

## Summary

Tens of thousands of ethnic Somali civilians living in eastern Ethiopia's Somali Regional State are experiencing serious abuses and a looming humanitarian crisis in the context of a little-known conflict between the Ethiopian government and an Ethiopian Somali rebel movement. The situation is critical. Since mid-2007, thousands of people have fled, seeking refuge in neighboring Somalia and Kenya from widespread Ethiopian military attacks on civilians and villages that amount to war crimes and crimes against humanity.

For those who remain in the war-affected area, continuing abuses by both rebels and Ethiopian troops pose a direct threat to their survival and create a pervasive culture of fear. The Ethiopian military campaign of forced relocations and destruction of villages reduced in early 2008 compared to its peak in mid-2007, but other abuses—including arbitrary detentions, torture, and mistreatment in detention—are continuing. These are combining with severe restrictions on movement and commercial trade, minimal access to independent relief assistance, a worsening drought, and rising food prices to create a highly vulnerable population at risk of humanitarian disaster.

Although the conflict has been simmering for years with intermittent allegations of abuses, it took on dramatic new momentum after the Ogaden National Liberation Front (ONLF) attacked a Chinese-run oil installation in Somali Region in April 2007, killing more than 70 Chinese and Ethiopian civilians. The Ethiopian People's Revolutionary Democratic Front (EPRDF) government, led by Prime Minister Meles Zenawi, responded by launching a brutal counter-insurgency campaign in the five zones of Somali Region primarily affected by the conflict: Fiiq, Korahe, Gode, Wardheer, and Dhagahbur. In these zones the Ethiopian National Defense Forces (ENDF) have deliberately and repeatedly attacked civilian populations in an effort to root out the insurgency.

Ethiopian troops have forcibly displaced entire rural communities, ordering villagers to leave their homes within a few days or witness their houses being burnt down and

their possessions destroyed—and risk death. Over the past year, Human Rights Watch has documented the execution of more than 150 individuals, many of them in demonstration killings, with Ethiopian soldiers singling out relatives of suspected ONLF members, or making apparently arbitrary judgments that individuals complaining to soldiers or resisting their orders are ONLF supporters. These executions have sometimes involved strangulation, after which their bodies are left lying in the open as a warning, for villagers to bury. The information confirmed by Human Rights Watch is only a glimpse of what is taking place—real figures are likely to be higher.

Mass detentions without any judicial oversight are routine. Hundreds—and possibly thousands—of individuals have been arrested and held in military barracks, sometimes multiple times, where they have been tortured, raped, and assaulted. Confiscation of livestock (the main asset among the largely pastoralist population), restrictions on access to water, food, and other essential commodities, and obstruction of commercial traffic and humanitarian assistance have been used as weapons in an economic war aimed at cutting off ONLF supplies and collectively punishing communities that are suspected of supporting the rebels.

These crimes are being committed with total impunity, on the thinnest of pretexts. They are generating a perception in the area that simply being an ethnic Somali—and particularly a member of the Ogaadeeni clan which constitutes the backbone of the ONLF—is enough to render a person suspect in the eyes of the national government. As one young man told Human Rights Watch, “Anyone with a bowl of water is suspected of supplying the ONLF.”

Ethiopian military personnel who ordered or participated in attacks on civilians should be held responsible for war crimes. Senior military and civilian officials who knew or should have known of such crimes but took no action may be criminally liable as a matter of command responsibility. The widespread and apparently systematic nature of the attacks on villages throughout Somali Region is strong evidence that the killings, torture, rape, and forced displacement are also crimes against humanity for which the Ethiopian government bears ultimate responsibility.

The ONLF has also been responsible for serious violations of international humanitarian law (the laws of war). These include the summary execution of dozens of Chinese and Ethiopian civilians in the context of its April 2007 attack on the oil installation, the ONLF practice of killing suspected government collaborators, and the indiscriminate mining of roads used by government convoys. Those who ordered or carried out such acts are responsible for war crimes. Many civilians feel trapped with no refuge from ONLF pressure or the abuses by Ethiopian troops.

The Ethiopian government has repeatedly dismissed or minimized concerns about the human rights and humanitarian situation in Somali Region. It often claims, particularly to the international audience, that insecurity in the region is the work of Eritrean-backed “terrorists” seeking to destabilize Ethiopia. There is no question that the political dynamics in Somali Region intertwine with regional dynamics and are influenced by the continuing hostility between Eritrea and Ethiopia as well as events in neighboring Somalia. The application of terrorist rhetoric to the internal conflict with the ONLF, however, appears designed mainly to attract support from the United States as part of the “war on terror.” It does not justify violations of international human rights and humanitarian law.

The government faces complex challenges in Somali Region. The ONLF, which claims to be seeking self-determination for the region, represents only a segment of the divided Ethiopian Somali community. There are legitimate fears that the escalating conflict across the border in Somalia could spill into Ethiopia. The authorities face difficult questions on how to best establish the rule of law in a remote, poverty-stricken region largely inhabited by pastoralists who have little knowledge of or confidence in state institutions that have long neglected them. Instead of addressing these challenges in good faith with efforts to build institutions and accountability to support the rule of law and reduce the appeal of armed groups, the government has implemented violent repression, echoing the response to the region of previous Ethiopian administrations.

The Ethiopian government’s reaction to reports of abuses in 2007 has been to deny the allegations, disparage the sources, and actively restrict or control access to the

region by journalists, human rights groups, and aid organizations (including by expelling the International Committee of the Red Cross in July 2007).

Due to increasing alarm over humanitarian conditions, particularly malnutrition rates among children, the UN and some nongovernmental organizations were permitted to expand humanitarian programs in parts of the region in late 2007, a small positive step. However these operations have been limited to certain geographic areas, are vulnerable to constant government threats and harassment, are sometimes unable to operate with sufficient independence from government control, and have no protection mandate or capacity to respond to the attacks on civilians which remain the biggest priority for many affected communities.

The Ethiopian government's politicized manipulation of humanitarian operations, particularly food distribution, plus the continued restrictions on commercial traffic and trade are creating a situation that—in combination with the drought produced by failed rains—could quickly slip into catastrophe. The Ethiopian government should take urgent action to ensure that the needs of vulnerable civilians in Somali Region are prioritized, including in emergency appeals. Yet due to government obstruction and restrictions on access to conflict-affected zones, humanitarian agencies cannot even conduct the independent nutritional assessments needed to fully assess the scale and formulate a proper response to the potential crisis.

The international response to the situation ranges from insipid to disingenuous. Western governments, including the US, UK, and European Union, which cumulatively provide almost US\$2 billion of aid to Ethiopia every year and rely on the Ethiopian government as a key ally in a volatile region, have sent a number of delegations to the region but have refrained from even mild public concern, much less criticism. The US government, which is a staunch Ethiopian ally—particularly in counter-terrorism efforts—and has probably the greatest leverage of any of the donor governments, has minimized and possibly actively ignored internal concerns and reporting on the situation.

Instead of maintaining the complicity of silence, donor governments should start using their leverage to insist on three sets of immediate actions in Somali Region. Full recommendations are given below.

First, both the Ethiopian government and the ONLF should support full, unhindered and immediate access to the region for independent aid organizations, the media, and human rights groups, and the government should lift restrictions on commercial trade and civilian and livestock movement, including across the border with Somaliland. Implementing this recommendation would have an immediate positive effect on civilian access to water and grazing for their livestock, food, and local markets and could mitigate the impending food crisis. Humanitarian organizations should also have immediate, unimpeded access to conduct independent nutritional surveys in all affected areas and properly monitor food distribution to ensure it is not diverted.

Second, the Ethiopian government should immediately issue clear public orders to the armed forces and all other security agencies in Somali Region to cease abuses of civilians, including the military's forced relocations, extrajudicial executions, mass detentions, and mistreatment of detainees. The ONLF should also cease killings of civilians, including government officials, desist from the indiscriminate use of mines along key roads in Somali Region and publicly commit to abide by international humanitarian law.

Third, Ethiopian authorities should establish an independent commission of inquiry to investigate the allegations of abuses by all parties to the conflict and begin short and long-term efforts to ensure accountability for abuses by government security forces in Somali Region and elsewhere, including judicial and security sector reforms.

Rapid implementation of these recommendations could help to avert catastrophe in Somali Region. If the abuses continue, denied by the Ethiopian government and ignored by international donors, the outcome is all too clear: yet another cycle of human rights devastation, famine, and impoverishment in a region which already knows these trends all too well, and thousands of new victims, embittered by the repeated denial of their rights as human beings and Ethiopians.

## Recommendations

### To the federal government of Ethiopia

- Issue clear public orders to military commanders, regional police, and other members of the security services to cease extrajudicial killings, rape, torture, and the unlawful forced relocation of civilians. Serious violations of Ethiopian and international human rights and humanitarian law should be investigated and prosecuted as appropriate. Senior officials implicated, including as a matter of command responsibility, should be prosecuted regardless of rank.
- Ensure fundamental due process guarantees to persons in detention, including the right to be charged with an offense before judicial authorities, to have access to legal counsel, family members, and medical care, and to receive a trial before an independent court meeting international fair trial standards; allow access to persons in detention by independent humanitarian organizations; and adopt measures to improve the criminal justice system, such as by creating sufficient federal and regional courts and providing appropriate training in human rights to judicial staff and police.
- Immediately end restrictions on commercial trade and livestock movement imposed on relevant zones of Somali Region (Fiiq, Korahe, Gode, Wardheer, and Dhagahbur), including the restrictions on cross-border trade with the semi-autonomous region of Somaliland. Ending these restrictions would immediately improve civilian access to food and other essential commodities, in addition to reducing the short and long-term damage to livelihoods caused by the blockade.
- Ensure independent humanitarian organizations have full and unimpeded access to civilians in need of humanitarian assistance in conflict-affected areas of Somali Region; permit independent nutritional assessments to evaluate needs of drought and conflict-affected areas; and support an independent evaluation of the humanitarian response, particularly the distribution of food aid.

- Establish an independent commission of inquiry to investigate crimes in violation of international law committed in Somali Region and seek international assistance to investigate the crimes.
- Invite the media, national and international human rights groups, and UN human rights entities (including the UN Special Rapporteurs or Special Representatives on Internally Displaced Persons, Sexual and Gender-Based Violence, and Extra-Judicial and Summary Executions; the Working Group on Enforced and Involuntary Disappearances; and the Office of the High Commissioner for Human Rights) to investigate and report on allegations of abuses by all parties to the conflict and the general human rights situation in Somali Region.
- Cease harassing and threatening victims and witnesses of human rights abuses in Somali Region and cooperate with efforts to improve protection of civilians, including by the United Nations.
- Provide appropriate human rights training to all members of the Ethiopian armed forces, including the federal, regional, and local police operating in Somali Region, and seek international support for such training programs.

### **To the regional government of Somali Regional State**

- Ensure that all detainees in facilities administered by regional security authorities are provided due process guarantees, including the right to be charged, to have access to legal counsel and relatives, and to be tried by a court meeting international fair trial standards; permit independent humanitarian organizations access to all detainees.
- Ensure independent humanitarian organizations have full and unimpeded access to civilians in need of humanitarian assistance in conflict-affected areas of Somali Region; permit independent nutritional assessments to evaluate needs of drought and conflict-affected areas; and support an

independent evaluation of the humanitarian response, particularly the distribution of food aid.

- Seek international assistance for projects to assist rape victims, who have special needs. Such assistance should include outreach, medical services, and trauma counseling and testing, and access to anti-retroviral (ARV) therapy and treatment.
- End discriminatory measures such as suspending state funding to conflict-affected weredas in Somali Region or demanding that families and clans pay compensation for deaths inflicted by the ONLF.

### **To the Ogaden National Liberation Front (ONLF)**

- Issue orders to all commanders to end targeted and indiscriminate attacks on civilians, including government officials.
- Cease the use of all anti-personnel mines and the indiscriminate use of anti-vehicle mines that may affect civilian, commercial, or humanitarian convoys.
- Cooperate with any independent efforts to investigate and report on abuses by all parties to the conflict and the general human rights situation in Somali Region.
- Publicly commit to respect international humanitarian law, particularly Article 3 common to the Geneva Conventions and Protocol II.

### **To foreign governments with influence, including the US, UK, China, and European Union**

- Publicly call upon the Ethiopian government to conduct a thorough, transparent, and independent investigation into abuses in Somali Region. Closely monitor the progress of government investigations and take prompt and appropriate action in response to their findings.



- Privately and publicly urge the Ethiopian government to implement immediately the above recommendations, and insist that implementation of these steps will be used to assess Ethiopian willingness to improve the human rights situation in Somali Region.
- Call upon the Ethiopian government to permit full, unimpeded access to Somali region by independent humanitarian agencies, national and international human rights groups, the media, and diplomatic representatives.
- Urge the Ethiopian government to support independent nutritional assessments to evaluate the needs of drought and conflict-affected areas and independent monitoring of food distribution, and insist on an independent evaluation of the humanitarian response, particularly the distribution of food aid, that includes an external audit.
- Monitor development funding to ensure that it is not used for Ethiopian security operations, including by regional, wereda and kebele level administrations.
- Make military assistance to Ethiopia contingent on the government's adherence to international human rights and humanitarian law and exclude any assistance to units implicated in abuses. All suppliers should actively monitor the use of any weapons and non-lethal items to ensure they are not being utilized to commit or facilitate abuses.
- If providing military assistance, pressure the government to abide by its commitments under international law. Donor states should publicly condemn specific violations, particularly the forced displacement of villages, extrajudicial executions, and torture committed by the armed forces, and urge the government to address them.
- Demand that civilian and military officials implicated in human rights violations be held accountable, including as a matter of command responsibility.

## **To the United Nations Security Council**

- Publicly urge that the Ethiopian government conduct a thorough, transparent, and independent investigation into abuses by all parties to the conflict in Somali Region. Closely monitor the progress of government investigations and take prompt and appropriate action in response to their findings.
- Privately and publicly urge the Ethiopian government to implement immediately the above recommendations, and insist that implementation of these steps will be used to assess Ethiopian willingness to improve the human rights situation in Somali Region.
- Call for the government to permit full, unimpeded access to the region to independent humanitarian agencies, national and international human rights groups, the media, and diplomatic representatives.

## **To the United Nations Department of Peacekeeping Operations**

- Ensure that any military forces and police provided by the Ethiopian government for UN peacekeeping operations are vetted to ensure that they have not been involved in abuses committed in Somali Region or other regions of the country.

## **To oil companies operating in Ethiopia**

- Ensure respect for human rights and compliance with international business norms in your operations in Ethiopia, such as the norms reflected in the Voluntary Principles on Security and Human Rights, the Extractives Industry Transparency Initiative, and the OECD Guidelines for Multinational Enterprises.