



# የኢትዮጵያ ሰብአዊ መብቶች ጉባዔ ETHIOPIAN HUMAN RIGHTS COUNCIL

ኢሰመጉ  
EHRCO

ኢሰመጉ የቆመው ለዲሞክራሲ፣ ለሕግ ልዕልናና ለሰብአዊ መብቶች መከበር ነው።  
EHRCO stands for democracy, the rule of law and the respect of human rights.

## Lift The Ban On The Ethiopian Free Press Journalists' Association! 69<sup>th</sup> Special Report

December 29, 2003

One of the manifestations of a democratic system is that the human and democratic rights of individuals and groups are respected without restrictions. It is EHRCO's belief that the constitutional recognition and guarantee of these rights is not enough. It must also be made a point of concern that legislations enacted for the purpose of facilitating the exercise of these rights have been incorporated in them in their entirety.

Article 31 of the FDRE Constitution stipulates, "Every person has the right to freedom of association for any cause or purpose. Organisations formed in violation of appropriate laws, or to illegally subvert the constitutional order, or to promote such activities are prohibited." Moreover, the International Covenant on Civil and Political Rights, which is ratified by Ethiopia and made part of the Constitution, provides in Article 22 (2) that no restrictions may be placed on the exercise of this right (freedom of association) other than those in the interest of national security or public safety, public order, the protection of the rights and freedoms of others. The Federal Constitution is the supreme law of the land. Accordingly, as it is clearly stipulated in Article 9 of this Constitution "...Any law, customary practice or decision of an organ of state or a public official which contravenes this Constitution shall be of no effect."

Groupings and associations that are formed in line with the freedom of association recognized by the Constitution have to be able to be managed and controlled by persons who have agreed to the terms of their regulations and become members of them. Whatever the purpose of the associations, any government body should not interfere in their internal affairs. As the government has the responsibility to make every effort to promote and encourage civil societies, it should not go beyond issuing certificates of registration ensuring that after the associations are not formed for illegal purposes. Any administrative or other interference by the government is unacceptable as it stifles the free exercise of the constitutionally recognized freedom of association.

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EHRCO has an observer status in the African Commission on Human and People's Rights, is a member of World Organization Against Torture and is also a corresponding member of the International Federation of Human Rights.

The measure that the government has recently taken to ban the Ethiopian Free Press Journalists' Association, (EFJA) has to be viewed in light of the above stated reality. The reason given by the government for imposing the ban on the Association is that the later had failed to submit activity and audit reports. Though not doing so on the part of the Association is not to be condoned, the matter basically is one that members of the Association have to resolve by themselves according to the articles of association. And if necessary, members have to be given sufficient time to deal with the problem. The claims made by the Ministry of Justice that it is authorized to take the measure by the provisions of Regulations No.321/66 and those of the 1960 Civil Code, is unacceptable because it cannot implement these laws in a manner that could in any way hamper the free exercise of the freedom of association which is accorded constitutional recognition. As stated above, the role of the Ministry of Justice is to register and issue certificates to associations. It has neither the power nor the right to administer and manage them. And, the submission of activity and audit reports basically falls under the administrative realm of associations. Thus, capitalizing on such matters that could be resolved by members and using them as an excuse to ban a legally formed association is a clear violation of the freedom of association and free promotion of ideas. This measure taken against the EFJA should also be seen as threatening and undermining the supremacy of the Constitution. If the human and democratic rights of citizens that are recognized by the Constitution are undermined and completely disregarded by subsidiary laws, directives and beauraucratic hurdles that are adopted under the pretext of giving effect to those rights, the supremacy of the Constitution would remain only on paper.

The excuses given by the government cannot provide a legal basis for suppressing the cardinal and fundamental rights of people to form associations and promote whatever ideas they please. Therefore the Ethiopian Human Rights Council (EHRCO) calls on the government to urgently lift the ban it imposed on EFJA and let it operate without any interference.

EHRCO also calls on international human rights organizations, governments and citizens who are concerned for the existence of a democratic system to exert pressure on the Ethiopian government so that it would lift the ban it imposed on EFJA and refrain from other acts that threaten the survival of the Association by writing or using every other means to the following government bodies and officials.

- Council of Peoples Representatives  
P.O.Box 80001 Fax (251-1) 550900 Addis Ababa, Ethiopia
- Council of the Federation  
P.O.Box 80001 Fax (251-1) 550722 Addis Ababa, Ethiopia
- H.E. Ato Girma Wolde Giorgis President of FDRE  
P.O.Box 1031 Fax (251-1) 552020 Addis Ababa, Ethiopia
- H.E. Ato Meles Zenawi Prime Minister of FDRE  
P.O.Box 1031 Fax (251-1) 552020 Addis Ababa, Ethiopia
- H.E. Ato Harka Haroye, Minister of Justice, FDRE  
P.O.Box 1370 Fax (251-1) 520874 Addis Ababa, Ethiopia
- H.E. Ato Bereket Simon, Minister of Information, FDRE  
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