

“So, what do you think is your crime?”

Testimony of Befeqadu Hailu, from Kilinto prison, Addis Ababa, Ethiopia
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This testimony was written by blogger and human rights advocate Befeqadu Hailu in late August 2014. A founding member of the Zone9 blogging collective and a Global Voices community member, he has been in prison since April 25, 2014 along with eight colleagues. On July 17, 2014, all nine detainees were charged under the country’s penal code and the Terrorism Proclamation of 2009. Befeqadu mentions in his text the names of several of his fellow detainees including Abel, Mahlet, and Natnael. All are members of the Zone9 collective.

Befeqadu’s testimony was translated from Amharic to English by Endalk Chala. The text was edited and annotated by Ellery Roberts Biddle.

“So, what do you think is your crime?”

My interrogator signed off with this intriguing question after making me recount my work as an activist and progressive blogger. Soon after the interrogation, when my captors reunited me with my blogger friends (who are now described as “associates” in the lexicon of inmates) we realized that we were all asked this same question: “So what do you think is your crime?”

The question is intriguing. In some way, it describes the entire interrogation process. It sheds light on our innocence, on our refusal to acknowledge whatever crimes our captors suspect us of committing. Yes, they probed us severely, but they all ended with same question. They couldn’t figure out what our supposed crime was or what law we were suspected of violating. Thus we were asked: “So what do you think is your crime?” The aim of the interrogation was not to find out whether we are innocent, but rather to find anything that could be a crime. The investigation was not meant to prove or disprove our offenses. It was meant simply to make us plead guilty.

With that, our brief two years of operation as the bloggers of Zone9, which perplexed many people, has come to a head. Given the Ethiopian government’s sensitivity to the exercise of free expression, it is understandable why people often questioned our activities. After two years of writing and working to engage citizens in political debate, we have been apprehended and investigated. Blame is being laid upon us for committing acts of “crime”, for supposedly being “members” and “accepting the missions” of Ginbot7/May 15 and OLF.¹

The next step is “due process” and our prosecution, but I believe there are still questions to be answered here. How did we get here? What was our interrogation like? Are we really members of Ginbot7/May15? If not, why have they arrested us? Will they release us soon?

No matter what, boundaries exist here. If people write about Ethiopia’s political reality they will have to withstand the threat of incarceration as long as they live in the country. I believe that is why Prof. Mesfin poignantly described Ethiopians as existing in three categories: those who have undergone imprisonment, those who are now in prison and those who await imprisonment.²

¹ Ginbot 7 and the Oromo Liberation Front (OLF) are opposition political parties based in the United States. Both have been accused of terrorism by the Ethiopian government.

² Mesfin Woldemariam is an Ethiopian intellectual, philosopher and peace activist. Jailed in 2005 on charges including treason along with fellow members of the Coalition for Unity and Democracy political alliance, Mesfin was released in 2007.

But we believe everyone who has to survive in these conditions, dreading the consequences of expressing their views, lives in outer ring of the prison, the nation itself. That is why we call our blog Zone9.³

Zone9 was merely two weeks old when they made our collective blog inaccessible in Ethiopia in 2012. Despite the blockage, we continued to write, but we knew that the fate of our blocked blogs could be our own. We knew we could end up being arrested.

In the days and weeks leading up to our incarceration in April 2014, government security agents threatened us with imminent arrest but it is only human to get shaken by what happened. The six local members of the blogging collective and our three journalist allies were arrested and detained together. The incarceration of our three journalist allies was a bit of shock, at least for us. But later it became noticeable that we were only used as a pretext -- their arrests are part of a larger project.⁴ The highly coordinated way in which we were detained alone speaks volumes about government's calculated grand arrangement. With the exception of one of the journalists (Asmamaw Hailegiorgis of Addis Guday newspaper) we were all arrested on Friday April 25 at about 11:00 pm and taken from our respective locations. Asmamaw was arrested the next morning. By the time we were seized and taken to the detention center, the search "warrant" that authorized our arrest was well over its time limit, according to Ethiopian law. The unlawful intrusion on our rights began here. Without delay, we became victims of various violations of Ethiopian law.

The very idea of setting a foot in the compound of the ill-famed Maekelawi detention center gives a cold shiver to anyone who knows its history. But my sheer optimism and trust that the brutal and inhumane treatment of people was indeed a distant memory saved me from trembling as I was escorted into the compound. The same was true of my friends, I suppose. What is more, we had nothing to be scared of because we are neither undercover agents nor members of armed forces. We are just writers. But as soon as I arrived at Maekelawi, detainees informed me that I had been placed in one of the notorious sections of the detention center, known as "Siberia". In less than a week I felt I was living right in the middle of an account from the 2013 Human Rights Watch report entitled "They Want a Confession".⁵

The Standard Maekelawi Interrogation

³ "Addis Ababa's Kality prison is divided into eight different zones, the last of which — Zone Eight — is dedicated to journalists, human right activists and dissidents. When we came together, we decided to create a blog for the proverbial prison in which all Ethiopians live: this is Zone Nine." From "Six Members of Blogging Collective Arrested in Ethiopia," by Endalk: <http://advocacy.globalvoicesonline.org/2014/04/26/six-members-of-blogging-collective-arrested-in-ethiopia/>

⁴ Numerous media outlets have undergone legal and extralegal harassment since the arrests of the Zone9ers.

⁵ "They Want a Confession" documents serious human rights abuses, unlawful interrogation tactics, and poor detention conditions in Addis Ababa's Maekelawi detention center, drawing from interviews with former Maekelawi detainees and their family members. Those detained in Maekelawi include scores of opposition politicians, journalists, protest organizers, and alleged supporters of ethnic insurgencies. Full report here: <http://www.hrw.org/reports/2013/10/17/they-want-confession-0>

The standard Maekelawi interrogation methods are more of dominance and submission, rather than of confidence or creativity. Instead of extracting information from “suspects” the police officers usually fool around. They spend a great deal of time pretending that they already know the evils you’ve committed. If they cannot successfully extract information from you in this way, they force confessions by punching, beating, extended physical exercise and flogging. I concluded that this is the standard interrogation routine at Maekelawi since I have endured it with five different police officers. Other detainees tell me that they have gone through the same procedure. In fact I was able to speak with detainees who had undergone even more wicked procedures that were clear violations of detainees’ privacy. Some detainees were forced to strip naked and asked to stand or perform sit-ups until dawn.

I met with people who suffered from medieval types of torture in an unnamed detention center before they were brought to their pre-trial detention at Maekalawi. These detainees suffered from diabolical barbarity such as forcible extraction of their nails from their fingers, flogging, and hooding; among these are students from Haramaya University.⁶ The extracted information from detainees in the unnamed detention center is usually brought to their pre-trial detention center for the purpose of verification. Detainees never know where they were taken for this brutal investigation because they are hooded throughout their time there. The unnamed detention centers are like black holes. It turns out that the anguish of Ethiopian prisoners, something that appeared to be so distant in memory, is not that far off after all.⁷

Finally, we were made to plead guilty. We confessed under duress. We could not bear the ceaseless brutal and psychologically degrading pressure. We could not carry on surviving the hell of Maekalawi. We ended up telling our detectives what they wanted to hear. To their delight, we added as many self-incriminating phrases as possible. But phrases like “yes, we wanted to incite violence” never pleased them. So they re-wrote our confessions to fit their frame. Some of us tried to explain. Others had to endure beatings. But at last we all succumbed to the pressure and signed the carefully scripted confession pages with the exception of our colleague Abel, who refused to sign the pre-written confession pages. He has survived the pain he has endured since, but even his confession is completely untrue, to say nothing of ours.

Now we have witnessed that torture is part of the Maekelawi ceremony that reveals the “truth” of a crime. I had long thought police interrogations were complex, involving sophisticated skills, knowledge and psychological tactics to establish facts. But I now know that police interrogations in Maekelawi are not so elaborate. In fact they are simple. They are like machines that produce guilt in the detainees. In Maekelawi, the driving principle of police interrogations is that you are guilty unless proven otherwise. Your pleas for innocence – or even for explanation – fall on deaf ears. Detectives will cook up a crime for you.

My experience left me more certain than ever that Maekelawi must undergo a complete reform. One can easily observe that there is a significant economy of power invested in Maekalawi. Investigations are not principled – the interrogators ingratiate the real power-wielders. I think they are recruited based on their willingness to carry out the desires of the power wielders, not to uphold the rule of law. The selection of employees should be merit-based. These kinds of law

⁶ Haramaya University in Ethiopia is an independent institution of higher education focused on economic development. <http://www.haramaya.edu.et/about/>

⁷ Prison conditions were notoriously inhumane during the rule of Mengistu Haile Mariam, the former leader of Ethiopia who was ousted by the ruling Ethiopian People’s Revolutionary Democratic Front in 1991.

enforcement employees should be knowledgeable -- if they are not they might overlook insightful information when they deal with real criminals -- this in turn could actually jeopardize the safety and security of the country

An Apple and Orange

The evidence referenced in each of our confessions in which we were forced to plead guilty were our online campaigns, our plans, the articles we wrote, the trainings we attended, the training manuals, the skills we attempted to impart. We all expected that their plan was to indict us with the charge of provoking public disorder. We thought the ceiling for our “crime” would be accusing us of violating Article 257/8 of the Criminal Code of the Federal Democratic Republic of Ethiopia. But no. We were formally charged under Ethiopia’s Terrorism Proclamation, particularly with violating Article 4, which can result in severe punishment of 15 years to life imprisonment.⁸ Honestly, saying this makes my face smile.

The evidence brought to support the terrorism charge comes in the form of our writings, the press releases we wrote during our online campaigns, and different training manuals. Other than these documents, there are three “documents” which purportedly prove our connections with Ginbot 7 and OLF. The first one is Ginbot7’s newsletter from September 2009. This newsletter was located in my colleague Natnael’s email. Here it is important to note that Ethiopia’s anti-terror proclamation was not passed into law and Ginbot7 was not yet labeled as a terrorist organization when Natty received the newsletter. The second document was the one located in the house of Soliyana’s mom.⁹ during the search and seizures. The alleged document a recruitment form for new Ginbot7 members. Soli’s mom refuses to acknowledge this document, insisting it was planted in their house. In any event this should not matter, especially when one considers Soli’s stance on armed struggle – we all know that Soli does not support regime change by means of armed struggle. Before I was detained, I checked her Twitter bio – it bears the slogan “no to war”.

The third document is the political agenda of OLF which was located on the personal computer of Mahlet. In fact, Mahlet has had many political programs of other Oromo political parties¹⁰ but they were not presented as evidence. Needless to say, having possession of these documents should not be taken to mean that our colleagues were working with these groups or that they agree with what they do. This wasn’t clear to our interrogators, but I am sure our compatriots and friends will understand. The activities we engaged in and the charges we received were like apples and oranges.

The most preposterous of all allegations concerns our receipt of \$2400 through Natnael. This

⁸ Full text and English translation of Ethiopia’s Anti-Terrorism Proclamation:
<http://www.refworld.org/docid/4ba799d32.html>

For further analysis, see “An Analysis of Ethiopia’s Draft Anti-Terrorism Law,” Human Rights Watch, June 30, 2009,
“http://www.hrw.org/sites/default/files/related_material/Ethiopia%20CT%20Law%20Analysis%20June%202009_2.pdf.”

⁹ Soliyana is a co-founder of Zone9, who has been charged along with the detainees, in absentia. She no longer resides in Ethiopia.

¹⁰ The Oromo are an ethnic minority group that spans Ethiopia, Somalia and parts of Kenya and is represented by various political parties in Ethiopia.

money was a remittance transferred from Article 19 to support Reeyot, an imprisoned journalist.¹¹ During our interrogation we explained this fact in great detail to the police officers. Attached to the document was a receipt, proving that the transfer was made by [human rights organization] Article 19. On the charge sheet, they have tried to show that we received the money from political organizations.¹² I imagine they know our innocence, but I think either they want us suffer or they want to take their time until we prove our innocence.

A Bad Excuse Is Better Than None? Not in Our Case!

I have tried to capture the essence of what we've faced thus far in the adages I have used in my subtitles. But I think our story can be best explained in an Ethiopian folk story about a hyena and a donkey.

The story goes like this: Once upon a time a donkey and a hyena were drinking from the same stream of water. The belligerent hyena whined to the donkey that she was making his water filthy despite the fact that he (the hyena) was drinking upstream. The donkey told the hyena, “stop looking for a reason to prey on me.” People say a bad excuse is better than none – but not in our case! Our story is much more analogous with the experience of the donkey.

They arrested us without knowing anything other than our names. We genuinely believed that if they knew what we had been doing, they might understand us. In that spirit, we have even passed some of our writings to them through one of their undercover agents who followed us before our detention. But I don't think they have read the anthology of our writings. Indeed, our detectives wanted desperately for us to plead guilty. But why would they do that? They likely want to keep us away from Ethiopian social media sphere until after the upcoming national election in May 2015.

So far, we have witnessed how the investigators are biased towards the ruling party. Now we must publicly test the justice system.

For now, let me ponder our future. Will they “release” us? I will not dwell on the legal possibilities of our “acquittal”, but I will look into our hypothetical chances. Even though the Ethiopian Federal Police, which is an apparatus of the government, arrested us without having probable cause, they still thought they would find some sort of transgression.

As a matter of fact, they could not find anything that would get us accused even in the wildest interpretation of the already broad anti-terrorism proclamation. But this did not prevent them from using it. The fact that they did not even write a coherent statement by the time they appeared in court to charge us is evidence that they do not have valid suspicion or evidence. Yet, I do not believe that they will release us soon.

Here is why:

¹¹ Independent journalist Reeyot Alemu has been in prison in Ethiopia since 2012. The Zone9 bloggers had written about her case and visited her in prison.

¹² A copy and English translation of the detainees' charge sheet is available here: <http://trialtrackerblog.org/2014/08/12/full-translation-of-zone9ers-charge-sheet/comment-page-1/#comment-129>

1. EPRDF is bull-headed.¹³ They are irritatingly stubborn and if they think detainees have generated a lot of outside support and are critical of their governance, they will not release them, at least not without dehumanizing them. EPRDF is foolish like a child. Note: I am not saying the global support we received is not helping us. Your support is our daily bread. It is warming us like sunshine. I am sure the day shall come on which we say thank you.
2. They don't want to take a risk. Even though they have seen our innocence regarding their fear of inciting violence after the upcoming election, they do not want to take a risk. In the weeks leading up to our arrest, they accused us of planning a color revolution following the national election using their media.
3. They want us suffer. They want us to spend our time jail because we are strong critics of their policies.
4. They do not have a sense of decency that would prevent them from handing down judgment on innocent people.

¹³ The Ethiopian People's Revolutionary Democratic Front (EPRDF) is an alliance of political parties that formed a join party coalition during the 1970s and 1980s. The EPRDF has maintained power in Ethiopia's Congress and Executive branches since 1991.