

Journalists facing supreme court vendetta

By Abebe Gellaw*

The people at the helm of the Federal Supreme Court know the difference between justice and vengeance. They know that justice is blind, a concept that underlines the neutrality of the judiciary. But blinded by political and ethnic interests, the supreme court judges have preferred to dispense injustice with vehement vendetta against the perceived political enemies of the regime.



Mendere Tsehay knows that justice is totally blind and deaf

It is not even the supreme court's President ,Kamal Bedri, but the Vice President who is said to be the most powerful man in TPLF's 'judicial' system. When the alleged TPLF loyalist was a law lecturer at the Addis Ababa University, Menbere Tsehay Tadesse used to teach would-be judges, prosecutors and attorneys that they must apply the law fairly and without bias. That was until he joined the tyrannical regime in early 1990s at a time of summary dismissal of experienced judges only to be replaced by miseducated cadres from the Civil Service College and fresh graduates who passed the ethnic and loyalty tests without any real qualifications and experience. When the dictator decided to give him the authority to wield the machete of injustice on his behalf, it was obvious that Menbere Tsehay, who had no courtroom and litigation experience whatsoever just like most judges, must use it mercilessly against any perceived enemies of Zenawi's TPLF, which has been confirmed as the worst enemy of justice in Ethiopia.

Menbere's former students say that he was more versed in family law, law of succession and legal theories than the practical application of the law, which he believed was defective. Unfortunately, Menbere had to throw even all the theories and principles he used to study and teach out of the window and shredded his textbooks into pieces, when he was appointed Vice President of the highest court of appeal in the country to make and unmake judicial decisions in the court of Meles.

Had there been a semblance of justice and rule of law in Ethiopia, the journalists who are being dragged to the "Supreme Court" once again over frivolous cases that are already been closed after they were "pardoned" with the rest of the high profile political prisoners under Ing. Hailu Shawel's file, should not have faced another round of vengeance. Sisay Agena

(publisher and editor of Ethiop), Zekarias Tesfaye (Publisher and Managing Editor of Netsanet) and Eskinde Nega and his wife Serkalem Fasil (columnist and publisher of Asqual, Minelik and Satenaw) have already gone through hell for telling the truth that offends the ruling elite. Unfortunately, the highest court of appeal is one of Zenawi's Kangaroo courts that translate his thinly-veiled threats into punishments against his enemies.

The case only highlights the predicament of so many courageous independent journalists who have dared to write and publish critical stories and commentaries on tyranny, corruption and rampant human rights violations in Ethiopia. The predicament of daring journalists started after the fall of Mengistu Hailemariam in May 1991. Before then, the rule was clear. There was nothing called freedom of expression.

The Northern rebel forces led by Meles Zenawi promised "unfettered freedom" when they grabbed state power. They boldly declared that their version of freedom had no limits to the extent of allowing ethnic groups to secede from the rest of Ethiopia. Despite all the rhetoric, soon after the dust settled, people could not believe their eyes to witness the rise of a brutal ethnic-based despotic regime, which has made the greater majority of Ethiopians prisoners of a ruling elite with a colonial mindset. As a result of this disturbing development, it appeared that all the sacrifices and destructions made in the name of liberation were reduced into the dictatorship of three Tigrian elites in Eritrea, Tigray and the rest of Ethiopia.

Using every small outlet and loophole, people started expressing their disgust. The TPLF was shocked to find out that ordinary citizens were united against its divide and rule system and discriminatory gangster capitalism. State-owned media outlets that started broadcasting and publishing some dissenting views at the beginning were silenced within a few weeks as they were overwhelmed by disgust and complaints against the TPLF. Derg-style censorship was put in place and freedom of expression became a nine-day wonder. Freedom of association was curtailed too soon and the red-eyed rebels that came all the way from the North swimming in bloodbath to 'liberate' Ethiopia started shooting and slaughtering peaceful protesters. The only outlet of resistance and means of venting out anger was the private press, which was practically limited to the metropolis.

Eskinder Nega, who was living in the United States fleeing from Mengistu's repressions, was one of the true believers of press freedom. Soon after he returned home to take advantage of the declared era of freedom, he started the prophetic but short-lived newspaper *Ethiopsis*. The weekly newspaper was the first to warn Ethiopians of the rise of fascism in Tigray. But those who dare to challenge tyranny are always destined to pay huge sacrifices. The late journalist Tefera Asmare, who was the editor of *Ethiopsis*, and Eskinder Nega, as the publisher, became victims of the bogus and illusive "freedom of the press" that was declared in 1992. Both Tefera and Eskinder were found guilty of publishing their views based on the emerging reality. The pioneer independent paper was closed down as both of them were condemned to languish in jails. After the demise of *Ethiopsis*, so many good

newspapers had mushroomed but all have disappeared as the Kangaroo courts were effectively used to assault and silence every independent journalist and publisher with hefty fines and jail terms.

Unlike so many journalists that have chosen to flee their country, surrender and shut up, Eskinder never gave up. He started dozens of newspapers since 1992 including Menelik, Wonchif, Satenaw, Asqual and Habesha, which was an English weekly. He was jailed seven times, beaten, harassed, spat at, held in solitary confinement in rat infested cells... you name it, but none of the trial and tribulation he faced for telling the truth has broken his spirits. Sisay Agena was no exception. He was jailed at least six times.

In the aftermath of the 2005 election turmoil, Zekarias Tesfaye, Sisay, Eskender and his wife Serkalem Fasil were among a group of 18 journalists accused of committing genocide, treason and outrage against the constitution. Eskinder's wife Serkalem Fasil also faced Zenawi's cruel injustice. Her case had provoked international outrage when she was forced to give birth to their first child in jail prematurely.

In one of the most ridiculed show trials of the century, Meles Zenawi's Kangaroo courts entered legal history by charging journalists en masse of committing genocide and crimes against humanity proving the fact that the tyrannical regime has found the pen mightier than its swords. Fortunately, Zenawi's prosecutors led by lawyers like Shimelis Kemal, who have sold out their conscience in the service of tyranny, could not even convince themselves that the journalists were responsible for any genocide, a term rarely invoked in courts anywhere in the world. And yet, the journalists, along with prominent political and civic leaders, were convicted of outrageous charges in contravention of TPLF's own constitution without the need to prove their guilt.

Neither the constitution nor the press law had a provision that can justify the absurdity of charging writers and publishers with genocide, high treason and outrage against a nonexistent constitution that has long been buried without a state funeral. As the whole process was a hollow sham, Meles had no choice but to succumb to intense local and international pressures and the convicted "criminals" including the journalists have been released under a political deal packaged as an offer of pardon.

"Political stability and the rule of law" says Meles Zenawi, "Cannot be made available and fostered without the critical role of the state." The tyrant, who has emerged as the uncontested embodiment of the state in post-Mengistu Ethiopia, has made sure that courts are his blunt instruments to harass, torture, jail or even guillotine anyone that dares to challenge his absolutist rule. But the dictator, who is really in charge of the Kangaroo court system, declares at every opportunity that he never interferes in court matters.

This time round the supreme Kangaroo court is expected to impose hefty financial fines against Serkalem, Sisay, Zekarias and Fasil publishing houses. What makes the case even

absurd is the fact that the journalists were pardoned and lower courts twice took the view that the fines were unjust. Not only that Sisay, Serkalem and Eskinder have been made jobless since November 2005. They have been unjustly banned from practising journalism and publishing newspapers. Has there been justice, Menbere and his men at the Supreme Court would have held those who have been violating the basic rights of these citizens accountable. That may be a far cry in a county where even the courts have been turned into the tyrant's sledgehammers to silence any forms of dissent.

To be fair, what justice will the Supreme Court serve by bankrupting and impoverishing these defenceless citizens? Isn't it a cruel travesty of justice to use courts to dispense the dictator's vendetta?

It may be necessary to remind the [dis]honourable justices wielding the machetes of injustice at the supreme court that the four are heroes, not villains, whose only crime is refusing to give up their fight for freedom and dignity. If there is any semblance of justice, let the supreme court award them financial compensations for all the crimes committed against them. Let it bestow on them the highest medals of courage without wasting time, resources and energy for taking up tyranny with pens that have proven to be mightier than the dictator's swords. For now, it is quite obvious that there is nothing supreme about the supreme court. But there will come a day that it will truly be a court of law and serve no one but justice in stead of dispensing vendetta against decent and heroic men and woman.

After 18 years of systematic and upfront vendetta through courts, the independent press in totally crushed. In any case, as Elie Wiesel, the author of *Night*—a Holocaust classic, wrote: "There may be times when we are unable to prevent injustice, but there must never be a time we fail to protest." Our protest against injustice, inequality oppression, discrimination and exploitation in Ethiopia must be loud and clear until tyranny is vanquished and freedom triumphs.

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