



Periodic Assessment on the situation of HRDs:

The new paradigm shift

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1. Background of the Assessment

The human rights situation in Ethiopia has become deteriorated in 2022, with civilians impacted by a devastating conflict in northern Ethiopia, particularly in Tigray, Afar, and some parts of Amhara regional state, security force abuses, attacks by armed groups, and deadly ethnic violence in other regions. These mass human rights violations have contributed to multi-faceted growing international pressures on the Ethiopian government to address accountability for human rights abuses. A report of the joint investigation into human rights violations in Tigray by the state-appointed Ethiopian Human Rights Commission (EHRC) and the United Nations Office of the High Commissioner for Human Rights (OHCHR) concluded that there have been widespread violations of international human rights, humanitarian and refugee law by all parties to the conflict in Tigray.¹

Warring parties in all regions have committed forcible displacement, large-scale massacres, widespread sexual violence, indiscriminate shelling, pillage, and attacks on schools and hospitals. This conflict has spread into the Amhara and Afar regions resulting in large-scale displacements and other gross human rights violations.² The national dialogue is going to take place in such unconducive environments marred by the above stated limitations and other restrictions on free expression and association, and insecurity in several regions.

In western, southern, central, and other parts of s of Oromia, government counter-insurgency campaigns against armed rebel groups has also resulted in serious human rights violations.³ As different reports used to show these violations has committed by parties to the ongoing war.

The ongoing “law enforcement” operation taking place in Amhara regional state is followed by mass arrests. Human rights defenders, journalists, and social media influencers have been the

¹ Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties to the Conflict in the Tigray Region of the Federal Democratic Republic of Ethiopia, cited on: <https://digitallibrary.un.org/record/3947207> as retrieved from the internet on June 2 2022

² <https://reliefweb.int/report/ethiopia/northern-ethiopia-tigray-afar-and-amhara-situation-overview-november-2021> retrieved from the internet on June 2 2022

³ Crises: <https://crisis24.garda.com/alerts/2022/04/ethiopia-additional-fighting-between-military-and-armed-groups-likely-in-southern-oromia-following-clashes-in-early-april> retrieved from the internet on June 10 2022

victim of these mass arrests⁴. The arrest has continued in the capital Addis Ababa and other regions of the country. The Federal Government ministerial council in its statement has declared and also warned that the arrests against these activists who are a “threat to peace” will continue.⁵ The situation has highly impacted the work of HRDs, there are ongoing human rights concerns that affect the safety of HRDs in Ethiopia including physical attacks and arbitrary arrests. Under this third assessment of EHRDC, the general situation of human rights in Ethiopia and its impact on HRDs and journalists will be analyzed.

2. The political landscape of the country

(War, conflict, informal armed groups, national dialogue)

2.1 The War between TDF and the Federal Government and its prospects

The Federal government has been locked in a grueling conflict with Tigrayan forces since November 2020. This fighting has devastated particularly the northern Ethiopia and been marked by atrocities from all sides, including rapes, torture, and mass killings.⁶ These violations have also sharpened divisions among the citizens of the country particularly between Tigrayans and other groups including the Amhara, Ethiopia’s second-biggest ethnicity. The conflict have also fueled secessionist sentiment in Tigray, which has been cut off from the rest of Ethiopia since June 2021 with deliveries of aid mostly blocked and all communications links and banking services down. The United Nations has called it a “de facto blockade” and estimates that 90 percent of the region’s 5.5 million people are in need of urgent humanitarian assistance.⁷

During the most recent state of emergency, thousands of Tigrayans were rounded up in a wave of arrests. Many remain in multiple detention centers even after TDF is back to Mekelle.⁸ Meanwhile, both Tigrayan and Amhara activists claim that their groups are the victim of “genocide”. The number of Ethiopians who have paid the ultimate price by warring parties may already number in the hundreds of thousands and sadly if the coming fire cannot be averted, that cost will continue

⁴ RSF: <https://rsf.org/en/wave-arrests-media-workers-ethiopia>

⁵ በወቅታዊ ሀገራዊ የደህንነትና ጸጥታ... - Office of the Prime Minister-Ethiopia | Facebook

⁶ Joint report of Ethiopian human rights commission and UN

⁷ UN news at <https://news.un.org/en/story/2022/01/1109802> Accessed from the internet on May 20 2022

⁸ BBC: <https://www.bbc.com/news/world-africa-59347230> Accessed from the internet on June 20 2022

to grow steadfastly. It is still not too late to incentivize the parties to negotiate to curb the looming crisis; but the question lingers is whether major powers have the will and political resources to do so.

*“As this week comes to an end, I remain heartbroken by the suffering of the Ethiopian people. I can testify that all Ethiopians have always been exemplary in their generosity and hospitality towards refugees. Ethiopians deserve peace.”*⁹

2.2 Armed Groups in Oromia

The ‘Oromo Liberation Army’ (OLA) or ‘Shane’ as a government reference, is an ethnic Oromo armed group fighting the Ethiopian government. This group is based in *Oromia* region and fighting the central government for the last four years. In the fighting between the two parties innocent civilians in the region suffered a lot. Civilians are displaced, killed, and summarily executed. Both parties are finger pointing to each other for the accountabilities of the atrocities committed in the region. Some reports are blaming ‘Shane (OLA)’ for the atrocities committed against civilians, particularly for ethnic targeted killing and displacement.¹⁰ Some reports show thousands of *Amhara* ethnic groups were displaced from western *Oromia* as a result of this conflict and many Oromo ethnic groups are also killed and displaced. On the other hand, the government forces are also committed extrajudicial killings against innocent civilians. Ethiopian Human Rights Commission, for instances, has reported that the Oromia regional state police force has extra judicially executed 14 *Karrayu Gada* members including the “Abbaa Gada” himself. EHRC’s report clearly contradicts with previous officials’ claim that blamed a terrorist-designated OLF-Shene for these killings. The commission has released these findings after its investigation conducted between Dec 16 -21, 2021. In the report, EHRC said that there’s “reasonable ground to believe” that the killing of 14 members of the Gadaa leaders by security forces was “extrajudicial”. The victims were taken from their homes to a nearby forest by the security forces and shot.¹¹

⁹ António Manuel de Oliveira Guterres, UN secretary-general of the United Nations, tewteer page on Jan 14, 2022.

¹⁰Local witnesses (<https://www.theguardian.com/world/2022/jun/20/as-many-as-320-dead-in-ethiopia-gunattack-witnesses-suggest>), <https://borkena.com/2022/06/21/ethiopia-wollega-residents-in-mosquewere-massacred-in-wollega/>) by the Ethiopian Human Rights Council (EHRC)

¹¹ በከረዩ የሚችሉ ገዳ የጅላ አባላት ግድያ ላይ የተደረገ የምርመራ ሪፖርት:

<file:///C:/Users/befekadu/Downloads/Kereyu%20Incident%20Investigation%20Report.pdf>

Several reports of summary executions and civilian casualties have been coming out of Oromia since March 2022. Civilians continue to be targeted by government forces after the regional government vowed to take measures against this rebel group in different parts of Oromia. Summary executions, looting, and burning of houses were retaliatory measures taken by the warring parties against civilians. As different sources revealed most of these retaliatory attacks were by government forces after being attacked by the rebels force in the ongoing armed conflict with the OLA. For instances, in *Warra Jarso woreda* of the North Showa zone of the Oromia regional state there had been heavy fighting between government and OLA-Shane forces in Bustilo Dhera kebele for some days that results in a huge crackdown and misery. During this time according to sources, the people were taken from separate wedding ceremonies in the two localities. A total of 18 civilians, three from Jimjimela kebele and 15 civilians from Aware Golje kebele were arrested on the night of Sunday, 01 May, and on Monday 02 May, respectively. The detainees, including the children and elderly, were taken by local militia and executed a day after their arrest. In fact, on 02 May, the communication bureau of Warra Jarso woreda announced that 18 members of Shanee (government's reference to OLA) were arrested, 15 of whom were from Aware Golje kebele while three were from Jimjimela kebele. The woerda communication office also stated that a total of six weapons were seized.¹²

Similarly, in April 2022, the same horrifying accounts of the measures were taken by government forces against civilians in Ada Berga woreda, in the West Showa zone of Oromia regional state. Accordingly, 20 civilians, including the elderly, were killed on 26 April 26 when government forces opened fire on civilians on a market day. The onslaught took place in a town called Jimata where people from Tuli Dessie and Boro kebeles and Chancho kebeles were gathered for shopping and sell goods.¹³

¹² Addis standard: <https://addisstandard.com/analysis-civilians-target-of-summary-executions-aerial-strikes-in-romia-as-govt-intensifies-military-operations/> retrieved from the internet on June 10 2022

¹³ EHRDC, Interview made with local resident, (Interview date June 1 2022)

3. The National Dialogue and its Inclusiveness

We need to talk about our problems, which have been going on for a long time and need to be resolved as quickly as possible. This will contribute to the protection and promotion of human rights while also ensuring that no one is left behind. As a result, the conversation should be open and honest!

Despite the civil war and ethnic-based conflicts being grinds on, Ethiopia is gearing up for a national dialogue aimed at bridging the country's many fault lines. The national dialogue is aimed to resolve differences of opinions and disagreements among various political and opinion leaders and also segments of society in Ethiopia on the most fundamental national issues and it is a necessity to resolve the differences and disagreements through broad-based inclusive public dialogue that engenders national consensus.¹⁴ High Government officials including the Prime Minister urged all Ethiopians to participate in the initiative, which they described as a "golden opportunity" that "will allow us to address the political challenges we have been facing for centuries and lay the ground for our future". However key political actors like rebel groups have not been invited at least publically to date, and opposition political parties and some personal figures are accusing the government of trying to dominate and orchestrate the process. So far, officials have been vague about the aims of the dialogue and the form or structure it will take, referring to it as a process to heal the divisions in a nation of more than 80 ethno-linguistic groups, tackling fundamental questions over Ethiopia's future as a federal or unitary state and some fundamental changes of the FDRE constitution. But it is questionable how the government will going address these crucial issues mentioned above without inclusiveness of all stakeholders including armed groups in the country. For instances, the TPLF, which is the ruling party in Tigray and has been outlawed as a terrorist group, is currently excluded from the national dialogue. So does the Oromo Liberation Army (OLA), which operates in Oromia, the largest region of Ethiopia. Many critics say this renders the process meaningless. Some politicians' renders as the commission is supposed to be an all-inclusive and the government has no mandate to dictate who takes part and who doesn't. Neither the national dialogue commission nor the government, confirm whether the TPLF and OLF would be eventually allowed to participate. They only revealed as the dialogue would involve the commission traveling the length of Ethiopia and holding open consultations with communities. Politicians and political

¹⁴ PROCLAMATION No.1265/2021 A PROCLAMATION TO ESTABLISH THE ETHIOPIAN NATIONAL DIALOGUE COMMISSION preamble

organs raised the question “If the armed group doesn’t take part, who are we going to be the part of this dialogue and with whom the governing party is going to talk?” the FDRE prime minister Abiy Ahmed in his parliamentary speech stated that the one who decides who should take part in the national dialogue is not the government, the commission itself.

The commission that was tasked with overseeing the three-year national dialogue process was established in late December, shortly after government soldiers and allied militia repulsed a southward advance from forces aligned to the Tigray People’s Liberation Front (TPLF) that came within roughly 200 kilometers of the capital, Addis Ababa.

3.1 The Dialogue Process's Timing

The armed conflict in Tigray began on November 3, 2020, and has had a significant impact on the country's human rights and humanitarian condition. Following the withdrawal of federal forces from Tigray in June 2021, the war spilled over into the adjacent Amhara and Afar areas, causing human rights concerns in these two regions. Furthermore as it was mentioned somewhere in the above the armed conflict between the government and different armed groups continued in different parts of the country. The dialogue process was started at a time when the conflict in northern and other regions of the country was still going on, but the primary goal of any dialogue should be to prevent people from heading to the battlefield and to heal the victims of war. Therefore it should be noted as a ceasefire, humanitarian access to conflict areas, and genuine negotiations are very important.

The government unilaterally declared an immediate humanitarian truce on 24 March, fueling hopes for peace. The TPLF responded by saying it would observe a “cessation of hostilities” if aid was allowed into Tigray. These kind of move should be continued and the government should take this opportunity for the lasting peace in the northern part and it should also do the same with other armed groups to bring lasting peace in the country which is a precondition for genuine national dialogue.

3.2 Government's maximum commitment to the National Dialogue

Some groups including opposition parties are still questioning whether the ruling Prosperity Party's commitment to a national dialogue is genuine. For instance, Rahel Bafe, chairwoman of the Ethiopian Political Parties Joint Council (EPPJC), a coalition of more than 50 opposition groups, said the Prosperity Party is approaching the dialogue as the arbiter of the process, rather than as another equal stakeholder against whom accusations will eventually be leveled.¹⁵ She is critical of the selection process that appointed the national dialogue's 11 commissioners. They were chosen on 21 February from a 75-person short-list issued by parliament, which was itself based on a longer list of 623 candidates. Here is also another controversy about why the parliament chose from 75s where the first shortlisted was 42. Rahel said the selection process for the commissioners was "not clear" and claims that opposition parties were not consulted. Others see the final 11 commissioners as mostly sympathetic to Abiy's government, a perception that prompted one observer to describe the national dialogue as "an intra-party negotiation within the ruling Prosperity Party that will not resolve the country's intractable political debates." Political parties have expressed reservations on the process by the Parliament and called for review. On 14 February, Ethiopian Political Parties Joint Council (EPPJC), a coalition of more than 53 legally registered political parties in Ethiopia including the ruling PP, has issued a statement requesting the House of People's Representatives (HoPR) to "temporarily halt" the ongoing proceedings to select the eleven commissioners to lead the planned National Dialogue Commission (NDC). It requested the parliament to resume the process in an "inclusive and trustworthy" manner. Moreover three opposition parties Oromo Federalist Congress (OFC), Oromo Liberation Front (OLF) and Ogaden National Liberation Front (ONLF) said the process of Ethiopia's planned National Dialogue and the nomination of Commissioners to lead it is not impartial [OFC], unknown [OLF] and lacked representation [ONLF].¹⁶ The chief commissioner of the national dialogue Professor Mesfin Araya on the other hand rejects these claims and stated the following;

¹⁵ See her interview on Fana TV, a National broadcasting Television

¹⁶ Addis Standard, <https://addisstandard.com/newsalert-ofc-olf-and-onlf-say-dialogue-commission-process-unrepresentative-impartial-decline-parliament-invitation-today/>

“We want to be very inclusive and bring the best possible nationalities as well as peoples. There will not be a small group which should not be left behind. This is our motto. So we will have more experts in our groups,”¹⁷

Nonetheless, dissatisfaction with the process is widespread among opposition groups. The Balderas for True Democracy Party has described the commission as having “failed before its formation” while Mussa Adem from the Afar People’s Party says the dialogue is “a once in a lifetime opportunity for Ethiopia” that has already been missed. The Oromo Federalist Congress (OFC) on the other hand provided conditions to have a successful dialogue. One of the condition mentioned by OFC is the need of negotiation between the government and armed groups. However PM Abiy has already dismissed as “unconstitutional” the prospect of a transitional government a key demand from opposition figures including those who carry arms.

4. Contested tensions and the release of TPLF leaders

Aside from the Tigray war and the threat from the OLA, Ethiopia is grappling with a long-running insurgency in the western Benishangul-Gumuz region, as well as sometimes violent tensions over land between Oromo and Amhara communities and a boundary dispute involving the Somali and Afar states. Accountability for crimes committed in Ethiopia's internal conflicts is a major point of contention. The FDRE constitution which creates the federal state’s form of Government is also a point of debate between major politicians who are classified as unitary camp and the federalist’s camp. There is also a deep-rooted sense of dissatisfaction felt by many young people in Oromia and Amhara called “Qeroo” and “Fano” respectively. These groups were the main participants in the protests that propelled Abiy to power in 2018.

The other contested issue is the release of opposition leaders and activists from prison and dropping charges. Diplomatic pressure to date has prompted the Government to release prominent political prisoners, including Jawar Mohamed, Bekele Garba, Eskindir Nega, and some of the TPLF protuberant leaders. Authorities said the move was meant to “pave the way for a lasting solution to Ethiopia’s problems in a peaceful, non-violent way.” However, this decision of the government not pleased most people, especially political elites from the Amhara ethnic group and different groups who took part in the conflict in support of the government. They claim that

¹⁷ ENA, <https://www.ena.et/en/?p=35664>

releasing prominent leaders of the TPLF without charging them is not correct and this will result in a loss of government trust.

Let's conclude

The national dialogue is very important mechanism to address the issues like the structure of government, human rights abuses, bring a restorative and transitional justice and bring lasting peace in the country. The dialogue process is also at a “tipping point” from which reform can still be salvaged. The government should refrain from controlling the process and it should only have a facilitation roles. As a duty bearer under international human rights instruments; the government should also facilitate the humanitarian aid, relocation of IDPs in the northern and western part of the country. It should also committed itself and play pivotal roles for lasting peace agreement with all armed groups in the country and call for a round table discussion and a national dialogue. Even though many aspects of the national dialogue remain unclear, including how it will engage communities especially as insecurity persists in many parts of the country; if managed properly, the process has the potential to start the long process of healing Ethiopia’s rifts. Three years is not long enough to address a century long problems and the damage done to the social fabric of the country. That will take generations. Therefore this dialogue process needs to build institutions and structures that promote stability and a continuing process of reconciliation and integration going forward. Regardless of its limitations, it is a chance to be squandered either, adding: The opportunity to build consensus and positively shape the future structure of society – this should not be simply thrown away.

Besides that, an ongoing peace deal between the Federal Government and the TPLF is also worthy. The intentions for a peace process were revealed by Prime Minister Abiy Ahmed on June 14 in the statement he made before the parliament.¹⁸ The same day, the leadership of Tigray wrote an open letter expressing its willingness to engage in negotiations.¹⁹ A seven-person negotiating delegation led by Deputy Prime Minister Demeke Mekonnen was announced by the federal government two weeks later. In a conflict that has likely resulted in tens of thousands of lives and

¹⁸ <https://addisstandard.com/news-pm-abiy-tells-parliament-deputy-pm-and-fm-demeke-mekonnen-leading-a-study-committee-of-negotiation/>

¹⁹ <https://secureservercdn.net/198.71.233.26/yky.03a.myftpupload.com/wp-content/uploads/2022/06/Open-Letter-from-the-President-of-the-Government-of-Tigray-on-peace-talks-.pdf>

imposed immense misery on the inhabitants of Tigray as well as civilians in adjacent regions of Amhara and Afar the prospect of peace talks is heartening news.

5. Human Rights situation post-state of emergency

The state of emergency came into force on November 2, 2021 a year after a conflict erupted between the government of Prime Minister Abiy Ahmed and forces aligned with the Tigray People's Liberation Front (TPLF). The move came after the TPLF said they had captured the strategic towns of Dessie and Kombolcha in the Amhara region, and indicated they might advance further south, toward the capital Addis Ababa. The six-month state of emergency allows, among other things, for roadblocks to be established, transport services to be disrupted, curfews to be imposed, and for the military to take over in certain areas. Anyone suspected individuals of having links with "terrorist" groups could also be detained without a court warrant, while any citizen who has reached the age of military service could be called to fight. While justifying the state of emergency, the government claimed that to save the country from a grave danger to its existence, sovereignty, and unity the SOE is indispensable. Following the declaration of SOE thousands of people, mostly ethnic Tigrayans, have been detained in different cities and towns across Ethiopia.²⁰

The government lift state of emergency that declared in November 2021 after rebellious Tigrayan forces retreated back. The government claimed that the time span of the SOE was shortening considering the security conditions in the country. Parliament's decision to lift the state of emergency came three weeks after cabinet approval. Of the 312 lawmakers who attended the session, 63 opposed lifting the state of emergency, while 21 abstained from the vote. This shows as there is some unwillingness from the parliament to lift the state of emergency. Nevertheless the move of lifting the state of emergency was welcomed by the international community and human rights defenders.

After swift advances in November, most of the rebel forces have retreated to their home region of Tigray, and there were signs of a tentative thaw in relations between the warring sides. Following lifting of the state of emergency the government released those arrested or detained without charge under the state of emergency. The arrest was condemned by most human rights

²⁰ UN Report, <https://news.un.org/en/story/2021/11/1105892> Accessed from the internet on May 28 2022

defenders as an ethnic target. **(This issue and the answer given by the government were discussed in detail in a previous human rights assessment by EHRDC).**

6. Freedom of Expression and the current media landscape

Freedom of expression was for the first time given juridical recognition in modern Ethiopia by the Revised 1955 Constitution.²¹ The 1987 Constitution of the Peoples' Democratic Republic of Ethiopia, which had a clear socialist orientation, also gave recognition to freedom of expression.²² Hence, at least on paper, freedom expression has been given recognition in Ethiopia for more than half a century. However, anybody who is familiar with modern Ethiopian history would know that these constitutional guarantees of freedom of expression were not effective in fostering political dissent and freedom of the press. On the ground, there was hardly any free press or freedom for political dissent despite these constitutional guarantees. A dramatic change with regards to freedom of expression was occurred following the collapse of the 'Dergue'. Not only did the Transitional Charter recognize freedom of expression,²³ but freedom of the press and speech became a reality with an unprecedented proliferation of privately run newspapers and magazines.²⁴ The extent to which that freedom has subsisted till this day is a debatable issue, but what is certain is that in our constitutional history, freedom of expression is stipulated in the 1995 FDRE Constitution in the most elaborate manner.

Article 29 of the FDRE Constitution provides for the 'Right of Thought, Opinion and Expression' in the following terms:

- 1) Everyone has the right to hold opinions without interference.
- 2) Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice.

²¹ See the 1955 Revised Constitution of the Empire of Ethiopia, Article 41.

²² See the Constitution of the Peoples' Democratic Republic of Ethiopia (1987), Article 47

²³ Transitional Period Charter of Ethiopia (1991), Article 1(a).

²⁴ See Shimelis Bensa (2002), 'The State of the Private Press in Ethiopia', Ethiopia The Challenge of Democracy from Below, Edited by Bahru Zewde and Siegfried Pausewang, (Nordiska Afrikainstitutet, Uppsala and Forum for Social Studies: Addis Ababa), pp 184-165.

3) Freedom of the press and other mass media and freedom of artistic creativity is guaranteed. Freedom of the press shall specifically include the following elements:

a. Prohibition of any form of censorship;

b. Access to information of public interest.

4) In the interest of the free flow of information, ideas and opinions which are essential to the functioning of a democratic order, the press shall, as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions.

5) Any media financed by or under the control of the State shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion.

6) These rights can be limited only through laws that are guided by the principle that freedom of expression and information cannot be limited on account of *the content or effect of the point of view expressed*. Legal limitations can be laid down in order to protect the well-being of the youth, and the honor and reputation of individuals.

7) Any citizen who violates any legal limitations on the exercise of these rights may be held liable under the law.

In addition to enshrining freedom of expression as a fundamental ‘democratic right’, the Constitution stipulates that the third chapter of the Constitution should be interpreted in accordance with the Universal Declaration of Human Rights (UDHR) and international human rights instruments ratified by Ethiopia.²⁵ Accordingly, one should always bear in mind that the relevant provisions of the UDHR, the ICCPR (International Covenant on Civil and Political Rights), the ACHPR (African Charter on Human and Peoples’ Rights), and other pertinent human rights instruments ratified by Ethiopia should be read alongside this constitutional provision in order to have a full picture of the legal regime that is expected to accord protection to freedom of expression in Ethiopia.

²⁵ Gebremlak Gebregiorgis(2008), ‘The Incorporation and Status of Human Rights Under the FDRE Constitution’, The Constitutional Protection of Human Rights in Ethiopia : Challenges and Prospects, Ethiopian Human Rights Law Series Vol. 2, (AAU Law Faculty, AAU Printing Press), Girmachew Alemu & Sisay Alemahu (eds) pp 37-58

When the new prime minister came to power in 2018 there were some progressive measures taken by the government to expand the press freedom and to make it more pluralistic than under the previous government by allowing the banned media outlets. A new media law adopted in 2021 offers a more liberal and protective legal framework for journalists. Defamation has been decriminalized and the confidentiality of journalists' sources is protected.²⁶

Currently, there is much debate in Ethiopia about the extent to which the constitutional and media law promise of freedom of expression has been implemented. The government firmly denies allegations made by various human rights organizations of deliberate acts of suffocating freedom of expression through unconstitutional and unlawful tactics. However currently, most of the recent press freedom gains have been lost. The media landscape is shrinking from day to day. Since the start of the civil war, the government has made a determined effort to take control of the narrative, above all by creating a "fact-checking" platform. Made to look like a media outlet, it is actually used as a conduit to relay the government's message and uses unverified facts and disinformation to discredit dissenting voices. Meanwhile, the Media Regulatory Authority is becoming a government tool that does nothing to promote quality independent journalism. All the legal and institutional reforms are circumvented and do not prevent arrests of journalists and human rights defenders.

Ethiopia's terrorism law and its more recent law on hate speech and disinformation contain very vaguely worded provisions that include heavy prison sentences and that could be used against outspoken journalists. The surge in abuses against journalists seen since the start of the war in Tigray in November 2020 is not abating. Several journalists have been killed under unclear circumstances. Many reporters, whose coverage did not toe the government line, have been detained on serious charges such as "promoting terrorism." Tamirat Negera, Eyasped Tesfaye, Meaza Muhamed, Kibrom Worku and mass arrest of journalists and human rights defenders mentioned somewhere in the above shows the worrisome situations of journalists and media in Ethiopia. Some media outlets, such as Addis Standard, have been arbitrarily suspended (currently the suspension is revoked), and the Awlo Media Center website announced that it was ceasing operations because of threats and harassment, conflicts, and civil war. On 13 May 2022 Ethiopian Media Authority (EMA), the state agency in charge of regulating the media operating in Ethiopia,

²⁶ See the new media proclamation no 1238/2021

revoked the press license of Tom Gardner of the Economist. Gardner is the second foreign media expelled next to an Ethiopia-based reporter for The New York Times who was expelled last year on May 14, 2021. As the EMA letter stated the journalists are expelled because of their failure to observe strict professional ethics and the rules and regulations of the country.

7. Protection from Enforced Disappearance (ED)

Apart from developing the aforementioned thematic approach, the UN has made significant progress in establishing a normative standard to combat ED on a global scale. The adoption of the UN Declaration on the Protection of All Persons from Enforced Disappearance (the 1992 UN Declaration)²⁷ and the International Convention for the Protection of All Persons from Enforced Disappearance are two notable achievements in this regard.²⁸ The Rome Statute of the International Criminal Court (ICC) is especially notable since it identifies ED as an international crime that constitutes a Crime against Humanity.²⁹ The definition of ED provided by the CPED is the most widely cited one, which goes as:

*“ED is considered to be the arrest, detention, abduction or any other form of deprivation of liberty committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate and whereabouts of the disappeared person, which places such a person outside the protection of the law”.*³⁰

The pioneer achievements of the CPED comprise the creation of an absolute ‘right not to be subjected to ED’³¹ ‘the right not to be held in a secret detention’;³² and ‘the right to know the truth’

²⁷ Declaration on the Protection from ED, UNGA/Res./47/133 (18 December 1992) UNTS Vol. 500, No. 7310 (adopted by consensus).

²⁸ International Convention for the Protection of All Persons from Enforced Disappearance (adopted on 20 December 2006 and entered into force on 23 December 2010) GA. Res. 61/177, U.N. Doc. A/RES/61/177.

²⁸ Rome Statute of International Criminal Court (adopted 17 July 1998 and entered into force on 1 July 2002) UNTS, Vol. 2187, No. 38544, Article 7(1.i) & (2.i)

²⁹ Rome Statute of International Criminal Court (adopted 17 July 1998 and entered into force on 1 July 2002) UNTS, Vol. 2187, No. 38544, Article 7(1.i) & (2.i)

³⁰ International Convention for the Protection of All Persons from Enforced Disappearance (adopted on 20 December 2006 and entered into force on 23 December 2010) GA. Res. 61/177, U.N. Doc. A/RES/61/177. Art.2

³¹ Ibid Art 1

³² Ibid Art 17(1)

in addition to the adoption of globally binding definition of ED.³³ Today, CPED is from among the core international human rights treaties. It now counts 98 signatories and 63 parties.

Coming to Ethiopia, the phenomenon of disappearance has a long history, dating back to the imperial period.³⁴ During the reign of Emperor Haile Silassie I, there is a claim that hundreds of men were kidnapped and taken away every year, of which girls were taken to palace for a sacrifice on the Emperor's birthday.³⁵ However, there is no systematic record of the disappearances before 1974. In the 17 years of the Derg rule, widespread use of ED against public figures, opponents, and insurgents was reported (1974-1991). There are some known figures claimed to have been disappeared during this period. These include Abuna (Archbishop) Tewoflos former Patriarch of the Ethiopian Orthodox Church; Reverend Gudina Tumsa, General Secretary of the Ethiopian Evangelical Mekane Yesus Church (EEMYC); and Bealu Girma, a well-known writer and journalist were "disappeared" since 1976, 1979 and 1984 respectively.³⁶ The first two were eventually identified victims of extrajudicial killing, after disappearance for more than a decade. The fate of the latter remains unresolved to date. During the 'Red Terror' that lasted from 1977 until 1980, "thousands more disappeared and still missing."³⁷

During the EPDRF regime today when one talks of ED in Ethiopia, the "disappearance" of two known individuals inevitably comes forefront. These are Nadhi Gamada, one of the top leaders of the Oromo Liberation Front (OLF) during the transitional period, and Merigeta Indesirachew Admassie a renowned priest and educator of the Ethiopian Orthodox Church who were disappeared in 1994 and whose whereabouts is yet unknown.³⁸ Since November 2015 unprecedented protests have been taking place in Ethiopia: angry and frustrated at the widespread

³³ Ioanna Pervou, "the Convention for the Protection of All Persons from Enforced Disappearance: Moving Human Rights Protection Ahead" (Spring/Summer 2012) 5EJLS Issue1, 129.

³⁴ Derawork Zewude, 'The Protection from Enforced Disappearance under the Ethiopian Law' (Unpublished Senior Essay, AAU Law Library, 2009) 33.

³⁵ Raul Valdez Vivo, Ethiopia: The Unknown Revolution, (Social Sciences Publishers, La Habana, Cuba, 1978)16-19.

³⁶ Marshet Tadesse Tessema, Prosecution of Politicide in Ethiopia: The Red Terror Trials (Gerhard Werle and Moritz Vormbaum (eds) Asser Press, The Hague, The Netherlands, (2018)18 INTERNATIONAL CRIMINAL JUSTICE SERIES, 182.

³⁷ Yacob Haile-Mariam, 'The Quest for Justice and Reconciliation: The International Criminal Tribunal for Rwanda and the Ethiopian High Court' (1999) 22 HASTINGS INT'L & COMP.L. REV. 667 p. 678.

³⁸ Muluken Tesfaw, '24 Years of Enforced Disappearance and Unlawful Detention' accessed 24 March 2019, and HRLHA, 'Does the Ethiopian Government Mean to Release Political Prisoners and Close down the Notorious Ma'ikelawi Prison, the Ethiopian Guantanamo?' (January 4, 2018)

abuse of human rights and the centralization of power in the hands of the Tigrayan People's Liberation Front (TPLF) tens of thousands have taken to the streets. The ruling party's response to this democratic outpouring has been consistently violent; hundreds have been killed and beaten by security forces, tens of thousands arrested and imprisoned and enforcedly disappeared.

The Working Group on Enforced or Involuntary Disappearance (WGEID), in its latest report indicated Ethiopia as one of the countries with more than 100 cases of disappearance between 1980 and 7th of August 2020.³⁹ In their Concluding Observation on Ethiopia, some UN human rights monitoring bodies have also shown their concern about the problem of ED in the country.⁴⁰ On November 2018, the Federal Attorney General (FAG) reported that seven secret prisons (unofficial prisons) are discovered in the Addis Ababa City alone. No doubt that these secret detentions have been instrumental in the alleged practice of disappearance in the country.⁴¹

Overall, it is undisputable that ED continued to be outstanding and a potential threat in the current Ethiopian political situation in general and Human Rights Defenders in particular. The recently forced disappearance of journalist of Gobeze Sisay and Activist Meron Tadel shows the worrisome situations of journalists and media in Ethiopia. On May 1st 2022 Sunday morning, Gobeze was taken from his house located in Lemi Kura Sub-city, commonly known as Ayat, in Addis Abeba. Ununiformed security personnel, who initially was not willing to show their IDs nor liked to state who they were, stormed his house and told him that he was wanted for questioning. Then they blindfolded him and took him to an unknown place in the city. Since his arrest, Gobeze had not appeared before the court. Finally, he was released on May 10 2022 9 PM local time after he was reported missing in action for 9 days. Similarly on June Monday June 6th 2022 a pharmacist and activist Meron Tadel was kidnaped by national intelligence security forces from Ride (taxi) transportation and taken her to the unknown place and released her on the next day.

³⁹ UNGA, 'Report of the WGEID' (7 August 2020) A/HRC/45/13, Annex III p. 39

⁴⁰ UN Committee against Torture (CAT), 'Consideration of Reports Submitted by States parties under Article 19 of the Convention Concluding Observations of the Committee against Torture' (20 January 2011) CAT/C/ETH/CO/1, para 15.

⁴¹ Ethiopian Press Agency (EPA), 'Attorney General: 63 Former Senior Officials are Arrested for Various Crimes Seven Secret Prisons Discovered in Addis Ababa' (13 November 2018).

6.1 The Media landscape in Ethiopia

In addition to the harassment and violation from the government side, there is also a gap in media and journalism professions. Most YouTube and some mass media are embroiled in the ethnic Media landscape. The media landscape become much polarized and is characterized by opinion journalism to the detriment of reporting and fact-checking. The culture of printing and reading print media is declined and the few newspapers that appear in print are also mostly read by urban elites. Furthermore the political context and the economic situation of the country is highly hampering the journalism ethics, very low salaries, inflation, and corruption put the professional integrity of journalists to the test.

A handful of businessmen own most of the leading media outlets, which poses problems for media independence, while the cost of creating a new media outlet, especially a radio or TV station, is a significant deterrent. Because of this the media in Ethiopia are either totally owned by a single individual or the government which affects the press freedom and impartiality and diversity of media. Therefore a community and publicly owned media are very important to create an independent media which is the 4th branch of the government. Moreover, journalists themselves should censor themselves as ethnic, regionalist, and political considerations are a major concern at many Ethiopian media outlets to the detriment of independent, pluralistic, and balanced journalism.

6.2 Legal protection to the media and media personnel

Article 86 of Media Proclamation No. 1238/2021 clearly gives protection for media personnel to bring promptly before a court, without being remanded. It provided as follows;

Art 86: Manner of Instituting and Hearing Media Related Cases

1. Any person charged with committing an offence through the media by the public prosecutor shall be brought promptly before a court, without being remanded for further investigation pursuant to the Provisions of Criminal Procedure Code.
2. The court having jurisdiction over the case shall commence the hearing of the case within 15 days of the filing of the charge.

3. The court shall cause the accused person to obtain a copy of the charge, together with a copy of any evidence, at least 5 days before the commencement of the trial.
4. The court shall pronounce its judgment within 1 month from the commencement of the trial.
5. Where it has not been possible to deliver a summons personally to the accused person because he was not found at his address, the court shall require a notice to be posted announcing the summons and notifying the accused that the hearing shall proceed in his absence should he fail to appear within 7 day

Despite these apparent legal protections, the government has continued to aggressively imprison journalists and human rights defenders.

8. The “Law Enforcement in Amhara Region” and the Mass Arbitrary Arrest of HRDs and Journalists

The national regional state of the Amhara region is taking a wide operation in the region by calming of bringing “peace and security “in the region. In this operation, more than 4500 individuals had been arrested in the region within two weeks (during the time of this assessment). Brigadier General Tefera Mamo, who worked as head of the Amhara region special forces, is among those arrested in connection with the “law enforcement operation. Rendering Journalists and HRDs to most of those arrested as “suspects” of criminal activity are FANO members who volunteered during the campaign to reverse the TPLF invasion of the region between August and December 2021. The regional government, on the other hand, claims that those arrested are criminals who had been operating under the guise of FANO and that they are not “REAL FANO.”

Regional authorities had been extensively criticized, as observed on multiple social media platforms, over the crackdown on FANO and freedom of expression. Many journalists and human rights defenders, claiming that the campaign is malicious and it is intended to weaken FANO amid Tigray People’s Liberation Front (TPLF) military preparation for another round of military campaign with the aim to take back Wolkait areas of ‘Gondar’.

This operation brings another challenges to the HRDs and Journalists with mass arrests. Protecting journalists and Human Rights Defenders is essential in ensuring fundamental rights and freedoms guaranteed by the FDRE Constitution, and also it is very important to underscore that the media plays an irreplaceable roles toward building a democratic system in Ethiopia. As repeatedly stated since taking office in April 2018, Prime Minister Abiy Ahmed's government has overturned the draconian civil society law and released dozens of detained journalists and bloggers. However, most recently the Ethiopian government is diminishing this progress and started arbitrary arrests of Journalists and Human Rights Defenders and also blatantly derogating the due process of law. For instance, on May, 20th of 2022 the police has arrested Journalist Solomon *Shumiye* a critical voice on his YouTube channel show called *Gebeyanu* and who hosted a talk show program called ቡና እና ሻይ (Coffee and Tea.) in the past. On May 21, 2022, lecturer and Human Rights activist, *Meskerem Abera* was arrested when returned to Addis Ababa from Bahir Dar and detained at "sostegna" police station. In addition to these, five journalists from a local media outlet called *Ashara*, were also detained on May 19, 2022. These journalists are Daniel Mesfin, Getnet Yalew, Gshaye Niguse, Habtamu Melese and Kelemu Gelagay. Similarly, *Addisu Getaneh*, a lawyer and human rights advocate was arrested without a court warrant on Monday, May 23, 2022, from his workplace and is currently detained at the "Sostegna" police station in Addis Ababa.

These new waves of arrests hugely affect and diminish the progress witnessed since 2018. Daniel Bekele, head of the Ethiopian Human Rights Commission, on his tweeter page stated that " the *wave of arrests including journalists and activists fail to comply with human rights standards and has a chilling effect on freedom of expression and media freedom.*" However, the Ethiopian government failed to give attention to these calls and has continued arrests. These unlawful arrests are ramped up and the crack comes to *Temesgen Desalegn*, managing director of the Amharic independent weekly "Fitih" Magazine, and also journalist *Yayehsew Shimalis* who were taken by security forces on May, 26/2022. With new arrests on May 26, May 27, 2022, and May 28, 2022, of journalist Sabontu Ahmed (Finfinnee Integrated Broadcasting, Bekalu Alamirew (Alpha TV),

and Journalist Meaza Muhamed founder of Roha Media which brings the total of detained journalists and media personnel to 19 during this work of this assessment.⁴²

In a more drastic way on June 2 2022 Police beaten Temesgen Desalegn in front of his family. After being beaten by the police in front of his family the police took him to another room & his family were expelled from the area. Journalist Temesgen also reported on the beatings in front of witnesses to his lawyer. He has been in court for the second time since his arrest and has been given an alternative date of June 6, 2022, pending further investigation.

9. Freedom of assembly

The right to Freedom of assembly is among the political rights enshrined under the Constitution of the Federal Democratic Republic of Ethiopia (FDRE). With regards to this right, there are key problems with the existing legal regime governing the right and the prevailing practice. The present Constitution of Ethiopia gives incomplete protection to the right, by failing to go beyond listing grounds of limiting it without incorporating additional guarantees of preventing arbitrary restrictions such as necessity and proportionality in an explicit manner. Moreover, it contends that this problem was exacerbated by the presence of too many loopholes in the Peaceful Demonstration and Public Political Meetings Proclamation that ranges from inadequate rules governing notification procedure to the absence of fair hearing and judicial or administrative review procedures in the law. Furthermore, the ruling party is using this loophole as an advantage to restrict political meetings and peaceful demonstrations.

In May 2022, security personnel used disproportionate force in dealing with a nonviolent student demonstration in Addis Ababa to denounce the crimes done against Muslims in Gonder. Similarly, the government was refused access to the Balderas party's peaceful demonstrations and March. The ban also encompassed civil society organizations such as NEWA, SARA JUSTICE, and TIMRAN, which claim to be advocates for peace and a voice for IDP women. The event was scheduled for March 8 and was intended to draw public attention to the issue of gender-based

⁴² The above data shows the situation and status of the journalists until June 2, 2022, as the case is ongoing and things are uncertain the situation may be changed in a day, some of the journalists may be released on bail or freely. The situations of these journalists and human rights defender after June 2, 2022 will be analyzed in detail in the next assessment.

violence. In addition to that Setaweeet and EHRDC have requested the authority to do rally on women issue however the response they received from the authority is outrageous which requested 280,000 ETB to do the rally. To conclude, reforming the legal regime applicable to freedom of assembly and ensuring its appropriate implementation requires a strong political will of the ruling party in promoting good governance, respect for the rule of law, and strengthening of democratic institutions.

Conclusion

The human rights situation in Ethiopia is deteriorating in 2022 Security force cases of abuse, armed group attacks, and deadly ethnic violence are contributing factors to this corrosion. Several reports of summary executions, civilian casualties, looting, and house burning have been reported from various parts of the country. After the TPLF claimed control of Dessie and Kombolcha, the state of emergency was declared on November 2, 2021, which allows, among other things, for roadblocks to be established, transport services to be disrupted, curfews to be imposed, and for the military to take over in certain areas. Following the declaration of SOE thousands of people, primarily ethnic Tigrayans, have been detained in different cities and towns across Ethiopia. The government lifted the state of emergency that was declared in November 2021 after rebellious Tigrayan forces retreated back.

The country's deteriorating political and human rights situation highly affects the work of HRDs and journalists. Most of the recent press freedom gains have been lost, the media landscape is shrinking, freedom of associations and assembly are banned, and journalists and HRDs are arrested in mass without due process of law.

Despite all these challenges Ethiopia is gearing up for a national dialogue aimed at bridging the country's many fault lines. The national dialogue is aimed at resolving differences of opinions and disagreements among various political and opinion leaders and also segments of society in Ethiopia. However, most political parties are condemning the national dialogue process as "it lacks inclusiveness." The government on the other hand calming as it is inclusive and genuine.

Finally, EHRDC wants to convey as it is still not too late to incentivize all parties to negotiate to curb the looming crisis and to bring lasting peace which contributes a lot to human rights protection through genuine national dialogue. The question lingers on whether major powers have the will and political resources to do so.

Recommendation

- EHRDC is concerned about the violation of Human Rights in general and HRDs and Journalists rights in particular. Now days being a human rights defender is becoming difficult given the country's volatile situation. Therefore EHRDC recommend the Ethiopian government to ensure the protection of human rights provided under the FDRE Constitution and international Human rights instruments.
- As the national dialogue is very important mechanism to address the issues like the structure of government, human rights abuses, bring a restorative and transitional justice and bring lasting peace in the country, EHRDC strongly recommend the Government, all the citizens political parties, Civil Societies and other stakeholders to play a prominent role for the success of the national dialogue.

- As this analysis shows, it is clear that Citizens, human rights defenders and Journalists are faces a serious threat from a variety of sources. As a result, Ethiopia's government is the first to provide sufficient human rights safeguards for human rights defenders. Thus, EHRDC urges the Ethiopian government to establish an appropriate security system for protection of human rights.
- EHRDC is still concerned about the arbitrary arrest, enforced disappearances, threats, bullying, and attacks against HRDs. EHRDC urges Ethiopia's government to conduct an urgent investigation into their attack and make accountable alleged perpetrators and to end an impunity.
- The EHRDC also plea on the international and local community to take an active role in protecting human rights defenders and Journalists more than ever. They must acknowledge and actively help human rights defenders in this extremely challenging period.
- Finally, the EHRDC honors the valiant efforts of thousands of human rights defenders and journalists in Ethiopia to ensure the successful implementation of human rights. The Center promotes and supports human rights defenders, recognizing that they serve as a link between civil society and the international system for human rights protection.