

Limitations of the International Commission of Human Rights Experts in
Ethiopia and its Effects on the Oromo Population

by

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Abstract

The aim of this paper is to examine the limitations of the International Commission on Human Rights Experts on Ethiopia (ICHREE). Due to lack of sufficient resources, the ICHREE was not able to fully satisfy its mandate in “conducting thorough and impartial investigations into alleged violations and abuses of International Humanitarian Law (IHL) and International Human Rights Law (IHRL) committed by all parties to the conflict in Ethiopia since November of 2020” (Human Rights Council, 2022). This has resulted in catalogue of possible IHL and IHRL violations in Oromia to go unnoticed including the arbitrary deprivation of life by airstrike targeting civilian populations, extrajudicial killings, massacres and public executions. Also, the possible enforced disappearance and torture, cruel and inhuman treatment of Oromo Liberation Front (OLF) detainees. The lack of investigations into the Oromia region has also hindered avenues for accountability under international criminal law, specifically in terms of crimes against humanity. As avenues for accountability under Ethiopia’s domestic law lacks the criminalization of crimes against humanity, it imperative that the ICHREE provide independent and impartial investigations into the atrocities committed in the Oromia region as under domestic law they would be considered as “ordinary” offences. Ultimately, this will ensure accountability and justice for victims of possible serious violations of IHL and IHRL in the Oromia region and assist in transitional justice measures.

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Introduction

The armed conflicts in the Oromia and Tigray regions of Ethiopia have had devastating effects on the civilian populations. This has led to calls for an independent investigation into the human rights violations in Ethiopia by the international community. In December of 2021, the United Nations Human Rights Council established the International Commission of Human Rights Experts in Ethiopia (ICHREE) with the mandate of conducting a thorough and impartial investigation into alleged violations of international human rights law (IHRL), international humanitarian law (IHL) and international refugee law committed by all parties to the conflict since November of 2020 (Human Rights Council, 2022). The mandate was created to include investigations into all of Ethiopia, however the Commission has discretion to “prioritize the issues and incidents they will investigate, within the broader terms of their mandate, to ensure their tasks are completed within the limited resources and time at their disposal” (Henderson, 2017 p. 300).

International Commissions of Inquiry have become an important response to international crises as they seek to conduct human rights fact-finding and provide accountability and recommendations to international issues of concern (Herik & Reisen, 2019). More recently, commissions have taken on more responsibilities and can be mandated to determine applicable legal frameworks and engage in legal analyses of international law (Henderson, 2017). Commissions have increasingly become an important tool for determining factual evidence of situations and “obtaining an authoritative determination of whether violations of international law have taken place and who is responsible” (Henderson, 2017 p. 4). Although the reports by commissions are not legally binding, they do influence public perception, determine legal issues

that often may not come before a court and document facts for record keeping (Henderson, 2017).

The establishment of the ICHREE was an important step in ensuring that human rights violations in Ethiopia are documented by an independent body that can provide recommendations for transitional justice. However, the commission faced numerous challenges and shortcomings that hindered the effectiveness of the investigations. According to the UN OHCHR (2015), the mandating authority should take into consideration the various circumstances needed to fulfill a mandate and provide adequate resources. However, with the ICHREE, they were given very limited time and resources to effectively conduct their investigations as they began investigations in mid- June with reporting deadline for mid-September (HRC, 2022). The terms of the mandate clearly had an impact on the time frame as due to logistical and administrative circumstances out of their control, they only had 3 months to conduct its work (HRC, 2022).

Furthermore, the ICHREE was also limited in funding resources as they were not granted the 20 staff members they requested at the General Assembly's Fifth Committee meeting (Human Rights Watch, 2022a). Instead, the ICHREE was only granted two full-time human rights investigators (HRC, 2022). The budget cuts resulted in important staff positions such as Legal Advisor, Media Advisor, Human Rights Officer/Investigator and Security Officer positions to not be filled ultimately making the ICHREE lack key expertise needed to conduct thorough investigations (HRW, 2022a). In addition, the ICHREE was limited in resources as the Ethiopian government did not allow access to conflict affected areas, resulting in investigations being done remotely (HRC, 2022). As telecommunications blackouts were prevalent across the country, it

was even more difficult to conduct investigations remotely (HRC, 2022). Furthermore, the lack of cooperation with different human rights monitoring bodies in Ethiopia also negatively affected the work of the ICHREE, as they were not able to share their internal database, documents and materials of interests (HRC, 2022).

Due to the time restraints and limited resources of the ICHREE, the Commission selected specific themes and incidents that they could manage to investigate in two months' time (HRC, 2022). Therefore, the Commission confined its initial investigation to violations committed in only the Tigray and Amhara regions although the mandate authorized investigations into all of Ethiopia (HRC, 2022). Acknowledging that it would frustrate many, the ICHREE urgently requested the need for further resources and time to continue investigations into other regions, noting that the initial report did not provide a comprehensive picture of the IHL and IHRL violations in Ethiopia (HRC, 2022).

Consequently, due to the selection of themes in only the Amhara and Tigray regions, atrocities in the Oromia region were left unrecognized. In a statement by the ICHREE, they noted “the most recent events in Western Oromia clearly fall within the mandate of the Commission and do require immediate, urgent and thorough investigations, yet we lack the capacity to do so” (UN OHCHR, 2022 para. 12). In addition, although the commission categorized the situation in Oromia as an “extremely alarming and ongoing atrocities against civilians in the Oromia region”, further investigations into the Oromia region were only recommended (UN, OHCHR, 2022 para. 13). Consequently, the ICHREE missed capturing the severity and scale of the breakdown of law and order in the country, ultimately, resulting in a catalogue of possible IHRL and IHL violations in the Oromia region to go unrecognized and avenues for accountability to be hindered.

Background

Since Prime Minister Abiy Ahmed's transition to power in 2018, the Oromo people have continued to be targets of systemic and gross human rights violations. PM Abiy Ahmed was appointed following unrest in Ethiopia, as Oromo youth also known as "qeerroo", formed anti-government protests across the country for years to condemn the dictatorial rule of the Ethiopian People's Revolutionary Democratic Front (EPRDF), a ruling party since 1991 (Human Rights League of the Horn of Africa, 2022a). The resistance by Oromo citizens led to the end of a 27-year brutal repression by the EPRDF regime, as the former PM Hailemariam resigned, and PM Abiy Ahmed was appointed to serve until upcoming elections scheduled in August of 2020 (HRLHA, 2022a).

Prime Minister Abiy Ahmed presented promising reforms that would bring positive change to Ethiopia which was previously plagued with serious state sponsored human rights violations for decades. He publicly acknowledged the violence, harm of the human rights abuses of the previous regime, and vouched for a national reconciliation (Jima, 2021). In 2018, the government reached agreements with various opposition groups including the Oromo Liberation Front (OLF), a once-banned political opposition group whose members were exiled for years (HRW, 2022b). The government released thousands of political prisoners, made peace with neighboring Eritrea, removed OLF off the terrorist designation and allowed exiled members to return to the country and officially participate in the political landscape (Amnesty International, 2020a). However, amid these drastic changes by the reformist government, negotiations soon broke down and political and ethnic tensions fueled the country. The political landscape worsened as the government began cracking down on Oromo political opposition groups,

primarily members and supporters of the OLF and Oromo Federalist Congress (OFC). The National Election Board of Ethiopia (NEBE) decided to indefinitely postpone elections due to covid-19 and people were being arbitrarily arrested and detained for supporting OLF or OFC, the two main Oromo political opposition groups (Amnesty International, 2020a).

Furthermore, the government intensified its law enforcement measures against the Oromo people by setting up military command posts in Western and Southern Oromia in 2019 (HRW, 2022b). These regions were put under a *de facto* State of Emergency – not officially declared by parliament - that exacerbated tensions between security forces and Oromo citizens (HRLHA, 2022b). According to Amnesty International (2020a), “security forces deployed in command zones carried out extrajudicial killings, arbitrary arrest and detention, torture, and other forms of ill-treatment, forced evictions and destruction of property” (p. 5). Furthermore, in 2019 the Ethiopian National Defense Force (ENDF) launched airstrike attacks against the Oromo Liberation Army (OLA) in Western Oromia, ultimately escalating the armed conflict in the region (Human Rights Council, 2022). In September of 2020, fighting also broke out between the Tigray People’s Liberation Army (TPLF) and the ENDF, as the Tigray region continued with elections and the federal government declared it to be unconstitutional (HRC, 2022).

Legal Framework

The situation in Oromia is multifaceted, as IHRL and IHL law can both be applicable in different circumstances. IHL refers to the set of rules that govern armed conflicts (International Committee of the Red Cross, 2014). It seeks to limit the negative effects of armed conflict by providing protections to civilians and people no longer taking part in hostilities (ICRC, 2014). The

four Geneva Conventions of 1949 and the two Additional Protocols of 1977 are the international treaties that contain protections for civilians, the wounded/sick and people deprived of their liberty (ICRC, 2014). In addition, Common Article 3 to all four Geneva conventions and Additional Protocol II contain protections and fundamental rules specifically related to non-international armed conflicts (ICRC, 2014). These treaties are applicable to state parties that have ratified them, including Ethiopia, which ratified all four Geneva conventions on October 2, 1969, and the Additional Protocol I & II on April 8, 1994. In addition, non-international armed conflicts are also governed by customary international law, which are 'general practices accepted as law' (ICRC, 2010). These laws are commonly accepted rules that can be found in Treaties, case law, military manuals and national legislation that help fill the gaps in treaty law (ICRC, 2010).

Armed conflicts are differentiated by whether they are international or non-international in character. Additional Protocol II to the Geneva Conventions (1977) characterizes a non-international armed conflict as being a conflict between a single state government and one or more-armed groups within its territory. The criteria also used to determine the existence of a non-international armed conflict is the "Tadic Test" which sets forth criteria for intensity and organization of the parties to the conflict (Doctors without Borders, n.d). The factors considered to assess the intensity of a conflict include but are not limited to "the severity of attacks and whether the armed clashes have increased and spread over territory and over a period of time" (Doctors without Borders, n.d. para. 61). The criterion for the organization of armed groups also includes but are not limited to "the presence of a command structure and the ability to carry out military operations in an organized manner" (Doctors without Borders, para. 63, 64).

The situation in Oromia can be characterized as a non-international armed conflict under Additional Protocol II to the Geneva Conventions (1977) as it is a conflict between a single state government and one or more-armed groups within its territory. The various state and non-state armed groups include, the ENDF, Eritrean Defense Forces (EDF), Amhara Special Forces (ASF), Oromia Special Forces (OSF), and Amhara militia group “Fano” on one side, and the OLA on the other. In relation to OLA, they are a splinter group from the military wing of the OLF, which rejected the peace agreement in 2018 and engaged in armed struggle (Amnesty International, 2020a). In OLA’s, *A Brief Political Manifesto*, their mission states that “the OLA fight to realize the Oromo people’s right to freely determine their political status, to secure the Oromo people’s economic sovereignty and to realize the socio-cultural rights of our people” (Oromo Liberation Army, 2023, para. 2). In terms of the intensity of the conflict, OLA have been fighting the ENDF since January of 2019 in a conflict that is described by ICHREE as continuing and escalating (HRC, 2022). In finalizing the report, the Commission received information of large-scale killings against civilians in Western Oromia in August of 2022 by numerous perpetrators including the ENDF, Amhara militia and OSF ultimately demonstrating the increase in attacks over a duration of 3 years (HRC, 2022). In relation to OLA’s organization structure, a correspondent from BBC news spoke with OLA commander Jaal Marro who stated, “OLA had taken control of several towns in Southern, Western and Central Oromia” (BBC News, 2021 para. 3). In addition, OLA’s manifesto demonstrates a degree of organization for the armed group as it outlines that “fighters are trained to observe rules of engagement and adhere to strict military discipline. We have a zero-tolerance policy for any activity that is not authorized by the chain of command” (OLA, 2023, para. 19).

International human rights law also applies during armed conflict as they are not mutually exclusive with IHL. Ethiopia is a state party to nine core international human rights treaties including the International Covenant on Civil and Political Rights (ICCPR) (1966), and the Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (CAT) (1984). As a state party to these treaties, Ethiopia has a duty to respect, protect, promote and fulfill the human rights of all within its territory and without discrimination (UN OHCHR, n.d.) In addition, governments have an obligation to ensure that international treaty obligations are implemented in their domestic laws (UN OHCHR, n.d.). In situations where states fail to address human rights abuses, regional and international mechanisms are in place to ensure IHRL are respected and enforced at the domestic level (UN OHCHR, n.d.). Ethiopia is also a state party to regional human rights treaties including the African Charter on Human and People's Rights (ACHPR) (1981) and domestic law which is the Constitution of Ethiopia (1995). Under Article 13 (2) of the Ethiopia Constitution (1995), it provides protections for fundamental rights and freedoms "in a manner conforming with the principles of the UDHR, International Covenants and International instruments adopted by Ethiopia."

Arbitrary Deprivation of Life

During armed conflicts, it has become widely recognized that IHRL and IHL are both applicable and are considered to be complimentary sources of law (UN OHCHR, 2011). For this reason, the ICHREE's mandate authorized investigations into IHL and IHRL violations, in order to provide a thorough analysis of the various human rights violations and abuses in Ethiopia. However, due to limited resources, the Commission selected specific themes and certain

incidents primarily in the Tigray region and noted that the report did not present a comprehensive analysis of IHL and IHRL violations in Ethiopia as per its mandate (HRC, 2022). Consequently, a wide array of possible IHL and IHRL violations in the Oromia region were not investigated including possible arbitrary deprivation of life violations.

The right to life is the most fundamental right of individuals, which is protected under Article 6 of the ICCPR (1966), Article 4 of the ACHPR (1981) and in Ethiopia's Constitution under Article 15 (1995). Under IHL, all persons not taking direct part in hostilities are protected from, "violence to life and person, in particular murder of all kinds" (Geneva Conventions IV, 1949, art. 3). Additional Protocol II to the Geneva Conventions (1977), also sets forth protections for civilians in non-international armed conflicts as under Article 13, "civilian populations are to be strictly prohibited from being objects of attack, unless and for such time as they take direct part in hostilities." Customary international humanitarian law has furthered this protection as rule 1 states, "all parties to the conflict must at all times distinguish between civilians and combatants" (Doswald-Beck & Henckaerts, 2005, p. 3).

Airstrike Targeting Civilian Populations

In Oromia, airstrikes attacks have had a detrimental effect on the civilian population as there is evidence indicating that civilians were subjected to the arbitrary deprivation of life. For example, on October 22, 2022, the ENDF allegedly conducted an air strike attack a public gathering in a school compound, outside the Chobi district in Western Shewa zone (Zelalem & Jelan, 2022). There was no evidence to suggest that the school compound was being used as a military objective, as a survivor recounted to New Lines magazine that, "the airstrike took place

in a community meeting held by elders to discuss the deteriorating security and economic crisis in the region” (Zelalem & Jelan, 2022 para. 26). In addition, a survivor of the airstrike attack described it as a massacre of unarmed civilians where 86 people had been killed including children, women and the elderly as old as 80 years old (Zelalem & Jelan, 2022). Another survivor recalled that “around 11 am drones began to hover over us and the bombs began exploding. Frightened people began running in different directions, desperate for shelter of any kind (Zelalem & Jelan, 2022 para. 27). Following a video circulating on the internet of images of the carnage, New Lines showed the images to a US defense analyst and drones expert, Amelia Smith, who was able to identify the tailfins of the drone to be a MAM-L, Turkish made, laser-guided bomb (Zelalem & Jelan, 2022). She noted that due to the accuracy and precision of the drone, “it is unlikely that such a strike would miss its intended target and hit a crowd” (Zelalem & Jelan, 2022 para. 48). There was also no evidence to suggest that a military objective was in the area, however further investigation is needed by the ICHREE to determine if the drone was in fact aimed for a military objective.

Furthermore, on November 2, 2022 the ENDF allegedly conducted another airstrike attack in the Boji Dirimaji, Bila town of West Welega zone claiming the lives of 64 civilians (Oromo Legacy Leadership & Advocacy Group, 2022a). A witness reported to AP News that he saw a small plane flying and bodies scattered on the ground following the attack (Anna, 2022). He also stated, “It was a market day and students were leaving school; I have lost count of the dead, but several dozen people were killed and injured” (Anna, 2022, para. 4). BBC Afaan Oromo news also corroborated the airstrike attack and reported that 60 civilians were killed including a grade 11 student on their way home from school (Addis Standard, 2022a). There was also no evidence to

suggest that the airstrike attack targeted a military objective however further investigation by the ICHREE is needed to establish the facts of the attack.

In examining the airstrikes attack that took place on October 22, 2022, and November 2, 2022, these attacks may constitute IHL and IHRL violations depending on the factual circumstances. The civilians right to life may have been violated as the airstrike attacks seem to have been directed at the civilian population. In both airstrike attacks, there seems to be no evidence to suggest that the air strike attacks were targeting a military objective or missed a military target. In fact, both air strike attacks targeted a large crowd of people with no evidence to suggest that combatants were in the crowd or were the objects of attack. However, further investigations into these airstrike attacks are urgently needed to provide an appropriate legal analysis and determine whether the attacks constitute indiscriminate or direct attacks against the civilian population. Therefore, it is imperative that the ICRHEE investigate these various attacks as they may amount to serious IHL and IHRL violations.

Extrajudicial Killings, Massacres and Public Executions

In Oromia, there have been numerous instances where the extrajudicial killings, massacres and public executions of civilians may amount to the arbitrary deprivation of life. To illustrate, on December 1, 2021, Ethiopian federal forces massacred a group of Karayu Indigenous Oromo leaders in the Baru Nura village, in Fantaalle district, East Shewa zone (OLLAA, 2021). According to a family member who spoke with OLLAA, 40 people were abducted during a traditional Gadaa ceremony including two respected elders, Abba Gadaa (chief) and Abba Boku (military chief) (OLLAA, 2021). Two people managed to escape and inform the community of the

situation and later the community was able to recover the bodies of 14 people while the 24 others remained missing (OLLAA, 2021). The Oromia Support Group also corroborated the events that took place and received eyewitness statement from one of people who managed to escape (Oromia Support Group, 2022a). According to the witness, at 7pm the 16 men had their heads covered and were lined up to get executed before one of the officers threw his gun down and refused to take part (Oromia Support Group, 2022a). At that moment, the two people managed to escape and warn the community where they later found the bodies of 14 men (Oromia Support Group, 2022a). Addis Standard also spoke with a resident of the community who stated, “the government forces prohibited the community from collecting the remains which were eaten by animals when discovered” (Addis Standard, 2021, para. 5). It is also important to note that there was no evidence to suggests that the victims of the massacre were directly taking part in hostilities however further investigation is needed by the ICHREE to determine the specific factual circumstances.

Furthermore, on August 30-31, 2022, a massacre that took the lives of over 60 Oromo civilians took place in the Agamsa town, Amuru district of Horo Guduru, Wellega zone (Curate Oromia, 2022). According to a resident that spoke with Reuters, the attack was committed by the Amhara Fano militia group, who were seen carrying rifles and amounting to 150 – 200 men (Reuters, 2022). Residents also describe Fano entering the town and shooting indiscriminately at people accusing them of affiliating with the OLA which was previously in control of the town (Curate Oromia, 2022). A local resident recounts, “We have buried the bodies of 55 civilians since last night, out of the 87 who were missing” (Curate Oromia, 2022 para. 7). The HRLHA also interviewed eyewitnesses including a teacher and shopkeeper in the town who said they

participated in a mass burial of 56 bodies where 5-10 people were buried together (HRLHA, 2022c). A few days later, on September 3, 2022, 26 people were massacred in an attack that took place in the Bonee Abuunaa town, Horro Buluq district, Horo Guduru Wollega zone (OLLAA, 2022b). According to OLLAA (2022b), the attacks were perpetrated by the Fano militia and Amhara regional forces, and they were able to confirm the names of the 26 people killed. Following the attack, the Ethiopian Human Rights Commission released a report confirming the massacre of 60 Oromo civilians in the Amuru town and the displacement of over 20,000 people and called for “accountability through proper investigations” (Addis Standard, 2022b para. 9). However, according to the HRLHA, both regional and federal government bodies did not condemn the attack nor provide any humanitarian assistance to the over 20 thousand residents displaced (HRLHA, 2022c).

Additionally, on February 3, 2022, a mass execution of Oromo civilians took place near the Chefa Robit town in the Wollo zone (Addis Standard, 2022c). According to the HRLHA (2022d), a group of men were taken out of prison and driven to a place known as Alante, on the border between North Shewa and Gojjam zone of Amhara region. They were ordered to stand on the side of the road and line up before 28 of them were summarily executed (Addis Standard, 2022c). A resident stated that, “they’re bodies were left out in the open for days as a warning” (Addis Standard, 2022c, para. 6). Video evidence of this execution also circulated the media and BBC Reality Check was able to verify and speak with relatives in their video, *Ethiopia conflict: Looking for clues in a video forgotten massacre* (BBC News, 2022). In the video, they were able to confirm that the perpetrators were members of the Fano militia (a local Amhara militia group) and ASF - Amhara regional federal troops (BBC News, 2022). They were also able to collect an unpublished

list of 30 names of the deceased from a government official and spoke with some of the family members (BBC News, 2022). One family member of the deceased said, “my brother and those men were only killed because of their ethnicity. My brother was not involved with Oromo fighters. He did nothing wrong” (BBC News, 2022, 3:34).

Furthermore, in May of 2021, a 17-year-old boy was publicly executed in broad day light by Oromia Special Forces for allegedly being associated with an Oromo armed group (Bader, 2022). A video of him being paraded around the Dembi Dollo city with obvious signs of abuse and a gun tied to his neck was callously posted on the Facebook page of government officials where his execution was filmed (Bader, 2022). Furthermore, on June 14, 2022, 17 young Oromo boys were extrajudicially killed following clashes between the OLA and Gambella Liberation Front troops and government security forces in the Gambella regional state (Oromia Support Group, 2022b). Video circulating on social media showed government forces shooting at unarmed civilians whose hands were tight behind their back (Addis Standard, 2022d). According to a witness, “11 people that we know were rounded up. Only one survived. The one you saw in the video was taken from his home and shot down” (Addis Standard, 2022d, para. 2). Another witness recounts that government forces were searching for residences of alleged members of OLA, he said, “Security forces were shooting at anyone who runs away from them, men whose hair is braided and those who can’t speak Amharic or Gambella language, especially those who spoke Afaan Oromo are shot at” (Addis Standard, 2022d, para. 6).

In examining the different cases of extrajudicial killings, massacres and public executions in Oromia, these attacks may amount to IHRL and IHL violations, in particular the arbitrary

deprivation of life. As Common Article 3 of the Geneva Conventions IV (1949) prohibits “violence to life in particular murder of all kinds” of civilians and persons hors de combat (Art. 3), there is evidence to suggest that these attacks constitute murder of civilians or murder of persons hors de combat depending on the factual circumstances of each situation. As for certain incidents there was no evidence to suggest that victims were in fact combatants, or took direct part in hostilities, these various cases suggest violations of the right to life under IHRL and murder of civilians under IHL. Furthermore, for the certain cases where individuals were murdered while detained, further investigation is needed to determine if they were in fact hors de combat as it would suggest a violation of IHL, particularly murder of persons hors de combat. However, further investigations must be done by the ICHREE to establish the factual circumstances of each case and determine by a thorough legal analysis whether IHRL and IHL was violated.

Enforced Disappearance

Enforced disappearance is strictly prohibited under IHL and IHRL. Under the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), enforced disappearance is referred to as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law” (UN, General Assembly, 2010, Art. 2). Under the Rome Statute of the ICC, Elements of Crime (1998), the definition of enforced disappearance is similar to the Convention, but adds, in Article 7(2)(i), “with the intention of removing them from

the protection of the law for a prolonged period of time.” In addition, under the Rome Statute, enforced disappearance can constitute a crime against humanity (CAH) when it is practiced in a widespread and systematic attack against the civilian population (ICC, 7(1)(e)). Furthermore, armed conflicts, threats of war or other public emergencies situations, cannot be used as an excuse or justification for enforced disappearance according to Article 1(b) of the ICCPPED (UN, General Assembly, 2010).

Under IHL, enforced disappearance is not specifically addressed, however it does violate rules of customary international humanitarian law, specifically the prohibition of arbitrary deprivation of liberty and torture and inhumane treatment (Doswald-Beck & Henckaerts, 2005). Under customary IHL, rule 123 states that parties to a conflict have an obligation to ensure details of detainees are recorded and rule 117 states that “all parties to the conflict must take all feasible measures to account for persons missing and provide their family members with information” (Doswald-Beck & Henckaerts, 2005 p. 421). Taking all these rules into consideration, enforced disappearance is clearly prohibited under international humanitarian law and can constitute torture and inhuman treatment (Doswald-Beck & Henckaerts, 2005). In addition, the 24th International Conference of the Red Cross in 1981 prohibited enforced disappearance as it implies “violations of fundamental human rights such as the right to life, freedom and personal safety, the right not to be subjected to torture or cruel, inhumane or degrading treatment, the right to be arbitrarily arrested or detained, and the right to a just and public trial” (Doswald-Beck & Henckaerts, 2005 p. 341).

However, in Oromia, the right not to be subjected to enforced disappearance appears to have been violated in the cases of OLF officials. On multiple occasion, OLF officials were transferred to

unknown detention facilities and their whereabouts went unknown for weeks or even months. This was the case with Abdi Ragassa, as he may have been subjected to enforced disappearance on multiple occasions (Amnesty, 2020b). According to Amnesty International (2020b), Abdi Ragassa's family and lawyers were not able to find him in numerous police stations and detention centers across Addis Ababa. The police also denied having him in custody and he remained incognito for five months (HRLHA, 2022a). On another occasion, Abdi Ragassa was abducted by security forces after leaving the Oromia Supreme court and being acquitted of his charges (Addis Standard, 2021b). According to his lawyers, he was taken to an unknown location after his court ordered release in June of 2021, and they were not given the reason for his arrest (Addis Standard, 2021b).

Similarly, Col. Gemechu and Batte Urgessa, among 12 others were also abducted by security forces to an unknown location in May of 2021 after their court ordered release (Addis Standard, 2021c). Battee Urgessa's wife told Addis Standard that she does not know the whereabouts of her husband as he was not at the detention center and was told to "ask the government" (Addis Standard, 2021c para. 4). The public relations officer for OLF told Addis Standard that they repeatedly asked the Ethiopian Human Rights Commission (EHRC) to investigate the enforced disappearance of their members however they did not receive a reply (Addis Standard, 2022e). However, the following year the EHRC reported "detainees who had been subjected to detention for months to two years, had been subjected to various forms of abuse and ill-treatment" (Addis Standard, 2022f para. 4).

In analyzing the detention of OLF members there is prima facie evidence to suggest that OLF officials were subjected to enforced disappearance in violation of IHL and IHRL. The

abduction of OLF members to unknown locations after their court ordered release indicates that they may have not been given access to legal safeguards. This suggests a violation of their right not to be subjected to enforced disappearance under IHRL and customary IHL. Also, by not allowing family members or lawyers to know their whereabouts, it indicates that security forces may have violated rule 117 of customary IHL. In addition, security forces blatantly denying having them in custody after being arrested by police, may constitute a violation of ensuring details of detainees are recorded under rule 127 customary IHL. Therefore, it is imperative that the ICHREE warrant an immediate investigation into the various cases of possible enforced disappearance as they may amount to serious IHL and IHRL violations.

Torture and Cruel/Inhumane Treatment

The prohibition of torture and other cruel, inhumane or degrading treatment or punishment is a peremptory norm of international law that cannot be derogated from under any circumstances. The prohibition of torture applies at all times, including during armed conflict and state parties may never use a threat of war or public emergency as justification for torture (UN, General Assembly, 1984, Art. 2) Under customary IHL, torture is defined as, “the intentional infliction, by act or omission of severe pain or suffering, whether physical or mental, in order to obtain information or a confession, or to punish, intimidate, or coerce the victim or a third person, or to discriminate on any ground, against the victim or a third person” (Doswald-Beck & Henckaerts, 2005 p. 318). The definition under International Humanitarian law differs from that of the Convention Against Torture as “it does not require the pain or suffering to be done by a public official or someone of that official capacity” (Doswald-Beck & Henckaerts, 2005 p. 317).

Furthermore, Common Article 3 of the Geneva Conventions, prohibits “violence to life and person, in particular cruel and unusual treatment and torture” and prohibits “outrages upon personal dignity, in particular humiliating and degrading treatment and collective punishments” (Geneva Conventions IV, 1949).

Furthermore, in relation to persons whose liberty has been restricted or deprived of, Article 5 to the Additional Protocol II (1977) details protections related during non-international armed conflicts. Article 5 states that, “the wounded and sick shall be treated humanely, with access to medical care and attention as required; they shall be provided with food and drinking water and afforded safeguards as regards to health and hygiene” (Protocol II to Geneva Convention, 1977). These basic needs must also be “to the same extent as the local civilian population” (Protocol II to Geneva Convention, 1977). In addition, under customary international humanitarian law rule 118, “persons deprived of their liberty must be provided with adequate food, water, clothing, shelter and medical attention” and the lack of these ultimately amounts to inhumane treatment (Doswald-Beck & Henckaerts, 2005 p. 428).

In Oromia, detainees may have been subjected to torture and cruel/inhuman and degrading punishment due to inhumane living conditions and the denial of access to adequate medical care. According to EHRC, “prisons were overcrowded, unsanitary and did not provide adequate medical services” (OLLAA, 2022c para. 1). In addition, they were very malnourished as they were not given their 20 birr a day feeding allowance due to not being considered a “real prisoner” (Oromia Support Group, 2021). Consequently, OLF officials staged a hunger strike to protest their unlawful detention and inhumane living conditions and were reportedly very ill

(OLLAA, 2022d). In February of 2022, they were rushed to a hospital in life-threatening conditions and were denied being seen by family members and lawyers (Addis Standard, 2022k). Their conditions were so severe that doctors were hesitant to help them due to fear of being responsible for their lives (Addis Standard, 2022k). When previously asked by elders to end the hunger strike due to being critically ill they said, “They prefer dying than to suffer a never-ending injustice” (Addis Standard, 2022k, para. 3).

Unfortunately, after getting treatment at the hospital numerous OLF officials were diagnosed with Hepatitis B (OLLAA, 2022d). Batte Urgessa, was confirmed to have Hepatitis B and was released on bail to receive treatment at the hospital (OLLAA, 2022d). However, Gada Gabisa was also diagnosed with Hepatitis B and has been repeatedly denied access to receive treatment (OLLAA, 2022d). In addition, Kenessa Ayana also became critically ill and was not allowed to get tested for Hepatitis B (OLLAA, 2022d). Dr. Gada Oljira also became critically ill as he has a heart condition and has been repeatedly denied access to receive medical attention (OLLAA, 2022d). It has also been reported that Abdi Ragassa has been diagnosed with Hepatitis B and has been denied adequate medical treatment (HRLHA, 2022b). According to a press release by the OLF (2022), 6 other OLF officials were kept in the same cell as Batte Urgessa and may have also been exposed to Hepatitis B however, they have been frequently denied access to medical treatment.

The denial of adequate medical treatment for OLF detainees suggests a violation of IHL and IHRL. By not allowing detainees to have access to adequate medical care, this may amount to cruel and unusual treatment under IHRL and a possible violation of their right to be treated humanely with access to medical attention guaranteed under Article 5 of Additional Protocol II (1977) and rule 119 of customary IHL. Furthermore, deliberately keeping detainees in the same

cell with someone confirmed to have Hepatitis B and denying them access to be tested or treated may constitute inhuman treatment as they are forced to be in an environment where they are highly susceptible to contract Hepatitis B. With that being said, it is imperative that the ICHREE investigate the various instances where OLF officials may have been subjected to torture, cruel and inhumane treatment as they could amount to IHL and IHRL violations.

Avenues of Accountability under International Criminal Law

International criminal law is the branch of international law that holds individuals responsible for serious violations of IHL and IHRL. These include war crimes, crimes against humanity, genocide and aggression. The International Criminal Court (ICC), investigates and tries individuals charged with the gravest crimes of concern to the international community and is seen as a last resort or complimentary to national courts (International Criminal Court, n.d.). This ensures justice and accountability when states are not able or unwilling to prosecute crimes in their respective territories (ICC, n.d). The ICC also has jurisdiction over war crimes, crimes against humanity and genocide when committed by a state party to the ICC, in the territory of a state party or when a state accepts the jurisdiction of the court (ICC, n.d.). In addition, the United Nations Security Council may refer crimes to the ICC prosecutor in situations where states are not party to the ICC or on behalf of state parties (ICC, n.d.).

In the ICHREE's report, they found reasonable grounds to believe that crimes against humanity were committed by the federal government and allied state governments (HRC, 2022). However, they emphasized the need for further investigations to establish the roles, actions and knowledge of individuals in order to determine individual accountability for such crimes (HRC,

2022). Under the Rome Statute, ICC Elements of Crime (1998), Article 7 states that crimes against humanity are “attacks committed as part of a widespread or systematic attack against the civilian population” and “the perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack against the civilian population”. In relation to the situation in Oromia, although further investigation is also warranted into the various IHL and IHRL violations, many of the crimes discussed may amount to crimes against humanity. This includes the crime against humanity of murder, under Article 7(1)(b), as ENDF soldiers may have willfully and systematically killed civilians (ICC EC, 1998). In addition, the crime against the humanity of torture, under Article 7(1)(f), may also have been committed by ENDF as numerous OLF officials in detention were subjected to severe physical pain or suffering and were under the control of federal government officials (ICC EC, 1998). Furthermore, the crime against humanity of enforced disappearance of persons, under Article 7(1)(i), may also have been committed by federal government forces as OLF officials were abducted, detained, and their whereabouts were not disclosed (ICC EC, 1998). With that being said, further investigation into crimes in the Oromia region must be of utmost importance to the ICHREE as they may have been committed as part of a widespread systematic attack against the civilian population. In addition, further investigation could warrant that the perpetrators knew that their conduct was part of or intended the conduct to be part of a widespread or systematic attack against the civilian population.

Furthermore, the need for the ICHREE to investigate IHL and IHRL violations in Oromia is imperative to ensuring accountability and justice for victims as Ethiopia’s domestic accountability process lacks effectiveness. According to Amnesty International (2023), “no credible accountability mechanisms currently exist in Ethiopia and the country’s legal framework and

justice system will not be able to fully deliver justice, truth, and reparations for gross human rights violations” (para. 14). Ethiopia has an obligation to investigate and prosecute serious violations of IHL and IHRL under its territory. However, under Ethiopia’s constitution, CAH are not recognized under the law and therefore avenues for accountability for possible crimes against humanity in the country are not possible at the national level. Under Ethiopia’s criminal code, genocide and war crimes are the only serious crimes listed as crimes under international law leaving crimes such as enforced disappearance, murder and torture to not be acknowledged as such (Ethiopia Criminal Code, 2005). In addition, the law does not entail the same contextual elements as CAH does, as it does not take into consideration how the crimes could be widespread or systematic in manner (Metekia, 2022). This is problematic as crimes may be considered as standalone or isolated crimes, without considering the gravity of the offences (Metekia, 2022). Alternatively, although certain crimes can be prosecuted at the domestic level such as the right to life and the prohibition of inhumane treatment, the right not to be subjected to enforced disappearance is not protected under Ethiopia’s constitution. This is also problematic as persons subjected to enforced disappearance are not protected under domestic law and therefore avenues for accountability are significantly hindered.

Ethiopia is also not a party to the ICC making it extremely difficult for possible crimes against humanity cases to be prosecuted by the ICC as they would have to be referred to the ICC by the UN Security Council. In addition, Ethiopia could potentially accept the jurisdiction of the court under Article 12(3) of the Rome Statute of the ICC (1998), however the court would have jurisdiction over the crime in question. In that case, Ethiopia might have to accept the jurisdiction of the court for multiple times if more than one crime needed to be prosecuted by the ICC. With

that being said, it should be of utmost importance for the ICHREE to investigate all violations of IHL and IHRL violations in Oromia and determine whether they amount to crimes against humanity. A further investigation could warrant the UN Security Council to refer Ethiopia to the ICC where crimes against humanity cases can be investigated by the ICC and perpetrators can be held accountable.

Lastly, although the ICHREE was mandated to provide an assessment and strategy for transitional justice, they were not able to provide recommendations as hostilities were continuing (HRC, 2022). However, in January of 2023, the Ethiopian government published its draft for Policy Options for Transitional Justice in Ethiopia following a peace agreement between the Ethiopian government and TPLF (Crawford, 2023). The policy states that “Ethiopia will implement a comprehensive transitional justice policy aimed at accountability, ascertaining the truth, redress for victims, reconciliation and healing consistent with Ethiopia’s constitution and African Union Transitional Justice Policy Framework” (Crawford, 2023 para. 5). Although the policy looks promising, a transitional justice policy will not be effective unless all parties to the conflict agree to a peace agreement. This includes negotiations with the OLA as fighting between the ENDF and OLA are continuing with no signs of easing according to a report by the US State Department (2023). Furthermore, as previous transitional justice mechanisms in Ethiopia have failed 3 times in the past 50 years, it is imperative that the implementation of the new transitional justice policy be overseen by an independent third party such as the UN (Crawford, 2023). This will ensure that the government faces independent scrutiny and accountability for possible crimes they have committed, as many victims in Ethiopia do not trust state institutions to provide justice or accountability (HRW, 2023). Furthermore, as the Ethiopian government has publicly

criticized the work of the ICHREE and tried to terminate the mandate to avoid international scrutiny of human rights violations in Ethiopia, it is essential that an independent third party oversee the implementation of the transitional justice policy (HRW, 2023). This will ensure that the work of the ICHREE is included in informing and implementing the policy as “ICHREE can play a vital role in paving the way towards a genuine, participatory, inclusive, contextualized, and human rights compliant justice process that ensures justice and reparation for all victims and survivors of atrocities in Ethiopia” (Amnesty, 2023 para. 5).

Conclusion

To conclude, in examining the armed conflict in Oromia, it is evident that possible IHL and IHRL violations were committed. The ICHREE must urgently investigate these crimes and provide a thorough legal analysis of each case to determine the facts and ensure accountability. As the lack of investigations into the Oromia region has hindered avenues for accountability under international criminal law, more needs to be done to ensure that Ethiopia’s domestic law can hold individuals accountable. Furthermore, the Ethiopian government should commit to finding a peaceful means to end the conflict in Oromia, through inclusive dialogue with OLA and OLF. Lastly, transitional justice measures in Ethiopia must include the Oromo people and be observed by a third party to be effective. Ultimately, this would ensure that Oromo people get the justice and reparations they deserve, and perpetrators for human rights violations are held accountable.

References

- Addis Standard. (2021a, December 3). *News: Members of Karrayyu Gadaa leadership killed, several others missing amid conflicting narratives in East Showa zone*. Retrieved January 13, 2023 from <https://addisstandard.com/news-members-of-karrayyu-gadaa-leadership-killed-several-others-missing-amid-conflicting-narratives-in-east-showa-zone-oromia/>.
- Addis Standard. (2021b, June 28). *News: OLF's Abdi Ragassa re-arrested shortly after release; his whereabouts remain unknown*. Retrieved January 14, 2023 from <https://addisstandard.com/news-olfs-abdi-ragassa-re-arrested-shortly-after-release-his-whereabouts-remain-unknown/>.
- Addis Standard. (2021c, May 19). *News: OLF's Colonel Gemechu Ayana taken away by security forces; PR says whereabouts of detained members unknown; chairman remains incommunicado*. Retrieved January 14, 2023 from https://addisstandard.com/news-olfs-colonel-gemechu-ayana-taken-away-by-security-forces-pr-says-whereabouts-of-detained-members-unknown-chairman-remains-incommunicado/?fbclid=IwAR2YGOBRm_ga2oD0JLLgHDeMlp_qXo4qnU5RdR3tm5SFo4XXhiFlshTDpg.
- Addis Standard. (2022a, November 11). *News: More airstrikes kill dozens in Mendi, West Wollega; mounting civilian casualties draw outcry*. Retrieved January 11, 2023, from <https://addisstandard.com/news-more-airstrikes-kill-dozens-in-mendi-west-wallaga-mounting-civilian-causalities-draw-outcry/>.
- Addis Standard. (2022b, September 6). *News: Rights Commission says militants from local, neighboring Amhara region responsible for recent massacre of more than 60 in Oromia*. Retrieved January 14, 2023 from <https://addisstandard.com/news-rights-commission-says-militants-from-local-neighboring-amhara-region-responsible-for-recent-massacre-of-more-than-60-in-oromia/>.
- Addis Standard. (2022c, February 15). *Analysis: Massacre in plain sight; behind silent killings in Oromia Special zone, Amhara region*. Retrieved January 13, 2023 from <https://addisstandard.com/analysis-massacre-in-plain-sight-behind-silent-killings-in-oromo-special-zone-amhara-region/>.
- Addis Standard. (2022d, June 16). *News: Security forces shoot civilians in Gambella city two days after government vows to "totally eradicate" remaining members of Oromo, Gambella armed groups*. Retrieved January 13, 2023 from <https://addisstandard.com/news-security-forces-shoot-civilians-in-gambella-city-two-days-after-regional-govt-vows-to-totally-eradicate-remaining-members-of-oromo-gambella-armed-groups/>.

Addis Standard. (2022e, February 10). *News analysis: OLF calls for an end to torture of jailed members as senior leaders protest in hunger strike*. Retrieved January 14, 2023 from <https://addisstandard.com/news-analysis-olf-calls-for-an-end-to-torture-of-jailed-members-as-senior-leaders-protest-in-hunger-strike/>.

Addis Standard. (2022f, May 19). *News: Rights Commission confirms OLF leaders detained against due process, subjected to abuse*. Retrieved January 14, 2023 from <https://addisstandard.com/news-rights-commission-confirms-olf-leaders-detained-against-due-process-subjected-to-abuse/>.

African Charter on Human and Peoples' Rights, June 27, 1981, <https://www.achpr.org/legalinstruments/detail?id=49>

Amnesty International. (2020a, May 29) *Ethiopia: 'Beyond Law Enforcement' Human Rights Violations by Ethiopian Security Forces in Amhara and Oromia*. <https://www.amnesty.org/en/documents/afr25/2358/2020/en/>.

Amnesty International. (2020b, March 3). *Ethiopia: Police must account for missing Oromo opposition leader*. <https://www.amnesty.org/en/latest/news/2020/03/ethiopia-police-must-account-for-missing-oromo-opposition-leader/>.

Amnesty International. (2023, March 3). *Ethiopia: Government's effort to end mandate of UN human rights commission must be rejected*. <https://amnesty.ca/human-rights-news/ethiopia-governments-effort-to-end-mandate-of-un-human-rights-commission-must-be-rejected/>.

Anna, C. (2022, November 8). *Witnesses say new fighting in Ethiopia's Oromia kills dozens*. AP News. Retrieved January 10, 2023, from <https://apnews.com/article/africa-kenya-ethiopia-government-and-politics-d63eebb29e2f193f517d7df3ffcf4684>.

Bader, L. (2022, July 4). *Ethiopia's Other Conflict*. Human Rights Watch. <https://www.hrw.org/news/2022/07/04/ethiopias-other-conflict>.

BBC News. (2021, November 1). *Oromo Liberation Army: On the ground with Ethiopian fighters*. Retrieved January 13, 2023 from <https://www.bbc.com/news/av/world-africa-59095778>.

BBC News. (2022, November 7). *Ethiopia Conflict: Looking for clues in video of forgotten massacre*. [online video] Retrieved January 13, 2023, from <https://www.bbc.com/news/av/63515162>.

Constitution of the Federal Republic of Ethiopia, August 21, 1995, <https://www.refworld.org/docid/3ae6b5a84.html>.

- Crawford, J. (2023, March 2). *Ethiopia Promises Transitional Justice Once Again*. Justice Info. <https://www.justiceinfo.net/en/113197-ethiopia-promises-transitional-justice-once-again.html>.
- Curate Oromia. (2022, September 1). *Ethiopia: Amhara Fano massacre more than 60 Oromos in cross-border raid*. Retrieved January 13 2023, from <https://curateoromia.com/ethiopia-amhara-fano-massacre-more-than-60-oromos-in-cross-border-raid/>.
- Department of State. (2023, February 16). *Integrated Country Strategy – Ethiopia*. United States of America. https://www.state.gov/wp-content/uploads/2023/02/ICS_AF_Ethiopia_Public-1.pdf.
- Doctors without Borders. (n.d). *The Practical Guide to Humanitarian Law*. <https://guide-humanitarian-law.org/content/article/3/non-international-armed-conflict-niac/>.
- Doswald-Beck, L. & Henckaerts, J. (2005). *Customary International Humanitarian Law*. (Vol I). ICRC and Cambridge University Press. <https://www.icrc.org/en/doc/assets/files/other/customary-international-humanitarian-law-i-icrc-eng.pdf>.
- Ethiopia Criminal Code*, Proclamation No. 414/2004, 9 May 2005, <https://www.refworld.org/docid/49216b572.html>.
- Geneva Convention Relative to the Protection of Civilian Persons in Time of War (IV)*, 12 August 1949, Retrieved from <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949?activeTab=1949GCs-APs-and-commentaries>.
- Henderson, C. (2017). *Commissions of inquiry: problems and prospects* (Henderson, Ed.). Hart Publishing. <https://doi.org/10.5040/9781782258780>.
- Herik, L. & Reisen, M. (2019). International Commissions of Inquiry in a Networked World: Unveiling the Roles of Diasporas through an Eritrean Case Study, *International Journal of Transitional Justice*, Volume 13, Issue 3, Pages 417–434, <https://doi.org/10.1093/ijtj/ijz020>.
- Human Rights Council. (2022). *Report of the International Commission of Human Rights Experts on Ethiopia*. (A/HRC/51/46). <https://www.ohchr.org/en/hr-bodies/hrc/ichre-ethiopa/index>.
- Human Rights League of the Horn of Africa. (2022a, May 1). *Ethiopia: Adjudicating Human Rights in Misguided Transition, 2018-2021*. <https://www.humanrightsleague.org/?p=17010>.

Human Rights League of the Horn of Africa. (2022b, August 22). *HRLHA's Written Statement, UNHRC Submission. Ethiopia: Gross Violations of Human Rights in Oromia Requires Urgent Attention from the International Community.*

Human Rights League of the Horn of Africa. (2022c, September 29). *HRLHA Press Release: HRLHA Strongly Denounces the Continued Targeted Attacks on Civilians in Western Oromia Particularly in East Wellega and Horro Guduru Wellega Zones.*
<https://www.humanrightsleague.org/?p=17104>.

Human Rights League of the Horn of Africa. (2022d, May 15). *HRLHA Urgent Appeal: Gross Violation of Human Rights in Ethiopia Must Get More Attention.*
<https://www.humanrightsleague.org/?p=17065>.

Human Rights Watch. (2022a, September 2). *Ethiopia: Extend the Expert Commission's mandate.* <https://www.hrw.org/news/2022/09/02/ethiopia-extend-expert-commissions-mandate>.

Human Rights Watch. (2022b, August 31). *Ethiopia: Civilians in Western Oromia Left Unprotected.* <https://www.hrw.org/news/2022/08/31/ethiopia-civilians-western-romia-left-unprotected>.

Human Rights Watch. (2023, February 28). *Threats to Terminate the Mandate of the International Commission of Human Rights Experts on Ethiopia.*
<https://www.hrw.org/news/2023/02/28/threats-terminate-mandate-international-commission-human-rights-experts-ethiopia>.

International Covenant on Civil and Political Rights, December 16, 1966,
<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

International Committee of the Red Cross. (2010, October 29). *Customary International Humanitarian Law.* <https://www.icrc.org/en/document/customary-international-humanitarian-law-0>.

International Committee of the Red Cross. (2014, January 1). *The Geneva Conventions of 1949 and their Additional Protocols.* <https://www.icrc.org/en/document/geneva-conventions-1949-additional-protocols>.

International Criminal Court. (n.d) *How the Court Works.* Retrieved, March 20, 2023 from,
<https://www.icc-cpi.int/about/how-the-court-works>.

Jima, A. O. (2021). Vicious circle of Ethiopian politics: Prospects and challenges of current political reform. *Cogent Social Sciences*, 7(1), 1893908.
<https://doi.org/10.1080/23311886.2021.1893908>.

- Metekia, S.T. (2022, June 22). *Prosecuting Crimes Against Humanity in Ethiopia: where is the law?* Institute for Security Studies. <https://issafrica.org/iss-today/prosecuting-crimes-against-humanity-in-ethiopia-where-is-the-law>.
- Oromia Support Group. (2021, February 14). *Report 58*. <https://oromiasupport.org/wp-content/uploads/simple-file-list/Report-58.pdf>.
- Oromia Support Group. (2022a, April 21). *Karrayyu Massacre Report 14*. <https://oromiasupport.org/wp-content/uploads/simple-file-list/Karrayyu-Massacre-Report-14-January-22.pdf>.
- Oromia Support Group. (2022b, August 2). *Report 60*. <https://oromiasupport.org/wp-content/uploads/simple-file-list/Report-60-.pdf>.
- Oromo Legacy Leadership & Advocacy Group. (2021, December 3). *OLLAA Condemns the Killing of Karayu Religious Leaders and Civilians and the Continued Bombings in Oromia*. <https://ollaa.org/ollaa-condemns-the-killing-of-karayu-religious-leaders-and-civilians-and-the-continued-bombings-in-omoria/>.
- Oromo Legacy Leadership & Advocacy Group. (2022a, December 30). *Report on Extrajudicial Killings in November 2022*. <https://ollaa.org/report-on-extrajudicial-killings-in-november-2022/>.
- Oromo Legacy Leadership & Advocacy Group. (2022b, October 28). *Report on Extrajudicial Killings in September*. <https://ollaa.org/report-on-extrajudicial-killings-in-september-2022/>.
- Oromo Legacy Leadership & Advocacy Group. (2022c, August 2). *EHRC Reveals Violations of Oromo Prisoners' Rights*. Retrieved from <https://ollaa.org/ehrc-reveals-violations-of-omoro-prisoners-rights/>.
- Oromo Legacy Leadership & Advocacy Group. (2022d, March 23). *OLLAA Calls for Access to Medical Care and Release of OLF Political Prisoners*. Retrieved from <https://ollaa.org/ollaa-calls-for-access-to-medical-care-and-release-of-olf-political-prisoners/>.
- Oromo Liberation Army. (2022, January 23). *OLF-OLA 2023 Manifesto*. Retrieved March 18, 2023, from, <https://www.olf-olahq.org/post/announcing-the-omoro-liberation-army-s-brief-political-manifesto>.
- Oromo Liberation Front. (2022, March 6). *OLF Demands Immediate Release of Oromo Political Prisoners and Access to Medical Treatments and Denounce for Intentional Exposition of Prisoners to Communicable Diseases*. Retrieved January 15, 2023 from <https://oromoliberationfront.org/english/olf-demands-immediate-release-of-omoro->

[political-prisoners-and-access-to-medical-treatments-and-denounce-for-intentional-exposition-of-prisoners-to-communicable-diseases/](#).

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. Retrieved from <https://ihl-databases.icrc.org/en/ihl-treaties/apii-1977?activeTab=1949GCs-APs-and-commentaries>.

Reuters. (2022, September 3). *Gunmen kill more than 40 people in Ethiopia's Oromiya region – residents*. Retrieved January 14 2023, from <https://www.reuters.com/world/africa/gunmen-kill-least-42-people-ethiopias-oromiya-region-residents-2022-09-02/>.

Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998. <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.

United Nations, General Assembly, *Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment*, December 10, 2984, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.

United Nations, General Assembly, *International Convention for the Protection of All Persons from Enforced Disappearance*, December 23, 2010, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>.

United Nations Office of the High Commissioner. (2022). *Oral Update of the International Commission of Human Rights Experts on Ethiopia to the UN, Human Rights Council, Geneva*. <https://www.ohchr.org/en/statements/2022/06/oral-update-international-commission-human-rights-experts-ethiopia-un-human>.

United Nations Office of the High Commissioner for Human Rights. (New York; Geneva: UN, 2011). *International Legal Protection of Human Rights in Armed Conflict*. United Nations Publication. https://www.ohchr.org/sites/default/files/Documents/Publications/HR_in_a_rmed_conflict.pdf.

United Nations Office of the High Commissioner for Human Rights. (New York; Geneva: UN, 2015). *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law*. United Nations Publication. https://www.ohchr.org/sites/default/files/Documents/Publications/Col_Guidance_and_Practice.pdf.

United Nations Office of the High Commissioner. (n.d.) *International Human Rights Law*. Retrieved March 18, 2023, from <https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law>.

Zelalem, Z. & Jelan, B. (2022, December 26). *Evidence of Drone Strikes Inside Civilian Areas in Ethiopia*. New Lines Magazine. Retrieved January 9, 2023, from <https://newlinesmag.com/reportage/evidence-of-drone-strikes-against-civilian-areas-in-ethiopia/>.