**INTERNATIONAL COMMISSION OF HUMAN RIGHTS EXPERTS ON ETHIOPIA**

**TERMS OF REFERENCE**

**1. Establishment**

The International Commission of Experts on Ethiopia (ICHREE) was created by Resolution A/HRC/RES/S-33/1 of the United Nations Human Rights Council on 21 December 2021.

**2. Mandate**

The Human Rights Council mandated the ICHREE, *inter alia:*

* To establish the facts and the circumstances surrounding alleged violations and abuses of International Human Rights Law, International Humanitarian Law and International Refugee Law committed by all parties to the conflict in Ethiopia since 03 November 2020. This includes the collection and preservation of evidence to support ongoing and future accountability efforts;
* To provide guidance on transitional justice, including accountability, reconciliation and healing, as appropriate, and to make recommendations on related technical assistance to the Government of Ethiopia;
* To integrate a gender perspective and survivor-centered approach throughout its work;
* To engage with all relevant stakeholders, including the Government of Ethiopia, the Government of Eritrea, regional State governments, the Office of the High Commissioner for Human Rights (OHCHR), the Inter-Ministerial Task Force, the Ethiopian Human Rights Commission, the African Union, the African Commission on Human and Peoples’ Rights, the Intergovernmental Authority on Development (IGAD) and civil society.

The ICHREE is further guided by the centrality of the cessation, non-recurrence, and prevention of violations and abuses.

**3. Composition**

1. Members of the Commission: The ICHREE is comprised of three Commissioners appointed by the President of the Human Rights Council to serve in their personal capacities. They include Kaari Betty Murungi (Kenya), Chairperson of the ICHREE,[[1]](#footnote-1) and Steven Ratner (USA).

1. The Secretariat: OHCHR provides technical support to the ICHREE through a Secretariat headed by a coordinator and comprised of human rights experts in various fields, including law, military affairs, investigations, reporting and analysis, CRSV/SGBV, case management and language interpretation. The Secretariat is based in Entebbe, Uganda.

**4. Legal Framework**

The ICHREE will apply International Human Rights Law, International Humanitarian Law and International Refugee Law. Applicable law will also include International Criminal Law, regional instruments, and Ethiopian domestic law.

**5. Standard of Proof**

In accordance with the general practice of United Nations investigatory bodies, the ICHREE will apply a standard of “reasonable grounds to believe” in making findings of fact. The ICHREE will consider that this standard is met when it is satisfied that it has obtained a reliable body of information, consistent with other material, based on which, a reasonable and ordinary prudent person would have reason to believe that such an incident or pattern of conduct in fact occurred.

6. **Scope of Work**

The temporal scope of work is the period since 3 November 2020.

The geographical scope of work is the territory of the Federal Democratic Republic of Ethiopia, with a focus on areas affected by the recent conflict.

The subjects of investigation are entities and persons on all sides of the conflict.

The scope of investigative work for the report to be presented at the Human Rights Council’s 51st session will take into account the time constraints on the ICHREE. Thus, the ICHREE will pursue investigation through an examination of a number of emblematic incidents. The choice of these incidents will be based on the gravity of the violations involved; the representativeness of the incidents in terms of the range of violations, perpetrators, and victims; the extent to which the incident is part of a larger pattern of abuses; the importance of presenting an integrated gender perspective, and the need to highlight certain issues or threats.

**6. Relationship to the Work of the Joint Investigation Team of OHCHR and the Ethiopian Human Rights Commission**

The ICHREE takes note of and will build upon the findings, conclusions, and recommendations of the report of the Joint Investigation Team (JIT) in a way that adds value and avoids unnecessary duplication of effort without limiting the temporal or geographic scope above.

**7. Guiding Principles**

* Independence of the ICHREE;
* Impartiality of human rights investigations, analysis and reporting;
* Confidentiality of information and sources;
* Prior and informed consent of victims, survivors, witnesses and other sources;
* Adoption of international standards for verification of information.
* ‘Do No Harm,’ including protection of victims, witnesses and other sources of information.
* Ethical standards in interviewing victims and witnesses.
* Safety and security for investigators, information gathered and sources.
* Referral to available service providers for victims and survivors in need.

**8. Co-operation**

The ICHREE seeks and welcomes the co-operation of the Government of Ethiopia. It also looks forward to the support of other national, regional, international and civil society partners in carrying out all aspects of its mandate.

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1. Appointed Chairperson on 10 June 2022. Fatou Bensouda, the first Chairperson, resigned as a member of the Commission on 6 June 2022 following her appointment as The Gambia’s High Commissioner to the United Kingdom. https://www.ohchr.org/en/press-releases/2022/06/human-rights-council-president-appoints-kaari-betty-murungi-serve-new [↑](#footnote-ref-1)