

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

Ref.: AL ETH 1/2024
(Please use this reference in your reply)

1 March 2024

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 53/4 and 50/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged killing of at least 89 civilians by members of the Ethiopian National Defence Forces on 29 January 2024 in Merawi, in the Amhara region, and the lack of accountability for those responsible.**

We wish to recall recent communications from Special Procedures Mandate Holders to your Excellency's Government have addressed concerns regarding extrajudicial killings of civilians in violation of human rights and international humanitarian law, including [AL ETH 4/2023](#), sent on 28 July 2023, [AL ETH 2/2023](#), sent on 13 February 2023, [AL ETH 1/2021](#), sent on 18 June 2021 and [AL ETH 1/2018](#), sent on 10 April 2018. We thank you for the reply provided on [18 June 2021](#) to AL ETH 1/2021 and wish to encourage your Excellency's Government to provide a substantive reply to the present appeal, addressing the questions raised below and undertaking the necessary investigations, as well as to the other communications mentioned.

According to the information received:

Context

Clashes between the Ethiopian National Defence Forces (ENDF) and its allies and ethnic Amhara militias known as "Fano" have been reported at least since October 2023. These clashes and a number of attacks by both the ENDF and Fano militias have resulted in the deaths of several civilians in the Amhara region, which could amount to arbitrary killings.

Killing of at least 89 civilians in Merawi town

On 29 January 2024, at least 89 civilians were allegedly executed in door-to-door raids by members of the Ethiopian National Defence Forces in Merawi town, Mecha woreda, North Gojjam zone, Amhara region.

Prior to this incident, at around 5 a.m. of the same day, Fano militias had reportedly attacked a military camp belonging to the ENDF in Merawi town known as "China Camp". In the said attack, the militias reportedly killed several ENDF soldiers and three civilians.

After this attack, ENDF forces that arrived from Donglie and Tobete found the killed ENDF soldiers and reportedly retaliated against the civilian population, which they deemed complicit, perpetrating the killing of at least 89 civilians.

These victims included both men and women, young persons, religious leaders, and a 4-year-old child, who were reportedly taken from various locations such as hotel rooms, a local brewery, private homes, and the St. Mary Church compound and summarily executed.

Additionally, an undetermined number of properties, including private homes, auto-rickshaw taxis, and parts of Saint George Church, were burnt and destroyed by the ENDF.

The ENDF soldiers later instructed the families of victims and the public to collect the corpses for mass burial, with explicit instructions not to mourn. This swift burial may have impeded a forensic examination of the corpses and compromised an in-depth investigation into the killings.

According to reports, Merawi town was at the time of the incident under the effective control of the ENDF.

No effective investigation or accountability have reportedly taken place regarding these incidents up to date.

In a later development, on 13 February 2024, fighting reportedly erupted between the ENDF and Fano militias in Merawi and Brakat town, North Gojjam zone, following an attack by Fano militias against ENDF. These clashes have resulted in the displacement of an undetermined number of residents of Merawi town to Bahir Dar and Mecha woreda, North Gojjam zone, where they sought shelter with host communities due to fear of further attacks on civilians by the ENDF.

While we do not wish to prejudge the veracity of these allegations, we express our concern at the indiscriminate killing of at least 89 civilians by State security forces, including women and children. We further express our concern about the lack of effective investigations or accountability regarding these killings. In this regard, we urge the Government to take all necessary measures to guarantee a prompt, impartial, independent, effective and exhaustive investigation into these killings, in accordance with international standards, as well as appropriate measures to bring those responsible to justice. We also express concern for the civilians forced to internal displacement for fear of further attacks by State security forces.

Should the allegations be confirmed, they would correspond to unlawful killings of protected persons under international humanitarian law, as this incident took place in the context of an ongoing non-international armed conflict (NIAC) involving the Ethiopian National Defence Forces and several non-State armed groups operating in the Amhara region. The persons killed are reportedly civilians who have not lost their protection under international human rights law (IHRL) and international humanitarian law (IHL).

The attack may breach relevant IHL norms, in particular the prohibition of direct attacks against civilians, which may qualify as a war crime. We would like to

remind your Excellency's Government that in situations of NIACs the State is bound by its obligations under common article 3 of the Four Geneva Conventions, which prohibit "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; as well as the passing of sentences and the carrying out of executions without previous judgment pronounced by regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples."

If confirmed, the allegations would further amount to extrajudicial executions and constitute blatant violations of the right to life, contained in the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights (ICCPR), ratified by Ethiopia on 11 June 1993.

We recall that the right to life is a supreme *jus cogens* norm, applicable to all persons at all times and that cannot be derogated under any circumstance, in light of article 4(2) of the ICCPR. Further, we would like to draw your Excellency's Government's attention to the fact that, according to international law, State authorities have an obligation under international human rights law to prevent violations of the right to life and to conduct impartial and effective investigations on any violation of such kind. Allegations concerning an attack against civilians must be investigated, and where there is sufficient evidence, persons responsible for the commission of the offence or ordering of the offence must be prosecuted. Further, these investigations of potentially unlawful killings must adhere to the relevant international standards, including those articulated in [the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions \(Minnesota Protocol\)](#).

We urge your Excellency's Government to adopt the necessary measures to ensure a prompt, impartial, effective and exhaustive investigation of the allegations set forth, in order to guarantee full accountability, as well as to provide effective remedy and justice to the victim and the families.

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 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 detailed information on any investigations, judicial or administrative proceedings that have been put in place in relation to these killings of at least 89 civilians, including any administrative, disciplinary, and/or criminal proceedings undertaken against security officers responsible for the above-mentioned killings, whether by committing the crime, ordering it, or failing to initiate investigations. If the investigations have provided conclusive results, please inform about them. If no investigation has been put in place, please explain the

reasons for it.

3. Please inform how the investigations, if conducted, have adhered to the standards set by the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary or Summary Executions (Minnesota Protocol). If not, explain why.
4. Please detail the reasons for which these civilian victims were targeted and how this targeting is compatible with the State's obligations under IHL, IHRL and other relevant international law.
5. Please provide information about the rules of engagement adopted in the course of military operations in the Amhara region and how these rules comply with the State's obligations under IHRL and IHL, in particular the principle of distinction, protection of civilians, proportionality and necessity of the force used, and the prevention of incidental death. Please further inform about the measures taken to respect and protect the right to life in all military operations and actions undertaken by the Ethiopian National Defence Forces, in accordance with IHRL and IHL obligations, including measures undertaken to prevent extrajudicial, summary or arbitrary executions anywhere.
6. Please, also indicate whether the incident was followed by a review of the existing procedures to ensure compliance with IHL rules and standards by the Ethiopian National Defence Forces.
7. Please inform of measures taken to provide reparations to families of victims, and policies in place to ensure nonrecurrence, in reference to the above incidents of deadly violence. If no such action has been taken, please explain why.
8. Please provide information on measures taken to provide protection and assistance to the displaced residents of Merawi town who were forced to flee in search of safety in Bahir Dar and Mecha woreda, North Gojjam zone, due to fear of a further attacks on civilians by the ENDF. Please provide information on measures taken or intended to take in order to ensure them an adequate standard of living, and to facilitate their access to remedies and durable solutions.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). 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(s) responsible for the alleged violations.

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

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

Paula Gaviria
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 refer your Excellency's Government to Common art. 3 of the Geneva Conventions of 1949, of which Ethiopia has been a party since 1969, as well as articles 6 and 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Ethiopia on 11 June 1993, which provide for the rights to life, to liberty and security of the person.

According to Common art. 3 of the Geneva Conventions, any act of violence against the life and person of civilians taking no active part in the hostilities is prohibited. The direct and intentional targeting of civilians who are taking no direct part in hostilities, being the perpetrator aware of the factual circumstances establishing this civilian status and yet purposefully targeting them, constitutes a most serious breach of international humanitarian law in both international armed conflict and non-international armed conflicts and may amount to a war crime.

Further, we wish to recall that your Excellency's Government is under an obligation to distinguish between combatants and civilians and to direct attacks only against combatants under article 48 of Protocol I Additional to the Geneva Conventions of 1977, ratified/acceded by Ethiopia on 8 April 1994 (see also rules 1, 6 and 7 of the Customary Rules of International Humanitarian Law identified in the study of the International Committee of the Red Cross ("Customary Rules")). Indiscriminate attacks are prohibited under customary international humanitarian law (rule 11 of the Customary Rules). We also wish to point out the prohibition of launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, or damage to civilian objects, which would be excessive in relation to the concrete and direct military advantage anticipated (rule 14 of the Customary Rules). States party to the conflict must "do everything feasible to verify that targets are military objectives" (ICRC study, rule 16) and take all feasible precautions to avoid and minimize incidental loss of civilian life (rule 15 of the Customary Rules).

Additionally, we recall that the right to life is a supreme norm of *jus cogens* from which no derogation is permitted under any circumstances, according to article 4(2) of the ICCPR. In this regard, States parties have a duty to refrain from engaging in conduct resulting in arbitrary deprivation of life and must also exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities whose conduct is not attributable to the State, establishing an appropriate framework of laws, institutions and procedures for that purpose. The Human Rights Committee in its general comment no. 36 recalled that the State's duty to protect applies to all persons within its jurisdiction, that is, all persons whose enjoyment of the right to life depends on its power or effective control (CCPR/C/GC/36).

According to international human rights law and international humanitarian law, allegations concerning an attack against civilians must be investigated, and where there is sufficient evidence, persons responsible for the commission of the offence or ordering of the offence must be prosecuted. A State bears a duty to conduct thorough, prompt, and impartial investigations of all suspected cases of extra-legal or arbitrary killings and the obligation to bring to justice all persons identified by the investigation as having participated in those crimes, 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.

Further, we underscore the importance of conducting investigations into all suspected unlawful deaths in line with international standards, particularly the *Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol on the Investigation of a Potentially Unlawful Death (2016))*, in addition to the previously mentioned *Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*. Investigations and prosecutions of potentially unlawful deprivations of life must be aimed at ensuring that those responsible are brought to justice, promoting accountability and preventing impunity. Investigations should explore, inter alia, the legal responsibility of superior officials with regards to violations of the right to life committed by their subordinates. They must always be independent, impartial, prompt, thorough, effective, credible and transparent. In the event that a violation is found, full reparation must be provided, including adequate measures of compensation, rehabilitation and satisfaction.

States are also under an obligation to take steps to prevent the occurrence of similar violations in the future. It is essential that investigations are carried out promptly when a death occurs in a controversial situation, as the passage of time inevitably erodes the quantity and quality of available evidence, and the appearance of a lack of diligence casts doubt on the good faith of the investigation and prolongs the ordeal of the deceased's family.

We also wish to refer your Excellency's Government to the report on Medico-legal Death Investigations (MLDIs) (A/HRC/50/34) by the Special Rapporteur on extrajudicial, summary or arbitrary executions, indicating that the bereaved families and next of kin should be informed in a timely and appropriate manner about the investigation into the death of their loved one, its progress and its findings and that should be protected from any threat resulting from their participation in the investigation (paras. 92 and 94).

The dignified treatment of the dead is at the heart of international human rights law, and failures in this regard constitute a violation of the right to a family life and even a violation of the prohibition of torture and ill-treatment. In this regard, the *Minnesota Protocol on the Investigation of Deaths Potentially Resulting from Unlawful Acts* provides detailed information on the duty to investigate potentially unlawful deaths "promptly, effectively and thoroughly, with independence, impartiality and transparency." The authorities must "proceed with an investigation as rapidly as possible and act without unreasonable delay" (para. 23).

Among other things, investigations into allegations of unlawful killing should seek to determine who was involved in the death, and their individual responsibility, and seek to identify any failure to take reasonable steps that might have had a real chance of preventing the death. It should also seek to identify policies and systemic failures that may have contributed to a death, as well as patterns of violations where they exist (para. 25). The recovery of human remains must be carried out under the supervision of forensic experts (para. 90), and identification must be carried out on the basis of scientifically reliable identification methods such as fingerprints, dental examination and DNA analysis (para. 120).

In addition, family members of victims of unlawful death have the right to equal and effective access to justice, to receive adequate, effective and prompt reparation (E/CN.4/1998/43, paras. 68-75 and A/HRC/22/45), to have their status recognized by law (A/HRC/19/58/Rev.1, chap. II, sect. H, par. 42), to request and obtain information on the causes of a murder and to know the truth about the circumstances, events and causes that led to it. We stress that the State has an obligation to provide all relevant documentation to the family of the deceased, including reports on the investigation into the circumstances of the death, and to involve them effectively in the investigation procedures (paras. 17 and 35).

We wish to remind your Excellency's Government that the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which your Excellency's Government has ratified in February 2020, requires, *inter alia*, States Parties to protect the rights of internally displaced persons regardless of the cause of displacement.

Furthermore, we wish to refer to the provisions of the 1998 Guiding Principles on Internal Displacement, which apply in cases where persons or groups of persons have been displaced from their homes or places of habitual residence. In addition, they apply without discrimination, including on grounds of race and national, ethnic or social origin (principle 4). Every human being has the right to be protected against arbitrary displacement from his or her home or place of habitual residence (principle 6), and arbitrary displacement is prohibited when it is used as a form of collective punishment (principle 6(2e)). Principle 4 establishes that children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and older persons shall be entitled to protection and assistance required by their condition. Before any decision is taken to displace people, all possible alternatives must be examined and all measures must be taken to minimise displacement (principle 7(1)). Displaced persons must be adequately housed and the displacement must be carried out in satisfactory conditions of safety, food, health and hygiene (principle 7(2)). No population displacement shall be carried out in violation of the rights to life, dignity, liberty and security of the persons concerned (principle 8).

Internally displaced persons shall be protected against summary or arbitrary executions, enforced disappearances, attacks or other acts of violence (principle 10), as well as cruel, inhuman or degrading treatment or punishment, contemporary forms of slavery and acts intended to spread terror (principle 11). Internally displaced persons have the right to freedom of movement and residence (principle 14). All internally displaced persons have the right to an adequate standard of living, including basic food and drinking water, shelter and housing, decent clothing, essential medical services and sanitation (principle 18).

Finally, we refer to the obligation to provide victims of human rights violations with effective remedies. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the General Assembly in 2006, provide that victims of a gross violation of international human rights law or a serious violation of international humanitarian law must be guaranteed: equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; and access to relevant information concerning violations and reparation mechanisms.