

U.S. Foreign Policy Saps Human Rights Improvements in Ethiopia and Equatorial Guinea

Testimony

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Chairman Lantos, Chairman Delahunt, Chairman Payne, distinguished Members of the Subcommittee on International Organizations, Human Rights, and Oversight, the Subcommittee on Africa and Global Health, and the full Committee on Foreign Affairs, thank you for holding this important joint hearing and for allowing Amnesty International the opportunity to discuss serious ongoing concerns regarding human rights violations in and U.S. foreign policy on Ethiopia and Equatorial Guinea.

Introduction: What Has Happened to Political Freedom and Human Rights Protections in Ethiopia and Equatorial Guinea?

I have chosen to begin with this question because much of what I'm about to report will fly in the face of the seeming success stories—in Equatorial Guinea which has risen above a legacy of corruption and violent repression to work with USAID to create the Social Development Fund, and in Ethiopia which cooperates so well with the U.S. on military and counter-terrorism operations. But the recent human rights record of neither country lives up to their positive reputation. Does this mean that the U.S. government lets its close economic and political partner nations off the hook on human rights in Africa? Are human rights concerns sometimes trumped by oil interests or plans to counter terrorism?

Human Rights in Equatorial Guinea and U.S. Foreign Policy Response

Ongoing Political Repression in Equatorial Guinea

Since the mid-1990s Equatorial Guinea, a nation of half a million people, has experienced robust economic growth due to the discovery of vast oil and natural gas reserves and a multi-billion dollar international investment endeavor. The IMF and the U.S. Department of Energy have estimated that the country holds between 1.77 and 2.5 billion barrels of oil equivalent (BOE) and between 1.3 and 4.4 trillion cubic feet of gas reserves. Today Equatorial Guinea produces approximately 420,000 BOE per day, and over 45 billion cubic feet of natural gas annually. Despite the vast revenues generated from oil and gas, the misery of the majority of people in Equatorial Guinea has intensified. Figures from the United Nations Development program indicate that Equatorial Guinea has the lowest Human Development Index rating in the world in relation to its per capita GNP. Even in the major cities of Malabo and Bata, more than 60% of the population has no running water or access to electricity. The country lacks a functioning healthcare system, and the educational system is hobbling on a decrepit infrastructure left from the colonial era.

President Theodoro Obiang Nguema and his extended family have been the beneficiaries of the national revenue and are reportedly still sheltering large sums of money in foreign countries, including the United States. In addition, according to reports from the U.S. Department of State and Freedom House, as well as Amnesty International, the Government of Equatorial Guinea continues to engage in significant human rights violations, acts with impunity, and is fundamentally corrupt, undemocratic and unaccountable to its citizens. Multinational corporations conducting business with President Obiang willfully ignore the impact of their economic engagement in Equatorial Guinea and their role in enabling the worst offenses of its regime. In its most recent Country Reports on Human Rights Practices, the U.S. Department of State's Bureau of Democracy, Human Rights, and Labor reported about Equatorial Guinea, "The government's human rights record remained poor, and the government continued to commit and condone serious abuses."

I briefly report a number of specific types of violations under the Universal Declaration of Human Rights and other international conventions and protocols ratified by Equatorial Guinea.

Forced Evictions

In 2006 the combination of pressure on land, government programs to rehabilitate major cities and infrastructure, and lack of security of land tenure led to several mass forced evictions, carried out without consultation, compensation or due process. Hundreds of homes were destroyed in Malabo, and hundreds more families were at risk of forced eviction in Malabo and Bata.

But the threat to forcibly evict over 360 families from their homes in Malabo on January 2, 2007 was not carried out. This was due to the pressure exerted by international appeals, according to a resident of one of the communities under threat, La Vigatana. In a meeting on January 17, the Minister of Infrastructure and Urban Development reportedly reassured La Vigatana residents that they would not be evicted until the new area was ready and the residents had built their new houses in Basapú. However, plots have not yet been allocated, and it is not clear whether residents will receive the same total amount of land they currently have.

So far there has been no discussion or negotiations regarding security of tenure or property titles. Residents have not been compensated for any losses nor have they been consulted about a just valuation of their properties including houses and land, which the authorities have carried out unilaterally.

Arrests and Detentions

Although there were fewer arrests of political opponents in 2006 than in previous years, at least 14 prisoners of conscience continued to be held, including one held without charge or trial since 2003. Members of the Convergence for Social Democracy (CPDS) and other political activists were arrested and briefly detained. In October police in Bata arrested four members of the banned Progress Party of Equatorial Guinea. They were arrested at home without warrants. They were released without charge in mid-November. One person, Jose Meviane Ngua, was known to have died in police custody, apparently as a result of torture. Fernando Esono Nzeng was publicly executed in April.

All of those detained at Black Beach prison are currently denied access to medical treatment, after an apparent change in policy in late 2006. Conditions in Black Beach prison had improved slightly at the end of 2005 as a result of the opening of a new wing and regular visits by the International Committee of the Red Cross.

At least 35 prisoners of conscience (POCs) and political prisoners at Black Beach prison in Malabo. The precise number of prisoners held at the prison or the state of health of all of them is unknown, but it is reported that many suffer from chronic conditions for which they receive no medical care. Two of the prisoners, Guillermo Nguema Elá and Donato Ondó Ondó, whom Amnesty International deems to be prisoners of conscience, are known to be seriously unwell as a result of chronic ailments, poor prison conditions and the refusal of the prison authorities to provide them with medical care. Amnesty International is gravely concerned about their health, and fears that their lives, and those of other prisoners, may be at risk. Denying sick prisoners access to a qualified medical officer contravenes the UN Standard Minimum Rules for the Treatment of Prisoners.

Combating Corruption, Alleviating Poverty and Managing Oil Revenue

Equatorial Guinea's oil revenues enrich the President and his family when they should be used for poverty alleviation. While Equatorial Guinea has the second highest per capita income in the world, more than half its population is unable to access potable water. In 2004 a Senate investigation uncovered over \$700 million of the country's revenues in accounts at Riggs Bank. President Obiang himself is believed to have transferred over \$16 million from state to personal bank accounts.

In April of last year the IMF reported that the Government of Equatorial Guinea still held offshore accounts for oil revenues worth \$718 million, while the Securities and Exchange Commission has been investigating U.S. oil companies' potential involvement in Equatorial Guinean corruption under the Foreign Corrupt Practices Act. Additionally, President Obiang's son, the Minister for Forestry and Environment, sold a mansion in Los Angeles for \$7.7 million in 2004, and the President himself owns mansions worth \$2.6 million and \$2.0 million in Maryland.¹

Clearly measures to ensure transparency and accountability in the proper management of oil revenues is critical to genuine poverty alleviation, and therefore essential to the economic, cultural and social rights of the citizens of Equatorial Guinea.

The Social Development Fund

In 2006 USAID and the Government of Equatorial Guinea agreed to establish a Social Development Fund for the country. Equatorial Guinea was expected to give \$15 million over 5 years for USAID to provide technical assistance to support implementation of projects primarily on health and education. Although a good idea in principle, the Fund—which amounts to 1% of Equatorial Guinea's annual oil revenue—has not yielded any noticeable improvements and represents a drop in the bucket when compared with total revenue.

¹ Amnesty International would like to acknowledge the research and analysis of Publish What You Pay and Global Witness, with whom AIUSA works closely on human rights advocacy on Equatorial Guinea.

Bringing U.S. Foreign Policy on Equatorial Guinea in Line with Human Rights

Equatorial Guinea is the third largest oil producing country and the fourth largest beneficiary of U.S. foreign direct investment (mainly in oil and gas) in Sub-Saharan Africa. Two-thirds of the 420,000 barrels of oil produced daily in EG are exported to the United States. The main oil companies present in the country are ExxonMobil, Marathon, and Amerada Hess, all U.S.-based corporations. Of particular concern, ExxonMobil and Marathon Oil signed new confidentiality clauses with Equatorial Guinea last summer.²

Despite all of the above mentioned concerns, the U.S. Government has recently chosen to resume military assistance to Equatorial Guinea, and the President's request for FY08 foreign operations appropriations includes \$45,000 in International Military Education and Training (IMET) funding.

With a new Ambassador to Equatorial Guinea (the first in 11 years) the U.S. Government has a unique opportunity to monitor expected improvements in democratization, human rights and social welfare, and to positively influence the government of President Obiang to carry out promised improvements more consistently and vigorously.

Recommendations for U.S. Policy on Equatorial Guinea

Given vast U.S. oil investments, the U.S. government has a responsibility to play a much more constructive role in combating corruption, alleviating poverty and promoting human rights. The U.S. Government should strongly and publicly urge the Government of Equatorial Guinea to:

- take demonstrable steps to ensure the return and legalization of political opposition and professional associations; and
- improve conditions for the creation and participation of local civil society organizations working for human rights, transparency and accountability.

The U.S. Government should furthermore:

- actively support civil society and human rights initiatives in Equatorial Guinea;
- strongly urge the Government of Equatorial Guinea to create and implement a transparent revenue management system (drawing on 2005 and 2006 IMF recommendations);
- outline benchmarks to measure progress made by the Government of Equatorial Guinea toward greater fiscal transparency and accountability, and respect for universally recognized human rights standards;
- condition further U.S. military assistance (including IMET) on the full compliance of the Government of Equatorial Guinea with universally recognized human rights standards;
- actively support the reinstatement of a UN Special Rapporteur to monitor human rights conditions in Equatorial Guinea; and
- bring its overall foreign policy objectives in line with its stated concerns for human rights and democratization in Africa.

² Ibid.

Human Rights in Ethiopia and the U.S. Foreign Policy Response

In early 2005, leading up to the May 15 elections, Ethiopia appeared to be turning a corner in its respect for codified international human rights norms. Prime Minister Meles Zenawi sat on Tony Blair's Commission for Africa, which considered an array of issues related to political transparency and accountability, economic development, anti-corruption measures, human capacity building and the enhancement of human rights in Africa. The Government of Ethiopia was allowing some—albeit limited—international press access and space for political opposition rallies, particularly in Addis. Yet since the disputed 2005 elections, around which accusations of electoral fraud emerged alongside mass demonstrations in protest, political repression greatly increased.³ In several days of demonstrations in June and November 2005, government security forces shot and killed 187 people and wounded 765, including 99 women and several children. Six police officers were also killed in clashes with demonstrators.

In its most recent Country Report for Ethiopia, the U.S. Department of State's Bureau of Democracy, Human Rights, and Labor reported human rights abuses including: unlawful killings, and beating, abuse, and mistreatment of detainees and opposition supporters by security forces; poor prison conditions; arbitrary arrest and detention, particularly of those suspected of sympathizing with or being members of the opposition; restrictions on freedom of the press; restrictions on freedom of assembly and association; and discrimination against religious and ethnic minorities, among other human rights violations.

Amnesty International has been closely following the subsequent trials in Addis Ababa as they are a window into overall human rights conditions in Ethiopia. All who have been on trial were arrested in November 2005 and have now been in prison for over 18 months.

Separately from these trials, a parliamentary inquiry was established in December 2005 to investigate the same disturbances. It initially concluded that the security forces had used excessive force. However, as you know, the chair and vice-chair of the inquiry fled the country after receiving threats aimed at making them change their findings. The remaining members endorsed a report accepted by the Parliament in October 2006 that the actions of the security forces had been "legal and necessary." No member of the security forces has been arrested or charged with any offense.

Defendants are being held in different sections of Kaliti prison on the outskirts of Addis Ababa. Conditions in the worst sections are harsh, with severe overcrowding, inadequate sanitation and poor hygiene. Correspondence is prohibited and private consultation with lawyers is not allowed. However, families can send food, books and small items.

The principle remaining charge against these detainees is "outrages against the constitution." Several Coalition for Unity and Democracy (CUD) defendants are also still accused of "obstruction of exercise of constitutional powers" and "impairing the defensive power of the

³ As reported by Amnesty International, Human Rights Watch and the U.S. Department of State, these violations included mass arbitrary arrests and detentions, torture, extrajudicial killings, repression of ethnic minorities, intimidation of students and teachers, suppression of press freedom, and the less reported practice of targeting peaceful political opposition in the countryside.

state." The charge of "inciting or organizing or leading armed rebellion" has been withdrawn from most defendants.

Also separate from the trials is the likelihood that Prime Minister Meles Zenawi and the Ethiopian People's Revolutionary Democratic Front (EPRDF) have been attempting to conflate criticism of their incursion/presence in Somalia with opposition criticism of the regime overall. The EPRDF is also reportedly intensifying its censorship of Ethiopian press once again, including blogs.

CUD Trials and Prison Conditions in Addis Ababa

One year after their trial opened in Addis Ababa on May 2, 2006, 48 members of the opposition Coalition for Unity and Democracy (CUD) party, human rights defenders and journalists are still in prison. Most charges carry possible death sentences. They are on trial for allegedly inciting violence in opposition demonstrations in 2005 protesting alleged electoral fraud.

Amnesty International welcomes the release of several prisoners of conscience, who included seven of the 14 journalists from the private media, one of whom, Serkalem Fasil, was six months pregnant when arrested and denied adequate medical care, and Kassahun Kebede of the Ethiopian Teachers Association. Several other CUD members were also released.

Of an initial list of 111 defendants, 76 had been on trial since May 2006, with 25 exiles being tried in their absence. On April 10, 2007, 28 defendants were freed when the judges ruled they had no case to answer after the prosecution had presented its case.

Charges of treason and "attempted genocide" which had been laid against most CUD officials were all withdrawn. Other charges were withdrawn from some defendants. Five exiles still remain on trial in their absence.

Amnesty International is also concerned about three other concurrent and related trials which are proceeding in Addis Ababa against dozens of other CUD members, some of whom are or may be prisoners of conscience, including POC and elected Parliamentarian Kifle Tigneh. Judges have ignored complaints by several co-defendants in this trial that they were tortured.

Amnesty International reiterates its call for the immediate and unconditional release of those defendants whom it considers to be prisoners of conscience, who have not used or advocated violence and were peacefully exercising their right to freedom of expression, association and assembly, as guaranteed by the Ethiopian Constitution and international human rights treaties which Ethiopia has ratified.

These POCs include:

- CUD leaders, some of whom were elected to the federal parliament or Addis Ababa city assembly, including Dr. Berhanu Negga, an economics lecturer; Dr. Yakob Hailemariam, a law professor and former UN prosecutor for the International Criminal Tribunal for Rwanda; Ms. Birtukan Mideksa, a lawyer and former judge; and retired geography Professor Mesfin Woldemariam, founder and former president of the Ethiopian Human Rights Council.

- Two civil society activists and human rights lawyers, Daniel Bekele, policy manager of the Ethiopian office of ActionAid, and Netsanet Demissie, founder and director of the Organization for Social Justice.
- Seven journalists from the independent media who are charged on the basis of published articles which to Amnesty International's knowledge did not advocate violence.

We are also concerned about issues of fair trial and the possible imposition of the death penalty.

I briefly report several additional areas of great concern for human rights in Ethiopia.

Discrimination against Minority Groups

In 2006 in the Oromia region there were large-scale arrests during anti-government demonstrations, led particularly by students. Some protestors called for the release of Driibi Demissie, a Mecha Tulema Association community leader on trial since 2004. Amnesty International considers Driibi Demissie to be a prisoner of conscience.

Hundreds of Oromo people detained in November 2005 were reportedly still held during 2006 without charge or trial, and others were detained in previous years for alleged Oromo Liberation Front (OLF) connections.

Numerous people accused of Ogaden National Liberation Front (ONLF) connections were reportedly detained in the Somali region, and many political prisoners arrested in previous years were still held without charge or trial.

In Gambela region there were scores of arrests of members of the Anuak ethnic group. Hundreds of people arrested during mass killings in Gambela town in December 2003 were still detained without charge or trial.

Some 60 peaceful demonstrators belonging to the Sidama ethnic group were arrested in Awassa and other towns last March.

Ethiopian Military Presence in Somalia

Amnesty International has recently called on the UN Security Council to protect civilians in Somalia from escalating violence and deteriorating security that threatens humanitarian assistance. As security in the capital city of Mogadishu deteriorates and conditions worsen, the civilian population is facing severe human rights abuses. We are deeply concerned about this most recent upsurge in violence in and around Mogadishu and its deadly impact on civilians.

What does this have to do with Ethiopia?

The conflict between Somalia's Transitional Federal Government (TFG) and its opponents has caused more than 1,000 deaths since late February, most of them civilians, killed by TFG and allied Ethiopian troops. More than 300,000 have fled the conflict—a third of the population of Mogadishu.

Amnesty International has called on the TFG and the Ethiopian government, which provides its military support, to protect the civilian population under their commitments to international law.

The new cycle of violence arose mainly from the resumption of a TFG/Ethiopian security operation in early April. TFG and Ethiopian forces are fiercely opposed by remnants of the Council of Islamic Courts (CIC) and other fighters opposing to the presence of Ethiopian troops on Somali soil.

Ethiopian troops have been accused of indiscriminate shelling in civilian population areas, leading to hundreds of civilian deaths and mass displacement in Mogadishu.

Detention of Foreign Nationals fleeing Somalia

The Ethiopian authorities have acknowledged detaining 41 of more than 80 people who were arrested trying to cross from Somalia into Kenya since January 2007, and have said 29 will be released. The whereabouts of the remaining detainees is unknown.

One of those detained, Bashir Ahmed Maktal, who is of ethnic Somali origin, is suspected by Ethiopian authorities of having links with the ONLF, and they have reportedly pressured him to confess this publicly. Amnesty International is concerned he may be ill-treated or tortured to make him "confess." He is believed to be detained incommunicado at the police Central Investigation Bureau (Maikelawi) in Addis Ababa, and has not been charged with any offense.

Two Eritrean journalists who are also being held, Tesfaldet Kidane Tesfasgi and Saleh Idris Salim, were shown on Ethiopian TV and on a website called Waltainfo.com on April 13. They were accused of being Eritrean soldiers sent by the Eritrean government to fight in Somalia against Somalia's Ethiopia-supported government. Like Bashir Ahmed Maktal and others detained with them, they have had no access to legal counsel or their families, and have not been charged with any offense.

Ethiopia's Border Dispute with Eritrea

In regard to Ethiopia's domestic human rights concerns, the elephant in any room remains the unresolved border dispute with Eritrea.

Despite the fact that the Government of Ethiopia has stated that it accepts the Boundary Commission ruling, it has resisted its implementation and called for further negotiations. Not surprisingly, Eritrea has stood its ground and refused to allow the Boundary Commission ruling to be re-examined. The potential for massive abuses of human rights and humanitarian law in the event of renewed active combat along the border is significant. Uncertainty and threats of violence have already had dire effects on the livelihood, health and right to movement of local populations. According to a recent Council on Foreign Relations report,⁴ ongoing failure to implement this binding agreement is negatively affecting the complex and interwoven political dynamics of the Horn.

⁴ From *Avoiding Conflict in the Horn of Africa* by Terrence Lyons (Council on Foreign Relations Press, December 2006).

U.S. Foreign Policy toward Ethiopia: The Need for a Regional Policy⁵

The U.S. and other western powers have given the Government of Ethiopia fairly free rein to perpetrate serious human rights violations with no political or economic consequences. Ethiopia has developed close ties by way of relief and development assistance, military cooperation,⁶ and growing U.S.-led counter-terrorism operations in the region.

Not only is the Government of Ethiopia responsible for obstructing implementation of the Boundary Commission ruling, it has also recently intervened—with U.S. backing—to determine the outcome of a domestic conflict between the Transitional Federal Government (TFG) and the Council of Islamic Courts (formerly the Islamic Courts Union) in Somalia by carrying out a full scale military incursion. Equally disturbing from an international human rights perspective, scores of human rights defenders—from elected parliamentarians to journalists, students, and opposition party leaders—are still facing unjustified charges in several concurrent trials dragging on in Addis Ababa.⁷

Consecutive U.S. administrations have preferred to conduct foreign policy with a cooperative and stable regime in Addis, despite clear signs of disturbing trends toward political centralization, repression, shrinking political space for civil society, and an incapacity or unwillingness to resolve ongoing conflicts with politically marginalized groups—particularly in the Oromo and Somali regions—which have resorted to armed violence around the country. The U.S. government has consistently and unquestioningly provided a range of assistance to the Government of Ethiopia beyond critical Economic Support Funds, Child Survival and Health, and Transition Initiatives funding—including Foreign Military Financing (FMF) and International Military Education and Training (IMET).

U.S. foreign policy's focus on counter-terrorism has also played a significant role. It has contributed to the glaring absence of public statements and policy decisions in response to diminishing political space and the abusive treatment of prisoners of conscience and other political prisoners in Ethiopia. Given the close and long-standing relationship U.S. government policymakers have enjoyed with the Government of Ethiopia, are we left to assume that they have chosen to ignore universally recognized human rights norms in exchange for military bases, political intelligence and the façade of national stability?

U.S. policy toward Ethiopia should make the protection of all human rights, including the fundamental rights of physical integrity, expression, assembly and fair trial central to U.S. relations with the Government of Ethiopia and Ethiopian civil society. And it should recognize—even if the government in Addis Ababa currently does not—that in order to achieve Ethiopia's goal of domestic and border security, both the Government of Ethiopia and the international community must listen to and respect the rights of minority groups and opposition

⁵ Please see upcoming article in the *Africa Policy Journal*, "Regional Politics, Human Rights and U.S. Policy in the Horn of Africa," by Tricia Redeker Hepner and Lynn Fredriksson, for further analysis on the need for a regional U.S. policy for the Horn.

⁶ By way of example, Ethiopia contributed troops to the Coalition of the Willing during the 1991 U.S.-led Gulf War with Iraq, and the U.S. maintains military bases in eastern Ethiopia.

⁷ Amnesty International has always considered the original charges against all of these individuals—including treason and other capital offenses—to be without merit, and has called for the release of all of these individuals, whom the organization has designated prisoners of conscience.

parties—and in particular leading human rights defenders—whose perspectives on national priorities and the nature of their own rights have been too long ignored.

Any successful U.S. policy toward the Horn that will promote peace, stability, and human rights not only regionally but also globally, must begin with a serious and genuine consideration of regional dynamics, local perspectives on human rights, and the way in which U.S. policies impact these factors.

Unless the United States develops a comprehensive and principled strategy that is more sensitive to regional complexities and fairer to the rights, perspectives and political and humanitarian needs of the Horn populations and their governments, greater strife and suffering are likely to result.

Recommendations for U.S. Policy on Ethiopia

Amnesty International calls on the Government of the United States to:

- Make human rights central to U.S. relations with the Government of Ethiopia and Ethiopian civil society.
- Request that our new Ambassador take actions necessary to press the Government of Ethiopia to release all prisoners of conscience immediately and unconditionally, including the above named.
- Actively monitor all political trials in Addis Ababa and other places in Ethiopia, demand that they fulfill international standards for fair trials, and actively monitor the treatment of all prisoners of conscience and political detainees.
- Continue to press the Government of Ethiopia to do everything in its power to avoid conflict with Eritrea and in Somalia and to protect all citizens in the region.
- Continue to provide the levels of humanitarian assistance required to provide for the basic needs of the Ethiopian people.
- Actively support judicial and security sector reform in Ethiopia.