

# **Genocide in Tigray:**

## **Serious Breaches of International Law in the Tigray Conflict, Ethiopia, and Paths to Accountability**

**SUMMARY**

**June 2024**

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## Foreword

Maintaining a tradition of high-impact research and policy advice, this latest report from the New Lines Institute was prepared by a talented group of international law professionals with expertise in international criminal law and human rights. Distinctive for the breadth and depth of analysis, it has the potential to become a landmark step in the road to accountability for crimes allegedly committed against Tigrayans in the course of the armed conflict that took place in Ethiopia from November 2020 to at least November 2022.

This report situates the credible allegations of crimes against Tigrayans in the context of the Genocide Convention, as well as related doctrines within international criminal law. In doing so, it highlights possible implications for the responsibility of Ethiopia as a State as well as the need for a full criminal investigation. The report convincingly identifies at least a reasonable basis to believe that genocide was committed against Tigrayans as an ethnic group, including through mass killings, the use of starvation, and the destruction of critical infrastructure, as well as countless instances of rape and other acts of sexual violence. By foregrounding the question of genocide, the report opens the door to a fuller understanding of the severity and scale of the harms suffered by victims of this under-reported conflict.

As the New Lines Institute previously explored in its work on crimes allegedly committed in Ukraine, as well as against the Rohingya in Burma/Myanmar and the Uyghur in China, gender-based crime is seldom fully or adequately recognized. Justice for these crimes is rarer still. Tragically, consistent with other credible accounts, this report finds reason to believe that members of the Ethiopian National Defence Force – and associated forces including the Eritrean Defence Forces, the Amhara Special Forces, and related militia groups – weaponized rape and sexual violence not only to drive out and displace Tigrayans from Western Tigray, but also to destroy the Tigrayan group as such. Tigrayan women who were subjected to these horrendous acts are now often destitute and cast out of society. Even if the conflict ended in November 2022, credible allegations persist that rape and sexual violence continued to be committed by the same perpetrator groups in the aftermath.

Recognizing that there is a reasonable basis to believe that genocide was committed against Tigrayans is important not only of itself, but in helping policymakers to formulate an appropriate response. From the perspective of international law, credible allegations of genocide not only trigger potential new routes toward accountability and redress, but also place a new emphasis for members of the international community to consider their obligations to promote such outcomes. From the perspective of victims and affected communities, recognizing that there is reason to believe genocide took place should guide further work in assessing their trauma and working toward meeting their recovery needs.

Significantly, this report points to the first concrete steps that States and the international community should consider taking in order to meet their obligations, and to help promote a just and stable peace in Ethiopia. Most importantly, this requires reinvigorating the process of fact-finding and

accountability that has regrettably stalled. This can be done by various means, including in States' bilateral relations, in exercising their rights and fulfilling their obligations under the Genocide Convention, in advocating for an independent criminal investigation, and in exercising universal jurisdiction over suitable cases in accordance with their own applicable law.

Perhaps the most important message of the report, however, is its plea for commitment and consistency in promoting and defending the most basic principles of international law. In a world where one crisis seems to follow hard on the heels of another, States adhering to international law must somehow find means to stay the course. If the international community constantly pivots from one situation to another, justice will never be delivered. Tigray is a case in point. But it is not too late; the opportunity remains to build a solid foundation for justice and accountability in Tigray. States and policymakers should seize upon this report as the impetus to do just that.

**Baroness Helena Kennedy KC**

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## Introduction

Measured by the number of deaths, the Tigray War in Ethiopia is the deadliest armed conflict of the 21<sup>st</sup> century and one of the bloodiest since the end of the Cold War, claiming the lives of over 400,000 soldiers and up to 300,000 civilians.<sup>1</sup>

Despite the intense human suffering, this “forgotten” war has not garnered the international attention it desperately needs. There is an unfortunate sense in which the world is too ready to move on after its initial efforts. The International Commission of Human Rights Experts on Ethiopia has been wound up before concluding its work. The United States, despite recognizing more than half a million deaths in the region and that crimes against humanity and war crimes had been committed there<sup>2</sup>, have restored financial and economic assistance to the status quo ante bellum. Similarly, the EU has returned to its \$680 million development strategy with the nation despite a lack of accountability for the widespread abuses in the region.

The consequence has been that international efforts to verify serious breaches of international law have not been followed through or adequately supported. Victims will carry with them scarring and abuse from a conflict that, despite an apparent cessation of hostilities in 2022, did not result in a stable peace. Innocent lives continue to be lost, and many millions continue to face food insecurity resulting from the military campaigns. More time must be given not only to investigate and as needed provide accountability for the blockade on humanitarian aid that contributed to the deaths of hundreds of thousands of Tigrayans, but also to investigate and provide accountability for the widely-reported mass murder, rape, forced displacement, physical abuse, and torture which took place, as well as the targeting of key civilian infrastructure such as the healthcare system.

This groundbreaking report from the New Lines Institute for Strategy and Policy aims to fill this vacuum by informing stakeholders of the sheer scale and variety of the alleged criminal conduct; providing a legal analysis of the relevant allegations through the particular lens of the Genocide Convention, and describing pathways to accountability which should be adopted, including measures at both the national and international levels.

The report was prepared by a group of international law professionals, with expertise in fields including international human rights law and international criminal law. While several other reports have reached similar conclusions concerning some of the key factual allegations, the New Lines Institute report is the first to relate these allegations directly to the Genocide Convention and to call for action accordingly.

While the report finds that there is a reasonable basis to believe that all sides (including the Ethiopian and allied forces, and the Tigrayan forces) committed war crimes in the course of the conflict, Ethiopian and allied forces — specifically, members of the Ethiopian National Defense Force, the Eritrean Defense Forces, and the Amhara Special Forces, among other groups — also appear to have committed crimes against humanity against Tigrayans, as well as acts of genocide.

These acts of genocide include killings, the infliction of serious bodily and mental harm, intentional measures to prevent births, and the deliberate infliction of conditions of life calculated to bring about the destruction of

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<sup>1</sup> <https://www.ft.com/content/2f385e95-0899-403a-9e3b-ed8c24adf4e7>

<sup>2</sup> <https://usun.usmission.gov/remarks-by-ambassador-linda-thomas-greenfield-at-the-un-security-council-stakeout-following-a-closed-meeting-on-the-situation-in-ethiopia/>

Tigrayans. The report finds, furthermore, that certain individuals also appear to have made statements amounting to direct and public incitement to commit genocide.

Irrespective whether this apparent conduct by the Ethiopian and allied forces was committed as part of a plan, or whether it was supported at senior levels, Ethiopia was obliged as a State party to the Genocide Convention to take effective action to prevent the commission of genocidal acts and to punish such acts if they occurred.

As a consequence, the international community is compelled to act, including potentially by States instituting proceedings before the International Court of Justice under Article IX of the Genocide Convention. States and the international community should also take steps to secure an international, impartial, and independent criminal investigation, to exercise universal jurisdiction where practicable and thus to ensure that justice for the numerous human rights violations might finally be had in Tigray.

**Dr. Azeem Ibrahim OBE**

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# Genocide in Tigray: Serious breaches of international law in the Tigray conflict, Ethiopia, and paths to accountability

## Summary for Policy Makers

On 4 November 2020, a non-international armed conflict came into being between Ethiopia (through the Ethiopian National Defence Force, ENDF) and the Tigrayan People’s Liberation Front (TPLF).

The ENDF acted alongside Ethiopian regional groups such as the Amhara Special Forces (ASF) and similar forces from Afar, as well as associated militia. While groups such as the ASF are nominally subordinate to the respective regional government in Ethiopia, and consequently their conduct is not automatically attributable to the ENDF (or otherwise to the State of Ethiopia), an independent expert inquiry has concluded that they worked in coordination and/or in joint operations with the ENDF.<sup>3</sup> The ENDF was further supported by the Eritrean Defence Forces (EDF).<sup>4</sup>

From the outset, the entirety of Tigray was put under a region-wide blackout. This disrupted the region’s electricity and communications, impacting banking and various other necessities of daily life. Tigrayans were at once cut off from the wider world. Families and friends could not notify each other about their safety. According to one report, the power was shut off even a week before the fighting, which prevented people from recording the various crimes that ensued—their mobile phones had by then run out of battery power.<sup>5</sup>

The conflict between the TPLF and Ethiopia’s federal government formally lasted at least until 2 November 2022, when the *Cessation of Hostilities Agreement* was concluded. But the violence did not end then. The EDF remained in Tigray, and allegedly continued to commit criminal acts against the ethnic Tigrayan population.

It is already well reported that both sides in the conflict have committed war crimes, and that members of the Ethiopian National Defence Forces and allied forces (EDF and Amhara Special Forces, ASF), Fano, and other militia, also committed crimes against humanity against Tigrayans. For example, this has been determined by various State representatives, international organizations, and NGOs, including:

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<sup>3</sup> UN ICHREE, “Comprehensive investigative findings and legal determinations: International Commission of Human Rights Experts on Ethiopia” (13 October 2023), A/HRC/54/CRP.3, para. 91 (concluding “Amhara Special Forces and Afar Special Forces were especially implicated in the conflict”).

<sup>4</sup> UN ICHREE, “Comprehensive investigative findings and legal determinations: International Commission of Human Rights Experts on Ethiopia” (13 October 2023), A/HRC/54/CRP.3, para. 90 (concluding that although further investigations into whether formal agreements for the deployment of EDF troops into Tigray existed are necessary, the Commission could establish that “ENDF and EDF conducted joint operations on the ground, often arriving simultaneously in towns and villages”).

<sup>5</sup> Will Brown, “After the bombs they attacked with knives, claim Ethiopians fleeing peace prize winner’s war” (*Telegraph*, 23 November 2020).

- US Secretary of State Antony Blinken;
- the International Commission of Human Rights Experts on Ethiopia (ICHREE);
- the Office of the United Nations High Commissioner for Human Rights (OHCHR), together with the Ethiopian Human Rights Commission (EHRC);
- Amnesty International and Human Rights Watch.

Less formally, some notable individuals and groups have also warned that these actions may amount to genocide against the Tigrayan population.<sup>6</sup> Thus, this report seeks to consider in particular whether key allegations fulfill the legal requirements of the Genocide Convention.<sup>7</sup>

This report concludes that there is a reasonable basis to believe that on the evidence currently available, members of the ENDF, the ASF, and the EDF have indeed committed genocide against Tigrayans, by means including killing Tigrayans, causing serious bodily or mental harm, deliberately inflicting conditions of life upon Tigrayans calculated to bring about their destruction, and imposing measures intended to prevent births among Tigrayans. These acts were carried out with the intent to destroy Tigrayans as an ethnic group, in whole or in part, as such.

This report also concludes that there is a reasonable basis to believe that at least some statements reportedly made on social media by certain individuals also met the requirements for direct and public incitement to genocide.

## Recommendations of this report

Based on the analysis in this report, States should:

- 1.1. **Recognize that there is at least a reasonable basis to believe that genocide and other related acts were committed in Ethiopia against Tigrayans, and that responsibility for these acts may be attributable to Ethiopia as a State; and**
- 1.2. **Recognize that, even if Ethiopia was not responsible for the genocide and other related acts, there is at least a reasonable basis to believe that it failed to prevent or punish such acts committed on its territory;**
- 1.3. **Conform their bilateral relations with States, including Ethiopia, to the state of affairs set out above,**

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<sup>6</sup> Helen Clark, Michael Lapsley, and David Alton, “[The warning signs are there for genocide in Ethiopia: the world must act to prevent it](#)” (*The Guardian*, 26 November 2021); David Volodzko, “[There’s Genocide in Tigray, but Nobody’s Talking About it](#)” (*The Nation*, 10 May 2022); United States Holocaust Memorial Museum, “[Museum Warns of Heightened Risk of Genocide and Mass Atrocities in Ethiopia’s Tigray Region](#)” (25 October 2022); Dr. Ewelina U. Ochab, “[Heightened Risk of Genocide Against Tigrayans in Ethiopia](#)” (*Forbes*, 26 October 2022); Geoffrey York, “[Recognize genocide in Ethiopia’s Tigray region, experts urge Canadian committee](#)” (*The Globe and Mail*, 6 November 2022); UK All-Party Parliamentary Group on International Law, Justice, and Accountability, *The Three Horsemen of the War in Tigray: Mass Killings, Sexual Violence, and Starvation* (September 2023), p. 76.

<sup>7</sup> For example, the ICHREE “was not able [due to the time and resource limitations placed on its work to] make such determination under its reasonable grounds to believe standard and finds that further investigation is required to determine the full facts and legal implications”; see UN ICHREE, “Comprehensive investigative findings and legal determinations: International Commission of Human Rights Experts on Ethiopia” (13 October 2023), A/HRC/54/CRP.3, para. 482.

- 1.4. Take appropriate action in light of their own obligations under the Genocide Convention, including, as appropriate, instituting proceedings before the International Court of Justice under Article IX;
- 1.5. Take appropriate action in multilateral fora to secure an international, impartial, and independent criminal investigation of such acts by the International Criminal Court or any other suitable mechanism; and
- 1.6. Exercise universal jurisdiction, in accordance with applicable domestic law, over individuals implicated in the commission of genocide and other related acts, as well as other core international crimes such as crimes against humanity and war crimes.

The conclusions of this report are based on desk research and on an analysis of information obtained from interviews with persons able to provide first-hand accounts or other relevant details. Desk research involved examining reports from specialized NGOs, governments, and intergovernmental organizations and consulting open-source intelligence (including satellite images, videos, and photographs), as well as academic commentaries, news articles, and blog posts.

While this report concludes that there is a reasonable basis to believe that certain crimes under international law have been committed—and, necessarily, those responsible for such crimes may bear individual criminal responsibility—it does not seek to identify such individuals specifically. Rather, that task should be carried out through an independent criminal investigation, as this report recommends.

## Why another report? Why now?

There is a distinct feeling that the world is moving on from the Tigray conflict, if it has not done so already. New wars, such as those in Ukraine and Gaza, compete for policy-makers' attention with those which may now seem less pressing, especially in their aftermath. Yet a perceived lack of geo-political importance cannot be a deciding factor. Human rights apply to everyone, everywhere—and the promise of “Never Again” must be universally upheld. Victims of the war in Tigray—on all sides—will be carrying their scars for life. The legacy of unaddressed past abuses may be new or resumed conflicts. Indeed, armed conflict in other regions of Ethiopia is once again ongoing.

There are objective reasons to believe that the Tigray conflict requires greater international attention than it has received to date.<sup>8</sup> So far, international efforts to verify allegations of serious violations of international law have been insufficient. Indeed, policy responses since the apparent cessation of hostilities in Tigray in 2022 seem to have reflected a rush to move on, and to try and avoid tackling the difficult but important task of establishing the truth of what happened.

**June 2023: US President Biden's administration notifies Congress that the Ethiopian federal government no longer engages in a “pattern of gross violations of human rights.”<sup>9</sup> As a consequence, Ethiopia is allowed to qualify for US and international loans and other financial assistance once more.<sup>10</sup>**

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<sup>8</sup> OHCHR, [UN Experts call for ongoing international scrutiny and support for victims in Ethiopia](#) (press statement, 26 October 2023); Katie Burton, “[Tigray: the war the world forgot](#)” (*Geographical*, 11 January 2024); Lawrence Freedman, “[The forgotten wars: This century's deadliest conflicts aren't taking place in Ukraine or Gaza](#)” (*New Statesman*, 27 February 2024).

<sup>9</sup> Nicole Widdersheim, “[Why Say Who Did What? The Ethiopia Case and the Power of US Atrocity Determinations](#)” (*JustSecurity*, 20 July 2023).

<sup>10</sup> Robbie Gramer, “[U.S. Lifts Human Rights Violation Designation on Ethiopia](#)” (*Foreign Policy*, 29 June 2023).

Only three months prior, in March 2023, Secretary of State Antony Blinken had made a statement to the effect that during all parties “committed war crimes during the conflict in northern Ethiopia,” and that “Members of the ENDF, EDF, and Amhara forces also committed crimes against humanity, including murder, rape and other forms of sexual violence, and persecution.”<sup>11</sup> And before that, in October 2022, US Ambassador to the United Nations Linda Thomas-Greenfield also acknowledged that in “[over] two years of conflict, as many as half a million—half a million—people have died, and the United States is deeply concerned about the potential for further mass atrocities.”<sup>12</sup>

But by June 2023, accountability was far from a reality. Indeed, Eritrean forces were still accused of committing crimes. The delivery of food and other humanitarian aid was diverted through a coordinated campaign, to such an extent that the United States Agency for International Development (USAID) and the World Food Programme (WFP) announced that they had suspended in-kind food assistance to the Tigray region, which was extended to the whole country in June 2023. Yet over 1,000 hunger-related deaths had been recorded since April 2023.<sup>13</sup>

**August 2023: The African Commission on Human and Peoples’ Rights prematurely terminates the mandate of the Commission of Inquiry into the situation in the Tigray Region of the Federal Republic of Ethiopia (CoI).**<sup>14</sup>

At the same time, “Medical records from across the region show sexual violence continues to be used ‘to intimidate and terrorise communities.’”<sup>15</sup> The Purpose of the CoI was to “determine the underlying causes of the conflict, investigate violations of international human rights law and international humanitarian law, and identify perpetrators for purposes of pursuing justice and accountability.”<sup>16</sup>

**October 2023: EU Commissioner Jutta Urpilainen pledges \$680 million from the EU in strategic support to Ethiopia in an attempt to normalize relations, highlighting that Ethiopia is a “strategic partner” for “promoting economic integration in the Horn of Africa.”**<sup>17</sup> This aid had previously been stopped at the outbreak of the conflict.<sup>18</sup>

Indeed, in January 2023, the foreign ministers of France and Germany called for accountability for the widespread abuses during a visit to Ethiopia—accountability was thus a precondition for the EU to normalize relations with Ethiopia.<sup>19</sup> By September 2023, the ICHREE had published its second report, and found, among other things, “that the government ‘failed to effectively investigate violations’ and

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<sup>11</sup> United States Department of State, War Crimes, Crimes Against Humanity, and Ethnic Cleansing in Ethiopia Press Statement, 20 March 2023.

<sup>12</sup> Remarks by Ambassador Linda Thomas-Greenfield at the UN Security Council Stakeout Following a Closed Meeting on the Situation in Ethiopia (New York, 21 October 2022).

<sup>13</sup> UN ICHREE, “Report of the International Commission of Human Rights Experts on Ethiopia” (14 September 2023), A/HRC/54/55, para. 48

<sup>14</sup> Human Rights Watch, Concerns Regarding The Premature Termination of the Commission of Inquiry on the Situation in the Tigray Region of the Federal Republic of Ethiopia (31 August 2023).

<sup>15</sup> Sarah Johnson and Lucy Kassa, “Rape still a weapon of war in Tigray months after peace deal” (*The Guardian*, 25 August 2023).

<sup>16</sup> Human Rights Watch, Concerns Regarding The Premature Termination of the Commission of Inquiry on the Situation in the Tigray Region of the Federal Republic of Ethiopia (31 August 2023).

<sup>17</sup> Maya Misikir, “EU Moves Toward Normalizing Relations with Ethiopia, Pledges \$680 Million” (*Voice of America*, 4 October 2023).

<sup>18</sup> Reuters, “EU pledges delayed \$680 million aid package for Ethiopia” (*Reuters*, 3 October 2023).

<sup>19</sup> AP, “France, Germany urge Ethiopia on accountability after war” (*AP News*, 12 January 2023).

‘initiated a flawed transitional justice process.’<sup>20</sup> Concerns surfaced about the independence of Ethiopia’s Transitional Justice Working Group of Experts, which was established as an accountability mechanism. It was said that Ethiopia was adopting a “quasi-compliance” strategy. This is said to entail the establishment of domestic mechanisms and process is done solely to deflect and avoid international attention and scrutiny.<sup>21</sup> Experts are also concerned that its internal processes fail to meet international standards, including by creating a “controlled environment” wherein groups cannot speak freely.<sup>22</sup>

As a Union that subscribes to the rule of law and protection of human rights, it is incumbent on the EU to enquire where serious allegations are made against its prospective partners, and to ensure that the requirements made for any cooperation are followed through.

**January 2024: Ethiopian Prime Minister Abiy Ahmed is awarded the Agricola Medal, the highest award from the FAO agency’s Director-General, for his “contribution to rural and economic development in Ethiopia.”<sup>23</sup>**

However, reports from wartime Tigray describe deliberate tactics by the ENDF (in coordination with the EDF) to destroy crops and set fire to farmland, pushing Tigrayans onto the brink of famine. According to estimates, between 96,000 to 218,000 Tigrayans are estimated to have died from starvation by December 2022.

**Even today**, millions of Ethiopians, including in and beyond Tigray, continue to face food insecurity, including as a direct consequence of the destruction of crops and harvests, and the displacement of farmers from their land. Even after the conflict, allegations persist that Ethiopian authorities diverted crucial food aid from the World Food Programme and the US Agency for International Development, leading to its suspension in May 2023.<sup>24</sup>

While the conflict between the Ethiopian federal government and the TPLF may have ended within the framework of the *Cessation of Hostilities Agreement* of 4 November 2022, there are ample reasons to consider that the matter should remain of international concern.

First, human rights violations in Tigray appear to be ongoing,<sup>25</sup> as are the harms and consequences caused by past conduct. Second, the apparent end of the conflict in Tigray has not meant the end of conflict in Ethiopia. Now, conflict has erupted between the federal government and the regions of Oromia, Amhara, and Afar (former allies in the fight against the TPLF).<sup>26</sup> Where will it end?

For the community of policy makers concerned with accountability for alleged violations of international law, the pushback against such processes in the context of Ethiopia should also be a

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<sup>20</sup> Human Rights Watch, *World Report 2024: Ethiopia: Events of 2023* (January 2024).

<sup>21</sup> OHCHR, *UN Experts call for ongoing international scrutiny and support for victims in Ethiopia* (Press statement, 26 October 2023);

<sup>22</sup> Julia Crawford, “*Flawed Transitional Justice in Ethiopia*” (*Justice Info*, 19 October 2023)

<sup>23</sup> Laetitia Bader, “*UN Food Award for Ethiopia’s Premier Ignores Wartime Abuses*” (*Human Rights Watch*, 30 January 2024).

<sup>24</sup> Giulia Paravicini, “*UN agency joins US in suspending food aid to Ethiopia after diversions*” (*Reuters*, 9 June 2023).

<sup>25</sup> UN ICHREE, “*Report of the International Commission of Human Rights Experts on Ethiopia*” (14 September 2023), A/HRC/54/55, para. 2.

<sup>26</sup> UN ICHREE, “*Report of the International Commission of Human Rights Experts on Ethiopia*” (14 September 2023), A/HRC/54/55, para. 1.



matter of note. The successful lobbying for the de-funding of the International Commission of Human Rights Experts in Ethiopia (ICHREE) is a significant cause for concern.<sup>27</sup>

Similarly, Ethiopia is also said to have prevented access to any of the aforementioned fact-finding investigations. According to Steven Ratner, chair of the ICHREE, the Ethiopian government refused to cooperate with the ICHREE, and tried to set conditions for its work which proved “unacceptable” to the Commission’s experts.<sup>28</sup> Later, Ethiopia “slammed the commission’s reports as ‘inflammatory’ and ‘biased.’”<sup>29</sup>

It has been said by some that at least part of the future of international criminal law might be domestic. Yet this only works if countries are willing and able to undertake fair, impartial, and open accountability processes, with investigations leading to effective prosecutions where justified.

This does not appear to be the case in Ethiopia. While national ownership of the process, as set out by Ethiopia’s Transitional Justice Working Group of Experts, is important,<sup>30</sup> it will be impossible for accountability to take place “unless the guns are silenced,”<sup>31</sup> and until victims feel heard and trust that they can speak openly.

It is now more important than ever to ensure that justice is done, and be seen to be done.

*“The millions of victims of conflict in Ethiopia deserve nothing less.”  
– Mohamed Chande Othman, Chairperson of the ICHREE<sup>32</sup>*

## Applicable law

This report focuses on Public International Law—the law governing relations between nation States—and International Criminal Law, which occasions individual criminal responsibility.

The Genocide Convention, of which Ethiopia is a signatory State, sets out in Article I:

*Genocide, whether committed in time of peace or in time of war, is a crime under international law which [the Contracting Parties] undertake to prevent and to punish.*

Article II sets out the definition of the crime:

*Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:*

*(a) Killing members of the group;*

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<sup>27</sup> AS, “Ethiopia loses second attempt to defund resources for UN rights experts” (*Addis Standard*, 31 December 2022).

<sup>28</sup> Julia Crawford, “Flawed Transitional Justice in Ethiopia” (*Justice Info*, 19 October 2023)

<sup>29</sup> Julia Crawford, “Flawed Transitional Justice in Ethiopia” (*Justice Info*, 19 October 2023)

<sup>30</sup> Tadesse Simie Metekia, “Does Ethiopia’s transitional justice amount to quasi-compliance?” (*ISS Today*, 5 February 2024).

<sup>31</sup> Tadesse Simie Metekia, “Does Ethiopia’s transitional justice amount to quasi-compliance?” (*ISS Today*, 5 February 2024).

<sup>32</sup> OHCHR, UN Experts call for ongoing international scrutiny and support for victims in Ethiopia (press statement, 26 October 2023).

- (b) *Causing serious bodily or mental harm to members of the group;*
- (c) *Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- (d) *Imposing measures intended to prevent births within the group;*
- (e) *Forcibly transferring children of the group to another group.*

International Criminal Law largely adopts the definition of “genocide” which exists under customary international law and treaty law as set out in the Genocide Convention. The Rome Statute of the International Criminal Court requires some additional technical elements, but these are not relevant to this report.

In practice, the jurisprudence of the International Criminal Court, and of the international *ad hoc* tribunals (for the former Yugoslavia, ICTY, and Rwanda, ICTR) may inform how the obligations under the Genocide Convention are interpreted. Yet the International Court of Justice (ICJ)—which is the arbiter on the interpretation of matters arising under the Genocide Convention—is not bound by the decisions of these criminal courts or tribunals on matters of law. Consequently, while jurisprudence from international criminal courts and tribunals may be highly relevant and persuasive, the legal interpretations of the ICJ are definitive on matters of genocide.

The legal requirements for genocide are set out as material at:

→ [Part V – A – 1. Public International Law, and 2. International Criminal Law of the report](#)

The legal requirements for crimes against humanity are set out as material at:

→ [Part VI – A of the report](#)

The legal requirements for war crimes are set out as material at:

→ [Part VII – A of the report](#)

## The standards of “proof” applied in this report

### **Reasonable basis to believe**

In arriving at its conclusions, this report applies the standard of “reasonable basis to believe,” unless indicated otherwise. This means that the belief is based on objective grounds and relies on factual information that would “satisfy an objective and ordinarily prudent observer that the incident or pattern of conduct has occurred as described with a reasonable degree of certainty.”<sup>33</sup>

This is similar to the standard used by the Prosecutor of the International Criminal Court in proceeding with an investigation (Article 53(1)(a), *Rome Statute*). It is also

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<sup>33</sup> UN ICHREE, “Report of the International Commission of Human Rights Experts on Ethiopia” (14 September 2023), A/HRC/54/55, para. 6; UN OHCHR, *Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties* (3 November 2021), para. 10.



the same standard applied by the ICHREE,<sup>34</sup> and the Joint Investigative Team of the Ethiopian Human Rights Commission and the Office of the United Nations High Commissioner for Human Rights.<sup>35</sup>

## Legal findings

The following sections list the main findings of the report, including by reference to the full analysis in the main report.

### Findings on genocide

*“...wipe out the Tigrayans for 100 years...”*

**There is a reasonable basis to believe that a genocide has been carried out against Tigrayans.**

Among others, genocide protects ethnic groups from destruction, in whole or in part. Such groups are defined by positive characteristics which members hold in common, such as culture and language. Self-identification is also relevant. Taking these into account, there are ample reasons to consider that Tigrayans constitute an ethnic group.

The three main actors implicated in potentially unlawful conduct in Tigray are the federal armed forces of Ethiopia (ENDF), regional armed forces from Ethiopia (such as the Amhara special forces, ASF, most relevantly for the purpose of this report, but also other groups, such as the Afar special forces), and the armed forces of Eritrea (EDF).

As recalled above, while this report considers whether there is a reasonable basis to believe that international crimes might have been committed, it reaches no conclusion as to the intent or conduct of any specific individual.

**There is a reasonable basis to believe that members of the Ethiopian National Defence Force, and relevant officials, had the necessary special intent to destroy Tigrayans as an ethnic group, in whole or in part, as such.**

There is a reasonable basis to believe that members of the ENDF, the ASF, and the EDF all committed genocide against Tigrayans. This does not mean that there was necessarily a formal plan for this to occur, or that senior officials were necessarily involved in these acts.

There is a reasonable basis to believe that at least some members of the ENDF or civilian officials associated with the Ethiopian federal government, the ASF or civilian officials associated with affiliated militias or the Amhara regional government, and the EDF each possessed the intent to destroy Tigrayans as an ethnic group, in whole or in part.

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<sup>34</sup> UN ICHREE, “Report of the International Commission of Human Rights Experts on Ethiopia” (14 September 2023), A/HRC/54/55, para. 6.

<sup>35</sup> UN OHCHR, *Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties* (3 November 2021), paras. 9-10.

While there is significant evidence that the ENDF, the ASF, and the EDF operated in concert, the ASF and EDF were not formally subordinated to the ENDF. Consequently, it is appropriate to consider whether there is evidence of genocidal intent associated with members of each of these groups.

To establish such an intent, what matters is *evidence of the desire to destroy Tigrayans as an ethnic group*, in whole or in part, as such—not the reason *why* a person might wish to destroy them.

ENDF members elided political opposition by the TPLF with members of the Tigrayan group as a whole, who were framed as enemies to be destroyed. Thus, ENDF figures used pejorative terms to describe Tigrayans—such as *junta*, *woyané*, and *agame*—as well as referring to them as “cancer” and “weeds.”

Senior members of government, and individuals close to them, also allegedly stated their intention to “wipe out the Tigrayans for 100 years,” said that in Ethiopia “weeding is done with a hammer,” and called “weyaneness” (Tigray-ness) a “disease” which had to be wiped out, both “physically” and in terms of the mere “idea.”

*“They should be erased and disappeared from historical records. A person who wants to study them should find nothing about them. Maybe he can find out about them by digging in the ground.”*

— Prime Minister Abiy’s social affairs adviser, Daniel Kibret

In particular, former senior EU envoy, Pekka Haavisto, now Minister for Foreign Affairs of Finland, was told that “they are going to wipe out the Tigrayans for 100 years” during a closed-door meeting with Prime Minister Abiy Ahmed and other ministers. Such statements are of serious concern.<sup>36</sup>

Although most derogatory remarks refer to the TPLF, these comments may be understood as referring to Tigrayans as such. Indeed, a former Ethiopian cabinet minister went on the record to say that that *“They [many Ethiopians] deny that an ethnic element has become a major part of this war. They have stopped seeing the difference between Tigrayan people and the TPLF.”*

This rhetoric was amplified by broadcast media which, although formally independent, nonetheless repeated and elaborated on similar ideas. It was also reflected at a grassroots level, both among soldiers (who said things like “Tigray must be cleansed” and “Tigray are junta”), but also in civil society (a tenant was abused by her landlord’s family as “junta,” and threatened with stabbing if she did not leave).

For example, Kedir Juhar, mayor of Dire Dawa (the only other federal-level city administration in Ethiopia besides Addis Ababa, with over 440,000 inhabitants), was reportedly heard arguing on national television that “Tigrayans are worse than the devil himself.”

Vilification of Tigrayans became apparent in public life in Ethiopia, further encouraging the spiral of abuse and violence. Notably, Tigrayans were removed from positions of employment in ministerial

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<sup>36</sup> Cara Anna, “[EU envoy: Ethiopian leadership vowed to ‘wipe out’ Tigrayans](#)” (*Associated Press*, 18 June 2021).

offices, the armed forces, security and policing, and other parts of the civil service. Companies with Tigrayan employees were shut down or subject to interference.

Travel restrictions were put in place, and Tigrayans were required to “check in” with the police on a regular basis, under threat of arrest or other forms of harassment for non-compliance. Tigrayans were often stopped and searched, and their homes were searched without warrant. Bars and other social venues featuring Tigrinya music were targeted, and many were closed.

Crimes were carried out against Tigrayans in a fashion consistent with the intention to destroy them as a group, in whole or in part. This was evident in the mirroring of the violent rhetoric described above—a woman raped by an ENDF soldier was told, “We will destroy Tigray and all the Tigrayans.” Such threats were made not only to adults but also to infant children. It was also evident in the manner in which crimes were carried out, for example, by singling out Tigrayans for victimization. When Tigrayans sought to flee Tigray, they were in some instances killed while trying to escape, or they were forced to remain and were exposed to further victimization.

The strategic choice to seek the assistance of the EDF in the Tigray conflict also spoke volumes. While Eritrea was formerly an enemy or rival of Ethiopia, and thus made an unlikely partner, the EDF was known to exhibit a clear antipathy to Tigrayans.

→ [Section V – D – 1. of the report](#)

**There is a reasonable basis to believe that some individuals of the Amhara region—including members of Amhara militia, Fano, and the Amhara Special Forces—had the necessary special intent to destroy Tigrayans as an ethnic group, in whole or in part, as such.**

ASF members likewise used rhetoric framing Tigrayans as enemies to be destroyed, situating this in particular as a response to alleged oppression and genocide by the Tigrayans of the Amhara, in the context of historic land disputes.

Once the conflict began, Western Tigray fell under the control of the federal government and the ASF, which both participated in the interim administration that was created. A range of measures were imposed which seemed to aim at least at displacing Tigrayans from the territory, if not harming or destroying them outright. This included prohibiting the speaking of Tigrinya, blocking access to critical aid for Tigrayans, and depriving them of crops and livestock essential for their sustenance. At the same time, measures were taken to assist persons of Amhara ethnicity to settle on land formerly occupied by Tigrayans. Thousands of Tigrayans were detained, and in some circumstances fighting age males were summarily executed.

Evidence of a desire to displace Tigrayans to other locations, or to destroy Tigrayan culture, can be good evidence of the desire for their physical destruction, but is not itself sufficient. The assessment is highly fact-sensitive, and takes into account not only relevant public statements but also the relevant conduct of the perpetrators as well as the broader circumstances.

Violent rhetoric against Tigrayans was especially apparent in the context of the commission of crimes. For example, a trader attacked by an ASF patrol was told “You are a member of the junta! This is your end! We will erase you from this land.” Detainees heard Amhara guards state that “All Tigrayans have to die. We will wipe you all out.” Another said that Tigrayans were “not human beings” but “snakes.”

Victims likewise believed that they were targeted for destruction because they were Tigrayan. For example, a victim of mixed blood concluded that “even one drop of Tigrayan blood in anyone is a death sentence.” Another described how it seemed to have become “a heroic thing to kill a Tigrayan,” and that Tigrayans no longer seemed to be protected by the law: “everyone wants to kill you.”

In one incident, prison guards and local civilians killed detained Tigrayans, who were formerly ENDF soldiers. Prior to this attack, a local radio broadcast had allegedly informed the surrounding community that their children, who were ENDF soldiers, had been killed in the conflict, and that the detainees were *junta* (i.e., implying that the detainees were responsible). Survivors report that broadcasts happened again after the shooting, encouraging local residents to search for escaped detainees. Local officials also reportedly made similar announcements using a loudspeaker.

Sexual violence attributed to the ASF or its affiliates was also apparently related to a genocidal intent. For example, one woman raped by members of the Fano militia (affiliated with the ASF) was told that “Tigrayans should disappear from the land” and that they were “evil” and “we are purifying your blood.” Another woman who was raped was told “I’m going to destroy your uterus so you can never give birth to a Tigrayan. Tigrayan children grow like a cancer inside.” A doctor reported that rape victims were told that they were raped in order “to either Amharize them or at least leave their Tigrinya status [...] to cleanse the blood line.”

→ Section V – D – 2. of the report

**There is a reasonable basis to believe that the soldiers of the Eritrean Defence Forces had the necessary special intent to destroy Tigrayans as an ethnic group, in whole or in part, as such.**

Violent rhetoric against Tigrayans was again reflected in the commission of crimes by EDF members. For example, a pregnant woman was raped and told that “we will cleanse your body and your blood,” and “we will destroy your child and stop you from giving birth.” Another was told, “Let’s eliminate the Tigrayans for generations.” Survivors overheard EDF soldiers say that the Tigrayans would “starve, then we will kill your men and rape your women,” and that the country would be “cleans(ed) of people like you.”

Consistent with this rhetoric, EDF crimes frequently reflected a pattern in which men were killed and women were subject to sexual violence. Since EDF soldiers more frequently speak Tigrinya, they were often used as interpreters even in joint operations. In conducting house-to-house searches, they would seek Tigrayan men without necessarily seeking to determine whether they were TPLF members. Some were overheard saying they “would kill every male over five years old.” Likewise, it is alleged that they stated that they were ordered to target women for sexual violence, and that these “actions were revenge against Tigray.”

EDF troops remained in Tigray until at least January 2023, notwithstanding the signing of an agreement to cease hostilities some months earlier. In this period, they continued to target Tigrayans for crimes. Even if their presence was without official sanction, this may further support the existence of an independent intent to destroy the Tigrayan group, in whole or in part.

*‘What you already did in the ’90s we haven’t forgotten about it even now. From now on, no Tigrayan woman will give birth from a Tigrayan man.’*

—A note on a piece of paper, written by EDF soldiers, removed by a doctor from the genital organs of a raped woman

→ Section V – D – 3. of the report

There is a reasonable basis to believe that, with the intent described above, ENDF, ASF, and EDF members carried out at least four acts constituting the crime of genocide: killing Tigrayans, causing serious bodily or mental harm, deliberately inflicting conditions of life upon Tigrayans calculated to bring about their destruction, and imposing measures intended to prevent births among Tigrayans.

### *Killings*

While the total number of Tigrayan fatalities is impossible to calculate on the evidence available so far, conservative estimates would certainly be in the tens of thousands. Of the violent crimes, men and boys were disproportionately targeted for homicide crimes, with women and girls targeted for sexual violence.

Members of the ENDF, ASF, and EDF allegedly killed numerous Tigrayans unlawfully, including in the following incidents.

- There is a reasonable basis to believe that ENDF members participated in killings in or around Mai Kadra, Adebai, Mirab Abaya, Zalambessa, Adwa, Mahbere Dego, Togogwa Market, and various locations in Western Tigray.
- There is a reasonable basis to believe that ASF members participated in killings in or around Mai Kadra, Adebai, Humera, Rawzan, and various locations in Western Tigray.
- There is a reasonable basis to believe that EDF members participated in killings in or around Axum, Zalambessa, Hitsats, Adigrat, Adwa, Nebelet, and in or around the villages of Mariam Shewito, Geria, Adi Bechi, Adi Chiwa, Mindibdib, Kidfimet, Rahiya, Endabagerima, and Kumro.

→ Section V – E – 1. of the report

### *Serious bodily and mental harm, including sexual violence and measures intended to prevent births*

Members of all three groups also allegedly caused serious bodily and mental harm to numerous Tigrayans, including by means of torture, rape, and other forms of sexual violence, and mutilation. Alleged conduct which may potentially have caused exclusive mental harm to the required standard include the commission of the above-noted acts in front of family members, and interference in traditional burial practices.

### *“A Tigrayan womb should never give birth.”*

Members of the ENDF, ASF, and EDF carried out acts of sexual violence, including rape, which were intended to prevent Tigrayan births. Since Tigrayan culture is patrilineal, the consequence of conceiving a child due to rape by a perpetrator who is not Tigrayan is that the child is deprived of their birth identity as Tigrayan. Perpetrators referenced this view when carrying out rapes, for example, telling one victim: “If you were male we would kill you, but girls can make Amhara babies.”

Furthermore, many acts of sexual violence were carried out in a manner or circumstances which suggest a belief or intention that the victim would physically be unable to give birth subsequently. One woman who was raped both by ENDF and EDF soldiers was told: “We want to destroy your womb so you can’t give birth to a Tigrayan fighter. We will infect you with HIV.” Another woman was told:

“Our problem is with your womb. Your womb gives birth to Woyane. A Tigrayan womb should never give birth.” Yet another woman was threatened and told that her “womb should be destroyed, and should never give birth again.”

The cruel and violent means and methods by which rape was committed was also consistent with an intent to wound and maim the victims, including the insertion of foreign objects, mutilation, and burning. Similarly, children were frequently required to watch relatives being raped, or family members were required to perform sexual acts upon one another. Such conduct may cause mental trauma which subsequently prevents or impedes procreation. Finally, while there is no indication that pregnant women were specifically targeted as such, there are nonetheless multiple accounts suggesting that such women were not only attacked, but also that their unborn children were attacked in the same incidents.

→ Section V – E – 2. of the report

→ Section V – E – 4. of the report

### *Measures deliberately inflicting conditions of life calculated to bring about the destruction of Tigrayans*

In particular, members of the ENDF—and/or related officials, the ASF, the EDF, and associated officials—allegedly inflicted conditions of life calculated to destroy Tigrayans in two main ways: by depriving the Tigrayan population of food causing famine, and by intentionally causing the destruction of the health care system in Tigray.

In the context of the situation in Tigray, removing these basic necessities of life over an extended period of time not only severely endangered the civilian population but also actually caused widespread harm and death.

In the first respect, the Tigrayan population was deprived of food by the combination of measures to restrict the delivery of humanitarian aid into Tigray, and measures to destroy crops and arable land upon which the Tigrayan population relied. These measures exacerbated the critical problems of food insecurity which already existed, pre-dating the conflict.

In particular, the ENDF and related officials refused humanitarian access to Tigray at key stages of the conflict. There were also credible reports of food aid being diverted from its intended beneficiaries. The operating licenses of a number of international NGOs were revoked. The response of the Ethiopian federal government was largely to deny that there was a problem. The impact of these measures was demonstrated by the soaring price of food, and the marked decrease in the efficiency of food distribution.

At the same time, ENDF, ASF, and EDF soldiers consistently burned crops and harvests in Tigray, killed livestock, and destroyed agricultural equipment. So common was this tactic that, reportedly, EDF units sought to deter the civilian population from even attempting to farm their land, telling them “you won’t plough, you won’t harvest, you won’t get any aid; we will punish you if you try.”

The consequences of these combined measures were dramatic—by May 2021, it was reported that at least 5.2 million people (out of approximately 5.7 million people in Tigray) were estimated to require emergency food assistance. Many of these were classified as suffering a “food emergency,” and more than 300,000 were directly subject to famine and at severe risk of starvation. This was the highest number of people in this situation, worldwide, for more than a decade. Six months later, in November



2021, the number of people facing famine-like conditions had tripled, approaching 900,000. Children were particularly affected. While assessing the mortalities associated with these kinds of events is difficult, even the most conservative reasonable estimate suggests a number approaching 100,000 famine-related deaths by the end of 2022.

*“We are here to watch them dying, nothing else”*

—A doctor, pained at only being able to alleviate the suffering of starving infant children through medicine and oxygen, rather than food

In the second respect, and further exacerbating the effects of the deprivation of food, as well as the injuries caused by the conflict itself, there is also a reasonable basis to believe that measures were intentionally taken to destroy the health care system in Tigray. Prior to the conflict, this system was well-functioning, and counted among the best in Ethiopia. However, this system completely collapsed due to (i) the blockade of electricity, fuel, communications, and financial support, and the implications of this critical lack of infrastructural support; (ii) the absence of medical supplies, also exacerbated by the absence of food supplies; and (iii) the consistent vandalism and looting of hospitals, clinics, and medical equipment in areas which came under the control of the ENDF, ASF, and EDF. As one commentator noted, rather than just taking property out, this conduct really seemed to be aimed at making medical facilities “unusable to anybody afterward.” In other instances, former medical facilities were repurposed as bases for the troops that had taken control of the area.

Again, the consequences of these measures were stark. By June 2022, one estimate suggested that three-quarters of the health facilities in Tigray were no longer functional, and more than half of the remainder were only partly functional. Put another way, just 13% of the former health care capacity was functioning normally. Critical medicines were in short supply—including for common diseases such as HIV, diabetes, hypertension, tuberculosis, and malaria—as well as vaccines to prevent infection, and reproductive health kits. As a consequence of the above-noted situation, most surgical procedures other than emergency surgeries became impossible, and even those resorted to the use of expired drugs and potentially no anesthesia. Patients with chronic diseases went untreated; patients with terminal diagnoses did not even receive palliative care. The number of mothers dying in childbirth increased significantly. While assessing the extent of the associated mortalities is again difficult, a conservative estimate suggests at least 30,000 deaths by the end of 2022.

→ Section V – E – 3. of the report

**There is a reasonable basis to believe that certain individuals have directly and publicly incited genocide.**

Even if genocide has not been committed, it is a separate crime under international law to directly and publicly incite the commission of genocide. This means making a direct appeal for one or more other persons to commit an act of genocide, by means which are public in nature rather than merely private. Very often, it will be necessary to interpret the relevant statements in context, having regard to the circumstances both of the perpetrator and their intended audience. To be responsible for this crime, it is also necessary for the perpetrator to intend the destruction of the relevant group, although it need not be proved that this actually occurred.

As previously noted, there is ample evidence of speech acts in the context of the Tigray conflict which might be characterized as hate speech, insofar as they are plainly threatening and derogatory of Tigrayans. Many of these statements were made in public.



There is a reasonable basis to believe that at least some of these statements which were reportedly made on social media met the requirements for direct and public incitement to genocide, in that they called for action to carry out acts of genocide and were made with the requisite intent.

It may also be appropriate for an independent body to investigate further whether statements made in broadcast media, or other public fora, may likewise have met the necessary threshold. For instance, satellite TV stations broadcast various pieces that were hateful of Tigrayans generally. The account “ESAT What’s New” also allegedly posted the following statement on Facebook:

*“Why do we tolerate the renegade Tigrayans among us while we are dying? Raise your machete, axe, or gun and ignite the campaign against renegade Tigrayans in the respective areas. Ignite the massacre to a point no Tigrayan survives.”*

→ Section V – F – 3. of the report

**There is a reasonable basis to believe that Ethiopia failed to prevent the genocide against the Tigrayan people. There is a reasonable basis to believe that Ethiopia failed, and continues to fail, to punish those responsible for the genocide against the Tigrayan people.**

Even if the genocide took place at a “grassroots” level, and irrespective whether it may be attributed to Ethiopia, there is in any event also a reasonable basis to believe that Ethiopia as a State failed to discharge its responsibility under international law to prevent such acts. This failure contributed to and perpetuated the situation of manifest and serious risk that acts of genocide would occur.

→ Section VIII – A – 2. of the report

Likewise, there is a reasonable basis to believe that Ethiopia has not discharged its responsibility to punish such acts.

To date, merely three soldiers have been prosecuted for rape; 25 had been charged with rape and sexual violence; and 28 suspects faced charges of killings. There have been no credible investigations and prosecutions of atrocity crimes like war crimes and crimes against humanity.

→ Section VIII of the report

## **Findings on CAH**

*“We are civilians!”  
The ENDF soldier replied: ‘Yes, we are looking for the civilians!’  
Dead bodies were lying around everywhere.”*

Even if the conduct described above did not amount to genocide, there is a reasonable basis to believe that the conduct amounts to crimes against humanity. Indeed, this conclusion has previously been reached by a number of other States and organizations. Such crimes do not require proof of a genocidal intent, nor do they protect such a narrow category of groups, but rather are defined by the requirement that they are carried out in the context of a widespread or systematic attack against a civilian population.

There is a reasonable basis to believe that the alleged crimes committed against the Tigrayan civilian population are sufficiently numerous in number, and continued for a sufficiently long period, that they amounted to a widespread attack. At the very least, the conduct previously described establishes a reasonable basis to believe that the crimes against humanity of murder, extermination, torture, rape, and other forms of sexual violence, and other inhumane acts, were committed by members of the ENDF, ASF, and EDF.

### **Persecution**

There is a reasonable basis to believe that some or all of the above-noted crimes were committed with the intent to discriminate against Tigrayans on ethnic or political grounds. Accordingly, there is a reasonable basis to believe that members of the ENDF, ASF, and EDF were responsible for the crime against humanity of persecution. This conclusion is further supported by evidence of other conduct targeting persons perceived as supporting Tigrayans, such as the alleged killing of humanitarian workers in Tigray regardless of nationality, and the targeting of journalists, especially Ethiopian journalists, who in a number of instances appear to have been arrested or otherwise detained.

*“Let her cry — isn’t she Tigrayan?”*

—A soldier, denying a Tigrayan mother the chance to comfort her baby daughter, while raping the mother

→ Section VI – B – 1. of the report

### **Rape, conflict-related sexual violence, and other sexualized crimes**

Conservative estimates suggest that 10,000 Tigrayan women and girls were raped by members of the ENDF, ASF, and EDF, both during the course of the conflict and in its aftermath. There is also evidence suggesting that Tigrayan men and boys were raped, as well as subject to other forms of sexual violence such as beating their genitals. Since some of the alleged rapes were committed against persons in detention, and were carried out repeatedly and over a prolonged period, the circumstances strongly suggest that the further crimes of sexual slavery and/or forced pregnancy may have been committed.

→ Section VI – B – 2. of the report

### ***Forcible Displacement***

Significant numbers of Tigrayans were displaced from their homes or places where they were lawfully present in Tigray. In Western Tigray, for example, one estimate suggests that this affected 75-90% of the pre-conflict population. Evidence suggests that at least a substantial part of these movements resulted from violent or other coercive acts, amounting to the crimes of deportation or forcible transfer. This was often the consequence of conspicuous crimes carried out against civilians, such as killings or rapes. As one woman explained, she realized “this could happen to me next” as a “lot of women were raped in the area. So, I didn’t grab anything, I just left.”

The departure of Tigrayans in coercive circumstances was sometimes facilitated by the authorities—for example, providing buses and trucks, and confiscating ID cards to impede Tigrayans returning to their homes. There are instances in which Tigrayans were denied access to Western Tigray, once under the control of the Amhara authorities.

→ Section VI – B – 3. of the report

### *Unlawful Imprisonment and Enforced Disappearances*

There is a reasonable basis to believe that Tigrayan civilians were unlawfully imprisoned in large numbers during the conflict, and were held in potentially dozens of locations. Captives also included Tigrayan members of the ENDF or other Ethiopian security forces who appear to have been purged on the basis of their ethnicity, including those who were serving as part of Ethiopia’s contribution to UN peacekeeping missions abroad. Conditions of detention were poor, with inadequate food and common allegations of violence (including sexual violence) and verbal abuse against detainees. Detainees were frequently denied access to legal advice, and sometimes were held incommunicado. Evidence suggests that captives remained in detention even after the *Cessation of Hostilities Agreement* in November 2022.

Furthermore, the evidence also suggests that there is a reasonable basis to believe that some detainees were subject to the crime of enforced disappearance, insofar as their fate or whereabouts was not acknowledged, and this unacknowledged detention was carried out under the authority of a State or political organization with the intent to remove the detainee from the protection of the law for a prolonged period.

*“We had to clean out our insides.”*

— Brigadier-General Tesfaye Ayalew, Head of Deployment Department of the Ethiopian National Defence Force, justifying the exclusion of ethnic Tigrayans from the military

Transfer of detainees between detention sites was not consistently acknowledged by the authorities, and it is frequently reported that families were not told about the location in which detainees were held.

Tigrayan ENDF soldiers who were serving as UN peacekeepers outside of Ethiopia prior to the conflict also began facing harassment on UN bases after November 2020. Upon the conflict’s outbreak, some were forcibly returned to Ethiopia, even under violence, where they were then immediately detained—others refused to do so and sought asylum in other countries.

→ Section VI – B – 4. of the report

### *Murders*

Finally, in addition to the relevance of killings as a prohibited act of genocide murder as the underlying act of genocide of killing members of the group, there is a reasonable basis to believe that the same acts constituted murder as a crime against humanity.

The exact number Tigrayans directly killed is unknown, but conservative figures range in the thousands.

In addition, there are instances of other murders apparently connected to the attack on the Tigrayan civilian population, even if the specific victims of these murders may not have been of Tigrayan ethnicity. This includes in particular at least 23 humanitarian aid workers.

→ Section VI – B – 5. of the report

### *Findings on war crimes*

There is a reasonable basis to believe that much of the conduct of the ENDF, ASF, and EDF described above also amounts to war crimes, committed in the context of the non-international conflict between Ethiopia and the TPLF. In particular, violations of Common Article 3 of the Geneva Conventions—a “minimum yardstick, reflecting “elementary considerations of humanity”—appear to have been extremely common.

As described above, there is a reasonable basis to believe that the ENDF and other groups impeded the delivery of relief supplies to the civilian population of Tigray, and destroyed food stocks, crops, and other objects indispensable to the survival of the civilian population. This appears to have been done not only intentionally but methodically and systematically, as a method of warfare. Irrespective whether this satisfies relevant elements of the crime of genocide, therefore, this conduct may amount to the war crime of starvation.

Additionally, there is a reasonable basis to believe that at least members of the ENDF and EDF violated the principles of distinction and proportionality in carrying out combat operations against the TPLF. In particular, in a number of events, the use of artillery and air strikes appears to have been intentionally directed at the civilian population, or to have been indiscriminate or at least disproportionate to the anticipated military advantage. Such conduct, if proven, amounts to a war crime.

→ Section VII – B of the report

### *Findings on crimes committed by members of the Tigrayan forces*

While there does not appear to be a reasonable basis at the present time to believe that members of Tigrayan forces committed crimes against humanity, there is evidence suggesting that they also committed war crimes, especially against persons of Amhara ethnicity.

In particular, there is a reasonable basis to believe that members of the TPLF or associated groups are responsible for violations of Common Article 3 of the Geneva Conventions, including for acts of murder, torture, and deportation or forcible transfer. Allegations of rape and other forms of sexual violence, as well as pillage and destruction of civilian property, are also frequent.

→ Section VII – C of the report

## Relevant actors examined in this report

### **Ethiopian Government**

Led by Prime Minister Abiy Ahmed; responded to an alleged attack by the TPLF on soldiers of the Ethiopian National Defence Forces on late 3 / early 4 November 2020 with a “law and order” operation.

### **Ethiopian National Defence Force**

Ethiopia’s national military force, whose commander-in-chief is the Prime Minister. Conducted joint operations with Eritrean Defence Forces, and was later supported by Amhara Special Forces, and associated militia.

### **Eritrean Defence Forces**

National military forces of the State of Eritrea; although no formal agreement is known to the public, they supported the Ethiopian federal government in joint operations with the ENDF.

### **Amhara Special Forces**

A regional paramilitary police force; Special Forces are nominally responsible to the regional state government. ASF acted on the side of the federal government.

### ***Fano***

Amhara militia forces; acted on the side of the Ethiopian federal government.

### **Afar Special Forces**

Special Forces of Afar region, which is nominally responsible to the regional state government. Acted on the side of the Ethiopian federal government.

### **Tigray People’s Liberation Front**

Previous leading party in government from 1991 until 2018; current administration of Tigray region; also a paramilitary group.

### **Tigray Defence Forces**

Fighters loyal to elements of the TPLF.

### **Tigray Special Forces**

A regional paramilitary police force; Special Forces are nominally responsible to the regional state government. TSF acted on the side of the TPLF.

## Afterword

This project of the New Lines Institute is a compelling report on the atrocity crimes perpetrated in Tigray, applying for the first time international law, including the Geneva Conventions of 1949, their Additional Protocols of 1977, and the Genocide Convention of 1948, to the myriad allegations of international criminality. It determines convincingly that Ethiopia bears State responsibility for breaches of Article II and Article III of the Genocide Convention to which it is signatory. It also reasonably establishes that Ethiopia has not made sufficient provisions to prevent genocide according to its Article I duty to prevent.

Specifically, this report demonstrates there is a reasonable basis to believe that the intentional deprivation of food took place to starve civilians as a method of warfare. There is a reasonable basis to believe that the ENDF breached cardinal rules of distinction and proportionality in the bombing and killing of civilians and that this would likely amount to the commission of war crimes. Crimes against humanity, including forcible displacement, rape, conflict-related sexual violence, and persecution, are evidenced, as are at least four acts of genocide, as follows:

- The killing of Tigrayans
- Causing serious bodily or mental harm to Tigrayans
- Deliberately inflicting on Tigrayans conditions of life calculated to bring about their physical destruction in whole or in part
- Imposing measures designed to prevent births among Tigrayans.

These findings, drawn from a critical mass of evidence, underscore our collective legal responsibility as signatory states to the Geneva Conventions and the Genocide Convention to prevent further atrocities in the region, and highlight the challenges that will be faced in seeking justice. The actions taken by Ethiopia to suppress the ICHREE reporting, and the lack of investigation required under the CoH agreement, means international investigation is now fully warranted.

This report has taken the first step to ensure that the deadliest conflict of the 21st century is not allowed to pass without its most pressing injustices being identified and accountability pursued. The international community now has the impetus and the evidence it needs to act.

### **Ambassador David J. Scheffer**

*Former US Ambassador at Large for War Crimes Issues (1997-2001)*