

110TH CONGRESS
1ST SESSION

H. R. 2003

To encourage and facilitate the consolidation of peace and security, respect for human rights, democracy, and economic freedom in Ethiopia.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2007

Mr. PAYNE (for himself, Mr. HONDA, Mr. MORAN of Virginia, Ms. WATSON, and Mr. CLAY) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To encourage and facilitate the consolidation of peace and security, respect for human rights, democracy, and economic freedom in Ethiopia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ethiopia Democracy
5 and Accountability Act of 2007”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 It is the policy of the United States to—

8 (1) support the advancement of human rights,
9 democracy, independence of the judiciary, freedom of

1 the press, peacekeeping capacity building, and eco-
2 nomic development in the Federal Democratic Re-
3 public of Ethiopia;

4 (2) seek the unconditional release of all political
5 prisoners and prisoners of conscience in Ethiopia;

6 (3) foster stability, democracy, and economic
7 development in the region;

8 (4) collaborate with Ethiopia in the Global War
9 on Terror; and

10 (5) strengthen United States-Ethiopian rela-
11 tions based on the policy objectives specified in para-
12 graphs (1) through (4).

13 **SEC. 3. FINDINGS.**

14 Congress finds the following:

15 (1) The people of Ethiopia have suffered for
16 decades due to military conflicts, natural disasters,
17 poverty and diseases, regional instability, and the
18 brutal dictatorship of the military junta under
19 Mengistu Haile Mariam. Hundreds of thousands of
20 civilians were brutally murdered by the Mengistu re-
21 gime, including women and children. Many more
22 sacrificed their lives fighting for freedom, respect for
23 human rights, and to bring an end to the brutal dic-
24 tatorship of the Mengistu regime. Members of that

1 murderous regime are currently living in Europe, the
2 United States, and Africa.

3 (2) In May 1991, the brutal dictatorship of the
4 Mengistu regime came to an abrupt end when the
5 Ethiopian People’s Revolutionary Democratic Front
6 (EPRDF) defeated the Mengistu army. In July
7 1991, the EPRDF and a coalition of other political
8 groups established a transitional government in
9 Ethiopia. A number of liberation movements joined
10 the transitional government in a spirit of a new start
11 and the building of a democratic Ethiopia. These
12 groups included the Oromo Liberation Front (OLF),
13 the Ogaden National Liberation Front (ONLF), and
14 many others.

15 (3) Since the ouster of the Mengistu regime in
16 1991, the EPRDF-led government instituted a
17 multiparty system and organized 3 regional and na-
18 tional elections and a number of local elections. The
19 1995 and 2000 elections were largely boycotted and
20 judged to be neither free nor fair. Some opposition
21 groups participated in the 2000 elections, giving
22 such groups 12 seats in the 546-seat parliament.

23 (4) The May 2005 pre-election period and the
24 conduct of the elections in Ethiopia were seen by ob-
25 servers to be transparent, competitive, and relatively

1 free and fair, although there were a number of prob-
2 lems reported. More than 90 percent of registered
3 voters participated and dozens of political parties
4 took part in the elections. Moreover, some inter-
5 national groups observed the elections, unprece-
6 dented access to the mass media was given to the
7 opposition, and there were televised debates between
8 the government and the opposition. Some political
9 parties and armed political groups boycotted the
10 2005 elections. However, trained local groups were
11 barred from observing the elections.

12 (5) Despite apparent improvement in the elec-
13 toral process, preliminary election results announced
14 by the Government of Ethiopia shortly after the May
15 15, 2005, elections were seen by observers as ques-
16 tionable. The opposition accused the Government of
17 Ethiopia of stealing the elections and called for civil
18 disobedience, which resulted in the killing of dem-
19 onstrators and detention of opposition leaders and
20 thousands of their followers, including 11 elected
21 members of parliament and the elected mayor of
22 Addis Ababa.

23 (6) The Coalition for Unity and Democracy
24 (CUD), the United Ethiopian Democratic Forces
25 (UEDF), and the ruling EPRDF reached an agree-

1 ment to resolve disputed election results peacefully
2 with the help of the National Electoral Board
3 (NEB). The NEB investigated more than 299 com-
4 plaints and later agreed to hold reruns in 31 con-
5 stituencies. In late August 2005, the NEB held re-
6 runs in the 31 constituencies as well as in all 23
7 constituencies in the Somali region, where elections
8 had been postponed due to insecurity.

9 (7) Election results show that opposition parties
10 won 170 seats in the national parliament, a signifi-
11 cant increase from the 12 seats they won in the last
12 elections. Opposition parties also won the city coun-
13 cil in Addis Ababa, giving them control over the cap-
14 ital. An estimated 150 of the 170 opposition mem-
15 bers of parliament have taken their seats. In early
16 May 2006, the Government of Ethiopia appointed a
17 caretaker government in the capital. Members of
18 parliament from the CUD walked out of parliament
19 in protest. The CUD won the city, but the des-
20 ignated mayor has been in detention since November
21 2005.

22 (8) Human rights conditions deteriorated sig-
23 nificantly after the May 15, 2005, elections in Ethi-
24 opia and overall human rights conditions in the
25 country remain poor. The Department of State, in

1 its 2005 Country Reports on Human Rights Prac-
2 tices, noted a myriad of human rights abuses by the
3 Government of Ethiopia. Moreover, journalists and
4 editors of the independent press have been and con-
5 tinue to face harassment and prosecution for alleged
6 violations of press laws in Ethiopia. Dozens of jour-
7 nalists have fled the country, and some are currently
8 in exile fearing prosecution or harassment.

9 (9) In June 2005, more than 35 demonstrators
10 were killed by Ethiopian Government security per-
11 sonnel and in November 2005 an estimated 53 peo-
12 ple were killed, including 7 policemen, according to
13 Human Rights Watch and several other reports. The
14 violence against these victims occurred after pro-op-
15 position groups went to the streets of the capital to
16 protest government actions in handling the elections
17 results of May 2005. Tens of thousands of people
18 suspected of being opposition supporters were de-
19 tained over the past months, although many of these
20 detainees were released. Nonetheless, government se-
21 curity forces continue to abuse opposition leaders,
22 supporters, and family members.

23 (10) An estimated 112 political leaders, human
24 rights activists, community leaders, and journalists,
25 including the chairman of the CUD (Hailu Shawel),

1 the newly elected Mayor of Addis Ababa (Berhanu
2 Nega), and the founder of the Ethiopian Human
3 Rights Council (Professor Mesfin Wolde Mariam),
4 were imprisoned and charged with treason and geno-
5 cide. These measures were deliberately taken to sti-
6 fle and criminalize opposition party activity in the
7 country. The measures also were intended to intimi-
8 date and silence independent press and civil society,
9 raising serious question about the Ethiopian Govern-
10 ment's commitment to democracy and good govern-
11 ance.

12 (11) According to Department of State's 2006
13 Country Reports on Human Rights Practices,
14 "human rights abuses [in Ethiopia] reported during
15 the year included: limitation on citizens' right to
16 change their government during the most recent
17 elections; unlawful killings, and beating, abuse, and
18 mistreatment of detainees and opposition supporters
19 by security forces; poor prison conditions; arbitrary
20 arrest and detention . . .".

21 (12) Whereas the Ethiopian Parliament estab-
22 lished an 11-member Commission of Inquiry to "in-
23 vestigate the disorder and report to the House of
24 People's Representatives in order to take the nec-
25 essary measure". The Commission was tasked to in-

1 investigate whether government security forces used
2 excessive force, caused damage to life and property,
3 or showed a lack of respect for human rights. The
4 Commission was mandated to investigate the June
5 8, 2005, and November 1–10, 2005, violence in dif-
6 ferent parts of the country.

7 (13) Whereas members of the Commission of
8 Inquiry visited several regions, reviewed police re-
9 ports, met with prisoners and government officials,
10 made 122 radio and TV announcements to the pub-
11 lic, examined 16,990 documents, and took testi-
12 monies from 1,300 people.

13 (14) Whereas the Commission of Inquiry con-
14 cluded that 763 civilians were injured and 193
15 killed. The Commission also reported that 71 police
16 officers were injured and 6 killed. Damage to prop-
17 erty was estimated at \$512,588. The Commission
18 also reported that more than 30,000 civilians were
19 detained, some were tortured, and prisoners in Kaliti
20 were killed.

21 (15) Whereas the Commission of Inquiry re-
22 ported that security forces fired 1,500 bullets at
23 prisoners, killing 17 and injuring 53. The Commis-
24 sion stated that civilians did not use weapons and
25 reported bank robberies by demonstrators did not

1 take place. The Commission's deliberations were
2 video-taped and votes were taken on key findings on
3 July 3, 2006.

4 (16) Whereas shortly after the Commission of
5 Inquiry reached its decision, the Ethiopian Govern-
6 ment reportedly began to put pressure on Commis-
7 sion members to change their report. The Chairman
8 of the Commission, a former Supreme Court Presi-
9 dent of the Southern Region of Ethiopia, was told
10 by a senior advisor of Prime Minister Meles Zenawi
11 to call for an emergency meeting of the Commission
12 in order to change the Commission's report.

13 (17) Whereas the Commission of Inquiry was
14 scheduled to give its report to the Ethiopian Par-
15 liament on July 7, 2006, but the Parliament was ad-
16 journed a day early. Several Commission members,
17 including the Chairman and the Deputy Chair, left
18 the country with the final report, other documents
19 relevant to the investigation, and several video tapes
20 of the Commission deliberations.

21 (18) Whereas in November 2006, the Chairman
22 of the Commission of Inquiry and another Commis-
23 sion member presented the Commission's report and
24 briefed Members of the United State Congress.

1 (19) Whereas in November 2006, at a congress-
2 sional briefing with members of the Commission of
3 Inquiry, a young women named Alemzuria submitted
4 her testimony about what happened to her mother,
5 Etenesh Yemam. Alemzuria’s father was elected in
6 May 2005 as Council Member of in Addis Ababa.
7 Subsequently security personnel came to arrest him
8 at his home and then shot Etenesh Yemam as she
9 pleaded for her husband’s release.

10 (20) Whereas the Commission of Inquiry inves-
11 tigated the killing of Etenesh Yemam and confirmed
12 beyond doubt what happened on that dreadful day.
13 Etenesh Yemam’s husband still languishes in prison
14 while Alemzuria remains a refugee in another Afri-
15 can country.

16 **SEC. 4. SUPPORT FOR HUMAN RIGHTS IN ETHIOPIA.**

17 The Secretary of State shall—

18 (1) establish a mechanism to provide financial
19 support to local and national human rights groups
20 and other relevant civil society organizations to help
21 strengthen human rights monitoring and regular re-
22 porting on human rights conditions in Ethiopia;

23 (2) establish a victims support network to pro-
24 vide legal support for political prisoners and pris-
25 oners of conscience and to assist local groups or

1 groups from outside Ethiopia that are active in mon-
2 itoring the status of political prisoners and prisoners
3 of conscience in Ethiopia;

4 (3) seek to increase the independence of the
5 Ethiopian judiciary through facilitation of joint dis-
6 cussions for court personnel, officials from the Ethi-
7 opian Ministry of Justice, relevant members of the
8 legislature, and civil society representatives on inter-
9 national human rights standards;

10 (4) create and support a judicial monitoring
11 process, consisting of local and international groups,
12 to monitor judicial proceedings throughout Ethiopia,
13 with special focus on unwarranted government inter-
14 vention on strictly judicial matters, and to inves-
15 tigate and report on actions to strengthen an inde-
16 pendent judiciary;

17 (5) establish a program to strengthen private
18 media in Ethiopia, provide support for training pur-
19 poses, offer technical and other types of support as
20 necessary, and expand programming by the Voice of
21 America to Ethiopia; and

22 (6) establish a mechanism to identify and extra-
23 dicate members of the Mengistu Haile Mariam regime
24 and the current government residing in the United
25 States who were engaged in gross human rights vio-

1 lations and work with other governments to identify
2 and extradite such persons, including Mengistu
3 Haile Mariam.

4 **SEC. 5. SUPPORT FOR DEMOCRATIZATION IN ETHIOPIA.**

5 (a) **STRENGTHENING LOCAL, REGIONAL, AND NA-**
6 **TIONAL DEMOCRATIC PROCESSES.**—The Secretary of
7 State shall—

8 (1) provide assistance to strengthen local, re-
9 gional, and national parliaments and governments in
10 Ethiopia through training in consultation with gov-
11 ernment authorities, political parties, and civil soci-
12 ety groups;

13 (2) establish a program focused on reconcili-
14 ation efforts between the Government of Ethiopia
15 and peaceful political and civil society groups, in-
16 cluding in minority communities, in preparation for
17 negotiation and for participation in the political
18 process;

19 (3) strengthen training for political parties in
20 Ethiopia in areas such as organization building and
21 campaign management; and

22 (4) provide training for civil society groups in
23 election monitoring in Ethiopia.

24 (b) **DEMOCRACY ENHANCEMENT.**—

1 (1) ASSISTANCE.—United States technical as-
2 sistance for democracy promotion in Ethiopia should
3 be made available to the ruling party as well as op-
4 position parties in Ethiopia.

5 (2) RESTRICTION.—

6 (A) IN GENERAL.—Nonessential United
7 States assistance shall not be made available to
8 the Government of Ethiopia if the Government
9 of Ethiopia acts to obstruct United States tech-
10 nical assistance to advance human rights, de-
11 mocracy, independence of the judiciary, freedom
12 of the press, economic development and eco-
13 nomic freedom in Ethiopia.

14 (B) DEFINITION.—In this paragraph, the
15 term “nonessential United States assistance”
16 means assistance under any provision of law,
17 other than humanitarian assistance, assistance
18 under emergency food programs, assistance to
19 combat HIV/AIDS, and other health care as-
20 sistance.

21 **SEC. 6. ENSURING GOVERNMENT SUPPORT FOR HUMAN**
22 **RIGHTS, DEMOCRACY, AND ECONOMIC DE-**
23 **VELOPMENT IN ETHIOPIA.**

24 (a) LIMITATION ON SECURITY ASSISTANCE; TRAVEL
25 RESTRICTIONS.—

1 (1) LIMITATION ON SECURITY ASSISTANCE.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), security assistance shall not
4 be provided to Ethiopia until such time as the
5 certification described in paragraph (3) is made
6 in accordance with such paragraph.

7 (B) EXCEPTION.—Subparagraph (A) shall
8 not apply with respect to peacekeeping or
9 counter-terrorism assistance. Peacekeeping or
10 counter-terrorism assistance provided to Ethi-
11 opia shall not be used for any other security-re-
12 lated purpose or to provide training to security
13 personnel or units accused of human rights vio-
14 lations against civilians.

15 (2) TRAVEL RESTRICTIONS.—Beginning on the
16 date that is 60 days after the date of the enactment
17 of this Act and until such time as the certification
18 described in paragraph (3) is made in accordance
19 with such paragraph, the President shall deny a visa
20 and entry into the United States to—

21 (A) any official of the Government of Ethi-
22 opia who—

23 (i) has been involved in giving orders
24 to use lethal force against peaceful dem-
25 onstrators in Ethiopia; or

1 (ii) has been accused of gross human
2 rights violations;

3 (B) security personnel of the Government
4 of Ethiopia who were involved in the June or
5 November 2005 shootings of demonstrators;

6 (C) security personnel responsible for mur-
7 dering Etenesh Yemam, as described in para-
8 graphs (20) and (21) of section 3; and

9 (D) security personnel responsible for mur-
10 dering prisoners at Kaliti prison in the after-
11 math of the election violence.

12 (3) CERTIFICATION.—The certification de-
13 scribed in this paragraph is a certification by the
14 President to Congress that the Government of Ethi-
15 oopia is making credible, quantifiable efforts to en-
16 sure that—

17 (A) all political prisoners and prisoners of
18 conscience in Ethiopia have been released, their
19 civil and political rights restored, and their
20 property returned;

21 (B) prisoners held without charge or kept
22 in detention without fair trial in violation of the
23 Constitution of Ethiopia are released or receive
24 a fair and speedy trial, and prisoners whose

1 charges have been dismissed or acquitted and
2 are still being held are released without delay;

3 (C) the Ethiopian judiciary is able to func-
4 tion independently and allowed to uphold the
5 Ethiopian Constitution and international
6 human rights standards;

7 (D) security personnel involved in the un-
8 lawful killings of demonstrators, Etenesh
9 Yemam, and Kaliti prisoners are punished;

10 (E) family members, legal counsel, and
11 others have unfettered access to visit detainees
12 in Ethiopian prisons;

13 (F) print and broadcast media in Ethiopia
14 are able to operate free from undue interference
15 and laws restricting media freedom, including
16 sections of the Ethiopian Federal Criminal
17 Code, are revised;

18 (G) licensing of independent radio and tel-
19 evision in Ethiopia is open and transparent;

20 (H) access in Ethiopia is provided to the
21 Internet and the ability of citizens to freely
22 send and receive electronic mail and otherwise
23 obtain information is guaranteed;

24 (I) the National Election Board (NEB) in-
25 cludes representatives of political parties with

1 seats in the Ethiopian Parliament and guaran-
2 tees independence for the NEB in its decision-
3 making;

4 (J) representatives of international human
5 rights organizations engaged in human rights
6 monitoring work in Ethiopia are admitted to
7 Ethiopia without undue restriction; and

8 (K) Ethiopian human rights organizations
9 are able to operate in an environment free of
10 harassment, intimidation, and persecution.

11 (4) WAIVER.—

12 (A) IN GENERAL.—The President may
13 waive the application of paragraph (1) or (2) on
14 a case-by-case basis if the President determines
15 that—

16 (i) the Government of Ethiopia has
17 met the requirements of paragraph (3);
18 and

19 (ii) such a waiver is in the national in-
20 terests of the United States.

21 (B) NOTIFICATION.—Prior to granting a
22 waiver under the authority of subparagraph
23 (A), the President shall transmit to Congress a
24 notification that includes the reasons for the
25 waiver.

1 (b) TREATMENT OF POLITICAL PRISONERS AND
2 PRISONERS OF CONSCIENCE.—

3 (1) IN GENERAL.—The President, the Secretary
4 of State, and other relevant officials of the Govern-
5 ment of the United States shall call upon the Gov-
6 ernment of Ethiopia to immediately release all polit-
7 ical prisoners and prisoners of conscience, especially
8 prisoners held without charge.

9 (2) TORTURE VICTIM RELIEF.—While it is the
10 responsibility of the Government of Ethiopia to com-
11 pensate the victims of unlawful imprisonment and
12 torture and their families for their suffering and
13 losses, the President shall provide assistance for the
14 rehabilitation of victims of torture in Ethiopia at
15 centers established for such purposes pursuant to
16 section 130 of the Foreign Assistance Act of 1961
17 (22 U.S.C. 2152).

18 (c) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the Government of the United States should—

20 (1) encourage the Government of Ethiopia to
21 enter into discussions with peaceful political groups
22 in order to bring such groups into full participation
23 in the political and economic affairs of Ethiopia, in-
24 cluding their legalization as a political party; and

1 (2) provide such assistance as is warranted and
2 necessary to help achieve the goal described in para-
3 graph (1).

4 **SEC. 7. SUPPORT FOR ECONOMIC DEVELOPMENT IN ETHI-**
5 **OPIA.**

6 (a) **RESOURCE POLICY ASSISTANCE.**—The President,
7 acting through the Administrator of the United States
8 Agency for International Development, shall provide as-
9 sistance for sustainable development of Ethiopia’s Nile
10 and Awash River resources, including assistance to help
11 Ethiopia with the technology necessary for the construc-
12 tion of irrigation systems and hydroelectric power that
13 might prevent future famine.

14 (b) **HEALTH CARE ASSISTANCE.**—The President,
15 acting through the Administrator of the United States
16 Agency for International Development, shall provide mate-
17 rial support to hospitals and health care centers in Ethi-
18 opia, especially hospitals and health care centers in rural
19 areas.

20 **SEC. 8. REPORT.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the President shall transmit to Congress
23 a report on the implementation of this Act, including a
24 description of a comprehensive plan to address the secu-
25 rity, human rights, democratization, and economic free-

1 dom concerns that potentially threaten the stability of the
2 Federal Democratic Republic of Ethiopia .

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-
5 priated to carry out this Act \$20,000,000 for each of the
6 fiscal years 2008 and 2009.

7 (b) AVAILABILITY.—Amounts appropriated pursuant
8 to the authorization of appropriations under subsection (a)
9 are authorized to remain available until expended.

○