

Annex II - Applicable law

1. Human Rights Council resolution S-33/1 mandates the Commission to investigate violations and abuses of international human rights law and violations of international humanitarian law and international refugee law. Where such violations and abuses may amount to international crimes, the Commission considered relevant international criminal law. Due to time constraints, the Commission was not able to evaluate the incidents discussed under international refugee law or domestic Ethiopian law.
2. Ethiopia and Eritrea are both bound by the international and regional human rights conventions that they have ratified,¹ as well as human rights obligations constituting customary international law. These obligations also bind states for acts committed outside their territory.²
3. Non-State actors must respect the fundamental human rights of persons in areas where they exercise *de facto* control.³
4. A non-international armed conflict erupted in Ethiopia on 3 November 2020 between the ENDF and Tigrayan forces. Ethiopia and Eritrea are State parties to the four Geneva Conventions. All parties to the conflict are bound by Common Article 3 to the Geneva Conventions as well as by customary international humanitarian law. Ethiopia is also bound by Additional Protocol II.
5. Neither Ethiopia nor Eritrea are States party to the Statute of the International Criminal Court. However, many of Court's definitions of crimes reflect customary international law, which are binding on all individuals participating, directly or indirectly, in the conflict.

¹ Ethiopia is a State party to the following International Human Rights Conventions: the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention against Torture (CAT); the International Convention on the Elimination of all Forms of Discrimination (CERD); the International Convention on the Elimination of all forms of Discrimination against Women (CEDAW); the Convention on the Rights of the Child (CRC) and its Optional Protocols on the Involvement of Children in Armed Conflict (OP-CRC-AC) and on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC); and the Convention on the Rights of Persons with Disabilities (CRPD). It is also a State Party to the African Charter on Human and Peoples' Rights (African Charter); the African Charter on the Rights and Welfare of the Child (ACRWC); OAU Convention Governing the Specific Aspects of Refugee Problems in Africa; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol); African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention); and the Protocol to the African Charter on the Rights of Older Persons in Africa. Eritrea is a State Party to the ICCPR, ICESCR, CERD, CEDAW, CAT, CRC, OP-CRC-AC, and OP-CRC-SC).

² Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004, paras. 108–113; Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Judgment, I.C.J. Reports 2005, para. 216.

³ See, e.g., A/HRC/34/64, Annex I, at para. 5; see also A/HRC/17/44, at para. 62.