

**AMERICAN BAR ASSOCIATION**

**ADOPTED BY THE HOUSE OF DELEGATES  
FEBRUARY 9, 2026**

**RESOLUTION**

RESOLVED, That the American Bar Association urges the United States, other nations, the United Nations, and the African Union to take action to bring to justice and hold accountable those responsible for atrocities against civilians committed in Ethiopian territory, consistent with the African Union Transitional Justice Policy, and universal jurisdiction as adopted by nations under international law;

FURTHER RESOLVED, That the American Bar Association urges the United States and all other nations to demand the cessation of hostilities and further escalation of tensions among all armed actors and participants in the hostilities taking place in Ethiopian territory;

FURTHER RESOLVED, That the American Bar Association urges the United States and all other nations to demand of the government of Ethiopia, the Tigray People’s Liberation Front, and all parties involved in the conflict, full compliance with the Cessation of Hostilities Agreement signed in November 2022 and, per the Agreement, to ensure both the safety of the civilian population against killings, rape, and forced displacement and access to humanitarian aid in Ethiopian territory, without delay;

FURTHER RESOLVED, That the American Bar Association urges the United States government and all other national governments to demand that all parties in the Ethiopian territory give access to the humanitarian workers to provide civilians with food, care, medicines, and other necessities for living; and

FURTHER RESOLVED, That the American Bar Association urges the United States Department of Treasury, Office of Foreign Assets Control, and the United States Department of State to enforce Executive Order 14046 of September 17, 2021, Sections 1 and 2, imposing sanctions on leaders of the Ethiopian Government, the Peoples’s Revolutionary Democratic Front (“EPRDF”), the Tigray People’s Liberation Front (“TPLF”), and the Eritrean People’s Liberation Front (“EPLF”) for their responsibility for humanitarian and human rights violations in Tigray, Ethiopia.

## REPORT

### I- INTRODUCTION

Independent investigations conducted by non-governmental organizations and investigative journalists have revealed evidentiary findings of alarming violations of international human rights and international humanitarian law in Ethiopian territory. Specifically, independent investigations have reported the killings of civilians, systemic rape of women and children, forced displacement of hundreds of thousands of individuals in Ethiopia, which allegedly amount to war crimes, crimes against humanity and genocide.

Further, to date, there has been no trial and no accountability of individuals and entities responsible for violations of international humanitarian law in Ethiopia. Of grave concern is the potential of new escalation of violence in the Tigray region, where the Ethiopian government and the Tigray People's Liberation Front ("TPLF") have failed to fully comply with the Cessation of Hostilities Agreement ("CoHA" or the "Pretoria Agreement"), signed in November 2022.<sup>1</sup>

As a result of the lack of action by the government of Ethiopia to promote full investigation, prosecution, and trial of the individuals responsible for alleged war crimes, crimes against humanity, and genocide, hundreds of thousands of survivors remain in fear of escalation of hostilities, while subject to continued appalling humanitarian conditions. Moreover, the escalation of hostilities in the region carries the risk of peace and security instability in the entire region known as the Horn of Africa (countries of Djibouti, Eritrea, Ethiopia, and Somalia).<sup>2</sup>

The United States is the largest donor of humanitarian assistance to Ethiopia.<sup>3</sup> The United Nations Office for the Coordination of Humanitarian Affairs ("OCHA") summary report of humanitarian funding shows the United States government leads with 25.3% of all humanitarian aid to Ethiopia in 2025.<sup>4</sup>

In addition to leading humanitarian assistance to Ethiopia, the United States is the leading country in imposing sanctions on Eritrean individuals and entities that have contributed to the hostilities in Ethiopia. Under the U.S. Global Magnitsky Human Rights Accountability

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<sup>1</sup> See United Nations Human Rights Council, International Commission of Human Rights Experts on Ethiopia, *Comprehensive investigative findings and legal Determinations*, Human Rights Council Session No. 54, A/HRC/54/CRP.3 (2023), paragraph 508. See also the Agreement for Lasting Peace through a Permanent Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Tigray's People's Liberation Front (TPLF) signed in Pretoria, South Africa on November 2, 2022.

<sup>2</sup> See Tensions in the Horn of Africa, available at <https://lordslibrary.parliament.uk/tensions-in-the-horn-of-africa/#:~:text=The%20region%20has%20also%20been%20impacted%20by,have%20fled%20the%20conflict%20into%20neighbouring%20countries>.

[3] U.S. Embassy Addis Ababa, Facebook Post, <https://www.facebook.com/us.emb.addisababa/posts/us-humanitarian-assistance-to-ethiopia-is-transforming-but-it-is-not-ending-far-/1000014872289342/>.

<sup>4</sup> See United Nations OCHA Summary, Ethiopia 2025 at <https://fts.unocha.org/countries/71/summary/2025>.

Act,<sup>5</sup> the U.S. Department of Treasury's Office of Foreign Assets Control (OFAC) condemned Eritrea's military troops presence in Ethiopia and designated the Eritrean Defense Force, the People's Front for Democracy and Justice, Abraha Kassa Nemariam, Hidri Trust, Hagos Ghebrehiwet W. Kidan, and the Red Sea Trading Corporation.<sup>6</sup>

In its unique leadership position in providing humanitarian assistance to Ethiopia and as a leader in sanctioning Eritrean entities and individuals, the United States government must lead the international community in the response to the inertia of the government of Ethiopia in bringing to justice all of those responsible for human rights and humanitarian law violations.<sup>7</sup>

## II – INVESTIGATIVE FINDINGS OF INTERNATIONAL CRIMES

In 2023, the International Commission of Human Rights Experts on Ethiopia, (the "Commission") reached the end of its mandate and issued a report of its activities, urging the investigation of additional violations of humanitarian law that amounted to international crimes but were not investigated by the Commission due to the termination of its mandate without further renewal, and the limitation of resources necessary to expand the Commission's fact-finding mission.<sup>8</sup>

Despite the limitations of time and resources for additional investigations, the Commission concluded, under the reasonable grounds standard of proof, that crimes against humanity and war crimes have been committed by all participants of the hostilities in Ethiopia.<sup>9</sup>

More recently, an independent investigative report by the Joint NGO Submission to the 83rd Ordinary Session of the African Commission on Human and People's Rights on ongoing human rights violations in Ethiopia concluded that: "Conflict risks remain high due to multiple unresolved pillars of the[Cessation of Hostilities Agreement], including the return of forcibly displaced Tigrayans to areas in Western Tigray, where Amnesty International and Human Rights Watch found evidence of ethnic cleansing. Abuses have

<sup>5</sup> See Sergei Magnitsky Rule of Law Accountability Act of 2012, Pub. L. 112-208, tit. IV, 126 Stat. 1502 (2012). See also Global Magnitsky Human Rights Accountability Act, Pub. L. 114-328, div. A, tit. XII, subtit. F, 130 Stat. 2533 (2016).

<sup>6</sup> See Executive Order 14046 in response to the humanitarian and human rights crisis and expanding military conflict in Ethiopia, September 17, 2021; <https://home.treasury.gov/news/press-releases/jy0478>

<sup>7</sup> The United States has reiterated its commitment to enhance humanitarian aid in northern Ethiopia on multiple occasions, as in the statement released by the United States Embassy in Ethiopia on July 16, 2025, at <https://et.usembassy.gov/the-united-states-enhances-its-humanitarian-response-in-northern-ethiopia-by-transitioning-food-assistance-to-jeop/#> (last visited on Aug. 2, 2025).

<sup>8</sup> See United Nations Human Rights Council, International Commission of Human Rights Experts on Ethiopia, *Comprehensive investigative findings and legal Determinations*, Human Rights Council Session No. 54, A/HRC/54/CRP.3 (2023).

<sup>9</sup> *Id.*, paragraph 482: "The Commission is aware that many sources have suggested that the mass killings, including indirect killings resulting from the above-described violations in Tigray region since 3 November 2020, may amount to the crime against humanity of extermination and/or genocide. Due to the time and resource limitations placed on its work, the Commission was not able make such determination under its reasonable grounds to believe standard and finds that further investigation is required to determine the full facts and legal implications."

also intensified in the Oromia region, while new fighting broke out in the Amhara region.” The independent report found credible evidence of arbitrary killings of the various ethnic groups by Ethiopian forces as recently as 2024.<sup>10</sup>

All states have an obligation to prevent and punish international crimes under instruments such as the UN Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions, and state parties also have obligations under the Rome Statute of the International Criminal Court.<sup>11</sup>

## a. Crimes against Ethnic Tigrayan Civilians

Evidentiary findings of systematic killings, widespread rape, abduction, kidnapping, and torture of ethnic Tigrayan civilians, including children and elderly women, on a massive scale, are some of the legal findings of the Commission’s investigation. The Commission’s Experts found the Eritrean Defense Forces (“EDF”), the Ethiopian National Defense Forces (“ENDF”), the Amhara Special Forces, the Afar Special Forces, and the *Fano* militia, responsible for violations and abuses of international humanitarian law in the context of a non-international armed conflict since November 3, 2020. The atrocities included shelling and attacking villages without warning, drone and airstrikes against civilian areas and humanitarian workers.<sup>12</sup>

### (i) Crime of Murder

The Commission also found that the massive killings targeting non-combatant populations, including humanitarian workers, by the EDF, the ENDF, the Afar Special Forces, the Amhara Special Forces and the *Fano* militia, amount to crimes of murder and acts of terror among the civilian population. The massive scale of killings of Tigrayan civilians included farmers, teachers, business owners, and priests, in shelling attacks. In Western Tigray, killings by *fano* militia frequently involved the use of machetes and serious injuries to the head. The Commission reported that civilians were frequently killed at religious sites, such as in Mariam Dengelat, Guétolo and Axum, during religious festivals.<sup>13</sup>

Among the EDF and ENDF coordinated targeting of civilians, the Commission investigation found reasonable grounds to believe that massive acts of killing and maiming were committed against children and the disabled, a grave violation of international humanitarian law. During the attacks, perpetrators used derogatory

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<sup>9</sup> See Global Centre For The Responsibility To Protect, Joint NGO Submission to the 83<sup>rd</sup> Session of the African Commission of Human and Peoples’ Rights on Ongoing Human Rights Violations in Ethiopia, March 31, (2025) at <https://www.globalr2p.org/publications/joint-ngo-submission-to-the-83rd-ordinary-session-of-the-african-commission-on-human-and-peoples-rights-on-ongoing-human-rights-violations-in-ethiopia/>.

<sup>11</sup> See Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277.

<sup>12</sup> See the Commission’s report, Legal Findings, paragraphs 470-477.

<sup>13</sup> See Commission’s Report paragraph 129.

language such as *junta*, *agame* and *woyane*, which are particularly pejorative to refer to Tigrayans, while women were derogatorily called “wives of *junta*.”<sup>14</sup>

## (ii) Crime of Rape and Other Forms of Sexual Violence

The Commission found ENDF, the EDF, the Amhara Special Forces, the Afar Special Forces, and the *Fano* militia, committed rape and other forms of sexual violence against Tigrayan women and children on a massive scale, even many months after the signing of the Pretoria Agreement on cessation of hostilities.<sup>15</sup> The investigation established patterns of rape and sexual violence by widespread vaginal, oral and anal rape by multiple perpetrators, with body parts and foreign objects into victims reproductive organs. Gang rapes commonly involved up to 15 men and exposed victims to pregnancy and sexually transmitted diseases, including HIV.

Investigative organizations also reported accounts of Tigrayan survivors of gang rapes by Eritrean and Ethiopian military troops in front of their children, while being humiliated by derogatory statements that Tigrayan women should not have children. Women living in Tigray have limited medical care and counseling resources. Seeking medical attention due to sexual violence is not an option for women for reasons of social stigmatization, social ostracism and rejection by their spouses and families.<sup>16</sup> Investigation conducted by a local non-governmental organization Tigrayan Women’s Association and the University of Mekelle found credible statements of 916 survivors reporting a pattern of deliberate forcible penetration and mutilation with foreign objects in uteruses of Tigrayan women, such as nails and nail clippers, suggesting evidence of intent to eradicate the Tigrayan ethnicity.<sup>17</sup>

Investigative journalism by Deutsche Welle gathered the testimony of a medical doctor and survivors, including young girls, as evidence of hundreds of rapes, forcible penetration of foreign objects, acid burning, setting fire on plastic wrapped around the victim, mutilation, and other sexual violence against civilians perpetrated by Eritrean and Ethiopian soldiers as well as militia members, even months after the Pretoria Agreement was signed.<sup>18</sup>

## (iii) Humiliating and Degrading Treatment with Respect to the Dead

<sup>14</sup> See Commission’s Report paragraphs 125-126.

<sup>15</sup> See Commission’s Report paragraphs 134-159.

<sup>16</sup> See investigative journalism by Deutsch Welle at <https://www.dw.com/en/ethiopias-tigray-war-survivors-hope-for-a-better-future/a-69344411>. See also web publication by the organization Genocide Watch, authored by La Croix, July 12, 2024, at <https://www.genocidewatch.com/single-post/ethiopia-s-slow-path-to-recovery-for-rape-victims-in-tigray>.

<sup>17</sup> Genocide Watch, Ethiopia’s Slow Recovery for Rape Victims in Tigray, July 12, 2024, available at <https://www.genocidewatch.com/single-post/ethiopia-s-slow-path-to-recovery-for-rape-victims-in-tigray>.

<sup>18</sup> Press Release, In Ethiopia’s Tigray conflict, rape is used as a weapon, March, 24, (2023), available at <https://www.dw.com/en/in-ethiopias-tigray-conflict-rape-is-used-as-a-weapon/video-64956985>. Also, Testimony of victims dated 2023, available at <https://www.dw.com/en/survivor-recounts-tigray-civilian-massacres/video-64905274>. See also video testimony of a rape survivor on June 19, 2024, “Burned by acid, raped, and mutilated, survivors of Ethiopia’s Tigray war carry enduring scars. They are victims of the devastating weaponization of sexual violence. Viewer discretion advised, as some images are distressing.”

Based on the evidence gathered by the investigators, the Commission established that there were reasonable grounds to find the ENDF and the EDF responsible for violation of customary international law with respect to the treatment of the dead, by prohibiting the burial for several days and even weeks, constituting outrages upon personal dignity, humiliating and degrading treatment.<sup>19</sup>

Additional patterns of conduct undertaken by the Afar Special Forces, the Amhara Special Forces, the *Fano* militia, the EDF and the ENDF consisted of detention, internment of thousands of Tigrayans in Afar and Western Tigray, as part of a collective punishment and inhumane treatment. While in detention, civilians were subject to killings, rape and other forms of sexual violence, mutilation, cruel treatment and torture. The Commission reported that in Western Tigray, the Amhara Special Forces and the *Fano* militia, forcibly displaced the Tigrayan civilian population without reasons of security or imperative military necessity. The alleged conduct violates the prohibition of forced movement of civilians under international humanitarian law.

Widespread looting and destruction of objects indispensable to the survival of the civilian population, the denial and obstruction of access to humanitarian aid in Tigray by the Ethiopian government and allied regional state governments violate the prohibition of the use of starvation of the civilian population as a method of warfare and the obligation of each party to a conflict to allow and facilitate the delivery of impartial humanitarian relief for civilians. It also amounts to the grave violation against children of denial of humanitarian access.<sup>20</sup>

The Commission's fact-finding mandate ended in October 2023. As a result, the Commission's Experts concluded that further investigations were necessary to determine additional crimes against humanity of extermination and genocide, including killings and attacks on religious and cultural property, noting that violence was still ongoing at the conclusion of its mandate.<sup>21</sup>

## **b. Crimes against Eritrean Refugees**

The Commission found that Tigrayan combatants were accountable for acts of murder against civilian Eritrean refugees at Hitsats refugee camp.<sup>22</sup> A Human Rights Watch Report found that at least two refugee camps (Shimelba and Hitsats) were attacked and destroyed by Eritrean troops and Tigrayan militias, where Eritrean refugees were subjected to detention, rape and murder. Those were Eritrean refugees living in Tigray,

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<sup>19</sup> Commission's Report paragraph 473

<sup>20</sup> Commission's Report paragraphs 473-477.

<sup>21</sup> Comprehensive Investigative Findings and Legal Determinations, International Commission of Human Rights Experts on Ethiopia, AIHRC/54/CRP.3, p. 3;

<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/chreetiopia/a-hrc-54-crp-3.pdf>;

Ethiopia: Victims 'left in Limbo' as Rights Probe Mandate Ends,

<https://news.un.org/en/story/2023/10/1142297> (last visited on Aug. 7, 2025).

<sup>22</sup> Commission's Report, paragraph 472.

among tens of thousands of Eritrean nationals fleeing poverty and authoritarian Eritrean government, with no other place to seek protection.<sup>23</sup>

### c. Crimes against Amhara, Afar, Oromia Civilians

Interviewed by the Commission, Amhara civilians reported killings, rape, looting, and destruction of property by Tigray armed groups. The Commission found the greatest number of killings of civilians in the town of Kobo.<sup>24</sup>

According to the Commission's investigation, Tigray fighters specifically targeted Amhara women on the basis of their actual or perceived affiliation with parties to the conflict the Amhara Special Forces or local militia, including the *Fano* militia. Tigrayan perpetrators used beatings, burning, guns to the heads of victims, while some of the perpetrators played music and danced. Further, the Commission found that Tigrayan fighters were responsible for forced displacement of Amhara civilians. The Commission cited to a UN OCHA report that in September 2021 more than 230,000 civilians had been displaced from Amhara.<sup>25</sup>

The Commission established that Afar women were victims of rape by Tigrayan fighters, but was not able to fully investigate the incidents, which the Experts considered to be underreported.<sup>26</sup> Other crimes involving serious violations of human rights in Oromia remain to be investigated.<sup>27</sup>

## III. Conclusion

This Resolution calls upon the ABA to encourage compliance with all agreements to end hostilities, support measures which address impunity, and support ongoing humanitarian aid efforts in the region as a result of the war. This Resolution is consistent with resolutions the ABA has already adopted including, ABA Resolution 17M115 (Allies Against Atrocities) and ABA Resolution 24A502 (jurisdiction over atrocities crimes).

Respectfully submitted,

Clifford Sosnow, Chair  
International Law Section

February 2026

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<sup>23</sup> See Press Release, Al Jazeera, Attack on Eritrean Refugees In Tigray, 'Clear War Crimes', *September 16, (2021)*, available at <https://www.genocidewatch.com/single-post/attacks-on-eritrean-refugees-in-tigray-clear-war-crimes-hrw>. (Last visited September 28, 2025).

<sup>24</sup> Commission's Report, paragraphs 275-282; 506-507; 509-510.

<sup>25</sup> See Commission's Report, paragraphs 294-299; 303-314. See also UN OCHA, Ethiopia- Northern Ethiopia Humanitarian Update Situation Report, 16 December 2021.

<sup>26</sup> See Commission's Report, paragraphs 315-350; 509-510.

<sup>27</sup> See Commission's Report, paragraphs 351-399; 509-510.

## GENERAL INFORMATION FORM

Submitting Entity: International Law Section

Submitted By: Clifford Sosnow, Chair

1. Summary of the Resolution(s).

This Resolution urges the United States government and all national governments to call for action to bring to justice and hold accountable those responsible for atrocities against civilians committed in Ethiopian territory and urges the United States Department of State and all governments to call for and promote the prosecution and the end of impunity, through domestic prosecutions, of alleged war crimes, crimes against humanity, and genocide perpetrated in Ethiopia, consistent with the African Union Transitional Justice Policy.

2. Indicate which of the ABA's Four goals the resolution seeks to advance (1-Serve our Members; 2-Improve our Profession; 3-Eliminate Bias and Enhance Diversity; 4-Advance the Rule of Law) and provide an explanation on how it accomplishes this. (Include the number of the goal(s) in the response.

Goal IV- Advance the Rule of Law, by advocating for the advancement of the rule of law, justice and accountability, and enforcing international and regional agreements and treaties as they pertain to the situation in Ethiopia.

3. Approval by Submitting Entity (List the date of approval and name of the governing entity that provided approval (for primary sponsor(s) only).

The International Law Section Council approved sponsorship of this Resolution on October 24, 2025.

4. Has this or a similar resolution been submitted to the House or Board previously?

No

5. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption? Policies should be listed in proper format (i.e. 2 digit year, A for Annual or M for Midyear) and resolution number; i.e. 97M601)

None

6. If this is a late report, what urgency exists which requires action at this meeting of the House? (if not a late report, enter "N/A")

N/A

7. Status of Legislation. (If not applicable, enter “N/A”)

N/A

8. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.

Continue to raise awareness through webinars and programs at larger ABA meetings and utilizing other tools within the ABA to help achieve the resolutions goals.

9. Cost to the Association. (Both direct and indirect costs-If no cost, enter “None.”)

None

10. Disclosure of Interest. (If there are no interests to disclose, enter “None”)

None

11. Referrals. (List proper names of ABA entities as reflected [here](#). *Note: This list should reflect entities to whom the Resolution has already been sent. Use list format and proper names for each entity.*)

Civil Rights and Social Justice Section  
Center for Human Rights  
Criminal Justice Section  
Rule of Law Initiative

12. Name and Contact Information (Prior to the Meeting. Please include **name, telephone number and e-mail address only**). *Be aware that this information will be available to anyone who views the House of Delegates agenda online.*)

Martha Hager  
[marthapma@gmail.com](mailto:marthapma@gmail.com)

13. Name and Contact Information. (Onsite at the meeting. ) Please include best contact information to use when on-site at the meeting. Please include **name, telephone number and e-mail address only** *Be aware that this information will be available to anyone who views the House of Delegates agenda online.*

Gabrielle Buckley, ILS Delegate to HOD  
[gbuckley1@luc.edu](mailto:gbuckley1@luc.edu)  
(773) 508-8435

## EXECUTIVE SUMMARY

1. Summary of the Resolution (This should be the same as #1 of the GIF).

This Resolution urges the United States government and all national governments to call for action to bring to justice and hold accountable those responsible for atrocities against civilians committed in Ethiopian territory and urges the United States Department of State and all governments to call for and promote the prosecution and the end of impunity, through domestic prosecutions, of alleged war crimes, crimes against humanity, and genocide perpetrated in Ethiopia, consistent with the African Union Transitional Justice Policy.

2. Summary of the issue that the resolution addresses.

Justice and Accountability in Ethiopia as a result of the war.

3. Please explain how the proposed policy position will address the issue.

Proposed policy action is line with current actions in the status quo, but helps to focus specifically on rule of law issues that are plaguing Ethiopia as a result of the war.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None.