

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: +1-212-290-4700
Fax: +1-212-736-1300; 917-591-3452

Kenneth Roth, *Executive Director*

DEPUTY EXECUTIVE DIRECTORS

Tirana Hassan, *DED/Chief Programs Officer*
Wisla Heneghan, *DED/Chief Operating Officer*

Lauren Camilli, *General Counsel*
Mei Fong, *Chief Communications Officer*
Colin Mincy, *Chief People Officer*
James Powell, *Chief Technology Officer*
Valentina Rosa, *Chief Development Officer*
James Ross, *Legal and Policy Director*
Bruno Stagno Ugarte, *Chief Advocacy Officer*

DIVISION AND PROGRAM DIRECTORS

Lama Fakh, *Middle East & North Africa*
Clara Long, *United States (Acting)*
Elaine Pearson, *Asia (Acting)*
Laura Pitter, *United States (Acting)*
Mausi Segun, *Africa*
Tamara Taraciuk Broner, *Americas (Acting)*
Hugh Williamson, *Europe and Central Asia*

Shantha Rau Barriga, *Disability Rights*
Bill Frelick, *Refugees and Migrant Rights*
Arvind Ganesan, *Economic Justice and Rights*
Steve Goose, *Arms*
Balkees Jarrah, *International Justice (Acting)*
Frederike Kalthöner, *Technology and Human Rights*
Zama Neff, *Children's Rights*
Richard Pearshouse, *Environment and Human Rights*
Graeme Reid, *Lesbian, Gay, Bisexual, and Transgender Rights*
Macarena Sáez, *Women's Rights*
Ida Sawyer, *Crisis and Conflict*

ADVOCACY DIRECTORS

Yasmine Ahmed, *United Kingdom*
Maria Laura Canineu, *Brazil*
Louis Charbonneau, *United Nations, New York*
Farida Deif, *Canada*
Kanae Doi, *Japan*
Meenakshi Ganguly, *South Asia*
Bénédicte Jeannerod, *France*
Sarah Holewinski, *Washington DC*
Lucy McKernan, *United Nations (Acting)*
Sophie McNeill, *Australia (Acting)*
Wenzel Michalski, *Germany*
Måns Molander, *Nordic*

BOARD OF DIRECTORS

Amy Rao, *Co-Chair*
Neil Rimer, *Co-Chair*
Oki Matsumoto, *Vice Chair*
Amy Towers, *Vice Chair; Treasurer*
Catherine Zennström, *Vice Chair*
Bruce Rabb, *Secretary*
Akwas Aidoo
Lishan Aklog
George Coelho
Roberto Dañino
Kimberly Marteau Emerson
Loubna Freih
Leslie Gilbert-Lurie
Paul Gray
Caitlin Heising
Judith Heumann
David Lakhdir
Louisa Lee-Reizes
Alicia Miñana
Ambassador Robin Sanders
Bruce Simpson
Joseph Skrzynski AO
Donna Slaight, C.M.
Siri Stolt-Nielsen
Marie Warburg
Isabelle de Wismes
Masa Yanagisawa
Andrew Zolli

May 26, 2022



HRW.org

RE: Benchmarked approach for EU's engagement in Ethiopia

Dear High Representative / Vice-President Borrell,
Dear Foreign Ministers of EU member states,

We are writing, on behalf of Human Rights Watch, to urge the European Union and member states to adopt a benchmarked approach in its engagement with Ethiopia, ensuring that its relations with and support to Ethiopia are contingent on the federal government and other warring parties in the conflict in Northern Ethiopia taking tangible actions towards meaningful and lasting human rights improvements and safeguards.

We commend the strong statements and positive diplomatic action undertaken by the EU since the conflict erupted, including its leadership in the establishment by the UN Human Rights Council of the International Commission of Human Rights Experts on Ethiopia (ICHREE) in December 2021.

Regrettably, however, efforts and measures taken so far have not provided sufficient leverage to significantly change the actions of the Ethiopian government and other warring parties. The [ethnic cleansing campaign](#) in Western Tigray zone, the effective siege of Tigray, and widespread arbitrary arrests along ethnic lines are continuing unabated. Tigrayan forces have also committed [summary executions](#), [widespread sexual violence](#), and deliberate attacks on healthcare facilities. These abuses are having a devastating impact on affected communities and will continue to affect the humanitarian and human rights context in Ethiopia for years to come. A concise overview of our main findings is annexed to this letter (*Annex I: Overview of Human Rights Watch's Findings*).

The Ethiopian government's apparent renewed willingness to engage with the EU should not result in a lessening of diplomatic pressure. Diplomatic engagement and access should not be an aim, in of itself, but a tool to achieve tangible progress.

Specifically, we recommend that the EU and its member states set their engagement with the Ethiopian authorities around concrete benchmarks, including, but not limited to:

- **Issuing clear, public orders to all security forces**, including the military, military intelligence, police, and allied militias **to prevent and end all abuses against civilians and captured combatants**, including unlawful killings, sexual violence, and attacks on civilian infrastructure;
- **Ending all arbitrary detentions, ethnically targeted arrests, and enforced disappearances; release** all those arbitrarily detained throughout the country, notably the **hundreds, perhaps thousands of Tigrayans**, estimated to be held in Western Tigray zone alone, and end torture and other ill-treatment;
- **Allowing and facilitating access** for independent humanitarian agencies **to formal and informal detention sites**, notably in Humera, and its surrounding towns in Western Tigray zone;
- **Allowing sustained, unrestricted, and unimpeded access by humanitarian organizations to all conflict-affected areas**; allow independent humanitarian organizations to operate without arbitrary restrictions and onerous bureaucratic requirements, and end all attacks and other forms of harassment against aid workers, thoroughly investigating reports of abuse;
- **Immediately restoring basic services**, including communications, electricity, and banking throughout Tigray;
- **Conducting credible and transparent investigations into serious rights abuses**, including into individuals named in the Amnesty International/Human Rights Watch [Western Tigray report](#), and into forces alleged to be implicated in the ethnic cleansing campaign, with a view to holding all those responsible to account. In particular:
 - The report [identifies](#) three people who should be immediately investigated, two for their command responsibility, and all three for their direct participation in alleged crimes. Please find more information in the annex to this letter (*Annex II: Key Individuals Meriting Criminal Investigations*).
 - Immediately demobilize and disarm all abusive irregular forces present in Western Tigray since November 2020 such as Fano and other militias.

- Civilian officials, including interim Amhara officials, security force personnel from the Amhara Special Forces, and Ethiopian federal forces implicated in serious abuses in Western Tigray, should be suspended pending investigations into their actions.
- The inter-ministerial task force on accountability and redress of violations should include abuses committed since November 2020 in Tigray in its investigations into abuses in conflict-affected areas.
- The task force should provide timely and transparent updates to the public and international community on the progress of its investigations, ongoing trials, and make its findings public. Any military, police, and other investigations already underway should be promptly completed and the findings made public.
- **Respecting freedom of association and expression**, in particular, ending all acts of intimidation, harassment, and arbitrary arrests of journalists and media workers, and releasing all journalists who are arbitrarily detained because of their journalism work.
- **Cooperating with and facilitating international and regional human rights monitoring**, including with the ICHREE. Such cooperation should respect the independence of these mechanisms, including the mandate and scope of their work.

The European Union's adoption of robust measures in response to serious violations in Ukraine was recognized around the globe. Yet, the EU has not taken sufficiently strong actions to address the serious violations of human rights and international humanitarian law taking place in Ethiopia. It is crucial that the parties to the conflict in Ethiopia recognize that crimes committed against civilians have immediate and longer-term consequences.

Benchmarks should form part of a broader effort by the EU and its member states to achieve credible rights progress, and the EU should stand ready to strategically adopt the more robust tools at its disposal to promote progress. In particular, the EU and its member states should:

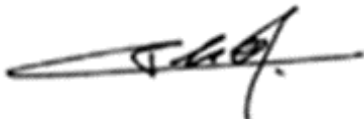
- i. **Consider the adoption of targeted sanctions** against Ethiopian, including Tigrayan, and Eritrean individuals and entities responsible for serious human rights violations, and violations of international humanitarian law in conflict-affected areas. These should include the three individuals named in Amnesty International/Human Rights Watch report, and against those responsible for the obstruction of humanitarian access. Such sanctions could be adopted through the EU's global human rights sanctions regime, or through the intermediate step of the adoption of an *ad hoc* sanctions' regime, flagging the EU's intention to

identify and sanction perpetrators. The adoption and duration of the sanctions should be linked to concrete benchmarks to incentivize specific progress on the ground.


- ii. Work with international partners to ensure that the situation in Ethiopia is added to the **UN Security Council** agenda.
- iii. Given widespread and systematic violations of the laws of war by the Ethiopian and Eritrean military forces, and Tigrayan armed groups, immediately adopt an **arms embargo** halting the transfer and sale of arms and all other military equipment to Ethiopia and Eritrea, and encourage other governments to follow suit.
- iv. Continue to work with partners to ensure that the **International Commission of Human Rights Experts on Ethiopia (ICHREE)** receives the political and financial support it requires to conduct its work.
- v. **Support the establishment of robust independent monitoring processes and systems for all international assistance:**
 - Ensure that all agreements with international financial institutions and donor countries include robust independent monitoring processes and systems;
 - Support independent evaluation of humanitarian responses to ensure that assistance is not being diverted, withheld, including in Western Tigray zone where the instrumentalization of humanitarian assistance as part of the ethnic cleansing campaign has been documented.

Thank you for your consideration. Please don't hesitate to contact us if you have questions or comments. Please address your comments to Laetitia Bader, Horn of Africa director, at baderl@hrw.org.

Sincerely yours,



Philippe Dam
Advocacy Director
Europe and Central Asia Division
Human Rights Watch



Mausi Segun
Executive Director
Africa Division
Human Rights Watch

Annex I: Overview of Human Rights Watch's findings

Ever since the beginning of the hostilities in Tigray in November 2020, and later in the Amhara and Afar regions, Human Rights Watch along with other rights organizations and media outlets have exposed serious abuses committed by all sides, including [extrajudicial executions](#), widespread sexual violence, looting and deliberate attacks on civilian infrastructure, including [healthcare facilities](#), [schools](#), [refugee](#), and [displaced person camps](#). In the Amhara region, we are currently investigating Tigrayan forces' looting and destruction of medical supplies and services, and occupation of key public health services. Outside of the conflict-affected areas, government security forces have continued to [arbitrarily detain and forcibly disappear](#) thousands of Tigrayans, including deportees from Saudi Arabia.

In April, Human Rights Watch, jointly with Amnesty International, released a report, [“‘We Will Erase You From This Land’: Crimes Against Humanity and Ethnic Cleansing in Ethiopia’s Western Tigray Zone.”](#) documenting how newly appointed officials in Western Tigray and Amhara region security forces, with the acquiescence and possible participation of Ethiopian federal forces, have systematically expelled several hundred thousand Tigrayan civilians from their homes using threats, unlawful killings, sexual violence, mass arbitrary detention, forcible transfer, pillage, and the denial of humanitarian assistance. These widespread and systematic attacks against the Tigrayan civilian population amount to crimes against humanity as well as war crimes.

These abuses, including arrests and forced expulsions in Western Tigray, continue to date. [Hundreds, and perhaps thousands of Tigrayans](#), remain in detentions in life-threatening conditions in Western Tigray zone, conditions that could amount to the crime against humanity of extermination.

Meanwhile, in other parts of Tigray, an effective siege has now been in place for almost a year. In November, we reported that the siege is [doubly victimizing survivors of sexual violence](#) by preventing the rehabilitation of the region's devastated healthcare system, and denying survivors access to basic care and means of survival. While recently there has been [an important increase](#) in the number of humanitarian aid trucks entering Tigray, these cannot match the needs. Basic services, notably banking, electricity and communications, key to people's very survival, have still not been restored, causing disproportionate harm to the civilian population and to humanitarian operations.

Annex II: Key Individuals Meriting Criminal Investigation

Available in [Annexes](#) of “We Will Erase You from This Land”

Individuals who are responsible for crimes under international law should be investigated and appropriately brought to justice.¹ This includes those who commit or order a crime, as well as attempting to commit, assist, facilitate, and aid or abet a crime. Under international humanitarian and criminal law, military commanders, and other superiors, including civilian officials, can be held criminally accountable for the acts of their subordinates under the principle of superior or command responsibility. A commander or superior is criminally responsible if they knew, or should have known of the crimes, and wilfully failed to prevent or punish them.² A superior does not necessarily need to know the identity of subordinates who carried out crimes. It is sufficient that the commander or superior have “effective control” over the forces responsible for the crimes.³ Effective control means the material ability, at the time relevant to the charges, of superiors to prevent or punish the crimes of their subordinates.

Applying these rules to the situation in Western Tigray leads to the following conclusions. First, administrators as well as military, security, and militia leaders who gave orders or directly participated in the commission of the crimes in Western Tigray, documented in the joint report, should be investigated on the basis of their individual responsibility. In addition, commanders of military units, as well as of other security forces (such as police commanders and militia leaders), may bear responsibility for violations committed by forces under their command in accordance with the doctrine of command responsibility.

Amnesty International and Human Rights Watch call for the investigation of civilian leaders as well as those within the military chain of command, security, and militia leaders in

¹ International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law* (Cambridge: Cambridge University Press, 2005), Rules 102, 151, 158.

² See *Prosecutor v. Elizaphan Nkaritumana and Gérard Nkaritumana*, International Criminal Tribunal for Rwanda, Case No. ICTR-96-10 and ICTR-96-17-T, Judgement and Sentence (Trial Chamber), February 21, 2003, para. 819; *Prosecutor v. Alfred Musema*, International Criminal Tribunal for Rwanda, Case No. ICTR-96-13-T, Judgement and Sentence (Trial Chamber), January 27, 2000, para. 148; Zejnil Delalić (“Čelebići”), Case No. IT-96-21-A, Appeal Judgement, February 20, 2001, para. 195; *Prosecutor v. Zejnil Delalić, Zdravo Mucić, Hazim Delić, Esad Landžo (Čelebići case)*, International Criminal Tribunal for the Former Yugoslavia, Case No. IT-96-21-T (Trial Chamber), November 16, 1998, para. 378. See also article 28 of the Rome Statute of the International Criminal Court.

³ *Prosecutor v. Hadžihasanović*, International Criminal Tribunal for the Former Yugoslavia, Case No IT-01-47-T, Judgement (Trial Chamber) March 15, 2006, para. 90; *Prosecutor v. Ignace Bagilishema*, International Criminal Tribunal for Rwanda, Case No. ICTR-95-1A-T, Judgement (Trial Chamber), June 7, 2001, para. 45.

Ethiopia who either were directly responsible for crimes in Western Tigray, or who knew or should have known of the crimes and took no steps to prevent or punish them.

In particular, Amnesty International and Human Rights Watch believe, based on their research, that the following individuals should face judicial proceedings for the crimes detailed in the report, including war crimes and crimes against humanity:

Col. Demeke Zewdu, deputy administrator of the Western Tigray Zone and Head of Security in the Zone. Col. Demeke is a leading member of the Welkait Identity Committee and was a former member of the Ethiopian army.⁴ Demeke has been serving as one of the most senior officials in Western Tigray and is reported to exercise oversight and control over the Amhara Special Forces, Fano militias, and Amhara militias in the zone.⁵ As documented in our report, these forces, at times acting in coordination with one another, carried out numerous abuses against Tigrayans throughout Western Tigray to violently expel Tigrayans from the area.

Witnesses said that Demeke engaged in rallies, meetings, and decisions in Humera town, as well as in Adi Remets and Adebai towns.⁶ Witnesses in Humera identified Colonel Demeke as coordinating activities with other interim authorities, militias, and Eritrean officers in a hotel and in the zonal office in Humera town, and as encouraging the occupation of Tigrayan homes and businesses in Humera town.⁷ A witness identified him at a detention site observing Tigrayan detainees in Adi Remets town.⁸

In early November 2021, civilian authorities and security forces in Western Tigray initiated a new wave of abuses and accelerated the forcible displacement of Tigrayans from the area, particularly in the towns of Adebai, Humera, and Rawyan. A witness identified Colonel Demeke in Adebai town during the roundup of Tigrayan residents, where older people, women, and young children were expelled on trucks heading east to the Tekeze River, while Tigrayan men were forcibly rounded up in the town and taken to a makeshift detention site.⁹ An unknown number of those trying to flee were killed.

Demeke failed to prevent, stop, or punish crimes against Tigrayans committed by security forces operating under his apparent command in Western Tigray. He outrightly rejected

⁴ See for example, Katharine Houreld, Michael Georgy, and Silvia Aloisi, “Special Report: How ethnic killings exploded from an Ethiopian town,” Reuters, June 7, 2021, <https://www.reuters.com/investigates/special-report/ethiopia-conflict-expulsions/> (accessed March 29, 2022); Zecharias Zelalem, “Amhara protest stalwarts released but government remains mum on Welkait issue,” (February 23, 2018), *Opride*, <https://www.opride.com/2018/02/23/amhara-protest-stalwarts-released-government-remains-mum-welkait-issue> (accessed March 29, 2022).

⁵ Phone interviews, April, June, July, and November 2021.

⁶ Phone interviews, March, April, May, and November 2021; and in January 2022.

⁷ Phone interview, April 2021.

⁸ Phone interview, May 2021.

⁹ Phone interview, January 2022.

allegations made in a Reuters investigative report on Western Tigray that Fano militias were responsible for abuses, telling reporters that accounts of “attacks on Tigrayans by Fano are ‘completely and absolutely false.’”¹⁰

Amnesty International and Human Rights Watch believe that Colonel Demeke should be investigated and appropriately prosecuted for command responsibility for crimes against humanity of murder, torture, deportation, forcible transfer, sexual violence, persecution, and other inhumane acts including possible extermination; and for command responsibility for the war crimes of murder, cruel treatment, torture, pillage, committing sexual violence, the displacement of civilian population not required for their security or imperative military necessity, and seizing property not required by military necessity, as detailed in this report. He should also be investigated for direct responsibility for these crimes.

Commander “Shaleqa” Dejene Maru, commander of the 2nd battalion, Gafat Brigade, Amhara Special Force.¹¹ A public associate of Col. Demeke Zewde since the Amhara protests in 2016,¹² Commander Dejene was also the commanding Amhara Special Force officer in Adi Goshu town during the early offensives in November 2020, and the roundups, beatings, and extrajudicial killings of Tigrayans at the Tekeze bridge by Amhara Special Forces in January 2021¹³. As documented in the report, Amhara Special Forces, at times acting in coordination with one another, carried out numerous abuses against Tigrayans throughout Western Tigray zone to violently expel Tigrayans from the area.

Witnesses identified Commander Dejene Maru in Adi Goshu town as being in Western Tigray as early as mid-November 2020, after the Ethiopian military and allied forces from the neighboring Amhara region captured the town and indiscriminately shot at fleeing residents. Bodies lay unburied until residents approached Commander Dejene for permission to bury those killed.¹⁴

On November 14, 2020, Commander Dejene reportedly called a meeting of town residents and said that “from now on there is nothing called Tigray here. This is a land of Gondar, of Amhara... from now on.”¹⁵

¹⁰ Katharine Houreld, Michael Georgy, and Silvia Aloisi, “Special Report: How ethnic killings exploded from an Ethiopian town.”

¹¹ See Facebook post, https://m.facebook.com/watch/?v=415328752932448&_rdr (accessed March 29, 2022).

¹² Phone interviews, May, June, July 2021.

¹³ Phone interviews, June 2021.

¹⁴ Phone interviews, June 2021.

¹⁵ Phone interview, June 2021.

In a video posted on Facebook on November 20, 2020, Commander Dejene can be seen on the Tekeze bridge, approximately 25 kilometers from Adi Goshu town, addressing a group of Amhara Special Forces and militias.¹⁶

In an interview in Adi Goshu town and posted on Facebook on December 1, 2020, Dejene states that the “priority [of his forces] was to ensure stability in the town [Adi Goshu].” He added: “We established a temporary town/city committee. And we also established a committee to facilitate the surrender or neutralization [of TPLF militiamen in the bushes]. Many of them finally surrendered their guns when they ran out of options.”¹⁷

Several witnesses said that in the weeks and months that followed the capture of Adi Goshu town, Amhara Special Forces under Commander Dejene’s command carried out threats, intimidation, arrests of Tigrayans, and the looting of Tigrayan property, including homes and businesses.¹⁸

On January 17, 2021, Amhara Special Forces, militias, and local residents rounded up over 60 Tigrayan men. Witnesses, and a few survivors, said that Amhara Special Forces then transported the men to the northwestern bridge on the Tekeze River and shot them.

After an ultimatum was issued to Tigrayans to leave Adi Goshu, witnesses saw Dejene lead a meeting in the town. Residents asked where the Tigrayans detained had been taken, to which Dejene apparently replied: “we escorted them to the Tekeze.”¹⁹ Administrators in the meeting he presided were also heard saying that “if Tigrayan fighters attacked Amhara Special Forces, Tigrayans would pay the price.”²⁰

As the most senior ASF officer in Adi Goshu, Dejene had authority and command over the forces in Adi Goshu town that carried out the massacre on the Tekeze River on January 17, 2021. He failed to prevent or stop the crimes by Amhara Special Forces in Adi Goshu town, or to punish subordinates responsible.

Commander Dejene should be investigated and appropriately prosecuted for command responsibility for the crimes against humanity of murder, torture, deportation, forcible transfer, sexual violence, persecution, and other inhumane acts; and for command responsibility for the war crimes of murder, cruel treatment, torture, pillage, committing

¹⁶ Emmanuel Man’s Facebook page, https://www.facebook.com/story.php?story_fbid=237568794367275&id=100043424670385 (accessed March 29, 2022).

¹⁷ See Facebook post, https://m.facebook.com/watch/?v=415328752932448&_rdr (accessed March 29, 2022).

¹⁸ Phone interviews, June 2021.

¹⁹ Phone interview, May 2021.

²⁰ Phone interview, June 2021.

sexual violence, ordering the displacement of civilian population not required for their security or imperative military necessity, and seizing property not required by military necessity. He should also be investigated for direct responsibility for these crimes.

Belay, full name believed to be Belay Ayalew, intelligence officer based in Humera. Amnesty International and Human Rights Watch have not been able to determine his formal position.

Witnesses identified Belay as coordinating Fano militias in Humera and Adebai towns and carrying out intelligence, investigative, and interrogation work in detention sites, aimed at identifying Tigrayans in Humera town.²¹

Former detainees held in Humera detention sites also describe Belay as being directly involved in the beating of Tigrayans.²²

In early November 2021, civilian authorities and security forces in Western Tigray initiated a new wave of abuses and accelerated the forcible displacement of Tigrayans from the area, particularly in the towns of Adebai, Humera, and Rawyan. Witnesses said that Belay was in Adebai town on November 3, 2021, during a roundup of Tigrayan residents, when older people, women, and young children were expelled on trucks heading east to the Tekeze River, while Tigrayan men were forcibly rounded up and taken to a makeshift detention site. An unknown number of those trying to flee were killed. Witnesses said Belay issued instructions to Fano militiamen and attempted to take Tigrayan detainees away that day, only to be prevented from doing so by the Eritrean military.²³

Belay should be investigated and appropriately prosecuted for criminal responsibility for the crimes against humanity of murder, torture, deportation, forcible transfer, sexual violence, persecution, and other inhumane acts including possible extermination; and for the war crimes of murder, cruel treatment, torture, and committing sexual violence.

²¹ Phone interview, May, August, and December 2021.

²² Phone interviews April, June, and December 2021.

²³ Phone interviews, December 2021, January 2022.