



## **COMMUNICATION 695/18**

**Mr. Abadir M. Ibrahim (representing Mr. Zelalem Kibret)**

**v.**

**The Federal Democratic Republic of Ethiopia**

*Adopted by the  
African Commission on Human and Peoples' Rights  
During the 70<sup>th</sup> Ordinary Session done virtually from 23 February to 09 March 2022*


**Hon. Commissioner Remy Ngoy Lumbu**  
Chairperson,  
African Commission on Human and  
Peoples' Rights (ACHPR)


**Mrs. Abiola Idowu-Ojo**  
Executive Secretary (Ag)  
African Commission on Human and  
Peoples' Rights (ACHPR)

## Decision on Strike Out of the African Commission on Human and Peoples' Rights

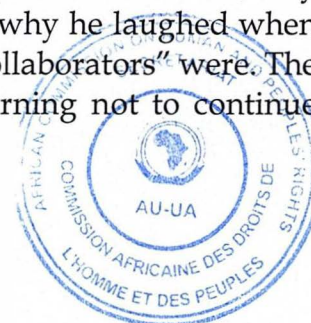
### Communication 695/18: Mr. Abadir M. Ibrahim (representing Mr. Zelalem Kibret) v. The Federal Democratic Republic of Ethiopia

#### Summary

1. The Secretariat of the African Commission on Human and Peoples' Rights (the Secretariat) received a complaint on 30 May 2018 from Mr. Abadir M. Ibrahim (the Complainant) on behalf of Mr. Zelalem Kibret (the Victim). The Complaint is submitted against the Federal Democratic Republic of Ethiopia (the Respondent State) which is a State Party to the African Charter on Human and Peoples' Rights (the African Charter), having ratified the same on 15 June 1998.<sup>1</sup>
2. The Complainant submits that the Victim is a founding member of the "Zone 9" blogging collective which sought to create a space for dialogue in what they considered an increasingly repressive media and political environment in the Respondent State. The blogging collective wrote in opposition to the narrowing of political and civic space in Ethiopia and in opposition to the adjacent violations of human rights and democratic principles. The Complainant submits that the blog sought to fill the gap in public discourse regarding the augmentation of human rights violations, political violence, corruption and social injustice.
3. The Complainant submits that the blogging collective website was regularly blocked by the Ethiopian Government and when that happened, the Victim and other bloggers used social media platforms to disseminate their work.
4. The Complainant submits that the Victim was arrested on 21 August 2012 and detained for 3 hours by the Ethiopian authorities after a period of surveillance. The Complainant further submits that the Victim was subjected to severe physical assault. The Victim was repeatedly forced onto the floor and slammed against the wall, flogged with a power cable, punched, threatened with a firearm and hit with the bottom of a gun.
5. The Complainant submits that the beatings took place in a local office of the Ethiopian's Peoples' Revolutionary Democratic Front (EPRDF) which is the ruling party. Two strangers identified themselves to the Victim as the agents of the National Intelligence and Security Service.
6. The Complainant submits that during the 3 hour-detention, those that were assaulting the Victim asked him why he criticised the Ethiopian Government; why he mocked the death of the late Ethiopian Prime Minister; why he laughed when the Prime Minister's death was announced; and who his "collaborators" were. The Victim was released after a three hour ordeal with a warning not to continue

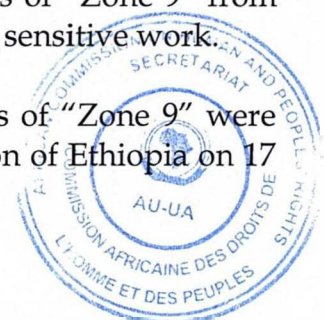
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<sup>1</sup> <http://www.achpr.org/instruments/achpr/ratification/>



blogging and writing and to be cooperative with the authorities. The Victim and other bloggers stopped writing after that incident.

7. The Complainant submits that the phone of the Victim was tapped for at least eleven (11) months from May 2013 and April 2014. The Victim saw transcripts of his phone conversations presented as documentary evidence during his trial in Court with respect to the charges referred to in paragraph 14 hereof.
8. The Complainant submits that the Victim and other "Zone 9" bloggers were arrested on 25 April 2014, three days after they have announced that they were about to resume writing on their blog. The Victim was arrested by the agents of the National Intelligence and Security Service. They detained him at his office until dusk, where they showed him a piece of paper which they introduced as a warrant of arrest, although they did not allow him to read it.
9. The Complainant submits that the Victim was later taken to his house at dusk, and the said agents searched his house without a search warrant. They seized a number of properties of the Victim, such as books, copies of newspapers, music CDs, his personal computer and other properties. After the search and seizure, he was driven by 4 agents to Addis Ababa while being mocked and insulted on the way.
10. The Complainant submits that when the Victim and the said 4 agents arrived in Addis Ababa, he was blindfolded and forced to lie on the floor of the car. The Victim was taken to the Federal Police Crime Investigation Centre, also known as Ma'ekelawi prison.
11. The Complainant submits that the Victim was held incommunicado and subjected to torture or other forms of cruel, inhuman and degrading treatment or punishment from 25 April 2014 to 11 July 2014, for a total of 85 days. The Victim was subjected to physical pain during regular interrogations and he was kept in a cold, over-crowded and completely dark cell.
12. The Complainant submits that the interrogators wanted to solicit information from him such as access codes to his social media accounts, email and electronics accounts or about different facts associated with the work, travel, and communications of the "Zone 9" bloggers. His interrogators also wanted to extract confessions from him and forced him to sign a number of confessions on several occasions. He was also forced to do law school assignments for one of his interrogators. They inflicted greater ill-treatment whenever he refused to comply with their commands.
13. The Complainant submits that the ruling party of Ethiopia wanted to punish, intimidate and otherwise deter the Victim and other bloggers of "Zone 9" from engaging in democracy, human rights, or any other politically sensitive work.
14. The Complainant submits that the Victim and other bloggers of "Zone 9" were charged with terrorism under the Anti-Terrorism Proclamation of Ethiopia on 17



May 2014. The accusations in Court were that they conspired to contravene the provisions of the said Anti-Terrorism Proclamation.

15. The Complainant submits that the Victim was brought to the Addis Ababa City Remand Centre on 08 July 2015 and he was told that he is being released because the Prosecutor withdrew all the charges against him. He was then released.
16. The Complainant submits that on 25 November 2015, the Victim was stopped by an Ethiopian Immigration Officer at Addis Ababa Bole International Airport when he was about to travel to France and confiscated his passport. The Victim was going to receive the Citizen-Journalist Award which was conferred upon Zone 9 by the Reporter sans Frontières (RSF). The passport was returned to the Victim after 7 months, on 01 June 2016.
17. The Complainant submits that on 05 August 2016, upon the Victim's return to Ethiopia from the United States of America where he went as a Mandela Washington Fellow, his documents were confiscated by an agent of the Ethiopian Government and they were later returned with no explanation.
18. The Complainant submits that the Victim was travelling to the United States of America on 16 September 2016 when an Ethiopian Immigration Officer stopped him and questioned him for more than an hour. The Victim believes that the Government of Ethiopia is against his pro-human rights and pro-democracy activities.
19. The Complainant submits that local remedies are unavailable, or in the alternative ineffective or insufficient, because of the objective risks and dangers the Victim faces when he returns to Ethiopia to pursue domestic remedies.

#### **Articles alleged to have been violated**

20. The Complainant alleges that the Respondent State has violated Articles 5, 6, and 9 of the African Charter.

#### **Prayers**

21. The Complainant seeks the following:
  - (a) A declaration that the rights of the Victim under Articles 5, 6, and 9 of the African Charter have been violated;
  - (b) A declaration that the provisions of Section 3, 4, 14 and 23 of the Anti-Terrorism Proclamation of Ethiopia (Proclamation No. 652/ 2009) are incompatible with the Charter and give a directive for appropriate amendments;
  - (c) That the Commission directs the Ethiopian Government to investigate the arrest and detention, as well as the physical and emotional abuse of the Victim in 2012, and report its findings to the Commission and take legal action against the perpetrators of such acts;

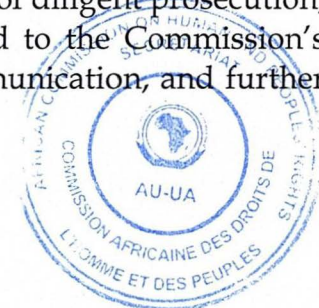


- (d) That the Commission directs the Ethiopian Government to establish a separate fund or trust to provide adequate compensation to the Victim, Zone 9 bloggers and other Victims of torture or other cruel, inhuman or degrading treatment or punishment in Ethiopia;
- (e) That the Commission directs the Ethiopian Government to compensate the Victim for the earnings lost during his detention period and for the resources he spent to cope with the dire prison conditions, and to investigate the conduct of the interrogators;
- (f) That the Commission directs the Ethiopian Government to establish an independent committee, working closely with the Victim, and the Commission's Special Mechanisms, to investigate how and to what extent the Ethiopian Government has violated the right to privacy under Sections 14 and 23 of the Anti-Terrorism Proclamation. The independent committee should make recommendations as to how Ethiopia can conduct surveillance within the bounds of the African Charter, inform Victims of illegal or illicit surveillance or spying the extent of the surveillance they have been subjected to, and publish its recommendations as may be appropriate;
- (g) That the Commission directs the Ethiopian Government to establish, either through laws, guidelines or directives, standards that guide the conduct, process and extent of surveillance so as to ensure compliance with the right to privacy;
- (h) That the Commission directs the Ethiopian Government to establish a mechanism through which the results of surveillance could be obtained by interested parties upon request; and
- (i) That the Commission directs the Ethiopian Government to issue a formal apology to the Victim for the human rights violations he has suffered and the time he spent in prison.

## Procedure

- 22. The Secretariat received the Complaint on 30 May 2018, acknowledged receipt, and informed the Complainant that the Complaint would be tabled for Seizure before the Commission for consideration.
- 23. On 24 September 2018, the Secretariat informed both Parties of its decision to be seized of the Communication during the 24<sup>th</sup> Extra-Ordinary Session held from 30 July to 08 August 2018, in Banjul, The Gambia. It also requested the Complainant to submit arguments on the Admissibility of the Communication within two months as required by Rule 105(1) of the Rules of Procedure (2010).
- 24. On 15 December 2021, the Secretariat informed the Complainant that the Communication would be tabled for striking out for want of diligent prosecution, on account of the failure of the Complainant to respond to the Commission's request for submissions on the admissibility of the Communication, and further that the deadline for doing so had passed.

## Analysis of the Commission on Strike Out:



25. Rule 105(1) of the Commission's Rule of Procedure (2010) provides that when the Commission is seized of a Complaint, it shall request the Complainant to present evidence and arguments on the admissibility of the Communication within two (2) months.
26. Additionally, Rule 113 of the Commission's Rules of Procedure (2010) also provides that when a deadline is fixed for a particular submission, either Party may apply to the Commission for an extension of the stipulated period and the Commission may grant the said application.
27. In the present Communication, the Complainant was requested to present evidence and arguments on the admissibility of the Communication within two (2) months from the date of notification of the seizure decision, which expired on 24 November 2018. However, the Complainant did not present any evidence and arguments within the stipulated time and neither did he apply for an extension.
28. Almost four years have lapsed since the expiry of the deadline and no evidence and arguments have been submitted by the Complainant on the Admissibility of the Communication.
29. In light of the above, the Commission finds that the Complainant has not shown any interest in prosecuting this Communication and therefore the Commission does not have sufficient information upon which to determine the Admissibility of the said Communication.
30. The Commission takes note of the following jurisprudence which were similarly struck out for want of diligent prosecution: **Communication 612/16: Ahmed Mohammed Ali Subaie v. The Arab Republic of Egypt;**<sup>2</sup> **Communication 637/16 and 639/16 Mr. Mohammed Abdel Hay Faramawy and 2 Ors (Represented by Dr. Abdel Hay Faramawy and 4 Ors) v. Arab Republic of Egypt;**<sup>3</sup> **Communication 544/15 European Alliance for Human Rights (AED) and 3 Others v. Egypt;**<sup>4</sup> **Communication 387/10: Kofi Yamagnane v. Togo;**<sup>5</sup> and **Communication 623/16: Miles Investments & 2Others v. Republic of Sierra Leone.**<sup>6</sup>

### Decision of the African Commission on Strike Out

31. In the light of the analysis made above, the Commission decides to strike out this Communication against the Federal Democratic Republic of Ethiopia, for want of diligent prosecution.

<sup>2</sup> Communication 612/16: Ahmed Mohammed Ali Subaie v. The Arab Republic of Egypt (2017) ACHPR

<sup>3</sup> Communication 637/16 and 639/16 Mr. Mohammed Abdel Hay Faramawy and 2 Ors (Represented by Dr. Abdel Hay Faramawy and 4 Ors) v Arab Republic of Egypt (2019) ACHPR

<sup>4</sup> Communication 544/15 European Alliance for Human Rights (AED) and 3 Others v. Egypt (2018) ACHPR

<sup>5</sup> Communication 387/10: Kofi Yamagnane v. Togo (2015) ACHPR

<sup>6</sup> Communication 623/16: Miles Investments & 2Others v. Republic of Sierra Leone (2020) ACHPR

