

Mandates of the Special Rapporteur on the human rights of internally displaced persons; the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights in Eritrea; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to food; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on trafficking in persons, especially women and children; and the Special Rapporteur on the human rights to safe drinking water and sanitation

REFERENCE:
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the human rights of internally displaced persons; Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights in Eritrea; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right to food; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on trafficking in persons, especially women and children; and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 41/15, 42/22, 44/1, 44/5, 32/8, 43/14, 44/4 and 42/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations related to violations of human rights and international humanitarian law committed in the context of the conflict in the Tigray region of Ethiopia, including deliberate attacks against civilians and summary executions, indiscriminate attacks, sexual violence, arbitrary detention, destruction and looting of civilian property, and displacement of ethnic Tigrayans.**

According to the information received:

Tensions between the federal Government of Ethiopia and the regional government of Tigray had been building up for the past years and escalated as regional elections were held in Tigray on 9 September 2020 while the national elections had been postponed due to COVID-19. The appointment of a new chief for the northern command of the Ethiopian National Defence Forces (ENDF) was also a point of tension between the Federal and Regional governments. On 4 November 2020, an armed conflict erupted in Tigray when the ENDF launched a military offensive against the Tigray People's Liberation Front (TPLF) in response to reported attacks against ENDF military bases in Tigray by Tigrayan forces. The ENDF has allegedly been supported by Amhara Regional Forces (ARF) and the Amhara Fano militia in Western Tigray, and by the Eritrean Army especially in Northern and Central Tigray.

On 4 November 2020, the Federal Council declared a state of emergency for a period of six-months, and on 7 November 2020, Ethiopia's parliament voted to

dissolve the Tigray regional government and establish a transitional administration.

According to reports received, the conflict was characterized by airstrikes and shelling of civilian structures, usually on the outskirts of the towns, resulting in civilian casualties, followed by the occupation of the towns by ENDF and the Eritrean army. The TPLF reportedly systematically withdrew from urban areas as the Ethiopian forces and their allies advanced. Heavy fighting was reported in some locations. Serious violations of human rights and international humanitarian law (IHL) against civilians by all parties to the conflict have been reported, resulting in killing and injury of civilians, the destruction of civilian homes and structures, and mass displacement.

Allegations received suggest patterns of violations of human rights and international humanitarian law by ENDF, ARF, the Amhara militia and Eritrean troops, including the deliberate targeting of civilians, extrajudicial killings and summary executions, arbitrary detentions, forced displacement and widespread destruction and looting of civilian property. Several schools in Western Tigray, including in Berket, Mai Kadra and Adayethave have reportedly been occupied by Ethiopian forces or their allies and used for military purposes.

There have also been numerous reports of conflict-related sexual violence, including rape and gang rape, some involving children, attributed to ARF and Amhara militia in Western Tigray and to the Eritrean Army in Adigrat and Mekelle. Arbitrary arrests of journalists who were critical of the government have also been reported.

Given the situation of conflict and alleged human rights violations, persons caught up in the conflict, displaced or who suffered human rights violations may also be at risk of trafficking for the purpose of sexual exploitation. Unaccompanied and separated children surrounded by violent actors may be at risk of exploitation and abuse. Insufficient measures have allegedly been taken to identify victims or potential victims of trafficking and refer them for protection, including specialised assistance, psychological, health and reproductive health services.

Ethnic Tigrayans have been subjected to discrimination in various sectors of society since the outbreak of the conflict. Hundreds of arrest warrants have reportedly been issued by Federal authorities against Tigrayans, including civilians, for suspicion of involvement with the TPLF. Tigrayans have allegedly been harassed, subjected to arbitrary arrests, house searches without warrants and suspended from their jobs. At the beginning of the conflict, they were also prevented from leaving the country. There have been reports of discrimination by Ethiopian Airlines, which have allegedly suspended Tigrayan staff members, have prevented a number of Tigrayans with flight tickets from checking-in or boarding flights in Addis Ababa or have taken Tigrayan passengers off flights. There have also been reports of Tigrayan passengers in Addis Ababa airport who were allowed to board flights but were

segregated from other passengers and gathered in a separate room, without the appropriate mitigating measures being put in place to prevent COVID-19 transmission, while waiting for boarding.

Serious human rights and international humanitarian law violations by forces loyal to the TPLF have been reported in Mai Kadra on 9 November 2020. There are also allegations that TPLF forces fired rockets and artillery into neighbouring Amhara and Eritrea, damaging civilian structures, and occupied a school in Bisober using it for military purposes.

At the end of November 2020, the Prime Minister of Ethiopia declared victory; however, fighting seems to have continued in Tigray. Satellite images emerged revealing widespread destruction of civilian structures in Gijet town, in southern Tigray, indicating that a large number of houses were burned down in a deliberate attack on 22 February 2021. There were no indications of military targets in the area.

A number of allegations have been received regarding fighting in specific locations, as described below.

Western Tigray

Humera

Between 9 and 11 November 2020, the agricultural town of Humera, located in West Tigray at the border with Eritrea and close to Sudan with an estimated population of about 30,000 or 50,000 people, was reportedly subjected to indiscriminate shelling by Eritrea-based artillery which struck homes and other civilian structures. According to reports, at least 46 people were killed by the shelling and over 200 were wounded, overwhelming Kahsay Aberra's hospital. As shells hit near the hospital, most of the staff left the hospital and transported the patients to another town. The hospital was almost empty and lacked doctors and medical supplies to treat the wounded who continued to arrive. Many people were displaced from Humera.

There have been allegations of arbitrary arrests, enforced disappearances and summary executions by the ENDF and the Amhara Fano militia, as they reportedly searched houses looking for Tigrayans and individuals who were perceived to be affiliated with the TPLF. The Amhara Regional forces reportedly conducted body searches of Tigrayans, checked identity cards of men and summarily executed those suspected of links to the TPLF. Other civilians were also reportedly killed, including women and children. ARF and the Fano militia reportedly looted public, commercial and private buildings.

Violence in Humera continued. On 15 November 2020, the Fano militia allegedly killed children with bladed weapons and a pregnant woman by cutting open her womb with a sharp object. Bodies of civilians were reportedly seen in and around Humera, and on the road to the border with Sudan. Between 24 November and 6 December 2020, ARF and Amhara Fano militia

reportedly beat, humiliated and verbally abused Tigrayans, and stripped some male civilians naked during searches for TPLF affiliates.

Mai Kadra

Mai Kadra is a rural town located in West Tigray, 30 km south of Humera, with an estimated population of 40,000 to 45,000 people, including of Tigrayan, Amhara and Wolkait communities. For the harvest season starting in September, the town used to receive seasonal workers from Amhara Region.

There are diverging accounts of the incidents in Mai Kadra on 9 November 2020. According to some reports, members of an informal Tigrayan youth group called Samri, with the help of the local police and militia, reportedly committed a mass killing of civilians. The victims were primarily men identified as Amharas and Wolkait, who were mostly seasonal workers, although men from other ethnic groups were reportedly also killed. Samri members reportedly went from house to house killing hundreds of people. The local police and militia reportedly aided the attackers shooting at those who tried to escape.

Casualty figures reported vary from 600 to over 1,110 civilians killed. Women and children were injured, and some women were reportedly killed when they tried to defend others. The perpetrators also looted and destroyed civilian property.

The attack allegedly took place as Tigray regional government's security forces were retreating. In the days prior to the incident, the area around Mai Kadra had reportedly been subjected to aerial bombardment.

Reports also indicate that, on 10 November 2020, ENDF, ARF and the Amhara militia arrived in Mai Kadra, where they targeted Tigrayan civilians who were still in town, committing summary executions, sexual violence, looting property and setting fire to houses and farms. The exact number of Tigrayans killed in Mai Kadra and its surroundings is unknown.

Eastern Tigray

Adigrat

On 7 and 8 November 2020, ENDF reportedly conducted airstrikes on sites around Adigrat in Eastern Tigray, after which Tigray regional forces left the city. From 19 November 2020, there was reportedly heavy shelling of Adigrat for several days from the direction of the town of Zelambessa/Fatsi at the border with Eritrea, resulting in civilian casualties and displacement. Many people were displaced to the town of Edaga Hamus, in the mountains to the south west of Adigrat, where they were subsequently caught in fighting. On 20 November, Ethiopian and Eritrean troops took control of Adigrat. Eritrean forces reportedly committed extrajudicial executions of civilians and widespread sexual violence. Eritrean troops have also reportedly committed

widespread looting of the town, and transported the looted goods to Eritrea on stolen trucks.

North-western Tigray

Shire

On 17 November 2020, the town of Shire in north-western Tigray, with a population of about 47,000 people, was reportedly subjected to indiscriminate shelling which impacted populated areas in the centre of the town and an industrial area northwest of Shire, resulting in civilian casualties, including children, and the destruction of civilian structures. Reportedly, Tigrayan forces had already pulled out of the town when the attack started, and ENDF and Eritrean troops took control of the town after the shelling.

Central and Southern Tigray

Axum

Axum is a city of about 67,000 inhabitants located in Central Tigray. Axum is a historical city in Ethiopia and former capital of the Aksumite Empire, and a city with a religious significance. Each year, on 30 November, large celebrations are traditionally held at St Mary Church for the religious festival of St Mary, which used to attract large numbers of pilgrims and tourists. Axum was declared a World Heritage Site by UNESCO in 1980, and used to be a popular touristic destination in Ethiopia. At the time of the attacks in November 2020, Axum reportedly hosted visitors who were present for the religious celebrations, as well as many internally displaced persons who had fled from Western Tigray.

On 19 November 2020, allegedly after TPLF forces had already withdrawn from Axum, the ENDF and Eritrean forces reportedly conducted indiscriminate shelling of the city leading to many civilian casualties, and subsequently took control of the city. Reportedly, Eritrean soldiers carried out house searches, harassing residents and conducting summary executions of those perceived as TPLF fighters or sympathizers, especially young men. There are accounts of numerous bodies with bullet wounds lying on the streets. Reports indicate that Eritrean soldiers shot indiscriminately at civilians and killed patients in Saint Mary's hospital, including civilians and wounded TPLF fighters. ENDF and Eritrean soldiers have reportedly looted and damaged Saint Mary's Hospital and Axum Referral Hospital, including medication, medical equipment, furniture, and the wing of Axum Referral Hospital equipped to treat COVID-19 patients. The following week, Eritrean soldiers reportedly committed widespread looting of the city, including food and medication.

On the morning of 28 November 2020, a group of TPLF militiamen supported by some local residents reportedly launched an attack on Eritrean troops positioned on Mai Koho Mountain, east of the Axum Tsion St Mary Church,

and were defeated.

In response, during the afternoon the Eritrean troops entered the city and reportedly carried out widespread killing of young men and boys in the streets and in house searches. Reports indicate that the victims were unarmed; many were shot from behind while they were running away, and others were lined up and shot from behind. ENDF were reportedly present in Axum but allegedly did not take action to protect civilians.

On the morning of 29 November 2020, Eritrean troops reportedly shelled the city targeting survivors who had left their houses to collect the numerous bodies across the city. Some of the victims were still alive but could not be taken to hospital as the facilities had been looted and there were no doctors. Eritrean troops also arbitrarily detained a large number of people.

Reportedly, many of the dead were buried on 30 November as the residents jointly collected the bodies, already in decay, from the streets. While the exact number of civilian casualties is unknown, hundreds of civilians were reportedly killed in Axum. Children as young as 13 were allegedly among the victims.

Mekelle

On 28 November 2020, ENDF reportedly carried out artillery attacks on Mekelle, the capital of Tigray with a population of about 500,000 people, striking civilian structures such as homes, markets, hospitals and schools, and killing and injuring civilians, including children. Reports indicate that 27 civilians were killed by the shelling and another 100 were injured. TPLF forces had reportedly already withdrawn from Mekelle when the shelling started.

ENDF and Eritrean troops subsequently entered the town. On the evening of 28 November, Prime Minister Abiy declared that ENDF had taken control of Mekelle.

There are allegations of summary executions and arbitrary arrests of young men by ENDF in Mekelle. There are also numerous reports of sexual violence by Eritrean troops. Widespread looting has also been reported, including markets, hospitals, laboratories and homes, and the population has been deprived of access to food, medication and other essential items.

Many people were displaced from Mekelle due to the attacks, including during the days prior to the shelling because of airstrikes in and around the city and statements that ENDF would bomb Mekelle.

Dengelat

On 30 November, in Dengelat, a village five kilometres south of the town of Edaga Hamus, Eritrean soldiers allegedly killed about 80 people, including

men, women and children who were attending a celebration at the historic church of Mariam Tagot. Priests and internally displaced persons who had fled the fighting in Adigrat were among the victims.

Forced displacement

The conflict has triggered mass displacement from Tigray region as civilians have been forced to abandon their homes to flee the fighting in Tigray. While it is currently not possible to identify the total number of displaced persons, reports indicate that around 950,000 people have been displaced within Ethiopia because of the crisis in Tigray. People have been displaced from western Tigray but also other areas such as north-western zones or central zones, and have taken refuge in other parts of Tigray or in Afar or Amhara regions. In addition, over 63,000 people have fled from Tigray to Eastern Sudan. There have also been reports that Ethiopian forces killed a number of civilians who were trying to cross the border to Sudan.

Internally displaced persons have endured exhausting and dangerous journeys in search for safety, some walking for weeks to reach their destination. During their journey, some have reportedly been killed or beaten, especially young men. There are reports of women who were raped during the journey, or pregnant women who had to deliver on the way and lost their babies. Increasing reports of sexual violence against women and girls indicate heightened risks of trafficking for the purpose of sexual exploitation.

Allegations have been received suggesting that there is an ongoing widespread systematic campaign by Amhara Regional Forces and Amhara militia to forcibly displace Tigrayans from Western Tigray. Violence allegedly targeting Tigrayans has led many to flee. There have also been reports indicating that Tigrayans have been ordered to leave Western Tigray and told that they belong east of the River Tekeze. In some cases, Tigrayans who tried to stay in their homes were allegedly attacked and/or killed for doing so.

There have been reports of *de facto* detention centers where thousands of Tigrayans have allegedly been arbitrarily detained before being taken east of the Tekeze River. For example, in Mai Kadra and Humera, people were held in alleged arbitrary detention until early 2021 when they were moved to the east of Tekeze River. There have been reports of cases of torture of people held in such *de facto* detention centers and of refusals of emergency medical treatments for detainees.

Tigrayans have reportedly been transported from Western Tigray, including Dansha and Humera towns. Buses packed with people have been seen moving east, escorted by armed militia and in some cases federal police. Tigrayans have reportedly been dropped off at the Tekeze River, mostly Tekeze village. Others have moved on private or public transport, after they were reportedly threatened, beaten and told to leave.

Internally displaced persons also face serious protection risks in the area to the east of Tekeze River, where they have reportedly been subjected to atrocities by ARF, Eritrean and Ethiopian forces. There have been accounts of summary executions and mass killings in Tekeze village by ARF, where approximately 60 bodies have reportedly been seen strewn across the ground. Allegedly, the town smelled of the decomposing bodies as the armed forces controlling the area did not allow people to bury the dead. Killings by ENDF at the Tekeze River have also been reported. In such context, internally displaced persons may also be at risk of being trafficked for the purposes of sexual and labour exploitation and recruitment into armed conflict.

There has been a massive influx of internally displaced persons to the north-western zone of Tigray, with significant unmet needs. As of 8 March 2021, the town of Shire, the administrative center of the north-western zone of Tigray, had reportedly received 80,000 internally displaced persons, including unaccompanied and separated children. Many more continue to arrive, with a daily influx of about 1,500 people. Reportedly, shelter and sanitary conditions are dire, which have also exposed women to sexual and gender-based violence.

Internally displaced persons have received only limited assistance and many have depended on the support from host communities. Internally displaced persons have been sheltered by host communities or have been living in facilities such as schools. Numerous internally displaced persons are in urgent need of food, shelter and essential items. Shortage of cash and the inability to access bank accounts has further impacted their situation.

As a result of the above situation, the population of Tigrayans in West Tigray has reportedly shrunk significantly. Any remaining Tigrayans in West Tigray face serious protection risks while there is ostensibly no protection afforded to them. In some cases, Tigrayans that were displaced and attempted to return home found their property to be occupied by new residents; these new residents reportedly informed them that the property had been allocated to them by the local Amhara administration.

According to the allegations, Amharans have a historical claim over West Tigray and are now consolidating control in the area. Amharans claim the districts of Welkait, Humera, Tsegede and Tselemte in Western and North-western Tigray zones, in addition to the Raya-Akobo area of Southern Tigray, which were taken by TPLF during the campaign to depose the Derg which came to an end in 1991. These areas have been under *de facto* control of Amharan forces and under an Amharan administration since a decision by the Parliamentary House of Federation of Ethiopia on 7 November to establish an interim administration in the Tigray region. Administrative signs in the area have reportedly being repainted to indicate that the region is now Amhara.

Eritrean refugees and asylum seekers in Tigray

According to reports, there used to be over 96,000 Eritrean refugees in Tigray living largely in four refugee camps, including Hitsats, Mai-Aini, Adi Harush, and Shemelba. As of late November 2020, the situation of these refugees and asylum seekers had become more precarious. Various reports indicate that some camps housing Eritrean refugees and asylum seekers have come under attack during the ongoing conflict in Tigray. Reports of ongoing insecurity and allegations of grave human rights and humanitarian law violations and abuses, including killings, targeted abductions and forced return of Eritrean refugees and asylum seekers to Eritrea, continue to emerge.

Humanitarian situation and access

Prior to the conflict, the Tigray region hosted around 100,000 internally displaced persons and 96,000 Eritrean refugees. The region had 600,000 people dependent on food relief assistance and 1 million people who received safety net assistance.

Humanitarian needs have significantly increased due to the conflict, which has resulted in large numbers of civilian casualties and mass displacement. The humanitarian situation is severe as the population faces poor access to services and limited livelihoods and is in urgent need of shelter, food, water, sanitation, hygiene and health care.

When the conflict erupted, air and road access and all phone and internet connections in Tigray were blocked. Water and electricity were subsequently interrupted. While services have since resumed in some areas, millions of people remain without access to electricity, communication networks and banking services for months now.

The disruption of water and sanitation services had also exposed the population to heightened risk of contracting COVID-19. Electricity cuts also meant that machines could no longer be used for essential activities for the survival of the population, such as pumping water from the ground or grinding grains. The region has also suffered shortage of fuel. As bank services were interrupted due to closures or looting, the population was also left without access to cash to purchase essential items.

Destruction and looting have impacted markets, healthcare, and other essential services, and deprived the population of food, water, medication and livelihoods. Hospitals and health centers have been destroyed or pillaged, medication and ambulances looted, and many health facilities are no longer functioning. Survivors and internally displaced persons are traumatised and in need also of mental health and psychosocial support services.

With the impact of the conflict on the harvest season, the looting and destruction of crops and the blocked roads, in addition to the desert locust infestation which had heavily affected Tigray region damaging crops and

pastures, food availability is extremely limited. Livestock production has also been devastated because of the lack of feeding, water and health services. The dire humanitarian situation is compounded by the COVID-19 pandemic.

Education has also been impacted by the conflict, with schools closed due to insecurity or occupied by armed actors. In many locations, education facilities have also been used as temporary shelters for internally displaced persons.

While humanitarian needs have increased with the conflict, humanitarian actors have faced significant challenges to access Tigray and deliver assistance. Following an agreement reached on 29 November 2020 between the United Nations and the Government of Ethiopia to allow for unimpeded access to areas in Tigray under the control of the federal government, and the establishment by the Government of Ethiopia of a new notification system in early March 2021, access has improved, especially in areas controlled by the Government of Ethiopia. While administrative procedures have become easier, the short duration of visas for humanitarian workers has continued to pose challenges.

However, while humanitarian actors have stepped up their response in Tigray, the level of assistance remains insufficient when compared to the needs. Insecurity, blocked roads and air routes to some areas and the lack of electricity, telecommunications, fuel and cash in parts of Tigray have continued to hamper humanitarian response in the Tigray region and prevent lifesaving assistance and emergency supplies such as food, water and medication to be delivered to the region. Vast areas remain inaccessible depriving populations in need, including internally displaced persons, of essential humanitarian assistance.

Responses from the Government of Ethiopia

On 31 January 2021, the Ministry of Women, Children and Youth Affairs announced that a task force led by the Ministry and composed of the Federal Attorney General's Office and the ENDF was established and tasked to verify and investigate the allegations of sexual violence and abuse in the region. On 26 February, the Government of Ethiopia declared that the Federal Police was conducting investigations on allegations of atrocities in Humera, Mai Kadra and Axum.

On 3 March 2021, the Prime Minister Abiy Ahmed announced that aid agencies could operate in the region by providing a notification to the Ministry of Peace. The transition to a flexible notification system for access has enabled humanitarian actors to deploy staff and scale up the humanitarian response, although numerous other challenges continue to pose obstacles for humanitarian access.

On 26 March, Prime Minister released a press statement on his discussions with the Eritrean President Isaias Afwerki, and recognized that Eritrean troops had crossed the border into Tigray region. The Prime Minister stated that

TPLF fired rockets into Asmara, and that the Eritrean forces crossed the Ethiopian border as a response, to prevent further attacks and maintain their national security. The Prime Minister also mentioned that the government of Eritrea had agreed to withdraw its forces out of the Ethiopian border, and that ENDF would take over guarding the border areas.

While we do not wish to prejudge the accuracy of these allegations, we are deeply concerned about the allegations of serious violations of human rights and international humanitarian law by parties to the conflict in Tigray, including deliberate attacks against civilians and summary executions, indiscriminate attacks, sexual violence, arbitrary detention, destruction and looting of civilian property, and forced displacement and discrimination of ethnic Tigrayans.

We take note of the measures taken by the Government of Ethiopia to facilitate humanitarian access to Tigray, and call for further barriers to humanitarian access to be removed. We take note also of the announcement that investigations were being carried out on some of the alleged ongoing violations and perpetrators held accountable, and recall that such criminal investigations and prosecutions must be conducted with impartiality, in relation to allegations against all parties to the conflict, and in full respect for fair trial guarantees and due process of law.

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

As we continue to monitor and evaluate the developments of this situation, 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 any comment you may have on the above-mentioned allegations.
2. Please provide information on any measures taken to protect the civilian population in Tigray, prevent human rights violations and ensure respect for international humanitarian law and international human rights law, and put an end to the violence in Tigray.
3. Please provide information on any measures taken to prevent and respond to forced displacement, and to support durable solutions for internally displaced persons.
4. Please provide information on measures taken or envisaged to provide humanitarian assistance to civilians in need, including internally displaced persons, and to facilitate rapid and unimpeded access by humanitarian actors to populations in need by removing any remaining barriers to humanitarian access.

5. Please provide information on measures envisaged to provide shelter to those whose homes have been destroyed by military actions, and to urgently resume essential services across all of Tigray, including healthcare, electricity, water and sanitation, communications and banking.
6. Please provide information on the legal grounds for the arrests of the high number of Tigrayans referred to above, and how these measures are compatible with international norms and standards as stated, *inter alia*, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Please also provide information on any proceedings that may have followed such arrests.
7. Please provide information on any measures taken or envisaged to investigate allegations of violations of human rights and international humanitarian law by all parties to the conflict and bring perpetrators to justice in an impartial manner and in full respect for fair trial guarantees.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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 may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would like to inform your Excellency's Government that after having transmitted this letter of allegations to the Government, the Working Group on Arbitrary Detention may transmit the cases through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. This communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to this letter of allegations and the regular procedure.

We would like to inform that a similar communication has been sent to Eritrea on the allegations related to the actions of Eritrean troops in Tigray.

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

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

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

Mohamed Abdelsalam Babiker
Special Rapporteur on the situation of human rights in Eritrea

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Michael Fakhri
Special Rapporteur on the right to food

Balakrishnan Rajagopal
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children

Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water and sanitation

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your Excellency's Government's attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We would like to refer to article 6 (1) of the International Covenant on Civil and Political Rights, to which Ethiopia acceded on 11 June 1993, which provides that every individual has the right to life and security of the person, that this right shall be protected by law, and that no person 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 as well as by their own security services (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). 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. A failure to investigate violations of the Covenant and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, paras. 15).

We would also like to draw the attention of your Excellency's Government to General Comment No. 36 on the right to life adopted by the Human Rights Committee (CCPR/C/GC/36), which specifies that the duty to protect the right to life requires States parties to, *inter alia*:

- take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence. These include [...] displaced persons [...].
- take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. These general conditions may include [...] homelessness.

The measures called for addressing adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food, water, shelter, health-care, electricity and sanitation [...].

Article 9 of the International Covenant on Civil and Political Rights prohibits arbitrary detention and protects the right to liberty and security of the person. Accordingly, no one shall be deprived of his liberty except on precise legal grounds and following adequate legal procedures. In this context, we would like to recall that the prohibition of arbitrary detention is absolute, and shall not be subject to derogation (CCPR/C/21/Rev.1/Add.11, par. 11-16). Moreover, anyone arrested or detained shall

be granted the right to challenge the legality of such deprivation of liberty before judicial authorities (A/HRC/30/37), which requires effective access to legal assistance (A/HRC/45/16). In addition, the arrest or detention of individuals is considered arbitrary when it constitutes punishment for the legitimate exercise of human rights, such as freedom of opinion and expression, as well as assembly and association and participation in public affairs, as protected by articles 19, 21, 22 and 25 of the Covenant. The arrest or detention of individuals is also considered arbitrary when it constitutes a violation of international law on the grounds of discrimination (CCPR/C/GC/35, par. 17).

Furthermore, we would like to draw the attention of your Excellency's Government to article 11 (1) of the International Covenant on Economic Social and Cultural Rights (ICESCR), to which Ethiopia acceded on 11 June 1993, recognizes "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions." In its General Comment No. 4, the Committee on Economic, Social and Cultural Rights (CESCR) stated that the right to housing "should be seen as the right to live somewhere in security, peace and dignity" (para.7) and set out that the concept of "adequate housing" includes the following elements: a) security of tenure, b) availability of services, c) affordability, d) habitability, e) accessibility, f) location, and g) cultural adequacy (Para.8).

We would like to remind your Excellency's Government of the explicit recognition of the human rights to safe drinking water by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR. In its General Comment No. 15, CESCR clarified that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. In particular, CESCR has noted that states are bound under international humanitarian law to protect objects indispensable for the survival of the civilian population, including drinking water installations and supplies.

We wish to refer to articles 1, 2 5 and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, and article 4 of the International Convention against torture and other cruel, inhuman or degrading treatment or punishment, ratified by your Excellency's Government in 1976 and 1994. We would also like to refer to S/RES/2427 (2018), "recalling that all parties to armed conflict must comply strictly with the obligations applicable to them under international law for the protection of children in armed conflict (...)" and S/RES/2467 (2019), para 32. " Notes sexual violence in armed conflict and post-conflict situations disproportionately affects woman and girls, recognizes also that men and boys are also targets of sexual violence in conflict and post-conflict settings, (...)". We also deem it appropriate to make reference to article 34 of the International Convention on the Rights of the Child (CRC), which your Excellency's Government ratified in 1991. It provides that States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. Moreover, article 35 provides 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. Noting the State's obligations under international humanitarian and international human rights law to prevent grave violations against children in armed conflict, it is critical to ensure that prevention measures are in place to ensure protection against trafficking of children for use by armed forces or armed groups, or for purposes of sexual or labour exploitation. We remind your Excellency's Government the positive obligation to identify child victims or potential victims and ensure effective protection against trafficking or re-trafficking.

We would also like to bring to the attention of your Excellency's Government article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. In this context, we recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its General Recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women whether perpetrated by a State official or a private citizen, in public or private life. We would also like to refer to CEDAW General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, and CEDAW General recommendation No. 38 on trafficking in women and girls in the context of global migration.

We wish to draw your Government's attention also to the provisions of international humanitarian law. According to customary international humanitarian law applicable in non-international armed conflict, attacks must not be directed against civilians (see ICRC Study on Customary International Humanitarian Law, Rule 1). Civilians only lose their protection against attack when, and for such time as, they take a direct part in hostilities (see Rule 6). Indiscriminate attacks are prohibited (see Rule 11). In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects. All feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects (Rule 15). The following acts, among others, are also prohibited: murder (Rule 89, Common article 3 to the Geneva Conventions, to which Ethiopia is a party, and article 4(2)(a) of Additional Protocol II to the Geneva Conventions ratified by Ethiopia on 8 April 1994), rape and other forms of sexual violence (Rule 93, Common article 3 and article 4(2)(e) of Additional Protocol II), arbitrary deprivation of liberty (Rule 99), pillage (Rule 52 and article 4(2)(g) of Additional Protocol II), and attacks against objects indispensable to the survival of the population such as foodstuff, agricultural areas for the production of foodstuff, crops, livestock, drinking water installations and supplies (Rule 54, and article 14 of Additional Protocol II). Ordering the displacement of the civilian population, in whole or in part, for reasons related to the conflict is prohibited, unless the security of the civilians involved or imperative military reasons so demand; and the parties to a conflict have the duty to prevent displacement caused by their own acts, such as terrorizing the civilian population or carrying out indiscriminate attacks (Rule 129 and article 17 of Additional Protocol II). This includes the prohibition of

ethnic cleansing, which aims to change the demographic composition of a territory through the displacement of the civilian population and/or other acts such as attacks against civilians, murder and sexual violence.

International humanitarian law also provides that, in case of displacement, all possible measures must be taken in order that the civilians concerned are received under satisfactory conditions of shelter, hygiene, health, safety and nutrition and that members of the same family are not separated (Rule 131 and Additional Protocol II, article 17). Displaced persons have a right to return and their property rights must be respected (Rules 132 and 133). Women and children are entitled to special protection (Rules 134 and 135). Each party to the conflict must respect and ensure respect for international humanitarian law by its armed forces (Rule 139), and States must investigate war crimes allegedly committed by their nationals or armed forces and prosecute the suspects (Rule 158)

We would also like to refer your Excellency's Government to the 1998 Guiding Principles on Internal Displacement, which establish that all authorities shall respect their obligations under international law, including human rights and humanitarian law, to prevent and avoid conditions that might lead to the displacement of persons. We moreover stress that according to the Guiding Principles, every human being shall have the right to be protected against being arbitrarily displaced from his or her home including in situations of armed conflict or due to gross human rights violations, discrimination and fear of persecution (Principle 6). Authorities also have the obligation to protect internally displaced persons, including their protection from human rights violations (Principles 10 to 13). We would also like to refer your Excellency's Government to Principle 18, which sets out that internally displaced persons shall have an adequate standard of living that includes essential foods and potable water, basic shelter and housing, and essential medical services and medication. Internally displaced persons also have the right to liberty of movement and to seek safety in another part of the country (Principles 14 and 15).

We would like to remind your Excellency's Government of its primary duty and responsibility to support durable solutions for internally displaced persons, including assistance to recover their property and possessions which they left behind (Principles 28-30). Where recovery of such property is not possible, internally displaced persons should receive appropriate compensation or another form of just reparation (Principle 29(2)). Principle 28 provides that special effort should be made to ensure the full participation of internally displaced persons in the planning and management of their return, resettlement and reintegration. In regard to the requirement to ensure durable solutions for internally displaced persons, we furthermore refer your Excellency's Government to the IASC Framework on Durable Solutions for Internally Displaced Persons and the Principles on Housing and Property Restitution for Refugees and Displaced Persons (E/CN.4/Sub.2/2005/17, Annex), in particular its Principle 10 on the right to voluntary return in safety and dignity, which specifies that "displaced persons shall not be forced, or otherwise coerced, either directly or indirectly, to return to their former homes, lands and places of habitual residence" and that "displaced persons should be able to pursue durable solutions to displacement other than return, if they wish so, without prejudicing the right to restitution of housing, land or property."

We would also like to refer to your Excellency's Government's completion, in February 2020, of its domestic procedure to ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention), while the treaty ratification is still to be formalized by the deposit of its instruments with the Chairperson of the African Union Commission. Article V (1) of the Kampala Convention provides that States Parties bear the primary duty and responsibility for providing protection and humanitarian assistance to internally displaced persons. States Parties shall refrain from and prevent arbitrary killing, summary execution, arbitrary detention, abduction and sexual violence in all of its forms, among other violations (article IX(1)(c)). Article IX (2)(a) sets out the obligation of States Parties to provide internally displaced persons to the fullest extent practicable and with the least possible delay, with adequate humanitarian assistance, which shall include food, water, shelter, medical care and other health services, sanitation, education, and any other necessary social services, and where appropriate, extend such assistance to local and host communities. Special protection and assistance should be provided to those with special needs, including the elderly and persons with disabilities (article IX (2)(c)). States Parties shall consult internally displaced persons and allow them to participate in decisions relating to their protection and assistance (article IX (2) (k)). States Parties shall seek lasting solutions to the problem of displacement by promoting and creating satisfactory conditions for voluntary return, local integration or relocation on a sustainable basis and in circumstances of safety and dignity (article XI (1)). The Convention also sets out the obligation of States Parties to ensure individual responsibility for acts of arbitrary displacement and the accountability of non-State actors for acts of arbitrary displacement (article III (g), (h) and (i), and to provide persons affected by displacement with effective remedies and reparation (article XII). We encourage the Government of Ethiopia to implement the Kampala Convention in line with its expression of intent and to deposit its instrument of ratification with the Chairperson of the African Union Commission as soon as possible.

We would also like to refer Your Excellency's Government to the protection of refugees under international humanitarian law, international human rights law and international refugee law and the protection of sites and settlements for refugees and internally displaced persons. We would also like to remind your Excellency's Government of the principle of non-refoulement as codified in article 3 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984 to which Ethiopia is a state party since 14 March 1994. Article 3 provides that no State shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds to believe that he or she would be in danger of being subjected to torture. In this respect, Your Excellency's Government is reminded by the Convention's obligations that when determining whether there are such grounds, governments shall take into account the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights (article 3 (2)). This absolute prohibition against refoulement is broader than that found in refugee law, meaning that persons may not be returned even when they may not otherwise qualify for refugee status under article 33 of the 1951 Refugee Convention or domestic law.

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