

1. THE PRELUDE

The ruling coalition called the Ethiopian Peoples' Revolutionary Party or EPRDF, split in two factions, in March 2001. As to the actual causes of the split, each faction came out with its own versions of stories to tell. The victors, led by the Prime Minister, Meles Zenawi proclaimed that the fundamental causes of the conflict were related to the issues of corruption and undemocratic practices. According to them, corruption had been deeply rooted in some quarters of the party leadership. Anti-democratic practices had also become rampant, both within and without of the party. Ato Meles then declared that he had suspended 13 of the 28 members of the Central Committee of his party, the Tigray People's Liberation Front (TPLF). The senior leaders of the party were subsequently removed from all their positions in the Party, the Government and/or the Parliament.

The loser faction, including the ex-Defense Minister and the ex-Commander of the EPRDF Army, Ato Seeye Abraha accused Ato Meles and his group, of treason and defeatism. They accused the PM, of having betrayed Ethiopian interests in several incidents of bi-lateral relations with Eritrea. They also blamed him for the fruitless conclusion of the military victories over Eritrea, during the 2000 border war.

Although the general arguments of both factions were drawn along these two broad lines, they were never fully argued in public. Ato Meles made an extensive use of his Executive Powers, to suppress the other group. Contrary to the by-laws constituting his party, he single handedly suspended all the 13 Central Committee members who voted against him in the party meetings. He ordered his security forces to seal the offices of all the faction members, take away their cars, cut off their telephone lines and put them under house arrest, with no visitors being allowed to meet

them. Ato Meles removed his opponents not only from Party and Government posts, but also from the Parliament. Contrary to the Federal Constitution and all laws, these Elected Members of the Parliament were removed by the orders of the Prime Minister. Although, these acts were later on proven to be illegal by a court of law, no measures were taken to redress or undo any one of them. Much worse, Ato Meles enacted a special law and arrested his arch-opponent Ato Seeye Abraha.

2. THE ENACTMENT OF THE NEW LAWS AND THEIR ENFORCEMENT

After exhausting all the administrative and security measures, he needed to temporarily contain or disable his opponents; Ato Meles initiated another option that will give him a longer-lasting means of containment. In the bigger and World Bank sponsored package of the Civil Service Reform Project, Ato Meles found a tool that will both serve his personal agenda of disabling his opponent, as well as pleasing his crucial financiers and sponsors in the World Bank and the IMF. He picked up two draft proclamations and personally reworked them to suit his intentions. He then hastily pushed the draft laws and were formally enacted, as at Thursday, May 24, 2001. These two laws, that are generally called the Anti-corruption Laws, formally established the Federal Ethics and Anti-Corruption Commission, as well as the procedures for litigation. These laws were special, in that they bestowed the powers to investigate and prosecute suspected criminals, on the Commission. They also gave the Commission un-restrained powers over the business and properties of suspects. A mere suspicion and a single-page petition was enough to effectively confiscate the properties of any suspect, without the rights to be heard, being given to him.

The laws to establish the Commission were enacted on Thursday, May 24, 2001. May 26 and 27 were week-end holidays. And May 28, being the 10th anniversary of the EPRDF's victory over the ex-dictator Colonel Mengistu Hailemariam, it was a national holiday. Therefore, between May 24, 2001 and May 29, 2001 there was only one working day, viz. Friday, May 25, 2001.

Just one-working day, after the enactment of the laws, Ato Seeye Abraha, seven members of his family and selected members of the business community, along with some executives of the Commercial Bank of Ethiopia and the State Owned Sugar Factories were arrested, on the mornings of May 29, 2001. In the evening news, Ato Meles declared the news through the government owned media and enthusiastically invited the general public to come forward with any information or evidence that would particularly incriminate Ato Seeye Abraha and his brother Ato Assefa Abraha, the ex-minister of Public Enterprises and the ex-Board Chairman of the Privatization Agency. The offices and residences of these people, who were arrested without any court orders, were extensively searched for any clue or evidence towards incriminating them. Subsequently they were also brought to the Federal First Instance Court, to hear of their charges as stated out by the investigating Police Officers.

The Police Officers actually had nothing to tell to the Courts regarding the reasons for the arrest of Ato Seeye Abraha and his clan. Except that the arrests were made by the orders of the Prime Minister's Office (the PMO). Eventually the Courts began releasing some of the prisoners on bail. Asmelash Abraha, the elder brother of Ato Seeye Abraha, and his sister Temnit Abraha were released on bail, in the first week. Towards the end of the second week, on Friday, June 8/2001 the Court ordered the release of Ato Seeye Abraha on bail. Despite the orders of the Court, Ato Seeye was not, however, released. Instead the Police Officers appealed to the

Federal High Court to rescind the orders of the lower court. But still the High Court confirmed the decision and again ordered the release of Ato Seeye Abraha; to which the Police Officers failed to obey. Instead, they reported it to the PM and a new law prohibiting the bail right of Ato Seeye Abraha was immediately drafted and printed on the Negarit Gazetta, hours before it was formally presented to the Parliament for consideration. This law, which is popularly known as "Seeye's Law" was enacted on June 12/2001, i.e. four days after the orders to release Ato Seeye were given by the Court, while he was still in jail due to the blatant refusal of the Police Officers to implement the Court's decision.

According to the Federal Constitution, laws do not apply retroactively, especially when they are detrimental to the interests of the defendant. Since the new law denying the right of bail was enacted after the ruling to release Ato Seeye was given by the Court, the Federal First Instance Court again ruled that this new law does not apply to Ato Seeye's case. Ato Seeye was therefore released from the Court and allowed to go home on June 19/2001. But to no avail, for the body guards of the PM hauled him back to prison, from the gates of the Court. With his right to bail effectively blocked, Ato Seeye Abraha along with his brothers, was never to come back to the First Instance Court; nor were the judges who ordered his release, on June 19/2001. Ato Seeye since July/2001 was made to appear at a special bench in the Federal Supreme Court, while the judges of the First Instance and High Courts were made to resign from public service altogether.

While this shameful drama was being played at the Courts and the Parliament, Ato Meles was trying hard to promote his campaign as a genuine Ant-Corruption Campaign, and as an element of the donor sponsored efforts to promote good governance. Domestically, he was also digging hard to find evidences and witnesses that would incriminate

his arch-rival Seeye Abraha; along with relentless propaganda and sleaze to defame him. Concurrently, he instructed the Police Department, to write a petition to the Supreme Court's Special bench dedicated to see Ato Seeye's case, requesting it to freeze all assets and bank accounts belonging to Ato Seeye and all of his family members. Subsequently, the Court issued the requested orders without even caring to give the defendants a chance to be heard. The restraining orders were directly communicated to the Banks and all other relevant government agencies. Personal saving accounts belonging to the brothers of Ato Seeye and his mother were frozen. Transport vehicles and other properties belonging to a company owned by his brothers were restrained and put under the control of government agencies. As for Ato Seeye he owned neither property nor money to be confiscated. By these orders, Ato Seeye, his brothers, their 70 year old mother, their wives and children, and all those who depended on them were left penniless and defenseless, with most of them in jail.

With their bail rights denied and no charges coming forward, the Supreme Court submissively allowed the indefinite incarceration of the entire clan for six months, until October 30/2001. It was by this date that the first charges against Ato Seeye and his brothers were read out in the Supreme Court.

3. INTRODUCTION

The fundamental aim of all the efforts during the first six months was to make sure that Ato Seeye gets locked up in prison along with his brothers and sister. This was finally achieved through the unscrupulous use of all the powers of the State, viz the Parliament, the Executive and the Judiciary wings, all combined in one.

This phase of the Campaign was concluded with great success, when Ato Seeye and his entire clan were finally thrown to the Central Prison of Addis Ababa, with their bail right denied through a fictitious and unconstitutional law. The Supreme Court fully cooperated, by its decisions to freeze all their assets and properties without due process of law, as well as by giving the orders to lock them up indefinitely, without any charges.

In addition to what has been presented above, the process during the first one year upto May/June 2002 was properly reported my progress report of June 2002. The primary focus of this current report will therefore be, to briefly outline the progress and state the current status of Ato Seeye's case in the Federal Supreme Court.

Henceforth, I shall report the progress in four phases. Phase I will start with the presentation of the indictment, Ato Seeye's objection to the charges, and the 1st rulings of the court in November 2002. Phase II will then follow with the beginning of the so called pre-trial hearings. We will see the statements and evidences of the prosecution followed by the statements of the defendants. The phase will conclude by the court rulings given in July 2002. Phase III starts with the presentation of the witnesses by the prosecution, and closes with the final rulings given by the court in November 2003. This brings the presentations by the Prosecutor to an end, and then comes the turn of the defendants to mount their defense. Phase IV, will therefore touch upon the thrust and organization of Ato Seeye's defense plan, as presented to the court, in March/ 2004.

Other than the presentation of the defense plan, there will not be much progress to report on the year 2004, since no court hearing was conducted since March/ 2004. Finally, I shall make few remarks and

observations on what have been achieved or revealed during the process; to be followed by an appeal to those capable of doing something towards redressing this gross injustice being perpetrated in broad day light, in the era of democracy and the rule of law, disguised by the pretext of promoting good governance and fighting corruption, and of course with the full support and financing of the West, especially of the World Bank and the IMF.