

Anti-Counter-Terrorism – Zenawi’s Terrorism Law

Terrorism Undefined

Let me begin with facts about terrorism and its definition and please bear with me with the following few paragraphs as you probably all know about it. However I would like to bring together and portray a few different perspectives of terrorism before I come down to Meles Zenawi’s (Prime Minister of the Ethiopian regime) terrorism outlook and law.

Terrorism came from the French word *terrorisme* which in turn derives from the Latin verb *terreō* meaning “I frighten”.

Terrorism has no universally agreed, legally binding, criminal law definition. However, according to the popular online encyclopedia Wikipedia, common definitions of terrorism refer only to those violent acts which are intended to create fear (terror), are perpetrated for a religious, political or ideological goal, and deliberately target or disregard the safety of non-combatants (civilians).

The word "terrorism" is politically and emotionally charged, and this greatly compounds the difficulty of providing a precise definition. Studies have found over 100 definitions of “terrorism”. The concept of terrorism may itself be controversial as it is often used by state authorities (and individuals with access to state support) to delegitimize political or other opponents, and potentially legitimize the state's own use of armed force against opponents (such use of force may itself be described as "terror" by opponents of the state).

The FBI (Federal Bureau of Investigation) of the US America as well admits the absence of a single, universally accepted, definition of terrorism. FBI defines it as “the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. The FBI goes on defining a terrorist-related activity or incident as a violent act or an act dangerous to human life, in violation of the criminal laws of the United States, or of any state, to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

United Nations Security Council Resolution 1373, adopted unanimously on September 28, 2001, is a counter-terrorism measure passed following the September 11 terrorist attacks on the United States. The resolution was adopted under Chapter VII of the United Nations Charter, and is therefore binding on all UN member states. The resolution aimed to place barriers on the movement, organization and fund-raising activities of terrorist groups. UN member states were encouraged to share their intelligence on terrorist groups in order to assist in combating international terrorism. The resolution also calls on all states to adjust their national laws so that they can ratify all of the existing international conventions on terrorism. It stated that all States "should also ensure that terrorist acts are established as serious criminal offences in domestic

laws and regulations and that the seriousness of such acts is duly reflected in sentences served." However, the resolution failed to define 'Terrorism', and the working group initially only added Al-Qaida and the Taliban regime of Afghanistan on the sanctions list. This also entailed the possibility that authoritarian regimes could label even non-violent activities as terrorist acts, and thus infringing upon basic human rights.

State terrorism: As with "terrorism" the concept of "state terrorism" is controversial. The Chairman of the United Nations Counter-Terrorism Committee has stated that the Committee was conscious of 12 international Conventions on the subject, and none of them referred to State terrorism, which was not an international legal concept. If States abused their power, they should be judged against international conventions dealing with war crimes, international human rights and international humanitarian law. Former United Nations Secretary-General Kofi Annan has said that it is "time to set aside debates on so-called 'state terrorism'. The use of force by states is already thoroughly regulated under international law." However, he also made clear that, "regardless of the differences between governments on the question of definition of terrorism, what is clear and what we can all agree on is any deliberate attack on innocent civilians, regardless of one's cause, is unacceptable and fits into the definition of terrorism."

Meles' Law and its dire need

By the time the 59.8% Zenawi dominated parliament is in dire urgency to pass the draft "Anti-Terrorism Proclamation" on the 28th of August 2009, it has been eight years since the United Nations Security Council Resolution 1373 unanimously adopted a counter-terrorism measure and called on all member states to ensure that terrorist acts are established as serious criminal offences in their domestic laws and regulations. Where was Zenawi's TPLF/EPRDF for the last 8 solid years? Wasn't it necessary to establish that particular law especially following the 9-11 attacks against the United States when the Horn has come under increased scrutiny as a strategic focal point in the war against terrorism, while Ethiopia was considered an important ally for the war against terror? Why the need now? Of course, by that fateful time, Ethiopian National Election 2010 was just around the corner.

The extremely vague and ambiguous anti-terrorism law of the Ethiopian regime served its purpose well beyond its expectation when the results of the 2010 election's staggering world record of 99.63% (534 seats) TPLF/EPRDF swept away all the seats leaving merely 2 seats for opposition contestants.

However, speaking of legislations aiding as tools for election wining, it would be unenlightening not to mention the amended Civil Society Law that basically barred both foreign and Ethiopian organizations that receive more than 10 percent of their funding from abroad from undertaking any activities in human rights, gender equality, children's rights, disabled persons' rights, conflict resolution and strengthening judicial practices and law enforcement, among related activities. The law would also exclude groups that are largely funded by Ethiopians living in the Diaspora

from working on these issues. The draconian Press Law that effectively highly restricts the activities of the free press, which has been serving as an effective mechanism for the development of democracy in the country and infringes upon peoples' constitutional rights of access to information as well as the right to freedom of expression. Not to mention the tricky Ethiopian Election Code of Conduct Law that crippled the lawful campaigning scope of opposition political parties. All these draft proclamations were passed into law well before Election 2010. What a preemptive preparation! The Human Rights Watch denounced all these laws.

What did the “Anti-Terrorism” law service the Ethiopian ruling junta and disservice the Ethiopian People is a reasonable question one must ask? The draft proclamation (that later on passed into law on August 28 2009) contained numerous provisions that fundamentally contravened human rights guaranteed by Ethiopia’s constitution and international law. Only one of those provisions has been substantively revised, leaving the current draft law dangerously broad and inimical to fundamental human rights. The draft law is premised on an extremely broad and ambiguous definition of terrorist activity that could permit the government to repress a wide range of internationally protected freedoms, and contains provisions that undermine fundamental due process rights. The law could provide the Ethiopian government with a potent instrument to crack down on political dissent, including peaceful political demonstrations and public criticisms of government policy that are deemed supportive of armed opposition activity. It would permit long-term imprisonment and even the death penalty for “crimes” that bear no resemblance, under any credible definition, to terrorism. It would in certain cases deprive defendants of the right to be presumed innocent, and of protections against use of evidence obtained through torture.

For example, the ambiguous law criminalizes acts of peaceful political rally in “disruption of public services.” A non-violent march that blocked traffic, protestors who damaged a police car, or a government building window, could qualify as “terrorist act” subjecting protestors from 15 years to life to prison up to death penalty. An individual need only “threaten to commit” the above acts to be put to life in prison or death. Those providing “moral support or ... advice” or “providing or making available any property in any manner” to an individual accused of a terrorist act: someone who advised, or even just offered water and food to a political protester might simply find themselves charged with terrorism. “Possession of property that a person has reason to know” are proceeds of terrorism: someone who held a sign used in a non-violent political protest could be found guilty of possession of property used to commit a terrorist act.

According to the clause “Whosoever publishes or causes the publication of a statement that is likely to be understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to the commission or preparation or instigation of an act of terrorism,” A journalist interviewing an opposition politician or a supporter of an armed opposition group could be deemed to be “encouraging” terrorism merely by publicizing the views of the interviewee and is punishable with rigorous imprisonment

from 10 to 20 years. The inclusion of references to “publishing” is also aimed at crippling the media.

The extensive power of police to arrest, sudden search, and covert search without judicial oversight if a police officer has a “reasonable suspicion that a terrorist act will be committed,” gives police unlimited power to search citizens, places or seize and/or destroy property or restrict movement. Also intelligence personnel are empowered to intercept any kind of communication enter premise and install information capturing devices. Those who fail to cooperate police on these occasions face 10 years imprisonment. Police is granted full authority to detain without charge to a maximum of 4 months if the police “reasonably suspects” that a person is committing or has committed a “terrorist act.” Police has the power to violate a person’s bodily integrity that is “suspected of acts of terrorism” to give samples of hand writing, hair, voice, finger print, photograph, blood, saliva and other body fluids, for investigation. Moreover, police may order the suspect to undergo medical test. If the suspect is not willing for the test, the police may use necessary and reasonable force to take samples.

The law allows official intelligence evidences without disclosing the source (which could be torture), hearsay or indirect evidences without any limitation as well as confessions admissible without a restriction on the use of statements made under torture.

A person can be imprisoned from 3 to 10 years for failing to provide information or evidence that may assist to prevent terrorist act before its commission, or for knowingly providing false information about a terrorist act, or “believing that the information is false.” This puts citizens in an impossible position: On the one hand they could be charged with a crime for providing information that turns out to be false. On the other hand, they could be convicted of a crime for failing to provide information.

The unpopular Anti-Terrorism Law of Ethiopia has continued as a weapon to criminalize dissent and jail opposition political leaders and supporters as well as independent journalists arbitrarily. In the wake of the Arab Spring, the theatre continues in the parliament by designating three opposition parties as terrorist organizations – two of them armed struggle forces, Oromo Liberation Front (OLF), Ogaden National Liberation Front (ONLF), and Ginbot 7 Movement for Justice, Freedom and Democracy - an overseas-based (banned in Ethiopia) political organization that is led by the widely popular former CUD leader and Addis Ababa Mayor-elect Dr. Berhanu Nega. What followed next is a mass arrest of members, affiliates and supporters of the EPRDF/TPLF designated “terrorist” organizations. Only in the past four months 6 renowned journalists including two Swedish citizens that are critics of the regime and its policies are detained with charges of terrorism linking them with Ginbot 7. Not mentioning the 29 OLF linked citizens that are arrested with charges of “terror plot.” The number of ordinary citizens those are in jail with charges of terrorism in the infamous Maekelawi interrogation center and elsewhere in brutal detention centers in Ethiopia is countless.

The Ethiopian Awakening re-inspired by the Arab Spring has now scared Zenawi and Co to death. Zenawi hates to see the Ethiopian people exposed to what is going on in North Africa and

the Middle East. Inevitably, a number of social networking groups on Face book and Twitter as well as several countless online blogs are now connecting the voiceless Ethiopian people, particularly the youth, and serving as more than a vent for their voice suffocated under the draconian media law and a shameless state monopoly of Radio and a single TV station which tirelessly air out only government and party propaganda. Thanks for satellite technology that brings the Arab Spring news coverage live and in full i.e. Aljazeera and ESAT the first independent Ethiopian Satellite TV station available worldwide. Also different independent and opposition group radios transmitting in different varieties of frequencies are giving extra task to the ruling junta - regularly monitoring and jamming frequencies. China is believed to being instrumental in the website blocking and frequency/signal jamming job that the regime has now taken seriously and as one regular task.

Anti-Counter-Terrorism: In the last four months only six independent journalists including two Swedish citizens are jailed in charges of terrorism. Ethiopia is top of fled-journalists-table leading with 79 journalists since August 1, 2011. Also 29 others were arrested for the same charge. Every day countless ordinary citizens are being arbitrarily detained with terrorist charges in all parts of Ethiopia with the convenience that the new anti-terrorism law could simply apply towards just about any act a citizen commits. It is vividly obvious that every individual that is being jailed by the regime, has not committed any terrorist act and never have that kind of character whatsoever, when critically analyzed – individual by individual. Journalist Eskinder Nega, and Reeyot Alemu, Artist Debebe Eshetu, political leader Andualem Arage are a few instances.

Terrorizing its own people for twenty long years, the EPRDF/TPLF regime wishes to continue reign with terror for as long as it could like its mentors Uganda's Museveni and ex-Libya's Gaddafi. The sins of fellow citizens thrown to jail with terrorist charges are; publicly criticizing the human rights abuses and repression by the regime and speaking about the need for peaceful transfer to healthy and good governance. They are against the regime terrorizing the people. They are essentially against terrorism - state terrorism. Eskindir Nega and his colleagues as well as all those imprisoned with terrorist charges are all Anti-Terrorists. They are against the terrorist regime of Zenawi. Therefore, the state-terrorist Zenawi has to avert the situation by devising a mechanism, a law against the anti-terrorists. That law, written by state-terrorist Zenawi, and now in effect, is called Anti-Counter-Terrorism. The Beginning of the End!

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