

POLICY BRIEF



A Study on Transitional Justice Mechanisms in the Horn of Africa

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Executive summary

Transitional Justice Mechanisms in the Horn of Africa are crucial for addressing historical grievances, promoting accountability, and fostering reconciliation in a region marked by prolonged conflict and ethnic tensions. This report analyzes Transitional Justice Mechanisms in the Horn of Africa countries of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda. In doing so, it examines the aforementioned countries efforts to implement Transitional Justice Mechanisms, their adherence to the African Union Transitional Justice Policy (AUTJP), their respective gender dimensions, and highlight challenges as well as best practices while providing policy recommendations to improve TJ processes in the region.

The undertaken research has come up with a number of key findings. In terms of adherence to the African Union Transitional Justice Policy (AUTJP), Kenya Ethiopia, Sudan, and Uganda show moderate alignment. Countries such as Kenya have made efforts to engage international bodies like the International Criminal Court (ICC). Efforts to integrate traditional justice mechanisms into formal TJ frameworks by Ethiopia are also encouraging. Somalia, South Sudan, and Djibouti, Eritrea, however, demonstrate low adherence, lacking formal TJ mechanisms and struggling with weak institutions and ongoing conflicts. To the exclusion of Eritrea, which has almost entirely shelved the issue of Transitional Justice, these nations largely rely primarily on traditional justice systems that are not largely aligned with the broader objectives of the AUTJP.

Ethiopia, Uganda, and Kenya exhibit an effort in integrating the traditional justice mechanisms into broader TJ frameworks. However, these systems often struggle to meet international human rights standards, particularly regarding gender-based violence and inclusivity. Somalia and Djibouti, on the other hand, rely almost exclusively on informal clan-based or traditional systems due to weak or absent formal justice institutions. Gender dynamics remain a significant issue across all eight countries. Women's participation in TJ processes is limited, with traditional systems frequently failing to address gender-based violence or involve women in decision-making.

Yet, there are also notable best practices emerging in the region. Ethiopia's integration of traditional and formal justice systems offers a model for balancing local customs with international human rights standards. Uganda's dual approach – using traditional mechanisms like Mato Oput for community-level reconciliation while engaging the ICC for high-profile cases – demonstrates an effective strategy for promoting both local and international accountability. South Sudan's focus on communal reconciliation through traditional systems has proven to be a valuable approach for restoring relationships in communities ravaged by conflict. Based on these findings, several policy recommendations are proposed. First, countries should strengthen the integration of traditional and formal justice systems, ensuring they are aligned with human rights standards, particularly in addressing gender-based violence and ensuring inclusivity. Second, TJ mechanisms must actively address ethnic divisions and power struggles, involving marginalized groups and promoting national cohesion. Third, governments should ensure the meaningful participation of women, youth, and marginalized communities in all

stages of TJ.

Introduction

This policy brief presents a synthesis of findings from the report titled “A Study on Transitional Justice Mechanisms in the Horn of Africa,” which examines the status, gaps, and potential of transitional justice (TJ) processes across eight countries – Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda. These countries have experienced protracted conflict, authoritarian governance, and/or large-scale human rights abuses, yet TJ implementation remains uneven and often politicized. As calls for accountability and reconciliation intensify, the African Union’s Transitional Justice Policy (AUTJP, 2019) provides a normative framework to guide national and regional efforts.

The purpose of this brief is to inform and support policy action by regional bodies such as IGAD and the African Union, international actors including the UN and key donors, as well as national governments navigating post-conflict transitions. By identifying cross-cutting challenges and proposing evidence-based recommendations, the brief contributes to ongoing efforts to develop inclusive, context-specific, and sustainable TJ mechanisms that promote healing, justice, and long-term peace across the Horn of Africa.

Conflict Dynamics & Transitional Justice in the Horn of Africa

The Horn of Africa has long been plagued by recurrent cycles of conflict, political repression, and structural violence, leaving deep scars on its societies. Transitional justice (TJ) mechanisms offer a critical pathway to addressing these historical and ongoing injustices. The need for a comprehensive, inclusive, and context-sensitive approach to TJ is more urgent than ever, as the region grapples with instability, fragile state institutions, entrenched ethnic divisions, and persistent impunity for human rights violations. Despite the African Union's adoption of the African Union Transitional Justice Policy (AUTJP) in 2019, implementation across the Horn has been patchy and inconsistent. This disconnect is partly due to political resistance, weak legal frameworks, and the absence of regional enforcement mechanisms (IPSS 2024). Furthermore, existing justice efforts often neglect the lived experiences of marginalized populations, including women, youth, and ethnic minorities, thereby failing to foster national healing or reconciliation (IPSS 2024).

Moreover, while traditional and indigenous justice systems are widely used across the region, these systems are seldom integrated into formal TJ frameworks, limiting their effectiveness and legitimacy (Benyera, 2019). Many states have also struggled with sequencing TJ initiatives appropriately, often launching them prematurely or sidelining them in favor of short-term political settlements (Opongo, 2021). The result is a fragmented landscape of ad-hoc initiatives that fail to redress historical grievances or build sustained peace. TJ efforts such as the establishment of truth and reconciliation institutions remain nominal and lack the institutional infrastructure to fulfill their mandates (Magara, 2021). As such, there is a clear need for international and regional actors to support the development of coherent TJ policies that blend formal mechanisms with informal mechanisms (IPSS 2024).

A gender-sensitive analysis reveals even greater gaps. In nearly all the countries studied, women have been systematically excluded from transitional justice mechanisms, both formal and informal.

This exclusion is particularly severe in settings where patriarchal norms dominate traditional conflict resolution. Even in cases where civil society actors have advocated for women's inclusion, their participation has remained limited to symbolic representation rather than meaningful decisionmaking (IPSS, 2024). This undermines the core principles of the AUTJP, which calls for inclusive and participatory TJ processes.

Regional bodies like IGAD have yet to assume a proactive role in the TJ sphere, despite their relevance to peace and security in the region. While IGAD has engaged in conflict mediation and post-conflict governance, it lacks a defined policy or operational mechanism to support member states in designing or implementing TJ initiatives. Given the cross-border nature of many conflicts in the Horn of Africa, there is a compelling rationale for a coordinated regional response. By institutionalizing TJ (Opongo, 2021; Moyo-Kupeta, 2024) as part of IGAD's peace and security architecture, the region can collectively address root causes of instability and promote a shared vision of justice.

Key Findings of the Research

- **Inconsistent Adherence to the AUTJP**

The implementation of the AUTJP remains inconsistent across the Horn of Africa. While Ethiopia, Kenya, Sudan, and Uganda have made moderate efforts to align their TJ policies with the AUTJP framework, countries like Eritrea, Djibouti, Somalia, and South Sudan¹ lag far behind.

In these countries, there is either a total absence of formal TJ structures or extremely limited engagement with the policy's pillars, such as truth-telling, reparations, and institutional reforms.

- **Political Will and Selective Accountability**

A lack of political will remains a fundamental obstacle. Many leaders use TJ processes selectively, shielding powerful perpetrators while targeting political opponents. This has resulted in a lack of trust among victims, witnesses, and civil society actors. The impunity of high-ranking officials and the limited implementation of truth commission recommendations have severely undermined the legitimacy of TJ initiatives in countries like Kenya, Ethiopia, Sudan and South Sudan.

- **Gender Exclusion and Weak Representation of Marginalized Groups**

Women, youth, and ethnic minorities remain largely excluded from TJ processes. Traditional systems, which often serve as the default in countries like Somalia and South Sudan, are patriarchal and fail to address gender-based violence or promote inclusive and meaningful participation. In Ethiopia and Uganda, civil society efforts to increase women's involvement exist but remain insufficiently supported.

This gap is particularly stark in countries like Somalia and South Sudan, where traditional justice systems dominate. These systems are typically patriarchal in nature and ill-equipped to address issues such as gender-based violence, forced displacement, or intergenerational trauma, which

disproportionately affect women and marginalized groups.

A more feminist transitional justice approach would prioritize the lived experiences of women and marginalized communities, ensure intersectional participation throughout the design and implementation of TJ mechanisms, and challenge patriarchal norms embedded in both traditional and formal legal systems. Without such a paradigm shift, transitional justice in the Horn risks entrenching historical injustices instead of dismantling them.

- **Emergence of Promising Practices**

There are encouraging developments worth capitalizing on. Ethiopia's emerging policy framework aims to blend traditional and formal justice. Uganda's integration of the ICC and community based reconciliation mechanisms like Mato Oput presents a dual model that can be replicated. South Sudan's grassroots reconciliation initiatives, such as the Wunlit Peace Process, showcase the value of indigenous justice in healing communal rifts.

- **Fragile State Institutions and Capacity Constraints**

In countries like Somalia and South Sudan, weak institutions, limited legal infrastructure, and political instability continue to hamper TJ processes. Without functioning judicial systems or effective law enforcement, formal TJ mechanisms cannot operate. This gap has often led to a reliance on informal practices that lack oversight, perpetuating cycles of retribution and exclusion.

Policy Gaps and Challenges

Despite formal recognition of the importance of transitional justice, significant gaps remain between policy and practice across the Horn of Africa. First, there is a critical absence of national-level transitional justice frameworks in most countries. While Ethiopia and Uganda have taken steps toward comprehensive TJ policies, many others lack even a basic legal infrastructure to implement prosecutions, truth commissions, reparations programs, or vetting processes. The absence of national strategies prevents the needed coordination to seriously implement TJ mechanisms.

At the regional level, IGAD has initiated efforts to develop a transitional justice framework for its member states, which holds promise for addressing cross-border issues such as the movement of victims, witnesses, and perpetrators (IGAD 2024). However, progress has been slow, and the emerging framework has yet to fully recognize or operationalize these transnational dimensions. This underscores the urgent need for sustained advocacy and technical support to accelerate IGAD's efforts and ensure that regional coordination meaningfully complements national TJ initiatives.

Secondly, traditional justice systems, while widely practiced, remain disconnected from formal justice mechanisms. Without clear protocols for integration, these indigenous systems operate in isolation, risking inconsistency, gender discrimination, and failure to uphold victims' rights. This disconnect undermines the AUTJP's vision of harmonizing traditional values with international human rights standards and weakens TJ's potential to address root causes of conflict and restore community trust.

A third challenge is the marginalization of vulnerable groups, particularly women and other vulnerable groups. Many TJ efforts are designed and implemented by political elites with limited grassroots consultation. As a result, they fail to capture the lived experiences of those most affected by violence and exclusion. This limits both the legitimacy and the impact of transitional justice interventions.

Fourth, regional bodies such as IGAD have not yet adopted a proactive stance on transitional justice. While the AU provides normative guidance through the AUTJP, its lack of enforcement capacity leaves implementation to the discretion of individual states. IGAD, as a regional convener for the Horn of Africa, could play a vital role in coordinating efforts and promoting shared learning, but to date, its contributions to transitional justice have been minimal.

Finally, impunity remains deeply entrenched across the region. Where prosecutions have occurred, they are often politically selective, targeting opposition figures while protecting those in power. This fosters mistrust, discourages victim participation, and delegitimizes the entire TJ process. Without independent institutions and transparent oversight, TJ mechanisms risk becoming tools of political expediency rather than pathways to accountability and reconciliation.

Policy Recommendations

Improving TJ in the Horn of Africa demands a multifaceted, context-sensitive approach adapted to the unique challenges of each country. The following recommendations aim to enhance TJ in Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda, informed by field data and expert insights.

To enhance relevance and applicability, this brief presents its recommendations in two tiers: Regional-level actions directed at institutions such as the AU and IGAD; and country-specific recommendations tailored to national contexts like Ethiopia and South Sudan. This structure ensures that both cross-border coordination and localized interventions are addressed.

Regional-level Recommendations

- ***Strengthen the Role of IGAD and AU in Regional Coordination***

IGAD should accelerate the development of a regional TJ framework that builds on the AUTJP and reflects the unique dynamics of the Horn. It should convene regular forums for knowledge exchange, peer review, and cross-border collaboration. The AU, meanwhile, should institutionalize a technical support unit to assist member states with implementation, compliance monitoring, and policy harmonization.

- ***Leverage International Support While Ensuring Local Ownership***

Ensure that international support for TJ processes is balancing global standards with respect for local ownership tailored to local contexts. Governments should engage with international actors like the AU, UN, and IGAD for capacity-building and technical assistance. However, the TJ framework should be designed and led locally to reflect each country's specific needs and customs.

- Ethiopia must align international involvement with national realities.

Country-level Recommendations

- ***Strengthen Integration of Traditional and Formal Justice Systems***

Develop national and regional frameworks that integrate traditional and formal TJ mechanisms, aligning local customs with international human rights standards. Formalize traditional mechanisms for reconciliation and reparations, especially those protecting women and vulnerable groups.

In Ethiopia, traditional justice should support formal accountability.

South Sudan must formalize customary reconciliation practices without undermining accountability.

- ***Address Ethnic Divisions and Power Struggles***

Develop and implement inclusive TJ frameworks that are ethnically inclusive and promote national cohesion. Independent commissions should ensure ethnic grievances are addressed without reinforcing fragmentation. Establish independent commissions to ensure ethnically inclusive TJ processes that support national reconciliation. Engage all ethnic groups in dialogue and provide reparations that acknowledge past grievances while promoting a unified national identity.

Ethiopia should ensure ethnic inclusion on legislations that are being drafted under the

auspices of the TJ policy while preventing institutional fragmentation.

South Sudan must incorporate local ethnic grievances into national TJ frameworks.

- ***Reform and Strengthen Judicial and Institutional Capacity***

Invest in independent, well-resourced judicial systems to impartially address human rights violations. Governments should undertake comprehensive judicial reforms, ensuring that courts are independent, well-resourced, and able to function effectively.

Somalia must re-establish a functional judiciary.

Sudan must ensure its judiciary is free from political interference.

- ***Ensure Inclusivity in TJ Processes***

Women, youth, and marginalized communities must be involved at every stage – from consultation and design to implementation and monitoring. Governments should adopt and enforce quotas for gender representation in TJ bodies; allocate dedicated funding for community engagement, and support grassroots advocacy networks. Ensuring inclusivity not only enhances legitimacy but also improves the quality of justice delivered.

All eight countries should prioritize inclusive TJ that challenges patriarchal barriers.

- ***Promote Accountability and End Impunity***

All the countries must hold all perpetrators accountable via independent commissions and courts. Seek ICC support for cases where national prosecution is unfeasible. Countries must establish independent truth commissions, special courts, and hybrid mechanisms to address gross human rights violations. Where domestic trials are not feasible, states should engage with the ICC. To prevent future abuses, TJ frameworks should also include institutional vetting, public education, and national memory initiatives, such as memorials and historical archives.

- ***Develop Comprehensive Reparations Programs***

Design reparations that address physical, psychological, and economic harms, supported by community-driven consultations. All the countries should establish reparations for historical and recent grievances. TJ frameworks should specifically launch reparations commissions that work with local communities to determine appropriate financial, symbolic (memorialization), or service-based reparations tailored to victims' needs. Reparations should also focus on restoring trust between communities and governments.

- ***Monitor and Evaluate TJ Mechanisms***

Establish monitoring and evaluation mechanisms to assess the effectiveness of TJ processes, ensuring transparency and accountability throughout the implementation phase. Independent bodies should regularly assess TJ processes, provide recommendations for improvement, and ensure that they adapt to changing political and social conditions. Public reporting on progress should be a priority to maintain trust and legitimacy.

- Countries that are implementing TJ processes must maintain continuous evaluation given its dynamic conflict context.

- ***Implement Civic Awareness for Marginalized Groups***

Launch civic education and leadership programs for marginalized communities to foster

meaningful participation in TJ efforts. Across the eight countries, establish civic awareness and capacity-building programs for marginalized groups to educate communities on their rights and TJ processes while providing advocacy and leadership training to empower their active participation.

Conclusion

The Horn of Africa stands at a critical crossroads in its pursuit of sustainable peace, justice, and national reconciliation. Transitional justice (TJ), as both a process and a set of mechanisms, offers the potential to confront deep-rooted historical grievances, address current human rights violations, and build the foundation for inclusive and accountable governance. Despite the region's complex political landscape, this study demonstrates that TJ remains both relevant and urgently needed.

Countries such as Ethiopia, Uganda, and South Sudan offer important—if imperfect—models for integrating traditional practices with national and international legal mechanisms. To move forward, TJ in the Horn must evolve from fragmented, top-down, and elite-driven initiatives into participatory, context-responsive, and inclusive national frameworks. This requires strong political commitment, but also consistent support from regional and international partners, including the African Union and IGAD. These bodies must not only promote normative standards, such as the AUTJP, but also actively monitor and support implementation on the ground.

Ultimately, meaningful TJ in the Horn of Africa must be rooted in local realities while aligning with global human rights principles. It must acknowledge the limitations of the past, prioritize the needs of victims, and offer communities pathways to justice, healing, and non-recurrence. Only through a shared commitment to these goals can the region break cycles of violence and pave the way toward a more equitable and peaceful future.

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