

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

REFERENCE:
UA ETH 7/2016

29 December 2016

Excellency,

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

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 in the last month that have resulted in the death of seven persons and the abduction of eight children.**

Such a pattern of attacks has already been the subject of a communication dated 10 May 2016 (see A/HRC/33/32; case no. ETH 1/2016) to which no reply was given by your Excellency's Government. The following allegations reinforce our most grave concerns regarding the ongoing situation in the Gambella region.

According to the information received:

Attacks and inter-ethnic clashes in the context of cattle raids, in the State of Gambella in the Federal Democratic Republic of Ethiopia, targeting mainly areas inhabited by the Anywa ethnic minority have allegedly continued since the reported large-scale attack of 15 April 2016. The Anywa self-identify both as indigenous people to the Gambella region of Ethiopia because of their strong traditional attachment to their ancestral lands which they have reportedly occupied for centuries and also as one of the national ethnic minorities in Ethiopia because of their numerical inferiority and historical marginalization.

On 4 December 2016, around 5 p.m., armed men from the Nuer ethnic group reportedly attacked Abol-Otiel village in Gog district, Gambella. During the raid six persons were allegedly killed and four were injured of which one subsequently died from the injuries sustained. Moreover, seven children aged between three and seven were reportedly abducted. Following the raid, military and local police forces purportedly pursued the attackers and killed four of them.

On 7 December 2016, four children travelling to Otuyu village in Gog district, Gambella, were reportedly chased by men from the Murle ethnic group who had

the intention of abducting them. On a separate occasion, a woman travelling with her granddaughter between Tedo village and Pinyudo in Gog district, Gambella, was allegedly attacked by armed men from the Murle ethnic group who injured her and abducted the young girl.

In addition, according to the information received, the 26 children from the Anywa ethnic minority who were abducted by armed men from the Murle ethnic group during several raids between January and April 2016, in Jor and Gog districts, Gambella region, have still not been found.

Lastly, due to the ongoing State of Emergency in Ethiopia, it is alleged that victims from the raids and their relatives have been reluctant to reach out to authorities and organize themselves in fear of reprisals.

Without prejudging the accuracy of the information made available to us, grave concerns are expressed about the killing of seven people and the abduction of eight children in Gog district, Gambella. Moreover, the upmost disquiet is conveyed in respect to the recurrent nature of these raids which target in particular the Anywa ethnic minority.

Further serious concerns are expressed regarding the conditions and fate of the eight abducted children as well as those who were abducted at the beginning of the year. 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.

We respectfully urge your Excellency's Government to take all possible measures in order to halt and prevent the reoccurrence of these alleged attacks and related grave human rights violations, to localise all the abducted children and seek their immediate liberation 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 of grave human rights violations, and to take effective measures to ensure that the right to life, liberty and security of persons is fully guaranteed in accordance with international human rights norms and standards.

In addition, in relation 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 provisions:

Articles 3 of the Universal Declaration of Human Rights (UDHR) and 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), the latter 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.

The United Nations Declaration on the rights of indigenous peoples adopted by the Human Rights Council in 2006 and the General Assembly in 2007 provides pursuant to Article 7 the right of indigenous individuals to life, physical mental integrity, liberty and security of person. Article 7(2) provides for the collective rights of indigenous peoples “to live in freedom, peace and security as distinct peoples” and not be subjected to acts of violence, including the forcible removal of children of one group to another group.

We would also like to recall the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. It requires States to protect the existence and identity of national or ethnic, religious and linguistic minorities within their territories.

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 all the abducted Anywa children and ensure their integrity and safety.
3. Please provide any information on investigations conducted on these alleged attacks and violations in order to ensure the accountability of those found responsible of these human rights violations.
4. 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.
5. Please provide detailed information about the measures taken to effectively protect and ensure the life and security of individuals, communities and indigenous peoples in the Gambella region.

We would appreciate receiving a response within 30 days.

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.

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

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

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