

## **Human Rights and Humans Without Rights in Ethiopia** **Alemayehu G. Mariam**

(Full text of speech given at the University of Minnesota Law School,  
Conference “On the New Breed of African Leaders and the Future  
of Human Rights and Democracy in Africa”, April 6, 2007.)

Thank you very much.

It feels great coming back to my *alma mater* after nearly a quarter of a century.

### **Momentary Reflection on My Youthful Activism at the U of M**

Before I offer my remarks, I would like to ask you to bear with me for a minute as I reflect on the great tradition of human rights advocacy at the University of Minnesota, when I was a graduate student here in the second half of the 1970s.

Back then, there were two major issues that galvanized the campus activist community: Apartheid in South Africa, and gross violations of human rights by military regimes in Latin America.

In the late 1970s, many of us at this university, supported and guided by progressive faculty members, formed a vanguard to advocate and mobilize for divestment of university assets in corporations that did business in apartheid South Africa. That effort paid off in the early 1980s when the University of Minnesota became one of first three major American universities to divest its portfolio from corporations doing business in apartheid South Africa.

Then there was “Operation Condor.” The military dictators of Chile, Argentina, Brazil, Paraguay, Bolivia had united their security services to eliminate progressive opponents of their regimes throughout the 1970s.

We had the great honor of hosting Mrs. Hortensia Allende, the widow of President Salvador Allende of Chile on campus. And many of us participated in grassroots campaigns to aid victims of human rights abuses in Latin America.

You could say that was when I was baptized in the holy cause of human rights right here on the banks of the River Mississippi.

I am really glad and very proud to see that even after 25 years, the human rights beat for Africa still goes on loud and strong at my *alma mater*.

### **The Importance of This Human Rights Conference**

Let me preface my remarks by saying a word or two about the extraordinary importance of this conference.

As I was preparing for this event, I asked myself a simple question: What difference does it make to have a human rights conference on Africa or Ethiopia at the University of Minnesota, or Harvard or UCLA, or Berkeley or anywhere else for that matter?

Are we here today to make a symbolic statement, feel good, congratulate and pat each other on the back, and go home intoxicated by an overwhelming sense of self-righteousness?

I believe not.

This conference is exceedingly important because it crystallizes the fact that human rights abuses in the African continent at large, or in specific countries such as Ethiopia, are not just an African or Ethiopian problem, but rather a problem for all humanity.

Our presence here today reaffirms the vitality and relevance of that glorious charter of human liberty, the Universal Declaration of Human Rights.

For me, this is a special forum because here today the world will hear again the faint echoes of the voices of those victims of human rights abuses from the graves, prisons and dungeons in a place called Ethiopia.

This conference is also important for the message it telegraphs to human rights abusers in Africa.

Let me assure you that our presence here today sends chills down the backs of African dictators who have hoodwinked Bill Clinton and Tony Blair to confer upon them the bogus title of “New Breed of African Leaders.”

But conferences such as this show that the “New Breed of African Leaders” are really no more than pitiful emperors with no clothes. We are not fooled by the “new breed” of African dictators or naked emperors!

I believe this conference has enormous practical significance. It demonstrates to African dictators that someone is watching them, and that “someone” is the tip of the spear of the American intellectual community -- law professors and law students allied with grassroots human rights advocates and defenders.

This conference is singularly important for me because it could be the gateway to decisive and concerted international action against human rights abusers in Africa. Using the investigative research and advocacy skills of your faculty and students, the techniques of naming and shaming perfected by Amnesty International, the application of astute lobbying and media work, all of you here have the power and the means to hold repressive regimes in Africa accountable not only to their people, but also to the international community.

### **Should We Hang Our Heads in Shame?**

I want to answer a question recently posed by Archbishop Desmond Tutu as a bridge to my presentation today.

On March 16, 2007, Archbishop Tutu, one of the two greatest African leaders in living memory, commenting on Mugabe's crackdown on the opposition asked:

We [Africans should] hang our heads in shame...How can what is happening [in Zimbabwe]... elicit hardly a word of concern let alone condemnation from us leaders of Africa?... What more has to happen before we who are leaders, religious and political, of our mother Africa are moved to cry out 'Enough is Enough'? Do we really care about human rights, do we care that people of flesh and blood, fellow Africans are being treated like rubbish, *almost worse than they were ever treated by rabid racists?*

I have often asked similar questions. How can the wanton killing of 193 peaceful protesters and the wounding of 763 others by Zenawi's security forces in Ethiopia "elicit hardly a word of concern let alone condemnation" from African leaders?

Why did the African Union turn a blind eye when hundreds of thousands of innocent Ethiopians were herded into pigstys that pass off for jails and prisons?

Why are the fathers of Africa silent when Zenawi keeps the winners of the 2005 parliamentary elections chained in his dungeons?

Why aren't the leaders of mother Africa not "moved to cry out 'Enough is Enough'" Zenawi?

Yes, Archbishop Tutu, leaders of mother Africa should all hang their heads in shame!

But so should the rest of us.

For our silence when our African brothers and sisters are brutalized. For being mute when we could have shouted a mighty shout of protest against injustice. For turning a blind eye to crimes against humanity committed against our people. For our passivity and lack of courage to do the right thing, when we can, when we should.

### **Human Rights and Humans Without Rights in Ethiopia**

I have captioned my talk today, "Human Rights and Humans Without Rights in Ethiopia".

I have chosen the title advisedly because I believe the whole human rights issue in Africa has become a sordid joke to both the old and new breed of dictators.

On October 7, 2004, Tony Blair congratulated his handpicked Commissioner for Africa, Zenawi, for "the greater freedom and democracy there is here [in Ethiopia] today."

In June and November 2005, when thousands of Ethiopians were arrested, imprisoned and massacred, Blair said nothing.

Tony still hasn't said a word, but Ethiopians today continue to be hammered by his Commissioner for Africa.

Of course, Commissioner Zenawi has a perfect explanation for not respecting the human rights of the Ethiopian people.

He says: “We are just fledgling democracy. Our people are not ready for Western style democratic government. They don’t understand human rights. They hunger for food, not human rights. Hardliners and extremists will use human rights to create anarchy and chaos in the country.” Blah, blah, blah.

But Zenawi “doth protest too much.” Observance of human rights is not an option for him.

Article 13 of the Constitution he wrote declares: “The fundamental rights and freedoms enumerated in [the Constitution] shall be interpreted in a manner consistent with the Universal Declaration of Human Rights, international human rights covenants and conventions ratified by Ethiopia.”

Zenawi has accepted in his constitution all of the major international human rights conventions. He must live by them, observe and respect these conventions. He has no choice!

Of course, as we all know, the past decade has been a total disaster for human rights in Ethiopia.

Let’s just take a glance at the evidence on the state of human rights in Ethiopia in the past year by reviewing some of the major findings of the U.S. State Department Human Rights Report on Ethiopia, released exactly a month ago today, on March 6, 2007.

We will also consider Zenawi’s recent responses to these findings in an interview he gave to Al-Jazeera.<sup>1</sup>

### **Zenawi, the Universal Declaration of Human Rights and the U.S. State Department Human Rights Report**

On arbitrary or unlawful deprivation of life, *Article 3 of the Universal Declaration of Human Rights* states:

Everyone has the right to life, liberty and security of person.

*The 2007 U.S. State Department Human Rights Report* on Ethiopia concluded:

In late October [2006] the commission of inquiry established by the government to investigate the alleged use of excessive force ... found that 193 civilians--nearly four times the number originally reported by the government--and 6 members of the security forces were killed, while 763 civilians and 71 members of the security forces were injured, many seriously.

---

<sup>1</sup> Andrew Simmons interview of Zenawi, “Talk to Al-Jazeera”, March 24, 2007; see <http://english.aljazeera.net/NR/exeres/80AA000E-7081-4D35-B0F4-25902CC79D04.htm>

**Zenawi's says:**

“I regret the deaths as you know, up to 194 civilians died, six policemen were killed, more than 70 policemen were wounded, I regret all these deaths but there was a challenge to the constitutional order in Ethiopia and that challenge had to be faced.”

On torture and other cruel, inhuman, or degrading treatment or punishment, *Article 5 of the Universal Declaration of Human Rights* states:

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

*The 2007 U.S. State Department Human Rights Report on Ethiopia* concluded:

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.

**Zenawi says:** “That’s not the case... I have not read [the 2007 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.”

On arbitrary arrest or detention, *Article 9 of the Universal Declaration of Human Rights* states:

No one shall be subjected to arbitrary arrest, detention or exile.

*The 2007 U.S. State Department Human Rights Report on Ethiopia* concluded:

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.

**Zenawi's says:** “Well, people are entitled to their own opinion in the case of Ethiopia, we took people to court, they've had their day in court we are still waiting for the verdict of the court, we detained a large number of people immediately after the attempted insurrection but we released them within weeks, the vast majority of them were released within weeks, the 100 or so were detained and taken to court. I do not believe that is a disproportionate response to a concerted effort to bring about a change in government by force.”

On denial of fair public trial, *Article 10 of the Universal Declaration of Human Rights* states:

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

*The 2007 U.S. State Department Human Rights Report* concluded:

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.

**Zenawi says:** “That’s not the case... I have not read [the 2007 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.”

On freedom of speech and press, *Article 19 of the Universal Declaration of Human Rights* states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

*The 2007 U.S. State Department Human Rights Report* concluded:

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.

**Zenawi says:** “That’s not the case... I have not read [the 2007 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.”

On academic freedom and cultural events, the *2007 U.S. State Department Human Rights Report* concluded:

The government restricted academic freedom during the year, maintaining that professors could not espouse political sentiments. Authorities did not permit teachers at any level to deviate from official lesson plans and discouraged political activity and association of any kind on university campuses...The government arrested students and teachers during the year. Professors and students were discouraged from taking positions not in accordance with government beliefs or practices.

**Zenawi says:** “That’s not the case... I have not read [the 2007 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.”

Well, so much for Article 13 of Zenawi's Constitution!

But we should all be amused by Zenawi's observation that the State Department report he has not read is "not the last word in the Bible." Never mind the State Department report. *He should read the Bible itself, beginning with the first Word: Thou shalt not kill!*

### **What Can America Do to Champion the Cause of Human Rights in Ethiopia, and in Africa?**

On March 13, 2007, Secretary of State Condoleeza Rice commenting on the situation in Zimbabwe declared:

The United States calls for the immediate and unconditional release of those individuals detained by the Government of Zimbabwe after its brutal attack March 11 on a prayer meeting in the Harare suburb of Highfield. We hold President Mugabe responsible for the safety and well-being of those in custody, including Movement for Democratic Change leaders Morgan Tsvangirai and Arthur Mutambara, and National Constitutional Assembly leader Lovemore Madhuku.

Hooray, for Dr. Rice for taking such a principled stand on human rights abuses in Zimbabwe.

But what is good for Zimbabwe is also good for Ethiopia. So, we should demand that she use the same exact press release and hold Zenawi "responsible for the safety and well-being of those in custody", including Hailu Shawul, Mesfin Woldemariam, Berhanu Nega, Birtukan Midekssa, Muluneh Eyuel and many others.

It is only fair and just for America to hold accountable those who committed brutal attack on March 11, 2007 in Zimbabwe with those who committed massacres in Ethiopia in June and November 2005.

That is indeed the first thing America can and needs to do to improve the human rights situation in Ethiopia: Demand the release of all political prisoners, and hold the chief architect and mastermind of the repressive regime there accountable for gross violations of international human rights law.

Now, President Bush seems to speak with forked tongue when it comes to human rights. He says: "All who live in tyranny and hopelessness can know: the United States will not ignore your oppression, or excuse your oppressors. When you stand for your liberty, we will stand with you."

Well, when Ethiopians stood up for liberty in May 2005, and Zenawi herded their democratically elected leaders into jail, not only did he not stand with them, he did not even say a word.

I must say, Dr. Rice's protests against Mugabe and the State Department human rights report on Zenawi's crimes sound hollow without swift corrective action to bring both human rights abusers into full compliance with international law.

But I believe there is a lot America can do to improve the human rights situation in Ethiopia. As a major donor, the U.S. can refuse to conduct business as usual with Zenawi. It can declare: "America does not do business with torturers, murderers and gross violators of human rights!"

That is pretty much what the U.S. Congress was saying in a nice diplomatic way to Zenawi in H.R. 5680, the Ethiopia Freedom, Democracy and Human Rights Act. "America does not do business with torturers, murderers and gross violators of human rights!"

H.R. 5680 provided \$20 million to Zenawi's regime to implement a comprehensive human rights and democratic-institution building agenda in Ethiopia.

First and foremost, the bill demanded release of all prisoners of conscience in Ethiopia, including opposition party and civic leaders, journalists and human rights defenders. That is always job #1.

But the bill went beyond the question of the prisoners of conscience. It provided for technical assistance to significantly improve the electoral process and strengthen legislative bodies, political parties and civil society organizations. It also sought to improve the justice system by insuring the independence of the judiciary and by professionalizing the prosecutorial agencies. It fostered the growth of independent private journalism and promote the privatization of the electronic media. It aimed to facilitate the free operation of human rights organizations and guaranteed freedom of action for human rights defenders. Ultimately, the bill sought to promote reconciliation efforts between the regime and civil society organizations and opposition elements, among other things.

This past October, the bill passed the 50-member House International Relations Committee, *with full bipartisan support*, only to be derailed by none other than the mighty lobbyist and former House majority leader, Dick Armey.

Old Tricky Dick whispered a few choice words into Speaker Hastert's ears, and H.R. 5680 was stonewalled.

But we did not take it lying down. Like Joshua's army at the Battle of Jericho, we shouted a mighty shout on Hastert's stonewall. We took the battle to his district outside of Chicago, and we were able to capture and stoke the imagination of his constituents who launched a massive grassroots telephone campaign urging him not to stand in the path of freedom, democracy and human rights in Ethiopia.

But then like Joshua's army, we were graced by divine intervention, and Hastert was humbled by the American voters. After the voters spoke to Hastert, he lost his voice and could speak no more.



But unlike Zenawi, Hastert listened to the voice of the American people with dignity and magnanimity, though he now lives in anonymity. But the flames of H.R. 5680 still burn in the hearts of all freedom-loving Ethiopians.

We are very hopeful that a replacement bill for H.R. 5680 will be introduced in the House in the very foreseeable future. And we will continue the struggle for human rights in Ethiopia, day and night! Our young “firefighters” will keep the flame of H.R. 5680 eternally alive.

But we are not content to limit our human rights advocacy to a single piece of legislation, however important that legislation may be.

We are now working hard to engage our American brothers and sisters to join hands with us in advancing the cause of human rights in Ethiopia.

We have significantly expanded our educational efforts at the state and local levels to raise awareness of repression and human rights abuses in Ethiopia. We have pending resolutions demanding the release of the prisoners and improvements in human rights in Ethiopia in the state legislatures. In California, Majority Leader Karen Bass has introduced AJR 12.

But we are doing other things as well in the institutions of higher education. We are engaging American institutions of higher education in our human rights struggle. We are mobilizing American university students and faculty to be involved in Ethiopian human rights advocacy, and we are building bridges to connect our human rights cause with human rights causes and grassroots organizations and defenders the world over, as this conference demonstrates.

### **The New Millennium**

At the stroke of the midnight hour on September 12, 2007, it will be the dawn of a new millennium in Ethiopia. At that hour, Ethiopia will have its appointment with destiny. At that moment, Ethiopia will cast off its history of tyranny and repression, and face a brave new millennium of freedom, democracy and human rights.

In the New Millennium, Ethiopia will be transformed from a land of famine to a land of plenty, from a land of despair and misery to a land of hope and opportunity.

In the New Millennium, Ethiopia will be transformed from a land of tyranny and repression to a land of freedom, democracy and human rights. That is her divine destiny!

### **Expressions of Gratitude**

Before I conclude, I would like to thank all of the organizations that have sponsored, co-sponsored and in other ways supported this conference today.

I thank specifically the Humphrey Institute for Public Affairs, the University of Minnesota Law School and the Human Rights Center of the University of Minnesota for organizing and

sponsoring this very important event on the problem of leadership, human rights and democracy in Africa.

I would also like to thank various Departments and Programs at the University of Minnesota -- the African American and African Studies Department, the Department of History, the Department of Political Science, and the Institute of Global Studies for their collaboration with the principal sponsors to make this event possible.

A number of important student and civic organizations have also joined in co-sponsoring this event. I thank the Ethiopian-American National Alliance, the Oromo-American Citizens Council, the Oromia Student Union, the African News Journal, the African Student Association, Amnesty International Law Student Group, Amnesty International-University of Minnesota Student Chapter, Books for Africa, the International Leadership Institute, the Minnesota Advocates for Human Rights, and the Minnesota African Women's Association (MAWA).

I would like to specially thank the renowned and distinguished human rights expert and Director of the Human Rights Center at the University of Minnesota and U.N. Rapporteur on the Rights of Non-citizens, Regents Professor and Fredrikson and Byron Professor of Law, David Weissbrodt, for his interest and commitment to human rights in Africa and Ethiopia.

I would like to personally thank two young men who played a pivotal role in the coordination of this event today -- Mr. Patrick Finnegan and Mr. Birhanemeskel Abebe. Thank you both for your wonderful leadership in assembling such an impressive list of co-sponsors and speakers, and for coordinating such a massively successful event.

Let me also thank the other distinguished presenters here today for taking the time to come to my *alma mater* and discuss human rights in Africa, and for their penetrating comments and insights on human rights abuses in Ethiopia.

Thank you Michael Clough (formerly Senior Fellow, Council on Foreign Relations and Advocacy Director for Africa, Human Rights Watch) for your compelling and irrefutable arguments demonstrating the illegitimacy of Zenawi's regime. Chris Fomunyoh (Senior Associate and Regional Director of the National Democratic Institute), thank you for making a persuasive case for democratization in the continent. Peter Takirambudde (Executive Director, Sub-Saharan Africa Program Human Rights Watch), thanks for clarifying for us the extraordinary importance of grassroots advocacy for human rights. I appreciate your acknowledgement of the great job of grassroots advocacy Ethiopian Americans are doing in the United States.

Let me thank again Birhanemeskel Abebe, this time not for coordinating this event but for his passion and dedication to human rights in Ethiopia.

As some of you may be aware, Birhanemeskel was formerly a legal advisor to the Permanent Mission of Ethiopia to the United Nations in New York. I am so proud to see one of our young

people taking such an extraordinary leadership role in the Diaspora. He is one of the young “firefighters” that I talked about in my recent piece “The Hummingbird and Forest Fire”.

Unlike the “new breed of African leaders”, Birhanemeskel is among the new generation of young and dedicated Ethiopian human rights leaders and defenders who will bring the blessings of liberty to all Ethiopians. Birhanemeskel, I symbolically pass on the torch from the older generation to your generation to light the path for freedom, democracy and human rights in Ethiopia.

I would also like to thank Arnold Tsunga, (Executive Director, Zimbabwe Lawyers for Human Rights) Anna Ishaku (Director of Public Prosecutions, Kaduna State, Nigeria) Evelyn Jifon (Coordinator, Sistershare and Nsobahti Women's Associations, Cameroon) and Aboubakary Moumouni Moussa (Senior Advisor, Educational and Social Activities, GERED-ONG, Benin) for their insights and analysis on critical human rights issues of gender discrimination and poverty.

Special thanks goes to our distinguished moderators, Dr. Daniel Abebe (Dean, Metropolitan State University) Barbara Frey, (Director, Human Rights Program, University of Minnesota), and Judge Lajune Lange (Hennepin County District Court, and President of International Leadership Institute). Please forgive me if I have left out anyone else.

Thank you all very much.

### **Tutu’s Question**

Let me just leave you with Archbishop Tutu’s gnawing questions: “Do we really care about human rights, do we care that people of flesh and blood, fellow Africans are being treated like rubbish, almost worse than they were ever treated by rabid racists?”

Should we hang our heads in shame?

Thank you.