bekele, had been detained for several days before being provisionally released, on account of an article which claimed that prison conditions in the Black Lion Hospital in Addis Ababa were "like a Nazi concentration camp".

The most recent arrests of *Urji* journalists started on 16 October 1997 with the arrests of deputy editor Tesfaye Deressa and acting editor Solomon Namara (*photos below*). These arrests seemed at first to be under the Press Law and to relate to an article alleging that the police shooting of three Oromos as OLF suspects in Addis Ababa's Mekanissa area on 8 October 1997 were extrajudicial executions. Nine days later Garuma Bekelle (*photo*) was arrested too, although he had left *Urji* to become full-time general secretary of a new Oromo human rights organization, the Human Rights League. The League had applied for registration but received no reply. Three weeks later seven founding members of the League were also arrested, along with other prominent Oromo community leaders. They were subsequently among 31 Oromos charged with armed conspiracy and supporting OLF terrorism, which carries a penalty ranging from five years' imprisonment to death. The charges did not specify any connection between the three *Urji* journalists and the alleged OLF bombings of urban civilian targets in 1997 or any other violent incidents, but alleged in general terms only that they "distributed *Urji* newspaper periodically and thereby furthered the objectives and struggle of the terrorist

organization. They incited and encouraged people to participate in terrorism." The authorities also publicly accused *Urji* of being "a mouthpiece of the OLF".

Two more *Urji* journalists, Wakshum Bacha and Alemu Tolessa, were arrested on 23 December 1997, and a part-time *Urji* journalist, Hundesa Wakwaya, was detained on 5 February 1998 - they have still not yet been charged with any offence, nor have the police said why they were arrested.

Amnesty International believes that the charges against Tesfaye Deressa, Solomon Namara and Garuma Bekele were the culmination of a pattern of arrests of *Urji* journalists aimed at preventing critical reporting of the government and of human rights violations against Oromos. The arrests were also part of an unprecedented attack on established Oromo community organizations, and particularly the new Human Rights League. The authorities seem to have deemed that reporting of abuses against OLF suspects was evidence of association with the armed activities of the OLF. Amnesty International is calling for the release of Tesfaye Deressa, Solomon Namara and Garuma Bekelle, whom it considers are prisoners of conscience detained on account of their press reporting. It is also calling for the release of the seven Human Rights League officials as prisoners of conscience.

7. Conclusions

In Ethiopia, freedom of expression and information are nationally and internationally recognized rights, set out in the Constitution and the ICCPR, to which Ethiopia is a party. As in any country, protecting the right of media workers to express, share, publish and disseminate information and opinions is an important defence against arbitrary rule and a government's refusal of accountability for human rights violations. The freedom of the press and the development of a well-informed society where the right to information is respected are closely connected to the enjoyment of the full range of human rights -- civil, political, social, economic and cultural.

The government's recently intensified attacks against the private press have put it in at the forefront of repression of the press in Africa, despite its claim to welcome a free and critical press. There is no open ban but a deliberate pattern of suppression and persistent rejection of international criticism. The Press Law, with its vaguely-defined criminal offences, lends itself to arbitrary government-condoned misuse by police and courts.

The balance between protecting press freedom and protecting national security or the reputations of officials has been tipped heavily in the government's favour. The right to information has been severely and unjustifiably diminished.

Amnesty International is concerned that journalists in Ethiopia are being imprisoned in violation of international human rights standards for exercising their right to freedom of expression without having used or advocated violence. They are held under a Press Law which, because of its ill-defined scope and arbitrary application, is not consistent with international human rights treaties to which Ethiopia is party

Recommendations

Amnesty International calls on the Ethiopian authorities:

- To release immediately and unconditionally all journalists who are prisoners of conscience, both those detained without trial and those serving prison sentences
- To ensure that journalists are able to carry out their professional activities without fear of arbitrary detention or threat to their security
- To review the scope and application of the Press Law, so as to bring this and other legislation relating to the press into conformity with Ethiopia's own Constitution and the government's obligations under the ICCPR to protect and promote the freedom of expression.