



Official Correspondence GSTS-O.C-2021-030
The Global Society of Tigray Scholars
and Professionals (GSTS)

H.E. Michelle Bachelet
United Nations (UN) High Commissioner for Human Rights
Geneva

Additional Reasons Justifying for a UN-mandated Investigation

Reference is made to the earlier letter Official Correspondence GSTS-O.C-2021-024.

UN-mandated independent, credible, and impartial investigation of severe humanitarian and human rights violations is an indispensable criminal justice administration component. The mechanism and methodology (means) of such investigative process, especially in ethnically and politically motivated widespread, systemic and grave violations prone to executive overreach and institutional bias, determine the outcome of the investigation.

In this regard, we understand and appreciate the initiative of the OHCHR to start an investigation over the alleged reports of unspeakable violations of human rights committed in the ongoing armed conflict in Tigray.

Since the OHCHR announced its plan of instituting a joint investigation of the atrocities in Tigray in partnership with the Ethiopian Human Rights Commission (EHRC), the Global Society of Tigray Scholars and Professionals (GSTS)ⁱ, and millions of Tigrayans worldwide are deeply disturbed because fact-finding is the most crucial stage of the investigation.

Nevertheless, given the legitimacy deficit of the EHRC and serious concerns on victims' safety and security, we have strong reasons to believe that the decision of the OHCHR to investigate with the EHRC jointly would severely compromise both the process and the outcome of the investigation. EHRC is unfit for this investigation as it is an organization known for openly lobbying for the current Ethiopian government, furthering a single political agenda, in the criminal probe against the current Ethiopian government and its accomplices.

OHCHR must dissociate itself from the heavily politicized EHRC led by Daniel Bekele and other senior staff members known for their strong political views and indifference towards the plight of Tigrayans and other communities in Ethiopia.

At this point, GSTS is also aware that the decision of the OHCHR to conduct a joint investigation with the EHRC is not welcome by the people of Tigray, indicating that the OHCHR will face a serious legitimacy deficit should it pursue to execute the joint investigation plan.

Reports by independent journalist and UN staffs operating in the Tigray region indicates that most rural areas are under the control of the Tigrayan forces led by the ousted government of Tigray and fighting continues and intensifying with new deployments from Eritrea. The Tigrayan forces led by Tigray's ousted government have persistently demanded an international independent and impartial investigation, and it has outrightly rejected joint investigation involving the EHRC. Thus, having regard to the objection of the Tigrayan forces,



the joint investigation team risks a lack of access into the rural areas which suffered most in the ongoing war.

Even if the Commission were to wield the parties' confidence in the conflict and the victims, the GSTS would like to bring to the attention of your esteemed Office that conducting an investigation jointly with the Commission would still bring about various practical challenges.

According to our research, no major violations of the kind, gravity and number at hand have been jointly investigated before. This implies, among others, that there are no established norms and standards that mainly guide joint investigations. Deploying it now, despite understandable good intentions on Your Excellencies behalf, would raise serious questions, including based on the mandate; standard of proof, principles, how the scope and modalities of investigation are to be set; how investigators and translators are to be vetted, and the like. From the statements issued so far, the agreement for joint investigation gives the impression that the Commission would equally set investigation parameters and conduct the investigation. Further, other national institutions, including the Ethiopian parliament, to which the Commission reports would try to have a role after such an investigation. Such conditions, we trust, are utterly unacceptable, given the fact that Tigray is only not represented in any federal organ, but also that Tigrayans legitimately consider state institutions as being behind the war and are treating them as enemy nationals. The same institutions are ethnically cleansed of Tigrayans.

We would also like to restate our bewilderment regarding the instance of the administration of Abiy Ahmed to involve the Commission in the investigation, despite considerable objections from Tigray's side. We are also surprised that the Commission, mainly through its Commissioner, has been actively lobbying to be involved in the investigation, despite sustained opposition. Under such circumstances, we would expect the Commission to recuse itself, even if it was invited.

We genuinely believe that Your Excellencies' Office exclusively conducting the investigation equally serves the interest of all.

We remain deeply concerned that the UN Human Rights Council and the UNSC have failed to pass a resolution that mandates an independent and impartial commission of inquiry similar to that of Darfur.

We finally implore your Excellencies' and your Office to help us convince and demand that the UN Security Council seriously reconsiders the matter and passes a resolution, which enables your Office to do the investigation with the necessary mandate and profile befitting the nature, magnitude, and complexity of the gross violations that are committed and being committed in Tigray. Only this will set the truth, facilitate potential truth, reconciliation and dialogue based on indisputable facts on what happened, ensure some form of justice to victims, and thereby lay ground for sustained peace in the region.

Given the gravity of the violence and the presence of foreign forces and local ethnic militia, various right organizations such as the Human Rights Watch, Amnesty International, and Horn of Africa Civil Society Forum have called for a UN-mandated independent and impartial investigation. It should also be noted that Tigrayan diaspora communities and Tigray-based civil society associations and opposition parties are constantly demanding a UN-mandated commission of inquiry.



Last but not least, we have attached on a separate document sample accounts into why EHRC is not credible, independent and thus a joint investigation will not only harm the credibility of the investigation, but equally the credibility and global legitimacy of Your Esteemed Office.



Sincerely,
The GSTS
06 April, 2021

ⁱ GSTS is a Non-Partisan Global Knowledge Network of 3,000+Tigray Scholars & Professionals, established with the aim of creating Knowledge-based sustainable economy & Society in Tigray & beyond.