

National Jurisprudence summary

Dutch case no. number 2200550317v, 08 June 2022 (The Hague Court of Appeal)

The Court of Appeal sentenced former Ethiopian official for war crimes committed during the Derg's "Red Terror" regime during the 1970s. The accused stationed as provincial representative of the Derg in 1977/1978 in the Gojjam province while a fierce battle was raging with the EPRP, one of several opposition groups. The Court of Appeal established that during this time, a non-international armed conflict was taking place between the Derg (the government) and the EPRP, and a number of war crimes were committed with the knowledge and participation of the accused.

In particular, the Court found that the nexus between the conduct of the accused and the armed conflict in Ethiopia is characterized by the fact that the victims belonged to or were associated with the opposing party, the offences were carried out in order to unearth and/or eliminate the opponents, and the offences were committed in the official capacity of the accused, namely as chairman of the campaign committee and permanent representative of the Derg in Gojjam. As such, the accused was also aware of the factual circumstances of the conflict.

During the period covered in the indictment, opponents of the Derg regime were arrested on a large scale during so-called "exposure meetings" (some of which were organised by the accused) and detained as political prisoners. As a result, several hundred victims, who did not actively participate in the hostilities between the Derg and the EPRP, were arrested without just cause and detained arbitrarily under inhuman conditions. The vast majority was sentenced to prison terms without any trial or due process, and some received the death penalty. The death sentences were executed at the accused's direction in a brutal manner. Further, the Court found that the accused had special interrogators come to interrogate the prisoners and signed orders to detain and kill people.

The court established that the accused and others jointly committed these crimes. The court also ordered the defendant to pay compensatory damages to a number of victims.

In 2017, the District Court of The Hague reached a similar verdict in this case. Both the defendant and the prosecution office had appealed the verdict.

Sentence:

Life imprisonment.