



# FIRST PERIODIC REPORT ON THE SITUATION OF HUMAN RIGHTS DEFENDERS IN ETHIOPIA, 2023

May 2023

Ethiopian Human Rights Defenders Center

ADDIS ABABA, ETHIOPIA



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Ethiopian Human Rights Defenders Center (EHRDC)

Bole Sub-city, Woreda 02

Friendship Business Center, 5th Floor, 504

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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## 1. Contextual Assessment

On November 2, 2022, the Ethiopian federal government and leaders of the country's northern Tigray region agreed to end two years of devastating armed conflict. The peace deal, which was brokered by the African Union, was signed in Pretoria, South Africa. A ten-day implementation plan followed in Nairobi, Kenya. This peace agreement marks the end of a two-year-long armed conflict and paves the way for peace and improvement in the human rights situation. In the deal, the Tigray People Liberation Front (TPLF) committed to laying down arms within 30 days, allowing the federal government to regain control of the Tigray region.

On March 17, 2023, the Tigray Regional State, led by the TPLF, established an Interim Regional Administration as per Article 10 of the Pretoria Cessation of Hostilities agreement. This agreement provides for the establishment of an inclusive Interim Regional Administration. Furthermore, the deal ensures unfettered humanitarian access to the region and restoration of services. On March 22, 2023, the federal parliament removed the TPLF from the list of terrorist groups. The group had been designated as a terrorist organization in May 2021 by the same parliament.

However, there have been ongoing concerns about human rights violations since January 2023. These issues include the arrest of human rights experts and journalists, evictions, extra-judicial killings, and restrictions on the internet, social media, and the right to demonstrate. In addition to this, human rights organizations and critical independent media houses have had their equipment confiscated by the government securities during their arrest.

Furthermore, tensions between the Ethiopian Orthodox Tewahedo Church (EOTC) and the government were high in late January 2023. This was due to disagreements over the breakaway of three archbishops and twenty-six episcopal appointees in the Oromia region, whom the EOTC accused of being involved in "illegal anointing."<sup>1</sup> The EOTC also accused the government of

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<sup>1</sup> Ethiopia: Protests in response to ongoing religious tensions likely to continue nationwide through at least late February (February 13, 2023) <<https://crisis24.garda.com/alerts/2023/02/ethiopia-protests-in-response-to-ongoing-religious-tensions-likely-to-continue-nationwide-through-at-least-late-february>> accessed March 10, 2023

direct involvement in the crisis. Although the disagreements between the church and the government were resolved, there were serious human rights violations related to the situation.

This assessment aims to address and assess the issues that occurred between January 2023 to March 30, 2023. The assessment employs a qualitative research methodology and assesses the situation using interviews, questionnaires, observations and open sources of evidence.

## **2. Peace Deal: An end to Two years of Conflict and Civil Society Engagement**

In November 2022, a peace deal was signed between the TPLF forces and the Ethiopian federal government, raising hopes for the people of Ethiopia, particularly those displaced and severely affected by the conflict. The United Nations (UN) regarded it as an important first step towards lasting peace.<sup>2</sup> This is because the peace agreement has improved the situation, allowing humanitarian agencies to deliver more aid to areas that were previously difficult to access during the hostilities.<sup>3</sup>

Two months after the signing of the peace deal, a group of civil society organizations (CSOs), including the Ethiopian Human Rights Defenders Center (EHRDC), visited Mekelle, the capital city of Tigray regional state. The visit was led by the Ethiopian Civil Society Organizations Council (ECSOC), which has more than 4000 Ethiopia-based CSOs as members.<sup>4</sup> According to the director of the council, the visit aimed to create awareness of the current humanitarian aid delivery and the possibility of working with CSOs in Tigray. The group of CSOs consulted with peer organizations in the region and also visited Internally Displaced Persons (IDP) camps on the

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<sup>2</sup> UN News, 'Ethiopia: Peace agreement between Government and Tigray 'a critical first step': Guterres' <<https://news.un.org/en/story/2022/11/1130137>> accessed April 13, 2023

<sup>3</sup> Mould Hujale, 'Northern Ethiopia peace deal restores hope for displaced' (UNHCR February 08, 2023) <<https://www.unhcr.org/news/stories/2023/2/63e3aa3a4/northern-ethiopia-peace-deal-restores-hope-displaced.html>> accessed March 10, 2023

<sup>4</sup> Ethiopian Monitor, 'group of Civil Society Organizations Visit Tigray' (January 24, 2023) <<https://ethiopianmonitor.com/2023/01/24/group-of-civil-society-organizations-visit-tigray/>> accessed March 10, 2023

outskirts of Mekelle. In essence, the cessation of hostilities and the peace deal has created a good atmosphere for national CSOs to interact with counterparts in the region, provide assistance, and explore ways to speed up humanitarian aid delivery and rehabilitation efforts.

Moreover, in January 2023, three out of the five journalists who had been detained for several months in Mekelle were released. These are Misgna Seyoum, Teshome Temalew, and Haben Halefom. They had been detained by local authorities in May 2022 for allegedly “collaborating and disseminating enemy propaganda.” Nevertheless, two journalists, Hailemichael Gesesse and Dawit Mekonnen, remain in police custody. All five of the journalists were assigned to their work by the Tigray interim regional administration, which was appointed by the federal government during its control of the Tigray region, including Mekelle, from 28 November 2020, to 28 June 2021.<sup>5</sup>

The conflict, fueled by growing ethnic animosity and power struggles, had a devastating impact on the country, particularly in the northern part of Ethiopia, which includes Tigray, Amhara, and Afar. The conflict was accompanied by serious human rights violations and a crackdown on CSOs. Although the peace agreement has not yet been fully implemented, relative peace seems to have prevailed despite some controversies regarding its implementation. However, after the peace agreement was signed, which put an end to the northern conflict, tensions erupted over various issues. These include religion, forced evictions, and arbitrary detentions of human rights defenders.

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<sup>5</sup> Mihret G/kristos, ‘Three of five Tigray TV journalists released after eight months in detention, defense lawyer laments court procedure’ (Addis Standard, January 17, 2023) <<https://addisstandard.com/news-three-of-five-tigray-tv-journalists-released-after-eight-months-in-detention-defense-lawyer-laments-court-procedure/>> accessed March 10, 2023

### **3. Human Rights Abuses: Arbitrary Detentions, Killings, Forced Evictions, Restriction on Freedom of Expression and the Internet**

#### **3.1. Incidents in relation to the Ethiopian Orthodox Tewahedo Church and Celebration of Adawa Victory in Oromia Regional State and Addis Ababa**

On January 22, 2023, in a small rural church outside the town of Woliso, three Archbishops of the Ethiopian Orthodox Tewahedo Church ("EOTC"), uncanonically consecrated 26 monks as “bishops” and proclaimed a new and separate “Orthodox Synod” for the Oromia regional state and other areas of Ethiopia’s south along ethnic lines.<sup>6</sup> This act was done without authority from the Holy Synod and without the presence of his Holiness, Patriarch Abune Mathias. However, on January 26, 2023, the church revoked the act as “against the church’s canonical orders” and excommunicated the dissidents. Unfortunately, following this incident, a number of human rights violations have been committed by state and non-state actors, resulting in the loss of many citizens’ lives.

The Ethiopian Human Rights Commission, in a statement released on February 10, 2023, noted that the security forces of Oromia regional state used excessive force against the followers of the main church. This included committed extrajudicial killings, beatings, harassment and arbitrary arrests, resulting in the death of many people.<sup>7</sup> Furthermore, believers, journalists from the church media and those who spoke out against the killings were arrested and detained in Addis Ababa and Oromia regional state. According to the lawyers of EOTC, over 200 believers have been arrested and taken to a detention center in Addis Ababa and Oromia. The commission in its statement also highlighted the killing of eight people in the town of Shashemene.

Moreover, after the 2023 Adwa Victory Day celebration in Addis Ababa, government security forces committed a number of human rights violations resulting in one death. Adwa Victory Day is a national holiday in Ethiopia, which is observed on March 2 every year to celebrate

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<sup>6</sup> Solomon Kibriye and Tesfa Mikael Williams, ‘Crisis in Ethiopian Orthodox Tewahedo Church’ (February 7, 2023) <<https://ocpsociety.org/crisis-in-ethiopian-orthodox-tewahedo-church/>> accessed March 12, 2023

<sup>7</sup> Ethiopian Human Rights Commission, ‘የሰብአዊ መብቶች ጥሰቶች ሳይባባሱ አፋጣኝ መፍትሔ የማፈለግ ሥራ ሊጠናከር ይገባል’ (February 10, 2023)

Ethiopia's victory over Italy in the year 1896. During the celebration, there was a peaceful gathering of people around Menelik Square and a religious congregation in the nearby Saint George Church. However, when the security forces attempted to disperse the huge gatherings, the event turned into a clash between the celebrants and the security personnel.

In its press release on March 3, 2023, the Ethiopian Human Rights Commission stated that “Security forces have overreacted and needlessly beaten people, used tear gas, plastic and lethal bullets, and other excessive measures including on older persons and children resulting in at least one death.”<sup>8</sup> Several videos circulated on social media showing the excessive use of force that the security personnel employed on the peaceful gatherings, including one showing a police member beating a person on horseback with his gun. The commission deemed these actions unnecessary and excessive and called for the implicated law enforcement officials to be subject to accountability.

### **3.2. Violence and Unrest in Amhara Regional State**

On April 06, 2023, the federal government announced to dissolve regional state special forces in Amhara as part of the decision to “build a strong centralized army that can protect the country's sovereignty and territorial integrity.”<sup>9</sup> The government stated that these forces would instead join various security structures at the regional and federal level. However, this move received backlash from the regional security, people, elites and activists, who claimed that it would leave the people in the region in danger and without credible security protection as the region is recovering from war and facing many security threats. Also, these groups accused the government of planning to disarm the Amhara Special Forces. Lastly, these groups claimed that

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<sup>8</sup> EHRC press release, ‘Regarding 2023 Adwa Victory Day celebration related incidents EHRC calls for implicated law enforcement officials to be subject to accountability’ (March 3, 2023) <<https://ehrc.org/regarding-2023-adwa-victory-day-celebration-related-incidents-ehrc-calls-for-implicated-law-enforcement-officials-to-be-subject-to-accountability/>> accessed February 10, 2023

<sup>9</sup> Addis Standard, ‘Ethiopia begins “practical activities” to dissolve, reenlist controversial regional special forces, cautions actors not to impede move’ (April 7, 2023) <<https://addisstandard.com/analysis-ethiopia-begins-practical-activities-to-dissolve-reenlist-controversial-regional-special-forces-cautions-actors-not-to-imped-move/>> accessed April 10, 2023



this move by the government was opposed because there was no credible debate and consensus among the general public, opposing political parties and other concerned parties

In response to this, the government said the leaders of all the regions, and leaders of the Special Forces had agreed to begin the practical activities. Moreover, it was stated that this was a reorganization, not a disarmament effort, and that Special Forces personnel from all regions could join the defense, federal police, or regional police forces as per their choices and needs.<sup>10</sup>

Nevertheless, violence escalated in different parts of the Amhara region, claiming the lives of many and causing series of human rights violations, including mass detentions, and property destruction. The violence escalated into a clash between armed groups, and members of the regional Special Forces on one hand and the defense force on the other hand. Civilians and aid workers, including humanitarians from the Ethiopian Red Cross Society and Catholic Relief Service, were victims of the violence. In a press release, the Ethiopian Human Rights Commission pleaded with the government to calm the situation, follow up on the human rights violations and ensure accountability for those violations.

### **3.3. Forced Evictions and House Demolishing**

In January 2023, the regional state of Oromia established Sheger City, comprising 12 sub-cities and 36 districts surrounding Addis Ababa. Immediately after the establishment, the region began demolishing houses and evicting people, resulting in massive homelessness. According to Ethiopian Human Rights Commission's report, the actions were taken without consultation, notice and adequate time, and sometimes residential homes were demolished while the majority of the residents were at work.<sup>11</sup> The commission also stated that the demolishing was accompanied by detention, beating and intimidation of citizens by the regional securities. Regarding the demolition and forced eviction, the Commission stated, "It is necessary to follow the legal process for the action of demolishing illegal construction and facilitate alternative solutions considering the social crisis that the action may cause." Along with the commission, local human rights organizations have condemned the demolition and forced eviction, urging the

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<sup>10</sup> Addis Standard, 'Ethiopia begins "practical activities (n 9)

<sup>11</sup> EHRC press release, "በኦሮሚያ ክልል በሽገር ከተማ እየተካሄደ ያለው ቤቶችን የማፍረስ እና በግዳጅ ማስነሳት እርምጃ የመኖሪያ ቤት አልባነትን አባብሏል" (March 31, 2023)

government to follow the appropriate steps, respect the rule of law and the rights of citizens. HRDs from local human rights organizations have been detained arbitrarily for investigating the alleged violations of human rights. For example, in connection with the demolition and eviction, the detention of four Ethiopian Human Rights Council investigators happened in January 2023.

### **3.4. Arbitrary Arrest and Detention of Human Rights Defenders**

The situation of HRDs remains unchanged and they are still being targeted because of their work despite the signing of a peace deal in Ethiopia. The two-year-long armed conflict was the main cause for the crackdown before. In summary, HRDs are being singled out because of their work and detention has become a tool to silence those who speak out against human rights violations. These HRDs are subject to harassment during their arrest, beating, and torture during forced disappearances, and false accusations of terrorism among other charges, which is worse than before. In 2023 and until the end of April more than 25 HRDs have been detained including lawyers, activists and journalists. EHRDC, as the only organization working in defending HRDs in Ethiopia, monitors the situation of HRDs and found the following facts to showcase the treatment of HRDs.

#### **3.4.1. The Detention of Ethiopian Human Rights Council Investigators**

On January 05, 2023, the police arrested three human rights experts and a driver from the Ethiopian Human Rights Council (EHRCO) along with the organization's vehicle. They were apprehended while investigating complaints of forced evictions in the Alem Bank area surrounding Addis Ababa.<sup>12</sup> The four human rights workers arrested were Bereket Daniel, Nahom Hussien, Daniel Tesfaye, and Bizuayehu Wendimu. The government had been accused of demolishing houses, and these human rights experts, as part of the EHRCO, were looking into these allegations.<sup>13</sup>

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<sup>12</sup> EHRCO press release, 'The Illegal Arrest and Pressure on EHRCO should be stopped!' (January 07, 2023) <<https://ehrc.org/2023/01/the-illegal-arrest-and-pressure-on-ehrc-should-be-stopped-2/>> accessed March 25, 2023

<sup>13</sup> EHRCO, 'Ethiopia must release human rights defenders detained in the country unconditionally-Urgent Joint Statement signed by 10 Horn of Africa Civil Societies Forum (HoACSF) members calling for the immediate release of the four EHRCO HRDs detained in Ethiopia' (January 12, 2023) <<https://ehrc.org/2023/01/ethiopia-must-release-human-rights-defenders-detained-in-the-country-unconditionally/>> accessed March 24, 2023

According to the organization and some of the experts testimony, the human rights experts faced various threats and pressures by government securities while in custody. The HRDs were brought to the nearby Oromia regional state court on the day of their arrest, and the court adjourned the case for the following day, January 06, 2023. The reason given by the police for their arrest was that the four EHRCO employees did not have a support letter from EHRCO, even though EHRCO was registered by the Federal Democratic Republic of Ethiopia (FDRE) Civil Society Authority with a mandate to investigate human rights concerns and the experts presented IDs of the organization.

International and national CSOs, including EHRDC, called for the release of the HRDs after their arrest.<sup>14</sup> For example, in a press release, EHRDC urged the government to immediately release the HRDs, put an end to the unlawful detention of human rights defenders in the country, and to stop violating the rights of journalists and HRDs. The center also demanded that those responsible for violating the rights of journalists and human rights defenders to be held accountable.<sup>15</sup> On January 12, 2023, the HRDs were released on bail after eight days of detention.

### **3.4.2. The Detention of Journalists and Dissents**

In Ethiopia, journalists and dissenters who exercise their right to free speech are now frequently being detained. After falling to a record-low in 2019 and 2020 as a result of the 2018 reform, there have been an unprecedented number of increases in the wrongful detention and harassment of journalists. The key causes for the increasing crackdown are: Political unrest, armed conflict and the prevalence of human rights violations in the country.

On February 13, 2023, Deacon Yosef Ketema, a journalist at the EOTC Afaan Oromo Broadcasting Service (EOTC TV), was detained by security forces at around 4:00 PM while he

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<sup>14</sup> International Federation of Human Rights, ‘Ethiopia: Arbitrary arrest and detention of four EHRCO members’ (January 11, 2023) <<https://www.fidh.org/en/issues/human-rights-defenders/ethiopia-arbitrary-arrest-and-detention-of-four-ehrc-members>> March 24, 2023

<sup>15</sup> EHRDC press release, ‘EHRDC is concerned about the Arbitrary Arrests of Ethiopian Human Rights Council (EHRCO) Human Rights Experts’ <<https://ethdefenders.org/ehrdc-is-concerned-about-the-arbitrary-arrests-of-ethiopian-human-rights-council-ehrc-human-rights-experts/>> accessed March 25, 2023

was on a work trip. Prior to his arrest, the journalist had been covering EOTC-related issues frequently and had also conducted interviews with religious figures on the incidents that affected the church. On the same day, the Ethiopian Federal Police arraigned 12 individuals who are members of the church along with seven leaders and members of the Ethiopian Orthodox Church Association of Youth and Adults to court for allegedly overthrowing the constitution by force and other crimes.

Furthermore, on February 14, 2023, Tewodros Asfaw, a journalist and government critique who founded the YouTube Channel *Ethio-Selam*, was arrested by security personnel at residence in Addis Ababa. Tewodros had been extensively speaking out about the incidents related to the EOTC on his YouTube channel which has over 38,000 subscribers. Tewodros was also known for his sharp criticism against the government in his commentaries on political and social issues. In his last appearance on his YouTube channel, he discussed the call made by EOTC for a nationwide demonstration titled “The Peaceful demonstration that determines the existence of the Synod”.<sup>16</sup> On February 16, Tewodros was granted bail by the Addis Ababa High Court for 30,000 Birr but he remained in custody while the police appealed the bail decision. After being held for eight days, Tewodros was released on February 22, 2023, when a higher court upheld the bail decision. Similarly, Yosef Ketema was released on February 21, 2023, after eight days of detention.

On March 26, 2023, Aragaw Sisay, the founder and chief editor of “Roha News”, a privately held YouTube news channel, was detained by federal police in Addis Ababa. Similarly, journalist Getenet Ashagry, chief editor of the YouTube-based broadcaster “The Voice of Amhara” was arrested in the capital on the same day. According to a report by the Committee to Protect Journalists (CPJ), both journalists appeared before the Arada Federal First Instance Court in Addis Ababa on March 28, 2023 allegedly accused of incitement to violence on social media.<sup>17</sup> The journalists appeared in court on April 11 and 12, 2023 for the second time and third

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<sup>16</sup> Addis Standard, ‘Security forces detain two journalists amidst crackdown following ongoing Orthodox Church schism, ensuing unrest’ (February 15, 2023) <<https://addisstandard.com/news-security-forces-detain-two-journalists-amidst-crackdown-following-ongoing-orthodox-church-schism-ensuing-unrest/>> accessed March 25, 2023

<sup>17</sup> CPJ, ‘Ethiopian authorities detain journalists Getenet Ashagre and Aragaw Sisay’

time. Following this, the police requested an additional 14 days of remand, which the court reduced to 10 days. As of the writing of this assessment, both journalists remain in police custody despite their attorney's bail claim and the illegality of their pre-trial detention.

On March 2, 2023, Beyene Wolde, a journalist and the founder of Gurage Media Network, was arrested at the capital, Addis Ababa. On March 3, he was brought before the Lideta High Court in Addis Ababa, where he was allegedly accused of using violence to overthrow the country's constitutional order, engaging in terrorism-related activities, organizing the youth, and using social media platforms to "cause mayhem and death."<sup>18</sup> However, on March 7, his case was dropped by the Federal High Court and instead, on March 14, he was brought before the High Court in Gurage Zone, Butajira town. On April 12, 2023, Beyene was released on a bail bond after spending 41 days in police custody. He claimed, in an interview posted on his YouTube channel, that he was not subjected to any ill treatment while in prison. After his release, the journalist posted to his Facebook page, "My sole crime is being a journalist and what I'm doing is helping people to be heard since the essence of journalism is being a voice for the voiceless."

In the first half of April, a record number of journalists and media personalities were detained, indicating a crackdown on press freedom. More than six journalists were detained, including Meskerem Abera (Ethio Nikat), Dawit Begashaw (4 Kilo Media), Abay Zewdu (Amhara Media Center), Yeayeneabeba Gizaw (Yehabesha Wog), Samuel Assfa (Ethiopian Media Service), Senayit Ayalew (Ashara Media), Genet Asmamaw (Yeneta Tube), Tewodros Asefaw (Ethio Selam), among others. According to CPJ, security personnel in Addis Ababa arrested at least six journalists and allegedly assaulted two while in custody between April 3 and April 13. Genet Asimamaw from "Yenerta Tube" and Yeayeneabeba Gizaw from "Yehabesah Wog," which suspended operations in 2022, were beaten and harassed by security personnel during their detention. Yeayeneabeba was released unconditionally on April 5, 2023, and did not suffer any significant injuries.

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(April 3, 2023) <<https://cpj.org/2023/04/ethiopian-authorities-detain-journalists-getenet-ashagre-and-aragaw-sisay/>> accessed April 10, 2023

<sup>18</sup> CPJ, 'Ethiopian authorities detain Gurage Media Network founder Beyene Wolde' (March 22, 2023) <<https://cpj.org/2023/03/ethiopian-authorities-detain-gurage-media-network-founder-beyene-wolde/>> accessed April 05, 2023

Journalist Dawit Begashaw, who is the founder and an executive member of the Ethiopian Media Professionals Association and founder of 4 Kilo Media, was also arrested by the Ethiopian National Defense Force on April 12, 2023, in Bahir Dar City, Amhara Regional State. Later in the day he was transported to Addis Ababa Federal Detention Center.<sup>19</sup>

On March 14, 2023, Niguessie Berhanu, a critical voice and dissenter from “Yegna TV,” was abducted and tortured by unknown individuals. Nigussie was taken from Addis Ababa in a covered and unmarked vehicle to an unknown location, where he was beaten to the point of losing consciousness. He faced harassment, ill-treatment and death threats if he continued his journalistic work. He was later released and thrown by the roadside. Despite the intimidation faced by both men and women HRDs, there is an increasing tendency that women human rights defenders face distinct challenges.

### 3.5. Women Human Rights Defenders

Throughout the world, women have played a pivotal role in advancing human rights.<sup>20</sup> In particular, women human rights defenders (WHRDs) are vital in promoting accountability and respect for human rights by exposing violations in their communities and beyond. In Ethiopia, WHRDs are actively involved in various ways to support the protection of human rights. These include investigative journalism, online activism, and using the media to raise awareness about human rights violations and the need for accountability. However, these efforts come with risks, and WHRDS in Ethiopia are often targeted for their work. They sometimes face gendered attacks, including derogatory comments about their bodies and attempts to discredit their reputation in an effort to delegitimize their work.

During this assessment period, several WHRDs were detained due to their human rights work and journalistic activities. Among those detained were Meskerem Abera, an activist and HRD who owns an online media outlet, journalist Genet Asimamaw, and Yeayinabiba Gizaw, who

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<sup>19</sup> Ethio 251 Media,

<<https://www.facebook.com/ETHIO251/posts/pfbid0cYaohDBgDjLiV7W2D5MVYG3t9caJn74Nq5y4qrGhLCwnVF9rELVnLHide6KioMF6l>> accessed April 20, 2023

<sup>20</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

used YouTube to discuss various topics including accountability for human rights violations. Genet and Meskerem mainly report and comment on political and social issues affecting the Amhara ethnic group. Their arrests came amid political unrest in Amhara state, where protesters opposed government plans to dissolve the regional Special Forces.<sup>21</sup> In addition to being detained, Genet and Yeaynabeba have also experienced physical abuse and gender-based harassment during their detention, including insults about their physical appearance, and mockery of their work.

### 3.6. Arbitrary Denial of Bail, Arbitrary and Unlawful Pre-trial Detention

Both the international human rights instruments that Ethiopia has agreed to and the national legal frameworks of Ethiopia, which include the constitution, criminal procedure code, and media laws, prohibit the arbitrary denial of bail and unlawful detention. Article 9(1) of the International Covenant on Civil and Political Rights provides that:

*“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.”*

As a regional instrument, Article 6 of the African Charter on Human and Peoples’ Rights guarantees that:

*“Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.”*

Similarly, the Ethiopian constitution under article 17 specifies that:

“No person may be subjected to arbitrary arrest, and no person may be detained without a charge or conviction against him.”

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<sup>21</sup> CPJ, ‘At least 8 journalists detained amid renewed unrest in Ethiopia’ (April 14, 2023) <<https://cpj.org/2023/04/at-least-8-journalists-detained-amid-renewed-unrest-in-ethiopia/>> accessed April 20, 2023

Moreover, the criminal procedure code of Ethiopia requires police officers to call suspected persons through written summons as a first resort.<sup>22</sup> In the subsequent articles of the procedure code, it also provides that an arrest is only needed when the offence justifies an arrest, or the person summoned fails to appear.

Furthermore, the Ethiopian media proclamation prohibits pre-trial detention for any alleged offence committed through the media.<sup>23</sup> The proclamation states that:

“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.”

Despite these legal stipulations and prohibitions, journalists and HRDs in Ethiopia who express their opinions through media are often subject to arbitrary arrest and detention. This not only violates their human rights but also undermines trust in institutions that are meant to keep societies safe and open. The Human Rights Committee (HRC), in its General Comment No. 35, considers arrest or detention without a legal basis as arbitrary.<sup>24</sup> The HRC also viewed the continued confinement of detainees who have been ordered to be released by a court as both arbitrary and unlawful in the *Chambala vs. Zambia* case.<sup>25</sup> According to the HRC, “unlawful” detention includes detentions that violate domestic law and those that are incompatible with Article 9, paragraph 1, or any other relevant provision of the Covenant.<sup>26</sup> In addition to this, the HRC explained in its jurisprudence that “arbitrariness” should not to be equated with “against the

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<sup>22</sup> Criminal Procedure Code of Ethiopia Art. 25

<sup>23</sup> Media Proclamation No. 1238/2021 Art. 86

<sup>24</sup> Human Rights Committee, General comment (GC) No. 35 Article 9 (Liberty and security of person) CCPR/C/GC/35

(16 December 2014) Para. 11

<sup>25</sup> HRC, GC No. 35 (n 24) Para. 11

<sup>26</sup> HRC, GC No. 35 (n 24) Para. 44



law,” but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law.”<sup>27</sup>

As inferred from the media proclamation, offences committed through the media are not grounds for pre-trial detention. Nevertheless, all the journalists, with the exception of one, are being arrested from their home, place of work or café without being summoned first. This goes against the aforementioned laws and undermines the principle of rule of law.

In addition, although courts in Ethiopia guarantee bail to HRDs, the police often keep them in custody for longer periods, claiming the need to appeal to a higher court. Even in some cases police kept detainees unlawfully after the claims have been rejected by the higher court. This practice goes against Article 75 of the criminal procedure code which protects only the right of the accused to apply to a higher court when bail has been refused, but not the police. Essentially, there is no legal provision in Ethiopia that grants the police the power to detain individuals solely for the purpose of appealing to a higher court. Nevertheless, this has become common practice in Ethiopia, and the police use it to detain HRDs for longer periods, undermining the power of the courts and violating the principle of separation of powers.

### **3.7. Internet Shutdown and Freedom of Expression**

Freedom of expression is a cornerstone of democracy that encompasses a number of other rights, including the right to seek, receive, and impart information using any medium. This fundamental freedom enables citizens to access knowledge and information, communicate with others, and express their opinions. In Ethiopia, around 16 million people, which represent 15.4% of the country’s total population, use the internet to exercise this freedom. Therefore, when the government shuts down the internet, it violates the citizens’ right to freedom of expression and communication. This is because by blocking access to the internet or social media, the government limits users’ ability to access information and communicate with each other, effectively preventing them from expressing their ideas.

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<sup>27</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.

Since 2016, internet shutdowns have occurred over twenty times in Ethiopia during major events, including the armed conflict in Tigray, and the insurgency in Wollega. Despite this, the government of Ethiopia has recently launched a national ‘Digital Strategy’ (2020-2025) aimed at achieving digital transformation by the year 2025. However, prior to the announcement of the national ‘Digital Strategy’, the Ethiopian Prime Minister, Abiy Ahmed, made a controversial statement in parliament addressing the issue of recurrent internet shutdowns in Ethiopia. In his statement, PM Abiy Ahmed said, “As long as it is deemed necessary to save lives and prevent property damages, the internet would be closed permanently, let alone for a week. Ethiopia will cut the internet as it’s neither water nor air.” While the early years of Abiy’s administration provided a favorable climate for the online space, the government has since 2018 implemented numerous Internet shutdowns, and internet disconnection has become the government’s primary strategy during violence or unrest.

In this regard, it has been over two months since the Ethiopian government banned the access to important social media channels. The decision came after the Ethiopian Orthodox Tewahedo Church protests, and activists calling for peaceful demonstrations in online spaces. Sparked by tensions between the Ethiopian Orthodox Tewahedo Church and the government, authorities began blocking access to social media platforms, including Telegram, Facebook, and TikTok on February 9, 2022. However, the government did not make any official announcement about the ban nor reveal the purpose and the individuals responsible for restricting access to these social media platforms.

### **3.8. Ban on Peaceful Demonstration**

On February 9, 2023, the Ethiopian Orthodox Tewahedo Church called for a demonstration. This was in response to the illegal appointment of bishops in January 2022, and the reports of killing and mistreatment of believers by security forces in Oromia regional state. On the same day, the government released a statement warning against holding demonstrations and declaring the call for the demonstration illegal, as it did not have authorization. The government also linked the call for the demonstration to a plan to overthrow the government and stated that it crossed a “red line” which obliged the government to take law enforcement operations. The “law enforcement operation” scenario has been used to justify passing command posts (a de facto state of emergency) and detaining people in various situations, including the armed conflict in the north,

the unrest in Amhara and Oromia regions, and in relation to the Church incidents. Despite the government's stern statement and ban on demonstrations, the church announced that the peaceful demonstration would proceed as planned if the government did not respond to the demands of the church within two days. The church requested the government not to interfere in its internal affairs, to respect the legal rights of the church, to end the killing and detention of believers, and refrain from backing the illegally appointed bishops. After discussions between the government and the church, the demonstration was postponed.

According to Ethiopian law, the FDRE constitution and other subsidiary laws have recognized the right to peaceful demonstration. Article 30(1) of FDRE constitution provides that;

“Everyone has the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition. Appropriate regulations may be made in the interest of public convenience relating to the location of open-air meetings and the route of movement of demonstrators or, for the protection of democratic rights, public morality and peace during such a meeting or demonstration.”

The Proclamation to Establish the Procedure for Peaceful, Demonstration and Public Political Meetings No. 3/1991 (Proclamation No. 3/1991) also protects the right to peaceful demonstration and outlines the specific notification requirement that must be fulfilled before carrying out such a demonstration.<sup>28</sup> According to this proclamation, organizers of the demonstration must ‘notify’ the authorities 48 hours before the demonstration, which aligns with the international standard. Article 9 of Proclamation No. 3/1991 specifies that peaceful demonstrations without prior notification are illegal. Nevertheless, the law does not require authorization from authorities, as claimed by the government when justifying the ban on the church's peaceful demonstration. Thus, the ban on the church's peaceful demonstration, even if the church later postponed it, is a violation of the right guaranteed in the constitution and international instruments.

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<sup>28</sup> Proclamation to Establish the Procedure for Peaceful, Demonstration and Public Political Meetings, 1991, Art.4, Proc. No. 3, Neg. Gaz. Year 50, no.4. (hereinafter, Proclamation No. 3/1991); Yenatfanta Eskindir, ‘The right to peaceful demonstration in Ethiopia: its implementation and compatibility with international human rights instruments’ (Addis Ababa University) 2018

#### 4. Media Crackdown and its Chilling Effect on Human Rights

The increasing repression of the media and individuals who express their views through the media has had a detrimental effect on human rights. This is because the crackdowns on media not only negatively affect press freedom, but also have a chilling effect on human rights. Detentions, warnings, and bans on media houses, including foreign media services, leave human rights violations uncovered. For instance, during the arrest of the Gurage Media Network founder, Beyene Wolde, the media was not functional, leaving the protests, demonstrations and human rights violations uncovered in the area where the media operates.

Moreover, on January 28, 2023, the Somali regional state suspended 15 media outlets for allegedly operating without licenses. The suspension came after the Ethiopian Media Authority urged the Somali Region Communications Bureau to take action against the media. The regional state's communications bureau then issued a statement ordering the suspension of operations for 15 media outlets, including BBC Somali, MM TV, Universal TV, Horyaal TV, RTN TV, Universal TV, Five TV, Sahan TV, Horn Cable TV, and Goobjoog TV.<sup>29</sup> Also, the Ethiopian Media Authority on April 13, 2023 wrote a last warning letter to the Ethiopian Satellite Television (ESAT TV) allegedly accusing for disseminating unbalanced news without sufficient sources. In addition, the authority accused the media for violating journalistic ethics and the Hate Speech and Disinformation Prevention and Suppression Proclamation No. 1185/2020.

The detention of many journalists, confiscation of their office equipment, bans on coverage, and warnings against speaking out have rendered their activities difficult, resulting in the discontinuation of their services. These, and other crackdowns on the media, leave human rights violations unaddressed, unheard and uncovered.

#### 5. Recommendations

EHRDC has consistently provided recommendations to the relevant stakeholders, including the Ethiopian Government, in its periodic assessments and reports. However, despite these

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<sup>29</sup> Addis Standard, 'Somali region suspends 15 media outlets, accuses reporters of working without licenses' (January 31, 2023) <<https://addisstandard.com/news-somali-region-suspends-15-media-outlets-accuses-reporters-of-working-without-licenses/>> accessed April 15, 2023

recommendations, the situation of HRDs in Ethiopia remains alarming due to the actions taken by security forces against the rule of law. In light of these facts and findings, EHRDC wishes to provide the following recommendations to the government and make an appeal for the respect of the rule of law:

- EHRDC remains concerned about the arbitrary arrests, unlawful and prolonged detention, threats, and attacks against HRDs. Therefore, EHRDC urges the Ethiopian government to ensure prompt and impartial investigations into threats and violence against human rights defenders, hold alleged perpetrators accountable, and put an end to impunity.
- The Ethiopian government should adhere to the rule of law by complying with the constitution, media law, and procedural laws of Ethiopia while arresting and detaining HRDs.
- The government should enact legislation to protect HRDs and implement the UN Declaration on Human Rights Defenders by integrating it with national policies and strategies.
- The government should respect freedom of the press, freedom of expression, freedom of assembly and people should not be targeted based on their exercise of these freedoms.