

## Verdict to be passed on Ethiopian activists for treason charges



**What** Anti-poverty activists Daniel Bekele and Netsanet Demissie are due to hear their verdict on treason related charges on Thursday, 22 November, after numerous judicial delays. If found guilty, they could face life imprisonment or death sentences.

**Who** Daniel and Netsanet, coordinators of the Global Call to Action against Poverty (GCAP) in Ethiopia, are the last two accused in the high profile Ethiopian treason trial that originally charged 131 politicians, journalists, organisations and civil society leaders. Daniel and Netsanet assisted in monitoring the May 2005 election – peaceful and legitimate civil society work for which they have been detained since November 2005 on allegations of conspiracy to overthrow the government.

**When** November 22, 2007

**Where** Addis Ababa, Ethiopia

### **BACKGROUND (more background information beneath)**

Thousands were detained following protests accusing the government of rigging the 15 May 2005 parliamentary elections. Many of the accused were acquitted during the course of the trial. Others were convicted but pardoned in July and August 2007 – all of whom had allegedly signed a confession. Although Daniel and Netsanet they were asked to sign a similar statement, declined. They argue that their activities in 2005 were entirely legal and did not serve to undermine, but rather to protect and promote Ethiopia's constitutional order.

*“Civil society around the world is standing by Daniel and Netsanet in solidarity until they are found innocent of these unfounded treason charges. If monitoring elections is treason, then what is left to remain patriotic about? Our friends have been loyal the constitution of Ethiopia in that they stand for truth and for*

*the upliftment of Ethiopia and its citizens.” said Kumi Naidoo, Chair of GCAP and Secretary General of CIVICUS, who will be in Addis Ababa to support the men in court on Thursday.*

## **Background Notes on trial of Netsanet Demissie and Daniel Bekele**

19 November 2007

### **How are CIVICUS and GCAP active in Ethiopia?**

CIVICUS and GCAP have been actively rallying support and solidarity around their case since their arrest in November 2005.

In April 2006, a group of prominent civil society leaders – Kumi Naidoo; Archbishop Ndungane of Cape Town; Salil Shetty, Director of the UN Millennium Campaign and Henry Malumo of GCAP Africa – visited Ethiopia and met with Prime Minister Meles Zenawi to express their concern about the case. Prime Minister Zenawi reassured the team that the trial would be fair and swift, but that they must let justice system proceed without interference. The Prime Minister also agreed to allow the re-establishment of GCAP in Ethiopia.

Aside from this high level action, CIVICUS has organised many appeal campaigns, reminding the Ethiopian government that civil society activists around the world continue to watch the case.

Most recently, CIVICUS and GCAP organised an International Day of Solidarity with Daniel and Netsanet on 28 June 2007. Organisations and individuals in more than 10 countries wrote letters and organised events supporting Daniel and Netsanet.

### **What are CIVICUS and GCAP asking for?**

We are asking for the swift completion of the trial, and the acquittal of Daniel and Netsanet.

We are also asking the government of Ethiopia to respect the rights of civil society organisations and actors in Ethiopia to freely associate, assemble and express themselves without fear. These rights are enshrined in the constitution of Ethiopia, as well as the African Charter of Human and Peoples' Rights.

Since the arrest and detention of Daniel and Netsanet, as well as political opposition leaders, journalists and trade unionists in Ethiopia, civil society has been plunged into a state of paralysis, where they are afraid to be publicly critical of government policy. We ask that the government support the vital work of civil society, and reassure activists that they can peacefully engage with the government, without fear of harassment, arrest and detention.

### **What are Daniel and Netsanet accused of?**

Netsanet Demissie and Daniel Bekele are two civil society activists, who have no political connection, and appear to have been arrested solely on the basis of their legitimate critique of the government during their anti-poverty and human rights work. They were both organizers and members of the executive committee of the Network of Ethiopian NGO's and CSOs that monitored the 15 May 2005 election. They are also both coordinators of the Global Call to Action against Poverty (GCAP) in Ethiopia.

Both have been detained since November 2005 and their case began on 2 May 2006. They were charged alongside around 131 others, who were political opposition members and journalists, facing charges including treason and genocide.

Daniel and Netsanet are being charged with criminal conspiracy with the intention of overthrowing the constitution or constitutional order. This charge carries a possible sentence of life imprisonment or death. They have been consistently denied bail, even upon appeal. Both Daniel and Netsanet are recognised as Amnesty International Prisoners of Conscience.

### **Could you tell me about the trial's background, and its current status?**

At the start of the trial in May 2006, 131 opposition politicians, journalists and civil society leaders stood accused of a range of charges from genocide to treason. They were among thousands who were detained following protests accusing the government of rigging the 15 May 2005 presidential elections.

In April 2007, the charges of high treason and genocide were dropped against all the defendants, leaving them accused of charges including "outrage against the constitution or constitutional order;" "obstruction of

the exercise of constitutional powers;” “inciting, organising and leading armed rebellion,” and “impairing the defence power of the state.”

On 11 June 2007, in the trial’s first verdicts, 38 journalists and opposition politicians were found guilty. The Prime Minister pardoned this 38 on 20 July. Another 33 others were later sentenced and pardoned on 18 August. Altogether, approximately 61 were sentenced and then pardoned.

Prior to their sentencing and pardon, these approximately 61 reportedly signed an undisclosed statement, admitting that they used “unconstitutional means to change the constitutionally established government functions” following the 2005 elections.

Although they were asked to sign a similar statement, Daniel and Netsanet declined. They argue that their activities in 2005 were entirely legal and did not serve to undermine, but rather to protect and promote Ethiopia’s constitutional order. They wish to establish this in court and secure their acquittal. Had they agreed to sign the statement, it would have undermined civil society in Ethiopia.

Daniel and Netsanet presented their defence from 27 July until 2 August, calling 29 witnesses and presenting 300 pages of documentary evidence. Their witnesses included members of the opposition party CUD and a UN election observer, all who pointed to Daniel and Netsanet’s innocence.

Both the prosecution and the defence have now submitted their final statements (albeit 5 weeks later than expected).

Their verdict was originally set for Tuesday, 9 October 2007 at 9am in Addis, however judges have delayed giving the verdict until 22 November 2007. Because the final statements were submitted later than expected, giving the judges less time to deliberate, they said they needed more time to decide.

#### **What are the possible outcomes of the case?**

Whenever the judgment is given there are obviously two possible verdicts – innocent or guilty; but more importantly there are three possible outcomes:-

1. Acquitted - innocent & freed immediately;
1. Guilty, but freed immediately – they could be sentenced to a period less or equal to the time they have already served, so therefore released.
1. Guilty & further imprisonment – they could receive an additional prison sentence. This could also result in them being pardoned later (as happened in the other cases)

#### **If innocent:**

We would welcome this verdict, and celebrate the release of Daniel and Netsanet.

However, we must also stress that civil society continues to be restricted in Ethiopia. Daniel and Netsanet's release is a step in the right direction, but the government must go further. Daniel and Netsanet's case has frightened civil society activists in Ethiopia, intimidating them from speaking out against government policy for fear of meeting the same fate. The government of Ethiopia must ensure that civil society is able to operate freely.

We are also happy to hear that the ban on internal text messaging has recently been lifted, allowing people to text message freely. It has been impossible for the duration of the case.

**If guilty:**

If they are found guilty, there will be a delay as the judges deliberate on the appropriate sentence. This would be a difficult and extremely uncomfortable time for all involved as we would be waiting to see whether a) they receive a sentence of two years or less and would therefore be freed immediately because of the time already spent in prison, or b) they are given a longer sentence, perhaps of the order of five to ten years, and therefore remain incarcerated.

If they receive a sentence of two or less years, we would welcome their freedom, but express shock that they now have criminal records for their legitimate civil society work.

If they receive a longer sentence, it would be a shock to all the trial observers, family, friends, colleagues, the diplomatic community and the many supportive governments and international institutions; and a massive blow to international civil society.

**What happened during the 15 May elections in Ethiopia?**

Immediately following the 15 May 2005 presidential elections, the opposition alleged rigging by the government and ruling party. Opposition supporters demonstrated in Addis Ababa, accusing the ruling party of fraud and the national election board of bias. Peaceful demonstrations led to violent confrontations with security forces, and at least 36 protesters were killed. Over 9,000 opposition supporters, journalists and activists were detained, but released by end of June.

In a second series of opposition demonstrations in November 2005, police shot dead at least 42 protesters, wounding many others. The security forces arrested about 10,000 opposition supporters. After this second demonstration the Prime Minister Meles Zenawi accused the opposition of treason and organizing a violent uprising to overthrow the government. Before the election, he had also claimed the opposition was encouraging ethnic hatred that could lead to genocide.

**Tell me a little more about Daniel and Netsanet:**

Daniel Bekele is a human rights lawyer who is Head of Policy Research and Advocacy Department of ActionAid Ethiopia, a branch of ActionAid International. He has been an active participant in a number of civil society organizations and professional associations such as the Ethiopian Bar Association and the Ethiopian Women Lawyers Association in gender discriminatory law reform initiatives, human rights &

women rights education and defending women in difficult situations. He was the lead drafts person of the civil society alternative draft legislation on registration and operation of CSO/NGOs in Ethiopia.

Netsanet Demessie is Executive Director and co-founder of the Ethiopian NGO, Organisation for Social Justice in Ethiopia (OSJE), which began its work in September 2004. OSJE was an anchor of a local network of approximately thirty-five local NGOs and CSOs that organized to deploy domestic monitors during the May 2005 Ethiopian National Parliamentary elections. The National Electoral Board of Ethiopia (NEBE) attempted to change its policy regarding the qualifications for domestic monitoring within a few short weeks of the election. Netsanet was instrumental in organizing the class action suit in April 2005 that defeated the proposed Directive of the NEBE.