

To:

African Commission on Human and Peoples' Rights Special Rapporteur on Human Rights Defenders, Ms Reine Alapini-Gansou

African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression and Access to Information, Ms Faith Pansy Tlakula

Cc:

United Nations Special Rapporteur on the Situation of Human Rights Defenders, Ms Margaret Sekaggya

United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Mr Frank La Rue

United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Mr Maina Kiai

United Nations Special Rapporteur on the Independence of Judges and Lawyers, Ms Gabriela Knaul

c/o African Commission on Human and Peoples' Rights and Office of the High Commissioner for Human Rights

By e-mail: au-banjul@africa-union.org and urgent-action@ohchr.org

3 May 2014

Urgent appeal in relation to the arrest and detention of Befekadu Hailu, Atnaf Berahane, Natnael Feleke, Mahlet Fantahun, Zelalem Kibret, Abel Wabela, Tesfalem Waldyes, Edom Kassaye, and Asmamaw Hailegeorgis (Ethiopia)

To the Special Rapporteurs:

We respectfully request that you consider this urgent appeal in relation to the unlawful arrest and subsequent detention of nine Ethiopian bloggers, journalists and human rights defenders: Befekadu Hailu, Atnaf Berahane, Natnael Feleke, Mahlet Fantahun, Zelalem Kibret, Abel Wabela, Tesfalem Waldyes, Edom Kassaye, and Asmamaw Hailegeorgis. We request that you urgently intervene to secure the immediate release of these activists and declare their arrest and continuing detention a gross violation of their human rights, including the right not to be arbitrarily detained as protected by Article 6 of the African Charter on Human and Peoples'

Rights (the African Charter) and Article 9 of the International Covenant on Civil and Political Rights (ICCPR).

I. Background

1. Befekadu Hailu, Atnaf Berahane, Natnael Feleke, Mahlet Fantahun, Zelalem Kibret, and Abel Wabela are members of a group known as “Zone9”, an independent blog that identifies itself as “an informal group of young Ethiopian bloggers working together to create an alternative independent narration of the socio-political conditions in Ethiopia.” Zone9 is a popular social media platform, which has been emerging as one of the leading spaces for campaigns on, amongst others, freedom of expression and constitutional rights. Edom Kassaye and Tesfalem Waldyes are both freelance journalists. Asmamaw Hailegeorgis is a journalist working with the *Addis Guday* newspaper.
2. Facing increasing harassment and surveillance by the authorities, the Zone9 bloggers had temporarily suspended their activities over the last six months. The group announced on 23 April on social media that they were resuming their activities; the arrests took place two days later.

II. Arrest and detention

3. The six bloggers and human rights defenders from Zone9 were arrested at their offices and in the street on the afternoon of 25 April by both uniformed and plain-clothed policemen. All six were first taken to their homes, which were searched. The police confiscated private laptops and literature. Following the search, the activists were taken to Maekelawi prison, a notorious Federal detention centre in Addis Abeba, where detainees are widely reported to be routinely subject to coercive torture methods.¹ There, they are held incommunicado; family members have been allowed to leave food, but access to the prisoners by family members or legal counsel has been denied
4. Freelance journalists Tesfalem Waldyes and Edom Kassaye were also arrested on 25 April. Police officials reportedly accompanied Waldyes and Kassaye to their homes where they conducted a search before transferring them to Maekelawi Prison. On 26 April, journalist Asmamaw Hailegeorgis of the *Addis Guday* newspaper was arrested and detained in Maekelawi prison. The three journalists have reportedly been denied access to legal representation and their family members.

¹ In October 2013, Human Rights Watch released a report documenting serious human rights abuses in Maekelawi, including torture, unlawful interrogation tactics, and poor detention conditions. Detainees at Maekelawi are seldom granted access to legal counsel or their relatives during the initial investigation phase. See: “They Want a Confession” Torture and Ill-Treatment in Ethiopia’s Maekelawi Police Station”, available at <http://www.hrw.org/reports/2013/10/17/they-want-confession-0>.

5. The arrests constitute the widest crackdown on dissenting voices in Ethiopia since the unprecedented post-election mass arrests in 2005. The sweepingly broad provisions of the 2009 Anti-Terrorism Proclamation have been used in parallel with the 2009 Charities and Societies Proclamation to target and, specifically, jail numerous human rights defenders. Those detained under the Anti-Terrorism Proclamation include members of opposition groups, journalists, peaceful protesters, and others seeking to exercise their rights to freedom of assembly or expression. The majority of journalists and human rights defenders jailed by Ethiopia have been charged under the Anti-Terrorism Proclamation.
6. Reliable reports indicate that as at the time of writing no formal charges have been brought against the nine detainees. They were however brought before a one judge Criminal Bench at the Arada Federal First Instance Court on Sunday 27 April without the presence of their legal counsel or family members. The court reportedly ordered that they should be remanded in custody, as had been requested by the police. Befekadu Hailu, Mahlet Fantahun and Abel Wabela were remanded in custody until 8 May and the other detainees until 7 May.
7. According to reliable sources, the court record shows that the police requested remand for the detainees to obtain further evidence that they were "inciting chaos and violence through different websites pursuant to a plan to destabilise the country using social media by getting financial and intellectual support from a foreign force which calls itself a human rights defender". However, the name of the organisation is not specified. Such accusations have no lawful basis under Ethiopia's domestic criminal law and therefore conflict with Ethiopia's obligations under the African Charter and the International Covenant on Civil and Political Rights.

III. Request for urgent action

8. It is clear that the arrests of Befekadu Hailu, Atnaf Berahane, Natnael Feleke, Mahlet Fantahun, Zelalem Kibret, Tesfalem Waldyes, Edom Kassaye, and Asmamaw Hailegeorgis are unlawful and unjustified. As journalists and/or members of the Zone9 collective they were merely peacefully exercising their right to freedom of expression as protected under Article 9 of the African Charter and Article 19 ICCPR and their rights as human rights defenders as protected under the United Nations Declaration on Human Rights Defenders of 1998.
9. As such, the arrest and detention of Befekadu Hailu, Atnaf Berahane, Natnael Feleke, Mahlet Fantahun, Zelalem Kibret, Abel Wabela, Tesfalem Waldyes, Edom Kassaye, and Asmamaw Hailegeorgis amounts to a violation of their right not to be arbitrarily detained as guaranteed under Article 6 of the African Charter and Article 9 ICCPR. It also violates the principles enshrined in Article 9 UDHR. Denying the bloggers access to counsel violates their rights under Article 7(1)(c) of the African Charter and Article 14(3)(b) ICCPR. As a State Party to both treaties,

Ethiopia is obligated to guarantee these rights to all its citizens, as specified under Article 2 of the African Charter and Article 2(1) of the ICCPR.

10. Accordingly, we appeal to the Special Rapporteurs to:

- Intervene urgently to secure the immediate release of Befekadu Hailu, Atnaf Berahane, Natnael Feleke, Mahlet Fantahun, Zelalem Kibret, Abel Wabela, Tesfalem Waldyes, Edom Kassaye, and Asmamaw Hailegeorgis; and
- Declare their arrest and continuing detention a gross violation of their human rights.

Please do not hesitate to contact us if you have any questions or if we can provide you with any additional information you may need.

Yours sincerely,

Nani Jansen, Senior Legal Counsel, Media Legal Defence Initiative

E. nani.jansen@mediadefence.org

T. +44 207 324 4675

Hassan Shire, Executive Director, East and Horn of Africa Human Rights Defenders Project

E. executive@defenddefenders.org

T. +256 772 753 753

Tor Hodenfield, Policy and Advocacy Officer, CIVICUS: World Alliance for Citizen Participation

E. tor.hodenfield@civicus.org

T. +27 74 357 8565

Ivan Sigal, Executive Director, Global Voices

E. ivan@globalvoicesonline.org

T. +1 202 361 2712

Deji Olukotun, Freedom to Write Fellow, PEN American Center

E. deji@pen.org

T. +1 212 334 1660 ext. 106

Tom Rhodes, East Africa Representative, and Sue Valentine, Africa Program Coordinator, Committee to Protect Journalists

E. trhodes@cpj.org, svalentine@cpj.org

Jillian C. York, Director for International Freedom of Expression, Electronic Frontier Foundation

E. jillian@eff.org

T. +1 415 436 9333