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Targeting the Anuak:
Human Rights Violations and Crimes against Humanity in Ethiopia's Gambella Region

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The following account was told to Human Rights Watch by an elderly Anuak man from a village called Otiel in Gambella. For three months in mid-2004, a small garrison of Ethiopian National Defense Force soldiers was stationed just outside of his village. He told his story with particular eloquence, but it was similar to accounts told to Human Rights Watch by dozens of other people from Anuak villages throughout Gambella.

"When the soldiers arrived they said to the villagers, 'Now we come to make peace.' The villagers said, 'Why? Is there anything wrong?' They said, 'There are some bandits and anywhere we get them we will finish them.' The soldiers stayed for three months. They were many. [One day when] the soldiers came back to Otiel from Boranger they met a man outside the village and killed him….We went out and found his dead body. He was shot in his chest and in his forehead….The elders of the village asked them, 'You said you come for peace but now we have found someone whom you have killed. Why is that so?' They said, 'Anyone we find outside the village we will kill.' We said, 'Is this a way to make peace?' They said, 'You are lying to us. And in any case we cannot identify who is a villager and who is not. So anyone we find outside your village we will kill.' After that, no one complained.

"After this one person was killed, they broke into the school and destroyed everything and took the medicines that were in the clinic. No one from the village dared to ask them why they were doing this. They broke the clinic doors and brought out the tables and chairs from the school. They used the tables for beds. In the school what was left were only blackboards….Some people were saying to the chief, 'Why don't you go and talk to them?' The commander told him, 'It was not we who broke these things but you yourselves who broke them.'

"The other problem was women. When this became more and more the chief went to talk to the commander. He said, 'Last time you killed one man and said you cannot tell who is a villager and who is not, so we kept quiet. But now you are raping our wives.' The commander said, 'I will talk to the soldiers.' But the problem did not stop after this.

"Who are you who dares to report such things to the government? It is the government that is doing these things!...Whenever the chief got away to come to Pinyudo he would sometimes try to report [rapes] to the wereda council, but they would deny it. They would say, 'Such things are not possible and it is not good for you to say this. Leave it.'"

Summary

Since late 2003, the Ethiopian National Defense Force (ENDF) has committed numerous human rights violations against Anuak communities in the Gambella region of southwestern Ethiopia that may amount to crimes against humanity. These abuses have taken place in a region plagued by longstanding ethnic tensions to which the Ethiopian military has become a party.

On December 13, 2003, a brutal ambush allegedly committed by armed Anuak sparked a bloody three-day rampage in the regional capital in which ENDF soldiers joined "highlander" mobs in the destruction of the town's Anuak neighborhoods. As many as 424 people were killed, almost all of them Anuak. The mobs burned over four hundred houses to the ground and ransacked and looted many of those left standing. The December 2003 massacre was not the first time ENDF soldiers had committed human rights abuses against civilians in Gambella, but it was a turning point in Gambella's long history of conflict and insecurity.

In the fourteen years since the overthrow of the brutal Derg dictatorship in 1991, the new age of prosperity and peace promised by the government has eluded the people of Gambella. Long-simmering ethnic tensions have repeatedly boiled over into violence that has left hundreds dead and thousands homeless, while federal and regional authorities have taken almost no effective action to protect victims or punish their attackers. The prevailing state of insecurity throughout the region and the instability of areas along Gambella's long border with Sudan have led to an ever-increasing Ethiopian military presence in the region.

Until December 2003, the garrison of ENDF soldiers stationed in Gambella had not become involved in the region's increasingly frequent ethnic clashes. It became more difficult for the army to remain uninvolved, however, as longstanding tensions between Gambella's Anuak population and its large community of onetime migrants from other parts of Ethiopia, known locally as "highlanders," began to escalate. A series of attacks attributed to Anuak gunmen left more than twenty highlander civilians dead in the second half of 2003, and Gambella's mainly Anuak regional authorities proved unable or unwilling to bring the situation under control. The vast majority of the military personnel in Gambella are drawn from the same ethnic groups that make up the region's highlander community and December 13 marked the moment the Ethiopian military entered into the conflict against the Anuak. What had been a situation marked by long-

simmering tensions that erupted sporadically into violence was transformed into a broad-based assault by the Ethiopian army against Gambella's Anuak population.

Since December 2003, the military has set about finding and destroying the disparate groups of armed Anuak collectively referred to as *shifta*—organized Sudan-based rebels, farmers carrying out isolated revenge attacks in retaliation for past military abuses, and a small number of radicalized gunmen—it believes to be responsible for attacks on the highlander population. This has become a pretext for numerous bloody and destructive raids on Anuak villages and neighborhoods; more than 100 Anuak men, women and children were killed since the December 2003 massacre in the nineteen communities surveyed by Human Rights Watch alone, entire villages were burned to the ground and thousands of families were driven from their homes.

The prevailing climate of impunity that now exists in Gambella has allowed ENDF soldiers to prey upon and terrorize the Anuak communities they patrol. In dozens of communities, soldiers have raped Anuak women, beaten and tortured young men to the point of serious injury or death and looted homes and public buildings. Ordinary people now flee upon spotting approaching ENDF soldiers, and thousands of Anuak have been displaced or driven out of the country as refugees.

The Ethiopian government's efforts to halt these abuses or punish those responsible have been grossly inadequate. A commission of inquiry set up to investigate the December 2003 massacre absolved the military of any wrongdoing, and federal authorities have taken no apparent action to investigate ongoing human rights violations in the region. When community leaders complain about these abuses to ENDF officers they are sent away with empty promises or even threats of further violence. Only a handful of soldiers have been held to account for any of the crimes ENDF forces have committed since December 2003. To date, higher-ranking ENDF officers have been effectively beyond the reach of justice because of the federal government's refusal to investigate persistent complaints of ENDF abuse.

The motivations behind the military's assault on the Anuak population—and the government's failure to address it—remain unclear. Many victims' testimonies seem to indicate that ENDF officers and soldiers, frustrated by their inability to find and destroy the armed Anuak groups they are looking for, have come to believe that the entire Anuak population is colluding with their elusive enemies. Other abuses, including many of the reported rapes and incidents of looting, seem to be crimes of opportunity fueled by the near-total lack of accountability. Federal authorities, meanwhile, eager to see the troublesome region pacified, have at the very least shown themselves willing to turn a

blind eye to what is happening. Whether or not federal officials are actively complicit in ongoing abuses or aware of precisely how widespread and serious they have been, they have certainly given the military a green light to employ tactics that could only be expected to result in a human rights disaster. The government should know what its military is doing to the Anuak and take steps to prevent it.

Human Rights Watch believes that the widespread human rights violations committed against the Anuak population are indicative of crimes against humanity. It urges concerned states, which have ignored serious rights abuses in Gambella since the December 2003 massacre, to pressure the Ethiopian government to halt the abuses and take serious steps to prosecute all of those responsible.

This report is based on a recent three-week Human Rights Watch research mission to the capital Addis Ababa and towns in Gambella, as well as interviews conducted with Anuak refugees living in Ruiru, Kenya. This report does not document every incident of human rights abuse that ENDF forces have committed in Gambella since December 2003; rather, it describes a continuing pattern of abuse of Anuak communities throughout Gambella since December 2003.[1] It also describes abuses committed by armed Anuak groups against the highlander population. In most cases, the precise dates and locations of interviews and other identifying details have been withheld to protect the security of victims and witnesses.

Recommendations

To the Government of the Federal Democratic Republic of Ethiopia

- Take all necessary and appropriate steps, including the issuance of clear public orders to the Ethiopian National Defense Force (ENDF), to stop immediately the commission of crimes against humanity and other human rights violations in Gambella.

- Conduct an independent, impartial and public investigation into human rights violations committed by ENDF forces in Gambella. Ensure that the investigation examines ENDF abuses that have occurred anywhere in Gambella at least from the time of the December 2003 massacre up

[1] Human Rights Watch interviewed a total of eighty-four Anuak civilians from nineteen different towns and villages whose populations have suffered human rights abuse at the hands of ENDF soldiers since December 2003.

to the present. Provide protection for victims and witnesses who come forward to participate in this investigation.

- Investigate and prosecute ENDF personnel and government officials at all levels who are alleged to have been involved in the commission of crimes against humanity or other human rights violations in Gambella. Suspend from duty all personnel, including commanding officers, directly implicated in serious abuses or culpable as a matter of command responsibility. Investigate in particular the commanding officers of the ENDF garrisons near Illea, Pochalla and Gok Dipatch, as well as federal security officials in Gambella.

- Allow and facilitate full and independent access by international humanitarian organizations, international and national human rights monitors, journalists and donor government representatives to Anuak communities in Gambella.

- Provide appropriate human rights training to all members of the Ethiopian armed forces.

- Provide adequate and speedy compensation to civilians who have suffered human rights abuse, theft or destruction of property by ENDF forces.

- Provide assistance for projects to assist rape victims, who have special needs. Such assistance should include outreach, medical services, and trauma counseling and testing and access to anti-retroviral (ARV) therapy and treatment.

To the United Nations Department of Peacekeeping Operations

- Ensure that any peacekeepers provided by the Ethiopian government for UN peacekeeping operations are vetted to ensure that they have not been involved in the human rights violations committed in Gambella or other regions of the country.

To Office of the United Nations High Commissioner for Human Rights

- Deploy significant numbers of human rights monitors to the Gambella region to monitor, investigate and publicly report on abuses against civilians by the ENDF, militias or armed groups.

To Donor Governments

- Publicly insist that the Ethiopian government conduct a thorough, public and independent investigation into ENDF abuses in Gambella. Closely monitor the progress of government investigations and take prompt and appropriate action in response to their findings.

- Call for the government to permit access to the region to international humanitarian agencies, international and national human rights monitors, the media and diplomatic representatives.

- If they have not done so, make military assistance to Ethiopia contingent on the government's adherence to international human rights and humanitarian law and exclude any assistance to units implicated in human rights violations. All suppliers should actively monitor the use of any weapons or non-lethal items to ensure they are not being utilized to commit abuses.

- If providing military assistance, pressure the government to abide by its commitments under international law. Donor states should publicly condemn specific violations, including the widespread enforced disappearances committed by security forces, and urge the government to address them.

- Demand that ENDF and government officials found to have participated in ongoing human rights violations be held accountable.

To Anuak Political and Community Leaders

- Publicly denounce violence directed against highlanders. Take concrete actions to prevent such violence and facilitate the prosecution of individuals who carry it out.

Background and Context

Ethiopia's Gambella People's National Regional State (Gambella) is a low-lying region roughly the size of Rwanda that sits along the Sudanese border in the southwest of the country. It has an ethnically diverse population estimated to approach 220,000 people.[2] There are five ethnic groups that consider themselves to be indigenous to the Gambella area—the Anuak (or Anywaa), Nuer, Majangir, Opo and Komo. The Nuer and the Anuak are the two largest groups in the region. The third-largest population group consists of people the indigenous groups refer to as "highlanders," "*gaala*" or "*habasha,*" terms which in local parlance group together all migrants from other parts of Ethiopia and their descendants.[3]

Historically, Gambella has always been treated as a backwater by the central government. In recent years, however, the region has attracted a higher level of governmental interest, largely because of its relative abundance of natural resources. Gambella is the best-watered region of Ethiopia and has large tracts of uncultivated land along with deposits of gold and oil. Petronas, Malaysia's state-owned oil corporation, has acquired exploration rights in Gambella, and China's Zhongyuan Petroleum Exploration Bureau (ZPEB) has begun seismic exploration activities in Gambella under a subcontract from Petronas.[4] In addition, Gambella's long and porous border with Sudan is a source of perennial concern to federal authorities. The Oromo Liberation Front (OLF)[5] managed to infiltrate fighters into Ethiopia through Gambella in 2002, reportedly with the help of the Eritrean government; forces led by a former Derg[6] official have succeeded in

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[2] The last census conducted in Gambella, in 1994, determined the region's population to be 162,397. The region's population is estimated to have increased significantly in the intervening years.

[3] Gambella's "highlander" population is far from homogenous; it is made up of Tigrayans, Oromo, Kembatta, Amhara and other ethnicities from throughout Ethiopia. The term "highlander" is therefore so imprecise as to be almost meaningless in an objective sense, but in the context of Gambella the division between "highlander" and non-highlander is very real and increasingly important to members of both "groups." This report will use the term "highlander" for this reason and for the sake of convenience.

[4] ZPEB is a subsidiary of China National Petrochemical Corporation (Sinopec). Petronas has exclusive exploration rights within a 15,000 km^2 concession that stretches across much of Gambella. *See* ZPEB Press Release, "Seismic Survey Project in Ethiopia Put into Operation," December 9, 2004, [online] http://www.zpebint.com/english/news/listcontentgs.asp?xxid=26453 (retrieved February 4, 2005).

[5] The Oromo Liberation Front (OLF) fought against the Derg as allies of the EPRDF. In 1992, the OLF withdrew from elections that were marred by widespread harassment and intimidation of its candidates and supporters and began waging a guerilla struggle against the new government. The Ethiopian government labels the OLF a "terrorist organization," while the OLF claims to be fighting for the Oromo people's right to self-determination. Most of the OLF leadership is currently based in Asmara, the capital of Eritrea.

[6] "The Derg" is the appellation most commonly used to refer to the brutal military dictatorship that ruled Ethiopia from 1974-1991. When the military overthrew Emperor Haile Selassie in 1974, it set up a committee of officers to head the revolutionary government ("Derg" means "committee" in Amharic). The Derg was overthrown by a coalition of rebel forces led by the Tigrayan People's Liberation Front (TPLF) in 1991.

destabilizing some areas along the Sudanese border; and the Anuak-led Gambella People's Liberation Front (GPLF) has launched raids into Gambella from bases in southern Sudan.

As recently as 1980, Gambella's Anuak population was by far the largest ethnic group in the region and a majority of the total population. This began to change very quickly in the mid-1980s. Beginning in 1984, the Derg's forced resettlement program generated a massive influx of some 60,000 highlanders to the region.[7] All of the resettlement villages were located on land that the Anuak claimed as their own. At almost the same time, refugees from the Sudanese civil war began fleeing into Gambella.[8] In addition to these large-scale influxes, long-standing patterns of eastward migration among the Sudanese Nuer have led to a steady increase in Gambella's Nuer population over the course of the past century. The pace of Nuer immigration into Gambella has been dramatically accelerated by the civil war in southern Sudan and by the success many Nuer refugees have had in claiming Ethiopian citizenship and settling permanently in Gambella. The result has been that the Anuak are now a minority in what they regard as their own land, and according to the most recent census figures, they are greatly outnumbered by Gambella's Nuer population.[9]

These dramatic demographic changes are, to a large degree, responsible for the persistent ethnic tensions and frequent explosions of ethnic violence that have plagued Gambella since the fall of the Derg in 1991. The flow of non-Anuak migrants into Gambella has led many Anuak to fear the erosion of their political power, and some believe that the very survival of Anuak culture is at risk. Additionally, some traditionally

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[7] From 1984-1988, the Ethiopian government forced an estimated 600,000 people to abandon their homes and relocate to areas that were supposedly fertile and underpopulated. The program was justified as an answer to the country's food security concerns, but was also used to depopulate areas believed to be supportive of the TPLF-led insurgency ("draining the sea to catch the fish"). *See* Human Rights Watch, *Evil Days: 30 Years of War and Famine in Ethiopia* (New York: Human Rights Watch, 1991), pp. 210-229. A large proportion of the settlers were sent to Gambella, which the central government described as containing huge areas of fertile and uninhabited land.

[8] In the 1980s, three refugee camps were opened that ultimately became home to at least 150,000 refugees (the official UNHCR figures, which probably overstate the true number of refugees, put their number at over 350,000). Human Rights Watch, *Evil Days* pp. 285-286. The vast majority of those refugees returned home to Sudan after the fall of the Derg in 1991, but the camps' populations have to a large degree been replenished since then by new influxes of Sudanese refugees, many of them Nuer. As of November 2004, UNHCR estimates that there are 68,000 refugees in three camps in Gambella—31,000 in Fugnido, 19,000 in Dimma and 18,000 in Bonga. Because security concerns have largely kept UNCHR staff out of the camps in 2004, these numbers have not been recently verified and UNHCR representatives said that these figures may overstate the actual refugee population. Human Rights Watch interview with Fernando Protti-Alvarado, UNCHR Regional Liaison Office for Africa Deputy Representative, Addis Ababa, late 2004.

[9] According to the 1994 census, Nuer make up 40 percent of Gambella's population, Anuak 27 percent and "highlanders" 25 percent. Many in the Anuak community have disputed these figures and claim that logistical difficulties in traveling to remote villages led to a massive undercounting of the Anuak population.

Anuak lands are now inhabited almost exclusively by Nuer and Anuak widely regard the continual shrinking of their territory as a threatening development.[10] The most frequent outbreaks of ethnic violence in Gambella have pitted the Anuak against the Nuer. This violence reached a bloody peak in 2002, a year that saw over one hundred people killed in clashes that displaced several thousand people. Violent Anuak-Nuer conflict subsided by late 2003, but the resulting respite was an extremely brief one, as ethnic conflict between Gambella's Anuak and highlander communities had also been simmering throughout this period.[11] Many Anuak bitterly resented the arrival of the settlers brought to Gambella by the Derg, and in May 1991, groups of Anuak villagers attacked and murdered large numbers of highlander farmers who had been living alongside them near the town of Abobo.[12] More recently, in the past several years, a number of ambushes attributed to armed Anuak have left scores of highlander civilians dead.[13]

For the past few years, the Ethiopian military has undertaken operations aimed at rooting out armed Anuak groups operating in Gambella, some of which are based in southern Sudan. Military and government officials generally refer to these groups as "*shifta*," an Amharic word that can loosely be translated as "bandit." These Anuak fighters are not unified under the banner of any one group and do not share a common set of goals. They include Sudan-based rebels fighting against the Ethiopian government for Anuak "self-determination"; farmers carrying out isolated revenge attacks against ENDF soldiers and highlander civilians; and a small number of radicalized gunmen who seem to target the highlander population as a whole.[14] One Anuak insurgent group, the Gambella People's Liberation Front (GPLF), operates out of southern Sudan and has staged a handful of attacks inside Gambella.[15] There is also reportedly at least one other armed Anuak group operating in Gambella, composed of perhaps two dozen fighters led by a small group of former regional police officers.[16] A Sudan-based insurgent group led by a former Derg official named Thuwath Pal Chay, the Ethiopian Patriotic United Front (EPUF), has also been active in the region.[17] The EPUF has engaged in sporadic

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[10] Human Rights Watch interviews, Gambella and Addis Ababa, late 2004; confidential research papers on file with Human Rights Watch.

[11] There have been no reported instances of open conflict between Anuak and Nuer in Gambella since the end of 2003, but none of the underlying tensions have been resolved.

[12] Eisei Kurimoto, "Politicisation of Ethnicity in Gambella," in *Ethiopia in Broader Perspective, Papers of the 13th International Conference of Ethiopian Studies*, vol. II, 1997, Kyoto, p. 809; Human Rights Watch interviews with Anuak sources, Gambella, late 2004

[13] *See infra* Abuses by Armed Anuak Groups.

[14] *See infra* Abuses by Armed Anuak Groups for more details.

[15] Human Rights Watch interview, late 2004, with GPLF leadership, Nairobi.

[16] This group has been blamed for many of the ambushes on highlander civilians and civilian vehicles. Some reports indicate that there may also be a third, larger group operating around Gok and Dimma.

[17] Thuwath Pal Chay, a Nuer, was the top central government official in Gambella for several years prior to the overthrow of the Derg. He claims to be fighting a "war of liberation" that seeks to overthrow the EPRDF

but heavy fighting with Ethiopian military forces and has occasionally managed to seize control of villages along the Sudanese border. It is not known how frequently clashes between the Ethiopian army and EUDF forces have been. The EPUF's fighters are predominantly Nuer, as is Thuwath Pal himself, and the group allegedly receives support from the Eritrean government.[18] Due to an almost complete lack of reliable information and the impossibility of travel to much of Gambella due to security concerns and travel restrictions, it is unclear how serious a threat these armed groups have posed to the overall security situation in the region or how frequent armed clashes with the military have been. It is clear however, that there has been some fighting between armed groups of Anuak and military forces. In addition, highlander civilians continue to be killed in ambushes staged by armed Anuak, although these attacks seem to have become less frequent since the second half of 2004.

While fighting between insurgent forces and the Ethiopian army may at times have risen to the level of armed conflict as defined under international humanitarian law (the laws of war), the abuses covered in this report, primarily by the army against Anuak civilians, have not been in the context of an armed conflict. As such, international human rights law, rather than international humanitarian law, is primarily applicable.[19]

After the Ethiopian Peoples Democratic Revolutionary Front (EPRDF) government took power in 1991, it handed control over Gambella's regional government to the Gambella People's Liberation Movement (GPLM), an Anuak-dominated group that had allied itself with the EPRDF in its war against the Derg.[20] Political power in Gambella remained firmly in Anuak hands until December 2003, but federal officials and many within Gambella, including significant numbers of Anuak community leaders, continually accused Anuak regional authorities of corruption and incompetence. Most glaringly, regional officials did almost nothing to resolve Anuak-Nuer ethnic tensions or

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government and return Ethiopia to socialism. Human Rights Watch interview with Thuwath Pal Chay, Nairobi, late 2004.

[18] Human Rights Watch interview with Thuwath Pal Chay, Nairobi, late 2004; Human Rights Watch interview, Addis Ababa, late 2004.

[19] Although the Geneva Conventions of 1949 do not define "armed conflict," Protocol II to the Geneva Conventions on non-international armed conflicts states that "situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature," are not armed conflicts. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, *entered into force* Dec. 7, 1978, article 1(2). http://www1.umn.edu/humanrts/instree/y6pagc.htm (retrieved March 11, 2005)

[20] The Derg had favored the Nuer over the Anuak, and the local administration in Gambella was dominated by Nuer until 1991. Largely for this reason, the armed struggle in Gambella was carried out mainly by Anuak insurgents fighting alongside the TPLF and OLF.

conflict.[21] Many within the highlander community reportedly believed that Anuak regional authorities had no interest in putting a stop to the attacks against highlander civilians, and the federal authorities also came to suspect that leading Anuak politicians were actively collaborating with the armed Anuak groups attacking highlander civilians.[22] The federal authorities imprisoned many Anuak political leaders, and at least thirty prominent Anuak, including one former regional president, are now in prison in Addis Ababa.[23] Indeed, a substantial minority of Gambella's educated Anuak elite have been imprisoned or forced into exile over the past decade. Gambella currently has no regional president and no Anuak representative in the House of People's Representatives, as both have sought asylum abroad.[24]

The federal government reacted to its deteriorating relations with Gambella's regional authorities by assuming an increasing degree of control over regional affairs.[25] Since Gambella's regional president fled the country in December 2003, executive power in Gambella has theoretically been wielded by the acting regional president (formerly vice president), Ket Tuach, a Nuer. But the federal government said that in February 2003, the regional government "requested" direct federal intervention in the region's affairs and since then, real power in the region has been exercised by the federal government's Ministry of Federal Affairs.[26]

In addition to assuming de facto control over the regional government, the federal government has stationed several thousand more ENDF troops in Gambella since

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[21] Confidential research papers on file with Human Rights Watch; Human Rights Watch interviews, Addis Ababa and Gambella, late 2004.

[22] Human Rights Watch interviews with regional officials and Anuak sources, Addis Ababa and Gambella, late 2004; Human Rights Watch interview with federal government official, Addis Ababa, late 2004.

[23] According to a reliable source within the federal government, most of these have been charged with offenses related to alleged collaboration with Anuak insurgents and put on trial, but no one has yet been convicted.

[24] Gambella has had four regional presidents since 1991. The first was murdered by his own (GPLM) fighters in 1992. Of the remaining three, one is in prison and the other is in exile. Gambella's last regional president, Okello Akway, fled on foot to Pochalla, Sudan, several days after the December 2003 massacre in Gambella town and subsequently sought asylum in Norway. Gambella's Anuak representative to the House of People's Representatives, Peter Opiti, is seeking asylum in Switzerland.

[25] In 1998 the federal government forced the Anuak-dominated GPLM to merge with the mainly Nuer Gambella Peoples Democratic Unity Party (GPDUP) into the Gambella People's Democratic Front (GPDF). Disaffected Anuak then formed the opposition Gambella People's Democratic Congress (GPDC). When the GPDC seemed poised to make a strong showing in the 2000 elections, regional authorities imprisoned many of its leaders, crippling the party. In 2003, the Ministry of Federal Affairs forced the GPDF to disband and replaced it with a coalition of three newly-created ethnic parties called the Gambella Peoples Democratic Movement (GPDM).

[26] The Ethiopian Ministry of Federal Affairs has stated that regional authorities "requested" federal intervention in order to "save the people from the chaos [that] ensued" after the December 2003 massacre. Ethiopian Ministry of Federal Affairs, "Gambella State Government Sought Federal Intervention," [online] http://www.mfa.gov.et/Press_Section/publication.php?Pub_Page_Id=484 (retrieved January 25, 2005).

December 2003.[27] Almost all of those soldiers are highlanders and identify themselves as such in the context of highlander-Anuak ethnic conflict.[28] The military has established camps throughout the region and conducts regular patrols throughout most predominantly Anuak areas. The primary reason for the large military presence in Gambella appears to be an effort to eliminate armed Anuak groups in the region and assure the security of areas under exploration for oil.[29]

The December 2003 Massacre

On December 13, 2003, in an apparent reprisal for a series of ambushes of highlander civilians carried out by armed Anuak,[30] ENDF soldiers and highlander civilians launched a brutal attack on Gambella town's Anuak population. A large number of troops from the ENDF's 43rd Division were in Gambella town when the massacre began and Human Rights Watch estimates that over one hundred of them participated in the massacre.[31] Adult Anuak men were the primary targets of the violence but were not its only victims. Soldiers raped several Anuak women, over four hundred Anuak houses were burned to the ground and huge numbers of civilians fled into the forest or took shelter in compounds belonging to two of the town's largest churches. The commander of Gambella town's military garrison, Major Tsegaye Beyene, was in Gambella town throughout the massacre and took no apparent action to stop it; indeed, he appears to have directly taken part in the violence.

On the morning of Saturday, December 13, 2003, a car carrying several employees of the federal government's Administration for Refugee and Returnee Affairs (ARRA), a driver and a police escort was ambushed some thirty kilometers outside of Gambella town. All eight of the car's occupants were killed in the attack and their bodies were badly

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[27] The number of ENDF personnel in Gambella is likely to increase dramatically in the near future, as the military reportedly plans to transfer permanently a large part of the garrison currently located near Jimma to a newlyconstructed camp outside of Gambella town with the capacity to house 60,000 soldiers. Human Rights Watch interview with federal official, Addis Ababa, late 2004. It is worth mentioning that this number of soldiers would be substantially higher than the entire Anuak population of the region as recorded in the 1994 census.

[28] Confidential research papers on file with Human Rights Watch.

[29] Human Rights Watch interview with federal government official, Addis Ababa, late 2004.

[30] At least twenty highlander civilians were reportedly killed in ambushes by Anuak gunmen between August and December 2003. Human Rights Watch interviews, Addis Ababa, late 2004; Human Rights Watch telephone interview, Minneapolis, November 12, 2004.

[31] This estimate is based on Human Rights Watch interviews in late 2004 with twenty-four eyewitnesses to the massacre.

mutilated.[32] All of the victims were highlanders. This attack was the immediate spark for the massacre that began later that day. At the time of the ambush, the ARRA staff had been on their way to visit the site of a proposed new camp for Sudanese Nuer refugees.[33] While the individuals who carried out the attack have reportedly never been caught, it is widely assumed both within and outside of Gambella that the ambush was the work of an armed Anuak group or Anuak *shifta*. At the time, many Anuak were incensed that the government was planning to open a fourth camp for Sudanese refugees in addition to the three that already existed on what they regard as Anuak land.[34]

Word of the attack reached Gambella town shortly after the ambush, and as the news spread a large crowd of highlander civilians gathered in the center of town to discuss and protest the killings.[35] A short while later, some of the soldiers who had been sent to the scene of the ambush returned to town with the eight victims' bodies. By the time the vehicle carrying the corpses reached the center of Gambella town, it was part of a convoy of at least nine vehicles accompanied by crowds of highlanders. The convoy proceeded directly to the regional council building, where military personnel displayed the mutilated bodies to the increasingly emotional crowd.[36] The crowd, along with the bodies, then reportedly moved to the police station.

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[32] The attackers reportedly cut off the penis of the policeman, Solomon Tesfaye, and put it in his mouth. Ethiopian Human Rights Council (EHRCO), "A Ferocious Attack Committed in Gambella Region," 72nd Special Report, January 5, 2004.

[33] The Ethiopian government and UNHCR sought to relocate most Sudanese Nuer refugees from the camp near Pinyudo to a new site at a place called Odier because they believed the new site to be more secure. There had been several violent clashes between Sudanese Nuer refugees and local Anuak around Pinyudo, and officials feared that they lacked the capacity to prevent further bloodshed if the Nuer refugees remained in the Pinyudo camp. Human Rights Watch interview with Fernando Protti-Alvarado, UNHCR Regional Liaison Office for Africa Deputy Representative, Addis Ababa, late 2004.

[34] Human Rights Watch interviews with Anuak sources, Addis Ababa and Gambella, late 2004; confidential research papers on file with Human Rights Watch.

[35] Human Rights Watch interviews with witnesses #4 and 12, Ruiru, Kenya, late 2004; Human Rights Watch telephone interview with Okello Akway, Norway, October 13, 2004.

[36] Human Rights Watch interviews with witnesses #2 and 13, Ruiru, Kenya and Addis Ababa, late 2004. *See also* EHRCO 72nd Special Report.

The commercial center of Gambella town. On December 13, 2003, ENDF soldiers and local highlanders massacred hundreds of Anuak civilians living in the town. © 2004 Human Rights Watch

Witnesses to these events describe an atmosphere of anger and tension that grew considerably worse after the eight bodies were shown to the crowd.[37] Scattered gunshots were heard throughout the town and large groups of obviously angry soldiers and highlander civilians were seen moving through the streets. One Anuak witness to the scene described what he saw as he drove through the town that morning:

> We reached the Mobil fueling station but couldn't pass because of the crowds of highlanders shouting, weeping and wailing. There was a lorry full of soldiers, well armed, and so we turned the car and diverted our route. In town we could not see an Anuak moving and we were scared. I asked the driver to take me home, but we couldn't reach there because there were soldiers marching and running throughout the town. They were moving in all different directions…I walked home [and] saw some Anuak I knew. They said the soldiers had chased them with guns away from a hotel they were walking by. I said we must go home or they may

[37] Human Rights Watch interviews with witnesses #4, 12 and 63, Ruiru, Kenya, late 2004.

> arrest or beat us. They took my advice and so we walked home together.[38]

Many other Anuak also began moving towards their homes for safety. Some families locked themselves inside their homes hoping to wait things out; several witnesses described feeling nervous but doubting that anything serious would happen.[39]

Between noon and one o'clock, some witnesses reported that they heard what sounded like a large crowd shouting and cheering along with bursts of gunfire emanating from somewhere near the police station.[40] Within several minutes of this commotion, groups of highlander civilians armed with machetes, axes, sticks and iron bars and accompanied by armed and uniformed ENDF soldiers descended upon several Anuak neighborhoods. These groups varied in size from roughly five to thirty. Witnesses with whom Human Rights Watch spoke said that groups of soldiers and highlanders moved systematically from house to house searching for Anuak men.[41] While generally leaving women and children alive, the attackers killed Anuak men after pulling them from their homes or running them down as they tried to flee. One young Anuak man caught up in the first moments of the massacre recalled the terror and confusion that ensued:

> I saw people running here and there. Seeing people running, I also ran, knowing nothing of what was happening. All of a sudden I saw and heard the government soldiers shooting. On hearing the bullets, I ran even faster. Because there were so many people running here and there we collided and I fell down. I started to see people who were fallen down dead and so I got up and started running again. I ran to the edge of town and hid myself under a bush. I stayed there for a long time. From my hiding place I saw people being shot, running and being killed. The noise was very great.

He remained hidden for some time and saw his neighbors' homes burned as they tried desperately to escape:

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[38] Human Rights Watch interview with witness #12, Ruiru, Kenya, late 2004.

[39] Human Rights Watch interviews with witnesses #16 and 61, Gambella and Ruiru, Kenya, late 2004.

[40] Human Rights Watch interviews with witnesses #5, 10 and 12, Ruiru, Kenya and Gambella, late 2004.

[41] Their physical features make Anuak clearly distinguishable from any of the groups that make up Gambella's highlander population.

> After a long time I saw one man crawling. I tried to identify him. He was covered in blood. On looking further, I found out that he was Abraham….I knew him well because we lived close by and used to see each other often….I wanted to help him but I failed to do so because I was afraid. Following that I heard a very big blast. Then I saw a big fire burning in a house. I saw a group of people running towards the river, followed by soldiers and a group of people with machetes. Then I buried my head and didn't see anything else. I panicked. I was too afraid to look up anymore[42]

One middle-aged woman was inside of her home with her family when a group of soldiers and highlander civilians arrived. She described what happened after her husband went outside to confront them:

> When they came we were in the house with our children. My husband, they shot him [in front of our home]....After he was fallen my son could not hide himself anymore and he went out to see his father….They killed him as well. It was the military with guns and lots of our highlander neighbors. My son came out because he knew some of the highlander people very well and he tried to say, "Why are you doing this thing?" They just cut him with axes and other tools. He thought that because he had been together with them as neighbors and friends they could listen to him….My eldest daughter was crying, saying "Why did you kill my father and brother?" So they came and they beat her with sticks. I took a stick also and I tried to beat them but they just said, "Let us leave them." Until now my daughter does not work. She is broken. She was a student and used to carry water and crush maize, but she cannot do anything now.[43]

Where people refused to come out of their homes, their assailants battered the doors down or set the grass roofs of their small, circular *tukuls* ablaze. When the terrified inhabitants of burning houses tried to escape through windows or doors, they were either shot by groups of waiting soldiers or set upon with machetes, clubs and other weapons by highlander civilians. Several larger houses with tin roofs proved more difficult to break into or burn, so soldiers drove out their occupants by throwing grenades through the windows. The house of a prominent Anuak pastor named Okwier

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[42] Human Rights Watch interview with witness #11, Ruiru, Kenya, late 2004.

[43] Human Rights Watch interview with witness #32, Gambella, late 2004.

Oletho was attacked in this way. His house was a large rectangular structure with a tin roof that was divided into several rooms. At least a dozen people had sought refuge there. After a group of soldiers and highlander civilians surrounded the house, a soldier broke open a window and tossed a grenade through it into the living room. As fire spread throughout the house, the people inside began scrambling through the windows. Soldiers shot and killed most of the men who came through the windows, some of whom were picked off before they could even start running. Pastor Okwier was among the dead; after he escaped through a window, a group of highlander civilians chased him down and murdered him with machetes and clubs.[44]

Pastor Okwier Oletho's mother-in-law standing next to his grave near the ruins of his home in Gambella town. ENDF soldiers and highlander townspeople killed Pastor Okwier when they attacked his home during the December 2003 massacre. © 2004 Human Rights Watch

Most of the violence took place in a few neighborhoods where most of Gambella town's Anuak population is concentrated. The worst-affected neighborhoods were Omminingah, Owalingah, Tier Kidi and Addis Zefer. In other parts of the town, soldiers and highlanders positioned themselves to intercept some of the people running away from the besieged Anuak neighborhoods. One man who was hidden in the house

[44] Human Rights Watch interviews with witnesses #18, 36 and 83, Gambella and Ruiru, Kenya, late 2004.

of a highlander friend described what took place in an intersection a short distance from that house:

> They were in a big group sitting there waiting for people because Anuak had to cross through that area to get to Anuak villages. I could see through the window. I saw about seven people being killed with my eyes. Four were knifed and beaten by highlanders and two were shot by the military….One man was shouting, "I am a Nuer, not an Anuak," but they recognized him as Anuak….One [man], the soldiers tied his hands to his legs and put him on the road and then ran him over with a military truck. This person had been running. The soldiers caught him, between five and ten of them. They tied his hands and legs and were saying, "Why do you want to shoot him? We can kill him in another way instead." There were some highlander children there and they were crying, saying, "Don't kill him, don't kill him!" They [the soldiers] put him on the road and they yelled, "Go over him, go over him!" and then the truck ran him over once. Then the soldiers and highlanders clapped and cheered together.[45]

The Anuak neighborhood of Tier Kidi in Gambella town. Many of Tier Kidi's residents sought refuge from the December 2003 massacre in the nearby compound of the Catholic church. © 2004 Human Rights Watch

[45] Human Rights Watch interview with witness #31, Gambella, late 2004.

ENDF soldiers raped several Anuak women during the massacre. One woman whose house was invaded by a group of ten soldiers and highlander civilians described what happened to her family:

> They threw stones through the window and one of them hit me.…I didn't open the door for them and so they broke into the house by smashing the door….First after they smashed the door they came in and took a thirteen-year-old boy together with my son and took them outside. My son was thirteen also. Then they shot the other boy—it was soldiers who shot him. Because my son seemed shorter than the other boy they ordered him back to me….I had fallen down and was bleeding because of the rock that came through the window. They raped my sister while I was lying on the ground. What I saw was the soldiers going and lying on my sister. I saw all of them going to her, one by one. Because their attention had shifted to her I saw a chance to escape and so I got up and ran out the door.[46]

Another woman, a primary school teacher, was alone at her school with two female colleagues when a group of soldiers approached them:

> We knew them. We used to prepare coffee and invite these soldiers to come and drink with us before December 13 under a big tree by the school….It was Saturday but three of us teachers were at school—one highlander and two Anuak. They took the highlander teacher away. They took [the other Anuak teacher] and I into a room used for resting by the teachers. After they took us into the room, they raped us, me along with my friend. My [highlander] colleague was crying, "You people can't believe in God, why are you doing this thing!"…So they beat her even though she is a highlander.[47]

The officer who was in command of the military forces in Gambella town at the time of the massacre, Major Tsegaye Beyene, was present in Gambella town throughout the entire massacre. Okello Akway, an Anuak who was then Gambella's Regional President, was with Tsegaye throughout the day on December 13, trapped in the military barracks in the center of Gambella town because he was afraid to venture into the chaos outside.

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[46] Human Rights Watch interview with witness #27, Ruiru, Kenya, late 2004.

[47] Human Rights Watch interview with witness #8, Ruiru, Kenya, late 2004.

According to Okello, at no point during that day did Tsegaye make any apparent attempt to stop the killing. Okello said that when he challenged Tsegaye to intervene and stop the killing, Tsegaye responded, "Are we the ones killing the people? It is the Anuak who are all butchers." "After that," Okello said, "I simply became quiet."[48] After the massacre, Okello became increasingly afraid for his own life and eventually fled across the Sudanese border on foot before seeking asylum in Norway.[49]

One woman who was detained by the police early on December 13 told Human Rights Watch that she was raped by a senior officer while in ENDF custody. In the early hours of the afternoon, while the massacre was raging throughout the town, ENDF personnel transferred her from the police station to the barracks near the center of Gambella town. She described what happened there:

> At night, [some soldiers] started saying that I am a member of the organization that attacked the car. They said I am a cashier of that organization. They also asked a lot of questions about my brother because they thought that maybe he is also one of them. I said I do not know this organization and am not a member of any organization….They mistreated me because they said I am one of those people. They started beating me, and then [officer's name deleted] raped me. I was taken to his room by two soldiers. I refused and quarreled with these people and they started beating me again. Then they took me to his room and I quarreled and fought with them. They put a gun to my throat and said, "Be silent." It happened there, two times. It was [the officer] both times with his colleague. [The next day] they took me to the main barracks far from the town…I was kept in one room and I was mistreated there as well.[50]

The violence continued throughout the day on December 13 and came to a halt at around sunset. On the morning of the fourteenth, the killing began anew and continued until that evening. Some witnesses reported that the attacks continued throughout the day of the fifteenth as well. By all accounts, the violence came to a permanent halt by the evening of Monday, December 15. By then at least 440 Anuak houses had been destroyed; most of those had been burned, while others had been blown apart by

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[48] Human Rights Watch telephone interview with Okello Akway, Norway, January 18, 2005.

[49] Ibid.

[50] Human Rights Watch interview with witness #2, Ruiru, Kenya, late 2004.

grenades.[51] The Anuak neighborhoods of Omminigah and Owalingah were almost completely razed and most of their inhabitants were left homeless.[52]

Hundreds of Anuak civilians fled into the bush on December 13 to escape the massacre. Some returned that evening, only to be forced to flee a second time when the violence erupted again the next morning.[53] Others spent several days hiding in isolated stands of trees several kilometers outside of town before returning home, generally without access to food or clean water. In addition, 382 Anuak sought refuge behind the walls of the Catholic Church compound and well over a thousand took shelter in the compound of the Mekene Yesus church.[54] Most stayed for roughly one week and some stayed for two or even three weeks.[55]

The government has sought to downplay the number of Anuak civilians killed in the December massacre. A government-appointed Commission of Inquiry found that sixty-five people were killed.[56] That figure is clearly a gross underestimate; the twenty-four eyewitnesses to the massacre interviewed by Human Rights Watch alone witnessed more killings than this. An independent inquiry conducted by the Ethiopian Human Rights Council, the country's leading human rights advocacy organization, a week after the massacre estimated that more than 300 Anuak had lost their lives in the violence.[57] Anuak groups have compiled a list of 424 people they say were killed. Based on the interviews Human Rights Watch conducted with eyewitnesses to the massacre, many of whom lost family, friends and neighbors in the attack, as well as Anuak community leaders and other knowledgeable sources, Human Rights Watch believes that the 424 figure is the most accurate.

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[51] Human Rights Watch interviews with regional government officials, Gambella, late 2004; confidential document provided by regional official, on file with Human Rights Watch.

[52] Human Rights Watch interviews with witnesses #11, 12, 15, 21, 34, 57 and 63, Gambella and Ruiru, Kenya, late 2004.

[53] Human Rights Watch interviews with witnesses #10, 12 and 18, Ruiru, Kenya, late 2004.

[54] Human Rights Watch interviews with witnesses #30, 63, 85 and 86, Gambella and Addis Ababa, late 2004. The Mekene Yesus church is Ethiopia's largest mainstream Protestant church. In Gambella, the church is divided along ethnic lines into Nuer and Anuak congregations. Anuak civilians seeking shelter took refuge in the compound of the church's Anuak synod. The Catholic and Mekene Yesus churches are located close to the Anuak neighborhoods of Tier Kidi and Omminingah, respectively.

[55] Human Rights Watch interviews with witnesses #16, 30, 31 and 57, Gambella and Ruiru, Kenya, late 2004.

[56] Report of the Commission of Inquiry to the House of People's Representatives, July 2004.

[57] EHRCO 72nd Special Report.

Case Studies

Since December 2003, ENDF forces in Gambella have committed widespread human rights violations against Anuak communities throughout the region. These abuses have included large-scale attacks on villages, extrajudicial killings, rape, beatings and torture and destruction of property and looting. Some of the most egregious examples of these abuses are presented here in case studies of three Anuak communities. As documented below, the testimony gathered by Human Rights Watch evidences a similar pattern of abuse that occurred throughout Gambella in late 2003 and 2004.

Ethiopian Army Raid against Anuak Civilians in Pinyudo

Pinyudo lies roughly 110 kilometers to the south of Gambella town, close to the banks of the Gilo River. It is the largest predominantly Anuak town in Gambella. The town's population includes a sizeable minority of highlanders but neighborhoods are largely segregated along ethnic lines.

On the afternoon of December 16 or 17, 2003, a few days after the massacre in Gambella town, Ethiopian soldiers stationed near Pinyudo conducted a raid on the town's Anuak neighborhoods. Pinyudo's Anuak population was already on edge because soldiers had shot and killed a young man named Akurkwar Bok Olay several days earlier in the center of town and refused to offer any explanation for the killing.[58] However, word of the violence in Gambella town had not yet reached Pinyudo and the attack caught most people completely by surprise.[59]

It is not clear how the attack in Pinyudo began. Some witnesses later heard that there had been a clash between military forces and a group of armed Anuak just outside of the town at around the time the violence erupted. However it started, the attack quickly evolved into a destructive assault on Pinyudo's Anuak neighborhoods. Witnesses report that panic gripped the town's Anuak population as soldiers moved into Anuak neighborhoods, deliberately setting fire to houses and firing at fleeing Anuak residents. Hundreds of families fled as the soldiers descended on their homes, most of them in the direction of the Gilo River. As the smoke from burning houses filled the air above the town, many of the fleeing persons swam across the river to hide in the tall, dense grass that lay beyond the opposite bank.[60]

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[58] Human Rights Watch interviews with witnesses #33, 44, 72, 73 and 74, Gambella, late 2004.

[59] Human Rights Watch interviews with witnesses #43 and 74, Gambella, late 2004.

[60] Human Rights Watch interviews with witnesses #3, 26, 33, 35, 51 and 72, Gambella and Ruiru, Kenya, late 2004.

The vast majority of the people who fled managed to escape safely into the bush. A small number of people sought refuge in their homes or in the houses of neighbors instead of fleeing, however; at least two of them were reportedly burned alive inside their homes.[61] One thirty-two-year-old man who was hiding in the house of a friend described seeing soldiers loot and burn all of the houses around him, including his own. He then watched as a friend of his ran out from a neighboring house after soldiers set fire to its grass roof; a soldier shot and killed him before he had managed to make it more than a few meters from the door.[62]

Late in the day, the violence subsided. Wereda[63] officials arrived on the scene and began moving along the banks of the Gilo River with loudspeakers, announcing that the situation had been brought under control and urging people to return to their homes.[64] Many people were skeptical and remained hidden, but a large group of people emerged from the grass and began making their way back across the river. As they stepped into the water, soldiers on the opposite bank opened fire indiscriminately. One sixty-year-old man whose two sons were cut down in the water described watching them die:

> They were moving along the bank calling, "Come back, there is peace now." [My sons] were in a hurry to go back and see their homes. When they came crossing the river they were killed. I saw them fall….I saw the [members of the] defense forces who shot them. I immediately recognized them when they had fallen and I ran to them. After the death of these people and my two sons, the people still on the bank ran away to the forest. I had nothing to do—I had already died. When the people ran away I stayed behind….
>
> According to my culture, the first person to die should be the old person. But these were my two sons.[65]

Human Rights Watch was able to document twelve killings of Anuak residents by soldiers in Pinyudo town during the course of the day; the actual total may be higher.

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[61] Human Rights Watch interview with witness #7, Gambella, late 2004.

[62] Human Rights Watch interview with witness #43, Gambella, late 2004.

[63] A wereda is a unit of administrative governance in Ethiopia. The country's nine regions are divided into zones, and the zones are divided into weredas. Gambella is divided into six weredas and one 'special' (or autonomous): Gambella, Alwero-Openo, Gilo, Jikaw, Akobo, Dimma and Godere (special).

[64] Human Rights Watch interviews with witnesses #3, 33, 34, 47, Gambella and Ruiru, Kenya, late 2004.

[65] Human Rights Watch interview with witness #47, Gambella, late 2004.

Soldiers also looted at least one clinic and ransacked a junior secondary school.[66] The attackers also disabled a community grinding mill that had been operated collectively by Anuak households; it had not been repaired at the time of Human Rights Watch's visit to the town.[67]

ENDF soldiers deliberately disabled this grinding mill during the attack in Pinyudo. The townspeople who once made use of it had not been able to repair it at the time of Human Rights Watch's visit. © 2004 Human Rights Watch

By the close of the day, the violence came to an end, and over the next few days many people began returning home. Most found that they had been left homeless; nearly every house in the most densely populated Anuak neighborhoods had been razed and many had been looted. Well-informed regional officials speaking on condition of anonymity estimated that well over 1000 homes were destroyed in total.[68] The officer then in command of military forces in the area around Pinyudo, Captain Amare, initially claimed to regional officials sent to investigate the destruction that only a handful of houses were destroyed. He later admitted that a large number of homes were burned but said that all of them were destroyed accidentally in the course of his soldiers' efforts

[66] Human Rights Watch interviews with witnesses #31, 48 and 57, Gambella, late 2004.

[67] Human Rights Watch interviews with witnesses #48 and 57, Gambella, late 2004.

[68] Human Rights Watch interview with federal government official, Addis Ababa, late 2004; Human Rights Watch interview with regional government official, Gambella, late 2004.

to fend off an attack by Anuak *shifta*.[69] As most of the grass around Pinyudo town had already been cleared by ENDF soldiers, there was not enough available to build roofs for reconstructed houses. As a result, hundreds of families spent months living under makeshift shelters covered with plastic sheeting.

Ethiopian Army Raids against Anuak Villages in Tedo Kebele

Tedo is a rural kebele[70] in the Jor region of Gilo wereda that encompasses several remote Anuak villages. Three of the kebele's villages were attacked by ENDF forces over the course of roughly three weeks beginning in March 2004. In each of three surprise raids, villagers were forced to flee into the forest as soldiers burned and looted their homes behind them. At least seventeen Anuak civilians were killed in total.[71]

The first of the three attacks took place in a village called Bad Kut. In the mid-afternoon, a large group of soldiers descended upon the village, catching its population completely off guard. One witness described the first moments of the attack and its aftermath in some detail:

> I was there when they arrived. People were just sitting and the women were preparing food. The men, we were just sitting and talking. We didn't see them right when they came—we heard guns shooting and when we looked we saw that it was soldiers who were shooting. After the shooting we had to think of running and so we didn't see what they did. But after we escaped we could see houses burning and the whole village on fire. When we went back we saw burned houses and our things were broken. Cattle and property were taken and goats and sheep were killed. Also the pots we use to store grain and powdered maize were broken. Even the shells we use to eat food were broken….My house was there and it was burnt down….Bad Kut was fifty houses—it is one of the bigger villages in Tedo. Almost all of the houses were burnt down. Only a few remained.[72]

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[69] Human Rights Watch interview with regional government official, Gambella, late 2004.

[70] A kebele is the unit of administrative governance below a wereda and the smallest unit of government in Ethiopia. In urban areas, kebeles are akin to neighborhood associations while in rural areas they often encompass several small villages and hamlets over a relatively large area.

[71] This is a conservative estimate and likely understates the number of people killed.

[72] Human Rights Watch interview with witness #54, Gambella, late 2004.

Other witnesses gave similar accounts to Human Rights Watch. In addition to looting and burning at least several dozen homes and destroying grain stores, the attackers reportedly looted the village's primary school and stole the tin roofing from the church. Between five and eleven people who did not manage to escape were shot and killed as the soldiers entered the village.[73]

The second attack took place one to two weeks later in the village of Cham, a small village roughly three hours on foot from Bad Kut. Villagers there said that they had been nervous since hearing news of the attack on Bad Kut, but the attack on Cham nevertheless also caught them by surprise. According to some witnesses this was because the attacking soldiers approached from an unexpected direction that allowed them to conceal their approach. As in Bad Kut, the villagers fled as the soldiers drew near the village. At least five people were shot from behind and killed as they ran. The remaining villagers fled into the forest and returned several hours later to find many of their homes destroyed and most of their possessions looted. One survivor of the attack recalled:

> Our houses and all of the grain stores were burned. All of the cooking pots and dishes were destroyed. They took all of the cattle and sheep and goats. We saw this when we returned. Almost all the village was burned down; it was only this village that was attacked. My house was burned. They looted everything.[74]

One to two weeks after the attack on Cham, the military conducted a raid on the nearby village of Abunjay. The soldiers entered the village in the early hours of the morning, and again succeeded in catching the population by surprise. One witness recounted what took place:

> There was a little bit of rain. As the rain stopped early in the morning they came and started shooting at people. The people escaped and ran away. I ran also. When we were running they were chasing us….They burned down the whole village and they took everything. They destroyed everything like cattle, sheep, goats, grain stores and the powdered maize in big jars. Two old women were burned in their houses. I saw their bodies in the houses after we returned. We could

[73] Human Rights Watch interviews with witnesses #44, 51, 54 and 71, Gambella, late 2004.

[74] Human Rights Watch interview with witness #51, Gambella, late 2004.

> only recognize them by their homes—you could not even tell who they were.[75]

At least seven Anuak residents were killed in the attack.

Anuak villagers from these three villages told Human Rights Watch that after the third attack many people in Tedo left their homes and crossed into southern Sudan as refugees. One man from Abunjay said that after the attack on his village, "all of the villagers went to Pochalla and there was no more life in Tedo."[76]

Witnesses to the attacks in Tedo kebele were at a loss in trying to explain them but believed that their substantial herds of cattle, sheep and goats may have been one motivating factor. In all three villages, the attacking soldiers rounded up and stole entire herds of livestock. Several months after these attacks, Human Rights Watch researchers observed several dozen cattle that had been taken from villages in Tedo grazing outside of Pinyudo town, watched over by a young soldier. Soldiers reportedly sold some of the stolen cattle to buyers in town and used the remainder to supplement their diet.[77]

There have been no reported raids on villages in Tedo kebele since March 2004, but ENDF soldiers continue to commit abuses against the local population. In two separate incidents in May, women walking alone along the road were caught and gang-raped by soldiers in ENDF patrols.[78] In a third and especially gruesome reported incident, a group of soldiers captured a group of six women and two men who were walking together in the countryside. The soldiers cut the throats of the two men, Okwier Omot and Manyu Chan, while the women watched and then raped all six of them.[79]

Ethiopian Army Abuses against Anuak Civilians in Gok

Gok Jinjor and Gok Dipatch are kebeles within Gilo wereda. The population of both kebeles is overwhelmingly Anuak. The Ethiopian military has committed human rights abuses against Anuak civilians living throughout this area over the course of the past year. Since the establishment of a permanent military camp in Gok Dipatch in July or

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[75] Human Rights Watch interview with witness #71, Gambella, late 2004.

[76] Human Rights Watch interview with witness #44, Gambella, late 2004. Many of the villagers who fled have subsequently returned and there have been no reported attacks on villages in Tedo kebele since the attack in Abunjay.

[77] Human Rights Watch interviews with witnesses #51, 54 and 71, Gambella, late 2004.

[78] Human Rights Watch interview with witness #71, Gambella, late 2004.

[79] Ibid.

August 2004, however, these abuses have grown considerably more frequent and serious.

Prior to the stationing of a permanent military garrison in Gok Dipatch, military patrols were frequently sent to Gok from the garrison near Pinyudo to search for *shifta* and illegal weapons. Soldiers frequently detained and beat any Anuak men they came across in their patrols and occasionally looted Anuak villages.[80] ENDF soldiers also raped some Anuak women who they caught alone outside of their villages.[81]

In July or August 2004, the military established a permanent camp in Gok Dipatch. Several individuals from villages in Gok told Human Rights Watch that their problems with ENDF soldiers had grown much worse since then. One man who had recently fled a patrol approaching his village and spent that night in the forest said that since the arrival of this garrison, "things have become very serious. There is lots of raping and if you accidentally meet them on your way to another village they will beat you. So people are always ready—your clothes are always in a bag and ready for running."[82]

Patrols from the camp move between all of the Anuak villages in Gok Dipatch and Gok Jinjor kebeles. These patrols conduct frequent searches of Anuak houses, often destroying or looting property in the process. One man from a village near Gok Dipatch reported to Human Rights Watch that a patrol had come to his village, accused the people there of hiding bullets in the jars of powdered maize the community had stored from their last harvest, and poured all of it out into the dirt.[83] Several villagers from Gok Dipatch said that the soldiers seemed especially fond of the honey many households gather to supplement their diet and would steal it whenever they come across it while searching a house for weapons. As one local man said, "Because everything is in their hands, they take whatever they want."[84]

At least ten Anuak civilians have been shot and killed by ENDF soldiers from the Gok Dipatch garrison since December 2003. Many of those were killed while attempting to flee a group of approaching soldiers. The most notorious of the killings in Gok was the murder of Oballa Obang,[85] an elderly and widely respected village chairman from Gok

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[80] Human Rights Watch interviews with witnesses #17, 39 and 61, Gambella, late 2004.

[81] Human Rights Watch interviews with witnesses #53, 58 and 84, Gambella, late 2004.

[82] Human Rights Watch interview with witness #53, Gambella, late 2004.

[83] Human Rights Watch interview with witness #76, Gambella, late 2004.

[84] Human Rights Watch interview with witness #58, Gambella, late 2004.

[85] Oballa Obang was known to many as Oballa Gach

Jinjor who had been an active community leader since the days of Haile Selassie, Ethiopia's last emperor. The commander of the military garrison in Gok Dipatch had called a meeting of community leaders in Gok Jinjor; the main purpose of this meeting was to demand that Oballa respond to accusations that he had been furnishing food and other material support to Anuak *shifta*. Oballa sent a message saying that he was sick and did not attend the meeting. After the meeting adjourned, a group of soldiers went to his house. According to witnesses, they told him that they did not believe he was actually ill and arrested him. Oballa was then taken to the campus of a nearby school, which the ENDF garrison was using as its headquarters. According to one eyewitness, the soldiers present began threatening to kill Oballa. He became frightened and tried to run away; two or more soldiers shot him in the back and he died almost instantly. The next day, villagers followed a trail of blood to find his body buried in a shallow grave in the forest not far from the school.[86]

Human Rights Watch interviewed several villagers from communities near the Gok Dipatch garrison, and all of them said that women from their villages had been raped by soldiers stationed there. Some of them were raped on the roads; in other cases soldiers have followed women who venture outside of the village to fetch water and attacked them there. One man from a village in Gok Dipatch kebele called Che Aba described what happened to one of his relatives:

> She was trying to go and fetch water at night; there were some soldiers guarding the way. They asked her her name and she told them. They said, "Where are you going?" She said she was getting water. He asked her, "Why are you going at night?" She said, "I want to get some water for tomorrow morning." Then she left, but one of the soldiers followed her. After she fetched the water and was trying to go back he took the jerrican from her and did not want her to go. She cried out, but no one went to see what had happened. He then forced her. She left everything there, even the jerrican, and came home. When she came back she told us this thing.[87]

Officers from the Gok Dipatch garrison regularly require villagers to attend meetings, but they are not responsive when those present raise complaints about the soldiers' behavior. One man from a village close to the garrison said:

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[86] Human Rights Watch interviews with witnesses #31 and 79, Gambella, late 2004.

[87] Human Rights Watch interview with witness #42, Gambella, late 2004.

> They have many meetings. They surround the village and say, "We want to meet with you…." In these meetings they say, "Now we have to talk about peace and how peace will come." People respond, "But we had peace when you were not here." All these months we are always having meetings with them, but they are not meetings for something to happen. They are just for confusing people. [We] tell them the same things in all the meetings but nothing comes of it. We are fed up with all of these meetings. [88]

In one meeting a village chairman demanded that the officers in command of the garrison do something to stop soldiers from raping women from his village:

> The chairman raised these issues with the military at this meeting. At this meeting the military was mainly discussing how to bring about peace. They said that they were there for the peace and security of the villagers. The chairman said, "No, your being here is a problem. You are not living in peace, you are raping women"—he was even mentioning their names—"and beating people in the villages." They were just telling him that what he said is something which could be wrong or not correct. They said, "You have to tell us the names of the soldiers who raped these women." But [the soldiers] all look the same.[89]

In another incident, a woman from a village near the Gok Dipatch garrison was attacked and raped by four soldiers in the early hours of the evening. She screamed, several people from the village came running to see what was happening, and the soldiers fled. The next day, community leaders went to the garrison to report the incident and were told that it would be investigated. Villagers interviewed by Human Rights Watch said that a short while later, a letter from the garrison's commanding officer arrived in the village. The letter said that since the soldiers in the garrison were difficult to control, the best way for the community to avoid problems in the future would be to make sure that women did not leave the village unaccompanied. The soldiers responsible for the rape that had been reported were never punished.[90]

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[88] Human Rights Watch interview with witness #53, Gambella, late 2004.

[89] Human Rights Watch interview with witness #78, Gambella, late 2004.

[90] Human Rights Watch interviews with witnesses #58 and 76, Gambella, late 2004.

Additional Ethiopian Military Abuses against Anuak Civilians

The incidents described above are only a small piece of the pattern of rights violations committed by the Ethiopian army against the Anuak population in Gambella. Human Rights Watch examined numerous other cases of abuses since the December 2003 massacre. These include further and continuing raids on Anuak neighborhoods and villages that have left a trail of death, rape, looting and destruction. ENDF forces have also committed widespread human rights abuses against individual Anuak civilians throughout Gambella. These typically occur when soldiers pass through Anuak communities in rural areas or encounter Anuaks in the countryside. In many areas, most notably around Gok and Jor in Gilo wereda, abuses are ongoing and frequent.

Extrajudicial Killings

Human Rights Watch documented 104 extrajudicial killings of Anuak civilians by ENDF forces in December 2003 and throughout 2004, not including the more than 400 victims of the December 2003 massacre.[91] Many of those killings occurred during attacks on Anuak villages, while others followed encounters between groups of soldiers and Anuak men in the countryside.

As documented below, ENDF forces have attacked Anuak neighborhoods in some of the region's largest towns and have also raided several villages in Okuna, Abodo and Powatalam kebeles between February and September 2004. In these attacks, soldiers killed dozens of Anuak residents, many of whom were shot while trying to flee.

Extrajudicial Killings Committed During Attacks on Anuak Civilian Populations

On the last day of January or at the beginning of February 2004, ENDF soldiers and highlander civilians carried out an attack against the Anuak population in Dimma, a town in the extreme south of Gambella. This violence was in apparent reprisal for a bloody attack on a highlander community of artisanal miners carried out by armed Anuak outside of Dimma on January 30, 2004, described below. The violence began at around 11 a.m., when soldiers and highlander civilians stoned to death a student named

[91] Since this figure is drawn from interviews with Anuak civilians from a relatively small number of villages, it is likely that the total number of such killings in Gambella during this period has been substantially higher. Human Rights Watch received secondhand reports of killings in and around many other communities throughout Gambella in 2004 but was not able to document them. Many people interviewed by Human Rights Watch said they had heard of many people being killed by ENDF soldiers in remote areas of Gilo wereda.

Ochalla Chan in Dimma.[92] Throughout the afternoon, mobs chased scores of Anuak civilians from their homes and attacked them in the streets. ENDF soldiers shot and killed several unarmed Anuaks while others were set upon with machetes and clubs by highlander civilians.[93] One thirty-five-year-old civil servant stepped outside of his home to see what was happening when he heard the first gunshots and watched a group of soldiers shoot and kill a man and a woman in the street near his home.[94] Another man told Human Rights Watch that he barricaded himself inside his house along with his wife and infant son when the violence began and some time later he heard screams and gunfire very close by. When he ventured outside several hours later, he saw the bodies of one of his neighbors, a mechanic named Omot, and a woman he did not recognize splayed across the ground near Omot's home. Both bodies had bullet wounds and had been badly mutilated.[95]

In February or March[96] 2004, several dozen soldiers attacked and looted a village called Abodo in the Jor region of Gilo wereda. At least seven people were killed, most of them as they fled in the direction of the nearby river. One young man described how the attacking soldiers killed one of his neighbors:

> They came with trucks and when they saw the village they dropped out of them and came on foot. We only saw them when they were near to the village. As soon as we saw them we all started running—we all knew about Gambella town. They didn't ask any questions but started shooting. We ran into the bush, crossed the river and started running again….I saw them kill one man. He is not normal—he has a physical problem. When we started running he could not run fast and could not get far from the village. They shot him and stood on top of him. He didn't die immediately. His relatives were trying to carry him after the soldiers shot him but then they left him and ran away.[97]

The soldiers occupied the village for several days after the attack.

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[92] Human Rights Watch interview with witness #80, Gambella, late 2004.

[93] Human Rights Watch interviews with witnesses #13, 22, 23, 24, 80 and 81, Gambella and Ruiru, Kenya, late 2004.

[94] Human Rights Watch interview with witness #24, Ruiru, Kenya, late 2004.

[95] Human Rights Watch interview with witness #23, Ruiru, Kenya, late 2004.

[96] This attack occurred during the month of *Yekatit* according to the Ethiopian calendar (a variety of the Julian calendar). In 2004, *Yekatit* overlapped with both February and March in the Gregorian calendar.

[97] Human Rights Watch interview with witness #56, Gambella, late 2004.

Early one morning in late February or early March,[98] ENDF soldiers descended upon Anuak neighborhoods in Abobo, a town that lies forty kilometers to the south of the regional capital, burning homes and firing indiscriminately at panicked Anuak civilians. At least fifteen Anuak residents lost their lives, most of them cut down by gunfire as they tried to escape.[99] One fifty-year-old woman described how she fell behind the younger and stronger members of her family as they all fled in the initial moments of the attack. "We saw three groups of soldiers coming through the bush chasing us," she said. "There were many guns from that side and this side. The soldiers were shouting, 'Kill them!'" One man who was running several paces ahead of her was shot and killed just before she escaped into a dense tangle of trees. "He was a bit ahead of me when he was shot and after he fell I passed his body," she said. "I heard the gun and then he just fell."[100] Another woman was running towards the shelter of a stand of nearby trees when the woman running next to her was shot and killed by a soldier some distance behind them. She continued running and hid herself in the hollow trunk of a dead tree, only to find that her hiding place was home to a colony of bees. A group of some fifteen soldiers appeared nearby before she could extricate herself, so she was forced to remain still and silent until they passed while the insects stung her all over her body.[101]

ENDF forces have carried out similar attacks in Anuak villages scattered throughout Gambella. In an attack that completely destroyed the Anuak village of Okuna Pino near Abobo in March or April of 2004, soldiers killed at least fourteen Anuak civilians.[102] One blind woman named Agwa Nugat could not escape and was burned alive inside her home when soldiers set fire to the village.[103] In Powatalam kebele, ENDF troops attacked the villages of Poljai, Jaru and Tirol in August and September 2004 and killed at least two Anuak civilians. When ENDF soldiers arrived in Tirol, they shot a man they encountered on the outskirts of the village. His young wife, who watched him die, was at a loss to explain the killing. She said simply, "They met and they shot him. No words were exchanged. When I saw him fall, I ran away to the forest."[104] When they entered

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[98] Witnesses reported that the attack took place in the month of *Yekatit* according to the Ethiopian calendar. In 2004, *Yekatit* overlapped with both February and March in the Gregorian calendar.

[99] Human Rights Watch interviews with witnesses #20, 29, 37, 40, 64, 65 and 69, Gambella and Ruiru, Kenya, late 2004.

[100] Human Rights Watch interview with witness #40, Gambella, late 2004.

[101] Human Rights Watch interview with witness #69, Gambella, late 2004.

[102] Human Rights Watch interviews with witnesses #31, 39 and 68, Gambella, late 2004. The attack occurred in the month of *Megabit* according to the Ethiopian calendar.

[103] Human Rights Watch interview with witness #68, Gambella, late 2004.

[104] Human Rights Watch interview with witness #77, Gambella, late 2004.

the village, soldiers accused its inhabitants of sheltering Anuak *shifta* before setting fire to their homes and attacking some of the fleeing villagers.[105]

Other Extrajudicial Killings

Ethiopian soldiers have also killed Anuak civilians in isolated incidents that did not involve attacks on larger towns or villages. Many Anuak farmers work fields located some distance from the villages they live in, and Human Rights Watch received several reports of military patrols killing farmers on their way to or from their fields. Late one afternoon in October 2004, a young man named Ojulu Ochala was killed as he walked home from his fields near Okuna Pino. An ENDF patrol had surrounded the village as they prepared to move into and search it; startled by Ojulu's approach from the other direction, one or more soldiers opened fire on him when he stepped into view. One witness to the killing said:

> We were following him, walking together from the farm to the village. We were together at first but then he pulled ahead of us. It was late in the afternoon and we ran into the military by accident. They just shot him without asking any questions….After he was shot he fell down and then we ran….They ordered the old men to throw him away without burying him. So they did this, they threw him in the bush somewhat far from the village…but then after the soldiers left they buried him.[106]

Many Anuak villagers told Human Rights Watch that ENDF personnel generally offered no explanations for such killings to relatives and affected communities. One farmer from Tirol village in Powatalam kebele said that a passing patrol shot and killed a man from the village named Owat Ogala in January 2004. The soldiers came to notify the villagers that they had killed the man but did not explain why they had done it, saying only, "there is someone there. Go and bury him."[107]

The military routinely conducts patrols through remote stretches of uninhabited forest near Anuak villages. The objective of these patrols is purportedly to ensure security in rural areas and root out armed Anuak *shifta* whom soldiers believe to be hiding in isolated villages and in the bush.[108] Often, however, ENDF forces appear to make no

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[105] Human Rights Watch interviews with witnesses #77 and 82, Gambella, late 2004.

[106] Human Rights Watch interview with witness #39, Gambella, late 2004.

[107] Human Rights Watch interview with witness #82, Gambella, late 2004.

[108] Human Rights Watch interviews with witnesses #31, 42, 46, 57 and others, Gambella, late 2004; Human Rights Watch interview with federal government official, Addis Ababa, late 2004.

effort to distinguish male Anuak civilians from the *shifta* they claim to be hunting. Unarmed young men have frequently been shot at and in many cases killed while traveling between villages, and many ENDF patrols seem to view any Anuak civilian who runs away from them as a legitimate target. Many Anuak men from rural villages told Human Rights Watch that they make a habit of fleeing whenever they see or hear soldiers approaching along secondary roads or trails; two said that they had been shot at by soldiers who spotted them from a distance as they tried to run into the grass.[109] Human Rights Watch spoke with one man who narrowly escaped being shot while walking to Pinyudo from a village in Jor in October 2004. "Of course," he said, "on these roads when you see the military you have to run if you see them first. So I ran and they started shooting at me but they couldn't hit me and I ran into the bush."[110]

Rape

Encouraged by a climate of near-total impunity, ENDF personnel have raped Anuak women in and around villages throughout Gambella. Some of these rapes have been committed in the course of broader attacks on Anuak civilian populations, but most have not. The majority of the rapes reported to Human Rights Watch occurred when women were attacked by military personnel when they were outside of their villages. Anuak communities near ENDF garrisons experience the most frequent abuses.

The deep and lasting stigma associated with rape in Anuak society drives many Anuak rape survivors to conceal attacks even from their families. For the same reason, while most of the Anuak villagers interviewed by Human Rights Watch in Gambella said that ENDF soldiers had raped women from their communities in 2004, some of them were not willing to discuss specific cases in any detail. This was true of men as well as women; one man from a village near Gok Dipatch explained his refusal to discuss a number of rapes that had reportedly taken place in his village by saying that, "even your wife, they can come and take her and you cannot tell it to another person. If you tell another person you are spoiling the name of your wife."[111] As a result, Human Rights Watch was only able to obtain testimony about some of the rapes that have occurred since December 2003 in surveyed communities.

Human Rights Watch has documented many rapes of Anuak women committed by ENDF soldiers along isolated roads in Gambella. One woman told Human Rights Watch that a group of twelve ENDF soldiers gang raped her on a road between Gok

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[109] Human Rights Watch interviews with witnesses #35 and 49, Gambella, late 2004.

[110] Human Rights Watch interview with witness #49, Gambella, late 2004.

[111] Human Rights Watch interview with witness #53, Gambella, late 2004.

Jinjor and Gok Dipatch in Gilo wereda sometime in the first few months of 2004. She said:

> I was on my way to a nearby village and…I was caught by soldiers. They beat me and raped me at that time. There were twelve soldiers and all twelve of them raped me. They kept me for three hours. [After this] I became very exhausted and I was bleeding. From Gok Jinjor to Gok Dipatch usually takes two hours, but after I faced this problem, it took six hours. I received no treatment. I reported to my relatives, not to outsiders, because when they see a woman bleeding they may think she has made an abortion. When I was caught by the troops, my child ran away. I reached Gok Jinjor without knowing where my child was. After I arrived, I received information that the child joined another group of people and I sent my relatives from group to group.… I have suffered long term harm. It is still difficult for me to walk. The same thing has happened to other women.[112]

Other rapes have occurred in similar circumstances. In May 2004, a young woman was raped by four soldiers beside a road near Chentoa in Gilo wereda while her teenage sister screamed in protest.[113] Another woman was raped alongside of a road near Abobo in November 2004. Although she suffered serious pain and bleeding for two weeks after the attack, she never sought medical treatment.[114] Human Rights Watch also received reports of numerous rapes committed by ENDF soldiers along roads throughout Gilo wereda, especially in Gok and Jor.[115]

Ethiopian troops have also raped women in and around their own villages. Seven women from Okuna Pino have reportedly been raped by soldiers coming through the village on patrol since August 2004; one young man told Human Rights Watch that his cousin was gang raped at gunpoint by four soldiers there in November 2004. "One soldier aimed his gun at her," he said, "and as he did so he told her to give herself over to another one."[116] In August or September 2004, a group of soldiers, reportedly from the garrison in Illea, pulled a woman and her husband from their home near Itang, gang raped her just outside the house, and then shot and killed her husband.[117] In a village in

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[112] Human Rights Watch interview with witness #84, Gambella, late 2004.

[113] Human Rights Watch interview with witness #56, Gambella, late 2004.

[114] Human Rights Watch interview with witness #70, Gambella, late 2004.

[115] Human Rights Watch interviews with witnesses # 31, 42, 49, 53, 55, 56, 76, 78 and 79, Gambella, late 2004.

[116] Human Rights Watch interview with witness #39, Gambella, late 2004.

[117] Human Rights Watch interview with witness #62, Gambella, late 2004.

Powatalam kebele, ENDF personnel reportedly raped a woman inside of her own home one night in October 2004.[118]

Soldiers stationed in permanent ENDF garrisons in Gok Dipatch, Illea and Pochalla have reportedly raped women from nearby Anuak villages with such frequency that most local women no longer walk outside of their villages alone. One man from a village near the Illea garrison told Human Rights Watch that his community had given up trying to report incidents of rape to the garrison's commanding officers. Instead, "the women are told not to go to far places, and if they go to collect firewood to go in a big group and to run if they see soldiers."[119] Human Rights Watch received reports of five rapes that took place near the garrison in Illea in 2004.[120]

Beatings and Torture

ENDF soldiers routinely detain and interrogate Anuak men they encounter in searches of Anuak villages or in the countryside. According to people who have witnessed or been subjected to them, these interrogations are generally linked to efforts to locate Anuak *shifta* or search for illegal firearms.[121] In many cases, soldiers beat their detainees during interrogation and these beatings are often severe enough to rise to the level of torture.[122] In other cases, ENDF personnel have beaten Anuak men without questioning them at all.

Many villagers interviewed by Human Rights Watch said that whenever ENDF patrols approach their villages, the men from the village run into the bush and hide until the soldiers leave. The soldiers leading the patrols usually tell villagers that they are looking for people connected to the *shifta* or for illegal guns, and interrogate any young or middle-aged men they find. One man from a village near Pinyudo called Butaboro explained, "When they circle the village they are looking for a man above fourteen years

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[118] Human Rights Watch interview with witness #82, Gambella, late 2004.

[119] Human Rights Watch interview with witness #62, Gambella, late 2004.

[120] Human Rights Watch interviews with witnesses #5, 60 and 62, Gambella and Ruiru, Kenya, late 2004.

[121] Human Rights Watch interviews with witnesses #26, 33, 46, 70, 76 and 77, Gambella, late 2004.

[122] Article 1 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

old. For smaller children it is not serious— only if you are over fourteen it is very serious if they get you."[123]

Witnesses and victims told Human Rights Watch that soldiers routinely beat the men they find in these sweeps of Anuak villages. Two men from Okuna Pino said that throughout 2004, ENDF patrols that passed through their village every one to two weeks beat and interrogated any young men they found there.[124] "The troops do not like to see young men," one of them said. "When they see one, they capture him, beat him, and ask him many questions." A relative of this man suffered several broken ribs when he was beaten by ENDF soldiers in mid-2004 and had to seek medical treatment at the Catholic mission's clinic in Abobo.[125] In September 2004, a man named Ochut Lai was taken into custody by a group of soldiers in Pinyudo as he left a local beer house. He later said that he was taken to the ENDF garrison and severely beaten with iron bars as he was interrogated for information about illegal guns and Anuak *shifta*. He never recovered from his injuries and died two months later.[126]

ENDF soldiers often accuse any men they believe to be from outside of the village they are searching of engaging in unlawful activities. One young man who was beaten when soldiers arrived in his village in September or October 2004 recalled:

> I was caught one time in my village….They had circled it to look for young men like us….They separated the men into young and old. They said to us, "Where are you from? You don't look like people from here." We said, "No, we are from this village. It is you who are new to this place." They had no response to this, they just said, "No, we don't know you. We only know these old men, not you." Then they started beating us with their guns.[127]

One man from a village called Otiel in the Jor region of Gilo wereda told Human Rights Watch that for a period of several months in 2004, any men found on the roads near his village were routinely accused of being *shifta*, detained, interrogated and severely beaten by soldiers stationed in a temporary encampment nearby. Whenever someone was detained, the village headman would be called to the camp the next morning and asked

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[123] Human Rights Watch interview with witness #33, Gambella, late 2004.

[124] Human Rights Watch interviews with witnesses #39 and 68, Gambella, late 2004.

[125] Human Rights Watch interview with witness #68, Gambella, late 2004.

[126] Human Rights Watch interview with witness #73, Gambella, late 2004.

[127] Human Rights Watch interview with witness #56, Gambella, late 2004.

whether he recognized the detainee as someone from the village. If the man was from Otiel, he would be released and sent home to nurse his wounds. If the village headman did not recognize him, he would be kept in custody. No one in Otiel had been able to find out what happened to the several men who were not released.[128]

ENDF patrols that encounter Anuak men on secondary roads or in the bush often detain, interrogate and beat them. One twenty-year-old man from Okuna Pino described what happened to him when he encountered a group of soldiers along a secondary road in June 2004:

> I was carrying some clothes in a plastic bag and accidentally met some soldiers. I didn't have a chance to run. They asked me what I was carrying. I was bending down to open the bag and when I was facing down [one soldier] kicked me in the face with his boot. After he kicked me, I was a bit stunned and then I opened the bag and showed him that it was just clothes and a Bible. Then another man came and hit me in the ribs with the end of his gun. I fell down. They asked me, "What do you do?" and I said that I am a student. They told me to show them my ID and I told them that there are no IDs for students in the villages. They said that I am a liar. By this time I was very much affected [badly hurt] and so they didn't think of beating me again because I seemed as though I could not get up. I just lay there for maybe two hours….I was hurt badly. Sometimes I still feel pain in my ribs.[129]

Human Rights Watch heard credible reports of dozens of similar incidents. This form of abuse is so widespread that many Anuak villagers described it as a routine part of their existence that one simply has to accept. Several of the Anuak men interviewed by Human Rights Watch said that they considered a severe beating to be the inevitable outcome of any encounter with ENDF soldiers. Despite the frequency and severity of these abuses, people often said that they did not think such incidents were worth discussing. As one farmer from a village in Jor called Omedho said, "The beatings are always happening—this is not a major problem. We don't bother to take their names. If all they do is beat you, you are lucky."[130]

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[128] Human Rights Watch interview with witness #46, Gambella, late 2004.

[129] Human Rights Watch interview with witness #39, Gambella, late 2004.

[130] Human Rights Watch interview with witness #49, Gambella, late 2004.

Witnesses and victims from every Anuak community mentioned in this report gave credible accounts of abuses that fit within the pattern set forth above. Continuing abuses of this nature are especially frequent and widespread in the Gok and Jor regions of Gilo wereda.[131]

Destruction of Property and Looting

Between December 2003 and May 2004, ENDF forces raided, looted and razed Anuak neighborhoods in Gambella town, Pinyudo, Abobo and Dimma as well as several villages in Tedo, Okuna, Abodo and Powatalam kebeles. In the course of those attacks, soldiers have destroyed Anuak houses and grain stores, slaughtered or stolen livestock and looted homes, schools and clinics.

In March or April 2004,[132] ENDF soldiers attacked the village of Okuna Pino near Abobo, destroying nearly every house in the village along with anything else that could be smashed or burned. One witness to the attack described the devastation wrought by the attackers:

> They burned all of the village and the school and the clinic. This was in [March or April]. I was there but we escaped….When they came they shot a gun and we all ran and scattered in the forest. We could see everything from the forest because it is not dense and you can see the village very clearly. They were taking fire and putting it on the houses. They also went to the grain stores and burned them. Also [there are] some big pots where we keep maize for famine times. They took sticks and hit the pots and after the maize was scattered they took grass and put it on the maize and burnt it….There are fires at the homes—these are cooking fires. They took grass from the roofs and lit it in these fires and then they used the burning grass to light other houses….There was nothing left. My house was burned down.[133]

Other attacks have been equally destructive. As discussed above, ENDF soldiers razed over 1000 houses in the attack on Anuak neighborhoods in Pinyudo town on December 17, 2003. The attack on Anuak populations in Dimma in January 2004 left over 200 houses destroyed, and ENDF soldiers destroyed over 400 Anuak homes in Abobo in

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[131] Human Rights Watch interviews with witnesses #42, 49, 53, 55, 58, 76, 78 and 79, Gambella, late 2004.

[132] This attack took place in the month of *Megabit* according to the Ethiopian calendar.

[133] Human Rights Watch interview with witness #41, Gambella, late 2004.

early 2004.[134] Most of the houses in three villages in Tedo kebele were destroyed in three separate military attacks beginning in March 2004.[135] More recently, soldiers burned several houses in each of three Anuak villages in Powatalam kebele in September 2004.[136]

A typical Anuak *tukul* in Abobo. © 2004 Human Rights Watch

[134] Human Rights Watch interviews with regional officials, Addis Ababa and Gambella, late 2004.

[135] Human Rights Watch interviews with witnesses #32, 35 and 71, Gambella, late 2004.

[136] Human Rights Watch interviews with witnesses #65, 66, 77 and 82, Gambella, late 2004.

The *tukul* in the foreground was destroyed by ENDF soldiers during the attack on Anuak neighborhoods in Pinyudo. The house in the background was built after the attack, with plastic sheeting used as makeshift roofing material. © 2004 Human Rights Watch

ENDF forces have destroyed other property in the course of these attacks as well. In the attacks on Anuak communities in Pinyudo and Abobo described above, soldiers destroyed grinding mills that were operated cooperatively by neighborhood residents. At the time of Human Rights Watch's mission to Gambella, those mills were still nonfunctional and the residents who depended on them were forced to pay high prices to use mills operated by local merchants.

Farmers in many villages store surplus powdered maize in large clay pots as insurance against lean times. Witnesses to several attacks on rural Anuak communities described how soldiers went from house to house smashing these pots before spoiling their contents by burning them. In some cases the soldiers explained their actions by claiming that they needed to search for bullets buried in the powdered maize.[137]

Even villages that have not suffered attacks by ENDF forces have often seen their inhabitants' most important property looted by nearby garrisons or patrols. Theft of livestock is especially common, especially in the western part of Gilo wereda where

[137] Human Rights Watch interviews with witnesses #39, 68, 70, 76, 80 and 83, Gambella, late 2004.

many rural Anuak maintain large herds of cattle, sheep and goats.[138] One man from Ulaw kebele in Jor said:

> The people of Jor have lots of cattle. [The soldiers] come and take as much as they want—they are always eating meat. Some they eat and some they sell to highlanders in [Pinyudo] town. Even sometimes when people of Jor come [to Pinyudo] they recognize their cattle.[139]

Livestock theft has been a continuing problem in Tedo kebele.[140] Several villagers interviewed by Human Rights Watch said that soldiers often offer them absurdly low prices for their cattle and say that if they do not accept the offered prices their cattle will be taken without compensation. Another villager from Jor lamented, "If you do not accept the price they give you then you will lose the money and your cattle as well."[141]

ENDF soldiers have also looted clinics and schools in some Anuak villages. At least one school and clinic were looted during the attack in Pinyudo in December 2003.[142] Soldiers who established an encampment near Otiel for three months in 2004 ransacked the village's clinic and school, destroying much of the property within and using the tables from both buildings as beds.[143] In February or March, soldiers who attacked the village of Abodo in the Jor region of Gilo wereda smashed all of the furniture in the school and used some of the wood to cook themselves dinner after the attack.[144] A school in Chentoa in Gilo wereda was reportedly looted by soldiers who used a truck to carry off the furniture inside.[145]

Displacement and Food Shortages

The continuing violence in Gambella has forced several thousand people from their homes, leaving the already-troubled region saddled with thousands of new internally displaced persons (IDPs) and driving thousands more to seek refuge in neighboring countries. The prevailing climate of insecurity generated by ENDF abuses has also led

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[138] Human Rights Watch interviews with witnesses #42, 44, 46, 49, 55, 56 and 78, Gambella, late 2004.

[139] Human Rights Watch interview with witness #55, Gambella, late 2004.

[140] *See supra* Case Studies.

[141] Human Rights Watch interview with witness #46, Gambella, late 2004.

[142] *See supra* Case Studies.

[143] Human Rights Watch interview with witness #28, Gambella, late 2004.

[144] Human Rights Watch interview with witness #56, Gambella, late 2004.

[145] Human Rights Watch interview with witness #49, Gambella, late 2004.

many Anuak farmers to abandon their fields, exacerbating Gambella's already serious food security problems.

Violence against rural Anuak communities has driven thousands of Anuak civilians from their homes since December 2003. An estimated eight to ten thousand people fled more than two hundred kilometers on foot across the Sudanese border to seek refuge in the town of Pochalla in southern Sudan in the early months of 2004.[146] The flow of refugees across the border has reportedly slowed to a trickle in more recent months and several thousand refugees returned to Gambella in mid- to late-2004, but thousands still remain. Aid workers providing assistance to the local community estimate that the Anuak refugee population in and around Pochalla now remains static at around 6500 people.[147] In addition, some 1200 Anuak refugees have made their way to Kenya.[148]

The repeated outbreaks of ethnic violence and widespread abuses committed by ENDF forces have left an enormous proportion of Gambella's population internally displaced. In July 2004, the Norwegian Refugee Council estimated that 51,000 people in Gambella had been displaced by conflict at some point since 2003; that figure represents at least twenty percent of the region's total population.[149] A large proportion of Gambella's Anuak IDPs have migrated to large towns and villages such as Pinyudo, Abobo and Gambella town. Many people, however, have tried to escape the violence afflicting their communities by spending days or even weeks at a time living in the bush hiding from ENDF patrols. A farmer from a village called Tier Kudhi in Perbongo kebele said that he along with many of his neighbors had fled their village and lived in the forest for several weeks starting in July 2004. "Now many people are in the forest," he said. "You go group by group to a place where there is water and you can at least hunt some food."[150] One man from Gok Dipatch told Human Rights Watch that many people from his village were often forced to seek refuge in the bush and subsisted by "eating fruits like the monkeys in the forest."[151] Human Rights Watch met one man who had fled a patrol he saw approaching his village in Gok Dipatch. The patrol had remained in the area for several days and after spending three or four nights in the forest waiting for the soldiers to leave, he gave up and made his way on foot to Pinyudo. He spoke with Human Rights Watch a few hours after arriving in the town. He had not eaten in days,

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[146] Email from international aid organization official, January 15, 2005.

[147] Ibid.

[148] Human Rights Watch interviews with Anuak community leaders, Ruiru, Kenya, late 2004.

[149] Norwegian Refugee Council, Global IDP Database, Ethiopia Country Profile, [online] http://www.db.idpproject.org/Sites/idpSurvey.nsf/wCountries/Ethiopia (retrieved January 26, 2005).

[150] Human Rights Watch interview with witness #38, Gambella, late 2004.

[151] Human Rights Watch interview with witness #78, Gambella, late 2004.

his clothes were in tatters and his skin was covered in bites and scratches. "I was in the forest for almost a week," he said, "and I have only the clothes on my back."[152]

Gambella is also facing serious food shortages in 2005. Agricultural production in the region is expected to fall by 50 percent in 2005 as compared with 2004, and nearly 50,000 people (including 27,000 Anuak), are expected to require food aid in 2005.[153] These problems are not due solely to ethnic conflict and displacement; sporadic and insufficient rains ruined some farmers' crops in 2004. However, OCHA and Ethiopia's Disaster Prevention and Preparedness Commission (DPPC) cite conflict and insecurity as the main reason that the total area under cultivation in Gambella decreased by 25 percent from 2003 to 2004.[154] Human Rights Watch interviewed several farmers who said that they had abandoned their fields in 2004 because of the danger from *shifta*-hunting ENDF patrols. Others said that they traveled to their fields only sporadically, when there were no ENDF soldiers in the area, and that they had lost some of their unguarded crops to monkeys, cattle and other animals.[155]

Abuses Committed by Armed Anuak Groups in Late 2003 and 2004

At least one hundred highlander civilians have been killed in attacks carried out by armed Anuak in late 2003 and 2004. Some of these attacks have been particularly brutal. In spite of the efforts of federal and military authorities to bring the perpetrators of these attacks to justice, almost none of them have been arrested or prosecuted.

A series of ambushes along major roads have contributed to a widely shared sense of insecurity within Gambella's highlander community.[156] Individuals who record these abuses reported to Human Rights Watch that at least forty-four people have been killed in ten such ambushes since November 2003.[157] In most of these cases, gunmen hiding

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[152] Human Rights Watch interview with witness #34, Gambella, late 2004.

[153] Disaster Prevention and Preparedness Commission, "2005 Food Supply Prospect," December 23, 2004, [online] http://www.ocha-eth.org/Reports/downloadable/FoodSupplyfinaldec2005.pdf (retrieved January 26, 2005).

[154] Ibid. *See also* OCHA, 2005 Humanitarian Appeal for Ethiopia, December 23, 2004, [online] http://www.uneue.org/Reports/downloadable/FocusonEthiopiaDecember2004.pdf (retrieved January 26, 2005); Human Rights Watch interviews with regional officials, Gambella, late 2004.

[155] Human Rights Watch interviews with witness #72, 79 and 82, Gambella, late 2004.

[156] Human Rights Watch interviews with federal government and civil society officials, Addis Ababa and Gambella, late 2004; confidential research materials on file with Human Rights Watch.

[157] List of Attacks on Highlander Civilians in 2003 and 2004 prepared by highlander sources in Gambella town, obtained by Human Rights Watch in Gambella. There were other ambushes prior to November 2003, but Human Rights Watch did not gather information about those attacks.

in the grass beside major roads have opened fire on civilian vehicles, killing many or all of their occupants.

On November 17, 2003, five private contractors working on a road rehabilitation project outside of Abobo (forty kilometers south of Gambella town) were ambushed and killed. All five were highlanders and in both Gambella and Addis Ababa the attack was widely blamed on Anuak *shifta;* no one was ever arrested or tried for the murders.[158] This attack in particular aroused a great deal of fear and anger within the highlander population. The massacre in Gambella town one month later was sparked by anger over a similar and exceptionally brutal attack.[159]

In addition to these ambushes, groups of armed Anuak carried out two major attacks against highlander civilian populations in 2004. The first attack, which was apparently carried out in reprisal for the December 2003 massacre, took place outside of Dimma town at the end of January. The countryside around Dimma contains deposits of gold that have attracted thousands of highlander artisanal miners, mainly from the neighboring Southern Nations, Nationalities and Peoples Region. On or around January 30, a large group of armed Anuak descended on the area where most of the miners are concentrated and massacred between 50 and 172 of them.[160] This attack claimed more civilian lives than any other single incident since the December 2003 massacre in Gambella town. Human Rights Watch was not able to investigate this incident in detail because of the impossibility of traveling to Dimma from Gambella town.[161] Anuak witnesses who were in Dimma town at the time of the attack, however, reported seeing dozens of wounded highlanders who were brought to the town for medical treatment later that day. Many appeared to suffer from machete and bullet wounds.[162]

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[158] Human Rights Watch interviews with federal official and civil society sources, Gambella, late 2004.

[159] *See supra* The December 2003 Massacre.

[160] Highlander sources in Gambella told HRW that between fifty and sixty highlanders had been killed in the attack. List of Attacks on Highlander Civilians in 2003 and 2004 prepared by highlander sources in Gambella town, obtained by Human Rights Watch in Gambella. The federal government put the number of dead at 196, of whom 172 were said to be artisanal miners. Ethiopian Ministry of Federal Affairs, "The Current Situation in Gambella," [online] http://www.mfa.gov.et/Press_Section/publication.php?Page_Number=415 (retrieved January 25, 2005). The remainder may represent military deaths, as the perpetrators of this massacre reportedly attacked a military encampment before proceeding to the mining area. Some reports indicated that they inflicted heavy casualties on the garrison there. Human Rights Watch interviews, Addis Ababa and Ruiru, Kenya, late 2004.

[161] At the time of Human Rights Watch's research mission, the road between Gambella town and Dimma was closed to vehicles traveling without a military escort.

[162] Human Rights Watch interviews with witnesses #13 and 19, Ruiru, Kenya, late 2004.

In March 2004, armed Anuak attacked a highlander village near Abobo known as Village 13.[163] At least twenty civilians were killed in that attack. Much of the village was burned to the ground and many homes were looted. After this attack, fear of further violence drove large numbers of highlanders from Village 13 and other nearby settlements to abandon their homes and move to Abobo or Gambella town.[164]

It remains unclear to what extent any organized group or groups are responsible for these abuses. Several sources, including many Anuak villagers and some government officials and members of civil society, said they believe many of these attacks to be revenge killings. Since ENDF forces in Gambella are considered highlanders by most Anuak, many Anuak see highlander civilians as legitimate targets in reprisals for ENDF murders of Anuak civilians.[165] Whoever is responsible for the attacks, inaction on the part of the Anuak-led regional administration prior to December 2003 contributed to a widespread perception that the regional authorities were not committed to stopping or even seriously investigating them. That perception in turn fueled the growing ethnic tensions that exploded with such violence on December 13, 2003.

The leadership of the Sudan-based Gambella People's Liberation Front (GPLF) denies that its fighters have been responsible for any attacks on highlander civilians, insisting that the organization attacks only military targets and that in any event it has not carried out any attacks since March or April 2004.[166] Several sources indicated to Human Rights Watch that most of the ambushes along Gambella's roads were carried out by a group of two to three dozen Anuak fighters, many of whom are former regional police officers.[167] The leader of that group was reportedly killed in a raid by military forces in early 2004,[168] and the number and frequency of reported ambushes has in fact decreased significantly

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[163] Abobo and most of the villages in the surrounding area came into existence as part of the Derg's resettlement program in the 1980s. Thousands of settlers from other regions of Ethiopia were made to settle near large state farms that were established in the area. The resettled highlanders were dropped off in newly created villages that were identified only by numbers. Most people in Gambella continue to use those numbers to identify the villages.

[164] Human Rights Watch interviews with NGO and federal official and with witness #31, Addis Ababa and Gambella, late 2004; List of Attacks on Highlander Civilians in 2003 and 2004 prepared by highlander sources in Gambella town, obtained by Human Rights Watch in Gambella.

[165] Human Rights Watch interviews with federal official and Anuak sources, Gambella and Addis Ababa, late 2004.

[166] However, the GPLF considers ZPEB's oil exploration operations to be a legitimate target. Human Rights Watch interview with GPLF leadership, Nairobi, late 2004.

[167] Human Rights Watch interviews with federal official and Anuak sources, Addis Ababa, late 2004.

[168] Human Rights Watch interviews with federal official and Anuak refugee community leaders, Addis Ababa and Ruiru, Kenya, late 2004.

since then.[169] This fact has done nothing to ease the steep price Gambella's entire Anuak community is being made to pay for these attacks, however.

The Response of the Ethiopian Government

Aside from a series of inadequate efforts to investigate the December 2003 massacre in Gambella town, the Ethiopian government has not taken action to prevent ENDF forces from committing human rights violations against Anuak communities or to punish the individuals responsible for those abuses. Indeed, federal authorities have not publicly admitted that the military has committed any abuses in Gambella since December 2003. Regional and police authorities have also been unable or unwilling to respond to persistent complaints of abuse by members of affected communities, who report that military authorities have often responded to such complaints with hostility and threats of further violence.

The Ethiopian Government's Response to the December 2003 Massacre

The December 2003 massacre is the only case of human rights abuse committed by the Ethiopian military in Gambella that the Ethiopian government has made an effort to investigate or remedy. The government's response, however, has been inadequate and often disingenuous.

Federal officials initially sought both to downplay the massacre and to blame it on the government's enemies. Dr. Gebrehab Barnabas, who was then the deputy minister of federal affairs and the highest-ranking federal official with direct responsibility for Gambella, issued a statement several days after the massacre asserting that two insurgent groups the Ethiopian government considers to be terrorist organizations, the Oromo Liberation Front and Itihad al Islamiya, were behind the violence.[170] After several days of increasing press and international attention, however, the federal government dispatched federal police officers to Gambella town to investigate and interview Anuak

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[169] Highlander sources in Gambella town told Human Rights Watch that there have been two reported ambushes since February 2004—in June and November 2004. Four people were reportedly killed in each attack. List of Attacks on Highlander Civilians in 2003 and 2004 prepared by highlander sources in Gambella town, obtained by Human Rights Watch in Gambella. Some sources indicated that there may have been other ambushes during this period that Human Rights Watch's highlander sources in Gambella town were not aware of.

[170] "Ethiopia Accuses Rebels of Inciting Killings," Reuters, December 17, 2003. Itihad al Islamiya is an insurgent group operating primarily in the Somali region of Ethiopia that is accused of having ties to international terrorist groups.

victims of the violence. Several victims who gave their accounts to those investigators told Human Rights Watch that they found the officers to be honest and reasonably thorough in their efforts to gather evidence against the highlander civilians who took part in the massacre. Whenever they implicated ENDF soldiers in the violence, however, they received far chillier responses. All of the interviewees who later spoke with Human Rights Watch said that the police refused to take seriously their insistence that large numbers of clearly identifiable uniformed military personnel had been involved in the massacre. Many of those witnesses said that the interviewing officers insisted that they could not take accusations about army violations seriously unless witnesses provided the names of the soldiers they had seen committing abuses, which not surprisingly they were unable to do. One woman who witnessed her husband's murder at the hands of a group of ENDF soldiers said that when she told the police what had happened, "they were opposing me, telling me not to say it was soldiers who killed him. They said, 'What are the names of those soldiers? If you do not know this then why do you say it was them?'"[171] One woman said that when she told investigating officers that her father had been killed by soldiers they replied, "How do you know? Maybe he was killed by sickness."[172]

Roughly one week after the massacre, Deputy Minister of Federal Affairs Gebrehab Barnabas flew to Gambella town and convened a meeting with several dozen Anuak survivors of the massacre. Also present at these meetings were Omot Obang Olom, chief of security for Gambella region, and Almaw Alemeraw, an "expert" from the ministry of federal affairs who according to many reports has been wielding executive power in Gambella since the flight of former Regional President Okello Akway. Gebrehab opened the meeting by saying that he wanted to hear what had happened to those present. When victim after victim stood up and said that the military had taken the lead in the killing, however, he interrupted each of them and told them that they were mistaken, that the military had been there to protect them. Eventually, when one man stood up and demanded that Gebrehab explain why the people who attacked his home were wearing uniforms if they were not soldiers, Gebrehab exclaimed, "You were not attacked by the military! Why don't you tell the truth?" He then spoke at length about the need to capture the Anuak *shifta* who had ambushed the ARRA car on the morning of December 13. [173]

The government's initial position, that no soldiers had taken part in the massacre, quickly became impossible to defend. In March 2004, the Federal Government took the

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[171] Human Rights Watch interview with witness #32, Gambella, late 2004.

[172] Human Rights Watch interview with witness #2, Ruiru, Kenya, late 2004.

[173] Human Rights Watch interview with witnesses #12 and 52, Gambella, late 2004.

unusual step of appointing an Independent Commission of Inquiry to look into the violence, chaired by the chief judge of the Supreme Court, Kemal Bedri. The Commission's report failed to put forward anything resembling an accurate description of the massacre. The number of deaths was grossly underestimated at sixty-five, and interviewees' statements to the members of the Commission that large numbers of soldiers had attacked their homes alongside the mobs of civilians were not reflected in the Commission's findings. The Commission's final report reached the conclusion that while a small number of rogue elements from within the ENDF's ranks had taken part in the killing, the military as a whole deserved only praise for single-handedly bringing the situation under control.[174]

Some moves have been made by the federal police to investigate and punish highlander civilians who took part in the massacre, but these efforts have been haphazard and have resulted in few reported convictions.[175] Many Anuak victims of the violence told Human Rights Watch that they were still living surrounded by the same neighbors who had attacked their families on December 13, 2003, despite having provided the names of their attackers to federal police investigators. The federal government eventually demoted Dr. Gebrehab and transferred him to Tigray to become the head of its Regional Health Bureau, but he has never faced any formal investigation or sanction related to the massacre.

Regional officials have taken some steps towards holding regional police personnel accountable for their role in the massacre; the regional authorities have arrested a small number of former police officers and recently stated that they had fired thirty-two others in connection with the massacre.[176] Most significantly, the former head of the regional police force, Tadesse Haile Selassie, was arrested in early 2005 in connection with the killings. Regional authorities have issued no public statements beyond an acknowledgement of his arrest and it is not clear whether he will eventually be charged with any crimes.[177]

In contrast, neither military nor federal authorities have taken any steps to hold ENDF officers accountable for their role in the violence. In September 2004, Ethiopian Prime

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[174] Commission of Inquiry Final Report.

[175] Human Rights Watch interviews with Anuak sources and regional officials, Gambella, late 2004; Human Rights Watch interview with federal government official, Addis Ababa, late 2004.

[176] Exchange News Network, "Ethiopia: Eight Suspects Detained Over Gambella Violence," January 16, 2005, [online] http://www.ennmedia.com/ennlive.php?subaction=showfull&id=1106002233&archive=&start_from=&ucat=& (retrieved February 7, 2005).

[177] Ibid.

Minister Meles Zenawi announced the launch of a second inquiry into the December 13, 2003 killings, but so far the only move it has made against the military was the arrest of eight low-ranking soldiers in January 2005. Major Tsegyae Beyene, the commander of ENDF forces in Gambella at the time of the massacre, was transferred to the nearby town of Abobo within Gambella region.[178] This was widely perceived throughout Gambella as an informal demotion, but he retains his rank and the troops under his command have been implicated in continuing human rights abuses in the Abobo area since his transfer.[179]

Federal and regional authorities have not compensated the massacre's victims. Soldiers and highlander civilians were ordered to rebuild many of the destroyed homes in Anuak neighborhoods in the weeks following the massacre, but they did such a poor job of constructing them that most of the houses were uninhabitable from the moment they were built.[180] At the time of Human Rights Watch's research mission, these houses could be seen scattered throughout Anuak neighborhoods in Gambella town. Most were overgrown with weeds and many of their walls and roofs had collapsed. None of the houses were inhabited.

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[178] Human Rights Watch interviews with Anuak sources and federal official, Gambella and Addis Ababa, late 2004.

[179] Troops under Tsegaye's command have committed human rights abuses in Abobo town and Okuna kebele. *See supra,* Abuses Committed by the Ethiopian Military Against Anuak Civilians in 2004.

[180] Human Rights Watch interviews with regional officials and witnesses #61 and 63, Gambella, late 2004.

This house in Gambella town's Omminingah neighborhood was rebuilt by soldiers and highlander townspeople after they razed the neighborhood during the December 2003 massacre. The house was so poorly constructed that no family was willing to live in it, and its roof quickly collapsed. Similar houses are scattered throughout Gambella town. © 2004 Human Rights Watch

The Ethiopian Government's Response to Continuing Abuses in Gambella

The Ethiopian Government has not publicly admitted that ENDF forces could have been involved in or committed serious human rights violations in Gambella since December 2003 and has taken no effective steps to halt those abuses or hold perpetrators accountable. No explanation has been offered even for the highly visible attacks that have destroyed entire Anuak villages and neighborhoods.

Witnesses and victims from several Anuak communities told Human Rights Watch that ENDF officers usually responded to complaints of abuse dismissively or even angrily. One officer in particular, Captain Amare, has convened several meetings with Anuak community leaders over the past year, only to tell them that they themselves are to blame for ENDF attacks on their villages.[181] He has routinely accused those present at these meetings of sheltering Anuak *shifta* and explains military attacks on their villages as a necessary response to the villagers' own complicity in attacks on highlander civilians.

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[181] Human Rights Watch interviews with witnesses #35, 39 and 45, Gambella, late 2004.

Amare was stationed in Abobo when ENDF forces under his command burned the village of Okuna Pino to the ground in March or April 2004. Shortly after the attack, Amare went to the village and gathered community leaders for a meeting. One man who was present at that meeting recalled:

> The military came and called the elders in the village. They said, "Now it is peaceful and the people [who fled] have to come back." They mentioned nothing about the burning—they said, "What happened is already past and we have to talk about how to live together now." Nobody dared to ask them about the burning. Captain Amare was there. He was telling us, "Why do you people run to the bush whenever you see us—are you not Ethiopians, and are we not Ethiopian soldiers? So why are you running unless you are the enemy?" No one really could respond because he has to talk and talk and so people come only for listening.[182]

Captain Amare is currently in command of the garrison in Illea, near the town of Itang, where he has adopted a similar style of leadership. When a delegation of farmers from a nearby village came to him to complain about a series of rapes that soldiers had committed in their village in November 2004, Amare accused them of being liars and sent them away. One of the men present said that after that meeting, "the farmers decided not to report these things….We just keep quiet."[183]

Major Tsegaye Beyene, a central figure in the December 2003 massacre who has never faced formal investigation or sanction, was in a position of command in Abobo as recently as January 2005. One man from Abobo interviewed by Human Rights Watch attended a meeting called by Tsegaye in March or April 2004 where someone in the audience stood up to complain about abuses that ENDF soldiers had committed in his village. Tsegaye's response was typical of statements he is reported to have made at several other such meetings:

> He was saying that we are killing highlanders and that people from our villages are running to Pochalla [Sudan] and bringing back guns to ambush people with. He said that we have to bring the people who ambush the cars to him and that if we do not it means that we are together with them. He said that unless we expose these people they

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[182] Human Rights Watch interview with witness #39, Gambella, late 2004.

[183] Human Rights Watch interview with witness #62, Gambella, late 2004.

> would continue to kill us. We were saying that those who ran to Pochalla did so because they were afraid and not because they wanted to bring guns. He did not accept this. He said he knew that many of our young people are in the bush to ambush the government, but he said that we could bring nothing against him even if we all went to the bush to fight.[184]

Occasionally, ENDF officers profess their willingness to investigate abuses committed by the men under their command, but villagers interviewed by Human Rights Watch said that such assurances usually turn out to be disingenuous. In May 2004, a delegation from a village near Chentoa went to the commanding officer of the garrison in Pochalla to report a gang rape committed by soldiers under his command. The officer said that he would punish the men responsible if the victim could identify them. When the delegation returned the next day they brought the victim with them and the officer lined up a group of soldiers in front of her, but the men who raped her were not present. When the victim said that the men who raped her were absent from the lineup, the officer scolded her for falsely accusing his men and sent her away.[185]

Regional government and police officials have been no more responsive to complaints of abuse lodged against ENDF soldiers. In each of several instances reported to Human Rights Watch, officials responded to such complaints by professing their own helplessness to act and urging those reporting the abuse to remain silent for the sake of their own safety. In one case in December 2003, wereda officials from Pinyudo went out into the countryside to see the bodies of three men who had been killed by ENDF soldiers. One of the villagers who had reported the crime to them recalled, "[The officials] were Anuak people, but they said, 'There is nothing we can do. The soldiers can do what they will do and we have no power over them.'"[186] More recently, in November 2004 a delegation from an Anuak village in Gilo wereda reported the murder of three young men by ENDF soldiers to wereda officials. One member of that delegation recalled that the official they spoke with told them, "Go, and if the body is not yet buried, bury it and keep quiet. There is nothing we can do about this problem."[187]

In the face of such obstacles, many Anuak civilians interviewed by Human Rights Watch said that they no longer made any attempt to report crimes committed by soldiers in

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[184] Human Rights Watch interview with witness #37, Gambella, late 2004.

[185] Human Rights Watch interview with witness #56, Gambella, late 2004.

[186] Human Rights Watch interview with witness #38, Gambella, late 2004.

[187] Human Rights Watch interview with witness #59, Gambella, late 2004.

their communities. One man whose two sons were shot and killed by ENDF soldiers in front of his eyes during the December 2003 attack on Pinyudo said that he had never tried to report the killing. "It is not easy," he said. "If you report such things you will be asked who killed them. It is difficult for me to say, 'you did' if I am talking to the military or even to say 'soldiers' if I am talking to the police. So I kept quiet." Human Rights Watch heard of only one occasion where ENDF soldiers were arrested and jailed for committing abuses against Anuak civilians after the December massacre.[188]

In January 2005, a high-level government delegation including the deputy prime minister and the ministers of federal affairs, information, education, agriculture, water resources and health visited Gambella to discuss the region's problems with community leaders. However, some of the people invited to meet with those officials told Human Rights Watch that Anuak community leaders were not given the opportunity to express their opinions about Gambella's problems. The delegation ultimately announced that they intended to solve Gambella's security problems by sending in more ENDF soldiers to combat the "anti-peace" elements responsible for ambushes along the region's roads.[189]

Federal authorities have tapped Omot Obang Olom, chief of security in Gambella, as their choice for regional president in the May 2005 elections. Omot Obang is an Anuak but has taken an exceptionally hard-line approach to stamping out the threat to regional security posed by Anuak *shifta*.[190] In each of several meetings with prominent members of Gambella's Anuak community in 2004, he has responded to complaints of human rights abuses committed by ENDF forces with threats of further violence. Individuals who attended many of these meetings told Human Rights Watch that he often accuses those present of collaborating with Anuak *shifta* and asserts that they have no right to ask that violence against Anuak communities come to an end as long as they remain disloyal to the government.[191] One reliable source recalled that at one meeting in late January 2004, Omot Obang told the assembled crowd that they had to choose between "do[ing] what the government orders" and going into the bush to fight. If they chose the latter, "he said that the government has enough force to wipe us all out. He said that they have thousands and thousands of soldiers throughout Ethiopia and that they could even destroy the forests we hide in if they need to."[192]

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[188] In that particularly egregious case in October 2004, two soldiers dragged two women from their homes in the middle of a densely populated neighborhood in Pinyudo and raped them as horrified neighbors looked on helplessly. Human Rights Watch interview with witness #35, Gambella, late 2004.

[189] Human Rights Watch telephone interview with Anuak source, Addis Ababa, January 27, 2005.

[190] Human Rights Watch interviews with Anuak sources and federal official, Gambella and Addis Ababa, late 2004.

[191] Human Rights Watch interviews with witnesses #12, 52, 59 and 63, Gambella and Ruiru, Kenya, late 2004.

[192] Human Rights Watch interview with witness #63, Gambella, late 2004.

The International Response to Human Rights Abuses in Gambella

> *"I remember a certain chicken epidemic in China. When a certain number of chickens had died, the Chinese government called an emergency meeting and the whole world was paying attention. When I compare this with the response to what is happening to us in Gambella it is truly remarkable."*
>
> – Anuak refugee, Ruiru, Kenya

In the immediate aftermath of the December 2003 massacre, a brief flurry of media attention spurred numerous expressions of international concern about the situation in Gambella. Despite the Ethiopian government's failure to take any meaningful action to address ongoing abuses in the region, international attention has since waned considerably.

Since the December 2003 massacre, there has been an almost complete dearth of reliable information about the situation on the ground in Gambella. The event that sparked the massacre, an ambush of an ARRA vehicle, also drove nearly every donor and international agency to withdraw its personnel from the region.[193] Aside from a few heavily guarded day-trips to Gambella town by representatives of UN and donor agencies, there was minimal international presence in Gambella for most of 2004. The ICRC maintained a permanent presence in the region throughout the year, but security concerns have dissuaded it from attempting to travel to the areas where abuse is rampant.[194] Western diplomatic sources told Human Rights Watch that one result of this lack of information has been that no governments or donor agencies have been comfortable challenging the Ethiopian government's assurances that the persistent allegations of ENDF atrocities in Gambella are unfounded.[195]

The security issues that have led the international community to withdraw from Gambella are legitimate, but there is cause for concern that the Ethiopian government is manipulating those security issues to keep information from filtering out of the region

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[193] The ARRA vehicle that was ambushed on the morning of December 13, 2003 had license plates emblazoned with the logo of the United Nations. Even though ARRA is in no way connected to the UN system and was using that logo without authorization, the attack led UN staff to fear that the armed Anuak group responsible for the attack was targeting UN personnel. This led the United Nations to pull all of its agencies' staff out of Gambella, and almost all foreign government agencies and international NGOs followed suit. Human Rights Watch interviews with United Nations, donor government and civil society officials, Addis Ababa, late 2004.

[194] Human Rights Watch interview with ICRC official, Addis Ababa, late 2004.

[195] Human Rights Watch interviews with western diplomatic officials, Addis Ababa, late 2004.

for as long as possible. In any event, reports of ongoing abuses in the region have emerged with enough frequency that the silence of the UN and donor community is impossible to justify.

At the end of 2004, international agencies began moving back into Gambella town. It remains to be seen whether these agencies will now press for broader access to the region's most troubled communities. In January 2005, the U.S. Ambassador to Ethiopia called on the Ethiopian government to follow through on pledges to hold accountable any military, police or government officials involved in human rights abuses in Gambella.[196] Although that statement made reference only to events that took place in December 2003 and early 2004, it may be a sign that international interest has not faded completely.

Crimes against Humanity under International Law

ENDF forces have committed murder, torture and rape in the course of widespread and possibly systematic attacks directed against the Anuak civilian population in Gambella. Human Rights Watch believes that these attacks bear the hallmark of crimes against humanity under international law.

Crimes against humanity were first codified in the charter of the Nuremberg Tribunal of 1945. The purpose was to prohibit crimes "which either by their magnitude and savagery or by their large number or by the fact that a similar pattern was applied…endangered the international community or shocked the conscience of mankind."[197] Since then, the concept has been incorporated into a number of international treaties and the statutes of international criminal tribunals, including the Rome Statute of the International Criminal Court.[198] The definition of crimes against humanity varies slightly by treaty, but as a matter of customary international law the term "crimes against humanity" includes a range of serious human rights abuses committed as part of a widespread or systematic attack by a government or organization against a civilian population.[199] Murder, torture

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[196] Press Release, *U.S. Ambassador Aurelia E. Brazeal Visits Gambella*, February 1, 2005, [online] http://usembassy.state.gov/ethiopia/wwwhp0605.html (retrieved February 8, 2005).

[197] *History of the United Nations War Crimes Commission and the Development of the Laws of War* (1943), p. 179, quoted in Rodney Dixon, "Crimes against humanity," in *Commentary on the Rome Statute of the International Criminal Court* (O. Triffterer, ed.) (1999), p. 123.

[198] Rome Statute of the International Criminal Court, 2187 U.N.T.S. 3, *entered into force* July 1, 2002.

[199] *See* Rodney Dixon, "Crimes against humanity," in *Commentary on the Rome Statute of the International Criminal Court* (O. Triffterer, ed.) (1999), p. 122. This is the standard applied by Article 7 of the Rome Statute of the International Criminal Court. Ethiopia is not a state party to the Rome Statute and is therefore not bound by

and rape all fall within the range of acts that can qualify as crimes against humanity.[200] Unlike war crimes, crimes against humanity may be committed in times of peace or in periods of unrest that do not rise to the level of an armed conflict.

Crimes against humanity include only abuses that take place as part of an attack against a civilian population. So long as the targeted population is of a predominantly civilian nature, the presence of some combatants does not alter its classification as a "civilian population" as a matter of law.[201] Rather, it is necessary only that the civilian population be the primary object of the attack.[202] Thus abuses ENDF forces directed against Anuak civilians even during the course of military operations in Anuak villages and neighborhoods can fall under the definition of crimes against humanity.

The attack against a civilian population underlying the commission of crimes against humanity must be widespread or systematic. It need not be both.[203] "Widespread" refers to the scale of the acts or number of victims.[204] Human Rights Watch considers the numerous acts of murder, torture and rape by ENDF soldiers against the Anuak civilian population to be "widespread." Human Rights Watch documented more than 500 extrajudicial killings and dozens of incidents of rape and torture across nineteen

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it, but the definition in Article 7 accords with the conception of crimes against humanity in customary international law.

[200] Murder and torture are among the core offenses that have been included within the definition of crimes against humanity at least since the adoption of the charter establishing the Nuremberg tribunal after World War II. Rape was not explicitly included in the charter's definition of crimes against humanity in article 6(c) although it could be derived from that definition's general prohibition against "other inhumane acts." This ambiguity has been resolved in recent years; the statutes of the International Criminal Tribunals for Rwanda and the former Yugoslavia as well as the Rome Statute all explicitly include rape in the list of enumerated offenses that can constitute crimes against humanity. The ICC Statute also lists: extermination, enslavement, deportation, imprisonment, persecution, enforced disappearance, apartheid, and "other inhumane acts." ICC Statute, article 7(1).

[201] *See, e.g., Prosecutor v. Naletilic and Martinovic*, International Criminal Tribunal for the former Yugoslavia (ICTY), Trial Chamber, March 31 2003, par. 235 ("The population against whom the attack is directed is considered civilian if it is predominantly civilian"); *Prosecutor v. Akayesu*, International Criminal Tribunal for Rwanda (ICTR), Trial Chamber, September 2, 1998, par. 582 ("Where there are certain individuals within the civilian population who do not come within the definition of civilians, this does not deprive the population of its civilian character"); *Prosecutor v. Jelisic*, ICTY Trial Chamber, December 14, 1999, par. 54 ("The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.").

[202] *See Naletilic and Martinovic*, para. 235.

[203] *See Prosecutor v. Tadic*, ICTY Trial Chamber, para. 646 ("it is now well established that…the acts…can…occur on either a widespread basis or in a systematic manner. Either one of these is sufficient to exclude isolated or random acts.").

[204] *Akayesu* defined widespread as "massive, frequent, large scale action, carried out collectively with considerable seriousness and directed against a multiplicity of victims," *Prosecutor v. Akayesu,* ICTR Trial Chamber, September 2, 1998, para. 579; *see also Kordic and Cerkez*, ICTY Trial Chamber, February 26, 2001, para. 179; *Kayishema and Ruzindana*, ICTR Trial Chamber, May 21, 1999, para. 123.

different Anuak communities, starting with the December 2003 massacre in Gambella town and continuing throughout 2004. The December 2003 massacre, which claimed as many as 424 lives and resulted in the near-total destruction of the town's largest Anuak neighborhoods, can by itself be considered a widespread attack. Even a single violent attack that is part of broader widespread operation may amount to a crime against humanity.[205]

A "systematic" attack indicates "a pattern or methodical plan."[206] International courts have considered to what extent a systemic attack requires a policy or plan. For instance, such a plan need not be adopted formally as a policy of the state.[207] Human Rights Watch does not have evidence allowing a conclusive determination one way or the other as to whether the abuses committed by ENDF forces in Gambella have been systematic. Nonetheless, the similarity of many of the attacks on the 19 neighborhoods, towns and villages in 2004 documented by Human Rights Watch strongly suggests a pattern to the attacks. While abuses were committed at different times and in different locations, they do not appear to have been a series of sporadic and unconnected events. [208]

Finally, for persons to be found culpable for crimes against humanity requires their having the relevant knowledge of the crime.[209] That is, perpetrators must be aware that their actions formed part of the widespread or systematic attack against the civilian population.[210] While perpetrators need not be identified with a policy or plan underlying crimes against humanity, they must at least have knowingly taken the risk of participating in the policy or plan.[211] An investigation into crimes against humanity in Gambella would need to address this element of the crime.

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[205] *See, e.g., Kordic and Cerkez,* ICTY Trial Chamber, February 26, 2001, para. 178.

[206] *Tadic*, para. 648. In *Kunarac, Kovac and Vokovic,* the Appeals Chamber stated that "patterns of crimes—that is the non-accidental repetition of similar criminal conduct on a regular basis—are a common expression of [a] systematic occurrence." Para. 94.

[207] *Akayesu*, para. 580.

[208] *See Blaskic,* ICTY Trial Chamber, March 3, 2000, para. 204

[209] *See Prosecutor v. Kupreskic et al*., ICTY Judgment, January 14, 2000, para. 556.

[210] See Kupreskic et al., ICTY Trial Chamber, January 14, 2000, para. 556: "[T]he requisite mens rea for crimes against humanity appears to be comprised by (1) the intent to commit the underlying offence, combined with (2) knowledge of the broader context in which that offence occurs." See also Tadic, ICTY Appeals Chamber, para. 271; Kayishema and Ruzindana, ICTR Trial Chamber, May 21, 1999, paras. 133-134.

[211] *See Blaskic,* ICTY Trial Chamber, March 3, 2000, para. 257. *Blaskic* (paras. 258-259) listed factors from which could be inferred knowledge of the context:

> [a] the historical and political circumstances in which the acts of violence occurred; [b] the functions of the accused when the crimes were committed; [c] his responsibilities within the political or military hierarchy; [d] the direct and indirect relationship between the political and military hierarchy; [e] the scope and gravity of the acts perpetrated; [f] the nature of the crimes committed and the degree to which they are common knowledge.

The Ethiopian government has a legal obligation to prosecute and punish officials and military personnel responsible for the commission of crimes against humanity.[212] Those accused of crimes against humanity cannot avail themselves of the defense of following superior orders nor benefit from statutes of limitation. Because crimes against humanity are considered crimes of universal jurisdiction, all states are responsible for bringing to justice those who commit crimes against humanity. There is an emerging trend in international jurisprudence and standard setting that persons responsible for crimes against humanity, as well as other serious violations of human rights, should not be granted amnesty.

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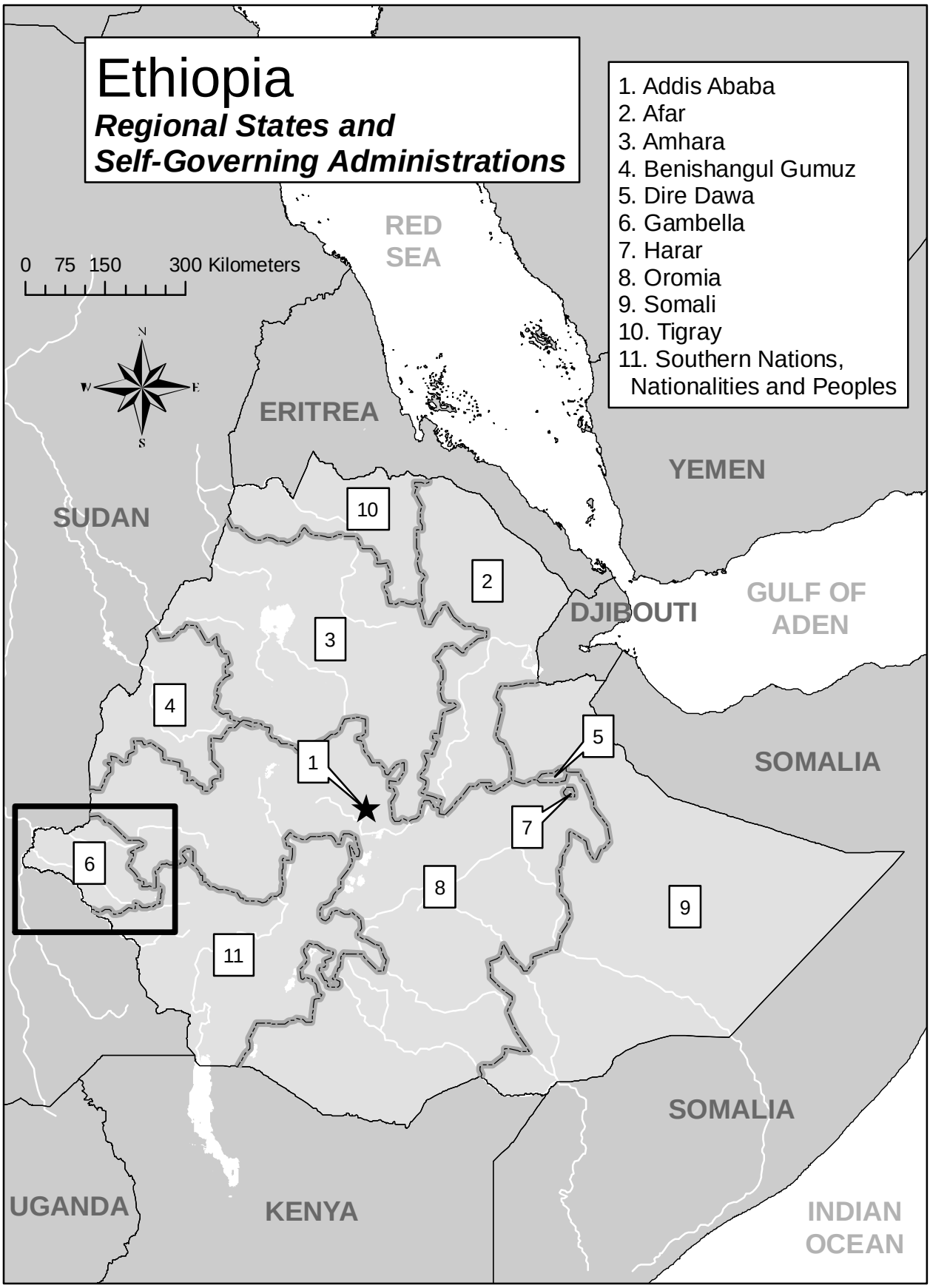
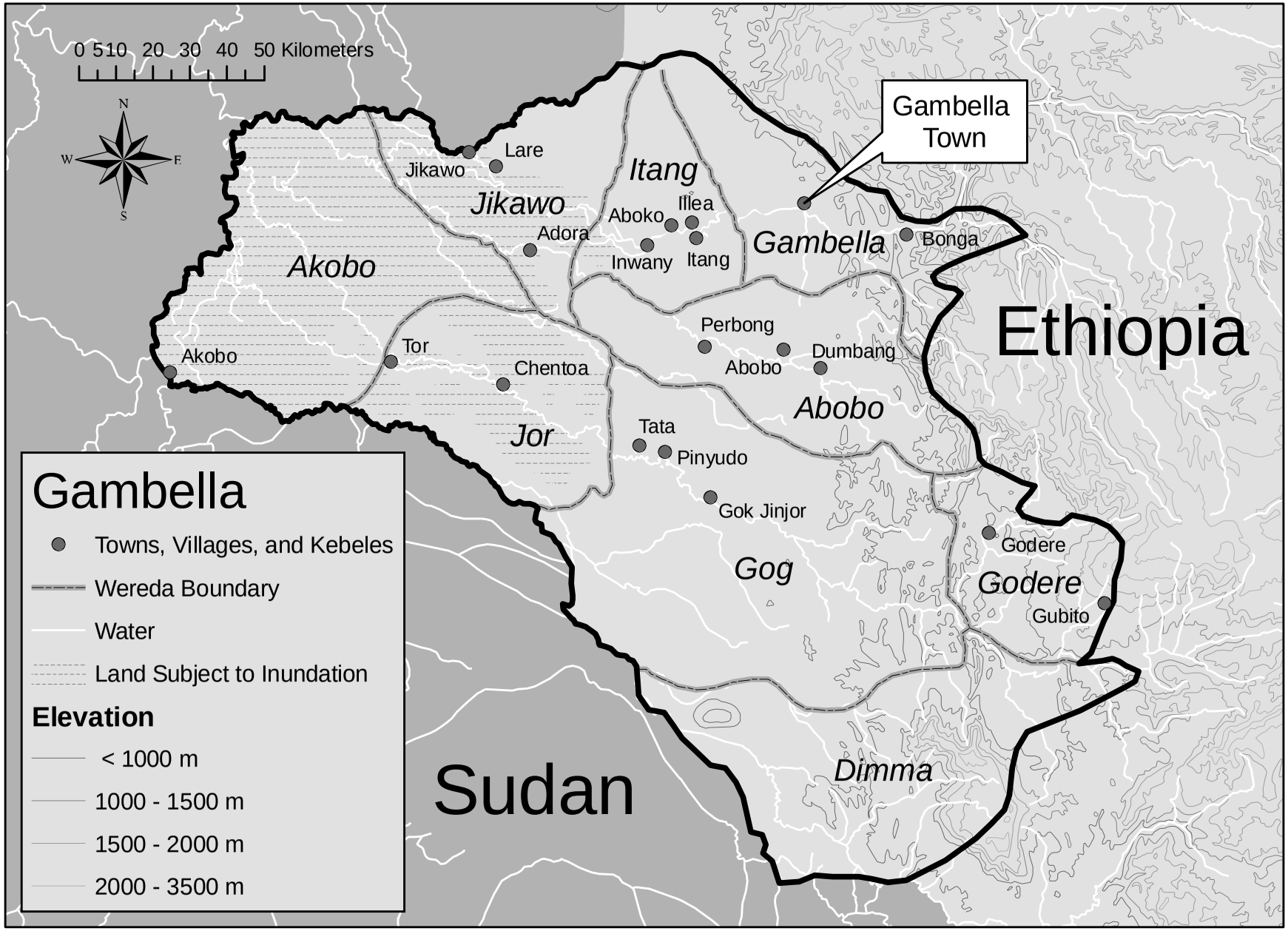
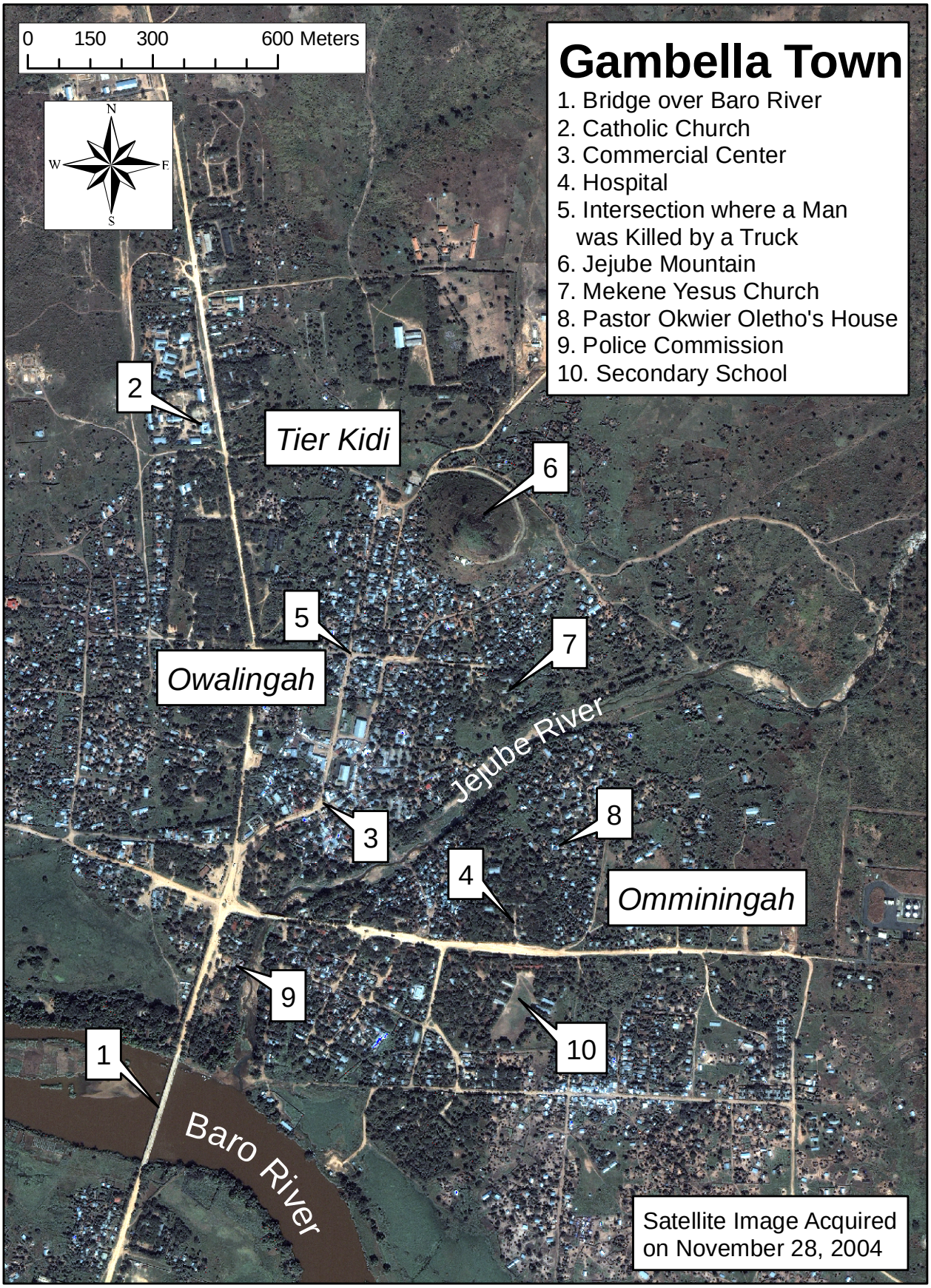
[212] *See, e.g.*, United Nations General Assembly Resolution 3074, "Principles of international cooperation in the detention, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity," December 3, 1973. Under the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, to which Ethiopia is a party, the same obligation applies with respect to individuals who have committed acts of torture, irrespective of whether such acts are also classified as crimes against humanity.



Map Source Data: "Administrative Regions and Zones of Ethiopia," UNDP-CUC (1998); Vector Map Level 0 (Digital Chart of the World) Edition 5 (Sept. 2000), NIMA



Map Source Data: Human Rights Watch; "Administrative Weredas of Gambella Region, Ethiopia," UNDP-CUC (1998); Vector Map Level 0 (Digital Chart of the World) Edition 5 (Sept. 2000), NIMA; Tactical Pilotage Chart, Defense Mapping Agency (1984)



Map Source Data: Human Rights Watch; Space Imaging North America

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