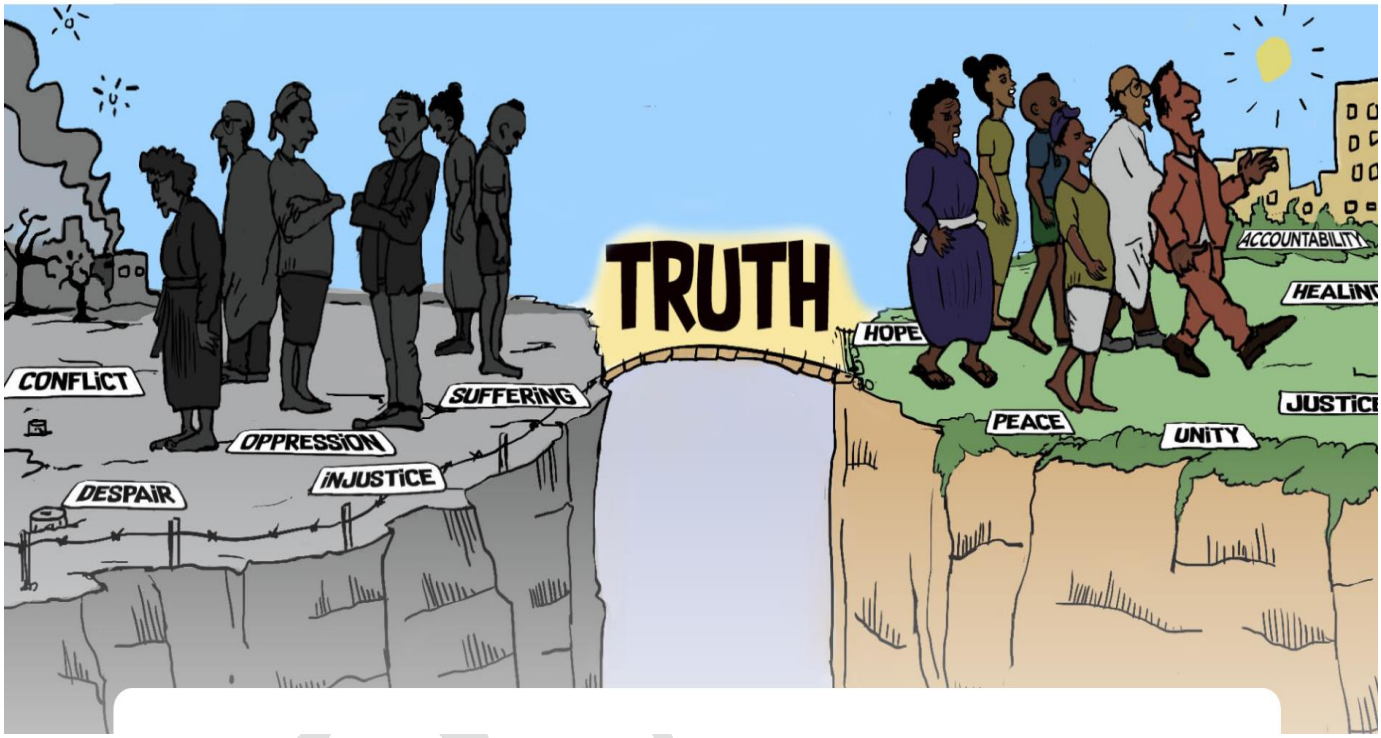
የሽግግር ፍትህ
TRANSITIONAL JUSTICE



National Transitional Justice Policy of the Federal Democratic Republic of Ethiopia

Adopted by the Council of Ministers

April 2024

(UNOFFICIAL TRANSLATION)

Contents

I. Introduction 2
II. Glossary 3
Part one 4
General 4
1.1. Nomenclature 4
1.2. Background and Relevance of the Policy 4
1.3. Power to Issue the Policy 5
1.4. Objective of the Policy 5
1.5. Guiding Principles of the Policy 5
1.6. Scope of Application 6
Part Two 6
Policy Matters and Directions 6
2.1. Criminal Accountability 6
2.1.1. Crimes Subject to Investigation and Prosecution 7
2.1.2. Perpetrators that are the Subject of Investigation and Prosecution 7
2.1.3. Institutional Mechanism for Investigation and Prosecution 8
2.1.4. Institutional Mechanism for Judicial Process 9
2.2. Truth-Seeking, Disclosure and Reconciliation 10
2.2.1. Subject matters Scope of Truth-Seeking 10
2.2.2. Institutional Mechanism for Truth-Seeking 11
2.3. Conditional Amnesty 12
2.3.1. Ineligibility Grounds for Conditional Amnesty 12
2.3.2. Preconditions for Granting Conditional Amnesty 12
2.3.3. Institutional Mechanism for Granting Amnesty 13
2.4. Reparation 13
2.4.1. Applicable forms of Reparation Measures and Areas of Priority 13
2.4.2. Institutional Mechanism for Reparation 14
2.5. Institutional Reform 14
2.5.1. Institutions that are Subject of the Reform 15
2.5.2. Institutional Mechanism for Institutional Reform 15
2.6. The Temporal Scope of the Transitional Justice Mechanisms 16
2.7. The Role of Regions in the Implementation of the Transitional Justice Process 16
2.8. The Role of Customary Justice Systems in the Transitional Justice Process 17
2.9. Cross-Cutting Issues 18
Part Three 19
The Role of Government and Stakeholders, and Monitoring and Support Mechanism 19
3.1. The Role of Government Organs and Stakeholders 19
3.1.1. The Role of Government Organs 19
3.1.2. The Role of other Stakeholders 22
3.2. Policy Implementation, Monitoring and Support Mechanism 23

DRAFT

I. Introduction

The Government of Ethiopia has been designing and implementing various policies, strategies, legislations, and both long-term and short-term plans to fulfill its obligation of respecting and protecting human and democratic rights as enshrined in the FDRE constitution and international and regional agreements accepted by Ethiopia, while also fostering socio-economic development and building a democratic system.

Particularly, following the 2018 political reform the Government had introduced a series of legal and institutional reforms. These reforms have been aimed at addressing misunderstandings, conflicts, and public discontent improving the protection of human rights; addressing the questions of justice and good governance, and underlying causes for conflict and disharmony; and overall, upholding the rule of law, expediting the democratization process-, ensuring a just social and economic development, and putting in place an inclusive and participatory political system.

However, the serious conflicts and human rights violations that occurred in the past and in recent years have resulted in loss of lives, bodily injury, destruction of property, and displacement of people. Consequently, the enduring values of peaceful coexistence and tolerance embraced by various communities across the country have been seriously challenged. As a result, recurring conflicts and the resultant unaddressed grave human rights violations present a serious threat to the country's efforts to foster sustainable peace.

A series of efforts were made to address the large-scale human rights violations, internal conflicts, contested historical narratives, and injustices. However, these endeavors proved insufficient in achieving lasting solutions, as they failed to implement a comprehensive transitional justice approach centered on truth-seeking, reconciliation, amnesty, and justice in an inclusive, human rights-compliant, and harmonious manner.

It is therefore imperative for the country to implement a comprehensive transitional justice process to overcome recurring problems and ensure sustainable peace and justice, addressing the structural challenges and national threats. While pursuing engaging in transitional justice, it is also important to learn from past national experiences and good practices from other jurisdictions, and standards set by international instruments.

The African Union Transitional Justice Policy adopted in 2019 in Addis Ababa, defines transitional justice as the various policy measures and institutional mechanisms that societies adopt in order to overcome past violations, divisions, and inequalities, and to create conditions for both security and democratic and socio-economic transformation. Experiences from other jurisdictions show that transitional justice processes have been implemented in several countries seeking to overcome the impacts of civil war, conflict, and repression and ensure meaningful transition in building a political and democratic system. Transitional justice has made considerable contributions to ensuring sustainable peace based on truth, reconciliation, and justice.

Given the contested narratives that have persisted for long and continue to this day, the grievances, mistrust, internal conflicts, lack of peace, instability, and the resultant gross human rights violations, a study conducted by an independent group of experts highlights the need for Ethiopia to undertake a comprehensive transitional justice process, which is essential to sustainably address these challenges and ensure an all-inclusive justice. Similarly, concerning the conflict that broke out in the northern part of Ethiopia, the Joint Investigation Report of the Ethiopian Human Rights Commission and the Office of the United Nations High Commissioner for Human Rights has recommended that crimes and human rights violations committed during the conflict should be addressed through a transitional justice framework. Furthermore, the Cessation of Hostilities Agreement between the Government of the FDRE and the Tigray Peoples' Liberation Front clearly states that crimes and

DRAFT

human rights violations committed during the war should be properly addressed through a comprehensive transitional justice process.

Against this backdrop and taking into account the inputs gathered from nationwide public consultations, this transitional justice policy is adopted as it becomes necessary to implement a national, participatory, and inclusive transitional justice process that is aligned with international human rights norms and principles, adheres to the fundamental transitional justice principles, is cognizant of the national context and human rights-compliant, and ensures the integrated implementation of the various mechanisms to address the intricate challenges, bring sustainable peace and uphold rule of law and justice.

II. Glossary

For this policy, the following words or phrases shall have the meanings assigned to them below:

1. **"Gross human rights violations":** For criminal investigation and prosecution purposes gross human rights violations refer to crimes that are committed in a systematic, widespread, or patterned manner, which primarily include genocide, war crimes, crimes against humanity, extrajudicial killings, enforced disappearance of persons, torture, inhumane and degrading treatment, rape and gender-based violence, displacement, persecution, crimes committed against children, crimes committed against persons with disability, or any other crime recognized as gross human rights violations, violation of international criminal laws or grave violation of humanitarian laws as provided for in the international agreements ratified by Ethiopia.
2. **"Most Responsible Perpetrator":** refers to a person who through planning, leading, masterminding, coordinating, or giving orders, controls or enables the commission of gross human rights violations, or a superior who fail who fails to discharge his responsibilities to prevent the commission of gross violations by subordinates or a person who directly commit the crime of by his own initiation or those who make a decisive contribution to its commission in any other way.
3. **"Truth-seeking":** means a transitional justice component aimed at uncovering, identifying, establishing, and disclosing the underlying causes, circumstances, context, scope, types, nature, and extent of gross human rights violations, abuses, and social and economic injustice through a victim-centered and human rights complaint approach.
4. **"Gross Human Rights Violations":** For truth-seeking purposes under this policy, gross human rights violations mean large-scale, systematic, or a pattern of violations of international human rights law, international criminal law, or humanitarian law; and may include other crimes based on their nature and extent of the harm caused;
5. **"Reconciliation":** means a notion encompassing both a process and a goal in transitional justice, addressing strains in the social fabric, severed societal relations and values, mistrust, resentment, grievances, and divisions created by abuses, violations, and injustice in a conflict or non-conflict settings to create trust, values and shared understandings.
6. **"Reparation":** means a component of transitional justice that encompasses multi-sector issues with a variety of measures that ensure restitution, compensation, rehabilitation, commemorative or memorial events, and other satisfaction measures as well as guarantees of non-repetition.
7. **"Satisfaction":** means measures such as the disclosure of human rights violations and harm suffered by victims, the acknowledgement of violations and official or public apologies, the holding of commemorative and memorial events, and the cessation of ongoing human rights violations.

DRAFT

8. **"Rehabilitation":** refers to a reparation measure that includes medical, psychological, legal, and other services aimed at helping victims recover from physical and psychological harm caused by gross violation.
9. **"Victim":** means any person who individually or collectively have directly or indirectly suffered harm such as loss of life, physical or mental injury, property loss, or any other form of harm as a result of gross human rights violations
10. **"Vulnerable group"** means women, children, elderly, internally displaced persons, and other vulnerable sections of the population;
11. **"Region"** means any region established as per Article 47 of the Constitution.

Part one

General

1.1. Nomenclature

This policy may be cited as the "Transitional Justice Policy of the Federal Democratic Republic of Ethiopia".

1.2. Background and Relevance of the Policy

Ethiopia is home to several nationalities, nations, and people and a nation with age-old beliefs and heritages as well as a beacon of African independence and national pride. Although Ethiopia has achieved remarkable growth in the economic, political, and social arena, the cyclical conflicts, injustices, and gross human rights violations committed through governmental structures and non-governmental entities at different times have had adverse impacts on the country's efforts to foster sustainable peace, ensure better protection of human rights and the democratization process.

Efforts at transitional justice of limited scope and measures focusing on accountability in the main as a means of responding to past serious human rights violations and crimes and creating a political environment that ensures they did not occur again were made by different regimes at different times However, these measures were not victim-centered; human right compliant lacked transparency as well as inclusivity; and consequently failed to employ comprehensive transitional justice as they only focused on criminal accountability. As the institutional reforms introduced by different successive regimes also could not bring about sustainable change and adequate mechanisms for accountability, it had become impossible to address human rights violations that were perpetrated and continued to be perpetrated, and hence sustainable peace, justice, and democracy could not thrive.

The experiences of many countries demonstrate that a holistic transitional justice process that is based on international human rights principles and follows an all-inclusive implementation process will have a critical role in building sustainable peace, dispensing justice, and catalyzing democratization and nation-building efforts on the right path. It has a significant role in ensuring that gross and widespread human rights violations do not occur again.

It has more than ever become necessary to ensure the rule of law through accountability, to bring justice to historical grievances, to bring a lasting end to ongoing conflicts, prevent the reoccurrence of similar conflicts and human rights violations. It has also been found absolutely necessary to implement a comprehensive transitional justice process that seeks, establishes, and publicizes the truth of grievances and human rights violations, puts in place a system of amnesty that specifies the preconditions to be met, facilitates individual as

DRAFT

well as communal reconciliation, establishes a system of reparations and introduces victim-centered institutional and legal reforms.

Now, therefore, it has become necessary to adopt a transitional justice policy that outlines clearly the objectives of transitional justice to be implemented in Ethiopia and the principles it shall follow, putting in place clear policy directions that indicate legislative, procedural, and institutional measures to be taken in the course of implementation, ensuring appropriate practices and procedures are in place for the implementation of the transitional justice that adheres to principles embodied in international and regional instruments, and generally guiding and ensuring the realization of a transitional justice process that brings about harmony, transparency, accountability, social cohesion, and justice.

1.3. Power to Issue the Policy

This policy has been adopted in accordance with the mandates of the Federal Government to formulate and implement the country's policies, strategies, and plans as stipulated under FDRE Constitution Article 51(2).

1.4. The Objectives of the Policy

The overall objective of the policy bases itself within the context of Ethiopia's political, social, and, economic realities, and by putting in place a system that guides and realizes a coherent and coordinated transitional justice process, it shall create foundations that ensure enduring peace, reconciliation, rule of law, justice, and democracy.

The policy shall have the following specific objectives:

1.4.1. To clearly outline within the framework of transitional justice, the aims, goals, interactions, principles, and institutional arrangements that guide criminal investigation and prosecution, truth-seeking, reconciliation, conditional amnesty, reparations, and institutional reforms as well as indicate a legal, procedural and institutional mechanism for their implementation.

1.4.2. To clearly provide a temporal scope or timeframe for the implementation of the various mechanisms of the transitional justice policy.

1.4.3. To clearly define the role of customary justice systems in and during the implementation of the transitional justice process;

1.4.4. To clearly indicate the participation and role of regions in the implementation of the transitional justice process;

1.4.5. To clearly define the role and the special attention that should be accorded to vulnerable groups and victims in the implementation of the transitional justice process.

1.5. Guiding Principles of the Policy

The policy shall be guided by the following principles:

1.5.1. **Human rights-compliant implementation process:** Activities undertaken during the implementation of the transitional justice process shall take into account laws, principles, and values enshrined in international, regional, and national transitional justice-related instruments.

1.5.2. **Protection from harm or violence:** The transitional justice process shall be implemented in a manner that ensures the security of all participants and victims, and protection from additional victimization, harm, or susceptibility to violence.

DRAFT

1.5.3. **National ownership:** The transitional justice process shall be guided by the interests, responsibility, ownership, and decisions of the state, the people, and the primary stakeholders in ways that ensure national ownership.

1.5.4. **Context-specific implementation plan:** The transitional justice process shall be implemented taking into account national and local circumstances and putting at the center, transitional justice concerns of all sections of the society, their shared vision, and aspirations.

1.5.5. **Accountability:** The implementation of the transitional justice process shall ensure accountability.

1.5.6. **Comprehensiveness/Holistic:** The transitional justice process shall be implemented through a coordinated, harmonized, and coherent use of different mechanisms, and where necessary it shall be implemented using a phased approach or follow a sequenced implementation.

1.5.7. **Inclusivity and Participatory Approach:** The transitional justice shall be implemented in ways that may not discriminate on grounds of one's political opinions, ethnicity, nationality, color, religion, gender, age, social or economic status or any other conditions, and by thumping out all forms of discriminatory criteria and views ensure transparency, inclusivity and the participation of all members of society and key stakeholders in a manner that reflects the diversity in the country.

1.5.8. **Gender mainstreaming:** The transitional justice process shall establish a system that ensures proportional representation and meaningful participation of women in all activities, from pre-preparation to full implementation.

1.5.9. **Participation of vulnerable groups:** Implementation of transitional justice shall take into account the special needs and perspectives of vulnerable sections of the society including internally displaced persons and shall ensure their ownership of the process.

1.5.10. **Coordination and Cooperation:** Transitional justice shall be implemented through the coordinated efforts of the public, government, non-governmental organizations, and stakeholders.

1.5.11. **Utilization of traditional conflict resolution mechanisms:** Traditional justice systems and values of the country shall have a role in transitional justice after undergoing the necessary changes as appropriate.

1.6. Scope of Application

This Policy shall be applicable nationally.

Part Two

Policy Matters and Directions

2.1. Criminal Accountability

Criminal accountability is one of the key mechanisms for the implementation of the transitional justice process. The transitional justice that will be implemented in Ethiopia shall establish a system in which perpetrators are held accountable through criminal investigation and prosecution.

Ensuring criminal responsibility within the transitional justice framework is very essential to fulfill the country's international obligations, guarantee the right of access to justice, bring peace and stability, uphold the rule of law, and prevent the recurrence of similar crimes.

DRAFT

It is vitally important to ensure criminal accountability within the framework of transitional justice so that the country discharges international obligations it assumed, the rights of persons to access justice, bring about law and order, ensure the rule of law, similar criminal offences are not committed,

2.1.1. Crimes Subject to Investigation and Prosecution

As criminal accountability is one of the mechanisms of transitional justice to ensure the rule of law and the dispensation of justice it is necessary to identify and determine those criminal offences that shall be the subject of investigation and prosecution.

In line with international human rights instruments, the FDRE Constitution clearly stipulates the criminal prosecution of gross human rights violations and that such crimes may not be subject to amnesty or pardon. Likewise, international human rights instruments ratified by Ethiopia oblige countries to ensure criminal accountability/responsibility for gross human rights violations. In a similar vein, the African Union transitional justice policy provides for the criminal prosecution of specific criminal offenses. The main objective and goal of transitional justice is not to attempt to bring comprehensive justice solely through criminal prosecution. Instead, it aims to ensure justice, uphold the rule of law, and maintain sustainable peace and stability by employing all transitional justice mechanisms in a coordinated and harmonized manner. The transitional justice that will be implemented nationally shall put into effect criminal investigation and prosecution focusing solely on gross human rights violations.

Less serious violations, which are not covered by the investigation and prosecution process, shall be addressed through other transitional justice mechanisms.

Concerning matters which are subject to investigation and prosecution the following guidelines and tools shall be put into effect in the implementation of the transitional justice processes:

- Clear criteria that can identify gross human rights violations and serious crimes shall be established;
- A new legal framework, consistent with international agreements ratified by Ethiopia, shall be put into place on international crimes that are not covered by the criminal laws of Ethiopia;
- Procedures and practices that enable the full implementation of criminal investigation and prosecution shall be developed.

2.1.2. Perpetrators that are the Subject of Investigation and Prosecution

The coordinated and harmonious implementation of the transitional justice mechanisms remains crucial to ensure justice, uphold the rule of law, and achieve sustainable peace and stability. However, in view of objective reality in Ethiopia, conducting criminal investigations and prosecutions against all perpetrators is not ideal.

Owing to the large number of perpetrators, the timeframe within which the transitional justice is implemented, having regard to international best practices on transitional justice, the length of time, and the cost involved in investigation and prosecution, the task of investigation and prosecution shall solely focus on those perpetrators at the highest level or the most responsible perpetrators. This approach is a better and commonly accepted practice for ensuring criminal responsibility in the transitional justice process.

For individuals who have been involved in gross human rights violations but are not involved at the highest level, a system shall be established to entertain and address their cases using other transitional justice mechanisms as appropriate.

Regarding perpetrators who are the subject of investigation and prosecution in the implementation of transitional justice, the following policy guidelines and strategies shall be applied: -

DRAFT

- A clear system shall be put in place for the identification of serious offenders with the highest level of participation in the commission of gross human rights violations;
- In order to ensure full criminal responsibility for crimes included in the policy, immunity from prosecution will not apply.
- Notwithstanding the special investigation and prosecution procedures provided in the policy and implementing legislation, investigations, and prosecutions shall be conducted in accordance with the principles and provisions governing criminal investigation and prosecution as enshrined in the constitution, the criminal law, and the criminal procedure law;
- To ensure criminal accountability of the most responsible perpetrators who are not in the country, appropriate measures shall be taken for their extradition;
- A system shall be arranged to provide incentives and rewards for individuals who disclose or share information leading to the whereabouts of perpetrators with the highest level of participation; or forward credible evidence on a perpetrator's involvement in gross human rights violations;
- A comprehensive framework shall be established to provide protection and support for victims and those who testify against the most responsible perpetrators so that no retaliatory measures are taken against them.

2.1.3. Institutional Mechanism for Investigation and Prosecution

Ensuring public trust in the criminal investigation and prosecution process, and in general ensuring credibility and acceptance of the transitional justice at the national and international levels shall be critical in achieving the intended objectives of the transitional justice processes.

Hence, considering the extent, gravity, and complexity of the crimes subject to investigation and prosecution, the enormity of the huge cost and level of professional competence required to realize an effective accountability process, and also taking into account the current realities in the country, it is pivotal to establish an institutional mechanism or framework for the investigation and prosecution processes.

In this regard, the investigation and prosecution processes of the transitional justice process shall be conducted by a new special prosecution office established separately from the existing investigation and prosecution institutions with the requisite public trust, impartiality, and independence of its own. The special prosecution office shall direct the investigators and the prosecution.

Concerning the institutional mechanism for investigation and prosecution, the following additional policy directions and strategies shall apply:

- The recruitment and appointment of the leadership of the newly established special prosecution office shall be transparent, inclusive, and participatory, and shall be carried out in a manner that ensures the various sections of the society, governmental and non-governmental organizations, human rights and democratic institutions or other similar institutions participate in the process having due regard to diversity.
- The recruitment, and appointment of investigators and prosecutors for the special prosecution office shall be based on good conduct, experience, professional competence, and other criteria as will be specified in the law.
- The recruitment and appointment of investigators and prosecutors shall be made in a manner that ensures gender representation, honesty, impartiality, and diversity;

DRAFT

- Foreign experts with international experience and knowledge shall participate as technical support providers, advisors, and trainers with the view to increasing public trust in the newly established special prosecution institution and addressing the knowledge and experience gap in investigating and prosecuting gross human rights violations;
- A system shall be established to provide legal protection and security for investigators and prosecutors engaged in the undertaking
- A budget shall be allocated in a manner that ensures the autonomy and independence of the special prosecution office;
- A system shall be established for the removal and replacement of investigators and prosecutors of the special prosecution office in a manner that ensures the autonomy and independence of the institution;
- The special prosecution office shall establish procedures to hire and administer investigators, prosecutors, and support staff;
- The special prosecution office shall work in coordination with existing justice institutions.

2.1.4. Institutional Mechanism for Judicial Process

So that objectives of criminal responsibility are met under transitional justice, and particularly for Ethiopia to discharge its obligations to protect human rights and ensure accountability appropriately, organizing an independent and impartial judiciary is critical as necessitated by the unique nature of transitional justice.

Hence, based on the primary competence of national courts in transitional justice particularly over criminal accountability, there shall be established a special bench with its own unique organizational structure under the regular courts that has the trust and credibility among victims and accused persons, staffed by capable and competent professionals and ensures the participation of victims. The special bench shall be organized ensuring its impartiality and independence.

Regarding the institutional mechanism for the judicial process, the following additional policy directions and strategies shall be implemented: -

- The special bench shall be established within the Federal High Court. With regards to appellate and cassation powers special appellate and cassation benches shall be established within the Federal Supreme Court;
- Foreign experts shall serve as technical support providers, advisors, and trainers to the special bench to enhance its capacity to effectively discharge its responsibilities in a manner that adheres to international standards and practices;
- A special vetting procedure shall be established through a law to be adopted by the House of Peoples Representatives to ensure that the judges assigned to the bench are not implicated in human rights violations or are not suspected of violating rights;
- All judges assigned to the special bench shall have rich experience, distinguished qualification, and knowledge in criminal law, international criminal law, international human rights law, or international humanitarian law;
- The assignment of judges shall be based on good conduct, experience, and professional competence, as well as other criteria to be provided by law;

DRAFT

- The assignment of judges shall be conducted in a manner that ensures gender representation, integrity, independence, and diversity;
- The jurisdiction of the special bench under the Federal High Court shall not be delegated under any circumstances. Notwithstanding this, special benches accountable to the Federal Supreme Court may be established at the regional level as appropriate;
- The special bench shall have a primacy power over matters within its jurisdiction;
- A qualified and competent registrar and a public defenders' unit, victims' participation coordination unit, advisory council, and other support units shall be organized under the special bench.;
- The special bench shall perform its judicial functions in line with national laws, and international laws and principles;
- Laws shall be enacted and procedures established to ensure the autonomy and independence of the special bench and its judges;
- The relevant legal and working procedures shall be established for the removal and replacement of judges in a manner that ensures the autonomy and independence of the special bench;
- The necessary working and administrative procedures shall be established to ensure that the budget allocated for the court and its administration ensures the autonomy and independence of the special bench.

2.2. Truth-Seeking, Disclosure and Reconciliation

Truth-seeking, disclosure, and reconciliation enable the comprehensive identification of the underlying causes of human rights violations and injustices committed over time, ensuring victims' right to truth. In addition, it has its own role in mending/rebuilding the relationships of individuals and sections of the community, healing their wounds, who were divided, mutually destructive fearful/hate as a result of violation of human rights, conflict and exploitation, and ensuring lasting peace and the sufferings do not occur again. These processes significantly contribute to mending relationships among individuals and communities divided by human rights violations, war, conflict, or repression; healing wounds; preventing the recurrence of injustices; and building sustainable peace.

As such, the truth-seeking, disclosure, and reconciliation components of transitional justice shall be implemented in a manner that takes into account the specific context of the transitional justice process in the country, consistent with other mechanisms of transitional justice.

2.2.1. Subject Matters Scope of Truth-Seeking

The proper identification and determination of matters that are subject to truth-seeking and disclosure are key to achieving the intended purposes of the transitional justice process. Focusing on 'all gross human rights violations' the task of truth-seeking, disclosure, and reconciliation being implemented within the framework of transitional justice processes, shall identify the underlying causes of the violations, patterns, their systematic nature, how widespread they are, their type and the extent of harm done.

Whereas 'less serious human rights violations' shall be addressed through traditional and regional conflict resolution and reconciliation mechanisms that fall within their jurisdiction.

The following policy direction shall apply regarding matters subject to truth-seeking, disclosure, and reconciliation:

DRAFT

- Notwithstanding the applicability of truth-seeking, disclosure, and reconciliation on all gross human rights violations the severity and seriousness of the human rights violations shall not be the sole factors for determining the violations that fall within the scope of these processes. Thus, taking into account the pattern, systematic, and widespread nature of the violations, other similar violations shall also be part of the truth-seeking processes;
- Regardless of when they occurred, all interpretations of history and narratives that were cause for conflicts at different times shall be, investigated and verified, and the truth shall be disclosed and acknowledged;
- Use immunity shall be granted to perpetrators who voluntarily disclose the truth or give testimonies before the Truth Commission. The particulars shall be determined by law;
- Victims shall participate in the truth-seeking process and have the opportunity to give a detailed account of harm caused to them;
- Truth-seeking, disclosure, and reconciliation shall give due regard to sexual and gender-based violence, and particular injustices sustained by internally displaced persons and other vulnerable groups;
- There shall be documentation of records of past gross human rights violations as part of truth-seeking, disclosure, and reconciliation so that the violations are acknowledged and do not occur again, Procedures shall be put into place so that the truths shall publicly be disclosed, and public acknowledgment of the trauma and suffering of victims shall be made.

2.2.2. Institutional Mechanism for Truth-Seeking

It is necessary to put in place an institutional mechanism within the framework of transitional justice so that activities involving truth-seeking, disclosure, and reconciliation are implemented competently in a manner that ensures independence, impartiality, acceptability, and credibility.

Accordingly, truth-seeking, disclosure, and reconciliation shall be conducted by establishing a Truth Commission that is impartial and independent from influence and political interference.

The following directions shall apply regarding the institutional mechanisms for truth-seeking, disclosure, and reconciliation:

- The Commission shall have an additional mandate to grant amnesty, it shall further organize a unit that leads the reparation activities/reparatory activities;
- The Commission shall be organized in a way that ensures the representation of gender, elders, religious leaders, and members of civil society and other sections of the society, and shall have competent and impartial experts.
- Criteria for appointment of commissioners shall be specified by law. Notwithstanding this, the selection of the commissioners of the commission shall take into consideration the views and participation of the public and stakeholders. The recruitment and appointment of the Commissioners shall also take place in a transparent, participatory, and inclusive manner, ensuring diversity with the participation of various sections of society, non-governmental institutions, human rights and democratic institutions, and other relevant stakeholders;
- The selection and appointment of commissioners shall take into account gender, qualification, discipline, professional integrity, impartiality and diversity;

DRAFT

- Experienced experts from foreign countries shall be included within the institutional structure of the Commission with advisory and supportive roles to enhance the institutional capacity of the Commission, draw lessons, and address credibility concerns;
- Procedures ensuring the independence and impartiality of the Commission shall be established during the implementation phase;
- The Commission shall establish procedures for the employment and administration of experts and support staff;
- It shall also establish mechanisms for the Commission's budget and its administration to ensure its institutional independence and impartiality.

2.3. Conditional Amnesty

As the transitional justice process covers human rights violations and injustices committed over a number of years, the number of victims and perpetrators is expected to be extremely large. In this context, pursuing criminal accountability against all crimes is impossible. If all the violations were to fall under the category of prosecutable offenses, it would deny any opportunity for truth-seeking, disclosure, and reconciliation. On the other hand, granting amnesty for all violations leads to impunity, becomes repugnant or runs counter to international obligations, and also hinders efforts for the implementation of a comprehensive transitional justice. In light of these, it will be necessary to grant amnesty based on a set of preconditions. In this respect, the transitional justice process to be implemented in Ethiopia shall apply amnesty based on preconditions amnesty.

2.3.1. Ineligibility Grounds for Conditional Amnesty

International human rights instruments and humanitarian laws adopted by Ethiopia stipulate that perpetrators of gross human rights violations shall not escape from criminal accountability. In line with these instruments, Article 28(1) of the FDRE Constitution specifies crimes that may not be commuted by amnesty.

Thus, the 'most responsible perpetrators' of 'gross human rights violations', as defined by this policy for purposes of 'criminal accountability', shall not be eligible for amnesty.

2.3.2. Preconditions for Granting Conditional Amnesty

Conditional amnesty that upholds the rule of law and ensures accountability plays a significant role in facilitating the transitional justice process. Therefore, the following policy directions and strategies shall guide the amnesty-granting process:

- Without prejudice to other preconditions specified by law as appropriate, the following criteria shall apply for a person to benefit from amnesty upon submission of an application: perpetrators who are not most responsible for gross human rights violations; cooperation in truth-seeking and investigation processes; confession and repentance; public apology and victims; willingness to participate in the reparation process as appropriate; and as the case may be; commitment to delivering voluntary community service, willingness to resign from public office as appropriate and depending on the motive of the crime, absence of a previous criminal record of a similar nature, and oath of non-repetition;
- The process shall be victim-centered and shall consider the role of customary conflict resolution mechanisms as specified in this Policy for the conditional amnesty to achieve its intended objective and prevent feelings of revenge and resentment as the beneficiary of amnesty reintegrates into society;

DRAFT

- The amnesty-granting process shall be transparent, impartial, and credible;
- The procedures for the reintegration of amnesty beneficiaries into society, as well as the procedures for revoking granted amnesty, shall be determined by law.

A procedure shall be established for persons who apply for amnesty but fail to fulfill the aforementioned preconditions to be addressed through the regular criminal justice system.

2.3.3. Institutional Mechanism for Granting Amnesty

It is imperative to implement amnesty with truth-seeking, disclosure, and reconciliation in a harmonious and complementary manner. To that end, the Truth Commission shall be additionally tasked with the mandate of granting amnesty.

Regarding the institutional mechanism for granting conditional amnesty, the following policy directions and strategies shall apply:

- A unit shall be organized within the Commission to undertake amnesty-related activities, that include impartial experts having extensive knowledge and experience in the area as its advisors;
- A procedure shall be established by law to determine the processes, from receiving amnesty applications to making recommendations for the Commission by the unit so organized under it;
- Particulars regarding the participation of victims and customary conflict resolution institutions in the amnesty-granting process and the procedures for granting amnesty shall be specified by law.

2.4. Reparation

Individuals and communities who have been victims of gross human rights violations and unjust procedures shall go through a comprehensive reparation program tailored to the nature and scale of the harm they suffered. In this regard, the transitional justice process shall establish a mechanism that applies restitution, rehabilitation, satisfaction, commemorative and memorial events, public apology, and other forms of reparation.

2.4.1. Applicable Forms of Reparation Measures and Areas of Priority

The following forms of reparation shall be applied, taking into consideration the capacity and prevailing circumstances:

- Restitution, rehabilitation, commemorative and memorial events, and seeking the whole truth, disclosure, acknowledgment of violations, and other measures of satisfaction;
- Official apology by the government for the violations;
- Restitution, rehabilitation, and other relevant forms of reparation shall be applied as interim measures pending the implementation of sustainable reparation mechanisms to address the pressing and urgent needs of victims to a certain extent, and taking into account the special needs of vulnerable groups;
- Traditional conflict resolution institutions shall have a role in applying the different forms of reparation, considering their type, nature, and the application of them;
- The reparation program shall be implemented having due consideration for the needs of vulnerable groups, particularly children, women, internally displaced persons, persons with disabilities, and the elderly.

DRAFT

2.4.2. Institutional Mechanism for Reparation

The Truth Commission shall be entrusted with the reparation task to ensure the harmonious application of the reparation program aligned with amnesty-granting and truth-seeking, disclosure, and reconciliation. In this regard, the following policy directions shall apply:

- A legal framework and action plan for reparation, grounded in research, shall be developed before the commencement of reparation initiatives, outlining the procedures and factors to be considered in the implementation of the different forms of reparation;
- The Commission shall apply interim reparative measures, pending the establishment of a sustainable reparation program, with the view to addressing the pressing needs and challenges of the victims to a certain extent;
- Victims reparation fund shall be established by law to provide necessary reparation measures and assistance for victims;
- A unit shall be organized within the Commission to facilitate the reparation program, with impartial experts having extensive knowledge and experience in the area serving as its advisors;
- The structure under the Commission shall develop a framework and program for reparation, establish procedures for making recommendations to the Commission on applications and matters requiring decisions, and identify and submit budget sources for the reparation program.

2.5. Institutional Reform

Allowing the institutions and individuals who directly or indirectly contributed to or participated in the conflicts and committed gross human rights violations to remain as is will obstruct the transitional justice process. Taking the necessary reform measures against the institutions, officials, and employees who either contributed to the commission of the human rights violations or neglected their official duties, leading to harm, will play a significant role in preventing the recurrence of such violations, bolster public trust in the institutions and positions them to uphold and safeguard basic human rights and freedoms. Accordingly, a comprehensive institutional reform shall be undertaken during the implementation of the transitional justice process.

In light of this, the following policy directions shall be followed regarding institutional reform: -

- The role and participation of the institutions, officials, and employees in the violations or crimes and the policies, laws, and systems which caused or enabled the gross violations shall be identified in accordance with international human rights principles and work procedures;
- The officials and employees who contributed to the gross human rights violations directly or indirectly or failed to exercise their official responsibilities shall be dismissed or subject to administrative, criminal, and other measures based on the degree of their participation or their ethical/professional incompetency;
- Short- and long-term institutional reform programs shall be prepared and implemented based on identified grounds and causes of the violations;
- Legal, policy, and work procedure reforms shall be undertaken as appropriate regarding the powers, structures, and accountabilities of institutions in order to make the institutions, officials, and employees exercise their legally mandated powers according to legally conferred institutional and professional autonomy and independence;

DRAFT

- Legal and policy frameworks shall be enacted based on a study to prevent the recurrence of human rights violations and create enabling conditions for respecting human rights, ensuring good governance, and advancing the rule of law;
- A community-based institutional crime prevention capacity-building strategy shall be prepared and implemented based on a study that will enable the prevention of the repetition of human rights violations in a manner that gives due consideration to the members of the public who are vulnerable to human rights violations;
- Institutional reform measures shall be identified and implemented that will address the interests of victims of human rights violations and vulnerable groups;
- The system for coordination, support, and follow-up of the operations of the federal institutions and the federal and regional institutions shall be strengthened in order to prevent the repetition of human rights violations;
- Institutional, professional, and employee capacity-building work shall be conducted in collaboration with partners to prevent the repetition of human rights violations and build a culture of respect for human rights;

A comprehensive law shall be enacted for the vetting, screening, and reform works.

2.5.1. Institutions that are Subject to the Reform

Making all the institutions entrusted with the responsibility of protecting and enforcing human rights and freedoms execute their responsibilities and fulfill their institutional goals is an important undertaking. However, given the limited national capacity and the nature of the transitional justice reform, it is not possible to reform all institutions.

Accordingly, the institutional reform in the transitional justice process will be limited in scope. It will be implemented on persons who participated in human rights violations, on federal and regional justice, peace and security institutions, the media, and institutions that failed to carry out their responsibilities to protect the vulnerable groups in society, and on the laws, policies and work procedures which enabled the human rights violations.

2.5.2. Institutional Mechanism for Institutional Reform

Leading the institutional reform by a free, independent, and competent institution is important in order to make the institutional reform productive, speedy, acceptable, and gain public trust. Accordingly, an impartial and independent institution with public trust that will lead the reform will be established by law.

In addition, the following policy directions shall be implemented:

- The commission shall be led by professionally competent, experienced, ethical, independent, and politically neutral commissioners. It shall also be organized with competent and experienced experts;
- The commission shall be entrusted with powers and functions to conduct vetting and screening the institutions and propose reform measures for decision by the House of Peoples Representatives;
- The commission shall establish a detailed vetting procedure that will be implemented on selected institutions;
- The Commission shall establish a separate unit for vetting and screening judges and ensuring that the vetting process adheres to the protections specified in the FDRE constitution and accepted procedures and practices;

DRAFT

- The Commission shall, while undertaking the vetting task, involve professionals from the institution being vetted to gain a deeper understanding of the underlying issues of the institution.
- The commission shall have experienced and knowledgeable professionals as advisors to make its work of vetting in line with international human rights and best practices and to achieve the objective of institutional reform in the transitional justice process;
- The recruitment and appointment of commissioners shall be transparent, inclusive, and participatory as well as reflect diversity involving different sections of society, governmental and non-governmental institutions, human rights and democratic institutions, and other relevant institutions;
- The commission shall put in place a work procedure for employing and administering experts and support staff;
- The regions shall establish by law institutions which will be entrusted to conduct the institutional reform in conformity with this policy and the international human rights principles;
- The commission shall closely support and coordinate the vetting and reform works of the regional institutions.

2.6. The Temporal Scope of the Transitional Justice Mechanisms

The transitional justice process needs to have a clear temporal scope. The cut-off period should, as much as possible, include all gross human rights violations, contested interpretations of history, divisions and misunderstandings, grievances and injustices, and pave the way for sustainable peace and an enduring transition to democracy.

Accordingly, the temporal scope of or cut-off period for the applicability of the transitional justice process for criminal responsibility shall be as from the time when the FDRE Constitution was adopted, which is 1995. For truth-seeking, reconciliation, and reparation, the temporal scope of the transitional justice process shall be as far back as information and evidence can be obtained in order to investigate the root causes of violations and conflicts, mend severed relations, and bring about sustainable peace.

2.7. The Role of Regions in the Implementation of the Transitional Justice Process

Identifying and stating in detail the roles of regions in the transitional justice process is crucial to achieving the objective of transitional justice in a better way by establishing a smooth relationship between federal and regional governments. Accordingly, the regions shall have a meaningful role within the framework of the nationwide transitional justice process.

In light of this, the regions shall have two roles. The first shall focus on the support they provide to the various activities of the national institutions. The second shall focus on transitional justice activities of a limited scope they implement as owners based on the general notions, values, and principles of this policy.

Accordingly, the regions shall have the following responsibilities while supporting the efforts of national institutions.

- Identifying and informing the customary justice systems that support the national transitional justice process;
- Identifying and providing the necessary support for victims during the reparation process;
- Collecting and availing consolidated information and evidence useful for the transitional justice process;

DRAFT

- Handing over perpetrators, reporting and prosecuting perpetrators, and working in collaboration to ensure justice;
- Organizing discussion forums for participants of the transitional justice process and ensuring their safety;
- Implementing regional institutional reforms in accordance with this policy;
- Engaging in awareness activities to enhance the trust and confidence of the people of the region in the transitional justice process;
- Undertaking initiatives that strengthen societal coexistence and relations; generate new ideas, and ensure participation of the public;

Secondly, the regions shall own and implement the following policy measures regarding ‘‘matters, violations, and conflicts not covered by the national transitional justice process”:

- Implementing reconciliation and reparation programs on ‘matters not covered by the national transitional justice process’, and consistent with the national principles and standards;
- Implementing truth-seeking, disclosure, and acknowledgment works based on the same principles;
- Apologizing as a government for harms caused by gross violations;
- Designing and implementing restitution, rehabilitation, commemorative, and memorial events for victims; returning displaced persons to their homes and protecting them from further harm;
- Implementing appropriate reform of their laws and institutions based on national standards to be issued;
- Identifying and recognizing the traditional dispute resolution systems that can participate in the transitional justice process based on prescribed standards and principles, and clearly provided for in the law their working procedures and accountability;
- Taking appropriate measures and working in collaboration and coordination to prevent the recurrence of human rights violations, injustices, and grievances.

2.8. The Role of Traditional Justice Systems in the Transitional Justice Process

Diverse traditional and religious dispute-resolution mechanisms have been practiced in the country for a long time. They have been playing the role of rendering justice based on truth and forgiveness for individual and community-level conflicts, mending differences, and bringing peace. Identifying and leveraging the national and regional roles the customary justice systems can play in the transitional justice system will have a significant contribution to the achievement of the transitional justice goals.

Accordingly, the traditional justice systems shall, by addressing their gaps and in collaboration with other transitional justice institutions, play a significant role in truth-seeking, reconciliation, reparation, and amnesty undertakings, as well as in initiatives aimed at bringing societal peace.

In light of this, the following policy directions shall be implemented regarding the traditional justice systems:

- In collaboration with other institutions, the customary justice systems shall have a supportive role in the transitional justice process, engaging in truth-seeking, reconciliation, reparation, and initiatives aimed at fostering social cohesion, as well as assisting in bringing perpetrators to justice.

DRAFT

- Based on the principles to be specified by the Truth Commission, the traditional justice systems shall involve in truth-seeking, reconciliation, and related local matters that are not covered by the Commission and address less severe human rights violations and conflicts;
- Clear principles and standards shall be specified to identify the traditional justice systems that may have local or national roles;
- A system shall be put in place to ensure that the traditional justice systems work for truth and justice, free from politics and ethnic, religious, gender, and other biases;
- Appropriate measures shall be taken to ensure that the customary justice systems respect the participation and rights of women and children.

2.9. Cross-Cutting Issues

One of the guiding principles of the transitional justice policy and its implementation process is giving special attention to vulnerable groups. Hence, the transitional justice policy and its implementation process shall be exercised in a way that pays due regard to the special needs and benefits of the vulnerable groups of society, especially women, children, youth, physically disabled persons, the elderly, and internally displaced persons.

The following policy directions shall be implemented regarding the vulnerable groups:

- A system shall be established to ensure that the legal, working, and organizational measures taken to implement the policy will guarantee the meaningful participation, decision-making power, and proportional representation of women;
- The transitional justice process shall be implemented in a way that sustainably addresses the long-held biased gender attitudes and vulnerabilities;
- The investigation and prosecution processes shall be made conducive to women and girls who were victims of sexual violence, protect their dignity, do not expose them to other harm, provide psychological and counseling support, and avail rehabilitation/shelter services as may be appropriate;
- The investigation and prosecution, truth-seeking, and reconciliation processes shall be implemented by recognizing the women's cultural and religious differences, and in a manner that addresses structural injustices against them and creates a conducive environment for their participation;
- The procedural and evidence laws used for prosecution and investigation shall be implemented in a manner that ensures those responsible for sexual violence are held accountable;
- The truth-seeking process shall pay special attention to sexual and gender-based violence; by examining the patterns it shall publicize the underlying reasons;
- The truth-seeking process shall be implemented in a way that includes the human rights violations committed against internally displaced persons and other vulnerable groups;
- Public awareness and educational activities regarding the implementation of transitional justice shall be carried out in a manner that ensures accessibility for women and girls;
- Regarding children, the process shall be implemented in accordance with the rights recognized by the constitution and the international human rights instruments;
- Special attention shall be provided and care shall be taken for juvenile delinquents during the identification, investigation, prosecution, litigation and judgment processes;

DRAFT

- The transitional justice implementation shall ensure the meaningful participation of the youth; and put in place inclusive and accessible work procedures for persons with disability and the elderly.

Part Three

The Role of Government and Stakeholders, and Monitoring and Support Mechanism

3.1. The Role of Government Organs and Stakeholders

The transitional justice mechanisms mentioned in Part Two of this Policy are not mutually exclusive but complementary and mutually reinforcing. Therefore, it is crucial to ensure that these mechanisms are implemented in a coordinated and integrated manner. In accordance with the policy, there are several institutions assigned to implement the various activities of transitional justice. In addition to creating an enabling environment for the establishment of these institutions, this policy shall clearly indicate the functions and responsibilities of the institutions that provide support until the transitional institutions are fully engaged. On the other hand, even after these institutions become operational, there shall still be an organizational framework in place to facilitate, coordinate, and lead the relationship between transitional justice-implementing institutions.

Generally, the roles of government organs and stakeholders in the transitional justice process are presented as follows:

3.1.1. The Role of Government Organs

A. Ministry of Justice

The Ministry of Justice is entrusted with the responsibility of leading and coordinating the criminal justice administration and serves as a legal advisor to the federal government. The Ministry of Justice can play a pivotal role in creating an enabling environment for the effective implementation of the transitional justice process.

The Ministry of Justice shall also have a main coordinating role in facilitating the implementation of this policy and supporting the various organs that perform different activities in the transitional justice process. The Ministry shall have the following main duties:

- It shall draft laws for the establishment of the institutions that shall implement the various transitional justice mechanisms under this policy and submit them to the relevant authority;
- It shall prepare the internal working procedures and directives for established institutions until they become fully operational on their own; and provide necessary support on related matters.
- It shall ensure the coordination between the institutions that undertake the various transitional justice mechanisms; promote and create awareness about the policy at the national level; monitor the overall implementation of the transitional justice; organize an institutional setup comprising representatives from civil societies and relevant institutions that engage in these activities; and develop working procedures for this organizational platform and provide the necessary support for their effective implementation.

B. Ministry of Finance

Considering that the Ministry of Finance is entrusted with the powers and duties amongst others, to administer the country's financial system, to prepare the budget of the federal government, to make disbursements of the budget to concerned bodies, and to evaluate the budget utilization performance it shall have the following duties and responsibilities in the implementation of the transitional justice process:

DRAFT

- It shall allocate an adequate budget for the implementation of the transitional justice system at the national level;
- It shall allocate and disburse to the special institutions established to implement the different components of the transitional justice mechanisms adequate budget that enables the proper discharge of their duties;
- It shall facilitate the setting up of special procedures for the proper utilization of the budget in accordance with the establishment proclamations of the institutions;
- It shall closely work with international as well as national partners in order to secure financial and in-kind support for the implementation of the transitional justice system; mobilizes resources, and facilitates conditions for the proper management and utilization of the secured funding.

C. Civil Service Commission

The Civil Service Commission is a governmental body entrusted with the responsibility of deciding on the organizational structures of public service institutions, overseeing the implementation of its decisions; ensuring that the placement of civil service personnel is based on merit; establishing a payment scheme for attracting and retaining qualified leaders and professionals to government offices. Accordingly, the Civil Service Commission shall have the following duties and responsibilities with regard to the implementation of the transitional justice:

- The Commission shall support the institutions established to implement the transitional justice mechanisms to have an organizational structure compatible with the unique vision and nature of the institutions, as indicated in their enabling law;
- It shall assist the transitional justice institutions in developing competitive salary and benefits package for the recruitment and placement of better-qualified and skilled professionals;
- It shall carry out activities that facilitate the prompt staffing of the institutions.

D. Authority for Civil Society Organizations

The Authority is a government institution responsible for registering, supporting, facilitating, and coordinating the work of civil society organizations. The Authority is also responsible for monitoring and supervising the activities of civil society organizations among others. It shall have the following duties and responsibilities with regard to the implementation of the transitional justice process:

- It shall coordinate civil society organizations to raise public awareness and sensitization about the implementation of the transitional justice process for it to have public acceptance;
- It shall encourage the active participation of civil society organizations in the implementation of the transitional justice process, as these organizations represent diverse sections of society;
- It shall coordinate civil society organizations to provide technical and financial support for the implementation of transitional justice.

E. Federal and State Police Commissions

The federal and regional police institutions are governmental institutions entrusted with the responsibility of maintaining peace and security of society. Accordingly, they shall have the following duties and responsibilities with regard to the implementation of the transitional justice system:

- They shall provide the necessary support to institutions and organizations that will be established to implement transitional justice tasks so that they do not face any challenges of security and order,

- They shall provide special protection and security, as necessary, for the implementation of the different components of transitional justice mechanisms.

F. House of Peoples' Representatives

The House of Peoples Representatives is responsible for promulgating laws, monitoring and evaluating institutional performance, and making sure that public aspirations and concerns are properly addressed by the government.

It shall have the following duties and responsibilities concerning the implementation of the transitional justice: -

- It shall enact laws for the implementation of the various transitional justice mechanisms, with priority and urgency the process requires;
- It shall ensure transparency and public participation in the appointment of commissioners and judges for institutions established to enforce transitional justice;
- It shall monitor the implementation of the general transitional justice system to ensure that it is carried out in a manner that earns public trust and follows the implementation plans; it shall also provide support and approve the necessary budget.
- It shall provide all the necessary support to the institutions that implement transitional justice mechanisms in order to enable them to carry out their work properly.

G. Ministry of Peace

The Ministry of Peace shall have the following duties and responsibilities with regard to the implementation of the transitional justice mechanisms.

- It shall undertake awareness-raising and capacity-building activities in collaboration with the Ministry of Justice to create a national consensus and build positive peace regarding the implementation of transitional justice;
- It shall provide support for the coordination between the federal and regional governments, as well as among the regions, to ensure lasting peace during the implementation of this policy;
- It shall follow up on and provide support for the harmonized implementation of transitional justice across all regions in a manner that ensures sustainable peace;
- It shall provide continuous support to ensure that cases handled through reconciliation and amnesty bring sustainable peace to the country;
- It shall follow up and support to ensure that internally displaced persons are properly treated in the transitional justice process, returned to their places of habitual residence and that their related rights are protected;
- It shall work in a way that the implementation of transitional justice enables bringing sustainable positive peace to the country.

H. Ministry of Women and Social Affairs

- It shall follow up and provide appropriate support for the implementation of the policy directions stated for vulnerable groups;
- Concerning sexual violence in particular, it shall facilitate the accessibility of necessary psychological, counseling, and rehabilitation services for victims;

DRAFT

- It shall undertake, in collaboration with relevant bodies, awareness-raising and capacity-building activities for vulnerable groups regarding the implementation of transitional justice.

I. Ethiopian Statistical Service

It shall organize and document information and data related to transitional justice in a way that can serve as a lesson and heritage for the country and future generations.

J. Higher Education Institutions

- They shall facilitate the participation of those who can make professional contributions to the process of implementing transitional justice and provide support and implement awareness creation and capacity-building activities;
- They shall undertake studies and research to support institutions involved in implementing transitional justice while discharging their responsibilities.

K. The Role of Other Government Organs

Other government organs that have a direct or indirect role in the implementation of the transitional justice system shall offer support for its successful implementation. In particular, they shall provide support to address the budgetary, human resources, and other similar issues that institutions established or organized to implement transitional justice mechanisms may face.

3.1.2. The Role of Stakeholders

A. Ethiopian Human Rights Commission

It shall follow up and provide support to ensure that the implementation of the transitional justice process is done in a manner that complies with the principles enshrined in this policy, in human rights compliant, and victim-centered approach.

B. Ethiopian National Dialogue Commission

It shall facilitate the implementation of a transitional justice process and national dialogue complementing each other and coordinating with other relevant bodies.

C. Civil Society Organizations

Civil society organizations are institutions that represent the interests and rights of various sections of society. Therefore, these organizations shall enable the public to participate in the process of transitional justice with a sense of full ownership by raising awareness of all sections of society about transitional justice and its processes, and by facilitating appropriate national outreach and sensitization activities.

Furthermore, it will be ensured that civil society organizations participate directly and actively in the implementation of the transitional justice process; support the process, and create a context whereby they can fully implement certain components of the process, as appropriate.

In this regard, local civil society organizations in particular shall be participating with a sense of full ownership for the effective, transparent and accountable implementation of the transitional justice process. A system shall also be established to enable the participation of international civil society organizations in the implementation of the transitional justice process as appropriate, either in collaboration with the local civil society organizations or separately, by respecting the principles of public ownership and national leadership. A work procedure shall be put in place for the international civil society organizations to support the process financially, technically and in other ways.

DRAFT

D. Ethiopian Political Parties Joint Council

The Council shall have the following duties and responsibilities with regard to the implementation of the transitional justice system: -

- It shall coordinate the political parties to educate and raise awareness among the public about the implementation of transitional justice mechanisms in order to enhance public trust and participation in the process;
- It shall encourage the active participation of political parties in the implementation of the transitional justice process, as they represent/comprise diverse sections of society.

E. Political Parties

Political parties represent the interests of various sections of society. Hence, the political parties shall undertake awareness-raising activities, including national sensitization or outreach activities on transitional justice matters for all sections of society to enhance public awareness and thereby enable meaningful public participation with a full sense of ownership in the transitional justice implementation process.

F. The Roles of Other Stakeholders

Stakeholders, including those with direct and indirect roles in the implementation of the transitional justice system, shall extend all required of them to ensure the effectiveness of the process. They, in particular, shall provide support to alleviate budgetary and other related challenges that the institutions established for the implementation of transitional justice mechanisms may encounter.

3.2. Policy Implementation, Monitoring and Support Mechanism

This transitional justice policy shall have separate monitoring and support mechanism dedicated to its proper implementation. Integrated and coordinated support and monitoring systems are imperative pending the operationalization of the institutions specified in this policy, and they are equally vital for their effective functioning after operationalization. A system shall be in place whereby integrated support and monitoring is undertaken for their effectiveness from the time institutions and organizational arrangements envisaged in the policy are established and all the way after they have become functional.

Notwithstanding the task entrusted to the Ministry of Justice under section 3.1.1 above to establish a coordinated system and a structure involving multiple institutions and civil societies for this purpose, a 'policy implementation roadmap' shall be prepared to guide the specifics of the implementation on the ground. The roadmap shall outline details of the activities to be undertaken after the adoption of the policy, the sequence of activities, the timeline for implementation, the bodies responsible for implementation, and the respective roles and responsibilities of the institutions indicated in this policy. The monitoring mechanism to be established by the Ministry of Justice shall regularly conduct monitoring and support activities to ensure that the responsibilities of the respective institutions are carried out properly and in coordination based on this policy and the roadmap.

DRAFT