

**Mandates of 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 the human rights of internally displaced persons; 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:  
AL ERI 2/2021

19 April 2021

Excellency,

We have the honour to address you in our capacity as 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 the human rights of internally displaced persons; 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 42/22, 44/1, 44/5, 32/8, 43/14, 41/15, 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 by the Eritrean Army in the Tigray region of Ethiopia, including deliberate attacks against civilians and summary executions, indiscriminate attacks, sexual and gender-based violence, arbitrary detention, destruction and looting of civilian property and displacement.**

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. 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 been allegedly supported by Amhara Regional Forces (ARF) and the Amhara Fano militia in Western Tigray, and by Eritrean Defence Forces 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 and Eritrean forces 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 parties to the conflict, including the Eritrean Army, such as the deliberate targeting of civilians, mass killings, extrajudicial and summary executions, arbitrary detentions, arbitrary displacement and widespread destruction and looting of civilian property. Eritrean troops have allegedly forcibly returned a number of Eritrean refugees and asylum seekers to Eritrea.

There have also been numerous reports of conflict-related sexual violence, including rape and gang rape, some involving children, attributed to Eritrean forces in Adigrat and Mekelle.

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.

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 involving Eritrean troops in specific locations have been received, 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, summary executions and looting of civilian property by the ENDF and the Amhara Fano militia in Humera, as they reportedly searched houses looking for Tigrayans and individuals who were perceived to be affiliated with the TPLF.

### 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 and gender-based 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. For 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. It is also alleged that Eritrean troops 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 have 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 to the east of Tekeze river, where they have reportedly been subjected to atrocities by ARF, Eritrean and Ethiopian forces, including killings.

#### *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 impact of destruction and looting*

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.

In an already dire humanitarian crisis compounded by the COVID-19 pandemic, the destruction and looting committed by armed actors, including Eritrean troops, 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. 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.

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 the Eritrean Army in Tigray, including deliberate attacks against civilians and summary executions, indiscriminate attacks, sexual

violence, arbitrary detention, displacement and destruction and looting of civilian property.

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 the presence of Eritrean troops in Tigray and the allegations of violations committed by such troops, including abductions and forced returns of Eritrean refugees and asylum seekers.
3. Please provide information on the measures taken to protect the civilian population, prevent human rights violations and ensure respect for international humanitarian law and international human rights law by Eritrean troops present in Ethiopia.
4. Please provide information on any measures taken or envisaged to investigate allegations of violations by Eritrean forces in Tigray 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 the Federal Democratic Republic of Ethiopia including the allegations related to the actions of Eritrean troops in Tigray.

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

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

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

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, acceded to by Eritrea on 22 January 2002, 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. We wish to also draw the attention of your Excellency's Government to article 9 of the International Covenant on Civil and Political Rights, which guarantees the right of all persons not to be deprived arbitrarily of liberty.

In this regard, we would like to refer also to Article 2, paragraph 1, of the International Covenant on Civil and Political Rights, which provides that each State Party must respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant. In its General Comment No. 31, the Human Rights Committee stated that "States Parties are required by article 2, paragraph 1, to respect and to ensure the Covenant rights to all persons who may be within their territory and to all persons subject to their jurisdiction. This means that a State party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State Party, even if not situated within the territory of the State Party. (...) This principle also applies to those within the power or effective control of the forces of a State Party acting outside its territory, regardless of the circumstances in which such power or effective control was obtained (...)" (CCPR/C/21/Rev.1/Add.13, para. 10). The International Court of Justice has recognized that human rights obligations are unequivocally applicable in respect of acts done by States in the exercise of their jurisdiction outside their own territories.<sup>1</sup>

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. In its General

---

<sup>1</sup> Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004, p. 136.

Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, the Committee reiterated its general recommendation No. 28 “to the effect that the obligations of States parties also apply extraterritorially to persons within their effective control, even if not situated within their territory, and that States parties are responsible for all their actions affecting human rights, regardless of whether the affected persons are in their territory. (...) In conflict and post-conflict situations, States parties are bound to apply the Convention and other international human rights and humanitarian law when they exercise territorial or extraterritorial jurisdiction (...) The Convention applies to a wide range of situations, including (...) to persons detained by agents of a State, such as the military or mercenaries, outside its territory; to lawful or unlawful military actions in another State” (CEDAW/C/GC/30, paras. 8 and 9).

We also deem it appropriate to make reference to article 34 of the Convention on the Rights of the Child (CRC) and to the Optional Protocol on the sale of children, child prostitution and child pornography, ratified by Eritrea in 1994 and 2005 respectively, and which provide that States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. The Committee on the Rights of the Child, in its General Comment No. 16 (2013), indicates that “Extraterritorial obligations are also explicitly referred to in the Optional Protocol on the sale of children, child prostitution and child pornography. Article 3, paragraph 1, provides that each State shall ensure that, as a minimum, offences under it are fully covered by its criminal or penal law, whether such offences are committed domestically or transnationally.”

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 to S/RES/2467 (2019), para 32, which “Notes sexual violence in armed conflict and post-conflict situations disproportionately affects women and girls, recognizes also that men and boys are also targets of sexual violence in conflict and post-conflict settings, (...)”. 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 wish to refer to Article 4 of the Convention against torture and other cruel, inhuman or degrading treatment or punishment, ratified by Eritrea in 2014. Rape and other forms of sexual violence constitute violations of international humanitarian law and unequivocally amount to torture under international criminal law jurisprudence.<sup>2</sup> Also as noted by the Committee against Torture in its General Comment No. 2 (2007) on the implementation of article 2 of the Convention, gender-based crimes can take the form of sexual violence, other forms of physical violence or mental torment. The prohibition against torture is a rule of customary international law and a *jus cogens*, or peremptory, norm of international law applying to all States. The Committee against

---

<sup>2</sup> See, for example, International Criminal Tribunal for Rwanda, case No. ICTR-96-4-T, *Prosecutor v. Akayesu*, judgement of 2 September 1998 and International Criminal Tribunal for the Former Yugoslavia, case No. IT-96-21-Abis, *Prosecutor v. Mucić et al.*, judgement of 8 April 2003.

Torture, in its general comment No. 2 (2008), found that article 2 in particular “undergirded the Convention’s absolute prohibition against torture and reinforced the peremptory *jus cogens* norm” by obliging States parties to take actions that would reinforce the extant prohibition against torture. Moreover, the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment ( A/70/303) recalls that the obligation to respect the human rights of all persons applies whenever States affect the rights of individuals abroad through their acts or omissions.

We wish to refer to Articles 1, 2 5 and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Eritrea in 2001. We wish to recall that the International Court of Justice has categorically rejected the argument that human rights treaties only bind States with regard to their own territory.<sup>3</sup>

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 from 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 and Common Article 3 to the Geneva Conventions, to which Eritrea is a party), rape and other forms of sexual violence (Rule 93 and Common Article 3 ), pillage (Rule 52), attacks against objects indispensable to the survival of the population (Rule 54), collective punishments (Rule 103), and arbitrary deprivation of liberty (Rule 99). Arbitrary displacement is prohibited 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). 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).

Furthermore, we would also like to refer your Excellency’s Government to the 1998 Guiding Principles on Internal Displacement, which reflect international human rights law and international humanitarian law and set out the prohibition of arbitrarily displacement, including in situations of armed conflict (Principle 6).

---

<sup>3</sup> Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation), Preliminary Objections, Judgment, I.C.J. Reports 2011, p. 70

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.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.