

war. Under the agreement, refugees from the more recent fighting would be repatriated by the end of 2001; 160,000 others would follow by the beginning of 2002.

The war with Ethiopia internally displaced as many as 960,000 Eritreans. At the end of September 2001, 44,000 were still living in temporary camps. Their return was hampered by fields strewn with landmines, the absence of basic social services in their home districts, and general insecurity along the still disputed border with Ethiopia. (See Ethiopia).

ETHIOPIA

HUMAN RIGHTS DEVELOPMENTS

There was a marked deterioration of civil liberties in Ethiopia during 2001 in the wake of (and partially as a result of) the war with Eritrea. The government jailed civil rights advocates, political rivals, students, and journalists without formal charges, and police used lethal force against unarmed civilians. In July, the foreign minister told journalists that conditions in Ethiopia were not conducive for liberal democracy. The minister of education acknowledged that Ethiopia's justice system had major deficiencies. Government agencies, she said, interfered in the justice system. The system also often abused its authority and lacked transparency and accountability.

The judiciary, with rare exceptions, was complicit in the government's violations of human rights. The courts routinely granted extensions allowing individuals to be held in detention without formal charges and without bail while the police "investigated," usually at a snail's pace. Rarely did they inquire into the need for holding suspects in custody. Court hearings convened every several weeks, only to have the court uncritically permit the police to investigate for months. Court cases historically lasted for years, during which time activists and government critics, apparently held only for their nonviolent criticism of the government, endured harsh detention conditions. Sometimes charges were eventually brought; sometimes prisoners were released after months of captivity without charge or trial.

Although the war with Eritrea ended with a cease-fire in June 2000, and a comprehensive Peace Agreement in December 2000, disputes over its prosecution and conclusion continued to simmer within the political elite and the enmity created permeated relations between the two countries. In March, twelve central committee members of the Tigray People's Liberation Front (TPLF), the lead party in the government coalition, the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF), issued a twelve-point critique of Prime Minister Meles Zenawi's policies. The dissenters, joined by members of other government parties, complained that the government had concluded a premature and unfavorable peace agreement. They also protested the government's economic liberalization policies and accused the prime minister of corruption.

The government's initial response to this dissent in its own ranks was political. It fired a number of ministers and generals, including the minister of defense Siye Abraha, and organized successful recall petitions for members of parliament who supported the dissidents. Later in the year, the EPRDF constituent parties purged their leadership and ranks of those who had participated in criticism of the government. That included Ethiopia's (largely ceremonial) president, Negaso Gidada, who was expelled from the central committee of his party, the Oromo People's Democratic Organization (OPDO). When Negaso's term expired in October 2001, parliament unanimously voted Girma Woldegiorgis president for a six-year term and endorsed a new government.

Against the background of political dissent and stalemated war, university students in April 2001 protested the government's interference with academic freedom. The students' main demands were permission to republish a banned student magazine, dismissal of two university administrators closely affiliated with the government, and removal of security troops stationed inside the university campus. While the government initially conceded the first two demands, it did not commit to a schedule for removing the security forces. When students continued to press their demands, the minister of education issued an ultimatum threatening students who did not return to classes with arrest. The security forces' efforts to enforce the ultimatum set off clashes on April 17 and 18 that quickly got out of hand as non-students joined in the protests. In suppressing the protest, the police used excessive force, including live ammunition, and conducted massive arrests. At the end of the two days, over forty civilians, primarily students, had been killed and another four hundred injured. Other campuses also witnessed antigovernment protests.

The government immediately detained almost 2,000 students; although most were quickly released, several hundred were shipped to prisons two hundred kilometers or more from the capital. Aside from those arrested, over one hundred students fled to Kenya and another seventy or so to Djibouti.

Also arrested in the weeks following the police crackdown on the students were members of two opposition parties, the All-Amhara People's Organization (AAPO) and the Ethiopians' Democratic Party (EDP). Over four hundred AAPO members were arrested between April and June. According to the party, most of those taken into custody were candidates in local elections. Over one hundred EDP members were arrested. The police claimed that the AAPO and EDP members had "a clear role in the violence" and had been active in organizing "hooligans" to riot.

Because of the mass arrests, prisons became severely overcrowded. While no independent observers were allowed in to monitor prison conditions, prisoners who were subsequently released complained of poor sanitation, leading to the proliferation of water- and air-borne diseases such as typhoid, dysentery, and tuberculosis. Four prisoners were reported to have died, including AAPO member Gebrehana Wolde Medhin. Although the government claimed that he had died of tuberculosis, AAPO asserted that he had died as a result of severe beatings, noting that the family had never been informed that he was hospitalized and the body had not been returned to the family.

In early July, the government announced that it released about a hundred of those arrested in connection with the April events. They had not been charged but

were nevertheless held two months or more. Another 150 were released on bail. The government acknowledged continuing to imprison sixteen, but the number of students actually being held remained unconfirmed. Although the government released thirty-two of the AAPO detainees in July (two on bail), at least six remained in jail without charges as of early November 2001. Of the hundred or so EDP members, ninety were released without charges. Four others were released on bail. Seven, however, remained in custody without charge as of November 2001.

In June 2001, the government amended its “anti-corruption” law to prohibit bail for anyone charged with corruption by the police. The amendment was immediately applied to former colleagues of the prime minister who had been purged from the EPRDF’s constituent parties. Most prominent among those arrested was former defense minister Siye. He and seven co-defendants were arrested in mid-June. In an unusual move, the court ordered Siye’s release on bail but he was rearrested outside the courthouse. In mid-August, a court ineffectually gave the police a “last” two-week extension to complete the investigation. The two weeks came and went without charges or release. In late October, almost five months after their arrests, Siye and his co-defendants were charged with corruption. Bail was denied.

The amended anti-corruption law was also applied to another prominent dissident politician, Abate Kisho, the former president of the province known as the Southern Nations, Nationality and People’s State. He was arrested in late July for allegedly steering contracts to a defendant in the Siye case. He claimed that the acts for which the police arrested him predated the laws he is alleged to have violated but he was kept in custody for four months without charge. Article 22.1 of the Ethiopian constitution, echoes article 11.2 of the Universal Declaration of Human Rights by providing that no one may be convicted “on account of any act or omission which did not constitute a criminal offense” at the time it was committed and no heavier penalty may be imposed than was applicable when the offense took place. In late October 2001, Kisho was charged with having used his office to make illegal purchases.

Governmental pressure on the courts was exemplified by the treatment of judges who attempted to act independently. One EDP member arrested in April was the party’s secretary general, Lidetu Ayalew. A court ordered his release in early June but he was rearrested two weeks later and accused by the police of having used his mobile phone to coordinate the student protests. He, however, was not the only one to be sanctioned. Charges were also brought against the three judges who formed the court panel ordering his release. Lidetu was released again in mid-July without formal charges, after seventy days in jail.

The government also arrested about a dozen businessmen under the anti-corruption law. They, too, were jailed for months without formal charges and their financial assets businesses were frozen. Several of those arrested had no obvious political ties.

Incarceration without trial for months at a time paled in comparison with the treatment of officials of and accused collaborators with the former dictatorship, the Derg, and those arrested on suspicion of assisting insurrectionary groups. Most of the alleged Derg officials were arrested in 1991. In October, the Amhara State court acquitted twenty-three more Derg defendants and sentenced two to sixteen

years. Ethiopian courts by then had handed down 1,181 verdicts, acquitting 375. After a full decade, 2,200 defendants had not been brought to trial. Since 1999, the federal government has held 1,200 individuals in Oromiya State suspected of assisting the Oromo Liberation Front. Half of those had not been charged. The federal prosecutor's office attributed the delays in bringing them to trial or releasing them to the lack of trained police and prosecuting personnel and the lack of other resources.

Journalists working for the independent press were often the victims of harassment because of their reporting. Ethiopia has permitted an independent press to operate, but in the past Prime Minister Meles Zenawi had described it as a "gutter press," and denied the reporters access to official news and briefings. In what passed for "improvement" in October, the government announced that it would grant "responsible and constructive" independent newspapers access to its information. Control of all television and radio broadcasting remained in the hands of the government and the ruling EPRDF. As of October 2001, only one journalist remained in jail, the publisher of a defunct weekly, *Akturot*, but there remained pending charges against eighty journalists from earlier reporting. The jailed journalist was arrested for inciting violence by having published an article two years earlier quoting a retired general who predicted the overthrow of the government. He was also accused of defamation for publishing an article about alleged corruption at a government-owned factory. In addition, short-term detention was still alarmingly frequent. For example, two journalists were jailed in May and June for articles written years earlier alleging corruption by church officials and at the Ethiopian Electric Power Company, respectively. In July, the government arrested journalists from eight publications after the foreign minister complained he had been defamed by their reports that he had had a falling out with the prime minister. In July, an editor was jailed for 1999 articles claiming that a regional official and that some of the president's security detail had defected. About two dozen journalists lived in exile, including three who fled in 2001.

Opposing political parties have also been hampered in their legitimate activities, even apart from the mass arrests following the April disturbances. The EDP was denied a permit to hold its convention in Addis Ababa in August. AAPO directed its six elected *woreda* (district) representatives in Addis Ababa not to participate in district councils as a protest against what it claimed were rigged local elections. The EDP, while not directing its ten *woreda* representatives to boycott the district councils, also asserted that the elections had been tainted.

The Eritrean war sapped economic resources that could have been used to improve the conditions of the civilian population and its baleful aftermaths linger. The Ethiopian government announced that the war cost the impoverished country U.S. \$3 billion, including the expense of prosecuting the war and the expense of rebuilding and resettlement once the war ended. A local research institute reported that the war had a devastating impact on civilian life through displacement, loss of livestock and stored food grains, and the destruction of houses, social infrastructure, and commercial enterprises. The institute estimated the cost of lost social infrastructure alone to be well over \$200 million. Income also dropped as tourism and international investment and aid fell.

The end of the war has enabled Ethiopia to decrease its security budget by 20 percent, to U.S. \$350 million, but the country remained plagued by military threats from ethnically-based separatist groups, especially in the Oromiya, Somali, Southern Nations, and Benishangul-Gumuz states. Local skirmishes in which government and rebel troops (and civilians) were killed and wounded continued to occur occasionally. These small but deadly battles sometimes led to mass arrests of local inhabitants suspected of abetting the rebels. They, too, have historically been held for months or years without charges or trial.

The cease-fire ended the fighting but not the animosity between the two countries. In June, Ethiopia forcibly expelled 772 people it identified as Eritreans from its territory without prior notification to the International Committee of the Red Cross as anticipated under article 2 of the truce agreement. In August, it announced suspension of prisoner-of-war exchanges with Eritrea until it received information about a missing fighter pilot. Exchanges resumed in October when Eritrea released twenty-four Ethiopians “for health reasons” and Ethiopia reciprocated with the release of twenty-three Eritrean POWs, also “for health reasons.” With the October releases, 653 Ethiopian and 879 Eritrean POWs had been repatriated but about 350 Ethiopians and 1750 Eritreans still remained in POW detention camps as of early November 2001. Voluntary civilian repatriation between the two countries progressed more smoothly. During the war, about 345,000 civilians fled the fighting. Most escaped to internal exile but others were trapped behind enemy lines as the war front shifted. In November, the International Committee of the Red Cross reported it had repatriated almost 55,000 Ethiopian civilians from Eritrea since 1998. In July, it had reported the repatriation of 1,000 Eritrean civilians from Ethiopia.

DEFENDING HUMAN RIGHTS

In early May, about two weeks after the police actions involving university students, the police arrested two leading human liberties activists, Professor Mesfin Woldemariam and Dr. Berhanu Nega. They were both charged with having incited the students to riot. The government produced no evidence then or since to substantiate the claims. Mesfin was the founder and first president of the Ethiopian Human Rights Council (EHRCO). On the day of the arrests, the government raided and sealed the EHRCO offices. EHRCO was founded in 1991 to promote democracy, human rights, and the rule of law, and to document human rights abuses. The government refused to recognize the EHRCO until May 1999, and often harassed those engaged in its monitoring activities. While in prison, Mesfin and Berhanu began a hunger strike. This, together with considerable international publicity and pressure, may have facilitated their release on bail in June after a month of captivity. After their release, the EHRCO was allowed to reopen.

Harassment of organizations established to monitor and advance civil liberties also extended to other activists. In August, the Ethiopian Women Lawyers Association (EWLA) mounted a peaceful demonstration with several hundred participants to demand that rape laws be strengthened and more aggressively enforced. At

about the same time, it received extensive media coverage for its letter to a local newspaper protesting the ministry of justice's failure to prosecute an alleged sexual assault by the son of a prominent family. Shortly thereafter, the ministry of justice suspended EWLA's charter and froze its bank accounts. It announced that EWLA's activity's exceeded its charter, without offering details. In mid-October, a trial court ordered the release of ELWA's frozen accounts and the Justice Ministry—under a new minister—restored ELWA's license.

In May, a court acquitted eight founding members of the Human Rights League after three-and-a-half years' detention on unsubstantiated charges of involvement in terrorist activities. The Human Rights League was a monitoring group founded in 1996 by prominent members of the Oromo community that the government never allowed to function. Other groups that government harassment forced underground or into exile in past years included the Ogaden Human Rights Committee, the Solidarity Committee for Ethiopian Political Prisoners, and the Oromo Ex-Prisoners for Human Rights.

Both the Ethiopian constitution and legislation empower parliament to create a Human Rights Commission and an ombudsman. Neither had yet been established.

THE ROLE OF THE INTERNATIONAL COMMUNITY

The economic cost of the war was a key factor in pressing both Ethiopia and Eritrea to conclude the December 2000 peace agreement. The Ethiopian government subsequently received generous aid packages, even as it used lethal force against demonstrators, silenced dissent, and violently repressed minorities in rest-les regions. Contributing to the international community's muted criticism of these practices was the apparent perception that the dissenters were "hardliners," and the government's was the "moderate" camp.

The dissenters considered the government's espousing of a free-market economy and its partnership with international financial institutions a betrayal of the TPLF's ideological roots. In a strong sign of support for the government's policies, the IMF in March approved a U.S. \$112 million loan, and agreed to back Ethiopia's poverty reduction program. Likewise, a meeting of Ethiopia's donors in early April agreed to reschedule or cancel 70 percent of U.S. \$430 million in foreign debts.

United Nations

Implementation of the peace agreement progressed relatively well, but both parties repeatedly showed intransigence. The Security Council in Resolution 1369 (2001) passed in September extended the mandate of the United Nations Mission in Ethiopia and Eritrea (UNMEE)—a mission to monitor and help implement the cease-fire agreement—to March 15, 2002, and called on the parties to settle all outstanding issues. These included Ethiopia's reluctance to supply maps detailing the location of its minefields in Eritrea. About 70,000 internally-displaced Eritreans still could not be resettled because of the danger of land mines. Both countries balked at engaging in bilateral talks. Eritrea was accused of infiltrating militia into its side of the buffer zone in violation of the cease-fire agreement but confirmation

was difficult because Eritrea restricted the movement of UNMEE monitors. UNMEE reported that no Ethiopian troops remained in the temporary security zone separating the two countries. While matters could improve in 2002 when a boundary commission demarks a permanent boundary, both sides expressed dissatisfaction with the commission's interim findings.

Both countries continued to evict those identified as the other's nationals, causing great suffering to the victims and their kin, and blatantly violating international human rights norms in the process. Of concern also was the slow pace in implementing the agreement's compensation provisions for war-related losses.

A committee established pursuant to Security Council Resolution 1298 (2000) that imposed an arms embargo on the two parties complained in a May letter to the council that it had no monitoring arm and was thus constrained in carrying out its mandate of ensuring the effective implementation of the embargo. The Security Council lifted the ban in May. By contrast, the European Union in March renewed the arms embargo it imposed on Ethiopia and Eritrea in March 1999.

The United Nations Committee on the Rights of the Child gave Ethiopia a mixed review in 2001. It applauded the government's adoption of a new Family Code. It also welcomed the interim prohibition on the use of corporal punishment in schools but expressed disappointment that the ban had not been implemented. It identified ongoing abuses in violation of Ethiopia's own constitution. Many children continued to be subject to the adult justice system because neither a juvenile court nor a juvenile detention facility existed outside the capital; children were often exploited for child labor; and large numbers of children lived and worked in the streets without access to education, health care, or nutrition. The U.N. report echoed an April EHRCO report on the "frighteningly increasing number" of abandoned children in Ethiopian cities. In addition, rapes of young girls were common; even when reported, they were usually lightly punished, if at all.

United States

The U.S. continued to show reluctance to speak out publicly against rampant human rights abuses in Ethiopia, with a noticeable exception in April when its embassy in Addis Ababa denounced the use of excessive force against demonstrators. Further, while the U.S. had initially sponsored the U.N.'s yearlong arms embargo adopted on May 17, 2000, the outgoing Clinton administration attempted, but failed, to get the ban lifted in the weeks that followed the signature of the peace agreement in December 2000. The U.N. allowed the ban to expire in May, but warned the parties it would take action if they resumed fighting. And despite the close U.S. alliance with Ethiopia and Eritrea, the U.S. throughout the war put insufficient pressures on countries supplying the belligerents, including Bulgaria, China, France, Russia, and others, to stem the flow of arms.

In the wake of the September 11 attacks on New York and Washington, the Horn of Africa appeared poised to gain prominence in a U.S. foreign policy focused on building a global coalition against international terrorism. Following the attacks, the Ethiopian government had accused the Islamist group Al-Itihad Al-Islami, which fought for the autonomy of Ethiopia's Somali regional state from base in Somalia, of having links to the Bin Laden network. The Bush administration sought

to freeze the assets of that group. President Bush called Prime Minister Meles in early October and thanked him for his offer to cooperate in the U.S. campaign. U.S. assistance to Ethiopia totaled U.S. \$146 million in FY 2001, most of which was earmarked for food assistance and child survival programs.

KENYA

HUMAN RIGHTS DEVELOPMENTS

Amid an ongoing political crisis, constitutional reform remained critical to Kenya's future and promised to grow in urgency with the approach of the 2002 national election. From January 2001, when the chairman of the government-appointed Kenya Constitutional Review Commission was sworn in, progress on substantive issues was bogged down in controversy about its composition and the administration of its finances, and dissipated the public hopes initially vested in it. The repeated efforts of the ruling Kenya African National Union (KANU) to control the commission, to exclude or reduce significantly the input of civil society groups, and to use police to prevent or violently disrupt civic education gatherings or political opposition meetings further dashed public expectations.

In June 2001, the commission promised a draft of a new constitution by June and then September 2002. Both dates were viewed as unrealistic. The political opposition and civil society groups expressed concerns that the process would be rushed through to completion without sufficient civic education or participation, or if it proved patently impossible to meet the deadline that President Daniel arap Moi would seize the opportunity to introduce "interim reforms" by decree. Over-shadowing reform efforts was the question of whether or not President Moi would step down in 2002 in accordance with the existing constitution's two-term limit. When the ruling party and an opposition party merged in June, some saw the move as a stratagem by Moi to stay in power after the 2002 election.

There was one hopeful development in May, when President Moi agreed to include civil society representatives within the constitutional review commission. This concession ended the stalemate that had existed since 1999, when the Ufungamano group, a coalition of the political opposition and civil society, boycotted the parliamentary committee originally charged with the task of reviewing the constitution. As of August 2001, the expanded twenty-seven-member commission, which included members put forward by civil society groups, was gathering views from citizens on how they want to be involved in the review process.

In addition to the debate over constitutional review, there were important discussions over the grant of amnesty for economic and political crimes and over a motion in parliament to establish a Truth and Reconciliation Commission to explore human rights violations since 1966. But there was a lack of consensus in parliament on the need to confront past abuses: the motion was defeated.