



Threats to Civil Society and Human Rights Defenders Worldwide: Ethiopia Silencing Dissent and Dismantling Civil Society

Testimony from Amnesty International USA
Before the House Tom Lantos Human Rights Commission

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- I. Acknowledgments
- II. Summary
 - AI human rights concerns in Ethiopia
 - Key focus areas for hearing
 - Recommendations
- III. Silencing Dissent and Dismantling Civil Society
 - The Anti-Terrorism Proclamation and its impact
 - The Charities and Societies Proclamation and its impact
- IV. Recommendations for the US Government
- V. Conclusion

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I. Acknowledgements

On behalf of Amnesty International USA, I would like to thank the Tom Lantos Human Rights Commission, and in particular Chairman Frank Wolf and Chairman Jim McGovern, for the chance to participate in today's hearing. We are grateful for your leadership on the Commission and have enjoyed working with the dedicated human rights advocates that have staffed the Commission since its establishment - and we look forward to further collaboration going forward.

Amnesty International is the world's largest human rights organization, with more than 3 million supporters in more than 150 nations and territories. There are 80 country chapters of Amnesty International and here in the United States we have nearly 500,000 supporters whose dedication to human rights has impacted both policy and practice around the world.

II. Summary

Amnesty International has serious concerns with the state of human rights in Ethiopia. While today's testimony specifically focuses on threats to civil society organizations (CSOs) and human rights defenders (HRDs) within Ethiopia, the issues that we are raising are so intertwined with broader issues such as the use of torture and impunity for the security forces, that in order to effectively address the clampdown on human rights defenders and civil society organizations, will require addressing the aforementioned concerns as well.

AI's Human Rights Concerns

Amnesty International is extremely concerned over legislation and policies being pursued by the government of Prime Minister Meles Zenawi, which amount to an institutionalized assault on human right defenders and civil society organizations.

Laws such as the Charities and Societies Proclamation, the Anti-Terrorism Proclamation and the Mass Media Proclamation, have restricted and hampered what CSOs and human rights defenders can work on, what they can say and how they operate.

The laws have established overly broad definitions of what constitutes terrorism and a range of activities and statements that the government has defined as encouraging terrorism - while at the same time, are crushing the very institutions and individuals who bravely seek to protect the rights of individuals and organizations and ensuring that Ethiopia adheres to its regional and international human rights obligations.

The result has been the arrest and detention of hundreds of members of the media and the financial collapse of the country's two largest human rights organizations.

Key Focus Areas for Today's Hearing

The focus of our deliberations today, Threats to Civil Society and Human Rights Defenders Worldwide, is extremely important and has been a core focus for Amnesty International since it was founded 51 years ago. The health and wellbeing of domestic civil society and the safety, security and ability of human rights defenders to operate, are key measurements of how free or open a society or country truly is. A country can ratify all of the key international documents and covenants, it may pass noble sounding legislation referring to the importance of human rights in their country, it may issue powerful press releases and set up government institutions - but in the end, the most credible measurement is how a government actually treats its own people and in particular, how it treats those who critique or disagree with their policies and practices.

The ability and the manner in which those who challenge the status quo are able to exercise these fundamental rights are the true indicators that show whether a government's commitment to the principles of human rights are a reality or just empty words. This dynamic also critically highlights negative or positive trends that can be critical bell weathers for political instability and potential conflict. The full enjoyment of the rights to free expression, association and assembly are deeply intertwined with the strength of the rule of law and good governance and must be constantly protected and reinforced. If the individuals and organizations who are dedicated to this very cause are themselves declared illegal - banned from expressing their opinions, restricted in how they operate and on what issues they work, arrested, beaten, disappeared or killed - the consequences for the rest of country are more than just chilling. They represent an emphatic statement by those in power that the government, and only the government, will decide what rights are enjoyed and who will enjoy them.

The members of this Commission know far too well the dangers that such an approach can lead to - and unfortunately, the current and growing threats to civil society organizations and human rights defenders in Ethiopia is a strong indicator that the government is moving in the wrong direction, moving further away from the protection and promotion of human rights.

Members of the Commission, the recent and ongoing developments in Ethiopia linked to policies and laws implemented by the government of Prime Minister Meles Zenawi, have all but gutted civil society in Ethiopia. While my comments today are limited to civil society organizations and human rights defenders, I would like to reiterate that AI also has serious concerns regarding other human rights violations in Ethiopia including but not limited to prisoners of conscience, political prisoners and torture.

It is also important to remember that Ethiopia is a signatory to several international and regional human rights covenants that require it to protect and respect the rights it is slowly but surely disassembling. Ethiopia is a signatory to the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples Rights both of which affirm:

- the right to freedom of expression;
- the right to freedom of association; and
- the right to freedom of assembly.

Further the UN Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms which was adopted by the General Assembly in 1998 highlights other existing rights that are critical to CSOs and human rights defenders including:

- the right to receive funding (Article 13);
- the right to access international bodies (Article 9, para.4);
- the right to participate in government (Article 8); and
- the right to the lawful exercise of his or her occupation or profession (Article 11)².

² Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, UNGA, 1998.

Despite this, the Ethiopian government has passed a number of laws that deliberately and directly violate and undermine these core rights, namely the Anti Terrorism Proclamation and the Charities and Societies Proclamation, both passed in 2009.

Recommendation

The United States and the international community must vigorously press the Ethiopian authorities to reverse course and amend or repeal the Charities and Societies Proclamation, the Anti-Terrorism Proclamation and the Mass Media Proclamation and other legislation which violates Ethiopia obligations under the ICCPR and the African Charter.

III. Silencing Dissent and Dismantling Civil Society

Anti-Terrorism Proclamation

Over the past several years there has been a sustained attack on freedom of expression, with the crackdown increasing dramatically in 2011. In recent trials of journalists and opposition members, freedom of expression has been criminalized while peaceful opposition to the government and calls for peaceful protest are being interpreted as acts of terrorism under the Anti-Terrorism Proclamation.

Passed in July 2009, the law includes an excessively broad provision on what constitutes terrorist activities which can be used to criminalize peaceful and legitimate activities. The law includes the following sweeping definition: the “encouragement of terrorism” that makes the publication of statements “likely to be understood as encouraging terrorist acts” punishable by 10 to 20 years in prison. These provisions mean that critics of the government such as journalists, members of civil society and political opponents can be charged for encouraging terrorism based on the government’s discretion.

The impact has been significant. Since early 2011, over 100 journalists and political opposition members have been arrested and subsequently charged and prosecuted for terrorism and other offenses, including treason. All were arrested while exercising their peaceful and legitimate rights to free expression and free association, such as writing articles critical of the government, engaging in other journalistic reporting, involvement in calls for peaceful protest, and even applying for permits to demonstrate. The following is a snapshot of those who have been targeted.

1. In June 2011, journalists Woubshet Taye, deputy editor of the weekly Awramba Times newspaper, and Reyot Alemu, an English teacher and regular contributor to the Fitih newspaper, were arrested. They were subsequently found guilty on three terrorism related charges and sentenced to 14 years’ imprisonment. Much of the evidence used against them related to their reporting of, and alleged involvement in, the appearance of slogan *Beka!* (“Enough!”) around Addis Ababa in early 2011, as a call for peaceful protests against the government to take place.
2. In July 2011, Swedish journalists Martin Schibbye and Johan Persson were arrested in the Somali region. They had entered the country illegally to report on the ongoing conflict in the region, to which access for independent monitors, journalists and human rights activists is severely restricted. Serious allegations continue to be received from the region, of violations being committed by the Ethiopian army against the civilian population. In December, the two Swedes were convicted on terrorism related charges and sentenced to 11 years’ imprisonment.

Dissident journalist Eskinder Nega, this year's winner of the prestigious PEN/Barbara Goldsmith Freedom to Write Award is still on trial on terrorism and treason charges, after criticizing the government, and calling for reform and increased press freedom. The verdict in his trials has been postponed until June 21.

The arrests, prosecutions, and imprisonment of journalists and other government critics has had severe implications on civil society and the exercise of freedom of expression in the country. A chilling message has been sent to anybody who has concerns about the policies and actions of their government - to keep quiet, ask no questions or risk arrest. Several journalists and opposition members have fled the country as a result.

Charities and Societies Proclamation

Throughout Ethiopia, human rights organizations struggle to operate due to severe restrictions placed on their work by the 2009 Charities and Societies Proclamation. Some of the restrictions established by this law include denying human rights organizations access to essential funding and endowing the government's Charities and Societies Agency with sweeping powers to interfere in the operations and activities of human rights organizations, which among other concerns further endangers victims of human rights violations by contravening essential principles of confidentiality.

This law has had a devastating impact on human rights work in the country, forcing organizations to cut programs, close offices and lay off staff. Human rights organizations in Ethiopia have shrunk in both number and in size. The law has also been used by the government to freeze assets of more than US\$ 1 million belonging to the country's two leading human rights organizations.

During 2008, the last year before the law was passed, the Ethiopian Women Lawyers Association (EWLA), the country's leading women's rights organization, provided free legal aid to over 17,000 women in addition to other activities that tens of thousands of participants benefited from. Today, EWLA is barely functioning, with limited legal aid for women provided by volunteers.

The consequence of this law is most severe for victims of human rights violations who are being denied access to assistance and redress. For example, there continue to be unabated allegations of human rights violations, often linked to the Ethiopian security forces. The law has significantly reduced the ability of human rights organizations to monitor and document human rights violations, provide assistance to victims, advocate on human rights issues, and provide essential human rights education. This law has therefore directly endangered the promotion and protection of human rights in Ethiopia.

IV. Recommendations for the US government

The United States and the international community have failed to raise concerns over these laws and policies with the Ethiopian authorities, further emboldening them and also allowing Ethiopia to set a dangerous example for other governments. It is critical that the United States and other members of the international community press the Ethiopian authorities to repeal and reform key legislation and policies. Specifically, Amnesty International urges the United States to:

1. Urge the Ethiopian authorities to observe their obligations under domestic and international law to protect and promote freedom of expression, by immediately ending the practice of arresting those who hold different political opinions;

2. Call upon the Ethiopian authorities to cease the targeting of journalists who are conducting their legitimate professional work, which includes reporting on peaceful protests and reporting on the activities of opposition groups, armed groups and groups proscribed as terrorist organizations;
3. Urge the Ethiopian authorities 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;
4. Urge the Ethiopian authorities to amend the *Anti-Terrorism Proclamation* to remove provisions that do not conform to rights of freedom of expression guaranteed in international human rights law. Pending such legal reform, do not use charges that criminalize legitimate exercise of the right to freedom of expression;
5. Urge Ethiopian authorities to amend the *Charities and Societies Proclamation* to remove the restrictions on human rights activities, and to recognize, respect and protect the vital work of human rights defenders;
6. Urge the Ethiopian authorities to ensure that all detainees are promptly charged with a recognizable criminal offense or are released immediately and unconditionally;
7. Urge the Ethiopian Government to initiate prompt, thorough, effective and impartial investigations into allegations of torture or other ill-treatment made by detainees, and ensure that, should there be enough admissible evidence, suspected perpetrators are prosecuted and tried in a fair trial in accordance with international standards;
8. Call upon the Ethiopian authorities to make available full details of all those arrested in 2011, including members of political parties and students. Information must include the names, current location and detention status of all detainees;
9. Guarantee that arrested persons are never detained in un-gazetted places of detention. Immediately move any detainees currently held in an unofficial place of detention to a recognized detention center.

V. Conclusion

The Charities and Societies Proclamation, together with the Anti- Terrorism Proclamation and the Mass Media Proclamation – all introduced since 2008 – have severely limited Ethiopian individuals' freedom of expression and, specifically, their ability to critique their government, in direct violation of Ethiopia's obligations under the International Covenant on Civil and Political Rights and under the African Charter for Human and Peoples Rights. And while the UNGA Declaration on Human Rights Defenders is not binding, the government's actions represent a direct and deliberate effort to crush all forms of dissent in the country.

The negative impact of the Charities and Societies Proclamation on the ability of Ethiopian women to fully exercise and protect their rights also raises questions about the government's adherence to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in

Africa given the crippling blow the law has dealt to the largest provider of free legal services for women in the country.

The United States and other member of the international community must forcefully raise these concerns with the Ethiopian authorities and press them to live up to their international human rights obligations, the people of Ethiopia deserve it and they have a right to it.

Chairman McGovern and Chairman Wolf – thank you for raising this important human rights issue before the Tom Lantos Human Rights Commission, and thank you for giving Amnesty International the opportunity to testify on our concerns and recommendations.

We applaud your continued leadership and look forward to continuing to support your efforts in Congress. Thank you.