

Crime and punishment misinterpreted

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After a decade-long hesitancy and a series of fruitless seminars, conferences and workshops with a hefty bill footed by Western donors and the poor taxpayer, the ruling party's Ethiopian



Human Rights Commission (EHRC) and the Office of the Ombudsman were launched with a lot of fanfare two years ago. On 29th June 2004, a commissioner nominated by the Regional Government of Tigray, former Ambassador to Russia, Dr Kassa Gebre-Hiwot, was sworn in as 'human rights commissioner,' while a former Election Board chief of the 'Amhara State', Ato Abay Tekle, was named the ombudsman, with a mission to wipe off the tears of victims of injustice. Yet both men had neither convincing track records nor any interests in human rights when their appointments were rushed through parliament.

Government critics, including the handful of opposition MPs, were quick to voice their concerns over the appointment of the two men who were accused of being stooges of the ruling party. Dr. Kassa, who is credited

for translating some popular Russian novels into Amharic including Dostoevsky's *Crime and Punishment*, was particularly prone to stinging attacks for his dubious past, as he was once alleged to be profiteering as an arms dealer through his family business, Ethio-Russian Trading Enterprise (African Intelligence, ION, April 10, 1999). Even if the veracity of the allegations needs to be left to the commissioner and to whom it may concern, they were serious enough to raise valid questions about his suitability to serve the nation as the guardian angel of human rights.

From the outset, skeptics were suspicious of the real objectives of setting up a government-owned human rights commission, at a time when the Ethiopian Human Rights Council was seriously undermined. In spite of Meles' best effort to convince the public and the donor community that the commission would be the best hope for the protection of human rights, there were reasonable qualms about the sincerity of the scheme.

Under proclamation No. 210/2000, Article 6, the Commission has a power to "ensure that the human rights and freedoms provided for under the Constitution of the Federal Democratic Republic of Ethiopia are respected by all citizens, organs of state, political organizations and other associations as well as by their respective officials." The proclamation also declares that the Commission has a power to, "educate the public, using the mass media and other means, with a view to enhancing its tradition of respect for, and demand for enforcement of, rights upon acquiring sufficient awareness regarding human rights and undertake investigation, upon complaint or its own initiation, in respect of human rights violations."

Commission of omissions

In the aftermath of the June and November massacres, beatings, intimidation and mass arrests, the human rights commissioner, went out for a fact-finding mission to "investigate human rights violations and enforce the constitutional rights of citizens." The government media gave a special coverage to the commissioner's mission and the videos were widely distributed on the Internet. His Excellency Ambassador Kassa Gebre-Hiwot paid a visit to the detained opposition leaders. His finding was as shocking their illegal detention. The

Commissioner told the Ethiopian News Agency and TV reporters: “The deputy commissioner and myself visited leaders of the CUD and journalists and discovered that the detainees are in good hands... We were pleased when we observed the situation on the spot.” [sic]

The commissioner, flanked by religious leaders and President of “Justice for All” and Prison Fellowship Ethiopia, Pastor Daniel Gebre-Sellassie, also travelled to Dedessa in late November. He uncovered another ‘nuggets of truth’, which were widely publicized via the state-controlled media. The Commissioner told journalists that detainees at Dedessa concentration camp were being treated “humanely with their rights fully respected.” The Human Rights Commissioner said: “ The detainees are being well treated by security forces.... They faced no problems concerning food, lodging and medical service.”

He also made an interesting statement about justice in the hellish camp. According to the Commissioner, seconded by the Pastor Daniel, the detainees were being tried in a ‘court’ set up at the camp despite the fact that “they could not meet their families and lawyers because of distance.” Contrary to basic principles of human rights, the commissioner was unashamed to declare that leaders of the CUD, journalists and some members of the civic society, who are facing trumped-up charges of the worst kind, were in good hands. He felt no unease when he said that the over 50,000 people who have been inhumanely rounded-up, locked up, abused and treated worse than a herd cattle in hellish concentration camps were being treated humanely by security forces. His Excellency had no sense of embarrassment when he told the world that those victims of injustice were being “tried” without any legal presentations in a kangaroo court illegally set up in the wilderness. Rather than defending human rights, the Commissioner opened his heart to show his “qualities” why Meles Zenawi appointed him as the archangel of human rights.

The commissioner’s questionable assertions and claims appeared to have been aimed at reassuring the public and donors that human rights are respected in Ethiopia even in the hellish concentration camps. There was no mention of allegations of torture, beatings, extrajudicial killings, unsanitary conditions, starvation, shaving heads with shared razor blades and yellow fever epidemic. Contradicting the claims of the victims, who experienced hell in the Nazi-style concentration camps, the commissioner told us that they were treated “humanely” with full protection of their human rights. His description of the conditions in Dedessa was a little short of being called heaven.

It is too obvious even to any laymen that the waves of arbitrary arrests, shootings, beatings and all sorts of atrocities being committed against innocent and defenceless civilians are flagrant violations of the Ethiopian constitution and international human rights instruments. This should have been much clearer to a human rights commissioner than the laity. Amnesty International, Human Rights Watch, World Organisation Against Torture, Genocide Watch, the European Parliament, Committee to Protect Journalists, the International Federation of Human Rights, Reporters Without Borders, U.S Congressmen and Senators, among so many others that condemned the atrocities are not bunch of liars. Instead of investigating the serious atrocities that are being committed against defenceless civilians, the commissioner of human rights, along with some ‘religious’ leaders, took out hefty per diems, and shamelessly paraded in front of TV cameras to refute the shocking truths in jails and concentration camps. In the process of trying to cleanse those who are committing crimes with impunity, the religious leaders, who accompanied Dr Kassa, have also committed cardinal sins, as their testimony was contrary the ten commandments. “You shall not bear false witness against your neighbour.” (Exodus 20:16)

Crime and punishment

By some coincidence, Dostoevsky's Crime and Punishment, which was translated from Russian to Amharic jointly by the commissioner and Fantu Sahle, was launched at the Addis Ababa Hilton on June 7 2005, the day after a heroic school girl, Shibre Desalegn, 21, was shot dead at Kotebe. The incident was one of the many opportunities for the good commissioner to compare a fiction with real life. Shibre's crime, if peaceful protest is a crime at all, was trying to block a road to prevent university students from being transported to concentration camps against their will. The 'punishment' was being shot dead at point-blank in front of her friends and loved ones. It was the first shocking post-election ruthless crime that united the nation in anger. So far there is no effort to bring the criminals responsible for the extrajudicial massacres of hundreds of civilians, including a seven- year old boy and mothers who had never participated in any protests. Those who are committing appalling crimes are free whilst the victims are in harsh jails and concentration camps.

Had he been a real defender of human rights, the commissioner would have called for truly independent inquiries into the fragrant human rights violations, extrajudicial killings, arbitrary detentions, mass arrests, torture, shavings and beatings. According to the Ethiopian constitution, unless it is completely dead and buried, and the international human rights instruments that Ethiopia ratified, the reckless actions of the ruling party to violently suppress the nationwide protest against its misrule is unconstitutional and illegal.

In Dostoevsky's masterpiece, Crime and Punishment, a young student called Raskolnikov lost his mental freedom by committing murder. His intellectual justification of the gross crime he committed could not help him escape from being haunted by his conscience and the consequences of his actions. After suffering a great deal of psychological and spiritual anguish, he starts a process of repentance that helped him to confront reality. This kind of healing process may be needed not only to the criminals, but also to anyone who try to provide a futile justification for crimes against humanity...."If he has a conscience he will suffer for his mistake. That will be his punishment--as well as the prison," Dostoevsky wrote in Crime and Punishment. Sophocles, one of classical Athens' three great tragic playwrights said: "There is no witness so terrible, no accuser so powerful as conscience which dwells within us." We can never escape the judgement of our own conscience because it impossible to stop it from being an incorruptible judge.

Taking into account its 'accomplishments', the Ethiopian Human Rights Commission seems to be wasting the taxpayers' money and foreign donations while trying to provide justifications and cover-ups for the gross human rights violations being committed across Ethiopia. We were told that the commission had a power to ensure that human rights and freedoms provided for under the Constitution are respected by all citizens, organs of state, political organizations and other associations as well as by their respective officials. Leaving that aside, it should at least tell the truth.

There is no law anywhere in the world that provides justifications and immunity to crimes. The law is normally designed to protect the vulnerable from criminals, not the vice versa. Where there is a crime, there must be a punishment. To suggest anything other than that, whether in a work of fiction or real life, is a misinterpretation of crime and punishment. I would rather read neither the EHRC's report on human rights nor Dr Kassa's translation of "Crime and Punishment."

To watch Dr Kassa's testimony on human rights in Dedessa, click: [videos](http://www.aigaforum.com/audiovideo/prisonercondition.smi).
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