Previous

Ethiopia

The 15 May 2005 elections and human rights - recommendations to the government, election observers and political parties

1. Introduction
On 15 May 2005 Ethiopians will go to the polls to elect a new parliament and regional councils. This report draws attention to human rights issues in these elections. An important question for Ethiopians and the international community is whether the conduct and outcome of the elections will be a turning-point for improvement of human rights in the country. Whatever the outcome for the contesting parties and candidates, Amnesty International calls for these elections to be the occasion for a new start towards creating better protection and respect for human rights in Ethiopia for the long-term.

Amnesty International's role in elections is not to act as an election observer, either in Ethiopia or elsewhere, but to call for human rights to be protected in the election process and for human rights issues to feature prominently in it. The organization may research and comment on human rights abuses that occur in the context of elections. However, it is strictly neutral on any election contest, with no favoured party or candidates. It does not deliver any prediction or assessment at any stage of the election process on the extent to which a particular election is fair and free. Nor does it comment on election procedures and technicalities. There are a number of other international NGOs which focus on such issues, drawing on relevant international standards for observing elections, and make their own assessments and publish their reports.

Amnesty International's concerns are that during elections, as at other times, basic human rights should be respected and protected, such as the right not to be arbitrarily detained, tortured, ill-treated, "disappeared" or extra-judicially executed; economic, social and cultural rights; and the right to be free from discrimination. Amnesty International will expect "winners" and "losers" equally to support these rights in the future, whether they are in government or opposition.

This report focuses on protection during the election process in Ethiopia of the following internationally recognized rights:

- the right to freedom of association and assembly;
- the right to freedom of expression and opinion;
- the right to an effective remedy for anyone whose rights have been violated;
- the right to a prompt and fair trial according to recognised international standards for anyone who has been detained on suspicion of committing a recognizably criminal offence;
- the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- the right of women to take part in the conduct of public affairs without discrimination, including on the basis of gender;
- the rights of human rights defenders, which may come under particular threat in the course of their work to investigate and report on human rights violations, and to promote and advocate for human rights.

Amnesty International is calling on the Government of Ethiopia and its security forces(1), election officials and all political parties, to make clear commitments to respect and protect human rights during the elections.

The organization is also calling on election observers, both international and local, to include a human rights component in their mandate. They should observe and report impartially, accurately and publicly on any election-related violations of human rights, and bring these to the attention of the appropriate authorities for investigation and prosecution of those responsible.

The 15 May 2005 elections
On 15 May 2005, Ethiopians will cast their votes for the House of Peoples' Representatives (the federal or national parliament), with 547 seats. They will at the same time vote for the nine Regional State Councils and two City Councils.(2) The interim results are due to be announced in mid-June, and the final result in September after the postponed Somali Region elections in August.

This will be the third general election in accordance with the 1995 Constitution of the Federal Democratic Republic of Ethiopia (FDRE) and the Electoral Law of 1995.(3) About 25 million voters aged 18 and over have been registered in an estimated population of 72 million. They will vote in about 30,000 polling stations. Some 36 political parties have registered to compete for the federal parliament or regional and city councils, with 1,845

candidates (including 273 women), for the federal parliament, and 3,662 candidates for the regional and city councils. Registration of voters and candidates of the political parties and independent candidates ended at the beginning of February 2005, when election campaigning commenced. Many of the registered political parties are affiliated to the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) coalition.(4) The EPRDF and its affiliated parties together control the current federal parliament and regional and city councils, having gained over 95 percent of all seats in the previous elections in 2000. Currently there are two opposition coalitions comprising both national and regional opposition parties - the United Ethiopian Democratic Forces (UEDF)(5) and the Coalition for Unity and Democracy (CUD).(6)

Amnesty International visits
An Amnesty International delegation visited Ethiopia from 21 February to 5 March 2005 in order to assess the human rights situation impartially and independently in relation to the imminent elections.

Amnesty International's representatives met the chair of the National Electoral Board of Ethiopia, Mr Kemal Bedri, who is also President of the Supreme Court; the Minister of Justice, Mr Harka Haroye; the Minister of State for Foreign Affairs, Dr Tekeda Alemu; and the National Human Rights Commissioner, Mr Kassa Gebrehiwot, whose office was not yet operational.(7) Amnesty International welcomes the assurance given by the Minister of State for Foreign Affairs that the government wishes to cooperate and communicate with the organization.

The organization's representatives also met a wide range of other contacts in Addis Ababa, including opposition party representatives, UN officials, diplomatic representatives, Ethiopian non-governmental organizations (NGOs), journalists, women's organizations and other human rights defenders. They visited two rural areas to investigate allegations of election-related human rights violations - the Amhara Region (East Gojjam zone), where two members of an opposition party had recently been killed by local government militias, and the Southern Region (Hadiya and Wolaita zones), where there were reports of arrests and intimidation of opposition members.

On a previous visit in March 2004, Amnesty International's representatives visited Addis Ababa, the federal capital; Debre Zeit and Ambo towns in the Oromia Region, where there has been armed conflict between government forces and the Oromo Liberation Front (OLF), since 1992; Durame town in the Kembata zone of the Southern Region; and Awassa town in the Sidama zone of the Southern Region, where some alleged government opponents had been detained – although released shortly before the visit – in the aftermath of the police killing of some 25 people at a peaceful demonstration in May 2002. The delegates had no opportunity at that time to visit the disturbed and "closed" Gambella Region in the south-west, where some hundreds of members of the Anuak (or Anywaa) "nationality" (or ethnic group) were reported to have been killed by civilian mobs and government soldiers on 13-15 December 2003. The Somali Region in the east was also a "closed" area for visiting, due to the decade-long armed conflict between government forces and the Ogaden National Liberation Front (ONLF).

Elections and human rights
Elections provide an opportunity for establishing and extending democratic institutions in a post-conflict situation or a situation of internal armed conflict and major human rights problems. In multi-party elections, provided they are consistent with internationally recognized rules and standards, all citizens can elect their representatives and participate in their own government. They can raise their concerns about various human rights issues with those standing for election.

In Ethiopia, where human rights are in theory protected by the Constitution, the laws and international treaties ratified by the government, elections are an important time of accountability and transparency of governance. Deficiencies in the respect for human rights can be openly and publicly debated by citizens. Fair and free elections can contribute to the consolidation of the rule of law, peace, development and a culture of human rights.

The exercise of the right to vote is closely connected to the exercise of other fundamental human rights – civil and political rights, and economic, social and cultural rights. These rights are recognized in the Ethiopian Constitution and the international and regional human rights treaties which Ethiopia has ratified or signed. The African Commission on Human and Peoples' Rights has declared that "*in order for citizens to participate freely in elections, the authorities are responsible for ensuring that all the rights that are pivotal to such participation can be enjoyed by all without discrimination*".(8) Elections provide an opportunity for open public debate on many human rights issues of major importance in a country such as Ethiopia, which ranks among the poorest and least developed countries in the world. The country faces chronic humanitarian emergencies and also internal armed conflicts, which have led to numerous human rights violations, mostly by government forces, but also at times by armed opposition groups.

2. Background to the elections
The EPRDF has been in power since 1991, headed by Prime Minister Meles Zenawi, who also heads the TPLF. The TPLF led the forces which overthrew the marxist-leninist government of President Mengistu Hailemariam (known first as the Dergue, or "committee", which later formed the ruling Workers Party of Ethiopia, WPE). The Dergue and WPE governments were responsible for massive human rights abuses over a 17-year period after the revolution of 1974, which overthrew Emperor Haileselassie's government. Since being detained 14 years ago, many members of the former government and ruling party of President Mengistu Hailemariam, who is in exile in Zimbabwe under the protection of President Robert Mugabe despite Ethiopia's extradition requests, are still being tried on capital charges of genocide, war crimes and crimes against humanity.(9) Amnesty International is concerned about the slow progress of the trials, the prohibition on private communication between defendants and their defence counsel, and the use of the death penalty, although it supports the principle of "no impunity" for the

perpetrators of the worst crimes against international law during this period.

The elections are being held in a situation where some 10 percent of Ethiopia's population is dependent on international food aid. The country has experienced massive famine deaths in the past, as well as humanitarian emergencies resulting in part from the war with Eritrea in 1998-2000 and internal armed conflicts in the Oromia and Somali Regions. Ethiopia has recently benefited from debt cancellation by several donor governments (including the USA, Italy, the United Kingdom and Russia) and is receiving considerable international development assistance from UN agencies, the European Union and others.

Fears are still being expressed of a new war between Ethiopia and Eritrea on account of the continuing border dispute, although both Presidents have publicly said they will not start a new war. Each government supports or hosts the other's armed opposition. During the 1998-2000 war, there were massive casualties and violations by both sides of the Geneva Conventions and international human rights law.(10) In March 2005 the UN Security Council extended for a further six months the mandate of the UN peacekeeping force (the UN Military Mission to Ethiopia and Eritrea, UNMEE), which controls a 25km-wide buffer zone along the whole border.

In the elections in May 2000, there were several reliable reports of election-related human rights abuses in the run-up to the elections and on the polling day, including arbitrary arrests and killings of opposition candidates and supporters in certain strongly-contested constituencies, especially in the Southern Region (Hadiya and Gedeo zones), the Amhara Region (East Gojjam zone) and the Somali Region.(11)

In the current elections, the EPRDF and its affiliated parties are more challenged than before by national and regional opposition parties. Several opposition parties claim that their members have faced considerable restrictions and human rights abuses, particularly in remote rural areas outside the gaze of the international community and the media centred in Addis Ababa. The rural areas, comprising over 85 percent of the population, are closely controlled by the EPRDF-affiliated regional parties and the regional and local security forces. In Addis Ababa and some other urban areas, political expression and campaigning are freer, with several independent candidates contesting the elections, as well as opposition party candidates.

Election preparations and election observers
Election preparations have been underway for some time by the National Electoral Board of Ethiopia (NEBE)(12) and also by the federal and regional governments and political parties. The government has allowed election observation by invited or accredited international and local election observers.

The international community, through the UN Development Programme (UNDP), has allocated US$6.2 million for supporting a fair and free electoral process under the NEBE. The NEBE has distributed a comprehensive Election Manual, which includes a Code of Conduct for candidates, setting out their rights and obligations, and Complaints Mechanisms in addition to recourse to special electoral courts.(13) The NEBE allows opposition parties equal access to state-media time and resources with the EPRDF. The NEBE has brought together all the political parties to discuss and agree a revised code of conduct for the elections.

The UNDP is coordinating internationally-funded election assistance projects which are currently taking place. They include capacity development for the NEBE, and civic and voter education (US$1.6 million) by 24 Ethiopian NGOs, such as the InterAfrica Group, the Ethiopian Human Rights Council and the Ethiopian Women Lawyers Association, which will reach possibly 10% of voters, mainly in the urban areas. There is also training for election observers and political party agents; training of judges and prosecutors for electoral dispute cases; support for the media to promote objective and wide coverage of the elections; improving the participation of women; and holding public debates.(14) The international community has also provided funds to allow parties to buy media time and print their manifestos and election materials.

Prime Minister Meles Zenawi has said that the EPRDF will work alongside opposition parties and the international community to ensure a "*flawless election*".(15) The government has accepted some 30 amendments requested by the opposition to the Electoral Law to remove restrictions disfavouring it. It has rejected certain other demands, such as a change from a "majority" (or "first past the post") electoral system to a system of proportional representation, and for opposition representation on the NEBE. The NEBE recently agreed that higher education students could vote at their place of study for candidates in their home constituencies.

There may be a few hundred accredited international election observers, in addition to the diplomatic community in Ethiopia, including 159 observers from the European Union and others from the European Parliament,(16) government-invited observers from the African Union and other countries such as Russia, China, Israel and Turkey, and international NGO observers such as the Carter Centre in the USA, which will have 50 delegates. Local NGOs have also applied to be election observers. "Public observers" are appointed by NEBE officials at each polling station.

Not all those who want to observe, assist or study the elections have been accepted by the government. In late March 2005, the government ordered three USAID-funded organizations, wishing to assist in the election process - the National Democratic Institute, the International Republican Institute and the International Foundation for Electoral Systems - to leave the country within 48 hours, saying they had not applied for registration as NGOs. Shortly afterwards, a senior European Union observer, Dr Siegfried Pausewang from Norway, withdrew and left the country after the government claimed he would not be objective on account of his criticisms of the democratization process and the human rights situation in the country in an academic article.(17) The Norwegian

Centre for Human Rights (formerly the Norwegian Institute of Human Rights), which has conducted research on all elections in Ethiopia since 1991(18), was not allowed to observe or research these elections

In early April, an informal network of 35 Ethiopian civil society organizations planning to undertake election observation, represented by the Organization for Social Justice (OSJ), complained at a new condition imposed by the NEBE, that in order to be permitted to observe the elections, local NGOs should have registered as election observers when they applied for NGO registration. The OSJ claimed that this may not have been possible at the time of registration and that this measure would drastically reduce the number of local NGO election observers. The NEBE also said it would scrutinize their impartiality. At the time of writing this report, it was not clear which local NGOs would be allowed to act as election observers.

Postponement in the Somali Region

The elections in the Somali Region in eastern Ethiopia, which borders on Somalia (the Somali Republic), are scheduled to be held later than in other regions, in August 2005. The government says this is because of logistical problems of holding elections in this huge and remote region, to which election officials will be deployed for a separate voting operation. The 2000 elections in the Somali Region were held a month later than in other regions.

The Somali Region also has special problems of security on account of armed opposition activities by the ONLF and the allied *Al-Itihad Al-Islamiya* (Islamic Unity) organization. Few independent and reliable details are available about this conflict, where human rights violations, including arbitrary detentions, "disappearances", torture, rape, and extrajudicial execution, have reportedly been committed by government forces against the local population and alleged government opponents, including against members of the opposition Western Somali Democratic Party (WSDP).

3. Human rights

Amnesty International is concerned about widespread violations of fundamental human rights in Ethiopia in recent years and up to the present time.(19) These include the prolonged detention without charge or trial of several thousand people arrested for political reasons, particularly on account of suspected links to armed opposition groups such as the OLF and ONLF; torture of some of these prisoners; "disappearances" (with some of the "disappeared" being possibly held in secret detention centres); arrests and unfair trials of journalists and certain government opponents, some of whom were prisoners of conscience; harsh prison conditions; extrajudicial executions of civilians, particularly in the context of incidents of political violence, inter-communal conflict or military operations against armed opposition groups; and the use of the death penalty, although there has only been one judicial execution since 1991. Thousands of Ethiopian refugees in different parts of the world, who fled during the Dergue government or under the EPRDF government, have not returned to the country and others are still seeking asylum abroad.

Amnesty International considers that during the elections these human rights concerns, though often denied by the government(20), should be openly addressed and be part of the political debate. International and local election observers should be aware of the issues and include human rights observation in their objectives and work plans. They should take into account the general situation of human rights in the areas being observed, including election-related human rights issues in the three-and-a-half-months election campaigning period or earlier, as well as on the polling day.

Amnesty International considers that attention should be given to the following human rights, in particular:

Freedom of opinion and association

The Ethiopian Constitution (1995) and the Proclamation on Political Parties Registration (1993, amended 1994) provide for a multi-party political system and set out registration and membership procedures for political parties. Religious, commercial and welfare organizations are not allowed to form political parties. Political parties may not receive funds from foreign nationals or governments, or from welfare or religious organizations. Political parties are allowed to open national and regional offices and to hold meetings and rallies, providing they inform the police in advance.

Several opposition parties, such as the UEDF and CUD coalitions, the Southern Ethiopia Peoples' Democratic Coalition (SEPDC), the All Ethiopia Unity Party (AEUP) and the Oromo National Congress (ONC), have reported that they have encountered politically-motivated restrictions on their activities in recent months. They say that candidates and members have been intimidated or suffered human rights violations on account of their peaceful and lawful political activities, and that civil servants have been dismissed from their jobs or threatened with dismissal on account of opposition party membership.

The Ethiopian Teachers Association (ETA)(21) claims that dozens of its members have been dismissed, involuntarily transferred, and many arbitrarily detained and ill-treated - particularly during the widespread school student demonstrations in Oromia Region in 2004 - on account of their suspected opposition to the government. On 16 February 2005, Abate Angore, a senior ETA official, was brought to court after being free on bail since his arrest in December 2002, when he had been charged with "*spreading false rumours against the government and inflaming public opinion*" by means of a press statement he made in 2001, criticising police violence against an Addis Ababa University student demonstration. He was sentenced to a three-month prison sentence with the alternative of a fine, and held in custody for three days until the fine was paid. His arrest came on the day he was due to address a meeting on human rights and teachers' issues in his home town of Sodo in Wolaita zone in the Southern Region.

Opposition parties claim that the NEBE and police have in many cases failed to investigate and remedy abuses which they have reported to it. Amnesty International is not in a position to confirm these allegations but is calling on the NEBE and the police to investigate such reports and provide detailed responses, and for election observers to document them independently. In some cases, action has been taken in response to complaints, for example resulting in the arrests of 15 local election officials in Hadiya zone in the Southern Region in late March 2005 for alleged fraudulent voter registration.

Amnesty International's representatives travelled to parts of the Amhara and Southern Regions East and investigated reports of election-related human rights abuses:

- Amnesty International's representatives interviewed survivors and witnesses of a violent incident on 19 January 2005. In Yebabet village in East Gojjam zone of the Amhara Region, some 160 km north of Addis Ababa near Debre Markos town, two farmers were shot dead and six others wounded by members of a *kebelle* militia. Iwoulign Wondemneh, 60, a local representative of the opposition AEUP, and Anley Addis, 45, were killed by a group of six *kebelle* militia, allegedly on the orders of the deputy *kebelle* chairman. The victims were among a group of some 30 AEUP members who were celebrating a religious festival. A police officer arrested three of the militia and two others were arrested later. They were taken to Bichana district police station, although it is not known if they have been charged. Police took the dead and wounded to Debre Markos hospital. One wounded woman was sent on to Addis Ababa for more specialist treatment. The shooting incident was allegedly politically-motivated and had a background of a dispute over land allocation by the *kebelle,* which had allegedly led to opposition party members being ordered off their land. Amnesty International's representatives were informed by the acting police commander on Debre Markos that police investigations were continuing.
- On 26 January 2005 two men reportedly led by a police officer in plainclothes went to the home of Tesfaye Tereku, 26, an AEUP official in East Gojjam and prospective CUD candidate, and beat him. His brother prevented them from shooting him but the gang threw stones at Tesfaye Tereku, wounding him, and he lost consciousness. He was allegedly refused medical treatment for his injuries at both Dejen town hospital and Debre Markos district hospital, but was treated when he went to Addis Ababa. He claimed the Dejen police refused to investigate his complaint. Two weeks after the attack, he was served notice of pending trial for allegedly illegally holding a party meeting in January 2004, when he had been arrested, taken to court and then released on a bond of 500 *birr* (c.US$60).

Amnesty International's representatives also visited parts of the Southern Region:

- On 17 February 2005 in Hosaina town in Hadiya zone, Tensay Abboua, an employee of a local development NGO, was arrested on the day of the candidacy elections of the opposition SEPDC, thus preventing him from contesting. He was taken to court the next day and charged with a financial offence relating to a complaint filed by his employer in 2004. He was released on a 500 *birr* (c.US$60) bond.
- Another SEPDC member in Wagabata *kebelle* in Hadiya zone, Takala Yafa, was arrested on 28 February by militias and detained in an unauthorized place (a private house) after being told by the *kebelle* chairman that he was not authorised to plough his land, according to a new *kebelle* land policy. This was alleged to be part of a pattern of short-term detentions of opposition party members.

In other areas which they visited in the Southern Region, Amnesty International's representatives received reports of cases of political arrests, discrimination against opposition supporters and politically-motivated disruption of their economic rights. In Alaba district, one person had been arrested briefly when negotiating on behalf of the UEDF to rent an office for the party. One UEDF member had been excluded from distribution of water. Another had been told to repay his fertiliser loan and was arrested for non-payment; after the court refused to allow his brother to pay it, his brother was arrested on an allegedly fabricated charged of theft.

In Ofa district in Wolaita zone, a total of 38 CUD members were arrested between 11 and 17 February and held for seven days, accused of holding an illegal campaigning meeting without giving police 48 hours notice. They claimed they had complied with this rule. They were all released without charge, except for a CUD official, who was charged with an unrelated criminal offence of trespass on private property, which he denied.

In Humbo district, a music band due to perform at CUD rallies was briefly detained on 20 February and prevented from performing. Two CUD members were briefly detained while campaigning in Damot Wayde district the following week. Some UEDF members were among 200 people reportedly detained under vagrancy laws in Sodo town on 22 February.

The information about election-related human rights abuses which was obtained by Amnesty International's representatives during their visit was by no means comprehensive and their visit unavoidably missed out several regions where similar abuses were reported by other sources.(22) It was not clear in many cases to what extent abuses at the local level were carried out with the consent and knowledge of the central or regional authorities.

What the organization's representatives found out, however, was indicative of issues which need to be addressed by the NEBE and the government, and should be watched closely by election observers. In some places, the incidents appeared to be part of an ongoing pattern of human rights abuses against members of opposition parties or suspected opponents of the ruling parties.

Amnesty International is concerned about the detention for the past year of the leading officials of the Mecha Tulema Association (MTA), a recognized and long-established Oromo community welfare association, which is now virtually shut down. Amnesty International believes they are prisoners of conscience who have not used or advocated violence, and is calling for their immediate and unconditional release. Their detention contravenes the right to freedom of expression and assembly, which should be protected at all times and especially during the elections.

Diribi Demissie, the MTA president and a former Ethiopian Airlines accountant, Gemechu Feyera, a businessmen and the MTA vice-president, and Sentayehu Workneh, the MTA treasurer and a former US embassy accountant, together with Ayelew Itisa, their office secretary, have been charged with armed conspiracy and having links with the OLF They were arrested in Addis Ababa in April 2004, released on bail in August 2004 but re-arrested a week later. On 9 February 2005, the prosecution withdrew all the charges but they were not released, because a different bench of the High Court immediately reinstated the charges and refused bail. The charges allege that they funded some Addis Ababa University students to throw a grenade into a student group at the university in April 2004, which killed one student and wounded two others. Over 20 students have been arrested and charged in the same case, with related charges against journalists Dabassa Wakjira and Shifferaw Insarmu, and Nega Kefane Gudata, a development NGO employee. Amnesty International is investigating whether they may also be prisoners of conscience.

In Gambella Region, the right to freedom of opinion and assembly has been severely affected by the December 2003 killings in the town, which were sparked off by the killings of eight people, including government refugee agency officials and a police officer, allegedly by an armed Anuak group. Many other killings, arbitrary detentions, torture and rape by the army which have been reported in several parts of the region up to the present time. Several members of the opposition Gambella People's Democratic Congress (GPDC), which is no longer active, were arrested in 2002 and are currently in prison in Addis Ababa, on trial for alleged armed conspiracy. Amnesty International is investigating whether they may be prisoners of conscience. Among them are Okello Nyigelo Olam, the former President of Gambella Region, and several former senior regional civil servants and police officers. Two of these detainees, Akway Omot, a police officer, and Ojulu Akwala, the former Dimma district administrator, died in custody in December 2004 and February 2005 respectively, allegedly because of inadequate medical treatment.

Freedom of the media
The Press Law (1992) allows a range of private newspapers and magazines, which are mostly in the Amharic language, in addition to the state media. At the same time, this law has led to frequent arrests and trials of editors, reporters and publishers, and the subsequent closure of many publications. Many journalists have fled the country. The imprisonment of journalists of the lively private print media(23) on account of their criticisms of the government has been much criticized internationally as a violation of the right to freedom of opinion and expression.(24) Many of them were prisoners of conscience. The most recent arrest of a journalist under the Press Law was of Wossenseged Gebrekidan, editor of *Ethiop* journal, who has been imprisoned several times before under the same law. He was held for a week in December 2004 on a charge of libelling the Minister of Information, before being released on bail.

No journalist is currently in prison under this law, although over 20 journalists who were earlier arrested and freed on bail might yet be brought to trial.

Two Oromo journalists from the state-owned Ethiopian Television service, Dabassa Wakjira and Shifferaw Insarmu, were arrested in April 2004. The latter was twice released on bail and twice re-arrested, most recently in January 2005. They are awaiting trial, together with members of the Mecha Tulema Association and university students (see above), with a separate charge of "*passing government information to the leadership of the Oromo Liberation Front*", which they deny. Amnesty International is investigating whether they may be prisoners of conscience, arrested in connection with their professional activities as journalists.

A draft new Press Law, prepared by the Ministry of Information but not yet submitted to the parliament, has been widely debated. Several criticisms and recommendations by human rights organisations for better respect of the right to freedom of opinion and expression have reportedly not been accepted by the government.(25) Article 47 of the draft Press Law imposes penalties of imprisonment for minor technical offences, such as publishing a periodical without having a certificate of registration, submitting false information in the application for a certificate of registration, failing to publish a reply or correction in times of elections, or distributing prohibited foreign press products. Amnesty International believes that imprisonment is a disproportionate penalty to the nature of these offences. If enacted, these provisions could be used to arrest, try and imprison editors and journalists as prisoners of conscience in violation of their right to freedom of opinion and expression according to international law and standards.

The Ethiopian Free Press Journalists Association (EFJA), representing the private print media, has been under threat from the government. The EFJA, founded in 1993, has campaigned for media freedom and publicised arrests of journalists. It was finally granted NGO registration in 2000. In 2004 the Ministry of Justice suspended its executive committee and supported a group of non-members of the association to meet and elect a new

executive committee – which almost all EFJA members rejected. The former EFJA leadership applied to the High Court to nullify the election. On 24 December 2004 the High Court ruled that the suspension of the officers and their replacement was illegal. On 3 March 2005 the Ministry of Justice lost an appeal against this but is reportedly planning a further appeal and refusing to recognize the original EFJA leadership, which is currently preparing new executive committee elections.

The state and private media are currently reporting extensively on the elections, more in the urban than the rural areas. To date, no journalist has been arrested in connection with election reporting.

Access to justice
The election regulations contain complaints mechanisms and the NEBE can investigate election-related human rights abuses itself, although the police have the primary responsibility to investigate any criminal offences. Complainants also have recourse to the courts. Safeguards of this nature had some impact on the 2000 elections, where elections were re-run a month later under improved conditions in 14 constituencies in the Southern Region because of electoral irregularities and human rights abuses.

Access to justice for those whose human rights have been violated is not generally easy. The government has acknowledged deficiencies in the administration of justice, including lack of resources. The Minister of Justice informed Amnesty International's representatives about training systems in operation to improve the system of justice. Reform of the Penal Code is reportedly nearing completion.

In Gambella Region, a parliamentary commission of inquiry headed by the President of the Supreme Court, was established in April 2004 into the killings of December 2003. It reported in July 2004 that 65 people, mainly members of the Anuak ethnic group (or "nationality") had been killed by civilian "highlander"(26) mobs and soldiers in Gambella town. Amnesty International, on the basis of interviews with survivors who fled the country, believes that the inquiry report provided an inadequate account of the incident, and that the actual number of people killed on account of their Anuak ethnicity and suspected government opposition may be some hundreds. Amnesty International is concerned that several hundred others who were arrested at the time are still reportedly detained incommunicado in Gambella prison without trial. Many of them were allegedly tortured or ill-treated, and may be prisoners of conscience. Thousands fled and are refugees in Sudan and Kenya. Some 40 detainees from Gambella prison have reportedly been transferred to a prison in Addis Ababa. In March 2005, six soldiers were charged with involvement in the December 2003 killings. It is not known whether any civilian highlanders have also been arrested and charged.

In April 2005, the Ministry of Information dismissed a Human Rights Watch report on the Gambella killings, compiled from interviews with survivors in Gambella Region and Anuak refugees in Kenya, as "*a sheer fabrication and… a campaign to tarnish the good name of the army*".(27)

The right to fair trial
Efforts are reportedly being made by the Ministry of Justice to gradually bring the large number of untried long-term political detainees to court. They have been detained without charge, many of them incommunicado and without having been brought before a court within 48 hours, as the Constitution and laws require. Amnesty International has also been concerned about trials of political prisoners in recent years which did not meet international standards of fair trial.

In addition to its appeal for the release of anyone imprisoned on account of their peaceful opinions, Amnesty International is calling for fair and prompt trials of all other political prisoners according to recognized international standards of fair trial. The organization calls for human rights training for judges and measures to strengthen the independence of the judiciary.

Women and the election process
In February 2005, the Ethiopian Women Lawyers Association (EWLA) launched a Women's Manifesto to give due importance during the elections to critical issues of concern to women in Ethiopia. The Manifesto, addressed to all political parties, includes issues of land rights for rural women; access to employment, education and health (including HIV/AIDS issues); women's participation in politics and public decision-making; and women's human and legal rights. Special attention is given to campaigning against violence against women in the home, workplace and in other areas, rape and harmful traditional practices such as female genital mutilation (FGM), bride-abduction and child-marriage. If successful, this campaigning could lead to greater representation of women in the federal parliament and regional and city councils, and more vigorous action on women's rights. Amnesty International supports this campaigning, in line with its global "Stop Violence Against Women" campaign.(28)

The EPRDF has set a target of 30 percent of its candidates as women, which is supported by the EPRDF-affiliated Ethiopian Women's Association (EWA). The government's draft amendments to the Penal Code reportedly criminalize FGM and bride-abduction rape, where currently the rapist goes unpunished if he marries his victim.

Human rights defenders
In many countries of the world, the legitimate role of human rights defenders is often not recognized by the authorities, and human rights defenders may suffer human rights violations themselves. These may range from unreasonable denial of NGO registration, gender discrimination, politically-motivated and unfair dismissal from employment or other economic reprisals, to arbitrary detention, baseless criminal charges and unfair trials, torture, "disappearance" or extrajudicial execution.

Risks and reprisals such as these have been faced in past years by some Ethiopian human rights defenders. Members of certain NGOs, as described above, have been particularly targeted by the authorities, such as the Ethiopian Human Rights Council (EHRCO), the Human Rights League(29), the Ethiopia Free Press Journalists Association and the Ethiopian Teachers Association, as well as community-based civic associations such as the Mecha Tulema Association and the Ogaden Welfare Society, a Somali relief NGO. At present, several NGOs working on different aspects of human rights have been officially registered and allowed to conduct human rights awareness-raising, monitoring and reporting activities. Some are engaged in voter education in relation to the elections and have planned to observe the elections, as mentioned above.

The government has persistently refused any dialogue with the EHRCO and has not responded to its reports, of which there have been more than 100 since its formation in 1991.(30) Its former chair, retired Professor Mesfin Woldemariam, Ethiopia's best-known human rights defender, is awaiting trial, together with a co-defendant, Dr Berhanu Negga, former chair of the Ethiopian Economic Association, an NGO. They were arrested in May 2001 for allegedly inciting students to violence, which they denied, in connection with demonstrations the previous month by students of Addis Ababa University, which were followed by rioting in the city. They were released on bail after four weeks in custody. Dr Berhanu Negga is currently a CUD parliamentary candidate in Addis Ababa, while Professor Mesfin Woldemariam, although not an election candidate, is a CUD official. Amnesty International is concerned that, if convicted and imprisoned, they would be prisoners of conscience, possibly for several years. The organization is calling for the withdrawal of the charges against them.

Individual human rights defenders who are not in the public eye are also at risk. Although Amnesty International representatives were able to travel and meet people freely during their visits in 2004 and 2005, The organization was later informed that one schoolteacher they met in Oromia Region in 2004 (whose name is withheld for fear of reprisal) was soon after their departure publicly accused by *kebelle* officials of defaming the local authorities and working for EHRCO (of which he was a voluntary member) and for Amnesty International. He was suspended from his work indefinitely without pay and without any reason officially stated. Although he was reinstated four months later, he was transferred to another school and his teaching duties altered.

International human rights treaty obligations
The EPRDF government ratified four international human rights treaties in its first three years in office - the Convention against Torture, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child. These ratifications, welcomed by Amnesty International, appeared to indicate a serious intention to promote internationally-recognised human rights. In 1992 the government reported on its implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and in 1998 it delivered its report on the Convention on the Rights of the Child. However, Ethiopia has a backlog of 18 long-overdue human rights treaty reports.

4. Amnesty International's recommendations for the May 2005 elections
Amnesty International renews its call for protection at all times of basic human rights in Ethiopia, as in all countries of the world. It appeals for the immediate and unconditional release of all prisoners of conscience imprisoned on account of their opinions, who have not used or advocated violence. It urges the government to sure that no-one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, "disappearance" or extrajudicial execution. Amnesty International appeals for the commutation of all death sentences and a moratorium on the use of the death penalty, pending debate on the eventual abolition of capital punishment.

Amnesty International makes the following recommendations as the 15 May 2005 polling day approaches. These recommendations apply equally to the later Somali Region elections, which Amnesty International requests all election observers to observe. Above all, Amnesty International calls on the National Electoral Board to make every effort to ensure that election-related human rights abuses do not go unpunished.

To the Government of Ethiopia

- The government should make a clear public statement that human rights violations in the election context will not be tolerated; it should instruct the police and relevant local authorities to ensure that candidates and voters are not subjected to human rights violations, intimidation or threats on account of their peaceful opinions. The security forces at all levels down to the *kebelle* militia should respect voters' rights and act with due impartiality and neutrality to protect the rule of law while policing public rallies and election-related activities.
- There should be no impunity for human rights violations during the elections; any member of the security forces who is suspected of a violation of human rights should be investigated and, if there is sufficient admissible evidence, prosecuted. Heads of the security forces at all levels should make it clear to the forces under their command that violations of the human rights of members of opposition parties will not be tolerated or go unpunished.
- During the election campaigning period, the security forces should observe and respect international human rights standards related to the use of force, crowd control and policing, in particular the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and the UN Code of Conduct for Law Enforcement Officials.
- The government should allow election observers freedom of movement and access to all areas in order to ensure they can assess the human rights environment during the elections.

- In accordance with its obligations under the International Covenant on Civil and Political Rights, the government should ensure respect for the right to freedom of expression and opinion, including freedom to seek, receive and impart information and ideas of all kinds. The government should protect the freedom of the media and ensure that no journalist is detained on account of reporting on the elections.
- In accordance with its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the government should condemn discrimination against women in all its forms and take appropriate measures to eliminate discrimination with regard to women's participation in political and public life and freedom of expression.
- The government should respect the legitimate role of human rights defenders, including those advocating for the human rights of women, and engage in constructive dialogue with civil society groups promoting human rights or monitoring human rights during the elections.
- The government should abide by its international human rights obligations, through the treaties it has ratified, and promptly report to international treaty bodies on its implementation of these treaties, including measures taken to respect and protect human rights during the elections.

To election observers, including other governments, inter-governmental organizations (IGOs) and international and local NGOs

- All election observation should include a prominent human rights component: election observers should have a clear mandate to monitor and report publicly on election-related abuses of human rights, including violations of the human rights of women.
- Election observers should document human rights violations which they witness or hear of, bring them to the attention of the National Electoral Board and the federal or regional police, and make public their findings, including any failure of the authorities to take swift and effective remedial action in accordance with the law and international standards of justice.
- They should assess the human rights situation in particular areas identified as presenting a pattern of complaints of human rights abuses against members of opposition parties, or where there is a recent history of armed opposition conflict, inter-communal conflict or political violence; they should observe closely the impact of the security environment on human rights and the elections, and make recommendations for improving security as appropriate.
- They should particularly observe the actions of the security forces in the policing of political rallies and campaign meetings, and methods of crowd control during any disturbances.
- Election observers should not confine their work to observing the casting of votes on the polling day, but should assess more broadly whether voters have been able to cast their ballots freely and without fear or intimidation; they should consider trends and incidents of human rights violations in the months leading up to the elections, and the underlying human rights situation.
- The human rights component of election observation should include monitoring of observance of international and regional human rights treaties and standards, particularly the rights to freedom of expression, opinion, association and assembly, the right not to be subjected to torture, arbitrary detention, "disappearance" or extrajudicial execution, and the rights of human rights defenders.
- International and local election observers should work closely together, sharing their expertise, on the one hand, of international election observation and human rights, and, on the other hand, of local political contexts affecting human rights. They should support each other and meet regularly, in order to prevent either group from being restricted or ignored by the authorities or suffering any reprisals on account of defending human rights, either during or after the election process.
- Election observers should assess whether voters may have been intimidated or pressured not to vote for an opposition party, and should note any discrimination or disadvantage on account of a person's political opinions.
- The international community - donors, embassies and UN agencies - should strengthen their monitoring activities and effectiveness in working for better human rights protection during and in the aftermath of the election, and bring human rights concerns to the attention of the authorities for swift and effective action on particular issues or cases of individuals subjected to human rights abuses.

To all political parties

- Amnesty International calls on all political parties and candidates, whether pro-government, opposition or independent, to publicly commit themselves to promoting and protecting human rights, participating in the elections peacefully and fairly, and not tolerating any abuses by their supporters.
- Political parties should report to the National Electoral Board and to the police any abuses, intimidation or discrimination by the security forces, government bodies or others against their own candidates, members or supporters.
- Political parties should include promotion of human rights in their policy objectives and create effective party structures to monitor and report on human rights issues, including the human rights of women.

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(1) The security forces consist of the military, the federal and regional police, the security service and the local

armed militia attached to each kebelle, the lowest-level administrative unit in urban and rural areas.

(2) The nine Regional States are the Afar, Amhara, Benishangul-Gumuz, Gambella, Harar, Oromia, Somali and Tigray Regions and the Southern Region (known as the Southern Nations, Nationalities and Peoples Regional State). The two City Councils are Addis Ababa and Dire Dawa.

(3) Local and regional elections were previously held in June 1992 under the Transitional Government, followed by elections to a Constituent Assembly in 1994. The first general elections to the new federal parliament and regional councils, both for five-year terms, were held in May 1995, but boycotted by the main opposition parties. The second general elections were held in May 2000 and contested in about a quarter of parliamentary constituencies by opposition parties. General elections were followed a year later by local elections at the district (wereda) and community (kebelle) administrative levels.

(4) The EPRDF coalition consists of the Tigray Peoples' Liberation Front (TPLF), the Amhara National Democratic Movement (ANDM), the Oromo People's Democratic Organization (OPDO) and the Southern Ethiopia Peoples' Democratic Movement (SEPDM).

(5) The UEDF was formed in Washington DC, USA in 2003 and comprises five Ethiopia-based and nine exile opposition groups. The former are the Ethiopian Social Democratic Federal Party (ESDFP – formerly the Coalition of Alternative Forces for Peace and Democracy in Ethiopia), the Oromo National Congress (ONC), the United Ethiopia Democratic Party (UEDP), the Southern Ethiopia Peoples' Democratic Coalition (SEPDC), and the All-Amhara People's Organization (AAPO).

(6) The CUD was formed by four new political parties in 2004. It consists of the All Ethiopia Unity Party (AEUP), the Ethiopian Democratic League (EDL), the Ethiopian Democratic Unity Party-Medhin (EDUP-M), and the Rainbow Alliance/Movement for Democracy and Social Justice.

(7) In 1998 the government held an international conference on establishing a National Human Rights Commission for Ethiopia. In 2000 legislation was passed to establish the commission, and the Commissioner, a former ambassador to Russia, was appointed in June 2004.

(8) Resolution of the 19th Ordinary Session on the Electoral Process and Participatory Governance, Burkina Fasso, 1996.

(9) The trial of some 33 members of the Dergue, which opened in 1994, has just reached the stage of presentation of the defence cases. Over half of the trials of some 2,000 other officials, who were charged in connection with the Dergue's "Red Terror" campaign against its opponents in the late 1970s, have been completed. Several have been sentenced to death in these trials, including some convicted in absentia, though none have been executed so far; others have received prison terms, and about half have been acquitted.

(10) See reports by the Claims Commission of the Eritrea-Ethiopia Boundary Commission, Permanent Court of Arbitration, www.pca-cpa.org.

(11) Amnesty International report, 2001.

(12) See the new NEBE website, www.electionsethiopia.org. The Constitution established the NEBE as "an impartial and autonomous agency … responsible for ensuring that all Federal and State elections shall be free and fair" (Article 102). NEBE members are appointed by the parliament on the recommendation of the Prime Minister.

(13) Election Manual, NEBE, December 2004.

(14) Donor mapping document, UNDP, February 2005.

(15) Ethiopian News, Ethiopian Embassy newsletter, London, 4 February 2005.

(16) The EU election observer mission chief, Ana Gomes, announcing the mission, said: "These elections might be very important for the democratization process here in Ethiopia and a very important factor in the stabilization of the region." (IRIN news agency, 22 March 2005)

(17) Local democracy and human security in Ethiopia: structural reasons for failure of democratization, South African Institute of International Affairs, 2004.

(18) See, for example, Siegfried Pausewang and Kjetil Tronvoll (eds): The Ethiopian 2000 elections – democracy advanced or restricted?, Norwegian Institute of Human Rights, 2000; Siegfried Pausewang, Kjetil Tronvoll and Lovise Aalen (eds); Ethiopia since the Derg – a decade of democratic pretension and performance, Zed Books, London, 2002.

(19) See Amnesty International's annual reports and other materials on its website, www.amnesty.org.

(20) On 4 March 2005, the Ministry of Foreign Affairs issued a statement rejecting the US State Department's report of 21 February 2005 on human rights in Ethiopia in 2004. See www.mfa.gov.et, and the US report on

www.state.gov.

(21) The ETA is a recognized and long-established independent union for teachers at all levels, including universities. Its secretary general, Dr Taye Woldesemayat, was a prisoner of conscience from 1996 to 2002. He had been sentenced to 15 years' imprisonment for alleged armed conspiracy in an unfair trial, but his sentence was reduced to six years on appeal. The ETA head office in Addis Ababa is still closed by the government and its bank account blocked.

(22) For example, Amnesty International's delegates were also told of arbitrary arrests and intimidation of members of opposition parties in the Oromia Region, such as the Oromo National Congress (ONC), who were pressured to support the ruling OPDO, and were frequently accused of supporting the OLF.

(23) The government has not yet authorized private radio or television stations.

(24) See Amnesty International's annual reports, and Ethiopia: Journalists in prison – press freedom under attack, Amnesty International, April 1998 (AI Index: AFR 25/10/98).

(25) See, for example, the briefing note by Article 19, www.article19.org.

(26) The term "highlander" refers to members of the Amhara, Tigrayan, Oromo and other nationalities originating from outside the region.

(27) Targeting the Anuak – human rights violations and crimes against humanity, Human Rights Watch, March 2005. For the Ethiopian Ministry of Information's response on 25 March 2005, see www.ena.gov.et.

(28) Information on this campaign can be found on www.amnesty.org/actforwomen.

(29) The leaders of the Human Rights League, an Oromo organization, were imprisoned as prisoners of conscience from 1997 to 2001, when they were finally acquitted of charges of armed conspiracy and supporting the OLF. In a court ruling in March 2005, the Human Rights League was granted NGO registration.

(30) See www.ehrco.net.

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