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Human rights situations that require the Council's attention

## Report of the International Commission of Human Rights Experts on Ethiopia\*, \*\*

### *Summary*

In the present report, submitted pursuant to Human Rights Council resolution S-33/1, the International Commission of Human Rights Experts on Ethiopia presents its initial findings. The report concludes that there are reasonable grounds to believe that violations, such as extrajudicial killings, rape, sexual violence, and starvation of the civilian population as a method of warfare have been committed in Ethiopia since 3 November 2020. The Commission finds reasonable grounds to believe that, in several instances, these violations amount to war crimes and crimes against humanity. The report provides an assessment of transitional justice developments and makes urgent recommendations.

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\* The present report was submitted after the deadline in order to reflect recent developments.

\*\* Annexes to the present report will be published on the Commission's webpage.

## **I. Introduction**

1. The United Nations International Commission of Human Rights Experts on Ethiopia (the Commission) presents its report to the Human Rights Council at a difficult and dangerous time for Ethiopia and its people. After a tense, five-month cessation of hostilities, fighting resumed in August 2022 between the Federal Government of Ethiopia (Federal Government) and its allies, and forces backing the Tigray authorities (Tigrayan forces). Ethiopia's beleaguered civilian population now faces renewed risks after enduring the consequences of nearly two years of conflict. The hostilities have expanded beyond Tigray to other areas of the country and risk spreading beyond Ethiopia's borders, with consequences for peace in the Horn of Africa.

2. These events follow allegations of killings of hundreds of civilians in southwest Oromia from June through August 2022. Hate speech attacking and dehumanizing ethnic groups, a key indicator of future atrocity crimes, shows no sign of abating. The humanitarian situation in Tigray remains in crisis, largely due to shortages of food, medicine and fuel. The region also remains disconnected from Ethiopia's telecommunications, banking and electricity networks. Ongoing events demonstrate the importance of the Commission's mandate to investigate allegations of international human rights, humanitarian law, and refugee law violations, and advise the parties on transitional justice, accountability, reconciliation, and healing.

3. The Commission has faced time and staffing constraints as well as lack of access to sites and documents. Therefore, this report cannot offer an exhaustive record of all the events during the reporting period, nor a full strategy for transitional justice. Instead, these constraints have required the Commission to select a manageable preliminary group of incidents and themes reflecting some of the most significant violations of international human rights and humanitarian law. They have also restricted the Commission to offering only its initial views on certain mechanisms for justice and accountability established to date. In order to thoroughly fulfil its mandate, the Commission requires additional time and resources for investigations and engagement with stakeholders. It also requires unhindered access to sites of interest, and cooperation from parties to the conflict and UN entities.

4. This report concludes with an initial set of urgent recommendations to the parties and the international community. They are imperative for achieving sustainable peace and long-term respect for international human rights and humanitarian law in Ethiopia.

## **II. Mandate, Membership and Methodology**

5. Human Rights Council Resolution S-33/1 of 17 December 2021 established the Commission for one year, with a mandate to conduct thorough and impartial investigations into alleged violations and abuses of international human rights law, international humanitarian law and international refugee law committed by all parties to the conflict in Ethiopia since 3 November 2020. This aspect includes the collection and preservation of evidence to support accountability efforts while integrating a gender perspective and survivor-centred approach. The Commission must also provide guidance on transitional justice, including accountability, reconciliation and healing.

6. The Commission is composed of three human rights experts appointed by the President of the Human Rights Council: Ms. Kaari Betty Murungi (Chairperson, Kenya), Mr. Steven Ratner (United States of America), and Ms. Radhika Coomaraswamy (Sri Lanka).

### **Process of work**

7. The Commission invited submissions from the public through its UN webpage, which details its terms of reference. It has engaged in consultations with stakeholders since May 2022, including meetings in Geneva and a mission to Addis Ababa from 24 to 30 July 2022. While in Addis Ababa, the Commission met with officials of the Federal Government, related institutions, international organizations, academic experts, and other stakeholders. The

Commission also held a remote meeting with the Tigray authorities. The Government of Eritrea did not respond to requests for a meeting with the Commission.

8. The Commission sent a list of issues to the Federal Government and Tigray authorities in mid-August 2022. The Federal Government did not reply by the time of submission; the Regional Government of Tigray submitted a preliminary general response on 2 September 2022.

9. The Commission faced challenges to its work that prevented it from thoroughly fulfilling its mandate. It was afforded only two full-time human rights investigators. Moreover, due to logistical and administrative circumstances beyond its control, it was only able to begin its investigation in mid-June.

10. The Commission deeply regrets that the Federal Government did not grant it access to any areas outside of Addis Ababa. This stance forced the Commission to conduct most of its interviews remotely. It was further difficult to interview persons in Tigray due to the continued telecommunications blackout. As of the time of submission, the governments of Sudan and Djibouti had not granted the Commission access to interview Ethiopian refugees within their borders.

11. The Commission sought to mitigate these challenges by carrying out of the bulk of its investigation remotely, conducting interviews with 185 victims, survivors, witnesses, and other key interlocutors (104 women and girls, 81 men and boys). Ethiopian interviewees identified as being of Amhara, Oromo, Somali, and Tigrayan ethnicity and, in one instance, a member of the Irob people. Eritrean interviewees described themselves as ethnic Tigrinya. Survivors, victims, and witnesses identified as being of the Orthodox, Catholic, and Muslim faiths. The Commission examined additional sources, including satellite imagery, print and audio-visual material, and open-source information. It also reviewed confidential submissions from a variety of stakeholders.

12. Requests to various UN entities operating in Ethiopia to share documents and materials of interest were largely deflected, or responded to after an inordinate delay.

13. The Commission received a belated response to its request to the Joint Investigative Team (JIT) of OHCHR and the Ethiopian Human Rights Commission (EHRC) to share its internal database. This affected the Commission's ability to build upon, rather than duplicate, the work of the JIT.

14. Despite these challenges, the Commission is confident that its findings are supported by information that satisfies the standard of proof for UN investigations. In particular, although the Commission would have preferred access to Ethiopia and other sites, the other avenues to gather information resulted in significant findings. The Commission has followed the precedent of other Council-mandated investigative mechanisms that were denied access to the state where alleged violations took place. Where the Commission's constraints resulted in insufficient information to make a finding, it emphasizes the need for further investigation.

## **Selection of incidents and themes**

15. The Commission's time and resource constraints obliged it to select a specific and manageable group of incidents and themes for which it could complete investigations in two months with limited resources. Although its selection reflects some of the most significant violations of international human rights and humanitarian law, while illustrating broader patterns, it does not allow the Commission to present a comprehensive picture. Although its mandate authorizes it to investigate incidents throughout the territory of Ethiopia, the Commission confined its investigations for this report to the hostilities in Tigray and Amhara regions. It acknowledges that its selection will frustrate many, especially in light of the broad and troubling range of allegations of violations in Ethiopia since 3 November 2020. The Commission hopes that it will have the opportunity to expand its investigations and findings with additional time, resources, and cooperation to include further incidents and themes, such as those set forth in section VII.

## Other investigative issues

16. Throughout its investigations, the Commission sought to establish and verify facts and circumstances guided by the principles of independence, impartiality, and confidentiality. It abided strictly by a victim and survivor-centred approach, prioritising the safety and security of information and sources, including through the implementation of rigorous informed consent protocols. All evidence is coded and catalogued in a secure database to ensure chain of custody, and future accessibility and usability in support of ongoing and future accountability efforts.

17. Following established practice, the Commission applied a standard of “reasonable grounds to believe” to its factual and legal findings. In assessing the reliability and credibility of each source, it considered that this standard was met when it had obtained a reliable body of information, corroborated with other available material, upon which a reasonable and ordinarily prudent person would have reason to believe that an incident or pattern of conduct occurred.

## Relationship to the work of the JIT

18. The Commission’s mandate requires it to build upon the JIT report, which investigated alleged violations of international humanitarian, human rights and refugee law committed by all parties to the conflict in the Tigray Region from 3 November 2020 to 28 June 2021.

19. The Commission carefully considered its work in relation to that of the JIT given the strong views different stakeholders expressed to the Commission concerning the JIT report. The Federal Government urged the Commission not to address the period covered by the JIT report; it also took issue with some of the JIT’s findings. The Tigray authorities denounced the report as incomplete, biased or ignoring the scale of violations by different parties.

20. The Commission’s mandate does not require it to either endorse or reject the JIT report. Based on the temporal scope of its mandate, the Commission considers that it may investigate alleged violations occurring before the JIT’s cut-off date of 28 June 2021 where evidence gathered requires addressing alleged violations in a manner that does not duplicate the work of the JIT.

## III. Background

21. After four years of anti-government protest and rising ethno-nationalist sentiment, Ethiopia’s ruling Ethiopian Peoples’ Revolutionary Democratic Front (EPRDF) chose Dr. Abiy Ahmed from its Oromo wing as its new Prime Minister (PM) in April 2018. The new PM took office promising political and economic reform, amid great optimism and with strong international support. He was lauded for quickly making peace with neighbouring Eritrea. A comprehensive amnesty saw EPRDF’s political and armed opponents return to Ethiopia from exile, including in Eritrea, or released from jail.

22. There are two accounts of what followed: Federal government spokespersons and their supporters (including in Eritrea) allege that TPLF veterans masterminded a series of violent attempts to sabotage or undermine the government, accusations they deny. Others claim the growth of vigorously anti-TPLF sentiment in government statements, and government-aligned media. Related narratives drew on anti-Tigrayan ethnic slurs that had surfaced in Eritrean propaganda during the Ethio-Eritrean war (1998-2000), in nationalist rhetoric around contested elections (2004-2006), and in Oromo (and Amhara) activism (2014-2018).

23. Hate speech against Amhara and Oromo communities also proliferated in a newly competitive and ethnicised political environment. Political conflict erupted in inter-communal violence and religious tensions. In January 2019, the ENDF launched a counterinsurgency including airstrikes against the Oromo Liberation Army (OLA) in western Oromia, in a conflict that has since continued and escalated. New leaders were installed in

four regional states, and when a national Prosperity Party was established in December 2019, the TPLF (and some ruling Oromo politicians) declined to join.

24. With the outbreak of COVID-19, the Federal Government postponed elections. Influential Oromo opposition leaders were arrested after further ethnicised violence. The TPLF pressed ahead with elections in Tigray in September 2020. Federal and Tigray regional governments declared one another's actions 'unconstitutional', and fighting erupted on 3-4 November 2020.

## **IV. Factual Findings on Selected Incidents**

### **A. Shelling of Mekelle and attacks on civilians and civilian objects**

25. The JIT found that the ENDF shelled Mekelle on 28 November 2020, striking over 15 civilian facilities, including schools and a hospital. It also found that the shelling resulted in at least 29 civilian deaths, including three children, and injuries to at least 34 civilians. The JIT did not establish any indication of a military target in or near the areas that were shelled. However, the JIT did not make a specific legal finding regarding possible violations arising from the shelling. The Federal Government disagreed with the overall findings and invited the JIT to revisit its assessment.

26. The Commission decided to investigate the shelling of Mekelle further, based on its mandate to build upon the JIT report, new evidence, and the importance of fully addressing the harm arising from the use of explosive weapons with wide-area effects in populated areas.

27. Witnesses informed the Commission that Mekelle was shelled on 28 November 2020 from nearby mountains where ENDF troops were stationed. Prior to the shelling, an ENDF spokesperson stated that Mekelle would be "encircled and shelled" and warned civilians of "no mercy" if they did not distance themselves from the Tigray authorities.

28. Eleven witnesses informed the Commission that Tigrayan forces withdrew from Mekelle before 28 November 2020. Other credible information corroborates these accounts, indicating that Tigrayan forces withdrew their military assets from Mekelle before this date. The Commission did not receive any information indicating the presence of Tigrayan weaponry or supplies in Mekelle during the shelling, nor did it receive any information indicating that the projectiles struck any military objectives. Several witnesses told the Commission that no retaliatory fire emanated from the city during the shelling. The Commission determined that artillery projectiles impacted at least twelve locations throughout the city.

29. Information gathered by the Commission indicates that the shelling killed and injured many people. A health professional working at Ayder hospital counted 15 bodies, and indicated that the hospital recorded 27 persons killed. Four other witnesses described seeing the bodies of people killed during the shelling in different locations in the city, including two adults and two children who were killed when a shell hit their house in Ayder sub-city. The Commission interviewed two people who suffered life-altering injuries in the attack; credible sources indicate more than 100 people were wounded.

30. After taking control of Mekelle following the shelling, the ENDF remained in the city until 28 June 2021. During this period, its members shot and killed scores of civilians at checkpoints, outside their homes and throughout the city.

31. ENDF soldiers also committed rapes and other forms of sexual violence while they were in Mekelle. Sexual violence by ENDF soldiers was so widespread that a covert 'safe house' had to be established for survivors. A health professional said his medical facility began receiving rape survivors around 4-5 days after the ENDF took control of the city. Another told the Commission that he attended cases where women had sustained serious injuries while being raped on military bases and other locations in and around the city.

32. Additionally, ENDF soldiers arbitrarily detained Mekelle residents, frequently subjecting them to severe beatings. They also carried out well-orchestrated looting. Official properties at several government offices, including the Mayor's office, the Supreme Court,

schools, and hospitals were thoroughly looted by ENDF soldiers. They forcibly seized jewellery from women, as well as money and other household items. ENDF personnel also used civilian objects for military purposes, occupying Atse Yohannes IV high school and Ayder Hospital for at least five months.

33. In addition, the ENDF blocked ambulances from Mekelle for forty-eight hours as they tried to collect civilians injured in an Ethiopian Air Force (EAF) airstrike on nearby Togoga market, which killed approximately 60 civilians on 22 June 2021.

### Conclusion

34. The Commission finds reasonable grounds to believe that the ENDF shelled Mekelle on 28 November 2020, killing and injuring civilians and striking civilian objects days after Tigrayan forces had left the city with their assets. ENDF soldiers committed widespread extrajudicial killings, rapes and other forms of sexual violence, and looting during the seven-month period stretching from 28 November 2020 to 28 June 2021. ENDF personnel also used civilian objects for military purposes and restricted access to medical treatment.

## B. Killings in Kobo and Chenna

35. In July 2021, Tigrayan forces began to push southwards through the neighbouring Amhara Region. On 10 August 2021, the Federal Government summoned all capable citizens to stop them “once and for all”, which caused the line between civilians and combatants to become increasingly blurred.

36. Tigrayan forces advanced on the town of Kobo in northern Amhara in late July. Amhara militias, including Fano, battled and briefly repelled them with the assistance of some armed local inhabitants. Witnesses reported that Tigrayan forces wore a mixture of military and civilian clothes and spoke Tigrinya and Amharic. Tigrayan forces eventually captured Kobo and began to search for men in the town and its surrounding areas on 9 September 2021, once the fighting had stopped. During their searches, Tigrayan forces looked for weapons and pulled many men from their homes, executing them, often in front of their families. The killings were frequently marked by additional acts of violence and brutality, including beatings, rapes, and the use of ethnic slurs such as “Amhara donkeys”. Witnesses told the Commission that the men killed were civilian farmers and day labourers.

37. A man who survived the killings told the Commission:

*On 9 September 2021, at approximately 4 p.m., five Tigrayan [fighters] came to my house and took me and my three brothers and beat us. Once we were a few metres away from my house...they shot us in the back. I survived but my three brothers died.*

38. Many women survivors faced new burdens after their husbands and male relatives were killed. A woman survivor informed the Commission:

*Two [Tigrayan] attackers entered our compound, beat me with a stick and shot my husband dead. He used to take care of me. I am now only left with the children. Whatever I find, I feed them with.*

39. Survivors of the attacks recall seeing “bodies everywhere”, which they had to collect in large carts. They buried most of them in mass graves at four churches: Saint Georges, Saint Michael, Abuhe Medhane Alem and Saint Mary, although hyenas fed on some of the bodies before they could be buried. Witnesses recall that Tigrayan forces would not allow them to cry over the dead. Survivors estimate that hundreds of people were killed. The Commission recommends further investigation to determine a more precise number. Throughout the killings, Tigrayan forces also carried out widespread looting and destruction of property.

40. As part of their offensive into the Amhara region, Tigrayan forces also captured the village of Chenna after battling the ENDF and allied Amhara militias. Once the fighting was over, witnesses reported that Tigrayan forces searched for the men of the village in late August and early September 2021, separating them from women and children before executing them, often in front of family members. One witness indicated that Tigrayan forces killed five priests before using their houses and Chenna Teklehaymanot church as firing

positions. Survivors estimate that Tigrayan forces killed scores of people. The Commission recommends further investigation to determine a more precise number.

41. The killings were accompanied by additional acts of violence and brutality, such as beatings and rapes of women and girls as young as eleven. Tigrayan forces coerced women to cook for them and provide food and water without compensation.

A woman told the Commission:

*On the morning of 1 September 2021, [Tigrayan] fighters came to my house, dragged me outside and beat me in the mud. They asked me to prepare food before tying me to a tree and leaving me in the rain. My children stayed in the house crying. Another group asked for food and stole some of my belongings. A third group used me for cooking and slaughtered my ox. My husband arrived and they killed him. Their colonel and three guards raped me. The colonel raped me twice. When he was done, I crawled to my crying children. More soldiers came, beat me, and took my grain.*

42. During this period, Tigrayan forces caused widespread damage to civilian homes, schools, health centres and churches. They also conducted widespread looting, including of food, furniture, livestock and construction equipment.

43. In its preliminary response to questions submitted by the Commission, Tigray authorities asserted that their forces are “people-centred, law-abiding and disciplined”. They also insisted that their rules of engagement prohibit extra-judicial killings, rape, torture, and theft, among other forms of misconduct. Abuses by their forces are addressed “as per the code of conduct and disciplinary procedures of the army”. The Commission has not been able to verify whether or how the abuses have been addressed.

### Conclusion

44. The Commission finds reasonable grounds to believe that Tigrayan forces killed civilians and persons rendered *hors de combat*, raped, looted, and damaged or destroyed civilian infrastructure and property in Kobo and Chenna in late August and early September 2021.

## C. Drone strike on Internally Displaced Persons (IDP) camp in Dedebit

45. In mid-2021, Amhara armed groups, including Amhara Special Forces, Fano and other militia rounded up Tigrayan civilians residing in Humera and forcibly displaced them from their lands on short notice. Witnesses said the armed groups stole crops, livestock, jewellery and other personal belongings, claiming they did not belong in western Tigray because it was not their land.

46. The Amhara armed groups forced civilians, primarily women, children and older people into vehicles and deposited them along the road to Dedebit. After enduring a harsh trek on foot, they arrived in Dedebit in November 2021, establishing an informal IDP camp in a school compound.

47. In early January 2022, several camp inhabitants noticed a drone circling over Dedebit on market day. It made a mechanical humming sound and the people in the market dispersed. A few days later, on 7 January 2022 (Ethiopian Orthodox Christmas Eve), a drone struck the Dedebit IDP camp at around 11:00 p.m. Witnesses recognized the airframe as a drone because of the unique sound of its propeller, which they identified as “humming” and “buzzing like a bee”.

48. The drone dropped three bombs on the IDP camp. The first struck the main school building in the compound, which was full of displaced people, killing most of its inhabitants. Panicked survivors attempted to escape the compound, primarily through the main gate. At this point, the second bomb struck the fleeing crowd near the gate, killing many people, including children.

49. A woman survivor described the scene:

*When running out of the house we were attacked by a bomb on our way to the gate. Children ran towards the gate as well. Their mothers were carrying them; children died when trying to leave the compound.*

50. The third bomb also landed in the compound. Satellite images and photographs reviewed by the Commission corroborate witness accounts of the attack, showing destruction caused by the airstrike, including a hole left by the first bomb as it penetrated dead-centre on the roof of the main school building.

51. Survivors who managed to escape were forced to spend the night in a field along with their children. Upon returning, they witnessed the devastation from the night before, which included dismembered bodies and human flesh hanging from trees. The bodies were so disfigured that it was impossible to identify many of the remains. In the words of a woman survivor, “bodies were fragmented like leaves”. Survivors and others laid the remains of the dead on a canvas before transporting them to a nearby site for a mass burial. Around 60 civilians, including many young children, were killed in the attack. Scores more were wounded and taken to Shire Hospital.

52. Survivors interviewed by the Commission were unanimous in stating that they did not see any soldiers or military vehicles in or near the camp on the day of the attack. An analytical report from the UN Satellite Centre (UNOSAT) corroborates their accounts, asserting that satellite imagery did not identify any military targets in Dedebit on the day of the airstrike.

53. The Commission examined photographs of remnants of the bombs that struck the camp. (Annex III) Based on this analysis and a review of open-source information, the Commission finds reasonable grounds to believe that the Dedebit IDP camp was struck by MAM-L laser-guided bombs manufactured by Roketsan, a Turkish arms manufacturer. MAM-L bombs are compatible with Turkish Bayraktar TB-2 drones employed by the EAF. The Ethiopian government was the only party to the conflict using armed drones at the time of the attack.

### **Conclusion**

54. The Commission finds reasonable grounds to believe that the ENDF conducted a drone strike against the Dedebit IDP camp on 7 January 2022, killing and injuring approximately 60 civilians and destroying civilian infrastructure. It also finds reasonable grounds to believe that there were no soldiers or military equipment in or near the camp on the day of the attack.

## **V. Factual Findings on Selected Themes**

### **A. Rape and sexual violence**

55. Sexual and gender-based violence (SGBV), in particular rape, has been perpetrated on a staggering scale since armed conflict erupted in Ethiopia in November 2020. While different communities have been affected, Tigrayan women and girls have been targeted with particular violence and brutality.

56. The culture of silence that can surround sexual violence, frequently stemming from gender stereotypes, social stigma, and fear of reprisal, means that survivors are often reluctant to speak out. Therefore, rape and sexual violence are often chronically underreported. Nonetheless, many of the 24 survivors who spoke to the Commission vocally demanded justice, access to services, and restoration of peace and stability.

#### **Sexual violence by ENDF, Eritrean Defence Forces (EDF) and Fano**

57. Interviews with survivors, service providers, humanitarian workers and others confirm that rape and sexual violence against Tigrayan women and girls was widespread while the ENDF was in control of large parts of Tigray region. Although information received by the Commission indicates that more than 1,000 women and girls have been subjected to such acts, Tigrayan service providers indicate that this figure could be significantly higher.

Survivors implicated the ENDF, EDF, and Fano in rapes. The Commission has received credible information indicating that rape and sexual violence continue, including in western Tigray.

58. Many of the rapes documented by the Commission were gang rapes perpetrated by members of the ENDF, EDF or Fano. In some cases, perpetrators held victims captive as sexual slaves for days or weeks, subjecting them to repeated rapes. Women were raped in front of their children and other family members.

59. Rapes of Tigrayan women and girls were often accompanied by other forms of violence designed to humiliate them. Survivors described being threatened at gunpoint, kicked and beaten. In some cases, foreign objects were inserted into their bodies.

60. A woman survivor from north-western Tigray, a lactating mother at the time, told the Commission she was abducted by ENDF and EDF soldiers at a checkpoint while traveling in Tigray Region. She was held and gang-raped over a four-day period before being released:

*In the morning they would come one by one and rape me...then they would come again in the evening...They burned my nipple with a naked flame. Before they let me go, they inserted rocks, plastic and tissue in my vagina. I had to go to hospital so they could be removed.*

61. Another woman from south-western Tigray showed the Commission scarring on her body, the result of severe blistering after ENDF soldiers melted plastic on her during an attack on her village. She told the Commission that after she had been gang-raped, one of the soldiers raped her with a knife.

62. In other cases, the attackers expressed an intent to render the victims infertile by permanently destroying their sexual and reproductive health. The rapes were often accompanied by dehumanising language that suggested an intent to destroy Tigrayan ethnicity. A woman who was six months pregnant recalled being raped and verbally assaulted by EDF troops in southwestern Tigray: ‘They were saying “we will cleanse your body and your blood,” and “we will destroy your child and stop you from giving birth”. Another woman who was gang-raped by Fano members in a detention camp in Western Tigray recalled her attackers saying: “We will drive you out of this place. We will not allow Tigray to exist anymore. We will destroy you. You don’t belong here”.

63. Further investigation is required to establish the precise scale of rape and sexual violence by ENDF, EDF, Fano and allied forces in Tigray.

#### **Sexual violence by Tigrayan forces**

64. Tigrayan forces also committed acts of rape and sexual violence. Many of these acts occurred when Tigrayan forces took control of parts of Amhara from August 2021. Women and girls reported being raped or gang-raped by Tigrayan fighters in their homes during searches, or while hiding with friends or relatives. Some were raped in nearby forested areas. In several cases, Tigrayan forces told their victims that the rapes were revenge for the widespread rape of Tigrayan women and girls.

65. Tigrayan forces also committed acts of rape and sexual violence against Eritrean refugees. This includes the rape of two refugees, one a child, while they were fleeing their camp in 2022. One of the survivors told the Commission:

*There were two of them. One was holding a stick. He beat me and made me walk in front of him. They took us to a nearby bushy area then began raping us. While one raped, the other pointed his gun. I wanted to run away. I asked, ‘Don’t you have any sisters? Why don’t you just kill us?’ He told me to keep quiet and said they were taking revenge for what the Eritrean soldiers did to [Tigrayan women].*

#### **Impacts and access to services**

66. The Commission also examined the effect of rape and sexual violence on survivors and their communities. Survivors from all areas face devastating long-term impacts on their physical and mental health, including trauma, unwanted pregnancy, and HIV. Information from service providers indicates a high instance of pregnancy among rape survivors in Tigray, with a large percentage undergoing abortions. Social stigma attached to rape has

destroyed the social fabric of communities by leading to ostracisation of survivors, divorce, broken families, and abandoned children.

67. Access to post-rape medical and psychosocial assistance in Tigray is severely inadequate. Several survivors had to wait weeks or even months before they could access services that were often insufficient to meet their needs to begin with, notably abortion services; care for uterine prolapse, traumatic fistula, infection, and other complications; and anti-retroviral medication and pain medication. Other needs included ongoing psychosocial and financial support to return home or rebuild their lives elsewhere. In addition, the Commission learned that many survivors in Amhara still have not received the support they need, as social stigma means that they were reluctant to report that they had been raped.

68. Delayed access to these and other services endangers the lives, health and well-being of survivors, violates their sexual and reproductive rights, and compounds their trauma. This trauma is exacerbated by the fact that rapes and sexual violence often occur as part of other violations and abuses.

69. Men and boys were also subjected to rape and sexual violence. The Commission documented one case of male rape and received information from other sources indicating that the prevalence of male rape has been seriously underreported. The stigma that accompanies such acts means that survivors who are men or boys are often less visible, resulting in less access to support services.

### **Conclusion**

70. The Commission finds reasonable grounds to believe that the ENDF, EDF, and Fano have committed widespread acts of rape and sexual violence against Tigrayan women and girls. In some instances, the attackers expressed an intent to render the victims infertile and used dehumanising language that suggested an intent to destroy the Tigrayan ethnicity. Tigrayan Forces have also committed acts of rape and sexual violence, albeit on a smaller scale.

## **B. Denial and obstruction of humanitarian access**

### **Humanitarian situation**

71. Some 20 million people are in need of humanitarian assistance and protection in Ethiopia, nearly three quarters of them women and children. In northern Ethiopia, conflict has led to displacement, destruction of essential infrastructure, and lack of essential services for populations that were already food insecure. Information gathered about the situations in Afar, Amhara, and Tigray regions indicates need for greater humanitarian support, in particular for displaced communities, Eritrean refugees, and other vulnerable populations.

### **Crisis in Tigray**

72. Prior to the conflict in Tigray, more than 600,000 people were in need of food assistance, including around 95,000 Eritrean refugees. Additionally, one million people were receiving financial assistance to help them meet their basic needs.

73. The Federal Government suspended electricity, internet and telecommunications, and banking services in Tigray on 4 November 2020, restoring some of these services in some areas in the months that followed. Around the same time, the ENDF, EDF, and their allies began to systematically loot and destroy goods indispensable to the survival of the civilian population in Tigray, ransacking homes, businesses, medical facilities, and schools on a widespread scale. They killed livestock, destroyed food stores, and razed crops. The Federal Government acknowledged that some 4.5 million people in Tigray were in need of emergency food assistance by January 2021.

74. When Tigrayan forces retook control of large parts of Tigray, including Mekelle, in late June 2021, the Federal Government responded by again shutting down electricity, internet and telecommunications, and banking services for the region. It suspended the payment of salaries to civil servants and all bank accounts opened in Tigray were frozen. The

Federal Government and its allies further obstructed the import of cash, fuel, and commercial goods into Tigray by establishing roadblocks and checkpoints. This led to an extreme shortage of medicines and medical equipment; water and sanitation equipment; fertilizers, seeds, pesticides, and agricultural equipment; and food in a region that relies primarily on subsistence agriculture.

75. The combined effect of these measures, which remain in effect more than a year later, has forced much of the population in Tigray to eat less and sell harvest and reproductive livestock. Sources also reported an increase in desperate means to survive, such as child marriage and child labour, human trafficking, and transactional sex.

76. Most of the population in Tigray must now survive on limited and nutritionally inadequate diets. Malnutrition rates, especially among children, pregnant and lactating mothers, and older people have reached alarming levels, leading to preventable deaths. By August 2022, UNOCHA estimated that 5.3 million people in Tigray, around 90% of the population, were in dire need of humanitarian assistance.

77. Despite this emergency, the Federal Government and its allies have consistently denied or obstructed humanitarian access to Tigray. The situation was so severe between 28 June 2021 and late April 2022 that UNOCHA referred to it as a “*de facto* blockade”. Although restrictions eased between late April and late August 2022, many critical obstacles remain.

78. Overland routes through Amhara region are blocked, meaning that only two routes, one by air from Addis Ababa and one by road through Afar region, can be used to access Tigray. In order to transport aid into Tigray using existing routes, the UN and non-governmental organizations must obtain government permissions at the national and regional level through a process described as arbitrary and bureaucratic.

79. In addition, all organizations must also apply for government permission to transport cash into Tigray. Interviewees said there are no obvious criteria for such applications, the amount permitted per application is capped, and decisions on permission are often arbitrary. According to UNOCHA, only 15% of cash needs for humanitarian operations have entered Tigray since June 2021.

80. Moreover, at least 23 humanitarian workers have been killed since the conflict started, the vast majority of them Tigrayan. These include the killing of three Médecins Sans Frontières (MSF) staff members in June 2021, two national and one international. The Federal Government has failed to adequately investigate these killings. The Commission also documented harassment and detention of aid workers.

81. The Commission also received information indicating that Tigrayan forces have looted or otherwise misappropriated humanitarian aid. While further investigation is required, the Commission stresses that any looting or misappropriation of aid by Tigrayan forces does not justify denial and obstruction of humanitarian aid to Tigray region by the Federal Government.

### **Government response**

82. UN officials, diplomats, and others have increasingly raised concern about the humanitarian situation, and its devastating impact on the population of Tigray. Nevertheless, Federal Government officials, including the Prime Minister, have denied the scale of the humanitarian crisis in the region.

83. Statements by national and regional officials indicate an intention to deprive the Tigrayan population of objects indispensable to their survival as part of a strategy to weaken or undermine the Tigray authorities. The Federal Government’s Communication Service Minister stated that if the people of Tigray “want their rights and privileges to be respected, they should exert efforts to stop the warmonger [Tigray authorities],” while underscoring that services had been restored for civilians in areas “liberated” from Tigrayan forces. The former Head of the Regional Government of Amhara, now current speaker of the Ethiopian House of Federation, called for a “siege on Tigray from all four sides to turn Tigray into Biafra.” The Head of the Regional Government of Afar stated, “the road [going from Addis Ababa to Tigray through the Afar region] is their oxygen... There is no way we will allow aid to get to Tigray and they know that”. The Prime Minister has denied that there is hunger in Tigray,

claiming that Tigray authorities are exploiting humanitarian aid in an effort to overthrow his government.

### **Conclusion**

84. The Commission finds reasonable grounds to believe that the Federal Government and allied regional State governments have implemented a widespread range of measures designed to systematically deprive the population of Tigray of material and services indispensable for its survival, including healthcare, shelter, water, sanitation, education and food.

## **VI. Legal findings**

85. On the basis of its factual findings, the Commission has reasonable grounds to believe that the parties to the conflict in Ethiopia have committed serious violations and abuses of international human rights law and international humanitarian law. This report does not address the full range of violations and abuses due to the constraints established in Section II.

### **A. International human rights law**

#### **Right to life**

86. Everyone has the right to life and the right not to be arbitrarily deprived of his or her life. Extrajudicial killings are a specific violation of the right to life whereby State or non-State actors deprive someone of their life in the absence of a judicial process, either by the use of force or due to any other action or omission.

87. The Commission has reasonable grounds to believe the following: First, the ENDF shelled Mekelle on 28 November, indiscriminately killing civilians after Tigrayan forces had left the city, thereby violating their right to life. Second, the ENDF committed extrajudicial killings of civilians in Mekelle between 28 November 2020 and 28 June 2021, thereby violating their right to life. Third, Tigrayan forces killed civilians and persons rendered *hors de combat* in Kobo and Chenna in late August and early September 2021, thereby violating their right to life. Fourth, the ENDF killed approximately 60 civilians in a drone strike against the Dedebeit IDP camp on 7 January 2022, thereby violating their right to life.

#### **Right to be free from torture and cruel, inhuman or degrading treatment or punishment (ill-treatment)**

88. According to the Convention Against Torture (CAT), torture is defined by four elements: severe pain or suffering, whether physical or mental; inflicted intentionally; committed for a specific purpose; and involving a public official, either directly or indirectly. Rape and other forms of sexual violence are forms of treatment that meet the threshold of pain and suffering for torture. Acts short of the threshold of torture may still constitute ill-treatment.

89. The Commission has reasonable grounds to believe that the ENDF, EDF, and Fano committed widespread and egregious acts of rape and sexual violence against Tigrayans throughout the course of the conflict, thereby violating their right to be free from torture and ill-treatment. It also has reasonable grounds to believe that Tigrayan forces committed acts of rape and sexual violence against Amharas and Eritrean refugees, thereby violating their right to be free from torture and ill-treatment.

90. The Commission recommends further investigation to determine the extent to which the parties to the conflict may have violated other human rights, including economic, social and cultural rights.

## **B. International humanitarian law**

91. In relation to each of the incidents examined, the Commission finds reasonable grounds to believe that there was a nexus between the commission of the acts and the ongoing non-international armed conflict in Ethiopia. As such, those acts constitute violations of international humanitarian law under customary international law, as well as common article 3 to the Geneva Conventions and Additional Protocol II, as follows.

92. With regard to the selected incidents, the Commission finds that the Federal Government and Tigray authorities violated their obligation to distinguish at all times between civilian and military objectives. They also violated the principle of precaution, which demands that, in the conduct of military operations, constant care must be taken to spare civilians and civilian objects.

93. With respect to the shelling of Mekelle, the Commission notes overwhelming evidence indicating that Tigrayan forces had left the city along with their military assets before the ENDF shelled it on 28 November 2020, killing and wounding scores of civilians. It also considers the statement of an ENDF spokesperson warning the civilian population that their city would be encircled and shelled “without mercy” unless they distanced themselves from the Tigray authorities. Indeed, the Commission determined that artillery projectiles impacted at least twelve locations throughout the city, and it did not receive any information indicating that projectiles struck any military objectives. The Commission therefore finds reasonable grounds to believe that, at a minimum, the ENDF violated the prohibition against indiscriminate attacks and expresses serious concern that it may have intentionally directed attacks against the civilian population and civilian objects in Mekelle.

94. Regarding the drone strike on the Dedebeit IDP camp, the Commission takes into account the surgical nature of laser-guided bombs, and the fact that drone operators are able to benefit from real-time surveillance of their targets with sophisticated digital imaging before, during and after a strike, including the ability to monitor the size, attire and gait of individual human beings. The Commission also considers the placement and sequence of the three precision, laser-guided bombs, which indicate that the first bomb struck a building packed with civilians and the second bomb was directed some time thereafter onto a crowd of fleeing civilians, including children. Accordingly, the Commission finds reasonable grounds to believe that the ENDF violated the principles of precaution and proportionality, at a minimum, with regard to the first bomb, and intentionally directed an attack against civilians with the second bomb.

95. The Commission also has reasonable grounds to believe that the extrajudicial killings and torture committed by all parties to the conflict, as described in its factual findings above, violate the prohibition under international humanitarian law against any violence to life, health, or the physical or mental well-being of protected persons, including murder and torture. In addition, by committing sexual violence, including rape, the parties to the conflict have also violated the prohibition against outrages upon personal dignity, in particular humiliating and degrading treatment, rape, and any form of indecent assault.

96. Lastly, the Commission has reasonable grounds to believe that the denial and obstruction of humanitarian access to Tigray Region by the Federal Government and allied regional State governments was committed for the purpose of depriving the Tigrayan population of objects indispensable for its survival, including food and healthcare. The acts thereby violate the prohibition against the use of starvation of the civilian population as a method of warfare, as well as the obligation of each party to a conflict to allow and facilitate the delivery of impartial humanitarian relief consignments for civilians in need of supplies essential to their survival.

## **C. International Criminal Law**

97. Many of the violations described above also amount to war crimes under international law governing non-international conflicts. Based on the findings above, the Commission has reasonable grounds to believe that members of the ENDF committed the following war crimes: violence to life and person, in particular murder; outrages on human dignity, in

particular humiliating or degrading treatment; intentionally directing attacks against the civilian population and civilian objects; pillage; rape; sexual slavery; sexual violence; and intentionally using starvation of civilians as a method of warfare. The Commission has reasonable grounds to believe that Tigrayan forces committed the same war crimes, with the exception of sexual slavery and starvation of civilians as a method of warfare, regardless of the scale of violations. Regarding the EDF, the Commission finds reasonable grounds to believe that it committed the war crimes of violence to life and person, in particular murder; outrages on human dignity, in particular humiliating or degrading treatment; rape; sexual slavery; and sexual violence.

98. The Commission also has reasonable grounds to believe that ENDF members committed extrajudicial killings, rapes, and sexual violence as part of a widespread attack directed against the civilian population of Tigray. Accordingly, the Commission has reasonable grounds to believe that the Federal Government has committed the crimes against humanity of murder, torture, and rape and sexual violence. Moreover, the Commission has reasonable grounds to believe that the Federal Government and allied regional State governments have committed and continue to commit the crimes against humanity of persecution on ethnic grounds and other inhumane acts intentionally causing great suffering or serious injury to body or to mental or physical health based on their ongoing denial and obstruction of humanitarian assistance to Tigray.

99. The Commission emphasizes that further investigation into the roles, actions, and knowledge of individuals in each of the parties to the conflict is essential for determining individual criminal responsibility. This investigation should include a thorough review of the chain of command and disciplinary structures within each party. To assist with this effort, the Commission maintains a confidential list with the names and ranks of alleged perpetrators of violations and abuses.

## **VII. Areas meriting further investigation**

100. The Commission has identified several incidents and themes that merit further investigation, noting that the list below is not exhaustive.

### **A. Large-scale killings in Tigray**

101. Credible information indicates large-scale killings committed by EDF and ENDF forces between November 2020 and June 2021, including the killing of hundreds of people in Axum and the killing of scores of people in Maryam Dengelat in November 2020. Large-scale killings also seem to have occurred in Mai Kadra, Adigrat and surrounding areas from November 2020; Bora and Mahbere Dego in January 2021; and Kola Tembien in February 2021. In most cases, the ENDF or EDF appeared to target Tigrayan men and boys perceived to be of fighting age. Community and religious leaders who were men also appear to have been targeted.

102. Witnesses strongly implicate the EDF in these atrocities. The Commission has identified several EDF members who were present during attacks or were reported to be giving orders. Survivors of killings in Zalambessa say they are unable to return home because of EDF troops in the town, as well as landmine contamination. The Commission recommends further investigation into the EDF's conduct during its ongoing presence in Ethiopia.

### **B. Large-scale killings in Oromia**

103. Reliable information reports three large-scale killings in Oromia occurring from June through August 2022. In the first incident, the Oromo Liberation Army (OLA) appears to have attacked several towns and villages in West Wollega zone on 18 June 2022, killing hundreds of people of mainly Amhara ethnicity. Homes and businesses were allegedly burned to the ground and livestock and other property looted. The OLA also seems to have attacked villages in Lemlem Kebele in Qelem Wollega Zone on 4 July 2022, killing more than 100 mostly ethnic Amhara civilians and injuring dozens of others.

104. While finalizing this report, the Commission learned of a third incident, in which dozens of ethnic Oromo appear to have been killed in western Oromia in late August 2022. It also received reports of attacks against Oromo civilians by numerous perpetrators, including ENDF, Amhara militias, and Oromia Special Forces. Further investigation into these incidents, as well as the wider situation of communities in Oromia is recommended.

### **C. The situation in Afar**

105. Credible information indicates indiscriminate attacks by Tigrayan forces on Abala town in January 2022, and an ENDF airstrike close to Berahale town, which killed and injured civilians in February 2022. Fighting between the ENDF and Tigrayan forces in Afar also seem to have resulted in looting and damage to schools and health facilities.

106. Tigrayan civilians also appear to have been killed and detained by Afar Special Forces. In addition, the Commission is concerned about reports of an attack by an armed group in February 2022 which seems to have displaced thousands of Eritrean refugees in Afar.

### **D. Arbitrary detention**

107. Credible sources inform that the ENDF and its allies have arbitrarily detained thousands of Tigrayans across the country, including in administrative detention centres, as well as on a massive scale in western Tigray. These detentions seem to be ongoing, and there are reliable indications that torture, ill-treatment, inhuman treatment, and lack of respect for the inherent dignity of the human person are taking place.

108. Reliable information also indicates that the ENDF may have arrested a large number of Tigrayan officers immediately after the outbreak of hostilities on 3 November 2020. The Commission is also aware of reports of an unknown number of ENDF soldiers currently detained by the Tigray authorities. The fate and whereabouts of these detainees remain unknown.

### **E. The situation of Eritrean refugees**

109. Credible reports also indicate violations and abuses against Eritrean refugees by the ENDF, EDF, and Tigrayan forces, including killings, abductions, disappearances, rape and other acts of sexual violence. Eritrean refugees have long faced abuse, discrimination, and marginalisation in Ethiopia. The Commission strongly encourages further investigation, including into possible violations of international refugee law.

### **F. Airstrikes**

110. Reliable reports inform that the ENDF has increasingly used air power to repel Tigrayan forces, particularly with armed drones. The Commission has identified more than fifty airstrikes from June 2021 until the time of submission, almost all of them in Tigray, which seem to have killed or injured civilians or struck civilian objects. Initial investigations into three of these airstrikes: Togoga, (22 June 2021), Mekelle (October 2021), and Mekelle (25 August 2022), confirm civilian casualties, including children.

## **VIII. Mechanisms addressing transitional justice and related issues**

### **The Inter-Ministerial Task Force (IMTF)**

111. The Federal Government established the IMTF in late November 2021 with the purpose of “adopting a comprehensive strategy and action plan for the implementation of the recommendations contained in” the JIT report. It consists of representatives of at least six

governmental units at the ministerial or sub-ministerial levels. In June 2022, the IMTF provided the Commission with a written summary of its work and that of various governmental organs. During the Commission's visit to Addis Ababa, it met with the members of the IMTF, who offered a detailed presentation with four themes – accountability, redress, reform, and capacity-building.

112. Regarding accountability, the Task Force indicated that the Federal Government had interviewed 10,069 witnesses in Afar and Amhara regions regarding allegations of, inter alia, killing, rape and pillage, and that investigations into violations in Tigray would take place over a period of three months when “conditions permit”. The IMTF also asserted that the Federal Government interviewed 267 witnesses with knowledge of the massacre at Mai Kadra and 122 others about the massacre at Axum. Additionally, the IMTF claimed that an ENDF military tribunal had convicted 25 ENDF personnel for Tigray-related crimes and another 33 cases are pending.

113. On redress, the IMTF indicated that the Federal Government had deployed 54 psycho-social workers to assist survivors of SGBV with plans to deploy more and develop one-stop centres for survivors. Regarding reforms, the IMTF reported that it had created a team to implement the CAT into national law; that a team was drafting a symbolic statement of public apology, and that it was reviewing a draft Transitional Justice Policy Framework. Concerning capacity building, it asserted that the Government was training investigators on international criminal law and SGBV, with additional training in human rights and humanitarian law for regional commanders. The IMTF shared similar information with the JIT in July 2021.

114. A number of these measures would, if implemented, contribute to transitional justice. Yet the Commission was not able to corroborate the number of interviews, prosecutions, trials, and convictions; nor that the redress measures regarding victims are under way. The draft new transitional justice policy, while a potentially important initiative, is not public nor was it shared with the Commission. The Commission was also unable to confirm that the training of investigators or military personnel is in progress.

115. International and regional standards require transparency in carrying out the pillars of transitional justice. In this regard, the IMTF did not include critical information regarding transparency in the presentation of its work, such as information about the ethnicities and genders of interviewees or convicted persons; the methods by which it obtains preliminary information about events in Tigray; and how it is obtaining information from victims and witnesses who have left the country.

116. The IMTF also did not provide important information about judicial processes, nor has such information been made public so it can be verified. For example, its statistics for trials do not distinguish among trials of captured members of the TPLF and trials recommended by the JIT; it is unclear whether the latter have commenced. The IMTF and Federal Government have also not specified whether convictions were for crimes or military infractions, or whether judicial authorities relied on international law or domestic law. The Commission has not been provided with information on the sentences actually meted out or the rank or position of those investigated, accused, or convicted. While the Commission was told that non-military trials were public, various interlocutors were unaware of these trials; there appears to have been no public reporting or independent monitoring of cases and trials.

117. International and regional standards also require a variety of protections for victims and witnesses. These include protections during initial interviews, taking of testimony in court, and afterward. Although the IMTF indicated to the Commission that the Federal Government had established many centres for psycho-social support of victims and survivors, it is unclear whether these persons were provided proper witness protection. In addition, alleged perpetrators are entitled to due process rights under international and regional instruments; the Commission was unable to determine whether these rights were respected. The Minister of Defence indicated that the military code was recently amended to provide additional due process rights, but the Commission could not verify that defendants have been granted such rights.

118. The Commission was also concerned that the IMTF does not appear to be addressing the accountability of the EDF, even though the Federal Government invited it to participate in the conflict, and Eritrean forces are reportedly still in Tigray. When the Commission asked

whether the Federal Government had a plan to bring EDF personnel to justice, it was told that accountability for the EDF would be addressed through mutual legal assistance channels. The Commission received no evidence that such channels have led to any accountability, such as through extradition of EDF members for trials in Ethiopia.

### **The National Dialogue Commission (NDC)**

119. The NDC was established by Proclamation 1265/2014 of the Ethiopian Parliament on 29 December 2021. It is mandated to resolve the “difference of opinions and disagreements among various political and opinion leaders and also segments of society in Ethiopia on the most fundamental national issues... through broad-based inclusive public dialogue that engenders national consensus.” According to the Proclamation, it is “an impartial and independent organ of the Federal Government . . . accountable to the House of People’s Representatives.” The NDC does not have a mandate to negotiate, reconcile, or set an agenda for ceasefire among the warring parties, which rests with the African Union (AU).

120. During the Commission’s meeting with a subset of the NDC in Addis Ababa, its Chair stated that its goal was an “inclusive, participatory, nationally owned, transparent national dialogue.” According to one member, that process included examining issues such as ethnic identity, administrative boundaries, and federal-regional allocation of power. According to NDC members, the NDC is currently in its early stages of work, including consultations on the agenda and studying similar initiatives in other countries. It intends to ensure its approach will be “bottom-up”, from the kebele to regional state (as well as the two federal cities, Addis Ababa and Dire Dawa), involving some 2.5 million people. Consultations on the national dialogue process have not commenced.

121. AU standards for political and institutional reform emphasize the importance of representativeness and inclusivity during the process. The NDC is comprised of 11 Commissioners, most of whom have government, legal, or academic backgrounds. The selection and appointment of Commissioners was led by the House of People’s Representatives, which is dominated by the ruling party, in a manner that was not transparent. In addition, 13 political parties did not participate in the establishment of the NDC, including the TPLF, which has been called a “terrorist group” by the Government.

122. Despite its concerns about selection and membership of the NDC, the Commission encourages its bottom-up approach as essential for the legitimacy of the process. It hopes that the NDC will continue to engage constructively with experts from other countries to develop best practices for a national dialogue, which encompasses all sectors of society. It will also need to develop ways to reach people living in dire humanitarian conditions, communicate with citizens in areas and regions where there are no basic services (including telecommunications), and reassure potential participants that they will face no reprisals for speaking openly.

### **Regional Mechanisms**

#### **The AU Commission of Inquiry on Tigray (AU COI)**

123. The AU COI is mandated to investigate allegations of violations of international human rights law and humanitarian law, and determine whether violations have occurred. The AU COI officially commenced its work on 17 June 2021 from its base in Banjul (The Gambia). It does not have a public reporting mandate, and it is therefore unclear what progress it has made. Efforts by the Commission to contact the AU COI were unsuccessful.

#### **The AU High Representative for the Horn of Africa**

124. The AU High Representative for the Horn of Africa is mandated by the AU to intensify engagement with all relevant stakeholders towards promoting durable peace and stability within Ethiopia and the entire Horn of Africa, including through support to AU-led strategies and diplomatic interventions facilitating political dialogue, reconciliation and social cohesion. This initiative offers potential for a political resolution to the conflict and

sustainable peace in Ethiopia, so the sincere commitment of all parties to political dialogue is essential. The AU has not focused on issues of transitional justice in Ethiopia thus far. The Commission notes that political settlements that allow amnesties for international crimes are inconsistent with international law.

125. At the same time, addressing immediate and serious harm to civilians cannot be subject to negotiation. Thus, whatever progress or lack thereof takes place within the AU, the Commission reiterates the importance of full, unfettered, and sustained humanitarian access to Tigray, the immediate lifting of restrictions on basic services to that region, the cessation of ongoing hostilities, and humanitarian evacuations for civilians.

## **IX. Conclusions**

126. The Commission is deeply troubled by its findings because they reflect profound polarization and hatred along ethnic lines in Ethiopia. This has created a disturbing cycle of extreme violence and retribution, which raises the imminent threat of further and more pronounced atrocity crimes.

127. Many of the indicators and triggers contained in the 2014 UN Framework for Analysis of Atrocity Crimes are present in Ethiopia today, including but not limited to:

Dissemination of hate speech and absence of independent mechanisms to address it;

Politicization of identity;

Proliferation of local militias and other armed groups across the country;

Particularly dehumanizing types of violence inflicted upon civilians on the basis of their ethnicity and perceived allegiance with the enemy;

Imposition of strict controls on communication channels, including internet shutdowns;

Widespread arbitrary detention on ethnic grounds; and

Obstruction of humanitarian access and attacks on humanitarian aid workers.

## **X. Recommendations**

128. **In light of the hostilities that have resumed between the Federal Government and Tigray authorities, the Commission offers a short set of urgent recommendations. The Commission is not in a position to offer recommendations on transitional justice due to the resumption of hostilities.**

129. **Recommendations to the international community:**

(a) **That the Inter-Governmental Authority for Development (IGAD), the African Union Peace and Security Council, and UN Security Council place the situation in Ethiopia on their agendas and take action aimed at restoring peace, stability and security in the region, thereby preventing further violations and abuses of international human rights law and humanitarian law;**

(b) **That OHCHR ensure full monitoring of the ongoing situation and continue to remind the parties of their obligations under international human rights law, humanitarian law, and refugee law; and**

(c) **That all relevant UN entities cooperate fully with the Commission in carrying out its mandate, including through prompt sharing of information they have gathered that is relevant to the Commission's mandate.**

130. **The Commission recommends that all the parties to the conflict:**

(a) **Immediately cease hostilities and violations and abuses of international human rights and humanitarian law: notably against civilians such as those described in this report, including those that might amount to war crimes or crimes against humanity;**

- (b) Take all measures needed to protect the civilian population; and
- (c) Immediately cease all activities that may trigger atrocity crimes, including dissemination of hate speech, and ensure the cessation of these activities by their allies.

131. The Commission additionally recommends that the Federal Government:

- (a) Ensure full, unfettered, and sustained humanitarian access to Tigray, as well as complete restoration of services, including internet, telecommunications, electricity, and banking services Tigray;
- (b) Commit to peace negotiations to bring an end to the conflict; and
- (c) Investigate and bring to justice members of its forces who have committed serious violations of international human rights law and humanitarian law, including those that may amount to war crimes and crimes against humanity, in accordance with international and regional standards.

132. The Commission additionally recommends that the Government of Eritrea:

Investigate and bring to justice members of its forces who have committed serious violations of international human rights and humanitarian law in Ethiopia, including those that may amount to war crimes and crimes against humanity, in accordance with international and regional standards.

133. The Commission additionally recommends that the Tigray authorities:

- (a) Fulfill their responsibility to ensure that humanitarian agencies are able to operate without impediment in Tigray;
- (b) Commit to peace negotiations to bring an end to the conflict; and
- (c) Investigate and bring to justice members of its forces who have committed serious abuses of international human rights and humanitarian law in Ethiopia, including those that may amount to war crimes and crimes against humanity, in accordance with international and regional standards.

134. The Commission additionally recommends that other armed groups in Ethiopia:

- (a) Immediately cease all abuses of international human rights law and humanitarian law, including those that might amount to war crimes; and
- (b) Take all measures needed to protect the civilian population