

Special Report No. 44
Stop the Fabrication of Allegations Against EHRCO!
Respect the Rights and Fundamental
Freedoms of Prof. Mesfin Woldemariam
and Dr. Berhanu Nega!

22 May 2001

Professor Mesfin Woldemariam and Dr. Berhanu Nega were arrested and detained by the Federal Police on 8 May 2001. Both human rights defenders were alleged to have incited Addis Ababa University students to riot at a panel discussion organized for them by the Ethiopian Human Rights Council (EHRCO) on 8 April 2001. The panel discussion was organized in response to an earlier written request submitted to EHRCO by the former Student Council of the University. On the basis of a court order, the Federal Police took a series of steps since the arrest of the two intellectuals. It searched the houses of the two human rights activists, searched the offices of EHRCO as well as Dr. Berhanu's office at the research center of the Ethiopian Economists' Association. In this search the investigating team took many more documents and material than were specified by the court order. The search was carried out on 11, 12 and 16 May. While no search was conducted on the 14th, 15th and 17th of May, the investigating team decided to seal off EHRCO's offices, thereby preventing EHRCO's officials and workers from carrying out their regular duties until 17 May 2001. The actions taken by the Federal Police against EHRCO, Professor Mesfin Woldemariam and Dr. Berhanu Nega are summarized below.

Actions Taken Against EHRCO

The court order dated 9 May and numbered 3/93, which reached EHRCO through the team assigned to investigate the matter had stipulated, in no uncertain terms, that the Police was authorized to collect and investigate "only those documents and materials that the two suspected human rights activists used to incite the students" at the panel discussion held on 8 April 2001. Nevertheless, the investigating team wanted to collect and take away all documents, computer diskettes, video and tape cassettes and material in EHRCO's possession since its establishment in 1991 and which had no relation to the alleged incitement of the University students on 8 April. This had led to disagreements between EHRCO and the investigating team.

The disagreement between EHRCO and the investigating team arose because EHRCO's officials and staff argued that (a) even though the court had ordered that EHRCO's office be searched, it was wrong for the investigating team to insist that the office was Professor Mesfin's despite the fact that Professor Mesfin, like any other volunteer member of the organization's executive committee, had no office within

EHRCO, and (b) in accordance with the court's order, the investigating team should collect and take for investigation no more than those documents and materials that pertain to the April 8 panel discussion organized by EHRCO for Addis Ababa University students. As the investigating team refused to accept its arguments, EHRCO requested the court, on 11 May 2001, for an additional order of clarification. The court issued a further order of clarification confirming EHRCO's interpretation of the court's initial order. Unfortunately, the investigating team was unwilling to accept the new court order as well and decided to seal off and put EHRCO's offices under police guard, resulting in the complete interruption of EHRCO's work until the afternoon of 17 May 2001.

On 14 May, the investigating team informed the court that it has not been able to complete studying and identifying the relevant documents, video and tape cassettes as well as computer diskettes it has collected and requested the court for additional time to enable it to complete its investigations of these material. The court issued an order, dated 16 May 2001 and numbered 3/93, authorizing the investigating team to collect and take for the necessary investigation all documents and other material dated within 1993 Ethiopian Calendar (i.e., since September 11, 2000). EHRCO's officials and staff accepted the new court order and provided the investigating team with their full cooperation. The investigating team was thereby able to collect and take with it various documents, video and tape cassettes, computer diskettes (used, unused, and even those with application software purchased with computers) that it considered necessary for its investigation.

Actions Taken Against Prof. Mesfin Woldemariam & Dr. Berhanu Nega

Since their arrest on 8 May 2001, Professor Mesfin Woldemariam and Dr. Berhanu Nega have been in detention at what is known as *Maekelawi* prison. On May 10, 2001, the two appeared before the 5th criminal division of the Federal High Court at which the investigating team once more requested for additional time in order to complete its investigations. Recalling the fact that the Federal Police had claimed through various public media that it had proofs that the suspected human rights defenders had incited the Addis Ababa University students to riot, Professor Mesfin and Dr. Berhanu objected to the investigating team's request for additional time. However, the court decided to grant the request of the investigating team, adjourning the hearing of the case for 18 May and ordering the continued detention of the two human rights defenders. In the mean time, Professor Mesfin Woldemariam and Dr. Berhanu Nega have been unable to meet and consult with their lawyers.

On 18 May 2001, the two human rights defenders appeared before the court upon which the investigating team informed the court that (a) it was still unable to finish studying the documents and other material it has collected, (b) among those it has been able to study, there were some that indicated the need to collect additional written and human witnesses, and (c) a "program of a political party that is not legally registered" has been found in the house of one of the suspected individuals, indicating the need to collect additional information and apprehend other relevant individuals. Consequently, the team requested the court for additional time to enable it to complete its investigations. Even though the lawyers of Professor Mesfin and Dr.

Berhanu had requested the release on bail of the suspected human rights activists, the court ruled (a) to grant the request of the investigating team by adjourning the hearing of the case to 25 May 2001, (b) to forward all relevant documents to the public prosecutor so that the latter could reply to the request of the defendants' lawyers for bail, and (c) for the continued detention of the two suspected individuals until 25 May.

EHRCO's Call

The unbridled search of EHRCO's offices, the ensuing obstacles to EHRCO's work, the harassment and intimidation to which EHRCO's officials and workers have been subjected have worried EHRCO. More importantly, the fact that the two human rights defenders have decided to go on a hunger strike in protest of the continued allegations against EHRCO and the maltreatment and violation of their own rights and freedoms have become of the gravest concern to EHRCO.

EHRCO would now like to call upon the Ethiopian people, all local and international human rights advocates as well as individuals, groups and governments desiring to see the establishment of a democratic system, the rule of law and due process, and the respect and protection of human rights and fundamental freedoms in Ethiopia to write, between now and 25 May 2001, to the officials and bodies of the Ethiopian Government listed below requesting for

- The speedy investigation and just resolution of the case against Professor Mesfin Woldemariam and Dr. Berhanu Nega as well as the respect of their right for bail,
- The respect of the rights and fundamental freedoms of the two suspected individuals so that they are able to have free access to their lawyers, members of their families, as well as to medical and other humanitarian assistance while in detention, and
- The immediate cessation of all harassment and intimidation against EHRCO's members, workers and supporters.

Copy to:

- The Council of Peoples Representatives
P. O. Box 80001; Fax No. (251-1) 550900; Addis Ababa, Ethiopia
- The Federal Council
P. O. Box 80001; Fax No. (251-1) 550722, Addis Ababa, Ethiopia
- H. E. Dr. Negasso Gidada, FDRE President
P. O. Box 1031; Fax No. (251-1) 552020, Addis Ababa, Ethiopia

- H. E. Mr. Meles Zenawi, FDRE Prime Minister

P. O. Box 1031; Fax No. (251-1) 552020, Addis Ababa, Ethiopia

- H. E. Mr. Woredewold Wolde, FDRE Minister of Justice

P. O. Box 1370; Fax No. (251-1) 520874, Addis Ababa, Ethiopia