



Official Correspondence GSTS-O.C-2021-024
The Global Society of Tigray Scholars
and Professionals (GSTS)

H.E. Antonio Guterres

Secretary-General of the United Nations (UN)
New York, NY

H.E. Michelle Bachelet

United Nations (UN) High Commissioner for Human Rights
Geneva

A Call for the Reversal of the United Nations' Decision to Accept the Ethiopian Government's Request to Conduct a Joint Investigation with the Ethiopian Human Rights Commission

Excellencies,

1. We, the Global Society of Tigray Scholars and Professionals (GSTS)ⁱ, appreciates the United Nations (UN), and the Office of the High Commissioner for Human Rights (OHCHR), and the repeated calls by Your Excellencies for an independent, credible and international investigation into the egregious violations of fundamental human rights and international humanitarian law committed against the People of Tigray.

2. GSTS further welcomes the joint statement of 42 member states during the 46th session of the Human Rights Council, the European Union and the United State, inter alia, calling for an independent investigation into all atrocities committed in Tigray and Tigrayans. It is also to be noted that other reputable international human rights organizations, including Amnesty International and Human Rights Watch have also called for a similar, UN investigation into the ongoing atrocities in Tigray. Tigrayans have similarly been calling for the UN to stop the war and investigate the crimes committed in Tigray in the little media opportunities they have had.

3. However, it is with utmost regret and dismay that GSTS learnt the decision of the OHCHR, to develop a plan for a joint investigation with the Ethiopian Human Rights Commission (EHRC) on the crimes and atrocities (being) committed during the ongoing war on Tigray. This recent decision to accept the offer by the EHRC for joint investigation will unfortunately reverse on-going efforts for an independent and international UN-Mandated investigation into the mass atrocities being committed in Tigray.



4. GSTS strongly denounces this premature decision and requests Your Excellencies to authorize a UN-mandated investigation of the atrocities conducted in Tigray.

5. GSTS strongly believes that any investigation that involves the Government of Ethiopia, a principal party and chief architect of the war, and the partisan and widely discredited EHRC is destined to fail to meet the minimum standard of an independent and comprehensive investigation. Unfortunately, the same could be said of the ineffective African Commission on Human and Peoples' Rights and given the partisan position and total failure of leadership by AU on the case of Tigray.

6. It is be recalled the UN has previously established international commissions of inquiry or international fact-finding missions either by the Security Council, the Human Rights Council, the Secretary-General or High Commissioner for Human Rights. These bodies were tasked to investigate and make recommendations for corrective actions based on their factual and legal findings. Examples include South Sudan, Gaza, Syria, Libya, Sudan (Darfur), Cote d'Ivoire, and Lebanon. These investigations were comprehensive and served as historical records of grave violations of human rights and international humanitarian law and offered the victims justice and ensured legal and political accountability of those responsible.

7. More specifically, the UN Guidance and Practice of Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law (UN Guidance and Practice) asserts "critically [the commissions and missions] assist in ensuring accountability for serious violations, which is fundamental to deter future violations, promote compliance with the law and provide avenues of justice and redress for victims. International human rights investigations have furnished crucial elements to judicial procedures. Many of them have delved into the root causes of the violence and violations, triggering transitional justice mechanisms that address the rights to the truth, justice, remedies and reparations, and guarantees of non-recurrence, and have thus informed more sustainable peacebuilding and reconciliation efforts, and assisted in the political settlement of conflicts." GSTS agrees that without ascertaining the facts and truth behind the various atrocities and violations of human rights, Ethiopia will find it extremely difficult to advance to dialogue, reconciliation and accountability.

8. For these reasons, according to the UN Guidance and Practice, inquiries and fact-finding missions are required to ensure that methods of work conform to principles and standards of the UN Charter and international law, including international human rights, international humanitarian law, criminal and refugee laws. The UN has also created a body of principles and standards for fact-finding and inquires. Key among them are independence, impartiality, objectivity, integrity, credibility, confidentiality, professional competence, capacity, and the do no harm principle.



9. GSTS believes that only the UN fulfils such criteria and is equipped to investigate such magnitude of crimes. Any investigation that involves the EHRC or is carried out by any other than the UN will not meet the requisite criteria.

10. There are several reasons why the EHRC fails to fulfil these criteria.

Independence and integrity

11. The EHRC, its leadership and staff members are appointed mostly by Abiy's administration. They operate under strict purview and control of the state, and they, like the other institutions in the country, are under the direct influence of the government in the daily exercise of their functions. For example, inline Abiy's administration position, the EHRC has utterly failed to pronounce itself on the invasion of Tigray by Eritrean forces and the barbaric atrocities, pillaging and destruction. Moreover, with Eritrean armed forces, security and intelligence agents operating all over Ethiopia, investigators from the EHRC would face imminent threats that may gravely jeopardize the independence of the investigation. The Ethiopian government is also less likely to provide protection against such threats, given the fact, among others, that it denies the presence of Eritrean forces in Tigray and, therefore, has no interest in letting this known. Thus, the possibility of non-cooperation from the victims and their families, as well as witnesses due to lack of trust on the investigation and/or out of fear of reprisals is very high. Thus, it is not clear how EHRC could pronounce its jurisdiction on actions of Eritrean forces when in fact the Abiy's government failed to recognize the invasion of Tigray by Eritrea. The investigation in which EHRC's leadership is involved cannot apply equal thoroughness and vigour on all parties when in fact, it is under the influence and has been appointed and funded by Abiy's administration. Such investigation involving the EHRC fails to be meet the independence.

Impartiality

12. The EHRC has proved its partisan stand on this war on several occasions. The recent speeches and pronouncements of the leadership of EHRC in several forums including in Geneva and elsewhere boldly attest to this fact. For instance, in early January the commissioner, Daniel Bekele, of EHRC announced that the "operation didn't result in as severe consequences as it was originally feared to be". Bekele has also been subtly lobbying in favor of the Ethiopian Government employing the same false narrative of Abiy's administration. In fact, the Chair of the EHRC, for instance, has recently [argued](#) that the leaders of the regime are reformists and that they deserve international support. A close scrutiny of EHRC's pronouncements and actions over the past four months show that it has taken sides in this war and goes out of its way to downplay the ethnic cleansing against Tigrayans. With the EHRC's involvement, the UN cannot guarantee the impartiality of the investigation.



Credibility

13. The last three years have been a period of ethnic strife and numerous state-sponsored human rights abuses in Ethiopia. Considering the past turbulent years, Ethiopia has been marked by high level assassinations, and Ethiopian government arrested tens of thousands of its political opponents (especially from Oromia, Tigray and Benishangul Gumuz). During these years, the EHRC has failed to be impartial and consistent while being more vocal when human rights violations are suspected or committed against people from Amhara. It is selective and biased in what it investigates; it has investigated some but ignored numerous abuses committed throughout Ethiopia. These rights abuses are staggering and have no parallel in Ethiopia's recent history. However, the Commission has been decidedly silent, or at best gave a positive image on the way some prisoners are handled. The EHRC issued very few highly diluted partial reports on human rights violations despite the sheer magnitude and diverse nature of atrocities committed in Tigray and Tigrayans including officers and members of the Ethiopian defense forces.

14. Furthermore, the EHRC played a destructive role on the war in Tigray, especially through its misleading report on the attribution of the Mai Kadra massacres. The tragic MaiKadra massacre has been a watershed moment in this war. The botched Amnesty International MaiKadra report blaming the victims was hastily arranged by no other than EHRC. Even after EHRC claimed to have conducted its own investigation, was partisan and excluded victims and relatives of deceased victims who escaped to the Sudan. That false report has been used (and still continues to be used) by the Ethiopian Federal and Amhara regional governments to galvanize support for the war on Tigray. If there had been no refugees fleeing to the Sudan, accessible to international media, the world would have lived with the EHRC's false report about the nature of the massacres in Mai Kadra and the identity of the perpetrators.

15. What is more EHRC mishandled and failed to protect and preserve the Maikadra massacre site and crime scene which conveniently, was torched down over several days to deny future truly independent and international investigations. Much worse, despite reports and news releases by the international media which included satellite imagery of the burned massacre site, EHRC did not utter a single word, condemning this nor made any effort whatever may be remaining for evidence. Victims and victims' families strongly believe EHRC is complacent not only in flaming up ethnic violence, but in the cover up as well.

16. GSTS emphasizes that credibility and impartiality is not only about reality but also perception. The EHRC and its leadership are publicly and broadly perceived as siding with Abiy's administration. The involvement of the EHRC will be counterproductive as people will be reluctant to participate in the investigations. A recent GSTS twitter open poll with more than 6100 participants on who participants think should investigate the grave violations of international law, war crimes and genocide in Tigray overwhelmingly supported UN mandated body (92%); UN and AU joint Body (3.9%), AU mandated Body (1.7%) and EHRC (2.4%) adding



evidence to the lack of trust and credibility on the AU and EHRC joining the investigations. On separate polls asking participants to reflect their trust on the organizations to investigate the heinous and complex crimes involving the African Commission on Human and People's Rights (ACHPR) and EHRC revealed that 94.4% and 93% respectively do not trust the organizations linked to their lack of track records on their independency, public mistrust, capacity and their linkage into the PM Abiy's government. These perceptions are important for the success of such investigations and deserve attention. A joint investigation conducted with partisan institutions like EHRC poses serious risks to the credibility of findings in the eyes of millions.

Objectivity, confidentiality, and the do no harm principle

17. Furthermore, the EHRC's involvement would severely compromise the objectivity of the investigation in which the outcome should be unbiased. It also undermines the integrity and confidentiality related to the trust and security of the victims, witnesses and persons who cooperate with the investigation. It is to be recalled that recent media reports indicate that the interim government in Tigray has indirectly warned the civilian population against speaking to journalists. Sources from within Tigray, however, has informed GSTS that the administrators are detaining people that they suspect can witness rights violations. The EHRC did nothing to ensure people giving evidence to investigators need to have their identities protected.

Professional competence and capacity

18. This war involves the governments of Ethiopia and Eritrea; the Amhara militia and their leaders are parties to the war with Tigrayan forces, with hundreds of thousands of armed forces and civilian functionaries. The victims of collective punishment, atrocities, indiscriminate shelling and aerial bombing, mass displacement, widespread pillaging and weaponized starvation, ethnic profiling, weaponized raping and sexual violence, and deliberate and prolonged interruption of essential services are in millions. It also involves foreign invasion of large parts of Ethiopian territory and forceful annexure of internally disputed areas significant territories of Tigray by the neighboring regional state of Amhara. Such a large scale and intense war of attrition and destruction would require enormous skilled human and financial resources. The EHRC lacks institutional and human resources, professional competence and needed the expertise to conduct such a complex and massive task.

19. The argument favouring a UN-mandated investigation rests not only on the public perception that the UN is the only institution that enjoys the necessary high level of trust in terms of integrity, but also based on proven capacity and experience. It has the resources, the faith and the experience for the job. Given the backing of domestic political actors and the international community, the UN could readily insulate itself from unwarranted interference while executing such a mandate.



20. GSTS strongly believes that a UN-mandated investigation is essential first step towards a difficult path of peace making. Therefore, GSTS requests Your Excellencies to:

- a. reconsider and reverse the plans and preparations for a joint investigation of the atrocities in Tigray with the EHRC.
- b. establish, as a matter of urgency, a UN- mandated commission to investigate the grave crimes being committed in Tigray. We believe that anything short of that will not lead to justice and reconciliation and might end up doing more harm than good.
- c. offer GSTS a meeting to present our concern regarding this recent decision and on the way forward.



Sincerely,
The GSTS
18 March 2021

ⁱ GSTS is a Non-Partisan Global Knowledge Network of 3,000+Tigray Scholars/Professionals aimed at creating Knowledge-based sustainable economy & Society in Tigray & beyond. It stands for academia, multidisciplinary and cross sectoral research and applied policy development, human capital development, fostering and advancing science, technology, and innovation, technology and knowledge transfer, youth and gender development, migration and displacement, and other educational and development related endeavors, engagement with various stake holders, focusing on peace, governance, human rights, and humanitarian law.