

EVAP Ep. 27 Radhika Coomaraswamy

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SPEAKERS

Radhika Coomaraswamy, Jaclyn Streitfeld-Hall, Sarah Hunter

J Jaclyn Streitfeld-Hall 00:12

Welcome to Expert Voices on Atrocity Prevention by the Global Centre for the Responsibility to Protect. I'm Jaclyn Streitfeld-Hall, Research Director at the Global Centre. This podcast features one-on-one conversations with practitioners from the fields of human rights, conflict prevention, and atrocity prevention. These conversations will give us a glimpse of the personal and professional side of how practitioners approach human rights protection and atrocity prevention, allowing us to explore challenges, identify best practices, and share lessons learned on how we can protect populations more effectively. In this episode, we will be speaking with Radhika Coomaraswamy, in the context of her recently commenced position as a member of the International Commission on Human Rights in Ethiopia. Ahead of that interview, I'm joined by Sarah Hunter, Ethiopia expert at the Global Centre, to set the stage for understanding the situation in the country. Thanks for joining me today, Sarah.

S Sarah Hunter 01:08

Thanks for having me, Jackie.

J Jaclyn Streitfeld-Hall 01:10

Sarah, the work of the International Commission for Human Rights in Ethiopia was largely focused on the conflict in the north of the country, what kind of violations and abuses were perpetrated against populations during that conflict?

S Sarah Hunter 01:23

So, during the conflict, unfathomable crimes are perpetrated against civilians in the Tigray Region and beyond. Estimates range from the 10s of 1000s to up to 100,000 people were killed, millions more were displaced and made in need of assistance, where a million of those

people still remain displaced and in need today. The abuses that we saw during the conflict cover everything from indiscriminate attacks on civilians, including airstrikes and bombing of public places, like the market in a town of Togoga, which at least 64 people were killed and 184 wounded in June of 2021. Two targeted attacks on civilians like the massacre in the city of Aksum, where hundreds of people were killed in the first days of the war. We also saw the systematic perpetration of sexual violence against women and girls. Survivors told haunting stories, including being brutalized next to the dead bodies of their recently killed family members. The Special Representative of the Secretary General on sexual violence and conflict said that rape was used as a weapon of war against the women and girls of Tigray. Hunger was also used as a weapon of war, with humanitarian aid being cut off to the region of around 6 million people for a majority of the conflict. What little aid was getting in, was often stolen or destroyed by opposing armed groups. Armed groups also systematically destroyed civilian infrastructure in Tigray during the conflict, including the healthcare, water and sanitation systems, rendering them basically unfunctional as a whole. Telecommunications were caught off in the region from the first day of the conflict, and reporters were largely kept out. International rights groups like Human Rights Watch and Amnesty International had said that Tigrayans were also ethnically cleansed from Western Tigray, and that this cleansing was continuing up until as recently as June. These abuses were also perpetrated overwhelmingly by the Ethiopian government's federal forces alongside the Eritrean military and regional militias from Amhara and elsewhere. But also, as the fighting spread to neighboring Amhara and Afar regions, when the Tigray forces went on the offensive, they committed killings and sexual violence against civilians there, as well as the destruction of civilian infrastructure and humanitarian aid. The International Commission of Human Rights experts on Ethiopia, the Ethiopian Human Rights Commission, other UN bodies, and international human rights groups have all said that these crimes amounted to war crimes and crimes against humanity at the minimum.

J

Jaclyn Streitfeld-Hall 03:46

Thanks for that background. Now, I know that since November 2022, roughly a year ago, most parties to the conflict agreed to a cessation of hostilities. Despite the cessation and, you know, the hope for improvement in Ethiopia, the Global Centre, alongside other human rights organizations, had advocated for the continuation of the mandate of the Commission of Human Rights experts, which was unfortunately, not renewed during this last HRC session. Why do you think continued international scrutiny is necessary despite this cessation of hostilities in the North?

S

Sarah Hunter 04:25

It's a great question, Jackie. So while the ceasefire was a welcome step, and ending through the active conflict and violence, over the last year, much remains to be seen on a number of fronts, including on addressing multiple points that were actually crucial and central to the cessation of hostilities agreement. Though the violence has significantly decreased, international human rights organizations, our partners and our colleagues, have documented ongoing perpetration of violations of international law that may amount to war crimes and crimes against humanity, including sexual violence against populations by Eritrean forces, who, unfortunately are not part of the cessation of hostilities and do remain in the Tigray Region along the border, some border areas, committing abuses against populations there, as well as Tigrayans facing

displacement, arbitrary arrests, and killings in other areas of Tigray, still under the control of the Amhara regional militias and Ethiopian federal forces. Another main issue is the administration of Western Tigray, where I had said before that Tigrayans were ethnically cleansed from the area. Although on sixth of November last week, Prime Minister Abiy Ahmed did announce that the administration of the region would be decided with a referendum following the return of displaced persons. Now, this in and of itself is difficult and could possibly reignite conflict because Amhara civilians were encouraged to come settle in Western Tigray after Tigrayan families were forced out. I think most important, still, is the justice process, which still has yet to come to fruition. Ethiopia has waged a very successful campaign of influence internationally to shut down any type of monitoring. As you mentioned, the International Commission at the Human Rights Council did not get renewed. The African Commission also had a Commission of Inquiry on Tigray. They quietly closed that commission without releasing a report. The Ethiopian government has said that they are going to be putting forth different transitional justice options. But the affected populations have little to no faith in domestic processes, as there's been cycles of recurrent government change in Ethiopia, with a failure to hold any abusers accountable for their crimes of the previous administration. And so, if we don't address the abuses that have happened to millions of people in this conflict, we're setting the stage for in 20, 40, 50 years for another recurring conflict due to these abuses.

J Jaclyn Streitfeld-Hall 06:59

Thank you for that really helpful background context, Sarah. And now, I'm joined by Radhika Coomaraswamy, former UN Under-Secretary General and Special Representative for Children in Armed Conflict, who most recently served as a member of the International Commission of Human Rights experts on Ethiopia. Thank you for joining us today, Ms. Coomaraswamy.

R Radhika Coomaraswamy 07:18

Thank you very much for having me.

J Jaclyn Streitfeld-Hall 07:20

Just over three years ago, in November of 2020 conflict broke out in the Tigray region of Ethiopia. Throughout the conflict, the coverage of various attacks on civilians on the basis of their identity, of the destruction of civilian objects, including sites of cultural significance, and of the dire humanitarian situation made clear that atrocities were taking place in Ethiopia. One year into the conflict, the Human Rights Council mandated the creation of the International Commission of Human Rights Experts on Ethiopia on which you served. Can you give our listeners an overview of the Commission's mandate and the crimes that you documented?

R Radhika Coomaraswamy 07:55

What, I think the mandate was set up, I think it was three years ago, two years ago. And it was set up mainly to look at international human rights violations and international humanitarian law, as well as international refugee law violations in Ethiopia, beginning from November 3rd of 2020. And I must say that it has changed composition. But the latest composition was

Mohamed Othman, who was the Chair of the Commission now, as well as Steve Rattner, and myself. We are the final Commissioners who have served on this Commission. I myself came in halfway into the first year, so I did not serve on it from the very beginning. The findings of the Commission have been quite stark and we had a very powerful investigative team. And even though we were not given access to the areas through the use of modern technology, from satellites to communication technology, we were able, in the end to interview more than 500 and 600, I think, witnesses. We were able to use satellite information videos and a whole host of things to document violations. Though of course, we did not because the government of Ethiopia did not cooperate. We did not have their response to the allegations that we were making. But the findings were of war crimes and crimes against humanity committed by both Ethiopian forces, the Eritrean forces and with regard to the Tigray forces, war crimes.

J Jaclyn Streitfeld-Hall 10:01

Crimes that happened in the Tigray conflict were the spark for the creation of the commission. But you also documented crimes happening elsewhere in the country. Can you give a bit of detail and context on the situations in Amhara and Oromia regions?

R Radhika Coomaraswamy 10:18

Well, basically the first part of the conflict was in Tigray. But then Tigray forces also went down into Amhara so there was a lot of violence by Tigray forces against some Amhara civilians. Then we had Amhara militia in Western Tigray. And then also in Oromia, we have the Oromo Liberation Front, which also has been engaging in violence against the government and we had also Amhara militia operating in Oromia. So there was a whole lot of violence taking place. That is why our finding is that even though there was a ceasefire, the country still had a great deal of violence and could erupt anytime into a major conflict. That was one of our latest findings.

J Jaclyn Streitfeld-Hall 11:13

Now I know that you sort of referenced this earlier saying that you were part of the last configuration of the Commission. But unfortunately, during the last session of the Human Rights Council, the 54th session, states failed to put forward a resolution for the renewal of the Commission. And this was, you know, shortly after you had put out many findings about potential atrocity crimes, and many of the states we spoke to said that it was time for the Ethiopian government to have a chance to take justice and accountability forward despite pushback from civil society groups representing populations on the ground. The Commission had released three reports detailing enduring risks of atrocities in the country, so that even though there had been a ceasefire a year ago, these risks continued. Given that risk factors for atrocities were still present, you know, based on your assessment, what are some of the most pressing risks facing Ethiopians today that the international community must continue to pay attention to?

R Radhika Coomaraswamy 12:14

Well, I think one of the things we highlighted is that, you know, Ethiopia once was a very strong state in the classic sense of the word of having civilian state structures. But increasingly it is

state in the classic sense of the word or having civilian state structures. But increasingly, it is ruling through emergency and through what they call command structures, which is basically by the military. And we feel that given the different ethnicities in the country and the different kinds of conflicts that are taking place, this makes it very fragile. So I think militarization and emergency and command structure configuration makes the situation very fragile. Secondly, there is a great deal of hate crime and hate speech continuing. The Amhara population is very much continuing with hate crimes against the Tigray, and Oromo as well. And so the climate is not conducive to having things resolve in a totally peaceable manner. Now, this succession of hostilities and transitional justice process was set in motion. And I must say the succession of hostilities, at least in the Tigray region held for the most part, except for the terrible violations by Eritrean forces. And that is another atrocity... indicator of atrocity we worry about, is the external force, which seems to be have tremendous animus against the Tigray population and where that will lead. The transitional justice process, we found, was not consultative, it didn't come from the bottom up, it was really kind of screened and selective. We found it lacking in a lot of important details. It's not created a climate really conducive of people to come forward. And it had no pathway of accountability. So the transitional justice process is not giving really an out from this atrocity crime possibility that exists in Ethiopia. And I think just the violence on the ground, you know, going on at the moment, is, I think, indicative of the fact that things can get terribly out of hand.

J

Jaclyn Streitfeld-Hall 14:59

Thank you for that. And you mentioned earlier what crimes you had found to have occurred. And I know that in those final reports, in which you use the UN's framework of analysis for atrocity crimes, the Commission highlighted that it did not have sufficient time, or resources to determine if the crimes that took place during the conflict in northern Ethiopia amounted to genocide. In your opinion, did you find evidence of acts that could be considered a warning sign for genocide amidst the ongoing risks?

R

Radhika Coomaraswamy 15:31

Well, I think to some extent, we had a debate about this. In the war against Tigray, there was a lot of signs of that. You know, when soldiers raped women, they would say "we want to have babies that are not Tigray." They want to sort of exterminate the woman, they want to exterminate the country, the hate speech, those sorts of things were there that are often their markers of, of genocide. Especially also from the Eritrean forces, terrible sexual violence of the worst kind, is often resembling what took place in Rwanda. So it was all pretty much there: indicators, but we needed to really go more into it to find a conclusive determination. Then, of course, with the cessation of hostilities, you had this situation where many of the Tigray commanders worked with the government on many things. And so with regard to the Ethiopian government forces, we didn't have that same scale, occurring opposite the cessation of hostilities. Though, we had incidents with the Eritrean forces, so all that made us think that we could not make a determination by this chamber as to why whether genocide took place or even extermination. Though in the early stages of the war, there were all the hallmarks of genocide there in the early stages, before the cessation of hostilities.

J

Jaclyn Streitfeld-Hall 17:24

That's really interesting. And I know that you know, the Commission suffered from issues of of

That's really interesting. And I know that, you know, the Commission suffered from issues of or under resourcing from, you know, the moment it was created. And it's unfortunate that you didn't receive, you know, the support, you needed to go through all the steps to, to make the determinations that you maybe could have otherwise made if the mandate was longer or you had more resourcing.

R

Radhika Coomaraswamy 17:51

To be fair, I must say, much to our surprise, the Fifth Committee did give us a lot of resources. But they kicked in around March. So it's really a question more of time than of resources. So we had to file this report in September, and then there was no extension. If there was an extension, there's a possibility that we could have made all these determinations. Because it was one of, it was a commission, that was not completely stopped. Interestingly, it was, it was quite well-resourced. And we had all the offices we asked for. But we just didn't have the time to do all the workers that they came on board only in March, April. And then we had to do all this work before September.

J

Jaclyn Streitfeld-Hall 18:52

It's not often that we have a mechanism stopped short of its work with no path forward in the HRC. It's not entirely unprecedented but I feel like it's a trend we've seen in recent years where mandates and a bit short of the work being done. So in this case, I think there are a few big questions on what should happen next. You know, I think one of our biggest questions is what happens to the evidence gathered and the work you've accumulated over the years?

R

Radhika Coomaraswamy 19:23

Well, that of course become part of the archives of Office of the High Commissioner for Human Rights. It can be used in cases of universal jurisdiction. If members of the various forces traveled to countries, I suppose the information contained in the archives can be sought by the officials or in those countries. So at that level, it might still be useful. But also, we just wait. All this information collected, I mean, Cambodia took forty years, to have a proper trial. So you know, the more and more, we feel, it's very rare that you have proper accountability pathways when those who have committed terrible crimes are in power. It's difficult for the countries to move forward on that score. So, the evidence is gathered, it's kept. More evidence has to be gathered. And maybe in time, it will happen. Maybe in time, it won't. But it could, hopefully, the evidence is there. That is a big thing for people who have worked in this field. The gathering of evidence and keeping it carefully, is the first step in any process.

J

Jaclyn Streitfeld-Hall 20:50

And you've mentioned universal jurisdiction, and also mentioned that you feel that the domestic transitional justice process is not focused on accountability enough. So what sort of follow up are you hoping to see in terms of justice and accountability?



R

Radhika Coomaraswamy 21:11

Well, I think at the moment, we, at the moment, I feel that if Ethiopia has succeeded in shutting down the regional mechanism, if the African Union Commission on Ethiopia has closed down, nobody has seen a report, nothing has come out, it has managed to get the Human Rights Council not to extend our mandate. So it's completely positing its internal transitional justice process, as the only way forward. We, in our report, have pointed out why we do not think that would work. And we in fact, use the term "quasi compliance," which some recent scholars have used, which is that we actually feel that transitional justice process is primarily for stopping international scrutiny and preventing member states from moving forward, and not really a serious effort of giving justice to their people or to make sure that there is even healing. You know, when they went to Tigray, they were received with a great deal of hostility. So that's the main place. And so unless it's comes from below, and this consultation, and it has to be just approached very differently to build confidence. I mean, anyone who's been in a transitional justice process knows, so it's not going according to those processes at all. It is just consultation, top-down driven, and selected participation. So we don't think, so we feel... I feel at least, at this point, they managed to shut down regional international concerns, and the process locally is really compromised and not doing very well. So we have to see what can happen if the process internally continues to be compromised, and continues not to give results. The member states have won the European Union is one that it will bring back a resolution. So we don't know whether that will happen. But the geopolitics of the world today is such that human rights issues, I mean, one could say they will always in play, I think they were always at play, but at the moment, they may completely over determine the situation with regard to individual countries and what's actually going on.

J

Jaclyn Streitfeld-Hall 24:17

And given the recent assessment that there remains a risk of atrocities, you know, what gaps do you think the international community needs to fill in the absence of a commission, in the absence of external actors giving a critical eye, and in some sense, telling the perpetrators and the government that someone is watching?

R

Radhika Coomaraswamy 24:38

Well, I think the multilateral systems at the regional and international level have been shut down. So the only pressure has to be bilateral. So it is hoped, we hope, that countries that have relations with Ethiopia, and who seem to be at the moment developing very strong relationships and giving a great deal of economic assistance and are very positive about Ethiopia, whatever, that they are also making it very clear that certain things are not acceptable. So we have to now rely on bilateral efforts. And of course, if things turn very bad, then of course, the EU resolution will be back on the table. But we just have to wait and see.

J

Jaclyn Streitfeld-Hall 25:34

So we have the cessation of hostilities for the conflict in the North, and an ongoing need to pursue accountability for abuses perpetrated during the conflict. But as you mentioned, outside of the Tigray context, volatility in Ethiopia remains largely unresolved. Are there any specific crises that risk further destabilizing the country?

R

Radhika Coomaraswamy 25:54

Because Ethiopia is a complex mosaic of a country, and I think one has to understand that. And my sense is that nobody is really looking at Oromia. That is the majority of the population- that is the largest ethnic group, comes from Oromia. There is also a history of slavery in Oromia. Those, they were the slaves, they were economically deprived. So my sense is over time, they will assert themselves in very strong ways. And this will really make it even more difficult for the Amhara and the Tigray to rule unilaterally. And so, the need for a national kind of peace conference, which brings in all these views, and has resolution is very, very clear to me. And it's a political statement more than legal one. But I think that will become very evident that there has to be a political... the ceasefire was just a ceasefire. But if you want permanent peace in Ethiopia, you have to have a political solution for all these ethnic groups to work together.

J

Jaclyn Streitfeld-Hall 27:22

Now, I know there has been, you know, ethnic violence in the Oromia region and significant hate speech and incitement of violence over you know, not just recent years, not since the conflict in Northern Ethiopia, but for many years prior. So it is a concerning area in the country.

R

Radhika Coomaraswamy 27:48

Yeah, because dance is not only ethnic, it's also class. So it's a potent combination. So one has to see where that will lead.

J

Jaclyn Streitfeld-Hall 28:00

And is that, in your opinion, a legacy of the government structure and the ethnic Federalist system or?

R

Radhika Coomaraswamy 28:07

Well, I feel, I know, that the Amhara are totally opposed to a federal system and the Tigray was secessionist at some point, but there has to be an acceptance of some form of pluralist solution. There are various structures that can be set up, you know, it doesn't necessarily mean petrol can be confederal, you know, Belgium has its own kind of system. So, but the recognition by all the ethnic groups of the others exists, and not in a subservient position to you, is very crucial and recognition of equality and recognition that there is has to be a plural political solution is necessary. But the Amhara are totally opposed to it, they want a unitary state. The Tigray are open, and they try to introduce federal Oromia, I don't think they've spoken really on this, but, I think it's important, the recognition of plural reality. I think that Ethiopia... it is not the last we've heard of Ethiopia.

J

Jaclyn Streitfeld-Hall 29:25



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