

March 28, 2006

RE: Ethiopia's Troubled Internal Situation

**Testimony Prepared by Meqdes Mesfin, Daughter of Professor Mesfin Wolde
Mariam of Ethiopia
Before the House Committee on International Relations Subcommittee on Africa,
Global Human Rights and International Operations**

Chairman Smith, Co-Chairman Payne and Members of the Committee, I thank you for your close and serious attention to the matter before you today, and for all you have done prior and during this crisis in Ethiopia, on behalf of the citizens of this second most populous nation on the continent.

More than thirty years ago, where I was only eleven, my father, Mesfin Wolde Mariam failed to show up at home at the end of the day. It turned out that he had been arrested for a talk he had delivered regarding his assessment of the land tenure system that was failing the Ethiopian peasant and subjecting them to extreme vulnerability. Our lives were never normal since. Following a couple of years of uncertainty and upheaval, for my family, the military revolution took place. Eventually, the military communist dictatorship of Mengistu Haile Mariam summarily executed scores of the Emperor's officials, my father was appalled. He worked at the Institute of Development and Research at the Addis Ababa University until his retirement in 1987. During this time, his publications and research output, none of which was pleasing to the government was met with the continued threat and intimidation of all of us. At the same time, the recruitment of young people by the Ethiopian People's Revolutionary Party, an opposition to the regime was so heavy that most of the students beyond middle school were somehow involved or associated. The regime executed what it called Red Terror against these children on the streets, and the opposition also retaliated similarly.

The most significant memory of my high school days is my effortless stellar academic performance declining when my only real competition was snuffed away. Nardos Fisseha was an ardent EPRP supporter and we were both 15. I will spare you the details of what happened to her as we heard about it the Monday following the Friday massacre. It was "normal" for the streets to be littered with bodies of children all sorts of egregious statements on posters attached to them just about every day.

During all of this the civil war of course, endured and even spread to many parts of the country. No young man was safe from conscription. The streets in major cities were eventually filled with disabled young men and the hallways of hospitals with young men with gangrene and extensive and gruesome infected war injuries, in cots, and foldup beds.

In the summer of 1990, at the International Conference of the Institute of Ethiopian Studies, my father presented a call for peace, describing the degree of deterioration in the respect for the sanctity of life, and the integrity of the nations. He described how dire the situation was and urged all players to denounce violence and embark a political challenge where issues could be debated and presented to the public, who of course would have the ultimate say. He extended a specific recommendation where all stakeholders would

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engage in a political process, and called on Mengistu Haile Mariam to try and uphold the nation's interest rather than his. Though almost 300 prominent individuals had signed on to this, each of the major contenders namely Mengistu and the TPLF leadership accused my father of selling out to the other, failing to see the tyranny in themselves.

Recognizing the need for an independent, non governmental human rights monitoring organization, my father then founded the Ethiopian Human Rights Council (EHRCO) IN 1991 after the EPRDF seized power and announced its being open to membership to "all human beings" except those who are members of any organization with an military wing.

EHRCO was founded on three fundamental and inseparable objectives.

- To struggle for the establishment of the democratic process;
- To promote the rule of law and due process;
- To encourage the respect for and to monitor violations of human rights in Ethiopia.

In the introduction of its publication, Human Rights, Rule of Law and Democracy: Rhetoric and Practice, EHRCO states that it stands against systems of dictatorial rule and oppression, injustice and inequity... not against individuals or groups. EHRCO'S founding was also meant to "help shape the present (transition) and ensure a better future". Referring to the initiation of the prosecution of the previous regimes officials who undoubtedly were responsible for the loss of thousands of lives, the same text reads, "The most important consideration is that this exercise in legality must not seem to be vengeance in legal garb. Justice and the rule of law must serve equally the defeated, those who were once powerful and ruthless. Moreover, those presently in power and eager to judge those that have fallen must find time to reflect on their own actions. In order to make good on their moral indignation against the excesses of the Derg, the present rulers must also have the courage to see their own excesses. Sincerity demands that present conditions of human rights and the rule of law be beyond reproach. It is only then that there will be a moral ground for judging the excessive action of the Derg regime. If the exercise is only an act of vengeance, then the atrocities will be repeated tomorrow, under different circumstances. ... The only way that confidence in the rule of law can be established is when the victors who are violating the law are brought to justice. When the same law is blind to the violations of the victors but exaggerates the violations of the vanquished justice loses its essence, its very meaning.

Over fifteen years, EHRCO has investigated, documented and reported on human rights violations. IN addition, it has successfully educated the public with regard to the universality of these fundamental principles. Its accomplishments are all registered under circumstances of extreme duress. The harassment and intimidation suffered by its staff and members for carrying out this work is immense. My father as its founder and Chairman for many years has been arrested, charged and released on bail several times. His last arrest and detention with Berhanu Nega in 2001, took place on the anniversary of the killing in broad daylight of Executive Committee member Assefa Maru. The case is still pending. Yet, EHRCO enjoys membership of the International Federation of Human

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Rights Organizations and observer status with the African Commission for Human and People's Rights. EHRCO's staff has been under extreme duress since June 2005.

My father along with many others has now been incarcerated since November 2006. I would also refer you to a cartoon in a state run paper in 1997 where my father, (as EHRCO), depicted as standing in front of an audience, where international media such as BBC, are holding up their microphones. One of the hands that is extending is however, is holding gun at him. The caption reads, "EHRCO, committing suicide??"

After his release in 2001, my father began to work on the possibility of starting up a political organization, and Rainbow-Ethiopia, Movement for Social Justice and Democracy came into being. The groundwork for the formation of the Coalition for Unity and Democracy (CUD) had also been done, and non sectarian and non parochial political organizations joined in forming it. This allowed for the coming together of all non ethnic based Ethiopian organizations to come together. The ethnic basis for the formation of most political groups was a serious concern to my father, as a force that could jeopardize the nation's integrity.

"The fact that the venom of tribalism meant for others twisted and turned to take an unexpected route to show its ugly face between Eritreans and Tigres, vicious and tragic as it is shows how insidious and tortuous tribal conflict can be. Its consequence has gone so far as creating division even among Tigres. Although the concern is focused on the actions of the Oromo Liberation Front, tribalism blossoming in various parts of Ethiopia is clear to all who follow developments in the country. Youngsters nurtured in tribalism are growing into adulthood, almost constituting a generation by themselves."

Moreover, the systematic and gradual erosion of any hope for a democratic system of governance has been of great concern to him, as stated below:

"How can a people of any given county succeed in life unless they struggle and act to ensure that the country and the sovereignty is theirs as a matter of right? For almost 2000 years we have been doing nothing more than blaming everything on the different regimes and supplicating God, the angels and all the saints for solutions to all our problems."

"Although the forms of the regimes are different, the suffering of the Ethiopian people continues to be the same. Those who are hungry and greedy replace those who are satiated. In both cases, what was, and is lacking is a healthy doubt about themselves, good will and moral courage. What was and is glaringly visible in both cases is the lack of willingness to accommodate others who happen to excel them in various fields."

"So far I have seen three regimes coming to a disgraceful end. I had foreseen the downfall of the two and publicly expressed my opinions and feelings before the fact. The present regime is on an altogether different nature. Unless it takes time to think and rectify its ways in due time, its downfall will be quite different from those of the past, because it may also ruin the country."

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"..... It seems to me, our problems have always been two. First, we have been guided by the law of the jungle throughout the course of our long history. We have failed to develop any other alternative to the use of force for administrations. We differentiated ourselves between those who are superiors and inferiors, between those who have rights, and those who have obligations as masters and servants in an uncomfortable relationship. We failed to devise a system based on equality. We are now in 1996 (2003 Gregorian) without learning to institutionalize power. Institutionalizing power is the mark of a civilized community. We have been successively suffering under regimes that rule with jungle law. One of the secrets of growth and development lies in the capacity to institutionalize power; it is to found power on equality through the rule of law."

.. "The stifled physical, mental, and spiritual potential will be released only when the people are liberated and become a sovereign power with confidence in themselves and in the law, it is only then that they can become true agents of their own lives."

So, as Rainbow Ethiopia eventually came into being, with the almost simultaneous establishment of the Coalition for Unity and Democracy, (CUD) in the fall of 2004, since the groundwork had been carried out at the same time. Clearly, there has been clear vision that, as long as these constituent parties shared the platform of national unity, and were not engaged in armed combat, any differences could be worked on through trust and democratic process-based lively political discourse, which would consistently uphold the rule of law. That there are various articulations of the basis for the creations of this coalition, its current implementation, and decision to merge, is simply because the founders and the democratically elected leaders of the CUD are indisposed and therefore not available to set the record straight.

Honorable Members, for more than three decades, my personal and family life has been impacted by what my father has committed in his faith and belief that government belongs to the people and that these fundamental freedoms that we all seek are a necessary element in allowing democracy to flourish in an environment where the rule of law is supreme. I consider myself blessed in many ways, not the least of which is the fact that unlike most of my compatriots, I have witnessed or endured a limited amount of brutality considering what others have had to endure. Regardless, we are all conditioned to, at best, tolerate egregious behavior or participate in it, more than we are to question and challenge it. Mesfin and his compatriots have effectively changed that norm and the public has embraced that normative change. It is now up to humanity to stand firmly on the side of the people and do its utmost in creating the conditions that would compel the unconditional and immediate release of prisoners of conscience that are paraded through the legal system. To call for their "fair and speedy trial" is a travesty.

During step of the way after the election in May, I had a fair sense of what the opposition might do, such as challenging the election results in court, or refusing to participate in the current court proceedings regarding the charges of "treason and genocide". You see, in addition to my personal knowledge and understanding of my father, I also share and understand the respect for these processes, and the means that he would employ to that end. Their current incarceration is not an end to the people's quest for their basic rights. I

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am terribly concerned about a couple of things. The first is with regard to the rule of law and the democratic process that would ensure a peaceful and United Ethiopia. The eight point set of preconditions presented by the elected officials of the CUD are fundamental to the rule of law and the democratic process in any society. I submit, if the CUD were to be presented with such a demand by an opposition that it would repress or malign, the demand should be granted. I know that my father would stand for the principles and not for the party. If the enormous respect that this movement has gained is any indication, this is true for the public too. The focus is on principles and the players. Compromising these principles would only jeopardize the strength of any legislation, enabling the arbitrary suspension of the democratic process and the rule of law as needed. In other words, the attempt at institutionalizing power and establishing the democratic process would have failed. It would make no difference what party is in leadership if the Election Board, the media and the Judiciary are not independent; if the violence last June and November are not investigated independently and all political prisoners are released unconditionally.

In spite of EHRCO's best and consistent efforts in the most difficult of circumstance, justice will still belong to the mighty victor of the time. Moreover, the integrity of the nation will be in serious jeopardy.

In conclusion, I respectfully urge the continued attention to these points I have mentioned in considering the most meaningful legislative steps to take. Not just because Mesfin is my father, but also because of the strength of his commitment his track record as a peaceful advocate of the people during three successive regimes, his exemplary academic and social contribution and his faith in the democratic process and the rule of law, my biggest wish is that this man who will turn 76 in a few weeks, will live to see the empowerment of his people.

I will share with you though sheltered from most of the realities of the atrocious repression; we also have children that are deeply impacted by all of their grandfather's continued incarceration. I leave you with a copy of an unsolicited drawing by my four year old daughter last January.

Thank you very much.