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School of Law and Governance

**From Atrocities to Accountability: Transitional Justice and the Prevention of
Future Violations in Post-Conflict Tigray**

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I hereby declare that this thesis is my original work and has not been submitted, in whole or in part, for a degree or any other academic award at any university or institution. Any materials, ideas, data, or quotations that are not my own have been fully and properly acknowledged in accordance with academic and ethical standards.

I further confirm that this thesis was conducted in accordance with the research and ethical guidelines of Mekelle University. All sources of assistance, whether intellectual, material, or otherwise, have been duly recognized.

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Abstract

This thesis examines the role of transitional justice in preventing the recurrence of mass atrocities in post-conflict societies, with specific reference to the Tigray War in Ethiopia and a localized case study of Seharti Wereda. The study is grounded in international human rights law, international criminal law, and transitional justice theory, and is informed by empirical data collected through field research, including in-depth interviews with victims, community members, and local actors affected by the conflict.

The research analyzes the nature and patterns of serious violations committed during the Tigray War, including killings, sexual violence, forced displacement, and destruction of civilian infrastructure, and evaluates the extent to which transitional justice mechanisms—such as criminal accountability, truth-seeking, reparations, and institutional reform—can contribute to preventing future atrocities. Particular attention is given to the gap between normative legal frameworks and lived realities at the community level, highlighting the experiences of victims in Seharti Wereda.

Using a qualitative legal methodology complemented by empirical findings, the thesis argues that transitional justice can play a meaningful preventive role only if it is victim-centered, context-sensitive, and supported by genuine political will. The study further finds that the absence of accountability, persistent impunity, weak institutional capacity, and limited victim participation undermine both justice and prevention objectives. The thesis concludes that Ethiopia's ongoing transitional justice process presents an important opportunity to address past atrocities and reduce the risk of recurrence, but only if it is implemented in a manner that integrates international legal standards with local realities. The study contributes to scholarly and policy debates by offering grounded insights into how transitional justice can function as a preventive mechanism in post-atrocity contexts.

List of Acronyms

AfCHPR – African Court on Human and Peoples’ Rights

ASF – Amhara Regional State Special Forces

AU – African Union

CAT – Convention Against Torture

CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women

CITG – Commission of Inquiry on the Tigray Genocide

CoHA – Cessation of Hostilities Agreement

CRC – Convention on the Rights of the Child

CRSV – Conflict-Related Sexual Violence

EDF – Eritrean Defense Forces

EHRC – Ethiopian Human Rights Commission

ENDF – Ethiopian National Defense Force

ERC – Ethiopian Reconciliation Commission

EPRDF – Ethiopian People’s Revolutionary Democratic Front

FDRE – Federal Democratic Republic of Ethiopia

HRW – Human Rights Watch

ICC – International Criminal Court

ICCPR – International Covenant on Civil and Political Rights

ICHREE – International Commission of Human Rights Experts on Ethiopia

ICTR – International Criminal Tribunal for Rwanda

IDI – In-Depth Interview

NEBE – National Electoral Board of Ethiopia

OHCHR – Office of the United Nations High Commissioner for Human Rights

OPDO – Oromo People’s Democratic Organization

SCSL – Special Court for Sierra Leone
TPLF – Tigray People’s Liberation Front
TRC – Truth and Reconciliation Commission
UDHR – Universal Declaration of Human Rights
UN – United Nations

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Chapter 1

Introduction

The Tigray war has witnessed one of the worse, if not *the* worst, atrocities of the 21st century. The war, although at first tried to be covered up by the Ethiopian government as an effort of law enforcement, “*Fith Maskeber*” in Amharic, it was, according to multiple evidences, a carnage upon innocent Tigrayans. Although international investigators, including the prematurely terminated UNICHREE, have cried out loud that Ethiopia has committed to its Tigrayan citizens acts of mass atrocity crimes, no one in the international arena seems to be interested in bringing to justice the perpetrators of the acts implicating a credible genocide.¹

The guns were silenced in the Tigray war after a cessation of hostilities (CoHA) was signed in Pretoria among TPLF and the federal government. But the atrocities did not stop with the fires.² Several months into the accord, Tigrayans, especially those in peripheral areas, could have been heard demanding for cessation of atrocities as many Tigrayans kept being displaced.³ Even now, three years later, the accord has yet to be fully implemented. The Federal government has carried out some of its responsibilities under the accord, but not all. And especially for Tigrayans, not the key ones.⁴ Many Tigrayans are out of their homes and living in improvised shelters, while others located in peripheral regions of Tigray fear for their lives.

One of the mandates of the federal government under the accord is ensuring accountability, and ascertaining the truth of the war. The government, ostensibly to dispose of this duty, tried to arrange transitional justice frameworks, as if they were of trivial importance, under prior-to-the-war-established

¹ UN ICHREE, ‘Comprehensive investigative findings and legal determinations: International Commission of Human Rights Experts on Ethiopia’ (13 October 2023) A/HRC/54/CRP.

² *Agreement for Lasting Peace through a Permanent Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Tigray People’s Liberation Front*. Pretoria, South Africa, November 2, 2022.

³ Conflict in Ethiopia, Global Conflict Tracker, By the Center for Preventive Action, Updated March 20, 2025. <https://www.cfr.org/global-conflict-tracker/conflict/conflict-ethiopia?utm>, It was reported in January 2023 that Amhara and Eritrean soldiers continued to occupy and commit atrocities in Western Tigray.

⁴ United Nations Human Rights Council, *the Acute Risk of Further Atrocity Crimes in Ethiopia: An Analysis*, International Commission of Human Rights Experts on Ethiopia (A/HRC/54/55), October 3, 2023.

institutions, which in turn brought forth propositions considered by many Tigrayans as a mockery.⁵ The ICHREE, while it functioned, had also called the framework as a flawed, strategic “*quasi-compliance*” from Ethiopia’s side. It remains true after three years from the signing of the accord that perpetrators of mass atrocities, including soldiers who recorded themselves with their mobile phones ‘*proudly*’ massacring Tigrayans, have not been brought to justice.⁶

Yet, it seems, not to sound too pessimistic, but from the full-of-impunity-history of the country, that Tigray will not see another well-deserved, long-due justice. Even more alarmingly so, conditions seem to lead to another bout of atrocities up on Tigray. And there is not a properly placed minimum guarantee against non-repetition of the past atrocities in the future, if the Tigray war was to renew itself with in three years since the Pretoria accord. This thesis tries to search for a Hail Mary from this vicious circle.

Chapter one of this thesis will highlight the background of the Tigray war, identify the research problem, list the research questions expected to be dealt with, as well as elucidate on the objective of the study and its significance, and the methodology it will apply.

Chapter two is concerned with relevant theoretical frameworks. The role of justice in post-conflict settings, the concept of transitional justice, the meaning and importance of the Principle of Non-Repetition is discussed. Gaps in existing literature and Ethiopian context is also dealt with.

Background of the Tigray war and various documented atrocities and human rights violations are the focus of chapter three. Along with the widely known atrocities are presented raw case-studies from three Tabya’s of Seharti Wereda, South-eastern Tigray. The case-studies are analyzed and their fresh insight in to the graveness of the atrocities in Tigray is discoursed in depth. Hand in hand with the cases the legal and institutional mechanisms for accountability and the transitional justice policy of Ethiopia is addressed. The current Ethiopian legal system’s capability to address the mass and grave atrocity crimes that implicate even authorities in the higher echelons of public office is discussed.

Under chapter four the thesis delves into transitional justice and accountability mechanisms for justice internationally. The relevant international legal frameworks, the availability of international mechanisms

⁵Aaron Maasho and Martin Witteveen, "Ethiopia’s Reconciliation Policy Is a Farce," *Foreign Policy*, February 27, 2024, <https://foreignpolicy.com/2024/02/27/ethiopia-abiy-ahmed-tigray-tplf-amhara-oromia-transitional-justice-farce/>.

⁶Nima Elbagir et al., "Exclusive: New Video Shows Ethiopian Army Executing Unarmed Men in Tigray," *CNN*, April 1, 2021, <https://www.cnn.com/2021/04/01/africa/tigray-mahibere-dego-massacre-video-cmd-intl/index.html>.

for accountability, lessons from other post-conflict societies, and the issues of reparations and restorative justice are the focus of this chapter.

Legal foundations of the principle of guarantees of non-Repetition under international law, the current looming danger in Tigray, institutional reforms, and guarantees that can be raised, legal and policy measures that can be taken are recommended under chapter five. The role that can be taken by regional and international actors like the AU, UN, and some neighboring states, is also detailed in this chapter.

Summary of the findings, challenges to achieving justice and reconciliation, and opportunities for progress are presented within chapter six.

Recommendations, conclusive remarks, and future research directions are undertaken under the final chapter, chapter seven.

1.1. Background of the Study

Mass atrocities, including war crimes and crimes against humanity, continue to pose serious challenges to international peace, security, and human dignity. In recent decades, transitional justice has emerged as a key framework for addressing past human rights violations in societies emerging from conflict or authoritarian rule. Transitional justice encompasses a range of judicial and non-judicial mechanisms, including criminal accountability, truth-seeking, reparations, and institutional reform, aimed at addressing past abuses while promoting reconciliation and preventing recurrence.

The Tigray war officially commenced on Nov. 4, 2020, when Ethiopia's Nobel Prize for peace winning Prime Minister, Abiy Ahmed told the country about the launching of *law enforcement operations* against the TPLF following an attack on the Northern Command of the ENDF. Although there is much debate over whether the TPLF or the ENDF fired the first shot, there is general agreement that tensions had been escalating since 2018, when Abiy took office and initiated political reforms that marginalized the TPLF, which had dominated Ethiopian politics for decades.⁷

The decision to postpone the 2020 national elections due to COVID-19 had also further deepened the rift, as the TPLF held its own regional elections in defiance of the federal government. The war was fought between the TPLF on one side and the ENDF, ASF and militias, and the EDF on the other.⁸ The war has been one of the most devastating conflicts in modern African history. Marked by mass atrocities, including war crimes, crimes against humanity and many would allege genocide, the war led to severe humanitarian crises and lasting socio-political turmoil. The Ethiopian, Eritrean, and Amhara forces were accused of committing

⁷ Musau, Berita Mutinda. "The Enemy of My Enemy Is My Friend: Ethiopia-Eritrea Relations and the 2020 Conflict in the Tigray Region in Ethiopia." *African Journal on Conflict Resolution*, accessed March 12, 2025. <https://www.accord.org.za/ajcr-issues/the-enemy-of-my-enemy-is-my-friend-ethiopia-eritrea-relations-and-the-2020-conflict-in-the-tigray-region-in-ethiopia>

⁸ *Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties* (3 November 2021), <https://www.ohchr.org/en/documents/reports/report-ethiopian-human-rights-commission-ehrcoffice-united-nations-high>

grave atrocities in Tigray, while TPLF forces also faced accusations of crimes in Amhara and Afar regions.⁹

Various documented massacres, sexual violence, and ethnic cleansing, coupled with international pressure pushed the federal government to sign the Pretoria Cessation of Hostilities Agreement (CoHA) in November 2022. The AU-facilitated agreement, however, entrusted the federal government, which is implicated as the main perpetrator of the atrocities in the war, with the responsibility of overseeing all aspects of transitional justice.¹⁰

The federal government launched a transitional justice policy in 2023, but many critics argue that it lacks independence and shields high-ranking officials from accountability.¹¹ In the aftermath of the Tigray war, the quest for justice remains a contentious issue, with various international actors weighing in on the responsibility of perpetrators and the viability of Ethiopia's transitional justice process, which is designed more to meet international expectations superficially, without a genuine commitment to accountability or addressing the needs of victims.

Recently, a threat is crystalizing, of another war in Tigray.¹² The threat can be traced back to the beginning of the war, and it can also be traced to the doomed transitional justice of the country. Regardless of the cause for the threat in July 2025, the Ethiopian Prime Minister Abiy Ahmed has called on religious leaders, wealthy individuals, scholars, and embassies to act swiftly to help prevent war in Tigray, indicating that another round of the Tigray war may resurface.¹³

In response to challenges related to the Tigray war, Ethiopia has embarked on a transitional justice process intended to address past atrocities and promote national reconciliation. However, the effectiveness of transitional justice in preventing future atrocities remains contested, particularly in contexts where political, institutional, and societal constraints persist. This raises a critical legal and practical question: can transitional justice meaningfully contribute to preventing the recurrence of mass atrocities in Ethiopia?

⁹ Supra note 3

¹⁰ Supra note 2, at art 10(3),

¹¹ Steven R. Ratner, a member of ICHREE, stated that Ethiopia's transitional justice efforts exhibit "quasi-compliance," aiming to evade international scrutiny through domestic mechanisms, thus serving to alleviate international pressure rather than delivering substantive justice for victims.

¹² Zeywegih Leyti. "Tigray Waits for Another War." *African Journalism*, issue 193, March 8, 2025. https://www.thecontinent.org/_files/ugd/287178_3d7f361fc0b24f8086395e0771412bcf.pdf?index=true

¹³ Abiy urges embassies and stakeholders to help avert war in Tigray, *Ethiopia Observer*, July 3, 2025, <https://www.ethiopiaobserver.com/2025/07/03/abiy-urges-embassies-and-stakeholders-to-help-avert-war-in-tigray/>

1.2. Statement of the Problem

Despite the extensive documentation of serious human rights violations and international crimes committed during the Tigray War, Ethiopia remains cunning and defiant when it comes to transitional justice that can effectively respond to the atrocities committed during the war. Although international human rights law, international humanitarian law, and international criminal law impose clear obligations on states to investigate, prosecute, and provide remedies for grave violations, these obligations have not been fully realized in the Ethiopian context. The persistence of impunity raises serious concerns about justice for victims and the risk of recurrence of similar atrocities.

In response to past abuses, Ethiopia has initiated a transitional justice process. However, the preventive function of transitional justice remains inadequately defined and insufficiently examined in both policy and practice. Existing discussions often emphasize reconciliation and political stability, while paying limited attention to how transitional justice mechanisms, such as criminal accountability, truth-seeking, reparations, and institutional reform, can effectively function as guarantees of non-recurrence under international law.

At the community level, particularly in heavily affected areas such as Seharti Wereda, victims continue to experience ongoing trauma, insecurity, and exclusion from justice processes. Empirical evidence from these communities reveals a disconnect between national-level transitional justice commitments and the lived experiences of victims. This gap undermines public trust in institutions, weakens the deterrent effect of accountability, and risks perpetuating the structural conditions that enabled the atrocities.

There is a lack of localized, empirically grounded legal research examining transitional justice in Ethiopia through the lens of atrocity prevention. Most existing studies adopt a generalized or theoretical approach, without sufficiently engaging with victim perspectives or assessing implementation challenges at the grassroots level. As a result, there is limited understanding of whether Ethiopia's transitional justice process can meaningfully contribute to preventing future atrocities. In addition to the current impunity surrounding the atrocities of the Tigray war, there is also a new escalation from both signatories of the Pretoria accord.

This study addresses these gaps by conducting a legal and empirical analysis of transitional justice as a mechanism for preventing recurrence, using the Tigray War as a case study and drawing evidence from Seharti Wereda. By linking international legal standards with community-level realities, the study seeks to evaluate the extent to which transitional justice in Ethiopia can move beyond symbolic justice and serve as an effective tool for non-recurrence.

1.3. Research Questions

The study focuses on the following research questions:

- To what extent can transitional justice contribute to the prevention of future atrocities in post-conflict Ethiopia, particularly in the aftermath of the Tigray War?
- What gross violation of human rights have been committed in Tigray?
- What transitional justice mechanisms have been employed in other post-conflict environments, and how might these inform the Tigray context?
- What are the main challenges in implementing accountability measures in Tigray, and how can they be overcome?
- How can international legal mechanisms contribute to both justice in the now and the non-repetition of atrocities in the future?
- What policy recommendations can be developed to support sustainable peace and reconciliation in post-conflict Tigray?

1.4.Objectives

1.4.1. General Objective

- To examine the role of transitional justice in preventing the recurrence of mass atrocities in post-conflict Ethiopia, with specific reference to the Tigray War and empirical evidence from Seharti Wereda.

1.4.2. Specific Objectives

- To analyze the nature and patterns of serious human rights violations and international crimes committed during the Tigray War.

- To examine the international legal framework governing transitional justice and the prevention of mass atrocities.
- To assess the relevance and effectiveness of transitional justice mechanisms—such as accountability, truth-seeking, reparations, and institutional reform—in preventing future atrocities.
- To evaluate the experiences and perceptions of victims and affected communities in Seharti Wereda regarding justice, accountability, and non-recurrence.
- To identify legal, institutional, and practical challenges affecting the implementation of transitional justice in Ethiopia.
- To propose context-sensitive legal and policy recommendations aimed at strengthening transitional justice as a preventive mechanism in post-conflict Ethiopia.

1.5. Scope and limitations of the study

This thesis is delineated around the criminal aspect of post-conflict justice and the principle of guarantees of non-repetition. The Tigray War is dealt with as a case study, with particular emphasis on Seharti Wereda. The study examines transitional justice primarily from a legal perspective, complemented by qualitative empirical data. While the findings provide valuable insights, they do not claim to represent all affected areas in Ethiopia. Further, when discussing the Tigray war, this thesis focuses on atrocities committed within the borders of the Tigray region. Security constraints, access limitations, and the sensitivity of the subject matter constitute key limitations of the study.

1.6. Methodology

This thesis adopts a qualitative research methodology, combining empirical human rights research with doctrinal legal analysis. The qualitative approach is appropriate given the complex nature of gross human rights violations committed during the Tigray war, which demand a careful exploration of survivors' experiences, state responses, and applicable legal frameworks. The qualitative approach is most suitable for human rights inquiry, where the central focus lies not in quantifiable data but in understanding the lived experiences of victims, the structural and legal contexts of violations, and the obligations of states under national and international law.

On the empirical side, the study relies on in-depth interviews with survivors and witnesses of atrocities in Seharti wereda, South-Eastern Tigray. These testimonies, gathered under ethical and confidentiality safeguards, provide rich, first-hand accounts of violations. The data is further corroborated through secondary sources, including reports from human rights organizations, academic literature, media publications, and video evidence. Consistent with the practice of international fact-finding bodies, this thesis utilizes a reasonable grounds to believe standard of proof for factual determinations on individual cases, incidents and patterns of violations.

On the doctrinal side, the research undertakes a rigorous analysis of the Ethiopian legal framework, most notably the FDRE Constitution and the Criminal Code, alongside Ethiopia's binding obligations under international and regional human rights instruments such as the UDHR, the ICCPR, and the ACHPR. The study also draws on comparative transitional justice experiences from Rwanda, Sierra Leone, South Africa, and Colombia to situate Ethiopia's current efforts within a broader global context.

Through this combined methodological choice—empirical interviews to capture human experiences, doctrinal analysis to examine legal obligations, and comparative study to provide context—the thesis aims to contribute to the discourse on transitional justice in Ethiopia.

1.6.1. Research Design and strategy

The research design is multi-layered. It utilizes:

- A. **Empirical data collection** - through in-depth interviews with survivors, witnesses and key-informants in affected communities in Seharti wereda, South-Eastern Tigray.
- B. **Doctrinal analysis** - of Ethiopian domestic law, including the FDRE Constitution and the Ethiopian Criminal Code, alongside international and regional human rights instruments such as the UDHR, the ICCPR, and the ACHPR.
- C. **Comparative study** - drawing on transitional justice experiences in other post-conflict contexts, including Rwanda, South Africa, Sierra Leone, and Colombia.
- D. **Desk review** - of secondary sources, including reports by international organizations, non-governmental organizations (NGOs), media publications, and video documentation.

1.6.2. Sampling techniques

Random Sampling technique was deployed in this thesis. Although all of them have been affected during the war, out of the 12 Tabya's in Wereda Seharti, only 3 Tabyas, namely Tashi, Cheli, and Esret, are the focus of this thesis in showing the size of atrocities in the Tigray war.

1.6.3. Data type and tools

Both Primary and secondary data were used. Reviewing international reports, legal documents, government statements, and academic literature.

1.6.4. Data Analysis and Interpretation

A. In-depth Interviews

The primary empirical tool employed in this research is the in-depth interview (IDI). Twelve survivors, witnesses of atrocities, key informants, and local authorities and religious figures in Seharti and South-Eastern Tigray were interviewed. These testimonies include accounts of killings, shelling and bombardments, and destruction of civilian property. Interviews were conducted in Tigrigna, later translated into English, and presented anonymously to protect the safety and dignity of participants.

IDI's were selected because they provide rich, detailed, and nuanced narratives, allowing victims to describe their experiences in their own words. This method is particularly suited for human rights research where standardized survey tools may be too rigid or insensitive to trauma.¹⁴

B. Secondary Sources

To corroborate findings and situate them within broader patterns, the research also draws on a range of secondary materials, including:

- Reports from the EHRC, Amnesty International, HRW, and the UN.
- Media coverage, including both Ethiopian and international outlets.
- Video evidence and survivor testimonies archived by local civil society organizations.

¹⁴ Herbert J. Rubin and Irene S. Rubin, *Qualitative Interviewing: The Art of Hearing Data*, 3rd ed. (Los Angeles: SAGE, 2012), 29–31.

- Academic articles and policy analyses on transitional justice and atrocity documentation.

The use of triangulation, backing testimonies with secondary sources, strengthens the credibility and reliability of the research findings.¹⁵

C. Analysis

Thematic analysis was employed to identify recurring challenges, successful mechanisms, and potential policy interventions. The study also used a comparative framework to weigh the applicability of various models in the Tigray context. The thematic analysis tried to code the testimonies and secondary data into recurring categories such as:

- Killings and extrajudicial executions
- Forced displacement and destruction of livelihoods
- Torture and other cruel treatment
- Denial of humanitarian access

These themes were then mapped against national and international legal frameworks, demonstrating how the documented violations fall within the definitions of crimes under the Ethiopian Criminal Code, the FDRE Constitution, and binding international instruments.¹⁶

Doctrinal legal analysis was also employed to interpret and apply relevant provisions of law to the empirical findings. This entailed examining the scope and obligations contained in human rights treaties, customary international law, and transitional justice precedents.

1.6.5. Ethical Considerations

Given the sensitivity of the subject matter, this research adhered strictly to the do-no-harm principle. All participants were informed of the purpose of the research and their right to withdraw at any stage. Consent was obtained orally due to literacy and security concerns.

¹⁵ Norman K. Denzin, *The Research Act: A Theoretical Introduction to Sociological Methods* (New York: McGraw-Hill, 1970), 301.

¹⁶ Christine Chinkin and Mary Kaldor, *International Law and New Wars* (Cambridge: Cambridge University Press, 2017), 241–45.

Anonymity was ensured by removing names and identifying details from all transcripts and citations. The participants were given letters starting from the letter 'A' as identification markers in respect to the Tabya they came from. For example when participants from Tabya Tashi are mentioned in this thesis, their testimonies are listed as interview with participant A, participant B, and participant C etc.

Special care was taken when interviewing vulnerable groups to avoid re-traumatization. Data was securely stored and only accessed by the researcher.

1.7. Expected Outcomes and Significance of the Study

- **Criminal study:** Through uncovering the atrocities in Seharti wereda giving future researchers an original insight into the atrocities committed in Seharti wereda.
- **Theoretical Contribution:** Enhancing the academic understanding of how transitional justice can be effectively applied in contemporary conflicts with complex political and ethnic dynamics.
- **Practical Impact:** Providing actionable recommendations for national and international stakeholders involved in the justice processes related to the Tigray War.
- **Policy Implications:** Informing the design of accountability frameworks that are sensitive to local conditions while meeting international legal standards.

Chapter 2

Literature Review and Theoretical Frameworks

2.1. Conceptualizing Justice in Post-Conflict Settings

The ordinary meaning of justice, which is an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs is stretched, albeit being a small stretch, when one is discussing post-conflict justice.

Conflicts have generally a wide range of spillover effect upon almost every possible socioeconomic and political affairs within a state. The demolition of economic power, displacement of citizens, massive migration, coupled with widespread atrocities, and traumas etc. cause a huge thirst for justice. This thirst makes it imperative for states in such situations to undergo important political and social change so that they can build systems where the rule of law, democracy, and human rights protection can flourish.¹⁷ In these post-conflict contexts, the notion of justice transcends mere punitive measures; it is fundamentally about the arduous process of societal reconstruction, the restoration of fractured social trust, and the comprehensive redress of victims' suffering. The system built in such contexts in turn enable states to avoid relapse into conflict, achieve lasting peace and some sense of justice. But the justice in such occasions is a frail one and needs a huge amount of delicacy before it can stand on its own.¹⁸

Justice usually implies regard for the rights of the accused, for the interests of victims and for the well-being of society at large. It is a concept rooted in all national cultures and traditions and, while its administration usually implies formal judicial mechanisms, traditional dispute resolution mechanisms are equally relevant.¹⁹

However, due to its role as a bridge, the type of justice applied in post-conflict situations is often referred to as a transitional one. Transitional justice has a critical, synthesizing role in facilitating societal healing and transformation. It is reported that without peacebuilding measures, states

¹⁷ *Transitional Justice: Key Concepts, Processes and Challenges*, Clara Sandoval Villalba, Institute for Democracy and Conflict Resolution (IDCR) Part of the University of Essex Knowledge Gateway, 2011. Pages 2-11

¹⁸ *The rule of law and transitional justice in conflict and post-conflict societies*, S/2004/616 UN Security council, Report of the Secretary-General, 23 August 2004, page 1

¹⁹ Ibid

tend to relapse into conflict within a decade of the signing of a peace agreement.²⁰ Therefore, transitional justice also serves as a watchdog for the continuity of peace building measures.

The fragile justice in post-conflict societies is a multifaceted concept that seeks to address past abuses, acknowledge often-conflicting demands for accountability, restore social order, and prevent future violence. Generally, there are two primary models of justice: retributive justice and restorative justice. We will examine them in relation to post-conflict societies below.

2.1.1. Retributive Justice in Post-Conflict Societies

Under normal circumstances, retributive justice focuses on punishment and accountability for perpetrators of crimes. This type of justice, at its core, posits that punishment for wrongdoing is a moral imperative, serving to uphold the rule of law and express societal condemnation of egregious acts. This model emphasizes deterrence, retribution or redress and the rule of law.

In the aftermath of a conflict setting, this paradigm emphasizes accountability through the prosecution and penalization of perpetrators for their roles in past atrocities. Historically, international tribunals, hybrid courts, and domestic prosecutions have been the primary mechanisms through which this form of justice has been pursued.²¹

Iconic examples include the Nuremberg trials, which established foundational principles of international criminal law following World War II, and the International Criminal Tribunal for Rwanda (ICTR), established to prosecute those responsible for the 1994 genocide. These mechanisms are designed to fulfill several critical functions: to establish an authoritative historical record of past events, thereby combating denialism; to deter future atrocities by demonstrating that impunity will not prevail; and to provide a measure of justice and recognition to victims and their communities.

²⁰ *Centre for the Study of African Economies, Department of Economics*, Oxford University October 1st, 2004, Paul Collier, pages 12 ff

²¹ *Restorative Justice*, JOHN BRAITHWAITE, Handbook of Crime and Punishment. Cary, NC, USA: Oxford University Press, USA, 2000. ProQuest ebsary. Web. 19 February 2015.

The Rome Statute of the ICC, adopted in 1998, further institutionalized this commitment by establishing a permanent court with jurisdiction over the most serious crimes of international concern, including genocide, crimes against humanity, and war crimes.²²

Despite their significant contributions, retributive justice mechanisms are frequently subjected to considerable critique. Concerns often revolve around their operational efficacy, particularly their substantial financial costs, the protracted nature of proceedings, and their perceived remoteness from the communities most directly affected by the atrocities. Critics also argue that such processes can sometimes be perceived as victor's justice, failing to adequately address the complexities of conflict dynamics or the culpability of all parties involved.²³

2.1.2. Restorative Justice in Post-Conflict Societies

Restorative justice has been the dominant model of criminal justice throughout most of human history for all the world's peoples.²⁴

In contrast to the retributive focus on punishment, restorative justice prioritizes the repair of harm, the fostering of reconciliation, and the reintegration of offenders into society. This approach fundamentally shifts the focus from "what law was broken?" to "who was harmed, and how can that harm be repaired?" It is predicated on the belief that crime and conflict cause injury to people and relationships, and that justice should facilitate healing and mutual understanding.

The core objective of restorative justice is to rebuild social trust, which is invariably shattered in conflict settings, and to recognize and affirm the inherent dignity of victims. By facilitating direct or indirect dialogue between victims, perpetrators, and communities, restorative processes aim to foster empathy, acknowledge suffering, and promote a shared understanding of the past.

Restorative justice cannot resolve the deep structural injustices that cause problems. But we must demand two things of restorative justice. First, it must not make structural injustice worse. Indeed, we should hope that restorative justice will provide micro measures that ameliorate

²² United Nations, *Rome Statute of the International Criminal Court*, July 17, 1998, 2187 U.N.T.S. 90, <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

²³ *Retribution and Reconciliation: War Crimes Tribunals and Truth Commissions – can they work together?*, Howard Varney, Human Rights Institute of the International Bar Association, 2007 page 2-4

²⁴ Supra note 21

macro injustice where this is possible. Second, restorative justice should restore harmony with a remedy grounded in dialogue that takes account of underlying injustices.²⁵ Restorative justice does not resolve the age-old questions of what should count as unjust outcomes. It is a more modest philosophy than that. It settles for the procedural requirement that the parties talk until they feel that harmony has been restored on the basis of a discussion of all the injustices they see as relevant to the case.

Further, restorative justice also aims to restore social support. Victims of crimes need support from their loved ones during the process of requesting restoration. They sometimes need encouragement and support to engage with deliberation toward restoring harmony. Restorative justice aims to institutionalize the gathering around of friends during a time of crisis.²⁶

A seminal example of restorative justice in a post-conflict context is South Africa's Truth and Reconciliation Commission (TRC). The TRC provided a unique platform for victims to publicly narrate their experiences of human rights violations, while simultaneously offering conditional amnesty to perpetrators who fully confessed their crimes.²⁷

However, this approach is not without its challenges. A primary criticism is the risk of leaving survivors dissatisfied, particularly if the accountability framework is perceived as incomplete or if the focus on reconciliation overshadows the imperative for individual criminal responsibility.²⁸ Furthermore, the perceived trade-off between peace and justice, where amnesties are granted in exchange for truth, can be a contentious point for those seeking retributive outcomes.

²⁵ Ibid at Page 7 and 8

²⁶ Ibid

²⁷ Truth and Reconciliation Commission of South Africa Report, Volume 1, presented to President Nelson Mandela on 29 October 1998, page 103 ff

²⁸ Supra note 21 at Page 8-10

2.2.The Concept of Transitional Justice and Societal Healing

Recognizing the limitations of either a purely retributive or purely restorative approach, the concept of transitional justice emerged as a comprehensive paradigm for addressing legacies of mass human rights violations.

Transitional justice refers to the notion of the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement, or none at all, and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof.²⁹

Transitional justice is not a singular mechanism but rather a holistic framework encompassing a range of judicial and non-judicial measures designed to address past abuses, prevent their recurrence, and contribute to long-term peace and democracy.

These measures typically include criminal prosecutions (retributive element), truth commissions (restorative element), reparations programs, institutional reforms (e.g., security sector reform, judicial reform), and vetting processes.

The strength of a transitional justice lies in its explicit attempt to balance the often-competing demands for accountability and reconciliation. It seeks to provide a synthesis, acknowledging that both punitive measures and reparative, truth-seeking processes are often necessary for a profound societal healing.

Multiple states use various forms of transitional justice. In Sierra Leone, for instance, the Special Court for Sierra Leone (SCSL) operated concurrently with a TRC, demonstrating an integrated approach to delivering both accountability for grave crimes and a platform for dialogue and narrative construction. In its factual findings, the Sierra Leonean TRC aimed to complete a partial portrait of the conflict that has already been provided in the past by journalists, by United Nations reports, and by the studies of various individual researchers and NGOs.³⁰ On multiple occasions and often during public hearings, victims and perpetrators confronted each other,

²⁹ *Supra note 18*

³⁰ Report of Truth and Reconciliation Commission, Sierra Leone, Volume 1, 2004, Page 84

sometimes agreeing and sometimes disagreeing about the facts of their encounters during the conflict. Out of this process a vision of the truth was encouraged to emerge and that truth enabled these members of Sierra Leonean society to deal with the past and, in a sense, put it behind them. To quote the SCSL, ‘the healing and restorative truth in many respects, provided the foundation upon which the quest for reconciliation can be built’.³¹

Similarly, Colombia’s 2016 Peace Agreement with the Revolutionary Armed Forces of Colombia (FARC) is widely regarded as a landmark attempt to end more than five decades of internal armed conflict. A central feature of this agreement is the creation of a hybrid transitional justice system that seeks to balance retributive justice (targeted prosecutions, punishment) with restorative justice (truth, reparations, victim participation, non-repetition). This agreement established a system in which restorative sanctions are structured alongside prosecutions, and detailed how victim participation and reparations are emphasized. Under the peace accords, the Colombian state was reported to have established a comprehensive system for truth, justice, reparation, and non-repetition to operationalize transitional justice.³²

These contemporary cases illustrate that transitional justice is most effective and legitimate when it is meticulously tailored to the specific historical, cultural, and political context of the affected society, ensuring local ownership and relevance.

However, the process of transitional justice is not expected to have a one fits all formula. Rather, for a transitional justice to function well under normal circumstances, it has to be replete of four main pillars: Justice, Truth, Reparations, and Guarantees of Non-recurrence/Non-repetition.³³ These four pillars are the most internationally accepted elements of transitional justice. Each will be discussed below.

2.2.1. Transitional Justice for Accountability and prosecution (Justice)

Often shortened as Justice, accountability and prosecution is an integral part of the transitional justice process. But victims and perpetrators may equally conceive transitional justice as a veil to escape accountability, necessitating a very delicate balance when discussing it.

³¹ Ibid, Page 84

³² *Insights from Colombia: restorative transitional justice and the Special Jurisdiction for Peace*, The International Journal of Restorative Justice (2023), pages 1 ff

³³ The terms Guarantees of non-recurrence and Guarantees of non-repetition are used interchangeably in this paper.

Accountability through prosecution is often seen as one of the most politically and legally fraught pillars of transitional justice. Its normative justification rests on affirming the rule of law, deterring future violations, restoring public trust in institutions, and providing a sense of justice for victims. Yet in practice, states emerging from mass atrocity or civil war must confront trade-offs: limited judicial capacity, fragile peace processes, resistance from elites, and the need for reconciliation.

The experience of several transitional settings suggests that hybrid, selective, or conditional prosecution models are often deployed to navigate these tensions. Some cases and models will be presented below.

A. Rwanda and the Gacaca Hybrid Courts

In the aftermath of the 1994 genocide, Rwanda faced a massive backlog of cases. As a solution, the Rwandese government re-invented and transformed an existing mode of conflict resolution, *gacaca*, in order to try the more than 100,000 genocide suspects who overfilled the country's prisons.³⁴ The model adopted by the government was a hybrid model of community-based justice, which combined local adjudication, confession, and community participation with reduced punishments. Although these were not 'prosecutions' in the classical sense (they were mostly non-professional, restorative in orientation), they demonstrate how a society may calibrate accountability to practical constraints. The gacaca process has been both praised and criticized for overemphasizing confession or coerced forgiveness, uneven fairness, and marginalization of some victim voices.³⁵

B. South Africa's TRC/Amnesty System

Following apartheid, South Africa opted *not* to prosecute broadly its perpetrators in criminal courts. Instead, it created the TRC, which offered conditional amnesty to those who fully confessed politically motivated crimes and cooperated with the TRC. While this is often characterized as prioritizing restorative justice over retributive punishment, the model also

³⁴ Gacaca: A question of justice, *Amnesty International December 2002, AI Index: AFR 47/007/2002, page 3*

³⁵ Lyn S. Graybill and Lanegran, "*Truth, Justice, and Reconciliation in Africa: Issues and Cases*" (University of Florida / Africa Quarterly, 2004). Pg 1-5

included selective prosecutions for those who did not apply or qualify for amnesty.³⁶ The South African model illustrates that amnesty-based transitional justice may integrate some elements of prosecution for recalcitrant actors.

C. Sierra Leone and the Hybrid Special Court + TRC

Sierra Leone offers a more explicit hybrid institutional array. In Sierra Leone, the SCSL, an ad hoc mixed national–international tribunal, prosecuted senior-level perpetrators of war crimes, while a TRC addressed broader patterns of atrocity, victim testimony, and reconciliation.³⁷ This dual track meant that accountability for top actors could proceed in a retributive mode, while the TRC handled a broader restorative and memorial function. The Sierra Leone experience underscores how legitimacy and capacities can be balanced by institutional complementarity.

D. Colombia’s Special Jurisdiction for Peace (JEP)

Colombia’s 2016 peace process crafted a conditional prosecution/restorative-punitive hybrid model via the Special Jurisdiction for Peace (JEP).³⁸ Under this framework, individuals who accept responsibility, disclose truth, cooperate fully, and commit to reparative actions may receive special restorative sanctions (often noncustodial, community work, restorative measures) rather than conventional imprisonment. Those who decline or obstruct accountability may face traditional prison sentences (up to 15–20 years) under ordinary courts.³⁹ The JEP thus attempts to balance retributive and restorative goals in a negotiated peace context.

The above comparative experiences point to several theoretical lessons and recurring challenges for the Accountability and Prosecution pillar of transitional justice. Some of the lessons are:

- I. **Selectivity and Prioritization** - No transitional context prosecutes everyone. States must decide which perpetrators (senior command, systematic actors) and which crimes (genocide, crimes against humanity, mixed crimes) are within purview.

³⁶ H. Varney, *Trial of War Crimes: Retribution and Reconciliation* (Geneva Academy, 2018) — discusses multiple transitional prosecution models. Pg 2-5

³⁷ *Supra* note 30, at Page 1-4

³⁸ J. F. S. Hoyos, “*Punishment and Pardon in Colombia: Use of IHL in the JEP*” (International Review of the Red Cross, 2022). Pg 1-3

³⁹ *Ibid*, at Page 1-5

- II. **Conditional/Amnestied Hybrid Regimes** - Many transitional systems embed mechanisms whereby access to lighter or alternative sanctions is conditional on truth-telling, apology, cooperation, or reparations. This balances justice and pragmatism.
- III. **Victim Participation and Procedural Fairness** - Prosecution must avoid being purely adversarial; victims should have voice (intervention rights, submissions, witness protections). The legitimacy of prosecutions depends on procedural transparency, fairness, independence, and due process.
- IV. **Capacity, Resources, and Time** - Post-conflict courts often suffer shortages—of judges, forensics, evidentiary records, and security. Hybrid or international support can supplement domestic capacity.
- V. **Perceptions of Impunity & Legitimacy** - Even partial or restorative sanctions risk being viewed by victims or the public as impunity. States must match formal accountability with meaningful symbolic and reparative elements.
- VI. **Non-repetition & Institutional Reform** - Prosecutions alone cannot prevent recurring abuses. Accountability must link to institutional reform (security sector, rule of law), memorialization, and education.

2.2.2. Transitional Justice for Ascertaining the Truth

The second of the essential pillars of transitional justice is ascertaining the truth. The ‘inalienable right to the truth’ is closely related to the ‘right to an effective remedy’ for violations of human rights. The right to an effective remedy is firmly entrenched in all major international legal instruments.⁴⁰

In one of the seminal documents of the UN on the issue of impunity for human rights violations, a Special Rapporteur had once spoke about the inalienable right to truth saying:

‘Every people has the inalienable right to know the truth about past events and about the circumstances and reasons which led, through the consistent pattern of gross violations of human rights, to the perpetration of aberrant crimes. Full and effective exercise of the right to the truth

⁴⁰ Examples are Article 8 of the UDHR (1948) and Article 2 of the ICCPR (1966). All the major human rights instruments including the UDHR and the ICCPR (article 2.3), the American Convention on Human Rights (article 29) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (article 13) all guarantee the right to an effective remedy or recourse after a violation has occurred.

*is essential to avoid any recurrence of such acts in the future. This is not simply the right of any individual victim or his nearest and dearest to know what happened, a right to the truth. The right to know is also a collective right, drawing upon history to prevent violations from recurring in the future. Its corollary is a "duty to remember" on the part of the State: to be forearmed against the perversions of history that go under the names of revisionism or negation-ism, for the history of its oppression is part of a people's national heritage and as such must be preserved. These, then, are the main objectives of the right to know as a collective right.*⁴¹

Establishing the truth has been recognized as an essential part of the right to an effective remedy, in addition to being a crucial aspect of the guarantee of non-repetition of the original violation or abuse. This link between ‘knowing what has happened’ and ‘avoiding the recurrence of violations in the future’ has been repeatedly confirmed.⁴²

Very illustrative in this respect is the innovative case law of the Inter-American human rights institutions, borne out of the long and painful history of conflict in South and Central America.

In the case of *Ellacuria v. El Salvador*, the Inter-American Commission for Human Rights presented the right to know the truth as a direct remedy in itself, based on Article 1.1 of the Inter-American Convention providing that: ‘*a State party is obligated to guarantee the full and free exercise of the rights recognized by the Convention*’.⁴³

In the opinion of the Inter-American Commission, ensuring rights for the future requires a society to learn from the abuses of the past. States must inform their citizens about the truth.

This right to know the truth has two components: *an individual right* applying to the victim and family members and *a general societal right*. With respect to the public right, the Inter-American Commission added: ‘Every society has the inalienable right to know the truth about what has

⁴¹ *Question of the impunity of perpetrators of human rights violations (civil and political), Final report prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119, UN Doc. E/CN.4/Sub.2/1997/20, para. 17.*

⁴² *Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms*, Proposed Basic Principles and Guidelines, attached to the Final Report submitted by Mr. Theo van Boven, Special Rapporteur, to the UN Commission on Human Rights, dated 2 July 1993 (E/CN.4/Sub.2/1993/8)

⁴³ *Ellacuria v. El Salvador*, Case No. 10 488, Inter-Am. C.H.R., OEA/ser.L/V/II.106, do. 3 rev. (1999)

occurred, as well as the reasons and circumstances in which those crimes came to be committed, so as to avoid repetition of such events in the future.⁴⁴

The South African TRC, which is mentioned as the model for so many other similar institutions, listed in its report four different elements of truth in post-conflict settings: *factual or forensic truth; personal and narrative truth; social truth; healing and restorative truth*.⁴⁵

A. *Factual or forensic truth*

Also called the '*microscopic truth*', it is akin to a version of events that is accepted after all the facts have been examined and can be supported by evidence. It involves bringing the facts to light. In this respect, it provides an impartial insight into the violations and abuses of human rights and humanitarian law that were committed during a given conflict. It endows significant powers of investigation, including the authority to summon witnesses and compel testimony, and to conduct searches and to take custody of documents and other material evidence. The usage of these powers enables witnesses to appear before Truth Commissions, for official documents to be provided, and access to be gained to premises normally closed to the public and to human rights investigators from NGOs and the United Nations.

B. *Personal and narrative truth*

This is a witness's personal truth which he or she tells either in a statement or at a hearing. This is what he or she believes and should be respected. This truth is not the history of battles, military leaders and political parties, but rather a series of personal stories and accounts, telling a tale of the suffering, the pain and of the immense dignity of the common people. This is, perhaps more than anything else, a vision of the truth that describes the fundamental humanity of the people of a state.

C. *Social truth*

This type of truth refers to the truth established after interaction and dialogue that will be accepted by all, after the myths and the lies have been discredited and disproven. This can be achieved through providing a forum where the parties to the conflict, and the various components of civil society, including faith communities, political parties, a country's principal

⁴⁴ Ibid

⁴⁵ Supra note 27

institutions, and various constituencies such as women, youth and children, could come together for debate and exchange. Although informally, out of this process a form of consensus can emerge about the nature of the conflict and this can be a basis for future understanding of the truth and relationships.

D. *Healing and restorative truth*

This truth is necessary for a nation to cope with its pain. It is the truth of what happened. It involves an acknowledgement of people's pain and suffering by the nation. This type of truth provides opportunities for participants in the conflict to acknowledge the truth of what had happened and, in many cases, what they had themselves done to others. The admissions and acknowledgements, without any doubt, contribute to healing and restorative truth.

The sum of the above presented truths coupled with the first pillar of a transitional justice enables a society to go past the trauma and pain.

2.2.3. Transitional Justice for Reparation and Reconciliation

After ascertaining the truth, transitional justice helps towards reaching the third pillar or the next step, i.e. reparation and reconciliation.

In post-conflict cases, as a consequence of their victimization, people often find themselves in a condition which is not conducive to forgiveness and reconciliation. The vast majority of people in post-conflict societies live in abject poverty, some having to endure the loss of loved ones or their body parts, and others shunned because of their personal experiences such as rape and sexual slavery. Their dependency and social exclusion are constant reminders of the suffering they have endured. Faced almost on a daily basis by those who have harmed them, it is difficult to find within themselves the capacity to forgive. The humiliation of being dependent on the charity of others and often having to beg in order to live re-victimizes the victims, leaving conditions under which thoughts of revenge fester and grow. A reparations programme will assist those whose lives have been most devastated to move beyond the position they are in currently as a consequence of a conflict. The process of reparation and reconciliation is paramount to break a cycle of suffering.

One way of breaking the cycle of suffering is through reconciliation. A reconciliation which is based on a common understanding of the past and which allows both victims and perpetrators to find the space to live side by side in a spirit of tolerance and respect. Truth and reparation are key

components of reconciliation. In most transitional societies, the political realities of the day force compromises on new governments which result in the rights of victims being compromised. Victims are required to forgive and to forgo opportunities to seek redress and punishment for wrongs done to them. They bear the brunt of these political compromises. In such societies truth telling and reparations become even more important.

A member of the Chilean TRC, has explained this in the following way:

*'To provide for measures of reparation and prevention, it must be clearly known what should be repaired and prevented. Further, society cannot simply block out a chapter of its history; it cannot deny the facts of its past, however differently these may be interpreted. Inevitably the void would be filled with lies or with conflicting, confusing versions of the past. A nation's unity depends on a shared identity, which in turn depends largely on a shared memory. The truth also brings a measure of healthy social catharsis and helps to prevent the past from reoccurring.'*⁴⁶

If there is not a reparation policy for victims, truth-telling without reparation could conceivably be perceived by the victims to be an incomplete process in which they have revealed their pain and suffering without any mechanism being put in place to deal with the consequences of that pain. Similarly, reparations without truth-telling could be perceived by the beneficiaries as an attempt to buy their silence. Transitional justice, therefore, requires not only truth telling but reparations which will strengthen the reconciliation process.

The Chicago principles, a framework or guiding principles that were developed by scholars and practitioners in transitional justice at a conference held in Chicago, lay down four types of reparations for victims of violations of human rights and humanitarian law.⁴⁷ The various types of reparations mentioned include: restitution; compensation; rehabilitation; and, the satisfaction and guarantees of non-repetition.

- A. **Restitution** - Restitution seeks to restore victims to their situation prior to having suffered serious violations. Restitution includes: resettlement in one's place of prior residence;

⁴⁶ J. Zalaquett,"extract from the Matthew O. Tobriner Lecture. Balancing Ethical Imperatives and Political constraints: The Dilemma of New Democracies Confronting Past Human Rights Violations" 1992, 43 Hastings L.J. 1425, 1433.

⁴⁷ Facing Atrocity: The Importance Of Guiding Principles On Post-conflict Justice, M. Cherif Bassiouni & Daniel Rothenberg, 2007 by the international human rights law institute, page 41

return of confiscated property; and, the restoration of liberty, employment, family unity, legal rights, and citizenship. Under restitution, states are expected to make special efforts to ensure that individual criminal records are cleared of illegitimate and politically motivated convictions related to prior government repression.

- B. **Compensation** - Compensation provides victims with monetary payments for damages, suffering and loss resulting from past violations. Compensation includes payments to address: physical harm; mental harm; lost economic, educational, and social opportunities; damage to reputation and dignity; and, costs related to legal aid, expert assistance, and relevant medical, psychological, and social services.
- C. **Rehabilitation** - Rehabilitation provides services to victims to address the impact of past violations, including: medical and psychological care; social services; education; job training; and, legal assistance. Under rehabilitation, states are expected to focus special attention on providing rehabilitation to child victims, the children of victims, and child soldiers.
- D. **Satisfaction and guarantees of non-repetition** - Satisfaction and guarantees of non-repetition provide victims with information and services to address the continuing impact of past violations and prevent future violations.⁴⁸

Reparations are an important instrument to achieving strong reconciliation process. A sincere commitment from a government to the execution of a proposed Reparations Programme would give a clear sign to the victims that a State and their fellow citizens are serious in their efforts to re-establish relations of equality and respect.⁴⁹

Acknowledging the wrongdoing done to victims, engaging with those victimized and disempowered will lead to members of society having a renewed faith in the democratic process. This leads to the restoration of civic trust and a sense of ownership for a nation.

The fourth pillar, which is the principle of guarantees of non-recurrence/non-repetition, will be dealt in the following sections of this thesis.

⁴⁸ Guarantees of non-repetition/non-recurrence will be discussed in relation with the next pillar of transitional justice in detail.

⁴⁹ Pablo De Greiff, "The Role of Reparations in Transition to Democracy", paper written for the International Center for Transitional Justice, New York, pp. 18-21, in "Repairing the Past"

2.2.4. Transitional Justice and the Principle of Guarantees of non-recurrence/Non-Repetition

Transitional justice is not only about addressing the past; it is equally about safeguarding the future. After shedding a light on what has happened, addressing it thoroughly and answering what should be done to mitigate its effects; the next logical thing to do is making sure that it never repeats itself, or at least take measures to prevent it from recurring in the scale it had in the past.

Often times the process of transitional justice is close-knit to whoever is leading the process, or whomever brings it to be. After witnessing mass scale atrocities, political or military conditions may on their own lead to the dawn of a new era manifested through an all-encompassing wave of reforms in a state. Post-conflict justice is also highly dependent on the processes through which a conflict was brought under control.

Some conflicts terminate with the overwhelming victory of one side over another, providing the prevailing force with near-complete control over the management and implementation of national reconstruction. While this may simplify the creation of strategies to address past violence, it fosters an imbalance of interests that can negatively impact the creation of fair and impartial policies.

Other conflicts end through negotiated settlements which often reflect the demands and needs of various parties, but present their own challenges. Negotiated settlements may involve significant equality in the power and influence of conflicting parties or substantial disparities. In addition, a variety of external issues and constituencies often play a role in shaping peaceful outcomes.⁵⁰

Still in another scenario, an oppressive government may be overthrown or it may relinquish its powers. In the former case it is only natural for the new government to hunt members of the past government who may have, or sometimes have not, been committing violations. But the latter mostly leaves a state in limbo. For instance, there may be two or more armed groups within a state, and each may possess a relatively comparable power and military strength. Local or international communities may try to broker a peace agreement among the armed groups. But as

⁵⁰ Supra note 47 page 8-10

long as each has the option of walking down a new and arduous path towards another conflict, there can never be found a guarantee that another round of atrocities will not flare. These facts necessitate the principle of guarantees of non-repetition/non-recurrence.

The principle of guarantees of non-repetition/non-recurrence is one of the basic principles laid down under the Chicago principles, which were discussed above.⁵¹ The Chicago principles mention that satisfaction and guarantees of non-repetition provide victims with information and services to address the continuing impact of past violations and prevent future violations. These actions include providing victims with information on: those killed, including the location of clandestine gravesites; those disappeared and the circumstances of their disappearance; and, abducted children. States are also expected to implement measures to end continuing violations, such as institutional reform, while also creating conditions to prevent future violations.⁵²

The principle of guarantees of non-repetition, the idea that societies emerging from conflict must implement structural measures to prevent recurrence of atrocities, is a cornerstone of post-conflict justice and human rights protections. It seeks to prevent the recurrence of gross human rights violations by addressing structural, institutional, and social conditions that facilitated atrocities. International law increasingly recognizes this principle as a binding obligation on states to ensure that the cycle of violence does not persist. While prosecutions, reparations, and truth-seeking play vital roles, guarantees of non-repetition emphasize forward-looking reforms—particularly within institutions of security, governance, and justice.

The principle of guarantees of non-repetition or non-recurrence is mainly found, listed under the UN Principles to Combat Impunity, as one of the four obligations of states in response to massive human rights violations. The obligations are: to prosecute the perpetrators, to provide reparations to the victims, to tell the truth about the violations, and to guarantee their non-recurrence.⁵³

⁵¹ Ibid

⁵² Ibid

⁵³ *The Administration of Justice and the Human Rights of Detainees. The Question of the Impunity of Perpetrators of Human Rights Violations (Civil and Political): Revised Final Report Prepared by Mr. L. Joinet*, U.N. ESCOR, Comm'n on Hum. Rts., 49th Sess., Agenda Item 9, U.N. Doc. E/CN.4/Sub.2/1997/20/Rev.1, Principle 18 (2 Oct. 1997)

However, one has to notice that the obligation to guarantee non-recurrence is the *least developed* category of the measures to combat impunity. The 1997 version of the Principles to Combat Impunity devote only six out of forty-two principles to guarantees of non-recurrence; the 2005 updated version of the Principles devote only four out of thirty eight principles to this obligation. Not surprisingly, these four principles come last in the Principles to Combat Impunity.⁵⁴ Generally, little systematic attention has been paid to the topic of guarantees of non-recurrence.

The literature on prosecution, truth telling and reparation abounds, but guarantees of non-recurrence remain under-explored. As a result one might boldly say that while the human rights community broadly agrees on the importance of preventing recurrence, it has limited understanding of what it entails and how it is done.⁵⁵

Often times raised hand in hand with reparations, the key dimensions of the principle of guarantees of non-repetition include:

- **Structural reform** – This refers to rebuilding institutions to ensure accountability and rule of law. Therefore a structural reform enables states to break the vicious cycle of conflict, atrocities, and peace agreements.
- **Cultural change** - this is mainly linked to promoting human rights awareness and reconciliation.
- **Legal safeguards** - Codifying prohibitions against crimes and ensuring enforcement mechanisms.

To sum-up, post-conflict societies often grapple with the aftermath of mass atrocities, such as genocide, war crimes, and systematic human rights violations. Beyond retributive and restorative justice, using comprehensive measures and ensuring that atrocities do not recur is a primary concern of the international community. The principle of guarantees of non-repetition is therefore a preventive and forward-looking measure designed to break cycles of violence by

⁵⁴ *Impunity. Report of the Independent Expert to Update the Set of Principles to Combat Impunity*, Diane Orentlicher, *Addendum: Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity*, U.N. ESCOR, Comm'n on Hum. Rts., 61st Sess., Agenda Item 17, U.N. E/CN.4/2005/102/Add.1, Principle 1 (8 Feb. 2005)

⁵⁵ *Guarantees of Non-Recurrence: An Approximation*, Alexander Mayer-Rieckh, *Human Rights Quarterly* 39 (2017), by Johns Hopkins University Press, page 417

addressing the underlying causes of conflict, reinforcing the rule of law, and promoting accountability.

2.3.The Principle of Guarantees of Non-repetition/Non-recurrence

2.3.1. Legal Foundations of Non-repetition/Non-recurrence under International Law

Guarantees of non-repetition/on-recurrence is not merely a moral aspiration. It is well recognized under international human rights and humanitarian law as an obligation of states and the international community. Based on multiple legal foundations and mechanisms for enforcement, the principle of guarantees of non-repetition is central in transitional justice frameworks. It encompasses structural reforms, policy measures, educational programs, and accountability mechanisms. Unlike retributive justice, which focuses on punishment for the wrongs of the past, non-repetition emphasizes prevention, institutional safeguards, and societal resilience for the future.

Generally in international law, a breach by a state of an international obligation entails, *inter alia*, the state's responsibility to cease that wrongful act and prevent its repetition in the future.⁵⁶ Whereas cessation may be understood as the negative aspect of future performance, concerned with securing an end to continuing wrongful conduct, guarantees of non-repetition serve a preventive function and may be described as a positive reinforcement of future performance.⁵⁷ Both cessation and prevention of repetition express and underline the continuing validity of the obligation violated and, respectively, the state's obligation to respect and ensure the right. International human rights law lays not only an obligation of states to respect but also to ensure human rights.

Article 2 of the ICCPR specifies, for instance, that state parties undertake to respect and to ensure the rights recognized in the Covenant.⁵⁸ This duty to ensure includes a comprehensive obligation to prevent future violations of human rights. States are required to adopt legislative,

⁵⁶ *Responsibility of States for Internationally Wrongful Acts* (28 Jan. 2002), G.A. Res. 56/83, at annex art. 30, U.N. GAOR, 56th Sess., Agenda Item 162.

⁵⁷ *Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries, art. 30, Commentary* (2001), adopted by the International Law Comm. at its Fifty-Third Session, and submitted to the General Assembly session A/56/10. page 1

⁵⁸ ICCPR, adopted 16 Dec 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. (No. 16), art. 2, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (*entered into force* 23 Mar 1976)

judicial, administrative, educational and other appropriate measures in order to fulfill their legal obligations. The duty to ensure human rights implies not only a general obligation to prevent any form of future violation, but also a specific obligation to prevent the recurrence of a violation that has already taken place. This is true since the purposes of the Covenant would simply be defeated without an obligation to take measures to prevent a recurrence of a violation of the Covenant. As a consequence of this obligation states must prevent, investigate and punish any violation of the rights recognized by the Convention and, moreover, if possible attempt to restore the violated right and provide compensation as warranted for damages resulting from the violation.

The obligation to prevent recurrence in international human rights law is based not only on the overall duty to ensure human rights but also on the specific duty to make reparation for a violation of human rights.⁵⁹ A state's duty to make reparation arises when an obligation under international law to respect and ensure human rights is violated. Reparation has the purpose of relieving the suffering of and affording justice to victims by removing or redressing to the extent possible the consequences of the wrongful acts and by preventing and deterring violations.⁶⁰

The principle of guarantees of non-repetition, having original roots in both treaty law and customary international law, it can also be traced to various international instruments.

The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation explicitly include guarantees of non-repetition as one of the five forms of reparations owed to victims of gross human rights violations.⁶¹ These guarantees encompass reforms to institutions such as the military, police, and judiciary, alongside broader measures to entrench rule of law and democratic governance.

Article 23 of the basic principles and guidelines states:

⁵⁹ United Nations, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, G.A. Res. 60/147, U.N. Doc. A/RES/60/147 (March 21, 2006), art. 23.

⁶⁰ *Study Concerning the Right to Restitution, Compensation and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms, Final Report Submitted by Mr. Theo van Boven*, U.N. ESCOR, Comm'n on Hum. Rts., 45th Sess., Agenda Item 4, U.N. Doc. E./CN.4/Sub.2/1993/8, pages 40–130, 58 (2 July 1993)

⁶¹ *Supra* note 59

“Guarantees of non-repetition should include, where applicable, and without limitation, the following measures:

(a) Ensuring effective civilian control of military and security forces;

(b) Ensuring that all civilian and military proceedings abide by international standards of due process, fairness and impartiality;

(c) Strengthening the independence of the judiciary;

(d) Protecting persons in the legal, medical and other professions and human rights defenders;

(e) Providing, on a priority and continued basis, human rights education to all sectors of society;

(f) Promoting the observance of codes of conduct and ethical norms, in particular international standards, by public servants;

(g) Taking measures to prevent the recurrence of violations.”⁶²

This provision is, arguably, the clearest codification of the principle in UN soft law. It explicitly sets out structural reforms—judicial independence, human rights education, civilian control of security forces—as a way to prevent recurrence of gross violations. Though not binding, it is widely cited as customary international law guidance in transitional justice practice including truth commissions and UN reports.

Several human rights treaties further embed this obligation. The above mentioned ICCPR obliges states not only to protect rights but also to provide effective remedies for violations, which may entail structural reforms.⁶³

Article 2(3) of the ICCPR details: *“Each State Party... undertakes:*

⁶² Supra note 59, at art. 23.

⁶³ Supra note 58

(a) To ensure that any person whose rights or freedoms... are violated shall have an effective remedy...

(c) To ensure that the competent authorities shall enforce such remedies when granted.”

Some other elements can also be found under Articles 7, which details Prohibition of torture and cruel, inhuman, or degrading treatment, and 14 which discusses Right to a fair trial.

While the ICCPR does not word for word name guarantees of non-recurrence, the Human Rights Committee’s General Comment No. 31 (2004) makes it explicit by saying: *states must not only provide remedies, but also adopt measures to prevent recurrence of violations.*⁶⁴ This implies reforms to legislation, institutions, and practices. Hence, ICCPR obligations extend beyond reparation to structural guarantees of non-repetition.

Similarly, the CAT requires state parties to prevent torture through legislative, administrative, and judicial measures, including institutional reforms.⁶⁵

Article 2(1) of CAT states: *“Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.”*

Article 14(1) also says that: *“Each State Party shall ensure... redress... and as full rehabilitation as possible.”*

CAT uniquely couples prevention with reparation. The duty to prevent goes beyond punishment to systemic safeguards such as: training police, excluding torture-tainted evidence, and oversight mechanisms. The Committee against Torture clarifies through General Comment No. 3, 2012 that redress includes guarantees of non-repetition.⁶⁶ Thus, CAT sanctions non-recurrence both expressly through prevention obligations and interpretively.

⁶⁴ *General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (May 26, 2004), page 17.

⁶⁵ *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Dec. 10, 1984, 1465 U.N.T.S. 85, arts. 2, 14

⁶⁶ *Committee Against Torture, General Comment No. 3: Implementation of Article 14 by States Parties*, U.N. Doc. CAT/C/GC/3 (Nov. 19, 2012).

CEDAW also mandates structural change, underscoring the role of gender equality in preventing future abuses.⁶⁷ According to article 2(b) through (d) of CEDAW states must:

“Adopt appropriate legislative and other measures...to prohibit discrimination” and “establish legal protection of the rights of women.”

Article 5, which enumerates obligation to modify cultural and social patterns that perpetuate discrimination and article 16 which deals with Equal rights in marriage and family relations also have parts to deal with guarantees of non-recurrence principles.

CEDAW’s structural obligations directly embody non-recurrence. By requiring legal reforms, elimination of discriminatory practices, and transformation of social attitudes, it imposes guarantees of non-repetition of gender-based violations. The CEDAW Committee has emphasized this in General Recommendations No. 33 on access to justice, and on No. 35 on gender-based violence.⁶⁸

Regional human rights courts have also reinforced this principle.

The Inter-American Court of Human Rights frequently orders states to implement guarantees of non-repetition, including security sector reform, human rights training, and institutional restructuring.

In the *Velásquez Rodríguez v. Honduras* (1988) case, the Court held that the State has an obligation not just to remedy but also to prevent violations.⁶⁹ Another case, *Castillo Páez v. Peru* (1997) ordered Peru to adopt reforms to guarantee non-repetition, including criminal investigations and institutional reforms.⁷⁰ Additionally *Gomes Lund v. Brazil (Guerrilha do*

⁶⁷ Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13, arts. 2, 5, 16

⁶⁸ CEDAW Committee, *General Recommendation No. 35 on Gender-Based Violence Against Women Updating General Recommendation No. 19*, U.N. Doc. CEDAW/C/GC/35 (July 14, 2017).

⁶⁹ *Velásquez Rodríguez v. Honduras*, Judgment of July 29, 1988, Inter-Am. Ct. H.R. (ser. C) No. 4

⁷⁰ *Castillo Páez v. Peru*, Judgment of Nov. 3, 1997, Inter-Am. Ct. H.R. (ser. C) No. 34

Araguaia case) (2010) also ordered state reforms, training, and dissemination of truth as guarantees of non-repetition.⁷¹

The Inter-American system has relatively developed the richest jurisprudence on non-recurrence. The Court consistently interprets *Article 63(1) of the American Convention on Human Rights* remedies as encompassing guarantees of non-repetition. Orders often include judicial reforms, training of officials, publication of judgments, and legislative change.

The ACHPR has similarly recognized that remedies must go beyond compensation to include structural guarantees preventing recurrence. According to article 1 of the African Charter:

States must “*recognize the rights, duties and freedoms... and adopt legislative or other measures to give effect to them.*”

The principle is also found on article 7 on the *Right to fair trial* and article 25 on *Duty to promote and ensure teaching of human rights*.

In addition to the charter, in *Tanganyika Law Society v. Tanzania* (2013) the Court ordered amendments to laws restricting political participation as guarantees of non-recurrence.⁷² Similarly, *Lohé Issa Konaté v. Burkina Faso* (2014) ordered legislative reform to prevent future violations of freedom of expression.⁷³

Though still developing, the AfCHPR explicitly embraces guarantees of non-recurrence. Its reliance on structural reforms such as law amendments, education, institutional strengthening, reflects the principle that remedies must ensure violations will not be repeated.

Collectively, these instruments and jurisprudence demonstrate that non-recurrence is not a soft aspirational principle but a binding legal obligation. States must not only punish violations but also create systemic safeguards ranging from judicial, legislative, and educational to cultural

⁷¹ *Gomes Lund v. Brazil (Guerrilha do Araguaia case)*, Judgment of Nov. 24, 2010, Inter-Am. Ct. H.R. (ser. C) No. 219.

⁷² *Tanganyika Law Society v. Tanzania*, Judgment of June 14, 2013, African Court on Human and Peoples’ Rights, App. Nos. 009/2011 and 011/2011

⁷³ *Lohé Issa Konaté v. Burkina Faso*, Judgment of Dec. 5, 2014, African Court on Human and Peoples’ Rights, App. No. 004/2013.

mechanisms that prevent repetition. This principle is now a cornerstone of transitional justice and international human rights law.

2.3.2. Mechanisms for Guarantees of Non-repetition /Non-recurrence

Various mechanisms can be employed by states to ensure that non-repetition/non-recurrence is guaranteed. The following are some:

A. Institutional Reforms

In cases of a given total regime change or not, institutional reform plays a key role in post-conflict states or states emerging out of oppression. Guarantees of non-repetition are most effective when institutional reforms target the very structures that enabled past abuses.

Security sector reform is paramount: militaries must be subordinated to civilian control, and police forces must be professionalized, demilitarized, and held accountable for misconduct.⁷⁴ Programmes to remove abusive members of the military, police, judiciary or civil service have been implemented in a number of countries throughout recent history, but often with great difficulty. And some have been criticized for providing insufficient protection or procedures to ensure against unfair accusations.⁷⁵ Therefore a great delicacy is needed in reforming the military sector.

The various groups of persons to be vetted must be considered separately; vetting the judiciary, for instance, presents a special challenge in balancing the demands for reform with requirements to respect judicial independence.

Given that most vetting programmes are expected to include procedures for public comment or review, as well as an examination of each person's personnel records and any previous complaints, it could be useful to incorporate information retrieved from a truth commission into such a vetting process. A vetting process is crucial, to ensure independence, impartiality, and the

⁷⁴ *Reparations in Theory and Practice* (2007), Lisa Magarrell, International Center for Transitional Justice. Pages 12–13

⁷⁵ *Rule-of-Law Tools for Post-Conflict States: Vetting* (2006), Office of the U.N. High Commissioner for Human Rights. Pages 27–30

capacity to adjudicate human rights violations. Strengthening prosecutorial independence and judicial oversight could also be decisive in preventing cycles of politically motivated violence.

Institutional reforms further extend to legislative frameworks. Criminalizing international crimes domestically, strengthening witness protection laws, and ensuring transparency in governance all serve as bulwarks against future violations. Truth commissions often recommend such reforms, linking the uncovering of past abuses to concrete steps for institutional transformation and prevention of possible future atrocities.⁷⁶

B. Education, Training, and Cultural Change

Non-repetition also requires cultivating a culture of human rights through education and training. Incorporating human rights curricula into schools, mandating training for police and military officers, and fostering civic awareness are all mechanisms recognized by international law.⁷⁷ Such cultural shifts are slow but indispensable for sustainable prevention.

C. Reparations as Preventive Measures

Reparations themselves can function as guarantees of non-repetition. Beyond compensation, symbolic reparations—such as memorialization, public apologies, and days of remembrance—contribute to collective acknowledgment and reduce denialism.⁷⁸ By embedding historical memory into national consciousness, these measures help inoculate societies against revisionist narratives that often fuel renewed conflict.

D. International and Regional Oversight

Guarantees of non-repetition also operate through international monitoring bodies, such as the UN Human Rights Council, treaty monitoring committees, and regional commissions. For

⁷⁶ Truth and Reconciliation Commission of South Africa (1998), *Final Report* vol. 5. At 312–16

⁷⁷ *Supra* note 75

⁷⁸ *Justice Compromised: The Legacy of Rwanda's Gacaca Courts* (2011), Human Rights Watch. Pages 51–57

example, the African Commission on Human and Peoples' Rights regularly issues recommendations requiring states to adopt structural reforms, such as repealing repressive legislation or restructuring abusive security agencies.⁷⁹

One may argue that compliance to the principle of guarantees of non-recurrence/non-repetition is uneven, but the principle gains traction as states are held to ongoing international scrutiny

Chapter 3

⁷⁹ *Resolution on the Right to a Remedy and Reparation for Women and Girls Victims of Sexual Violence* (2015), African Commission on Human and Peoples' Rights.

The Tigray War: Background and Legal Context

The Tigray war, which generally lasted from November 2020 until November 2022, arguably, has witnessed the worst atrocity crimes in the history of the 21st century Africa, if not the world. Despite the initial hesitation on the side of the UN, AU and states of the world to do further investigations to determine whether it is a genocide, which evidences below highly indicate it to be, researchers are recently, and boldly, coming to call it by its proper name. In this chapter we will briefly overview the prelude to the war, the initial stages of the war, how it escalated, key events and turning points, and internationally documented atrocities and violations in the war. A case study from South-eastern Tigray is also examined to show case whether there is a credible ground to investigate for atrocities committed with a genocidal intent upon Tigray and Tigrayans.

3.1. Overview of the Conflict

3.1.1. A Prelude to the war

In 1991 an uprising by the Ethiopian People's Revolutionary Democratic Front (EPRDF) ended decades of repressive military rule by the Provisional Military Government of Socialist Ethiopia (*the Derg*) and brought an end to an unequal centralized rule in Ethiopia. The EPRDF was a coalition of four regional political groups and championed multicultural federalism and greater autonomy to over 80 ethnic groups of Ethiopia.⁸⁰ In May 1995 Ethiopia was restructured into a federation of nine regions created along linguistic and ethnic lines, but in the following decades the autonomy of the regions greatly diminished.⁸¹

In the subsequent years a perception grew amongst some Ethiopians that the Tigrayans were dominating economic and political life, while the Oromo were perceived to be marginalized. This gave way to grievances towards the TPLF and Tigrayans in general. This was despite the consistent high performance of economic development Ethiopia achieved for nearly two decades under the EPRDF leadership.⁸²

⁸⁰ Closing the Transition: The May 1995 Elections in Ethiopia, *The Journal of Modern African Studies*, Vol. 34, No. 1, pp. 121-142

⁸¹ Ibid

⁸² Ethiopia's economic miracle ride is set to turn into a bumpy road, *Quartz Africa*, 4 February 2020

3.1.2. Causes and escalation of the Tigray War

A political crisis caused by years of anti-government protests beginning in 2014, centered in Oromia and, later, Amhara regional states, led to the resignation of the then Prime Minister Hailemariam Desalegn in February 2018. On 27 March 2018, Abiy Ahmed was elected Chairperson of the EPRDF and subsequently sworn in as Prime Minister by the House of Peoples' Representatives (HoPR) on 2 April 2018. The new administration promised to resolve the country's deep ethnic and political divide and implemented reforms which included releasing political prisoners, allowing exiled political groups into the country, revising a number of restrictive laws, and removing restrictions on the media and civil society organizations. The administration also normalized relations with Eritrea after the signing of a Peace Agreement between the two countries in July 2018.⁸³

The new Prime Minister was lauded for quickly making peace with neighboring Eritrea, an act for which, in 2019, he was awarded a Nobel Peace Prize. A comprehensive amnesty saw a wide range of jailed or exiled political and armed groups return to prominence in Ethiopia.⁸⁴

In December 2019, three constituent parties of the EPRDF merged into a single new party called the Prosperity Party (PP), under Prime Minister Abiy Ahmed. The TPLF declined to join the newly established party.

In March 2020, the National Electoral Board of Ethiopia (NEBE) indicated that it will not be able to conduct the elections scheduled for August 2020 due to the COVID-19 pandemic. On 6 May 2020, the House of Federation (HoF) sent a request to the Council of Constitutional Inquiry (CCI) seeking an interpretation of the 1995 Constitution regarding the possible postponement of the elections. The CCI considered the matter and recommended to the HoF that the terms of offices of the Federal and Regional executive and legislative bodies should continue until elections are held owing to the declaration of the state of emergency to prevent and control the COVID-19 pandemic; and that elections should be held within 9-12 months from the time the

⁸³ Supra note 8, paragraph 2

⁸⁴ Supra note 1

national and international health authorities and scientists confirm that COVID-19 is no more a public health threat. These recommendations were adopted by the HoF.⁸⁵

In mid-2020, influential Oromo opposition leaders, including from OLF, were arrested after further ethnicized violence when a popular Oromo singer was assassinated. TPLF pressed ahead with elections in Tigray in September 2020 flouting a federal prohibition. Federal and Tigray regional governments declared one another's actions 'unconstitutional'.⁸⁶

On 6 October 2020, the TPLF stated that it no longer accepted the legitimacy of the Federal Government (the House of Peoples' Representatives, the House of Federation, the Cabinet, and the Prime Minister) as its mandate had expired. It further stated that henceforth Tigray would not accept any decision or resolution that came from the Federal Government.⁸⁷

On 7 October 2020, the HoF decided to sever relations with Tigray Regional State Council and the region's Cabinet by, among others, suspending funding to the Regional administration, instead declaring its choice to deal with the lower administrative units. Tensions between the Federal Government and the Tigray Regional State were further escalated with military posturing and build-up on both sides. Attempts by civil society including elders to bring about peaceful resolution to the dispute also failed.⁸⁸

Fighting erupted on 3-4 November 2020. There is a debate at this point as to who fired the first shot that officially started the war, but we will proceed with our description of what happened next.

Tigrayan forces moved to take over ENDF Northern Command personnel and equipment in what the federal government saw as a 'treasonous attack,' and Tigray leaders described as 'pre-emptive defense.'⁸⁹

⁸⁵ Supra note 83

⁸⁶ Supra note 1

⁸⁷ Supra note 83

⁸⁸ Supra note 83

⁸⁹ Supra note 1

3.1.3. Key events and turning points of the Tigray war

In the first phase, fighting occurred throughout Tigray. Initially from November to December 2020, with a focus on the far Western area, around Humera, Sheraro, and Axum, and then from January to February 2021, with a southern trajectory. In this trajectory, violence first peaked in intensity around central and eastern Tigray, and then in the south.⁹⁰

The military action by the Ethiopian federal force, was supported by and Eritrean forces, Amhara Regional State Special Forces, was immediate and coordinated. Under a State of Emergency declared on 4 November 2020, the government launched what it called a ‘law and order operation’ against what it labelled the TPLF ‘terrorists.’ Federal spokespersons insisted the operation would soon be over. TPLF-aligned forces were rapidly pushed out of the towns of Tigray, which were controlled by ENDF and allied Amhara and Eritrean forces. The Federal Government appointed an Interim Administration based in the capital Mekelle and placed the region under a joint military-civilian Command Post, under State of Emergency legislation.⁹¹

The second phase began in July 2021, when Tigrayan forces started their counter-offensive against the Ethiopian government and its allied forces, including by re-capturing Tigray’s capital Mekelle. ENDF and the federally appointed Interim Administration left Mekelle. Western and Southern Tigray, and areas of the northern border with Eritrea, remained under Amhara militia or Eritrean control. Amhara politicians claimed Western Tigray, and forces allied with them consolidated *de facto* Amhara control of a wide area up to the Eritrean border at Humera. The phase was marked by incursions on the part of the Tigrayan forces in the Afar and Amhara regions, at one point approaching Addis Ababa. In August 2021, the TPLF struck an alliance with the Oromo Liberation Army, while the federal authorities enlisted paramilitaries from Ethiopia’s other nine regions in a mass recruitment. Federal forces then counterattacked and pushed the TPLF back toward Tigray. This phase of the conflict ended when the federal counterattack stopped at the Tigrayan border, though western Tigray remained under the control of Amhara regional authorities.⁹²

⁹⁰ *Genocide in Tigray: Serious Breaches of International Law in the Tigray Conflict, Ethiopia, and Paths to Accountability*, New Lines Institute for strategy and policy, June 2024

⁹¹ Supra note 1

⁹² Supra note 90

In the third phase of the conflict from November 2021 to August 2022, active fighting between Tigrayan and federal government forces was limited, although there was significant violence in Afar in the early months of the year. During this stalemate in the north, violence in Oromia and in the Oromo area of Amhara was reported to have grown. The humanitarian situation in Tigray, meanwhile, gradually deteriorated, until in April 2022 a ‘humanitarian truce’ allowed a trickle of aid into the region at a fraction of needs. Tension escalated as food and medical supplies to Tigray continued to be interrupted, and essential services such as banking, telecommunications, electricity and trade continued to be cut. The small humanitarian flow was suspended in August 2022 as fighting erupted again.⁹³

The fourth and final phase saw new fighting erupt near the Tigrayan border on 24 August 2022, in breach of the cease-fire. The TPLF and the Ethiopian government each blamed the other. Beginning on 11 September 2022, Tigray’s regional government—which is composed of leading figures of the TPLF—announced its stance on a peaceful resolution of the conflict, calling for a cessation of hostilities, and offered an immediate and mutually agreed cessation of hostilities. However, the Ethiopian government and Eritrea continued their military pursuits: deploying heavy weaponry in Eritrea along the Tigrayan border; launching a full-scale offensive against Tigray, with heavy fighting reported in several places along the border; and seizing control of Shire, Alamata, and Korem. Upon reiterating their readiness for a cessation of hostilities, the TPLF demanded that Eritrea withdraw from Tigray; eventually the warring parties, except Eritrea, met in South Africa for AU-led peace talks.⁹⁴

On 2 November 2022, the Ethiopian federal government and TPLF formally agreed to cease hostilities; yet concerns over imminent breaches of the agreement were realized when reports of human rights violations surfaced. These included looting and mass detentions in Tigray, the bombing of Abi Adi by the EDF on 5 November 2022, and heavy fighting between Tigrayan forces and Eritrean and Amhara forces, respectively, in Zalambessa and Adigrat, and in Chercher.

Indeed, UN ICHREE found that even after the CoHA, EDF soldiers remained in Tigray and continued to commit criminal acts, including sexual and gender-based crimes, at times “not far”

⁹³ Supra note 1

⁹⁴ Supra note 90

from the ENDF. The Ethiopian government was found to have “failed in its legal duty to protect its population from violations by a foreign army [the EDF], or by Amhara militia present in the areas of Western and Southern Tigray.”⁹⁵

3.2. Documented Atrocities and Human Rights Violations

The Tigray war has been marked by extensive and grave human rights violations and atrocities, many of which continue to be reported. These include killings and massacres, rape and other forms of gender-based violence, ethnic cleansing and deportation, mass displacement, airstrikes and bombardments, torture, bodily injury, arson, looting, and the widespread destruction of public and private property. The scale, severity, and systematic nature of these violations have led scholars, international organizations, and human rights bodies to characterize them as constituting war crimes, crimes against humanity, and, according to some analyses, genocide.

ICHREE, before its premature termination, documented widespread violations and abuses committed by all parties to the conflict, concluding that war crimes and crimes against humanity had occurred. While its findings stopped short of formally characterizing the cumulative acts as genocide, numerous other international and non-governmental organizations have reported evidence supporting such allegations. These violations were predominantly committed against Tigrayan civilians by ENDF and allied forces, including the EDF.

In this section will be presented some of the widely known, relatively documented, and unfortunately, currently ignored real life human rights violations in the Tigray war. They have been claimed by scholars to amount to war crimes, crimes against humanity, and yes the biggest crime known to man: genocide. The human rights violations will be presented, for the purpose of codifying, under categories of general forms of violations.

3.2.1. Killings and Massacres

There have been many instances of individual killings and massacres during the course of the Tigray war. Some were even recorded in videos by the perpetrators while being committed, some have found corroboration in video clips and photos captured after they were perpetrated, and some can be traced from testimonies of survivors and remains of victims.

⁹⁵ Ibid

One of the earliest and most significant cases is the Mahbere Dego massacre of January 2021, where video evidence authenticated by forensic analysis showed Ethiopian soldiers executing unarmed civilians and disposing of their bodies.⁹⁶ Despite international attention and official statements promising accountability, no perpetrators have been brought to justice.⁹⁷

Similarly, the Axum massacre of November 2020 stands as one of the deadliest incidents of the war, with estimates of civilian deaths ranging from hundreds to over a thousand.⁹⁸ Reports indicate that Eritrean forces deliberately targeted unarmed civilians over multiple days, both within Axum and in surrounding rural areas.⁹⁹ Discrepancies in reported casualty figures highlight the challenges of documentation in an active conflict but do not diminish the scale or gravity of the violations.

These massacres are not isolated incidents. Comparable killings occurred in locations such as Maryam Dengelat¹⁰⁰, Bora¹⁰¹, Abi Addi¹⁰², and numerous other towns and villages across Tigray. Collectively, these acts demonstrate a recurring and patterned practice of violence against civilians. A defining feature common to these atrocities is the persistent absence of accountability, reinforcing a climate of impunity and exacerbating the suffering of victims and survivors.

3.2.2. Rape and Gender Based Violence

It was in a 21 January 2021 Statement that the United Nations Special Representative of the Secretary-General on Sexual Violence in Conflict said: *“I am greatly concerned by serious allegations of sexual violence in the Tigray region of Ethiopia, including a high number of*

⁹⁶ The Mahbere Diego massacre: filmed in secrete, documentary, DW TV, <https://youtu.be/6KxpC9F2jHc>

⁹⁷ How a massacre in Tigray was captured on video, Two bullets is enough, Bethlehem Feleke et al, CNN, Updated 8:55 AM EDT, Fri April 2, 2021,

⁹⁸ *Tigray: Atlas of the humanitarian situation*, Sofie Annys, Tim Vanden Bempt, Emnet Negash, et al., University of Ghent, June 2021. Page 71

⁹⁹ Amnesty International (2021): “Eritrean troops’ massacre of hundreds of Axum civilians may amount to crime against humanity”, 26 February 2021

¹⁰⁰ CNN (2021): “Massacre in the mountains”, 22 March 2021).

¹⁰¹ Tghat (2021): “The Bora Massacre in southern Tigray by the Ethiopian army”, 12 March 2021

¹⁰² The Telegraph (2021): “‘Their bodies were torn into pieces’: Ethiopian and Eritrean troops accused of massacre in Tigray”, 7 April 2021

*alleged rapes in the capital, Mekelle. There are also disturbing reports of individuals allegedly forced to rape members of their own family, under threats of imminent violence”.*¹⁰³

The Tigray war was marked by widespread and systematic sexual and gender-based violence. Investigations and surveys confirmed the scale of the crimes, with studies indicating that approximately 10% of women in Tigray were subjected to sexual violence, most of them through gang rape.¹⁰⁴ These violations were characterized by extreme brutality, including sexual mutilation and the insertion of foreign objects into victims’ reproductive organs¹⁰⁵, often accompanied by ethnicised threats aimed at destroying reproductive capacity.¹⁰⁶ Despite extensive documentation, no meaningful accountability has been achieved, and the vast majority of survivors remain without medical or psychosocial support due to stigma, fear, destruction of records, and the collapse of health services.¹⁰⁷

3.2.3. Torture and Bodily Injury

Severe torture and bodily injury against civilians were widely reported throughout the conflict. ENDF-aligned forces and allied militias subjected detainees and ordinary civilians to beatings, burning, acid attacks¹⁰⁸, mutilation, and other forms of cruel, inhuman, and degrading treatment.¹⁰⁹ Victims included women, elderly persons, and displaced civilians. Many survivors sustained permanent physical injuries and psychological trauma, while others witnessed killings

¹⁰³ UN Special Representative of the Secretary-General on Sexual Violence in Conflict, Ms. Pramila Patten, urges all parties to prohibit the use of sexual violence and cease hostilities in the Tigray region of Ethiopia, 21 January 2021, <https://omnatigray.org/un-urges-all-parties-to-prohibit-the-use-of-sexual-violence-and-cease-hostilities-in-the-tigray/>

¹⁰⁴ The impact of war on the health system of the Tigray region in Ethiopia: an assessment, BMJ Global Health, Gesesew H, et al. BMJ Global Health, 23 November 2021. <https://gh.bmj.com/content/6/11/e007328>

¹⁰⁵ A Tigrayan womb should never give birth’: Rape in Tigray, Lucy Kassa (21 Apr 2021), <https://www.aljazeera.com/news/2021/4/21/a-tigrayan-womb-should-never-give-birth-rape-in-ethiopia-tigray>

¹⁰⁶ Rusted screws, metal spikes and plastic rubbish: the horrific sexual violence used against Tigray’s women | Global development, <https://www.theguardian.com/global-development/2025/jun/30/sexual-violence-tigray-women-abuse-gang-rape-ethiopia-eritrea?CMP>

¹⁰⁷ The Plight of Internally Displaced Persons in Tigray: A special Assesment Report, Commission of Inquiry on Tigray Genocide, August 2025, Pages 25-26

¹⁰⁸ Supra note 106

¹⁰⁹ Security forces were captured on video burning a Tigrayan man alive, Emmanuel Akinwotu, “Video of armed men burning man alive in western Ethiopia sparks outrage” (*The Guardian*, 15 March 2022). <https://www.theguardian.com/world/2022/mar/15/video-of-armed-men-burning-man-alive-in-western-ethiopia-sparks-outrage>

or suffered prolonged detention.¹¹⁰ Access to medical treatment was reported to have been very limited, compounding the long-term harm caused by these abuses.¹¹¹

3.2.4. Forced Displacement

The war caused mass forced displacement, with, once, the number of IDPs in Tigray exceeding two million.¹¹² Comprehensive studies of IDP sites reveal systematic deprivation of basic needs, including food, shelter, sanitation, and protection.¹¹³ Humanitarian assistance has been irregular, inadequate, and often inaccessible due to administrative failures and resource shortages. Many IDPs live in overcrowded and unsafe shelters, including schools and makeshift camps, exposing them to disease, violence, and continued human rights abuses. Vulnerable groups—particularly women, children, persons with disabilities, and the chronically ill—face heightened risks and exclusion from aid.¹¹⁴

3.2.5. Shelling and Strikes

There is a customary rule in international humanitarian law that parties to a hostility should make distinction between targets so as not to injure civilians, and to take proportionate measures.¹¹⁵ However the Tigray war involved repeated indiscriminate and disproportionate attacks on civilian populations, in violation of international humanitarian law. Artillery shelling¹¹⁶, airstrikes¹¹⁷, and drone attacks targeted towns, markets, schools, and IDP camps, resulting in significant civilian casualties. Notable incidents occurred in Humera¹¹⁸, Mekelle¹¹⁹, Togoga¹²⁰,

¹¹⁰ Supra note 107, Pages 25-26

¹¹¹ Supra note 106

¹¹² International Organization for Migration (IOM). "IOM Says USD 27 Million Urgently Needed for Shelter Help in Ethiopia's Tigray Region." August 18, 2021. <https://unofficeny.iom.int/news/iom-says-usd-27-million-urgently-needed-shelter-help-ethiopia-tigray-region>.

¹¹³ Supra note 107

¹¹⁴ Ibid

¹¹⁵ International Committee of the Red Cross (ICRC). *Customary International Humanitarian Law: Volume I: Rules*. Cambridge University Press, 2005. Rule 1: The Principle of Distinction between Civilians and Combatants; Rule 14: Proportionality in Attack.

¹¹⁶ The Telegraph (2020): "After the bombs they attacked with knives, claim Ethiopians fleeing peace prize winner's war", 23 November 2020, <https://www.telegraph.co.uk/news/2020/11/23/ethiopia-unleashes-bombing-knife-wielding-militias-civilians/>

¹¹⁷ Evidence from civilian bombing in Ethiopia points to Turkish drone – POLITICO, BY SIMON MARKS NAIROBI, <https://www.politico.eu/article/evidence-civilian-bombing-ethiopia-turkish-drone>

¹¹⁸ Human Rights Watch, *Ethiopia: Unlawful Shelling of Tigray Urban Areas* (11 February 2021)

¹¹⁹ Amnesty International (2020): "Protect civilians in Mekelle offensive", 23 November 2020

¹²⁰ Simon Marks and Abdi Latif Dahir, "Dozens Killed in Market Airstrike in Ethiopia, Officials Say" (*New York Times*, 23 June 2021).

and Dedebit¹²¹, where civilians, including women and children, were killed and injured. Evidence also indicates the use of foreign-supplied weaponry and logistical support, raising serious concerns about the involvement of external actors and potential violations of the Arms Trade Treaty.¹²²

3.2.6. Arson and Looting

The war severely disrupted Tigray's agrarian-based economy, upon which over 80% of the population depends.¹²³ Pre-existing vulnerabilities, including erratic rainfall, low soil fertility, lack of agricultural inputs, and locust infestations, were compounded by widespread destruction during the conflict.¹²⁴ ENDF, EDF, and allied forces were repeatedly reported to have looted and slaughtered livestock, pillaged food stocks, destroyed farming tools, and forced farmers at gunpoint to provide food for troops.¹²⁵ Credible accounts indicate the use of scorched-earth tactics, including the burning of villages, warehouses, crops, orchards, and grain stores, deliberately undermining agricultural production and food security.¹²⁶ Despite its scale, the full extent of arson and agricultural destruction remains insufficiently investigated.

3.2.7. Siege and Starvation

Tigray was subjected to a prolonged and comprehensive siege marked by the systematic targeting of objects indispensable to civilian survival. Humanitarian assessments in early 2022 found that over 80% of the population was food insecure, with approximately 40% facing extreme hunger, while nearly 90% required humanitarian assistance.¹²⁷ Reports indicate that farmers were prevented from ploughing or harvesting their land under threat of punishment, while mass displacement, killings, and forced recruitment further reduced agricultural capacity.

¹²¹ Human Rights Watch, *Ethiopia: Airstrike on Camp for Displaced Likely War Crime* (24 March 2022).

¹²² Ethiopia used its flagship commercial airline to transport weapons during war in Tigray | CNN, Exclusive by Nima Elbagir et al, Updated 10:43 AM EDT, Fri October 8, 2021; UAE Air Bridge To Ethiopia Continues Unabated - Surpassing 100 Flights", 19 November 2021

¹²³ Jan Nyssen, Emnet Negash, Bert Van Schaeybroeck, et al., "Crop Cultivation at Wartime: Plight and Resilience of Tigray's Agrarian Society (North Ethiopia)" (2022), *Defence and Peace Economics*, p. 1

¹²⁴ *Ibid*

¹²⁵ Markos Sisay, "Ethiopian government's Tigray siege leading to starvation, suicide, exodus" (*Ethiopia Insight*, 20 May 2022).

¹²⁶ Declan Walsh, "A Lifeline to Millions of Ethiopians Is Being Blocked" (*New York Times*, 29 July 2021)

¹²⁷ WFP (2022): "Severe hunger tightens grip on northern Ethiopia", 28 January 2022; UN OCHA, Northern Ethiopia – Humanitarian Update, Situation Report 27 January 2022

Widespread looting, burning of homes, destruction of harvests, and killing of livestock were documented, particularly in north-western Tigray.¹²⁸ Human Rights Watch concluded that the siege amounted to the use of starvation as a method of warfare, constituting a war crime under international humanitarian law and a violation of Ethiopian criminal law.¹²⁹

The above facts and atrocities indicate sufficient grounds to investigate whether a genocide was perpetrated against Tigrayans. In fact it was upon a closer look into what has happened in Tigray that international legal experts at *New Lines institute* dared call it a credible genocide upon Tigrayans.¹³⁰ In the next section we will further delve into factual findings and case analysis from Seharti wereda, South-Eastern Tigray in order to investigate the claim that a credible genocide has been perpetrated upon Tigrayans.

3.3. Case-studies from Seharti Wereda

Seharti Wereda is an administrative district found in the South-eastern zone of Tigray. This section presents the findings from field research in Tabya Tashi, Tabya Cheli and Tabya Esret of Wereda Seharti, South-Eastern Tigray. It synthesizes witness testimony, incident chronologies, and material patterns of conduct, and places those findings in the context of international criminal law — particularly the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) and related standards on command responsibility and crimes against humanity.

The information detailed below was gathered through in-depth interviews with victims, survivors, families of victims and key-informants. The witnesses recounted a wide ranging and overwhelming atrocities that clearly indicate a pattern and intention to exterminate Tigrayans.

3.3.1. Summary of key findings

Multiple, temporally connected incidents of killing, organized arson, looting, animal slaughter, and destruction of civilian infrastructure occurred in Tabya Tashi, Tabya Cheli and Tabya Esret during 2020/2021.

¹²⁸ Reuters, “Hundreds of buildings burned around Tigray town, research group says” (*Reuters*, 25 February 2021)

¹²⁹ Human Rights Watch (2021): “‘I Always Remember That Day’. Access to Services for Survivors of GenderBased Violence in Ethiopia’s Tigray Region”, 9 November 2021

¹³⁰ *Supra* note 90

The attacks repeatedly targeted civilians — including elders, children, women, clergy, and persons with disabilities — and were carried out by combinations of ENDF, EDF, and Fano militias. Witnesses consistently described coordinated tactics: advance reconnaissance, looting teams, and subsequent waves that burned properties.

Witness testimony describes indicia of discriminatory intent, including explicit verbal statements by perpetrators that indicated an intent to "exterminate" Tigrayan communities and to spare only select categories of persons.

The pattern of attacks: killings of non-combatants, targeted destruction of cultural and administrative records, and systematic looting and burning of homes and institutions, raises at minimum strong grounds to investigate crimes against humanity and, depending on the evidentiary threshold, possible genocidal intent under the Genocide Convention. In this section will be presented the testimonies and findings. The witnesses from each Tabya are given an alphabetical representation to preserve anonymity.

3.3.2. Testimonies from Tabya Tashi, Seharti Wereda

Tabya Tashi, located within Seharti Wereda, emerged as one of the localities most severely impacted by atrocities during the Tigray war. Survivor testimonies consistently reveal patterns of violence marked by killings, arson, looting, and denial of burial and deliberate starvation measures. The corroboration among accounts of residents underscores not only the severity of the atrocities but also the deliberate nature of the attacks, suggesting an intent to destroy the community in whole or in part. A total of 61 people were reported to have been killed in the Tabya in three separate dates. But there is a high possibility of the numbers being higher. All of the victims were reported to have been farmers.

A. Killings and Targeting of Civilians

Multiple survivors testified that civilians were executed without provocation. Tashi is one of the places occupied by ENDF soldiers and Fano militants during early weeks of November 2020. However, there have not been any strong visible military movement or any skirmishes in the village until 15/02/2021. On the dawn of that particular date residents of the Tabya received information that soldiers are coming on foot to Tashi and people started to flee to hideouts closing their doors behind, taking with them all of their livestock and belongings.

However, many had remained inside their own homes. The soldiers after coming into the villages went on a door to door search and killed anyone that they found.

According to witnesses, the main dates of killing were 23/12/2020, 15/02/2021, and 22/2/2021 to 23/2/2021. The massacres are discussed together in this section partly due to the incapability of the interviewees in their accounts to remember separately as to who was killed when and how many were exactly killed in which date.

Discussing this fact a participant said, *“These three dates were the dates for the worst massacres. We do not know how many people were exactly killed on which day, but we know the total number.”*¹³¹

According to one resident, armed forces entered the village, assembled civilians, and summarily executed them. On Dec 23/2020, they killed 11 people on **the first day of the massacres**.¹³² According to eye-witnesses the ENDF 23rd Army were the ones roaming in the area and more likely believed to have killed the civilians by going home to home in this first massacre. But when asked who the commanding officer of the army was a participant said *“we don’t know who the commanding officer of the soldiers was”*.¹³³

Another added, *“There were skirmishes farther in the mountains. After fighting in a skirmish the soldiers came here and out of rage massacred the civilians they found in homes.”*¹³⁴

The second massacre, and the largest one occurred on 15/02/2021. A witness said, *“Many out of the 61 civilians were killed on February 15/2021.”*¹³⁵

Another participant testified, *“I could not come close to my home. We were all watching from afar and the soldiers were burning homes, firing bullets and killing civilians. Dogs could be heard barking incessantly. After the massacre, since we could see it from afar, we tried to come closer. But escapees would also inform us of what is going on down in our neighborhood. We were witnessing the arson and watching the smokes go up. We could not identify who from our neighbors was specifically being killed from the distance we were in. But after a day or so members of a family of the deceased would come to the hideouts and tell us of what had*

¹³¹ Participant C, Interview, Tabya Tashi, 2025

¹³² Participant A, Interview, Tabya Tashi, 2025

¹³³ Participant A, Interview, Tabya Tashi, 2025

¹³⁴ Participant C, Interview, Tabya Tashi, 2025

¹³⁵ Participant B, Interview, Tabya Tashi, 2025

happened. Close relatives then gather and go to beg the soldiers to bury their deceased relatives or they would bury them in the dark. But many, having never been buried, were eaten by hyenas and dogs. We identified them by their cloth. Over 4-5 victims were identified by a piece of their clothing. For instance a victim from the village of Gunfan, Abo Halefom, who was an old man and others were never buried but eaten by hyenas. We identified them by their clothes."¹³⁶

These testimonies were corroborated by a local clergy man who suspected that the number of corpses eaten by hyenas could rise as high as eight. *"During that time, we were in hideouts, we returned to our village only for the burials, but, even after the burial we returned to the hideouts. So we could clearly see their acts from afar....A total 8 of the civilians' corpses were eaten by beasts in this Tabya. The corpses of two victims were out in the open for a week, after which their family dragged their corpses inside their living homes. Burial by family members were forbidden. After another week, elders went to beg the soldiers and buried them in Maryam Gunfan. Although their church is in Maryam Zeba, due to fear they were buried by 4 or so elders in Maryam Gunfan church. But the soldiers would not let the corpse pass for burial and there was a lot of threatening. Later on a father was killed by the soldiers for burying his son. This left their wives widowed and their children orphaned.*"¹³⁷

The soldiers were reported to mainly have used Kalashnikovs to perform the massacres. *"They killed them by dragging them out of their homes. [Two clergymen] for example were about to go to church when they killed them after taking them a little further away from their residence into a meadow called Golo. One resident was taken out of his home and killed for burying his son. Another was in his home with his son, they took him out and killed him around the compound of his house. Yet another resident was eaten by beasts because they took him away and killed him in a nearby valley, we clearly heard the shots being fired, I remember one resident was killed as he was going to a hideout, he had another person from Tabya Cheli with him.*"¹³⁸

Again on dates from 22/2/2021 to 23/2/2021, there was **a third round of atrocities**. A participant in this research and a survivor of the massacre reported, *"I saw 5 civilians in February 15 being killed. I was with them detained, but the soldiers spared me saying 'you are*

¹³⁶ Participant C, Interview, Tabya Tashi, 2023

¹³⁷ Participant B, Interview, Tabya Tashi, 2023

¹³⁸ Participant B, Interview, Tabya Tashi, 2025

too old'. But they killed the youth. In the massacre on the 22nd, most were killed using Kalashnikovs. Those killed on the 22nd were eaten by hyenas. All of them were eaten by hyenas. There were no residents around to bury them.”¹³⁹

The identity of the soldiers was reported to have been a mixture of ENDF, EDF and Fano militants. *“The perpetrators were a mixture of ENDF and EDF soldiers. EDF used to come in through one way and ENDF through the other way. Especially on the massacre of the 15/2/2021, EDF soldiers were the main perpetrators. But usually, when one of them, comes the other one follows. When we watched them from afar they used mainly Kalashnikovs to kill civilians. We could hear the shots blast. All of the victims were civilian Tigrayans. Almost all of them were farmers. Only few of them were youth. Most of them were elderly farmers. The massacres were perpetrated in different villages so I cannot tell you how many were killed from which village. In the village of Tashi, over 10 victims were killed. In Dayesus and Daero was the main area for massacre. Gunfan is where one of the most horrific massacre occurred. I can tell you about a woman who has lost 4 family members. Her husband, her father, brother and father-in-law were killed in a place called Goli. The perpetrators used to say that they think of us, civilian residents, as if we were one with TDF. They used to say, ‘You are taking food to Woyane’, ‘You are the ones fighting us from here’. So they tried to exterminate Tigrayans.*”¹⁴⁰

Survivors expressed deep distress at the deliberate denial of burial to victims. According to testimonies above, families were threatened with violence if they attempted to retrieve bodies left in public spaces.¹⁴¹ Interviewees have also confirmed that corpses remained exposed for days, leading to psychological trauma and humiliation for the community.¹⁴² The desecration of the dead, coupled with denial of cultural and religious rites, constitutes both a form of inhuman treatment and symbolic violence intended to degrade and destroy the community’s dignity.

One has to notice that, taken together, the testimonies establish a consistent pattern of intentional targeting of civilians, fulfilling elements of Article II(a) of the Genocide Convention, which prohibits “killing members of the group” as a genocidal act.

¹³⁹ Participant A, Interview, Tabya Tashi, 2025

¹⁴⁰ Participant C, Interview, Tabya Tashi, 2025

¹⁴¹ Participant B, Interview, Tabya Tashi, 2025

¹⁴² Participant C, Interview, Tabya Tashi, 2025

B. Arson, Looting, Starvation Measures, Siege Tactics, and Destruction of Homes

Residents further testified that, after the killings, armed groups engaged in systematic arson, looting of food stocks, livestock, and household goods. Witnesses recalled being left with nothing to feed their families. Some stressed that the looting was deliberately coupled with the destruction of stored grain and agricultural tools, ensuring that communities could not recover in the near term. The destruction of civilian property was also systematic. Survivors stated that soldiers set fire to residential homes immediately following the killings.

“There was an arson side by side going with the massacre. Civil administrative offices and civilian residences were not spared by the soldiers. You can see around the villages. Many have been burned down. They used even school desks as a fuel for fire. They used the class rooms of schools as toilets. There were hundreds of homes burned. There were four rounds of arson hand in hand with the massacres. They went home to home burning. There are some homes demolished as a result of heavy artillery splinters. But most are the result of home to home burnings. There are many rendered homeless as a result. But over the subsequent years we have been trying to rebuild. The same perpetrators that committed the massacres committed this destruction and arson. The perpetrators used to treat civilian residents as if we were the TDF. They mixed our food crops with dirt and manure. They used to throw away Injera mixtures to the dirt so people would have nothing to eat when they returned from the hideouts. Many were forced to go to cities, to nearby unharmed villages, etc. and live by begging. They were forced to be displaced. The perpetrators were EDF, ENDF, and even Fano. They were all participants.”¹⁴³

This scorched-earth tactic contributed not only to displacement but also to the permanent erasure of the village’s means of survival. Another participant recounts, *“Many arson was perpetrated in this Tabya. [Around February] a neighbor called Alebachew had been storing food for a long time for a wedding of his son, but the food and drinks prepared were burned and intentionally wasted. Over 10 large water container plastics with all the prepared food and drinks were laid waste. Other neighbors lost their homes entirely and all their property inside it. St Micheal Qamoqo church was burned and destroyed. On Feb 15/2021 on the villages of Adidaero and Tashi, animal fodder belonging to many residents, public administration office of the Tabya,*

¹⁴³ Participant C, Interview, Tabya Tashi, 2025

office of savings and credit in the Tabya, a local cooperative, and many civilian residencies were burned.”¹⁴⁴

Another participant independently corroborated these accounts, noting that the killings, arson and destruction were not spontaneous acts of war but rather carefully organized operations. *“The ENDF and Fano soldiers burned many homes on February 15/2021. The houses are still not rebuilt as of 2025. Over 30 homes were burned. But over 50 commercial buildings were also burned. Out of these, only one building was burned by heavy artillery. But the rest were burned by the soldiers who went home to home on foot burning them all by pouring kerosene. I was a little further away in a hideout but their acts can be clearly seen from where I was standing. We never approached our homes for a long time, because the soldiers would kill whomever they saw and burn every home they came across. The ENDF and Fano were the main perpetrators. What we saw, I would not wish it for anyone. Even EDF have come in this area. EDF soldiers looted our crops and food, but did not mix any foreign substance in to our crops or food. But the ENDF and Fano did. It was their plan to exterminate us. They even threw their shoes and socks, which were very foul smelling, in to our food mixture. They would mix our food crops with animal feces by pouring them over the feces. They burned our food crops. They did not spare anything in our Tabya. They would urinate over our food crops and bath on top of our crops. They did all of these and many more acts. We were forced to throw away almost all of our store of food crops. What use would we have for it after such damage?”* The participant continued, *“The first round of ENDF soldiers that came here burned our Tabya’s public administration office, office of a cooperative in this Tabya, shops that belonged to the society through its cooperatives, and some private residencies. They burned the privately owned shops and homes for the mere fact that they found pages of a local newspaper called Weyn in some of them. Most of the above were perpetrated on Dec 24-2020 and the soldiers left after that. But those that followed them on Feb 15/2021, they burned everything. They never spared a single civilian residency, or a single home. Every home and hay-stack it may have contained were burned. Take one of my neighbors for instance, he has become a destitute farmer now. They burned his two cattle, two room home, and his beehive. As a result he has been forced to leave his home town and be displaced. He has been*

¹⁴⁴ Participant B, Interview, Tabya Tashi, 2025

begging in the cities for years and now he is trying to return home and rebuild. The soldiers that came here on the 15th were a mixture of the 3 soldiers: ENDF, EDF, and Fano.”¹⁴⁵

“Many cattle, and livestock, chicken, were slaughtered by the soldiers. The soldiers would even let our donkeys and mules loose, or take them to the woods, so they can be eaten by hyenas. I know a neighbor whose 13 goats were eaten by the soldiers. Many neighbors lost pairs of Oxen. I witnessed the soldiers even slaughtering many expectant cows. As for domestic property, they would search homes and if they find Taff (a local food cereal), they would load and take it with them. If not they would gather and burn it. A certain neighbor lost 2 donkeys, I lost 3. Another neighbor lost a pair of Oxen...etc. I know of this animals. Another neighbor lost 13 sheep, yet another lost 9, but there were many more than I can count. I think they did this to exterminate Tigrayans. They aimed to starve us. If we starved they thought that we would not survive or be exterminated. We would not have minded them eating our animals or food, but why would they mix our food with dirt? Who mixes food mixture with animal feces? They would slaughter the animals and throw their meat away without even eating them. They would burn our yoke and other farm tools that we use in our farming activity, when they can clearly see that we have enough fire wood that they could have burnt instead. They did all of this so Tigrayans cannot live and survive anymore.”¹⁴⁶

Another participant and a clergyman states, *“St. Kidanemhret church in Dayesus was hit by heavy artillery and can be seen exactly the way it was demolished now. Another church in Qamoqo was also hit...even though it was only civilians that were there. It was intentional as the soldiers later even came closer and fired with their Kalashnikovs into the church. There was no skirmish around there at the time. They did this as a revenge upon the civilians. There was destruction of properties worth millions, animal fodder, churches were shelled and some were even burned such as the church of St. Micheal Qamoqo in the village of Adi Daero. I, myself lost a large solar equipment that they unplugged from the roof of my home, they even took my prayer book (psalms) that I had left at home, they must have burned it. They burned a motorcycle I had left at home that belonged to a friend. They looted jewelry and cloths of my wife. The property we lost is countless. Many goats were taken or slaughtered, as most of us were in hideouts during*

¹⁴⁵ Participant A, Interview, Tabya Tashi, 2025

¹⁴⁶ Participant A, Interview, Tabya Tashi, 2025

the time they came. Keshi Brhanu had 22 of his goats eaten on top of himself being killed. A neighbor lost over 12 goats, a female neighbor lost over 15 goats and similarly others. They shot dead an ox that belonged to one neighbor; and also another neighbor's cow was shot dead. They did all of this to exterminate Tigrayans. Their intention was clear and of targeting us as an enemy, and exterminating us. They aimed to cause us to migrate. When I asked why they were doing this atrocities, an ENDF soldier told me, 'My father was killed in Tigray....so I will avenge him.' Our previous and current living conditions have the distance of the sky and the earth. Our animals were slaughtered, our property looted and burned. The residents of Tashi, much like the rest of Tigray, we are expectant of a trickle of government aid, which is not sufficient for anyone.”¹⁴⁷

The above testimonies were also affirmed by another witness, who used to be a teacher, “*Enda Michael Adi Daero church in Qomoko was hit by heavy artillery. The primary school of Dket Halefom was totally demolished. They burned the desks, they relieved themselves inside the class rooms. They demolished it totally. Over 40 bee hives were burned. Over 30 cattle were slaughtered. 80-100 sheep and goats were slaughtered. I cannot count how many chicken were eaten by the soldiers. They slaughtered and ate all the chickens they found. They did all of this to destroy education and educated Tigrayans. If there are no more educated Tigrayans, they taught, Tigray would be exterminated. They do not want us to have any educated people. They killed farmers, all of whom were civilians and have done them no harm. It was all civilian farmers whose homes were sacked and burned, were killed, whose animals were looted. We are in our land. We did not go to them. But they came here intentionally to exterminate us. Especially, 'if we demolished their educational system,' they taught, 'they will hang their necks low and feel inferior.'* Indeed, before the war, we were in a very good psychological, social, and economic situation. We were comfortable, resting and working, trying to better ourselves. But our community has now become dependent on government aid, we stress a lot and watch for vehicles carrying food aid. Will we be supported now? Will they bring aid? This are the words of our community now. Our food production is at its worst. We do not plough on time, since there are no

¹⁴⁷ Participant B, Interview, Tabya Tashi, 2025

oxen, the price of fertilizers has become unbearable. The economy itself is in crisis. People are looking out for aid trucks.”¹⁴⁸

These above accounts align with Article II(c) of the Genocide Convention, which prohibits “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.” The starvation measures implemented in Tabya Tashi also demonstrate the use of food deprivation as a weapon of war and a method of collective punishment.

C. Survivors’ Fears and Transitional Justice Skepticism

When asked about the future, survivors consistently expressed fear that the atrocities could recur if accountability is not pursued. Their testimonies further indicated that they felt abandoned by national and international mechanisms meant to protect them.

“If the Pretoria agreement gets to be implemented,” said a participant, “our people will not be expecting aid. If the displaced could return, if the economic system can be strengthened, and government could help us in the agricultural sector we could be independent. But everything looks hopeless the way things are standing now. It is a stalemate.”¹⁴⁹

Some participants also responded they do not know and have never heard of the Ethiopian government’s proposed transitional justice frameworks. “I do not know what that is. I hope the government solve it. But it is my belief that the perpetrators should be accountable.”¹⁵⁰

When asked about his opinions on the proposed transitional justice framework another responded briefly, “I don’t have anything to say.”¹⁵¹ Only one resident stated that “It is useless. It seems designed to silence our claims for justice”.¹⁵²

¹⁴⁸ Participant C, Interview, Tabya Tashi, 2025

¹⁴⁹ Participant C, Interview, Tabya Tashi, 2025

¹⁵⁰ Participant A, Interview, Tabya Tashi, 2025

¹⁵¹ Participant B, Interview, Tabya Tashi, 2025

¹⁵² Participant C, Interview, Tabya Tashi, 2025

These very brief but powerful responses and perceptions demonstrate a lack of trust in transitional justice initiatives and suggest that without genuine, transparent, and survivor-centered mechanisms, the risk of renewed cycles of violence remains acute.

3.3.3. Testimonies from Tabya Cheli, Seharti Wereda

Tabya Cheli, a small administrative unit on the outskirts of the town of Gijet, experienced multiple waves of violence between January and August 2021. Witnesses reported at least three discrete mass-killing events and numerous coordinated acts of arson and looting. In Cheli alone, witnesses recorded 32 civilian deaths across two principal massacres and a later killing series; the single largest reported incident occurred on 22/2/2021 when approximately 24 civilians, primarily elders and children who remained at home, were allegedly killed in a door-to-door operation.

Witnesses described a three-phase operational pattern:

- (1) An initial scouting wave;
- (2) A team that searched and looted properties; and
- (3) A follow-up unit that systematically burned houses and other structures.

Several witnesses reported that soldiers used incendiary implements, hand grenades, heavy weapons, and automatic firearms during the operations, and that they used a combination of Tigrigna- and Amharic-speaking soldiers, indicating a mixed force presence. Testimony corroborated widespread burning of dwellings, barns, administrative offices, schools, and churches, as well as large-scale slaughter and appropriation of livestock and food stocks.

A. Killings and massacres

I. First Massacre

The first massacre in Tabya Cheli occurred on 22/2/2021 and a total of 24 civilians were allegedly massacred within just that one day. The perpetrators were reported to be both EDF and ENDF soldiers who went home to home in every village of the tiny Tabya massacring civilians.

Most of the killed victims were elders and children, left back at home as most of the capable family members had already fled to nearby hideouts.

A male participant, who is also a priest reported, *“Elders and children should be helped or nurtured according to our faith. But when the strong fled to a hideout and the helpless elders were left at home, in a manner that we have never seen before in our history, they killed the helpless...We have 3 villages in this Tabya. Many of the dead were from the village of Hadnet, then some from the village of Qolqola, and the rest from the village of Guayda. So, you can see that civilians were killed in each village.”*¹⁵³

Another witness says, *“The soldiers were killing by going home to home. Residents of this Tabya, we were all in hideout at the time. The victims were mostly sickly and they did not have a place to go to, or someone to take them to a hideout. The soldiers killed them after finding them in their respective homes.”*¹⁵⁴

Another resident of the Tabya added, *“I know of extrajudicial killings, animals being slaughtered, homes and haystack burning. There was a calculated act of burning of every home and haystack in Tabya Cheli, in an effort to exterminate Tigrayans. A total of 32 civilians were killed. On 22/2/2021 only, a total of 24 civilians were killed by the soldiers who were going home to home massacring civilians. There were many dead people that we could not identify.”*¹⁵⁵

Witnesses also corroborated their testimonies. One participant stated, *“In 22/2/2021, 24 civilians were killed by ENDF and EDF soldiers. The perpetrators were mainly ENDF.”*¹⁵⁶

Another further elaborated, *“The killings were done by ENDF soldiers, but since they were composed of Tigrigna and Oromigna speaking soldiers, we think EDF soldiers might have been with them. Also 3 farmers have survived the massacre and they told us that there were Tigrigna speaking soldiers with the perpetrators.”*¹⁵⁷

¹⁵³ Participant A, Interview, Tabya Cheli, 2025

¹⁵⁴ Participant B, Interview, Tabya Cheli, 2025

¹⁵⁵ Participant C, Interview, Tabya Cheli, 2025

¹⁵⁶ Participant C, Interview, Tabya Cheli, 2025

¹⁵⁷ Participant A, Interview, Tabya Cheli, 2025

Our witnesses added that they were observing from a nearby mountain when the soldiers were killing the civilians. *“We heard bullets fired from afar and we heard Dushka, Breil and others. It was due to the bullets and the wounds in their corpses that we know of these facts.”*¹⁵⁸

*“The 24 civilians were killed in the villages of Hadnet and Qolkola. These civilians were from 3 villages. Those killed in Lekatit were killed by both EDF and ENDF soldiers. Some of the soldiers spoke Tigrigna. They shot the civilians by automatic weapons. I saw from afar. We heard shots fired. And we found the victims dead later. The soldiers would shoot some and they would miss others, intentionally. We were all in a hideout watching their acts. You can clearly see from afar.”*¹⁵⁹

As to the burial of the civilian victims, the participants added, *“They were buried on the 22nd nightfall to the 23rd. We were searching from each house and took their corpses out and buried them.”*¹⁶⁰

I. Second massacre

This second massacre happened in the village of Guayda. This specific massacre occurred on 7/5/2021. In this massacre 5 civilians were massacred.

Four of them were killed together in Gerame village. Due to the place being a little too far from where our witnesses were hiding, there is not enough information on this massacre. But our witnesses discussed it somehow and they listed the names of the victims massacred.

A participant discussed the circumstances of the massacre when he said, *“We had witnessed 3 big skirmishes occurring near our Tabya: in April, 2021, January 15 until 17, 2021, and on June 19, 2021, the final skirmish that ended them all around here. 5 civilians were killed on May 2021”*¹⁶¹ Another participant corroborated, *“On 7/5/2021, there were civilians that were killed.”*¹⁶²

II. Third Massacre

¹⁵⁸ Participant C, Interview, Tabya Cheli, 2025

¹⁵⁹ Participant A, Interview, Tabya Cheli, 2025

¹⁶⁰ Participant A, Interview, Tabya Cheli, 2025

¹⁶¹ Participant B, Interview, Tabya Cheli, 2025

¹⁶² Participant A, Interview, Tabya Cheli, 2025

A participant reported, *“On the nightfall of 19 to 20, June 2021, 6 innocent civilians were killed.”*¹⁶³ The witness listed down the names of the victims.

Another participant added, *“In 19-6-2021...civilians were killed by ENDF and EDF soldiers together.”*¹⁶⁴

As to the place of burial for the civilian victims killed in the three waves of the massacres, A participant painstakingly detailed: *“Nine [whose name he detailed] were buried in Maryam Mahberke. Four [whose name he detailed] were buried in Kidanemhret church. Seven [whose name he detailed], were buried in Gebrel Qolqola. Two [whose name he detailed] were buried in Da Slasie church. Three [whose name he detailed] were buried in Da Gabr church.”*¹⁶⁵

B. Arson

The soldiers were also reported to have perpetrated a widespread arson on the Tabya. Our witnesses gave us their accounts as follows:

One participant said, *“The soldiers were burning homes along with all of the farm tools contained inside them. From our living homes to animal barns, everything was demolished indiscriminately. The burning was carried out in the 22nd February, 2021, in Guayda. In a sub-village called Gerame 3 farmers’ homes were burned. The soldiers had incendiary with them when they moved around. They would fire it after taking a step back. They would light it and it would burn. They also used hand grenades and sometimes even bullets.”*¹⁶⁶

Another added, *“The manners of their acts were all the same. Killings and burning happened together. On February 23rd night to the 24th, 2021, this Tabya was ablaze in a very peculiar way that people in neighboring Tabyas were scared and asking themselves about what was going on in here, since this place was torched high. Throughout the entire Tabya, each house was burned. The ENDF soldier were collaborating with the EDF soldiers in carrying out this arson. But I would call the ENDF soldiers in particular as the primary perpetrators.”*¹⁶⁷

¹⁶³ Participant A, Interview, Tabya Cheli, 2025

¹⁶⁴ Participant B, Interview, Tabya Cheli, 2025

¹⁶⁵ Participant C, Interview, Tabya Cheli, 2025

¹⁶⁶ Participant B, Interview, Tabya Cheli, 2025

¹⁶⁷ Participant A, Interview, Tabya Cheli, 2025

One of the victims of the act of arson by the soldiers, and an eye witness added to the accounts saying, *“Many of the arson acts were carried out in February, 2021. My home and my barn which was full of haystack were burned. I saw the acts from a nearby mountain called Grame. It was clearly visible when they burned it. I saw my own house being burned from afar. ENDF soldiers did this.”*¹⁶⁸

The victim elaborates this testimony by an example he heard from his neighbor, *“In the middle of their arson, the soldiers entered the house of a neighboring priest, and a wife to the priest offered them to wash their hands with water, but one of the soldiers replied in Tigrigna, saying, ‘I will not wash. We have spent the day killing people in here. We have been burning haystack.’ He was an EDF soldier, I think. They carried an incendiary. They would insert in to a house a long stick-like thing and burn it. The soldiers always came in 3 waves. The first wave would ask questions and be on their way, like spies. The second wave of soldiers, would loot gold and things they liked and do a general search and leave forward. A third wave of soldiers would come and burn the houses.”*¹⁶⁹

Another participant added, *“Each home in each village was sacked and burned. The killings were done upon the elderly and sickly, but every home was looted and burned if the soldiers had gone inside it. Many homes were demolished. They would shell houses, or throw hand grenades in to them. They used every weapon that enabled them to demolish homes in a way the residents would not be able to return and live in them again.”*¹⁷⁰

*“The soldiers burned many homes and as a result we do not have a thing to sustain our lives now. They even burned our haystack. The EDF and ENDF soldiers collaborated in the looting and burning. They mainly burned many houses on February 23, 2021, and also carried out lootings. On that particular day they would go home to home and loot, or burn or kill. They were on foot and they would open fire into the hay-stack using their incendiary and it would burn. We never saw them lighting the matches.”*¹⁷¹

¹⁶⁸ Participant B, Interview, Tabya Cheli, 2025

¹⁶⁹ Participant B, Interview, Tabya Cheli, 2025

¹⁷⁰ Participant A, Interview, Tabya Cheli, 2025

¹⁷¹ Participant C, Interview, Tabya Cheli, 2025

The arson did not stop on civilian residencies. Witnesses give accounts of many arsons and destruction of properties carried upon social and governmental offices. One participant said, *“They burned down our school, called May-Weyzero, we had a cooperative institution and it was looted and burned, St. Kidanemhret Bose church is now covered with plastics, and St. Gebriel Qolqola church too was destructed. They either hit it with heavy shells, or they would go on foot to try demolish it. It was all a combination of every evil acts they used.”*¹⁷²

C. Bombardment, Destruction, Lootings and animal slaughter

The soldiers during their occupation of the Tabya allegedly carried out a vast amount of animal slaughter, looting and destruction that left our witnesses word-less when they tried to explain what had happened.

A participant said, *“On 22/2/2021 ...the soldiers went home to home looting, burning or killing... they took gallons of honey, and gold jewelry that belonged to my niece. They took a donkey from one of my neighbors. We saw them loading 4 goats of another neighbor of mine, and that of many others in our neighborhood.”*¹⁷³

Another added, *“The soldiers were stationed in May Weyzero Elementary school, which they looted and they broke everything that was breakable in there. They also burned whatever they liked. They demolished it totally before leaving. In addition, our administrative office, the office of essential events recording were burned with all their documents. It shows that their aim was to exterminate us. They intended to uproot us. They demolished our Tabya office using hand grenades. They destroyed a cooperative institution we had, a savings and credit institution we had, and both do not even have chairs in them up until this point.”*¹⁷⁴

Asked of his personal observations as one of the elders of his village a participant added, *“We know soldiers can get into fight with other soldiers. But in here we saw civilians being targeted and violations of international laws that strictly order for protection of civilians in war times. They aimed at exterminating us. They even targeted our churches and had their trenches in them.*

¹⁷² Participant C, Interview, Tabya Cheli, 2025

¹⁷³ Participant C, Interview, Tabya Cheli, 2025

¹⁷⁴ Participant B, Interview, Tabya Cheli, 2025

Out of the 8 churches in our Tabya, 4 were targeted and demolished. St. Gebriel Qolqola was demolished almost entirely on June 19, 2021. Next, St. Kidane Mhret Beso was shelled and demolished in a similar manner. It is now covered by plastics and it is in a highly risky way that sermons are being held. St. Gabr church was also shelled and the church has cracks all over it and is now at risk. The churches were shelled or demolished in one day, on June 19, 2021. Their main means was shelling by heavy artillery.”¹⁷⁵

Another witness added, “Over 80 goats were either slaughtered or taken. I remember once, they slaughtered over 1000 chicken, and they ate them in a 2 days span. Over 20 cows and oxen were slaughtered and over 30 donkeys have been lost after they loaded them with flour and took them with them. A two-room local Tabya administration office was burned. The essential events and records office of the Tabya was burned together with all of its documents and now it is problematic to find public records. All of the properties they found interest in were looted. But, whatever they thought not worth taking they burned. They went into the only health post we had. They looted everything they found inside it and which they thought worth taking. And they burned everything else after taking it out side. A one-room cooperative organization office was looted and burned, a savings and credit institution we had in this Tabya was totally demolished. The office of our agricultural bureau in this Tabya was demolished too. Our school and its children-aiding books were burned and looted. Children are learning without anything now.”¹⁷⁶

Another corroborated the above testimony, “In villages of Hadnet, Qolqola, Guayda, they mainly used, Kalashnikov, Dushka, and rocket propelled grenades. In the compound of the Gebriel church, there were many hand-bombs. I found 46 hand-bombs in my own farm. Some had already blasted, but some not. They were throwing bombs in to civilian residencies. It was ENDF soldiers that mainly did this. And mainly it was the soldiers that came in here at the last weeks of the first phase of the war. They burned our school, a health post, a cooperative, essential events and records office, Tabya administration office, a savings and credit institution etc.”¹⁷⁷

D. Intention

¹⁷⁵ Participant A, Interview, Tabya Cheli, 2025

¹⁷⁶ Participant C, Interview, Tabya Cheli, 2025

¹⁷⁷ Participant B, Interview, Tabya Cheli, 2025

When asked about the intention of the perpetrators and the situation of the residents of the Tabya now, the witnesses had the following to say:

“We all are in deep misery now. It is only those who have power that can survive, it is who eats first now!”¹⁷⁸

“We had great living conditions before the war. We were self-sufficient. But at least households that lost family heads due to the killings are in misery. Children do not have parents, and the rest are migrating everywhere. We are all in misery. In total, the war was aimed at exterminating us, and our scars have not healed yet. Although there is a relative peace, there still is no economic security yet. Wars can happen, it is historically possible anywhere. But this war was to exterminate us Tigrayans. It was to destroy the people in general. To annihilate us. Children, elderly and even animals were not spared. I know some soldiers told my neighbor farmers, ‘you have no place or way for leaving here ever again.’ Although we usually never got closer to them, due to fear; when some did, the soldiers would tell us words that resemble these.”¹⁷⁹

“All of these acts were done to exterminate all of Tigrayans. Elders, even pregnant women were not spared. Their aim was to exterminate Tigray totally. We were in a great condition of life before the war. And we were self-sufficient. But now we are all in misery and expecting from government and non-governmental organizations a next to nothing help.”¹⁸⁰

“It was all intentional. They targeted the civilians, not TDF. They said we will exterminate you Tigrayans, especially the young generation. They said ‘everyone from the age of 8 up would be killed. We will leave only women.’ Women who were left back in the houses told me that the soldiers spoke to them these words. We were living well before. We even used to save in banks. But now, we are traumatized. We cannot even think properly and constantly wonder what we find ourselves thinking.”¹⁸¹

But when asked about the countries proposed transitional justice framework, almost all of them expressed confusion and doubt.

¹⁷⁸ Participant A, Interview, Tabya Cheli, 2025

¹⁷⁹ Participant B, Interview, Tabya Cheli, 2025

¹⁸⁰ Participant C, Interview, Tabya Cheli, 2025

¹⁸¹ Participant A, Interview, Tabya Cheli, 2025

One participant said, “I don’t think they mean what they say. We know them.”¹⁸² Another witness added, “Who is going to be accountable? There is not even a peace.”

3.3.4. Testimonies from Tabya Esret, Seharti Wereda

Tabya Esret, located to the west of the town of Gijet, experienced at least four massacres and an extended bombardment and arson campaign within a two-week period in February 2021. Witnesses reported at least 25 civilian deaths across four incidents of massacre, including a set of seven victims killed in a single operation around 4:00 a.m. on 13 February 2021. Witnesses also described heavy artillery shelling between 12–14 February 2021, followed by on-foot arson operations on 22–23 February 2021 that burned hundreds of homes and local institutions, including schools, health posts, cooperative offices, and churches.

Witness accounts emphasize the deliberate nature of the campaign: shelling to force civilians into hiding followed by ground operations designed to loot, burn, and kill those who remained or could not flee. Testimonies describe extensive destruction of livelihood assets and social infrastructure, followed by protracted displacement and acute food insecurity.

A. Massacres

Out of the four massacres in the Tabya alleged by interviewees the first one was reported to have occurred on 12/2/2021.

A key-informant who is a priest and resident of the Tabya started by saying, “*In this Tabya, many types of crimes were perpetrated. Lootings, animal slaughter, killings of human beings.*”¹⁸³

Another resident, similarly added, “*In this Tabya, countless human and material destruction was caused and many civilians were massacred. Over 25 civilians were massacred in different days.*”¹⁸⁴ The witness went on to tell us about the first massacre in the Tabya that occurred on a small village called Adi-Eshir. He said, “*On 12/2/2021, two civilians were killed. They were*

¹⁸² Participant C, Interview, Tabya Cheli, 2025

¹⁸³ Participant A, Interview, Tabya Esret, 2025

¹⁸⁴ Participant B, Interview, Tabya Esret, 2025

*killed by ENDF soldiers mainly, but the soldiers also were comprised of EDF and Fano militants. It was in Tabya Esret a village called Adi Eshir.”*¹⁸⁵

A 75 years old female resident of the Tabya corroborated, *“These two were killed on 12/2/2021...ENDF soldiers were the killers.”*¹⁸⁶

According to the witnesses the corpses of this civilians was laid on the ground for many days as residents of the Tabya were away in hideouts, scared for their lives.

A participant said, *“Those killed on 12/2/2021 were buried in 2 different churches. One was buried in St. Cherqos church, while the other was buried in St. Gebriel Adi Zemo in village of Neshane. They were found dead after many days.”*¹⁸⁷

On 13/2/2021, the next day after the above massacre, 7 innocent civilians were killed around 4:00 a.m. in the village of Esret, in a place called Emba.

A 70 years old female eye witness who, soon after the massacre was at the site of the 7 murdered civilians, including her young son, spoke, after much hesitation, the following:

“I know the 7 victims as I spent the day with them...The soldiers were a mixture of all sorts - EDF and ENDF. They came and took my son from our home. I didn't understand what they were saying. At first, when I saw them beat him and him kneel on the ground, I came out of my house, thinking the beating was the end of it all. And I said “leave him alone, why are you beating him? He is too young to be involved in anything that has got to do with this war!” then they grabbed him by his collar and took him out of our premises with them. My husband said, ‘He will return.’ But after a while, I went out and I heard a loud cry outside. When I went in the direction of the cry, I saw 7 people lying on the ground. Dying. I tried pulling the one and then the other, trying to arrange their corpses. Later, when a gun shot was heard from afar, everyone fled the place and I spread a garment on top of them to cover the corpses. I spent the day with the corpses covering them and watching over them. It was around 3 a.m. that the soldiers had come. They were too many and surrounded us from every way. When they took my son, I had a black out. I

¹⁸⁵ Participant B, Interview, Tabya Esret, 2025

¹⁸⁶ Participant C, Interview, Tabya Esret, 2025

¹⁸⁷ Participant B, Interview, Tabya Esret, 2025

never remember anything else next...I wish I was taken with my son! They never even asked him anything. They came, seized him, and took him away to kill him.”¹⁸⁸

An 80 years old male eye witness and a father to one of the victims, said *“The 7 civilians were killed by EDF and ENDF soldiers acting together. I saw the killing with my own eyes. It was on 13/2/2021 around 4:00 a.m. The soldiers brought them each from their homes. They gathered them like you gather animals and killed them. They were all civilians.*”¹⁸⁹

The victims were buried after able bodied civilians returned from hide outs to help pick up and carry the corpses to a burial site. A participant said, *“At the evening we called out for help and a couple of elders came back from among our neighbors and we buried them. They were buried in groups of two in Medhanialem Esret church.*”¹⁹⁰ This was corroborated by another who added, *“They were buried in Medhanialem church of Esret, in the evening, having spent the day out in the sun. They were buried in mass graves.*”¹⁹¹

A key-informant also stated, *“The soldiers, after spending the night in a skirmish, killed the 7 civilians. All were civilian youth, elders and priests. The 2 were at home taking care of their sickly old mother... each of them were shot with many bullets. Their corpses spent the day out in the sun, and were buried, only during the night as there was a skirmish heard around... They were buried in Medhanialem church. All were buried in groups of two or three.*”¹⁹²

Another had to add saying, *“All 7 were killed in one place.”* But, in that particular day, the witness continued to tell us, that the soldiers had killed other civilians. He added, *“There were also another group of civilians killed, around that exact time of the day, in a place called Emba. All by ENDF.”*¹⁹³

A female witness corroborated, *“On Friday 12/2/2021 there was a skirmish all night long. Then ENDF soldiers came in to our village during the night. Then in the morning they gathered our kids, each from their homes and killed them all... all of them were civilians. They killed them around 3:00 a.m. We were hiding in our respective houses when they took them, each out of their*

¹⁸⁸ Participant D, Interview, Tabya Esret, 2025

¹⁸⁹ Participant E, Interview, Tabya Esret, 2025

¹⁹⁰ Participant D, Interview, Tabya Esret, 2025

¹⁹¹ Participant F, Interview, Tabya Esret, 2025

¹⁹² Participant A, Interview, Tabya Esret, 2025

¹⁹³ Participant B, Interview, Tabya Esret, 2025

homes.”¹⁹⁴ She continued, “*Other 3 civilians were killed in a neighboring village... A total of 10 civilians were killed in that day. The 3 were killed and buried also in Medhanialem church. The killers were ENDF. It was similar time. They killed the 7 first and they run down and killed the 3. All were buried in Medhanialem church.*”¹⁹⁵

Asked whether there were other killings she knew of, the participant remembered another massacre in which 4 civilians were massacred.

“*...There were 4 other civilians killed in 13/2/2021. The date of February 12...was Friday. The next day was Saturday. The above 10 were killed in 13/2/2021. ENDF killed these 4 civilians too. These 4 were buried in Guzul Da Cherqos church.*”

The mentioned 4 civilians were killed in a village called Adi Arbaete, according to another participant.¹⁹⁶

The participant added, “*They were killed in Adi Arbaete by ENDF and EDF. The soldiers had members of the Fano militia with them. The date was on 13/2/2021.*”¹⁹⁷

The above was corroborated by another participant who said, “*In addition to the 7 victims I spoke of earlier, there were others killed in Adi Arbaete. They were killed by the same soldiers. I don't know when they were killed. I was mourning for my son at the time.*”¹⁹⁸

All in all, in Tabya Esret, in 2021 only, the lives of a total of 16 innocent civilians were taken by the EDF, ENDF, and Fano militia within a two days span in four inter-related massacres.

B. Bombardment, then Massacre by Arson

Around the time of the massacres, witnesses report that the soldiers were also shelling the Tabya for 3 days on end using heavy artillery, targeting the civilian residents, indiscriminately. Witnesses report that there were jets also bombarding the area many times.

One participant says, “*There were shelling's, mainly heavy artillery from the directions of neighboring town Gijet and Tabya Cheli. The shelling and bombardment destroyed and*

¹⁹⁴ Participant C, Interview, Tabya Esret, 2025

¹⁹⁵ Participant C, Interview, Tabya Esret, 2025

¹⁹⁶ Participant B, Interview, Tabya Esret, 2025

¹⁹⁷ Ibid

¹⁹⁸ Participant D, Interview, Tabya Esret, 2025

demolished homes. There were also airstrikes, but they were not hitting on civilian residences... The shelling was from 12 to 14/2/2021.”¹⁹⁹

Another added, *“This area has been shelled many times. Even our church was damaged due to shelling splinters. If you ask me of houses, barns, and animals, I cannot remember it all for it was vast.*”²⁰⁰

But the acts of the soldiers did not stop at the shelling, and bombarding. After a few days, the soldiers embarked upon the Tabya on foot with something on their agenda.

According to accounts of eye-witnesses, on 22/2/2021, which is after 10 days from the first massacre, and 9 days from the second, the ENDF soldiers launched a massive and intensive arson upon the Tabya that targeted homes of civilian residents. This may tempt one to think that no harm was done to the lives of civilians, as they were largely living in hideouts, afraid for their lives. But, although a large number of the residents of the Tabya were still in the hideouts, many a sickly and elderly were left behind, due to the impossibility for them to hike the hiding-out mountains.

The ENDF, EDF, and Fano soldiers were nonetheless, reportedly merciless in their criminal acts: burning the sickly and elderly, along with their respective homes. On the above mentioned date only, according to accounts of the interviewees, above nine elderly and sickly innocent civilians were either burned with their respective homes, or shot dead by the ENDF, EDF, and Fano soldiers.

A participant says, *“After some days, the ENDF and the others came in to the villages and burned homes with the owners, who were not suspecting something of this sort would happen, inside them. All of them were killed with the arson on 22/2/2021. Their number is over 9. They burned them alive inside their respective homes along with their respective houses. ENDF, EDF and Fano members were there during the burning. The burning started on 22/2/2021 around 4:30 a.m.*”²⁰¹

¹⁹⁹ Participant B, Interview, Tabya Esret, 2025

²⁰⁰ Participant A, Interview, Tabya Esret, 2025

²⁰¹ Participant B, Interview, Tabya Esret, 2025

A female witness added, *“One victim’s house was burned to ashes on top of him being killed. And others’ homes were also burned down. I don’t know which soldiers had done the arson, but the act was a continuation all the way from Cheli. They burned homes indiscriminately!”*²⁰²

According to witnesses the soldiers have been performing an organized arson all over the Wereda. And this act had begun around the same time in Cheli. And this act on Tabya Esret was a continuation which clearly shows a pattern.

Another participant commented on the acts, *“On previous days, they had shelled indiscriminately and intensively. It demolished homes and on the next day, on the 22nd they came on foot and burned homes. The burned homes all day long, on the 22nd, and on the 23rd until 8:00 in the afternoon. Almost all of us were in hideouts at the time. But, I and the other residents were seeing everything happening from a nearby mountain clearly. We can see them from high up on a mountain going home to home and burning our homes ... The intense shelling of all was from 12 to 14 February 2021. In the 22nd and 23rd also they came intentionally and shelled before entering the Tabya on foot. The water sources that were targeted by the shelling are now poisoned. They shelled our water pumps and wells. There were shelling on the 12th, 13th, 14th of February 2021, and later on 22nd and 23rd of February 2021.”*²⁰³

A witness stated, *“At that time, many civilians were being assaulted by the soldiers. They even shot at limbs of many residents for no reason. The assault was mainly done by EDF but the burning was led by Fano militants. The homes kept on burning from 22nd to 27th of February 2021...The perpetrators said that they did all of this killings and burning as a retaliation. Over 250 houses were burned in this village. Over 600 homes were burned in Tabya Esret in general. The arson was performed on 3 villages of Tabya Esret. In the villages of Esret, Guzul, and Neshane. Esret is the most damaged village. The Fano soldiers burned the houses by going home to home. They would gather properties and crops and burn it all in one heap.”*²⁰⁴

²⁰² Participant D, Interview, Tabya Esret, 2025

²⁰³ Participant B, Interview, Tabya Esret, 2025

²⁰⁴ Participant D, Interview, Tabya Esret, 2025

Detailing about the burial of the victims one participant stated, *“On February 22nd 2021, Three were buried in Michael Guzul church. And the rest, were buried in the church of Emba Medhanialem.”*²⁰⁵

The soldiers had also slaughtered many animals and destroyed all the property they taught was of some use to the residents of the Tabya.

One of the witnesses said *“We cannot enumerate the animals they slaughtered. Countless homes were destructed due to the shelling’s. Over 250 homes were destroyed and burned. Animals were killed. EDF soldiers mainly entered after the burning and slaughtered many animals. Countless residents lost their livestock and homes...On 22/2/2021 a school found in village of Guzul called Adi Deqihansay was totally demolished and is now in a situation that renders it not possible to return to service. All of its property were burned by ENDF soldiers. Adi Eshur primary school was burned totally and the ashes of the books and properties fill the classes now. An agricultural office of the Tabya has been demolished. A health post was looted and demolished also in 22/2/2021. The lootings were primarily performed by EDF soldiers and the destruction by the ENDF. A human being has a basic need of shelter but our community is living now without homes. There is shortage of food and we are living in hunger. Everyone is expectant and has given up all hope now. I think it will take a long time for our community to return back to its place from before.”*²⁰⁶

A local clergyman added, *“Before the war we were better off. And we triumphed over hunger and poverty. But after the war almost everyone in this community is in misery. You cannot find anyone who is living well. First, psychologically the society has been demoralized. The homes, property, animal, crop of the society have been demolished. We are in bad situation psychologically. There is a huge difference in our way of life now. We were out of poverty and had stopped begging. But now, everyone is looking up to the government. Our children are stopping education due to hunger. The government should do something after having a conversation with NGOs. Our school, administrative offices, agricultural institution, have been burned down. The society is migrating to cities due to hunger. We hope the government does something...We have no school class rooms, no books, no black boards, no roofs, even trees were*

²⁰⁵ Participant B, Interview, Tabya Esret, 2025

²⁰⁶ Participant F, Interview, Tabya Esret, 2025

destroyed. Everything was looted. Children do not even have desks to sit on. It is uncomfortable to look at the school, let alone learn inside it. It has been burned down and turned into ashes. We are the most devastated, yet the most ignored. We have not received help yet.”²⁰⁷

A female participant who had lost a son said, *“In my home, I had two quintals of white Taff that belonged to my son, but they burned it all. 13 of my chicken were eaten, my 3 beehives were burned. They did this after killing my son along with 6 civilians. At that time, my daughter and neighbors came and made me leave for a hideout. And we left our homes unlocked and we fled. They entered our house after we had left. They baked Injera, roasted and ate the corn we had, ate our chicken, and ate everything else we had here. The soldiers were a mixture of EDF and ENDF at the time. Also, My 2 radios were broken as you can see and they tore down my Maesi [a sit covering made from animal hide] with their knives...I have no life now. Days and nights come and go. Many organizations and individuals come and say that they would take care of us. I am old and my husband is old. But we have no one to take care of us. We have no life....when they killed my son, I had pulled my hair out. Now I am sick, and the ground keeps on spinning when I try to look at it. I have gastritis, I have hypotension. I had lost my sanity for a time being. I would go out and get lost many times. I still have times that I leave my house without knowing where I am going.*”²⁰⁸

Another female witness said, *“I lost 5 sheep and 5 goats to ENDF soldiers. Don’t ask me about property...it’s countless. They did not burn my house but they took everything they found inside it. They took two church solar lights and church parasols we kept at home, as my husband is a priest. They beat me and took everything including money. They also burned our Farm tools. Cloth and haystack that belonged to my niece was burned. In my neighborhood, a neighbor lost his money and crops. Another neighbor lost his property and his home was burned. A neighbor lost his home with all the property inside it to the arson. A total of 2 homes and one barn were burned in my neighborhood. ENDF soldiers did these. During their stay around here they repeatedly asked and pestered us for food. Some spoke in the language of Agew, some in Tigrigna, and some in Amharic. They burned the houses by going around on foot. The homes demolished were not a result of bombardment. There was another neighbor who lost his haystack*

²⁰⁷ Participant A, Interview, Tabya Esret, 2025

²⁰⁸ Participant D, Interview, Tabya Esret, 2025

to a shelling. But the rest were a result of home to home burnings. We were sure they were going to kill us all. We never thought we would survive. We are starving and destitute now. All the women who had lost their children and husbands are now suffering from hunger and loss. We are in misery.”²⁰⁹

An 80 year old male witness who has lost a son also added, *“Our lives have been ruined by the war... We have no one to take care of us. No one is caring for us at this time. We have no one to support us.*”²¹⁰

C. Remarks on Intention of the soldiers and the Ethiopian Transitional Justice Frameworks

Asked as to what they think incited the soldiers to inflict such an act upon them, the eye-witnesses and key-informants said the following:

One eyewitness said, *“They killed civilians just because they were Tigrayans. They took them out of their houses, and they just killed them without having done any fault. Their commanding officer ordered them to open a barrage and shoot the victims together. I heard him once from a higher ground saying, in a Tigrigna spoken with Eritrean dialect, ‘Shoot them! Do not spare.’ There were many soldiers around.*”²¹¹

A female respondent added, *“They did all of this to exterminate us. They killed countless civilians. It was a destruction.*”²¹²

A male participant stated, *“It all shows that they were ordered and had come with a plan of exterminating Tigrayans and our identity by destroying our lives, property, and every basic need. They have destroyed all of our infrastructure, administration, schools. All of this shows they wanted to exterminate Tigrayans once and for all. We say this because they have killed whomever they found alive, they slaughtered all the animals, and our institutions were either destroyed or looted, we have no administrative files and public records, since they burned even federal documents such as the essential events registration documents. We have no file. Our schools were burned and demolished. There are no class rooms, books, and many institutions*

²⁰⁹ Participant C, Interview, Tabya Esret, 2025

²¹⁰ Participant E, Interview, Tabya Esret, 2025

²¹¹ Participant E, Interview, Tabya Esret, 2025

²¹² Participant D, Interview, Tabya Esret, 2025

here have no roof. Our health post was also demolished and looted. All of this shows that they came intentionally with a plan to exterminate Tigrayans from the face of the earth. They have already shown us, in real life, the execution of their plans.”²¹³

When asked for remarks on the proposed transitional justice frame works, the interviewees almost unanimously looked at the interviewer as if they never have heard of the words and responded in words that imply they have no idea.

“We need justice. We need justice. But who would give it?”²¹⁴ Responded a female participant while she just shook her head, “I don’t know”.

It was two participants only that answered as follows. One said, “*Yes we hear on TV that they speak about transitional justice in Addis Ababa. We are the most affected but never have been asked for our thoughts and feelings. That is all I can say. It is all far from the truth.*”²¹⁵

Another replied, “*What use is there talking about justice at this point? We are scared it may happen all over again.*”²¹⁶

1.3.5. Inference of the testimonies from Seharti Wereda

Witnesses from Seharti Wereda have described a wide ranging and overwhelming account of atrocities. As presented above victims included priests, elderly residents, women, and middle-aged civilians; many bodies were buried in local churches or ad hoc community gravesites after able-bodied residents returned from hideouts to recover the dead. Witnesses described protracted trauma, loss of community infrastructure, and continuing economic insecurity. Taken together, the incidents in Tashi, Cheli and Esret reveal several corroborated patterns of violations on vast areas of human rights. Some will be presented below:

A. Command responsibility and joint criminal enterprise: Witness descriptions of coordinated operations involving ENDF, EDF, and Fano militias, coupled with apparent organized tactics and the presence of heavy weapons, create reasonable grounds to investigate command-level responsibility and potential joint criminal enterprise theories.

²¹³ Participant B, Interview, Tabya Esret, 2025

²¹⁴ Participant E, Interview, Tabya Esret, 2025

²¹⁵ Participant B, Interview, Tabya Esret, 2025

²¹⁶ Participant C, Interview, Tabya Esret, 2025

Evidence that units acted in concert and that higher echelons either ordered or failed to prevent and punish such acts are critical lines of inquiry. In the above testimonies witness have reported, in the three Tabya's of Tashi, Cheli, and Esret, that soldiers of ENDF and EDF as well as Fano militias were acting in organized form to massacre, loot and destroy the civilians their properties and this gives enough grounds to pursue further investigations and joint criminal accountability.

- B. **Intent to Exterminate:** Multiple witnesses reported that perpetrators made explicit statements indicating an intention to "exterminate" Tigrayans and to kill children above a certain age, and they interpreted the concurrent destruction of civic records and institutions as part of a plan to erase identity and governance structures. Large-scale slaughter of livestock, destruction of food stores, and targeting of water infrastructure can also be seen as tactics indicating intent to destroy the group's means of survival.
- C. **Violations on the right to life and integrity of person:** Victims were killed because of their Tigrayan identity and without any justification. ENDF and EDF soldiers along with the Fano violated the right to life and integrity of the person of the victims.
- D. **Violations on the right to equality:** discriminatory targeting of the civilian population, people identified by ethnicity and civil status, including clergy and elders were targeted. Hate speech targeting the Tigrayan people and attacks on Tigrayans on the basis of their ethnic identity are violations of human rights.
- E. **Violations on the right to dignity and freedom from degradation.** The indiscriminate shelling and mass displacement of civilians, as well as the occupation and destruction of agriculture, medical facilities, and other civilian infrastructure represent violations of the right to dignity.
- F. **Systematic property destruction:** coordinated burning and demolition of homes, churches, administrative offices, and schools defy the rights to property, housing, health, food, and education. These rights were violated through the deliberate destruction of crops, medical facilities, and civilian infrastructure (e.g. schools) in Tigray, as well as the blockade of food and other humanitarian aid into Tigray.
- G. **Violations on the rights to cultural heritage and free practice of religion.** The looting, destruction, and desecration of significant cultural sites in Tigray represent violations of the

right to cultural heritage. Attacks on religious sites and the killing of religious personnel violated the right to free practice of religion.

These patterns elevate the incidents beyond isolated, opportunistic violence to sustained operations with strategic objectives affecting civilian survival and Tigrayan ethnic continuity.

1.3.6. **Victim perceptions, fears, and views on transitional justice**

Witnesses consistently reported enduring fear and an acute sense that the harms have not been recognized let alone remedied. The following themes emerged:

- **Fear of recurrence:** survivors expressed ongoing fear that similar atrocities could recur, if another bout of war was ignited, since a broad exterminatory posture had been communicated earlier.²¹⁷
- **Perceived denial of dignity and erasure:** burning of records, churches, and communal infrastructure was read as an attempt to erase identity and the historical record. Witnesses from each Tabya recounted how a total erasure was attempted through destruction of records, churches and others.
- **Distrust in transitional justice processes:** participants indicated the transitional justice mechanisms proposed at the national level were perceived as inadequate, selective, or opaque, fostering the belief that survivors will have to wait indefinitely before they could see some justice.

The above testimonies highlight not only the scale of suffering endured but also the urgent need for independent investigation, accountability for perpetrators, and reparations for survivors. Furthermore, the rejection and non-recognition of current transitional justice mechanisms by survivors calls for a re-evaluation of processes in Ethiopia to ensure they are transparent, inclusive, and responsive to the rights and dignity of victims.

²¹⁷ Participant B, Interview, Tabya Esret, 2025

1.4. Legal analysis — applicable norms and their application to the facts

The accounts from Seharti Wereda, no doubt amount to the former conclusion of UN ICHREE and OHCHR, which described it as crimes against humanity and war crimes. And there seems to be no debate among human rights scholars over the commission of war crimes and crimes against humanity during the Tigray war. But it must not stop one from exploring further in to the realms of a credible genocide.

The application of the definitions and elements contained in the Genocide Convention (1948) and customary international law, as well as relevant standards for crimes against humanity and war crimes helps further illuminate the legal discussion on the above testimonies.

A. Legal framework

The cumulative evidence from the Tabya Tashi, Tabya Cheli, and Tabya Esret demonstrates conduct that may amount to genocide under Articles II (a) and II(c) of the Genocide Convention, as well as crimes against humanity under customary international law. The deliberate killings, destruction of livelihoods, starvation measures, and denial of burial are not isolated violations but elements of a coordinated strategy to dismantle the community.

Under Article II of the Genocide Convention, genocide includes: *acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such, including*

(a) Killing members of the group;

(b) Causing serious bodily or mental harm;

(c) Deliberately inflicting conditions of life calculated to bring about physical destruction;

(d) Imposing measures intended to prevent births; and

(e) *Forcibly transferring children.*²¹⁸

Crimes against humanity on the other hand require a widespread or systematic attack directed against a civilian population with knowledge of the attack and include acts such as murder, extermination, deportation, imprisonment, torture, rape, persecution, and other inhumane acts.²¹⁹ War crimes criminalize grave breaches of the laws and customs of war, including willful killing and destruction of civilian property not justified by military necessity.²²⁰

B. Factual application — acts element

The testimonies clearly document multiple acts enumerated by the Genocide Convention (killing members of the protected group) and conduct that constitutes crimes against humanity and war crimes (murder, extensive arson and pillage, destruction of institutions, and intentional attacks on civilians). The using as weapon of arson and the coordinated slaughter of domesticated animals — causing deprivation of basic sustenance — strongly indicate acts likely to cause conditions of life calculated to bring about destruction in part of the protected group. In the above testimonies a total of at least 110 persons were reported to have been killed extra judicially in the three Tabya's of Tashi, Cheli, and Esret.²²¹ Arson of residential and administrative offices through bombardments and home to home burnings were also reported. In Esret only above 600 homes were burned, out of these 250 were in one village.²²² On top of burning and looting of food stock many also reported that soldiers were mixing food with animal dung.²²³

C. Factual application — mental element (intent)

²¹⁸ United Nations. *Convention on the Prevention and Punishment of the Crime of Genocide*. Adopted December 9, 1948. United Nations Treaty Series, vol. 78. Entered into force January 12, 1951.

<https://www.un.org/en/genocideprevention/genocide-convention> , Art 2

²¹⁹ Supra note 22, art. 7(1)

²²⁰ *Ibid* at art. 8(2)(a)(i)–(iv)

²²¹ See section 3.3. of chapter 3 above, witnesses from Tashi reported the killings of 61 civilians; Cheli reported 24, and Esret reported 25

²²² Participant B, Interview, Tabya Esret, 2025

²²³ Participant A, Interview, Tabya Tashi, 2025

Genocidal intent is a specific intent requiring proof that perpetrators acted with the aim of destroying, in whole or in part, the protected group. It is often the most difficult element to establish. Credible indicia of intent appearing in these testimonies include:

- i. **Express statements by soldiers:** The soldiers purportedly declared an intent to "exterminate" Tigrayans and instructions to "shoot" or not to spare certain age groups. Witnesses have described how soldiers were uttering words such as “we will exterminate you”, “we will not spare any Tigrayan above age 8” etc. and this express statements satisfy genocidal intent.
- ii. **Patterned conduct across time and space:** synchronized massacres, targeted burning of civil registries and churches, and systematic destruction of livelihood assets supporting the proposition of an operationalized plan to impair group survival. Witnesses alleged through their testimonies a pattern on the conduct of the soldiers through the massacres, destruction and others.
- iii. **Targeting of non-combatant subgroups** (elders, clergy, pregnant women, and persons with disabilities): These targeting suggest the destruction of community continuity rather than purely tactical military objectives. Witnesses also reported that soldiers targeted in particular vulnerable members of the society, and this satisfies the expectations for intent.

Taken together, these factors may satisfy, or at least create a reasonable basis to investigate further, the specific intent requirement for genocide.

However, a final legal determination requires corroboration from additional evidence such as intercepted orders, command logs, chain-of-command documentation, forensic corroboration, and broader patterns across other localities.

1.5. Ethiopia’s Domestic Legal Framework on Accountability and Human Rights

The Ethiopian legal order contains more than enough provisions capable, at least in theory, of addressing gross violations of human rights. For instance the EHRC, as the institution with the mandate to do so, publishes annually the list of human rights treaties and conventions signed by the country.²²⁴ The commission calls every year that only two of the nine core UN Conventions

²²⁴ Ethiopian Human Rights Commission Establishment Proclamation No. 210/2000, as amended by Proclamation No. 1224/2020, Art6 (8),

on Human Rights – specifically, *the Convention on the Protection of All Persons from Enforced Disappearance*, and *the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* – are still not signed or ratified.²²⁵ Similarly out of the African Union's 12 treaties, Ethiopia has not ratified only one: *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa*. And the wide ranging and all-encompassing acceptance of international and regional treaties is one indication of a great ambition towards justice.

But, despite Ethiopia's rich body of law, the broad gaps in accountability, interference with the institutional and individual independence of the judiciary, and lack of effective reparation mechanisms have been pinpointed by many as the heart of the country's ailing legal system. Regardless the criticisms the fact that the laws are there grants that one has to go only the rest of the way.

Ethiopia's Constitution and Criminal Code supply both substantive criminal provisions that mirror many acts recognized in international law. Notably *genocide*, *war crimes*, and *torture*, and jurisdictional rules including extraterritorial/universal elements and non-applicability of amnesties and periods of limitation for certain international crimes. Taken together, these provisions theoretically give Ethiopian courts the legal authority to investigate and try perpetrators at home — provided political will, institutional capacity, and evidentiary conditions are met.

The FDRE constitution enshrines fundamental rights and freedoms, including the prohibition of inhuman treatment, the right to life, and equality before the law.²²⁶ These rights mirror international standards, creating the basis for accountability when state actors or others commit atrocities.

²²⁵ Annual Ethiopia Human Rights Situation Report (June 2023 - June 2024), <https://ehrc.org/download/executive-summary-annual-ethiopia-human-rights-situation-report-june-2023-june-2024>

²²⁶ *Constitution of the Federal Democratic Republic of Ethiopia* (Proclamation No. 1/1995) art. 14 ff.

Importantly, Article 28 of the Constitution denies amnesty for crimes such as genocide and crimes against humanity, providing a strong normative foundation.²²⁷ Art 28 (1) of the constitution reads:

Crimes Against Humanity

1. Criminal liability of persons who commit crimes against humanity, so defined by international agreements ratified by Ethiopia and by other laws of Ethiopia, such as genocide, summary executions, forcible disappearances or torture shall not be barred by statute of limitation. Such offences may not be commuted by amnesty or pardon of the legislature or any other state organ.

The constitution also has guarantees under 9(4) that international treaties ratified by the state are part and parcel of the country. As such international conventions and treaties the country has ratified such as: UDHR, ICCPR, ICESCR, CAT, CEDAW, CRC; and regional treaties such as: ACHPR, etc. endow direct protections to citizens of the country.

Article 13 of the constitution further requires state organs to respect and enforce recognized human rights, creating the constitutional route by which Ethiopia's treaty obligations can be applied domestically.

Further, Ethiopia's Criminal Code criminalizes genocide, war crimes, and torture, explicitly incorporating offenses recognized in international law.²²⁸

In its *crimes in violation of international law* sections in Arts. 269–272, and related provisions on war-time offences in the 270s, the code deals with genocide and war crimes. The Code also contains specific provisions criminalizing torture and a range of acts such as willful killing, rape, forced displacement, destruction of civilian property, that appear among the constituent acts of war crimes or genocide under international jurisprudence.

²²⁷ *Ibid.* at Art 28.

²²⁸ *Criminal Code of the Federal Democratic Republic of Ethiopia* (Proclamation No. 414/2004) arts. 269–281.

The Code even contains provisions for applying Ethiopian criminal law to offences committed outside Ethiopia in defined situations. These can be found in articles dealing with crimes committed abroad against international law/universal order, enabling domestic courts to exercise jurisdiction over international crimes even if committed outside Ethiopia in specified circumstances taking the form of universal or protective/extraterritorial jurisdiction.

However, a persistent legal gap in the country's criminal code is the lack of an explicit domestic offence labelled crimes against humanity, with the complex contextual element that the crime requires, which weakens the ability to prosecute atrocities that meet the standard but lack a nexus to armed conflict.

Nevertheless, the constitutional and code language treat certain international crimes as not subject to ordinary periods of limitation and not amenable to legislative amnesty — again removing two common legal obstacles to prosecution. The Code further provides for complicity, participation and superior or command responsibility doctrines that enable prosecution of commanders and organizers, not only direct perpetrators.²²⁹

The Constitution's treaty clause plus these jurisdictional articles hand in hand with the criminal code create the legal basis for domestic prosecution of international crimes. But their application is another cup of tea.

When one examines the issue of application of the laws it becomes apparent that this legislative framework theoretically empowers Ethiopian courts to prosecute perpetrators domestically. Put simply, the framework supplies the three basic legal ingredients a domestic court needs to try core international crimes:

1. **Substantive law (what conduct is criminal):** the Criminal Code defines and punishes genocide, war crimes, and torture, and includes many of the specific underlying acts such as murder, rape, forcible transfer, destruction of civilian property etc. That lets prosecutors charge named offences under domestic law rather than relying solely on international tribunals.

²²⁹ Ibid, Art 37, 73, and 74

2. **Jurisdiction (authority to hear the case):** the Code contains extraterritorial/universal jurisdiction clauses for crimes against international law and specific articles on crimes committed abroad; together with the Constitution's incorporation of ratified treaties, these give domestic courts legal competence to investigate/try perpetrators even when the conduct occurred outside Ethiopia or implicated foreign actors. This is the legal basis for national prosecutions of international crimes.
3. **Procedural/defense-limiting rules:** by treating certain international crimes as non-subject to amnesties and periods of limitation, the law removes common procedural or executive obstacles to prosecution and enables ordinary courts to apply grave-crime norms with full force.²³⁰ There are also domestic doctrines allowing criminal liability for organizing, ordering, or commanding atrocities so leadership can be prosecuted.

Therefore, theoretically an Ethiopian prosecutor can indict alleged perpetrators for genocide, war crimes, or torture in a competent domestic forum, present evidence, and have domestic judges apply the Criminal Code after it is interpreted in light of Ethiopia's treaty obligations and international jurisprudence to convict and sentence offenders.

But there are many draw backs preventing the effective application of the theoretical protections. The following are some of the important legal gaps and practical limits why theory may not equal conviction in practice:

1. **No clear domestic offence for "crimes against humanity."** The 2004 Criminal Code, unlike the Rome Statute, does not contain an explicit, standalone domestic offence of crimes against humanity. It only has contextual element of a widespread or systematic attack against civilians.²³¹ That gap means acts that amount to crimes against humanity under international law may be prosecuted piecemeal as ordinary crimes or, if in armed conflict, as war crimes, but cannot always be charged under the crimes against humanity label, which can matter for sentencing, contextual proof, and international recognition.²³²

²³⁰ Supra note 228, Articles 28 and Art 170 of the Criminal Code

²³¹ Supra note 228, at Art 270

²³² Y.A. Mohammed, "The Rome Statute and Its Significance in Combatting Impunity: Comparative Perspectives", comparative legal commentary (2022).

2. **Interpretation and alignment with international definitions:** where the Code's wording departs from Rome Statute categories or international jurisprudence, domestic courts must interpret the provisions as the Constitution's treaty clause supports using ratified instruments. Scholarly critique notes ambiguities (e.g., legacy wording from the 1957 Code and omissions in 2004) that complicate direct application.²³³
3. **Capacity, evidence, security and political will:** prosecutions of mass atrocity crimes are resource-intensive. They require forensic evidence, witness protection, chain of custody, impartial investigators. Even with a sound legal basis, lack of political will, insecurity in the affected areas, or institutional weakness can prevent credible national prosecutions. Several commentators and practitioners therefore recommend special national prosecution mechanisms or international cooperation when domestic capacity or impartiality is doubtful.²³⁴
4. **International options remain:** gaps in domestic law or practice have led to foreign domestic prosecutions under universal jurisdiction and to calls for international or hybrid mechanisms, demonstrating that the domestic legal basis is necessary but not always sufficient for full accountability.²³⁵

Legally, Ethiopia has a constitutional and statutory structure that *permits* domestic prosecution of genocide, war crimes, and torture, and provides jurisdictional hooks; including extraterritorial/universal elements, plus anti-amnesty/non-prescription safeguards to make such prosecutions possible. But practically absence of an explicit domestic crimes against humanity offence, interpretative ambiguities, and serious capacity/political challenges mean that, for many large-scale atrocity cases, Ethiopia's framework still faces real obstacles to delivering comprehensive, impartial, and successful domestic prosecutions. Therefore a statutory reform to add crimes against humanity, institutional strengthening, witness protection, and where

²³³ The Crime of Genocide in Ethiopian Criminal Law: Analysis of Its Definition and Scope in Light of International Criminal Law, Diriba Adugna Tulu, *International Affairs and Global Strategy*, Vol.82, 2020

²³⁴ Mekonnen, Tadesse Simie Metekia, *Prosecution of Core Crimes in Ethiopia: Domestic Practice vis-à-vis International Standards* (PhD thesis, University of Groningen, 2020).

²³⁵ Case Comment: Dutch Court Convicts Ethiopian War Criminal to Life imprisonment, Joseph Rikhof, January 23, 2018, <https://globaljustice.queenslaw.ca/news/case-comment-dutch-court-convicts-ethiopian-war-criminal-to-life-imprisonment/>

necessary hybrid or international support is needed, because comparative practice suggests that without substantial reforms, reliance on the domestic system alone risks impunity.

1.6. A Proposed Transitional Justice Policy and A Reconciliation Commission in Ethiopia

The seeds of Ethiopia's transitional justice (TJ) process predate the Tigray war. In December 2018, the House of Peoples' Representatives enacted Proclamation No. 1102/2018, establishing the Ethiopian Reconciliation Commission (ERC). The ERC was tasked with ensuring national consensus and reconciliation through investigation of root causes of conflict, truth-seeking, and recommending remedies. Everyone understands the importance of the truth, justice and reconciliation. But there was an uproar from many against the proclamation ever since the time of its proposition. By those who denounce it, the ERC was criticized for being executive-controlled, underfunded, and lacking independence, which hindered its ability to deliver impartial justice.

Proclamation No. 1102/2018 was replete with all the necessary tools for the establishment and functioning of a truth and reconciliation commission. It recognizes that over the years, Ethiopia has faced repeated socio-political conflicts and that many human right violations were perpetrated during that time; it aims to identify and ascertain the nature, cause and dimension of the repeated gross violation of human rights so as to fully respect and implement basic human rights recognized under the FDRE constitution and international and continental agreements which Ethiopian ratified; it also wanted to provide a forum for victims to have a voice and to speak up and to be heard while perpetrators were granted an opportunity to disclose and confess their actions.²³⁶

But all of these were aimed to result finally upon reconciliation and lasting peace only. None was to be accountable for their crimes or none were to be prosecuted. And the ERC established by the proclamation was expected to inquire and disclose the truth of the sources, causes and extent of

²³⁶ Federal Negarit Gazette No 27, 5th, February 2019, Reconciliation commission establishment Proclamation No.1102 /2018., preamble,

conflicts and take appropriate measures and initiate recommendations that enable for the lasting peace and to prevent the future occurrence of such conflict.²³⁷

It is an internationally accepted fact that for a transitional justice to be functional it has to be driven with four wheels i.e., truth, justice, reparation, and guarantees of non-recurrence/non-repetition. The Ethiopian frame work under the ERC aimed only for the truth and then head straight to the reconciliation phase, stopping there perpetually.

The ERC, although intentioned by the proclamation to be independent, it is also accountable to the prime minister of the state.²³⁸ Art 18 of the same proclamation also frees all perpetrators of ‘*gross human rights violations*’ as free from accountability for their acts and prevents a possible future prosecution by saying, ‘*No one may be accused by the testimony given to the Commission*’ as well as ‘*the testimony given before the Commission could not serve as an evidence up on him.*’

The ERC and its erroneous mandates were dabbling around when the war broke out. Following the outbreak of the Tigray war in November 2020, the ERC became largely inactive.

In 2022, after the CoHA was signed in Pretoria to stop the Tigray war, in late December, the Justice Ministry, the body tasked with developing the policy in accordance with the November 2022 peace agreement, revealed a consensus on the need for prosecution of those responsible for the most heinous war crimes. It came hot on the heels of the state-affiliated EHRC’s releasing its own recommendations, which also listed criminal accountability among an array of transitional justice components.²³⁹

Nevertheless, when Ethiopia began drafting its TJ policy (2022–2023), officials had already suggested that implementation would be anchored in or coordinated with the ERC. Victims and observers warned that the ERC’s track record undermined confidence, particularly among Tigrayan communities, who associated it with government-led narratives rather than impartial accountability.

By any measures though, the national transitional justice process, as set out in the government’s green paper, has from the onset emphasized reconciliation over accountability, truth, and redress

²³⁷ Ibid, Art 1-10

²³⁸ Ibid, preamble, Art 3(4).

²³⁹ Supra note 5

for victims. Government initiatives have not addressed serious concerns over the capacity, transparency, and independence of Ethiopian investigative and judicial institutions to effectively investigate, and where sufficient evidence exists, prosecute crimes under international law.²⁴⁰

There was a rare report in September 2022 by a government task force that referred to a handful of prosecutions of Ethiopian soldiers before military courts, without any clarity about the rank of the accused, the nature of the crimes, or the outcome of those cases. The task force, however, did not provide an update on investigations and prosecutions of Ethiopian regional forces or Eritrean Defense Forces.²⁴¹

The ICHREE's oral update to the UN Human Rights Council on March 2023, presented by its chairperson, the eminent African jurist, Mr. Mohamed Chande Othman, also raised concerns about "*the lack of domestic pathways for accountability for serious violations committed by Eritrean forces*" in Ethiopia. On this regard, there have been multiple efforts of seeking for justice by different organizations.

On 8 February 2022, Legal Action Worldwide (LAW), the Pan-African Lawyers' Union (PALU), and Debevoise & Plimpton LLP filed a complaint with the African Commission on Human and Peoples' Rights ('African Commission').²⁴² The complaint rightfully described itself as the first step towards legal recognition of the atrocities perpetrated by the Ethiopian military, and towards accountability. But the effort has to bear a fruit, yet.

On April 17, 2024, the Council of Ministers approved the Transitional Justice Policy, claiming it was based on extensive consultations. The Ethiopian TJ strategy was reported to have been corrected by the council of ministers when the council supposedly debated, commented up on and passed it. The Council said that the previous attempts to resolve contested issues "*did not provide a lasting solution as they were not sufficiently rights-oriented and flexible.*"²⁴³ In

²⁴⁰ 54th session of the UN Human Rights Council: Ethiopia – Renew the mandate of the ICHREE, September 2023, page 2

²⁴¹ *Ibid*

²⁴² Complaint to the African Commission on Human and Peoples' Rights (8 February 2022), Legal Action Worldwide (LAW), the Pan-African Lawyers' Union (PALU), and Debevoise & Plimpton LLP

²⁴³ Council of Ministers unanimously approves draft Transitional Justice Policy - Addis Standard, April 17, 2024, <https://addisstandard.com/council-of-ministers-unanimously-approves-draft-transitional-justice-policy/>

contrast, the new policy was described as “*an inclusive, humanitarian transitional justice strategy based on mercy, justice, and transparent policies.*”

The policy’s architecture drew implicitly, of course, on the ERC’s 2018 mandate, but did not clearly reform or replace it. Instead, it envisaged “institutions to be designated” for implementation — leading to speculation that the ERC would be the core vehicle. This institutional ambiguity deepened skepticism. Victims keep questioning how a discredited commission established in 2018 could suddenly manage prosecutions, truth-seeking, and reparations in a credible manner, if it was not strong enough to speak up during the perpetration of the atrocities.

The ‘*new transitional justice*’ was claimed by the Ethiopian government to have been presented to representatives of political parties, civil society organizations, democratic institutions, victim groups, and government officials in Addis Ababa and *across the country* and that those ‘stake holders’ reportedly “*actively debated and contributed feedback on the policy draft content*”.²⁴⁴ The Ministry of Justice and the official press releases emphasized a roadmap and implementation plans to operationalize the policy, but it all seems a castle in the sky.

Although authorities described the policy development as participatory, including “validation workshops” and stakeholder consultations in several regions, a broad coalition of national and international civil society organizations, many Tigrayan groups, and independent analysts criticized this characterization as selective participation. Key criticisms included:

- A. **Timing and scope of consultations:** Several consultations occurred in contexts where victims and civil society from Tigray could not safely participate in person, or where invitations were limited and regional voices under-represented.²⁴⁵
- B. **Temporal scope and prosecutorial limits:** The policy set a temporal scope for criminal accountability that some critics argued would exclude significant periods or actors,

²⁴⁴ Ibid

²⁴⁵ Ministry of Justice (FDRE), “Press Release Regarding Approval of the Ethiopian Transitional Justice Policy by the Council of Ministers,” Apr. 17, 2024.

raising fears that major crimes, especially those alleged during the 2020–2022 war in Tigray might escape full scrutiny.²⁴⁶

C. Domestic-only approach vs. calls for international/internationalized components:

Many Tigrayan victims and leading NGOs insist on an international component (e.g., independent investigations, international prosecutors, or hybrid mechanisms) to ensure impartiality; the policy’s heavy emphasis on domestic mechanisms was therefore viewed as insufficient.²⁴⁷

D. Civil society condemnation: A coalition of civil-society groups published a detailed critique in October 2024, arguing that the policy as approved by the Council of Ministers on April 17, 2024 was not credibly inclusive and risked entrenching impunity rather than securing accountability. These groups urged re-design of the consultative process and the inclusion of international experts and victim representation.²⁴⁸

Because many Tigrayan victims and representative associations publicly rejected the policy as insufficient and non-inclusive, the TJ process faces a major legitimacy deficit in the very region where the most serious alleged atrocities occurred. That rejection undermines the essential preconditions for TJ: victim confidence, perceived impartiality, and societal buy-in. Without meaningful, demonstrable measures to include Tigrayan victims through safe participation, independent investigations, international technical components or oversight, and concrete reparations, the policy risks being seen by many as a government-led exercise that falls short of delivering accountability, thereby increasing the danger of renewed grievances and undermining prospects for stable, long-term peace.

²⁴⁶ Civil Society Concerns in Achieving Transitional Justice and Accountability for Mass Atrocity Crimes in Ethiopia (coalition brief), Oct. 14, 2024, <https://www.globalr2p.org/.../CSO-Concerns-in-TJ-and-Accountability-for-Atrocities-in-Ethiopia>.

²⁴⁷ Ibid

²⁴⁸ Ibid

Chapter 4

Transitional Justice and Accountability Mechanisms

4.1. International Legal Frameworks

The Tigray conflict, which the future will most likely register as a genocide upon Tigrayans, has underscored the necessity of examining international legal frameworks that govern accountability for mass atrocities. International law provides multiple mechanisms to prosecute perpetrators, protect civilians, and prevent future violations. Central among these are the Rome Statute of the ICC, the Responsibility to Protect (R2P) doctrine, and binding international human rights treaties. These instruments establish both legal obligations for states and a normative framework guiding international actors in preventing impunity. In this chapter, we will discuss the international legal frameworks relevant to this thesis.

4.1.1. The Rome Statute and the International Criminal Court (ICC)

The Rome Statute created the ICC to prosecute genocide, crimes against humanity, war crimes, and aggression.²⁴⁹ The statute proclaims determination to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes. Its *principle of complementarity* ensures that the ICC intervenes only when domestic jurisdictions are unwilling or unable to prosecute.²⁵⁰ Article 17 says, when states are unwilling or unable genuinely to carry out an investigation or prosecution the court is to admit cases.

Although Ethiopia is not a state party to the Rome Statute, international mechanisms and Security Council referrals could still trigger ICC jurisdiction.²⁵¹

The ICC provides critical procedural and substantive norms that influence national accountability frameworks. For example, its jurisprudence on sexual and gender-based violence, forced displacement, and attacks on civilians in armed conflict offers an important blueprint for prosecuting similar crimes in Tigray.²⁵² International criminal law also establishes *command responsibility* and *joint criminal enterprise* doctrines, which are recognized under Ethiopian laws and are essential for addressing atrocities committed by high-ranking officials or organized groups.

4.1.2. The Responsibility to Protect (R2P) doctrine.

The R2P doctrine, endorsed by the UN General Assembly in 2005, emphasizes the international community's duty to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity.²⁵³

²⁴⁹ Supra note 22

²⁵⁰ Ibid

²⁵¹ Security Council Resolution 1593, (Mar. 31, 2005), page 1

²⁵² Prosecutor v. Lubanga, Case No. ICC-01/04-01/06, Judgment (Mar. 14, 2012).

²⁵³ General Assembly Resolution 60/1, (Sept. 16, 2005). paragraphs 138–139

Under R2P, sovereignty is conditional on the state's ability and willingness to protect its population. If a state fails, the international community may intervene through diplomatic, humanitarian, or, in extreme cases, coercive measures.²⁵⁴ Understanding that a direct intervention may become politically complex, R2P reinforces international obligations to document violations, impose sanctions, and provide humanitarian assistance, thereby creating structural incentives for non-recurrence.

Applied to Tigray, R2P underscores the normative expectation that the international community must act to prosecute and prevent ongoing atrocities. Of course there were half-hearted efforts from the UN through the establishment of the UN ICHREE to investigate into what has happened, before it was terminated abruptly. But this does not have to discourage the international community from taking measure that guarantee non-recurrence after doing further probes in to what has happened and keeps happening in Tigray.

1.2. International Human Rights Treaties Relevant to the Tigray Conflict

Several binding human rights instruments impose obligations relevant to the Tigray war.

The ICCPR protects life, prohibits torture, arbitrary detention, and ensures fair trial guarantees.²⁵⁵ The CAT requires states to prevent, investigate, and punish acts of torture.²⁵⁶ CEDAW mandates special measures to protect women from gender-based violence, a significant feature of the Tigray conflict.²⁵⁷ The 1965 International Convention on the Elimination of All

²⁵⁴ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* 23–25 (2001).

²⁵⁵ *Supra* note 58, arts. 6, 7, 14.

²⁵⁶ *Supra* note 65, at art. 2.

²⁵⁷ *Supra* note 67, art. 2.

Forms of Racial Discrimination (CERD), prohibits discrimination and incitement to violence based on ethnicity, directly applicable to the ethnically targeted attacks upon Tigrayans.²⁵⁸

Regional human rights instruments, such as the ACHPR, further provide mechanisms for complaints and monitoring, which can complement global treaties.²⁵⁹

Taken together, these treaties create a multi-layered legal framework for holding perpetrators in the Tigray war accountable and for protecting victims.

1.3. TRCs: Comparative Lessons and their relevance to Ethiopia

Criminal accountability, while crucial, often fails to address the broader societal need for truth and reconciliation. TRCs provide a complementary mechanism.

TRCs are quasi-judicial or administrative bodies established in the wake of conflict or gross human rights violations with mandates to investigate, document, and make public the facts of abuses; to provide a platform for victim testimony; to make recommendations for reparations, institutional reform, and guarantees of non-recurrence; and, in some cases, to facilitate reconciliation among affected communities. Key trade-offs often arise between restorative justice (truth, recognition, reconciliation) and retributive justice (criminal accountability).

Below are comparative lessons from four cases: South Africa, Sierra Leone, Rwanda, and Colombia, particularly relevant to Ethiopia's proposed transitional justice process and the Tigray conflict.

4.3.1. The South African TRC

The South African TRC, perhaps the most influential model, prioritized truth-telling and offered conditional amnesties in exchange for full disclosure.²⁶⁰ The South African TRC was established by the Promotion of National Unity and Reconciliation Act, 1995, to examine gross violations of

²⁵⁸ International Convention on the Elimination of All Forms of Racial Discrimination, Mar. 7, 1966, 660 U.N.T.S. 195, art. 5.

²⁵⁹ ACHPR, June 27, 1981, 1520 U.N.T.S. 217, arts. 1–3.

²⁶⁰ *Supra* note 76

human rights committed under apartheid from 1960–1994. It produced a multi-volume final report, with sub-reports on victims, perpetrators, and institutional hearings. It contributed significantly to public acknowledgment of apartheid crimes, though critics highlight its limited material reparations and insufficient attention to socio-economic justice.

The strengths of the TRC were that:

- The TRC was relatively inclusive of victim testimony, giving victims public voice and visibility.
- It established a public historic narrative of apartheid abuses, which had been denied or hidden.
- It attempted institutional reform and reparations though implementation was uneven.

The weaknesses criticized were that:

- High expectations among victims regarding justice (in the punitive sense) that the TRC could not deliver in full, especially since amnesty meant no criminal prosecution in many cases.
- The reconciliation/forgiveness dimension was sometimes contested: not all victims wanted forgiveness, and reconciliation was interpreted differently across groups.
- Implementation gap: many recommendations of reparations and institutional reform were delayed or only partially enacted.

Lessons for the Ethiopian Transitional Justice Process:

Ethiopia can take a great deal of lessons from how the South African TRC searched for the truth. In addition to the categorization of truths about the past the South African TRC televised the process of truth finding in some cases. Broadcasting the process nationwide and letting participants from various parts of the country to feel like they have participated in the process, letting them know about the truth from other parts of the country is the most relevant lesson.

4.3.2. Sierra Leone: Truth, Justice and Accountability after War

Sierra Leone's violent civil war (1991–2002) was marked by gross human rights violations, including mass killings, forced displacement, recruitment and use of children in hostilities, amputations and other mutilations, and widespread sexual and gender-based violence. The 1999 Lomé Peace Agreement attempted an early negotiated settlement and provided for a range of measures to end the conflict and reintegrate combatants, but its controversial blanket amnesty for combatants catalyzed international debate and prompted complementary accountability initiatives. In the aftermath of renewed hostilities and mounting international pressure, Sierra Leone established two complementary transitional justice mechanisms:

- i. **A Special Court for Sierra Leone (SCSL)** - a hybrid criminal tribunal mandated to prosecute those who bear the greatest responsibility for serious violations of international humanitarian law and certain domestic crimes; and
- ii. **A national TRC** - mandated to establish an impartial historical record, to respond to victims, and to recommend measures for reparations, institutional reform, and non-recurrence.

Both the Sierra Leone TRC and the SCSL, ensured that victims' narratives were preserved even as perpetrators faced trial.²⁶¹

Strengths were:

- **Complementarity:** The SCSL's prosecutions gave criminal accountability and deterrence, while the TRC produced an inclusive record and victim-centered narrative.
- **Victim visibility:** The TRC's public hearings and local outreach elevated victims' voices and produced accessible materials including child-friendly summaries and educational versions.
- **Thematic depth:** The TRC's attention to structural drivers such as; mineral economy, external actors, and gendered harms, enriched transitions beyond person-to-person wrongdoing.

²⁶¹ Supra note 30

Criticisms were:

- Reparations and socioeconomic recovery lagged behind recommendations; the TRC recommended substantial reparative and structural reforms that required sustained financing and political commitment—both were inconsistent.
- Overlap and confusion: victims sometimes found the multiplicity of mechanisms that included peace processes, TRC, Special Court, and reintegration programs bewildering and re-traumatizing due to repeated requests for testimony.
- Political constraints and the contested Lomé amnesty created legal and moral dilemmas that complicated the balance between reconciliation and accountability. The Special Court, in part, was a response to perceptions that the Lomé amnesty could amount to impunity for serious crimes.

Lessons for the Ethiopian Transitional Justice Process:

The Ethiopian transitional justice system can predominantly burrow lessons from Siera Leone.

- The Tigray war had witnessed participation from external forces like Eritrea. Eritrea remains excluded from the transitional justice process or even accountability in the currently proposed transitional justice frame works. But Siera Leone had found a way to make even perpetrators from other states, such as Charles Taylor, responsible for their acts during the country’s civil war. Ethiopia can also make Eritrea and its dictator responsible if it takes lessons from Siera Leone.
- A hybrid court was also used with a local representation and an international expertise. This can also be very informative for the country currently proposing establishing an accountability mechanism under the ordinary courts at the federal level.

4.3.3. Experiences from Rwandan NURC and Gacaca

In response to the 1994 genocide, Rwanda established a number of mechanisms, including the National Unity and Reconciliation Commission (NURC) established by Law No. 03/99 of 12 March 1999, but later amended, to foster unity, reconciliation, civic education, and monitoring of

public institutions.²⁶² The NURC monitors via instruments such as the *Reconciliation Barometer*, consulting communities about attitudes to unity, divisionism, genocide ideology, property restitution, etc.

Additionally in Rwanda, the Gacaca community courts also represented an innovative attempt at mass accountability through local participation. While they facilitated millions of cases, the process was marred by due process concerns and insufficient reparations for victims.²⁶³

The Strength of the systems in Rwanda were:

- Continuous rather than one-time engagement with public attitudes and social reconciliation: periodic barometer reports created feedback loops to assess how reconciliation efforts are going.
- Strong government commitment to ideology of unity, civic education, reeducation to counter divisionism and genocide ideology.

The weaknesses criticized were that:

- Ongoing problems with property restitution, regarding looted or destroyed properties and with resource constraints in compensating victims.
- Deep-rooted social, psychological, and generational trauma and persistent divisionism and denial among some segments of society, which are resistant to formal reconciliation mechanisms alone.

Lessons for the Ethiopian Transitional Justice Process:

The Rwandese transitional justice system gives a valuable lesson through the National Unity and Reconciliation Commission (NURC) it had established. The commission uses *Reconciliation Barometer* which can be fruitful in this country where conflicts seem to erupt every second. The utilization of the gacaca courts is also another valuable lesson. Since the transitional justice aims

²⁶² National Unity and Reconciliation Commission, Rwanda African Transitional Justice Hub, 1999
<https://atjhub.csvr.org.za/rwandatc/>

²⁶³ Supra note 78

at a very wide temporal framework, it cannot effectively be transitional unless it is enforced with the support of local participation and adopting local mechanisms.

4.3.4. Experiences from Colombia

The 2016 peace accord between the Colombian Government and FARC established a comprehensive transitional justice system comprising a Truth, Coexistence and Non-Repetition Commission; a special unit for searching for missing persons; a Special Jurisdiction for Peace, which handles accountability for serious crimes, offering restorative or punitive sanctions under certain conditions; and reparations and guarantees of non-repetition.²⁶⁴

The ICJ and other bodies have issued reports assessing the implementation of the Special Jurisdiction for Peace (JEP) including challenges in victims' participation, legal framework, and linkage with other components.²⁶⁵

Strengths were:

- Holistic design: multiple complementary mechanisms (truth, missing persons, court-like accountability, reparations, non-repetition) allowing more flexibility and specialization.
- Legal obligation to assure victims' rights, with legislative frameworks anchoring the system, and mandates to ensure participation and recognition.

Challenges were:

- Coordination difficulties: overlapping mandates, sometimes causing burden to victims, or inefficiencies.
- Security and political challenges: threats to social leaders, ongoing armed violence, reluctance among some political/armed actors to fully comply. Implementation of guarantees, reparations, rural reforms, etc., has been uneven.

Lessons for the Ethiopian Transitional Justice Process:

²⁶⁴ Challenges Facing the Truth Commission of Colombia, Alejandro Valencia Villa,

<https://www.icip.cat/perlapau/en/article/challenges-facing-the-truth-commission-of-colombia/>

²⁶⁵ International Commission of Jurists, Colombia: The Special Jurisdiction for Peace, Analysis One Year and a Half After its Entry into Operation, June 2019.

Columbia had the same political party in power when it enforced the JEP. But the government had a different president. Although Ethiopia does not seem to change regimes or prime ministers peacefully for decades, it can take how to incorporate existing political and legal institutions to bring about accountability and transitional justice. Furthermore, Columbia had made accountable even members of its own defense force who have committed atrocities during the civil wars. This is valuable for Ethiopia to take upon, while pondering how to make lowly officers or high ranking officials responsible for their acts, omissions or/and even speeches during the war.

The above comparative examples suggest that Ethiopia could benefit from a TRC tailored to its pluralist society, ensuring inclusivity, gender sensitivity, and a strong reparations mandate.

4.3.5. Ethiopian Government's Sovereignty-shield and the ICC

In the aftermath of mass atrocities, it is normative for societies to grapple with the dual imperatives of accountability and healing. The atrocities in the Tigray war underscore the urgency of establishing effective legal and institutional mechanisms to address gross human rights violations. The pursuit of justice cannot be reduced solely to criminal prosecutions; it must also integrate truth-seeking, reparations, and institutional reform. International experiences demonstrate that no single model suffices, but comparative insights, coupled with Ethiopia's domestic legal framework, can help shape a path forward.

But given the current Ethiopian governments habit of raising the issue of sovereignty and blocking cooperation with international actors in doing investigations into the Tigray war, it would be paramount to discuss the Rome statute at this point.

The Rome Statute of the ICC enshrines the principle of complementarity, permitting ICC intervention only where national systems are "*unwilling or unable*" to prosecute.²⁶⁶

Ethiopia is not a party to the Rome Statute, yet, the United Nations Security Council retains authority to refer situations to the ICC, as it did in Darfur and Libya.²⁶⁷ While politically fraught,

²⁶⁶ Supra note 22 art. 17

²⁶⁷ Supra note 251

this avenue underscores the international community's role when domestic justice proves ineffective.

Comparative experiences from ad hoc tribunals such as the ICTR and SCSL, demonstrate both the promise and pitfalls of internationalized justice. The ICTR established important precedents on genocide and sexual violence,²⁶⁸ but its distance from local communities limited its impact on reconciliation. By contrast, the SCSL's *hybrid model*, combining international and domestic judges, proved more responsive to local realities.²⁶⁹

For Ethiopia, consideration of hybrid structures to address atrocities in the Tigray war, possibly within the African Union framework, could balance international legitimacy with local ownership.

4.4. Reparations and Restorative Justice

The most victim-centered dimension of transitional justice is, arguably, reparations. The United Nations Basic Principles on the Right to a Remedy and Reparation establish five forms of reparations: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.²⁷⁰

Reparations extend beyond monetary compensation. They encompass symbolic measures, psychosocial support, memorialization, and institutional reforms designed to prevent recurrence. Comparative practice underscores both the necessity and complexity of reparation programs. The International Center for Transitional Justice (ICTJ) highlights that reparations serve not only to repair harm but also to restore trust between citizens and the state.²⁷¹

²⁶⁸ Prosecutor v. Akayesu, Case No. ICTR-96-4-T, Judgment (Sept. 2, 1998).

²⁶⁹ Statute of the Special Court for Sierra Leone, Jan. 16, 2002, 2178 U.N.T.S. 138.

²⁷⁰ Supra note 59

²⁷¹ Supra note 74

In South Africa, the reparations payments undertaken were criticized as inadequate, yet symbolic. Acts such as public apologies and memorials carried meaningful weight. In Peru, collective reparations to war-torn communities proved essential for rebuilding social cohesion.²⁷²

From the outset, Ethiopia stands at a crossroads in its pursuit of justice after the Tigray war. Domestic legal frameworks provide a normative basis but face serious willingness and capacity gaps. International accountability mechanisms, while potentially necessary, must be balanced with concerns of sovereignty and legitimacy, which the Ethiopian government is known of raising as a shield from accountability.

Truth and reconciliation commissions could offer space for inclusive truth-telling and institutional reform, yet they require strong political will and careful design. Reparations embody the restorative dimension of justice, linking accountability to healing and reconciliation.

No mechanism alone suffices; each of the above contributes a vital piece of the broader puzzle. A holistic approach integrating domestic reforms, international cooperation, truth-seeking, and comprehensive reparations offers Ethiopia the best chance to move beyond cycles of violence toward a just and peaceful future.

For Ethiopia, designing reparations requires addressing both individual harms, such as killings, sexual violence and forced displacement, and collective harms such as ethnic targeting and destruction of cultural heritage.

Reparations should be framed not merely as charity but as a legal obligation rooted in international human rights law. Furthermore, they must integrate psychosocial support for survivors, acknowledging trauma as both an individual and societal wound.²⁷³ Properly implemented, reparations can bridge accountability and reconciliation, providing tangible recognition of victims' dignity.

²⁷² Supra note 74

²⁷³ International Commission of Jurists, *the Right to a Remedy and Reparation: Practitioners' Guide* (2018).

Chapter 5

Ensuring Non-Repetition of Atrocities and Institutional Reforms

5.1. Looming Threats of Recurrence

Recently, in Tigray, there is a growing fear and anxiety among the people that the Tigray war would repeat itself, and with it will come the nightmarish atrocities that Tigrayans were, unfortunately, first hand witnesses to. This fears and anxieties are not ungrounded.

The fears and preparations for yet another round of the Tigray war are nothing new because the cessation of large-scale hostilities in Tigray following the Pretoria CoHA had not erased the deeper political, social, and military drivers that produced the 2020–2022 conflict. In late 2023, there were a number of reports suggesting that Eritrean troops were leaving one area of Tigray, and being redeployed to other locations. This no doubt undermined efforts to broker peace from

the very beginning, and had implications for the safety of Tigrayan civilians. In December 2023, there were still reports of Eritrean soldiers engaging in looting and violence against civilians.²⁷⁴

Three years after the Ethio-Eritrean war against Tigray was launched, and one year after the Pretoria Agreement there were reporting's and rumors of a new war. The rumors were based on the speeches of the Ethiopian prime minister. Prime Minister Abiy Ahmed spoke about Ethiopia's need for a port, and he threatened to invade Eritrea. The first clandestine threats of Abiy were not directly aimed at attacking Tigray yet again; they were targeted at Eritrea. And he was looking for henchmen, meaning Tigrayans, to do his dirty work.

It is clear if Ethiopia's federal forces go to war against Eritrea, they will need Tigray on their side, as a full member of a fighting coalition. The Tigray region is strategically positioned next to the Eritrean highlands and the Tigrayan Defense Forces are a formidable army.²⁷⁵ There were reports indicating that Abiy was seeking a deal to secure the support of Tigray, which still has a formidable 200,000-strong military force, even post the CoHA.²⁷⁶

But as time went by, the threats of launching a renewed war is being directed even against Tigrayans and the land of Tigray. These development in turn has various factors. A series of post-peace developments during 2024–2025, including political exclusionary measures, redeployments of security forces, inflammatory rhetoric by senior political actors, and the continued presence of armed militias and foreign security actors, point to a material risk that another bout of war may explode and atrocities may recur.

Further complicating the issue, the political landscape in Tigray has been unstable, with divisions within the TPLF and disagreements over the implementation of the Pretoria Agreement. But the tensions triggering another bout of war are not provoked by TPLF only. Although the CoHA had been signed for over two years, the Ethiopian peace observatory was claiming in 2024 that there

²⁷⁴ After Agreement in Ethiopia's Tigray Region, What Stands in the Way of Lasting Peace? - IPI Global Observatory, Hilary Matfess and Anne Lauder, February 7, 2023, <https://theglobalobservatory.org/2023/02/peace-agreement-ethiopia-tigray/>

²⁷⁵ Tigray Doesn't Need Another War – PeaceRep, 1 NOV 2023, Alex de Waal, <https://peacerep.org/2023/11/01/tigray-doesnt-need-another-war/>

²⁷⁶ Power struggle leads to coup in Tigray as war looms between Ethiopia and Eritrea | Global development | The Guardian, <https://www.theguardian.com/global-development/2025/mar/21/tigray-mekelle-coup-war-ethiopia-eritrea-assab-port-abiy-ahmed?>

were threats to sustainability of the provisions contained in the CoHA. The report from the observatory reads:

“In February, forces from Amhara and Tigray regions clashed in disputed territories in Southern Tigray zone, Tigray, marking the first confrontation in this location since the northern Ethiopia conflict ended in November 2022. This clash erupted a day after the president of the Interim Regional Administration of Tigray indicated that the Tigray forces — which, according to the president, number over 270,000 — were not disarmed as per the Pretoria peace agreement signed in November 2022. While clashes were short and no fatalities were reported, the renewed fighting is a significant development and threatens the peace the Pretoria agreement achieved.”²⁷⁷

This concern has only been getting momentum with time and indicators can be found in utterances, clandestine threats from the prime minister as well as leaders of the TPLF.

In March 2025, a power struggle within the TPLF led to the ousting of interim president Getachew Reda by a faction loyal to former leader Debretsion Gebremichael. This internal conflict has led to concerns about the potential for renewed conflict. The coup by Debretsion’s faction was reportedly aided by Eritrean government’s intelligence.²⁷⁸ Eritrea itself has also ordered a nationwide mobilization and is trying to undermine Abiy by aiding rebels fighting Ethiopia’s military in the Amhara region bordering Tigray. Ethiopia has sent tanks and troops to the Eritrean border, and state media have been amplifying voices justifying Ethiopia’s claims over Assab port. One of the prominent Tigrayans ousted along with Getachew, General Tsadkan Gebretensae, Tigray’s vice-president before the coup, also warned that war could erupt at any moment and that Tigray risked *‘becoming a battlefield’* again.²⁷⁹

Fortunately, due to Abiy’s refusal to intervene in the name of Getachew a possible fresh conflict was reversed in early months of 2025. But things seemed to reach yet another momentum when Abiy's request for Tigray to nominate a new leader to replace Getachew was met with criticism

²⁷⁷ Clashes in Tigray’s Disputed Territories Threaten Peace Deal - February 2024 - Ethiopia Peace Observatory, <https://epo.acleddata.com/2024/03/19/epo-monthly-update-february-2024-clashes-in-tigrays-disputed-territories-threaten-peace-deal>

²⁷⁸ Supra note 276

²⁷⁹ Ibid

from the TPLF, which views this as a violation of the CoHA agreement and an interference in its internal affairs.

In a dramatic wave, the threats returned to Tigray again, when the Ethiopian prime minister gave a speech to the House of People's Representatives on July 3, 2025. In his speech Abiy described the Pretoria Agreement as having 'brought relief to Tigray,' highlighting the cessation of daily loss of life and the establishment of a clear path for recovery and dialogue. He also mentioned the strategic engagement and rehabilitation of former combatants as a means to reinforce national unity and social cohesion. However, on the same speech, Abiy also warned that "immediately, start your work now to prevent Tigray from entering conflict," cautioning that "it will be worthless to speak after it begins." This statement has been interpreted by many as a veiled threat, suggesting that the government may take preemptive action if tensions escalate.

Along with Prime Minister Abiy's publicly signaling the possibility of a renewed and even more devastating war with Tigray can be seen another risky act. Abiy's government is facilitating the creation of an armed Tigrayan opposition in the Afar region; a clear violation of the Pretoria Agreement.²⁸⁰

After the speech of the prime minister in the parliament, the TPLF tried to reach out to the international community through an aide-mémoire. The aide-mémoire said:

"It is deeply concerning that, in his speech the Prime Minister chose to ridicule and dismiss the contributions of the international community. His rhetoric—devoid of even minimal diplomatic restraint—is alarming and disheartening. Statements such as: "The world will not listen to you... The world is busy with wars in other parts of the world... The world has no time to devote for local war... No country will stand with you. The countries you think would offer support cannot even stand for themselves"—are not only disparaging but also deeply irresponsible. As the leader of a nation of over 120 million people, his words carry significant weight and are expected to be taken seriously. Such occasions should be used to promote unity and

²⁸⁰ Prosperity Party's Dangerous Gamble: How Abiy's Administration Is Weaponizing Tigray's Divisions for a New War - Omna Tigray, Dr Alula Nerea, August 2025, <https://omnatigray.org/prosperity-partys-dangerous-gamble-how-abiy-administration-is-weaponizing-tigrays-divisions-for-a-new-war/>?

*cooperation—both domestically and internationally—rather than undermine the spirit of global partnership, which is often crucial in times of need.*²⁸¹

But the above speech by the prime minister or the aide-mémoire by the TPLF does not seem to be a surprise largely because international and regional media throughout 2024–2025 have also been repeatedly warning about the fragile peace in Tigray and have been describing developments that increase the risk of a return to large-scale armed conflict. Analyses in outlets including Al Jazeera and the Council on Foreign Relations tracked rising tensions, focusing on political exclusion, local power struggles, and troop redeployments as proximate causes for renewed violence.²⁸²

Some media op-eds and investigative pieces argue that political projects at the federal level — including newly supported political groupings intended to compete with the TPLF and appointments to interim administrative posts — could be perceived as moves to alter the local political balance by force or subterfuge, thereby provoking armed responses. These analyses noted that such maneuvers often raise perceptions of existential threat among local communities traumatized by recent atrocities.²⁸³

At the level of public speeches and statements, senior Ethiopian officials have offered mixed signals. On several occasions Prime Minister Abiy Ahmed publicly emphasized the government's preference for dialogue and peaceful resolution, even as other reports — including from domestic political commentators and some opposition voices — warned that mobilization and more bellicose rhetoric were increasing.

The dissonance between calls for diplomacy and evidence of security preparations contributes to a climate of uncertainty and mistrust. Human rights organizations and investigative reports have also underscored continuing impunity for grievous abuses committed during the earlier conflict

²⁸¹ Tigray -A Dangerous Shift: From Constructive Dialogue to Fabricated Narratives and Threats, **11/07/2025**, **Martin Plaut**, <https://martinplaut.com/2025/07/11/tigray-a-dangerous-shift-from-constructive-dialogue-to-fabricated-narratives-and-threats/>?

²⁸² Al Jazeera, Why Ethiopia's Tigray could be on the brink of another conflict, Al Jazeera (Aug. 25, 2025), <https://www.aljazeera.com/news/2025/8/25/why-ethiopia-tigray-could-be-on-the-brink-of-another-conflict>

²⁸³ Supra note 280

— including systematic sexual violence and large-scale civilian suffering — which keeps underlying drivers of grievance alive and increases the risk that cycles of retribution could resume if new fighting erupts.²⁸⁴

Adding to the above tensions is also another striking fact: the refusal of the NEBE to reinstate the TPLF as a political party. Ethiopia is due to hold elections in 2026. But the major political party in Tigray, the TPLF remains unregistered.

During the war, NEBE suspended the TPLF and parliament proscribed it as a terrorist group. That terrorist designation has been rescinded, but the dispute over the TPLF’s legal status continues, with NEBE suspending the TPLF again in 2025.²⁸⁵

Is the Ethiopian government going to declare Tigray unfit for election due to security reasons? Or is the TPLF going to refuse the NEBE personnel entrance to Tigray, thereby effectively preventing elections from taking place? Or are the two sides going to enter a fresh war? These questions are eating many Tigrayans.

The fear and anxiety of the Tigrayan people persists as days go by. The risk of a fresh conflict threatens to materialize. There is a looming danger, but no one is trying to help shine the sun over the heavy clouds blackening the Tigrayan sky.

5.2. Recurrence Lessons Relevant to Tigray

Comparative experience from Rwanda (1994), Srebrenica/Bosnia (1995), Darfur (2003 onward), and other atrocity settings yields three recurring lessons relevant to Tigray:

- A. **Early warning signs are clear and must be heeded.** In both Rwanda and Bosnia, warning indicators — hate rhetoric, political exclusion, and mobilization of militias — were visible but not adequately acted upon. Post-conflict reviews emphasize rapid

²⁸⁴ The Guardian, *Mass rape, forced pregnancy and sexual torture in Tigray amount to crimes against humanity – report* (Jul. 31, 2025), <https://www.theguardian.com/global-development/2025/jul/31/mass-rape-forced-pregnancy-sexual-torture-in-tigray-ethiopian-eritrean-forces-crimes-against-humanity-report>.

²⁸⁵ A power struggle in Tigray risks Ethiopia’s peace deal, 4 March 2025, **Fred Harter, The Humanitarian**, <https://www.thenewhumanitarian.org/news-feature/2025/03/04/power-struggle-tigray-risks-ethiopias-peace-deal>

preventive action, including diplomatic pressure, targeted sanctions, and protective deployments when appropriate, as central to prevention.²⁸⁶ Similar patterns are being witnessed in Tigray. The way the election was a triggering factor, the way chiefs on both sides were disparaging each other, and the manner that the people were fearing before the outbreak of the war in 2020 is being witnessed again.

B. Failure to secure accountability entrenches cycles of violence. The absence of credible domestic or international accountability for mass atrocity crimes creates impunity that can encourage repetition, as seen in Darfur and other contexts. Accountability mechanisms such as domestic prosecutions, mixed tribunals, truth commissions combined with reparations, are not only about justice for victims but are instrumental in deterrence.²⁸⁷ Nearly none from the perpetrators of atrocities in the Tigray war have been brought to justice yet, and the transitional justice proposed in the country have never been given a careful and serious consideration.

C. Peace implementation requires political inclusion and material reconstruction. Recovery from atrocity requires creating legitimate political avenues for formerly excluded groups, rebuilding local institutions, and ensuring safe, dignified returns for displaced persons. The failure to combine security measures with political and socioeconomic inclusion has repeatedly undermined peace processes.²⁸⁸ In Tigray IDPs continue to live in precarious conditions and even the TPLF, one of the two parties to the CoHA is claiming that it is being excluded by the federal government, and that it is receiving threats. The Tigrayan people are on the lookout for help and reconstruction not another cycle of the war.

²⁸⁶ UN / Srebrenica independent inquiry and follow-up materials: UN Security Council, Report of the independent inquiry into the actions of the United Nations during the 1994 genocide in Rwanda (Dec. 15, 1999), <https://reliefweb.int/report/rwanda/report-independent-inquiry-actions-united-nations-during-1994-genocide-rwanda>

²⁸⁷ ReliefWeb, Urgent action is needed to prevent Tigray from sliding back into war (Aug. 20, 2025), <https://reliefweb.int/report/ethiopia/urgent-action-needed-prevent-tigray-sliding-back-war>

²⁸⁸ UK Parliament (House of Commons): From Srebrenica to a safer tomorrow: Preventing future mass atrocities around the world (Committee report, Oct. 17, 2022), <https://committees.parliament.uk/publications/30270/documents/175201/default/>. [UK Parliament Committees](#)

These lessons converge on one central point. Purely military or administrative solutions that fail to address political grievances, impunity, and humanitarian needs are unlikely to produce durable non-recurrence.

Based on the indicators and comparative experience, atrocities could re-appear through several non-exclusive pathways:

- Rapid escalation from security incidents to collective punishment or targeted reprisals against ethnic or regional groups, especially if actors perceive existential threats, which seem to materialize with each passing day in Tigray.
- Militia or irregular actor violence in contexts of weak law enforcement, where local actors exploit ambiguity.
- Regional spillover — interstate confrontation or proxy involvement (notably with Eritrea) that expands the battlefield and creates space for large-scale civilian targeting.
- Humanitarian collapse and mass displacement that amplifies vulnerabilities (children, women, elderly), creating environments for systematic abuses (including sexual violence, forced conscription, and starvation-as-weapon).

5.3. Institutional and Legal Reforms Required in Ethiopia

While accountability addresses past violations, the principle of non-repetition, as discussed above, ensures that the structures enabling atrocities are reformed. Guaranteeing non-recurrence involves both domestic institutional reforms and international oversight, with active participation by regional organizations, the United Nations, and neighboring states. The Ethiopian government seems determined to disregard accountability for atrocities perpetrated in the Tigray war, making the coming into play of such mechanisms essential. Moreover the cooperation of a wide range of groups and actors in Ethiopia is necessary as the Tigray conflict has exposed vulnerabilities in security, governance, and humanitarian protection.

5.3.1. Institutional Reforms

Among ICHREE's findings was, it has to be noted, that numerous Tigrayan individuals, including former members of the ENDF, were arbitrarily detained in mass sweeps on the basis of their ethnicity and later released following international scrutiny.

The report states: *Over a third of the Tigrayan victims were reported to also be (former) members of the ENDF... Many of these detained ENDF soldiers of Tigrayan ethnicity had been detained and imprisoned in November 2021.*²⁸⁹

But acts of the government did not stop at detaining or imprisoning and many were killed due to their Tigrayan identity. New Lines Institute had the following to say about Tigrayan former ENDF soldiers in its pivotal publication:

*17 ENDF soldiers of the 17th Division (known as the Dejen Division) are accused of having killed at least 83 Tigrayans at Mirab Abaya military camp. The camp is located in Arba Minch...The attack took place on 21 November 2021. Two survivors told the ICHREE that the perpetrators were ethnic Amhara.*²⁹⁰ These past act of the state defense force shows the rampant need for institutional reforms.

Institutional reforms are central to preventing future atrocities. Security sector reform, including professionalization of the military, de-politicization of police forces, and the establishment of civilian oversight mechanisms, is fundamental.²⁹¹ During the war, Tigrayan members of the military, the police force etc. were targeted and sacked out of the legal system. Reforming judicial institutions to ensure inclusivity, pluralism, independence, impartiality, and capacity for prosecuting human rights violations also underpins long-term stability.²⁹²

But the reforms should be all encompassing, and they should also be applied at every level of governmental institutions. Administrative reforms targeting bureaucratic structures prone to abuse, such as internal oversight, transparent recruitment, further strengthen safeguards against recurrence.²⁹³ Collectively, these reforms constitute a foundational step in operationalizing guarantees of non-repetition.

²⁸⁹ ICHREE, *Report of the International Commission of Human Rights Experts on Ethiopia* (A/HRC/51/46, 19 September 2022), para. 107.

²⁹⁰ Supra note 90, page 50, paragraph 173

²⁹¹ Supra note 74

²⁹² Supra note 75

²⁹³ Pablo de Greiff (ed.), *The Handbook of Reparations*, Oxford Univ. Press (2006). Pages 44–50

5.3.2. Legal and Policy Measures

Legal guarantees of non-repetition include constitutional entrenchment of human rights, criminalization of mass atrocities, and adoption of anti-discrimination laws.²⁹⁴ Policy measures may involve early warning mechanisms, risk assessments for civilian protection, and mechanisms for monitoring compliance with international obligations. These measures must be institutionalized to prevent ad hoc application and ensure sustainability.²⁹⁵

Ethiopia must also adopt legislation harmonized with the Convention on the Prevention and Punishment of the Crime of Genocide (1948) and the Rome Statute of the ICC (1998) to ensure that domestic courts can investigate and prosecute atrocity crimes independently. The creation of a specialized hybrid tribunal, supported by the AU and international experts, could provide a credible mechanism for justice and help dismantle the culture of impunity.²⁹⁶

5.4. Role of International Oversight and Monitoring

International oversight reinforces domestic reforms through treaty bodies, special rapporteurs, and independent commissions. Monitoring by entities such as the UN Human Rights Council, the African Commission on Human and Peoples' Rights, or independent fact-finding missions can detect early signs of abuse, press for compliance, and provide technical assistance.²⁹⁷ This external accountability complements domestic mechanisms and discourages impunity.

5.4.1. The African Union (AU) and Its Role

The AU has both normative and operational capacity to promote non-repetition in Tigray and Ethiopia in general. Its Constitutive Act emphasizes the protection of human rights and conflict prevention.²⁹⁸ The AU possesses a clear legal basis under *Article 4(h)* of its Constitutive Act, which authorizes intervention in member states in cases of war crimes, genocide, and crimes against humanity.

²⁹⁴ Supra note 59

²⁹⁵ Supra note 59

²⁹⁶ Supra note 22

²⁹⁷ Supra note 79

²⁹⁸ Constitutive Act of the African Union, July 11, 2000, art. 4(h).

Although the AU was criticized for being partial during the Tigray war, the AU Peace and Security Council can, to regain its reputation in the region, deploy observation missions, facilitate dialogue, and endorse post-conflict reconstruction programs. By promoting regional frameworks for justice and reconciliation, the AU provides oversight while respecting state sovereignty.

Beyond political mediation, the AU should take an active monitoring role in Ethiopia's transitional-justice process, ensuring compliance with regional human-rights norms under the ACHPR (1981). It can also facilitate a hybrid accountability mechanism—drawing lessons from the AU–UN Hybrid Operation in Darfur.

Local early-warning networks, supported by the AU's Continental Early Warning System (CEWS), can be replicated in Ethiopia to detect and respond to signals of renewed violence. In Seharti for instance, community-based alert systems—integrating traditional leaders, women's groups, and youth associations—could prevent escalation by promoting mediation and early reporting.²⁹⁹

5.4.2. The United Nations (UN) and International Community

The UN plays a multi-faceted role: from documenting violations, imposing sanctions, and providing humanitarian aid, to establishing international investigative or judicial mechanisms.³⁰⁰ UN agencies, particularly OHCHR and UNDP, support institution-building and capacity development and these are critical for preventing recurrence.

The OHCHR must continue monitoring the human-rights situation in Tigray through an independent mechanism that builds upon ICHREE's evidence base. Continued UN involvement would deter manipulation of domestic transitional-justice frameworks and sustain pressure for transparency and reform.

²⁹⁹ African Union, *Continental Early Warning System (CEWS) Framework Document* (Addis Ababa: AU Commission, 2006).

³⁰⁰ U.N. Human Rights Council, *Report of the Independent Fact-Finding Mission on the Situation in Tigray, Ethiopia*, A/HRC/46/55 (2021).

Then the broader international community, through diplomatic, economic, and technical support, can help reinforce these mechanisms.

5.4.3. Ethiopia's Neighbors and Regional Dynamics

Regional actors, including Eritrea, Sudan, and Djibouti, influence both conflict dynamics and prospects for non-repetition. Especially, Eritrea has been active in troubling the region and causing a vast amount of atrocities in Tigray. Yet recently, the TPLF leadership have made their former foe an ally. This fact makes the role of Eritrea, for better or worse, pivotal. Cross-border collaboration on security, refugee protection, and conflict mediation is also essential.³⁰¹ Bilateral and multilateral engagement can support early warning, enforce accountability measures, and stabilize the broader Horn of Africa region.

Chapter 6

Findings, Challenges and Opportunities

In the current Tigray, although there are a multiple array of challenges that give one a tendency to take a cynic stand, there can be seen fragments of opportunities that give a spark for hope as the aftermath of the war continues to reveal deep-seated institutional, social, and psychological scars. In these chapter the summary of major findings, opportunities, as well as challenges to achieving justice will be presented.

6.1. Summary of Major Findings

The fieldwork conducted in Seharti Wereda and cross-referenced with findings from various researchers yields five central insights:

1. **Systematic Nature of Atrocities:** Evidence from survivor testimonies and international investigations confirms that crimes in Tigray were not sporadic but organized along ethnic lines. Civilians were targeted for their Tigrayan identity, in killings, sexual violence, and mass detentions. These facts hand in hand with requirements under

³⁰¹ International Crisis Group, *Ethiopia: Tigray's Forgotten Conflicts and Regional Implications* 15–18 (2022).

international law enable one to conclude that a credible genocide was perpetrated upon the Tigrayan people by Ethiopian and Eritrean governments through their defense forces and militias.

2. **Entrenched Impunity and Institutional Weakness:** Both the federal and regional justice systems have failed to hold perpetrators of grave international crimes accountable. The transitional justice policy proposed is largely opaque, not-trustworthy, and selective, failing to meet international standards. Victims in Tigray, and particularly Seharti, have not been given a representative voice in the transitional justice process.
3. **Prolonged Humanitarian Suffering:** Many survivors in Seharti, and other parts of Tigray remain traumatized, without sustainable livelihoods, with loss of property, and confusion about the future.
4. **Erosion of Trust in Governance:** Local populations associate state institutions with the machinery of violence, deepening the legitimacy crisis. This distrust obstructs both administrative rehabilitation and reconciliation efforts. And there is an acute need for legal, policy, and institutional reforms.
5. **Limited but Promising International Engagement:** While humanitarian agencies have provided vital documentation and aid, sustained follow-up and enforcement of recommendations remain lacking.
6. **There is a High Likelihood for Fresh Violence in Tigray:** Despite the CoHA agreement in Pretoria, the federal government and the TPLF have entered a new cycle of escalating tension that has brought about a great tension and anxiety upon the Tigrayan population. There is a high risk of renewed atrocities. An immediate intervention from the international community is needed to deescalate the situation in Tigray.

These findings demonstrate that while the armed conflict may have ceased, the conditions for renewed violence through impunity, polarization, economic marginalization, and institutional fragility persist.

6.2. Challenges to Achieving Justice and Reconciliation

In Seharti Wereda, one of the most affected areas in the war, entire communities remain traumatized by the atrocities they witnessed. Survivors recount the systematic killing of civilians, widespread sexual violence, destruction of livelihoods, and forced displacement.³⁰²

UN ICHREE had found that many of the atrocities in the Tigray war were not incidental but part of a deliberate, widespread, and systematic campaign targeting Tigrayans as an ethnic group, in acts that may amount to war crimes and crimes against humanity, although it came shy of calling it a credible genocide.³⁰³ The crimes are on the verge of recurring and there are many challenges in the current Ethiopia.

A foremost challenge lies in the enduring fragility of institutions. Ethiopia's justice system, as ICHREE emphasized, "*Remains neither independent nor capable of addressing the gravity of crimes committed.*"³⁰⁴ The absence of credible national prosecutions and the lack of political will to pursue accountability have left survivors in many parts of Tigray in a state of suspended justice. Many continue to live under a federal authority led by individuals implicated in wartime violations, which reinforces fear and silence. Amhara-affiliated militias, irregular forces, and unaccountable regional actors continue to control whole areas of Western Tigray. Furthermore, survivors' testimonies collected in Seharti indicate that impunity has entrenched a culture of silence and a sense of being ignored.

In addition to institutional weakness from the side of the federal government, incomplete demilitarization poses a structural risk from the side of the TPLF. The absence of comprehensive disarmament, demobilization, and reintegration (DDR) initiatives creates conditions conducive to re-escalation.³⁰⁵ Moreover, the political division among higher Tigrayan officials seems to

³⁰² See section 3.3. of chapter 3 above

³⁰³ *Supra* note 1, paras. 21–25.

³⁰⁴ *Ibid*, para. 152.

³⁰⁵ African Union Peace and Security Council, *Report on Security Sector Reform and Post-Conflict Reconstruction in Africa* (Addis Ababa: AU Commission, 2018).

lead to an extended tension with-in Tigray, and exclusive national reconciliation efforts and the persistence of discriminatory state practices at the federal level.

The transitional justice and reconciliation efforts at the federal level are, on top of being late, not open to Tigrayans who have suffered the most during the war years. Hence they are rejected as being non-participatory. And the institutions deemed to enforce them have not been reformed from their ENDF-affiliated former status. And despite adequate laws for accountability and prosecution, there is a widespread impunity in the country.

To top it all the humanitarian situation in all of Tigray remains critical. Many IDPs lack adequate shelter, food, and medical services. Such deprivation reinforces collective trauma and undermines recovery efforts.

6.3. Opportunities for Progress

Despite the above challenges, there are opportunities for transparency, accountability, and a comprehensive reformation.

It is not too late to start the way towards an inclusive and acceptable transitional justice and accountability mechanisms. If the state institutions formerly used as weapons of destruction and extermination of Tigrayans can be reformed, if they undergo a reorganization, and if they accept the atrocities committed through their action or omissions, the Tigrayan people seem to welcome peacemaking efforts. And this can be considered as one hopeful opportunity.

The issue raised by many Tigrayans when discussing the currently federal-government-proposed transitional justice frameworks is that the transitional justice is not participatory, that it is selective and that it does not recognize the fact that the same officials implicated in perpetration of the crimes upon Tigray are proposing the frameworks and since a perpetrator cannot be the prosecutor in his own case that the transitional justice is doomed. The criticisms towards the proposed-frameworks are, more or less correct and they deserve recognition. But on the bright side, if the proposed frameworks were to enable Tigrayans victimized by the war to have a voice in the process; to let the international community be involved actively through monitoring and support of the process; to include mechanisms for accountability for past atrocities etc. the

Tigrayan community would be happy to join the frameworks. Therefore the existence of the frameworks gives a great opportunity for growth with the support of international community.

The resilience of local communities and the possibility of grassroots peace offer hope for recovery. Survivors and local elders can organize informal dialogue forums aimed at restoring trust and communal solidarity. Also at the regional and continental levels, the African Union's Transitional Justice Policy (AUTJP) provides a normative framework for truth-telling, accountability, and reparations, principles that can guide Tigray's reconstruction process.³⁰⁶

The United Nations' continued monitoring through the Human Rights Council and OHCHR mechanisms can also present a window for sustained oversight and international support.

Chapter 7

Conclusion and Recommendations

Conclusion

This thesis set out to examine the role of transitional justice in addressing mass atrocities committed during the Tigray war and its potential contribution to preventing future violations, with particular reference to Seharti Wereda. Through a doctrinal legal analysis complemented by empirical findings, the study assessed the nature and scope of atrocities committed, evaluated the adequacy of existing international, regional, and domestic legal frameworks, and analyzed Ethiopia's transitional justice trajectory in light of the unique realities of the Tigray conflict.

³⁰⁶ African Union, *African Union Transitional Justice Policy (AUTJP)* (Addis Ababa: AU Commission, 2019).

The findings of the study demonstrate that the atrocities committed during the Tigray war—including extrajudicial killings, widespread sexual and gender-based violence, forced displacement, destruction of civilian property, and denial of humanitarian access—constitute serious violations of international human rights law and international humanitarian law, and in several instances amount to international crimes. Evidence from Seharti Wereda illustrates that these violations were neither isolated nor incidental, but formed part of a broader pattern of systematic and widespread abuse against the civilian population.

The thesis further finds that, despite Ethiopia’s formal commitment to accountability and reconciliation through the adoption of a transitional justice policy framework, significant legal, institutional, and political gaps persist. These include limited victim participation, insufficient attention to sexual violence survivors, weak guarantees of independence for accountability mechanisms, and the absence of clear linkages between truth-seeking, criminal accountability, reparations, and institutional reform. Without addressing these shortcomings, transitional justice risks becoming symbolic rather than transformative.

Importantly, the study establishes that transitional justice, when properly designed and implemented, can play a decisive role in preventing the recurrence of atrocities. Accountability mechanisms deter future violations, truth-telling fosters societal acknowledgment and healing, reparations restore victims’ dignity, and institutional reforms address the structural causes of violence. However, the effectiveness of transitional justice in Ethiopia depends on its inclusivity, victim-centeredness, compliance with international standards, and genuine political will.

In conclusion, this thesis argues that sustainable peace and prevention of future atrocities in Tigray and Ethiopia at large cannot be achieved through silence, denial, or selective justice. A comprehensive, credible, and rights-based transitional justice process is not only a moral imperative but also a legal obligation under international law. Failure to pursue meaningful transitional justice risks entrenching impunity, perpetuating grievances, and exposing future generations to renewed cycles of violence.

Recommendations

The available evidence points to a set of pragmatic measures that are necessary to reduce the risk of renewed atrocities. These measures should be pursued in parallel and with urgency:

7.2.1 Recommendations to the Ethiopian Government

1. **Ensure Genuine Accountability** - The government should ensure that transitional justice mechanisms include credible criminal accountability for those most responsible for serious international crimes, in accordance with international standards of independence, impartiality, and due process. Establishing an independent hybrid (national and international) mechanism to investigate and prosecute serious past atrocities, coupled with reparations and institutional reform plans should be given utmost priority.
2. **Adopt a Victim-Centered Approach** – Victims, particularly survivors of sexual and gender-based violence, internally displaced persons, and persons with disabilities—must

be placed at the center of all transitional justice processes, including truth-seeking, reparations, and institutional reform.

3. **Strengthen Legal and Institutional Frameworks** - Domestic laws should be harmonized with international human rights and humanitarian law, and institutions responsible for justice and human rights must be strengthened to operate free from political interference.
4. **Guarantee Reparations and Rehabilitation** - The state should establish a comprehensive reparations program that includes restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition, especially for communities severely affected such as those in Seharti Wereda.
5. **Restoration and protection of political space** - Ensure conditions for meaningful political participation of Tigrayan parties and leaders within constitutional channels, including clear, monitored guarantees for electoral rights and party registration processes to reduce incentives for armed contestation.

7.2.2 Recommendations to Transitional Justice Institutions and Commissions

1. **Ensure Inclusivity and Regional Representation** -Transitional justice bodies must meaningfully include victims from Tigray and other affected regions in decision-making processes and ensure linguistic, cultural, and geographic accessibility.
2. **Prioritize Truth-Seeking and Documentation** - Truth mechanisms should comprehensively document violations, including sexual violence and crimes against children, and publicly acknowledge victims' suffering to counter denial and revisionism.
3. **Integrate Local Contexts and Customary Practices** - where appropriate and consistent with human rights standards, community-based reconciliation mechanisms should complement formal transitional justice processes.
4. **Psychosocial Healing and Memorialization** - Comprehensive psychosocial rehabilitation programs and memorial projects should be established to help community's process trauma and build collective memory that promotes non-repetition.

7.2.3 Recommendations to the International Community

1. **Provide Technical and Financial Support** - International partners should support Ethiopia's transitional justice process through capacity-building, funding, and expertise, while maintaining principled engagement based on human rights benchmarks.
2. **Maintain International Oversight and Monitoring** - Continued international monitoring remains essential to ensure accountability, prevent backsliding, and protect victims and witnesses.

This thesis underscores that transitional justice is not merely about addressing past wrongs but about shaping a just future. For Tigray and Ethiopia, confronting the truth, ensuring accountability, and restoring victims' dignity are indispensable steps toward lasting peace and the prevention of future atrocities.

Future Research Directions

Further research should extend beyond immediate post-conflict documentation towards capturing long-term social, psychological, and institutional impacts of the credible genocide in Tigray. Areas warranting deeper exploration include:

1. **Comparative Local Studies:** Examining other Weredas and cities (e.g., Axum, Mahbere Dego, Qola Temben, Emba Alaje, Bora, Tahtay Adyabo, Maryam Dengelat, etc.) could provide comparative insights into variations in atrocity patterns and recovery pathways.
2. **Gender and Trauma Studies:** Detailed feminist analyses could explore the continuum of sexual violence from war to peacetime and its implications for transitional justice.
3. **Intergenerational Impacts:** Longitudinal studies on war-affected children and families could illuminate how trauma and displacement shape identity and community resilience over time.
4. **Traditional Justice Mechanisms:** Ethnographic research on local conflict-resolution systems may uncover culturally resonant practices that could complement formal justice mechanisms.

5. **Regional Dynamics and Cross-Border Accountability:** Further inquiry is needed into the roles of Eritrea, Somalia, and others in shaping Ethiopia’s security architecture and future atrocity prevention.

Such research would contribute to a more holistic understanding of transitional justice and inform both national policy and international advocacy aimed at ensuring that atrocities never reoccur in Tigray—or anywhere in Ethiopia.

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