



ETHIOPIA

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW 19TH SESSION OF THE UPR WORKING GROUP, APRIL-MAY 2014

FOLLOW UP TO THE PREVIOUS REVIEW

Since Ethiopia's first UPR in 2009, the country has made no progress in many critical areas of civil and political rights highlighted in the previous review. The environment for freedom of expression and association has deteriorated still further; arbitrary arrest and detention, and torture and other ill-treatment remain prevalent and are carried out with impunity.

Many important recommendations were rejected by Ethiopia during the 2009 review. On the recommendations that were accepted, substantive action has been slow. The government has drafted a National Human Rights Action Plan (NHRAP), as recommended under the previous review,¹ which was presented to Parliament in early 2013. However, while the NHRAP is a positive development, it fails to address many of the most crucial human rights issues facing the country.

The draft NHRAP fails to address the excessive restrictions placed on the work of human rights organisations in Ethiopia by the Charities and Societies Proclamation (CSP). During the 2009 review, the government rejected recommendations to amend or repeal the legislation,² but did accept several recommendations to support the work of human rights defenders.³ Since then, however, the government has failed to strengthen the legislative or practical operating environment for human rights 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 and to prevent human rights 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 The draft NHRAP contains some points under the heading of freedom of expression, but these will not address the fundamental hostility to dissent and criticism shown by the government. There has been no progress in protecting the right to freedom of expression since the previous review, 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 civil and political rights, including freedom from arbitrary arrest and detention.⁵ 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. Moreover, the measures included in the NHRAP are inadequate to address the prevalence of arbitrary detention, politically-motivated detention, and other violations of civil and political rights of detainees and others, including torture and ill-treatment. The draft NHRAP does not use the word 'torture' and fails to adequately acknowledge the extent and scale of torture and other ill-treatment in Ethiopia.

¹ A/HRC/13/17, recommendation 97.3 (Canada).

² Ibid, recommendations 99.23-26 (Canada, UK, USA, Netherlands).

³ Ibid, recommendations 97.55-57 (Norway, Ireland, Finland).

⁴ Ibid, recommendations 97.59-60 (France, Germany) and 97.62-63 (Australia, Netherlands).

⁵ Ibid, recommendation 97.62 (Australia).

The draft NHRAP provides for the continued monitoring of police detention centres and prisons by senior police and prison administration 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 constitute legitimate monitors to prevent violations in detention.

THE HUMAN RIGHTS SITUATION 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. This law, *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. International organizations continue to be prohibited under the CSP from working on human rights in Ethiopia.

As a result of these 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 at least 75 percent (more than 40 people) from its staff. 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, a decision upheld by the High Court and subsequently the Supreme Court.

The lack of definition of various provisions, including '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 Charities and Societies Agency has also issued eight implementing directives for the CSP, placing more bewildering and time and resource-consuming requirements on the activities of NGOs.

In addition to the legislative restrictions, human rights civil society continues to face harassment. A coalition formed to submit information for the 2009 UPR and for the treaty bodies disbanded after preparing the report for the UPR. Following the submission of that report the organizations involved 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. These arrests were reportedly in response to calls for separate regional statehood for the Sidama. Many of those arrested were detained only briefly; however, a number 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. Many hundred ethnic Oromos were arbitrarily detained on accusations of being a member of, or supporting, the Oromo Liberation Front (OLF). This accusation is frequently used to silence members of Oromo political opposition parties.

Those arrested were detained in police stations, prisons, and frequently in unofficial places of detention in military camps throughout the region, and often subjected to torture and other ill-treatment. Their detention was often arbitrary, with

men and women being 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. Those cases that did go to trial were subject to severe delays.

The majority of those 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 the extrajudicial execution of persons suspected of support of the OLF, and of the 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 Peoples Congress and Oromo Federalist Democratic Movement political parties were arrested on the allegations of supporting the OLF, apparently in a pre-emptive 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 on the same day. The two men were subsequently sentenced to prison terms for alleged support of the OLF.

The government has also taken steps to suppress Oromo culture, including targeting Oromo writers, singers as well as cultural celebrations. In 2011 and 2012 large numbers were arrested at 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 each location.

Somali region

Amnesty International continues to receive reports of widespread human rights violations committed by government forces and the government-allied militia, the Liyu police, against the civilian population of the Somali region, based on suspected membership of, or support for, the Ogaden National Liberation Front (ONLF). Violations reported include extensive arbitrary detention, extrajudicial executions, torture and other ill-treatment, rape of women inside and outside of detention, and the destruction of property, including homes and livestock. Amnesty International has also received reports that Liyu operations extended 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 previous allegations of grave human rights violations committed in the region, as recommended under the previous review.⁶ Severe restrictions continue 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, charged with terrorism offences, and sentenced to 11 years' imprisonment. They were later released on a pardon.

Torture and other ill-treatment

Widespread use of torture and other ill-treatment continues 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 at 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, of Oromos arbitrarily detained on suspicion of supporting the OLF.

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, all increase detainees'

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

risk of being subjected to torture and other ill-treatment. Torture and other ill-treatment often occur during interrogation in the initial stages of detention. There are many reports that confessions and other information elicited through the use by torture have been admitted as evidence in court.

Methods of torture regularly reported include beating with hands, 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 and left suspended for extended periods, causing severe injury. Rape of women by soldiers during arbitrary detention and outside of detention has been reported in the Oromia and Somali regions. Many prisoners have 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) has been used to silence dissenting and 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 All were subsequently sentenced to lengthy prison sentences. Many of them had been criticising government practise and calling for reform.

Two of the last remaining independent newspapers in Ethiopia have ceased publishing. In 2011, the *Awramba Times* shut down and its editor fled the country under the threat of arrest. The editor of *Feteh* newspaper was charged with a number of criminal offences in 2012. 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 also fled in November 2011 after being threatened with arrest, and at least three further 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 printed. The overly broad provisions of the Anti-Terrorism Proclamation mean that much legitimate content could be deemed “illegal”.

Representatives of other groups critical of the government were also arrested during 2011. 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 among Ethiopia’s Muslim community demonstrating against alleged government interference in Islamic affairs and arrested hundreds of protesters across the country. In late 2012, 29 leaders of the protest movement and at least one journalist, were charged under the APT. Another journalist was subsequently charged under the ATP in relation to the movement, and two further journalists were arrested in 2013. 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 amend the Charities and Societies Proclamation to remove provisions that violate the rights of freedom of expression, association and assembly, that restrict human rights activities carried out by local and international NGOs, and that prohibit and criminalize the work of human rights defenders.

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.

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 arrested persons are never detained 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 permitted access to them;
- To make available full details of everyone arrested in Ethiopia, 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 all detainees;
- To immediately undertake independent, impartial and thorough investigations into all reports of serious violations of human rights, 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 suspected perpetrators are prosecuted and tried in accordance with international standards for fair trial, and with no recourse to the death penalty;
- To publically declare that no one, including detainees, should be tortured or subjected to other ill-treatment, and to ensure this is fully adhered to by police and other law enforcement authorities;
- To extend access to prisons and other places of detention, including Maikelawi in Addis Ababa and military camps in Oromia, to independent non-governmental bodies, to inspect and monitor prison conditions;
- 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 hold political opinions that are critical of the government;
- To cease the targeting of 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 critical of the government.