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**Comprehensive investigative findings and legal
determinations**

International Commission of Human Rights Experts on Ethiopia*

* The information contained in the present document should be read in conjunction with the official report of the International Commission of Human Rights Experts on Ethiopia (A/HRC/54/55), submitted to the Human Rights Council at its fifty-fourth session pursuant to Council resolution 51/27.

I. Introduction

1. The human rights situation in Ethiopia deteriorated dramatically from 3 November 2020, after conflict broke out between the Federal Government and the Tigray People's Liberation Front (TPLF). The months and indeed years that followed have seen the perpetration of violence and violations against civilians on a staggering scale. To date, the conflict is one of the deadliest of the 21st century, and has devastated communities across Tigray, Amhara, and Afar in northern Ethiopia.
2. In its resolution S-33/1 of 17 December 2021, the Human Rights Council established the International Commission of Human Rights Experts on Ethiopia, with a mandate to investigate violations of international human rights law, international humanitarian law, and international refugee law in Ethiopia since 3 November 2020 by all parties to the conflict. The Commission has since presented two reports to the Human Rights Council, in which it concluded with reasonable grounds to believe that all parties to the conflict committed serious violations and abuses, including war crimes and crimes against humanity.
3. This report presents the Commission's detailed findings of violations and abuses committed in Tigray, Amhara, Afar, and Oromia regions. It provides evidence indicating the commission of grave violations of international law, many of which are ongoing, despite the signing of a Cessation of Hostilities Agreement (CoHA) in November 2022. The scale of violence in Ethiopia since 3 November 2020 is such that the present report cannot be considered to be fully reflective of the harms experienced by civilians in the regions under investigation. Nor does it reflect the experiences of those living outside of the areas of focus, who are also subject to ongoing violence and instability. It nonetheless provides a detailed picture of some of the horrors that have taken place during one of the darkest chapters of Ethiopia's recent history with severe intergenerational impacts.
4. The report also presents the voices and experiences of victims and survivors of violent conflict, many of whom continue to suffer devastating and long-lasting physical, psychological and socio-economic consequences. Their demands for justice and accountability are clear and unwavering. They must be at the heart of any and all future efforts towards truth, justice, reconciliation, and healing in Ethiopia.

II. Mandate

5. In its resolution S-33/1 of 17 December 2021, the Human Rights Council established the International Commission of Human Rights Experts on Ethiopia (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-centered approach throughout its work. The Commission must also provide guidance on transitional justice, including accountability, reconciliation and healing. During the fifty-first session of the Human Rights Council's, the mandate of the Commission was renewed for a further one year.²
6. The Commission comprises three human rights experts appointed by the Human Rights Council President. The current members of the Commission are Mohamed Chande Othman (Chairperson, Tanzania), Steven Ratner (United States of America) and Radhika Coomaraswamy (Sri Lanka).³ The Commission is supported by a Secretariat based in Entebbe, Uganda.

² A/HRC/RES/51/27.

³ Former members include Chairpersons Fatou Bensouda (The Gambia) and Kaari Betty Murungi (Kenya).

III. Methodology

7. Ethiopia is an acutely complex context to investigate, not least because of multiple and often contradictory allegations from all sides in addition to the commonplace and widespread dissemination of mis- and disinformation, in particular online. Mindful of this context, the Commission meticulously followed established methodologies and best practices for human rights fact-finding, as developed by the United Nations. In doing so, the Commission strictly adhered to the principles of do no harm, independence, impartiality, objectivity, transparency, confidentiality, and integrity.⁴

8. In particular, the Commission followed best practices established for commissions of inquiry and fact-finding missions, outlined in the 2015 OHCHR publication, *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law – Guidance and Practice*.⁵ The Commission adopted a gender-competent and intersectional approach to its investigations and analysis.

A. Standard of proof

9. Consistent with the practice of United Nations fact-finding bodies, the Commission employed the reasonable grounds standard in making factual determinations on individual cases, incidents, and patterns of conduct. These factual determinations provided the basis for the legal qualification of incidents and patterns of conduct as violations of international human rights law, international humanitarian law, international refugee law, and/or international criminal law.

10. The Commission considered this standard to be met when it was satisfied that it had obtained a reliable body of information, consistent with other material, based on which a reasonable and ordinarily prudent person would have reason to believe that such an incident or pattern of conduct in fact occurred. While this standard of proof is lower than the standard required in criminal proceedings to achieve a conviction, it is sufficiently high to call for further investigations, and possible prosecution, into the incident or pattern of conduct.

11. Individual cases or incidents contained in this report are based on at least one credible source of first-hand information, which was independently corroborated by at least two other credible sources of information. Specific major incidents are based on multiple accounts from eyewitnesses and victims, allowing for in-depth fact-finding and detailed event reconstruction. Where the report describes patterns of conduct, these are based on multiple credible sources of first-hand information, which are consistent with and corroborated by the overall body of credible information collected.

12. In cases of torture and ill-treatment, rape and other forms of sexual and gender-based violence, where a second independent source of information was often unavailable, the Commission considered the case or incident corroborated when it obtained one first-hand account which it assessed as credible and was consistent with what was known about the incident or the established patterns of similar incidents in the area, and in line with the interviewer's own observations.

13. The Commission considered the following to be sources of first-hand information:

- Interviews with victims, their families, and eyewitnesses with direct knowledge of the issues or incidents who were assessed by the Commission to be credible and reliable, and the information provided valid.
- Satellite imagery from reliable sources and professional analysis of authenticated video and photo material, and other documents containing direct information from a reliable source, where possible verified or authenticated by trained open-source investigators.

⁴ International Commission of Human Rights Experts on Ethiopia Terms of Reference (ICHREE Terms of Reference), available at <https://www.ohchr.org/en/hr-bodies/hrc/ichre-ethiopa/index>, last accessed 4 October 2023.

⁵ Available at: https://www.ohchr.org/Documents/Publications/CoI_Guidance_and_Practice.pdf.

- Publicly available statements or admissions of relevant facts by federal and regional government institutions and officials, officials from or spokespersons of non-state armed actors, or other persons of interest.
- Laws, policies and directives of the Federal Government of Ethiopia, state regional governments, including the Tigray Regional Government, Provisional Administration in Tigray National Region from November 2020 – June 2021, and the post-CoHA Interim Regional Administration of Tigray, as well as internal documents, provided that they were received from a credible and reliable source and their authenticity could be confirmed.
- Statistics, surveys, situation reports, and other quantitative information generated by Ethiopian state bodies, the United Nations, or other credible sources, to the extent that the data is based on a methodology that the Commission believes to be sound and the inputs underlying the data are considered valid and originating from a credible and reliable source.

14. In order to corroborate information from direct sources and provide overall context to violations and abuses, the Commission considered information from the following additional sources:

- Interviews with witnesses who received the information directly from a person known to them, where the Commission assessed the source to be credible and reliable and the information provided to be valid.
- Witness testimony and analysis contained in publications or in submissions by the United Nations, research institutes and human rights organizations, where the Commission assessed the source to be credible and reliable and the information provided to be valid.
- Descriptions of patterns of conduct contained in public reports, submissions, books, documentaries, and similar materials, where the Commission assessed the source to be credible and reliable and the information contained therein to be valid.

15. In its assessment of indirect sources, the Commission endeavoured to interview the researcher or author of the publication, submission, or text to assess its credibility, reliability, and the methodology used.

16. The reliability and credibility of each source was carefully assessed. The Commission considered whether the source was trustworthy, consistently probing the veracity of their statements. Such assessment took into account, among other considerations:

- the witness' political and personal interests, potential biases, and past record of credibility and reliability, where known;
- the witness' apparent capacity to recall events correctly, considering his or her age, trauma, and the time passed since the event;
- the position of the witness in relation to the subject of the information;
- where and how the witness obtained the information;
- the reasons for which the witness provided the information.

17. The Commission also considered the relevance of the information to its fact-finding work, its internal consistency and coherence, and its consistency with and corroboration by other information, among other factors. Assessment of the validity of the information was separate from the assessment of its credibility and reliability.

18. Where this report refers to an account of a witness, the Commission has accepted the statement as assessed and described to be truthful and relevant, unless stated otherwise. Direct references to specific witness statements in the report should not be taken as an indication that that statement was the sole basis of judgment in relation to the issues under analysis. These direct references and citations are included to provide examples or illustrations.

19. The Commission notes that there are differences of view amongst Ethiopians and others in the Horn of Africa regarding issues relating to demarcation of boundaries, both internal to Ethiopia and internationally. It is not within the Commission's mandate to take a position on any of these points of contention. In order to present information about violations and abuses in specific locations and make findings, the Commission refers to areas and locations as they were administered or treated by the Federal Government at the outset of the conflict, and taking into particular account the text of the Constitution of the Federal Democratic Republic of Ethiopia and of CoHA.

B. Collection of information

20. The Commission obtained a significant quantity of primary and secondary information. This included in-depth interviews with survivors, victims, witness, and their families. In total, the Commission conducted 545 in-depth interviews with victims and eyewitnesses. Of these, 350 were conducted during the present reporting period, while 185 interviews were conducted during the Commission's first mandate. The Commission diversified its sources of information for its findings to reflect the voices and experiences of people from different backgrounds and communities. Interviewees identified as being Afar, Agew, Amhara, Irob, Kunama, Oromo, Qemant, Somali, Tigrayan, and mixed ethnicity. The Commission also interviewed Eritrean refugees who identified as being of *biher Tigrinya* and Bilen ethnicity. Interviewees identified as being of the Orthodox, Catholic, Protestant, and Muslim faiths as well as not holding religious beliefs.

21. The Commission sought to achieve near gender parity in its interviews. Overall, 47 per cent of interviewees were female and 53 per cent were male.⁶ The Commission also interviewed older persons, persons with disabilities, persons belonging to minorities, as well as refugees and internally displaced persons. It also interviewed a number of members of non-State armed groups, as well as a number of persons currently or previously belonging to parties to the conflict. Due to the lack of cooperation from the Governments of Ethiopia and Eritrea, it was unable to interview any serving government official or senior member of their military forces.⁷

22. The Commission adopted a gender-competent and intersectional approach to its investigation. This approach included a focus on investigating harms against persons and communities who notably experience inequity and oppression in the situation under investigation, for example women and girls, children, and persons who identify as LGBTQIA+ of different nationalities, ethnicities, and religious backgrounds. The Commission also incorporated gender-competency and equitable gender as well as geographical representation in its own composition. The investigations team was comprised of female and male investigators working with both female and male interpreters. Interviews were conducted in English, or in the Afaan Oromo, Afar, Amharic, Tigrinya, or Saho languages with interpretation into English.

23. Lack of access to Ethiopia meant that the vast majority of the Commission's interviews were conducted remotely via secure telephone and video channels, while taking additional precautions to ensure reliability, for example ensuring the involvement of a visual link or known and trusted intermediary. Interviews were confidential and conducted in safe and private settings. The Commission used various methodological approaches to select persons for interviews. This included identifying specific areas and locations for investigation and identifying individuals through known and trusted intermediaries and service providing organizations. Additionally, the Commission targeted interviewees to corroborate specific incidents or patterns. The Commission ensured that it did not rely on any single organization or individual.

24. The Commission was particularly mindful of the principle of do no harm, and took care to ensure that, to the extent possible, it only spoke with individuals who had not previously been interviewed by other organizations or media outlets. This was especially the

⁶ This breaks down as 43 per cent females and 57 per cent males in interviews conducted during the reporting period, and 55 per cent females and 45 per cent males during the first mandate interviews.

⁷ The Commission did, however, review and analyse public statements made by government and military officials, including those posted on official social media pages.

case with survivors of torture and ill-treatment, rape and other forms of sexual and gender-based violence. Mindful of the specific needs of survivors of such crimes, as well as the lack of support services available to survivors in Ethiopia, the Commission sought to work with and through existing support structures providing medical and psychosocial support when engaging with survivors. Even with adopting this approach, there were instances where interviewees disclosed during an interview that they had been tortured, raped, or subjected to other forms of sexual violence and had not spoken to anyone about it before. Where they consented, the Commission referred them to specialized services. The Commission therefore considers that its investigation was only able partially to establish the extent of the sexual violence, including rape and sexualized enslavement, as well as other forms of gender-based violence against women and children committed.

25. The Commission regrets that, despite the Council's calls in 2021 and 2022 for unhindered access, it was not able to visit Ethiopia for the purpose of in-country fact-finding. The Commission made repeated requests to the Government for meetings, information, and access to the country to implement its investigative mandate.⁸ The Government of Ethiopia neither responded to nor acknowledged any of these requests after an initial visit of the Commissioners to Addis Ababa in July 2022. The Commission also wrote to the Government of Eritrea about its presence and alleged involvement in violations in Ethiopia. No response was received.⁹

26. In addition to interviews, the Commission obtained a significant body of satellite imagery and analysis with the support of UNOSAT,¹⁰ and received a vast number of documents, photographs and videos, including through its submissions portal. It only used those materials that it was able to authenticate. The Commission additionally made use of available open-source information on Ethiopia to conduct its investigations, including social media (in particular Facebook, Twitter, and YouTube). All information was checked against secondary information assessed as credible and reliable.

27. In support of its remote information gathering activities, the Commission undertook three missions during the reporting period to conduct face to face interviews. This included two missions to Nairobi, Kenya (29 January-3 February and 7-14 May 2023), and one to Kampala, Uganda (4-5 July 2023). Information collected during missions to Kampala, Uganda (23 June 2022), Nairobi, Kenya (23-28 June 2022), and Kigali, Rwanda (28 June – 1 July 2022) during the Commission's first mandate also supported findings and conclusions in this report. The Commission extends its sincere appreciation to the Governments of Kenya, Rwanda, and Uganda for their cooperation. The Commission regrets that it did not receive positive responses to its requests to visit Sudan and Djibouti to interview Ethiopian refugees in these countries. Despite initial positive indications from the Government of Sudan, there was no follow up and the security situation in the country has since significantly deteriorated.

28. The Commission engaged with the Ethiopian Human Rights Commission (EHRC) and OHCHR-East Africa Regional Office (EARO) on information sharing. Their Joint Investigation Team (JIT) responded to the Commission's requests, initially made in May 2022, for access to information collected and owned jointly by the JIT. While the JIT shared the requested information twice, it only came in August 2023, after the investigation phase of this mandate was closed.

29. The Commission also held consultations with other stakeholders, including some regional authorities, intergovernmental and non-governmental organizations, lawyers, civil society, academics, and journalists – in person and remotely. It received written submissions, including through a public call. The Commission further engaged with a number of United Nations entities and other humanitarian actors.

30. The Commission expresses its deep appreciation to the survivors, victims, their families, and representatives who shared their stories and entrusted the Commission with

⁸ Note verbales: HRC/ICHREE/2022/083; HRC/ICHREE/2022/085; HRC/ICHREE/2022/099; HRC/ICHREE/2022/105.

⁹ Note verbale: HRC/ICHREE/2022/110.

¹⁰ UNOSAT is the Operational Satellite Applications Programme of the United Nations Institute for Training and Research (UNITAR).

raising their concerns and amplifying their voices. The Commission extends its gratitude for the invaluable support it received from civil society activists and non-governmental organizations, and commends their commitment to improving the human rights situation in Ethiopia.

C. Protection of victims and witnesses

31. Information collected by the Commission indicates that individuals who speak about the human rights situation in the country may be subject to acts of intimidation and reprisals for their cooperation with the United Nations, including arrest, detention, threats, intimidation, and harassment. As a result, the Commission paid specific attention to the protection of victims and witnesses and exercised extreme caution when engaging with them or other interlocutors in the country.

32. The Commission developed strict victim-centered, age-appropriate, and gender-sensitive protection strategies to guide interactions with cooperating persons, conducted ongoing assessments of potential risks and developed mitigation measures against identified threats in consultation with cooperating persons, e.g., the use of secure locations and channels of communication for interviews and other engagements. If the Commission did not have sufficient information to determine the risk of harm could be mitigated, it did not engage such contacts. As a result, multiple leads were not pursued.

33. A number of international actors operating in or on Ethiopia, including humanitarian workers and staff from international organizations and agencies, were unwilling to share information with the Commission for fear that it would negatively affect their access to the country if it became known to authorities that they had cooperated with the Commission.

34. The Commission is deeply concerned by the intimidation and threats faced by Ethiopian nationals cooperating with Human Rights Council mechanisms mandated to examine the situation in Ethiopia. It urges the Government of Ethiopia to guarantee the protection of victims, witnesses, human rights defenders, and everyone who engages with the Commission and other international human rights mechanisms, and to undertake that no one shall suffer reprisals because of such contact.

35. Given the risk of reprisals, names and other personally identifying information of interviewees and others who engaged with the Commission are not included in this report.

D. Storage of information

36. The Commission collected and preserved information in accordance with its mandate to support future accountability mechanisms. This included the creation of a secure, confidential electronic database, which contains the records of all interviews and meetings conducted as well as electronic copies of relevant materials collected.

37. In line with OHCHR methodology, the Commission systematically sought the informed and specific consent of all interviewees to use and/or share the information provided, ensuring confidentiality as appropriate. The consent of every person interviewed, and any conditions attached to it, were recorded in the database, as were any potential protection risks.

IV. Applicable law

38. Pursuant to resolutions S-33/1 and 51/27, the Commission applied international human rights law, international humanitarian law, and international refugee law. It further applied international criminal law where it found reasonable grounds to believe that violations and abuses may amount to international crimes.¹¹

A. International human rights law

¹¹ A/HRC/51/46; ICHREE Terms of Reference.

39. International human rights law, primarily derived from human rights treaties, customary international law and general principles of international law, applies at all times, including in situations of armed conflict.¹² Ethiopia and Eritrea carry a duty to respect, protect, and fulfil human rights of all persons within its territory and all persons subject to its jurisdiction. Non-State actors may under certain circumstances also carry human rights obligations under customary international law. They must, at a minimum, respect the fundamental rights of persons in areas where they are found to exercise government-like functions or *de facto* control.¹³ In addition, business enterprises are required to comply with all applicable laws and have a responsibility to respect human rights by refraining from infringing on the human rights of others and addressing adverse human rights impacts of their operations.¹⁴

40. Ethiopia and Eritrea are States parties to several international and regional human rights treaties and bound by the obligations contained in these treaties. At the international level, Ethiopia is a State party to the International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Convention on the Elimination of all Forms of Discrimination against Women (CEDAW); International Convention on the Elimination of all Forms of Racial Discrimination (CERD); Convention on the Rights of the Child (CRC), including its Optional Protocols on the Involvement of Children in Armed Conflict (OP-CRC-AC) and on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC); and Convention on the Rights of Persons with Disabilities (CRPD). Eritrea is a State party to these same international treaties, except for the CPRD.

41. At the regional level, Ethiopia is a State party to the African Charter on Human and Peoples' Rights (African Charter); African Charter on the Rights and Welfare of the Child (ACRWC); Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol); Protocol to the African Charter on the Rights of Older Persons in Africa; the African Youth Charter; African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention); African Charter on Democracy, Elections and Governance; and Charter for African Cultural Renaissance. Eritrea is a State party to the African Charter and ACRWC. Eritrea has signed but not ratified the Maputo Protocol and the Kampala Convention and must by way of its expression to be bound in good faith refrain from acts that would defeat the object and purpose of these instruments.¹⁵

42. These human rights treaties guarantee a range of civil, economic, political, cultural and social rights, including the right to life; prohibition of arbitrary arrest and detention; right to be recognized as a person before the law; prohibition of torture and other cruel, inhuman or degrading treatment or punishment; prohibition of slavery; right to freedom of movement; right to freedom of opinion and of expression; prohibition of incitement to discrimination, hostility or violence; right to an adequate standard of living, including adequate food and housing; right to the highest attainable standard of physical and mental health; rights of minorities, including to enjoy one's own culture; rights of the child; rights of women; rights of older persons; rights of internally displaced persons; rights of refugees; and right to non-discrimination, including on the basis of ethnicity and gender.

43. While international human rights law foresees states of emergency, including in situations of armed conflict, Article 4 of the ICCPR requires that derogatory measures are temporary in nature and limited to what is strictly required by the exigencies of the situation. Article 4(2) ICCPR lists a number of non-derogable rights, including the right to life, prohibition of torture, prohibition of slavery, slave-trade and servitude, right to be recognized as a person before the law, and freedom of thought, conscience and religion. In declaring the

¹² See e.g., *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, para. 106.

¹³ A/HRC/51/46, Annex II.

¹⁴ United Nations, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, 2011, page 13.

¹⁵ Vienna Convention on the Law of Treaties, 1969, Artt. 12 and 18.

states of emergency, Ethiopia carries an obligation to notify other States parties to the ICCPR through the United Nations Secretary-General. Ethiopia has not met this obligation.

44. As part of their duty to respect, protect, and fulfil human rights of all persons within its territory and all persons subject to its jurisdiction, Ethiopia and Eritrea must prevent and halt human rights violations and abuses, bring those accountable to justice, and to provide remedies and reparations, and guarantees of non-recurrence.¹⁶

B. International refugee law

45. Ethiopia is a State Party to the 1951 Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol. It is also a party to the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention). Eritrea is not a party to the 1951 Convention. It has signed but not ratified the OAU Convention and must by way of this expression of consent to be bound by its contents in good faith refrain from acts that would defeat the object and purpose of the Convention.¹⁷

46. The 1951 Convention and its 1967 Protocol define refugees as persons who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”¹⁸ The OAU Convention expands the definition of refugees to “every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.”¹⁹

47. One of the key pillars of international refugee law, is *non-refoulement*. Under Article 33(1) 1951 Convention, Ethiopia may not expel or return refugees to any territory where their lives or freedoms would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion.²⁰ The OAU Convention also prohibits Ethiopia and Eritrea from rejecting at the frontier, return or expulse persons in case of threats to their life, physical integrity and liberty.²¹ The ICCPR, CAT and African Charter contains similar prohibitions, the latter under Article 12(5) includes a prohibition of mass expulsion aimed at national, racial, ethnic or religious groups.

48. The 1951 Convention provides a number of specific protections to refugees in the same circumstances as nationals or ‘aliens’ residing in the State, including the right to non-discrimination, freedom of movement, access to courts, social security, rations and public relief.²² Refugees are entitled to the equal enjoyment of human rights and protections under international humanitarian law, including as regards the prohibition of forced displacement and the right not to be compelled to leave the territory for reasons connected with the conflict.²³

C. International humanitarian law

49. International humanitarian law applies to situations of armed conflict and seeks to regulate the means and methods of warfare to minimize its effects and protect those who are not or no longer participating in hostilities. It applies concurrently with international human rights law.²⁴ The Geneva Conventions of 1949 and its Additional Protocols I, II and III of

¹⁶ See e.g., E/CN.4/2005/102/Add.1; A/RES/60/147.

¹⁷ Vienna Convention on the Law of Treaties, 1969, Artt. 12 and 18.

¹⁸ 1951 Convention Relating to the Status of Refugees, Art. 1; 1967 Protocol, Art. 1(2).

¹⁹ 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, Art. 1(2)

²⁰ Save the exception found in Art. 33(2) of the 1951 Convention relating to the Status of Refugees.

²¹ 1951 Convention Relating to the Status of Refugees, Art. 2(3).

²² 1951 Convention Relating to the Status of Refugees, Artt. 3, 4, 6, 16, 17, and 20-24.

²³ Additional Protocol II to the Geneva Conventions of 1949, Article 17.

²⁴ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion*, I.C.J. Reports 2004, p. 136, para. 106.

1977 and 2005 contain the most important rules on the conduct of warfare, many of which also constitute norms of customary international law. Ethiopia is a State party to the four Geneva Conventions of 12 August 1949 and Additional Protocol I and II, as well as a signatory to Additional Protocol III. Eritrea is a State party to the four Geneva Conventions.

50. The Commission has qualified the conflict that started in Tigray region of Ethiopia on 3 November 2020 and later spread to Amhara and Afar regions as a non-international armed conflict, to which Common Article 3 of the Geneva Conventions and Additional Protocol II apply.²⁵ A non-international armed conflict opposes the State and one or more non-State armed groups based on two cumulative criteria, namely that of a minimum level of intensity and minimum degree of organization of the armed group(s) involved. The involvement of Eritrea in the armed conflict in Northern Ethiopia alongside Ethiopian and allied forces opposing Tigrayan and allied fighters does not alter its qualification. As regards the situation in Oromia region, the Commission was not able to determine the existence of a non-international armed conflict (NIAC).

51. International humanitarian law comprises important complementary principles, including distinction, proportionality and precaution in attack, that seek to limit means and methods of warfare to protect human life and dignity. In situations of non-international armed conflict, Common Article 3 and Additional Protocol II provide specific protections to persons who are not or no longer participating in hostilities. Common Article 3 demands that all protected persons be treated humane under all circumstances and prohibits, among others, violence to life and person and outrages upon personal dignity, including murder of all kinds, mutilation, cruel treatment and torture, and humiliating and degrading treatment.

52. Additional Protocol II prohibits acts such as collective punishment, rape and any form of indecent assault, slavery and pillage. It provides special protections to women, children, the wounded and sick, and persons deprived of their liberty. This includes the prohibition of recruitment to armed forces and participation in hostilities of children below the age of 15, raised to 18 by the ICRC-OP-AC to which Ethiopia and Eritrea are States parties, and the provision to all persons deprived of their liberty of food, drinking water, medical attention, and protection from climate and conflict impacts as well as receipt of collective or individual relief. Customary rules of international humanitarian law, further dictate that parties to the conflict must prevent the bodies of the dead from being despoiled and ensure that they are disposed of in a respectful manner.

53. Additional Protocol II provides that civilians shall not be made the object of attack, threatened with violence for the purpose of spreading terror among them, or ordered to be displaced, unless absolutely necessary for security or military necessity reasons and under humane conditions, or forced to leave their own territory for reasons connected to the conflict. In addition, starvation of civilians as a method of warfare is prohibited, and to this end, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas, crops, livestock, and drinking water installations and supplies and irrigation works, are protected from attack, destruction, removal or rendering useless.

54. States must repress all serious violations of international humanitarian law and must prosecute or extradite any individual who is thought to have committed any serious violation constituting a war crime. The failure to prevent and punish serious violations of international humanitarian law will give rise to State responsibility.

D. International criminal law

55. International criminal law sanctions serious violations and abuses of international human rights law and international humanitarian law and provides for individual criminal responsibility. Neither Ethiopia nor Eritrea are State parties to the Rome Statute of the International Criminal Court. The Court has also not gained jurisdiction over the situation in Ethiopia since 3 November 2020 through a declaration or referral.²⁶ However, the definitions of the international crimes codified in the Rome Statute are largely considered as reflecting

²⁵ A/HRC/51/46, Annex II.

²⁶ Rome Statute, Arts. 13 and 14.

customary international law and on that basis binding on all individuals, including in relation to the situation in Ethiopia.²⁷

56. Individual criminal responsibility for international crimes, including crimes against humanity and war crimes, requires that both the material element (*actus reus*), i.e. the prohibited conduct, as well as the mental element (*mens rea*), i.e. that they had knowledge and intent towards its commission, are met.²⁸ Responsibility may be established under different modes, including ordering, soliciting, inducing, aiding, abetting or otherwise assisting or contributing in its commission. Command or superior responsibility is another important cross-cutting element to individual criminal responsibility.²⁹

57. Crimes against humanity are defined as certain prohibited acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. The term attack entails the multiple commission of acts directed against any “predominantly civilian in nature” population committed pursuant to or in furtherance of a State or organizational policy, which may be inferred from the facts and comprised of either or both acts and omissions.³⁰ Widespread refers to the large-scale nature of the attack and high number of victims, whereas systematic rather refers to its organized nature.³¹

58. Crimes against humanity include murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, or any other form of sexual violence of comparable gravity; persecution; enforced disappearance; and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.³² The crime against humanity of persecution refers to the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity, including on the basis of ethnic and gender grounds, that are universally recognized as impermissible under international law, and in connection with any other act or crime contained in the Rome Statute.³³

59. War crimes concern serious violations of Common Article 3 and customary international humanitarian law in NIACS committed against persons taking no active part in the hostilities, including those placed hors de combat, as well as other serious violations of the laws and customs applicable to NIAC. To establish that war crimes have been committed, two preliminary requirements must be met, i.e., that an armed conflict existed, and that the crime committed was closely related to that armed conflict i.e., the conduct in took place in the context of and was associated with the NIAC.³⁴

60. War crimes include but are not limited to acts of violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; committing outrages upon personal dignity, in particular humiliating and degrading treatment; intentionally directing attacks against the civilian population, or buildings dedicated to *inter alia* religion or education, and hospitals; pillaging a town or place, even when taken by assault; committing rape, sexual slavery, or any other form of sexual violence; ordering the displacement of the civilian population for reasons related to the conflict other than for the security of the civilians or imperative military reasons; and, destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict.³⁵

E. State responsibility

²⁷ A/HRC/46/51, Annex II.

²⁸ Rome Statute, Art. 30.

²⁹ Rome Statute, Art. 28.

³⁰ Rome Statute, Art. 7(2)(a); E.g., ICTY, *Prosecutor v. Kordić and Čerkez*, Judgement (TC), IT-95-14/2-T, 26 February 2001, para. 180; ICC, *Prosecutor v. Ruto, Koshey and Sang*, Decision on the confirmation of charges, ICC-01/09-01/11, 23 January 2012, para. 210.

³¹ ICTY, *Prosecutor v. Jadranko Prlić*, Judgement (TC), IT-04-74-T, 29 May 2013, paras. 41-42.

³² Rome Statute, Art. 7.

³³ Rome Statute, Artt. 7(1)(h) and 7(2)(g); ICC, *Elements of Crimes*, 2011.

³⁴ ICC, *Elements of Crimes*, Artt. 8(2)(c) and 8(2)(e).

³⁵ Rome Statute, Artt. 8(2)(c) and (e).

61. State responsibility results from actions or omissions attributable to the State and breaching an international obligation of the State.³⁶ Ethiopia and Eritrea carry responsibility for wrongful acts committed by their organs, including their armed forces, as well as *inter alia* persons or groups of persons acting on or under their instructions, direction or control.³⁷ Ethiopia is further required to prevent harmful conduct by another State or non-State actors on its territory.³⁸ Internationally wrongful acts attributable to the Ethiopian and Eritrean state entail the legal consequences of cessation, assurances and guarantees of non-repetition, and reparation for the full injury caused, including for any material or moral damage.³⁹ It is without prejudice to individual criminal responsibility and vice versa.⁴⁰

62. All States have a legal interest in the protection of obligations of States that are owed to the international community as a whole. Third states must on this basis cooperate to bring to an end any serious breach involving a gross or systematic failure of Ethiopia and Eritrea to abide by its obligations.⁴¹

V. Context

A. A contested political history and strong diversity

63. Modern Ethiopia was established after 40 years of violent expansion in the second half of the nineteenth century, although the country has roots many see as extending back over millennia.⁴² At the beginning of this period most of those living under Ethiopian authority were Orthodox Christian highland farmers, who spoke either Amharic or Tigrinya. By the time it ended, Ethiopia incorporated speakers of more than 80 language groups. As a result, modern Ethiopia's demographic, social, cultural, religious and economic patterns are highly diverse, as are its topographical and climatic zones.⁴³ The politicization of ethnicity is highly controversial because of the country's complex history and the diversity of its population.

64. Ethiopia has been subject to periodic cycles of violent political conflict over the state. In 1974, Emperor Haile Selassie was overthrown by a committee of the armed forces, the *Derg*, a Soviet-aligned military regime that ruled the country until 1991.⁴⁴ The *Derg* moved against opponents in a brutal 'Red Terror' crackdown, 1976-78,⁴⁵ and in a series of civil wars against insurgents in Eritrea (then part of Ethiopia), Afar, Oromia, Sidama, Somali, Tigray and elsewhere.⁴⁶ Ethnic mobilisation against the centre grew. In 1991 a coalition of opponents overthrew the *Derg*: the Eritrean People's Liberation Front (EPLF), the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF), itself established by the Tigray People's

³⁶ A/56/10, Articles 1-2.

³⁷ A/56/10, Articles 5-11.

³⁸ *Corfu Channel Case (United Kingdom v. Albania)*; *Merits*, I.C.J., 9 April 1949, p. 22; ILC Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, 2001, page 64, section (4); CAT/C/GC/2, para. 18.

³⁹ A/56/10, Artt. 35-37.

⁴⁰ A/56/10, Artt. 58; International Law Commission, Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, 2001, page 111, section (6), and pages 142-143, section (3).

⁴¹ A/56/10, Artt. 40-41.

⁴² Bahru Zewde, 1991, *A History of Modern Ethiopia, 1855-1974*. London: James Currey. See also A/HRC/51/46 Annex I.

⁴³ Markakis, John, 1998, *Resource Conflict in the Horn of Africa*, Thousand Oaks CA: Sage Publications. The more densely populated agricultural highlands are often closer to educational and urban opportunities, but arable land is increasingly scarce. Opportunities for socio-economic transformation in the sparsely populated, pastoral lowlands are different, and often less available to the rural majority than in the highlands.

⁴⁴ Clapham, Christopher, 1988, *Continuity and Transformation in Revolutionary Ethiopia*, Cambridge UK: Cambridge University Press. Andargachew Tiruneh, 1993, *The Ethiopian Revolution 1974-1987: A Transformation from an Aristocratic to a Totalitarian Autocracy*, Cambridge UK: Cambridge University Press.

⁴⁵ Africa Watch, 1991, *Evil Days: Thirty Years of War and Famine in Ethiopia*, New York: Human Rights Watch.

⁴⁶ Gebru Tareke, 2009, *The Ethiopian Revolution: War in the Horn of Africa*, New Haven & London: Yale University Press.

Liberation Front (TPLF) and allies in 1989, and the Oromo Liberation Front (OLF). Eritrea seceded after a United Nations-supervised referendum. Ethiopia's constitution was redrawn as a federation of 'nations, nationalities, and peoples' with decentralisation to a series of federated 'regional states'.⁴⁷

65. Despite successes of poverty reduction, infrastructure development and strong economic growth⁴⁸, political discontent grew as the EPRDF's competitors were gradually excluded.⁴⁹ Several, including OLF, returned to armed opposition, unable to access a share of power through the ballot box, and facing political repression.⁵⁰ There was also opposition to the EPRDF's ethnic system of federalism, and in 2005 political opponents who polled strongly in national elections claimed they were cheated of a national victory. Protests were harshly repressed, and the prosecution of opposition leaders entrenched the 'continuous polarisation of national politics'.⁵¹ Relations between the EPRDF government and the government in Eritrea had also deteriorated, and a brutal border war (1998-2000) was followed by a frozen standoff.⁵² The Eritrean government blamed TPLF for its military defeat, and began actively to host, support and train opponents of the Ethiopian government across the Horn.⁵³

66. In 2012, the TPLF/EPRDF Chairman died unexpectedly. His successor faced internal and external opposition, fanned by social media activism. Within the EPRDF, each Regional State party consolidated its position and the centre weakened.⁵⁴ As politicians jockeyed for power, ethnicized sentiment spilled over into growing Oromo and Amhara protests from 2014 to 2018. In mid-2016, thousands of ethnic Tigrayans resident in Amhara left for Tigray, and protestors blocked roads between the two regions. The government declared a series of States of Emergency from 2016 to 2018, but protest continued, especially in Oromia and in the Amhara region.

B. A new government in 2018 and the promise of reform

67. In April 2018 the EPRDF chose a new Prime Minister from its Oromo wing. Dr Abiy Ahmed took office promising political and economic reform, amid great optimism and with strong international support.⁵⁵ The new Prime Minister was lauded for quickly making peace with neighbouring Eritrea, an act for which, in 2019, he was awarded a Nobel Peace Prize.⁵⁶ A comprehensive amnesty saw a wide range of jailed or exiled political and armed groups return to prominence in Ethiopia. Among them were politicians opposed to federalism in principle, supporters of pre-1991 governments who favoured a more centrist arrangement, and others who had supported federalism but felt themselves marginalized. They included influential Oromo and Amhara social media activists and journalists.

68. Resentment focused on TPLF. Tigrayans had continued to occupy key leadership positions in federal military and security between 2012 and 2018. After the April 2018

⁴⁷ Assefa Fiseha, 2012 'Ethiopia's Experiment in Accommodating Diversity: 20 Years' Balance Sheet' in *Regional and Federal Studies*, Volume 22 Issue 4, pp. 435-473.

⁴⁸ World Bank, 2016, 'Ethiopia's Great Run: The Growth Acceleration and How to Pace It' Document 99399, Washington DC: World Bank Group.

⁴⁹ Markakis, John, 2011, *Ethiopia: The Last Two Frontiers*. Woodbridge and Rochester NY: James Currey. Clapham, Christopher, 2017, *The Horn of Africa: State Formation and Decay*, London: Hurst.

⁵⁰ On the human rights record of the EPRDF period see, for instance, Amnesty International, 25 Years of Human Rights Violations, 2 June 2016 (Index: AFR 25/4178/2016).

⁵¹ International Crisis Group, Ethiopia: Ethnic Federalism and its Discontents', 4 September 2009, Report 153.

⁵² Jacquin-Berdal, Dominique & Martin Plaut (eds), 2004, *Unfinished Business: Ethiopia and Eritrea at War*, Trenton NJ: Red Sea Press.

⁵³ Reid, Richard, February 2018, 'Elite Bargains and Political Deals Project: Ethiopia – Eritrea case study' London: HMG FCO Stabilisation Unit, https://assets.publishing.service.gov.uk/media/5c19105eed915d0b753d1560/Ethiopia_Eritrea_case_study.pdf

⁵⁴ Tronvoll, Kjetil, 2021 'Falling from Grace: The Collapse of Ethiopia's Ruling Coalition', *Northeast African Studies*, Volume 21, No.2, pp. 11-56.

⁵⁵ Melaku Geboye Desta *et al.* (eds), 2020, *Ethiopia in the Wake of Political Reforms*, Los Angeles: Tsehai.

⁵⁶ Marchal, Roland, 2020, 'Two years already? Peace Between Eritrea and Ethiopia' 25 August 2020, Paris: Sciences Po, <https://www.sciencespo.fr/cei/en/content/two-years-already-peace-between-eritrea-and-ethiopia>.

change of Prime Minister, TPLF leaders were widely seen as having been displaced from the centres of power.⁵⁷ In a series of controversial moves, the new Prime Minister appointed some of TPLF's strongest critics or espoused their centrist rhetoric. Critics included both the Eritrean government, which blamed TPLF for Ethiopia's refusal to accept an international boundary ruling in 2000, and for the international sanctions it faced in 2009, and several of the returning armed opposition movements Eritrea had hosted. They included the centrist opposition of 2005, OLF and the Ogaden National Liberation Front (ONLF).

69. There are two accounts of what followed. Federal government spokespersons and their supporters (including in Eritrea) allege that TPLF veterans masterminded a series of violent attempts to sabotage or undermine the government, allegations they deny. Others traced the growth of vigorously anti-TPLF and ethnicized sentiment in government statements, and government-aligned media: to ring-fence blame for the multiple failings of the past, to denigrate the TPLF, and to absolve others in the "new" government, of responsibility. Narratives drew on anti-Tigrayan ethnic slurs that had surfaced in Eritrean propaganda during the Ethio-Eritrean war (1998-2000), in Ethiopian nationalist rhetoric around contested elections (2004-2006), and in Oromo and Amhara activism during anti-government protests (2014-2018).

70. Inflammatory narratives demonising Amhara and Oromo communities also proliferated in a newly competitive, violent and ethnicized political environment. Political conflict erupted in inter-communal violence and religious tensions particularly in Addis Ababa, in Oromia (Guji and the four Wollega zones in the west), in Benishangul Gumuz and its borders with Amhara and Oromia, and in parts of the Southern Region. By the end of 2018, some Oromo and Amhara former opposition figures refused to demobilise, and either returned to armed activity or were nominally incorporated into regional Special Forces in the two regions.

71. Meanwhile, new leaders were summarily installed in several of the federation's States: Somali in August 2018, Gambella in October, and Afar in December, with reshuffles in Benishangul Gumuz, Oromia, and in Amhara after the June 2019 assassination. A new Horn constellation allied Ethiopia, Eritrea and Somalia, and regional relations between the three heads of government and their ties to the Gulf grew closer.⁵⁸ When the Ethiopian Prime Minister launched a new single national Prosperity Party in December 2019, TPLF and some ruling Oromo politicians declined to join, and tensions escalated further.

72. With the outbreak of the Coronavirus pandemic in early 2020, the federal government postponed elections scheduled for May 2020. Influential Oromo opposition leaders, including from OLF, were arrested after further ethnicized violence when a popular Oromo singer was assassinated in mid-2020.⁵⁹ TPLF pressed ahead with elections in Tigray in September 2020 flouting a federal prohibition. Federal and Tigray regional governments declared one another's actions 'unconstitutional,' and fighting erupted on 3-4 November 2020. Again, accounts differ. Tigrayan forces moved to take over ENDF Northern Command personnel and equipment in what the federal government saw as a 'treasonous attack,' and Tigray leaders described as 'pre-emptive defence.'

C. The conflict in the north: Tigray, Amhara and Afar

73. Military action by Ethiopian federal and Eritrean forces, supported by Amhara Regional State Special Forces, was immediate and coordinated. Under a State of Emergency declared on 4 November 2020, the government launched what it called a 'law and order operation' against what it labelled TPLF 'terrorists.' Federal spokespersons insisted the

⁵⁷ The shift was widely welcomed in many constituencies, but see also James Jeffrey, 14 February 2019, *New Humanitarian*, <https://www.thenewhumanitarian.org/analysis/2019/02/14/Ethiopia-ethnic-displacement-power-shift-raises-tensions>

⁵⁸ Verhoeven, Harry, 2018, 'The Gulf and the Horn. Changing Geographies of Security Interdependence and Competing Visions of Regional Order' in *Civil Wars*, Volume 20, Number 3, pp. 333-357. On the more recent constellation see Abel Abate Demissie, 8 September 2023, 'Navigating the Regionalization of Ethiopia's Tigray Conflict,' London: Chatham House <https://www.chathamhouse.org/2023/09/navigating-regionalization-ethiopia-tigray-conflict/05-role-international-community>

⁵⁹ See the further discussion of Oromia below.

operation would soon be over. TPLF-aligned forces were rapidly pushed out of the towns of Tigray, which were controlled by Ethiopian National Defence Force (ENDF) and allied Amhara and Eritrean forces. The Federal Government appointed an Interim Administration based in the capital Mekelle and placed the region under a joint military-civilian Command Post, under State of Emergency legislation. By the end of June 2021, after heavy fighting and widespread violence, remobilised Tigray forces had retaken control of central and eastern Tigray. ENDF and the federally appointed Interim Administration left Mekelle. Western and Southern Tigray, and areas of the northern border with Eritrea, remained under Amhara militia or Eritrean control. Amhara politicians claimed Western Tigray, and forces allied with them consolidated *de facto* Amhara control of a wide area up to the Eritrean border at Humera.

74. In a second phase of the conflict between July and November 2021, Tigray and TPLF-aligned forces moved south into areas of neighbouring Amhara and Afar. Both Regional States saw heavy fighting and widespread violence. Humanitarian supplies into Tigray began to be constrained, with few roads into the region accessible.⁶⁰ Essential services to the region were also cut. The ruling Prosperity Party won national elections in other parts of Ethiopia in May and September, and in October 2021 formed a new federal government. A general popular mobilization in October-November 2021 saw strong national support, and an upsurge in polemical rhetoric. TPLF-aligned forces, unable to push further west into Amhara or east into Afar, came within 150kms of Addis Ababa by November, before withdrawing north in the face of a federal counter-offensive and sustained attack from unmanned combat aerial vehicles (UCAVs) or drones. ENDF and allied ground forces did not follow them into new areas of Tigray but aerial bombardment and border skirmishing – some heavy – continued.

75. In the third phase of the conflict from November 2021 to August 2022, active fighting between Tigrayan and federal government forces was limited, although there was significant violence in Afar in the early months of the year. During this stalemate in the north, violence in Oromia and in the Oromo area of Amhara was reported to have grown (see below). The humanitarian situation in Tigray, meanwhile, gradually deteriorated, until in April 2022 a ‘humanitarian truce’ allowed a trickle of aid into the region at a fraction of needs. Tension escalated as food and medical supplies to Tigray continued to be interrupted, and essential services (banking, telecommunications, electricity and trade) continued to be cut. The small humanitarian flow was suspended in August 2022 as fighting erupted again.

76. In a fourth phase of the war between 24 August and 2 November 2022 there was extremely heavy fighting on multiple fronts in and around Tigray’s borders, including from Eritrea in the north. This period reportedly saw some of the most lethal campaigns of the war. Fighting intensified over a 10-week period, with reports of particularly heavy combatant casualties and very large numbers of civilians displaced from new areas.⁶¹ Initial talks in October 2022 failed as ENDF and their allied Amhara and Eritrean forces continued to press into new areas.

D. The Cessation of Hostilities Agreement (CoHA) and its implementation

77. In early November 2022, TPLF and the Federal Government signed a Cessation of Hostilities Agreement (CoHA) brokered under the auspices of the African Union (AU). The central terms of CoHA on hostilities have broadly held, despite ongoing obstacles to its full implementation. Handover of heavy weaponry, and disarmament of some Tigrayan forces have since been confirmed by the AU Monitoring, Verification and Compliance Team. However, Eritrean forces remained in Tigray as of September 2023, in breach of CoHA provisions on protection of Ethiopia’s sovereign borders and territorial integrity. Their presence was reported to have impeded AU monitoring and verification efforts in May 2023. Secondly, CoHA commits the parties to a process of national transitional justice earlier launched by the Federal Ministry of Justice. In September 2023, the Tigray Interim Regional

⁶⁰ Reuters, U.N. warns catastrophe looms in Ethiopia’s north, urges government to end de facto aid blockade, 9 September 2021, <https://www.reuters.com/world/un-warns-catastrophe-looms-ethiopias-north-urges-government-end-de-facto-aid-2021-09-02/>.

⁶¹ In October 2022 United Nations Secretary General António Guterres described the fighting in Tigray as ‘spiralling out of control’. See United Nations, Tigray: Fighting must end, urges Guterres, amid ‘staggering’ level of need, 17 October 2022, <https://news.un.org/en/story/2022/10/1129602>.

Administration has expressed reservations about its implementation.⁶² Notably, the CoHA was the only cessation of hostilities agreement in 2022 which according to the Secretary General’s report on conflict-related sexual violence “explicitly included the cessation of sexual violence by the parties.”⁶³ This provision has not been fulfilled.

78. Implementation of CoHA was also intended to restore services to Tigray, and progress here has been mixed and worrying. The situation was complicated following the decision of the UN World Food Programme (WFP) and US Government’s USAID to suspend aid deliveries to Tigray as early as March 2023, and in May to extend that suspension to the whole country because of allegations of high-level large-scale corruption and diversion. A further area in which CoHA has not yet been implemented is its provision for the return of internally displaced persons (IDPs) to their original areas, and the restoration of the constitutional status quo ante. Escalating controversy over the fate of Western Tigray, also claimed by many Amhara political constituents, has emerged as one of the drivers of violent insurgency and disaffection in the Amhara region during 2023.

E. Violence elsewhere in Ethiopia

79. Beyond the conflict in Tigray and adjacent areas of the north, a number of other patterns of violence are connected with it and with central political drivers of conflict and instability. Two of these are in Oromia, ongoing since early 2019, and in Amhara, escalating over the middle months of 2023. In addition, the Commission is aware of patterns of violence and instability in other parts of the country. These include Benishangul Gumuz, where there is particularly limited information about the security and human rights situation in Metekel zone, north of the Blue Nile. Violence reignited between Afar and Somali communities, a long-running tension that flared most recently in March 2023.⁶⁴ Violence and instability have also been reported in areas of the South, including in the new series of Regional States established over the last few years.⁶⁵

80. The ongoing violence in Oromia pre-dates the fighting in Tigray and the north by more than 20 months. In January 2019 ENDF launched a counterinsurgency, including airstrikes, against the emerging Oromo Liberation Army (OLA) in Western Oromia, resulting in a breakdown of the security situation that has since escalated and spread under ongoing interruptions to internet and telecommunications. Although the new Prime Minister came to power in 2018 with Oromo support, this rapidly began to wane in the face of what some Oromo stakeholders saw as an overly centrist narrative. Insurgency in Western Oromia grew during 2019 and became entrenched in some areas as the government cracked down on Oromo nationalist opposition in the second half of 2020. Accounts of fighting and of attacks on local populations, notably in western Oromia, are particularly contested; multiple narratives prevail in the absence of independent analysis and reporting from the ground. These include multiple accusations of ‘false flag’ operations. Like TPLF, on 6 May 2021 OLA was designated as a “terrorist” organisation by the federal government, in a move ratified by parliament. It has been and reportedly remains active in eight of Oromia’s 21 zones.

81. Violent insurgency and counterinsurgency in Oromia in 2021 and 2022 tended to be eclipsed by the focus on the conflict in the north of the country, as well as the news blackout.

⁶² *Ethiopian Reporter Newspaper*, ‘Tigray officials demand redesigned transitional justice model’, 23 September 2023, <https://www.thereporterethiopia.com/36717>.

⁶³ Conflict-related sexual violence - Report of the Secretary-General (S/2023/413), p. 9.

⁶⁴ See for instance Abel Tesfaye, 4 April 2023, Federal action needed to end Ethiopia’s Somali-Afar conflict, *Ethiopia Insight*, <https://www.ethiopia-insight.com/2023/04/04/federal-action-needed-to-end-ethiopias-somali-afar-conflict/>.

⁶⁵ Since 2020, the Southern Region has been divided into four new political entities. See *Addis Standard*, News: Allocation of administrative offices between cities in newly established cluster regions in Southern Ethiopia raises discontent, 9 August 2023, <https://addisstandard.com/news-allocation-of-administrative-offices-between-cities-in-newly-established-cluster-regions-in-southern-ethiopia-raises-discontent/>; and *Addis Standard*, Editorial: Despite visible red flags, gov’t goes ahead with birthing a new region. Time to pause and reevaluate plans!, 18 August 2023, <https://addisstandard.com/editorial-despite-visible-red-flags-govt-goes-ahead-with-birthing-a-new-region-time-to-pause-and-reevaluate-plans>.

However, after Tigray forces withdrew north in November 2021, attention abruptly switched back to Oromia when, in December 2021 a group of Karrayyu Oromo leaders were killed.⁶⁶ Targeted killings were also reported in the Oromo zone of Amhara region, where sources claimed that OLA-aligned units had cooperated with Tigrayan forces before the latter withdrew north. Following an August statement by OLA,⁶⁷ in November 2021 the two organisations' representatives in the diaspora announced an alliance of forces which included both OLA and TPLF.⁶⁸ From April 2022, with fighting at a standstill in Tigray, the federal government re-intensified its counterinsurgency against the OLA in Oromia. In April 2022 lethal inter-religious conflict was reported in Gondar in Amhara, and in June, July, August and October 2022 large-scale killings of Oromo and Amhara communities in western Oromia were also reported.⁶⁹

82. Since the signing of CoHA between the federal government and TPLF in the north, conflict between OLA and ENDF, allied with Oromia regional government forces, appears to have escalated again, including in the four Wollega zones, in Guji, in Borana, and in some parts of West Shewa. In December 2022, UN OCHA described the security situation in Oromia as 'fast deteriorating.'⁷⁰ An initial week of talks in Tanzania between OLA and the Federal Government failed in April 2023, with government counterinsurgency operations relaunched in May 2023. Meanwhile reports of violence leading to deaths and displacement of Amharas and Oromos have continued.⁷¹ Although violence has been most serious in the areas beyond Shewa, this began to change during 2023. As hostilities escalated in Amhara in August 2023, for instance, violence spilled into Dera district in North Shewa zone of Oromia.⁷²

83. In Amhara in 2023, so-called *fano* militia have expressed dissatisfaction with 'federalist' or 'ethnic' 'extremism,' and with Amhara stakeholders' exclusion from the CoHA process on Tigray in November 2022.⁷³ Some Amhara politicians are concerned with CoHA provisions which suggest the return of areas of Western and Southern Tigray they claim (respectively Welkaiyt/Tegede/Tselemt and Raya) to the Tigray region.

84. Dissatisfaction in Amhara was exacerbated in early April 2023, when the federal government announced it would disband regional Special Forces in favour of a centralised army.⁷⁴ Attempts at demobilisation triggered a series of protests among Amhara communities.⁷⁵ Soon after, a campaign of assassinations of regional security and political personnel began with the killing of the head of the ruling party in the region at the end of April 2023.⁷⁶ Since that point the security situation in Amhara Regional State deteriorated.

⁶⁶ This incident was subject to investigation by the Commission, see detailed findings below.

⁶⁷ *Al Jazeera*, Ethiopia armed group says it has alliance with Tigray forces, 11 August 2021, <https://www.aljazeera.com/news/2021/8/11/ethiopia-armed-group-says-it-has-alliance-with-tigray-forces>.

⁶⁸ *Reuters*, New alliance wants to oust Ethiopia's PM by talks or force, 5 November 2021, <https://www.reuters.com/world/africa/nine-ethiopian-groups-form-anti-government-alliance-2021-11-05/>.

⁶⁹ On the killings of Amhara civilians in Tole kebele in June 2022, see Human Rights Watch, Ethiopia: Civilians in Oromia left unprotected, 31 August 2022.

⁷⁰ UN OCHA, Ethiopia – Situation update, 15 December 2022.

⁷¹ ACLED, 29 September 2023, <https://epo.acleddata.com/western-oromia-conflict/>.

⁷² ACLED, 22 September 2023, <https://epo.acleddata.com/2023/09/08/epo-august-2023-monthly-conflict-in-amhara-region/>.

⁷³ The Amharic term *fano* is one used historically of fighters or patriots in defence of the Christian state during the imperial period: it has a positive connotation in many Amhara areas. Government sources, by contrast, have tended to use the more pejorative term *jawisa*, bandit or scavenger. See the following section for a more detailed discussion of military actors.

⁷⁴ *Reuters*, Ethiopia to dismantle regional special forces in favour of 'centralized army', 6 April 2023, <https://www.reuters.com/world/africa/ethiopia-dismantle-regional-special-forces-favour-centralized-army-2023-04-06/>.

⁷⁵ *Voice of America*, Gunfire, Protests in Ethiopia's Amhara Over Plan to Disband Regional Force 9 April 2023, <https://www.voanews.com/a/ethiopia-pm-vows-to-dismantle-regional-military-forces/7042661.html>.

⁷⁶ *Le Monde*, Ethiopian PM says senior ruling party member murdered, 27 April 2023, https://www.lemonde.fr/en/international/article/2023/04/27/ethiopian-pm-says-senior-ruling-party-member-murdered_6024613_4.html.

The activities of disparate local *fano* militia groups reportedly began to coalesce during July 2023 as violence escalated.

85. In early August 2023 the Federal Government announced a national State of Emergency and placed the Amhara regional State under a Command Post, while re-establishing control of key urban centres. Dissatisfaction amongst Amhara politicians over CoHA as well as other grievances undermined an alliance between the Federal Government and Amhara nationalist groupings. Some of the strongest supporters of the Federal Government during the 2020 to 2022 Tigray conflict became strong critics over the first half of 2023. In August 2023 a senior federal official is reported to have acknowledged that half of Amhara Special Forces members had defected to *fano* units rather than demobilise.⁷⁷ Over and above these militia, a number of political organisations reportedly also supported the insurgency in Amhara region. They include the Amhara Popular Front, which also has spokespersons in the diaspora. Under the State of Emergency since August 2023, senior officials of the National Movement of Amhara (NAMA) and of the Movement for Ethiopian Social Justice (Ezema) have been arrested in Addis Ababa.

86. In its reports in September 2023 and October 2023 the Commission warned of the deterioration of the situation, particularly but not only in Amhara, and warned of the high risk of further atrocities.⁷⁸ The Commission has called for ongoing international scrutiny and independent investigation of the situation in Ethiopia.

VI. Military and armed actors

87. The conflict since 3 November 2020, both before and after the signing of CoHA, has involved multiple armed actors and hundreds of thousands of combatants. They include the Ethiopian National Defence Forces (ENDF) and the Eritrean Defence Forces (EDF), each under the official chain of command of their respective state, as well as myriad regional state and non-state armed groups. Actors among them have often shifted allegiance. Military actors have often moved along a spectrum from formal military forces to localized, temporary or *ad hoc* militia, with several non-state armed groups consolidating over the mandate periods.

88. ENDF is the combined armed forces of the Federal Democratic Republic of Ethiopia. In practice, it consists of two services – the Army and the Air Force. ENDF is under civilian command exercised by Prime Minister Abiy Ahmed as Commander-in-Chief and is overseen by the Ministry/Minister of Defence. As a ‘defence’ force, the primary role of the ENDF is securing the sovereign territory from external aggression. For many years, the perceived threat was primarily along the northern border with Eritrea and thus the Northern Command, with its headquarters in Mekelle, Tigray, was the largest and most heavily equipped of all the Commands. The adjacent Central Command, centred on Shire in Tigray, in second place. Following the outbreak of the conflict, troops from other ENDF Commands were deployed into Tigray to make up the numbers.

89. EDF is the official armed forces of the State of Eritrea. It consists of three services – the Army, Navy and Air Force, with the first significantly the largest. The State President, Isaias Afwerki, is the Commander in Chief. Estimated at more than 20 Divisions strong, it is largely conscript based, and reportedly of relatively limited capability and sophistication compared to professional volunteer armed forces.⁷⁹ Eritrea maintains a system of compulsory indefinite national/military service, with deserters or evaders being subjected to arbitrary detention in highly punitive conditions, enforced disappearance and torture.⁸⁰

90. Due to time and resource constraints the Commission has not been able to further investigations into the existence of any formal agreement for the deployment of EDF troops into Tigray. However, it established that ENDF and EDF conducted joint operations on the ground, often arriving simultaneously in towns and villages. Some air attacks in Tigray were

⁷⁷ Adane Tadesse, ‘A reflection on the conflict in Amhara region,’ Wilson Centre, 29 September 2023, <https://www.wilsoncenter.org/blog-post/reflection-conflict-amhara-region-ethiopia>.

⁷⁸ A/HRC/54/55; A/HRC/54/CRP.2.

⁷⁹ Central Intelligence Agency, The World Factbook, Eritrea, last updated 3 October 2023, available at <https://www.cia.gov/the-world-factbook/countries/eritrea/#military-and-security>.

⁸⁰ Report of the Special Rapporteur on the situation of human rights in Eritrea, A/HRC/53/30.

launched from Eritrean territory. That the two operated jointly has been indirectly acknowledged by the Permanent Representative of Eritrea who in her letter to the United Nations Security Council acknowledged that: “*Eritrea and Ethiopia have agreed – at the highest levels – to embark on the withdrawal of Eritrean forces and the simultaneous redeployment of Ethiopian contingents along the international boundary.*”⁸¹

91. Ethiopian government forces during the conflict also included Special Forces, which are nominally responsible to each Ethiopian Regional State Government. Amhara Special Forces and Afar Special Forces were especially implicated in the conflict, owing in large part to their physical presence in regions neighbouring Tigray and where Tigray fighters launched offensives, but there are credible reports of the involvement of Special Forces from other Ethiopian regions as well.

92. In April 2023, the Federal Government announced a move to disband the Regional Special Forces, offering their members the option to join the ENDF or the national police or return to civilian life. As noted above, the announcement was met with resistance in Amhara region. Amhara Special Forces and Afar Special Forces often fought or worked alongside a range of unofficial and informal local and ethnic militias, some of significant scale. This is especially the case with Amhara Special Forces which operated alongside Amhara militia, notably *fano* militia groups, in Western and Southern Tigray.

93. Fighting against government forces were Tigray fighters, who were made up of Tigrayan ENDF veterans and members, some of whom defected from the military when the conflict started, Tigray Special Forces, and Tigray Regional Police. Over time they were supported by informal Tigray militia and their numbers swelled by new recruits. Sometimes referred to as the Tigray Defence Forces (TDF), Tigray fighters were closely aligned with the TPLF and the Tigray regional authorities. At times they allied with others, in particular Agew and Oromo groups.

94. Besides the multiple armed actors, the Ethiopian Government, at federal and regional levels, has regularly deployed a joint civilian-military “Command Post” system to implement the states of emergency declared since November 2020. This system provides the means to centralize control of all military, law enforcement and civil powers into one integrated security effort, headed by the Prime Minister, and exercised through the ENDF high command. Alongside national or regional command posts, other subordinate command posts continue to be established locally conjoining civilian and military control at lower levels.

95. In relation to Oromia, the Federal and regional armed and security forces have been faced with the Oromia Liberation Army (OLA), a localised popular insurgency initially formed by those former members of the Oromo Liberation Front (OLF) who either did not support the peace agreement made between OLF and the Federal Government in 2018, or who soon thereafter lost faith in it.⁸² As noted above, the Ethiopian Parliament declared OLA a terrorist organisation on 6 May 2021.⁸³ At certain stages of the conflict, some elements of OLA, particularly in Amhara region, reportedly aligned with Tigray fighters. The Commission also received reports of the activities of another allied militia, the ‘Agew Shengo’, operating in areas around Sekota in the Wag Hemra zone.

VII. Tigray

96. Tigray is Ethiopia’s most northerly region, bordering the State of Eritrea to the north, Sudan to the west, and Ethiopia’s regional states of Afar and Amhara to the east and south respectively. Prior to the conflict, Tigray region was home to almost 6 million people, the majority of them Ethnic Tigrayan, although the region is also home to other ethnic communities, including the Irob and Kunama who live close to the Eritrean border.

⁸¹ Statement, 16 April 2021, <https://shabait.com/2021/04/16/letter-of-eritreas-ambassador-to-the-un-to-current-president-of-unsc/>.

⁸² *The Africa Report*, Ethiopia: Victory for the Oromo will come from winning hearts and minds, not terrorising people, 18 June 2019, <https://www.theafricareport.com/99330/ethiopia-victory-for-the-oromo-will-come-from-winning-hearts-and-minds-not-terrorising-people/>.

⁸³ *Al Jazeera*, Ethiopia to designate TPLF, OLF-Shene as ‘terror’ groups, 1 May 2021, <https://www.aljazeera.com/news/2021/5/1/ethiopia-to-designate-tplf-olf-shene-as-terror-groups>

97. As noted earlier, the conflict in Tigray region, and the north of Ethiopia more broadly, can be understood in four phases. The scale and severity of fighting changed during the different phases. As documented in detail below, ENDF, EDF, Amhara Special Forces, Afar Special Forces, and Amhara militia, including *fano*, have perpetrated serious violations during all phases of the conflict. Violations against civilian women, men and children have continued even after the signing of CoHA.

A. Mass killings

“They came into the house and dragged them outside and shot and killed them. First, they killed my aunt, then my father, then my mother, then my grandfather.”

A man who witnessed the killing of his family member by EDF soldiers in Mariam Shewito, just days before the signing of CoHA.

98. ENDF, EDF, Amhara Special Forces and *fano* militia perpetrated killings of Tigrayan civilians on a massive scale since 3 November 2020. The majority took place between November 2020 and January 2021 and mirrored the movements of troops along the main roads. The Commission found 49 incidents of killings of civilians in 41 locations in all Zones of Tigray. Of these, 14 incidents involved the killing of more than 60 victims, although in some cases the figure was significantly higher. The Commission believes that in all cases the numbers documented were conservative estimates. The Commission conducted in-depth investigations into five of these incidents of large-scale killings which have been less reported on, although it also gathered information on and verified other well-known incidents. One of the five incidents it investigated in-depth was perpetrated by EDF forces in October 2022, just days before the signing of the Cessation of Hostilities Agreement.

99. The vast majority of cases involved killings by shooting. This typically occurred after shelling, when soldiers entered towns and villages and shot indiscriminately at Tigrayan civilians in the street, or else shot and killed civilians during house searches. Most of the victims were civilian men or boys perceived to be of fighting age, although women and girls were also killed. Victims included farmers, teachers, business owners and priests. The killings were almost consistently accompanied by looting and destruction of objects indispensable to the survival of the civilian population; women and girls were also often raped during or after such attacks.

100. Interviewees identified perpetrators by their uniforms or clothing; the language they spoke or their accent; what they said, in particular where they identified themselves as being affiliated with a specific armed group or force; and in some instances, based on physical characteristics associated with specific groups. In several locations, based on interviewees’ interaction with members of armed forces or groups, the Commission was able to identify the name or *nom de guerre* of alleged perpetrators directly committing killings or directing others to commit killings.

101. Across different zones, mass killings often occurred in close proximity to each other, both in terms of date and location. Killings in several areas appear to mirror the movement of armed forces along main roads and transport routes, and witnesses to separate killing incidents in close proximity to each other independently implicated members of the same force(s) and/or armed group(s), suggesting that soldiers from specific units or divisions may have perpetrated multiple large-scale killings over a matter of days or weeks as they were progressively moving to take control of territory.

Zalambessa

102. One of the first large scale killings confirmed by the Commission was perpetrated by the ENDF and EDF in Zalambessa, a town on the Ethiopia-Eritrea border, north-eastern Tigray, between 13-15 November 2020. In the days prior to the attack, non-Tigrayan members of the ENDF had fled across the border to Eritrea; at around 5-6 a.m. on 13 November 2020, shelling started from the direction of Eritrea. At that time, Tigray forces were not inside the town, however, there had been clashes ongoing at the outskirts. The shelling prompted residents of Zalambessa to flee into the bushes or hide inside their homes.

103. Shortly after the shelling subsided, ENDF and EDF soldiers entered Zalambessa together and began going house to house searching for Tigray fighters. ENDF and EDF soldiers were heard saying *“If you find somebody, just kill them. Knock on the door and if you find a man or a woman just kill them”* and *“Kill them! Kill the junta”*. A woman recalled:

“ENDF and EDF soldiers entered my house and shot my husband. He was a priest. Then they moved to the neighboring house of my sister-in-law. I saw them shooting her husband and her 20-year-old son. They were shouting, ‘We are civilians!’ but the ENDF soldier replied: ‘Yes, we are looking for the civilians!’ Dead bodies were lying around everywhere. You could not even walk on the street, there were so many.”

104. Other interviewees recounted witnessing similar killings. One woman described how her husband was shot by an EDF soldier when running to save his children from a neighboring house. Another recounted finding her parents shot dead in their home. In the days that followed, EDF soldiers – who took control of the area – did not allow residents to bury the dead. It was only when bodies started decaying that families were permitted bury their loved ones.

105. Interviewees who helped to bury the dead confirmed that ENDF and EDF soldiers killed at least 70 civilians, mostly men, in Zalambessa on 13 November 2020 and the days that followed. The Commission identified by name 25 civilians – 14 men, including two priests, and 11 women, including at least two girls – who were killed. The Commission also received credible reports from Tigrayan non-governmental organizations and international academic institutions, which indicate between 60-80 men, women, boys, and girls, were killed.

106. Mass killings in Zalambessa were accompanied by other violations, including rapes of women and extensive looting, including at the hospital and school. EDF soldiers were heard saying that Zalambessa was not Tigrayan land and that the Tigrayans should leave the area.

Adwa

107. ENDF and EDF soldiers also killed civilians, mostly men, in Adwa, Central Tigray, on 20 November 2020. Joint ENDF and EDF forces began shelling the town from the west and north at around 1 p.m. Shelling prompted many inhabitants of Adwa to flee; others stayed in their homes.

108. Soon afterwards, ENDF and EDF soldiers arrived on foot and by truck and began shooting indiscriminately at remaining residents, accusing residents of being *junta*, a term frequently used to refer to TPLF or Tigray forces which took on an increasingly derogatory meaning during the course of the conflict. A witness recalled hearing soldiers shout, *“You are junta! You are members of junta! You are supporting junta!”* Another witness said he saw EDF soldiers shooting three men on the street, despite them loudly asserting that they were civilians. Other interviewees described family members and friends being shot dead by soldiers.

109. During this time, EDF soldiers also began conducting house-to-house searches. One interviewee explained that they entered the house and said that they came to check whether there were any members of ‘junta’. After checking their shoulders for any marks from carrying a weapon – a pattern found by the Commission in multiple other locations – EDF soldiers told residents that they were taking control over the area. *“They said, ‘Don’t even think that Tigrayans are coming back. It is us who will administer the area now,’”* recalled one former resident.

110. After the attack, ENDF and EDF soldiers refused to allow resident to bury the dead for more than one week. The Commission also found rape and other forms of sexual violence against women, and looting public and private properties, including Adwa hospital and the Almeda textile factory, which was an important source of employment in the area.

111. Interviewees recounted seeing many dead bodies of civilians on the streets. More than 30 civilians were killed on 20 November 2020; it has on file the names of 13 individuals all men, reported to have been killed during the attacks. EDF soldiers also killed civilians, predominantly men, in the surrounding towns and villages in the period of one week after the

mass killings in Adwa. These include at Nebelet on 26 November 2020 and at Axum on 27-28 November 2020. In the latter incident, hundreds of civilians were killed.

Mariam Dengelat

112. Towards the end of November 2020, just after the Federal Government announced it had captured the city of Mekelle, EDF forces killed large numbers of Tigrayan civilians around Mariam Dengelat church, Saesie *woreda* in Eastern Zone. The area was busier than usual as many civilians had fled the fighting in the nearby Edaga Hamus, while others had travelled to area to mark the feast of St Mary of Zion, which falls on 30 November. On the morning of 30 November, EDF soldiers approached the town and opened fire. They then went house to house, pulling out civilians, mainly men and boys, and shooting them. One interviewee recalled how EDF soldiers came to her house:

“We told them, ‘All of us are civilians. Some are even university students.’ They told us they didn’t care. They said they had come from Eritrea and would kill every male over five years old. Then they separated the men and women, and ordered the women to tie the hands of the men behind their backs... They began beating us using sticks and guns. We were crying. Finally, we had to tie all the men.”

113. The soldiers then took the six men, including her 16-year-old son from the house and led them to a nearby river where they shot them. The interviewee said she heard one of the soldiers say, *“Don’t waste your bullets on the women, just shoot the men.”* After the killing, EDF soldiers threw the bodies in the river.

114. Other interviewees also witnessed EDF soldiers coming and killing relatives and friends. Three witnessed the killing of seven people – four men, one woman, and two girls – in one house. Another interviewee said that EDF soldiers took away seven males, two of them her underage sons, from her house and executed them. She also saw EDF soldiers take away young men from other houses. The killings continued the next day, while EDF soldiers proceeded to loot homes and vehicles in the area.

115. EDF soldiers prevented people from burying the dead for three days. When they were permitted to do so, they were not allowed to perform individual burials; most were buried in mass graves.

116. Sources told the Commission that up to 165 people were killed that day. A man who buried some of the dead said he buried 86 people. The Commission has the names of 23 civilians, men, women, and children who were killed during the attack; 17 of these names appear on a list of 65 victims shared with the Commission by Tigrayan civil society groups.

117. The Commission has the names and/or *nom de guerre* of three EDF soldiers who were present in Maryam Dengelat that day; including the commander in charge.

Bora

118. ENDF soldiers killed scores of civilians in the town of Bora, Southern Zone, and surrounding areas from 8 January 2021, a day after Ethiopian Christmas. According to residents, ENDF soldiers had arrived in the area around a month earlier, and announced to the community that they were taking over administration of the area. The situation remained peaceful until 8 January, when fighting broke out between Tigrayan militia and ENDF soldiers on the outskirts of the town. ENDF soldiers then entered the town on foot shooting indiscriminately before going house to house and pulling Tigrayan men and boys outside and shooting them.

119. The Commission interviewed four people who witnessed the killings, two of whom saw their male relatives shot dead. One man described counting the bodies of 25 men in the street near his house. *“The street was filled with dead bodies,”* said another witness. All told the Commission those killed were civilians. *“They were not fighters. They were just ordinary people, residents of Bora,”* said one man. ENDF soldiers were heard calling Tigrayan men ‘junta’ as they pulled them out of their houses. *“They told us we were all junta and called us sons of bitches,”* recalled one woman whose son was dragged from her house and shot dead in front of her eyes. After leaving Bora ENDF moved to the surrounding villages and continued killings of civilian men until 10 January 2021.

120. ENDF soldiers did not allow families to bury their loved ones, and dead bodies were left on the streets of Bora for up to three days. One interviewee heard ENDF soldiers saying: “*Junta deserves to be eaten by hyenas and foxes.*” It was only when the bodies started producing an intense smell, that ENDF soldiers allowed burials to take place. Interviewees explained that due to the sheer number of dead, there were not enough burial sites and residents had to bury the bodies in mass graves.

121. The Commission has on file information about 101 people (100 men, one woman) killed in Bora from 8 January 2021, including the names of 87 men, which was provided by Tigrayan civil society groups. Witnesses identified by name 12 men, including one humanitarian worker, a teacher, and a priest. One said he saw the body of a 12-year-old boy whom he knew.

Mariam Shewito

122. From 25 October 2022, EDF soldiers killed scores of Tigrayan civilians, men and women, in Mariam Shewito in Adwa *woreda* – just days before the signing of the Cessation of Hostilities Agreement on 2 November 2022. According to residents, Tigrayan fighters had arrived in the area the day before and taken up defensive positions nearby the town. Residents described hearing the sounds of heavy gunfire around 9 a.m. Later that day scores of EDF troops entered the village and began killing civilians. One witness recalled:

“I was at home with my family. EDF soldiers came and knocked on the door and ordered us to open. They entered the house and started asking where the TDF [Tigrayan forces] were firing from, accusing my father of giving them food. He told them he was just a farmer, that people here were just civilians. They didn’t listen... they dragged him out of the house and shot him.”

He described how soldiers then came back to the house and shot at the remaining family in the house. He survived; however, his mother and sister were killed. Another interviewee told the Commission that EDF soldiers shot and killed four of his relatives, including his parents on 25 October.”

123. EDF soldiers stayed in the area for around a week before leaving. During this time, relatives were not allowed to bury the dead, and EDF soldiers looted homes and property.

124. EDF soldiers killed many people in Mariam Shewito on 25 October 2022 and in the days that followed. Interviewees provided the names of seven people – all their relatives – who they saw shot to death; these seven names appear on a list of 94 names shared by a reliable source in the area. Credible other sources report more than 100 people killed.

Patterns of large-scale killings

125. The Commission found further incidents of mass killings of civilians in other locations across Tigray, primarily between November 2020 and January 2021. The troops’ modus operandi largely mirrored that of the incidents above, that is, indiscriminate shelling of civilian areas, which followed clashes with Tigray and allied fighters in surrounding areas, followed by indiscriminate shooting of civilians in the street who were trying to flee, as well as killings during house searches. The majority of interviewees who experienced shelling said that the Tigray and allied fighters were not inside the cities, towns or villages at the time of the shelling. In Western Tigray, killings of Tigrayan civilians by or involving *fano* militia members were mainly characterized by the use of machetes, with witnesses describing serious injuries in particular to the head.

126. As in the incidents above, perpetrators were looking for men, members or supporters of the TPLF or the Tigray forces, who they referred to as *junta* and *agame*.⁸⁴ Names of those killed collected from witnesses, including family members, as well as lists provided to the Commission by civil society groups indicate that males were disproportionately targeted in killings. However, women and girls were also killed.

⁸⁴ *Agame* is term that has increasingly been used pejoratively to refer to Tigrayans and carries negative connotations linked to illiteracy and being lower class. See for example, ICHREE-D-000329.

127. The estimates of the number of victims killed in different locations collected by the Commission indicate killings on a massive scale. This is corroborated by the interviewees' accounts who described seeing or burying large numbers of people and seeing dead bodies on the streets following attacks. Killings were often accompanied by derogatory and dehumanizing language, with frequent pejorative use of the words *junta*, *agame*, and *woyané*.⁸⁵ In some places, soldiers used terms such as *komalat* [lice-like insects] to describe Tigrayan civilians and phrases like “*we will destroy you*,” and “*we will wipe you from the face of the earth*”. Women were accused of being ‘wives of *junta*’.

128. While fighting-aged males were especially targeted, there were multiple instances where older men, women and children were also killed. Older persons – as well as persons with disabilities – who were physically unable to flee attacks on villages, were at increased risk of being killed. In addition, interviewees explained that older persons did not think they would be targeted because of their age – either because their age meant they were unlikely to be Tigray fighters, or because generally, older persons are well respected in Ethiopia, regardless of which community they come from. In some areas, older persons stayed behind to protect their homes and property while other relatives fled.

129. As noted earlier, priests and religious leaders were often among those killed. As influential and revered members of the community, these killings have a significant impact on communities, especially where it leads to destruction of important social support structures. In some instances, civilians were killed at religious sites such as in Mariam Dengelat, Gu’etolo, and Axum, as well as around religious holidays such in Bora one day after Orthodox Christmas, in Mariam Dengelat and Axum around the feast of Saint Mary of Zion, and at the Tekeze river bridge two days before Timkat religious festival. Further investigation into such killings, as well as wider attacks on religious and cultural property, including the Negash Mosque, is recommended.

130. Both ENDF and EDF soldiers engaged in a distinct pattern of not allowing communities to bury the dead in a timely manner. Families had to wait days – sometimes up to two weeks – in order to lay their loved ones to rest. Interviewees explained that northern Ethiopia, where most people are Orthodox Christians, cultural and religious practices require the dead be buried the same day or as soon as possible after. When they were permitted to bury the dead, multiple interviewees explained that soldiers did not allow them to perform burials at religious sites or to cry or mourn their dead publicly. As a result, many were buried in their compounds or at the side of the road where they fell, often in mass graves owing to the sheer number of dead.

Impacts and wider consequences

“I worry about how I will support my family. For us Tigrayan people, many civilians were killed and many of us lost our families. People think the war is over, but for us it is continuing...”

—A woman from Maikinetal *woreda* whose husband and three brothers were killed by ENDF soldiers in February 2021.

131. While it has been difficult for the Commission to establish the full scale of the mass killings across Tigray, the impacts for families and communities are clear and ongoing. Across locations, interviewees described seeing multiple members of their family killed. In places where many residents were related by blood or through marriage, the impact is vast and the effect on family structures as well as the wider fabric of the community is profound. One woman wept as she shared the names of 23 men and women – her husband, friends, and neighbours – who were killed by ENDF soldiers in her kebele in Keyhe Tekli *woreda* in December 2020.

132. Mass killings, in particular those which predominantly target men and boys perceived to be of fighting age, have disproportionate impacts on different members of the community.

⁸⁵ *Woyané* means “revolutionary” or “rebel” in Tigrinya, and the term forms part of the Tigrinya language name of the TPLF – *Hizbawi Woyane Harnet Tigray*. However, during the conflict, the term took on increasingly negative connotations, especially as government officials used it pejoratively to refer to the TPLF and TPLF supporters. See for example, ICHREE-D-000329.

One of the most visible impacts is on women and girls. Pre-existing gender stereotypes and patriarchal structures mean that men are often viewed as the primary breadwinners with women expected to assume caregiving and domestic duties. The loss of fathers, husbands, sons, grandfathers, brothers and uncles – in addition to being deeply traumatic – creates additional financial and security challenges for women and girls. This has often been compounded by looting, destruction of property, and lack of access to humanitarian support and essential services.

133. Children have also been severely impacted by killings. In many instances, either one or both parents were killed, placing an additional responsibility on older siblings to assume care giving responsibilities, or else on relatives and extended family members to step in and support. Older persons have also been impacted, especially when they had previously relied on their adult children – in particular their sons – for financial support and help with running the family farm or businesses. Without that support, they are struggling to provide for themselves, a situation which was once again compounded by looting, destruction of property, lack of access to humanitarian support and essential services.

B. Rape and other forms of sexual violence

“I was hiding in the field near my house... they took me to a nearby cave and raped me. First, they beat me, then they raped me. One said, ‘We will destroy Tigray and all the Tigrayans.’ [They] took it in turns raping me. After, one of them took a dagger and inserted it in my vagina. Then they burned the plastic on my body. It was so hot it blistered my skin.”

—A 60-year-old Tigrayan woman who was raped by three ENDF soldiers while a female ENDF soldier kept watch, in November 2020.

134. Rape and other forms of sexual violence against women and girls in Tigray were perpetrated on a massive scale. The vast majority took place during the first phase of the conflict from November 2020 to June 2021. Rape and other forms of sexual violence were also perpetrated in the context of mass detentions of Tigrayans from July 2021 as well as by Eritrean and Amhara forces after the signing of CoHA in November 2022. Other credible reports further confirm a continuation of widespread rape and other forms of sexual violence after the signing of CoHA in Tigray. Specifically, the Commission has received information about accounts of conflict-related sexual violence in Tigray as recently as June 2023.

135. Acts of rape and other forms of sexual violence in Tigray were committed primarily by Eritrean forces, ENDF soldiers and at times Amhara Special Forces, Afar Special Forces, and *fano* militia. In multiple instances members of these groups jointly perpetrated consecutive multiple-perpetrator rapes. Rape and other acts of sexual violence were perpetrated across all zones of Tigray as well as against Tigrayan women detained in Afar region from December 2021. While Tigrayan women of reproductive age were primarily targeted, rape and other forms of sexual violence were also perpetrated against children and older persons, with ages ranging from nine to 60 years old.

136. Rape and other forms of sexual violence occurred at the homes or shelters of the victims in the context of invasions and looting of towns or villages, during internal displacement, while searching for food, shelter, and other items essential to their and their families’ survival, in situations of arbitrary detention, and in situations of sexualized enslavement. Survivors who were raped while displaced had been forced to flee because of attacks on their homes and villages, attacks on their displacement camps, or suspension or lack of access to essential services. Some had also fled because they lacked objects indispensable to their survival, in particular as a result of widespread looting and destruction of property. Women and girls were also subjected to rape and other forms of sexual violence because of their real, perceived, or alleged association, including through their male family members, with parties to the conflict, predominantly Tigray fighters.

137. With no comprehensive statistics on conflict-related sexual violence in Tigray available, the Commission compiled credible information about incidents of rape and other forms of sexual violence from seven one-stop-centres in Tigray. These indicate that at least

10,003 survivors had sought support between 3 November 2020 and June 2023.⁸⁶ Presence of armed actors at medical or health centres, the lack of safe or available transport from rural to urban areas, internet and telecommunication breakdown as well as lack of money were given as reasons why survivors could not seek medical or psychological support within the critical first 72 hours after the incident, only several months after the incidents or not at all. Several interviewees experienced discrimination from their community and immediate family, particularly in cases in which women gave birth to children because of rapes. Due to ongoing insecurity, a destroyed health system, a dire humanitarian situation in vast parts of the region, ongoing presence and occupation of Eritrean forces and the fear of further discrimination or violence, it is likely that the recorded incidents present a vast underreporting of the actual numbers.

Patterns of conflict-related sexual violence

138. Patterns of rape and sexual violence included: widespread and consecutive vaginal, oral, and anal multiple-perpetrator rape with body parts or objects; vaginal, oral, and anal individual perpetrator rape with body parts or objects; and the insertion of foreign objects into victims' genital organs post-rape. Most cases concerned multiple perpetrator rapes involving up to fifteen perpetrators who often belonged to different armed forces and allied militias. Multi-perpetrator rapes were also committed against pregnant women. Vaginal rape was the most common form of rape found; however, anal and oral rape, including multi-perpetrator rapes were also perpetrated. Most rapes took place without a condom, exposing survivors to unplanned pregnancy and sexually transmitted infections and diseases, including HIV.

139. Numerous survivors, as well as health workers, stated that perpetrators inserted foreign objects, including nails, shrapnel, and rocks, into victims' genital organs post-rape. In one case, which was corroborated by the Commission through additional documentation, perpetrators, believed to be EDF soldiers, inserted a plastic bag, pins, and a nail cutter into a survivor's genital organs after raping her. The doctor who removed the items found a message written on a piece of paper in the Tigrinya language which described the "sons of Erena" who are "the heroes of Asmara" – a reference to Eritrea. The note goes on to state: "*What you already did in the 90's we haven't forgotten about it even now. From now on, no Tigrayan woman will give birth from a Tigrayan man.*"

140. Perpetrators used violence or ill-treatment to further hurt, humiliate, and dehumanize rape survivors. This included sexual and/or genital mutilation, including burning and searing of vaginas with hot metal rods, burning nipples with flames, and dripping melted plastic and hot water on victims' thighs. Survivors were also subjected to forced nudity and sexualized humiliation, including three instances where perpetrators urinated on their victims or forced them to drink their urine.

141. Women were also raped and subjected to other forms of sexual violence in situations where perpetrators exercised powers amounting to ownership or full control over them, and sometimes as a result over children who were in their care at the time. This included abduction and transport into situations of sexualized enslavement of Tigrayan, Irob, and Kunama adult women by EDF soldiers, ENDF soldiers, or a combination of the two in four different locations. During their enslavement, the women were routinely subjected to individual and multiple perpetrator rape. The women were locked in sites with little to no access to food, water, sanitary facilities, or medical assistance at times for several weeks, and in one instance for almost four months.

142. An Irob woman described how she was enslaved, in the Eastern Zone in December 2020, together with her one-year-old daughter, who died because her mother was prohibited from breastfeeding her while she herself was subjected to multiple-perpetrator rape for four days on end. Another Irob woman detailed how she was enslaved at a military base in Irob *woreda*, Eastern Zone, after being abducted and detained at a checkpoint while fleeing

⁸⁶ The Commission received information from seven one-stop-centers located in Mekelle, Southern, Eastern, Central and North-Western zones of the Tigray region regarding the number of survivors of rape and other forms of sexual violence who sought support between November 2020 - July 2023. This information was independently cross checked with health workers working at some of these facilities.

fighting in Adigrat. In addition to being subjected to repeated rapes, she was forced to cook and clean for her perpetrators. She recalled being raped by three commanders – two from ENDF and one from EDF – over a period of around a month. She recounted:

“Sometimes just one of them would rape me, but sometimes they would bring one of the others who would hold me down while the other raped me. Mostly it was [vaginal] intercourse, but sometimes they would use their hands [to rape me]. When they did it, it was very painful. Sometimes I would bleed afterwards. I was raped by three soldiers. It would be a different one each week. One week, one commander. Then the next week it would be a different one who would come [and rape me]. The rapes occurred regularly. Sometimes during the day, sometimes at night. I was also made to wash the clothes of the commander and also cook for them each day. Sometimes they would pour burning hot water on my legs. They would also beat me. Sometimes when they were beating me it was so hard, I would scream in pain. They would say things like, ‘You deserve what is happening’ and, ‘All women from Tigray must suffer’.”

143. ENDF and EDF soldiers raped women who were visibly pregnant or whose family members told perpetrators they were pregnant in an attempt to protect them. In addition to rapes, pregnant women were subjected to beatings of their stomach with objects and boots. In one instance, a survivor who was raped by two EDF soldiers in Saharti Samre *woreda*, Southern Zone, recalled: *“One took out his dagger and showed it to me and said, ‘We will rip open your stomach and kill your child.’”*

144. Family members of survivors, in particular very young children, were also subjected to sexual violence by being forced to witness rapes or assaults of their mothers or other female relatives. The Commission underscores the long-term intergenerational and intercommunity harm and trauma as a result of such incidents, which is further aggravated by continued presence of the perpetrating armed forces in the region.

145. Sexual violence against men and boys in Tigray remains seriously underreported and further investigation is recommended. One health worker explained that male survivors face significant barriers to reporting rape and sexual violence. Such barriers include feared discrimination and related consequences for male survivors of sexual violence for example through the criminalization of same-sex sexual relations in Ethiopia.⁸⁷

Derogatory ethnic slurs and sexualized verbal abuse

146. EDF, ENDF, Amhara Special Forces, Afar Special Forces, and *fano* militias used dehumanizing and derogatory language before, during, and after rapes. Survivors were targeted on the basis of both their ethnicity and their gender, indicating a broader effort to terrorize, displace, and punish the Tigrayan population. Some statements by the perpetrators suggested they may have had an intent to destroy the Tigrayan population. For example, a survivor from Humera, Western Tigray, who was raped by six EDF soldiers in March 2021 recalled one of her rapists telling her, *“Tigrayan women should not be able to give birth. It’s good to rape this Tigrayan. Let’s eliminate the Tigrayans for generations”*. The soldiers also killed her 5-year-old son.

147. Perpetrators threatened survivors with further sexual and other gender-based violence, forced impregnation, deliberate HIV infection, and threats to destroy women’s reproductive capacities. For example, a woman raped by ENDF and EDF soldiers after being detained at a checkpoint recalled, *“They said to me, ‘Your husband is junta and a traitor. You’re agame. We want to destroy your womb so you can’t give birth to a Tigrayan fighter. We will infect you with HIV.’”* Another woman, who was raped by multiple EDF soldiers in Zalambessa in November 2020, recalled one of her rapists asking where her children were:

“When I told him I didn’t know as they had fled the shelling, he replied, ‘If they are more than seven years old, you should give them up. You don’t have children anymore. We’ve been

⁸⁷ The Criminal Code of Ethiopia (Proclamation No. 414/2004), Title IV, Crimes against Morals and the Family, Chapter I, Crimes against Moral, Section II, Sexual Deviations, Art. 629: “Whoever performs with another person of the same sex a homosexual act, or any other indecent act, is punishable with simple imprisonment.” Punishment ranges from not less than one year of simple imprisonment to up to 15 years of rigorous imprisonment for grave cases, Art. 630 and 631.

told to kill all those over seven years old. You don't have children anymore. But don't worry, we'll give you a lot of Eritrean soldiers. What do you think?" I started crying. Another soldier came over and slapped me around the face. He said: 'Why are you crying? What's wrong with having Eritrean children?'"

He and other EDF soldiers then proceeded to beat her and subjected her to repeated rapes.

Physical and mental health consequences

148. Survivors of rape and other forms of conflict-related sexual violence faced multiple, often long-term physical and mental health consequences. Physical impacts included fistula, uterine prolapse, infection and vaginal discharge, as well as unintended pregnancies and transmission of HIV and/or other sexually transmitted infections. Several women said they experienced ongoing physical effects, including pain, explaining that they had either not received medical treatment or else had not been able to access adequate or specialized medical care. Survivors and health workers also spoke of mental health consequences, including depression, post-traumatic stress disorder, mood swings, aggression, sleep deprivation, ongoing state of fear, or nervousness. Some survivors as well as health workers also described suicidal thoughts.

149. Access to medical and psychological support services in Tigray was and remains grossly inadequate. Many survivors had to wait weeks, or sometimes months, to seek support owing to the insecure situation and presence of armed forces and allied militias. The situation was compounded by widespread looting and destruction of health facilities, suspension of essential services, and lack of health workers or specialized personnel and equipment. Where survivors did seek to prevent or terminate unintended pregnancies, most said they had to pay for emergency contraception or abortions themselves. The Commission heard several accounts of pregnancies because women could not afford abortions or lacked access to medical support services for emergency contraception or abortion. At least two women interviewed pursued unsafe abortions as a consequence of the absence of safe options.

150. Other significant barriers to survivors accessing medical care were – and remain – physical safety, discrimination and the fear of social isolation and ostracism as a result of structural inequalities disadvantaging women and girls across Ethiopia, including in Tigray. Some survivors were divorced by their husbands or rejected by their families after being raped; other survivors, health workers, and women's activists explained that the risk of social ostracism and further societal hardship meant many were reluctant to seek medical treatment in case they were identified as survivors of rape.

The post-CoHA situation

151. As noted above, rape and other forms of sexual violence, in particular against women and girls, in Tigray has continued since the signing of CoHA in November 2022. Specifically, the Commission has received information about conflict-related sexual violence perpetrated in Tigray as late as June 2023.⁸⁸ The Commission also received confidential information indicating a noticeable increase in transactional rape for food as well as continued sexualized enslavement and child labour in proximity to compounds or barracks of armed groups, in particular the EDF, which has further been confirmed by OCHA.⁸⁹

152. The Commission documented rape and other forms of sexual violence against three adult women and one 9-year-old girl in the Eastern and Southern Zone of Tigray since 2 November 2022. Perpetrators were identified as EDF and Amhara Special Forces. Other credible organizations have also documented continuing patterns of rape and other forms of sexual violence in Tigray since CoHA's signing. Based on a review of medical records, Physicians for Human Rights and the Organization for Justice and Accountability in the Horn of Africa have reported 128 incidents of sexual violence in Tigray since November, adding

⁸⁸ Physicians for Human Rights and the Organization for Justice and Accountability in the Horn of Africa and The Organization for Justice and Accountability in the Horn of Africa, *Broken Promises: Conflict-Related Sexual Violence Before and After the Cessation of Hostilities Agreement in Tigray, Ethiopia*, August 2023, p. 11.

⁸⁹ UN OCHA, *Ethiopia – Situation Report*, 27 July 2023.

that the scale and patterns of rape and other forms of sexual violence has not changed since the signing of CoHA.⁹⁰

153. Lack of access for humanitarian workers and independent monitors, in particular to areas in northeast, northwest, and western Tigray, coupled with the ongoing presence of the EDF, Amhara forces, and militias, makes it likely that cases from these areas are seriously underreported. The Commission therefore stresses the need for ongoing independent investigation of such acts. According to information from the Government, only 13 cases of sexual violence during the conflict have been tried in Ethiopian military courts, while 16 are pending – although we note that these courts do not appear to be independent or to meet international legal standards.⁹¹

Nexus between starvation and sexual violence

154. During its investigation, the Commission observed a nexus between starvation and sexual violence. Like sexual violence, the perpetration and impact of starvation in Tigray varies with gender as well as age and ethnicity.⁹² There were multiple occasions where the perpetration of sexual violence and starvation were connected, and information gathered indicates an increased likelihood of starvation for women and girls subjected to sexual violence, as well as their dependents. Simultaneously, starvation through denial of humanitarian access; suspension of essential services; destruction of homes, medical facilities, and other civilian property; as well as looting and destruction of foodstuffs, increased the risk of sexual violence.

155. For example, rape and other forms of sexual violence forced civilians to flee their homes or temporary shelters to makeshift camps or places of hiding. Displaced and without means to feed themselves or children in their care, unable to generate income, and at times separated from family and support structures, women were forced to leave their places of relative safety in order to find food or other items necessary for their survival. Most if not all survivors noted the lack of foodstuffs, access to basic medical services, housing or clothes. This was especially the case during the first phase of the conflict, which saw widespread looting and destruction of property, crops, and livestock as well as health and medical facilities. Survivors of sexual violence told the Commission that they were struggling to support themselves; in places where humanitarian assistance was available, many were dependent on it.

156. Other forms of sexual violence, in particular situations of sexualized enslavement, placed women and children at risk of starvation through the denial or lack of food, water and sanitation, and medical care. While sexually enslaved, one Irob interviewee was forbidden to breastfeed her one-year old daughter who consequently died. In another instance, a woman was prevented from breastfeeding her infant while detained and repeatedly raped by ENDF and EDF soldiers. In addition, multiple interviewees held in detention camps in Western Tigray and Afar, including survivors of sexual violence, described appalling conditions of detention, including deprivation of food, water, and medical care, which interviewees confirmed led to deaths.

157. Conversely, the risk of starvation through denial or deprivation of humanitarian access, essential services, attacks on civilian property and looting of goods, including foodstuffs, also placed women and girls at heightened risk of sexual violence. This included while they were fleeing their homes, living in displacement camps, or while searching for items necessary for their survival. For example, a woman who had earlier fled violence in Mai Kadra was raped during an attack on her displacement camp by *fano* militia in November 2020. She and her children had fled the camp, but she returned to search for food for her hungry children. Another survivor was raped while travelling from her hometown to Shire to

⁹⁰ See Physicians for Human Rights and the Organization for Justice and Accountability in the Horn of Africa, *Analysis of Medical Records of Conflict-Related Sexual Violence in Tigray, Ethiopia, between November 2020 and June 2023*.

⁹¹ S/2023/413, p. 27.

⁹² See comparatively: Mazurana, Dyan, Bridget Conley, and Kinsey Spears, 'Sex, Gender, Age, and Mass Starvation', in Bridget Conley and others (eds), *Accountability for Mass Starvation: Testing the Limits of the Law* (Oxford, 2022; online edn, Oxford Academic, 15 Dec. 2022).

try to withdraw money from the bank and buy items for her one-year-old child. She was stopped at a military checkpoint, searched, and then taken to a warehouse where she and another woman held for four days and raped by ENDF and EDF soldiers.

158. Social stigma and discrimination attached to sexual violence have further impact on survivors' vulnerability to starvation. Multiple interviewees in Tigray, survivors, health workers, and women's activists, explained that women and girls who were identified as survivors of sexual violence had been divorced by their husbands and rejected by their wider families or communities. This absence of support structures, in a context where the social fabric of society has already been seriously weakened, places survivors of sexual violence at greater risk.

159. The Commission recommends further investigation to better understand the nexus between starvation and sexual violence in Ethiopia, as well as the different and disproportionate impacts on persons and communities based on their gender, age, ethnicity, or other intersecting factors, with a view to improving necessary services to survivors and strengthening redress for their harms.

C. Detention of Tigrayans

160. Tigrayan women, men, and children were detained on a massive scale during the conflict. Detentions occurred in phases, often linked to political or other developments in the conflict. The first phase began in November 2020 as the conflict erupted and saw the detention of Tigrayan members of ENDF, police, and civil service, as well as civilians with a real or perceived link to TPLF. The second phase started in July 2021, after Tigray forces had captured Mekelle and launched offensives in Amhara and Afar regions. Detentions intensified from November 2021, after the Government announced a nationwide state of emergency. This included the detention *en masse* of Tigrayan civilians in Western Tigray, as well as the mass detention of Tigrayan residents in Ab'ala, Afar region.

(i) Detentions of Tigrayan ENDF soldiers

161. Ethnic Tigrayan ENDF soldiers, male and female, were amongst the first group of Tigrayans arrested and detained after the conflict started. Fearful that they may join Tigray forces, the ENDF detained thousands of them in the early days of the conflict and again in November 2021. Many former detainees were not released until after the signing of CoHA in November 2022, while the Commission has received credible information indicating others are still in detention. Tigrayan members of the police force and civil service were also detained at these times. Some detained members of ENDF were taken into custody by fellow ENDF soldiers from as early as the morning of 3 November 2020. Tigrayan members of ENDF were extrajudicially executed in custody. Detainees were held in poor conditions, and in some cases, were subjected to forced labour in detention. Former detainees and relatives of those detained did not know the fate or whereabouts of their colleagues and loved ones.

Mass extrajudicial executions in Mirab Abaya

"We felt betrayed as soldiers who have served this country [...] Many of my brothers and sisters were slaughtered in broad day light."

—A survivor of the Mirab Abaya mass extrajudicial executions

162. One of the locations where Tigrayan ENDF soldiers were held was Mirab Abaya, a military camp in Arba Minch, Southern Nations, Nationalities, and Peoples' Region. The military camp is part of the ENDF's Southern Command and was described by former detainees as having two parts – an "old side" and a "new side" – which were still under construction at the time some of the detainees arrived at the military camp between 4 and 6 November 2021. Former detainees stated that the camp was guarded by ENDF soldiers, including soldiers from the *Dejen* Division, which used to be known as the 17th Division. As with other locations where Tigrayan ENDF soldiers were held, detention conditions at the camp were poor, with limited access to medical care and sanitation facilities.

163. On 21 November 2021, at around 4-4:30 p.m., 17 ENDF soldiers, 16 males and one female, began shooting at detainees from the front of the detention site. As they tried to escape, detainees encountered other soldiers waiting in ambush who shot at them. As the

shooting continued, some detainees hid, while others ran out of the camp either towards the lake or into the bush. Detainees who ran out of the camp were pursued by the ENDF soldiers, while those who survived the shooting inside the camp were killed at close range. One interviewee described seeing the dead bodies of two female Tigrayan ENDF soldiers from where he was hiding. Another witness who fled to the bush said that he heard gunshots all through the night. Both survivors told the Commission that they recognized that the perpetrators were ethnic Amhara soldiers from ENDF's *Dejen* Division.

164. Local residents, apparently spurred by local radio and Government officials, attacked and killed escapees. According to survivors, prior to the attack, a broadcast on local radio informed the surrounding community that their children, who were ENDF soldiers, had been killed in the conflict in Tigray region and the detainees were *junta*. After the shooting, broadcasts encouraged the local residents to search for the escapees; local officials made similar announcements using loudspeakers. Members of the local community used crude weapons to torture and kill escapees. Two survivors described witnessing local community members using machetes to cut bodies into pieces; in some instances, escapees' heads were cut from their necks and hoisted on sticks for display.

165. Information gathered by the Commission indicates that at least 83 Tigrayan ENDF soldiers, 81 males and 2 females, were killed during the attack. The dead were buried in a mass grave close to the camp. The Commission has on file the names, ranks, and positions of those killed, although survivors said that there may have been others killed who are not accounted for. Former detainees stated that the detention of Tigrayan ENDF soldiers had negative socioeconomic and emotional impacts on their families as they did not know the whereabouts of their loved ones for years. Furthermore, some Tigrayan ENDF soldiers remain in detention even after the signing of CoHA.

Wider impacts and consequences

166. The arrest and detention of Tigrayan members of ENDF had a wider impact on families of detainees, many of whom were forcefully evicted from Government-allocated houses. Former detainees described their houses being searched, and – as with other Tigrayans who worked for the Government – were not paid their salaries from November 2020, which had serious economic consequences for them and their families. While both female and male family members of detainees were affected, female relatives suffered disproportionately since the vast majority of detained Tigrayan ENDF soldiers were male, reflecting the overall dominance of males within the Ethiopian military. One interviewee explained that his pregnant wife and child were evicted from their Government-allocated home after he was detained; in addition, the withholding of his salary has meant that he has been unable to financially support his family. Next to life-destabilising consequences and economic hardship, women being left alone to take care of their dependants, arbitrary detention of family members has a severe and long-term psychological impact on children.

UN peacekeepers

"We served the United Nations as peacekeepers... [now], we are living in tents. We are suffering."

—A former UN peacekeeper and Tigrayan member of the ENDF seeking political asylum.

167. The Commission also interviewed Tigrayan ENDF soldiers who were outside Ethiopia serving in United Nations peacekeeping missions when the conflict started in November 2020. Ethiopia is one of the largest contributing countries to both United Nations and African Union peacekeeping missions.

168. Former peacekeepers told the Commission that, as soon as the conflict broke out in Ethiopia, they and their fellow ethnic Tigrayan colleagues began to face increased discrimination and harassment on United Nations bases. *"They would call us junta and put lots of pressure on us because we are Tigrayan,"* recalled a former peacekeeper stationed in Sudan. Some peacekeepers were returned to Ethiopia and detained with other Tigrayan ENDF soldiers, some of whom were taken to Mirab Abaya military camp. Further investigation is required to establish whether any of those forcibly returned to Ethiopia were among those extrajudicially executed in Mirab Abaya.

169. Former peacekeepers were informed that they would be returned home, even in the middle of their missions, while others explained that they were due to return but feared arrest and detention. One interviewee, who refused to return to Ethiopia, told the Commission that he was beaten by his former ENDF colleagues as they tried to force him on to a plane back to Ethiopia. Others also described attempts to force Tigrayan members of the ENDF serving in peacekeeping missions to return to Ethiopia. Another interviewee explained that she has not heard from her husband since he completed his mission in Sudan: *“When he completed his mission, he went back to Ethiopia. But he was arrested as soon as he reached there. Since then, I don’t know his whereabouts [...] I’ve been trying to get information about him, but nothing,”* she explained.

170. At least several hundred Tigrayan ENDF soldiers who were serving as United Nations peacekeepers chose not to return to Ethiopia fearing arrest and detention, and instead have sought political asylum in neighbouring countries. Many described being in difficult and precarious situations, some moving into refugee camps, others living in urban areas in neighbouring countries. Despite the partial restoration of internet and telecommunications access in Tigray, communicating with family members living in remote areas remains difficult. *“I have not talked to my family for two years,”* said one former peacekeeper. *“Telephone communication has resumed only in some or main areas – big cities like Adwa, Shire, and Mekelle.”*

171. The Commission expresses grave concerns over these reported acts that have taken place on United Nations bases in the region as well as the situation of former Tigrayan United Nations Peacekeepers; it urges the United Nations Secretary-General, under whose authority these forces are deployed, for a further inquiry into the role and responsibilities of the United Nations.

(ii) Detentions of Tigrayans in Addis Ababa

172. Tigrayan women and men in Addis Ababa were subject to ethnic targeting, house searches, arbitrary arrest and detention throughout the conflict, from November 2020 through 2023. However, there was a significant increase in such arrests from late June-early July 2021 after the Tigray forces took control of Mekelle, and in November 2021, after the Government announced a nationwide state of emergency. Journalists of Amhara and Oromo ethnicity were also detained during this time in connection with their reporting on the conflict.

173. Those arrested came from all walks of life, and included university students, daily labourers, lawyers, politicians, journalists, activists, humanitarians, and other civil society actors. The Commission identified at least 16 different detention locations used to detain Tigrayans across Addis Ababa, including police stations, prisons, and unofficial detention sites on the outskirts of the city. Tigrayan women and men were searched, arrested, and detained, predominantly without warrants, by the Federal Police, Addis Ababa Police, and the Ethiopian National Intelligence and Security Service (NISS). Consistent with public reporting from the time, some former detainees further described the involvement of ordinary civilians, neighbours, or residents of Addis Ababa in arrests.

174. In most cases, former detainees were not aware of the reason for their arrest and no warrant was shown; some said they were told they were accused of “terrorism” and providing support or being affiliated to TPLF. Arrests often took place in the context of house searches, during which police or other security forces confiscated personal equipment such as phones, laptops, and other technological devices. Several former detainees had their bank accounts frozen at the time of arrest. Some were hit or beaten during interrogation, while others heard screams of others they believed were being subjected to abuse. The Commission also received credible information about sexual abuse; one former detainee told the Commission that male police officers touched women’s genitals during interrogations. Former detainees also describe being subjected to ethnic and sexual verbal abuse.

175. Conditions of detention were generally poor. Former detainees consistently reported overcrowded cells, lack of sufficient food and access to medical care, and in some cases, a prohibition on speaking Tigrinya. Women and men were generally separated. In some detention centres, witnesses recalled seeing women detained with their children. Some former detainees also reported being asked to pay bribes for services such as phone calls, sanitary products, and visits.

176. Most detentions documented by the Commission in Addis Ababa were of short duration, lasting around one-two weeks. However, in some cases, individuals were detained for several months, often moved between different detention centres. At times, detainees were moved to detention sites in other parts of Ethiopia; two former detainees were transferred to Awash *Sebat* and Awash *Arba* detention centres in Afar.

177. Even after they were released, former detainees faced ongoing intimidation and harassment, including surveillance. At least four interviewees were subject to re-arrest and detention, while others described living in fear of re-arrest or other reprisals. House searches, arbitrary arrest and detention was further aggravated for Tigrayans who identify as LGBTQIA+ as a result of their ethnicity and real or perceived sexual orientation or gender identity. In the face of the ongoing threat of rearrest, detention, and discriminatory persecution on grounds of ethnicity as well as at times sexual orientation, some Tigrayans said that they felt they had no choice but to flee the country.

(iii) Mass detentions in Western Tigray

178. Tigrayan civilians – women, men, and children were detained on a massive scale in Western Tigray. The Commission identified at least 13 different detention sites. Detentions began from November 2020 through September 2022. Many took place between July and November 2021, and were subsequently followed by forced expulsion from Western Tigray. Tigrayan civilians were detained by Amhara Special Forces and *fano* militia, at times accompanied by ENDF and EDF soldiers, during mass roundups of Tigrayan civilians. Amhara Special Forces and *fano* militia members would summon Tigrayans to meetings or order them from their houses. Others described being detained while displaced or fleeing their homes, or after being stopped on the street and forced to show their IDs which indicated Tigrayan ethnicity.

179. Detainees were overwhelmingly Tigrayan civilians. Interviewees described the targeting of Tigrayans and more lenient treatment for people of mixed ethnicity. This discrimination took place as detainees were screened for their ethnicity at the start of during detention; those with mixed ethnicity also appear to have been released earlier.

180. Length of detention ranged from overnight – usually before individuals were expelled from Western Tigray to other parts of the region – to more than one year. Individuals detained in Western Tigray consistently told the Commission that they were not informed of the reason for their detention, lacked access to lawyers, and never appeared before a judge or court.

Conditions of detention

181. Tigrayan civilians were held in shocking conditions of detention in Western Tigray. Many were held in large, overcrowded rooms with scores or hundreds of others. During the day, the heat was unbearable, while at night they either had to take turns sleeping or else sleep on top of each other. One former detainee explained that women especially suffered from the heat as, unlike men, due to cultural norms they did not take off their clothes.

182. Access to water and sanitation facilities was virtually non-existent; former detainees were only allowed outside once a day to use the bathroom. As a result, detainees, in particular children and older people, often had to urinate or defecate in the room they were held in. One former detainee said that the scarcity of water meant that they resorted to using urine to wash. Detainees were not provided with food and water. At times, guards permitted family members or neighbours to bring food, although they sometimes faced threats and intimidation. This included relatives having to pay bribes and food being confiscated or destroyed by guards.

183. Detainees did not have access to medical treatment, including medication. The conditions were so severe – in particular the lack of access to food, water, and medical care – that witnesses described seeing people die. One interviewee explained that if *fano* guards found that medicines had been smuggled into the detention centre, they would beat the detainees. “They used also to say, ‘You Tigrayans, you need to die. There is no medicine for you’,” he recalled. Another recalled a fellow detainee trying to raise concerns about conditions of detention when a Commander of ENDF visited the prison:

“He went to the chief. The chief said, ‘Why are you disturbing us, get out of here’. He was later beaten severely with a metal stick. The chief came back to us [the detainees] and said:

“If you act like [him], you will be killed one by one. So, do not complain about anything. Do not ask anything.”

184. Tigrayans were subjected to physical abuse by Amhara Special Forces, police and *fano* militia both while rounded up and while in detention. This included regular physical beatings, including kicking, punching, and hitting with sticks. Photographs of scars were consistent with the description of the violence inflicted.

185. Detainees were interrogated about links to the *junta* and in one case extortion for money. One man, who was detained for more than one year in a warehouse in Adebay, recalled:

“They said things like, ‘you support the junta’. I said, ‘no, I’m a farmer and not involved in politics.’ Then they beat me. Over and over. My left hand was badly injured. I still have pain. They hit me with a stick. There were three of them [Amhara police]. They took it in turns to beat me. When one got tired, the next would come. It started at 6pm in the evening and lasted until around midnight. They tied my hands behind my back. I couldn’t defend myself. One time I threw myself on the floor to try and avoid being hit. That’s how I broke my hand.”

He said he was beaten so hard that the wooden sticks of his abusers broke. Other detainees were beaten so severely they died in detention. Some detainees were taken away without returning, in what appear to be enforced disappearances or extrajudicial executions.

186. Detainees were also subjected to humiliation and verbal abuse. One witness described how *fano* guards would threaten the male detainees with guns and say, *“When do you want to die? Today or tomorrow? You choose.”* She told the Commission that guards they kept calling her *junta*: *They said, “All Tigrayans have to die. We will wipe you all out.”* Another former detainee recalled one Amhara Special Forces official saying, *“You are not human beings... You are the snakes of Ethiopia... Ethiopia will get peace only when you have vanished.”*

Rape and other forms of sexual violence

187. Women and girls were raped and subjected to sexual violence while in detention. The Commission interviewed three survivors of rape, while former detainees also provided information about women being raped in detention. In one instance in November 2020, a 15-year-old girl was detained by seven *fano*, who held and enslaved her in a warehouse in Humera for seven days where they subjected her to repeated multiple perpetrator rapes. Another woman witnessed the rape of her 13-year-old sister the day before she herself was raped at the warehouse in Adebay. She identified the perpetrators as EDF, explaining that they spoke Tigrinya with an Eritrean accent.

188. Perpetrators used insulting language while raping women in detention. *“They would say things like, ‘You are junta, you don’t belong here. You think the junta will rescue you?’ and, ‘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’,”* one survivor told the Commission. Another recalled: *“One of them told me, ‘I’m going to destroy your uterus so you can never give birth to a Tigrayan. Tigrayan children grow like a cancer inside, then one day they become adults.’”*

(iv) Detentions of Tigrayans in Afar region

189. Thousands of Tigrayan women, men, and children were also arbitrarily detained in Afar region. Many of these were Tigrayan residents of Ab’ala who were rounded up in December 2021. Tigrayans were also transferred to Awash *Sabat* and Awash *Arba* detention centres in Afar after being detained elsewhere, in particular in Addis Ababa.

190. Detentions of Tigrayans living in Afar took place after Tigray forces, which had earlier launched attacks in the area, had withdrawn. In November and December 2021, Afar militia, apparently in reprisal for Tigray force attacks, killed at least scores of Tigrayan civilians in the town of Ab’ala, which lies on the Afar-Tigray border. On 18 December 2021, Afar Special Forces rounded up Tigrayans in Abala, loaded them on to trucks, and took them to a large camp in the Afar capital Semera. One interviewee said that they were told they were being moved for their own security, to protect them from attacks from the Afar community.

191. Thousands of Tigrayans were held in two main camps. Women and children were held separately from men; they had limited access to food, water, sanitation, and healthcare. *“It*

was awful. We only got wheat flour for food,” recalled one woman. “My children were constantly hungry. They would cry because their stomachs hurt from hunger. I was so sad. My sister [who was with us] is HIV positive and she was not able to take her medication. I thought she might die.” Humanitarian organizations were restricted in what they were able to do. A humanitarian worker who visited the camps said: “There was horrific congestion in the big camp. I’ve never seen anything like it. There were fungal diseases over kids’ skin, open air defecation, no WASH facilities. It was disgusting.”

192. Women, girls, men, and boys were raped in the camps. Most of the rapes documented by the Commission were against women and girls, and were perpetrated by members of the Afar Special Forces; in at least one instance, they were co-perpetrated by EDF soldiers. One woman recalled, “Every night they [soldiers] would take women out and rape them. They raped me every day for nearly nine months. They would gang-rape me each time. Sometimes there were so many, I couldn’t count how many raped me.”

193. Rapes began as soon as they arrived at the camps, often in a context of sexualized enslavement where the perpetrators used survivors to cook and clean. One survivor, who was raped with two other women in June 2022, recalled being taken by Afar Special Forces. “I thought it was just cooking. Some women had already been cooking. But actually, they got raped and hadn’t said anything as they were too ashamed to tell. All the women in the camp were raped. They raped me once, but younger girls were raped many times.”

194. Interviewees were held in the camps for nine months before being released in August 2022. On being released, some chose to go to Tigray, fearing for their security if they returned to Ab’ala. Others who returned to their homes in Ab’ala told the Commission that they found them looted and had no choice but to leave, travelling to Mekelle, where they were living in displacement camps at the time of interview.

195. Tigrayan civilians detained in the camp in Semera as well as other locations were also transferred to detention sites in Afar region, notably Awash *Sabat* and Awash *Arba* detention centres. The Commission received credible information that Tigrayan members of ENDF were also transferred to these two detention sites. There detainees were subjected to torture and ill-treatment, including beatings, kicking; and being forced to walk barefoot on hot asphalt. One man, originally detained in Addis Ababa and transferred to Awash Arba in November 2021, recalled:

“In the evenings, the police would take detainees out of their cells, lie us on the ground and beat us. There was no shower for detainees, and we took turns using plastic jerrycans as toilets. [One night] I was taken to another room, my hands tied behind my back, they put a cloth my mouth and continuously inserted my head in water. They kept asking about my relationship with the junta. They asked if I helped the junta. They tortured me like this four different times.”

The Commission further documented one account of rape at Awash *Arba*.

196. While most have since been released, the Commission notes with alarm reports that Amhara civilians detained under the state of emergency announced in August 2023 are still being held in Awash *Arba* detention centre. Following a recent visit to Awash *Arba*, the Ethiopian Human Rights Commission released a report stating that detainees reported beatings and harassment during raids on their houses and called for further investigation.⁹³ Given the Commission’s own findings of torture and ill-treatment at the facility, ongoing and independent monitoring of detainees is essential.

(v) Detentions and abductions by EDF

197. EDF troops abducted and detained civilians, including Eritrean refugees and at least one humanitarian worker, from 3 November 2020.

198. One example was the detention and abduction of 14 Tigrayan civilians, 11 men and three women, by EDF soldiers in Zalambessa in November 2020. The group was taken by foot across the border to Eritrea, where they were held for six days in a small building. Eritrean

⁹³ Ethiopian Human Rights Commission, በአስቸኳይ ጊዜ ሁኔታ አዋጅ አተገባበር ጋር ተያይዞ በአዋሽ አርባ እና በተለያዩ መደቦች ባልሆኑ ቦታዎች ተይዘው የሚገኙ ሰዎችን በተመለከተ, 2 September 2023.

soldiers beat and interrogated the group in an attempt to force them to confess to being members of the Tigray forces. All 14 continued to protest their innocence and were eventually released.

199. EDF soldiers also abducted and detained Irob and Kunama civilians from November 2020 through November 2022. In one incident, two interviewees separately described how Eritrean soldiers also abducted Tigrayan and Kunama civilians during the escalation of fighting from August 2022. The Commission interviewed two men who were among a group of around 120 civilians, mostly men, who were detained by EDF soldiers and taken to Sheraro; they were held for around a week before being taken across the border to Eritrea. They were subsequently released in November following the signing of CoHA. As confirmed in the previous section on rape and other forms of sexual violence in Tigray, EDF soldiers also abducted and detained Irob, and Kunama women while they were travelling or fleeing, taking them to military camps or other detention sites where they subjected them to rape and sexualized enslavement.

200. Credible information indicates that detention and abductions of civilians are ongoing, in particular of ethnic Irob and Kunama civilians in northwest and northeast Tigray.

D. Siege and starvation

“You can’t starve people just because you want to win a war.”

—A senior humanitarian worker operating in Ethiopia during the conflict.

201. Ethiopian history is replete with periods of severe food insecurity and famine.⁹⁴ Most notably, the impact of sustained drought compounded by the deliberate policies and military strategies of the *Derg*, including restrictions on food supplies during civil war, resulted in a devastating famine in Tigray and Wollo in 1983 to 1985.⁹⁵ Possible starvation-related crimes of this period were investigated during the 1990s, but no prosecutions were brought.⁹⁶ Although estimates vary wildly, accounts tend to agree that ‘a minimum of 400,000’ people perished due to the famine during that period, almost all in present-day Tigray and Amhara regions.⁹⁷

202. Historically, Tigray was chronically food insecure. Structural changes to the economy of rural livelihoods, including new agricultural technologies, soil and water conservation, the development of migrant labour patterns, and the introduction of micro-credit and safety nets after 1991 meant that prior to the outbreak of the armed conflict on 3 November 2020, and despite ongoing humanitarian needs, most of the population in Tigray was considered to be relatively resilient and food secure. Prior to the conflict, around 600,000 people were in need of food assistance in Tigray region. In January 2022, according to OCHA, this figure had skyrocketed to 5.2 million people – around 90 per cent of the population – who were then in dire need of humanitarian assistance.⁹⁸ Unlike humanitarian challenges in other parts of the country, this crisis was – and remains – largely manmade; namely the result of widespread pillaging and scorched earth policies by ENDF and EDF forces, Ethiopian government restrictions on a broad range of basic services and the obstruction of commercial imports into Tigray; and the obstruction of humanitarian aid and assistance, which was described by the UN’s humanitarian country lead in September 2021 as a “*de facto blockade*.”

⁹⁴ At the end of the nineteenth century, the country was hit by a devastating rinderpest epidemic, as a result of which it is thought that as many as a third of the human population of the time died. In 1973 the imperial government’s neglect of famine in Wollo contributed to the public dissatisfaction that brought down the emperor in 1974. See McCann, James, 1987, *From Poverty to Famine in Northeast Ethiopia: a Rural History 1900-1935*, Philadelphia: University of Pennsylvania Press. On Wollo in the 1970s and 1980s see Dessalegn Rahmato, 1991, *Famine and Survival Strategies*, Uppsala: Nordiska Afrikainstitutet.

⁹⁵ Freedom House, 1991, *Ethiopia: The Politics of Famine*, New York: Freedom House. Africa Watch, 1991, *Evil Days: 30 Years of War and Famine in Ethiopia*, New York: Human Rights Watch.

⁹⁶ de Waal, Alex, 1997, *Famine Crimes: Politics and the Disaster Relief Industry in Africa*, Oxford: James Currey. Tronvoll, Kjetil et al. (eds), 2009, *The Ethiopian Red Terror Trials*, Oxford: James Currey.

⁹⁷ Some accounts suggest over a million perished. See the discussion in Gill, Peter, 2020, *Famine and Foreigners: Ethiopia since Live Aid*, Oxford: OUP, p.43, citing Africa Watch, 1991.

⁹⁸ UN OCHA, Northern Ethiopia – Humanitarian Update, Situation Report 27 January 2022.

203. In assessing the humanitarian situation in Tigray, the Commission found a range of measures designed to deprive the civilian population of objects indispensable to their survival. Such objects include those that facilitate access to healthcare, shelter, water and sanitation, and education, in addition to food. The intentional denial or deprivation of such ‘objects’ can constitute the crime of starvation as a method of warfare.

(i) Looting and destruction of objects indispensable to the survival of the civilian population

“EDF soldiers took everything and what they could not take, they destroyed.”

—A man recalling the looting of his and other homes in Bora in April 2021; his goats, wheat, food, and bedsheets were taken, while soldiers left slaughtered animals in the streets.

204. The Commission collected extensive evidence that armed actors in Tigray region engaged in widespread looting from November 2020 through May 2021, when Tigray was under the control of the Command Post, as well as from August to November 2022 when active fighting resumed. Looting and destruction of essential objects occurred in all zones of Tigray – Central, Eastern, Northwestern, Southern, Southeastern, Western, and in Mekelle.

205. Most incidents were perpetrated by EDF, primarily in Central, Eastern, Northwestern, Southern, and Southeastern Tigray. Looted items included medical and health equipment, for example hospital beds and diagnostic equipment from health facilities, farming and agricultural equipment, as well as items from people’s homes – iron sheets for roofs, food stuffs, livestock, even mattresses and blankets. Interviewees also described looting of jerry cans, which are used to collect and carry water for drinking and other essential uses. At times, Eritrean civilians, both male and female, also engaged in looting, taking the looted items back to Eritrea on large trucks.

206. ENDF soldiers also engaged in looting. This included the taking and killing of livestock, electrical items, and jewellery. In several locations, including Adwa, Kola Tambien, and Gijet, interviewees described seeing ENDF and EDF soldiers working together to loot civilian property. In some cases, interviewees stated that ENDF soldiers were present while EDF soldiers were looting civilian homes and property, but did not intervene to stop them.

207. In Western Tigray, the majority of looting was perpetrated by *fano* militia and Amhara Special Forces, at times with the support of EDF soldiers. Amhara Special Forces and *fano* militia also engaged in looting in Southern Tigray, in particular around Zata, Chercher, and Alamata during the resumption of fighting from August to November 2022.

208. Medical facilities were systematically destroyed, in particular through looting. Six months into the conflict, *Médecins Sans Frontières* reported that nearly 70 per cent of health care facilities had been looted, and more than 30 per cent had been damaged, with only 13 per cent of facilities still fully functioning.⁹⁹ Three months later, a study by Mekelle University found that none of the health facilities were operating at the pre-conflict level,¹⁰⁰ with more than a half of facilities providing maternal care also not functional.¹⁰¹ A UN WHO study conducted in May and June 2023 concluded that 86 per cent of facilities had been destroyed, with 92 per cent fully or partially out of function.¹⁰² Interviewees confirmed that they continued to struggle to access adequate health care, with lack of availability of medicine and medical supplies. The situation and lack of medical treatment was so dire that – both during the conflict and after CoHA – interviewees told the Commission that they had no option but to try to use holy water to try to cure illnesses, including resulting from rape.

209. EDF, ENDF, Amhara Special Forces and *fano* also destroyed of farming and agricultural items, as well as beehives and trees. Oxen and other livestock that were not looted

⁹⁹ *Médecins Sans Frontières*, People left with few healthcare options in Tigray as facilities looted, destroyed, 15 March 2021.

¹⁰⁰ Gebregziabher M, Amdeselassie F, Esayas R, et al, Geographical distribution of the health crisis of war in the Tigray region of Ethiopia *BMJ Global Health* 2022;7:e008475.

¹⁰¹ UNFPA, UNFPA supports health workers delivering hope, and babies, in crisis-wracked Tigray, 10 November 2021.

¹⁰² WHO, HeRAMS Tigray Baseline Report 2023: Operational status of the health system, A comprehensive mapping of the operational status of HSDUs.

were slaughtered, leaving communities without vital farming equipment, which was especially harmful as the lack of electricity and fuel made it impossible to use electrical equipment. “*Sheep, goats, cows... They took and slaughtered them... Farmers can no longer farm because their oxen are all dead,*” explained one woman from Southern Tigray. Even foodstuffs were burned or destroyed. A woman from Keyhe Tekli *woreda*, in Central Tigray whose house was looted while EDF soldiers were in the area explained:

“We kept our grains in a kofo [a traditional container]. I had two kofo full of grains. When I got back, they were broken and they had mixed the grains with earth so it was inedible.”

(ii) The siege and suspension of essential services

“It felt like we were cut off from the world.”

—Tigrayan man from Mekelle.

210. From 4 November 2020, the Government suspended services including electricity, internet and telecommunications,¹⁰³ and banking services. After the ENDF took control of Mekelle and surrounding areas on 28 November 2020, the Government installed a provisional administration, and in the months that followed some of these services were partially restored in some, but not all areas.

211. Under the provisional administration freedom of movement within Tigray was restricted, limiting access to services, in particular emergency medical treatment. A curfew, enforced by the ENDF, meant that no vehicles were permitted to travel at night; only in February 2021 were ambulances able to travel at night again. Checkpoints manned by ENDF and other forces also prevented or otherwise delayed people from accessing emergency healthcare.

212. The already dire situation deteriorated dramatically from 28 June 2021 after Tigray forces retook control of the region. During the period from late June 2021 until August 2022, Federal Government and allied forces, including EDF members, employed a series of measures to lay siege to Tigray.¹⁰⁴ The government disconnected Tigray from the national electricity grid and reimposed a region wide internet and telecommunications shutdown. The government also shutdown banking services. More than 600 Tigrayan branches of national banks were closed and all accounts that had been opened in Tigray were frozen. As a result, thousands of Tigrayans lost access to their money, including those living outside the region whose accounts had been opened there. In addition, the Government stopped paying salaries to Tigrayan civil servants, including teachers and doctors.

213. In addition, the federal government, together with regional allies, obstructed the import of cash, fuel, and commercial goods into Tigray by establishing roadblocks and checkpoints manned by the ENDF, Amhara Special Forces and Afar Special Forces.¹⁰⁵ This caused commodity prices in Tigray to increase significantly. Small amounts of cash were smuggled into Tigray by couriers, but these were accompanied by exorbitant transaction fees. Meanwhile, Tigrayans were unable to flee the region; the border with Sudan was closed in November 2020 and those who tried to escape through Amhara region risked detention. “*Tigrayans are essentially held hostage up there,*” explained one humanitarian worker speaking at the height of the siege.

¹⁰³ Netblocks, 4 November 2020, <https://netblocks.org/reports/internet-disrupted-in-ethiopia-as-conflict-breaks-out-in-tigray-region-eBOQYV8Z>.

¹⁰⁴ As defined by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), an area is besieged when it is “surrounded by armed actors with the sustained effect that humanitarian assistance cannot regularly enter, and civilians, the sick and wounded cannot regularly exit.” See also ICHREE-D-000753.

¹⁰⁵ See UN OCHA, Ethiopia – Tigray Region Humanitarian Update: Situation Report 19 August 2021 which states that “Commercial supply is still obstructed, leading to a lack of essential commodities in the private markets and a spike of prices, making it impossible for people to afford basic daily necessities”; and UN OCHA, Ethiopia – Tigray Region Humanitarian Update: Situation Report, 25 March 2022, which stated: “As the flow of humanitarian and commercial supplies into Tigray remains severely restricted and insufficient, the prices of basic goods continue to increase while people purchasing power has significantly decreased having a direct impact on livelihoods.”

214. The obstruction of commercial imports resulted in an extreme shortage of medication and medical equipment, including spare parts for repairs. Humanitarian workers described serious shortages of medication and medical equipment, inadequate health care for survivors of rape and other forms of sexual violence. Visitors could not travel to Tigray carrying medications if these were not authorized by the government. Interviewees also described shortage of medication. The longer these restrictions lasted, the greater the consequence for persons.

215. In addition, farmers and others engaged in agricultural activities also struggled to obtain items essential to their livelihoods, such as fertilizer, seeds, pesticides, new equipment and spare parts or fuel, including for water pumps. In a region where the majority of people are subsistence farmers, such restrictions have had a devastating impact.

(iii) Attacks against civilian and essential objects

216. ENDF, including the Ethiopian Air Force, and EDF also attacked civilian and essential objects. This includes indiscriminate shelling close to or directed at civilian populated areas as well as air- and drone strikes.

217. Such attacks were on homes, hospitals, schools, markets, factories, religious buildings, in particular churches, businesses, milling shops and grain stores. Displacement and refugee camps and sites were also attacked.¹⁰⁶ Interviewees and humanitarians further described deliberate destruction or dismantling of water irrigation pumps. Damage to essential systems including the water infrastructure led to a scarcity of potable drinking water, while ENDF also prevented international organisations from bringing in spare parts for water pumps or chlorine tablets.

218. ENDF conducted aerial attacks, including drone strikes, on buildings and places that the civilian population relies on for their safety or survival, in particular displacement camps and markets. In its first report to the Council, the Commission found that the Ethiopian Air Force launched a drone strike on the Dedebeit IDP camp, where hundreds of displaced persons, many of them forcibly expelled from Western Tigray, were taking shelter. Scores were killed.

219. The Ethiopian Air Force further conducted an airstrike on 22 June 2021 on a market in Togoga, Southeastern Tigray. The airstrike hit the town on market day at around 1 p.m., when the market is often at its busiest. Residents of the town said that up to 5,000 persons would travel from five different *woredas* to attend the market each week to buy and sell grain, cattle, and other goods. The strike hit the market in two locations, one close to a milling shop. ENDF soldiers prevented injured civilians, including children, from accessing emergency medical treatment for more than 48 hours.

220. In addition, the Ethiopian Air Force also conducted an airstrike on the market in Alamata town, Southern Tigray, in December 2021 which killed and injured civilians. The strike occurred as Tigrayan forces were withdrawing north from Amhara region. As in Togoga, the airstrike took place on a busy market day, when hundreds of civilians were out buying food and goods. Such strikes on markets have a disproportionate impact on women due to their assigned gender roles in society.

(iv) Restrictions on humanitarian access

“It’s death by 1,000 paper cuts. The Ethiopian government knows how to play the game, and the international community [has been] totally taken in. We accepted their restrictions and played into their hands.”

—A senior humanitarian worker describing the government-imposed restrictions on humanitarian access to Tigray during the conflict.

221. Throughout the conflict, the government imposed severe restrictions on humanitarian access to Tigray region. Restrictions changed over time, however from 28 June 2021 they were so severe that OCHA referred to the situation as a “*de facto* blockade”.¹⁰⁷ Restrictions

¹⁰⁶ The Commission also documented Tigray force attacks on a refugee camp in Tigray.

¹⁰⁷ UN OCHA, Statement by Acting Humanitarian Coordinator for Ethiopia, Grant Leaity, on the operational constraints and de facto humanitarian blockade of Tigray, 2 September 2021.

eased slightly from late April 2022. Then, the movement of relief trucks and relief flights into Tigray were completely suspended from 24 August 2022 when fighting between the joint ENDF and EDF forces and their allies, and Tigrayan forces broke out again. This suspension, continued until the signing of CoHA. Even when restrictions on humanitarian access were relaxed between April and August 2022, humanitarians described the amount getting through as “a drop in the ocean.”

222. The United Nations and non-governmental organizations faced multiple arbitrary and bureaucratic obstacles to be able to deliver aid. They were required to obtain several permissions at the national and regional levels through an arbitrary and bureaucratic process. From June 2021, all organizations had to apply for official permission to transport cash into Tigray. There were no clear criteria for such applications, the amount permitted per application was capped, and decisions appeared to interviewees to be arbitrary. According to OCHA, just 15 per cent of cash needs for humanitarian operations entered Tigray between June 2021 and August 2022. Restrictions on cash meant that some organizations had to reduce their operations or prioritize life-saving interventions at the expense of other activities, such as gender-based violence programming.

223. Humanitarian organizations also faced challenges deploying staff. From 28 June 2021 until 2 November 2022 in particular, the movement of humanitarian staff into Tigray was severely curtailed by ENDF and EDF. Only international humanitarian staff with residency and long-term work permits were allowed to travel, meaning that short-term surge capacity personnel could not. This had especially detrimental impacts for survivors of trauma, including rape and other forms of sexual violence, as there was a shortage of specialised staff.

224. Humanitarian workers also told the Commission that during the siege they required approval to transport specific items into Tigray, describing challenges obtaining such approval. One told the Commission that the Ethiopian government was restricting the transport of high energy supplementary feeding bars, claiming that these had been used by Tigrayan fighters.¹⁰⁸ High energy bars are often provided to children, because they suffer disproportionately the effect of malnutrition, which can stunt their growth and long-term development.

Attacks on humanitarian workers

225. Restricted humanitarian access was compounded by attacks on aid workers. This included the killing of aid workers in Tigray, in addition to arrest, detention, harassment and intimidation of humanitarians in the country. According to OCHA, 36 humanitarian workers have been killed on duty in Ethiopia since 2019, almost all of them national staff.¹⁰⁹

226. In one widely reported case, three staff member of *Médecins Sans Frontières*, two national and one international, were shot and killed near Sheweate Hugum, a village in Abergele *woreda*, Central Tigray Zone. The team had left Mekelle earlier that day and were travelling in a clearly marked vehicle. Soon after, the remote team monitoring the mission’s movements lost contact with the vehicle. Photographs of the aftermath reviewed by the Commission indicate the three aid workers were shot at close range.¹¹⁰ Despite the documented presence of ENDF soldiers in the area, as well as credible allegations of ENDF responsibility, the Commission is not aware of any domestic investigation having been completed, nor has there been any public reporting on the status of any investigations or findings.

227. Humanitarian workers were also detained and subject to harassment between November 2020 and August 2022. This includes three instances where humanitarian workers were detained, including by Federal Police, Afar Special Forces, and Eritrean soldiers. Humanitarian workers and diplomats also described harassment when travelling to Tigray, reportedly to ensure that they were not carrying unauthorized items. This included searching luggage for non-authorized cash and medication. One humanitarian worker said: “Our

¹⁰⁸ See *Fana Broadcasting Corporate*, Commission Says Terrorist TPLF Diverting Food Away From Civilians in need, 22 August 2021, <https://www.fanabc.com/english/commission-says-terrorist-tplf-diverting-food-aid-away-from-civilians-in-need/>.

¹⁰⁹ The Humanitarian Community in Ethiopia condemns the killing of two humanitarian workers, 12 April 2023.

¹¹⁰ Photos on file with the Commission.

diabetic staff could not travel there [to Tigray] because they could not take the insulin [with them]". The Commission also received credible information about senior United Nations staff unable to travel with personal medications and allegations of invasive body searches.

(v) Impact and consequences

228. The siege on Tigray had devastating, gendered and age-specific impacts on children, women, and men. Restrictions on access and telecommunications mean it remained difficult to assess the full scale, but it is clear many civilians died as a result of the deliberate denial and deprivation of essential items during the siege. The situation – both past and ongoing – constitutes a human rights and humanitarian catastrophe that will be felt by communities for years, if not decades, to come.

229. Lack of access to medical treatment and equipment as a result of the siege directly led to preventable deaths. For example, health workers in Ayder Referral Hospital, Mekelle, reported that 106 new patients died of kidney failure in the first 18 months of the conflict due to the forced halt in provision of haemodialysis. Ayder is the only hospital providing dialysis in Tigray. Most of these patients had acute kidney injuries who could possibly have completely recovered with treatment. They further informed the Commission that 53 existing patients died due to inadequate dialysis, noting that the total number of deaths may have been underestimated owing to the lack of transportation and insecurity which prevented patients from seeking treatment. Other interviewees described witnessing deaths related to lack of adequate medical treatment, including in detention.

230. Women and children were especially impacted by the lack of access to medical treatment. Maternal mortality rates were reported to have significantly increased in 2021, with more than 500 recorded maternal deaths and many more believed to be unreported. Credible sources suggest that material mortality rates increased still further in the first quarter of 2022.

231. It is difficult to quantify the number of starvation related deaths, again due to lack of access and ongoing interruptions to telecommunications. However, available information and analysis indicates such deaths likely occurred on a significant scale. At the end of active hostilities inside Tigray in July 2021, the Integrated Food Security Phase Classification (IPC) concluded that between May and June 2021 over 350,000 people in Tigray, Amhara and Afar were in the IPC Phase 5, meaning 'Catastrophe'. This was the highest number of people in the IPC Phase 5 since the 2011 famine in Somalia.¹¹¹ At the Security Council on 2 July 2021, the OCHA representative spoke of 2 million displaced and 5.2 million in need of humanitarian assistance, noting that more than 400,000 people had crossed the threshold into famine and 1.8 million people were on the brink of famine. "*Without fuel we cannot transport food and people will starve,*" he added.¹¹²

232. That same month, UNICEF warned that more than 100,000 children in Tigray were at risk of life threatening severe acute malnutrition.¹¹³ It further warned that 47 per cent of pregnant and breastfeeding women were acutely malnourished, at risk of pregnancy-related complications, an increased risk of maternal death during childbirth and the delivery of low-birthweight babies, who are much more prone to sickness and death.¹¹⁴ The situation deteriorated rapidly in the following months; in September 2021, OCHA warned that malnutrition among pregnant and lactating women was unprecedentedly high with 79 per cent of newly screened women diagnosed with acute malnutrition in Tigray.¹¹⁵

233. The situation forced many people to adopt coping strategies with negative or damaging consequences. This included reducing food intake, begging, and selling harvest or

¹¹¹ Integrated Food Security Phase Classification, Ethiopia: Acute Food Insecurity Situation May – June 2021 and Projection for July – September 2021.

¹¹² Statement by Acting Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Ramesh Rajasingham - Briefing to the Security Council on the humanitarian situation in Ethiopia, 2 July 2021.

¹¹³ United Nations, 100,000 children in Tigray at risk of death from malnutrition: UNICEF, 30 July 2021.

¹¹⁴ United Nations, 100,000 children in Tigray at risk of death from malnutrition: UNICEF, 30 July 2021.

¹¹⁵ UN OCHA, Ethiopia – Northern Ethiopia Humanitarian Update Situation Report, 30 September 2021

reproductive livestock.¹¹⁶ One interviewee from Adwa in Central Tigray said: *“We ate one piece of bread in the morning and were lucky if we managed to get something for dinner. We never ate lunches.”* Humanitarian workers also raised concern about reports of increasing and sometimes visible enslavement through child marriage, trafficking, child labour, survival sex, and domestic and/or intimate partner violence for which starvation is a driving factor.¹¹⁷ As discussed above, the Commission found a nexus between starvation and sexual violence, indicating a pattern of increased likelihood of starvation for women and girls subjected to sexual violence and vice versa. This requires further investigation.

(vi) The situation post-CoHA

“Some brothers and sisters died by bullets, but we can die by starvation.”

—A man displaced from his home in Western Tigray.

234. Compared to the situation during the siege, the humanitarian situation in Tigray has significantly improved since the signing of CoHA. The Commission welcomed the explicit commitments made by signatories to CoHA to allow for unhindered humanitarian access to all in need; to use humanitarian aid exclusively for humanitarian purposes; and to ensure that humanitarian aid is used solely for such purposes.¹¹⁸ Despite this, humanitarian access has not been fully restored and humanitarian organizations do not have access to all areas of Tigray. The Commission is particularly concerned about areas in northwestern and northeastern Tigray where Eritrean forces are still present, and western and southern Tigray where Amhara forces and militias remain. OCHA classifies these areas as either “hard-to-reach” or “partially accessible”.¹¹⁹ Meanwhile, and despite the widespread reporting of the humanitarian crisis, eight months into 2023, the humanitarian response in Ethiopia remained 73 per cent underfunded.¹²⁰

235. The situation has been exacerbated by recent allegations that the Federal Government and others have been involved in nationwide misappropriation of aid, including aid destined for Tigray. These allegations prompted the suspension of aid by USAID and WFP. There was no humanitarian aid in Tigray region since late March or early April 2023, when USAID and WFP first suspended food aid. In May 2023 they extended the suspension to all of Ethiopia. A woman displaced with her husband and children from East Tigray Zone told the Commission in June 2023:

“It has been four months since we last got food from one of the aid deliveries. It was a bag of corn. I don’t know why it stopped. Right now, me and my husband are borrowing money to buy food. I’m worried that we will never be able to pay our debts. At the same time, we are only a small family. The situation is harder for larger families with more mouths to feed.” An Irob woman displaced from her home told the Commission she did not know why aid had been suspended, stating that: *“All I know is we are now in a very desperate situation. I don’t know how we will survive if we don’t get support.”*

236. Despite some improvements, health workers and other interviewees explained that medical treatment and access to services remains inadequate. In August 2023, the Chief Executive Director of Ayder referral hospital in Mekelle stated that key items of medical equipment – including its MRI scanner, the only one in the Tigray region, CT, mammography, catheterization laboratory, extracorporeal shock wave lithotripsy, digital x-ray, and the oxygen plant – were still not functioning.¹²¹ A nurse working in southern Tigray told the Commission that since CoHA, trucks have been arriving with medication, and they could provide services, but there were still gaps. *“We have a shortage in surgical gloves. Doctors*

¹¹⁶ See WFP, Emergency Food Security Assessment, Tigray Region, Ethiopia 21 March 2022, p. 6; OCHA, Ethiopia - Northern Ethiopia Humanitarian Update Situation Report, 10 March 2022.

¹¹⁷ See IASC GenCap, Addressing Gender Inequality Amid Conflict: Humanitarian Situation in Conflict-Affected Regions of Northern Ethiopia Executive Summary, 11 July 2022, p.1.

¹¹⁸ A/HRC/54/55, para. 47; CoHA, Arts. 2(g)-(h), 5(4).

¹¹⁹ UN OCHA, Ethiopia – Situation Report, 07 September 2023.

¹²⁰ UN OCHA, Ethiopia – Situation Report, 25 August 2023.

¹²¹ See Ayder Comprehensive Specialised Hospital, 26 August 2023, <https://ayder.info/index.php/news-and-events/news/it-was-a-state-of-the-art-facility-that-provided-world-class-care-to-patients-from-all-over-the-region-and-beyond-but-now-after-two-years-of-war-the-hospital-is-in-shambles>.

are just using cloth to protect themselves. We have also run out of insulin medication for psychosis problems.”

237. Civil servants, including medical professionals, interviewed in June 2023 told the Commission that, seven months after the signing of CoHA, they were still not receiving regular salaries. Interviewees explained that they received around 2 to 3 months’ worth of salaries in April. The Commission understands that some professionals are now receiving regular salary but have not received back dated pay. Interviews and other information indicated that older persons, who did not receive their pensions during the conflict, are also struggling to access their money. Meanwhile, although banking services have resumed, there were daily limits to how much people could withdraw. On 5 October 2023, USAID announced the resumption of food assistance for refugees in Ethiopia together with key initiatives to expand oversight.

(vii) Government response

238. United Nations and African Union officials, diplomats, and others publicly raised concern about the humanitarian situation and the devastating impact on the population of Tigray.¹²² However, Government officials, including the Prime Minister, have repeatedly denied that there was hunger, famine, or starvation in Tigray.¹²³

239. Statements made by Federal as well as regional government officials, indicated an intention to deprive the civilian population of food, medicine, and other essential supplies as part of a deliberate strategy to weaken or undermine the TPLF and Tigrayan fighters.¹²⁴ This includes a 23 June 2021 television interview in which the Prime Minister alleged that the TPLF benefited militarily from humanitarian assistance provided during the 1984 drought, and was subsequently able to overthrow the government at the time. When asked by the interviewer if he believed the same exploitation of humanitarian aid was ongoing, the Prime Minister responded “absolutely”. This analysis became a talking point repeated by other officials.¹²⁵

240. Other officials indicated that the deprivation of services was aimed at pushing the people of Tigray to revolt against the TPLF/ Tigray forces. In a statement in January 2022, the Government Communication Service Minister noted that the people of Tigray were facing numerous socio-economic challenges. He explained the people were being given the chance to “*reflect about the situation*” and that “*If [they] want their rights and privileges to be respected, they should exert efforts to stop the warmonger TPLF,*” noting that services had been restored in areas “liberated” from the TPLF.¹²⁶

241. Regional government officials also called for restrictions to be imposed on the population of Tigray. On 30 July 2021, the then Regional Governor of Amhara, now current speaker of the Ethiopian House of Federation, called for a “*siege on Tigray from all four sides to turn Tigray into Biafra,*” while in March 2022, the President of the Regional Government of Afar stated that “*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.*”¹²⁷

(viii) The role of the international community

242. The role of the international community in relation to the issues identified in this report, has not been specifically investigated by the Commission. However, multiple interlocutors, both within the humanitarian community operating in Ethiopia and among

¹²² See for example, Statement by Acting Humanitarian Coordinator for Ethiopia, Grant Leaity, on the operational constraints and de facto humanitarian blockade of Tigray, 2 September 2021, AU Commissioner for Political Affairs, Peace and Security Bankole Adeoye quoted in Africa News, 3 September 2021, <https://www.africanews.com/2021/09/03/tigray-au-calls-on-ethiopia-to-do-more-for-humanitarian-aid/>; U.S. and EU Joint press statement, 2 August 2021.

¹²³ Prime Minister Abiy, *BBC* Interview, 21 June 2021, <https://www.bbc.com/news/world-africa-57556740>.

¹²⁴ Prime Minister Abiy Ahmed Ali, Briefing to Press after withdrawal from Mekelle, 29 June 2021, ICHREE-D-001479.

¹²⁵ Prime Minister Abiy Ahmed Ali, TV interview, 3 June 2021, ICHREE-D-001480.

¹²⁶ See *Fana Broadcasting Coporate*, Decision By Gov’t Gives Tigrayans Chance To Ponder About Situation: GCS, 5 January 2022, <https://www.fanabc.com/english/decision-by-govt-gives-tigrayans-chance-to-ponder-about-situation-gcs/>.

¹²⁷ Regional President of Afar, Awol Arba, Speech, on or around 23 March 2022, ICHREE-D-001481.

affected communities, especially in Tigray, expressed frustration with the international response to the crisis, in particular the humanitarian response.

243. Ethiopia is a challenging context for organizations and agencies. Human rights defenders and activists told the Commission that those who speak out about the human rights situation may face threats and harassment. Even United Nations officials and senior diplomats are not immune from censure, as was seen in September 2021 when seven United Nations staff were given 72 hours to leave the country after being accused of “meddling” in internal affairs by the Ethiopian Ministry of Foreign Affairs.^{128, 129} The expulsions had constrained the international response on Ethiopia, and had a chilling effect on international advocacy on human rights and humanitarian concerns in the country. One humanitarian worker noted, “*The expulsion of UN and diplomatic officials was a psychological shock to many actors and has created a really unhealthy environment of compromise and appeasement.*”

244. More generally, the Commission observed frustration with the international response. The situation became all the more pressing following the suspension of food aid by both the USAID and the WFP, after the discovery of an alleged nationwide aid diversion campaign. The Commission is aware of an Inter-Agency Humanitarian Evaluation of the collective response to the humanitarian crisis in Northern Ethiopia, however, it had not received the final report that was originally scheduled for dissemination from August 2023.

E. Displacement and forced expulsion

245. Hundreds of thousands of civilians in Tigray have been displaced during different phases of the conflict. The Commission’s investigation focused on three main periods of displacement: the forced expulsion of women, men, and children from Western Tigray in November 2021 and November 2022, as well as displacement during the resumption of conflict from between August and November 2022. However, the Commission recorded displacement from November 2020 throughout the conflict as a result of indiscriminate shelling and attacks on towns and villages, large scale killings, rape, and other serious violations, starvation, and forced expulsion. Almost a year after the signing of CoHA, civilians remain displaced and are still unable to return to their homes and property.

(i) Forced expulsion from Western Tigray

246. Hundreds of thousands of Tigrayan women, men, and children were forcibly expelled from Western Tigray during the conflict. Two waves of expulsion of Tigrayans mainly by Amhara regional forces and *fano* militia occurred in November 2021 and again in November 2022. According to UN OCHA as of November 2021, an estimated 1.2 million Tigrayans had been displaced from Western Tigray to other parts of Tigray, in addition to the more than 70,000 civilians who were displaced from Western Tigray to Sudan at the beginning of the conflict.¹³⁰ Figures for displacement from Western Tigray since November 2022 are not publicly available.

247. Amhara Special Forces and *fano*, at times with EDF, ENDF, and regional police, rounded up Tigrayans in Adebay, Humera, Mai Kadra, Tirkan, and other locations in Western Tigray from early November 2021. Interviewees in Western Tigray also provided information about family members or other Tigrayans expelled in November 2021. Older persons, women with children, and children were expelled towards central Tigray, whereas men perceived to be of fighting age, as well as some women, were kept in prolonged detention.

248. In Adebay, Amhara Special Forces and *fano* members rounded up Tigrayan civilians in November 2021. Some victims described seeing uniformed members of EDF, ENDF, and regional police. Residents were summoned to a meeting at the Teklehaimanot church one morning in early November. There Amhara Special Forces and *fano* militia began rounding them up and took them to a makeshift detention site in a warehouse in the east of the town,

¹²⁸ Reuters, Ethiopia expels seven U.N. officials, accusing them of ‘meddling’, 30 September 2021, <https://www.reuters.com/world/africa/ethiopia-expels-seven-senior-un-officials-2021-09-30/>.

¹²⁹ Associated Press, Ethiopia expels Irish diplomats over Ireland’s stance on war, 24 November 2021, <https://apnews.com/article/europe-africa-united-nations-ireland-ethiopia-ca161e0218e072bdf47e14aa605869eb>.

¹³⁰ UN OCHA, Ethiopia – Northern Ethiopia Humanitarian Update Situation Report, 02 December 2021.

close to the Enda Roto petrol station. Those who fled were shot or attacked with knives. Amhara forces and *fano* also went house to house rounding up women, men, and children and beating them with sticks to force them on foot to the detention site. Amhara regional forces also looted and destroyed property; Satellite imagery from 5 December 2021 indicates damage to buildings in Adebay, while debris is visible in the road.¹³¹

249. Women, men, and children were detained in the warehouse until 20 November 2021, when *fano* militia and regional police began loading older people, women, and children onto trucks, beating them to force them onto the vehicles and subsequently taking them across the Tekeze river to central Tigray. The expulsions continued for around five days. Victims stated that Amhara Special Forces and *fano* told them Tigrayans did not belong there and that it was Amhara land. Tigrayans from other locations described similar patterns of expulsion from other locations in November 2021, in particular by *fano* militia. A woman from Humera recalled:

“They [fano] came and said to get out. They ordered us to give them our gold and money. Then they took us to a warehouse for the night. In the morning they came with trucks and began loading us on to them... They beat people to force them on to the truck. I heard them shouting things like, ‘This town doesn’t belong to you. Get out of this region. You are not welcome here.’”

250. A second round of forced expulsions took place around 8-10 November 2022, just days after the signing of the Cessation of Hostilities Agreement. *Fano* militia forced detainees, many of whom had been held for more than one year, onto trucks, beating them before driving them across the Tekeze river to Adi Aser. *“They told us to get into vehicles. They said, ‘We are getting rid of the garbage.’ They beat people to force us on to the trucks,”* recalled one woman who had been detained in Humera prison. From there, former detainees had to continue their journey on foot, making their way to Mekelle where they tried to reunite with family members. Other credible information indicates further forced expulsions of Tigrayans from Western Tigray since the signing of CoHA.

251. Amhara Special Forces and *fano* were played an active role in both waves of forced expulsion. Eight interviewees identified by name one individual, a leader of *fano*, whom they saw on the ground ordering the detention of civilians in Adebay and Humera, and who was present in detention centres and during the forced expulsion. Other sources, including interviews, identified this individual as in charge of *fano* in Western Tigray.

252. Detention and expulsion of Tigrayan civilians from Western Tigray occurred in a wider context of discrimination and hostility. Victims described feeling isolated and under threat by new Amhara authorities as well as the continuing presence of *fano* from November 2020. Discriminatory treatment included restrictions on access to medical treatment; checking, confiscation, and destruction of ID cards; and bans on speaking Tigrinya. Tigrayans reported being regularly told they did not belong in the area and that they should leave Western Tigray because it was not their land.

(ii) Displacement from August 2022

253. After months of relative calm, conflict again erupted on 24 August 2022, in particular in northwest and eastern Tigray. ENDF and EDF advancing from the Eritrean border fought Tigray forces, and in Southern Tigray where ENDF soldiers, Amhara Special Forces, and *fano* militias advanced from Amhara region. Intense fighting, characterized by shelling and airstrikes, continued until the signing of CoHA on 2 November 2022. Shelling and air strikes led to large scale displacement of civilians. According to UN OCHA, as of 15 October 2022, there were some 210,000 newly displaced persons in Tigray.¹³²

Northwestern and Eastern Tigray

254. EDF and ENDF forces engaged in indiscriminate shelling around civilian populated areas in northwest and northeastern Tigray. In northwestern Tigray, fighting began close to the border with Eritrea, emanating from the direction of Adi Tsetser, before moving south.

¹³¹ UNOSAT analysis on file with the Commission.

¹³² UN OCHA, Ethiopia – Situation Report, 15 October 2022.

In Adi Daero, Sheraro, Shire, and villages in Tahtay Adiyabo and Seyemti Adiyabo *woredas* shelling started in late August 2022 and continued through September and early October. In Gulomakeda and Irob *woredas* in northeastern Tigray, shelling and ground attacks also began in late August 2022 from the Eritrean border to the north and continued through early October, gradually pushing further south. Shelling was accompanied by air attacks, some of which appear to have been launched from Eritrean territory. Interviewees said that while Tigrayan forces were in the vicinity and had occasionally passed through their town or village, they were not fighting or firing from within towns and villages.

255. Civilians in both areas were killed and injured either when shells or mortars landed on their homes or when soldiers opened fire when arriving on foot. One man from Gulomakeda *woreda* gave the Commission the names of six people, four women and two men, including his wife, who were in his village October 2022. He said that some, like his wife, were killed during the shelling, while others were shot dead when ENDF and EDF soldiers entered the village. *“People started running to save their lives. We were all running in different directions,”* recalled a woman who provided the names of two people killed in her village in Gulomakeda *woreda*, Eastern Zone when ENDF and EDF soldiers arrived on foot following heavy shelling in early October 2022.

256. In Sheraro, Shire, and villages in Tahtay Adiyabo and Seyemti Adiyabo *woredas* in the northwest and Gulomakeda and Irob *woredas* in the northeast shelling and air attacks led to destruction to civilian property during shelling and air attacks. This includes the indiscriminate shelling of the town of Adigrat, Eastern Zone in September and October 2022; photos received from a source who travelled to the town in November 2022 and verified by the Commission confirm damage and destruction of civilian property in the town. EDF soldiers, in one instance accompanied by civilian Eritrean women, looted homes and property.

257. In northwestern and northeastern Tigray civilians either fled to surrounding areas immediately or stayed in their towns or villages only to flee when fighting got especially intense or drew closer to their homes. All told the Commission that as the frontlines moved and shelling got closer to areas where they were taking refuge, they were displaced again.

258. Many were forcibly displaced multiple times – one man who fled his home in Tahtay Adiyabo *woreda* in northwestern Tigray, told the Commission that he had fled to five different towns and villages before eventually making his way to Mekelle, where he was living in an internally displaced persons camp. Already displaced people were subjected to secondary displacement. One interviewee explained that at the time, he was already living in a displacement camp in Shire, having been forced to flee fighting in November 2020, and was forced to flee again after ENDF and EDF shelled the area in October 2022.

259. The situation for displaced people was exacerbated by the chronic lack of support and services owing to the siege, in place since late June 2021, and suspension of humanitarian access at the end of August 2022. In a September 2022 update the Protection Cluster described ‘critical needs’ in the northwestern zone of Tigray, stating:

*“There are no available public services or infrastructures in the area; the majority of IDPs have not eaten for days, making very urgent to receive food items; there are not enough shelters and core relief items [...]; the health situation is critical and worrying since basic health services are not available; increasing health and protection risks especially for people with chronic disease, children, elders, pregnant women, mothers, and people with disability.”*¹³³

Southern Tigray

260. ENDF forces, at times accompanied by Amhara Special Forces and *fano* militia, shelled in or close to civilian populated areas. Although the Federal Government claimed the ENDF had taken control of the towns of Alamata and Korem without fighting in urban areas, the Commission confirmed instances of indiscriminate shelling and firing in both Alamara and Korem as well as Chercher, Zata, and close to Maychew, in particular in October 2022. Clashes in from Alamata, Korem, and Zata between ENDF and allies forces and Tigray

¹³³ Protection Cluster Ethiopia, Monthly Protection Overview – September 2022.

fighters or militia on the outskirts of towns or villages were not launched from inside civilian populated areas. After the shelling, ENDF soldiers and allied forces entered the town and attacked civilians.

261. Civilians were killed by shelling or shooting. The Commission also documented rape and of forms of sexual violence. Civilian properties were also destroyed, including burning of houses and destruction of crops. *“They burned my house. I built my house, and the roof was made of grass. When I came back [from the bushes] three of the buildings in my compound had been burned by fire,”* said a man displaced from his home in Chercher.

262. The violence forced thousands of civilians to flee, initially to nearby rural areas before continuing northwards towns which were still under the control of Tigray forces, such as Maychew and Mekhoni. In November, UN OCHA reported “high displacement” in Southern Tigray, however UN agencies did not provide official figures, with some citing “operational constraints and conflict”.

(iii) Inability to return home

263. Civilians displaced from their homes in northwestern, eastern, southern, and western Tigray are unable to return to their homes owing the continuing presence of armed groups in these areas. Displaced civilians from northwest and eastern Tigray were unable to return home because Eritrean forces were present in the area. An independent monitor who travelled to Zalambessa in June 2023 told the Commission that the town was under the control of EDF, and that payment for goods and services in the town had to be made in the Nakfa, the currency of Eritrea. Eritrean forces are also attempting to force Ethiopian nationals living in contested areas close to the Eritrean border to accept Eritrean ID cards. The Commission is especially concerned about the situation of Irob and Kunama communities living close to the border.

264. Displaced persons from Western and Southern Tigray were unable to return to their homes due to the presence of Amhara forces and militias, including *fano*, in these areas. For displaced Tigrayans from Western Tigray, the continued forced expulsion since CoHA as well as continued discrimination against Tigrayans in that region, is another indication that it is not safe to return.

265. As noted above, Tigrayan civilians were subjected to different forms of discriminatory treatment in Western Tigray. The Commission’s interviews with Tigrayans displaced from Southern Tigray from August 2022 indicate a worrying pattern of similar discriminatory treatment. In some areas, Amhara Regional officials have instituted new ID cards, much as they did in Western Tigray, renaming and reclassifying villages and towns as part of the Amhara Region. This would limit or deny them access health care and other services. The Commission independently received photographs of two such ID cards.

266. One interviewee recalled how, in early 2023, before the Amhara special Forces were disbanded, he went to a market near Korem buy goods when his ID card was confiscated by a member of the Amhara Special Forces, whom he identified by his uniform:

“They told me to show my ID card. They took my ID. It says that I’m from Tigray Region. He [the member of the Amhara Special Forces] said, “You don’t belong here.” I said I was visiting the market. I had gone there to do shopping for goods. He had a gun – a Kalashnikov. He took my ID away and didn’t give it back.”

267. Another major challenge preventing displaced people from returning home is the presence of explosive remnants of war (ERW). Much of the region was littered with ERW, some in fields which made it difficult to resume farming; others said that indiscriminate shelling of civilian areas means that ERW were found close to homes and schools.

VII. Amhara and Afar

268. Soon after the Tigray forces captured Mekelle and the ENDF forces withdrew from Tigray in late June 2021, citing a unilateral ceasefire, Tigray forces launched attacks in neighbouring Amhara and Afar regions. They justified these attacks claiming that they were aimed at securing humanitarian access and forcing the government to accept a list of preconditions to a mutual ceasefire, including guarantees of no further troop deployments and the withdrawal of Eritrean and Amhara forces from Tigray.

269. In August 2021, Prime Minister Abiy Ahmed called on eligible civilians to join the armed forces, stating, “*now is the right time for all capable Ethiopians who are of age to join the Defence Forces, Special Forces and militias and show your patriotism.*” He further urged that, “*every Ethiopian must work closely with the security forces in being the eyes and ears of the country in order to track down and expose spies and agents of the terrorist TPLF.*”¹³⁴ Many of the Commission’s interviews in Amhara and Afar confirm that members of the local population, in particular men, took up arms and joined local militias, taking direct part in hostilities.

270. Throughout July-November 2021, Tigray forces pushed south through the Amhara region, taking control of or moving through towns in North Gondar, North and South Wollo, North Shewa and Wag Hemra Zones. In Afar during the same period, Tigray forces violently clashed with ENDF, Afar Special Forces, and Afar militias in towns and villages in Fanti-Zone 4, Awsi-Zone 1, and Kilbat-Zone 2. On 2 November 2021, as the Tigray forces pushed towards Addis Ababa, and took control of further towns in the Amhara region, the Federal Government declared a nationwide state of emergency (Proclamation No. 5/2021).

271. By the end of December 2021, the federal government had regained control over most areas in Afar and Amhara region, though Tigray forces maintained control in some locations in North Gondar and Wag Hemra Zones in Amhara and Kilbati-Zone 2 in Afar region. Afar in particular is strategically important because it links Addis Ababa by road and railway to the sea port of Djibouti.

272. From January 2022, Tigray force offensives continued in Afar, including attacks on civilian areas in Ab’ala, Erebti, Berhale, and Megale, which included the deployment of heavy weaponry.¹³⁵ Regional authorities in Afar indicated that while the Ethiopian Air Force was backing Afar Special Forces and militias, very little support was being provided by the ENDF ground troops.

A. Amhara

“Three [Tigray fighters] broke the door and entered my house. They said they were informed that it was a militia house and there were weapons; they searched but didn't find any, so they detained me. That night, two came to my room. They beat and kicked me... then they both raped me.”

—A female survivor from Wag Hemra Zone.

273. Amhara is Ethiopia’s second largest, and second most populous region, home to more than 23million people. Geographically, it borders four of Ethiopia’s regions, Afar, Benishangul Gumuz, Oromia, and Tigray, and also borders Sudan to the west. Most of its inhabitants are ethnic Amhara, although the region is home to other ethnic minorities, including the Qemant and Agew. Amhara region is also home to a sizeable Oromo population, in particular in the Oromo Special Zone.

274. During the conflict, Tigray forces and their allied militias committed wide-ranging violations against civilians in Amhara region. These included, but were not limited to extrajudicial killings, rape and other forms of sexual violence, looting and the destruction of property, detailed below. Interviewees who spoke to the Commission identified Tigray forces by their uniforms, which they described as being “military style” but different from those worn by ENDF and EDF. Perpetrators spoke Tigrinya, and on occasion telling witnesses that attacks were in reprisal for violations committed against Tigrayans in Tigray region. At times, Tigray forces were accompanied by militias dressed in civilian clothes. In some areas, members of the Oromo Liberation Army (OLA) – identified by their physical appearance, including clothing, and because they spoke *Afaan Oromo* – fought alongside Tigray forces and committed violations against Amhara civilians. In August 2021, OLA announced that it had agreed a military alliance with the Tigray forces. In Sekota, interviewees additionally

¹³⁴ Office of the Prime Minister, Statement on Current Affairs and a National Call, 10 August 2021.

¹³⁵ OHCHR, Oral Update on the situation of human rights in the Tigray region of Ethiopia and on progress made in the context of the Joint Investigation, 7 March 2022.

implicated members of the Agew Shengo militia, an armed group which was allied with Tigray forces, as engaged in violations.

(i) Attacks on civilians

275. Tigray fighters and allied militias killed Amhara civilians while in control of or moving through parts of Amhara region. In its first report, the Commission found that Tigray fighters killed scores of civilians in the town of Kobo, Semien Wollo Zone.¹³⁶ Tigray fighters advanced on Kobo in late July 2021, but were briefly repelled by Amhara militias who fought with the assistance of some local inhabitants. Other residents fled, taking refuge on a nearby mountain before returning home. The Tigray forces eventually captured Kobo and began to search for the men in the town on 9 September 2021, once the fighting had stopped. Tigray fighters began going house to house, pulled many of the men from their homes and executed them, in some instances in front of their families. Survivors told the Commission that the men killed were civilian farmers and day labourers. A man who survived the killings recalled:

“On 9 September 2021, at approximately 4 p.m., five TDF [Tigray] soldiers came to my house and took me and my three brothers and beat us. Once we were a few meters away from my house, they told us to turn our faces away from them. They shot us in the back. I survived but my three brothers died.”

276. A woman who was living with her former husband explained that he had been suffering from mental health issues and had been a psychiatric patient for more than a decade. She struggled to keep him in the house and eventually had to leave despite sound of gunfire outside being heard outside. She explained his body was found by the Kobo High school the following day. *“I was not able to hold him [in the house]. I didn’t think they would kill a mentally ill man (...),”* she said.

277. Survivors of the attacks recalled seeing *“bodies everywhere”*, which they collected in large carts. They buried most of them in mass graves at four churches: Saint Georges, Saint Michael, Abune Medhanialem and Saint Mary, although they reported that hyenas ate some before they could be buried. Others were buried at the Muslim cemetery. A man who helped to bury the bodies explained that in some cases they were not easy to identify because they had been shot in the head.

278. The vast majority of those killed in Kobo were men, although women were also killed. The targeting of men in the killings in Kobo has had a significant impact on women, who explained they are struggling to care for their children and extended families after their husbands and male relatives were killed. *“Two TDF [Tigray] attackers entered our compound suddenly, beat me with a stick and shot my husband dead. He was the only one for me. He used to take good care of me. I am now only left with the children. Whatever I find, I feed them with,”* said one woman.

279. As part of their offensive into the Amhara region, Tigray forces also captured the village of Chenna after battling with ENDF and its allied Amhara militias. Once the fighting was over, Tigray fighters searched for the men of the village in late August and early September 2021 and separated them from women and girls before executing them, in some instances in front of family members. A man who fled Chenna and returned a week later after ENDF had retaken control of the area told the Commission that he helped bury dead bodies found in both houses and the fields. He gave the names of 13 people, 11 men and two boys, whose bodies he helped bury, including a priest. Another interviewee indicated that Tigray fighters killed several priests before using their houses and Chenna Teklehaymanot church as positions from which to fire weapons.

280. The killings were accompanied by beatings and rapes of women and girls as young as eleven. Tigray fighters also forced women to cook for them and provide food and water without compensation.

281. Tigray fighters and allied militia also killed Amhara civilians in other areas. For example, Tigray forces and their allies killed civilians in Yelen, Kewot *woreda*. Residents heard fighting on the outskirts of the town on 20 November 2021, causing some people to

¹³⁶ A/HRC/51/46.

flee. Tigray forces then entered the town on foot and searched houses. One witness described seeing Tigray fighters kill five men whom she knew to be civilian residents of Yelen during such searches. She told the Commission that Tigray forces tied their hands before shooting them dead. Another witness recalled helping to bury the bodies of eight civilians, seven men and one woman, including two siblings under the age of 18, all of whom she knew by name and who were residents of Yelen. She said they were killed by Tigray fighters after one of the men refused to give them meat from his shop. Five of the names were included on a list of 14 civilians, men and women, killed in Yelen, which was independently provided to the Commission.¹³⁷

282. Tigray forces also killed civilians in Shewa Robit, Semien Shewa Zone in November 2021. One witness described seeing Tigray forces shoot two men dead outside the government office in Kebele 03. She heard a female Tigray fighter ask a man in the street for the location of the government administrator's house. When he replied that he did not know, she shot him dead. The same witness described seeing many bodies in the street, both men and women. *"There were dead bodies all over Shewa Robit. Most people fled so no one collected the corpses. I didn't see who did it or how they had been killed, but the area was under [Tigray forces] control..."* She said the bodies were of civilian residents of the area.

(ii) Violations during Tigray control or presence in towns and villages

Searches of homes

283. During this time, Tigray fighters conducted house searches looking for militia members and weapons. The Commission found that in Chenna, Hayk, Kobo, Sekota Shewa Robit, and Yelen, Tigray fighters, usually armed but wearing either uniforms or civilian clothes, would enter houses and search for weapons or "militia". In many cases, the Tigray fighters appeared to target military homes, as well as those belonging to suspected Amhara militia members or those supporting ENDF and Amhara Special Forces. A woman from Hayk, whose husband was a member of ENDF, said that she was home when late one evening two armed men, who she identified as Tigray fighters, came to search the premises. When they found her husband's military uniform, one proceeded to beat her with the barrel of his gun. The men then proceeded to rape her.

284. In some cases, even when they did not find weapons, Tigray fighters beat or detained people. A woman from Yelen described how Tigray forces detained her in August 2021. At around 6 p.m., three Tigray fighters broke down the door of her house and said they had been informed that it was a "militia house" and that there were weapons inside. They searched the house but found nothing. They nonetheless detained the woman, taking her on foot to a building used as a temporary detention centre. She said she was detained for three days, and only released after her family paid 10,000 Ethiopian birr (approximately 180 USD) for her release.

285. Women and children were disproportionately impacted by Tigray forces searches on homes. In many cases, their male relatives were absent because they had fled the area or taken up arms to fight. This situation left them at heightened risk of violence and abuse, in particular rape and other forms of sexual violence (see below).

Violence, harassment, and detention

286. While either in control of, or passing through, Amhara towns and villages, residents told the Commission that Tigray fighters would beat, harass, and at times detain civilians. Detentions occurred in particular where Tigray fighters suspected individuals – or their relatives – of being linked to the security forces or to militias. In some areas, individuals could be released if their families could pay money.

287. Another interviewee who was detained in Yelen described seeing Tigray fighters force male detainees to dig holes and threaten them that they would be buried in them if they did not give information about armed groups. The Commission also interviewed a man who was detained for several days after the Tigray forces captured Dessie in October 2021. Prior to the Tigray forces' arrival, he was doing volunteer work providing food to ENDF forces and

¹³⁷ List of fatalities on file with the Commission.

displaced persons in the area. He said that one morning, a small group of Tigray fighters came to his home, searched the house and accused him of being an ENDF soldier. Soon a larger group arrived, looted his house, and beat him with their guns. He was taken to an unknown location where he was held in a small room. He said that Tigray fighters would come into the room holding knives and beat and shout at him. They also raped him. The next day, he and around ten other men were taken from their cells. He heard one fighter say “finish them off” before being stabbed by a Tigray fighter and losing consciousness. When he awoke, he discovered he had been rescued and was being looked after by family members; he said the other men had all been killed. He told the Commission that other men were raped while detained there, but because of the stigma it was unlikely they would speak out. While he had been helped by women’s organizations, he said that there were no specific support groups or services for men in his situation.

288. In Lalibela, Tigray forces mainly stayed in hotels, although some also slept in private houses. One of the hotels was used as a *de facto* office, where residents and people from surrounding areas were brought for questioning about links with the military or Amhara armed groups. One interviewee in Yelen stated that Tigray fighters used two schools as detention centres; in Lalibela one witness described being taken to a hotel which was used as a detention and interrogation centre.

289. In some instances, Tigray forces set up check points around areas they controlled and checked ID cards. *“They [Tigray fighters] were very strict asking everyone to come out and show his or her identification card. If someone did not have this ID, she or he would be severely beaten... we were scared,”* said one witness from Kobo. In Lalibela, residents described how Tigray forces would regularly patrol the city, with people fearful of leaving their houses. Markets, shops and clinics were often closed. One interviewee, who suffers from diabetes, explained she struggled to access insulin as the clinics and hospitals were either closed or had been looted.

Looting and destruction of property

290. Tigray fighters looted and destroyed public property, including schools, medical facilities, police stations, and other buildings. In Sekota, Tigray fighters and allies looted the Sekota Technical school and Sekota's Health Center. *“I could see from my home, they were destroying the windows and doors with weapons and stealing medical equipment,”* said one. Two witnesses described watching Tigray forces loot and destroy Sekota’s Tefera Hailu Memorial Hospital. One recalled, *“There were too many, they all had weapons. I saw them taking computers, needles, and medications. They destroyed what they didn't take.”*

291. Tigray forces and allied militia engaged in further looting of public and private property in Chenna, Dessie, Hayk, Kobo, Lalibela, Sekota, Shewa Robit and Yelen. This included looting people’s homes, sometimes beating residents to get valuables. One woman from Yelen described how four Tigray fighters, three men and one woman, came to her house demanding gold or other valuables. When she told them they did not have any gold, the female fighter accused her of lying. The four proceeded to beat her sick relative, and loot their TV, food, and her children’s clothes.

292. In Lalibela, which was controlled by Tigray forces from 5 August 2021 until December 2021 (although briefly recaptured by ENDF in November), Tigray fighters looted and destroyed private property. A woman who lived close to the main road described seeing Tigray forces break into her restaurant as she fled; when she returned a few weeks later she said all the goods in the restaurant were gone. Another witness who owned a café in the centre of town explained that she returned to Lalibela a few weeks after the Tigray forces arrived to find that her business had been completely looted. *“When I got there and saw what had happened, I fainted. Everything was gone, there wasn't even a plate or spoon left.”* She said the estimated value of what was taken is around 400-500,000 Ethiopian birr (approximately 7,200-9,000 USD).

293. Civilians who fled their homes in other parts of Amhara came home to discover their homes had been ransacked and belongings taken. Most said they believed that Tigray fighters or affiliated militia were responsible as they were in control of the area at the time; however, one person said they knew that villagers who had stayed behind engaged in looting too.

(iii) Rape and other forms of sexual violence

294. Tigray and allied fighters perpetrated rape and other forms of sexual violence in Amhara, in particular during offensives from July to December 2021 when the group exercised full or temporary control over towns and villages in the region. The Commission documented widespread rape and other forms of and sexual violence against Amhara and Agew women and girls, and one Amhara man, in 11 locations in Wag Hemra, North and South Wollo, and North Shewa zones. This were in Boza, Chenna, Debark, Dessie, Hayk, Kobo, Lalibela, Shewa Robit, Sekota, Tabla, and Yelen. Other interviewees, including witnesses and health workers, provided further information about rape and other forms of sexual violence.

295. Rapes often took place during house searches, in particular when Tigray fighters or militias were looking for suspected members of armed groups. In some instances, Tigray specifically targeted Amhara women on the basis of their actual or perceived affiliation with parties to the conflict, including because their husbands were or were suspected of being members of the Amhara Special Forces or local militia, including *fano*. Many of the rapes were gang rapes, usually with two or three perpetrators. Most were unprotected, vaginal rapes risking or causing sexually transmitted infections and pregnancy.

296. Rapes were accompanied by other acts of severe physical violence. A survivor who fled her home in Hayk told the Commission that when Tigray fighters came to the temporary house she was staying in, they beat her family members, before grabbing her, burning her with a cigarette, and then raping her. Tigray fighters then killed her sister and grandmother. Another survivor from Yelen, who was raped by five Tigray fighters in November 2021, recalled how the perpetrators put their guns to her head, forced her to the ground where one fighter put his foot on her head and spat on her. She said that after they raped her, they played music and danced.

297. At times, Tigray fighters forced women to give them food or cook for them before or after they raped them. In most instances, fighters left immediately after the rapes. In one case in Chenna, Tigray fighters, including a senior commander, kept a woman together with her children in or around her home for a period of three days, including at times tied to a tree. During this period, they repeatedly raped her and forced her to cook for them. She detailed how:

“On the morning of 1 September 2021, TDF [Tigray] fighters came to my house and asked for my husband. I said that he was not around and they dragged me outside and beat me in the mud. They asked me to prepare food for them. I did this until midnight. When I finished they tied me to a tree outside and left me in the rain. My four children were staying in the house and crying. A second group arrived and asked for food and stole my jerry cans, pots, and cooking stuffs. They left and a third group arrived and used me for cooking. The next morning they asked for more food and slaughtered my ox. My husband then returned and they killed him in front of the house. Their colonel then raped me. One of his guards also raped me. The colonel raped me again the next day. When he was done, I was able to crawl to my children who were still crying. Then more soldiers came, beat me, and took my grain.”

298. Many survivors described their children being forced to watch while they were raped by Tigray fighters and their allies. *“It was 2am. I was at home sleeping near my child... they knocked on the door and shouted for me to open, then they broke down the door. When they entered, I panicked and peed myself. My son also panicked. [One of the fighters] held me by the neck; one of them slapped me on the face ...Then he raped me... I was crying... my son was crying,”* recalled a woman who was raped in front of her three-and-a-half-year-old son in Lalibela in November 2021. Forced witnessing of sexual violence itself constitutes sexual violence with devastating impact on survivors and long-term psychological impacts on their children and can significantly weaken the familial or social fabric.

299. Rapes of Amhara women and girls were often accompanied by derogatory language. Survivors described being called offensive names like “Donkey”, “Amhara Donkey” or being accused of being “Abiy’s puppet. Others said that Tigray forces appeared to target them in revenge for the rape of Tigray women by ENDF. One survivor from Shewa Robit town recalled being told, *“You’re Abiy’s donkey, and if they didn’t attack us, we wouldn’t have been doing this to you.”* Another survivor from Chenna said that her rapist asked her if she would

rather be raped or killed before saying, “*You are lucky only two of us will rape you. When ENDF soldiers raped our women, it was usually 10 soldiers per woman.*”

300. The continued presence of Tigray forces in towns and villages in Amhara meant that many survivors did not feel safe enough to seek the necessary emergency medical treatment, including critical assistance within 72 hours after the sexual assault, until ENDF regained control of the region. In some areas this meant survivors did not receive support for several months. Survivors suffered physical trauma during this time, including bleeding, pain, incontinence, and immobility; even after medical attention, some survivors continue to suffer physical effects of the rapes. Survivors are also facing long-term health impacts after contracting sexually transmitted infections such as HIV.

301. When survivors told the Commission they did access medical treatment, services were severely delayed and insufficient. In some areas, looting and destruction of facilities by the Tigray forces meant that necessary medicines and equipment were unavailable. A health worker further explained that her hospital faced challenges meeting survivors’ needs, and in particular suffered shortages of dignity kits.

302. While survivors generally appear to have been tested for HIV when they arrived at medical facilities, in some cases, testing took place between two and five weeks after the rape, before HIV is detectable. In these cases, the Commission is not aware that further testing took place, meaning that some survivors who may have initially tested negative could have been infected with HIV without being aware of it. The situation underscored the need for increased financial support and resources to service providers, in particular with regard to testing for HIV and other sexually transmitted infections and diseases.

303. Survivors experienced serious and ongoing mental health problems, including depression, insomnia, anxiety, and other forms of emotional distress. While many of the survivors the Commission spoke with had received some form of psychosocial support from the local Women’s Affairs Office, this was generally not adequate, as support was provided in group settings and was of only limited duration. As noted above, a male survivor of rape told the Commission that there were no specific services available for men and boys subjected to rape and other forms of sexual violence in his area.

(iv) Displacement: Impacts and consequences

304. Tigray force attacks in the Amhara region forced tens of thousands of civilians to flee their homes, leading to significant displacement from and within North Gondar, Central Gondar, North Wollo, South Wollo, South Gondar, and Wag Hemra, Zones.¹³⁸ Citing Amhara Regional authorities, UN OCHA reported in September 2021 that more than 230,000 civilians had been displaced by fighting around Dessie and Kombolcha. By September 2021, UN agencies reported that more than 542,000 people had been displaced as a result of the conflict.¹³⁹ Most were women and children.¹⁴⁰ Displacements continued to be reported in November and December 2021, although there were also reports of sporadic and simultaneous returns.¹⁴¹

305. Some civilians fled their homes when they heard fighting in the area, often travelling further south on foot in search of safety. Highlighting the impact that conflict can have on different members of the community, one interviewee explained that older persons and persons with physical disabilities initially did not leave their homes, but were forced to flee as the fighting drew closer. Some civilians returned home soon after Tigray forces assured villagers they would not be harmed. Others took refuge in neighbouring towns and cities, either in host communities or in hastily erected displacement camps. Displaced persons were often forced to relocate multiple times as Tigray forces moved further southward through urban centers and along main transport routes.

¹³⁸ UN OCHA, Ethiopia – Northern Ethiopia Humanitarian Update Situation Report, 22 October 2021.

¹³⁹ UN OCHA, Ethiopia – Northern Ethiopia Humanitarian Update Situation Report, 16 December 2021.

¹⁴⁰ UN OCHA, Ethiopia – Northern Ethiopia Humanitarian Update Situation Report, 11 November 2021.

¹⁴¹ See for example, UN OCHA, Ethiopia – Northern Ethiopia Humanitarian Update Situation Report, 11 November 2021.

306. Displacement exposed civilians to further violations. One woman who fled her home in Hayk when fighting drew near in October 2021 described how she, her husband, and their five-year-old daughter left on foot to Dessie, around 20 km away. They were travelling with a group of nine other people, three men and six women. While they were walking, they encountered a group of Tigray fighters who searched them, looted their money and phones, and forced the men to carry their weapons. When the men became tired and could no longer carry the weapons, the Tigray fighters killed her husband and another man in the group. Two other women who fled Hayk to Dessie were raped by Tigray forces – either while travelling or while living as displaced persons in the city. The Commission also received information about children separated from their families during displacement. One woman explained that she became separated from her two daughters – then aged 17 and 20 – when she subsequently fled from Dessie to Kombolcha.

307. Despite the large numbers of civilians displaced, and the significant needs, the humanitarian response was hindered by access constraints, in particular owing to active fighting, lack of funds, and the establishment of checkpoints along key transport routes.¹⁴² Humanitarian organisations reported widespread disruption of livelihoods and increased food insecurity, with significant and disproportionate impacts on women and children.¹⁴³

(v) Ongoing impacts and consequences

308. Amhara communities continue to experience a range of ongoing impacts and consequences from the breadth of violations committed by Tigray forces and their allies. Relatives of those who were killed continue to suffer emotional pain and distress at the loss of their loved ones. The loss of family members, in particular men who are often the bread winners, has created further economic challenges. “Now I’m begging for money in the market so that we can survive. My son was the one who used to help me. He was working as a taxi driver, driving a bajaj [motorcycle taxi]. Now, I have no assistance; I’m just begging on the street,” explained one woman from Kobo.

309. Survivors of rape and other forms of sexual violence also continue to experience psychological trauma, physical pain and other negative impacts. For example, survivors, health workers, and representatives from women’s organizations explained that survivors also suffer social stigmatization, discrimination and rejection by their communities and even direct families. This stigma, rooted in patriarchal social norms about gender roles, results in survivors suffering further socioeconomic exclusion and impoverishment.

310. Health workers explained that survivors were often reluctant to come to the one-stop-centres for fear they would be identified as a survivor and be subject to rumours, gossip, or ostracism from the community. A staff member from a local branch of the Women’s Affairs Office described how in her town women who were known to be survivors of sexual violence by Tigray fighters were excluded from the traditional community coffee ceremony. One survivor told the Commission, “*I hate when people talk about us, they say we are remnants of the junta.*” Others explained that married women feared divorce by their husbands if they were suspected to be survivors of rape. Such stigma can follow survivors through their lives; thus many do not seek support, compounding their trauma and potentially leaving serious medical and psychological conditions untreated.

311. As elsewhere, the continued presence of non-state armed actors is an ongoing fear for civilians. In Amhara, civilians remained concerned about the presence of Tigray fighters or other armed groups nearby. Similarly, in Sekota, there is fear among civilians about the presence of other non-state groups, in particular the Agew militia.

312. Another concern is the prevalence of explosive remnants of war. In some instances, ERWs have been found around schools. For example, an interviewee from North Wollo said that residents had found an unexploded ordnance (UXO) within the compound of the local primary school, providing the Commission photographs. He explained that Regional Administration officials had subsequently removed UXO; however, concerns about

¹⁴² UN OCHA, Ethiopia – Flash update on the situation in South Wello Zone, Amhara Region, 01 November 2021; UN OCHA,

Ethiopia – Northern Ethiopia Humanitarian Update Situation Report, 16 September 2021.

¹⁴³ UN OCHA, Ethiopia – Northern Ethiopia Humanitarian Update Situation Report, 16 September 2021.

contamination of many other areas remain. At least 267 people, most of them children, have been killed as a result of ERW in Amhara since November 2020.¹⁴⁴

313. Conflict worsened the already poor economic situation in Amhara. The situation was compounded for people whose property and businesses were looted or homes destroyed during the fighting – leading to displacement, and dire need of ongoing support and assistance. Poor economic situations especially affect children by interrupting their nutrition and education and placing them at risk of child labour, exploitation, or other violations. One woman told the Commission that financial hardships resulting from the conflict meant that her son, who was supposed to be in Grade 11, was unable to go to school and instead worked to support the family.

314. After the Tigray forces' withdrawal, federal and regional government authorities came and began assessing the damage, including loss of goods and income. To date, however, most said they had not received adequate compensation and were struggling financially. In places like Lalibela, which is heavily reliant on the tourism industry, communities continued to feel the aftereffects of the conflict. *"Lalibela is not in a good situation. People used to rely on tourism, but now, guides are not working, and others whose businesses relied on tourists aren't doing anything."* explained one resident. The recent deterioration of the security situation in Amhara from April 2023, including in towns like Lalibela, looks set to compound peoples' suffering and create additional financial hardships.

B. Afar

"It's something very difficult to explain. I lost many people who were dear to me... my house was destroyed and looted. [Now] I have nothing and receive no humanitarian assistance... I'm living in misery."

–A man from Kasagita describing the ongoing impact of the conflict.

315. Afar, which is located in the northeast of Ethiopia, is home to some 2 million people. The majority are from the Afar ethnic group, many of whom are Muslim. Much of the region is desert and the majority of the population are pastoralists, herding sheep and cattle. The remote nature of the region and its lack of infrastructure, including access to internet and telecommunication, means that obtaining information about the situation is challenging. Despite this, the Commission confirmed violations and abuses by Tigray forces and their allied militias, including attacks on civilians, rape and other forms of sexual violence, and looting and destruction of property.

316. As in Amhara, interviewees in Afar identified Tigray forces by their uniforms, which they described as being "military style", but different from those worn by ENDF and EDF. Interviewees also described hearing perpetrators speak Tigrinya. In some cases, in particular areas close to the border with Tigray Region, interviewees said they knew or recognized some of the perpetrators.

(i) Attacks on civilians

317. Tigray forces attacked towns and villages in Afar or else engaged in heavy fighting with national and regional forces in close proximity to civilian areas. Violations against civilians, including death and injury, as well as their displacement as a result of heavy clashes, were found in four locations from November 2021: Kasagita, Berhale, Ab'ala, and Konneba.

Kasagita

318. Fighting took place between Tigray forces and government security forces comprising ENDF troops, Afar Special Forces and Afar militias, in Kasagita and surrounding villages during November 2021. By the end of the month, ENDF and its affiliated forces had regained control of Kasagita and other areas.

319. Residents told the Commission that the fighting took many by surprise. *"I thought the war was very far and didn't know that it was near to my area or place,"* explained one interviewee. Heavy shelling and mortar fire was used by both sides, in addition to air attacks

¹⁴⁴ iMMAP and UNMAS, Situational Analysis of Antipersonnel Mine and Explosive Remnants of War Contamination in the Afar and Amhara Regions of Ethiopia: 2020-2022, September 2022.

by the Ethiopian Air Force. *“No one differentiated between the military and the civilians, neither the Tigrayans nor the government forces. No one protected the civilians,”* recalled one witness.

320. Civilians were killed and injured during the fighting and bombardment. One man explained that he was shot in his legs while fleeing clashes between the two sides; he did not know which party was responsible. He explained that, at the time, fighting and insecurity meant he was unable to access medical treatment for more than a month. When he finally did receive treatment at Dubti hospital, some 100 km away from where he was shot, it was too late to prevent permanent physical disability. Another man said he initially fled with his family, but returned with some male relatives to collect food and other materials from their houses as well as their livestock. During their return, they were caught up in heavy shelling between the two sides. He also indicated that he was not aware which side was responsible, but that three of his relatives, including two cousins, were killed by artillery. He suffered severe injuries to his leg, which required amputation.

321. Homes and other property were destroyed during the fighting in Kasagita. Most were not sure which side was responsible, as both were engaged in heavy fighting; however the impacts on ordinary people have been severe and long-lasting. *“My house was destroyed and burnt down by heavy weapons... I lost everything, including livestock and agricultural materials. [It was destroyed by] big artillery... I don’t know if it was from the government side or mortars from both sides,”* said one man. Both Tigray fighters as well as national and regional security forces, including Afar Special Forces, engaged in extensive looting in Kasagita, in particular of livestock. One interviewee explained that, more than one year later, he had yet to receive any support or assistance from the government.

Ab’ala

322. Tigray fighters and government forces fought in and around the town of Ab’ala for around two weeks from 13 January 2022. Tigray forces attacked in the early hours of the morning, around 5 a.m., with the sound of shelling and heavy gunfire emanating from the mountains on the border between Afar and Tigray regions. Some male residents of Ab’ala took up arms to fight against the Tigray forces, while many others fled the town. *“The ground was shaking. The only thing we could do, was run away to save our lives,”* recalled one Afar man.

323. Tigray fighters killed Afar militia members and fighters who were taking part in hostilities. They also killed civilians who were not taking part in hostilities, either through shelling or else by gunfire. One man said that seven of his cousins, all of them men, were shot dead by Tigray fighters after they entered Ab’ala on foot: *“They were simply family members who just tried to escape from the war. They were not armed. They were innocent civilians,”* he stated. Another man said that two of his sons, seven and nine years old, were killed while fleeing the shelling. Tigray fighters and allied militia also perpetrated rape and other forms of sexual violence against Afar women in Ab’ala.

324. The TDF subsequently took control of Ab’ala but withdrew in April 2022. Those who fled explained that when they returned, they found that their homes had been looted and property destroyed, which they attribute to Tigray forces. Some civilians returned to find their homes burned down, stripped of building materials, or general household items.

325. Tigray forces and allied militia looted and killed animals in Ab’ala. One man explained that he had 90 goats and seven camels before the conflict; when he returned home after fleeing the fighting, he found most had been shot dead. Another man who ran a small shop from his house said that food items like flour and 280kgs of honey had been taken from his house, in addition to clothes and cash. One man stated that, in addition to livestock and foodstuffs being taken from his house, his books on Islam, including the Qur’an, had been burned.

326. Around a month before fighting erupted in Ab’ala, in December 2021, Afar militia attacked Tigrayan civilians living in the town. Survivors described how militia members, many of them people they knew, went house to house pulling Tigrayan civilians out and shooting them dead. One man, who had lived in Ab’ala his whole life, saw his wife and 21-year-old daughter shot dead during the attack; his 18-year-old daughter was also shot but

survived. A woman recalled how two Afar militiamen came to her house in December 2021 asking, “*Are you originally from here?*”, before shooting her husband dead in the doorway of their compound. Her two sons were able to escape, however she said that the militia kept coming to her home asking where the men of the house were. She and others described how thousands of Tigrayan civilians were rounded up by Afar Special Forces around 18 December 2021, in some instances accompanied by Eritrean soldiers, put on to trucks and taken from Ab’ala to Semera, where they were kept in camps for around nine months before being released.

Berhale

327. Tigray forces also clashed with the Afar Special Forces, Afar police, and local militia in Berhale and surrounding areas around 24 January 2022. Fighting continued into early February. They approached from the direction of Ab’ala, firing heavy weapons before arriving in the town, first on foot and later in large trucks and military vehicles, taking control of the area for several months. As in other locations, some local males joined Afar militias while other residents fled to remote areas for safety.

328. TDF fighters killed civilians, including children, and raped women and girls, during the attack and subsequent control of the area. One woman described how a group of Tigray fighters entered her house and started looting her family’s belongings. When some of the fighters started pulling her by her arms and hair, her grandfather tried to intervene, but they beat him with the butt of their guns until he was bleeding from his mouth. He died shortly after.

329. Families of suspected militia men were targeted. A woman, whose husband had joined the local militia to defend the community against the Tigray forces, explained she had been unable to flee the town as she was looking after her elderly father, mother, and young children. She recalled how five Tigray fighters arrived at her house asking where the fighting-age males were and then proceeded to shoot dead her father, who was blind. In a similar incident, another woman whose husband had also joined the local militia described how Tigray fighters came to her house looking for militia members and then beat her and her child. Her infant daughter subsequently died of her injuries.

330. Tigray fighters looted homes, destroyed property, and looted or slaughtered livestock. “*There is nothing left, even the roof was taken,*” explained one man whose 20 goats, three camels, and two donkeys were taken.

Konneba

331. Also in January 2022, Tigray forces and government forces fought in Konneba. Both sides used heavy weaponry by both sides. Interviewees recalled hearing heavy shelling starting from the early hours of the morning, between 3-5 a.m. Tigray fighters then proceeded to enter the village/ town searching for militia, raping women and looting property. “*The TDF [Tigray] rebels arrived strongly in force and in number. The first troops arrived on foot while the rest came later with armoured vehicles and tanks. They raped, destroyed, and looted everything. They burnt houses after they looted everything that they found inside,*” recalled one man who told the Commission that seven of his family members, all civilians, were killed as a result of gun fire and shelling. Another man similarly stated that seven of his family members, all civilians, were killed during the mortar fire. Tigray fighters raped women during the attack, and looted property including livestock and jewellery.

(ii) Rape and other forms of sexual violence

332. Tigray forces perpetrated acts of rape and other forms of sexual violence against women during attacks in Afar region. The Commission documented rape and other forms of sexual violence against Afar women in towns and villages in four locations across two zones of Afar, including Berhale, Erebti, Konneba, and Kasagita. The Commission received credible information from witnesses and health workers who confirmed these patterns.

333. These patterns resembled the violations and abuses by Tigray fighters against Afar women during offensives in the Amhara region. In particular, Tigray fighters and allied militias appeared to target women on the basis of their real or perceived affiliation with

members of opposing armed groups, in particular those they believed to be wives of members of Afar Special Forces or Afar militias.

334. Afar women were subjected to other forms of physical violence during assaults. *“When I tried to leave, four of them came out and grabbed me from behind. While I was struggling, another one kicked me in the neck and I fell and fainted. When I woke up, no one was there, I was very confused [...] blood was pouring down my legs, I didn't know where my husband and children were. I had trouble getting up,”* recalled one survivor who was raped by four Tigray fighters after returning to her home in Ab’ala in search of food for her and her displaced children. A health worker in Afar explained that the impact of rapes in the region was compounded by survivors’ previous experiences of gender-based violence, notably female genital mutilation, a harmful practice rooted in discriminatory gender stereotypes.

335. Based on its investigation, the Commission believes that rape and other forms of sexual violence committed during the conflict in Afar has been seriously underreported. Reasons include lack of accessible, quality, and adaptable services. Lack of infrastructure in the Afar region was a significant factor impeding survivors’ ability to obtain medical treatment. One interviewee said that she was among a group of survivors who had to walk for ten days and nights to reach a hospital. The presence of military actors in and around medical facilities was also cited by a health worker as a further barrier for survivors’ access to support and services.

336. Social stigma was, and remains, a barrier to accessing medical services, especially as survivors worried they could be identified as a survivor of rape if they tried to go to a hospital. *“I didn't say anything to the others, not to my mother, nor my sister, because this subject brings dishonour to the whole family and the whole community. [if you speak out] you'll be a subject of conversation or mockery, stigmatization, or divorce,”* explained one survivor from Erebti. *“Many women have been raped, but nobody dares to talk about it.”* Strong social norms of collective – including clan- and lineage-based – honour and dishonour make this a particularly sensitive problem in this part of Ethiopia.

337. Cultural attitudes and practices had further negative impacts on survivors’ ability or willingness to access services. The presence of male doctors or interpreters meant they did not seek medical treatment. One survivor explained that she did not seek medical support in her displacement camp because only male doctors were on duty. Another explained that while the NGO that supported survivors in her displacement camp were foreign women, the interpreters they used were male, meaning that neither she nor other survivors came forward for treatment.

(iii) Looting and destruction of property

338. Tigray forces and allied militias engaged in extensive looting of property. The Commission documented such acts in Ab’ala, Berhale, Erebti, Konneba, and Kasagita. In Kasagita, regional forces including the Afar Special Forces, also engaged in looting there.

339. The vast majority of people the Commission interviewed lost livestock, including camels, cows, sheep, and donkeys. This loss has proved devastating for communities, who are primarily pastoralists and rely on their animals for their subsistence and survival. In some cases, they came home having fled fighting only to discover burned carcasses and bones scattered around their properties. In words which echoed the experience of many other interviewees, one man from Konneba described the extent of the looting of his family’s property:

“The Tigray rebels looted 40 goats, 20 cows, 15 camels, and four donkeys from my house. Now I am left with only one cow. I have nothing. I was a gold trader and had two machines to help detect gold, they were worth 500,000 birrs each. They were taken. I also owned two motorcycles worth 150,000 birrs each. Now, I am living in poverty with my wife and surviving children. We receive no humanitarian assistance.”

340. Tigray forces also looted people’s homes and shops, taking household items in addition to goods. *“I lost everything including food, kitchen utensils, beds, mattresses, and clothes. They even looted the wood that constructed the house,”* said a man from Kasagita. Others said that their houses were totally or partially damaged. In some cases, homes were

burned, usually after being hit by shells or mortars. In other cases, building material, including doors, windows, and iron sheeting used for roofs was looted.

341. Some explained that – more than a year after they were displaced – they were still living in temporary shelters, often in the open or in front of their former houses. “My house was destroyed and looted. Right now, I’m living under the shade of a tree with my family,” said a man from Konneba. *“I cannot go back to the house because there is nothing left. We’ve been living [like this] for more than one year.”*

(iv) Displacement

“As we fled, we travelled on foot. We experienced thirst and hunger, we walked under a burning sun with people dying on the road.”

–A woman displaced from her home in Berhale.

342. Tens of thousands of Afar women, men, and children fled their homes and villages during Tigray force attacks. According to UN OCHA citing Afar regional government authorities, 140,000 women, men, and children had been displaced in Afar by the end of August 2021.¹⁴⁵ After Tigray forces had launched new offensives in Afar in January 2022, again citing Afar regional government authorities, UN OCHA reported that more than 200,000 people were newly displaced by the conflict, although noted that access constraints meant it was difficult to verify displacement figures or fully assess needs.¹⁴⁶

343. Displacement impacts all communities across Ethiopia, affecting their safety, physical and mental wellbeing, and food security. However, the Commission found that in Afar, a remote region that is economically underdeveloped and also characterized by desert-like conditions, displacements are especially difficult.

344. As soon as fighting erupted in their areas, many people fled their homes and villages. The absence of transport meant that most fled on foot, often without picking up essential supplies. Almost all individuals described extreme heat, and many described living out in the open for days, weeks or months at a time. People died due to heat, thirst, and lack of food and access to healthcare.

345. These victims included children. One man said that three of his sons, aged between eight and eleven years old, died while they were displaced from their home in Konneba. *“They died suddenly, it was because they walked in the heat, under the sun. This area is the hottest place on earth. My children died due to the lack of medication, hunger, and thirst.”* He said he had to bury his children’s bodies by the side of the road.

346. In addition, women who were pregnant were forced to deliver their babies in the open, under the hot sun. This led to stillbirths or newborns dying soon after birth. One interviewee told the Commission his daughter died while giving birth while displaced in the desert. Another recalled, *“Women delivered under the trees with no assistance. They had no clothes to carry the babies... With the high temperature in that area, the babies could not survive.”* Many older persons, both women and men, died during displacement as a result of the harsh conditions.

347. Families, including children, were also separated while fleeing their homes and during displacement. While some were subsequently able to reunite with their loved ones, others had no news about the fate or whereabouts of the missing or separated family members.

(v) Ongoing impacts and consequences

348. Although the situation has stabilized in Afar, at least with regards to the conflict in the north, humanitarian needs remain significant. According to UN OCHA, there are an estimated 837,100 returnees in Afar after the conflict in northern Ethiopia, the vast majority of whom returned spontaneously.¹⁴⁷ Information from UN agencies and interviewees confirms serious gaps in humanitarian support and assistance. High levels of food aid dependence in the region mean communities are heavily impacted by the current food aid suspension. The

¹⁴⁵ UN OCHA, Ethiopia – Northern Ethiopia Humanitarian Update Situation Report, 16 September 2021.

¹⁴⁶ UN OCHA, Ethiopia – Northern Ethiopia Humanitarian Update Situation Report, 03 February 2022.

¹⁴⁷ UN OCHA, Ethiopia – Situation Report, 27 July 2023.

situation has been compounded by an invasion of solitary adult desert locusts during July and August 2023, which also affected eastern Tigray.¹⁴⁸ The impacts of looting and loss of livestock are further exacerbating the situation.

349. Despite the cessation of fighting between national and regional forces and Tigray forces in Afar, civilians remain at risk of death and injury due to ERW, including close to civilian areas. The Commission confirmed three cases where children were killed or maimed as a result of ERW. At least 185 people have been killed as a result of ERW in Afar region since November 2020.¹⁴⁹ In addition to risking civilians' lives, the continuing presence of ERW has economic impacts, as people are unable to access areas they rely on for income generation. The presence of ERW affects education, as parents are reluctant to allow their children to travel to school in areas which may be contaminated by unexploded ordnances. Demining efforts and mine risk awareness education are essential in contaminated areas in Afar and other conflict-affected areas.

350. As in other areas, communities are also experiencing longer-term impacts of the fighting, including ongoing psychological trauma. Women and children experienced adverse security and economic impacts as a result the death of male relatives who took up arms against the Tigray forces. Interviewees also described feelings of insecurity due to the presence or proximity of Tigray forces, especially communities living close to the Tigray-Afar regional border. The situation is exacerbated by reports of Tigray fighters committing crimes, including killings and abduction.

VIII. Oromia

351. Oromia is the largest of Ethiopia's regions, home to an estimated 35 million people, more than 90 per cent living in rural areas.¹⁵⁰ The situation in Oromia today is characterised by severe restrictions on freedom of expression, in particular in Western and Southern Oromia, where the Oromo Liberation Army (OLA) remains active. The security situation presents serious obstacles for investigating the human rights situation there. Independent journalists and human rights monitors are restricted from parts of Western and Southern Oromia. Some areas are classified as "hard-to-reach" by United Nations agencies, meaning that the security situation is volatile, with risks to the safety of the population and aid workers.¹⁵¹

352. Many of the violations documented by the Commission since 3 November 2020 in Oromia were committed in areas reported by interviewees to be under a Command Post system. These areas are also prone to government-imposed interruptions on internet and telecommunications, further impeding the flow of information, in particular in areas of OLA presence or control. Nonetheless, the Commission has found serious human rights violations in Oromia, although the number of unrecorded incidents likely remains high. The situation in Oromia requires further investigation.

A. Extrajudicial executions

353. The Commission received multiple reports of extrajudicial killings. During the reporting period, it investigated in detail two emblematic cases which demonstrate both a disregard for human life by government forces and a prevailing climate of impunity. The Commission's investigation indicates that these two cases are not unique. A common theme across documented incidents was a complete lack of accountability.

Extrajudicial killing of Karrayyu leaders in East Shewa Zone

"The main thing I wish is for the perpetrators to be brought to justice. We don't have hope the government will do anything... It is difficult to see how we will achieve truth or justice from them."

¹⁴⁸ UN OCHA, Ethiopia – Situation Report, 4 August 2023.

¹⁴⁹ iMMAP and UNMAS, Situational Analysis of Antipersonnel Mine and Explosive Remnants of War Contamination in the Afar and Amhara Regions of Ethiopia: 2020-2022, September 2022.

¹⁵⁰ UNHCR, Oromia Region Information Brochure, June 2021.

¹⁵¹ UN OCHA, Ethiopia – Situation Report, 07 September 2023.

—A member of the Karrayyu community.

354. The Commission investigated the extrajudicial killing of 14 senior leaders, all men, of the Karrayyu people, an ethnic Oromo community, on 1 December 2021. At around 11 a.m. on 1 December 2021, Government security forces composed of ENDF, Oromia Special Forces and Oromia police, arrived in Motoma, Fentalle District of East Shewa Zone, while a *Waaq Kadhaa* prayer ceremony was being held by leaders of the Karrayyu community. Security forces then rounded up all the men, some 39 people, disarmed them of their traditional weapons, and loaded them onto trucks. Among those taken were all of the senior leadership of the Karrayyu community.

355. Security forces drove the men along the Djibouti highway to a town called Anole, where they were then ordered off the trucks and were beaten with guns, including on their heads, by ENDF, Oromia Special Forces and Oromia police. Some were beaten so badly they were bleeding. The men were then divided into two: one group of 16 main leaders of the Karrayyu community, and the remaining group of 23 men. The 16 leaders were kept in Anole, while the 23 other men were taken to a nearby military camp.

356. Between 5 and 6 p.m. on that same day, Government forces, including ENDF, OSF and Oromia police, opened fire on the 16 leaders, killing 14 of them. Two who managed to escape made their way to the nearby village of Motoma where they informed residents of what happened. The following day, on 2 December 2021, other members of the Karrayyu community recovered the bodies of the 14 leaders and buried them in a place called Karra, very close to Motoma village.

357. The 23 other men were taken to Sogido, a military camp home to Oromia Special Forces. There, security forces beat and verbally abused them. The men were held in a small room without food, water, medical treatment, or sanitation facilities. On 3 December 2021, Government forces loaded the 23 men onto a truck and took them to an abandoned factory in Mojo, 90 km from Addis Ababa. There, Oromia Special Forces, Oromia police, and ENDF soldiers beat the men in an attempt to force them to confess to being members of OLA and to committing crimes as part of the group. During the beatings, members of the OSF and Oromia police used offensive and dehumanizing language, including language that was sexually denigrating to the victims' female relatives. On 8 December 2021, after having been detained for a week, one of the detainees died in the abandoned factory due to the beatings and ill-treatment.

358. During this time, a delegation made up of members of the Karrayyu community and former members of parliament tried urgently to establish the fate and whereabouts of the missing men, raising the case with senior Government officials such as the Prime Minister. One interviewee who was among the group said that they were pressured by members of the Oromia Government to state publicly that the senior Karrayyu leaders had been killed by OLA. The delegation refused to do so because members of the community had witnessed government security forces take the men from their village. It was not until 11 days after the men were taken that the community learned about their fate and whereabouts. Six of the detainees were released on 30 December 2021, while the remaining 17 were released in January 2022.

359. Initially, the authorities tried to deny that Government security forces had taken the men. The Oromia Communications Bureau blamed OLA for the attack on social media; however others, including the Oromia State Minister of Peace implied that elements within the regional government were responsible. A member of the House of People's Representatives accused the Head of the Oromia Police Commission of involvement.

360. The killing of the 14 men was widely reported, sparking public outrage. In February 2022, the EHRC published its investigation, concluding that it found "reasonable grounds to believe" that the killings were extrajudicial killings committed in the presence of security and local Government personnel. To date, and despite the widespread public reporting of the incident, the Commission is not aware that any of the perpetrators have been held to account. Meanwhile, commitments made by senior Government officials to the family members of the murdered men that they would receive traditional compensation, known as *guma*, have not been honoured.

361. The killing of the senior Karrayyuu leaders has had severe consequences for the Karrayyuu community. The community has been unable to rebuild the traditional *gadaa* system due to restrictions on gatherings and a new requirement by the East Shewa Zone Administrator for approval of the appointment of new leaders. Without appointed leaders, the community is at risk of social disconnection and fragmentation.

Public execution of a 17-year-old-boy in Kellem Wollega

“Everyone was shocked... no one wanted to talk about it, because they fear for their lives and worry that something worse could happen to them or their families. The perpetrators, none of them were brought to justice.”

—A witness to the public execution of Ammanuel Wondimu.

362. On 11 May 2021, Government security forces shot and killed a 17-year-old boy, in Dembi Dollo, a town in Kellem Wollega Zone, Western Oromia. Security forces composed of Oromia Special Forces, ENDF, and local militias apprehended him on the morning of 11 May. Residents described hearing gunfire that morning, which prompted people to run from the area. Security forces shot the boy in the leg as he was fleeing. He fell down after being shot, then the militias took him and tied his hands behind his back. Oromia Special Forces and militias then paraded him through the streets of Dembi Dollo, until they reached the roundabout in the centre of the town.

363. OSF, Oromo militias and ENDF ordered residents of Dembi Dollo to leave their homes and places of work to watch the boy being paraded. During this time, security forces hit and punched him in his face, causing him to bleed, and hung a handgun around his neck. After the boy was brought to the roundabout, OSF and Oromo militias asked him how he wanted to be killed, whether he wanted to be shot from behind or the front. The 17-year-old-boy said he preferred to be shot from the back. Residents from Dembi Dollo town were forced to witness the execution, including children.

364. While the boy was held at the roundabout, Oromia Special Forces brought members of his family, including his parents, to the scene. The parents being severely beaten by OSF soldiers when they tried to run towards their son shortly before he was killed. After the execution, the boy’s body lay in the street for several hours before community leaders persuaded security forces to allow relatives to claim it.

365. Video footage of the incident reviewed and verified by the Commission shows the 17-year-old limping and bleeding as he is paraded around the town, his clothes torn and a handgun hanging around his neck. In one video he is accompanied by OSF soldiers carrying assault rifles. According to eyewitnesses, and further confirmed by the video footage, he was forced to say, *“I am Abba Torbee, don’t be like me, learn from me”*. The Commission verified that *Abba Torbee* is the name of an armed group operating in Oromia region with alleged links to OLA. The same day, the Communications Office of the City of Dembi Dollo shared a post on social media claiming that the boy was a member of “Abba Torbee” who was shot in the leg while trying to evade capture. Credible sources stated that he was a 10th grade student who was still studying at school and served in the local church on Sundays.

366. In the days after the killing, while relatives were observing a period of mourning, authorities in Dembi Dollo subjected the boy’s family and other residents to threats, harassment, and intimidation. Family members, including the boy’s father, were arbitrarily detained at the Dembi Dollo police station. They were released after several days.

367. Despite the extensive media attention, the case received, the Commission is not aware that any independent investigation has been conducted nor that any perpetrators have been held to account.

368. The killing of this 17-year-old child had ongoing impacts on the community. Several individuals the Commission met with who had fled Ethiopia to neighbouring countries said that the killing had created a climate of fear. A 23-year-old man who fled Ethiopia in January 2023 explained:

“One of my close friends was killed. He was taken from his house and executed on 11 May 2021, in a public parade, just in the centre of the city. It was a demonstration of power The

Government authorities did it to scare people and teach them not to join rebel groups. After that, I decided to flee the country.”

B. Arrest, detention, torture and ill-treatment

369. The Commission found a pattern of arrest and detention of Oromo civilians, in particular men, accused of having links with OLA or of supporting or sharing information with the group. Others were detained in connection with anti-Government protests. Detentions between November 2020 and February 2023 were perpetrated primarily by the federal or regional police, Oromia Special Forces, and at times ENDF. The Commission documented detentions of men and women in East Wollega, West Wollega, Kellem Wollega, East Borana, East Haraghe, and Jimma Zones. It also documented one detention of a child, a 16-year-old boy, in Kellem Wollega. In some instances, men and women were targeted for arrest or detained during searches of their houses, in others, they were detained after clashes between OLA and Government forces in the surrounding area. While arrest and detention of Oromos accused of links with OLA predate the Commission’s mandate, the Government’s designation of OLA as a “terrorist” organization in May 2021 only served to further such arrests. As of September 2023, the designation of OLA as a “terrorist” organization remains in effect.

370. Detentions were often accompanied by severe beatings, kicking, and other forms of physical violence. In one illustrative case, a man who was arrested in Nejo, West Wollega Zone in February 2022 described methods of torture and ill-treatment after he was detained and accused of being a member of OLA. He was initially taken to Nejo police station by federal police officers before being transferred to a nearby ENDF military camp, where he was tortured for two days. *“They tied my hands behind my back. They stepped on my head with their shoes. Then I was beaten with electric wire on the soles of my feet... They kept telling me that I had a link with OLA... I do not know any OLA.”* He was taken back to the Nejo police station and released when no evidence was presented about links to OLA and he subsequently fled Ethiopia.

371. Another man, also detained in Nejo police station, said that he had faced pressure from local authorities, including OSF, to work with the government. When he refused, they accused him of being OLA and of transferring money to the group. Eventually he was arrested on 15 October 2022 and taken to a Nejo police station, where he was subjected to harsh conditions of detention:

“It was extremely hot and [the cell] had no windows. They used to beat detainees including me. We were taken out of the cell at night. They usually took us by the neck saying, ‘We will hang and kill you.’ They beat us with wooden sticks, and some other times with electric wire. Sometimes, they hand-cuffed us and took us outside just for beating.”

He told the Commission that one of the male detainees, whom he knew by name, was killed while in detention. He further explained that, during his time in detention, he was never brought before a court. He escaped in April 2023 after family members bribed a police officer and fled Ethiopia; however his wife and children remain in the country, and he is only able to speak to them sporadically.

372. A 16-year-old boy who was detained by Oromia Special Forces in Kellem Wollega in February 2023 was also tortured using electric cables. The boy was detained in February 2023, accused of being a member of OLA and having weapons in his house. Oromia Special Force soldiers detained him along with another boy for around two weeks in a military camp, during which time they would beat and interrogate the two boys. He recalled:

“Every day they would question us about firearms. Our hands were always tied at the back. Whenever I responded that I did not know about any firearms, they would hang me up suspending me over the ground. Then they would beat me with wires. [An OSF Commander] administered the beatings or gave instructions to other soldiers to beat us. During the beating, I would plead with them to spare my life.”

373. The Commission also found arbitrary arrests and detentions, and torture and ill-treatment in detention, in East Borana Zone. One man described how two uniformed police officers and three armed militia arrived at his house one morning in February 2022, and took him to the Negele Borana Police Station. He was held in solitary confinement for one night

and interrogated. *“They started beating me, including with an electric cable [...] they were interrogating me for having links with the OLA and for organizing youth against the Federal Government. They beat me so hard one of my teeth fell out.”* He further recalled how police would sometimes pour hot and cold water on him while torturing him. He was eventually able to escape detention and was forced to flee the country after the local security forces began disseminating his picture as someone who was wanted.

374. Another man told the Commission that in May 2021, armed police, ENDF soldiers, and militia members arrived in Negele Borana, East Borana Zone, and ordered residents to gather. They ordered them to report themselves if they were linked to OLA, saying that they had a list of OLA members. He was among ten men who were arrested, beaten, and forced onto police pick-up trucks and taken to the Kebele 03 Police Station. He was beaten during interrogation, including being hit with a hard plastic stick and the butt of their guns. *“Whenever fighting [with the OLA] broke out in the area they just came and beat detainees. They would ask, ‘Who are those who are shooting and fighting us?’”* he said. He continues to suffer from pain and had visible scars on his right hand, which he said was the result of torture during interrogation.

375. In addition to torture and ill-treatment in detention, the Commission received credible information about deaths in custody. Former detainees witnessed or gave information about other detainees whom they witnessed or knew to have been killed in detention, including providing the names of individuals who died in custody.

376. While the majority of the cases were of individuals accused of links with OLA, the Commission found two instances where women and men were arrested and accused of other anti-government activities, including protests. According to human rights defenders and civil society activists working on Oromia, such detentions are common.

377. Multiple former detainees described being transferred to different detention sites, including police stations and military camps, where they were interrogated and tortured. Similar patterns have been documented by civil society groups and non-governmental organizations. One interviewee described how he was arrested on 1 June 2021 in Harar, East Hararghe Zone, at around midday. He was arrested by the Oromia police and initially taken to the local police station; there police interrogated him before transferring him to a nearby military camp, where he was interrogated and tortured for around one week:

“They used guns and hit me in the head. They also banged my head into the wall. Then they attached a 1.5l bottle of water to my penis, while my arms were tied above my head. After I was tortured the whole day, I became faint, lifeless. Then, they assumed that I was dead and left me by the side of the road.”

378. He explained that both at the police station and in the military camp, he was accused of being a member of OLA, which he denied. He gave the names of two men who were detained with him who he said were tortured and died in detention. Commission staff observed scarring on his body where he said he had been beaten. He continued to feel the impacts of the torture, explaining that he now struggled to hear well. Since leaving Ethiopia, he told the Commission he has heard that family members have been subjected to reprisals by government security forces; including two female family members who were subjected to rape and other forms of sexual violence.

379. Another interviewee, a truck driver, said he was detained twice in Dembi Dollo, Kellem Wollega Zone in 2021 – first in March and again in April. He said that his first detention happened after he refused to transport ENDF soldiers, and he was held for around six weeks. The second time, he was detained by government security forces who accused him of being a member of a group linked to OLA. During the two months he was detained, he said he was transferred to three different detention sites where he was tortured. He described being beaten with a wooden stick, kicked, and threatened during interrogation for information about OLA.

380. In the cases reviewed by the Commission, detentions lasted for months – sometimes more than one year – and in most instances, detainees did not have access to lawyers and were not brought before courts to challenge the legality of their detention. A judicial officer explained that such practices were common, especially in areas under the control of Command

Posts. In its June 2023 Concluding Observations on Ethiopia, the UN Committee Against Torture also expressed concern that individuals in custody in Ethiopia, in particular those detained for terrorism-related offences or during states of emergency, were not routinely afforded fundamental legal safeguards.

Rape and other forms of sexual violence

381. During its investigation, the Commission received alarming allegations of sexual violence, including rape, in detention in Oromia. The Commission documented two instances of sexual violence against women in detention, one case of rape and one of forced nudity, as well as two instances of sexual violence against men in detention – one instance of sexualized torture, and one of forced nudity. Interviewees also provided first-hand accounts of rape and other forms of sexual violence in detention before 3 November 2020. While the Commission was unable to investigate these cases because they took place before its mandate, they further corroborate a pattern of sexual violence in detention.

382. A woman who was raped by police while detained in Negele, East Borana Zone in November 2021 recalled: *“I was taken into another room, I was beaten until I fell unconscious and that is when the rape happened... When I woke up I realized my dirac [clothing] was ripped. [There were] around 10 men... [they] told me, ‘we have finished with you, we are done with you’.* She said they beat her and put her back in the cell. She did not go to the hospital, or report the rape. When she was released she fled Ethiopia to a neighbouring country.

383. Based on its investigation, the Commission believes that sexual violence in detention – and in Oromia more generally – is seriously underreported. Civil society organizations working on Oromia explained that speaking about sexual violence is taboo, and survivors fear further reprisals if they report it.

384. The Commission documented arrests and detentions of both men and women, although men appear to be targeted and accused of links with OLA. Other gendered dimensions and/or impacts of arrest and detention in Oromia, included the targeting of female relatives for their connection with detained males or threats, harassment, and intimidation by government security forces. In one case, a woman was raped by three armed men, one of them a uniformed member of ENDF, in her house after her husband was detained in July 2021. She recalled how the men began searching her house the evening after her husband was detained:

“I asked, ‘what are you looking for?’ One of them responded, ‘How dare you ask me this?’ Then he hit me. One of the men punched me and kicked me to the ground. When I woke up, I couldn’t stand because of the pain.”

She told the Commission that she realised she had been raped because she was bleeding from her genitals. She subsequently fled the country. Other interviewees told the Commission about female family members being harassed by security forces; one explained that his wife and children have to move house often because they are subject to regular searches.

385. Meanwhile, and as noted in earlier sections, preexisting structures of discrimination and gender-stereotyping in Ethiopia mean that female family members suffered increased insecurity, additional financial burdens and obstacles accessing essential services and resources when their male relatives were detained. The impacts of gender inequality are clearly not confined to one specific region or violation, and further investigation is recommended.

“I left Oromia in January 2023 because I feared for my life. I felt I could be killed at any time.”

—A 30-year-old man who fled his home in East Wollega.

Other impacts and consequences

386. Arbitrary arrests and detentions have ongoing impacts. The fear and risk of death, arrest, and detention has forced many young Oromos to flee Ethiopia in recent years. Interviewees who had fled Oromia and were living in neighbouring countries as refugees explained they felt they had no choice but to leave Ethiopia. For many, this meant leaving behind relatives and loved ones. Keeping in touch with family in Oromia is an additional

struggle given the poor availability of reliable internet access and other communications tools, a situation compounded by frequent government-imposed internet blackouts. For those who do escape, they face further risks and uncertainty. Several explained that they were struggling to support themselves and faced challenges to obtain outside support or to register as refugees.

C. Drone strikes

387. Fighting between the OLA and ENDF escalated in October and November 2022, in particular in Western Oromia. The Ethiopian government began launching aerial attacks using drones, including in areas under reported OLA control. Access to Western Oromia, in particular Kellem Wollega, West Wollega, and Horu Goduru Wollega, is to date extremely restricted, including for journalists and humanitarian workers, while telecommunications coverage is subject to regular interruptions. As a result, access to information about the situation there is extremely challenging. However, the Commission was able to verify three separate incidents in which civilians were killed or injured: in Adere Wama, East Wollega on 21 October 2022; in Bila, East Wollega Zone on 2 November 2022; and Mendi town, West Wollega on 9 November 2022.

388. On Wednesday 2 November 2022, a drone strike hit the town of Bila, East Wollega. It was a market day, meaning local residents were out on the streets selling goods while people came to the market from the countryside. According to eyewitnesses, it was late morning when a munition hit the ground in front of the Commercial Bank of Ethiopia. Residents had seen an object flying in the sky shortly before hearing a loud explosion. Fighters from the Oromo Liberation Army had entered Bila town earlier that day. The fighters, however, were not in the vicinity of the market at the time of the strike, being either on the outskirts of the town or having left the town entirely.

389. Two witnesses who arrived on the scene shortly after the drone strike hit described seeing dead and dismembered bodies, and many people bleeding on the streets. One witness said that some of the dead could only be identified by their clothes and shoes. Video footage shared with the Commission and geolocated to Bila shows bodies on the street. A man can be heard crying while others, speaking *Afaan Oromo*, examine the devastation. According to one witness, the drone circled the area for a short time after the attack before leaving.

390. Scores of civilians, both men and women, were killed or injured in Bila that day. The Commission has on file a list of 24 people killed and 61 people injured. In addition, two witnesses provided the names of relatives or people they knew were killed in the strike.

391. After the drone strike, local government authorities prevented people from taking injured persons to the hospital, accusing them of helping OLA members. Instead, members of the community had to wait until the evening before they could help the injured access medical treatment. Some of those who assisted the injured in getting to the hospital were detained at the local police station, as were others who subsequently complained about the incident to local authorities. Echoing interviewees from other parts of Oromia, one witness said that this type of harassment of victims was common, *“People are very afraid to speak up, because they might be killed or jailed. People have no one to tell... they can’t even speak about the fact that people have died.”*

392. Residents, victims, and family members are continuing to feel the effects of the strike. One woman described how the destruction of property – in particular small businesses – has had negative economic impacts as it has deprived individuals of their source of income. Another witness explained that many people have been permanently physically disabled as a result of losing limbs.

393. The Commission identified drone strikes in at least two other locations, Adere Wama and Mendi, where it also confirmed the death and injury of civilians. Other reported drone strikes require further investigation and verification.

394. Given the documented use of aerial attacks, in particular the use of drones, during the conflict in Tigray and in Oromia, as well as credible reports of at least one drone strike in Amhara region since the announcement of the State of Emergency in August 2023, the Commission recommends further investigation of these incidents and their impacts on civilians and persons in affected areas.

D. Escalating violence between Oromos and Amharas

395. The Commission is deeply disturbed by increasing violence between Oromos and Amharas, in particular ethnic armed groups. The Commission gathered information about incidents since November 2020 where large numbers of Amhara Oromo women, men, and children were killed by non-state armed groups, at times in reprisal for attacks against the other community. Witnesses implicated OLA, *fano*, and other militias in these attacks. However, the proliferation of armed groups in these areas, including splinter groups, means that establishing responsibility is extremely challenging. The situation is exacerbated by restrictions on journalists and independent monitors accessing the area.

396. The Commission spoke to direct witnesses of attacks against Amhara communities in Horo Guduru Wollega, West Wollega, East Wollega, and West Shewa zones in Oromia, who told the Commission that members of armed groups, who they identified as OLA, killed ethnic Amhara civilians, committed rape and other forms of sexual violence against women and girls, destroyed property, and looted houses between November 2020 and February 2023.

397. Similarly, the Commission also interviewed direct witnesses of attacks against Oromo communities in Horu Guduru and West Shewa Zones between July 2021 and September 2022, and received credible information about attacks in West Wollega, East Wollega, Horo Guduru, Jimma, and West Shewa Zones between July 2021 and September 2022. This included killings, rape and other forms of sexual violence against women and girls, burning of property and crops, as well as looting, including livestock; they implicated *fano* militia. The Commission also received credible reports of attacks against Oromo communities, again implicating *fano* militia, in the Oromo Special Zone, Amhara region.

398. The accounts collected by the Commission include killings, burning of homes and looting of property. The Commission is concerned that in several instances, government or regional security forces withdrew from an area just prior to attacks, leaving communities – both Amhara and Oromo – unprotected. The Commission calls for further, independent investigations into such incidents.

399. More than three million people have been displaced by intercommunal violence and attacks in Oromia region and the Oromo special zone in Amhara region, further contributing to the humanitarian crisis in the country.¹⁵² Displaced communities said that they remain fearful of returning home owing to the presence of armed groups and a serious lack of trust in the ability or willingness of government institutions to protect communities.

IX. Situation of refugees, minorities and others affected by discrimination and/or targeting

A. Eritrean refugees

“We left our country looking for a better and more secure life for our children. I want my kids to have an education and to live a safe, comfortable life. I don’t want them to live the life I have lived. I don’t want them to suffer like we have.”

—A male refugee who fled to Ethiopia with his family after he was forced to perform military service in Eritrea.

400. Almost 160,000 Eritrean refugees and asylum seekers live in exile in Ethiopia.¹⁵³ Most have fled violence and hardship in their country, and in particular conscription and compulsory military service. Prior to the conflict, some 95,000 Eritrean refugees lived in Tigray region, primarily in four main refugee camps: Hitsats, Shimelba, Mai Aini, and Adi Harush.¹⁵⁴

401. The outbreak of conflict, and in particular the participation of Eritrean forces in hostilities in Tigray, exposed Eritrean refugees to an additional layer of vulnerability. Eritrean

¹⁵² UNICEF, Ethiopia Humanitarian Situation Report No. 6: Mid-Year 2023, 4 August 2023.

¹⁵³ UNHCR, Ethiopia: Populations by Origin, <https://reporting.unhcr.org/operational/operations/ethiopia>, accessed 28 September 2023.

¹⁵⁴ UN OCHA, Ethiopia Humanitarian Access situation report – April-June 2020; and UNHCR, Ethiopia’s Tigray Refugee Crisis Explained, 6 July 2022.

troops as well as Tigray fighters and allied fighters committed violations against Eritrean refugees. Both sides attacked refugee and refugee camps; Eritrean forces are further responsible for abduction and *refoulement* of Eritrean refugees, looting and destruction of shelters and humanitarian facilities and property. Tigray forces and allied fighters killed civilian Eritrean refugees who were not taking direct part in hostilities, raped Eritrean refugee women and girls in front their children and younger siblings, and engaged in looting of refugee property.

The attack on Hitsats refugee camp

402. On 19 November 2020, EDF arrived in the town of Hitsats and began indiscriminately shooting residents, killing civilians including four humanitarian workers, all men. They then took over the Hitsats camp, basing themselves in camp schools while engaging in looting of Tigrayan homes in the surrounding area. Some refugees took part in the looting. Others went in to hiding; a former inhabitant of the camp explained that many were fearful that they might be taken back and forcibly conscripted into the Eritrean military.

403. On 23 November, Tigray fighters entered Hitsats town and the refugee camp. Clashes between the fighters and EDF soldiers ensued in and around the camp, lasting several hours. During this time Tigray fighters shot and killed nine refugees, all men, who were hiding at an Orthodox Church in the camp; 17 other adults, women and men, were seriously injured. Tigray fighters withdrew later that day and Eritrean forces retook control of the area. In subsequent days, EDF soldiers detained a group of refugee camp leaders, men and women, and took them to Eritrea in military vehicles.

404. The Eritrean forces withdrew from the camp on 4 December 2020. Tigray and allied fighters returned the next day and according to one witness began shooting in the camp, sending refugees fleeing to the surrounding area. In the days that followed, the Tigray militias attacked refugees and looted their property.

405. In early January 2021, there were again heavy clashes near the camp forcing Tigray fighters to withdraw from Hitsats. The Eritrean forces returned and ordered all remaining refugees to leave the area. They then began to destroy and burn shelters and humanitarian infrastructure. Satellite imagery confirms significant damage to the camp. UNHCR, which was not able to access the camp until March 2021, said the camp had been “completely destroyed, and all the humanitarian facilities looted and vandalized.”¹⁵⁵

Further displacement, ongoing concerns and insecurity

406. Eritrean refugees who fled Hitsats walked several days to reach the town of Sheraro. Some felt they had no choice but to return to Eritrea, while others fled to other parts of Ethiopia, including the capital Addis Ababa. Some fled to other refugee camps in Tigray, thinking they could seek shelter there. One refugee from Hitsats described arriving at the Shimelba refugee camp to find it largely burned to the ground. Other refugees who were living in Mai Aini explained that the situation in the camp began to seriously deteriorate especially from mid-2021, as a lack of humanitarian assistance and support owing to the siege meant there was insufficient access to food and basic medical supplies. The situation was further compounded by Tigray fighters, who began regularly looting the refugees’ property, including their phones, money, and food. One refugee man recalled:

“We decided to leave our camp because of hunger and insecurity and because Tigrayan forces would come into the camp and search our houses. We felt insecure. We decided it might be safer to go to Amhara, or even back to Eritrea.”

407. As a result, refugees began to flee; many of them to Alemwach camp in Amhara region. According to UNHCR more than 15,000 refugees “spontaneously relocated” from the Tigray camps to Alemwach between February and July 2022.¹⁵⁶ In some cases, refugees were forced to pay human smugglers and undertake a risky journey overland to reach safer

¹⁵⁵ UNHRC, UNHCR regains access to Tigray refugee camps, calls for emergency funds to scale up assistance, 10 August 2021.

¹⁵⁶ Ethiopia Operation: Refugee Settlement Profile – Alemwach (Updated on: 31st December 2022).

locations. Tigray fighters raped two females – one woman and one girl – during one their forced displacement while trying to reach safety in April 2022.

408. Refugees who arrived in Alemwach, as well as refugee advocates, described poor conditions, in particular lack of adequate shelter, food, and access to medical treatment. “*We are living in a very bad condition. It’s windy, muddy, and we have to sleep in tents. We want to move to a safe and more secure place,*” explained one female refugee.

409. The Commission is concerned about the situation of the community Eritrean refugees living in Alemwach amid the security crisis in Amhara region in 2023. It is further concerned about the safety and security of Eritrean refugees in Addis Ababa, in particularly the disproportionate impact on women and children. It has received credible information about arbitrary detention, abduction, and *refoulement* as well as threats, intimidation, and harassment of Eritrean refugees. In a statement in July 2023, UN independent experts condemned what they described as Ethiopia’s “summary expulsion of hundreds of Eritreans” and called on the Government of Ethiopia to “immediately halt any further deportations and put an end to the continuing reports of arbitrary detention of Eritrean refugees, asylum-seekers and migrants.”¹⁵⁷ The Ethiopian Refugee and Returnee Service has since March 2020 stopped registering newly arrived asylum seekers.¹⁵⁸

B. The situation of the Irob community

“The Irob people are suffering so much. We are endangered people. We are in a risky situation. Humanitarian groups cannot go to Irob [woreda] and surrounding areas... the Eritrean soldiers do not allow them. They block the roads and stop them at checkpoints.”

—An Irob man separated from his family in Irob woreda and living in a displacement camp.

410. The Irob are an ethnic minority living in North-eastern Tigray, close to the border with Eritrea. Irob in Ethiopia are Ethiopian nationals and are distinct from other Saho speaking communities who live across the border in Eritrea. While being a distinct ethnic group with their own Saho language, Irob are culturally close to Tigrayans – most speak Tigrinya and some identify as both Irob and Tigrayan. In addition to being the name for the community, Irob is also the name of the *woreda* in northwestern Tigray where most of the Irob reside. Parts of Irob *woreda* – and other locations across the Ethiopia-Eritrea border – remain contested despite a demarcation of international borders by the Eritrea-Ethiopia Boundary Commission in effect from end of November 2007.¹⁵⁹ At the start of the conflict, Irob woreda was under Ethiopian administration, as a part of Tigray region.

411. Due to its proximity to the border with Eritrea, Irob district was among the first areas in Tigray to experience EDF incursions. From 6 to 10 November 2020, EDF forces began shelling towns and villages in Irob woreda and subsequently crossed into the area. Interviewees reported seeing ENDF soldiers leaving their bases before EDF arrival, either crossing into Eritrea or leaving towards Adigrat. With ENDF forces largely gone, EDF soldiers took control of Irob towns and villages, setting up their own administration and establishing multiple checkpoints.

412. EDF soldiers committed multiple serious violations against Irob women, men, and children since 3 November 2020, including killings; abductions; arbitrary detentions; rape and other forms of sexual violence, sexualized enslavement, including against girls and older women; and looting and destruction of civilian property. The Commission has the names of five alleged perpetrators, all members of EDF, present in Irob *woreda* at the time.

Large-scale killings

413. While EDF committed serious violations against the Irob community from the start of the conflict, the Commission found a concentration of large-scale killings of civilians in five locations between 6 and 8 January 2021, corresponding to the period in which many Irob,

¹⁵⁷ UN experts urge Ethiopia to halt mass deportation of Eritreans, 13 July 2023.

¹⁵⁸ See UNHCR, Registration and profiling, Ethiopia, 2020; and UN experts urge Ethiopia to halt mass deportation of Eritreans, 13 July 2023.

¹⁵⁹ Eritrea-Ethiopia Boundary Commission, Statement by the Commission, 27 November 2006, para. 22.

like other communities in Ethiopia, celebrate Christmas. During this time EDF soldiers conducted house searches in the towns and villages of Gamada, Alitena, Magauma, Awo and Kala'hasa looking for members and supporters of TPLF and Irob militia, dragging men and boys outside of their houses and shooting them dead on the street.

414. In one incident, EDF soldiers killed Irob civilians in Gamada over a period of three days between 6 and 8 January 2021. On 7 January, EDF soldiers marched 13 civilian males, nine men and four boys, towards the river and summarily executed them; the bodies were left in the river for days before the local community were able to bury them. *"They [EDF] were going from house to house, they gathered young men in one spot and shot them. I saw woman begging the soldiers not to take her [16-year-old] son. They beat her and her 2-year-old child and took [the older son] away,"* recalled one woman. Another woman whose son was shot and killed described seeing the bodies of the 13 males:

"[We] went to the river and found the bodies. I saw them with my own eyes. They had been shot with guns. Blood had mixed with the water... the river was red."

The Commission has on file the names of 27 persons, 26 males (23 men and three boys) and one woman, reported to have been killed in Gamada between 6 and 8 January 2021.

415. As with other areas where EDF soldiers perpetrated large-scale killings, EDF soldiers did not allow local residents to bury the dead for days. When they were permitted to do so, they were not allowed to perform traditional funeral rites and ceremonies.

Other serious violations

416. Eritrean troops committed further and wide-ranging violations against Irob civilians. Like other women and girls in Tigray, Irob women and girls were abducted and subjected to rape and other forms of sexual violence, including in situations where perpetrators exercised the powers attached to ownership over victims, amounting to sexualized enslavement. They were subjected to rape and other sexual violence in their homes and villages during attacks in Irob *woreda*, as well as after they had fled to other parts of Tigray. A woman who was abducted by four EDF soldiers when fleeing Irob *woreda* and subsequently enslaved in December 2020 recalled: *"During the four days they held me, they raped me turn by turn. They refused to let me breastfeed my one-year-old daughter; they peed in my mouth when I asked for water. On the fourth day, my daughter died."*

417. EDF soldiers also beat and detained Irob civilians, male and female often while going house to house searching for Tigray fighters or Irob militias. Interviewees reported that relatives of Irob militias, who were accused of supporting Tigray fighters, were treated particularly badly; wives of alleged militia members were detained and raped. EDF soldiers also accused Irob civilians of supporting TPLF or Tigray fighters. A woman described being detained by EDF soldiers who came to her home in Aiga in January 2021. She recalled:

"One of them grabbed my [3-month-old] son and threw him in a garbage... The other two dragged me outside and beat me. I was trying to fight them back, but they tied me naked upside down to a tree. They were saying: 'This is not your place, why do you want to live here?' I spent the whole night like that... The next day [they left] and neighbours came and untied me. I found my son still in the garbage... My neighbours told me they were rescuing more people like me... [outside] the streets were covered with blood."

418. The Commission separately interviewed two men who were detained by EDF soldiers in June 2022 and held together for one night. Both recalled being subjected to severe beatings by the Commander in charge, whose *nom de guerre* is on file with the Commission. One of the men recalled:

"He [the EDF Commander] beat me with sticks. He used three sticks. Each time, he beat me until his stick broke. When the stick broke, he picked up another one and kept beating me. After the third stick broke, he removed his shoes, hit my face with them. He was saying, 'We don't need a gun [to kill you], we will finish you using sticks. This is our land. We will wipe you out.' At some point, I lost consciousness."

419. The other detainee similarly recalled: *"It was so horrible that I told him [the EDF commander], 'Kill me, finish me up' but [he] continued beating me with sticks, kicking me,*

he even stepped on me. He stopped only when he was exhausted and handed me to his subordinates.”

420. EDF soldiers deprived Irob civilians of objects essential to their survival. As in other areas, EDF soldiers engaged in widespread looting of public and private property during the conflict. This included looting of items such as solar panels, fridges, torches, blankets, jerry cans used for fetching water, and iron sheets from the roofs of the houses. One interviewee described being forced by EDF soldiers to carry her belongings to the main road where soldiers then loaded them onto trucks and drove them in the direction of Eritrea. EDF soldiers also looted or otherwise burned harvest, tools for farming and livestock. An elder from Aiga told the Commission that EDF soldiers did not allow residents to harvest their crops.

421. The situation in Irob woreda forced many Irob civilians to flee, many of them to larger towns in Eastern Zone such as Adigrat, although others made their way to Mekelle and other locations. Irob residing in or displaced to Addis Ababa described similar patterns of discrimination as those experienced by Tigrayans, including ethnic profiling and house searches, arbitrary arrest and detention, and difficulties accessing medical treatment.

Ongoing concerns

422. Despite the widespread character of atrocities committed by EDF, atrocities against Irob civilians have been largely underreported, especially in the first phase of the conflict. The remoteness of Irob *woreda*, the presence of Eritrean forces and resulting insecurity, as well as restrictions on movement, suspension of internet and telecommunications, and restrictions on humanitarian access meant even basic information was – and remains – extremely challenging to obtain.

423. As noted earlier, parts of Irob woreda are claimed by Eritrea and the area remains contested. Many towns and villages inhabited by Irob communities remain under the control of Eritrean troops, as a result, displaced Irob civilians said they were unable to return to their homes. Atrocities are ongoing against civilians in these areas, including rape and other forms of sexual violence, abductions and disappearance. Eritrean administrators and EDF soldiers are attempting to pressure Irob communities, who reside on what they understand to be Ethiopian territory and are of Ethiopian nationality, into accepting Eritrean identity cards.

424. An economy of extortion is developing in the areas of Irob *woreda* under EDF control, one which is ongoing. One former detainee explained that he was only released from detention because an elder served as his “guarantor” and paid Eritrean administrators to release him. Another man described having to pay a bribe of 8,000 Nakfa (around 530 USD) to the EDF administrator of his area to allow him to rebury his son’s body in the church, and further described EDF administrators collecting money each week from families living in areas under their control. Practices of seeking ransom from relatives abroad for Irob abductees have also been reported and require further investigation.

425. Displaced Irob told the Commission they fear for the lives of family members back in Irob woreda. As a result, many are fearful of speaking out about the situation in case their loved ones are subjected to reprisals. One man, whose wife and children are living in an area now under the control of Eritrean forces explained:

“Only people who can get their families out can speak freely. Those of us with family still [in Irob woreda] dare not. I dare not think what they [Eritrean forces] might do.”

C. The Situation of the Kunama community

426. The Kunama are an ethnic minority who live on both sides of the Ethiopia-Eritrea border. In Ethiopia, the majority of Ethiopian Kunama live in settlements in the Western and North-western Zones of Tigray region; prior to the conflict a number of Eritrean Kunama were also living in refugee camps in Tigray. The community speak their own language, Kunama, although Ethiopian Kunama also often speak Tigrinya. Similar to the situation of the Irob community, many Ethiopian Kunama live in contested areas close to the Eritrean border. Also similar to the Irob community, Ethiopian Kunama appear to have been targeted for their real or perceived affiliation to the TPLF and Tigrayans more generally. Interviewees variously reported being accused of being “supporters” or “members” of the junta. The

attachment of these two minority groups to their separate ethnic identity is discouraged on the Eritrean side of the border.

427. Violations against the Kunama community have been seriously underreported during the conflict and since. This is due in large part to the telecommunications blackout and subsequent siege, but also because of challenges accessing the community. Nevertheless, the Commission found a range of violations against the community from November 2020, which fit a wider pattern of violations against civilians in Tigray region. From November 2020, the Commission found indiscriminate shelling of areas where Kunama communities lived by EDF and ENDF forces leading to displacement and destruction of civilian property. Kunama women were also subjected to rape and other forms of sexual violence against.

428. Violations against Kunama communities continued after the escalation of fighting between ENDF and EDF on one side and Tigray and allied fighters on the other from August 2022. This includes arbitrary arrest and detention, rape and other forms of sexual violence, and looting and destruction of civilian property. Two men from the same *kebele* separately described how they were detained in September 2022 and loaded on to a truck by EDF soldiers together with around 120 other civilians, women and men, and taken to a detention centre in Sheraro. Men were subsequently taken to Eritrea where they were held in a temporary camp; they were released shortly after the signing of CoHA. Displaced Kunama women and men explained that the ongoing presence of Eritrean forces close to the border, including in contested areas, means they were unable to return to their homes and restart their livelihood activities. The Commission has also received credible information about ongoing abduction of civilians and looting which requires further investigation.

D. Other persons or communities affected by discrimination and/or targeting

429. Violations against other ethnic minority communities in Ethiopia have also taken place. The Commission undertook preliminary investigations into violations against members of the Qemant community, some of whom were forced to flee their homes in Amhara region following attacks, including killings and destruction of property in 2021. Further investigation is required, including to establish the identity of the perpetrators. The Commission also collected initial information about violations against Agew communities during the conflict in the northern Ethiopia, and documented one instance of rape of an Agew woman by Tigray fighters. Further investigation is required.

430. More generally, members of ethnic minority communities in Ethiopia who engaged with the Commission, both those residing in Ethiopia as well as those in the diaspora, said that they felt that their concerns – and the concerns of other ethnic minority communities in Ethiopia – were largely overlooked.

431. Beyond harassment, discrimination, and violence on grounds of nationality and/or ethnicity, persons who identify as LGBTQIA+ face severe discrimination in the country ranging from criminalization of their sexual orientation to physical attacks, threats thereof, and persecution. Human rights violations against persons who identify as LGBTQIA+ have been seriously underreported during the conflict, and further investigation is required. At present, human rights violations against persons who identify as LGBTQIA+ and related concerns, including an increasing number of LGBTQIA+ identifying persons fleeing the country, are often excluded from discussions about the human right situation in Ethiopia.

432. Ensuring an end to violations against all persons and communities in Ethiopia, regardless of their ethnicity, religion, sex, sexual orientation, gender identity, or other status, is essential. Allegations of human rights and other must be independently investigated, and perpetrators held to account. More broadly, the Commission stresses the importance of ensuring the active and ongoing inclusion of persons from all parts of the population, without any form of discrimination, in processes aimed at improving the human rights situation in the country to ensure that the rights, dignity, and safety of all people in Ethiopia are respected and protected.

X. Incitement to discrimination, hostility, and violence

*“The enemy we are facing is an enemy which is the cancer of Ethiopia. The junta is probably the only group in history that used its political power to disintegrate its own country... We can confidently say, the junta will be uprooted in a manner that will ensure it will not bud again.
This will happen if we collaborate to remove the invasive weed....
We will work to remove the weed.”*

—Office of the Prime Minister of Ethiopia, Abiy Ahmed.

433. During its investigation, the Commission has been struck by the prevalence of hateful, dehumanizing, and derogatory rhetoric in Ethiopian social discourse, in particular online. It found multiple instances of such speech since the conflict started in November 2020, the overwhelming majority from the Government and its proxies or supporters. The Commission found such speech by direct perpetrators committing violations on the ground, by senior government officials at the federal and regional levels, political commentators, guests on various state-sponsored media outlets, and ordinary citizens.¹⁶⁰ Inciteful rhetoric and hate speech targeting protected groups is a clear risk factor and indicator of the potential commission of atrocity crimes.¹⁶¹

A. Incitement to discrimination, hostility, or violence during the conflict in Tigray

“You are not human beings, you are the snakes of Ethiopia. Ethiopia will get peace only when you have vanished.”

—A Tigrayan man recalls being verbally abused by a member of the Amhara Special Forces while detained in Western Tigray.

Hateful, dehumanizing, and derogatory rhetoric by direct perpetrators

434. As described in the section on Tigray, violations against Tigrayan civilians - women, men, and children - were frequently accompanied by hateful and dehumanizing rhetoric from perpetrators. Members of ENDF, EDF, Amhara Special Forces, Afar Special Forces, Amhara regional police, and *fano* militia members used such language.

435. Common words and phrases included the terms *junta*, *woyané* and *agame*, and the Commission found multiple instances where ENDF soldiers shot indiscriminately at civilians shouting phrases like, “*You are ‘junta’! You are members of ‘junta’! You are supporting ‘junta’!*” (Adwa), “*Get the junta! Kill the junta!*” (Zalambessa), “*If you find somebody, just kill them. Knock on the door and if you find a man or a woman just kill them*” (Zalambessa), and “*junta!*” (Bora). A woman raped by three male ENDF soldiers while a female ENDF soldier kept guard, recalled one of her rapists telling her, “*We will destroy you,*” while another said, “*We will destroy Tigray and all Tigrayans.*”

436. EDF soldiers also accused civilians of being members of the Tigray forces. Interviewees heard EDF soldiers shouting, “*Junta! You are supporting junta!*” (Adwa) and “*Kill the junta!*” (Zalambessa) when entering Tigrayan towns and villages. Others described seeing or hearing EDF soldiers go from house to house searching for junta (Adwa, Gulomakeda, Zalambessa), in some instances checking the shoulders of men for marks on their skin which might indicate they had been carrying a weapon (Adwa). EDF soldiers frequently used pejorative terms to refer to all Tigrayans, for example, accusing the civilians of being *agame* (Gulomakeda) or *junta* (Hagere Selam), or hiding *woyané* (Bora). Some soldiers told civilians they were searching for Tigrayans to “make them suffer” and to “exterminate them” (Axum). A witness from Bora recalled hearing an EDF soldier say, “*Until all of these Tigrayan people die, Ethiopia will not be peaceful.*” In the areas bordering

¹⁶⁰ The Commission is aware of multiple instances of incitement to discrimination and/or violence including broadcasts on public and private media, in the period before hostilities began on 3 November 2020. This period is not covered under the Commission's mandate.

¹⁶¹ Risk factor 7, UN Framework of Analysis for Atrocity Crimes: A tool for prevention, 2014.

Eritrea, EDF soldiers' rhetoric described by interviewees suggested that they believed that the land and all the property in the area belonged to Eritrea.

437. In the early phases of the conflict, Amhara Special Forces and members of *fano* militia, especially in Western Tigray, also targeted Tigrayan men and boys perceived to be of fighting age, while making references to eliminate members of *junta*, TPLF or Tigray forces. Hate-filled rhetoric by Amhara Special Forces and *fano* in Tigray also indicated a desire to remove Tigrayans from the region. In multiple instances, Tigrayan civilians were told to leave Western Tigray because it was not their land. Such statements were often made in the context of forced expulsions by *fano* militia. *"They told us to get into vehicles. They beat people to force us on to the trucks. They said, 'We are getting rid of the garbage',"* recalled a woman detained in Western Tigray for more than a year and forcibly expelled in November 2022.

438. Tigrayan civilians were targeted for violations in different ways depending on their gender and age. Men and boys were mostly victims of killings, while rapes and other forms of sexual violence were mostly perpetrated against women and girls. Perpetrators' language was often similarly gendered. For example, during house searches during the first phase of the conflict, ENDF soldiers would ask whether Tigrayan men and boys were members of the *junta*, while women were accused of being "wives of *junta*" or of sending their daughters and sons to join the *junta*. They were also threatened with death. Amhara Special Forces and members of *fano* militias also targeted Tigrayan men of fighting age, attempting to eliminate members of the *junta*, TPLF or Tigray forces EDF soldiers similarly indicated an intention to target and kill men children.

439. EDF, ENDF, Amhara Special Forces, Afar Special Forces, and *fano* militia used derogatory ethnic and sexualized verbal assaults during rapes against Tigrayan women and girls. Women were threatened with both multiple and individual-perpetrator rapes, forced impregnation, forced HIV infection, and harm and destruction of their reproductive capacity. Such verbal assaults were indicative of targeting victims on intersecting grounds of ethnicity and gender. In chilling words which were echoed in other survivors' accounts, one Tigrayan woman recalled:

"They said to me, 'I'm going to destroy your uterus so you can never give birth to a Tigrayan. Tigrayan children grow like a cancer inside, then one day they become adults. Tigrayan spirit has to die because all Tigrayans are cursed'."

Government statements fuelling or mirroring harmful narratives

440. Violations and abuses in Tigray region and against Tigrayans elsewhere in the country occurred in a wider context of anti-TPLF narratives propagated by government officials, which at times expanded to include the Tigrayan population more widely.

441. Ethiopian Federal Government and military officials pejoratively used terms like *junta*, *woyané*, and *agame* to refer to TPLF and Tigray forces. With the re-capture of Mekelle by Tigray forces on 28 June 2021 and the subsequent offensives in Amhara and Afar regions, anti-TPLF statements by Ethiopian Federal Government officials widened to include the "TPLF and its supporters"; they encompassed those perceived as associated with the TPLF, including civilian women, men, and children. This shift in language dangerously expanded the targets to include potentially the Tigrayan population of Ethiopia as a whole. These narrative shifts emerged in the context of senior government leaders' appeals for national mobilisation against the 'enemy' in Tigray.

442. Such rhetoric was propagated by senior Government officials, including Prime Minister Abiy Ahmed. The Prime Minister more than once described the *junta* as a "cancer" and "weeds" that needed to be removed; and alluded the TPLF as a "terrorist" group with "tentacles embedded within civilian populations". Federal officials also propagated inciting or inflammatory language. In August 2021, the Head of the National Intelligence and Security Services advocated for the elimination of the TPLF, its followers, and ideologies stating that the "*junta mentality*" was "*not limited only to a few thugs, swindlers, liars, murderers vagabonds, and terrorist pensioners*". In December 2021, the Social Affairs Advisor to the Prime Minister openly discussed the "erasure of *woyané*" which he repeatedly described a "satan". By November 2021, the Deputy Director of the Ethiopian Media

Authority was calling for the removal of the TPLF, described as a “thorn” and “traitors”, from Ethiopia and insinuated that all Tigrayans has been affected by the TPLF “disease”.

443. Amhara regional officials also demonized the Tigray region and used inflammatory rhetoric, both prior to and during the conflict.¹⁶² The then-President of Amhara Region described the TPLF as a “*devilish force*”. In one especially incendiary speech in July 2021, he stated:

“From now on, we will not rest until we have annihilated this enemy. These people are the enemy of the entire people of Ethiopia. These people are the enemy of the Oromo; the enemy of the Afar; the enemy of Gambella; and the enemy of Somali. Therefore, it means that we should fight this force with the most heroic spirit, just as we started.”

444. In a post on social media in July 2021, the Ethiopian Ministry of Foreign Affairs asserted that the speech was not referring to Tigrayans as a population, but to the “*criminal enterprise that is TPLF*”. The then-President of Amhara Region was subsequently appointed as the Speaker of the House of Federation, the upper house of the Ethiopian Parliament. Meanwhile, inflammatory and hateful rhetoric appeared on national and diaspora-run media outlets. One guest on the US-based Ethiopia Satellite Television and Radio (ESAT tv) alluded to criminalizing the word “Tigray” as the word “Biafra” was in Nigeria; another stated that if the Tigrayan people could not free themselves from TPLF ideology, they would all be considered as “collectively guilty”.

445. Religious leaders also incited discrimination and hostility against the TPLF and Tigrayans. a religious official described those who hold TPLF ideology as “*the enemy*”, and describing the TPLF a “*sickness*” and “*cancer*”. In Ethiopia, where the majority of the population are deeply devout and religious leaders hold significant influence, such statements were extremely inflammatory.¹⁶³

446. Strong anti-TPLF and anti-Tigrayan rhetoric pervaded Eritrean media, including prior to the start of the conflict.¹⁶⁴ While public statements by Eritrean Government officials were limited during the conflict, President Isaias Afwerki delivered a speech in which he described *woyané* as a having a “*disturbed mind*” and “*greedy attitude*”.

B. Ongoing concerns

447. As noted above, the Commission has found the use of discriminatory and inflammatory language against Tigrayan communities during the conflict. The Commission is concerned that stigmatizing and ethicized rhetoric has become normalized in other contexts in Ethiopia. This risk extends to Tigrayan and Oromo community members being targeted in negative rhetoric in the context of divisions within the Ethiopian Orthodox Tewehado Church during 2023. More recently, ethicized language targeting Amharas has increased in the context of the deteriorating security situation in Amhara from April 2023.

448. Moreover, an alarming increase in discriminatory language against LGBTIQIA+ communities and individuals by Government authorities took place since early August 2023, including calls on social media for such persons to be beaten and whipped. The Commission has received credible and alarming allegations of physical attacks on individuals perceived by perpetrators to be LGBTIQIA+. Such rhetoric comes in a context where LGBTIQIA+ persons face persecution, discrimination, marginalization, and criminalization in law, policy, and practice in Ethiopia.

¹⁶² A former spokesperson of Amhara branch of the Prosperity Party stated that: “*Tigray is killing! Tigray will destroy you! Tigray will exterminate you! Tigray is confiscating your land! Tigray will annihilate your identity!*”, ICHREE-D-001464. Guests on ESAT condoned blocking the budget allocations to the Tigray region and suggested disrupting money transfer services to weaken the TPLF and regional economy. One of the guests even suggested freezing bank accounts, withholding the salaries, and closing down the businesses of private individuals who supported the TPLF, ICHREE-D-001453.

¹⁶³ See for example, Rift Valley, Briefing Paper: Religion, Politics, and the State in Ethiopia, March 2023.

¹⁶⁴ Articles accuse the Tigray region of causing “all the complications Eritrea has experienced in the past 15 years”, ICHREE-D-001467; that note that the word Tigray has always been associated with “duplicity, treachery, lies and backstabbing”, ICHREE-D-001468, and that “Tigrayans are our [Eritrean] enemies, betrayers and liars”, ICHREE-D-001469. Others call for “*de-woyanization*” of Ethiopia, ICHREE-D-00147, and dismantling of Tigray as an administrative region in Ethiopia, ICHREE-D-001472.

449. The Commission notes Government efforts to curb hate speech, for example through Proclamation No. 1185/2020 on the prevention and suppression of hate speech and disinformation. However, lawyers, journalists, and other sources have regarded the law as ineffective at stemming the spread of hate-filled and inflammatory rhetoric online, but instead has been used to suppress dissenting opinions and critical reporting.

450. Given the prevalence of hateful and inflammatory rhetoric, including incitement to discrimination, hostility, and violence – both during the conflict and in other contexts, the Commission considers that further investigation and ongoing monitoring is merited.

C. The role of social media

451. Many of the instances of incitement to discrimination, hostility and violence were found on social media, including on Facebook, Twitter, and YouTube. Human rights activists and defenders have raised concern that social media companies have not done enough to ensure their platforms do not enable the spread of hateful content.

452. As early as 2019, Ethiopian activists raised their concerns with Facebook, about risks that the platform could promote inflammatory and hate-filled content. Publicly available information and interviews indicate that even before the conflict started in Tigray, Facebook had identified Ethiopia as an “at-risk” country. Despite this, interviewees and other sources indicate that the platform was too slow to respond and suffered from inadequate staffing, insufficient language capabilities, and a lack of financial investment. The Independent International Fact-Finding Mission on Myanmar previously raised similar concerns.¹⁶⁵

453. In some instances, Facebook content found to have incited violence was removed. For example, a 31 October 2021 Facebook post by Prime Minister Abiy Ahmed and a 5 November 2021 post by the Tigray Regional State’s Communication Affairs Bureau were both taken down for violating Facebook’s Violence and Incitement Policy, which prohibits “statements of intent to commit high severity violence”.¹⁶⁶ However, credible sources indicated to the Commission that they found multiple other instances where harmful content was flagged multiple times but not removed. A legal case was brought against Meta, the parent company of Facebook, in Kenya, accusing the platform of promoting speech that led to ethnic violence and killings. The petitioners are asking the Kenyan High Court to order Meta to change its algorithm, which they accuse of amplifying hateful and inflammatory content. One of the complainants is the son of a Professor at Bahir Dar University in Amhara Region, who was shot and killed outside his home on 2 November 2021 after social media posts containing death threats along with his name and address were posted on a Facebook group that had more than 50,000 followers.

454. Reflecting the seriousness of the situation, Facebook’s own Oversight Board has also raised concern about the spread of mis- and disinformation on the platform, noting that Meta “provides insufficient information on how it implements its violence and incitement policy in armed conflict situations, what policy exceptions are available or how they are used.”¹⁶⁷ The Oversight Board has further called for an “independent human rights due diligence assessment on how Facebook and Instagram have been used to spread hate speech and unverified rumours that heighten the risk of violence in Ethiopia”.¹⁶⁸ It stated that the assessment should, among other things, review the success of measures that Meta took to prevent the misuse of its products and services in Ethiopia and review Meta’s language capabilities in Ethiopia, including if they are adequate to protect the rights of users. The Oversight Board called for the assessment to be published in full. The Commission is not aware that any such assessment has been made public.

¹⁶⁵ A/HRC/39/CRP.2, paras. 1342-1354.

¹⁶⁶ See 2022-006-FB-MR, Tigray Communication Affairs Bureau: The Oversight Board has upheld Meta's decision to remove a post threatening violence in the conflict in Ethiopia.

¹⁶⁷ Oversight Board upholds Meta's decision in “Tigray Communication Affairs Bureau” case (2022-006-FB-MR), October 2022.

¹⁶⁸ Oversight Board upholds Meta's original decision: Case 2021-014-FB-UA, December 2021.

455. The prevalence of hate speech in Ethiopia, in particular online, stoked community tensions and created a climate in which individuals and groups became targets of incitement and calls for violence. The full extent to which the spread of hate speech, as well as mis- and disinformation online, has contributed to or exacerbated discrimination and violence in Ethiopia – both during the conflict and in the present day – merits further independent investigation, so that appropriate lessons can be drawn to prevent future recurrence.

XI. Legal findings

456. The Commission’s legal findings are based on its investigative findings. The Commission finds that there are reasonable grounds to believe that all parties to the conflict in Ethiopia since 3 November 2020 have committed serious violations and abuses of human rights and international humanitarian law, many of which amount to international crimes. The Commission finds further reasonable grounds to believe that international refugee law and related human rights principles have been violated.

A. Tigray and Tigrayans elsewhere

International human rights law

457. The Commission finds reasonable grounds to believe that ENDF and EDF, as well as Amhara Special Forces, Afar Special Forces, and *fano* militia, committed violations and abuses of the right to life under Article 6 of the ICCPR and Article 4 of the African Charter of ethnic Tigrayans. It finds that they killed ethnic Tigrayan civilians, including children, in Tigray region and elsewhere within Ethiopia on a massive scale since 3 November 2020 through different methods, such as drone- and airstrikes, shellings, and killings by shooting. The ENDF also killed ethnic Tigrayan ENDF members. The EDF killed humanitarian workers and Eritrean refugees at Hitsats refugee camp. Tigrayan fighters killed nine Eritrean refugees at the same camp.

458. Indirect killings also occurred as a result of torture, conditions of detention, looting and destruction of objects indispensable to the survival of the civilian population, and the siege of Tigray, amounting to starvation.

459. Several incidents of killings by the ENDF and EDF, committed either jointly or alone, constitute mass killings. The Commission qualified at least 14 incidents of over 60 killings of ethnic Tigrayan civilians by ENDF and/or EDF members in Tigray within a limited timeframe and geographical locations as mass killings. The ENDF, along with members of the local community, also committed a mass killing of over 80 ethnic Tigray ENDF members in the context of their detention in Mirab Abaya.

460. The ENDF and EDF, as well as Amhara Special Forces, Afar Special Forces, and *fano*, also committed widespread acts of rape and other forms of sexual violence against ethnic Tigrayan women and girls, from children to older women, throughout the course of the conflict, thereby violating their right to freedom from torture and from ill-treatment, the right to physical and mental health, including sexual and reproductive rights, and the right to non-discrimination on the basis of gender and ethnicity. These acts violate the CAT, CEDAW, ICCPR, CESC, and regional instruments. The Commission also documented cases where perpetrators abducted or kidnapped and subsequently exercised the power of ownership over women and their children, while subjecting them to rapes and other forms of sexual violence, constituting slavery in violation of Article 8 of the ICCPR and Article 5 of the African Charter.

461. These actors committed violations and abuses of the right to be free from torture and from ill-treatment and the right to physical and mental health in various other settings, including in the aftermath of attacks on towns and villages by denying access to medical treatment for the injured and burying of the dead. It found incidents where injured Tigrayan civilians were prevented from seeking medical assistance or where medical supplies had been looted prior, leaving nothing for the injured to be treated with. The coercive environment further prevented women and girls from seeking medical treatment, including critical emergency assistance within 72 hours, following rape and other forms of sexual violence with grave consequences and in violation of their human rights.

461. The ENDF, EDF, Amhara Special Forces, Afar Special forces and *fano*, as well as federal and regional police and National Intelligence and Security Services, also committed violations and abuses of the prohibition of arbitrary arrest and detention of ethnic Tigrayans in Tigray and elsewhere in violation of the ICCPR and African Charter. In Tigray, the EDF also arbitrarily detained Eritrean refugees, Kunama minority members, and at least one humanitarian worker. Except for some cases in Addis Ababa, the mass arrests or round ups and detentions it documented violated all legal guarantees, including the right to be informed of the reasons for arrest and charges, right to legal representation and right to be brought before a court. Unofficial places of detention were used on a large scale as well as instances where the authorities denied the detention of ethnic Tigrayans, amounting to enforced disappearances violating several rights under the ICCPR, among others the right to be recognized as a person before the law.

462. The conditions of detention suffered by detainees were inhumane, in particular in Western Tigray and Afar regions where large camps and warehouses were used for such purposes. This conduct amounts to a range of human rights violations and abuses under international human rights law, including of the right to life, prohibition of torture and ill-treatment, including rape and other forms of sexual violence, prohibition of slavery and the slave trade, right to physical and mental health, and right to food and water. Detainees were subjected to torture and ill-treatment, including severe beatings, kickings, and punchings, and rape and other forms of sexual violence, and in several incidents to sexualized slavery. Detainees, including older persons, pregnant women, and persons with underlying illnesses, died as a result of these conditions, while others were executed or taken out of detention never to be heard from again.

463. In Western Tigray, Amhara Special Forces and *fano* forcibly expelled ethnic Tigrayan detainees towards central Tigray in two main rounds, in November 2021 and November 2022, while telling them that that Western Tigray was Amhara land. These forcible expulsions absent any reason of security or military necessity, amount to forced displacement in violation of the right to freedom of movement guaranteed by Article 12 of the ICCPR and Article 12 of the African Charter, which the authorities have a duty to prohibit and prevent, including in times of armed conflict. Most of those that have been forcibly displaced have been unable to return to their homes constituting a continuing violation.

464. Over the course of the conflict, also absent any military necessity, the ENDF and EDF, sometimes helped by Eritrean civilians, as well as Amhara Special Forces and *fano* militia committed largescale looting and destruction of objects indispensable to the survival of the civilian population in Tigray. The Federal Government further imposed a de facto blockade on Tigray, including of humanitarian assistance, amounting to a siege. The Commission confirmed starvation and related deaths as a result. These acts constitute to serious violations and abuses of the right to an adequate standard of living, in particular to food, water and housing, the right to physical and mental health, the prohibition of torture, and the right to life guaranteed by the ICCPR, ICESCR, and regional instruments.

465. While international human rights law protects the right to freedom of expression and applies a high threshold for any limitations, propagation of incitement to discrimination, hostility, and violence is prohibited under Article 20 of the ICCPR; States are required to take effective action to combat it, including criminalize and sanction prohibited speech. The hateful rhetoric the Commission documented meets the six-point threshold test under the Rabat Plan of Action. Thus, the Ethiopian authorities violated the prohibition of incitement to discrimination, hostility or violence, by engaging in and failing to sanction and prevent such prohibited speech offline and online. It further expresses serious concerns over the role of social media, including Facebook, and urges concrete action to ensure that business enterprises take prompt and effective measures to prevent the spread of online hate speech through their platforms.

466. The common thread in all above-described violations and abuses is an intersectional discriminatory intent based on ethnicity and gender in violation of the prohibition of any form of discrimination guaranteed by the CERD, CEDAW, and other international and regional human rights treaties. The commission finds a pattern whereby ethnic Tigrayan men and boys were targeted for killings, while ethnic Tigrayan women and girls were subjected to widespread rape and other forms of sexual violence, and sexualized slavery. Derogatory

language used by the Federal authorities -- which incited civilians to conduct community policing against ethnic Tigrayans around Addis Ababa -- Regional authorities, political commentators, and direct perpetrators -- who referred to Tigrayans as cancers and snakes, and told them that all Tigrayans should die -- in addition to the established facts, confirms their discriminatory intent.

467. Finally, the above-described violations and abuses constitute violations of the rights and specific protections afforded in situations of armed conflict to children, women, older persons, internally displaced persons, minorities and refugees under among others the ICCPR, ICESCR, CRC and its Optional Protocol on Armed Conflict, CEDAW, African Charter on the Rights and Welfare of the Child, Maputo Protocol, Protocol to the African Charter on the Rights of Older Persons in Africa, and the Kampala Convention.

International refugee law

468. Eritrea is not a party to the 1951 Convention relating to the status of refugees nor its 1967 Protocol. However, it has signed the OAU Convention and must, while not having ratified it, by way of this expression of consent to be bound by its contents in good faith refrain from acts that would defeat the object and purpose of the Convention. In addition to the above-described human rights violations, Eritrea engaged in acts defeating its object and purpose by forcibly returning Eritrean refugees to Eritrea where they were at risk of threats to life, physical integrity and liberty. It further finds that Eritrea violated the principle of non-refoulement under international human rights law.

469. The protections provided to refugees under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, and the OAU Convention, including the right to non-discrimination, freedom of movement, and public relief, to which Ethiopia is a party, were violated and that the Ethiopian state failed in its duty to protect Eritrean refugees from attacks by foreign troops, including forced return to Eritrea, and non-State actors.

International humanitarian law

470. The violations and abuses described above occurred in the context of the non-international armed conflict since 3 November 2020 and amount to violations of international humanitarian law.

471. Specifically, the ENDF and EDF made the civilian population the object of attack and violated the international humanitarian law principles of distinction and precautions in attack. The ENDF and EDF, either jointly or alone, shelled and attacked villages without prior warning and without established presence of opposing parties directly in those areas. Drone- and airstrikes were conducted on civilian areas and objects, without prior warning and without established presence of any opposing parties to the conflict at or near the targeted civilian objects. Afar Special Forces, Amhara Special Forces and *fano* similarly made the civilian population the object of attack.

472. The killings of civilians, including humanitarian workers, by the EDF and ENDF as well as Afar Special Forces, Amhara Special Forces and *fano*, including mass killings, amount to murder of all kinds and of spreading terror among the civilian population. The killings of civilian Eritrean refugees by Tigrayan fighters at Hitsats refugee camp, also amount to acts of murder. Children were among those killed and injured by the ENDF and EDF, constituting the grave violation against children of killing and maiming.

473. The ENDF and EDF prohibited the burial of the dead for several days or up to two weeks constituting outrages upon personal dignity, including cruel treatment and torture, and humiliating and degrading treatment, and violating rules of customary international humanitarian law relating to the treatment of the dead, requiring parties to prevent their bodies from being despoiled and ensure that they are disposed of in a respectful manner.

474. The above-described widespread and systematic rapes and other forms of sexualized violence, as well as incidents of abduction with the intent to reduce persons to slavery and subsequent exercise of powers attaching to rights of ownership over such persons committed by the ENDF, EDF, Amhara Special Forces, Afar Special Forces, and *fano* militia constitute outrages upon personal dignity, as well as cruel treatment and torture, humiliating and

degrading treatment, slavery, and reprisals against the civilian population. The rapes of children further constitute the grave violation against children of rape and other forms of sexual violence.

475. The Afar Special Forces, Amhara Special Forces and *fano militia*, at times with the involvement of the EDF and ENDF, detained or interned thousands of Tigrayan civilians in Afar and Western Tigray, respectively, as part of collective and punitive measures, subjecting them to inhumane treatment. During detention, these parties subjected civilian detainees to among others acts of killings and severe physical violence resulting in deaths, as well as to rapes and other forms of sexual violence. These acts violate the guarantees provided to persons deprived of their liberty under international humanitarian law and the prohibitions of violence to life and person and outrages upon personal dignity, including murder of all kinds, mutilation, cruel treatment and torture, and humiliating and degrading treatment. Due to the collective and punitive nature of the detentions, they amount to a collective form of punishment.

476. In relation to Western Tigray, Amhara Special Forces with the involvement of *fano militia*, forcibly displaced the Tigrayan civilian population absent reasons of security of the civilians involved or imperative military necessity. These acts violated the prohibition of forced movement of civilians under international humanitarian law.

477. Lastly, the above-described widespread looting and destruction of objects indispensable to the survival of the civilian population by the EDF, ENDF, Amhara Special Forces, and *fano militia*, and denial and obstruction of humanitarian access to Tigray by the Federal Government and allied regional state governments was committed as a method of warfare 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; they also violate 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. It also amounts to the grave violation against children of denial of humanitarian access.

International criminal law

478. The above-described violations and abuses of human rights and international humanitarian law were committed in the context of and with a nexus to the non-international armed conflict since 3 November 2020, many of which under its reasonable grounds standard amount to war crimes. The ENDF, EDF and allied regional special forces, including Amhara Special Forces and Afar Special Forces and militias, in particular *fano militia*, committed the war crimes of violence to life and person, in particular murder; outrages upon personal dignity, in particular humiliating or degrading treatment; intentionally directing attacks against the civilian population and civilian objects; pillage; rape; sexual slavery; sexual violence; and the intentional use of starvation of civilians as a method of warfare. The EDF further committed the war crime of directing attacks against personnel involved in humanitarian assistance.

479. The forced expulsion of ethnic Tigrayans from Western Tigray absent reasons of security of the civilians involved or imperative military necessity by Amhara Special Forces, with the involvement of *fano militia*, additionally amounts to the war crime of ordering the displacement of the civilian population for reasons related to the conflict.

480. Based on the large-scale and organized nature of the attacks, and the high number of victims, the Commission finds that they constituted a widespread and systematic attack directed against the Tigrayan civilian population constituting crimes against humanity. It finds that the violations and abuses by the ENDF, EDF and allied regional special forces, including Amhara Special Forces and Afar Special Forces and militias, in particular *fano militia*, amount to the crimes against humanity of murder; torture; rape, sexual slavery and other forms of sexual violence of comparable gravity; enslavement; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; enforced disappearance; persecution against an ethnic group intersecting with gender in connection with other listed crimes; and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

481. The above-described acts of forced expulsion of ethnic Tigrayans from Western Tigray by the Amhara Special Forces, with involvement of *fano militia*, amount to the crime against humanity of deportation or forcible transfer of population.

482. The Commission is aware that many sources have suggested that the mass killings, including indirect killings resulting from the above-described violations in Tigray region since 3 November 2020, may amount to the crime against humanity of extermination and/or genocide. Due to the time and resource limitations placed on its work, the Commission was not able to make such determination under its reasonable grounds to believe standard and finds that further investigation is required to determine the full facts and legal implications.

B. Amhara and Afar

483. The Commission finds reasonable grounds to believe that Tigray and allied fighters, during the period that they had de facto control over towns and areas in Amhara region, between July and December 2021, and in Afar region, between November 2021 and March 2022, failed to respect the fundamental rights of persons under their control. Given the spread of the non-international armed conflict to Amhara and Afar regions during operations by Tigray and allied fighters and nexus of their acts with the conflict, international humanitarian law is also applicable.

International human rights law

484. Tigray and allied fighters failed to respect the fundamental right to life of civilians, including children and persons hors de combat, in Amhara and Afar regions, while they were in control of towns and areas in both regions. It finds that killings were committed through shooting and in one incident in Amhara by stabbing in detention, and in several incidents, deaths occurred as a consequence of beatings, including of one infant child.

485. Tigray and allied fighters committed rape, and other forms of sexual violence, accompanied by beatings with guns and other physical violence against mostly women and girls. These acts intentionally inflicted severe pain and suffering on its victims, amounting to torture and ill-treatment prohibited under human rights law. Tigray and allied fighters failed to respect the fundamental rights to freedom from torture and from ill-treatment, as well as of non-discrimination on the basis of gender and to the physical and mental health, including sexual and reproductive rights.

486. Tigray fighters in the context of rape and sexual violence, abducted and subsequently exercised the powers attached to ownership over one female victim and her children, amounting to sexualized slavery and the slave trade. Tigray fighters failed to respect the fundamental right to be free from slavery as well as the above-mentioned rights.

487. Extensive looting and destruction of civilian objects was also carried out in towns and areas under the control of Tigray and allied fighters. In Amhara region, they patrolled the streets, set up checkpoints and checked IDs and in the process stole valuables from civilians, creating a coercive environment for the civilian population. Tigray and allied fighters failed to respect the interrelated fundamental rights to freedom of movement and an adequate standard of living, in particular to food.

488. Tigray and allied fighters further failed to respect the fundamental right to liberty and security of person by detaining civilians for perceived ties with opposing forces and militias, in some areas releasing them upon the payment of a sum of money by their families. It finds that Tigray and allied fighters further failed to respect the fundamental rights to freedom from torture and from ill-treatment of detainees, including by subjecting them to severe beatings and rape in detention.

International humanitarian law

489. The abuses described above occurred in the context of a non-international armed conflict and amount to violations of relevant provisions and rules of international humanitarian law.

490. Tigray and allied fighters as well as opposing forces and militias violated the international humanitarian law principle of precaution by failing to give warning of impending attacks to the civilian population which would have allowed them to leave the

area. The Commission documented deaths resulting of shelling, including of children, however, it was unable to determine the exact circumstances and role of opposing forces, fighters and militias in those instances.

491. Tigray and allied fighters failed to distinguish between civilians and fighters at all times and made the civilian population of towns under its control the object of attack, including of killings and rape and other forms of sexual violence. However, some civilians had taken up arms against Tigray and allied fighters and by doing so lost their civilian status. The killings of civilians and persons hors de combat, including deaths as a result of beatings, amount to murder of all kinds. The killing of children further constitutes the grave violation of killing and maiming of children.

492. The above-described acts of widespread rape and other forms of sexual violence, abductions and sexualized slavery, and severe beatings constituting acts of torture and ill-treatment, constitute outrages upon personal dignity, including cruel treatment and torture, and humiliating and degrading treatment, slavery, and reprisals against the civilian population under international humanitarian law. The rapes of children further constitute the grave violation against children of rape and other forms of sexual violence.

493. The extensive looting and destruction of civilian objects indispensable to their survival absent military necessity also violated international humanitarian law, in particular the prohibition of pillage. The use of civilian objects for military purposes in addition violated the principle of distinction. The Commission was not able to establish that the destruction of objects indispensable to the survival of the civilian population formed part of the use of starvation as a method of warfare.

International criminal law

494. The above-described acts committed in the context of and with a nexus to the non-international armed conflict, amount to the war crimes of violence to life and person; outrages upon personal dignity; intentionally directing attacks against the civilian population; pillage; rape; sexual slavery; and sexual violence. It was not able to establish the existence of a widespread or systematic attack against the civilian population, which could give rise to crimes against humanity.

C. Oromia

495. As regards the situation in Oromia region, due to time and resource restraints placed on its work, the Commission was not able to make a determination whether the level of internal tensions and disturbances met the threshold for the existence of a non-international armed conflict. For this reason, its legal determinations, under the reasonable grounds to believe standard based on its factual findings, are made under international human rights law.

496. The ENDF, with involvement of the Oromia Special Forces and Oromia militias, violated the rights of the child, including the right to life and to freedom from torture and ill-treatment, guaranteed under the CRC and ICCPR, and relevant regional instruments, by publicly executing a child in Dembi Dollo. This act was preceded by severe hitting and punching, and making threats to the life of the child while publicly parading him through the town. The alleged perpetrators made the community, including his family, watch these events; along with local authorities they continued to threaten them, including denying them the right to mourn his death, inflicting severe mental suffering. These acts violated their right to be free from torture and from ill-treatment, as well as the right to privacy and cultural rights guaranteed under the ICCPR, CAT, ICESCR, and regional instruments. They further violated the prohibition of arbitrary arrest and detention under the ICCPR of his family members.

497. The killings by shooting of 14 members of the Karrayyuu leadership by Oromia Special Forces and Oromia regional police, also amount to extrajudicial or summary executions, violating the right to life guaranteed under the ICCPR and African Charter. The death of one Karrayyuu member due to injuries sustained while detained by Oromia Special Forces must also be considered extrajudicial in nature in violation of the right to life. These actors, with involvement of the ENDF and regional authorities, arbitrarily arrested and

detained and forcibly disappeared the remaining group of Karrayyuu men in violation of the ICCPR and African Charter, including of the right to be recognized as person before the law at all times. The inhumane conditions of detention, severe beatings, and threats made to their lives by Oromia Special Forces, violate the right to be free from torture and ill-treatment under the CAT. The commission is highly concerned over the subsequent requirements and restrictions imposed by local authorities on gatherings of the Karrayyuu, effectively banning the appointment of new leadership for the community, in violation of their minority and cultural rights under the ICCPR and ICESCR.

498. The ENDF, Oromia Special Forces, and federal or regional police further engaged in a pattern of arbitrary arrest and detention of persons believed to be members or supporters of the OLA, or engaging in anti-Government protests in Oromia, including of at least one child, without any legal guarantees or judicial oversight; these acts violate the ICCPR, CRC, and regional instruments. These actors committed acts of torture and of ill-treatment, including sexualized torture, rape and other forms of sexual violence against female family members of and detainees, in violation of in particular the CAT. These acts also violated victims' right to non-discrimination on the basis of gender, and physical and mental health, including of sexual and reproductive rights, under the ICESCR, CEDAW, and regional instruments.

499. The drone strikes on Adere Wama, Bila, and Mendi, including on or around busy markets, violated international human rights law and standards relating to law enforcement operations, including of necessity and proportionality; they were followed by obstruction to medical care for the injured and detention of those trying to assist them by the local authorities. As a result, they violated the rights to life, physical and mental health, freedom from torture and ill-treatment and freedom from arbitrary arrest and detention.

500. The lack of investigations into these and other incidents described above, despite wide publication, amount to separate violations of the ICCPR.

D. State and Individual Responsibility

501. The Governments of Ethiopia and Eritrea carry State responsibility for the violations and abuses of international law committed by their organs of state, and persons and groups acting under their instruction, direction or control. Ethiopia is also responsible under international human rights law for its failure to protect its citizens and others on its territory from violations committed by the EDF and non-State actors. Ethiopia and Eritrea have a duty to provide remedies, including investigation and prosecution of those responsible, and reparations without delay.

502. Third States have a duty to ensure that Ethiopia and Eritrea uphold their international legal obligations, and to this end should cooperate to bring serious breaches involving gross or systematic failure by Ethiopia and Eritrea to an end. The Commission urges Member States to address through all effective means the responsibility of both States in view of the serious breaches committed and complete lack of effective remedies provided to victims to date. Such measures might include proceedings domestically through the principle of universal jurisdiction or before an international court or other mechanisms.

503. In relation to individual criminal responsibility, the Commission maintains a confidential list with the names, affiliation and rank and/or position of alleged perpetrators of violations and abuses. Given the duration and scale of the conflict in Tigray, Amhara and Afar, it emphasizes the need for further investigations, including into the roles, actions, and knowledge of individuals implicated in international crimes, including through command and superior responsibility. It also urges for further investigations into the situation of human rights in Oromia region, as well as developing situations in other regions of Ethiopia.

XII. Conclusions

504. The Commission cannot overstate the gravity of crimes that have been committed by all parties to the conflict in Ethiopia since 3 November 2020, and their implications for future peace and stability.

505. The Ethiopian National Defence Forces, Eritrean Defence Forces, regional forces and affiliated militias perpetrated violations and abuses in Tigray on a staggering scale. These included mass killings, widespread and systematic rape and sexual violence,

including sexualized slavery, against women and girls, deliberate starvation, forced displacement, and large-scale arbitrary detentions. These amount to war crimes and crimes against humanity.

506. Tigray fighters and allied militias also committed severe violations and abuses against civilians in Amhara and Afar regions, including killings, widespread rape and sexual violence, destruction of property and looting, also amounting to war crimes.

507. In Oromia, the Commission uncovered on-going patterns by Government forces of arbitrary arrest and detention, and torture of civilians, in particular men and boys, accused of links with non-state armed group the Oromo Liberation Army. Extrajudicial killings of civilians are accompanied by impunity, while sexual violence against women and girls continues but is seriously underreported.

508. Many of these violations are ongoing. Eritrean troops and Amhara forces and militia members continue to commit grave violations in Tigray, including rape and sexual violence of women and girls. As documented above, the Commission also found the continued forced expulsion of Tigrayans from Western Tigray, with tens of thousands of women, men, and children unable to return to their homes.

509. Beyond Tigray, other parts of Ethiopia are seeing violence and instability. The Commission is receiving regular reports of armed clashes between Government forces and Amhara armed groups, including *fano* militia, in the context of the state of emergency announced on 4 August 2023, in particular around Gondar, Gojjam, and North Shewa Zone, but with incidents reported in all zones of Amhara. Such clashes are ongoing, and the Commission has received credible information about extrajudicial executions and large-scale detentions, as well as at least one drone strike in West Gojjam Zone.

510. Meanwhile, in Oromia, notably Western Oromia, the Commission has confirmed the use of airstrikes, in particular drone strikes, as part of the counter-insurgency strategy against the Oromo Liberation Army (OLA). Also of concern is ongoing instability in Benishangul-Gumuz, Gambella, Oromia, and Somali regions, among others. Violence, instability and reported human rights and other violations are now so widespread as to have alarming implications at the national level and across the sub-region.
