

# **Rule of Law, Political Space and Human Rights in Ethiopia**

## **A Closer look at the Anti-Terrorism Law**

*An Investigation Report Conducted By: Ethiopian Human Rights Activists*

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## Executive Summary

It has been five years since the government of Ethiopia enacted anti-terrorism law (Anti-terror proclamation no. 652/2009). According to the proclamation, Ethiopia's security, peace and development is seriously endangered by the act of terrorism and, hence, there is a need "to legislate adequate legal provisions since the laws presently in force in the country are not sufficient to prevent and control terrorism". However, since the introduction of the anti-terror law up to October 2014, personalities from all walks of life, from the engineer to the politician, from religious leaders to journalists, from armed rebels to contraband dealers, have all been proved to be 'terrorists' or are awaiting to be proved so. As it has been argued by many, not only the law contains many articles which are open for wide interpretations but also the context, in which the law is promulgated, gives unprecedented power for the ruling party to make any politically motivated charged under this law.

There are significant amount of reports, analysis and review documents on the anti-terrorism law. Yet, much of the documents lack clarity on the degree of challenges that posed by the law on the state of democracy, rule of law, political unity of the country. To address this gap, this article aims to shed light the implication of this law based on factual investigation on the ground. Mainly secondary data is collected from terrorism related court cases and charges between the first day of the introduction of the law up to October 31, 2014. the collected data is systematically categorized based on the victims' political background, their quest and the nature and process of their court cases.

Notwithstanding the constitution and the law itself, the search for terrorists and the investigation process have been similar and unchanged. First victims are arrested by national intelligent and security services, detained in one of the detention centers and beaten and tortured until they confessed their crime. Then, the federal police crime investigation center or Maekelawi will start investigation while they are in custody. The investigation will proceed under this department in its anti-terror unit that deploys over twenty investigators. Lastly, any needed evidences will be cooked by the anti-terror unit investigators using different mechanisms. Then, the court will penalize the victims for crimes they did not commit.

One of the main reasons for restructuring of the Ethiopian polite along ethno-linguistic federal system is guarantee a shared and self rule in order to avoid balkanization of the Ethiopian state.

However, the Ethiopia's aborted federalism did not serve its promise by bringing practical changes. As a result, there are numerous armed struggle groups in today's Ethiopia. Around 48 people have been charged by the federal prosecutor under different file numbers for their "terrorist act" and for supporting or being members of the armed groups. The existence of armed groups in over two thirds of the regional states speaks by itself about the failure of the Ethiopian federal system.

The introduction of the anti-terrorism law is intertwined with the justification of Ethiopia's geopolitical conditions in which the act of terrorism threatens Ethiopian security. Since the global war on terrorism many have argued that the war is not against terrorism rather against Islam. Historically, the relationship between Islam and the Ethiopian State has been very problematic in which Muslim people is considered as a secondary citizen. Given this historical fact, the struggle against terrorism in Ethiopia needs an all-rounded strategy in which the state must ensure not to marginalize Muslim Ethiopians and not to paralyze further the Muslims and the state relationship. However, more than 56 Muslim Ethiopians have been charged under this law for asking their religious-related questions. Most of these people are members of the Muslim Affairs Committee who are delegated by the Muslim community. Thus, the Muslim community which in history has been a victim of oppression is now a primary victim of the anti-terrorism struggle.

The Anti-terrorism law seems to be at odds with the state of democracy in Ethiopia. Around 11 people who are in the front row of among those who pursued a peaceful political struggle but were persecuted by the anti-terrorism law. Also, 7 journalists and 7 bloggers are also accused for "act of terrorism". So, a critical look at anti-terrorism law with other laws like civil society, press freedom and political parties' registration laws, the context-content intents of these laws are against the norm of democracy.

## Introduction

*“Arrested for attempting to execute terrorist activities under the pretext of journalism and political organization by working together with forces that intend and desire to disrupt the peace of the country and the people...”*

The above proverbial respond is given by the EPRDF led government in the aftermath of the coming into force of the anti-terrorism proclamation (ATP) in August 621/2009 for incarcerating journalists and members of political organizations that joined the political space duly registered and in a peaceful manner. In the five years after the coming into force of this law and up to October 2014 personalities from all walks of life, from the engineer to the politician, from religious leaders to journalists, from armed rebels to contraband dealers, have all been proved to be ‘terrorists’ or are awaiting to be proved so. In this article we want to rectify the implications of this law in contrast with the reality based on our factual investigation on the ground. How does a law that persecutes a fourteen year old teen<sup>1</sup> and an eighty year old<sup>2</sup> for terrorism, imprisons the scholar and farmer in its sweep impact the future in the long and short run? How much can it tell us about the state of democracy in the country? What can we infer about Ethiopia’s infant federalism?

After the Global War on Terror, taking after Bush’s declaration ‘we will not tire, we will not falter’, many countries in the world began to revise their anti-terrorism legislations or made new ones. Over the belief that Ethiopia should be part of the international anti-terrorism struggle and arguing that terrorism has posed a clear and present danger, the government drafted an anti-terrorism legislation and presented it for parliamentary approval. In the course of deliberations over this draft legislation, some members of the parliament, human right organizations, journalists and others expressed their worries that the law has broad provisions of terrorism activities including phrases like ‘should have known’ making open to diverging interpretations. They also expressed their concern that the law gives the police and security service broadly extreme powers, it usurps citizens’ constitutional bail and other rights, by lowering procedural

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<sup>1</sup> He is a fourteen year old who has been taken from Moyale by the national intelligence and security service since June 2014 and kept at the federal crime investigation center (Maekelawi). Police is keeping him in custody on the 28 days remand by the ATP, accusing him of having links with the OLF terrorist group.

<sup>2</sup> Mr. Tsige Gebremariam, the father of Andargachew Tsige who is currently in prison in Ethiopia, is one of the first victims of the ATP. Mr. Tsige was eighty years old when he was sentenced for eight years after his return from visiting his son in England accused of working with a terrorist.

and evidential requirements of establishing a crime the law relieves the prosecutor's burden of proof and shifts it on the prosecuted. And despite other concerns expressed over the law that these gaps in the law can be abused by government bodies or that legitimate dissent and the exercise of freedom of expression can be criminalized, nothing stopped it from being declared into law by the parliament. Numerous criticisms have been thrown at the legislation but the main question addressed by this article is which part of the society is suffering the brunt of its effect? What are its implications on the overall situation of the country?

*N.B- All the people mentioned in the following are either on remand or on trial awaiting judicial decision.*

The government defends the law from criticisms thrown at it by replying that 'the law was copied word for word from the 'American Patriotic Act' and Britain's 'Terrorism Act' saying "we do not understand why it is met with criticism when it is applied in Ethiopia". To see if the law has really been copied let's compare and contrast its application with the case of a woman from UK and a man from the US. Kate Kaplan is a UK citizen who has majored in Mathematics and minored in computer science and worked in different organizations specializing as a data expert. Besides her job she is active on the social media and has circled herself by friends with similar concerns for their country she constantly blogs with on diverse issues about their country. As part of her effort to increase her knowledge and understanding she reads and downloads different materials from the internet. One of her downloads is a party program by the IRA over the question of Ireland Republic. Soon after the British security service arrested and imprisoned her and her social media friends making accusations that they were arrested while trying to commit terrorist activities. Among the evidences brought against her is the IRA political program she downloaded from the website and saved on her computer, something anyone can search on the internet or the website and read. The charge is leveled under the British Terrorist Act. And the accused still await final decision.

Similarly, Andrew Martin is a lecturer at the New York University and in his spare time participates in the Democratic Party leadership club. As part of his work in the party he reads different documents, one of which happens to be about the Black Panthers Party. Criminal charges were brought on him for his relationships with the terrorist organization of Black Panthers Party

by the Republican Party then in office and he is currently serving a five year sentence. The republican government cited the American Patriotic Act for prosecuting Andrew.

By raising these cases, our intention is not to show how far do those countries the Ethiopian government alleges to have imported its law go in their prosecutions. Rather it is to illustrate what would have followed if those countries Ethiopia ‘copied’ its law from have used their anti-terrorism laws in such a manner as the illustrations above. It is also to shed light on Mahlet Fantahun, a blogger currently in Kality prison over charges of terrorism by analogy with Kate Kaplan and Bekele Gerba, a lecturer, currently serving a five year sentence in Ethiopia over charges of terrorism by analogy with Martin Andrew. And in the process show how misleading it is for Ethiopian government to allege and defend its use of the law by saying that ‘western countries have similar legal framework’.

It is hardly possible to find an anti-terrorism law that imprisons journalists for writing and those who join political parties with intentions of serving their country. Kate and Andrew will be charged for terrorism in Ethiopia but not in Britain or America. Then one cannot help but ask how is it that Ethiopia’s Anti-terrorism law copied word for word from these western countries criminalized and made a terrorist of all trades and walks of life?<sup>3</sup>

## **The Search for Terrorists and the Investigation**

Answering how the law is being practically implemented will answer our initial query. The following illustration will reveal the process. Hassen, Hayat and Kedir are imprisoned by the police (intelligence) saying that they were arrested trying to execute crimes of terrorism. Their case proceeds as this.

1<sup>st</sup>. they will be arrested by the national intelligence and security service. Then after, they will be beaten and tortured in different security detention centers for a long time, in some cases more than six months. Usually they will neither appear in court nor would their family know their where about.

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<sup>3</sup> Our use of the replacement of names from once place of occurrence to use them in another is an adoption of William Easterly’s technique in his book ‘Tyranny of Experts’ where he made the an environmental disaster in Uganda as if it occurred in Ohio to make the readers understand the situation.

2<sup>nd</sup>. after their ordeal in detention by the security they will be passed over to federal police. Then the federal police crime investigation center or Maekelawi will start investigation while they are in custody. The investigation will proceed under this department in its anti-terror unit that deploys over twenty investigators. During this time the detainees will suffer extremely inhuman investigations. Their ordeal will go on until they admit the ‘terrorism activities’ they are accused of. They will languish in such condition for up four months (some have actually stayed in Maekelawi for eight months).

3<sup>rd</sup>. As is usually the case in such terrorism cases the police will not have evidence over Hasen, Hayat and Kedir. The ‘evidence’ will be cooked by the anti-terror unit investigators. How?

- A. By increasing its torture the police will force one of them, say Kedir, to testify against the others as their accomplice and become its witness. Kedir will be relieved of the charges.
- B. After securing a testimony from Hasen and Hayat they will be forced to sign a self-incriminating testimony. And it will be stated as testimony given freely and without duress as per article 27 (2) of the criminal procedure code.
- C. If the police is afraid that Hasen and Hayat will change ‘their’ testimony and tell the court their testimony for the police was given under duress, the police will take them to court as they are still under the federal crime investigation unit in Maekelawi and made to testify to the court admitting to committing crimes of terrorism as per article 35 of the criminal code.
- D. If there is a need for it police will train and prepare its witnesses.
- E. After the police is satisfied with its investigation it will pass its case to the Ministry of Justice. The ministry of justice will then advise with other concerned authorities and then assign the case to the four members (Mr. Berhanu Wondimagegn, Mr. Tewodros Getachew, Mr. Zewdu Bekele and Sewbesew Admasu) anti-terrorism case team. And these prosecutors will build their case citing one or other of the ten crimes under the anti-terrorism legislation.
- F. Finally Hasen and Hayat’s case will be taken to court. Kedir will be named as the prosecutor’s witness. Their testimony given to the police or the lower level court will be listed as the documentary evidence. The three judges at 4<sup>th</sup> or 19<sup>th</sup> criminal bench of the



federal high court will pass decisions.<sup>4</sup> Kedir will go free while Hasen and Hayat will be ‘proven guilty’ and convicted for terrorism (as is currently the case this whole judicial process can take more than two years).

The process described above can be said to represent the normal operating procedure for people accused of terrorism. And this is all done to keep people off limits from engaging in discussion over social, economic and political issues in their country. Alas, they are Ethiopian terrorists. The knowledge of who these Ethiopian terrorists are will buttress our understanding of the nature of the anti-terrorism effort and where the country is headed towards. The next paragraphs will dig into that.

## **Ethiopia’s Aborted Federalism**

EPRDF never tires to say “there were seventeen armed groups at the time of Derg’s final days showing that a lot of people were dissatisfied of the regime” in talking about the country’s situation when it took over. Further noting that the federal arrangement was targeted at assuaging people’s anguish and this scheme was the panacea that delivered Ethiopia from the dismemberment faced by Yugoslavia. A quarter of a century has passed since Derg fall down and twenty years into the federal scheme. In truth, have those problems shown any sign of alleviation? Has the promise of this federal arrangement gone beyond the rhetoric and practically brought changes? In what follows let’s look into the anti-terror law and who actually are those groups who so far have been targeted by the law.

Currently there are more armed groups, but no less, than those who raised arms against the brutal and authoritarian Derg regime at the time of its downfall. The only difference between the armed groups then and now is that the current ones are deemed terrorists.

At the time of our writing there are more than ten terrorism cases that are on trial and we look into these to help us answer our queries.

“The regional state of Glabella is not a beneficiary of the federal arrangement and the only solution is to forcefully remove the regime” is the leading slogan for five groups that have raised

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<sup>4</sup> From the twenty benches in the federal high court two of them, the 4<sup>th</sup> and the 19<sup>th</sup> criminal benches are reserved to reside over terrorism related cases with different judges revolving around different judges. But four judges, Mr. Bahru Darcha, Mr. Bisrat Tehlku, Mr. Kenate Hona, Sheleme Bekele, etc are permanently serving on these benches.

arms in the region. One of these is The Gambella People's Liberation Movement (GPLM), led by Mr. Mood Goybare. Eleven people have now been charged by the federal prosecutor file number 322/06 on March 27, 2014 and GPLM is cited as a terrorist organization in the charge. Their names are,

1. Uchimi Apey Uchala
2. Uchimi Apey Uchala
3. Uchan Udla Opio
4. Umed Uchulu Uman
5. Gnebedi Ubang Ujato
6. Opio Chur Obang
7. Umed Uto Uman
8. Upedoka Utun Gnegyew
9. Tadesse Udugi Tifa
10. Umed Ukay Ukuchna
11. Okelo Uber Uchan

Still others from Gambela have been charged with terrorism accused for being members of Gambela Democratic Movement (GDM), led by the former president of Gambela regional state Okelo Aqway Uchala. These are:

1. Okelo Aquay Uchala
2. David Ujulu Obang
3. Uchan Opio Umod
4. Uman Gnekyew Udлу
5. Udлу Chamo Ukoy
6. Otaka Umara Ugalana
7. Ubang Umed Abola

The federal prosecutor crime charge file number 508/06 dated July 11, 2014 refers to GDM as a terrorist group charging the accused for committing crimes falling under article 4 of the ATP.

Moving on to yet another region, the Amhara regional state, we find the Amhara Democratic Forces Union (ADFU) said to be led by Colonel Alebel Amare. Ten people have been charged

under article 7 (1) of the ATP on November 7, 2012, file number 071/06, whom the government says are arrested for being a member of ADFU claimed to be working with the terrorist group Ginbot Sebat. The ten people are:

1. Masresha Tafere Woldegebriel
2. Alemnaw Ayele Negash
3. Birku Addisu Wubu
4. Tadesse Mengistu Belay
5. Yetsedaw Kasse Alula
6. Awoke Destaw Mihrete
7. Mohammed Gizachew Fantaw
8. Tewodros Haile
9. Tadesse Belete
10. Tadesse Bayu Gebeyehu

Moving on to the Oromia regional state, for the past twenty years many have been imprisoned, killed for alleged membership in the Oromo Liberation Front (OLF). The same situation holds true at present. The only difference is that in the past the accusation was “for being a member of the self-proclaimed armed group Oromo Liberation Front” and now turned into “for being a member of the self-proclaimed terrorist group Oromo Liberation Front”. All this thanks to the anti-terrorism law. We will cite two other cases as an illustration of this.

Deldesa Waqo Jarso, Gelgelo Guyu Boru, and Waryu Tatesa Guyu have been charged by the federal prosecutor on file 376/06 on March 31, 2014 for being members OLF and arrested in the course of committing the crimes under the ATP articles 3 sub articles 1 and 2 and article 7 (1). In the same manner, the federal prosecutor has leveled charges of terrorism upon Dire Dawa University Students Abdi Kemal Yusuf and Tofiq Reshid Yuya. They are charged with article 7 (1) of the ATP for being members of OLF terrorist group trying to commit terrorist activities in 2014. On account of the disturbance in Oromia that occurred in 2014 students from different universities (Haramaya, Wolega, Assosa and other universities), and other people arrested from Wolega, Moyale and other localities are currently in detention at the federal crime investigation in Maekelawi for more than four months over alleged suspicions of OLF affiliation .

On the eastern part of Ethiopia we find Benishangul People's Liberation Movement (BPLM). Led by Mr. Abdul Wohab Mehadi it has raised arms to overthrow the regime claiming that "the people of Benishangul are not beneficiaries of the regime introduced by the EPRDF". As such, it was not spared of being declared a terrorist organization. Six people have been charged over crimes of terrorism on August 25, 2014 under article 7 (1) of the ATP for being members of the terrorist group BPLM.

1. Abdulkerim Abdusemed Abdukadir
2. Hawoja Minesa Agur
3. Elaq Ibrahim Ali (a minor of 17 year old)
4. Ajela Jabele Nimir
5. Abdi Hamiz Ferensa
6. Fatelmula Atahir AaKeseso

We can move to the North, the birth place of the EPRDF's armed resistance. Tigray People's Democratic Movement (TPDM) is yet another 'terrorist' group that rose arms seeing no option but to remove the regime that has not delivered on its promise of bringing democracy and justice to the people of Tigray. The federal prosecutor has leveled charges of terrorism upon Bilots Gebretsadikan, Negele Birhanu, and Shumay Tebeje under article 7 (1) of the ATP claiming they were arrested about to commit terrorist activities as members of TPDM.

We can keep on the search for armed groups or 'terrorist organization's on all corners and we will still come across Ogaden National Liberation Front (ONLF). It is one of the five organizations that the Ethiopian legislature has declared a terrorist organization pursuant to article 25 of the ATP. For three decades ONLF has put up a resistance for the liberation of Ogaden and many people from the region have been charged for alleged membership in this terrorist organization by the federal prosecutor still awaiting final decision.

We may now pass from the regional or ethnic movements and onto the nationwide 'terrorist' organizations.

By declaring that the government has blocked any peaceful means of struggle and hence the need to wage a struggle in every means, Ginbot Sebat was targeted as the leading terrorist organization. This has led to the imprisonment and at times conviction in absence of outstanding

political personalities as well as numerous citizens for alleged relationship with the organization and for planning, conspiring, preparing and inciting towards the commission of terrorist activities. As part of this long drawn raid we find the following nine people who at the time this writing are in detention charged by the federal prosecutor on August 19, 2013 for crimes of terrorism under article 4, 5, and 8 of the ATP. Their names are:

1. Zemenu Kasse Bewuke
2. Ashenafi Akalu Abera
3. Dehnahun Beza Simegn
4. Mindayo Tilahun Lema
5. Animut Yenewas Alehegn
6. Desalegn Assefa Wondimagegn
7. Deputy Inspector, Muluye Manaye Reta
8. Tegaw Kassa Enyew
9. Yhalem Akalu Abera

Turning on to another ‘terrorist’ group we find the Ethiopian People Patriots Front (EPPF) and cite two cases. The first criminal charge is for membership in the terrorist EPPF made by the federal prosecutor, file number 033/06, on Sep 3, 2013 upon;

1. Tsegaw Alemu Teka
2. Wasihun Nigussu Gebre
3. Godadaw Ferede Mamo
4. Mamay Takele Beyenena
5. Tegegn Sisay Mengesha

And the second is made on similar charges, file number 174/06 on July 9, 2014 against; Asmamaw Dessie Tasew and Mebratay Yrga Tesfaye. In both cases the charges were made under article 7 of the ATP.

A prime justification made for the restructuring of Ethiopia from a unitary to a federal structure is to correct past historical injustices and redeem the feeling of victimhood by some over the past regimes by giving them a measure of semi- autonomy. Thus came the formation of nine regional states with ethnicity as the central criteria. The regime at the helm proclaims that with this

constitutional federal arrangement it has done away with all historical injustices and permanently solved the question raised by ethnic groups. Despite the rhetoric, our assessment of criminal charges made under the ATP reveal that the fact on the ground remains to be fully charged with the rise of ethnic liberation movements in all the regional states of Oromia, Amhara, Somale, Tigre, Benishangul Gumuz, Gambela and others and their being declared as terrorist organizations.

This means that with well over two third of the regional states having armed groups, in one form or another it shows their dissatisfaction. But the sad part is that this has only led to their categorization as terrorist groups. Would it be wrong to say that the federal experiment has failed? And is it plausible to declare every other armed group as terrorist? Given that the current regime came to power through an armed struggle, had the Derg regime had the same anti-terrorism law, it would have been declared a terrorist organization. If matters continue in this manner as was the case during Derg's downfall when there were seventeen armed groups in existence, how many will there be on the last days of this regime?.

Our small scale fact finding for the purposes of this writing at Zone Nine has shown that there exist nine armed groups and in a short essay as this we find fifty eight defendants whose cases pend on trial. It is worth pointing out that our assessment in this essay does not include those cases we could not access evidence, past trials or closed cases and those cases handled by regional courts.

We also note that all the ten criminal cases cited in this essay were made in the one year between August 2013 and August 2014 by the federal prosecutor and all are still pending or are on trial.

## **Islamophobic?**

Because the global war on terror has mainly been concerned with Islam many are heard claiming that the war is not on terrorism but one of anti-Islamism. The need to uplift our struggle against terrorism was at the center of the justification given by the current regime for introducing the ATP besides the need to be in tandem with the rest of the world.

In that regard it is worthwhile to assess the anti-terrorism effort in Ethiopia and see the facts on the ground for the appraisal.

Ethiopian Muslims have gone through a long drawn struggle to make Ethiopia their home in their identity as Islam, opposed to the saying “the hawk lives on ‘Warka’ as does Islam in Meka’ . At the time of EPRDF’s coming to power, there was a lot of optimism that the days of gross human right violation will end. This hope seemed to have come to reality when the constitution provided for the equality of religions and the separation of state and church. But the reality was different and many kept on complaining that the government interfered in their religious issues and called for the lifting of government hands. Nonetheless, to this day this practice by the government has continued unabated.

After continued exchanges between the Muslim community complaints and government denial, the Muslim community finally forwarded its basic requests or complaints to the government represented by its children in an organized and peaceful manner beginning in January 2012. For a short time, these representatives began dealing with the government over solutions for these essential requests.

But by the time the representatives or referred to as ‘Muslim Affairs Committee’ were pressing the government for solutions the anti-terrorism law was in its early days of being put into practice. As such, the Muslim community began to be targeted and the ATP law began to take its toll on them.

The law made its first strike when on October 12, 2012, file number 122/05 the federal prosecutor leveled a criminal charge under articles 3 sub articles 1, 2, 4, 6 and article 4 of the ATP upon,

1. Abubeker Ahmed Mohammed
2. Ahmedin Jebel
3. Mekete Muhe Mekonnen
4. Kamil Shemsu Siraj
5. Bediru Hussien Nurhussien
6. Yasin Nur Essa
7. Samir Yirgu Mandefro

8. Mohammed Abate Tessema
9. Ahmed Mustefa Habib
10. Murad Shikur Jamal
11. Abubakar Alemu Muhe
12. Nuru Turki Nuru
13. Bahru Umer Shikur
14. Munir Hussien Hassen
15. Seid Alu Jewhar
16. Yusuf Getachew
17. Mubarek Adem Getu
18. Kalid Ibrahim Balcha
19. Abdurezak Akmel Hassen
20. Ali Meki Bedru
21. Abdurahman Usman Kelil

The charge made accusations over ‘establishing a terrorist group called Muslim Affairs Committee’, practically declaring the committee as a terrorist organization, and accused other religious Muslims and Muslim journalists for being part of the organization. Currently, the case is pending on trial.

What is most saddening is that while people whom the Muslim community has delegated to represent them have been called terrorists and the committee they set up was declared a terrorist group, the government is pursuing a strategy of aligning the committee with known international terrorist groups in its accusation and paint Muslims as enemies of Ethiopia (for example claiming that they burned the flag), though the Muslim movement in Ethiopia remains to be referred as being one of the most successful and peaceful struggles by many scholars including Renne Lefort. Would this not be enough to claim that the ATP has directly made the Muslim community a target we will cite some more examples.

The federal prosecutor made charges On June 2, 2014, file number 225/06, under the ATP article 7 (1), for close links with the Muslim Committee terrorist organization upon the following,

1. Elias Kedir Shikur



2. Mubarek Kedir Hassen
3. Tofiq Muhammed Umer
4. Feissel Argaw Umer
5. Abdulmejid Abdulkerim
6. Ismael Mustefa Hassen
7. Redwan Abdela Ahmed
8. Anwar Sultan Mohammed
9. Abdulaziz Fatuden Bedruden
10. Dafar Dega Hassen
11. Faruq Seid Abdo
12. Merima Hayatu Umer
13. Mohammed Ali Hassen
14. Mohammed Ayleyen Gema
15. Abubeker Selman Mulana
16. Muaz Mudesir Awol

Similarly, the federal prosecutor has made criminal charges on file number 216/06, under the ATP article 7 (1), for ‘having links with the self-named Muslim Affairs Committee terrorist organization’ upon the following,

1. Abdulaziz Jemal Abdu
2. Jbril Ymer Abegaz
3. Siud Mussa Hussien
4. Hayat Ahmed Redi
5. Salahadin Muhammed Ahmed

It does not end there. The federal prosecutor has open another terrorism case on file number under ATP articles 3 (1), 6 and 7 upon the following,

1. Ahmed Idris Gebeyehu
2. Anwar Umer Seid
3. Sualih Mohammed Abdu
4. Adem Aragaw Ahmed

5. Abdurahman Eshetu Mohammed
6. Ibrahim Muhe Ymam
7. Umer Hussien Ahmed
8. Ymer Hussien Molla
9. Mubarek Ymer Ayele
10. Ismael Hassen Ymer
11. Kemal Hussien Ahmed
12. Abdu Hassen Mohammed
13. Ahmed Jemal Seid
14. Muhammed Yusuf Mohammed

Nowadays to be a Muslim and be accused of a crime has come to mean the same thing as being accused of terrorism and has made the life of many Muslims unbearable. The Muslim community which in history has been a victim of oppression is now a primary victim of the anti-terrorism struggle. Having a look at the victims of the ATP over its practical application, it pushes us to say that law is islamophobic. The few court files this short essay cites has counted forty eight people whose case is pending in courts.

*N.B. All the cases cited here are pending cases and the files have not been closed yet.*

## **The Law that Trampled Democracy**

In the early days of EPRDF, its allowing for the free functioning of independent organizations and political parties and approval for the existence of free press, were among the issues that lent it support from people. Following the 2005 national election EPRDF began dismantling independent association, free press, and political parties through civil societies law and press law and with it killed the erstwhile support it gained. The ATP of 2009 remains to be the worst in silencing organizations that stand outside the government's purview and made the slightest movement or activism an excuse to be thrown to jail.

Andualem Arage and Bekele Gerbad are in the front row of among those who pursued a peaceful political struggle but were persecuted by the ATP on the pretext of 'having links with terrorist organizations' currently serving sentences of up to life imprisonment. Reyot Alemu, Eskinder

Nega, Wubshet Taye and others are also among those who in the course of rendering their duties as journalists were made victims of the ATP. We can better drive our point home in explaining who exactly are being made targets of the ATP by further citing currently pending cases.

In an unprecedented manner since the introduction of the ATP law, police arrested and accused six bloggers, Befekadu Hailu, Natniel Feleke, Mahlet Fantahun, Atnafu Berhane, Zelalem Kibret and Abel Wabela and three journalists Asmamaw Hailegiorgis, Edom Kassaye and Tesfalem Woldeyes for attempting to dismantle the constitution and the constitutional order under the criminal code and pursued remand for a certain duration. But when the criminal code provisions were unsuitable for its purposes, it turned the case to the infamous ATP and made new charges on ten defendants by introducing another defendant Solyana Shimelis on July 9, 2014, federal prosecutor file number 05/07, leveling accusations for “receiving orders from the Ginbot Sebat terrorist organization, taking directives from the OLF terrorist organization and establishing an unnamed terrorist organization (probably meant to refer to Zone Nine) and conspiring, planning, preparing and inciting to execute terrorist activities” (no mention of what activities). In line with the usual targeting of journalists and this time including blogging, the ATP has raised the bar to new heights which seemed to suggest that any free association of individuals would be deemed as a terrorist organization.

The ATP does not even spare duly registered political parties and we would make reference to the following case. Few days after the Yemen government seized Mr. Andargachew Tsigie, Ginbot Sebat's chairperson, in Sanna and handed him over to the Ethiopian authorities, the government arrested members of legally registered political parties over claimed suspicions of terrorism activities and detained them at the federal crime investigation center, Maekelawi. Until the writing of this essay, Abraha Desta of Arena Party for Justice and Freedom, Habtamu Ayalew and Daniel Shibeshi from the Unity for Democracy and Justice party and Yeshiwas Wondimagegn from Semayawi Party, are in detention over continued remands at the federal crime investigation center. Adding on this Mr. Africa Kebede from Oromo Federalist Congress, and Tamrat Taye from All Ethiopian Unity Party who are being detained in the same place, it is clear that the ATP takes political parties to be enemies and made their members its booty.

It only remains to say now that the law has completely defeated the free press, political parties, and independent associations, organs that are essential for progress in democracy. At the

moment, it has been publically declared through practical implications that democracy has no place in Ethiopia's political space.

## **Rule of Anti-Terrorism Law**

Our detailed discussion of the broad range of damage being caused by the ATP and the profiles of the victims targeted by it is by no means to suggest that this law is the source all our problems. The ATP is an epitome of dictatorship, a problem that bedevils the country at a deeper level. The law is an instrument of a particular body that is intent on destroying our dream for democracy.

Except for those who made it, the law knocks on everyone's door. In practice and as endorsed by the decision of the courts, it has now become an established norm that any activity can fall with the definition of terrorism depending on the whims of the government. The law is even worse in its practicality. Citizens' constitutional rights are being put aside on the excuse that 'the crime is terrorism'. All the criminal accusations leveled so far by the prosecutors are covered by the criminal code provisions, but the resort to criminalization for terrorist activities has made the ATP a novel legal regime reserved for the abuse of human rights in the name of a legal framework.

Article 31 (1) of the ATP provides,

'No law, regulation, directive or directive shall, in so far it is inconsistent with this proclamation, be applicable with respect to matters provided for in this proclamation'

Since the ATP is not like any other ordinary law, the words 'no law' in the above article have come to also include the constitution. The law is a stepping stone in the transition from the supremacy of the constitution to the supremacy of the ATP. The next question is, with rule of the anti-terrorism proclamation and the preparations to make the upcoming national election a fair and peaceful one; would the opposition political parties be spared from being declared as terrorists?



