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Federal Democratic Republic of Ethiopia
MINISTRY OF FOREIGN AFFAIRS

28 JAN 2022

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Date
ቁጥር..... UNL-1/47/4/22
No.

The Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia presents its compliments to the Secretariat of the African Commission on Human and Peoples' Rights (ACHPR) and has the honour to request the Secretariat to include the enclosed written comment in the 50th and 51st Combined Activity Reports of the African Commission on Human and Peoples' Rights (ACHPR) prior to the submission of the Report to the Executive Council African Union in accordance with the conclusions at the 35th Ordinary Session of the Permanent Representatives Committee.

The Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia avails itself of this opportunity to express to the Secretariat of the African Commission on Human and Peoples' Rights the assurances of its highest consideration.

The Secretariat of the African Commission on Human and Peoples' Rights
Banjul

Enc. 3 pages

Cc.

- **The African Union Commission (Department of Political Affairs, Peace and Security)**
- **Office of Ag. Secretary-General of the African Union Commission**

Addis Ababa



**Written Submission by the Federal Democratic Republic of Ethiopia on the 50th and 51st
Combined Reports of the African Commission on Human and Peoples' Rights**

It is to be recalled that the 50th and 51st Combined Activity Reports of the African Commission on Human and Peoples' Rights (ACHPR) was considered at the 43rd Ordinary Session of the African Union Permanent Representatives' Committee (PRC) on 24 January 2022. At the conclusion of the discussion, the Chairperson of ACHPR invited Member States to submit their comments and observation on the Report, in writing. He further indicated that the comments and observations from Member States will be included in further edition of the Report, prior to the submission of the Report to the Executive Council.

Accordingly, the Government of Ethiopia requests ACHPR to make the following changes to the Report before submission to the Executive Council of the African Union:

1. Amend Paragraph 30 regarding Communication 599/16 on page 12 as the Government of Ethiopia have already submitted its response on the merits of the case;
2. Deletion of Paragraph 60(B(XV)) (Page 27) as these alleged reports of military offensive and airstrike are not substantiated and the alleged human rights violations resulting from these attacks are not clearly indicated in the Report; and
3. Deletion of Paragraph 60(B(XVi) and paragraph 60(B(XViii)) (Page 27) as the alleged extrajudicial killing and sexual violence against women as a weapon of war is not substantiated and the number of victims as well as the specific area where it was alleged to have taken place is not included.

Furthermore, it is to be recalled that the Commission adopted Resolution 482 (EXT.OS/XXXII) establishing a Commission of Inquiry while discussions around the modalities for a joint investigation was still ongoing between the Government of Ethiopia and ACHPR. This unilateral decision by ACHPR disregarding the invitation of the Government of Ethiopia for a joint investigation is a source for serious concern. The Government is also alarmed by the fact that the Commission did not properly reflect the efforts of the Government to finalize the modalities for joint investigation with the Commission. Accordingly, the Government requests the deletion of paragraphs 16, 17, 18, 56, 57 and 58 of the Report and the inclusion of the following paragraphs as new paragraphs 16 and 17:



“Notwithstanding the adoption of Resolution 482 (EXT.OS/XXXII) establishing a Commission of Inquiry into the situation in the Tigray Region, there were exchanges between the Government of Ethiopia and the ACHPR on the modalities for a joint investigation into the alleged human rights violations on:

- 2nd June 2021 (ACHPR/VC/570/21) from the Deputy Commissioner of ACHPR addressed to the Deputy Prime Minister and Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia seeking clarification as to the form of authorization given to the ACHPR;
- 26 June 2021 (4-4/6/ss/21) addressed to the Deputy Chairperson of ACHPR from the State Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia regarding the proposed modalities for joint investigation;
- 27 September 2021 (ACHPR/PROM/ETHIOPIA/827/2021) from the Secretariat of the Commission to the Ministry requesting to hold consultations in Addis Ababa, Ethiopia on 29 and 30 October 2021; and
- 13 October 2021 (ACHPR/VC/01/873/2021) from the Vice Chairperson of ACHPR addressed to the Deputy Prime Minister and Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia requesting to schedule a virtual consultation with the Minister of Justice of the Federal Democratic Republic of Ethiopia.

In light of the commitment of the Government of Ethiopia to engage in good faith, the Commission remains ready to continue the discussion with a view to finalizing the modalities for undertaking a joint investigation into the alleged human rights violations. This is aimed at finding African solutions to African problems by working with African institutions in the spirit of Pan-Africanism; and it is in line with the established procedures and practices. This will enable the Commission to jointly investigate the alleged serious human rights violations in the context of the conflict in the Tigray Regional State that are not covered by the Joint Investigation of the United Nations Office of the High Commissioner for Human Rights and the Ethiopian Human Rights Commission (from June 2021 and in the Afar and Amhara Regional States). It will also enable the Commission to fulfil its mandate in a neutral and objective manner in accordance with its Charter base mandate.”



In addition, the Government of Ethiopia requests the Commission and submits the following paragraph to be included in the draft decision of the enclosed to the Report as paragraph *10 bis* and *11 bis* respectively:

“Welcomes the decision of the Commission to continue its engagement with the Government of Ethiopia to finalize the modalities for a joint investigation with the Ethiopian Human Rights Commission into the alleged serious human rights violations in the context of the conflict in the Tigray Regional States after June 2021 (in Afar and Amhara Regional States);

“Calls upon the ACHPR to exercise its mandate by involving pertinent national institutions and advert to Pan-African values including on the need to embrace agreed modes of operation with state parties.”

