

ETHIOPIA

THE CURTAILMENT OF RIGHTS

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I. SUMMARY

In May 1991, the Ethiopian People's Revolutionary Democratic Front (EPRDF) took power in Ethiopia, having defeated the Derg military dictatorship after almost two decades of civil war. The Derg had presided over one of the darkest periods in recent Ethiopian history, a time in which security forces orchestrated the elimination of thousands of suspected members of urban opposition groups. In rural areas, government attempts to repress rebellious ethnic groups and regions translated into indiscriminate military campaigns that targeted unarmed civilians in total disregard of basic norms of international humanitarian law. Economic mismanagement and tight state's control over the economy further exacerbated the vulnerability of the rural population. An estimated one million people succumbed to starvation and disease during the tragic famine of the mid-eighties, a disaster due in large part to misguided government policies. Thousands of impoverished peasants died as the government forced the entire populations of famine-affected regions to relocate. The Derg's interest in its own political survival was, however, more central in the ill-fated move than humanitarian concerns.

The Derg was defeated not long after the collapse of the former Soviet Union, a time in which democratic movements were resurgent internationally, most notably in the countries of the eastern block. In Africa, these developments signaled the fall from favor of the one-party centralized state and military rule. The winds of change called for multipartyism, democratic freedoms, and respect for human rights. Western powers mandated the adoption of a market economy and democratic participation, conditioning economic assistance on these criteria.

Internal factors were, however, equally decisive in shaping the EPRDF's proclaimed commitments to democratization and human rights. With the legacy of the Derg behind it, the EPRDF proclaimed, as it instituted a four-year transitional period (1991-1995), its commitment to democratization and the respect of the rule of law and pledged to establish human rights in the country. The transitional legislature ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture). Both the transitional charter and the constitution of today's Federal Democratic Republic of Ethiopia, adopted at the end of the transitional period, give prominence to human and peoples' rights, with thirty-two articles of the constitution devoted to detailed human rights provisions. Furthermore, the constitution provides for the incorporation into domestic laws of all the human rights treaties to which Ethiopia is party.

The transitional government and the federal government gradually enacted laws that guaranteed the respect of human rights and civil liberties and instituted the independence of the judiciary and the press. Multipartyism was instituted, and free universal suffrage introduced, theoretically allowing the convening of competitive elections for the first time in the country's history. Being a coalition of ethnically-based liberation fronts that the Tigrean People's Liberation Front (TPLF) dominated, the alliance actively promoted a policy of ethnic federalism that was to influence the subsequent constitutional, political, and administrative restructuring of the country.

Ethnically-based fronts and opposition parties, as well as emerging civil groups—including human rights and democratization organizations—eagerly moved to occupy the democratic spaces created by these constitutional and legal reforms. It became increasingly clear, however, that they could only do so within the limits and controls drawn by the new rulers. The ruling EPRDF dominated the political system by favoring regional parties affiliated with it and clamping down on opposition groups. It also sought to dominate the emerging civil society through bureaucratic and legal restrictions and various forms of harassment of activists. As a result, the political landscape in the country remained overwhelmingly dominated by the EPRDF. The alliance embraced under its umbrella a number of regional parties. These parties were promoted to command positions in local administration and received government support during a series of local and national elections from 1992 to 1995 that ensured their dominance over regional legislatures. Several independent political groupings and ethnically-based fronts which had significant support in their respective ethnic homelands, including the Oromo Liberation Front (OLF) and the Ogaden National Liberation Front (ONLF), complained in the early periods of the transition about political harassment and killings of their activists, claims which later were corroborated by independent observers. On the other hand, urban elites who were recruited in the past from the dominant Amhara group, and who were attached to traditional forms of centralized government

fiercely opposed the policies of ethnic federalism that the EPRDF actively promoted. The opposition groups opted to boycott the series of elections that marked the phases of the political restructuring of the country, alleging serious official impediments to free political campaigning. The boycott only confirmed the accession of the EPRDF and its affiliates to a position of virtual dominance of the political process.

The emerging contours of the political scene generated a particular set of human rights problems. In remote regions, where government forces sporadically confronted armed dissident groups pressing for self determination on ethnic grounds, village shakedowns followed armed encounters or were used to preempt these. As a result, hundreds of civilians were held in 1996 and 1997 under the authority of regional governments that suspected them of supporting armed opposition groups. As documented in this report, this particular category of detainees faced the greatest risk of political killings, torture, and harsh and inhumane treatment, mainly at the hands of members of rural militias and other security forces that enforce law and order in remote rural areas.

Other crackdowns severely curtailed the exercise of civil and political rights. The government attempted to bring a boisterous private press in line by the routine use of detention and imprisonment, and the imposition of prohibitive fines and bail amounts on journalists and editors. The exercise of constitutionally guaranteed freedom of association was severely curtailed as activists loyal to the government targeted the two largest labor organizations in the country, the Ethiopian Teachers' Association (ETA) and the Confederation of Ethiopian Trade Unions (CETU), for control. Indicative of the predicament of ETA was that its president, Dr. Taye Wolde Semayat, started his second year in prison in May 1997, pending the conclusion of his trial on charges of heading an armed clandestine anti-government group. In earlier phases of his protracted trial the court had decided to drop other charges against him, including his alleged participation in a bomb attack against the compound of the United State Agency for International Development (USAID), and the abduction of two Italians. On May 8, 1997, the police said it had shot and killed his successor at the head of ETA, Assefa Maru. The police statement claimed that the union official, who was also an executive committee member of the independent Ethiopian Human Rights Council, resisted arrest when police caught him preparing a terrorist act with other accomplices, and said he had replaced Dr. Taye as the leader of the clandestine armed group. The general secretary of ETA, who at the time of the killing of his colleague was on an overseas business trip, opted not to return to the country. In the meantime, the government continued to subject the remaining four members of ETA's executive committee to various forms of harassment and pressure. Abate Angore, who headed the members' affairs department, was arrested in March 1996, and spent two months in detention in Addis Ababa without charges or trial for his role in protesting a police raid on ETA premises. On September 21, 1996, he was again arbitrarily detained in the Southern Region, when he went there on family business, and regional authorities found ETA literature with him. He was only released in mid-March 1997. By mid-year, ETA had received reports that at least seventy teachers were detained in Arbe Minch, the capital of that region, mainly because regional authorities suspected them of remaining loyal to ETA. Similar tactics had succeeded in bringing CETU into the government fold after a protracted confrontation with its elected leadership.

Despite constitutional guarantees of the right to associate and organize, conflicting policy and administrative regulations have left non-governmental organizations in confusion and uncertainty. Newly founded organizations have found it difficult to register, some already existing organizations have been deregistered. The government continued to deny the veteran Ethiopian Human Rights Council legal status, contending that it was a political organization. The council's bank account was frozen in 1995 following the publication of a critical report, although its operations out of its Addis Ababa office continued to be tolerated. The newly founded Human Rights League, was by September 1997 still waiting government formal approval to be able to assume its mandate of human rights education, monitoring and reporting, ten months after submitting all the required forms, articles of association, and annual plans of activity to the competent government department. Authorities in Gode, Somali Region, raided the office of the newly established Ogaden Human Rights Committee in June 1996 and confiscated documents and office equipment. Activists and workers fled the town to Addis Ababa fearing arrest. Their internal exile rendered the promotion and protection of human rights in their remote region a most difficult task. Founded in 1992, the Oromo Ex-Prisoners For Human Rights similarly continued to function in a perilous clandestinity.

Under Ethiopian law, organizers of political meetings and demonstrations are required only to notify the competent government authorities prior to convening an event. The government managed, however, to restrict freedom of assembly by introducing a de facto permit system by virtue of which it stalled in acknowledging notifications and declared events which went ahead anyway as illegal, and therefore subject to dispersal and the arrest of participants. The government required some of those it arrested for taking part in political meetings and anti-government demonstrations, such as the 1997 demonstrations in Addis Ababa by shopkeepers and students, to submit written statements admitting their participation in an illegal activity, promising not to repeat the act, and praying for its pardon to be released. With threats of unspecified punishments hanging over their heads, the detained demonstrators all submitted to this humiliating ritual, which in addition implied that they would forfeit their constitutional right of peaceful assembly.

In 1994, Human Rights Watch published "Reckoning Under the Law," a report about the process which was about to start to render officials of the Derg accountable for the atrocities committed during that period. By the third quarter of 1997, the trials on charges of war crimes and crimes against humanity of the seventy-two top-ranking Derg officials, including Col. Mengistu Haile Mariam, who had fled to Zimbabwe shortly before the fall of Addis Ababa to the EPRDF, were still pending. As for the majority of those detained in relation to their suspected role during the Derg dictatorship, it was only in the first quarter of 1997 that the Special Prosecutor's Office announced their charging with criminal offences. The Office charged a total number of 5,198 people, of whom 2,246 were already in detention, while 2,952 were charged in absentia. The vast majority of the defendants were charged with genocide and war crimes, and faced alternative charges of having committed aggravated homicide and wilful injury. All charges were based on the Ethiopian penal code of 1957. New additional trials of Derg era defendants opened before the Federal High Court in Addis Ababa during March 1997. However, the serious crisis in the Ethiopian judiciary has left federal courts with a backlog of thousands of "ordinary cases." The new court proceedings were expected to run into similar delays that marked the first Derg-Trial. On the other hand, trials before regional high courts had not yet started as of late November 1997. Many of the defendants were in pre-trial detention for almost six years before they were brought to court.

In the face of an all-dominant party and powerful executive branch, victims of abuses had no quarters to turn to for protection and redress. The restructuring of the judiciary, which had already suffered sweeping political purges in the immediate aftermath of the fall of the Derg, has led to further pressure on its meager capacities, resulting in its near paralysis. Despite significant government efforts to reform the judiciary and ease its bottlenecks, judges who try to uphold the rule of law are frequently defeated by local officials who refuse to comply. The credibility of the new police force, which was meant to be established under civilian control, and made accountable before the law, suffered serious setbacks following the role of the police in some troubling political cases, particularly the killing in May 1997 of Assefa Maru.

The Council of Peoples' Representatives initiated preparations in 1996 for the establishment of a human rights commission and ombudsman institution to fill in some of the gaps in the rights protection regime. By the end of 1997, concrete steps in that direction had as yet to be taken.

Ethiopian government officials frequently made statements that equated the expression of human rights concerns by representatives of the international community to forms of interference in the internal affairs of the country. In any case, Ethiopia's partners in the international community gave mixed signals. They considered the country a model of economic reforms, and as a strategic ally for the stabilization of the Horn of Africa region and the diplomatic and military containment of perceived threats from the Islamist government of neighboring Sudan. This led to firm commitments of aid, and less resolve as to the conditioning of that aid on human rights improvements and sound governance benchmarks. Five years into this strategic alliance, concerned representatives of the international community still had no focal point to bring their queries about abuses to, and their appeals were rarely answered.

While the level of the Ethiopian government's political commitment to the enforcement of human rights standards was demonstrably high, its actual practices, as summarized above, significantly deviated from the stated principles. Ethiopian officials repeatedly complained that their practices were often unfairly compared to the dictatorial

excesses of the Derg. Instead, this report, the outcome of two field missions to Ethiopia in June/July 1996 and July/August 1997, examines the human rights record of Ethiopia under the EPRDF, and holds the current government accountable to standards it had introduced to guide the nation under its stewardship.

II. RECOMMENDATIONS

To the Ethiopian Government

- Abide by the provisions of the Constitution of the Federal Democratic Republic of Ethiopia, and the international human rights instruments to which Ethiopia is party, in particular the International Covenant on Civil and Political Rights, taking measures to this effect to:
 - guarantee the physical and psychological integrity of all Ethiopians currently in detention, and immediately release those illegally detained;
 - put an end to the practice of illegal or arbitrary detention as well as ill-treatment or torture of detainees and extrajudicial executions;
 - guarantee the independence of the judiciary as required by the Ethiopian constitution and international law. Particularly, allocate sufficient financial resources to the judiciary, ensure the proper training of judges and others involved in the administration of justice, and hold police and other officials who interfere with the independence of the judiciary or refuse to obey court orders accountable before the law;
 - respect freedom of association, by immediately lifting all legal and bureaucratic obstacles hindering the registration of existing and new nongovernmental organizations;
 - cease the arbitrary detention and harassment of activists in nonviolent civil organizations. Stop all unlawful attacks on these organizations in the form of raids against their offices and projects, confiscation of their property, and freezing of their bank accounts;
 - respect freedom of assembly, by lifting restrictions on political meetings and public demonstrations imposed by law and in practice, and halting arbitrary police actions to ban and disperse such meetings and demonstrations;
 - respect freedom of expression, by lifting arbitrary restrictions on the print and public broadcasting media; and ceasing the detention and imprisonment of journalists for the expression of their opinions;
 - respect academic freedom, by removing all restrictions on faculty and students' rights to associate and assemble;
 - recognize the rights of Ethiopian human rights defenders to monitor, investigate, and report on human rights abuses in the country; and their rights to associate with others nationally and internationally in pursuit of the promotion of human rights and their protection in the country.
- Establish a civilian, accountable police force, and strengthen the training of its personnel on issues of due process of law and on human rights standards and protections. To that effect:
 - conduct an independent inquiry into the killing of Assefa Maru, executive committee member of both the Ethiopian Teachers Association and the Ethiopian Human Rights Council, at the hands of police officers;

- investigate all other allegations of police abuse and improper treatment of detained persons;
- hold police officials responsible for such abuses accountable before the law.
- Establish a permanent human rights commission which is genuinely independent of the government, empowering it to:
 - monitor and report on compliance with the human rights standards enshrined in the domestic legal system and the international instruments to which Ethiopia is party;
 - establish its own priorities, which should include investigating reports of violations of the right to life and security of the person, and the right to freedom from torture and arbitrary arrest and detention;
 - submit findings to judicial bodies so that perpetrators, including those within the security forces, are brought to justice;
 - ensure that victims of abuses receive the adequate remedies that their cases call for, including protection for witnesses appearing before it and compensation for and rehabilitation of victims of abuses perpetrated by security forces.

To the International Community

Human Rights Watch urges members of the international community to press the government of Ethiopia to implement the above recommendations, in particular by using their economic support to the country to induce and to facilitate tangible human rights improvements. In particular:

- support efforts by organizations of civil society to promote human rights standards and monitor government's compliance;
- target assistance to the judiciary in order to improve its capacity and encourage its independence;
- encourage the establishment of a permanent independent human rights commission through the extension of financial and technical support.

III. BACKGROUND

In May 1991, the Ethiopian People's Revolutionary Democratic Front (EPRDF) overthrew the former dictatorial government, the Derg (military committee), ending almost a decade of devastating civil war. The EPRDF is a coalition of ethnically-based armed groups, which the Tigrean People's Liberation Front (TPLF) formed during the war, and continues to dominate to this day. It had coordinated its final assault on Addis Ababa with that of the Eritrean People's Liberation Front (EPLF) on Asmara, the capital of Eritrea, and, following a referendum in 1993, agreed to the independence of Eritrea from Ethiopia. The EPRDF's military wing assumed responsibility for national defense, and internal security immediately after the overthrow of the Derg.

In July 1991, the EPRDF held a national conference to elect a transitional government, form a legislative body, the Council of Representatives, draft a constitution, and prepare for local and national elections. Although the conference proved to be broad-based, open, and productive, not all political parties were allowed to send delegates to it. The EPRDF allocated to itself thirty-two of the eighty-seven seats in the Council of Representatives. The second largest block, of twelve seats, went to the Oromo Liberation Front (OLF), and the remainder went to smaller ethnic parties, many of which were formed immediately before the national conference convened. The conference agreed to

establish a secular state and to hold national parliamentary elections within a short period. It also approved the idea of regional or ethnic self-government, and agreed to recognize the right of self determination of those groups which by referendum decided to form separate states.

The EPRDF's policy of decentralizing of authority to regional, ethnically-defined administrations reflected the conviction that only by devolving power to the local level could the country avoid conflict which, Ethiopia's recent history suggested, was the inevitable result of concentrating power in a remote, oppressive, central government. The federal structure that has emerged accords legislative, executive, and judicial powers to ten administrative regions, while the federal government retains authority over all matters pertinent to national defense, foreign affairs, and citizenship.

Since coming to power the EPRDF has successfully sought to maintain its control over the transitional period and the political process. It has sponsored at least sixteen parties, called People's Democratic Organizations (OPDOs), each based on the dominant ethnic groups in the various regions, and it has allied itself with other regional fronts and movements. This strategy ensured that the EPRDF and its allied or satellite parties detained a monopoly of power in both regional and federal assemblies following a series of elections from 1992 to 1995 that major opposition groups boycotted. In addition to its network of PDOs and other allied groups, the EPRDF has also sought to dominate local politics by reviving "kebeles" and "peasant associations" as the lowest levels of government administration in rural and urban areas, respectively. These neighborhood committees were originally established in 1975 under the Derg. They assumed important local administrative functions, while helping to consolidate the EPRDF's political control. Representatives of the ruling coalition oversaw the neighborhood committee system and commanded the peasant militias attached to it. In short, the formal delegation of authority and responsibility to regional authorities has not been fully reflected in the reality of political control. Not only has the control of regional governments by leaders closely tied to the national ruling party made the separation of regional and federal authority more apparent than real, but, in addition, there has been little progress in creating judicial structures and mechanisms that could provide a check on unrestricted executive power. The judiciary is far from being independent. The EPRDF's dominant role in the country's legislative and executive bodies, which was evident during the transitional period, did not abate after the proclamation of the new constitution, and the EPRDF maintained its primacy in the elected parliament and the new federal government.

The other ethnically-based armed groups that had waged war against the Derg, such as the Oromo Liberation Front (OLF) and the Ogaden National Liberation Front (ONLF), had initially joined the EPRDF in the transitional government, and had agreed to pursue its project of unity through diversity. They broke with the EPRDF and the transitional government in 1992 and 1994, respectively, protesting the harassment of their members and the obstruction of their campaigns for regional elections. Since then, the two groups have led low-level armed insurgencies against the government in their respective regions. The OLF's breakaway, in particular, was marked by an initial military setback as thousands of its fighters were captured by EPRDF forces immediately after the 1992 crisis.

More recently, the resurgence of Islam as a political force has reached Ethiopia, whose population is nearly half Muslim. Radical Islamist groups, including the Islamic Front for the Liberation of Oromia, and Al-Itihad Al-Islami (Islamic Unity), which operates in the Somali Region, have conducted sporadic attacks against government and civilian targets.

The Constitutional and Legal Framework

The transitional charter that the 1991 conference endorsed provided the legal basis for the transitional period and the establishment of a transitional Council of Representatives. The Council of Representatives endorsed a draft constitution that the Constituent Assembly, elected by universal suffrage in June 1994, adopted in December of that year. The constitution came into effect in August 1995, establishing the Federal Democratic Republic of Ethiopia (FDRE).

During the transitional period, the Council of Representatives ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Both the charter and the constitution of the FDRE give prominence to human rights. Thirty-two of the constitution's 106 articles consist of detailed human rights provisions. The constitution also provides for the incorporation into domestic law of all the international human rights treaties to which Ethiopia is party.

The Ethiopian Penal Code of 1957, which remains in force, expressly incorporates certain norms of customary international law, proscribing crimes against humanity in articles 281-288, 291 and 292. In particular, those provisions bar genocide; murder, including summary and arbitrary executions; extermination; enslavement; starvation; deportation or forcible transfer of a population; persecutions on national, racial, religious, or political grounds; and other inhumane acts, including torture, rape, and "disappearance" of persons.

The Judiciary

In the August 1995 restructuring of government ministries, the Ministry of Justice lost its power over the judiciary. In late 1993, however, the Ministry of Justice gained power over the Attorney General's Office. The present powers of the ministry include advising the Federal Government in matters of law, representing the Federal Government in criminal cases falling under the jurisdiction of federal courts, directing and supervising the federal police and prison administrations, representing the government in civil cases, registering foreign and trans-regional nonprofit organizations, and drafting legislation.¹

In accordance with the constitution, the FDRE proceeded to restructure the judiciary into a decentralized system of state and federal courts. States have courts at district (*woreda*) and regional levels, consisting of trial, high and supreme courts. The supreme federal judicial authority is vested in the Federal Supreme Court, which, together with the Federal High Court, adjudicates cases involving federal law, transregional issues and national security, both at the trial and appellate stages.

The Chief Justice of the Federal Supreme Court chairs the Judicial Administration Commission, mandated to recommend judges for appointment, to make decisions regarding their promotion, discipline, and transfer, as well as to administer the courts. In the regions, where the Judicial Administration Commission is duplicated, the all powerful local administrators have in many instances shown alarming indications of interference with the independence of the judiciary.

Shortages of competent personnel and meager resources hampered the restructuring process considerably and led to severe delays in the courts. These delays aggravated considerably by the decision of the new government, upon taking power in 1991, to dismiss hundreds of qualified judges whom it suspected of having taken part in repressive practices under the Derg. In the absence of formally trained lawyers, the courts employed many lay judges. Because of regional disparities in the distribution of national wealth and access to education, entire regions had to function only with a handful of judges, and no lawyers at all.

¹See Proclamation No. 4, 1995: "A Proclamation to Provide for the definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia, Part III.23, the Ministry of Justice," *Negarti Gazeta*, no. 4, August 23, 1995, pp. 53-54.

The situation in Addis Ababa is illustrative of the paralysis of the judicial system. During the transitional period, Addis Ababa had regional status; it was one of the country's ten regions. After the new constitution, the capital could not have judicial powers of its own as these shifted to federal courts. At the end of the transitional period, the Addis Ababa Region consisted of twenty-eight *woredas* (districts), each had criminal and civil courts. In addition, it had five *woreda* labor courts, eleven zonal courts, and a supreme court with criminal and civil panels. Following the 1995 restructuring, the regional courts in Addis Ababa were abolished. In their place, the capital acquired only five trial courts, and the already existing five benches of the Federal High Court. The number of judges declined in line with the reduction in number of courts. Furthermore, the reduction of judges had an enormous impact since trial courts function with three judges, instead of the one judge previously required in district courts.²

Such shortages led to severe case overloads, with judges hearing up to ninety cases per day, according to the Ethiopian Human Rights Council and other observers.³ At the same time, judges continued to receive low salaries, as did other employees in the public sector. Exacerbating these problems, moreover, was a lack of resources, which seriously hindered the provision of equipment and supplies to the country's approximately 700 courthouses, and rendered maintenance difficult.⁴

In an August 1997 meeting with Human Rights Watch, the vice-president of the Federal Supreme Court acknowledged that purges in the judiciary had led to shortages of judges, and explained steps that the government was taking to address these problems. He said the judicial restructuring offered an opportunity for vetting judges on the basis of their integrity and competence. Only those with the highest standards, according to him, were offered positions in the new system.⁵ As a temporary measure to counter the adverse effect of losing many qualified and experienced judges, the government had introduced short legal orientation courses, of six months' duration, that facilitated the recruitment of some 600 lay judges. On July 26, 1997, the Civil Service College graduated its first batch of twenty-four students, who had been drawn from various branches of civil service, with law degrees, following a three-year

²Human Rights Watch interview with Menberetsehai Tadesse, vice-president of the Federal Supreme Court, Addis Ababa, August 5, 1997.

³See Øyvind Aadland, "Report of an Assessment Study of the Status and Context of the 'Derg-Trial' in Ethiopia," April 21-May 21, 1997, Norwegian Institute of Human Rights, Oslo, 1997. See also Ethiopian Human Rights Council, "The Administration of Justice in Ethiopia, Ninth Report, January 1996," in "Compiled Reports of EHRCO, December 12, 1991 to May 6, 1996," Addis Ababa, June 1996, p. 169.

⁴Human Rights Watch interview with Mahteme Solomon, former minister of justice, Addis Ababa, June 19, 1996.

⁵Human Rights Watch interview with Menberetsehai Tadesse, vice-president of the Federal Supreme Court, Addis Ababa, August 5, 1997.

program.⁶ They were to join the judiciary, along with graduates of the law school of Addis Ababa University. On-the-job-training was used to improve the efficiency of sitting judges and other officials involved in the administration of justice. Other steps taken to reduce judges' work load included the introduction of court clerks, and recording and documentation systems.

⁶"Forty-eight Students Graduate in Law and Economics," *Addis Tribune*, August 1, 1997.

Meanwhile, the serious limitations of the judicial system could be gauged by the large number of cases awaiting trial. Addis Ababa alone had a back log of some 70,000 cases by late 1997, not counting traffic offenses.⁷ One year adjournments became routine in the court system, with suspects and defendants in many cases having to spend long periods in pretrial detention. During a July 31, 1997 visit to the first bench of the First Instance Court of Yeka (a locality in Addis Ababa), and the Federal First Instance Court, Human Rights Watch noted crowds of litigants waiting in vain for their day in court. Instead of getting a hearing, litigants at Yeka received notices of adjournments to July 1998. A defense lawyer at the Yeka trial court told Human Rights Watch that the court had been adjourning for months because one of its three judges was on sick leave. During that time, the other two judges routinely granted police requests for pretrial detention, although they were only supposed to approve such demands, or to order temporary releases on bail, in full court sessions with all three judges present. On April 4, 1997, the Federal High Court at Sidis Kilo adjourned its examination of an appeal by the Ethiopian Teachers' Association against the administrative freezing of its account to 1998 as well, an adjournment among many on that particular day, affecting a random mix of criminal, civil, and political cases.⁸

Another serious problem facing the judiciary is the frequent refusal of the police to obey court orders, particularly orders to release political detainees held in police custody. In some cases, particularly in remote regions, political and executive officials have shown a tendency to take the law in their own hands, sometimes harassing and detaining judges. Examples of the lack of recognition of the independence of the judiciary abound. In one case, the Addis Ababa police refused to release two *bahtawis* (hermits) held in its custody since January 1997 for their suspected participation in a plot to assassinate the Patriarch of the Orthodox Church, despite five consecutive release orders from the second bench of the Federal First Instance Court (issued in April and May 1997).⁹ To circumvent these orders, police applied to the third bench of the same court for an extension of the suspects' detention. On May 21, the third bench turned down the request and, for the sixth time, ordered the release of the two hermits. They were, however, still in detention when Human Rights Watch examined their case in early August 1997.¹⁰

An earlier high-profile case is equally indicative of the Ethiopian authorities' failure to recognize the independence of the judiciary. In mid-1995, Shachachew Sheno, presiding judge in the Shakcho zone in the Southern People's Region and vice-president of Shakcho high court, granted the police a warrant to arrest and interrogate six officials in the zonal council. The prosecutor had ordered the investigation following complaints about the involvement of the six officials in the killing of three relatives of an alleged bandit. In retaliation for this action, one of the six officials suspended the judge, writing a letter to the Shakcho zone high court on August 1, 1995—a suspension that the president of the high court confirmed. The official also suspended the public prosecutor who had ordered the investigation, and he ignored directives from the regional supreme court to reinstate the judge.

⁷This figure was provided by the vice-president of the Federal Supreme Court in the above meeting.

⁸Human Rights Watch court visit, July 31, 1997.

⁹ Ethiopian Human Rights Council, "Illegal Detention," Special Report No. 15, May 27, 1997, Addis Ababa.

¹⁰Copies of the court orders are available with Human Rights Watch.

Ten months later, the judge reflected on his case to Human Rights Watch researchers. He stated,

there is no problem of procedure. The police investigated a case, the prosecutor examined it and filed charges and as a judge I rendered justice and made decisions in accordance with the law. The problem is that in the Southern Region the administrators do not want the legal procedure to work. They are the only powers in the region. There is no controlling mechanism.¹¹

The case was further aggravated when, as explained below, local officials detained and tortured the judge's wife. His repeated appeals to judicial authorities, the minister of justice, and the prime minister, appear to have been partially successful, as he was appointed to be prosecutor in Region 14 (Addis Ababa). Nevertheless, the institutional problems he so strongly denounced remain to be addressed.

The judiciary appears to be in deep crisis, a situation with implications for the rule of law. In principle, any person whose rights have been denied can seek judicial redress. The courts have an obligation to enforce the rights guaranteed in the constitution. Yet, because of the judiciary's lack of capacity, and failure of other branches of government to respect its independence, the courts have been unable to fulfill this obligation. As a result, the primacy of the rule of law in Ethiopia has been severely undermined, and the human rights of ordinary citizens have been jeopardized.

The seemingly endless cycle of judicial adjournments has obviously eroded the legal rights of prisoners. It has also allowed the government to neutralize its political opponents by putting them on trial on charges of political violence that courts take years to adjudicate. Among the cases illustrative of this trend are those of the Ziwai detainees, the president of the All Amhara People's Organization, and the president of the Ethiopian Teachers' Association (see below for a discussion of these cases). Also in detention as of this writing, pending the conclusion of a lengthy ongoing trial on charges of inciting armed rebellion, were thirty-one Muslim leaders, including Sheikh Mohamed Awel Reja, vice-president of the Supreme Council of Islamic Affairs, and Mohamed Abdu Tuku, an engineer. They were arrested following confrontations in 1995 between two competing factions in Addis Ababa's Anwar mosque.

Civic organizations that have been victims of government repression have also been adversely affected by the slowness of the system in rendering justice. Targeted civic associations turned to the judiciary to obtain legal redress against such arbitrary measures as de-registration, freezing of bank accounts, office searches and property confiscations that were not authorized by court order, and harassment and detention of their leaders. Delays and adjournments of court proceedings had, however, all but destroyed their confidence in ever finding justice. The cases of the leaders of the All Amhara People's Organization, the Confederation of Ethiopian Trade Unions, Ethiopian Teachers' Association, and the Oromo Relief Association typify this trend (see below for a discussion of these cases).

Judges have little knowledge of international human rights norms, as several Ethiopian legal professionals underlined in discussions with Human Rights Watch. The international human rights instruments to which Ethiopia is a party, and which the constitution has incorporated into the national law, have not been translated into local languages and made readily available to judges.

The Human Rights Commission and Ombudsman Institution

The constitution of the FDRE empowers the Council of People's Representatives to establish a Human Rights Commission and an Ombudsman Institution, and to determine by law the powers, functions, and membership of both institutions. Plans to establish these institutions during the first year of the Council (1995/96) were deferred to the second session, which started in October 1996, as the need for wider consultations became apparent, since there were no local precedents or experiences with these types of institutions.

¹¹Human Rights Watch interview, Addis Ababa, June 26, 1996.

As part of these consultations, the Speaker of the House prepared to convene an international conference, to be held in Addis Ababa in December 1996, to consider other countries' experiences with these institutions. It was hoped that the conference would assist members of the legal and political communities in drafting of legislation establishing the two institutions. The conference was, however, delayed until early 1998. Beside allowing more time for preparations, the delay was necessary to allow the preparatory team and its international partners to resolve reported differences of opinion regarding the relevance of inviting independent national and international human rights organizations, as suggested by the latter.¹²

Two different views of these institutions were being debated, with some in the legal and political communities supporting the establishment of an independent human rights commission, while others supported the establishment of a parliamentary commission. The limitations of the latter option were voiced by a leading legal expert with whom Human Rights Watch raised the issue. He noted that in a parliamentary system, in which government enjoys a comfortable majority in parliament, the commission would be identified with the government. He argued convincingly that an autonomous commission would be more appropriate to the Ethiopian context. Similar considerations applied with regard to the establishment of the Ombudsman institution.

Human Rights Watch took note of the political will to establish the said institutions and sent documentation on national human rights institutions in Africa to the Speaker of the House and the former minister of justice. In discussions with the two officials, we argued the establishment of institutions genuinely independent from the government.

The Prisons

The Ethiopian prison system has never been in compliance with the standards defined in the U.N.'s Basic Principles for the Treatment of Prisoners or U.N. Standard Minimum Rules for the Treatment of Prisoners.¹³ Both under the Emperor and the Derg governments, each local subdivision, region, subregion and district, had at least one prison facility. Prisoners were also held in jails attached to police stations, and army garrisons. In addition, during the Derg period, each peasant association and kebele had its own detention facility. The current government has revived the practice of using kebele and peasant association "houses" as detention places. Political prisoners are still at risk of torture and "disappearance" in these unacknowledged detention places.

Public Order and Internal Security

The National Police

In 1942, the imperial government formed a centralized modern national police force, called the Imperial Ethiopian Police, which had both paramilitary and constabulary units. Upon the overthrow of Haile Selassie in 1974, the force numbered 28,000.¹⁴

The Derg government viewed the police with suspicion because of their association with the ruling class under the emperor. Under the Derg, the police commissioner reported to the Ministry of Interior. The Derg's army increasingly assumed the duties of criminal investigation and maintenance of public order, while the People's Protection Brigades replaced the police constabulary in enforcing law at the local level. The Derg emphasized the political mission

¹²Human Rights Watch interviews, Addis Ababa, July/August, 1997.

¹³General Assembly Resolution 45/111 of December 14, 1990, annex; *Compilation*, vol. I, p. 263, and United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A; *Compilation*, vol. I, p.243.

¹⁴"Ethiopia: A Country Study," at <http://Icweb2.loc.gov/frd/cs/et_05_05.htm1>.

of the police in suppressing political dissent, while law enforcement was left to the Brigades. As a result, the public standing of the police was considerably weakened.¹⁵

During the transitional period, the EPRDF dissolved the police force. The EPRDF's armed wing assumed responsibility for all policing and internal security duties throughout the country, as well as for the national defense. The police force was reestablished in mid-1994. The concurrent restructuring of the army (see below) has meant that responsibility for internal security has continued to shift from the army to the police force. This followed decades of exercise of police powers by military forces operating in towns as well as rural areas. As the EPRDF phased out the core TPLF fighting force, opposition groups and independent sources reported that demobilized soldiers have been recruited into the new police and internal security forces. With the establishment of the Federal Democratic Republic of Ethiopia in August 1995, responsibility for the federal police and prisons passed from the Ministry of Internal Affairs, which was abolished, to the Ministry of Justice. As part of this restructuring, the Ministry of Justice also established separate divisions for intelligence and refugee affairs.

Special programs designed to train and increase the efficiency of the federal and regional police have received support from foreign donor governments. One of the main areas of British and German bilateral assistance to Ethiopia has been the capacity building and strengthening of the management capabilities of the police force. This assistance includes the establishment of educational facilities and the review of international standards and regulations. The states have followed the federal blueprint in establishing their own police structures and controls.

¹⁵Ibid.

The international police training program received unexpected publicity when two of three retired British police officers working for the program were seriously injured in a bomb attack in Addis Ababa in mid-April 1997. There was no evidence, however, that they were deliberately targeted. The four-year assistance program, which was to end a few months after the bombing incident, aimed to “restructure the Ethiopian force along civilian lines,” according to an Overseas Development Administration spokesman.¹⁶

Human Rights Watch asked Mahteme Solomon, the former minister of justice, about the safeguards included in the emerging system to ensure police discipline and accountability. He stated that policemen were being routinely disciplined for abuse of authority, bribery, and other abuses both at the regional and national levels. While his ministry had issued standing orders to discipline police and had a department to oversee police conduct, he admitted that nobody within the ministry kept records of the numbers of police agents who had been disciplined. He said his ministry was beginning to station federal police in the regions who would report to the ministry directly about this issue.¹⁷

The former minister acknowledged that there were cases of human rights abuses that involved the police, as well as the military. He attributed “almost all” such abuses to lack of institutional organization, lack of laws, and lack of training.¹⁸

Peasant Militia

Paramilitary groups operate as security forces in rural areas. The army chief of staff told Human Rights Watch that the rationale for their creation was to cover the needs of rural and village security in a vast and resourceless country. He explained that peasant militia are under the control of regional authorities, and not under the army’s direct chain of command, but that this did not exclude cooperation between local militia and army units. He said the regular army assisted in training the militia and provided them with ammunition and armaments.¹⁹

¹⁶Alice Martin, “Ethiopia: Britons Wounded in Ethiopian Blast,” *The Guardian*, April 14, 1997, p. 3.

¹⁷Human Rights Watch interview with Mahteme Solomon, Addis Ababa, June 19, 1996.

¹⁸Ibid.

¹⁹Human Rights Watch interview, Addis Ababa, July 1, 1996.

Rural paramilitary groups have their basis in the peasant associations and kebeles. These lowest levels of government administration, in rural and urban areas respectively, were established under the Derg in 1975. Peasant associations initially were established within the context of a land reform movement, and had elected leadership. A few years later, they were turned into formidable tools of government control, as trained political appointees moved in to replace elected leaders. As the state replaced feudal land owners and introduced collective farms and cooperatives, peasant associations were placed in charge of land and fertilizers and assumed conflict resolution functions at the local level. They were also responsible for collecting taxes and for indoctrinating the population. By the end of the Derg era, there were 20,000 peasant associations throughout the country.²⁰

The kebeles, or urban dwellers' associations, were initially responsible for collecting rents, running judicial tribunals to settle local disputes, and providing basic social services in their neighborhoods. Their powers were later expanded to include neighborhood policing. Neighborhood defense squads committed notorious abuses in Addis Ababa during the Red Terror period, from 1977 to 1978. Like peasant associations, kebeles proved a formidable security tool helping intimidate the population into submission to the Derg dictatorship.

The Derg government granted police powers to people's defense squads operating within specific peasant association or kebele constituencies. The squads' main role was to suppress political dissent by identifying and disposing of suspected opponents. In 1978 the squads were merged into People's Protection Brigades. These received formal police training, and were given local police duties within the jurisdictions of peasant associations and kebeles.

After the fall of the Derg, the transitional government and the FDRE retained the peasant association and kebele system for the purposes of local administration and the consolidation of political control. Officials of the ruling coalition oversaw the system and commanded the peasant militias attached to it.

With the difference that peasants were relieved from the rigors of collective farming and benefited from the liberal economic policies introduced by the new government, and that they had no longer to yield their children to the recruiters of the conscript army, they discovered that the new cadres were bent on the political control of their communities. The ERPDF's land policy gave the cadres an added leverage over the peasantry, as the state was proclaimed to own all land. Individual farming rights were however allowed. The potential implication of this policy was far reaching in that the crucial issue of access to land rendered the peasantry vulnerable to political "persuasion" by local cadres. An independent election monitoring team noted the atmosphere of fear and apprehension that prevailed in rural areas where it monitored the 1994 and 1995 elections and pointed to indications that this atmosphere had influenced a massive rural vote in favor of the ruling party and its regional affiliates.²¹

In interviews with Human Rights Watch, victims of abuses committed by rural security forces attached to the peasant associations consistently claimed that these forces were controlled by security committees, of which local officials, members of the EPRDF and its affiliates, and army officers were members. Typically, the local administrator would belong to the ruling regional party affiliated with the EPRDF. The population therefore tended to perceive the

²⁰Ethiopia: A Country Study, Ibid.

²¹"The Process of Democratization in Ethiopia-An Expression of Popular Participation or Political Resistance," Human Rights Report No. 5, August 1995, Norwegian Institute of Human Rights, Oslo, 1995; and "The 1994 Election and democracy in Ethiopia," Human Rights Report No. 4, November 1994, Norwegian Institute of Human Rights, Oslo, 1994.

administrator, the militia, and the EPRDF as a single unit. Thus, the people referred to the peasant militias as the party militias, although officially there is no party militia. The case of the Shakito People's Democratic Movement (SPDM), illustrates this disturbing overlap. At the district (*woreda*) level, the SPDM had a 150-man militia, every member of which was also a party member (see over).²²

The dominant role of party members in the militias makes them an integral part of the national political structure. Through the ruling party's political apparatus, they are securely under central government control. The committee system has thus facilitated interaction between local authorities, the militia, the army, and the ruling party, practically subordinating local security structures to the federal authorities.

²²Human Rights Watch interview, Addis Ababa, June 26, 1996.

In regions affected by armed conflict, the government has relied on militia groups to identify members and sympathizers of opposition groups. Militias have reportedly been responsible for the arrest and ill-treatment of hundreds of civilians suspected of supporting the insurgents. The militia appear to have the power to detain, interrogate people, holding them in militia camps, public buildings or in army camps. One former political prisoner told Human Rights Watch that members of the committees “sit together and decide whom to arrest. Without their agreement, the judge cannot release anybody. The army by itself can arrest people, so can the police, but to release detainees they have to come together.”²³ According to a regional judge we interviewed, members of these militia do not appear before courts. Instead, police step in to compile files, which they present to prosecutors responsible for charging the suspects.²⁴

The Army

In 1991, following the fall of the Derg, the existing military was disbanded and the EPRDF army assumed its responsibilities. Opposition groups viewed the EPRDF’s control of the military with suspicion, fearing that a partisan army dominated by one ethnic group would threaten the rights of competing groups. They urged the creation of a nationally representative and apolitical army. Establishing such an army was viewed as one of the main tasks of the transition.

Five years after the collapse of the Derg, the chief of staff of the Ethiopian army told Human Rights Watch that some 25,000 TPLF forces had been demobilized. The new government also focused on demobilizing—or suppressing—rebel forces that had acted in loose association with the dominant military force, but which fell outside the controlling group’s political umbrella. The ministry of defense claimed to have recruited “thousands of youngsters from Oromiya, Amhara, and southern people’s regional states” whom it claimed to have “trained in basic military science and politics to join the national defense force.”²⁵ The “people’s liberation army” was being disbanded, to be replaced by a traditional standing army. In February 1996 the former rebel commanders took military ranks for the first time.²⁶ Conscription was abandoned in favor of a professional army.

²³Human Rights Watch interview, Addis Ababa, June 24, 1996.

²⁴Human Rights Watch interview, Addis Ababa, June 24, 1997.

²⁵“Ethiopia: ‘Thousands’ Trained For New National Defense Force,” Radio Ethiopia external service, July 22, 1996, BBC Monitoring Service, Africa, July 24, 1996.

²⁶“Ethiopia: Government Awards Military Ranks for the First Time,” Ethiopian TV, February 23, 1996, BBC Monitoring Service, Africa, February 26, 1996.

Two armed groups that engaged sporadic clashes with the army during 1996 publicly confirmed this transformation in the composition of the military. In a communique issued on August 24, 1996, the Afar Revolutionary Democratic Unity Front (ARDUF) said that the “exclusively Tigrean elite force of the EPRDF government of Ethiopia began to withdraw from the Afar Depression. They were replaced by multinational EPRDF forces.”²⁷ In the Somali region, another area affected by armed confrontations, the chairman of the ONLF said in February 1996 that at least 2,000 government soldiers of Tigrean origin serving in the Ogaden had “fled” the region, and that the government had replaced them with soldiers from Oromia.²⁸

Human Rights Watch asked the army chief of staff to clarify the role of the army in Ethiopian society and, in particular, to explain how the command was able to transform a small, disciplined revolutionary force into a regular standing army for the whole country. He cited the good treatment of thousands of Derg prisoners of war as an example of the discipline of the EPRDF army during the civil war, a discipline acquired through political education of recruits.

The treatment of captured soldiers by the rebel forces during the years of open warfare was, by most accounts, a positive factor in the overall conduct of the long war. At one time more than a hundred thousand government soldiers in Eritrea and Tigray were held in camps whose living conditions were comparable to those of the rebel armies themselves. Access to these camps was permitted to relief workers and the International Committee of the Red Cross. Government leaders who had played important roles in the long military campaign told Human Right Watch, in statements largely borne out by other sources, that policies of fair treatment and, frequently, of release of captured government soldiers, had been seen as a means to sow disaffection in the government ranks, encouraging others to desert from the largely conscript army, to surrender in confrontations with rebel forces, or to join the rebel side.

For the new national army, said the army chief of staff, new political ideals were raised to build discipline. These included loyalty to the constitution and the importance of bringing peace, stability and economic development to the country. Discipline, he said, was to be enforced through the adoption of a system of rules and regulations for the national army, and through the inclusion of human rights component in its training.²⁹

Despite these safeguards, the army continued to commit human rights abuses in regions where it was engaged in counterinsurgency operations. Such abuses included the arbitrary detention and ill-treatment of suspected rebels in army camps. Furthermore, the army’s reliance on militia groups that did not fall under its direct command, as a means to insure security in rural areas, opened the door for more abuses. Such security arrangement constituted a major source of human rights abuses in many parts of the country.

²⁷“The Outcome of the War over the Control of the Afar Depression,” Afar Revolutionary Democratic Front (ARDUF), London, August 24, 1996.

²⁸Abdul Wahab Bashir, “Ethiopia: Ogaden Leader Denounces Ethiopia for Rights Abuses,” *Arab News*, January 23, 1996, Reuters, February 15, 1996.

²⁹Human Rights Watch interview, Addis Ababa, July 1, 1996. In its 1996 annual report-1996, the International Committee of the Red Cross reported that it had organized two seminars for eighty Ethiopian army officers responsible for training troops, ICRC, “Ethiopia, Annual Report 1996,” June 1, 1997, at <<http://www.icrc.org/unicc/icrcnews>>.

IV. PATTERNS OF POLITICAL IMPRISONMENT

One group of prisoners, who were detained in connection with the change of government in 1991, has received wide international attention. These individuals fall under the jurisdiction of a special prosecutor with a mandate to bring to justice individuals responsible for crimes against humanity under the authority of the former government.

Broadly speaking, political opponents imprisoned after the EPRDF's victory in 1991 may be categorized as falling into three groups. The first includes people detained because of their suspected participation in, or sympathy for, insurgent groups fighting to unseat the government. The second group consists of activists who stood in the way of the central government's measures to establish or maintain control over independent civic associations, political parties, labor and professional organizations, and the media. Political detainees in the third group consist of members of the EPRDF or its regional allies purged during recurrent campaigns of appraisals of political loyalty and effectiveness.

The protracted trial of Derg officials has been raised as an important effort to uphold the principle of accountability for past human rights abuses, particularly laudable in light of the many examples of impunity in the rest of the continent. Excessive delays in charging the large majority of the detainees have, however, greatly damaged the credibility of the trial process.

As for the other three categories of political detainees imprisoned since 1991, they indicate the ongoing failure to resolve conflicts between the ruling party and its erstwhile allies in the armed struggle, as well as the government's inclination to limit the democratic space and hinder the development of civil society. On the other hand, the fact that so many have been detained after EPRDF internal purges attests to the governing alliance's efforts to ensure its ascendancy and strengthen its control over the political process.

Legal Standards

Arbitrary Arrest and Administrative Detention

As a rule, in its treatment of political detainees, the government has routinely flouted the international instruments to which Ethiopia is party, as well as its own constitutional provisions for the protection of the rights of arrested, accused, and detained persons. Ethiopia had ratified all of the major international human rights instruments protecting individuals from arbitrary arrest, including the ICCPR, Article 9 of which provides, *inter alia*, that:

1. 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 procedures as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or release

Similar standards are enshrined in the Constitution of the Federal Democratic Republic of Ethiopia. Article 14 of the constitution, on the "Right to Life, Liberty and the Security of the Person," provides: "Everyone has the inviolable and inalienable right to life, liberty and the security of the person." Article 17 protects the right to liberty in somewhat great detail, providing:

1. No one can be deprived of his or her liberty except in accordance with procedures established by law.
2. No person may be subject to arbitrary arrest and no person may be detained without trial or conviction.

Article 19 of the constitution, entitled “Rights of Persons Arrested,” provides:

1. All persons arrested have the right to be informed promptly, in a language that they understand, the particulars of the charges and the reasons for their arrest.
2. All persons arrested have the right to be informed promptly, in a language that they understand, that they have the right to remain silent and to be notified that any statement they make or evidence they give may be used against them in court.
3. All persons arrested have the right to appear before a court of law and to be given a full explanation of the reasons for their arrest within forty-eight hours of their arrest, excluding the time reasonably necessary for the journey from the place of arrest to the court.
4. All persons have the right to petition the court for a writ of habeas corpus, a right no court can deny, where the arresting officer or agency fails to bring them before a court of law and provide the reason for their arrest; the court may, where the interest of justice requires, order the arrested person to remain in custody no longer than the time strictly required in order to carry out the necessary investigation aimed at establishing the facts. In determining the time necessary for investigation, the court shall take into account whether the responsible authorities are carrying out the investigation with deliberate speed in order to guarantee the arrested person’s right to speedy trial.

Torture and Cruel, Inhuman or Degrading Treatment or Punishment

International and domestic standards prohibit torture and cruel, inhuman or degrading treatment or punishment.

Article 7 of the ICCPR provides:

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Precisely mirroring the language of the ICCPR, Article 18 of the Ethiopian Constitution provides:

No person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.

The government’s practice of holding persons detained for national security offenses in unofficial detention places, such as kebele or peasant association houses, violates international standards, since detainees held in secret or unofficial places cannot assert their rights. In addition, unacknowledged detention exposes the detainee to the risks of “disappearance” and extrajudicial executions at the hands of detaining officers. The other risk associated with unacknowledged detention and unofficial places of detention is summary execution. Article 2 of the U.N. Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, states:

In order to prevent extra-legal, arbitrary and summary executions, Governments shall ensure strict control, including a clear chain of command over all officials responsible for apprehension, arrest, detention, custody and imprisonment, as well as those officials authorized by law to use force and firearms.

These principles require governments to ensure that “persons deprived of their liberty are held in officially recognized places of custody,” and to make accurate information on the detainee’s custody and whereabouts, including transfers, promptly available to their relatives and lawyer.³⁰

As the Ethiopian’s army chief of staff acknowledged in a meeting with Human Rights Watch, the army has assisted in training and arming militia groups throughout the country, but these groups do not come formally under its

³⁰Principle 6, U.N. Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.

direct chain of command. The cases described below indicate that these security arrangements have opened the door to large-scale abuses of human rights.

The Derg Trials

The trials of individuals for crimes committed under the former government have been the object of a great deal of international attention and assistance. Notwithstanding this attention, the progress of the trials has been slow. Of an estimated total of 1,800 detainees, charges had only been brought, as of January 1997, against seventy-three high-level members of the former government, of whom only forty-six were in the country. The other defendants, including Colonel Mengistu, the head of the Derg government, were tried in absentia. The first trial opened in December 1994, but the court only began to hear prosecution witnesses in 1996. All forty-six defendants present in the court pleaded not guilty, and could face the death penalty if convicted. Girma Wakjira, the special prosecutor, interviewed by Human Rights Watch in June 1996, said the death penalty was a "political decision," on which his office "was not focused."³¹

On January 15, 1997, authorities announced that the majority of detainees had been charged with criminal offences.³² On February 13, the special prosecutor told an audience of diplomats and nongovernmental organization representatives that his office had charged a total of 5,198 people, of whom 2,246 were already in detention, while 2,952 were being charged in absentia. The vast majority of the defendants were charged with having committed genocide and war crimes, and alternatively faced charges of having committed aggravated homicide and wilful injury. All charges were based on the Ethiopian penal code of 1957. The Special Prosecutor's Office (SPO) said 1,402 defendants will be tried in regional courts, and the rest will be tried in the Federal High Court in Addis Ababa.³³

Three additional trials of Derg era defendants opened in Addis Ababa during the week of March 24 to 28, 1997. The first such trial, of 128 suspects, opened on March 24. The accused included Mammo Wolde, an Olympic gold medalist, and Alemayheu Tefera Meshesha, a former vice chancellor of Addis Ababa University.³⁴ Both defendants had been detained for several years before being charged. The second trial was launched on March 26, when twelve defendants appeared in court out of a total of forty-five defendants charged. The third trial, of twenty-three out of thirty-two people charged with murder and genocide, began on the following Friday.³⁵ In all, nine groups of Derg era

³¹Human Rights Watch interview with Girma Wakjira, Addis Ababa, June 25, 1996.

³²Tsegaye Tadesse, "Ethiopia Files Charges Against Red Terror Suspects," Reuter, January 15, 1997.

³³Announcement by the Special Prosecutor's Office to the Corps Diplomatique, government representatives, representatives of the victims, nongovernmental organizations and human rights organizations, and members of the press, Addis Ababa, February 13, 1997.

³⁴"Ethiopia: Trial of 128 Red Terror Suspects Opens in Ethiopia," Reuters, Addis Ababa, March 25, 1997.

³⁵"Ethiopia: Second Red Terror Trial Opens in Addis Ababa," Reuters, Addis Ababa, March 26, 1997.

defendants were brought before the three benches of the Federal High Court in Addis Ababa. According to Negatu Tesfaye, the secretary of the Ethiopian Human Rights Council and a defense lawyer, these trials put additional stress on a judicial system that was already in deep crisis.³⁶

³⁶Human Rights Watch interview, Addis Ababa, July 31, 1997.

The new trials were expected to incur the same delays that marked the first Derg-trial. Since the opening of the first trial in December 1994, up to mid-April 1997, the SPO had presented only 249 witnesses out of about a thousand scheduled to appear.³⁷ The special prosecutor explained to Human Rights Watch in a June 1996 meeting that eyewitnesses would testify first, followed by documentary witnesses, and then by expert witnesses. Contributing to the trial delay, this approach reportedly resulted in a great deal of repetitious testimony. In addition, sessions were held twice a week, a slow pace that was further interrupted by long recesses and vacations. To prove its charges against the five thousands new defendants, the SPO said it had prepared three thousand witnesses, along with volumes of documentary evidence and expert testimonies. As of early August 1997, however, trials before regional high courts had not yet started, due to the lack of judicial capacity and the logistical problems described in the first section of this report.

The mass charging of genocide suspects, and the commencement of trials came as a welcome development. Nevertheless, because many defendants were held in pretrial detention for almost six years before they were brought to court, and because trials were proceeding at an extremely slow pace it is clear that defendants' innocence or guilt will not be established within a reasonable time, violating Article 9 (3) of the ICCPR.

In early 1997, when most detainees were charged, some fifty-five individuals were released because the Special Prosecutor's Office lacked sufficient evidence to charge them. Most of these people had spent three to five years in preventive detention by that time. Instead of being compensated for their prolonged and unfounded detention, they were required to post bail in order to regain their freedom.³⁸ Even more disturbingly, some suspects will never be tried or released: twenty-eight suspects reportedly died in custody, nineteen of them in 1995 alone, mainly from a lack of proper medical attention and poor sanitary conditions in the prisons.³⁹

Internal Political Purges and Related Detentions

It was reported in mid-1997 that senior officials in the political, executive and judicial branches of government, were being repeatedly subjected to "*gimgamas*," or assessment sessions. A poor evaluation in these sessions, in which an official's subordinates give their opinions of the official's performance, could lead to dismissal from service, or even detention.⁴⁰ The EPRDF's reliance on *gimgamas* should be seen against the background of the EPRDF's efforts to keep allied regional parties and political movements under its tight control, and to improve discipline in the various branches of government. The institution of the *gimgama* has its roots in the military experience of the TPLF, which successfully used it during the civil war to improve the performance of field commanders, who were regularly evaluated by troops under their command.

The use of *gimgamas* as a tool in political purges is exemplified by a couple of recent cases. The first took place in Oromiya Regional State in April 1997. Kuma Demeska, the general secretary of the governing regional party, the Oromo People's Democratic Organization (OPDO), and chief administrator of the state, said at the conclusion of the exercise that the OPDO had purged its ranks of 250 district officials, and had detained eighty others.⁴¹ Similarly, in mid-August 1997, the regional council of Gambella Region "endorsed" a proposal, presumably by the regional party, to

³⁷"Report of an Assessment Study of the Status and Context of the 'Derg-trial' in Ethiopia," April 21-May 21, 1997, Øyvind Aadland, Norwegian Institute of Human Rights, Oslo, Norway, 1997.

³⁸Human Rights Watch telephone interview with defense lawyer, Addis Ababa, March 1997.

³⁹See *Ethiopian Register*, Avon, vol. 3, no. 12, December 1996, p. 7.

⁴⁰See "Report of an Assessment Study of the Status and Context of the 'Derg-Trial' in Ethiopia," April 21-May 21, 1997, Øyvind Aadland, Norwegian Institute of Human Rights, Oslo, 1997.

⁴¹"Ethiopia: Anti-Corruption 'Forum' to be Set Up in Oromiya Region," BBC Monitoring Service of World Broadcasts: Africa April 7, 1997.

detain the top four officials of the state government.⁴² This latter purge occurred during a “Peace, Development, and Democracy Conference,” another institution where regional political officials are subjected to continuing evaluations. The government has used these tools to purge resilient leaders of regional parties allied to the EPRDF on such grounds as corruption, display of “narrow [ethnic] nationalism,” being “anti-people,” or suspicion of sympathy for ethnic movements opposed to the government.

⁴²Deresse T/Wold: “Gambella Council Endorses Top Officials Detention Proposal,” Ethiopian News Agency, August 16, 1997, at <http://www.africanews.org/east/ethiopia/19970818_featl.html>

In mid-June 1996, then Prime Minister Tamrat Layne opened a Peace, Democracy, and Development Conference in Benishangul-Gumuz Regional State by urging participants to unseat regional officials whom he called “narrow nationalists and agents of foreign powers.”⁴³ He also accused regional officials of corruption and inefficiency.⁴⁴ The Benishangul-Gumuz region—which is located on Ethiopia’s western border with Sudan, and which has a population with strong historical and cultural ties to that country — has been plagued by chronic instability and armed banditry. The tensions between the two countries explain the reference to “foreign powers,” seeking influence inside Ethiopia. The conference provided the context for the dismissal of all members of the Regional Council, except its president.

A political leader from Benishangul-Gumuz Regional State told Human Rights Watch in August 1997 that at least 120 former officials remained in detention in the region, following the release of some eighty about mid-June 1997. The partial release was the result of local pressures to either charge or release the detainees, who had been held without charges. He also claimed that ten prominent leaders of the Benishangul People’s Liberation Front—which was allied with the EPRDF, and which controlled the regional government until its rift with the EPRDF—remained in detention. He said that they had been transferred from military camps to the official prison in Asosa, the region’s capital, in January 1997. The dispute between the EPRDF and local officials, he said, provided the context for the dismissal of most of the regional police force, about 800 men, and the recruitment of new officers, including some 700 paramilitary police who were hired to participate in joint patrols with the army.⁴⁵

Repression in Conflict Areas

The continued existence of armed opposition groups—along with periodic reports that they have engaged in armed violence—has provided the context for central government measures to suppress violent and nonviolent organizations alike, as well as to carry out large scale arrests in areas from which armed opposition groups have traditionally drawn support.

Human Rights Watch interviewed some of the victims of these abuses in Addis Ababa during research missions in mid-1996 and 1997. Continuing large scale arrests without warrant, ill-treatment and torture appear to be the norm in many parts of the Oromia, Somali and Afar regions, and other regions of recent or ongoing armed conflict. Human Rights Watch also received some reports of other human rights abuses that authorities perpetrated in these areas, notably death threats, extrajudicial executions and “disappearance.” In addition, recently deposed high-ranking officials of regional governments and parties are held in arbitrary detention in various regions. The following cases are indicative of the widespread nature of these practices.

Somali Region

⁴³“Yet More PDDCs and *Gingamas*: TPLF Trapped in Its Own Ethnic Politics?” *Ethiopian Register*, vol. 4, no. 6, June 1997, p. 14.

⁴⁴“Ethiopia: Deputy PM Says Officials “Embezzled” Budget in Western Region,” Summary of World Broadcasts, Africa June 18, 1996.

⁴⁵Human Rights Watch interview, Addis Ababa, August 1997.

In the Somali Region (Region Five) the civilian populations has often been caught in the crossfire in the sporadic fighting between government troops and the opposition, which includes insurgent ONLF and the militant Islamist group Al-Itihad al-Islami (Islamic Unity). Following a March 1997 landmine explosion under a military personnel carrier near the village of Shaygoosh, which reportedly killed some nineteen soldiers,⁴⁶ the military rounded up eleven villagers, and transferred them to the military camp in Qabridaharre. The Ogaden Human Rights Committee claimed that two days after the abduction, authorities displayed the dead bodies of clan elder Mohamed Fatule and his nephew Ibrahim Deeh Fatule both of whom had been among the detainees, in town for two days, and denied their relatives permission to bury them. The organization presumed the other detainees had also been killed, since their whereabouts and fate were not known as of mid-August 1997.⁴⁷

Another set of extrajudicial executions allegedly occurred in mid-November 1996, when government forces reportedly rounded up a group of civilians from Wardheer town and summarily executed them in the outskirts of the town. Among those reportedly killed were Abdullahi Ganey, Hiis Mohamed Omar, Roble Shafi'i, Ali Mohamed Hassan, and Haj Mohamed Abdi.⁴⁸ This incident followed an ambush of a government military convey by an ONLF unit.⁴⁹

Government forces reportedly retaliated against the ONLF insurgents by harming family members of ONLF leaders, and expropriating or destroying their property without due process of law. The November ambush mentioned above for example was reportedly led by ONLF commander Ibrahim Alifle, whose wife was reportedly killed by government troops on October 5, 1996, and whose children reportedly "disappeared" during that same incident. The Ogaden Human Rights Committee listed the Alifle family house in Wardheer among twenty-five properties confiscated or destroyed by government forces.⁵⁰ Nasra Sirad Dolal, mother of eight children and sister of an ONLF representative in London, was detained in Qabridaharre in January 1997. She was released on bail in April, and ordered not to leave

⁴⁶Human Rights Watch telephone interviews with Porrentruy, A. S. Abdi, Ogaden Human Rights Committee, July 1997.

⁴⁷Human Rights Watch interviews, Addis Ababa, July/August 1997. See also Ogaden Human Rights Committee, "Ogaden: No Rights, No Democracy," Godey, Ethiopia, August 15, 1997.

⁴⁸Ibid., p.18.

⁴⁹Human Rights Watch telephone interview with Porrentruy, A. S. Abdi, Ogaden Human Rights Committee, August 31, 1997.

⁵⁰Ibid.; See "Ogaden: No Rights.," pp. 29 and 41.

the town. The family house in Godey of Ibrahim Abdalla, the chairman of the ONLF, was ransacked and destroyed by government troops in June 1997, as was the house of the secretary general of the ONLF in the same town.⁵¹

Both the exiled leadership of the Ogaden Human Rights Committee and its local members told Human Rights Watch that by mid-1997 detainees in Somali Region were no longer held in district and village level detention places. Instead, they said, detainees were held in the nine zonal capitals in Somali Region, which averaged twenty-five to thirty detainees per center, and which saw frequent turnover as new detainees replaced those who were released. The ICRC opened an office in Gode in the Somali Region in March 1997.⁵² These developments, suggesting possible improvement in internal and external oversight on detaining authorities, should help to protect detainees in a region affected by fighting between government troops and armed opposition groups.

Southern Peoples Region

⁵¹Ibid; See also "Ogaden: No Rights...", pp.21-22, and 41.

⁵²"Ethiopia: New ICRC Office in the South-East," ICRC News 97/08, March 5, 1997.

According to the testimony of Abate Angore, a former detainee and member of the executive committee of the Ethiopian Teachers' Association, who had arrived in the southern town of Arba Minch⁵³ from Addis Ababa to visit his family just a week before he was arrested in late September 1996, the town's official prison held about 1,250 prisoners when he was released in mid-March 1997. Of these, only about thirty detainees were being held on criminal charges. He explained that the others were being held on suspicion of aiding opposition groups, trading in arms, hiding arms or rebels, or for being "anti-people," but he claimed that when detainees asked why they were being held, prison guards gave interchangeable reasons from this list of accusations.⁵⁴ Some prisoners were arrested following denunciations by a citizens' committee, the Mass Red Terror Witness Committee, established to assist in the identification of former collaborators of the Derg dictatorship. Angore said that at least some forty prisoners had been held in the prison without court order for the last six years. This group included two former Derg soldiers, Beza Kidan and Kassahun Dagiffè, and a peasant, Mano Megibo. He himself was arrested by a group of civilians whom he identified as members of the regional political party, the Southern Peoples' Democratic Organization. They turned him over to the police, who took him to Arba Minch district court two weeks later. The court told him he was detained because at the time of his arrest he was carrying documents from a political organization opposed to the government, although it was in fact a professional association. Although there was a court order for his arrest, Abate had not been charged or tried for any specific crime, and he was released six months later, at which time he had to promise to respond to any future police or court summons.

Conditions in the prison were harsh, particularly at night when prisoners had to share limited sleeping space. The International Committee of the Red Cross visited and registered prisoners, he said, and extended limited assistance to them.

Oromia Region

Against a background of low intensity insurgency by rebels of the Oromo Liberation Front (OLF), and occasional acts of violence attributable to the militant Islamic Front for the Liberation of Oromia (IFLO), the army reportedly undertook community shakedowns in areas where violence had occurred or from which attacks originated. In addition, security authorities continued to detain without trial hundreds of Oromos suspected of OLF membership.

In August 1996, soldiers reportedly broke into the house of Ebisa Adunga, a popular Oromo singer, and shot him and a relative, Tana Wayessa, dead in their beds in what appeared to be an extrajudicial execution on suspicion of supporting the OLF. The young singer was known for promoting Oromo nationalism through his music. At the time of the killing, *Seife Nebelbal*, a local pro-Oromo newspaper, recalled that six other Oromo musicians had reportedly been arrested by the government for their role supporting Oromo nationalism, two of whom subsequently "disappeared."⁵⁵

On September 21, 1995, police closed down the office of the Oromo Relief Association (ORA) in the southern town of Negele, Borana administrative zone. They arrested three senior staff members: Martha Arero, the storekeeper—at the time mother of an infant—Fraol Galata, the project officer, and Hailu Gamachu, the accountant.⁵⁶

⁵³The zonal capital of North Omo zone in the Southern Region, with an estimated 47,000 inhabitants.

⁵⁴Human Rights Watch interview, Addis Ababa, July 1997.

⁵⁵See Lammii Guddaa, "Victimization of the Oromo," *New African*, February 1997, p. 23.

⁵⁶Amnesty International, Urgent Action, AI Index: AFR 25/12/95, October 3, 1995.

The regional authorities did not give any reasons for the arrests, although the newly-established Oromia Regional State authorities had ordered the closure of ORA offices in the region a month earlier, and had accused the organization of actively supporting the insurgent OLF. The regional government was controlled by the Oromo People's Democratic Organization (OPDO), the party of the head of state in the federal government.

Martha Arero was released a month after her arrest. The other two remained in prison for seven months, and were only released in April 1996. They were first detained in the local police station for two weeks during which time they were not questioned. Police failed to bring them to court within the forty-eight hour period mandated by the constitution. They were later taken to the official prison of Negele, where they lived with some 500 other prisoners in poor sanitary conditions, lacking food and health care. They were not tortured in the police station or prison.

While in jail, they were taken to court every month or two. The judge would ask their names and fix a date for another court appearance. The judge explained to them that their case was "administrative": the court would not release them because it did not know why they were arrested! The judge could not order their release on his own: according to the victims, he said all members of the local security committee had to agree to a release, even though the army, police or militia could each independently arrest suspects. Their case went to the central prosecutor after six months. The prosecutor sent a representative who called them to court and released them on bail. The local police commander was reportedly unhappy with this decision, which he had no part in. He issued orders for their re-arrest. The two ex-prisoners went into hiding for a few days before escaping to the capital, leaving their families behind. One told Human Rights Watch that he was too afraid to dare return to the town. They were not called to appear before court again.⁵⁷

Gebre Berhane (not his real name), a farmer and merchant from the Western Shewa region, is thirty-eight years old and supports a large family consisting of his seven children and elderly parents. On February 19, 1996, at eight p.m., twelve soldiers came to his house. He was having dinner at the time with three guests, the local police chief, the village head of the OPDO, and the local representative of the ministry of agriculture. He was nevertheless arrested on suspicion of being a supporter of the OLF and being illegally in possession of a machinegun. His denials were of no effect.

He said soldiers beat up his wife and stole 5000 Birr that he had in the house.

They took me into the forest, took my shirt and coat, and tied me with nylon cord behind my elbows. They knocked me to the ground and beat me with sticks, and alcohol was splashed onto my shoulder and set alight. I was also beaten on the sole of my feet with a stick, and jabbed in my ankles and the bottom of my feet with a bayonet mounted on an assault rifle.

Four months later, researchers from Human Rights Watch saw that his back was still severely scarred, and the mark of a burn about three inches across was still clearly visible on his left shoulder. Badly healed scars were also visible on both of his arms just above the elbow, apparently as a result of being tied too tightly for a long period. The purpose of the torture was to make him confess his membership in the OLF, and state he hid his alleged weapon. After the torture was over, the soldiers took him to the kebele house.

After two days passed, the soldiers took him to the military camp at Katkatto. More than two hundred people were detained there. The soldiers in the camp held him because the zonal head of the OPDO asked them to do so. He remained there for one month and three weeks. During this time, his family appealed to the Oromia police commission in the Oromia Bureau of Justice for his release. Berhane was released shortly after that. The chief of the OPDO told him that they had not found any evidence against him, releasing him without official documentation. His arrest was also undocumented.

⁵⁷Human Rights Watch interview, Addis Ababa, June 1996.

Places of Detention

In the wake of a 1992 confrontation with the Oromo Liberation Front, the Ethiopian authorities held at least 20,000 Oromos in large overcrowded military detention camps. The detainees included armed militants but also many civilians, including minors, accused of OLF membership. They were detained for many months without charges or trial. Most were released by 1995. The government closed down several large detention facilities during 1994 and 1995, including those in Hurso and Didessa. During 1994, the government formally charged 280 of the detainees held in Ziwai military camp and transferred them to civilian prisons. Some of the defendants were released in 1995.

The trial of the remaining Ziwai defendants, who by late 1997 numbered ninety-three, had been suspended due to judiciary's technical problems: the High Court in Oromia lacked sufficient judges and other courts in the region were not qualified to try cases started at the High Court level.⁵⁸

Abundant evidence suggested that security officials continued to use secret detention places in remote regions, including military camps, for the detention and interrogation of individuals suspected of membership in insurgent groups. According to ex-prisoners to whom we talked, dozens of prisoners were detained during 1994 in Hegere Mariam military camp No. 3, at Hegere Mariam Comprehensive High School. In charge of the camp were the head of the army unit and the head of the army's propaganda and political section. EPRDF cadres and militia of its local affiliated party, the Oromo People's Democratic Organization, were present in the camp. In late August 1994 about a hundred prisoners were released from Hegere Mariam military camp No. 3—including our informants—while twenty others, who had been detained a week earlier, remained in detention. In mid-1996, ex-prisoners said they left behind about two hundred prisoners in this camp. Finally, the exile *Ethiopian Register* reported in its November 1996 issue that Roba Dame wrote a letter of complaint to the Council of Peoples' Representatives, of which he was an elected member, stating that he had been detained by the army in Hegere Mariam military camp from September 7 to 15, 1996. According to the magazine, Dame claimed that he had been beaten and denied medical treatment for his injuries.⁵⁹ According to *Tomar* newspaper of September 18, the Burji People's Democratic Organization, of which Roba Dame was the chairman and representative in Parliament, complained in a statement about the army's intervention in the internal administrative affairs of the region and alleged that its action showed that it was siding with a rival regional political party.⁶⁰

In Western Shewa, prisoners released in April 1996 told Human Rights Watch that the military camps in Katkatto and Goro were used to detain hundreds OLF suspects in early 1996. Prisoners in both camps were reportedly transferred to Sheno camp.

According to these testimonies, torture and beatings were routinely used in all these camps during interrogations to extract confessions and information from OLF suspects. A former prisoner from Katkatto camp told Human Rights Watch that prisoners were taken out at night and questioned, with their captors insisting that "you are hiding machine guns." He did not believe they made any record of the questioning. Prisoners were not supplied with food or medicines, which were provided by their families. Prisoners were also made to work in groups, digging latrines and in other similar activities.⁶¹

Harassment of family members

⁵⁸Human Rights Watch interviews with defense lawyer, Addis Ababa, July 1997.

⁵⁹"TPLF Army Detains Member of Parliament," *Ethiopian Register*, vol. 3, no. 11, November 1996, p. 6.

⁶⁰Reported in *Press Digest*, vol. III, no. 39, September 26, 1996, p.5.

⁶¹Human Rights Watch interviews, Addis Ababa, June 26, 1997.

Human Rights Watch received reports indicating that regional security officials tended to harass the female family members of former prisoners who had left the region, and other fugitives, attempting to pressure them into returning to the home provinces. In June 1996, witnesses reported that some fifty women had been detained in the police station of a village just outside of Addis Ababa. All of these women had been detained in an effort to compel their fugitive male relatives to surrender, men that the police accused of involvement in "banditry," a term authorities commonly use to designate members of opposition armed groups.

In one case brought to our attention, the daughter of a businessman in Hegere Mariam was repeatedly detained for short periods in 1995 and 1996 to force the surrender of her father whom authorities suspected of being an OLF supporter. The daughter was essentially treated as a hostage. Not only was her right to liberty and freedom of movement violated, but a local official beat her up and raped her in May 1996 after her release from detention. She had to flee the town to Addis Ababa, where her father had already gone to escape arrest and torture.⁶²

On November 12, 1995, two policemen and EPRDF soldiers came to the family house of Shewaye Haile, a ninth grade student from Masha town in the southern region, and took her to the local police station. They wanted her to provide information regarding contacts they suspected that her father, a teacher named Haile Belachew, had with "bandits" in the area. Because she denied any knowledge of her father's "secrets" she was detained for two days. Her wrists were tightly bound for three hours, reportedly breaking bones and causing lasting scarring; her wrists had still not recovered over eight months later.⁶³

The case of Shachachew Sheno, the judge who was removed from the bench by a zonal administrator in the southern region, described earlier in this report, involved an even more brutal instance of hostage taking. His problems with the authorities had arisen over two cases. Members of the Administrative Council of Shakcho had decided to carry out "the death penalty without legal procedures" in the case of six relatives of an alleged "bandit", "and asked me to cooperate." "Six people were in prison. And they wanted to kill them." The judge was told not to interfere by the regional/zone administrator, Adinew Ayino. The second incident that led to his dismissal occurred when Adinew Ayino, among other officials from the zonal administration by the judge's account, allegedly took the mother and two uncles of a "bandit," from the zonal jail to Gamado forest and killed them there. They had initially been arrested to force the presumed "bandit" to turn himself in.⁶⁴

In a telling turn of events, Sheno, who directed the police to open an investigation of this incident, was himself subjected to pressure as his close family members faced threats, arrest and physical abuse. He finally fled to Addis Ababa, where he told Human Rights Watch that he did not dare return to his home town, even though he had left his wife and family there.⁶⁵ The officials suspected in the killings had visited his wife and told her that they wanted to arrest Sheno because he had dared to appeal against their decision to remove him from the bench. They finally arrested

⁶²Human Rights Watch interview, Addis Ababa, June 1996.

⁶³Human Rights Watch interview, Addis Ababa, June. Also reported in: Compiled Reports of EHRCO, December 12, 1991 to May 6, 1996, Ethiopian Human Rights Council, Addis Ababa, June 1996, pp. 175-176.

⁶⁴Human Rights Watch interview, Addis Ababa, June 1996.

⁶⁵Human Rights Watch interview, Addis Ababa, June 1996.

Sheno's wife, instead. She suffered serious injury when her hands were tightly tied together, but was released on bail after nine days of detention.

Regional Security Agreements

Some leading opponents of the Ethiopian government living in political exile in neighboring countries have complained that their refugee status has not protected them from harassment. In some cases, host countries have arrested prominent opposition figures and forcibly returned them to Ethiopia. In others, international campaigns of protest by human rights organizations and exiled political groups have reportedly saved refugees from forcible deportation. The Ethiopian refugees in neighboring countries who were targeted for these crackdowns were either EPRDF defectors or leading members of opposition groups, namely the Oromo Liberation Front (OLF), Ogaden National Liberation Front (ONLF), and the Afar Revolutionary Democratic Unity Front (ARDUF). The vulnerability of these people to such harassment brought attention to another dimension of the Ethiopian government's strategy to contain the above-mentioned organizations. In particular, following the 1995 elections, Ethiopia reportedly concluded bilateral security agreements with Eritrea, Djibouti, Kenya, and Uganda, with each country promising not to harbor opposition groups from the other country. The self-proclaimed republic of Somaliland has also returned refugees to Ethiopia, and reportedly was rewarded for such actions by a shipment of war munitions. Besides the threat of repatriation, prominent refugees have faced other forms of harassment by authorities of these countries, including expulsion to third countries.

In late July 1996, authorities in Somaliland detained Mohamed Ahmad Nour, Abdullahi Qaji, and Abdalla Heliye, three exiled members of the Central Committee of the ONLF. In October 1996, the three were returned to Ethiopia, reportedly in exchange for ammunition. After being detained in Harar for a time, they were brought before the High Court in Dire Dawa on charges of war incitement. The court acquitted them for lack of evidence and ordered their release in May 1997; however, the police and the prosecutor refused to accept this verdict. Despite the court order, they were still in detention in Harar military camp in early August 1997.⁶⁶ They appointed a lawyer from Dire Dawa to represent them, but authorities reportedly warned him not to interfere in the case.⁶⁷

Djibouti detained about a dozen Ethiopian government opponents and forcibly returned them to Ethiopia in August and September 1996. On August 17, Djibouti police arrested Girmay Moges Newaye-Mariam, picking him up from the refugee camp where he worked as director of a school. At the time of his arrest, he was a registered refugee with the United Nations High Commissioner for Refugees. He had fled to Djibouti in 1991, following the defeat of the Derg and the EPRDF's takeover, and had credible grounds to fear for his safety under the new government, having abandoned the TPLF in 1981.⁶⁸ On August 23, Djibouti authorities arrested Muhyadin Muftah, the deputy secretary general of ARDUF, an armed opposition group in the northeastern Afar state. He "disappeared" soon after that. He was

⁶⁶Human Rights Watch interviews, Addis Ababa, July/August 1997. See also Ogaden Human Rights Committee, "Ogaden: No Rights, No Democracy," August 1997.

⁶⁷Human Rights Watch interviews, Addis Ababa, July/August 1997.

⁶⁸Amnesty International Urgent Action UA 211/96: Fear for safety/ Refoulement, Ethiopia/Djibouti Girmaye Moges Newaye-Mariam, aged 38, August 23, 1996, AI Index: AFR 04/01/96.

reportedly handed over to the Ethiopian authorities who held him in secret detention. Also arrested, on September 1, 1996, were Aydrus Hussein, who formerly occupied prominent public positions in Ethiopia as a member of the Somali regional assembly and as commissioner of Degabur town, and six other ethnic Somali businessmen. The seven were reportedly supporters of the rebel ONLF. Amnesty International commented that the arrests appeared to “follow a new security agreement between the two governments,”⁶⁹ and expressed concern for the safety of those arrested. Djibouti is a party to the 1951 Convention Relating to the Status of Refugees, which prohibits, in its Article 33, handing over refugees to their country of origin without due process of law or guarantees for their safety on return.

⁶⁹Amnesty International Urgent Action Ethiopia/Djibouti, AI Index: AFR 04/02/96, September 17, 1996.

Kenya also harassed alleged opponents of the Ethiopian government. Dima Noggo, a former minister of information in the Ethiopian government, resigned his post along with other members of the OLF in 1992, following the disintegration of the Front's alliance with the EPRDF. He told Human Rights Watch that shortly after the 1992 crisis Meles Zenawi, the president of the transitional government, and current prime minister, told him and other OLF leaders to leave the country because he could no longer guarantee their safety, offering them passports.⁷⁰ Those who left the country in these circumstances were four ministers and twelve members of the OLF political leadership. Noggo arrived in London in July 1992, and later moved to Kenya, where he obtained refugee status.⁷¹

On March 21 to 22, 1996, Kenyan police arrested Dima Noggo, who had a valid Kenyan residence visa, and four other Oromo leaders, threatening to deport them. The other leaders were: Mekonen Galan, who was a political prisoner for more than ten years under the Derg and who had a valid Kenyan residence visa and business licence at the time of his arrest; Tesfaye Dinsa, a registered refugee who had been residing in Kenya for over a decade; and Hailu Darge and Dula Bosona, both registered refugees since 1992.⁷² The campaign of arrests coincided with a meeting of the sub-regional Inter-Governmental Authority on Drought and Desertification in the Kenyan capital, which the Ethiopian premier attended. The meeting extended the mandate of the Authority from its environmental preservation and food security concerns to regional economic cooperation and "conflict prevention and resolution." The organization's new focus on conflict prevention prompted some observers to suggest that the Kenyan authorities wanted to please their Ethiopian guest by deporting Oromo leaders, but that the international outcry prevented them.⁷³ After spending some time in detention, the Oromo leaders were allowed to travel to Europe and the United States.

The Total Number of Detainees and Access to Detention Places

It is not known how many political detainees are being held in Ethiopia. One indication of their number, however, is contained in the 1996 annual report of the International Committee of the Red Cross (ICRC). The international organization said it had "visited 6,117 persons held in 129 places of detention in connection with the change of regime in 1991 or for reasons linked to national security, and registered 3,537 new detainees." These numbers were only partial, since, in the same report, the ICRC complained that it had "only partial and irregular access. . . to detainees held by the military authorities."⁷⁴

Access to political detainees is also problematic in Ethiopia, according to relatives. In its first quarterly report for 1997, the ICRC indicated that it had been able to conduct visits to an increasing number of detention facilities,

⁷⁰Human Rights Watch telephone interview, Nairobi, April 10, 1996.

⁷¹Ibid.

⁷²See Press Release, Oromo Liberation Front, North America Office, Washington, D.C., March 27, 1996.

⁷³See Solidarity Committee for Ethiopian Political Prisoners (SCEPP) Update, March 25, 1996, at <text4@netcom.com>.

⁷⁴ICRC's Annual Report 1996, Ethiopia, at <<http://www.icirc.org>>.

including prisons, police stations, kebele houses. In meetings with the diplomatic community in Addis Ababa in August 1997, Human Rights Watch learned that the authorities had permitted representatives from several Western embassies to visit political prisoners. If this trend of increased access to political detainees by independent observers is maintained, it will be a marked improvement over the situation of previous years.⁷⁵ At the same time, the government should respect the physical and mental integrity of detainees and give their families, doctors and lawyers regular access to them.

V. SILENCING INDEPENDENT VOICES

Independent voices in Ethiopia have been threatened by frequent crackdowns on the private press, political and labor movements, and nongovernmental organizations. These crackdowns reflect a central government effort to limit criticism of its policies and to hinder the establishment of civil institutions not linked to the ruling party. In examining the government's efforts to repress civil society, one should be aware of the differences between the high-profile arrests of journalists, trade union or political leaders, and other prominent figures, where decisions appear to be taken at a high level, and the patterns of large scale arrests in more remote areas with regard to the first type of arrests, which are concentrated in the Addis Ababa area, the numbers of detainees are not large and, even when they are not formally charged with a crime, their arrests are defended as legitimate. The security forces often provide detailed accounts of the detainees' involvement in criminal conspiracies, or, with journalists, of violations of the press law—while the courts do little to monitor the legality of these arrests. At the same time, the harsh restrictions on access to detainees in pre-indictment detention make it difficult for those accused to prepare a defense or for the public to be informed of their plight.

In its attempts to stifle opposition groups, trade unions and nongovernmental organizations, the government has relied upon a variety of administrative and legal actions, including the denial of registration to associations, the deregistration of others, and the freezing of their bank accounts. Attacks against regional branches of national associations and opposition groups have been particularly effective, forcing the targeted groups to limit their activities to the capital. Office raids, seizures of documents, and the arrest and detention of association leaders have been used in a number of high profile cases. The prosecution of leading activists in protracted criminal cases has had the effect of intimidating others and of paralyzing the resilient associations. Most notably, the killing of the leader of a teachers' association in May 1997 signaled a marked escalation in the government's crackdown on civil associations.

The Right to Freedom of Expression

With the toppling of the Derg in May 1991, the state's monopoly on the media was ended, as was the media's use as an instrument of indoctrination. The Transitional Government of Ethiopia abolished pre-publication censorship and guaranteed freedom of the press.

The Legal Standards

Article 19 of the ICCPR protects freedom of speech and opinion, providing:

1. Everyone shall have the right to hold opinions without interference.
2. 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 in print, in the form of art, or through any other media of his choice.

Article 19 (3) stipulates the narrow conditions under which restrictions of free expression are permissible:

⁷⁵ICRC, Ethiopia Fact Sheet, March 1997.

The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order (ordre public), or of public health or morals.

To be "necessary," a restraint must not simply be convenient or desirable. It must be proportional to the protected interest, and the least burdensome restraint on the right to free expression. National security, enumerated above, is often invoked in Ethiopia as a reason for restricting expression. For purposes of the covenant, the term denotes a grave threat to the life of the nation, such as disclosure of military secrets in wartime, and not simply information critical of the government, its officers or policies. Indeed, such criticism is at the core of free expression in a democratic society.

Article 29 of the Constitution of Ethiopia guarantees the right to freedom of thought, opinion, and expression. Article 29 (4) provides, "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 autonomy and diversity." The constitution further guarantees in Article 29 (5) that "[a]ll media financed by, or under the control of the State, shall be regulated in order to ensure diversity in the expression of opinion." Article 29 (6) stipulates that these rights can be limited only "through laws which are guided by the principle that freedom of expression and information cannot be limited on account of the content or effect of the point of view expressed. Legal limitations can be laid down in order to protect youth, and the honor and reputation of individuals. War propaganda as well as the public expression of opinion intended to injure human dignity shall be forbidden by law."

The 1992 Press Act

In Article 5 of the press act, officially called the Proclamation to Provide for the Freedom of the Press,⁷⁶ authorizes any person or group of persons of Ethiopian nationality to engage in any press activity. It also authorizes foreign media outlets and international organizations and embassies present in the country to carry on those press activities they deem necessary for the accomplishment of their missions. Sub-articles 3 and 4 of Article 8, however, put serious constraints on press access to information that the Council of Representatives and the Council of Ministers designate as secret or classified. Editors and publishers are held responsible for the information they publish and may be required by court order to reveal sources of information. Editors are also required to maintain a record of names of correspondents and authors of articles to facilitate police work.

The vague terms of the 1992 Press Proclamation facilitate the repression of critical reporting. Provisions require press products not to carry any statements that would constitute a criminal offense against the safety of the state, defamation or false accusations against individuals, nationality, people or organization, any criminal instigation of one nationality against the other, and any agitation for war. Violations of these provisions are punishable by one to three years of imprisonment and/or a fine of 10,000 to 50,000 birr (US\$1,600 to \$8,300). By local standards of income, these are prohibitive amounts.

From the outset, relations between the government and the private press have been characterized by deep mutual distrust. The government showed signs of intolerance of the critical reporting of the nascent private press as early as 1992, and by 1993 it was engaged in a systematic clampdown, one that has continued for the last four years. The many weaknesses of the private press have made it even more vulnerable to government attacks. Reporters lack professional training and resources; they are unable to travel around the country to conduct first-hand reporting. As a

⁷⁶Proclamation No. 34/1992, issued by the Transitional Government of Ethiopia on October 21, 1992.

result, they tend to rely mostly on unverified reports in covering regional developments, and many of them are personally virulent in their criticism of officials and other public figures.

Government officials believe that opposition groups and former Derg officials have manipulated the private press as part of their hidden political agenda. In the words of Mahteme Solomon, then minister of justice, "their papers orchestrate a continuation of war. We have taken away the Kalashniko[v] Russian guns from them, now they are looking for another entry into power using the pen."⁷⁷ By mid-1996, official views had not changed by much. Speaking of the private press, Prime Minister Meles Zenawi told reporters that he "had seen or heard of no improvement in the quality of their products, which still dwell on destructive and war-inciting false propaganda."⁷⁸

⁷⁷Quoted in "Media in Ethiopia, Report of the Eastern Africa Media Task Force to Ethiopia," *Addis Digest*, no. 6/7 September-October 1995, p. 20.

⁷⁸"Ethiopia: Prime Minister Meles Urges More Government Openness," Radio Ethiopia External Service, Addis, 24 August 96, carried in BBC Monitoring Service: Africa, August 28, 1996.

The president of the Ethiopian Free Press Journalists' Association explained in a June 1996 interview with Human Rights Watch that reporters in the private press could not verify stories because government officials did not invite them to press conferences, nor would they respond to reporters' questions. In August 1995, nonetheless, the justice minister reminded all government officials of their obligation to cooperate with the press, stating that people have the right to be informed.⁷⁹ A year later, the prime minister acknowledged that cabinet members, government officials, and public administrators continued to close their doors to journalists and promised that "appropriate measures" would be taken to correct the situation.⁸⁰ By mid-1997, however, there was still no sign of genuine change in the official attitude toward the private press.

In the battle for political control, journalists have paid a heavy price. Moreover, the arrests of journalists, editors, and publishers have been largely unrelated to any real threat of violent opposition to the government.

Journalists have frequently been detained for slander or defamation, either as a stated justification for the detention, or as asserted in formal charges under the press law. In some cases, citizens have in fact been subjected to abusive statements that appear both dishonest and malicious, providing some factual basis for the prosecutions. In others, the accusations of defamation involve fair criticism of government officials, speech that is protected by Article 19 of the ICCPR and other international standards.

Journalists have also been imprisoned on accusations and sometimes charged that they have published false information or information concerning national security matters. In both situations, the real motive for the arrests appears to be the government's over sensitivity to publications that contradict official government reports, that report on issues or incidents about which the government prefers to maintain a silence, or that provide incomplete or erroneous information concerning situations about which the government refuses to issue official reports. The refusal by both national and regional governments to provide official information to the independent news media, a policy which extends to the denial of access by independent reporters to government press conferences, renders the government partially responsible for the media's failure to reflect accurately or fully information that the government has withheld from it.

⁷⁹Radio Ethiopia in Amharic, August 2, 1995, quoted in *The Horn of Africa Bulletin*, vol. 7, no. 4 (July-August 1995).

⁸⁰"Prime Minister Meles Urges More Government Openness," Radio Ethiopia External Service, August 24, 1996, in BBC's Monitoring Service: Africa, August 26, 1996.

On numerous occasions the government has ordered the arrest of independent editors and publishers in retaliation against their reporting and analysis of high-profile events and contentious issues. Typical of this repressive practice were the detention campaigns that followed press coverage of the following events: the January 1993 demonstration of Addis Ababa University students; the failed assassination attempts against former Ethiopian strongman Col. Mengistu Haile Meriam in November 1995, and against Egyptian president Husni Mubarak in June 1995; and, more generally, reporting on insecurity in outlying areas in the country. During November 1995, for example, twelve journalists and publishers, as well as with five academics from of Addis Ababa University, including Prof. Mesfin Wolde Mariam, the chair of the Ethiopian Human Rights Council (which was blamed for the report carried by the journalists), were arrested. Members of this group were charged, on November 21, with violating the Press Law in connection with press articles on the student demonstrations of 1993. They were, however, provisionally released on bond,⁸¹ and the prosecutor general withdrew the charges against them on December 11, 1995 when their case came to court. According to one report, the official reason provided for discontinuing the prosecution was that “the public had not been incited by the articles written on the Addis University demonstrations and that there were more serious crimes which the Prosecutor General’s office had to deal with.”⁸²

During September and October 1997, authorities arrested thirteen independent journalists from various newspapers in Addis Ababa. No official reasons were given for the arrests. Among those arrested on October 16, were Solomon Namera and Tesfaye Deressa, respectively editor-in-chief and deputy editor-in-chief of the pro-Oromo weekly *Urji*. The two were joined on October 27 by Garoma Bekele, another journalist with *Urji*, who was arrested at the offices of the Human Rights League of which he is the secretary general. These arrests came shortly after articles were published in *Urji* that questioned an official version of the killing of three men by security forces in Addis Ababa on October 8. The government claimed the three were members of OLF and had been involved in a July attack by the OLF on a town in the Oromia region and were killed in a shootout when security forces attempted to arrest them. The newspaper quoted eyewitnesses who claimed the three were killed without warning as they were returning to their homes.⁸³

On December 3, the prosecution charged members of the board of *Urji* with OLF membership and said the weekly had served as an organ for the OLF.⁸⁴

One disturbing aspect of arrests under the 1992 Press Proclamation is the practice of detaining journalists when investigations are initiated prior to a judicial examination of the case. As a consequence, journalists are routinely detained without formal charge. Moreover, a provision of the Derg-era Penal Code, which is still in force, permits the pretrial release of detainees only upon payment of a financial guarantee to the police, even where the detainees have not yet been formally charged with a crime. In practice, such financial guarantees—a form of police bail or surety—are crippling. Only those journalists with the personal or family resources to pay them, or those who can prevail upon acquaintances to sign over an automobile or a house as surety in their behalf, can avoid long-term police detention. Exacerbating the financial pressure placed on journalists by this rule, the return of these payments or pledges may be withheld indefinitely, particularly where formal charges are delayed indefinitely or where hearings by which legal proceedings could be concluded are indefinitely postponed. Finally, leading independent journalists may face multiple

⁸¹See “Ethiopia: Update on Journalists-Prisoners of Conscience and Possible Prisoners of Conscience (19 currently in Custody),” Amnesty International, December 15, 1995, p. 2. See also: “Journalists Arrested in Addis Ababa,” *NGO Networking Service, Monthly Update*, vol. 3, no. 1, November 1995, p. 2 and “Ethiopian Journalists Released,” *Ibid.*, vol. 3, no. 2, December 1995, p. 2.

⁸² “Ethiopian Journalists Released,” *NGO Networking Service, Monthly Update*, vol. 3, no. 2, December 1995, p. 2.

⁸³See International Freedom of Expression Exchange (IFEX), “Action Alert - Ethiopia: Thirteen Journalists Arrested During September and October,” Toronto, November 13, 1997.

⁸⁴“Ethiopia: Ethiopia Charges Thirty-One For Attacks,” Reuter, Addis Ababa, December 3, 1997.

police investigations of their reporting, each one requiring a further payment of police bail. Pressure is exerted through the threat of further police investigations, which may result in prolonged detention without charge or trial once an individual's financial resources are exhausted. At the same time, there is little confidence in the independence of the judiciary, as courts hearing press cases have not hesitated to impose long prison sentences and enormous financial penalties on journalists, even in prosecutions that appear to have been largely politically motivated.

Those journalists who are charged and sentenced by courts to prison terms are likely to serve more time than that ordered by the courts. Recent examples of this abuse include those of Sissaye Negussie, a journalist with *Agere*, Samson Seyum, editor-in-chief of *Tequami*, and Salomon Gebre-Amlak, editor-in-chief of *Mogad*, who, as of this writing, were still being held in Addis Ababa Central Prison, though the prison sentences they were serving came to an end in June 1997 for Negussie and Seyum, and in October for Gebre-Amlak.⁸⁵

⁸⁵Ibid.

Because of these factors, since 1995 Ethiopia has had more journalists in prison than any other country in sub-Saharan Africa. In mid-1997 six journalists were serving prison sentences for violations of the press law before the wave of arrests in September and October added thirteen others to their number. Fourteen other journalists were on temporary release on bail, pending the conclusion of their trials.⁸⁶

Recently, the government sought to extend the application of the press law to international correspondents resident in or visiting the country, journalists whose coverage had largely escaped censorship in the past. The ministry of information forwarded a list of restrictive guidelines to the foreign correspondents' association in early June 1997, requiring resident correspondents to obtain annually renewable work permits, and to respect local laws and customs. In late June, Alice Martin, a correspondent of the British Broadcasting Corporation (BBC), had to leave Ethiopia after immigration authorities refused to renew her residence permit, despite her timely renewal application. She was informed of this thinly-disguised expulsion only three days after she assumed the presidency of the association of foreign correspondents.

The net effect of these repressive practices has been a noticeable increase in self-censorship. In addition, the cost of high bonds and bails has driven a number of newspapers out of business. As with trade unions, discussed below, the government's intimidation tactics have resulted in the attrition of a vital sector of civil society. The departure to self-imposed exile of many journalists spoke volumes about the effectiveness of the tactics employed to unseat them. Nebiyu Eyassu, secretary of the Ethiopian Free Press Journalists' Association, obtained political asylum in the U.S. in 1995. Mulugeta Lule, deputy president of the association, opted for the same solution in November 1996; while Kefle Mammo, the organization's president, left the country in early 1997, apparently with no intention to return.⁸⁷

The Right to Freedom of Association ***International Legal Standards***

Article 22 (1) of the ICCPR provides:

Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.⁸⁸

The right to freedom of association covers the right to join together with others for social, cultural, economic or political purposes, and includes association with only one other person as well as with groups and organizations, be they casual or formal.⁸⁹

⁸⁶See Reporters Sans Frontières: "Conte Rendu de Mission, Ethiopie - Erythrée - Somaliland," Paris, June 14 - July 5, 1997; and Reporters Sans Frontières, "Ethiopia; Imprisonment and Denial of Justice - Investigative Mission to Addis Ababa," Paris, October 1996.

⁸⁷Human Rights Watch telephone interview with Mulugeta Lule, Washington, D.C., July 1997.

⁸⁸This right to free association also appears in Article 10 (1) of the African Charter on Human and People's Rights: "Every individual shall have the right to free association provided that he abides by the law."

Article 22 (2) sets out the limits on the right to association: restrictions must be prescribed by law and "necessary in a democratic society," and "in the interests of national security or public safety, public order (*ordre public*), the protection of the public health or morals or the protection of the rights and freedoms of others."

⁸⁹Partsch, "Freedom of Conscience and Expression," p. 235.

Article 22 (1) protects the right to associate in political parties, since a ban on political parties is scarcely “necessary in a democratic society.” Article 25 of the ICCPR provides for the right to participate in government and in free elections, provisions which by extension allow for the right to organize political parties.⁹⁰

Article 22 (1) specifically protects the right to form and join trade unions, as do several International Labor Organization conventions to which Ethiopia is a party.

Article 31 of the Ethiopian constitution provides:

Every person has the right to freedom of association for any cause or purpose. Associations which undertake acts that lawlessly subvert the rule of law and constitutional rule are prohibited.

Political Opposition Parties

A political party founded in 1992 by members of the traditional Amhara elite, the All Amhara People’s Organization (AAPO) was formed after a number of incidents in which local Amhara elites, in areas in which they were a prominent minority, were attacked by members of the ethnic majority. At present, although AAPO continues to maintain offices in Addis Ababa, its leader, Prof. Asrat Woldeyes, is serving a five-year prior sentence. AAPO’s first vice-president, Kengazmach Nekatebeb Bekele, provided representatives of Human Rights Watch, during a June 1996 meeting, a list of thirty-six of AAPO’s regional offices of the party closed down by government agents according to AAPO. The list also contained the names of eleven AAPO members who were imprisoned for political reasons; seven prominent members whose whereabouts were unknown, and five “assassinated” members. It also described numerous incidents in which AAPO records were confiscated from offices sealed by government officials or from the residences of arrested members of the organization.⁹¹ Human Rights Watch was not able to verify these claims.

Human Rights Watch interviewed Semish Alem Sashe, a twenty-three-year-old mother of two children whose husband had been head of AAPO’s branch office in Dire Dawa and chairman of the party there until EPRDF soldiers arrested him in July 1992. She said that she had failed to locate him after his arrest, despite repeated appeals to government officials. She and AAPO presumed since June 1994 that he had been killed in custody.

⁹⁰Article 25 of the ICCPR provides in part that everyone shall have the right: “(a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors”

⁹¹“Closed Offices of All Amhara People’s Organization,” undated document, Addis Ababa, on file with Human Rights Watch.

Prof. Asrat Woldeyes has been serving consecutive two- and three-year sentences since June 1994, for, respectively, conspiracy to incite rebellion, and instigating armed rebellion. A third case, in which Professor Woldeyes and thirty-one others were charged with inciting armed uprising, is still pending as of this writing. Three other members of AAPO's central committee figured among the defendants: Ali Idris, Wondayehu Kassa, and Girma Inquselassie. Human Rights Watch was not able to verify these charges but other circumstances support AAPO's characterization of the charges as unsubstantiated. Negatu Tesfaye, the Professor Woldeyes defense counsel, told Human Rights Watch that there was no direct evidence against the four AAPO members in the witness statement and documentary evidence filed by the prosecutor, which consisted of letters written to the president of AAPO and reports addressed to the All Ethiopian Patriotic Movement and other unnamed organizations.⁹² Nevertheless, twenty-four of the defendants are being held in detention for the duration of the trial. Furthermore, hearings of Prof. Woldeyes' appeal to the Court of Cassation to reverse his first conviction were adjourned so many times that he finally served the entire two-year prison sentence handed down in that case. An appeal for the reversal of his second conviction has received a similar treatment. In June 1997, Professor Wodeyes, who is sixty-seven years old, started his fourth year in prison.

Trade Unions

Despite clear legal provisions protecting workers' rights to form and join unions and to engage in collective bargaining,⁹³ the government retaliated against at the Ethiopian Teachers' Association (ETA) and the Confederation of

⁹²Human Rights Watch interview, Addis Ababa, June, 1996.

⁹³Article 42-1 (a) of the federal constitution stipulates "[f]actory and service workers, peasant farmers and government employees under a certain level of responsibility, have a right to form associations to protect and improve their conditions and economic well-being. This right includes the right to form trade unions and other associations to bargain collectively with employers or other organizations that affect their interests." Article 42-1 (b) guarantees the right of categories of workers referred to in 42-1 (a) to express grievances, including the right to strike, while paragraph (c) in Article 42-1 leaves to the laws of the country the determination of categories of government employees who enjoy the rights provided under subsection (a).

Article 9-4 of the federal constitution further stipulates that "[a]ll international agreements ratified by Ethiopia are an integral part of the laws of the country." Ethiopia is member of the International Labor Organization (ILO) since 1923 and has ratified fifteen ILO conventions, all of which are in force, including conventions No. C87, C98 and C111.

The Labor Proclamation No. 42/1993 (the 1993 Labor Law), which entered into force on January 20, 1993, repeals previous labor legislation and removes the impositions of a single trade union system established under previous legislation. It guarantees for most workers the right to form and join unions and to engage in collective bargaining. As the Constitution allows, certain categories of workers are however not included in this provision, such as civil servants, workers in security agencies,

Ethiopian Trade Unions (CETU), the largest and best established unions in the country, when they undertook initiatives to protect the interests of their members. An estimated 250,000 workers belong to unions, mostly in urban areas, and particularly in Addis Ababa.

Ethiopian Teachers' Association (ETA)

The Ethiopian Teachers' Association celebrated its forty-seventh anniversary in March 1996. It is one of the oldest and most established associations in the country, boasting a membership of 120,000 teachers.⁹⁴ Nonetheless, since the beginning of the transition period, its relations with the government have been tense.

judges and prosecutors. A further limitation of the right of association is that workers providing "essential services" cannot strike. The government adopted a very broad definition of essential services, to include public transport, city cleansing and sanitation, power generation plants, water supplies, police and fire services, post and telecommunications, banks, and pharmacies.

⁹⁴"Ethiopian Teachers' Association," posted by Ethiopian Information Service Network in Holland (SHINE), the Internet at <SHINE@negash.antenna.nl>, March 20, 1996.

The association opposes certain aspects of the government's educational policy. Notably, it is against the policy of teaching in the dominant local languages within Ethiopia's various ethnically-defined states, beyond the primary level, and advocates instead teaching in all vernacular languages during basic education to accommodate minority ethnic groups within each region. ETA has also opposed government directives that have transferred teachers to their place of ethnic origin.⁹⁵ Some observers charge that ETA's difficulties stem from what they describe as its resistance to government policies that allegedly fragment pan-Ethiopian institutions along ethnic lines.⁹⁶ What reportedly most upset the authorities was a memorandum that ETA submitted to the Transitional Government of Ethiopia in July 1992. The memorandum demanded that teachers receive improved salaries, benefits, and training packages. It called for the moral recognition of their contributions to society and pressed for teachers to have a hand in shaping educational policies and decisions that affect them. The memorandum hinted, in a final concluding remark, to a state of "ethnic, tribal and religious conflict" that led to many victims in the ranks of ETA's membership, and threatened a strike if the government failed to address the grievances of its members.⁹⁷

Two ETA board members told Human Rights Watch that, in response to the memorandum, the government blocked ETA's bank account and declined to re-register the association when the ETA board submitted the required forms and documentation during the transitional period. Instead, they said, in March 1993 the government registered a group loyal to the ruling party, under the same name as ETA, and gave it official recognition as well as logistical and budgetary support.⁹⁸ They also said that the government asked teachers to organize along ethnic lines, but that they resisted this move. Furthermore, teachers who actively participated in ETA's activities were signaled out for transfers to remote areas. Some were detained and some were persistently harassed to the extent that they had to flee, leaving their families and work behind.

Assefa Maru, a member of the executive committees of both the Ethiopian Teachers' Association (ETA) and Ethiopian Human Rights Council (EHRCO), was shot and killed by police in the morning of May 8, 1997. The federal police said that the incident occurred when police apprehended members of a violent clandestine violent organization, the Ethiopian Patriotic Front. The police named Assefa Maru as the leader of the group, asserting that he "was shot dead when he refused to surrender after being found plotting with accomplices to mount terrorist acts."⁹⁹

Contradicting the official story, three eye witnesses interviewed by Human Rights Watch in July 1997 said that Maru was gunned down at around 8:20 a.m. while he was on his way to his office at ETA's headquarters.¹⁰⁰ At the time of the killing, all three eyewitnesses were in the street, drinking their morning tea and waiting for their work shift to start. They knew Assefa Maru, they said, because they saw him each morning around the same time in that stretch of the street on his way to work. Rather than a confrontation with an armed group, their description revealed a drive-by assassination that involved at least three police teams and an ambulance. The teams reportedly acted in rapid and coordinated succession. According to eyewitnesses:

⁹⁵*Ethiopian Review*, vol. 6, no. 5, May 1996, p. 10 (Atlanta).

⁹⁶SHINE, *Ibid.*

⁹⁷"Demands of the Ethiopian Teachers' Association Presented to the Office of the Prime Minister of the Transitional Government," July 1996.

⁹⁸Human Rights Watch interview, Addis Ababa, June 1996.

⁹⁹"Police Kill Leader, Apprehend Members of Anti-Peace Group," Ethiopian News Agency, May 9, 1997.

¹⁰⁰See Ethiopian Human Rights Council, "Extra-Judicial Killing," EHRCO's Special Report No.14, May 13, 1997, Addis Ababa. See also: "Eyewitnesses Refute Official Report about Asefa's Killing," *Urji's* English language edition (Addis Ababa), vol. 1, no. 5, May 15, 1997, p. 1.

A police vehicle, a Toyota pickup, with two uniformed policemen in the front seats, including the driver, and six in the back, blocked the sidewalk along which the victim was walking, cornering him against a stone wall. Nobody got out of the vehicle. Maru stopped with his back against the wall and didn't call for help or try to escape. Another police vehicle, reportedly an Opel sedan, which had been slowly following him at a distance, arrived at the scene moments later. Four uniformed and armed policemen were in it. A sharpshooter sitting in the back seat of the car took at least two shots at Maru, after which the car sped away without stopping. Maru was hit in the head and chest; he fell face down, and bled extensively on the sidewalk. (Photographs obtained by Human Rights Watch of the victim's body which were taken at the morgue are consistent with this account.)

Several policemen got out of the first vehicle, searched Maru's pockets, and took away his identification papers and his briefcase. During their search, they did not seem interested in seeing whether he was dead or alive.

Four additional policemen arrived at the scene moments after the shooting on a Land Rover. Agents from the two police teams closed off the narrow street on which the shooting took place, and kept bystanders at bay.

Hardly fifteen minutes after the shooting, a police ambulance arrived at the scene. Four policemen picked up the victim's body and left. After the body was removed, the two remaining policemen mounted their vehicles and drove away, not before attempting to throw some dust on the big pool of blood left on the sidewalk where the victim fell.¹⁰¹

Eyewitnesses' reports do not clarify whether Maru died instantly. Photographs taken at the morgue, while the body was still on a cement floor show it surrounded by a large pool of blood.

Relatives and colleagues of Assefa Maru received phone messages, reportedly from the police, telling them to collect his remains from the morgue, as he had died in a car accident. EHRCO officials, who received one such call, rushed to the hospital and discovered that Maru had been shot in the head and chest, and that his entire face and the left side of his shirt were covered with blood.¹⁰² Assefa Maru's widow first learned of the killing in the afternoon when the police arrived to search the house. The search team took some papers related to her husband's work with the Ethiopian Human Rights Council. Police later returned to her a valuable wrist watch and a gold ring that Maru had been wearing at the time of his death, but they never returned his briefcase.¹⁰³

Despite the presence of at least a dozen eyewitnesses to the shooting who contradicted the official version of events, the police and high-level Ethiopian authorities have held fast to their story. Because of the conflicting versions of events, the British embassy, unsuccessfully, pressed for an independent investigation of the incident, and the role of the police in it. The British government was particularly troubled by the reported use in the killing of vehicles it had supplied to the police under an international assistance program aimed at modernizing the police. Furthermore, Ethiopian authorities refused to renew the residence permit of a correspondent for the British Broadcasting Corporation in Addis Ababa. The correspondent was in town at the time of the killing, and had angered officials by reporting both versions of events, the official and that of eyewitnesses. As a result of this crisis, diplomatic relations between the two governments plunged to a historic low, as Britain declined to renew the funding agreement.

In their initial statement to the press, the police claimed that at the moment of the killing six of Assefa Maru's accomplices—three demobilized soldiers of the former army and three civilians—were caught while preparing a terrorist

¹⁰¹Compilation of eyewitnesses' reports to Human Rights Watch, Addis Ababa, July, 1997.

¹⁰²"Extra-judicial Killing," p. 2.

¹⁰³Human Rights Watch interview, Addis Ababa, July 1997.

act. Family members of two of the alleged accomplices, however, told Human Rights Watch that their relatives had already been in police custody for some time prior to the killing.¹⁰⁴

The police statement asserted that Maru had assumed the leadership of the clandestine insurgent group after the arrest of its original leadership, a thinly veiled reference to Dr. Taye Wolde Semayet having been arrested, ETA's president. At the time of Assefa Maru's killing, Dr. Taye had been in detention since May 30, 1996. He was arrested on charges of leading the Ethiopian National Patriots Front, a clandestine group whose name differed slightly from the one that the police had accused Assefa Maru of heading, the Ethiopian Patriots Front. Dr. Taye's arrest was preceded by raids on ETA's office, and the harassment of ETA officials and members found there. Again, within hours of the Maru shooting, police searched the association's office and the deceased's home. Occurring almost a year apart, the president's arrest and the killing of an executive committee member appeared to indicate a serious escalation in the state's attempts to shut down ETA and silence its members. Indeed, in interviews with Human Rights Watch in Addis Ababa in June 1996 and 1997, members and officials of the association described different forms of harassment and intimidation tactics aimed at weakening the association and eliminating its leadership.

¹⁰⁴Human Rights Watch interview, Addis Ababa, August 1997.

In a letter to the prime minister dated March 23, 1996, ETA officials reported that a few days previously government security forces had ransacked and sealed off the organization's head office in Addis Ababa.¹⁰⁵ ETA officials claimed that during the search security agents had harassed every individual found in the premises and had arrested Abate Angore, an ETA executive committee member who had argued with officials, insisting that they produce a court order before proceeding with the search. According to the letter, Angore received a "hard blow" and was later detained in the Criminal Investigation Bureau. The letter went on to say that agents broke into the office of ETA's president, Dr. Taye Wolde Semayat, who at the time was on a business trip to Europe, seizing personal notebooks and documents. Security forces also broke into Wolde's house, and into his elderly father's house in Nazareth, and took away items he kept there. ETA's secretary, Gemoraw Kassa, urged the prime minister to order the release of the detained ETA member, the return of confiscated ETA possessions, and called for the government to abide by the rule of law in its dealings with ETA.¹⁰⁶

Taye Wolde Semayat was arrested at Addis Ababa airport upon his return from his trip abroad on May 30, 1996. In August, he was charged with illegal anti-government activities and of heading a clandestine organization, together with five other individuals. The organization was described as the Ethiopian National Patriot Front, the aim of which, the prosecution said, was to assassinate government officials and foreigners.¹⁰⁷ The court denied the defendants' request for release on bail because of the seriousness of the charges against them. In preliminary hearings held on October 14, 1996, five of the defendants, including ETA's president, did not file any preliminary objection to the charges, reportedly to avoid prolonging the trial and hence their period in pretrial detention.¹⁰⁸ Dr. Taye complained to the court in that session that prison guards had interrogated him and subjected him to insults and threats. This abuse occurred, he said, whenever a story about him appeared in the independent press, even though the police investigation of him had been completed. The court ordered an investigation of the incidents. It also ordered prison authorities, in response to defense counsel complaints, to refrain from denying lawyers access to their clients.¹⁰⁹ By February 1997, the court had dismissed most of the charges against him, but he remained in detention as of this writing, pending his trial on charges of leading a clandestine violent group.

¹⁰⁵Official copy in English, received from ETA, Addis Ababa, June 1996.

¹⁰⁶Ibid.

¹⁰⁷"Ethiopia: Group Charged With Planning To Overthrow Government By Force," Radio Ethiopia, August 5, 1996, in BBC Monitoring Service: Africa, August 7, 1996.

¹⁰⁸Human Rights Watch telephone interview with Negatu Tesfai, Addis Ababa, October 1996.

¹⁰⁹"Dr. Taye W/Semayat tells Court about Harassment in Prison," *Ethiopian Register*, Vol 3, no. 11, November 1996, pp. 9-10.

Human Rights Watch interviewed a group of teachers whose professional careers and family lives were directly affected by the difficult relations between the government and their association. Tenna Sirabiza, the former regional secretary of ETA in North Omo district, has been an ETA member for fifteen years of a twenty-year career. The North Omo district committee was elected to office in January 1993 by members of the local ETA branch.¹¹⁰ He said that the local administrator had asked the branch association to disavow the memorandum that ETA had submitted to the government in July 1992 and to say that it was politically motivated. Instead, the branch responded that the points the memorandum raised were real teachers' concerns. Local members also objected that insistence on raising the issue with teachers locally amounted to interference in ETA's internal affairs.

Following persistent harassment, Sirabiza had to leave the area with the other elected members of ETA, while his family remained behind. He went to the regional capital with an ETA delegation to appeal his case. He was told to go to his ancestral land in Oromia if he wanted a teaching job. He had served in the Omo region for twelve years and had married there, but under the circumstances he accepted a job in Debre Zeid. His problems did not end there, however. He was dismissed from this second job and told to leave the town, because he continued to maintain relations with ETA colleagues. When he returned to Debra Zeid in December 1995 on family business, he was attacked by three men who asked him why he was roaming around the town after he had been transferred three months earlier. They started throwing rocks at him and stabbing him. In a frantic attempt to escape, he jumped into a steep gorge. Apparently assuming that he must have died upon hitting the rocky bottom, his attackers left the scene. Sirabiza stayed unconscious for hours, creeping back to the road when he recovered. Other teachers took him to ETA, which sent him to a hospital. He didn't return to Debra Zeid after that. ETA said it complained about this incident to the prime minister's office, but received no response. Complaints were also made to EHRCO, to the ICRC, and to the ILO.

Berhane Yusuf (not his real name) has been a teacher for almost three decades. He was elected as the regional finance officer of ETA in Desse, in the Wollo Southern Zone in Amhara State. After some time the regional council wrote him to request that he transfer ETA documents and other materials to the rival teachers' association appointed by government officials. When he refused to hand over the records and property in his case, members of the other association broke into and entered the office without a court order. Yusuf said he reported the incident to the regional council, to the police, and to the court, but received no response. He raised the issue with the Amhara State authorities in Bahr Dar in 1994, and complained to the government's Workers' Office about the letter he received. They gave him a statement addressed to the Southern Zone Council that stated that it was illegal to dismiss a government employee because of his union activities. The Council refused to follow this directive.

Yusuf moved to Addis and stayed there, unemployed. He survived on a small stipend from ETA. Other ETA officers were forced to provide ETA documents to the rival government-appointed group. They did not refuse to do so. They remained behind for some time, after which they were transferred to rural areas. The president of the local ETA branch resigned both his office in the association and the teaching profession.

A second teacher we interviewed also declined to hand over ETA's materials to the rival association. This led to the suspension of his salary. He was once detained for nine days in the police station and then released. He came to Addis Ababa in 1994 and has stayed there since.¹¹¹ A third, a fifty-year-old teacher and elected ETA official, said that he had left his family of four children behind in Desse, where he feared arrest if he returned. Instead, he refused to hand over the records because he was an elected official. He took the matter to court. The trial court ordered him to hand the records over, but the appellate court decided in ETA's favor.

¹¹⁰Human Rights Watch interview, Addis Ababa, June 22, 1996.

¹¹¹Ibid.

Finally, a former official who was elected to ETA's Addis Ababa branch committee in 1993 briefed us on the harassment that three members of his committee suffered because they remained loyal to ETA. The first received alarming threats from government agents who had taken him to a private hotel and accused him of being a member of the OLF. He felt that his life and his family were at risk and asked to be relieved of his union duties. Another was transferred to a regional office and not given an assignment. When he showed signs of frustration at not being involved in teaching, he heard comments such as "why don't you listen to us? If you do, you will be sent back to your school." He was finally transferred, after being demoted from high school to junior school teacher, to another school.

In mid-1997, ETA received reports of the arrest and detention of some seventy teachers in the Southern People's Region, allegedly for their insistence on forming an ETA chapter.¹¹²

Confederation of Ethiopian Trade Unions (CETU)

On April 18, 1997, Ibrahim Dawey, the charismatic former leader of the Confederation of Ethiopian Trade Unions (CETU), together with two other union leaders, left the country for exile abroad. He claimed that he had been reliably warned of the government's impending plan to arrest him on trumped up charges. He fled Ethiopia scarcely a week before CETU restructured itself to allow the election of new leadership. The government found the new arrangements sufficiently acceptable for it to recognize the confederation, after having refused to recognize the prior CETU leadership, and having engaged in administrative and legal attacks against it. At the worst point of the conflict, CETU offices were raided, and its meetings were disrupted by police. Union activists at the factory level were reportedly harassed or dismissed from their work for supporting leadership that was unpalatable to the government.

The confrontation began in October 1994 when CETU's chairman publicly criticized the negative impact of the government's structural adjustment program on public sector workers, who continued to constitute the overwhelming majority of the country's unionized workers. Destabilizing tactics continued to be used in 1996 and 1997 in the period leading to the election of the leadership for a "normalized" CETU against the two federations, out of nine, which remained loyal to previous leadership. For example, in the Federation of Commerce, Technique, and Printing Industry, a new leadership composed entirely of EPRDF loyalists called in the police on November 4, 1996, to eject the previous team from the union's premises. The last federation to remain loyal to the original CETU was the Banking and Insurance Trade Unions' Federation. Its largest and influential union of the Commercial Bank of Ethiopia became the target of similar attacks, including the freezing of its bank account in April 1997, and the obstruction of its meetings. The obstructions were meant to coerce its leadership into joining the new CETU after its "normalization," and appeared to have achieved that goal by August.

Nongovernmental Organizations

Human Rights Watch believes that the current restrictions on nongovernmental organizations are part of a progressive closing of democratic space to nongovernmental associations. The first phase involved obstacles to the organization or operations of political parties and associations, and of those trade unions not dominated by the ruling party. Subsequently new controls were imposed even upon humanitarian organizations, with a view to closing those not subordinated to government agencies and government-sponsored programs.

¹¹²Human Rights Watch interviews with teachers, Addis Ababa, June 22, 1996 and July/August 1997.

Restrictions on the nongovernmental organization movement have their legal basis in an outdated legal framework. THE ETHIOPIAN LEGAL SYSTEM DOES NOT RECOGNIZE PRIVATE, VOLUNTARY NONPROFIT ORGANIZATIONS, COMMONLY REFERRED TO AS NONGOVERNMENTAL ORGANIZATIONS (NGOs), AS A DISTINCT LEGAL ENTITY. THE LEGAL PRACTICE HAS BEEN TO ASSIMILATE NGOs TO CIVIL ASSOCIATIONS AS DEFINED IN THE 1960 CIVIL CODE OF ETHIOPIA, AND TO REGULATE THEM ACCORDINGLY.¹¹³

¹¹³The definition in Article 404 of the civil code reads: "an association is a grouping formed between two or more persons with a view to obtaining a result other than the securing and sharing of profits." Article 411 of the civil code requires, however, that the statutes of the association be signed by "not less than five associates." While this second provision seems to contradict the definition of an association, it has prevailed in actual practice.

The NGO movement in Ethiopia has evolved in directions that have further strained this legal framework. Initially, NGOs were registered with the Ministry of Interior in accordance with the provisions of the 1960 civil code and the 1966 associations' registration regulations.¹¹⁴ Following the 1984 famine, the Derg government had to accommodate an influx of NGOs. It did so without giving them a clear legal status. The 1960 law and 1966 regulations were completely abandoned during this period. NGOs had to enter into agreements with the Relief and Rehabilitation Commission (RRC) that could be revoked on a month's notice.

Following the change in government, the question of NGO registration and legal status became even more ticklish. Until that time, NGOs were working mostly in the areas of relief and development. After 1991, a new type of NGO emerged, focusing on democratization, civic education, human rights education and human rights monitoring. The NGO activists who founded this movement had difficulties registering with the Ministry of Interior. They were told that they needed to register with the RRC. Once these NGOs entered into agreements with the RRC, they received notice that they were registered. Some were, however, denied registration from the onset on the ground that they had "political" goals. In a move to further restrict the operation of nongovernmental organizations with human rights and civic education programs, the government wrote to some donor agencies telling them not to enter into any formal or informal relationships with local agencies that were not registered with the government.

Thus, unlike the closure of Oromo Relief Association (see below), government moves to close down or severely restrict other nongovernmental relief or development organizations have no alleged national security rationale. Rather, they appear to reflect measures to suppress even those largely indigenous organizations whose programs are deemed to have the potential to challenge the political dominance of the ruling party and related government programs. To this end, the legislation dating from Haile Selassie's imperial government to regulate civil associations has been cited in denying registration and legal recognition to those associations that are not wholly supportive of or creatures of government and the ruling parties. That this legislation was part of the body of internal security provisions enacted by the imperial government as a means to vet and regulate those seeking to exercise the freedom of association on political grounds is germane to the current situation.

In addition to controls on foreign funding for private organizations, these norms are applied in a manner that arbitrarily labels many organizations as "political" in nature, and therefore falling outside the scope of the associations law. The former minister of justice, for example, characterized the Ethiopian Human Rights Council (EHRCO) as a "political" organization, which was technically operating in breach of the law. To be within the law, he said, the EHRCO would have to register under the political parties law. It was made clear to Human Rights Watch that the organization was merely tolerated for the time being. In fact, Article 18 of the 1966 regulations on associations provides the ministry responsible for its implementation with clear discretionary powers to exempt any organization from the rigid requirements imposed as the norm.

The moves to close or restrict the operation of domestic nongovernmental organizations in the relief and development sphere have been attributed to the TPLF/EPLF's own experience with foreign relief agencies during the long war with the Derg. Access to relief and development assistance had, in fact, been a major factor in the rebel armies' survival and that of the population from which they drew support. At the same time, the political significance of development assistance was seen to reflect the political standing of those delivering the aid--whether government agencies or private. To this was added a philosophical position by which international donors were expected only to provide the wherewithal of aid, in funds, food and materials, but not to become operational; the latter function, by this

¹¹⁴The regulations require in article 5-2 that founders of an association note in the association's registration application their names, nationalities, and occupations, and attach to the application two passport-size photographs of each founder. See Article 5-2, Legal notice No. 321 of 1966: Regulations issued pursuant to the control of associations provisions of the civil code.

view, was to be performed by nationals (a principle largely accepted by the international agencies), and through government agencies (a principle rejected by many agencies that seek exclusively to channel assistance through independent local nongovernmental agencies). The subtext of the discussions concerning the delivery of humanitarian and development aid was largely political: to whom would the political credit for assistance attach?

The Case of the Oromo Relief Association (ORA)

The dismantling of the Oromo Relief Association (ORA) with the closure of its offices, confiscation of its equipment and supplies, and the arrest without charge of many of its staff was generally attributed to a high-level suspicion that ORA was in some manner providing support for the Oromo Liberation Front (OLF). To international donors, ORA was a responsible partner which provided development assistance at the grassroots in a wide range of projects in the west and northeast of Oromia Region. In Dire Dawa, in the northwest, ORA's subregional headquarters was in the area of U.N. offices known as the international village. One of ORA's projects there was to build grain stores.

The closure proceeded in stages. ORA was one of three major domestic nongovernmental development agencies that had functioned in contested areas as relief arms of ethnically-based liberation movements during the Derg period. It was registered in August 1991 with the new government. Under the terms of a three-year agreement with the government's Relief and Rehabilitation Commission (RRC) it was authorized to import food and materials for its relief and development programs free of customs duty. Its initial areas of operation were in the west, in areas bordering Sudan; it subsequently developed programs in Dire Dawa, Bale, Ambo, and Dembi Dolo.

After the OLF withdrawal from the transitional government in June 1992, ORA's operations in the west were closed. The regional government confiscated its vehicles, including road graders and trucks, and took over its clinics. During the closure of its offices, several staff members were detained as explained elsewhere in this report. According to a former ORA official, staff members throughout the region were harassed. Stopped in the street, they would be told "I know you." "You are doing OLF work."¹¹⁵

ORA negotiated with the RRC following the June 1992 crackdown, and in September 1992 was authorized to resume operations, but only in the east and south of Oromia. Arrests without warrant and temporary office closures continued, however. In 1993 the ORA office in Dire Dawa was closed for three days; fifteen staff were imprisoned without charge. Two of the staff were retained in custody without charge for eight months: for most of this period they were held at the former army camp at Hurso where thousands of suspected OLF militants were also held.

In 1995 the director of ORA, Addissu Beyene, was called into the offices of the Regional Council of Oromia, the Addis Ababa-based government of the newly defined Oromia region, which covers an area to the north and south of the capital and in an enormous arc from what was Welega department in the far west to Bale and Dire Dawa in the east.

The Oromia regional officials accused ORA of "replacing OLF activities." At that time, ORA had offices running rural projects in Chanka and Negele, to the west of Addis, and Dire Dawa. A reforestation and dairy project in the Chanka area, run by the nongovernmental organization Irish Concern, had been turned over to ORA in 1993 with basic funding. In July 1995 the Oromia regional council ordered ORA to close its offices in Negele, Chanka and Dire Dawa, and to restrict its operations to the central part of the region. It addressed the agency then responsible for authorizing development work, the RRC, to this end, arguing that ORA was too small, and did not have the capacity to work throughout Oromia.

ORA representatives challenged the state's government to produce proof of their organization's alleged support of the OLF. They rejected the oral instructions to close down the offices and asked instead for written documentation of the decision. They wrote a letter of complaint to the regional office of the RRC in which ORA said that it was operating

¹¹⁵Human Rights Watch interview, London, June 1996.

in areas under total government control. All their activities and movements were carried out after obtaining government consent. They could not call a meeting without the consent and presence of the government. The government wrote a letter dated August 10, 1995 that instructed ORA to relocate from the regions designated by the Oromia state because it did not have the capacity to cover the needs of the population. The government would take over activities to cover these needs. ORA said that the government move had in fact two motivations. Firstly it did not want ORA to reap the political credit of its humanitarian activities. Secondly it did not want witnesses to be present in the areas affected by civil strife.

In October 30, ORA received a letter from the president of Oromia, Kuma Demeska which decreed that as of October 30, ORA was not allowed to operate in Oromia.¹¹⁶ The letter stated that the reason for this decision was that government agents who went to close down ORA's office in Chenka found firearms in the office. ORA stated that the arms in question were licenced and registered with the government in the name of the office guards. This had been the case since the office was run by the international charity Concern, which passed it over to ORA.

On November 17 the central RRC notified ORA that it was suspending its general agreement with it due to the cessation of its project activities. On November 21, the RRC wrote to the bank, suspending all the accounts of ORA. The head office of ORA in Addis Ababa was closed down on February 29, 1996.¹¹⁷ ORA was led to lay off 160 staff members and was unable to pay their benefits and compensation because of the freezing of its accounts.¹¹⁸

Officials who closed ORA's head office included a representative of Region 14,¹¹⁹ the capital, accompanied by five armed policemen, with other armed security agents standing nearby. Although they failed to show a court order authorizing the closure, the officials sealed the office with an official stamp, locking inside the briefcases and other personal property of workers and all equipment, vehicles, drugs, and supplies found on the premises. Two weeks after the closure, officials broke into the office and took two light vehicles reportedly for the use of the regional RRC in Oromia.

The Board of Directors of ORA took Region 14 to court for the closure of the office without a court order and the confiscation of property. The first hearing took place on April 10, 1996. Advocates representing region 14 argued that the region acted upon the order of the RRC to close down ORA's office and to hand over its property to the regional RRC office. Accordingly, they asked that the RRC answer to the charges. In hearings held in October 1996, the court decided that Region 14 should continue to stand before it, not the RRC, and ruled that the impounding of ORA's property was illegal and should be ended. In February 1997 ORA appealed to the same court again to enforce the ruling, in the face of Region 14's refusal to return its vehicles, offices, and other property. Surprisingly, the court ruled against ORA, stating that "[t]he judgement passed on October 24, 1996 was only about the removal of the

¹¹⁶*NGO Networking Service, Monthly Update*, vol. 2 no. 12, October 1995, p. 2.

¹¹⁷"Final Blow Against ORA," *URJI*, MARCH 5/96, AS IN *PRESS DIGEST*, VOL. III NO. 1, OF MARCH 14, 1996, P. 6.

¹¹⁸Human Rights Watch interview, London, June 1996.

¹¹⁹"Final Blow Against ORA," *URJI*, MARCH 5/96, AS IN *PRESS DIGEST* VOL. III NO. 1, OF MARCH 14, 1996, P. 6.

impoundment; we (the judges) did not order the handover of the properties. Therefore, we have rejected your (ORA's) appeal for the handover of the properties."¹²⁰ ORA then appealed to the Supreme Court to reexamine the judgment. The merits of the appeal, which was presented to the court in July 25, 1997, was to be examined in a November 20, 1997 session. Human Rights Watch was not able to monitor the outcome of this proceeding.

Human Rights and Democracy and Governance Organizations

¹²⁰n "Situation Update - ORA," an ORA document, July, 1997.

The Ethiopian Human Rights Council (EHRCO), until recently the only local human rights group which has defined a monitoring mandate for itself, has been consistently denied registration as an NGO since it first applied in 1991. Its appeal against this decision, and the freezing of its bank account, first brought to court in May 1995, was adjourned twice in 1995 and 1996. The October 1996 session adjourned the consideration of the appeal to July 1997; at which time the court decided to adjourn to May 1998.¹²¹

The government occasionally engaged in publicly denouncing EHRCO as a political group, and, at least publicly, ignored its reports and appeals. THE GOVERNMENT HAS NOT, HOWEVER, DEFINED WHAT IT MEANS BY "POLITICAL." IT DID NOT SPECIFICALLY CONTEND THAT, IN TERMS OF ETHIOPIA'S CONSTITUTION, EHRCO AND OTHER GROUPS THE GOVERNMENT QUALIFY AS POLITICAL "LAWLESSLY SUBVERT THE RULE OF LAW AND CONSTITUTIONAL RULE." THAT A GROUP IS "POLITICAL" IS NOT A GROUND IN ETHIOPIAN LAW FOR REFUSING TO REGISTER IT. INDEED, UNDER INTERNATIONAL STANDARDS, THE PROTECTION OF "POLITICAL" ASSOCIATIONS IS AN EXPRESSLY NECESSARY ELEMENT OF A DEMOCRATIC SOCIETY.

THE ETHIOPIAN HUMAN RIGHTS LEAGUE WAS ESTABLISHED AMONG THE OROMO COMMUNITY IN ADDIS ABABA IN DECEMBER 1996. ITS OBJECTIVES ARE TO RAISE PUBLIC AWARENESS ABOUT HUMAN RIGHTS, INVESTIGATE AND REPORT ON HUMAN RIGHTS VIOLATIONS, AND PROVIDE LEGAL AID TO VICTIMS. IT APPLIED FOR REGISTRATION UPON ITS ESTABLISHMENT, SUBMITTING THE REQUIRED FORMS, ARTICLES OF ASSOCIATION, AND ANNUAL PLANS OF ACTIVITY TO THE MINISTRY OF JUSTICE FOR THAT PURPOSE. BY NOVEMBER 1997, IT STILL HAD NOT BEEN GRANTED THE LEGAL STATUS IT APPLIED FOR. NEVERTHELESS, IT RENTED AN OFFICE AND HIRED A FULL-TIME INVESTIGATOR, GAROMA BEKELE, WHO IS ALSO A JOURNALIST WITH THE OROMO NEWSPAPER URJI.

THE HUMAN RIGHTS LEAGUE WAS ABOUT TO LAUNCH ITS PUBLIC ACTIVITIES BY HOLDING A WORKSHOP ON HUMAN RIGHTS STANDARDS IN ADDIS ABABA IN EARLY NOVEMBER WHEN THE GOVERNMENT ARRESTED ITS SECRETARY AND SEVEN OF ITS FOUNDERS AND BOARD MEMBERS. THE ARRESTS OCCURRED DURING A CRACKDOWN ON ALLEGED SUPPORTERS OF THE OROMO LIBERATION FRONT (OLF) WHICH LED TO THE ARRESTS OF DOZENS, AMONG THEM A NUMBER OF PROMINENT OROMO ELDERS KNOWN FOR THEIR INVOLVEMENT IN THE PROMOTION OF WELFARE, CULTURAL, AND HUMAN RIGHTS ACTIVITIES BENEFITING THEIR COMMUNITY. GAROMA BEKELE WAS ARRESTED ON OCTOBER 27, TOGETHER WITH TWO OTHER JOURNALISTS OF URJI.¹²² THE OTHER DETAINED LEAGUE LEADERS INCLUDED:

- TILAHUN HIRPASSA
- HUSSEIN ABDI
- BEYENE ABDI, 72
- BEYENE BELISSA, 50
- GABISSA LEMESSA, 55
- ADDISU BEYENE, EXECUTIVE DIRECTOR OF ORA

ON NOVEMBER 24 THE DETAINEES WERE TAKEN TO COURT AND REMANDED IN CUSTODY BUT THEY HAD NOT BEEN CHARGED. BECAUSE THE POLICE HAD DENIED THEM ACCESS TO THEIR FAMILIES, LAWYERS AND DOCTORS IN THE WEEKS PRECEDING THEIR COURT APPEARANCE, THE JUDGE ORDERED THAT THEY SHOULD BE ALLOWED THAT ACCESS. POLICE HAD EVEN DENIED A WALKING STICK TO THE ELDERLY BEYENE BELISSA. EYEWITNESSES REPORTED THAT THE POLICE DRAGGED HIM INTO COURT: THE POLICE REPORTEDLY TOOK AWAY HIS ARTIFICIAL LEG AND WALKING STICK WHEN THEY TOOK HIM INTO CUSTODY.

¹²¹Human Rights Watch interview with Negatu Tesfaye, Addis Ababa, July 1997.

¹²²AMNESTY INTERNATIONAL URGENT ACTION, AI INDEX: AFR 25/19/97, OCTOBER 30, 1997.

ON DECEMBER 3 A STATEMENT FROM THE ETHIOPIAN PROSECUTION OFFICE SAID THAT THIRTY-ONE ALLEGED OLF MEMBERS AND SUPPORTERS WERE CHARGED WITH TERRORISM AND INVOLVEMENT IN A SERIES OF BOMBINGS THAT TOOK PLACE IN APRIL 1997 IN THE CAPITAL AND THE EAST OF THE COUNTRY. THE STATEMENT SAID THEY WERE ALSO CHARGED "WITH ARMS STOCKPILING, DESTROYING PROPERTY AS WELL AS KILLINGS."¹²³ IF FOUND GUILTY, THE DEFENDANTS COULD RECEIVE SENTENCES FROM FIVE YEARS IN JAIL TO THE DEATH PENALTY.

THE DETAINED OROMO ELDERS, WHO WERE CHARGED AS PART OF THE THIRTY-ONE, WERE ALSO SUPPORTERS OF OTHER ASSOCIATIONS, INCLUDING THE ORA AND THE MECHA TULEMA ASSOCIATION, FOUNDED IN THE 1960S, WHICH IS AN OFFICIALLY-RECOGNIZED OROMO WELFARE ASSOCIATION. SOME ARE BOARD MEMBERS OF URJI NEWSPAPER.

THE MONITORING GROUP OROMO EX-PRISONERS FOR HUMAN RIGHTS CONTINUED TO OPERATE CLANDESTINELY AS IT HAD DONE SINCE IT WAS FOUNDED BY A GROUP OF FORMER POLITICAL PRISONERS UNDER THE DERG IN AUGUST 1992. ESTABLISHED IN 1995, THE OGA DEN HUMAN RIGHTS COMMITTEE WAS SIMILARLY FORCED INTO CLANDESTINITY WHEN AUTHORITIES IN GODE, SOMALI REGION, RAIDED ITS OFFICE IN JUNE 1996 AND CONFISCATED DOCUMENTS AND OFFICE EQUIPMENT.

With regards to international human rights organizations, Prime Minister Meles Zenawi responded in a press interview to the charge made by Human Rights Watch in 1996 that at least 1,700 Derg-era suspects were held in Ethiopia without charge or trial by attacking his government's critics: "these so-called human rights organizations concoct reports which are not based on the reality on the ground. They also try to lecture us on human rights. They may continue writing what they please, but let them know we have dismissed them right from the onset."¹²⁴ In a response to a followup question by his interviewer, the prime minister admitted, however, that there were "human rights shortcomings in Ethiopia, but a satisfactory solution cannot be found without building a police and judicial capacities."¹²⁵

The Ethiopian government's response to international monitoring groups varied, from the summary dismissal of the work of human rights organizations on the grounds that they were either partisan or ill-informed, to the selective granting of access in other cases. The Ethiopian government permitted the fielding in 1996 and 1997 of two missions by Human Rights Watch, and granted our researchers access to high-ranking officials. It did not interfere with the private meetings they sought and held with individuals, NGOs and victims of abuses. It similarly provided an open door to researchers of Human Rights Watch's Arms Project who were looking into arms flows in the Horn of Africa. Other international human rights organizations who visited the country during the same period included Reporters Without Borders, the Committee to Protect Journalists, and the Lawyers Committee for Human Rights. The government continued to prevent the country researcher of Amnesty International from entering the country. A consultant for the organization was, however, permitted in the country to observe the Derg trials, in June 1996.

The Right of Peaceful Assembly

Legal Standards

Article 21 of the ICCPR states:

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic

¹²³"Ethiopia: Ethiopia Charges Thirty-One for Attacks," Reuter, Addis Ababa, December 1997.

¹²⁴The *Addis Tribune* Web site, June 13, 1997, at http://www.africanews.org/east/ethiopia/19970616_feat8.html.

¹²⁵*Ibid.*

society, in the interest of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

THE CONSTITUTION OF ETHIOPIA GUARANTEES THE RIGHT OF PEACEFUL ASSEMBLY IN ITS ARTICLE 30 WHICH STATES:

1. EVERY PERSON HAS THE RIGHT TO ASSEMBLE AND TO DEMONSTRATE TOGETHER WITH OTHERS PEACEABLY AND UNARMED, AND TO PETITION. REASONABLE PROCEDURES MAY BE PRESCRIBED IN THE INTEREST OF PUBLIC CONVENIENCE RELATING TO THE LOCATION OF OPEN-AIR MEETINGS AND THE ROUTE OF MOVEMENT OF DEMONSTRATORS OR, WHEN SUCH A MEETING OR A DEMONSTRATION IS IN PROGRESS, FOR THE PROTECTION OF PUBLIC MORALITY AND PEACE, AND DEMOCRATIC RIGHT.

The "Proclamation to Establish the Procedure for Peaceful Demonstration and Public Political Meeting" regulates the right of any individual, group, or organization to organize and participate in a peaceful assembly and political meeting.¹²⁶ The proclamation requires, in Article 4.1, that the organizer of a peaceful demonstration or political meeting submits written notice to local authorities forty-eight hours in advance. The notice should specify the objective of the demonstration or meeting; its place, date, and hour; estimates of the number of expected participants; the required assistance from authorities for maintaining law and order; and the full name, address, and signature(s) of the organizer(s) (Article 5.1). Article 6.1 empowers the concerned official to notify the organizer of the need of holding the event in a different place or time if this was deemed necessary for maintaining law and order.

The government, however, introduced a de facto permit system by virtue of which demonstrations were considered illegal, notwithstanding organizers' compliance with notification procedures, unless organizers had received express prior authorization. But, although the law required a prompt government response to the notification of planned events, there was sometimes no response whatsoever. The government thus gave itself the discretionary power to disperse such events and arrest those who participated in them.

THE STREETS OF THE CAPITAL ADDIS ABABA FREQUENTLY WITNESSED MORE OR LESS LARGE DEMONSTRATIONS WHICH WERE OFFICIALLY AUTHORIZED. THESE WERE ALLOWED TO PROCEED IN AN ORDERLY MANNER, AND, IN MANY CASES, OFFICIALS RECEIVED MARCHERS' PETITIONS AND RESPONDED TO THEM WITH STATEMENTS ON THE GOVERNMENT'S POLICY ON THE MATTER OF THEIR GRIEVANCE. A NUMBER OF UNAUTHORIZED PEACEFUL DEMONSTRATIONS WERE HOWEVER VIOLENTLY DISPERSED, AND SOME PARTICIPANTS WERE ARRESTED. THE GOVERNMENT'S RETALIATION ALSO INVOLVED PRESSURING PARTICIPANTS IN UNAUTHORIZED EVENTS INTO PETITIONING TO BE PARDONED AS A CONDITION FOR THEIR RELEASE OR THE SUSPENSION OF OTHER PUNITIVE MEASURES.

THESE MIXED GOVERNMENT RESPONSES TO CITIZENS EXERCISING THEIR FREEDOM OF ASSEMBLY WERE ONLY APPARENTLY CONTRADICTIONARY. THE GOVERNMENT'S REACTION TO THE WAVES OF POPULAR PROTESTS TOUCHED OFF BY TWO ECONOMIC POLICY DECISIONS, THE INCREASE OF RENTS ON STATE-OWNED PROPERTIES IN THE CAPITAL ADDIS ABABA, AND THE REDISTRIBUTION OF AGRICULTURAL LANDS IN THE NORTHERN AMHARA REGION, EMBLEMATIZED THE LIMITS ON FREE ASSEMBLY. THE DECISIVE ELEMENT WHICH SEEMED TO HAVE INVITED NEGATIVE GOVERNMENT REACTIONS WAS THE THREAT OF A CREEPING STRIKE IN ONE CASE AND THE POTENTIAL OF THE REVIVAL OF THE STUDENT MOVEMENT IN THE OTHER. AS DETAILED ABOVE, THE THREAT OF STRIKES BY THE TWO LEADING TRADE UNIONS IN THE COUNTRY WAS SUFFICIENT TO TRIGGER SWEEPING GOVERNMENT REPRESSIVE MEASURES AGAINST BOTH UNIONS. ON THE OTHER HAND, SINCE THE VIOLENT DISPERSAL OF A STUDENT DEMONSTRATION IN 1993 THAT LEFT AT LEAST ONE STUDENT DEAD, THE GOVERNMENT HAD SUCCEEDED IN RESTRICTING THE STUDENTS' RIGHTS OF ASSOCIATION AND ASSEMBLY ON THE ADDIS ABABA UNIVERSITY CAMPUS, AND APPEARED UNDISPOSED TO ALLOW THE REVIVAL OF A MILITANT STUDENT MOVEMENT THERE. IN OTHER WORDS, AUTHORITIES APPEARED TO EXERCISE A DISCRETIONARY POWER WITHOUT BASIS IN LAW TO SUSPEND THE LIBERTY OF PEACEFUL ASSEMBLY AND OTHER LIBERTIES WHEN THEY DEEMED CITIZENS' ACTIONS TO HAVE GONE BEYOND A CERTAIN LIMIT.

¹²⁶Proclamation No. 3/1991.

TWO HUGE DEMONSTRATIONS BY LOW-INCOME TRADERS ADVERSELY AFFECTED BY THE RENT INCREASES PROCEEDED PEACEFULLY ON SEPTEMBER 3, AND OCTOBER 3, 1996, THE FORMER DEMONSTRATION ATTRACTING AN ESTIMATED 200,000 CHANTING AND BANNER-WAVING MARCHERS TO THE STREETS, WHILE SOME 70,000 DEMONSTRATORS TOOK PART IN THE LATTER PROTEST.¹²⁷ UP TO 20,000 SHOPKEEPERS WERE AFFECTED BY THE INCREASE, DECREED IN SEPTEMBER 1996.¹²⁸

ON MAY 17, 1997, A NUMBER OF SMALL TRADERS AND SHOPKEEPERS STAGED A DEMONSTRATION TO COMPLAIN, FOR THE THIRD TIME IN EIGHT MONTHS, AGAINST THE RENT INCREASES. WHILE LOCAL AUTHORITIES HAD AUTHORIZED THE DEMONSTRATION, THEY SAID THEY WERE NOT INFORMED OF NOR DID THEY AUTHORIZE A DECISION BY THE AGGRIEVED TRADERS TO CLOSE THEIR SHOPS IN PROTEST AGAINST THE MEASURE.¹²⁹ THOUSANDS OF SHOPS ROLLED DOWN THEIR FRONT SHUTTERS IN ADDIS ABABA MARKETS DURING A THREE-DAY STRIKE DECLARED ON MAY 19, 1997. THE GOVERNMENT'S REACTION WAS SWIFT. AUTHORITIES DETAINED EIGHTY-FOUR TRADERS SUSPECTED OF HAVING COORDINATED THE TRADERS' ACTION, AND SAID THAT THEY WOULD REVOKE THEIR TRADE LICENSES, EVICT THEM FROM GOVERNMENT PROPERTIES AND BRING CHARGES AGAINST THEM. AN ULTIMATUM WAS ISSUED ON THE NATIONAL RADIO FOR THE STRIKERS TO REOPEN THEIR SHOPS IN THREE HOURS TIME OR RISK EVICTION. AUTHORITIES PROMPTLY SEALED ABOUT 1,300 SHOPS WHICH REMAINED CLOSED AT THE EXPIRATION OF THE ULTIMATUM. A CITY ADMINISTRATOR SAID THE CITY WOULD REOPEN THE SEALED PREMISES IF OWNERS ADMITTED THAT THEY HAD COMMITTED AN OFFENSE BY TAKING PART IN THE STRIKE, AND ASKED FOR THE GOVERNMENT'S PARDON. MANY DID JUST THAT TO PRESERVE THEIR LIVELIHOOD, SIGNALING THE TRADERS' CAPITULATION IN THE STRUGGLE OVER THE RENT INCREASES.¹³⁰ THE ADDIS ABABA ADMINISTRATION DID NOT RELENT, HOWEVER. IN MID-AUGUST, IT ANNOUNCED THE REVOCATION OF THE TRADE LICENSES OF FIFTY-TWO BUSINESSMEN AS A PENALTY FOR THEIR PARTICIPATION IN WHAT IT SAID WAS AN ILLEGAL STRIKE. THE PENALIZED TRADERS WOULD NOT BE ALLOWED TO ENGAGE IN BUSINESS TRANSACTIONS USING THE REVOKED LICENSES, AUTHORITIES SAID.¹³¹

THE ETHIOPIAN HUMAN RIGHTS COUNCIL NOTED THAT GOVERNMENT'S ACTIONS IN REPRESSING THE TRADERS' STRIKE WERE OF QUESTIONABLE LEGALITY: NO PROVISIONS IN ETHIOPIAN LAWS BAN CLOSING OF WORK PREMISES AS A FORM OF PROTEST; THE SEALING OF SHOPS WAS DONE WITHOUT COURT ORDER; AND THE CONDITIONING OF THE REOPENING OF THE SHOPS ON THE SIGNING OF AN APPEAL FOR GOVERNMENT'S PARDON HAD NO LEGAL GROUNDS. EHRCO RIGHTLY OBSERVES THAT "[I]f citizens are to be forced to beg the government, which violates their rights and takes

¹²⁷See Ethiopia: Some 200,000 Protest In Ethiopia Against Rents," Reuters, September 3, 1996; and "Ethiopia: Addis Ababa Shop Owners Protest Against Rents," Reuter, Addis Ababa, October 3, 1997.

¹²⁸See "Illegal Measures Against Businessmen," EHRCO Special report No. 16, June 3, 1997.

¹²⁹"Ethiopia: Over 80 Addis Ababa Traders Detained Following Strike," Radio Ethiopia, Addis Ababa, May 21, 1997, BBC Monitoring Service, Africa, May 23, 1997.

¹³⁰See: Alice Martin, "Ethiopia: Bazaar Strike Broken," the *Guardian*, 5/22/97, p.15.

¹³¹"Fifty-two Businessmen Lose Trade Licences," *The Addis Tribune*, August 22, 1997, web site at http://www.africanews.org/east/ethiopia/19970822_feat9.html.

ILLEGAL MEASURES AGAINST THEM, FOR PARDON WHENEVER THEY USE THEIR CONSTITUTIONAL RIGHTS (--), PEOPLE ARE NOT GOING TO HAVE CONFIDENCE IN THE LAW AND THEY WILL HAVE NO LEGAL GUARANTEES FOR THEIR ACTIVITIES."¹³²

¹³²In: "Illegal Measures Against Businessmen," Ibid.

THE GOVERNMENT ALSO PRESSURED A GROUP OF 200 DETAINED STUDENTS FROM ADDIS ABABA UNIVERSITY IN MARCH 1997 TO SUBMIT WRITTEN PETITIONS AS A CONDITION FOR THEIR RELEASE. THEIR CRIME, ACCORDING TO THE GOVERNMENT, WAS THEIR PARTICIPATION IN A DEMONSTRATION DEEMED ILLEGAL BECAUSE ORGANIZERS WERE NOT ISSUED WITH AN OFFICIAL AUTHORIZATION TO PROCEED WITH IT. ORGANIZERS CLAIMED FOR THEIR PART THAT THEY HAD ON MARCH 18 SUBMITTED TO THE COMPETENT OFFICIALS A WRITTEN NOTIFICATION OF THEIR INTENTION OF STAGING THE DEMONSTRATION, AND, HAVING RECEIVED NO RESPONSE, DECIDED TO GO AHEAD. AN ESTIMATED FIVE HUNDRED STUDENTS TOOK PART IN THE MARCH 21 DEMONSTRATION WHICH WAS MEANT TO PROTEST A CONTROVERSIAL LAND REDISTRIBUTION PROGRAM IN THE NORTHERN AMHARA REGION. NO SOONER HAD THEY LEFT THE MAIN CAMPUS THAN ANTI-RIOT POLICE WENT INTO ACTION, ATTACKING DEMONSTRATORS AND BYSTANDERS WITH BATONS, AND ROUNDING UP TWO HUNDRED STUDENTS, WHO WERE TAKEN IN TRUCKS TO A FORMER MILITARY FACILITY. AFTER FIVE DAYS IN A HARSH DETENTION REGIME, DURING WHICH SOME STUDENTS CLAIMED THEY WERE BEATEN AND FORCED TO CRAWL ON THEIR BARE ELBOWS AND KNEES ON SHARP GRAVEL, SOME 171 OF THEIR GROUP SIGNED ON TO A LETTER REQUESTING THE GOVERNMENT'S PARDON.¹³³ A GROUP OF FOURTEEN STUDENTS, WHOSE RESOLVE NOT TO SIGN REMAINED UNSHAKEN, WERE REPORTEDLY HELD IN DETENTION FOR MORE THAN TWO MONTHS, APPARENTLY UNDER SUSPICION OF BEING THE LEADERS OF THE PROTEST, BUT WERE ULTIMATELY RELEASED.

UNDER CRITICISM FOR SHOWING LITTLE ACTION IN THE FACE OF MOUNTING POPULAR DISCONTENT AGAINST GOVERNMENT POLICIES, AS LOUDLY EXPRESSED BY SMALL TRADERS IN THE CAPITAL AND AMHARA FARMERS, THE TWO LEADING OPPOSITION GROUPS, THE COUNCIL OF ALTERNATIVE FORCES FOR PEACE AND DEMOCRACY IN ETHIOPIA (CAFPDE) AND THE ALL AMHARA PEOPLE'S ORGANIZATION (AAPO) ORGANIZED MASS RALLIES IN THE CAPITAL ADDIS ABABA ON MARCH 30, AND APRIL 6, 1997 RESPECTIVELY. THEY ALSO DENOUNCED THE CONTINUED DETENTION OF SOME OF THE STUDENTS WHO TOOK TO THE STREETS TEN DAYS EARLIER IN PROTEST AGAINST THE SAME POLICIES. CONTRARY TO THE AGGRESSIVE DISPERSAL OF THAT MARCH, THE TWO OPPOSITION RALLIES, WHICH ATTRACTED LARGE CROWDS, WERE ALLOWED TO PROCEED PEACEFULLY. GOVERNMENT AGENTS, HOWEVER, REPORTEDLY ARRESTED SEVEN ACTIVISTS INVOLVED IN ORGANIZING THE FIRST RALLY, AND RELEASED THEM ON THE SAME DAY AFTER INTERROGATIONS.¹³⁴

VI. THE ROLE OF THE INTERNATIONAL COMMUNITY

Ethiopia emerged in 1997 as one of the members, alongside Eritrea, Uganda, Angola, and Rwanda, of a new political power block in east and central Africa that had, through its intervention and support, made possible the swift military campaign of the Alliance of Democratic Forces for the Liberation of Congo/Zaire (ADFL) and the ensuing takeover. Analysts characterized the Congo events and the prospects for its recovery a "second African liberation,"¹³⁵ the result of the concerted action of a new generation of leadership, whose members had fought long liberation wars themselves, and would take no lessons from outsiders. There were growing indications that Ethiopia's prominence in regional politics had contributed to its growing immunity to international pressure on human rights issues.

European Union and Other Members of the Donor Community

¹³³"University Students Demonstrate Against Discriminatory Land Redistribution," *Ethiopian Register*, vol. 4, no. 5, May 1997, p. 9.

¹³⁴See "Ethiopia: Opposition Protest Held Against Land Redistribution Policy," Ethiopian TV, March 30, 1997, BBC Monitoring Service: Africa, April 2, 1997; and "CAFPDE and AAPO Hold Mass Rallies," *Ethiopian Register*, vol. 4, no. 5, May, 1997, p. 16/17.

¹³⁵See, for example, Michael Holman and Michela Wrong, "Ripples of Revolution," *Financial Gazette*, May 26, 1997.

When some of the main international partners of Ethiopia attempted, however timidly, to use their close ties with the country to address grave human rights concerns, their attempts were usually met with evasive tactics, if not outright rejection. In spite of repeated requests for it to do so, the Ethiopian government stalled in naming a government authority to act as a focal point to respond to the human rights queries and concerns of the diplomatic community. And when some of the more outgoing donors offered to assist the Ethiopian government in setting up and resourcing such a focal point, their offers went unanswered.¹³⁶ However, Ethiopia's partners had themselves to blame for the high-handed attitude of their host. For far too long they had limited their interventions to requests to the Ethiopian government to come up with public responses to human rights concerns on high profile cases. The daily repressive practices in outlying areas in the country, and the clampdowns on the freedoms of expression, association, and assembly gradually slipped into a domain of accepted normality. Had the donor community put the same commitment it showed in backing the economic liberalization programs of the government in promoting the respect of basic human rights in the country, the current government might have reacted differently.

MEANWHILE, SUPPORT FOR ETHIOPIA'S ECONOMIC DEVELOPMENT PLANS WENT AHEAD IN FULL GEAR IN 1996 AND 1997, WHILE THE GOVERNMENTS OFFERED DISMISSIVE REMARKS TO THE DONORS' OCCASIONAL, AND SOMETIME RELUCTANT, EXPRESSION OF HUMAN RIGHTS CONCERNS. IN JULY 1996, FOR EXAMPLE, THE RESPONSE OF THE ETHIOPIAN GOVERNMENT TO A RESOLUTION BY THE EUROPEAN PARLIAMENT THAT CALLED ON IT TO RELEASE THE PRESIDENT OF ETA AND OTHER POLITICAL PRISONERS WAS THAT IT HAD DEALT WITH THE HIGH PROFILE DETAINEE IN FULL CONFORMITY WITH THE LAW. THE GOVERNMENT'S STATEMENT WENT ON TO DISMISS THE RESOLUTION AS INDICATIVE OF "LACK OF SERIOUSNESS AND PURPOSE,"¹³⁷ AND CLOSED ON THIS ADMONISHING NOTE: "[T]HE PARLIAMENT SHOULD CLEARLY UNDERSTAND THAT ITS INTERVENTION WILL HAVE NO CONSTRUCTIVE AND POSITIVE EFFECT ON RESPECT FOR HUMAN RIGHTS IN THE COUNTRY THE RECENT RESOLUTION OF THE EUROPEAN PARLIAMENT IS THE LAST THING THAT THE ADMINISTRATION OF JUSTICE NEEDS IN ETHIOPIA."¹³⁸

DURING A REGIONAL TOUR IN EAST AFRICA IN FEBRUARY 1997, EUROPEAN COMMISSIONER JOAO DE DEUS PINHEIRO SAID THE EUROPEAN UNION INCREASED ITS GRANTS TO ETHIOPIA, KENYA AND UGANDA BY BETWEEN 10 AND 45 PERCENT. THE NATIONAL AND REGIONAL GRANTS TOTALED 935 ECUS (U.S.\$794 MILLION) FOR THE NEXT FIVE YEARS. WHEN JOURNALISTS ASKED WHETHER E.U. AID WAS TIED TO HUMAN RIGHTS IMPROVEMENTS, PINHEIRO SAID: "WHEN YOU MENTION HUMAN RIGHTS YOU HAVE GOT ALWAYS TO PUT THINGS IN PERSPECTIVE IN THE SENSE THAT THINGS APPEAR TO BE SOMETIMES NOT SO PERFECT IN ONE SPOT BUT THEN WHEN YOU REALIZE WHAT IS GOING ON IN NOT SO FAR AWAY COUNTRIES YOU REALIZE THAT THINGS THERE ARE MUCH WORSE." HE SAID ONE HAD TO BE PRAGMATIC IN MAKING FUNDING DECISION: "YOU CANNOT ISOLATE HUMAN RIGHTS FROM THE BASIC RIGHTS OF THE CITIZEN FOR FOOD, SHELTER, OPPORTUNITIES . . . ALL THESE THINGS ARE IMPORTANT IN ASSESSING THE PROGRESS OF A COUNTRY."¹³⁹ ACCORDING TO AN AMBASSADOR OF A MAJOR BILATERAL DONOR COUNTRY, HIGH-RANKING ETHIOPIAN OFFICIALS OFTEN ARTICULATED SIMILAR ARGUMENTS WHEN FOREIGN

¹³⁶Summary of concerns of some members of the diplomatic community in the course of Human Rights Watch interviews, Addis Ababa, July, 1997.

¹³⁷"EPRDF Response to the European Parliament," July 28, 1996, disseminated by the Speaker of the Parliament to the multiple recipients of list <pol.ethiopia@wn.APC.ORG,> on July 29, 1997.

¹³⁸Ibid.

¹³⁹"Kenya: EU Boosts Grants to Three African States," Reuter, Nairobi, February 4, 1997.

DIPLOMATS RAISED SPECIFIC HUMAN RIGHTS CONCERNS AND CALLED FOR GOVERNMENT INVESTIGATIONS OF REPORTED HUMAN RIGHTS ABUSES, SAYING SUCH INVESTIGATIONS WOULD DIVERT THE GOVERNMENT'S ENERGY AND RESOURCES FROM BUILDING SCHOOLS AND CLINICS!¹⁴⁰ THE CLEAR ANSWER TO THIS FALSE DICHOTOMY WAS THAT THE RIGHT TO DEVELOPMENT WAS NOT INCOMPATIBLE WITH THE RESPECT OF HUMAN RIGHTS.

¹⁴⁰Human Rights Watch interview, Addis Ababa, July, 1997.

THE ETHIOPIAN GOVERNMENT WAS NOT LACKING IN SIGNS OF UNCONDITIONAL SUPPORT FROM THE DONOR COMMUNITY.¹⁴¹ FROM DECEMBER 10 TO 12, 1996, ETHIOPIA BECAME THE FIRST COUNTRY TO HOST ON ITS SOIL THE MEETING OF ITS CONSULTATIVE GROUP. FIFTEEN BILATERAL PARTNERS AND TWELVE MULTILATERAL PARTICIPATED IN THE EVENT, WHICH THE WORLD BANK VICE-PRESIDENT FOR AFRICA REGION CHAIRED. THE ETHIOPIAN DELEGATION WAS LED BY THE PRIME MINISTER. DONORS COMMENDED THE ACHIEVEMENTS OF ETHIOPIA'S MACROECONOMIC AND STRUCTURAL ADJUSTMENT PROGRAM TOWARD THE ALLEVIATION OF POVERTY IN THE COUNTRY. ACCORDING TO THE OUTGOING DUTCH AMBASSADOR TO ETHIOPIA, HUMAN RIGHTS CONCERNS THAT HE AND A FEW OTHER BILATERAL DONORS EXPRESSED IN THE MEETING WERE NOT TAKEN INTO CONSIDERATION IN ITS FINAL OUTCOME. DELEGATES, HOWEVER, URGED THE GOVERNMENT TO IMPROVE ITS PARTNERSHIP WITH THE CIVIL SOCIETY THROUGH INCREASED DIALOGUE AND CONSULTATIONS WITH GROUPS AFFECTED BY THE ECONOMIC POLICIES. AT THE CONCLUSION OF THE MEETING, DONORS PLEDGED OVER U.S.\$2.5 BILLION IN NEW COMMITMENTS OF EXTERNAL FINANCING FOR THE YEARS 1996/97-1998/99.¹⁴² IN THE THIRD WEEK OF JANUARY 1997, ITS CREDITOR NATIONS AGREED TO GIVE ETHIOPIA A DEBT REDUCTION BREAK OF UP TO 67 PERCENT, ONE OF THE MOST GENEROUS AGREEMENTS AVAILABLE TO A LEAST-DEVELOPED NATION.

ON FEBRUARY 25, 1997, DELEGATIONS FROM THE WORLD BANK AND THE EUROPEAN COMMISSION, WHO BETWEEN THEM PROVIDED UP TO 70 PERCENT OF ECONOMIC ASSISTANCE TO AFRICA, MET TO DISCUSS ISSUES CONCERNING A COLLABORATIVE EFFORT IN PORTIONS OF AFRICA. THE EUROPEAN COMMISSION TEAM, HEADED BY PROFESSOR PINHEIRO, AND THE WORLD BANK TEAM, HEADED BY THE WORLD BANK REGIONAL VICE-PRESIDENT FOR AFRICA, JEAN-LOUIS SARIBIB, AGREED TO CONCENTRATE THEIR EFFORTS ON POVERTY ALLEVIATION AND PRIVATE SECTOR DEVELOPMENT IN THREE COUNTRIES: MOZAMBIQUE, ETHIOPIA, AND IN THE IVORY COAST. THEY ALSO AGREED THAT BOTH POVERTY REDUCTION AND ACCELERATION OF ECONOMIC GROWTH IN THE PRIVATE SECTOR WOULD BENEFIT THE IMPOVERISHED AND DECIDED THAT THEIR UPCOMING MEETINGS SHOULD BE HELD IN THE THREE AFRICAN COUNTRIES TO ENCOURAGE MORE PARTICIPATION ON THEIR PART. ON THAT OCCASION, THE E.U.'S DEVELOPMENT COMMISSIONER STRESSED THAT GROWTH, THE DEVELOPMENT OF HUMAN RESOURCES, AND THE REDUCTION OF POVERTY MUST GO HAND IN HAND WITH RESPECT FOR HUMAN RIGHTS, DEMOCRATIC PRINCIPLES, AND THE RULE OF LAW. NEEDLESS TO SAY, DESPITE THIS DECLARATION, THE E.U. AND THE DONOR COMMUNITY AT LARGE HAD, AS YET, TO TOP THEIR LARGELY UNDERUSED LEVERAGE TO PRESSURE ETHIOPIA TO COMPLY WITH CONCRETE GOOD GOVERNANCE AND HUMAN RIGHTS BENCHMARKS.

SOME ENCOURAGING SIGNS DID EMERGE DURING 1997, HOWEVER. THE BRITISH GOVERNMENT WITHHELD FOR A TIME THE RENEWAL OF ITS FOUR-YEAR AID AGREEMENT DESIGNED TO ASSIST IN THE ESTABLISHMENT OF A CIVILIAN, ACCOUNTABLE POLICE FORCE IN ETHIOPIA, WHEN IT CAME UP FOR RENEWAL IN MAY 1997, WHEN THE ROLE OF THE POLICE IN THE KILLING OF THE LEADER OF THE ETHIOPIAN TEACHERS ASSOCIATION WAS CREDIBLY QUESTIONED. WHEN THE U.K. LATER OFFERED A REVISED VERSION OF THE AGREEMENT INCORPORATING HUMAN RIGHTS VALUES IN THE TRAINING AND REFERENCE TO JUDICIAL OVERSIGHT, THE ETHIOPIAN SIDE REPORTEDLY REJECTED THE U.K.'S CONTRIBUTION OUTFRIGHT. THIS FOLLOWED DIPLOMATIC TENSIONS BETWEEN THE TWO COUNTRIES WHEN THE U.K. PRESSED IN VAIN FOR THE GOVERNMENT TO OPEN AN INDEPENDENT INVESTIGATION OF THE MARU KILLING. THE E.U. AND OTHER DONORS ASSISTED, THROUGH THE PROGRAM "INSTITUTIONAL STRENGTHENING OF PARLIAMENTARY INSTITUTIONS," IN SUPPORTING PREPARATIONS FOR THE CONVENING IN DECEMBER 1997 OF AN INTERNATIONAL CONSULTATION FOR THE CREATION OF A HUMAN RIGHTS COMMISSION AND OMBUDSMAN INSTITUTION. ETHIOPIA ALSO REPORTEDLY GRANTED ACCESS TO THE ICRC TO VISIT AN INCREASING NUMBER OF PLACES OF DETENTION IN 1997, INCLUDING KEBELE HOUSES AND ARMY CAMPS. A REPRESENTATIVE OF AN E.U. MEMBER STATE TOLD HUMAN RIGHTS WATCH THAT THE GOVERNMENT HAD AGREED TO INDIVIDUAL PRISON VISITS ON A MONTHLY BASIS BY DONOR EMBASSY REPRESENTATIVES. REQUESTS TO EXTEND THE AUTHORIZATION TO COORDINATED VISITS BY SEVERAL EMBASSIES AT A TIME WERE HOWEVER NOT GRANTED.¹⁴³ ON SEPTEMBER 18, 1997, THE EUROPEAN PARLIAMENT PASSED A RESOLUTION WHICH CONDEMNED THE ASSASSINATION OF ASEFA MARU, AND ALL HUMAN RIGHTS VIOLATIONS IN ETHIOPIA BY GOVERNMENT SECURITY FORCES. THEY ALSO CALLED ON THE ETHIOPIAN GOVERNMENT TO RELEASE ALL POLITICAL PRISONERS, TO GUARANTEE FUNDAMENTAL RIGHTS, AND TO NOT OBSTRUCT THE FREEDOM OF THE PRESS.¹⁴⁴

United States

WITH \$104 MILLION IN U.S. BILATERAL ECONOMIC ASSISTANCE, ETHIOPIA RANKED AS THE SECOND LARGEST RECIPIENT OF U.S. AID TO THE CONTINENT IN FISCAL YEAR 1997. PRIVATE U.S. TRADE AND INVESTMENT ACTIVITIES IN THE COUNTRY GREW SIGNIFICANTLY, WITH SOME 120 U.S.

¹⁴¹"France: Paris Club Agrees Debt Relief For Ethiopia," Reuter, Paris, January 24, 1997.

¹⁴²"Ethiopia: Quarterly Update," vol. II, no. I, The World Bank Resident Mission in Ethiopia, p. 2.

¹⁴³Human Rights Watch interviews, Addis Ababa, July, 1997.

¹⁴⁴"EU: EP/Human Rights - Situation in Kenya, Bahrein, Colombia, Chili, Ethiopia ...," Agence Europe, Brussels, September 19, 1997.

investors starting operations and offices in the country by 1997.¹⁴⁵ The United States cultivated the closest of relations with Ethiopia in all sectors of cooperation since the ouster of the Derg government in 1991. The country gradually acquired a central place in the U.S.'s strategy for the region, aiming particularly at containing the influence of the Islamist government of Sudan in the region and at stabilizing the situation in Somalia.

¹⁴⁵"Ambassador Notes Growing Ethio-U.S. Relations," *News From Ethiopia* (Ethiopian Embassy to the U.S.), March 1997, p. 1.

A NUMBER OF HIGH-LEVEL ADMINISTRATION OFFICIALS VISITED ETHIOPIA DURING 1996 AND 1997 TO DISCUSS, IN ADDITION TO BILATERAL AFFAIRS, REGIONAL SECURITY CONCERNS. JOHN DEUTCH, THEN DIRECTOR OF THE U.S. CENTRAL INTELLIGENCE AGENCY, HELD TALKS WITH PRIME MINISTER MELES ZENAWI IN ADDIS ABABA IN APRIL 1996.¹⁴⁶ IN FEBRUARY 1996, VINCENT KERN, THE DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS, HAD ANNOUNCED FROM THE ETHIOPIAN CAPITAL HIS GOVERNMENT'S READINESS TO ASSIST ETHIOPIA'S ARMY AND HELP IN THE CONSOLIDATION OF PEACE IN THE HORN OF AFRICA. ONE OF THE MAIN OBJECTIVES OF THE OCTOBER 1996 VISIT BY FORMER SECRETARY OF STATE WARREN CHRISTOPHER, WHICH WAS PART OF AN EXTENDED TOUR IN AFRICA, WAS OBTAINING SUPPORT FOR THE AFRICAN CRISIS RESPONSE INITIATIVE (ACREI). THIS U.S.-LED INITIATIVE AIMED AT CREATING A 10,000-STRONG FORCE FOR DEPLOYMENT DURING HUMANITARIAN CRISES OR FOR PEACEKEEPING OPERATIONS. THE FORCE WOULD CONSIST OF CONTINGENTS WITHIN NATIONAL ARMIES WHICH WILL BE TRAINED AND SPECIALLY EQUIPPED FOR PEACEKEEPING ASSIGNMENTS. BY JULY 1997, 120 U.S. TROOPS LANDED IN UGANDA TO START THE TRAINING OF THE FIRST ACREI UNIT. THE TRAINING OF TROOPS FROM ETHIOPIA, MALI, GHANA, AND TUNISIA WAS TO TAKE PLACE IN A LATER PHASE.¹⁴⁷

THE U.S. HAD RESUMED ITS BILATERAL MILITARY RELATIONS AND MILITARY ASSISTANCE PROGRAMS WITH ETHIOPIA FOLLOWING THE FALL OF THE DERG. WITHIN THIS PACKAGE, THE U.S. PROVIDED THE NATIONAL DEFENSE FORCES WITH TRAINING IN THE FIELDS OF DEMINING, BASIC SOLDIERING SKILLS, AND MILITARY JUSTICE.¹⁴⁸ IN ADDITION TO THIS, ETHIOPIA WAS POISED TO RECEIVE ADDITIONAL MILITARY HARDWARE AND TRAINING AS A MEMBER OF ACREI, AS EXPLAINED ABOVE, AND WAS ALSO THE MAIN RECIPIENT OF A SPECIAL MILITARY ASSISTANCE PACKAGE VALUED AT U.S. \$20 MILLION THAT THE U.S. ANNOUNCED IN NOVEMBER 1996 THAT IT WAS EXTENDING TO ETHIOPIA, ERITREA, AND UGANDA. THE U.S. DENIED THAT IT WAS MAKING THE MILITARY ASSISTANCE GRANT WITH THE PURPOSE OF ASSISTING THE THREE COUNTRIES' PROCLAIMED EFFORT TO TOPPLE THE GOVERNMENT OF SUDAN. STATE DEPARTMENT DEPUTY SPOKESMAN GLYN DAVIES QUALIFIED THE PACKAGE AS A "NONLETHAL DEFENSIVE MILITARY ASSISTANCE."¹⁴⁹ IN LATE SEPTEMBER 1997, A U.S. OFFICIAL TOLD THE PRESS THAT THE GOVERNMENT WAS GOING TO INCREASE THE LEVELS OF ITS MILITARY AID TO THE SAME RECIPIENTS WHO CAME TO BE KNOWN AS THE "FRONT LINE STATES," WHILE AT THE SAME TIME ENGAGING THE GOVERNMENT OF SUDAN IN AN AGGRESSIVE DIALOGUE MEANT TO PRESS IT INTO ABANDONING ITS SUPPORT OF FUNDAMENTALIST GROUPS IN THE REGION.

DESPITE THE LARGE INFLUENCE THAT THE U.S. WIELDS IN ETHIOPIA BY VIRTUE OF ITS SIGNIFICANT ECONOMIC AND MILITARY ASSISTANCE PROGRAMS TO THE COUNTRY, AND THE STRATEGIC COOPERATION BETWEEN THE TWO COUNTRIES, RARELY HAD OFFICIALS OF THE CLINTON ADMINISTRATION GONE ON PUBLIC RECORD ON THE ISSUE OF RAMPANT HUMAN RIGHTS ABUSES IN THE COUNTRY. THE U.S. IN EFFECT APPEARED TO MAINTAIN TWO LEVELS OF DISCOURSE ON THE ISSUE OF RIGHTS ABUSES IN ETHIOPIA. AT A POLITICAL LEVEL, SUPPORTIVE STATEMENTS WERE LEFT TO THE AMBASSADOR ON THE GROUND, WHILE CRITICAL COMMENTS WERE ARTICULATED IN THE U.S. DEPARTMENT OF STATE ANNUAL REPORTS ON COUNTRY HUMAN RIGHTS PRACTICES.

¹⁴⁶"Ethiopia: CIA Chief in Ethiopia Last Week," Reuter, Addis Ababa, April 25, 1996.

¹⁴⁷"U.S. "Green Berets" to Land in Uganda as Trainers," Reuter, Kampala, July 21, 1997.

¹⁴⁸According to a note from the Office of Defense Attache, U.S. embassy in Addis Ababa, in the brochure "Building Bridges Through Business: The U.S.-Ethiopia Trade Relations - Trade Exhibition," Addis Ababa, May, 1997, p. 15.

¹⁴⁹"USA: U.S. Denies Trying to Help Overthrow Sudan," Reuter, Nov. 13, 1996.

THE NEW U.S. AMBASSADOR, DAVID SHINN, LIKE HIS PREDECESSOR, WENT ON RECORD VOICING PRAISE OF THE DEMOCRATIZATION AND ECONOMIC LIBERALIZATION POLICIES OF THE ETHIOPIAN GOVERNMENT AND ADMIRATION OF THE ADMINISTRATIVE STRUCTURES DEvised BY THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA. IN A DECEMBER 1996 PRESS CONFERENCE AMBASSADOR DAVID SHINN CALLED ON THE EXILED OPPOSITION, IF IT WERE TO GAIN CREDIBILITY, TO RETURN TO THE COUNTRY AND PARTICIPATE IN THE POLITICAL PROCESS, EVEN AT THE RISK OF FACING DETENTION. HE OBSERVED THAT LOCAL OPPOSITION GROUPS HAD NO PRESENCE OUTSIDE THE CAPITAL, A COMMENT THAT ONE LEADING OPPOSITION PARTY AT LEAST, THE ALL AMHARA PEOPLE'S ORGANIZATION, FOUND OBJECTIONABLE FOR FAILING, IT SAID, TO TAKE INTO ACCOUNT RESTRICTIONS THAT THE GOVERNMENT POSED ON FREE ASSOCIATION AND ASSEMBLY.¹⁵⁰

NOTICEABLE EXCEPTIONS TO THIS SUPPORTIVE ATTITUDE HAVE BEEN, AS MENTIONED ABOVE, THE CRITICAL STANCE OF THE ANNUAL REPORTS OF THE U.S. DEPARTMENT OF STATE ON COUNTRY HUMAN RIGHTS PRACTICES, AND THE STATEMENT OF FORMER SECRETARY OF STATE WARREN CHRISTOPHER DURING HIS OCTOBER 1996 VISIT IN WHICH HE CALLED ON THE ETHIOPIAN GOVERNMENT TO RESPECT THE FREEDOM OF THE PRIVATE PRESS AND ABIDE BY OTHER HUMAN RIGHTS STANDARDS. THIS STATEMENT HAS AS YET TO LEAD TO ACTUAL POLICY SHIFTS AIMED AT ENCOURAGING A RELUCTANT PARTNER TO MOVE TOWARD A MORE EFFECTIVE COMPLIANCE WITH THESE STANDARDS.

AMBASSADOR SHINN REPORTEDLY INTERCEDED WITH PRIME MINISTER MELES ZENAWI WHEN HE REFUSED TO RECEIVE A VISITING FACT-FINDING MISSION FROM EDUCATION INTERNATIONAL WHICH WAS INVESTIGATING THE SITUATION OF THE ETHIOPIAN TEACHERS' ASSOCIATION, AND THE KILLING OF ASSEFA MARU. AS A CONCESSION, THE PRIME MINISTER AGREED TO MEET WITH THE UNITED STATES MEMBER OF THE DELEGATION, WHO WAS APPOINTED LABOR ADVISOR TO PRESIDENT CLINTON WHILE HE WAS IN ETHIOPIA, BUT ONLY IN HIS CAPACITY AS A PRIVATE CITIZEN.¹⁵¹ FOLLOWING A NINETY-MINUTE DISCUSSION, THE PRIME MINISTER TOLD HIS INTERLOCUTOR THAT IN ORDER FOR HIS GOVERNMENT TO RESUME NEGOTIATIONS WITH ETA, THE ASSOCIATION HAD TO CONDEMN VIOLENCE, ACCEPT THE CONSTITUTION, AND CONDEMN TERRORISM IN A PUBLIC STATEMENT IN WHICH IT WOULD ALSO UNDERTAKE NOT TO COOPERATE WITH TERRORISTS. IN RESPONSE TO THESE PRECONDITIONS, ETA REITERATED ITS REJECTION OF VIOLENCE AND TERRORISM, AND CALLED ON THE GOVERNMENT TO RENEW NEGOTIATIONS WITH IT. THIS HAD AS YET TO HAPPEN, BY THE LAST QUARTER OF 1997.¹⁵²

¹⁵⁰"AAPO condemns US Ambassador's Biased Criticism of Opposition groups," *Ethiopian Register*, vol. 4, no. 2, February, 1997, p. 13.

¹⁵¹Human Rights Watch interview with ETA officials, Addis Ababa, July, 1997.

¹⁵²"ETA's Principles and Objectives Are Always Clear," a press release by ETA, Addis Ababa, 1997.

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