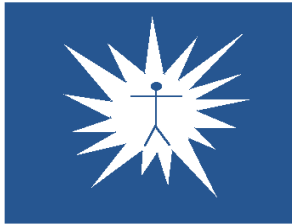


HRCO



UPR submission

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Submission by the Human Rights Council (HRCO)

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I. The situation of human rights defenders

1. Since 2009 human rights defenders have been struggling to work within the restrictive framework of the Charities and Societies Proclamation (CSP, 2009), which imposes strict control on nongovernmental organizations. The CSP has had devastating effects on human rights NGOs as well as on the monitoring and protection of human rights throughout the country. Most civil society organizations have had to decrease their activities and many have stopped working on human rights or simply closed.

2. Funding restrictions contained in the CSP have had destructive effects on the functioning of human rights NGOs. The law prohibits these organizations to receive more than 10 per cent of their annual income from foreign sources although Ethiopia stands to be one of the poorest countries in the world and the government itself depends for more than a quarter of its budget on foreign support. Due to lack of funding, HRCO has been forced to drastically reduce its staff and disband many of its branch offices. HRCO has also had to slash five departments and to drastically reduce the scope of its program activities. In February 2012 the Charities and Societies Agency upheld an earlier decision to freeze the bank accounts of the two leading human rights organizations, HRCO and the Ethiopian Women Lawyers Association (EWLA). Following this decision, HRCO and EWLA appealed to the High Court. In October 2012, the Court upheld the Board's decision in HRCO's case. The freezing of the accounts and the ruling to uphold this decision contain a retroactive application of the law for most of the funds that were donated before the passing of the CSP although the law does not provide for its retroactive application.

3. Civil society organizations face further obstacles with a provision prohibiting organizations to spend more than 30 per cent of their budget on administrative costs. The guidelines to this provision issued by the CSP agency in 2010 and 2011 have increasingly narrowed the application of the provision for Ethiopian NGOs engaged in human rights and governance related activities. According to these guidelines, program related expenses for transport, consulting, monitoring and evaluation, advocacy, salaries, payments to trainers and experts are considered administrative costs. The CSP agency's annual report 2011/2012 show that the non-compliance rate by Charities and Societies is 80 percent. The interpretation applied by the agency has led civil society organizations (including HRCO) to cut down their activities and stop working in remote areas. These governmental decisions negatively impact not only the work of human rights defenders but also and most importantly its beneficiaries.

Recommendations:

- Amend the highly restrictive provisions of the Charities and Societies Proclamation.
- Revise the interpretation by the Civil Societies Agency of the 30/70 per cent provision.
- Lift prohibitions for Ethiopian civil society organizations to generate foreign income.
- Allow HRCO AND EWLA access to their frozen funds.

II. Freedom of Expression

4. The government has curtailed freedom of expression to an alarming level these past years. In a country of more than eighty million people, only nineteen newspapers are found in circulation and most of these do not entertain politically sensitive issues for fear of reprisals. There are no privately owned radio or television stations. The 2009 Anti-Terrorism Proclamation is the main legal document used by

the government to silence political opposition and independent journalists. The proclamation gives a very broad and highly subjective definition to “encouragement to terrorism” under article 6. Punishment for “a publication likely to be understood as instigation of terrorism” goes from 10 to 20 years imprisonment sentences. Furthermore, the Freedom of Information proclamation provides exorbitant fines for administrative faults.

5. Since 2011 eight journalists have been convicted over terrorism charges and dozens have fled the country from fear of prosecution. Reyot Alem (winner of the 2013 UNESCO-Guillermo Cano World Press Freedom Prize) was one of the convicted journalists. Over half of the evidence for her prosecution is based on the articles she had written. Former deputy editor of the Awramba Times newspaper, Wubshet Taye was charged in the same case as Reyot Alem and was also found guilty on terrorism charges. He is serving a fourteen years sentence at the Kality prison center. Awramba Times had to shut down following the harassment and threats of its staff members. The editor of the newspaper, Dawit Kebede fled into exile after having received threats of prosecution. In the same year journalists Eskinder Nega, Fasil Yenealem, Abebe Belew, Abebe Gelaw, Mesfin Negash, and Abiy Teklemariam were also charged along with other high profile opposition political party leaders and found guilty on terrorism charges. Both Mesfin Negash and Abiy Teklemariam fled into exile before their prosecution fearing that their work as journalists would lead to imprisonment. Journalist and blogger Eskinder Nega was convicted upon multiple charges of terrorism on July 13, 2012 and is now serving an 18 years sentence at the Kality prison center. A few days before his arrest, Eskinder Nega had written and commented on the then current Arab Spring revolutions. He had previously been detained and threatened by high-level official of the Federal Police (Deputy Commissioner) on February 11, 2011 for writing an online article.

6. At the moment Temesgen Dessalegn, editor of a defunct newspaper Feteḥ, is now on trial on charges of “provocation of violence” and “Defamation of the Government”. All the evidences brought against him are the articles he wrote in the newspaper. The government close down newspapers and magazines he founded (Feteḥ, Leelina, and Addis Times). In the case of Feteḥ, the government refused to print the paper claiming the newspaper might carry criminal content. Other newspapers that went out of circulation because of administrative blunders by the government include Finote Netsanet, Mesenazeria, Sendek, and Nega Diras. Two other journalists Yusuf Getachew and Solomon Kebende of Ye Muslimoch Guday (Muslim Affairs) have been in detention at Kality prison since July 2012 after being charged under the anti-terrorism law. Many detained journalists and political party leaders are denied access to visits from their family members and lawyers.

III. Freedom of association and assembly

7. Freedoms of association, assembly and the right to peaceful demonstration have been stifled constantly in the past four years. According to HRCO’s investigations political parties wishing to apply for demonstration permits have faced diverse obstacles from the government. From March to December 2012 many of the opposition political party high-ranking officials were arrested. Many of them were subsequently convicted over charges of terrorism. The widest governmental crackdown was on the “Oromo Federalist Democratic Movement” (OFDM) and “Oromo people’s Congress” (OPC) parties. More than two hundred of their members were imprisoned, most of whom were candidates and local council

members in the 2005 and 2010 elections. Former deputy chairman of OFDM Bekele Gerba and Olbana Lelisa of OPC are currently in prison. Other opposition party leaders Andualem Arage, former vice chairman of the “Unity for Democracy and Justice Party”, and Zerihun Gebregziabher, former Chairman of “Ethiopia National Democratic Party”, are in prison for terrorism and treason charges.

8. A civic association named “Visionary Youth Association” and the political parties “Forum for Democratic Dialogue” (Medrek), and “Semayawi Party” were unable to hold assemblies because of the venue owners’ refusal to allow politically sensitive assemblies to be held in their places. According to our investigation in most of these cases government security officials have directly or indirectly threatened the venue managers. At the same time the Addis Ababa City Government office that is supposed to merely accept notifications of assemblies and demonstrations played an obstructive role by ordering assembly holders to come up with a contract from venue owners which further discouraged them. On March 11, 2013 government officials dispersed a peaceful demonstration called by “Visionary Youth Association” and the “Semayawi Party”. Thirty-seven persons who took part in the demonstration were arrested and imprisoned. The day before the demonstration, members of the above mentioned organizations were arrested and imprisoned as well while giving out fliers. The government gave no justification whatsoever for these illegal arrests. Since 2009, the only public demonstrations allowed by the government so far have been government rallies. The government allowed the “Semayawi Party” to hold a demonstration in June. However, police broke into the offices of the party and harassed its members while they were preparing for a demonstration to happen on the next day, September 1, 2013.

9. In January 2012 the authorities of the Gamo Gofa Zone of the Southern Nations and Nationalities Region (SNNPR) arrested and imprisoned one hundred and eight members of the “All Ethiopian Unity Party”. The arrests perpetrated were arbitrary in that the administrative organs ordered all the detentions without a prior approval by a judicial organ. In another instance, a political party in the SNNPR State, the “Sidama Liberation Movement,” competing for the local election that took place in April 2013 was forced to pull out of the election the day before the election because of a widespread attack upon many of their registered candidates. According to HRCO’s investigations, about one hundred and fifty of these candidates and members were imprisoned for all forms of accusations. More than fifty of the members and candidates of the party faced administrative reprisals in their respective jobs in the form of dismissal, relocation, and salary cuts. Members of the “Unity for Democracy and Justice Party” were also arbitrarily detained for campaigning against the Anti-Terrorism Proclamation with demonstration and other platforms starting June 2013.

Recommendations:

- Allow a working space for the press in accordance with international human right principles and conventions to which Ethiopia is a party.
- Amend the Anti-Terrorism Proclamation whose provisions are not aligned with human rights especially the provision that criminalizes publication.
- Amend the draconian provision in the Criminal Code Article 244 that criminalizes defamation of government.

- Release all prisoners of political parties and journalists whose guilt has been pronounced on the pretext of terrorism without any substantial evidence of their actions leading to any perceived threat to the public.
- Respect these prisoners' right to visits.
- Respect the right to peaceful demonstration of citizens and take immediate measure to bring to justice security, police and administrative officials who commit violations of this right.

IV. Ethnic minorities and forced displacement

10. Although the FDRE constitution grants the right of self-determination and governance to ethnic groups, the federal structure has clustered numerous ethnic groups under one regional administration. Conflicts between ethnic groups have been reported in the Southern Nations and Nationalities state. On many occasions, members of ethnic groups who requested self-government suffered arbitrary detention, eviction and other administrative violations. Such tensions have also been the cause of conflicts that lead to the death of lives and destruction of property putting the right to life of citizens at risk. Internal Displacements of Persons driven by government authorities have left large numbers of communities homeless and without means to sustain their livelihoods. Thousands of Amhara communities living in the SNNPR State were forcibly evicted from their farming lands at the order of the regional authorities. In April 2013 tens of thousands members of the same community living in the Benishangul Region of Western Ethiopia were displaced without prior notification. These displacements caused a massive humanitarian crisis and resulted in irreparable damage such as deaths, homelessness, and loss of property.

11. The leasing of large tracts of land for investors, especially in the western part of Ethiopia Benishangul, Oromia and Gambella regions, has resulted in destabilizing the livelihoods of the indigenous communities. In most cases, regional authorities did not conduct consultations with the farmers prior to their eviction. Since these relocations are done to provide fertile land to the investors, the indigenous people are being relocated to unfertile and inhabitable areas hindering their access to pasture and grazing lands. As farmers are transferred to other areas where basic infrastructures, the duty of responsible investment by returning parts of the profit towards local development and the provision basic services is not ensured. The widespread clearing of forests and wildlife reserves is also of major concern.

Recommendations:

- Ratify the African Union Convention on Internally Displaced Persons that Ethiopia has already signed. Respect the basic principles of this convention to protect and indemnify the displaced communities and redeem all the damages they have suffered.
- Bring to justice the officials responsible for these widespread ethnic targeted persecutions.
- Make large scale land leasing investors take into account the needs and sustainable development demands of the local communities as beneficiaries.
- Consult the communities before their relocation in a transparent manner.
- Ratify Additional Protocols to conventions that allow individual complaints.