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ETHIOPIA: UNLAWFUL SHELLING OF TIGRAY URBAN AREAS

UN Inquiry Needed into Alleged Violations by Warring Parties

(Nairobi) – Ethiopian federal forces carried out apparently indiscriminate shelling of urban areas in the Tigray region in November 2020 in violation of the laws of war, Human Rights Watch said today. Artillery attacks at the start of the armed conflict struck homes, hospitals, schools, and markets in the city of Mekelle, and the towns of Humera and Shire, killing at least 83 civilians, including children, and wounding over 300.

“At the war’s start, Ethiopian federal forces fired artillery into Tigray’s urban areas in an apparently indiscriminate manner that was bound to cause civilian casualties and property damage,” said Laetitia Bader, Horn of Africa director at Human Rights Watch. “These attacks have shattered civilian lives in Tigray and displaced thousands of people, underscoring the urgency for ending unlawful attacks and holding those responsible to account.”

On November 4, the Ethiopian military began operations in Tigray in response to what Prime Minister Abiy Ahmed described as attacks on federal forces and bases by forces affiliated with the region’s ruling Tigray People’s Liberation Front (TPLF). As of February 2021, many Tigray residents lack adequate access to food, fuel, water, and medicines. More than 200,000 people are internally displaced, while tens of thousands have also fled to neighboring Sudan.

Human Rights Watch interviewed 37 witnesses and victims of government attacks on Humera, Shire, and Mekelle, as well as 9 journalists, aid workers, and human rights and forensic experts. Interviews were conducted in person in Sudan and by phone between December 2020 and January 2021. Human Rights Watch also examined satellite imagery, and reviewed photographs and videos from the site of six attacks that corroborated witness accounts.

Human Rights Watch provided a summary of its preliminary findings to the Ethiopian government but received no response. In a parliamentary address on November 30, Prime Minister Abiy maintained that Ethiopian federal forces had not caused civilian casualties during their military operations in Tigray that month. A government Twitter account created during the conflict claimed that federal forces had “avoided combat in cities and towns of the Tigray region.”

Witnesses described to Human Rights Watch a pattern of artillery attacks by Ethiopian federal forces before they captured Humera, Shire, and Mekelle in November. In each of these attacks the Tigrayan special forces appeared to have withdrawn, while in Humera local militias lacked a significant presence to defend the town. Many of the artillery attacks did not appear aimed at specific military targets but struck generalized populated areas. Human Rights Watch found similar patterns in interviews with 13 people from the towns of Rawyan and Axum.

These attacks caused civilian deaths and injuries; damaged homes, businesses, and infrastructure; struck near schools; disrupted medical services; and prompted thousands of civilians to flee.

In the western border town of Humera, residents said that on November 9, artillery fired from Eritrea terrified unsuspecting civilians, striking them in their homes and as they fled. The shelling damaged residential areas in the Kebele 02 neighborhood, and struck near a church and a school, near a mosque in Kebele 01, and hit areas near the town's main hospital.

A man was transporting the wounded on his motorbike when he noticed that a shell had torn through the roof of a house made of steel sheets about 100 meters away from Saint Gabriel church: "Five people were dead. We only found a 7-month-old infant crying among them. He was barely alive, so we took him to the church."

Doctors from the town's main Kahsay Abera's hospital said they were overwhelmed by the sudden influx of dead bodies and patients with severe injuries. One estimated that the shelling on November 9 killed at least 46 people and wounded over 200.

In the northwestern town of Shire, shelling began on November 17 and hit buildings in the center of town and an industrial area. Civilians were killed and injured as they fled near the Abuna Aregawi church. Later that day, witnesses saw Ethiopian forces pass through Shire alongside Eritrean forces.

Residents from the regional capital, Mekelle, said that heavy shelling on November 28 killed 27 civilians, including children, and wounded over 100. In one attack, shells struck a residential compound near a market, mosque, and an empty school in Ayder sub-city, and killed four members of a single family, including two young children, and wounded five adults and a 9-year-old child.

The laws of war applicable to the armed conflict in Tigray prohibit attacks targeting civilians or civilian structures, indiscriminate attacks, and attacks expected to cause greater harm to civilians than the anticipated military gain. Indiscriminate attacks include those not directed at a specific military target and that use means of attack that cannot be directed at a specific military target. Bombardments that treat distinct military targets in a city or town as a single military objective would also constitute an indiscriminate attack. Individuals who commit serious violations of the laws of war deliberately or recklessly are responsible for war crimes.

All forces have an obligation to minimize harm to civilians. They are required to take all feasible precautions to ensure that attacks are directed at military targets, and not civilians. Though several residents in Humera and Mekelle said they saw the use of apparent spotters to direct mortar fire, Human Rights Watch could not determine whether spotters were systematically used or effective, as shells repeatedly struck populated areas that contained no evident military targets.

As fighting in Tigray continues, all parties to the conflict should abide by the laws of war. Ethiopian federal forces should cease indiscriminate attacks, investigate alleged laws-of-war violations, and

refrain from using explosive weapons with wide-area effects in populated areas. All sides should allow unhindered access by humanitarian agencies and ensure that health facilities can adequately function. Access to essential services and communications should also be restored.

The United Nations high commissioner for human rights should send a fact-finding team into the region to investigate alleged violations of the laws of war in Tigray, and to ensure that evidence of abuses is preserved, Human Rights Watch said.

“As the civilian toll of the Tigray conflict comes to light, it is clear that a thorough inquiry into alleged laws-of-war violations in the region that pave the way for justice is desperately needed,” Bader said. “The Ethiopian government should promptly allow UN investigators into Tigray to document the conduct by warring parties in a conflict that has devastated the lives of millions and should no longer be ignored.”

Tigray Conflict

The Tigray People’s Liberation Front (TPLF) dominated Ethiopian politics for almost three decades as part of a ruling coalition that was responsible for serious human rights violations, before Abiy became prime minister in April 2018. Tensions between the federal government and the Tigray regional authorities increased after the federal government reconfigured the ruling coalition into a single party in 2019, and postponed highly anticipated national elections citing Covid-19 related health risks in March 2020. Several opposition parties denounced the federal government’s decision to delay elections, including the TPLF, which held a regional election in Tigray in September in defiance of the federal government’s decision.

Phone and internet communications were swiftly cut off in Tigray once Ethiopian military operations began on November 4. Road and air access to the region was also restricted, hampering humanitarian agencies’ provision of aid, including desperately needed medical assistance.

Heavy fighting initially concentrated in western Tigray, where Ethiopian military offensives and a massacre in Mai Kadra on November 9 displaced tens of thousands of women, men, and children, including 14,000 who crossed the border into Sudan by November 10. Two days later, the Ethiopian government announced it had regained control of western Tigray.

Though access and telecom services have been restored in some areas in Tigray as of February 2021, communications and access restrictions hampered initial reporting on abuses. Despite the limitations, there have been credible reports of widespread abuses, including apparent extrajudicial killings, pillage, and arbitrary detention by Ethiopian federal forces and special forces and youth militia known as “Fano” from the neighboring Amhara region. Reports of similar abuses by Eritrean forces have also emerged. Tigrayan forces have launched rockets and artillery in the neighboring Amhara region and Eritrea, allegedly damaged civilian infrastructure, including bridges and airports, and occupied an empty elementary school in south-eastern Tigray

for military purposes.

Artillery Attacks in Humera, November 9-10

Humera is an agricultural town that is home to about 30,000 people in western Tigray, bordering Eritrea and close to Sudan.

Soon after the conflict began, an exchange of gunfire between Ethiopian federal forces and Tigray local militia at a camp near the border crossing with Eritrea killed at least one federal soldier as he ran across the bridge toward Eritrea, and wounded both Ethiopian federal forces and Tigray local militia.

On the morning of November 9, residents heard shellfire from a camp called “Heligan” on the outskirts of Humera. Moments later, mortar and tank fire came from the direction of Eritrea, killing and wounding civilians, damaging and destroying homes and businesses, and exploding near schools, places of worship, the town’s main hospital, and a slaughterhouse. The shelling continued into the evening.

A local militia member said that Tigray special forces were fighting around other towns in western Tigray on November 9, so they were not in Humera. He said that militia remained in the town but did not set up significant defensive systems, possessed only “AK47s [assault rifles], machine guns, and snipers,” and were mainly positioned along the Tekeze River bordering Eritrea. “We were not prepared on November 9,” he said. “We were not shooting because they were using heavy weapons and we didn’t want to show them our positions.”

Five residents said shelling resumed on the morning of November 10. Local militias fired machine guns at soldiers crossing the Tekeze bridge from Eritrea into Ethiopia. He said that Tigray special forces also passed through Humera on November 10, fired toward Eritrea with heavy weaponry, but continued to central Tigray.

On November 11, the Ethiopian government declared that it controlled Humera.

Civilian Deaths and Injuries

Doctors at Humera’s main Kahsay Abera hospital estimated that at least 46 people were killed, including children, and another 200 wounded on November 9. The total casualties that day were most likely higher. Many staff fled the hospital after shelling started that morning. Those who remained were overwhelmed as the patients streamed in. One doctor said:

Civilians started arriving in the hospital with injuries to the abdomen, chest, head. We were at a loss ... People with no hands, people with their stomachs hanging out. This continued the whole day. I

don't know how he did it, but a young boy brought a woman to the hospital; her intestines were out. He had tried to tie a scarf around her waist. We somehow managed to stitch her up.

The artillery attacks killed and wounded civilians and damaged several homes near Saint Mary's church in the Kebele 02 neighborhood. A 22-year-old student said she saw two women die and four others wounded in Kebele 02 as she fled: "We just started running because we didn't know where it would land. I saw one shell hit a woman's head; she had just been married the day before and was pregnant."

One man who fled Kebele 02 during the shelling returned home later that day. He found his 55-year-old father and his father's close friend dead, and his three siblings, including a 10-year-old brother, wounded. His father had fragment injuries in his heart and stomach. His father's friend had chest wounds. The blast also blew out the home's windows and doors and damaged the walls, while remnants of the exploded mortar shell and a projectile tail fin were embedded in the asphalt road outside the house. He said:

I took my injured siblings to Kahsay Aberra hospital. When I got there, I couldn't believe what I saw.... A friend I used to play football with, had his legs blown off ... [At that point] I thought if I stayed [in Humera], I might end up like my siblings or family.

Another witness confirmed seeing the severed legs of the friend, who was wounded by a mortar round that killed his sister as they were traveling on a *bajaj* (a rickshaw bike).

The shelling continued until evening. Residents sought shelter in churches, storm drains, and under bridges. One man dug a hole in his garden to protect his mother before he escaped. He said: "My mother was too old and didn't want to leave Humera with me."

Those fleeing into neighboring towns or to Sudan faced more artillery fire. A farmer in Kebele 01 quickly decided to leave without her three daughters, who were not there when her neighborhood was shelled. Running away toward Rawyan, a town south of Humera, she said:

I saw a young boy get knocked down from the impact of a bomb falling on the asphalt road in front of me. I was nervous and afraid one would hit me if I looked back, so I wasn't able to check if he was alive or dead.

A student who returned to Humera on November 10 saw many munitions impacts visible at the entrance to the town, some which left pockmarks on the asphalt road. She said: "There was still bombing. A man fleeing shouted at us to go back, that there were still bombs in the city. We picked him up [in our car], and he said we have to go to Sudan."

Impact on Hospital and Access to Medical Care

The shelling forced many residents, including staff at the Kahsay Aberra hospital, to flee the town.

The few medical staff remaining worked under difficult conditions, with limited supplies. “There was no light, so we used generators, or we put a flashlight on to work,” one hospital worker said. “The water supply had also run out.”

As shells continued to fall in the surrounding areas including in the vicinity of the hospital compound, the staff, concerned that the hospital could be hit, arranged for trucks and took about 50 injured people, including six Ethiopian federal soldiers who had been injured before November 9, with them toward Adebay, a town east of Humera. They believed they would be safer there and continued to treat the wounded.

On November 10, a man injured by a mortar shell arrived at the hospital around 10 a.m. and found it nearly empty:

There were no nurses or doctors; they had already left. There were injured people and dead bodies mostly covered with a bedsheet. I found some tissues and gloves near a dead body in front of me on a stretcher. I knew the man – he used to work at the bus station in Rawyan. I put the gloves on, used some alcohol, took out the fragment in my arm, cleaned the wound, and put a bandage on.

During a visit in mid-November, investigators with the national Ethiopian Human Rights Commission found that the Kahsay Aberra hospital did not have enough medical staff, supplies, or equipment. Only five employees remained, just one of whom was a medical doctor. However, since mid-December, the commission reported that 116 hospital staff had resumed work.

Damage to Civilian Structures

Artillery fired into Humera indiscriminately hit homes and private buildings, causing various degrees of damage. A 45-year-old farmer described damage to the Ayga hotel in Kebele 02: “The gate of the hotel was blown open, and the windows shattered. One [shell] hit the roof of the hotel, the other a side wall.”

Damage to the northeast edge of the hotel roof is visible on satellite imagery recorded on November 10. Photographs taken by an AFP journalist who visited Humera in late November confirm this damage on the north facade of the building, which suggests the shelling came from the north. Damage to the interior courtyard was most likely caused by a direct fire weapon, such as a main gun on a tank.

Human Rights Watch found that artillery fire struck areas in which there may have been military targets, but that also damaged civilian homes. A 56-year-old businessman said he was hiding under the staircase in his home in Kebele 03 with about 20 relatives and neighbors when a shell exploded a meter from his home, which was near the Tigray special police force building and local government administrative offices. He said:

We didn't know where we were; I couldn't see or hear for an hour. The first bomb didn't destroy anything, just created lots of dust in the house. But the second one destroyed my house. The bomb came in through the roof and damaged the rooms underneath it.

An open training camp, referred to as "China camp," where police and local militia provided training to about 400 voluntary recruits days before November 9, was also hit. Police personnel as well as militia who engage in military operations are considered civilians directly participating in hostilities and are subject to attack during that time.

Homes near a mosque in the northwest Kebele 01 neighborhood also came under heavy attack on November 9. A teacher saw a university student killed and a 5-year-old boy injured after mortar rounds struck outside the mosque compound. Two residents said that local authorities previously had converted a former jail in the area into a camp for Tigray special forces. Although the special forces were not there that day, the camp remained a military target.

Besides the local militia forces in the town, Human Rights Watch is unaware of other military targets in the vicinity on November 9. Satellite imagery recorded on November 10 shows damage to a building 120 meters southwest of the mosque that Tigray special forces may have used as a camp. However, damage is also visible to buildings 300 to 350 meters southeast of the mosque.

Government buildings, radio stations, and telecom towers are subject to attack if they are being used for military purposes.

Human Rights Watch identified at least two potential firing positions on a hill in Eritrean territory, 3.5 kilometers from Humera, and within the firing range of the damaged and affected sites in the town. Satellite imagery shows new vehicle tracks that led to these positions were created between November 6 and 9. Blast marks – or areas where the muzzle blast from the discharge of a weapon has displaced loose material – can be seen in two distinct locations and corroborate that a large weapon was fired to the south of the position and in the direction of Humera.

As of November 10, at 9 a.m., a burn scar is visible in front of one of the positions and adjacent to one blast mark, which was not observable on imagery before 11 a.m., on November 9. The observations on the imagery are consistent with witness accounts of the start of the shelling. The firing angle, and the observed damage, suggest direct fire from a tank cannon.

Artillery Attacks in Shire, November 17

On the morning of November 17, mortar and tank fire striking Shire, a town of about 47,000 people in northwestern Tigray, killed at least 10 civilians, including children, and damaged businesses and homes. Several residents said that Tigray special forces had pulled out of the town before the shelling, whereas two others indicated that they did not see militia forces present.

An industrial area on the town's outskirts was also attacked.

Three Shire residents described shelling around the Abuna Aregawi church in Kebele 03 as they fled. One round hit the iron beams of a site under construction in the church compound. Another round exploded and killed two women. A young minibus driver saw three people killed near the church, including his friend's two children. He said:

They were 6 and 10 and had injuries around their intestines and legs. I saw them as I was running away. The shells were still falling, creating a lot of dust, and spreading little fragments after they fell on the ground.... We were all trying to dodge the shelling. A friend we were running with was [also] killed near the church. This is where he died. We didn't pick up the bodies or try to bury them as we tried to flee.

The driver said that there were no Tigray special forces or weapons that he was aware of in the area or at the church compound.

Two residents who fled during the shelling returned a day or two later and found that the community had laid 10 dead bodies with fragmentation wounds outside Suhul hospital so that families and friends could identify them. One resident recognized the body of his friend Daniel.

Mortar and tank fire also struck at or near populated areas in Shire, including the Dejena Hotel, Gebar Shire Hotel, Shire elementary school, the municipal building, a multi-story apartment building, residential areas near Suhul hospital, and Shire university's agricultural campus, where displaced residents from Humera and other western Tigray towns had been staying. "Shells attacked outside the campus twice," one witness said. "My brother was staying there with his family, and so I went to search for him. Fortunately, no one was injured."

An attack that morning also hit an industrial area northwest of Shire. Several residents saw smoke billowing from the location of the Zenith Hair Oil factory. A satellite image recorded at 11 a.m. that day shows a smoke plume rising from a warehouse belonging to the factory. Human Rights Watch analyzed a video posted on Twitter on December 8 that shows damage to a large warehouse building, while one smaller structure was destroyed. Media reports said that the federal government met with stakeholders and investors in Tigray in late December, including the owner of the Zenith factory, who said he lost millions of dollars in property damage.

Human Rights Watch was not able to determine whether the factory produced or stored weapons or materiel or otherwise was a legitimate military target. The government should provide information demonstrating the legal basis for the attack.

Ethiopian and Eritrean troops entered the town later that day. One resident who fled to the village on the outskirts of Shire saw a group of Ethiopian forces continue on the main road in the direction of Aksum and Adwa, towns east of Shire.

Ethiopian authorities and the chief of staff of the defense forces informed journalists on November 18 that the army had taken control of Shire and other nearby towns.

Artillery Attacks in Mekelle, November 28

On November 22, Ethiopian authorities began broadcasting warnings on social media and state television that the Ethiopian army was in a position to encircle Mekelle, the Tigray capital with a population of 500,000, with tanks. Many Mekelle residents had reportedly fled to rural areas in the weeks before because of airstrikes in and around the city, still many others had remained.

On the morning of November 28, Ethiopian federal forces launched a military offensive. TPLF leaders and Mekelle residents said that Tigray special forces had already retreated from Mekelle before heavy shelling began.

The shelling killed at least 27 civilians, including four children, and injured over 100, based on accounts from residents and medical workers, as well as media reports. Human Rights Watch directly received 21 images of people killed and injured in Mekelle on November 28, including images showing a man with half his face blown off. Human Rights Watch consulted an independent senior forensic pathologist, who, based on the photos, noted that the shape and size of the injuries were consistent with fragmentation wounds, likely from shelling.

Residents said that shelling began around 8:30 a.m. from the north of the city, occurring at irregular intervals and striking at least two areas, Ayder and Kebele 15. One man who was at home in Ayder said as the sound of the explosions got nearer, “[t]he cars sirens were activated because of the shake.”

In Kebele 15, a resident said his family members and neighbors sought safety in his home’s underground shelter: “People were coming to our house, saying shelling hit houses and the road. As a kid I remember hiding there in the 1980s and 90s, and we were back there again.”

In Ayder, artillery fired after approximately 9 a.m. struck a residential compound near Hamza mosque, a sheep market, and the Yekatit 23 elementary school, killing four members of a family, including two girls ages 4 and 13, and wounding five residents.

A 56-year-old man was at home with his family when mortar rounds landed in his compound injuring him, his wife, and his 9-year-old child. Three neighbors were seriously wounded by fragments. The bones in one woman’s foot were shattered. The other two had serious hand injuries. All spent weeks in the hospital.

Two residents said they did not see any Tigray special forces or militia members in the area or in the empty school compound at the time of the attack.

Human Rights Watch was able to confirm the damage and the exact location of the residential compound in Ayder that was hit based on photographs and a video, as well as satellite images captured shortly before and after the incident. Analysis of satellite images recorded at 11 a.m. on November 29 revealed at least two impacts that damaged residential structures, including at least two homes. A video posted on YouTube on November 28 similarly shows damage to a small, single-story dwelling and to the walls of the Yekatit 23 school next to it.

The irregularity of the fragmentation patterns on buildings and the blast damage in the residential area in Ayder, as seen on the photographs and footage, indicates the use of large-caliber artillery projectiles, Human Rights Watch said.

Other projectiles fired that day struck near Ayder Referral hospital and nearby physicians' residences, killing a woman and a child. One man who had fled to Mekelle due to fighting elsewhere, was retrieving medications from the city's main referral hospital. He said:

I knew the sound; it was one I became accustomed to from other towns since the start of the war. I didn't know if it was dropping near [the hospital], but some people were hit by the strikes. One was a small child. The nurses were crying. There was also an adult. The sounds got louder and closer and everyone was freaking out.

Staff from the International Committee of the Red Cross (ICRC) visited Ayder hospital on November 28 and reported that 80 percent of the patients at the time appeared to suffer from trauma-related injuries. For weeks, the hospital had been receiving people injured in fighting from areas surrounding Mekelle and was running low on medical supplies when more arrived on November 28.

On the evening of November 28, Prime Minister Abiy declared that Ethiopian federal forces had control of Mekelle. In a November 30 address before members of parliament, he said that Ethiopian federal forces had not "killed a single person" in the military offensive on Mekelle.