

Mandates of the Special Rapporteur on the sale of children, child prostitution and child pornography; and the Special Rapporteur on extrajudicial, summary or arbitrary executions

REFERENCE: UA
ETH 1/2016:

10 May 2016

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the sale of children, child prostitution and child pornography; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 25/6 and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **several attacks in the Gambella region since the beginning of the year with the most recent having led to 208 deaths and the abduction of 137 children.**

According to the information received:

A series of attacks and inter-ethnic clashes in the context of cattle raids, in the States of Gambella in the Federal Democratic Republic of Ethiopia and of Jonglei in the Republic of South Sudan, have allegedly led to an increasing number of killings and abductions of children. The alleged following killings, assaults, abductions and thefts have reportedly been committed by armed men from the Murle ethnic group originating from the Republic of South Sudan.

According to the information received, on 10 January 2016, eight children from the Anywa ethnic minority were abducted by armed men from the Murle ethnic group in Ugin-Owelo village, Jor district, Gambella region. On 22 January 2016, another abduction was reported when armed men from the Murle ethnic group attacked an Anywa woman and her daughter, who were travelling between Arieat and Burangir villages, in Jor district, Gambella region, and abducted the daughter. On 25 February 2016, two Anywa children were allegedly abducted by armed

men from the Murle ethnic group in Atiwi-Ajieringa village, Gog district, Gambella region.

On 1 April 2016, armed men from the Murle ethnic group reportedly attacked Lul-Ajieringa village, Gog district, Gambella region, killing 16 Anywa villagers. They also allegedly abducted six Anywa children. According to the information received, on 8 April 2016, one Anywa boy was abducted by armed men from the Murle ethnic group in Thatha village, Gog district, Gambella region. On 13 April 2016, there was reportedly another attack by armed men from the Murle ethnic group in Bola-Cham-Gilo village, Gog district, Gambella region, which resulted in the killing of three people and the abduction of eight Anywa children.

On 15 April, raids and abductions by men from the Murle ethnic group armed with AK-47 rifles and wearing military uniforms were reported against thirteen Nuer villages in the Jikaw and Lare districts, Gambella region. According to the information received, the attacks led to the killing of 208 people of the Nuer ethnic minority and the abduction of 137 children. Eighty people were reportedly wounded and over 2,000 cattle stolen.

According to the information received, the Ethiopian Government has entered into contact with South Sudanese authorities and launched a military operation in order to rescue the abducted children. Ethiopian military forces have reportedly entered into the Republic of South Sudan and more than 30 children have allegedly been released.

Without prejudging the accuracy of the information made available to us, grave concerns are expressed about the killing of 208 people of the Nuer ethnic minority and the fate of more than a 100 children abducted in the Jikaw and Lare districts, Gambella region, who are predominantly from the Nuer ethnic minority. Serious concerns are further expressed about the killings and abductions of persons from the Anywa ethnic minority, which have taken place since the beginning of the year.

We are also concerned that the reported large flow of small arms within the region has amplified the deadliness of these raids. This has allegedly been compounded by the lack of security and rule of law in the region.

Further serious concerns are expressed regarding the conditions and fate of the more than 100 children from the Anywa and Nuer ethnic minorities who were abducted and remain unaccounted for. Their safe, unconditional and prompt release must be a priority. Moreover, these children reportedly face the risk of being sold, including for the purpose of labour exploitation and sexual exploitation.

We respectfully urge your Excellency's Government to take all possible measures in order to halt and prevent the reoccurrence of these alleged ethnic attacks and related grave human rights violations, and seek the immediate liberation of the abducted children while ensuring their integrity and safety. We further call on your Excellency's Government to launch prompt and effective investigations into these allegations in order to bring to justice those found responsible for grave human rights violations, and to take effective measures to ensure that the right to life, liberty and security of persons, especially of those persons belonging to members of ethnic minorities, is fully guaranteed in accordance with international human rights norms and standards.

In addition, in respect to the injured villagers and survivors of these attacks, we call on your Excellency's Government to take all measures, in accordance with international human rights standards, to ensure access to justice and effective remedies for the victims.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the following articles:

Articles 3 of the Universal Declaration of Human Rights (UDHR) and 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), acceded to by the Federal Democratic Republic of Ethiopia on 11 June 1993, guarantee the right of every individual to life and security and provide that these rights shall be protected by law and that no one shall be arbitrarily deprived of his or her life.

In its General Comment No. 31, the Human Rights Committee recalls the responsibility of State parties to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by non-state actors, which includes the duty to take appropriate measures to prevent, investigate, prosecute and punish those responsible and repair the damage caused by private persons or entities (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). Moreover, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, recall the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

Article 6 of the Convention on the Rights of the Child, acceded to by the Federal Democratic Republic of Ethiopia on 14 May 1991, further recognizes that every child has the inherent right to life and that States Parties shall ensure to the maximum extent possible the survival and development of the child. Article 35 additionally requires that States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

The Federal Democratic Republic of Ethiopia is also bound by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child

prostitution and child pornography which was acceded to on 25 April 2014. Articles 1 to 3, in particular, underline the duty to prohibit the sale of children, child prostitution and child pornography.

We would like to refer your Excellency's Government to the international standards in relation to the protection of the rights of minorities, in particular to the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Declaration on the Rights of Minorities). Article 1 of the Declaration establishes the obligation of States to protect the existence and identity of national, ethnic, religious and linguistic minorities within their territories and to adopt the appropriate measures to achieve this end. Furthermore, States are required to ensure that persons belonging to minorities, including ethnic minorities, may exercise their human rights without discrimination and in full equality before the law (article 4.1).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international norms and standards.

It is our responsibility under the mandates provided to us by the Human Rights Council to seek and clarify the above issues brought to our attention. Since we are expected to report on this case to the Human Rights Council, we would be grateful for your observations on the following matters:

1. Please provide any additional information or comment you may have on the above-mentioned allegations.
2. Please provide further information on the measures taken to rescue the more than 100 children from the Anywa and Nuer ethnic minorities who remain in captivity, and ensure their integrity and safety.
3. Please provide information on the care, recovery and reintegration measures adopted for the 30 children who have reportedly been released.
4. Please provide detailed information on investigations conducted on these alleged killings, assaults, abductions and thefts in order to ensure the accountability of those found responsible of these human rights violations.
5. Please provide detailed information on the steps taken to provide remedy and reparation to the victims of these attacks, and the right to information of the families of the victims.

6. Please provide detailed information about the measures taken to effectively protect and ensure the life and security of individuals and communities, including protection of ethnic minority communities in the Gambella region.

7. Please, provide any information available about measures taken to reduce inter-ethnic conflicts in the region.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We further wish to inform you that we reserve the right to publicly express our concerns in the near future, as we are of the view that the information upon which a press release would be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release would indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

We would also wish to inform your Excellency's Government that we have addressed a communication with similar content to the Government of the Republic of South Sudan.

Please accept, Excellency, the assurances of our highest consideration.

Maud de Boer-Buquicchio
Special Rapporteur on the sale of children, child prostitution and child pornography

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions