

109TH CONGRESS
2D SESSION

H. R. 5680

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2006

Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Mr. WOLF, Mr. LANTOS, Mr. TANCREDO, Mr. TOWNS, Mr. RANGEL, Mr. LEACH, Mr. ROHR-ABACHER, Mr. MORAN of Virginia, Mr. CHABOT, Mr. AL GREEN of Texas, Mr. SABO, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, and Ms. MCKINNEY) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To encourage and facilitate the consolidation of security, 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 Freedom, De-
5 mocracy, and Human Rights Advancement Act of 2006”.

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

7 It is the policy of the United States to—

1 (1) support the advancement of human rights,
2 democracy, independence of the judiciary, freedom of
3 the press, peacekeeping capacity building, and eco-
4 nomic development in the Federal Democratic Re-
5 public of Ethiopia;

6 (2) collaborate with Ethiopia in the Global War
7 on Terror;

8 (3) seek the unconditional release of all political
9 prisoners and prisoners of conscience in Ethiopia;

10 (4) foster stability, democracy, and economic
11 development in the region; and

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

15 **SEC. 3. FINDINGS.**

16 Congress finds the following:

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

1 tatorship of the Mengistu regime. Members of that
2 murderous regime are currently living in Europe, the
3 United States, and Africa.

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

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

24 (4) The May 2005 pre-election period and the
25 conduct of the elections in Ethiopia were seen by ob-

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

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

24 (6) The Coalition for Unity and Democracy
25 (CUD), the United Ethiopian Democratic Forces

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

10 (7) Election results show that opposition parties
11 won 170 seats in the national parliament, a signifi-
12 cant increase from the 12 seats they won in the last
13 elections. Opposition parties also won the city coun-
14 cil in Addis Ababa, giving them control over the cap-
15 ital. An estimated 150 of the 170 opposition mem-
16 bers of parliament have taken their seats. In early
17 May 2006, the Government of Ethiopia appointed a
18 caretaker government in the capital. Members of
19 parliament from the CUD walked out of parliament
20 in protest. The CUD won the city, but the des-
21 ignated mayor has been in detention since November
22 2005.

23 (8) Human rights conditions deteriorated sig-
24 nificantly after the May 15, 2005, elections in Ethi-
25 opia and overall human rights conditions in the

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

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

24 (10) An estimated 112 political leaders, human
25 rights activists, community leaders, and journalists,

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

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

14 The Secretary of State shall—

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

20 (2) establish a program to provide legal support
21 for political prisoners and prisoners of conscience
22 and to assist local groups or groups from outside
23 Ethiopia that are active in monitoring the status of
24 political prisoners and prisoners of conscience in
25 Ethiopia;

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

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

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

19 (6) establish a mechanism to identify and extra-
20 dite members of the Mengistu Haile Mariam regime
21 and the current government residing in the United
22 States who were engaged in gross human rights vio-
23 lations and work with other governments to identify
24 and extradite such persons, including Mengistu
25 Haile Mariam.

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

2 (a) STRENGTHENING LOCAL, REGIONAL, AND NA-
3 TIONAL DEMOCRATIC PROCESSES.—The Secretary of
4 State shall—

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

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

16 (3) strengthen training for political parties in
17 Ethiopia in areas such as organization building and
18 campaign management;

19 (4) provide training for civil society groups in
20 election monitoring in Ethiopia; and

21 (5) facilitate ongoing communications between
22 the Government of Ethiopia through the National
23 Election Board (NEB) in order to address issues
24 such as delimitation of constituencies, voter registra-
25 tion, political party registration, candidate registra-

1 tion, and related matters to enhance the credibility
2 of the next elections in Ethiopia.

3 (b) DEMOCRACY ENHANCEMENT.—

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

8 (2) RESTRICTION.—

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

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

1 **SEC. 6. ENSURING GOVERNMENT SUPPORT FOR HUMAN**
2 **RIGHTS, DEMOCRACY, AND ECONOMIC DE-**
3 **VELOPMENT IN ETHIOPIA.**

4 (a) **LIMITATION ON SECURITY ASSISTANCE; TRAVEL**
5 **RESTRICTIONS.—**

6 (1) **LIMITATION ON SECURITY ASSISTANCE.—**

7 (A) **IN GENERAL.—**Except as provided in
8 subparagraph (B), security assistance shall not
9 be provided to Ethiopia until such time as the
10 certification described in paragraph (3) is made
11 in accordance with such paragraph.

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

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

1 (A) any official of the Government of Ethi-
2 opia who—

3 (i) has been involved in giving orders
4 to use lethal force against peaceful dem-
5 onstrators in Ethiopia; or

6 (ii) has been accused of gross human
7 rights violations;

8 (B) security personnel of the Government
9 of Ethiopia who were involved in the June or
10 November 2005 shootings of demonstrators;
11 and

12 (C) Ethiopian civilians who were involved
13 in the November 2005 killings of seven police-
14 men in Ethiopia.

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

20 (A) all political prisoners and prisoners of
21 conscience in Ethiopia have been released, their
22 civil and political rights restored, and their
23 property returned;

24 (B) prisoners held without charge or kept
25 in detention without fair trial in violation of the

1 Constitution of Ethiopia are released or receive
2 a fair and speedy trial, and prisoners whose
3 charges have been dismissed or acquitted and
4 are still being held are released without delay;

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

9 (D) the investigation of the killing of civil-
10 ian protesters by Ethiopian security forces is
11 credible, transparent, and those involved in the
12 unlawful killing are punished;

13 (E) family members, legal counsel, and
14 others have unfettered access to visit detainees
15 in Ethiopian prisons;

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

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

23 (H) access in Ethiopia is provided to the
24 Internet and the ability of citizens to freely

1 send and receive electronic mail and otherwise
2 obtain information is guaranteed;

3 (I) the National Election Board (NEB) in-
4 cludes representatives of political parties with
5 seats in the Ethiopian Parliament and guaran-
6 tees independence for the NEB in its decision-
7 making;

8 (J) representatives of international human
9 rights organizations engaged in human rights
10 monitoring work in Ethiopia are admitted to
11 Ethiopia without undue restriction; and

12 (K) Ethiopian human rights organizations
13 are able to operate in an environment free of
14 harassment, intimidation, and persecution.

15 (4) WAIVER.—

16 (A) IN GENERAL.—The President may
17 waive the application of paragraph (1) or (2) on
18 a case-by-case basis if the President determines
19 that—

20 (i) to the maximum extent practicable,
21 the Government of Ethiopia has met the
22 requirement of paragraph (3)(A); and

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

1 (B) NOTIFICATION.—Prior to granting a
2 waiver under the authority of subparagraph
3 (A), the President shall transmit to Congress a
4 notification that includes the reasons for the
5 waiver.

6 (b) TREATMENT OF POLITICAL PRISONERS AND
7 PRISONERS OF CONSCIENCE.—

8 (1) IN GENERAL.—The President, the Secretary
9 of State, and other relevant officials of the Govern-
10 ment of the United States shall call upon the Govern-
11 ment of Ethiopia to immediately release all polit-
12 ical prisoners and prisoners of conscience, especially
13 prisoners held without charge.

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

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

1 (1) encourage the Government of Ethiopia to
2 enter into discussions with the Oromo Liberation
3 Front to bring them into full participation in the po-
4 litical and economic affairs of Ethiopia, including
5 their legalization as a political party; and

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

9 **SEC. 7. SUPPORT FOR ECONOMIC DEVELOPMENT IN ETHI-**
10 **OPIA.**

11 (a) **ECONOMIC POLICY ASSISTANCE.**—Utilizing train-
12 ing and other technical assistance programs offered by the
13 Department of the Treasury, the Office of the United
14 States Trade Representative, and the Department of Jus-
15 tice, the President shall assist the Government of Ethiopia
16 in developing policies that will address key economic obsta-
17 cles, including in such areas as budgeting, taxation, debt
18 management, bank supervision, anti-money laundering,
19 and land title security that inhibit private sector develop-
20 ment and limit participation in donor programs such as
21 the United States Millennium Challenge Account.

22 (b) **FINANCING FOR UNITED STATES–ETHIOPIAN**
23 **COMMERCIAL VENTURES.**—Pursuant to the Government
24 of Ethiopia’s acceptance of the reforms in subsection (a),
25 the President shall make available adequate financing for

1 United States and Ethiopian private commercial ventures,
2 including programs of the United States Agency for Inter-
3 national Development, the Small Business Administration
4 (including, but not limited to, the Export Express and Ex-
5 port Working Capital programs), the Overseas Private In-
6 vestment Corporation (including, but not limited to, the
7 Small Business Center and the Small and Medium Enter-
8 prise and Structural Finance programs), and the Export-
9 Import Bank of the United States (including, but not lim-
10 ited to, the Short-Term Africa Pilot Program).

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

19 **SEC. 8. REPORT.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the President shall transmit to Congress
22 a report on the implementation of this Act, including a
23 description of a comprehensive plan to address the secu-
24 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 \$10,000,000 for each of the
6 fiscal years 2007 and 2008.

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

○