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BY E-MAIL AND FAX

Dear Mr. Klein:

I write this letter to challenge recent statements that you have personally made in a radio interview, and other statements made by your firm on behalf of your client the “Government of Ethiopia”. In these statements you and your firm make certain factual assertions about political conditions in Ethiopia, and inaccurately characterize the legislative intent of H.R. 2003 (“Ethiopia Democracy and Accountability Act of 2007”). I believe a number of statements that you and your firm have made concerning political conditions in Ethiopia and H.R. 2003 are grossly inaccurate; and other statements reflect a reckless disregard for the truth.¹ I am a member of the Coalition for H.R. 2003, eponymously named after the bill. (See <http://www.hr5680.org/>)

Your Interview on Deutsche Welle

In your Deutsche Welle (German Radio Amharic program) interview on August 14, 2007, you made the following assertions, among others: There are no political prisoners in Ethiopia today, or at any time following the 2005 election. No one in Ethiopia has been jailed because of his/her political views or stand. The recently freed opposition political leaders were jailed because of their criminal role in the post-2005 election-related violence. The reports of human rights abuses by international human rights organizations are mere allegations without factual foundation. The current ruling regime (your client) allows full and unrestricted exercise of basic freedoms including

¹ Your Firm’s statements concerning representation of your client are part of the public record, including filings with the U.S. Department of Justice, materials appended thereto as “Comments”, and various other statements and materials your firm has made available concerning your representation of your client.

free speech, free press and free electoral participation in Ethiopia. H.R. 2003 is fundamentally inimical to democratic progress in Ethiopia. Your interview comments reflect your Firm's stated positions.

Statements Made by Your Firm on Behalf of Your Client, and Against H.R. 2003

I. H.R. 2003 "Threatens U.S. National Security Interests"

You² have asserted that H.R. 2003 "threatens U.S. national interests" and therefore should not be enacted because it 1) "compromises the national security interests of the United States" by vitiating the partnership "with a vital ally of the United States in the fight against terrorism and efforts to promote regional stability in the Horn of Africa and the regional military task force", 2) undermines the strategic cooperation between Ethiopia and the United States "by cutting off critical security assistance to Ethiopia unless the President makes a complex 11-part certification, 3) imposes a "a sanction on all forms of security assistance other than peacekeeping and counter-terrorism," and further makes "impractical require[ments] that peacekeeping or counter-terrorism assistance not be used for any other security-related purpose", and 4) limits one of the central purposes of U.S. security assistance which is to "influence the development of military institutions and their role in democratic societies" and "equip military leaders with the professional development required to lead and maintain effective military forces under democratic civilian control, while enhancing their capacity to respond quickly and effectively to humanitarian crises on the continent."

This multipart argument misrepresents and mischaracterizes the plain language and legislative intent of H.R. 2003, and shows utter disregard for human rights as one of the indispensable pillars of U.S. foreign policy.

First, I challenge your claim that H.R. 2003 undermines the strategic cooperation between Ethiopia and the United States "by cutting off critical security assistance to Ethiopia unless the President makes a complex 11-part certification." What exactly are the elements of this "certification" to which you strenuously object on behalf of your client?

Sec. 6, (a) (3) (A-K) of H.R. 2003 enumerates the specific certification conditions your client must meet before the suspension provisions of the bill are triggered. These terms are not ironclad, but are based on an ongoing and flexible evaluation of whether your client is making

²Unless otherwise indicated the pronoun "You" will be used to refer to statements made by yourself and your firm.

credible and quantifiable efforts under the bill to ensure that (A) all political prisoners and prisoners of conscience in Ethiopia have been released, their civil and political rights restored, and their property returned; (B) prisoners held without charge or kept in detention without fair trial in violation of the Constitution of Ethiopia are released or receive a fair and speedy trial, and prisoners whose charges have been dismissed or acquitted and are still being held are released without delay; (C) the Ethiopian judiciary is able to function independently and allowed to uphold the Ethiopian Constitution and international human rights standards; (D) security personnel involved in the unlawful killings of demonstrators, Etenesh Yemam, and Kaliti prisoners are punished; (E) family members, legal counsel, and others have unfettered access to visit detainees in Ethiopian prisons; (F) print and broadcast media in Ethiopia are able to operate free from undue interference and laws restricting media freedom, including sections of the Ethiopian Federal Criminal Code, are revised; (G) licensing of independent radio and television in Ethiopia is open and transparent; (H) access in Ethiopia is provided to the Internet and the ability of citizens to freely send and receive electronic mail and otherwise obtain information is guaranteed; (I) the National Election Board (NEB) includes representatives of political parties with seats in the Ethiopian Parliament and guarantees independence for the NEB in its decision-making; (J) representatives of international human rights organizations engaged in human rights monitoring work in Ethiopia are admitted to Ethiopia without undue restriction; and (K) Ethiopian human rights organizations are able to operate in an environment free of harassment, intimidation, and persecution.

These certification standards are reasonably flexible under sec. 4 (A) (ii), which grants the U.S. President full authority to waive application of the law if he “determines that... the Government of Ethiopia has met the requirements [A-K] of paragraph (3); and...such a waiver is in the national interests of the United States.”

Is the certification issue really as onerous (“complex”) as you allege it to be?

As you know, presidential certification is a very common practice and requirement in the administration of not only U.S. foreign aid and defense policy, but also international counter-terrorism and -narcotics control policy. The certification process required by Congress in H.R. 2003 is not rigid and unyielding.

The President has various certification options for Ethiopia under the bill: full certification, denial of certification, or a "vital national interests" certification. He may choose to “fully” certify Ethiopia should he determine that the regime in power has fully met the certification requirements, or has taken adequate steps to achieve full compliance with the goals and objectives of H.R. 2003. If so, no aid will be withheld. He may choose to deny certification if the regime makes no or inadequate progress in meeting the statutory objectives, triggering the suspension of aid. He may also make “partial certification” under certain circumstances which would allow your client more

time for compliance. But most importantly, even if your client fails to meet the standards for full certification, the President may nevertheless issue certification by determining that it is in the U.S. "vital national interest" to do so, which will allow uninterrupted delivery of aid to your client as though it had been given full certification.

As you know, regardless of the certification provisions of H.R. 2003, the U.S. has ratified, is a signatory to or has adopted the following major human rights conventions, among others: Universal Declaration of Human Rights (1948), International Covenant on Civil and Political Rights (1977), International Convention on the Elimination of All Forms of Racial Discrimination (1992), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1994) Convention on the Elimination of All Forms of Discrimination against Women (1980) Convention on the Rights of the Child (1995).

The certification requirements of H.R. 2003 are not only consistent with U.S. international human rights obligations, they also complement existing federal law. 22 U.S.C. 2304 provides:

The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world... (2) Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights." (Emphasis added.)

To be sure, the certification requirements of H.R. 2003 are fully consistent with Section 502B of the Foreign Assistance Act (1976, as amended) which underscores the essential nature of human rights in U.S. foreign policy by requiring the secretary of state to transmit to Congress "a full and complete report" every year concerning "respect for internationally recognized human rights in each country proposed as a recipient" of U.S. security assistance. Specifically, this section requires information on specific areas such as: torture, arbitrary arrest, denial of fair trial and invasion of the home, extra-judicial killings or "arbitrary and unlawful deprivation of life, freedom of speech, press, religion and assembly, and freedom of movement and ability to participate in the political process. This section imposes restrictions on U.S. assistance to foreign governments that violate internationally recognized human rights. The certification provisions are necessary because of your client's extremely poor human rights record over the past decade and half.

I challenge your claim that H.R. 2003 imposes "a sanction on all forms of

security assistance other than peacekeeping and counter-terrorism,” and further makes “impractical require[ments] that peacekeeping or counter-terrorism assistance not be used for any other security-related purpose”, while undermining the professionalization of the military in Ethiopia. Indeed, this claim is inconsistent with existing federal law.

Limitations on use of U.S. military aid to suppress internal opposition is quite common. In fact, Sec. 6 (A) (1) (a) (Limitation on Security Assistance) of H.R. 2003 restates a fundamental aspect of the Leahy Amendments to the Foreign Operations Appropriations Act (2001), which provide human rights-based controls on military assistance to recipient countries:

None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice. (Emphasis added.)

The complementary language to the Leahy Amendments in H.R. 2003 provides, under Sec. 6 (a) (1) (B), that security assistance provided to Ethiopia “shall not be used for any other security-related purpose or to provide training to security personnel or units accused of human rights violations against civilians.” (Emphasis added.)

Manifestly, the “limiting” language in H.R. 2003 is in conformity with existing federal law. It does not invent hitherto unknown limitations or restrictions to be imposed on Ethiopia. (See also 22 U.S.C. 2304, *supra*.) Nonetheless, under both the Leahy Amendments and H.R. 2003 (Sec. 4 (A) (i), (ii)), there are adequate waiver provisions to mitigate the effects of the law in the discretion of the U.S. President.

I could not disagree with you more in your contention that H.R. 2003, a human rights bill, is harmful to American national interests. The pursuit of human rights as part of American foreign policy can NEVER threaten U.S. national security interests. Indeed, the centrality of human rights in American foreign policy is described in unambiguous language by the U.S. State Department Bureau of Democracy, Human Rights, and Labor as follows³:

The protection of fundamental human rights was a foundation stone in the establishment of the United States over 200 years ago. Since then, a central goal of U.S. foreign policy has been the promotion of respect for human rights, as embodied in the Universal Declaration of Human Rights. The United States understands that the existence of human

³ <http://www.state.gov/g/drl/hr/>

rights helps secure the peace, deter aggression, promote the rule of law, combat crime and corruption, strengthen democracies, and prevent humanitarian crises.

President Carter, whose eponymous Center's findings you have cited as authority to legitimize the victory of your client's party in the 2005 elections, in his augural speech stated:

“The world itself is now dominated by a new spirit. Peoples more numerous and more politically aware are craving and now demanding their place in the sun -- not just for the benefit of their own physical condition, but for basic human rights.”⁴ Today, Ethiopia “itself is dominated by a new spirit” of democracy, and its people yearn for “basic human rights.”

Enforcement of human rights anywhere in the world can never be a threat to American national interests!

While you may believe limitation on use of American security assistance can cause your client inconvenience and hardship (or “impractical requirements”), it is in the “vital interest” of the United States not to allow American weapons and military aid to be used to kill, maim, and suppress civilian populations in aid recipient countries. Such legislative restrictions are employed to deny dictators in recipient countries the military means to suppress peaceful dissent and opposition, and perpetuate wars and violence against their civilian population.

In light of the foregoing, your categorical claim in support of your client that H.R. 2003, a human rights bill, “threatens U.S. national security interests” is grossly inaccurate and unsupported by facts.

II. H.R. 2003 “Overlooks Progress Toward Democracy and Reconciliation”

You have asserted that H.R. 2003 “overlooks” the “immense progress made in Ethiopia since the May 2005 elections in creating a competitive, pluralistic democratic system of government.”

In support of this purported inexorable march towards democracy, you have enumerated the following propositions with supporting authorities: 1) The U.S. Department of State has made findings that “[t]hese elections [2005] stand out as a milestone in creating a new, more competitive multiparty political system in one of Africa's largest and most important countries.” 2) The Carter Center has concluded “the majority of the constituency results based on the May 15 polling and tabulation are credible and reflect competitive conditions.” 3) Former World Bank President Paul

⁴ <http://www.bartleby.com/124/pres60.html>

Wolfowitz's has observed that the Bank will resume aid to Ethiopia because "there is more reason to feel confident that people are learning the right lessons from the experiences of last year..." 4) That despite calls to boycott Parliament following the 2005 elections, "eighty-seven percent (150 out of 172) of the elected opposition representatives have joined the Parliament." You have further concluded that "the post election difficulties were largely caused by the decision of certain opposition parties (the "CUD") to reject legal means, including the judicial process, to challenge the election results and instead take to the streets".

I find your claims about "progress towards democracy and reconciliation" in Ethiopia quite incredible; and your citation of U.S. State Department human rights findings in support of this claim is artful and disingenuous.

First, you need to be aware that your client does not share your confidence in any U.S. State Department findings. In an interview he gave to Andrew Simmons ("Talk to Al-Jazeera", March 24, 2007"), Zenawi, commenting on critical State Department assessments on "progress towards" democracy in Ethiopia and wide-ranging abuses of human rights, stated:

"That's not the case... [denying human rights violations]. I have not read [the 2007 State Department Human Rights Report] it, but I know having read the department of state reports on human rights for over a decade now that they do tend to get things wrong, that what they write is not always the last word in the Bible."

It appears your contentions based on the State Department's reports are at odds with the publicly stated position of you client.

Second, in criticizing H.R. 2003 for "overlooking" progress towards democracy and reconciliation, you did a little bit of your own "overlooking" by failing to disclose the full extent of the State Department findings and conclusions on the human rights record of your client in the latest reporting period. In summary, the State Department has concluded:

The [Ethiopian] government's human rights record remained poor in many areas. Human rights abuses reported during the year included the following: unlawful killings; beating, abuse, and mistreatment of detainees and opposition supporters by security forces; poor prison conditions; arbitrary arrest and detention, particularly of those suspected of sympathizing with or being members of the opposition; detention of thousands without charge and lengthy pretrial detention; infringement on citizens' privacy rights; restrictions on freedom of the press; arrest, detention, and harassment of journalists for publishing articles critical of the government; restrictions on freedom of assembly and of association; violence and societal discrimination against women and abuse of children; female genital mutilation; exploitation of children for economic and sexual purposes; trafficking in persons; societal discrimination against persons with

disabilities and against religious and ethnic minorities; and government interference in union activities.⁵

Third, contrary to your claims of “progress towards democracy”, the details of your client’s human rights record over the past two years as documented by the U.S. State Department are reminiscent of the totalitarianism of the bygone Communist Era. The facts in your client’s human rights record are shocking to the conscience. Here is a sampling⁶:

On torture, infliction of cruel, inhuman, degrading treatment/punishment:

Although the [Ethiopian] constitution and law prohibit the use of torture and mistreatment, there were numerous credible reports that security officials often beat or mistreated detainees.

On arbitrary arrest and detention:

Although the [Ethiopian] constitution and law prohibit arbitrary arrest and detention, the government frequently did not observe these provisions in practice.... Authorities regularly detained persons without warrants and denied access to counsel and family members, particularly in outlying regions... The independent commission of inquiry... found that security officials held over 30,000 civilians incommunicado for up to three months in detention centers located in remote areas... Other estimates placed the number of such detainees at over 50,000.

On the denial of fair trial:

While the law provides for an independent judiciary, the judiciary remained weak and overburdened. The judiciary was perceived to be subject to significant political intervention.

On the lack of freedom of speech and press:

While the [Ethiopian] constitution and law provide for freedom of speech and press, the government restricted these rights in practice. The government continued to harass and prosecute journalists, publishers, and editors for publishing allegedly fabricated information and for other violations of the press law. The government continued to control all broadcast media. Private and government journalists routinely practiced self censorship.

On condition of Political Prisoners

The 200 political prisoners on trial in the Addis Ababa federal system were held in two separate prisons, Kaliti and Kerchele, often under harsh conditions. In March CUD Secretary General Muluheh Eyoel was placed in solitary confinement at Kerchele prison. In August fellow CUD member Andualem Arage, along with journalists Sisay Agena and

⁵ <http://www.state.gov/g/drl/rls/shrd/2006/80586.htm>

⁶ <http://www.state.gov/g/drl/rls/hrrpt/2006/78734.htm>

Eskinder Nega, were placed in solitary confinement.

On Freedom of Assembly

The constitution and law provide for freedom of assembly. Prior to the May 2005 national elections, there were numerous opposition rallies, including one that occurred in Addis Ababa that was attended by nearly one million persons the weekend prior to the elections. However, immediately following the elections and throughout the year, the government restricted this right in practice. From May 2005 to year's end, the government granted only one permit allowing a public demonstration to take place.

On Freedom of Association

Although the law provides for freedom of association and the right to engage in unrestricted peaceful political activity, the government in practice limited this right. The Ministry of Justice registers and licenses NGOs, and there was some improvement in transparency of the NGO registration process. The government continued to deny registration to the Human Rights League (see section 4).

I will limit my review of the facts on “the immense progress towards democracy” to the findings of the U.S. State Department Reports, since you have cited it as your principal authority in support of your claim. But the findings I have enumerated above are extensively corroborated and documented by Amnesty International⁷, Human Rights Watch⁸, The Observatory for the Protection of Human Rights Defenders⁹, among others.

In your radio interview, you stated that you “have no knowledge whatsoever” about the situation of journalists in Ethiopia. Perhaps, I can help.

On May 2, 2007, the Committee to Protect Journalists (CPJ), the independent and prestigious free press organization in the world, identified Ethiopia as the leader of its “Dishonor Roll” among the places worldwide where press freedom has deteriorated the most over the last five years. The report stated: “In [Ethiopia] 2006 alone, authorities ban[ned] eight newspapers, expel[led] two foreign reporters, and block[ed] critical Web sites. Key fact: Only a handful of private newspapers now publish, all under intense self-censorship.”¹⁰

You may find useful a report in the Washington Post on August 21, 2007, which details the harrowing experiences of Ethiopian journalists who were cleared of all charges and released this past Spring after spending two years in prison:

⁷<http://www.amnestyusa.org/annualreport.php?id=ar&yr=2007&c=ETH>

⁸<http://hrw.org/englishwr2k7/docs/2007/01/11/ethiop14704.htm>

⁹ http://www.omct.org/pdf/Observatory/2005/report/ethiopia_obs2005eng.pdf

¹⁰ <http://www.cpj.org/backsliders/index.html>

In lengthy interviews here in the Kenyan capital, the journalists also described being subjected to psychological torture during their confinement with other political prisoners in a stifling cell on the outskirts of the Ethiopian capital. They said that after their release they had had high hopes of starting a new life, but government agents almost immediately began hounding them, harassing them with phone calls and otherwise terrorizing them into fleeing their country for Kenya.¹¹

However, if you really want to know about the situation of journalists in Ethiopia, I should be glad to arrange a meeting for you with any number of them living in exile in the U.S., including the former president of the Ethiopian Free Press Journalists Association. All of them will be more than glad to answer any questions you may have on censorship and the repression of independent journalists in Ethiopia.

Regarding your claim that “eighty-seven percent (150 out of 172) of the elected opposition representatives have joined the Parliament,” as supporting evidence of “progress towards democracy”, let me refer you to the resignation statement of parliamentarian Dr. Getachew Jigi Demeksa, Chairman of Oromo Parliamentary Group: **Under the circumstances my conscience could not allow me to continue to be a member of parliament when I cannot speak with and for the people who elected me and cannot spare them from the daily harassment, intimidation, repression, extra-judicial killing, torture and displacement. Hence I have chosen to desist myself from the EPRDF regime and its rubber-stamp parliament.¹²**

It is ironic that you should refer to former World Bank President Paul Wolfowitz as authority for improved political conditions and the spread of democracy in Ethiopia. Mr. Wolfowitz’s ascended to his position in the Bank as an anti-corruption advocate. Unfortunately, he could not resist the temptation to engage in a little bit of corruption himself, and was forced out over a scandal involving a large salary raise he authorized for his girlfriend. Suffice it to say that a man incapable of making obvious ethical judgments could hardly be relied upon as a source of sound and informed judgment on political conditions of a country that is itself in the throes of corruption, strife and instability.

III. H.R. 2003 “Impedes Further Democratic Progress”

You have argued that H.R. 2003 “impedes further democratic progress towards human rights, democracy, and economic freedom in Ethiopia and prohibit new and

¹¹ “Freed Ethiopians Describe Threats Journalists Detail Abuse, Intimidation,” *Stephanie McCrummen*, Washington Post Foreign Service, Tuesday, August 21, 2007; Page A10.

¹² http://www.ethrev.com/2006/nov/11112006_MP_Getachew_Jigi_resigns.html

ongoing democracy, human rights, trade promotion, and agriculture assistance programs.”

You have offered no facts to support this speculative contention.

I disagree with your categorical assertions. I argue the opposite: Defeating H.R. 2003 will definitely “impede further democratic progress” in Ethiopia.

I will concede that there is no single formula for advancing democracy or human rights in Ethiopia or anywhere else. But there are essential elements that must be present if there is to be an effectively functioning democracy in Ethiopia that places a premium on individual liberty and safeguards the exercise of basic human rights. Among the most important pre-requisites for “democratic progress” are such things as free, fair and competitive elections with a level playing field, good governance based on representative, transparent and accountable institutions and the rule of law, independent judicial and legislative bodies, robust and independent media institutions that operate without censorship and energetic civil society institutions that engage citizens and keep government honest. These are the values that H.R. 2003 (Sec. 6, (a) (3) (A-K)) seeks to promote in Ethiopia.

IV. H.R. 2003 “Presents a One-Sided View of the Facts”

You have argued that H.R. 2003 “presents a one-sided view of the facts and does not reflect careful, objective and impartial investigation.” Specifically, you have asserted that the “Findings” in the bill are based on “opposition claims and accusations more often than not are taken at face value.” You condemn the bill for “ignor[ing] the “reconciliation process, led by a council of elders, that has been taking place for the last 18 months and that, most recently, led to the full pardon of 38 convicted opposition leaders.”

I challenge this assertion for its truthfulness. Let’s take a closer look at the legislative “Findings” of which you complain. Under Sec. 3 of H.R. 2003, 20 specific findings are made, beginning with an acknowledgement, as a first finding, of the suffering the Ethiopian people have undergone during the “brutal dictatorship and murderous regime of the military junta under Mengistu Haile Mariam.” In the second finding, the bill acknowledges the end of the “the brutal dictatorship of the Mengistu regime” in 1991 by your client’s political party, the Ethiopian People’s Revolutionary Democratic Front (EPRDF).

In the third and fourth findings, the bill commends your client’s party for instituting “a multiparty system and organiz[ing] regional and national elections”,

applauds your client “for conducting the [2005] elections in Ethiopia [that] were seen by observers to be transparent, competitive, and relatively free and fair, although there were a number of problems reported.”

In the fifth through seventh findings, the bill presents a balanced view on the claims and counter-claims of the ruling regime and opposition parties concerning the outcomes of the May, 2005 elections. In the eighth through twentieth findings the bill documents facts concerning human rights abuses and violations in Ethiopia in the post-election period, including the fact that “The Department of State, in its 2005 Country Reports on Human Rights Practices, noted a myriad of human rights abuses by the Government of Ethiopia”, the killings of dozens of demonstrators and detention of thousands of people, arrest and imprisonment of “an estimated 112 political leaders, human rights activists, community leaders, and journalists, including the chairman of the CUD (Hailu Shawel), the newly elected Mayor of Addis Ababa (Berhanu Nega), and the founder of the Ethiopian Human Rights Council (Professor Mesfin Wolde Mariam), were imprisoned and charged with treason and genocide”, findings of the “11-member Commission of Inquiry to investigate the disorder and report to the House of People's Representatives in order to take the necessary measure, and other related findings.

In light of the foregoing findings, I am at a loss to understand your claim that “H.R. 2003 presents a one-sided view of the facts”. What is so “one-sided” about these legislative findings?

But while we are on the subject of “one-sided view of facts,” I would like to ask you a few questions: How many CUD leaders or members did you talk to in your frequent visits to Ethiopia? How many opposition independent journalists did you interview to find out the problems of censorship? How many “political prisoners” (using the phrase as used in the U.S. State Department Human Rights Report on Ethiopia) did you speak with in developing your facts? Did you bother to speak with members of the Ethiopian Human Rights Council (EHRCO)? Did you ever get a chance to hear the stories of torture victims during your visits to Ethiopia to consult with your client?

Regarding your claim that the work of a council of elders “led to the full pardon of 38 convicted opposition leaders”, I must point out again that your position is diametrically opposed to your client’s.

Your client in a report to his parliament a few weeks ago stated that the matter of the Kality prisoners was properly before the court, and that the government could not

interfere in the adjudicatory process out of respect for the independence of the judiciary. He unequivocally asserted that the prisoners' matter was not in the hands of mediators or outside intermeddlers. Following the release of the prisoners, he reinforced this view by affirming in public statements that the conviction and pardon of the prisoners was pursuant to processes authorized by the country's constitution and laws.

In a press conference on the release of the political prisoners, your client reaffirmed his position by stating that the pardon granted should signify the absence of a "sense of revenge and vendetta on the part of the government as long as people recognize that the rules of the game are to be respected by everyone, [and] everyone is given a fair chance to participate". He indicated that the pardon was an act of compassion and charity intended to overcome bitterness and discord, and that it should signal a return to a normal political process. Your claim that the prisoners were released on the basis of a "reconciliation process led by a council of elders" is manifestly inconsistent with your client's.

My analysis of the facts is that the prisoners of conscience were released not because of the efforts of a "council of elders" or any "court" process. Rather, they were released because of intense State Department pressure and, undoubtedly, Congressional pressure emanating from H.R. 2003 and the intense work of Diaspora Ethiopians. There is also little doubt that the direct and indirect pressure applied by human rights organizations, condemnation and censure by European governments and exposés of gross human rights abuses by international media outlets played a critical role in persuading your client to release of the prisoners.

V. H.R. 2003 "Promotes Further Deterioration of the Situation in Somalia"

You have argued that H.R. 2003 "promotes further deterioration of the situation in Somalia by preventing the spread of Islamic fundamentalism" and the "the region from becoming a radical Islamist state that harbors and encourages jihadist-terrorist elements allied with al-Qaeda", and undermining support for the UN-backed interim government in Baidoa (sic)". You have further argued that the bill will unravel the "cooperative security arrangements between Ethiopia and the United States" in the counterterrorism area in the Horn region.

Let me point out again that your analysis of the Somali situation is diametrically opposed to you client's stated policy positions.

In a recent speech to his parliament, your client stated that he sent his troops to Somalia to give the Somalis peace at the "request made by the government of Somalia". He said peace remains elusive because of "threats posed by extremists who have taken

refuge in Somalia”. He explained that he “was forced to revise plans for [troop withdrawal in] the third and final phase because terrorists were regrouping and coordinating their efforts with Eritrea.” He reported progress in disarming Somali militia members and “re-integrating them into the police and defence forces as part of the drive to build the forces” of the Transitional Federal Government” (TFG). He declared: “[T]he situation in Mogadishu is one in which the TFG is in control of the whole city making it impossible for terrorists or non-government militia to control any part of the city.” He noted that he is working “whole-heartedly to convene a National Reconciliation Congress in Somalia.”

Your client further cautioned that withdrawal from Somalia under the current circumstances would “prevent deployment of AU (African Union) peacekeepers”, and lead to a “reversal of the process of stabilization of Somalia”. He reassured his parliament that he will “completely pull out” his troops “upon the successful conduct of the reconciliation conference and the consolidation of the TFG...”

Your client has never mentioned or alluded to H.R. 2003 as a problem in his Somalia policy. The incontrovertible fact of the matter is that H.R. 2003 has nothing to do with events in Somalia. Nothing! The solution to the Somalia “situation” is to expedite the arrival of the AU forces as indicated by your client, not prevent the enactment of H.R. 2003.

While we are on the subject of Somalia and the “deteriorating” situation there, let me share some hard facts with you. For the past 16 years, Somalia has been a polarized and fragmented society. It is regarded as a “failed state” because it has no legitimate national government, among other things. It has become the battleground for warlords and militiamen. Your client believed that he could outmaneuver and outwit the Somali clan leaders into accepting Ali Mohammed Gedi, as transitional federal government prime minister. He tried to sell the Somalis his brand of peace (a Pax Zenawi, if you will) in the name of national reconciliation and power sharing. But no one in Somalia would buy it. So, your client now finds himself in the cauldron of Somali clan politics, and he can’t get out!

Manifestly, the “deterioration” of the political situation in Somalia has nothing to do with H.R. 2003. It has to do with 1) the presence of Ethiopian occupation forces in Somalia, and 2) your client’s support of Gedi’s regime. Until these two issues are resolved, the principal political problem of Somalia -- clan polarization and fragmentation -- can not be effectively addressed. By his own admission, your client

miscalculated the intentions and integrity of the clan leaders, and underestimated the complexity and severity of Somali clan politics.¹³

So, how does H.R. 2003 “promote further deterioration of the situation in Somalia”? The answer is it does not. H.R. 2003 has nothing to do with the “situation in Somalia”!

Ethical Issues for You and Your Firm

After listening to your radio interview and considering the other public statements made by your firm, I was left wondering whether your statements reflected an advocacy position of your client, or whether you were in fact making verified public statements on behalf of your client.

For instance, in your German Radio (Amharic program) on August 14, 2007, following your blanket assertions about the “dramatic improvements in human rights in Ethiopia” and the flourishing democracy there complete with free speech and press rights and multiparty democracy, you made a sweeping declaration of ignorance on the status of imprisoned and exiled journalists in the country. Asked if you knew how many Ethiopian journalists have been imprisoned or exiled, you responded: “I wouldn’t have any knowledge of that whatsoever.”

Your categorical response to the situation of Ethiopian journalists suggested to me that your other responses concerning the political situation in the country are based on your personal knowledge, or reasonable inquiry and ascertainment of the facts before you communicated them to the public on behalf of your client. Regardless, as a lawyer you have a special ethical obligation to provide truthful and accurate information in your communication to the public (third parties) on behalf of your client. This obligation is clearly stated in Rule 4.1 of the District of Columbia Bar Rules. Though you have “no affirmative duty to inform” third parties, it is an ethical obligation of all lawyers not to engage in “misrepresentation” of facts. I am concerned that your public statements on behalf of your client straddle the ethical lines which lawyers must never cross.

Concluding Remarks:

In the struggle for human rights in Ethiopia we realize that our grassroots efforts are no match to your mighty army of lobbyists and lawyers that march on Capitol Hill everyday with an overwhelming sense of assured victory. DLA Piper is the third largest

¹³“Ethiopian Premier Admits Errors on Somalia,” Stephanie McCrummen, Washington Post Foreign Service, Friday, June 29, 2007; Page A16

law firm in the entire world, with over 3500 lawyers! You have Dick Armey and Dick Gephardt, two titans in recent American Congressional history. You have George Mitchell, and many other extraordinarily influential former members of Congress from both major political parties in your firm.

We are just a bunch of not-so-well-organized mass of grassroots advocates who do our best to plead our cause before the U.S. Congress. We do not have millions of dollars to spend on lobbyists, and do not have ready access to the great earthly officers of men.

We know we are no match for DLA Piper as David was no match for Goliath. But what we lack in money and influence, we more than make up in passion and unflagging commitment to the holy cause of democracy, freedom and human rights in our homeland. In the final analysis, all we have are TRUTH and the God of David on our side. We are convinced that our cause of democracy, freedom and human rights shall be triumphant in the end as David was victorious over Goliath.

We respect your public advocacy efforts on behalf of your client, and we do not question your duty of zealous representation in all forums. Though we may disagree, we believe you are entitled to your opinion; but you are not entitled to your own facts.

The facts about the human rights situation in Ethiopia cry out from the pages of the reports of the Ethiopian Human Rights Council, the U.S. State Department, Amnesty International, Human Rights Watch, Genocide Watch, The Observatory for the Protection of Human Rights Defenders and many others. Please do not make a travesty of these hallowed facts in your public statements!

Sincerely,

Alemariam

Alemayehu G. Mariam, Ph.D. J.D.
Coalition for H.R. 2003