

## **Ethiopia: No Progress on Human Rights**

### Congressional Testimony

Presented by Lynn Fredriksson, Advocacy Director for Africa, Amnesty International USA  
November 16, 2006

Congressman Payne, I would like to thank you for holding this important briefing and for allowing Amnesty International the opportunity to address serious ongoing concerns regarding human rights conditions in Ethiopia this year. I would also like to thank Congressman Honda for his leadership in the Ethiopia Caucus, and Congressman Payne and Congressman Smith for their critical leadership in championing HR 5680, the Ethiopia Freedom, Democracy, and Human Rights Advancement Act of 2006.

### Introduction: An Absence of Political Freedom

While opposition leaders, journalists and human rights defenders have been on trial for treason and other capital offences allegedly committed in June and November 2005, the original parliamentary inquiry commission report concluded that Ethiopian security forces did use excessive force when they killed more than 190 demonstrators, but the Ethiopian government has altered findings of use of excessive force (about which we are pleased to have heard much more at this briefing today).

Lawyer and human rights activist **Yalemzewd Bekele**, shopkeeper **Alemayehu Fantu** and others were recently detained and some reportedly tortured for allegedly distributing opposition publications calling for nonviolent civil disobedience. Hundreds of students and others have been detained this year in anti-government protests in the Oromia Region. Civilians were also detained and some tortured or executed in ongoing armed conflicts in the Oromia, Somali, and Gambela regions. Thousands including prisoners of conscience have remained in detention without charge or trial.

Amnesty International remains seriously concerned that the Government of Ethiopia continues to violate its citizens' most basic human rights. The government and ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) party continue to deny leaders and members of political opposition parties, noted human rights defenders, journalists and others their rights of speech, press, assembly and association.

The U.S. Government has provided a range of assistance to the Government of Ethiopia beyond critical Economic Support Funds (ESF), Child Survival and

Health (CSH) and Transition Initiatives (OTI) funding—including Foreign Military Financing (FMF) and International Military Education and Training (IMET). While Amnesty International does not condone the conditioning of humanitarian assistance (and in fact warns that millions of Ethiopians remain dependent on emergency food aid), we do question the continuation of military assistance to countries that blatantly violate the rights of their own citizens.

## Background

Amnesty International has been deeply concerned about the large number of killings and mass arrests by the security forces of opposition demonstrators in Addis Ababa particularly in June and November 2005. The demonstrations were called—to protest alleged election fraud by the government and EPRDF—by the opposition Coalition for Unity and Democracy (CUD), who believed that they had won many more seats in the federal parliament and regional and city assemblies than the one-third declared by the Ethiopian National Election Board.

The Ethiopian police stated that 36 people had been killed in June 2005, and 42 killed in early November 2005, and that seven police officers were killed by demonstrators in November 2005. To Amnesty International's knowledge, the demonstrations had started peacefully, as CUD requested, but turned violent in confrontations between the security forces and demonstrators, resulting in considerable destruction of property. Prime Minister Meles Zenawi had banned the demonstrations and taken personal control of the security forces in Addis Ababa, which included a special army unit in June 2005, and armed police in November 2005, including a special riot police unit.

It later emerged from the testimony of certain police officers who fled the country and disclosed police images of the dead that many more had been killed than authorities acknowledged. Amnesty International is concerned at the excessive use of force and firearms by law enforcement officials, and the contrast between the original findings of the independent commission of inquiry into the killings and the subsequent government report.

In 2006 the Ethiopian government has continued to face armed opposition from the Oromo Liberation Front (OLF) and Ogaden National Liberation Front (ONLF). But Ethiopia has itself supported the armed Sudan-based Eritrean Democratic Alliance (EDA). It has also reportedly sent troops and military assistance to Somalia's Transitional Federal Government, in violation of a UN arms embargo.

Such actions further jeopardize the security of Ethiopia's citizens, and threaten to destabilize the region.

The UN Security Council has extended until January 2007 the UN Mission in Ethiopia and Eritrea (UNMEE) but criticised the stalemate regarding the border. While the Ethiopian government said it accepted the International Boundary Commission's judgement, it has refused to implement it. This refusal also threatens regional stability.

In early 2005, leading up to the May 15 elections, Ethiopia appeared to be turning a corner. Ethiopian Prime Minister Meles Zenawi sat on Tony Blair's Commission for Africa considering issues related to political transparency and accountability, economic development, anti-corruption measures, human capacity building and the enhancement of human rights in Africa. The Ethiopian government was allowing some—albeit limited—international press access and space for political opposition rallies, particularly in Addis Ababa, although considerable intimidation of opposition parties and supporters in rural areas was reported.

Yet since the disputed elections, with accusations of electoral fraud which emerged alongside mass demonstrations in protest, political repression greatly increased—including arbitrary arrests and detention, torture, extrajudicial killings, repression of ethnic minorities, intimidation of students and teachers, suppression of press freedom, and the less well-reported practice of targeting peaceful political opposition in the countryside.

Although several thousands of opposition supporters detained in different parts of the country after the November 2005 demonstration were released on bail after some weeks or months in detention without charge (often on condition of signing a statement of admission of guilt) some are believed to still be detained without charge or trial. More were arrested in student demonstrations in December, and since then as well. CUD leaders and others are now on trial on charges of “treason” and “genocide,” with no assurances of fair treatment.

### Human Rights Violations against Groups

Specific populations have been heavily targeted by the Ethiopian government, including human rights defenders, journalists, members of political opposition groups, and ethnic minorities.

## 1. Human Rights Defenders

Among defendants in the CUD trials are several noted human rights defenders, including: retired geography professor and Ethiopia's most prominent human rights defender **Mesfin Woldemariam**, founder and former president of the Ethiopian Human Rights Council; and **Kassahun Kebede**, an Ethiopian Teachers Association (ETA) official.

Those now on trial before the High Court in Addis also include **Hailu Shawel**, CUD president, prominent economist **Dr. Berhanu Negga**, formerly U.S.-based law professor and former UN Rwanda prosecutor **Dr. Yakob Hailemariam**, and **Ms. Birtukan Mideksa**, a former judge. They have repeatedly insisted that the CUD is a peaceful and legal political party which does not advocate violent opposition.

Two other ETA officials were also arrested in October but released on bail several days later. The ETA, Ethiopia's longest-established trade union, has continued to contest court actions by the Ministry of Justice to ban and replace it with a pro-government organization bearing the same name.

Other members of the Ethiopia Human Rights Council (EHRCO) have also been detained, and the organization's activities have been generally restricted.

The government and EPRDF have been demonstrating a generally adversarial attitude toward human rights organizations and individual human rights defenders, monitoring and restricting their activities.

Dozens of people have also been arrested in Addis recently for possession of a book written in prison by Berhanu Negga, and for a calendar containing images of the CUD prisoners and calls for nonviolent civil disobedience.

## 2. Journalists

Amnesty International considers 14 journalists held on trial together with the CUD leaders to be prisoners of conscience. **Kifle Mulat**, president of the Ethiopian Free Press Journalists Association, has been charged in his absence while seeking asylum abroad. Journalists **Solomon Aregawi** and **Goshu Moges** are also being tried in separate capital cases. Private newspapers that criticized the government and EPRDF over the elections remain closed since November 2005. Many journalists, including state media journalists, have fled the country.

A new Press Law, proposed by the government in 2003 to replace the 1992 Press Law, under which hundreds of journalists had been arrested and imprisoned, is still under debate. This proposed law is feared to lead to even greater legal restrictions on freedom of the press, guaranteed by the Constitution in 1995.

Also troubling is the government's attempt to censor international press, as evidenced by the initial inclusion of five Voice of America employees (naturalized U.S. citizens from Ethiopia) among the original 131 accused of "treason" and "acts of genocide."

### 3. Detentions and Killings in Regional States

In the Oromo and Somali regions where armed opposition groups are active in some areas, members of the Oromo and Somali groups have frequently been targeted for human rights violations including arbitrary detentions, torture, "disappearances" and extrajudicial executions, on suspicion of links with armed groups based in Eritrea. Few have been charged or taken to court.

Numerous killings and detentions have been reported in the Somali Region in eastern Ethiopia of people accused of and Ogaden National Liberation Front (ONLF) connections, some of whom may be prisoners of conscience. Many political prisoners previously arrested are still detained without charge or trial.

In Gambela Region in the southwest, there have been scores of arrests of members of the Anuak ethnic group considered to be government opponents or linked with armed Anuak groups. Hundreds of people arrested during the mass killings by the army and civilian mobs in Gambela in December 2003 are still detained without charge or trial.

In the Oromia Region, there have been large-scale arrests, particularly of high school and college students in who have demonstrated against the government on a number of Oromo rights issues. Some called for the release of Oromo community leaders and others detained almost continually since 2004. Amnesty International considers **Diribi Demissie**, president of the Mecha Tulema Association, and his co-defendants to be prisoners of conscience. Hundreds of people detained after demonstrations called by the Oromo Liberation Front (OLF) in November 2005 are reportedly still being held without charge or trial.

Some 60 peaceful demonstrators belonging to the Sidama ethnic group in the Southern Region were arrested in March while calling for the Sidama

administrative zone to be upgraded to a regional state. They were released on bail by May.

### Human Rights Violations: Arrests, Detentions and Trials

Following the disputed May 2005 elections and mass arrests of opposition party activists, CUD leaders, journalists and civil society activists were brought to trial on charges including treason, outrage against the Constitution and attempted genocide, which could carry the death penalty.

The 76 defendants include CUD president **Hailu Shawel**, **Berhanu Negga**, an economics professor, **Birtukan Mideksa**, a former judge, **Yakob Hailemariam**, a lawyer and former UN Rwanda tribunal prosecutor, and retired geography professor **Mesfin Woldemariam**. Some 34 prominent Ethiopians were also charged in their absence, including **Taye Woldesmiate**, president of the Ethiopian Teachers Association.

The trials have been held in open court, with the right to legal defence, and appeal to a higher court. All defendants except three civil society activists from ActionAid, the Organization for Social Justice in Ethiopia and the Ethiopian Teachers Association, refused to defend themselves on the ground that they did not expect a fair trial.

From the start Amnesty International has called for the unconditional release of the CUD leaders, journalists and civil society activists, and designated them prisoners of conscience who have not used or advocated violence. Similar appeals by international donors, allied governments, and the World Bank have been ignored by Prime Minister Meles Zenawi, who has promised the defendants will receive a fair and prompt trial.

The trials, observed by representatives from the European Union, the U.S. Embassy and others, are expected to continue for months. Amnesty International sent its own trial observer in October.

In fact there are five separate CUD trials. I'd like to focus today on one of the trials that has received less attention.

#### 1. CUD Trial of Kifle Tigneh and Others

On March 20, **Kifle Tigneh**, an elected CUD Member of Parliament, was charged with 32 others under Penal Code 238 with having promoted, led, coordinated and taken part in the disturbances that took place in Addis on November 1, 2005.

These defendants are charged with “having caused the loss of many lives and significant amount of property; and for their part in the conspiracy and as accomplices in the attempt to subvert the constitution of the Federal Democratic Republic of Ethiopia and the constitutional order.” Seventeen of these defendants, including Kifle, were also charged with “the intention to carry out genocide against people they consider to be of a particular ethnicity by causing damage to the property of a certain Freweine Yemane in a manner that has caused her mental anguish.”

These charges evoke long prison sentences and could carry the death penalty.

On October 30 Kifle Tigneh was denied bail in the Supreme Court. After multiple appeals since April this process can go no further. Earlier in October Kifle was admitted to hospital due to the aggravation by unsanitary conditions of a pre-existing physical ailment.

Visits to these defendants have been increasingly limited. Defense lawyers who have stated clearly in court that they represent Kifle and 29 other defendants have been refused access to all except Kifle. The prison authorities demanded a letter from the court stating that the lawyers represented the group, but the court has not yet provided this document.

The trial was initially held in a small court room which precluded the possibility of many observers or family members being present. We understand the venue has since been moved to a larger room where it was possible for more people to attend.

It is believed that some of the witness statements previously released by the prosecutor in this trial may have been obtained from defendants under torture. Several defendants stated at the beginning of the court proceedings in March that they had been tortured.

The Ethiopian government has offered assurances that trials currently underway would be free and fair, and would follow speedy trial standards. However, by calling a two month recess after hearing only 11 witnesses, at the very least speedy trial standards are being violated. The entire process for these trials has suffered numerous delays.

## 2. The Main CUD Trial

This trial started in May 2006 and is now in regular court session in Addis. But at the rate this trial is progressing, the prosecution alone is not expected to conclude until January or February 2007.

Amnesty International has described the CUD leaders, human rights defenders and journalists on trial as prisoners of conscience, having seen no evidence of their having advocated or instigated violence. The defendants have consistently maintained they were engaged solely in peaceful opposition activities – which the government and the prosecution brand as criminal attacks on the constitution, even though the constitution permits the right to peaceful opposition, assembly and expression of opinion or criticism of the government.

Prime Minister Meles Zenawi has rejected calls by an ambassadors’ donor group and others for their release, and merely said they would receive a fair trial.

Amnesty International, while continuing to campaign for their unconditional release, is closely monitoring the trial out of concern that it may not conform to international standards of fair trial, and may end with unfair convictions of these prisoners of conscience.

### 3. CUD Trial of Berhane Mogese and Others

The trial of CUD lawyer, **Berhane Mogese** and 22 others has reportedly concluded and a verdict is now expected. Mogese and the others were accused of treason, outrage against the constitution and illegal possession of a weapon.

### 4. Trial of Mesfin Woldemariam and Berhanu Negga

A separate trial of **Professor Mesfin Woldemariam** and **Berhanu Negga** is also continuing. They were accused of instigating violence during the Addis Ababa University student demonstrations and subsequent rioting in 2000.

### 5. Dergue Trial

This so-called genocide trial of 25 surviving members of the 1974 military government known as the Dergue has still not been completed. Others are being tried in their absence, such as former president Mengistu Hailemariam. The long series of trials of officials of the pre-1991 government resulted in the jailing of many for long periods and several death sentences imposed.

Amnesty International holds that the charges of “treason,” “outrages against the Constitution,” “organizing and inciting armed rebellion” and “acts of genocide”<sup>1</sup>

---

<sup>1</sup> Based on accusations of harming and trying to isolate certain members of the Tigrayan ethnic group, which bear no relation to international definitions of genocide.

levied against some 131<sup>2</sup> CUD leaders, human rights defenders and journalists have no merit.

Amnesty International maintains that these parliamentarians, human rights defenders and journalists—and possibly all of the accused—are prisoners of conscience who have not used or advocated violence and should be released immediately and unconditionally.

A number of these detainees have traveled to the U.S., taught at our universities, lived in our communities. Their plight is of great concern to many of our own citizens who have been their neighbors, colleagues and friends. It needs to be further demonstrated that it is of as much concern to the U.S. Government.

Most of these defendants are currently being held at the Karchele and Kaliti prisons, where conditions are poor and detainees have suffered ill treatment.

### Torture and Ill Treatment of Prisoners

Torture by beatings on the feet and electric shocks have reportedly been used against some political prisoners, particularly those detained on suspicion of supporting armed political groups such as the OLF and ONLF.

**Alemayehu Fantu**, an engineer and supermarket owner, was reportedly tortured in October to admit to publishing or distributing the CUD calendar, and to name others associated with this. He was reportedly held in the basement of a former police station used for interrogations in the Gulele district of Addis. Fantu was taken to court with visible injuries, which the judges did not investigate and which he himself did not mention, having been threatened with further torture if he did.

Several defendants in the trial of Kifle Tigneh and others complained of torture when they were first brought to court, but the judges did not investigate.

Several of the CUD leaders held in Kaliti prison in a southern part of Addis were at first denied medical treatment for illnesses contracted as a result of harsh and unhygienic prison conditions.

**Mesfin Woldemariam**, aged 76, was refused physiotherapy for back and leg complaints causing him to be bed-ridden. There were fears for his health as a result of his hunger strikes in December 2005 and February 2006. He recovered quickly, however, after being treated in hospital for pneumonia in September. **Hailu**

---

<sup>2</sup>Now some 115 since charges were dropped against 18.

**Shawel** faced potentially dangerous delays for an eye surgery. **Berhanu Negga** did not receive immediate treatment for a heart complaint.

Four prisoners of conscience were subjected to ill-treatment as a result of arbitrary prison punishment and transferred to Karchele Central Prison (in the process of demolition). CUD leaders **Muluneh Eyuel** and **Amanuel Araya**, and journalists **Eskinder Negga** and **Sissay Agena** were kept for over two months in darkness.

### The Inquiry Debacle

In response to major international concern about the killings during the 2005 demonstrations, where the security forces appeared to have contravened international standards on the use of force against demonstrators, an independent commission of inquiry was established on 21 December 2005, by proclamation. It was to contain 11 members nominated by a parliamentary legal and administration committee, who would elect their chair. It had a mandate to “investigate the disorder occurred in Addis Ababa and in some parts of the country” on 8 June, 1-10 November and 14-16 November 2005, and submit its report and findings to the parliament. Its tasks were to investigate:

- a. Whether the force used by the security forces to control the disorder was excessive or not;
- b. Whether the handling of human rights in matters related to the problem was conducted in accordance with the constitution and the rule of the law;
- c. The damage caused to life and property as the result of the incident.

It had powers to summon witnesses, who were given immunity from prosecution.

We are pleased to have heard today from courageous participants in that commission who describe their reporting, its suppression, and the consequences at this time.

The version of the report which has been presented to the Ethiopian Parliament states that the commission found no evidence of excessive use of force by the security forces. The list compiled of people killed totalled 193, including six police officers, which exceeds the total of 78 reported to Parliament by the Police Commissioner earlier this year.

In many respects commission’s terms of reference and activities were in accordance with international standards for such commissions of inquiry, although there were certain technical and procedural deficiencies. But the terms of reference

failed to include a requirement for the commission to establish a full account of the incidents and surrounding circumstances, publish the evidence collected, and make recommendations for prosecution of any public officials responsible for human rights violations including the excessive use of force or firearms.

A major discrepancy has arisen between the commission's discussion and decision of findings which was video-recorded by the commission in early July 2006, and the report presented to the parliament in October 2006. Commissioners have fled the country between July and October 2006 because they feared reprisals for maintaining the commission's finding on an 8-2 vote that the security forces had used excessive force. They say that the findings presented to the parliament were the opposite of their decision, and had been changed by the remaining commissioners under duress.

The report presented to parliament by the remaining commissioners concludes that "the actions taken by the security forces to control the violence was a legal and necessary step to protect the nascent system of government and to stop the country from descending in to a worse crisis and possibly never ending violence upheaval."

The short and extremely inadequate 8-page report contained the commission's findings that a total of some 193 civilians<sup>3</sup> were killed by the security forces and six police officers were killed by the demonstrators, but concluded that the actions of the security forces were justified. It admitted that "respect for human rights was not strictly consistent with the Constitution" but also claimed that officials repeatedly instructed the security forces "to stop violations of human rights."

Amnesty International considers that the contradictions between the two sets of conclusions warrant thorough examination by a credible independent and impartial body. This body should re-examine the evidence collected by the commission, provide an authoritative opinion on the discrepancy, and make its findings public. Those suspected of involvement in the excessive use of force and the use of firearms against demonstrators should be prosecuted, in proceedings that meet international fair trial standards.

### Link between the Inquiry and the CUD Trials

As already mentioned, after the June 2005 demonstrations there were mass arrests of CUD supporters. Tens of thousands of people were detained in June 2005 but most were released in the following two months. There were more mass arrests before, during and after the second set of demonstrations in November 2005. These included most of the senior CUD leaders, independent journalists, and three

---

<sup>3</sup> Their names were not published by the government but the full list was disclosed by the commissioners who left the country.

officials of independent civil society organizations who had been monitoring or commenting on the elections. They were refused bail and charged with offences carrying possible death sentences, including treason, “outrage against the constitution” and “attempted genocide.”

According to Amnesty International’s information, the commission’s investigators reportedly found no evidence of CUD instigation of violence, as is being alleged by the prosecution.

Most of the defendants refused to participate in the trial or offer a legal defence as they did not believe they would receive a fair trial. Three civil society activists are being defended by their defence counsel.

The main CUD trial is being observed by a European Union trial observer and other international and diplomatic observers including the officials from the U.S. Embassy. The trial is expected to last many more months.

### Ethiopia’s Role in the Region

The backdrop to these increasing human rights violations is Ethiopia’s continued border dispute with Eritrea since the 1998-2000 war, and its involvement this year in the crisis of governance in Somalia. The Ethiopian government has said it accepts in principle the international border commission ruling, but it has called for further negotiations. Eritrea has refused. Amnesty International fears that there would be massive violations of human rights law and humanitarian law in the event of renewed armed conflict between these two countries. We also fear the human rights consequences of a proxy conflict in Somalia with Ethiopian troops backing the TFG in Baidoa.

Threatened violence and political uncertainty are already having dire effects on the livelihood, health and right to movement of local populations in the region. We therefore encourage the international community to actively promote resolutions to these regional disputes, including pressing the Ethiopian government to do everything in its power to avoid violence and protect human rights.

Although Amnesty International has not taken a position on the border commission ruling, many experts strongly believe that the ongoing failure to implement this binding agreement, and the international community’s general unwillingness to press parties to do so, is negatively affecting the already complex political dynamics in the region.

Counterterrorism concerns may also be playing a role in obstructing consistent U.S. action on both the border ruling and, most important to Amnesty

International, public statements and policy decisions on the highly disturbing diminution of political space, and the treatment of prisoners of conscience and political prisoners in Ethiopia. The last thing anyone needs in Ethiopia is the type of impunity we are struggling with in Sudan and Somalia, the type of repression that has too commonly plagued societies in the Horn and East Africa. Clearly Ethiopia is an important U.S. ally, but that does not give us the liberty to ignore egregious human rights violations. In fact, it should encourage us to focus on them, to maintain our credibility with peoples in the region by requiring the highest human rights standards of our allies.

### Recommendations

Amnesty International calls on the Government of Ethiopia to:

- Immediately and unconditionally release all prisoners of conscience detained in Ethiopia, including Members of Parliament, human rights defenders, independent journalists and nonviolent student protesters.
- Ensure a fair trial according to international standards to all detainees against whom charges are maintained.
- Ensure that all political detainees are treated humanely in custody in accordance with international and regional standards for the treatment of prisoners, with particular regard to medical treatment, family visits and communications, and permission for reading and writing materials.
- Recognize and respect rights to freedom of speech, assembly, association and press, as set out in the Ethiopian Constitution, and international and regional human rights treaties to which Ethiopia is party.
- Respect the legitimate role of Ethiopian human rights defenders and civil society activists, and their counterparts in international organizations.

Amnesty International calls on the Government of the United States to:

- Support these recommendations to the Government of Ethiopia, and make human rights central to U.S. relations with the Government of Ethiopia and Ethiopian civil society.

- Request that our Ambassador take actions necessary to press the Government of Ethiopia to release all prisoners of conscience immediately and unconditionally, including the above named prisoners of conscience.
- Actively monitor all political trials in Addis Ababa and other places in Ethiopia, demand that they fulfill international standards for fair trials, and actively monitor the treatment of all prisoners of conscience and political detainees.
- Continue to press the Government of Ethiopia to do everything in its power to avoid conflict with Eritrea and in Somalia and to protect human rights of all citizens in the region.
- Continue to provide the levels of humanitarian assistance required to provide for the basic needs of the Ethiopian people.
- Actively support judicial and security sector reform in Ethiopia.
- Call for a thorough, independent and impartial inquiry into the extra-judicial killings committed against demonstrators in Ethiopia. Following full publication of the evidence collected by the commission of inquiry, those suspected of excessive use of force and firearms against demonstrators should be brought to trial in proceedings that meet international fair trial standards.
- Support immediate passage of HR 5680, the Ethiopia Freedom, Democracy, and Human Rights Advancement Act of 2006 before Congress adjourns in 2006.