ADDIS ABABA UNIVERSITY



College of Law and Governance Studies

School of Law

Graduate Program

The Duties of the State and Armed Non-State Actors Towards the Right to Life: The Case of East Shoa Zone, Dugda Woreda.

This Thesis Submitted in the Partial Fulfilment of the Requirement of Master of Laws (LL.M) Degree in Human Rights Law at Addis Ababa University School of law.

By: Nugusu Bedaso Dugda

ID.GSR/8459/15

Advisor: **Wondemgen Taddese (Ph.D)**

Date: September 30, 2024

Addis Ababa, Ethiopia

The Duties of State and Armed Non-State Actors Towards the Right to Life: The Case of East Shoa Zone, Dugda Woreda.

The Thesis Submitted in Partial Fulfilment of the Requirement of Master of Laws (LL.M) Degree in Human Rights Law.

Nugusu Bedaso Dugda

Addis Ababa University

School of Law

Advisor: **Wondemgen Taddese (Ph.D)**

September 30, 2024

Table of Contents

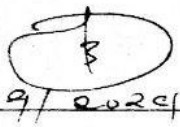
CHAPTER ONE 1
Introduction 1
1.1 Background of the Study 1
1.2 Statement of the Problem. 5
1.3 Research Question. 6
1.4 Objective of the Research 6
1.4.1 General Objective 6
1.4.2 Specific Objective 6
1.5 Literature Reviews 7
1.6 Research Methodology 10
1.6.1 Approach 10
1.7 The Significant of the Study 13
1.8 Limitation of the Research. 13
1.9 Organization of the Study 13
CHAPTER TWO 14
THE DUTIES OF THE STATE AND ARMED NON-STATE ACTORS TOWARD THE RIGHT TO LIFE UNDER INTERNATIONAL INSTRUMENTS. 14
2.1 The right to Life Under the various Human Rights Instruments 14
2.2 Human Right Obligation of State Toward the Right to life. 16
2.3.1 Typologies of Human Rights obligation of State 18
2.3.2 Duty to Respect. 19
2.3.3 Duty to Protect 19
2.4 Human Right Obligation of Armed Non-State Actors. 20
2.5 Duty of State and Armed Non-State Actors Under Domestic Legal Frameworks. 25
2.5.1. Duty of State 25
CHAPTER THREE 28
THE COMPLIANCE OF DUTIES STATE AND ARMED NON-STATE ACTORS TO WARDS THE RIGHT TO LIFE: THE CASE OF DUGDA WOREDA 28
3.1 Background of the Dugda Woreda 28
3.2 The Designation of On-going Conflict in Dugda Woreda 28
3.3 Compliance of the State Duties Towards the Right to Life in Dugda Woreda. 33
3.3.1 Duty to Respect 34

3.3.2 Duty to Protect 35
3.4 Compliance of Duties of Armed Non-State Actors Toward the Right to Life. 39
4.1 CONCLUSION 45
BIBLIOGRAPHY 47
Appendix-1 54
Appendix II 65

Author Declaration

I, Nugusu Bedaso Dugda hereby declares that the thesis on " The Duties of the State and Armed Non-State Actors Towards the Right to Life: The Case of East Shoa Zone, Dugda Woreda" is my own original work and it has not been submitted to any other institutions. The materials used in this thesis are also dually acknowledged and cited by the researcher.

Declared by:Nugusu Bedaso Dugda

Signature: 

Date: 9/9/2024

Advisor: Wondemgen Taddese (Ph.D)

Signature: 

Date_____

Approval page

Addis Ababa University College of Law and Governance Studies has approved the thesis entitled as “The duties of the State and Armed Non-State Actors towards the Right to Life: The Case of East Shoa Zone, Dugda Woreda” by Nugusu Bedaso Dugda for the degree of Masters of Laws (LL.M) in Human Rights Law.

Approved by board of examiners

1. Advisor: Dr. Wondemgen Taddese _____Signatures _____Date

2. Examiner:_____ Signatures _____ _____Date

3. Examiner:_____ Signatures _____ Date

4. Examiner:_____Signatures _____ Date

Acknowledgment

First of all, I would like to express my heartfelt gratitude to my adviser Wondemgen Taddesse (Ph.D) for his insightful comments and valuable suggestions that greatly helped me to complete this thesis. I am deeply grateful to my best friends for their constructive feedback and encouragement. I also wish and eager to thank to the all-stake holder who has a willingness to provide data and information relevant to this research. My heartfelt gratitude also goes to my family, special to my father Bedaso Dugda and my mother Fitale Elemo for their unreserved encouragement and inspiration throughout my education.

List of Acronyms and Abbreviations

ACHPR……. African Charter on Human and Peoples Rights

ACHPRS…. African Commission on Human and Peoples' Rights

ANSA ……..Armed Non-State Actors

Art……Article

CRC ……Convention on the Rights of the Child

CEDAW….. Convention on the Elimination of All Forms of Discrimination Against Women

CRPD……..Convention on the Rights of Persons with Disabilities

CMW……... International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families

EHRC……. Ethiopian Human Rights Commission

FDRE……..Federal Democratic Republic of Ethiopia

HRC……....Human Rights Committee

GC……... General Comment

ICCPR ……International Covenant on Civil and Political Rights

ILC……..International Law Commission

ICTY……..International Criminal Tribunal for former Yugoslavia

JIT……. Joint Investigative Team

NIAC…….Non-International Armed Conflict

IAC……...International Armed Conflict

ICJ……. International Court of Justice

NGO …….. Non-governmental organization

NO……Number

OHCHR…Office of High Commission for Human Rights

OLA…….Oromo Liberation Army/Shane

PP. ……Page

Para……..Paragraph

UDHR ….Universal Declaration of Human Rights

UN……United Nations

UNHRC…United Nations Human Rights Committee

UNHRS…United Nation Human Rights system

UNSC….. United Nations Security Council

Abstract

The key international human rights instruments to which Ethiopian is party offer legal protection to the right to life. Likewise, it also provides corresponding State obligations towards the human rights in general and the right to life in particular. The national legal framework, including the FDRE Constitution, and FDRE Criminal Code, also imposes human rights obligations on the state. Regarding the human rights obligations of armed non-state actors, there are emerging practices that requires armed non-state actors to respect and protect human rights, including the right to life. In spite of these obligations, extrajudicial killing and arbitrary deprivation of the right to life have been common practice across the Oromia region in general and East Shoa Zone of Dudga Woreda in particular. Hence, the objective of this thesis is dwelling into the assessment of the adherence of the duties of the state and armed non-state actors towards the right to life with specific reference to the Oromia region, East Shoa Zone, Dugda Woreda. To this ends, the researcher conducted semi-structured interviews with residents of Dugda Woreda, Dugda Woreda Administration Office, Dugda Woreda Public Prosecutor Office, the Ethiopian Human Rights Commission, the Abba Gada and a practicing lawyer. The thesis also employed semi-structured personal observation format to observe human rights situation of Dugda Woreda. Moreover, the research examined relevant international and regional human rights instruments, general comments, and domestic legal frameworks as well as relevant literature. By doing so, the study found that, the government has failed to respect and protect the right to life of individuals. The study also reveals that, extrajudicial killing and arbitrary deprivation of the right to life are still rampant. As such, violation of the right to life is continued against individuals suspected of having ties with OLA. In similar vein, violations of the right to life continued against individuals suspected of having ties with the government are prevalent in the research area. The studies further demonstrate that, the justice sector has not thoroughly investigated and prosecuted the violators of the right to life. Besides, the study also reveals that, OLA has executed government officials ranging from the Kebeles leader to the high ranking Woreda administration staff for mere affiliation with the government after warning them to resign from power. Based on the findings of the study, the researcher proposed recommendations.

CHAPTER ONE

Introduction

1.1 Background of the Study

The right to life is a fundamental human right, that cannot be restricted even during the times of war or other public emergency that threaten the very existence of the nations.[1] It can also be termed as foundational right, protection of which is necessary for the enjoyment of all other human rights.[2] The Human Rights Committees describes the right to life as a cornerstone of all others human rights.[3] In a similar vein, the African Commission on Human and People's Rights (ACHPR) describes the right to life as "*fulcrum of all other human rights*".[4] The portrayals of these treaties monitoring bodies demonstrate the significance of the right to life for the protection and promotion others human rights.

In term of its legal recognition and protection, the right to life is recognized and protected under several human rights instruments, including the Universal Declaration of Human Rights (UDHR),[5] Convention on the right of the Child, (CRC)[6], Convention on the Rights of Persons with Disabilities (CRPD)[7] and the International Covenant on Civil and Political Rights (ICCPR).[8] These instruments recognized the right to life and impose corresponding human rights obligations on the states parties.

[1]UNCHR, 'General Comment 36' on the 'Right to Life' September (2019) CCPR /GC/35 Para 1.
[2]Ibid.
[3]Ibid.
[4]ACHPR 'General Comments .3: On the 'Rights to Life'. Adopted on 18 November (2015) Para 1.
[5]Adopted by the General Assembly of the United Nations on 10 December (1948) art.3, which provides that:
Everyone has right to life.
[6]Adopted by the General Assembly of the United Nations on November 20, 1989 and enter into forces in September 2 (1990). Art 6, which provides that:
State parties shall ensure that every child has the inherent right to life.
[7]Adopted by the General Assembly of the United Nations on 13 December 2006 and enter into forces in 3 May (2008). Art 10, which provides that:
States Parties should reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.
[8]Adopted by the General Assembly of the United Nations on December (1966), entered into force on 23 March (1976), 999 UNTS 171. Art. 6(1) which provides that :
Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life

Among forgoing mentioned human rights instruments, the ICCPR emphasizes towards the legal protection of Civil and Political rights. Accordingly, it provides that "every human being has the inherent right to life". [9] It also stipulates that every State has the duty to prevent arbitrary deprivation of life.[10] Towards this end, State actors bear primary responsibility towards the protection and promotion of the right to life under their jurisdictions.[11] Such duties of the State also extended to establish and maintain effective legal and institutional frameworks in accordance with their Constitutional processes, implement policies and programs, and provide essential services to respect and protect the right to life when there is no already existing legal as well as Constitutional framework.[12]

In a similar vein, the African Charter on Human and Peoples Rights (ACHPR) provides that "every human being shall be entitled to respect of his life and integrity of his person. No one may be arbitrary deprives of this rights".[13] The African Charter also imposes broader obligations on the member States to protect the rights recognized under the Charter.[14] The Protocol to the Africa Charter on Human and Peoples Rights on the Rights of Women in Africa provide that every woman shall be entitled respect for her life and the integrity and security of her person.[15]

Regarding the concept of non-state actors, it is apparent that, non-state actors cover a diverse range of entities including private corporations, armed non-state actors, NGO, civil society organizations, and even individuals that exert pressure on the enjoyment of the right to life.[16] Among these non-state actors, armed non-state actors pose a significant challenge to the protection and promotion of human rights, including the right to life.[17] In response to this, armed non-state actors began to assume human rights obligations when they exercise effective control

[9]Ibid art. 6(1)
[10]Ibid
[11]ICCPR art 2(2)
[12]Ibid.
[13]Adopted in 27 June 1981 and came into force 21 October 1986, OAU Doc/LEG/67/3/rev.5;152o UNTS 217; ILM58 (1982). art.4
[14]Ibid. art.2
[15]Adopted by the 2th ordinary session of the Assembly of the Union, in Maputo Mozambique 11th July 2003 and enter into forces 25 th November 2005. art.4 (1)
[16]Andrew Clapham, "Human Rights Obligations for Non-State Actors: Where Are We Now?," *Doing Peace the Rights Way* (2019) Pp-2
[17]UNCHR ' Report by Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution on armed Non-State Actors the protection of the right to life' A/HRC/38/44 (herein after cited as Report of Special Rapporteurs) Pp. 4."

over occupied territory.[18] Over the past 20 years, emerging practices and new developments within the United Nations Human Rights system (UNHRS) have also demonstrated that armed non-state actors began to assume the human rights obligations and its corresponding accountability.[19] The attribution of human rights obligations to the armed non-state actors under the United Nation Human Rights systems (UNHRS) is based on specific context and considers the nature and extent of their control over the occupied territory.[20]

On the other hand, armed non-state actors also assume human rights obligations even without establishing effective control. This is also relevant even when the armed conflict doesn't meet the minimum threshold for the application of international humanitarian law. In this context, armed non-state actors are still bound by human rights laws.[21] With all due respect, there are also an arguments that the peremptory norms of international laws (*jus cogens*) requires armed non-state actors to respect norms attained this status.[22] As can be noted from various literatures, the right to life has attained the status of customary international law, particularly prohibitions against arbitrary deprivation of the right to life is considered as peremptory norms, and derogation of this norms is prohibited under the rules of customary international law.[23] In the conceded manner, Judges Cancado Trindade and Abreu-Burelli in the street children vs. Guatemala case underscored that the peremptory norms of the right to life in their dissenting opinion.[24] In addition, the United Nation Human Rights Committee (UNHRC) and International Law Commission (ILC) demonstrated and reaffirmed the *juscogens* norms of the right to life. [25] As a result of this, the international community imposes compatible human rights obligations on the armed non-state actors considering the level of their armed operations and impact they have on the enjoyment of human rights. They are also obliged to respect and promote *juscogens* norms even without establishing effective control.

[18] Nicolas Carrillo S, Non-State Actors' Human Rights Obligations and Responsibility under International Law." Pp1
[19]Report of Special Rapporteurs. Para 4 (n 17)
[20]Ibid. Pp.4
[21]Ibid
[22]Ibid.
[23]Casey Maslen S ' The right to life under international law ; An interpretative Manual. (2021) .Pp 18-19
[24] Ibid .
[25] Ibid.

In the context of Ethiopia, the Federal Democratic Republic of Ethiopia (FDRE) Constitution provides that "every person has the inviolable and inalienable right to life, security of person and liberty".[26] The Constitution also provides that" every person has the right to life. No person may be deprived of his life except as a punishment for a serious criminal offence determined by laws.[27] In addition, the FDRE Constitution mandates all branches of the government, including judiciary, legislative and executive to respect and enforce the right to life.[28] Furthermore, the Criminal Code of the Federal Democratic Republic of Ethiopia (the Criminal Code) explicitly prohibits homicide and criminalized crime against life. In doing so, it seeks to prevent extrajudicial killing and laid a foundation for the prohibited act and omission which may result in homicide.[29] At the regional level, the Constitution of the Oromia regions provides legal protection for the right to life under article 15. Closely examining the FDRE Constitution and the Oromia regional state constitution, the Oromia regional state constitution is verbatim copy of FDRE Constitution. As a result of this, it offers the same Constitutional protection for the right to life at regional level.

In spite of legal recognitions and protections of the right to life under international human rights instruments to which Ethiopia is party as well as domestic legal frameworks, extrajudicial killings and arbitrary deprivations of the right to life of civilians are prevalent in Ethiopia even aftermath of recent political reform.[30] Such human rights violations, particularly violations of the right to life are prevalent in the East Shoa Zone, Dugda Woreda. Hence, this thesis aimed to assess observance of the duties of the state towards the right to life. This thesis also tries to sheds light as to the existence of the human rights obligations of armed non-state actors that are relevant to the right to life as well as examines their compliance towards this duties in the East Shoa Zone Dugda Woreda in particular.

[26]The Constitution of the Federal Democratic Republic of Ethiopia, Proclamation no. 1/1995, Neg. Gaz. 1st Year No.1, Addis Ababa, and 21 August, (1995) . Art.14
[27]Ibid Art. 15
[28]Ibid Art.13 (1).
[29]The Criminal Code of the Federal Democratic Republic of Ethiopia, Proc. No. 414/2004, Federal Negarit Gazette, Year No. 9, May (2005). Art.539
[30]Andinet Adinew and Endalkachew Abera, 'Conditions of Human Rights in Ethiopia in the Aftermath of Political Reform' (2021) pp.1

1.2 Statement of the Problem.

Ethiopia has ratified key international and regional human rights instruments. The international human rights instruments ratified by Ethiopia require the state to respect, protect and promote all human rights including the right to life.[31] Within the domestic legal frameworks, the FDRE Constitution and the Criminal Code also offer legal protection for human rights in general and the right to life in particular and it also provides legal recourse in the case of violations of these rights.[32] In spite of this, the presence of on-going conflict since 2018 between the government and Shane or Oromo Liberation Army (OLA) has persisted and expanded from the western Welega to almost all Zones of the Oromia region, resulting in violations of human rights, including the right to life.[33] Shane or OLA has also been operating in the East Shoa Zone, Dugda Woreda since 2022. In response to Shane or OLA presence in Dugda Woreda, the government launched a law enforcement operation, which led to violations of human rights due to extrajudicial killing, (which endangers the right to life of Civilian populations) arbitrary deprivations of the right to life [34] and restrictions on freedom of movement by the government security forces. Conversely, even though Ethiopia is legally obliged under human rights instruments and others relevant domestic laws to investigate and prosecutes the alleged violators of human rights,[35] there have been no investigations and prosecutions of the alleged extrajudicial killing and violations of human rights committed by the government security force under the guise of a law enforcement operation. The collapse of government structures in the rural Kebele of Dugda Woreda has also led to several human rights violations including the right to life and it also posed a significant challenge to the justice sector to investigate and prosecute the alleged human rights violations including violation of the right to life accordingly.

Besides to the violations of human rights, including violation the right to life committed by State security apparatus, the Shane or OLA also commits human rights violations that comprise execution of government officials working in Kebele level and individuals who are suspected of

[31]Art2 (1) (2) of ICCPR, See Art 1 and 4 of the African Charter.
[32]Article 16 and 37 of the FDRE Constitution (n 26), See article 539 of the FDRE Criminal Code (n 29) .
[33]EHRC 'Annual Ethiopia Human Rights Situation Report Submitted to House of People Representative' (June 2022-June 2023) See also EHRC ' Annual Ethiopia Human Rights Situation Report Submitted to the House of People Representative (June 2023- June 2024)
[34] EHRC 'በኦሮሚያ ክልል በመንግስት የጸጥታ ኃይሎች እና በታጣቂዎች የተፈጸመዉ የሰብዓዊ መብቶች እና ዓለማ አቀፍ የሰብአዊነት የህግ ጥሰቶች ላይ የተደረገ የምርመራ ሪፖርት' (ካቲት 2016 ዓ.ም)
[35]Article 2(3) (a) (b) (c) of ICCPR and Article 8 of UDHR.

having ties with the government according to their views and perception.[36] This armed group also restricted the freedom of movement of the local population in some instances. Hence, this research aimed to assess the compliance of State and OLA towards their duties which is relevant to the right to life in the East Shoa Zone, Dugda Woreda.

1.3 Research Question.

The following are some of the research questions.

1. What are the duties of State and Armed non-State actors towards the right to life under international human rights instruments?
2. What are the duties of the State and Armed non-State actors towards the right to life under the Ethiopia legal frameworks?
3. Do the State and Armed non-State actors respect and protect the right to life in the East Shoa Zone, Dugda Woreda?
4. What steps should the government and armed non-state actors take to effectively respect, and protect the right to life?

1.4 Objective of the Research

1.4.1 General Objective

The general objective of this research is to assess the duties of the state and armed non-state actors toward the right to life: The case of East Shoa Zone, Dugda Woreda in particular.

1.4.2 Specific Objective

In line with the above general objective, the specific objectives of this research are:

- To assess the duties of the State and Armed Non-State actors towards the rights to life under international human rights instruments.
- To assess the duties of State and Armed Non-State actors towards the right to life under Ethiopia legal frameworks.

[36] In person Interviews conducted with the residents of Dugda woreda (From December to January)

- To assess the compliance of the duties of State and Armed Non-state actors towards the right to life in the East Shoa Zone, Dugda Woreda in particular.

- To provide recommendations for the effective promotions and protections of the right to life.

1.5 Literature reviews

Numerous studies and publications have been conducted on human rights in general and the right to life in particular. However, there have been scanty publications that address the areas of human rights, including the right to life under domestic jurisdiction. In this respect, Adem Kassie has made an attempt to analyse the nature of human right under the FDRE Constitution as well as their interpretations and applications.[37] On the other hand, Andinet Adinew and Endalkachew Abera, have assessed the status of human rights protection following regime change.[38] In their paper, they compared the human rights situation in Ethiopia before and aftermaths of the political reform. In due course, they concluded that" human rights protection are deteriorating and getting worse on a daily basis even aftermath of political reform." [39]

Besides to the above mentioned article, Lisanwork Bayenew in her research also assessed the enforcement of international and regional standard for the protection and promotion of human right in Ethiopia.[40] Her thesis primarily assessed the application of international and regional human rights standards for the protection and promotion of human rights in Ethiopia.[41] In addition, the researcher made significant efforts to find the local publication focusing on the discussion of the duties of State and Armed Non-State actors with specific reference to the observance of the right to life. Despite its efforts, the researcher was unsuccessful in finding relevant literatures in the areas of the duties of armed non-state actors conducted in the domestic context.

In the foreign jurisdictions, Beatrice Hedlund's in the research entitled " The Right to Life: A case study on the connection between article 4 of the American Convention on Human Rights

[37] Adem Kassie, 'Human Rights under the Ethiopian Constitution: A Descriptive Overview'. (2011) Vol.5 (Mizan Law Review)
[38]Andinet Adinew and Endalkachew Abera, 'Conditions of Human Rights in Ethiopia in the Aftermath of Political Reform' (2021) .
[39]Ibid.
[40]Bayenew Lisanwork, 'An Appraisal of the Enforcement of International and Regional Human Rights Obligations in Ethiopia' (MA thesis Addis Ababa University 2011)
[41]Ibid.

and Forced Disappearance". In her thesis, she has asses the relationship between the right to life and forced disappearance. She also examines cases entertained by the Inter-American Court of Human Rights regarding forced disappearance.[42]

Looking into article, journals and books, several articles, journals, and books are written in relation to the right to life in the foreign jurisdiction. Among those journal and article, the journal authored by Safa Reisoğlu entitled as "The Right to Life." This journal underscores the importance of the right to life in enabling the individuals to enjoy others human rights and provides the needs for protecting the right to life through legislative frameworks. Another pertinent article written by Varvara Coman, Jana Maftei, and Vasilica Negruț is also examined the significance of the right to life and identify major international human rights treaties that protect the right to life.

B. Obinna Okere wrote an article which compare recognition and protection of human rights under the African Charter on Human and Peoples' Rights with the reference to European and American systems.[43] He also concludes that the African Charter is modest in its objectives and flexible in term of its approach and preferred political and diplomatic solutions over judicial arbitration for the alleged human rights violations.[44]

On the other hand, Anna V. Dhaka, Natalia V. Kaminska, and Zoryana M. Makarukha analysed the modern concept of the right to life by making a references to the Constitutions and the experiences of other Countries.[45] They also conclude that, the contemporary understanding of the human right to life presupposes that the primary obligation to protect and respect the right to life liens on the States, which obliges the state to take appropriate legislative, administrative, and other necessary steps and measures to ensure the full enjoyment of the right to life.[46]

[42] Beatrice Hedlund's , 'The Right to Life: A Case Study on the Connection between Article 4 of the American Convention on Human Rights and Forced Disappearance' (2018).
[43]B Obinna Okere, 'The Protection of Human Rights in Africa and the African Charter on Human and Peoples' Rights: A Comparative Analysis with the European and American Systems" (1984) 6 Human Rights Quarterly 141. pp. 141-159.
[44]Ibid.
[45]Anna V Dzhuska, Natalia V Kaminska and Zoryana M Makarukha, 'Modern Concept Of Understanding The Human Right To Life'[2021]
[46]Ibid.

In additions to foregoing discussion, Leo Zwaak and other authors assess the concept of human rights in their book entitled as "The Realization of Human Rights when Theory Meets Practice ". In their Book they argue that human rights are not merely abstract ideas; rather it can be realized in practice. [47] By making references to the international human rights instruments and humanitarian laws, they examine how human rights can be realized, and they noted the significance of this fundamental right.[48] By the same token, the hand book written by Douwe Korff also discussed about the normative content of the right to life under European Convention on human rights.[49] In additions, this hand Book provides précises and specific guidelines to judge, practicing lawyers and other legal profession for the effective enforcement of the rights to life.

Concerning the human rights obligations of armed non-state actors, Nicolas Carrillo in his article tries to address human rights obligations of armed non-state actors under the title of "Non-State Actors Human Right Obligation and responsibility under International Law". In this article, Carrillo noted that, to attribute human rights obligations to armed non-State actors, the extent of effective control exercised by armed non-state actors in the occupied is an indispensible test for such attributions.[50] The report of the special rapporteur on extrajudicial, summary or arbitrary execution on armed non-state actors also highlights that armed non-state actors posed substantial challenges towards the protection and promotions of human rights, practically the right to life.[51] This reports also asserted that armed non-state actors may carry out deadly operation that led to the violations of the right to life.[52]

Bearing in mind the above discussion, some of research studies have also been conducted, even though the researcher didn't have their access focusing on the duties of the State and armed non-State actors toward the right to life. However, some of the research works which I accessed does not address the duties of State and armed non-state actor toward the right to life with the specific reference to Oromia regional State, East Shoa Zone, Dugda Woreda. Therefore, there is no specific research yet done on the title "The duties of the State and Armed non-state actors toward

[47]Leo Zwaak and others ' The Realisation of Human Rights. when Theory Meets Practice' [2013]
[48]Ibid.
[49]Douwe Korff, 'The Right to Life: A Guide to the Implementation of Article 2 of the European Convention on Human Rights'[2006]
[50]Carrillo S (n-18) pp. 1
[51] Reports of the special rapporteurs. pp. 4 (n 17)
[52] Ibid.

the right to life: The case of Dugda Woreda. Hence, my research will try to outshine to assess the State and armed Non-state actor's compliance to their duties which is relevant to the right to life; in the case of the East Shoa Zone, with a particularly emphasise of Dudga Woreda.

1.6 Research Methodology

1.6.1 Approach

To conduct this research, the researcher employed both doctrinal and qualitative research methods. The research relies on both primary and secondary data. As a result, the researcher considered secondary data from major international and regional human rights instruments with respect to the duties of the state and armed non-state actors related to the right to life. The researcher also consults FDRE Constitution, FDRE Criminal Code and other pertinent legislative frameworks to examine and reviews their efficacy in safeguarding the right to life in due course. In addition, the research reviewed and examined relevant General comments, Books, Journals and Articles pertaining to the rights to life conducted at international as well as national levels to assess the duties of the state and armed non-state actors toward the right to life. The researcher also considered primary data as to the observance of the State and armed non-state actors towards the right to life in the East Shoa Zone, Dugda Woreda in particular. In order to collect primary data, the researcher Conducted interviews with Dugda Woreda Administration Office, Dugda Woreda public prosecutor office, Residents of Dugda Woreda, Ethiopian Human Rights Commission, Abbaa Gada and practicing lawyer. The researcher also employed personal observation annexed at the end of this thesis (see Appendix-1 and 2).

1.6.2 Methods of Data Collection

To collect primary data, the meticulously designed semi-structured interview checklist was prepared and employed by researcher to collect data from Dugda Woreda Administration office, Dugda Woreda Public Prosecutor Office, Practicing lawyer and Abba Gadas, Residents of Dugda Woreda, and Ethiopian Human Rights Commission owing to their relevance. In the Interview conducted with the Dugda Woreda Administration Office, the researcher made an attempt to collect data regarding adherence of the duties of the state towards the right to life in the Dugda

Woreda, guidelines and instruction provided to the law enforcements personnel when they carry out a law enforcement operation as well as status of Dugda Woreda Kebele structures.

The researcher also made interview with the Dugda Woreda Public Prosecutor's office to collect data with respect to the government security forces adherence towards the duties of State that are relevant to the right to life the in Dudga Woreda, if there is investigation and prosecution of human rights violations committed both by the State and armed-non state actors.

More importantly, the researcher conducted interviews with the residents of Dugda Woreda to assess the human right situation and status of their respective Kebele. In due course, the researcher purposely selected (2) two residents from each of **36** Kebele of Dugda Woreda considering their status and social acceptance they had in their Kebele. In the interview conducted with selected residents of Dugda Woreda Kebele, researcher collected data with respect to the governments security force adherence toward the duties of the state as well as the compliance of OLA towards the right to life in the Dugda Woreda in general and their respective Kebele in particular, intensity of the on-going conflict, the allegation of the extrajudicial killing and how and by whom extrajudicial killing were committed.

As has been noted above, the researcher conducted interview with the practicing lawyers collect relevant data as to the human rights situations including the right to life and the intensity of the on-going clash. Giving emphasis to underling research problem, the researcher also conducted interview with the Ethiopian Human Rights Commission (EHRC) to oversee the commitment of the Commission to investigate and disclosing its investigation reports to the general (particularly report which indicate the human rights situation of Oromia region in general and Dugda Woreda in particular). The researcher also made an attempt to know the solid stands of the Commission about the existence of human rights obligation of armed non-state actors.

To broadening the horizon of this research, above mentioned interviews were conducted to assess as to the compliance of the state towards its duties as well as armed non-state actors compliance with the emerging human right obligation that are relevant to the right to life. To be armed with foundational data, the researcher also made an attempt to conduct interview with Dugda Woreda Police Office. However, they refused to conducts interviews with the researcher. In this respect, the researcher took note of this and employed other mechanisms in which Dugda

Woreda police office respect, and prevent further violations of the right to life that has linked with the armed non-state actors. In addition, the researcher made an endeavour to conduct interview with OLA to assess and explore root cause for the allegations that Shane or OLA have been executing government official working at the Woreda and Kebele level. However, the security situation in the Dugda Woreda was getting worse, making it hard to conduct interviews with Shane or OLA. In the meantime, there was a chance to conduct interview with certain Debele (a civilian working with OLA who provides information and logistical support) however, the Debele refused and hesitated to give information due to security reasons. In this respect, the researcher made an attempt to collect relevant data from the residents of Dudga Woreda in lieu of OLA. Throughout the interviews process, the researcher diligently took notes, transcribed them and subsequently analysed the collected data.

When we comes to personal observations as a means of data collection tools, observation is one of the most important tools that enable the researcher to collect relevant data to underlying research topic.[53] It's often viewed as the most effective method and suitable technique for the situation that the respondents of the study are unwilling, hesitant, or unable to provide relevant data to the researcher.[54] Delving into the types of observation, researchers must select the types of observation that align with his research questions. Considering his research question, the researcher opted for semi-structured personal observation format to collect primary data due to the sensitive nature of the underlying research topic. To collect data by using researcher personal observation, the researcher prepares semi-structured personal observations format to obverse the general human rights situation with a particular emphasise to the right to life in the Dugda Woreda, and thereafter to draw a conclusion from it. The researcher was observed and finally takes a note of his observation and analysed in line with state obligation under the human rights instruments, as well as domestic legal frameworks. The researcher also analysed his observations in light with the emerging armed non-state actor's human rights obligations with the specific reference to the right to life.

[53] Sataphath Smritirekha, 'Observation as Tools for Collecting Data' [2019] IJMER. Pp. 152."
[54] Ibid. pp. 153

1.7 The significant of the Study

The thesis plays important by discussing the State duties that are relevant to the right to life. The thesis also demonstrates the existence of human rights obligations of armed non-State actors which is relevant to the right to life. The thesis goes to the extent of assessing State and armed Non-state actor's adherence towards the duties which is relevant to the rights to life with the reference to Oromia Region, East Shoa Zone, Dugda Woreda in particular. This thesis will useful for the future to conduct further study on this thematic area.

1.8 Limitation of the Research.

Collecting primary data's was one of the most challenging task for the researcher, because data collection involved risks due to the on-going clashes and risk of being considered as spy by government and Shane or OLA. Additionally, lack of support from local authority posed challenges in selecting suitable participants and respondent to the study.

1.9 Organization of the study

The research is organized into four chapters. Chapter one contains introductory section of the study encompassing the background of the study, statement of the problem, objective of the study, research questions, literature reviews, research methodology, significant of the study, Limitation of the study and organization of the study. Chapter two of this thesis provided general overviews of the duties of the State and armed Non-state actors towards the right to life under international and regional human rights instruments including the national legal frameworks. Third chapter was the focal point of this research, where the researcher was assesses the adherence of the duties of the State and armed non-state actors towards the right to life in the case of East Shoa Zone, Dugda Woreda in particular. Finally, the last chapter is devoted to conclusion and recommendation.

CHAPTER TWO

THE DUTIES OF THE STATE AND ARMED NON-STATE ACTORS TOWARD THE RIGHT TO LIFE UNDER INTERNATIONAL INSTRUMENTS.

2.1 The right to Life Under various Human Rights Instruments.

The right to life is one of the fundamental human right, and its protection is precondition for the enjoyment of others human rights.[55] The legal protection for the right to life is enshrined in the key human rights instruments, including UDHR and ICCPR. In this regard, the UDHR provides that, "everyone has the right to life".[56] The ICCPR also affirms that "every human being has the inherent right to life.[57] This right shall be protected by the law and no one shall be arbitrarily deprived his of life".[58] In addition, the ICCPR provides that the right to life is a non-derogable right, and its protections are remaining intact under all circumstances.[59] The Human Rights Committee (HRC) which is endowed with the mandate to monitors the implementation of the ICCPR describe that "the right to life is the fundamental human rights from which no derogation is permitted even during public emergencies and situations that threaten the life of the nation.[60] HRC also describe the right to life as supreme right which is remain intact under all circumstances.[61]

Additionally, the CRC and CRPD recognized the inherent right to life of the child and persons with disabilities.[62] These two instruments place particular emphasis to the rights to life of children's and person with disabilities, as opposed to other human rights instruments. In addition, CRC and CRPD designed to protect these specific groups giving due regard to their level of vulnerability. As a matter of fact, these instruments reaffirm the already existing human rights catalogue's for the vulnerable groups including children and person with disabilities.

[55]General Comment No 36 (n 1) Para. 1
[56]Art 3 of UDHR.
[57]Art 6 (1) of the ICCPR
[58]Art 6 (1) of ICCPR.
[59] Art of 4 ICCPR General Comment No 36 (n 1) Para 67.
[60]General Comments no. 36 Para 1.
[61]Ibid.
[62]Art 6 of the CRC and 10 of CRPD.

Likewise CRC and CRPD, the Convention on the protection of the rights of all migrant workers and member of their families provides that " the right to life of migrant workers and members of their families shall be protected by law".[63]

The African Charter on Human and People's Rights (ACHPR) guarantees robust legal protection to the right to life by providing that "human beings are inviolable. Every human being shall be entitled to respect for his life and on integrity of his person. No one may be arbitrarily deprived of this right".[64] To ensure effective protection and promotion of rights recognized under African Charter, the African Commission on Human and People's Rights was established pursuant to article 30 of the African Charter. In carrying out its function, the Commission under its General Comment No three (3) described the right to life as "*the fulcrum of all other rights.*" [65] Such description is far exceeding which signify the paramount importance of the right to life for the enjoyment of other human rights. The African Commission also underscore that, the right to life is non-derogable, and remain intact under all circumstance even during public emergencies times which threats the life of the nations.[66] In addition, the Africa Commission further specifies the nature of the human rights and corresponding obligations of States.[67]

The European Convention for protection of Human Rights and fundamental Freedom (ECHR) also provide that " the right to life must protected by the law. No one shall be deprived of his life intentional save in the execution of a sentence of a court following his court convictions of a crime for which his penalty is provided by law".[68] The American Convention on Human Rights also states that "every person has the right to have his life respect. This right shall be protected by the law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.[69] The Arab Charter on Human Rights also recognized the right to life in compatible with the global human rights instruments.

The earlier discussion aims to demonstrate and discussed the international legal recognitions and protections guaranteed for the right to life under global and regional human rights instruments.

[63]Adopted by the general Assembly resolution 45/158 of December 18, 1990. Art. 9
[64]ACHPR. Art. 4
[65]ACHPR General Comment No. 3(n 2) .Para 1
[66]Ibid.
[67]Ibid.
[68]European Convention on Human Rights, as amend (ECHR) art.
[69]American Convention on human Rights . art. 10(1)

The following section is also delving into the discussion of the obligations of the State towards the right to life under human rights instruments.

2.2 Human Rights Obligations of State Toward the Right to life.

The cumulative reading of article 6 (1) and 2 of the ICCPR demonstrated that the State parties undertake to respect and protect all human rights under their jurisdiction. In this respect, the organs of the State bear primary duty for promotion and protection of the right to life.[70] Such duties of the State comprises duties to establish and maintain effective legal frameworks in accordance with the Constitutional process, implement policies and programs which protect the right to life and provide effective remedy when the right to life is violated.[71]

Regarding nature of State obligations toward the right to life, the Human Rights Committee (HRC) has provided authoritative interpretation on the nature and corresponding State obligations with respect to the right to life under its General Comment No. 36. In connection with this, the HRC provides that States are obliged to refrain from conduct which led to arbitrary deprivation of the right to life of individuals. The Committee also notes that, the State required to exercise due diligence to protect the right to life of individuals even from third parties or entity whose action could not attributed to the state.[72]

Pertaining to the prohibition against the arbitrary deprivation of the right to life, HRC provide that the arbitrary deprivation of the right to life is committed if and only if such violation is incompatible with international human rights instruments and domestic laws. Incompatibility with international human rights instruments and domestic laws is evident, when arbitrary deprivation of the right to life is carried out in violation of due process, and without justifiable reasons.[73]

In the context of the Law Enforcement Operation, HRC provides that "the State parties is expected to take all necessary measures to prevent arbitrary deprivation of the right to life

[70]ICCPR Art 2(2)
[71]Genera Comment No. 36, (n 1) Para 18 and See also ICCPR Art 2(2) and 3(a),
[72]Ibid. 7
[73]Ibid. Para. 12

through their law enforcement agencies that are in charge of the law enforcement activities including national defence force".[74]

The HRC recall that the States has broader obligation to protect the right to life including obligation to take appropriate measures to protect the right to life. To this end, States are obliged to implement effective protective measures including "continuous supervision to prevent, investigate, punish, and provides effective remedy for arbitrary deprivation of life committed by government agent or private entities".[75]

By the same token, the Human Rights Committee also provide authoritative interpretation on the nature of general legal obligations of State under ICCPR. In this respect, the HRC convey that the obligations under Convention are binding on all State parties.[76] It also specifies that all branches of government, including legislative, judiciary, and executive branches are responsible for the protection and promotion of the rights recognized in this Covenant.[77]

Pertaining to legal protection of the right to life under domestic legal frameworks, HRC argues that State parties are expected to give effect to the rights recognized under covenant in accordance with their Constitutional processes. The State is also prohibited to invoke domestic legal frameworks including its Constitution as an excuse for failing to comply with their human rights obligations.[78]

To sum up, due to nature of State obligation, the State may oblige to refrain from violating human rights guaranteed under Covenant. On the other hand, State is also obliged to protect the violation of human rights from its agent, and even from third parties whose action couldn't attribute to the State.[79] In the situation that the State failed to respect and protect the human rights recognized under Covenant, State obliged to prevent, investigate, punish and ensure accountability for violations of human rights. [80]

[74]Ibid. Para. 13
[75]Ibid. Para. 21
[76]HRC, 'The Natures of the General Legal Obligation Imposed on the States Parties to the Covenant 'General Comment No.31 CCPR/2/Rev/Add.13.Para 4.
[77]Ibid.
[78]Ibid.
[79]Ibid. Para 8
[80] Ibid

On a similar note, examining obligations of States towards the right to life under African Charter, cumulative reading of Articles 4 and 1 of the ACHPR provides that the State assume duty to recognizes and undertaken to take legislative or others necessary measures to give effect to the right to life. For the proper implementation of African Charter, the African Commission on Human and Peoples Rights endowed with mandated to ensure protection and promotion of human and people's rights recognized under the African Charter.[81] The Commission also empowered to offer an authoritative interpretation on the nature of State obligations under the African Charter. To this effect, the African Commission under General Comment No 3 specify nature of State obligation under the African Charter.[82] For instance, in accordance with article 4 of ACHPR, States have the duties to design and enforce legal frameworks which enable the State to respect, protect, promote and fulfil the right to life.[83] Such duties of the State comprise duty to "prevent arbitrary deprivation of the right to life and to conduct prompt, impartial, thorough and transparent investigation to the deprivation of the right to life".[84] It is also consist ensuring effective remedies for the victims in case of violation of rights.[85]

2.3.1 Typology of Human Rights obligation of State

In this section, the research delves into the discourses related to the layer of human rights obligations. There are typologies of human rights obligations that expected to comply by the State in dealing with their human rights obligations. Among international human rights instruments, the ICCPR impose duties to respect, protect and promote all human rights. However, there is no universal consensus as to the layer of State obligation under legal binding human rights instruments. The human rights instruments initiated under the United Nations (UN) tend to recognize three of layer of human rights obligation which comprise obligation to respect, protect and fulfil.

[81]ACHPR , Art.30
[82]Ibid. Para.7
[83]Ibid.
[84]Ibid
[85]Ibid

2.3.2 Duty to Respect.

The obligation to respect required State to refrain from interfering with the rights of individuals or groups.[86] This layer of obligation also prohibits State from actions that could undermine the enjoyment of human rights of individuals or groups.[87]

2.3.3 Duty to Protect

In this layer of obligation, the State is obliged to protect individuals from the action of armed non-state actors, foreign agents, and even State agents acting outside of their official capacity which undermine human rights of individuals or groups.[88] It is also comprise obligation to preventive and provides remedial measures in case of violations of human rights.[89] Towards this end, the State must enact laws to protect human rights, intervene when they becomes aware of threats to human rights of individuals and provide access to impartial legal remedies for alleged human rights violation.[90]

2.3.4 Obligation to Fulfil

Obligation to fulfil is most of the time applicable to the socio-economic rights, which impose obligation to provide a means for the enjoyment of socio-economic rights. Thus, obligation to fulfil requires the state to provide basic services that enable individuals to enjoy their human rights in general and the right to life in particular.

As a matter of fact, there is no consensus on the layers of human rights obligations of the State. For example, the human rights instruments envisaged under United Nations system provide three (3) layers of obligations. These obligations comprise obligation to respect, protect and promote. On the other hand, the African Commission on Human and Peoples Rights under its jurisprudence found that, the human rights obligations stem from the African Charter comprises four layers of State obligations which comprise obligation to respect, protect, promote, and fulfil.[91] In lights of this, the African Commission on Human and Peoples rights in the Ogoni

[86]United Nation Commission for Human Right, Human Right Hand Book for Inter-parliamentary Union, N° 26, HR/PUB/16/4(UN) (2016). Pp. 32
[87]Ibid.
[88]Ibid.Pp.32
[89]Ibid. Pp.32
[90]Ibid.Pp.32
[91]Fons Coomans, "The Ogoni Case Before the African Commission on Human and Peoples' Rights" (2003) 52 International and Comparative Law Quarterly 749. Pp, 752

land case reaffirmed the human rights obligations stem from Africa Charter consist of obligation to respect, protect, promote and fulfil. [92]

2.4 Human Rights Obligations of Armed Non-State Actors.

Non-state actors in general comprises a wide range of entities such as private corporations, armed groups, civil society organizations, and individuals who may also have an impact on the enjoyments of human rights including the right to life.[93] Effort to define non-state actors was made. Among that effort, the United Nations Security Council (UNSC) has broadly defined non-state actors as individuals or entities that do not operate under the legal authority of any state.[94] The Africa Union Convention for the protection and assistance of internally displaced person in Africa, which known as the Kampala Convention, also describe non-state actors as private individuals who are not government officials.[95] The Kampala Convention goes to the extent of defining armed group as dissident armed forces or organized armed groups separate from the state.[96] In addition, Bellal defined armed non-state actors, organized armed groups, insurgent or terrorist groups which are not defined under the international treaty. [97]

This section of the thesis delves into the discussion of human rights obligation of armed non-state actors and the discourses surrounding the attribution of human rights obligations to armed non-state actors. It also centres into the discussion of human rights obligations of armed non-state actors, and when do the armed non-state actors bear human rights obligations and if we say so, under what circumstance that the armed non-state actors bear human rights obligations?

Pursuant the traditional conception, it is obvious that the State perceived as the only duty-bear of the human rights obligations.[98] However, recent developments within United Nations Security Council (UNSC) and reports of special rapporteur on some thematic area covey that " it is becoming more widely accepted that Non-state actors can also be bound under international human rights laws and assume corresponding obligations to respect, protect and fulfil the human

[92]Ibid.
[93]Wagner Markus, 'Non-State Actors,' (Oxford University Press 2013)
[94]UNSC Res 1540 (28 April 2004) UN Doc S/Res/1540.
[95]Adopted by summit of the African Union Kampala, Uganda, 26rd October 2009 and enter into force 6th December 2012. Art 1(n)
[96]Ibid. Art1(d)
[97]Annyssa Bellal, 'What are 'Armed Non-State Actors'? A Legal and Semantic Approach,'*International Humanitarian Law and Non-State Actors* . Pp. 1
[98]Report of special rapporteurs) Pp. 9

rights of individuals".[99] In light of this argument, the UNSC also called upon on the States and armed non-state actors to comply with international human rights obligations under its specific country resolutions.[100]

More importantly, the report of special rapporteurs on the extrajudicial killing, Summary or Arbitrary Execution on armed non-State actors provides that "human rights are fundamental entitlements of human beings. They are also inalienable rights and thereby any State, groups or individuals are obliged to respect human rights".[101] This statement also divulge under UDHR as a common standard of achievements by all peoples.[102] Align with this standard, during its inception, the every objective of the UDHR was to prohibit human rights violation and ensures accountability whenever the violation of human rights are committed even by armed non-State actors. Therefore, it is evident from above mentioned statement, the armed non-state actor's bear's obligation to respect and protect human rights that emanates from the common standard of achievement inspired by the international community.

By the same token, the Reports of Special Rapporteurs on extrajudicial, summary, or arbitrary execution prepared by Philips Alston on its mission in Sri lanka also calls for the imposition of human rights obligations on the armed non-state actors providing that "*human rights law affirms that both the Government and the Liberation Tigers of Tamil Elam (LTTE) must respect the rights of every person in Sri Lanka. Human rights norms operate on three levels as the rights of individuals, as obligations assumed by States, and as legitimate expectations of the international community. The Government has assumed the binding legal obligation to respect and ensure the rights recognized in the International Covenant on Civil and Political Rights (ICCPR). As a non-State actor, the LTTE does not have legal obligations under ICCPR, but it remains subject to the demand of the international community, first expressed in the Universal Declaration of Human Rights, that every organ of society respects and promote human rights*".[103] Considering the wording of this report, it can be evident that armed Non-state actors bear human right obligation.

[99]International human right law and international humanitarian law, In Armed Conflict, Legal Source, Principle and Actors. pp. 25
[100] UNSC Res 1894 (2009) UN Doc S/Res/1894
[101]A/HRC/38/44 Report of Special rapporteurs) Pp. 9 (n 17)
[102]Ibid. Pp. 10
[103]Report of the Special Rapporteurs on the Extrajudicial, Summary or Arbitrary Executions, E/CN.4/2006/53/Add.5. Para 25

As previously stated and discussed in the preceding paragraph, the Committee of CEDWA also highlight the circumstance under which armed non-state actors bear human rights obligation. Pursuant to the discussion of the Committee, the armed non-state actors bear human rights obligations "*where an armed group have demonstrates identifiable political structures and exercise significant control over territory and population, obliged to respect human rights*.[104] The Committee also stress that, *gross human right violation should entails individual criminal responsibility*.[105] As matter of fact, this kind of interpretation implies the circumstance under which armed non-state actors bears human rights obligations with its corresponding responsibility (accountability) for the violation of human rights. However, despites the insights outlined by the CEDAW Committee, there is no specific provision in the CEDAW that addresses and specify the human rights obligation of armed non-state actors.

Bearing the above discussion in mind, the Offices for High Commissioner for Rights (OHRHC) also persistently took the position that, when armed non-state actors exercised governmental function and assumes some sort of control over certain specified territory and their conducts affect the enjoyments of human rights, they are obliged to respect human rights.[106] Indeed, the trends within the UNHCHR resemble to the approach's that exercising the governmental function and establishing effective control over certain specified territory brought corresponding obligation to respect and protect human rights of individuals resides in the occupied territory.

On a similar note, the Ethiopia Human Rights Commission (EHRC) and United Nation Higher Commissioner for Human rights also took the position that "when non-state actors has exercised governmental function and controls certain territory, they are obliged to respect human rights norms unconditionally.[107]

[104]CEDAW, 'General recommendation No.30 on women in conflict prevention, conflict and post conflict situation ' CEDAW/C/GC/30 para.16
[105]Ibid.
[106]*Human Rights Obligations of Armed Non-State Actors : An Exploration of the Practice of the UN Human Rights Council* (2016). PP. 26
[107]Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties to the Conflict in the Tigray Region of the Federal Democratic Republic of Ethiopia. Para .67

As has been noted and discussed in the preceding section of this thesis, there are emerging human rights obligations that can be attributed to the armed non-state actors in case where the armed non-state actor have exercise effective control over the occupied territory.[108] Within this context, international laws also provide that there are specific situation in which human rights obligations can be attributed to armed non-state actors.[109] This is particularly relevant when armed non-state actors have significant control in accordance with effective control test.[110] However, the extent of effective control exerted by armed non-state actors is remains uncertain.[111]

In the preceding sections, the research tried to demonstrate the circumstance in which armed non-state actors bear human rights obligation. However, what if armed group possesses identifiable political structures, but lacks strong effective control over certain specified territory and population? Similarly, what if the government also lacks strong and effective control over certain territory? And what if armed non-state actors have some sort of control during a night times and government also have some sort of control during a daytime? These are discourses remain unresolved and continued as a controversial issue, which complicates the attribution of human rights obligations to the State and armed Non-state actors.

In spite of on-going debates among the international laws and human rights laws scholar regarding the attribution of human rights obligations to armed non-state actors in the absence of the international legal framework; some scholars argue that peremptory norms (*jus cogens*) requires armed non-state groups to respect human rights norms which attained the status of customary international law.[112] In connection with this, the provisions of the ICCPR attained the status of customary international law, particularly the prohibition against arbitrary deprivation of the right to life and torture regarded as peremptory norms and their derogation prohibited by this rule.[113] The attribution of human rights obligation to the armed non-state actors stem from the rights and norms attain the status of the customary international laws.

[108]Berkes Abtal 'Human Rights Obligation of Non-State Actors' [2021] Oxford university press. PP.1
[109]Carrillo (n-8) Pp. 1
[110]Ibid.
[111]Ibid.
[112]Ibid. Pp.4
[113]Casey Maslen S ' The right to life under international law ; An interpretative Manual. (2021)

Undoubtedly, the International Court of Justice (ICJ) highlights in several occasions that IHL can be applicable to the situation of armed conflicts both in NIAC and IAC. The application of IHL is limited in the case of NIAC if and only if armed conflict reach minimum threshold. The minimum threshold is also consists "*intensity elements*" and "*organization structures*"[114] which is bare minimum for the application IHL in the situation of NIAC. It is also worthwhile to know what constitute intensity element and organizational structures. In this regard, according to International Criminal Tribunal for Former Yugoslavia (ICTY) intensity element comprehends "*the concept of prolonged armed violence has been understood in practical terms as focusing more on the severity of the armed conflict rather than its length. When evaluating the 'intensity' element, Trial Chambers consider various factors such as the frequency, duration, and severity of individual clashes; the kinds of weapons and military equipment deployed; the quantity and quality of ammunition used; the number and types of combatants involved; the casualty count; the level of physical damage; and the volume of civilians fleeing from battle zones. In some instance, the intervention of the UN Security Council can also indicate the seriousness of a conflict".*[115]

On a similar note, ICTY also specify the element of organizational requirement which comprise "*having a command structure and disciplinary rules, a headquarters, territorial control, access to weapons and military resources, recruitment and training capabilities, capacity to plan and execute military operations, define a coherent military strategy, employ military tactics, and present a unified front for negotiations and agreements such as ceasefires or peace deals".*[116] In line of these criteria, one may concluded that, in order to apply international humanitarian law on the armed non-state actors, the requirements of intensity and organizational structures are necessary.[117]

In other hand, in the circumstance that the armed conflict failed to meet minimum threshold for the IHL, in 1999, the Institute of International Laws (IIL) under its resolutions provides that "to *the* extent *that aspects of internal disturbance and tension may not covered by IHL, individual remain under the protection of international law that protect fundamental human rights. All*

[114]*Prosecutor v Haradinaj, Case No IT-04-84-84-T,3 April 2008 Para 49 and Para 60.*
[115]Prosecutor v. Haradinaj, Case No IT-04-84-84-T,3 April 2008. Para 49
[116]Ibid para 60.
[117]Clapham Andrew ' Focusing on Non-State Armed Actors [2014] pp. 785

parties are bound to respect fundamental human right under the scrutiny of the international community.[118] The Commission of inquiries on the Syria also indicated that even though minimum threshold for the application of IHL is not meet, *as bare minimum, human rights obligations constituting peremptory international law (jus cogens) bind States, individuals and non-State collective entities, including armed groups.*[119] In doing so, Commission reports imply that armed non-state actors' bear's human rights obligations.

In lights of above line of argument, one may conclude that for the application IHL to armed non-state actors the requirement of intensity and organizational structures is necessary.[120] In case the armed conflict fails to meet the minimum threshold for the application of IHL, the situation can be termed as isolated and sporadic act of violence, and this situation can also be regulated by the human rights law and other applicable domestic laws. Yet, the debates continue as to the application of human rights law to the armed non-state actors (ANSA) during other violent situations such as isolated and sporadic act of violence.[121] Despite few debates as to the existence the duties of armed non-state actors, there are emerging human rights obligations that can be attributed to the armed non-state actors when their conducts affect the enjoyments of human of rights of individuals.

The debate over human rights obligation of armed non-state actors has also persisted. In spite of legal uncertainties, human rights scholars argue that armed non-state actor's bear's human rights obligations.

2.5 Duty of State and Armed Non-State Actors Under Domestic Legal Frameworks.

2.5.1. Duty of State

In Ethiopia**,** the Federal Democratic Republic of Ethiopia (FDRE) Constitution state that, "every person has the inviolable and inalienable right to life, the security of the person and liberty. The Constitution also reaffirms that, "every person has the right to life. No person may be deprived of

[118]Clapham Andrew 'Human Rights Obligation For non-state Actors: Where are we Now ? Pp.4
[119] Ibid.
[120]Clapham Andrew, "Focusing on Armed Non-State Actors," *The Oxford Handbook of International Law in Armed Conflict* (Oxford University Press 2014) pp. 785

[121]Human Rights obligation of armed non-state actor: Exploration of the practice of the UN Human Rights Council. (2016)P. 18

his life except as a punishment for a serious criminal offence determined by law".[122] In doing so, the Constitution protect this fundamental right and provides due process of law for deprivation of the right to life. In the same chapter, the FDRE Constitution provides that "all branches of the government including judiciary, legislative and executive have the responsibility and duty to respect and enforce rights enshrined under chapter three of the Constitution".[123] The Constitution also state that crime against humanity, torture and summary execution can't be barred by the period of limitation.[124] This indicates the duty of state to investigate and prosecutes international crime and thereby ensures accountability at any time after its commission.

Besides, the Federal Democratic Republic of Ethiopia Criminal Code provides that the very objective of Criminal Code is to ensure peace, security and order of inhabitants.[125] In doing so, Criminal Code will protect the right to life of all inhabitants.[126] The Criminal Code also defined crime against life as "whoever causes the death of a human being intentionally or by negligence, no matter what the weapon or means used, commits homicide.[127] Furthermore, it criminalized the crime against life and [128] provides forms of homicide under article **539** up to the **544**.

As can be understood from the above paragraph, the existing legal frameworks provide legal protection and its correspondent punishment for the crime against life. Hence, it is the duty of State to investigate and prosecutes in accordance with the provision of Ethiopian Criminal Procedure Code and other relevant laws to ensure respect for, and observance of the rights to life of individual. Likewise the FDRE Constitution, the Oromia regional State Constitution also provides the same legal protection for the right to life pursuant to 14 and 15 of the Constitution.

Several conclusions can be drawn from the discussion regarding discourse related to the duties of State in respect to the right to life. There are international as well as domestic legal frameworks, which impose human rights obligations on the State parties. According to human rights instruments, State have the duties to respect, protect, and promote the right to life of all individuals under their jurisdiction. It also imposes duties to investigate and prosecute alleged

[122]FDRE Constitution (n 26) Art. 15
[123]Ibid Art. 13. (1).
[124]Ibid. 28(1)
[125] FDRE Criminal Code,(n 29) Art. 1
[126]Ibid.
[127] Ibid. Art. 538 (1)
[128] Ibid.Art.538 (2)

human rights violations as promptly as possible thereby ensure accountability. Under the domestic legal regime, the FDRE Constitution, FDRE Criminal Code, Criminal Procedure Code, and other pertinent laws impose duties on the State to respect and protect all human rights, including the right to life.

When it comes to armed non-state actors, there is no legal instrument which deals with the duties of the armed non-state actors under domestic legal order. However, through interpretation, pursuant to Article 9(4) and 13(2) of the FDRE Constitution, the international standards applicable to armed non-state actors under international laws will also be applicable in the Ethiopian context too.

CHAPTER THREE

THE COMPLIANCE OF DUTIES STATE AND ARMED NON-STATE ACTORS TO WARDS THE RIGHT TO LIFE: THE CASE OF DUGDA WOREDA

3.1 Background of the Dugda Woreda

Dugda Woreda is located in the East Shoa Zone of Oromia region, which comprises 36 Kebele and one town administration called Ela.[129] This Woreda is known for the production of fruits and vegetables at the national level.[130] In this Woreda until late 2022, the government had effective control over all Kebeles. [131] However, the presence of Shane or OLA operating in the Oromia region in general and Dugda Woreda in particular, weakened the government control over a time and gradually led the governments to lose its control in all Kebeles. This also led to the violations of human rights in general and the right to life in particular, almost in all Kebeles.[132] Subsequently, the human right situations of this Woreda remains dire which threaten the right to life of the public in general and individuals working in the governmental structures in particular.[133]

For the purpose of clarity and simplicity, identifying and characterizing the on-going conflict is very important for the proper application of the international as well as relevant domestic laws. To this effect, the research opted to identify and characterizes the on-going clashes before directly proceeding to the assessment of the adherence of the duties of the state and armed non-state actors towards the right to life in the Dugda Woreda.

3.2 The Designation of On-going Conflict in Dugda Woreda

Since 2018, there has been on-going conflict between the government and Shane or OLA. The territorial reach of the conflict expanded from the western Welega to almost all zones of the

[129]Interview with Ato Kuma Kubi, Head of Dudga Woreda, (Meki Town, April 3, 2024). See also Interview Ato Marsha Tolosa, Legal Expert of Dudga Woreda, (Meki Town , April 4, 2024)
[130]Ibid.
[131]Ibid
[132]Ibid
[133]Interviews with Ato Kuma Kubi (n 129)

Oromia region.[134] Subsequently, the Ethiopian government has designated OLA as a terrorist organization on May 7, 2021 in accordance with Proclamation on the Prevention and Suppression of Terrorism Act[135] and launched a law enforcement operation.[136] The designation as terrorist organization and initiating law enforcement operation has led to violations of the rights to life of individuals on the mere suspicion of having a link with OLA. Furthermore, it has complicated the daily lives of the civilian populations due to various restrictions imposed by the government.[137] After five years of the on-going conflict, the government of Ethiopia has initiated the first round of peace talks with OLA which was held in Zanzibar, Tanzanian, in which both parties have a common understanding on several issues.[138] The first round of peace talk was considered successful for laying a foundation for the second round of peace talks which was subsequently held in Dar-es-Salaam, Tanzania, but the second round of peace talk was concluded without agreement.[139] Still, international community press for third round of peace talk between government and Shane or OLA, to settle the on-going dispute through peaceful mean. Having said this as introductory remark, let us proceed with merits of this topic.

Pertaining regulation of armed conflict, the Geneva Convention was adopted in 1949 and entered into force 2 October, 1950. Ethiopia also has ratified the convention on February 4, 1970.[140] The Geneva Convention and additional Protocol adopted to supplement Geneva Convention III, have legal effect in Ethiopia. Among the supplementary Protocol, Additional Protocol II is primarily applicable to the non-international armed conflicts which have no international characters.[141] For instance, where there are a resort to armed conflict between the "states armed forces and dissent

---

[134]EHRC Annual Report (n 33 and 34) Pp. 1

[135] www.thereporterethiopia.com/11313 (Accessed on April 10, 2024)

[136]Ibid.

[137]Interview with resident of Dugda Woreda Kebele includes Tuche Denbal , Wayoo Gebriel Abbono Gebriel, Dodota Denbal, Tepho Correke, Giraba Korke Adi, Baqalee Girisa, Haxee Laman, Mukiye Lamaa, Wadesaa Orgocoo, Bilite belwalde, Koto Bilite, Argo Gadilaala, Oda Boqota, Sera Wakale, Bayyimo Gusa, Dongorota Guusa ,Birbirsa Guda sabolee, Elaa Gabra Dalacha, Manjikso Woji, Joro Raqa, Qallo Kabite, Kiltu Bilbila, Koye Jajaba, Hafa Qamale, Walde Hafa, Jawe Bofo, Tuchi Summayyan, Burqa Denbal, Darara Dalcha, Shubii Gamoo, Walda Qalina, Walda Maqdala, Birbirsa Galle, Maja Lalu.

[138] www.voanews.com/a/peace-talks-between-ethiopian-government-ola-continue-in-tanzania-/7068879.html(Accessed on April 10, 2024)

[139] https://addisstandard.com/news-second-round-peace-talk-to-end-conflict-in-oromia-kicks-off-in-dar-es-salaam-ola-commander-on-board(accessed on April 10, 2024)

[140] https://treaties.un.org/Pages/showActionDetails.aspx?objid=0800000280158ccf&clang=_en(Accessed on April 10,204)

[141] Protocol additional to the Geneva Convention of 12 August 1949 and related to the protection of victim of non-international armed conflict (Protocol II) adopted on 8, June 19977 and entered into force on 7, December 1978. Art. 1(1)

armed forces or other organized armed groups which under responsible command and exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operation".[142] However, additional protocol II also provides that "*this protocol shall not apply to situation of internal disturbance and tension, such as riots, isolated and sporadic act of violence and other of a similar natures not being armed conflict*".[143] In such instances, the underling situation governed by human rights law and other applicable domestic laws. In connection with this, the Institute of International laws in its resolution provides that to the span that internal disturbance and tension may not covered by IHL, individuals remains under the protection of international laws which protect fundamental human rights.[144] With this in mind, in the situation of the internal disturbance and tension, all parties are bound to respect fundamental human rights under the scrutiny of the international community. [145]

Examining the above theoretical assertion with the underling situation or practical situation of on-going clashes in Dugda Woreda, Dugda Woreda termed as follow by local authorities, OLA commenced its operation in the late 2022.[146] The presence of OLA in this area has resulted in the collapse of the government structures at the Kebele level.[147] It is also pose a threat to the right to life of government official and employees working in all level of structures.[148] In the worst scenarios, the accidents of targeting government official and employees have been carried out "during night time.[149] Besides, OLA carried its operation during night time against government institution and individuals working in the government's structures including Woreda and Kebele structures.[150] Considering the practical situation of Woreda, the Woreda administration in collaboration with the Ethiopian National Defence Forces (ENDF) carried out law enforcement operations to restore law and orders, but their attempt was unable to bring a desirable result due to the method employed by Shane or OLA".[151] With respect to this, the Residents of Dugda Woreda also have the opinion that they hear the sound of guns frequently

[142] Ibid. Art. 1(1)
[143]Ibid. Art. 1(2)

[144] Clapham Andrew 'Human Rights Obligation For non-state Actors: Where are we Now ? Pp.4
[145]Ibid
[146]Interview with residents of Dugda Woreda Keble(n 137)
[147]Interviews with Ato Kuma Kubi (n 129)
[148]Ibid.
[149] Interviews residents of Dugda Woreda Kebele (n 137). See also Interviews with Ato Kuma (n 129)
[150]Ibid
[151] Interview with Ato Kuma Kubi (129)

during night times, and they did not saw and heard the clash last for two hours so far.[152] They testified that the so called Shane or OLA also has some sort of control during nights, as well as the government also able to carry out any operation during a day times.[153] In connection with this, the Public Prosecutor Office stated that, Shane or OLA carry out its operation even in the Meki town.[154] The Office also received the report that Shane or OLA equipped with modern military weapon to conduct deadly military operation against the government forces. The method of warfare they employed left the government's law enforcement operation without desirable effects.[155]

Assessing the underlying situation in line with intensity element provided by the ICTY which comprises *of duration, and severity of individual clashes; the kinds of weapons and military equipment deployed; the quantity and quality of ammunition used; the number and types of combatants involved; the casualty count; the level of physical damage; and the volume of civilians fleeing from battle zones.*[156] Scrutinizing the practical situation of Dugda Woreda in accordance with above listed element of intensity, there is no intensity element such as duration of underling conflict, level of the physical damage and numbers of the combat that involved the on-going clash between the government and OLA to qualify as the non-international armed conflict (NIAC). The ICTY also provide specific element of the organizational requirement that Comprise *having a command structure and disciplinary rules, a headquarters, territorial control, access to weapons and military resources, recruitment and training capabilities, capacity to plan and execute military operations, define a coherent military strategy, employ military tactics, and present a unified front for negotiations and agreements such as ceasefires or peace deals.*[157]

Analysing the prevailing organizational requirement pursuant to above listed criteria, the on-going clash between government and Shane does not satisfy the necessary organizational standards, for the following reason. First, OLA lacks strong control over certain territory, and

[152] interview conduct with the residents of Dugda Woreda (n 137)
[153]Interview conducted with residents of Dugda Woreda (n 137)
[154]Interviews Ato Tufa Bobaso Gadaa, Head of Dugda Woreda Public Prosecutor Office, (Meki Town, Aprils 3, 2024)
[155]Ibid.
[156] Prosecutor v. Haradinaj (n 115)
[157] Ibid

many of its members engage in the clash without adequate military training. Second, they also primarily employ hit-and-run tactics which do not qualify as conventional military strategy. Third, peace talks between the government and the OLA were conducted in Zanzibar and Dar-es-Salaam, Tanzania. This peace also talks primary initiated by the government as opposed to OLA.[158] Unfortunately the peace talk was concluded without desirable effect.

In considering above outlined intensity and organizational requirement, it's reasonable to conclude that the OLA doesn't fulfil the organizational requirements that are necessary for the application of IHL. Conversely, the Ethiopian Human Rights Commission believes that, the on-going conflict meet minimum threshold for the application of IHL.[159] The Commission also characterized the on-going conflict in the Oromia regional State as non-international armed conflicts, so that the parties involved in the conflict are required to adhere to the cardinal principle of IHL, such as distinction, proportionality and necessity when they conduct their military operation.[160] It's obvious that, in some parts of the Oromia region, the on-going conflicts can be qualified as non-international armed conflict (NIAC) , but the conflict in East Shoa Zone, Dugda Woreda don't qualify as the NIAC due to the intensity and organizational requirements discussed here in above.

Based on the above mentioned reasons, there is *no intensity and organizational structure that required the application of* application of IHL.[161] However, the government's security forces under the guises of law enforcement operation carry out extrajudicial killings, arbitrary deprivation of the right to life and torture on individuals suspected of having links with the Shane or OLA.[162] Taking into consideration reasons mentioned in the above discussion and other related factors, the research reached on the conclusion that the in the going clash in Dugda Woreda falls below the minimum threshold necessitates the application of IHL, yet exceeds

---

[158] https://addisstandard.com/news-second-round-peace-talk-to-end-conflict-in-oromia-kicks-off-in-dar-es-salaam-ola-commander-on-board(accessed on April 10, 2024)

[159]Interview with Mizanie Abate (PhD) Senior Director, Human Rights Monitoring and Investigation department at Ethiopian Human Rights Commission (Addis Ababa, May 16, 2024) EHRC 'በኦሮሚያ ክልል በመንግስት የጸጥታ ኃይሎች እና በታጣቂዎች የተፈጸመዉ የሰብዓዊ መብቶች እና ዓለማ አቀፍ የሰብአዊነት የህግ ጥሰቶች ላይ የቀበ የተደረገ የምርመራ ሪፖርት (ካቲት 2016 ዓ.ም)'.para. 6

[160]Ibid

[161]Interview with Ato Marsha Tolosa (n 129) see also Interviews with Ato Marimo'i Terefe , practicing lawyer in Dugda Woreda, (Meki Town, April 5, 2024)

[162]Interviews with residents of Dugda Woreda Kebeles (n 137)

internal disturbance and riots such as sporadic acts of violence and other similar nature. In such instances, such situation can be governed by international human rights laws. Its undeniable fact that there are no specific international legal frameworks governing situations deemed as "below the minimum threshold" and “exceeding internal disturbance and riot such isolated acts of violence and other similar nature”, except to the references to international human rights laws for the best interest of the victims and as a last resort remedy.

The researcher also argued that the on-going conflict doesn’t meet the minimum threshold for the application of IHL due to the intensity of conflict and organizational structures of Shane or OLA.[163] As a result, this thesis concluded that on-going clash in Dugda Woreda is below the minimum threshold and exceeding internal disturbance and riots such as sporadic acts of violence and others similar nature, become a subject of international human rights law and domestic criminal law.[164] The conclusion in this thesis was derived from factual circumstance of the Dugda Woreda regarding the intensity and organizational structures necessary for application of IHL. On the other hand, it is also undeniable fact that, in some parts of the Oromia region, the on-going conflict may meet the minimum thresholds for the application of IHL, and can be characterized as the non-international armed conflict. However, in Dugda Woreda, the on-going conflict don’t meet minimum threshold for the IHL application as explained in the preceding paragraphs and sections of subtitle. Thus, the underling situation is governed by the human rights law and other relevant domestic legal regime.

3.3 Compliance of the State Duties Towards the Right to Life in Dugda Woreda.

Chapter two of the research emphasized on the international bill of human rights which imposes human rights obligations on the States. Among bills of international human rights, the ICCPR outlines specific State obligation related to human rights in general and rights to life in particular can be mentioned as an example. The analysis of Articles 6 and 2 of the ICCPR divulged that the States must respect and protect the right to life. The African Charter also imposes obligations on the State parties in relation to the right to life.[165] While there is no universal consensus as to the layers of the State obligations, the layer of State obligations comprises the obligation to respect,

[163]Researcher personal observation, the researcher assessed the on-going clash and researcher (between December, 2023- May 2024)
[164]Ibid.
[165]Article 4 and 1 of African Charter

protect, and fulfil human rights. For the purpose of clarification and simplicity, the thesis also categorized the general duties of state towards the right to life into two (2) different categorizes as the scholars of human rights does and examine the adherence of State towards its human right duties including duties relevant to the right to life. Hence, in the following section, the research will confine to assess the adherence of the state toward its duties that are relevant to the right to life in the context of the going clash in Dugda Woreda.

3.3.1 Duty to Respect

In chapter two of this thesis highlighted that the international bill of human rights are impose obligation on the state. The ICCPR is the key human rights instruments which provide the duties of the state relevant to the right to life. Like all others human rights, duty relevant to the rights to life place layer or level of obligation on the State parties and to be abide by that layer. These also comprise the obligation to respect, protect and fulfil. Cumulative consideration of article 6 and 2 of the ICCPR indicates these layer or levels of human rights obligations. Give that, among those layer of state obligation, the duty of respect required the States to "refrain from engaging in conducts resulting in arbitrary deprivation of life".[166] To this effect, the States are expected to refrain from and avoid interfering with the enjoyments of the right to life. This is the duties expected to be adhered by the States prior to the violation of the right to life.

In Dugda Woreda, the government security forces interfere with the enjoyment of the right to life, let alone to respect the right to life of individuals. The government security personal think as if they have the right to deprive the right to life of individual rather than refrain from interfering with the enjoyment of the right to life of individual.[167] The residents of Dudga Woreda stress that the government security particularly the National Defence Forces kill individuals who are suspected as Debele (agent of the OLA or working with Shane, particularly those suspected of provides information and logistic to Shane, without any legitimate and reasonable ground of suspicions.[168] On the other hand, without lawful investigation and inquiries into the alleged suspected individuals, individuals may lose their right to life on mere suspicion only.[169] With respect to this, the government security force has no legal backing to

[166]General Comment No. 36 (n 1) Para 7
[167]Interviews Ato Tufa Bobaso (n 154)
[168]Interviews resident of Dudga Woreda Kebele,(n 137)
[169]Interviews with Ato Marimo'i Terefe (n 161) see also interview conducted with the resident of Dugda Woreda

justify their interference with the enjoyment of the right to life of individuals. Indeed, in normal course of action, if such individuals have been suspected, the government security force should bring those individuals before the justice to ensure accountability. The international human rights instrument to which Ethiopia is party also obliged Ethiopia to respect the human rights of individuals including the right to life. The FDRE Constitution and Criminal Code prohibited crime against life with the exception of the capital punishment or death penalty imposed in accordance of due process of law,[170] unless it should be inconsistent with life-protecting laws and regimes. In spite of these ground-breaking legal protections for the right to life under the domestic legal regimes, the governments failed to refrain from violating the rights to life of individuals. Consequently, this is a blanket denial and arbitrary deprivation of the right to life which is incompatible with the duties of State to respect human right pursuant to article 6 of the ICCPR, 4 and 2 of ACHPR, article 15 and 16 of the FDRE Constitution, article 14 and 15 of Oromia regional state constitution and article 539 of FDRE Criminal Code which criminalized the crime against life. To this effect, the research concluded that, the government security forces failed to respect individual right to life with exception of some attempt and efforts to respect the rights of life of individuals.

3.3.2 Duty to Protect

In the Chapter two of this thesis highlights the duty to protect. This section seeks to assess the adherence with this layer of obligation. It can be noted that, duties undertaken by the State under the international human right instrument is comprise duties to protect which requires the state to protect the violation of the right to life from its agents. It also obliged the State to protect individuals even from the abuse of armed non-state actor, foreign agents or state agents acting outside their official capacity. Yet, the State has the duty to provide effective remedy in the case of violation of the rights to life. Hence, the duties to protect comprise both preventive and remedial measures. [171] Moreover, the State parties to human right instruments also must enact laws to protect human rights, intervene when it becomes necessary to protect the individual right

(n 137)
[170]Article 14 and 15 of FDRE Constitution (n 26) and 539 and the following Article of FDRE Criminal Code (n 29).
[171]General Comment No. 36. (n 1) Para 4

to life from threats and provide access to impartial legal remedy for alleged violation of the right to life.[172]

As the researcher tried to explain about state duties to protect in the discussion made here in above, it comprise duty to protect the right even from its agent and third parties, provide effective remedies whenever the right to life is violated and provision of reparation as the remedies of last sort.[173] The duties to protect also require the State to pass the law for the protection of the right to life.[174] In connections with this, we have well established legal systems that would enable us effectively protect the right to life. This is also comprises from the FDRE Constitution up to Criminal Code considered as the protectors of the right life. Hence, there is no legal gap in these areas. However, practical challenges appeared to be evident when it comes to the implementations of life protecting laws and regimes.

As the researcher tried to indicate the general condition of Dugda Woreda under preceding section of this thesis, Dugda Woreda comprises 36 Kebele and one town administration. Apart from town administration, 36 Kebele of Dugda Woreda lack effective and strong government structure.[175] Efforts are underway to restore the collapsed government structures.[176]

Scrutinizing the underlying protection of the right to life in accordance with the duty of State under international human rights instruments and domestic legal frameworks, let alone protecting the right to life of individual particularly those who are exposed to attack due to their affiliation with the government, some of tasks including tax collection has been carried out in collaboration of national defence force.[177] In addition, failure of the government security forces to foresee the potential attacks and means utilized to halt such potential attack has led to the violation of the rights to life of individuals which can be attributed government forces due utmost suspicions of each and every individual as the enemy spy under all circumstance particularly in the rural areas.[178] In the strict sense, in the rural Kebele, where the presence of Shane or OLA frequently reported, arbitrary deprivation of life is prevalent as opposed to the Kebele where OLA are rarely

[172]Ibid.
[173]ACHPR, General Comment No. 3 (n 4) See also article 6 and 2 of the ICCPR, article 4 and 1 of the African Charter also impose duties towards the state to protect the right to life of individuals.
[174]Ibid.
[175]Ibid
[176]Interview with Ato Kuma Kubi (n 137)
[177]Ibid.
[178]Interviews with Ato Marimo'i Terefe (n 161)

present.[179] The government also do not protect individuals from Shane or OLA. Moreover, suspected link to the OLA led to extrajudicial killing and posing a high risks to Civilian population.

As being mentioned under the preceding discussion, the incident of April 9, 2024 may imply the general condition of human rights situation in Dugda Woreda. As reported by many media outlets on April 9, 2024, high-profile opposition party leader Bate Urgessa was executed in his home town Meki.[180] His family confirmed that his dead body was discovered on the Meki town's street. Subsequently, the Ethiopia Human Rights Commission called for a prompt, impartial, and transparent investigation on April 10, 2024. The Oromia regional State also strongly condemned the brutal killing of Batte Urggessa and refused to accept any governmental responsibility for his death.[181] Few weeks after the execution of Batte Urgesa, the Ethiopian Human Rights Commission states that, it encountering a challenge in finalizing its inquiry into the killing of Batte Urgessa.[182] The Commission had aimed to conclude its investigation on the murder of Batte Urgessa.[183] For meanwhile, the Commission refrained from disclosing its investigation outcome, due to the evidentiary standards expected to comply by the report of Commission. Regarding the evidentiary standard of the Commission report, the report of Commission must satisfy the standard of reasonable grounds to believe to disclose its investigation outcome in the form of the report.[184]

Furthermore, individuals have been similarly executed, and their bodies sometimes left unburied for a week labelling them of shielding Shane or OLA.[185] In this respect, Ethiopia is obliged by human rights treaties to protect the right to life of individuals.[186] This means the governments must prevent human rights violations committed by their officials, agencies, and even from armed non-state groups.[187] They are also obliged to investigate and prosecute individuals responsible for the alleged violation of the right to life. Despite obligation to protect the right to

[179]Interviews with residents of Dugda Woreda Kebele. (n 137)
[180] Police confirm 13 arrests linked to Bate Urgessa's murder - Addis Standard(Accessed on April 27, 2024)
[181]https: Assault on decency': Why Bate Urgessa's murder shocked many to the core - Addis Standard(Access on April 27 , 2024)
[182]Interview Conducted with Mizanie Abate (PhD) (n 159)
[183]Ibid
[184]Ibid
[185]Interview conducted with the resident of Dugda Woreda (n 137)
[186]Articles 6 and 2 of ICCPR.
[187]Ibid.

life under human rights instrument to which Ethiopia is party, FDRE Constitution, Oromia Regional State Constitution, and Criminal Code, there are concerns that the law enforcement personnel sometimes act as if they have the rights to take lives of individual.[188]

As mentioned above, there are reports of extrajudicial killings which have been received by the public prosecutor Office of Dugda Woreda, the Office encountering various challenges to investigating and prosecuting the relevant case. The Challenges arise due to threats from law enforcement personnel and including ineffective cooperation in course of investigations from them." [189] Besides to this, the failure of government structures in the rural Kebeles of Dugda had further complicated efforts to investigate and prosecute including to properly address human rights issues effectively, leading to frustration and a sense of ineffectiveness. The Dugda Woreda Public Prosecutor's office aimed to conduct prompts and transparent investigations into alleged human rights violations to ensure accountability. However, the human rights situation in Dugda Woreda remains complex and difficult to investigate and ensure accountability against the perpetrators of human rights violation, including violator of the right to life.[190] Contrary to the international human rights instruments and domestic legal frameworks, in most of the cases often said to be on-going situation or related to the security situation (haalaa yeroo) are handled by the Woreda peace committee (Koree Nagenyaa) which lacks legal authority to deal with underling matters.[191] This committee also oust the power of judiciary to apply and interpret the applicable laws to the alleged human right violation including the violator of the right to life. With this respect, it is clear that government has the duty in accordance with human right treaty to which Ethiopia is party as well as FDRE Constitution and Oromia regional state Constitution.

To sum up, the governments law enforcement personnel including National defence force , Federal police, Oromia Police, and local security personnel (militia) perceives as if they have right to kill. [192] Such allegation has been received by the Office of Public Prosecutor persistently.[193] Aligned with this matter, the office persistently received report of dumped dead body for further investigation and referral to the East Shoa Zone Public Prosecutor Office for

[188]Interviews with Ato Tufa Bobaso (n 154)
[189]Ibid.
[190]Ibid.
[191]Ibid
[192]Interview with Marimo'I Terefee (n 16) See also Interview resident of Dudga woreda(137) .
[193]Ibid.

prosecution, but the police refused to cooperates noting the fact that such execution is carried by the Shane or OLA[194] From the sect of the society, youth are primary victim of extrajudicial killing and the office also unable to investigate and prosecutor the alleged suspects due threats from police.[195] Coupled with the above mentioned factors, the collapse of government structures complicates investigation and prosecution of the alleged human rights including the right to life. This situation significantly disrupted the daily activity of the office and renders the office almost useless. Overall, the human rights conditions in this Woreda are very complicated and it's also difficult to ensure accountability against all parties involved in the violation of the right to life.[196] The Office often expressed its frim stands in different instances that the measures of the government should be in accordance with the relevant applicable laws.[197]

The combination of above mentioned factor led the researcher to concluded that, State measure to protect human rights in general and the right to life in particular from its agents as well as from third party whose action can't attributed to the State and holding perpetrators of human rights violations including the violators of the right to life accountable are still inadequate, but it is the obligations to the state to protect the right to life and ensure accountability in the case of violation.

3.4 Human Right obligation of Armed Non-State Actors Toward the right to life and their Compliance.

Attributions of human rights obligation to the armed non-state actors become the matter of discussion for human rights law scholars. It has also become the matter of discussion for the Special Rapporteurs working on the thematic areas of the extrajudicial killing, summary execution and the rights to life. Such discussion also become the matter of discussion to the Commission established by OHCHR and latter even by itself OHCHR. For instance, OHCHR assume the position that armed non-state actors bears human rights obligations and thereby

[194]Ibid.
[195]Interviews with Ato Tufa Bobaso (n 154)
[196]Ibid.
[197]Ibid

obliged to respect human rights norms when they exercised governmental function and their action pose negative effect on the enjoyments of human rights of individual.[198]

It is obvious that traditionally State was considered as the sole entity that bears human rights obligations under international human rights instruments. Yet, human rights frameworks don't explicitly excluded individuals affected by the actions of armed non-state actors from the scopes of human rights instruments [199] In scrutinizing the scope of application of the rules of international humanitarians law, its scope limited to the situation of armed conflict. In such circumstances, armed non-state actors parties to non-international armed conflict is required to meet the minimum thresholds including organizational structure and expected to establish effective control over certain territory.[200] The effective controls test can even extend to the extent of displacing the State from governing the territory under their jurisdictions.

In such context, someone may ask questions like what if armed non-state actors unable to displace the government? What if the conflict fails to meet the minimum threshold? In this respect the UN mission in South Sudan demonstrated that armed non-state actors are bound by peremptory norms (*jus coges norms*).[201] The special rapporteurs Philips Alston in his mission in Srilanka call for the imposition of corresponding human right obligation on the Tigers of Tamil Elam (LTTE) which is armed non-state actor operating in Srilanka.[202]

The EHRC assumes the position that the armed non-state actor bears human rights obligations unconditionally, even without establishing effective controls.[203] The Commission also holds that, the presence of effective control and the performance of governmental functions are not prerequisite to impose human rights obligations on armed non-state actors.[204] Contrary to this, the combinations of above outlined discussion imply that having effective control over certain

[198]Human Rights obligation of the armed non-state actors: exploration of the practice of the UN Human Rights Council pp. 30.
[199] D. Murray 'Human Rights obligation of Non-state armed Groups'. Hart .(2016) Pp. 7
[200]Additional protocol II. art.1 (2) and see also, Prosecutor v. Haradinaj, Case No IT-04-84-84-T,3 April 2008. Para .49 and para .60
[201]Human Rights obligation of the armed non-state actors: exploration of the practice of the UN Human Rights Council pp. 29.
[202] Report of the Special Rapporteurs on the Extrajudicial, Summary or Arbitrary Executions, E/CN.4/2006/53/Add.5. Para 25.
[203]Interview conduct with Mizanie Abate (PhD) (n 159) See also EHRC Report on the violation of human rights committed by the state and armed non-state actors.(n 33 and 34)
[204]Ibid.

territory and performing governmental functions is indispensable to impose human rights obligations on armed non-state actors.

However, without well-established international human rights instruments which impose human rights obligations on the armed non-state actors, it is untenable argument to place human rights obligations on the armed non-state actors without any condition. On the other hands, the developing practice within UN human rights systems demonstrated that, armed non-state actors obliged to respect peremptory norms. As the matter of fact, protection against the arbitrary deprivation of the right to life and extrajudicial killing is also one of the peremptory norms of international law;[205] so that armed non-state actors in the situation which is not qualify as an armed conflict remained obliged to refrain from arbitrary deprivation of the right to life of individuals.

In scrutinizing OLA compliance with human rights obligations, particularly, the obligation related the right to life, it has been reported that, Shane or OLA has executes individuals suspected of having a ties with the governments and restricted the freedom of movements of local population.[206] The Office of Public Prosecutor of Dugda Woreda has also reaffirmed that we heard and reported to about the allegations that Shane or OLA executed those who are suspected of having a link with the government and in some instance restricted freedom of movements of local population. [207] Additionally, individual working within government's structures can be targeted and executed to discourage others from working within the government's structures.[208] The Office has also acquired such allegation from the reports of the residents. It's also been reported that, in some rare case, individuals can also be targeted and executed when they refused to contributes money for Shane or OLA.[209]

[205]Casey Maslen S ' The right to life under international law ; An interpretative Manual. (2021) pp. 18
[206]Interview with Ato Kuma (n 129). See Interviews with resident of Dugda Woreda (n 130) see also Personal Observation of the researcher found that some of the Kebele leader were executed and some of them are disappeared and their where about also unknown. Recently the governments made an attempt to restores its Kebele structures. Its consistency is also in doubt because of the security threat posed Shane or OLA.
[207]Interviews with Ato Bobaso Tufa (n 154)
[208]Interviews with residents of Dugda Woreda Kebele (n 137)
[209]Ibid. The Response of Dugda Woreda residents are the same with respect the said allegation but some of them are refused to give their response. In this respect, there is consistent trend between Kebele. Some assert that, they did not force as to contribute to the army. Their response are very common and usually the same.

In addition to the above consideration, Oromo Liberation Army (OLA), have infringed upon individuals' right to life, specifically by targeting those individuals believed to have affiliations with the government and resulting in daily casualties. In the some rare case, individual may deprived of their life without having any connection with the governments.[210] The combinations of this and other factors led to the collapse of governments structures in the rural areas of Dudga Woreda.[211] As a result of this, the violations of the right to life persist and have ever been escalated and reach to a critical level following such collapse.[212]

In spite of the obligations stems from pre-emptory norms of international human rights law, armed non-state actors must adhere to and respect the rules when they establish effective control and performs governmental functions. In this context, examining the extent of control exerted by Shane or OLA in Dugda Woreda, doesn't qualify as the effective control because they don't have well-established effective control. It's obvious that, they have been exercising government function by resolving the border disputes between the framers and thereby they reduced the number of cases brought to the Dugda Woreda first instance court.[213] It is debatable whether Shane or OLA has human right obligation in this circumstance. In this respect, it is also difficult for this research to determine human rights obligations of Shane or OLA because Shane or OLA doesn't establish effective control and consistently settle borders disputes between the framers in Dugda Woreda Kebeles. The performance of governmental function entails human rights obligations. Although the situation does not meet the minimum threshold for the application of IHL, armed non-state actors are still bound by human rights obligation. Therefore, Shane or OLA also assume human rights obligations with respect to the right to life, even without establishing effective control or performing governmental functions in Dugda Woreda.

To have comprehensive conclusion on the effort of Shane or OLA in respecting its human right obligation in Dugda Woreda, the researcher made an attempt to conduct interviews with the members and commander-in-chief of Shane or OLA operating in Dugda Woreda. However, the security situation in the Dugda Woreda was ever escalating which makes very difficult to meet with the members and commander in-chief of OLA in person and conduct interviews related to

[210]Interviews conducted with the residents of Dugda Woreda(n 137)
[211]Interviews with Ato Kuma (n 129)
[212]Researcher personal observation (n 163)
[213]Interviews with the residents of Dugda Woreda (n 129) See also interview with Ato Morimo'i Terefe (n 161)

their adherence toward their human rights obligation with the specific reference to the right to life of Civilian Population and individuals working within the lower structure of government. Apart from this, on different occasions, there was an opportunity to conduct interviews with the Debele (civilian working with OAL they will provide information and logistic). However, the Debele also declined and hesitated to conduct interviews with the researcher due to security reason. The general situation in this areas continued to escalate, leading to severe events such as burning the houses of farmers suspected of aiding or shielding Shane or OLA. These challenges prevented the researcher from conducting interviews with the members and commander-in-chief of the Oromo Liberation Army. Hereby it's important to mention that the research confined to conducts interview with the residents of Dugda Woreda to assess the OLA compliance toward human rights obligations including the obligation that are related to the right to life.

To sum up, it is also widely known that both government security force and the OLA have been violating the right to life of the civilians suspected to have a link with the government or with OLA.[214] Having Linkage with the government can't be a justification for the violation of the rights to life. In line with the above discussed emerging trends and practice developed within the United Nation Human Rights system, practices of other counties and opinion of human rights scholar, protection against the right to life is absolute and unwarranted justification can't make the acts of arbitrary deprivation of the rights to life lawful. Therefore, all entity obliged to respect and protects the rights to life of individual without any other justification and excuse which are not tenable and acceptable in the eyes of the applicable international human rights instruments and standards.

Complementary to the discussion and finding of this thesis in the preceding sections, understanding the roots cause of the human rights violations is one of the core challenges in Ethiopian. Some scholars identify the questions for the right to self-determination, political oppression and motive for the political power as the root cause for the violation of human rights. Recently armed conflicts become the major cause for the human rights violations. This also brought significant impact on the promotion and protection human rights in general and right to life in particular.

[214]Interviews with residents of Dugda Woreda Kebele (n 137). Researcher personal observation (n 163)

Yet, it persisted to be a major headache for the political instability as well as major obstacle for effective protection of human rights in Ethiopia. The human rights violations at the country level is primarily caused due to political oppression and the restriction of political space which prompt certain groups like OLA and Fano to take up arms to overthrow the ruling governments. The government has, on various occasions, urged all armed groups to resolve their conflicts through peaceful means. Notably, the Federal government engaged in peace talks with OLA twice, but attempts failed to reach on a peace agreement. Scholars of human rights, politicians and independent institution such as EHRC recommend that only viable solution to the current political instability and resurrection of armed struggle is expanding political space. By doing so, human rights will effective protected in such systems.

The Ethiopian Human Rights Commission also expressed its concern as that armed conflict still a major cause of human rights violation, underscoring the urgent need for transparent, inclusive and credible peaceful solution through transitional justice processes.[215] Violation of human rights remains the most pressing concerns at national level. Concerning this, the local authority and research affirmed that the roots cause of the human rights violation is the on-going armed conflict which led to political instability too.[216]Therefore, for the proper protection of the human right in general and the right to life in particular, the on-going clash and conflict in the ever corner of the state should be resolve in peaceful ways.

[215] Armed conflicts still a major cause of human rights violations, underscoring the urgent need for transparent, inclusive and credible peaceful solutions, transitional justice processes - Ethiopian Human Rights Commission - EHRC Se also EHRC ' Annual Ethiopia Human Rights Situation Report, Submitted to the House of People Representative (June 2023- June 2024)

[216] Interview with Ato Kuma Kubi (n 129)

CHAPTER FOUR

CONCLUSION AND RECOMMENDATION

4.1 CONCLUSION

Ethiopia is a party to major human rights instruments such as ICCPR and ACHPR, which are considered fundamental for the protection and enjoyment of human rights. These instruments require State parties to respect, protect, and promote human rights for all individuals. Additionally, they are obligated to take appropriate measures in line with their constitutional processes. The national legal framework, including the FDRE Constitution, and FDRE Criminal Code, also imposes human rights obligations on the state. These national legal frameworks also obliged all organs of the state to respect and protect the right to life.

In Ethiopian, since 2018, there has been a continuous armed conflict between government security forces and the OLA, expanded across various Zone of the Oromia region. Later, to resolve the on-going conflict, peace process was started since April 2023 in which both parties have common understanding on many issue. It's also remembered that the second round of peace's talk was held in October 2023 in Zanzibar , Tanzania, even though peace talks was concluded without agreement between two parties.

In the east Shoa Zone, Dugda Woreda clashes between the government and the OLA have led to the violation of the right to life civilians. This violation stemmed from suspicions that, the civilians were linked to and provides information and logistic to Shane or OLA. There are also violations of the right to life committed against government official for suspected of having a linkage with the government or working within the government structures. Furthermore, there have been arbitrary detentions, including government employees, solely based on the suspicion that civilian or employees of the government have link with the OLA. The government as the primary duty bearers have neglected to respect and protect the right to life of residents by engaging in the extrajudicial killing and derogatory act which led to the violations of procedural as well as substantive aspects of the right to life.

4.2 RECOMMENDATIONs

Based on the finding of the research, the researcher recommends the following solution to the competent authority.

To Federal Government

In Ethiopia, human rights violations are primarily fuelled as result of political oppression and the restriction of political space for opposition prompt certain groups like OLA and Fano to take up arms to overthrow the ruling governments. This is also led to the violation of the right to life. To resolve on-going, the government on various occasions urged all armed groups to resolve disagreements through peaceful means. More importantly, the government engaged in peace talk with OLA in two different rounds, but peace talk failed to reach on a peace agreement. Therefore, the Federal government;-

A. The government should encourage National Defence Forces and Federal Police to respect and protect individuals' right to life under all circumstances.
B. The Government should ensure that the law enforcement officers and personnel are operating in compliance with applicable relevant laws.
C. The government should investigate and prosecute members of National Defence Forces and Federal Police which violates the right to life during law enforcement operations to ensure accountability and maintained the law and order.
D. The Government should resolve on-going dispute peacefully.
E. The ruling government should expand the political space.

To Oromia Regional State

A. It is imperative for the Oromia Regional state to guarantee that, both the Oromia Police and Local militants in Oromia region should respect and protect the right to life under all circumstance.
B. The Oromia Regional State should investigate into the alleged violation of the rights to life committed by its security forces and ensure accountable on the members of the Oromia police and local militants those infringe upon the right to life of individuals, in the violation of substantive and procedural safeguards provides under laws.

C. The Oromia regional government should encourage and exert pressure on the federal government to settle the on-going disputes through peaceful means.

To OLA/Shane

A. The OLA should respect and protect the right to life of all individual under any circumstance.
B. The OLA should resolve the on-going conflict dispute peacefully.

BIBLIOGRAPHY

Domestic Legislations

The Constitution of the Federal Democratic Republic of Ethiopia Proclamation no. 1/1995, Neg. Gaz. 1st Year No.1, Addis Ababa, and 21 August, (1995)

The Criminal Code of the Federal Democratic Republic of Ethiopia, Proc. No. 414/2004, Federal Negarit Gazette, Year No. 9, May (2005)

Criminal Procedure Code of Ethiopia, Proc. No 185/1961

Proclamations on the Prevention and Suppression of Terrorism Act, Proc.No 176/2020

International Convention and other Instrument

African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58 (African Charter)

European Council, Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ECHR)

International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) **A**dopted December 18, 1979 and entered into force in September 3, 1981)

International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (CMW), Adopted by the General Assembly of the United Nation December18, 1990

Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A (III) (UDHR)

The Convention on the Rights of the Child, (CRC), Adopted by the General Assembly of the United on November, 20 1989 and enter in to forces in September 2, (1990).

Convention on the Rights of Persons with Disabilities (CRPD), Adopted by the General Assembly of the United Nation on 13 December 2006, and come into force in 3, May (2008)

American Convention on Human Rights adopted on November 1969 and entry into force in 18, July 1969.

The Africa Union Convention for the protection and assistance of internal displaced person in Africa adopted by summit of the African Union Kampala, Uganda, 26rd October 2009 and enter into force 6th December 2012.

Protocol additional to the Geneva Convention of 12 August 1949 and related to the protection of victim of non-international armed conflict (Protocol II) adopted on 8, June 19977 and entered into force on 7, December 1978

Journals and Article.

Reisgolu S 'The Right to Life' on Perceptions Journal of International Affairs December 1998-February (1999) Volume III - Number 4."

Abebe AK, 'Human Rights under the Ethiopian Constitution: A Descriptive Overview' (*OpenDocs Home,* 1 March 2011)

Carrillo N, 'Direct International Human Rights Obligations of Non State Actors: A Legal and Ethical Necessity.

Carrillo N 'Non-State Actor's Human Right Obligation and Responsibility of under International Law'.Pp-1 "

Casey-Maslen S, 'The Right to Life under International Law: An Interpretative Manual' (*Google Books,* 23 September 2021)

Hannum H, 'Human Rights Obligations of Non-State Actors. (Oxford University Press, 2006.)

Murray D. 'Human Rights obligation of Non-state armed Groups'. Hart .(2016) Pp.

Okere BO, 'The Protection of Human Rights in Africa and the African Charter on Human and Peoples' Rights: A Comparative Analysis with the European and American Systems' (1984) 6 Human Rights Quarterly 141

Tesfaye AA and Mekuriya EA, 'Conditions of Human Rights in Ethiopia in the Aftermath of Political Reform' (*North-western University School of Law Scholarly Commons*)

Dzhuska AV, Kaminska NV and Makarukha ZM, "MODERN CONCEPT OF UNDERSTANDING THE HUMAN RIGHT TO LIFE" (2021)

Coomans F, "The Ogoni Case Before The African Commission on Human and Peoples' Rights" (2003) 52 International and Comparative Law Quarterly 749

Bellal A, " What are Abtal B ' Human Rights Obligation of Non State Actors' [2021] Oxford university press. PP.1

Armed Non-State Actors'? A Legal and Semantic Approach," *International Humanitarian Law and Non-State Actors*

Clapham A, "Focusing on Armed Non-State Actors," *The Oxford Handbook of International Law in Armed Conflict* (Oxford University Press 2014)

Sataphath S, "Observation as Tools for Collecting Data' (2019) IJMER. Pp. 152.

Markus W, 'Non-State Actors,' (Oxford University Press 2013)

Books

Zwaak L and others, The Realization of Human Rights. When Theory Meets Practice *(*2013)

Korff D "The Right to Life: A Guide to the Implementation of Article 2 of the European Convention on Human Rights" (2006)

Human Rights Obligations of Armed Non-State Actors : An Exploration of the Practice of the UN Human Rights Council (2016)

Conference Papers

Coman V, Maftei J, and Negruț V, Right to Life, The 7^{the} edition of the international conference on European integration Realists and perspective (2012)

Clapham A, "Human Rights Obligations for Non-State Actors: Where Are We Now?," *Doing Peace the Rights Way* (2019)

Research

Lisanwork B, "An Appraisal of the Enforcement of International and Regional Human Rights Obligations in Ethiopia" (MA, thesis Addis Ababa University 2011)

Hedlund's B, "The Right to Life: A Case Study on the Connection between Article 4 of the American Convention on Human Rights and Forced Disappearance according to the Inter-American Court on Human Rights" (2018)

Report of Special Rapporteurs and Other Document

Information on Ethiopia for Consideration by the Human Rights Committee at Its 136the Session (10 October to 4 November 2022) Submitted by the Oromo Legacy Leadership and Advocacy Association (OLLAA) Submitted on September 9, (2022)

UNCHR 'Report by Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution on Non-State Actors' A/HRC/38/44.

Report of the Special Rapporteurs on the Extrajudicial, Summary or Arbitrary Executions, E/CN.4/2006/53/Add.5

Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by All Parties to the Conflict in the Tigray Region of the Federal Democratic Republic of Ethiopia.

International human right law and international humanitarian law, In Armed Conflict, Legal Source, Principle and Actors.

Human Rights Obligations of Armed Non-State Actors : An Exploration of the Practice of the UN Human Rights Council (2016).

General Comments

UN Human Right Committee (HRC), General Comment No 36: Right to Life (2019) CCPR/GC/35

ACHPR 'General Comments .3: On the 'Rights to Life'. Adopted on 18 November (2015)

CEDAW, 'General recommendation No.30 on women in conflict prevention, conflict and post conflict situation 'CEDAW/C/GC/30 para.16

HRC , 'The Natures of the General Legal Obligation Imposed on the States Parties to the Covenant 'General Comment No.31 CCPR/2/Rev/Add.13.Para 4.

Report of EHRC

'በኦሮሚያ ክልል በመንግስት የጸጥታ ኃይሎች እና በታጣቂዎች የተፈጸመዉ የሰብዓዊ መብቶች እና ዓለማ አቀፍ የሰብአዊነት የህግ ጥሰቶች ላይ የቀበ የተደረገ የምርመራ ሪፖርት (ካቲት 2016 ዓ.ም)

Ethiopian Human Rights Commission 'Annual Report submitted to House of People representative' (HPR) (June 2022-June 2023).

Ethiopian Human Rights Commission 'Annual Ethiopia Human Rights Situation Report, Submitted to the House of People Representative (HPR) (June 2023- June 2024)

UNSC Resolutions

UNSC Res 1540 (28 April 2004) UN Doc S/Res/1540.

UNSC Res, 1894 (2009) UN Doc S/Res/18944

Case Law

Prosecutor v Haradinaj, Case No IT-04-84-84-T,3 April 2008 Para 49 and para 60

Online publication

Police confirm 13 arrests linked to Bate Urgessa's murder - Addis Standard(accessed on April 27, 2024**)**
https: Assault on decency': Why Bate Urgessa's murder shocked many to the core - Addis Standard**(** access on April 27 , 2024**)**
www.voanews.com/a/peace-talks-between-ethiopian-government-ola-continue-in-tanzania-/7068879.html (accessed on April 10.2024)
https://addisstandard.com/news-second-round-peace-talk-to-end-conflict-in-oromia-kicks-off-in-dar-es-salaam-ola-commander-on-board (accessed on April 10, 2024)
https://treaties.un.org/Pages/showActionDetails.aspx?objid=0800000280158ccf&clang=_en(accessed on April 10,204)

Interviews

Interview with resident of Dugda Woreda Kebele including Tuche Denbal , Wayoo Gaberel, Abbono Garberle, Dodota Denbal, Tepho Correqee, Giraaba qorke Adi , Baqalee Girisaa, Haxee Laman , Mukiye Lamaa, wadesaa orgocoo, Bilite belwalde, Koto Bilite, Argo Gadilaala, Oda Boqota, Seera Wakale, Bayyimo Gusa, Dongorota Guusa, Birbisa Elaa Gabra Dalacha, Manjikso Woji, Joro Raqa, , Qallo Kabite, Kiltu Bilbila, Koyee Jajaba, Hafa Qamale, Walde Hafa, Jawe Bofo, Tuchi Summayyan, Burqa Denbal, Darara Dalcha, Shubii Gamoo, Walda Qalina, Walda Maqdala, Maja Laalu. (From December 2023- up to April 10, 2024)

Interview with Mizanie Abate (PhD) Seniors Director, Human Rights Monitoring and Investigation Department at Ethiopian Human Rights Commission (Addis Ababa, May 16 2024).

Interviews with Ato Marimo'i Terefe , Practicing lawyer in Dugda Woreda, (Meki Town, April 4, 2024)

Interviews Ato Tufa Bobaso Gadaa, Head of Dugda wereda public prosecutor offices (Aprils 3, 2024)

Interview with Ato Marsha Tolosa, Legal Expert of Dugda Woreda, (Meki Town , April 4, 2024)

Interview with Ato Kuma …..Head of Dugda Woreda ,(Meki Town, April 3,2024)

Researcher personal observation

- Researcher personal observation, from December, 2023 to May 2024)

Appendix-1

Semi-Structured Interview format

Semi-structured Interview format prepared for Dugda Woreda Administration Office

Introduction and General Instruction

Introduction

My name is Nugusu Bedaso Dugda. I am 2th year LLM student at Addis Ababa University College of Law and Governance Studies. Currently, I am conducting my LLM on the title "The Duties of the state and armed non-state actors toward the rights to life: The Case of East Shoa Zone, Dugda Woreda. The purpose of this research and interviews to collects relevant data's as to the adherence of the state and armed non-state actors toward the rights to life.

Instructions

I decided not to use tape record

I to use note taking

I arranged interviews schedule for all stakeholders

I respect all professional ethics of researchers

Interviewees are free to give any opinion with regards to the question raised.

I will introduce myself and I ask the interviewee's consent for the interview

The instruction kept only on my hand

Some Guiding Questions

1. Is law enforcement operation is being conducted in your Woreda consistent with the duties and obligations pertaining to the right to life as prescribed by international human rights instrument and domestic legal frameworks?

……
……
……
……....

2. What is your perspective on extrajudicial killings conducted by government security forces based on suspicions of providing support or aid that civilians have links with the Oromo Liberation Army?

---

3. In light of the human rights instruments to which Ethiopia is a party, as well as the FDRE Constitution and other domestic legislation, including the Constitution of the Oromia regional state, the government is obligated to respect and promote human rights. However, there have been allegations of extrajudicial killings involving government security personnel in your Wereda. How do you perceive these allegations?

.....
.....
.....

4. The collapse of government structure in the rural Kebele of Dugda Woreda has also led to numerous human right violations including right to life and pose a significant challenge to the justice sector to investigate and prosecute the alleged human right violation. Does your Woreda or regional government have the plan to restore these Kebele?

.....
.....
.....

5. Is there any guideline and direction given for law enforcements personnel when conduct the law enforcement personnel operation conducted their operation in the rural Kebele of your Woreda?

Thank you very much for your cooperation!!!!

Semi-Structured Interview Format

Semi-structured Interview format prepared Dugda Woreda Public Prosecutor Office.

Introduction and General instruction

Introduction

My name is Nugusu Bedaso Dugda. I am 2th year LLM student at Addis Ababa University College of Law and Governance Studies. Currently, I am conducting my LLM on the title "The Duties of the state and armed non-state actors toward the rights to life. The Case of East Shoa Zone, Dugda Woreda. The purpose of this research and interviews to collects relevant data's as to the adherence of the state and armed non-state actors toward the rights to life.

Instructions

I decided not to use tape record

I to use note taking

I arranged interviews schedule for all stakeholders

I respect all professional ethics of researchers

Interviewees are free to give any opinion with regards to the question raised.

I will introduce myself and I ask the interviewee's consent for the interview

The instruction kept only on my hand

Some Guiding Questions

1. How does your office assesse the current human rights Condition including the right to life of Dugda Woreda**.**

   ……
   ……
   ……..

2. Does your office believe that, the government respect and protect human rights in general and rights to life in particular.

……
……
……..

3. Does your office investigate and prosecute perpetrators of human right violations including the right to life.

……
……
……
……
……
……
……
……
……
……..

Semi-Structured Interview format

Semi-structured Interview format prepared for the selected Residents of Dugda Woreda

Introduction and General instruction

Introduction

My name is Nugusu Bedaso Dugda. I am 2th year LLM student at Addis Ababa University College of Law and Governance Studies. Currently, I am conducting my LLM on the title "The Duties of the state and armed non-state actors toward the rights to life. The Case of East Shoa Zone, Dugda Woreda. The purpose of this research and interviews to collects relevant data's as to the adherence of the state and armed non-state actors toward the rights to life.

Instruction

I decided not to use tape record

I used note taking

I arranged interviews schedule for all stakeholders

I respect all professional ethics of researchers

Interviewees are free to give any opinion with regards to the question raised.

I will introduce myself and I ask the interviewee's consent for the interview

The instruction kept only on my hand

Some Guiding Questions

1. As an introductory remark I asked some general question about his Woreda in general and Kebele his residing know in particular. Specifically, his/her name, Kebele, current status of his/her Kebele. If your Kebele structure collapse, by whom your Kebele administrated and do you think that the government has an effective control? what do you think about OLA?

   ……
   ……
   …….

2. How do you see the human right protection, particularly protection of the right to life in your Woreda in general and your Kebele in particular?

……
……

3. How do you rate the human right violation in general and violation of right to life in particular?

……
……
……
……
……
……
……
……

Semi-Structured Interview format

Semi-structured Interview format prepared for the Abbaa Gadaa.

Introduction and General instruction

Introduction

My name is Nugusu Bedaso Dugda. I am 2th year LLM student at Addis Ababa University College of Law and Governance Studies. Currently, I am conducting my LLM on the title " The Duties of the state and armed non-state actors toward the rights to life. The Case of East Shoa Zone, Dugda Woreda. The purpose of this research and interviews to collects relevant data's as to the adherence of the state and armed non-state actors toward the rights to life.

Instruction

I decided not to use tape record

I use note taking

I arranged interviews schedule for all stakeholders

I respect all professional ethics of researchers

Interviewees are free to give any opinion with regards to the question raised.

I will introduce myself and I ask the interviewee's consent for the interview

The instruction kept only on my hand

Some Guiding Questions

A. How to see the human right situation in Oromia in general and Dugda Woreda in particular.

……

……

……

B. Do you think that governments respect and protect the right to life of individuals residing in the Dugda Wereda

……
……
……

C. Do you think that, OLA has violated the right to life of individuals

……
……

D. How to do you see the human right protection particularly the right to life in Dugda woreda**.**

……
……
……
……
……

Semi-Structured Interview Format

Semi-structured Interview format prepared for the Ethiopia Human Rights Commission

Introduction and General instruction

Introduction

My name is Nugusu Bedaso Dugda. I am 2th year LLM student at Addis Ababa University College of Law and Governance Studies. Currently, I am conducting my LLM on the title "The Duties of the state and armed non-state actors toward the rights to life. The Case of East Shoa Zone, Dudga Woreda. The purpose of this research and interviews to collects relevant data's as to the adherence of the state and armed non-state actors toward the rights to life.

Instruction

I decided not to use tape record.

I use note taking.

I arranged interviews schedule for all stakeholders.

I respect all professional ethics of researchers.

Interviewees are free to give any opinion with regards to the question raised.

I will introduce myself and I ask the interviewee's consent for the interview.

The instruction kept only on my hand.

Some Guiding Questions

A. The Ethiopia Human Rights Commission is responsible for investigating alleged human rights violations. Will your commission investigate the alleged human rights violations in the East Shoa Zone, especially in Dugda Woreda?

.....
.....

B. Recently prominent Oromo political leader was found dead in the street of Meki town in April 10, 2024. The Commission also commend the killing and call for a prompt, impartial and full investigation. Do yours commission make some assessment and investigation as the death of Batte Urgessaa.

.....
.....
.....
.....
.....

C. The on-going conflicts between the governments and Shane or OLA have continued since 2018. How your Commission would characterize this on-going conflict? Does this conflict meet the minimum threshold for the application of IHL? (the researcher also shares the general condition of the Dugda Woreda and asks for the Commission to characterize the on-going clash)

.....
.....
.....
.....

D. Does the EHRC believe that armed non-state actors have human rights obligation? if they do have, under what condition and how do they have human rights obligation

.....
.....

Semi-Structured Interview Format

Semi-structured Interview format prepared for the Practicing Lawyer and Legal Professional.

Introduction and General instruction

Introduction

My name is Nugusu Bedaso Dugda. I am 2th year LLM student at Addis Ababa University College of Law and Governance Studies. Currently, I am conducting my LLM on the title "The Duties of the state and armed non-state actors toward the rights to life. The Case of East Shoa Zone,Dugda Woreda. The purpose of this research and interviews to collects relevant data's as to the adherence of the state and armed non-state actors toward the rights to life.

Instruction

I decided not to use tape record.

I use note taking.

I arranged interviews schedule for all stakeholders.

I respect all professional ethics of researchers.

Interviewees are free to give any opinion with regards to the question raised.

I will introduce myself and I ask the interviewee's consent for the interview.

The instruction kept only on my hand.

Some Guiding Questions

A. How do you describe human right situation of Dugda Woreda

Appendix II
Personal Observation Format

- **Personal Observation checklist prepared to oversee human right situation of Dugda Woreda Kebeles.**

Preliminary information

- Name of observer: - Nugusu Bedaso Dugda
- Date: From December 20, 2023 to May 3, ,2024.
- Observed 36 Kebele of Dudga Woreda

The research used personal observation as the primary method for gathering data because of the sensitive nature of the topic. The researcher created monthly guideline to observe the human rights situation in the Woreda, with the specific focusing of the right to life. Additionally, the researcher monitored the daily human rights situation in this Woreda