

OPINION No. 18/1999 (ETHIOPIA)

Communication addressed to the Government on 12 January 1999

Concerning Moti Biyya, Garuma Bekele and Tesfaye Deressa

The State is a party to the International Covenant on Civil and Political Rights

1. The Working Group on Arbitrary Detention was established by resolution 1991/42 of the Commission on Human Rights. The mandate of the Working Group was clarified and extended by resolution 1997/50. Acting in accordance with its methods of work, the Working Group forwarded to the Government the above-mentioned communication.
2. The Working Group regrets that the Government has not replied to its request for information.
3. The Working Group regards deprivation of liberty as arbitrary in the following cases:
  - (i) When it manifestly cannot be justified on any legal basis (such as continued detention after the sentence has been served or despite an applicable amnesty act) (category I);
  - (ii) When the deprivation of liberty is the result of a judgement or sentence for the exercise of the rights and freedoms proclaimed in articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and also, in respect of States parties, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (category II);
  - (iii) When the complete or partial non-observance of the relevant international standards set forth in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned relating to the right to a fair trial is of such gravity as to confer on the deprivation of liberty, of whatever kind, an arbitrary character (category III).
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government. In the absence of any information from the Government, the Working Group is in a position to render an opinion on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged.
5. Moti Biyya, a writer and journalist born in 1957, Garuma Bekele, a former journalist and human rights activist born in 1960, and Tesfaye Deressa, a songwriter, poet, journalist and

human rights activist born in 1959, were arrested in October 1997 in Addis Ababa by the Ethiopian police. The source does not know whether they were presented with a warrant or other decision by a public authority upon arrest.

6. It is reported that all three men were arrested as part of a wave of arrests of Oromo journalists and political activists. All three had been working for the newspaper "Urji" ("Star"), a private Amharic-language newspaper which reports primarily on Oromo issues. The newspaper had documented human rights abuses against Oromos suspected of links with the Oromo Liberation Front, a military organization fighting the Government in the Oromo region, and had published interviews with leaders of this organization. On the other hand, the newspaper has never openly endorsed the OLF's armed activities. Garuma Bekele, as well as being the paper's manager, is also general secretary of the banned Human Rights League. Moti Biyya, as well as writing for "Urji", has published two books about Oromo history and culture.

7. The three journalists reportedly were initially held under the Ethiopian Press Law, because of an article published by "Urji" criticizing the police killing of three suspected OLF members in Addis Ababa. In January 1998, the charges of armed conspiracy and providing support to the armed activities of the OLF were reportedly brought against the three, accusing "Urji" of being a "mouthpiece" for the OLF but giving no further details of these charges. Since January 1998, no date for the trial of the three has been set, and there has been no further clarification of the charges against them. It is assumed that the authorities have deemed that the simple reporting of abuses against OLF suspects was sufficient evidence of association with the armed activities of the OLF.

8. According to the source, the unsubstantiated charges against the three men, and the fact that some 15 months after their arrest, no trial date has been set, are enough to qualify their detention as arbitrary. The source suspects that the three men are detained primarily to silence their critical reporting of the Ethiopian Government's human rights violations against the Oromo ethnic community.

9. The source contends that in the instant case, the Government has violated article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights, which guarantee the right to freedom of expression, as well as article 9 of the Universal Declaration and of the Covenant, which guarantee an individual's right not to be subject to arbitrary detention. Furthermore, the Government's action is said to violate individual rights set out in Ethiopia's Constitution.

10. The Working Group notes that the above-mentioned journalists were detained basically for writing articles in the newspaper "Urji" criticizing abuses against Oromos suspected of links with OLF and for publishing interviews with leaders of that organization. It has not, however, been proved that they have openly supported OLF activities.

11. The Group is of the opinion that by their actions Moti Biyya, Garuma Bekele and Tesfaye Deressa were merely exercising their right to freedom of expression and that their

detention is therefore arbitrary as being in violation of article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights (category II).

12. In the light of this opinion, the Working Group requests the Government to take the necessary steps to remedy the situation, in accordance with the provisions of article 19 of the International Covenant on Civil and Political Rights, and to consider amending its legislation so as to bring it into conformity with the relevant standards of international law accepted by the State.

Adopted on 15 September 1999