



Public Statement

Future of last remaining human rights monitoring NGO in Ethiopia in the balance

2 February 2012.

On 3 February 2012, the Cassation Bench of the Federal Supreme Court of Ethiopia will hear a petition by the Human Rights Council (HRCO), Ethiopia's oldest human rights organisation, to admit an appeal against the freezing of its bank accounts. Amnesty International, ARTICLE 19, CIVICUS, East and Horn of Africa Human Rights Defenders Project and Human Rights Watch express deep concern at the obstacles and restrictions to which HRCO and other human rights organizations in Ethiopia are now subjected, as illustrated by this case. The decision of the Supreme Court will be of great significance for the future of HRCO's vital work and for the wider promotion and protection of human rights in Ethiopia.

HRCO's bank accounts were frozen after the introduction of the Charities and Societies Proclamation (CSO law), adopted by the Ethiopian parliament in 2009 to regulate domestic and international civil society organizations. The CSO law prohibits human rights organisations in Ethiopia from receiving more than 10 percent of their funding from foreign sources. As a result, the majority of independent Ethiopian civil society organisations working on human rights issues have had to discontinue their work. The CSO law has been widely criticized for failing to meet international human rights standards.

In December 2009, the Charities and Societies Agency (CSA), a new regulatory body established under the CSO law, granted HRCO its license as an Ethiopian charity, but, in a letter dated three days before the registration, the CSA ordered four private banks to freeze all of HRCO's assets including its private bank accounts and reserve funds.

HRCO (formerly known as the Ethiopian Human Rights Council, EHRCO) has been the leading human rights voice in the country, with a strong track record of investigating and reporting on violations and promoting human rights in the country since its establishment in 1991. As a result of the restrictions in the CSO law and the freezing of its accounts, HRCO has been forced to close nine of its twelve offices and cut 85 per cent of its staff.[1]

The CSO law does not allow for retroactive application, meaning the restrictions in the law cannot be applied to funds collected before the passing of the law. Further, the CSA did not secure a court-ordered warrant permitting it to freeze HRCO's assets and nor does the CSO law contain any provision permitting the CSA to block an organisation's accounts. On these bases HRCO challenged the lawfulness of the freeze to the Board of the CSA, and subsequently to the Federal High Court in April 2010. The High Court upheld the decision of the regulatory body on October 24, 2011.

HRCO is now petitioning the Supreme Court, the highest adjudicating body in the country, to hear its appeal against the decision of the Federal High Court.

Ethiopia's once vibrant civil society has been severely decimated due to various legal and other impediments to its work imposed by the government. The CSO law is just one in a series of laws passed since 2008 to give legal grounding to restrictions on freedom of expression and freedom of association. The broad provisions of the Anti-Terrorism Proclamation of 2009, for example, have been used in the arrest and prosecution of a large number of journalists and members of the political opposition in 2011.[2] This has severely affected freedom of speech and the ability to criticise governmental policies without

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fear of negative consequences. Most recently, on 19 January, 2012, three journalists, an opposition leader and a former opposition supporter were convicted under the anti-terrorism law for writing online articles critical of the government and for having telephone conversations discussing peaceful protest actions.[3]

Amnesty International, ARTICLE 19, CIVICUS, the East and Horn of Africa Human Rights Defenders Project and Human Rights Watch urge the Supreme Court to protect the rights of HRCO and all human rights organizations in Ethiopia to conduct their legitimate and essential work, including through unrestricted access to their funds. The organisations further urge the Government of Ethiopia to create an enabling environment for civil society in accordance with its constitutional provisions and obligations under international law, to uphold the rights to freedom of association, freedom of expression and freedom of peaceful assembly.

Footnotes:

[1]See *Impact of the CSO Proclamation on the Human Rights Council*, Human Rights Council July 2011

[2]See Amnesty International, 'Dismantling Dissent: intensified crackdown on free speech in Ethiopia' (25/011/2011), <http://www.amnesty.org/en/library/info/AFR25/011/2011/en>; <http://www.amnesty.org/en/news/ethiopia-swedish-journalists-must-be-released-immediately-and-unconditionally-2011-12-21>; Human Rights Watch World Report 2012, pp 121-125 <http://www.hrw.org/sites/default/files/reports/wr2012.pdf/>

[3] <http://www.amnesty.org/en/news/ethiopia-terror-convictions-affront-free-speech-2012-01-19>; <http://www.hrw.org/news/2012/01/19/ethiopia-terrorism-verdict-quashes-free-speech>

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