



## **UPR Submission**

**Ethiopia**

**April 2009**

Ethiopia's human rights record has deteriorated sharply in recent years, marked by a harsh intolerance for independent civil society activity, criticism of government actions, or opposition political activity. Government critics continue to be subjected to harassment, arrest, and even torture. Repressive new legislation passed in 2009 will make most forms of human rights monitoring impossible while a proposed anti-terrorism law is so broad that it could make a serious crime out of peaceful protest. In most of the country the possibility for independent political activity simply does not exist, and in April 2008 the ruling party and its allies won some 99 percent of seats in mostly uncontested local elections.

Ethiopia's military forces have committed war crimes, crimes against humanity, and other serious abuses in the context of several different conflicts. These abuses have been committed against Ethiopian citizens during brutal counterinsurgency campaigns in Somali and Gambella regions, and also abroad during Ethiopia's two-year military intervention in neighboring Somalia. The Ethiopian government has made no serious effort to investigate or ensure accountability for any of these abuses.

### **Political Repression**

The run-up to Ethiopia's nationwide elections in 2005 saw a limited, but unprecedented, opening up of space for political activity and free expression. But the polls ended in controversy with leading opposition politicians refusing to accept defeat, and government security forces staging mass arrests and gunning down protesters in the streets of Addis Ababa. Since then the limited opening that preceded the election has been entirely reversed, and the trend is one of steadily growing repression over time.

Ethiopian government officials at all levels regularly subject government critics or political opponents to harassment, arrest, and even torture. Prominent opposition leader Birtukan Midekssa is currently serving a life sentence after the government revoked a pardon it issued for alleged acts of treason connected to post-election protests in 2005. The decision to revoke her pardon was likely a response to her continued criticism of the government. Repression affects prominent dissidents and ordinary citizens alike. Across Ethiopia and particularly in politically sensitive areas such as Oromia and Somali Region, local officials harass, imprison, or threaten to withhold vital government assistance from perceived government critics.

Government critics are often accused of serious crimes such as membership in insurgent or terrorist organizations. Most are released without being brought to trial due to the lack of any evidence against them, but only after punitively lengthy periods of detention. Bekele Jirata, the general secretary of a prominent opposition party, the Oromo Federalist Democratic Movement, was detained with dozens of others on flimsy accusations of support for the outlawed Oromo Liberation Front in 2008. He was released without being convicted of any crime, but only after spending more than two months in prison.

These heavy-handed measures have largely succeeded in eliminating independent political activity in most of Ethiopia. This fact was put on stark display during crucial local *kebele* and *wereda* elections in April 2008. The ruling party and its allies won 99 percent of seats across the country, mostly in races that were uncontested. In the small percentage of constituencies where opposition parties did contest, some of their candidates were subjected to harassment, beatings, and detention.

A draft counterterrorism law the government intends to introduce in 2009 threatens to lend itself to easy use as a tool of repression. Ethiopia has suffered deadly terrorist attacks on its soil and, in October 2008, on its trade mission in Hargeisa, Somaliland; its concerns about terrorism are real. But early drafts of the law contained such overbroad definitions of terrorism that the law could easily be applied to acts of peaceful protest. It also opens the door to confessions extracted through torture by placing the burden of proof on suspects who confess while allowing their interrogators to keep evidence of torture secret.

## **War Crimes and other Abuses by Ethiopian Military Forces**

Ethiopian military forces have committed widespread violations of international humanitarian law and other serious abuses in at least three separate conflicts since 2004. In no case has the Ethiopian government made any credible effort to investigate the abuses or hold those responsible to account.

The Ogaden area of Ethiopia's volatile Somali region is the scene of a long running conflict between the Ethiopian military and the insurgent Ogaden National Liberation Front (ONLF). In 2007 that conflict took a brutal turn following an ONLF attack on a facility at Obole, housing civilian Chinese and Ethiopian oil workers that saw some 70 Ethiopian and Chinese civilians killed. The military responded with large-scale violence directed at Ogadeni communities suspected of having links to the ONLF. At the peak of the conflict in 2007 the conduct of Ethiopian military forces in the region was marked by widespread acts of forced displacement, murder, rape, torture, arbitrary detention, and pillage. Human Rights Watch concluded that these abuses amounted to crimes against humanity. There is strong evidence that vital food aid to the drought-affected region has been diverted and misused as a weapon to starve out rebel-held areas. The government prohibits independent reporting on conflict-affected areas and an investigation it commissioned in 2008 resulted in a whitewash that absolved government forces of all

wrongdoing. Fighting between military and ONLF forces has continued into 2009, along with a commercial blockade on some conflict-affected areas.

In neighboring Somalia, Ethiopian military forces intervened in December 2006 to bolster the country's ailing Transitional Federal Government. For two years Ethiopian forces became bogged down in a brutal insurgency that saw all sides commit war crimes and other serious abuses on an almost daily basis. Ethiopian forces in the Somali capital of Mogadishu regularly responded to insurgent attacks by indiscriminately shelling entire neighborhoods with mortar and rocket fire, with devastating consequences. Ethiopian forces also regularly responded to attacks staged in crowded areas by firing wildly into crowds of civilians trapped in the area. No one has been held to account for any of these abuses and no investigation is underway. Ethiopian military forces withdrew from Somalia in December 2008.

In Ethiopia's remote southwestern region of Gambella, Ethiopian military forces launched a wave of attacks against ethnic Anuak communities in late 2003 and 2004. These attacks were part of an effort to put down a low-level but tenacious insurgency with its roots in the Anuak population. Ethiopian military forces burned down villages and small hamlets; targeted Anuak civilians for extrajudicial killings, torture, and rape; and indulged in widespread looting. These abuses rose to the level of crimes against humanity. The government's only attempt at an investigation examined just one massacre in December 2003 and absolved senior officials of any wrongdoing.

## Civil Society and the Media

The environment for civil society and independent media organizations in Ethiopia continues to deteriorate. Legislation passed in 2008 and 2009 looks set to codify growing trends towards attempts at suppressing independent human rights work and critical journalism.

Growing intolerance for civil society critiques of government actions at all levels has been growing for years, especially in the area of human rights. In the wake of the 2005 elections, human rights activists the government accused of having links to the opposition were harassed, arrested, and in some cases forced to flee the country. Until this year, though, their work was not illegal. In February 2009, the government passed a new NGO law which forbids "foreign" NGOs from doing any work that touches on human rights and a broad range of other issues.

Ethiopia has long prevented Human Rights Watch and other international human rights groups from openly carrying out research in the country. But the new law also labels local groups who receive more than 10 percent of their funds from sources outside Ethiopia as "foreign" and bars them from carrying out human rights work as well. The law also enacts a complex and onerous system of government surveillance and control, and enacts criminal penalties for those who fail to comply with the law's byzantine bureaucratic

requirements. The likely effect of the law is the closing down of all major human rights reporting organizations in Ethiopia and a profound chilling effect on all of the civil society groups that remain in existence.

A media law passed in 2008 reforms some of the most repressive elements of the preexisting legal framework. Most importantly, it eliminates the practice of pretrial detention for journalists—although at least one prominent journalist, the editor of the *Reporter* newspaper, was subjected to the practice after the law's passage. The law also creates serious new problems for the independent media, however. It grants the government significant leeway to restrain free speech, including by summarily impounding publications on grounds of national security or public order. The law also maintains criminal penalties including prison terms for journalists found guilty of libel or defamation.

## **Regional Renditions**

In early 2007 at least 90 men, women, and children from 18 different countries fleeing the conflict in Somalia were arrested in Kenya and subsequently deported to Somalia and then Ethiopia, where many were interrogated by US intelligence agents. An unknown number of people arrested by Ethiopian forces in Somalia were also directly transferred to Ethiopia. Many of the victims of these "regional renditions" have been released but at least two men, including a Kenyan and a Canadian national, remain in Ethiopian detention almost two years after their deportation from Kenya. The trial of the Canadian national, Bashir Makhtal, began in March 2009 but was immediately postponed when none of the prosecution's witnesses presented themselves at court. The whereabouts and fate of at least 22 others rendered to Ethiopia, including Eritreans, Somalis, and Ethiopian Ogadeni and Oromo, is unknown.

## **Recommendations**

### **Regarding the rights to free expression and association and restrictions on civil society:**

- Repeal or significantly amend the Charities and Societies Proclamation of 2009. At minimum, the government should repeal provisions of the law that directly infringe on the government's human rights obligations. In particular, the government should:
  - remove the provisions that label local groups as "foreign" if they receive significant funding from sources outside Ethiopia, and eliminate restrictions on the activities of these groups;
  - remove the presumptive ban on non-Ethiopian groups carrying out work that touches on human rights and other key issues;
  - ensure a right of appeal and unfettered access to the courts for all organizations and individuals subjected to adverse decisions under the law;

- Prohibit local and regional officials from using members of the security forces, school administrators, and teachers to monitor students' speech and political opinions.

## **Regarding abuses by Ethiopian security forces and violations of due process rights:**

- Take all necessary actions to ensure that the police, armed forces, and other security forces abide by Ethiopia's obligations under international law, including respect for the rights to freedom from arbitrary arrest and detention, from torture, and other mistreatment. In accordance with the Ethiopian constitution, ensure that all persons taken into custody be brought before a judge within 48 hours, and have the right of access to family members and legal counsel, in addition to other due process rights. Halt the regular practice of punitively lengthy periods of pretrial detention for individuals accused of supporting insurgent or "anti-peace" organizations and ensure that prosecutors do not initiate or continue prosecutions in cases where an impartial investigation shows that criminal charges are unfounded.
- Eliminate provisions from proposed counterterrorism legislation that contravene the government's human rights obligations, including those which provide for overly broad definitions of terrorist activity, place the burden of proof on criminal suspects, and allow government agencies to conceal evidence of torture during interrogation.
- Support UN Security Council action to establish an independent Commission of Inquiry into abuses committed by all sides, including Ethiopian forces, during the conflict in Somalia. Ensure that all Ethiopian personnel responsible for serious abuses are prosecuted. Senior officials implicated, including as a matter of command responsibility, should be prosecuted regardless of rank.
- Launch or invite the establishment of independent inquiries into serious violations of humanitarian law and other serious abuses by Ethiopian military forces in Gambella in 2003 and 2004 and serious violations of human rights and humanitarian law in Somali Region in 2007-2008. Ensure that all personnel responsible for serious abuses are prosecuted. Senior officials implicated, including as a matter of command responsibility, should be prosecuted regardless of rank.
- Issue clear public orders to military commanders, regional police, and other members of the security forces in Somali region to cease extrajudicial killings, rape, torture, and the unlawful forced relocation of civilians. Immediately end restrictions on commercial trade and livestock movement imposed on conflict-affected zones

of Somali region, including restrictions on cross-border trade with the self-declared republic of Somaliland.

- Ensure independent humanitarian organizations have full and unimpeded access to civilians in need of humanitarian assistance in conflict-affected areas of Somali Region. Support an independent evaluation of the humanitarian response, particularly the distribution of food aid.

#### **Cooperation with UN human rights mechanisms:**

- Issue standing invitations to all UN special procedures, including the Working Groups on Arbitrary Detention and Enforced Disappearances, and the Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions, Human Rights Defenders, Torture, and the Right to Freedom of Expression and Opinion, among others, to investigate and report on allegations of serious abuses in Ethiopia.
- Sign and ratify the Rome Statute, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocols to the International Covenant on Civil and Political Rights and the Convention Against Torture.

## **Annex of Relevant HRW reporting**

### **Political Repression**

#### **Suppressing Dissent**

##### ***Human Rights Abuses and Political Repression in Ethiopia's Oromia Region***

This report, written in advance of Ethiopia's 2005 elections, documents the extent to which political freedoms required for elections to be a meaningful exercise of Ethiopian citizens' fundamental rights do not exist for many Ethiopians. The report documents patterns of political repression by security forces, government officials and others that have preventing meaningful political dissent from emerging at all in much of the country.

HRW Index No.: A1707

May 9, 2005

#### **Ethiopia: Crackdown Spreads Beyond Capital**

##### ***As Arbitrary Arrests Continue, Detainees Face Torture and Ill-Treatment***

In the wake of election-related protests in June 2005, the Ethiopian government's crackdown on potential sources of unrest spread throughout the country. While international attention focused on events in Addis Ababa, opposition members and students in other cities were increasingly at risk of arbitrary arrest and torture.

June 14, 2005

#### **Ethiopia: Hidden Crackdown in Rural Areas**

##### ***Independent Inquiry Should Investigate Rural Violence***

The Ethiopian government used intimidation, arbitrary detentions and excessive force in rural areas of Ethiopia to suppress post-election protests and all potential dissent.

January 11, 2006

#### **Ethiopia: Repression Sets Stage for Non-Competitive Elections**

##### ***Opposition Candidates, Voters Silenced Ahead of Local Polls***

The Ethiopian government's repression of registered opposition parties and ordinary voters has largely prevented political competition ahead of local elections in April 2008, Human Rights Watch said today. These widespread acts of violence, arbitrary detention and intimidation mirror long-term patterns of abuse designed to suppress political dissent in Ethiopia.

April 9, 2008

### **The Charities and Societies Proclamation of 2009 ("NGO law")**

#### **Human Rights Watch's Analysis of Ethiopia's Draft Civil Society Law**

The Ethiopian government's Charities and Societies Proclamation to regulate all domestic and international civil society organizations (CSOs) carrying out activities in the country. The law will have the practical effect of outlawing much of the human rights-related work currently being carried out in Ethiopia, and could criminalize the work of many activists.

October 13, 2008

## Proposed Counterterrorism Legislation

### Analysis of Ethiopia's Draft Anti-Terrorism Proclamation

This paper analyses Ethiopia's draft Anti-Terrorism Proclamation (the draft Proclamation) and assesses to what extent the proposed law on its face conforms to international human rights standards.

March 9, 2009

Check HRW Website (to be posted shortly after UPR Submission is sent to the UN)

## Conflict in Somali Region

### Collective Punishment

*War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Region*  
This 130-page report documents a dramatic rise in unchecked violence against civilians since June 2007, when the Ethiopian army launched a counterinsurgency campaign against rebels who attacked a Chinese-run oil installation. The Human Rights Watch report provides the first in-depth look at the patterns of abuse in a conflict that remains virtually unknown because of severe restrictions imposed by the Ethiopian government.

HRW ISBN No.: 1-56432-322-6

June 12, 2008

## Human Rights Abuses in Gambella Regional State

### Targeting the Anuak

#### *Human Rights Violations and Crimes against Humanity in Ethiopia's Gambella Region*

In late 2003 and 2004, the Ethiopian National Defense Force committed numerous human rights violations against Anuak communities in the Gambella region of southwestern Ethiopia that may amount to crimes against humanity. These abuses took place in a region plagued by longstanding ethnic tensions to which the Ethiopian military became a party.

HRW Index No.: A1703

March 23, 2005

## Ethiopia's Role in Conflict in Somalia

## Shell Shocked

### *Civilians Under Siege in Mogadishu*

This 113-page report is the first independent, on-the-ground investigation of the fighting that wracked Mogadishu in March and April 2007, resulting in the deaths of hundreds of civilians and the displacement of 400,000 people. Ethiopian, Somali and insurgent forces are all responsible for rampant violations of the laws of war in Mogadishu. This report documents numerous war crimes among many other violations of the laws of war by all parties to the armed conflict in Mogadishu.

HRW Index No.: A1912

August 12, 2007

## So Much to Fear

### *War Crimes and the Devastation of Somalia*

The 104-page report, "So Much to Fear: War Crimes and the Devastation of Somalia," describes how the Somali Transitional Federal Government (TFG), the Ethiopian forces that intervened in Somalia to support it and insurgent forces have committed widespread and serious violations of the laws of war. Frequent violations include indiscriminate attacks, killings, rape, use of civilians as human shields, and looting. Since early 2007, the conflict has claimed thousands of civilian lives, displaced more than a million people, and driven out most of the population of Mogadishu, the capital.

HRW ISBN No.: 1-56432-415-X

December 8, 2008

## Regional Renditions

### "Why Am I Still Here?"

#### *The 2007 Horn of Africa Renditions and the Fate of Those Still Missing*

This 54-page report examines the 2007 rendition operation, during which at least 90 men, women, and children fleeing the armed conflict in Somalia were unlawfully rendered from Kenya to Somalia, and then on to Ethiopia. The report documents the treatment of several men still in Ethiopian custody, as well as the previously unreported experiences of recently released detainees, several of whom described being brutally tortured.

HRW ISBN No.: 1-56432-380-3

September 30, 2008

