

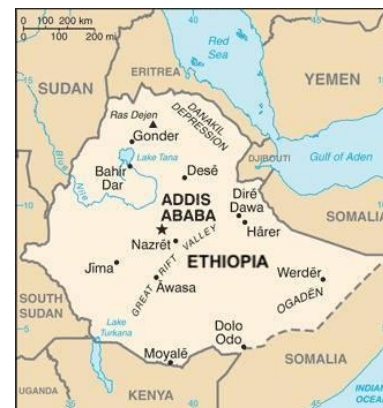
Another Genocide in the 21st Century: Conflict in Ethiopia

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Introduction

After each genocide, the international community declares “Never Again.” This promise is made often in the aftermath of new mass atrocities, but it is never honored.

There have been numerous atrocities in the 21st century, and many are taking place today. One of those atrocities is the mass humanitarian crisis in the Tigray region of Ethiopia. Since November 2020 there have been a series of human rights violations in Tigray and the neighboring areas. Abiy Ahmed, the Prime Minister of Ethiopia, announced land and air military operations in Tigray in early November 2020 after accusing the Tigray People's Liberation Front (TPLF) of plotting attacks on federal army facilities. More than 1.7 million Tigrayans have been internally displaced since the start of the violence in the region, and over 50,000 have sought asylum in Sudan. A total of 5.7 million people are expected to need humanitarian assistance as a result of the conflict.



Based on available facts, there are reasonable grounds to believe that Ethiopia is experiencing a severe humanitarian crisis. All parties to the conflict have carried out direct attacks on civilians, including on men, women, and children. There are reports of killings, rapes, and severe famine in parts of Ethiopia as the result of the current conflict. There is sufficient evidence to declare this conflict a genocide, war crime, and crime against humanity.

Background

Ethiopia has had a federal system in place since 1994, in which ethnic groups govern the affairs of ten regions.¹ Ethiopia was ruled by the Ethiopian People's Revolutionary Democratic Front (EPRDF), which was dominated by the Tigray People's Liberation Front (TPLF).² Due to mounting popular discontent, the TPLF was forced out of power from the federal government in 2018, after ruling the country for 27 years. In 2019, the Oromo Democratic Party (ODP), Amhara Democratic Party (ADP), and Southern Ethiopian Peoples' Democratic Movement (SEPDM) joined to form a new party called the Prosperity Party (PP), led by Prime Minister Abiy Ahmed.³ The TPLF refused to join the newly-formed party.

¹ “Ethiopia's Tigray War: The Short, Medium and Long Story.” *BBC News*, BBC, 29 June 2021, <https://www.bbc.com/news/world-africa-54964378>.

² *Ibid.*

³ “Report of the Ethiopian Human Rights Commission (EHRC ...” *Www.ohchr.org*, <https://www.ohchr.org/Documents/Countries/ET/OHCHR-EHRC-Tigray-Report.pdf>.

An election to select a new Prime Minister was scheduled for August 2020. However, the National Electoral Board of Ethiopia announced in March 2020 that the election would be canceled due to the COVID-19 pandemic.⁴ The elections were rescheduled to be held within 9-12 months after health officials could confirm that COVID-19 would no longer endanger the health of the public.⁵



Ethiopian National Defense Forces

The TPLF opposed the decision to postpone the elections, arguing that it was unconstitutional. To show their disapproval, the Tigray Regional Council organized an election on September 9, 2020.⁶ The TPLF declared victory for all seats in the government. However, the federal government maintained that these elections were unconstitutional and were “null and void.”⁷

The tensions between the federal government and the TPLF increased in October 2020 when the TPLF announced that it no longer recognized the federal government's legitimacy. This included the legitimacy of the House of Peoples' Representatives, the House of Federation, the Cabinet, and the Prime Minister.⁸ The TPLF asserted that the federal government's authority had expired, and Tigray would no longer recognize any decision or resolution issued by the federal government.⁹

Tensions escalated further when the Tigray Special Forces (TSF) and militia attacked the Northern Command of the ENDF and seized the bases and the weapons.¹⁰ After this attack, Abiy ordered military action, dubbed a “law enforcement operation,” against the TSF and the TPLF.¹¹ As a result, the ENDF, ASF, militias, and the EDF launched a military operation against the TPLF in Tigray. The Federal Council of Ministers announced a six-month state of emergency in the Tigray region and war raged across most of Tigray.¹²

The conflict between the Ethiopian National Defense Forces and the TPLF developed into an all-out war in the northern Tigray region that is still ongoing (as of summer 2022).¹³ There have been numerous claims of significant and widespread human rights violations in Tigray and other regions in Ethiopia. The violence has caused famine for approximately 400,000 people in Tigray, killed thousands of civilians, and forced more than 2.5 million people to flee their homes in northern Ethiopia.¹⁴

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ behabtu1. “BEHABTU1.” *Ethiopian News Agency*, 5 Sept. 2020, <https://www.ena.et/en/?p=16719>.

⁸ Ibid.

⁹ Mekelle Foresight: Interview with Getachew Reda, Executive Committee Member, TPLF, On the expiry of the term of the Federal Government, Tigray Communication Affairs Bureau, October 6/2020. Source; Tigray Television <https://www.facebook.com/TigrayCAB/videos/346252249819545/>

¹⁰ Report of the Ethiopian Human Rights Commission (EHRC ...) *Wwww.ohchr.org*, <https://www.ohchr.org/Documents/Countries/ET/OHCHR-EHRC-Tigray-Report.pdf>.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

Legal Framework

Since the beginning of the conflict, there have been many violations of international human rights laws by the Ethiopian authorities. An investigation by the United Nations Office of the High Commissioner for Human Rights and the state-appointed Ethiopian Human Rights Commission have documented mass killings of civilians. These abuses include “extrajudicial killings and extrajudicial executions, widespread sexual violence, torture, forced displacement, arbitrary detentions, violations of economic, social, and cultural rights, and denial of access to aid.”¹⁵ Since June 2021, Ethiopian authorities have denied Tigrayans access to life-saving aid and services.¹⁶



Tigray Region in Ethiopia

The conflict has spread into the Amhara and Afar regions, resulting in large-scale displacement and human rights violations in these regions as well.

There are several avenues for legal recourse. Although Ethiopia is not a state party to the International Criminal Court, Ethiopia is a signatory to seven of the nine major international human rights conventions. Ethiopia is therefore governed by the international human rights treaties to which it is a signatory. These treaties include: the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention on the Rights of the Child (CRC) and its Optional Protocols on the Involvement of Children in Armed Conflict (OP-CRC-AC), and on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC); the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT); and the Convention on the Rights of Persons with Disabilities (CRPD).¹⁷

Further, Ethiopia has ratified the four Geneva Conventions of 12 August 1949, as well as the Additional Protocols I, II, and III of the Geneva Conventions.¹⁸ As a signatory to international treaties, Ethiopia is obligated to respect, defend, and fulfill the human rights of all people living in its country.

It is necessary to consider the crimes that can be examined in this conflict.

A. War Crimes

“War crimes are those violations of international humanitarian law that incur individual criminal responsibility under international law.”¹⁹ War crimes can be perpetrated against a wide range of people. The crime must occur during an armed conflict in order to be classified as a war crime.²⁰ The Rome Statute of the International Criminal Court defines war crimes as:

¹⁵ Bader, Laetitia. “International Investigation Needed into Abuses in Ethiopia.” *Human Rights Watch*, 9 Nov. 2021, <https://www.hrw.org/news/2021/11/04/international-investigation-needed-abuses-ethiopia>.

¹⁶ Ibid.

¹⁷ Report of the Ethiopian Human Rights Commission (EHRC ...) *Www.ohchr.org*, <https://www.ohchr.org/Documents/Countries/ET/OHCHR-EHRC-Tigray-Report.pdf>.

¹⁸ Ibid.

¹⁹ “United Nations Office on Genocide Prevention and the Responsibility to Protect.” *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/war-crimes.shtml>.

²⁰ Ibid.

Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

- i. Willful killing
- ii. Torture or inhuman treatment, including biological experiments;
- iii. Willfully causing great suffering, or serious injury to body or health;
- iv. Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- v. Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
- vi. Willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
- vii. Unlawful deportation or transfer or unlawful confinement;
- viii. Taking of hostages.²¹

The UN Office on Genocide Prevention and the Responsibility to Protect provides two elements of war crimes, which include: (1) “A *contextual element*: the conduct took place in the context of and was associated with an international/non-international armed conflict;” and (2) “A *mental element*: intent and knowledge both with regards to the individual act and the contextual element.”²²

Elements in the current conflict in Ethiopia likely can be classified as a war crime. A report that was written by the Office of the United Nations High Commissioner for Human Rights and the Ethiopian Human Rights Commission was released in August that stated that “all parties to the Tigray conflict have committed violations of international human rights, humanitarian, and refugee law. Some of these may amount to war crimes and crimes against humanity.”²³ Many acts have been committed that amount to war crimes. First is the presence of willful killing. It was reported that there have been unlawful killings and executions by the ENDF, EDF, Amhara militia, and the TSF and militias affiliated with the TPLF. The report mentions the killing of 200 ethnic Amhara civilians by Tigrayan youth groups and retaliation by the EDF, who ended up killing more than 100 civilians in Tigray on November 28, 2020.²⁴ The report concluded, “**War crimes may have been committed**, since there are reasonable grounds to believe that persons taking no direct part in hostilities were willfully killed by parties to the conflict.”²⁵

Additionally, there have been tortures of civilians committed by each side and sexual violence targeting women and girls. The ENDF, EDF, and TSF are implicated in multiple reports of gang rape. Further, ethnic Amhara in the Tigray region have been tortured using electric wires and metal pipes while the ENDF soldiers brutally paraded 600 Tigrayan men around town in their underwear or naked.²⁶ The Reuters report adds that there are multiple acts of war crimes that were not included in the report.²⁷

²¹ “United Nations Office on Genocide Prevention and the Responsibility to Protect.” *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/war-crimes.shtml>.

²² *Ibid.*

²³ Report of the Ethiopian Human Rights Commission (EHRC ...)” *Wwww.ohchr.org*, <https://www.ohchr.org/Documents/Countries/ET/OHCHR-EHRC-Tigray-Report.pdf>.

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ Houreld, Katharine, and Giulia Paravicini. “Exclusive: Un Official Accuses Eritrean Forces of Deliberately Starving Tigray.” *Reuters*, Thomson Reuters, 11 June 2021, <https://www.reuters.com/article/us-ethiopia-conflict-famine-exclusive-idAFKCN2DN285>.

The two elements of war crimes have been met here. The first element is met because the violence is characterized as non-international armed conflict. The conflict is between the federal government and TPLF. The second element of intent and knowledge is also met. Both sides are aware of circumstances and have knowledge of the crimes that are being perpetrated against victims on both sides.

In addition to the killings that are taking place, starvation is being used as a weapon of war. In May 2018, the UN Security Council asserted that “using starvation of people as a strategy of warfare may constitute a war crime.”²⁸ The UN stated that the Ethiopian government has imposed a “*de facto* blockade” on food supplies.²⁹ According to a UN study, more than 350,000 Tigrayans are suffering from starvation.³⁰ A report by Reuters claimed that the Eritrean army and local fighters are purposely obstructing food supplies to over a million people living in regions beyond the government control.³¹ The UN has received reports that more than 150 people have starved to death, a number that could be much higher.³²

Prior to the conflict between the federal government and the TPLF, about a million people relied on food aid. The number in need of emergency food has since risen to 5.2 million.³³ For the first five weeks of the violence, the federal government refused to allow assistance convoys to enter the region, ostensibly for safety concerns.³⁴ Many rural parts of the region have been cut off due to the ongoing violence. The UN Office for the Coordination of Humanitarian Affairs (OCHA) has documented 130 incidences of aid agencies being turned away at checkpoints, as well as workers being beaten, interrogated, or prevented from operating in the region. Abera Nigus, the region’s justice bureau head, said that “the food blockage is not an accident - it is very purposefully done.”³⁵



in Tigray, September 2021

B. Crimes Against Humanity

Article 7 of the Rome Statute defines Crimes Against Humanity as:

1. Acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
 - a. Murder;
 - b. Extermination;

²⁸ DeWaal, A., 2021. *Food as a Weapon of War and the Nobel Peace Prize for the World Food Program: Calling out the Culprits - Reinventing Peace*. [online] Reinventing Peace. Available at: <<https://sites.tufts.edu/reinventingpeace/2020/12/09/food-as-a-weapon-of-war-and-the-nobel-peace-prize-for-the-world-food-program-calling-out-the-culprits/>> [Accessed 10 December 2021].

²⁹ Ibid.

³⁰ Houreld, Katharine, and Giulia Paravicini. “Exclusive: Un Official Accuses Eritrean Forces of Deliberately Starving Tigray.” *Reuters*, Thomson Reuters, 11 June 2021, <https://www.reuters.com/article/us-ethiopia-conflict-famine-exclusive-idAFKCN2DN285>.

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

- c. Enslavement;
- d. Deportation or forcible transfer of a population;
- e. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- f. Torture;
- g. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- h. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- i. Enforced disappearance of persons;
- j. The crime of apartheid;
- K. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.³⁶

The Office on Genocide Prevention and the Responsibility to Protect provides three elements of Crimes Against Humanity. First are the above enumerated elements, a-k. The second element is a *contextual element*, and it occurs “when committed as part of a widespread or systematic attack directed against any civilian population.” Third is the mental element, which requires that the act is committed “with knowledge of the attack.”³⁷

The report by the UN High Commissioner for Human Rights and the Ethiopian Human Rights Commission stated that the “killings in some instances appear to have been committed as part of a widespread and systematic attack against a selected civilian population and therefore may also amount to crimes against humanity.”³⁸ In addition to the killings, the report also includes accounts of sexual and gender-based violence that were committed by all sides. The report said that “women and girls were abducted, detained, and raped, including in one incident in which a 19-year-old survivor was abducted, detained, and repeatedly raped for three months. Rape of a woman with a disability was also documented.”³⁹ Further, Amnesty International has reported that the killings of unarmed civilians in the Tigray region by the Eritrean troops in November 2020 may amount to a crime against humanity.⁴⁰ The troops opened fire in the streets and conducted house-to-house raids in a massacre. Amnesty International’s Director for East and Southern Africa, Deprese Muchena, said, “Eritrean troops went on a rampage and systematically killed hundreds of civilians in cold blood, which appears to constitute crimes against humanity.”⁴¹ Thus, it is apparent that the violence in Ethiopia constitutes crimes against humanity.

³⁶ “United Nations Office on Genocide Prevention and the Responsibility to Protect.” *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>.

³⁷ “United Nations Office on Genocide Prevention and the Responsibility to Protect.” *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>.

³⁸ Report of the Ethiopian Human Rights Commission (EHRC ...) *Wwww.ohchr.org*, <https://www.ohchr.org/Documents/Countries/ET/OHCHR-EHRC-Tigray-Report.pdf>.

³⁹ *Ibid*,

⁴⁰ “Eritrean Troops Massacre Hundreds of Civilians in Axum, Ethiopia.” *Amnesty International*, 17 Aug. 2021, <https://www.amnesty.org/en/latest/press-release/2021/02/ethiopia-eritrean-troops-massacre-of-hundreds-of-axum-civilians-may-amount-to-crime-against-humanity/>.

⁴¹ *Ibid*.

C. Genocide

In 1946, the United Nations General Assembly declared genocide to be a crime under international law for the first time. It was established as a separate crime in the 1948 Convention on the Prevention and Punishment of Genocide.⁴² Article II of the Genocide Convention defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.⁴³

The element of genocide also includes a mental element, the “intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.”⁴⁴ The intent element is difficult to prove in most cases because the perpetrators must have demonstrated a purpose to physically eliminate a national, ethnic, racial, or religious group.⁴⁵

So far, the international community has called what is happening in the Tigray region a war crime or crimes against humanity. One of the predictors of genocide is the dehumanizing words that those in power use to perpetuate violence against the victims. Political leaders and associated armed groups have used terms such as “cancer,” “devil,” “weed,” and “daylight hyenas” to describe the Tigrayans.⁴⁶ Tigrayans have been removed from their work as government employees and from the army.⁴⁷ They have also been restricted from traveling. The federal government has been consistently shutting down their internet and telephone lines, arresting journalists, and silencing opponents.⁴⁸ Abiy promised his supporters that he would bury his opponents “with our blood.”⁴⁹ Additionally, he has been inciting violence by encouraging citizens to take up arms against the TPLF forces. He posted a Facebook statement that was later removed for inciting violence, which read “Our people should march . . . with any weapon and resources they have to defend, repulse, and bury the terrorist TPLF.”⁵⁰ Furthermore, there are atrocities that are occurring outside of the Tigray regions, which include Amhara, Gumuz, Qemant, and Oromo groups as targets of violence.⁵¹

⁴² “United Nations Office on Genocide Prevention and the Responsibility to Protect.” *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>.

⁴³ “United Nations Office on Genocide Prevention and the Responsibility to Protect.” *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/genocide.shtml>.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ *United Nations Press Release - Un.org*. https://www.un.org/en/genocideprevention/documents/2021-07-30_Statement-on-situation-in-Ethiopia.pdf.

⁴⁷ *Ibid.*

⁴⁸ Mackintosh, Eliza. “Ethiopia Is at War with Itself. Here’s What You Need to Know.” *CNN*, Cable News Network, 5 Nov. 2021, <https://www.cnn.com/2021/11/03/africa/ethiopia-tigray-explainer-2-intl/index.html>.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ Sara Kifle, “Ethnic Cleansing in Ethiopia,” *Harvard Political Review*, 19 April 2021. Also see “Stop Amhara Genocide,” <https://www.stopamharagenocide.com/> (accessed 30 October 2021).

According to Genocide Watch, there are ten stages that are predictors of genocides. These include: (1) Classification; (2) Symbolization; (3) Discrimination; (4) Dehumanization; (5) Organization; (6) Polarization; (7) Preparation; (8) Persecution; (9) Extermination; and (10) Denial.⁵² The first stage of genocide has been met here. There is classification based on ethnicity, Tigrayans and non-Tigrayans.

When Abiy first came to power, he called the years the TPLF has ruled as “27 years of dark era.”⁵³ In 2018, when there was a bomb blast, Abiy blamed the TPLF and encouraged his supporters to stand up against the people of Tigray.⁵⁴ The second stage of symbolization has also been met. When Abiy came to power, he labeled Tigrayans as “Woyane,” which came to symbolize bad deeds.⁵⁵ The third stage of discrimination is met. Tigrayans have been removed from politics, military, and private businesses.⁵⁶ They have been arrested, beaten, and killed due to their ethnicity. Abiy was quoted saying “instead of working with TPLF, it is better to die.”⁵⁷ The stage of dehumanization is met. Abiy has consistently referred to Tigrayans as “cancer,” “devil,” and “weed.”⁵⁸

The stage of organization is also met. The Prosperity Party did not include the TPLF. The Ethiopian army, the Amhara soldiers, and the Eritrean army have formed an alliance that excludes them. There is also the presence of political and ethnic polarization. The broadcast of polarizing propaganda has targeted Tigrayans through social media and television, which has contributed to the increase of ethnic and political separation. Some Ethiopian media outlets have voiced ethnic hostility toward Tigrayans. The seventh stage of preparation is currently taking place. Civilians are being recruited to take arms. On November 22, 2021, Abiy declared that he will be on the front lines of the battle against oncoming rebel fighters.⁵⁹ Furthermore, the fact that millions of people are being starved could be a form of preparation to weaken the Tigrayans. The eighth stage, persecution, is occurring as the government imprisons oppositional politicians and journalists in pre-trial detention without charges for an extended period of time, many of them for months.⁶⁰ Doctors, artists, policemen, and civilians in the capital city of Addis Ababa have been arrested ostensibly because they could be supporters of TPLF.⁶¹

As mentioned above, Tigrayans in the Tigray region are being starved and are being isolated. Humanitarian aid agencies have been prevented from going to the rural parts of the area. There are extrajudicial killings and torture taking place, which are part of the stage of extermination. There have been several reports of mass executions in Tigray. In November of 2020, Ethiopian and Eritrean soldiers

⁵² “10 Stages of Genocide.” *Genocide Watch*, <http://genocidewatch.net/genocide-2/8-stages-of-genocide/>.

⁵³ Person, and Dawit Endeshaw Stephanie Nebehay. “Joint UN, Ethiopia Rights Team: All Sides Committed Abuses in Tigray.” *Reuters*, Thomson Reuters, 3 Nov. 2021, <https://www.reuters.com/business/cop/un-ethiopia-rights-commission-release-report-abuses-tigray-2021-11-03/>.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ “United Nations Office on Genocide Prevention and the Responsibility to Protect.” *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>.

⁵⁹ Mackintosh, Eliza. “Ethiopia Is at War with Itself. Here’s What You Need to Know.” *CNN*, Cable News Network, 5 Nov. 2021, <https://www.cnn.com/2021/11/03/africa/ethiopia-tigray-explainer-2-intl/index.html>.

⁶⁰ “Ethiopia.” *Amnesty International USA*, <https://www.amnestyusa.org/countries/ethiopia/>.

⁶¹ Harding, Andrew. “Ethiopia’s Tigray Conflict: Mass Arrests and Ethnic Profiling Haunt Addis Ababa.” *BBC News*, BBC, 21 Nov. 2021, <https://www.bbc.com/news/world-africa-59347230>.

killed hundreds of civilians after capturing the town of Axum.⁶² This stage is still ongoing, as the violence continues to escalate. Lastly, Abiy has continued to deny any crimes have been committed by his government. According to the report of Ethiopia's attorney general's office, the majority of those murdered were rebels killed in fights with the Eritrean military, not civilians.⁶³

While the attacks on Tigrayans appear to be planned, deliberate, and systematic, the challenge with calling what is happening in Tigray a genocide is that there are various actors involved in the war. The actors include "Eritrean national forces allied with the Ethiopian government forces, the Amhara Special Forces, and Amhara militia, versus the armed wing of the TPLF, the Tigray Defense Forces (TDF), the Oromo Liberation Army (OLA), and ethnic and other irregular militias." And not all of these actors share the same goal in the conflict, which makes it difficult to determine intent. However, the intent element is met on behalf of the Ethiopian government because of Abiy's anti-Tigrayan rhetoric and calls for war and the ENDF's brutal attacks on Tigrayans. As for the other actors, a credible investigation must look into each actor's role to determine genocidal intent.

Support and Resistance by the Local Population

A mass demonstration in support of Abiy Ahmed's government was held on November 7, 2021. Tens of thousands of Ethiopians went to the capital city, Addis Ababa, to show support for the government and for continuing the war. The demonstrators rejected international demands for the Ethiopian government to start negotiations with the TPLF.⁶⁴ Many Ethiopian supporters have referred to the TPLF as terrorists and have asserted that the government should not negotiate with terrorists.⁶⁵ Those who support the government do not want TPLF to rule the country again. The TPLF released a statement claiming that its military is heading to Addis Ababa to capture the capital city. However, the TPLF would have to get through the Amhara region to reach Addis and is likely to face resistance in the Amhara region from people who fear TPLF's return to power.⁶⁶



*Ethiopian Prime
Minister Abiy Ahmed*

Amhara, Ethiopia's second most populous region, has gathered forces in favor of Abiy's government. Tigray and Amhara have had a longstanding border conflict, and Amhara has taken control of an area in west Tigray.⁶⁷ William Davison, a senior analyst at the International Crisis Group, said, "Amhara region might go into outright rebellion if the Tigray forces with OLA control Addis Ababa. Amharas are not only angry at the TPLF and OLA but also at federal leaders for leaving Amhara exposed."

⁶² Firew Tiba Senior Lecturer. "Genocide in Ethiopia? Why Answering the Question Will Be a Challenge." *The Conversation*, 10 Dec. 2021, <https://theconversation.com/genocide-in-ethiopia-why-answering-the-question-will-be-a-challenge-160872>.

⁶³ Ibid.

⁶⁴ Deutsche Welle. "Ethiopia: Thousands Rally in Support of Government Forces: DW: 07.11.2021." *DW.COM*, <https://www.dw.com/en/ethiopia-thousands-rally-in-support-of-government-forces/a-59745937>.

⁶⁵ Ibid.

⁶⁶ Person, and Katharine Houreld. "Could Ethiopia's Capital Fall to Tigrayan and Allied Forces?" *Reuters*, Thomson Reuters, 5 Nov. 2021, <https://www.reuters.com/world/africa/could-ethiopias-capital-fall-tigrayan-allied-forces-2021-11-05/>.

⁶⁷ Ibid.

Those who live in other regions, such as Oromo, are divided. Abiy is half Oromo, which is Ethiopia's largest ethnic group, and they helped support him in 2018. However, he has lost some supporters due to government detention of thousands of Oromo⁶⁸ and the killing of hundreds. The Oromo Liberation Army (OLA) has formed an alliance with TPLF. However, the government has accused TPLF of exaggerating territorial and political gains.⁶⁹

International Efforts to Intervene

The international community has urged the Ethiopian government to engage in a dialogue with the TPLF. The Biden administration has attempted to ease tensions and encourage dialogue through diplomatic means. Additionally, the European Commission is contemplating imposing penalties on Ethiopia. However, the US has taken it a step further by imposing sanctions on the Eritrean military.⁷⁰ The U.S. State Department claimed that Eritrea's disruptive presence in Ethiopia is extending the conflict, providing a serious barrier to a cease-fire, and endangering the Ethiopian state's integrity.⁷¹ Further, the State Department is also said to be preparing a statement that the Ethiopian government's abuses against Tigrayans amount to genocide.⁷² President Biden told Congress that Ethiopia's "gross violations of internationally recognized human rights made it ineligible for the African Growth and Opportunity Act (AGOA) under the law." AGOA is a United States Trade Act. The sanction became effective beginning January 1, 2022.⁷³ This will impact Ethiopia tremendously, because Ethiopia trades goods estimated to be worth between \$100 million and \$200 million to the US each year.⁷⁴

Additionally, at a U.S. Senate Foreign Relations Committee meeting the situation in Tigray was compared to Darfur.⁷⁵ It was said during the hearing that financial sanctions were being considered against Ethiopian authorities accused of failing to stop the crimes in Tigray.⁷⁶ The State Department's legal team is investigating whether the atrocities constitute crimes against humanity.⁷⁷ However, there is little willingness to evaluate whether it is genocide for fear of inflaming emotions that might obstruct rather than promote resolution. The US has also stated that it is ready to take military action if necessary.⁷⁸ Countries including Canada and the US have been encouraging their citizens in Ethiopia to leave the country immediately.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ "Imposing Sanctions in Connection with the Conflict in Ethiopia - United States Department of State." *U.S. Department of State*, U.S. Department of State, 12 Nov. 2021, <https://www.state.gov/imposing-sanctions-in-connection-with-the-conflict-in-ethiopia/>.

⁷¹ Ibid,

⁷² Finnegan, Conor. "After Ending Ethiopia's Trade Status, US Weighs Sanctions, Genocide Designation over Tigray War." *ABC News*, ABC News Network, 2 Nov. 2021, <https://abcnews.go.com/Politics/ending-ethiopias-trade-status-us-weighs-sanctions-genocide/story?id=80928248>.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Firew Tiba Senior Lecturer. "Genocide in Ethiopia? Why Answering the Question Will Be a Challenge." *The Conversation*, 10 Dec. 2021, <https://theconversation.com/genocide-in-ethiopia-why-answering-the-question-will-be-a-challenge-160872>.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

Recommendations

Several years ago, the debate about whether the killings in Darfur constituted genocide became a diversion from dealing with the horrors, and it appears that history is repeating itself. The Special Adviser of the Secretary-General on the Prevention of Genocide said, “We have seen, in many places around the world, that the commission of atrocity crimes along identity lines has been preceded by hate speech and incitement to violence.” These signs of genocide are present, and it is up to the international community to take action and prevent further atrocities. The Ethiopian government and those responsible for these atrocities should be held responsible.

International legal bodies can hold perpetrators of human rights abuses in Ethiopia accountable. Lawyers filed a complaint to the African Commission on Human and People’s Rights on behalf of Tigrayan civilians in February 2022. The Commission can now investigate the abuses and make recommendations to governments and can refer the case to The African Court on Human and People’s Rights, the judicial branch of the African Union.⁷⁹ As Ethiopia is a member of the African Union, this avenue towards legal accountability has the potential to be more successful than the International Criminal Court.

Unfortunately, the International Criminal Court (ICC) cannot get involved because Ethiopia is not a State party to the ICC.⁸⁰ It is unlikely that the ICC will have jurisdiction to hold people accountable for the atrocities that are being committed. Given Ethiopia's serious human rights record, the most plausible explanation for Ethiopia's refusal to join the ICC is the government's fear of criminal liability for massive human rights abuses.

Ethiopia can use its own domestic courts to prosecute those who are causing the atrocities. Ethiopia has a history of pursuing genocide cases. Ethiopia’s former leader, Mengistu Haile Mariam, was found guilty of genocide *in absentia* in 2007 following a 12-year trial.⁸¹ However, prosecuting a dictatorship that has been removed is not the same as prosecuting an existing regime, and it is unlikely that the Ethiopian government will be held to account in Ethiopian courts.

However, State parties of the United Nations may bring a case to the International Court of Justice (ICJ). ICJ’s role is to resolve legal disputes submitted by States in conformity with international law “as reflected in international conventions, international custom, general principles of law recognized by civilized nations, judicial decisions, and writings of the most highly qualified experts on international law.”⁸² But States cannot be sued before the Court unless they agree to it; thus, the ICJ can only hear cases from States that have agreed to the Court's jurisdiction.⁸³ In this case, this will not be a problem

⁷⁹ Davies, Lizzie. “Ethiopia accused of ‘serious’ human rights abuses in Tigray in landmark case.” *The Guardian*, 8 Feb. 2022, <https://www.theguardian.com/global-development/2022/feb/08/ethiopia-human-rights-abuses-possible-war-crimes-tigray>

⁸⁰ Yilma, Kassahun Molla, et al. “Accountability for Atrocities-Why Ethiopia Should Join the ICC.” *Ethiopia Insight*, 2 Feb. 2021, <https://www.ethiopia-insight.com/2021/02/02/accountability-for-atrocities-why-ethiopia-should-join-the-icc/>.

⁸¹ Tadesse, Tsegaye. “Ethiopia's Mengistu Found Guilty of Genocide.” *Reuters*, Thomson Reuters, 20 Jan. 2007, <https://www.reuters.com/article/us-ethiopia-mengistu-genocide-idUSL1286585920061212>.

⁸² Mingst, Karen. “International Court of Justice.” *Encyclopedia Britannica*, Encyclopedia Britannica, Inc., <https://www.britannica.com/topic/International-Court-of-Justice>.

⁸³ “Q&A: The Gambia v. Myanmar, Rohingya Genocide at the International Court of Justice, May 2020 Factsheet.” *Global Centre for the Responsibility to Protect*, <https://www.globalr2p.org/publications/myanmarqav2/>.

because Ethiopia is a member of the United Nations.⁸⁴ Any of the 192 member States to the ICJ may bring a case against Ethiopia for violating various treaties. Any State that is a party to the treaties can enter a case against Ethiopia.

The US and the international community should label what is happening in Ethiopia as a genocide because that is exactly what it is. Ethiopia is a member State to many treaties that discourage these crimes, and it should be held accountable for violating those treaties. While there are various actors involved in the war in Tigray, all of them should be held accountable for the crimes they have committed. The international community should also put more pressure on the Ethiopian government by placing sanctions and other measures to de-escalate the atrocities.

Conclusion

The atrocities in Ethiopia meet the elements of a war crime, crimes against humanity, and genocide. The UN lists five acts of genocide and four of these acts have been documented as being committed by the Ethiopian government. The UN has stated that what is happening in Ethiopia could amount to crimes against humanity, but it has yet to label it as such. While the international community looks on, the conflict in Tigray and throughout Ethiopia is reaching new heights of human, physical, and environmental devastation. However, it is unlikely that there will be any resolutions soon.

⁸⁴ "States Entitled to Appear before the Court." *States Entitled to Appear before the Court | International Court of Justice*, <https://www.icj-cij.org/en/states-entitled-to-appear>.

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