

ETHIOPIA

**Failure to address endemic
human rights concerns**

*Amnesty International
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INTRODUCTION

In this submission, prepared for the Universal Periodic Review (UPR) of Ethiopia in May 2014, Amnesty International assesses the implementation of recommendations made to Ethiopia during its previous UPR. Ethiopia has rejected a number of crucial recommendations relating to civil and political rights, while also accepting some recommendations, including on freedom of expression and association, arbitrary arrest and detention, and torture and other ill-treatment.

Since the previous review Ethiopia has produced a National Human Rights Action Plan. However, while the plan is a welcome step towards the implementation of some of the accepted UPR recommendations, it fails to adequately address crucial areas of violations of freedom of expression and association, arbitrary and politically motivated arrest and detention, and torture and other ill-treatment.

The human rights situation on the ground continues to be of grave concern. Through the Charities and Societies Proclamation the government continues to prevent civil society groups from functioning effectively by denying them access to funding and placing restrictions on their work. Since the first cycle of the UPR, arbitrary arrests and detention, disappearances and extra-judicial executions continue to be regularly reported. Suspected dissent is forcefully suppressed, and torture and other ill-treatment is widespread, particularly in detention. Access for human rights monitors to places of detention continues to be severely restricted, and freedom of expression is restricted, including through the use of the excessively vague Anti-Terrorism legislation to silence those critical of the government, including journalists, members of the opposition and peaceful protesters.

Ethiopia is now beginning the trajectory towards the 2015 elections. The previous two general elections – in 2005 and 2010 – were the scenes of a raft of human rights violations. Urgent measures are needed to reduce violations of civil and political rights, particularly against government opponents and independent media.

FOLLOW UP TO THE PREVIOUS REVIEW

Since Ethiopia's first UPR in 2009, the country has made no progress in many of the critical areas of civil and political rights highlighted in the previous review.

While many important recommendations were rejected by Ethiopia during the 2009 review, on those accepted substantive action has been slow. The government has produced a National Human Rights Action Plan (NHRAP), as recommended during the previous review,¹ which was adopted by Parliament in late 2013. However, while the NHRAP is a positive development, it does not address many of the most crucial human rights issues in Ethiopia.

The NHRAP fails to address the excessive restrictions placed on the work of human rights organisations by the Charities and Societies Proclamation (CSP). During the 2009 review, the government rejected recommendations to amend or repeal this legislation,² but did accept recommendations to support the work of human rights

defenders.³ Since then, however, it has failed to strengthen the legislative and practical operating environment for civil society, and human rights defenders continue to work in a severely restricted and hostile environment. While the CSP remains in effect, it in itself continues to violate freedom of association as well as preventing civil society from contributing to the promotion and protection of human rights in Ethiopia.

During the 2009 review, Ethiopia accepted a number of recommendations on upholding freedom of expression, providing for a free and independent media, and ensuring no-one is detained for political reasons.⁴ While the NHRAP contains some points under the heading of freedom of expression, these do not address the fundamental hostility to dissent and criticism by the government. There has been no progress in protecting the right to freedom of expression, and the exercise of freedom of expression continues to be severely restricted, including through targeting dissenters and government critics (see also below).

Ethiopia also accepted recommendations on upholding other human rights, including freedom from arbitrary arrest and detention.⁵ However, since the previous review, Amnesty International has continued to document extensive violations of civil and political rights, including torture and other ill-treatment, and arbitrary arrest and detention. The measures included in the NHRAP are inadequate to address the prevalence of arbitrary or politically-motivated detention, and torture and ill-treatment. The NHRAP does not mention the word 'torture' and fails to adequately acknowledge the extent and scale of torture and other ill-treatment in Ethiopia.

The NHRAP provides for the continued monitoring of police detention centres and prisons by senior police and prison officials, prosecutors, and House of Peoples Representatives/Regional Council members. It does not, however, provide for access for independent human rights and humanitarian organisations. Law enforcement agencies are themselves regularly accused of human rights violations, and the judiciary is severely lacking in independence. None of these bodies are sufficiently independent to adequately monitor and prevent human rights violations in detention.

PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

FREEDOM OF ASSOCIATION – RESTRICTIONS ON CIVIL SOCIETY

The excessive restrictions placed on human rights work by the 2009 Charities and Societies Proclamation (CSP) have a devastating impact on human rights civil society. The CSP, *inter alia*, denies human rights organisations access to essential funding, restricts domestic fundraising, grants the governmental Charities and Societies Agency with broad powers to intervene in and impede the work of human rights organisations, and further endangers victims of human rights violations by breaching principles of confidentiality. Under the CSP, international human rights organizations are prohibited from working in Ethiopia.

As a result of the restrictions on funding, at least 17 organisations, including some of Ethiopia's leading human rights organisations, have had to change their mandate to no longer work on human rights. Others have significantly scaled back their operations. The Ethiopian Human Rights Council, the country's oldest human rights organisation, was forced to close nine of its twelve offices and to cut more than 75 percent of its staff (more than 40 people). The leading women's rights organisation, the Ethiopian Women Lawyers Association, was similarly forced to cut 70 percent of its staff. Both organisations have had around half a million US dollars frozen by the Charities and Societies Agency, in a decision which was upheld by the High Court and the Supreme Court.

The lack of definition of various provisions, including regarding 'administrative costs' on which organizations are permitted to spend no more than 30 percent of their budget, has forced NGOs to significantly self-censor when writing re-registration documents and organisational plans. The prohibition in CSP on anonymous donations has also created a significant deterrent for donations to human rights organisations.

The Charities and Societies Agency has issued eight implementing directives for the CSP, placing more bewildering and time-consuming requirements on the activities of NGOs.

In addition to these legislative restrictions, human rights civil society also face harassment. A coalition formed to submit information for the 2009 UPR of Ethiopia and for the treaty bodies was forced to disband when the organizations involved in the UPR report were subjected to serious harassment to the extent that the staff of two of the organisations had to flee Ethiopia.

ARBITRARY ARREST AND DETENTION, DISAPPEARANCES AND EXTRA-JUDICIAL EXECUTIONS

Arbitrary arrest and detention continue to take place in numerous locations around the country.

In 2012, a large number of ethnic Sidama were arrested in the Southern Nations Nationalities and Peoples region, including around the celebration of Fichee, the Sidama New Year. The arrests were reportedly in response to calls for a separate regional statehood for the Sidama. Many of those arrested were detained only briefly, while some of the community leaders were charged with crimes against the state.

OROMIA REGION

The government continues to suppress actual and suspected dissent in the Oromia region. Several hundred ethnic Oromos were arbitrarily detained on accusations of being a member of or supporting the Oromo Liberation Front (OLF). Such accusations are frequently used to arrest, prosecute and thereby silence members of Oromo political opposition parties, and other suspected government opponents.

Those arrested were detained in police stations, prisons, or unofficial places of detention, including military camps throughout the region, and many were subjected to torture and other ill-treatment. Their detention was often arbitrary, with men and women detained for indefinite periods without charge or trial and

denied access to a lawyer or the court. In numerous cases their detention lasted several years. Many of the cases that did go to trial were subject to severe delays.

The majority of the detainees, particularly those held in military camps, were held incommunicado and their families were not told of their whereabouts. Release from arbitrary detention is in many cases contingent on agreement to conditions which involve significant restrictions on the rights of freedom of movement, association and assembly.

Amnesty International has received numerous reports of extrajudicial execution of persons suspected of support for the OLF, and of enforced disappearance of persons after they had been taken away by the police or the military.

In early 2011, more than 200 members of the Oromo People's Congress and the Oromo Federalist Democratic Movement were arrested on allegations of supporting the OLF, apparently in an attempt to discourage the Middle East and North Africa uprisings spreading to Ethiopia. Bekele Gerba of the Oromo Federalist Democratic Movement and Olbana Lelisa of the Oromo Peoples Congress were arrested in August 2011, within days of meeting with Amnesty International delegates, who were expelled from the country at the same time. The two men were subsequently sentenced to prison terms for their alleged support of the OLF.

The government has also taken steps to suppress Oromo culture, including targeting Oromo writers and singers, as well as cultural celebrations. In 2011 and 2012, large numbers were arrested during the celebration of the Oromo festival of Irreecha.

The authorities also kidnapped and forcibly returned Oromo asylum-seekers and refugees from Kenya, Djibouti and Somaliland, reportedly with the collaboration of local security forces in those countries.

SOMALI REGION

Amnesty International continues to receive reports of widespread human rights violations by government forces and the government-allied militia, the Liyu police, against the civilian population of the Somali region, based on their suspected membership of or support for the Ogaden National Liberation Front (ONLF). The violations include extensive arbitrary detention, extrajudicial executions, torture and other ill-treatment, rape of women, including in detention, and the destruction of homes and livestock. Amnesty International has also received reports of Liyu operations extending into the east of the Oromia region in 2012 and 2013, where the militia are accused of extrajudicial executions, confiscation and looting of property, and burning down of houses.

No investigations have been conducted into allegations of grave human rights violations in the region, as recommended during the previous review.⁶ Severe restrictions are in place on access to the region, particularly for independent human rights monitors, and on freedom of movement and exchange of information.

In 2011, two Swedish journalists attempting to enter the region to report on issues relating to the conflict were arrested, detained incommunicado for five days, and subjected to mock executions. They were subsequently charged with terrorism offences and sentenced to 11 years' imprisonment. They were later pardoned and

released.

TORTURE AND OTHER ILL-TREATMENT

Reports continue of widespread use of torture and other ill-treatment against perceived dissenters, supporters of political opposition parties, and suspected supporters of armed insurgent groups, in police stations, prisons, military camps and unofficial places of detention in private buildings.

Torture is regularly reported to take place in the Federal Police Crime Investigation and Forensic Department of Maikelawi in Addis Ababa, where political detainees are held in pre-trial or arbitrary detention without charge. Torture is also frequently reported in the Oromia region, against Oromos arbitrarily detained on suspicion of supporting the OLF.

A range of factors increase the risk of torture and other ill-treatment of detainees, including lack of access to detention centres for independent monitors, severe restrictions on access for lawyers and family members, the use of un-gazetted places of detention, and the frequent absence of due process. Torture and other ill-treatment often occur during interrogation in the initial stages of detention. There are also many reports that confessions and other information elicited through the use of torture have been admitted as evidence in court.

Methods of torture regularly reported include beating with plastic, metal, rubber and wooden sticks, including on the soles of feet, whipping with electric cables or rubber whips, immersion in cold water, being tied in contorted positions for extended periods, chaining of hands and feet, and electric shocks. A number of male detainees have reported having plastic bottles filled with water tied around their genitalia for extended periods, causing severe injury. Rape of women by soldiers including during arbitrary detention has been reported in the Oromia and Somali regions. Many prisoners have also been subjected to extended periods of solitary confinement.

FREEDOM OF EXPRESSION

The pretext of countering terrorism is used to restrict freedom of expression and association for groups critical of the government. The excessively vague Anti-Terrorism Proclamation (ATP) is used to silence critical voices, including journalists, political opposition leaders and leaders of a Muslim protest movement.

In 2011, five journalists and a number of opposition party leaders and supporters were arrested and charged under the ATP.⁷ They were subsequently sentenced to lengthy prison sentences. Many of them had criticised government practise and called for reform. Much of the evidence presented in these cases amounted to no more than the defendants exercising their rights to freedom of expression and association.

Hundreds of Oromo opposition party members were arrested (see also above) and large numbers were charged under the Criminal Code with attacking the integrity of the state.

Two of the last remaining independent newspapers in Ethiopia have ceased publishing. In 2011, the *Awramba Times* was shut down and its editor fled the

country under the threat of arrest, and in 2012, the editor of the *Feteh* newspaper was charged with a number of criminal offences. The owner of the company that printed *Feteh* was also charged and fled the country in 2013. Another journalist and at least one opposition politician fled in November 2011 after being threatened with arrest, and at least three more journalists fled between 2012 and 2013.

In May 2012, the authorities issued a directive requiring printing houses to remove any content which could be defined as “illegal” by the government from any publications they were printing. Under the broad provisions of the Anti-Terrorism Proclamation much legitimate content can be deemed “illegal”.

Representatives of other groups critical of the government were also arrested during 2011, and large numbers of students were arrested across the Oromia region, including from the universities of Jimma, Haromaya and Nekemte.

In 2012 and 2013, the government took steps to suppress a peaceful protest movement by Ethiopia’s Muslim community against alleged government interference in Islamic affairs. Hundreds of protesters were arrested across the country. In late 2012, 29 leaders of the protest movement and at least one journalist were charged under the ATP. In 2013, two more journalists were arrested. In several incidents related to the protests, the police were accused of using excessive force, including firing live ammunition and beating protesters, resulting in the deaths of protestors in at least three locations around the country.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Ethiopia:

Freedom of association - Charities and Societies Proclamation

- To immediately remove from the Charities and Societies Proclamation provisions that violate the rights to freedom of expression, association and assembly, that restrict human rights activities out by local and international NGOs, and that prohibit and criminalize the work of human rights defenders.

Arbitrary detentions and disappearances

- To ensure that all detainees are promptly charged with a recognisable criminal offence or released immediately and unconditionally;
- To guarantee that persons under arrest are never held in un-gazetted places of detention, that all detainees are given prompt and full access to legal representatives of their choice, and that their families are immediately informed of their whereabouts and granted access to them;
- To make available the full details of those arrested, including suspected members or supporters of armed opposition groups and members of opposition political parties. This information must include the names, current location and detention status of the detainees;

- To immediately undertake independent, impartial and thorough investigations into all reports of serious human rights violations, including mass arrests, torture and other ill-treatment, rape and extrajudicial executions, in the Somali and Oromia regions by police, government forces and the Liyu police (militia), and to bring those responsible to justice in accordance with international fair trial standards and with no recourse to the death penalty.

Torture and other ill-treatment

- To initiate prompt, thorough, effective and impartial investigations into all allegations of torture and other ill-treatment of detainees, and to ensure that the suspected perpetrators are tried in accordance with international standards for fair trial, and with no recourse to the death penalty;
- To publically declare that no one, including those in detention, should be subjected to torture or other ill-treatment, and to ensure this is fully adhered to by police and other law enforcement officials;
- To grant access to prisons and other places of detention, including Maikelawi in Addis Ababa and military camps in Oromia, to independent non-governmental monitors;
- To ban disciplinary measures in prison which constitute torture or other ill-treatment, and to establish effective mechanisms to ensure that disciplinary measures are not imposed arbitrarily or unfairly.

Freedom of expression

- To amend the Anti-Terrorism Proclamation to remove vague provisions that can be used to criminalise the exercise of the rights to freedom of expression and association;
- To observe its obligations under domestic and international human rights law to protect and promote freedom of expression, including by immediately ending the practise of arresting those who are critical of the government;
- To cease targeting journalists who are conducting their legitimate professional work, including reporting on peaceful protests and on the activities of opposition groups, armed groups and groups proscribed as terrorist organisations;
- To cease the use of criminal prosecutions to silence the freedom of expression of opposition politicians, independent media, and other groups that are critical of the government.

ENDNOTES

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review of Ethiopia*, A/HRC/13/17, recommendation 97.3 (Canada).

² A/HRC/13/17, recommendations 99.23-26 (Canada, UK, USA, Netherlands).

³ A/HRC/13/17, recommendations 97.55-57 (Norway, Ireland, Finland).

⁴ A/HRC/13/17, recommendations 97.59-60 (France, Germany) and 97.62-63 (Australia, Netherlands).

⁵ A/HRC/13/17, recommendation 97.62 (Australia).

⁶ A/HRC/13/17, recommendations 99.18-19 (UK, Switzerland). These recommendations did not enjoy the support of the government of Ethiopia

⁷ These included journalists Reyot Alemu, Woubshet Taye and Eskinder Nega, Swedish journalists Martin Schibbye and Johan Persson, and opposition leaders Zerihun Gebre-Egziabher, Andualem Arage and Nathnael Mekonnen.

ANNEX

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE⁸

Ethiopia: End stifling of peaceful protests (Index: AFR 25/003/2013)
<http://www.amnesty.org/en/library/info/AFR25/003/2013/en>

Ethiopian repression of Muslim protests must stop (Index: PRE01/404/2013)
<http://www.amnesty.org/en/news/ethiopian-repression-muslim-protests-must-stop-2013-08-08>

Ethiopia: Government continues to target peaceful Muslim protest movement
(Index: AFR 25/016/2012)
<http://www.amnesty.org/en/library/info/AFR25/016/2012/en>

Ethiopia: Supreme Court ruling marks a further erosion of human rights work in Ethiopia (Index: AFR 25/014/2012)
<http://www.amnesty.org/en/library/info/AFR25/014/2012/en>

Ethiopia: Widespread violations feared in clampdown on Muslim protests
(Index: AFR 25/010/2012)
<http://www.amnesty.org/en/library/info/AFR25/010/2012/en>

Ethiopia: Conviction of government opponents a 'dark day' for freedom of expression
(Index: PRE01/308/2012)
<http://www.amnesty.org/en/for-media/press-releases/ethiopia-conviction-government-opponents-dark-day-freedom-expression-2012-0>

Ethiopia: The 2009 Charities and Societies Proclamation as a serious obstacle to the promotion and protection of human rights in Ethiopia: Amnesty International's written statement to the 20th Session of the UN Human Rights Council (Index: AFR 25/007/2012)
<http://www.amnesty.org/en/library/info/AFR25/007/2012/en>

Ethiopia: Statement to African Commission on Human and Peoples' Rights: Item 9 (b, iv.): Special Rapporteur on Freedom of Expression and Access to Information in Africa (Index: AFR 25/003/2012)
<http://www.amnesty.org/en/library/info/AFR25/003/2012/en>

Ethiopia: Stifling human rights work: The impact of civil society legislation in Ethiopia (Index: AFR 25/002/2012)
<http://www.amnesty.org/en/library/info/AFR25/002/2012/en>

Ethiopia: Future of last remaining human rights monitoring NGO in Ethiopia in the balance (Index: AFR 25/001/2012)
<http://www.amnesty.org/en/library/info/AFR25/001/2012/en>

All of these documents are available on Amnesty International's website:
<http://www.amnesty.org/en/region/Ethiopia>



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