

# **“በሰው ቁስል ስንጥር ሰቅሰቅበት”**

## **THE MISREADING OF THE CONCEPT OF PARDON AND FORGIVENESS**

By Tecola W. Hagos [December 25, 2010]

**“Out of the crooked timber of humanity, no straight thing was ever made.”** Immanuel Kant, [Trans. Isaiah Berlin]

### **Introduction**

I read the heart wrenching recent letter of Mekonnen Endalkachew, the son of the last Prime Minister of Emperor Haile Selassie I, Endalkachew Mekonnen, who was murdered along with about sixty high Ethiopian Government Officials by the order of Mengistu Hailemariam. The decision to execute the Officials, which included retired Patriots who fought the Italians five years occupation, was taken by a unanimous vote of the 109 Derg Members that included individuals who are at the present time either waiting execution or serving their prison sentences. It is our duty both as our national commitment to carry out justice and also as our international obligation to international norms to render justice to both criminals and their victims.

I fully share in the pain of Mekonnen and support his demand for justice. In fact, I even go further demanding that the Ethiopian Government carry out its legal duty that those who had been sentenced to death be executed in public without further delay. However, some individuals such as Colonel Mengistu Haile Mariam, are living in exile, and such execution may not be carried out right away. There should be a way to carry out such justice not only to Mengistu but to all those hiding in foreign countries. In case of those brutal murderers who are under the control of the Ethiopian Government, individuals who had spilt so much innocent blood, execution should be carried out by hanging them from Bole Airport to Meskel Square and also in other Squares, on electric power poles. Some should also be sent to provincial cities and towns for such public execution.

Definitely, Capitain Fikre Selassie Wogderes, Colonel Fisseha Desta, Major Berhanu Bayeh, Captain Legesse Asfaw, Major Addis Tedla, Lieutenant Colonel Endale Tessema, Captain Gessese Wolde-Kidan, Major-General Wubshet Dessie, Major Kassaye Aragaw, Colonel Debela Dinsa, Captain Begashaw Atalay, Second Lieutenant Sileshi Mengesha, Colonel Nadew Zekarias, Lieutenant Petros Gebre, Second Lieutenant Aragaw Yimer, Major Dejene Wondimagegnehu, and Lieutenant Desalegn Belay should be publicly hanged in major squares around Addis Ababa. These men were the most vicious merciless individuals who have either directly or indirectly ordered the murder, torture and dehumanization of thousands of Ethiopians. They are individually and collectively responsible for the death of the sixty High Officials of the Ethiopian Government, the death of the Emperor, the death of the Patriarch and countless student activists and political leaders. Their guilty has been established in a court of law. It is in fact, a perversion of justice that they were allowed to live this long. Steps should have been taken against them when their bloody government collapsed in 1991.

Whether it is Meles Zenawi or anybody else does not have the moral authority to pardon or forgive any of the convicted Derg Members. It is even unthinkable to entertain such

idea by anyone. I am starting this essay with the assertion that weak and/or despotic societies “forgive,” but powerful/democratic communities dispense justice. This assertion may be as provocative as it is simple, indeed. It is also my observation that people who are too eager to forgive their abusers, tend to abuse others in their turn. It is a fact that those who are publicly perceived to be the paragon of virtue are wanting in their private lives where virtue truly matters. In a world where people have difficulties going over a much lower threshold of “fairness,” it is appropriate to set “justice” as a social goal rather than pursue acts of “forgiveness” or “pardon” as a solution in social conflicts or crimes.

## **II. The Unthinkable: Those Murdered were not Dogs**

I am appalled that the unthinkable is happening now. The pleading for the pardon of Derg Officials is happening now spearheaded by none other than the discredited Patriarch of the Ethiopian Orthodox Church, who had embarrassed us all, the Faithful, through his inequities and corruption. And the last being his vainglorious edification of his own person in a statute. I have been informed by some concerned Ethiopians that the Patriarch is a blood relation of Fissiha Desta and that the Patriarch is trying to have the release of that bloody criminal who should be hanged right away. Here we are witnessing a misplaced piety. There is no socially justifiable reason to pardon any of the Derg Members who were given due process and convicted for their brutal crimes.

There is absolutely nothing to gain by having those brutal former Derg officials around, but a lot would be gained by a just judgment of execution for the murderous crimes they committed. The cry for justice of the tens of thousands who suffered and some who died, and some who were tortured et cetera is still waiting for a just answer. Such voices of pain and cries for justice all over Ethiopia for the last twenty years were never properly answered by the current Ethiopian Government. The current Ethiopian Government had failed us by delaying unnecessarily the fair trials of such criminals and using those criminals as some kind of bargaining chips or as items for propaganda purposes. Now that judgments had been entered, such judgments must be carried out.

Mekonnen wrote a public letter on December 23, 2010 succinctly and rightly stating why pardoning such convicted criminals would be an injustice to the victims and to Ethiopians as a whole. It seems to me that the Ethiopian Government might be playing a dubious role of trying to convince the Ethiopian public that it has the approval of the families of the victims for it to grant pardon to those criminal Derg Members. “Some of the articles which were printed suggested that the families of some of the victims of the Dergue had been contacted about the issue of a pardon and had stated that they had no objections to the idea. I can categorically say that no one contacted any member of any family that I know of to request comment on this issue. For that matter, no member of the committee which manages and maintains the Memorial for the 68 Former Officials Executed by the Dergue was asked for their opinions on this matter. Therefore, it would be interesting to know who was asked and what their rationale (if any) was for giving their blessing for this ludicrous venture.”

If people were truly interested to bring justice to the people of Ethiopia, they ought to be concerned about the dictatorship of Meles Zenawi and his EPRDF political party that had

rigged elections and have transformed the country into a one man show. The unemployment of the young and the hopeless condition of life in Ethiopia is truly a far more serious matter than the issue of pardoning a handful of convicted criminals. The leasing of millions of hectares of fertile land to foreigners while Ethiopians do not even have ownership rights on their own land, the lack of political rights, et cetera are all unconscionable situations that should be addressed right away. It is hypocrisy for anyone to spend time and effort on convicted criminals who had caused so much damage and murders rather than care about innocent Ethiopians who have been abused, tortured, imprisoned, and disfranchised by the current Government.

I agree with Mekonnen when he stated, “For those that are actively pursuing this issue and suggesting that justice has been already served, I have but one thing to say.....SHAME ON YOU! Using this very sensitive issue to advance whatever personal agenda you might have is despicable and a major disservice to this blessed country of ours, and shows great disrespect for the many valuable Ethiopian lives which were lost during those dark 17 years of Dergue repression.” A mere twenty years does not even start to register as a punishment for the murder and torture committed by those Derg brutal officials listed above.

Let me say to all that as Dostoevsky facing a firing squad, later stated that the experience of facing death concentrated his mind quickly, I too suffered a similar situation in the hands of those same Derg Officials when I was dragged out from my Alem-Bekagn Prison Cell chained with another Prisoner to face their brutal firing squad that murdered the sixty Government Officials on November 23, 1974. At the last minute, just before we were lined up with the other victims, we were informed that there was an error and returned to our Cell. However, my fellow prisoners and I heard the barrage of gun fires and some screaming from our prison Cell. And in the morning I learned first hand from the accounts of fellow prisoners who collected the dead bodies, mutilated body-parts et cetera and put them in a mass grave right in the prison compound, the gruesome detail of the massacre. The detail was the most harrowing that I hesitate to repeat here. For years I had nightmares of that night, but I also lost all fear of dying, and greatly developed excruciating empathy with all those who suffer in the hands of brutal dictators.

### **III. Justice not Vendetta**

I am not writing here simply seeking vendetta or vengeance, but justice. It is impossible to build a civil society without taking steps against criminals who violate the rights of individuals in the guise of political goals and state craft. We cannot afford to allow such known criminals go free after they have committed horrendous crimes against innocent individuals. Pardoning them is the worst thing to do, and it is like murdering and torturing the victims all over again. I quote Mekonnen here for his wise conclusion: “Due process was followed, and justice according to the Ethiopian Code of Law was delivered. That is more than can be said of the mock justice meted out by these individuals during their long time in power. As such, they should suffer the consequences of their actions and serve their sentences without any interference from supposed ‘concerned’ external factions..... justice and history demands that, at the very least.”

Here below are names of the first sixty high officials of the Ethiopian Government victims of the Derg. These individuals were as real human beings as anyone of us, who were never given any fair trial but brutally murdered by the order of the Derg whose Members are now campaigning pleading for pardon through shameful surrogates.

**The list of Officials of the Imperial government that were brutally murdered at night on November 23, 1974 without trial. Titles are in italics**

*Prime Minister Tsehafti Taezaz Aklilu Habtewold*  
*Prime Minister Lij Endalkatchew Makonnen*  
*Lt. General Abiye Abebe*  
*H.H. Prince (Leul Ras) Asrate Kassa*  
*Prince Rear Admiral Iskinder Desta*  
*Ras Mesfin Sileshi*  
*Ato Abebe Retta*  
*Ato Akale Work Haptewold*  
*Lt. Colonel Tamirat Yigezu*  
*Dejazmatch Kifle Irgetu*  
*Lt. General Kebede Gebre*  
*Lt. General Issayas Gebre Igziabiher*  
*Lt. General Asefa Ayana*  
*Ato Mulatu Debebe*  
*Dr. Tesfaye Gebre Igzi*  
*Dejazmatch Workineh Wolde Amanuel*  
*Lt. General Debebe Haile Mariam*  
*Brigadier General Deresse Dubale*  
*Lt. General Asefa Demisse*  
*Dejazmatch Aemero Selassie Abebe*  
*Dejazmatch Solomon Abreha*  
*Dejazmatch Sahelu Difeye*  
*Dejazmatch Worku Inqu Selassie*  
*Dejazmatch Legese Bezu*  
*Major Berhane Mecha*

*Colonel Solomon Kedir*  
*Blata Admasu Retta*  
*Ato Nebiye Leul Kifle*  
*Ato Solomon Gebre Mariam*  
*Ato Tegegn Yetashework*  
*Afe Nigus (Lord Chief Justice) Abeje Debalke*  
*Lt. General Haile Baikedagn*  
*Lt. General Abebe Gameda*  
*Lt. General Yilma Shibeshi*  
*Lt. General Belete Abebe*  
*Dejazmatch Kebede Ali Wele*  
*Major General Gashaw Kebede*  
*Major General Seyoum Gedle Giorgis*  
*Major General Tafesse Lemma*  
*Lij Hailu Desta*  
*Fitawrari Amde Abera*  
*Fitawrari Tadesse Inqu Selassie*  
*Fitawrari Demisse Alamirew*  
*Kegnyazmatch Yilma Aboye*  
*Brigadier General Wendimu Abebe*  
*Brigadier General Girma Yohannes*  
*Brigadier General Mulugeta Wolde Yohannes*  
*Colonel Yigezu Yimene*  
*Colonel Alem Zewd Tessema*  
*Colonel Tassew Mojo*

**On this same day, the following men died fighting the Derg protecting Lt. General Aman Andom who refused to sanction the execution of the Imperial Officials:**

**Lt. General Aman Mikael Andom**  
*Leutenant Belai Tsegaye*  
*Leutenant Demisse Shiferaw Goshiye*  
*Lance Corporal Bekele Wolde Giorgis*  
*Sub-Corporal Tekle Haile*  
*Lance Corporal Tesfaye Tekle*  
*Junior Aircraftsman Yohannes Fitiwi*

**These are known today in Ethiopia as "Silsawochu" or "The Sixty". Their deaths marked the beginning of the Derg's reign of terror. Later, Emperor Haile Selassie and Patriarch Tewoflos were murdered by Mengistu Hailemariam.**

No one is claiming that the above named former Officials of the Ethiopian Government were perfect men. Now having lived through the Derg's brutal and violent Government and the current corrupt and anti-Ethiopia Leadership, I can say without hesitation that the individuals listed above were far more honorable and civilized men, and some of them were outright great heroes by contrast. It is a tragedy of circumstances with an aging Emperor and a tired bureaucracy that the least knowledgeable and the least capable members of society took over power and committed the worst violence and mass murder in the history of Ethiopia. It had been a downward spiral ever since.

To the above list of victims add tens of thousands who were murdered during the Red Terror in 1977 to 1978 and there after until the Military rule ended in 1991. The total death by some is estimated over a million. These same individuals on whose behalf the shameful campaign for pardon is being undertaken were part of the criminal Government of Mengistu Hailemariam that caused havoc and devastation on Ethiopia and Ethiopian Citizens. Just because we are faced with another brutal and savage Government now, it does not mean that we have to exonerate the Derg criminal officials now.

Here below I am discussing the concept of public "Pardon" or "Forgiveness" its limitations and its power to enable society to move forward. There is some confusion between the meaning of "pardon" and "forgiveness." Moreover, people tend to use these two distinct terms interchangeably. At any rate, for the purpose of this essay, "pardon" refers to the act of the legal authority of a State, whereas "forgiveness" is far more closely related to the psychological commitment of the individual aggrieved party. I have added this section from a previous research material posted in my Website, [www.tecolahagos.com](http://www.tecolahagos.com), a few years back. It is meant to enhance the concept of forgiveness and deepen our understanding of such difficult concept.

#### **IV. The Issue of Pardon or Forgiveness as a Legal Regime**

Delaminating ethics from law was considered by many jurists (Austin, Hart et cetera) as a step forward in legal development. Is it possible to make similar claim by disassociating ethics from politics? May be the question is not a fair one, since politics is more of a process than a series of rules and limits as is the case with law, and thus far more difficult to distinguish questions of ethics from questions of politics. This dissociative outlook may be due to the empiricist and materialist view of ethics to be based on a result of emotion and not of reason wherein "Law" is perceived to be purely a process or result of reason. For example, Aristotle in his *Politics* stated that "the law is reason unaffected by desire." [Aristotle, *Politics*, Book III, chapter 16, Benjamin Jowett translation]

It is impractical if not outright impossible to structure a legal regime around the concept of "forgiveness." If a legal system uses "forgiveness" as one of its tools, it will be undermining far more important legal concepts such as equal treatment, fair and just

resolution of controversy, consistency and certainty et cetera all very fundamental concepts in any legal system. In Ethiopia's legal tradition, before the modernization of the legal system was initiated by Emperor Haile Selassie in the 1930s, the Sovereign was the ultimate judge of capital crimes and serious crimes; however, in the punishment phase of the process, family members of the victim were allowed a say in what type of punishment to impose on the criminal. Both oral tradition and the *Fetha Negest* are great sources of cases where the justice of past Ethiopian kings and Emperors could be studied and admired.

There are many troubling questions in connection with the concept of forgiveness especially if the implementation of which ends up freeing individuals or groups who have committed serious crimes of murder, torture, and imprisonment in the name of national security or political change. Obviously, what is needed in such situations is justice in accordance with the criminal law of the state of jurisdiction and/or the use of international legal concepts that are peremptory norms of customary international law and practices whether derived from treaties or judgments of international courts, tribunals, or arbitration forums.

Foremost, in the discourse underway at political forums, universities, civic organizations et cetera on the issue of national "reconciliation," there may be serious confusion or misunderstanding of conceptual terms such as "forgiveness," "amnesty," "mercy," "immunity," and "clemency" in association with truth and/or reconciliation commissions. There have been several truth or reconciliation commissions (tribunals or committees) in the last thirty years in many parts of the world in almost all of the Continents. However, I do not believe the human condition has improved at all due to such effort. Very many well intentioned individuals inadvertently have polarized the issue of justice with their advocacy of forgiveness and reconciliation. There is a degree of confusion in the approach of placing the idea of forgiveness as part of the process of political and legal solutions to the injustices suffered by many in Ethiopia or elsewhere in the World.

If we assume, for argument sake, that to forgive a criminal or an organization (community) that had committed some harm to an individual, a family, or a community is an ethical act and may even be considered as a courageous religious/spiritual behavior, there are certain conclusions that flow logically from such assumptions that we may not endorse. The obvious question that comes to mind is why the victims and their families should bear the burden of a difficult moral judgment to benefit the rest of society, especially when such society had failed to protect them from atrocities to begin with. There is no point referring to events or ideas from any historic time.

Where the atrocity or criminal act is a result of civil disobedience, it may be far more difficult to withhold special considerations such as forgiveness or mercy. However, even under such circumstances of civil disobedience, philosophers, such as Rawls, suggest that those who participate in activities of civil disobedience must not commit any violence or expect immunity from prosecution for their activities. But that approach does not address non-violent actions harmful to the security of a state. For the assumption in such

form of dissension is that no one can be forced to live under laws that contravene fundamental human rights of individuals.

There are precedent setting international conventions such as the Genocide Convention and others through the United Nations system that are relevant to the resolutions of conflicts. For example, international customary law principles such as the Nuremberg Principles, the Japanese war crimes Commission, the Rwanda Commission, the decisions of the International Court of Justice, the recent International Criminal Court process et cetera that maybe used as the basis for setting standards to effect justice in the world before implementing a system of forgiveness and reconciliation.

As indicated in my introduction, the granting of “pardon” or “forgiving” the criminal acts of an individual or that of a group that violated international standards under the Genocide Convention or any other bilateral or multilateral treaties may itself be considered a violation that may be a subject of sanctions imposed by the international community. The Rome Statue has created the International Criminal Court, and the Court is already fully functional. Thus, signatory states to the Rome Statue have the obligation to cooperate with the International Criminal Court in the prosecution of individuals who have committed such crimes such as genocide or crime against humanity. If individual states negotiate with criminals and grant “amnesty” or “forgive” such crimes, such states would undermine the role of the International Criminal Court. The question is whether we are putting the cart before the horse with such ideas of forgiving criminals? It is impractical and counterproductive to use the concept of “forgiveness” or “pardon” as a legal remedy or as public policy.

The provocative article “On the Pleasure of Hating” by the Nineteenth Century celebrated curmudgeon William Hazlitt<sup>6</sup> is a proper essay to bring to your attention in order to remind you that there is more to seeking justice than mere philosophy and legalism—the psychological components are as important. In this regard, the ancient Greeks have a most expressive term *Κάθαρσις* “catharsis” that describes the psychological state of mind an individual undergoing such “catharsis.” The term can be roughly translated to mean “purification of” or “purging of” oneself from the pollution of the feeling of being a victim. In other words, it is not only “forgiveness” that allows the human inner self to clean itself of polluting feelings to move away from the confinement and negativity of victimhood, but properly conducted retaliation or “catharsis” would do as well. For the sake of our sanity and for the sake of the wellbeing of future generations we must punish criminals such as the brutal and violent convicted criminals of the Members of the Derg.  
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**Tecola W. Hagos**  
**December 25, 2010**