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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 Commission 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 amounted to war crimes and crimes against humanity. The Commission provides an assessment of transitional justice developments and makes urgent recommendations.

* The present report was submitted after the deadline so as to include the most recent information.
** The annexes to the present report may be accessed from the web page of the Commission.



I. Introduction

1. The international Commission of Human Rights Experts on Ethiopia 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 and its allies, and forces backing the Tigray authorities. The beleaguered civilian population of Ethiopia 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 the Ethiopian borders, with consequences for peace in the Horn of Africa.
2. These events follow allegations of killings of hundreds of civilians in south-west Oromiya in the period June–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 owing to shortages of food, medicine and fuel. The region also remains disconnected from Ethiopian telecommunications, banking and electricity networks. Ongoing events demonstrate the importance of the Commission’s mandate, as described below.
3. The Commission has faced constraints in terms of time and staffing, and lack of access to sites and documents. The present report, therefore, does not offer an exhaustive record of all the events that occurred during the reporting period, or 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 law and international 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 United Nations entities.
4. The 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 law and international humanitarian law in Ethiopia.

II. Mandate, membership and methodology

A. Mandate and membership

5. The Human Rights Council, in its resolution S-33/1 of 17 December 2021, established the Commission, for a period of one year, with a mandate to conduct a thorough and impartial investigation into allegations of violations and abuses of international human rights law and violations of international humanitarian law and international refugee law in Ethiopia committed since 3 November 2020 by all parties to the conflict. The Commission’s mandate includes collecting and preserving evidence, in support of accountability efforts, and integrating a gender perspective and survivor-centred approach throughout its work. The Commission must also provide guidance on transitional justice, including accountability, reconciliation and healing.
6. The Commission comprises three human rights experts appointed by the President of the Human Rights Council: Kaari Betty Murungi (Chairperson, Kenya), Steven Ratner (United States of America) and Radhika Coomaraswamy (Sri Lanka).

B. Process of work

7. The Commission invited submissions from the public through its web page, 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 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 the Commission's requests for a meeting.

8. The Commission sent a list of issues to the Federal Government and the Tigray authorities in mid-August 2022. At the time of submission of the present report, the Federal Government had not replied; the regional state 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, owing to logistical and administrative circumstances beyond its control, it was able to begin its investigation only in mid-June 2022.

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. Furthermore, it was difficult to interview persons in Tigray owing to the continued telecommunications blackout. At the time of submission of the present report, the Governments of the 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 the bulk of its investigation remotely, conducting interviews with 185 victims, survivors, witnesses and other key interlocutors (104 women and girls, and 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 being of Tigrayan ethnicity. Survivors, victims and witnesses identified as being of the Orthodox, Catholic and Muslim faiths. The Commission examined additional sources, including satellite imagery, print and audiovisual material and open-source information. It also reviewed confidential submissions from a variety of stakeholders.

12. Requests to various United Nations entities operating in Ethiopia to share documents and material 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 investigation team of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Ethiopian Human Rights Commission to share its internal database. This delay affected the Commission's ability to build upon, rather than duplicate, the work of the joint investigation team.

14. Despite these challenges, the Commission is confident that its findings are supported by information that satisfies the standard of proof for United Nations investigations. In particular, although the Commission would have preferred access to Ethiopia and other sites, the other avenues used to gather information resulted in significant findings. The Commission has followed the precedent of other investigative mechanisms mandated by the Human Rights Council that have been denied access to the State in which alleged violations took place. Where the constraints on the Commission has resulted in insufficient information to make a finding, the Commission emphasizes the need for further investigation.

C. Selection of incidents and themes

15. The constraints on the Commission in terms of time and resources obliged it to select a specific and manageable group of incidents and themes into which it could complete investigations in two months with limited resources. Although the selection reflects some of the most significant violations of international human rights law and international humanitarian law and illustrates 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 the regions of Tigray and Amhara. It acknowledges that this selection will frustrate many, especially in the 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 of the present report.

D. 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, prioritizing 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 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 this standard to be met when it had obtained a reliable body of information, corroborated by other available material, on the basis of which a reasonable and ordinarily prudent person would have reason to believe that an incident or pattern of conduct had occurred.

E. Relationship to the work of the Office of the United Nations High Commissioner for Human Rights and the Ethiopian Human Rights Commission

18. The Commission’s mandate requires it to build upon the report of OHCHR and the Ethiopian Human Rights Commission on their joint investigation into alleged violations and abuses of international human rights law and violations of international humanitarian law and international refugee law committed by all parties to the conflict in the Tigray region of Ethiopia during the period from 3 November 2020 to 28 June 2021.

19. The Commission carefully considered its work in relation to that of OHCHR and the Ethiopian Human Rights Commission, given the strong views expressed to the Commission by different stakeholders concerning the report of the joint investigation. The Federal Government urged the Commission not to address the period covered by the joint investigation, and it took issue with some of the findings. The Tigray authorities denounced the report as incomplete, biased and ignoring the scale of violations by different parties.

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

III. Background

21. After four years of anti-Government protest and rising ethno-nationalist sentiment, in April 2018 the ruling Ethiopian People’s Revolutionary Democratic Front chose Abiy Ahmed, from its Oromo wing, as its new Prime Minister. He 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 the political and armed opponents of the Ethiopian People’s Revolutionary Democratic Front return to Ethiopia from exile, including in Eritrea, or released from jail.

22. There are two accounts of what followed. Spokespersons for the Federal Government and their supporters (including in Eritrea) allege that veterans of the Tigray People’s Liberation Front masterminded a series of violent attempts to sabotage or undermine the Government, accusations which the veterans deny. Others claim that there was a growth of vigorously anti-Tigray People’s Liberation Front sentiment in government statements, and

Government-aligned media. Related narratives drew on anti-Tigrayan ethnic slurs that had surfaced in Eritrean propaganda during the Ethiopian-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 ethnicized political environment. Political conflict erupted in intercommunal violence and religious tensions. In January 2019, the Ethiopian National Defence Forces launched a counter-insurgency, including air strikes against the Oromo Liberation Army in western Oromiya, in a conflict that has since continued and escalated. New leaders were installed in four of the country's regional states, and when the national Prosperity Party was established in December 2019, the Tigray People's Liberation Front (and some ruling Oromo politicians) declined to join.

24. With the outbreak of the coronavirus disease (COVID-19) pandemic, the Federal Government postponed elections. Influential Oromo opposition leaders were arrested after further ethnicized violence. The Tigray People's Liberation Front pressed ahead with elections in Tigray in September 2020. The Federal Government and the Tigray regional state government each declared the other's actions unconstitutional, and fighting erupted on 3 and 4 November 2020.

IV. Factual findings on selected incidents

A. Shelling of Mekele and attacks on civilians and civilian objects

25. OHCHR and the Ethiopian Human Rights Commission found in their joint investigation that the Ethiopian National Defence Forces had shelled Mekele on 28 November 2020, striking at least 15 civilian facilities, including schools and a hospital. They also found that the shelling had resulted in at least 29 civilian deaths, including 3 children, and at least 34 civilian injuries. The joint investigation team did not establish any indication of a military target in or near the areas that were shelled, but nor did it make a specific legal finding regarding possible violations arising from the shelling. The Federal Government disagreed with the overall findings and invited the joint investigation team to revisit its assessment.

26. The Commission decided to investigate the shelling of Mekele further, given its mandate to build upon the report of the joint investigation, based on new evidence and given 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 Mekele was shelled on 28 November 2020 from nearby mountains where Ethiopian National Defence Forces troops were stationed. Prior to the shelling, a spokesperson for the Ethiopian National Defence Forces stated that Mekele 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 Mekele before 28 November 2020. Other credible information corroborates these accounts, indicating that Tigrayan forces withdrew their military assets from Mekele before this date. The Commission did not receive any information indicating the presence of Tigrayan weaponry or supplies in Mekele 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 hit at least 12 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 deaths. Four other witnesses described seeing, in different locations in the city, the bodies of people killed during the shelling, including two adults and two children who were killed when a shell hit their house in Ayder subcity. The

Commission interviewed two people who had suffered life-altering injuries in the attack; credible sources indicate that more than 100 people were wounded.

30. After taking control of Mekele following the shelling, the Ethiopian National Defence Forces 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. Ethiopian National Defence Forces soldiers also committed rape and other forms of sexual violence while they were in Mekele. Sexual violence by these soldiers was so widespread that a covert “safe house” had to be established for survivors. A health professional said that his medical facility began receiving rape survivors approximately four or five days after the Ethiopian National Defence Forces took control of the city. Another told the Commission that he had attended cases where women had sustained serious injuries while being raped on military bases and at other locations in and around the city.

32. Additionally, Ethiopian National Defence Forces soldiers arbitrarily detained Mekele 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 Ethiopian National Defence Forces soldiers. They forcibly seized jewellery from women, as well as money and other household items. Ethiopian National Defence Forces 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 Ethiopian National Defence Forces blocked ambulances from Mekele for 48 hours as they tried to collect civilians injured in an air strike by the Ethiopian Air Force on nearby Togoga market on 22 June 2021, which killed approximately 60 civilians.

34. The Commission finds reasonable grounds to believe that the Ethiopian National Defence Forces shelled Mekele on 28 November 2020, killing and injuring civilians and striking civilian objects days after Tigrayan forces had left the city with their assets. Ethiopian National Defence Forces soldiers committed widespread extrajudicial killings, rape and other forms of sexual violence, and looting during the seven-month period from 28 November 2020 to 28 June 2021. Ethiopian National Defence Forces 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 2021. 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 and executed 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 had been 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 recalled seeing “bodies everywhere”, which they had to collect in large carts. They buried most of them in mass graves at four churches – Saint George, Saint Michael, Abuhe Medhane Alem and Saint Mary – although hyenas fed on some of the bodies before they could be buried. Witnesses recalled that Tigrayan forces would not allow them to cry over the dead. Survivors estimated 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 Ethiopian National Defence Forces and allied Amhara militias. Witnesses reported that, once the fighting was over, in late August and early September 2021, Tigrayan forces had searched for the men of the village, separated them from the women and children and executed them, often in front of family members. One witness indicated that Tigrayan forces had killed five priests before using their houses and Teklehaymanot church as firing positions. Survivors estimated that Tigrayan forces had 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 11 years. Tigrayan forces coerced women to cook for them and to 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, the Tigray authorities asserted that their forces were “people-centred, law-abiding and disciplined”. They also insisted that their rules of engagement prohibited extrajudicial killings, rape, torture and theft, among other forms of misconduct. Abuses by their forces were 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.

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 a camp for internally displaced persons in Dedebit

45. In mid-2021, Amhara armed groups, including Amhara Special Forces, Fano and other militias rounded up Tigrayan civilians residing in Himora and forcibly displaced them from their lands at short notice. According to witnesses, the armed groups stole crops, livestock, jewellery and other personal belongings, claiming that the civilians did not belong in western Tigray because it was not their land.

46. The Amhara armed groups forced civilians, primarily women, children and older persons, 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 camp for internally displaced persons 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 Day), at approximately 11 p.m., a drone struck the Dedebit camp. 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 camp. The first bomb struck the main school building in the compound, which was full of internally displaced persons, most of whom were killed. 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 air strike, including a hole left by the first bomb as it penetrated, dead centre, 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 the next day, 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. Some 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 United Nations Satellite Centre corroborates their accounts, asserting that satellite imagery did not identify any military targets in Dedebit on the day of the air strike.

53. The Commission examined photographs of remnants of the bombs that struck the camp (see annex III). Based on this analysis and a review of open-source information, the Commission finds reasonable grounds to believe that the Dedebit camp was struck by MAM-L (“smart micro munition”) laser-guided bombs manufactured by Roketsan, a Turkish arms manufacturer. MAM-L bombs are compatible with Turkish Bayraktar TB2 drones, which are employed by the Ethiopian Air Force. The Ethiopian Government was the only party to the conflict using armed drones at the time of the attack.

54. The Commission finds reasonable grounds to believe that the Ethiopian National Defence Forces conducted a drone strike against the camp for internally displaced persons in Dedebit 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, 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 stigmas and fear of reprisal, means that survivors are often reluctant to speak out. Rape and sexual violence are often, therefore, 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 Ethiopian National Defence Forces, Eritrean Defence Forces and Fano

57. Interviews with survivors, service providers, humanitarian workers and others confirmed that rape and sexual violence against Tigrayan women and girls was widespread while the Ethiopian National Defence Forces was in control of large parts of Tigray. 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 Ethiopian National Defence Forces, Eritrean Defence Forces 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 Ethiopian National Defence Forces, Eritrean Defence Forces 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 that she had been abducted by soldiers of the Ethiopian National Defence Forces and the Eritrean Defence Forces at a checkpoint while travelling in Tigray. 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 Ethiopian National Defence Forces 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 had 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 dehumanizing language that suggested an intent to destroy Tigrayan ethnicity. A woman who had been six months pregnant at the time recalled being raped and verbally assaulted by Eritrean Defence Forces troops in south-western 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 had been gang-raped by Fano members in a detention camp in western Tigray, recalled her attackers' words: "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 the Ethiopian National Defence Forces, Eritrean Defence Forces, Fano and allied forces in Tigray.

Sexual violence by Tigrayan forces

64. Acts of rape and sexual violence were also committed by Tigrayan forces. Many of these acts occurred when Tigrayan forces took control of parts of Amhara, as 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 included 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].

Impact and access to services

66. The Commission examined the impact of rape and sexual violence on survivors and their communities. Survivors from all areas face devastating long-term effects on their physical and mental health, including trauma, unwanted pregnancy and HIV. Information from service providers indicated high rates of pregnancy among rape survivors in Tigray, a large percentage of whom undergoing abortions. Social stigmas attached to rape have destroyed the social fabric of communities by leading to the ostracization 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, which were often insufficient to meet their needs, notably the following: abortion services; care for uterine prolapse, traumatic fistula, infection and other complications; and antiretroviral medication and pain medication. Other needs included ongoing psychosocial and financial support to return home or rebuild their lives elsewhere. In addition, the Commission has learned that many survivors in Amhara have still not received the support that they need, because, owing to social stigmas, 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 Ethiopian National Defence Forces, Eritrean Defence Forces 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 dehumanizing 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 indicates a 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 approximately 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, telecommunications and banking services in Tigray on 4 November 2020. It restored some of these services in some areas in the months that followed. Around the same time, the Ethiopian National Defence Forces, Eritrean Defence Forces 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. In late June 2021, when Tigrayan forces retook control of large parts of Tigray, including Mekele, the Federal Government responded by again shutting down electricity, Internet, telecommunications and banking services in 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 extreme shortages of medicines and medical equipment, water and sanitation equipment, fertilizers, seeds, pesticides, agricultural equipment and food in a region that relies primarily on subsistence agriculture.

75. The combined effect of these measures – which remained in effect at the time of submission of the present report, more than a year later – has been that much of the population in Tigray has been forced to eat less and to sell harvest and reproductive livestock. Sources also reported an increase in desperate means to survive, such as child marriage and child labour, trafficking in persons 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. The Office for the Coordination of Humanitarian Affairs estimated that, by August 2022, some 5.3 million people in Tigray – approximately 90 per cent 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 the Office for the Coordination of Humanitarian Affairs 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 are blocked, meaning that only two routes, one by air from Addis Ababa and one by road through Afar, can be used for access to Tigray. In order to transport aid into Tigray using existing routes, the United Nations and non-governmental organizations must obtain government permissions at the national and regional state levels through a process that has been described as arbitrary and bureaucratic.

79. In addition, all organizations must also apply for government permission to transport cash into Tigray. According to interviewees, there are no obvious criteria for such

applications, the amount permitted per application is capped, and decisions on permission are often arbitrary. The Office for the Coordination of Humanitarian Affairs has found that only 15 per cent 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. This includes the killing in June 2021 of three staff members of Médecins sans frontières, two national and one international. The Federal Government has failed to investigate these killings adequately. 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 the denial and obstruction of humanitarian aid to Tigray by the Federal Government.

Government response

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

83. Statements by national and regional state 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 has 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 have been restored for civilians in areas "liberated" from Tigrayan forces. The former head of the regional state government of Amhara, the current Speaker of the national House of the Federation, has called for a "siege on Tigray from all four sides to turn Tigray into Biafra". According to the head of the regional state government of Afar, "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 the 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 to its survival, including health care, 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 violations of international humanitarian law. This report does not address the full range of violations and abuses, owing to the constraints explained above.

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, by either the use of force or any other action or omission.

87. The Commission has reasonable grounds to believe the following, each entailing violation of civilians' right to life: first, that the Ethiopian National Defence Forces shelled Mekele on 28 November 2020, indiscriminately killing civilians after Tigrayan forces had left the city; second, that the Ethiopian National Defence Forces committed extrajudicial killings of civilians in Mekele between 28 November 2020 and 28 June 2021; third, that Tigrayan forces killed civilians and persons rendered *hors de combat* in Kobo and Chenna in late August and early September 2021; and, fourth, that the Ethiopian National Defence Forces killed approximately 60 civilians in a drone strike against the camp for internally displaced persons in Dedebit on 7 January 2022.

Right to freedom from torture and from other cruel, inhuman or degrading treatment or punishment

88. According to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, an act of torture is defined by four elements: it involves severe pain or suffering, whether physical or mental; it is inflicted intentionally; it is committed for a specific purpose; and it involves 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 Ethiopian National Defence Forces, Eritrean Defence Forces and Fano have committed widespread and egregious acts of rape and sexual violence against Tigrayans throughout the course of the conflict, thereby violating their right to freedom from torture and from ill-treatment. It also has reasonable grounds to believe that Tigrayan forces have committed acts of rape and sexual violence against Amhara and Eritrean refugees, thereby violating their right to freedom from torture and ill-treatment.

Other human rights

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, of common article 3 to the Geneva Conventions of 12 August 1949, and of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), as follows.

92. With regard to the selected incidents, the Commission finds that the Federal Government and the 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 Mekele, the Commission notes overwhelming evidence indicating that Tigrayan forces had left the city along with their military assets before the Ethiopian National Defence Forces shelled it on 28 November 2020, killing and wounding scores of civilians. The Commission also takes into account the statement by the spokesperson for the Ethiopian National Defence Forces warning the civilian population that their city would be "encircled and shelled" and that they would be shown "no mercy" if they did not distance themselves from the Tigray authorities. Indeed, the Commission determined that artillery projectiles hit at least 12 locations throughout the city, and it received no

information indicating that projectiles struck any military objectives. The Commission therefore finds reasonable grounds to believe that, at a minimum, the Ethiopian National Defence Forces 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 Mekele.

94. Regarding the drone strike on the camp for internally displaced persons in Dedebit, 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 that the second bomb was directed some time thereafter at a crowd of fleeing civilians, including children. Accordingly, the Commission finds reasonable grounds to believe that the Ethiopian National Defence Forces 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, violated the prohibition under international humanitarian law of any violence against the life, health or 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 of 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 by the Federal Government and allied regional state governments was committed for the purpose of depriving the Tigrayan population of objects indispensable to its survival, including food and health care. The acts thereby violate the prohibition of the use of starvation of the civilian population as a method of warfare, and 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 Ethiopian National Defence Forces committed the following war crimes: violence against life and person, in particular murder; outrages on human dignity, in particular humiliating or degrading treatment; intentionally directed attacks against the civilian population and civilian objects; pillage; rape; sexual slavery; sexual violence; and intentional use of 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 Eritrean Defence Forces, the Commission finds reasonable grounds to believe that it committed the following war crimes: violence against 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 members of the Ethiopian National Defence Forces 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, 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 that large-scale killings were committed by Eritrean Defence Forces and Ethiopian National Defence Forces between November 2020 and June 2021, including the killings in November 2020 of hundreds of people in Aksum and of scores of people in Maryam Dengelat. Large-scale killings also appear to have been committed 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 Ethiopian National Defence Forces or the Eritrean Defence Forces 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 Eritrean Defence Forces in these atrocities. The Commission has identified several members of the Eritrean Defence Forces who were present during attacks or were reported to be giving orders. Survivors of killings in Zalambessa say that they are unable to return home because of the presence of Eritrean Defence Forces troops in the town, and landmine contamination. The Commission recommends further investigation into the conduct of the Eritrean Defence Forces during its ongoing presence in Ethiopia.

B. Large-scale killings in Oromiya

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

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

C. Situation in Afar

105. Credible information indicates indiscriminate attacks by Tigrayan forces in January 2022 on the town of Abala, and an air strike by the Ethiopian National Defence Forces in February 2022 close to the town of Berahile, which killed and injured civilians. Fighting between the Ethiopian National Defence Forces and Tigrayan forces in Afar appears 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 has allegedly displaced thousands of Eritrean refugees in Afar.

D. Arbitrary detention

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

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

E. Situation of Eritrean refugees

109. Credible reports indicate violations and abuses against Eritrean refugees by the Ethiopian National Defence Forces, Eritrean Defence Forces and Tigrayan forces, including killings, abduction, disappearance, and rape and other acts of sexual violence. Eritrean refugees have long faced abuse, discrimination and marginalization in Ethiopia. The Commission strongly encourages further investigation, including into possible violations of international refugee law.

F. Air strikes

110. According to reliable reports, the Ethiopian National Defence Forces has increasingly used air power to repel Tigrayan forces, particularly with armed drones. The Commission has identified more than 50 air strikes from June 2021 until the time of submission of the present report, almost all of them in Tigray, which appear to have killed or injured civilians or struck civilian objects. Initial investigations into three of these air strikes – those on Togoga in June 2021 and on Mekele in October 2021 and August 2022 – confirm civilian casualties, including children.

VIII. Mechanisms addressing transitional justice and related issues

A. Interministerial Task Force

111. The Federal Government established the Interministerial Task Force in late November 2021 with the purpose of adopting a comprehensive strategy and action plan for the implementation of the recommendations contained in the report of OHCHR and the Ethiopian Human Rights Commission on their joint investigation. It consists of representatives of at least six governmental units at the ministerial or subministerial levels. In June 2022, it 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 Task Force members, who offered a detailed presentation on 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". It asserted that the Federal Government had interviewed 267 witnesses with knowledge of the massacre at Mai-Kadra

and 122 others about the massacre at Aksum, and that a military tribunal of the Ethiopian National Defence Forces had convicted 25 of its personnel for Tigray-related crimes, with another 33 cases pending.

113. On redress, the Task Force indicated that the Federal Government had deployed 54 psychosocial workers to assist survivors of sexual and gender-based violence, and that it planned to deploy more and to develop one-stop centres for survivors. Regarding reforms, the Task Force reported that it had created a team to implement the Convention against Torture in national law, that a symbolic statement of public apology was being drafted, and that it was reviewing a draft policy framework on transitional justice. Concerning capacity-building, the Task Force asserted that the Government was training investigators on international criminal law and on issues related to sexual and gender-based violence, with additional training in human rights and humanitarian law for regional commanders. The Task Force had shared similar information with the joint investigation team in July 2021.

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

115. International and regional standards require transparency with regard to the pillars of transitional justice. The Task Force 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, its methods for obtaining preliminary information about events in Tigray, or its methods for obtaining information from victims and witnesses who have left the country.

116. The Task Force did not provide important information about judicial processes; neither has this information been made public so that it can be verified. For example, its statistics for trials do not distinguish between trials of captured members of the Tigray People's Liberation Front and trials recommended in the joint investigation report, and it is unclear whether the latter have commenced. Neither the Task Force nor the Federal Government has 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, and 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, including during initial interviews, during the taking of testimony in court, and afterwards. Although the Task Force indicated to the Commission that the Federal Government had established many psychosocial support centres for victims and survivors, it is unclear whether proper witness protection was provided for these persons. The Commission was unable to determine whether the due process rights to which alleged perpetrators are entitled under international and regional instruments 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 whether defendants have been granted such rights.

118. The Commission was further concerned that the Task Force does not appear to be addressing the accountability of the Eritrean Defence Forces, even though it was invited by the Federal Government to participate in the conflict and despite the reported continued presence of Eritrean forces in Tigray. When the Commission asked how the Federal Government planned to bring Eritrean Defence Forces personnel to justice, it was told that accountability for the Eritrean Defence Forces would be addressed through mutual legal assistance channels. The Commission has received no evidence that such channels have led to any accountability, such as through extradition of members of the Eritrean Defence Forces for trials in Ethiopia.

B. National Dialogue Commission

119. The National Dialogue Commission was established in parliamentary Proclamation No. 1265/2014, on 29 December 2021, with a view to resolving 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, and is accountable to the House of People’s Representatives. Its mandate does not include negotiation, reconciliation or the setting of an agenda for ceasefire among the warring parties, for which the African Union is responsible.

120. During a meeting in Addis Ababa with a subset of the National Dialogue Commission, the Commission was told that the goal of the National Dialogue Commission was to hold an “inclusive, participatory, nationally owned, transparent national dialogue”. That process included examining issues such as ethnic identity, administrative boundaries and allocation of power at the federal and regional state levels. The National Dialogue Commission was currently in the early stages of its work, including consulting on its agenda and studying similar initiatives in other countries. It intended to ensure that its approach was bottom-up, from the *kebele* (district) to the regional state – and including the two federal cities, Addis Ababa and Dire Dawa – involving some 2.5 million people. Consultations on the national dialogue process had not commenced.

121. African Union standards for political and institutional reform emphasize the importance of representativeness and inclusivity during the process. The National Dialogue Commission comprises 11 commissioners, most of whom have government, legal or academic backgrounds. The selection and appointment of commissioners was led, in a manner that was not transparent, by the House of People’s Representatives, which is dominated by the ruling party. Furthermore, 13 political parties – including the Tigray People’s Liberation Front, which the Government has called a “terrorist group” – did not participate in the establishment of the National Dialogue Commission.

122. Despite its concerns about selection and membership, the Commission encourages the bottom-up approach as essential for the legitimacy of the process. The Commission hopes that the National Dialogue Commission will continue to engage constructively with experts from other countries to develop best practices for a national dialogue that 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.

C. Regional mechanisms

African Union Commission of Inquiry on Tigray

123. The African Union Commission of Inquiry on Tigray is mandated to investigate allegations of violations of international human rights law and international humanitarian law, and to determine whether violations have occurred. It officially commenced its work on 17 June 2021, from its seat in Banjul. Since it does not have a public reporting mandate, its progress is unclear. Efforts by the Commission to contact the Commission of Inquiry were unsuccessful.

High Representative for the Horn of Africa region of the Chairperson of the African Union Commission

124. The High Representative for the Horn of Africa, appointed by the Chairperson of the African Union Commission, is mandated by the African Union to intensify engagement with all relevant stakeholders towards promoting durable peace and stability within Ethiopia and in the entire Horn of Africa, including through support to African Union-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 African Union 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 the progress made in the African Union context, or lack thereof, 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 situation 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 United Nations framework of analysis for atrocity crimes (2014) are reflected in Ethiopia today, including but not limited to the following factors:

- (a) Dissemination of hate speech and absence of independent mechanisms to address it;
- (b) Politicization of identity;
- (c) Proliferation of local militias and other armed groups across the country;
- (d) Particularly dehumanizing types of violence inflicted upon civilians on the basis of their ethnicity and perceived allegiance with the enemy;
- (e) Imposition of strict controls on the use of communication channels, including Internet shutdowns;
- (f) Widespread arbitrary detention on ethnic grounds;
- (g) Obstruction of humanitarian access and attacks on humanitarian aid workers.

X. Recommendations

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

129. **To the international community, the Commission recommends:**

(a) **That the Intergovernmental Authority on Development, the Peace and Security Council of the African Union and the Security Council of the United Nations 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 violations of international humanitarian law;**

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

(c) **That all relevant United Nations entities cooperate fully with the Commission in the fulfilment of its mandate, including through prompt sharing of relevant information.**

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

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

(b) **Take all measures necessary to protect the civilian population;**

(c) **Immediately cease all activities that may trigger atrocity crimes, including the dissemination of hate speech, and ensure the cessation of these activities by their allies.**

131. **The Commission recommends that the Federal Government:**

(a) **Ensure full, unfettered and sustained humanitarian access to Tigray, and the complete restoration of all services to Tigray, including Internet, telecommunications, electricity and banking services;**

(b) **Commit to peace negotiations to bring an end to the conflict;**

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

132. **The Commission recommends that the Government of Eritrea investigate and bring to justice members of its forces who have committed serious violations and abuses of international human rights law and violations of international humanitarian law in Ethiopia, including those violations and abuses that may amount to war crimes or crimes against humanity, in accordance with international and regional standards.**

133. **The Commission recommends that the Tigray authorities:**

(a) **Fulfil 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;**

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

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

(a) **Immediately cease all violations and abuses of international human rights law and violations of international humanitarian law, including those that may amount to war crimes;**

(b) **Take all measures necessary to protect the civilian population.**
