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Joint Open Letter to the TPLF and the National Regional Government of Tigray

Subject: Grave concern regarding the implementation of *Proclamation on the Safeguarding of the Existence and Security of the People of Tigray*

To: The leadership of the Tigray People's Liberation Front and the National Regional Government of Tigray

We the undersigned write with grave concern regarding the *Proclamation on the Safeguarding of the Existence and Security of the People of Tigray*, which has reportedly circulated as a draft and is now reported to have been passed as *Proclamation No. 366/2018* without public disclosure, consultation, or adequate scrutiny. We recognize the immense suffering endured by the people of Tigray and the legitimate need to protect civilians, public order, and collective security. However, if authentic and enforced as written, this proclamation would create a dangerous legal framework with severe human and democratic rights implications.

We note that the adoption process and current legal status of the document remain unclear. However, reports that the proclamation has been ratified have deepened confusion, fear, and mistrust among the people of Tigray, civil society organizations, political actors, and the diaspora. A law of such consequence cannot be treated as a confidential matter.

We therefore urge the TPLF and the National Regional Government of Tigray to immediately and publicly clarify whether this document is authentic, whether it has been formally adopted, whether it is being implemented in any form, and under what legal authority it was passed.

Our concern is not limited to individual provisions which are against applicable international legal frameworks including the International Covenant on Civil and Political Rights and the Common Article 3 and Additional Protocol II to the Geneva Conventions. The proclamation appears to combine ordinary criminal-law provisions with a broader architecture that criminalizes expression, political opposition, refusal to participate in mobilization, media activity, and civil society work, while weakening basic procedural safeguards. Such a framework would not protect the people of Tigray but expose them to arbitrary power.

Several provisions are especially alarming. Article 2 reportedly defines "enemy" so broadly that persons or entities causing direct or indirect "psychological" or "financial" harm could be treated as enemies. This vague definition could be used against journalists, humanitarian workers, political critics, civil society actors, diaspora members, traders, or ordinary citizens engaged in protected civilian activity.

Articles 74 and 75 reportedly allow arrest and search without a court order across broad security-related offenses, without clear guarantees of prompt judicial review or habeas corpus. This creates a direct risk of arbitrary detention, intimidation, abuse, and enforced disappearance. No legitimate security concern can justify removing meaningful judicial oversight from arrest, detention, and search powers.

The proclamation also reportedly applies certain offenses retroactively to 3 November 2020. Retroactive criminal liability violates one of the most basic principles of justice, no one should be punished for conduct that was not clearly criminal at the time it occurred, except for acts already recognized as crimes under international law. In a politically sensitive post-conflict context, such a provision could become a weapon against opponents, former officials, journalists, human rights defenders, or civilians.

The restrictions on speech and political participation are equally serious. Article 18 reportedly criminalizes “denigrating” the struggle, martyrdom, fighters, symbols, or the people through speech, writing, or images. Articles 39 and 40 attach penalties up to life imprisonment or death to broadly framed acts or propaganda against unity, sovereignty, or territorial integrity. The death penalty must never apply to speech, political advocacy, criticism, journalism, or non-violent dissent, if at all applied.

We are also deeply concerned by provisions on forced mobilization. Articles 5 and 8 reportedly impose a legal duty to answer the call for resistance, while Article 17 criminalizes concealment, incitement of refusal, and support to prevent participation. These articles are especially alarming because they appear to criminalize peaceful resistance to forced mobilization and severely restrict the space for political dialogue and peaceful solutions. These provisions risk criminalizing family protection, legal advice, medical certification, humanitarian assistance, religious belief, diaspora support, and civil society advocacy. No law should force families, doctors, lawyers, religious leaders, journalists, or humanitarian actors to become instruments of coercion. In the absence of clear safeguards, conscientious objections, civilian-status protections, and meaningful exemptions, these provisions risk transforming civic obligation into forced conscription.

Media and civil society-related provisions are also unacceptable if they allow content-based licensing, closure, confiscation, imprisonment, or heavy fines against media institutions. Independent media is essential in a conflict-affected society. Media protects civilians, documents abuses, informs the public, and supports accountability.

In conclusion, it is our assessment that the proclamation, if authentic and adopted as alleged, would place expression, political opposition, conscientious refusal, humanitarian neutrality, independent media, and civil society under criminal jeopardy while reducing the safeguards that normally protect people from state abuse. The alleged secret passage of such a consequential law would itself represent a serious failure of transparency, accountability, and public legitimacy.

We therefore urgently call on the TPLF and the National Regional Government of Tigray to:

1. Publicly clarify the authenticity, adoption status, legal authority, and implementation status of the proclamation.
2. Disclose the full official text of any adopted version and explain the process through which it was reviewed, approved, and promulgated.
3. Suspend or reject any provision allowing warrantless arrest, warrantless search, retroactive punishment, media closure, or capital punishment for non-violent conduct.
4. Remove vague offenses related to “enemy,” “denigration,” “false rumors,” “propaganda,” “undermining unity,” and “psychological or financial harm.”
5. Guarantee judicial oversight, habeas corpus, access to counsel, individualized bail review, fair trial rights, and protection against coerced confessions.
6. Protect journalists, lawyers, health care workers, religious leaders, humanitarian workers, family members, civil society actors, and political opponents from criminalization for lawful activity.
7. Ensure that any mobilization policy respects civilian protection, medical exemptions, conscientious objection, and humanitarian neutrality.
8. Subject any security legislation to public consultation, independent legal review, and human rights scrutiny before adoption or enforcement.

The people of Tigray have endured war, siege, displacement and grave violations of human rights. They deserve protection rooted in law, dignity, accountability, and freedom, not a proclamation that risks institutionalizing fear and repression under the guise of safeguarding. If this proclamation has indeed been passed, it should be immediately suspended, publicly disclosed, and subjected to transparent legal and human rights review.

With regards,

Signatories

1. **Organization for Justice and Accountability in the Horn of Africa**
2. **Gender Empowerment Movement Tigray (GEM Tigray)**
3. **Global Centre for the Responsibility to Protect**
4. **Omna Tigray**
5. **Getachew Temare**