



## **Testimony of Leslie Lefkow, Senior Researcher Africa Division, Human Rights Watch**

### **House Committee on Foreign Affairs, Subcommittee on Africa and Global Health Hearing of June 17, 2010**

Thank you, Chairman Payne, and members of the subcommittee, for inviting me to participate in this hearing. My name is Leslie Lefkow. I am a senior researcher with the Africa division of Human Rights Watch and I lead our work on the Horn of Africa.

Mr. Chairman, this hearing comes at a critical time for the Horn of Africa, one of the world's most volatile regions. Somalia is in the throes of one of its most acute crises in more than 20 years of conflict, with millions of its people displaced within or outside the country. Neighboring Eritrea has earned the dubious distinction of being the most closed and militarized society in sub-Saharan Africa. And across the border last month, Ethiopia conducted an election that cemented the ruling party's grip on power and signaled that authoritarian rule has become deeply entrenched in the United States' closest regional ally.

Each of these countries is enduring a human rights crisis of severe proportions and these crises are interlinked. Nonetheless, today I would like to focus on Ethiopia, a country that is in some ways the lynchpin of the region.

In the wake of last month's election, this is a key moment to take stock of recent developments in Ethiopia, assess its future, and analyze the role that the United States—a longstanding ally and partner to Ethiopia—can and should play in the region.

### **Ethiopia's Stalled Democracy**

Mr. Chairman, Ethiopia is not democratizing. The [May 2010 elections](#) provide a stark illustration of this fact. The ruling party, the Ethiopian People's Revolutionary Democratic Front (EPRDF), won more than 99 percent of the vote. Even the continent's long-term dictatorships baulk at these kinds of figures, but not the EPRDF.

Those who care about Ethiopia and the region now face a key question: were the May 2010 elections a casualty of a broader agenda of repression and control, or was the agenda of repression and control primarily an electoral strategy?

Mr. Chairman, based on the research and analysis that I and my colleagues at Human Rights Watch have been doing over the past years, I would argue, with deep regret, that the 2010 elections were simply a milestone in a broader effort by the EPRDF to consolidate control. It is our view that the repression we have documented in the lead-up to 2010, particularly the assault on civil society and independent voices, is a trend that will continue, and worsen, and is one that should deeply concern Ethiopia's friends and partners.

Although the margin of the 2010 victory came as a surprise to many observers, the result itself was predictable and echoed the results of local elections in 2008. Then, as well, we witnessed a 99 percent victory for the ruling party, but with the difference that those polls were largely boycotted by the opposition. In 2010, the opposition engaged in the electoral process and yet it won only one parliamentary seat in Addis Ababa—an exact reversal of their landslide victory in the capital five years earlier.

The latest overwhelming government “victory” is based, first and foremost, on the government's five-year strategy of systematically closing down space for political dissent and criticism. It is clear that the brief window of political space that preceded the controversial 2005 elections in Ethiopia was an anomaly in the EPRDF's 19-year rule and has now been slammed shut.

Thankfully, the polling on May 23 was peaceful. But the lack of unrest preceding and following the polls should not be taken as a sign of citizens' contentment with the process; rather it is the result of a systematic assault on basic human rights and democratic freedoms since the last elections of 2005. This campaign took the form of multiple forms of pressure, including:

- legislative and administrative restrictions on the media, opposition parties, and civil society groups;
- harassment and outright intimidation of civil servants and opposition supporters by government and party cadres at the local government level; and
- violence against, and arbitrary detention of, opposition activists.

Human Rights Watch's own research on the ground, carried out in difficult conditions, demonstrates clearly that in the run-up to the 2010 elections, voters were intimidated at

almost every stage. The Ethiopian government's grassroots-level surveillance machine, largely inherited from the Marxist military regime of the 1970s and 1980s, extends into almost every household in this country of 80 million people through the kebele (village or neighborhood) and sub-kebele administrations.

As a southern farmer and opposition supporter told Human Rights Watch last fall: "The kebele has made 60 people spies. They spy on the opposition members, they report on what we do, where we go, etc. We are scared, even scared to go out much. They are like militias, they are armed with guns."

In addition to penalizing opposition supporters, since 2005 voters at all levels of society were pressured to join the ruling party through a combination of carrots—such as access to development resources and programs—and sticks—such as denial of access to public sector jobs, educational opportunities, and development assistance. In the months before the election they were again pressured, this time to register for the election. And finally, in the weeks before the election, they were pressured once again, this time to turn out to vote—and to vote for the EPRDF.

What were the consequences of disobeying the elaborate and highly structured EPRDF-run local level administrations and militias? Government services, jobs, and other government-controlled resources would be withheld from those who failed to toe the line.

So the EPRDF's victory this year is no surprise. It was the inevitable result of a long-term strategy of repression that has been remarkably thorough and far-reaching. In addition to putting pressure on the voters, it has manifested itself through an iron grip on the political opposition, independent civil society, and the media. The electoral consequences of repression were a landslide result beyond what any simple attempt at rigging could have delivered. But the consequences of this repression will extend far beyond 2010.

## **Political Repression**

Mr. Chairman, in any circumstances the development of multi-party democracy in Ethiopia would be an enormous challenge. Ethiopia is a country that has never known a peaceful political transition and has a long history of autocratic governments. For these reasons and others, the opposition gains in 2005 were a profound surprise to most people, including, it seems, many government officials. A review of all of the developments since 2005 illustrates that in the wake of the mass public protests, the deaths of almost 200

demonstrators at the hands of the police, and the negative media attention of 2005, the government decided well in advance that 2010 would be very different.

One strand of the government's strategy has been to repress the political opposition: government critics are subjected to harassment, arrest, and even torture. Many of the most prominent opposition leaders were incarcerated for two years after the [2005 elections](#) and charged with very serious crimes including treason and genocide, for allegedly inciting violence in the post-election protests. Most of these charges were politically motivated. One of those detained in 2005 and then released under a pardon negotiated with the government was prominent opposition leader Birtukan Midekssa. Birtukan is currently serving a life sentence after the government revoked its pardon in December 2008 and detained her anew, without a trial, apparently because of her statement that she had not requested the pardon. Her detention was determined to be arbitrary by United Nations legal experts in December 2009.

Repression affects not just prominent dissidents but millions of ordinary citizens in small and large ways. Across Ethiopia and particularly in politically sensitive areas such as Oromia, Tigray, and Amhara Regions, local officials harass, imprison, or threaten to withhold vital government assistance from perceived government critics and opposition supporters. And again and again, ordinary Ethiopians stress the oppressive administrative structures as the key instruments of control.

As a teacher told Human Rights Watch, "You have to understand that at the grassroots level, everything is organized according to the EPRDF ideology, everything is organized and controlled by cells; if you are opposition you are excluded."

"Those who are not [EPRDF] supporters are like prisoners or paralyzed persons in that kebele," said a farmer from Awassa. This system, which proved so potent a tool to ensure the outcome of May 2010, will still be in place long after the elections are forgotten.

Peaceful government critics are often accused of serious crimes such as membership in insurgent or terrorist organizations. Most are released without being brought to trial due to the lack of any evidence against them, but only after punitively lengthy periods of detention.

The prospect of politically-motivated arrests, detentions, and abuses is only heightened by another recent development in Ethiopia. One of the alarming pieces of legislation adopted in July 2009, in the prelude to the elections, was the Anti-Terrorism Proclamation. This law provides an extremely broad and vague definition of terrorism and expands police powers to

arrest suspects without a warrant, among other concerns. Its potential use against political dissenters and even media who publish dissenting views is of great concern. Alongside it, there is a second nefarious piece of legislation regulating non-governmental organizations.

## **Attacks on Civil Society and the Media**

Mr. Chairman, freedom of expression and association are currently under assault in Ethiopia. Human rights organizations and other elements of independent civil society that scrutinize and hold governments accountable came under particular attack in the lead-up to the 2010 elections. In January 2009 the Ethiopian parliament adopted a new law called the [Charities and Societies Proclamation](#) (CSO law). The legislation restricts and criminalizes the activities of non-governmental organizations and associations in ways that violate the rights to freedom of expression and association.

The government claims that the CSO law is necessary to improve transparency and accountability and promote indigenous organizations, all of which are legitimate goals. But the rationale behind the law is quite the opposite. As laid out in an EPRDF newsletter and described to Human Rights Watch staff by government officials, the law has a clear discriminatory intent. It equates certain kinds of independent, non-governmental organizations—like human rights groups—with political parties, arguing that they should be restricted from foreign funding in order to restrict foreign influence in Ethiopia’s “developmental democracy.” And practically the law allows the government to determine which kind of non-governmental activity is appropriate. In other words, development work is acceptable, and an organization can receive foreign funding for such work as long as the development work does not touch on anything that hints at human rights promotion. Human rights activity is barred, including any advocacy for women’s rights, children’s rights, and the rights of the disabled.

The effects of the CSO law on Ethiopia’s slowly growing civil society have been devastating and predictable. The leading Ethiopian human rights groups have been crippled by the law and many of their senior staff have fled the country due to the increasing latent and sometimes blatant hostility towards independent activists. Some organizations have changed their mandates to exclude reference to human rights work. Others, including the Ethiopian Human Rights Council (EHRCO), Ethiopia’s oldest human rights monitoring organization, and the Ethiopian Women’s Lawyers Association (EWLA), which over the past decade launched groundbreaking work on domestic violence and women’s rights, have slashed their budgets, staff, and operations. Meanwhile, the government is encouraging a variety of ruling party-affiliated organizations to fill the vacuum, including the Ethiopian

Human Rights Commission, a national human rights institution with no semblance of independence.

Mr. Chairman, Ethiopia's government has also had little tolerance for the independent media. The most blatant attack on free expression—and a particularly telling reflection of his personal attitude towards the press—came from Prime Minister Meles Zenawi himself when in March 2010 he justified the jamming of Voice of America (VOA) by likening its programming to the genocidal Rwandan broadcaster, *Radio Mille Collines*. Throughout the days leading up to polling day, both the VOA and *Deutsche Welle*, the only two international radio broadcasters with programming in Ethiopia's principal languages, were jammed.

Although a few independent newspapers continue to publish despite a crippling barrage of state-inspired lawsuits, most choose self-censorship or shy away from frank coverage of the most sensitive issues. One of the most prominent local independent media outlets, the *Addis Neger*, closed in December 2009 after its editors received threats of prosecution under the new Anti-Terrorism law and fled the country.

### **Impunity of the Security Forces**

Mr. Chairman, Ethiopia's government often cites national security threats to justify its repressive measures. Certainly Ethiopia has suffered deadly attacks on its soil and, in October 2008, on its trade mission in Hargeisa, Somaliland; its concerns about terrorism are real. Ethiopia's government also faces security threats in the form of two low-level and long-standing insurgencies: the Oromo Liberation Front, in Oromia region, and the Ogaden National Liberation Front, which operates in Ethiopia's Somali region.

However, the government has regularly used the language and threat of terrorism as a pretext to restrict legitimate political opposition activity and political protest.

Even more alarming, Ethiopia's military has committed serious abuses amounting to war crimes and crimes against humanity in responding to these threats. And those responsible have enjoyed total impunity from prosecution. Both the abuses and the widespread impunity enjoyed by perpetrators appear systematic. From Ethiopia's western [Gambella Region](#) to Somali Region in the east, and in neighboring Somalia, Ethiopian security forces have in recent years repeatedly responded to insurgent threats with atrocities against local civilians.

To date, Ethiopia's consistent response to serious allegations of international crimes committed by Ethiopian security forces has been to deny the allegations and disparage the sources, be they Ethiopian human rights groups, my organization—Human Rights Watch—or even the US State Department. Instead of responding with genuine efforts to investigate and address abuses, the Ethiopian government has conferred effective immunity upon the perpetrators.

## **US Policy towards Ethiopia**

Mr. Chairman, the US relationship with Ethiopia is one of its most important on the African continent and Ethiopia is currently the only viable US partner in the volatile Horn of Africa. Ethiopia is also one of the few countries in sub-Saharan Africa whose government has made real and consistent efforts to realize broad-based economic development for its citizens.

But over the long term, if its current trajectory continues, the Ethiopian government is destined to become a serious liability rather than an asset to US interests in the region. If the United States needs Ethiopia as a strategic partner over the long term, it is crucial for the United States to act now to press Ethiopia's government to reverse course, before it is too late.

The Obama administration responded to the recent elections with a welcome and lucid statement of concern at the restrictions on freedom of expression and association. Officials in the administration say that the US government is shifting from the almost solely security-centered paradigm of the Bush years to a “balanced” and multi-dimensional relationship that embraces governance, economic development, and security interests. This shift is welcome. But it should go further: human rights underpins and intersects with all three areas of policy concern and should be at the heart of the US approach.

In other words, Mr. Chairman, so long as there is no accountability for human rights violations—whether at the hands of security forces, development officials, or ruling party cadres—it will be impossible for Ethiopia to achieve the kind of governance and stability it needs to be a truly viable partner for the United States. Conversely, if the Ethiopian government continues on its current trajectory of authoritarianism and repression, it will inevitably, inexorably undermine the partnership it has traditionally enjoyed with the United States.

If Ethiopia were not considered such a close ally on terrorism issues, it is likely that these trends would have evoked a far stronger and more concerted US response before now.

Efforts by Human Rights Watch and other organizations to [document](#) Ethiopian state abuses and press for genuine accountability have to date met with little or no serious response from the Ethiopian government—or from international donors, led by the US, who provide Ethiopia with more than US\$2 billion in aid annually.

In addition, Ethiopia’s government has proven remarkably adept over the years at intimidating donors into a passive stance on human rights and governance concerns—somehow managing to leverage massive inflows of development and humanitarian assistance against the donors and the taxpayers who provide them. The terms of the debate need to change.

The argument used by some that “quiet diplomacy” works best in Ethiopia has been proven wrong by its failure to yield few if any tangible results in recent years. All too often it just gives the Meles government the veneer of respectability that it seeks. The situation of the past several years—where the Ethiopian government could publicly reject the State Department’s human rights report as an “irritant” based on “hearsay and lies,” or compare the Voice of America to a genocidal Rwandan broadcaster—should not be quietly tolerated.

Mr. Chairman, were the US government to give priority to human rights and governance concerns and work to achieve concrete improvements in the Ethiopian government’s overall rights record, other donors would likely follow suit. Many key European donors have adopted (or conveniently hid behind) the position that they cannot effectively press these issues without leadership from the United States or United Kingdom, Ethiopia’s most important bilateral partners. US leadership is therefore key to pressuring Ethiopia to change course.

## **Key Recommendations for the US Government**

The statement from the US National Security Council following the May elections in Ethiopia was welcome and balanced. The US government should follow-up by clearly setting out some key short- and medium-term steps and reforms that the Ethiopian government needs to undertake. These should include revision or amendment of Ethiopia’s repressive legislation, release of political prisoners and other measures, as follows:

### ***1. Insist that Ethiopia’s Repressive Legislation is Amended***

As an urgent priority, the US government should press Ethiopia’s government to scrap or substantially amend the repressive legislation it adopted in 2008 and 2009, in particular the Charities and Societies Proclamation (CSO law) and the [Anti-Terrorism Proclamation](#). The necessary amendments should—at minimum—include:



*CSO Law:*

- Lifting the restriction on foreign funding for CSOs engaged in human rights activities.
- Adding provisions that appropriately limit and oversee the Charities and Society Agency's powers to license, register, supervise, penalize, or dissolve CSOs, and control their operational activities.

*Anti-Terrorism Law:*

- Clearly defining and limiting the definition of "terrorist acts" to violent crimes targeting people.
- Removing provisions from the law that are not in conformity with international evidentiary standards.
- Removing the death penalty.

*Media Law:*

- Amending provisions that apply criminal penalties, suspension of publications, and disproportionate financial penalties, and those that are otherwise not compatible with the Ethiopian Constitution and international conventions ratified by Ethiopia.
- Removing provisions that impose sanctions based on vague national security considerations and definitions.

*2. Call for the Release of Birtukan Midekssa and other Political Prisoners*

Prominent opposition leader Birtukan Midekssa was imprisoned without trial in 2008 following allegations that she violated the terms of her original pardon in 2007. She is now required to serve out the remainder of her life sentence. The Ethiopian government has sought to portray this issue as the mechanical outcome of an impartial legal system at work. The US government has already expressed considerable concern about Birtukan's detention but it has not done so forcefully enough or publicly enough.

*3. Ensure that No Military Assistance is Provided to Troops Suspected of War Crimes*

The US should make a clear statement that further International Military Education and Training (IMET) funding to the Ethiopian military, including training and provision of equipment to Ethiopian peacekeeping forces, will depend on meaningful Ethiopian efforts to respond to serious abuses, in line with the Leahy amendment to the Foreign Assistance Act.

A meaningful Ethiopian response should include inviting independent Ethiopian and international investigators and media to investigate allegations of abuses.

#### *4. Insist on Unfettered Access to Somali Region*

In the short term, the US government should seek immediate unfettered access for impartial humanitarian organizations seeking to assist vulnerable populations, particularly in the [Ogaden area of Somali Region](#). The Ethiopian government has placed severe restrictions on such access to date. We suspect its motives are to conceal what is happening in conflict-affected areas.

The Obama administration should also support an independent evaluation of the humanitarian response, including the distribution of food aid, in affected regions of Ethiopia. Serious allegations about potential diversion and manipulation of aid in the region by the military remain.

As a medium-term goal the US government should press for credible independent monitoring and reporting on the situation in conflict-affected regions of the Ogaden—whether by a UN-led commission of inquiry; a UN delegation of special rapporteurs; or some other impartial mechanism.

Mr. Chairman, my thanks again for the opportunity to address this sub-committee. I would be delighted to respond to any questions you or your colleagues may have.