

Ref: TIGO IOR 63/2015.005

H E Hifikepunye Pohamba
Chair
African Union Election Observation Mission
(AUEOM) to Ethiopia
African Union Headquarters
P O Box 3243 Roosevelt Street (Old Airport Area)
W21K1
Addis Ababa
Ethiopia

21 May 2015

Your Excellency

RE: PRELIMINARY RECOMMENDATIONS REGARDING OBSERVATION OF GENERAL ELECTIONS IN ETHIOPIA

Greetings from Amnesty International's Regional Office for East Africa, the Horn and the Great Lakes.

We note your deployment of both Long-Term Observers (LTOs) from 19 April-7 June and Short-Term Observers (STOs) from 17-28 May to observe the Ethiopian parliamentary election in line with international and regional standards. We are writing to highlight human rights concerns in Ethiopia and to forward our preliminary recommendations for the African Union Election Observation Mission (AUEOM) to Ethiopia ahead of the parliamentary elections scheduled for 24 May 2015. We urge you to ensure the AUEOM pays attention to the human rights situation in the country, in assessing both the immediate context during the election period as well as the broader context in which the elections are taking place.

We also note the AUEOM's pre-election statement issued yesterday and its acknowledgement of the concerns raised by some interlocutors about sections of the Media Law, Charities and Societies Proclamation (CSP) and Anti-Terrorism Proclamation (ATP) that limit freedom of expression and effective citizens' participation in political activities. We urge you to ensure the AUEOM gives greater weight to these human rights concerns and to assess the practical impact the application of this restrictive legislation has had on the human rights situation in the country and the context in which the elections take place.

Amnesty International has been monitoring, documenting and reporting on the human rights situation in Ethiopia for over four decades. Since the last parliamentary elections in 2010, we have documented a pattern of violations of the freedoms of expression and association, arbitrary and politically motivated arrests and detentions as well as torture and other ill-treatment which have contributed to widespread repression in the country. In the run-up to the 2015 elections, Amnesty International continues to receive reports of human rights violations especially targeting journalists, bloggers, political opposition party members and protesters.

Systematic repression of dissent

The Ethiopian government continues to repress all forms of dissent, in violation of its obligations to respect, protect and promote the freedoms of expression, association and assembly, guaranteed in its

**AMNESTY
INTERNATIONAL**



AMNESTY INTERNATIONAL
INTERNATIONAL SECRETARIAT
Regional Office for East Africa, the Horn and the Great Lakes
3rd Floor, Parkfield Place
Kanjata Road, off Waiyaki Way
P O Box 1527
Nairobi 00606
T: (254)20.4283000
E: amnestyis@amnesty.org
W: www.amnesty.org

own Constitution and in the African Charter on Human and Peoples' Rights to which Ethiopia is a state party. As the AUEOM also noted in its statement, the legislative framework restricts, rather than enables the full exercise of the freedoms of expression, association and peaceful assembly. In particular, the Charities and Societies Proclamation and the ATP have undermined the ability of civil society and independent media to carry out human rights monitoring, documentation, reporting and analysis of government policy and action.¹

Since the adoption of the ATP, at least 17 journalists, including Eskinder Nega, Reeyot Alemu, Wubishet Taye and others, have been arrested and charged under the legislation's overly broad provisions, and sentenced to between three and 18 years in prison. In October 2014, prominent editor Temesgen Desalegn, was sentenced to three years' imprisonment for "defamation" and "inciting the public through false rumours." Many journalists have fled to neighboring countries because they are afraid of intimidation, harassment and potentially attracting politically motivated criminal charges. Following the publication of a "study" in Addis Zemen in early 2014 that alleged that seven independent publications had printed articles promoting terrorism, denying economic growth, belittling the legacy of Meles Zenawi, and committing other "transgressions," the government announced in August 2014 that it was bringing charges against several of the publications, causing over 20 journalists to flee the country within one month.

In April 2014, six bloggers from a group that calls itself "Zone 9" and three journalists were arrested and charged, alongside another Zone 9 blogger in absentia, with terrorism offences. Their trial, which has been repeatedly adjourned, will resume on 26 and 29 May 2015. Despite a number of the defendants complaining in court of torture and ill-treatment during pre-trial detention, their complaints were not investigated. They have also lodged a complaint with the Ethiopian Human Rights Commission, but they have not yet received a response.

Opposition political party members and supporters have faced restrictions of their rights to freedom of association and assembly. Several opposition political party members have been arrested and charged under the ATP, with some being convicted. Between March and December 2011, more than 108 opposition political party members were arrested for alleged involvement with terrorist groups.² Andualem Arage, vice chair of the opposition political party Unity for Democracy and Justice (UDJ) was sentenced to life imprisonment in July 2012 on terrorism charges. Olbana Lelisa and Bekele Gerba of the Oromo People's Congress (OPC) and the Oromo Federalist Democratic Movement (OFDM) respectively, which have since merged as the Oromo Federalist Congress (OFC), were arrested in August 2011 within days of meeting Amnesty International delegates in Ethiopia, and sentenced to 13 and 8 years imprisonment respectively, reduced to 11 years and 3 years 7 months on appeal. Bekele Gerba was released in April 2015 having served his sentence.

The government has shown intolerance for protests, particularly since the disputed 2005 national elections, in the aftermath of which security services opened fire on peaceful protesters in Addis Ababa and thousands of people were arrested around the country. In the period 2011-14, thousands of ethnic Oromos were arrested for participating in peaceful protests on a wide range of issues, including during and after protests against the "Master Plan" in 2014.³ Several thousand people have also reportedly

¹ Amnesty International, Stifling human rights work: the impact of civil society legislation in Ethiopia, 12 March 2012, Index number: AFR 25/002/2012, <https://www.amnesty.org/en/documents/afr25/002/2012/en/>; Amnesty International, Dismantling dissent: intensified crackdown on free speech in Ethiopia, 16 December 2011, Index number: AFR 25/011/2011, <https://www.amnesty.org/en/documents/afr25/011/2011/en/>

² Amnesty International, Dismantling dissent: intensified crackdown on free speech in Ethiopia, 16 December 2011, Index number: AFR 25/011/2011, <https://www.amnesty.org/en/documents/afr25/011/2011/en/>

³ In April and May 2014, protests against the "Addis Ababa and Oromia Special Zone Integrated Development Master Plan" took place in many universities and towns across Oromia. According to the government, the "Master Plan" would bring urban services to remote areas. However, protestors and other Oromos feared that the move would be detrimental to the interests of Oromo farmers and would lead to large-scale evictions to make way for land leasing or sale, which had already happened in some

been arrested during a series of protests carried out by the Muslim community in 2012-13 against alleged government interference in Islamic affairs.

The CSP of 2009 has continued to have a devastating impact on the work of independent human rights organizations in the country. The Human Rights Council (HRCO), one of the few remaining human rights monitoring organisations, was required to remove election monitoring from its mandate when it reregistered in 2009. The organization had conducted significant human rights work around previous elections, including voter education and election observance. The CSP only allows Ethiopian mass-based organizations to participate in election observation. The Coalition of Ethiopian Civic Society Associations is expected to deploy 45,000 observers to the 2015 polls.⁴ The same coalition of mass-based organizations, most of which are known to be affiliated with the ruling party, undertook election monitoring in 2010.

Recent human rights violations during the election period

Opposition political party members report increased restrictions and a crackdown on their activities in the run-up to the election. The Semayawi (Blue) Party, a newly established opposition political party, informed Amnesty International that over 50 per cent of their candidates had their registration canceled by the National Electoral Board. They had registered 400 candidates for the House of Peoples Representatives but only 139 will be able to stand for elections.

On 12 May, two campaigners and three supporters from the Blue party who were putting up posters in Addis Ababa were arrested by security officers. They were released on bail after four days in detention. Eight Blue Party members and over 10 protesters were arrested on 22 April after police used excessive force to disperse protests that turned violent during an official ceremony to mourn the deaths of 26 Ethiopians and Eritreans killed by the armed group calling itself the Islamic State (IS) in Libya. The Blue Party members are accused of inciting the violence and are still detained. Other members of the Blue party, including Blen Mesfin, Tewachew Damtew, Matias Mekuriya, Sintayehu Chekol, Tewodros Assfaw and Meron Alemayehu, were arrested in Addis Ababa in the days following the 22 April rally, remain in detention. The Blue Party reports that over 10 other members have gone into hiding for fear of facing similar detention and harassment. Seven female and three male members of the party were arrested in March 2014 during a run to mark International Women's Day in Addis Ababa. They had been chanting slogans including "We need freedom! Free political prisoners!" They were released without charge after 10 days. In late April 2014, 20 members of the party were arrested while promoting a peaceful demonstration in Addis Ababa. They were released after 11 days.

Party officials of the Ethiopian Federal Democratic Unity Forum (EFDUF) - Medrek - reported to Amnesty International that their candidates and members had also been targeted. The party reported that in March 2015, Koshi Hiluf Kahisay, who is a member of Arena-Medrek, was badly beaten by three armed security officers in Tigray Region. Koshi Hiluf Kahisay had previously faced intimidation and received several verbal warnings from security officials to leave the party or face the consequences.

On 27 January 2015, the police violently dispersed peaceful protesters in Addis Ababa, during an event organized by the Unity for Democracy and Justice Party (UDJ). Police beat demonstrators with batons, sticks and iron rods on the head, face, hands and legs, seriously injuring over 20 of them. Among those seriously injured was Sileshi Hagose, fiancé of imprisoned journalist Reeyot Alemu. Sileshi sustained serious injuries to his face and head and both hands were broken. Other members of the UDJ, including Asrat Abreha, Daniel Tefera, Biru Birmega, Tsegaye Alamirewu, Ashagre Meshesha, Solomon Siyum,

parts of the region. Many Oromos also considered the move to be in violation of the Constitutionally-guaranteed protection of the "special interest" of Oromia in relation to the supply of services or the utilization of resources or administrative matters arising from the presence of the city of Addis Ababa within the state of Oromia.

⁴ Ethiopian Herald, Coalition Working With Full Capacity to Observe Upcoming Election, 24 April 2015, <http://allafrica.com/stories/201504241759.html>

Lielina Gugsu, Dawit Tesema, Sintayehu Chekol, Ashenafi Asamirewu, Eisayas Tufa and Meskerem Yaregal also sustained injuries.

On 19 May 2015, Bekele Gerba, recently released from jail, and other members of the OFC-Medrek were beaten and then arrested by local security and the police for a couple of hours while they were campaigning in Oromia Region, Illibabur Zone.

Recommendations

The human rights element of the AUEOM's mandate was highlighted in the announcements of its deployment, including through observing, collecting and analyzing data in line with relevant AU and international instruments. While the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights are specifically cited, the African Charter on Human and Peoples' Rights is also relevant.

Amnesty International therefore urges you to use your position and leadership to ensure that the AUEOM:

- Closely monitors the human rights context around the elections, paying particular attention to the violations described in this letter, namely restrictions on freedom of expression, association and assembly, arbitrary arrest and detention, torture and ill-treatment, and the excessive use of force by security forces; and that the AUEOM includes a thorough assessment of human rights violations before, during and after the election period in its private and public reporting on the conduct of the elections;
- Provides concrete and immediate recommendations to the government and relevant AU organs, including the African Commission on Human and Peoples' Rights, on measures to be taken to address systematic human rights violations being committed in the context of elections.

Sincerely,



L. Muthoni Wanyeki
Regional Director for East Africa, the Horn and the Great Lakes

Cc

H E Dr Nkosazana Dlamini Zuma
Chairperson
AU Commission

H E Dr Aisha Laraba Abdullahi
Commissioner
AU Department of Political Affairs