

# PRESS FREEDOM IN ETHIOPIA

IPI/WAN-IFRA Press Freedom Mission Report



International  
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## OVERVIEW

From Nov. 3-6, 2013, the International Press Institute (IPI) and the World Association of Newspapers (WAN-IFRA) carried out a joint fact-finding mission to Ethiopia, where five journalists have been imprisoned since 2011 and numerous others have been tried in absentia under the country's anti-terrorism law.



Members of the IPI / WAN-IFRA joint press freedom mission to Ethiopia meet on Nov. 6, 2013, with Ambassador **Jean-Baptiste Natama**, chief-of-staff to the African Union's Chairperson. (From left) **Alison Meston**, **Kabiru Yusuf**, **Alison Bethel McKenzie**, **Tomas Brunegård**, Ambassador Natama and **Ferial Haffajee**.

IPI photo

The joint mission met with editors, journalists, lawyers, politicians and bloggers as well as associates of the imprisoned journalists to discuss the media climate in the country. The delegation also held meetings with diplomats and Redwan Hussien, the government spokesman who engaged in a frank, two-hour discussion with IPI and representatives of another organisation, the African Media Initiative.

The WAN-IFRA/IPI fact-finding mission represented a rare opportunity for two of the world's leading press freedom and publishing organisations to get firsthand information and question journalists and other stakeholders. It also gave the delegation the opportunity to learn of the challenges journalists and publishers face, including self-censorship, restrictions on

foreign media ownership and the dominant position played by state-run radio and television.

The mission was held in advance of the African Media Leaders Forum, held Nov. 6-8 in the Ethiopian capital of Addis Ababa, which provided an additional platform for discussion of the challenges faced by Ethiopian journalists. The forum was also an opportunity to highlight the press freedom challenges in Ethiopia and across Africa through a panel chaired by IPI Executive Director Alison Bethel McKenzie. A second panel, "Classified, Censored, Imprisoned - Why Media Laws Need Reform," was chaired by WAN-IFRA Press Freedom Director Alison Meston.

The mission comprised IPI Executive Director Alison Bethel McKenzie and WAN-IFRA President Tomas Brunegård; IPI board members Ferial Haffajee, editor-in-chief of *City Press* in South Africa, and Kabiru Yusuf, chairman of Media Trust Ltd. in Nigeria; Alison Meston, press freedom director for WAN-IFRA; and Timothy Spence, IPI senior press freedom adviser for Africa and the Middle East.

Regrettably, Prime Minister Hailemariam Desalegn's office did not respond to repeated requests for a meeting. But in an address before delegates of the AMLF, the prime minister said his government planned to increase the capacity of the media and is encouraging the news media to establish their own self-regulatory mechanisms. "There is always room for improvement and as a developing country, we are open to suggestions on improving our media industry," said Hailemariam, making no mention of the imprisoned journalists.

IPI/WAN-IFRA also were not granted access to the imprisoned journalists.

Despite the enormous challenges facing the news media in Ethiopia, the delegation did take note of many positive developments and sees that Ethiopia's large population (85 million<sup>1</sup>) and promising economy offer fertile territory for a successful and competitive news environment. The delegation noted that some newspapers report a healthy growth in advertising and readership. There is also greater evidence of a willingness of print publishers to cooperate on joint investment in printing presses to unlock the virtual monopoly held by the state. There is an evident desire among journalists themselves to improve professionalism and the quality of their media, as well as undertake professional exchanges with other African countries – although many acknowledged that government pressure and self-censorship continue to hold down the potential for quality, independent journalism.

Based on the visit and numerous productive discussions, IPI and WAN-IFRA:

- Call on the Ethiopian government to immediately free all journalists convicted under sedition provisions of the country's 2009 anti-terrorism law. These journalists include Solomon Kebede, Wubset Taye, Reeyot Alemu, Eskinder Nega and Yusuf Getachew.
- Urge the 547-member lower house of parliament to revamp the anti-terror law of 2009 to ensure that it does not trample on the rights of freedom of speech and assembly provided under Article 29 of the Constitution and further guaranteed under the African Charter on Human and People's Rights and the UN's Universal Declaration, which Ethiopia has ratified. Specifically, lawmakers need to reconsider sections 2(6), 4 and 6 of the anti-terrorism law that have been used to prosecute dozens of journalists and opposition politicians who challenge government policies.
- Call on Ethiopian lawmakers to review laws that bar foreign investment in media, measures that inhibit the development of an economically viable and diversified

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<sup>1</sup> United Nations Statistics Division (2011 estimate), <http://data.un.org/CountryProfile.aspx?crName=ethiopia#Summary>. Ethiopia is Africa's second most populous country, after Nigeria.

market.

- Urge the Ethiopian courts to ensure that rulings restrict press freedom only in cases of intentional incitement or clear participation in acts of terrorism, and that judges act independently to protect the public's right to be informed about political dissent and acts of terrorism.
- Urge Ethiopia's often-fragmented and partisan media to step up cooperation to improve professionalism and independence, and to form a unified front to defend press freedom.
- Call on publishers to pursue joint investment in media training, distribution and infrastructure. Increased cooperation between news organisations would foster a freer and more conducive environment for competition in news gathering and reporting.

IPI and WAN-IFRA also stand by to help transform the media climate in Ethiopia, by offering help to lawmakers in revamping media and anti-terror legislation, and to assist in improving the quality of reporting, particularly ahead of scheduled parliamentary elections in 2015. While the IPI/WAN-IFRA representatives saw a broad commitment among journalists to electoral coverage based on sound, in-depth reporting, there is concern about the current level of determination to cover national elections through neutral but vigorous reporting, as well as a palpable fear of government reprisal.

## MISSION MEETINGS

The IPI/WAN-IFRA fact-finding mission represented a rare opportunity for the leading press freedom and publishing organisations to get firsthand information and face-to-face contact with journalists and other stakeholders. It also gave the delegation the opportunity to freely discuss the challenges journalists and publishers face, including restrictions on foreign media ownership and near-total state dominance of radio and television.

The joint mission met with more than 30 editors, journalists, lawyers, politicians and bloggers as well as associates of the imprisoned journalists to discuss media challenges in the country. The delegation also solicited written comments from the African Union rapporteur on freedom of expression, Pansy Tlakula, who was not in Addis Ababa during the mission. In addition, mission representatives met with:

- Austrian Ambassador Dr. Gudrun Graf
- US Ambassador Patricia M. Haslach
- Heinz Habertheuer, head, Austrian Development Cooperation Office in Ethiopia
- Redwan Hussien, spokesman for the Ethiopian government
- Ambassador Jean-Baptiste Natama, chief of staff to the chairwoman of the African Union Commission

However, due to the cautious political environment in the country, representatives of IPI and WAN-IFRA agreed to meet with journalists, politicians, media activists, lawyers and

associates of the imprisoned journalists on the condition of anonymity.<sup>2</sup> At least two journalists who initially agreed to meet with the delegation declined at the last minute, expressing concern that they might be under surveillance by the security services.

In a joint statement following the mission, IPI and WAN-IFRA expressed appreciation for the willingness of a broad cross-section of officials and media representatives to meet with the delegation but regretted that restrictions barred representatives from seeing the imprisoned journalists. IPI and WAN-IFRA also expressed appreciation for the Ethiopian government's commitment to equitable and sustainable development in one of the world's poorest countries. But the organisations also emphasised that strong news media, including an independent public broadcaster, play an invaluable role in achieving those objectives.<sup>3</sup>

## BACKGROUND

Ethiopia has had a history of government control over the news media, with state radio, television and newspapers serving as little more than mouthpieces for those in power during the reign of Emperor Haile Selassie and the military junta, or Derg, that followed him. After the overthrow of the Soviet-backed Derg, the transitional government introduced a new Constitution in 1995, with Article 29 providing for freedom of speech, expression and the media. But in practice the constitutional guarantees have provided little cover for journalists.<sup>4</sup>

The news media – mostly newspapers and foreign-based Internet sites – did enjoy a period of relative openness in the decade after the constitution was ratified. Dozens of independent newspapers and opposition publications appeared in Addis Ababa, although many were of poor quality and struggled financially.

Also around this time, the first private journalism training schools began to open while Addis Ababa University expanded its journalism programme with international support. IPI sent representatives to Ethiopia in 2004 to help shape emerging media legislation, including a provision that for the first time allowed a limited number of licences for private radio stations.

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<sup>2</sup> Anonymous sources of information are not ideal in either news coverage or reports such as this. However, IPI and WAN-IFRA agreed to guard the identity of the non-public officials interviewed for this report. Unless otherwise quoted directly, the comments and observations in this report are backed by multiple sources and/or personal observations of delegation members.

<sup>3</sup> "IPI, WAN-IFRA end four-day Ethiopia mission with joint call for release of imprisoned journalists," IPI, Nov. 7, 2013, <http://www.freemedia.at/home/singleview/article/ipi-wan-ifra-end-four-day-ethiopia-mission-with-joint-call-for-release-of-imprisoned-journalists.html>

<sup>4</sup> The country has also ratified the African Charter on Human and People's Rights and the UN's Universal Declaration.

## 2005 crackdown

But this era of relative openness came to an abrupt and brutal end in 2005. A sweeping government crackdown following the disputed legislative elections led to mass arrests of opposition politicians and journalists and the use of force against demonstrators. The repression lasted months as the long-ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) of Prime Minister Meles Zenawi consolidated power. European Union election observers noted that the news media were relatively balanced at covering campaigns, but the state-run media shifted gears as conditions deteriorated. The government also rushed through a restrictive new media law on May 8, 2005, just seven days before the election.<sup>5</sup> As the African Union's special rapporteur on freedom of expression and access to information told IPI via e-mail ahead of this mission, "following the 2005 general elections in Ethiopia, freedom of expression and media freedom [have] been continuously deteriorating."<sup>6</sup>

Meles – who ruled for 17 years before his death in 2012 – was a favourite of Western donors in part due to his government's steady anti-poverty and development efforts. His use of



Ethiopian Prime Minister **Hailemariam Desalegn** speaks during an interview with the Reuters news agency at his office in Addis Ababa on Oct. 10, 2013.

Tiksa Negeri/Reuters

Ethiopian troops against the al-Shabab militants in Somalia and his role in pressing for the peaceful separation of Sudan and South Sudan heightened his international stature, despite his own government's belligerent dealings with the ex-province of Eritrea. Meles was part of Tony Blair's Commission for Africa, and had warm relationships with both Democrat and Republican presidents in Washington. His successor, Hailemariam Desalegn, has not yet gained his predecessor's international stature.

The 2005 crackdown stunned Western donors who had grown to respect the steady social progress made under Meles, an ex-revolutionary. The EU protested the crackdown and temporarily halted some direct aid to the government, but Ethiopia's central role in US-led

<sup>5</sup> EU Election Observer Mission (2005), page 10, <http://eeas.europa.eu/eueom/pdf/missions/finalreport-ethiopia-2005.pdf>. According to the report: "[A]nybody in the media production/distribution chain down to sellers, importers or distributors can become criminally liable if the author or editor of an article cannot be identified. Liability in this case is not based on particular personal responsibility, but simply on the fact that no other perpetrators can be found. Criminal liability thus becomes a reflex of prosecutorial efficiency rather than personal wrongdoing. The adoption of this legislation may have had an intimidating effect on the media."

<sup>6</sup> AU Special Rapporteur Pansy Tlakula's written comments of Oct. 24, 2013, were made in response to questions sent by IPI.

anti-terrorism efforts in the Horn of Africa (notably neighbouring Somalia) resulted in barely a hiccup in relations with the country.

### Anti-terror laws

In 2009, the government expanded its legal authority over journalists, human rights workers and civil society groups. The 2009 Anti-Terrorism Proclamation gave new powers to the government to arrest those deemed seditious, including journalists who step beyond the bounds of politically acceptable reporting or commentary. Similarly, the authorities enacted the Proclamation to Provide for the Registration and Regulation of Charities and Societies (CSP), which currently restricts the operations of independent human rights and civil society organisations. The government has also used the “public morals” clause (Article 29/6) in the Constitution to enact laws that curb free speech. That clause reads: “Nothing in the foregoing shall absolve anyone of liability arising from laws enacted to protect public morals, peace, human dignity and democratic rights of citizens.”<sup>7</sup>

Armed with statutory authority, the government has not shied from using the laws to bludgeon opposition figures and journalists. Dozens of journalists have been imprisoned or accused of sedition or fomenting unrest, forcing many to flee the country. Journalists who left the country, including Abiye Teklemariam and Mesfin Negash of the defunct *Addis Neger* newspaper, were charged with plotting anti-government activities and sentenced *in absentia*.<sup>8</sup> Five newspaper editors and writers have been imprisoned since 2011 for alleged anti-government activity and were being held at Kaliti Prison outside Addis Ababa. They are:

- Wubset Taye (imprisoned in June 2011) - *Awramba Times*
- Reeyot Alemu (imprisoned in June 2011) – *Feteh*
- Eskinder Nega (imprisoned in September 2011) – *Satenaw*<sup>9</sup>
- Yusuf Getachew (imprisoned in July 2012) - *Muslim Affairs*
- Solomon Kebede (imprisoned in April 2013) – *Muslim Affairs*

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<sup>7</sup> Democratic rights of the Constitution of Ethiopia, [http://www.ethioembassy.org.uk/about\\_us/constitution/democratic\\_rights.htm](http://www.ethioembassy.org.uk/about_us/constitution/democratic_rights.htm)

<sup>8</sup> See IPI statements, including <http://www.freemedia.at/home/singleview/article/independent-newspaper-addis-neger-closes-and-its-editors-flee-ethiopia-fearing-persecution.html>

<sup>9</sup> WAN-IFRA, IPI and other organisations have repeatedly urged the Ethiopian government to free Eskinder Nega and others. See: “Ruling by Ethiopia’s Supreme Court in Eskinder Nega Case Another Missed Opportunity,” <http://www.wan-ifra.org/articles/2013/05/03/ruling-by-ethiopias-supreme-court-in-eskinder-nega-case-another-missed-opportuni>; and “IPI World Press Freedom heroes condemn imprisonment of Ethiopian Journalist Eskinder Nega,” IPI, April 23, 2012, <http://www.freemedia.at/home/singleview/article/ipi-world-press-freedom-heroes-condemn-imprisonment-of-ethiopian-journalist-eskinder-nega.html>

Several of these journalists have been given international awards. CNN honoured Wubset Taye in 2013; Reeyot Alemu is the recipient of the Unesco World Press Freedom Prize.<sup>10</sup>

The government has often complained that local media are biased, irresponsible and at times seditious. In a conversation with members of the IPI/WAN-IFRA delegation, Ethiopian government spokesman Redwan Hussien said those imprisoned were activists, not journalists. The government defends its tough counter-terrorism laws, saying it has a duty to ensure national security and protect Ethiopians from foreign and domestic terrorists.

Indeed, security is a concern for the government. Ethiopia fought a border war with Eritrea from 1998 to 2000 and relations between the two are antagonistic to this day. Ethiopia is home to a number of indigenous groups pressing for autonomy, and the country has long faced threats from the lawlessness in Somalia. The country's armed forces have been known to work closely with the United States in anti-terror operations in Somalia.

There are also sharp divisions within Ethiopia, including the journalism and human rights communities, over whether the imprisoned journalists are indeed journalists. "Most of them weren't practicing journalists, they were activists," one prominent journalist told members of the IPI delegation. One lawyer familiar with these cases said the government had made a public relations blunder by imprisoning some of the journalists. But he went on to say that Eskinder Nega - who has gained international attention during his confinement at Kaliti Prison outside Addis Ababa<sup>11</sup> - was a "militant" who had called for an Arab Spring-style uprising in Ethiopia. "There is a lack of professionalism and regard for the truth ... mixing activism with journalism," the lawyer said. "It's across the board, including the government media."

The news media, like the elite itself, tend to be politically charged and highly partisan. Still, there is broad consensus among journalists that Eskinder Nega and his prison companions were only exercising their right to expression as guaranteed under Article 29 of the Constitution. Reeyot Alemu, a school teacher by profession who spent her free time writing for the now-defunct *Feteh*, was convicted under provisions of the anti-terrorism law for publishing a photo bearing the word ENOUGH (*bäqa* in Amharic). "The photo expressed the opinion of a lot of Ethiopians [and] that was just too dangerous for this government," said another former *Feteh* journalist. "They say this isn't journalism, it's activism or treason. Whatever ... what she did wasn't a crime that deserves prison."

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<sup>10</sup> "Ethiopian journalist Reeyot Alemu wins 2013 UNESCO-Guillermo Cano World Press Freedom Prize," <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-world-press-freedom-prize/>

<sup>11</sup> Besides support from international organisations like IPI and WAN-IFRA, Eskinder Nega's "Letter from Ethiopia's Gulag" was published by the *New York Times* on July 24, 2013, a year after he was sentenced. See: [http://www.nytimes.com/2013/07/25/opinion/letter-from-ethiopias-gulag.html?\\_r=0](http://www.nytimes.com/2013/07/25/opinion/letter-from-ethiopias-gulag.html?_r=0)

Ethiopia's sole opposition politician in the lower House of parliament has called for amending the 2009 counter-terrorism law, alleging that it has been used to quash legitimate dissent. Girma Seifu Maru of the Unity for Democracy and Justice party told the Reuters news agency in an interview that the government's harsh policies towards critics could fuel a "violent struggle."<sup>12</sup> Those close to the politician say there is no support in the 547-seat legislature to strip the 2009 law of provisions that give the authorities broad powers to prosecute journalists for – as an example - reporting about or interviewing those deemed terrorists. The AU rapporteur on freedom of expression, Pansy Tlakula, told IPI that the Ethiopian government has used the laws "to clamp down on free expression, particularly against those who are critical of the government."<sup>13</sup>

### Self-censorship

Journalists who spoke to the IPI/WAN-IFRA delegation repeatedly expressed fears that they too could wind up in prison if they step beyond the boundaries of what is politically acceptable (even if the definition of political acceptability is ambiguous). Both media loyal



Swedish reporter **Martin Schibbye** (left) and photographer **Johan Persson** arrive in Stockholm on Sept 14, 2012, after being pardoned by the Ethiopian authorities. Anders Wiklund/Scanpix via Reuters

to the ruling EPRDF and the scattering of independent publications are under intense government pressure to practice self-censorship on a range of topics, including the insurgent Ogaden National Liberation Front and the Oromo Liberation Front; relations with neighbouring Eritrea, the source of much nationalist hubris; human rights violations committed by the Ethiopian army in the country's Somali region; and Ginbot 7, an opposition party deemed to be a terrorist organisation in 2011. Journalists tell IPI that criticism of the EPFRD or its top figures in the government is also grounds for trouble or prosecution.

International journalists have not been immune. Foreign correspondents who met with WAN-IFRA and IPI members said they face a number of obstacles on a day-to-day basis, including lack of access to information and government officials. The Ethiopian government at times has gone on the offensive to block transmissions of international broadcasters such as Deutsche-Welle and the Voice of America,

<sup>12</sup> "Sole opposition MP says Ethiopia bottling up strife," Oct. 14, 2013, <http://www.reuters.com/article/2013/10/14/us-ethiopia-politics-idUSBRE99D0BM20131014?feedType=RSS&feedName=worldNews>

<sup>13</sup> Tlakula's written comments of Oct. 24, 2013, were made in response to questions sent by IPI.

and has also blocked news and political websites deemed critical of the government.<sup>14</sup> (Some webpages of organisations critical of the Ethiopian government, including the Committee to Protect Journalists, were inaccessible to members of the IPI/WAN-IFRA delegation in Ethiopia even though other websites were readily available.)

Foreign media workers have not been immune from more forceful action. In 2006, a veteran Associated Press correspondent was expelled from the country for his reporting on clashes between the police and demonstrators.<sup>15</sup> In December 2011, Swedish reporter Martin Schibbye and photographer Johan Persson were sentenced to 11 years in prison for “rendering support to terrorism.”<sup>16</sup> They were taken into custody in July 2011 after they were caught travelling with insurgents in the Ogaden region. They were later pardoned and allowed to return home.

Independent journalists also raised concerns about being the target of smear campaigns by state-run media. A tell-tale sign of impending government action is when newspapers suddenly shut down and editors and staff flee the country. *Addis Neger* closed in December 2009. In 2011, the *Awramba Times* folded after its chief editor and others left the country, having been warned that they could join their colleagues in prison.

There is more subtle pressure as well. One prominent Ethiopian editor told WAN-IFRA/IPI delegates that managers of the government-run printing press will claim technical problems or simply refuse to print newspapers containing controversial articles. Private printers are also under pressure to reject papers if they contain potentially inflammatory reports. “Printers and sometimes advertisers act like censors,” said another editor who publishes a weekly often critical of the government. “If I don’t publish I don’t survive, and in some ways I fear this more than the prison.”

## MISSION FINDINGS

The news media in Ethiopia face profound challenges. Journalists repeatedly expressed fear that going too far in their reporting could bring reprisals from the government, notably prosecution under the 2009 anti-terrorism law. But this is the extreme and far more subtle pressures exist – among them the refusal of printers to publish newspapers, selective advertising practiced by government agencies, and self-censorship practiced by journalists

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<sup>14</sup> IPI World Press Freedom Review (2007). [http://service.cms.apa.at/cms/ipi/freedom\\_detail.html?country=/KW0001/KW0006/KW0155/](http://service.cms.apa.at/cms/ipi/freedom_detail.html?country=/KW0001/KW0006/KW0155/)

<sup>15</sup> Ibid.

<sup>16</sup> “Ban Ki-moon should speak out on imprisoned Ethiopian journalists,” IPI, March 5, 2012, <http://www.free-media.at/home/singleview/article/ban-ki-moon-should-speak-out-on-imprisoned-ethiopian-journalists.html>

and their editors fearing reprisal. Some opposition bloggers expressed concern that they could lose their jobs if their employers knew of their after-hours activity.

State media dominate broadcasting in a country of more than 80 million people where newspaper readership is small and mostly centred in Addis Ababa. Diversification and investment in new technology and training are also hampered by laws that bar foreign ownership stakes in Ethiopian media.

Although there is broad ground for concern in Ethiopia, the IPI/WAN-IFRA delegation highlighted these challenges:

**The country's draconian anti-terrorism law are being used to suppress independent reporting and commentary. At least five journalists - Solomon Kebede, Wubset Taye, Reeyot Alemu, Eskinder Nega, and Yusuf Getachew – remain imprisoned under provisions of the law while others have fled the country to avoid prosecution.**

In 2009, the government expanded its legal authority over journalists, human rights workers and civil society groups. The 2009 anti-terrorism act gave new powers to the government to arrest those deemed seditious. Similarly, the authorities enacted the Proclamation to Provide for the Registration and Regulation of Charities and Societies (CSP), which currently restricts the operations of independent human rights and civil society organisations.

The government has not shied from using the laws to silence opposition figures and journalists. Dozens of journalists have been imprisoned or accused of sedition or fomenting unrest, though many have fled the country. Journalists who left the country, including Abiye Teklemariam and Mesfin Negash of the defunct *Addis Neger* newspaper, were charged with plotting anti-government activities and sentenced *in absentia*.<sup>17</sup> Five newspaper editors and writers have been imprisoned since 2011 for alleged anti-government activity and were being held at Kaliti Prison outside Addis Ababa.

Although the government has repeatedly said the 2009 law is in line with anti-terror laws in Europe and the United States, certain sections give prosecutors broad powers to arrest those deemed too sympathetic to insurgents or opposition movements. The AU's special rapporteur on press freedom, Pansy Tlakula, said she has "urged the Government to ensure that the Anti-Terrorism Proclamation be amended without any unnecessary delay, particularly the

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<sup>17</sup> See IPI statements, including <http://www.freemedia.at/home/singleview/article/independent-newspaper-addis-neger-closes-and-its-editors-flee-ethiopia-fearing-persecution.html>

provisions that impact negatively on the right to freedom of expression and access to information, particularly Articles 2(6), 4 and 6.”<sup>18</sup>

The rapporteur also urged the Ethiopian authorities to amend the legislation “in a holistic manner which involves dialogue with relevant stakeholders, including media representatives and Ethiopians at large and that it complies fully with all relevant international and regional standards on freedom of expression and access to information.”<sup>19</sup>

As it stands, a journalist who interviews a suspected terrorist could also be accused of disseminating anti-government information under the law. Eskinder Nega was convicted for allegedly supporting an “Arab Spring” in Ethiopia, an act deemed seditious. “You can report what the government says about terrorism, but to try to understand why someone wants change the government, that goes too far,” one Ethiopian editor told the delegation.

More broadly, the special rapporteurs on freedom of expression of several international organisations, including the United Nations and Organisation for Security and Co-operation in Europe, have adopted a declaration on the subject of freedom of expression and counter-terrorist legislation. It reads: “The criminalisation of speech relating to terrorism should be restricted to instances of intentional incitement to terrorism, understood as a direct call to engage in terrorism which is directly responsible for increasing the likelihood of a terrorist act occurring, or to actual participation in terrorist acts...”<sup>20</sup>

The U.N. special rapporteur on terrorism and human rights has come out with similar statements. Guidance put out by the rapporteur’s office states the following criteria:

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<sup>18</sup> The text of the articles from Proclamation 652/2009 are as follows:

2.6. “[I]ncitement” means to induce another person by persuasion, promises, money, gifts, threats or otherwise to commit an act of terrorism even if the incited offence is not attempted.

**4. Planning, Preparation, Conspiracy, Incitement and Attempt of Terrorist Act**

Whosoever plans, prepares, conspires, incites or attempts to commit any of the terrorist acts stipulated under sub-articles (1) to (6) of Article 3 of this Proclamation is punishable in accordance with the penalty provided for under the same Article.

**6. Encouragement of Terrorism**

Whosoever publishes or causes the publication of a statement that is likely to be understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to the commission or preparation or instigation of an act of terrorism stipulated under Article 3 of this Proclamation is punishable with rigorous imprisonment from 10 to 20 years.

The full text of the law is available here: <http://www.mfa.gov.et/docs/Anti-Terrorism%20Proclamation.pdf>

<sup>19</sup> The AU special rapporteur’s written comments of Oct. 24, 2013, were made in response to questions sent by IPI.

<sup>20</sup> Joint Declaration by UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the African Union’s Special Rapporteur on Freedom of Expression and Access to Information, December 2008, <http://www.osce.org/fom/35639>

“There must first be an act of communication (“the distribution, or otherwise making available, of a message to the public...”). Secondly, there must be a subjective intention on the part of the person to incite terrorism (“...with the intent to incite the commission of a terrorist offence... whether or not directly advocating terrorist offences...”). Finally, there must be an additional objective danger that the person’s conduct will incite terrorism (“... where such conduct... causes a danger that one or more such offences may be committed”).”<sup>21</sup>

Members of the delegation were told that the courts have been too timid in carrying out their constitutional duty to ensure that the anti-terrorism laws restrict press freedom only in cases of intentional incitement or clear participation in acts of terrorism. Nor have they acted as an effective balance to the political powers to protect the public’s right to be informed about political dissent and acts of terrorism.

Other journalists who spoke to IPI/WAN-IFRA representatives repeatedly expressed fears that they could wind up in prison if they step beyond the boundaries of what is politically acceptable. Both media loyal to the ruling EPRDF and the scattering of independent publications are under government pressure to practice self-censorship – particularly when it comes to banned groups like the Ogaden National Liberation Front, the Oromo Liberation Front and Ginbot 7, an opposition party deemed to be a terrorist organisation in 2011. Journalists tell IPI that criticism of the EPFRD or its top figures in the government is also grounds for intimidation or prosecution.

The main opposition voice in Ethiopia’s lower house has called for a revamp of the anti-terrorism law of 2009. IPI/WAN-IFRA and other international groups have also called for amendments to remove provisions such as Articles 2(6), 4 and 6 that give broad leeway to prosecutors to pursue journalists, politicians and activists with charges ranging from destabilising the political order, abetting designated terrorist or terrorist organisations through interviews of even mention of them in news reports, and having awareness of anything deemed rebellious.

As already noted, the AU’s special rapporteur on press freedom says lawmakers should ensure that these provisions do not trample on the rights of freedom of speech and assembly provided under Article 29 of the Constitution and further guaranteed under the African Charter on Human and People’s Rights and the UN’s Universal Declaration, which Ethiopia has ratified.

IPI and WAN-IFRA are prepared to aid lawmakers in amending these laws to ensure they do not conflict with freedom of the press, through parliamentary testimony as well as providing advice on the legislation. The IPI/WAN-IFRA delegation expressed interest in assisting in the revision of laws in the spirit of constructive cooperation with the ruling authorities.

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<sup>21</sup> Office of the United Nations High Commissioner for Human Rights, Human Rights, Terrorism and Counter-terrorism: <http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf>

Besides the anti-terrorism law, other government policies – such as a ban on foreign ownership of the news media – are viewed as hampering efforts to improve quality and investment in the print and broadcast media.

Regrettably, there seems to be little consensus in the Ethiopian parliament, which is dominated by Prime Minister Hailemariam’s EPRDF, to amend the laws.<sup>22</sup>

**Ethiopia’s journalists are fragmented and often highly partisan, hampering efforts to improve professionalism and independence, and to form a unified front to defend press freedom.**

The WAN-IFRA/IPI delegation heard from those interviewed that the two leading factors hampering the development of stronger media in the country are raw partisanship among most of the media, and government interference. A decade ago, there were more than 70 independent print publications in the country; today there are slightly more than a dozen licensed publications. Readership is low and mainly rooted in the capital, Addis Ababa. The Amharic *Reporter*, the country’s leading newspaper, is published twice weekly and is estimated to sell around 30,000 copies, boosted by a highly popular weekly jobs section. *Reporter* publishes a weekly English tabloid, which along with the English-language business weeklies *Fortune* and *Capital*, are the most popular newspapers with the elite and international community – though they are estimated to sell fewer than 10,000 copies each.

Rather than cooperating, journalists tend to be at odds – one editor confessed that his own personal grievances with leading competitors made cooperation nearly impossible. Despite solid media and professional organisations in other East African nations, including Somalia and Kenya, Ethiopia has struggled to build capacity through strong, independent associations of journalists, editors and publishers. When asked why there is not more solidarity amongst the news media in the country, one editor said he had no answer. Then, after a pause, he added: “This is Ethiopia.”

The lack of solidarity hinders the news industry’s ability to stand up to government interference and to lobby for changes to perfidious laws and policies.<sup>23</sup>

Besides the missing spirit of cooperation, the delegation is also concerned about the continued state dominance of the media despite the doors that opened to independent media in the 1990s. The main government newspapers are the Amharic *Zemen* and the English-

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<sup>22</sup> The prime minister’s office did not respond to repeated requests, filed through the government and the Ethiopian Embassy in Geneva, for a meeting with the IPI/WAN-IFRA delegation.

<sup>23</sup> In Burundi, for example, the Burundi Journalists Union has asked the East African Court of Justice to declare that a 2013 Press Law violates fundamental human rights. See: <http://www.mediadefence.org/project/east-african-court-asked-nullify-press-law>

language *Herald* – dailies produced by the state-run Ethiopian press agency that are heavy on business and development news and short on in-depth reports about politics and human rights. They are also used as fronts for attacking critics or defending government policies. Following an IPI/WAN-IFRA joint statement on Nov. 7, 2013, calling on the Ethiopian government to free all imprisoned journalists, the *Herald* published an unsigned leader defending the prosecution of journalists under the 2009 terrorism law.<sup>24</sup> “Any demands from politicians elsewhere, or from others, that those charged should be unconditionally and automatically released on demand, are totally unacceptable. It tramples on the country’s sovereign rights but more important it flies in the face of all the principles of the rule of law,” the leader said.<sup>25</sup>

Broadcasting is dominated by the state-run Ethiopian Radio and Television Agency which toes the government’s line in its reporting and in some cases is used to denounce or counter reports in independent media. Ethiopia has several independent FM radio stations that provide news coverage but – according to an editor for one of the stations – journalists practice self-censorship to avoid risking the loss of their operating license. Only one, Fana FM, competes with the state broadcaster in having the capacity to reach much of the country.<sup>26</sup>

In one promising development, there has been a growth of community radio stations, with 16 either licensed to operate or already on-air.<sup>27</sup> Still, given the dominance of the airwaves by the state and the continued importance that radio plays as a source of news and information, IPI/WAN-IFRA strongly believe there is a need to develop and support an independent public broadcaster, and ensure a neutral licensing process and the fair distribution of broadcasting permits.

**Ethiopian publishers traditionally have missed the opportunity to reduce operating expenses while improving competitiveness and professionalism – through steps such as joint investment in media training, distribution and infrastructure.**

WAN-IFRA and IPI believe strongly that newspaper publishers (and other media professionals) could improve quality, financial stability and their own competitiveness through closer cooperation in training, distribution and infrastructure.

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<sup>24</sup> “IPI, WAN-IFRA end four-day Ethiopia mission with joint call for release of imprisoned journalists,” IPI/WAN-IFRA joint statement of Nov. 7, 2013. <http://www.freemedia.at/home/singleview/article/ipi-wan-ifra-end-four-day-ethiopia-mission-with-joint-call-for-release-of-imprisoned-journalists.html>

<sup>25</sup> “Lionizing journalists and demonizing the judicial process,” *The Ethiopian Herald*, Nov. 15, 2013, <http://www.ethpress.gov.et/herald/index.php/herald/editorial/696-lionizing-journalists-and-demonizing-the-judicial-process>

<sup>26</sup> Ethiopian Broadcasting Authority (EAB), <http://www.eba.gov.et/web/data/Broadcast/main.htm>

<sup>27</sup> Ibid.

One complaint heard across a spectrum of editors and publishers is that the state-run printing press is used as a tool of censorship, allowing the printers to reject publication if there is controversial material in a given edition. “If our magazine has a [controversial] cover story, suddenly the presses are broken or there’s no paper or ink,” the publisher of one opposition magazine told members of the delegation. Private presses do exist, but their costs tend to be higher and they, too, practice self-censorship when it comes to controversial articles.

Stronger cooperation between publishers could address such challenges through joint investment in presses, supplies and equipment – using economies of scale to reduce overall costs while remaining fiercely competitive in news and reporting. A strong publishers association could also be an effective tool for lobbying the government for important changes in the law – for example, current laws bar foreign ownership of the news media, hampering diversification and much-needed investment.

The WAN-IFRA/IPI delegation expressed a willingness to foster cooperation between media owners – such as through professional exchanges and retreats.

**The national legislative elections of 2015 offer the opportunity for Ethiopian news media to improve electoral and campaign coverage through even-handed but rigorous reporting of challenges facing the country. International partners can help by offering training opportunities and professional exchanges while working with the government to ensure a hands-off approach to the news media.**

Much of the news reported in the state-run media focus on development, health, investment and expansive reports on the country’s booming capital city. Journalists told the IPI/WAN-IFRA representatives that these were relatively safe topics, while national security, controversies involving the government, opposition politics and anything dealing with insurgent groups were broadly no-go areas. Speculation about the deteriorating health of then-Prime Minister Meles, who died in 2012, also was a no-go area for the media. While the delegation supports the emphasis on development and health reporting in one of the world’s poorest countries, it also recognises that robust and in-depth reporting on social, political and development issues are important antidotes to poverty.

Meanwhile, the independent media tend to be highly partisan, focusing on politics and corruption - especially cases that advance a political cause. Political coverage also tends to be speculative, in part because of a lack of information sharing by government ministries and senior officials. Improving the depth and professionalism of election coverage would not only help the public get access to better information, but also help reduce some of the inherent political tension in the country by countering the often-stated government complaint of bias and partisanship in the independent media.

By the same token, it would address opposition complaints that the state-run media favour the ruling elite. As European Union election observers noted in the last general legislative

election, in 2010, “state-owned print and broadcast media failed to ensure balanced coverage by extensively reporting on ruling party activities. Whilst a significant improvement in the distribution of coverage was noted in the last week of the campaign, EPRDF coverage amounted to over 50% of political party coverage on news programmes.” Independent media, the observers noted, tended to be “extremely cautious, in line with private journalists' concern about government mistrust of their reporting.”<sup>28</sup>

## RECOMMENDATIONS

Based on the four days of meetings (Nov. 3-6) and additional follow-up discussions at the African Media Leaders Forum in Ethiopia (Nov. 6-8), WAN-IFRA and IPI:

Based on the visit and numerous productive discussions, IPI and WAN-IFRA:

- Call on the Ethiopian government to immediately free all journalists convicted under sedition provisions of the country’s 2009 anti-terrorism law. These journalists include Solomon Kebede, Wubset Taye, Reeyot Alemu, Eskinder Nega and Yusuf Getachew.
- Urge the 547-member lower house of parliament to revamp the anti-terror law of 2009 to ensure that it does not trample on the rights of freedom of speech and assembly provided under Article 29 of the Constitution and further guaranteed under the African Charter on Human and People’s Rights and the UN’s Universal Declaration, which Ethiopia has ratified. Specifically, lawmakers need to reconsider sections 2(6), 4 and 6 of the anti-terrorism law that have been used to prosecute dozens of journalists and opposition politicians who challenge government policies.
- Call on Ethiopian lawmakers to review laws that bar foreign investment in media, measures that inhibit the development of an economically viable and diversified market.
- Urge the Ethiopian courts to ensure that rulings restrict press freedom only in cases of intentional incitement or clear participation in acts of terrorism, and that judges act independently to protect the public’s right to be informed about political dissent and acts of terrorism.
- Urge Ethiopia’s often-fragmented and partisan media to step up cooperation to improve professionalism and independence, and to form a unified front to defend press freedom.
- Call on publishers to pursue joint investment in media training, distribution and infrastructure. Increased cooperation between news organisations would foster a freer and more conducive environment for competition in news gathering and reporting.

WAN-IFRA/IPI also stand by to help transform the media climate in Ethiopia, by offering to advise lawmakers on how to revamp media and anti-terror legislation and – working in

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<sup>28</sup> Report of the EU Election Observer Mission (2010), page 7, [http://eeas.europa.eu/eueom/pdf/missions/eu-eom-ethiopia-preliminary-statement-25052010\\_en.pdf](http://eeas.europa.eu/eueom/pdf/missions/eu-eom-ethiopia-preliminary-statement-25052010_en.pdf)

conjunction with donors and the media - to assist in improving the quality of political reporting ahead of scheduled parliamentary elections in 2015. While the IPI/WAN-IFRA representatives saw a broad commitment among journalists to news coverage based on sound, in-depth reporting, they also express doubts the current level of professionalism as well as the chilling effect of prosecution and government interference.

Finally, WAN-IFRA/IPI believe strongly that it is essential to sustain the international pressure on the Ethiopian government to pardon imprisoned journalists and overhaul its odious anti-media laws. This is one message that the organisations' delegation heard across the board – from journalists themselves, as well as lawyers and associates of the prisoners. “We work in fear,” a young journalist at one opposition news magazine told IPI/WAN-IFRA representatives. “But when the foreign organisations are there, there is at least a sense of security for us knowing you care.”

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#### **About IPI**

IPI is a global network of editors, media executives and leading journalists dedicated to furthering and safeguarding press freedom, promoting the free flow of news and information, and improving the practices of journalism. Formed in 1950 at Columbia University by 34 leading editors from 15 countries on the belief that a free press would contribute to the creation of a better world, IPI today includes members in more than 120 countries and holds consultative status with the United Nations and the Council of Europe.

#### **About WAN/IFRA**

The World Association of Newspapers and News Publishers, or WAN-IFRA, is the global organisation of the world's press, representing more than 18,000 publications, 15,000 online sites and over 3,000 companies in more than 120 countries. The organisation was created by the July 2009 merger of the World Association of Newspapers and IFRA, the research and service organisation for the news publishing industry. The two organisations have a 110-year history between them as the global representatives of the world's press.