

Flawed Methodology, Unsubstantiated Allegations

The Results of an Investigation by the Government of Ethiopia into
allegations by Human Rights Watch on human rights in the Somali Regional
State

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Executive Summary

In June 2008, Human Rights Watch made a series of allegations against the Ethiopian National Defense Forces (ENDF). It claimed a “brutal counter-insurgency” campaign in the Ogaden region of the Somali Regional State of Ethiopia, had involved a systematic campaign of forced relocation and burning of villages, of arbitrary killings, mass detentions, torture, rape and assault, livestock confiscations, and restrictions on civilian movements, amounting to war crimes and crimes against humanity.

Given the seriousness of these allegations, the Government of Ethiopia immediately set up an investigation into HRW’s claims despite its own concerns over the Report’s obviously flawed methodology, including the almost exclusive use of anonymous telephone interviews with external sources, the failure to analyze political affiliation of informants, the lack of assessment of Ogaden National Liberation Front (ONLF) terrorist operations, the deliberate refusal to carry out investigations on the ground or visit regional prisons. It even claimed satellite imagery could prove responsibility for burnt villages.

In August and September, the Investigation Team toured the zones of Fiq, Wardheer, Degahbbur, Gode and Korahe, visiting virtually all the places referred to in HRW’s report, talking to residents, elders, local officials, NGO personnel, prisoners, militia, soldiers and officers of the ENDF. Among dozens of interviewees were people very much alive despite HRW claims of death. Many of the names of those allegedly killed proved simply fictitious. Village residents made clear that most of the villages HRW claimed burnt had not been touched, nor had populations been forcibly relocated. Investigation on the ground in fact found no villages burnt by the ENDF, but several by the ONLF as the Investigation Team confirmed with former ONLF fighters.

In fact, all the evidence collected by the investigation in the regions, from residents and others, consistently contradicted HRW’s allegations. The investigation found no evidence to support HRW’s allegations of systematic war crimes or crimes against humanity. It did

find evidence of one or two cases of abuse, and one of torture; the officer responsible was court martialed. The investigation also clarified the reality of the claims of political manipulation of food distribution, of border closures, and of “economic war”. In fact, this report highlights progress made on many fronts in the region and presents a comparative view of conditions in the Somali Regional State with reference to other parts of the country.

The Government of Ethiopia believes that HRW has fallen into a propaganda trap of the ONLF’s making, reproducing inflammatory and unsubstantiated allegations against the Government of Ethiopia and its security forces. This report raises serious questions about HRW’s methodology. Indeed the Government would now recommend that Human Rights Watch should seriously re-consider its aims and methods as these have clearly proved inadequate to deal with conflict situations and in cases in which terrorist organizations are involved.

The Government would also recommend that HRW evaluates its sources, government and non-government alike, with proper consideration of the possible political bias of informants. Indeed, it should, as far as possible, investigate their political affiliation and background, and always analyzes the information provided accordingly. Information should, of course, always be either collected, or at the very least, verified, on the ground. This would avoid some of the ore egregious errors in HRW’s report. HRW, in fact, should never rely on hearsay.

The Government also recommends HRW should carry out an internal investigation into the bias and the political attitudes revealed in this and other reports on Ethiopia. It should consider why these reports have failed to take account of Ethiopia’s own developments in human rights, including the extensive training on human rights given to military and security agencies. HRW might also consider why it always appears to accept, automatically, journalistic and other claims, even when they are clearly known to be exaggerated or inaccurate.

Introduction

In June 2008, Human Rights Watch (HRW) issued a 130 page report alleging that Ethiopia had committed war crimes and crimes against humanity in the Ogaden area of the Somali Regional State of Ethiopia. HWR published these allegations without making any meaningful effort to obtain comment from the Government of Ethiopia, or indeed to incorporate any Ethiopian response to its allegations. HRW claims its researchers did make a short trip to Addis Ababa, but, if so, they deliberately made no effort to talk to officials in the Federal Government, the Somali Regional Government or in local administrations in the region. Indeed, the Report makes no attempt to analyse or judge the allegations that it quotes. As its sources are anonymous, it is difficult to assess their credibility except by seeing the situation on the ground. Despite its claims, there is no indication that HRW made any effort, or had any intention, to investigate the alleged incidents on the ground or the areas in which HRW claims they had been taking place. Indeed, HRW specifically states it decided not to attempt to access “conflict-affected zones”, suggesting the Report was intended to be an element in what amounts to a political campaign against Ethiopia at the behest of its opponents in the region. In fact, the Report appears to be written, and disseminated, in such a way as to suggest it was part of a co-ordinated political campaign. Its inclusion of irrelevant and inappropriate satellite imagery seems to have been included to add drama to its media communications. The total failure of the Report to consider the terrorist activities of the ONLF with due seriousness certainly suggests deliberate intent.

The Government of Ethiopia believes that any report making such serious allegations should provide indisputable evidence of its claims, as well as demonstrate its balance and impartiality. It is simply unacceptable for an international human rights organization to accept any or all allegations, however insubstantial, and repeat them without any serious attempt at further enquiry, or even any apparent attempt to investigate the origin or affiliation of the alleged sources. Given the failure to provide any satisfactory process of information-gathering, and the apparent aim of HRW’s highly politicized process of dissemination, it would have been easy for the Government to simply dismiss the Report

as baseless and unacceptable. It has chosen not to do this for several reasons. Firstly, the Report makes a series of extremely serious allegations. Secondly, it is a Report, however flawed, which is presented by a well-known international human rights organization. Thirdly, the Government is accountable to the people of Ethiopia. It believes a thorough investigation of any such allegations is always necessary in order to take any required corrective measures should there be any truth in the claims. If the allegations prove baseless, as these have done, the Government still owes the people a response.

The Government, therefore, set up an enquiry into the claims of HRW, creating an Investigation Team with the specific task of investigating HRW's allegations. It is on the basis of the team's findings that the Ethiopian government now presents its reply to HRW's Report of June 2008 on the Ogaden region of the Somali Regional State.

II. Relevant Facts about Ethiopia today.

In the first instance, it is perhaps necessary to underline the fundamental changes which have taken place in Ethiopia since 1991, changes of which HRW seems largely unaware, even uninterested despite its professed interest in human rights. In 1991, the present government replaced the Marxist military dictatorship which had ruled the country since 1974. Since then, the Government has concentrated on building up a democratic system with a new Constitution (approved in 1995), and a series of multi-party local, federal and national elections (in 1997, 2000, 2003, 2005, 2008). Not all have been as successful as we would have liked, but Ethiopia is now a country in which human and democratic rights are encouraged and respected.

The value attached to human and democratic rights is clearly demonstrated by the fact that they are enshrined in the Constitution, and in other laws of the country. The Constitution, for example, states:

- Article 14: "Rights to life, the Security of Person and Liberty Every Person has the inviolable and inalienable right to life, the security of person and liberty."
- Article 15: "Every person has the right to life. No person may be deprived of his life except as a punishment for a serious criminal offence determined by law."
- Article 16: "Everyone has the right to protection against bodily harm."
- Article 18/1: "Everyone has the right to protection against cruel, inhuman or degrading treatment or punishment."
- Article 21/1: "All persons held in custody, and persons imprisoned upon conviction and sentencing, have the right to treatments respecting their human dignity."
- Article 28/1: "Criminal liability of persons who commit crimes against humanity, so defined by international agreements ratified by Ethiopia and by other laws of Ethiopia, such as genocide, summary executions, forcible disappearances or torture shall not be barred by statute of limitation. Such offences may not be commuted by amnesty or pardon of the legislature or any other state organ."

Ethiopia has given as much attention to the respect of the rights of groups as it has given to those of the individual citizen. The Constitution, based on the reality that Ethiopia is a country of numerous diverse peoples, has emphasized the equality of, and guaranteeing full rights to *all* Ethiopia's nations and nationalities. For nearly fourteen years Ethiopia's nations and nationalities have enjoyed the constitutional right to use and develop their own languages, to be recognised by and to develop their own culture and history, to administer their own localities autonomously and to participate, on equal footing, in federal affairs. The Constitution further guarantees under Article 39 the right of any nation to secede from the Federation and to establish an independent state through peaceful, legal and democratic mechanisms. Additionally, cognisant of the fact that Ethiopia is also a multi-religious country; the Constitution gives equal recognition to all

religions, providing for the separation of state and religion. Although the culture of religious tolerance has at times been endangered by conflicts arising from the maladministration of previous regimes, with the formal recognition of the full right to religious freedom, Ethiopia's long-standing tradition of tolerance has been able to flourish on a proper democratic base.

Gone are the days in the country when political opposition was considered a crime. Ethiopia today continues to build on unity within diversity through democratic means. This is an approach adopted because the reality on the ground is that there is widespread diversity among Ethiopians in religion and culture, economic and educational levels of development. The result is that no citizen would now be prosecuted because of political differences. However, any who try to impose their political positions by force, or cause loss of human life and damage to property in so doing, will have to face a legal and judicial response.

The democratic path that Ethiopia is following is one that we believe encourages citizens to resolve their differences through peaceful and legal methods. Certainly, however, it has not been entirely free of problems. Ethiopia's democracy is still young. We have to admit that not all the age-old deep-rooted anti-democratic thinking and culture of the past has been entirely done away with. We cannot claim Ethiopia is a society free of any shortcomings. We can, however, say with confidence that we have designed a system that can correct itself when problems arise in the course of implementing the strategies we have developed and are putting into practice.

We have travelled a long distance in a short period of time in our efforts to build a democratic system. Nevertheless, the new social order has encountered some serious challenges from quarters trying to change the constitutional order by unconstitutional means. The Constitution provides for free competition and expression of political difference. Some political groups, however, have preferred to opt for violence to activate their political agenda rather than take advantage of the peaceful political opportunities available.

More dangerous, some groups have colluded with hostile forces in neighbouring countries bent on creating instability in Ethiopia. The effects of this have been manifest in the numbers of terrorist attacks in which dozens of innocent victims have been killed or injured. Some of these groups have conducted what can only be called a low intensity war targeting civilians, government institutions, including police and local administrative structures, and private sector organizations. While these groups must be fully aware they cannot activate their aims even with the support of forces from neighbouring countries, they do, inevitably, have some impact on development and security.

One of these destructive groups has been the Ogaden National Liberation Front (ONLF). The ONLF, a group fighting against the previous military dictatorship, the *Dergue* originally participated in the Transitional Government of Ethiopia in 1991, following an invitation from the Ethiopian Peoples Revolutionary Democratic Front (EPRDF), which overthrew the *Dergue*. Indeed, the ONLF was involved in the effort to design a new constitution for Ethiopia and for the Somali Regional State, and in fact provided the first government for the Somali Regional State. It was four years later that a small group of the ONLF, despite having no more than the support of no more than a small minority, turned to terrorist activities in a few districts of the Ogaden area of the Somali Regional State.

The Government of Ethiopia sincerely believes violence cannot and must not be a way to resolve differences. Under the Ethiopian Constitution, the opportunity exists to promote even secessionist objectives through peaceful means. The ONLF has rejected all government calls to discuss problems through dialogue. Elders of the Somali region, including those from the Ogadeni clan, and from the sub-clans of ONLF leaders, have made repeated efforts to bring the ONLF to the negotiating table so that the region could benefit from development efforts and a peace dividend. The efforts of the regional elders, which had government support and approval, were rejected by ONLF leaders in exile out of hand. With fighters trained abroad, the ONLF strengthened its terrorist stance. It underlined the decision in April last year by a gruesome massacre of a group of Chinese and Ethiopian oil exploration workers, with over seventy killed including women and children. Shortly afterwards, with the apparent aim of killing the Somali Regional

President, the ONLF detonated a powerful bomb among a public gathering to celebrate a holiday, leaving several dead and wounded, launching a whole series of terrorist actions in the region.

This overt demonstration by the ONLF of its rejection of any negotiations forced the Federal Government to take military measures to safeguard law and order. The Ethiopian government is fully conscious that the struggle against the ONLF can be successful only if supported by the people of the region. The Government is very aware that anything that distances the Government from the people, or alienates the people from the Government, can only strengthen the ONLF. As result, all troops are under strict orders to take the utmost care to avoid any harm to civilians or civilian property when carrying out military activity in civilian residential areas. With the ONLF's refusal to budge from its violent course, a central element of government response has been a whole series of public meetings and consultations to discuss with local people and encourage them to mobilize in response to the ONLF's attempts to disrupt peace and development efforts in the region.

Once it became clear that the ONLF was determined to continue with its terrorist activities, it was the population of the region itself which demanded to have a local militia organized and trained to fight alongside government forces. Indeed, they quickly lived up to their promise and played a major role in demonstrating popular participation in the struggle against the ONLF. It might be noted that in order to avoid civilian casualties, government forces deployed in the area have not used tanks and artillery. And on only one occasion has a combat helicopter been used and then in an uninhabited desert area. In fact, throughout counter-insurgency operations in the region, only light weapons have been used in an effort to avoid civilian casualties as far as possible. All investigations on the ground indicate the Ethiopian National Defence Forces (ENDF) have been very successful in minimizing civilian injuries.

The Government in its efforts to deal with ONLF terrorism also adopted the approach of deploying army units trained in the protection of human rights in conflict zones and which are very well aware of human rights and which have the capability to distinguish

insurgents from civilians. In the last few years, there has been a significant amount of training carried out within the Ministry of Defence and in the Ethiopian National Defence Forces on human rights and humanitarian law. Training in human rights and humanitarian law forms a core part of the curricula of all of the country's military training institutions. A wide array of workshops on specific topics in human rights and humanitarian law are now routine for senior military officers, members of the military legal profession, and for those participating in international peacekeeping operations. Human rights conferences and seminars are regularly convened in the different military training centers. Many of these, as with a regular column on humanitarian law in the Ministry of Defense's paper, *Wugagen (Dawn)* are organized in collaboration with the ICRC.

The units deployed in the Ogaden area are made up of troops and commanded by officers who respect the Constitution. They are also fully aware they will be prosecuted for any acts which infringe the Constitution or which are contrary to Ethiopian law or international humanitarian law. They know of the legal measures taken against some members of the ENDF, court-martialled for offences committed in Gambella some years ago.

This is why the Government has been confident that no war crimes or abuses have been committed during the operations taken to control the ONLF in the Somali region. Despite its confidence in the tactics and strategy of the mission to control the ONLF and in the integrity of the units involved in the counter-terrorist operations, the Government, however, has been prepared to investigate the allegations made by HRW. The allegations were of extremely serious human rights violations, and they obviously deserved investigation and suitable action if enquiries found that any such violations had been committed, or an appropriate response, based on factual evidence if the reports turned out to be based on unsubstantiated accusations.

Equally, it was important that any investigations were conducted by visits to, and enquiries within, the villages identified by HRW. The process required, to the extent

possible, the identification and meeting of persons, or their friends and family members, mentioned by Human Rights Watch as victims and witnesses in its report. This report presents the findings of the investigations carried out in detail by the Enquiry Team over two month period (August-September).

It is appropriate, however, to start by referring to HRW's main accusations and an outline of its methodology for the collection of evidence, a procedure which raises several serious questions.

III. HRW's methodology

HRW's report entitled "Collective Punishment" accuses the Ethiopian National Defence Forces of committing a series of abuses in the Ogaden area of the Somali region including the burning of villages, forced relocation of populations, the collective punishment of communities, war crimes, crimes against humanity and wilful killings as well as torture, rape and other forms of sexual violence. HRW alleges these atrocities took place extensively in the zones of Warder, Fiq, Degahabur, Gode and Korahie. A list of names of victims of the alleged crimes and names of places where these alleged atrocities took place are given in an apparent attempt to add credibility to the claims.

HRW's methodology, as described in the Report, is worthy of comment, as is the way HRW employs its supposed evidence. HRW details the methods used in the compilation of this report, clearly stating that it carried out all its field work in Kenya, Somaliland and Djibouti. Nowhere in the report does HRW indicate any serious effort to carry out investigations in the Somali Regional State of Ethiopia, or in the Ogaden localities. Indeed, it makes no secret of the fact that this is a report compiled in the absence of any field visits to the places where violations allegedly occurred. HRW gives no names of its informants and no addresses. In fact, none of them were in the Somali Regional State or in Ethiopia, and most were not even interviewed face to face, only over the telephone. HRW made only one brief visit to Kenya. This means the whole report suffers from one very basic, indeed fundamental flaw: it is entirely based on hearsay.

This does, at the least, raise some issues of credibility. HRW tries to cover up this flaw by accusing the Ethiopian government of denying access to the areas in question. This is not a charge that can be substantiated. In fact, HRW itself states that the government “does not officially bar the media or human rights organizations from Somali region and parts of it including the regional capital Jigjiga are accessible to visitors.”¹. The Government itself has repeatedly made clear there is no ban on any movement in the Ogaden or in other areas of the Somali Regional State. All the localities mentioned in HRW’s report have been open to any one wanting to go to these places, both before and since the release of the report. The only exception to this was towards the end of last year when an uncertain security situation around Warder and Fiq rendered travel dangerous for a few weeks. In fact, all the areas mentioned by HRW have been visited by people from international organisations and from embassies and media organisations residing in Ethiopia. It might be added that while the Government certainly provided visitors with necessary protection from possible terrorist attacks where needed, it had no other involvement with these visits. The Government will, of course, continue to do this as might be normally be expected from any responsible government.

In fact, HRW could certainly have conducted its investigations at the actual places where it is alleged atrocities had taken place before reaching its conclusions and making such serious unsubstantiated claims. We would certainly have expected that professional ethics would have required any human rights organizations to have conducted investigations on the ground, and to have requested comment and response from the country concerned, before making unsupported accusations of war crimes. In fact, as our investigations demonstrate beyond reasonable doubt, the realities in the Ogaden have been markedly different from the claims of HRW.

In this report, we present the findings of an Investigation Team set up after the publication of HRW’s Report and sent to the region to investigate HRW’s claims. Using the HRW Report as their basis, the team visited almost all the places and localities

¹ HRW report p. 8

mentioned by HRW and carried out extensive interviews with local inhabitants as well as talking to a number of former members of the ONLF. The team were given a completely free hand by the local administration and by the ENDF, and full cooperation. Their investigation specifically looked at claims of the burning of villages, alleged deaths and sex crimes, forced resettlement and other abuses alleged by HRW. The result of their investigation is a factual and detailed analysis of recent events in the Ogaden, and the activities of both the ENDF and the ONLF, based on on-site investigations and field work on the ground, including dozens of recorded interviews with elders, local inhabitants, and former members of the ONLF. It provides an accurate, detailed and reliable alternative to HRW's seriously flawed work.

IV. Findings of the investigation

1. The destruction of villages and forced resettlement

One of the major claims in HWR's Report is that numerous villages were destroyed and extensive forced resettlement was carried out in Warder and Shelabo districts:

“For example, in late May and early June 2007, the Ethiopian armed forces and regional authorities removed much of the rural population of Wardheer wereda, in Wardheer zone, and some villages in neighboring weredas in Korahie zone towards Wardheer town and other sites including Walwal, Danood, and Qoriley. They evacuated more than a dozen villages in an approximately 60-kilometer radius of Wardheer town alone during this operation, including Daratoole, Lahelow, Neef-Kuceliye, Qamuuda, Dhurwaa-Hararaf, Ubatale, Wa'do, Aado (Caado), Arowela, Yu'ub (Yucub), and Laanjalelo [Chelelo]. The majority of these villages were burned after their forced evacuation.”²

² HRW report p.35

1.1. The visit to Lanjalelo [Chelelo] – no burning, no forced relocation

Lanjalelo [here after, Chelelo, as the locals call it] is one of the villages in the Korahie zone that the Human Rights Watch Report claimed had been burnt down and its people resettled:

“About a week after the burning of Qamuuda, government soldiers entered the nearby village of Jaleelo (Lanjalelo), also in Shilabo wereda, apparently following the tracks of suspected ONLF fighters operating in the area. A witness told Human Rights Watch that the soldiers stayed in the village for two days, slaughtering and eating some of the goats of the villagers. During their time in the village, the soldiers shot dead two unidentified young men who approached the village and then tried to run away when they saw the soldiers. After two days, the soldiers told the villagers to leave Jaleelo, and burned the homes in the village before departing.”³

The Investigation Team found that Chelelo had not been burnt down nor had its inhabitants been displaced. No homes showed any trace of fire, and all the inhabitants were living in the village. Nor were the Team able to find any trace of the burning of houses any where in the locality. The Team asked elders in of the village to show them any localities damaged by fire. One, 75 year-old Muhammed Adden, was firm:

“Nothing has been burnt down in our village; there has been no forced resettlement. As you can see Chelelo is where it has always been.”

³ HRW report p. 42



Chleleo Village

HRW claimed to be quoting an eye-witness, whose name, identity and address was not given, when it said the village of Chelelo was burnt down by Ethiopian troops. It is clear from photographs of the village, as well as the evidence of the elder, Muhammed Adden, and others, that Chleleo has never been burnt down. Indeed, it was quite clear no single house had been burnt down, or replaced, let alone the entire community

1.2 The *khat* fields of Malkaka not destroyed, the village is still there

HRW's Report claims the inhabitants of Malkaka, Welwel and Labigan were removed by force and made to settle in other areas, and their crops, particularly the *khat* fields, were completely burnt. It was again quoting eye-witnesses whose names, appearances or addresses it fails to disclose:

“In June 2007 soldiers came to Malqaqa, a settlement of 40 farms in the Fiiq wereda of Fiiq zone, and ordered the villagers to relocate to the neighboring, larger village of Galalshe, where there was an army base. After removing the residents, the soldiers burned all of the farms in the village and destroyed the crops. Soldiers dug up the *khat* plants, which

were the mainstay of the farms, to ensure that villagers would not return to their homes. “⁴

The Investigation Team were given a very different story when they arrived in Malkaka and talked to the people of the village about the allegation of the burning of Malkaka and Galalshe and the uprooting of the *Khat* plantations. Sheik Abdurahman is one of the leading inhabitants of Malkaka inhabitants, living in the locality for 20 years:



"...our *khat* and coffee trees are where they have always been..."

Sheik Abdurahman

“Nobody in our village has been displaced. Everybody lives in peace. Our *khat* and coffee trees are where they have always been. Our water wells are ok. I am 89 years old and I am a person who hates lies. Our village has not been burnt down. I am saying this from the bottom of my heart. The soldiers did not burn any house. Of course they did fire on their enemies.”

Another resident of Malkaka, 85 year-old Muhammad Al Omar, said:

“the alleged atrocities have not been carried out in our village. Nobody has been forced to be resettled in another place.”

⁴ HRW report p.47-48



The Khat plantations of Melkaka

Faduma Ahmed, another resident, affirmed

“I have not seen any burnt down house in this village. The alleged burning down of houses did not take place in this locality.”

Again, one can easily see that HRW’s reliance on an eye-witness that has not been identified by name, appearance or address has made it make a big mistake.

1.3 “Burnt down villages” found intact (Warder Zone).

Another of the villages that HRW claimed, on the basis of anonymous informants in Kenya, had been destroyed was Ubatale in Warder Zone in Warder District. One elderly life-time resident of Ubatale, Muhammed, was quite clear:

“Our village has never been burnt down. The government never set fire to our village. There is nothing like the situation described. I don’t understand why some people create such stories. I don’t know why they want to create a rift between the government and the people.”

Another resident, Sultan Ahmed Abdella, was equally definitive:

“I was born and brought up in this village of Ubatale. I still live here. Neither the government nor its army have carried out any measure of burning down anything.”



The Investigation Team took photographs emphasizing the comments of the residents. The village of Ubatale, and its inhabitants, is alive and well.

Another village in the Warder area which HRW claimed had been burnt down is Yuub. Sultan Ahmed Abdullah testified to the Investigation:

“The name of our village is Yuub. I have lived here since my childhood. Neither the regional security force nor government troops set fire to our village. As you can see with your own eyes, there is no problem encountered in the village.”



Yuub

Another resident of Yuub, Umar Regie Mohammed said:

“If there was anything that was burnt here, you could see it easily.”

A woman by the name Faisal Faria added:

“I was born and brought up here in Yu’ub. I rarely leave this place. I haven’t seen Yu’ub burning. I haven’t seen any fire burning in this area.”

All this indicates that the residents of the village reported to have been burnt down are affirming that the village was not burnt down.

Chinole is a *kebele* located in the Warder zone. HRW quoted the claim of an alleged eye-witness that he had seen government soldiers burn down the village:

“Over the next weeks, many of the villages in the vicinity of Wardheer town were partially or totally burned: Daratoole was burned in mid-June; Qamuuda (in neighboring Shilabo wereda, Korahie zone) was burned on June 21; Neef-Kuceliye on June 23; Wa’di, Laanjalelo, Aado, and Jinoole [Chinole] were burned in mid-July.⁵

Chinole residents had a different view. One, Abdurazak Suleiman, told the Investigation Team:

“At the time, I was around the area. ONLF forces moved into the village and forced the residents out. Then they set fire to the village and it was burnt down

A former ONLF member, now residing in Jinale, confirmed this tactic to the Investigation Team:

“ My name is Abdire Berkilimar. I have been ONLF member for two years. When I was working with ONLF, particularly in the year 2007, we set fire to many villages. The main purpose of this activity was to create a rift between the government and the people so that the people take anti-government stance”.

1.4 Who set fire to Qamuuda?

Another village destroyed by fire was Qamuuda. HRW, apparently basing its claim on satellite imagery, claimed this was destroyed by Government forces. It is certainly true that Qamuuda was burnt down. A satellite photograph cannot, of course, tell who carried

⁵ HRW report p.40

out the action. Only those in the vicinity at the time can do so, not those in Kenya or further afield. The Investigation Team, following up the HRW report, travelled to Qamuuda. It met and various residents, one a former ONLF member, named Arbe Abdi Ayan, who had, in fact, been involved in the burning of the village:

“We burned this place in the second month of 2007. We did this with the intention of using it for propaganda purposes against the Ethiopian government. We made the people vacate the place and torched those wooden huts. Those who ordered us to burn the houses were leaders such as Demuke, Abdikeren, Sheikh Musse, and Sheikh Dek. I was one of those who was engaged in the torching. We arrived at the place after dark, dressed in Ethiopian military outfits and posing as people who could speak Amharic and burned the houses. At this particular time we had little support from the people and we engaged in those activities with the intention of causing conflict between the people and the government. I decided to give myself up or surrender peacefully after realizing that though few in number, we were harming the community, killing the educated ones and clan leaders. Disillusioned with the path we had chosen, I decided to ask for pardon.”



Arbe Abdi Ayan, ex -member of ONLF who among others burned Qamuuda

Another former member of the ONLF, Arebe Lege, added further detail:

“The two platoons, belonging to the Dolo Brigade, by the name of Horial and Gemadeye, were ordered to do the burning. I was a member of those platoons. We burned Qamuuda at night.”

In fact, HRW’s unidentified eyewitness doesn’t actually say Government forces burnt Qamuuda; indeed he rather implies it was the ONLF, appearing to corroborate Arbe’s testimony:

“When Qamuuda was burned, I was there. It is about 30 houses. It was alleged ONLF visited the village. They entered on that morning and burned around 8 a.m. and left around 3 p.m. They used fuel they found in the village to burn by setting fire. I saw ONLF in Qamuuda several times. They were carrying guns, came out of the bush. When Qamuuda was burned, the ONLF came there just before the burning.”⁶

In another interview, a Qamuuda resident, Ahmed Aresa, had this to say about the burning of Qamuuda:

“I remember that bandits dressed as Ethiopian defense force uniforms came at night and burned the place. Initially, due to their uniforms we thought that they were members of the military but later we realized that they were the bandits. We know that bandits burnt Qamuuda.”

The evidence is clear enough. It was ONLF terrorists, not ENDF, who burnt down Qamuuda. The former ONLF fighter, Arbe Abdi, testified clearly that the ONLF, wearing Ethiopian Army uniforms and speaking in Amharic, was trying to make it look as government forces, not ONLF, that was to blame for the acts of terror. Even, the HRW informants testified that the ONLF had been in and around Qamuuda for a long time, but HRW still persisted in its obviously pre-conceived notion that it was government forces which had burnt down Qamuuda. It did not bother to examine the contradiction between the evidence given and its own. This, in fact, is a misuse of evidence that one should never expect from such an organisation as Human Rights Watch,

⁶ HRW report p.41

committed as it claims to be to advocacy for the rights of all human beings. Human Rights Watch really must explain why, contrary to the evidence actually available to it, it continues to hold the Ethiopian government responsible for the crimes committed by ONLF.

1.5 Lasoole, too, was burned by the ONLF

On the burning of Lasoole, Human Rights Watch states:

“In another example, several refugees from Shilabo wereda claimed that Lasoole village (near Shilabo town, in Korahe zone) was burned in June or July 2007, but were not eyewitnesses to the events. Satellite imagery later confirmed their allegations.” (page 37)

As we have already noted, satellite imagery can only confirm the fact of burning. It cannot attribute responsibility. Human Rights Watch was correct to state that Lasoole was burnt but it cannot claim that satellite images confirmed it had been burnt by Ethiopian Government forces. Even HRW admits its “witnesses” did not say Government forces had burnt the village. On the contrary, they specifically stated that they did not see it. One would therefore expect any responsible organization to state, at the least, that in these circumstances there was no evidence of who carried out this action. HRW, however, merely chose to use the burning of Lasoole as another unjustified accusation against her ENDF.

On arrival in Lasoole, the Investigation Team found the village to be smaller than Qamuuda, but more severely damaged. The Team interviewed residents of the village and former ONLF members who gave the following statements. One resident, Abdulahi Hassan, told the Team:

“This village was burned on May 16, 2007. The ONLF torched it. They burned it dressed in government uniforms. While torching the village they also killed the chairperson of Shilabo district Mr. Gulen Areb and the clan leader of Lasoole, Aden Mohammed. The ONLF burned it because though the village was founded recently it had already acquired health, education and water supply services.”

Another resident expressed his opinion that the ONLF had burned the village because it was a beneficiary of rapid infrastructural development; he confirmed the murder of the clan leader and the district administrator, identifying them by name. In a similar fashion, Mr. Abdi Mohammed Farah, another Lasoole resident added:

“Many people lived in this village. While we were living in peace the bandits came and started war. They used bombs and the like to burn the village. They burned it to destroy the development efforts and to effect a condition where the people would not live within the system. They burned the village to drive out the people and deprive them of the benefits of education and water supply. Lasoole links several villages and has a central location. They burned it to make sure that no one is aware of its development”.

While Abdi Mohammed Farah believed the area’s development was the main reason for the burning of the village, former members of the ONLF had a different reason. Arebe Abdinian, a former member of the ONLF told the Team what the ONLF was trying to do:

“I was a member of the ONLF during the time we burned this place. We burned it on May 16, 2007. We killed many people at that time. We also killed the district administrator. Lasoole was a town and had developmental infrastructure. Shilabo and Lasoole are near each other and information is easily available. Lasoole was burned because information was reaching Kebridehar and Shelabo through it. We burned it to ensure that no village existed between these areas. We wore government soldieries uniforms when we burned Lasoole . This was done with the intention of smearing the government, as if it was responsible for what happened to Lasoole. We also burned Kersuni and Eido villages which are near by. We also torched Daretole. Our mission of burning the area was designed to last eight months. We also flogged those who refused to support us.”

Arebe Abdinian, in fact, made clear that burning Lasoole was an integral part of the ONLF's strategy. He confirmed the ONLF had murdered the district administrator. He also gave details of other ONLF operations against other villages near, confirming the statements of residents

1.6. Labiga not burned and no killings there

One of the localities that Human Rights Watch claims witnessed serious crimes of killing and burning was the town of Labiga in the Fafan Valley in the Degahabur district, in June 2007. To prove its claim about the burning of the town, HRW again depended upon a satellite photograph. HRW says its evidence for killings came from another anonymous eye-witness who claimed he had been wounded by Ethiopian soldiers when his wife and two children were killed. The Investigation Team visited Labiga and spoke to a number of residents about the allegations. Mohammed Hassen told the Team that it had been the ONLF which tried to make the people leave the town:

“Neither the government nor members of the Defence Force ever gave orders for us to leave our village. On the contrary, it is the ONLF that urged people to leave our villages. The reason why they wanted us to evacuate was because they suspect us to be government informers.



Labiga village

Sheik Ahmed Usman made it clear the deaths in the town were carried out by the ONLF:

“Ethiopian soldiers did not kill any civilians in our village. Of course, there are persons who were killed in Labiga. One of those killed was a student. But it was ONLF forces who committed the killings, not government forces.”

Others agreed. Muhammed Ahmed, another resident, told the Team that:

“five people have been killed in Labiga. ONLF forces killed all of them, not Ethiopian forces.”

Isamael Umer Ali told the Investigation Team:

“Wail Abdi Elfone is my uncle. He was killed by ONLF forces. It is a big shame to hold Ethiopian forces responsible for the death of my uncle. I know for sure my uncle was killed by ONLF. ONLF opened fire at the funeral of my uncle and wounded many civilians.”

All the residents the Investigation Team spoke to in Labiga were, without exception, unanimous in their account of ONLF activity in the town and its responsibility for the deaths that occurred there. No one accepted the story that HRW’s supposed eyewitness gave, nor could they identify anyone from Labiga whose wife and two children had been killed as described. As in every case, the Investigation team was unable to find any verification for the allegations repeated by HRW.

2. On the issue of forced relocation or resettlement

The charges that the HRW has leveled against Ethiopia in relation to forced resettlement largely relate to the burnings. In places where there had been no destruction there was of course no sign of resettlement. Places like Qamuuda and Lasoole which were burnt by the ONLF cannot be used to justify

allegations of forced resettlement against the Government. After the destruction there was, of course, some movement of peoples to other places. Apart from this, all the evidence found by the Investigation team indicates there was no forced displacement of peoples, nor any relocation in any area.

Thus there was no forced displacement nor relocation from Melkaka, Galalche or Sen'alekule. Ila'abo, it might be noted, is not a village but a wider area. It, too, has had no displacement or resettlement. Similarly no evidence could be found in the cases of Diar, Labiga or Fafan, an area not a village. Quite a number of HRW's alleged villages do not in fact exist at all.

On a visit to Galaliche, the claim by HRW that the ENDF's killed civilian residents of Galaliche who opposed forced relocation was found to be a total fabrication. There was no evidence of forced relocation, of confiscation of property or of killings for whatever reason. According to residents in Galaliche, the names listed in HRW's Report are simply fictitious. No such persons live or have lived in recent years in the town at any time.

2.1.The findings the same in most places.

Based on facts that the Investigation Team have gathered on the ground, it is clear that the allegations of HRW have no foundation. Durwaharef, Nefkosh, Walwal, the surroundings of Wardeher town and especially *kebele* 14, and Wa'adi, all listed by HRW burned were found to be untouched with no burning of villages or houses taking place. Around Ado and Chinole where the Investigation Team did prove that burning had occurred, residents were quite clear that it had been done by the members of the ONLF. One elder, Omer Barud, told the Team that:

“ The area surrounding Ado was torched by the bandits of the ONLF. You can see that the peripheries are burned down, but they also murdered the Sultan of Eido at the same time. ”

His testimony was consistent with the information provided by the former ONLF member, Abdiniaan, quoted above, who admitted ONLF responsibility for the burning Ado and Lasoole. As regards the burning of Chenole, residents as well as former members of the ONLF, have given similar testimony witness. Abdulahi Mohamed Omer in his home told the Team:

“The ONLF burned Chenole Village. If the ONLF was interested in development, it would not have done this. It is ruining the Governments efforts to develop this area where my clan is located. I am now bed ridden because I was beaten by the ONLF when I protested against those burnings.

Arebe Doro Eigge a former member of the ONLF confirmed the claim:

“We burned Chenole, dressed in military uniforms. We resembled members of the Defense Forces. In a similar fashion we burned other villages as part of the campaign”

There was no sign of burning at Diar or Labiga, nor at Fafan. Fafan is not a village, of course, but an area stretching from Fiq to Deghabhur , a distance of over 100 kilometres. In any case no burning was identified in the area.

It is clear from the above facts that HRW’s allegations against the ENDF wantonly burning villages, and forcing populations to resettle or relocate have no basis in fact or on the ground, but only in the imagination of HRW’s informants in Kenya and elsewhere.

2.2. A few houses burnt... and rebuilt

The evidence is consistent from all the residents of the villages which the Investigation team visited, and that is almost all mentioned by HRW. It is also confirmed by numerous

former ONLF members. The only villages that have been burnt in the region were burnt by the ONLF deliberately.

The Investigation Team did, however find two cases in which a total of seven houses had been destroyed in clashes between the ENDF and ONLF last year. Three houses were burnt in Ademu *kebele* in Wardeher district during a battle between the two sides. After the ONLF had been driven off, the ENDF quickly mobilized resources and rebuilt the houses. Another clash in Selemene *kebele* in Degehabur District casued four houses to go up in flames. Again after the ONLF fled, the ENDF took a similar initiative rebuilding the houses for the owners. There are no indications that government forces have ever burnt any houses intentionally. Indeed, as far as the Investigation Team could discover the ENDF have always rebuilt any houses destroyed in conflict as a matter of course.

2.3 Facts about those displaced by fear of drought or fighting.

Once it was clear that no villagers had been displaced by any forced resettlement, the Investigation Team began to look at whether any villagers might have been displaced by fear of conflict or because of drought. It found no villages affected to that extent by fear of clashes between Government forces and ONLF. It did, however, find that the residents of two villages, Lahelo and Adew, temporarily left their villages and moved to alternative places of residence because of drought.

After the rain failed, clan members from Lahelo area went to Gumale village where they had clan-kin. Once the climatic situation improved, with the assistance provided by the Government they subsequently returned to Lahelo. Similarly, the clan in Adew village temporarily relocated to Warder and Walwal area. Again, with the resumption of better rainfall and the support rendered by the Government, they have returned to their original village.

While on the one hand the Team found no one displaced because of clashes, it should be noted that as usual some clans moved in search of grazing and water for their animals. This

is, of course, usual for pastoralists through the Ogaden region, particularly in times of drought. The Government of Ethiopia deplors the way HRW, and some NGOs, have the habit of making claims of forced resettlement and dislocation of peoples when pastoral peoples are moving to find food and water for their animals as happens annually as well as in times of drought.

3. Claims of abuse of human rights - torture, killing and mass imprisonment

Human Rights Watch's Report also claims that the Ethiopian government in counter-insurgency operations committed gross human rights violations against civilians, including arbitrary killings without due process of law. Basing these allegations on its usual fieldwork outside Ethiopia, HRW alleged atrocities by the ENDF in the Degahabur zone, in Labiga and Degahabur town; in the Warder zone area in Lasoole; and in *Alin kebele* in Shelabo district in Korahe zone. The claims also include allegations of rape.

The Investigation Team followed up all these allegations as far as possible, though details in one or two cases were simply insufficient to investigate. Enquiries found that, with two exceptions (see below) none of the allegations had any basis in fact.

3.1 Regarding the death of Mohammed Abdi Waid

The first case refers to the deaths of Mohammed Abdi Waid and other four people and the alleged forced resettlement of inhabitants of Lahelo area in June, 2007. HRW's Report has this to say:

"In June 2007, the military commander of Wardheer came to Lahelo, a nomadic settlement of some 1,000 families located southwest of Wardheer town, near the boundary between Wardheer and Korahe zones, and ordered the population to gather for a meeting. He informed the population that the government ordered them to leave the area within seven days and relocate to Wardheer town. Since most of the population

of Lahelo consisted of pastoralists who needed grazing land for their livestock, many residents refused to relocate.

When the seven-day deadline expired, a military force of some 200 soldiers returned and detained five civilians: Mohammed Abdi Wayd, 23; two sons of Sheikh Hussein Abdi Gaye, 8 and 19; Bashir Jama Abdullahi, 16; and a girl who used to work in a local vegetable shop. The first night they killed Mohammed Abdi Wayd by strangling him, and threw his body outside their base. The next day, the villagers found the bodies of the other four detainees, shot to death."⁷

The Investigation team visited Warder, Lahelo and Wafdug to follow up this claim, meeting residents from all three areas, and talking to other sources. The Team met with Mohammed Abdi Waid's next of kin, Abdurahman Farah Guale, who had this to say about his relative:

"My name is Abdurahman Farah Guale. I am a member of the Usman Guale clan. I live in Wafdug and Lahelo. My main residence is in Wafdug. Mohammed Abdi Waid was ONLF member. He is a close relative of mine. He died in the fighting between government forces and ONLF. This is the truth. He was a trouble-maker. He was a bandit. Upon Alah's orders, he met his death fighting the Defence Forces. I didn't record the exact date when he died. One day there was fighting between ONLF and the Defence Forces in the Wafdug area. In the Yuub area too. He died in that period. He robbed people of their belongings. He picked up a quarrel and attacked people. His death is a punishment for all his wrongs."

Abdurahman Farah Guale explained why Mohammed Abdi Waid moved around and why he was uncertain where he had died. In part it was because he was a member of the ONLF, but also because their clan, Usman Guale, lived in several areas around, Wafdug, Lahelo, and so

⁷ HRW report p. 47

on, and moved from place to place according to the availability of water and grazing, not government orders.

Sultan Ali Refle Guled of the Usman Guale gave similar evidence to the Team:

“My name is Sultan Ali Refle Guled. I am from the Usman Guale Clan. I live in Wafdug *Kebele* , but we (the clan) also live in Warder. I know Mohammed Abdi Waid. He was a bandit. He was member of the ONLF. He attacked people in the Wafdug area. He terrorised people. He created a lot of problems. He was this kind of a person. One day there was fighting. The ONLF started the fight. Mohammed Abdi Waid died in this fighting. He died because of his own mistake.

The Investigation Team noted that evidence about Mohammed Abdi Waid made it clear that he was an ONLF fighter, not a civilian; he tortured people and stole. He was not a peaceful person. He actually died in battle, shot. He was not strangled. According to all accounts, he died in a battle started by the ONLF. The information provided from all sources on the ground in Wafdug and Lahelo makes it clear that HRW’s account of Mohammed Abdi Waid’s death bears little resemblance to what actually happened.

3.2 Who died in Aleen ?

Aleen is a village found in Shelabo district, Korahe zone. According to Human Rights Watch:

“In early July 2007, fighting took place between government forces and ONLF fighters near the village of Aleen. Following the fighting, ENDF soldiers entered the village of Aleen with their wounded. The soldiers, angry because of their losses, began killing civilians in and around the village..... Among those killed that afternoon was Fatumo Abdi Hussein, 80, the mother of ONLF fighter, Nur Faalug Mohamoud. Also killed

were two boys, one of them Fatumo's grandson, Abdullahi Yare Mohamoud Faalug."⁸

Residents of Aleen Village, however, have a different story to tell. Weira Umer Ilmi Jama is a resident of Aleen. He told the Investigation team:

“ Government soldiers did not kill anybody in the area. It was ONLF members who killed one of the administrators while we were at a meeting in the school compound. There is nobody in Aleen killed by government troops or members of the security force.”

Another Aleen resident, Ugaz Farah Ugaz Mohammed, told the Team:

“I myself haven't seen or heard about anybody killed by the Defence Forces. As far as I know there is nobody has been killed in our village.”

Others concurred. From the investigations on the ground, in Aleen, it appears that this was another false report..

3.3 Faduma Hassen Mohammed says, “I am alive.”

Another allegation is of killings reported to have taken place in Gudes district, Fik zone. The HRW report quotes a 17 year-old girl by the name Halima (her father's name is not indicated) who told HRW that she saw with her own eyes two of her student friends from Dhuhun killed. The report states:

"I witnessed the killing of two girls. They wanted to intimidate the rest of us, so they brought the two girls who they said were the strongest ONLF supporters. They made the rest of us watch while they killed the two girls. First they tried to get them to confess, saying they would kill them

⁸ HRW report p.51

otherwise. Then they shot both of them with their guns. Their names were Faduma Hassan, 17, and Samsam Yusuf, 18. Both were students. They were my classmates. We were all just students, we had nothing to do with the ONLF. This was the second day after I arrived in the jail, at lunchtime."⁹

The Investigation Team followed up this report in Dhuhun. To its surprise it found Faduma Hassan, who was reported killed, alive and well in the village. The Team asked her about HRW's claims. She replied:

"I am Faduma Hassan Mohammed. I have never encountered any Problem from Ethiopian government soldiers. There is nobody else in this locality by the same name as mine. And I am alive."

Ahmed Dek Harbi, the headmaster of the Tahir Hash Primary and Secondary School to which Faduma goes, confirmed that the girl is alive. He added:

"no student from the school has been tortured or killed. If you ask any person in the town, they will confirm this."



'I am still alive': Faduma Hassen Mohammed

⁹ HRW report p.72

A resident of Duhuhn, Ugaz Tahir Ugaz Siraj, told the Investigation Team:

“I am an old man. So I want to tell only the truth. I know all the residents of this town like my children. There is nobody killed by Ethiopian forces.”

Another elderly resident of the town, Hashim Mohammed Soyo, told the Team:

“We know that these lies are spread by those who do not want peace. We know exactly who died in this town and under what circumstances. Nobody was tortured. Nobody was machine-gunned. Only ONLF kills people it says are supporters of the government. To tell the truth, government soldiers have not killed civilians.”

HRW also accused the ENDF of allegedly killing 40 women in Dhuhun. According to the Investigation Team’s findings far from forty being killed there by the ENDF not one single woman was killed in Dhuhun. The residents of Dhuhun were quite definitive in their evidence. Nemo Mohammed Shikur said:

“The claim that members of the armed force killed women is a lie. We would have faced difficulties had members of the armed forces not been around here. I never heard that forty women were murdered.”

Habisa Abdi Jiham is another resident of Dhuhun. She said:

“In short nothing of that sort was done. We know everything the army does, leave aside forty women, not even one was killed.”

As in other cases, the evidence that the Investigation Team was able to gather on the ground from residents of Dhuhun, and from people throughout Fiq zone, is totally at variance from

the claims HRW put together from talking to people in Kenya and Somaliland, or further afield.

4. Reported rape, sexual harassment, abuse and arbitrary killing

HRW also claims to have interviewed, in Kenya, people reportedly released from imprisonment in Ethiopia. The Report alleges rape and sexual harassment repeatedly took place in the Somali Regional State prisons.

One of the distinguishing factors of a democratic society is the respect and status it gives to women. The Ethiopian Government is fully aware of the importance of this. It has opened significant opportunities for women in the area of education and development. Somali society also accords special respect and status to women, and anyone who undermines and lowers their social status faces severe condemnation. The Ethiopian government understands and shares this view. Between Somali culture and Government commitment there is little room for this sort of crime. Nevertheless, the Investigation Team took up the issue to check the possibility that such actions might have taken place. It interviewed people from various sectors of society and a number of women prisoners from several different prisons. All completely rejected HRW's allegations.

Two women in Degahabur prison are Asmed Isal Abdi and Ram Ali Huyida. Degahabur is one of the places where HRW claims rape has taken place. Asmed Isal Abdi disagrees. She said,

“I am in prison here for the crime I committed. I have never encountered any problem. In prison, I am receiving proper treatment.”

Ram Ali Huyida made it equally clear: “There is nothing like this that happened to me or to the other prisoners in this prison.”

Female prisoners in Jigjiga prison made the same point. The Investigation Team interviewed Amina Usman and Umer Aden. Amina Usman said:

“No prisoner, including myself, has suffered any ill treatment from Government soldiers.”

Umer Aden added:

“ I myself had contact with ONLF. I have been sentenced to three years in jail for the crime I committed. Neither me nor the other female prisoners have ever been victims of the said rape case.”

In Dhuhun prison, where again HRW made allegations of serious sexual abuse, Deha Abdurahman, was clear:

“I am resident of this town. I have never seen or heard this kind of story.”

Another prisoner, Faduma Abdu Haj, for her part said:

“I have never seen or heard any information regarding the raping of any woman by Ethiopian soldiers. There is no woman who was raped or burnt alive.”

Similar testimony came from people almost everywhere in the region. Witnesses in Fik zone, from Gelelcha, Malkaka and Harmon, expressed the same. Luha Ahmmed, a Gelelcha resident, said:

“I have lived in Gelelcha for a long time. I have never seen Ethiopian Government soldiers commit rape or sexual harassment on any woman. No woman has been raped. I have never heard such a story.”

Malkaka residents, Mohammed Ali Umer and Abdurahman Mahmud Gesam said:

“Government soldiers have not carried out any act of rape what so ever. The defence force has never created any problems on us. In our locality not even one woman has been raped.”

Residents of Harmon said the same thing. Berihe Abdi Ali said:

“No problem has been created in this town. Ethiopian Government soldiers have not been a problem to us.”

Another resident, Zahara Habib, said:

“Ethiopian soldiers have not committed any wrong-doing on women. On the contrary, the Government is rebuilding schools burnt down by ONLF.”

Sihile Sheik Mohammed, a female resident of Harmon, confirmed:

“There is no problem created by Ethiopian soldiers.”

4.1 Cases of Abuses

The Investigating Team followed up the claims of abuse in HRW’s Report in all zones and districts and in most *kebeles* and towns. In this process the Team found one serious case of abuse. This was committed by an individual, a major of the Fik Zone 7th Regiment military camp. The Major tortured a female prisoner against all the principles and provisions of the Ethiopian Constitution and all the directives of the ENDF. The major was arrested, tried and sentenced.

The Investigating Team learnt about this case during its visit to Jigjiga prison when it was interviewing prisoners about human rights violations. One of those interviewed, although her

name is not included in the HRW Report, was Merima Abdulahi Umer, a prisoner in Jigjiga prison. The Team spoke to Merima, an ONLF member, who was serving a three year sentence from a regular court. She said:

“I was arrested for being ONLF member. During the time I was in prison, I was tortured by Major Kiros, Intelligence Officer of the Fik zone 7th Regiment. This was around September 2007. During the interrogation, he strangled my neck with cloth, forced me to take off my clothes and flogged my back and feet. He tortured me by saying, out with the truth. Of course, I was ONLF member. Apart from this I do not know any other problem. I have not suffered from any wrongdoing in this prison. I confirm this.”

Merima allowed the Investigating Team to confirm her allegations by allowing the Team to see the scars upon her feet. She did not, however, let the Team see the torture marks on her back. The Investigation Team also interviewed army commanders in Fik and Jigjiga zones who confirmed that Major Kiros was prosecuted by Court Martial, found guilty and sentenced accordingly.

4.2 Deaths

While attempting to verify HRW’s claims about the burning of Diyar, the Investigation Team came across reports of the deaths of a family killed in cross-fire in a clash in the village. Residents told the Team that while Diyar had not been burnt, five people from one family had been killed during an ONLF attack on the village and the subsequent clash between ENDF troops and the ONLF. Ahmed Usman, a resident of the village, told the Team how his mother and four children had been killed.

“The Armed Forces were running after ONLF fighters. At that point of time, I was in a tea shop a short distance from my house. When I realised that the

firing was approaching my locality, I headed for my house. I saw two ONLF fighters flee into our residence area. In the exchange of fire, the two ONLF fighters were killed. Other than these, I found my wife and four children dead.”

The Investigating Team expressed its condolences to Ahmed Usman. After talking to others residents and the military, it concluded that the deaths were a genuine accident, and could not be viewed as the result of a deliberate attack nor was there any indication that the family had been targeted by the ENDF. Nevertheless an investigation is being carried out, as it would be in all such cases. This kind of accident is difficult to avoid when there are clashes in populated areas though they have been surprisingly rare in the security operations in the region. Most of the clashes between ENDF and ONLF have taken place outside inhabited areas, except when the ONLF have attacked villages.

5. Findings regarding the reported forced recruitment of militia

Another allegation in the HRW Report accuses the government of forced recruitment into militia forces, as usual quoting an anonymous ‘eye-witness’ who in turn referred to ‘confidential sources’, claiming that:

" Ethiopian officials have forced “untrained civilians—including doctors, teachers, office clerks and employees of development programs financed by the World Bank and United Nations—to fight rebels in the desolate Ogaden region. ”¹⁰

Human Rights Watch adds:

"The militias are not trained: They are told to go out, find the ONLF, and fight them. Some of them join the ONLF when they find them in the bush, but most of the men cannot join [the ONLF] because they have families in the towns, and defecting would endanger those lives."¹¹

¹⁰ HRW report p. 76

¹¹ HRW report p.76-77

HRW is in fact claiming that these local militia are forcibly recruited, then made to fight against superior forces, and summarily killed if they try to refuse. It lists a number of names of those it claims have been killed. The Investigation Team made extensive and lengthy efforts to track down these names, talking to elders, members of the militia and others. It failed. It appears that many of these names, indeed the majority, are fictitious, presumably supplied by ONLF supporters in Kenya and Somaliland from where HRW claims to have obtained them. HRW made no effort to verify the names on the ground. Some can be identified as real persons, but the Team could find no evidence that any of them had been killed for refusing to join the militia. Some indeed were very much alive.

HRW adds:

"The Ethiopian military maintains a significant presence in the major towns and some strategically important villages. However, the rural areas remain largely out of the military's control and so it relies heavily on locally recruited informers and militia for military intelligence, supplemental forces, and local knowledge."¹²

It is difficult to see what the problem is here. There is a locally recruited militia force in the Ogaden. It is made up of local volunteers drawn from local communities who wish to safeguard their peace and want to be involved in keeping law and order. Such a force is not confined to the Somali Region but is found in other parts of Ethiopia. In no cases are the militia made up of anything other than volunteers. The Government does not recruit persons for the militia or indeed, for the regular army by force. Such procedures have no place in the recruitment of the government defence forces. Ethiopia does not even have, like some countries, a system of conscription requiring young men and women of 18 years or over to provide free military service for a specified period of time. Recruitment into the army is conducted through a system of advertisement and selection according to clearly defined criteria. Those who are eligible and complete the training join the army of their own will. The same procedure is adopted for the militia which is raised on a local level by recruitment

¹² HRW report p.75

in villages or in clans. It would be difficult, if not impossible, for this to be done by force. The Investigation Team talked to people throughout the region in the course of its work, including relevant military authorities. In no case did it find any indication or evidence of forced recruitment, either in the military or in any local militia units.

It might be added that the Investigation Team found absolutely no indication of that there was any truth in HRW's accusations that the government has been arming and deploying doctors and World Bank and UN personnel in the Somali Region as part of the militia. It would, of course, have been easier to check these allegations if HRW had provided any names of the people it claimed to have been forcibly seized. As with so much of its claims, HRW failed to provide any supporting evidence for its allegations. There are in fact, very few Somali doctors in the region; it would be impossible for these to be mobilized into any militia forces without everybody being aware of it. Indeed, the government is assigning doctors from other regions to provide medical services in the Somali Regional State. As regards NCO personnel, in talking to international organizations, and to the ENDF and militia, the Investigation Team found no evidence whatsoever to support HRW's claims.

6. Regarding the alleged economic war

Human Rights Watch also accused the Government of waging an economic war against the local population, involving the confiscation of livestock, and the imposition of a trade embargo. The Report even tried to draw a parallel between what it calls atrocities committed in the region today and the period of the rule of Emperor Haile Selassie in the 1950s and 1960s:

"The Ethiopian government adopted a similar strategy of confiscating or killing livestock, often in conjunction with efforts to forcibly relocate villagers, as the case study of Labiga illustrates above. When combined with a

rigid trade embargo on the conflict-affected zones and restrictions on movement, the effect on civilians has been disastrous."¹³

Human Rights Watch also claims to quote a trader in September 2007 on the rise in prices in the region:

"Before the blockade, the price for a sack of sugar was 220 Birr (US\$24) [wholesale]. During my last trip, I sold them for 550 Birr (\$60). Rice was 200 Birr (\$22), now it costs 550 Birr (\$60). Maize was 80 Birr (\$9), now it is 200 Birr (\$22). The farthest you can [smuggle] food is Dhagahbur. Before, I used to transport to Fiq three or four times per month."¹⁴

During its work on the ground in the zones close to the border, the Investigation Team found that there had been no economic embargo in the region, and no effort to impose one. However, controls on cross-border traffic were introduced in 2007 to try and limit smuggling and contraband, especially of weapons. The border between Ethiopia and Somalia is over a thousand kilometres long. It has never been properly controlled, and a significant amount of goods were leaving the country via Somalia. Equally, a lot was being smuggled into Ethiopia, including weapons. It was having a considerable impact on the economy of both the Regional State and the country as a whole, and on the security situation.

In order to minimise this damage, the Government designated certain specific places along the border for importing and exporting goods. One immediate result was greater control of the flow of illegal weapons. Another was to strengthen and increase legal trading. From discussions with traders along the border, it is clear that the controls have improved revenue collection and speeded up the flow of trade. It is also clear that, after teething problems led to some delays for trading crossing the border, that trade has increased substantially. It is, of course, difficult to assess the quantity of illegal trade, and of smuggling, but the Investigation Team, after discussions with a variety of sources, believes it has fallen significantly.

¹³ HRW report p.82

¹⁴ HRW report p.84

The accusation that prices have gone up as a result of the designation of specific cross-border check-points for the movement of goods is also untrue. Ethiopia has been suffering from serious inflation across the entire country in the last two years. It has been caused by a series of internal and external factors, including global food price rises. The effects have been serious and significant, but as the Central Statistical Agency figures for 2007, for example, clearly demonstrate, the rate of inflation in the Somali Regional State has been the lowest in the country.

“ .. the General Consumer Price Index has increased by 17.7 percent as compared to July 2006. This increase was attributed to the rise in the indices of its constituent regions; namely: Addis Ababa 18.3 percent , Afar 15.6 percent, Amhara 18.2 percent, Benishangul Gumez 17.6 percent, Dire Dawa 16.1 percent, Gambela 13.8 percent, Harari 15.7 percent, Oromia 16.7 percent, SNNP 15.1 percent, Somali 3.6 percent and Tigray 15.4 percent.”¹⁵

The Agency also details the Food Price Index which confirms the same results: ort states,

“.... the 19.2 percent increase in the country level Food Index was [attributed to the] rise in the indices of the regions namely: Addis Ababa 26.6 percent , Afar 23.9 percent, Amhara 21.9 percent, Benishangul Gumez 17.6 percent, Dire Dawa 19.2 percent, Gambela 18.8 percent, Harari 19.5 percent, Oromia 18.8 percent, SNNP 15.2 percent, Somali 2.5 percent and Tigray 19.4 percent.”¹⁶

From the Central Statistics Agency reports it is clear the overall country average rise in the price indices was 16.7%, while that of the Somali region was only 3.6%. The claim that particular damage was caused to the region by this alleged “economic war”, like other HRW claims, simply doesn’t hold water. It is contradicted by all the available evidence and in particular by all information on the ground.

¹⁵ The FDRE central Statistical Agency report August 2007 p.7

¹⁶ The FDRE central Statistical Agency report August 2007 p.7

7. Conclusion

The Investigation Team, in its detailed enquiry into the accusations and allegations made by Human Rights Watch in its Report on the Somali Regional State and the Ogaden, found no evidence to support HRW's claims about Government policy, its allegations of war crimes or crimes against humanity, or its accusations of deliberate and widespread human rights violations. The investigation, in fact, produced a great deal of evidence, summarized above, in direct contradiction of HRW's claims. The findings of its investigation were based on visits to all relevant areas, nearly all of the villages HRW mentions by name, and involved widespread discussions on the ground with local elders, residents of towns and villages, members of local administration, prisoners, militia forces and of the ENDF.

This investigation contrasts sharply with HRW's own admission that it made no effort to verify the allegations made to it by research on the ground. Again and again, the visits of the Investigation Team made clear HRW's allegations bore no relationship to the accounts given by those on the ground. HRW had clearly made no effort to analyse the sources of its allegations, repeating them without any qualification or further investigation. HRW says it based its accusations on field work in Kenya and Somaliland, but field work conducted there cannot provide verification of allegations about conditions in the Somali Regional State of Ethiopia.

It was these points which led the Ethiopian government to consider rejecting HRW's Report outright as a report suffering from severe structural and methodological problems as well as apparent political bias. At the same time, because of the seriousness of the accusations, the Government felt it only right to investigate them. This is why an Investigation Team was appointed to enquire into the claims, travel to the villages and towns in question, talk to residents and to those reported as victims of atrocities where these could be identified. The conclusions reached, based on an extensive and detailed process of verification carried out on the ground in the Somali region, are detailed and incontrovertible, and entirely contradict HRW's Report, both in general and in detail.

In the light of these findings, the Government of Ethiopia would now recommend that HRW rethinks its aims and methods. These have clearly proved inadequate to deal with the political activities of opposition forces in the Diaspora and the region itself. HRW has romanticised the ONLF as “freedom fighters”. It is not a liberation front. It has never tried to carry out social or economic activities in any part of the Somali Regional State. It is a terrorist organization, confining its activities to acts of looting and destruction. HRW should ask itself whether in giving credence to the ONLF, or any similar organization, it is acting in the interests of its own mandate and vision.

The Government believes that HRW needs to set its reports in context, and ensure, in conflict situations in particular, that it evaluate its sources, government and non-government alike, fully, with care and with consideration of the possible political bias of informants. Indeed, it should, as far as possible, always investigate the political background of informants and analyzes the information provided accordingly. Information should be either collected, or at the least, verified, on the ground. This would avoid repetition of bogus claims of villages burnt or populations forcibly relocated. HRW, in fact, should cease to rely on hearsay.

HRW should carry out an internal investigation into the bias and the political attitudes revealed in this and other reports on Ethiopia, and consider why these reports have failed to take account of Ethiopia’s own developments in human rights, including the extensive training on human rights that has been given to military and security agencies. HRW might also consider why it always, automatically, accepts journalistic and other claims even when they are clearly known to be exaggerated or inaccurate.

The Government of Ethiopia regrets HRW’s failure to engage meaningfully with it. Even though this investigation has clearly shown HRW’s allegations cannot be substantiated, the Government would still prefer to engage with HRW, rather than the reverse, and explore the possibilities of collaboration in the field.