

110TH CONGRESS  
1ST SESSION

# H. R. 2228

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2007

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

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## 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.

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 Pra-  
22 ctices, 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 detainees  
15 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;

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

(B) work with other governments to identify and extradite such persons, including 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 gional, 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;

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.—

## 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;

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

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       cluding 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

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.—

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.

○