

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

ETHIOPIA: REFORM ONLY FEASIBLE WAY OUT OF MOUNTING CRISIS

There have been almost continuous protests in parts of Ethiopia since November 2015. The protests in Oromia region, were initially triggered by plans to extend the capital, Addis Ababa, into Oromia, but have since evolved to other demands. Protests in the Amhara region began in August 2016 against arbitrary detention, and calling for self-determination. The Ethiopian security forces have consistently used excessive, including lethal force, to disperse the protests. Over 600 protesters in Oromia, and 200 in Amhara have been killed as a result. Hundreds of political activists, human rights defenders, journalists and protesters have been arrested. At least 200 have been charged under the Anti-Terrorism Proclamation, and their trials are ongoing.

Tensions in Oromia escalated in recent weeks, following a stampede during Irrecha, an Oromo holiday festival that resulted in the deaths of at least 55 people. There are conflicting reports on the cause of the stampede at Bishoftu. The government has claimed that anti-peace protesters triggered the stampede, while Oromo activists claim that the stampede was caused by security forces, who fired tear gas canisters into the crowds, and shot live ammunition into the crowd. Following the stampede, fresh protests broke out in a number of locations in Oromia, with a number turning violent. Protesters attacked foreign and local businesses, farms and vehicles, especially those in the vicinity of Addis Ababa. There are also reports that a number of protesters attacked security forces. Peaceful protests were also staged in parts of Amhara region.

The government of Ethiopia has severely restricted internet access, and declared a state of emergency on 09 October 2016 in response to the situation. The state of emergency imposes broad restrictions on a variety of human rights, some of which are non-derogable. State security agents have also arrested many political activists, human rights monitors, protesters and journalists. Many have been charged for incitement for violence, some on the basis that third parties overheard them criticizing the government.¹

Amnesty International considers that the sustained protests in Ethiopia are being driven by underlying human rights grievances that remain unresolved to date. The organization is concerned that further crack-downs by the authorities will only serve to escalate the situation. The government can avoid further human rights violations by constructively engaging with, and addressing the underlying human rights concerns that are fueling the civil unrest.

¹ Amnesty International, Urgent Action, Ethiopia: Detained Opposition Members Risk Ill-Treatment, Index No. AFR 25/4984/2016, 14 October 2016.

Amnesty International, therefore, urges the Ethiopian Government to seize the opportunity to address the protesters' human rights grievances and re-commit to respect, protect and fulfil its human rights obligations. Specifically, the organization recommends that the Ethiopian Government stops using unnecessary and excessive force against protesters; refrains from arresting and charging people who are exercising their freedoms of expression and peaceful assembly; allows independent monitors to document the situation; and make good on its promises for reform, by ensuring that the legal, institutional and policy framework is brought fully in conformity with its international human rights obligations.

SUSTAINED AND WIDESPREAD PROTESTS

OROMIA REGION

Protests against the Ethiopian Government have been going on in Oromia region since November 2015. The proposed Addis Ababa City Integrated Development Master Plan triggered region-wide protests in Oromia, given that the Master Plan would excise land from Oromia and cause forced eviction of Oromo farmers. However, the protesters' demands have since evolved to demand the release of Oromo political prisoners, equality on ethnic grounds and accountability for human rights violations caused by the heavy-handed response of government security forces.

Since the start of the protests in Oromia, the government arrested and charged Bekele Gerba, Deputy Chairperson of Oromo Federalist Congress (OFC), Dejene Tafa, Deputy General Secretary of OFC, and others under the Anti-terrorism Proclamation (ATP) legislation, which the Ethiopian Government typically uses to silence the political opposition, independent media and bloggers. The ATP defines terrorism so broadly that it punishes legitimate exercise of freedom of expression; and allows up to four months of pre-trial detention. People previously charged under the ATP told Amnesty International that they had faced torture and other ill-treatment while in pre-trial detention. The Ethiopian Government has arrested and charged 135 Oromo politicians and activists under the ATP since the protests in Oromo began in 2015. The security forces have also killed hundreds of protesters, wounded thousands and arbitrarily arrested tens of thousands, by using live ammunition, tear gas, and batons to disperse protests.² The government announcement that it had cancelled the Master Plan in January 2016 was not able to abate the protests.

The tragedy that took place on 2 October 2016 in Bishoftu during the celebration of Irrecha³ further escalated the situation in Oromia, ending the relative calm since mid-September 2016. The death of protesters in a stampede during Irrecha was reportedly due to the disproportionate and unnecessary use of force by the security forces. The government position, which denies any role of security forces in causing the stampede and instead places the blame on 'anti-peace elements', has only served to escalate tensions within the region, as discussed further down in this statement.⁴

² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20663&LangID=E> (last accessed 17 October 2016).

³ Irrecha is an annual thanksgiving celebration of the Oromo community marked by a pilgrimage to Lake Harsedi in Bishoftu city, 45 kilometres south-east of Addis Ababa.

⁴ <http://www.fanabc.com/english/index.php/news/item/7043-nearly-all-injured-at-irrecha-celebration-left-hospital-manager> (last accessed 14 October 2016).

AMHARA REGION

Residents of Amhara cities such as Gondor, Debre Tabor, Bahir Dar, Debre Markos and others joined protests at the end of July 2016 against the arbitrary arrest of Wolkait Amhara Identity and Self-Determination Committee members. The Committee was established in November 2014, and tasked with facilitating the exercise the Wolkait Community's right to self-determination.

Gondor successfully hosted a huge but peaceful protest on 31 July 2016. However, subsequently largely peaceful protests in other cities in Amhara and Oromia Regions and in Addis Ababa on 5 and 6 August 2016, were dispersed with arbitrary and abusive force. More than one hundred people were killed in two days.⁵ The security forces also arrested many protesters and arbitrarily detained them in unofficial places of detention, including in military and police training bases.⁶ A number of victims who were arbitrarily detained and later released told Amnesty International about the use of torture and other ill-treatment while in detention. The excessive and arbitrary use of lethal force by security forces to disperse protesters since November 2015 has resulted in killings that may amount to extrajudicial executions⁷ of about 800 people both in the Oromia and Amhara Regions.

SOUTHERN NATIONS NATIONALITIES AND PEOPLES REGION (SNNPR)

The Konso Community in Southern Nations Nationalities and Peoples Region (SNNPR) have also conducted a series of protests demanding autonomous administration and the right to self-determination since July 2015. The government security forces responded using excessive force, killing protesters and burning homes.

FROM PROTEST TO VIOLENCE

The Irrecha stampede, which came on top of the consistently repressive response of the Ethiopian Government to protesters – instead of engaging with their demands – triggered an escalation of the protests to violence, with some protesters setting fire to businesses and investment projects. Oromo activists called this escalation the “week of rage”. The Dangote Cement Factory, the Turkish Cable Factory, the MIDROC Gold Mine and the Dutch floriculture farm are some of the businesses targeted by protesters. The protesters allege that the targeted businesses are on land dispossessed from the Oromo farmers.

Immediately after the Bishoftu incident, people in different cities of Oromia -Dukem, Adama, North and West Shewa, Arsi, Bale and East and West Wollega- staged violent protests. They blocked roads and burnt vehicles, local administration buildings as well as police stations. In some localities in Oromia, protesters chased away local administration officials and declared self-governance. Fighting between the security forces and local, armed people also erupted in West Arsi Zone (Shashemene,

⁵Amnesty International, Press release, Ethiopia: Dozens killed as police use excessive force against peaceful protesters, <https://www.amnesty.org/en/latest/news/2016/08/ethiopia-dozens-killed-as-police-use-excessive-force-against-peaceful-protesters/> (last accessed on 14 October 2016).

⁶ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20663&LangID=E> (last accessed on 14 October 2016).

⁷ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20663&LangID=E> (last accessed on 14 October 2016).

Aje, Kofele, Adaba, Robe) of Oromia Region after the Irrecha stampede.

Some localities in Amhara also staged peaceful protests in solidarity with the Oromia 'week of rage.'

Only the right to peaceful assembly is protected in international human rights law. However, security forces responding to violent protests are still obliged to adhere to rules governing the use of force, including the need to adhere to the principles of necessity and proportionality. The security forces may use force and firearms only if other means remain ineffective or will not achieve the intended legitimate objective. Even then, they are obliged to exercise restraint in their use of force and only act in proportion to the seriousness of the offence and the legitimate object to be achieved. Where acts committed by some protesters amount to criminal offences, the security forces are obliged to follow due process, in adherence to Ethiopia's human rights obligations with respect to the right to liberty and fair trial.

GOVERNMENT RESPONSE AFTER THE IRRECHA INCIDENT

The Ethiopian Government's failure to constructively engage with the protesters' demands continues to fuel the civil unrest. Currently, discourse amongst protesters and opinion shapers has shifted to advocating for the destruction of property and rejection of the government, with the potential to collapse law and order.

RESTRICTIONS ON FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION

There are credible concerns that the government blocked mobile data services, and mobile phone services have been frequently interrupted from the evening of 4 October 2016. Credible sources told Amnesty International that mobile data services are not working in Addis Ababa, Oromia and Amhara regions since 4 October 2016. There is no confirmation about the status of internet services in other regions. In all places, broadband services are working but are also slow.

Google has recorded some drop in traffic from Ethiopia starting in October on its Google search⁸ and a marked decline in traffic for its Youtube⁹ services. There have also been reports of the site Facebook being blocked in October, and analysis showing that the internet was shut down during previous protests in August.¹⁰

DISPROPORTIONATE AND ARBITRARY USE OF FORCE

The security forces used force in response to the destruction of properties, investments and vehicles in some localities of Oromia Region after the Irrecha stampede which went beyond the international and regional standards that force should only be used when strictly necessary, and only to the extent

⁸<https://www.google.com/transparencyreport/traffic/explorer/?r=ET&l=WEBSEARCH&csd=1469487600000&ced=1476259200000> (last accessed on 12 October 2016).

⁹<https://www.google.com/transparencyreport/traffic/explorer/?r=ET&l=YOUTUBE&csd=1469487600000&ced=1476259200000> (last accessed on 12 October 2016).

¹⁰ <https://ooni.torproject.org/post/ethiopia-internet-shutdown-amidst-recent-protests/> (last accessed on 12 October 2016); and <https://globalvoices.org/2016/10/11/ethiopian-authorities-shut-down-mobile-internet-and-major-social-media-sites/> (last accessed on 12 October 2016).

required for the performance of their duty.¹¹ The security forces used excessive, and lethal force, which resulted in the deaths of protesters in several cities in Oromia such as Dembi Dolo, Dukem, Arsi, Bishoftu.

ARBITRARY ARRESTS AND DETENTIONS

The arrest and detention of protesters and politically-outspoken individuals continues, including Natnael Feleke (a Zone-9 blogger) on 4 October.¹² The government has arrested prominent members of the Semayawi opposition political Party such as Blen Mesfin, Eyasped Tesfaye, Tena Yitnaw, Abebe Akalu, and Aweke Tezera. They have all been charged with incitement of violence on the basis that they were overheard speaking against the government. Eyosped Tesfaye and Tena Yitnaw had not yet been charged in court at the time of publishing this statement. It is not yet clear whether these Semayawi Party members were arrested under the state of emergency declaration.

The security forces have also arrested twenty seven Oromo students from Arba Minch University Student Cafeteria, on 9 October 2016. Their whereabouts were unknown as of Monday 17 October 2016.

FAILURE TO ADDRESS UNDERLYING HUMAN RIGHTS GRIEVANCES

The government refers to the protesters as 'anti-peace forces' and 'terrorists' sponsored by Egypt and Eritrea, rather than seeking to understand and address their demands. Despite promises from the ruling party, Ethiopian People Revolutionary Democratic Front (EPRDF) to undertake fundamental reform in good governance in October 2016, there is as yet no sign that they are committed to the same. While convening the Joint Session of the Federal Parliament, on 10 October 2016, President Mulatu blamed Ginbot-7 and the Oromo Liberation Front (OLF)¹³ for the civil unrest. Though the President indicated that the Federal Government will restructure itself and amend the election law, his speech failed to address the underlying grievances of the protesters.

DECLARATION OF STATE OF EMERGENCY

On 8 October 2016, the Council of Ministers declared a nation-wide state of emergency. The declaration established a Command Post chaired by the Prime Minister, who will determine the members of the body. The Command Post will identify and announce localities where restrictions on individual rights will apply. The declaration listed human rights restrictions the Command Post is allowed to impose, including:

- To prohibit any overt and covert incitement for violence or ethnic conflict, in whatever form of expression;
- To shut down or discontinue any mass media;
- To prohibit assembly, organisation and demonstration;

¹¹ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx> (last accessed on 15 October 2016)

¹² Released on bail on 7 October 2016.

¹³ Ginbot-7 and OLF are political parties the Ethiopian Parliament has branded as terrorist groups as per the ATP.

- To arrest anyone suspected of using violence in the areas the Command Post identifies. Those arrested will be educated and released and, if necessary, they will be punished as per the relevant law;
- To search and seize any person or place and confiscate where necessary;
- To impose curfew;
- To block any road or public place or to evacuate and move people from certain places;
- To prohibit possession of arms and combustible materials in particular areas;
- To evacuate people vulnerable to threats and keep them in safe places for a limited period of time;
- To restore governmental structures in areas where administrative organs collapsed, in cooperation with regional governments and the public;
- To use proportionate force necessary for the implementation of the state of emergency;
- To suspend substantive and procedural laws of the country.

Amnesty International is alarmed by the ambiguity and wide scope of the state of emergency declaration, potentially violating Ethiopia's Constitution as well as regional and international law and standards with respect to human rights, including pre-trial and fair trial rights such as freedom from arbitrary arrest and detention.¹⁴ Given the pervasive use of excessive force by the security forces against protesters, the declaration will legitimise further violation of non-derogable rights such as freedom from the arbitrary deprivation of life. Moreover, Ethiopian Authorities have not complied with their obligation to notify the state of emergency to the other State Parties of the ICCPR as required by Art 4(3).¹⁵

Amnesty International is also concerned by the unpredictability of the state of emergency declaration, since the Command Post has an open ended power to determine the areas and applicable restrictions. A supervisory body for oversight and investigation of measures as per the declaration of state of emergency is also lacking.

The Command Post has issued a directive for the implementation of the State of Emergency on the 15 October 2016. The directive enumerates acts prohibited throughout the country and in specific parts of the country, state of emergency measures, and rehabilitation measures and criminal trial.

Here are some of the restrictions the directive has imposed throughout the country:

- Any message through internet, writings, TV, radio, social media or any other communications channels that can create violence, unrest or conflict among people;
- Communications with groups designated as terrorist groups¹⁶, possession and distribution of

¹⁴ Human Rights Committee, General Comment 29, States of Emergency (Article 4), UN Doc CCPR/C/21/Rev.1/Add.11 (2001), Para 16.

¹⁵ <https://treaties.un.org/Pages/CNs.aspx?cnTab=tab1&clang=en> (last accessed on 17 October 2016).

¹⁶ The Ethiopian Parliament has designated Oromo Liberation Front, Ginbot-7, and Ogaden National Liberation Front, among others. Amnesty International has documented that the government usually charges and sentences opposition political party leaders and journalists for communicating with the designated terrorist, in trials that fail to satisfy fair trial standards in international law.

publications of terrorist groups, possession of the emblems of terrorist groups or promoting those emblems;

- Listening/watching, availing, and reporting the broadcasts of ESAT, OMN and other media outlets of terrorist groups;
- Failure to provide public services, closure of shops, and absenteeism from work without sufficient reason;
- Threatening and intimidating employees of government and private institutions from attending their work;
- Inciting violence and unrest that are against sport ethics at sport grounds;
- Obstruction or disruption of public and religious ceremonies, or reciting slogans with political content and unrelated to the ceremonies;
- Any communication or relation with foreign governments, including foreign non-governmental organizations that can endanger the sovereignty, security and constitutional order of the country;
- Any press statements by political parties that can endanger the sovereignty, security and constitutional order of the country.

Among measures of the state of emergency which the directive stipulates, the following especially restrict human rights:

- Arrest without warrant;
- Detention at places designated by the Command Post until the end of the state of emergency;
- Search without warrant anytime anywhere;
- Surveillance and control of any message through radio, TV, articles, pictures, photographs, theatre and movies.

Moreover, the directive provides that:

“Anyone that was involved in violence and unrest in the last one year and...distributed messages for strikes and participated in strikes, or incited the strikes will be released after receiving appropriate rehabilitation measures to be determined by the Command Post based on level of participation, if surrenders to the nearest police station within 10 days from the issuance of this directive.”

While the exact content and duration of the ‘rehabilitation measures’ remain ambiguous, previous trends in cases of mass arrest of protesters indicate that rehabilitation is usually synonymous to arbitrary detention at remote military bases without access to families and lawyers. Lack of proper medication and diet, torture and other ill-treatment characterize rehabilitation measures at military bases. Freedom from torture and other ill treatment is one of the non-derogable rights in state of emergency.¹⁷

RECOMMENDATIONS

The Ethiopian Government’s response to the sustained protests in Oromia and Amhara regions has

¹⁷ International Covenant on Civil and Political Rights, Article 4 (2).

pushed the country to the brink. However, Amnesty International believes that the government can avoid further human rights violations by constructively engaging with, and addressing the underlying human rights grievances fuelling the civil unrest. During an Ethiopian forum that Amnesty International organised on 2 June 2016 to review the status of human rights since the fall of the Derg in May 1991, many Ethiopians raised concerns around what they saw as systemic discrimination and marginalisation of many communities from political and economic decision-making – despite the federal system’s promise to address the same. This systemic discrimination and marginalisation on ethnic/regional grounds underlies and contributes to the current civil unrest. The pervasiveness and systemic nature of other human rights violations¹⁸ calls for urgent action and reform in practice, law and in institutions.

Amnesty International, therefore, urges the Ethiopian Government to seize the opportunity to address the protesters’ human rights grievances and re-commit to respect, protect and fulfil its human rights obligations. Specifically, Amnesty International calls upon the Ethiopian Government to:

- End the excessive or arbitrary use of force against protesters;
- Ensure that protesters, political opposition party leaders and members, journalists and bloggers who have been arrested merely for peacefully exercising their freedom of expression, association and assembly, are immediately and unconditionally released ;
- Ensure prompt, thorough, impartial, independent and transparent investigations of all allegations of excessive or arbitrary use of lethal force by security agents against protesters and bring those responsible to justice in fair trials without recourse to the death penalty;
- Publicise the findings of any such investigations and bring anyone against whom there exists sufficient admissible evidence of responsibility for human rights abuses that amount to crimes, including extrajudicial executions or enforced disappearances, to justice in fair trials without recourse to the death penalty;
- Allow access for independent and international investigations of allegations of human rights violations in the context of the current protests;
- Cooperate with relevant special mechanisms of the AU and UN, including through facilitating access to the relevant African Commission for Human and Peoples Rights mandate holders; and facilitating access to relevant UN Special Rapporteurs (UNSR) including the UNSR on freedom of peaceful Assembly and of Association; UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; the UNSR on Extrajudicial, Summary or Arbitrary Executions;
- Amend the Anti-Terrorism Proclamation and the Charities and Societies Proclamation to conform with Ethiopia’s international and regional human rights obligations; and
- Ensure the availability of equal and effective access to justice, adequate, effective and prompt reparation for harm suffered; access to relevant information concerning violations and reparation mechanisms in order to remedy the grievances of the protesters.

Amnesty International requests the African Union to encourage the Ethiopian Government to:

¹⁸ Amnesty International Public Statement; Ethiopia: 25 Years of Human Rights Violations; AFR 25/4178/2016, 2 June 2016.

- Implement the above recommendations;
- Fully comply with its obligations under the African Charter for Human and Peoples Rights; and
- Allow access for independent and international investigations of allegations of human rights violations in the context of the current protests.

Amnesty International also urges the international community, especially the UN and as well as its member States to encourage the Ethiopian Government to:

- Implement the above recommendations;
- Fully comply with its human rights obligations arising from the Universal Declaration of Human Rights and instruments it has ratified, including but not limited to, the International Covenant for Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights; and
- Cooperate with relevant special mechanisms of UN, including through facilitating access to the relevant African Commission for Human and Peoples Rights mandate holders; and facilitating access to relevant UN Special Rapporteurs including the including the UNSR on freedom of peaceful Assembly and of Association; UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; the UNSR on Extrajudicial, Summary or Arbitrary Executions.