



የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ  
በተባበሩት መንግስታት የቋሚ መልዕክተኛ ጽ/ቤት  
ጄኔቫ

*Federal Democratic Republic of Ethiopia  
Permanent Mission to the United Nations  
Geneva*

280/2021-A

18 June 2021

The Permanent Mission of the Federal Democratic Republic of Ethiopia to the United Nations Office at Geneva and other International Organisations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to refer to the latter's Note, No. AL ETH 1/2021, dated 19 April 2021, regarding the joint communication by the Eight Special Procedures mandate holders.

In this regard, the Permanent Mission conveys herewith the response by the Federal Democratic Republic of Ethiopia on the alleged issues and requests the esteemed Office to convey it to the mandate holders concerned.

The Permanent Mission of the Federal Democratic Republic of Ethiopia to the United Nations Office at Geneva and other International Organisations in Switzerland avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

*JK*

Enclosure



The Office of the United Nations High Commissioner for Human Rights  
Geneva



***THE GOVERNMENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF  
ETHIOPIA***

**REPLY TO THE JOINT COMMUNICATION BY THE UN SPECIAL RAPORTEURS  
ON ALLEGED VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS LAW AND  
INTERNATIONAL HUMANITARIAN NORMS IN THE CONTEXT OF THE LAW  
ENFORCEMENT OPERATION CONDUCTED BY THE FEDERAL DEMOCRATIC  
REPUBLIC OF ETHIOPIA IN THE TIGRAY REGION**

**18 June 2021**

**Addis Ababa, Ethiopia**

## **INTRODUCTION**

1. The Government of the Federal Democratic Republic of Ethiopia (alternatively “Government of Ethiopia”, “GoE”, “Ethiopia”) hereby submits its reply to the joint Communication by the Special Rapporteur on the Human Rights of Internally Displaced Persons; the Working Group on Arbitrary Detention; Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; the Special Rapporteur on the right to Food; the Special Rapporteur on Adequate Housing; the Special Rapporteur on Trafficking in Persons and the Special Rapporteur on Human Rights to Safe Drinking Water and Sanitation dated 19 April 2021 Ref. AL ETH 1/2021, concerning the alleged violations of international human rights law and international humanitarian norms in the context of the law enforcement operation conducted by the Federal Democratic Republic of Ethiopia in the Tigray Region which sought for Ethiopia to provide a response within 60 days.
2. Ethiopia has the honour to present its response containing the facts surrounding the situation. However, considering the fact that there is already on the ground a joint mission of Ethiopian Human Rights Commission and UN High Commissioner for Human Rights conducting an investigation regarding the allegations mentioned in the joint communication, we believe that all concerned entities should wait for this investigation to be concluded and should refrain from engaging in acts that would be prejudicial to the investigation.
3. Taking this fact into consideration, while we are dismayed with the extremely partial and biased nature of the allegations which seem to justify the grave misdeeds and atrocities of the terrorist TPLF, we have presented our response to some of the issues out of respect for the UN Human Rights System.

### **1. GENERAL REMARKS**

4. In 2018, Ethiopia underwent significant human rights, political and democratic reforms. The reforms were preceded by nationwide and continuous waves of popular protests against the TPLF controlled regime. The protests were mounted against the TPLF

dominated government because of the organized and highly networked criminality, abuse of state resources and power, the gross and systemic violations of human rights and grand corruption that came to characterize the TPLF. These popular protests led to the reform within the government through which the TPLF lost its dominance.

5. Following the reform in 2018, the Government of Ethiopia started to take important measures with the view to end impunity, to ensure the prevalence of the rule of law, and to realize accountability for violations of human rights. Moreover, the GoE also initiated a large-scale legal reform through amending draconian legislations that hindered the enjoyment of basic freedom and human rights.

6. Uncomfortable with the reform process and loss of its dominance at the federal level, the TPLF retreated to Mekelle, the capital of the Tigray National Regional State, and started to engage in war propaganda against the Federal Government. The TPLF leaders started to take covert and overt actions with the aim of reversing the democratic reform, retaining the undue advantage they had enjoyed and to guarantee impunity for their past crimes. For instance, the TPLF forces staged, financed, sponsored and supported various violence that resulted in the death and sufferings of civilians and caused large-scale internal displacement almost in all corners of the country. They also sponsored, trained and equipped forces that engage in acts of terrorism to derail the democratization process and reforms. The TPLF has also used the Tigray region as a safe haven for criminals that were fugitive from justice. Arrest warrants issued by federal courts against accused former leaders of the TPLF were ignored in an open contempt for the rule of law. For example, the TPLF had engaged in outright subversion by refusing to hand over [REDACTED]

Several other criminal offenders charged with grand corruption offences also used the Region as a hideout from legal liability.

7. The tension between the TPLF and the GoE escalated when the national election was postponed based on the constitutionally legitimate decision of the House of Federation, the Federal Government organ mandated to interpret the FDRE Constitution, due to the global

public health emergency, the wide and rapid spread of the COVID-19 pandemic. Refusing to accept the decision of the House of Federation, TPLF had staged an illegal “election” in which it claimed to have won 98% of the seat of the Region’s Council. In doing so, the TPLF had organized its own unconstitutional electoral board and enacted an electoral law; directly contravening the FDRE Constitution and posing a direct threat to the constitutional order and territorial integrity of the Ethiopian state.

8. Furthermore, the TPLF undertook a massive military build-up with the objective of intimidating the Ethiopian people and government. It organized and strengthened the Region’s special police force in a Paramilitary style, organized irregular militia including under age recruits and formed a military like structure resembling the Ethiopian National Defense Force (ENDF, hereinafter). In line with its preparation, the TPLF attacked the federal appointment of the Northern Command Chief. After all these preparations and refusing the federal government’s call for amicable resolution of political dispute, the TPLF troops perpetrated a treasonous, coordinated large scale attack against various military bases of the ENDF stationed in the Tigray Region, on the 4<sup>th</sup> of November 2020, with the intention to take control of its mechanized weapons and capability. They also abducted the [REDACTED] and cut off the military communication to make the infrastructure of the ENDF out of function. TPLF looted quite a large amount of heavy and light weaponry along with a threat to target the capital Addis Ababa and adjacent regional capitals. Tragically, it massacred many high and middle level commanders as well as many members of the ENDF and also kidnapped thousands of members of the Ethiopian Federal Police and Defence Force who were deployed in the region for more than 20 years. This was done along ethnic lines in a manner that was very well intended to unleash ethnic strife and conflict in all parts of Ethiopia beyond the Tigray Region.
9. These measures and actions taken by the TPLF amount to crime of high treason and impairment of the defense power of the State pursuant to as prescribed by Article 247 and 248 of the FDRE Criminal Code respectively.

10. On the accounts mentioned above, the GoE was compelled to enter into the law enforcement operation to protect Ethiopia from disintegration, uphold rule of law in Tigray Region, bring to justice criminals that perpetrated heinous human rights violations, defend and protect the constitutional order and to end impunity.

## **2. General Measures Taken by the Government of Ethiopia to Uphold International Humanitarian Laws and International Human Rights Norms**

11. To ensure the full adherence to international humanitarian laws and human rights norms, the GoE has been implementing effective due diligence guidelines prior to, during and after the law enforcement operation. Accordingly, the GoE has implemented measures aimed at preventing and mitigating violations of international humanitarian laws and human rights norms. Prior to the law enforcement operation, the government of Ethiopia had given continuous training for its military and security personnel on principles of International Humanitarian Law (IHL, hereinafter), International Human Rights Laws (IHRL, hereinafter), and other norms applicable to the context of an armed conflict.
12. In addition, the GoE has issued and distributed a pocket-sized Rules of Engagement booklet. The booklet lists basic duties of the service men and women such as the protection of civilians and other pertinent norms of international humanitarian law applicable to the context of the law enforcement operation in Tigray. Besides, the GoE has put in place clear monitoring and evaluation guidelines that include remedial measures when violations of international norms occur during the operation. Particularly, the GoE has taken all the necessary measures to differentiate civilians from combatants. In all operations, the GoE took extra cautionary measures to protect civilians, and to avoid or minimize any collateral damage to civilians and civilian objects. The GoE has refrained from taking any military action in cases of uncertainties with the view to mitigate collateral damages. The GoE did not use a single rocket in the war despite the provocation by the TPLF by firing several rockets against the densely populated cities of Gondar and Bahirdar as well as to a sovereign neighboring country, Eritrea. Further, the GoE decided to forgo any military benefits that could have been obtained by engaging in armed

confrontations in cities and towns. Accordingly, the GoE has successfully minimized damage to civilian objects and harm to civilians by restraining to enter into armed confrontations in the towns of Humera, Sheraro, Adihageray, Shire, Adwa, Mekelle, Wukro and Abi Adi. Therefore, the allegations concerning “deliberate targeting” of civilians by the ENDF seems to be an unfortunate recycling of the war propaganda of the TPLF.

### **3. Response to Allegations Related to Specific Areas or Locations**

13. The Federal Government is making an investigation into alleged damage to civilian objects and harm to civilians. The investigation conducted by the Federal Police and the Federal Attorney General so far has revealed that there was no shelling made in and around Humera by the ENDF. From 24 November to 05 December 2020, the city was under the administration of the Command Post established by the ENDF. The investigation team deployed to Humera by the Federal Government has not received complaints of summary executions or deliberate acts of atrocity committed by the ENDF nor killings or lootings by the Amhara Militia and Special forces.
14. The GoE would like to bring to the attention of the Special Rapporteurs the heinous crimes committed against residents of Humera allegedly by the TPLF. The investigation has uncovered that the TPLF forces have killed many civilians and their bodies were found scattered in the city. According to the findings of the investigation, the TPLF has massacred civilians that it has suspected of spying for and sharing information with the ENDF, Amhara Militia and Special Force and took some of them to other areas executing some on the way and using the rest as human shield until they were rescued by ENDF.
15. The Federal Government is conducting a credible investigation into alleged human rights violations during the law enforcement operation in Tigray region. The investigating team deployed to Humera is a part of this broader investigation. The GoE would like to express its firm commitment to investigate all violations of IHRL and IHL, including the allegations included within the joint communication of the Special Rapporteurs. The investigation into crimes committed by all actors in Humera and the surrounding areas is still pending and we

would continue making public the findings of the investigation, and would prosecute those found responsible for the violations.

16. The human rights violations at Mai Kadra by the TPLF forces took place on 10 November 2020. As of 24 October 2020, the TPLF Cadres administering the city recruited and organized a group of young Tigrinya language speakers living in an area commonly known as Samri with the alleged reason of maintaining law and order within the city, and armed them with machetes, sticks, and ferns. According to the findings of the investigation team deployed by the Federal Government, the [REDACTED] [REDACTED] directly distributed these weapons to the group. Possession of these weapons in that city before October 24 was a crime and punishable. This group of youngsters were recruited under the guise of peacekeeping, to fill the void that might occur when the city's militia and the Tigray Special Forces depart to fight with the ENDF. The city administration had been serving them food in the halls of different wards.
17. Samri is not simply a Tigrayan youth group. The commanders of the Tigray forces have intentionally organized, trained, commanded and led this criminal group during the commission of the heinous crimes against non-Tigrayan residents of the city. According to the findings of the investigation team, members of the Tigray Militia and Special Police Force shot, from behind, some of the victims who were trying to escape from the atrocities. Thus, the TPLF security and military forces are directly responsible for the perpetration of the crimes and the former civilian administration of the city was complicit with the security and the Samris in the commission of the heinous offenses.
18. In the aftermath of the November 04 attack against the Northern Command of the ENDF, the Tigrayan militants were conducting house-to-house raids, body searches and were looking for identity cards with the view to identify non-Tigrayan residents of the city. According to the statements of witnesses taken by the investigation team, the TPLF security officials conducted these activities alleging that the Amharas<sup>1</sup> were circumventing the communication

---

<sup>1</sup> There were a large number of Amharas, who were commonly referred to as the Salug, in Mai Kadra. They are seasonal workers and according to reports 99 % of the victims are ethnic Amharas.

blackout imposed by the TPLF, by using Sudanese SIM cards, to report to the ENDF about the situation and movement of the Tigray Special Force. Before the heinous incident was committed, the TPLF officials and members of the informal youth group verbally abused non-Tigrayans, harassed, and threatened to annihilate ethnic Amharas. The bodies of the deceased individuals were taken out of the city by tractors in three directions and buried in mass graves.

19. These crimes were committed while the city and the Tigray region were under the effective control of the TPLF. The GoE would like to affirm that it is conducting effective investigation into crimes committed in the city of Mai Kadra, and would bring perpetrators to justice. The federal government has deployed a team of investigators from multi-disciplinary backgrounds. The team comprises Federal Public Prosecutors, Federal Police Investigators, Medical Doctors, Paramedics, and Forensic Science experts. The GoE would like to indicate some of the challenges faced in apprehending the perpetrators and supporting the victims. To begin with, the majority of the victims were seasonal workers and it was difficult to identify each of them with sufficient precision. Due to this reason, there is a discrepancy between the number of deaths claimed by the funeral directors and people in the area, and the actual number of victims identified by the investigation team. Besides, the Federal police has apprehended only 36 individuals out of 279 persons identified for having committed atrocities in Mai-Kadra. The remaining suspects fled to Sudan camouflaging themselves as refugees.
20. Despite these challenges, the investigating team is conducting a credible investigation, collecting all relevant evidence and victims or their families have been given adequate level of participation in the investigation process. The team received the testimony of 245 witnesses, identified 279 people that were suspected of committing the crimes in Mai Kadra. The team was able to exhume the remains of the victims, conduct autopsy investigation and lay bodies of the victims in a dignified manner. The mass graves were opened in the presence of both the informants of the investigating team and those who have given their testimony to the Ethiopian Human Rights Commission, an independent national human rights institution. Accordingly, the investigation team opened 87 mass graves in Abune Aregawi Church. Six mass and 24 individual graves were found scattered in farms and two mosques. Besides, the investigating team is giving particular attention to the survivors of the massacre and has

identified 180 survivors who are receiving psychological and medical treatment in various centers. Ten women who were victims of rape crime are also receiving treatment at the centers.

21. The investigation into atrocities perpetrated in Mai Kadra is already completed and the GoE would like to assure the Special Rapporteurs that those who have committed these atrocities will be properly prosecuted and held criminally accountable based on law and evidence.
22. As it has been stated above, in all its operations, the GoE has taken all the necessary measures to differentiate civilians from combatants and civilian objects from the military objectives and targeted only combatants and military objects. There were neither deliberate nor indiscriminate attacks of civilians and civilian objects by the ENDF in Axum city. However, the GoE would like to express its deepest sorrow for any collateral damage on civilians or civilian objects during the law enforcement operation. It has made this public and would like to make its position clear that it is investigating all allegations concerning damage to civilians and civilian objects, and would bring to justice persons responsible for violations of international humanitarian laws and human rights norms.
23. The Government of Ethiopia received, from various sources, reports that members of the ENDF and Eritrean troops have engaged in unlawful activities transgressing international norms of IHL and IHRL. Based on the received complaints, the government of Ethiopia swiftly established a joint investigation team comprising federal police investigators, federal prosecutors and other professionals such as medical professionals and forensic science experts. This team of investigators has been in different places of the Region with the objective of investigating any violations of IHL and IHRL norms, identifying perpetrators, recording testimonies of witnesses and collecting other relevant evidence.
24. Accordingly, the GoE is investigating allegations of summary executions of civilians and harassment of residents of the Axum city by Eritrean troops. Although it is not completed yet, according to the tentative findings of the investigation that is still underway, testimonies of witnesses received so far seems to indicate that close to a hundred (110 civilians) have been killed from 27 to 28 November 2020 after the ENDF that was stationed in the city departed for another assignment. The investigation shows that 70 civilians have been killed in the city while they were outdoors. There are indications that some of these individuals might have been irregular combatants who have received a two-day training and armed by

the TPLF. On the other hand, close to 40 civilians seem to have been killed in situations where there was no active fighting and where they did not pose a threat to the troops in the area. The ENDF were not in Axum city on these days and the allegation that the ENDF failed to protect these individuals is clearly uncorroborated. However, irrespective of the perpetrators of the crimes, the GoE would like to re-affirm its firm stand that troops that perpetrated killings against civilians will be held accountable based on the relevant Ethiopian and international laws.

25. Besides, the joint investigation by the Federal Police and the Attorney General has uncovered that looting and destruction has been committed against civilian properties including campuses of Axum University, Saint Mary Hospital and Berana Hotel. The investigation into these killings, pillage and other violations of IHL and human rights law are still in progress and the government of Ethiopia would like to pronounce its firm stand that all actors that engaged in violations of national laws and international norms will be held accountable based on the relevant Ethiopian and international laws.
26. The GoE performed the operation in the Tigray region with utmost care to avoid or mitigate collateral damage to civilians and civilian objects. The statement that the GoE targeted Mekelle after TPLF forces had strategically withdrawn from the city is untrue and a misrepresentation of facts on the ground. The GoE has avoided damage to civilian objects and harm to civilians by restraining to enter into armed confrontations in Mekelle. The restraining by the Ethiopian National Defense Force in Mekelle successfully averted a severe loss that could have occurred in times of military confrontation.
27. As an indication of full commitment to end impunity, the Government of Ethiopia has deployed a team of investigators comprising federal public prosecutors, federal police and military police investigators and have been investigating any violations of international humanitarian laws and international human rights norms. Based on the findings of the investigation, allegations concerning "artillery attacks" in Mekelle city by ENDF were found to be groundless. There was no armed confrontation between the ENDF and the TPLF forces in the city of Mekelle and there was no reason for the ENDF to take shelling measures in Mekelle City. Thus, allegations concerning shelling of the city and civilian casualties from a shelling or artillery attack are unsubstantiated.

28. Besides, there has been no harm or damage to civilian infrastructures, homes, markets, hospitals or schools emanating from shelling or artillery attack. However, the investigation team has collected credible evidence that indicates the looting of hospitals, pharmacies and laboratories by TPLF forces as the ENDF was approaching the city. Besides, former administrators of Tigray Region have misappropriated a depot owned by a state enterprise, the Ethiopian Petroleum Supply Company, which was based in *Kuha, Mekelle* area. The former officials had illegally distributed oils for military purposes and had caused or contributed to the scarcity of fuel in the region. In addition, the Tigray's region Disaster Preparedness Agency's officials had also looted Wheat stockpiled in Mekelle by the National Disaster Risk and Preparedness Agency and distributed it to the Special Force, militia and other security apparatus. Thus, the TPLF forces were the main actors that perpetrated lootings against public properties in the city of Mekelle.
29. The TPLF forces consciously and deliberately released convicted prisoners who were serving their terms in 10 prison centers into various towns. These convicts who were left at large are responsible for numerous crimes including looting and sexual violence in Mekelle and other towns of the Region. These prisoners released by the TPLF while the Federal Government force was approaching Mekelle were engaged in widespread looting of markets, homes and other service providers' premises. Besides, a significant number of Tigray Special police officers defected from the fields and retreated to Mekelle before the ENDF took control of the city. The evidence gathered by the investigation team has uncovered that these defectors have engaged in looting and perpetrated sexual crimes before the arrival of the ENDF in Mekelle.
30. The Federal Police have apprehended some perpetrators that were engaged in lootings and that are suspected of committing sexual violence. The investigation into these crimes and human rights violations is currently ongoing. The government has a firm resolve to engage victims into the investigation process, adequately collect all relevant evidence, make public the findings of the investigation, prosecute the perpetrators and seek their conviction based on law and evidence.
31. It is true that a considerable number of Mekelle residents had left the city fearing that there would be artillery attack in Mekelle. These dwellers have already returned to the city following the fall of Mekelle under the national army and once normalcy has been attained.

The investigation team has not received any reports or complaints concerning allegations of “summary executions and arbitrary arrests of young men by ENDF in Mekelle” and allegation concerning “sexual violence by Eritrean troops”. The Federal Police had arrested members of the TPLF security forces that were suspected for perpetrating crimes against the Northern Command of the ENDF or that had participated in other crimes committed in the Tigray region. These persons were detained following all substantive and procedural requirements provided under the Ethiopian Criminal Procedure Code. All procedural safeguards and rights accorded to these suspected individuals by the FDRE Constitution and other international human rights instruments such as the ICCPR and the UDHR has been fully respected. The investigation is being conducted under the direct supervision of public prosecutors, and in compliance with all national and international laws. Thus, any allegations concerning “arbitrary” detention is unsubstantiated.

## **4. Response to Specific Thematic Allegations**

### **4.1. Eritrean Refugees and Asylum Seekers**

32. The GoE would like to reiterate its position that all refugees, including Eritrean refugees, have been and will be treated in a dignified manner. Ethiopia is the third largest refugee hosting country in Africa and close to one million refugees from various countries, mainly from South Sudan, Sudan, Eritrea and Somalia are being hosted in different parts of the country.<sup>2</sup> Before the beginning of the law enforcement operation, close to 200,000 Eritrean refugees were being hosted both in and out of camps in various parts of the country.<sup>3</sup> Even though Eritrean refugees live in various parts of the country such as Afar and Addis Ababa, nearly 92,000 Eritrean refugees were hosted in Tigray region before the law enforcement operation. Out of this number, 50,000 Eritrean refugees had been living in four camps

---

<sup>2</sup> Fact Sheet: Ethiopia (UNHCR, The UN Refugee Agency) available at <https://data2.unhcr.org/en/documents/details/86717> accessed 01 June 2021

<sup>3</sup> For example, 60,000 in-camp Eritrean Refugees are hosted in Afar Region [Agency for Refugees and Returnees Affairs - ARRA](#) available at <https://twitter.com/EthRefugee/status/1379351796204847107>

located in the Tigray region (Shimelba, Hitsats, Mai-Aini and Adi-Harush) and the remaining figure were hosted out of camps in various cities and towns of Tigray.

33. The four refugee camps located in Tigray region were constructed during the time when the TPLF controlled the federal administration and while the ARRA was under the full control and influence of the TPLF. Two of these camps were constructed in violation of key UNHCR policy and guidelines. For example, Shimelba camp, hosting 8,400 Eritrean refugees, fails to meet UNHCR's requirement of distance from the border as it was constructed in less than 20 KM distance from the Eritrean border thereby violating the UNHCR guidelines that requires camps to be constructed at least 50 Kilometers away from borders. Further, Hitsats camp was constructed without taking into consideration the weather condition of the area and the resulting impact that it might have on refugees and humanitarian workers. It is located in an inhabitable area and typically characterized by its arid climate, prone to malaria-like diseases and severe water shortages. Due to the harsh conditions of the camp, Eritrean refugees were complaining about the situation and humanitarian staff have been encountering a number of challenges to deliver humanitarian services at this specific camp.
  
34. Ethiopia would like to indicate the arduous challenges that it had encountered to give effective protection to Eritrean refugees hosted in these two camps. These two camps (Shimelba and Hitsats) were located in the Northern part of Tigray region closer to the Eritrean border. Following the law enforcement operation, refugees in these two camps have abandoned their camps and fled [REDACTED]. This movement of refugees in irregular ways within and from the conflict-affected areas became a huge security concern for GoE.
  
35. However, the Government of Ethiopia has been taking a number of measures and initiatives to ensure the safety of these Eritrean refugees and to satisfy their needs and demands based on available resources and in accordance with international law. To begin with, ARRA, the federal government agency entrusted with the responsibility for refugees and returnees, is coordinating the relocation of Eritrean Refugees from conflict affected Shimelba and Hitsats camps to safer Mai Aini and Adi Harush camps. The relocation of these refugees was

necessitated by two main reasons. First, as indicated in the previous paragraph, the two camps were constructed against the UNHCR standards. Besides, the sporadic and guerilla tactic war was being waged by the TPLF in the area and it has made the delivery of essential services quite cumbersome.

36. By 25 April 2021, the GoE had successfully relocated 8,100 Eritrean Refugees from Shire and its surroundings to Adi-Harush and Mai-Aini camps.<sup>4</sup> The government of Ethiopia, in collaboration with relevant national and international actors, is intensifying its effort to identify the remaining Eritrean refugees and unregistered asylum seekers dispersed in the country, and relocate them to the appropriate camps. Because of this effort, 35 refugees were identified in the first week of May and relocated to Mai Aini and Adi Harush camps making the total number of relocated Eritrean refugees 8,135. Further, Eritrean refugees that left camps in an irregular manner and relocated themselves in other cities [REDACTED] [REDACTED] have been found, registered and being supported by the UNHCR and the Government of Ethiopia.<sup>5</sup>

37. The ARRA is coordinating national and international humanitarian actors for assistance and the provision of emergency support to Eritrean Refugees affected by the conflict. Refugees that were in Mai Ainni and Adi-Harush camps, and those refugees that were relocated to these two camps have been receiving food and non-food items and their safety has been safeguarded by the federal government. The health services are open, water and sanitation services have resumed and are being improved. Other services in these two refugee camps were resumed and the situation has been restored to normalcy.

38. Education that had been interrupted by COVID-19 and the law enforcement Operation has been resumed in Mai Aini and Adi Harush Camps. According to the independent report by the UNHCR Ethiopia, “the primary schools in Adi-Harush and Mai-Aini camps have reopened, taking in thousands of students for the first time in over a year. To date, a total of

---

<sup>4</sup> Fact Sheet: Ethiopia (UNHCR, The UN Refugee Agency) available at <https://data2.unhcr.org/en/documents/details/86717> accessed 01 June 2021

<sup>5</sup> UNHCR: Ethiopia Operation- Tigray Situation Report (17 May 2021) available at <https://data2.unhcr.org/en/documents/details/86706> accessed 01 June 2021

164,631 refugee students are attending classes, including 48,841 in pre-primary, 105,101 in primary and 10,689 in secondary schools. 58 percent of them are females.”<sup>6</sup> Schools previously used as shelters for relocated refugees were vacated and the learning and teaching process was resumed.<sup>7</sup>

39. The Government of Ethiopia would like to bring to the attention of the Special Rapporteurs that there are multiple credible reports that forces loyal to the TPLF such as the Tigray Militia have staged an attack against the refugee camps.<sup>8</sup> There are testimonies by the Eritrean refugees that the TPLF forces have perpetrated human rights violations such as killings and abductions within the camps before the federal government obtained effective control of Tigray.<sup>9</sup> The Ethiopian Government fully recognizes its human rights obligation to protect persons from violations. However, these alleged violations were committed before the federal government obtained effective control of Tigray and while the Region was under the control of the TPLF.

40. Despite these challenges, the Government of Ethiopia remains committed to its responsibility of investigating all human rights violations perpetrated against Eritrean refugees, by any actors, within or off the camps. The Government of Ethiopia would like to note that the alleged crimes and rights violations against refugees are within the scope of the current investigation being carried out by the Federal Police and the Federal Attorney General. Accordingly, perpetrators would be prosecuted and convicted based on law and evidence depending on the findings of the investigation.

---

<sup>6</sup> Fact Sheet: Ethiopia (UNHCR, The UN Refugee Agency) Page 3, available at <https://data2.unhcr.org/en/documents/details/86717> accessed 01 June 2021

<sup>7</sup> UNHCR: Ethiopia Operation- Tigray Situation Report (17 May 2021) available at <https://data2.unhcr.org/en/documents/details/86706> accessed 01 June 2021

<sup>8</sup>“Eritrean refugees caught in crossfire of Ethiopia’s Tigray war | AFP”, AFP News Agency. Uploaded to YouTube on February 1, 2021. available at [https://www.youtube.com/watch?v=dBL9iK\\_eeA4](https://www.youtube.com/watch?v=dBL9iK_eeA4) accessed 31 May 2021

<sup>9</sup> Ibid [https://www.youtube.com/watch?v=dBL9iK\\_eeA4](https://www.youtube.com/watch?v=dBL9iK_eeA4)

## 4.2. Humanitarian Situation and Access

41. The Government of Ethiopia admits that the law enforcement operation and the ensuing conflict in Tigray region has displaced a large number of people. Large number of IDPs have been sheltered in various cities and towns [REDACTED]. These IDPs are living in various settlement sites and others are being hosted by the host communities. The government and peoples of Ethiopia have been tirelessly working to effectively address and respond to the needs of IDPs in the Tigray Region. The Government is taking a lead in delivering humanitarian assistance to the people of Tigray. It is delivering assistance by particularly focusing on vulnerable individuals such as women, children, IDPs and persons with disability.
42. The GoE believes that addressing the humanitarian situation in Tigray needs the concerted efforts of local and national actors as well as collaboration with international partners. On 29 November 2020, the GoE has reached an agreement with the UN for “unimpeded, sustained and secure access” for humanitarian assistance to civilians in Tigray. Based on this agreement, the government of Ethiopia set in place a flexible notification system that has enabled humanitarian actors to deploy their staffs and volunteers thereby scaling up their response to the humanitarian crises. The government has permitted unfettered access to humanitarian actors and removed bureaucratic hurdles for humanitarian actors to enter, stay and operate in the country. The Ethiopian government has been continuously working to ease all barriers that may impede access to Tigray by the humanitarian actors. Despite some biased and politically motivated media reports, the security has been significantly improved after the federal government took effective control of Tigray. Due to this reason, the current problem that the Government of Ethiopia is facing with is not the problem of access, but the resource limitation, and logistical constraints that calls for collaboration from national and international humanitarian actors.
43. Disrupting the provisions of essential public services has been implemented during the operation as a part of TPLF tactic to fuel popular anger against the federal government. Among many others, the TPLF deliberately attacked Ethio-Telecom infrastructures and Ethio-Electric Power facilities. The criminal investigation has uncovered that the Ethio-Telecom network was interrupted by the direct order of the [REDACTED]

[REDACTED]. Apart from the above fact, TPLF forces have deliberately attacked the electric sub-stations in Tigray even after they lost effective control of the Region.

44. The TPLF imposed a region wide communication blackout by deliberately cutting communication lines during the period when the TPLF effectively controlled the Tigray Region. According to footage from the CCTV obtained from Ethio-Telecom's Mekelle Core Centre Premises, a group of armed individuals trespassed to the premises, forced out Ethio-Telecom personnel and deliberately cut off communication lines and power distribution sources. This CCTV video was obtained on 14 December 2020 after the fall of Mekelle to the federal forces. Thus, the communication blackout, all-mobile, internet and landline communication has been deliberately cut off by individuals loyal to the TPLF while the TPLF was administering the Region.
45. The Government of Ethiopia fully understands and endorses the fundamental rights to the freedom of expression and individuals' right of access to information. It is also cognizant of the role that communication services could play for the post conflict socio-economic recovery of Tigray, to hold perpetrators accountable and its role to facilitate investigation into crimes committed by actors in the Tigray Region. The GoE fully understands the socio-economic impact of communication blackout especially in conflict zones.
46. In pursuance with these understanding, the federal government has been taking various consistent, concerted and effective measures to resume communication services in Tigray Region by replacing stolen telecom equipment, conducting maintenance services on damaged communication infrastructure and repairing damage on transmission lines and commercial power cuts. In all these efforts, various government agencies and state-owned enterprises have been working cooperatively. On 02 December 2020, telecom services were partially resumed in areas of Dansha, Humera, Mai Kadra, Turkan, Mai Tsebri and Korem and it has been fully resumed in the surroundings of Alamata.<sup>10</sup> According to the

---

**10** Ethio Telecom, "Clarification on Tigray Region Telecom Services Current Situation" available at <https://www.ethiotelecom.et/clarification-on-tigray-region-telecom-services-current-situation/> (03 December 2020)

report disclosed by the Ethio-telecom on 12 December 2020, mobile voice services have resumed in Mekelle and Maychew cities.<sup>11</sup>

47. Ethio-telecom reported on 08 February 2021 that it had conducted maintenance work over telecommunication lines deliberately destroyed by the TPLF forces.<sup>12</sup> According to the report, the maintenance has enabled the restoration of 363 mobile sites. Accordingly, the maintenance work has enabled the restoration of mobile voices and landline telecom services in Mekele, Adwa, Axum, Adigrat, Shire Endesellase, Negash, Dansha, Wukro, Edaga Hamus, Adishehu, Adi Gudom, Agula, Wukro Mariam, Turkan, Humera, Mytsebri, Maykadra, Korem, Alamata, Michew, Samre, Sekota, Hewanie, Firewoyne, Seleklaka and Betmera.<sup>13</sup> The fact that the federal government restored the communication lines immediately following the control of Mekele has been confirmed by independent Medias including the VOA.<sup>14</sup>
48. Since the banking services operate using a broadband internet supplied by Ethio-telecom, crimes committed on communications infrastructures have rendered banks to be closed during the first few weeks of the operation. In an update provided by the Ethio-telecom on 08 February 2021, the company declared that it had been working giving “utmost attention to help banks restore their services through availing fixed broadband services in the region [Tigray].”<sup>15</sup> Banks in Mekelle and Adigrat have resumed services since January 2021. As the crimes committed against the telecom infrastructures were high, it was impossible to resume banking services throughout Tigray at once. Subsequently, banks in Shire Endesellase, Axum and Adwa have been reinstated after Ethio-telecom conducted maintenance on the damaged infrastructures. Due to these consistent measures taken by the

---

<sup>11</sup> Ethio-telecom, “Updates on Telecom Service Resumption in the North Region <https://www.ethiotelecom.et/updates-on-telecom-service-resumption-in-the-north-region/> (12 December 2020)

<sup>12</sup> Ethio-Telecom, “Updates on Telecom Infrastructure Maintenance & Service Resumption in the North Region” available at <https://www.ethiotelecom.et/updates-on-telecom-infrastructure-maintenance-service-resumption-in-the-north-region/> (08 February 2021)

<sup>13</sup> Ethio-Telecom, “Updates on Telecom Infrastructure Maintenance & Service Resumption in the North Region” available at <https://www.ethiotelecom.et/updates-on-telecom-infrastructure-maintenance-service-resumption-in-the-north-region/> (08 February 2021)

<sup>14</sup> “Ethiopia’s leader won the Nobel Peace Prize. Now he’s accused of war crimes”, Editorial Board, Washington Post, January 27, 2021.

<sup>15</sup> Tweet by @ethiotelecom posted on February 8, 2021. Access here: <https://twitter.com/ethiotelecom/status/1358847656198569993>

GOE to mitigate challenges associated with shortages of liquidity of cash, banks in Tigray have resumed their services and are serving the public in their full capacity.

49. Water and sanitation services provision is the primary mandate of the regional states. The Tigray National Regional State Provisional Administration is currently fully operating in all districts and the GoE is effectively working to strengthen the capacity of the provisional administration to provide these essential services. The TPLF has been causing various challenges to the works of the provisional administration thereby hindering the operation of the administration in its full capacity. First, the TPLF is targeting the civilian members of the administration, killing civil servants and kidnapping local level heads. Further, the TPLF has destroyed documents, damaged service infrastructures and public properties that could have been used by the provisional administration to provide essential public services. The government of Ethiopia takes its responsibility of protecting civilians from any violence by non-state actors and would like to reiterate its commitment to bring perpetrators of these crimes into justice.
50. Despite these challenges, the government is tirelessly working to strengthen the capability of the administration and providing protection to the provisional administration from violence by the TPLF forces. The provision of public services requires a significant budget and the Federal Government is taking effective measures to satisfy the budgetary need of the provisional administration. To begin with, the GoE has allocated a budget for the provisional administration from the federal budget so that the provisional administration would be able to deliver essential public services to the people in the region. Besides, the government of Ethiopia is taking various measures to coordinate business communities, civil societies and other local actors with the view to deliver emergency services to the communities in need of assistance. Further, the Government of Ethiopia has launched the national solidarity initiative on 18 February 2021 to rebuild Tigray by coordinating financial, equipment and material support from all actors.<sup>16</sup> In the bid to reinforce the provisional administration's capacity to deliver essential public services, other regional

---

<sup>16</sup> available at <https://twitter.com/SOEFactCheck/status/1369692421039288320>

states are supporting the administration in cash and delivering food items, medicines, ambulances and agricultural inputs for farmers.<sup>17</sup>

51. The TPLF deliberately destroyed transport infrastructure. Apart from firing rockets to Bahirdar and Gonder Airports, the TPLF has deliberately ploughed the runway of Axum Airports thereby preventing access to Axum and the surrounding areas through air transport. Further, the government undertook various measures to restore health facilities in Tigray region. Increasing number of health facilities are currently functioning with their full capacities giving health services to persons and communities in Tigray region.

## **5. Investigation of Allegations of Human Rights Violations and Violations of IHR**

52. The government of Ethiopia would like to reiterate its commitment to ensure accountability by bringing to justice all actors that participated in the perpetration of crimes and human rights violations in the Tigray region. The Government of Ethiopia has received a number of reports concerning the allegations of pillage, killings of civilians, sexual violence and destruction of civilian properties and other violations of international humanitarian norms. The GoE took these reports very seriously, has been conducting thorough, independent and effective investigation with the view to prosecute those found responsible for the violations, and convict them based on law and evidence.
53. Accordingly, the State authorities with the legal mandate to investigate crimes committed within Ethiopian border (the Federal Attorney General, the Federal Police, the Military Police of the ENDF) are making a thorough and effective investigation into alleged crimes committed in Tigray in connection with the law enforcement operation conducted in the region by the Federal Government. The investigations conducted by the police and prosecutors have revealed so far that 28 (twenty-eight) soldiers have participated in the killings of civilians and they have been prosecuted for their actions and the trial is ongoing currently. Further, in addition to three soldiers who are under investigation, prosecutors have initiated a criminal charge against 25 (twenty-five) soldiers for committing acts of

---

<sup>17</sup> Assistance by Oromiya National Regional State, Benishangul Gumuz National Regional State and Gambela Regional State to Tigray Regional State” available at <https://twitter.com/SOEFactCheck/status/1369692421039288320>

sexual violence including rape. The trial is ongoing in military court. Three soldiers have already been convicted for rape, and another soldier has been convicted and sentenced for killing a civilian. Thus, the police and prosecutors have been conducting investigations based on the reports they have received through various mechanisms. They remain open for any credible report and there would never be a situation under which members of ENDF or other security officials enjoy impunity for crime committed within Ethiopian borders.

54. Besides, an investigation team has been set up to impartially investigate the crimes committed by all actors and deployed to various cities and towns of Tigray. The task force is accountable to the Attorney General and it comprises federal prosecutors, federal police investigators, and other relevant experts such as medical and forensic experts.
55. The Government of Ethiopia has taken seriously all allegations of sexual violence and has established a task force led by the Ministry of Women, Children and Youth Affairs and that comprises the Office of the Attorney General and the ENDF. This task force is mandated to investigate all allegations of sexual violence and abuse in the Tigray Region. Accordingly, 116 victims have filed a report of sexual violence and abuse to the task force. Based on the conducted investigation, suspected perpetrators including members of the Federal Police and ENDF have been apprehended and the prosecution is pending in the relevant federal courts and military courts.
56. Furthermore, 41 TPLF military and civilian authorities suspected for terrorism have been detained, and judicially supervised investigation system is ongoing. All constitutional and fair trial guarantees have been accorded to these suspected individuals.
57. In addition to investigating crimes by the relevant state agencies, the GoE has authorized to a joint investigation by Ethiopian Human Rights Commission and the UN Human Rights Commission. The GoE would like to note its firm commitment to end impunity and hold perpetrators accountable.
58. Despite all these measures, the Government of Ethiopia would like to indicate the complexity of the investigations as the TPLF has released close to tens of thousands of prisoners that had been convicted for various serious crimes before the conflict. Besides, the TPLF has taken off uniforms from members of the ENDF, manufactured Eritrean troops' uniforms in large numbers and distributed them for its officers. However, despite the difficulties owing to the complexity of the crime and actors involved in perpetrating the

crimes, the Ethiopian Government remains committed to its duty to conduct effective investigation and bring perpetrators to justice.

## **Conclusion**

59. Ethiopia is currently going through deep-rooted reforms. Popular demands for human rights and democracy have culminated in the Government's undertaking of the most meaningful series of political reforms in Ethiopia's recent history. These reforms are centered on enhancing the protection and promotion of human rights as well as widening the democratic space.
60. The Government of Ethiopia has taken seriously allegations of any kind and believes that the primary responsibility of investigating and holding accountable perpetrators of human rights rests on it. Accordingly, it has established a task force comprising members from the Office of the Attorney General, the Federal Police, and the Defence Force to conduct thorough investigations and based on the collected evidence bring suspected perpetrators to justice.
61. Furthermore, in addition to the investigations being conducted by the relevant agencies of the Government of Ethiopia, there is a joint investigation mission being conducted by the Ethiopian Human Rights Commission and UN High Commissioner for Human Rights and it reaffirms its commitment to take the necessary measures as per the outcome of the report including to end impunity and hold perpetrators accountable.
62. The Government of Ethiopia would like to reiterate its commitment to ensure accountability and we firmly believe that there would never be a situation under which anyone who commits a crime within Ethiopian borders will enjoy impunity, whether he/she is member of the security, defence force or otherwise.
63. Therefore, while we kindly remind the UN special procedures and mandate holders to remain wary of the usual duplicitous tactics of the TPLF (and thereby the unsubstantiated allegations) which include holding the civilian community hostage, using them as human shield, hijacking and diverting humanitarian aid for muscling up their military strength, and similar irresponsible tactics. These are techniques that the TPLF has used

consistently for decades.<sup>18</sup> Ethiopia requests the UN Special Procedures mandate holders to dismiss the allegations as there are ongoing investigations by the Government of Ethiopia as well as by a fact-finding mission and as we have reaffirmed our stand to establish accountability in accordance with the outcome of these investigations which we have proved as there are trials of individuals some of them are convicted and sentenced already.

**RESPECTFULLY SUBMITTED,  
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA**

---

<sup>18</sup> See as an instance the BBC article entitled “Ethiopia famine aid spent on weapons“ reported on 03 March 2010//<http://news.bbc.co.uk/2/hi/8535189.stm>.