

**Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the
Special Rapporteur on the human rights of internally displaced persons**

REFERENCE:
AL ETH 1/2018

10 April 2018

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the human rights of internally displaced persons, pursuant to Human Rights Council resolutions 35/15 and 32/11.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning excessive use of force by military personnel against civilian Oromos in the internally displaced persons (IDPs) Hamaressa camp, and in Madawalabu city, Oromia, killing eight individuals.

Concerns over the alleged excessive use of force by the Ethiopian military in Oromia have previously been addressed by United Nations Council's Special Procedures mandate-holders including in communication ETH 2/2016 sent on 2 September 2016, and ETH 5/2016 sent on 7 October 2016. We regret that responses have not yet been received to these communications.

According to the information received:

On 11 February 2018, trucks loaded with food assistance, and also transporting between 50 and 60 soldiers arrived at the Hamaressa Camp, where they were surrounded by IDPs. A confrontation between the military personnel and the Ethiopian Oromo IDPs followed. The military personnel then opened fire on IDPs who had surrounded the trucks. Two people were allegedly killed at the site. After the incident, a nearby hospital reported that a total of four people had died of gunshot wounds suffered as a result of this incident.

In addition, on 12 February 2018, in response to tensions between Ethiopian Oromo youth and Ethiopian Somali herders in Madawalabu city in Oromia, military personnel patrolling the area opened fire in an open market killing four and injuring at least 14 people, all of whom belong to the Ethiopian Oromo community.

In September 2016, hundreds of Ethiopian Oromos left the Somali region of Ethiopia, as ethnically based inter-communal clashes broke out between them and Ethiopian Somalis. Many Ethiopian Oromos fled after they saw their fellow ethnic community members being evicted, rounded up or killed. Thousands of Ethiopian Oromos remain displaced in IDP camps in Oromia.

Grave concern is expressed at the alleged excessive and unlawful use of force by the Ethiopian military in the above cases leading to the deaths of several individuals, including internally displaced persons.

While we do not wish to prejudge the accuracy of the aforementioned information, the events described above seem to indicate a prima facie violation of the right of every individual to life, security and not to be arbitrarily deprived of his or her life, as set forth in article 3 of the Universal Declaration of Human Rights (UDHR), article 6 of the International Covenant on Civil and Political Rights (ICCPR) to which Ethiopia acceded on 11 June 1993.

These allegations raise serious concerns regarding the implementation of international standards governing the use of force. We would like to remind your Excellency's Government that under international law any loss of life that results from the excessive use of force without strict compliance with the principles of necessity and proportionality is an arbitrary deprivation of life and therefore illegal.

In this context, we would like to refer your Excellency's Government to the African Union Convention for the protection and assistance of internally displaced persons in Africa (the "Kampala Convention"), which was signed by Ethiopia, and to the 1998 Guiding Principles on Internal Displacement, in particular Principle 3(1), according to which national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons (IDPs) within their jurisdiction, and Principle 10(1), and (2), which guarantee and protect the inherent right to life of IDPs, and prohibit attacks or other acts of violence against IDPs who no longer participate in hostilities.

We would also refer to the Guiding Principle 19(1), according to which all wounded and sick internally displaced persons, as well as those with disabilities, shall receive to the fullest extent practicable, and with the least possible delay, the medical care and attention they require.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law, including the relevant Guiding Principles on Internal Displacement**, attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide details of all measures taken to ensure the protection of internally displaced persons in the IDP camp of Hamaressa, and in

Madawalabu city, Oromia, including their protected right to life and to security of the person.

3. Please provide information on the medical care, which was provided to internally displaced persons wounded as a result of the events of 11 and 12 February 2018 in the Hamaressa IDP Camp and in Madawalabu city, Oromia.
4. Please provide information on whether your Excellency's Government is investigating the acts referred to above, which allegedly occurred on 11 and 12 February 2018, and the possible arrests and judicial procedures underway, with a view to ensuring accountability and bringing effective remedy to victims. If no such investigations are taking place, please explain why.
5. Please provide details of any national legislation, policies or programmes directly relevant to protection of persons facing internal displacement, including how they have been implemented by the local, subnational and central governments.
6. Please provide information on the regulations and operational procedures for law enforcement agents concerning the use of force including in the context of law enforcement in refugee camps and their compatibility with Ethiopia's international obligations, including the standards on the use of force and firearms.

We would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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(s) responsible for the alleged violations.

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

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Cecilia Jimenez
Special Rapporteur on the human rights of internally displaced persons

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

Article 6(1) of the International Convention on Civil and Political Rights (ICCPR), to which Ethiopia acceded on 11 Jun 1993, provides that every individual has the right to life and that no person shall be arbitrarily deprived of his or her life. In General Comment No. 6, the Human Rights Committee reiterated that the right to life is the supreme right from which no derogation is permitted even in time of public emergency that threatens the life of the nation. Moreover, in General Comment No. 31, the Committee has observed that there is a positive obligation on States Parties to ensure protection of Covenant rights of individuals against violations by its own security forces. Permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13).

Under international law any loss of life that results from the excessive use of force without strict compliance with the principles of necessity and proportionality is an arbitrary deprivation of life and therefore illegal. According to the Basic Principles and the UN Code of Conduct for Law Enforcement Officials, law enforcement officials may only use force when it is strictly necessary and only to the extent required for the performance of their duties. Force used must be proportionate to the legitimate objective to be achieved. Should lethal force be used, restraint must be exercised at all times and damage and/or injury mitigated. Furthermore, we would like to refer to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials in particular Principles 12, 13 and 14 restrict the use of firearms to situations of violent assemblies and provide that force and firearms may only be used as a last resort when unavoidable and require exercising the utmost restraint. Should lethal force be used, restraint must be exercised at all times and damage and/or injury mitigated, including giving a clear warning of the intent to use force and to provide sufficient time to heed that warning, and providing medical assistance as soon as possible when necessary. We would also like to refer to principle 8 which notes "exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles."

We would also like to remind your Excellency's Government of the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary or summary executions and the obligation to bring to justice all persons identified by the investigation as having participated in those executions as laid down in the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989.

We further note that in its concluding observations in 2011 the Human Rights Committee recommended Ethiopia “take measures to eradicate all forms of excessive use of force by law enforcement officials. It should, in particular (a) establish a mechanism to carry out independent investigations of complaints; (b) initiate proceedings against alleged perpetrators; (c) provide training to law enforcement officers; (d) bring its legislative provisions and policies into line with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; and (e) provide adequate reparation to the victims,” (CCPR/C/ETH/CO/1).

We would also like to draw your Excellency’s Government of the following Guiding Principles on Internal Displacement, which are of particular relevance to the case at hand;

Principle 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.

Principle 10

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life.

Internally displaced persons shall be protected in particular against:

- (a) Genocide;
- (b) Murder;
- (c) Summary or arbitrary executions; and
- (d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death.
- (e) Threats and incitement to commit any of the foregoing acts shall be prohibited.

2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:

- (a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;
- (b) Starvation as a method of combat;
- (c) Their use to shield military objectives from attack or to shield, favour or impede military operations;
- (d) Attacks against their camps or settlements; and

- (e) The use of anti-personnel landmines.

Principle 11

1. Every human being has the right to dignity and physical, mental and moral integrity.

2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:

(a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;

(b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and

(c) Acts of violence intended to spread terror among internally displaced persons. Threats and incitement to commit any of the foregoing acts shall be prohibited.

Principle 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.

2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.

3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.