



FREEDOM NOW

May 9, 2016

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Mr. David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
Palais des Nations
CH-1211 Geneva 10, Switzerland

Copied to : Working Group on Arbitrary Detention
c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva
8-14, avenue de la Paix
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RE: Arbitrary Detention of Eskinder Nega (Ethiopia)

Dear Mr. Kaye,

We write to you regarding the arbitrary detention of Eskinder Nega, a human rights defender who is currently being imprisoned by the government of Ethiopia. Mr. Nega is serving an 18 year sentence on fabricated charges which were leveled against him in response to his critical journalism. The United Nations Working Group on Arbitrary Detention (the “Working Group”) has issued an opinion finding the detention of Mr. Nega to be arbitrary as it was based on Mr. Nega’s exercise of his freedom of expression and calling for his immediate release.¹ The Office of the United Nations High Commissioner for Human Rights has also expressed concern about Mr. Nega’s imprisonment in its report during the Universal Periodic Review.² Moreover, your

¹ *Eskinder Nega v. Ethiopia*, UN Working Group on Arbitrary Detention, Opinion No. 62/2012, U.N. Doc. A/HRC/WGAD/2012/62 (adopted Nov. 21, 2012) available at <http://www.freedom-now.org/wp-content/uploads/2013/04/Eskinder-Nega-WGAD-Opinion.pdf>. Mr. Nega’s case is also currently pending before the African Commission on Human and Peoples’ Rights. See e.g. *Jailed Ethiopian Journalists challenge use of terror laws to silence dissent*, FREEDOM NOW (Oct. 17, 2013) <http://www.freedom-now.org/wp-content/uploads/2013/11/Ethiopia-Press-Release-MLDI-Freedom-Now.pdf>.

² *Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15(b) of the annex to Council resolution 16/21: Ethiopia*, HRC/WG.6/19/ETH/3 (Jan. 27, 2014) http://lib.ohchr.org/HRBodies/UPR/_layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/Session19/ET/A_HRC_WG.6_19_ETH_3_Ethiopia_E.doc&action=default&DefaultItemOpen=1.

office has raised concern for journalists in Ethiopia who have been imprisoned under the Ethiopia's overly-broad 2009 Anti-Terrorism Proclamation (the "Anti-Terrorism Proclamation").³ In 2012, your office, along with the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, spoke out against the Anti-Terrorism Proclamation and specifically drew attention to its application in Mr. Nega's case.⁴ Nonetheless, despite such concern from the United Nations and the international community,⁵ Mr. Nega remains in prison.

Mr. Nega is a widely published and respected independent journalist and a well-known critic of Prime Minister Meles Zenawi's government. As a result of his writings, the Ethiopian government detained Mr. Nega at least eight times between 1993 and 2011.

In 2011, Mr. Nega published an online column criticizing the prosecution of journalists and other independent voices under the Anti-Terrorism Proclamation and calling for an end to politically motivated prosecutions. He also wrote extensively about the possibility of an Arab Spring democracy movement in Ethiopia.

On September 14, 2011, authorities arrested Mr. Nega and eventually charged him under the Anti-Terrorism Proclamation with treason and terrorism related to his alleged membership in the banned Ginbot 7 political party. His arrest and trial were widely condemned as politically motivated.⁶ The prosecution's evidence against Mr. Nega at his trial included a series of nearly inaudible recordings, short video clips presented out of context, and some of Mr. Nega's publications and interviews. Mr. Nega admitted to writing the articles in question, denied any affiliation with Ginbot 7 and reiterated that his writings only called for peaceful democratic reform in Ethiopia.

Mr. Nega was convicted on June 27, 2012 and was sentenced to 18 years in prison on July 13, 2012. His conviction and sentence were upheld by the Federal Supreme Court on May 2, 2013, and although one of the charges against him was dropped, his sentence remained unchanged.

³ *UN experts urge Ethiopia to stop using anti-terrorism legislation to curb human rights*, United Nations Office of the High Commissioner for Human Rights (Sept. 18, 2014); *Release of five Ethiopian journalists is a positive step, but others remain in detention-UN expert*, United Nations Office of the High Commissioner for Human Rights (July 10, 2015) available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16225&LangID=E>; see *Continued detention of Ethiopian journalists unacceptable-UN human rights experts*, United Nations Office of the High Commissioner for Human Rights (Apr. 24, 2015) available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=15890&LangID=E>.

⁴ *Ethiopia's anti-terrorism laws must not be misused to curb rights-UN*, UN News Centre (Feb. 2, 2012) available at <http://www.un.org/apps/news/story.asp?NewsID=41112&Cr=journalist&Cr1=#.VypDGdQrJxB>.

⁵ See Charlayne Hunter-Gault, *The Dangerous Case of Eskinder Nega*, THE NEW YORKER (July 17, 2012) <http://www.newyorker.com/news/news-desk/the-dangerous-case-of-eskinder-nega>; see also *Ethiopian blogger Eskinder Nega jailed for 18 years*, BBC NEWS (July 13, 2012) <http://www.bbc.com/news/world-africa-18825538>; Sarah Margon, *Ethiopia is jailing journalists and crushing civil society activists*, HUMAN RIGHTS WATCH (May 21, 2015) available at <https://www.hrw.org/news/2015/05/21/aiding-repression>; Gigi Alford, *To Silence Online Criticism, Authoritarians Use Offline Prisons*, FREEDOM HOUSE (Dec. 12, 2012) <https://freedomhouse.org/blog/silence-online-criticism-authoritarians-use-offline-prisons>; Michelle Kagari & Nani Jansen, *Op-ed: The world must not forget the jailed journalists of Ethiopia*, AMNESTY INTERNATIONAL (Dec. 10, 2015) available at <https://www.amnesty.org/en/latest/news/2015/12/op-ed-the-world-must-not-forget-the-jailed-journalists-of-ethiopia/>.

⁶ See *id.*

Mr. Nega remains imprisoned in difficult conditions. He is currently confined to one cell with four other prisoners under a high security scheme which requires that prison guards check on him intermittently throughout the night. The space allotted in the prison for recreation is too small for exercise. Most importantly, prison officials do not allow Mr. Nega any reading or writing materials, including his bible, which the prison authorities have taken from him.

Mr. Nega is allowed to receive visits from three family members during the weekend; however, he is denied phone privileges. Because Mr. Nega's wife and children are currently asylees residing in the United States of America, he has been unable to communicate with them since they left Ethiopia in 2013.

Freedom Now, which currently acts as *pro bono* counsel for Mr. Nega, respectfully requests that your office enquire into his ongoing detention and take the appropriate steps to urge the government of Ethiopia to ensure that Mr. Nega is released as soon as possible and allowed to continue his journalism unobstructed. While Mr. Nega remains arbitrarily detained, we also request that your office press the Ethiopian government to ensure that Mr. Nega is moved to a cell of appropriate size and security, allotted sufficient space for recreation and exercise, allowed reading and writing materials and given the opportunity to speak with his family on the telephone at regular intervals.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kate Barth".

Kate Barth
Program Attorney
Freedom Now