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ESCALATING ETHIOPIA CRISIS DEMANDS ROBUST RESPONSE FROM UN HUMAN RIGHTS COUNCIL

As Ethiopia stands on the brink of a human rights and humanitarian catastrophe, the UN Human Rights Council (HRC) must fulfil its mandate to address human rights crises, and prevent further violations.

BACKGROUND ON HUMAN RIGHTS SITUATION IN ETHIOPIA

Over the past year, since the conflict began in Tigray, Amnesty International has documented a litany of ever-increasing violations and abuses – including [sexual and gender-based violence](#), [extrajudicial killings](#), [indiscriminate shelling and widespread looting](#) – grave violations of international law some of which may amount to war crimes and crimes against humanity. Amnesty International has documented the extensive use of sexual and gender-based violence in the context of the escalating conflict. A [recent report](#) documented how as TPLF fighters took over a town in the Amhara region in mid-August, survivors were gangraped, raped at gunpoint, robbed, and subjected to physical and verbal assaults by TPLF fighters, who also destroyed and looted medical facilities in the town. This built upon an earlier [report](#) detailing how Tigrayan women and girls were subjected to sexual violence by members of the Ethiopian National Defense Force (ENDF), the Eritrean Defense Force (EDF), the Amhara Regional Police Special Force (ASF), and Fano, an Amhara militia group. Rape and sexual violence have clearly been used as a weapon of war to inflict lasting physical and psychological damage on women and girls in Tigray. The severity and scale of sexual crimes being committed are devastating, and amount to war crimes and may amount to crimes against humanity.

Amnesty has also [documented](#) human rights violations of international humanitarian law committed by Eritrean troops in the Ethiopian city of Axum (Tigray) between 19 and 29 November 2020, including the killing of hundreds of civilians.

Since July 2021, the conflict has spread beyond Tigray to the Amhara and Afar regions. The Tigray People's Liberation Front (TPLF) has stated that it has formed a political and military alliance with the Oromo Liberation Army (OLA), an armed group that has been implicated in grave human rights abuses including ethnically motivated killings and the burning of villages in Oromia. Government officials in several Ethiopian regions have implored civilians to take up arms to repel the ongoing TPLF offensive. Prime Minister Abiy Ahmed himself encouraged citizens to take up arms in a Facebook post, which was subsequently removed by the platform for violating their policies against inciting and supporting violence. In early November 2021, the Ethiopian government launched a new wave of arbitrary mass arrests of in Addis Ababa and other places, including employees of the UN. The arrests have intensified since the government declared a state of emergency with sweeping human rights restrictions on 2 November, which was adopted by the federal parliament on 4 November 2021. This overly

broad emergency proclamation passed by Parliament is a blueprint for escalating human rights violations.

The humanitarian crisis in Tigray, caused by the *de facto* humanitarian blockade imposed by the Ethiopian government¹, is getting worse for each day. No humanitarian supplies have been allowed into Tigray since 18 October because the Ethiopian government is blocking trucks from entering the region². Medicine and fuel have been blocked for months³. The lack of food has led to starvation – with over 5 million people in need of emergency food assistance, while the lack of medicine has led to an alarming deterioration of the health situation. The lack of fuel entering the region has forced humanitarian organizations to significantly reduce or suspend their activities for millions of people in the region.

Human rights monitoring in the country is difficult and dangerous, due to access restrictions and a communications blackout in the areas affected by the conflict as well as the new wave of mass arrests.

RECOMMENDED ACTION BY THE UN HUMAN RIGHTS COUNCIL

The recent joint investigation by the Office of the UN High Commissioner for Human Rights (OHCHR) and the Ethiopian Human Rights Commission painted a stark picture of the situation on the ground, concluding that it had reasonable grounds to believe that crimes against humanity and war crimes were being committed, but was not able to cover the full scale of the violations taking place. For example, the report does not fully reflect the gravity of sexual and gender-based violence, the blockade on humanitarian aid, and the burning and destruction of property and farms in the context of the conflict, as documented by other investigators. Nor was it able to document the full extent of the violations in Tigray, noting a lack of access to many parts of Tigray for security and access reasons and given its limited timeframe (16 May to 30 August 2021). The joint report made clear that further investigations are required and recommended the creation of an investigative and accountability mechanism.⁴

For all of the above reasons, Amnesty International urges the UN Human Rights Council (HRC) to take robust action, commensurate with the gravity of this fast-escalating humanitarian and human rights crisis, to establish an independent international investigative mechanism. The mechanism should be mandated to report regularly to UN member states to ensure informed decision-making. It should also be empowered to collect and preserve evidence of – and identify responsibility for – alleged violations and abuses of human rights and related crimes, including sexual and gender-based violence and ethnic violence, with a view to advancing accountability. Such a mechanism is critical to deter perpetrators of serious human rights abuses and violations, in the context of an escalating conflict, and to advance accountability for grave crimes and justice for victims and survivors. The mechanism should be mandated to investigate all crimes under international law and other human rights violations and abuses being committed by all parties in Ethiopia (reflecting that the conflict has spread beyond the Tigray region).

¹ See <https://www.un.org/press/en/2021/sgsm20866.doc.htm>.

² See <https://reports.unocha.org/en/country/ethiopia/>.

³ Fuel has not entered since early August: <https://reports.unocha.org/en/country/ethiopia/>

⁴ Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties to the Conflict in the Tigray Region of the Federal Democratic Republic of Ethiopia, 3 November 2021, para 377, available at: <https://www.ohchr.org/Documents/Countries/ET/OHCHR-EHRC-Tigray-Report.pdf>.

RECOMMENDATIONS

Amnesty International urges the HRC to convene a special session to respond to the further escalation of the conflict in Ethiopia, and to respond to the joint report. In the context of such a session, the HRC should establish a robust investigative mechanism with a mandate to collect and preserve evidence and to contribute to accountability, as recommended in the joint report.

In the course of the special session, the HRC should adopt a resolution that should *inter alia*:

1. Urge all parties to the conflict to respect international human rights and humanitarian law, protect civilians, including protecting women and girls from sexual violence, end reprisal attacks, and renounce incitement to violence against individuals based on their ethnicity.
2. Call on the Ethiopian authorities to allow unhindered humanitarian access.
3. Call on the Ethiopian authorities to fulfil their obligation to prohibit advocacy of hatred that constitutes incitement to hostility, discrimination and violence, and to denounce any statements, online or otherwise, which advocate violence against specific ethnic groups.
4. Call on the Ethiopian government to ensure that the state of emergency is in line with regional and international standards on emergency powers, does not restrict rights that cannot be restricted in any circumstances, and end all arbitrary detentions, including of Tigrayans.
5. Establish a Fact-Finding Mission or similar investigative mechanism, with a **multi-year mandate** to:
 - **Investigate** all allegations of violations and abuses of international human rights and humanitarian law, including sexual and gender-based violence, ethnically targeted attacks against civilians and those that could amount to crimes under international law.
 - **Collect and preserve evidence of, and clarify responsibility** (including individual criminal responsibilities) for, violations and abuses of human rights and related crimes, with a view to ending impunity and advancing accountability.
 - Make **recommendations for concrete action to protect** the rights of the people, to ensure access to justice, truth and reparation for victims and survivors, and to prevent further atrocities.
 - **Report regularly, including inter-sessionally**, to the HRC, as well as to the GA, the UNSC, and other relevant UN organs and bodies.
6. Emphasize the importance of **complementarity and closer synergies between the regional and international human rights systems**, and in that regard invite the COI of the ACHPR to participate in regular enhanced interactive dialogues at the HRC.
7. Emphasize the important role of the **HRC's prevention mandate**, as outlined in [HRC resolution 45/31](#), and request the new mechanism to brief UN member states inter-sessionally and on an ad-hoc basis to update the HRC on the situation in Ethiopia, as well as relevant Special Procedures.