

## PRESS RELEASE

# TIGRAYAN VICTIMS SECURE PROVISIONAL MEASURES RELIEF IN LANDMARK HUMAN RIGHTS CASE AGAINST ETHIOPIA

Geneva, Arusha, and New York—Monday, 17 October 2022

On 14 October 2022, the African Commission on Human and Peoples’ Rights (the “African Commission”) announced its decision of 28 September 2022 to seize itself of a case against Ethiopia for serious and massive human rights violations against Tigrayan civilians in the ongoing Ethiopian civil war and issued provisional measures urging Ethiopia to cease all violations and ensure humanitarian access in Tigray.

The African Commission is responsible for promoting the rights contained in the African Charter on Human and Peoples Rights (the “African Charter”) and ensuring their protection in Africa. The landmark case was brought in February 2022 before the African Commission by [Legal Action Worldwide](#) (LAW), the [Pan-African Lawyers Union](#) (PALU), and [Debevoise & Plimpton LLP](#), on behalf of the Tigrayan victims. The African Commission is the first regional human rights body to consider claims arising out of the ongoing armed conflict and humanitarian crisis in Ethiopia. It also marks the first time in more than a decade that the African Commission has seized itself of a case concerning widespread violations in the context of a large-scale armed conflict.

Along with its decision on seizure, the African Commission granted urgent provisional measures aimed at protecting Tigrayan civilians from the risk of irreparable harm. Specifically, the Commission requested that Ethiopia:

- (i) Takes all necessary steps to guarantee an end to all allegations of acts including but not limited to extrajudicial killings, torture and acts of sexual and gender-based violence, that would result in loss of life or violations of the dignity and physical integrity of the Tigrayan civilians; [and]
- (ii) Takes all necessary measures to ensure full humanitarian access to all areas of Tigray and guarantee the protection of all humanitarian aid workers.

Under the African Commission’s Rules of Procedure, Ethiopia must report back on the implementation of these measures within 15 days. The African Commission has found that a State’s failure to implement provisional measures was itself a violation of the Charter.

In issuing these provisional measures, the African Commission recognizes that the situation in Tigray, and elsewhere in Ethiopia, remains critical. Since the case was filed last February, evidence of human rights violations against Tigrayan civilians has continued to mount, with new reports of extrajudicial killings, mass arbitrary detentions, and forced displacement, among other violations. Meanwhile, according to the United Nations, approximately 5.2 million civilians—90% of the civilian population—are in urgent need of food assistance as a result of Ethiopia’s humanitarian blockade. The situation for many Tigrayans remains extremely dire, as access to aid remains highly restricted in most of Tigray, and hospitals in the region have had to suspend operations due to shortages of medicine, medical supplies, fuel, and electricity.

While reports suggest that a number of parties to the conflict have committed violations and abuses against civilians of different ethnicities, this case focuses on the Tigrayan community as the overwhelming victims of the conflict, and the violations committed by the state of Ethiopia, as the party with primary responsibility for its citizens. This includes both the responsibility not to commit violations against civilians, and the responsibility to prevent violations and abuses committed by other parties against civilians in its territory.

In the next phase of the proceedings, the complainants will present their factual and legal case on admissibility and merits. The complainants, in particular, will submit testimony from victims of and witnesses to Ethiopia’s violations detailing their broad scale and extensive scope.

Antonia Mulvey, Executive Director of LAW, said: *“For the first time, the African Commission has opened the door for victims and survivors to tell their accounts of egregious human rights violations that they have suffered at the hands of the Ethiopian Government. But this is also a reminder that many in the country remain at risk of continued violence – we hope that this decision will urge Ethiopia to comply with the provisional measures order and stop the targeting of civilians.”*

Donald Deya, Chief Executive Officer of PALU, said: *“The Commission has taken a critical step towards promoting peace and security in Africa by agreeing to hear a case of such vital importance. Now, it must build on today’s decision and deliver meaningful justice for the people of Tigray, and elsewhere in Ethiopia.”*

Catherine Amirfar, Co-Chair of Debevoise’s International Dispute Resolution and Public International Law Groups, said: *“The African Commission’s decision on the seizure of this case and provisional measures is a profound testament to the rule of law, but much work remains to be done to secure the security of the Tigrayan victims. We will continue this fundamental work toward holding Ethiopia responsible for its breaches of international law.”*

## **Notes to Editors**

The conflict in Ethiopia began in November 2020 in the Tigray region between, on the one hand, the Ethiopian National Defense Forces, the Eritrean Defense Forces, and the Amhara Regional Defense Forces, and, on the other, the Tigray Defense Force. Since then, civilians from all sides have suffered most of the violence, with reports of brutal massacres including of children, and widespread conflict related sexual violence including rape, mass rape and gang rape. According to the United Nations, the conflict has displaced an estimated 2.6 million people in Tigray, as well as 250,000 in the Amhara region and 112,000 in the

Afar region. Almost one million of those who remain in Tigray now face famine-like conditions, and 60,000 refugees crossed the border into neighboring Sudan.

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LAW is an independent, non-profit organization of human rights lawyers and jurists working in fragile and conflict affected areas. LAW provides legal aid to victims and communities that have suffered human rights violations and abuses in Africa, the Middle East, and South Asia.

The Pan African Lawyers Union (PALU) is the premier continental membership forum of and for individual African lawyers and lawyers' associations in Africa, operating from its Secretariat in Arusha, Tanzania. PALU was founded in 2002 by African Bar leaders and eminent lawyers to reflect the aspirations and concerns of the African people and to promote and defend their shared interests. Its membership comprises the continent's over five regional lawyers' associations, over 54 national lawyers' associations and individual lawyers spread across Africa and in the Diaspora, working together to advance the law and the legal profession, rule of law, good governance, human and peoples' rights and socio-economic development of the African continent.

Debevoise is a global law firm headquartered in New York with a broad public international law practice, including in representing parties before regional and international courts and tribunals. Debevoise is *pro bono* counsel to LAW in these proceedings.