



Network of Ethiopian Scholars (NES)

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**It must be Release with Honour and not Humiliation: No Release of the Political Prisoners without Their Full Rights, No Millennium Celebration.:**

## 1. Inspiring quotes

**“Man perfected by society is the best of all animals; he is the most terrible of all when he lives without law and without justice” Aristotle, Greek Philosopher**

**“There is no easy walk to freedom anywhere, and many of us will have to pass through the valley of the shadow of death again and again before we reach the mountaintop of our vision.” Nelson Mandela, Africa’s eminent freedom fighter**

**“No longer shall they kill our prophets, while we stand aside and look” Bob Marley, Most Distinguished Reggae Star born in Jamaica from the Caribbean**

**“These are our mantra. In or out, they (the eight principles) are the guiding principles of our struggle.”(One of the prisoners of conscience quoted in Ethio-zagol, 19 July)**

## **Introduction**

The next few days or weeks are decisive. Either the prisoners will be free without any limitation to their freedom, and we all celebrate the millennium together, or they will remain in jail, in which case Ethiopians would have no alternative but to turn the millennium into a moment for defiance and resistance by calling on all their honest and outraged citizens and friends of Ethiopia throughout the world to unite and use any means necessary to get the prisoners of conscience released.

If the game plan by the regime is to release them by denying them from exercising the right and responsibilities entrusted in them from the reality of their having been elected by the people, that too is again a form of imprisonment no different from being in kalti prison or in exile. Getting out of kalit prison with a gagging order not to participate in public life is the worst form of humiliation, amounting indeed to not releasing them at all!

This regime attempt to humiliate will be rebuffed. It is nothing but once more part of a pattern of arrogance that infuriates egging on any justice loving people to engage even in stiffer and prolonged resistance. There is no way of envisioning a return to normal political co-existence between the current rulers and the opposition with such a blatant campaign against the integrity of the prisoners of conscience by creating the fiction of their own self-betrayal in order to facilitate their imprisonment and the denial of their freedom.

The eight points of principle that the CUD leaders presented for negotiation with the regime before they were thrown into jail have to be respected. The most fair and just mediation is one that secures their release with their full rights. Anything else is to create more thorns on the road to bring about a political environment conducive to reconciliation and conversation.

Real mediation that results in the creation of a new and better political environment is one that makes the regime to tolerate democratic opposition and the prisoners of conscience to take up their public service as the elected representatives of the people. Nothing short of a settlement that recognises the full rights and responsibilities of the prisoners of conscience to serve the public that elected them after Kaliti prison is acceptable.

## **2. Guilty Verdict, Death Penalty threat, Life Sentence on to Pardon Talk through Mediation Now!**

First they came with the guilty verdict. Second they came with the death penalty threat. Then they came with the life sentencing. Now in full gear is the pardon talk. Regime spokespersons and their media are busy mounting an unprecedented disinformation campaign that the prisoners of conscience have fully surrendered and are begging or even grovelling for 'forgiveness or pardon' for committing 'outrage against the constitution', violating the 'rule of law' and 'taking full responsibility' for the subsequent killings and mass arrests. Such outrageous and mendacious fabrications have hit the air waves and the print media. Top regime officials like Bereket have even said the prisoners of conscience have accepted 'full responsibility' for what happened. This is a highly disingenuous claim by the regime to try to sow distrust and confusion amongst the opposition camp. All in the opposition are firmly united in the belief that the prisoners of conscience have been subjected to harrowing blackmail by the regime and condemn its attempt to sow discord and hatred between the prisoners of conscience and their supporters both inside and outside Ethiopia.

We all express our profound belief that the prisoners of conscience understand the regime better than any one who supports their

cause. We know all these outrageous allegations are made by a regime, which about a week ago, denied flatly that it has been engaged in mediation only to let the world know after it did its court thing against them, that after all it has been engaged with a mediation process for a long time with them! The regime suffers from a gross credibility gap. Adding fabrications to fabrications only adds to the hazard of its diminished reliability for any serious bargaining.

### **3. The question is not their release but the terms of the release?**

Whatever the prisoners of conscience do, they do it for and in the larger good of the people, country and nation. We know and believe that their commitment to human rights, democratic freedoms and governance, the rule of law, democratic transition, non-violent rule of the game for the construction of a vibrant public sphere comes above all else.

It seems that the mediation process went parallel with the court process. The prisoners of conscience stuck to their principle that the case against them is political and not legal. The regime has entered mediation with them despite claiming the case against them is legal.

The rules and norms of the game for mediation are different from legal discourses and ideas derived from the European culture. It appears that those who acted as mediators are using traditional norms of Ethiopian justice where either court or politics are not major factors for generating sanctions or censure. It is an Ethiopian traditional mechanism to unhinge the deadlock given that the prisoners of conscience rightly felt persecuted for their politics and the regime desperately wished to scapegoat them for the security blunder it committed against the irate citizens who felt cheated by what they believed was a rigged election.

Thus the traditional mediation is different from political struggle, election or court procedures used to win or lose, punish or set free. The mediation process has thus different rules of engagement from the legal and political ways of settling disputes derived from the European legal norms and procedures.

One wonders what possibly could have given reason for the regime possibly to misuse and abuse the mediation process, and come out as it did, after its courts passed a life imprisonment sentence against them, with fresh allegations that the prisoners of conscience are grovelling under its feet? If this is indeed a misuse of the mediation process, those involved in it must come out openly and clarify the situation. If indeed as we suspect that the regime may have used the mediation dialogue for its court cases, it provides a big warning that this regime is impossible to anyone including the mediators that wish to assist it to help solve the problems it is chiefly responsible for manufacturing in the first place to extend its tenure of office.

The signs are not good even if the prisoners are released the regime may not renege on its agreements. There is no guarantee that any agreement would deter the regime from breaking it. There is thus even a bigger warning that the regime can always go back on its words and use any pretext to re-arrest the prisoners of conscience. What is there to prevent it? How can anyone agree to terms of release fraught with the danger of re-arrest, let alone such respected public figures to allow the regime to take away their inalienable rights to speak, think, write and express by taking their rightful public role in the interest of public service? What makes this regime so smug as to believe anyone supporter of the prisoners of conscience would buy this fiction of abetting their humiliation as has been expected by those in the media such unbelievable story?

One would reasonably expect the mediators to have created initial minimum base for trust for the parties to enter into the process. If indeed such a conceptual framework was established first to get the

mediation going, the regime's outrageous behaviour demonstrates that this trust has been horrifically misspent and broken.

There is no doubt that the regime is using cynically for propaganda purposes the mediation by abusing its power to undermine the prisoners of conscience. This behaviour constitutes massive harassment of the prisoners themselves and all people of good will everywhere in the world who have stood consistently to support their immediate and unconditional release. Why is it that the regime alone is speaking? Why are the mediators silent? What was the rule of engagement of the mediation? Who is breaking this? Why does the regime behave above law, norm and the acceptable rules and decorum of the natural justice from its apparent submission to traditional Ethiopian mediation? All these are simply inexplicable.

All we can conclude is that that neither mediation nor fair dealing is possible with this regime. This is thus, more than ever a time, to remain even more vigilant than before.

**It is not simply a matter of getting the prisoners released, but the terms under which they are released is even more important to make sure that they are never sent to prison again and denied their right to serve the public.**

#### **4. What Does the Regime Want to Gain from Abusing the Prisoners of Conscience?**

It looks the Meles regime has two objectives. First the regime wants to misuse the prisoners of conscience by exonerating itself from any form of culpability or responsibility to carrying out the brutal and knee-jerk murder its security forces committed by using excessive force. This has been verified already by the now exiled investigating judges that reported their honest findings on the November and June massacres and mass arrests. Ato W/Michael, Ato Frehiwot, Ato Alemayehu Zemedikun have testified that the security forces have used excessive force making it rather strange for the regime to make the prisoners of conscience who do not

control the security forces that ordered the killing to take "full responsibility."

The regime also would like to deal a death blow to the huge moral and political authority that the prisoners of conscience have built up not only before they were imprisoned and even more so after their imprisonment. Nothing threatens the regime more than their growing national and international moral authority. Over the last two years, despite the divisive nature of opposition politics and regime interference, the opposition has managed to put forward Prof. Mesfin's name for consideration for Nobel Prize for Peace and other prestigious prizes. Many prominent scientists from the rest of Africa like Codesria, from India to the rest of the world have supported Dr. Berhanu, Dr. Yakob, Dr. Araya, Dr. Befekadu and many more. Civil society has rooted for the civil society activists; journalists' societies for the journalists. Women associations have promoted the cause of the indomitable judge Birtukan and so on.

What the regime did not get for the last two years is to break the prisoners' will power. It is now trying desperately to use foreign and local mediators and the mediation process itself to divide the prisoners and their support base. Its objective is to declare that it has not only won the election, but it can also win the case against the prisoners of conscience through mediation and threats to death penalty and life sentencing of these most worthy citizens of Ethiopia.

No matter what this regime does to exonerate it from crimes, the facts are out there that both the decision and the killing were done by the regime and not the prisoners of conscience. None of the prisoners of conscience have anything to do with the way the security forces turned peaceful protest into a blood bath. If this regime had any dignity and honour, it would not shift the blame to others. It should have been courageous enough to take unequivocal and full responsibility. Any ascription of blame on those who neither made the decision nor pulled the trigger is simply a shameless ploy by the regime to frame and incriminate the innocent.

## **5. The Regime is setting a new precedent by blaming the victim as the perpetrator**

As noted before, the decision to shoot was made by the Government and its security branch. It is the Government side that did both the decision and the killing. The Government spokespersons like Bereket insist that 'full responsibility' for what happened is admitted by the prisoners of conscience. Since the latter have not decided to neither kill nor shoot anyone of those killed in November and June, we presume they are accused for the effect they had in inducing the regime to behave in murderous ways. By this logic it means anyone who is suspected by a regime for having the effect of making the authorities decide to kill is subject to account or answer to a criminal case. By this logic in our country there will be many people who must be not only threatened with death penalty but also life imprisonment as well.

These are people who waged war to implement their political opinion such as ethnic politics for example, forcing the regimes in power to murder thousands and thousands of youth fighting their opinion pushed by armed force and not even debate. By this logic Mr. Meles Zenawi, Mr-Afeworki and all others who have given cause for the regime to murder the young people of my generation must answer to justice and be sent to jail, threatened with death penalty and sentenced to life imprisonment.

The way the prisoners of conscience have been treated by life imprisonment sets a precedent for Ethiopians to initiate a legal case against Mr. Meles and all others that have actually and were involved in armed killing and by so doing gave cause for the Government in power of the time to kill also.

## **6. But this is the Road not to be Recommended!**

What our country desperately needs however is not this road. It is not such retributive justice but rehabilitative justice that is appropriate for and to our context. That is why solutions derived by relying on the mediation and other traditional socially based justice services are preferable. Mediation prepares the ground for reconciliation much better than courts and other political and legal diktats. What is needed is mounting and sustainining a broader national reconciliation strategy to heal our society and people from the innumerable wrongs it has suffered for so long. So while the logic of sentencing the innocent comes with the precedent that all those who killed and induced Government to kill must come to book, commonsense and the urgency and the demand to heal society requires that Ethiopia genuinely enters into a rule of the game that through argument, debate and conversation of the issues that matter to people, country and nation, progress must, can and will forged ever forward.

## **6. Concluding Remark:**

The case against the prisoners of conscience is flawed. The logic of keeping them for so long in jail without a right to bail is absurd. The death penalty threat is senseless. The sentencing to life imprisonment is unfair and unjust. The attempt to trade their humiliation with a pardon is outrageous. releaseing them without full right is unsettling. Their release must be unconditional and without denial of their public role now or in the future.

The regime must examine its motives and must stop turning everything into a game to win and its oppenents and even the mediators to lose. The release of prisoners of conscience must be genuine. It must not be a short-term response to the entire international outcry for their release. It must be enduring. It must not come with the threat of reversal back to prison. Their release must be final.

In the past foreign mediators have compromised and undermined the opposition and connived with the regime to disrupt opposition

unity. We hope the mediation this time round is predicated by the desire above all to see justice done. Any betrayal of the victim and connivance with the regime under the name of mediation would be a fatal historic wrong. NES hopes the mediation was genuine based on the principle of redressing justice and bringing a national political climate for democratic toleration upholding the scared rights to think, speak debate and participate in public life with principled dedication and committment.

One of the most revealing consequences by the regime's various attempts to humiliate the prisoners of conscience is that it has not managed to divide and break their staunch unity as far as we can observe from afar. Even when the regime publishes letters alleging that they have pleaded for pardon, the list of signatories showed that all are together. This is indeed an achievement and a credit to the prisoners of conscience. That they have managed to remain united means that whatever decision they arrived through the mediation is not what the regime has been presenting.

The opposition is engaged in a double movement. The civil society side is growing more effective and assertive with HR 2003 getting through many hurdles in Congress and the regime lobby and the Millennium preparations in the USA and Europe, the renewed demonstrations to get the prisoners released. The political parties can do better by stopping feuding with each other, stop using the prisoners of conscience to serve their infighting and learning to do the effective work civil society groups seem to do better than them. The sooner they come out of their petty quarrels; the better would be to advance the struggle forward.

The international community should not engage in relatavising the sentencing from death penalty to life imprisonment against the prisoners of conscience. It should stop engaging in double standard and commit itself to principles and call with action for the unconditional release of all political prisoners that would not put

them back once more in jail by the denial of their freedoms and rights.

Finally the time Ethiopia is going through is indeed special. It is good bye to 1000 years, and welcome to another 1000 years. Ideally we all must enter into the next millennium united and not divided and fighting. Not only the prisoners of conscience NES calls for all political prisoners must be freed. NES calls for the legalisation of all the current opposition that is not accommodated within the political environment. All political groups from the OLF, EPRP, ONLF and all others must enter the era of democratic conversation and must not remain outside and fight their way to express their political positions and opinion.

If the regime prefers to go it alone and continues to fear political opposition and plays cheap games on the lives and reputation of prisoners of conscience and future generations, then it is time to use the millennium to organise and mount a strong resistance against injustice. Then there is no alternative other than the millennium celebrations becoming for the victim a moment to express courage to resist and not submit.

NES calls for freedom for all political prisoners without any threat and pre-condition to re-arrest! **Resist this latest outrage to humiliate all victims of injustice!**

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