



Reckoning with the Past in Ethiopia:
*Key Success Factors for Effective Transitional
Justice Mechanisms Implementation*

ACRONYMS

AFSC	American Friends Service Committee
AU	African Union
AUTJP	African Union Transitional Justice Policy
CITG	Commission of Inquiry on Tigray Genocide
CSOs	Civil Society Organizations
CSV	Centre for the Study of Violence and Reconciliation
DDR	Disarmament, Demobilization, and Reintegration
ENDC	Ethiopian National Dialogue Commission
GIJTR	Global Initiative for Justice, Truth, and Reconciliation
IGAD	Intergovernmental Authority on Development
TJ	Transitional Justice
TJWGEs	Transitional Justice Working Group of Experts
UN	United Nations

EXECUTIVE SUMMARY

Ethiopia's recent transitional justice (TJ) process, launched in November 2022, represents a rare opportunity to address grave human rights violations and unjust historical relationships stemming from decades of conflict and contested historical events. Nationwide public consultations, adoption of a national TJ policy, issuance of an implementation roadmap, and the drafting of TJ laws were major milestones.

Momentum has recently slowed without official explanation, highlighting the fragility of the current context. This setback, alongside unfulfilled promises from past TJ processes, raises critical questions about what determines the successful implementation of TJ in Ethiopia and the need to avoid another missed opportunity for justice and reconciliation. This policy brief argues that the success or failure of Ethiopia's TJ process hinges first and foremost on political commitment. Sustained political will is the decisive, cross-cutting condition that determines the effectiveness and legitimacy of all other TJ measures.

Beyond political commitment, successful implementation of TJ mechanisms depends on several interlinked factors: the autonomy and neutrality of implementing institutions; inclusivity; careful timing and sequencing; coherence and coordination across TJ pillars and broader peacebuilding efforts; meaningful engagement of civil society organizations (CSOs); transparency and respect for agreed timelines; provision of interim measures such as psychosocial support; deploying adequate resources and enhancing institutional capacity; and promote a careful use of customary justice mechanisms.. Unless due care is taken towards these factors, the process risks becoming another missed opportunity.

To sustain the TJ process and ensure its effective implementation, the government should, in the short term, inter alia, revitalize the process by releasing the draft enabling laws and conducting inclusive consultations on those drafts; create a conducive environment including taking trust-building measures, to facilitate peaceful political settlements, guarantee civic space; develop an evidence-based operationalization and coordination strategy for the TJ pillars, as well as ensure the harmonized, coordinated and complementary implementation of TJ with other national and sub-national peacebuilding initiatives such as the national dialogue. Furthermore, throughout the process, the government should also commit adequate resources and provide timely updates on the status of the TJ process. Given their critical role in the success of the TJ process, CSOs should engage proactively. Their involvement should not be limited to formally invited roles; instead, CSOs should actively claim and shape the civic space needed to influence the TJ process meaningfully. This requires concrete steps to strengthen cooperation and coordination among CSOs, including the establishment of dedicated TJ networks. Other actors, such as IGAD, the AU, and the UN, should also play an active role in providing financial and technical assistance to support the effective implementation of the TJ process within the framework of national ownership.

1. INTRODUCTION

Ethiopia launched its latest TJ initiative in November 2022 with the formation of the Transitional Justice Working Group of Experts (TJWGEs). Significant steps have since been taken, including over 80 public consultations across the country from March to October 2023 to solicit input on the policy options;¹ the adoption of a national TJ policy in April 2024;² and the development of a TJ implementation roadmap in August 2024.³ The National TJ Policy of the country, the first of its kind, establishes a comprehensive TJ framework focused on criminal accountability, truth-seeking, conditional amnesty, reparations, and institutional reform.⁴

To operationalize the TJ process, the Ethiopian National TJ policy envisions the creation of specialized bodies, including a Special Bench, a Special Prosecutor’s Office, a Truth Commission, and a Vetting Commission. Although public consultations on the draft enabling laws were expected in mid-2024, they did not proceed as planned. Not only this, as of now, almost the entire TJ initiative is on hold without an official explanation from the government, which is arguably causing frustration among victims and stakeholders. This loss of momentum, combined with previous unsuccessful attempts, raises questions about the factors influencing the successful implementation of TJ mechanisms in Ethiopia. Addressing this question is crucial to prevent this initiative from becoming yet another missed opportunity in Ethiopia’s long struggle for justice and reconciliation.

It is against this backdrop that the American Friends Service Committee (AFSC) commissioned a study titled “Critical Success Factors for Implementing Successful Transitional Justice Mechanisms in Ethiopia.”⁵ Employing a qualitative, participatory, and context-sensitive methodological approach, the study identified the key enablers, constraints, and institutional requirements essential for making Ethiopia’s TJ process meaningful, inclusive, and responsive to the country’s realities. This policy brief draws on the findings of this study, synthesizes the critical factors for successful implementation, assesses the process to date, highlights limitations that need to be addressed, and offers specific, actionable recommendations for stakeholders.

¹ Transitional Justice Working Group of Experts. (2023). Policy Options for Transitional Justice: For Stakeholders Consultation [Amharic Document]. Ministry of Justice. (Hereinafter, TJWGEs, 2023) See also, Transitional Justice Working Group of Experts. (2023b). Transitional Justice Policy Options in Ethiopia: A Comprehensive Report of the Public Consultations Processes [Amharic Document]. Ministry of Justice. (Hereinafter, TJWGEs, 2023b)

² Council of Ministers. (2024). National Transitional Justice Policy of the Federal Democratic Republic of Ethiopia. Addis Ababa. (Hereinafter, Ethiopian TJ Policy, 2024)

³ Ministry of Justice. (2024, August). Ethiopia Transitional Justice Implementation Roadmap [Amharic Document]. (Hereinafter, Ethiopian TJ Roadmap, 2024)

⁴ Ethiopian TJ Policy, 2024.

⁵ American Friends Service Committee (AFSC). (2025, August 9). A Study on Assessment of the Critical Success Factors for Implementing Successful Transitional Justice Mechanisms in Ethiopia. Addis Ababa. (Hereinafter, AFSC, 2025).

2. KEY SUCCESS FACTORS FOR EFFECTIVE IMPLEMENTATION OF TRANSITIONAL JUSTICE MECHANISMS IN ETHIOPIA

Several factors can influence the success or failure of a TJ process. This policy brief does not aim to provide an exhaustive list but rather highlights the most critical factors for successful and sustainable TJ processes, which are discussed briefly below.

Political Commitment

Transitional justice is not only a technical undertaking; it is profoundly political. Accordingly, the government's political commitment is a central precondition to the successful design and implementation of the TJ process as a whole. In contexts like Ethiopia, where democracy and democratic institutions remain at an early stage, political commitment is decisive for the effectiveness of all TJ pillars. The African Union Transitional Justice Policy (AUTJP) clearly states that political commitment is a critical factor that determines the success of the TJ process.

Political commitment should not be understood as one success factor among many, but rather as the enabling condition upon which all other factors depend. Without sustained political commitment, it is difficult—if not impossible—to ensure the effective implementation of TJ mechanisms. Political commitment, therefore, has cross-cutting implications for the effectiveness and legitimacy of the entire TJ process.

Political commitment can be manifested through various indicators. One key indicator is the creation of an enabling environment for the TJ process. A major concern raised by critics of TJ in Ethiopia is whether a meaningful process can proceed while violence persists in some parts of the country, particularly in the Amhara and Oromia regions. While international experience, such as Colombia's, demonstrates that TJ can be pursued amid ongoing conflict, such contexts significantly constrain a broad-based, inclusive TJ process and risk undermining public confidence in it. Addressing this challenge requires confidence-building measures aimed at reducing violence through cessation of hostilities and inclusive political dialogue. Closely related is the need to bring the Tigray region fully into the TJ process through broader political engagement that addresses regional concerns.

Another important indicator of political commitment is the widening of civic space to allow meaningful engagement by CSOs and other key actors. At present, there are serious concerns that civic space in Ethiopia, particularly for CSOs, is narrowing. Such a measure would enable non-state actors, such as CSOs, to make a meaningful contribution to the TJ process.

In the short term, political commitment should also be reflected in being transparent and consistent in implementing the TJ agenda. The political momentum and high-level attention given to TJ in 2023, when international accountability pressures were particularly strong, appear to have diminished. This has raised concerns about waning political commitment, especially in light of the current slowdown in implementation without any official explanation. The lack of progress in implementing the TJ policy roadmap, including delays in releasing draft TJ legislation and the suspension of more than 60 planned public consultations, illustrates this slowdown. Immediate steps are needed to resume public consultations and to release draft TJ bills for meaningful input from a wide range of stakeholders.

The government should also ensure coherence between the TJ process and broader reform initiatives. Recent public service reform programs include institutions that have already been identified for institutional reform under the TJ policy. If not properly aligned, parallel reform tracks risk undermining institutional reform as a TJ mechanism, creating uncertainty about institutional mandates, and contributing to reform fatigue—thereby weakening the overall impact of the TJ process.

Finally, TJ is a resource-intensive undertaking. While international partners and other actors are expected to provide support, the government is expected to assume primary responsibility for mobilizing and allocating the necessary financial, human, and institutional resources required to sustain the process.

Autonomy and Neutrality of the Transitional Justice Implementing Institutions

The transitional justice policy envisages the creation of at least four institutions: a Transitional Justice Special Bench, a Special Prosecutor's Office, a Truth Commission, and a Vetting Commission. The Policy underscores that these bodies should remain independent and neutral for the process to gain credibility. Their independence should be ensured through safeguards related to budgeting, reporting lines, recruitment procedures, and other institutional guarantees.

These elements are particularly critical in Ethiopia, where concerns over the legitimacy of state institutions were repeatedly raised during the national public consultations held between March and October 2023. In this context, establishing independent and neutral institutions will be a decisive success factor—indeed, one of a “maker or breaker”—for the success of the TJ process.

In the case of the TJ Special Bench—a criminal tribunal with jurisdiction over international crimes—experts have emphasized the need to “make the special bench special” by ensuring genuine autonomy, a key condition for earning public trust, even if the body is situated within the existing court structure. The outcome of the public consultations on TJ policy options clearly demonstrates strong support for the establishment of a special court (69.4%), reflecting a broader trust deficit in existing state institutions.⁶ Heeding this majority view, the TJWGEs proposed the establishment of a special court. There are also critical voices, particularly from Tigray, where the favored approach is an international or at least a hybrid mechanism to guarantee justice.

Specifically, out of the 24 focus group discussions conducted in the Tigray region, 11 supported pursuing justice through International mechanisms, while five favored the establishment of a hybrid court.⁷ However, the final Policy adopted by the Council of Ministers opted instead for the creation of a TJ special bench within the existing Federal High and Supreme Courts. Pursuing accountability through a special bench is therefore likely to face legitimacy and trust challenges unless robust measures are taken to guarantee its autonomy.

The need for legitimacy is not limited to the Special Bench; the Truth Commission and other TJ bodies face similar stakes, especially given the crisis of trust and fatigue surrounding the establishment of Commissions for the implementation of TJ and other peacebuilding measures in Ethiopia. For instance, regarding the Truth Commission, the nomination and selection of Commissioners should be transparent and participatory, allowing for broader public and other non-state actors' engagement based on clear appointment criteria. This is essential, as there were contentions regarding the appointment of previously established commissions: the Reconciliation Commission and the Ethiopian National Dialogue Commission (ENDC). The commissioners shall also be both representative and merit-based, as the credibility and independence of the body hinge on the commissioners—a commission is as good as the prestige, credibility, and impartiality of the Commissioners.

Inclusivity

The UN Secretary-General's Guidance Note on TJ stresses that effective TJ processes place victims at the center and ensure their meaningful participation in the design and implementation of measures.⁸ A core contribution of TJ is promoting the inclusion of marginalized and vulnerable groups, including women and girls, children and youth, persons with disabilities, ethnic and religious minorities, indigenous peoples, rural communities, and internally displaced persons. Inclusivity as a guiding principle is reflected in both the AUTJP and Ethiopia's National TJ Policy, which requires that TJ measures address the specific needs and aspirations of vulnerable groups. The TJ Working Group of Experts also adopted a protocol reserving 50% of national consultation participants for women and 60%

⁶ TJWGEs, 2023b.

⁷ TJWGEs, 2023b.

⁸ United Nations. (2023, October 11). Transitional Justice A Strategic Tool for People, Prevention and Peace [Guidance Note of the UN Secretary-General]. Retrieved December 14, 2025, from <https://peacemaker.un.org/sites/default/files/document/files/2024/03/202307guidancenotetransitionaljusticeen.pdf>. (Hereinafter, UN, 2023).

for victims.⁹ Additionally, the Ministry of Justice has drafted a Strategy for the Participation and Inclusion of Victims and Vulnerable Groups to facilitate their meaningful engagement in the ongoing TJ process.

As the UN Guidance Note cautions, inclusion must go beyond tokenism or symbolic participation and should not merely serve to provide “legitimacy”. Meaningful participation requires genuine consultation, leadership opportunities, and strong civil society involvement in awareness creation, advocacy, outreach, education, capacity building, and the provision of technical and logistical support.

| Timing and Sequencing

A comprehensive approach to TJ does not necessarily mean the simultaneous operationalization of all its pillars. Rather, these pillars must be carefully sequenced according to the country’s prevailing conditions. Ethiopia’s national TJ policy and its implementation roadmap, as well as AUTJP reflect this approach. The UN Secretary-General’s 2010 guidance note on TJ similarly underscores that the critical questions are not whether to pursue accountability, but when and how.¹⁰ Likewise, the AUTJP notes that promoting and pursuing interrelated, and sometimes competing, TJ mechanisms often require careful sequencing and balancing.

Although the Ethiopian TJ Policy does not explicitly mention sequencing as a standalone principle, it states that TJ process shall be “implemented using a phased approach or follow a sequenced implementation”.¹¹ The TJ implementation roadmap further notes that the comprehensive application of the various TJ pillars “does not imply that every activity must be implemented simultaneously”.¹² The Roadmap also provides that “the implementation of the various pillars of transitional justice will follow a decision-making process based primarily on intertwined realities on the ground”.¹³

In Ethiopia’s current context—where alleged perpetrators from all sides remain in positions of power and armed conflicts continue in parts of the country—pursuing genuine criminal accountability in the short term appears not only unrealistic but also could be disruptive. Sequencing TJ mechanisms should begin with the “low-hanging fruits” before progressing to more complex measures (American Friends Service Committee (AFSC), 2025). As the report notes: “When you try to prosecute immediately, politics could jeopardize the whole reconciliation project”.¹⁴ In Ethiopia, the question of sequencing, particularly whether accountability can be pursued simultaneously with other mechanisms under current realities, remains unaddressed. Experts, government officials, and civil society actors have so far avoided confronting this issue directly despite it being an “elephant in the room.”

Moving forward, it is essential to achieve clarity and build a reasonable consensus on the timing and sequencing of implementing various TJ mechanisms, mainly criminal accountability, to ensure the process’s success. This could be operationalized, for instance, by the Ministry of Justice initiating an expert-led and consultative sequencing and timing strategy through a diagnostic assessment of the prevailing situation, clearly highlighting which mechanisms can be pursued, under what conditions, and at what stage.

| Coherence and Coordination

Across TJ Pillars, Institutions, and Other Peacebuilding Measures

Ensuring coherence and coordination is imperative to optimize impact, avoid duplication, and enhance the overall effectiveness and efficiency of the TJ process. Recognizing this, Ethiopia’s TJ Policy and its Implementation Roadmap highlight the need for comprehensive, coherent, coordinated, and harmonized application of the various TJ pillars, as well as the institutions involved.¹⁵ This principle is also embedded in the AUTJP.¹⁶

⁹ TJWGEs, 2023b.

¹⁰ United Nations. (2010). Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice. Retrieved December 14, 2025, from <https://url-shortener.me/33B6>. (Hereinafter, UN, 2010).

¹¹ Ethiopian TJ Policy, 2024.

¹² Ethiopian TJ Roadmap, 2024.

¹³ Ethiopian TJ Roadmap, 2024.

¹⁴ American Friends Service Committee (AFSC). (2025). International Study Tour on Transitional Justice or Ethiopia [Activity Report]. Retrieved December 14, 2025, from <https://afsc.org/sites/default/files/2025-06/international-study-tour-on-transitional-justice-for-ethiopia.pdf>. (Hereinafter, Study Tour, 2025).

¹⁵ Ethiopian TJ Policy, 2024.

¹⁶ African Union. (2019, February). African Union Transitional Justice Policy. Addis Ababa. (Hereinafter, AUTJP, 2019)

Unless there is well-defined coherence and coordination, TJ mechanisms may compete with one another or create operational friction. The simultaneous establishment of the Truth and Reconciliation Commission and the Special Court for Sierra Leone is an example of how parallel mechanisms, when poorly coordinated, can create challenges rather than complement each other. In Ethiopia's case, given the possible involvement of several institutions in the TJ process, strong cooperation and coordination are indispensable. The implementation roadmap recognizes this by envisaging the creation of a TJ Institutional Coordination Mechanism to facilitate inter-institutional coordination and collaboration. However, this mechanism has yet to be operationalized. Moreover, questions can be raised regarding its composition, particularly the limited space allocated to CSOs, as only two of the thirteen members of the Coordination Mechanism are drawn from CSOs and academia.¹⁷

Complicating the landscape further, Ethiopia is simultaneously implementing three major peacebuilding initiatives: Transitional Justice, National Dialogue, and Disarmament, Demobilization, and Reintegration (DDR) program. While each has its own priorities, all share the overarching goal of achieving lasting peace and reconciliation in Ethiopia. Clarity of purpose and alignment between these initiatives are crucial.

For example, misconceptions about the relationship between TJ and the National Dialogue have led some actors to assume that TJ should emerge only as a byproduct of the dialogue process. This misunderstanding appears to stall the TJ process and risks making it hostage to the progress (or delays) of the National Dialogue. Likewise, effective reintegration under the DDR process cannot succeed without linking it to the TJ process. Reintegration of former combatants without meaningful engagement with TJ mechanisms risks undermining accountability and long-term stability.

There is also a sub-national dimension to coordination that adds another layer of complexity in the Ethiopian context. Some regions have initiated their own TJ-related processes. The Somali Regional State, for example, established in 2021 the Commission for Investigation of Violence, Reconciliation, and Reparation of Victims,¹⁸ which has already conducted extensive truth-seeking work, including collecting over 50,000 victim statements and identifying more than 165 mass-grave sites. It is currently analyzing the data and preparing its report. Similarly, the Tigray Regional State established the Commission of Inquiry on Tigray Genocide, which released its report on conflict-related sexual and gender-based violence in October 2025.¹⁹

How these regional efforts will interface with and complement the national TJ process remains an open and critical question. Addressing this issue is one success factor, without which, competing initiatives may undermine the national TJ architecture.

Meaningful Stakeholder Engagement

Active involvement of CSOs and other Non-state Actors

Transitional justice is an extraordinary process that requires the active engagement of various interest groups, including political parties, the media, and CSOs, even though it is not a silver bullet for all of the country's challenges. One brief observes that the strength and level of organization of civil society often shape the outcome of TJ processes, as CSOs serve both as service providers and as watchdogs.²⁰ Examples from other countries illustrate this clearly. In The Gambia, CSOs brought gender-based violence into the spotlight of the Truth, Reconciliation and Reparation Commission (TRRC's) mandate. In Guatemala, CSO-led mock trials on sexual violence not only brought survivors to the forefront of the pursuit for justice but also led to a landmark military trial, in which a domestic court prosecuted sexual violence as crimes against humanity for the first time. In Cambodia, CSOs actively ensured victim participation in the Extraordinary Chambers in the Courts of Cambodia as "civil parties."

¹⁷ Ethiopian TJ Roadmap, 2024.

¹⁸ Proclamation No. 205. (2021). Establishment of the Commission for the Investigation of Violence in the Somali Region, Reconciliation and Reparation of Victims. Dhool Gazeta. (Hereinafter, Proclamation No. 205, 2021).

¹⁹ CITG. (2025). Commission of Inquiry on Tigray Genocide (CITG). Commission of Inquiry on Tigray Genocide (CITG). Retrieved December 13, 2025, from <https://citghub.org/category/publication-reports/citg-publications-reports/>. (Hereinafter, CITG, 2025).

²⁰ GIJTR and CSV. (2023). Civil Society and Transitional Justice in the Gambia [Practice Brief]. (Hereinafter, GIJTR and CSV, 2023).

In Ethiopia, the national TJ policy explicitly recognizes CSOs as stakeholders in implementing the TJ process. The Policy commits to creating an enabling environment for their involvement, ensuring they participate with “a sense of full ownership” to promote effective, transparent, and accountable implementation. The implementation roadmap further outlines various roles for CSOs, including facilitating the participation of victims and marginalized groups in all phases of the TJ process, as well as providing psychosocial support.²¹ However, while efforts have been made to involve CSOs during the design phase (including approximately 22 consultations with CSOs and partners on policy options),²² their active engagement in shaping the process still leaves much to be desired.

The need for active CSOs and other actors’ involvement is even more critical in Ethiopia, given that the process has so far been largely government-driven. As aptly captured by the report of an international study tour on TJ, “political will is like a wheel. It is here today and somewhere else tomorrow”.²³ In this context, CSOs play a vital role in sustaining the momentum and holding political leadership accountable for advancing the TJ process.

So far, CSOs have been involved mainly as participants or interlocutors. As the process advances, however, they should claim more space and take on a more active role, including facilitating public consultations on the forthcoming TJ bills, monitoring these consultations against international standards, and ensuring that the process reflects the lived experiences, needs, and aspirations of victims and communities disproportionately affected by violations. More importantly, as promised by the Policy, CSOs should be in a position to “fully implement certain components of the process”.²⁴

Transparency and Adherence to Established Deadlines

Transparency is essential to building trust in TJ processes. In line with this, ensuring transparency is at least an implicit guiding principle of the TJ Policy of Ethiopia, and, *inter alia*, is identified as a weakness in past transitional efforts of Ethiopia.

The Ministry of Justice also issued a TJ implementation roadmap that outlines phased activities and timelines to enhance transparency, predictability, and accountability. Nonetheless, transparency and timeliness remain problematic. While public consultations were relatively open, the policy-drafting phase lacked transparency, as the draft policy was not made publicly accessible before stakeholder discussions, prompting CSO objections. Similar concerns persist regarding draft laws establishing TJ institutions. In addition, several roadmap activities have not been implemented, and no official explanation has been provided for the delays. The delays appear to reflect a combination of factors, including inadequate assessment of the feasibility of the proposed timelines, ambiguity regarding the relationship between the national dialogue initiative and the TJ process, and indications of declining political momentum. These shortcomings risk undermining public trust, stakeholder engagement, and the legitimacy of the TJ process, contrary to the Policy’s accountability principle.

Following the adoption of the Policy, the Ministry of Justice issued the TJ implementation roadmap to ensure greater transparency, predictability, timeliness, and effectiveness in translating and implementing the pillars of TJ established by the national transitional justice policy. The Roadmap clearly outlines the timeline for undertaking each activity, dividing them into five phases. This is essential for monitoring the implementation of the activities and ensuring accountability.

Provision of Psychosocial Support and other Interim Measures

Ensuring that victims are meaningfully involved in the TJ process requires more than simply inviting them to participate. Their immediate needs, particularly safety, psychosocial care, and basic means of survival, need to be addressed first. This is particularly urgent in Ethiopia, where reports indicate widespread sexual violence. Victims cannot be expected to engage constructively in the process without support that helps them cope with their trauma and stabilize their lives.

Ethiopia’s TJ Policy allows for restitution, rehabilitation, and related forms of reparation to be provided as interim measures pending a full reparation program. The government is

²¹ Ethiopian TJ Roadmap, 2024.

²² TJWGEs, 2023b.

²³ Study Tour, 2025.

²⁴ Ethiopian TJ Policy, 2024.

therefore expected to allocate resources and take practical steps, such as offering psychosocial and other medical services, free legal aid, and facilitating the return of internally displaced people. In practice, however, psychosocial support and other interim measures have not been implemented in a comprehensive or coordinated manner, underscoring the need to assign a specific institution with the mandate to lead and coordinate these interventions. The delay in operationalizing these measures amounts to a form of double victimization, prolonging victims' suffering, and eroding their confidence in the TJ process.

| Managing Expectations

Different groups have different interests in the TJ process, but victims—given the scale of harm they have suffered—often carry particularly high expectations. In a context like Ethiopia, where the number of victims is large, it is difficult for any TJ process to meet these expectations fully. International experience, including Cambodia, shows how a wide gap between victims' expectations and the limited resources available for reparations can undermine confidence in the process. Such mismatches between expectations and reality can cast a long shadow over the entire effort; hence the need to manage expectations.

Managing expectations should be viewed in light of the mandate and timeframe of TJ institutions, too. These institutions must avoid overpromising or making misleading promises, as this can raise stakeholder expectations, particularly those of victims. In Ethiopia, a concern is the TJ Policy's open-ended temporal scope for the truth commission, allowing for inquiries as far back as information and evidence permit. While this approach demonstrates a commitment to addressing relevant issues, it could elevate public expectations, including those of victims, especially given the historical claims of injustice among various ethnic groups in Ethiopia.

It is also important to clearly communicate that TJ is not a panacea capable of resolving Ethiopia's complex, deeply rooted socio-economic and political problems that have accumulated over a long time. There is a need to create a shared understanding with the broader public about what the process can deliver in the short, medium, and long term if frustration and disillusionment are to be avoided.

²⁵ Ethiopian TJ Policy, 2024.

²⁶ AUTJP, 2019.

| Resource and Capacity Constraints

Transitional justice is a complex, resource-intensive process that requires substantial financial resources, skilled human expertise, institutional capacity, and time. These demands become even more pronounced when various TJ mechanisms are pursued simultaneously.

Given the complexity of the issues in TJ, which involve many individuals as both victims and perpetrators, characterizing the crimes committed, attributing them to the (most responsible) perpetrators, and determining their participation in the commission of gross human rights violations are difficult tasks that require highly experienced and knowledgeable experts. However, resources and capacity are often scarce in countries that are in transition.

Acknowledging this challenge, the AUTJP emphasizes that the design and implementation of TJ processes should take into account the resource constraints of the country. The Policy advocates for innovative, resource-sensitive approaches to meet the transitional needs of the affected society at national, regional, continental, and international levels. The Ethiopian context is no exception. Accordingly, the selective involvement of international experts in a technical advisory capacity may help address resource and capacity gaps, while preserving the principle of national ownership.

| Ambiguity in the Role and Engagement of Customary Institutions

The Ethiopian national transitional justice policy clearly states that one of its objectives is to clearly define the role of customary justice systems in and during the implementation of the TJ process.²⁵ The AUTJP also recognizes the importance of customary norms and traditional justice mechanisms in addressing the legacies of violence on the African continent.²⁶ In line with international practice, the Ethiopian TJ Policy does not grant customary institutions jurisdiction over all crimes and perpetrators; their power is limited to addressing less serious human rights violations, and they play mainly a supportive role in the implementation of the various TJ mechanisms.

Accordingly, the policy requires regions of the Ethiopian federation to identify and inform the customary justice systems that support the national transitional justice process. Furthermore, the Ethiopian policy requires appropriate measures to ensure that customary justice systems respect the rights and participation of women and children.

An effective involvement of customary institutions is essential for the success of the TJ process. For example, Rwanda's experience with Gacaca courts illustrates how customary mechanisms can help manage large caseloads and ease pressure on formal courts, with over 12,000 courts hearing nearly two million cases between 2005 and 2012.²⁷

However, in countries characterized by deep societal cleavages and ethnic polarization, customary institutions often prove more effective in advancing local-level initiatives. It is therefore critical to avoid any perception that the values of one ethnic group are being imposed upon another. Furthermore, the participation of customary institutions in TJ processes faces several challenges, including weak fair-trial safeguards, concerns regarding judicial competence and impartiality, political co-optation, corruption, and risks of selective application.

Hence, the engagement of customary institutions should not be approached as a routine or business-as-usual matter; rather, it requires careful implementation, supported by capacity-building and monitoring activities, while preserving the essential nature of these institutions. Otherwise, their involvement could be counterproductive.

3. CONCLUDING REMARK AND RECOMMENDATIONS

The ongoing TJ process holds significant promise for Ethiopia's peace and stability if implemented with full political commitment. While the design phase (including extensive public consultations, the adoption of the TJ policy, the implementation roadmap, and the drafting of TJ bills) reflects encouraging progress, several challenges threaten the success of the process.

The slow down in the process since May 2025, without official explanation, underscores its fragility and the risk of losing momentum, which could undermine its credibility and legitimacy. Transitional justice represents a rare historical opportunity during societal transition, and all stakeholders should ensure that Ethiopians and Ethiopia do not squander this chance, as the prospect of another such opportunity may not arise soon. The following recommendations are offered to various stakeholders to support effective implementation and the achievement of TJ's objectives in the country.

Short-Term Recommendations

For the Federal Government

- Restore TJ momentum: Revitalize the TJ process, including by releasing the draft TJ laws, and rolling out the envisaged over 60 public consultations.
- Create an enabling environment: Establish conditions, including taking trust-building measures, to facilitate peaceful political settlements with armed groups and de-escalate tensions.
- Address challenges to the civic space: Foster an environment that enables CSOs to engage actively, including by addressing concerns about the narrowing of civic space.

For the Armed groups

- Commit to engage in peace process: Take measures to demonstrate their commitment to peacebuilding efforts and comply with the country's laws.

For the Ministry of Justice

- Develop timing and sequencing strategy: Develop a clear sequencing strategy for TJ mechanisms based on stakeholder, situational, and political analysis.
- Install a clear communication strategy: Implement a comprehensive plan to promote transparency and provide timely updates (throughout the TJ process) on its status.

For Regional, Continental, and International bodies (such as IGAD, AU, and UN)

- Facilitate political settlements: Facilitate political settlements with armed groups and de-escalate tensions between the governments and various armed groups.

²⁷ Thibodeau, M. (2020). Analyzing the Social Impact of Gacaca Courts in the Reconciliation Process in Rwanda [Independent Study Project (ISP) Collection].

For CSOs

- Strengthen internal capacity: Strengthen their capacity, including by establishing dedicated TJ networks, to effectively participate in the TJ process, engage in planned public consultations on draft TJ bills, and implement key components of the TJ mechanisms as promised by the Policy, while avoiding duplication of efforts.
- Facilitate and/or provide capacity-building activities: Depending on their institutional capacity, provide or facilitate capacity-building training for customary institutions and their leaders to enhance their contributions to the TJ process.

For the House of Peoples Representatives

- Guarantee the autonomy and neutrality of TJ institutions: Ensure that the establishment laws guarantee their autonomy and neutrality in budgeting, staff recruitment, appointments of officials, and reporting.
- Provide a clear temporal scope: Ensure that the enabling legislation for the prospective truth commission clearly defines the temporal scope to avoid ambiguity.

For CSOs

- Undertake proactive measures: Actively claim space to hold the government and other stakeholders accountable to the commitments outlined in the various instruments, including the policy and implementation roadmap.

| Medium-Term Recommendations

For the Federal Government

- Ensure smooth coordination: Ensure the harmonised and complementary implementation of the TJ process, national dialogue, DDR processes, regional reconciliation initiatives, and other national initiatives (e.g., public service reform).
- Allocate an adequate budget: Allocate an adequate budget throughout the TJ process, including by arranging alternative financing mechanisms, such as public and institutional contributions.

For Regional Governments

- Facilitate smooth operation: Facilitate the smooth implementation of the TJ mechanisms by ensuring seamless coordination and operation at various stages within their respective regions.
- Empower customary institutions: Identify customary institutions and actively support them to contribute to the TJ process, in consultation with the relevant TJ implementing and coordination bodies.

For the Ministry of Justice

- Operationalize the coordination system: Operationalize the Transitional Justice Institutional Coordination Mechanism to facilitate inter-institutional cooperation, particularly with government institutions, non-state actors such as the CSOs Forum on TJ, and international and regional actors.

For Regional, Continental, and International bodies (such as IGAD, AU, and UN)

- Provide financial and technical assistance: Support Ethiopia's TJ process by providing targeted support to address capacity and resource constraints.

| Long-term Recommendations

For Regional, Continental, and International bodies (such as IGAD, AU, and UN)

- Be a guarantor of the process: While respecting the principle of national ownership, ensure the TJ process remains on track and that its outcomes are effectively implemented.

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