



# **ANNUAL REPORT**

## **THE SITUATIONS OF HUMAN RIGHTS DEFENDERS IN ETHIOPIA (2021-2022)**

**JANUARY 2023  
ADDIS ABABA, ETHIOPIA**

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Authors:

\*Befekadu Dereba, LLB (Hawassa University), LLM (Addis Ababa University)

\*Noah Yesuf, LLB (Wollo University), LLM candidate, at Addis Ababa University

For reprint permission and information, please direct your inquiry to [EHRDCenter@ethdefenders.org](mailto:EHRDCenter@ethdefenders.org)

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Ethiopian Human Rights Defenders Center (EHRDC)

Bole Sub-city, Woreda 02

Friendship Business Center, 5th Floor, 504/2

Addis Ababa, Ethiopia

Tel: +251-94985871

Email: [EHRDC@ethdefenders.org](mailto:EHRDC@ethdefenders.org)

Website: [www.ethdefender.org](http://www.ethdefender.org)

Facebook: [facebook.com/ethdefenders](https://facebook.com/ethdefenders)

Twitter: [Twitter.com/@CenterEHRD](https://twitter.com/CenterEHRD)

LinkedIn: [www.linkedin.com/company/ethiopian-human-rights-defenders-center/](https://www.linkedin.com/company/ethiopian-human-rights-defenders-center/)

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## About the Ethiopian Human Rights Defenders Center (EHRDC)

The Ethiopian Human Rights Defenders Center (EHRDC) was founded in December 2019, after HRDs and human rights organizations met in Addis Ababa, Ethiopia, at the Claiming Space Forum organized by Defend Defenders (the East and Horn of Africa Human Rights Defenders Project), in collaboration with the Association for Human Rights in Ethiopia, the Consortium of Ethiopian Human Rights Organizations (CEHRO), and the Ethiopian Human Rights Council (EHRCO), from December 9 -13, 2019, to establish a national human rights defenders network, which was named the “Ethiopian Human Rights Defenders Center” (EHRDC). EHRDC is legally registered as of November 2020 with registration number 5220. The center aims to build a strong network of Human Rights Defenders (HRDs) by building their capacity, creating a safe working environment, protecting, defending, and advocating for HRDs in Ethiopia.

### About this report

One of the main goals of EHRDC is to familiarize the broader society with the concept of HRDs and their protection. Accordingly, EHRDC conducts periodic assessments on human rights defenders’ situations. This compendium is the first annual report that contains the four periodic assessments that EHRDC has conducted since July 2021 and shows the state of human rights in general and the situation of HRDs in particular in the country. Each assessments show the situation of HRDs within the period stated in the titles. All the periodic assessments are published on the EHRDC <https://ethdefenders.org/website>.

## Message from the Executive Director

*Being human is a given, but being a human rights defender is a choice that only selfless and courageous people can make and bear the consequences for the noble causes they stand for.*

As the director of a recently established local human rights organization, I am proud and pleased to acknowledge the growth and success of the Ethiopian Human Rights Defenders Center (EHRDC), which started its long journey with such landmark achievements that the Center accomplished in its first two years of existence. But this could not happen without close collaboration between the organization's good leadership, committed staff, and supportive board members. It has been a pleasure and an honor for me to work with such an amazing and dedicated team.

As any other state, Ethiopia is also required to recognize the value and important contribution of HRDs to peace and human rights, especially in the conflict situation that the country has been in for the last two years. The Ethiopian government should support the work of HRDs by creating an enabling environment, respecting and protecting their rights. However, HRDs have been targeted in the last two years because of their critical voice against any actions of individual officials or government bodies, as well as policies of the country that affect the rights and freedoms of its citizens.

Since its inception, EHRDC has carried out numerous activities to protect and support HRDs and journalists in Ethiopia, including training, advocacy, and protection, as well as improving their working conditions. One of our major activities is conducting a regular assessment on the status of HRDs in Ethiopia. Since the end of 2021, we have published four periodic assessments. Our periodic assessments clearly shows that, despite all positive measures taken by the government to improve the socio-political environment for the protection of human rights by amending legislation, there are still many challenges and obstacles that HRDs face on a daily basis. These challenges that HRDs have faced in the past two years show how the work of human rights organizations and HRDs is difficult and risky. But at the same time, it also revealed how HRDs



are resilient, dedicated, and courageous for the cause of humanity and for the respect of human rights. Being human is a given, but being a human rights defender is a choice that only selfless and courageous people can make and bear the consequences for the noble causes they stand for.

As we have been conducting periodic assessments since the end of 2021, this first annual report is a compendium that contains the four periodic assessments. This compendium is not only the first annual report of EHRDC but also the first of its kind in the case of Ethiopia.

Therefore, I am very proud and honored to announce that the Ethiopian Human Rights Defenders Center has launched its first annual report (2021–22) on the status of HRDs in Ethiopia. It is one of our great achievements as an independent national HRDs network. We will continue our efforts and dedication to ensure that the rights and freedoms of all HRDs in Ethiopia are well respected and protected. In our second anniversary year, we will share our assessment findings and concert recommendations with all stockholders that have been included in our annual report.

I am very grateful for the dedication of those tireless HRDs who work persistently for the promotion, respect, and protection of human rights in Ethiopia, despite facing many encounters and difficulties. I want to thank the EHRDC team for their dedication, commitment, and excellent performance over the last two years in monitoring, documenting, and assessing the situation of HRDs and for being a voice for HRDs when they are at risk. Looking forward, I am confident that EHRDC will continue its periodic assessment of the situation of HRDs, address the challenges they face with the same vigorous commitments, and strengthen its commitment to protecting and supporting HRDs.

Finally, I would like to thank all of our funders, donors, volunteers, and partners for supporting our critical efforts to advance the rights of HRDs and for improving their working environment.

## Methodology

This annual report has employed a qualitative approach to assess the situation of HRDs and make an in-depth analysis of their status in Ethiopia. The report used primary and secondary data collections. As for primary data, Key Informant Interview (KII) with HRDs and analysis of court charge sheets filed against HRDs is used. The data were also supported by the direct observation of the situations. The situation is analyzed from the perspective of national and international laws as well as case laws of human rights bodies. As a result, it used relevant hard laws such as the International Covenant on Civil and Political Rights to analyze the situation of HRDs. Furthermore, as of soft laws, primarily, greater weight is given to the declaration on HRDs as the declaration is the first document that contains detailed rights of HRDs. In addition, reports of special rapporteurs, resolutions, and fact sheets are used to assess the situation of HRDs. As for secondary data, open-source evidence and materials such as credible news reports, analysis and posts from the personal social media accounts of HRDs and the Ministry of Justice are used.

This report is the result of monitoring activities and follow-up efforts of the situation of HRDs through periodic assessments. To collect the necessary data, observation, interview and survey through questionnaire techniques are used. For this report, interviews have been conducted among others with CSO leaders, journalists, individual HRDs, activists and lawyers. We have also traced the interviews given by HRDs about their arrest from media platforms. Those selected HRDs are interviewed physically based on interview guide tools with open-ended questions. The CSOs are selected based on existence of risks against them, their common ground of participating in peace calls, and being the subject of any threats. The interviews were conducted with the CSOs' executive directors/directresses considering that they have better knowledge of the organizations. The individuals are selected taking into consideration the risk they experienced in relation to their human rights work and the high possibility of getting the necessary data to showcase the situation of HRDs in the country. Despite the efforts to assess the situation of HRDs the report has its own limitations of addressing the countrywide situations in detail. Therefore, the report is meant to show the trends in the country, and the findings, conclusions, and recommendations should be understood from that perspective.

## Executive summary

The term “human rights defenders” (hereafter “HRDs”) is used to refer to a broad range of individuals and collectives promoting or protecting human rights, including lawyers, journalists, activists, students, people in social movements, and staff of human rights organizations involved in human rights work. The UN Declaration on Human Rights Defenders considers HRDs as persons who, individually or with others, act to promote and strive for the protection and realization of human rights and fundamental freedoms. Across the world, HRDs play a crucial role in promoting and protecting human rights by assisting states to ensure human rights as well as by denouncing and reporting violations committed by state and non-state actors. Nevertheless, HRDs are subjected to frequent attacks and threats by interested groups for their efforts to protect and promote human rights.

In Ethiopia, HRDs, including CSOs, journalists, lawyers, students, teachers, and activists, play a vital role in ensuring human rights through various approaches. HRDs have been suffering as direct targets of the much domineering legislative, institutional, and political measures taken by the government in Ethiopia for a decade, during which many were imprisoned, tortured, and killed. The 2008 media law and the 2009 CSO and anti-terrorism legislation have been used as instruments to close the civic space and attack HRDs. Particularly, the 621/2009 CSO proclamation created a complex web of arbitrary restrictions on the work of civil society groups and crippled human rights-related work. The government also used the anti-terrorism law provisions to detain, prosecute, and imprison journalists, HRDs, and opposition members.

However, in 2018, following a political reform, the government introduced legal and institutional reforms and freed several political prisoners, and human rights advocates. Most importantly, the revised CSO proclamation 1113/2019 introduced major reforms that allow CSOs to operate without strict control and hurdles. Also, activists began to speak freely, independent media that had been blocked resumed their work, and the state of freedom of expression improved.

Despite the improvements, the challenges HRDs for still intact, especially as conflict and political turmoil exacerbate the situation. As documented in the first EHRDC assessment, which covered

the period from February 10, 2021- July 15, 2021, various HRDs have been arbitrarily detained several times since the beginning of the northern Ethiopia conflict, and some media outlets have ceased operations due to government crackdowns. The first assessment addresses government mass detentions of journalists and HRDs, the restriction of freedom of expression, and the killing of a journalist, and the abduction and beating of HRDs by non-state actors. It highlighted that on June 30, July 1, and July 2 of 2021, 21 journalists from Ethio-Forum and Awlo Media were detained in mass, two social media activists were abducted, and one journalist, Sisay Fida, was killed by non-state actors. Furthermore, it was determined that a student named Mohammed Diksiso and a historian named Tadios Tnatu, who were exercising their right to free expression, had been detained by the government. Despite his release after the first assessment, the historian faced repeated detentions subsequently and is still in detention during the writing of this report. Furthermore, it was assessed that the government has been violating the right to assembly by dispersing demonstrations in the regional capital city of Bahir Dar and by arresting vocal voices and HRDs.

The second assessment has documented the situation of HRDs from July 15, 2021-January 2022, during the one-year conflict and the consequences of the state of emergency on the work of HRDs. It identified that, the conflict combined with the state of emergency intensified the arbitrary arrest of HRDs, mainly journalists and activists. It was also assessed that most CSOs were reluctant to engage in advocacy work on human rights and limited their works due to fear of being closed. Moreover, the civic space has been narrowed, and the state of emergency has been used to stifle dissent, including HRDs.

In the third assessment, which covers the period from April 26, 2022-June 2, 2022, it is documented that the situation of human rights in Ethiopia deteriorated time to time following the conflict. The assessment has assessed the political, media, and human rights landscape of the country and found that there has been a paradigm shift in the protection of human rights as a result of the conflict. The assessment gives some examples of the shifting paradigm and identifies that most of the press freedom gains have been lost, the open media landscape has begun to be closed, freedom of

association and assembly have been threatened, and journalists and HRDs have been the subject of enforced disappearances and mass arrests without due process of law.

The fourth assessment documented the challenges of HRDs from June 2, 2022-December 30, 2022, including lack of funding, threats, arrests, and detentions, as well as government warnings and smear campaigns. It identified the war in the northern part of Ethiopia and ethnic attacks in some parts of the country as reasons for the intensification of the challenges facing HRDs. The assessment also documented the arrest of several journalists and media professionals who become the subject of unlawful detentions. In addition, the assessment covered the situation of those journalists who remain behind bars. Additionally, CSOs that released press statements denouncing human rights violations and calling for peace were threatened and profiled. The assessment documented these and other challenges posed to HRDs that affected their work in a variety of ways, including self-restraint and frustration.

In the present compilation of the assessments, EHRDC offers recommendations for the government, CSOs, HRDs, international partners, and national human rights institutions to address the challenges faced by HRDs and create an enabling environment for the civic space.

## Recommendations

### **To the government of Ethiopia:**

- (a) Ensure the respect and protection of human rights in general and the rights of HRDs in particular in Ethiopia by complying with national and international legal instruments ratified by Ethiopia;
- (b) Adhere to the rule of law through complying with the constitution, media law and procedural laws of Ethiopia while arresting and detaining journalists and HRDs;
- (c) EHRDC is concerned about arbitrary arrests, unlawful and prolonged detention, threats, and attacks against HRDs. EHRDC urges the Ethiopian government to ensure prompt and impartial investigation into threats and violence against HRDs, and make alleged perpetrators accountable, and put an end to impunity.
- (d) Publicly recognize the crucial role of HRDs in society and create a conducive environment for HRDs and CSOs to exercise their rights and conduct their work freely and without threats;
- (e) Enact legislations to protect HRDs and implement the UN Declaration on Human Rights Defenders through integrating with national policies and strategies.

### **To national human rights institutions (Ethiopian Human Rights Commission) and others:**

- (a) Continue to closely monitor, investigate, document, denounce, report and respond to cases of alleged acts of attacks against HRDs;
- (b) Ensure that the situation of HRDs is adequately addressed and included in the monitoring and reporting of the situation of human rights in the country;
- (c) Establish a focal point, directorate or department for HRDs responsible for responding to and addressing protection issues affecting HRDs;
- (d) Continue to make recommendations to the government, interact with HRDs and process individual complaints of HRDs and provide support to HRDs, including those who are at risk;
- (e) Give special emphasis and protection to women HRDs and HRDs with disabilities considering their distinct challenges.

**To civil society actors:**

- (a) Continue to advocate for and defend human rights, and to ensure accountability and end impunity for human rights violations;
- (b) Continue to monitor, investigate, and report violations of the rights of HRDs and journalists, and conduct evidence-based advocacy;
- (c) Build and strengthen networks to support each other and to take actions cooperatively;
- (d) Strengthen collaboration and cooperation with international organizations or mechanisms;
- (e) Develop self-protection measures such as guidelines for HRDs and make accessible them;
- (f) Continue to provide trainings and assistance to HRDs to enhance their protection and wellbeing;
- (g) Give special emphasis and protection to women HRDs and HRDs with disabilities considering their distinct challenges to ensure a safe environment to conduct their work.

**To international and regional organizations and partners:**

- (a) Continue to support HRDs by providing training and funding to develop their capacity;
- (b) Stand in solidarity with HRDs at risk and their families;
- (c) Continue to call and engage with the government of Ethiopia to ensure safe space for HRDs and ensure human rights.

**To human rights defenders:**

- (a) Continue to advocate for and defend human rights, and advocate to ensure accountability and end impunity for human rights violations;
- (b) Engage in constructive dialogue with the government to create a safe and enabling environment for your works and show the importance of your activities;
- (c) Strive to ensure high standards of professionalism and ethical behavior when carrying human rights activities;
- (d) Build and strengthen networks to support each other and to take actions cooperatively and stand in solidarity with HRDs at risk.

**PART ONE: ASSESSMENTS ON THE SITUATION OF ETHIOPIAN  
HUMAN RIGHTS DEFENDERS (HRDs)  
February 10, 2021 - JULY 15, 2021**



## 1.1. Contextual Assessment

HRDs have been suffering as direct targets of the much domineering legislative, institutional and political measures taken by the government for the past several years in Ethiopia within which many were arrested, tortured and killed. Some HRDs were jailed and sentenced based on fabricated charges under the Anti-terrorism law. Repressive legislations have been successful in silencing civil society. Severe restrictions on external funding were undermining the work and effectiveness of non-governmental organizations (NGOs). Hundreds of HRDs were in exile for fear of a life-threatening situation and were forced to stay abroad for many years. Specific challenges that HRDs face in Ethiopia include attacks from state and non-state actors and a restrictive legislative environment that impacts the security and the work of HRDs.

Since Abiy Ahmed became Ethiopian Prime Minister in 2018, he stunned the world by releasing HRD prisoners, appointing popular figures into powerful positions, and making legal and institutional reforms. He even appointed highly acclaimed attorney Meaza Ashenafi to the position of President of the Federal Supreme Court of Ethiopia, Dr. Daniel Bekele (Chair of Ethiopian Human Rights Commission), Birtukan Mideksa (Chair of Ethiopian Election Board) and, other high profile individuals. Dr. Abiy Ahmed's promises and some appointments create trust in the justice system and filled many with the hope of a brighter future.

There are also some steps taken by the government concerning the protection of human rights, inter-alia the amendments of anti-terrorism proclamation, media, electoral laws, and CSOs proclamation. The starting of establishing independent institutions like the National Election Board of Ethiopia, the Judiciary, Human Rights Commission, and Ombudsman are also admirable. Despite the reforms taken by the government, there are still human rights concerns facing especially HRDs which include, bullying, abuse, threats, and violence from both state and non-state actors. The country experiences highest levels of civilian deaths and displacements during the reform period and HRDs have condemned the incidents. The Ethiopian Human Rights Defenders Center has documented various attacks against HRDs in Ethiopia. Some of the crackdown on HRDs within the period specified above are assessed in the following sections.

## 1.2. Defining Human Rights Defenders

The Declaration on Human Rights Defenders defined HRDs, as people who, individually or with others, act to promote or protect human rights. The term ‘HRDs’ is used to refer to a broad range of individuals and collectives promoting or protecting human rights, including lawyers, journalists, activists, trade unionists, members of community-based organizations, people in social movements, and staff of human rights organizations involved in different work in very different contexts.<sup>1</sup> They are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can best be explained. To be a human rights defender, a person can act to address any human rights issues on behalf of individuals or groups. HRDs seek the promotion, protection, and realization of civil, political, economic, social, and cultural rights. They also promote the rights of vulnerable groups such as women, people with disabilities, children, indigenous people, and minorities.

## 1.3. Freedom of Opinion and Expression, and Security of the Person: the Case of Seyoum Teshome, Abebe Bayu and Mohammed Deksiso

The right to freedom of opinion and expression is enshrined in several international and regional human rights instruments. The International Covenant on Civil and Political Rights (ICCPR) under Article 19 enshrined that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any other media of his choice.”<sup>2</sup> They may be subject to certain restrictions, but these shall only be provided by law and necessary. Moreover, this right is guaranteed under Art 29 of the FDRE Constitution. Therefore, it should not be violated arbitrarily by both state and non-state actors.

On the other hand, the right to security of the person combined with the right to life and liberty is guaranteed under Article 3 of the Universal Declaration of Human Rights (UDHR).<sup>3</sup> It stated that

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<sup>1</sup> Karen Bennett et. al, ‘Critical perspectives on the security and protection of human rights defenders’ (2015) 19 (7) The International Journal of Human Rights 888 DOI: 10.1080/13642987.2015.1075301

<sup>2</sup> International Covenant on Civil and Political Rights (ICCPR) Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) entry into force 23 March 1976, Art 19

<sup>3</sup> Universal Declaration of Human Rights (UDHR) (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR)

“Everyone has the right to life, liberty, and security of person.” Similarly, Article 3 of the ICCPR provides that everyone has the right to liberty and security of person and prohibits arbitrary arrest or detention. The Article further provides the grounds and procedures as an exception for the right. Similarly, Art 16 of the Federal Democratic Republic of Ethiopia (FDRE) Constitution provides that everyone has the right to protection against bodily harm.<sup>4</sup> However, activists and other HRDs has been the subject of denial of these rights. For instance, the attack committed against Seyom Teshome and his colleague Muktar Osman is against these laws.

Seyom Teshome is an Ethiopian activist and an HRD. He is known for his social activism, advocacy of human rights, and democracy through exposing government actions to the public through his social media account (Facebook and YouTube). The activist has more than 366,613 followers on Facebook and various social media outlets. He has also taken part in protesting against the EPDRF's previous governing regime and was placed in jail several times.

On March 27, 2021, at 7:20 p.m. while driving home, he was kidnapped and beaten by organized gangs around German square Addis Ababa. Seyom was with his friend Muktar Osman who is also a social media activist, as well as two other people, one of whom was his driver and the other his friend. Seyom described the attack as follows:

*“I was coming out of my friend’s house with my two friends and the driver. Around 7:20 p.m., as we approached the German square, a gang blocked the road with a Code 4 ambulance and came to us. They tried to take me out of the car, and I said no, asked who they are, and one of them said we are police and we want to speak to you, and he just showed me a document that looked like a business card and a police ID card. When I said no, they began to use intimidation, and they dragged all of us out of the car and into the ambulance. When they forced me out of the car and slapped me I could not resist them. They continued to beat me and my friend Muktar until we arrived in Goro and left us there. My friend Osman was handcuffed by the gang, who was wearing police shoes and holds a handcuff on their hands. They said to us on the way to Goro, “Why are you guys disrupting the peace in the country?” and “Why don’t you keep quiet,” as if they were from the*

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<sup>4</sup> The Federal Democratic Republic of Ethiopia Constitution (1995)

*government. When they captured us, I've seen a code 3, a Rava 4 car behind us, and an ambulance in front of us. They purposefully used an ambulance to deceive the public into believing they were transporting COVID 19 patients. After a while, a witness told me that the ambulance was not from a health agency, but rather from the security office and that it had spent the whole day at the fuel station near German square.”*

Seyoum had received threats to stop writing about various social justice topics on social media before the attack which is against the right to freedom of expression provided under both national and international instruments.<sup>5</sup> The incident was being investigated by the police. In the same way, on June 21, a group of four unidentified men surrounded Abebe Bayu, a reporter, and an analyst on the YouTube-based news outlet Ethio-Forum, outside a restaurant in Addis Ababa, the capital, and forced him into a car. The men handcuffed Abebe, threatened him with a pistol, covered his eyes, and punched him all over his body while they drove to the city's outskirts. They also warned him not to criticize the government. When the car arrived at the base of a cliff in Tulu Dimtu, outside Addis Ababa in Oromia regional state, the men took both of Abebe's cellphones and about 8,000 birr (\$183) he had with him, forced him to lay face down on the ground covered with a jacket, and threatened to shoot him if he moved, he said. The men then left the scene and Abebe took a cab back to Addis Ababa, where he was treated at a local hospital for cuts to his knee, pain in his back and swelling on his face where he had been hit.

On the other hand, on February 15, 2021, a student called Mohammed Deksiso was arrested. Mohammed was one of the hundreds of graduating students from Jimma University. During a musical performance, Mohammed Deksiso decided to use the opportunity to call out what he considered an injustice. He grasped the microphone and said “free Jawar Mohammed, justice for Hachalu Hundesa, and free all political prisoners.” Jawar Mohamed is a popular opposition leader who has been imprisoned in relation to the killing of Hachalu Hundessa and related violence occurred during that time. Mohammed Deksiso's call for Hachalu is a reference to Hachalu Hundesa a very popular artist who was assassinated in June 2020. President of Oromia regional state Shimelis Abdisa and Chief of Justice Meaza Ashenafi were among the high-profile dignitaries

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<sup>5</sup> UDHR, article 19; ICCPR, article 19

presented at the ceremony. A short while after the ceremony concluded, Mohamed along with the performer Mulugeta Shitaye and Jimma University public relations head Dr. Wondmu Lagusa were arrested by the police. Then, the three were charged with inciting violence affiliation with armed groups operating within the country. On his first court appearance, Mohamed showed visible signs of torture. His leg had swollen and difficulty walking. The judge set bail for the three defendants which were promptly paid by their families. However, the police simply refused to follow the court order which is a miscarriage of justice.

In March 2021, the police took them to a different court without notifying their defense attorney and laid out a new murder charge, specifically they were accused of being behind a grandee attack that occurred in Bacho Bore district in Oromia 4 months before the graduation ceremony. The court gave the police 10 days to investigate the new charge. When they appeared in court again on March 11 the police requested an additional 14 days and the court gave 5 days. When they appeared also on March 16, 2021, the court decided to release them. But the police refused to accept the order and said that they had received an order to continue detain the defendants. On March 19, 2021, one of the defendants, Jimma University public relations was released while the other two were kept. On April 1<sup>st</sup>, 2021 police issued a bail for the remaining two. However, Mohammed was stopped by men wearing plain clothes and led to a vehicle belonging to the Oromia Special Forces. He was taken to Jima University premises and then later to Federal Police Southwestern division camp near the city. Ethiopian Human Rights Commission confirms that Mohamed was being kept at the Federal Police camp for a while but later disappeared.

Mohamed exercised his right to freedom of expression as enshrined in both the FDRE constitution and international instruments. As mentioned above he was tortured, illegally detained, and ultimately disappeared in the custody of police. The Ethiopian Human Rights Commission has also repeatedly called for his release. Mohamed was released after nearly five months of detention. On July 10/2021 he was freed from where he was held for over six weeks without his family's knowledge of his whereabouts. The case of Mohamed Deksiso is one indicator of human rights violations by law enforcement bodies. In addition to the right to freedom of expression, there are also other rights of Mohammed which were violated, including his right to a fair trial, freedom

from torture, and security of person stated under Art.20, 18, and 16 of the FDRE constitution respectively.

#### **1.4. Arbitrary Arrest and Killing of Journalists**

The legal protection of journalists at work in conflict zones is adequate in theory, but in reality, it is not respected. Although UNESCO adopted the UN Plan of Action on Safety of Journalists and the Issue of Impunity in April 2012, unless governments are willing to follow up on the resolution, journalists on the ground increasingly find themselves in difficult situations. This is what exactly happened in Tigray where journalists and translators have been detained since the conflict started in the regional state. On March 1, 2021, a BBC Tigrinya journalist Girmay Gebru was detained by the Ethiopian military. According to the BBC Gebru was taken away by four uniformed individuals from a cafe in Mekelle to a military camp. No reason has been given for his detention. Another local journalist and fixer, Tamirat Yemane, has also been detained following the arrest of Girmay in Mekelle, but no details of his arrest have been made public by the authorities. Journalists Fitsum Berhane and Tamirat Yemane were also arrested in Mekelle by members of the military. The army claims that they were preparing to broadcast “False Propaganda.” In a statement released on the Ethiopian National Defense Force Facebook page on April 16, 2021 the army identified Fitsum Berhane as a journalist working for “Tigray Media House” and Tamirat Yemane as ‘Editor-in-Chief of Aiga Forum and a representative in Ethiopia.’ The statement claimed that they were arrested while live broadcasting what it described as “false propaganda” from their studio in Mekelle, the capital city of Tigray region.

The statement quoted Dereje Debisa, Commander of the 3rd battalion of ENDF who said, “Items such as clothes, electronic gadgets and equipment used to stream “propaganda” and related documents and medical drugs prepared to be sent to the ‘junta’ (the name the Federal Government used to call the TPLF that fight with the federal forces. The statement said that items were seized during the army’s search at their house but the statement did not disclose the seized items. It instead emphasized the purpose of the individuals. Later as EHRDC informed both were released from detention after being detained in unknown places and not being brought before a court of law

during their stay. Thus their case is against their right of *habeas corpus* which is provided under Art 19 of the FDRE constitution.

### **1.5. The Arbitrary Arrest of Journalist, Author, and Historian Tadios Tantu**

The arbitrary arrest of journalist, author, historian, and HRD Tadios Tantu, is one indicator of the situation of HRDs. He has been arrested without a court warrant at a police station near Mexico square. Police were not officially confirmed the arrest of Tadios Tantu during the time. What has been known was that he was arrested soon after having an interview with “Sak ena kumneger” media in the streets of Arat Kilo following the completion of a victory day ceremony.

Later he appeared in court to face charges of terrorism and using force to overthrow the government with other 9 individuals. Among the charges against him has been a phrase that has been quoted from his speech: “I will not remain silent about Addis Ababa and the blood of the Amharas is my blood” and so on are among the accusations. However, he was not sufficiently been informed of the details of the charge. Although he was released after month-long arbitrary detention, he has been arrested again. The UDHR under Article 9 provides that “No one shall be subjected to arbitrary arrest, detention or exile”. Article 9(1) of the ICCPR also provides the right to liberty and security of person and prohibits arbitrary arrest or detention unless it is based on the law. Thus, the arbitrary detention of Tadios Tantu is against these and other laws of Ethiopia.

### **1.6. The killing of Journalists: The Case of Sisay Fida**

Sisay Fida, a journalist working for the Oromia Broadcasting Network (OBN), was shot dead on May 10, 2021 by suspected members of the armed group which the government called “Shane” in Wollaga, Oromia region of Ethiopia. The police said that Shene members were responsible for the killing. Because of the political situation in the area, EHRDC could not access detailed information about the proceeding of the case of Journalist Sisay Fida. The killing of Sisay Fida is against the right to life which violates Art 3 of the UDHR. Also it is against Article 6 of the ICCPR which stipulated that “every human being has the inherent right to life. This right shall be protected by



law. No one shall be arbitrarily deprived of his life.” The government has obligations not only to respect but also to protect its citizens from human rights abuses.

Moreover, democracy and the protection of human rights depend on the ability of journalists to speak truth to power, investigate abuses, contribute to and strengthen public debate, and provide people with information. Impunity for abuses that seek to silence journalists is a threat to freedom of expression. Citing deep concern “by all human rights violations and abuses committed in relation to the safety of journalists, and media workers, including killing, torture, enforced disappearance, arbitrary arrest...” the Human Rights Council issued a resolution on the safety of journalists.<sup>6</sup> The resolution focuses on creating an enabling environment for media and calls on political leaders to stop denigrating journalists and reinforces international criticism of political leaders who have sought to continue to undermine trust in journalists. Therefore, the killing of Sisay Fida shows the risk of HRDs and the government failure to protect them.

### **1.7. Mass Detention of Journalists: The Case of Ethio-Forum and Awlo Media Journalists**

On June 30, July 1, and July 2 of 2021, 21 journalists from Ethio-Forum and Awlo Media including Bekalu Alamrew, Yayasew Shimeles, Fanuel Kinfu, Abebe Bayu, Melkam Fire Yimam, Fikirte Yunus, Wintana Berhe, and Meheret Gebrekirstos have been detained. The EHRC’s report, on the 21 detainees has been published on July 6, 2021. According to the Federal Police which the Commission quoted, the suspects were under investigation and remained on court order. The suspects were not also being able to see their lawyers and/or their families. The right of persons arrested or detained to be brought before a court, to be informed of the charges against them within 48 hours of arrest and visitation rights are the basic legal protections that should in no way be contravened. These rights are indispensable to ascertain the wellbeing and security of persons detained. Detention that does not follow due process has the effect of damaging trust in the legal

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<sup>6</sup> OHCHR, UN Plan of Action on the Safety of Journalists and the issue of Impunity (2012)



and justice system. Thus, the detention of the journalists and media professionals were contrary to the laws of the country mentioned in above.

### **1.8. The Right to Assembly: The Case of Bahir Dar Demonstration**

The right to peaceful assembly belongs to all regardless of age, sex, race, or religion. The right to express grievance or aspirations for change through peaceful protest lies at the hearts of any democratic society. States have the responsibility to ensure that the right to freedom of assembly is protected and respected. The right to peaceful protest is undeniably a core component of the right to assembly. However, Ethiopian governments use the violation of the right of freedom of assembly as a method of suppressing the voice of their citizens. In many circumstances, peaceful protestors are subject to arrest, violence, threat, or intimidation.

According to Article 30 of the FDRE Constitution, the right to peaceful demonstration is among the political rights mentioned in the constitution. Under the international arena, the right is recognized under Article 20 of UDHR and 21 of ICCPR. Similarly, at the regional level, there is a joint declaration on the right to freedom of peaceful assembly and democratic governance<sup>7</sup> by the African Commission on Human and Peoples' Rights. Ethiopia is a signatory to most of the above-mentioned instruments however some violations by the government are common in the country. The Bahirdar incident can be a good example of the violations.

EHRDC has sought out to gain more information about the matter and conducted a phone interview with Asires Mare, a lawyer by profession, and Tina Belay who were arrested due to the protest in Bahirdar on April 19, 2021. According to the interviewees, their arrest comes after protests broke out in the Amhara region opposing widespread killings and displacements that were targeting ethnic Amharas in different parts of the country. Protestors condemned the government for lacking proper security measures and failure to protect the safety of citizens. On the third day of the protest, there were some improper activities that were intended to avert the objective of the demonstration

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<sup>7</sup> Joint Declaration on the Right to Freedom of Peaceful Assembly and Democratic Governance Adopted, on 9 December 2020

the interviewees said. According to Asires Mare, “on April 24 night 2:30 (LT), he was arrested with force and was detained at the police station without a lawful warrant or being told as to why he was arrested. In describing the incident he said:

*“I asked the police officers over and over to show me their IDs but they were not willing. They took me to the station, they didn’t even allow me to call my family and inform them about the situation. Then, I spent the night at the station. I could not stand trial because I was arrested on Saturday night and the court was not open on Sunday. I strongly believe that my arrest on a Saturday was intentionally to violate my right and to prevent me from appearing before the court of law.”<sup>8</sup>*

He said that he has spent two days in solitary confinement at the police station without food and accommodation. After days the police brought him before the court and accused him of the destruction of property, coordinating protests and inciting clashes between the protestors and security forces, and conspiring with foreign actors. After a total of 11 days in detention, he was released on bail. In general, Asires Mare told that he has been illegally arrested and his rights such as the right to assembly and protest have been violated.

Similarly, Tina Belay was arrested for the same reason as Asires Mare. On April 27, 2021 she said that the police officers came to her house to search and took her phone and her brother's tablet without a search warrant and directly took her to the police station as a red-handed criminal. She further said that:

*“I was arraigned in the court and was charged for false accusation of robbery and cooperation in an attempt of an escape of a prisoner. I was detained for about a week. I stayed 2 days in the police station. I was barred from contacting family. There were 5 other people arrested with me including a 15-year-old boy. There was no food or accommodation*

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<sup>8</sup> Interview made with Asres mare May 15, 2021

*at the police station; they didn't even allow us to get books. After 1 week of detention, I was released on bail. However, I still believe that I am in danger. My fear heightened especially after I heard that two protestors were beaten by unknown assailants.”<sup>9</sup>*

She stated that her rights have been violated and she was considered a criminal for protesting and exercising her rights. These incidents showcase the government's intolerance to the right of assembly and crackdown on dissent and critical voices. Even if the country's legal framework contains provisions on the right to protest or assembly, practically the government abusively restricts the right through false accusations, arrest, and undue use of violence. Hence, it can be concluded that HRDs face numerous obstacles to exercise their rights like unlawful arrest and detention, and this become a major problem in Ethiopia.

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<sup>9</sup> Interview made with Tina Belay May 15, 2021

**Part II:**

**THIRD ASSESSMENT ON THE SITUATION OF  
HUMAN RIGHTS DEFENDERS  
(July 15, 2021- January 2022)**

## **2.1. Contextual Assessment**

Ethiopia has been going through waves of turmoil since November 2020 when the Tigray Regional government led by Tigray People Liberation Front (TPLF) attacked the national defense force in the north and the prime minister ordered a military offensive. The war destabilizes parts of the country leaving tens and thousands of people in displacement. Failed diplomatic efforts have been made by the international community to reach a negotiation between TPLF and the Ethiopian government. Following the alarming developments from the TPLF side, a state of emergency has been declared followed by a stern security check and searches in Addis Ababa and the regions. There have been reports by Tigrayan individuals that they are being profiled ethnically and have been subject to detainment. The FDRE government on the other hand disclaimed the assertion and stated that there is no single individual who has been arrested because of his/her ethnic background; rather the detention is based on the potential suspicion and report received by the police from the public. According to the government of Ethiopia, all detained individuals were detained based on a reasonable doubt of engaging in criminal activities and violation of the state of emergency.

In November 2021, when the TPLF group claimed to have taken a town 200 km away from the capital, Prime Minister Abiy Ahmed announced that he was heading to the battlefield to lead what he labeled an “existential and African war.” Following the situation some western countries such as the US and UK call for the immediate evacuation of their citizens. While the government of Russia announced no plan to evacuate citizens. Similarly, international organizations such as the UN were initiating the immediate evacuation of their international staff. It was during this situations that the EHRDC conducted its second assessment and the next sections describe the situation and its implications for human rights protection in general and HRDs in particular.

## **2.2. Human Rights Concerns**

Although the country made a number of reforms, the situation of human rights in Ethiopia become very complicated for years. The situation is characterized by, large displacements, sexual violence, unlawful detentions and a lot more. Sadly armed conflict becomes a political solution which

compromises human rights protection in the country. In response to the armed conflict there were different threats of sanctions against Ethiopia from westerns that could create economic instability and broaden inequalities. The first sanction were from the US and it announced the removal of Ethiopia from a key trade agreement called African Growth and Opportunity Act (AGOA) which affects the livelihood of many Ethiopians who depend on the textile industry, particularly women and girls. During the second assessment of EHRDC the conflict was marked by the following human rights concerns in general:

- Constraints on access to aid, basic services and restoring vital services to conflict zones.
- The prevalence of mass atrocities in the conflict, including rape and violence against women and girls and lack of accountability for serious human rights violations.
- Massive displacements and the declaration of a six-month state of emergency in the country and related human rights issues including arbitrary detentions, the mass arrest of citizens and suspension of the judicial system.

### **2.3. Human Rights Work of CSOs during the 1-Year Armed Conflict**

Conflict is totally against peace and the absence of peace creates a loophole with the rule of law and results in the violation of human rights. What is happening in Ethiopia is not different from this. Because of the armed conflict, there were so many human rights abuses. CSOs engagement was low during the conflict. Most CSOs were observed reluctantly to express their concerns on the conflict. There were only one CSO who initiated a peace call for the conflicting parties to stop the war and come to the round table to bring peace. This CSO drafted a peace call statement and sent for other CSOs to join the press statement and to denounce the conflict. However, most of the CSOs did not join the press statement. This is a clear indication of the fear of CSOs to denounce the armed conflict and to give their voice for peace and protection of human rights. CSOs who issued press statements or who alert the belligerents from both sides to stop attacks against civilians were being considered as a threat to national security.

## 2.4. The Situation of Human Rights Defenders

In this very hostile environment many HRDs in Ethiopia, have been the subject of violations of their human rights. They have been the target of arbitrary arrest, harassment, defamation, and restrictions on their freedoms of movement by warring parties. HRDs and journalists have been the victims of accusations and unfair trials and convictions. They have been also a victim of intimidation and reprisals for their cooperation with the international human rights organizations. Journalists were also subject to arbitrary arrest and detention for the mere reason of reporting.

The violations most commonly target HRDs themselves, their families, or the organizations and mechanisms through which they work. Occasionally, violations target members of defenders' families, as a means of applying pressure to the defender. Some HRDs face greater risks because of the nature of the rights they seek to protect such as women HRDs. In the areas of conflict happening in Ethiopia women, girls and children bear the consequence and become more vulnerable to the violation of human rights. WHRD who fight for the protection of human rights were the subject of the violation of their own rights being targeted by the parties in the conflict. While the conflict intensified, HRDs in Amhara, Tigray, and Afar regions were also in a very dangerous situation.

## 2.5. Proclamation of State of Emergency and its Impact

A state of emergency derives from a governmental declaration made in response to an extraordinary situation posing a fundamental threat to the country.<sup>10</sup> Needless to say, recent Ethiopian history is marked by continuous proclamation of the state of emergency. For instance, from 2016 to date the Ethiopian government has declared a state of emergency at least four times. There is no question that conflict and state of emergency are major threats to human rights.

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<sup>10</sup> Gerard Emmanuel Kamdem Kamga, 'State of emergency, state of exception: A critical investigation' University of Pretoria (2010) 3

However, it should also be underlined that a state of emergency is sometimes important for human rights protection.

It is undeniable that since the outbreak of Non-international armed conflict (NIAC) between the Federal government and the TPLF back in November 2020, Ethiopia has been encountering an unprecedented myriad of crises that got national, regional, and global attention. Following the continuous conflict and other security concerns in some parts of the country, Ethiopia's Council of ministers has proclaimed a state of emergency on November 2 of 2021, throughout the country.<sup>11</sup> The proclamation got the approval of the House of People Representatives (HPR) on November 3 of 2021. Subsequently, the international community including the United Nations (UN) expressed their concerns that the declaration of a state of emergency could further exacerbate the already dire political, humanitarian, and security situation of the country. The following are some of the impacts of the state of emergency.

## **2.6. Access to Justice and Restrictions on Fair Trial Guarantees**

In a democratic society, the judiciary should protect human rights and ensure access to justice for its State's population.<sup>12</sup> It is because, besides being an end by themselves, they are a means to control the possible abuses and violations of human rights by the government during state of emergency. This obligation does not erode in times of crisis but rather becomes even more critical to protecting human rights and ensuring that the executive branch of government does not abuse its additional emergency power.<sup>13</sup> Regional instruments, including the African Charter on Human

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<sup>11</sup> The State of Emergency Proclamation enacted to Avert the Threat against National Existence and Sovereignty No. 1/2021

<sup>12</sup> International Commission of Jurists' (ICJ), Geneva Declaration on Upholding the Rule of Law and the Role of Judges and Lawyers in Times of Crisis, Principles 1 and 4 and pp. 1-15, 57-75 of the Commentary (2011) (hereinafter I.C.J., Geneva)

<sup>13</sup> Office of the High Commissioner for Human Rights (OHCHR), Coronavirus Emergency: Challenges for the Justice System, Special Rapporteur on Independence of Judges (2020), available at;

<<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25810&LangID=E>> Accessed 19 April 2021



and People's Rights, which Ethiopia is a state party underscore the importance of the protection of fundamental human rights at all times.<sup>14</sup>

From the international human rights law perspective, the specific procedural guarantees available in criminal cases have been laid down under Article 9 of the ICCPR, providing for protections against arbitrary arrest and detention, and Article 14 of the ICCPR, dealing with the principles of a fair trial.<sup>15</sup> While the former includes the rights of arrested persons to be informed of the reasons for their arrest, brought to trial within a reasonable time, and the like,<sup>16</sup> the latter includes the right to a fair trial and a fair and public hearing by a competent, independent, and impartial tribunal.<sup>17</sup>

Art 8(1) of the state of emergency proclamation stipulated that any judicial organ shall not have authority with regard to the enforcement of this proclamation until it expires. It can be argued that in addition to those lists of non-derogable rights provided under Article 4(1) of the ICCPR, there are non-derogable rights that derive from customary international law. Among them, due process of law is the most important one. The judicial guarantee has already reached the status of *jus cogens*. Hence, the provision of the proclamation which suspends the power of the court to entertain the matters that fall within the domain of the emergency proclamations is against international human rights standards. It is not only the fact that it suspends the power of the court but its failure to establish at least an administrative judiciary or some sort of ad hoc court which could entertain the matters is contrary to international human rights instruments.

One interviewee argued that, in addition to those lists of non-derogable rights provided under Article 4(1) of the ICCPR, there are non-derogable rights that derive from customary international law which include due process of law. He added that due process of law has already reached the

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<sup>14</sup> African Charter on Human and Peoples' Rights, adopted 27 June 1981, entered into force Oct. 21, 1986) (ratified Nov. 17, 1989) art. 62

<sup>15</sup> FDRE Constitution, Art 19 & Art 20

<sup>16</sup> ICCPR Art 9 (1-5)

<sup>17</sup> ICCPR Art 14 (1-7)

status of *jus cogens*. Hence, the provision of the proclamation which suspends the power of the court to entertain the matters that fall within the domain of the emergency proclamations is against international human rights standards and denies access to justice of persons arrested during the state of emergency period.

## **2.7. Journalists and Issue of Media Houses**

The state of emergency proclamation declared to control the war in the northern part of Ethiopia was very controversial in its provisions. One of the controversial provisions of the proclamation was the one that talks about suspicion of supporting terrorists. It is controversial for two main reasons. In the first place, it penalizes suspicion, which means, if a certain CSO, journalists or Media House are just suspected of providing support for the terrorist organization, it suffices for the command post to order the relevant regulatory authority to make the suspension or permanent cancellation of their licenses.

The second point was concerning the notion of moral support. It prohibits providing moral support to terrorist organizations. At the same time, it fails to provide a definition for what ‘moral support’ stands for. According to a person who requested to be anonymous the prohibitions under articles of 4(9), 4(10), and 6(3) of the proclamation on moral support to terrorists are subject to subjective definitions, difficult to prove with material evidence, and restricts one of the non-derogable rights under article 18 of the ICCPR, right to have a conscience and thought.

The provisions of the proclamation which bans moral supports without providing an ‘objectively workable definition’ were inconsistent with the freedom of conscience which is recognized as a non-derogable right under ICCPR. Therefore, it was a violation of the constitutional and international human rights obligations of the Ethiopian polity. The most visible and obvious impact of the state of emergency on the media, journalists and other institutions tasked with upholding human rights was its chilling effect. It was difficult for the Media houses, journalists, and CSO to investigate any things relating to the state of emergency and the armed conflict. Furthermore, the state of emergency gave more power to the incumbent government to silence the journalist and

HRDs who give strong critiques against the government. The below factual evidence can prove this.

## **2.8. The Arrest of Journalists and HRDs following the State of Emergency**

As documented in the EHRDC 2<sup>nd</sup> assessment, Ethiopian authorities were arresting journalists since declaring a state of emergency as part of the government's response to a year-long armed conflict against rebel forces allied with the TPLF. Those detained include two former reporters at the Tigrigna-language radio service of the state-owned Ethiopia Broadcasting Corporation (EBC), the editor-in-chief of the YouTube channel Ubuntu TV, an editor at the Terara Network, the cofounder of Roha TV, a freelance video journalist accredited with the Associated Press, a cameraperson, and a journalist with the state-affiliated Fana Broadcasting Corporation. The following were the arrested journalist and the date of their arrest.

- On November 28, 2022, according to the Associated Press (AP) and local state media reports, three workers of AP were arrested including Amir Aman Kirayo.
- On December 7, 2021, police in Addis Ababa arrested Eyasped Tesfaye, co-founder, and editor-in-chief of the YouTube channel Ubuntu TV, at his home.
- On December 10, police also arrested Tamrat Negara, a co-founder and editor of Terara Network, from his home in Addis Ababa, saying that he was detained in connection to the state of emergency. Tamarat was not brought to court.
- On December 11, Roha TV founder Meaza Mohammed were arrested in Addis Ababa. She was not brought before the court and the police refused the court order of bringing her. Additionally, before the state of emergency Kibrom Worku and Luwam who worked at Ahadu radio were arrested and later they were released on bail.

EHRDC has learned that these journalists were not brought to court. Some of them were only visited by family and denied lawyers. The situation of their health was also questionable. For instance the father of Kibrom Mr. Worku was concerned about his son as he was medically diagnosed with heart problems. Similarly, the wife of Amir Aman indicated that Amir suffers from Asthma. Ethiopia's 2021 state of emergency law was full of gaps as it gives securities broad powers

of arrest and suspends due process rights. In sum, the EHRDC's second assessment period were marked by restrictions on the works of HRDs. The main contributing factors for the challenges were the armed conflict which was followed by a state of emergency.

**Part III:**

**THIRD ASSESSMENT ON THE SITUATION OF  
HUMAN RIGHTS DEFENDERS  
(April 26- June 2, 2022)**

### 3.1. Contextual Assessment

The human rights situation in Ethiopia was deteriorated in 2022, with civilians impacted by a devastating conflict in northern Ethiopia, particularly in Tigray, Afar, and Amhara. Abuses by security forces, attacks by armed groups, and deadly ethnic violence in other regions were the trends. These mass human rights violations have contributed to multi-faceted growing international pressures on the government calling for 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.<sup>18</sup> Warring parties in all regions have committed forcible displacement, large-scale massacres, widespread sexual violence, indiscriminate shelling, pillage, and attacks on schools and hospitals. The conflict affected the Amhara and Afar regions resulting in large-scale displacements and other gross human rights violations.<sup>19</sup>

In western, southern, central, and other parts of Oromia, government counter-insurgency campaigns against armed rebel groups have also resulted in serious human rights violations.<sup>20</sup> The “law enforcement” operation conducted in Amhara regional state was also followed by mass arrests. HRDs, journalists, and social media influencers have been the victim of these mass arrests.<sup>21</sup> The arrest was also continued in the capital Addis Ababa and other regions of the country.

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<sup>18</sup> 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 (2022)

<sup>19</sup> OCHA relief web, ‘Northern Ethiopia: Tigray, Afar and Amhara Situation overview’ <<https://reliefweb.int/report/ethiopia/northern-ethiopia-tigray-afar-and-amhara-situation-overview-november2021>> accessed June 2, 2022

<sup>20</sup> Crises:<<https://crisis24.garda.com/alerts/2022/04/ethiopia-additional-fighting-between-military-and-armedgroups-likely-in-southern-oromia-following-clashes-in-early-april>> accessed June 10, 2022

<sup>21</sup> RSF, ‘Wave of arrests of media workers in Ethiopia’ <<https://rsf.org/en/wave-arrests-media-workers-ethiopia>> accessed May 25, 2022

Furthermore, the Federal Government ministerial council passed warnings to continue to arrest activists who face labeling as a “threat to peace.”<sup>22</sup> The period of the 3<sup>rd</sup> assessment human rights situation was hostile to the works of HRDs as it was marked by arbitrary arrests and detentions. Under this part the general situation of human rights in Ethiopia and its impact on HRDs and journalists is analyzed covering the period stated in the title.

### 3.2. The Political Landscape of the Country

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

#### 3.2.1. The Armed Conflict between TPLF 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 northern Ethiopia and has been marked by atrocities from all sides, including rapes, torture, and mass killings.<sup>23</sup> The conflict has also resulted Tigray region’s 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 need urgent humanitarian assistance.<sup>24</sup>

During the most recent state of emergency, Tigrayans were rounded up in a wave of arrests. Many remain in multiple detention centers even after TPLF is back in Mekelle.<sup>25</sup> Meanwhile, both Tigrayan and Amhara activists claim that their groups are the victim of “genocide”.

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<sup>22</sup> [በወቅታዊ ሀገራዊ የደህንነትና ጸጥታ... <Office of the Prime Minister-Ethiopia | Facebook>](#)

<sup>23</sup> Joint report of Ethiopian human rights commission and UN (n 18)

<sup>24</sup> UN news, ‘Aid operations ‘about to grind to a halt’, warns WFP’ (January 2022) <https://news.un.org/en/story/2022/01/1109802> accessed May 20, 2022

<sup>25</sup> BBC, <https://www.bbc.com/news/world-africa-59347230> accessed June 20, 2022

*“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.”<sup>26</sup>*

### 3.2.2. Non-State Actors 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 the *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 including displacement, killing, and summarily execution. 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 the ethnic targeted killings and displacements.<sup>27</sup> Some reports show thousands of *Amhara* ethnic groups were displaced and many killed in 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 also committed extrajudicial killings against persons. Ethiopian Human Rights Commission, for instance, 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 contradicts previous officials’ claim that blamed a terrorist-designated OLF Shene for the killings. The commission released these findings after its investigation conducted between Dec 16 -21, 2021. In the report, EHRC stated 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.<sup>11</sup> Several reports of summary executions and civilian casualties have been coming out from the region since March 2022. Civilians were caught in the middle of conflict as the government intensified its operation to control the rebel groups. Summary executions, looting, and burning of houses were retaliatory measures taken by the warring parties against civilians.

<sup>26</sup> António Manuel de Oliveira Guterres, UN secretary-general of the United Nations, tweeter page on Jan 14, 2022

<sup>27</sup> Ethiopian Human Rights Commission, ‘በከረዩ የሚችሉ ገዳ የጅላ አባላት ግድያ ላይ የተደረገ የምርመራ ሪፖርት’ (February 2, 2022)



### 3.3. The National Dialogue and its Inclusiveness

Despite the armed and ethnic-based conflicts that resulted gross human rights violations, 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 opinion and disagreements among various political and opinion leaders and also segments of society in Ethiopia on the most fundamental national issues. It is a necessity to resolve the differences and disagreements through broad-based inclusive public dialogue that engenders national consensus.<sup>28</sup> High Government officials including the Prime Minister urged all Ethiopians to participate in the initiative and make the process credible, 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.”<sup>29</sup> The prime minister in his parliamentary speech also stated that the one who decides who should take part or not in the national dialogue is not the government, it is the commission itself to refer that the established commission is independent. However key political actors like rebel groups have not been invited at least publically, and opposition political parties and some personal figures raised concerns of inclusiveness. The commission that was tasked with overseeing the three-year national dialogue process was established in late December 2021.

#### 3.3.1. 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 conditions. 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, the conflict between the government and different armed groups continued in different parts of the country. The dialogue process began at a time when conflicts in northern and other regions of the country continue, but the primary goal of any dialogue should be to prevent people from heading to the battlefield and to heal the victims

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<sup>28</sup> A Proclamation to Establish the Ethiopian National Dialogue Commission Proclamation no.1265/2021 preamble

<sup>29</sup> Fana Broadcasting Corporation, ‘PM Abiy Ahmed Calls On All Ethiopians To Support Forthcoming National Dialogue With Sense Of Ownership’ (April 1, 2022) <<https://www.fanabc.com/english/pm-abiy-ahmed-calls-on-all-ethiopians-to-support-forthcoming-national-dialogue-with-sense-of-ownership/>> accessed May 5, 2022

of war. Therefore it should be noted that ceasefire, humanitarian access to conflict areas, and genuine negotiations are very important.

The government unilaterally declared an immediate humanitarian truce on 24 March, 2022, fueling hopes for peace. The TPLF responded by saying it would observe a “cessation of hostilities” if aid was allowed into Tigray. The EHRDC third assessment has covered this move at the time and recommended the move to be continued and the government to take such kind of opportunities for lasting peace in the northern and other parts of the country for a genuine national dialogue to be held.

### **3.3.2. Contested Tensions and the Release of TPLF Leaders**

Aside from the Tigray war and the threat from “Shane” (“OLA”), Ethiopia has been 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. 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 during the third assessment was the release of opposition leaders and activists from prison and the dropping of charges. Diplomatic pressure 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, the decision of the government to release especially TPLF leaders’ receives opposition from many people and different groups who took part in the conflict in support of the government. They claim that releasing prominent leaders of the TPLF without charging them is not correct and this will result in a loss of government trust and a culture of impunity.

### 3.4. 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 federal government and forces aligned with the 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.<sup>30</sup>

The government lifts the state of emergency that was declared in November 2021 after Tigrayan forces retreated. The government claimed that the period 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 to end the state of emergency was welcomed by the international community and HRDs. Following the lifting of the state of emergency the government released those arrested or detained without charge under the state of emergency. The arrest and detentions of individuals were against the laws of the country though the arrest is conducted during emergency periods.

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<sup>30</sup> UN News, ‘Ethiopia: Mass arbitrary arrests target Tigrayans, says UN rights office’ (November 2021) <<https://news.un.org/en/story/2021/11/1105892>> Accessed May 28, 2022

### 3.5. Freedom of Expression and the Media Landscape

In the Ethiopian constitutional history, freedom of the press and expression is stipulated in the 1995 FDRE Constitution most elaborately. The constitution under article 29 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, in print, in the form of art, or through any media of his choice.*
- 3) *Freedom of the press and other mass media and freedom of artistic creativity is guaranteed (emphasis added).*
- 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. (sub-article)*
- 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 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 right, the Constitution stipulates that the third chapter of the Constitution should be interpreted per the Universal Declaration of Human Rights (UDHR) and international human rights instruments ratified by Ethiopia.<sup>31</sup> Accordingly, one should always bear in mind that the relevant provisions of the UDHR, the ICCPR, 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 to have a full picture of the legal regime that is expected to accord protection to freedom of expression in Ethiopia. When the new prime minister came to power in 2018, there were some progressive

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<sup>31</sup> Gebremlak Gebregiorgis, 'The Incorporation and Status of Human Rights Under the FDRE Constitution' (2008); Girmachew Alemu & Sisay Alemahu, the Constitutional Protection of Human Rights in Ethiopia: Challenges and Prospects, Ethiopian Human Rights (2008) 2 AAU Printing Press 37-58

measures taken by the government to expand 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.<sup>32</sup>

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, most of the recent press freedom gains following the reform have been lost. The media landscape is shrinking from day to day. Since the start of the armed conflict, the government has made a determined effort to take control of the narrative in various ways including threats to independent journalist. Meanwhile, the Media Regulatory Authority is also used as a government tool which may have a negative effect to promote independent journalism. All the legal and institutional reforms are circumvented and do not prevent the arrests of journalists and HRDs.

Ethiopia's anti-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. 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 the mass arrest of journalists and HRDs mentioned somewhere in above show the worrisome situations of journalists and media in Ethiopia. Some media outlets, such as Addis Standard, have been suspended (currently the suspension is revoked), and the Awlo Media Center website announced that it was ceasing operations because of threats and harassment. On 13 May 2022 Ethiopian Media Authority (EMA), the state agency in charge of regulating the media operating in Ethiopia, revoked the press license

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<sup>32</sup> Media Proclamation no 1238/2021

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 were expelled because they failed to observe strict professional ethics and the rules and regulations of the country.

### 3.5.1. Legal Protection for the Media and Media Personnel

Article 86 (1) of the Media Proclamation No. 1238/2021 gives protection for media personnel their case to be brought promptly before a court, without being remanded or subjected to pre-trial detentions like other criminal cases. It provided as follows;

#### **Art 86: Manner of Instituting and Hearing Media-Related Cases**

1. Any person charged with committing an offense through the media by the public prosecutor shall be brought promptly before a court, without being remanded for further investigation according to the provisions of the 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.

Despite these apparent legal protections, the government has continued to aggressively imprison journalists, HRDs and media professionals as seen from the above cases.

### 3.6. Protection from Enforced Disappearance (ED)

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)<sup>33</sup> and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) is two notable achievements in this regard.<sup>34</sup>

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<sup>33</sup> Declaration on the Protection from Enforced Disappearance, UNGA/Res./47/133 (18 December 1992) UNTS Vol. 500, No. 7310

<sup>34</sup> International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) (adopted on 20 December 2006 and entered into force on 23 December 2010) GA. Res. 61/177, U.N. Doc. A/RES/61/177

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.<sup>35</sup> The definition of ED provided by the ICCPED 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''.*<sup>36</sup>

The pioneer achievements of the ICCPED comprise the creation of an absolute 'right not to be subjected to ED'<sup>31</sup> 'the right not to be held in secret detention;<sup>37</sup> and 'the right to know the truth' in addition to the adoption of the globally binding definition of ED.<sup>38</sup> The ICCPED is among the core international human rights treaties. It now counts 98 signatories and 63 parties.

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 the 7th of August 2020.<sup>39</sup> 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.<sup>40</sup> On November 2018, the Federal Attorney General (FAG) reported that seven secret prisons (unofficial

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<sup>35</sup> 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)

<sup>36</sup> ICCPED, Art.2

<sup>37</sup> ICCPED, Art 17(1)

<sup>38</sup> Ioanna Pervou, 'the Convention for the Protection of All Persons from Enforced Disappearance: Moving Human Rights Protection Ahead' (Spring/Summer 2012) 5EJLS Issue1, 129

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

<sup>40</sup> 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

prisons) were discovered in Addis Ababa City alone. No doubt that these secret detentions have been instrumental in the alleged practice of disappearance in the country.<sup>41</sup>

Overall, it is indisputable that ED continued to be outstanding and a potential threat in the current Ethiopian political situation in general and HRDs in particular. The forced disappearance of journalist Gobeze Sisay and Activist Meron Tadel shows the worrisome situations of journalists and media in Ethiopia. On May 1<sup>st</sup>, 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 6<sup>th</sup>, 2022 a pharmacist and activist Meron Tadel was kidnaped by national intelligence security forces from Ride (taxi) transportation and taken to an unknown place and released the next day.

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

The national regional state of Amhara was taking a wide operation in the region by claiming 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, was among those arrested in connection with the “law enforcement operation. Most of those arrested as “suspects” of criminal activity were Fano members who volunteered during the campaign to reverse the TPLF invasion of the region. 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.”

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<sup>41</sup> 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)



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 HRDs claim the campaign as malicious and intended to weaken Fano amid TPLF military preparation for another round of military campaign to take back Wolkait areas of ‘Gondar.’ This operation brings other challenges to the HRDs and journalists with mass arrests. Protecting HRDs and journalists 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 role in 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, the Ethiopian government started diminishing this progress by intensifying arbitrary arrests of journalists and HRDs and also blatantly derogating the due process of law. For instance, on May, 20<sup>th</sup> of 2022 the police 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 the “*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 were 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 May 23, 2022, from his workplace and was detained at the “*Sostegna*” police station in Addis Ababa.

These 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 *Yayesew Shimelis* who were taken by security forces in May, 26/2022. Another arrests also happened on May 26, May 27, 2022, and May 28, 2022, of journalist Sabontu Ahmed (Finfinnee Integrated Broadcasting, Bekalu Alamirew (Alpha TV), and Journalist Meaza Mohammed founder of Roha Media and a total of 19 journalists were detained during EHRDC 3<sup>rd</sup> assessment.<sup>42</sup> More drastically on June 2, 2022, Police has beaten Temesgen Desalegn in front of his family. After being beaten by the police the police took him to another room & his family was expelled from the area. Journalist Temesgen also reported on the beatings in front of witnesses to his lawyer.

### 3.8. Freedom of Assembly

The right to Freedom of assembly is among the political rights enshrined under the FDRE Constitution. Concerning 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 explicitly. 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 procedures to the absence of fair hearings and judicial or administrative review procedures in the law. Furthermore, the ruling party is using this loophole as an advantage to restrict the right to assembly.

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. The ban also encompassed CSOs 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 violence. In addition to that Setaweet and EHRDC have requested the authority to do rally on women’s issues but the response they

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<sup>42</sup> The above data shows the situation and status of the journalists until June 2, 2022.

received from the authority was 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 human rights, and strengthening democratic institutions.

## **PART IV**

### **FOURTH PERIODIC ASSESSMENT ON THE STATE OF HUMAN RIGHTS DEFENDERS (HRDS) IN ETHIOPIA JUNE 02, 2022 – December 30, 2022**

#### 4.1. Contextual Assessment

HRDs play a crucial role in conflict-affected states by exposing and documenting atrocities, and human rights abuses. They also play an important role in the protection of human rights by demanding justice and accountability for victims, denouncing crimes perpetrated by armed groups, and calling for peace to end hostilities. The term ‘HRD’ tends to be invoked when those engaged in rights-related work are threatened or put at risk for what they do.<sup>43</sup> However, this does not mean that to be an HRD there is a requirement of being at risk.

Since July 2021 EHRDC has conducted three periodic assessments of the situation of HRDs in Ethiopia. The assessments documented and highlighted various concerns of HRDs in the country ranging from forced disappearance to arbitrary detentions and denial of due process rights. The assessments also assessed the violations committed against HRDs and how various situations such as political and social contexts affect the human rights landscape of the country. Being an HRD in Ethiopia has become riskier as a result of different factors. One of the factors identified is the armed conflict in the northern part of the country and the engagement of non-state actors particularly in Oromia, Benishangul Gumuz, and other regions to be the main causes for the risks posed on HRDs. HRDs effort to advocate for human rights is being challenged by public perceptions, smear campaigns, and activists. This part, aims to provide an assessment of the HRDs situation in Ethiopia covering the period from June 2, 2022, to December 30, 2022. It addresses among others, the operating and enabling environment of HRDs, the winds of peace created after peace agreements, the narratives against HRDs, challenges in exercising the rights under the UN Declaration, the issues of WHRDs and HRDs with disabilities, and the culture of impunity for violations of the rights of HRDs.

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<sup>43</sup> Karen Bennett (n 1)

## 4.2. Political and Human Rights Context of the Country

*(Conflict, peace negotiations under the auspice of African Union, armed attacks, de-facto state of emergency, arbitrary and unlawful detentions)*

### 4.2.1. Conflict in the Northern Ethiopia and Peace Negotiations

The 23 months long fighting in Northern Ethiopia has been accelerating the concerns about HRDs in the country. After months of ceasefire for humanitarian truce, the conflict was resumed in August 2022 for the third wave of fighting between the federal government and rebel forces led by Tigray People Liberation Front (TPLF). Initially, the TPLF which controlled the Tigray regional state pushed to the neighboring regions of Amhara in August 2022 which receives a response from the federal government and allied forces. The federal government then pushed back with an organized offensive response making the TPLF forces retreat back. After a few months the Federal Government claimed control of some parts of the regional state of Tigray such as Shire and surrounding areas including airports. The fighting was being held amid attempts of peace negotiations between the parties under the auspice of the African Union. The government announced members of the peace negotiating team on June 27, 2022 and the TPLF forces on July 18, 2022. Both warring parties made announcements to resort to the AU lead negotiation without pre-conditions. The armed conflict has resulted in grim realities of civilian suffering including mass killings, rape, widespread destruction of properties, and displacement.

### 4.2.2. Recurrent Attacks by Non-State Actors and Command Posts

Amidst the concerns in the northern parts of the country, civilians faced continued mass killings and displacement by non-state actors in the western part of the country Wollega area. Thousands are killed and tens of thousands of survivors have left their houses and are in IDP camps in various parts of the country. For instance, The Reporter Ethiopia News Letter on July 23, 2022, mentioning the report presented to the Caffee Oromia stated that over 1,105 civilians were killed in West Wollega only in 12 months in 2013 E.C. To mention, at least 260 civilians were killed in West Wollega zone of Oromia regional state within days in an attack from June 18 to 20, 2022.<sup>44</sup> Besides, during this writing, there exists a *de facto* state of emergency in various parts of the

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<sup>44</sup> OCHA relief web, 'At least 300 killed in OLA firearm and artillery attack on villages in Wollega, Ethiopia, Saturday 18 June' (28 Jun 2022) <<https://reliefweb.int/report/ethiopia/least-300-killed-ola-firearm-and-artillery-attack-villages-wollega-ethiopia-saturday-18-june>> accessed October 21, 2022

country. A *de facto* state of emergency is a situation whereby the state restricts human rights without officially proclaiming a state of emergency.<sup>45</sup> For instance, the Gurage Zone, one of the Zones in Southern Nations Nationalities and People region, is under a “Command Post” and some rights such as the right to assembly and demonstration are restricted in that zone. The command post introduces curfews, prohibition of gatherings, and detains residents without following due process.<sup>46</sup> This command post came after the Gurage people requested a right to self-determination to organize in a regional base. The demand was followed by public strikes to be at home and demonstrations. Nevertheless, the government rejected their demand and chooses to restructure the zone in a cluster with other zones such as Hadiya, Kambata, and others.<sup>47</sup>

Hence, the conflict in the North followed by the armed attacks targeting civilians in the western part of Ethiopia and other occurrences deteriorated the human rights situation of the country. As a result of these incidents challenges against HRDs such as journalists, activists, and right-based CSOs gets intensified. The fight to control the narrative of the war is one of the major reasons for the increasing hostility against the press and journalists. Commentators expressing dissenting views, or doing independent reporting, became vulnerable to arrest, threats, expulsions, and other forms of attacks.<sup>48</sup> Moreover, the situation result some sort of challenges for civil society organizations that include warnings, threats and labeling from diverse actors. In addition, activists who conduct reporting about the civilian killings by non-state actors faced arbitrary detentions.

The conflict in Ethiopia ceased as the “warring parties agree to a permanent cessation of hostilities on November 2, 2022, in South Africa.”<sup>49</sup> The peace talk was launched on October 25, 2022, led

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<sup>45</sup> The Geneva Centre for the Democratic Control of Armed Forces (DCAF), <[https://www.files.ethz.ch/isn/14131/background\\_02\\_states\\_emergency.pdf](https://www.files.ethz.ch/isn/14131/background_02_states_emergency.pdf)> accessed Dec. 2, 2022

<sup>46</sup> Addis Standard, ‘Southern region puts Gurage zone under indefinite command post after protests over statehood demands’ (Nov. 25, 2022) <<https://addisstandard.com/news-southern-region-puts-gurage-zone-under-indefinite-command-post-after-protests-over-statehood-demands/>> accessed Dec. 01, 2022

<sup>47</sup> Addis Standard, ‘Zonal restructure not agenda for Gurage Zone Council, Zone awaits House of Federation decision on request for own region’ (August 3, 2022) <<https://addisstandard.com/news-update-zonal-restructur-not-agenda-for-gurage-zone-council-zone-awaits-house-of-federation-decision-on-request-for-own-region/>> accessed Oct. 20, 2022

<sup>48</sup> Muthoki Mumo, ‘Journalists face growing hostility as Ethiopia’s civil war persists’ (Committee to Protect Journalist, August 01, 2022) <<https://cpj.org/2022/08/journalists-face-growing-hostility-as-ethiopias-civil-war-persists/>> accessed October 22, 2022

<sup>49</sup> African Union, ‘Cessation of Hostilities Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Tigray Peoples’ Liberation Front (TPLF)’ (November 02, 2022) <<https://www.peaceau.org/en/article/cessation-of-hostilities-agreement-between-the-government-of-the-federal-democratic-republic-of-ethiopia-and-the-tigray-peoples-liberation-front-tplf>> accessed October 09, 2022

by the African Union (AU). After the peace agreement, facilities resumed, families get connected and hostilities reduced. The conflict particularly posed one of the weightiest challenges for CSOs as there were several groups with interests to control the narratives of the war. The conclusion of the peace agreement result a positive impact for those peace advocate HRDs minimizing the risks that come as a result of the conflict. It is clear from the foregoing that some CSOs have been participating to end the war calling for peace and de-escalation through several press releases.

### 4.3. National Dialogue Process and CSOs Engagement

Despite unsettled issues in the north and massive ethnic attacks in the western part of the country, Ethiopia resorts for a national dialogue to solve the old problems and create a national consensus. In December 2021, the parliament voted to establish the Ethiopian National Dialogue Commission with the enactment of Proclamation No. 1265/2021. As enshrined in the preamble of the Proclamation, the Commission aims to solve the disagreements among various political groups and segments of society to pave the way for consensus with an inclusive dialogue.

As part of preparations, civil society groups engaged in various activities, including conducting consultative workshops to make the process inclusive and knowledge based. For instance, the Ethiopian Civil Society Organizations Council (ECSOC) is stepping up its efforts to help civil society play a constructive role in the national dialogue. It has facilitated the establishment of a National Reference Group, consisting of pundits and numerous civil society organizations engaging on matters pertinent to the national dialogue process.<sup>50</sup> In addition, civil societies are advocating for a holistic approach to be followed in the peace process which includes transitional justice elements. Besides, CSOs especially women lead CSOs raised concerns about inclusivity criticizing that the Commission has not adhered to the principles of equality, fairness, or inclusivity that are expected from national dialogue processes.<sup>51</sup> In this regard, a coalition has been established with women's rights organizations and networks to increase women's representation and influence

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<sup>50</sup> Fraol Bersissa , 'Civil Societies Council says scaling up role to play in planned National Dialogue' (Addis Standard, August 05, 2022) <<https://addisstandard.com/news-civil-societies-council-says-scaling-up-role-to-play-in-planned-national-dialogue/>> accessed October 25, 2022

<sup>51</sup> The Ethiopian National Dialogue Commission: Playing to the Gallery or a Commitment to Equality, Inclusion, and Reconciliation? (SIHA Network, February 23, 2022) <<https://sihanet.org/the-ethiopian-national-dialogue-commission-2/>> accessed Oct. 26, 2022



in the national dialogue process.<sup>52</sup> The coalition led by TIMRAN brought together key networks and organizations such as the Ethiopian Women Lawyers Association (EWLA), EHRDC, Setaweet, and a number of other organizations working across Ethiopia. EHRDC serve as the vice chair of the Steering committee and has facilitated activities of the coalition, including discussions with members of the national dialogue commission in collaboration with other steering committee members.

Despite these efforts, unlike the Reconciliation Commission Establishment Proclamation No.1102/2018, the National Dialogue Proclamation has failed to state human rights issues. Moreover, civil societies continue to face insistence from the government and other actors, such as opposition parties, which may hinder the contribution of civil societies to the national dialogue and transitional justice. Further, civil society organizations that call for peace and an end to human rights violations face threats of being classified as enemies of the country in one way or another, which may prevent the Commission from relying on a significant civil society and human rights actors.<sup>53</sup>

#### **4.4. Enabling Environment, Narratives and Raising Concerns on the Civic Space and HRDs**

The presence of a vibrant, independent, and, free civil society is essential in order to guarantee sustainable development and ensure human rights and democracy. One of the most important conditions for the existence of a democratic society is respect for fundamental rights and freedoms.<sup>54</sup> Among these rights and freedoms, freedom of association is the most important right in a democratic society. The 1995 Federal Democratic Republic of Ethiopia Constitution recognized the right to freedom of association under Article 31 in the broadest terms. To effect this right, pertinent laws are in place in a number of areas among others, concerning political associations, civic associations, and labour associations. In regard to the civic space, the principal

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<sup>52</sup> Inclusive Peace, ‘Ethiopia: How women are influencing the National Dialogue process’ <<https://www.inclusivepeace.org/ethiopia-how-women-are-influencing-the-national-dialogue-process/>> accessed Dec. 28, 2022.

<sup>53</sup> Addis Standard, ‘Authority vows to hold CSOs working against “sovereignty, public interest” to account’ (Septmber 16, 2022) <<https://addisstandard.com/news-authority-vows-to-hold-csos-working-against-sovereignty-public-interest-to-account/>> accessed Oct. 30, 2022

<sup>54</sup> Freedom of Association and Assembly Unions, NGOs and Political Freedom in Sub-Saharan Africa (March 2001) XIX: Article 19, 1

legislation governing freedom of association of civic institutions is the “Organizations of Civil Societies Proclamation No.1113/2019”<sup>55</sup> which replaced the previous draconian law.<sup>56</sup> The previous proclamation No. 621/2009 was very restrictive as it directly targeted CSOs working on rights-based issues. For instance, CSOs that raise more than 10% of their income from foreign sources and those of foreign charities were not allowed to participate in various rights-based activities including advancing human rights, promoting democratic principles, and efficiency of the justice and law enforcement services. Furthermore, negative narratives such as considering the CSOs as “anti-country” or “foreign agents” have been used as a tactic to close the civic space. As a result, the civic space was shrinking. Prior to 2018, Ethiopia was one of the world’s most repressive environments for civic activism due to legal and political restrictions.

Following the 2018 legal and institutional reform, there comes a huge change in legislation and a relatively enabling environment for civic space.<sup>57</sup> The government made significant reforms, particularly legal, political, and institutional. Primarily, political reform provides opportunities to alter the political order, which has been hostile to civic space for over a decade. Secondly, the opening of political , media, and CSOs space was followed by packages of legal framework reforms in relation to civil society; counterterrorism; electoral board, political party registration, the media and a range of areas. By amending those repressive laws, the reform opens up a new horizon for civic space and human rights. The newly enacted 2019 CSOs law, in particular, created an enabling environment for the civic space, paving the way for CSOs to take part in advocacy and human rights related activities. The new CSOs law is a radical departure from the previous draconian law. Moreover, HRDs returned to home from exile; those who were jailed have been freed; and those who were silenced begun to speak loudly.

Most importantly, the civic space began to flourish due to positive legal and institutional reforms. The legal reform combined with a welcoming and supportive institutional setup, allowed CSOs to play a vital role. The new CSO proclamation preamble recognizes the importance of CSOs and the need to create an enabling environment for them. Furthermore, it lifts the restriction on foreign

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<sup>55</sup> Organizations of Civil Societies (CSO’s) Proclamation No.1113/2019

<sup>56</sup> Charities and Societies Proclamation No. 621/2009

<sup>57</sup> ETHIOPIA: ‘Civil society can play a key role in overcoming divisions’ (CIVICUS, 25 September 2019) <<https://www.civicus.org/index.php/media-resources/news/interviews/4078-ethiopia-civil-society-can-play-a-key-role-in-overcoming-divisions>> accessed 29 October 2022

funding and reduces the cost of administrative expenses from 30 percent to 20 percent. The law established an agency that is more inclusive in its board member selection, which is a departure from the previous law that established an authoritarian agency to monitor the work of CSOs.<sup>58</sup> The agency, which is called the FDRE Authority for Civil Society Organizations (ACSO), is vibrant, open, and welcoming and works closely with CSOs. Prior to 2018, INGOs were not able to organize any meetings or training activity, or even visit Ethiopia. Currently, the authority is inviting international organizations to come and to open their offices in Ethiopia.<sup>59</sup> As a result of these reforms, the civic space is flourishing, engaging in a range of activities including human rights, democracy, development, gender, accountability and justice.

On the other hand, there is a reform in relation to the media sector, which has been frequently repressed. Prior to 2018, the political culture did not allow open space for the media, and various media houses were blocked, journalists were prosecuted, and members of the media were forced to flee the country. Following the reform, journalists engaged in establishing media houses in print, online, and offline. As part of legislative reform, the Media Proclamation No. 1238/2021 introduced reforms in a range of areas, among them manner of instituting and hearing media-related cases, easing registration and licensing, protecting of journalist sources, and decriminalizing defamation. Furthermore, the current law established the Ethiopian Media Authority (EMA), whose management board members are now required to be non-affiliates of any political organization, though the appointment of its members raises some concerns.

Nevertheless, the opening space will not go unchallenged. Recurrent violence and the outbreak of an armed conflict in the northern part of Ethiopia brought new challenges for HRDs and CSOs. Negative narratives, smear campaigns, and unjustified criticisms of civil society actors continue to be issues. The impact of the previous law and political context persists, challenging CSOs to get back to the truck, especially right based CSOs. On the other hand, the wave of arrests of dissenting journalists and human rights activists has created a chilling effect and a climate of fear.

<sup>58</sup> Organizations of Civil Societies Proclamation No.1113/2019 Article 7 & 8

<sup>59</sup> የሲቪል ማኅበረሰብ ድርጅቶች ባለስልጣን, ‘አለም አቀፍ ድርጅቶች አህጉር አቀፍ ቢሮዎቻቸውን በኢትዮጵያ እንዲከፍቱ ጥሪ ቀረበ’ (August 31, 2022)

<<https://www.facebook.com/100067350582423/posts/pfbid0zBXvu9aBVZizztYxCHa44djCEvb76axzdhMcF73tvPXWCCNZoczSpgkXp82Zte5SI/?sfnsn=mo>> accessed August 28, 2022

#### 4.5. The Impact of the Political Sphere on the Work of HRDs

Combined with previously held negative attitudes towards CSOs as “anti-country” or “foreign agents,” the current political landscape has created a conducive environment for those actors who engage in attacking the civic space or HRDs. The politically motivated threats come from both opposition party members and government officials. Since the beginning of the war, several CSOs have been calling for peace and releasing press statements to end conflicts in the North and other parts of Ethiopia. On September 10, 2021, on the eve of the Ethiopian New Year, a call was made by a collective of 24 local CSOs for the cessation of hostilities, the de-escalation of war, and war propaganda in Ethiopia.<sup>60</sup> After two days of the press release, ACSO issued a warning statement concerning CSOs. The statement is made after ACSO announced the temporary suspension of MSF Holland, the Norwegian Refugee Council, and Al-Maktoume Foundation humanitarian operations in Ethiopia.<sup>61</sup>

The authority also pressed on the following:

*“Various punitive measures will be taken against some charities that are operating outside of the objectives for which they were established. Depending on the nature of the damage, various remedial measures will be taken, ranging from warnings to suspensions and closures. We will have no mercy on civil society organizations that threaten Ethiopia’s sovereignty, unity, and security. We will never negotiate to accommodate such a predicament. We have information that some civil society organizations are acting in a way that is against the national interest. We will handle the situation very seriously because it inflicts danger on the national interest. The necessary corrective action will be taken as soon as we complete the investigation.”<sup>62</sup>*

<sup>60</sup> Brook Abdu, ‘CSOs call for unconditional peace’ (The Reporter, September 11, 2021) <<https://www.thereporterethiopia.com/11953/>> accessed October 30, 2021

<sup>61</sup> Getahun Tsegaye, ‘Fed. government vows to take punitive measures against CSOs, NGOs who step outside their mandates, threaten Ethiopia’s sovereignty’ (Addis Standard, September 14, 2021) <<https://addisstandard.com/news-analysis-fed-government-vows-to-take-punitive-measures-against-csos-ngos-who-step-outside-their-mandates-threaten-ethiopia-s-sovereignty/>> accessed October 30, 2022

<sup>62</sup> Ethiopian Press Agency, ‘ሀገረን አደጋ ላይ በሚጥሉ ጉዳዮች ላይ በሚንቀሳቀሱ አንዳንድ የተራድኦ ድርጅቶች ላይ እርምጃዎች እንደሚወሰዱ ተገለጸ’ (September 12, 2021) <<https://www.facebook.com/484414308376589/posts/2086729028145101/>> accessed October 30, 2022

On September 6, 2022, a similar urgent call for peace was made by 35 CSOs, including Ethiopian Human Rights Defenders Center.<sup>63</sup> On this day, the CSOs were preparing to give a joint press conference at the Inter-Luxury Hotel in Addis Ababa but were prevented from making the call by personnel in civilian and military attire who claimed to have been sent by “a government body.”<sup>64</sup> Despite the prohibitions by security forces, the CSOs held the event online and released a joint statement calling for peace and an end to the resumption of the conflict. The CSOs condemned the ban and stressed that such actions would shrink the civic space, are against the rule of law, and deny the role that civil society organizations should play for peace.<sup>65</sup>

After the release of the press statement, the authority vows to strengthen its efforts to make civil society organizations “working against Ethiopia’s sovereignty and the public interest” accountable by law.<sup>66</sup> The authority vows that:

*“Some of the CSOs are standing against the interests of the country and the people, wasting money that comes in the name of the people, committing embezzlement, and secretly acting as couriers for foreign agents to betray the country’s sovereignty.” Legal action had been taken last year, and that the authority would continue to take similar actions against those who violate the law in the future. Individuals and organizations must refrain from actions that try to fulfill their own and traitors’ hidden agendas by sacrificing the interests of the country. CSOs that are found to be a hindrance to “Ethiopia’s struggle to maintain its sovereignty,” will not escape legal responsibility.”<sup>67</sup>*

The statement comes a week after a group of 35 local civil society organizations issued a joint statement. In addition to this, another government authority with the rank of minister warned the CSOs which issued the peace call. On September 9, 2022, in a meeting where more than 100 CSOs

<sup>63</sup> Center for Advancement of Rights and Democracy (CARD), ‘Urgent Call for Peace’ (September 06, 2022) <<https://www.cardeth.org/%e1%8a%a0%e1%88%b5%e1%89%b8%e1%8a%b3%e1%8b%ad-%e1%8b%a8%e1%88%b0%e1%88%8b%e1%88%9d-%e1%8c%a5%e1%88%aa/>> accessed October 31, 2022

<sup>64</sup> CARD (n 63)

<sup>65</sup> CARD (n 63)

<sup>66</sup> ኢ.ዜ.አ, ‘የአገርን ሉአላዊነትና የህዝብን ጥቅም በመደረር የሚሰሩ የሲቪል ማህበረሰብ ድርጅቶች በህግ ተጠያቂ ይሆናሉ’ <<https://www.ena.et/?p=184614>> (September 15, 2022); Addis Standard, ‘Authority vows to hold CSOs working against “sovereignty, public interest” to account’ (September 16, 2022) <<https://addisstandard.com/news-authority-vows-to-hold-csos-working-against-sovereignty-public-interest-to-account/>> accessed October 27, 2022

<sup>67</sup> ኢ.ዜ.አ (n 66)

attended, the minister stated that the government believes the statement issued by the 35 CSOs were wrong. The official stressed that the government will take action against those who do not correct it. The meeting was closed to the media. The minister criticized the joint statement for failing to “consider the danger” the country was facing now and failing to “explain the damage done by the TPLF.” In addition to government authorities, one of the opposition party Ethiopian Citizens on Social Justice Members often campaign on social media against peace calls by CSOs.<sup>68</sup> Thus, the challenges against HRDs is not only from government only but also from oppositions and the public.

#### **4.6. The Impact of Media and Public Campaigns/Perceptions against HRDs**

Despite the important contributions of HRDs and CSOs to the cause of human rights, there is a negative perception towards them and their activities among the public and Media. In Ethiopia, HRDs have faced various challenges in implementing their activities. One of the challenges comes from the media, which labels and disseminates defamatory news about HRDs, both privately and “publicly owned” (government owned).

Furthermore, the Media, especially some Medias owned by the government did not give space for HRDs or CSOs. For instance, when CSOs released press statements, “public owned” Medias did not share the concerns of CSOs. Nevertheless, when the government releases statements that target CSOs on the same issues, both social and mainstream media escalate the situation by disseminating through various means including by giving wide news coverage. Privately owned Media outlets are more open to HRDs, and they are willing to collaborate on human rights sensitization works, including disseminating human rights awareness creation programs. Moreover, there is evidence that shows smear campaigns by some journalists who work in “public owned” Medias.<sup>69</sup> As the journalists have several thousands of followers and campaign to defame the CSOs without evidences they inculcate negative public perceptions towards CSOs.

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<sup>68</sup> EHRDC Interview with Befikadu Hailu CARD Executive Director 01, on October 28, 2022

<sup>69</sup> A journalist who is a TV program Producer at Ethiopian Broadcasting Corporation a government owned public media often participates in smear campaigns against CSOs labeling them as foreign agents funded by USAID. [https://m.facebook.com/story.php?story\\_fbid=pfbid0tqhvBtJsEDDmYSDjScJ8b5eP9Zbj7Dage5DFQT8rvHeRSh9Drei1UnMecJ3q5wnzl&id=100003626461788](https://m.facebook.com/story.php?story_fbid=pfbid0tqhvBtJsEDDmYSDjScJ8b5eP9Zbj7Dage5DFQT8rvHeRSh9Drei1UnMecJ3q5wnzl&id=100003626461788) posted October 21, 2022

Additionally, the attitude of the public is sometimes shaped by the media and activists. This can be inferred from the comments when smear campaigns against CSOs are posted by individuals. The reaction of some sections of the public is negative towards the CSOs. There is also a loose argument of considering human rights as a western value and CSOs as western puppets. In particular, women human rights defenders (WHRDs) remain at risk in the country, with rigid social norms often preventing their active participation in public life or human rights organizations.<sup>70</sup> This kind of perception becomes a challenge for CSOs when they conduct advocacy and other activities.

#### **4.7. The Situation of Human Rights Defenders and Main Challenges**

In Ethiopia, threats and challenges for HRDs, both from state and non-state actors are increasing and affecting their work negatively. Despite the reforms, the East and Horn of Africa Human Rights Defenders Network (Defend Defenders) reported that there are still significant challenges for the country's fledgling civil society, especially as it attempts to rebuild itself amid the rapid reform process,<sup>71</sup> and attempts to operate in a fragile situation. HRDs, particularly those working on human rights, are vulnerable to smear campaigns and are often subjected to threats, warnings, and attacks due to the nature of their work. In a country like Ethiopia where a human rights culture is less developed, HRDs working to advance human rights face a series of challenges. The challenges come when they conduct advocacy activities, release press statements on violations and demand accountability for human rights violations. Additionally, the lack of legislation that can specifically protect HRDs exacerbates the situation of HRDs in Ethiopia. The following concerns are some of the challenges that HRDs are facing.

##### **4.7.1. Smear Campaigns**

Among the tactics employed to restrict the work of HRDs are smear campaigns, which have the power to shape public attitudes and are used as a weapon to close the civic space. A smear campaign is a strategy used to portray HRDs as threatening, either because of the causes they

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<sup>70</sup> Defend Defenders, 'Turning the Page: Rebuilding Civil Society in Ethiopia' (April 2019) [https://www.defenddefenders.org/wp-content/uploads/2019/05/Ethiopia\\_FINAL-REPORT.pdf](https://www.defenddefenders.org/wp-content/uploads/2019/05/Ethiopia_FINAL-REPORT.pdf) accessed October 30, 2022

<sup>71</sup> Defend Defenders (n 70)



promote or the groups they protect,<sup>72</sup> and uses various tactics, including defamation, insult, and labeling, to discredit their causes. Governments, political parties, activists, social movements, and media outlets with authoritarian agendas may use smear campaigns to attack HRDs and force them to stop conducting their inherent work.

In Ethiopia, organizations defending human rights and democracy are facing smear campaigns both from state and non-state actors. Senior government officials made disparaging remarks about critical CSOs, which could jeopardize their security, work, and reputation. The remarks are made at different times including in the parliament and press briefings by some government officials. For instance, a remark by a government official has been made after 35 CSOs released joint statements calling for peace and the de-escalation of hostilities that are causing serious human rights violations in the country. In relation to this and other peace calls, activists and members of an opposition party have been conducting smear campaigns, calling those who make peace calls to be prosecuted and closed. The Center for the Advancement of Rights and Democracy (CARD) has faced persistent harassment, including smear campaigns. For instance, following the resumption of armed conflict in the northern part of Ethiopia after five months of humanitarian truce, CARD issued a quick call for de-escalation and shared it on the Center's social media.<sup>73</sup> According to one interviewee, "CARD's quick call for peace, de-escalation of conflicts, and suppression of war propaganda, rather, drew unexpected backlash from one of the most powerful opposition groups, namely the Ethiopian Citizens' for Social Justice Party (known as Ezema)."<sup>74</sup> In posts, four senior members of the party have campaigned and vilified CARD by posting derogatory statements against it because of the peace call. On August 26, 2022, a senior member of the party who is the Head of Public Relations accused CARD of "*red card deserving message of the red one [because CARD's logo is red]*".<sup>75</sup> He used the screenshot of the peace call to discredit and defame the CSOs in general and CARD in particular by calling them hypocrites. Similarly, on

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<sup>72</sup> Israel Butler, 'How to talk about civic space: a guide for progressive civil society facing smear campaigns' (2021) Liberties 18

<sup>73</sup> CARD, 'open call on the war in the northern part of Ethiopia' (August 25, 2022)

<<https://twitter.com/CARDEthiopia/status/1562732028696866816>> accessed November 01, 2022

<sup>74</sup> EHRDC Interview with Befikadu Hailu CARD Executive Director 01, on October 28, 2022

<sup>75</sup> Muluaem Tegegnework,

<<https://www.facebook.com/mtegegnework/posts/pfbid02DFsAAYGevEpLdKd4P2rVSWLaRtPchNKZtjyxxrSYV9xHEd3S7GnNaZkmBZBN7mZl>> posted August 26, 2022



August 26, 2022, the former head of the party's PR also called the people behind the statement "*a bunch of comfortable hypocrites*".<sup>76</sup>

Additionally, another member of the party wrote an open letter to CARD on Facebook with the accusation that "*the call for peace has systematically supported a group that is labeled by the Ethiopian parliament as a terrorist group. He warned organizations against issuing such a peace call, calling it 'treasonous to the country in the name of a peace call.'*"<sup>77</sup> The post got 60 reactions, including 15 comments, and 6 shares. The commentators included Girma Seifu Maru, a member of Ezema's executive committee and a Prosperity Party appointed commissioner of the Investment Commission of Addis Ababa City, who said, "*They [CARD] are trying to please their payers... isn't it their job.*" Befikadu Hailu the Executive Director of CARD stated that, in addition to the smear campaigns that have resulted from the press statements, there have been defamations, labeling, and insults directed at their work of raising awareness about disinformation, hate speech, and human rights education.

Following the smear campaigns, the government seems to have heard the campaigners, and the Ministry for Coordinator of the Democracy Building Center in the Prime Minister's Office called a meeting with CSO representatives and warned the CSOs. The minister criticized the urgent call for peace during the meeting with the CSOs and directed the CSOs to issue statements either individually or through their council. He said that "if you issue individually then we will see each other." The minister expressed that the government regretted the CSOs' attempt to present themselves as neutral on the issue of the war, as it is the country that is being attacked, not a party or any other. In a positive remark, the ministry said that there will be a platform to discuss rising concerns based on paper presentations regarding the core principles of CSOs in general and neutrality and independence in particular.

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<sup>76</sup> Tigist Workineh,

<<https://www.facebook.com/tigist.workineh/posts/pfbid0k7vtcvfq6UAYF8gFSEuPGmPo8gn16HVV8g4YYzqL6fbLbbUFMdnHfnzj4pUKxV9Zl>> posted August 26, 2022

<sup>77</sup> Eyob Messafint, "Clear Objection"

<<https://www.facebook.com/eyob.messafint/posts/pfbid0sHuoiTPFhAuSZ8MJzXZnLt5UoWHNAcWLvySyyGwMnauDihqCrdznMtDDQWZufUUl>> posted August 26, 2022

On the other hand, there were CSOs who acclaimed the warnings and clapped by supporting the analysis and other participants who were accusing the CSOs. For instance, some representatives of CSOs accused others of being “foreign agents who labor to get foreigners’ crumps.”

#### 4.7.2. Climate of Fear, Attack and Repression

*“You can close our organizations. But these days will pass. Do not forget that this day will pass...if everything is done according to the law, it will benefit us all,”* said one CSO representative in the CSO meeting on September 9, 2022.

As demonstrated in the sections above, government officials, activists, journalists, and members of opposition party members have used negative statements against CSOs. In relation to this, all CSO directors in the questionnaires given mentioned the threats they faced as HRD which mainly include harassment, intimidation, arbitrary arrests, and restrictions on their free activities. A number of CSOs fear that the negative remarks made by authorities and some CSOs members towards critical CSOs would shrink the civic space, which would have a negative impact on the protection and promotion of human rights by harming and undermining CSO’s work and reputation. A CSO director interviewed for this report described the challenges of CSOs as internal and external.<sup>78</sup> The director stated that the internal problems are lack of collaboration, narrow vision, limited funding, and threatened sustainability, while the external challenges are harassment, intimidation, arbitrary arrests, and restrictions on their free activities, including warnings. Many of the CSO leaders stressed the effect of political statements and public campaigns against CSOs. This fear comes due to the consistent negative statements by politicians that delegitimize CSOs.

For example, in the joint CSO meeting, the Ministry pointed to the CSO representatives who expressed their concerns by calling out their names. Public vilification towards civic actors also becomes common in Ethiopia led by activists who initiate vilification campaigns.

Furthermore, one CSO Director, in explaining the security threat to HRDs, stated the following:

*“Recently, I myself have faced and am facing this type of threat just for being a voice, and my colleagues were also forced to leave their offices and relocate to Addis Ababa for their safety. Other colleagues were also arbitrarily arrested just for doing their human rights*

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<sup>78</sup> EHRDC interview with Ameha Mekonnen Lawyers for Human Rights Executive Director (03) November 2022

*work. We also face harassment whenever we release press statements against human rights violations.”<sup>79</sup>*

The warnings and negative remarks made not only affect one organization, but they have consequences of shrinking the civic space by creating a climate of fear in others. It can also be used to legitimize repressive actions and delegitimize CSOs. As a result, CSOs would self-restrain from doing their inherent task, fearing that it may have another connotation for the government. According to interviews with CSO representatives, the remarks persistently made by authorities and smear campaigns have obliged them to self-restrain from doing their inherent works, including advocacy and citizen education.<sup>80</sup> For instance, releasing press statements both jointly or individually such as calling for peace, an end to hostilities, and the protection of human rights is the inherent work of CSOs, especially those working to build a culture of human rights and democracy. In addition to the harassment of critical CSOs, there is also an evident tendency toward restriction of freedom of expression that has created a climate of fear and intimidation. Besides, the unavoidable chilling effect of such ongoing attacks is self-censorship by various actors in civil society arising from such threats. Not to mention, the number of the CSOs which signed on the next press statement on the Pretoria Peace Dialogue has been significantly reduced. In the joint press statement by CSOs to appreciate the permanent cessation of hostilities and call for commitment, which was released on November 4, 2022, only 13 CSOs signed it.

#### **4.7.3. Funding Challenges as a Barrier to Operate**

In Ethiopia, despite the open space for funding, the issue of funding has become a key concern for CSOs for various internal and external reasons. A study conducted by Defend Defenders in 2019 stated the challenges of funding faced by Ethiopian CSOs as follows:

*Funding remains the most prevalent challenge for national CSOs, who are still operating on shoestring budgets with high volunteer turnover rates and a lack of institutional knowledge of donor relations. While new regulations remove foreign funding caps, it still*

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<sup>79</sup> EHRDC interview with Dan Yirga Ethiopian Human Rights Council Executive Director (02) Nov. 2022

<sup>80</sup> EHRDC Interview with Befikadu Hailu CARD Executive Director (01) October 28, 2022; EHRDC Interview-T (04) November 01, 2022

*leaves a significant disconnect between CSOs and donors, and raises the risk of organizations competing for funding.*<sup>81</sup>

This problem still exists, as some CSOs are grappling to gain funding or even to exist. In his statement on September 20, 2022, the deputy director general of the CSOs authority, *Fasikaw Molla*, explained the funding challenges as follows:

*“We understand from our discussions with civil society organizations that some of the promised funds have not been disbursed; the donor community is now interested in Ukraine; they are canceling their support for Ethiopia and diverting their attention there,”*<sup>82</sup>

CSOs have the space for funding opportunities, but they have some challenges internal to the organizations themselves that relate to the capacity to explore and exploit the opportunities. This comes as a result of not having skilled people, a lack of understanding of how to approach donors, and gaps in preparing proposals to attract partners. CSO leaders also added that the stringent requirements of funders have become a challenge when applying for grants specially for emerging CSOs. Furthermore, the internal war and the sharply rising domestic market, combined with the global cost of living crisis, exacerbate the funding challenges. On funding, the CSO leaders interviewed stated that funding challenges have impacted their advocacy work and their ability to expand their activities and implement more projects outside of the capital city. “The absence of adequate funding has forced us to limit our activities,” said Befikadu Hailu, Executive Director of CARD. Furthermore, on August 20, 2022, USAID reduced funding to CSOs, and several CSOs have been affected, as well as forced to halt or reduce their activities and terminate their employees.

This lack of funding has resulted in reduced capacity for HRDs working in the civil society sector to participate in sensitizing, educating, and advocating for human rights. The funding challenges facing HRDs at this crucial juncture of peace negotiations, post-conflict situation, and peace building process will have an impact on the active participation of HRDs in the peace process and transitional justice. Thus, funders should continue to provide sustainable funding and build the civic space that has been the subject of a decade of repression in Ethiopia.

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<sup>81</sup> Defend Defenders (n 70) 30

<sup>82</sup> Amanuel Yelkal, ‘Authority considers lobby team to re-engage donors, international community’ (September 03, 2022, The Reporter) <<https://www.thereporterethiopia.com/26137/>> accessed November 01, 2022

## **4.8. Challenges in Exercising the Rights under UN Declaration on Human Rights Defenders**

The declaration has recognized a number of rights and protections accorded to HRDs. It does not create new rights but instead articulates the rights and principles found in international instruments, which have a legally binding effect on states that ratify them. The declaration is designed to protect those who protect human rights as they face great obstacles in their work. Despite the legal affirmations and declarations, HRDs continue to be threatened and detained by state and non-state actors. In Ethiopia, many HRDs have faced crackdowns, including detentions, disappearance, and unlawful denial of bail. The following sub-sections examine the violations of the rights found in the UN declaration.

### **4.8.1. Freedom of Expression:**

Freedom of opinion and expression is, indeed, the cornerstones of human rights and one of the pillars of free and democratic societies.<sup>83</sup> As the commentary on the declaration on HRDs stated, freedom of expression is one of the rights crucial to the work of HRDs.<sup>84</sup> This right is protected in many international and regional treaties as well as national laws. The Ethiopian constitution, under Article 29, has stipulated the right, recognizing the three important elements of the right: the right to hold opinions without interference, the right of access to information, and to impart information and ideas of all kinds. Similarly, under international law, freedom of expression embraces, the 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 other medium, including the internet.<sup>85</sup> The rights to freedom of expression and freedom of the press include not only the right to publish or broadcast but also the right to be interviewed, which extends to expressions and publications that may oppose official government policy.<sup>86</sup>

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<sup>83</sup> United Nations, ‘Hate speech versus freedom of speech’ <<https://www.un.org/en/hate-speech/understanding-hate-speech/hate-speech-versus-freedom-of-speech>> accessed November 05, 2022

<sup>84</sup> OHCHR, Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (July 2011) 58

<sup>85</sup> ICCPR, Art 19(2); UN General Assembly Resolution 2200A of 16 December 1966 (ICCPR); Y Eneyew Ayalew ‘Assessing the limitations to freedom of expression on the internet in Ethiopia against the African Charter on Human and Peoples’ Rights’ (2020) 20 African Human Rights Law Journal 315-345

<sup>86</sup> David Weissbrodt and Brittany Mitchell, the United Nations Working Group on Arbitrary Detention: Procedures and Summary of Jurisprudence (2016) 38 HUM. RTS. Q. 679

However, in Ethiopia, the state of freedom of expression comes under regular repression by state and non-state actors who want to stifle dissenting views. Despite the amendments to laws to guarantee freedom of expression, the practice lacks some sort of commitment from the government.

The EHRDC, during its 3<sup>rd</sup> assessment, documented 19 cases of detained HRDs, which include journalists, rights activists, authors, and lawyers. Most of the HRDs whose cases are assessed in the 3<sup>rd</sup> assessment were released from detention in the fourth assessment. However, a number of them again were arrested. For instance, journalist Gobeze Sisay, whose case was covered in the 3<sup>rd</sup> assessment for his disappearance for 9 days from May 1, 2022 to May 10, 2022,<sup>87</sup> has been detained again on September 7, 2022, along with journalist Meaza Mohammed, who was also subjected to multiple detentions previously.<sup>88</sup> The majority of journalists and HRDs face detention as a result of their activism, social media posts and media interviews. Some of the HRDs have been released without being charged, but others, including Meaza Mohammed and Gobeze Sisay was charged. Meaza's detention was for the third time, while Gobeze's detention is for the second time within one year.<sup>89</sup> Author, journalist, and historian Tdios Tantu who is known on Medias for his controversial interviews, is still in prison as of this writing.

**Meaza Mohammed:** A journalist and human rights activist is the owner and managing director of 'Roha Media' a YouTube-based channel. She continuously gives news coverage for victims of human rights violations and criticizes the approaches of the government in relation to the handling of ethnic attacks and the war in the northern part of Ethiopia. She hosts various programs, including "Our Voice" (የኛ ድምፅ) and "Idea Page" (የሃሳብ ገፅ) which assess political and social issues by inviting guests, after establishing a YouTube-based media platform. The journalist is a fierce critic of the government, expressing her ideas through Facebook, Twitter, YouTube, and other platforms. She also unfolds the plight of minorities and calls for accountability and protection

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<sup>87</sup> Mahlet Fasil, 'Journalist Gobeze Sisay released after 9 days of MIA' (Addis Standard May 10, 2022) <<https://addisstandard.com/news-journalist-gobeze-sisay-released-after-9-days-of-mia/>> accessed November 06, 2022

<sup>88</sup> Getahun Tsegaye, 'AS explainer on re-detention of journalists Meaza Mohammed and Gobeze Sisay' (Addis Standard, September 09, 2022) <<https://addisstandard.com/news-as-explainer-on-re-detention-of-journalists-meaza-mohammed-and-gobeze-sisay/>> accessed November 06, 2022

<sup>89</sup> Getahun Tsegaye, 'AS explainer (n 88)

for people who have faced recurrent ethnic-based attacks and massacres in various parts of Ethiopia.

Meaza has faced detention three times by security forces, including the current one, and her first detention were on December 10, 2021. In an interview with Meaza, she explained that:

*“From her first detention, she was released on January 18, 2022, after having been detained for more than a month without appearing in court of law, leading to her defense team to file habeas corpus at the Federal First Instance court’s 2nd bench. She was rearrested for the second time on May 28 of this year on the suspicion of “enticing violence and riot,” but she was released on June 20, 2022, on a 10,000 birr bail after 23 days of detention and without charges. Nevertheless, the government detained her again on September 7, 2022, and again released her on October. 13, 2022, with a 10,000 ETB bail bond.”<sup>90</sup>*

Following her most recent detention, the federal prosecutor filed multiple charges against the accused on September 30, 2022, along with two other defendants, Asaye Deribe and Gobeze Sisay, and announced the charges on its Facebook page.<sup>91</sup> The prosecutor charged her for allowing the dissemination and spreading of false rumors to the public through “Roha Media.” The charges stemmed from an interview that she conducted with the other defendant, Asaye Derby, via her media on August 25, 2022.

**Asaye Derby:** A blogger, author, and activist, is known for his critical views disseminated via his Facebook page, which has 186k followers. He recently, on August 10, 2022, wrote a book called “an outcry covered by a shout out” (እልልታ የዋጠው እረታ) that covers and documents atrocities. Asaye Derby was arrested on September 11, 2022, and later released with 10, 000 ETB bail bond on October 13, 2022. While in prison, the federal prosecutor accused him of spreading false rumors

<sup>90</sup> EHRDC Interview with Meaza Mohammed; Getahun Tsegaye, ‘AS explainer (n 88)

<sup>91</sup> FDRE Ministry of Justice/የኢ.ፌ.ዲ.ሪ. ፍትሕ ሚኒስቴር ‘ዐቃቤ ህግ የሃሰት ወራን በመንዛት፤ በውጊያ ውስጥ የወገን ጦር አሰላልፍና በታን ለጠላት እና ለህዝብ በመሳወቅ በህግ የተከለከለ ድርጊትን በፈጸሙ 3 ግለሰቦች ላይ ክስ መሰረተ’ (September 30, 20220)

<[https://www.facebook.com/MOJEthiopia/posts/pfbid0uV9XekxSEgtpPC7XRnTWTyY31ZQNsHTy8gr27R5Qddr\\_dELn6MmrAdEkBzweCDU4cl](https://www.facebook.com/MOJEthiopia/posts/pfbid0uV9XekxSEgtpPC7XRnTWTyY31ZQNsHTy8gr27R5Qddr_dELn6MmrAdEkBzweCDU4cl)> accessed Nov. 12, 2022



to the public in an interview aired on Roha Media. On Sept. 30, 2022, the Ministry of Justice announced the charges on its Facebook page. He is accused of saying the following statements:

*“It is possible to end the war. The problem is not that we have an enemy that is not ready to be defeated, but that we have a government that is not interested. They attack them when they become a threat to their throne, but when they are far away from the throne, they leave them.”*

The charge accused him of spreading absolutely false information that must be decided by military and political capacity as well as techniques. He is also accused of portraying the government as though it had no intention of winning the war.

**Temesgen Desalegn:** an author and veteran journalist, Temesgen Desalegn, is the founder and managing director of the independent weekly Amharic “Feteh” (meaning “Justice”) magazine. Temesgen has been detained many times in the past, including during the previous Ethiopian People’s Revolutionary Democratic Front (EPRDF) regime, and has been imprisoned for several years. He is a fierce critic of government inaction, human rights violations, and maladministration. He was arrested on May 26 on suspicion of “inciting riots and creating public mistrust of the Ethiopian National Defense Forces and the government.”<sup>92</sup> Temsegen was in prison during the third EHRDC assessment, and it was documented that he was beaten by police in front of his family and was admitted to the hospital. On June 29, 2022, the Federal Prosecutor filed three charges against Temesgen at the Federal High Court Lideta Branch, First Constitutional, and Anti-Terrorism Bench.

Accordingly, Temesgen was indicted with the first count of violating Articles 44 (1), (2) and 336 (1) of the 2004 Criminal Code, and “revealing national defense forces’ secretes; the second count, of violating Articles 44 (1), (2) and 337 (1) of the Criminal Code of 2004, under allegations of “spreading false or Tendentious information”; while the third count, of violating Article 44 (1), (2) and 257 (e) of the Criminal Code of 2004 for allegedly disseminating “inaccurate, hateful or subversive information or insinuations calculated to demoralize the public and to undermine its confidence or its will to resist.” Nevertheless, on October 21, 2022, the court declared Temesgen

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<sup>92</sup> Biruk Alemu, ‘Journalist Temesgen Desalegn released on 30,000 birr bail’ (Addis Standard, November 16, 2022) <<https://addisstandard.com/news-alert-journalist-temesgen-desaleng-released-on-30000-birr-bail/>> accessed Nov. 18, 2022



free on two counts and ruled to defend him on one count based on the Hate Speech and Disinformation Prevention and Suppression Proclamation No.1185 /2020. Temesgen was released on November 16, 2022, after 5 months and 3 weeks of detention with a 30,000 ETB bail bond.

**Gobeze Sisay:** a journalist who has worked in various independent media houses is an owner and founder of ‘The Voice of Amhara’ media outlet that operates on the internet. In the 3<sup>rd</sup> assessment, Gobeze’s forced disappearance for nine days has been covered. The journalist again faced detention by security forces on Sept. 7, 2022. According to the Ministry of Justice Facebook post on Sept. 30, 2022, he is charged with spreading false information to the public, sending out information that undermines the public’s confidence in the defense capacity of the government, and revealing the positions and movements of the army to the enemy and the public. The journalist finally got released on November 11, 2022, with a 100,000 ETB bail bond.

**Tamirat Negera:** Tamirat, who is a journalist, analyst, and commentator on Ethiopian politics, is the founder and editor-in-chief of Terara Network Online Media. Tamerat is widely known for consistently voicing strong criticisms about the current political affairs of Ethiopia, including the undemocratic nature of the current system, ethnic federalism, and staunch censures on the dangers of ethnic politics and massive human rights violations. Tamirat have faced multiple detentions and imprisonment during the past and current regime. Tamirat was forced to flee to America in 2009 due to the EPRDF media crackdown. Tamerat returned following the government’s promise of media reform in 2018; however, he is forced to flee again after his current unlawful arrest and intimidation. He went into Exile and left Ethiopia on November 21, 2022 night with his wife, Selam Belay, ther General Manager of the media.<sup>93</sup> Tamrat was arrested in December 2021, and his whereabouts were unknown for seven days and detained for 118 days. During that time, several court proceedings in his case were held, though no formal charges were filed against him when he was released.<sup>94</sup> In an interview with BBC Amharic, Tamirat said that he preferred to flee the country due to lack of media freedom and a free atmosphere to exercise freedom of expression.

**Meskerem Abera:** Meskerem is a teacher and vocal journalist who founded “*Ethio Nikat Media*” YouTube channel. She is known for her critical remarks toward the government, especially on the

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<sup>93</sup> Addis Zeybe, ‘Tamerat Negera went into exile again’ <<https://addiszeybe.com/tamerat-negera-went-into-exile-again>> accessed Dec. 08, 2022

<sup>94</sup> Addis Zeybe (n 93)

issue of the massacre of ethnic Amhara civilians in different parts of the country in the Benishangul Gumuz and Oromia regions of Ethiopia.<sup>95</sup> Until this writing period, Meskerem is in detention after being arrested on December 13, 2022, for the second time. She was first detained on May 21, 2022, at the capital and charged for alleged grounds of “inciting violence and instability.” She was later released on June 15, 2022. She is allegedly charged with “dismantling the constitution by force” by using Ethio Nikat Media and other social media platforms. The charges also read that she has incited the public to close roads and not to collaborate with the defense force in Southern region of Ethiopia Gurage Zone, and Addis Ababa. In the Gurage Zone of the Southern Nation nationalities and peoples region, there is a *de facto* state of emergency where some rights are restricted by a command post. Meskerem was brought to court on December 15, 2022, and her lawyers requested bail bond be given by the court, but the court rejected the request and allowed the police 14 days of remand. Following her arrest, the Coalition for Women in Journalism (CFWIJ) on its Twitter page condemned her arrest and called for her immediate release.<sup>96</sup>

On the other hand, it is reported that five journalists were detained in the Tigray region of Ethiopia by the parties in control of the region. According to CPJ’s July 20, 2022 report, five Tigray TV employees Teshome Temalew, Misgena Seyoum, Haben Halefom, Hailemichael Gesesse, and Dawit Meknonnen have been detained by the authorities. The journalists were detained by regional authorities and accused of “collaboration with the enemy” for their alleged work with the Ethiopian federal government.<sup>97</sup>

In Ethiopia, the detention of HRDs is not a new issue, but it has been an increasing trend for years. The detention of HRDs is a regular occurrence in the country, particularly in the capital. It can be said that ‘detentions are frequent as fast as breakfast’. The arrest and detention trend of HRDs raises several due processes and freedom of expression concerns. It’s not only the arrest that becomes a trend, arbitrary detentions also become a frequent occurrence, resulting in serious violations of human rights, including freedom of expression.

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<sup>95</sup> Borkena, ‘Federal Supreme Court released Meskerem Abera on bail’

(June 15, 2022) <<https://borkena.com/2022/06/15/federal-supreme-court-released-meskerem-abera-on-bail/>> accessed December 14, 2022

<sup>96</sup> CFWIJ, <<https://twitter.com/CFWIJ/status/1602967477843263488?ext=HHwWgIDQ9bOb8b4sAAAA>> (Dec. 14, 2022) accessed Dec. 15, 2022

<sup>97</sup> CPJ, ‘Tigrayan authorities in Ethiopia detain 5 Tigray TV journalists’ (July 20, 2022) <<https://cpj.org/2022/07/tigrayan-authorities-in-ethiopia-detain-5-tigray-tv-journalists/>> accessed Dec. 05, 2022

#### 4.8.2. Arbitrary Arrest and Unlawful Detention

The prohibition of arbitrary arrest and unlawful detention is recognized in international instruments and domestic laws enacted to ensure human rights. The International Covenant on Civil and Political Rights (ICCPR) <sup>98</sup>under article 9 (1) enshrined as follows:

*“Everyone has the right to liberty and security of person. **No one shall be subjected to arbitrary arrest or detention.** No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”*

Similarly, the FDRE Constitution under Article 17 stipulated that:

- 1. No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law.*
- 2. No person may be subjected to arbitrary arrest, and no person may be detained without a charge or conviction against him.*

Similarly, the ICCPR requires deprivation of liberty not to be arbitrary, and to be carried out with respect for the rule of law.<sup>99</sup> Arbitrary detention not only violates human rights but also undermines trust in institutions that keep societies safe and open.<sup>100</sup> The Human Rights Committee (HRC), in its General Comment No. 35, considered arrest or detention that lacks any legal basis as arbitrary.<sup>101</sup> Also, in the *Chambala vs. Zambia case*, the HRC regarded the continued confinement of detainees in defiance of a judicial order for their release as arbitrary as well as unlawful.<sup>102</sup> According to the HRC, “unlawful” detention includes both detentions that violate domestic law and detentions that are incompatible with the requirements of article 9, paragraph 1, or with any other relevant provision of the Covenant.<sup>103</sup> In addition, the HRC explained in its jurisprudence

<sup>98</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR)

<sup>99</sup> Human Rights Committee, General comment (GC) No. 35 Article 9 (Liberty and security of person) CCPR/C/GC/35 (16 December 2014) 3

<sup>100</sup> ‘UN Human Rights Council 48: UK statement on Arbitrary Detention’ (September 20, 2021) <[<sup>101</sup> HRC, GC No. 35 \(n 99\) Para. 11](https://www.gov.uk/government/news/un-human-rights-council-48-uk-statement-on-arbitrary-detention#:~:text=Arbitrary%20detention%20not%20only%20violates,are%20more%20often%20arbitrarily%20detained.>”</a> accessed Nov. 18, 2022</p>
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<sup>102</sup> HRC, GC No. 35 (n 99) Para. 11

<sup>103</sup> HRC, GC No. 35 (n 99) Para. 44

that “arbitrariness” is not to be equated with “against the law,” but must be interpreted more broadly to include elements of inappropriateness, injustice, and lack of predictability and due process of law.”<sup>104</sup>

In the case of Ethiopia, despite the legal stipulations, HRDs have faced both arbitrary and unlawful detentions. Firstly, many HRDs have been arrested without a court warrant and without being informed of the reason for their arrest, which is a clear violation of the FDRE Constitution. The constitution under Article 19 (1) clearly states that “persons arrested have the right to be informed promptly, in a language they understand, of the reasons for their arrest and of any charge against them”. For example, Journalists Meaza Mohammed, Gobeze Sisay, Temesgen Desalegn, and Asaye Derbie were detained without a court warrant and promptly informed of the reason for their detention.<sup>105</sup> The UN Working Group has pointed out that the practice of arresting persons without a warrant; not informing them of the reasons for their arrest, and not filing charges against them within a reasonable period of time also renders their detention arbitrary.<sup>106</sup>

Secondly, there are instances of arrest and detention that violate domestic laws and Article 9 of the ICCPR. The media law prohibits pre-trial detention of persons charged with committing an offense through the media. In relation to the manner of instituting and hearing media-related cases, the Media Proclamation under Article 86 (1) states the following:

*“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.”<sup>107</sup>*

Nevertheless, several journalists and other individuals who expressed their views through interviews in the media, including the journalists and HRDs mentioned above, have faced pre-trial detentions. In this regard, Chief Commissioner Daniel Bekele of the Ethiopian Human Rights Commission (EHRC) has called the journalists’ detention unlawful and stated that “no claim about

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<sup>104</sup> Communication No. 305/1988: Netherlands. CCPR/C/39/D/305/1988 (Jurisprudence), Views Of The Human Rights Committee Under Article 5, Paragraph 4, Of The Optional Protocol To The International Covenant On Civil And Political Rights -Thirty-ninth Session concerning Communication No. 305/1988, August 15, 1990.

<sup>105</sup> In an interview with the listed persons they have attested that they were arrested without warrant and being informed the reason of their arrest promptly.

<sup>106</sup> UN Working Group on Arbitrary Detention, Decision No. 4/1993 (Philippines), E/CN.4/1994/27, December 17, 1993

<sup>107</sup> Media Proclamation No. 1238/2021

the alleged offense committed through media justifies violation of the newly adopted media law, which clearly prohibits pre-trial detention of persons charged with committing an offense through media.<sup>108</sup> Furthermore, the Chief Commissioner said that the repercussions of unlawful detention of journalists, including prolonged pre-trial detention, non-disclosure of whereabouts, and detention in irregular detention facilities, extend beyond media space and freedom of expression.<sup>109</sup> For example, poet and HRD Belay Bekele were from June 28 to July 4, 2022, and his whereabouts were unknown during that time. Thirdly, despite a release order from the courts, there is regular defiance of a court order by law enforcement officials in Ethiopia. For instance, on Nov. 15, 2022, the federal high court ruled for journalist Temesgen Desalegn to be released on 30,000 ETB bail. Nevertheless, Temesgen was kept in detention by the prison administration until Nov. 16, 2022, without a clear justification. In relation to the detention, journalist Temesgen said:

*“Kilinto Prison makes me a prisoner of the prison administration. The prison administration has no legal grounds to detain me in violation of the court order. Anything that happens to me is the responsibility of the prison administration, and I am now the private prisoner of the prison.”*

Thus, the detention is both unlawful and arbitrary, which constitutes a violation of Article 9 of the ICCPR, Article 19 of the FDRE Constitution, and other international human rights instruments.

On the other hand, the UN Working Group on Arbitrary Detention also regarded detention for the exercise of human rights as arbitrary, even if the detention is justified by domestic laws. According to the ministry of justice charge files, Gobeze Sisay, Meaza Mohammed, and Asaye Derbie’s detentions stem from their criticism of the government. They criticized the government concerning the handling of the war in the northern part of Ethiopia via interviews and discussions on media houses and social media platforms, which is one aspect of exercising freedom of expression. To mention, the Ministry stated in the charge that, in an interview on August 25 given to Roha Media, Asaye Derbie, through a media outlet Meaza manages, said “It is possible to end the war. The problem is not that we have an enemy that is not ready to be defeated, but that we have a

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<sup>108</sup> EHRC, ‘Over a dozen media personnel in unlawful detention’ (May 27, 2022) <<https://ehrc.org/over-a-dozen-media-personnel-in-unlawful-detention/>> accessed Nov. 19, 2022

<sup>109</sup> EHRC, (n 108)

government that is not interested”. Additionally, the detentions are not justified by domestic law, as the media law prohibits pre-trial detentions in this case.

#### 4.8.3. The Right to Freedom of Assembly

The right to freedom of assembly is a vehicle to exercise other rights and to advocate for change with others peacefully. The right is recognized under Article 30 (1) of the FDRE Constitution and Article 21 of the ICCPR. The FDRE Constitution provides that “Everyone has the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition.” The ICCPR also stated, the right of peaceful assembly shall be recognized and that no restrictions may be placed other than those in conformity with the law. The HRC elaborated that the right enables individuals to express themselves collectively and to participate in shaping their societies,<sup>110</sup> through organizing or taking part in a gathering of persons for a purpose such as expressing oneself, conveying a position on a particular issue, or exchanging ideas both offline and online.<sup>111</sup> The committee also explained that the state has the obligation to respect and ensure the right before, during, and after assemblies by creating an enabling environment for the exercise of the right. The obligation includes not prohibiting, restricting, blocking, dispersing, or disrupting peaceful assemblies without compelling justification, as well as not harassing or retaliating against participants.<sup>112</sup>

Despite these legal protections which exist in Ethiopia, exercising the right to freedom of assembly faces many challenges in the country. In some areas of the country, such as the Gurage Zone, the de facto state of emergency has eroded some rights, including freedom of assembly and peaceful demonstration. Aside from that, the earlier government-sanctioned ban on a meeting called by local CSOs, including EHRDC, on September 6, 2022 was a challenge to freedom of assembly. Thus, the de facto state of emergency, the prevention of CSO meeting, and the warnings following the press statements are signs of restriction on freedom of assembly and a violation thereof. Moreover, on June 25, 2022, security forces violently crackdown Amhara students in the capital who demonstrated peacefully, showing flyers and seeking justice for victims. The students from

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<sup>110</sup> Human Rights Committee (HRC) General comment No. 37 on the right of peaceful assembly (CCPR/C/GC/37, Sept. 2020) Para. 1

<sup>111</sup> HRC, assembly (n 110) Para. 6 & 12

<sup>112</sup> HRC, assembly (n 110) Para. 23 & 33

Addis Ababa University were gathered at the university gates, mourning the hundreds of people killed in Wollega.

Amidst these restrictions, there were instances of assembly organized by CSOs. On September 8, 2022, two local CSOs - Timran and Network of Ethiopian Women's Voice (NEWA) organized a "Women's Peace March" and more than 400 women participated in the event. The women called accountability for gender-based violence, an end to war, and the inclusion of women in the national dialogue process.

#### **4.8.4. The Right to Participate in Peaceful Activities against Human Rights Violations**

Defending human rights is everyone's responsibility. It's the collective action of all actors that can ensure the protection and promotion of human rights. HRDs, in particular those working in the media, have the potential to expose human rights violations and seek justice for victims. In this regard, the declaration on HRDs under Article 12 stated as follows:

- 1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.*
- 2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.*
- 3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.*

Additionally, the declaration on HRDs under Article 5 recognizes that "everyone has the right to communicate with non-governmental or intergovernmental organizations concerning human rights violations. On Sept. 10, 2022, Abay Zewdu, the chief editor of privately owned satellite and YouTube-based broadcaster Amhara Media Center (AMC), was arrested by security forces.



According to the Committee to Protect Journalists (CPJ), Abay was accused of disseminating false information, collecting photographs of ethnic Amharas, labeling them as unjustly killed, and sending these photographs to members of the international community with the intention to create chaos, terrorize the public, and pressure the government.<sup>113</sup> Abay was later released on October 3, 2022. Previously, on July 17, 2021 he was arrested, while interviewing internally displaced people in the capital who fled attacks from Benshangul Gumuz regional state. The journalist was released later on July 27, 2021, after 10 days of detention with a 5,000 ETB bail bond, and his case was dismissed on August 25, 2022 by the court on the ground of no probable cause.

Additionally, journalist Solomon Shumye, the owner of “*Gebeyanu*” YouTube-based media channel was arrested on May 20, 2022, and later released on June 17, 2022. The journalist is known for his critical remarks on government inaction to protect citizens from rebel attacks in different parts of the country. He also opposes the parties that engage in armed hostilities in the northern part of Ethiopia. He has been indicted for crimes including inciting violence using his media and other channels, insulting higher-level authorities, and making the public lose confidence in the government. According to his interview on his media premiered on July 5, 2022, he was arrested without a warrant and by persons who do not wear security clothes. He also said that he was taken to detention by ambulance than by security vehicle.<sup>114</sup> On December 17, 2022, Solomon was again arrested from his home and taken to the federal police crime investigation office in Addis Ababa. According to Solomon’s interview with the “Ethiopian Insider” he was arrested by the police without a written court warrant, and his equipment, including computers, flash disk, and mobile phones, were taken by the police. According to the “Ethiopian Insider” news report, the police released him on the same day after five hours of police custody telling that they will call him when they want.<sup>115</sup>

Besides, poet and HRD Belay Bekele who forcibly disappeared from June 28, 2022, to July 4, 2022, were targeted based on his activism conducted against human rights violations. According

<sup>113</sup> CPJ, ‘Ethiopian journalist Abay Zewdu remains detained after court grants bail’ (September 20, 2022) <<https://cpj.org/2022/09/ethiopian-journalist-abay-zewdu-remains-detained-after-court-grants-bail/>> accessed Nov. 20, 2022

<sup>114</sup> Gebeyanu, ‘ሕግ ማክበር እንደዚህ ነው?’ (July 05, 2022) <[https://www.youtube.com/watch?v=qQF\\_HAJawUo&ab\\_channel=GEBEYANU](https://www.youtube.com/watch?v=qQF_HAJawUo&ab_channel=GEBEYANU)> accessed Nov. 22, 2022

<sup>115</sup> ሃጢአት አወጪ, ‘ሰላምን ሹምዬ ከአምስት ሰዓታት እስር በኋላ ተለቀቀ’ (Ethiopian Insider, December 17, 2022) <<https://ethiopiainsider.com/2022/8974/>> accessed December 20, 2022



to an interview with him he was forcibly disappeared by security forces. He said that the security forces who detained him told him to stop his poet activism. Before his detention on June 28, 2022, he was consistently denouncing and speaking against ethnic-based attacks in Wollega by posting his hand-crossed gestures and flyers on his Facebook page which has 329, 623 followers during this writing. In this context, other journalists, bloggers, political activists, and HRDs denouncing human rights violations have been the subject of widespread arbitrary arrest and unlawful detention.

#### **4.9. Women Human Rights Defenders**

Women around the world have played a crucial role in advancing human rights.<sup>116</sup> Particularly, women human rights defenders (WHRDs) act to promote accountability and respect for international human rights standards.<sup>117</sup> In Ethiopia, WHRDs are engaging in various activities, including human rights promotion and protection, inclusiveness, response to and support for violations of human rights such as gender-based violence. Because of consistent advocacy and a call for inclusiveness, women in different places are now being represented, including at the national dialogue commission, though the representation is minimal. Nevertheless, many women's rights defenders continue to face various challenges in their human rights work.

According to an interview with a CSO leader working on advocating for women's political participation and the rights of women, women defenders often face additional and different risks and obstacles that are gendered due to the prevailing social and cultural norms. She stated that the challenges for WHRDs are two fold, both coming from the government and society.<sup>118</sup> The interviewee also added that social media is being used to attack and defame those who work on women's rights. "We have faced defamation on individual staffs as well as the organization by being labeled as a carrier of western ideology who collects money in the name of women," she explained.

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<sup>116</sup> United Nations, 'Report of the Special Rapporteur on the situation of human rights Defenders' (Human Rights Council Fortieth session, A/HRC/40/60 (10 January 2019) Para. 1

<sup>117</sup> OHCHR, 'women human rights defenders'

[https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/SexualHealth/INFO\\_WHRD\\_WEB.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/SexualHealth/INFO_WHRD_WEB.pdf)  
f> accessed Nov. 25, 2022

<sup>118</sup> EHRDC interview with-T (04) on No. 1, 2022

Also, feminist defenders face continued challenges both online and offline, including mockery and slander, due to their advocacy of the rights of women. On September 8, 2022, a peace march was conducted calling for an end to hostilities and condemning sexual violence as a weapon of war in Ethiopia. In the peace march, a banner with the motto “women’s body is not a battlefield” has been raised as a message. Following this, the banner has been used on social media as a meme and women that hold the message have been the subject of mockery. This also shows that the threat also comes from the society at large in form of backlash to the women movement.

#### 4.10. Human Rights Defenders with Disability

According to the UN Special Rapporteur on the protection of HRDs, and on people with disabilities HRDs persons who have disabilities face multiple and distinct forms of risk as they can be targeted or excluded because of their disability, for being HRDs, or both.<sup>119</sup> PWDs qualify as HRDs when they seek to protect and defend human rights.<sup>120</sup> In a country, like Ethiopia, people with disabilities (PWD) in general and HRDs with disabilities, in particular, face various challenges. DefendDefenders in its 2022 report, on Ethiopia, Somalia, and Kenya, noted that PWDs are disproportionately affected by risks in situations of conflicts and are exposed to greater risks of either being caught in fighting or left behind when communities flee attacks.<sup>121</sup>

HRDs with disabilities interviewed stated the existence of direct threats from state and non-state actors.<sup>122</sup> On June 14, 2022, one HRD who is the director of an organization that works on disability and women’s rights was forced to leave his working area due to fear of detention for his human rights work. He has faced warnings to leave his working area by persons with civilian clothes that forced him to seek protection from international and national actors.

In this regard, the EHRDC in collaboration with other partners established the Ethiopian Human Rights Defenders with Disabilities Network to support and ensure the protection of HRDs with disabilities on December 23, 2022. The network was established after a two-day intensive training

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<sup>119</sup> Joint Statement: Human Rights Defenders with disabilities targeted & excluded globally, warn UN experts (29 Nov. 2022) <<https://srdefenders.org/human-rights-defenders-with-disabilities-targeted-excluded-globally-warn-un-experts/>> accessed January 04, 2022

<sup>120</sup> Fatuma Hersi et al, ‘Overlooked and Unseen: Ethiopia, Somalia, and South Sudan Human rights defenders living with disabilities in conflict countries’ (April 2022) Defend Defenders 16

<sup>121</sup> Fatuma et al (n 120)

<sup>122</sup> EHRDC interview with HK (05) Dec. 2022

provided for HRDs with disabilities, which brought together HRDs with disabilities from different parts of the country. The EHRDC serves as the secretary of the network.

#### **4.11. Impunity for Violations against HRDs**

The culture of impunity for human rights violations in general and violations of the rights of HRDs, in particular, is a rampant problem in Ethiopia. The ICCPR, to which Ethiopia is a state party, imposes the obligation on state parties “to respect and to ensure” all the rights in the Covenant (art. 2 (1)); to take legal and other measures to achieve this purpose (art. 2 (2)); and to pursue accountability, and provide effective remedies for violations of Covenant rights (art. 2 (3)). This provision entails an obligation on the state to ensure accountability against those who have committed human rights violations, including against HRDs.

Since 2018, human rights violations have been mainly committed by non-state actors accompanied by government inaction. This in turn led to the detention of HRDs who denounced human rights violations and government inaction. Detentions are accompanied by false charges and, in some cases, are without charge. Addressing the issue of impunity is a key step to ensuring a safe environment for defenders. As seen from the cases of HRDs dealt with above, they were subjected to multiple detentions and forced disappearances. Nevertheless, no action has been taken by the government when HRDs face forced disappearances, unlawful arrests, and prolonged detentions in Ethiopia. This trend has a backfiring effect by making citizens lose confidence in state institutions. Following his release, journalist Solomon Shumye spoke out about the importance of holding people accountable for detaining people arbitrarily. According to him, he has been detained without a warrant and told of the reason for his arrest by unknown persons who took him to the police station by ambulance. He emphasized the importance of accountability and the use of lawful methods by law enforcement officers when arresting people.<sup>123</sup> He added that disregarding the law could harm citizens by opening a loophole for non-state actors to kidnap persons in the name of state officials.

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<sup>123</sup> Gebeyanu (n 114)

## 5. Conclusion

The Ethiopian Human Rights Defenders Center (EHRDC) is established, among other things, to protect human rights defenders (HRDs) in Ethiopia, provide and facilitate capacity-building training, create a safe working environment for them, and broaden the HRD network in Ethiopia. It is in this spirit that the center presented this report. Prior to 2018, the situation of HRDs in the country was marked by violent repression and crackdowns on HRDs. HRDs were silenced in various ways, including by enacting draconian laws and restricting external funding and their human rights-related activities. HRDs were arrested, forced into exile, tortured, and killed.

Since Abiy Ahmed's assumption of office in 2018, the situation has changed swiftly. The post-2018 atmosphere was followed by positive changes and overall reforms. There were also positive changes in the protection of human rights as the prime minister introduced numerous legal and institutional reforms by amending repressive laws, including anti-terrorism, CSO, and media laws. The reform started by releasing HRDs from prison, opening the space for freedom of expression, appointing publicly accepted figures into powerful positions, and allowing the unfettered operation of new political parties and media outlets.

Nevertheless, the opening space will not go unchallenged. The country's unresolved political issues, the beginning of the conflict in Ethiopia's northern part in November 2020, and civilian attacks in various parts of the country shifted the positive changes. Moreover, the declaration of frequent state of emergencies, the passing of command post measures, and the narratives to control the war intensified the threats to HRDs, journalists, and CSOs. Despite the legal and institutional reforms, the law without enforcement becomes a shield without a sword. These issues bring unprecedented challenges for HRDs. The EHRDC situational assessments reveal funding challenges for HRDs, and the increasing attacks on HRDs by state and non-state actors, including, arbitrary arrests, detentions, smear campaigns, warnings, and even the loss of their lives. The lives of HRDs who struggle for the protection of human rights are at risk, and some undergo unlawful detentions and enforced disappearances. Therefore, we conclude that there is insufficient availability of protection for HRDs in Ethiopia, which needs positive intervention from stakeholders such as government, CSOs and the international community.