

110TH CONGRESS
1ST SESSION

H. R. 2228

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

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2007

Mr. SMITH of New Jersey (for himself, Mr. DANIEL E. LUNGREN of California, and Mr. ROHRABACHER) introduced the following bill; which was referred to the Committee on Foreign Affairs

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 2007”.

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

7 It is the policy of the United States to—

8 (1) support the advancement of human rights,
9 democracy, independence of the judiciary, freedom of
10 the press, peacekeeping, capacity building, and eco-

1 nomic development in the Federal Democratic Re-
2 public of Ethiopia;

3 (2) collaborate with Ethiopia in the Global War
4 on Terror;

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

7 (4) foster stability, democracy, and economic
8 development in the region; and

9 (5) strengthen United States-Ethiopian rela-
10 tions based on the policy objectives specified in para-
11 graphs (1) through (4).

12 **SEC. 3. FINDINGS.**

13 Congress finds the following:

14 (1) The people of Ethiopia have suffered for
15 decades due to military conflicts, natural disasters,
16 poverty and diseases, regional instability, and the
17 brutal dictatorship of the military junta under
18 Mengistu Haile Mariam. Hundreds of thousands of
19 civilians were brutally murdered by the Mengistu re-
20 gime, including women and children. Many more
21 sacrificed their lives fighting for freedom, respect for
22 human rights, and to bring an end to the brutal dic-
23 tatorship of the Mengistu regime. Members of that
24 murderous regime are currently living in Europe, the
25 United States, and Africa.

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

13 (3) Since the ouster of the Mengistu regime in
14 1991, the EPRDF-led government instituted a
15 multiparty system and organized three regional and
16 national elections and a number of local elections.
17 The 1995 and 2000 elections were largely boycotted
18 and judged to be neither free nor fair. Some opposi-
19 tion groups participated in the 2000 elections, giving
20 such groups 12 seats in the 546-seat parliament.

21 (4) The May 2005 pre-election period and the
22 conduct of the elections in Ethiopia were seen by ob-
23 servers to be transparent, competitive, and relatively
24 free and fair, although there were a number of prob-
25 lems reported. More than 90 percent of registered

1 voters participated and dozens of political parties
2 took part in the elections. Moreover, some inter-
3 national groups observed the elections, unprece-
4 dented access to the mass media was given to the
5 opposition, and there were televised debates between
6 the government and the opposition. Some political
7 parties and armed political groups boycotted the
8 2005 elections. However, trained local groups were
9 barred from observing the elections.

10 (5) The May 15, 2005, elections were seen by
11 observers as questionable. The opposition accused
12 the Government of Ethiopia of stealing the elections
13 and called for civil disobedience, which resulted in
14 the killing of demonstrators and detention of opposi-
15 tion leaders and thousands of their followers, includ-
16 ing 11 elected members of parliament and the elect-
17 ed mayor of Addis Ababa.

18 (6) The Coalition for Unity and Democracy
19 (CUD), the United Ethiopian Democratic Forces
20 (UEDF), and the ruling EPRDF reached an agree-
21 ment to resolve disputed election results peacefully
22 with the help of the National Electoral Board
23 (NEB). The NEB investigated more than 299 com-
24 plaints and later agreed to hold reruns in 31 con-
25 stituencies. In late August 2005, the NEB held re-

1 runs in the 31 constituencies as well as in all 23
2 constituencies in the Somali region, where elections
3 had been postponed due to insecurity.

4 (7) Election results show that opposition parties
5 won 170 seats in the national parliament, a signifi-
6 cant increase from the 12 seats they won in the
7 2000 elections. Opposition parties also won the city
8 council in Addis Ababa, giving them control over the
9 capital. An estimated 150 of the 170 opposition
10 members of parliament have taken their seats. In
11 early May 2006, the Government of Ethiopia ap-
12 pointed a caretaker government in the capital. Mem-
13 bers of parliament from the CUD walked out of par-
14 liament in protest. The CUD won the city, but the
15 designated mayor has been in detention since No-
16 vember 2005.

17 (8) Human rights conditions deteriorated sig-
18 nificantly after the May 15, 2005, elections in Ethi-
19 opia and overall human rights conditions in the
20 country remain poor. The Department of State, in
21 its 2005 Country Reports on Human Rights Prac-
22 tices, noted a myriad of human rights abuses by the
23 Government of Ethiopia. Moreover, journalists and
24 editors of the independent press have been and con-
25 tinue to face harassment and prosecution for alleged

1 violations of press laws in Ethiopia. Dozens of jour-
2 nalists have fled the country, and some are currently
3 in exile fearing prosecution or harassment.

4 (9) In June 2005, more than 35 demonstrators
5 were killed by Ethiopian Government security per-
6 sonnel and in November 2005 at least 42 protesters
7 and 7 police officers were killed, according to reports
8 from international human rights organizations. The
9 violence against these victims occurred after pro-op-
10 position groups went to the streets of the capital to
11 protest government actions in handling the election
12 results of May 2005. Tens of thousands of people
13 suspected of being opposition supporters were de-
14 tained over the past months; many of these detain-
15 ees were released. Government security forces con-
16 tinue to abuse opposition leaders, supporters, and
17 family members.

18 (10) An estimated 112 political leaders, human
19 rights activists, community leaders, and journalists,
20 including the chairman of the CUD (Hailu Shawel),
21 the newly elected Mayor of Addis Ababa (Berhanu
22 Nega), and the founder of the Ethiopian Human
23 Rights Council (Professor Mesfin Wolde Mariam),
24 were imprisoned and charged with treason and geno-
25 cide. These measures were deliberately taken to sti-

1 fle and criminalize opposition party activity in the
2 country. The measures also were intended to intimi-
3 date and silence independent press and civil society,
4 raising serious questions about the Ethiopian Gov-
5 ernment's commitment to democracy and good gov-
6 ernance.

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

8 The Secretary of State shall—

9 (1) establish a mechanism to provide financial
10 support to local and national human rights groups
11 and other relevant civil society organizations to help
12 strengthen human rights monitoring and regular re-
13 porting on human rights conditions in Ethiopia;

14 (2) establish a program to provide legal support
15 for political prisoners and prisoners of conscience
16 and to assist local groups or groups from outside
17 Ethiopia that are active in monitoring the status of
18 political prisoners and prisoners of conscience in
19 Ethiopia;

20 (3) seek to increase the independence of the
21 Ethiopian judiciary through facilitation of joint dis-
22 cussions for court personnel, officials from the Ethi-
23 opian Ministry of Justice, relevant members of the
24 legislature, and civil society representatives on inter-
25 national human rights standards;

1 (4) create and support a judicial monitoring
2 process, consisting of local and international groups,
3 to monitor judicial proceedings throughout Ethiopia,
4 with special focus on unwarranted government inter-
5 vention in strictly judicial matters, and to inves-
6 tigate and report on actions to strengthen an inde-
7 pendent judiciary;

8 (5) establish a program to strengthen private
9 media in Ethiopia, provide support for training pur-
10 poses, offer technical and other types of support as
11 necessary, and expand programming by the Voice of
12 America to Ethiopia; and

13 (6) establish a mechanism to—

14 (A) identify and extradite members of the
15 Mengistu Haile Mariam regime and the current
16 government who reside in the United States
17 and who were engaged in gross human rights
18 violations; and

19 (B) work with other governments to iden-
20 tify and extradite such persons, including
21 Mengistu Haile Mariam.

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

23 (a) **STRENGTHENING LOCAL, REGIONAL, AND NA-**
24 **TIONAL DEMOCRATIC PROCESSES.**—The Secretary of
25 State shall—

1 (1) provide assistance to strengthen local, re-
2 regional, and national parliaments and governments in
3 Ethiopia through training in consultation with gov-
4 ernment authorities, political parties, and civil soci-
5 ety groups;

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

12 (3) strengthen training for political parties in
13 Ethiopia in areas such as organization building and
14 campaign management;

15 (4) provide training for civil society groups in
16 election monitoring in Ethiopia; and

17 (5) facilitate ongoing communications between
18 ruling and opposition political parties through the
19 National Election Board (NEB) in order to address
20 issues such as delimitation of constituencies, voter
21 registration, political party registration, candidate
22 registration, and related matters to enhance the
23 credibility of the next elections in Ethiopia.

24 (b) DEMOCRACY ENHANCEMENT.—

1 (1) ASSISTANCE.—United States technical as-
2 sistance for democracy promotion in Ethiopia shall
3 be made available to the ruling party as well as to
4 opposition parties in Ethiopia.

5 (2) RESTRICTION.—

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

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

21 **SEC. 6. ENSURING GOVERNMENT SUPPORT FOR HUMAN**
22 **RIGHTS, DEMOCRACY, AND ECONOMIC DE-**
23 **VELOPMENT IN ETHIOPIA.**

24 (a) LIMITATION ON SECURITY ASSISTANCE; TRAVEL
25 RESTRICTIONS.—

1 (1) LIMITATION ON SECURITY ASSISTANCE.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), security assistance may not
4 be provided to Ethiopia until such time as the
5 certification described in paragraph (3) is made
6 in accordance with such paragraph.

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

15 (2) TRAVEL RESTRICTIONS.—Beginning on the
16 date that is 60 days after the date of the enactment
17 of this Act and until such time as the certification
18 described in paragraph (3) is made in accordance
19 with such paragraph, the President shall deny the
20 issuance of a visa to and admission to the United
21 States to—

22 (A) any official of the Government of Ethi-
23 opia who—

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

4 (ii) has been accused of gross human
5 rights violations;

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

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

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

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

22 (B) prisoners held without charge or kept
23 in detention without fair trial in violation of the
24 Constitution of Ethiopia are released or receive
25 a fair and speedy trial, and prisoners whose

1 charges have been dismissed or acquitted and
2 are still being held are released without delay;

3 (C) all capital assets of United States citi-
4 zens and of entities not less than 50 percent
5 beneficially owned by United States citizens
6 that have been nationalized, expropriated, or
7 otherwise seized by the Ethiopian government
8 before the date of the enactment of this Act in
9 contravention of international law are returned
10 or a mutually agreed upon restitution agree-
11 ment is performed;

12 (D) the Ethiopian judiciary is able to func-
13 tion independently and allowed to uphold the
14 Ethiopian Constitution and international
15 human rights standards;

16 (E) the investigation of the killing of civil-
17 ian protesters by Ethiopian security forces is
18 credible, transparent, and those involved in the
19 unlawful killing are punished;

20 (F) family members, legal counsel, and
21 others have unfettered access to visit detainees
22 in Ethiopian prisons;

23 (G) print and broadcast media in Ethiopia
24 are able to operate free from undue inter-
25 ference, and laws restricting media freedom, in-

1 including sections of the Ethiopian Federal
2 Criminal Code, are revised;

3 (H) licensing of independent radio and tel-
4 evision in Ethiopia is open and transparent;

5 (I) access in Ethiopia is provided to the
6 Internet and the ability of citizens to freely
7 send and receive electronic mail and otherwise
8 obtain information is guaranteed;

9 (J) the National Election Board (NEB) in-
10 cludes representatives of political parties with
11 seats in the Ethiopian Parliament and guaran-
12 tees independence for the NEB in its decision-
13 making;

14 (K) representatives of international human
15 rights organizations engaged in human rights
16 monitoring work in Ethiopia are admitted to
17 Ethiopia without undue restriction; and

18 (L) Ethiopian human rights organizations
19 are able to operate in an environment free of
20 harassment, intimidation, and persecution.

21 (4) WAIVER.—

22 (A) IN GENERAL.—The President may
23 waive the application of paragraph (1) or (2) on
24 a case-by-case basis if the President determines
25 that—

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

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

6 (B) NOTIFICATION.—Prior to granting a
7 waiver under the authority of subparagraph
8 (A), the President shall transmit to Congress a
9 notification that includes the reasons for the
10 waiver.

11 (b) TREATMENT OF POLITICAL PRISONERS AND
12 PRISONERS OF CONSCIENCE.—

13 (1) IN GENERAL.—The President, the Secretary
14 of State, and other relevant officials of the Govern-
15 ment of the United States shall call upon the Gov-
16 ernment of Ethiopia to immediately release all polit-
17 ical prisoners and prisoners of conscience, especially
18 prisoners held without charge.

19 (2) TORTURE VICTIM RELIEF.—While it is the
20 responsibility of the Government of Ethiopia to com-
21 pensate the victims of unlawful imprisonment and
22 torture and their families for their suffering and
23 losses, the President shall provide assistance for the
24 rehabilitation of victims of torture in Ethiopia at
25 centers established for such purposes pursuant to

1 section 130 of the Foreign Assistance Act of 1961
2 (22 U.S.C. 2152).

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

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

10 (2) provide such assistance as is warranted and
11 necessary to help achieve the goal described in para-
12 graph (1).

13 **SEC. 7. SUPPORT FOR ECONOMIC DEVELOPMENT IN ETHI-**
14 **OPIA.**

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

1 (b) FINANCING FOR UNITED STATES-ETHIOPIAN
2 COMMERCIAL VENTURES.—Pursuant to the Government
3 of Ethiopia’s acceptance of the reforms in subsection (a),
4 the President shall make available adequate financing for
5 United States and Ethiopian private commercial ventures,
6 including programs of the United States Agency for Inter-
7 national Development, the Small Business Administration
8 (including the Export Express and Export Working Cap-
9 ital programs), the Overseas Private Investment Corpora-
10 tion (including the Small Business Center and the Small
11 and Medium Enterprise and Structural Finance pro-
12 grams), and the Export-Import Bank of the United States
13 (including the Short-Term Africa Pilot Program).

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

22 **SEC. 8. REPORT.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the President shall submit to Congress
25 a report on the implementation of this Act, including a

1 description of a comprehensive plan to address the secu-
2 rity, human rights, democratization, and economic free-
3 dom concerns that potentially threaten the stability of
4 Ethiopia.

5 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There are authorized to be appro-
7 priated to carry out this Act \$10,000,000 for each of the
8 fiscal years 2008 and 2009.

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

○