

Obstacles to Accountability in Tigray and Beyond

By Berihu Teweldebirhan Gebresilassie
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1. Introduction

Ethiopia's international actions are based on its long history of opposing colonization and preserving sovereignty. This has resulted in internal unrest and conflict as the country strives to reconcile traditional beliefs with current political realities. Fortunately, religion has not been a main driver of recent conflict and violence, although the Ethiopian population is divided between roughly one third Muslims and a Christian majority. The country's complex foreign ties, which include territorial conflicts and ethnic tensions, have resulted in human rights violations and accountability issues, as well as a lack of justice. The Tigray conflict and accompanying atrocities lie at the heart of Ethiopia's core international crimes, but there is a real risk that transitional justice measures currently overseen by the Ethiopian government may circumvent these issues.

The Tigray conflict erupted in November 2020 between the Ethiopian government and the Tigray People's Liberation Front ('TPLF') and, as noted by the African Union's ('AU') lead mediator in the conflict Olusegun Obasanjo, has resulted in the death of nearly 600,000 individuals and the displacement of another 1.8 million people.¹ Credible reporting, such as by the hybrid mechanism between the Ethiopian Human Rights Commission and the United Nations ('UN') Office of the High Commissioner for Human Rights ('OHCHR'), has further indicated the commission of serious human rights violations by all parties to the conflict which may amount to war crimes and crimes against humanity.² In November 2022, a formal end to the conflict was announced with the signing of the AU-mediated Agreement for Lasting Peace through the Permanent Cessation of Hostilities ('CoHA') between the Ethiopian government and TPLF in Pretoria.³ CoHA explicitly states that the Ethiopian government shall "implement a comprehensive national transitional justice policy aimed at accountability, ascertaining the truth, redress for victims, reconciliation, and healing [which] shall be developed with inputs from all stakeholders, and civil society groups through public consultations and formal national policy-making processes".⁴

There is, however, real risk that domestic desire for justice is only selectively fulfilled and the scope of victimization remains unknown. International intervention is required to address these concerns. This policy brief considers the patterns of transitional justice and key international crimes in Ethiopia, with a focus on hurdles to accountability and perceived international failures in the Tigray case and elsewhere.

2. Transitional Justice Overview

Transitional justice arose in the twentieth century as a bundle of philosophical, legal and political processes to address human rights violations, given the challenges of weak post-conflict political and judicial institutions and security systems. It involves judicial and non-judicial methods such as truth-seeking, prosecution, provision of reparations, and guarantees of non-recurrence.⁵ The goal is essentially to foster reconciliation, ensure accountability, and establish or re-establish a foundation for peace and democracy.⁶ The UN encourages transitional justice to promote sustainability.⁷

In 2019, the AU enacted a comprehensive strategic plan on transitional justice at a continental level, the Transitional Justice Policy ('AUTJP'),⁸ which aims to guide member states in achieving sustainable peace, justice, reconciliation, social cohesion and healing.⁹ The Policy aligns with Article 4(o) of the 2000 AU Constitutive Act¹⁰ and builds on the 2006 AU Policy on Post-Conflict Reconstruction and Development (which was further revised in 2024).¹¹ It advances key strategies such as truth-seeking and reconciliation, justice and accountability, reparations and redress, institutional reform, memorialization and public education, inclusive participation, and conflict prevention and peace-building. These measures have now been implemented in various African countries.¹²

⁵ Maja Davidovic, "The Law of 'Never Again': Transitional Justice and the Transformation of the Norm of Non-Recurrence", in *International Journal of Transitional Justice*, 2021, vol. 15, no. 2, pp. 386–387.

⁶ Pádraig McAuliffe, "Transitional Justice, Institutions and Temporality: Towards a Dynamic Understanding", in *International Criminal Law Review*, 2021, vol. 21, no. 5, p. 818.

⁷ Key global initiatives of the UN in supporting transitional justice in post-conflict societies include the UN Secretary-General's Guidance Note ("Transitional Justice A Strategic Tool for People, Prevention and Peace", 1 October 2023 (<https://www.legal-tools.org/doc/8fddcqb0b/>)), the OHCHR's Transitional Justice and Human Rights programme, and the UN Development Programme's Rule of Law and Transitional Justice programmes. See also, International Commission of Human Rights Experts on Ethiopia ('ICHREE'), Advisory Note on the Consultative Process Towards the Implementation of a Comprehensive National Transitional Justice Policy for Ethiopia, UN Doc. HRC/ICHREE/2022/105, 23 June 2023 (<https://www.legal-tools.org/doc/odz1od/>).

⁸ AU, Transitional Justice Policy, 12 February 2019 (<https://www.legal-tools.org/doc/h101o3jk/>).

⁹ Ulrike Lühse, "Developing the African Union Transitional Justice Policy: An Assemblage Perspective", in Briony Jones and Ulrike Lühse (eds.), *Knowledge for Peace: Transitional Justice and the Politics of Knowledge in Theory and Practice*, Edward Elgar, Cheltenham, 2021, p. 176.

¹⁰ AU, Constitutive Act of the African Union, 11 July 2000, Article 4(o) (<http://www.legal-tools.org/doc/496299/>).

¹¹ AU, Policy on Post-Conflict Reconstruction and Development, 29 July 2006 (<https://www.legal-tools.org/doc/kvqiykdd/>); see for revised version, AU, Revised Policy on Post-Conflict Reconstruction and Development, 31 January 2024 (<https://www.legal-tools.org/doc/c0ske7yl/>).

¹² For analysis on how the AUTJP addresses colonial wrongs, see Hugo van der Merwe and Annah Moyo, "Transitional Justice for Colonial Era Abuses and Legacies: African versus European Policy Priorities", in Morten Bergsmo,

¹ "Dashed Hopes and Limited Aid Trouble Tigrayans a Year After Ethiopia Truce", *Al Jazeera*, 2 November 2023.

² Ethiopian Human Rights Commission ('EHRC') and OHCHR, "Report on the Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties to the Conflict in the Tigray Region of the Federal Democratic Republic of Ethiopia", 3 November 2021 (<https://www.legal-tools.org/doc/zellldpn/>).

³ Ethiopia, Agreement for Lasting Peace through the Permanent Cessation of Hostilities Between the Government of the Federal Democratic Republic of Ethiopia and the Tigray People's Liberation Front, 1 November 2022 (<https://www.legal-tools.org/doc/243rwpjc/>).

⁴ *Ibid.*, Article 10(3).

3. Crime Patterns and Key Accountability Initiatives

Ethiopia has and continues to witness war crimes and crimes against humanity in ongoing conflicts, terrible politics and ethnic hostility. The conflicts have prompted global demands for accountability and justice.¹³

3.1. Ethiopian Genocide (1974–1991)

Genocide denies the right of existence of entire human groups, similar to homicide for individual humans. It is directed against individual victims, the group to which they belong, and human diversity. According to Article 2 of the 1948 Genocide Convention ('GC'), it comprises acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, including through killing, causing serious bodily or mental harm, deliberately inflicting conditions of life designed to cause physical destruction, imposing measures to prevent births, and forcibly transferring children to another group.¹⁴

Ethiopia, the first country to ratify the GC, has incorporated genocide under Article 281 of the 1957 Penal Code of Ethiopia (titled "Genocide; Crimes against Humanity").¹⁵ The new Criminal Code further repealed the Penal Code in 2004, bringing the genocide definition closer to that of the GC.¹⁶ However, it also went further by defining genocide more broadly than the GC and Rome Statute of the International Criminal Court ('ICC Statute'), such as through the inclusion of 'colour' and 'political groups' and by recognizing as prohibited the act of 'causing members of a group to disappear'.¹⁷ This is influenced by earlier events in Ethiopia which regrettably include systematic extermination of ethnic groups during the Derg regime (1974–1991), often referred to as the 'Ethiopian Genocide', a tragic chapter in the country's history. The Red Terror campaign led by Colonel Mengistu Haile Mariam resulted in mass killings, forced displacements, and widespread human rights abuses, primarily targeting political dissidents and ethnic groups.¹⁸ Though the exact number of victims remains uncertain, the campaign is reported to have claimed an estimated 500,000 lives.¹⁹ Accountability efforts have included trials, such as the cases initiated by the Ethiopian Special Prosecutor's Office in the 1990s, but many perpetrators have evaded justice.²⁰ Yet, the Ethiopian government has been working to hold the perpetrators accountable, with Mengistu being convicted *in absentia* for genocide in 2006.²¹

The 'Ethiopian Genocide' incidents exhibited several patterns of violence, including mass killings, forced displacement, and systematic targeting of ethnic groups. Accountability for such acts is crucial to ensure justice for the victims and prevent recurrence of similar crimes. The international response to recent international crimes in Tigray has been a mix of condemnation and calls for accountability, with various countries and organizations urging an immediate cessation of hostilities and unfettered access for those providing to humanitarian aid.²²

3.2. War Crimes in Ethiopia

Ethiopia has a long history of conflict and discussion of war crimes.²³ The 1957 Penal Code contained a set of provisions delineating war crimes without distinguishing between international and non-international armed conflicts.²⁴ This has been seen as "the most comprehensive incorporation of the prohibition of war crimes into a municipal law", incorporating both the Hague and Geneva Conventions codifying international humanitarian law.²⁵ The later 2004 Criminal Code maintained these categories while expanding the list of prohibited acts, such as those against civilian populations under Article 270.²⁶

In reports submitted to the Human Rights Council in September²⁷ and October 2023,²⁸ the ICHREE noted reasonable grounds to believe that several severe human rights violations had and were occurring in Tigray, Amhara, Afar and Oromia since the conflict erupted on 3 November 2020. These were presented as both potential violations of international humanitarian law and international criminal law and included mass killings (particularly of men and boys), using starvation as a method of warfare, obstruction of aid and the destruction of health infrastructure, systematic and widespread rape and other forms of sexual violence, arbitrary detentions based on ethnicity, ordering the displacement of civilian population absent military necessity, *et cetera*.²⁹ The ICHREE implicated almost all parties to the conflict including the Ethiopian National Defense Forces ('ENDF'), Eritrean Defense Forces ('EDF'), and allied regional special forces, including the TPLF, Amhara Special Forces, Afar Special Forces, local Amhara Fano militia, and even regional police forces.³⁰

Naturally, the scale and gravity of these violations has invited international condemnation and calls for accountability. While Ethiopia's laws may align with international standards, as explained below, their implementation may lag due to political and logistical challenges.

3.3. Crimes Against Humanity in Ethiopia

Crimes against humanity are widespread or systematic inhumane acts or acts of persecution on political, racial or religious grounds committed against a civilian population before or during a war. These customary international law crimes are still not implemented in Ethiopia. The Constitution of Ethiopia ('Constitution') includes a sub-article titled "crimes against humanity", which defines such crimes as those "defined by international agreements ratified by Ethiopia and by other laws of Ethiopia, such as genocide, summary executions, forcible disappearances or torture".³¹ However, except the ICC Statute³² – not ratified by Ethiopia – there is no international agreement that defines crimes against humanity as yet.³³ The Constitution was promulgated three years before the adoption of the ICC Statute in 1998 and the Ethiopian government abstained during the vote. This leaves 'crimes against humanity' being defined solely by overly broad references to other crimes and without any other specificity.

The 1957 Penal Code, which has since been repealed, also contained both crimes against humanity and genocide as a single offense, actually only containing the elements of genocide. The currently applicable 2008 Criminal Code lays out the acts constituting genocide and war crimes, omitting reference to crimes against humanity entirely. However, the set of provisions containing these crimes is labelled as those referring to 'crimes against humanity' in Article 44, 'crimes in violation of international law' under the Title II heading of Book III, and as 'crimes against internation-

Wolfgang Kaleck and Kyaw Yin Hlaing (eds.), *Colonial Wrongs and Access to International Law*, Torkel Opsahl Academic EPublisher ('TOAEP'), Brussels, 2020, pp. 41 ff. (<https://www.toaep.org/ps-pdf/40-bergsmo-kaleck-kyaw>).

¹³ UN Security Council, Press Release, "Consequences of Not Acting Now to End Violence in Ethiopia's Tigray Region Could Be 'Disastrous', Warns Under-Secretary-General, Briefing Security Council", SC/14572, 2 July 2021.

¹⁴ Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, Article 2 (<http://www.legal-tools.org/doc/498c38/>).

¹⁵ Ethiopia, Penal Code of Ethiopia, 23 July 1957, Article 281 ('Ethiopia, Penal Code') (<http://www.legal-tools.org/doc/6eac47/>).

¹⁶ Ethiopia, Federal High Court, *Federal Prosecutor v. Tesfaye Neno Loya et al.*, Dissenting Opinion of Judge Aseffa Abreha, Case No. 74796, 30 April 2008, para. 45, cited in Tadesse Simie Metekia, *Prosecution of Core Crimes in Ethiopia: Domestic Practice vis-à-vis International Standards*, Brill Nijhoff, Leiden, 2021, p. 204.

¹⁷ Ethiopia, Criminal Code of the Federal Democratic Republic of Ethiopia, 9 May 2005, Articles 269 ('Ethiopia, Criminal Code') (<https://www.legal-tools.org/doc/elb78e/>).

¹⁸ Ethiopia, Federal High Court, *Special Prosecutor v. Colonel Mengistu Haile Mariam et al.*, Ruling on Preliminary Objections, File No. 1/87, 9 October 1995, reprinted in *Oxford Reports on International Law*, ILDC 555 (ET 1995).

¹⁹ Kinkino Kia Legide, "The Facets of Transitional Justice and 'Red Terror' Mass Trials of Derg Officials in Post-1991 Ethiopia", in *Journal of African Conflicts and Peace Studies*, 2021, vol. 4, no. 2, p. 7.

²⁰ *Ibid.*, p. 25.

²¹ *Ibid.*, p. 16.

²² See, for instance, Reuters Staff, "21 Countries Pledge Over 600 Million Dollars in Aid to Ethiopia", *VOA News*, 16 April 2024.

²³ Metekia, 2021, pp. 353 ff., see *supra* note 16.

²⁴ Ethiopia, Penal Code, Book III, Title II, see *supra* note 22.

²⁵ Metekia, 2021, p. 318, see *supra* note 16.

²⁶ Ethiopia, Criminal Code, Articles 270, see *supra* note 17.

²⁷ ICHREE, Report of the International Commission of Human Rights Experts on Ethiopia, UN Doc. A/HRC/54/55, 14 September 2023 ('ICHREE Report') (<https://www.legal-tools.org/doc/ofawio/>).

²⁸ ICHREE, Comprehensive Investigative Findings and Legal Determinations, UN Doc. A/HRC/54/CRP.3, 13 October 2023 ('ICHREE Comprehensive Findings') (<https://www.legal-tools.org/doc/r3dx6f/>).

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ Ethiopia, Constitution of the Federal Democratic Republic of Ethiopia, 8 December 1994, Article 28 (<https://www.legal-tools.org/doc/7fe22d/>).

³² See Rome Statute of the International Criminal Court, 17 July 1998, Article 7 (<http://www.legaltools.org/doc/7b9af9/>).

³³ See David Donat Cattin, "Towards a Crimes Against Humanity Convention", Policy Brief Series No. 148 (2024), TOAEP, Brussels, 2024 (<https://www.toaep.org/pbs-pdf/148-donat-cattin/>).

al law' in Article 15 (conferring jurisdiction to military courts for such crimes when committed by a member of the defence forces). The Explanatory Notes to Article 269 acknowledge that this is because genocide and the other crimes in Title II are "crimes that are crimes against humanity".³⁴ Thus, the objective and subjective elements of crimes against humanity as defined in the Nuremberg Charter or the ICC Statute are not yet criminalized in Ethiopian law. Since the direct application of international law by the domestic courts of Ethiopia is difficult, solutions to combat impunity for crimes against humanity are needed.

4. The Ethiopian Transitional Justice Process

Following the CoHA, the Ethiopian Ministry of Justice established a Transitional Justice Technical Working Group of Experts which released a 'green paper' laying out different policy options for transitional justice in Ethiopia.³⁵ After a series of consultations and validation workshops, the Transitional Justice Policy was adopted by the government in April 2024. The Policy, among other things, acknowledges that serious human rights violations have been committed and outlines principles and guidelines for the legal and operational implementation of transitional justice in Ethiopia. For instance, it indicates that criminal accountability would be restricted to high-level perpetrators and provides for alternative processes such as amnesties, conditioned on admission of truth, the rendering of public apologies, and participation in reconciliation efforts, in cases not involving serious violations. Reparations in the form of restitution, healing, commemoration and public apology have also been envisaged depending on the nature and degree of harm suffered.³⁶

The government further established the Transitional Justice Institutional Coordination Mechanism to co-ordinate the implementation of the Policy. As of July 2025, the Mechanism has announced the completion of the Transitional Justice Implementation Roadmap which "guides the overall implementation, follow-up, and support schemes under the Policy"³⁷ and five draft laws aiming to establish a Special Bench, Special Prosecution Office, Truth, Amnesty and Reparations Commission, and the Institutional Reform Commission. The draft laws were scheduled for public consultations in April 2025, but these have been since delayed.³⁸

However, Ethiopia is confronted with several hurdles in its accountability attempt, including ongoing conflicts breeding political instability, reluctance to seek inclusive domestic and international co-operation, insufficient institutional and economic capacity, technological gaps, and geopolitical pressures.³⁹ Given the provision for amnesties, conflicts may also arise between truth commissions and criminal prosecutions.

5. Challenges and Shortcomings of Ethiopian Transitional Justice

The transition process in Ethiopia is unique due to competition between parties, a weak central power, and the growing defiance of regional powers. The choice of transitional justice in Ethiopia is complex as the country is fragile. A major factor influencing the transitional justice process is the incomplete nature of the transition itself. There has not been a transition in political power at the national level – nor have conflicts ended. The EDF remains on the ground in Tigray, obstructing humanitarian assistance,⁴⁰ pillaging businesses, private properties, vehicles and health clinics, even kidnapping youth.⁴¹ Amhara sees continued violence as the ENDF seeks to dismantle and integrate regional special forces such as the *Fano* militia into the regular police or military.⁴² This has involved the declaration of a state

of emergency, blocking of mobile Internet access, alleged arbitrary detentions, including of journalists and opposition officials.⁴³ Similarly, Oromia is witnessing extra-judicial killings and destruction of infrastructure, including hospitals, schools and even whole villages, in the conflict between the ENDF and the rebels of the Oromo Liberation Army.⁴⁴ Credible reports also confirm mass civilian casualties and widespread instances of rape and other forms of sexual violence in each conflict.⁴⁵ As of June 2024, the UN Office for the Coordination of Humanitarian Affairs ('UNOCHA') estimated that 4.5 million people were internally displaced, 73 per cent due to conflict, after accounting for the 3.3 million people who had returned to their place of origin since January 2022.⁴⁶

In 2023, several political party leaders thus demanded the prioritization of peace restoration before the initiation of a transitional justice process.⁴⁷ Some also argue that transitional justice mechanisms may not be effective in addressing the root causes of conflict in Ethiopia, as these often focus on individual accountability rather than systemic change.⁴⁸ Though peace and transitional justice may not be mutually exclusive, conflict-affected communities are effectively excluded from the transitional justice process both at its consultation and implementation stages (besides that witnessed on account of political interests).⁴⁹ Strong criticisms have been raised by the Interim Regional Administration of Tigray as to the inclusivity and extensiveness of the government-led consultations.⁵⁰ These have been echoed by local and international civil society organizations ('CSOs'),⁵¹ some of which have recently faced suspension on vague grounds such as for 'lack of political neutrality' or "engaging against the national interest".⁵²

A general lack of trust persists as to the forthrightness of the government and the capacity and interests of legal institutions to pursue genuine accountability for violations by all parties.⁵³ The scepticism may not be unfounded. Insiders and leaked documents from the EHRC have disclosed its tendency to downplay violations by the ENDF, failure to visit the sites of well-known large-scale massacres in Tigray and thereby to investigate violations such as systematic sexual violence against women,⁵⁴ and its intentional exclusion of some instances, such as the Mariam Dengelat massacre and the Togoga airstrike.⁵⁵

The government itself has been criticized for its uncooperative behaviour towards independent, international investigative mechanisms. For instance, it refused co-operation with the African Commission on Human and Peoples' Rights' Commission of Inquiry on Tigray, which prematurely

Watch, 9 August 2023.

⁴³ Cara Anna, "Ethiopian Airstrike on a Town Square in the Restive Amhara Region Kills 26, Health Official Says", *AP News*, 14 August 2023.

⁴⁴ Human Rights Watch, "Ethiopia: Civilians in Western Oromia Left Unprotected", 31 August 2022.

⁴⁵ Physicians for Human Rights, "Broken Promises: Conflict-Related Sexual Violence Before and After the Cessation of Hostilities Agreement in Tigray, Ethiopia", 24 August 2023, pp. 1–3.

⁴⁶ UNOCHA, "Ethiopia: Internal Displacement Overview (as of June 2024)" (available on its web site).

⁴⁷ "Political Parties Oppose Ongoing Consultations on Transitional Justice Policy Options, Urge Priority for Peace, National Dialogue", *Addis Standard*, 13 March 2023.

⁴⁸ Assefa Leake Gebru, "The Pretoria Agreement: Reflections on its Essence The Pretoria Agreement: Reflections on its Essence, Implementation Status and the Way-Forward", in *Journal of African Conflicts and Peace Studies*, 2024, vol. 6, no. 1, p. 6.

⁴⁹ Kinkino Kia Legide, "Exploring the Challenges and Limits in the Compliance with Transitional Justice Norm in Non-Regime Transitions: The Case of Post-2018 Ethiopia", in *American Journal of Law and Public Administration*, 2022, vol. 13, no. 1, p. 17.

⁵⁰ Ashenafi Endale, "Tigray Officials Demand Redesigned Transitional Justice Model", *The Reporter*, 23 September 2023.

⁵¹ Global Centre for the Responsibility to Protect *et al.*, "Civil Society Concerns in Achieving Transitional Justice and Accountability for Atrocities in Ethiopia", 15 October 2024.

⁵² Amnesty International, "Ethiopia: Suspension of Three Human Rights Organizations Highlights Growing Crackdown on Civic Space", 26 November 2024.

⁵³ Patrick Vinck *et al.*, "Can Justice Bring Peace to Ethiopia?", *Foreign Affairs*, 15 November 2023.

⁵⁴ Aaron Maasho and Martin Witteveen, "Ethiopia's Reconciliation Policy Is a Farce", *Foreign Policy*, 27 February 2024.

⁵⁵ Abadir M. Ibrahim, "The Ethiopian Human Rights Commission: A Champion of Transitional Justice?", in *Harvard Human Rights Reflections*, 4 August 2023.

³⁴ Metekia, 2021, p. 202, see *supra* note 16 (source author's translation).

³⁵ Transitional Justice Technical Working Group of Experts, "Policy Options for Transitional Justice", January 2023 (<https://www.legal-tools.org/doc/6ukhoybk/>).

³⁶ Yohannes Haile Getahun, "The Transitional Justice Policy of Ethiopia and its Relevance for Peacebuilding", in *Accord*, 5 June 2025.

³⁷ "Gov't Announces Completion of Transitional Justice Implementation Roadmap", *Addis Standard*, 19 August 2024.

³⁸ Tadesse Simie Metekia, "Ethiopia's National Dialogue and Transitional Justice: Competition or Complementarity?", *Institute for Security Studies*, 14 May 2025.

³⁹ Abdikadir Issa Farah, "Shifting Tides amidst Regional Challenges: Navigating Horn of Africa's Geopolitical Chessboard", in *Open Journal of Social Sciences*, 2024, vol. 12, no. 2, pp. 74–76.

⁴⁰ Gianluca Mezzofiore, Bethlehem Feleke and Eve Brennan, "Eritrean Forces Stop UN Mission in Tigray, Ethiopia, Aid Workers tell CNN", *CNN*, 26 May 2023.

⁴¹ "People are Under Siege: Why Ethiopia's War in Tigray Isn't Over", *The Guardian*, 7 August 2023.

⁴² Laetitia Bader, "Deepening Crisis in Ethiopia's Amhara Region", *Human Rights*

terminated its mandate in May 2023 without publicly releasing its findings and recommendations.⁵⁶ It also effected, with support from the EHRC, the non-renewal of the mandate of the ICHREE, an independent investigative body established by the UN Human Rights Council consisting of three commissioners from Tanzania, the United States and Sri Lanka. The investigation by ICHREE, by some accounts, reflected conflict violations more accurately than the EHRC.⁵⁷ Federal authorities' own investigations appear to focus largely on violations by non-state actors, ignoring the role of the ENDF and EDF.⁵⁸ It is clear that the influence of political leadership in Ethiopia's transitional justice process is significant as it can shape the direction and priorities of reforms. Leaders who are committed to accountability and reconciliation can facilitate meaningful progress, while those who prioritize political power may obstruct or manipulate the process. Political leadership also determines the level of international co-operation and support.

The implementation of legal mechanisms in Ethiopia faces numerous challenges, including limited infrastructure and resources, political instability and ethnic tensions.⁵⁹ These factors can hinder the consistent application and enforcement of laws, as well as the creation of universally accepted legal frameworks.⁶⁰ The complexity of Ethiopia's diverse cultural and religious landscape also complicates the application of uniform legal standards across different communities.

Contributions of CSOs, pressure from international actors, and historical context play crucial roles in shaping the outcomes of transitional justice processes in Ethiopia.⁶¹ They have been key factors in the development of the dogma and practice of transitional justice, its advocacy, and the oversight of political elite's attempt to capture the justice process for their political benefits. While the Ethiopian transitional justice mechanism is still in its early phases, due consideration of these factors must follow. For instance, while the CoHA attempted to establish an AU-led Monitoring, Verification, and Compliance Mechanism, this may not be operational until it is reconstructed as a joint UN-AU effort.

As they stand, Ethiopia's transitional justice policies lack compliance with international standards and a survivor-centred approach. For instance, they cannot hold the EDF accountable, they fail to guarantee the independence of the Special Bench, and also lack gender sensitivity.⁶² There is also no clear language for civilian protection if parties relapse into conflict. Most importantly, given the process is entirely government-led and rejects the involvement of international experts as judges, prosecutors, advisers, *et cetera*,⁶³ there is a real risk the process is intended to achieve what Cronin-Furman has termed 'quasi-compliance', a strategy to superficially initiate

transitional justice merely to pacify domestic and international pressures.⁶⁴ Thus, the international community should monitor Ethiopia's internal justice procedures, hold the government accountable, establish transparent reporting channels, and seek political solutions to disagreements. Balancing accountability with political stability, overcoming ideological divides and ensuring victims' voices are heard are all critical for making genuine progress.

The international community has shown support for Ethiopia's transitional justice initiatives, with the UN and AU providing guidance and resources. Since the region has been marked by massacres and the internally displaced, abducted, arbitrarily incarcerated, tortured, and disappeared, it is imperative that the international community not turn a blind eye to the predicament of the Ethiopian people and forcefully demand genuine dialogue.⁶⁵ It is especially when powerful economic partners extend lifelines without accountability, that impunity breeds.⁶⁶

6. Conclusion and Policy Recommendations

This brief looks at the implementation of transitional justice measures in Ethiopia, concentrating on the factors that influenced compliance attempts and their limits. The Ethiopian government has taken many steps, including an official apology and selective prosecution of former officials. However, these initiatives have been criticized for a lack of meticulous planning and execution, as well as for focusing on specific current abuses rather than long-standing patterns of human rights violations.

Ethiopia should take a more comprehensive and innovative approach to restorative transitional justice, taking into account the need to combat impunity and remedy major human rights violations. The AUTJP advocates for a comprehensive and all-encompassing approach to core international crimes and official legal processes. Addressing the deficiencies in the CoHA and the TJP, establishing inclusive and transparent truth-seeking mechanisms, developing legal accountability for all perpetrators, providing reparations for victims, strengthening democratic institutions, promoting community-based reconciliation initiatives, and leveraging international co-operation and best practices are among the key policy recommendations.

The international community must act decisively alongside Ethiopian authorities to guarantee that those most guilty are held accountable for their crimes. People, particularly victims of international crimes, need more than to be kept in the dark; they want truth, justice, compensation, and a society based on the rule of law and human rights. By implementing these recommendations, there is a need to establish a strong legal and policy framework that can fairly address grievances while also fostering the rule of law, justice, reconciliation, and peace, ensuring that the country moves forward with a commitment to human rights and democracy.

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⁶⁴ Kate Cronin-Furman, *Hypocrisy and Human Rights*, Cornell University Press, 2022, p. 4.

⁶⁵ See United States Ambassador to Ethiopia Ervin J. Massinga's policy address on human rights and national dialogue delivered on 15 May 2024 in Addis Ababa, available on the web site of the United States Embassy in Ethiopia.

⁶⁶ Robbie Gramer, "U.S. Lifts Human Rights Violation Designation on Ethiopia", *Foreign Policy*, 29 June 2023.

⁵⁶ See open letter of various CSOs to the African Commission on Human and Peoples' Rights in "Concerns Regarding The Premature Termination of the Commission of Inquiry on the Situation in the Tigray Region of the Federal Republic of Ethiopia", *Human Rights Watch*, 31 August 2023.

⁵⁷ Maasho and Witteveen, 2024, see *supra* note 54. See ICHREE Comprehensive Findings, 2023, *supra* note 28.

⁵⁸ Filsan Abdi, "I Resigned Over War Crimes Against Women and Girls in Ethiopia. I Want Justice", *The Guardian*, 2 November 2022.

⁵⁹ Keneni Jibat, Yonas Aday Adeto and Tadesse Berisso Galchu, "Multidimensional Factors Contributing to the Dynamics of Ethnic Conflict in Ethiopia", in *Cogent Social Sciences*, 2025, vol. 11, no. 1, pp. 13–19.

⁶⁰ Meressa Tsehaye Gebrewahd, Mirjam Van Reisen and Daniel Tesfa, "War Makes States: From 'Game Over' to the Idea of Tigray Statehood", in Munyaradzi Mawere and Mirjam van Reisen (eds.), *Tigray: The Panarchy of War*, Langaa, Bamenda, 2024, p. 351.

⁶¹ Khanyisela Moyo, "Civil Society as a Transitional Justice Litigation Actor in Africa", in *African Journal on Conflict Resolution*, 2022, vol. 22, no. 2, pp. 33 ff.

⁶² "የሽግግር ፍትህ ኢትዮጵያን እስከ የት ያሻግራታል?", *BBC*, 6 May 2024.

⁶³ Tadesse Simie Metekia, "Monitoring Transitional Justice in Ethiopia: The Crucial Role of the African Union", Policy Paper, December 2024, p. 7.



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