HUMAN RIGHTS WATCH & PHYSICIANS FOR HUMAN RIGHTS

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Physicians for Human Rights

JOINT SUBMISSION TO THE 4th UNIVERSAL PERIODIC REVIEW OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

INTRODUCTION

1. Ethiopia's human rights situation deteriorated sharply since its last UPR on May 14, 2019.[1] Since then, government forces, militias, and armed groups have been committing widespread abuses with impunity, resulting in grave violations of international human rights and humanitarian law. Government efforts to address past and ongoing abuses, including atrocities carried out during armed conflict since 2020, have lacked transparency and independent oversight. Journalists, civil society organizations, and outspoken public figures have faced an increasingly hostile and restrictive environment, with government authorities resorting to arbitrary arrest and prolonged detention without charge.

VIOLATIONS IN THE CONTEXT OF ARMED CONFLICT

2. In its last UPR review, Ethiopia accepted recommendations to manage inter-ethnic violence, address violations by security forces, safeguard refugee rights, and uphold humanitarian principles.[2] Since then, multiple regions in the country have been gripped by violence and armed conflict.

3. The two-year armed conflict in northern Ethiopia between the Ethiopian federal government and allied forces, including Eritrean forces against Tigrayan fighters, resulted in widespread and serious violations of international human rights, humanitarian, and refugee law, including war crimes and crimes against humanity.

4. Human Rights Watch (HRW) and Physicians for Human Rights (PHR) documented war crimes by all parties to the armed conflict. In Tigray, HRW found that Ethiopian and allied forces carried out large-scale massacres, indiscriminate shelling and drone strikes, attacks against Eritrean refugees, pillage, widespread sexual violence against women and girls, and the destruction of civilian infrastructure.[3] Human Rights Watch also documented the ethnic cleansing of Tigrayans in Western Tigray Zone by interim authorities, Amhara regional forces, and Amhara militia known as Fano, with the acquiescence and possible participation of federal government forces. PHR found that Ethiopian and allied forces perpetrated brutal, widespread and systematic acts of conflict-related sexual violence in Tigray.[4]

5. The Ethiopian government’s nearly two-year-long effective siege of the Tigray region, as part of a deliberate strategy of warfare, added to the suffering of the civilian population.[5] It impeded access to critical medical services in Tigray, notably for survivors of sexual violence, doubly victimizing them.[6] Between November 2020 and November 2022, the average length of time between an incident of conflict-related sexual violence and survivor seeking medical care was 16 months, which is grossly beyond the World Health Organization (WHO) recommended 72 hours for post-rape care.[7]

6. Tigrayan forces carried out attacks against Eritrean refugees in Tigray, as well as summary executions, sexual violence, pillage and the destruction of hospitals in the neighboring Afar and Amhara regions in July 2021.[8]

7. Despite a November 2022 cessation of hostilities agreement between the federal government and Tigrayan authorities, serious human rights abuses against civilians persist. In areas under their control, Eritrean Defense Forces continue to subject women and girls to rape and other forms of sexual violence while obstructing aid access.[9] As of March 2023, local authorities and Amhara forces in the Western Tigray Zone continued an ethnic cleansing campaign against Tigrayans.[10]

8. The security situation in the Amhara region deteriorated in April 2023, with an armed conflict between Ethiopian security forces and Amhara militia known as Fano breaking out there in August. The United Nations, human rights groups and the media have reported on security force abuses in Amhara, including the summary killings of civilians, unlawful drone strikes, and mass arrests without due process.[11]

9. Since 2019, Oromia has been gripped by fighting between government forces and the Oromo Liberation Army (OLA) armed group in the context of a counterinsurgency campaign. Both Oromo and minority communities have been subjected to severe abuses.[12] The government relaunched its campaign in May 2023 after failed peace talks.[13]

Recommendations

- Uphold international humanitarian law prohibitions on attacks against civilians and civilian infrastructure, by adhering to the fundamental principles of distinction, proportionality, and precaution, and authorizing independent, impartial investigations of all serious laws-of-war violations,
- Allow rapid and unfettered access to humanitarian aid in Tigray, Amhara, Oromia and all other conflict-affected regions of the country.

EXTRAJUDICIAL EXECUTIONS

10. In its 2019 UPR, Ethiopia supported recommendations to ensure independent and impartial investigations into cases of extrajudicial executions and hold perpetrators to account. [14] Since then, Ethiopia has witnessed an alarming increase in extrajudicial, summary, or arbitrary executions by government security forces as well as by non-state armed groups in response to situations of unrest and during armed conflict. In late October 2019, protests erupted in Ethiopia's capital, Addis Ababa, and spread to Oromia and Harar regions, as well as to the city of Dire Dawa. Human Rights Watch found that security forces shot and killed at least six people in Ambo, Oromia and wounded at least 37 others during the protests and their aftermath.[15]

11. In June 2020, the assassination of popular Oromo singer Hachalu Hundessa triggered widespread unrest and violence that left at least 178 people dead.[16] Security forces killed and injured dozens of mourners.[17] Dozens of ethnic and religious minorities, primarily ethnic Amhara, were also killed in brutal attacks, with government forces failing to intervene in some areas. These communities also suffered massive property destruction and widespread displacement.[18]

12. During the conflict in Tigray, Ethiopian federal and regional forces carried out executions, including large-scale massacres against Tigrayan civilians. On November 20, 2020, Human Rights Watch found that Ethiopian and Eritrean forces indiscriminately shot at civilians in Axum town, including in the town's Saint Mary's hospital.[19] Human Rights Watch found that Ethiopian federal and Amhara regional forces and militia carried out extrajudicial executions of Tigrayan residents in at least 11 towns across Western Tigray Zone in November 2020.[20] On January 17, 2021, Fano militia and local residents rounded-up dozens of male Tigrayan residents of Adi Goshu. Amhara Special Forces (ASF) took about 60 of them to the Tekeze River bridge that same day, and summarily executed them.[21]

13. When the northern Ethiopia conflict spread to the Amhara region in June 2021, Tigrayan forces committed summary executions of civilians in towns they controlled. Human Rights Watch found Tigrayan forces summarily executed 26 civilians in Chenna between August 31 and September 4.[22] On September 9, 2021, Human Rights Watch found that Tigrayan forces executed 23 people, including farmers working in the fields between the villages and Kobo town.

14. Government forces and armed groups have also carried out summary executions in the Oromia region. On May 11, 2021, Ethiopian government forces summarily executed 17-year-old Amanuel Wondimu Kebede in Dembi Dollo, a town in the Kellem Wellega Zone of western Oromia.[23] In June 2022, an armed group shot and killed about 400 Amhara civilians in western Oromia, in villages in Tole and Sene kebeles (wards), while government forces stationed nearby did little to protect them.[24] The unidentified assailants also destroyed hundreds of homes and businesses and looted property.

15. Conflict broke out in Ethiopia's Amhara region between Ethiopian government forces and Fano militia in August 2023. The UN documented that at least 183 people have been killed in clashes since fighting escalated in July 2023.[25] Rights organizations and media also have documented unlawful government drone strikes, and the summary execution of Amhara civilians by government forces during the conflict. Human Rights Watch found that Ethiopian government forces summarily executed dozens of civilians in two apparent reprisal attacks in the town of Merawi in January and February 2024.[26]

Recommendations

- Support a credible, independent, and transparent investigation into summary executions by government security forces, unlawful attacks by armed groups, and violence due to intercommunal attacks.
- Hold accountable all security forces members, regardless of rank or position, that were responsible for ordering or using excessive force.
- Issue clear directives to all security forces that prohibit the use of lethal force except in situations where it is necessary to prevent an imminent threat of death or serious injury in line with international standards.
- Extend an invitation to the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, among others, to investigate and report on allegations of serious abuses in Ethiopia.

PROHIBITION OF TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT

16. In its 2019 UPR cycle, Ethiopia supported a recommendation to incorporate into its legislation a definition of torture in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and noted a recommendation to ratify the Optional Protocol to the Convention against Torture. It also supported conducting independent and transparent investigations into all allegations of torture in places of detention. Ethiopia has not implemented either recommendation.[27]

17. Ethiopian federal and regional officials and security forces in Afar, Amhara, Oromia, and Tigray regions have tortured and otherwise mistreated detainees as well as denying detainees of basic needs, and refused them access to legal counsel and their relatives.[28] Human Rights Watch has also documented several cases of executions of detainees and deaths in detention due to mistreatment and as a result of the dire conditions. [29]

18. During the conflict in Tigray, Amhara security forces, militias, and officials tortured and ill-treated Tigrayan detainees in Western Tigray Zone, including beating them with iron pipes, electric wires, and sticks.[30] In Badu Sidiste prison in Western Tigray, detainees described being tied in stress positions for hours, either at night or forced to endure the scorching sun.[31]

19. In 2021, Ethiopian authorities transferred Tigrayan deportees from Saudi Arabia to detention centers and subjected them to beatings, denial of food, and forcible work without pay.[32]

Recommendations

- Allow independent humanitarian organizations and the Ethiopian Human Rights Commission unhindered access to formal and informal detention facilities without prior notification to monitor conditions and assess basic needs.

- Promptly order a transparent and impartial investigation into allegations of torture and ill-treatment, executions, and enforced disappearances in all federal and regional detention facilities, including irregular facilities.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocols to the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture.
- Extend an invitation to the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the UN Working Group on Enforced Disappearances to visit Ethiopia and provide unhindered access to detention facilities.

SEXUAL AND GENDER-BASED VIOLENCE

20. In Ethiopia's 2019 UPR, the government accepted recommendations to "better protect women and girls, including measures to prevent and protect women and girls from physical, emotional and sexual abuses." In addition, the government also supported the conduct of "more awareness-raising programs to create a culture that rejects all forms of violence against women and supports victims of violence against women." None of these recommendations have been adequately implemented.[33]

21. Conflict-related sexual violence has reached alarming levels in Ethiopia, particularly within the context of the war in northern Ethiopia where warring parties subjected girls and women, as well as men and boys, to widespread sexual violence.

22. The UN and independent human rights organizations, including Human Rights Watch and Physicians for Human Rights, have documented widespread and egregious sexual violence in Tigray, including rape, multiple perpetrator rape, enslavement and sexual slavery, sexual mutilation, and torture against Tigrayan women and girls by Ethiopian and Eritrean armed forces, and Amhara regional forces and militias.[34]

23. Human Rights Watch with Amnesty International found that Amhara regional security forces and Fano militia, with the acquiescence and possible complicity of federal government forces, subjected Tigrayans in the Western Tigray Zone to a campaign of ethnic cleansing since November 2020. As part of the campaign, security forces subjected girls and women to widespread sexual violence, including multiple perpetrator rape accompanied by verbal and physical abuse, abduction, and sexual slavery. Some women were raped in front of their children.[35]

24. In 2021, Human Rights Watch documented the serious healthcare impact, trauma, and stigma experienced by Tigrayan survivors of sexual violence during the armed conflict in Tigray.[36] Ethiopian, Eritrean, and Amhara forces pillaged and destroyed health facilities in Tigray. The presence of soldiers at checkpoints on the roads and near or inside health facilities prevented survivors, especially from outside urban areas, from getting treatment. The Ethiopian government's imposition of an effective siege on the region prevented an adequate and sustained response to survivors' needs and the rehabilitation of the region's shattered healthcare system.

25. In September 2023, the Independent International Commission of Human Rights Experts on Ethiopia (ICHREE) estimated that over 10,000 Tigrayan survivors, primarily girls and women, sought out care.[37]

26. According to a report by Physicians for Human Rights and the Organization for Justice and Accountability in the Horn of Africa (OJAH) and based on a systematic review of 304 medical records, Eritrean and Ethiopian armed forces and associated militias appear to have

perpetrated sexual violence on a widespread and systematic basis in Tigray from November 2020 through June 2023.[38] The patterns and perpetration of sexual violence found in the medical records reviewed by PHR and OJAH indicate a systematic use of rape as a war strategy.[39]

27. PHR and OJAH found that sexual violence was often perpetrated by multiple perpetrators, at times involved captivity, the use of weapons, and rape utilizing objects. Survivors also consistently identified perpetrators as belonging to Ethiopian or Eritrean armed forces and affiliated militias. The violence continued after the signing of the cessation of hostilities agreement, with the patterns of conflict-related sexual violence remaining the same before and after the agreement's signing. The sexual violence inflicted immediate physical and psychological harm on survivors, their families, and communities, with long-lasting repercussions for Tigrayans. Some 21 cases of conflict-related sexual violence among the 304 medical records examined involved children ranging in age from 8 to 17.[40] PHR and OJAH's report found the highest number of cases (88 incidents, 29 percent) in Western Tigray.[41] Medical records reveal severe physical and psychological consequences of conflict-related sexual violence, including short-term and long-term effects like PTSD, depression, and reproductive organ injuries and disorders as well as testing rates of HIV above the national average and reports of unintended pregnancy resulting from sexual violence

28. Human Rights Watch research into attacks on Eritrean refugees by Eritrean government forces and Tigrayan militia fighters between November 2020 and January 2021 found that Tigrayan militias raped a number of Eritrean women, and at least one 17-year-old.

29. The ICHREE also found that Tigray-aligned fighters during their takeover of parts of the Amhara region between July and December 2021 committed rape and other forms of sexual violence against women and girls as young as 11.

Recommendations

- Halt all rape, enslavement and sexual slavery, and other forms of conflict-related sexual violence; protect civilians; and condemn sexual and gender-based violence, as mandated under international human rights law and humanitarian law as well as agreed to by the parties to the Cessation of Hostilities Agreement.
- Direct the armed forces to enforce a zero-tolerance policy for sexual violence and ensure that anyone committing sexual violence is appropriately held to account.
- Publicly call on all forces to respect the protected status of medical facilities and immediately cease attacks against health care, which limit access to care and services for survivors of sexual and gender-based violence.
- Allow and facilitate the unfettered delivery of impartial humanitarian relief for civilians in need of supplies essential to their survival; strengthen the availability, accessibility, acceptability, and quality of sexual and reproductive health services and other forms of rehabilitation, without discrimination, including for survivors of sexual and gender-based violence, across Tigray and other conflict-affected areas;

    - These services should include the clinical management of rape, safe abortion and post-abortion care, as well as mental health and psychosocial support for survivors and their families.
- Promptly allow independent and impartial investigations for all sexual and gender-based violence.
- Accept the inquiry procedure under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
- Extend an invitation to the UN Special Rapporteur on violence against women and girls and Working Group on Discrimination against Women and Girls to Ethiopia.
- Ensure prompt reparation, justice and accountability measures that are credible and survivor-centered and engage those directly affected by conflict-related sexual violence to meaningfully address sexual violence committed by armed forces and all other actors. Ensure survivors can participate without risk of retaliation, and that their perspectives, safety, and needs are prioritized.

ARBITRARY ARREST AND DETENTION

30. Ethiopia has previously supported a recommendation to "strengthen the national legal framework to ensure the prevention of and accountability for violations of human rights in detention centers and to improve detention conditions in line with international standards." Although the government closed infamous detention centers where torture was rampant such as "Jail Ogaden" and "Maekelawi Prison," the latter reopened and currently serves as a detention center.[42] In addition, the government continues to carry out arbitrary arrest and prolonged detention without charge in centers across the country.

31. As part of its ethnic cleansing campaign against Tigrayans in Western Tigray Zone, Amhara regional police, known as "Amhara Liyu," Fano militia, and in some cases, Ethiopian and Eritrean federal forces, systematically rounded up thousands of ethnic Tigrayans detained them in police stations, prisons, military camps, and even repurposed warehouses and schools across the Western Tigray Zone for prolonged periods without charge.[43]

32. After Tigrayan forces recaptured Mekelle in late June 2021, Ethiopian authorities in Addis Ababa resorted to ethnically targeted arbitrary arrests, enforced disappearances, and other abuses against Tigrayans.[44]

33. On January 5, 2023, Ethiopian police arrested and forcibly disappeared for several hours, four staff members of the nongovernmental Ethiopian Human Rights Council (EHRCO) investigating forced evictions outside Addis Ababa. The four staff members were Daniel Tesfaye, Bezuayehu Wondimu, Bereket Daniel, and their driver, Nahom Husen.[45]

34. Public reports emerged in June 2023 alleging Ethiopian security forces had rounded up and arbitrarily detained Eritrean refugees, migrants, and asylum seekers in Addis Ababa and other parts of the country.[46] This followed Ethiopia's halt to registering new Eritrean asylum seekers in March 2020.

35. Since 2020, Ethiopian authorities defied multiple judicial orders demanding the release of seven Oromo Liberation Front figures.[47] This case exemplifies a broader trend in Ethiopia, where federal and regional authorities exert control over judicial processes, with investigators routinely appealing or ignoring court decisions involving government critics or opposition figures.

36. The government's declaration of a state of emergency in Amhara in August 2023, and its extension in February 2024, has empowered authorities to conduct mass warrantless arrests, including of opposition figures in Addis Ababa, sometimes holding detainees in informal locations like schools.[48]

Recommendations

- Immediately end arbitrary arrests and detentions, ensure that anyone arrested is promptly charged based on credible evidence or released immediately; those who have been charged should have the opportunity to defend themselves, with legal assistance, before an impartial court.
- Allow independent monitoring of all detention facilities and prisons by independent human rights and humanitarian monitors. This should include the ability to conduct private, confidential meetings with prisoners.
- Extend a visit to the UN Working Group on Arbitrary Detention to visit Ethiopia.

INTERNALLY DISPLACED PERSONS AND REFUGEES

37. In its 2019 UPR, member states recommended that Ethiopia ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). During its last review, Ethiopia experienced a significant number of internally displaced persons (IDPs), including in West Guji Zone, Oromia, where aggression by ethnic Guji against ethnic Gedeo people forced hundreds of thousands, mostly Gedeo, to flee their homes in 2018.[49] Authorities pressured IDPs to return to unsafe areas and restricted humanitarian assistance in IDP areas in 2019.[50] While Ethiopia ratified the Kampala Convention in 2020, Ethiopian authorities and security forces have carried out actions that contributed to the large-scale internal displacement, particularly in conflict-affected areas.

38. Since the conflict in northern Ethiopia, security forces and authorities in Amhara have systematically expelled hundreds of thousands of Tigrayans from the Western Tigray Zone. This ethnic cleansing campaign continued after the November 2022 truce agreement.[51] During a May 2023 UN Committee against Torture review, Ethiopian authorities downplayed these credible reports.[52]

39. Following the June 2022 massacre of several hundred Amhara civilians in western Oromia and in Benishangul Gumuz, the UN Office for Coordination of Humanitarian Affairs reported the displacement of at least 4,800 people in Tole alone, with over 500,000 displaced across western Oromia due to the conflict.[53] These internally displaced persons face dire conditions, lacking basic necessities like shelter, food, water, and health care. In February 2024, Ethiopian authorities initiated government-led returns of IDPs from Amhara to areas of origin in Oromia without inadequate security and humanitarian assistance, raising concerns that returns were not voluntary nor complied with international standards.[54]

40. In March 2023, Oromia authorities demolished homes and businesses in Shegar City, near Addis Ababa, displacing residents and reportedly beating and shooting protesters.[55] Similarly, in September 2023, clashes involving security forces from the Oromia and Somali regions in the Qoloji IDP camp resulted in deaths among Somali civilians.[56]

41. Ethiopia's unlawful collective expulsion of hundreds of Eritreans in June 2023, condemned by UN experts, highlights the precarious situation of refugees and asylum seekers in the country.[57] Eritrean refugees in the Amhara region's Alemwach camp faced attacks by unidentified gunmen after conflict erupted there.

Recommendations:

- Suspend, investigate, and appropriately prosecute commanders and officials implicated in serious rights abuses in Western Tigray.

- Cease all coercive policies associated with the forced expulsion or transfer of ethnic minorities, including restrictions on movement, and the seizure of property, businesses, and land.
- Ensure that internally displaced persons and refugees wishing to return to their homes or places of habitual residence have the right to do so, that returns take place in accordance with international standards, and that returns are safe, voluntary, well-informed, and dignified.
- All warring parties should immediately cease attacks and abuses against Eritrean refugees and other civilians. They should respect the humanitarian nature of refugee camps and not deploy forces there. They should facilitate humanitarian access and freedom of movement for all refugees.
- As a state party to the 1951 Refugee Convention and its 1967 Protocol, the Convention against Torture, and the ICCPR, ensure the rights of asylum seekers, refugees, and migrants are protected, in particular by respecting the principle of nonrefoulement and the prohibition of collective expulsions.

FREEDOM OF OPINION AND EXPRESSION

42. During the 2019 UPR process, Ethiopia supported recommendations to "widen civic space and protect the right to freedom of expression,[58] Although the two repressive laws were amended, civic space continues to erode, with authorities harassing and detaining critical voices, forcing journalists, opposition members, and civil society activists into silence or exile.

43. In March 2020, authorities detained a lawyer for social media comments on the government's pandemic response, and journalist Yayesew Shimelis faced charges for similar remarks.[59] Vague provisions in the government's emergency law to respond to Covid-19 and the broad provisions outlined in the 2020 hate speech law, make it difficult to know what constitutes punishable speech, empowering misuse by authorities.

44. In June 2020, following the assassination of Hachalu Hundessa, Ethiopian authorities detained dozens of opposition members and journalists for prolonged periods and without charge.[60] On June 30, security forces in Addis Ababa arrested Oromo Federalist Congress leaders Jawar Mohammed and Bekele Gerba, and Balderas Party figures Eskinder Nega and Sintayehu Chekol for their alleged involvement in the violence. Authorities also detained Lammi Begna, Dawit Abdeta, Kenessa Ayana, and Michael Boran of the Oromo Liberation Front. While Ethiopian authorities released Eskinder, Sinteyehu, Jawar and Bekele in January 2022, seven members of the Oromo Liberation Front party remain in detention despite multiple judicial orders calling for their release.[61]

45. In February 2024, Security officers in Ethiopia's capital detained Batte Urgessa, a spokesperson for the Oromo Liberation Front (OLF), an opposition political party, and French journalist Antoine Galindo, during a February 2024 interview in Addis Ababa.[62]

46. Since the August 2023 state of emergency declaration, mass arrests of ethnic Amhara have been reported in the Amhara region and Addis Ababa, including of political opposition figures, journalists, and government critics.[63] In early August, federal police arrested Christian Tadele, an opposition member of parliament and outspoken critic of the ruling party and the government's actions in the Amhara region; Yohannes Buayelew, a member of the Amhara regional council; and Kassa Teshager, a member of Addis Ababa city council.[64] Christian Tadele and Kassa Teshager were initially held incommunicado.

47. Ethiopia also noted a recommendation to "Ensure that civil and political rights, particularly freedom of association and freedom of expression, are upheld, including by ending the internet shutdowns."

48. The government used blanket communications shutdowns during moments of conflict and unrest, causing a disproportionate toll on the population. In January 2020, authorities shut down mobile phone networks, landlines, and internet services in western Oromia for two

months.[65] In Tigray, government authorities shut down phone and internet access for two years. The restrictions affect essential services, reporting on critical events, and human rights investigations and could risk worsening an already bad humanitarian situation.[66] Since the outbreak of armed conflict in Amhara in August 2023, Ethiopian authorities suspended mobile internet services in many parts of the region.

Recommendations:

- Ban the persistent and illegal communications shutdowns including the internet and establish clear legislation guiding the subject matter.
- Take urgent measures to uphold the right to freedom of expression and ensure accountability for those responsible for such violations.
- Create a conducive environment for re-establishment of vibrant civil society organizations and the free press.
- Subject emergency measures to independent oversight and regular review, from a range of groups, including Ethiopian human rights institutions and civil society organizations.
- Give unhindered access to the Ethiopian Human Rights Commission and independent nongovernmental organizations to monitor detainees.
- Align hate speech and disinformation proclamations with international human rights law standards and best practices.

COOPERATION WITH HUMAN RIGHTS MECHANISMS AND REQUESTS FOR TECHNICAL ASSISTANCE

49. During the 2019 UPR process, Ethiopia both supported and noted a series of recommendations to further strengthen cooperation with UN human rights mechanisms, but took actions that contravened those commitments.[67]

50. The Human Rights Council established the Independent International Commission of Human Rights Experts on Ethiopia (ICHREE) in December 2021. Its mandate was to investigate and document serious human rights violations, with a view to making this information accessible and usable in support of ongoing and future accountability efforts.

51. The Ethiopian government refused to cooperate with ICHREE's investigators and grant them access to conflict-affected areas. It also attempted on multiple occasions to get the mechanism defunded and prematurely terminated.[68] In July 2022, the government set forth its requirements to cooperate with ICHREE, which would entail inappropriate interference with the independence of its work.[69]

52. In March 2023, Ethiopia threatened to introduce a resolution at the Human Rights Council that would prematurely terminate the ICHREE's mandate.[70] In October, the European Union, which previously led the resolution establishing the commission in December 2021, failed to introduce any draft resolution at the Human Rights Council session that would either renew ICHREE's mandate or maintain international scrutiny of the human rights situation in Ethiopia.[71] ICHREE's report marked the end of international independent and impartial documentation of the human rights situation in Ethiopia.
53. The government also did not cooperate with and resisted the work of the African Commission on Human and Peoples' Rights (ACHPR) Commission of Inquiry on Tigray – whose investigations ended in May 2023, without the release of a public report on its findings and recommendations.[72]

54. The government also noted many "recommendations asking for it to extend standing invitations for all special procedure mandates and to give them unhindered access." Although it allowed the Special Rapporteur on the freedom of opinion and expression to visit the country in December 2019, other mandate holders have not carried out a working visit. In addition, in August 2021, Ethiopian authorities rendered seven UN officials persona non-grata, including from the Office of the High Commissioner for Human Rights, reflecting a broader trend of government hostility to aid agencies and independent documentation.[73]

Recommendations:

- Prioritize cooperation with international, regional, and domestic human rights mechanisms, uphold international commitments, support independent documentation and public reporting on human rights and international humanitarian law violations, and

actively engage in dialogue and collaboration to address human rights concerns effectively.

ACCOUNTABILITY AND JUSTICE EFFORTS

55. Ethiopia supported the recommendation to "ensure the judicial system's independence and continue its efforts towards accountability for past atrocities." However, this has not been implemented, and since then, the country has seen one of the deadliest conflicts in its history.

56. During the 2019 UPR process, Ethiopia noted the recommendation to "accede to the Rome Statute and fully align its national legislation with the Rome Statute." The country's legislative gap is contributing to widespread impunity.

57. The government has largely failed to credibly investigate past and ongoing abuses, including alleged war crimes and crimes against humanity committed by federal, regional, and Eritrean forces during the conflict in northern Ethiopia. The government's failure to meaningfully investigate or allow credible investigations has stymied efforts to collect and safeguard evidence that will be vital to future trials and the comprehensive documentation of the crimes committed during the conflict in northern Ethiopia. A November 2021 joint report by the Office of the UN High Commissioner for Human Rights (OHCHR) and the Ethiopian Human Rights Commission raised concerns that investigations by Ethiopian institutions fell short of international standards, including with respect to transparency, and do not match the scope and breadth of human rights violations committed during the conflict.[74]

58. A government task force established to address the joint Ethiopian Human Rights Commission and OHCHR report has yet to release its findings on Tigray. Their September 2022 report mentioned a few prosecutions of Ethiopian soldiers before military courts, but provided no details on the rank of Ethiopian federal force personnel involved, locations where incidents occurred, how abuses implicating regional forces have been investigated, or clarity on participation of survivors or family members in the proceedings.

59. While the November 2022 cessation of hostilities agreement outlines key measures for civilian protection, service resumption, humanitarian aid access, and IDP return, it lacks details on securing individual criminal responsibility for abuses and violations amounting to serious crimes under international law, referring instead to the government's commitment to a transitional justice policy aimed at "accountability, truth, redress, reconciliation, and healing."[75]

60. In January 2023, the Ethiopian government released a draft "Policy Options for Transitional Justice" as a starting point for public consultations. The government began seeking public input in February, including in the Amhara region and parts of the Oromia region still affected by fighting. In September, the second report of ICHREE found that the government "failed to effectively investigate violations" and "initiated a flawed transitional justice

process."[76] In addition, political opposition groups, civil society groups, Ethiopian human rights experts, and consultation participants criticized the draft policy document, pointing to its focus on the principle of sovereignty, and the lack of inclusiveness of the consultations. They also questioned the timeliness of the discussion while the fighting was ongoing. In Tigray, participants reportedly raised concerns about the document's failure to address Eritrean forces' accountability.[77]

Recommendations:

- Ratify the Rome Statute and implement the statute in national legislation, including by incorporating provisions to investigate and prosecute atrocity crimes in accordance with international law.
- Conduct prompt, independent, and thorough investigations into all allegations of violations of international humanitarian law, as well as conduct that may constitute war crimes and crimes against humanity in Tigray, Amhara and Oromia states, and ensure that perpetrators are brought to justice through transparent and credible processes.
- Ensure the preservation of evidence of serious crimes under international law, while allowing judicial authorities to undertake independent and impartial investigations. Ensure the safe participation of victims and survivors in the investigations with a view to transferring such documentation responsibly to independent and competent judicial authorities.
- Allow independent investigators and human rights groups to carry out the impartial and independent documentation of human rights violations and abuses, which should not be delayed while the government initiates the longer-term process of institutional and legislative reforms to strengthen domestic judicial institutions and address accountability gaps.
- Monitor, assess, and publicly report on progress in the implementation of ICHREE's recommendations, including the minimum benchmarks to ensure that any future transitional justice policy meets international and regional standards.
- Cooperate fully with investigations by all UN, regional, local, and international nongovernmental human rights monitors, including to ensure unrestricted access to all regions of Ethiopia and protection from reprisal for their work.

ANNEX 1 – ORGANIZATIONS RESPONSIBLE FOR PREPARING THIS SUBMISSION

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Website: phr.org

[1] Human Rights Watch submitted a stakeholder submission for the 2019 UPR, https://www.hrw.org/news/2019/06/06/ethiopia-submission-universal-periodic-review

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settlements (163.181, 3rd cycle, theme D31).

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[27] Ethiopia supported a recommendation to adopt all necessary measures so that acts of torture are not repeated, by ensuring that those responsible are brought to justice (3rd cycle, recommendation 163.155, theme D25) Continue independent and transparent investigations into all allegations of torture in places of detention (3rd cycle, 163.157, theme D25) Continue to prioritize the prevention of acts of torture and cruel or degrading treatment, and ensure that accountability constitutes the core of ongoing political reforms (3rd cycle, 163.154 theme D25), Continue strengthening laws and policies on the prevention of acts of torture and cruel or degrading treatment by senior officials and, in particular, by the armed forces (3rd cycle, 163.156, theme D25) - Redouble efforts to improve conditions in detention facilities, with particular consideration for women and children (3rd cycle, 163.179, theme D26).
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