



**“WE ARE NOW
HOPING FOR DEATH”**

**Grave human rights abuses
in Gambella, Ethiopia**

IHRC

THE INTERNATIONAL
HUMAN RIGHTS CLINIC

HARVARD LAW SCHOOL'S
HUMAN RIGHTS PROGRAM

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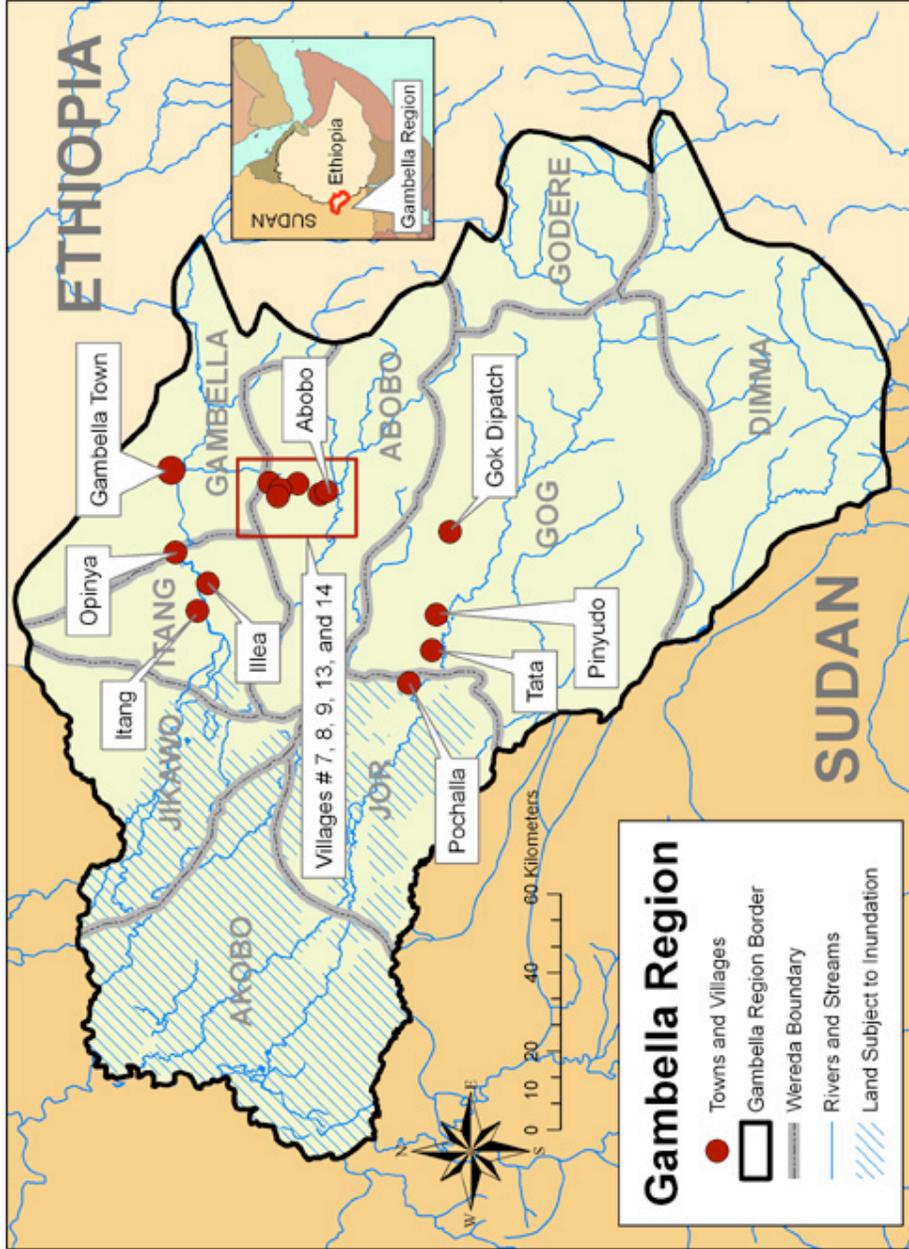
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MAP OF GAMBELLA REGION



Map Source Data: International Human Rights Clinic, Harvard Law School Human Rights Program (GPS location of towns and villages); Human Rights Watch; "Administrative Weredas of Gambella Region, Ethiopia," UNDP-CUC (1998); Vector Map Level 0 (Digital Chart of the World) Edition 5 (Sept. 2000), US National Imagery and Mapping Agency.

SUMMARY AND RECOMMENDATIONS

The man met the military in the forest. They asked him where he was going. He said, "To collect wood." They made him sit down. They tied him, brought sticks, and beat him. He was also told to open his mouth, and a gun was placed inside his mouth. From there, they shot him. The bullet passed through. They left the body on the main road.... People were afraid to take the body.¹

- Testimony from a 35-year old male in Pochalla, Gambella, Ethiopia, January 2006

Violence has become a way of life for civilians living in Ethiopia's Gambella region. Ongoing tensions between the Ethiopian National Defense Forces (ENDF) and local Anuak rebels have caused hundreds of civilian casualties among both Anuak and highlander² ethnic groups. In January 2006, the International Human Rights Clinic of Harvard Law School's Human Rights Program (IHRC) traveled to Gambella to investigate the security situation of those civilians caught in the middle of this ongoing conflict. Throughout 2005 the Ethiopian military committed massive human rights violations against Anuak civilians, including extrajudicial killings, rapes, torture, and beatings. Anuak rebel groups, for their part, killed, maimed, and looted highlander civilians and villages.

The current conflict began in late 2003, when a group of armed rebels ambushed and mutilated eight government officials of highlander ethnicity just outside Gambella town. The attack triggered a three-day retaliatory massacre against Anuak civilians. Highlander civilians, together with members of the Ethiopian military, killed 424 Anuaks and destroyed more than 400 Anuak homes.³ In the year that followed, ENDF troops persecuted the entire Anuak population, and Anuak insurgent forces committed a bloody series of reprisals against some highlander communities. IHRC visited the area to follow up on the 2005 Human Rights Watch report, *Targeting the Anuak: Human Rights Violations and Crimes Against Humanity in Ethiopia's Gambella Region*, which chronicled this 2003 attack and the ensuing violence in the region.

ENDF abuse of the Anuak remained rampant from December 2004 to January 2006. Anuak civilians faced the daily risk of being shot, raped, beaten, tortured, or harassed.

¹ International Human Rights Clinic of Harvard Law School's Human Rights Program (IHRC) interview #68, in the Gambella region (Jan. 2006). The names, specific locations, and dates of all interviews have been withheld to protect victims and witnesses.

² The term "highlander" encompasses a diverse group of ethnicities in Gambella, but largely refers to Ethiopians not indigenous to the Gambella region. Most highlanders hail from the Oromia; Amhara; and Southern Nations, Nationalities and Peoples' regions.

³ HUMAN RIGHTS WATCH, *TARGETING THE ANUAK: HUMAN RIGHTS VIOLATIONS AND CRIMES AGAINST HUMANITY IN ETHIOPIA'S GAMBELLA REGION (2005)* [hereinafter *TARGETING THE ANUAK*].

ENDF forces committed at least 46 extrajudicial killings; 14 rapes, gang rapes, or attempted rapes; 67 beatings (21 of which rose to the level of severe bodily injury or torture); 21 arbitrary arrests or detentions; and seven incidents of property destruction in this year-long period alone.⁴ The level of violence and ENDF abuse was much higher in those towns and villages suspected of giving more support to rebel groups, including Abobo, Pinyudo, and the surrounding smaller villages. ENDF patrols particularly targeted men between the ages of 18 and 30 and Anuak community leaders. Because of frequent ENDF attacks on the outskirts of town, Anuak civilians feared tending farms, collecting wood from the forest, traveling to and from school, and gathering water from the river or watering pump.

Highlander civilians also suffered from the violence in Gambella. The increasingly organized and militarized Anuak insurgent force continually threatened their life, personal safety, and sustenance. Between March and October 2004, armed Anuak groups killed at least 35 highlanders in attacks on highlander villages along the road between Gambella and Abobo.⁵ Armed Anuaks shot villagers, slit their throats, or burned them alive in their huts. While Anuak rebels demonstrated somewhat greater restraint toward civilians in later attacks between October 2004 and December 2005, grave human rights abuses continued and rebel fighters killed several highlander civilians in the course of two high profile raids on Gambella town and Abobo in 2005. There were also multiple reports of a January 2006 massacre of 50 to 60 highlander civilians.

To its credit, the Ethiopian military took a less repressive approach in communities and villages no longer considered to be directly supporting rebel activities, namely in Gambella town, Illea, and Itang. Anuak civilians in these towns and villages noted a change on the ground with new troop regiments behaving “better” than the previous ones.⁶ Nonetheless, several incidents of abuse did occur, perpetuating the climate of fear born

⁴ Based on interviews the number of abuses committed may be as high as 58 deaths; 19 rapes, gang rapes, or attempted rapes; 70 beatings, many of which rose to the level of serious bodily injury or torture; 24 arbitrary arrests or detentions; and seven incidents of property destruction.

⁵ See also the “Abuses Committed by Armed Anuak Groups in Late 2003 and 2004” section of TARGETING THE ANUAK, *supra* note 3.

⁶ Although Gambella, Illea, and Itang are three of the larger population centers in the region, with Gambella, the capital and by far the largest town, only approximately 15% of the IHRC-documented abuses took place in these towns and most of the abuses took place before the last troop rotation. In Gambella, Itang, and Illea together, civilians reported seven deaths, two instances of non-lethal shootings, five rapes or attempted rapes (all in Illea), four instances of beating, including two instances of severe beating or torture, and two detentions or imprisonments. IHRC interviews #18-20, 26, 28, 29, 36-40, 44, and 48, in the Gambella region (Jan. 2006).

during the first atrocities in Gambella. Civilians constantly feared ENDF soldiers would return to the large-scale attacks of the past. On several occasions, soldiers expressly threatened to do just that.

The rebel groups also shifted away from more general attacks on civilians to target primarily Ethiopian military and government officials. Several different sources said rebels operated from a list of targets. Direct and more prolonged military engagements between rebel fighters and the Ethiopian military, large-scale ENDF attacks on refugee camps and suspected rebel bases in southern Sudan, and a substantial military build-up in the region by the Ethiopian army, suggested that the long-standing low-level tensions between Anuak insurgents and the Ethiopian military are becoming an outright armed conflict.⁷ More recently, sources in the region reported an ENDF offensive against Anuaks in refugee camps in Pochalla, Sudan, in April 2006.⁸

The severe violations committed against Gambella's civilian population approach the level of war crimes under international humanitarian law (IHL). Common Article 3 of the Geneva Conventions applies to non-international armed conflicts, a status that applies here given the escalation of the conflict. Both government forces and insurgent groups are required, therefore, to abide by the protections afforded by Common Article 3, which *inter alia* prohibits direct attacks against civilians and requires the humane treatment of all persons in custody. Despite this rule, both sides have repeatedly attacked civilians as a tactic in the conflict.

The Ethiopian government has also breached its international human rights obligations. ENDF-perpetrated extrajudicial killings, rapes, beatings, torture, and cruel treatment of Anuaks have collectively formed the type of larger systematic abuse that is indicative of crimes against humanity. Ethiopia has also violated its obligations under several

⁷ In addition to significant ENDF troop movements to the Gambella region, there were numerous reports of the arrival of reinforcement troops, military four-engine Antonovs, helicopter gunships, and heavy artillery pieces. IHRC interviews #1, 25, 49, 83, 84, and 85, in the Gambella region (Jan. 2006).

⁸ See Aegis Trust, Anuak Targeted, Apr. 13, 2006, *available at* http://www.aegistrust.org/index.php?option=com_content&task=view&id=382&Itemid=88 (last visited Apr. 17, 2006); Anuak Justice Council, Anuaks Suffer as Ethiopian Defense Forces Approach Refugee Camp in Sudan, Apr. 14, 2006, *available at* <http://www.anuakjustice.org/060414EthiopianDefenseForcesApproachAnuakRefugeeCampInSudan.htm> (last visited Apr. 17, 2006).

international human rights treaties to which it is party,⁹ including its responsibility to guarantee both Anuak and highlander civilians' due process and rights to life, liberty, and security of person. Finally, the rape, beating, harassment, and brutal and lengthy interrogation of Anuak civilians by ENDF forces constitute violations of the customary international law prohibitions on inhumane treatment and torture.

This report is based on a January 2006 two-week research mission to the Gambella region, supplemented by extensive pre- and post-mission research and ongoing communication with sources in Gambella. During its visit, the IHRC traveled to Gambella town, Pinyudo, and Abobo as well as to 11 smaller villages and three refugee camps. In total, it conducted 87 comprehensive interviews with both Anuak and highlander civilians and international aid workers in the region. The identity of interview subjects has been withheld to protect the security of victims and witnesses.

Recommendations¹⁰

To the Government of the Federal Democratic Republic of Ethiopia

- Take all necessary and appropriate steps, including issuing clear public orders to the Ethiopian National Defense Force (ENDF), to uphold its responsibilities under international humanitarian and human rights law.
- Ensure that the improvements seen in some areas of Gambella spread across the entire region, including the areas in and around Abobo, Gok Dipatch, Pinyudo, and Pochalla.
- Obey legal obligations under the Geneva Conventions. Ensure that any combat operations of the ENDF meet the required minimum humanitarian standards.
- End the prevailing impunity in Gambella by bringing all perpetrators of serious human rights and humanitarian law violations to justice.
 - Conduct an independent, impartial, and public investigation into human rights and humanitarian law violations committed by ENDF forces in Gambella.

⁹ Ethiopia has signed and ratified both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

¹⁰ Some of these recommendations have been borrowed from TARGETING THE ANUAK, *supra* note 3, at 3-5.

- Investigate and prosecute all military and governmental officials alleged to have been involved in the commission of crimes against humanity, war crimes, and human rights violations.
- Allow and facilitate full and independent access to the region by national and international human rights monitors, journalists, and donor government representatives.
- Observe its obligation under international law to guarantee judicial due process to all Ethiopian citizens regardless of ethnicity. In particular, prevent the official harassment and arbitrary arrest of young Anuak men as well as the extended detention without charge of alleged suspects.
- Effectively protect the population of Gambella from violence and abuses committed by armed groups without the means of unlawful use of force or extrajudicial processes.

To Anuak Political and Community Leaders

- Publicly denounce violence directed against highlanders. Take concrete actions to prevent such violence and facilitate the prosecution of individuals who carry it out.
- Cooperate in any bona fide investigation undertaken by the Ethiopian government regarding human rights and humanitarian law abuses in the Gambella region.

To Anuak Armed Groups

- In any situations of armed conflict with ENDF and other forces, obey the humanitarian standards of the Geneva Conventions.
- Ensure that no civilians are targeted or harmed in any combat operations.

To Donor Governments

- Publicly insist on thorough, independent, and transparent investigations of human rights and humanitarian law violations in Gambella.
- Make aid to the Ethiopian government conditional on it conducting such investigations and acting on their findings.

- Make military assistance to Ethiopia contingent on the government's adherence to international human rights and humanitarian law and exclude any assistance to units implicated in serious human rights and humanitarian law violations.
- Demand that those military and governmental officials found to have sanctioned or participated in ongoing human rights abuses be held accountable.

To the Office of the United Nations High Commissioner for Human Rights

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

BACKGROUND

Gambella and its People

Gambella, a remote, lowland region of Ethiopia, lies on the country's western border with Sudan. The Baro River runs through the region's capital and most populated urban area, Gambella town, approximately 800 kilometers southwest of Addis Ababa. Most of the region's population survives on subsistence farming; coffee and tea are the area's main exports.¹¹

Ethiopia's last official census, conducted in 1994, estimated Gambella's population to be 180,000.¹² A 2005 projection set the population at around 247,000, partially due to an influx of refugees from Sudan.¹³ Five main ethnic groups are indigenous to the region: the Anuak, the Nuer, the Mejenger, the Komo and the Apana.¹⁴ The Nuer, a largely pastoralist people, form the region's largest group with 40 percent of the population as of the 1994 census.¹⁵ Some Nuer are Sudanese rather than Ethiopian. The Anuak, a farming people, are estimated to make up roughly 27 percent of the population.¹⁶ The Mejenger, the third major indigenous group, accounted for 6 percent of the population.¹⁷

The area's conflict is largely the result of recent political maneuvers that constrain indigenous groups' access to resources and recognition. Aside from occasional skirmishes over grazing rights, the Anuak and the Nuer co-existed in relative peace after the British ceded regional control to the Ethiopian empire in the 1930s.¹⁸ In 1974, however, a military coup d'état overthrew Ethiopia's longstanding monarchy. The new junta, known as the Derg, ruled Ethiopia for 18 years, a period characterized by brutality and famine. The Derg

¹¹ The State of Gambella Peoples, *available at* <http://www.ethiopar.net/English/basinfo/infogmbl.htm#population> (last visited Mar. 20, 2006).

¹² In-Depth Studies from the 1994 Population and Housing Census in Ethiopia, *available at* http://www.irpps.cnr.it/etiopia/pdf/Gender_Issues_Population_and_Development.PDF (last visited Mar. 20, 2006).

¹³ Central Statistical Agency of Ethiopia (CSA), 2005 National Statistics, Population, *available at* http://www.statsethiopia.org/text_files/national%20statistics%202005/Population.pdf (last visited Mar. 20, 2006). The CSA notes that the population results are actually projections based on the 1994 census information.

¹⁴ See The State of Gambella Peoples, *supra* note 11.

¹⁵ *Id.* The region's ethnic composition has undoubtedly shifted since the 1994 census, particularly given the refugees who have escaped to the Gambella region.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Gambella: An Imperial Anachronism, *in* PERSONALITY AND POLITICAL CULTURE IN MODERN AFRICA: STUDIES PRESENTED TO PROFESSOR HAROLD G. MARCUS (Melvin E. Page et al ed., 1998).

implemented a disastrous plan of forced relocation in response to widespread famine, targeting 1.5 million people for resettlement and ultimately moving about 600,000 between 1984 and 1988.¹⁹ Tens of thousands of the resettlers arrived in the Gambella region, evicting many Anuak from their land and farms in the process. Gambella suddenly had a new population of non-indigenous ethnic groups known collectively as “highlanders.” In the end, the resettlement increased poverty in Gambella and elsewhere.²⁰ The brutal dictatorship fell in 1991, with many Anuaks fighting alongside the Ethiopian Peoples’ Revolutionary Democratic Front (EPRDF) that assumed power.

The resettlement period coincided with an influx of Sudanese refugees (largely Nuers) taking advantage of Ethiopia’s porous western border to flee Sudan’s ongoing civil war. In 1984, the United Nations High Commissioner for Refugees estimated that over 50,000 Sudanese sought refuge in Ethiopia; as of 2003, that number had reached 94,899.²¹ Both the war in southern Sudan and the resettlement program drastically reshaped the ethnic composition in Gambella, contributing to the turmoil blamed for the region’s recent spate of violence.

Despite high hopes for the new government, the EPRDF leadership ultimately exacerbated existing ethnic tensions. One of the main innovations introduced by the EPRDF government was a system of governance known as “ethnic federalism.” Ostensibly to promote effective local governance, the federal government redrew the map of Ethiopia, carving the country up into nine federal regions demarcated largely along ethnic lines. Initially, the indigenous groups, primarily the Anuak, assumed control of Gambella’s regional posts. Highlanders, who unlike most Anuak spoke Amharic, the national language, however, soon effectively controlled the federal government.

Natural Resources

The mixed blessing of the area’s natural resources complicates an already tense life in Gambella. Ample gold reserves speckle the Dimma area in southern Gambella, and

¹⁹ HUMAN RIGHTS WATCH, *EVIL DAYS: THIRTY YEARS OF WAR AND FAMINE IN ETHIOPIA* 211 (1991).

²⁰ Given the areas targeted for resettlement, some believe that the program was a veneer to demobilize insurgency groups that threatened the Derg’s leadership. See, e.g., *id.* at 211-22.

²¹ 2003 UN Statistical Yearbook: Ethiopia, *available at* <http://www.unhcr.org/cgi-bin/texis/vtx/statistics/opendoc.pdf?tbl=STATISTICS&id=41d2c16d0&page=statistics> (last visited Apr. 4, 2006). Three refugee camps, located in Dimma, Pinyudo, and Bongo, now exist in the Gambella region. *Id.*

companies are currently exploring for oil. The Gambella Petroleum Corporation, a subsidiary of Canadian Pinewood Resources, Inc., discovered an oil deposit near the capital but pulled out of exploration efforts in 2001.²² In 2003, Petronas, the Malaysian state oil firm, signed an agreement with the Ethiopian government to assume control of the project, hiring a Chinese subsidiary, Zhongyuan Petroleum Exploration Bureau (ZPEB), to begin seismic surveys in the region.²³ Test wells have been drilled, although none have yet struck oil.²⁴

The fight over Gambella's potential riches has a great deal to do with the Ethiopian government's interest in pacifying the region. Reportedly, Anuak rebels have decided to target affiliates of the oil company, prompting the military to place garrisons throughout the areas of exploration.²⁵ The presence of the military in the region, not surprisingly, tracks the activity of the oil company. In 2005, when the oil company left the region to avoid the unworkable weather of the rainy season, many of the troops accompanied the workers. The resumption of oil activities at the end of the year – when the weather again permitted work – brought the military back to the region.²⁶ During the IHRC visit in January 2006, the armed Ethiopian military escorted oil-prospecting equipment into Gambella town.

Several locals and international aid workers suggested that the government's interest in the area's natural resources, which has deepened the existing conflict between the government and the rebels, lay in the fight over the oil. "During the dry season, oil activities increase the military presence in areas where the population is not happy to see them," one aid worker commented.²⁷ "What causes all the violence," an Anuak civilian offered, "is probably the gas and oil we have. Problems are always happening nearest to the oil."²⁸

²² GENOCIDE WATCH AND SURVIVORS' RIGHTS INTERNATIONAL, "TODAY IS THE DAY OF KILLING ANUAKS": CRIMES AGAINST HUMANITY, ACTS OF GENOCIDE AND ONGOING ATROCITIES AGAINST THE ANUAK PEOPLE OF SOUTHWESTERN ETHIOPIA (2004).

²³ *Chinese Company Embarks on Oil Exploration Project*, THE REPORTER (Addis Ababa), available at <http://www.ethiopianreporter.com/modules.php?name=News&file=article&sid=2741> (last visited Apr. 4, 2006). See also TARGETING THE ANUAK, *supra* note 3, at 6 & fn 4.

²⁴ See Press Release, Forum on China-Africa Cooperation, "Chinese Oil Company Starts Drilling in Ethiopia," Mar. 8, 2006, available at <http://www.fmprc.gov.cn/zflt/eng/zxxx/t242425.htm> (last visited June 16, 2006); *Oil Exploration Well Turns Out Dry*, THE REPORTER (Addis Ababa), May 30, 2006, available at <http://allafrica.com/stories/200605300645.html> (last visited June 16, 2006).

²⁵ IHRC interviews #1 and 85, in the Gambella region (Jan. 2006).

²⁶ *Id.*

²⁷ IHRC interview #49, in the Gambella region (Jan. 2006).

²⁸ IHRC interview #57, in the Gambella region (Jan. 2006).

December 2003 Massacre and Beyond

As the Anuak and highlanders struggled for political and economic control in the late 1990s, tensions escalated into periodic small-scale attacks on civilian populations. The region remained tense until December 13, 2003, when an armed group – allegedly composed of Anuak rebels – attacked a convoy of highlanders working for Ethiopia’s refugee agency, killing eight and mutilating the bodies.

The attacks launched three days of bloodshed. As news spread to the regional capital the next day, a large crowd of highlander civilians amassed in the town center. A group of soldiers brought the eight slain highlanders to the mob, which then paraded the bodies through the streets of Gambella town. Vengeance began. The ENDF combined forces with highlander groups to attack Anuak neighborhoods throughout the region’s capital. In 72 hours of violence, at least 300 and as many as 424 Anuak civilians lost their lives, and 400 homes were burned to the ground in a massacre condoned by the ENDF.²⁹

In the weeks and months that followed, the violence radiated to the smaller villages outside the capital; mobs leveled villages and killed anyone believed to be affiliated with the rebel groups. Abuses also included rapes, beatings, and torture, and soldiers frequently raided and looted the homes in the Anuak neighborhoods they attacked. Human Rights Watch documented more than 100 killings of Anuak civilians, including women and children, by ENDF forces in late 2003 and 2004.³⁰ Highlander villages endured retaliatory attacks; rebel groups, launched a series of nighttime raids on the villages along the road from the capital to Abobo.³¹

Efforts to seek justice through the courts or police have been mostly ignored. The government conducted a largely symbolic investigation into the December 13 massacre, during which the then-deputy minister of federal affairs attributed the violence to two insurgent groups.³² Police rebuffed requests to investigate the involvement of uniformed officers.³³ Obtaining accountability for the behavior of ENDF soldiers has proven equally fruitless; authorities had arrested only eight low-ranking soldiers as of January 2005.³⁴

²⁹ TARGETING THE ANUAK, *supra* note 3.

³⁰ *Id.*

³¹ These villages lack names and are instead numbered progressively from the capital to Abobo.

³² TARGETING THE ANUAK, *supra* note 3, at 43.

³³ *Id.* at 44.

³⁴ *Id.*

The massacres and ensuing attacks on the region's villages slowly received publicity as humanitarian aid and human rights organizations trickled in to investigate the events. Reports exposed the involvement of the police and the military as well as the arbitrary detention of hundreds of young Anuak men simply for being the same ethnicity as the rebels. But many noted that the highlander civilians also did not escape unscathed, as the rebel group responded to the attacks on Anuaks by launching its own assaults of highlander villages. The military and civilian populations tried to return to an uneasy coexistence after the release of multiple reports condemning the Ethiopian government's unabashed use of force in the region.

ENDF Abuse of Anuak Civilians

Between December 2004 and January 2006, ENDF personnel in Gambella continued to commit wholesale violations of international humanitarian and human rights law against Anuak civilians. During a two-week visit in January 2006, the IHRC investigated ongoing ENDF abuses in 14 Anuak communities, interviewing more than 85 civilians and aid workers in the region.³⁵ In the course of that investigation, the IHRC documented a pattern of abuse that included extrajudicial killings; rapes; beatings (many of which rose to the level of torture); arbitrary arrests or detentions; and the destruction of property, all committed by ENDF personnel against Anuak civilians.³⁶ In many respects these abuses mirror the pattern of atrocities committed by ENDF forces in the year following the December 2003 massacre.³⁷ These abuses occurred in the context of an ongoing conflict between the ENDF and Anuak insurgent groups in Gambella.

The abuses chronicled herein suggest the continued existence of a systematic pattern of abuse targeting Anuak civilians. Many of the documented abuses – such as the rape of Anuak women and arbitrary beating of Anuak men – have stemmed from a culture of impunity in which individual soldiers went unpunished for (and thus undeterred from) criminal acts against civilians. Yet the nature of many incidents, along with their sheer frequency, suggests that this climate of impunity has been accompanied by an overall schema of deliberate persecution.

ENDF forces have targeted young Anuak men and Anuak community leaders, namely those serving as village leaders, teachers, and clinic workers, for abuse. “They consider us against the government,” one teacher from Pinyudo said. “They think teachers [encourage the] agitation of the locals.”³⁸ From nightfall until early morning, ENDF soldiers have patrolled the woods and roads outside of Anuak communities. Anuak civilians said that men who have encountered these patrols have faced beatings, interrogations, or arrest – and

³⁵ The nine towns visited where ENDF abuse occurred were: Abobo, Gambella town, Gok Dipatch, Illea, Itang, Opinya, Pinyudo, Pochalla, and Tata. Some of the documented abuses occurred in other towns but were witnessed by those interviewed. All interviews with victims and witnesses are anonymous to protect them from potential persecution or retaliation.

³⁶ The number of abuses committed may be as high as 58 deaths, 19 rapes, gang rapes, or attempted rapes, 70 beatings, 24 of which rose to the level of serious bodily injury or torture, 24 arbitrary arrests or detentions, and seven incidences of property destruction.

³⁷ See generally TARGETING THE ANUAK, *supra* note 3.

³⁸ IHRC interview #61, in the Gambella region (Jan. 2006). See also IHRC interviews #17, 26, 56, 57, 58, 61, 71, 80, and 85A, in the Gambella region (Jan. 2006).

in some cases are simply shot on sight. For women, meeting ENDF patrols in such circumstances meant the possibility of rape or assault.

The high level of violence in some towns and villages, in contrast to lower levels of violence in others, also signifies that a deliberate and targeted system of attacks accompanies the general culture of impunity. Anuak civilians and international NGO workers hypothesized that the military has suspected Anuak civilians in certain communities of giving active support to rebel activities and has specifically targeted those populations for reprisals including extrajudicial killings, beatings, violent interrogations, and other persecution and abuse. Testimony suggests that six of the towns and villages visited by the IHRC have been singled out for such treatment: Abobo, Gok Dipatch, Opinya, Pinyudo, Pochalla, and Tata. They are spread out over the north and east of Gambella. Most of the abuses documented by the IHRC took place in these six communities, with patterns and means of violence varying according to the size of the towns and villages and their proximity to military garrisons.³⁹

Given the patterns documented, the number of actual abuses is likely to be higher than the number documented. Several civilians and foreign NGO workers told the IHRC research team that ENDF abuse pervaded remote areas like Dimma or Gok Jinjor, but the IHRC was not able to travel to these villages to investigate the situation. Villagers in Gok Dipatch said abuse was so rampant in the areas outside of Gok that no one they knew even dared to go there anymore.⁴⁰

Even in the villages visited, many witnesses or victims of abuse were reluctant to talk for fear of retaliation. “The village headmen are scared of abuses if they talk [to foreigners] about our problems with the military,” explained one villager from Gok Dipatch. “They are afraid of talking and when the military comes they flee from the village,” he continued.⁴¹ Fear of government reprisals was not limited to those in positions of authority. “We are all

³⁹ With military garrisons just outside of town, Anuak civilians in Abobo and Pinyudo have had much more contact with ENDF soldiers, constantly exposing them to both deliberate and arbitrary abuses by individual soldiers. More than half of the extrajudicial killings documented, half of the serious beatings or incidents of torture, and three quarters of the arbitrary detentions took place in either Abobo or Pinyudo. Those living in the smaller, more remote towns of Gok Dipatch, Opinya, Pochalla, and Tata, have had less constant contact with the military, but have suffered sporadic ENDF raids that often resulted in mass beatings and harassment of villagers.

⁴⁰ IHRC interview #50, in the Gambella region (Jan. 2006).

⁴¹ IHRC interview #51, in the Gambella region (Jan. 2006).

afraid to talk because the local government told us not to talk with anybody,” one man from Abobo said.⁴²

In contrast to all of this, Anuak residents of Gambella town, Illea, and Itang – towns whose populations the ENDF reportedly did not consider to be actively supporting rebel activity – said that ENDF forces had marginally improved their treatment of civilians there. Although the situation in 2005 improved slightly in these towns, every town and village had suffered its share of human rights abuses. The threat of extrajudicial killings, rapes, beatings, detention or imprisonments, or general persecution continues to hang over the daily lives of most Anuak civilians.

Continuing ENDF Abuses

Extrajudicial Killings

*In Abobo, they used to take people from the village to town and those people never returned. Sometimes they killed them using knives. If they met women, they raped them. If they found someone outside of town, they shot them down as a rebel.*⁴³

- Testimony from a 22-year-old Anuak woman in Tata, January 2006

The IHRC documented 46 extrajudicial killings of Anuak civilians by ENDF forces between December 2004 and January 2006.⁴⁴ Most were acts of continued systematic and deliberate abuse aimed at particular members of Anuak communities, although some may be solely attributable to arbitrary abuses of power by individual soldiers.

Witnesses repeatedly described a common pattern of killing: the typical victim has been male, often shot when he meets an ENDF patrol on the outskirts of town or village or in the forest after dark. One 30-year-old woman told IHRC researchers that an ENDF patrol outside of Abobo shot at her mother and two others while they were foraging for food in the forest in February 2005. Out of the three of them, the soldiers killed only the man: “My mother was caught by the military and they were going to kill her too but decided to let her go since she was a woman. It is not as important for a woman to be killed. They

⁴² IHRC interview #77A, in the Gambella region (Jan. 2006).

⁴³ IHRC interview #73, in the Gambella region (Jan. 2006).

⁴⁴ Most victims of extrajudicial killings were shot, although two victims were beaten severely and later died from injuries. See IHRC interview #69, in the Gambella region (Jan. 2006) (11-year-old beaten and later died from injuries); IHRC interview #44, in the Gambella region (Jan. 2006) (rape victim later died of injuries).

like to kill men because the men have the power.”⁴⁵ Such a pattern is consistent with incidents documented by the IHRC in 2006, in which military patrols frequently shot and killed men on the way to and from their farms.⁴⁶

In Pinyudo, seven of the nine extrajudicial killings reported to the IHRC occurred outside of town and after dark, and all seven of these victims were men.⁴⁷ On October 26, 2005, an 18-year-old man named Obang met a military patrol just outside of Pinyudo one evening. “They just shot him down because anyone they meet outside of town is considered a rebel,” one witness said.⁴⁸ In November 2005, a military patrol ran into a different man coming home from the market in Pinyudo after dark. He was carrying sugar and coffee to his home but the military patrol refused to believe the supplies were for household use. “They said [the coffee] was for rebels.... They started beating him, shot and broke his leg first, then shot him dead,” said a community member who buried him the next day.⁴⁹

Many Anuak civilians said that when ENDF soldiers have encountered a man traveling outside of town at dark, they have assumed he is a rebel. “They don’t differentiate between those from town and outsiders who might be rebels. Anyone they find [who is Anuak] is considered a rebel,” one man from Pochalla said.⁵⁰ Rebels have tended to be based in the forests and brush outside town, often moving along the roads or attacking at night, giving ENDF patrols cause to suspect those found in the woods at night – especially if that person is a young Anuak man. The numerous extrajudicial killings between 2003 and 2006 demonstrate that ENDF patrols have often been more likely to shoot those they suspected than to stop and question them.⁵¹ Victims and witnesses first told Human Rights Watch in 2004 that the military used security and the need to root out bandits as a pretense for their attacks on Anuak civilians. More recent observations by the IHRC reveal that this is still the case.

⁴⁵ IHRC interview #81, in the Gambella region (Jan. 2006).

⁴⁶ See, e.g., IHRC interview #33, in the Gambella region (Jan. 2006).

⁴⁷ See IHRC interviews #53, 54, 55, 57, 58A, 59, and 62, in the Gambella region (Jan. 2006).

⁴⁸ IHRC interview #53, in the Gambella region (Jan. 2006).

⁴⁹ IHRC interview #57, in the Gambella region (Jan. 2006).

⁵⁰ IHRC interview #68, in the Gambella region (Jan. 2006).

⁵¹ ENDF forces killed between 46 and 58 Anuak but arrested or detained between 21 and 24, in the Gambella region (Jan. 2006).

Several Anuak civilians told the IHRC that members of the military have routinely shot anyone who runs away from them.⁵² “The soldiers often come down here, and if they see you run, they will kill you,” a man from Gok Dipatch said.⁵³ He told the IHRC that in February 2005, in Gok Dipatch, a 12-year-old student named Ogili ran away in fear when he saw soldiers coming toward him; they shot him in the back and killed him.⁵⁴ A witness’s account of the death of a 22-year-old man in Illea seemed as if the military had no choice but to shoot him because he ran from them: “The military called out to stop him saying, ‘Please, stop [running]. Stop, please,’ but he didn’t so, they shot him.”⁵⁵ A man from Pochalla told the IHRC, “One time the military told people to run [so they could] shoot them. When they refused, they didn’t shoot them.”⁵⁶

Anuak civilians also said that even when soldiers have questioned them, they have refused to believe civilians who say they are not part of an armed rebel group. In September 2005, a man named Brohana encountered a military patrol while collecting wood in the forest near Pinyudo. A man who saw the military take him into the woods, heard the shot, and found the body said:

They asked him where he was going and he said, “To collect wood,” but they did not believe him.... They made him sit down. They tied him, brought sticks and beat him. He was also told to open his mouth and a gun was placed inside his mouth. From there, they shot him.⁵⁷

Villagers pointed to stories like Brohana’s and said that because replying to the soldiers’ questions only makes the situation worse, they have tried to escape when they see military patrols. In August 2005, ENDF soldiers shot two men named Omot and Opice on the roads near Gok Jinjor. “It was nighttime and they met a military [patrol]. The soldiers called to them, but they were afraid of being beaten and arrested so they ran away. Then the military shot them,” a community member said.⁵⁸ Anuak civilians who encounter the military thus have had a horrible dilemma: if they run they are likely to be shot at; if they do not,

⁵² The victim ran away in at least five of the extrajudicial killings reported. See IHRC interviews #17, 52, 44, 45, 45, 70, and 82, in the Gambella region (Jan. 2006).

⁵³ IHRC interview #50, in the Gambella region (Jan. 2006)

⁵⁴ *Id.* See also IHRC interview #52, in the Gambella region (Jan. 2006).

⁵⁵ IHRC interview #20, in the Gambella region (Jan. 2006).

⁵⁶ IHRC interview #70, in the Gambella region (Jan. 2006).

⁵⁷ IHRC interview #68, in the Gambella region (Jan. 2006).

⁵⁸ IHRC interview #52, in the Gambella region (Jan. 2006).

they are likely to be beaten, interrogated, and then possibly also killed.⁵⁹ Young Anuak men have faced the very real possibility of being shot at on every excursion away from home.

Some witnesses described soldiers killing civilians to settle personal grievances or exact revenge for attacks carried out by Anuak insurgents. In communities like Abobo and Pinyudo, where military camps border the towns, civilians cannot avoid frequent encounters with the military. In March 2005, five soldiers killed six Anuak men in Abobo over an unpaid hotel bill. A woman who witnessed them getting caught said:

One day they caught six people while they were drinking in a hotel. They took them outside of town and beat them and killed them.... A highlander was the owner of the hotel. The military was told by the owner that they refused to pay money for what they had drunk. It was not true. The bodies were later found dead near to the place the military was living.⁶⁰

In another example, witnesses in Gok Dipatch told the IHRC that soldiers killed a man living in a nearby smaller village to retaliate for the theft of one of the soldiers' guns by the man's brother-in-law.⁶¹ Although such killings may not have been part of a deliberate military plan to intimidate or punish Anuak civilians, they demonstrate the ENDF's failure to train and discipline its forces adequately to respect the rights of Anuak civilians.⁶² Impunity accompanies the systemized pattern of attacks documented above. The IHRC did not learn of any prosecutions related to such killings.

Rapes

*They said, "What is better – death or life? If we sleep with you, you won't be killed. If we don't, we kill you." I was afraid to be killed. There were 20 men, nine slept with me.*⁶³
- Testimony from a 20-year-old woman in Pochalla, January 2006

Women in every Anuak town or village visited by the IHRC said they have feared being raped or assaulted by ENDF soldiers. The IHRC documented 14 incidents of rape, gang rape, or attempted rape between December 2004 and January 2006, twelve of which

⁵⁹ See *infra* "Beatings and Torture" and "Cruel and Inhumane Conditions of Detention."

⁶⁰ IHRC interview #73, in the Gambella region (Jan. 2006).

⁶¹ IHRC interview #50, in the Gambella region (Jan. 2006).

⁶² In contrast, the amount of arbitrary killings and abuse had gone down significantly in those towns the military no longer considered a threat – in Gambella town, Illea, and Itang – suggesting that the ENDF was capable of controlling such abuse if it so chose. See *infra* "ENDF Improvements."

⁶³ IHRC interview #72, in the Gambella region (Jan. 2006).

occurred in Abobo and Illea.⁶⁴ Witnesses and community members said that officers have not punished the soldiers under their command for raping Anuak women.

Many of the rapes have happened when ENDF soldiers encountered women in the forest or on the roads leaving town. The prevailing climate of impunity has continued to encourage ENDF personnel to rape women throughout the region, in isolation of broader attacks. In August 2005, a military patrol found two women collecting wood in the forest outside of Illea and raped both of them. One of the women later died of injuries suffered in the course of that attack.⁶⁵ In November 2005, several soldiers attacked three young girls passing through the forest outside Abobo in the afternoon. Two escaped, but the soldiers held the third, a 10-year-old girl, until nightfall. The soldiers raped and assaulted her before letting her go. She spent two months in the hospital as a result of her injuries.⁶⁶

In addition, women in several of the communities said soldiers have waited for them by the nearby river to rape or assault them. One 18-year-old from Illea told the IHRC about an attempted rape he witnessed in April 2005:

[She] was taking a bath when six soldiers came upon her. One soldier took off his clothes and went into the water. He swam up and started to take off her clothes. She grabbed his hand and said, “Why are you doing that?” She kept fighting him and resisting him. Then she bit him. When she bit him, the military man ran away to get his gun from his home. While the military had gone back to get their guns, she took her clothes and ran away to tell the elders.⁶⁷

The high incidence of rape near the rivers and in the forests also has caused wider repercussions for the Anuak community. “What made the situation so difficult for us was that we were afraid whenever our daughters went to the forest that they might get raped,” one woman from Illea said. “Now the problem is the water. Whenever we go to get water,

⁶⁴ Two of those 14 rapes took place in Pochalla. IHRC interviews #68 and 72, in the Gambella region (Jan. 2006). The number may be as high as 19 rapes or attempted rapes. Five rapes were reported in Gok Dipatch, but those interviewed could not remember the specific months of the rape so some or all of those five could have fallen outside of the date range of this report. IHRC interview #50, in the Gambella region (Jan. 2006). Incidences of rape, gang rape, or attempted rape are documented in IHRC interviews #20, 36, 37, 44, 56, 62, 68, 72, 78, 79, 80, and 81, in the Gambella region (Jan. 2006). Given the social stigma surrounding rape, the actual number of sexual assaults is probably much higher.

⁶⁵ IHRC interview #44, in the Gambella region (Jan. 2006).

⁶⁶ IHRC interviews #56 and 62, in the Gambella region (Jan. 2006).

⁶⁷ IHRC interview #20, in the Gambella region (Jan. 2006).

the soldiers quarrel with you.”⁶⁸ The more women have stayed away from the forest or avoided fetching water regularly for fear of being raped or assaulted, the more the community has suffered from shortages of water, food, or other supplies.⁶⁹

Witnesses said the soldiers have never been punished for raping Anuak women, and that many women have avoided even reporting the crime. In late summer 2005, an ENDF soldier attacked a woman traveling through the woods outside of Abobo and tried to rape her.⁷⁰ She fought back, grabbing the soldier’s testicles, and ran away.⁷¹ When she went to the police to report the soldier, whom she recognized and could identify, the police sent her away and told her “not to raise a problem.”⁷² Another woman, almost raped by a soldier, tried to raise the issue at the local court in Illea. “Nobody did anything – it was discussed at a meeting, but we did nothing because we were afraid at the time,” one witness to the meeting said.⁷³ Soldiers severely beat one man who tried to intervene to save his wife from being raped by seven soldiers:

I was told she was being raped and went to throw stones at the military.... They caught me and took me to where they were staying, a nearby place.... I stayed there one week. I was beat every day at night.... They were saying, “What are you really? Even though your wife was raped, it was better to stay at home.”⁷⁴

Due to incidents like this, most civilians said they have felt powerless to intervene when they know a rape is happening. In March 2005, several drunken soldiers in Illea captured a 22-year-old girl on the road between her home and their camp in the middle of the night. “One soldier took her and the people said nothing to him out of fear. She was crying but she finally stopped crying because nobody would go for help.”⁷⁵ The failure to

⁶⁸ IHRC interview #43, in the Gambella region (Jan. 2006).

⁶⁹ See *infra* “Livelihoods.”

⁷⁰ IHRC interviews #79, 80, and 81, in the Gambella region (Jan. 2006). One witness (Interview #80) said she thought the attempted rape took place in June 2005. Another witness (Interview #81) thought it took place in August 2005.

⁷¹ IHRC interviews #79 and 80, in the Gambella region (Jan. 2006).

⁷² IHRC interview #80, in the Gambella region (Jan. 2006).

⁷³ IHRC interview #37, in the Gambella region (Jan. 2006). Although women generally said that military leaders were not responsive to civilian complaints, town elders in Gok Dipatch said they had been able to persuade the leader of the military garrison nearby to address the problem in that town. See *infra* “ENDF Improvements”.

⁷⁴ IHRC interview #68, in the Gambella region (Jan. 2006).

⁷⁵ IHRC interview #36, in the Gambella region (Jan. 2006).

redress these crimes or to discipline ENDF soldiers who rape Anuak women has amplified the general feelings of helplessness and fear among all members of the Anuak population.

Beatings and Torture

My son Ojullo, 11 years old, was beaten and died three months ago. They beat him for nothing. They were asking for guns. When he told them he had no gun, they beat him.... He lived one and a half months after beating and then he died.⁷⁶
- Testimony from a 56-year-old man in Pochalla, January 2006

The IHRC documented at least 67 beatings of Anuak civilians carried out by ENDF personnel from December 2004 to January 2006. At least 21 of these beatings lasted for a prolonged period⁷⁷ or resulted in serious bodily injury or death.⁷⁸ The military continued to beat Anuak civilians in retaliation for rebel attacks, while other beatings, particularly those against Anuak community leaders, seemed designed to intimidate civilians or to extract information about rebel activities from them.

Many civilians told the IHRC that the military has invaded their homes to beat and sometimes also interrogate them. “The situation is not good,” a 27-year-old man living in Pinyudo said. “Sometimes at midnight they may come to you and wake you up. While you are sleeping, they enter the house. They ask you questions, beat you.”⁷⁹ In November 2005, for example, the military went to one man’s house in Pinyudo at 1 a.m., dragged him out of his house and started kicking and punching him. Interviewed some two months later, he said that his chest still hurt from the attack.⁸⁰ These violent intrusions into civilians’ homes have been particularly common in Abobo and Pinyudo – towns where the Anuak civilians both lived in close proximity to ENDF camps and are highly suspected of supporting rebel activities.

Soldiers often beat Anuak community leaders, such as town leaders, elders, teachers, and clinic workers. One town leader described being woken up and taken to the bush on the night of November 21, 2005: “We stayed all night and another day. After that, they brought me and left me at the clinic. I was beaten and had one rib broken. They took off my clothes

⁷⁶ IHRC interview #69, in the Gambella region (Jan. 2006).

⁷⁷ A prolonged period here means beatings that lasted at least one day.

⁷⁸ IHRC interviews #17, 18, 38, 39, 44, 50, 56, 57, 60, 61, 68, 69, 70, 77, 79, 80, and 81, in the Gambella region (Jan. 2006).

⁷⁹ IHRC interview #59, in the Gambella region (Jan. 2006).

⁸⁰ *Id.*

and burned them. I came to the village naked.”⁸¹ Another village elder said several ENDF soldiers dragged him to another town, interrogated him, and kicked and beat him all day until blood started streaming from his nose.⁸² In Pinyudo alone, witnesses recounted at least five separate incidents of Anuak teachers being beaten and threatened to the point where they fled town.⁸³ ENDF soldiers shot one of the five in the leg.⁸⁴ Targeting these community leaders has increased Anuak civilians’ sense of vulnerability. “The leader normally tells the soldiers to stop and not to beat us,” one man from Gok Dipatch told the IHRC. “But if he is not around the village then the soldiers will beat us because nobody can stop them.”⁸⁵ ENDF tactics that frighten or incapacitate village leaders and teachers – the only buffer against military abuse because of their local authority – have only magnified Anuaks’ fear and insecurity.⁸⁶

According to many Anuak civilians, some of the worst mass beatings have taken place when the military periodically has visited remote villages suspected of supporting Anuak rebel groups in search of information about the insurgents.⁸⁷ This has occurred throughout the region; even villages removed from the areas suspected of sheltering rebels have been susceptible to these impromptu attacks. “Last month [December 2005] they came and abused us badly,” a man from Gok Dipatch told the IHRC delegation in January 2006. “They said, ‘We have come to arrest the rebels, and if you don’t tell us who are rebels, we will beat you.’”⁸⁸ When the civilians replied that they did not know of any rebels, the military beat them anyway and then forcibly seized two people to carry the soldiers’ bullets. They kept the two prisoners for over a week.⁸⁹ Civilians in these villages said such visits have been common: soldiers have come every month or every other month, beaten civilians,

⁸¹ IHRC interview #70, in the Gambella region (Jan. 2006).

⁸² IHRC interview #50, in the Gambella region (Jan. 2006). He did not remember the specific date of the incident although he said it happened at some point in 2005.

⁸³ IHRC interviews #17 and 61, in the Gambella region (Jan. 2006).

⁸⁴ IHRC interview #17, in the Gambella region (Jan. 2006).

⁸⁵ IHRC interview #52, in the Gambella region (Jan. 2006).

⁸⁶ See, e.g., IHRC interview #50, in the Gambella region (Jan. 2006) (village leaders persuade local military garrison leader to discipline troops raping Anuak women), 78, in the Gambella region (Jan. 2006) (school headmaster convinces military to release Anuak student), 80, in the Gambella region (Jan. 2006) (“government leader” gets three 18-year-old boys released from military detention).

⁸⁷ These villages include four of those towns visited: Gok Dipatch, Opinya, Pochalla, and Tata.

⁸⁸ IHRC interview #51, in the Gambella region (Jan. 2006).

⁸⁹ *Id.*

interrogated them, and then left, sometimes taking civilians with them to military camps for further questioning.

Civilians in these villages said the military has also carried out mass beatings as reprisals for rebel activities elsewhere in the region. “If there is a problem with rebels it always triggers a military attack. Even if the issues happen very far away such as in Dimma or Abobo, the soldiers then come here and harass people,” one woman from the small town of Opinya said.⁹⁰ In retaliation for a rebel attack on the road to Gambella town, ENDF forces surrounded Opinya,⁹¹ herded the villagers into the central local court, and beat at least 15 of them:⁹² “It was very hot, we had no water and they were insulting people saying, ‘If you like we will do what happened in Gambella [town] again.’”⁹³ Another villager described his experience during the incident: “They went into my house and took my clothes, pangas [knives], belongings. They came with a car and put property in the car. They didn’t talk to us, but just beat us.”⁹⁴ Another witness said ENDF soldiers continued to beat members of the community on and off for three days.⁹⁵ Although no other communities reported a mass beating of this scale, civilians in Gok Dipatch and Pochalla also said ENDF patrols have generally visited their villages and abused them in retaliation for rebel attacks.⁹⁶

Any Anuak civilian (especially a man) found outside of town after dark has run a high risk of being beaten, which has instilled a sense of profound fear in the population. One woman described what happened to her nephew, a 20-year-old, when he met the military in the woods going from Abobo to a farm one evening in January 2006:

They caught him and beat him, then put him in prison. The soldiers said he was a rebel because they found him outside the village. They beat him continuously in prison, kicking him and beating him with a stick. He was beaten on his back with their guns. We think maybe there are injuries inside his body because he was vomiting blood.⁹⁷

⁹⁰ IHRC interview #35, in the Gambella region (Jan. 2006).

⁹¹ Sources varied as to when this attack happened. One witness said the attack took place in August 2005; another in December 2005; and a third said it took place in either December 2004 or January 2005. Cf IHRC interview #35, in the Gambella region (Jan. 2006), with IHRC interview #35, in the Gambella region (Jan. 2006) and IHRC interview #32, in the Gambella region (Jan. 2006).

⁹² IHRC interviews #31, 32, and 35, in the Gambella region (Jan. 2006).

⁹³ IHRC interview #35, in the Gambella region (Jan. 2006).

⁹⁴ IHRC interview #32, in the Gambella region (Jan. 2006).

⁹⁵ *Id.*

⁹⁶ See, e.g., IHRC interviews #50, 51, and 52, in the Gambella region (Jan. 2006).

⁹⁷ IHRC interview #80, in the Gambella region (Jan. 2006).

Another Pinyudo resident described how the military found a man cutting wood outside of Pinyudo in January 2006 and beat him so severely that he spent the following two days in a medical clinic.⁹⁸ “His body was bleeding and broken,” said a man who saw him when he came home. “But he didn’t go to the police. If you are beaten, there is no way to go to police because anyone beaten [is] considered a rebel.”⁹⁹ Many civilians, like the above Pinyudo resident, said they did not report beatings for fear of being thrown in jail or, worse, detained in notoriously abusive military camps.

Cruel and Inhumane Conditions of Detention

*Food was very little – stale dry bread, one per day.... Every morning and evening, I was beaten. They would take me outside of the prison at night and beat me – so it would be not be before people.... I still have health problems. Pain in chest, in my lower back. My left leg is not normal.*¹⁰⁰

- Testimony from an 18-year-old man from Abobo, January 2006

Between December 2004 and January 2006, ENDF forces continued to detain Anuak civilians arbitrarily. The IHRC documented 21 such cases across the 14 communities surveyed; the majority of those were held for several hours or several days before release.¹⁰¹ Others were imprisoned for months. Even those detained only briefly reported cruel and inhumane treatment by ENDF forces.

Soldiers have continued to track down and detain those suspected of aiding or having information about rebels. “They come and drag you from your house and ask who comes here,” one man from Abobo said. “If you say you live here, they beat you and take property from your house. Then sometimes they take you to jail.”¹⁰² Another man from Opinya said four ENDF soldiers came to his house early one morning and arrested him: “They said nothing but took everything in my house. They caught me and beat me and dragged me to their car. I stayed in their compound for one day. Then they took me to prison.”¹⁰³ ENDF soldiers have also arrested Anuak civilians in town and then have forced

⁹⁸ IHRC interview #53, in the Gambella region (Jan. 2006).

⁹⁹ *Id.*

¹⁰⁰ IHRC interview #56, in the Gambella region (Jan. 2006).

¹⁰¹ Twenty-four arrests or detentions were reported total, but three were based on hearsay and were not otherwise confirmable.

¹⁰² *Id.* See also IHRC interview #57, in the Gambella region (Jan. 2006) (school guard was taken out at night, detained, interrogated, and beaten).

¹⁰³ IHRC interview #33, in the Gambella region (Jan. 2006).

them to return to the soldiers' military camps or to isolated areas outside of town for further detention and questioning. In October 24, 2005, a group of ENDF soldiers and police officers interrogated seven Anuak men and one Anuak woman in Abobo.¹⁰⁴ Witnesses said the military captured the eight at different times and places around town, loaded them all into a car, and brought them to a dam outside of town, where they began beating the group with sticks and rifle butts.¹⁰⁵ After several hours of questioning and beating, the soldiers released seven but took one man to prison in Gambella on grounds of being a "friend of the rebels."¹⁰⁶

Those detained for long periods reported serious beatings, lack of food and water, and no access to judicial processes for weeks or even months. One 18-year-old man from Pinyudo said military and prison officials beat him continually over a nine-month period before allowing him to appear before a judge:

I was beaten seriously by the military.... It was a kind of torture. They took out socks, very dirty, and put them in my mouth so I could not cry.... Even now I'm not normal. My legs, chest, and back have pain... They used guns and sticks to beat me. They made me lie down and military soldiers jumped on my chest so that I may die.... Electric wires were connected to my body.¹⁰⁷

In October 2005, a judge found this man not guilty and the ENDF released him without any justification for the extensive detention and brutality he had endured.¹⁰⁸

Another man from Opinya – far from Pinyudo – was held for three months and reported similarly harsh conditions and a lack of access to judicial processes. "They never told me why I was in prison, but after three months the courts came to me and I was released," he said.¹⁰⁹ Those who were imprisoned described lengthy and brutal interrogation sessions, with ENDF soldiers trying to get information on rebel activities from them. "They kept asking if I knew about violence in Gambella, if I was a rebel. If I refused to tell them something, I was beaten again at night," the Pinyudo man who was held for nine months

¹⁰⁴ IHRC interview #82 and 19, in the Gambella region (Jan. 2006).

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ IHRC interview #56, in the Gambella region (Jan. 2006).

¹⁰⁸ One month after the judge cleared all charges and released him, ENDF soldiers met the same man again on the road. "They asked me why I was going to the village at that time [at 9 a.m.]. I told them I wanted to walk early in the morning when it was not hot, but they didn't believe me." They detained and questioned him for seven hours although this time they did not beat him. *Id.*

¹⁰⁹ IHRC interview #33, in the Gambella region (Jan. 2006).

said.¹¹⁰ Even if the military had legitimate reasons to question certain people, ENDF forces violated citizens' rights by abusing them during interrogation and holding them in inhumane conditions for days, weeks, or even months without legal counsel.

ENDF soldiers have frequently targeted Anuak leaders, teachers, and others in positions of authority for detention and brutal interrogation. One of the leaders in Gok Dipatch described being taken into Pinyudo every few months for questioning, usually being held for one or more days at a time.¹¹¹ During the IHRC's visit to the area in January 2006, ENDF forces visited the village of Chabo just outside of Abobo, interrogated the village leader, and then detained him. "They asked him, 'Who is always coming through the area? Why?' The chief said, 'No rebels are coming here,' but they brought the man to Abobo anyway," one witness said.¹¹² As of one week after the incident, no one had heard anything further about the Chabo leader. In July 2005, ten soldiers captured a teacher and a man working in the town clinic in Pinyudo: "They took us from where we were living to a far away place where we were beaten with sticks, guns, and kicked," the teacher said.¹¹³ The military accused the clinic worker of giving medical assistance to the rebels and demanded that he show them where the rebels lived. The soldiers then marched the two to the military compound, three hours away, where they told the teacher to dig his own grave. "They told me, 'Go and lay down in your grave.'" The EDF troops continued to interrogate the man and beat him for three hours more. The incident lasted from approximately 8:30 a.m. until sunset. Afterwards, the teacher was hospitalized for one month with broken ribs and other injuries.¹¹⁴

Many civilians told IHRC researchers that ENDF soldiers have routinely arrested and beaten people without reasonable grounds for suspicion, recalling the treatment the Anuak suffered following the Gambella massacre of December 2003. "They always do it for nothing. Because they consider all Anuak to be rebels, they catch anyone they want," said a man from Pinyudo whose brother was arrested.¹¹⁵ Another Abobo woman said three soldiers took her husband, a driver, from their home to prison in January 2005 because he

¹¹⁰ IHRC interview #56, in the Gambella region (Jan. 2006).

¹¹¹ IHRC interview #50, in the Gambella region (Jan. 2006).

¹¹² IHRC interview #78, in the Gambella region (Jan. 2006).

¹¹³ IHRC interview #61, in the Gambella region (Jan. 2006).

¹¹⁴ *Id.*

¹¹⁵ IHRC interview #67, in the Gambella region (Jan. 2006).

told them he was too sick to drive them.¹¹⁶ “When he said he was sick, he was considered to be someone who knew something about the rebels,” she said.¹¹⁷ “Before they took him to the prison in Gambella town, they went to the dam area and put a gun in his mouth so he would say something, but didn’t shoot him.”¹¹⁸ One year later, in January 2006, the man was still in prison.

Some of the charges seem transparently spurious. Exemplifying how ridiculous some of the pretexts for arrest are, in November 2005, ENDF troops arrested a man and a woman for listening to a mobile radio in Pinyudo.¹¹⁹ They later released the man because he was deaf and so could not have been listening to the radio; however, the woman remained in prison in Gambella town as of January 2006, charged with the murder of a man whom witnesses say the military killed.¹²⁰

Due to the many stories of civilians arrested and detained for seemingly harmless activities, civilians, especially young men, have tried to avoid any encounter with ENDF patrols; many said that since the December 2003 massacre on Gambella town, they have sought to avoid the forests or roads between towns and villages where the military patrol frequently caught and detained Anuaks.¹²¹ Not all of them are successful. In January 2006, a military patrol outside Abobo caught three young men carrying maize from Okuna to Abobo in the early morning hours and brought them to their military camp. One 50-year-old woman who helped treat the men after their release described the condition she found them in:

They were beaten all over their bodies. The military doesn’t use anything that makes people bleed though. They just use the [butt] of their guns so that no blood will show on the outside. The boys were constantly beaten in prison and kept in a very dark place.¹²²

¹¹⁶ IHRC interview #73, in the Gambella region (Jan. 2006).

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ IHRC interview #58, in the Gambella region (Jan. 2006).

¹²⁰ *Id.*

¹²¹ See also IHRC interviews #59, 60, 80, and 81, in the Gambella region (Jan. 2006) (suggesting young men are particularly likely to be abused if found outside of town).

¹²² IHRC interview #80, in the Gambella region (Jan. 2006).

An Anuak government leader persuaded military leaders to release the three innocent men after three days. ENDF soldiers never charged the men with any crime, or even provided a reason as to why they had been detained and beaten for several days.¹²³

Other Persecution and Harassment

The military said to the boys, "We want to eradicate all of you. We don't want any of you on the face of the earth."¹²⁴

- Testimony of a 50-year-old man in Abobo, January 2006

The ENDF's treatment of civilians has made life unbearable for all Anuaks living in the Gambella region, even for those who are not physically harmed. Soldiers have taunted Anuak civilians, forced them into demeaning behavior, stolen their property, and made death threats against individuals and towns.

Soldiers, the vast majority of whom are from other parts of Ethiopia and identify with Gambella's highlander population, have generally treated Anuaks with contempt and prejudice. "They treat us like rats, they don't want to leave one of us alive," one man from Tata said.¹²⁵ On a visit to Pochalla, the military surrounded the village at night. "Whenever they found anyone coming out, they were forced back inside and forced to urinate [inside their tukul, or grass hut]."¹²⁶ Civilians said soldiers have harassed and threatened civilians on their periodic visits to the more remote villages suspected of rebel activity (Gok Dipatch, Opinya, Pinyudo, and Tata). Soldiers have frequently rounded up civilians, taunting them and calling them monkeys or threatening to abuse them.¹²⁷

ENDF soldiers and military leaders have also threatened civilians more seriously, promising more killings and mass atrocities in the future. In late 2005, the military summoned several village elders to Pinyudo, telling them of plans to "kill everyone and

¹²³ Some of those arrested by ENDF patrols never returned, with their whereabouts still unknown to their families. One man said that while he was in prison, the soldiers often took people outside of the prison at night to be interrogated, some of them never to return. "Once at night they took five people to be investigated. Three disappeared." IHRC interview #57, in the Gambella region (Jan. 2006).

¹²⁴ IHRC interview #80, in the Gambella region (Jan. 2006).

¹²⁵ IHRC interview #75, in the Gambella region (Jan. 2006).

¹²⁶ IHRC interview #68, in the Gambella region (Jan. 2006).

¹²⁷ IHRC interviews #50, 71, and 72, in the Gambella region (Jan. 2006).

destroy everything in Pochalla, Gok Dipatch, and Jayaba,” said one of the elders.¹²⁸ Speaking about the meeting, he continued:

When we got to Pinyudo, they said, “What are we going to do with you? Are your sons not rebels? You feed these rebels and you help them. If we find them in your village, if we find that you are still helping them, we will kill you. We will kill you, all your trees, everything that is living in your villages.” We know there is nothing we can do to stop them from thinking that we are helping the rebels so we think they will at some time come to our village and kill us.¹²⁹

During the January 2006 mass beating in Opinya, described above, the soldiers threatened civilians by saying, “The killing in Gambella [town] was not enough – if you want more we’ll do a very serious one, the last one, this time.”¹³⁰

In addition to harassing civilians, soldiers have needlessly destroyed civilian property. In June 2005, ENDF soldiers stole 47 cattle from Opinya. Villagers in Illea complained that soldiers often waited by the river to break or steal the containers women use to gather water.¹³¹ In January 2006, the military caught a boy on the road. The boy said he was a student taking goods to Abobo to sell them, but the military continued to accuse him of being a rebel.¹³² “They said, ‘Stop talking. If you talk you’d better open your mouth so we can shoot you in the mouth.’... The headmaster went to them and said, ‘This is my student.’ They left the boy but [in retaliation] burned his house.”¹³³

ENDF forces have also displayed cruelty in dealing with relatives of victims. After shooting a 10-year-old student named Okot on the outskirts of Illea during the rainy season of 2005, several soldiers brought his body back to the village but initially refused to let his family bury the body. A man who was at the scene when the soldiers came by said:

They brought the boy before the village and said, “No one can bury this boy and if anybody does, we will hurt them.” Finally the soldiers allowed one old man to bury him but said, “Don’t cry. This boy was not shot. He was killed by a stick.” But we could see the two bullet holes in his upper back and neck.¹³⁴

¹²⁸ IHRC interview #50, in the Gambella region (Jan. 2006). Jayaba is a village immediately adjacent to Gok Jinjor.

¹²⁹ *Id.*

¹³⁰ IHRC interview #35, in the Gambella region (Jan. 2006).

¹³¹ IHRC interviews #42, 43, and 47, in the Gambella region (Jan. 2006).

¹³² IHRC interview #78, in the Gambella region (Jan. 2006).

¹³³ *Id.*

¹³⁴ IHRC interview #44A, in the Gambella region (Jan. 2006).

Okot's family was fortunate even to have his body returned. In at least two instances, ENDF soldiers shot civilians and then left the bodies; families only knew where to find them because they saw birds circling the sky above the dead bodies.¹³⁵

Improvements in the Conduct of ENDF Forces

Although ENDF forces have continued the pattern of IHL violations and human rights abuses in all of the towns and villages visited by the IHRC, ENDF soldiers' treatment of Anuak civilians has improved marginally in at least three towns. According to civilians and NGO workers in the region, the military has been taking a less repressive approach in communities and villages no longer considered to be directly supporting rebel activities – namely Gambella town, Illea, and Itang. In these three towns, collectively, civilians reported seven deaths, two instances of non-lethal shootings, four instances of beating, including two instances of severe beatings or torture, two detentions or imprisonments, and five rapes or attempted rapes (all in Illea).¹³⁶ While this level of abuse is still unacceptable, the level of violence has been lower than it had been in the past and much lower than in other towns in the region, where the ongoing, widespread abuses have gone on unabated. It appears the military has taken steps – such as rotating troops, ordering troops not to commit abuses, and removing certain bases – to decrease the violations in certain towns.

Two NGO workers suggested that after the first international press reports of the 2003 massacre and subsequent human rights abuses, the Ethiopian government reprimanded ENDF military leaders for their violent tactics.¹³⁷ Military concerns with image maintenance may partially explain the reduced violence in Gambella town, Illea, and Itang. Throughout a 2005 raid on Gambella town, ENDF troops stationed in the capital did not intervene. “The military did nothing. It was just a fight between the police and the *shiftas* [groups of armed Anuaks],” a witness to the attack said.¹³⁸ An international NGO worker attributed this passivity to the following: “The army is concerned with image maintenance. It cannot risk

¹³⁵ See, e.g., IHRC interviews #20, 50, 56, and 68, in the Gambella region (Jan. 2006).

¹³⁶ In Gambella town, two men were arrested traveling between Pinyudo and Gambella town, and two were shot at; one of the latter two later died from his wounds. IHRC interviews #18 and 19, in the Gambella region (Jan. 2006). In Itang, ENDF forces killed three civilians. IHRC interviews #26, 28, and 29, in the Gambella region (Jan. 2006). In Illea, there were three deaths; one non-lethal shooting; three beatings, two of which were severe, prolonged or constituted torture; three rapes; and two attempted rapes. IHRC interviews #36-48, in the Gambella region (Jan. 2006).

¹³⁷ IHRC interview #85A, in the Gambella region (Jan. 2006).

¹³⁸ IHRC interview #83, in the Gambella region (Jan. 2006).

another implication of involvement in something like the Gambella massacre.”¹³⁹ Another researcher suggested that ENDF leaders’ attempts to crack down on violence in some areas may also be a military tactic to reduce widespread Anuak civilian support for the rebel cause by not abusing Anuak civilians at large.¹⁴⁰

Regardless of the military leadership’s motivation, Anuak civilians in Gambella town, Illea, and Itang noted a change in treatment with new troop regiments replacing those accused of abuses, and behaving “better” than the previous ones.¹⁴¹ “Three months ago we got a new bunch of soldiers. The new soldiers are better than the old ones,” one man from Illea said.¹⁴² Civilians in Itang also said the military troops treated the civilians with more respect in 2005. “Nothing happened since [2004],” one older man said, “The military are now just staying in their barracks and they are doing nothing bad to us. They don’t even go out for investigations anymore.”¹⁴³ While no civilians in Gambella town directly commented on the rotations of new troops, the low incidence of abuse – two arrests, one shooting, and one death – suggest ENDF command improvements in that town as well.¹⁴⁴

Most of the improvements occurred in these towns; however, some improvements in treatment occurred in other towns and villages as well. Military camp relocations may have improved the situation slightly for those in the smaller towns clustered around Abobo and Pinyudo. Disbanding the semi-permanent military encampments that were sent to Gok Dipatch, Opinya, and Tata shortly after the Gambella massacre meant that soldiers had less contact with civilians and thus fewer opportunities to abuse them. Anuak leaders in Gok Dipatch said the military leader responded to their request that he stop his troops from raping Anuak women. Between approximately September 2004 and August 2005, ENDF soldiers raped at least five women in Gok Dipatch. “At that point, we went to the head of the soldiers and complained,” one of the town elders said. “We told him that he should stop his soldiers from raping because they were fighting over the women and they would eventually kill each other. He accepted this reasoning and made them stop. If we had just

¹³⁹ IHRC interview #85, in the Gambella region (Jan. 2006).

¹⁴⁰ *Id.*

¹⁴¹ See also IHRC interviews #29, 38, 41, 46, and 49, in the Gambella region (Jan. 2006).

¹⁴² IHRC interview #43, in the Gambella region (Jan. 2006).

¹⁴³ IHRC interview #23A, in the Gambella region (Jan. 2006). See also IHRC interviews #28A and 29, in the Gambella region (Jan. 2006). One witness said that the only ones who have been making a problem in Itang are “those who drink wine” and abuse people when drunk. IHRC interview #29, in the Gambella region (Jan. 2006).

¹⁴⁴ IHRC interviews #17 and 18, in the Gambella region (Jan. 2006).

said that he should stop them because raping women is wrong, he would not have listened.”¹⁴⁵ Although the IHRC was not able to interview any women in Gok Dipatch, those men interviewed did not report any rapes after August 2005.

Civilians in Illea also said the military leadership has gotten better at addressing the problem of rape. In the first half of 2005, five rapes were reported in Illea.¹⁴⁶ After the new military rotation arrived halfway through the year, no more rapes were reported in Illea. “The new military leader came to us and said to all the women, ‘You can go to the forest [where many past rapes had occurred] and nothing will happen to you,’” one man from Illea said.¹⁴⁷ Even after this warning, however, soldiers continued to harass women going to fetch water, often throwing away their water bins or pans when they came to the river.¹⁴⁸ Several women said that though there had been no rapes in the months prior to the IHRC’s visit, they have still worried that soldiers will begin raping women again in the future.¹⁴⁹

Despite improvements, civilians in those towns where conditions have improved have still been haunted by a climate of fear. “Nothing bad has happened lately but we are still afraid of them because we know they killed us in past years and beat us. If we go to the forest maybe they will beat us or kill us again,” one man from Illea said.¹⁵⁰ A man from Itang echoed similar fears:

They haven’t killed anyone recently. Still because of the general security problem, we are afraid whenever we see soldiers. In our imagination, they may kill some people, beat some people.... Something will happen again. Only God knows.¹⁵¹

Civilians said the rumors of abuses in other communities in the region only make them more afraid. Even though they reported fewer beatings, detentions, or extrajudicial killings than in other towns and villages, civilians in Gambella town, Illea, and Itang still said they are afraid to move at night. Such testimonies indicate that even if violence has been reduced, life is far from normal in these towns.

¹⁴⁵ IRC interview #50, in the Gambella region (Jan. 2006).

¹⁴⁶ IHRC interviews #20, 36, 37, 44, and 48, in the Gambella region (Jan. 2006).

¹⁴⁷ IHRC interview #44A, in the Gambella region (Jan. 2006). Not all women felt reassured by this, however, and many others the IHRC interviewed in Illea said they were afraid to go fetch water or go to the woods. See, e.g., IHRC interviews #42 and 43, in the Gambella region (Jan. 2006).

¹⁴⁸ IHRC interview #40, 42, 43, 47, and 48, in the Gambella region (Jan. 2006).

¹⁴⁹ IHRC interview #42, in the Gambella region (Jan. 2006).

¹⁵⁰ IHRC interview #46, in the Gambella region (Jan. 2006).

¹⁵¹ IHRC interview #27, in the Gambella region (Jan. 2006).

Conclusion

While the situation had improved in some areas, ENDF abuse of Anuak civilians was still rampant in the period from December 2004 to January 2006. According to IHRC research, the abuses Human Rights Watch documented in 2004 – killings, rape, torture, beating, harassment – continued. Anuak civilians going about their daily activities still risked being shot, raped, beaten, tortured, or harassed. ENDF patrols remained particularly brutal toward young Anuak men and community leaders. Because of frequent ENDF attacks on the outskirts of town, civilians were afraid to go to their farms, to collect wood from the forest, to travel to and from school, or to gather water from the river or watering pump. Even in the towns and villages where conditions had improved, civilians constantly feared that ENDF soldiers would return to the large-scale attacks of the past.

The sense of dread within the Anuak civilian community cannot be emphasized enough. Even a single random encounter with the military can be enough to convince a town that members of the community should no longer travel in the region. It is the climate of fear, as much as the actual abuse, that characterizes life in the region.

The spread of the abuses, with extrajudicial killings found from Abobo to Pinyudo to Gok Jinjor, illustrates that these are not isolated instances of maltreatment, but are part of the overall culture of impunity pervasive in the region since the December 2003 attacks. More disturbing, some signs during the IHRC's visit, and follow-up reports from those still in the region, suggest the violence may get worse in the near future. As the rebel groups did not show any signs of retreating, ENDF forces will likely be a presence in the region for some time to come.

ABUSES BY ANUAK INSURGENTS

*They kill women, men, children, anybody they want to.... They want to kill every highlander.... They have taken our money, our property, everything. We are still waiting for them to come again to kill us and to burn us again.*¹⁵²

- Testimony by a young highlander man in Village 13, January 2006

Although the majority of the gross human rights abuses in the Gambella have been perpetrated against Anuak civilians, groups of armed Anuak have committed atrocities against highlander communities as well. Armed groups, primarily composed of Anuaks, have killed and maimed highlander civilians, including women and children, burned homes, and stolen cattle and other civilian property. *Targeting the Anuak* first documented a series of rebel attacks on highlander targets since early 2004, resulting in the deaths of at least 100 highlander civilians.¹⁵³ During its January 2006 visit, the IHRC documented in detail scores of highlander deaths from these and more recent attacks, as well as other incidents of property destruction and harassment.

Attacks on Highlander Civilians Since 2004

Targeting the Anuak discussed highlander deaths in late 2003 to 2004 due to rebel attacks on the main roads, on Village 13¹⁵⁴ near Abobo and in the area around Dimma.¹⁵⁵ The IHRC's January 2006 visit uncovered additional information on Anuak atrocities during this period. Between March and October 2004, armed Anuaks attacked a number of highlander villages along the road between Gambella and Abobo, killing at least 35 people. They shot villagers, slit their throats, or burned them alive in their huts; in several cases, they chopped off their victims' arms and once gouged a man's eyes out.¹⁵⁶

¹⁵² IHRC interview #5, in the Gambella region (Jan. 2006).

¹⁵³ TARGETING THE ANUAK, *supra* note 3, at 44-47.

¹⁵⁴ "Abobo and most of the villages in the surrounding area came into existence as part of the Derg's resettlement program in the 1980s. Thousands of settlers from other regions of Ethiopia were made to settle near large state farms that were established in the area. The resettled highlanders were dropped off in newly created villages that were identified only by numbers. Most people in Gambella continue to use those numbers to identify the villages." TARGETING THE ANUAK, *supra* note 3, at 46, fn 163.

¹⁵⁵ See "Abuses Committed by Armed Anuak Groups in Late 2003 and 2004" section of TARGETING THE ANUAK, *supra* note 3.

¹⁵⁶ IHRC interviews #2, 3, 4, and 5, in the Gambella region (Jan. 2006).

An eyewitness described the atrocities committed during one such attack on Village 13 in March 2004 in the following terms:

The attackers came from two directions. One group made up of Anuak farmers came on foot from the bush. The other group made of Anuak and *wereda* [district] police in uniforms came from the opposite direction, from the road, in cars.... A few people were able to run to the bush in time. Everyone else was gathered up into the center [of the village] with the cattle. Then they [started to] kill whomever they liked, take whatever they liked. They killed women, men, children, anybody they wanted to. They put children into huts and set them on fire. One was two years old, one was eight, and one was twelve. They also put one mother and her child in a hut and burned it. They also chopped the arms off of three people and cut out one man's eyes with a knife.¹⁵⁷

In a separate incident near Village 7 in February 2004, a group of around 60 armed Anuaks beheaded five highlander shepherds in broad daylight.¹⁵⁸ The sole survivor, whose head injuries were still clearly visible when he was interviewed by the IHRC, recounted his experience:

We were six. The *shiftas* caught me first. I was carrying wood for my house. They ordered me to sit down and take off all my clothes and shoes. After that they tied our hands and legs with rope and dragged us behind them into the forest. There they took the other five and cut their heads off. They cut the right and left side of my head and I fainted so they left me. Soldiers found me and brought me back. Now I cannot do anything I could do before. I cannot help my mother and my wife survive.¹⁵⁹

Despite reports of the incident to the government, there had been no response as of January 2006.¹⁶⁰

In October 2004, armed Anuaks shot dead three highlander teachers in Tata village.¹⁶¹ "There are many problems for the highlanders with the natives," a young man who witnessed the attack said. "It is very dangerous for us."¹⁶²

The armed Anuaks' concurrent theft and destruction of property in these villages further aggravated the consequences of the attacks. After villagers fled a December 2004

¹⁵⁷ IHRC interview #5, in the Gambella region (Jan. 2006).

¹⁵⁸ IHRC interviews #15 and 16, in the Gambella region (Jan. 2006).

¹⁵⁹ IHRC interview #16, in the Gambella region (Jan. 2006).

¹⁶⁰ IHRC interview #15, in the Gambella region (Jan. 2006).

¹⁶¹ IHRC interviews #63 and 85, in the Gambella region (Jan. 2006).

¹⁶² IHRC interview #63, in the Gambella region (Jan. 2006).

attack on Village 8, those that returned found their homes burnt, their cattle killed or looted, and almost all of their other property missing.¹⁶³ Similarly, during the attack on Village 13, “the *shiftas* took what cattle they wanted and burned other cattle. They stole all the clothing, food and other property they wanted from the houses.”¹⁶⁴ After the attack on the shepherds from Village 7, the attackers stole the villagers’ cattle and disappeared into the bush. “Our cattle, meals, products, farming tools are all gone.... I don’t know how we can just farm and survive,” one survivor from Village 7 said.¹⁶⁵

Anuaks threatened highlanders with further attacks if they did not leave the region, perpetuating a climate of fear long after the attacks had ended. “We don’t want to see you here. The village is ours. Go away to your place,” an old man recalled the Anuaks shouting during a raid on Village 8.¹⁶⁶ A witness to the March 2004 attack on Village 13 spoke of similar experiences: “They want to kill every highlander. They told us ‘This is our place, our region, and we don’t want you here. Everything you have here will be ours because you will leave it for us. You will see what will happen.’”¹⁶⁷ Attackers have also left behind or sent letters warning highlander villagers of further attacks if they did not leave the area.¹⁶⁸ In one incident, rebels abducted two young girls from Village 13, threatening to kill them if the villagers did not leave within a month.¹⁶⁹ The villagers, who remained, were still unaware of the fate of the two girls in January 2006.

A man from Village 8 said that after several incidents of rebel violence against the village, “most of our families fled to Gambella [town] or to different areas. They have not come back yet because they are in danger. They are afraid to go to work.”¹⁷⁰ “We are all afraid of [the armed Anuaks],” he added, “we don’t know when they’ll come and most of the time we can’t sleep.”¹⁷¹ As long as insecurity remains at its current level, a return to normal life seems impossible for Gambella’s civilian highlander population.

¹⁶³ IHRC interview #7, in the Gambella region (Jan. 2006).

¹⁶⁴ IHRC interview #5, in the Gambella region (Jan. 2006).

¹⁶⁵ IHRC interview #15, in the Gambella region (Jan. 2006).

¹⁶⁶ IHRC interview #7, in the Gambella region (Jan. 2006).

¹⁶⁷ IHRC interview #5, in the Gambella region (Jan. 2006).

¹⁶⁸ IHRC interview #6, in the Gambella region (Jan. 2006).

¹⁶⁹ IHRC interview #7, in the Gambella region (Jan. 2006).

¹⁷⁰ IHRC interview #6, in the Gambella region (Jan. 2006).

¹⁷¹ *Id.*

Shifting Nature of Rebel Attacks – Toward Conventional Armed Conflict

While many highlanders said they were afraid of future rebel violence, during the IHRC's January 2006 visit, civilians reported only one rebel attack on a highlander civilian population in the previous year. Tactics once designed to scare highlander civilians from the region now are focused on threatening or directly assaulting Ethiopian government officials and ENDF forces. The military has responded by building up troops and equipment in the region and organizing cross border raids into the rebels' base camps in Sudan. Evidence of a much larger and more organized rebel movement and of greater rebel cooperation with other groups in the region further suggest that the long-standing tensions in the region have been moving the direction of a conventional armed conflict.

Reduced Attacks on Highlander Populations

The nature and frequency of Anuak rebel attacks changed in 2005, with rebels showing greater restraint toward highlander civilians. Rebels have seemed to have limited their tactic of trying to scare highlanders away from the region through sporadic attacks on and threats to highlander civilian communities. "Rebels won't attack highlanders now, only representatives of authority," one aid worker in the region said.¹⁷² Civilians in the villages along the road to Abobo, where there had been repeated rebel attacks during 2004, reported no new attacks in 2005, although they said they were still afraid because of rumors and threats of future attacks.¹⁷³

Rather than attacking highlander civilian populations or engaging in random banditry, the rebels have seemed more focused on weakening the strength of government and ENDF forces in the region. Both highlander and Anuak witnesses said the rebels now primarily target the Ethiopian military, highlander federal government officials, and some Anuak regional officials or civilians believed to be collaborators.¹⁷⁴ For instance, rebels killed two Anuaks in Pinyudo in November 2005. "They don't like informants of the government," a witness said.¹⁷⁵ While as of January 2006 rebels had not attacked any foreigners, the Ethiopian government's close link to expatriate-staffed oil exploration

¹⁷² IHRC interview #25, in the Gambella region (Jan. 2006).

¹⁷³ IHRC interviews #5, 6, and 7, in the Gambella region (Jan. 2006).

¹⁷⁴ IHRC interviews #1 and 64, in the Gambella region (Jan. 2006).

¹⁷⁵ IHRC interview #67, in the Gambella region (Jan. 2006).

projects in the Gambella region led to a rebel announcement that they will target foreign oil workers.¹⁷⁶

The most prominent examples of rebels targeting local police were the two large-scale raids on police stations in Gambella and Abobo in October and November 2005. In their most high profile operation as of July 2006, rebel forces launched a large-scale attack on Gambella town's police station on October 30, 2005.¹⁷⁷ In an overnight raid, some 200 to 300 armed rebels seized control of the entire town for several hours. First, the group attacked the police station and killed the police commissioner and four to six officers, wounding several others in the process.¹⁷⁸ After stealing the guns stored at the station, fighters moved on to the local prison and released a number of prisoners, many of whom left town with the rebels.

The attack on the Gambella police station resulted in six civilian deaths, but these seem to have been accidental rather than intended.¹⁷⁹ A young man from Gambella said that "they didn't really want to hurt civilians. They just wanted to get their people out of jail and civilians just accidentally got in the way."¹⁸⁰ The rebels had complete control over Gambella town for a number of hours, with ample time to attack highlander civilians as well as the police officials if they wished.¹⁸¹

In a similar, if smaller, attack on November 5, 2005, armed rebel groups attacked the Abobo police station in the middle of the night. They killed at least six people, including at least four civilians and a policeman in uniform. A witness recalled: "At that time, the situation was bad. In the morning time I saw people had died."¹⁸² Another witness said that "people were killed and burned."¹⁸³ Victims included a highlander man called Lulu who, along with his wife and child, rebels burned alive in their home.¹⁸⁴ A few weeks before the incident, Lulu, a minibus driver, had killed an Anuak child in an accident, suggesting the

¹⁷⁶ IHRC interviews #1 and 85, in the Gambella region (Jan. 2006).

¹⁷⁷ *Police Die in Ethiopia Jail Raid*, BBC, (Oct. 31, 2005), available at <http://news.bbc.co.uk/1/hi/world/africa/4392856.stm> (last visited Apr. 20, 2006).

¹⁷⁸ IHRC interviews #83, 85, and 86, in the Gambella region (Jan. 2006).

¹⁷⁹ IHRC interview #83, in the Gambella region (Jan. 2006).

¹⁸⁰ *Id.*

¹⁸¹ Instead of engaging in further violence, once the rebels had secured the town, they reportedly "had drinks like beer and soft drinks and burst into crazy dances in the street," according to one local highlander official. IHRC interview #86, in the Gambella region (Jan. 2006).

¹⁸² IHRC interview #77, in the Gambella region (Jan. 2006).

¹⁸³ IHRC interview #7, in the Gambella region (Jan. 2006).

¹⁸⁴ IHRC interviews #1, 6, 21, 22, 49, 77, 78, and 86, in the Gambella region (Jan. 2006).

attack might have been revenge motivated rather than an indiscriminate attack on highlander civilians.¹⁸⁵

Two 2006 attacks show, however, that rebels have not renounced violence against civilians. The IHRC received several reports of Anuak rebels committing a large-scale massacre of highlander civilians in the highlander village of Sheba in January 2006. They killed between 50 and 60 men, women, and children. The attackers slit the throats or chopped off the arms of several, sliced off the breasts of one woman, and, reportedly, disemboweled a pregnant woman.¹⁸⁶ Sheba is along the oil pipeline, on a road that the military-backed Petronas oil company took control of for continued oil exploration. Sources said violence along this road, including the Sheba attack, was the rebels' response to these new oil explorations.¹⁸⁷ In June 2006, sources in the region reported a rebel attack on a civilian bus traveling from Addis Ababa to Gambella town that resulted in an estimated 14 Anuak civilian deaths.¹⁸⁸

Military Build-up and Direct Rebel-ENDF Conflict

For its part, the government has seemed to take the new rebel tactics seriously – responding with a level of troop build-up and military offensives more indicative of a conventional military campaign than of a response to internal dissidents or bandits. Combat engagements between government troops and local armed groups have increasingly resembled a conventional armed conflict rather than the previous isolated surprise attacks and raids.

Sources reported a significant troop build-up in 2005, especially in the areas thought to be rebel strongholds and along oil exploration routes.¹⁸⁹ ENDF and rebel forces have also begun to face off in prolonged and intensive military engagements suggestive of a more traditional armed conflict. When the IHRC was in Gambella, rebel and ENDF forces

¹⁸⁵ IHRC interview #86, in the Gambella region (Jan. 2006).

¹⁸⁶ IHRC interviews #84, 85, 86, and 88, Gambella region, January and April 2006.

¹⁸⁷ IHRC interviews # 84 and 85, in the Gambella region (Jan. 2006).

¹⁸⁸ *Anuak Rebels Suspected of Killing 14 in Bus Attack in Ethiopia's Gambella*, Agence France-Press, June 13, 2006, available at <http://www.metimes.com/articles/normal.php?StoryID=20060612-084715-7412r> and http://www.irinnews.org/report.asp?ReportID=53894&SelectRegion=Horn_of_Africa&SelectCountry=ETHIOPIA (last visited June 26, 2006); Press Release, Anuak Justice Council, "Local Testimonies of Bus Ambush on June 11 near Gambella, Ethiopia," June 15, 2006, available at <http://www.anuakjustice.org/060615AmbushOfBusNearGambellaEthiopia.htm> (last visited June 26, 2006).

¹⁸⁹ IHRC interviews #1, 25, 49, 83, 84, and 85, in the Gambella region (Jan. 2006).

engaged in heavy fighting in the area northwest of Illea and Itang – the site of the exploration of a newly discovered oil field. Military transport and gunship helicopters regularly flew to and from the affected area, and troop carriers could be seen heading in the same direction. There were also numerous reports of the arrival of reinforcement troops, military four-engine Antonovs, helicopter gunships, and heavy artillery pieces.¹⁹⁰ Aid workers based in the vicinity confirmed reports of several dead and wounded soldiers.¹⁹¹

Beyond direct military confrontations, sources said ENDF forces have made more extensive efforts to track down rebel groups. One witness suggested that ENDF forces have been more active in seeking out and paying informants on rebel movements and activities since 2005.¹⁹² ENDF forces have also reportedly been cooperating with the Sudanese People's Liberation Army (SPLA) to flush out rebel strongholds across the border. An SPLA official wishing to remain anonymous confirmed reports of at least one joint military maneuver and of a joint cross-border offensive against Anuak Gambella People's Liberation Front (GPLF) and Oromo Liberation Front (OLF) rebels on January 9, 2006.¹⁹³ One local Anuak group reported that at least 11 civilians were killed, and several others arrested when ENDF forces began moving on Anuak villages near the Sudanese border.¹⁹⁴ On April 11, 2006, ENDF forces, in cooperation with the SPLA, entered southern Sudan, allegedly to pursue Anuak rebels hiding in the refugee camp in Pochalla, Sudan.¹⁹⁵

Increased Organization of Rebel Forces

The size and level of organization required to carry out the Abobo and Gambella police raids and to confront military build-up in the region indicates that the military capacity of the rebel group has increased significantly. The limited number of civilian deaths and rebel banditry suggests greater control and discipline within the rebel force than in past years. These developments, together with evidence that the rebels are carrying out attacks with other dissident groups, signal that the rebels are no longer disparate groups of bandits.

¹⁹⁰ IHRC interviews #1, 25, 49, 83, 84, and 85, in the Gambella region (Jan. 2006).

¹⁹¹ IHRC interview #25, in the Gambella region (Jan. 2006).

¹⁹² IHRC interview #1, in the Gambella region (Jan. 2006).

¹⁹³ Telephone interview with an anonymous SPLA source, February 2006.

¹⁹⁴ Anuak Justice Council, Anuaks Suffer, *supra* note 8.

¹⁹⁵ See Anuak Justice Council, Anuaks Suffer, *supra* note 8; Institute for the Study of Genocide, "Ethiopian Army Moving Against Anuak in Southern Sudan," Apr. 14, 2006, <http://www.isg-iags.org/actionalerts/20060414a.html> (last visited June 21, 2006).

They seem to be fast developing into an organized and cohesive military force capable of fully engaging in a conventional armed conflict with the Ethiopian government.

The size and organization of the rebel forces is not known, although their ability to confront extensive ENDF operations and to carry out attacks such as the Gambella police raid suggests that both are significant. Based on the number of rebel fighters who participated in the Gambella police raid, the rebel group can draw on at least 200 to 300 persons.¹⁹⁶ An aid worker stationed in the region estimated the number of rebels to be at least 500.¹⁹⁷ One expert who has studied the conflict extensively said the numbers are much higher than that, although many of those fighters may come from other dissident groups. According to this expert, “The rebels have been consolidating their forces. There [are] now some very strong rebel camps, encompassing multiple groups, inside the Ethiopian borders. It is no longer just a few rebels hiding in the bush and in Sudanese refugee camps.”¹⁹⁸ These numbers are only best estimates. Hard evidence on the numbers and organization of the rebels was unavailable.

The behavior of the rebels since 2005 also has suggested a stronger and more disciplined rebel movement than in the past. If the rebels have been disparate groups of bandits motivated by theft and ethnic tensions, it is difficult to explain the abrupt halt in attacks on highlander communities and property in 2005. A more likely explanation is that some level of central control and discipline has restrained individual Anuak rebels from attacking highlander civilians or destroying their property. The behavior of the rebel fighters in the Gambella police raid has further suggested a level of control and discipline within the rebel group. As discussed above, the October attack on the Gambella police station resulted in the remarkably limited number of only six, seemingly incidental, civilian deaths.¹⁹⁹ Despite the fact that the rebels had full control of the town for several hours, individual rebel fighters did not take the opportunity to abuse highlander civilians or destroy or steal highlander property.

Sources in the region attributed the increasing military capacity of the rebel forces in part to greater cooperation between the Anuaks and other dissident groups in the region. Witnesses to the Gambella police station raid reported a mixed ethnic group of Anuaks,

¹⁹⁶ IHRC interviews #83, 85, and 86, in the Gambella region (Jan. 2006).

¹⁹⁷ IHRC interview #1, in the Gambella region (Jan. 2006).

¹⁹⁸ IHRC interview #85, in the Gambella region (Jan. 2006).

¹⁹⁹ IHRC interview #83, in the Gambella region (Jan. 2006).

Nuers, and possibly even highlanders.²⁰⁰ Reports of the mixed ethnic composition of the rebels involved in the Gambella police station raid, along with the relatively sophisticated execution of attack, have also led many other observers to believe that Anuak rebels worked in tandem with other groups. “They must have benefited from external assistance because usually the rebels display a complete lack of command and control,” an international aid worker based in Gambella said.²⁰¹

Some witnesses said the mixed ethnicity of rebel attackers was one sign that the nature of the conflict had changed in the year prior to the IHRC’s 2006 visit. One local suggested that the police raid was intended as a political statement and that the Anuaks were likely joined by Nuers and highlanders who were unhappy with the outcome of elections.²⁰² Another aid worker in the region agreed that rebel activities and the composition of their forces got less ethnic and more political in 2005 and 2006.²⁰³

The IHRC was not able to interview any members of the rebel forces to confirm any information on the size, capabilities, or intentions of their group. The size of the Gambella police raid operation and the behavior and composition of those rebel fighters involved, however, has been a marked change from past rebel activities. At least some build-up or increased cohesion within the rebel forces has likely been responsible for this change.

Conclusion

While the number of attacks on highlander civilians has declined since the end of 2004, rebel attacks on highlander civilians and government targets have continued to threaten their security. “I hear they attacked Abobo recently. Maybe they will come back for us again,” one highlander from Village 8 said.²⁰⁴ Even more troubling for both highlander and Anuak civilians in the region, the increasing strength and organization of the rebel forces may escalate tensions in the region to the level of a more traditional and prolonged armed conflict.

²⁰⁰ IHRC interviews #83 and 86, in the Gambella region (Jan. 2006).

²⁰¹ IHRC interview #1, in the Gambella region (Jan. 2006).

²⁰² IHRC interview #83, in the Gambella region (Jan. 2006).

²⁰³ IHRC interview #25, in the Gambella region (Jan. 2006).

²⁰⁴ IHRC interview #7, in the Gambella region (Jan. 2006).

LIVELIHOODS

For civilians in the Gambella region, one of the most tangible effects of the past three years of violence has been a sense of unremitting fear. Villagers have viewed the once-routine daily activities that formed the backbone of everyday life – fetching water, grazing cattle, collecting wood – with trepidation and dread. Memories of the 2003 massacre and more recent attacks have instilled in communities a level of fear so high that villagers are unable to complete basic livelihood tasks. As a result, farms have been untended and families unfed, and living conditions in Gambella’s villages have deteriorated. This general atmosphere has undermined the sustainability of both communities; the Anuak and the highlanders have both remained plagued by separate but equally urgent livelihood concerns.

Anuak Villages

General Mobility

For the Anuak, fear of attacks by ENDF soldiers has pervaded the region. “We are afraid in different ways,” a young man living in Pinyudo said. “Some are afraid to go to school, some are afraid of meeting the military, some have missed their work.”²⁰⁵ Young men have been particularly vulnerable to attack, and thus fearful of moving throughout the region. The streets of towns like Pinyudo have remained deserted at night as families stay at home to avoid meeting potential attackers. Anuak civilians have been even more fearful of venturing alone into remote forest areas or farms.²⁰⁶ This fear has had severe implications for the population of Anuaks economically dependent on subsistence farming. ENDF patrols of forests and roads outside of town, designed theoretically to contain rebel movements, have limited civilians’ ability to work their farms or enter the forest.

Water Shortages

Perhaps the most significant threat to the Anuak’s livelihood has come from the inability to get fresh water. The task of gathering water largely falls to the women and girls, who must carry jerry cans to the village taps, fill them, and return home every day. Taps have frequently been guarded by soldiers, who reportedly harassed, intimidated and, in the worst

²⁰⁵ IHRC interview #59, in the Gambella region (Jan. 2006).

²⁰⁶ IHRC interview #7, in the Gambella region (Jan. 2006).

cases, raped Anuak women. Women thus have occasionally collected water from the river rather than the spigots.²⁰⁷ Even under conditions of high security, the task is arduous and time consuming; in today's tense situation, it has become infinitely more complicated.

In both Illea and Pinyudo, Anuak women reported clashing with the military at the local water source.²⁰⁸ The soldiers based in Illea generally go to the pump around 7 a.m. to collect water, ignoring the women's organized queue and taking water by force. "Sometimes when women fetch water, they try to hurt the women so we are afraid of getting water," a woman in Illea said.²⁰⁹ "Everything else is normal but we are just afraid to go near the water – especially when we know they are going to be there."²¹⁰ Women have tried to avoid collecting water at the same time as the military to avoid harassment or even assault and rape, as described above.

The military in Pinyudo has frequently clashed with the civilian population when its own tap is out of commission. "People allow them to take water first, because they are afraid," a man in Pinyudo said.²¹¹ When the military was unable to get its own water in Illea, women reported the same potential for harassment, abuse, or rape as characterized Pinyudo.²¹² With the memory of recent atrocities still fresh, the general culture has been one of complete deference to the military.

One woman in Illea recalled an assault by the river.²¹³ "One day I went to fetch water and when I reached there, I saw all the women's containers on the ground." She discovered that the military had been stealing the containers from another woman. "The soldiers had thrown them all away and were about to throw my container away. I begged them to let me have mine. I had a small container only and I said I just want to drink only.... They took my small container."²¹⁴ In another incident, the soldiers beat a different woman in Illea who was going to the river to wash grain.²¹⁵ Though she was fearful, the demands of daily life left her little choice but to continue facing the military. "I still go down to the water to bathe and

²⁰⁷ IHRC interview #15, in the Gambella region (Jan. 2006).

²⁰⁸ IHRC interviews #42, 43, 44, 54, and 62, in the Gambella region (Jan. 2006).

²⁰⁹ IHRC interview #42, in the Gambella region (Jan. 2006).

²¹⁰ *Id.*

²¹¹ IHRC interview #54A, in the Gambella region (Jan. 2006).

²¹² IHRC interview #38, 40, 42, and 43, in the Gambella region (Jan. 2006).

²¹³ IHRC interview #43, in the Gambella region (Jan. 2006).

²¹⁴ *Id.*

²¹⁵ IHRC interview #48, in the Gambella region (Jan. 2006).

wash grain,” she explained. “There is nothing else I can do.”²¹⁶ Life has gone on, but fear has characterized daily activities for women in places like Illea.

Fear of Collecting Wood

Cooking fires – and hence firewood – are an essential part of daily existence in the Gambella region. As with water, the collection of firewood is generally the job of Anuak women. Collecting wood forces a woman away from the confines of the village, drawing her into the quieter and less populated forest. Rapes and assaults on women collecting firewood have continued to threaten the Anuak population. As one woman in Illea explained, “Some people may go to the forest and just hope that God will take care of them, but others are still afraid. Sometimes in my heart I know God will help me. But other times I am not strong, and I am afraid.”²¹⁷

The women’s fear has been far from unfounded. In October 2005 in Pochalla, seven soldiers raped a woman out collecting wood.²¹⁸ In Illea, two women out collecting wood were raped by soldiers; one died from her injuries, and the other was in the hospital as of January 2006.²¹⁹ Women now travel in small groups of two or three to provide some insulation and protection should they meet attackers, though this does not always eliminate the reticence to enter the forest: “People don’t work because people are afraid of them. Women are unable to collect firewood because they are afraid of the military. Whenever the military get any woman from outside the village, they rape her,” a former town leader said.²²⁰ Nor have men been immune from attack or killing when searching for wood for construction.²²¹ For example, in an incident described above, soldiers killed a man named Brohana, who was gathering wood in the forest.

Food Insecurity

Anuak farmers have feared the simple task of going out to work their fields. They have been afraid of encountering the military while traveling to their farms, which are often isolated plots of land located far from any village – multiple attacks have occurred while

²¹⁶ *Id.*

²¹⁷ IHRC interview #46, in the Gambella region (Jan. 2006).

²¹⁸ IHRC interview #68, in the Gambella region (Jan. 2006).

²¹⁹ IHRC interview #44, in the Gambella region (Jan. 2006).

²²⁰ IHRC interview #38, in the Gambella region (Jan. 2006).

²²¹ See, e.g., IHRC interview #68, in the Gambella region (Jan. 2006).

farmers were in transit. A man in Opinya, for example, recounted returning from cultivating his farm when he met the military in the road, who demanded a reason for moving about the area.²²² Even upon his explanation – that he was cultivating his farm – he had difficulty convincing the military to let him be, though ultimately the military did let him go. The results of questionings like this are obvious: men have not gone to tend their farms. According to a man in Pinyudo, “because of [the military] being there, people don’t go to farm. Women are not moving outside of town. There is a problem of food.”²²³ Villagers in Illea, Itang, and Pochalla also reported a drop in farming activity.

As a result, food supplies have been running low and many communities reported inadequate nutrition and access to food. “We are now suffering. Look at me,” said one man in Illea. “Am I not hungry? I never get anything to eat.”²²⁴ Communities have increasingly given up hope. “People aren’t getting enough to eat. We are now hoping for death.”²²⁵

Loss of Property

The loss of and damage to property have constituted residual effects of both the first set of attacks on the Anuaks and the smaller ones included in this report. The burning and looting of villages frequently accompanied the sort of broad-based attacks seen in 2003 and 2004, and many villagers have not been able to replace what was lost to the violence. During an attack on the Anuak population of Itang the day after the Gambella town massacre, for example, the military perpetrators looted Anuak homes, stealing property, clothes, and radios, which the military never replaced.²²⁶ Three men in Opinya similarly reported that the military stole their property, including clothing, radios, and panga knives, during raids or while they were in prison.²²⁷

The Anuaks’ homes still bear the marks of attacks of years ago. “Houses are becoming very old,” said an Anuak man from Tata, pointing to the dilapidated state of some homes.²²⁸ Families have had difficulty repairing damages or reconstructing homes as a result of the prevalent fear that accompanies gathering wood.

²²² IHRC interview #33, in the Gambella region (Jan. 2006).

²²³ IHRC interview #53, in the Gambella region (Jan. 2006).

²²⁴ IHRC interview #45A, in the Gambella region (Jan. 2006).

²²⁵ IHRC interview #37, in the Gambella region (Jan. 2006).

²²⁶ IHRC interview #24, in the Gambella region (Jan. 2006).

²²⁷ IHRC interviews #30, 32, and 34, in the Gambella region (Jan. 2006).

²²⁸ IHRC interview #75, in the Gambella region (Jan. 2006).

Education

The fear of moving between villages has prevented some children – and their teachers – from attending village schools. A woman in Pinyudo even reported that the schools would occasionally close due to incidents of violence. “Our children, they may not reach the place where they learn. Sometimes the school is shut because of this bad situation.”²²⁹ In both Pochalla and Illea, the military stole the benches from the school.²³⁰ In Gok Dipatch, taunting and harassment has dissuaded children from attending school. According to the village’s schoolmaster:

When the soldiers come, they surround the school where the students are having classes. This makes the students and the parents very afraid. When the students want to leave to go home, they have to walk past the soldiers. The soldiers will get in their way to stop them and then [taunt] them. They say, “Hey, person like a monkey, why can’t you walk past, eh?”²³¹

In Opinya, lack of a village school has meant that children have had to walk a great distance to attend classes.²³² Abuse directed towards teachers has also scared them away from going to work, as described in previous sections.²³³ The military has frequently targeted teachers due to their authority in the community; additionally, the military has accused teachers of working with Anuak rebel groups.²³⁴

Highlander Villages

Fear of Movement

Highlanders have been less afraid, or not afraid at all, of random encounters with military, but instead have feared Anuak attacks on their towns. In some highlander villages – particularly those on the road from Gambella town to Abobo – a military guard at the village’s entrance has provided security for inhabitants. If there has been no such guard, villagers have avoided leaving the enclave created by their homes and each other. A villager complained, “We don’t do anything because we are always afraid of *shiftas*.”²³⁵ For the

²²⁹ IHRC interview #62, in the Gambella region (Jan. 2006).

²³⁰ IHRC interviews #40 and 68, in the Gambella region (Jan. 2006).

²³¹ IHRC interview #50, in the Gambella region (Jan. 2006).

²³² IHRC interview #30, in the Gambella region (Jan. 2006).

²³³ IHRC interview #17, in the Gambella region (Jan. 2006).

²³⁴ *Id.*

²³⁵ IHRC interview #5, in the Gambella region (Jan. 2006).

pastoralist highlanders, being unable to move in the region has preempted the grazing of cattle. “We don’t take our cattle out or do anything like normal because maybe they will come back for us again,” an old highlander man explained.²³⁶ In February 2004, for example, a group of Anuaks brutally attacked three highlander shepherds herding cattle in an isolated area near one highlander village.²³⁷ Since then, no one in the village has taken the cattle out or tended farms far from the village for fear of attacks.

Property Destruction and Food Insecurity

Anuak rebels have both stolen and killed highlander cattle, undercutting the main source of highlander income. “We lost our cattle; the *shifita* took them. We use these cattle for everything in our lives,” a male highlander explained. “We can’t farm as we did before because we are afraid the *shifita* will come back.”²³⁸ Some populations, such as Village 14, have become so afraid of an attack while grazing their cattle that they have sold their cattle altogether, eliminating their main income and food source.²³⁹ Men in Village 13 also reported that rebels killed or stole cattle during the series of attacks in 2003, and they have not yet been able to replace what was taken.²⁴⁰ Even communities that have managed to keep their cattle fear sending their young men out to graze the cattle; rebels beheaded shepherds out to tend their cattle in Village 7.²⁴¹

The killing and stealing of cattle has been just one facet of the wider damage that highlander villages have faced in the past several years. During more widespread rebel attacks on highlander villages along the way to Abobo, many villagers fled their homes to hide from their attackers, leaving their homes and belongings unattended. Highlander villagers returning home found houses burned to the ground and their belongings incinerated or missing. Many of the homes torched have not been rebuilt, and insecurity in the region has scared people from cutting grass and trees for construction.

The government has provided some assistance to the highlander communities en route to Abobo, but such relief has been limited and sporadic. Highlander villages tend to be farther from fresh water sources and instead rely on water spigots, many of which have been

²³⁶ IHRC interview #7, in the Gambella region (Jan. 2006).

²³⁷ IHRC interview #15, in the Gambella region (Jan. 2006).

²³⁸ IHRC interview #15C, in the Gambella region (Jan. 2006).

²³⁹ IHRC interview #22, in the Gambella region (Jan. 2006).

²⁴⁰ IHRC interview #4, in the Gambella region (Jan. 2006).

²⁴¹ IHRC interview #15, in the Gambella region (Jan. 2006).

broken or damaged in attacks in the last two years. In some villages, all but one spigot are broken.²⁴² Communities have increasingly given up hope.

“If not for God, we would not be here”²⁴³

The combination of food insecurity, lack of water, and generalized dread at the thought of traveling throughout the region has made life in Gambella extremely difficult for Anuaks and highlanders alike. The sense of trepidation has been palpable. As one highlander woman explained, “We sleep with our dress because maybe they come to our village.”²⁴⁴ This anxiety has undermined the everyday activities necessary to survive day to day, and undercut the livelihoods of Anuaks and highlanders alike in the Gambella region. Some Gambella residents have given up: “We hope we are dead because conditions are so difficult.”²⁴⁵

²⁴² *Id.*

²⁴³ IHRC interview #81, in the Gambella region (Jan. 2006).

²⁴⁴ IHRC interview #4, in the Gambella region (Jan. 2006).

²⁴⁵ IHRC interview #74, in the Gambella region (Jan. 2006).

LEGAL CONSEQUENCES

Provisions of international humanitarian, criminal, and human rights law protect the civilians in Gambella. The frequency of attacks and the demonstrated patterns of Anuak abuse by ENDF forces, documented consistently over the last two years, suggest that Ethiopia's persecution of Anuak civilians has gone beyond isolated attacks and may rise to the level of war crimes and crimes against humanity.²⁴⁶

International Humanitarian Law

The escalating conflict between the ENDF and the Anuak rebel group increasingly resembles the type of armed conflict subject to the Geneva Conventions' Common Article 3. Article 3 appears in all four Geneva Conventions and governs behavior in a non-international armed conflict. Both sides of the conflict have violated the core protections of civilians provided by the article, which requires parties to refrain from attacking civilian populations as part of warfare.

The protection of civilians in situations of internal armed conflict is an accepted and established tenet of international humanitarian law. The International Court of Justice (ICJ) and Inter-American Commission on Human Rights have both developed jurisprudence on internal armed conflicts, extending Article 3 guarantees to conflicts in Nicaragua,²⁴⁷ El Salvador,²⁴⁸ and Argentina.²⁴⁹ Since these earlier decisions, the tribunals for Rwanda and Yugoslavia have built a more refined understanding of what kinds of conflicts merit Article 3 protection. The International Criminal Tribunal for the former Yugoslavia (ICTY) held that whether violence reaches the level of an internal armed conflict subject to international humanitarian law depends on the intensity of the conflict and the organization of the parties to the conflict.²⁵⁰ Refining the ICTY's judgment, the International Criminal Tribunal of

²⁴⁶ Ethiopia acceded to both the ICCPR and the ICESCR on June 11, 1993, and ratified the Geneva Conventions in 1969. Ethiopia has not, however, ratified or signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment. See Ratification of International Human Rights Treaties – Ethiopia, *available at* <http://www1.umn.edu/humanrts/research/ratification-ethiopia.html> (last visited Mar. 30, 2006).

²⁴⁷ *Military and Paramilitary Activities in and against Nicaragua (Nicar. V. U.S.)*, 1986 I.C.J. 14 (June 27).

²⁴⁸ *Qualification of the Conflict in El Salvador (Switzerland)*, I.C.J. (1987).

²⁴⁹ *Argentina v. Tablada*, Case 11.127, Inter-Am. C.H.R., Report No. 55/97, OEA Se/L/V/II.97, doc. 38 (1997).

²⁵⁰ *Prosecutor v. Tadic*, Case No. IT-94-10AR72, Decision on Jurisdiction, (Oct. 2, 1995).

Rwanda (ICTR) found that extensive organization is not necessary; the ICTR determined that the insurgent forces only have to be organized to “a greater or a lesser extent.”²⁵¹

More haphazard and accidental acts of violence, by contrast, do not fall under Article 3 protection. These include riots not directed by a leader, isolated and sporadic acts of violence that are not carried out by military or organized insurgencies, and acts of a similar nature, such as the arrest of persons because of behavior or political opinion. “Mere acts of banditry” fall outside the purview of the Geneva Conventions.²⁵²

As of the IHRC’s visit in January 2006, the conflict in the Gambella region bore the core characteristics of the non-international conflict identified by the above tribunals as worthy of Article 3 protection. The increasing organization of the opposition group indicates the gradual formation of the chain of command required under international definitions of armed conflict. The successful raid on the Gambella police station and the rebels’ control over Gambella town for several hours both demonstrate an organization far more complex than the previous era of sporadic attacks on civilians. The rebels are shifting from attacks on civilian villages with seemingly arbitrary casualties to larger attacks with more obvious targets and strategies.

As Ethiopia is a party to the Geneva Conventions, the ENDF undoubtedly has a responsibility to protect its civilians under Common Article 3. The obligation of the rebels flows more from the now customary nature of Common Article 3, which, as the ICJ explained, “reflects elementary considerations of humanity.”²⁵³

The protections of Common Article 3 have reached the status of customary law, regardless of whether parties to a conflict have ratified the treaty. The ICJ determined the conflict in Nicaragua to be subject to Common Article 3²⁵⁴ because, as a fundamental rule of the Geneva Conventions, the Article is customary law.²⁵⁵ In *Tadic*, the ICTY noted that “some treaty rules have gradually become part of customary law. This holds true for Common Article 3 of the 1949 Conventions.”²⁵⁶

²⁵¹ Prosecutor v. Akayesu, Case No. ICTR-96-4-T, Judgment, ¶620 (Sept. 2, 1998).

²⁵² Prosecutor v. Rutaganda, Case No. ICTR-96-3, Judgment (Dec. 6, 1999).

²⁵³ Military and Paramilitary Activities in and against Nicaragua (Nicar. V. U.S.), *supra* note 247.

²⁵⁴ *Id.*

²⁵⁵ *Id.*

²⁵⁶ *Tadic*, *supra* note 250. The *Tadic* court pointed to UN General Resolutions 2444 (1968) and 2675 (1970), which affirmed basic protections of human rights for civilians in all armed conflicts, as codification of the customary law. The UN Security Council, in part relying on these

Within this context, the obligations of both parties under Common Article 3 are relatively simple. The central tenet of Common Article 3 provides that civilians shall be immune from attack as part of an armed conflict. The article prohibits killing, mutilation, cruel treatment, torture, the taking of hostages, and “outrages on personal dignity,” and provides for a minimum guarantee of due process prior to sentence and/or execution.²⁵⁷ Both parties have repeatedly breached these obligations. Rebel and ENDF treatment of civilians includes, *inter alia*, extrajudicial killing, cruel treatment and torture, and other outrages on personal dignity. Both sides routinely use civilians as pawns in the conflict, involving citizens as tactical moves to incite and terrorize their opponents.

Crimes Against Humanity

The atrocities directed towards Gambella’s civilian population are indicative of crimes against humanity under international criminal law, which is applicable in wartime and peacetime alike. To constitute crimes against humanity, prohibited acts – such as extrajudicial killing, rape, or torture – must be committed as part of a widespread or systematic attack directed towards the civilian population.²⁵⁸

Although the definition varies somewhat by treaty, the Rome Statute of the International Criminal Court offers the most recent, and most authoritative, definition of crimes against humanity.²⁵⁹ According to the Rome Statute, crimes against humanity consist of four elements.²⁶⁰ First, the acts must be inhumane in nature; an act fits this definition if it seriously endangers the mental and physical health of the victim. Second, the particular

resolutions, called for the conflicts in Afghanistan, Rwanda, Somalia, Sudan and Kosovo to be conducted according to the principles of civilian protection in Common Article 3.

²⁵⁷ Geneva Convention Relative to the Treatment of Prisoners of War, art. 3, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135.

²⁵⁸ Rome Statute of the International Criminal Court, U.N. Doc. 2187 UNTS 90, art. 7, *entered into force* July 1, 2002 [hereinafter Rome Statute].

²⁵⁹ Although Ethiopia did not sign the Rome Statute, crimes against humanity is considered customary law. This recognition first arose with the International Military Tribunal in Nuremberg; rebutting charges that the Tribunal’s Charter criminalized that which was not already a crime, the Tribunal recognized them as part of international law, as tribunals have since. Jordan Paust, *Conceptualizing Violence: Present and Future Developments in International Law: Panel II: Adjudication Violence: Problems Confronting International Law and Policy on War Crimes and Crimes Against Humanity: It’s No Defense: Nullem Crimen, International Crime and the Gingerbread Man*, 60 ALB. L. REV. 657 (1997).

²⁶⁰ Rome Statute, *supra* note 258, art. 7. See also HUMAN RIGHTS WATCH, GENOCIDE, WAR CRIMES AND CRIMES AGAINST HUMANITY: TOPICAL DIGESTS OF THE CASE LAW OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA AND THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (2004).

attack must be either widespread *or* systematic; fulfilling both is unnecessary. Systematic is generally taken to mean an organized attack carried out according to a pattern.²⁶¹ Random, personal acts of violence unrelated to broader policies or plans will therefore not qualify an attack as a crime against humanity.²⁶² Third, the attack must be directed at civilians rather than combatants. Finally, violent acts must be committed with knowledge of the attack.²⁶³

The treatment of Anuak civilians seems to have fulfilled each of these requirements. First, the military targets civilians for killings, beatings, torture, rape, and other acts that fit within the definition of “inhumane” treatment. Second, ENDF behavior may have fallen into a general pattern as is characteristic of a systematic attack. Attacks have generally occurred in areas near military camps, with civilians traveling in the woods, outside of town, or at night particularly susceptible to attack. ENDF patrols also frequently shot individuals fleeing from soldiers. Violence has been much higher in towns and villages with a suspected population of rebel activity, such as Pinyudo and Abobo. The attacks have tended to occur when soldiers – who typically travel in patrols of around two dozen – confront young, Anuak males, accusing unarmed civilians of associating with the rebel movements without evidence for this allegation. Evidence of a standing order to shoot individuals fulfilling the same profile as rebels falls into this type of systematic framework seen in crimes against humanity prosecutions.²⁶⁴

Third, the military has beaten and killed many unarmed Anuaks, most of whom are civilians unaffiliated with the rebel movements. That the violence has been targeted at only part of the civilian population is not a barrier to a finding of crimes against humanity. Consistent with the idea of systematic targeting, the requirement that the attack be directed towards a civilian population does not mean the *entire* population must be victimized so long as violence is directed towards people not actively part of the region’s hostilities.²⁶⁵ Finally,

²⁶¹ Akayesu, *supra* note 251.

²⁶² Prosecutor v. Kayishema and Ruzindana, Case No. ICTR-95-1-T, Judgment, ¶¶122-23 (May 21, 1999).

²⁶³ The ICTR added a fifth element that violent acts must be motivated by discriminatory grounds, such as a victim’s membership in a particular racial or ethnic group. This element is clearly met in the case of Gambella because the ENDF targets victims based on Anuak ethnicity and, frequently, victims fall within the same gender and age category. Statute of the International Criminal Tribunal for Rwanda, S.C. Res. 955, U.N. Doc. S/Res/955 (1994), *as amended*, art. 3.

²⁶⁴ For example, prosecutions before the ICTR led to convictions of crimes against humanity for the perpetration of atrocities in Rwanda. See, e.g., Akayesu, *supra* note 251, and Prosecutor v. Semanza, Case No. ICTR-97-20 (May 15, 2003).

²⁶⁵ Prosecutor v. Baglishema, Case No. ICTR-95-1A-T (June 7, 2001).

given their extent, the military's actions have likely been committed with the knowledge of not only individual soldiers but also their leaders. An investigation into these crimes should consider this element.

International Human Rights Law

In the persecution of the Anuaks, Ethiopia has violated international human rights obligations laid out in both custom and treaty. The most basic human rights include the rights to life, liberty, and the security of person,²⁶⁶ promising protection from the type of arbitrary and discriminatory violence that the ENDF and insurgent forces have directed towards civilians. This obligation includes due process rights, which Ethiopia has violated in the arbitrary arrest and prolonged detention of Anuak men and women – many of whom never see the inside of a courtroom and, even upon release, remain confused as to the reason for their arrest though arresting officers should, according to the International Covenant on Civil and Political Rights (ICCPR), inform arrestees of the reason for arrest, and detainees are entitled to a trial within a reasonable amount of time.²⁶⁷ The torture of numerous Anuaks has further violated the customary prohibition on the brutal treatment of civilians. Though Ethiopia has not signed the Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the prohibition is considered *jus cogens* customary international law applicable to all states, regardless of treaty ratification.²⁶⁸ Similarly, as a party to the ICCPR, Ethiopia is

²⁶⁶ International Covenant on Civil and Political Rights [hereinafter ICCPR], G.A. Res. 2200A (XXI), 21 GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), U.N.T.S. 171, *entered into force* Mar. 23, 1976, arts. 6 and 9; Universal Declaration of Human Rights [hereinafter UDHR], G.A. Res. 217A (III), *entered into force* Dec. 10, 1948, art. 3.

²⁶⁷ ICCPR, *supra* note 266, art. 9.

²⁶⁸ See, e.g. Prosecutor v. Delalic, Case No. IT-96-21, Judgment, § 459 (Nov. 16, 1998). The seminal U.S. case cited in torture prosecutions is *Filartiga v. Pena-Irala*, 630 F.2d 876, 883-95 (1980), where the U.S. Court of Appeals for the Second Circuit found that the son and sister of the petitioners had been kidnapped and tortured to death by the Inspector General of Police for Asuncion, Paraguay, in violation of “the law of nations.” In so holding, the court noted that the prohibition on torture was part of customary law. Furthermore, in *Semanza*, *supra* note 264, the trial court held that the act does not need to be perpetrated by a public official to constitute torture; it found the defendant guilty. In *Salman v. Turkey*, Case No. 21896/93, Eur. Ct. H.R. (2000), the European Court of Human Rights found torture where his injuries indicated ill-treatment intended and designed to cause very serious cruel suffering. In finding the defendant guilty of torture, the *Akayesu* court emphasized that there need not be a prolonged effect for something to constitute torture. See *Akayesu*, *supra* note 251.

bound to implement the treaty's Article 7 protection from torture.²⁶⁹

²⁶⁹ ICCPR Article 7 provides: "No one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment." ICCPR, *supra* note 266, art. 7. States may not derogate from this provision.

CONCLUSION

From December 2004 to at least January 2006, the ENDF attacked and abused Anuak civilians in Gambella region – wantonly killing, raping, beating, torturing, and harassing civilians in response to ongoing Anuak rebel attacks. These abuses left Anuak villagers fearful of leaving their homes at night, going to the fields and farms outside of town, or fetching water from the water pumps or streams. At the same time, armed Anuak groups brutalized, maimed, and looted from highlander civilians, sometimes in reprisal for ENDF attacks on Anuak civilians elsewhere.

The frequent atrocities on both sides violated the most basic standards of humanity and breached international law. By directly attacking civilians, ENDF and rebel fighters failed to meet their international humanitarian law obligations under Common Article 3, which is applicable to non-international armed conflicts. Further, the ENDF's massive and systematic abuse of Anuak civilians contravened Ethiopia's human rights obligations toward its citizens, to a degree comparable with other declared cases of crimes against humanity. Additionally, the abridgment of both Anuak and highlander civilians' rights to due process, freedom from torture, and life, liberty, and security of person breached Ethiopia's obligations under multiple human rights treaties.

Reports of fresh fighting and civilian abuses suggest that the personal security of civilians in the Gambella region further deteriorated in the months following the IHRC's mission. At the end of IHRC's research mission to the region, civilians and aid workers were just beginning to report extensive fighting in the northwest and a massacre of highlander civilians that may have been as large as 60 killed. In early April 2006, contacts in the region reported a new ENDF offensive, along with fresh incidents of abuse and retaliation against Anuak civilians.²⁷⁰

And with this violence like this peppering everyday activities, life in Gambella has become unbearable for civilians – regardless of the color of their skin. The brutal treatment of Anuak and highlanders by both the military and rebel forces has ignored the international law protecting these civilians, and subjected them to atrocious treatment accompanied by rape, killing, beating, and torture. Unfortunately, international attention has only improved

²⁷⁰ See Aegis Trust, *Anuak Targeted*, Apr. 13, 2006, *available at* http://www.aegistrust.org/index.php?option=com_content&task=view&id=382&Itemid=88 (last visited Apr. 17, 2006); Anuak Justice Council, *Anuaks Suffer*, *supra* note 8.

the situation slightly. For most civilians, the influx of human rights workers has only brought empty, unfulfilled promise, and life has not gotten better since the December 2003 massacre. As one man explained the spiraling situation: “If it is like this always, the young generation being killed, women being raped, what can the international community think?”²⁷¹

²⁷¹ IHRC interview #57, in the Gambella region (Jan. 2006).