

Why the United Nation's Security Council is erroneous

On

Human Rights Investigations and its contemplation in Tigrai?

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I. Get open:

1. A shattering and genocidal war was waged against the people of Tigrai because they firmly fought for their right to self-determination and they held a democratic election. Abiy Ahmed invited forces, including the Eritrean army, Somali, and others, and they massacred the people. The invasion and

massacre have continued. So does the struggle of the people of Tigrai. That's why, the United Nation's Security Council, a powerful organ with the mandate to impose sanctions and military actions, has discussed the issue of Tigrai.

2. Incongruously, Ethiopia and Tigrai had been a matter of debate for the Security Council since November last year. The latest being the eighth round, in the face of catastrophic human right, the responsibility to protect civilians far overshadow the sensibilities of limitations. The United Nations has uttered concerns about possible violations of international law, including international humanitarian law, international human rights law, and international refugee law.

3. Certainly, the alleged atrocities, violations, and abuses of international law must be documented and investigated, and those responsible must be prosecuted. The UNSC welcomes the joint investigation by OHCHR and the Ethiopian Human Rights Commission. Concerning the investigation by OHCHR, the UNSC did a great job while the inclusion of the Ethiopian Human Rights Commission is historically erroneous in the international arena.

4. The United Nations human rights chief on Monday said a highly awaited joint investigation into abuses in Tigrai was unable to deploy to the site of one of its deadliest attacks, the alleged massacre of several hundred people in the holy city of Axum. Michelle Bachelet told the U.N. Human Rights Council that deployments to eastern and central Tigray, where witnesses have accused Ethiopian and allied forces from neighboring Eritrea of some of the worst abuses of the 10-month war, "could not proceed." She cited

“sudden changes in the security situation and the conflict dynamics.” She did not give details. Wow, Is that so?

II. The Genesis:

5. The war on Tigray has been full of grave atrocities including organizing war crimes, crimes against humanity, and acts of complete genocide. The Ethiopian Government, with its allied Eritrean and Amhara Regional Forces, have systematically tried to annihilate Tigray and its people using the organized weaponized of sexual and gender-based violence, weaponized starvation, extrajudicial executions, systematic persecution, wide-scale civilian massacres, deliberate and long disruption of basic services, and obliteration of civil infrastructure and private properties, including heritage sites and places of worship. Recently, Secretary-General Antonio Guterres said, “A military confrontation, which started some ten months ago in Tigray, is spreading, the level of human suffering is growing — with serious political, economic, and humanitarian implications for the broader, Tigray remains under a de-facto humanitarian blockade and cut off from public service, including banking, electricity, and communications, it is heartbreaking to see many young being instrumentalized and mobilized in the war.” U.S. Deputy Ambassador to UN, Richard Mills, also said `The United States is particularly concerned by reports of ongoing violence in the Tigray including attacks against women and children. Meanwhile, the United States, Ireland, and the United Kingdom have called for public discussion in the Security Council focused on the protection of civilians since... the military confrontation has escalated, the Ethiopian government has publicly called for the mobilization of militia, Eritrean Defense Forces have re-entered Tigray, and reports indicate that military alliances among armed groups in other regions risk

sparkling a wider war... We remain deeply concerned about the role of Eritrea in fueling the ongoing crisis. The presence of Eritrea remains a significant barrier to ceasefire negotiations and political resolution of the conflict.

6. The shreds of evidence are overwhelming that Eritrean Defense Forces engaged in a pattern of serious human rights abuse in Tigrai. More than two million people have been displaced and millions more are in immediate need of food, water, shelter, and health care. At least 400,000 people are living in famine-like conditions, with the UN Children's Fund (UNICEF) warning that 100,000 face severe acute malnutrition within the year due to the central government. Although agencies require roughly 100 trucks worth of assistance to reach Mekelle every day, no trucks have arrived for over two months. Amid reports of sexual and gender-based violence, refugee camps have been destroyed and hospitals looted systematically by the central and Eritrean governments. Neither of the parties in the war are shamed for inaugurating horror upon millions of innocent people and destroying the future of subsequent generations. Their respective supporters have the audacity, if not surprisingly effective talent, of justifying the excess of their side, using that of the opponent as a motivation for continuing the conflict. No less expected these days either from the international community or the EHRC is the barrage of statements over some incident or another. History will be the better judge on both counts.

III. The Substantive historically error in the inclusion of the Ethiopian Human Rights Commission;

7. This is not only on Tigray, on many issues impacting the world. It is a world of distrustful countries, doing the bare minimum to maintain an uneasy peace but not much more. Principles are rarely observed. The UNSC recognized the Tigray situation that is under a de facto humanitarian blockade and cut off from key public services such as electricity and communications. The humanitarian consequences in Tigray are massive; Tigray is placed under a strict closure regime, a man-made famine, killings of civilians, and the widespread and systematic use of sexual and gender-based violence, systematic destruction of vital infrastructure and health, Inflammatory rhetoric, and ethnic profiling are tearing apart the social fabric. Two months shy of a year since the war in Tigray started, the international community's reaction has become somewhat predictable. It has three manifestations: pledges of humanitarian aid to help displaced people and those in active conflict zones to thwart hunger and malnutrition; the threat of economic sanctions, which have become a favored policy toolkit of the Western powers soon after the end of the Cold War; and, the prospect of proxy battle the longer the civil war lingers. A divided international community remains undecided to figure this out over Ethiopia`s regrettable but avoidable debacle. No less expected these days from the international community is the barrage of statements over some incident or another. Atrocities are a dime as are strongly worded condemnations from the US, the EU, or the UN of the perpetrators and the conduct of one or the other side in the war whose scope and nature is changing by the day. It has been almost a year of this, and evidently, this form of engagement is not making any significant difference.

8. All kinds of war crimes have been committed on the people of Tigray. The genocide started as soon as the war started in places the Ethiopian force and the Amhara special force took over. This genocide like any other genocides

that have been taking place in Ethiopia for the last three years, is a State-sponsored genocide orchestrated by the ruling party. This genocide which took place in maikadra/ Tigrai region included torturing, mass-murdering, hacking and maiming body parts with machete and sharp objects, forcefully evicting the residents from their homes, looting their properties, taking their money. In general, the war crimes mainly focus on the mass expulsion of Tigraians from their homeland.

Indicating the contemporary blunders is important to understand the case in the UN system as a whole and very interesting for the overall international community too. Genocide is a different kind of crime. Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, define as ``... any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- a) Killing members of the group;
- 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.``

Article 3 recognizes the crimes that can be punished under:

- a) Genocide;
- b) Conspiracy to commit genocide;
- c) Direct and public incitement to commit genocide;
- d) Attempt to commit genocide;
- e) Complicity in genocide.

9. According to Article 6 of the convention persons charged with genocide shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction. Any party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts. And also, any party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that contracting party is responsible. As the case is true in Tigrai through the UN fails to do.

10. The atrocities should be investigated independently, impartially and all legal actions should be taken against the perpetrators. On the one hand, human rights investigations are seen as noble, even adventurous, and passionately partisan endeavors inspiring novels, movies, and other art forms. On the other hand, and indeed at times simultaneously, such inquiries are regarded as the exclusive preserve of dry and eminently technical examination with high ethical consideration. Such inquiries serve a multiplicity of other purposes. They help identify perpetrators and protect

victims, or contribute to establishing both a chain of accountability and vehicles to deliver justice and redress to the victims. There is a measure of truth in both perspectives, but the reality is far more complex.

11. Daniel, the Commissioner of the Ethiopian Human Rights Commission (EHRC) used his responsibility to decontaminate Abiy Ahmed and Isaias Afwerki's genocidal venture in the Tigrai. Fleetingly Daniel Bekele and the EHRC having been poisoned and is associated with Tigrai genocide, thus is responsible for the Tigrai genocide, for misleading the UN Agencies, UN Human Right Commission. Daniel and EHRC are incompetent to be taken as an independent and neutral investigator by their conspiracy and complicity with Abiy Ahmed. It is to be recalled that former members and sympathizers of KINIJJIT, including Andargachew Tsige, a broker of the Ethiopian-Eritrean peace deal, Daniel Bekele, Birtukan Mideksa, and Berhanu Nega were promoted as champions of human rights and democracy. Daniel was accused, along with 129 other individuals, under Article 238 (2) of the criminal code, "for his outrage against the constitution and the constitutional order." Factually in the case, he committed a crime, defied the constitution, and instigated genocide against Tigrai. To avoid prejudice, he was accused of attempting to subvert the constitutional order using violent means. Thus, how can the UN expect independent investigation result from this person?

12. At the outset, Independent Investigation is a pre-requisite for valid and impartial justice. It provides respect for the conduct of investigation and maintains independence. It imposes the duty to maintain independence on the UN investigation process. Similar principles are found in international instruments and Human rights documents. The investigators' ethical norms play an important role in shaping the conduct of the investigation and giving

concrete meaning to the idea of technical and professional independence. Investigators should be free from undue or inappropriate pressures, including political pressure, when performing their duty. This also prohibits ex parte communication. It prohibits investigators from discussing the merits of a case pending before them. Investigators cannot give any opinion on the case investigating to the media. The rules against ex parte communication protect the fundamental rights to be heard. Ex parte communication undermines public confidence. It deprives the public of the information that emerges from an open and transparent investigation process.

13. Certain problematic relationships that affect decisional independence include family relations and extra- activities. Impartiality is one of the basic ethical duties of investigators in performing their activities. . "impartiality is essential to the proper discharge of the investigation office. It applies not only to the decision itself but also to the process by which the decision is made". It is the fundamental quality of a commissioner and the care attribute to justice. Impartiality and independence are separate and closely related ethical duties. The involvement of the interests of such commission or their bosses may give a reasonable observer the perception that those entities are not impartial. The purpose of ethical requirements of objective impartiality is to avoid such perception in the members of the public. Perception of partiality erodes public confidence in one of the values to be achieved by the UN HRC. There is subjective or real impartiality when Daniel, representing the commission, has a prejudice or bias against Tigrai. Bias is an inclination or prejudice. Daniel's prejudice is a preconceived judgment formed without a factual basis, as is the case in Mykadra and other atrocities in Tigrai. Given ample evidence of atrocity crimes by warring parties, the complexity of the crimes that need to be investigated, and the importance of ensuring that the investigations and their outcome are seen as

credible, an impartial, international investigation is key, on a contrary, the people of Tigrai from Maykadra and surrounding areas had to flee in horror to the neighboring country mainly to Sudan to save their lives. Daniel had reported; rushed out within days and seized on by the Ethiopian government – relied almost exclusively on the testimony of Amhara witnesses in a place where both Amhara and Tigraian people had lived. He acted as the mouthpiece of the government. The report is not only biased, full of falsified, misleading, carefully calculated statements, but it also dangerously encourages incitement of violence and retaliation against the Tigrai.

14. Bias or prejudice is “a leaning, inclination, bent or predisposition towards one side or another or a particular result”. Bias is a condition or state of mind an attitude, or point of view which sways or colors judgment and renders a commissioner unable to exercise his or her functions impartially in a particular case” as the case is true with Tigrai. The commission and the investigators must recuse themselves of their motion as soon as they are aware of grounds on which the UN values prohibit them from investigating the case.

15. An investigator or the commission shall equally treat all parties and protect their right. Many international instruments prohibit discrimination on the ground of race, nation, nationality, color, sex, language, religion, political opinion, property, birth, or other grounds. These laws recognize that equality before the law is an essential attribute of justice. In promoting equal treatment of all an investigator or the commission should avoid stereotyping, gender discrimination, and derogatory comments. An investigator or the commission should not form a fixed idea about the parties which may not be true. For example, an investigator or the

commission should not be influenced by the attitude of the society that a member of a certain ethnic group is potentially criminal, as Daniel and his commission did. Daniel Bekele and his commission are the right hands of Abiy Ahmed. That's why he and the commission did not even condemn the arrest, killing, and attack by drone, air, use of white phosphorous against Tigrai and its people didn't even condemn for a flin of resolution. Why he kept silent for the massacred of Tigrai mothers, sons, daughters, fathers, young boys, girls, priests, deacons, choristers, monks, the destruction of Mosque and churches in Tigrai. Contrary to the human rights value, he supports the siege of Tigrai, including blockage of humanitarian access to accomplish famine as a weapon while millions are at risk.

IV. Conclusion

16. Why does the UN violate the UN value by its arrangement? Why the UN needs to include Daniel (the criminal) and his commission in the investigation process? Why did they only interview 200 individuals in their investigation? Shouldn't comprehensive investigation be mandatory in this kind of atrocity? Chief Justice Marshal explains the aim of professional ethics as "The fundamental aim of professional ethics, including the professional ethics in an investigation, is to maintain the honor and dignity of the profession, to secure the spirit of cooperation in promotion of high standard of justice, to establish honorable and fair dealings. The loss of honor and dignity of in investigation results in disrespect for the result of the investigation and the UN Security Council too. If justice prevails in society, persons begin to redress their grievances by individual actions. They take

laws into their hands. This leads to the destruction of peace and security against the UN value. The problematic result of an investigation that led to discouraging a public opinion about the UN system, moreover, the bases on which these results are to be assessed as immoral, unethical, illegal, and against the UN value.