



March 7, 2012
Reference: OTP-CR-38/12

M.P. Dillon
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Dear Dillon

We have received your letter of February 27, 2012. The **Solidarity Movement for a New Ethiopia (SMNE)** and the **Anuak Justice Council (AJC)** sincerely thank you for responding so quickly and affirmatively to our petition that asks **ICC Prosecutor, Mr. Luis Moreno-Ocampo**, and the **Office of the Prosecutor of the International Criminal Court (ICC)** to give consideration to opening an active investigation into the genocide, crimes against humanity and other human rights crimes directed against the Anuak people of the Gambella region of Ethiopia in concordance with the **Rome Statute of the International Criminal Court (ICC)**.

As you consider this, there is much more information that we think you should have available to you as you look at the facts of this case in light of the statute. We also want to make you aware that there are two international law firms, one in Washington D.C. and the other in London that have been working with the Anuak Justice Council since 2005 and are ready to assist in this matter. As you already know, the case of the Anuak was first provided to the Office of the ICC in 2006. We believe new information and continuing serious violations of international human rights law may provide a reasonable basis to proceed with a full investigation like was done in Kenya and the Ivory Coast.

The multiplying crimes committed by the **Tigrayan Peoples Liberation Front (TPLF)- controlled Ethiopian Peoples' Revolutionary Front (EPRDF)** regime under the leadership of Meles Zenawi are of the most serious nature as has been documented by **Genocide Watch** in two investigations with findings of **genocide** and **crimes against humanity** and in three investigations by **Human Rights Watch** with findings of **crimes against humanity** and other **gross human rights atrocities**.

The case of the Anuak has become a microcosm of what is happening within the country; for example, the regime was never held accountable for the killing of nearly 200 peaceful election protestors in 2005. The regime's human rights violations in the **Ogaden** are even more horrendous and may meet the statute's criteria of "**extermination**" as the entire region has been blocked off from access to humanitarian groups, creating deprivation of conditions necessary to life like food, medicine and shelter that has already brought about the destruction of part of their population as defined under Article 7, part 2 (b). See these link <http://www.youtube.com/watch?v=gbgoPSxDR00> and <http://www.youtube.com/watch?v=-JQYH5TgtMk> for video documentation Lack of accountability for these and similar human rights crimes has created an atmosphere of impunity that has only emboldened the continuation of such criminal acts both in Gambella and throughout Ethiopia. Details can be found in the Human Rights Watch report *Ethiopia: Army Commits Executions, Torture, and Rape in Ogaden* <http://www.hrw.org/news/2008/06/12/ethiopia-army-commits-executions-torture-and-rape-ogaden>

Over eight years have now elapsed since the commencement of this ethnic-based massacre, which was followed by continued widespread human rights atrocities, all targeting the Anuak leadership of Gambella, Ethiopia. Please see this link http://www.youtube.com/watch?v=BMAbsbAWyks&feature=player_embedded for video documentation. Since that time, the TPLF/EPRDF regime of Meles Zenawi has remained unwilling to hold the real perpetrators accountable. To date, none of the actual perpetrators have been brought to justice. This is not surprising considering how many alleged perpetrators continue in top positions of power within the country; including the Prime Minister himself and members of his cabinet.

In fact, a document has been obtained of a secret 16-page memo in Amharic obtained in the week following the 2003 massacre regarding a planning meeting which was held on September 24, 2003 in the office of the prime minister where top officials of the TPLF/EPRDF had met to discuss security issues in Gambella. It was at this meeting that plans began for the massacre of December 13-15. Present were the following people:

Prime Minister Meles Zenawi, the Vice Prime Minister; Addisu Legesse, Sebhat Nega, senior TPLF official, Information Minister, Bereket Simon, Chief of Gambella Security, Omot Obang Olom, Head of Federal Security; Alemayheu or Almeu Almeru, Minister of Federal Affairs; Abay Tsehaye, Chief of Staff of the Ethiopian Armed Forces, Samora (Mohamed) Yunis, Chief of Military Intelligence, Brigadier General, Yohannes Gebre Meskel and Minister of Defense, Abadula Gameda.

It was in the third week of November that a list of Anuak to be targeted was compiled by **Omot Obang Olom**. The first list contained five hundred and twelve Anuak names, which probably was longer by the time of the massacre. Some of the Anuak in prison in Addis and some of those in prison in Gambella were on the list.

According to testimony obtained in Genocide Watch's two human rights investigations in 2004, the targeting of the Anuak was ordered by the **High Commander in Chief of the Ethiopian army in Gambella, Tsegaye Beyene**, with the direct authorization of **Dr. Gebre-ab Barnabas, an official of the Ethiopian government's Ministry of Federal Affairs. The Chief of Police, Tadesse Haile Selassie**, was also involved in carrying out the orders.

Justice for the Anuak and other victims of the Meles regime will never be found in Ethiopia as long as this TPLF-controlled administration uses brute force, corruption and systemic domination to ensure the continuation of its power and control—in keeping with the “**crime of apartheid**” as listed in Article 7, paragraph 1 and as defined in paragraph 2 (h) of the Rome Statute of the International Criminal Court: *"The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime...*”

Oppression and corruption have been institutionalized by the one-party minority government of the TPLF that maintains its iron-fisted control over the majority [94%] by dominating every institution in the country including the judiciary, the Parliament, the election board, the military, the financial system, the economy, all aspects of government from the federal to the local levels and complete and unfettered access to all land, natural resources and national assets. Most human rights crimes do not happen in a vacuum but can be closely associated with clamping down on dissent as the regime seizes the land, property or lives of the people.

It is now clear that the Anuak massacre and subsequent violations of human rights were closely linked to the land grabs going on now. Currently human rights crimes are being perpetrated against the Anuak and other indigenous people of Gambella who do not want to be **deported** from their lawful land, a right secured under the Ethiopian Constitution, the Rome Statute and international laws related to indigenous people. According to a recent investigation by Human Rights Watch, the regime has already forced 70,000 Gambellans from their indigenous land to resettlement “camps” where services are non-existent. (Details can be found in the report ‘Waiting Here for Death’: *Forced Displacement and ‘Villagization’* <http://www.hrw.org/reports/2012/01/17/waiting-here-death> published this past January)

Another 200,000 people are targeted for forcible displacement in the near future in order to make way for foreign and crony investors who seek to make long-term land lease agreements with the Meles regime. Please see these links for reports by independent international journalists. Please watch this video <http://video.pbs.org/video/2203388630> by the PBS. Watch this video http://www.guardian.co.uk/world/2011/mar/21/ethiopia-centre-global-farmland-rush?CMP=tw_t_gu by The Guardian, Locals move out as international contractors seize opportunities offered by government to lease farmland at knockdown rates. And this video: http://www.youtube.com/watch?feature=player_embedded&v=Mr2xzRS73Bw by Al Jazeera about the land rush in Ethiopia.

The government is forcibly removing people to make way for companies to lease agricultural land, says rights group. This is a clear violation of Article 7, (d) prohibiting the “**deportation or forcible transfer of population.**” It is defined in section 2 (d) as: *"Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law...*”

Substantial evidence of genocide and crimes against humanity has been gathered during the previous investigations in 2004-2006; however, new evidence and studies have emerged that only strengthens the case against Prime Minister Meles Zenawi and other power-holders in his regime. For example, the current governor of Gambella, Omot Obang Olom, the head of security during the massacre, recently made public statements on January 5, 2012 admitting his own complicity in the massacre as well as implicating Meles Zenawi as his co-conspirator.

Furthermore, there are now many victims and eyewitnesses who were present during the December 13-15th massacre who have left the country and who now are willing to testify as to what happened. We know where these individuals are and are willing to be of assistance providing such witnesses as needed.

In conclusion, we strongly believe crimes of this magnitude should never go unpunished and that continued lack of accountability will only bring more victims. Please know we are available for any assistance you might need, including the provision of further information. We again thank the Office of the Prosecutor of the International Criminal Court for considering an investigation into the case of the Anuak of Gambella—it is long overdue.

Sincerely yours,



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Cc: Designated Recipients

Mr. Antonio Guterres, UNHCR
Mr. Ban Ki-moon, UN Secretary-General
Ms. Navanethem Pillay, UN OHCHR
To all the members of Development Assistance Group (DAG)
Human Rights Watch
Amnesty International

Cc: Media

Joseph Warungu - BBC editor-in-chief.
Alan Murray - Executive Editor - Wall Street Journal
Editor in chief of the New York Times
Washington Post - Foreign Bureau
Guardian UK- News Desk and Editor
Al-Jazeera English - Editor-in-Chief
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Martin Fletcher - The Times