



**UN AND AU MUST PRIORITIZE JUSTICE,
TRUTH AND REPARATIONS IN ETHIOPIA**

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GLOSSARY

WORD	DESCRIPTION
EHRC	Ethiopian Human Rights Commission
ENDF	Ethiopian National Defence Forces
EPRDF	Ethiopian People's Revolutionary Democratic Front
ICHREE	International Commission of Human Rights Experts on Ethiopia
IMTF	Inter-Ministerial Task Force
OHCHR	The Office of the High Commissioner for Human Rights
OLA	Oromo Liberation Army
TDF	Tigray Defense Forces
TPLF	Tigray People's Liberation Front

1. INTRODUCTION

For decades, Amnesty International has documented gross human rights violations and abuses that may amount to crimes under international law in Ethiopia, including in the context of the conflict in northern Ethiopia. Most of the violations the organization has recently documented may amount to crimes against humanity and may also constitute war crimes, which are crimes under international law.

Yet, in Ethiopia, the prospect of domestic accountability is rare. On top of Ethiopia's pervasive culture of impunity, gaps in Ethiopian criminal laws pose challenges in holding those suspected of criminal responsibility accountable for past and present gross crimes and human rights violations. The government lacks effective control to exercise jurisdiction over all forces suspected of having perpetrated violations and abuses in the context of the conflict in northern Ethiopia. It is also difficult to foresee the Ethiopian and Eritrean governments, as well as the Tigrayan forces, agreeing to investigate and prosecute high-ranking officials who might be implicated in crimes against humanity and war crimes. Ensuring justice, truth, and reparations for crimes under international law and gross human rights violations and abuses perpetrated by all parties to the conflict will be an uphill struggle.

In the meantime, crimes under international law and grave human rights violations continue in other regions due to conflict and unrest that has received little attention from the media and human rights groups. Government forces and armed groups have killed thousands of people and left millions internally displaced in rising violence in parts of Oromia, Amhara, Afar, Somali, and Benishangul-Gumuz regions.¹

Amnesty International requests the United Nations (UN), the African Union (AU), and AU member states to prioritize justice, truth and reparations in Ethiopia. Specifically, Amnesty International is asking the UN Human Rights Council (UNHRC) to extend the mandate of the International Commission of Human Rights Experts on Ethiopia (ICHREE). The mandate extension should come with a budgetary and capacity boost for the Commission to adequately carry out its mandate.

CRIMES UNDER INTERNATIONAL LAW AND HUMAN RIGHTS VIOLATIONS IN THE CONTEXT OF THE CONFLICT IN NORTHERN ETHIOPIA

The armed conflict in Tigray began in November 2020. It pitted forces from the Ethiopian federal government, led by Prime Minister Abiy Ahmed, against the Tigray People's Liberation Front (TPLF). TPLF was the dominant political force before the political transition in the country which brought Prime Minister Abiy Ahmed into office, and they had presided over years of authoritarian rule. Among other things, the conflict was preceded by allegations of past crimes, injustices, and grievances along ethnic and religious fault lines.

In the conflict, the federal government military - the Ethiopian National Defence Forces (ENDF) - is supported by special police units from Afar and Amhara regions and a militia force affiliated with the Amhara regional government, usually called Fano. The Eritrean government that had been nursing resentments against the TPLF for two decades after the 1997-2001 border conflict, also contributed its military forces in the fight against the Tigrayan forces.

¹ Ethiopia Peace Observatory, 2021 Conflict Dimensions in Ethiopia, https://epo.acleddata.com/acleddatanew/wp-content/uploads/sites/2/2021/04/Conflict_Dimension_Ethiopia_2021_March_EPO.docx.pdf

Tigrayan fighters, who now call themselves the Tigray Defense Forces (TDF), are composed of the Tigray regional police forces and local militia, joined by thousands of Tigrayan youth conscripted into TDF after the war began.²

During the 22 months of the conflict, the human rights costs of the war have been devastating. With phone and internet blackouts, restrictions on media access and no access for international human rights groups to Tigray, crimes and human rights violations have taken place under the cover of darkness.

After Tigrayan forces took over many parts of Tigray from Federal government forces in June 2021, the conflict expanded into neighbouring regions of Amhara and Afar. Tigrayan forces that crossed into Amhara and Afar regions also committed abuses that may amount to crimes under international law. The abuses may also amount to war crimes.³

Since the start of the armed conflict, over 61,000 people have fled to Sudan, and millions have become internally displaced. Mass killings of civilians, conflict-related sexual violence, including rape, destruction of civilian facilities, large scale pillage and destruction of property have become key features of the conflict.

Likewise, restrictions on humanitarian access to Tigray amount to a de facto blockade, particularly after the capture of significant parts of Tigray by Tigrayan forces since July 2021. Around 500,000 people in Tigray were already dependant on food aid before the conflict began⁴, and the blockade aggravated the already precarious humanitarian situation.

Following the declaration of a humanitarian truce by the Federal government on 24 March 2022 and the withdrawal of Tigrayan forces from many parts of Amhara and Afar regions, the number of convoys delivering humanitarian aid to Tigray has increased. Yet, there is still a huge mismatch between the supply and humanitarian need. The ongoing chokehold on fuel and cash flows into Tigray, compounded by the communications blackout and suspension of banking services in Tigray, has worsened the humanitarian crisis and crippled humanitarian operations in Tigray.

In June 2022, the AU High Representative for the Horn of Africa Region was optimistic about prospects for a breakthrough in brokering peace between the Federal government and Tigrayan forces.⁵ The Ethiopian Prime Minister also briefed the Ethiopian Parliament that the government had appointed a negotiation committee that would develop the government strategy.⁶ Subsequently, the government announced the names of members of the “peace alternative committee.”⁷ Tigrayan leaders publicly expressed their readiness for a peace process, but expressed objection to the peace process led by the AU special envoy. Instead, they proposed that Kenya should facilitate peace negotiations.⁸ Currently, there is no public information on whether these differences have been resolved or persist.

However, the resumption of the conflict on 25 August 2022 heralded the collapse of the humanitarian truce and the stoppage of aid flowing into Tigray.

² New York Times, “How Local Guerrilla Fighters Routed Ethiopia’s Powerful Army”, 11 July 2021, www.nytimes.com/2021/07/11/world/africa/tigray-guerrilla-fighters-ethiopia-army.html

³ Amnesty International, *Ethiopia: Summary killings, rape and looting by Tigrayan forces in Amhara*, 16 February 2022, (AFR 25/5218/2022) www.amnesty.org/en/documents/afr25/5218/2022/en/ Amnesty International, “Ethiopia: Survivors of TPLF attack in Amhara describe gang rape, looting and physical assaults” 9 November 2021, www.amnesty.org/en/latest/news/2021/11/ethiopia-survivors-of-tplf-attack-in-amhara-describe-gang-rape-looting-and-physical-assaults/

⁴ UNHCR, Regional refugee preparedness and response plan for the Ethiopia situation (Tigray), 22 December 2020, <https://data.unhcr.org/en/documents/download/84161>

⁵ BBC, “Tigray war: ‘slow but steady’ progress, says Obasanjo”, 01 June 2022, www.bbc.co.uk/programmes/p0c6bn0l

⁶ VOA, “Ethiopia PM Says Committee Created to Negotiate With Tigray Forces”, 14 June 2022, www.voanews.com/a/ethiopia-pm-says-committee-created-to-negotiate-with-tigray-forces/6617192.html

⁷ Addis Standard, “Ethiopia announces names of seven member peace negotiation team appointed by federal gov’t”, 27 June 2022, <https://addisstandard.com/news/alert-ethiopia-announces-names-of-seven-member-peace-negotiation-team-appointed-by-federal-govt/>

⁸ Barrons, “Tigray Rebels Set Up Team to Negotiate with Gov’t”, 18 July 2022, www.barrons.com/news/tigray-rebels-set-up-team-to-negotiate-with-govt-01658154307

2. AMNESTY INTERNATIONAL'S KEY FINDINGS

Amnesty International documented and reported on some of the gross violations and abuses that might amount to crimes under international law by all parties to the conflict, including the Eritrean Defence Forces, the Ethiopian National Defence Force, the Tigrayan forces, and the Amhara forces. The organization's reports covered the 9-10 November 2020 Mai Kadra massacre⁹, the November 2020 Axum Massacre¹⁰, and an August 2021 report on conflict-related sexual violence in Tigray¹¹. Amnesty International's 2021 Annual Report also captured multiple instances of mass killings in many parts of Tigray.¹²

The organization also documented serious human rights abuses by Tigrayan forces in parts of Amhara region, specifically sexual violence in Nifas Mewcha town¹³, and mass killings and sexual violence in Chena and Kobo¹⁴.

In a joint report with Human Rights Watch (HRW) in April 2022, Amnesty International found that Amhara forces controlling Western Tigray Zone, with support and complicity of Federal government forces and Eritrean forces, conducted a sustained campaign of ethnic cleansing against Tigrayan residents in the area.¹⁵ In a textbook example of ethnic cleansing, hundreds of thousands of Tigrayans were forcibly removed from Western Tigray after Amhara forces took control of the area a few days after the war began.

In addition, Tigrayan women and girls were subjected to horrific acts of sexual violence, such as rape before family members, rape in detention, gang rape, and sexual slavery. These crimes sometimes occurred alongside insults that targeted their Tigrayan identity. The report also documented multiple instances of extra-judicial executions, including the Tekeze massacre on 17 January 2021.

A mix of security forces, including the Amhara Special Police Force, militia, Fano and, in some cases, Ethiopian federal forces carried out mass and prolonged detention of Tigrayans in Western Tigray. They were held without charge in official and unofficial detention sites, including food storage facilities and schools. The Tigrayan detainees were tortured and deprived of adequate food, water, and medical attention and subjected to verbal abuse. Hundreds, possibly thousands, of ethnic Tigrayan residents of Western Tigray remain in

⁹ Amnesty International, "Ethiopia: Investigation reveals evidence that scores of civilians were killed in massacre in Tigray state", 12 November 2020, www.amnesty.org/en/latest/news/2020/11/ethiopia-investigation-reveals-evidence-that-scores-of-civilians-were-killed-in-massacre-in-tigray-state/

¹⁰ Amnesty International, *Ethiopia: The Massacre in Axum*, (AFR 25/3730/2021) 26 February 2021.

¹¹ Amnesty International, *Ethiopia: "I don't know if they realized I was a person": Rape and sexual violence in the conflict in Tigray, Ethiopia*, 11 August 2021, (AFR 25/4569/2021)

¹² Amnesty International, Ethiopia 2021 annual report, www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/ethiopia/report-ethiopia/

¹³ Amnesty International, "Ethiopia: Survivors of TPLF attack in Amhara describe gang rape, looting and physical assaults", 9 November 2021, www.amnesty.org/en/latest/news/2021/11/ethiopia-survivors-of-tplf-attack-in-amhara-describe-gang-rape-looting-and-physical-assaults/

¹⁴ Amnesty International, *Ethiopia: Summary killings, rape and looting by Tigrayan forces in Amhara*, 16 February 2022, (AFR 25/5218/2022) www.amnesty.org/en/documents/afr25/5218/2022/en/

¹⁵ Amnesty International and Human Rights Watch, *'We Will Erase You From This Land': Crimes Against Humanity and Ethnic Cleansing in Ethiopia's Western Tigray Zone*, (AFR 25/5444/2022), 6 April 2022.

arbitrary detention, without adequate food, clean water and access to courts and lawyers, in squalid and overcrowded detention centres.¹⁶

Elsewhere in Ethiopia, Amnesty International also documented multiple instances of thousands of Tigrayans who were arbitrarily arrested since the start of the conflict. Many remain in detention at the time of writing.¹⁷ Media reports covered dire detention conditions of Tigrayans arrested in other parts of the country.¹⁸

HUMAN RIGHTS SITUATION OUTSIDE OF THE CONFLICT IN NORTHERN ETHIOPIA

The armed conflict in northern Ethiopia and the resultant atrocities exposed the impact of impunity for crimes under international law and grave human rights violations in Ethiopia that had been left unaddressed for decades. While the conflict in the north has taken the limelight from situations and armed conflicts in other parts of the country, frequent allegations of mass killings, forced displacement, and sexual violence are emerging in Oromia, Somali, Amhara, Benishangul-Gumuz, Afar and Southern regions.¹⁹

In June this year, hundreds of Amhara residents, mainly women and children, in parts of western Oromia, were summarily killed allegedly by Oromo Liberation Army (OLA) forces.²⁰

Members of armed groups and security forces record and share their acts of cruelty on social media, demonstrating the level of impunity in the country.²¹

HUMAN RIGHTS INVESTIGATIONS

All parties involved in the conflict, including the Ethiopian federal authorities, Eritrean government, the Amhara regional government and the Tigrayan forces repeatedly denied or sought to downplay credible reports of grave human rights violations that implicated their forces.²² There is still need for more comprehensive independent reporting on human rights violations in the context of the conflict.

The government rejected the mandates, which include investigation, evidence preservation and advisory roles, of the ICHREE established by the United Nations Human Rights Council (UNHRC) and the Commission of Inquiry established by the African Commission on Human and Peoples' Rights (African Commission) - and denied them access to conflict affected areas.²³ Ethiopia's Foreign Ministry criticized the African Commission for setting up a commission of inquiry on crimes committed in the Tigray conflict and instead requested it to conduct a joint investigation with Ethiopian Human Rights Commission (EHRC).²⁴ The Commission of Inquiry, mandated by the African Commission on 12 May 2021, has not yet been able to conclude its work. The mandate of the ICHREE will expire in September 2022.

¹⁶ Amnesty International interviews, names withheld, 23 June 2022 and 5 August 2022. See also Amnesty International and Human Rights Watch, *'We Will Erase You From This Land': Crimes Against Humanity and Ethnic Cleansing in Ethiopia's Western Tigray Zone*, (AER 25/5444/2022), 6 April 2022.

¹⁷ Amnesty International, "Ethiopia: End arbitrary detentions of Tigrayans, activists and journalists in Addis Ababa and reveal whereabouts of unaccounted detainees", 16 July 2021, www.amnesty.org/en/latest/news/2021/07/ethiopia-end-arbitrary-detentions-of-tigrayans-activists-and-journalists-in-addis-ababa-and-reveal-whereabouts-of-unaccounted-detainees-2/

¹⁸ Reuters: Special Report "Deadly Detention", 10 June 2022, <https://reut.rs/3zYRREI>.

¹⁹ Amnesty International, Ethiopia 2021 annual report, www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/ethiopia/report-ethiopia/

²⁰ Amnesty International, "Ethiopia: Authorities must investigate massacre of ethnic Amhara in Tole", 21 July 2022, www.amnesty.org/en/latest/news/2022/07/ethiopia-authorities-must-investigate-massacre-of-ethnic-amhara-in-tole/

²¹ Amnesty International, "How to Crack Complex Geolocation Challenges: A Case Study of the Mahibere Dego Massacre", 9 April 2021, <https://citizenevidence.org/2021/04/09/geolocation-mahibere-dego/>

The Guardian, "Video of armed men burning man alive in western Ethiopia sparks outrage", 15 March 2022, www.theguardian.com/world/2022/mar/15/video-of-armed-men-burning-man-alive-in-western-ethiopia-sparks-outrage; Reuters, "Ethiopia rights body says video shows extrajudicial killings", 19 June 2022, www.reuters.com/world/africa/ethiopia-rights-body-says-video-shows-extrajudicial-killings-2022-06-19/

²² Ethiopia, Ministry of Foreign Affairs, "Statement regarding the latest report by Amnesty International on the alleged rape and other sexual violence in the Tigray Regional State of the Federal Democratic Republic of Ethiopia (August 12, 2021)", 12 August 2022, www.mfa.gov.et/Home/PressRelease/116?TopValues=105 Tigray External Affairs Office, Response to Amnesty International's Report on the alleged Human Rights Violations in Amhara towns, (Ref: TEAO- 74/2022), 17 February 2022; Addis Standard, "News: Amhara State rejects rights groups report detailing crimes against humanity, ethnic cleansing in Western Tigray", 11 April 2022, <https://addisstandard.com/news-amhara-state-rejects-rights-groups-report-detailing-crimes-against-humanity-ethnic-cleansing-in-western-tigray/>

²³ AP News, "Over Ethiopia's objections, UN rights body backs war monitor", 17 December 2022, <https://apnews.com/article/europe-africa-geneva-united-nations-ethiopia-2d97103c994fdcbfac210ebeb3a28a1a>

²⁴ Ethiopia, Ministry of Foreign Affairs, "Press statement on the African Commission on Human and Peoples' Rights measures to investigate alleged violations of human rights and humanitarian law in the Tigray region of Ethiopia", June 17 2021, <https://ethiopianembassy.org/press-statement-on-the-african-commission-on-human-and-peoples-rights-measures-to-investigate-alleged-violations-of-human-rights-and-humanitarian-law-in-the-tigray-region-of-ethiopia-june-1/>

During its special session on 17 December 2021, the UNHRC adopted resolution S-33/1 establishing the ICHREE. The ICHREE's mandate is set to expire in September 2022 which is less than a year since its establishment. The Commission needs sufficient time and resources to complete its work, considering possible lack of access to the country, complexity, magnitude, and gravity of the human rights crisis in Ethiopia.

In March 2021, the The Office of the High Commissioner for Human Rights (OHCHR) accepted the federal governments' proposal to carry out a joint investigation with the EHRC OHCHR.²⁵ The joint OHCHR-EHRC investigation report, released on 3 November 2021, acknowledged that it was not a comprehensive investigation into human rights violations since the beginning of the conflict in northern Ethiopia.²⁶ The joint report did not cover many major incidents of gross human rights violations, including mass killings in Tigray, that had been reported by media and documented by human rights organizations, at places such as Maryam Dengelat,²⁷ Mahbere Dego,²⁸ Edaga Berhe, Tekezie River bridge, Seleklaka,²⁹ and Irob. Amnesty International's joint report with HRW found that the OHCHR-EHRC report's "coverage of events in Western Tigray does not make any assessment of the relative scale and severity of violations or of the culpability of any of the warring parties."³⁰

PROSPECTS FOR JUSTICE, TRUTH AND REPARATION

As violence continues in Ethiopia, it is difficult to imagine an end to these crimes and grave human rights abuses without credible efforts to ensure justice, truth and reparations. Instead, impunity for past crimes and gaps in Ethiopian laws are impediments to justice and accountability.

CULTURE OF IMPUNITY

A glimpse into Ethiopia's human rights record since 1991 – a watershed moment that marked the downfall of the military government of the Derg – reveals a culture that nurtured violence - mainly by government security forces and, in some cases, by armed groups.³¹ Since 1991, the Ethiopian government, led by the Ethiopian People's Revolutionary Democratic Front (EPRDF), committed widespread human rights violations including torture and other ill-treatment, forced evictions, rape and other sexual violence, extrajudicial executions, unlawful killings and unlawful detentions that can amount to crimes against humanity. Those violations targeting civilians as part of the counter-insurgency measures of the government may also constitute war crimes.³²

After April 2018, following the appointment of Prime Minister Abiy Ahmed, there was a glimmer of hope that political reforms would include justice, truth and reparations for past atrocities. The new government came to power following sustained protests in Oromia and Amhara region demanding justice and freedom. Thousands of youths in the two regions paid a heavy price as they risked unlawful killings, arbitrary detention, and torture when government forces attempted to clampdown on the largely peaceful protests.³³

²⁵ Reuters, "U.N. Rights Chief agrees to Ethiopia request for joint Tigray inquiry", 18 March 2021, www.reuters.com/article/us-ethiopia-conflict-un-idUSKBN2B934E

²⁶ Ethiopian Human Rights Commission and the UN OHCHR, *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*, www.ohchr.org/Documents/Countries/ET/OHCHREHRC-Tigray-Report.pdf

²⁷ CNN, "How a religious festival turned into a massacre", 27 February 2021, <https://edition.cnn.com/videos/world/2021/02/27/ethiopia-tigray-massacre-church-dengelat-lon-orig.cnn>

²⁸ Amnesty International, "How to Crack Complex Geolocation Challenges: A Case Study of the Mahibere Dego Massacre", 9 April 2021, <https://citizenevidence.org/2021/04/09/geolocation-mahibere-dego/>

²⁹ Amnesty International, Ethiopia 2021 annual report, www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/ethiopia/report-ethiopia/

³⁰ Amnesty International and Human Rights Watch, *'We Will Erase You From This Land': Crimes Against Humanity and Ethnic Cleansing in Ethiopia's Western Tigray Zone*, (AFR 25/5444/2022), 6 April 2022, pp. 206 – 207.

³¹ Amnesty International, "Ethiopia: Lack of accountability for past violations haunts the present", 28 May 2019, www.amnesty.org/en/latest/news/2019/05/ethiopia-lack-of-accountability-for-past-violations-haunts-the-present/

³² Amnesty International, "Ethiopia: Lack of accountability for past violations haunts the present", 28 May 2019, www.amnesty.org/en/latest/news/2019/05/ethiopia-lack-of-accountability-for-past-violations-haunts-the-present/

³³ Amnesty International, "Ethiopia: Dozens killed as police use excessive force against peaceful protesters" 8 August 2016, www.amnesty.org/en/latest/press-release/2016/08/ethiopia-dozens-killed-as-police-use-excessive-force-against-peaceful-protesters/

In November 2018, the government announced the arrest of 36 officials suspected of gross human rights violations after five months of investigations. However, these investigations and trials were a drop in the ocean³⁴ given 28 years of widespread and gross human rights violations³⁵.

Instead, violence metastasized along ethnic and religious lines and was coupled with a spike in human rights violations by government forces and abuses by other armed actors including informal militia and vigilante groups.³⁶ True to the culture it inherited from the previous administration, the government continued dangerous trends of ignoring and disparaging credible allegations of crimes under international law and human rights violations and allowed impunity to prevail.³⁷

CHALLENGES IN LAW FOR DOMESTIC INVESTIGATIONS AND ACCOUNTABILITY

Gaps in Ethiopian laws enabled impunity for crimes under international law and human rights violations that are proscribed and punishable under international law. In Ethiopia's Criminal Code, for example, there is no provision that proscribes and punishes crimes against humanity. In the absence of such a provision, it is difficult to ensure effective accountability for most of the crimes committed both in the context of the armed conflict in northern Ethiopia and other past and present crimes under international law that may amount to crimes against humanity.

In breach of international law, in Ethiopia, military courts have exclusive jurisdiction over all crimes by members of the Ethiopian defence forces during combat duties³⁸ and other forces mobilized during "general mobilization or declaration of a state of war".³⁹ Most of the human rights violations, documented by Amnesty International to date (in the context of the conflict), that may amount to crimes under international law and committed by members of the national defence force, regional police and allied militia, would fall under the jurisdiction of military courts.

The appointment procedure of judges to military courts also raises issues about the impartiality and independence of military courts. Judges to the primary tier military courts are appointed by the "Council of Defense Commanders upon the recommendation of the Chief of the General Staff"⁴⁰, while judges to the Appellate Military Court are appointed by the Commander-in-Chief of the Armed Forces.⁴¹

The African Commission on Human and Peoples' Rights has stated in its Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa that State parties to the African Charter on Human and Peoples' Rights must ensure that civilians are not tried before military courts. These courts must be limited to determining "offences of a purely military nature committed by military personnel."⁴² Principle 29 of the UN updated Impunity Principles states that "The jurisdiction of military tribunals must be solely restricted to specifically military offences committed by military personnel, to the exclusion of human rights violations,

³⁴ Amnesty International, "Ethiopia: Arrest of dozens of security officials a first step towards accountability", 12 November 2018, www.amnesty.org/en/latest/press-release/2018/11/ethiopia-arrest-of-dozens-of-security-officials-a-first-step-towards-accountability/ See also, Amnesty International, "Make Justice a Priority in Ethiopia's Transition" 26 April 2019, www.amnesty.org/en/latest/campaigns/2019/04/make-justice-a-priority-in-ethiopia-transition/

³⁵ Ethiopian Human Rights Council, *HRCO 143rd Special Report*, Amharic, 3 October 2017, pp. 4-6, <https://ehrc.org/wp-content/uploads/2017/11/HRCO-143rd-Special-Report-Amharic-October-3-2017.pdf>

³⁶ Amnesty International, Ethiopia: Investigate police conduct after deaths of five people protesting ethnic clashes, 17 September 2018, available at www.amnesty.org/en/latest/news/2018/09/ethiopia-investigate-police-conduct-after-deaths-of-five-people-protesting-ethnic-clashes/; Amnesty International, *Beyond Law Enforcement, Human Rights Violations by Ethiopian Security Force in Amhara and Oromia*, 29 May 2020, (Index: AFR 25/2358/2020).

³⁷ Office of Attorney General, Beyond Human Rights Reporting, Findings and Observations of the FDRE Attorney General on the Amnesty International Report Titled "Beyond Law Enforcement: Human Rights Violations by Ethiopian Security Forces in Amhara and Oromia" 22 July 2020, <https://www.eag.gov.et/Portals/0/DigArticle/1628/BEYOND%20HUMAN%20RIGHTS%20REPORTING%20%20FV.pdf>

³⁸ Defense Forces Proclamation No 1100/2019, Article 38 (1) (c) and (d): The African Commission on Human and Peoples' Rights has stated in its Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa that State parties to the African Charter on Human and Peoples' Rights must ensure that civilians are not tried before military courts. These courts must be limited to determining "offences of a purely military nature committed by military personnel." Principle 29 of the UN updated Impunity Principles states that "The jurisdiction of military tribunals must be restricted solely to specifically military offences committed by military personnel, to the exclusion of human rights violations, which shall come under the jurisdiction of the ordinary domestic courts or, where appropriate, in the case of serious crimes under international law, of an international or internationalized criminal court."

³⁹ Defense Forces Proclamation No 1100/2019, Article 38 (1) (e).

⁴⁰ Defense Forces Proclamation No 1100/2019, Article 44 (2).

⁴¹ Defense Forces Proclamation No 1100/2019, Article 44 (3).

⁴² African Commission on Human and Peoples' Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, 2003, Section L, www.achpr.org/legalinstruments/detail?id=38

which shall come under the jurisdiction of the ordinary domestic courts or, where appropriate, in the case of serious crimes under international law, of an international or internationalized criminal court.”⁴³

In May 2021, Ethiopia’s Attorney General’s Office announced that military courts convicted four soldiers for committing crimes under international law - extrajudicial executions of civilians and allegations of sexual and gender-based violence - and that the prosecution of the soldiers suspected of these crimes were ongoing in military courts.⁴⁴ However, it was difficult to verify details of these trials, including the charges, the sentencing, and the numbers of soldiers convicted or charged.⁴⁵

Following the release of the joint investigation report by OHCHR and EHRC, the federal government has established an Inter-Ministerial Task Force (IMTF), which among other things, is responsible for investigation and prosecution of human rights violations in the context of the conflict in northern Ethiopia.⁴⁶ Amnesty International believes that it is unlikely that the IMTF will be able to conduct effective criminal investigations, including collecting evidence and witness testimonies, and identifying and apprehending suspects, in parts of Tigray currently under the control of Tigrayan forces and the Eritrean military. Moreover, it is unlikely that the IMTF will be able to secure cooperation from the Eritrean government to investigate and prosecute Eritrean forces that, according to the organization’s findings, were responsible for serious rights violations, such as mass extrajudicial executions, pillage, and rape and other sexual violence in Tigray.⁴⁷

⁴³ UN Commission on Human Rights, UN updated set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1), February 2005, <https://undocs.org/E/CN.4/2005/102/Add.1>

⁴⁴ Xinhua, “Ethiopia indicts 53 soldiers for killing, raping civilians”, 4 June 2021, http://www.xinhuanet.com/english/africa/2021-06/04/c_139987720_2.htm

⁴⁵ Amnesty International and Human Rights Watch, Letter to H.E. Demeke Mekonnen, Deputy Prime Minister of Ethiopia and Minister of Foreign Affairs, (TG AFR 25/2022.2714), 25 February 2022.

⁴⁶ Addis Standard, “Ministry of justice establishes inter-ministerial task force to oversee investigation, legal action against human rights violations in northern Ethiopia conflict”, 30 November 2021, <https://addisstandard.com/23412-2/>

⁴⁷ Amnesty International, *Ethiopia: The Massacre in Axum*, 26 February 2021, (AFR 25/3730/2021).

3. CONCLUSION AND RECOMMENDATIONS

Ethiopia's recent history is replete with allegations of crimes under international law, which have never been appropriately addressed. Vestiges of past crimes continue to haunt Ethiopians, mainly along ethnic and religious divides, with a devastating impact on victims, survivors, and communities. Despite the spike in violence - both in magnitude and brutality in the last few years - efforts to address gross human rights violations that may amount to crimes under international law and human rights violations and injustices are meagre and likely to be ineffective.

Past and present unresolved injustices continue to fuel tensions between ethnic groups. This has contributed to communities' use of violence to avenge past atrocities by taking justice into their own hands. Sentiments of injustice have been instrumentalized to justify reprisal attacks which have resulted in massacres of civilians and ethnic minorities. Currently, the situation in Ethiopia carries risks of generalized violence if left unresolved.

While there are efforts to resolve the conflict in northern Ethiopia, these must include justice, truth and reparations for past and present crimes. Amnesty International believes that the full operation of the ICHREE is a key step towards breaking the culture of impunity and thereby the cycles of violence.

To address the issues raised in this public statement, Amnesty International recommends:

TO THE UN HUMAN RIGHTS COUNCIL AND MEMBER STATES

- Extend the mandate of the International Commission of Human Rights Experts on Ethiopia established by the UNHRC in December 2021;
- Ensure that the Commission has a robust and clear mandate to investigate and preserve evidence of human rights violations in Ethiopia;
- Ensure that the Commission receives all necessary support, including provision of technical and budgetary assistance;
- Remind all parties to the conflict to provide the necessary cooperation to the Commission including unconditional access to areas affected by the conflict and violence.

TO THE AU PEACE AND SECURITY COUNCIL

- Press Ethiopia to ensure safe and unhindered access to the African Commission's Commission of Inquiry and the UNHRC Commission.
- Hold regular meetings on the conflict and the continuing violence in Ethiopia.
- Request the current three African member states of the UN Security Council - Gabon, Ghana, and Kenya - usually called the A3, in collaboration with other Security Council members, to add Ethiopia

to the Security Council's regular agenda and consider calling for a global arms embargo against Ethiopia and Eritrea.

TO AU MEMBER STATES

- Urgently call for an African Union extraordinary session on the conflict in northern Ethiopia.

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UN AND AU MUST PRIORITIZE JUSTICE, TRUTH AND REPARATIONS IN ETHIOPIA

This public statement calls on the United Nations (UN), the African Union (AU), and AU member states to prioritize justice, truth and reparations in Ethiopia. Specifically, Amnesty International is asking the UN Human Rights Council (UNHRC) to extend the mandate of the International Commission of Human Rights Experts on Ethiopia (ICHREE).