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Protection of civilians' rights during armed conflict between TPLF and Ethiopian government

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Abstract

The fourth Geneva Convention provides protection to civilians and obliges the contracting parties must respect and ensure respect for the convention in all circumstance. Although it provides protection to civilians, in recent decades armed conflict has blighted the lives of millions of civilians'. In Ethiopia on November 4, 2020 fighting began between Tigray people liberation front and Ethiopian government, causes countless civilian rights violations. The study aimed to assess whether the act of Tigray people liberation front and Ethiopian government is compatible with the rules of international humanitarian law that deal with protection of the rights of civilians during armed conflict. The study is descriptive legal research that adopts the qualitative method and utilizes the exploratory research design. The research used secondary data sources like; journals, books, newspapers, and so on and analyses these data through the use of thematic analysis to reflect the situation as far as armed conflict is concerned. The study found out that since the conflict erupted on November 4, 2020 Rockets have been fired into the region of Amhara and across the border into Eritrea, many civilians have been killed, more refugees have fled and massive public infrastructures have been destroyed. Finally the study concludes that the acts of parties not in line with the international humanitarian law principles since it highly violate the rights of civilian and their objects. Further the researcher argues that such serious violations are war crimes so that the government should ensure other institutions impartially to investigate the case, prosecute the individuals responsible for those violations in accordance with international fair-trial standards, and the State should pay reparations to the victims and their families, and give assurances of non-repetition, to the adoption of legal mechanisms to prevent future abuses.

Key words: 1. FDRE Constitution 2. Armed conflict 3. Humanitarian law 4. Combatants, civilians 5. Warfare 6. Military target 7. War crimes

Introduction

The fourth Geneva Convention provides protection to civilians. Under its general provisions it provides, the contracting parties for the convention must respect and to ensure respect for the convention in all circumstance, by which it impose not merely respect but also ensure respect for it [1]. Although the convention provides protection to civilians, in recent decades armed conflict has blighted the lives of millions of civilians' serious violations of international humanitarian law in many armed conflict [2].

In Ethiopia, the government launched a military campaign against the TPLF on November 4, 2020, accusing it of attacking two federal military camps in the northern regional state of Tigray, as well as defying and seeking to destabilise the government [3]. In times of armed conflict, parties are required to protect people who are not or no longer taking part in the hostilities and to restrict the methods and means of warfare employed. However, during the armed conflict between TPLF and Ethiopian military force Civilians are affected in many ways by war, whether as the direct victims of death, injury, rape, forcible and other acts displacement or as indirect victims through conflict-induced increases in disease, hunger and malnutrition. The objective of this study is to examine compatibility of TPLF and Ethiopian government conflict with international humanitarian law that deal with protection of the rights of civilians during armed conflict.

The study is descriptive study that has been designed by using qualitative method. Accordingly it involves analysis of statutory provisions, cases and reports, the sources of the data obtained or acquired from secondary sources like; from legal documents (domestics and international legislation), international customs, case reports, books, articles, journals, magazine, newspaper, official news, and other relevant online sources.

1. Protection of civilians in general

As to black's law dictionary the term civilian is defined as a person not serving in the military [4]. This means a civilian is a person who is not a member of the military or of a police or fire fighting force. The civilian population comprises all persons who are civilians [5]. When we see International armed conflicts the definition of civilians as persons who are not members of the armed forces is set forth in Article 50 of Additional Protocol I, to which no reservations have been made. Similarly "the civilians' population comprises all persons who are civilians" was included in AP II [6]. Thus, civilian is a residual category: whoever is not a combatant shall be deemed to be a civilian, in case of doubt whether a person is a civilian, that person shall be considered to be a civilian [7]. Thus under the laws of war civilian is one not being a member of the armed services and does not take a direct part of hostilities in times of armed conflict. War is a contention between states that is fought by their armed force. The civilian population who take no part in hostility must be spared and protected [8]. Therefore, all parties to armed conflicts are bound by the rules of international humanitarian law (IHL) to take a broad range of measures to protect civilians from the effects of military operations.

2. The legal framework of civilian protection during armed conflict under IHL

International humanitarian law is that branch of the law of nations that seeks to impose limits on the destruction and suffering caused by armed conflicts [9]. A major part of International humanitarian law is contained in the Geneva conventions of 1949 and its additional protocols 1977; which proclaims the principle of respect for the human person and the secured character of the basic rights of individual men and women. Protection for the civilian population is a basic element of humanitarian law: civilians and all those not taking part in the fighting must on no account be attacked and must be spared and protected [10]. The 1949 Geneva Conventions and their 1977 Additional Protocols contain specific rules to protect civilians. In situations that are not covered by these treaties, civilians are protected by other international bodies of law, notably human rights law and national laws compatible with international laws and by the principle of humanity [11]. Let's discuss each legal instrument in the following section.

2.1. Hague Convention

The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, [12] to which Ethiopia is a party, incorporates protections that the parties to the conflict must accord these objects [13]. Article 19 of this Convention, like common article 3 of the 1949 Geneva Conventions, obligates each party to conflict to apply as a minimum, the provisions of the Hague Convention that relate to respect for cultural property [14].

As to the case of bombardment by naval forces, Article 1 provides: the bombardment by naval forces of undefended ports, towns, villages, dwellings, or buildings is forbidden. The main legal bases underlying this rule are Articles 25 and 26, which provides that officer in command of an attacking force must do all in his power to warn the authorities. Art 27, on the other hand, states that in sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art science, or charitable purpose, historical monuments, hospitals and places where the sick and wounded are collected, provided they are not being used at the time for military purpose.

2.2. The 1949 Geneva Conventions

Common Article 3 of the 1949 Geneva Conventions is virtually a convention that imposes fixed legal obligations on the parties to conflict for the protection of persons not, or no longer, taking an active part in the hostilities [15]. Moreover, the obligation to apply article 3 is absolute for both parties and independent of the obligation of the other party [16]. The primary purpose of article 3 is to absolutely ensure humane treatment of those persons who do not or no longer actively participate in the hostilities when they are in the power of a party to the conflict.

2.3. Additional Protocol I to the 1949 Geneva Conventions

Under Additional Protocol I to the 1949 Geneva Conventions, that applicable to international armed conflict, civilians and other persons that do not take part in

hostilities may not be targeted and states are legally obliged to attack only 'objects which by their nature, location, purpose or use make an effective contribution to military action [17]. Article 51 (5) (b) of Protocol I, prohibits attacks towards civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.' Accordingly states must take all feasible precautions in order to spare the civilian population and infrastructure, and they must suspend or cancel an attack if the expected incidental harm or damage to civilians or civilian objects would be excessive in relation to the concrete and direct military advantage anticipated.

2.4. Additional protocol II to the 1949 Geneva Conventions

The basic provision in Protocol II relating to civilian immunity is article 13; [18] though it merely refers to "individual civilians" and "civilian population" without explaining the meaning of these terms. Article 50 of Protocol I, however, defines the term "civilian population" as comprising "all persons who are civilians" [19] and defines a "civilian" negatively as anyone who is not a member of the armed forces or of an organized armed group of a party to the conflict. These definitions are also relevant for distinguishing civilians from combatants in armed conflicts governed by Protocol II and article 3.

As per to article 13 of additional protocol II the civilian population and individual population shall enjoy general protection against the dangers arising from military operation. In addition to this as provided under article 16 of Protocol II prohibits the parties to the conflict from committing "any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples, and to use them in support of the military effort.

2.5. Customary international law

There is a broad consensus that Common Article 3 and Protocol II fail to effectively regulate many aspects of those conflicts, but some lawyers and advocates look to customary international law – unwritten rules that states consider to be legally binding to fill the gaps [20]. This approach has received a major boost with the publication, in early 2005, of an extensive study by the International Committee of the Red Cross (ICRC) on the current state of customary international humanitarian law [21]. Moreover, Protocol I provide that 'In cases not covered by this Protocol or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience [22]. Thus attacks against the civilian population in armed conflicts, are prohibited by the customary laws of armed conflict.

3. The legal frame work of civilian protection under Ethiopian law

International humanitarian law requires States to enact legislation to punish such grave breaches, to search for persons who have allegedly committed such crimes, and to bring them before their own courts or to extradite them to another State for prosecution (see

Arts. 49, 50, 129, and 146 respectively of the four Conventions and Art. 85 (1) of Protocol I). In addition to territory and nationality as a basis of criminal jurisdiction, IHL confers on all States universal jurisdiction over grave breaches. From this perspective, it is important to assess to what extent the laws of war are incorporated in to the Ethiopian legal system. In this section, we will consider the constitution, the criminal law and international instruments ratified by Ethiopia.

3.1. International instruments ratified by Ethiopia

Ethiopia has ratified a number of international human rights and IHL treaties [23] that provide protections. Accordingly Ethiopia is a party to the first four conventions as of 1969; the two Additional Protocols were ratified in 1994. As we will see in the following sub-section, by virtue of the constitution, these conventions form an integral part of the law of Ethiopia.

3.2. The Constitution of the Federal Democratic Republic of Ethiopia

As Ethiopia is a party to IHL treaties, the first constitutional provision relevant to IHL is one that is found under Article 9 (4) of the FDRE constitution [24]. By virtue of this provision, IHL treaties ratified by Ethiopia (the four Geneva Conventions and the two Additional Protocols) are part of the Ethiopian law, and hence they should be respected or applied.

Another important constitutional provision relevant to IHL is Article 28(2), which deals with crimes against humanity. It provides that the criminal liability of persons who commit crimes against humanity shall not be barred by period of limitation. It also states such offences may not be commuted by amnesty or pardon of the legislature or any other State organ. Thus, persons who commit crimes against humanity at peacetime or during war cannot go free. They can be prosecuted and punished at any time.

Article 18 of the Constitution on the prohibition against inhuman treatment is also relevant to the protection of victims of war. Sub-article 1 state that everyone (civilian, combatant or prisoner of war) has the right to protection against cruel, inhuman or degrading treatment or punishment. This provision shall apply even in case of armed conflict. Of course, many of the Constitutional provisions on human rights can be invoked to provide protection to victims of armed conflict and thereby regulate the behaviour of parties to an armed conflict.

3.3. The Criminal Code of the Federal Democratic Republic of Ethiopia

The Criminal Code of the Federal Democratic Republic of Ethiopia was promulgated in 2004(see Proclamation No. 414/2004), and no doubt has taken in to consideration the Constitution as well as IHL treaties (Conventions) ratified by Ethiopia. The Criminal Code of Ethiopia, among other things, provides a list of prohibited behaviour during

armed conflict (war) and provides the corresponding punishment. By imposing criminal responsibility on persons who violate it, the criminal law is meant to ensure the respect of the laws of war. For instance the Special Part of the Code (Part II) deals in its Title II (starting from Article 269) deals with crimes in violation of international law [25]. As these crimes can be committed during an armed conflict (war), the provisions are relevant in regulating the behaviour of parties to the conflict (war). Thus the special part of the Criminal Code is aimed at protecting of victims of warfare as well as regulating means and methods of warfare.

4. Basic principles of international humanitarian law during armed conflict

Generally International humanitarian law further requires that, in armed conflict, states must comply with the international humanitarian law principles, such as military necessity, proportionality, distinction and unnecessary suffering. Those principles of international humanitarian law are analysed as follows:

4.1. Military Necessity

International humanitarian law requires, first, that in the acquisition or adoption of any weapons system, states must assess whether its use would be contrary to international humanitarian law [26]. This principle is one of the most important grounds for IHL. Therefore weapon treaties or other legal instruments of international humanitarian law they are clearly subjected to international humanitarian law. Destruction as an end in itself is a violation of international law [27]. It is likely that a specific drone attack does not comply with the principle of military necessity if it also does not comply with the principles of unnecessary suffering and proportionality.

4.2. Unnecessary Suffering

The principle of unnecessary suffering is customary law codified in Art. 35 (2) of Additional Protocol I to the Geneva Conventions: It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering. Examples of weapons that are regarded as causing unnecessary suffering are explosive bullets, poison and poisoned weapons, asphyxiating gases or glass-filled projectiles [28].

4.3. Principle of Proportionality

The Oxford English Dictionary defines “proportional” as an adjective describing something as “corresponding in size or amount to something else” [29]. Thus an object can be described as proportional only when the two items are compared and an appropriate balance is struck between them based on an identified value. The essence of IHL Proportionality is the relationship or ratio between two discreet values. IHL proportionality balances two different concepts military advantage and civilian harm. It is prospective in nature; so an attacker is obligated to estimate and compare military advantage and civilian harm at the time the attack is contemplated. IHL proportionality is rooted in humanitarianism [30]. An attack is proportionate when the expected civilian harm is not excessive in relation to the expected value of the attack.

4.4. Principle of distinction

The principle of distinction is one of the foundation stones upon which the edifice of international humanitarian law rests. As provided under customary IHL the parties to the conflict must at all times distinguish between civilians and combatants [31]. Attacks may only be directed against combatants. Attacks must not be directed against civilians. Military commanders are obligated to distinguish between civilian objects and military objectives and to direct their operations against military objectives.

Article 13(2) of Additional Protocol II prohibits making the civilian population as well as individual civilians, the object of attack. Under the Statute of the International Criminal Court, “intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities” constitutes a war crime in non-international armed conflicts.

Lawful combatants are unquestionably legal targets under IHL, and can be targeted by any other lawful weapon system but they fulfil the specific criteria of the Geneva and Hague Conventions conditions [32]. Thus the principle that combatants and other actors in armed conflicts have to distinguish themselves from the civilian population is recognised under Articles 48, 51(2) and 52(2) of Additional Protocol I (for international armed conflicts) and under Article 13(2) of Additional Protocol II (for non-international armed conflicts). Furthermore, the principle of distinction is state practice and constitutes customary international law. It is therefore applicable in every armed conflict, regardless whether international or not.

5. Protection of Civilians’ Rights during Armed Conflict: The Case of TPLF and Ethiopian Government Armed Conflict

5.1. The status conflict between TPLF and Ethiopian government

International humanitarian law, or the laws of war, distinguishes between “international” and “non-international” armed conflicts [33]. Under the Geneva Conventions of 1949, the laws concerning international armed conflicts apply to all cases of armed conflict between two or more states [34]. The definition of the term non-international armed conflict, as provided in article 1(2) Additional Protocol II, can still serve as guidance regarding the scope of violence that amounts to an internal armed conflict [35]. Therefore, “sporadic, disorganized, apolitical violent strife” does not amount to an internal armed conflict. Concerning the conflict between TPLF and Ethiopia government, Reports and statements point that the hostilities having reached a sufficient degree of intensity to be considered an armed conflict, given repeated reports of armed confrontations and spread over the region of Tigray, weapons used, the damage to towns and infrastructure, and the number of Ethiopian civilians flees into neighbouring Sudan.

TPLF forces have also used Rocket against a number of locations in the neighbouring Amhara region and in Eritrea which is an independent country [36]. Accordingly the

Eritrea military forces inter in to the Ethiopia jurisdiction and participated in the armed conflict by helping the Ethiopian military force. In their operations, both Ethiopian and Eritrea government forces have used military aviation and threatened to use variety of heavy weapons such as tanks and artillery in Tigray.

Thus the conflict between Ethiopian government forces and Tigray regional forces constitutes as international armed conflict but not internal armed conflict since independent Eritrea government military force participated on the conflict and helped the Ethiopian government to against the TPLF group. Therefore applicable law is the legal regime for international armed conflict law.

5.2. Violated principle of IHL during the conflict between TPLF and Ethiopian government

Each party must respect and ensure respect for the laws of war by all individuals or groups acting under their direction or control. Distinguishing civilians from combatants in armed conflicts governed by Protocol II under article 3 and article 13 of additional protocol II states that the civilian population and individual population shall enjoy general protection against the dangers arising from military operation. Concerning Ethiopia's armed conflict, both the Ethiopian government and forces allied to it, and the TPLF forces are responsible for complying with distinction principles of international humanitarian law. In Ethiopia a gruesome mass killing in which "likely hundreds" of people were stabbed and hacked to death in the southwest town of MaiKadra and more than 50,000 refugees have fled into neighbouring Sudan [37].

According to insecurity insight report, women were raped in front of their children, husbands and other family members; and held captive for ten days and repeatedly raped by Eritrean soldiers who stuffed nails, stones and used condoms inside her [38]. According to this report in Wukro town a woman was raped by four Eritrean soldiers in her home, while a fifth soldier forced her husband to kneel and watch at gunpoint. In another two incidents survivors were shot repeatedly in their arms, which had to be amputated, during attempted rapes by Ethiopian and Eritrean soldiers. Another woman was left in a wheelchair after injuries to her spine and pelvis during repeated gang rapes. Four women were shot and killed after they had been raped. In one incident a woman in Wukro town was raped and then killed by Eritrean soldiers in front of her three sons, who were not allowed to touch or bury her body for three days.

Moreover, as provided under article 16 of Protocol II prohibits the parties to the conflict from committing "any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples, and to use them in support of the military effort. Thus deliberate attacks on cultural property, including historical monuments and buildings dedicated to art and religion, are also war crimes, unless being used for military purposes. And also as provided by article 56 of

protocol II, which prohibits attacks on dams, dikes and nuclear-electric generating stations, civil airports, roads, and bridges are civilian objects that shall not be subject to attack.³⁹ But TPLF rebels group have dug up roads, destroyed bridges, airport of Axum and cut off electric and telecommunication wires and cables, and destroyed church materials [40]. Particularly in Humeraw which is a city in Tigray region located 500 km from Mekelle and 252 km from Gondar, with a population estimated to be between 30 and 40 thousand; experienced heavy fighting which lasted for 3 days during the war and heavy artillery was heard; public spaces and residential houses in Kebele 2 bore the brunt of the damage [41]. As EHRC team has visited; damaged houses, cattle and harvests, telecommunications and health services, including public service providers such as financial institutions and mills which have either been looted or burned [42].

As official reports of the government indicated, civilian objects were destroyed by TPLF group [43]. Such act of TPLF has violated distinction principle of international humanitarian law. This means the acts harshly violate the life of civilian as well as their objects; both man-made and Natural resources such as water, soil and trees, and wildlife, which are the "wealth of the poor", their damage and destruction during armed conflict can undermine livelihoods, acts as driver of poverty and forced migration, and trigger of local insecurity. The destruction of roads and bridges hindered transport of the sick and wounded, prevent civilians from using roads to flee from the fighting. The loss of electricity impedes the operation of medical services; incapacitate water and sanitation systems; or make it difficult for civilians to refrigerate food, cook or stay warm.

Distinction principle requires that the parties to a conflict at all times distinguish between civilians and combatants and between civilian objects (buildings, infrastructure, etc.) and military objectives, however, TPLF didn't respect this distinction principle; they kill so many innocent civilians, they make so many people flee to other country, and they destroyed the objects of civilian, and damaged so many public infrastructure which are not military objectives. Thus the TPLF rebel group conduct is not compatible to the IHL rules since their acts violate basic principle of IHL during the war.

Another violation following the outbreak of hostilities on November 4 is phone and internet communications were blackout in the Tigray region as a whole. Human rights and humanitarian agencies have highlighted that access and telecommunications limitations in most parts of Tigray have made it difficult to assess the full impact of ongoing hostilities on the civilian population and the overall security of humanitarian workers in the region [44]. Moreover, survivors, journalists and medical professionals have all been threatened with violence if they report incidents, while local structures where survivors of sexual violence would usually report an attack are no longer in place or have decreased as a result of the conflict [45]. IHL requires Parties to conflict would

need to take into account the basic principles of the laws of war, including of necessity and proportionality.

The principle of necessity permits measures that accomplish a legitimate military objective that are not otherwise prohibited by international humanitarian law. Shutting down the internet may serve a legitimate military purpose, such as denying belligerent forces a means of communicating with one another and carrying out attacks. However, the principle of proportionality prohibits actions in which the expected civilian harm is excessive in relation to the anticipated military advantage. Thus the rule of proportionality applies, requiring the parties to the conflict to weigh the short- and long-term harm for civilians against the military advantage served.

This study found that Shutdowns of communication access had caused considerable harm to the civilian population, including leading to possible injury and death by preventing civilians from communicating with each other about safety considerations, access to medical facilities, and sources of food and shelter. It also hindered the work of journalists and human rights monitors who can provide information on the situation on the ground, including the reporting of possible laws-of-war violations. Thus the restrictions importantly hampered the ability of humanitarian agencies to assess and provide assistance to populations at risk. Even such lack of information concerning the conditions and circumstances facing the affected population had increased the likelihood of injury and death. Such blockage of communication channels amounts to a form of collective punishment by imposing penalties on people without a clear lawful basis is un-proportional and it is violation of principle of necessity and principle of proportionality which are basic principle of IHL by TPLF and Ethiopian government.

6. Conclusion and Recommendation

Based on the analysis made in the above, the following conclusions are made on the assessment international humanitarian law provide the protection of civilians and civilian population in armed conflict between Ethiopian defence force and TPLF (Tigray liberation front). It is the corn stone of international humanitarian law with strict rule defining the obligations and duties of parties to a conflict in order to protect civilians and civilian objects. Even though such protection is provided, the violation of civilian's right is still continued by different parties. Ethiopia is a party to IHL treaties, particularly to the four Geneva Conventions and the two Additional Protocols as well as the 1954 Hague Convention on the protection of cultural property. According to Article 9 (4) of the FDRE Constitution, these conventions are part of the law of Ethiopia. since the conflict erupted on November 4, 2020 Rockets have been fired by the TPLF into the neighbouring region of Amhara and across the border into Eritrea, hundreds of people have been killed, injured, raped, forcible displaced and massive civilian or public infrastructures have been destroyed in unlawful manner; consequently the conflict-induced increases in disease, hunger and malnutrition. The resulting uncertainty, as to the applicable legal standards, has the potential of polarizing the international

community, undermining the rule of law and, ultimately, of destabilizing the international security environment as a whole. Thus study has forwarded the following recommendations:

- ❖ The government should work in collaboration with concerned agencies to restore security in these areas and take the necessary measures to ensure the protection of the community and adopt legal mechanisms to prevent future abuses.
- ❖ It is required to have impartial Fact finding investigations in parallel with other national, regional and international judicial or investigative processes, it is important to ensure they do not hamper these other processes but, where possible, assist them.
- ❖ Members of TPLF and Ethiopian defence forces in the areas need to be investigated and perpetrators held to be liable in order to ensure accountability for violations of international humanitarian law and human rights law, both for individual perpetrators and for parties to the conflict.
- ❖ The Ethiopian government in collaboration with regional and international organization should ensure the way by which Eritrean soldiers held to be liable for Raped, assaulted and killed civilians in Tigray.
- ❖ State should pay reparations to the victims and their families, and give assurances of non-repetition for Real Property Claims of Displaced Persons and Refugees, the Housing and Property Claims

¹ Geneva Convention Four relative to the protection of civilian persons in time of war, UN, 12 August 1949, article 1.

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⁴ Bryan A. Gaker, "Black's law dictionary" eighth edition, February 2004.

⁵ Jean-Marie Henckaerts and Louise Doswald-Beck, ‘Customary International Humanitarian Law rules’ (2009) *volume I*, 17

⁶ Additional Protocol II to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims on Non-International Armed Conflicts signed on 12 December 1977 - Entry into Force 7 December 1978, Article 13

⁷ Protocol Additional I to the Geneva Conventions of 1949, and Relating to the Protection of Victims of International Conflicts (Protocol 1), opened for signature Dec. 12, 1977, 50(1)

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⁹Diakonia International Humanitarian Law Centre, ‘Introduction to humanitarian law principles of international law’ Available online: (accessed December 30, 2021).

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¹¹ International Committee of the Red Cross, 7

¹² Convention for the Protection of Cultural Property in the Event of Armed Conflict May 14, 1954.

¹³ Convention for the Protection of Cultural Property in the Event of Armed Conflict, May 14, 1954 art 4

¹⁴ Convention for the Protection of Cultural Property in the Event of Armed Conflict, art 19

¹⁵Junod, ‘Additional Protocol II: History and Scope’ (1983) U.L. REV. 29, 33

¹⁶Junod, 33

¹⁷ Peter Malanczuk, Akehurst’s, ‘Modern Introduction To International Law’ Seventh revised edition (Routledge Taylor & Francis Group 2002) 345

¹⁸ Additional Protocol II, art 13.

¹⁹ Additional Protocol I art 50(1)

²¹ J.-M. Henckaerts and I. Doswald-Beck (eds.), *Customary International Humanitarian Law, Vol. 1: Rules* (hereinafter ICRC Customary Humanitarian Law Study) (2005).

²² Additional Protocol I, Art 1(2)

²³Médecins Sans Frontières, ‘The Practical Guide to Humanitarian Law’: available on (accessed on August, 2021).

²⁴FDRE constitution, Art 9(4) states that all international agreements ratified by Ethiopia are an integral part of the law of the land.

²⁵The Criminal Code of Ethiopia 2004 penalizes under Article 269-281

²⁶ Birmingham policy Commission, *The Security Impact of Drones: Challenges and Opportunities for the UK* (Report October, 2014) 46

²⁷LiseKanner, ‘The efficacy and legality of drones in modern Warfare’ (2016) Volume 4 Issue 1 Article 4 Bond University Student Law Review, 13

²⁸LiseKanner, 13

²⁹ Oxford dictionaries.Com, Proportionality Definition, (Last visited on December 10, 2020).

³⁰ David Akerson, 'Applying Jus in Bello Proportionality to Drone Warfare' (2014) vol.16 Oregon review of international law, 184.

³¹International criminal court, " Situation in Democratic Republic of Congo in the Case of the Prosecutor V.Bosco Ntaganda, No.: ICC-01/04-02/06 Date: 06 October 2020", 4

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³³ J. Pictet, Commentary on the Geneva Conventions of 12 August 1949, Geneva, 1952, vol. I, p. 29

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³⁷ Hundreds killed in Ethiopian conflict (accessed March 25, 2021).

³⁸ Insecurity Insight 2020, 'Sexual Violence in Ethiopia's Tigray Region 30 March 2021' Geneva: Insecurity Insight, 3

³⁹ Protocol Additional I to the Geneva Conventions of 1949, and Relating to the Protection of Victims of International Conflicts (Protocol 1), opened for signature Dec. 12, 1977, art 56

⁴⁰ETV broadcasting corporation, "Civilian property and infrastructure destruction by TPLF", posted Nov 29, 2020 (accessed on January, 2021)

⁴¹ Ethiopian Human Rights Commission (EHRC) Report: Brief Monitoring Report on the Situation of Civilians in Humera, Dansha and Bissober, 1.

⁴² Ethiopian Human Rights Commission (EHRC) Report, 7

⁴³ETV broadcasting corporation

⁴⁴ Ethiopian Human Rights Commission (EHRC) Report, 8

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