

Reference: TG AFR 25.2018.002

Members of the House of Peoples Representatives
(HPR)
Federal Democratic Republic of Ethiopia (FDRE)
Addis Ababa
Ethiopia

1 March 2018

Dear Honorable Members of Parliament,

CONCERNS OVER THE STATE OF EMERGENCY DECLARATION

I am writing this open letter to you at this critical time in Ethiopia when you are about to deliberate and vote on the State of Emergency Proclamation which the Council of Ministers of the Federal Democratic Republic of Ethiopia passed on 16 February 2018 following the announcement of resignation of Prime Minister Hailemariam Dessalegn.

As you are all well aware, if adopted, this Proclamation will initiate a state of emergency in the country for the second time in less than two years. In October 2016, this House adopted a State of Emergency Proclamation (2016) following a year-long period of protests in Oromia and Amhara Regional States of Ethiopia, which was only lifted on 4 August 2017. During the 10-month period of this state of emergency, Amnesty International documented widespread human rights violations, including torture and other ill-treatment, arbitrary arrests and detentions, as well as patterns of denial of access to justice. We have noted with concern the recent escalation, in gravity and magnitude, of human rights violations in Ethiopia, especially in Amhara, Oromia, and Somali Regional States of Ethiopia. Since September 2017, Amnesty International has documented a series of grave human rights violations in Ethiopia. These include the forced displacement of at least 700,000 residents, since September 2017, from districts in Oromia Regional State bordering the Somali Regional State. Interviewees have told Amnesty International that they left their villages and towns because members of the Somali Regional State Special (Liyu) Police either repeatedly attacked their villages or forcibly expelled them from their homes, particularly from Jigjiga, Togo Wajale, and other towns in Somali Regional State to Oromia.

In addition to these massive displacements, Amnesty International has documented the possible extrajudicial execution of at least one hundred people of Oromo descent, including children, by the Special (Liyu) Police of the Somali Regional State in September 2017; the killing of at least nine internally displaced people from Somali Regional State by members of the Federal Defence Force on 16 September 2017 in Hamaresa, a city in the Harari Regional State; the killing of at least 10 protesters allegedly involved in the blockage of a road in Ambo city in Oromia Regional State by members of the Federal Defence Force on 26 October 2017; and the killing of at least seven people by members of the Federal Defence Force in Weldia, a city in North Wollo Zone of Amhara Regional State on 20 January 2018 during an epiphany procession. Amnesty International documented similar killings by the members of the Federal Defence Force in Shashemene, Oromia Regional State on 11 October 2017; in Hamaressa, Harari Regional State on 11 February 2018; in Meda Walabu town, in Bale Zone of Oromia Regional State on 12 February 2018; and in Itteya town, in Arsi Zone of Oromia Regional State on 14 February 2018.

The heightened political tension and the ongoing protests in the country underline the need for greater space for civic engagement and guarantees for full exercise of human rights, rather than less. The Ethiopian Anti-Terrorism Proclamation (2009) and the Charities and Societies Proclamation (2009), among others, have already narrowed the space for public and political participation in public affairs. Further constriction of the limited civic and political space through another state of emergency may exacerbate the current crisis, leading to more human rights violations. The state of emergency also risks undermining the recent human rights gains achieved by the releases of thousands of prisoners of conscience, including prominent journalists and opposition political party leaders.

Various provisions of the current Proclamation, which has been tabled before you violate international human rights law obligations that Ethiopia is bound to respect. Our review of the Proclamation and the Directive No. 1 on of the State of Emergency Proclamation (Directive) issued on 21 February 2018 by the State of Emergency Command Post (Command Post), the body established under the Proclamation, shows that both the Proclamation and Directive fail to comply with the requirements of established international human rights principles of legality. The Proclamation and its enforcement Directive also affect non-derogable rights, specifically freedom from torture and other ill-treatment. Details of Amnesty International's commentary on the Proclamation and the Directive are annexed to this letter.

I am calling upon all of you, as members of the House of Peoples' Representatives (HPR), to refrain from adopting the State of Emergency Proclamation without clear amendments to ensure that the Proclamation guarantees all powers or restrictions imposed under the emergency, which involve derogations from the state's normal human rights obligations, including all specific measures taken under such powers or imposing such restrictions, are limited to what is strictly required by the exigencies of the situation which has given rise to this Declaration. I also ask you to ensure that the State of Emergency Proclamation and the Directive do not further constrict the freedoms of expression, assembly and association in Ethiopia; and to ensure that the provisions of the State of Emergency Proclamation and its enforcement Directive comply with international and regional human rights law and standards reflected in treaties Ethiopia has ratified and norms of customary international law.

Article 54(4) of the Federal Democratic Republic of Ethiopia's Constitution requires all of you to be governed by the Constitution, the will of the people, and your conscience. In particular, in deliberating on this Proclamation it is essential that you pay full account to the human rights of the people of Ethiopia.

Amnesty International stands ready to engage with and work with the Government and the HPR to support the improvement of the human rights situation in Ethiopia.

Yours sincerely,

Salil Shetty



Secretary General