

Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 the situation of human rights defenders; the Special Rapporteur on the rights of indigenous peoples; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 the situation of human rights defenders; Special Rapporteur on the rights of indigenous peoples; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 24/7, 27/1, 26/12, 25/2, 24/5, 25/18, 24/9 and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged killing of at least 500 people, and the injury, detention and enforced disappearance of thousands of individuals in the context of protests organized in Ethiopia, particularly in the Oromia and Amhara regions, since November 2015.

Allegations about violent repression of protests and the enforcement of the Anti-Terrorism Proclamation 652/2009 were the subject of previous communications to your Excellency's Government: ETH 4/2011, sent on 4 October 2011 (see A/HRC/19/44), ETH 7/2011, sent on 19 December 2011 (see A/HRC/20/30), ETH 5/2015 sent on 28 December 2015 (see A/HRC/32/53). We thank your Excellency's Government for the substantial response to our communication ETH 4/2011, received on 17 February 2012. We take note of the legal proceedings detailed in the response regarding the individuals mentioned in communication ETH 4/2011. We remain nevertheless deeply concerned that the charges brought under antiterrorism legislation against these individuals may be directly related to their activities as journalists leading investigations and publishing press articles concerning actions of the Government. We want to emphasize that in his first thematic report to the Human Rights Council, the Special Rapporteur on the rights to freedom of peaceful assembly and of association called upon States to "strictly and narrowly define the offence of terrorism in line with international law" and to ensure that

any restrictions on the rights to freedom of peaceful assembly and of association are prescribed by law, which is necessary in a democratic society, and proportionate to the objective pursued, and do not harm the principles of pluralism, tolerance and broadmindedness. Therefore, any restrictions should be subject to an independent, impartial, and prompt judicial review (A/HRC/20/27, paragraph 84 (d) and (e)). We also regret that no response has been received to date to communications ETH 7/2011 and ETH 5/2015.

According to the information received:

In November 2015, a general mass movement of protests started in Ginchi against the Government's "Master Plan" to expand Addis Ababa's boundaries, which would lead to the displacement of Oromo farmers. The Oromo, who constitute the largest ethnic community in Ethiopia have suffered a long history of exclusion and forced assimilation leading to the decline of their pastoralist lifestyle. They however still maintain their own language, also spoken widely in Northern Kenya and Somalia. Despite the decision of the Government to cancel the application of the plan, the assemblies later continued to protest against the Government's forces that fired indiscriminately into crowds with lethal and non-lethal weapons in the context of assemblies, in majority peaceful (ETH 5/2015). The protestors also demanded the release of political prisoners and that the perpetrators within the security forces be brought to justice.

It is reported that, since November 2015, over 500 people have been killed, thousands injured, tens of thousands arrested, and hundreds have been victims of enforced disappearance. Since November, security forces have allegedly arrested hundreds of protestors and community leaders in their homes. Acts of torture and ill-treatment have been reported in detention centers, in particular it is alleged that many detainees were beaten up with sticks and whips and several women were raped and sexually assaulted while in detention.

On 13 July 2016, in Gonder city, located in the Amhara region, the Federal Police and the Anti-Terrorism Taskforce allegedly attempted to arrest all the organizers of the Wolkite Tsegede Amhara Identity Claim Committee and, in particular, its Chairperson, Mr. **Demeke Zewdu**. On the same day, a violent confrontation started on both sides with gunshots exchanges leading to the death of 11 members of the Special Forces and of five civilians. As a result, several persons were arrested by security forces. Mr. Demeke Zewdu was arrested and is allegedly detained at the Gondar Zone Prison. Other individuals, including Mr. **Getachew Adameare**, Mr. **Atalay Zaffe**, Mr. **Alele Shama**, Mr. **Mebrhatu Getahun**, Mr. **Adisu Serebe** and Mr. **Mnega Batihhum**, all members of the Committee, were allegedly arrested at the same time and were transferred to a prison in the capital.

On 31 July 2016, massive follow-up peaceful protests sparked over the city demanding the release of Mr. Demeke Zewdu. The Gondar Zone High Court adjourned his case.

Between 5 and 7 August 2016, protests, in majority peaceful, were organized in the Oromia and Amhara regions, as well as in Addis Ababa. During this time, approximately 100 persons are reported to have been killed by State security forces.

On 5 August 2016, an unplanned demonstration began when people of Gonder city arrived in large numbers to the Gondar Zone High Court, following a rumor that Mr. Demeke Zewdu was to be brought to the Court to facilitate his transfer to Addis Ababa.

On 6 August 2016, serious protests and clashes reportedly happened in many cities, including in Dembia, Dansha, Sherko, Armachiho and Quara in the Amhara region. Demonstrations, in majority peaceful, also took place in Addis Abeba and across the Oromia region in cities such as Nekemet, Dembidolo, Arsi, Adama (Nazret), Weliso, Ambo, Awoday, Assassa, Bale Gorda, Dandi, Mendi and Ciro, among others. It is estimated that between 60 and 70 individuals were killed by security forces during protests on that day.

On 7 August 2016, peaceful protests in the northern city of Bahirdar started to turn violent when security forces blocked the bridge to enter the city. It resulted in clashes with the security forces and the killing of at least 30 persons in one day.

Ethiopian authorities have allegedly stated the demonstrations were orchestrated by foreign terrorist groups attempting to destroy the Government and private properties, kill civilians and security forces and close roads. The authorities acknowledged the death of seven individuals. Since the protest began in November 2015, reports of internet shutdowns and disruptions have significantly increased. In Oromia, Facebook, Twitter, WhatsApp and other mobile applications were intermittently inaccessible in March and April 2016. Facebook, Twitter and other social media sites were moreover inaccessible also in May and June 2016. In May and June 2016, access to social media sites had been significantly slowed down in other parts of the country.

From 10 July 2016 to 14 July 2016, social media sites, including Facebook, Twitter, Viber and WhatsApp were blocked in Oromia with the justification that it was to prevent students from being “distracted” during the period for university entrance exams. Between 5 August 2016 and 8 August 2016, internet traffic originating from Ethiopia was terminated, indicating a possible nationwide shutdown. In particular, there was a significant decrease in activity from the country on Google, Twitter and Tor.

While we acknowledge that several individuals could have been violent in the context of the protests, we express grave concern about the allegations of excessive use of force by law enforcement officials in the context of peaceful protests, leading to the killings of over 500 persons and injuring thousands of individuals. We express equal concern at the allegations of enforced disappearances and detention of numerous protestors in locations where they are reportedly being subjected to torture and other ill-treatment. We express further concern about the use of the Anti-Terrorism Proclamation to justify the growing violent repression of protests, in majority peaceful, in Ethiopia in the recent months, leading to undue restrictions to the exercise of the rights to freedom of expression and peaceful assembly. In this regard, we also express concern at the internet shutdowns, which represent additional undue limitations to the right to freedom of expression, in particular to access to information.

We would like to draw your attention to the right of every individual to life and security and not to be arbitrarily deprived of his life, as set forth in articles 3 of the Universal Declaration of Human Rights (UDHR) and 6(1) of the International Covenant on Civil and Political Rights (ICCPR), acceded by Ethiopia on 11 June 1993, as well as the right to fair proceedings before an independent and impartial tribunal, as set forth in article 14 of the ICCPR and article 10 of the UDHR.

Moreover, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, recall the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR.

We would like to remind your Excellency's Government of the absolute prohibition of torture and other forms of ill-treatment as codified in articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Ethiopia ratified on 14 March, and its article 12 which requires the competent authorities to undertake a prompt and impartial investigation whenever there are reasonable grounds to believe that torture has been committed, and its article 7 which requires States parties to prosecute suspected perpetrators of torture.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the above-mentioned 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).

In connection with these allegations and concerns, we would like to refer your Excellency's Government to articles 19 and 21 of the ICCPR, guaranteeing the rights to freedom of expression and peaceful assembly, and articles 9 and 11 of the African Charter on Human and People's Rights (ACHPR), which Ethiopia ratified on 15 June 1998.

We would further like to refer to the joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies that provide practical recommendations for the proper management of assemblies (A/HRC/31/66).

With regard to the allegations concerning internet disruptions, we would like to refer to the 2016 resolution of the Human Rights Council, which "condemned unequivocally measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law", calling on all States to refrain from and cease such measures (A/HRC/RES/32/13). We also refer to the reports of the Special Rapporteur on freedom of expression, concluding that permissible restrictions on the Internet are governed by the same human rights criteria as those offline (A/HRC/117/27), and that "service shutdowns and associated restrictions are a particularly pernicious means of enforcing content regulations" (A/HRC/32/38).

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2 and 5 and refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials.

In relation to the allegations according to which hundreds of individuals would have disappeared, we would like to recall the prohibition to practice, permit or tolerate enforced disappearance enshrined in the United Nations Declaration on the Protection of All Persons from Enforced Disappearances (article 2); the obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance (article 3); that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances (article 7); the right to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention and the obligation to make available accurate information on the detention of persons and their place of detention to their family,

counsel or other persons with a legitimate interest (article 10); and the obligation to maintain in every place of detention an official up-to-date register of detained persons (article 12).

We would finally like to refer your Excellency's Government to the article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) acceded by Ethiopia on 23 June 1976 which "guarantees the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law", including in the areas of the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

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 person(s) in compliance with international instruments.

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:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Has a complaint been lodged on behalf of the victims?
3. Please provide the details, and where available, the results of any investigation and judicial or other inquiry undertaken in relation to these allegations, especially in relations to allegations of extra-judiciary killings, torture and ill-treatments, enforced disappearances, arrests and detentions of civilians. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide information about the legal basis for the arrest and detention of Mr. Demeke Zewdu and the other individuals mentioned above.
5. Please provide information about the directives issued by the Government to law-enforcement personnel concerning the precise circumstances in which the use of lethal force is authorized, and indicate how these directives comply with the international human rights obligations of Ethiopia under the ICCPR, as well as the requirements of the Basic

Principles on the Use of Force and Firearms by Law Enforcement Officials.

6. Please provide information about the legal basis and justification for the Internet shutdowns, and how these actions comply with Ethiopia's obligations under international human rights law, in particular article 19 of the ICCPR.
7. Please explain what measures have been taken to ensure that peaceful protestors and human rights defenders in Ethiopia can carry out their peaceful and legitimate activities and express and protest freely without fear of harassment, stigmatization or criminalization of any kind.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals — which are of a purely humanitarian nature — in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

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