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

24 March 2023

The Permanent Mission of the Federal Democratic Republic of Ethiopia to the United Nations Office at Geneva and Other International Organizations in Switzerland presents its compliments to the Special Procedures Branch of the Office of the High Commissioner for Human Rights and has the honor to enclose herewith a response to the latter's Note Verbale Ref. AL ETHI/2023 dated 24 January 2023 regarding a Joint Communication sent by the Special Rapporteur on Minority Issues and Special Rapporteur on the Right to Food.

The Permanent Mission of the Federal Democratic Republic of Ethiopia to the United Nations office at Geneva and Other International Organizations in Switzerland avails itself of this opportunity to renew to the Special Procedure Branch OHCHR the assurances of its highest consideration.

Encl. 13 pages

**The Special Procedures Branch,
Office of the High Commissioner for Human Rights,
Geneva**



THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

**Reply to the Joint Communication by the UN
Special Rapporteur on Minority Issues
and
the Special Rapporteur on the Right to Food**

March 20, 2023

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 UN Special Rapporteur on Minority Issues and the Special Rapporteur the Right to Food dated 24 January 2023 Ref. AL ETH 1/2023, concerning the alleged violations of international human rights and humanitarian law including deprivation of food and other essential needs, largescale killings and other serious attacks specifically targeting civilian members of the Tigrayan minority group, which sought Ethiopia to provide a response within 60 days. Ethiopia has the honor to present its response containing the facts surrounding the situation.
2. The GoE has been undertaking an all-encompassing reform in the past four to five years. The sincerity of its commitment towards respect for human rights during this period cannot be put into doubt. The revision of repressive laws and the establishment of a new legal and institutional framework for the protection and enforcement of human rights and fulfillment of other international obligations stand as testimony.
3. The Government's commitment to the cause of human rights emanates from a deeply held commitment to open a new chapter in Ethiopia's long history where all Ethiopians enjoy full respect and dignity as human beings regardless of their gender, religion, ethnicity or other extraneous considerations.
4. Despite all these efforts at the Federal level, the Tigray Peoples Liberation Front (hereinafter TPLF) rejected the reform agenda and launched an orchestrated campaign to undermine the reforms in defiance of the Federal Government. It is a matter of public record that the Federal Government tried all possible avenues to amicably resolve the differences at that time with the TPLF but to no avail.
5. When the Tigray Special Forces (TSF) and their Militia attacked the Northern Command of the Ethiopian National Defence Forces (hereinafter ENDF) on 3 November 2020, they committed a crime of treason of the highest order. As it became clear over time, however, the November 3 attack was only the first act in a well-orchestrated and rehearsed plan to usher in the disintegration of Ethiopia and replace it with a number of small independent or quasi-independent states over which Greater Tigray would reign supreme. Several days later, a senior member of the TPLF leadership publicly and triumphantly declared

how successful the TPLF's lightning-like 'pre-emptive' attack was and how it supposedly incapacitated and destroyed the Northern Command of the ENDF.

6. The heinous attack resulted in the looting of a large amount of heavy and light weaponry, leading the TPLF to openly and repeatedly threaten the capitals of adjacent regions, the capital Addis Ababa as well as the capital of neighboring Eritrea. At the human level, on the day of the attack, the TPLF forces massacred, in cold blood, hundreds of middle-to high-level ENDF commanders, and kidnapped thousands of members of the ENDF, Federal Police. Individual victims were identified on the basis of their ethnic identities in a manner that was calculated to unleash ethnic violence throughout the Country. Vital infrastructure facilities, including airports, roads, bridges, telecommunication, and electrical installations were also destroyed intentionally.
7. It was the atrocious act of TPLF that forced the GoE to take measures for keeping the existence of the Country through a "law enforcement operation".
8. 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 the issues out of respect for the UN Human Rights System.

I. General Information and/or Comments on the Allegations.

9. The allegations contain accounts of alleged human rights and humanitarian law violations by Ethiopian Federal forces and their allies. However, they failed to cover the scale and brutality of the cases committed by Tigray Security Forces against civilian population especially in the Amhara and the Afar Regions, which shows the partiality of the allegations.
10. As serious and appalling as these allegations are, it is regrettable that TPLF and TPLF's sympathizers in the media have exploited the tragedy through a deliberate, coordinated, and malicious campaign to tarnish Ethiopia's image and ENDF's established track record for exemplary military discipline.

11. It should be noted that the unprecedented attack perpetrated against the Northern Command by the TPLF had totally disrupted the regional law enforcement mechanism in Tigray. Moreover, the release of more than 10,000 convicted prisoners all over Tigray by TPLF without undergoing the proper rehabilitation programs worsened the human rights violations. The TPLF affiliated medias and TPLF sympathizers were also heard expressing their regret that looting and other human rights violations were committed by TPLF forces and its militia forces **on Tigrayans by Tigrayans**.
12. Having said all these, protection of human rights and respect for humanitarian law are major parts of the training manuals and curricula of the ENDF. The internal military justice system is also based on zero tolerance for such crimes and provides for the prosecution and appropriate punishment of military personnel who commit such crimes.
13. Accordingly, the crimes alleged to be committed by ENDF contained in the Joint Communication do not represent the values or institutional character and reputation of ENDF. The track record of the ENDF, both in its domestic as well as international and regional peace operations' engagements, is impeccable and well-established.
14. The humanitarian assistance efforts of the GoE was also highly affected by the TPLF's act of aggression in the Afar and Amhara regions, which are the main humanitarian routes to the Tigray region. This act of the TPLF had also hindered the supply of medicines and other health facilities to the health centers in Tigray region, which made helping civilians very cumbersome or impossible.
15. During the first round of the conflict, TPLF fighters looted different branches of banks found in Tigray, Amhara and Afar Regions and also destroyed and distracted telecommunication and electricity facilities. This had made the provision of banking services impossible and the provision of humanitarian assistance difficult.
16. Regarding the report of the International Commission of Human Rights Experts on Ethiopia (CHREE), it has submitted a report of substandard quality. Its allegations are unsubstantiated. It has not met the standard of proof for such investigations. It has fallen prey to those well-accustomed to deceiving bodies of this nature. The Report fails to meet

a modicum of objectivity, professionalism, and impartiality. It makes grave accusations against the Government and its armed forces without adducing proof, just based on telephone conversations and web-based submissions in an irresponsible method.

17. During the presentation of the report, we also express our concern that the practice of targeting countries like Ethiopia ultimately undermines the authority and credibility of the Human Rights Council. Without a doubt, the Report is selective and discriminatory and its conclusions are politically motivated.
18. The Commission could have investigated atrocities committed by the TPLF in the Amhara and Afar regions. However, it only made fleeting references. It has also completely overlooked the use of child soldiers and the violent and forced recruitment of fighters by the TPLF, including in refugee camps in neighboring countries. This calls into question the Commission's ability to shoulder this task objectively and impartially.
19. From the outset, Ethiopia objected to the establishment of the Commission. The Commission was founded on a series of erroneous premises. Its establishment undermines the primary responsibility and competence of our national institutions.
20. Despite these reservations, the Government tried to engage with ICHREE in a genuine effort of arriving at modalities that could have allowed the Government of Ethiopia to work with it. ICHREE was adamant that its mandate is not confined to the conflict areas but the whole country. It also wanted to unnecessarily duplicate and undermine the work of the Joint Investigation Team of the UN Office of the High Commissioner for Human Rights (OHCHR) and the Ethiopian Human Rights Commission (EHRC).
21. Generally, the GoE has exerted all necessary efforts to stop the hostilities, has been trying to bring justice to the victims of the war by duly investigating and prosecuting the crimes of alleged perpetrators and providing humanitarian aid such as food, medicine, cash and other services to those affected by the crisis.
22. Regarding the communications by other special rapporteurs, the GOE has submitted its replies timely.

II. Replies to the Specific Allegations

23. Regarding on measures taken to prevent human rights violations and ensure full respect of human rights, the GoE's commitment to human rights emanates from a deeply held conviction and determination to open a new chapter in the country's long history where all Ethiopians shall enjoy full respect and dignity as human beings regardless of gender, religion, ethnicity or other considerations. In tune with this principle, the GoE has been taking measures which can be clustered under two categories as preventive and punitive (accountability) measures.

24. As preventive measures: the GoE assumes full responsibility for the protection of human rights across its territory, including the Tigray region. Ensuring the protection and security of its nationals remains of utmost importance and priority. With this in mind, in the context of the conflict in North Ethiopia, the GoE has implemented a series of required precautionary measures to protect civilians from human rights violations. To this end, the GoE has deployed and continues to adopt the following actions:

- ensuring that the protection of human rights and respect for international humanitarian law remains a critical component of the training manuals and curricula of the Ethiopian National Defence Forces;
- engage, in collaboration with the ICRC and other organizations, in the provision of successive and structured training to military and security personnel on principles of international humanitarian law, international human rights laws and other norms applicable in the context of armed conflicts;
- issuance of pocketbooks to military and security personnel to ensure effective implementation of the pertinent rules and prevent violations of human rights norms and international humanitarian laws; these included specific instructions on use of force by members of the armed forces;
- establishment of clear procedures that guide the implementation of monitoring, evaluating and remedial measures;

- the adoption of extra-ordinary cautionary measures to differentiate between civilians and combatants and avoid or minimize collateral damages against civilians and civilian objects that may arise in the context of a conflict; maximum restraint exercised in taking military actions in cases of uncertainties - the objective being to avert collateral damages;
- in-built military discipline and justice system which offers unequivocal direction and promotes zero tolerance for all crimes including extrajudicial killings and sex and gender-based violence, and provide clear procedures for the investigation, prosecution and punishment of military personnel who engage in the commission of such crimes;
- in the context of the third round of military offensive launched by TPLF on 24 August 2022, in breach of the humanitarian truce proclaimed by the GoE in March 2022, a clear direction and formal communication was issued by the GoE to all members of the National Defense Forces to maintain only defensive posture and strictly adhere to international human rights and humanitarian laws.

25. As accountability measures: the GoE spares no effort to investigate and prosecute any violation of national and international human rights and humanitarian law impartially, effectively and transparently.

26. The GoE disputes any allegation of a deliberate and systematic campaign of human rights violations, including sexual violence and extrajudicial killings of Tigrayan civilians, committed by its forces anywhere in the territory of Ethiopia. However, there had been instances where a few members of the National Defence Forces were found to have committed human rights violations contrary to the clear rules of engagement prescribed, guidelines issued, and directions given by the GoE. For this, the GoE assumes full responsibility and investigated and continues to investigate each incident of violation and hold the perpetrators to account. The GoE's commitment to ensuring criminal accountability has been demonstrated on numerous occasions.

27. Accordingly, prior to the Joint Investigation Report of the EHRC and OHCHR, the GoE had successively undertaken comprehensive and credible investigations into alleged

human rights violations committed in the context of the conflict in the North of Ethiopia. The investigations and prosecutions are intended to ensure accountability for crimes committed by Government as well as TPLF forces.

28. For instance, following reports of the commission of ethnic-based massacres in *Mai-Kadra* town against ethnic-Amhara in 2020, a comprehensive investigation was conducted by the GoE; since, the investigations had been concluded and a criminal prosecution proceeding has commenced against 202 suspects - of which only 22 suspects are in custody, while the case in respect of the rest of defendants is proceeding in *abstentia*.
29. The *Axum* criminal investigation was initiated in November 2020 following allegations of extrajudicial killings committed by all actors of the conflict in which certain members of the National Defense Forces, too, were implicated.
30. The Ministry of Defence, too, has conducted and continues to conduct multiple investigations in response to allegations of the commission of various crimes committed in the context of the conflict in Tigray. To date, the investigations have established the commission of 60 incidences of crimes - largely involving extrajudicial killing and sexual violence; a criminal prosecution proceeding is already submitted with the Military Tribunal of the Ministry of Defence.
31. As of August 2022, the first batch of decisions of the prosecution proceedings rendered 25 convictions involving rigorous imprisonment of up to 25 years, including one life sentence, and 2 acquittals; 33 cases (involving rape (16), extrajudicial killings (9), bodily injury (7) and assault (1)) are still pending.
32. Not least, another key manifestation of the measures adopted by the GoE in ensuring accountability and redress involves the Government's keen interest and consent to pursue the investigation of serious breaches of fundamental rights and freedoms committed in Tigray since 3 November 2021 - through a hybrid institutional arrangement; the Report of the Joint Fact-Finding Mission of the Ethiopian Human Rights Commission (EHRC) and UN Office of High Commissioner for Human Rights (OHCHR), issued on 3 November 2021, attributed varied levels of responsibility in the Ethiopian National Defense Force (ENDF), the Eritrean Defence Force (EDF), and Tigray forces and militia; the GoE pledged to undertake a comprehensive and impartial investigation into all

- alleged incidences of serious violations. To such end, the GoE established a high-level inter-ministerial task force (IMTF); the IMTF initiated and undertook a comprehensive criminal investigation of all alleged incidences of serious violations of national laws, international human rights and international humanitarian laws committed by all parties in the context of and in connection with the conflict in Tigray, Afar, and Amhara regions.
33. The first phase of the investigation by IMTF established the Commission of 2831 cases of extrajudicial killing of civilians; 1315 cases of serious bodily injuries; 2212 rapes and various forms of sexual violence; 452 cases of inhuman and degrading treatment of civilians; 36 cases of enforced disappearance; 2516 cases of total and partial damage and looting of public and private health infrastructure; and extensive and systematic looting of public and private property committed by TPLF forces in Afar and Amhara regions.
 34. The second phase of the investigation involves the examination of all allegations of violations committed by members of the national defense forces and regional forces in the context of the campaign to counter TPLF forces in Tigray, Amhara, and Afar regions since 3 November 2020. The investigation is currently underway.
 35. The third phase of the investigation involves all allegations of serious violations of the pertinent national laws, international human rights and international humanitarian laws committed by all actors in the specific geographical context of and in connection with the conflict in Wolqayit, Qafta-Humera and Tsegede localities since 3 November 2020. Full preparations have already been undertaken and a team of investigators constituted; however, the team has not been deployed owing to security challenges.
 36. On improvement of the access to food and other essential supplies in Tigray, after the unilateral ceasefire and withdrawal of federal forces from Tigray region in June 2021, the GoE allowed and cooperated with INGOs and UN agencies to provide humanitarian services in the region.
 37. The agencies were clustered based on areas of specialization to mobilize resources and reach affected areas. According to UN-OCHA data on the operational presence of humanitarian organizations in Ethiopia (UN-OCHA Ethiopia Situation Report, 15 October 2022), there were over 93 organizations implementing response activities on the ground in Tigray - which is way higher than in any other region. This is a significant

improvement from the 40 international NGOs that had been present and operational in August 2021 (Report UN-OCHA August 6, 2021).

38. Furthermore, in accordance with joint protocols established for delivering humanitarian assistance, more than 400 personnel employed by bilateral and multilateral aid organizations were provided clearance to travel and undertake assistance works in the Tigray region. This amply demonstrates the GoE's willingness to permit humanitarian access and facilitate the safe entrance of aid workers to the region even under extremely challenging security settings.
39. Again, in June 2021 and before the unilateral ceasefire was proclaimed, nearly \$618 million worth drugs were in stock in Tigray, and 218,890 metric tons of medicine was delivered within a year of the cease-fire - by INGOs and other partners.
40. Similarly, over the same period of time, 135,164 metric tons of food items, 16,883 metric tons of non-food items, and 828,423 liters of fuel was transported to the Tigray, benefiting 5.2 million people and covering seventy-nine of the ninety-two districts in the region.
41. This figure clearly validates the GoE's deep commitment in delivering humanitarian assistance in Tigray - both during the period of the GoE's presence and after its withdrawal from the region. It should also be noted that during its presence in Tigray, the GoE's fiscal contribution had stood at 70% - while the share availed by international partners was only 30% of the cost of the humanitarian aid.
42. Adding to the complication, in June 2021 - after the TPLF took over the regional capital of Mekelle - its forces advanced into Afar and Amhara regions, expanding the conflict into previously uninvolved areas. Humanitarian assistance reaching Tigray was obstructed from the TPLF-controlled areas of the Amhara and Afar regional states; as a result, a large number of people was displaced from Tigray.
43. After the conclusion of peace treaty, since the cessation of active hostilities, the IMTF, through the Ministry of Health and the Ethiopian Disaster Risk Management Commission, has partnered with humanitarian agencies to implement a program on 'Tigray Region Emergency Health Response and Reinitiating of Essential Health Services'. The effort resulted in the provision of needed humanitarian aid, nutritional

supports, lifesaving drugs and essential medical supplies and replacements of medical equipment damaged or looted during the conflict

44. From January to July 2022, in total, 308 metric tons of health supplies were transported from the Ministry of Health and partner organizations. Till 25 November 2022, the United Nations World Food Programme (WFP) has delivered over 2,400 metric tons of food, medical, nutrition and other lifesaving supplies to Ethiopia's Tigray region following the signing of a peace agreement and the reopening of all four road corridors.
45. These measures are supplemented by separate initiatives of the Ministry of Finance which signed a grant Agreement with the World Bank for the amount of \$300 million (ETB 15.6 billion) in support of the "reconstruction and recovery of conflict affected areas of the country". The project is designed to reinstate, re-build and improve access to the social services damaged by the conflict including education, health, water supply and other essential community infrastructures.
46. In relation to measures adopted to prevent civilians and civilian properties of Tigrayans by air force and armed drones, the Government of Ethiopia likes to underscore the fact that the ENDF consistently follows standard procedures in terms of the protection of the civilian population and civilian objects in all its operations. In conflict settings attended by heavy ammunition, this mainly involves the adoption of precautionary measures such as cautious assessment of military targets and their proximity to civilian areas, the issuance of advance warnings to civilians to stay at home or leave affected areas temporarily, and the conduct of operations at times that are believed to be optimal to avoid or minimize collateral damage.
47. It should also be noted that throughout the conflict, Tigrayans Special Force's use of civilians as human shields, and TSF's storage and operation of armaments inside places of nearby civilian residents posed a great challenge to the ENDF. But, the GoE recognizes that accidents and unintended harm to civilians cannot be ruled out in operations. The GoE, thus, remains committed to review the allegations, conduct further investigations and take appropriate measures.
48. Regarding investigations carried out on allegations of human rights violations, 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. It took these reports very seriously, has been conducting thorough, independent and effective investigations with the view to prosecute those found responsible for the violations, and convict them based on law and evidence.

49. With regard to information on how to implement the ceasefire agreement with respect to human rights and establishing accountability for violations, the Government of the Federal Democratic Republic of Ethiopia and the Tigray Peoples Liberation Front (TPLF) signed a peace agreement in South Africa on November 2, 2022, ending the two-year-long conflict in northern Ethiopia. The peace deal will be monumental in moving Ethiopia forward on the path of the reforms which the new leadership initiated five years ago. The terms of the agreement are in tandem with Ethiopia's steadfast position for peace without compromising the sovereignty and territorial integrity of the nation.
50. The agreement further details essential steps to ensure peace and stability. These include a declaration of an immediate and permanent cessation of hostilities; protection of human rights of civilian populations; provision of humanitarian access to vulnerable communities; implementation of a comprehensive Disarmament Demobilization and Reintegration/DDR for TPLF combatants; implementation of confidence-building measure by both parties; restoration of federal authority in the Tigray region and representation in Federal institutions; implementation of transitional measures including accountability; and setting up a verification, monitoring and compliance mechanism.
51. The peace agreement has effectively addressed the fundamental contradictions that caused the conflict in the first place. One of the contradictions was TPLF's conduct of an unconstitutional regional election in September 2020. The agreement resolves this issue as it provides for the establishment of an Inclusive Interim Regional Administration in the Tigray Region through political dialogue pending elections for the Regional Council and the Federal Parliament under the supervision of the Ethiopian National Election Board. This ensures Tigray's regional status within the federal system while recognizing the federal government's mandate in the Tigray Region.

52. In accordance with the terms of the agreement, senior commanders from both sides have met in the Kenyan capital, Nairobi, to deliberate on modalities for implementing the peace agreement. Various teams have been organized to expedite efforts of rehabilitation and reconstruction and to undergo public and diplomatic engagements.
53. Accordingly, the Government is working, to deliver as per its commitment, to restore services across the Region. In fact, the restoration of services started in some parts of the region even before the signing of the agreement. Repair works on major electricity substations connecting the Region to the national grid and telecommunication facilities have been going on. Banks resumed services throughout the region. Ethiopian Airlines resumed air transportation from Addis Ababa to and from Mekele.
54. Moreover, the Government of Ethiopia has started to prepare a comprehensive national Transitional Justice Policy aimed at accountability, ascertaining the truth, redress for victims, reconciliation and healing, consistent with the Constitution of The Federal Democratic Republic of Ethiopia and the African Union Transitional Justice Policy. The draft Policy will offer options for lasting peace including between the Government and the Tigray Peoples' Liberation Front.
55. Currently, the Government is conducting consultations on the draft policy to enrich it with inputs from all stakeholders including civil society organizations. In particular, the consultations aim at fortifying the policy to make it inclusive, gender-responsive, victim and survivor-centered approaches to accountability, truth-telling and reconciliation, reparations, and the necessary policies for non-recurrence of violations.