



**The Impact of Ethiopia's Anti-Terrorism Proclamation on
Freedom of the Press: The Case of the Ethiopian Private Press**

Binyam Tamene

**A Thesis Submitted to
The Graduate School of Journalism and Communication**

**Presented in Partial Fulfillment of the Requirements
for the Degree of Master of Arts in Journalism and Communication**

Addis Ababa University

Addis Ababa, Ethiopia

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School of Graduate Studies

This is to certify that the thesis prepared by Binyam Tamene, entitled: *The Impact of Ethiopia's Anti-Terrorism Proclamation on Freedom of the Press: The Case of the Ethiopian Private Press* and submitted in partial fulfillment of the requirements for the Degree of Master of Arts in Journalism and Communication complies with the regulations of the University and meets the accepted standards with respect to originality and quality.

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Abstract

The Impact of Ethiopia's Anti-Terrorism Law on Freedom of the Press: The Case of the Ethiopian Private Press

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Addis Ababa University, 2013

The study examines the impact of Ethiopia's Anti-Terrorism proclamation on the private press' ability to investigate and report on matters of public interest. The topic started to grab attention since Ethiopia introduced an Anti-terrorism Proclamation in early 2009, which became a part of the country's legal book on 28 August 2009. Since then, there have been contradictory arguments made by various parties. The freedom of expression activists and journalists, for example, have argued that the law is being used by the government as an instrument of suppressing dissenting views and criticisms of the government, while the government officials have argued otherwise. Thus, the study pays attention to examining how this debate has shaped the real world of journalism and thereby affected the role of the private press.

To this end, the study employed both qualitative and quantitative methods for collecting the data. In-depth interview, documents and survey questionnaire were the specific data collecting tools used. The data was gathered over a three- month period [from September 1 to December 28]. What is more, the libertarian theoretical framework was used to inform the study.

The findings of the study reveal that overbroad and vague definition of terrorism and other vaguely defined provisions in the anti-terrorism law are having a chilling effect on the media landscape in the country. Particularly, the controversial use of the terms 'terrorism', 'terrorism acts' and 'encouraging' terrorism has created a lot of gray areas and the government appears to be exploiting them to its advantage.

Furthermore, provisions that affect the journalists' privileged relations with their sources as well as the diminutive understanding of the law from the journalists' side were found to be making the task of reporting challenging. These factors along with the prosecution of a number of journalists under this law seem to have instilled fear among journalists and dissuaded them from investigating issues related to politics, good governance, sensitive religious matters and humanitarian works. As a result, self-censorship abounds in the private press, hampering the media's ability to investigate and report on matters of public importance, which in turn affects the public right to know.

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CHAPTER ONE

Introduction

1.1 Background of the Study Area

In the face of global terrorism being witnessed in 21st Century, the media today face significant challenges in defining their role and responsibility in the public sphere. The September 11, 2001, attacks on the United States, particularly, make our world more uncertain and fearful place and, thus, making the task of reporting for journalists tougher than before.

International Federation of Journalists (IFJ) survey, released in the immediate aftermath of the terrorist attacks, observed a fast-developing crisis for journalism and civil liberties unveiling themselves (White, 2002). Over a decade passed, these challenges have still remained to have an effect on the lives and works of journalists and journalism as a whole.

The declaration of a “war on terrorism,” particularly, by the United States and its international coalition has created a lingering and dangerous environment in which journalists have become victims as well as key actors in reporting events (White, 2002).

The threat usually emanates when journalists exercise their fundamental right of freedom of expression and include a variety of ‘balanced’ opinions in their writings. Even if they are expected to be objective in their work, Jared Feldschreiber (2011) notes the dangers are more acute, as they are often accused of aiding, or at least attempting to create sympathy for terrorists in their reports.

Terrorists, on the other hand, after committing acts of violence, use media to draw the attention of the local populace, the government, and the world to their cause. Experts from Press Council of India, argue that the terrorists plan their attacks to obtain the greatest publicity, choosing targets that symbolize what they oppose (Yilmaz, 2008).

These kinds of situations usually put journalists in a big dilemma that while they argue that journalists' only obligation is towards the readers/audiences in terms of informing them to the fullest, others like, Yilmaz (2008) stressed that it is important to deny the terrorists the 'oxygen of publicity' – to use the former prime minister of Britain Margaret Thatcher's metaphor. This argument usually becomes a source of conflict between governments that usually want to keep public order and national security from terrorist threats, and journalists who always want to discharge their responsibility of keeping the society informed.

The debate, protecting freedom of press versus combating terrorism, has grabbed the attention of many for over a century, but it has resurfaced as a sensitive topic in the field of journalism since the September 2001 attack on the United States by terrorists, and 'the war against terrorism' that follows it.

As a part of this war, most governments since 2001 have introduced counter-terrorism laws that limit media freedom. The legal regulation of this tension endure and fluctuates in many counties worldwide, in the face of clear legal recognition that the media has a legitimate and valuable role in the body politic, enhancing openness and democratic political processes (Chesterman, 2000; Meagher, 2004).

1.2 Statement of the problem

In Ethiopia, the topic started to grab attention since the country introduced an Anti-terrorism Proclamation early 2009 which become a part of country's legal book on 28 August 2009. The proclamation was written, as explained in its objective, with an intention of defending the right of the people to live in peace, freedom and security with new legal provisions since the laws in force in the country were not sufficient enough to prevent and control terrorism back then.

Freedom of expression activists and journalists, however, are complaining starting from its inception saying that the law has a loophole that can be used to undermine fundamental rights of journalists. Activists, such as *ARTICLE 19*, global Freedom expression activists, say that the proclamation "seriously undermines freedom of expression rights in a manner that is unlikely to

improve security". It claims the law gives "broad and vaguely defined powers to authorities to criminalize speech that is not directly inciting terrorism" and undermines the media's fundamental right to protection of sources. In doing so, they argue that it violates Ethiopia's obligations under international law (Article 19, 2010).

Their fear seems to hold water after the United Nations has verified that a significant amount of journalists, particularly from Ethiopian private press, are imprisoned and/or put in to exile under this law in mid 2012. UN human rights experts have expressed their concern at "the continuing abuse of anti-terrorism legislation to curb freedom of expression" in the country (United Nations, 2012).

Because of this suspension of regular procedure, such legislation is sometimes criticized as a form of *Lois scélérates* which may unjustly repress all kinds of popular protests. Critics often allege that anti-terrorism legislation endangers democracy by creating a state of exception that allows authoritarian style of government.

UN Special Rapporteur on freedom of expression Frank La Rue (2012) said "they (journalists) should not face criminal proceedings for carrying out their legitimate work, let alone be severely punished. Ethiopia has an obligation to fully guarantee all individuals' right to freedom of opinion and expression under international human rights law" (Para 4).

Journalists, mainly from the private print media, also said they are being singled out by the government that uses the law as its pretext to suppress different point of views. One of the three top editors of *Addis Neger* newspaper who slipped out of the country for fear of accusation under the law, Abiye Teklemariam (2011) claims the government is misusing it. Regarding his writing that uses quote from groups that the country dubbed as terrorists, he said, "my 'promotion' of them in various reports consisted nothing more than quoting their statements: the sort of thing that journalists do every day, and for which many journalists in Ethiopia are already in jail".

Government officials, however, claim that the law is similar from that of other democratic countries and questions human right activist's allegations and wonder why Ethiopia is singled out. The late Prime Minister of Ethiopia Meles Zenawi (2012), said that the law was copied "word-for-word" from those of Western countries, including the United States and United Kingdom. He said: "we haven't changed a word, a comma even, as those laws emanate from countries with vast democratic experience". But he said "no journalist can escape charges if rules are broken" (Maasho, 2012).

While the two camps challenge themselves on various fronts, the debate shows a gap that needs to be addressed through academic research in a way that explores whether claims of journalists as well as human right activists that the government is practically "abusing" the anti-terrorism law hold water or not. The study, thus, looks into the anti-terrorism proclamation's impact on journalists who exercise their freedom of expression in the country at the moment, taking the private sector as a case study.

1.3 Research objectives

The research primarily intends to investigate the impact of Ethiopia's anti-Terrorism law on freedom of expression in general and the work of private press journalists in particular.

Thus the objectives include:

- Examining the current and potential effects that the law has on public discussion and access to information,
- Analyzing how it affects journalist's capability to probe and write on matters of public interest
- Exploring how democratic commitments to media freedom might best be balanced against contemporary demands of national security
- Identifying the main elements of the legal framework and the way that those elements may affect, and sometimes have affected, the media

1.4 Research questions

In order to best address the above objectives, they need to be formulated as a question that incorporates these aspects. Accordingly, the research question that guides this research is the following:

How does the implementation of the Anti-terrorism law affect the work of the private press to freely contribute to debate on matters of public interest? And in particular, what are the impacts?

This general question is broken down into a number of sub-questions, namely,

- How well do journalists understand the anti-terrorism law and its implication for their job?
- Which matters do journalists think have become particularly sensitive since the implementation of the law?
- In what way does that the anti-terrorism law have a limiting effect on the press from playing its role of probing and writing on matters of public interest?
- What journalistic tasks are under pressure due to the law and how do they manage to cope up with the demand of this law?

1.5 Contribution of the study

It gives academicians, journalists, and the public at large an understanding regarding the interplay between terrorism and counter-terrorism vis-à-vis freedom of expression and the implications of Ethiopia's anti-terrorism law from a journalism perspective. The findings could also be used for correction of the current problems that emanate from the implementation of the anti-terrorism law.

CHAPTER TWO

Review of Literature

Introduction

This part of the research attempts to see through the historical development of media and terrorism relationship, and how they have an effect on each other. It also looks into the emergence of anti-terrorism proclamation to regulate this link and its overall impact on the press. It also probes further to show how this law is being used for the better and worse of freedom of the press, both internationally and locally.

2.1 Historical perspective

The history of terrorism and media relationship has been a longstanding one, although the late twentieth century globalization of the mass media culture has taken it the whole level to their 'symbiotic' relation.

Experts assume their relationship comes from a tendency of terrorists who commit violent acts to gain three universal objectives. These are to get attention, to gain recognition and to obtain a certain degree of respect and legitimacy. These objectives are attainable for those individuals who are capable of receiving the most media coverage (Soriano, 2008, p. 45).

Previously, informal methods of communication such as gossip of the streets and market places have been the standard media for transmitting information of such kind. For instance, the Assassin Sect of Shia Islam, which attempted to sow terror in the Muslim world in the middle ages, relied upon word of mouth in the mosques and marketplaces to relay news of their attacks (Wilkinson, 2003).

This kind of pre-mass media terrorism had to rely on after the event word-of-mouth dissemination and by default, and their intended audiences were largely local and limited. Wilkinson (2003) notes that similar methods of transmitting panic were also used by Russian and Balkan terrorists of the ninetieth century.

Despite the roots of the media oriented terrorist era traceable to nineteenth century anarchists and their concept of 'propaganda of the deed,' in Russia, the experts in the field start to notice the clear relationship of media and terrorism during terrorist attack in Munich Olympic.

During 1972 Olympic occasion, when the world was watching the games in Munich, Germany, and large numbers of newspaper and broadcast journalists had gathered, the Palestinian 'terrorist' organization Black September carried out the infamous attack on Israeli athletes present in the Olympic camp. What followed was a hostage situation and a rescue attempt that was closely covered by all of those media, and watched by millions of people throughout the world. The terrorists were able to "monopolize the attention of a global television audience who had tuned in expecting to watch the Games" (Hoffman, 2006, p. 179).

Brigitte Nacos (2000) mentions that approximately 800 million people watched the events as they unfolded. In addition, she argues that "Black September undoubtedly chose Munich at the time of the Olympics because the technology, equipment, and personnel were in place to guarantee a television drama that had never before been witnessed in the global arena" (p. 177).

Such strategies to capture the attention and awareness of the audience do not happen by chance at times. In fact, they are carefully designed by terrorist "spin doctors". For example, during the hijacking of a TWA airplane in 1985 by a Lebanese Shi'ite terrorist organization, some members of the group that had graduated in media studies from American colleges regularly met at the house of the organization's leader to work out spin doctoring tactics (Hoffman, 2006, p. 176). Schmid and de Graaf (1982) define contemporary terrorism as "violent communication strategy". They further said:

The news media plays a prominent role "in linking up the terrorist with his victim, his enemy and the public at large...the period of 1968-1979, when television, linked up internationally by satellite, provided a similar audience increase" as did the rotary press in the days of anarchist terrorism. (Schmid & de Graaf, 1982, p.16)

Terrorism has also taken on special characteristics in recent decades, largely due to its interaction with the modern mass media. Nacos (1994) said that "getting the attention of the mass media, the public, and decision makers is the *raison d'être* behind modern terrorism's increasingly shocking violence". (p. 8).

The 2001, September 11 attacks on the U.S., particularly, dramatized the relationship between media spectacles of terror and the strategy of Islamic Jihadism that employs media events to promote its agenda and went on to be the most documented event in the history. Canadian Journal of communication notes that the "the events of September 11 are undoubtedly the most talked- and written-about subject of the twenty-first century" (Barbie Zelizer, 2002).

This historical episode has given birth to an era where journalists become target for many who assume they have promoted the idea of terrorists. In a report released soon after that attack, Anna Cooper (2002, p. 2), expert at the Committee to Protect Journalists, indicated that the September 11 attacks and subsequent "war on terrorism" precipitated a press freedom crisis that was global in scope. In its survey, *Attacks on the Press in 2001*, CPJ cites documents over 500 cases of media repression in 140 countries, including assassination, assault, imprisonment, censorship, and legal harassment (Cooper, 2002).

In documenting these attacks, CPJ's report notes several alarming trends. In 2001 alone, 37 journalists were killed worldwide as a direct result of their work. As compared to a year before that, 13 more journalists were reportedly killed as a result of their work. Governments around the world invoked "national security" concerns while seeking new restrictions on the press or unleashing new intimidations in countries like Zimbabwe, where journalists were denounced as "terrorists." As justification, some cited U.S. actions after September 11, such as the State Department's attempt to censor a Voice of America interview with Taliban leader Mullah Omar (Cooper, 2002).

2.2 Symbiotic relationship of Terrorism and Media

Common to all acts of terrorism is the threat or use of murder, injury or destruction to coerce the government or other target groups into conceding to the terrorists' demands. It is because terrorists seek to demonstrate the credibility of their threats by spectacular acts of destruction or atrocity that the media reporting of these acts is often held in some sense to have 'caused' the terrorism (Wilkinson, 2003).

In reality, it's well beyond the powers even of the modern mass media to create a terrorist movement or a terrorist state. In order to understand how groups espousing terrorism originate, one needs to examine their motivations, aims, ideologies or religious beliefs and strategies first. However, Wilkinson (2003, p. 175) notes that once terrorist violence is under way the relationship between terrorists and the mass media tends inevitably to become symbiotic – a term taken to mean relations of mutual dependence between different groups within a community when groups are unlike each other and their relations are complementary.

Wilkinson (2003) further argues that it would be foolish to deny that modern media technology, communication satellites and the rapid spread of television have had a marked effect in increasing the publicity potential of terrorism. He said the seizure and massacre of Israeli athletes by Black September terrorists at the 1970 Munich Olympics is dramatic illustration of this.

There are various viewpoints regarding how symbiotic terrorism and the media are. French sociologist Michel Wieviorka (1993) in *The Making of Terrorism*, for instance, dismisses this relationship. He argues that there are four distinct relationships between the terrorists and the media. The first of these is described as one of "pure indifference", where the 'terrorists neither seek to frighten a given population group or beyond their intended victims nor to realize a propaganda coup through their acts' (Wieviorka, 2003).

The second relation is through "relative indifference" in which perpetrators of violence remain indifferent about making the headlines not out of disinterest with regard to the most powerful

media, but because there already exists channels of communication (such as universities, churches and mosques) through which to discuss and explain their positions. Wieviorka's third relational mode, "media-oriented strategy," is self explanatory and the last one is "coercion of the media" (Wieviorka, 2003).

Another bloc, however, challenges Wieviorka's view. For example, Wilkinson (2003, p.176) directly challenged Wieviorka's four grades of the relationship in his book, *Terrorism Versus Democracy*, saying that channels of communication always are used by any terrorist. In the first case, "pure indifference" to any desire to terrorize a population beyond the immediate victim of violence, Wilkinson argues (2003, p. 150) "if there is no aim to instill terror then the violence is not of a terrorist nature." The "instrumental relationship" between the terrorist and the media, which Wieviorka places only in his third category, is said by Wilkinson to be "intrinsic to the very activity of terrorization".

2.3 Experts view on whether media is responsible for terrorism

Robert D. Picard (1991) noted that during the past two decades, the literature associating media with terrorism and implicating media as a contagion of such violence has grown rapidly. But, he argued that there is little cause-effect relationship between media and terrorism and, thus, firming up Barnhurst's conclusion. Picard states (1991):

As one reviews the literature it becomes shockingly clear that not a single study based on accepted social science research methods has established a cause-effect relationship between media coverage and the spread of terrorism. Yet public officials, scholars, editors, reporters, and columnists continually link the two elements and present their relationship as proven. (p. 51).

There is another pool of experts who criticize the way how media and terrorism relationship is perceived. Weinberg and et al (1989) said despite numerous polls about how people feel about terrorism, "we are not sure exactly how, or if, the media have an effect". In addition, they said

although people may think that terrorism is a problem, often it is not seen as the most pressing, compared with other social problems. Moreover, Weinberg and et al (1989) said that many public opinion polls have a hard time comparing the fear of terrorism between, among, and within different countries.

After reviewing a handful of studies on their own, Weinberg and Davis (1989) also concluded that:

The problem with these responses, though, is that they were based on snapshots taken at single points in time. The questions were usually asked during or just after a particularly dramatic terrorist event or events, that is, at a time when the public was most likely to be aroused by the violence and where media coverage was likely to have been of the crisis variety. (p. 135).

On the other hand, in the face of prominent modern thinkers' reflection of various views on causal relationship between the mass media and terrorism, governments usually tend to link the media with terrorists' success or failure.

The former British Prime Minister Margaret Thatcher expressed her view, noting that during her reign, "democracies 'must find ways to starve the terrorists and hijackers of the oxygen of publicity on which they depend'" (William E. Biernatzki, quoting a *New York Times* article, dated 1985).

More recently, Peter C. Kratcoski (2001) has wryly commented that, "if one of the elements of terrorism is the wish to obtain publicity for a cause and create propaganda, the media has obviously overreacted in responding to this desire" (Biernatzki, 2000, p. 6, quoting Kratcoski 2001, p. 468).

2.4 Models of the terror/media relationship

Barnhurst (1991) has distinguished two models of the media-terrorism relationship that divide authorities on the topic: *the culpable-media model* and *the vulnerable media model*.

- *The culpable-media model*

According to Barnhurst (1991), the culpable-media model sees "a causal link with terrorism that calls for regulation." The media are an intrinsic part of a vicious cycle, and advocates of the model argue that "as media cover terrorism, they incite more terrorism, which produces more media coverage."

But a second dilemma uncovered by this model involves a cycle of control. It says: "if government or the media censor coverage, the controls tend to harm the credibility of the government and/or the media. The terrorists . . . may resort to even greater violence" (Barnhurst, 1991, p. 125).

- *The vulnerable media model*

On the other hand, *the vulnerable media model* sees the media as only victims, not causes of terrorism. According to Barnhurst (1991),

Any control on coverage, even a natural one, will be ineffective because terrorists can shift to other forms of communication by striking vulnerable points in the infrastructure of liberal societies . . . although the mass media are involved, they present no escape from terrorism. (p. 126).

After reviewing some of the most significant research up to that time, Barnhurst concluded that although a causal link may exist it cannot be firmly established "without falling into the post hoc ergo propter hoc fallacy", an erroneous belief that states, "since that event followed this one, that event must have been caused by this one."

2.5 Choosing security over freedom of expression/press

On September 11, 2001 whereby two planes smashed into the twin towers of World Trade Centre and killed an estimated number of 3000 people, caused the international community to focus on the issue of terrorism with renewed intensity and set in motion an intensified global

discussion on terrorism and global security, which in turn affected media and terrorism relationship landscape.

Governments led by the main victim of this episode, United States of America, chose to follow the culpable-media model that sees media having a causal link with terrorism and calls for regulation. These measures adopted to enhance global security have had profound repercussions on civil liberties, especially freedom of expression.

The declaration of a “war on terrorism” by the United States and its international alliance has created a dangerous situation in which journalists have become victims as well as key actors in reporting events (White, 2002, p. 3).

While journalists and media staff take terrible risks to get their story, governments on all sides seek to influence media coverage to suit their own political and strategic interests. S.T. Kwame et al (2003) argue:

The post-11 September media crisis is seen everywhere. From Australia to Zimbabwe, via Colombia, Russia, the United States and Uganda, politicians have rushed to raise the standard of “anti-terrorism” against their political opponents, and have tried to stifle free journalism along the way (p. 17).

The UN organ acknowledges that indicates there has been a proliferation of security and counter-terrorism legislation and policy throughout the legal books of the world, with the adoption of UN Security Council resolution 1373 (2001) paving the way. Much of this resolution has an impact on the enjoyment of human rights. According to a paper entitled, ‘Balancing Civil Rights and National Security’,

There has been a rush to adopt anti-terror laws in the aftermath of 9/11, and this has undermined respect for human rights and the rule of law. One worrying aspect of these laws has been the general extension of surveillance powers over citizens and their personal communications. We are particularly concerned about the shift of power to police and security agencies to monitor

and intrude upon the professional activities of journalists and media, which seriously impede their ability to report on matters of public interest (Kalinga Senevirantne, 2011).

Another paper by Office of the UN High Commissioner for Human Rights entitled: *Human Rights, Terrorism and Counter-terrorism*, expresses its observation of this trend indicating that most countries, when meeting their obligations to counter terrorism by rushing through legislative and practical measures, have created negative consequences for civil liberties and fundamental human rights such as freedom of expression – a key stick for journalists to function properly.

According to Dr. S. Sivakumar (2002) of Indian Law Institute, the role of the media is vital in generating a democratic culture that extends beyond the political system and becomes engrained in the public consciousness over time. He said it is through the media that people generalize their experience, learn from others and become aware that government does not always tell them the truth and it is how a constructive political debate about options and policies develops.

Resolution 59 of the United Nations General Assembly also states, “Freedom of information is a fundamental human right and ... the touchstone of all the freedoms to which the United Nations is consecrated.”

However, since the September 11 attack, UN officials argue that the threat of terrorism to the freedom and independence of the media unfold themselves both in direct and indirect ways. But the Secretary General claims that the indirect problem is “graver than the direct attack that often includes violent attacks on reporters and publishers”, including assassinations, abductions, torture and bombings of media offices (Annan, 2003).

The indirect threat of terrorism has two main aspects. First, it seeks to intimidate, to instill fear and suspicion and to silence any voices with which it disagrees – a climate inimical to the exercise of rights and freedoms (Annan, 2003). Second, terrorism may provoke governmental

responses that lead to laws, regulations and forms of surveillance that undermine the very rights and freedoms that an anti-terrorism campaign is supposed to defend.

According to Annan (2002), principles and values that were decades, even centuries, “in the making may be put at risk”, in the name of anti-terrorism. Anna (2002) further argues:

Basic freedoms, human rights and democratic practices are the best guarantors of freedom. This protection must extend to press freedom and free speech as positive goods in themselves and as means through which the fight against terrorism may be waged. The greatest service that the media can perform in the fight against terrorism is to act freely, independently and responsibly. This means that they must neither be cowed by threats nor become a mere mouthpiece of patriotic sentiment or inflammatory opinion (P. 3).

Too often, these are used for political rather than public safety reasons. The UN Secretary General Kofi Annan (2002) said “we are seeing an increasing use of what I call the ‘T-word’ – terrorism – to demonize political opponents, to throttle freedom of speech and the press, and to de-legitimize legitimate political grievances.” (p. 417).

2.6 Anti-terrorism Law: How it affects freedom of the press

Since the terrorist attacks of September 11, 2001 in New York, 144 countries have passed anti-terror laws and Ethiopia is one of them. The problem, according Human Rights Watch, is that most of these laws were passed with little regards to human rights or due process (Phillips, 2012).

Tesfaye Habisso claims that the “anti-terrorist initiatives hurriedly taken by many nations” have had major consequences for the rights and freedoms of individuals, societies, and nations all over the world (‘The Reporter, 2011). Besides, Whitaker (2007) argues in some countries the adoption of anti-terrorism laws has provided leaders with the tools they need to silence critics and punish political opponents.

In other words, human right activists also say freedom of expression is particularly vulnerable to becoming a casualty of counter-terrorism measures. According to the Office for Democratic Institutions and Human Rights (2007), the concern is that counter-terrorism per se is being used as a justification for restrictions on free speech and that this justification is presented as being sufficient without regard to the established grounds spelt out in human rights treaties. Additionally, counter-terrorism, in and of itself, is being presented as a proportionate and necessary justification for the interference (Cooper J. , 2007).

Anti-terrorism legislation usually includes specific amendments allowing the state to bypass its own legislation when fighting terrorism-related crimes, under the grounds of necessity.

Such legislation, however, is criticized as a form of *lois scélérates* – a legal French term that means to designate any harsh or unjust laws, in particular anti-terrorism legislation. This kind of law often broadly represses whole social movements and dissent views. Critics, thus, allege that such laws, for instance anti-terrorism legislation, endanger democracy by creating a state of exception that allows authoritarian style of government ('Anti-terrorism legislations', n.d.).

Freedom of expression does not just protect expression itself but the conditions necessary for it. The ability of journalists to protect their sources, for example, is one of the basic conditions for press freedom. Other conditions for effective journalism include holding meetings, obtaining information and respecting confidentiality. Therefore, according to Cooper (2007), anti-terrorism legislation that limits access to proscribed organizations will inevitably raise issues in relation to freedom of expression (p. 222).

Experts argue that states have a positive obligation to protect journalists and to promote the conditions necessary for freedom of expression, and even minor restrictions on freedom of expression can have a chilling effect, thus undermining the right. Any restriction should be justified on the basis of legality, necessity, proportionality and non-discrimination (Boyne, 2010, p. 470).

Another challenge that comes with the anti-terrorism legislation is its complexity to understand. While doing his research on the impact of the law, McNamara (2009) was stunned by one of the most disarmingly frank comments made by a journalist who in response to a question of what they thought journalists could do better in dealing with these laws was. The response was: 'Well, we could do a better job of understanding them' (McNamara, 2009, p. 36).

It was a simple statement that encapsulates the difficulties journalists face in dealing with the laws. McNamara laments that "they are very, very difficult to understand" for anyone not versed in reading legislation. According to McNamara,

A lawyer who had provided advice on publication regarding a terrorism matter said that they 'could recite the law of defamation for you from beginning to end right here and now, but I'd have to have a careful look at the stuff to be able to do any more than talk in general terms'. The implications of this complexity cannot be understated (2009, p. 37).

Regarding protection of sources, McNamara (2009) believes that the range of counter-terrorism laws is having a meaningful effect on the ability of journalists to cultivate good sources. It affects journalists' access to information because it is easy for police or security agencies to suggest that the laws are such that information cannot be released, or should not be published, or that requests to deal with information in certain ways should be complied with. According to Golder and Williams (2006),

These examples illustrate how counter-terrorism can drastically impact on human rights. There are many other possible conflicts, such as the way information-sharing between government agencies or the collection of data at airports might impinge upon the right to privacy; the way laws proscribing "seditious" or "radical" speech might hamper freedom of expression (p. 48).

2.7 Anti-terrorism legislations: Ethiopia's experience

Ethiopia chose to adopt this law due to various terrorism threats that the country has been going through during the initial period of this century. Armed groups have committed a number of bombings and other attacks in Ethiopia or on its diplomatic missions abroad. (Anita Powell, 2008, Para. 3).

The May 2008 explosion on a minibus in Ethiopia's capital Addis Ababa, for which a little known group called the Islamic Guerrillas claimed responsibility, killed three people on the eve of national celebrations. In October 2008, the Ethiopian trade mission in Hargeisa, Somaliland, was one of the targets of multiple suicide bombings that killed at least 20 people. The attacks were blamed on al-Shabaab, a Somali armed group with alleged links to al Qaeda (Ibrahim, 2009).

The government of Ethiopia considered adopting anti-terrorism legislation, which Human Rights Watch (2009, p. 2) claims to have been initiated in 2006. In June 2009, the human rights activist group claims the draft proclamation was submitted to the parliament by the Council of Ministers, and later appeared for public debate which took place on June 25, 2009 in the Parliament. Later that year, the Parliament approved the bill unchanged, despite calls by the opposition parties and international human rights organizations to review the contested anti-terrorism law (HRW, 2009).

Following its endorsement, various freedom of speech activists, such as Amnesty International warned that the law could restrict freedom of expression, peaceful assembly and the right to fair trial in the country, a fear dismissed by the government of Ethiopia arguing that the New York-based group had misinterpreted the law and that it fully recognized the right of Ethiopians to engage in peaceful political activity (Tribun, 2009).

2.7.1 Ethiopia's Anti-Terrorism Proclamation and freedom of the press

According to ARTICLE 19 Law Programme, an international rights group that works to promote the right to freedom of expression and freedom of information, there are a number of

provisions of the Anti-terrorism Proclamation Number 652/2009, that undermine international protections on freedom of expression. Of these, it states broad definition of the term 'terrorism acts', undermining of protection of journalists 'sources' and vaguely defined provisions on "encouraging" terrorism as a particular concern and as having a "real chilling effect on debate on matters of public interest" (ARTICLE 19, 2009). This part of the paper looks into these areas further more.

Definition of Terms

Terrorism is commonly understood to refer to acts of violence that target civilians in the pursuit of political or ideological aims. In legal terms, although the international community has yet to adopt a comprehensive definition of terrorism acts, existing declarations, resolutions and universal "sectoral" treaties relating to specific aspects of it define certain acts and core elements (Human Rights, Terrorism and Counter-terrorism, 2009, p. 5).

In formulating an effective counter-terrorist strategy, experts argue that the construction of a universal definition of terrorism and other related terms is needed. The subjectivity of the terms, however, ensures that this is, by no means, an easy undertaking. *Slate* analyst Michael Kinsley (2002) says that the definition of terrorism related terms "is a problem for law enforcement and civil liberties".

In the case of Ethiopia's anti-terrorism law, however, freedom of expression activists such as Human Rights Watch (2009) argues that it provides an "extremely broad and ambiguous" definition of terrorism acts and terrorists that could be used to criminalize non-violent political dissent and various other activities that should not be deemed as terrorism (p. 3).

The Anti-terrorism Proclamation (2009) states that:

Whosoever— intending to advance a political, religious or ideological cause by coercing the government, intimidating the public or section of the public, or destabilizing or destroying the fundamental political, constitutional or, economic or social institutions of the country: (1) causes a person's death or serious bodily

injury; (2) creates serious risk to the safety or health of the public or section of the public; (3) commits kidnapping or hostage taking; (4) causes serious damage to property; causes damage to natural resource, environment, historical or cultural heritages; (6) endangers, seizes or puts under control, causes serious interference or disruption of any public service; or (7) threatens to commit any of the acts stipulated under sub-articles (1) to (6) of this Article; is punishable with rigorous imprisonment from 15 years to life or with death (p. 4829-4830).

ARTICLE 19 (2010) argues the definition used in the law “has already been found to violate international human rights law by the UN Human Rights Committee” and claims the provision applies to many types of legitimate, non-violent protest and dissent. Human Rights Watch (2012) claims the law’s broad definition of terrorism and “terrorist acts” can be used to prosecute lawful, peaceful dissent (p. 11). The rights activist argues the law would permit long-term imprisonment and even the death penalty for “crimes” that bear no resemblance, under any credible definition, to the terms.

Protection of sources and information

According to Article 19, the bill sets out a series of powers for government bodies and duties for private individuals including the media to facilitate the collection of information about terrorist offenses. These sections collectively raise serious issues about the right of journalists’ to protect their confidential sources and the role of the media in acting as an independent investigator in society (Article 19, 2010).

Article 12 of the proclamation entitled “failure to disclose terrorist acts” requires all persons, including the media, to provide information or evidence relating a terrorist act. The bill also sets out various articles that give broad powers to the Ethiopia’s National Intelligence and Security Service to conduct electronic surveillance of telecommunications including internet communications, and further gives police broad powers to conduct covert searches without any explicit protections for confidential information held by the media, who are internationally recognized as having a legal obligation to protect confidential information.

It also provides broad powers to force disclosure of information from any government institution, official, bank or a private organization or an individual to give information or evidence which he/she reasonably believes could assist to prevent or investigate terrorism cases. Any one so requested shall have the duty to give the information or evidence.

As David Banisar (2008) argues, these laws designed to protect national security from terrorism and other threats could limit journalists' ability to access information. The law also provides increased procedural powers to obtain information through surveillance, searches, demands for disclosure and other means (p.6).

According to ARTICLE 19 (2010), there appears to be little recognition of protection of journalists' sources under current anti-terrorism law. It argues the provisions go against the Africa Union's Declaration of Principles on Freedom of Expression, which Ethiopia is a party. The declaration provides detailed guidelines for member states of the AU on protection of sources. Section XV of the charter (2002) states:

Media practitioners shall not be required to reveal confidential sources of information or to disclose other material held for journalistic purposes except in accordance with the following principles: the identity of the source is necessary for the investigation or prosecution of a serious crime, or the defense of a person accused of a criminal offence; the information or similar information leading to the same result cannot be obtained elsewhere; the public interest in disclosure outweighs the harm to freedom of expression; and disclosure has been ordered by a court, after a full hearing. (p. 5).

The UN Special Rapporteur on Human Rights and Counter-Terrorism, Martin Scheinin (2009) also argues that the legitimate interest in the disclosure of confidential materials of journalists outweighs the public interest in the non-disclosure only where an overriding need for disclosure is proved, the circumstances are of a sufficiently vital and serious nature and the necessity of the disclosure is identified as responding to a pressing social need. (p. 14).

Criminalizing “Encouraging” Speech

Among the number of the sections of the 2009 Anti-Terrorism Proclamation that undermine international protections on freedom of expression, such as broad definition of ‘terrorism,’ ARTICLE 19 (2009) expresses its concern that the vaguely defined provisions on “encouraging” terrorism and other terms “would criminalize the legitimate exercise of freedom of expression and have a real chilling effect on debate on matters of public interest” (p. 3).

Article 6 of the law, entitled “Encouragement of Terrorism” sets out broad prohibitions on speech directly or indirectly “encouraging” or “inducing” terrorist acts (p. 4831). There is no definition of encouragement. The introduction of these penalties is likely to result in the criminalization of perfectly lawful statements and the chilling of much political speech and debate.

In addition to relying on the overly broad definition of “terrorist acts,” ARTICLE 19 (2010) this provision is problematic because the provision criminalizes speech ambiguously “encouraging,” “advancing,” or “in support” of terrorist acts even if there is no direct incitement to violence (p. 6).

According to the global campaigner for freedom of expression, the offences of “direct or indirect encouragement or other inducement” are ‘extraordinarily broad and vague offences’ that fail the limitations for restrictions on rights required under international human rights law (Article 19, 2009, p. 9). While “encouragement” and “inducement” are vague terms, “indirect encouragement or other inducement” is so vague as to be without meaning.

They create a subjective standard based on what “some...members of the public” may understand which can be applied (or misapplied) to nearly any statement made in the media as being supporting of terrorism (ibid, 2011, p. 9). The campaigner further suggested for the terms to be abandoned in favour of internationally accepted terminology, such as “incite”.

2.7.2 The state of freedom of the press prior to the year 2009

In order to better understand how the private press reached the point where it is now and the role of anti-terrorism proclamation in this passage, it is better to look back and see the different historical periods that the private press went through. This also helps one to understand the snowball effect of various measures and historical happenings shape the current state of freedom of the press in the country right now.

Freedom of the press was first proclaimed in Ethiopia by the transitional government as soon as the fall of the Derg régime in Ethiopia in 1991, and was secured in a separate press law in 1992. Principles of freedom of expression were further laid down in the national constitution of 1995 (S. Skjerdal, 2009, p. 44).

Following these consecutive laws that opened up private publications, the country experienced a dramatic increase of newspapers and magazines. According to the Ministry of Information, 385 publications, comprising 265 newspapers and 120 magazines, were registered between October 1992 and 1997 alone (Skjerdal 2009 citing Mol, 2007; Shimelis 2002: 186–87).

This trend, however, did not continue as they initially observed for various reasons over the past twenty or so years with the private press going through various ups and downs. Historians draw three periods to show this development but this research has added one too.

2.7.2.1 Four chaotic periods of the private press

The first period, as Skjerdal (2009) described, was the chaotic period from 1991 to 1997 with a blooming of new newspapers and anarchy journalism. Most of the private newspapers, during this period, were generally weeklies. Still, at any one time, there were at least 20 titles available on the streets of Addis Ababa. In terms of their content, most newspapers in this period were considered to be more of a reflection of opposition parties, rather than playing a fourth state role.

Citing a veteran journalist and the former editor-in-chief of Press Digest Girma Beshah, Skjerdal (2009, p. 49) said: “the independent press which came into being following the 1992 press

proclamation was acting like a jinni out of the lamp, but it was a mad jinni". A veteran journalist, who was among few journalists at that time, claims that the fundamental problem that the press had at that time was it tends to write some things out of proportion and was unprofessional (Skjerdal. 2009).

"This happened, I think, for a very reason that the press was full of journalists that were employees of former regime and also those who had no clue about journalism profession," Solomon adds. However, Aadland and Fackler (1999) said more than half of the total numbers of papers were closed down during the same five-year period, often because of limited resources.

The second period, which lasts from 1997 to 2005, (the overlap in the periodization is to indicate that the periods go into each other) saw the establishment of professionally and ethically integrated newspapers. Hallelujah (2008, p. 47) claims some coolness was seen as professional and ethically integrated newspapers like *The Reporter*, *Addis Admas*, *Fortune*, *Capital* and a few others joined and dominated the scene. What's more, at the end of this period, which was months prior to the 2005 national elections, could be seen, with much greater amount of certainty, the better days for the history of Ethiopian press as the newspaper's circulation hit all-time high record with some publishing more than a 100.000 copies in the wake and aftermath of the disputed election (Hallelujah, 2008, p. 69).

The third period went on from 2005 when press freedom again came under threat after editors and journalists were imprisoned and persecuted after alleged transgressions following the May 2005 elections. According to Hallelujah (2008), the crackdown on the private press has shut down or pressured the closure of the majority of the privately owned newspapers. He said,

The government has blamed the closed private press for not only facilitating but also jointly engineering street violence and pervasive advocacy of hate speech to topple a legitimate government. The accusation of the government is founded in that some products of the free press have exercised unrestrained pressure to advocate public disobedience of all means, including violence to pressure the

government to step down. Some newspapers have openly called for immediate public action and ethnic-based hate speech and encouraged street action steadily urged change of government in a mix of peaceful and non-peaceful means in their editorials following the election row and the resulting June 2005 unrest in Addis Ababa (ibid, p 70).

Many newspapers were also forcefully closed, such as Menlik, Netsanet, Ethop, Addis Zena, Satenaw, Meyisaw, Seife Nebelbal and Meznagna, said Skjerdal (2009, p. 52) as a form of reactions to curb the “opposition” press. Skjerdal (2009) also noted that the government chose not to give license to open up new private newspapers as a way of punishing for their involvement in the aftermath of the 2005 election.

Despite the fact that a few newspapers such as *The Reporter* (both English and Amharic versions), *Fortune*, *the Sub-Saharan Informer*, *Capital* and *Addis Admas* managed to survive, members of the private press say the episode still influences government-private press relationship and, thus, the press freedom (personal interview, October 27, 2012). “From then on, being critical of the government start to cost newspapers a huge deal,” responds one of them.

Most of the remaining newspaper during this period, says Hallelujah (2008, p. 75), chose to focus mainly on religion, sports, fashion and life style, love, trade and advertisement. According to Hallelujah (2008),

After the huge fall of independent newspapers in October 2005 the plurality and diversity of ideas and voices in the media was limited and the strength and amount of critical political reports on the government was low. This factor with the previous trend of political reporting set by the closed down newspapers helped for the strengthening of the conviction many accept: there is no independent press in Ethiopia. (p. 76)

Later, that year, the government admitted that it has been too tough on journalists and that it did not fully understand the value of free information. Bereket Simon, Minister of Government Communications, said “as a result both the government and private journalists suffered, but at the same time the government is doing much better now and the improvement continues” (Skjerdal, 2009, p. 54). Afterwards, the country relaxed the environment for the private press again, with a number of newspapers and magazines starting to join the arena again.

This gave a chance to newspapers “which have steered away from extremist reporting and instead try to give space for different voices” such as Addis Neger which was launched in late 2007 (Skjerdal, 2009, p. 54). The paper went on to become one of the two largest Amharic weeklies with a weekly circulation of 25,000-30,000 copies by 2009 (Skjerdal, 2009, p. 54), before its closure later the same year due to the Anti-terrorism Law.

The fourth period, that this research comes up with, started from 2009 onwards with the introduction of various new laws and directives that binds the private press. Among such bills, the 2008 Mass Media and Freedom of Information Proclamation or press law [despite the law is not the subject of this discussion] and the 2009 Anti-Terrorism Proclamation are the major ones are the major ones. Although the press law has a liberal preamble and government’s constant expression of intent to use it as a vehicle for moving toward a more open atmosphere for the exchange of information in Ethiopia, legal experts such as Tracy J. Ross (2010) asserts the provisions in fact provide for the opposite.

According to Ross, the Press Law has allowed the government to criminally prosecute journalists and members of the media for expressing their views and establishes a stronger foothold for government regulation of information, among other things (2010, p. 119). Editors of various newspapers also add the 2012 “printing standard contract” with full of instruction, which effectively reintroduce the practice of censorship to the country, if signed by the press (personal interview, 2012).

Likewise, the 2009 Anti-Terrorism Proclamation is one of those legislations that have a huge impact in the relationship between the private press and government. Human Rights Watch

and Committee for Protecting Journalists (2010) accuse Ethiopian government of “exploiting its vaguely worded anti-terror law to crush peaceful dissent,” and using it to shut down press freedom”.

Another report on Human Rights Practices for 2011 United States Department of State (2011, p. 14) also confirms that the government used the antiterrorism law to suppress criticism. It reveals that journalists feared reporting on the five groups designated by parliament in June as terrorist organizations (Ginbot 7, the ONLF, the OLF, al-Qaida, and Al Shabaab), citing ambiguity on whether reporting on these groups might be punishable under the law (bid, p.15).

The same report said “from June through September 2012 alone, the government arrested and charged five journalists under the antiterrorism proclamation. Several journalists, both local and foreign correspondents, reported an increase in self-censorship.” (p. 14-15).

2.7.3 Anti-Terrorist Provisions in action

Out of 130 laws surveyed worldwide, Human Rights Watch (2012) found that all contain loopholes that could be easily exploited. Some of these laws contain vague or misleading language pertaining to what terrorism actually is, including “disrupting the public order,” said the rights organization (2012). The right group particularly mentions Ethiopia of using these loopholes to target journalists. According to media reports (DW, 2012), the statute has been used to jail more than 100 journalists and opposition politicians during the past year and many have been convicted and handed long prison terms.

It all started in 2009 in Ethiopia. The influential and yet , what government officials call “different” in terms of broad readership from other independent newspapers, Addis Neger newspaper become the first victim of the law, despite all of its editors, including managing editor Mesfin Negash, executive editor, Abiye Teklemariam, editor-in-chief Tamerat Negera and other contributors managed to quietly slipped out of the country.

But now the number of journalists who are a subject of this law has increased significantly. According to CPJ (2012) statement, even since 2011, the government of Ethiopia

has convicted 11 independent journalists and bloggers under the sweeping anti-terrorism law, some in absentia (Para. 4). This group of journalists who remain in Ethiopian prisons includes award-winning blogger Eskinder Nega, award-winning columnist Reeyot Alemu and Woubshet Taye of the now-defunct weekly *Awramba Times*.

2.7.4 Freedom of expression activists' claim

United Nations human rights experts (2012) spoke out against the “use of anti-terrorism laws to curb freedom of expression in Ethiopia, where several journalists were recently given prison sentences under such legislation”.

Particularly following the Ethiopian court gave three journalists and two opposition politicians' prison sentences ranging from 14 years to life imprisonment under this law and detainment of two Swedish journalists and sentenced them to 11 years in prison in 2011, freedom of expression activists start to call for Ethiopia to respect human rights. Frank La Rue et al (2011), then, called on the Ethiopian government to respect the concerned individuals' fundamental rights, especially their right to a fair trial, and reiterated the need to apply anti-terrorism legislation cautiously and in accordance with the country's international human rights obligations (UN News, 2011)

Following the court session of Eskinder Nega, that jailed him for 18 years, UN High Commissioner for Human Rights Navi Pillay said that she is “seriously alarmed” by the current climate of intimidation against journalists and human rights defenders in Ethiopia, resulting from the use of “overly broad” laws on terrorism. The UN high commissioner contends,

The recent sentencing of 20 Ethiopians, including prominent blogger Eskinder Nega, journalists and opposition figures, under the vague anti-terrorism law has brought into stark focus the precarious situation of journalists, human rights defenders and Government critics in the country. The very harsh sentences handed down to journalists and other Government critics in recent months, coupled with excessive restrictions placed on human rights NGOs in the country

have had the effect of stifling dissent and seriously undermining the freedom of opinion and expression in Ethiopia (press release, 2012, Para. 5).

Amnesty International's Ethiopia researcher Claire Beston (2012) dubbed the day that the Ethiopian court has passed the judgment as dark day for justice in Ethiopia and further claims:

This is a dark day for justice in Ethiopia, where freedom of expression is being systematically destroyed by a government targeting any dissenting voice. We believe that Eskinder, Andualem and Nathnael are prisoners of conscience - convicted because of their legitimate and peaceful activities, and particularly for advocating peaceful protest against the government..... (para. 4)

UN high commissioner said the overly broad definitions in the July 2009 anti-terrorism law of Ethiopia result in criminalizing the exercise of fundamental human rights (ibid, Para. 6). The activists (2012) suggests "laws to combat terrorism must be consistent with the Government's human rights obligations under international conventions as well as the African Charter on Human and Peoples' Rights and other regional instruments to which Ethiopia is party".

2.7.5 Government's response

Ethiopia, in contrast, has launched a vigorous defense of an anti-terrorism law that critics call an effective tool for silencing dissent. The late Prime Minister Meles Zenawi (2012) accused Western monitoring groups of harboring anti-Ethiopian government biases that lead them to conclude the law is being misused for political purposes (Voice of America, 2012). He used as an example the case of two Swedish journalists who were arrested in the company of rebels the government classifies as terrorists.

The government gave a small statement that such people have been put [in] prison. The next day the campaign was launched, 'Free press, innocent people with no issue at all!' They just give pronouncements before the case has gone to court, before evidence has been heard. The pronouncement was there;

the government is the criminal and the people are innocent (VOA, 2012, Para. 5).

Likewise, the Ethiopian government has also issued a sharp rebuttal to a *New York Times* newspaper opinion piece that alleged that the government has become more repressive. In the piece, columnist Nicholas Kristof defended the Swedish journalists, saying “their offense was courage” in sneaking into Ethiopia's insurgency-wracked Ogaden region to investigate reports of human rights abuses (VOA, 2012, Para. 15). But in a letter written to the editor of *The New York Times*, Ethiopia accused the author of the piece of trying to incite opposition against the government.

In an interview with *Bloomberg news*, Communications Minister of Ethiopia Bereket Simon contends that “Ethiopia differentiates between freedom of expression and terrorism,” and adds “this is simply a very wrong defense of foreign journalists who have been caught red-handed assisting terrorists” while responding to criticism of the Swedish journalists' conviction in particular (Bloomberg news, 2012, Para. 5). The two journalists later pardoned and released from prison.

The Ethiopian government maintains its stance to defend the anti-terrorism law and “reject them (the accusations) categorically and unreservedly” (MoFA online, 2012, Para. 2). Government officials (2012) said that Ethiopia “has succeeded in making significant progress” in the field of human rights in the last two decades, which has created “propitious conditions for the existence of a vibrant civil society and for the exercise of freedom of expression and opinion” by all its citizens, including opposition political groups, journalists and critics (Para. 6).

2.8 Theoretical Underpinning

Before proceeding further to other chapters, let's discuss the normative theories of the press, the right to criticise and entertain dissent voices. States draw upon theories of journalism, implicitly or explicitly, when shaping media policies that carry real incentives or penalties for deviant behavior, according to theoretician Rodney Benson (n.d., p. 2).

Scholars have identified these theories as non-democratic theories such as authoritarian and Soviet Communist theory (better defined as Totalitarian theory now) and democratic theories, including libertarian, and social responsibility.

Authoritarian theory of the press holds that journalism should always be subordinate to the interests of the state in maintaining social order or achieving political goals (Siebert, Peterson, & Schramm 1956). At a minimum, they said the press is expected to avoid any criticisms of government officials and to do nothing to challenge the established order. The press may remain free to publish without prior censorship, but the state retains the right to punish journalists or close media outlets that overstep explicit or implicit limits on reporting and commentary (R. Benson, n.d., p. 2).

The other non-democratic theory, Soviet Communist theory, pro-actively promotes and extends a totalizing state control over society (Siebert et al, 1956). The Soviet normative theory of journalism posits that media should not be privately owned, should serve the interests of the working classes, and most importantly, should provide a complete, objective view of the world following Marxist-Leninist principles, as defined by the communist-party controlled state (Rodney, n.d., p. 6).

In general, the two non-democratic models (Authoritarian and Totalitarian) both involve the press being a direct instrument of state rule, where only state-approved content is disseminated. The key difference between them is that the Authoritarian model concentrates on censorship, on the suppression of politically-unpalatable information, while the Totalitarian

model also involves mobilization, the active use of the media to transform society in directions the state wants.

Where authoritarianism stresses the importance of maintaining social order, libertarianism aims to maximize individual human freedom. In the oft-used metaphor, the press should offer a marketplace of ideas, pursuing profits in a natural process believed to support democracy. The theory sees the government as the primary if not only threat to press freedom.

Rodney Benson (n.d., p.4) says that presumably the press, left to its own devices, will represent diverse voices and hold government accountable, but the only requirement for the press is to pursue its own economic interests. Observers and activists who perceive that a pure market orientation does not necessarily support democracy have argued that the press must instead assume social responsibility – an argument that provides an intellectual basis of another democratic theory called Social Responsibility theory of the press.

According to this theory, it is the duty of the press to provide ‘a truthful, comprehensive, and intelligent account of the day’s events in a context which gives them meaning’. The press should serve as ‘a forum for the exchange of comment and criticism’, give a ‘representative picture of the constituent groups in society’ helping the ‘presentation and clarification of the goals and values of the society’ and ‘provide full access to the day’s intelligence’ (W. Hocking, 1947). This theory of the press upholds journalistic ideal of objectivity which stresses factual (especially investigative) reporting over commentary, the balancing of opposing viewpoints, and maintaining a neutral observer role for the journalist (Schudson, 2001).

The two democratic models, Libertarian and Social Responsibility theories, are informed by a liberal belief that truth would emerge from the clash of competing opinions, and by a belief in the ‘self-righting’ capacities of public debate to ensure that in rational and reasoned discourse, error would be vanquished.

These views, according to Aadland and Fackler (1999), stated clearly in Ethiopia's and, they say, the statute "grants basic civil liberties to its citizens, including freedom of speech and freedom of the press".

Article 29 of the constitution of Ethiopia state that:

[1] Everyone has the right to hold opinions without interference.

[2] Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice.

[3] Freedom of the press and other mass media and freedom of artistic creativity is guaranteed. Freedom of the press shall specifically include the following elements: (a) Prohibition of any form of censorship. (b) Access to information of public interest.

[4] In the interest of the free flow of information, ideas and opinions which are essential to the functioning of a democratic order, the press shall, as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions.

[5] Any media financed by or under the control of the State shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion.

[6] These rights can be limited only through laws which are guided by the principle that freedom of expression and information cannot be limited on account of the content or effect of the point of view expressed. Legal limitations can be laid down in order to protect the well-being of the youth, and the honour and reputation of individuals. Any propaganda for war as well as the public expression of opinion intended to injure human dignity shall be prohibited by law.

[7] Any citizen who violates any legal limitations on the exercise of these rights may be held liable under the law.

(FDRE Constitution, Art. 29)

Based on these principles stated in the constitution, according to officials of the Ethiopian government, “the right to hold dissident views on government policies and issues or to criticize the performance of government without restriction is fully respected” (MoFA, 2012, Para.7). They (2012) say,

This can be seen repeatedly in the regular publications and output of the private press and the independent media. All Ethiopians, irrespective of their ideological leanings, creeds, ethnic background or gender, enjoy these rights fully. Nor can these rights be denied at the will of the government or of any government institutions. In this context it must also be underlined that ...the Anti-Terrorism legislation is fully consistent with the Constitution of Ethiopia and of Ethiopia’s international obligations (para.8).

CHAPTER THREE

Methodology

3.1 Introduction

This chapter provides details of what approaches and data-gathering techniques are used in the study to answer the research question, and justifications for why certain methods and instruments are used. The researcher has tried to map out as much as possible a research approach that is comprehensive and detailed enough to permit replication and legitimacy of the study by other researchers.

3.2 Research Approach

The research attempts to look into the impacts of the 2009's Ethiopia's Anti-terrorism Proclamation on the day-to-day work of the private press of playing its watch dog role using the press freedom that the constitution of the country guaranteed to journalists. Hence, the research has taken an exploratory approach.

According to Sekaran (2002:123), an exploratory study is undertaken when not much is known about the situation at hand, or when no information is available on how similar problems or research issues have been solved in the past – which can be said to the case of terrorism relation in Ethiopian context. The aim is, therefore, to gain familiarity with the issues, and to gain a deeper understanding about the topic. In order to investigate the matter, the research project formulates a question that incorporates this aspect.

The resulting research question that has guided this study is therefore:

“How does the implementation of the Anti-terrorism law affect the work of the private press to freely contribute to debate on matters of public interest? And in particular, what are the impacts?”

This general question is broken down further into a number of more sub-questions, namely,

- What has changed in the private press and their use of the freedom of the press since the anti-terrorism law come into effect?
- How well do journalists understand the law and its implication for their job of playing probing role and writing on matters of public interest?
- How these implications impact their job?
- Which matters do journalists think has found particularly sensitive while reporting since the implementation of the law?
- What journalistic tasks are under pressure due to the law and how do journalists manage to cope up with the demand of this law?

The researcher believes both quantitative and qualitative research approaches are pertinent in order to better address the above question and, therefore chose to apply a mixed-method research approach. According to Johnson and Onwuegbuzie (2004, p. 18), a mixed-method research is formally defined as a class of research where the researcher mixes or combines quantitative and qualitative research techniques, methods, approaches, concepts or language into a single study.

The intention of the researcher for applying mixed methods research was not to replace either of these approaches but rather to draw from the strengths and minimize the weaknesses of both in single research studies and across studies, and gain more shared benefit, as a result.

As noted by Greene et al. (1989), there are five major purposes or rationales for conducting mixed methods research: (a) triangulation (i.e., seeking convergence and corroboration of results from different methods and designs studying the same phenomenon); (b) complementarity (i.e., seeking elaboration, enhancement, illustration, and clarification of the results from one method with results from the other method); (c) initiation (i.e., discovering paradoxes and contradictions that lead to a re-framing of the research question); (d) development (i.e., using the findings from one method to help inform the other method); and (e) expansion (i.e., seeking to expand the breadth and range of research by using different methods for different inquiry components).

3.3 Research design

Research design is defined by Mouton (1997, p. 107) as a set of guidelines and instructions to be followed in addressing the research problem. In the case of this project, a qualitative method, through in-depth interview, was used to collect data from editors-in-chief and editors of the private newspapers, while a quantitative method, through questionnaire survey, was used to collect data that complements the qualitative findings from journalists.

3.3.1 Unstructured in-depth Interview

In various literatures, the term unstructured interview is used interchangeably with informal conversational interview, in-depth interview, non-standardized interview, and ethnographic interview. Punch (1998) described technique of data collection as a way to understand the complex behavior of people without imposing any a priori categorization, which might limit the field of inquiry.

In this research case, the strategy was mainly chosen because it allowed the researcher to ask probing questions while discussing the impact of anti-terrorism on the freedom of the press with informants. The researcher, in addition, preferred to use it to expose unanticipated themes and to help him develop a better understanding of the interviewees' social reality from the interviewees' perspectives.

3.3.2 Questionnaire survey design

Cohen (1989) defines a questionnaire as a self-report instrument used for gathering information about variables of interest to an investigation. The method gave the project advantages of reaching large number of journalists working in the private press, while respondents having the benefit of completing the questionnaire at their own convenience. While writing the questionnaire the researcher used both open and close ended questions was used in order to give equal opportunity for journalists as editors were given while conducting the in-depth interview.

The questionnaire was made up of three parts. The first part was designed to gather information about journalists' background, the second part was designed to assess the journalist's experience and knowledge of the law, and the third part was asking for classified data such as the legislations impact on their daily work.

3.4 Sampling techniques

Sampling is a key step in any study because it helps establish the quality of inferences a researcher makes from the findings of a study (Collins et al., 2006) and therefore, careful and thoughtful sampling is another key component in mixed research that cannot be overlooked in this research project.

In order to simplify the findings that could be gained through mixed-research method, simple random sampling technique was used to select informants among the target group of private print press of the country. Onwuegbuzie and Collins (2007) said if the objective of the study is to generalize the quantitative and/or qualitative findings to the population from which the sample is drawn (i.e., make inferences), then the researcher should attempt to select a sample for that component that is random.

3.4.1 Sampling for the in-depth interview

At the initial stage of data collection process, the researcher's plan was to conduct in-depth interview with twelve [12] randomly selected editors and editor-in-chiefs working for newspapers that have high weekly average circulation and covers 'political and social issues'. According to Ethiopian Broadcasting Authority report (2012), there are 42 media houses working in print media. Among these, 18 of them are newspapers while the remaining 24 are magazines.

The number of interviewees, however, was intentionally limited to ten [9] for a main reason that the research believed that the data has reached a saturation point after reaching that number of interviewees. Experts like Morse (1995, p.147), comments succinctly sum up this kind of situation. She observed that "saturation is the key to excellent qualitative work," but at

the same time noted that “there are no published guidelines or tests of adequacy for estimating the sample size required to reach saturation”. Moreover, as many textbooks on qualitative research remind us, collecting more data becomes unnecessary when ‘saturation’ is reached in terms of the identification of new themes (Brannen J., 1991)

Accordingly, the researcher conducted interviews with editors of the Ethiopian private newspapers, including weekly newspapers and magazines such as *Capital*, *The Sub-Saharan Informer*, *Fortune*, *The Reporter [English]* and one magazine. In addition, interviews were conducted with editors of biweekly and daily newspapers such as *The Reporter [Amharic]* and online media called *New Business Ethiopia*. Two editors whom interviewed for this research wanted the name of the media they work with to be kept anonymous. All interviews were conducted in Amharic—which all the informants spoke and were comfortable with.

3.4.2 Sampling technique for the questionnaire

Regarding the questionnaire survey technique, out of thirty-five [35] reporters who were selected through a simple random sampling technique, thirty [30] responded to the questionnaire. These journalists are from twelve [12] different private media houses. This research project, however, used questionnaires from twenty-six [26] respondents for analysis purpose with the remaining four [4] respondents failed to fill up the important part of the research.

Considering the number of private newspapers and journalists that the country has, the number of journalists responded to this research’s survey could be good enough. According to Ethiopian Broadcasting Agency, there are 18 and 24 newspapers and magazines respectively in Ethiopia (EBA, 2012). These newspapers engage five journalists on average (personal Mini-research, 2002).

3.5 Procedure and Analysis

After data collection, the qualitative and quantitative data were analyzed separately. In other words, the researcher analyzed the data that were collected using interview and questionnaire in a sequential manner.

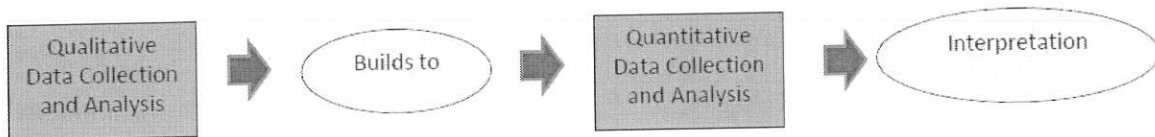


Fig 1

The data from the in-depth interview was transcribed to capture the main ideas into the words of the participants. While doing this, the researcher identified themes (and label them as codes or categories) as they emerge when examining the data. The researcher also used the same data to develop questionnaire in order to have a complete picture, of the impact of the anti-terrorism law on the private press by incorporating journalist's knowledge and experience, in the results.

Accordingly, the data gathered by questionnaire was statistically analyzed and put in percentage form with the help of Statistical Package for Social Science (SPSS) software and an expert on the software; whereas the interview data were initially analyzed by the researcher using the phenomenographic method (Marton, 1981) to identify the range of conceptions within the data set, to ensure that a robust analysis of the interview data was conducted.

3.6 Ethical Consideration

The researcher has a moral obligation to strictly consider the rights of the informants who are expected to provide knowledge (Strubert & Carpenter, 1999, p. 44). The obligation includes getting permission to conduct the study and keep confidentiality and anonymity while analyzing

the study. This is because the interview participants may be harmed with what they express to the researcher as the subject matter of this research is sensitive.

Confidentiality and anonymity was also guaranteed by ensuring the data obtained were used in such a way that no one in other than the researcher knew the source (Behi & Nolan, 1995, p. 713) and therefore, before directly going into the interview, each interviewee was informed about the nature of the research and was required to give their consents either to use their names or to anonymize them. The right to withdraw and privacy was also the other ethical consideration that the researcher strongly considered while conducting the research.

CHAPTER FOUR

Data presentation and analysis

Introduction

This chapter discusses the presentation and interpretation of findings of the study by analyzing the data gained through in-depth interview and questionnaire survey. Grounding itself into libertarian press theory, the chapter analyzes how the Anti-Terrorism Proclamation No. 652/2009 is shaping the private press and influence the role it should play in a society.

The analysis is presented in such a way that takes the themes relevant to the research questions in to account. This was done by presenting the response of both the interview and questionnaire data responses under one theme but discussed separately.

4.1 Data analysis

According to Keane (1991), the tension between press freedom and the tendencies by governments to restrict the scope of that freedom is perhaps the archetypal conflict between citizens and the state in liberal democracies. The legal regulation of this tension endures and fluctuates in Australia, as it does in the UK and elsewhere, but there is a clear legal recognition that the media has a legitimate and valuable role in the body politic, enhancing openness and democratic political processes (McNamara quoted as saying Meagher, 2004). Since 2001, various countries have introduced anti-terrorism law albeit the impact of these laws differs from country to country. The tension that this law created in Ethiopia could be said a much tense one.

4.1.2 A Snow Ball effect of the law

The interview data suggests that various measures and legislations that the government come up with, such as the subject of this research the Anti-Terrorism Proclamation, is having a toll on the private press and in its endeavour to exercises its freedom of the press. This, they say, more

or less related to what happened in 2005 election as we have seen in the historical period of the private press. One respondent says “since the 2005 election and its negative aftermath, the state is using anything at its disposal to check the growth of the press and its freedom”. Apart from other restrictive laws directly related to the media such as the press law, he continues, “the government is using various seemingly unrelated legislations such as the vaguely defined provisions in the anti-terrorism proclamation to crush newspaper that entertains dissent and critical views”.

Even in this overcast perception of theirs regarding the current status of the freedom of the press, respondent’s reflection regarding the degree of the anti-terrorism law’s effect on the press varies with some saying to the extent where “independent press ceased to exist” while others claim there still exists a space for the private press to play its role. One of the respondents contends that the law is a deliberate act from government “to limit the effect of the media from swaying the public opinion like it did in 2005” and “it succeeded so far”. He argues,

They [private press] are now playing a limited role in informing the public. The difference between government media and the private newspapers is now becoming little.

That little can be explained, according to the same respondent, in that some private newspapers get a benefit to publish some information before the government media houses do. He said,

For example, in the case of the late Prime Minister’s health condition, the news of the prime minister being sick was first published in the private newspaper. Even then, we self-censored to publish as to where the prime was hospitalized, for how long, was he dead or alive and other areas back then because that could have a serious consequence on our job, even though we had some credible information about it.

His fear seems right. Ethiopian authorities blocked the publication of a prominent independent newspaper in connection with its stories on the health of Prime Minister Meles Zenawi, back then.

The state-run printing company Barhanena Selam told the weekly *Feteh* that the government had ordered that week's edition of the paper, about 30,000 copies, to be blocked on grounds of inciting national insecurity and endangering the government and the public, local journalists (CPJ, 2012). The same broad definitions of the anti-terrorism legislation mean that much of legitimate subject matter could fall into this category, according to amnesty international (Amnesty, 2012).

Right now, another respondent claims, there "is a high tendency for the government to invoke the anti-terrorism law towards those who are critical newspapers". As a result, he contends there is a high prevalence of self-censorship of many kinds among private newspapers due to "fear not to be accused under this law, even in an area that has no relation what-so-ever to terrorism acts".

In this aspect, a Frank LaRue et al. (2009) says the role of the media as a key vehicle for realizing freedom of expression and for informing the public should be respected in anti-terrorism law. However, "if fear comes into play in the profession of journalism out of pressure from government," another respondent says "it's very much unlikely that a journalist can do their job properly". He argues,

I believe media that have courage to criticize government's wrongdoings or entertain dissent views failed to exist in this country. Even those journalists that are working right now are there only to make a living out of it. Those few but good in terms of professionalism, newspapers that has emerged around 2007 onwards, withered away due to the anti-terrorism law in one way or another (Nation, 2012).

There are, however, respondents who prefer to look at the bigger picture and give reason for the private press' 'underachievement'.

Apart from the new threat that comes of this law, he emphasizes on lack of trained journalists, failure to attract investment along with adversary relationship between government and the private press as a reason for the current status of the private press. The respondent states,

If you check, for instance, where graduates of journalism department of Addis Ababa University, you can find a few individuals who work in the media, after all the resources and time spent on them to have knowledge about journalism. They are moving on to other professions such as communications. The sector, in addition, is not gaining enough resources as an investment. Even investors who have passionate about journalism do not want to invest on it as they are not allowed to practice the craft due to the press law. These coupled with the new threat that comes out of the anti-terrorism law has made the private press not to function as 'a fourth estate' properly.

The respondent states that "critical mass now believe that there are more reasons for somebody to feel discourage, than become optimist. All these factors have a snowball effect and it's now turning into avalanche".

Journalist's view

Likewise, journalists that respond to the survey question whether the law is restricting their job, over 65 percent of them say yes while 23 percent of them chose not to comment. The remaining 11.5 percent still do not know its impact yet as stated in the Table next page.

Table 1 Journalist’s reflection as to how the law is restrictive

<i>Do you feel the anti-terrorism law is restricting the press freedom in the country?</i>		
	Frequency	Percent
Yes	16	65.4
I don't know	4	11.5
No comment	6	23.1
Total	26	100.0

As can be seen in a table above, those who said it’s restricting their work reason out saying, again, the broadness and vagueness of the terms creating a sense of confusion as to which area to report or which areas not to report. In addition, they say even if they feel they know what to report, the character of the terms make them question as to how far the government could entertain critical and dissenting views as they think, could entail some kind of punishments.

Table 2 Reasons how the law restricts the private press

<i>If your answer is yes, can you please state your reason?</i>		
	Frequency	Percent
It encourages censorship and discourages critical writings/views	6	37.5
It has vague provisions regarding what to report or what not.	8	50.0
Discourages to report on sensitive issues that criticize the government	2	12.5
Total	16	100.0

Despite a varied perception on the overall impact of the anti-terrorism law on the private press, both the interview and questionnaire data suggest that the law has become a big blow to the private press job. They say, its effect one way or another “has narrowed the space of freedom that the press used to have”.

As a result, the editors oppose how this law is being practiced and question government's motive. "Clarity or not, In my point of view, it's unnecessary for an Ethiopian journalist to abide by such laws while there are similar provisions in the press law to do the same job" he says. According to him,

Those countries that we copied the law from are not using this law to punish their media houses. Their journalists also interview leaders of internationally known terrorist groups occasionally and present it to their people. The reason for that, I believe, is that their government respects the rule of the game, which is 'let public be informed and decide for themselves'

Likewise, the editor refutes the argument of government officials such as late prime minister who claims the law was adopted from 'countries with vast democratic experience,' and hasn't affected the press. "What this law is used against in our country and what those countries used is very much different, when it comes to the interpretation and implementation of the law," he adds.

4.1.2 Broad definition of terrorism

A number of respondents to the interview found that definition of terms in the anti-terrorism law to be unclear. Among these provisions is the vaguely defined concept 'terrorism'. In an analysis of the Ethiopian Anti-terrorism Proclamation, ARTICLE 19 (2010) found that the legislation undermines international protections on freedom of expression. Of particular concern was 'the broad definition of terrorism, which would appear to apply to many legitimate acts of expression' (p. 7).

Similarly, editors say, this has created a lot of gray area to be exploited by the government "whenever it feels offended by the private press particularly from those that entertain critical or dissent views".

According to the Anti-terrorism Proclamation (2009), whosoever— intending to advance a political, religious or ideological cause by coercing the government, intimidating the public or

section of the public, or destabilizing or destroying the fundamental political, constitutional or, economic or social institutions of the country: (1) causes a person's death or serious bodily injury; (2) creates serious risk to the safety or health of the public or section of the public; (3) commits kidnapping or hostage taking; (4) causes serious damage to property; causes damage to natural resource, environment, historical or cultural heritages; (6) endangers, seizes or puts under control, causes serious interference or disruption of any public service; or (7) threatens to commit any of the acts stipulated under sub-articles (1) to (6) of this Article; is punishable with rigorous imprisonment from 15 years to life or with death. (p. 4829-4830).

Another respondent says "the EPRDF-led government is exploiting its vaguely defined terms in the anti-terror law to crush peaceful dissent and legitimate acts of expressions," According to this respondent,

Whenever you see the evidences brought against some of the defendants such as Eskinder, Wubshet, Riot and others, you will be shocked. They are accused on charges of supporting terrorism, though you will see for yourself that they are accused for doing their job. A journalist "could question 'whether that Arab Spring could come to Ethiopia or not' and then write about it professionally. To be accused for that under terrorism law and called a terrorist is really dreadful.

Another respondent also claims "the law is not specific and/or narrow enough so that we know the limitation very clearly and abide by it. Until then, the concern will exist as the definition of terrorism there opens up for various interpretations". He underlines that he has no problem for the country having the law. Rather, he maintains, the additional power that the government gets "resulted from such provisions and their interpretation as to who is a terrorist that comes into play in my mind whenever I write stories".

It goes as far as, to quote what directly one government official said, 'the government can prosecute anyone who even drinks coffee or sit together with those who were charged accused of terrorisms charges' because that can be seen as cooperating with them and their acts.

Explaining through example, another respondent says “a journalist was accused of gathering information on Ginbot 7, a terrorist group, in one of the cases I attended.

For me, I don't see this as fault. The problem is in the interpretation. If a guy wants to write about somebody, he has to gather information about that somebody. That, however, does not make him a terrorist or a member of a terrorist organization. He has to know what he is writing about or talking about. This is a vague concept and there is no distinct line as to where you are at fault and to what extent can you be held liable. As a result, journalists pursue their job cautiously out of fear.

Human Rights Watch (2012) claims the law would permit long-term imprisonment and even the death penalty for “crimes” that bear no resemblance, under any credible definition, to the terms. It would in certain cases deprive defendants of the right to be presumed innocent, and of protections against use of evidence obtained through torture (P. 3).

As a result, both the interview and the survey questions, shows that the law has created fear among both the media houses and the journalists not to play their role of ‘fourth state’. In other words, their dominant role in the social interaction, political and economic discussions and the formation of "public opinion" without undue hindrance from the government is compromised due to the anti-terrorism law.

The broadly defined of terms like terrorism and its acts along with lack of explanation to terms such as ‘encouraging’ terrorism has become handy to suppress dissent or critical views towards the government, although these views are pertinent for a democracy to thrive.

According to experts the health of any democratic state can be measured by the degree to which its citizens feel free to voice their dissent against the government without fear of punishment or reprisal. (Guyana *et al*, 2005, Para. 2). They say guarantees of free speech, free press and free assembly mean absolutely nothing if the people live in fear of retaliation should they choose to speak their minds regarding their politicians (Para. 3).

Respondents, however, say the prosecution of journalists as a result of their writing has contributed for a prevalence of fear not to entertain such views among media houses, despite government statement “the right to hold dissident views on government policies and issues or to criticize the performance of government without restriction is fully respected” (MoFA, 2012, Para.7).

Experts like Mendez (2002) suggest that: “If we're going to compromise our liberties over it without turning our country into a police state, we want the definition to be as narrow as possible and still do the job”. (p. 25).

4.1.3 Criminalizing “Encouraging” Speech

Apart from broad definition of ‘terrorism,’ the 2009 Anti-Terrorism Proclamation has included another vaguely defined provision on “encouraging” terrorism. According to both interview and questionnaire data, it has become a major source of threat for their job as is used to “criminalize the legitimate exercise of freedom of expression”. International freedom activists also say it’s having “a real chilling effect on debate on matters of public interest” (Article 19, 2012, p. 3). Article 6 of the law, entitled “Encouragement of Terrorism” sets out broad prohibitions on speech directly or indirectly “encouraging” or “inducing” terrorist acts, without defining encouragement. The provision (2009) states:

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 stipulated under Article 3 of this Proclamation is punishable with rigorous imprisonment from 10 to 20 years. (p. 4831).

In addition to relying on the overly broad definition of "terrorist acts," ARTICLE 19 (2010) this provision is problematic because the provision criminalizes speech ambiguously "encouraging," "advancing," or "in support" of terrorist acts even if there is no direct incitement to violence. In

practical terms, both journalists and editors say this article is giving them a hard time finding the where the fine line.

One of the editors says “this article, for instance, says 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 But what does ‘some’ mean in this context? In a country that has over 80 million people, what does this term really imply?”. “Still you will not get the benefit of what this mean as a journalist,” he adds. He said this created a subjective standard based on what “some...members of the public” could perceive which can be applied (or misapplied) to nearly any statement made in the media as being supporting of terrorism. Another respondent also claims the article is unclear and affecting his job of informing the public even on unrelated issues. He speaks,

A year or so later, I heard that an Ethiopian citizen was accused in London by another very powerful Ethiopian on ‘personal cases’. I tried my own way of investigation about the court case and succeeded in getting a story that included an exclusive quote from the accused person. Unfortunately, I was forced not to publish it because I found out that this person was also accused of terrorism related charges here in Ethiopia. If I write something or a mere reason that I interviewed this person could be seen as trespassing the anti-terrorism law. This could be considered as promoting a person that the government calls a terrorist, though the topic we spoke about is not related terrorism at all. In other words, whenever you have a story of this kind you fail to recognize the public right to know. Rather, journalists give much emphasis how this can be interpreted by the executive body or police.

Basically, another respondent says “in order think that one danger incident has happened, we have to make sure that danger has happened due to an article produced by a journalist. We need to have concrete evidence for that”. For instance, he continues, “If an article calls for the youth to ‘stand up for their right,’ I think it’s a healthy thing to do in a democracy”. He,

however, added “if the article says I have put for you a weapon there, go and fight. It’s a subversive advocacy because you are telling them strategy for chaos or disorder which is not tolerant in any system”.

“Right now, the evidence presented against some journalists is a news article that says for instance ‘stand up for your right’ message for youth,” he claims.

Journalists view

Similarly, journalists surveyed for this research also chose article six of the provisions stated in the anti-terrorism law as a main concern for their job.

The table below shows while answering to the question “which part/parts of the proclamation are affecting your role to play the role of probing and writing on matters of public interest?,” over 50 percent of the journalist respond article six as a concern while the other 15 percent say article six and many more. The remaining journalists, except one, chose ‘don’t know’ as their answer.

Table 3 Parts of the law that affects the private press

<i>Which part/parts of the proclamation are affecting your role to play the role of probing and writing on matters of public interest?</i>		
	Frequency	Percent
Article 6	7	53.8
Article 6, many others	2	15.4
Don’t know	3	23.1
None	1	7.7
Total	13	100.0

Respondents say having this kind of law with vague provisions could not be a problem in a country that has a developed democratic system. He says

It, however, can be a concern when it appears in those countries that are still lagging behind or those striving to have a matured democratic system like Ethiopia. When the country creates strong political and democratic system with officials that are there to protect the benefit of citizens, you have little problem whenever this kind of laws pop out. This is because that person could give you a benefit of the doubt and try to investigate your real intention as a journalist. Even if that doesn't happen, again you have a trust on the police investigation, on what the procurer is doing, and you have a trust that the judiciary could save you.

4.1.4 Cultivation and protection of Sources

The interview data suggests that there is good reason to think that the range of provisions in the anti-terrorism law proclamation is having a meaningful effect on the ability of journalists to cultivate good sources and protect them as well. Again, the broadness and vagueness of some provision relevant here. It affects journalists' access to information because it is easy for police or security agencies to suggest that the laws are such that information cannot be released, or should not be published.

Among these range of provisions, article 12 of the proclamation, entitled "failure to disclose terrorist acts" requires all persons, including the media, to provide information or evidence relating a terrorist act. The full provision of the proclamation (2009) reads:

Whosoever, having information or evidence that may assist to prevent terrorist act before its commission, or having information or evidence capable to arrest or prosecute or punish a suspect who has committed or prepared to commit an act of terrorism, fails to immediately inform or give information or evidence to the police without reasonable cause, or gives false information, is punishable with rigorous imprisonment from 3 to 10 years. (p. 4831).

In addition, article 14, gives broad powers to the National Intelligence and Security Service to conduct electronic surveillance of telecommunications. Furthermore, articles 17 and 18 gives police broad powers to conduct covert searches without any explicit protections for confidential information held by the media, while another provision, Article 22, provides broad powers to force disclosure of information.

The law (2009, p. 4836) indicates “the police may request from any government institution, official, bank or a private organization or an individual to be given information or evidence which he reasonably believes could assist to prevent or investigate terrorism cases. Any one so requested shall have the duty to give the information or evidence”.

One informant says the provisions [above] tend to overlook the nature of media work and there appears to be little recognition of protection of journalists’ sources under current anti-terrorism law. When explaining how the law affecting the job of journalism wrongly, he claims “despite the law is designed with the intention of protecting national security from terrorism and other threats, they [the articles in it] overlook that the press has certain privilege due to the nature of the job”.

“If you feel that your e-mail, phone and other materials that you use is bugged, which this law allows for security officers, you will always be forced into practicing censorship or watch out your interaction about government wrongdoings” another informant claims, adding the law have given to the police and other bodies of the government “an unlimited power” to makes the job of journalists susceptible to various risks whenever they journalists investigate the misconduct.

Reporting on socio-political issues

Human Rights Watch expressed concern, prior to the establishment of the Anti-terrorism law, that groups such as the Oromo Liberation Front (OLF) and the Ogaden National Liberation Front (ONLF) would be labeled terrorist organizations. The concern later was proven when the same groups along with Al-Qaeda, Al-Shabaab and the banned political opposition party, Ginbot 7

Movement for Justice, Freedom and Democracy (Ginbot 7), were in fact labeled terrorist groups (Mohamed Keita, Tom Rhodes, 2011).

Therefore, any person, including journalists, contacting these groups would also be labelled a 'terrorist' and subject to imprisonment. An informant says the law prohibits journalists not to use information that came from these organizations and their allies. "Hence, it's very difficult for a journalist or a media house to differentiate which could be reported or not, even if something worth reporting is happening in the country," he adds. "According to this, you can't interact, write their statements. Even if you have proves that their account is true, you can't write their statement. If you dare that, you could be accused of terrorism and put in prison for propagating their ideology".

The informants claim the complexity and broadness of the laws has become handy for the governemtn to hamper journalists' work and access to information because it is easy for police or security agencies to suggest that the laws are such that information cannot be released, or should not be published, or that requests to deal with information in certain ways should be complied with.

As a result, informants say the private newspapers are now becoming a mouthpiece of the state as a result of the law that imposes restriction on sources. One informant, particularly, describes the situation by example. He claims, "one of the rules of our profession that independent journalists make use of in order to give full picture of something for their reader is to include various point of views on their writings". That way they can produce a balanced story that is complete enough to inform their audiences. He, however, says "due to restrictive nature of the anti-terrorism law, we are now unable to do that. In other words, if a government says one thing about these groups and their officials, we only write it as it is for a mere reason that I can't ask 'what do you have to say about yourself' to the other party. Even quoting third party such as what government proclaimed 'terrorist groups' told to the international media as a source of information is not allowed". As a result, he contends readers are now questioning our professional integrity".

Their account reveals that the situation has made to impasse one of the major ethical considerations that a journalist must follow while writing a news article. According to experts, an ethical journalist is, "an impartial communicator of important news and views to the public and from the impartial perspective of the public; using responsible and accurate methods of newsgathering, for the sake of a self-governing citizenship" (Ward, 2009).

A Chilling effect

The broadness and lack of the clarity of the provisions, says another editor, has panicked journalists what sources to quote or not, even if they are not related to terrorism. "Everybody knows satellite television called E-Sat hasn't been dubbed as terrorist, for instance. But, because of rumors that it has connection with GINBOT 7, many journalist fear to quote it in their stories," an informant says.

Another informant says "access to information is the toughest task of all for Ethiopians journalists working in the private press. This task, however, is now getting even tougher since the time the anti-terrorism law come into effect and journalists become a subject of this law". He said his media house is now finding it challenging to get a comment/quote while doing stories, particularly on areas that need experts view such as politics and social issues.

"A few weeks ago, for instance, the editorial team chose to do a job on 'the meaning of federalism and what it means to our country future' and sent journalists to the Addis Ababa University looking for experts view that we think could substantiate our article. We, however, found out that no one wants to comment on the subject matter either on the record or on anonymous basis. The reason for that was their fear not to be associated with the private presses that are being affected by the anti-terrorism law. They think it's not safe", he claims.

According to the respondent, "the consensus among the public and experts now is that if they speak to the private press, they think that they too will be a subject of the anti-terrorism law. Thus, it has become difficult to get information for a private press like never before".

The challenge of cultivating source doesn't come only from experts side, who are expected to know 'how journalism works' better, but also the same task has become challenging in the interaction of journalists with the public. One of the editors says "it [challenge] starts with talking to the public". He said it has become "very difficult for the public to speak their mind freely to the private media on the record out of a fear, for a reason we don't really understand".

"They usually turn down to comment on matters that doesn't even entail any risk at all such as problems of transport in Addis Ababa on the record," he continues "they are more or less okay with state media to do that on the record even if they are critical of the government. They know in advance that it would be censored – making them confirmable to speak," he said.

The irony, the editor continues, is that "people usually come to us to inform us whenever they see something wrong is going on matters that, they think, the government or its official have not done anything about. But they choose not to do that on the record. And this kind of very opposite views makes working in the industry a bit complicated and challenging".

Despite Ethiopian government's choice to make journalists a subject of this law, it should also be recognized that in other anti-terrorism legislation in the region, journalistic materials receive special protection. Under the Ugandan Anti-Terrorism Act, information collected in the process of journalism is considered "excluded materials" which require special procedures by a magistrate before it can be accessed. While this legislation is not fully compliant with human rights requirements, it shows that protections can be enacted (Article 19, 2010).

4.1.5 High prevalence of censorship

One of the most important fundamental human rights guaranteed under both the Ethiopian constitution and international human rights instruments, which Ethiopia accepted and ratified, is freedom of expression and free press. The most important element for the freedom of the press and the media is freedom from censorship by the Constitution.

The constitution takes a firm stand on the limitation of these rights saying they can only be limited through laws which are guided by the principle that freedom of expression and information cannot be limited on account of the content or effect of the point of view expressed.

The effect of this broad definition and the act of government to use this law to punish critical and dissent views, however, has created a high prevalence of censorship among private media houses in the country. One of the respondents of the interview says "although various laws of the country including the constitution strictly forbids in Ethiopia, censorship has prevailed in every media house out of fear of not to be charged under this law".

He indicates "the act of censorship begins from the journalist himself and then the editor will continue". But this does not end there, he says. "The owner of the media house is now actively involved in censoring the article, making a story lose its sense when it goes on the newspaper," he adds. He continues arguing saying,

This, I think, is a result of seeing many journalists that are critical of this government end up in jail or accused of terrorism for writing that are sympathetic to what the government thinks terrorists idea.

Another respondent says "just look back to what has happened for the past three or so years and, the number of independent journalists being accused. The situation forces us to question who is being targeted and prosecuted under this law. Is it Al Qaida? Is it Al-Shabab?"

"The evidence is that," he continues, "most of these people are those who were working with us like journalists. The impact of this trend, resulted by this law, is fear among many journalists". He says

The message this communicates for me and other journalists who write about politics and democracy is to "be careful". I know that I might face similar fate that journalists like Rayot faced if I don't. This might not happen if I have confidence that the benefit of the law is to serve the people. Right now, the best

way out for any journalist who writes on sensitive areas is, if there is any slight doubt that your writing might be interpreted by the government in a different manner, to drop it and stay safe.

Another respondent claims "even if you are not the editor of the article that you write. The situation forces you to impose an abstract editor on yourself". The interview data suggest that the prevalence of censorship has made many people to question whether a media that plays anything closely related to "fourth state" role.

One respondent claims "how can a journalist speak of equality, human rights and topics of such kind, while its freedom is compromised and engaged in practicing the highest standard of censorship there is?... The media now prefers to cover topics that are not as such important to the public".

The government is also aggravating the prevalence of self-censorship. The state-owned printing presses, Berhanena Selam Printing Enterprise which almost has a monopoly on newspaper and magazine printing in Ethiopia, are demanding the right to censor the newspapers they print. Freedom of expression activists express their concern saying that such attempts could reinforce censorship in the country (Reporter, 2012).

Article 10 of the proposed contract is evocatively entitled "Declining to print content violating the law." It says the printer has the right to refuse to print any text if he has "adequate reason" to think it breaks the law. It goes on to say that the printer reserves the right to terminate or cancel the contract at any time if he has "adequate reason" to think that the publisher "has a propensity to publish content which entails liability" (Reporter, 2012).

"This directive, coming from a state-owned company, is an effort to codify pre-publication censorship under the repressive terms of Ethiopia's anti-terrorism law, which the United Nations has criticised for its excessive scope," CPJ East Africa Consultant Tom Rhodes says in a statement (CPJ, 2012).

An informant expresses his agreement with CPJ statement and fears the current progress in terms of freedom of the press seem gloomy and “could aggravate self-censorship in the private press”. He claims these proclamations and directives are now causing “a chilling effect, where publishers feel obligated to self-censor in case they be the next witch to be hunted”. ‘

Journalist’s view

Censorship is also seen as a way out among journalists when they face or experience pressure by the law – as we can see from the table below.

Table 4 Coping up mechanisms

How do they manage to cope up with the pressure that comes out of this law and deliver stories that contain information requiring consideration of the law?		
	Frequency	Percent
Avoid writing at all	3	13.6
Censor parts of the report	14	63.6
It's the editor's job	2	9.1
I will write and face the consequences	3	13.6
Total	22	100.0

More than 63% of the respondent of the survey question says censoring parts of the report as a way out to pressure that comes as a result of the law while close to 14 percent of them chose to avoid that entertain critical or dissent views. The remaining 13.6 % and 9.1 % claims they will write and face consequences, and leave the job to the editors respectively.

Regarding the subjects which have become particularly sensitive since the anti-terrorism proclamation came into existent in Ethiopia, most of the journalists, 41 percent, chose ‘politics in general’ as their answer while a significant number of journalists, 17 percent, claim reporting on “anything related with the outlawed parties” has become sensitive.

The data reveals that investigating government activities has become very challenging for journalists, 17.2 percent, since it become sensitive for them since the introduction of the anti-terrorism proclamation to Ethiopia.

According to the questionnaire result shown below in the table, issue of good governance [10 percent], humanitarian [6 percent], religious issues [3.4 percent], and business sector [3.4 percent] have also become sensitive areas that Ethiopian private journalists think to have become a subject of the anti-terrorism law.

Table 5 Sensitive Subjects

<i>Which subjects have become particularly sensitive since the anti-terrorism proclamation came into existent in Ethiopia?</i>		
	Frequency	Percent
Humanitarian issues	2	6.9%
Politics in general	12	41.4%
Religious issues	1	3.4%
Good governance	3	10.3%
Politics, especially on anything related with the outlawed parties	5	17.2%
Anything investigative reporting on government activities	4	17.2%
Business sector	1	3.4%
Total	29	100.0%

Both the interview and questionnaire data suggest that the work of the current media resembles those of the newspapers that come out between post 2005 election to 2007. During the 2007, according to Hallelujah (2008, p. 74), there were 63 newspapers which circulated beyond the confinement of one region.

He claims after the huge fall of independent newspapers in October 2005 the plurality and diversity of ideas and voices in the media was limited and the strength and amount of critical

political reports on the government was low. This factor with the previous trend of political reporting set by the closed down newspapers helped for the strengthening of the conviction many accept: there is no independent press in Ethiopia.

And now with the closing down of the newspapers and/or imprisonment of journalists, the interview and questionnaire data say the private press is choosing to work around the areas that give more freedom to write about such as entertainment and sport than political reporting. According Ethiopian Broadcast Authority, there are **42** active newspapers and Magazines. Out of this, 18 of them are newspapers. Six of the newspapers give their coverage to sports only while one newspapers covers psychology and, thus, making only 13 newspapers to give their coverage to areas that are to the immediate interest to the public. Even theses newspapers who are supposed to chip in with ideas to enhance public debate are not working with full potentials with their work stricken by prevalence of self-censorship and fear.

4.1.6 Understanding the Proclamation

One of the most frank comments made was by a journalist who, in response to a question of what they thought that journalists could do better in dealing with the laws was: 'Well, we could do a better job of understanding them.'

"First of ...In terms of legal know how, there is a very limited knowledge among journalists," he claims. "It's very unlikely for a journalist to have a legal protection from the media house they work for either," he adds. "Secondly.... I know that the law is full of vague provisions but so far, it has become very difficult to understand the relationship between the anti-terrorism law and its impact to the private press clearly," the informant adds.

"Some say the government could use the vague provisions to limit critical media houses. But, then, is that sufficient ground to say that? I don't know," says the informant and continues, "that doesn't mean that the government is not using to repress them". Rather, he indicates the existence of few journalists who do not use their freedom properly has contributed to continue

the adversarial relationship that the press has with the government. "That has made the private press susceptible to risks that come out of such repressive laws," he claims.

According to Terje S. Skjerdal (2009), it also remains clear that the government has regarded the press as a challenging establishment. The government has actively – and at the same time somewhat reluctantly – tried to maneuver the press away from controversial issues. The government has not only regarded the press as a threat to public order, it has probably also seen it as a threat to the ruling party's position in national politics (Terje S. Skjerdal, 2009). Speaking about the consequence of the law, the informant says "there is perceived threat," and he continues "ironically as of 2010, there was not press individual who is arrested under this law and now journalists are accused of propagating terrorist's point of view".

"But you have to ask also either this guys were one of private press, were they involved in something illegal? ... I think this kind of question goes with the nature court proceedings and difficulty to understand them," he adds.

This however doesn't go well with some respondents. They say they don't have to read the whole proclamation in order to understand the impact that it has on their job. One editor responds it's not about "whether you know the law or not, if the law is vague there nothing you can do about it. The executive body knows how it can be interpreted it in whichever way and put you away using that".

"In addition, many people, journalists and editors alike, know about the impact of this law from court reports written about jailed journalists and bloggers published on various media. The impact, then, is they usually choose not go the same path their colleague took by not writing on the same topics or practicing self-censorship," he claims. Speaking about the nature of Counter-terrorism Laws, Lawrence McNamara (2009, p. 36) says "they are very, very difficult to understand for anyone not versed in reading legislation. And, as a lawyer put it to me, even for those who are, the laws are still a somewhat complex maze. There are very few lawyers working with the laws on a regular basis and especially not media lawyers".

Journalist's view

The difficulty of understanding the proclamation of such kind is very difficult for journalists. The response for questionnaire survey, stated in the box below, can explain this better.

Table 6 Journalists understanding of the law

Have you read the anti-terrorism law?		
		Frequency
<i>If NO, Why?</i>	Not interested	3
	Not related to my job	2
	Difficult to understand	1
	Editor's job, not mine	0
<i>If yes, is it clear enough to understand the implication it has on your job?</i>	Not clear enough	13
	Moderately clear	6
	Difficult to understand	1
	Need other's help	0
	Total	26

The figure shows that there are journalists who are not interested to read the legislation due to the nature of their job, some who claim to write about entertainment and say other give their 'ignorance' not to read it as a reason.

Even those read it contends it's not clear enough to understand them with some saying goes as far as difficult to understand. Out of 20 journalists who read the proclamation, 13 of them say it's not clear enough. One journalist says "government needs to take the initiative to encourage journalists while informing them about their duties and responsibility, instead of punishing the private media – which is still in an infant stage [of growth]".

Despite a considerable number of journalists say they have not read and who don't understand the proclamation, the survey data shows there are a significant number of journalists who say

the reported terrorism charges against various journalists have an impact on your journalism work.

Table 7 Effects of reported charges of journalists on other private press

<i>Do you think a reported terrorism charges against various journalists have an impact on your journalism work?</i>		
	Frequency	Percent
Yes	15	62.5
Don't know	3	12.5
Occasionally	5	20.8
Not at all	1	4.2
Total	24	100.0

Over 62 percent of the respondent say yes it affects their job while another 20 percent of them say it affects them occasionally. The remaining 12.5 percent and 4.2 percent respondents say they 'don't know' and 'no' as their answer for the question, respectively.

From the total 62 percent who said the charge against journalists have an impact on their job claims the trend forces them "to practice self-censorship," and stop entertaining any dissent views in their articles. Other reasons such as choosing not to discuss terrorism or those who are charged in terrorism in Ethiopia with colleagues and even in personal and social media contacts, and even making to some of them to consider not practicing journalism as to how it affects their job.

4.1.7 Lack of freedom of the press writ large

According to Kenyan Murej Mak'Ochieng (2007), media in any African country should play two significant roles in order to actively facilitate the democratic process. First, the African media should be a political sphere or public forum accessible to all contending political players, groups

and interests whose objective is the deliberation of common public issues or affairs and influencing of public policy.

Second, it should be an active, involved player or participant in such deliberations. This is very much akin to the Fourth Estate role. The African media should facilitate the functioning of representative organizations, but also expose their internal operations to public scrutiny and the play of public opinion. They should therefore expose wrongdoing, correct, or help the correction of injustice, subject to critical scrutiny the exercise of power in all its manifestations (Mak'Ochieng, 2007).

As a member of the continent and emerging democracy has put in place various mechanisms that can help the media including a constitution that prohibits censorships of any kind and guaranteeing freedom of the press, among others.

But when it comes to practical terms, various respondents believe the private press is underachieving regarding playing its role. They attribute the reason to various laws with the effect of the anti-terrorism law becoming one of them.

The respondents depict a gloomy outlook regarding freedom of the press in the country. One of the survey respondents say

I don't think the country has faced clear and present danger of terrorism that requires invoking the anti-terrorism law. Laws that are already existed such as criminal law are more than enough to prosecute anyone who is involved in terrorism acts. Even if the anti-terrorism law is required, the law makers need to cut out or at least narrow down those vague and broad provisions that give the ruling party to suppress the work of the private press in general and dissent views and oppositions in particular, and punish them unjustly.

Both the interview and survey data show how the space for the private press to play its role with in order as experts (Mak'Ochieng, 2007) aspired. The reason for that is the choice of government to use the anti-terrorism proclinations and other directives to punish journalists. This makes journalists to abandon their role of fourth state and the press of entertaining interests of

as many groups as the country constitutes for, and therefore, crippling them not to influence public policy.

Even though the government claims of the private press and the space for it is constructed in the belief of liberal and democratic models, which lays a foundation to this study, the opposite might be true in the near future as long as the government choose to issue restrictive legislations and use them against the private press.

One informant says the current anti-terrorism law with the previous dictatorial régime's 'Anti-Revolutionary Law' in that it can help the government to accuse people under the pretext of punishing people that terrorizing the public, when in reality it used to affect innocence people. "With the current trend, I say might go down to the level where we were during the authoritarian Dergu regime soon," he claims.

In his paper 'the Response to Terrorism as Threat to Liberal Democracy', Peter Chalk (1998) says "any liberal democratic response to terrorism has to rest on one overriding maxim: a commitment to uphold and maintain constitutional principles of law and order, such an undertaking obviously needs to be translated into effective action if it is to secure public support" (p. 386).

CHAPTER FIVE

Conclusion and Recommendation

5.1 Conclusion

The research points to the varied and diverse experiences that arise in the context of anti-terrorism proclamation and its practice. Journalists and editors, likewise, believe that it has impacted them both as a practical and perceived threat to their job.

In determining and evaluating the effects of laws, the combination of direct and indirect effects, the impossibility of knowing all the facts that one needs to know in order to judge the behavior of security authorities, and the high levels of distrust, that emanates from historical events, pose major hurdles for any analysis of or judgment about the effects of the laws.

Having said that, the findings of the study show that the private press has genuine reasons to feel threatened by the law that give more authority to the executive body and the police.

Both the interview and questionnaire survey data show that the government's implementation of the vaguely defined provisions in a strict sense has become the source of both perceived and practical threats for the private press. Apart from failing to acknowledge the role of the private press and how it functions, the executive body makes use of provisions that are broadly defined terms such as terrorism, vaguely defined provisions on "encouraging" terrorism, along with the articles that undermine protection of journalist's sources.

This trend has put media's fundamental right to write investigative and critical reporting, protection of sources and other in danger. In doing so, it bring into question Ethiopia's obligations under international law and even the country's constitution. Thus, as the editors and journalists account show, the private press falls short of playing its role of serving as 'a

forum for the exchange of comment and criticism' due to high prevalence of self-censorship and fear.

Journalists, on the other hand, tend to accuse the government for using the law but fail to try to read and understand the most controversial legislation there is to affect them whether directly or indirectly. This could become a source of extreme but perhaps unwarranted fear, and, thus, force them to practice self-censorship.

5.2 Recommendations

The study has been conducted to investigate the impact of Ethiopia's anti-Terrorism proclamation on freedom of the press taking the private press in to consideration. It particularly tried to answer how the implementation of the Anti-terrorism law affects the work of the private press to freely contribute to debate on matters of public interest, and in particular, on its impacts. On the basis of the findings, the research comes up with the following recommendation.

With reference to the law, there needs to be a reconsideration of narrowing the definition of "terrorism" in the proclamation and the definition should include only acts of serious crime that pose a serious threat to life, safety or property.

Consideration should also be made for journalistic materials to receive special protection, such as including the right of journalists to protect their sources of information. Regarding the terms "encourage" and other vaguely stated provisions, the proclamation should be revisited in order to add clarity about those vague provisions.

Both the private press and government needs to see the bigger picture other than accusing each other of wrongdoings. As the findings of the research show there the sector lacks professionals to do journalism properly. This makes the job very much susceptible to many kind of lapse.

The two parties could minimize these lapses by working together in terms of equipping journalists with proper knowledge about country's laws and regulation that are complex including Anti-terrorism Proclamation.

The executive body needs to give the benefit of the doubt to the intention of the private media first before citing this law to punish them whenever it feels like it. If there are serious wrongdoings, the press law could come to play.

Bibliography

- Amnesty International. (2012, June 27). *Ethiopia: Conviction of government opponents a 'dark day' for freedom of expression*. Retrieved November 2, 2012, from <http://www.amnesty.org/en/for-media/press-releases/ethiopia-conviction-government-opponents-dark-day-freedom-expression-2012-0>
- Annan, K. (2003). *Media Violence and Terrorism*. (J. M. S.T. Kwame Boafo, Ed.) Paris: The United Nations Educational, Scientific and Cultural Organization.
- Anti-Terrorism Proclamation No.652/2009. (2009). *Federal Negarit Gazet*, 4828-31, Addis Ababa, Ethiopia.
- Benson, R. (2008). *Normative Theories of Journalism, International Encyclopedia of Communication*. Oxford: Blackwell.
- Biernatzki, W. E. (2002). Terrorism and Mass Media. *Communication Research Trends*, 21, No.1.
- Brabazon, H. (2006, December). *Protecting Whose Security?: Anti-Terrorism Legislation and the Criminalization of Dissent*. Retrieved September 26, 2012. From [http://portal.unesco.org/ci/fr/files/16488/10897334065media violence and terrorism.pdf/media%20violence%20and%20terrorism.pdf](http://portal.unesco.org/ci/fr/files/16488/10897334065media%20violence%20and%20terrorism.pdf/media%20violence%20and%20terrorism.pdf)
- Butler-Bowdon, T. (ed.) (2010). Selected edition of Smith, Adam. *The Wealth of Nations*, Book IV, Chapter II, originally published 1776: Capstone Publishing Company.
- Chalk, P. (1998). The Response to Terrorism as a Threat to Liberal Democracy. *Australian Journal of Politics and History*, 44 (3), 373-88.
- Cooper, A. (2002, September 11). *9-11: Looking Back, Looking Forward*. Retrieved June 21, 2012, from <http://cpj.org/reports/2002/09/9-11-essay.php>
- Committee to Protect Journalists. (2012, May 9). *In Ethiopia, new printing directive equals pre-censorship*. Retrieved October 24, 2012, from <http://www.cpj.org/2012/05/in-ethiopia-new-printing-directive-equals-pre-cens.php>
- Committee to Protect Journalists. (2012, July 23). *Ethiopian weekly blocked for reporting on eles' health*. Retrieved October 20, 2012, from <http://cpj.org/2012/07/ethiopian-weekly-blocked-for-reporting-on-meles-he.php>

Ethiopian Broadcasting Authority. (2012, October). የጽሑፍ ጽሑፍ 2005 ስ.ገ. የጽሑፍ ጽሑፍ ጽሑፍ ጽሑፍ ጽሑፍ , Addis Ababa, Ethiopia. pp. 1-2.

Ethiopia endorses anti-terrorism law unchanged. (2009, July 9).. Retrieved July 21 , 2012, from <http://www.sudantribune.com/spip.php?article31755>

Fred S Siebert, Theodore Peterson and Wilbur Schramm, (1956). *Four Theories of the Press: The Authoritarian, Libertarian, Social Responsibility and Soviet Concepts of What the Press Should Be and Do*. University of Illinois Press.

Hocking, W. (1947). *Freedom of the press: A framework of Principle* (A Report from the Commission on Freedom of the Press). The University of Chicago Press.

Human Rights, Terrorism and Counter-terrorism. (2009). Geneve: United Nation Peace and Security Section of the Department of Public Information.

Human Rights Watch (2009, June 30). *Analysis of Ethiopia's Draft Anti-terrorism Law*. Retrieved June 21, 2012, from <http://www.hrw.org/news/2009/06/30/analysis-ethiopia-s-draft-anti-terrorism-law>.

J.L (2011, September 21). Press freedom in Ethiopia: A tightening noose. *The Economist*. Retrieved from: <http://www.economist.com/blogs/baobab/2011/09/press-freedom-ethiopia>

Keita, M, Rhodes, T. (2011, June 24). *In Ethiopia, anti-terrorism law chills reporting on security*. Retrieved october 28, 2012, from <http://cpj.org/blog/2011/06/in-ethiopia-anti-terrorism-law-chills-reporting-on.php>

Krüger, F. (2004) *Black, White and Grey: Ethics in South African Journalism*. Cape Town: Double Storey Books.

Lulie, H., (2008). *A political history of the Ethiopian press 1991-2007*. Addis Ababa University (Master's Thesis). Available from the Graduate School of Journalism and Communication thesis database.

Maasho, A. (2012, February 8). *Ethiopia PM says may pardon jailed politicians, journalists*. Retrieved June 21, 2012, from <http://www.reuters.com/article/2012/02/08/ethiopia-opposition-meles-idUSL5E8D876220120208>.

- Mak'Ochieng, M. (2007). The African and Kenyan media as the political public sphere. *Communicatio: South African Journal for Communication*, 22(2), 23-32.
- McNamara, L. (2009). Counter-Terrorism Laws and the Media. *Security Challenges*, 5 (3), 95-115.
- Megenta, A. T. (2011, December 7). *The journalist as terrorist: an Ethiopian story*. Retrieved June 2, 2012, from <http://www.opendemocracy.net/abiye-teklemariam-megenta/journalist-as-terrorist-ethiopian-story>
- Nacos, B. L. (2006), *Terrorism and Media in the Age of Global Communication*, In Hamilton, D.S., (Ed.), *Terrorism and International Relations*. Washington, DC: Center for Transatlantic Relations.
- Phillips, J. (2012, July 3). *144 Nations Passed Anti-Terror Laws Since 9-11*. Retrieved July 27, 2012, from <http://www.theepochtimes.com/n2/world/hrw-report-144-nations-pass-anti-terror-laws-since-9-11-259472.html>.
- Picard, R. G. (1993). *Media Portrayals of Terrorism: Functions and Meaning of News Coverage*. Ames: Iowa State University Press.
- Publishers denounce printers' new draft contract as a passport to censorship. (2012, May 5). Retrieved October 23, 2012, from <http://www.thereporterethiopia.com/News/publishers-denounce-printers-new-draft-contract-as-a-passport-to-censorship.html>
- Punch, K.F. (1998). *Introduction to Social Research: Quantitative and Qualitative Approaches*. London: Sage Publications Ltd.
- Ramesh Jaura, R., Nazir, J. (2011). *Balancing Civil Rights and National Security: Impact of Anti-Terror Laws on Media and Civil Liberties in Europe and Asia*. Nanyang: Asian Media Information and Communication Centre .
- Reporters Without Border. (2012, June 7), *Government Steps Up Control of News and Information*. Retrieved December 4, 2012, from: <http://www.unhcr.org/refworld/docid/50bdd6302.html>
- Soriano, Torres, M. R.. (2008). Terrorism and the Mass Media after Al Qaeda: A Change of Course? *Athena Intelligence Journal*, 3 (1), 1-20.

- Terje S., Lulie, H. (2009). Uneven performance by the Private Press in Ethiopia: An Analysis of 18 years of press freedom. *Journal of Communication and Language Arts* , 3, 44-58.
- United Nations. (2012, February 2) *Ethiopia's anti-terrorism laws must not be misused to curb rights*. Retrieved November 2012, from <http://www.unhcr.org/refworld/docid/4f2f8e842.html>.
- United Nation Human Rights. (2012, February 2). *UN experts disturbed at persistent misuse of terrorism law to curb freedom of expression*. Retrieved October 18, 2012, from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11793&LangID=E>.
- Weimann, G. (1994). *The Theatre of Terror: Mass Media and International Terrorism*. New York: Longmans.
- Whitaker, B. E. (2007). 'Exporting the Patriot Act? Democracy and the "war on terror" in the Third World'. *Third World Quarterly*, 28 (5), 1017-1032.
- White, A. (2002). *Journalism and the War on Terrorism*:. Brussels: International Federation of Journalists.
- Wieviorka, M. (2003). *The Making of Terrorism*. Chicago Press: University of Chicago Press.
- Wilkinson, P. (2003). *Terrorism vurses Democracy*. London: Frank Cass Publisher.
- YILMAZ, M. E. (2008). The New World Order: An Outline of the Post-Cold War Era. *Alternatives: Turkish Journal of International Relations* , 7, 58.
- Zelizer, Barbie, & Allan, S. (2002). Journalism After September 11. *Canadian Journal of Communications* , pp. 248.

List of Appendices

Appendix 1 Questionnaire

QUESTIONNAIRE

ADDIS ABABA UNIVERSITY GRADUATE SCHOOL OF JOURNALISM AND COMMUNICATION

Dear Respondents,

The purpose of this questionnaire is to investigate the impact that the anti-terrorism proclamation has on Ethiopia's private press to work freely and contribute on debates about matters of public interest, and propose suggestions as to how it can be resolved. Your genuine and accurate answers have great contribution to the outcome of the research. Therefore, you are kindly requested to give genuine responses to the questions below. The researcher would like to remind you that the answers you give to these questions are going to be used for research purposes only.

I thank you, in advance.

Part One: Demographic Information

*** Instruction: Answer the following questions by putting an 'X' sign in the space.**

1. Age:

From 15-24 From 25-34 From 35 and above

3. Occupation:

Reporter..... Editor A/Editor Other (please specify)

4. Educational Background

Grade 10 complete..... Grade 12 complete Diploma.....

BA degree Masters and above.....

5. For how many years have you worked in the private press?

6. Which areas do you usually write about?

A. Politics B. Economics C. Social issues

D. Agriculture E. Other (please specify)

7. Who decides stories to run in the newspaper you work for?

- A. Editor-in-chief
- B. Owner of the media
- C. Journalists
- D. We decide collectively

PART TWO: Journalist's experience and knowledge of the anti-terrorism proclamation, formally known as: Anti-Terrorism Proclamation No. 652/2009.

8. Have you read the anti-terrorism law?

- A. Yes
- B. No.....
- C. No need to read

- If no, why?

- A. Not interested
- B. Not related to my job
- C. Difficult to understand
- D. Editor's job, not mine
- E. Other (please specify)

- If yes, is it clear enough to understand the implication it has on your job?

- A. Clear enough
- B. Moderately clear
- C. Difficult to understand
- D. Need other's help

Part 3: the legislation's impact on the journalists' daily work.

9. Do you feel the anti-terrorism law is restricting the press freedom in the country?

- A. Yes
- B. No
- C. I don't know
- D. No comment

If your answer is yes, can you please state your reasons?

.....
.....

10. Have you ever skipped a story from reporting believing that you might be charged under the Anti-terrorism law?

- A. Yes, I have.....
- B. No, I haven't
- C. I don't remember.....

If your answer is yes for question number 11, please, state your reasons?

.....
.....

11. Do you believe that the government is using the law mainly to?

- A. Repress dissent/critical views B. Secure citizen's safety
C. Don't know D. No comment

13. Which subjects have become particularly sensitive since the anti-terrorism bill proclamation came into existent in Ethiopia?

.....
.....

14. Which parts of the proclamation are affecting your role to play the role of probing and writing on matters of public interest? Why?

.....
.....

15. How do they manage to cope up with the pressure that comes out of this law and deliver stories that contain information requiring consideration of the law?

- A. Avoid writing at all B. Censor parts of the report
C. It's the editor's job D. I will write and face the consequences
E. I don't care

16. Do you think a reported terrorism charges against various journalists have an impact on your journalism work?

- A. Yes B. No C. Occasionally D. not at all

Can you please state [below] in what way has it affected you?

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.....

17. Do you get legal advice and support concerning the anti-terrorism law form the media house you are working with?

- A. Yes B. No C. There is no need for that D. They don't have the means

18. Anything you want to add?

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Appendix 2: Questionnaire respondents' background

Respondents' background			
Respondent's age	15-24	5	19.2
	greater than equal to 35	18	69.2
Occupation		3	11.5
	Reporter	26	100.0
	A/Editor	15	57.7
		8	30.8
Educational background		2	7.7
		1	3.8
	Total	26	100.0
Year of experience		3	11.5
	BA degree	19	73.1
	Total	26	100.0
Who decides stories to run in the newspaper you work for?		12	46.2
	Between four and six year	7	26.9
		7	26.9
	Total	26	100.0
Which areas do you usually write about?		8	30.8
	Owner of the media	1	3.8
	Total	17	65.4
Which areas do you usually write about?		26	100.0
		9	20.9%
	Economics	9	20.9%
	Agriculture	10	23.3%
	Total	43	100.0%