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Ethiopia: Release Prisoners of Conscience Immediately and Unconditionally

On 17 July 2014, seven members of the Zone 9 blogging collective and three independent journalists were formally charged with terrorism offences and 'Outrages against the Constitution'. Amnesty International considers the detained bloggers and journalists to be prisoners of conscience, imprisoned for peacefully exercising their freedom of expression without using or advocating violence or hatred, and calls for their immediate and unconditional release, and for the charges to be dropped against all of the accused.

One of the bloggers was charged in absentia, while the remaining nine have been in detention since their arrests on 25 and 26 April 2014. At remand hearings for the detained, police were repeatedly granted additional time to conclude their investigations.

Bloggers Befeqadu Hailu, Atnaf Berahane, Mahlet Fantahun, Zelalem Kiberet, Natnael Feleke, Abel Wabela and Soliana Shimeles (in absentia), as well as journalists Tesfalem Waldyes, Edom Kassaye and Asmamaw Hailegeorgis, have been charged under article 4 of the 2009 Anti-Terrorism Proclamation, which prohibits the planning, preparation, conspiracy, incitement and attempt of a terrorist act, and article 238 of the Ethiopian Criminal Code on 'Outrages against the Constitution or the constitutional order.' The bloggers and journalists were initially presented to court in three separate groups, but their cases have now been combined into one, with a first hearing date set for 4 August 2014.

Amnesty International considers that the case has been brought because of the peaceful blogging and activism activities of the 10 bloggers and journalists and calls for the charges to be dropped. They were arrested just days after Zone 9 announced that they were resuming their activities following months of harassment and intimidation. The group's stated aims are "to create an alternative independent narration of the socio-political conditions in Ethiopia and thereby foster public discourse that will result in emergence of ideas for the betterment of the Nation."

Ethiopia regularly uses the flawed Anti-Terrorism Proclamation to silence dissenting voices. Since its introduction in 2009, the law has been used more frequently against members of political opposition parties, independent journalists and peaceful protesters than against any other groups.

The charges levelled against the 10 bloggers and journalists include forming a clandestine organisation which sought and received support from Ginbot 7 and the Oromo Liberation Front (OLF). Both have been outlawed as terrorist groups in Ethiopia. One of the accused is said to have received 48000 Birr (approximately US\$ 2400), although the charge sheet does not specify from whom. The bloggers and journalists are also accused of receiving trainings to enable them to execute their plans, including learning how to encrypt online communications through 'Security in a Box'. The group is also accused of intentionally organizing themselves to overthrow, modify or suspend the Constitution by violence, threats, or conspiracy.

Many of the activities cited in the charge sheet, and pieces of evidence listed, do not indicate or constitute criminal behaviour but are examples of the defendants exercising their right to freedom of expression. 'Security in a Box', for example, is a selection of free and open-source software, materials and guides for digital security and privacy, widely used by human rights defenders and independent media around the world, particularly where those groups operate in hostile environments.

Statements made by the detainees while under investigation have been included in the written evidence presented by the prosecution. However, six of the detainees have said that they were forced to sign confessions of their alleged crimes. Under the Ethiopian Constitution and international law, statements made through coercion may not be admitted as evidence.

The names of the witnesses to be called by the prosecution have not been shared with the defence, purportedly for their protection. However, this practice may undermine the accuseds' ability to prepare a full defence. Further, Amnesty International has received numerous reports of people being paid or coerced to testify against defendants in previous politically-motivated cases.

The process has already been marred by numerous flaws. During the initial months of detention, the detainees were denied access to visitors; and access to their lawyer was severely restricted. Six of the detainees were only allowed to see their family members on 9 July, over two months after their arrest. The detainees were held in the notorious Maikelawi federal police detention centre in Addis Ababa, where political detainees are frequently held incommunicado and subjected to torture during interrogation. They have now been transferred to Kaliti and Kilinto federal prisons. Three of the detainees complained in court during remand hearings that they had been tortured. The court failed to take any action despite a responsibility to ensure that all allegations of torture or other ill-treatment are investigated. An application for bail is pending before the court.

The nine detainees were held for over 80 days under the Anti-Terrorism Proclamation before being charged. The law, which places undue restrictions on several areas of human rights, allows for up to four months' detention without charge – one of the longest remand periods in the world. When the prosecution finally filed the charges, they were first announced without the defendants or their lawyers being present.

Past politically-motivated trials indicate that the Zone 9 bloggers and journalists will not have a fair trial. An ever-increasing number of journalists, opposition members, activists and other dissenting voices – including the journalists Eskinder Nega, Reyot Alemu and Woubshet Taye – are imprisoned for alleged terrorism offences. Indeed, the name Zone 9, is inspired by the eight zones of Kaliti prison where prisoners of conscience have frequently been detained. The name is intended to suggest that the rest of Ethiopia is the 9th zone of the prison – and that all Ethiopians lack freedoms, especially freedom of expression.

With elections approaching in May 2015, Amnesty International urges the Ethiopian government to respect all Ethiopians' right to freedom of expression, as guaranteed under the Constitution and in accordance with Ethiopia's international obligations, including under the African Charter on Human and Peoples' Rights. The government should immediately cease the use of criminal prosecutions to silence opposition politicians, independent media, and other groups critical of the government and who are peacefully exercising their freedom of expression. Amnesty International reiterates its call on the Ethiopian government to amend the Anti-Terrorism Proclamation to remove vague provisions that can be used to criminalize the exercise of the rights to freedom of expression and association, and bring it in line with international and regional human rights standards.