Tackling Online Propaganda
in Internal Armed Conflict Situations in Ethiopia:
An Uphill Task?

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I. Introduction

Online propaganda is rife during internal armed conflicts in Ethiopia.[1] Warring parties and their supporters often engage in online propaganda to sway public opinion and set their own narrative in the country.[2] Although the concept of propaganda has a long history, it gained significant momentum and evolved with new tactics during the two World Wars of the 20th century.[3] During the Cold War, both domestic and international propaganda expanded exponentially.[4] The Internet's organizing function, the ease of spreading ideas, the ability to form global networks, accessible usage and low costs to facilitate propaganda activities.[5] Thus,

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[1] Claire Wilmot & Ellen Tveteraas, *Dueling Information Campaigns: The War Over the Narrative in Tigray*, MEDIA MANIPULATION CASEBOOK (2021), https://mediamanipulation.org/case-studies/dueling-information-campaigns-war-over-narrative-tigray (last visited Jun 11, 2024).

[2] *See* Kebene Wodajo, *The User State: An Alternative Reading of the State Role and Duty in the Age of Platformized Harm*, 31 INT'L J. L. & INFO. TECH. 1, 15 (2023).

[3] *See* RICHARD STANTON LAMBERT, PROPAGANDA 134–35 (1938).

[4] Alexander V. Laskin, *Defining Propaganda: A Psychoanalytic Perspective*, 4 COMMC'N & PUB. 305 (2019).

[5] Sanjay Goel, *Cyberwarfare: Connecting the Dots in Cyber Intelligence*, 54 COMMC'N ACM 132 (2011).

the digital environment creates a fertile ground for both State and non-State actors to engage in propaganda.[6]

Nevertheless, understanding online propaganda is challenging due to the ambiguity in its definition.[7] This ambiguity is often linked with the term's casual usage in various disciplines, the fluidity of the concept and the lack of an agreed-upon definition,[8] leading one to simply contemplate it as an "I know it when I see it" phenomenon.[9] While some scholars failed to distinguish the use of this term and conflate it with public relations, public diplomacy or advertising in the digital space, others view online propaganda as propagating deceptive information, which is inherently negative and detrimental, advocating its avoidance[10] According to Taylor, propaganda can be defined as "the deliberate attempt to persuade people to think and behave in a desired way."[11] This means that propaganda involves persuasive efforts, where the message is not necessarily false or misleading like disinformation.[12]

Ethiopia has witnessed unprecedented internal armed conflicts in its contemporary history.[13] Due to the lack of robust content regulation by social media platforms, the digital sphere in Ethiopia is increasingly filled with hateful content and propaganda against vulnerable communities in conflict situations and political dissidents.[14] The government, along with its supporters, on the one hand, and the rebels and their supporters, on the other hand, utilize various propaganda

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[6] GARTH S. JOWETT & VICTORIA O'DONNELL, PROPAGANDA & PERSUASION 143 (2018).

[7] Irina Lock & Ramona Ludolph, *Organizational Propaganda on the Internet: A Systematic Review*, 9 PUB. REL. INQUIRY 103 (2020).

[8] L. JOHN MARTIN, INTERNATIONAL PROPAGANDA: ITS LEGAL AND DIPLOMATIC CONTROL 10–20 (1958 ed.).

[9] Laskin, *supra* note 4, at 306.

[10] JOWETT & O'DONNELL, *supra* note 6, at 6.

[11] PHILIP M. TAYLOR, MUNITIONS OF THE MIND: A HISTORY OF PROPAGANDA 6 (3rd ed. 2003).

[12] Disinformation can be "[i]nformation that is false and deliberately created to harm a person, social group, organization or country." *See generally* CLAIRE WARDLE & HOSSEIN DERAKHSHAN, INFORMATION DISORDER: TOWARD AN INTERDISCIPLINARY FRAMEWORK FOR RESEARCH AND POLICYMAKING 20 (2017).

[13] Francesca Baldwin & Heike I. Schmidt, *Ethiopia's Troubled History Provides Clues to Why an All-out Civil War Is Possible*, THE CONVERSATION (2020), http://theconversation.com/ethiopias-troubled-history-provides-clues-to-why-an-all-out-civil-war-is-possible-149648 (last visited Jun 11, 2024).

[14] Yohannes Eneyew Ayalew, *Uprooting Hate Speech: The Challenging Task of Content Moderation in Ethiopia*, CENTER FOR INTERNATIONAL MEDIA ASSISTANCE (Apr. 27, 2021), https://www.cima.ned.org/blog/uprooting-hate-speech-the-challenging-task-of-content-moderation-in-ethiopia/ (last visited Nov 14, 2023).

techniques to influence public opinion and shape narratives to their advantage.[15] This essay seeks to explore the ways in which online propaganda is employed by the government, drawing upon case studies from the Tigray conflict (2021-2022)[16] and the armed conflict in the Amhara State.[17] The aim is to show how the Ethiopian government has employed or continues to employ various forms of online propaganda in its war efforts against internal adversaries, as it has recently become involved in consecutive civil wars, one after another.

The remainder of the essay is organized into the following sections. Section II provides a brief overview of the armed conflicts in Ethiopia. Section III explores the promises and limits of International human rights law (IHRL) in tackling online propaganda in the context of Internal armed conflicts. How online propaganda could be suppressed through domestic legislation is the subject of section IV. In doing so, this essay explores how the current laws and policies at domestic and international levels might address propaganda in the context of external conflict to some extent, but do not help mitigate internal conflicts. Section V seeks to examine the role of social media platforms in mitigating online propaganda in conflict situations. Finally, section VI aims to suggest some solutions on how propaganda can be tackled in the digital space in internal armed conflict situations in Ethiopia and beyond.

II. Internal Armed Conflicts in Ethiopia

The war in northern Ethiopia, commonly known as the Tigray War, is the deadliest civil war in the world.[18] The war was fought between the Ethiopian

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[15] Rehobot Ayalew & Solomon Yimer, *Does Social Media Intensify the Conflict in Northern Ethiopia?*, ADDIS ZEYBE (2021), https://addiszeybe.com/featured/politics/currentaffairs/analysis/does-social-media-intensify-the-conflict-in-northern-ethiopia (last visited Jun 11, 2024).

[16] Mulugeta G. Berhe, *Tigray War: Two Years on, the AU Has Failed to Broker Peace and Silence the Guns*, THE CONVERSATION (2022), http://theconversation.com/tigray-war-two-years-on-the-au-has-failed-to-broker-peace-and-silence-the-guns-192420 (last visited Jun 11, 2024).

[17] Yohannes Gedamu, *Ethiopia's Amhara Crisis: Abiy's Political Failures Threaten a Return to War*, THE CONVERSATION (2023), http://theconversation.com/ethiopias-amhara-crisis-abiys-political-failures-threaten-a-return-to-war-211754 (last visited Jun 11, 2024). *See also* Adem Kassie Abebe & Zelalem Moges, *Ethiopia's Amhara Conflict Could Spark Civil War*, FOREIGN POLICY, Jun. 2024, https://foreignpolicy.com/2024/03/06/ethiopia-amhara-conflict-civil-war/ (last visited Jun 11, 2024).

[18] See José Naranjo, *Ethiopia's Forgotten War Is the Deadliest of the 21st Century, with around 600,000 Civilian Deaths*, EL PAÍS ENGLISH (2023), https://english.elpais.com/international/2023-01-27/ethiopias-forgotten-war-is-the-

Federal government and the Tigray People's Liberation Front (TPLF). In terms of its nature, although the classification of the conflict under international humanitarian law is not straightforward due to the involvement of foreign actors such as Eritrea supporting the government forces, the armed conflict in the Tigray region could still be classified as a non-international armed conflict (internal conflict) instead of an international armed conflict (external conflict).[19]

While the pretext for the outbreak of the war is the assault of the Northern command by TPLF forces, the fundamental bone of contention is related to structural problems.[20] Disagreement over nation building, the squandered political transition started in 2018, the postponement of the 2020 election and abortion of the transitional justice are the major factors at play that prelude the armed conflict.[21] The aftermath of the war was jarring since it has claimed over 600,000 lives in the country, according to a conservative estimate.[22]

In my co-authored chapter, we discuss how propagandists and sympathizers of both government and rebel groups spread various forms of propaganda and disinformation through visual selfies and images during the war in the northern Ethiopia.[23] The propagandists' aim is to create an atmosphere of fear, panic, and terror among the civilian population in various towns of northern Ethiopia.[24] For example, an anonymous individual, initially a pro-government activist and later associated with a paramilitary group supporting allied forces (Federal, Amhara, and

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deadliest-of-the-21st-century-with-around-600000-civilian-deaths.html (last visited Jun 12, 2024).

[19] According to a joint probe report of the UN Office of the High Commissioner for Human Rights and Ethiopian Human Rights Commission, the war in Tigray satisfies the requirements of non-international armed conflict (internal armed conflict). *See* REPORT OF THE ETHIOPIAN HUMAN RIGHTS COMMISSION (EHRC)/OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR) JOINT INVESTIGATION INTO ALLEGED VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS, HUMANITARIAN AND REFUGEE LAW COMMITTED BY ALL PARTIES TO THE CONFLICT IN THE TIGRAY REGION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA, (2021), *at* ¶ 37.

[20] Terje Østebø, *The Tigray Conflict: Peace or Continued Fighting?* AUSTRALIAN INSTITUTE OF INTERNATIONAL AFFAIRS, https://www.internationalaffairs.org.au/australianoutlook/the-tigray-conflict-peace-or-continued-fighting/ (last visited Jun 12, 2024).

[21] Abdisa Olkeba Jima, *Ethiopian Political Crisis after Reform: Causes of Tigray Conflict*, 9 COGENT SOCIAL SCIENCES 1, 7 (2023).

[22] David Pilling & Andres Schipani, *War in Tigray May Have Killed 600,000 People, Peace Mediator Says*, FINANCIAL TIMES (2023), https://www.ft.com/content/2f385e95-0899-403a-9e3b-ed8c24adf4e7 (last visited Jun 12, 2024).

[23] Yohannes Eneyew Ayalew & Atnafu Brhane Ayalew, *On Selfies and Hashtags: Disinformation during Armed Conflict in Ethiopia*, *in* DIGITAL DISINFORMATION IN AFRICA: HASHTAG POLITICS, POWER AND PROPAGANDA 79 (Tony Roberts & George H. Karekwaivanane eds.).

[24] *Id.* at 85.

Afar Forces), used his Facebook account with more than 30,000 followers to live stream a selfie video disseminating government propaganda.[25] In it, he claimed Allied Forces were advancing against TPLF in Borru Meda, near Dessie in the Amhara region, contradicting reports of TPLF victories over Allied Forces.[26]

What is more shocking is that many top government officials were involved not only in propagating dangerous propaganda but also creating and spreading hateful content that may amount to incitement to genocidal violence during the war.[27] A case in point concerns Mr. Daniel Kibert, the Ethiopian Prime Minister's Social Affairs Adviser, who openly remarked, "Satan was the last of his kind, and they [Tigrayans] must also remain the last of their kind"—a dangerous speech subtly targeting ethnic Tigrayans.[28] One might even challenge the appropriateness of using such dehumanizing words even to those taking up arms. Of course, this is a textbook example of incitement to genocide, where top government officials like Mr. Kibert were involved in creating hateful content, vile messaging and introducing dangerous code words and labeling.[29] These were easily misunderstood or intentionally used in distant towns and places far from the war fronts, targeting innocent civilians solely based on their ethnic affiliation. During the conflict, the government propaganda machinery widely disseminated such remarks.[30] Most of these points were spoken generally, with one or two attributed directly to him. Unfortunately, his government position should have been used to promote social cohesion and understanding, but they acted contrary to their public responsibility.

Like the war in Tigray, online propaganda is being employed by the warring parties in Amhara conflict.[31] The war in Amhara, which erupted on 4 August 2023, is being fought between the Federal government and the Amhara Fano—a grassroots movement traditionally existed to stand for the interests of the Amhara

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[25] Ayalew and Ayalew, *supra* note 23.

[26] *Id.*

[27] Susan Benesch, *Appalling Dangerous Speech from Ethiopian Prime Minister's Aide*, DANGEROUS SPEECH PROJECT (2021), https://dangerousspeech.org/appalling-dangerous-speech-from-ethiopian-prime-ministers-aide/ (last visited Jun 12, 2024).

[28] RUBANA Media, *Daniel Kibret calls for genocide against ethnic Tigrayans in Ethiopia*, YOUTUBE (Sept. 18, 2021), https://www.youtube.com/watch?v=nQlUYj1iybs (last visited Jun 12, 2024).

[29] Benesch, *supra* note 27.

[30] *Id.*

[31] Although research into the classification of the conflict is needed, the war in Amhara could also satisfies the requirements of internal armed conflict (non-international armed conflict (NIAC)) as it fulfils the intensity and organization thresholds of NIAC as formulated in *Tadić* case. *See* Prosecutor v. Tadić, Case No. IT-94-1-l, Opinion and Judgment, ¶ 562 (Int'l Crim. Trib. for the Former Yugoslavia May 17, 1997).

community when attacked.[32] Like the Tigray war, it has structural roots, as the Amhara people have long endured systemic violence, political marginalization and ethnic cleansing throughout the state territory from successive governments since 1991.[33] The immediate trigger was the government's decision on April 6, 2023, to disarm the Amhara Special Forces and Fano forces, leaving the Amhara community in a vulnerable state.[34]

While in-depth research into the propaganda deployed by both the government and rebels is needed, government officials have been routinely using social media to disseminate propaganda in the ongoing conflict in Amhara. Among them Mr. Kibert, who gained fame in his past religious preaching but now converted into an avant-garde of hateful speeches and incitements, has brought into use an old derogatory vocabulary for his propaganda campaign against the war in Amhara.[35] Adding insult to injury, he took to Facebook to introduce to the public a derogatory term, "Jawssa" or "ጃውሳ" in Amharic.[36] This term is aimed at vilifying Fano fighters and, implicitly, the whole Amharas who stood for their rights. On the surface, the term "Jawssa," now routinely used by government machinery, labels them as illicit bandits, but it connotes a more sinister, genocidal propaganda against the Amhara people, wherever they lived. The use of this term not only created a bandwagon effect, causing government officials at federal and local levels replicate it to vilify Fano fighters (and by association Amharas) but it has also helped the government justify its atrocious drone attacks against innocent Amharas, incommunicado detention, torture, enforced disappearance, ethnic profiling and mass arrest of journalists, and the arbitrary detention of Members of Parliament (MPs) and

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[32] Al Jazeera, *Multiple Injuries as Ethiopian Military, Militia Clash in Amhara: Sources*, AL JAZEERA (2023), https://www.aljazeera.com/news/2023/8/2/ethiopian-military-clashes-with-militia-in-amhara-injuries-reported (last visited Jun 12, 2024).

[33] See Hone Mandefro, *How Years of Tension in Amhara Boiled to the Surface*, AFR. ARGUMENTS (Aug. 4, 2023), https://africanarguments.org/2023/08/how-years-of-tension-in-amhara-boiled-to-the-surface/ (last visited Jun 12, 2024); Yirga Gelaw Woldeyes, *Ethiopia's Amhara People Are Being Portrayed as the Enemy: The Dangerous History of Ethnic Politics*, THE CONVERSATION (2023), http://theconversation.com/ethiopias-amhara-people-are-being-portrayed-as-the-enemy-the-dangerous-history-of-ethnic-politics-212626 (last visited Feb 29, 2024).

[34] Kalkidan Yibeltal, *Ethiopia's Amhara Region Hit by Protests over Move to Dissolve Regional Forces*, BBC NEWS, Apr. 10, 2023, https://www.bbc.com/news/world-africa-65194146 (last visited Jun 12, 2024).

[35] Daniel Kibret - ዛሬ በአማራ ክልል የተፈጠረው ቀውስ የሃስት አካላት ድምር ውጤት ነው፡፡ | Facebook, https://www.facebook.com/100000173752686/posts/pfbid02dFiJuM8gWMZRiqrq2haMxCd6vVWfiruDTgfEBuEp2vz78Rd8Akrtt4Rd9P9q9WBTl/?mibextid=K8Wfd2 (last visited Jun 12, 2024).

[36] *Id.*

political and civil leaders representing Amharas.[37] Hence, Mr. Kibert's current actions seem to extend this pattern of behavior towards the Amharas, using his influential position to popularize the term "Jawssa."[38] For Lippmann, propaganda is a broad term that may include "lies, half-truths, ambiguities, evasions, calculated silence, red herrings, unresponsiveness, slogans, catchwords, showmanship, bathos, hokum, and buncombe."[39] Seen in this light, therefore, deploying slogans and catchwords like "Jawssa," or "Satan" or "Junta," aside from their subtle meanings that may amount to hate speech and incitement to genocide, could undoubtedly tantamount to propaganda.

More generally, government's digital repression[40] via blanket Internet and telecommunications blackout means authorities and officials in the country could have unchecked power over the information ecosystem.[41] This allows them to spread propaganda repeatedly through both mainstream media and social media. For example, a recent investigative probe by BBC News Amharic confirms that "media troops" associated with the Prosperity Party, the ruling party in Ethiopia, are involved in mis/disinformation and propaganda campaigns on social media in Ethiopia, targeting political dissidents and seeking to control the information ecosystem online.[42] What is more surprising in this probe is the magnitude of such

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[37] UN Human Rights Office of the High Commissioner, *Ethiopia: Violence in Amhara Region - Comment by UN Human Rights Office Spokesperson Seif Magango on Drone Strikes, Other Violence in Ethiopia's Amhara Region*, OHCHR, https://www.ohchr.org/en/statements/2023/11/ethiopia-violence-amhara-region (last visited Jun 12, 2024). See also Reporters Without Borders (RSF), *Ethiopia Clamps down on Reporting in Amhara Region*, (2023), https://rsf.org/en/ethiopia-clamps-down-reporting-amhara-region (last visited Jun 12, 2024).

[38] Efforts by civil societies and individual users to have contents such as 'Jawssa' removed from Meta have been unsuccessful, as it reportedly does not breach their community standards. See Section V, *infra*.

[39] WALTER LIPPMANN, A PREFACE TO MORALS 281 (1982).

[40] STEVEN FELDSTEIN, THE RISE OF DIGITAL REPRESSION: HOW TECHNOLOGY IS RESHAPING POWER, POLITICS, AND RESISTANCE 177–211 (2021).

[41] See AccessNow, *Two Years of Internet Shutdowns: People in Tigray, Ethiopia, Deserve Better*, ACCESS NOW (Nov. 4, 2022), https://www.accessnow.org/press-release/two-years-internet-shutdowns-tigray/ (last visited Oct 13, 2023); AccessNow, *Authorities in Ethiopia Must Restore Internet Access in Amhara*, ACCESS NOW (Sep. 12, 2023), https://www.accessnow.org/press-release/amhara-internet-shutdown/ (last visited Oct 16, 2023).

[42] Amanuel Yilkal, የብልፅግና ፓርቲ 'የሚዲያ ሠራዊት' አባላት በሐሰተኛ መረጃ ሥርጭት እና አሳሳች የፌስቡክ ዘመቻዎች ላይ መሳተፋቸውን የቢቢሲ ምርመራ አረጋገጠ, [A BBC Investigation Found Members of Prosperity's Remaining 'Media Point' Were Involved in Disinformation and Misleading Animal Campaigns], BBC NEWS አማርኛ (2024) (2024), https://www.bbc.com/amharic/articles/cp6gnd20675o (last visited Jun 12, 2024). *See also AAA, BBC Amharic - A BBC Investigation Confirms Members Of A "Media Army" Organized By*

campaigns and the ways in which the media troops use multiple platforms.[43] Interestingly, the government has established a salaried position in federal and regional offices titled "social media amplifier," whose role is to like, share, and comment on government propaganda, according to the BBC Amharic probe.[44] It is worth mentioning that, while this probe is significant in exposing the government's latest scandal, it is just the tip of the iceberg, as the Ethiopian government has historically been involved in grand propaganda targeting political opponents and moral leaders in the country.[45]

III. Does IHRL Have Teeth to Control Online Propaganda?

Indeed, the body of IHRL expressly prohibits any propaganda for war.[46] The International Covenant on Civil and Political Rights (ICCPR), to which Ethiopia is a party, sets out that "Any propaganda for war shall be prohibited by law."[47] Interestingly, Article 20(1) of the ICCPR does not define what amounts to propaganda for war. A guidance from its drafting history confirms that the prohibition of propaganda for war is only understood as a response to the incitement to war spurred by the propaganda machinery of the Third Reich in Nazi Germany.[48]

> [T]he object and purpose of Article 20(1) is thus not to prohibit academic studies of questions of defence or security policy but rather to forbid

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The Prosperity Party Are Involved In Dissemination Of False Information In Facebook Campaigns, AMHARA ASSOC'N OF AM. (2024), https://www.amharaamerica.org/post/bbc-investigation-prosperity-party-media-army-disseminates-false- information (last visited Jun 12, 2024) (for an English translation).

[43] AAA, *supra* note 42.

[44] *Id.*

[45] According to a 2020 study by researchers from the University of Oxford, the Ethiopian government established a cyber troop with teams that have a consistent form and strategy, including full-time staff members employed year-round to control the information space. See SAMANTHA BRADSHAW, HANNAH BAILEY & PHILIP N. HOWARD, INDUSTRIALIZED DISINFORMATION: 2020 GLOBAL INVENTORY OF ORGANIZED SOCIAL MEDIA MANIPULATION 18 (2021), https://demtech.oii.ox.ac.uk/research/posts/industrialized-disinformation/ (last visited Jun 12, 2024).

[46] David Kaye, *Online Propaganda, Censorship and Human Rights in Russia's War Against Reality*, 116 AM. J. INT'L L. 140 (2022).

[47] International Covenant on Civil and Political Rights, art. 20(1), Dec. 16, 1966, 999 U.N.T.S. 171.

[48] MANFRED NOWAK, U.N. COVENANT ON CIVIL AND POLITICAL RIGHTS: CCPR COMMENTARY 472 (2nd rev. ed. 2005).

propagandistic incitement roughly comparable to that practiced in the Third Reich'.[49]

Crucially, the UN Human Rights Committee sought to narrow the breadth of Article 20 (1), defining the prohibition as applying to "all forms of propaganda threatening or resulting in an act of aggression or breach of the peace contrary to the Charter of the United Nations."[50] Such elaboration clarifies that Article 20(1) does not address broader state propaganda or propaganda disseminated in context of internal armed conflict such those in Amhara State in Ethiopia unless the UN Security Council determines the situations as potentially breaching the peace under Article 39 of the UN Charter.[51] In addition to abstaining from engaging in "official" State propaganda, States are under an obligation to prohibit any propaganda for war by private persons or semi-State media against another sovereign State.[52]

Additionally, the 2017 Joint Declaration on Freedom of Expression and "Fake News," Disinformation and Propaganda states "State actors should not make, sponsor, encourage or further disseminate statements which they know or reasonably should know to be false (disinformation) or which demonstrate a reckless disregard for verifiable information (propaganda)."[53]

Be that as it may, the existing framework seems inadequate for controlling the roots of online propaganda, especially in the context of internal armed conflicts such as civil wars when it comes to addressing propaganda through legal regulation. This leads us to the next possible mechanism: national criminal legislation.

IV. National Criminal Legislation: A Feeble Framework?

As the ICCPR mandates States to criminalize propaganda for war, at least for external conflict, the Ethiopian government has already made steps to comply. The 2004 Criminal Code has a few provisions to tackle propaganda in armed conflict.[54]

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[49] *Id.*

[50] High Comm'r for Hum. Rts., General Comment No. 11, Article 20: Prohibition of Propaganda for War and Inciting National, Racial or Religious Hatred, ¶ 2 (July 29, 1983).

[51] *Id.*

[52] NOWAK, *supra* note 48, at 474.

[53] JOINT DECLARATION ON FREEDOM OF EXPRESSION AND "FAKE NEWS," DISINFORMATION, AND PROPAGANDA, princ. 2(c) (2017).

[54] Criminal Code, Proclamation No. 414/2004 (2004) (Eth.).

The first provision of the Criminal Code that punishes propaganda addresses collaboration with the enemy by entering any propaganda.[55]

>Article 251. Collaboration with the Enemy.
>
>Whoever enjoying Ethiopian nationality or being officially entrusted with the protection of Ethiopian national interests, in time of war or of total or partial occupation of the territory of Ethiopia, helps the enemy with advice or by deed, with the intention of promoting the objective of the enemy, in particular: …
>
>(c) by entering any *propaganda*, publishing or press service designed to promote the interests of an enemy or occupying power; or is punishable with rigorous imprisonment not exceeding twenty years, or in cases of exceptional gravity, with rigorous imprisonment for life or death. (emphasis added)

The other provision under the Criminal Code that proscribes propaganda for war is engaging in hostile acts against a foreign State.[56]

>Article 261. Hostile Acts Against a Foreign State.
>
>Whoever, within the territory of Ethiopia and at the risk of endangering peaceful relations with foreign countries:
>
>(a) attempts to disturb, by subversive activities, by slander, by *malicious propaganda* or by violence, the internal political order or security of a foreign State; or is punishable with simple imprisonment for at least three months, or, in cases of exceptional gravity, with rigorous imprisonment not exceeding ten years. (emphasis added)

However, none of these provisions governs online propaganda in the context of internal armed conflicts; rather, they are meant to criminalize propaganda for war in the context of international armed conflicts (external conflicts).

Nor does the Hate Speech and Disinformation Prevention and Suppression Proclamation No. 1185/2020, which specifically prohibits hate speech and disinformation disseminated both offline and online, address this issue.[57] It would have been proper to criminalize online propaganda for war or ordinary forms of propaganda through this Proclamation.

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[55] *Id.* art. 251 (c).

[56] *Id.* art. 261.

[57] Hate Speech and Disinformation Prevention and Suppression, Proclamation No.1185/2020 (2020) (Eth.)

Therefore, addressing online propaganda through domestic criminal legislation in Ethiopia seems ineffective due to the lack of specific provisions that outlaw propaganda for war in cases of internal conflicts.

V. The Role of Social Media Platforms in Monitoring Online Propaganda

Online propaganda is spreading like wildfire across social media platforms in the height of an armed conflict in Ethiopia.[58] However, addressing online propaganda requires a nuanced approach. On the one hand, social media platforms are not proactively moderating new forms of propaganda and hateful contents, such as "Junta" or "Jawssa." On the other hand, an overly artificial intelligence (AI) based content moderation that lacks linguistic nuance and contextual understanding could inadvertently suppress freedom of speech, infringing upon the rights and interests of communities in Ethiopia.[59] For example, social media platforms have deployed multilingual and large language models (LLMs) to increase their linguistic capabilities in moderating negative content such as hate speech, disinformation and propaganda.[60] However, such intervention appears to be ineffective in low-resources languages such as Ethiopian languages.[61]

Even if social media platforms may not have a direct responsibility for third-party content on their websites, they should not bury their heads in the sand when it comes to respecting and protecting human rights. In particular, they need to conduct due diligence to meaningfully identify, prevent, mitigate, and account for both actual and potential impacts on human rights throughout their company's operations.[62] Importantly, African states can require social media platforms to provide for, or cooperate in, the remediation of adverse human rights impacts

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[58] Wilmot & Tveteraas, *supra* note 1.

[59] Ayalew, *supra* note 14.

[60] Gabriel Nicholas & Aliya Bhatia, *Lost in Translation: Large Language Models in Non-English Content Analysis*, CENTER FOR DEMOCRACY AND TECHNOLOGY (May 23, 2023), https://cdt.org/insights/lost-in-translation-large-language-models-in-non-english-content-analysis/ (last visited June 12, 2024).

[61] Andrew Deck, *AI Moderation Is No Match for Hate Speech in Ethiopian Languages*, REST OF WORLD (Jun. 27, 2023), https://restofworld.org/2023/ai-content-moderation-hate-speech/ (last visited Dec 30, 2023).

[62] U.N. Guiding Principles on Business and Human Rights, princ. 17, U.N. Doc. HR/PUB/11/04 (2011).

associated with their business as per the 2019 Declaration of Principles on Freedom of Expression and Access to Information in Africa.[63]

In practice, platforms are not living up to expectations in conducting ongoing impact assessments and due diligence to tackle online propaganda and harmful content in conflict-affected areas. While the Oversight Board, in the *Raya Kobo* Case,[64] suggested that Meta undertake a due diligence assessment on how its platforms, including Facebook and Instagram, have been used to spread hate speech and unverified rumors that heighten the risk of violence in Ethiopia, the recommendation has not been adequately heeded by the company to this point.[65] Meta was supposed to complete the due diligence assessment within six months (i.e., by 13 July 2022) from the moment it responded to the Board's recommendations, which was on 13 January 2022.[66] However, according to its update on 12 June 2023, Meta has not yet published its full due diligence assessment report on Ethiopia, hinting its non-compliance with the Board's decision.[67]

VI. Conclusion

Tackling online propaganda is indeed an uphill task—requiring states and social media platforms take proactive measures. Accordingly, the Ethiopian government needs to overhaul its domestic criminal legislation to tackle online propaganda, especially in the context of internal armed conflicts. Given the country's poor record on human rights and criminal enforcement,[68] it would be both hard and naïve to expect that the Ethiopian government might prosecute top officials responsible in propaganda for war. However, civil societies should consider testing Ethiopian courts for declaratory judgments to address online propaganda.

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[63] AFR. COMM'N ON HUM. & PEOPLE'S RTS., DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION IN AFRICA, princ. 39(3) (2019).

[64] Alleged Crimes in Raya Kobo, Case No. 2021-014-FB-UA, OVERSIGHT BD. (2021) https://www.oversightboard.com/decision/fb-mp4zc4cc/.

[65] Meta, *Oversight Board Selects a Case Regarding a Post Discussing the Situation in Ethiopia*, META (June 12, 2023), https://transparency.meta.com/en-gb/oversight/oversight-board-cases/raya-kobo-ethiopia/.

[66] *Id.*

[67] *Id.*

[68] *See generally* ENFORCEMENT OF HUMAN RIGHTS IN ETHIOPIA: OLD AND NEW CHALLENGES, (Wondemagegen Tadesse Goshu & Yohannes Eneyew Ayalew eds., 2022).

In finding solutions, this essay suggests various ways companies can combat online propaganda. First, it proposes that social media platforms intensify their efforts in implementing non-punitive strategies, such as information correction and content moderation,[69] particularly when propaganda content related to internal armed conflicts is reported. In doing so, they should also train their algorithms in various Ethiopian languages, which can effectively help stamp out online propaganda.

Finally, social media platforms, such as Meta,[70] currently lack up-to-date policies for addressing emergent forms of propaganda and hateful content in conflict-affected areas like Ethiopia. Therefore, it is imperative for these platforms to update their community standards promptly to tackle online propaganda more effectively.

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[69] See Rebecca K. Helm & Hitoshi Nasu, *Regulatory Responses to 'Fake News' and Freedom of Expression: Normative and Empirical Evaluation*, 21 HUM. RTS. L. REV. 302, 315 (2021).

[70] *Facebook Community Standards*, META, https://transparency.meta.com/en-gb/policies/community-standards (last visited Jun 12, 2024).