



# Oromia Human Rights and Justice Council (OHRJC)

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April 5, 2009

## **“Oromia Human Rights and Justice Council (OHRJC) - individual UPR submission-Ethiopia-November/December 2009”**

### **Introduction**

1. The Oromia Human Rights and Justice Council (OHRJC) is a non-governmental and non-partisan organization established in 2008 in Minneapolis, Minnesota, U.S.A. to advocate for the protection of fundamental human rights and freedoms of the Oromo and other peoples in Ethiopia and those who have taken refuge in other countries. Its main objective is to promote the value of humanity through advocating respect for human rights in Ethiopia with a special focus on the Oromo people, whom it considers to be the largest and main victim of human right abuse by the current Ethiopian regime.
2. Our report to Universal periodic Review of Ethiopia only covers the rights related to freedom of press, mass media, Environmental rights and the right of life. The atrocities committed by the TPLF/EPRDF regime against the Ethiopian people in general and Oromos at large have been indiscriminate and boundless. Tens of thousands have been brutally killed, hundred of thousands displaced, tens of thousands Oromo political detainees still languish in the regime’s prison. Intimidation, harassment and physical torture are normal practices. This has been registered and reconfirmed by international human rights organizations such the Amnesty International, Human Right Watch, International Federation for Human Rights, Oromia Support Group, and etc. Local Human rights defenders like the Ethiopian Rights Council (EHRCO) and Human Rights League of the Horn of Africa have also documented outrageous act of the Ethiopian government.

### **Freedom of expression**

3. Freedom of expression is a fundamental human right that is necessary for the enjoyment of all human rights. It is the hallmark of a democratic society. The freedom to develop and discuss ideas in the search for truth and understanding has an overriding importance in underpinning of democracy. Article 19 of The Universal Declaration of Human Rights (UDHR), which is binding on all states as a matter of customary international law, proclaims: *'everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, to receive and impart information and ideas...'* Article 29 of the Federal Democratic Republic of Ethiopia (FDRE) constitution, notably its sub-section 2, guarantees freedoms of expression and the press. It provides that *“everyone shall have the right to freedom of expression without interference. 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 other media of his choice”*. Subsection 4 asserts, *“In the interest of the free flow of information, ideas and opinions which are essential to the functioning of democratic order, the press shall as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions.”*

4. Unfortunately, however, despite the constitutional guarantees, freedom of expression has remained just an elusive hope in Ethiopia. It is simply tragic that Ethiopia is now the fourth worst jailor of journalists, just next to the traditionally authoritarian regimes.
5. Article 30 (1) of the Ethiopian Constitution states: “everyone shall have the freedom, in association with others, to peaceably assemble without arms, engage in public demonstration and the right to petition. Appropriate procedure may be enacted to ensure that public meetings and demonstrations do not disrupt public activities, or that such meetings and demonstrations do not violate public morals, peace and democratic rights”. However, frequently the denial of peaceful demonstration requested by human rights and civil society groups, opposition parties, students and professional associations is the major cause for the most part of atrocities conducted by Ethiopian government. Moreover, demonstrations are time-restricted and security forces often use excessive force to disperse participants.

### **Media Monopoly**

6. The national mass media is crucial to the national democratic process. It is the national mass media, which holds the key to reaching the millions of voters. It is essential therefore that the mass media is Open, transparent and accountable to the public. The "freedom of the press" must be balanced with its accountability. In Ethiopia, all the TVs, radios, and almost all of the press belong to the government. There is some “free press” in Addis Ababa, owned mostly by TPLF members and supporters. In the last decade, the government has imprisoned more journalists than any other government in the World. For a century and particularly in the last decade, journalist whether internal or international have been forbidden from visiting the Ogaden Somali region and remotest part of Oromia regional zone in order to keep successfully their atrocities hidden from the rest of the World. The government uses the media under its complete monopoly-hold to incriminate and prosecute independent journalists. The State denies the right to operate a private and independent broadcast media that could afford the audience in Ethiopia an alternative channel of communication. Thus, Ethiopians are subjected to government propaganda of a ruling party and are a helpless, "captive audience".

### **Jamming of other media outlets**

7. Not only monopolizing the media but also after 2005 national election the Ethiopian government engaged itself extensively in jamming of various media outlets such as VOA radio, Deutschewelle and others in futile attempt to block the inward flow of information. They do so by creating stations on the same frequency to deliberately disrupt the broadcast. The Ethiopian government has also jammed various private opposition radio broadcasts that hire airtime (generally an hour a day or on certain days of the week) from commercial shortwave transmission facilities, including those based in Germany and the former Soviet Union. The number and identity of such broadcasts, and their schedules, often varies, depending on the availability of funds to hire shortwave airtime.

### **Website Blocking**

8. The struggle for freedom of expression in Ethiopia is now also taking place online as the government has annihilated the local free press in the aftermath of the contested election in May 2005. The Ethiopian government has been blocking scores of websites critical to the regime and is devoting increasing resources and attention to controlling access to information via the Internet and is implementing surveillance technologies. Following the footsteps of the Tunisian regime, Ethiopia has pioneered Internet Censorship in Africa. Indeed,

since 19<sup>th</sup> of May 2006, the top five most popular Ethiopian web sites and several blogs have been blocked and are inaccessible across the nation. The Ethiopian Telecommunication Corporation (the state monopoly and sole Internet Service Provider in the country) seemingly unblocks the access randomly for few hours in an attempt to confuse end-users in Ethiopia by suggesting a technical glitch from the web sites owners rather than censorship from the government. The regime has repeatedly ordered the dismantling of receiver satellite dishes in different parts of Ethiopia claiming “these facilities are illegal equipments designed to follow-up broadcasts by foreign media. It is also reported that the regime is deploying spies, who keep an eye on individuals who follow who follow which media outlets, and that these spies pass over information to security agencies.

## **Environmental and Health right**

9. According to the Algezira’s report on *People and power* aired on 21 Feb 2009 heavily polluted water from *Koka Lake* at the heart of Oromia continued to grow toxic green algae claiming the lives of surrounding people. Lead to the decline of fishing and the death of thousands of people and other problems ranging from birth of babies with biological defects to chronic diarrhea.
10. *Maggie Murphy* on 11<sup>th</sup> of February 2009 reported about the country’s largest flower farm, Zeway, Oromia region. He has noted that one hundred and twenty chemicals are used in Ethiopia’s floriculture industry, of which the World Health Organization classifies fifteen as carcinogenic. These chemicals can cause lasting damage to brain cells and the immune system and have been known to bring about miscarriages in pregnant women according to the Addis Ababa University Science Faculty, she reported. Symptoms include fainting spells, nausea and extreme vomiting, all of which have been reported at flower farms in different parts of the country. The MPS Socially Qualified Certificate demands that workers wear protective clothing at all times when dealing with pesticides and fertilizers with high toxic content but reports suggest this guideline is rarely followed. **(See attached Report: Ethiopia flower exploitation)**
11. In February 2008, Ethiopia’s Jimma Times told the story of Mamush Kebede who worked as a sprayer on a flower farm near Menagesh. His arms developed rashes in reaction to the chemicals he used on a daily basis but he felt compelled to leave his job when the owner refused to allow him to transfer to another unit. Other workers complain of blisters and burns and nauseating smells in greenhouses after plants have been sprayed. The MPS Socially Qualified Certificate demands that 6 hours must elapse before people are asked to work in such conditions but it is believed this rarely happens.
12. And yet, workers have no collective bargaining power because they have been forbidden from forming trade unions according to Ato Tariku Schachachew, General Secretary of the Ethiopian Confederation of Labour Unions. He described one instance where workers were even fired from one flower farm when they tried to form a union to ensure safe working conditions. As well as exploitation of the workforce, little is known about the environmental repercussions posed by hosting such a rapidly increasing number of farms. There were just 2 private flower farms in 1999, today there are 77 and although the government has created regulatory laws and published guidelines to safeguard natural resources, the speed with which the sector is growing impedes adequate monitoring. It cannot be forgotten that the future of floriculture in the country - which hopes it hopes will overtake coffee as the main export by 2013 - depends on good management and a sound understanding of the irreversible effects that can be had by overloading the ecosystem.
13. Protecting the local environment is essential to ensure such industries can generate sustainable economic growth. Chemical pest controls increase soil salinity destroying its productivity. According to in-house

agronomist Ato Seyoum Fenya, the containers, which store twenty litres of pesticide used each day on Menagesha Flower farm, are reportedly buried in the grounds without being sealed. If unsealed, the chemicals directly enter local ecosystems and can contaminate local water supplies with devastating long-term effects on local communities. Even if the containers are sealed and then buried, thus following the advice of the Ethiopian Environmental Protection Authority, this probably only delays a huge future environmental catastrophe.

### **Instigating ethnic conflict**

14. Members of the Oromo, Gumuz, Amhara and other ethnic groups live in the bordering kebeles of Oromia and Benishangul Gumuz regional states. There have been clashes in the past particularly between members of the Oromo and Gumuz ethnic groups over claims to farmlands. As the government has not addressed the cause of the clashes adequately, the clashes turned violent and caused the loss of lives and damages to property. The better-armed Gumuz by Ethiopian Government severely attacked the unarmed oromo civilians.
15. The conflict occurred starting on May 17, 2008 in the Anger locality in a place called Haro Wata (Arategna), Amestegna, Sementegna, Zetenegna and Aseregna villages in Sasiga wereda, East Wollega zone of the Oromia regional state between members of the Oromo and Gumuz ethnic groups. Survivors of the conflict told Ethiopian Human Right Council (EHRCO) that more than hundred people were brutally killed and injured and thousands were displaced from their homes. Local transportation services were disrupted for security reasons by the time this report was being compiled. As a result, EHRCO investigators could not get access to all the areas affected by the conflict. The information in the following tables were documented based on interviews conducted with local authorities, survivors of the conflict who are receiving medical treatment in Nekemt Hospital and persons who fled their homes and sought refuge in Nekemt and neighboring towns. **(See the attached EHRCO Special report for the list of victims)**
16. Article 3 of the Universal Declaration of Human Rights (UDHR), which Ethiopia has endorsed, provides that everyone has the right to life. Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), to which Ethiopia is a party, states that every one has a natural right to life. Likewise, Article 14 of the Constitution of the Federal Democratic Republic of Ethiopia (FDRE) states that everyone has the inviolable and inalienable right to life, the security of person and liberty. The FDRE constitution also defines the power and function of the Federal Government in accordance with FDRE Constitution of Article 51(14) to settle the deteriorated security situation.
17. Ethnic hatreds spawned by divide and rule policy of current Ethiopian Government's scheme are the source of most human rights abuses in Ethiopia, and defenders reported grave violations - including alleged ethnic cleansing in some States like Gambella.

### **The New Bill regarding Non-Governmental Organization**

18. Human rights defenders in Ethiopia often find themselves on a collision course with the authorities, and have to face their hostility, while their impartiality and independence remain severely challenged and repressed by State agents. In addition to the continuous harassment, violence, and reprisals that defenders have to face in the country, the new bill also limited human rights activities of foreign organizations in Ethiopia, as well as local organizations that receive more than ten percent of foreign funding. These organizations would not be allowed to carry out work on gender issues, children's rights and the rights of disabled people. Foreign organizations like Amnesty International and Human Rights Watch could only work in these areas if they are granted written permission by the Ethiopian government.

19. In such a context, the Oromia human rights and justice council is deeply concerned that this clampdown on human rights advocates creates an unfavorable environment for human rights defenders to efficiently monitor and promote fundamental rights and freedoms in the country.
20. Ethiopian government has to conform with the provisions of the UN Declaration on Human Rights Defenders, in particular its Article 1 which provides that “every person has the right, individually or collectively, to promote the protection and fulfillment of human rights and fundamental liberties at the national and international levels”

### **Office of Ethiopian Human rights Commission**

21. Under proclamation No. 210/2000, Article 6, the Ethiopian Human rights Commission has a power to "ensure that the human rights and freedoms provided for under the Constitution of the Federal Democratic Republic of Ethiopia are respected by all citizens, organs of state, political organizations and other associations as well as by their respective officials." The proclamation also declares that the Commission has a power to, "educate the public, using the mass media and other means, with a view to enhancing its tradition of respect for, and demand for enforcement of, rights upon acquiring sufficient awareness regarding human rights and undertake investigation, upon complaint or its own initiation, in respect of human rights violations.

### **Conclusion**

22. Previous Ethiopian rulers as well as the current Ethiopian government had signed and ratified various UN and AU covenants, protocols and agreements on human rights, which only remained on paper and was done merely to win over the support of the international community. However, the true nature of the current Ethiopian government is characterized by gross human rights violations in general and mass massacre, extra-judicial killings, arbitrary arrests, torture, displacement and forced conscription to non-ending wars on political opponents in particular. The brunt of these human rights violations and heinous crimes is directed against the Oromo people in Ethiopia. In the battle against many armed rebel groups, non-violence civic organizations, and political parties, the Ethiopian government continues to subject civilians in Ethiopia in general and Oromia region in particular. The violence against civilians has continued unabated and citizens are being detained, tortured, disappeared, and extra judicially executed. Ethiopian government continued unchecked by international donors. Oromia Human Rights and Justice Council (OHRJC) have been reporting the dramatic increase in the Human rights violations. Students from all regions of Oromia have been expelled from higher educational institutions including high schools for demanding their basic rights. Those near graduations were told they would not find employment unless they joint Oromo Peoples Democratic Organization (OPDO), the surrogate ruling party Oromo wing in Oromia region. If students refused to joint OPDO, they were often subjected to harassment, expulsions and prisons in the name of they are supporting the Oromo Liberation Front (OLF).
23. Oromia Human rights and Justice Council appeal to UN state parties to urge the government of Ethiopia to bring perpetrators to justice. We appeal to all democratic governments, UN agencies, and representatives of international organizations to put pressure on the Ethiopian Government to put in place the necessary legal and institutional mechanisms for the respect and protection of human rights and ensure their proper implementation.