

THE INDEPENDENT INQUIRY COMMISSION DELIBERATIONS AND ITS HINDRANCES

MR. CHAIRMAN, LADIES, AND GENTLEMEN,

I thank you for giving me this opportunity to make a brief speech in this plausible meeting about human rights in Ethiopia. My paper tries to relate human rights condition in Ethiopia by touching the work of the Inquiry Commission that was set up to investigate into the incidents occurred aftermath of May 15th, 2005 Ethiopian general election, and about what happened once it concluded its task. It will help you to grasp that how the denial of free press, the denial of assemble, the denial of free speech, the denial of fair trial, the denial of supremacy of law and justice, and ultimately the denial of human rights practiced in Ethiopian.

As you well know, the political crises, which Ethiopia faced after the May, 2005 parliamentary and regional elections, were marred by violence. There were protests and unrests in Addis Ababa and other parts of the country in June, October, and November 2005. As a result of this post electoral crisis many lives lost, thousands of people were rounded up and detained in several remote places, like military camps with out proper legal procedures, and property was allegedly damaged.

Nevertheless, the manner in which the government handled this post election crisis was not only criticized by the Ethiopian people at large but was demanded including by the international community an independent inquiry into it. Thus in response to the domestic and the international pressure, the government was obliged to set up an inquiry commission comprising eleven members including the chairman and deputy-chairman. According to the law that established the Commission it mandated to identify:

1. Whether or not the force used by the security forces was excessive
2. Whether human rights in matters related to the problem was violated
3. whether or not there were damages caused to life and property

MR. CHAIRMAN, LADIES, AND GENTLEMEN,

Before it begins its function, four out of the eleven members of the commission rendered their resignation on the ground of health problems. This indeed shows the tense condition in which the Commission started its function. Though it is, the remaining seven members of the began the investigation process at the middle of January, 2006. But after one month of the beginning of the work, the vice president left the commission. As the commission found it difficult to pursue its task in such a condition, requested the parliament to appoint new members that substitute those who resigned. This was done by the parliament in the middle of March, 2006. It was at this time that I have been appointed as deputy chairman of the Commission. Thus, the newly appointed members joined the commission immediately. After the first session one of newly

appointed member resigned again. It continued with the rest ten members till the conclusion.

At the start of its work, the commission gave a press conference to all national and international media, called upon the members of the general public, civil institutions, and other non governmental organizations to provide any information relating to the incidents that occurred in the aftermath of the may 2005 election. More importantly, the commission called upon victim and families who lost their loved ones to come forward and give their testimonies. Moreover, the commission also approached made a conference with all local communal institutions, which organize funeral services for urban dwellers to testify what they know about the post election incidents in their specific communities.

MR. CHAIRMAN, LADIES, AND GENTLEMAN,

At this juncture, the commission encountered with an embarrassing and frustrating experiences merely because no one has ever wanted to come out to give his/her testimony irrespective of the repeated notification we made on public media to summon complaints and witnesses and this as we had discovered it later was for the following two reasons: fear of the security forces for the possible consequence of telling the truth, and suspicion about the impartiality of the commission members itself

Hence, took as quite long time to convince the general public before we ever commenced our task. After we conducted an interview with hundreds of witnesses, including those who are wounded and maimed in the brutal assault, with those families who lost their loved ones, with those in prisons and the ones released. Moreover, the commission interrogated the government officials including the Prime Minister (Meles Zenawi) himself. We also examined the photographs of the grotesquely disfigured and bullet corpses of the children, young men, women and the elders, and gathered and collected all related documents from individuals and civil society organizations. After such a laborious effort, the commission successfully concluded its findings in June, 2006.

The next important task of the commission was, compiling and categorizing the data which it collected for its final deliberation and it was exactly at this stage of the progress that we started observing the sense of uneasiness from the side of the government as some officials started exerting pressure particularly on those of us who were on the government payroll list.

Thus, the commission was forced to decide on the possibility of moving to Awassa, the capital city of the Southern Region before making its final decision in order to minimize a risk of government intervention since the president of the inquiry commission, Mr. Firehiwot Samuel who was also the president of the supreme court of the region offered his office facilities to use. In Awassa the commission listed out the names of 193 people who are killed and 760 civilians injured with a confirmation of over 20,000 arrest in various prisons through out the country which according to the date we gathered constitute human rights violation in reference to the existing Ethiopian constitution.

MR. CHAIRMAN, LADIES, AND GENTLEMEN,

After establishing the facts in such a way, I.e death, injuries, human rights violations, and property damages, the next task of the commission was to decide on the crucial question of whether the government used excessive force. Therefore every member of the commission was required to comment and decide on the findings of the investigation before casting vote. Hence, 8 out of 10 members of the commission voted in favor of the conclusion that "the government had used excessive force to control the protests". Since there was on one hand a highest expectation of the impartiality of our investigation result from the general public and the international community at large and on the other, uneasiness of the government officials on a conclusion that hold them accountable for crimes being committed, all members of the commission agreed to record their deliberation process on video and audios. It was done successfully. A situation in which we had carried our task was not as plain as when I am trying to explain this painful experience we all went through.

After the commission delivered its final decision, on Monday July the 3rd 2006, the next step was to transcribe its deliberation on paper and finalize its full report in as shortest time as possible but right from the next day afternoon, was an intentional interruption of electric power to disable us use our computers and suddenly swarmed the compound of the Supreme Court of the Southern region with plain clothed security personnel. The effort of the commission to use the standby generator in the compound of the court was not successful obviously because of the interventions of the security personnel. While we stranded on the premises of the court, the chairman of the commission, Mr. Firehiwet was summoned to the office of the president of the Southern Region to meet some ministers who were sent from the office of the Prime Minister. The rest of us had to go to our hotel. Upon our return to the hotel in which we stayed for few days we learnt that it was also swarmed by plain clothed personnel like the premises of the Supreme court of the Southern Region.

On the next day, members of the commission were told by the chairman of the commission that he was instructed not to publish the report by representatives of the Prime Minister otherwise we will face serious consequence. He also informed us that we should all see Prime Minister Meles Zenawi at his office in Addis Abeba on July the 6th. Being aware of the danger we are in, returned to Addis on July the 5th 2006 and met the Prime Minister in his office on July the 6th. Mr. Zenawi who was obviously enraged by the conclusion sternly instructed us to reverse the decision we already passed. He lectured us on the meaning of excessive force and context which force was used and about our failure to consider the report of the Gambela Inquiry Commission as a template.

The Prime Minister also told us that if the commission publishes its findings without revision, it would have serious implications for the country. As we were on our way from the meeting with the Prime Minister, we learnt that the speaker of the House, Mr. Teshome Toga has already dispersed the parliament prior to its official date of recession, I.e July the 7th, 2006 despite the fact that the agenda was introduced to bring the findings before the parliament. This act of closing the parliament without receiving any report or information from the commission was a deliberate contravention of the law.

MR. CHAIRMAN, LADIES, AND GENTLEMAN,

It is clear that any activity of the commission after July the 7th , 2006 was illegal.

The members of the commission, who voted for the truth, initially believed that the government was committed to the investigation process were left with two difficult choices, I.e. either to revise and reverse the decision or flee the country with the genuine one. After this condition, the chairman of the commission left the country for Germany. According to the law it was me to chair the Commission whose mandate expired after July 7th.

As a long serving professional judge, I decided not to betray my own conscience and also the trust of several hundreds and thousands of people, especially, the victims and families of victims who despite intense skeptics in the general public about the independence of the Commission gave their testimonies and shared their agonies some times by endangering themselves. I did it successfully.

The decision taken by the majority vote clearly reveals , the massacres of several peaceful and unarmed civilians by the security forces, it reveals the cruelty and barbarous practice of the regime, and it reveals the devastating indictment of Meles zenawi and his regime for crimes against humanity. The revised decision and report of the illegal Commission was to conceal once again its such actions.

MR. CHAIRMAN, LADIES, AND GENTLEMEN,

Finally, I would like to ask the democratic countries especially the Eu in the name of those 193 innocent civilian, who were murdered in cold blood, and 680 who were suffering of life- threatened bullet wounds, and in the name of political leaders and members, journalists civil society and human rights leaders suffering in jail for unfounded reasons that the government officials who are directly or indirectly should be made responsible and face justice.

**I thank you for your attention
Woldemichael Meshesha.**