

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences.

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (53-24) G/SO 214 (89-15)
ETH 3/2014

30 April 2014

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, 25/13, and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest of six members of Zone Nine: Messrs. **Befeqadu Hailu, Atenaf Berahane, Zelalem Kibret, Natnael Feleke and Abel Wabela, and Ms. Mahlet Fantahun**, and three freelance journalists: Messrs. **Tesfalem Waldyes and Asmamaw Giorigis**, and Ms. **Edom Kasaye**.

Zone Nine is a collective of young bloggers formed in 2012 who have conducted online campaigns to raise awareness about alleged political repression, and translated international news for local audiences.

According to the information received:

On 25 April 2014, law enforcement officials have reportedly arrested in Addis Ababa the six following members of the blogging collective Zone Nine: Messrs. **Befeqadu Hailu, Atnaf Berahane, Zelalem Kiberet, Natnael Feleke and Abel Wabela, and Ms. Mahlet Fantahun**.

After their arrest, law enforcement officials reportedly escorted the above-mentioned individuals to their homes for searches before taking them to the detention centre Maikelawi in Addis Ababa. Allegedly, all six individuals were held incommunicado at Maikalawi to this date.

On 25 and 26 April 2014, law enforcement officials reportedly arrested freelance journalists Mr. Tesfalem Waldyes and Ms. Edom Kasaye, respectively searched their homes and took them to Maikelawi detention centre. On the evening of 26 April 2014, law enforcement officials reportedly arrested Mr. Asemamaw Haile Giorgis, Senior Editor of Addis Guday magazine. Messrs. Waldyes and Girorgis and Ms. Kasaye are reportedly currently held incommunicado.

On 26 April 2014, families of the individuals mentioned in this communication reportedly went to Maikelawi to leave food and were denied the right to see them.

The nine individuals mentioned in this communication reportedly appeared at Arada first instance court on Sunday 27 April 2014. Messrs. Asmamaw Giorigis, Tesfalem Waldyes and Zelalem Kibret are reportedly scheduled to appear before the court again on 7 May 2014. Messrs. Befeqadu Hailu, Atenaf Berahane, Natnael Feleke, Abel Wabela and Ms. Edom Kasaye and Mahlet Fantahun were reportedly to appear on 8 May 2014. Their reported charges/reasons for arrest are “working with foreign human rights organizations and inciting violence through social media to create instability in the country”.

We express grave concern about the physical and psychological integrity of the above mentioned individuals and the fact that the grounds for their arrest and detention does not appear to comply with international human rights law and standards. We express further concern that the arrests and detentions may be linked to the activities of bloggers and journalists documenting human rights violations in Ethiopia. In addition we express concern about allegations indicating that they were denied access to their lawyers and family while in custody.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the abovementioned persons is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights, and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

Moreover, we would like to refer your Excellency's Government to the following provisions of the ICCPR acceded by the Federal Democratic Republic of Ethiopia on 11 June 1993:

- article 19, which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”; and

- article 22, which provides that “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”.

In this context we would like to refer to the principles enunciated by Human Rights Council Resolution 24/5, and in particular operative paragraph 2, which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

We would also like to draw the attention of your Excellency’s Government to paragraph 8b of Human Rights Council Resolution 16/23, which reminds States that “Prolonged incommunicado detention... may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and the dignity of the person”.

In relation to Ms. Edom Kasaye and Mahlet Fantahun , we would like to draw your Excellency’s Government’s attention to article 1 of the United Nations Declaration on the Elimination of Violence against Women which provides that the term “violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

We would also like to bring to your Excellency’s Government’s attention to article 7 (c) of the International Convention on the Elimination of all forms of Discrimination against Women, ratified by the Federal Democratic Republic of Ethiopia on 10 September 1981, which requires States Parties to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

Moreover, as it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged on behalf of Messrs. Befeqadu Hailu, Atnaf Berahane, Zelalem Kiberet, Natnael Feleke, Abel Wabela, Tesfalem Waldyes, Asemamaw Haile Giorgis and Ms. Edom Kasaye and Mahlet Fantahun?
3. Please provide information concerning the legal grounds for the arrest and detention of the above-mentioned individuals and how these measures are compatible with international norms and standards.
4. Please provide information on whether Messrs. Befeqadu Hailu, Atnaf Berahane, Zelalem Kiberet, Natnael Feleke, Abel Wabela, Tesfalem Waldyes, Asemamaw Haile Giorgis and Ms. Edom Kasaye and Mahlet Fantahun have access to family members, legal counsel, and medical personnel.
5. Please explain what measures have been taken to ensure that bloggers and journalists in the Federal Democratic Republic of Ethiopia can carry out their peaceful and legitimate activities and express and associate freely without fear of harassment, stigmatization or criminalization of any kind.

We undertake to ensure that your Excellency's Government's response will be available in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of
association

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Rashida Manjoo
Special Rapporteur on violence against women, its causes and consequences