

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 4423  
OFFERED BY MR. SMITH OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Ethiopia Freedom, De-  
3 mocracy, and Human Rights Act of 2006”.

**4 SEC. 2. STATEMENT OF POLICY.**

5       It is the policy of the United States to support the  
6 advancement of human rights, democracy, and economic  
7 freedom in the Federal Democratic Republic of Ethiopia,  
8 in concert with United States security interests, in order  
9 to better enable Ethiopia to play a leading role in partici-  
10 pating with the United States and other countries in fos-  
11 tering stability, democracy, and economic development in  
12 Africa.

**13 SEC. 3. SUPPORT FOR HUMAN RIGHTS IN ETHIOPIA.**

14       (a) FINDINGS.—Congress makes the following find-  
15 ings:

16           (1) According to the Department of State’s  
17 2005 Country Reports on Human Rights Practices,  
18 the Government of Ethiopia has begun trials of a



1 few soldiers accused of involvement in the 2003–  
2 2004 massacres of Anuaks in the Gambella region of  
3 Ethiopia, in which more than 1,400 persons were  
4 killed, hundreds more were tortured or raped, and  
5 thousands were driven into exile in Sudan.

6 (2) Human rights conditions in Ethiopia dete-  
7 riorated significantly after the May 15, 2005, elec-  
8 tions and overall human rights conditions in the  
9 country remain poor. The Department of State, in  
10 its 2005 Country Reports on Human Rights Prac-  
11 tices, noted a myriad of issues, including limitations  
12 on citizens' rights to change their government; un-  
13 lawful killings, beatings, abuse and mistreatment of  
14 detainees and opposition supporters by security  
15 forces; detention of thousands without charge, and  
16 government restrictions on the freedom of speech  
17 and assembly.

18 (3) In June 2005, more than 35 demonstrators  
19 were killed by Ethiopian government security per-  
20 sonnel and in November 2005 an estimated 53 peo-  
21 ple were killed, including 7 policemen, according to  
22 Human Rights Watch and several other reports. The  
23 violence against these victims occurred after pro-op-  
24 position groups went to the streets of the capital to  
25 protest government actions in handling the election



1 results of May 2005. Tens of thousands of people  
2 suspected of being opposition supporters were de-  
3 tained over the past months, although many of these  
4 detainees were released.

5 (4) There are at least 112 political leaders,  
6 human rights activists, community leaders, and jour-  
7 nalists, including the chairman of the Coalition for  
8 Unity and Democracy (Hailu Shawal), the newly-  
9 elected Mayor of Addis Ababa (Berhanu Nega) and  
10 the founder of the Ethiopian Human Rights Council  
11 (Professor Mesfin Wolde Mariam), currently in pris-  
12 on charged with treason and genocide.

13 (5) The United States Congress, especially the  
14 Congressional Task Force on Ethiopia, has been ac-  
15 tively engaged in the promotion of democracy, re-  
16 spect for human rights, reconciliation efforts, and an  
17 end to unnecessary armed conflicts in Ethiopia. Con-  
18 gress played a key role in efforts to ensure inter-  
19 national observer participation, access to the media  
20 for opposition candidates, and with respect to several  
21 issues related to the May 2005 elections.

22 (6) According to the 2005 Country Reports on  
23 Human Rights Practices, contrary to Ethiopian law,  
24 Ethiopian courts have conducted closed proceedings,  
25 allowed little or no opportunity for detainees to have



1 contact with their legal counsel, and have not re-  
2 spected the presumption of innocence of detainees.

3 (7) The Committee to Protect Journalists re-  
4 ports that the Government of Ethiopia continues to  
5 refuse to revise a repressive media bill that endan-  
6 gers the right to free speech.

7 (8) Broadcasting is a key source of information  
8 for citizens of Ethiopia, but the Government of Ethi-  
9 opia has delayed accepting licenses for private radio  
10 or television since a licensing law was passed in  
11 1999. Despite the recent approval of two private  
12 radio licenses, there remain questions about the will-  
13 ingness of the Government of Ethiopia to allow open  
14 access to broadcast licensing and functioning.

15 (9) According to the Committee to Protect  
16 Journalists, the deep political divisions in Ethiopia  
17 have led to a months-long government crackdown on  
18 private media, “gutting the print media, promoting  
19 rampant self-censorship, and resulting in the impris-  
20 onment of more than a dozen journalists on charges  
21 that could bring the death penalty”. The Broad-  
22 casting Board of Governors notes that among those  
23 journalists indicted for reporting on post-election  
24 protests were five Ethiopian-born broadcasters of the



1 Voice of America's Horn of Africa Service who work  
2 in Washington, D.C. and are United States citizens.

3 (b) SUPPORT FOR HUMAN RIGHTS TRAINING.—The  
4 President, acting through the Administrator of the United  
5 States Agency for International Development, shall revise  
6 the Agency's country plan for Ethiopia to provide support  
7 for more sustainable independent human rights moni-  
8 toring operations in Ethiopia and provide joint training  
9 for civil society representatives and government officials  
10 on international human rights standards.

11 (c) TRAINING FOR COURT SYSTEM PERSONNEL.—  
12 The President, acting through the Administrator of the  
13 United States Agency for International Development and  
14 the head of the Office of Prosecutorial Development As-  
15 sistance and Training of the Department of Justice, shall  
16 support programs directed at increasing the independence  
17 and competence of the Ethiopian judicial system, espe-  
18 cially training for Ethiopian court personnel on handling  
19 suspects and defendants throughout the pre-trial and trial  
20 process in order to ensure their human and civil rights  
21 as defined by international accords.

22 (d) HUMAN RIGHTS MONITORING.—The President,  
23 the Secretary of State, and all other relevant officials of  
24 the Government of the United States shall—



1           (1) call upon the Government of Ethiopia to  
2 admit without restriction representatives of inter-  
3 national human rights organizations engaged in  
4 human rights monitoring work in Ethiopia;

5           (2) call upon the Government of Ethiopia to en-  
6 sure that domestic human rights organizations are  
7 able to operate in an environment free of harass-  
8 ment, intimidation, and persecution;

9           (3) call upon the Government of Ethiopia to  
10 allow the United Nations Special Rapporteur on  
11 Torture to conduct an investigation of reports that  
12 prisoners have been and continue to be tortured  
13 while in the custody of the Government of Ethiopia;  
14 and

15           (4) establish a mechanism to provide financial  
16 support to local human rights groups such as the  
17 Ethiopian Human Rights Council to help strengthen  
18 human rights monitoring and regular reporting on  
19 human rights conditions throughout the country.

20           (e) FREE MEDIA.—The President, the Secretary of  
21 State, and other relevant officials of the Government of  
22 the United States shall—

23           (1) encourage the Government of Ethiopia to  
24 support freedom of the press by allowing print and



1 broadcast media to operate free from undue inter-  
2 ference;

3 (2) encourage the Government of Ethiopia to  
4 ensure the open and transparent licensing of inde-  
5 pendent radio and television and use all available  
6 means to support the establishment and effective  
7 functioning of independent radio and television as  
8 means of broadening the access of average citizens  
9 to information;

10 (3) encourage the Government of Ethiopia to  
11 ensure unimpeded access to the Internet and the  
12 ability of citizens to freely send and receive elec-  
13 tronic mail and otherwise obtain information which  
14 appears threatened by actions such as the January  
15 28, 2006, arrest of journalists for the establishment  
16 and operation of the Internet web site Ethiopian Re-  
17 view;

18 (4) encourage the Government of Ethiopia to  
19 revise Press Proclamation No. 34 of 1992, which al-  
20 lows the Government to bring criminal charges  
21 against journalists for offenses such as defamation  
22 and the publication of false news;

23 (5) encourage the Government of Ethiopia to  
24 repeal sections of the Federal Criminal Code that  
25 make journalists, editors, and publishers criminally



1        liable for offenses against “honor and reputation”  
2        and other speech-related crimes; and

3            (6) establish a program to strengthen private  
4        media in Ethiopia, provide support for training pur-  
5        poses, and offer technical and other types of support  
6        as necessary.

7        **SEC. 4. SUPPORT FOR DEMOCRATIZATION IN ETHIOPIA.**

8        (a) FINDINGS.—Congress makes the following find-  
9        ings:

10            (1) Human Rights Watch has reported the har-  
11        assment, detention, and even torture of critics of the  
12        Government of the Federal Democratic Republic of  
13        Ethiopia, especially in the Oromia region of Ethi-  
14        opia, ostensibly to silence political opponents.

15            (2) The Government of Ethiopia on March 30,  
16        2005, expelled three internationally respected United  
17        States nongovernmental organizations—the Inter-  
18        national Republican Institute, the National Demo-  
19        cratic Institute, and the International Foundation  
20        for Electoral Systems—that were promoting demo-  
21        cratic development, ostensibly due to their failure to  
22        register for such activities.

23            (3) The European Union election observers in  
24        the May 15, 2005, elections accused the Government  
25        of Ethiopia of employing “hate speech” and listed





1 acts of violence and intimidation in a letter to the  
2 National Electoral Board. The Carter Center also  
3 reported the use by opposition parties in Ethiopia of  
4 ethnic “hate speech” and opposition plots to under-  
5 mine the elections.

6 (4) Complaints about the conduct of the May  
7 15, 2005, elections were lodged by the main opposi-  
8 tion coalition and the ruling party in 299 of Ethio-  
9 pia’s 547 constituencies, but more than 90 percent  
10 of opposition party filings were thrown out by the  
11 Ethiopian agency investigating electoral complaints,  
12 while only 10 percent of ruling party complaints  
13 have been found to be unsubstantiated. This was  
14 due to the tendency in many reviewed cases of the  
15 National Election Board and the ruling party to out-  
16 vote the opposition and prevent by-elections, as well  
17 as the inability of opposition complaints to document  
18 election irregularities.

19 (5) International election observers reported the  
20 turnout of millions of eligible voters in the May 15,  
21 2005, elections, further confirming the desire of the  
22 citizens of Ethiopia to express their political will  
23 through the ballot.

24 (6) Even after a donor-facilitated agreement be-  
25 tween the Government of Ethiopia and the opposi-



1           tion to establish a complaint review process, the  
2           Ethiopian Government failed to release the cus-  
3           tomary detailed election results in a timely fashion,  
4           leading to suspicion of vote counting irregularities.

5           (7) Following the May 15, 2005, elections, the  
6           outgoing Ethiopian Parliament changed the rules of  
7           procedure in the national legislature thereby con-  
8           straining members of opposition parties from intro-  
9           ducing legislation or raising issues for discussion.

10          (b) TRANSPARENCY OF ELECTION RESULTS.—Con-  
11          gress urges—

12           (1) Ethiopian opposition parties to follow  
13           through on court challenges of the May 15, 2005,  
14           election results that such opposition parties consider  
15           to be irregular; and

16           (2) the Government of Ethiopia to take steps to  
17           make the National Election Board of Ethiopia more  
18           representative of the full spectrum of politics by in-  
19           cluding representatives of political parties with seats  
20           in the Ethiopian Parliament as members and guar-  
21           anteeing independence for the Board in its decision-  
22           making in advance of the planning for the next na-  
23           tional elections in Ethiopia.

24          (c) STRENGTHENING LOCAL, REGIONAL, AND NA-  
25          TIONAL DEMOCRATIC PROCESSES.—



1           (1) STATEMENT OF POLICY.—Congress urges  
2           the Government of Ethiopia to readmit the Inter-  
3           national Republican Institute (IRI), the National  
4           Democratic Institute (NDA), and the International  
5           Foundation for Electoral Systems (IFES), which  
6           were expelled prior to the May 15, 2005, elections  
7           and expeditiously work out any legitimate issues in-  
8           volving their registration to enable these organiza-  
9           tions to provide assistance in strengthening local, re-  
10          gional, and national democratic processes.

11          (2) ASSISTANCE.—The Secretary of State shall  
12          provide assistance to strengthen local, regional, and  
13          national parliaments and governments in Ethiopia  
14          through training by IRI, NDA, IFES, and other  
15          qualified groups. Support for such local, regional,  
16          and national parliaments and governments shall  
17          focus on areas determined to be necessary by the  
18          Secretary of State in consultation with authorities  
19          and civil society groups.

20          (d) TRAINING OF POLITICAL PARTIES AND CIVIL SO-  
21          CIETY ELECTION OBSERVERS.—In order to better ensure  
22          continued progress in the conduct of the electoral process  
23          in Ethiopia, the President, acting through the Adminis-  
24          trator of the United States Agency for International De-  
25          velopment, shall revise the Agency's country plan for Ethi-



1 opia to provide support for training political parties on  
2 organization building and message development and for  
3 training political parties and civil society groups in elec-  
4 tion monitoring.

5 (e) FACILITATION OF EQUITABLE ELECTORAL ENVI-  
6 RONMENT.—As part of its support for democratization in  
7 Ethiopia, the President, acting through the Administrator  
8 of the United States Agency for International Develop-  
9 ment, shall provide assistance to facilitate ongoing com-  
10 munication between political parties and the Government  
11 of Ethiopia through the National Electoral Board in order  
12 to address issues involving delimitation of constituencies,  
13 voter registration, party registration, candidate registra-  
14 tion, and related matters to ensure the credibility of the  
15 next election in Ethiopia.

16 (f) KEBELE AND WOREDA ELECTIONS.—The Presi-  
17 dent, the Secretary of State, and other relevant officials  
18 of the Government of the United States shall—

19 (1) call upon the Government of Ethiopia to en-  
20 sure that the Kebele and Woreda-level elections  
21 scheduled for 2006 are held as soon as practicable;

22 (2) call upon the Government of Ethiopia and  
23 the international community to ensure that kebele  
24 and woreda elections, when such elections are held,



1 are subject to robust and independent monitoring by  
2 international and local observers.

3 (g) ADOPTION OF RULES OF PROCEDURE FOR THE  
4 ETHIOPIAN NATIONAL LEGISLATURE.—

5 (1) IN GENERAL.—The President, the Secretary  
6 of State, and other relevant officials of the Govern-  
7 ment of the United States shall encourage the Gov-  
8 ernment of Ethiopia to—

9 (A) immediately and unconditionally re-  
10 lease political party officials so that such offi-  
11 cials can freely resume political operations; and

12 (B) adopt rules of procedure for the Ethio-  
13 pian national legislature that are more appro-  
14 priate for a genuinely democratic legislative in-  
15 stitution and allow opposition parties to have a  
16 meaningful role in the national legislature.

17 (2) SENSE OF CONGRESS.—It is the sense of  
18 Congress that the President, the Secretary of State,  
19 and other relevant officials of the Government of the  
20 United States should—

21 (A) work with other donor governments  
22 represented in Ethiopia to achieve the goal de-  
23 scribed in paragraph (1);

24 (B) encourage members of Ethiopian oppo-  
25 sition parties to take their seats in the national



1 legislature and join in efforts to achieve the  
2 goal described in paragraph (1); and

3 (C) encourage officials of Ethiopian oppo-  
4 sition parties who are elected to non-parliamen-  
5 tary seats to take their seats for the benefit of  
6 their constituents.

7 **SEC. 5. SUPPORT FOR ECONOMIC DEVELOPMENT IN ETHI-**  
8 **OPIA.**

9 (a) FINDINGS.—Congress makes the following find-  
10 ings:

11 (1) According to the World Bank Institute's  
12 governance ratings for 2004, the rating of the Fed-  
13 eral Democratic Republic of Ethiopia is measurably  
14 worse than its last rating in 2002 in government ef-  
15 fectiveness, regulatory quality, and control of corrup-  
16 tion, which examine a government's capacity to for-  
17 mulate and implement economic policies.

18 (2) The 2005 Index of Economic Freedom  
19 ranks Ethiopia's economy as mostly unfree, largely  
20 due to a cumbersome bureaucracy that deters invest-  
21 ment, a judicial system that does not offer sufficient  
22 protection of property rights, and a system of higher  
23 tariffs on imported products.

24 (3) The U.S. and Foreign Commercial Service  
25 reports in its 2005 country commercial guide for



1 Ethiopia that Ethiopia's continuing refusal to alter  
2 its policy of considering all land to be public prop-  
3 erty that can only be leased and not owned prevents  
4 financing of ventures in which land would be collat-  
5 eral for a loan and also makes investors vulnerable  
6 to smallholders claiming the right to use part of  
7 their land.

8 (4) According to Ethiopia's poverty reduction  
9 strategy paper, its per capita income is among the  
10 lowest of even least developed countries, and poverty  
11 is widespread, affecting nearly half the country's  
12 population in both urban and rural areas.

13 (5) Lack of water is a major reason for the  
14 cause of famine, but the dire situation in Ethiopia's  
15 agriculture sector is exacerbated by Ethiopian Gov-  
16 ernment policies, including its refusal to allow pri-  
17 vate ownership of land, excessive taxation of farm-  
18 ers, and the high cost of fertilizer sold by companies  
19 affiliated with the Ethiopian Government.

20 (b) ECONOMIC POLICY ASSISTANCE.—Utilizing train-  
21 ing and other technical assistance programs offered by the  
22 Department of the Treasury, the Office of the United  
23 States Trade Representative, and the Department of Jus-  
24 tice, the President shall assist the Government of Ethiopia  
25 in developing policies that will address key economic obsta-



1 cles, including such areas as budgeting, taxation, debt  
2 management, bank supervision, anti-money laundering,  
3 and land title security that inhibit private sector develop-  
4 ment and limit participation in donor programs such as  
5 the United States Millennium Challenge Account.

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

14 (d) FINANCING FOR UNITED STATES-ETHIOPIAN  
15 COMMERCIAL VENTURES.—The President shall use all  
16 available financing programs to provide adequate financ-  
17 ing of United States and Ethiopian commercial ventures,  
18 including programs of the United States Agency for Inter-  
19 national Development, the Small Business Administration  
20 (including the Export Express and Export Working Cap-  
21 ital programs), the Overseas Private Investment Corpora-  
22 tion (including the Small Business Center and the Small  
23 and Medium Enterprise and Structural Finance pro-  
24 grams), and the Export-Import Bank of the United States  
25 (including the Short-Term Africa Pilot Program).





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

4 (a) FINDINGS.—Congress makes the following find-  
5 ings:

6 (1) The Federal Democratic Republic of Ethi-  
7 ophia is an important United States partner in the  
8 Horn of Africa region, whose stability is vital to  
9 United States interests in East Africa and the Mid-  
10 dle East.

11 (2) Ethiopia has been a United States ally in  
12 the fight against global terrorism by its participation  
13 in the coalition of the willing in Iraq.

14 (3) Ethiopia has a strong military, which has  
15 been involved in international peacekeeping oper-  
16 ations since the Korean conflict in the 1950s.

17 (b) SUSPENSION OF JOINT MILITARY ACTIVITIES;  
18 TRAVEL RESTRICTIONS.—

19 (1) SUSPENSION OF JOINT MILITARY ACTIVI-  
20 TIES.—The President shall suspend all joint military  
21 activities of the Government of the United States  
22 with the Government of Ethiopia, other than joint  
23 military activities relating to anti-terrorism or peace-  
24 keeping, until such time as the certification de-  
25 scribed in paragraph (3) is made in accordance with  
26 such paragraph.



1           (2) TRAVEL RESTRICTIONS.—The President  
2 shall deny a visa and entry into the United States  
3 to any official of the Government of Ethiopia who  
4 the President determines is involved in the unlawful  
5 shooting of citizens of Ethiopia in June or Novem-  
6 ber 2005 or other demonstrable violations of human  
7 rights until such time as the certification described  
8 in paragraph (3) is made in accordance with such  
9 paragraph.

10           (3) CERTIFICATION.—The certification de-  
11 scribed in this paragraph is a certification by the  
12 President to Congress that—

13           (A) all political prisoners and prisoners of  
14 conscience in Ethiopia have been released;

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

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

22           (D) the rule of law and human rights are  
23 respected throughout Ethiopia; and

24           (E) the Ethiopian judiciary is operating  
25 independently.



1           (4) WAIVER.—The President may waive the ap-  
2           plication of paragraph (1) or (2) on a case-by-case  
3           basis if the President determines that such a waiver  
4           is in the national interests of the United States and,  
5           prior to exercising the waiver, transmits to Congress  
6           a notification that includes the reasons for the waiv-  
7           er.

8           (c) TREATMENT OF POLITICAL PRISONERS AND  
9           PRISONERS OF CONSCIENCE.—The President, the Sec-  
10          retary of State, and other relevant officials of the Govern-  
11          ment of the United States shall call upon the Government  
12          of Ethiopia to immediately release all political prisoners  
13          and prisoners of conscience, especially prisoners held with-  
14          out charge.

15          (d) DEMOCRACY ENHANCEMENT.—

16                (1) ASSISTANCE.—United States technical as-  
17                sistance for democracy promotion in Ethiopia may  
18                be made available to the ruling party as well as op-  
19                position parties in Ethiopia.

20                (2) RESTRICTION.—

21                    (A) IN GENERAL.—Non-essential United  
22                    States assistance may not be made available to  
23                    the Government of Ethiopia if the Government  
24                    of Ethiopia acts to obstruct United States tech-



1 nical assistance for opposition parties in Ethi-  
2 opia.

3 (B) DEFINITION.—In this paragraph, the  
4 term “non-essential United States assistance”  
5 means assistance under any provision of law,  
6 other than humanitarian assistance, assistance  
7 under emergency food programs, assistance to  
8 combat HIV/AIDS, and other health care as-  
9 sistance, including assistance for fistula treat-  
10 ment, health service planning, training, delivery  
11 and reporting, post-partum hemorrhage, safe  
12 motherhood, and abandonment of harmful tra-  
13 ditional practices.

14 (e) SUPPORT FOR OLF REINTEGRATION.—In light  
15 of recent reports that the Oromo Liberation Front in  
16 Ethiopia may be prepared to abandon its armed struggle  
17 and participate in the democratic process, it is the sense  
18 of Congress that the Government of the United States  
19 should encourage the Government of Ethiopia to take ad-  
20 vantage of this opportunity to enter into discussions with  
21 the Oromo Liberation Front to bring them into full par-  
22 ticipation in the political and economic affairs of Ethiopia,  
23 including their legalization as a political party, and the  
24 Government of the United States should provide such as-



1 sistance as is warranted and necessary to help achieve this  
2 goal.

3 **SEC. 7. REPORT.**

4 Not later than 180 days after the date of the enact-  
5 ment of this Act, the President shall transmit to Congress  
6 a report on the implementation of this Act, including a  
7 description of a comprehensive plan to address the secu-  
8 rity, human rights, democratization, and economic free-  
9 dom concerns that potentially threaten the stability of the  
10 Federal Democratic Republic of Ethiopia.

11 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) IN GENERAL.—There are authorized to be appro-  
13 priated to carry out this Act \$10,000,000 for each of the  
14 fiscal years 2007 and 2008.

15 (b) AVAILABILITY.—Amounts appropriated pursuant  
16 to the authorization of appropriations under subsection (a)  
17 are authorized to remain available until expended.

