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Prosecution of Atrocious Crimes in Ethiopia: The Practice of Federal Prosecution in Metekel and Kamashe Zone of BGRS

A Thesis Submitted in Partial Fulfillment of the Requirement for the Degree of Master of Law (LLM) in Criminal Justice

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Declaration

I, Yayeh Yenealem Admas, herby declared that this thesis entitled ‘Prosecution of Atrocious Crimes in Ethiopia: The Practice of Federal Prosecution in Metekel and Kamashe Zone, BGRS’, is my original work and it has never been presented in any University. All the works of others used in this thesis are duly acknowledged.

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Approval Sheet by Board of Examiners

Yayeh Yenealem Admas's thesis entitled "Prosecution of Atrocious Crimes in Ethiopia: The Practice of Federal Prosecution in Metekel and Kamashe Zone, BGRS" is approved by the undersigned members of the examining board.

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Thank you.

Acronyms

Art Article

BGRS Benishangul Gumuz Regional State

CAH Crimes against Humanity

FDRE Federal Democratic Republic of Ethiopia

FHC Federal High Court

FPC Federal Police Commission

FPP Federal Public Prosecutor

GPDM Gumuz People's Democratic Movement

ICC International Criminal Court

ICTR International Criminal Tribunal for Rwanda

ICTY International Criminal Tribunal for Former Yugoslavia

MoJ Ministry of Justice

OLF Oromo Liberation Front

SNNP Southern Nations Nationalities and Peoples

UN United Nations

UNICTS United Nations International Criminal Tribunals

WWI World War I

WWII World War II

Abstract

There were large-scale, deliberate attacks against members of ethnic groups in Ethiopia. These attacks may constitute atrocious crimes, i.e. crimes against humanity, crimes of genocide and war crimes. Since the government's reform in 2018, there were ethnic-based attacks in Benishangul Gumuz Regional State; Metekel and Kamashe zone. The perpetrators of the atrocities were prosecuted for crimes against the national state. However, the acts of the perpetrators may constitute crimes against humanity. Therefore, they should be prosecuted for crimes against humanity. On the other hand, though perpetrators were prosecuted for ordinary crimes, the prosecution was not effective. Most of the defendants did not appear before the court and the charge of some of the defendants were withdrawn by the Ministry of Justice on the ground of public interest. However, there is no guideline to determine which factors are to be considered as a public interest to decide the withdrawal of the charge. As a result, most of the defendants were not made accountable to their wrongdoing. It hurts the public trust in the criminal justice system. This thesis examines the prosecution of atrocious crimes in this mentioned regional state and the gaps and impacts of the gaps on the criminal justice system.

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CHAPTER ONE

INTRODUCTION

1.1. Background of the Research

Atrocious crimes are these large-scale, deliberate attacks against civilians[1] that affect the core dignity of human beings and are considered crimes against humankind[2]. Even though there is no formal definition of atrocious crimes, such crimes refer to crime against humanity (CAH), war crime, and crime of genocide; which are legally defined as international crimes; as well as, though not defined and recognized as an international crime, ethnic cleansing[3]. David Scheffert identified five characteristics that atrocious crimes constitute. These are the crime that must be significant in magnitude, may occur in times of war or peace, and must identified in conventional international law as the crime of genocide, war crime, CAH, or ethnic cleansing.[4] According to ICC Statute, the first three crimes qualify as the most serious crimes of concern to the international community as a whole and having jurisdiction over such crimes.[5]

The term 'genocide' is first time coined by Raphael Lemkin.[6] It began to be the concern of international law, which is related to the story of the development of human rights law, at the end of the First World War as a legal norm focused principally to protect individuals against crimes committed by the state.[7] It imposes an obligation on states to protect individuals against the crime of genocide and, upon the commission of the crime, to punish those who committed the crime, independently of whether the state refuses to do so or not, as a matter of international

[1] Kirsten Lavery "Prosecution of Mass Atrocity Crimes" (United States Commission on International Religious Freedom 2019)
[2] United Nation Office on Genocide Prevention and the Responsibility to Protect <https://www.un.org/en/genocideprevention/ethnic-cleansing.shtml> Accessed at 14/03/2023
[3] David Scheffert , 'Atrocity Crimes Framing the Responsibility to Protect' (2007-2009)40 Case W Res JInt'lL 111
[4] Ibid
[5] Rome Statute of the International Criminal Court, (2002) 2187 UNTS 90, Art 5
[6] Williams A. Schabas, *Genocide in International Law: The Crime of Crimes* (2nd edn, Cambridge University Press 2009) 17
[7] Ibid 2

law.[8] In 1948, the UN adopted a convention to prevent and punish the crime of genocide.[9] The convention under Art 1 provides that all state parties confirm that the crime of genocide is an international crime, whether it is committed in time of war or peace, which undertakes to prevent and punish. From the Article, it is inferred that state parties have the responsibility to protect individuals against the crime of genocide and to punish those who committed the crime of genocide. State parties are obligated to enact legislation to criminalize genocide and to punish persons who committed the crime of genocide.[10] The convention also defines the crime of genocide. To constitute the act as a crime of genocide, which includes killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group.[11]

On the other hand, crime against humanity, which is the other category of atrocious crimes, refers to a crime, committed whether in time of war or not, with a certain scale and gravity which requires the intervention of international law.[12] The act of the commission of the crime constitutes a CAH when it is committed as "part of a widespread and systematic attack directed against a civilian population, with the knowledge of the attack."[13] The acts listed under Art 7 of the statute include; murder; extermination; enslavement; deportation or forcible transfer of a population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape; and sexual slavery.

A War crime is defined as the violation of the law and customs of war[14]. The Rome Statute defines war crime as the grave breach of the Geneva Convention of 12 August 1949 and other violations of the laws and customs applicable in international armed conflict, within the

[8] Ibid
[9] United Nations, General Assembly Resolution 260, Convention on the Prevention and Punishment of the Crime of Genocide, December 9, 1948 (UN Doc. A/RES/260(III)).
[10] Ibid, Art 5
[11] Ibid, Art 2
[12] Payam Akhavan, *Reducing Genocide to Law: Definition, Meaning, and the Ultimate Crime (*Cambridge University Press 2012) 35
[13] ICC (n 5), Art 7
[14] Akhayan (n 12) 31

established framework of international law, which listed acts, constitute the commission of the crime.[15]

All three crimes discussed above, as recognized as international crimes, are considered atrocious crimes, which affect human dignity. Even though not recognized and defined under international law, ethnic cleansing is also considered an aspect of atrocious crimes. Robert I. Rotberg defined ethnic cleansing as '*the elimination of an unwanted group from a society, the use of force to remove people of a certain ethnic or religious group from a section of a territory, and the rendering of an area to be ethnically homogeneous by force or intimidation.*'[16]

Ethiopia is one of the member states of the UN. As stated above, member states of the UN have the duty to protect citizens from such atrocious crimes. Therefore, Ethiopia has the responsibility to protect its citizens from atrocious crimes; crimes against humanity, war crimes, crimes of genocide, and ethnic cleansing. Upon the commission of the atrocious crimes, it has the responsibility to prosecute and punish those who committed the atrocious crimes.

From 2018 onwards, there were ethnic-based attacks in different regional States of Ethiopia, mostly in BGRS[17], Oromia Regional State, SNNP Regional State, and Amhara Regional State. Due to the conflict, many persons displaced from their residence.[18] The Federal Police Commission (hereafter FPC) in collaboration with the regional states police commissions with the supervision of the Ministry of Justice conducted investigations in the regions upon the outbreak of the conflict. The public prosecutor charged perpetrators of such crimes. However, the charges against the perpetrators are not against the crimes mentioned above, but rather with other ordinary crimes. The acts of perpetrators may constitute the atrocious crimes. The research focuses on analyzing specific cases in BGRS; Metekel and Kamashe zone, whether the acts of the perpetrators constitute atrocious crimes, and the prosecution of atrocities in these areas and

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[15] Ibid 8

[16] Robert I. Rotberg (ed), *Mass Atrocity Crime: Preventing Future Outrages* (World Peace Foundation 2010)

[17] Ethiopian Peace Observatory, 'Political Violence in Benishangul/Gumuz Region' (1 April 2018-2 April 2021), https://epo.acleddata.com/benshangul-gumuz/ accessed March 14, 2023

[18] OCHA, Ethiopia: Benishangul Gumuz Region - Flash Update, 6 January 2021, < https://www.unocha.org/publications/report/ethiopia/ethiopia-benishangul-gumuz-region-flash-update-6-january-2021>: accessed March 14, 2023

the effects of failure to prosecute CAH are discussed. The general effectiveness of the prosecution and the gaps and their impact on the criminal justice system is discussed.

1.2 Statement of the Problem

Perpetrators of atrocious crimes shall be prosecuted and punished. As stated above, most of the attacks committed in different parts of Ethiopia are characterized as ethnic-based attacks, which may constitute atrocious crimes, CAH. The atrocities were widespread and targeted the civilian society as well as organized by government officials and the rebel group leaders. Most of the crimes were committed against persons who are members of a specific ethnic group. As a result of the conflict, many persons lost their life, bodily and mentally injured, and many of them were displaced from their residences, destroyed their property and some raped. The way and the ground of the commission of the crime lead to consider the crime as CAH. The atrocities were organized by local government officials and the leaders of the armed rebel group. This indicates that the atrocities were committed with organizational policy. However, the public prosecutor charged the perpetrators with the violation of ordinary crimes, not the CAH.

The Ethiopian criminal justice system did not recognize CAH as a punishable crime.[19] Even though CAH is one of the international crimes recognized under the Rome Statute, the FDRE Criminal Code did not proscribe the CAH. This is one of the problems that hindered prosecutors to prosecute perpetrators of the crime with the CAH. Therefore, the research examines the crimes committed in Ethiopia whether they constitute atrocious crime or not, prosecutorial gaps, and the impacts of the gaps and recommend possible solutions for the identified problems.

1.3. Literature Review

Different researchers and scholars wrote on the issue of prosecution of core crimes in Ethiopia. Most the research focused on the prosecution of Derg officials who were prosecuted for the commission of the crime of genocide. Among those Tadesse Simie Metekia is the one who wrote a book titled 'Prosecution of Core Crimes in Ethiopia: Domestic Practice vis-à-vis International

[19] M.T. Tessema, Prosecution of Politicide in Ethiopia: The Red-Terror Trials (The Hague: Asser Printing Press, 2018) 105

Standards'[20], an article which is titled 'Prosecuting CAH in Ethiopia: where is the law?'[21], and an article titled 'Punishing Core Crimes in Ethiopia: Analysis of the Domestic Practice in Light of and in Comparison, with Sentencing Practices at the UNICTS and the ICC.'[22] The research is conducted in 2010 and focuses on only CAH and crime of genocide and it examines the system of prosecution and the legal framework to prosecute such crimes in Africa. The research did not discuss the law and the practice.

His book discusses the prosecution of core international crimes in Ethiopia in comparison with standards of International criminal law. It did not discuss the issues concerning the potential prosecution or absence of prosecution for core international crimes[23]. It covers the prosecution of Derg officials for the commission of core international crimes at the federal level.

On the other hand, the first article discussed the gap in the Ethiopian criminal justice system to prosecute crimes against humanity. The finding of the article indicates that there are incidents that show the commission of a crime against humanity. However, since the Ethiopian criminal justice system does not proscribe crime against humanity, perpetrators are not prosecuted for the commission of crime against humanity. The article did not examine cases, but rather focused on the Ethiopian Human Right Commission reports in connection with the violence that followed the assassination of prominent Oromo singer Hachalu Hundessa and the EHRC and United Nations Joint Investigation Team (JIT) reports of the Tigray conflict. In both cases, it is reported that CAH is committed by the perpetrators[24]. The main objective of the article is to assess the legislation gap to prosecute CAH in Ethiopia.

The article on punishing of core crimes in Ethiopia focuses on examining the punishment imposed on those who committed and convicted of committing core crimes under the Ethiopian

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[20] Tadesse Simie Metekia, *Prosecution of Core Crimes in Ethiopia: Domestic Practice vis-à-vis International Standards, (*Koninklijke Brill NV, Leiden, 2021*)*

[21] Tadesse Simie Metekia, 'Prosecuting Crime against Humanity in Ethiopia: where is the law?', (Institution for Security Studies, 21 June, 2022)

[22] Tadesse Simie Metekia, *Punishing Core Crimes in Ethiopia: Analysis of the Domestic Practice in Light of and in Comparison, with Sentencing Practices at the UNICTS and the ICC,* (International Criminal Law Review, University of Groningen 2019)

[23] Metekia (n 20), pp. 30

[24] Metekia (n 22)

law in comparison with UNICTS and the ICC. It does not discuss about the prosecution of core crimes in Ethiopia.

Marshet Tesema also published a book on the trial of Derg entitled Prosecution of Politicide in Ethiopia: The Red Terror Trials[25]. The book entirely focused on the trial of Mengistu for the commission of the crime of genocide against the political group.

The other literature on the issue is the research paper written by Meku Degu on the title of "Crimes against Humanity in the Ethiopian criminal justice", written for the fulfillment of the requirement for the degree of Master of Law (LLM) in public international law[26]. The writer discusses the legal framework of CAH in the Ethiopian legal system. The research does not cover other atrocious crimes and fails to address the practical applicability of prosecution of atrocious crimes in the Ethiopian criminal justice system. It only focuses on identifying the legal gap to prosecute CAH in Ethiopia.

Fekadu Alemayehu also conducts research entitled 'Prosecution of Crimes against Humanity and Genocide in Africa: A Comparative Analysis'[27]. The research focuses on analyzing the legal framework of prosecution of CAH and the crime of genocide in selected four African countries and the ICC. Wubeshet Tiruneh also wrote the Article titled "Prosecuting Atrocious Crimes Committed in Northern Ethiopia: The Need for Special National Prosecution Mechanism".[28] The article focuses on the atrocious crimes committed in northern Ethiopia (Tigray, Amhara, and Afar) with the broke out of the conflict in Tigray. Other atrocious crimes committed in different parts of the country are not the focus of the article.

To conclude, all the works of literature that I have discussed above did not address the prosecution of atrocious crimes committed in the country following the reform of the government. Since 2018 onwards, in different parts of the country, especially where different

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[25] Tessema (n 19)

[26] Meku Degu, Crimes against humanity in the Ethiopian criminal justice, (Addis Ababa University)2020

[27] Fekadu Alemayehu, Prosecution of Crimes against Humanity and Genocide in Africa: A Comparative Analysis'(Addis Ababa University), 2010

[28] Wubeshet Tiruneh "Prosecuting Atrocity Crimes Committed in Northern Ethiopia: The Need for Special National Prosecution Mechanism" <https://www.ejiltalk.org/prosecuting-atrocity-crimes-committed-in-northern-ethiopia-the-need-for-special-national-prosecution-mechanism/> Accessed 15 March 2023

ethnic groups are lived, attacks arise. The investigation was conducted following the outbreak of the conflict, even though there are some areas that the investigation did not undertake. The government announced the prosecution of perpetrators based on the finding of the investigation. Therefore, what the research focuses on is that; analyze the cases whether it constitutes atrocious crimes and the effectiveness of the prosecution of such perpetrators as well as the legal framework of atrocious crimes. The research focuses only on specific cases; ethnic-based atrocities committed in BGRS Metekel and Kamashe zone, which did not address by any of the above-mentioned researchers. Therefore, the research is different from these works of literatures in these mentioned perspectives.

1.4. Significance of the Study

The research enables to identify the practical and legal gaps concerning the prosecution of atrocious crimes in Ethiopia; BGRS Metekel and Kamashe Zone atrocities. The atrocities, as stated above, may constitute CAH. The research analyzes the prosecution of such attacks. Upon the findings of the research, the researcher identified prosecutorial gaps and recommended possible solutions, which will enable the responsible body to take correctional measures regarding the prosecution of atrocious crimes.

1.5. Research Questions

The research addresses the general question of whether the Ethiopian legal system has a legal framework to prosecute atrocious crimes and the effectiveness of the prosecution of such crimes. The specific questions the research addresses are the following:

- ✓ Does the Ethiopian criminal justice system have a legal framework to prosecute atrocious crimes?
- ✓ Do the attacks that arose in BGRS Metekel and Kamashe Zone constitute atrocious crimes, and is the prosecution of the atrocities effective?
- ✓ Do the prosecutorial gaps have the impact on the criminal justice system?

1.6. Research Methodology

The research employs both doctrinal and non-doctrinal research methodology. The international, regional, and national legal frameworks of atrocious crimes are examined, analyzed, and interpreted. Therefore, it is characterized by doctrinal legal research. On the other hand, the main aim of the research is to examine and evaluate the practical application of the prosecution of atrocious crimes in Ethiopia. What the law provides for and how the law is applied is examined. This implies that the research reflects non-doctrinal/empirical legal research.

Concerning data collection, primary and secondary data are used. Primary data includes different international and national legislations as well as interviews, which are based on a purposive sampling of public prosecutors who were engaged in the investigation and prosecution of the alleged crimes. The necessity to conduct an interview is to know the reason why they prefer to prosecute perpetrators of the atrocious crime with ordinary crimes by disregarding the atrocious crimes and to know the reason why most of the defendants and prosecution witnesses did not appear before the court.

Secondary data, on the other hand, includes the prosecution and court files. Cases are selected based on purposive sampling taking into consideration the gravity of the crime and the number of victims, as well as these cases, reached the final decision. Moreover, different reports, such as human rights organization reports, and scholarly writings are used.

1.7. Scope and Limitation of the Research

By taking into consideration the time and resource limitations, the research focuses on two identified areas, as mentioned above, where the conflict arose, i.e. BGRS; Meteke and Kamashe Zone. Such specific areas are selected due to the accessibility of criminal files. The trials in the Regional State of Oromiya are conducted with Afan Oromo. so, it is also anotner reason why I focused on cases in Metekel and Kamashe Zones. The criminal files discussed are also limited to those files which are decided by the court.

On the other hand, concerning to limitations of the research the lack of sources is the limitation that negatively impacts the conduct of the research. Even though conducting an interview with

victims of the atrocities is necessary, the current situation of the country hinders to do so. In addition, the budget and time to conduct the interview those victims of the atrocious crimes are also other limitations of the research. As a result, the researcher cannot conduct an interview with victims of the atrocities. Rather, by interviewing public prosecutors, I tried to alleviate the limitation.

1.8. Structure of the Study

The research is organized into five chapters. The first chapter is the introduction which includes this section and the background of the research, statement of the problem, literature review, research questions, significance of the study, research methodology, and scope and limitation of the research. Chapter two discusses the foundation and the legal framework of atrocious crimes at the national and international levels. The third chapter focuses on the discussion and analysis of the criminal cases of BGRS; Metekel and Kamashe Zone's atrocious crimes. The fourth chapter deals with the prosecutorial gaps and the impact of such gaps on the criminal justice system. The last chapter, which is chapter five, of the research is the conclusion and recommendation.

CHAPTER TWO

Foundational and Legal Framework of Atrocious Crimes

Introduction

Atrocious crimes are crimes that refer to large-scale and deliberate attack against civilians that affects the core human dignity[29]. This chapter discusses the foundation and legal framework of atrocious crimes at the national, regional, and international levels. The first section discusses the general overview of atrocious crimes. It deals with the historical foundation, definition, and elements of atrocious crimes; crimes against humanity, crimes of genocide, and war crimes. The second section focuses on the legal framework of each of the atrocious crimes in Ethiopia.

2.1 General Overview of Atrocious Crimes

2.1.1. Crime of Genocide

Though the law is relatively recent, the fact of genocide is as old as humanity.[30] The term 'genocide' was first coined by Raphael Lemkin in 1944, derived the word from the Greek word 'genos' which means race or tribe and Latin 'cide' which means 'to kill', to denote a coordinated plan of different actions, directed against the national group as an entity, aiming at the destruction of essential foundations of the life of national groups.[31] He identified two phases of genocide: the first phase is the destruction of the national pattern of the oppressed group, and the second phase refers to the imposition of the national pattern of the oppressor.[32] The protected groups described by Lemkin are those national groups, no other groups are protected.

Since there was no codification and definition of the crime of genocide before the 1948 genocide convention, perpetrators of WWII did not prosecute and punished for the crime of genocide.

[29] Scheffert (n 3)
[30] Schabas (n 6) 1
[31] Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation 'Analysis of Government Proposals for Redress* (Carnegie Endowment for International Peace Division of International Law 1944) 79
[32] Ibid

Many of the perpetrators who committed the crime before the war (peacetime) were not convicted, even for the crime against humanity, due to the fact that the Nuremberg trial did not recognize the criminality of atrocities in peacetime.[33] As a result, the General Assembly recognized genocide as an international crime.[34] General Assembly Resolution 96(I) declared that 'genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world.' The UN, then, adopted 'The Convention for the Prevention and Punishment of the Crime of Genocide' in 1948.[35] The convention defined the crime of genocide as follows:

In the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.[36]

The protected groups in the convention are national, ethnic, racial, and religious groups. The acts mentioned above shall be committed with the intent to destroy, in whole or in part, such specified groups. The crime of genocide is unique due to its special intent described above and as a result, it is said to be 'the crime of crime.'[37]

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[33] Donald Bloxham and A. Drink Noses (ed), *The Oxford Handbook of Genocide Studies (*Oxford University Press 2010*)* 128

[34] United Nations, General Assembly Resolution 96 (I) (UN Doc. A/64/Add.1) 189

[35] Convention (n 9)

[36] Ibid, Art II

[37] *Prosecutor v. Kambanda* (1998), ICTR, ICTR -97-23-S, Para. 16.

The convention also provides punishable acts including; genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide, and complicity in genocide.[38] All persons who committed the crime shall be criminally liable, without consideration of their capacity. The member states have the responsibility to enact legislation to provide for the punishment of persons guilty of genocide committed on their territory and are required to cooperate in extradition when persons suspected of committing genocide elsewhere find refuge on their territory.

The Rome Statute also defines the crime of genocide in the same way that the genocide convention defines it.[39]

Generally, from the above definition, we can conclude that to constitute a crime a 'crime of genocide', the perpetrator of the crime shall commit the crime with the intent to destroy, in whole or in part, a group. The targeted groups in the crime of genocide include national, ethnic, racial or religious groups. Due to its intent to destroy the group, genocide is said to be 'an extreme and most inhuman form of persecution.'[40]

2.1.2. Crimes against Humanity

CAH is one of the atrocious crimes recognized as an international crime[41]. Though it is as old as humanity itself[42], it is only a recent development that the international legal prohibition on crimes against humanity has emerged[43]. The history of crimes against humanity begins with the Martens Clause, drafted by Fedor Fedorovitch Martens who was a principal expert on international law and representative to the Hague conferences on the law of war, which was incorporated into the eighth paragraph of the Hague Convention of 1907[44]. The first application

[38] Convention(n 9), Art III
[39] ICC (n 5) Art 6
[40] Akhavan (n 12) 43
[41] Larry May, *Crimes against Humanity: A Normative Account* (Cambridge University Press 2005) 6
[42] Robert Dubler SC Matthew Kalyk, *Crimes against Humanity in the 21st Century Law: Practice and Threats to International Peace and Security*(Brill/Nijhoff, 2018) 1
[43] Robert Cryer, Hakan Friman, Darryl Robinson and Elizabeth Wilmshurst, *An Introduction to International Criminal Law and Perocedure,* (Cambridge University Press 2007) 187
[44] Matthew Lippman, *Crimes Against Humanity (*17 B.C. Third World L.J. 1997) *171*

of the concept of CAH was in the context of war, not at peace time, i.e. the legal basis for it had been found in the laws of war[45]. The Hague Convention states that "*the inhabitants and the belligerents shall remain under the protection of and subject to the principles of the law of nations, as established by the usages prevailing among civilized nations, by the laws of humanity, and by the demands of public conscience."*[46]The statement refers that the concept of CAH recognized under the convention. However, the term 'laws of humanity' was not defined under the Convention.

The legal concept of the term 'crime against humanity' was used after WWI, in 1915 when Russia, France and British governments jointly declared the act of Ottoman Turkey against Armenians constituted as 'crimes against civilization and humanity'[47]. The declaration denounced 'CAH and civilization' and the criminal liability of those heads of state. Even though an international war crimes commission recommended the creation of an international tribunal to try not only war crimes but also 'violations of the laws of humanity' after WWI, the US representatives objected to the references to the laws of humanity on the grounds that these were not yet precise enough for criminal law, and the concept was not pursued at that time.[48] As a result, WWI perpetrators were not prosecuted for the crime against humanity. The Versailles Treaty only established criminal liability for war criminals, not crimes against humanity.[49]

Following the end of WWII, because the classic definition of war crime didn't include crimes committed by the government against its citizens, the drafters of the Nuremberg Charter included the definition of CAH in the way that refers to the targeted victims are 'any civilian population.' This refers that the government that committed a CAH on those of its citizens shall be criminally liable. CAH is defined under Art 6(c) of the London Charter as follows:

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[45] M. Cherif Bassiouni, 'International Law and the Holocaust' (1979) 9 CWILJ 201

[46] Hague Convention IV with Respect to the Laws and Customs on Land (with Annexed Regulations) (18 October 1907) Preamble

[47] M. Cherif Bassiouni, *Crimes against Humanity: Historical evolution and Contemporary application* (Cambridge University Press 2011) 41

[48] Robert (n 2) 188

[49] Bassiouni, (n 45)

Crimes against Humanity: Murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war or persecutions on political, racial or religious ground in execution of or in connection with any crime within the jurisdiction of the tribunal, whether or not in violation of the domestic law of the country where perpetrated.[50]

CAH, according to the above definition, shall be occurred in connection with war. It stated that 'before or during the war.' Therefore, CAH did not cover crimes committed in peacetime, though the phrase 'before' implies peacetime. In addition, from the definition that states 'population', we can infer that the drafters intended to put some requirement of scale, though not put threshold.[51] It is in the Nuremberg Charter that CAH for the first time made expressly subject to the jurisdiction of ICT.[52]

ICTY Statute under Art 5 also states the jurisdiction of the tribunal in relation to CAH.[53] The tribunal shall assume jurisdiction when the listed crimes are committed in the armed conflict, international or non-international, which are directed against any civilian population. Acts referred under Art 5 includes: (a) murder, (b) extermination, (c) enslavement, (d) deportation, (e) imprisonment, (f) torture, (g) rape, (h) persecutions on political, racial and religious grounds, (i) other inhumane acts. It implies that CAH shall be connected with armed conflict. Even though the acts mentioned under the Art are committed against the civilian population, the act should not constitute CAH if the act is committed in peacetime.

The recent legal framework of CAH is the Rome Statute of the International Criminal Court (here after ICC). The ICC under Art 7 provides the definition of CAH. It is defined as follows: [54]

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[50] Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, annex, 8 August 1945, 59 Stat. 1544, 82 UNTS 280., Art.6(c)

[51] Cryer, (n 43) 188

[52] Robert Cryer, *Prosecuting International Crimes: Selectivity and the International Criminal Law Regime(*Cambridge University Press 2005*)* 247

[53] Statute of the International Criminal Tribunal for the Former Yugoslavia, Art 5

[54] ICC, (n 5)

For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder;

(b) Extermination;

(c) Enslavement;

(d) Deportation or forcible transfer of population;

(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

(f) Torture;

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

(i) Enforced disappearance of persons;

(j) The crime of apartheid;

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

The definition of CAH in the Rome Statute differs from the previous definitions in many perspectives. The first difference is that there is no requirement of nexus of armed conflict and

discriminatory intent, except for the crime of persecution.[55] There are three basic elements of CAH in the Rome Statute: should be directed against the civilian population, should have state or organizational policy, and should be systematic or widespread.[56]

2.1.3. War Crimes

A war crime is the oldest international crime which is defined as the violations of the laws and customs of war that takes place in the time of war, either non-international or international. It is, in contemporary times, the crime of the violation of international humanitarian law, which regulates armed attacks.[57]

A war crime is associated with armed conflict. It is stated that an armed conflict is said to exist 'whenever a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State.'[58] From the reading of the statement of the court, it can be inferred that the armed conflict may be either international or non-international. International armed conflict is the armed conflict between states, whereas non-international armed conflict refers to armed violence between government authorities and an organized armed group or between organized armed groups within a state. The research focuses on non-international armed conflict.

The Geneva Conventions of 12 August 1949 common article 2 provides for the application of the convention, which includes both international and non-international armed attacks.[59] The statement 'although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations' refers that the parties in the conflict may be an organized armed group within a state. Moreover, common Article 3 of the Conventions provides about the protected groups, prohibited acts and states responsibilities in the non-international attacks. It is provided that *'in the case of armed conflict not of an international character occurring in the territory of one of the High Contracting*

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[55] Cryer, (n 52) 254
[56] Larry May*, Crimes Against Humanity: A Normative Account(*Cambridge University Press 2005*)*120
[57] Akhavan (n 12) 43
[58] *Prosecutor vs. Dusko Tadic, (*1995), ICTY, IT-94-1-A, Para 70
[59] United Nation, Geneva Conventions of 12 August 1949, Common Art 2 of the Conventions.

Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:….'[60]*Persons protected by the Conventions are those who 'taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria'.*[61]

The prohibited acts are also provided under the Article as follows:

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

a) *violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;*
b) *taking of hostages;*
c) *outrages upon personal dignity, in particular humiliating and de□grading treatment;*
d) *the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.*[62]

Therefore, according to the Geneva Conventions, in non-international armed conflict, the above-mentioned persons are considered as 'protected groups' and the act mentioned above against such protected groups is prohibited.

The Common article 4 of the Geneva Conventions defined a protected person. For instance, the Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949, Art 4 defines protected persons as *'those who at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of persons a Party*

[60] Ibid, Common Art 3
[61] Ibid
[62] Ibid

to the conflict or Occupying Power of which they are not nationals.' The provision also provides for persons who are not considered as 'protected persons'.

The Rome Statute also incorporated 'war crime' as an international crime and gives jurisdiction to ICC for the perpetrators of 'war crime'. [63] To constitute the act as a war crime' which the ICC shall assume jurisdiction, the crime shall be committed 'as part of a plan or policy or as part of a large-scale commission of such crime.'[64] The acts which the international armed conflict constitute the war crime in are listed under Art 8 (2) (b) of the Statute. The Statute under Art 8 (2) (c) provides the acts which constitute the acts of 'war crime' in the armed conflict not of an international character. These listed acts are serious violations of Art 3 common to the four Geneva Conventions of 12 August 1949, which are mentioned above. Art 8 (2) (e) also provides other 15 acts which are applicable in the non-international armed conflict.

2.2. The Legal Framework of Atrocious Crimes in Ethiopian

This section discusses the legal frameworks of the Ethiopian legal system for the prosecution of core international crimes, namely; crimes against humanity, crimes of genocide and war crime. The FDRE constitution, the 1957 penal code and the 2004 criminal code are the focus of the discussion. In these legislations, such core crimes are assessed.

2.2.1 Atrocious Crimes under the FDRE Constitution

FDRE Constitution is the supreme law of the land.[65] It is provided that any law, customary practice or decision of an organ of state or a public official which contravenes this Constitution shall be of no effect.[66] This refers that other laws enacted by the lawmaker and other government official decisions shall conform to the Constitution. For instance, the Federal Attorney General (currently the Ministry of Justice) has the power, on criminal matters, to order the discontinuation of investigation[67] based on public interest and withdraw charges when found

[63] ICC (n 5) Art 8 (1)
[64] Ibid
[65] Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, Art 9 (1)
[66] Ibid
[67] Federal Attorney General Establishment Proclamation No. 943/2016, Art 6 (3)

necessary in the interest of the public.[68] However, about crimes stated under article 28 of the FDRE Constitution, the Ministry of Justice (MoJ) has no power to do so.

Regarding atrocious crimes, the Constitution under article 28 provides about crime against humanity. The caption of the article says that 'crime against humanity'. The main purpose of the provision is the prohibition of barring the criminal liability of persons who committed CAH by statute of limitation.[69] Such crimes may not be commuted by amnesty or pardon of the legislature or any other state organ.[70] What constitutes a crime against humanity, according to the Constitution, are those defined by international agreements ratified by Ethiopia and by other laws of Ethiopia, which include genocide, summary executions, forcible disappearances or torture.[71] This implies that CAH does not refer to a separate crime, but rather includes sets of crimes as mentioned here.

2.2.2 Atrocious Crimes under the 1957 Penal Code

International crimes are recognized and codified by the Ethiopian criminal justice system in 1957 penal code.[72] This refers that the prosecution of perpetrators of international crimes began after the adoption of the code. Though the thesis is limited to the cases tried by the 2004 Criminal Code, it is necessary to discuss the earlier code that deals with international crimes. Therefore, the 1957 Penal Code is discussed under the chapter accordingly.

The Penal Code under Part II Special Part, Book III, and Title II deals with offenses against the law of nations.[73] Article 281 of the code is about the crime of genocide and crime against humanity. Even though the title of the Art is cited as 'Genocide; Crimes against Humanity', the definition provided under the Art is the crime of genocide. CAH is not defined in the Code as a separate crime. From the wording of the Art, it can be concluded that the crime of genocide is

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[68] Ibid, Art 6 (4)

[69] Constitution (n 65) Art 28 (1)

[70] Ibid

[71] Ibid

[72] Tessema (n 19)

[73] The Penal Code Proclamation of 1957, Part II, Special part, Book II, and Title II

considered as a subclass of crime against humanity.[74] However, CAH and crimes of genocide are two independent crimes which have their own constitute elements. The detail of the article also refers that the provision is to refer crimes of genocide, not CAH. The code defined genocide as follows:

Art 281. Genocide; Crimes against Humanity

> a) *Whosoever, with intent to destroy, in whole or in part, a national, ethnic, racial, religious or political group, organizes, orders or engages in, be it in time of war or in time of peace: killings, bodily harm or serious injury to the physical or mental health of members of the group, in any way whatsoever; or*
> b) *measures to prevent the propagation or continued survival of its members or their progeny; or*
> c) *the compulsory movement or dispersion of peoples or children, or their placing under living conditions calculated to result in their death or disappearance is punishable with rigorous imprisonment from five years to life, or, in cases of exceptional gravity, with death.*

The protected group against the crime of genocide, other than those groups mentioned in the ICC Statute, includes the 'political group', which is not recognized under the Geneva Convention[75] and the Rome Statute.[76] The crime may be committed in the time of war or in peacetime. This indicates that there is no nexus with armed conflict.

The provision also states the punishment imposed on persons who are found guilty of committing the crime of genocide. He/she who committed a crime of genocide shall be punished with rigorous imprisonment from five years to life, or in case of special gravity, with death.[77] Like as ICC Statute and Geneva Convention, the penal code requires the intent to destroy the group in whole or in part to constitute the act as a crime of genocide.

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[74] Tessema (n 19) 103
[75] Convention (n 9)
[76] ICC (n 5)
[77] Ibid

Regarding war crimes, Article 282 of the Penal Code provides about the criminal liability of war crimes against the civilian population. Even though article from 283 to 294 also deals with war crimes, the research is not interested to deal with such issues. It only focuses on war crimes against the civilian population. Therefore, the main focused area of the research is Art 282 of the code.

War crimes against civilians might be committed in times of war, armed conflict or occupation.[78] The Code does not indicate whether the war, armed conflict or occupation is an international character or not. As mentioned above when dealing with atrocious crimes at the international level, armed conflict may be occurred between states, between states and organized groups or between organized groups within a state. [79] Therefore, we can infer from this definition that the crime may include both types of attacks.

The Code provides 8 acts that are constituted as war crimes if committed against the civilian population by violating the rules of public international law and international humanitarian conventions.[80] The acts provided under Article 282 are:

a) *killings, torture or inhuman treatment, including biological experiments, or any other acts involving dire suffering or bodily harm, or injury to mental or physical health; or*
b) *willful reduction to starvation, destitution or general ruination through the depreciation, counterfeiting or systematic debasement of the currency; or*
c) *the compulsory movement or dispersion of the population, its systematic deportation, transfer or detention in concentration camps or forced labor camps; or*
d) *forcible enlistment in the enemy's armed forces, intelligence services or administration; or*
e) *denationalization or forcible religious conversion; or*
f) *compulsion to acts of prostitution, debauchery or rape; or*
g) *measures of intimidation or terror, the taking of hostages or the imposition of collective punishments or reprisals; or*

[78] Penal Code (n 73) Art 282
[79] Tadic (n 58)
[80] Penal Code (n 73) Art 282

h) *the confiscation of estates, the destruction or appropriation of property, the imposition of unlawful or arbitrary taxes or levies, or of taxes or levies disproportionate to the requirements of strict military necessity.*

As stated under Art 282 of the code, the person who is guilty of committing war crimes against the civilian population shall be punished with rigorous imprisonment from five years to life, or, in cases of exceptional gravity, with death. As stated above, other categories of war crime are not the concern of the research.

Regarding the participation of the perpetrators of the crime, those who organize, order and engaged in the commission of the crime shall be criminally liable.[81] The code does not put different types of punishment for those persons whose participation differs from one another. Therefore, the mode of participation in war crime includes organizing, ordering and engaging in the crime.

2.2.3 Atrocious Crimes under the 2004 Criminal Code

The Penal Code of the Empire of Ethiopia 1957 is repealed by the criminal Code of FDRE 2004.[82] Genocide is proscribed under the Criminal Code of the Federal Democratic Republic of Ethiopia 2004 under Art 269. The code defined it as follows:

Art 269: - Genocide.

Whoever, in time of war or in time of peace, with intent to destroy, in whole or in part, a nation, nationality, ethnical, racial, national, color, religious or political group, organizes, orders or engages in:

a) *killing, bodily harm or serious injury to the physical or mental health of members of the group, in any way whatsoever or causing thern.to disappear; or*
b) *measures to prevent the propagation or continued survival of its members. or their progeny; or*

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[81] Ibid

[82] The Criminal Code of the Federal Democratic Republic of Ethiopia 2004, Preamble no.2

c) *the compulsory movement or dispersion of peoples or children or their placing, under living conditions calculated to result in their death or disappearance,*

is punishable with rigorous imprisonment from five years to twenty-five years, or, in more serious cases, with life imprisonment or death.

There is no remarkable difference between the 1957 Penal Code and the FDRE Criminal Code of 2004. The mode of participation of the perpetrators, the time of the commission of the crime, i.e. in time of war or peacetime, the acts which constitute the crime of genocide, the intent of the perpetrators to destroy the group in whole or in part and the punishment imposed on those who are found guilty of committing the crime of genocide are similar in both codes. Regarding punishment, the penal code provides that it may be from five to life of rigorous imprisonment; whereas the criminal code states that life imprisonment may be imposed by taking into consideration the gravity of the crime. However, this is not taken as a fundamental difference.

The FDRE Criminal Code of 2004 differs from the 1957 Penal Code regarding the protected groups against the crime of genocide. As mentioned above, the protected groups under the 1957 penal code are national, ethnic, racial, religious or political groups. However, the FDRE Criminal Code of 2004 includes; other than these mentioned groups, nation, nationality and color groups. The code fails to define what nation, nationality and color refer to. There is confusion regarding the definition of such terms and their difference with ethnic groups.

The other category of atrocious crime incorporated under the FDRE Criminal Code of 2004 is war crime.[83] The definition of war crime against the civilian population is incorporated into the criminal code without significant modification of the 1957 Penal Code. The mode of participation of perpetrators of the crime, i.e. organizing, ordering and engaging in the commission of the crime; the protected groups of war crime (civilian population); and violations that constitute a war crime against the civilian population are the same. Regarding the punishment, it is like the crime of genocide.

[83] Ibid, Art 270-280

What the criminal code incorporated in addition to the 1957 Penal Code is that the acts constitute war crimes against the civilian population. As mentioned above, there are 8 acts provided under the penal code to constitute war crimes against the civilian population. In the Criminal Code of FDRE 2004, in addition to such acts, there are also 8 additional acts.[84]

The Criminal Code does not proscribe the crime against humanity. Even though Part II Special Part Book III Title II provides about crimes in violation of international law, CAH is not prescribed under the code. Only genocide and war crime are recognized as international crimes under the code.

To conclude, as stated above the crime of genocide and war crime are proscribed as international crime under the Ethiopian criminal justice system. On the other hand, CAH is not recognized as a separate crime under the criminal justice system of Ethiopia. It creates a difficulty in the criminal justice system to prosecute perpetrators of crimes against humanity.

[84] Ibid, Art 270

CHAPTER THREE

Prosecution of Atrocious Crimes in Metekel and Kamashe Zone

This chapter deals with the prosecution of atrocious crimes in Ethiopia, especially the prosecution of the ethnic-based attacks in BGRS Metekel and Kamashe zone. The chapter focuses on examining the elements of alleged fact and the applied law for such crimes and the effectiveness of the prosecution. From 2018 onwards, there were ethnic-based attacks in the BGRS, Metekel and Kamashe zone. The attacks in the Metekel zone began to arise in September 2018 onwards. The research covers the prosecution of such attacks from the period from 2018 onwards. On the other hand, the ethnic-based conflict in the Kamashe zone arose in 2018 and the research also focused on the prosecution of such atrocities arose from 2018 onwards.

Before discussing the prosecution of the above-mentioned atrocities, earlier experiences of the prosecution of core crimes in Ethiopia are discussed. The cases discussed in this section are the prosecution of the Anuak-Nuwer trials and the prosecution of the Oromo-Gumuz atrocities. Though there are other prosecutions of core crimes, the researcher purposely selected these prosecutions due to the nature of the case. Those Anuak-Nuwer and Oromo-Gumuz prosecutions are characterized by ethnic-based atrocious crimes.

3.1. Earlier Prosecutions of Atrocious Crimes

The prosecution of core crimes began in Ethiopia in the trial of former Derg Officials (Red-Terror Trial).[85] The Derg officials were accused of committing crimes of genocide against political groups.[86] The prosecution of Derg officials is not in the interest of this research. It is only to indicate that it is the first prosecution of core crimes in Ethiopia. Therefore, it is not necessary to discuss further more about the prosecution and trial of this case.

One of the prosecutions of atrocious crimes in Ethiopia is the Anuak-Nuwer trials. The perpetrators were those of Anuak ethnic groups which were alleged of committing the crime of

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[85] Metekia (n 20) 8

[86] Tessema (n 19)180

genocide in violation of Art 281 of the penal code of 1957 against Nuwer ethnic group members. It is the first ethnic genocide trial brought before the court in Ethiopia.[87] The crime was committed on July 2002 while they were traveling by bus together with other (non-Nuwer) South Sudanese refugees, which resulted in the killing of 6 Nuwer ethnic group members. The charge was brought before the FHC.[88]

As stated above in chapter two, to prosecute perpetrators with the crime of genocide, the crime should be directed against the protected group and it should be committed with the intent to destroy, in whole or in part, that protected group. The attack in Anuak-Nuwer was directed against the members of Nuwer ethnic group. The actus reus elements of genocide, i.e. killing of members of the protected group, were also fulfilled. However, the court did not discuss the intention. To prosecute perpetrators with the crime of genocide, it should be proved that the perpetrators committed the crime with the intent to destroy, in whole or in part, the targeted group. The court's decision of convicting the defendants of the crime of genocide was only based on the killing of 6 members of the targeted group, not by proving the fulfillment of special intent.[89]

The other prosecution of core crimes is the Oromo-Gumuz trial. In this trial, the perpetrators of the crime were charged with committing the crime of genocide in violation of Art 269 of the criminal code of Ethiopia.[90] There were three criminal files of the crime of genocide. The perpetrators also charged them with aggravated homicide as an alternative charge. The incident of crime occurred in May 2008 in the context of ethnic-base conflict between the members of the ethnic Oromo and those of the ethnic Gumuz in western Ethiopia, across the borders shared by the regional States of the BGRS and of Oromia Regional State. In both ethnic groups, perpetrators of the atrocities were prosecuted and convicted of committing the crime of genocide.[91]

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[87] Metekia (n 20) 248
[88] Ibid 10
[89] Ibid 273
[90] Ibid 285
[91] Ibid 11

3.2. Prosecution of Atrocious Crimes in Metekel Zone

Introduction

The atrocities committed in the Meteke zone were ethnic-based attacks that resulted in the loss of the life of persons, bodily and mental injury, non-international displacement and the destruction of property. The research covers the conflict that arose within 2018 to 2021. The atrocities started from Decemberr 2018 onwards.

The researcher accessed a total of 14 criminal charge files[92]against a total of 1461 defendants. Among these defendants, only 360 defendants were brought before the court and attended the trial. 266 defendants were tried in *absentia*. When the defendant fails to appear before the court without good cause, the trial in absentia may be allowed.[93] The charges against 835 defendants were temporarily terminated due to the failure of the defendants to appear before the court. Before the ruling of suspension of the charges, the court ordered Federal Police Commission to bring defendants or to bring proof of the non-appearance of defendants at their address mentioned under the charge. In the cases when the proof of their non-appearance brought to the charge, the court ordered summon of defendants through newspaper and ruled the trial in absentia. However, if the defendants did not appear and not proof of non-appearance of defendants, the court ordered the suspension of the charges of defendants. On the other hand, MoJ withdrew the charges of 310 defendants on the grounds of public interest. The MoJ has the power to withdraw criminal charges on the grounds of public interest.[94] In the course of the trial, the charges of 70 defendants were temporarily terminated (due to the non-appearance of prosecution witnesses). Therefore, the trial was only on 237 defendants. The prosecutor listed a total of 1011 witnesses with the criminal file and attached other documentary evidence.

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[92] See *FPP v. Fancha Amsaya et al*, (2014), FHC, File No. 240549; *FPP v. Dulib Zerie et al*, FHC, file no. 2266190; *FPP v. Adgo Gidie et al*, FHC, File No. 266162; *FPP v. Usman Merki et al*, FHC, File No. 266229; *FPP v. Abebe Kebede et al*, FHC, File No. 272094; *FPP v. Shaban Mensur et al*, FHC, File No. 272067; *FPP v. Abult Kasahun et al*, FHC, File No. 272220; FHC, *FPP v. Hailu Beguanguj et al*, (2014), FHC, File No. 271219; *FPP v. Gezahegn Kebede et al*, FHC, File No. 272218; *FPP v. Tsehay Bando et al*, FHC File No. 272193; *FPP v. Dergu Ferenji et al*, FHC, File No. 272216; *FPP v. Fikiru Zeleke et al*, FHC, File No. 272217; *FPP v. Gidey Simeneh et al*, (2014), FHC, File No. 245396; *FPP v. Giragn Gudeta et al*, FHC, File No. 266151

[93] The Criminal Procedure Code Proclamation 1961, Art 161

[94] Attorney (n 68), Art 6 (3)(e)

Regarding the mode of participation of the defendants, some of them are charged with the crime of inciting and organizing a civil war (as organizer and mastermind of the civil war) and the rest of the defendants are charged with participating in the civil war. Those defendants, who have caused injury to life, liberty, person, health or property or have committed another crime, were charged with, in addition to crimes of civil war, other ordinary crimes. The defendants are members of the Gumuz ethnic group and the victims of the crime are, in most cases, members of the Amhara ethnic group. However, in some cases, Agew, Oromo and Shinasha ethnic groups are also victims of the crime. The perpetrators identified the victims as 'Qey' which refers to 'Red' in apparent reference to their skin color.

The atrocities were committed in two rounds. The first round covers the time from December 2018 to June 2019. In these atrocities, the FPP framed 2 criminal charge files against 160 persons. The second round of atrocities was committed from the end of November 2019 up to the end of 2020. The FPP framed, in the 2nd round of atrocities, a total of 12 criminal charge files against 1301 defendants.

At the time of collection of the data, only 6 criminal files were decided by the court and the other 3 criminal files were closed on different grounds before the final decision of the court. The remaining 5 criminal files were pending. As a result, the research focuses only on those 9 criminal files which were decided and closed by the court and they are discussed below.

3.2.1. FPP v Fancha Amsaya et al

In the Fanacha Amsaya trial, there are 104 defendants with a total of 44 counts.[95] The first charge is against all defendants with the crime of raising a civil war by arming and inciting citizens or inhabitants to take up arms against one another and participating in the civil war in violation of the criminal code of Ethiopia, Art 32(1) (a) (b), 38 (1), 240(1) (a) and (b) and 240(2). There is a lack of clarity regarding the charge against the defendants. Art 240 (1) of the code provides about the crime of raising a civil war, by arming citizens or inhabitants or by inciting them to take up arms against one another. It provides also punishment for those who violate this

[95] *FPP v. Fancha Amsaya et al*, (2022), FHC, 240549

provision. Sub Art 2 of this Art provides the aggravated circumstances to impose a higher penalty on the defendants. However, the detail of the charge indicates that most of the defendants are not organizers and masterminds of the civil war; rather they were participating in the civil war. Regarding participating in the civil war, it is provided under Art 240 (3) of the code, which provides a separate penalty for those who are found guilty. Therefore, those who were participating in the civil war should be charged with 'participating in the civil war in violation of Art 240 (3) of the code.'

The preparation of the atrocities started in December 2018. Some of the defendants; who were local government officials, with the intent of raising a civil war as mentioned in the charge, in BGRS Metekel zone different districts (Wordas), gathering Gumuz ethnic group members, inciting them to take up arms against the Amhara and Agew ethnic groups (they named them as Habesha/Qeyoch).[96] They also armed these persons to take action against the identified Amharas and Agews. What they insist to raise their arm is that *'the land is Gumuzs' but Amharas and Agews are settlers and they will take the land. As a result, we should take action against them to remove them from the area.'*[97] The defendants from 1-12 were different level local government officials of Metekel zone and Wordas. As understood from the details of the charge, these defendants were the masterminds and organizers of the atrocities. They were inciting other defendants to attack members of the Amhara and Agew ethnic groups.

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As stated above, local government officials organized and supported the attack. It is directed against the members of specific ethnic groups; Amhara and Agew. It is also widespread. That means it covers a large geographical area and results in the loss of life of many persons, bodily injury, non-international displacement of persons, and destruction of property. The crime was committed in four districts of Metekel zone which are Mandura, Pawe, Guba and Dangur. The crime resulted in the loss of the life of 76 persons, willful bodily injury of 20 persons, non-international displacement of thousands of persons and the destruction of property. All these

[96] Ibid
[97] Ibid

elements indicate that the atrocities may constitute CAH. Therefore, the perpetrators of the atrocities should have been prosecuted with the CAH.

The charge was framed before the FHC Gilgel Beles criminal bench. Among 104 defendants, only 68 defendants appeared before the court. The charges against 35 defendants were temporarily terminated due to the failure of the defendants to appear before the court.[98] One defendant was tried in absentia. Though the FPP intended to call about 218 witnesses, only 40 witnesses appeared before the court and testified. Other documentary evidence was also submitted to the court.

After the hearing of prosecution evidence, the court ruled that, among 68 defendants, 40 were not proven guilty of committing the alleged crime and the remaining 28 defendants were proven of committing the alleged crime and ruled that 28 defendants to enter their defense.[99] Then, the defendants presented their evidence and testified before the court. After the completion of the defense evidence, the court rendered a decision. 26 defendants were convicted and the remaining 2 defendants were acquitted. Regarding the penalties imposed on the convicted defendants, 4 defendants were punished with life imprisonment, 1 defendant was punished with 25 years of rigorous imprisonment, 1 defendant was punished with 23 years of rigorous imprisonment, 17 defendants were punished with 22 years of rigorous imprisonment, 2 defendants were punished with 20 years of rigorous imprisonment and 1 defendant was punished with 8 years of rigorous imprisonment.[100]

Therefore, of 68 defendants tried before the court, 42 defendants were acquitted of their charges and the remaining 26 defendants were convicted of committing the alleged crime. The charge of 36 defendants, as stated before, was temporarily terminated since the defendants failed to appear before the court. This indicates that most of the defendants were not brought before the court and prosecuted. As a result, it can be concluded that prosecution is not effective.

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[98] Ibid
[99] Ibid
[100] Ibid

3.2.2. FPP v Gidey simeneh et al

In the Gidey Simeneh et al file, FPP filed a charge against 56 defendants on August 2020 before the FHC Gilgel Beles criminal bench.[101] All the defendants were charged with the crime of participating in the civil war in violation of Art 240 (3) of the criminal code of Ethiopia. Defendants attacked victims on the ground that a member of the Gumuz ethnic group was stabbed to death by the members of the Agew ethnic group. Defendants raised war against the members of the Agew and Amhara ethnic groups. The atrocities took place in Metekel Zone Mandura woreda, Genete Mariam kebele. The atrocies resulted in the death of 8 persons, bodily injury of 13 persons, the displacement of 2354 persons and the stolen of 1119 livestock. Other than the crime of participating in the civil war, a total of 15 charges of aggravated murder have been brought against those defendants who were involved and proved to cause other criminal acts.

The attack was directed against the Amhara and Agew ethnic groups. In order to prosecute the perpetrators with the CAH, the acts of the perpetrators should constitute CAH. However, as stated above, the attack was directed against these ethnic group members due to the fact that the killing of members of Gumuz ethnic group. It was taken as revenge. There is no evidence to show the organizational policy of the attack. Therefore, the decision of the FPP to prosecute the perpetrators with the crimes of participating in the civil war is the appropriate decision.

Among these 56 defendants, only 39 defendants appeared before the court. The remaining 17 defendants did not appear before the court. The FPC was not able to bring these defendants before the court. As a result, the court ruled that, for the sake of the right of speedy trial of the defendants who appeared before the court, the charge of these defendants who failed to appear before the court should be terminated.[102] Therefore, the trial process has been continued against these 39 defendants.

The FPP attached a list of 46 witnesses and documentary evidence with the charge. Among the listed witnesses, only 23 were brought before the court and testified. The remaining 23 witnesses

[101] *FPP v. Gidey Simeneh et al* (2022), FHC, 245346
[102] Ibid

did not appear and testified before the court. As a result, the charges of 3 defendants were terminated due to the non-appearance of witnesses.

After the testifying of prosecution witnesses, the court ruled that; among 39 defendants who were attending their trial, 15 defendants were acquitted of the charge brought against them, and the remaining 21 defendants entered their defense.[103] After testifying the defense witnesses, the court decided the case. These 21 defendants were convicted of committing the alleged crime. The defendants were sentenced to rigorous imprisonments of 10- 25 years.[104]

3.2.3. FPP v Hailu Beguanguj et al

FPP accused 37 defendants before the FHC Gilgel Beles Criminal Bench.[105] The 1st and 2nd defendants are accused of inciting a civil war in violation of Art 240 (2) of the criminal code of Ethiopia. The detail of the charge indicates that in September and October 2020, they provoked members of the Gumuz ethnic group living in the Dibate Woreda of Metekel Zone to attack persons who lived in the area as identified as 'Qey' which refers to members of Amhara, Oromo, Agew and Shinasha ethnic groups. They incited them by stating that 'Reds living in the zone are going to take our land from us'. As a result, the defendants from 3-37 broke out a civil war on November 14, 2020, and December 6, 2020, in the Dibate District, Kido Kebele. The civil war resulted in the killing of 48 people, the bodily injury of 10 persons, the displacement of many people, and the damage of property. The defendants from 3-37 were charged with participating in the civil war in violation of Art 240 (3) of the criminal code of Ethiopia.

Out of the 37 defendants, only 7 appeared and were tried before the court, while the remaining 30 defendants' charges were suspended for non-appearance of defendants.[106] The prosecutor has attached a total of 25 witnesses and documentary evidence with charges. Only 8 witnesses appeared and testified before the court. Among the 7 defendants who appeared before the court, the case of 2 defendants was dropped[107] on the ground of the non-appearance of witnesses. After

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[103] Ibid
[104] Ibid
[105] *FPP v. Hailu Beguanguj et al (2022), FHC, 272219*
[106] Ibid
[107] Ibid

hearing the prosecution's witnesses, 1 defendant was acquitted and the court ordered the remaining 4 defendants to enter their defense.[108] These 4 defendants were convicted of committing the alleged crime and punished with rigorous imprisonment from 13-19 years.

The atrocity was committed against the civilian society. It was a widespread attack. It also resulted in the loss of the life of many people, bodily injury, displacement and destruction of property. The intent of the perpetrators was to remove these peoples from the area. The way of the attack and the gravity of the crime indicate that the atrocity may constitute CAH. The local government officials did not react to avert the atrocity. Therefore, it can be concluded that the atrocity constitutes the CAH. Though the attack was directed against specific ethnic groups, due to lack of evidence to show the intention of perpetrators, it is also difficult to prosecute them with the crime of genocide. There is no evidence that shows the perpetrators committed the alleged crime with the intention to destroy, in whole or in part, of the identified 'Qey' societies living in the area. On the other hand, of 37 defendants, only 4 defendants were convicted of the alleged crime. This indicates that the prosecution is not effective. Many of the defendants did not bring to justice.

3.2.4. FPP v Adigo Gidie et al

The FPP filed the charge against Adigo Digie et al before the FHC of Gilgel Beles Criminal bench against 36 defendants in late December 2020. There are a total of 5 counts. All defendants were charged with the crime of participating in the civil war in violation of Art 240 (3) of the criminal code of Ethiopia.[109] The remaining 4 counts were against those defendants who were proven to cause the death of persons in violation of Art 539 of the criminal code of Ethiopia. Though the preparation for the atrocities began in late November 2019, the actual atrocity was committed at midnight on October 11, 2020.[110]

The crime was committed in BGRS Metekel Zone Mandura Woreda Duhanzbaguna kebele. The defendants were members of the Gumuz ethnic group. As stated under the prosecutor's charge,

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[108] Ibid
[109] FPP v. Adigo Gidie et al (2022), FHC, File No. 266162
[110] Ibid

the crime is organized by other persons who were charged by the prosecutor with another criminal file.[111] The victims of the crime were members of the Amhara ethnic group. As mentioned before, they identified them as 'Qeyoch'. The reason for the attack was, as stated in the introduction of this section, to remove members of the Amhara ethnic group from the area. The organizer and mastermind of the atrocities incited and armed them to kill and displaced members of the Amhara ethnic group to remove them from the area.[112]

The perpetrators committed the atrocities by using modern and traditional armaments. At midnight of October 11, 2020, the defendants with other persons who were not identified by the investigation started to attack members of the Amhara ethnic group who were living in Metekel Zone Mandura Woreda Duhanzbaguna kebele. They were living together with them. They attacked them for the only reason of being members of the Amhara ethnic group and with the wish to remove them from the area. They believed that they have the ownership right in the area and others were settlers and should leave the area.

The charge stated that a total of 283 persons were killed, 76 persons were injured, 25,399 persons were displaced and an estimated 134,315,582.50 Birr property was destroyed. However, from the details of the charge, it can be understood that 12 persons were killed by the perpetrators. The result of the atrocities mentioned under the charge refers to the overall results of the atrocities committed in Metekel Zone's different Wordas. As mentioned in the general introduction of this section, the atrocities committed within the time frame of November 2019 up to the end of 2020 were organized by the defendants who were charged in the criminal file of Giragn Gudeta et al.[113]

Among 36 defendants, only 14 defendants appeared before the court and attended the trial. In the course of the trial, one defendant who appeared before the court died. As a result, the charge brought against him was terminated. The charges of 22 defendants were temporarily terminated on the ground of the failure of the defendants to appear before the court.[114] The prosecutor listed

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[111] *FPP v. Giragn Gudeta et al*, FHC, File No. 266151

[112] Gidie (n 110)

[113] *Gudeta* (n 112)

[114] *Gidie* (n 110)

a total of 28 witnesses and different documentary evidence to prove the commission of the crime. Among the listed witnesses, only 10 witnesses testified before the court.

After the completion of testifying of prosecution witnesses; regarding one defendant, the court ruled that the prosecutor did not prove beyond reasonable doubt about the commission of the crime by the defendant. As a result, he was acquitted and released free. Regarding the remaining 12 defendants, the court ruled that the evidence proved the commission of the crime by the defendants and ordered them to enter their defenses. After testifying the defense witnesses, the court gave the decision. These 12 defendants were convicted of committing the alleged crime.[115] These defendants were sentenced to 18-22 years of rigorous imprisonment.[116]

As stated above, the attack was organized by the leaders of the rebel group which shows that there was organizational policy. The targeted groups of the attack were those civilian societies of members of the Amhara ethnic group who lived in the area. The atrocity resulted in the loss of the life of many people, bodily injury, displacement and destruction of property. The attack was also widespread. This indicates that the atrocity may constitute CAH. However, the perpetrators were prosecuted with ordinary crimes.

On the other hand, though the perpetrators were prosecuted for ordinary crimes, the prosecution was not effective. Many of the defendants failed to appear before the court. Of the 36 defendants, only 13 were appeared and tried before the court and one was acquitted these 12 defendants were convicted of committing the alleged crime. This indicates that 68.9 % of the defendants did not bring to justice. Therefore, it can be concluded that the prosecution is not effective.

3.2.5. FPP v Fikiru Zeleke et al

In the case of Fikiru Zeleke et al, the FPP charged 39 defendants before the FHC.[117] The defendants from 1-9 were charged with the crime of inciting citizens to take up arms against one another. The preparation to raise the civil war started in 2019. They gathered members of the Oromo ethnic group who were living in different kebeles in Metekel Zone, Dibate District and

[115] Ibid
[116] Ibid
[117] FPP v. Fikiru Zeleke et al, (2023), FHC, 272217

insisted them that ‘Metekel Zone belongs to Oromia and there should not be another ethnic group, we must liberate Oromia and establish an Oromia government, so you must fight together with OLF Shenie, Prosperity will not lead us.’ The remaining 30 defendants were accused of participating in the civil war in violation of Art 240 (3) of the criminal code of Ethiopia. The defendants were members of the Oromo ethnic group and the victims were members of the Amhara ethnic group living in the area. Defendants who abducted persons were charged, in addition, with the crime of abduction in violation of Art 586 of the criminal code of Ethiopia. There were a total of 4 counts.

The atrocities resulted in the killing of 3 members of the Amhara ethnic group, the displacement of 482 persons, and the destruction of property valued at over 21 million birr. Only 5 defendants appeared before the court. The trial of the other 34 defendants was in absentia.[118] There were 33 witnesses listed with the charge and other documentary evidence. Among the listed witnesses, only 18 testified before the court. Since the prosecutor failed to bring the remaining 15 witnesses before the court, the court ruled out the right of the prosecutor to testify the remaining 15 witnesses against the defendants. As a result, the charge of 6 defendants was withdrawn by the request of the prosecutor subject to resume of the charge up on the appearance of witnesses.[119] Therefore, the trial continued on the remaining 33 defendants; 5 were tried in their appearance before the court and 28 in absentia.

The court ruled that 5 defendants were released free from the charge brought against them,[120] among them, 2 defendants were attending the trial and the rest were tried in absentia; and the 3 defendants who were attending their case should enter their defenses.[121] Defendants who were tried in absentia were convicted of committing the alleged crime[122] and sentenced to 9-11 years of rigorous imprisonment.[123] Though the court ruled the 3 defendants to enter their defense, FPP withdrew the charges of these defendants on the ground of public interest as per article 6 (3) (e)

[118] Ibid
[119] Ibid
[120] Ibid
[121] Ibid
[122] ibid
[123] Ibid

of Proclamation no. 943/2016.[124] Therefore, following the prosecution's withdrawal of the defendants' charge, the court closed the file.[125]

Though the victims of the attack did not react to the perpetration, the prosecution of perpetrators with the crime of raising civil war and participating in the civil war is appropriate decision. There is no other relevant provision to prosecute them. However, among these 39 defendants, only 5 were appeared and tried before the court. The other 34 defendants were tried in absentia. Therefore, it can be concluded that the prosecution of the perpetrators of the atrocities is not effective and affects the criminal justice system justice.

3.2.6 FPP v Shaban Mensur et al

FPP filed the case of Shaban Mensur et al in April 2021 before the FHC Gilgel Beles criminal bench.[126] All of them were accused of participating in the civil war in violation of Art 240 (3) of the criminal code of Ethiopia.[127] As stated in the introduction, the preparation to raise a civil war was organized by other defendants who were accused of organizing and inciting the civil war.[128] The organizers of the civil war incited the defendants that 'reds should not be living in Metekel zone, Gumuz People Democratic Movement (GPDM) should govern the region, no longer prosperity should govern the region'. 2 defendants, in addition to the crime of participating in the civil war, were also charged with aggravated homicide. The atrocities resulted in the killing of 44 people, 15 were injured, 19 houses were burned down and many people were displaced from the area.

The total numbers of defendants charged by FPP were 98. Among the defendants, 39 appeared before the court and the remaining 59 did not appear before the court. Although the court repeatedly ordered the police to summon the defendants who did not appear, the police failed to

[124] Ibid
[125] Ibid
[126] *FPP v. Shavan Mensur et al* (2023), FHC, 272067
[127] Ibid
[128] Gudeta (n 112)

bring the accused. As a result, defendants were summoned by the newspaper and failed to appear before the court and the court ordered their case to be tried in absentia.[129]

FPP listed 76 witnesses to be testified before the court to prove the commission of the crime by the defendants. There was also other documentary evidence attached to the charge to prove the results of the crime. However, only 30 witnesses appeared before the court and testified. Regarding the witnesses who failed to appear before the court by a given time; the court ruled that there should not be any more adjournment on the ground to testify of prosecution witnesses.[130] At the trial stage, MoJ withdrew the charges of 95 defendants on the ground of public interest[131] and the charge of one defendant was terminated on the ground of his death. As a result, the trial was only on 2 defendants. The court ruled that these defendants enter their defense. These defendants were convicted of committing the alleged crime and sentenced to 15 and 20 years of rigorous imprisonment.[132]

The acts of the perpetrators constitute the CAH. The attack was directed against the civilian society, it was widespread which covers a large geographical area and resulted in a mass destruction and the atrocity was committed as an organizational policy. The attack was organized by the rebel group (GPDM) against persons who were identified as 'Qey' by the perpetrators. Therefore, the perpetrators should have been prosecuted with the CAH. On the other hand, most of the perpetrators did not bring to justice. Though 39 defendants were appeared before the court, MoJ withdrew the charge of 95 defendants on the ground of public interest. As a result, only 2 defendants were convicted of committing the alleged crime. So, it can be concluded that the justice system is failed to achieve its goal.

3.2.7 FPP v Dergu Ferenj et al

The charge against Dergu Ferenj et al (161 defendants) was filed on May 24 2021 before FHC Gilgel Beles Criminal bench. Defendants listed from 1-6 were charged with the crime of inciting

[129] *Mensur* (n 127)
[130] Ibid
[131] Ibid
[132] Ibid

civil war in violation of Art 240 (1) and (2).[133] The detail of the charge indicates that they incited members of the Gumuz ethnic group to raise a civil war against those persons who were identified as 'Qey' who lived in the area by saying that '*we should be governed by GPDM and those people who were identified as "Qey' should be removed from the area*.'

As a result, on November 15 and 16 2020, defendants who were listed from 7-92 were raising a civil war in Metekel Zone Dibatie district which resulted in the killing of more than 5 persons, displacement of 8401 persons and destruction of property worth more than 114 million Birr. Other defendants who were listed from 93-161 also raised a civil war, on the morning of January 13, 2021, in Metekel Zone Dibatie district, against members of the Amhara and Agew ethnic groups who lived in the area. Regarding the result of the crime in the second incident, more than 80 persons were killed, 26 persons were injured and an identified number of persons were displaced as well as property was destroyed. The charge filed against defendants listed from 7-161 was participating in the civil war in violation of Art 240 (3) of the criminal code of Ethiopia. Defendants who had caused the death of persons were charged with, in addition to the crime of participating in the civil war, the commission of the crime of aggravated homicide in violation of Art 539 of the criminal code of Ethiopia. There were a total of 21 counts.

Among those 161 defendants, only 6 appeared before the court. Other 155 defendants did not appear before the court. As a result, the charge against those defendants who failed to appear before the court was suspended by the court.[134] At the trial stage, FPP withdrew the charge of 1 defendant based on public interest[135] and the trial continued with the other 5 defendants.

FPP draw up a list of 29 witnesses and only 9 witnesses appeared and testified before the court. The court ruled that, up on the testifying of prosecution witnesses, defendants should enter their defense. However, before the completion of testifying of defense witnesses, FPP also withdrew the charges of these 5 defendants based on public interest.[136] Therefore, the court closed the case

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[133] *FPP v. Dergu Ferenji et al*, ()272216), FHC, 272216
[134] Ibid
[135] Ibid
[136] Ibid

without rendering a final decision (no one is either acquitted or convicted of committing the crime) and the defendants were released from the prison.[137]

The prosecution is not effective, like as other previously discussed cases. Though the acts of the perpetrators of the atrocities constitute the CAH, they were not prosecuted with CAH. On the other hand, most of the defendants (of 161 defendants, 155 defendants) were not bringing to justice. The charge of the remaining 6 defendants who were present before the court was withdrew by MoJ on the ground of public interest. Therefore, all the defendants were not accountable for their wrong doing.

3.2.8. FPP v Abebe Kebede et al

In the Abebe Kebede et al case, there were a total of 90 defendants. The file was opened before the FHC Gilgel Beles criminal bench in April 2021.[138] All the defendants were charged with the crime of participating in a civil war in violation of Art 240 (3) of the criminal code of Ethiopia. In addition, defendants who caused the death of persons were charged with the crime of aggravated homicide in violation of Art 539 of the criminal code of Ethiopia.[139] The atrocity was committed in Metekel Zone different districts and kebeles in 2012 and 2013. The crime was organized and incited by *GPDM* leaders, as stated above charged with other criminal files.

The targets of the attack were persons who lived in the area and were identified groups by the perpetrators of the atrocities as ‘Qey’ or members of the Amhara ethnic. They committed the atrocities with the intent to remove the victims from the area. As a result of the atrocities, 39 persons were killed, 6 persons were injured, many people displaced and property was destroyed.

The atrocity may constitute the CAH. The attack was widespread and systematic, which was directed against the civilian population (members of Amhara ethnic group) as well as the acts including; murdering of civilian population are fulfilled. Therefore, it can be concluded that the

[137] Ibid
[138] *FPP v. Abebe Kebede et al* (2023), FHC, 272094
[139] Ibid

atrocity constitutes CAH. However, like as other perpetrators discussed above, the perpetrators were prosecuted with ordinary crimes.

15 of the defendants appeared before the court and attended their trial, while the remaining 75 defendants could not appear, so their charges were temporarily terminated.[140] Although the prosecutor presented a list of 25 witnesses who would prove the case, only 4 witnesses appeared and testified before the court. Among the 15 defendants tried before the court, these 4 witnesses testified only against 5 defendants, and since no witnesses who could testify against the rest were presented, the case of 10 defendants was temporarily suspended due to the non-appearance of witnesses. The court ruled that these 5 defendants should enter their defense. However, FPP withdrew the charge of these defendants before the testifying of defense witnesses.[141]

3.2.9. FPP v Usman Merki et al

All the defendants in Usman Merki et al case were charged with the crime of participating in the civil war in violation of Art 240 (3) of the criminal code of Ethiopia, and the action took place on different days in 2012 and 2013 in different districts of Metekel Zone.[142] The total numbers of defendants were 130. The atrocity targeted the sections of society that they call red, and most of them were members of the Amhara ethnic group, which resulted in the death of 283 people, 76 bodily injuries, and displacement of 25,399 people as well as the destruction of property worth more than 134 million birr. A total of 2 counts of aggravated homicide were filed against the defendants whose involvement has been identified.

Among the defendants, only 23 appeared before the court and were tried in their presence. The other 107 defendants failed to appear before the court. As a result, the court ruled that the case of such defendants was suspended subject to resume upon the appearance of the defendants.[143] The prosecutor listed a total of 75 witnesses that would prove the case. Among these witnesses, 22 appeared before the court and testified. However, in the course of the trial, FPP withdrew the

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[140] Ibid
[141] Ibid
[142] *FPP v. Usman Merki et al* (2023), FHC, 266229
[143] Ibid

case of 22 defendants who were tried in their presence on the ground of public interest and the case of the remaining 1 defendant was suspended due to the non-appearance of witnesses. As a result, the case was closed without rendering a final decision.

Generally, though the acts of the perpetrators may constitute CAH, the perpetrators of atrocious crimes in Metekel Zone were prosecuted with ordinary crimes. A CAH involves, as stated under chapter two, the commission of certain prohibited acts; like as murder, committed as part of a widespread or systematic attack directed against a civilian population. In the cases at hand, the acts of the perpetrators fulfill these elements. Therefore, they should have been prosecuted with the CAH. However, due to the lack of legal framework to proscribe CAH, the perpetrators were prosecuted with ordinary crimes.

On the other hand, most of the perpetrators did not bring to justice. The charge of some of these defendants who appeared before the court was terminated with the decision of the MoJ to withdraw the charge on the ground of public interest. Again the charges of some other defendants were suspended due to the non-appearance of prosecution witnesses. All these facts indicate that, the prosecution was not effective.

3.3. Prosecution of Atrocious Crimes in Kamashe Zone

From May 2018 onwards, there was an ethnic-based conflict in BGRS Kamashe zone's different districts. The conflict lasted until the end of 2018. The perpetrators of the atrocities were members of the Gumuz ethnic group. The atrocity was organized and supported by local government officials. The targeted groups of the atrocities were those of members of the Oromo ethnic group and in some way members of the Amhara ethnic group. Most of the victims of the conflict are members of the Oromo ethnic group who were living in the area, and members of the Amhara ethnic groups were also victims of the atrocities.

The atrocities resulted in the loss of life of many people, bodily injury, and displacement of the persons who were living in the area as well as the destruction of property. The research focuses on selected criminal files. The files were selected based on the defendant's involvement in the crime and the severity of the harm caused by the crime, as well as because I believe that the

overall nature of these criminal files reflects the state of the crime at the time and the prosecution and trial process of other criminal files. The files discussed below are Erena Babure et al, Fekade Chefie et al and Merdasa Gutema et al.

3.3.1. FPP v Erena Babur et al

FPP filed the case of Erena Babur et al in July 25 2019 before the FHC. The total numbers of defendants were 18 who were charged with the crime of organizing and inciting a civil war and participating in the civil war. There are a total of 3 counts.[144] The first 3 defendants were charged with the crime of organizing and inciting the civil war in violation of Art 240 (1) (b) of the criminal code of Ethiopia and the other 15 defendants were charged with the crime of participating in the civil war in violation of Art 240 (3) of the criminal code of Ethiopia. In addition to the charge against participating in the civil war, 2 defendants were also charged with the crime of causing grave willful injury against a person. From the total of 18 defendants, only 2 defendants were brought before the court and the other 16 defendants were not brought before the court. As a result, the charge against those defendants who failed to appear before the court was suspended.[145]

As stated above, there are a total of 3 counts. The first charge is against the defendants mentioned from 1-3 of the charge framed by the federal attorney general. They were local government officials. As the charge indicates, they were masterminds and organizers of the crime by arming and inciting other defendants, who were members of the Gumuz ethnic group, to raise a civil war against those who were members of the Oromo ethnic group living in the area.

Before the start of the attack against the members of the Oromo ethnic group, these defendants prepared others to commit the crime by arming the members of the Gumuz ethnic group and inciting them to attack members of the Oromo ethnic group with the intent to remove them from the area. The preparation started in early September 2018. The attack was targeting, as mentioned above, members of the Oromo ethnic group who lived in BGRS Kamashe Zone

[144] FPP v. *Erena Babur et al*(2021), FHC, 240713
[145] Ibid

Kamashe Worda and town. The organizers of the civil war disarmed the government's local security forces of members of the Oromo ethnic group. They were inciting other defendants to kill, injured and displaced members of Oromo ethnic groups from the area. They armed members of the Gumuz ethnic group by taking firearms from prison centers.

As a result of the incitement by the organizers of the civil war, other defendants, from 4-18, took action against those members of the Oromo ethnic group. The incident occurred from September 17-25/2018. The attack resulted in, as far as the investigation proved, the killing of 194 persons, bodily injury of 28 persons, the displacement of 83,269 persons and an estimated 27,483,300.00 Birr destruction of property.

In addition to the above-mentioned charges, 2 defendants were charged, as per Art 240 (4) of the criminal code of Ethiopia, with the crime of causing grave willful injury to the person in violation of Art 555 (a) of the criminal code of Ethiopia.

The victims of the crime were, as mentioned above, members of the Oromo ethnic group. They committed the crime with the intent to remove members of the Oromo ethnic group from the area. Though most of the victims were members of the Oromo ethnic group, members of the Amhara ethnic group were also the victims of the atrocities.

The FHC arranged a criminal bench in BGRS Assosa zone, Assosa town for the trial of ethnic-based criminal cases that occurred in Kamashe and Assosa zone. The charge at hand was filed before the court on July 18, 2019. As stated above, only 2 defendants were brought before the court. Though the court ordered FPC to bring defendants who failed to appear before the court, FPC was not able to bring them before the court. As a result, the court ordered, as stated above, the suspension of the charge against defendants who did not appear before the court.

The total numbers of witnesses were 25, but only 7 witnesses were heard before the court against those 2 defendants who appeared before the court. There was also other documentary evidence brought against the defendants. After testifying the prosecution witnesses, the court ruled that these defendants enter their defense. After testifying the defense witnesses, the court rendered

judgment and 1 defendant was convicted of committing the alleged crime and the other was acquitted of the charge brought against him.[146]

The defendants who were charged with inciting and organizing the civil war were local government officials and they armed the members of Gumuz ethnic group. The attack was directed against the civilian population of members of Oromo ethnic group and it was a widespread which covers a wide geographical area and resulted in the loss of the life of many people, displacement and destruction of property. Therefore, the atrocity may constitute CAH. However, perpetrators of the atrocity did not prosecute for CAH. In addition, though the FPP charged 18 defendants for the atrocious crimes committed, only 2 were bring to justice. Therefore, it can be concluded that the prosecution of atrocious crimes was not effective.

3.3.2. FPP v Fekade Chefie et al

In the Fekade Chefie et al case, FFP file the charge against 178 defendants before the FHC in August 2019.[147] Defendants were charged with the crime of organizing and inciting civil war and participating in the civil war. Regarding the mode of participation of defendants, the first 21 defendants were masterminds and organizers of the civil war. The other defendants from 22-178 were those who were participating in the civil war. Therefore, FPP charged the masterminds and organizers for the crime of organizing and inciting a civil war between inhabitants in violation of Art 240 (2). The other defendants were charged with the commission of the crime of participating in the civil war in violation of Art 240 (3) of the criminal code.

The detail of the charge indicates that the organizers of the civil war were, most of them were local government officials and workers of Kamashe Zone, Kamash town administration and Yaso district. They used their government's official capacity for the preparation of inciting the civil war. They armed the ordinary members of the Gumuz ethnic group to attack members of the Oromo and Amhara ethnic groups living in the area. They started the preparation for the attack in May 2018. As a result, other defendants, who were members of the Gumuz ethnic group, raised a civil war against members of the Oromo and Amhara ethnic groups who were

[146] Ibid

[147] *FPP V Fekade Chefie* et al (2022), FHC, 245088

living in BGRS Kamashe Zone Yaso district. Defendants who have proved to cause the death of persons were charged with, in addition to the charges mentioned above, aggravated homicide. There are a total of 58 counts.

The atrocities resulted in the death of 46 persons, bodily injury of 9 persons and destruction of property estimated at more than 310,039,136 Birr, as well as, even though not mentioned the number, displacement of persons from residence. As stated earlier, the victims of the crime were members of the Oromo and some of the Amhara ethnic groups. The only reason why victims were targets of the attack was only being members of the Oromo and Amhara ethnic groups. Perpetrators took action against those victims with the intent to remove them from the area.

Among 178 defendants, only 17 defendants appeared before the FHC Assosa criminal bench. The remaining 161 defendants did not appear before the court. As a result, the court suspended the charge of these defendants who failed to appear before the court. The trial process was continued only on 17 defendants who appeared before the court. The acts of the perpetrators may constitute the CAH, like as the formers case, but not prosecuted for the CAH. Most of the defendants were not bring to justice. Therefore, the prosecution was not effective.

FPP listed a total of 135 witnesses and other documentary evidence with the charge. However, in total, 8 witnesses appeared before the court and these witnesses testified only against 4 defendants. The other witnesses who could be testified against the remaining 13 defendants did not appear before the court. As a result, the charge against 13 defendants who attended the trial was suspended due to the non-appearance of prosecution witnesses.[148] The trial proceeded with the remaining 4 defendants. The court ruled that, after testifying the prosecution witnesses, these 4 defendants entered their defense.[149] These 4 defendants brought their defense witnesses before the court. The court, after testifying of the defense witnesses, convicted the defendants with the charge brought against them.[150]

[148] Ibid
[149] Ibid
[150] Ibid

3.3.3. FPP v Gemechu Gutema et al

The case of Gemechu Gutema et al was filed before FHC in August 2019.[151] The atrocities, in this case, were also committed in BGRS Kamasha Zone. There were a total of 48 defendants. Defendants listed from 1-9 were charged with the crime of raising civil war, by arming citizens or inhabitants or by inciting them to take up arms against one another, in violation of Art 240 (2). Others were charged with the crime of participating in the raised civil war in violation of Art 240 (3) of the criminal code of Ethiopia.[152] Defendants who caused the death of persons and bodily injury were also charged with the crime of aggravated homicide and willful bodily injury. There are a total of 15 counts.

The detail of the charge indicates that the defendants who were organizing and raising the civil war started to incite members of the Gumuz ethnic group to raise a civil war against members of the Oromo ethnic group who lived in Kamashe Zone Agalomitie district and Oromia neighboring districts. Organizers of the crime were local government officials and they used their position to incite and organized the armed conflict. Most of them were local security force leaders and they armed members of the Gumuz ethnic group to attack members of the Oromo ethnic group living in the area. They incite them by saying that "since Oromo controls government power, they will take your land and other natural resources. Therefore, you should kill Oromos." They also told them about the way how to attack them. The remaining defendants who were charged with the crime of participating in the civil war started to attack members of the Oromo ethnic group. The atrocity was committed, as stated above, in Kamashe Zone Agalomitie district and Oromia neighboring districts. As a result of the civil war, 27 people were killed, 5 people were seriously injured, many houses were burnt and many people were displaced from their residences.

The trial took place, like other criminal files committed in Kamashe Zone, in Assosa town. Among these 48 defendants, only 10 defendants appeared before the court. The other 38 defendants did not appear before the court. As a result, the court ruled that the charge of those

[151] *FPP v. Gemechu Gutma et al*(2021), FHC, 245161

[152] Ibid

defendants who did not appear before the court should be suspended.[153] Therefore, the trial proceeded against the remaining 10 defendants.

FPP intended 34 witnesses to have been testified. Among the listed witnesses, only 7 appeared and testified before the court. These witnesses testified against the 9 defendants who were tried before the court. Other witnesses who could testify on the other 1 defendant who was tried before the court did not appear. As a result, the court ruled that this defendant did not need to defend and acquitted from the charge brought against him.[154] On the other hand, the remaining 9 defendants were ordered to enter their defense witnesses. After testifying of defense witnesses, defendants were convicted of committing the alleged crime and they were sentenced to 9-21 years of rigorous imprisonment.[155]

To conclude, of the total 995 defendants of both Metekel and Kamashe trials, only 243 defendants appeared before the court and tried in their present. Among 761 defendants who did not appear before the court, 93 defendants were tried in absentia and the charges of the remaining 659 defendants were suspended on the ground of non-appearance of defendants. On the other hand, from the total defendants tried before the court, only the charges of 150 defendants were decided by the court. 90 defendants were convicted of committing of the alleged crime and the remaining 60 defendants were acquitted from the charges brought against them.

As stated above, the acts of the perpetrators may constitute the CAH. However, they were not prosecuted for the CAH. The main reason why they did not prosecute for the CAH was the lack of legal framework to prosecute CAH in the domestic law. On the other hand, most of the defendants were not bring to justice. This implies that the prosecution did not achieve its goal.

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[153] Ibid
[154] Ibid
[155] Ibid

CHAPTER FOUR

Prosecutorial Gaps and Impacts of the Gaps on the Criminal Justice System

As discussed in chapter three, the acts of perpetrators of the atrocious crimes in BGRS Metekel and Kamashe Zone may constitute the CAH. However, they were not prosecuted for the CAH due to a lack of legislation that proscribes CAH. On the other hand, most of the perpetrators who were charged with ordinary crimes were not brought to justice and the charges of some of the defendants were withdrawn by MoJ. This chapter focuses on discussing briefly such gaps and the impacts of the gaps on the criminal justice system. Four prosecutorial gaps are identified and discussed in this chapter. The impacts of the gaps on the criminal justice system are also the focus of the chapter.

4.1. Lack of Uniform Application of the Law

The above-discussed prosecutions indicate that there is no uniformity of application of laws to the same alleged facts. The earlier prosecutions, which are Oromo-Gumuz and Anuak-Nuwer prosecutions were prosecuted with the crime of genocide. The alleged facts indicate that the perpetrators were members of a specific ethnic group and they committed the crime against other members of ethnic groups. The court convicts the defendants only by proving that the atrocities were committed against the specific ethnic group with the full knowledge of the fact that the victims were members of the targeted ethnic group. The law requires the fulfillment of intent to destroy 'in part or in whole' the protected group.[156] In the Anuak-Nuwer case, the court did not discuss the mental element of the alleged fact. The court regarded that the fulfillment of the actus reus (killing) and that the victims were targeted based on their ethnicity was sufficient to convict the defendants of genocide.[157]

In the Oromo-Gumuz prosecution[158], the prosecutor charged the perpetrators of the atrocities with the crime of genocide in violation of Art 269 of the criminal code.[159] It is stated that they

[156] See Art 281 of penal code and Art 269 of criminal code
[157] Metekia (n 21)
[158] Metekia (n 22)

committed the crime with the intent to 'destroy' the specific ethnic group.[160] In the same way, in the Anuak-Nuwer trial, the court did not discuss the mental element of genocide, though the dissenting judge tried to address the mental element of genocide.[161] The decision given by the majority indicates that only the fulfillment of material elements and the targeted group being members of the protected group is sufficient to prove the commission of the crime of genocide.

The crimes in BGRS are committed in the same way as these discussed trials. That means they committed the crime against ethnic groups. The material element, which means, killing of persons, bodily injury and other required elements are fulfilled. The targeted groups are those protected groups of the crime of genocide. However, they were prosecuted for the crime of raising civil war and participating in the civil war. The researcher believes that to prosecute perpetrators of the crime of genocide, the mental element of the crime should be proved independently of other requirements. The required mental element is that the crime should be committed with the intent to destroy 'in whole or in part' of the group (in the case at hand ethnic group) protected by the law. Most of the cases indicate that the crime was committed with the intent to remove the targeted group from the area. This does not consider as 'the intent to destroy' the group. Therefore, in my opinion, in the cases of BGRS, the decision of the prosecutor not to prosecute the defendants with the crime of genocide is the right decision. As far as the special intent to destroy the group in whole or in part not proved, it is inappropriate to prosecute perpetrators with the crime of genocide.

4.2. Fail to Prosecute CAH

As stated in chapter two, CAH is not prescribed under the Ethiopian criminal law. The perpetrators of the atrocious crimes in BGRS Metekel and Kamashe Zone were prosecuted for the crime of inciting and organizing armed conflict and participating in the raised armed conflict in violation of Art 240 of the criminal code of Ethiopia. The crime was committed, as stated in Chapter 3, against specific ethnic groups with the intent to displace them from the area. One of the interviewed prosecutors replied that though other elements of CAH has fulfilled, it was

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[159] Metekia (n 21)
[160] Ibid 285
[161] Ibid

difficult to prove the elements of organizational policy.[162] However, as stated above, local government officials and armed rebel groups were the main actors and organizers of the atrocities. They armed members of Gumuz ethnic groups and incited them to attack other ethnic group members as identified as 'Qey' who lived in the area to remove them from the area. This indicates that there was an organizational policy to commit the atrocities. It was organized by the local government officials and the armed rebel groups in the area. The atrocity was committed with the intent to remove such specific ethnic groups from their own area.

On the other hand, the atrocities were widespread. It covers a large geographical area (most of Meteke and Kamashe zone) and resulted in a huge number of losses of human life, displacement and destruction of property. It is one element of CAH. The perpetrators committed the atrocities with the knowledge of the attack. They were aware of committing the crime against the specific civilian society and as part of the widespread attack. Therefore, the atrocious crimes committed by the perpetrators may constitute CAH.

However, as stated earlier, CAH is not prescribed under the domestic law of the country. Therefore, it makes it difficult to prosecute perpetrators with the CAH. The federal prosecutors I interviewed, except the one that I mentioned above, also agree with this idea. They stated that though the acts of the perpetrators constitute CAH, it is not possible to prosecute them for this crime as it is not prescribed by the domestic law.[163] This indicates that to effectively prosecute CAH, there should be domestic legislation which proscribes CAH.

Regarding international crimes, Ethiopian courts may apply international law to prosecute perpetrators of an international crime if there is an international convention or statute that Ethiopia is a member state regarding that crime.[164] However, there is no international convention on CAH. Ethiopia is not a state party to the Rome Statute of ICC.[165] State parties of ICC

[162] Interview with Birhanu Ashagrie, Senior Prosecutor

[163] Interview with MoJ Prosecutors; Bewketu Temesgen፣ Birhanu Ashagrie, Birhanu Kebu and Gedifew Bantie

[164] Tadesse Simie Metekia, Prosecuting crimes against Humanity in Ethiopia: Where is the Law? https://issafrica.org/iss-today/prosecuting-crimes-against-humanity-in-ethiopia-where-is-the-law: Accessed July 22, 2023

[165] Ibid

The other way to prosecute perpetrators with CAH is, since CAH has raised to the level of jus cogens which imposes erga omnes obligation[166], by applying customary international law. However, applicability of international law by Ethiopian courts is not familiar. Therefore, it is difficult to prosecute CAH in Ethiopia without domestic legislation which proscribes CAH.

The failure to prosecute CAH has an impact on the criminal justice system. The first impact is that some of the acts of the perpetrators may not constitute a 'crime' under the national law. It can be understood from the above-discussed cases that the perpetrators of the atrocities committed the crime intending to displace the victims from their birthplace. However, since Ethiopian law does not make forceful displacement a crime, it is not possible to prosecute the perpetrators for the crime of displacement.

To prosecute the defendants for the crimes of genocide, the intention of the perpetrators should be proved. The crimes of genocide refers, as provided under article 269 of the Criminal Code, the commission of the identified acts on the protected groups with the intention to destroy, in whole or in part, of that protected group. The acts of the perpetrators in the cases discussed were committed to remove the ethnic groups (based on the colour of victims) from the area. Whether the perpetrators committed the atrocities taking into consideration the ethnicity or colour of victims does not affect the perpetrators accountability regarding to crime of genocide, since both are protected groups under the code. There is no proof of the intent of perpetrators committing the atrocities with the intention of destroying, in whole or in part, of the victims of the crime. Their intent, as stated above, is to remove them from the area in order to secure their ownership of the land. Therefore, it can be concluded that they committed the atrocities with the intention to displace them from the area. It does not constitute as the crimes of genocide. It is difficult to prove the intention of perpetrators whether they committed the crime to destroy the group or not. Therefore, it is difficult to prosecute them for the crimes of genocide.

Ethnic cleansing is also not prescribed as a separate act of crime under the domestic legal system. The perpetrators of the atrocities attacked the victims to remove them from the area. This

[166] Tessema (n 19)

implies that, though not included as an international crime, the act constitutes ethnic cleansing.[167] Perpetrators may be accountable for the crime of ethnic cleansing when the crime was committed in the armed conflict. However, the atrocities did not constitute armed conflict. The act is done against specific ethnic groups on the mere fact of victims being members of that group. All these stated acts constitute CAH. Therefore, the failure of prosecuting defendants with CAH causes them to escape from liability for their wrongdoings, thus creating a negative impact on the criminal justice system.

The other impact is that prosecuting perpetrators of the atrocities with ordinary crimes by setting aside CAH disregards the fundamental notions and origins of the crime.[168] Prosecuting perpetrators of the atrocities with ordinary crimes fails to reflect the gravity and massiveness of the atrocities. It also comes up against the statute of limitations, the effects of amnesty laws, or other limits on the exercise of criminal action.[169] CAH is an international crime, a grave crime that threatens the world's peace, security, and well-being.[170]

As stated in chapter three, MoJ withdrew the charge of some defendants on the ground of public interest. As stated under Art. 28 of the FDRE constitution, the criminal liability of a person who committed the crime against humanity shall not be barred by a period of limitation as well as such offenses may not be commuted by amnesty or pardon of the legislature or any other state organ. This means that the perpetrators of the atrocities should be accountable for their wrongdoing. Therefore, it can be concluded that, since the government has the duty to prosecute perpetrators of the atrocities, the Ministry of Justice would not be able to withdraw the charge against certain defendants if they were charged with the CAH.

[167] Rotberg (n 16)
[168] Ibid
[169] Elena Maculan, 'International Crimes or Ordinary Crimes? The 'Dual Classification of the Facts' as an Interpretive Method'(2021) 21 International Criminal Law Journal 404 < file:///C:/Users/yenea/Downloads/icla-article-p403_403%20(1).pdf> accessed 25 June 2023
[170] ICC (n 5) Preamble, Para 3

4.3. Non-Appearance of Defendants and Witnesses

The other drawback of the prosecution of atrocious crimes discussed above is the failure of defendants to appear before the court. Regarding the identity of defendants, all of them were, except Fikiru Zeleke et al who were members of members of Gumuz ethnic group. As mentioned above, most of the defendants did not appear before the court. Some of the charges of those defendants were suspended and some other defendants were tried in absentia. Among 1461 defendants charged in Metekel zone, only 360 defendants, i.e. 24.64 % appeared before the court and were tried in their presence. The charge of 835 defendants (57.15%) was suspended due to the failure of the defendants to appear before the court. This data includes all 14 criminal charge files accessed in Metekel Zone. The remaining 266 defendants (18.2%) who did not appear before the court were tried in absentia. The total numbers of defendants tried by the court were 626 (42.84 %).

On the other hand, from the decided criminal cases of 6 criminal files in Metekel Zone, there were a total of 370 defendants. However, only 174 defendants (47 %) appeared before the court. As a result, the charges of 103 defendants (27.83 %) were suspended, subject to the resume of the charge upon the appearance of defendants, on the ground of non-appearance of defendants. The remaining 93 (25.13 %) defendants who did not appear before the court were tried in absentia. From the 3 criminal files terminated before the court's final decision, there were a total of 381 defendants. Of the total of 381 defendants, 337 (88.45 %) did not appear before the court. As a result, the charges of these defendants were suspended on the ground of non-appearance of defendants. This implies that from the total 751 defendants, only 218 (29 %) appeared before the court. The charges of 440 (58.58 %) defendants were suspended and 93 (12.38 %) were tried in absentia.

From the total 244 defendants charged in the Kamashe zone, only 19 defendants (7.78 %) appeared before the court. The remaining 225 defendants (92.21 %) failed to appear before the court and their charges were suspended on the ground of non-appearance of defendants. From the total 995 defendants in the cases discussed in Meteke and Kamashe Zone, only 237 defendants (23.91 %) were appeared and tried before the court, the charges of 665 defendants

(66.83 %) were suspended on the ground of non-appearance of defendants and the remaining 93 defendants (9.34 %) were tried in absentia. This indicates that most of the perpetrators of the atrocities were not brought to justice.

Various reasons were given for defendants not appearing in court. When the prosecutors I interviewed explained the reason why the defendants were not brought before the court, they explained that the security situation in the area was difficult and the federal police could not act together with the regional police to present them.[171] On the other hand, since many of the defendants were armed and joined the armed group, it was difficult to bring them to court.

Regarding prosecution witnesses, from 9 criminal files of Metekel Zone, there were a total of 555 prosecution witnesses intended to be testified before the court. However, only 164 prosecution witnesses appeared and testified before the court. On the other hand, from the total 194 prosecution witnesses intended to be testified before the court in Kamashe Zone, only 22 appeared and testified before the court. This implies that from the total 749 prosecution witnesses intended to be testified before the court, only 186 prosecution witnesses appeared and testified before the court. Due to the non-appearance of prosecution witnesses, the charges of 21 defendants of Metekel Zone and 13 defendants of Kamashe Zone were suspended subject to resume upon the appearance of prosecution witnesses.

I interviewed the prosecutors of the Ministry of Justice regarding the reasons why witnesses did not appear before the court. The interviewed explained the reasons why the prosecution witnesses do not appear and testified before the court.[172] The first is because most of the witnesses were victims of the crime and displaced from the area, so it was difficult for Federal Police to get them. The address of the witnesses registered when they testified during the investigation was where they used to live, but when they were required to appear before the court, they were displaced from their residence, so it became difficult to get and present them before the court.

[171] Interview (n 164)
[172] Ibid

The second reason is that since most of the defendants did not appear before the court, they feared that these defendants may cause more damage against them if they appeared and testified before the court. As provided under Proclamation no. 699/2010, MoJ may take protection measures for witnesses who are at risk of security.[173] However, MoJ did not take any protection measures. There was no capacity to take the protection measure due to the large number of witnesses who needed the protection measure[174].

The third reason why prosecution witnesses did not appear and testified before the court is a lack of trust in the justice system. As stated above, most of the defendants did not appear before the court. As a result, the witnesses did not believe that justice will be served in the condition that most of the defendants were not appear before the court. On the other hand, the defendants who appeared in court, as the case was terminated, did not want to testify because they did not believe that appearing and testifying before the court would ensure justice other than inviting danger to them.

Due to these mentioned reasons, most of the prosecution witnesses did not appear and testified before the court. As a result, the charges of some of the defendants, as stated above, were temporarily terminated subject to resume upon the appearance of witnesses; and some of the other defendants were acquitted of the charges brought against them.

4.4. Withdrawal of Charges

Regarding withdrawal of charges on the ground of public interest, from the total of 1461 defendants charged in Metekel zone, the charges of 310 defendants were withdrawn. These defendants were not only those who appeared before the court but also those who were tried in absentia. Only 316 defendants (in their presence and absentia) were tried before the court. It indicates that, from the total 1461 defendants, only 316 (21.62 %) were tried before the court. From the discussed 9 criminal files in Metekel Zone, the charges of 131 defendants were withdrawn by MoJ on the ground of public interest.

[173] Protection of Witnesses and Whistleblowers of Criminal Offences Proclamation No.699/2010, Art 4
[174] Interview with Wubet Gashsaw, Director of Witness Protection Directorate at MoJ

I have interviewed the above-mentioned senior Federal Public Prosecutors regarding the withdrawal of charges on the ground of public interest. From their response, I understand that MoJ did not take into consideration the right of victims while deciding to withdraw the charge.[175] When MoJ decided to withdraw the charge, the situation of the victims of crime was not taken into consideration and they were not compensated. The only reason to withdraw the charge was to deter other atrocities in the area.[176] As stated before, the organizers and masterminds of the atrocities were armed rebel groups and they were in a position to bargain with the government. As a result, to prevent further atrocities in the area, the government decided to withdraw the charges of perpetrators based on the negotiation undertaken between the government and the armed rebel group.[177] Whether the decisions to withdraw the charge bring positive result or not will be seen in the future.

Regarding withdrawal of charges on the ground of public interest, there is no legal framework that provides a guideline as to what factors are to be considered to decide whether withdrawal of a criminal charge is in the interest of the public. The atrocities resulted in, as stated above, the loss of life of persons, bodily injury, destruction of property and mass displacement. Therefore, the perpetrators of the atrocities should be accountable for their wrongdoing. If their accountability depends on their capacity to bargain with the government, it may lead others to follow in their footsteps. This indicates that the government is not able to bring the perpetrators to justice and protect against further atrocities in these areas.

Another issue that needs to be addressed about withdrawal of the charge on the ground of public interest is the issue of victims of the atrocities. When the decision is made to withdraw the charge, compensation should be paid to the victims of the crime and the displaced persons should return to their homes and resume their normal lives. However, it was understood from the prosecutors who were interviewed that nothing was said about the condition of the victims of the atrocities when the charge was withdrawn. The letters written by the MoJ to notify the court about the withdrawal of the charges simply states that 'the charges were withdrawn on the

[175] Proc. No 699/2010 (n 73)
[176] Interview with Bewketu Temesgen, Senior Prosecutor
[177] Ibid

ground of public interest.'[178] The right of victims of the atrocities did not consider when withdrawal of the charge decided by the MoJ.[179]

Deciding the withdrawal of charges on the ground of public interest without specifying which public interest should be protected by the withdrawal of the charge hurts the criminal justice system. There should be a guideline as to what factors are to be considered to decide the withdrawal of charges on the ground of public interest. On the other hand, the interests of the victims of the atrocities should be taken into consideration while deciding the withdrawal of the charge. If the withdrawal of the charge on the ground of public interest decided without considering the mentioned conditions, the trust of the public in the criminal justice system will be jeopardized. As mentioned above, one of the reasons why witnesses did not appear and gave their testimony before the court was because charges against the defendants were withdrawn on the ground of public interest without taking into consideration the victims of the atrocities, and it makes them lose faith in the criminal justice system.

4.5. Conclusion

There are gaps in the prosecution of atrocious crimes in BGRS Metekel and Kamashe Zones. One of the gaps is that, though the atrocities constitute the CAH, MoJ did not prosecute the perpetrators with the crime of CAH. The reason for the failure to prosecute with CAH is the lack of local legislation which proscribes CAH. On the other hand, though perpetrators of the atrocities are prosecuted with ordinary crimes, the prosecution is not effective. Most of the defendants did not appear before the court and the charges brought against these defendants were either suspended or they were tried in absentia. The charges of some of the defendants were withdrawn on the ground of public interest, though not clarified which public interest would be protected. Since most prosecution witnesses were not appeared and testified before the court, the charges of some defendants were suspended. As a result, only a limited number of defendants were tried and made accountable for their wrongdoing.

[178] The MoJ submitted the letters announcing the withdrawal of the charges of defendants in each criminal file and the letters are attached as an appendix.
[179] Ibid

As stated in chapter three, the atrocities resulted in the loss of human life, bodily injury displacement and the destruction of property. Therefore, most of the perpetrators should be brought to justice and be accountable for their wrongdoing. However, as mentioned above, only limited numbers of defendants were accountable. This erodes public confidence in the criminal justice system and makes them look at other options for justice.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATION

5.1 Conclusion

Atrocious crimes are a crime that affects the international community as a whole. These crimes include the crime of genocide, war crime and CAH. Though not prescribed as an international crime, ethnic cleansing is also one of the atrocious crimes. Regarding the prosecution of core crime in Ethiopia, the laws are not similarly applied. In the Oromo-Gumuz and Anuak-Nuwer trials, the perpetrators of the atrocities were prosecuted for the crime of genocide. All of these atrocities were ethnic-based and the court did not discuss the special intent of perpetrators. However, in the BGRS Meteke and Kamashe Zone trials, though the atrocities are similar to the former trials, i.e., ethnic-based atrocities, the perpetrators of the atrocities were not prosecuted with the crime of genocide.

The atrocities committed in BGRS Metekel and Kamashe Zone may constitute CAH. As the finding of the study indicates, most of the acts of the atrocities constitute the CAH. However, the perpetrators of the atrocities were prosecuted with other ordinary crimes. The Ethiopian criminal justice system does not proscribe CAH. This is the main reason why perpetrators of the atrocities were not prosecuted with CAH. Though CAH is an international crime, there is no convention that Ethiopia is a member party on CAH. To apply ICC Statute, states shall be the member of the Statute. Ethiopia is not a member state. Therefore, it makes it difficult to prosecute CAH by applying international criminal law.

The researcher has accessed 14 and 3 criminal files in Meteke and Kamashe Zone respectively. Only 9 criminal files in Metekel Zone and thus 3 criminal files in Kamashe Zone were discussed in detail. In Metekel Zone, 751 defendants were charged before the FHC. On the other hand, the total numbers of defendants in the Kamashe Zone were 244. The total numbers of defendants in the discussed files were 995. However, among these 995 defendants, only 239 appeared before the court and attended their trial. The charges of 663 defendants who failed to appear before the court were suspended and the remaining 93 defendants were tried in absentia. On the other hand,

of 239 defendants who appeared before the court, the charges of 33 defendants were suspended on the ground of non-appearance of prosecution witnesses. The charges of 69 defendants who were attending their trial were withdrawn by MoJ on the ground of public interest. Therefore, among 239 defendants who appeared before the court, the court decided only on 173 defendants. The remaining defendants' trials were not continued until the final decision of the court. This implies that most of the defendants were not brought to justice.

The withdrawal of charges on the ground of public interest is decided arbitrarily. Though there should be a guideline, there is no legal framework. MoJ decided the withdrawal of the charges of the defendants by taking into consideration the deterrence effect of the decision. The damages caused by the perpetrators of the atrocities and the victims of the atrocities were not considered.

All of these prosecutorial gaps lead to the erosion of public trust in the criminal justice system. As stated above, most of the defendants did not appear before the court and some other defendants' charges were withdrawn by the MoJ on the grounds of public interest. As a result, most of the prosecution witnesses failed to appear and testified before the court due to a lack of trust in the justice system and by fearing the dangers that the defendants who did not appear before the court may cause against them. Based on the finding of the research, the writer of the research forwarded the following recommendations.

5.2. Recommendations

Based on the finding of the study, the writer recommends that:

- Regarding the legal gap in the prosecution of CAH,
    - ✓ To prosecute perpetrators of atrocious crimes which may constitute CAH, Ethiopia should enact legislation that proscribes CAH. As stated above, it is difficult to prosecute CAH without domestic legislation which criminalizes CAH.
    - ✓ It is also another way to be a member of ICC to prosecute CAH and to fight impunity.

- On the other hand, most of the defendants were not tried due to the non-appearance of defendants and prosecution witnesses and some of the other defendants were tried in absentia. Therefore, to bring them to justice:

  - ✓ FPC should employ sufficient human resources in the areas that the atrocities arose
  - ✓ It should establish its department to facilitate its duty
  - ✓ There should be cooperation between FPC and Regional Police departments
  - ✓ The Ministry of Justice should establish a system to monitor the efforts of the Federal Police Commission on the criminal files closed due to the non-appearance of witnesses and defendants to present these witnesses and defendants.

- On withdrawal of charges on the ground of public interest:

  - ✓ There should be a guideline as to what factors should be taken into consideration in deciding the withdrawal of charges
  - ✓ The interests of victims and the gravity of the atrocities should be considered
  - ✓ As stated above, it is the power of MoJ to withdraw the charge. Therefore, the court should have the power to review the decision of the MoJ on the withdrawal of the charge whether it protects the public interest or not.

Bibliography

I. Laws and Cases

➢ Domestic laws

The Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995

The Criminal Code of the Federal Democratic Republic of Ethiopia, 2004

The Criminal Procedure Code of Ethiopia, Proclamation No. 185/1961

Federal Attorney General Establishment Proclamation No. 943/2016

The Penal Code Proclamation of 1957

➢ Domestic Cases

Federal Public Prosecutor v. Abebe Kebede et al, Federal High Court, File No. 272094

Federal Public Prosecutor v. Abult Kasahun et al, Federal High Court, File No. 272220

Federal Public Prosecutor v. Adgo Gidie et al, Federal High Court, File No. 266162

Federal Public Prosecutor v. Dergu Ferenji et al, F Federal High Court, File No. 272216

Federal Public Prosecutor v. Dulib Zerie et al, Federal High Court, File no. 2266190

Federal Public Prosecutor v. Erena Babur et al (2021), Federal High Court, 240713

Federal Public Prosecutor v. Fancha Amsaya et al, (2014), Federal High Court, File No. 240549

Federal Public Prosecutor V Fekade Chefie et al (2022), Federal High Court, 245088

Federal Public Prosecutor v. Fikiru Zeleke et al, Federal High Court, File No. 272217

Federal Public Prosecutor v. Gezahegn Kebede et al, Federal High Court, File No. 272218

Federal Public Prosecutor v. Gemechu Gutma et al(2021), Federal High Court, 245161

Federal Public Prosecutor v. Gidey Simeneh et al, (2014), Federal High Court, File No. 245396

Federal Public Prosecutor v. Giragn Gudeta et al, Federal High Court, File No. 266151

Federal Public Prosecutor v. Hailu Beguanguj et al, (2014), Federal High Court, File No. 271219

Federal Public Prosecutor v. Shaban Mensur et al, Federal High Court, File No. 272067

Federal Public Prosecutor v. Tsehay Bando et al, Federal High Court, File No. 272193

Federal Public Prosecutor v. Usman Merki et al, Federal High Court, File No. 266229

- **International Treaties and Foreign Laws**

Rome Statute of the International Criminal Court, (2002) 2187 UNTS 90

Hague Convention IV with Respect to the Laws and Customs on Land (with Annexed Regulations) (18 October 1907)

Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, annex, 8 August 1945, 59 Stat. 1544, 82 UNTS 280

Statute of the International Criminal Tribunal for the Former Yugoslavia

United Nation, Geneva Conventions of 12 August 1949

- **International Cases**

Prosecutor v. Kambanda (1998), ICTR, ICTR -97-23-S

Prosecutor vs. Dusko Tadic, (1995), ICTY, IT-94-1-A

II. Books and Articles

Lavery K. "Prosecution of Mass Atrocious Crimes" (United States Commission on International Religious Freedom 2019)

Scheffert D., 'Atrocious Crimes Framing the Responsibility to Protect' (2007-2009)40 Case W Res JInt'lL

Schabas W. A., Genocide in International Law: The Crime of Crimes (2nd edn, Cambridge University Press 2009)

Akhavan P., Reducing Genocide to Law: Definition, Meaning, and the Ultimate Crime (Cambridge University Press 2012)

Robert I. Rotberg(ed), Mass Atrocious Crime: Preventing Future Outrages (World Peace Foundation 2010)

Tadesse Simie Metekia, Prosecution of Core Crimes in Ethiopia: Domestic Practice vis-à-vis International Standards, (Koninklijke Brill NV, Leiden, 2021)

Tadesse Simie Metekia, Punishing Core Crimes in Ethiopia: Analysis of the Domestic Practice in Light of and in Comparison, with Sentencing Practices at the UNICTS and the ICC, (International Criminal Law Review, University of Groningen2019)

M.T. Tessema, Prosecution of Politicide in Ethiopia: The Red-Terror Trials (The Hague: Asser Printing Press, 2018)

Larry May, Crimes against Humanity: A Normative Account (Cambridge University Press 2005)

Robert Dubler SC Matthew Kalyk, Crimes against Humanity in the 21st Century Law: Practice and Threats to International Peace and Security (Brill/Nijhoff, 2018)

Robert Cryer, Hakan Friman, Darryl Robinson and Elizabeth Wilmshurst, An Introduction to International Criminal Law and Perocedure, (Cambridge University Press 2007)

Matthew Lippman, Crimes against Humanity (17 B.C. Third World L.J. 1997)
M. Cherif Bassiouni, 'International Law and the Holocaust' (1979) 9 CWILJ 201

M. Cherif Bassiouni, Crimes against Humanity: Historical evolution and Contemporary application (Cambridge University Press 2011)

Robert Cryer, Prosecuting International Crimes: Selectivity and the International Criminal Law Regime (Cambridge University Press 2005)

Larry May, Crimes Against Humanity: A Normative Account(Cambridge University Press 2005)

Raphael Lemkin, Axis Rule in Occupied Europe: Laws of Occupation 'Analysis of Government Proposals for Redress (Carnegie Endowment for International Peace Division of International Law 1944)

Donald Bloxham and A. Drink Noses (ed), The Oxford Handbook of Genocide Studies (Oxford University Press 2010)

III. Electronic sources

United Nation Office on Genocide Prevention and the Responsibility to protect @ <www.un.org/en/genocideprevention/ethnic-cleansing.shtml> last Accessed at 14/03/2023

Wubeshet Tiruneh "Prosecuting Atrocious Crimes Committed in Northern Ethiopia: The Need for Special National Prosecution Mechanism" @ <https://www.ejiltalk.org/prosecuting-atrocious-crimes-committed-in-northern-ethiopia-the-need-for-special-national-prosecution-mechanism/> last accessed on March 15, 2023

Tadesse Simie Metekia, Prosecuting crimes against Humanity in Ethiopia: Where is the Law? @ <https://issafrica.org/iss-today/prosecuting-crimes-against-humanity-in-ethiopia-where-is-the-law:> last accessed on June 22, 2023

Elena Maculan, 'International Crimes or Ordinary Crimes? The 'Dual Classification of the Facts' as an Interpretive Method' (2021) 21 International Criminal Law Journal 404 @ <file:///C:/Users/yenea/Downloads/icla-article-p403_403%20(1).pdf> last accessed on june 25, 2023

Ethiopian Peace Observatory, 'Political Violence in Benishangul/Gumuz Region' (1 April 2018-2 April 2021), @ https://epo.acleddata.com/benshangul-gumuz/ last accessed on March 14, 2023

OCHA, Ethiopia: Benishangul Gumuz Region - Flash Update, 6 January 2021, @ <https://www.unocha.org/publications/report/ethiopia/ethiopia-benishangul-gumuz-region-flash-update-6-january-2021> last accessed on March 14, 2023

IV. Interviews

Bewketu Temesgen, senior Public Prosecutor at Ministry of Justice

Birhanu Ashagrie, senior Public Prosecutor at Ministry of Justice

Birhanu Kebu, senior Public Prosecutor at Ministry of Justice

Gedifew Bantie, senior Public Prosecutor at Ministry of Justice

Wubet Gashaw, Director of the Directorate of Witness Protection directorate at MoJ

V. Other sources

Meku Degu, Crimes against humanity in the Ethiopian criminal justice, 2020

Fekadu Alemayehu, Prosecution of Crimes against Humanity and Genocide in Africa: A Comparative Analysis' (Addis Ababa University, 2010)

United Nations, General Assembly Resolution 260, Convention on the Prevention and Punishment of the Crime of Genocide, December 9, 1948 (UN Doc. A/RES/260(III))

United Nations, General Assembly Resolution 96 (I) (UN Doc. A/64/Add.1)

Appendix

በኢትዮጵያ ፌደራላዊ ዲሞክራሲያዊ ሪፐብሊክ
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ATTORNEY GENERAL

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ለተዘዋዋሪ ችሎት
አሶሳ

የዐ/መ/ቁ 001/12

የፌ/ፖ/መ/ቁ 12/2011

ከሳሽ...........የፌደራል ጠቅላይ አቃቢ ህግ

ተከሳሾች.......1ኛ ፋንቻ አምሳያ ገሳሳ እድሜ 1977

አድ. ቤኒሻንጉል ጉሙዝ ክልል መተከል ዞን ማንዱራ ወረዳ ግልገል በለስ ከተማ 02 ቀበሌ

ስራ፣የመተከል ዞን አስተዳደር እና ፀጥታ ሃላፊ

2ኛ ጊሳ ዚፋሃ ጅንዋ እድሜ 1979

አድ. ቤኒሻንጉል ጉሙዝ ክልል መተከል ዞን ማንዱራ ወረዳ ግልገል በለስ ከተማ 01 ቀበሌ ስራ፣የግልገል በለስ ከተማ አስተዳደር ከንቲባ

3ኛ ወ/ሮ ሙሉጎጃም አማረ ብልና እድሜ 1981

አድ.ቤኒሻንጉል ጉሙዝ ክልል መተከል ዞን ማንዱራ ወረዳ ግልገል በለስ ከተማ 02 ቀበሌ ስራ.የመንግስት

4ኛ ታዬ ማሞ ባዲሞ እድሜ.28

አድ.መተከል ዞን ማንዱራ ወረዳ ግልገል በለስ ከተማ 02 ቀበሌ

ስራ.የማንዱራ ወረዳ ግብርና ፅ/ቤት ሃላፊ

5ኛ ባንቲሁን ሽቱንጀ እድሜ.32

አድ.መተከል ዞን ማንዱራ ወረዳ ግልገል በለስ ከተማ 02 ቀበሌ

ስራ.የመንግስት ሰራተኛ

6ኛ ቡልት ጋንቺካ ሙሉ እድሜ. 45

አድ.መተከል ዞን ማንዱራ ወረዳ ግልገል በለስ ከተማ 01 ቀበሌ

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ስራ. የመንግስት ሰራተኛ

7ኛ፣ወያኔ መካ ዘለቀ እድሜ.1980

አድ.መተከል ዞን ማንዱራ ወረዳ ስራ.በማንዱራ ወረዳ የገቢዎች ፅ.ቤት ሃላፊ

8ኛመኮንን እምቢያለ ጎኔ እድሜ 26 አመት

አድ.መተከል ዞን ማንዱራ ወረዳ ግልገል በለስ ከተማ 02 ቀበሌ

ስራ.የማንዱራ ወረዳ ዋና አስተዳዳሪ

9ኛ አይሸሽም ሽቱ [illegible] (በሌለበት) አድሜ 25

አድ. መተከል ዞን ግልገል በለስ ከተማ 01 ቀበሌ

ስራ. [illegible] ሃላፊ

10ኛ መሀያ ድምና አድማስ እደሜ.30

አድ.መተከል ዞን ማንዱራ ወረዳ 02 ቀበሌ

ስራ.የማንዱራ ወረዳ ም/አስረዳዳሪ

11ኛ ጨብሴ ያደታ ነዱ እድሜ.1979

አድ.መተከል ዞን ማንዱራ ወረዳ ግልገል በለስ ከተማ 01 ቀበሌ

ስራ.የማንዱራ ወረዳ ፍትህ ጽ/ቤት ሃላፊ

12ኛ መሀመድ አረጋ መካ እድሜ.32 አመት

አድ.መተከል ዞን ማንዱራ ወረዳ 01 ቀበሌ

ስራ.የማንዱራ ወረዳ አስተዳደር ፀጥታ ሃላፊ

13ኛሌንታ መንግስቱ..........................በሌለበት እድሜ

አድ.

ስራ.

14ኛ ሽዋ ፌጠነ...................................በሌለበት እድሜ.

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አድ.

ስራ.

15ኛ፣ከማል ቴንሶ ……………………………በሌለበት እድሜ.

እድ.

ስራ.

16ኛ፣ባኬ ዋሾ ቤዋ እድሜ.31

አድ.መተከል ዞን ማንዱራ ወረዳ 01 ቀበሌ

ስራ.የመንግስት

17ኛ፣መንግስቱ ተበጀ ሸንጋ እድሜ .44

አድ.መተከል ዞን ማንዱራ ወረዳ 01 ቀበሌ

ስራ.የመንግስት ሰራተኛ

18ኛ፣አዲሱ ባከል ደጭ አድሜ.1977

አድ.መተከል ዞን ማንዱራ ወረዳ ድሃነዝባጉና ቀበሌ

ስራ.የቀበሌ አመራር

19ኛ፣ጋሻዉ ተሰራ አቡና እድሜ.1976

አድ. መተከል ዞን ማንዱራ ወረዳ

ስራ.የቀበሌ ፖሊስ ኦፊሰር

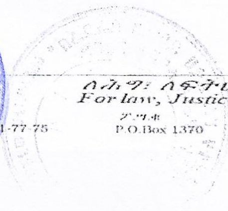
20ኛ፣በንንዴ ባጅን ……………………………በሌለበት እድሜ.

አድ.

ስራ.

21ኛ፣አሬጋዊ ገ/መድህን……………………በሌለበት እድሜ.

አድ.



ስራ.

22ኛ ፡ቀናዉ ነጋዴ ሁሬ እድሜ.39 አመት

አድ.መተከል ዞን ዳንጉር ወረዳ ማንቡክ ከተማ

ስራ.ገበሬ

23ኛ፡ኤፍሬም ባለድ..........................በሌለበት እድሜ.

አድ.

ስራ.

24ኛ አየሩ ደባሱ ሰዲ እድሜ.1976

አድ.መተከል ዞን ዳንጉር ወረዳ ማንቡክ ከተማ 01 ቀበሌ

ስራ.የዳንጉር ወረዳ መ/አስተዳዳሪ

25ኛ፡ንጉሴ አማረ ንሳዬ እድሜ.1974

አድ.መተከል ዞን ዳንጉር ወረዳ ማንቡክ ከተማ 01 ቀበሌ

ስራ.የመንግስት

26ኛ፡መለሰ ተፈራ.................በሌለበት እድሜ .

አድ.

ስራ.

27ኛ፡አበበ ማሩ...........በሌለበት

አድ.መተከል ዞን ዳንጉር ወረዳ

ስራ.

28ኛ፡መላኩ ቲሳ አዶላ እድሜ.1967

አድ.መተከል ዞን ዳንጉር ወረዳ

ስራ.የመንግስት

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
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29ኛ፣አስማማዉ ላቀዉ ፈዚሁን እድሜ.1980

አድ.መተከል ዞን ማንዱራ ወረዳ ግልገል በለስ ከተማ

ስራ.የግልግል በለስ ከተማ አሰተዳደር ገቢዎች ፅ/ቤት ሃላፊ

30ኛ፣አለማየዉ አባይ……………በሌለበት

አድ.መተከል ዞን ዳንጉር ወረዳ

ስራ.

31ኛ፣ስሜነህ ታደሰ…………………በሌለበት እድሜ.

አድ.መተከል ዞን ዳንጉር ወረዳ

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32ኛ፣ለሜሳ ሰንበታ…………………………በሌለበት እድሜ.

አድ.መተከል ዞን ዳንጉር ወረዳ

ስራ.

33ኛ፣ጌታሁን ጉድሬ ላዉ እድሜ.1989

አድ.መተከል ዞን ዳንጉር ወረዳ አዝርቲ ክትሊ ቀበሌ

ስራ.የመንግስት

34ኛ፣ማንደፍሮ ፈይሳናስ እድሜ.1974

አድ.መተከል ዞን ዳንዱር ወረዳ ቀበሌ 01

ስራ.የዳንጉር ወረዳ ግብርና ፅ/ቤጽ ኃላፊ

35ኛ፣አለሙ መላኩ………በሌለበት እድሜ 30

አድ.መተከል ዞን ዳንጉር ወረዳ

ስራ.

36ኛ፣አሰፋ ይታይህ አያልነህ እድሜ.1970

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37ኛ፣ደስታዉ አስረስ አካሉ እድሜ 1959

አድ.ቤ/ክ/መተከል ዞን ዳንጉር ወረዳ ማንቡክ ከተማ

ስራ.የግል

38ኛ፣መላክ ታደገ ተፈሪ እድሜ.1959

አድ.ቤ/ክ/መተከል ዞን ዳንጉር ወረዳ ማንቡክ ከተማ

ስራ.

39ኛ፣መልካሙ በላይ.............................በሌለበት.እድሜ

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40ኛ፣ታደለ በላይ..........................በሌለበት እድሜ

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41ኛ፣አየነዉ አይቸዉ.......................በሌለበት እድሜ

አድ.

ስራ.

42ኛ ፣አበበ አዲሱ.......................በሌለበት እድሜ

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43ኛ ይስማዉ አንለይ.....................በሌለበት እድሜ

አድ.

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44ኛ ዋለ በላይነህ....................በሌለበት እድሜ

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45ኛ ስሜነህ ሽመልስ..................በሌለበት እድሜ.

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46ኛ ማንደፍሮ ብርሃኑ...................በሌለበት እድሜ

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47ኛ በሪሁን ገበየሁ............................በሌለበት እድሜ

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48ኛ ደርበዉ ከበደ ገብሬ እድሜ.30 አመት

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49ኛ አይሸሽም አበጆ አቲካም አድሜ.38

አድ.መተከል ዞን ዳንጉር ወረዳ ቢዝር ቀበሌ

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50ኛ አቡሽ ይመኑ...........................በሌለበት እድሜ

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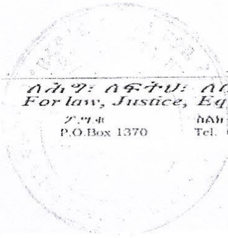

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51ኛ፣መሰረት ጌታሁን....................በሌለበት እድሜ

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52ኛ ቻለህ ዳርጌ..................በሌለበት

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53ኛ አሰማቸዉ አለሙ...........................በሌለበት እድሜ

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54ኛ ገረመዉ ይመኑ..........................በሌለበት እድሜ.

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55ኛ መልካሙ ጥላሁን...መሬለ..................~~በሌለበት~~ እድሜ. 35

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56ኛ የማምነዉ በጊዜበረስ እድሜ.40

አድ.መተከል ዞን ዳንጉር ወረዳ ቢዝር ቀበሌ

ስራ. ገበሬ

57ኛ፣ጉሙዝ ኪዊ ቦጌ እድሜ.22ኣመት

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58ኛ፣ተደሰ ያረጋል ዉባሌ እድሜ.29

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አድ.መተከል ዞን ዳንጉር ወረዳ

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59ኛ፣ዳምጠዉ ባድም..................በሌለበት እድሜ

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60ኛ፣ሃብታሙ ጃኔ ሲበን እድሜ.19 አመት

አድ.መተከል ዞን ዳንጉር ወረዳ ማንቡክ ከተማ

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61ኛ፣ደምሴ በየነ ድባንጅ እድሜ.23 አመት

አድ.መተከል ዞን ዳንጉር ወረዳ

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62ኛ፣መሃመድ አንከር ....በሌለበት እድሜ

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63ኛ፣አሊ ብጡል......................................በሌለበት እድሜ

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64ኛ፣ሶማሌ መንገሻ ባስድ እድሜ.48 አመት

አድ.አድሜ.መተከል ዞን ጉባ ወረዳ አይሲድ ቀበሌ

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65ኛ፣ሳሊ ባጉም................................በሌለበት እድሜ

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በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
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66ኛ፣መሀያ ድንሀ..............................በሌለበት እድሜ

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67ኛ፣አልማዉ ሳንቢት ጋዴ እድሜ.

አድ.መተከል ዞን ዳንጉር ወረዳ ዳቡህከኮል

ስራ.የግል

68ኛ፣አለሙ በጃርሶ ጅሮ እድሜ 1992

አድ.መተከል ዞን ዳንጉር ወረዳ

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69ኛ፣አዲሱ ወርቁ ይስማዉ. እድሜ.25 አመት

አድ. መተከል ዞን ዳንጉር አይስካ ቀበሌ

ስራ.የግል

70ኛ፣መኮንን ወርቁ ይስማዉ. እድሜ.1985

አድ.መተከል ዞን ዳንጉር ወረዳ

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71ኛ፣ባኪ ጅሮ ባጎ እድሜ .38

አድ.መተከል ዞን ዳንጉር ወረዳ አይስካ አዲስ ሰፈር

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72ኛ፣ሻቢያ ጎቆሮ ወንዴ እድሜ.15 አመት

አድ.መተከል ዞን ዳንጉር ወረዳ

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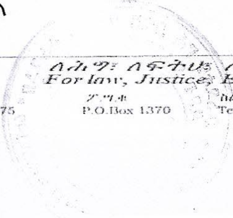

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73ኛ፣አለ. በጅፋ/ቦጋለ...............በሌለበት እድሜ 40

አድ. መተከል ዞን ዳንጉር ወረዳ ኢሣካ ቀበሌ

ስራ. ገበሬ

74ኛ፣አዳሙ ታሊ. ጎንጉይ እድሜ.31

አድ.ዳንጉር ወረዳ አይስካ ቀበሌ

ስራ.የግል

75ኛ፣ሽራሮ ጅማ ባሌ እድሜ.1995

አድ.መተከል ዞን ማንዱራ ወረዳ ግልገል በለስ ከተማ

ስራ.የግል

76ኛ፣አሰፋ አሊ. ጅሩ እድሜ.1977

አድ.መተከል ዞን ዳንጉር ወረዳ አይስካ ቀበሌ

ስራ.የግል

77ኛ፣በጃርሶ ጅሩ ባጎ እድሜ.1959

አድ.መተከል ዞን ዳንጉር ወረዳ ማንቡክ ከተማ

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78ኛ ፣መንግስቱ መርቁ ፋንቻ እድሜ.27 አመት

አድ.መተከል ዞን ማንዱራ ወረዳ

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79ኛ ፣መልካሙ በፈንጉል መሣ እድሜ.20 አመት

አድ.መተከል ዞን ዳንጉር ወረዳ አይስካ ቀበሌ

ስራ.የግል

80ኛ፣እንቢያለ ጅማ ባሌ እድሜ 1985

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ስራ.የግል

81ኛ፣ኡመር አሊ ጅሩ እድሜ.1994 አመት

አድ.መተከል ዞን ዳንጉር ወረዳ

ስራ.የግል

82ኛ፣ማንጎ የሱፍአድሜህንጮ እድሜ.28 አመት

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83ኛ፣ብረሃኑ ነጋዴ ሆሬ እድሜ

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84ኛ፣ተስፋዬ ቸኮል.........................በሌለበት እድሜ

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85ኛ፣ወርቁ..በሌለበት እድሜ

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86ኛ፣መሸሻ ሆሬ ናጆ እድሜ 65 አመት

አድ.መተከል ዞን ዳንጉር ወረዳ አይስካ ቀበሌ

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87ኛ፣ገነነዉ ቀኖ................................በሌለበት አድሜ

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88ኛ፣ገረመዉ ዘገየ........................በሌለበት እድሜ

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89ኛ፣ ኮ/ል ደሴ አምሳያ ኮርሴ እድሜ .1988

አድ.መተከል ዞን ማንዱራ ወረዳ ጉማዴ ቀበሌ

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90ኛ፣ታኬ ሽቱ ጃኬ እድሜ.32 አመት

አድ.መተከል ዞን ማንዱራ ወረዳ ገነተ ማሪያም ቀበሌ

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91ኛ፣አንዳርጌ ምጋኮ....................በሌለበት እድሜ

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92ኛ፣ጃኒማንጀር ችኳይ እድሜ.1988

አድ.መተከል ዞን ማንዱራ ወረዳ ማንዱራ ከተማ 02 ቀበሌ

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93ኛ፣ኩሲ ማንጀር...................... እድሜ

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94ኛ ፣መጋኮ ቡልት ሀንጮ እድሜ.46 አመት

አድ.መተከል ዞን ዳንጉር ወረዳ ዳቡከከል ቀበሌ

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95ኛ ፣በላይ አልሚክ ፁይ እድሜ.22 አመት

አድ.መተከል ዞን ዳንጉር ወረዳ ዳቦኮከል ቀበሌ

96ኛ.ይማም አልሚክ ፁይ…………………በሌለበት እድሜ……….

አድ.መተከል ዞን ዳንጉር ወረዳ ዳቡኮከል ቀበሌ

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97ኛ፣ምጋኮ ባጉና ቻያ እድሜ.30 አመት

አድ.መተከል ዞን ማንዱራ ወረዳ ድኩል ቀበሌ

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98ኛ፣አንዜ ባጉና ቻያ እድሜ.22 አመት

አድ.መተከል ዞን ማንዱራ ወረዳ ድኩል ቀበሌ

ስራ.ግል

99ኛ፣ወድሄ ስጌ ክዊ እድሜ.24 አመት

አድ.መተከል ዞን ማንዱራ ወረዳ ድኩል ቀበሌ

100ኛ፣ንሣዬ ባጉና ቻያ እድሜ 32 አመት

አድ.መተከል ዞን ማንዱራ ወረዳ ድኩል ቀበሌ

101ኛ ፣ጌታቸዉ አንተነህ ሻዊ እድሜ.1981

አድ.መተከል ዞን ማንዱራ ወረዳ ግልግል በለስ ከተማ 02 ቀበሌ

ስራ.የመንግስት

102ኛ፣በርኩንዲ መንገሻ ታንቀ እድሜ.1975

አድ.መተከል ዞን ዳንጉር ወረዳ ማንቡክ ከተማ 02 ቀበሌ

ስራ.የመንግስት

103ኛ፣መንግስቱ ወንዴ ባድም እድሜ.1982

አድ.መተከል ዞን ዳንጉር ወረዳ ማንቡክ ከተማ

ስራ.የመንግስት

104፣ም/ኢ/ርሀቢ.ብአሊቦሬ እድሜ.1963

አድ. መተከል ማረሚያ ቤት

1ኛ ክስ

ከ1ኛ እስከ 103ኛ ተከሳሾች ላይ ብቻ

ወንጀሉ

በ1996 ዓ.ም የወጣዉን የኢ.ፌ.ዲ.ሪ የወንጀል ህግ አንቀፅ 32/1/ሀ፣ለ፣35፣38/1/ እና 240/1/ለ፣/2/ ስር የተመለከተዉን በመተላለፍ ፣

የወንጀሉ ዝርዝር

ተከሳሾች በዋና ወንጀል አድራጊነት በመላ ሃሳባቸዉ እና አድራጎት በወንጀል ድርጊቱና በሚሰጠዉ ዉጤት ሙሉ ተካፋይ በመሆን ዜጎችን ወይም በአገር ነዋሪ የሆኑትን በማስታጠቅ ወይም አንዱ ወገን በሌላዉ ላይ የጦር መሳሪያ እንዲያነሳ በማነሳሳት የእርስ በርስ ጦርነት እንዲነሳ ለማድረግ በማሰብ በቤኒሻንጉል ጉሙዝ ክልል መተከል ዞንከታህሳስ ወር 2011 ዓ.ም ጀምሮ እስከ ሰኔ ወር አጋማሽ 2011ዓ.ምድረስ የጉሙዝ ተወላጆችን በመሰብሰብ በአካባቢዉ አጠራር ቀዮች(አማራዎች እና አጋዎች) በቤኒሻንጉል ጉሙዝ ክልል በመተከል ዞን በማንዱራ፣ በፓዊ፣ በጉባ እና በዳንጉር ወረዳዎች ባሉ በተለያዩ ቀበሌዎች መሬት በህገ ወጥ መንገድ ተይዟል እንዲሁም የድሮዉን አገዛዝ ሊያመጡባቹህ ነዉ.መሬታቹሁን ከመተከል ዞን ወደ አማራ ክልል ሊወስዱ ስለሆነ ሚያዚያ ወር 2011ዓ.ም የእህል መዝሪያ ሰኣት ሲደርስ ጠብቃቹሁ ወደ ሀገራቸዉ እንዲወጡ አድርጉ አልወጣም የሚል ቀይ ካለ አንድ በአንድ በድምፅ አልባ መሳሪያ ግደሏቸዉ የሚያስፈልጋቹሁን የቀስት መስሪያ አስራ አምስት ቁጥር ሚስማር እና የጦር መሳሪያ እናቀርባለን በማለት የጉሙዝ ተወላጆች በቀዮች ላይ ጦርነት እንዲከፍት በተለያዩ ቀናቶች የቅስቀሳ እና የማስተባበር ስራ ሲሰሩ ቆይተዉ በቀን 17/08/2011 ዓ.ም በዞኑ በዳንጉር ወረዳ በአይሲካ ቀበሌ አወት ገ/ስላሴ የተባለ የህዝብ ማመላሻ አሽከርካሪ ከአንድ የጉሙዝ ተወላጅ ወጣት ጋር በትራንስፖርት ታሪፍ አለመግባባት ፈጥረዉአሽከርካሪዉ በአካባቢዉ የፀጥታ ስራ የሚሰሩትን 05 የሚሆኑ የፌደራል ፖሊስ አባላትን በማምጣት ፖሊሶችም በአካባቢዉ ከሚኖሩ የጉሙዝ ተወላጆች ጋር አለመግባባት ፈጥረዉ ወደ ግጭት በመግባት አንድ የ12 አመት የጉሙዝ ተወላጅ በግጭቱ ሲሞት ይንን እንደ መልካም አጋጣሚ በመቁጠር እንዲሁም በ21/08/2011ዓ.ም በአማራ ክልል በአዊ ዞን በጃዊ ወረዳ በፍንድቃ ከተማ የጉሙዝ ተወላጆች ላይ ግድያ ተፈፅሟል አኛም በቀዮች ማህበረሰብ ላይ ተመሳሳይ ድርጊት እንፈጽማለን በማለት ሁለቱን ምክንያቶች መነሻ በማድረግ በአካባቢዉ አጠራር ቀዮችን ከዞኑ ለማፈናቀል የጉሙዝ ተወላጆች በቀዮች ላይ እርምጃ እንዲወስዱ ስመሪት በመስጠት ፣በአካል ቀበሌዎች ድረስ በመሄድ በማስተባበር፣የጦር መሳሪያ በማከፋፈል፣ቀስት እና ለቀስት መስሪያ 15 ቁጥር ሚስማር በማከፋፈል ፣የቀይ መህበረሰብ ላይ ግድያ እንዲፈፀም ቀጥተኛ

ትእዛዝ መበስጠት አንዱ በአንዱ ላይ እንዲነሳ በማድረግ ከሁለቱም ወገኖች በማንዱራ ወረዳ 16(አስራ ስድስት) ንፁሃን ሰዎች፣በድንጉር ወረዳ 56(ሃምሳ ስድስት) ንጹሃን ዘጎች፣በፓዊ ወረዳ 4(አራት) ንፁሃን ሰዎች በአጠቃላይ ከሁለቱም ወገን 76(ሰባ ስድስት) ሰዎች በአሰቃቂ ሁኔታ እንዲገደሉ በማደረግ፣በሺዎች የሚቆጠሩ የቀይ መህበረሰብ አባላት ከቤት ንብረታቸዉእንዲፈናቀሉ በማድረግ ከፍተኛ ግምትየሚያወጣ ንብረት እንዲወድም እና እንዲዘረፍ እንዲሁም 20(ሃያ)የሚሆኑ ሰዎች ከባድ የአካል ጉዳት እንዲደርስባቸዉ በማድረግ የተሳተፉ ሲሆን በተለይም፣

1ኛ ተከሳሽ የመተከል ዞን አስተዳደር ፀጥታ ሃላፊ ሆኖ ሲሰራ ህዝብ እና መንግስት የሰጠዉን ሓላፊነት ወደ ጎን በመተዉ የብሄር ግጭቱን በበላይነት በማነሳሳት፣በመስተባበር ፣የጦር መሳያ እና የቀስትመስሪያ አስራ አምስት ቁጥር ሚስማር እና ቀስት ለጉሙዝ ተወላጆች በማስታጠቅ እና በማከፋፈል ግጭቱን የመራ ሲሆን የ2011 ዓ.ም የፋሲካ በዓል ከመድረሱ አንድ ሳመንት ቀደም ብሎ ወደ ጊፂ ቀበሌ አስራ አምሰት ቁጥር ሚስማር አንድ ኪሎግራም ይዞ በመሄድ የኣካባቢዉን የጉሙዝ ተወላጆችን በመሰብሰብ በዚህ ሚስማር ቀስት ስርታቹሁ ተዘጋጁ ቀስቱ የሚያስፈልገዉ ቀዮችን በመግደል አካባቡዉን ከቀዮች ነፃ ማዉጣት አለባቹሁ ብሎ ትእዛዝ የሰጠ ሲሆን

ሚያዚያ ወር 2011 ዓ.ም በግልገል በለስ ከተማ ቀጠና 04 አካባቢ የአማራ ብሄር ተወላጆችን ለመጨረስ 15 ቁጥር ሚስማር 15 ኪሎገራም ቀስት እንዲያዘጋጁ ለጉሙዝ ተወላጆች ያከፋፈለ መሆኑ እንዲሁም በ21/08/2011 ዓ.ም በማንዱራ ወረዳ ልዩ ቦታዉዱዋንዝ ባጉና ከተባለ ቦታ ብዛት ያለዉ ቀስት እና ክላሽ ይዞ በመምጣት ለጉሙዝ ተወላጆች እንዲከፋፈል አድርጓል

1ኛ ተከሳሽከዞኑ ዋና ከተማ ግልገል በለስ አስተዳደር ከንቲባ ከሆነዉ ከ2ኛ ተከሳሽ ጋር በመሆን በ15/08/2011 ዓ.ም በማንዱራ ወረዳ በዳቦጊዎርጊስ ቀበሌ ከቀኑ 12:00 አካባቢ በተለምዶ ቻይና ካምፕ ተብሎ ከሚጠራዉ አካባቢ በርካታ ቀስት በመኪና በመጫን ወደ ገጠር ቀበሌዎች ለጉሙዝ ተወላጆች ወስደዉ ያከፋፈሉ ሲሆን እንዲሁም ሁለቱ ተከሳሾች ቀኑ በትክክል ባልታወቀ በሚያዚያ ወር 2011 ዓ.ም በኤዳዳ ቀበሌ ለጉሙዝ ተወላጆች 15 ቁጥር ሚስማር ለቀስት መስሪያ ያከፋፈሉ ሲሆን፣

1ኛ ተከሳሽ፣3ኛ ተከሳሽ ፣4ኛ ተከሳሽ ፣ 5ኛተከሰሳሽ እና 6ኛ ተከሳሽሚያዚያ 21 ቀን 2011 ዓ.ም በማንዱራ ወረዳ ድኩል ቀበሌ ከቀኑ 12:30 በግምት በሚሆንበት ጊዜ ወደ ቀበሌዉ በመምጣት የጉሙዝ ተወላጆችን በመሰብሰብ ቀስት በማዘጋጀት ቀዮቸወን መጨረስ አለባቹ በማለት ትእዛዝ በመስጠት ለዚሁም የሚሆን 15 ቁጥር ሚስማራ በማከፋፈል በተሠጣቸዉ ትእዛዝ መሰረት በግንቦት 04 ቀን 2011ዓ.ም ከቀበሌዉ ተፈናቅለዉ ወደ አማራ ክልል ከብቶች እየነዱ የሚሄዱትን ሶስት ወንድማማቾች ላይ 97ኛ ተከሳሽ ፣98ኛ ተከሳሽ ፣99ኛተከሳሽ ፣100ኛተከሳሽ በቀስት እና በጦር መሳሪያ ጥቃት በማድረስ ዉባንተ አባቴ እና ደመላሽ አባቴ በአሰቃቂ ሁኔታ እነዲገደሉ አድርገዋል እንዲሁም ፈንታሁን አባቴ በጦር መሳሪያ ተመትቶ ከባድ የግድያ ሙከራ እንዲደረግበት አድረገዋል በተመሳሳይ መልኩ ሁሉም ተከሳሾች ቀኑ በትክክል ባልታወቀ በግንቦት ወር በማንዱራ ወረዳ በጋና በርበዝካ ቀበሌ በመምጣት የአካባቢዉን የጉሙዝ ተወላጆችን በመሰብሰብ በአማራ ክልል በአዊ ዞን በጃዊ ወረዳ በኛ ሰዎች ላይ የተፈፀመዉን ግድያ እኛም በማንዱራላይ በቀይ ማህበረሰብ ላይ ስለምንፈፅም ለዚህ የሚሆን

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ጠቅላይ ዐቃቤ ሕግ
The Federal Democratic Republic of Ethiopia
Attorney General

ቁጥር
Ref.No
ቀን
Date

ቀስት ማዘጋጀት አለባቹ በማለት ትእዛዝ በመስጠት 15 ቁጥር ሚስማር አከፋፍለዋል በተለይም **3ኛ ተከሳሽ**በሚያዚያ ወር 201 1ዓ.ምለጉሙዝ ተወላጆች ዳቡጊዎርጊስ ቀበሌ ድረስ በአካል በመሄድ ጥቃት በቀዮች ላይ እንዲፈጸም ቅስቀሳ በማድረግ ጥይት ያከፋፈለች፣ቀዮች እንዲገደሉ ትእዛዝ እና ስምሪት በመስጠት ተሳትፋለች፣

4ኛ **ተከሳሽ**በማንዱራ ወረዳ በሚያዚያ ወር እና ግነቦት ወር 2011ዓ.ም በድኩል ቀበሌ በተለያየ ቀን ወደ ቀበሌዉ ጥይትና 15 ቁጥር ሚስማር ለቀስት ማሰሪያ ይዞ ሄዶ ለጉሙዝ ተወላጆች በማከፋፈል ቀዮች ሲፈናቀሉ ክብቶቻቸዉ እና እህሎቻቸዉን ይዘዉ እንዳይጡ ይዘዉ ከወጡ ግደሏቸዉ ብሎ ትእዛዝ በመስጠት በዚሁ መሰረትበግንቦት 04 ቀን 2011ዓ.ም ከቀበሌዉ ተፈናቅለዉ ወደ አማራ ክልል ከብቶች እየነዱ የሚሄዱትን ሶስት ወንድማማቾች ላይ በ97ኛተከሳሽ፣98ኛተከሳሽ፣99ኛተከሳሽ፣100ኛተከሳሽበቀስትና በጦር መሳሪያ ጥቃት በማድረስ ዉባንተ አባቴ እና ደመላሽ አባቴ በአሰቃቂ ሁኔታ እንዲገደሉ አድርገዋል እንዲሁም ፈንታሁን አባቴ በጦር መሳሪያ ተመትቶ ከባድ የግድያ ሙከራ እንዲደረግበትአድርጓል በተመሳሳይ መልኩ ግንቦት 07 ቀን 2011 ከድኩል ቀበሌ ተፈናቅለዉ ወደ አማራ ክልል ከብቶቻቸዉን ይዘዉ በመሄድ ላይ ያሉትን 1ኛ ሚች ማማጀ አለነን ለግዜዉ ባልታወቀ ተጠርጣሪ በቀስትና በጥይት እንድትገድል እነዲሁም የሚች ባለቤት ላይ በቀስትና በጥይት የግድያ ሙከራ እንዲደረግበት አስደርጓል፣

6ኛ **ተከሳሽ**ከ91ኛ፣92ኛ እና 93ኛ **ተከሳሾች** ጋር በመሆን በማንዱራ ወረዳ በአሲፃ ጎጥ በቀን 19/08/2011 ዓ.ም የጉሙዝ ተወላጆችን በመሰብሰብ በአካባቢዉ አጠራር ቀዮችን መግደል አለብን በማለት ሲቀሰቅሱ የነበረ ሲሆን እነዲሁም ቀስት አንዲያዘጋጁ ትእዛዝ በመስጠት በ21/08/2011 ጥቃት በቀዮች ላይ ሰንዝረዉ በርካታ ቀዮች ከቤት ንብረታቸዉ እንዲፈናቀሉ እና ንብረታቸዉ እንዲዘረፍ አስደርገዋል

7ኛ **ተከሳሽ** ከማዚያ 21 ቀን 2011 ዓ.ም አንስቶ እስከ ግንቦት 13 ቀን 2011 ዓ.ም በመተከል ዞን በማንዱራ ወረዳ ጉማዴ ቀበሌ ድረስ በሞተር ሳይክል እተመላለሰ የጉሙዝ ብሄር ተወላጆችን እየቀሰቀሰ እና እያደራጀ ቀዬችን እንዲገደሉ እና አንዲፈናቀሉ ትእዛዝ በመስጠት እንዲሁም ንብረታቸዉን አንዲዘረፉ የማስተባበር ስራ የሰራ ሲሆን በተለይም በቀን 21/08/201 ዓ.ም ከጠዋቱ 3፡00 ላይ በሻንጣ የክላሽ ጥይት እና የአብራራዉ ጥይት ይዞ በመምጣት ለ88ኛ **ተከሳሽ**በመስጠት ለጉሙዝ ተወላጆች እንዲከፋፈል ደረገ ሲሆን በዚሁ ቀን ማታ 3፡00 ጉሙዞችን ቀስቅሶ ተነሱ ቀዮችን እንግደል በለዉ በመቀስቀስ እስከ ግንቦት 12 ቀን 2011 ሲቀሰቅሱ ቆይተዉ በዚሁ ቀን ከቀኑ 6፡00 የጉሙዝ ተወላጆችን በማሰባሰብ አማራ እና የአገዉ ተወላጆች ንብረት ፣ቤት፣ እህል በጠቅላላዉ 300 ቆርቆሮ ቤት፣300 የሳር ቤት እንዲቃጠል ያደረጉ ሲሆን ንብረቱን ለማትረፍ ወደ ቦታዉ የሄደዉን የአገዉ ተወላጅ የሆነዉ አደራ ጥሩነህን በጥይት እንዲገድል እነዲሁም በርካታ ቀዬች ከቤት ንብረታቸዉ እንዲፈናቀሉ አድርገዋል

8ኛ **ተከሳሽ** በዞኑ የማንዱራ ወረዳ አስተዳዳሪ ሆኖ ሲሰራ ህዝብ እና መንግስት የሰጠዉን ሃላፊነት ወደ ጎን በመተዉ በዞኑ በተላያዩ ወረዳዎች የተነሳዉን የእርስ በርስ ግጭት ከ9ኛ **ተከሳሽ** ጋር በመሆን

ለሕግ፣ ለፍትህ፣ ለርትዕ!
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ጠቅላይ ዐቃቤ ሕግ
The Federal Democratic Republic of Ethiopia
Attorney General

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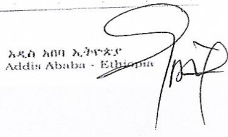
ከማዚያ ወር 2011 ዓ.ም ጀምሮ በተለይም በማንዱራ ወረዳ የተነሳዉን ግጭት በማስተባበር እና በመምራት በ22/08/2011 ዓ.ም ከማንዱራ ወረዳ ቁጥር ሁለት ቀበሌ ላይ ሁለቱም ተከሳሾች የጉሙዝ ተወላጆች በአካባቢዉ አጠራር በቀዮች ላይ ጥቃት እንዲፈፅሙ ቀስት እና የጥይት ፍሬ በማከፋፈል በአጠቃልይ በወረዳዉ በተለያዩ ቀበሌዎች የጉሙዝ ተወላጆች በቀዮች ላይ ጥቃቱን ፈፅመዉ የ16 ሰዎች ህይወትበኣሰቃቂ ሁኔታ እንዲጠፋ እና በሺዎች የሚቆጠሩ ቀዮች እንዲፈናቀሉ እንዲሁም ግምቱ ከፍተኛ የሆነ ንብረት እንዲወድም እና እንዲዘረፍ በማድረግ ተሳትፈዋል፣

10ኛ ተከሳሽየማንዱራ ወረዳ ም/አስተዳደር በመሆን ሲሰራ በመንግስት እና በህዝብ የተሰጠዉን ሓላፊነት ወደ ጎን በመተዉ በማንዱራ ወረዳ እና በዳንጉር ወረዳ የተነሳዉን የብሔር ግጭት ያስተባበረ ሲሆን በተለይም በ18/09/2011ዓ.ም ከቀኑ በግምት 10፡00 ሰኣት በሚሆነበት ጊዜ በዳንጉር ወረዳ አይስካ ቀበሌ በመምጣት የጉሙዝ ወጣቶችን በመሰብሰብ የእኛ ሰዎች በጃዊ ላይ ተጨፍጭፈዋል በማለት በሞባይል ሪኮረድ ያረገዉን የተጎዷዎችን ምስል እያሣየ ምን ትጠብቃላቹሁ ቀዬችን መጨረስ አለባቹ ብሎ ትእዛዝ በመስጠት በትእዛዙም መሰረት የጉሙዝ ተወላጆች በቀዬች ላይ ጥቃት በመሰንዘር በወረዳዉ በርካታ ቀዬች አያልቅበት ጌታነህን ጨምሮ እነዲገደሉ፣እንዲፈናቀሉ እና ንብረታቸዉ እንዲዘረፍ አድርገዋል

11ኛተከሳሽበማንዱራ ወረዳ የፍትህ ፅ/ቤት ሃላፊ በመሆን ስራዉን ሲሰራ መንግስት እና በህዝብ የተሰጠዉን ሃላፊነት ወደ ጎን በመተዉ የ2011 ዓ.ም የፋሲካ በዓል ከመድረሱ አንድ ሳምንት ቀደም ብሎ በወረዳዉ በዉዲት ቀበሌ በመገኘት በአካባቢዉ የሚኖሩ የጉሙዝ ተወላጆችን በመሰብሰብ እንደ ከማሺ ዞን በዚህ አካባቢ ረብሻ ቢነሳ በምንድነዉ እራሳቹሁን የምትከላከሉት መሳሪያቹሁን ሸጣቹሁ በልታቹሃል አሁን ቀስት ማዘጋጀት አለባቹሁ ብሎ በመቀስቀስ በቅስቀሳዉ መሰረት ቀስት በማዘጋጀት በአካባቢዉ በሚኖሩ በአካባቢዉ አጠራር ቀዬች በሚባሉ ማህበረሰብ ክፍል ላይ ጥቃት በመፈጸም በርካታ ቀዬች ከቤት ንብረታቸዉ እንዲፈናቀሉ፣እንዲገደሉ እና ንብረታቸዉ እንዲዘረፍ አድርጓል

12ኛ ተከሳሽየማንዱራ ወረዳ አስተዳደር ፀጥታ ሃላፊ ሆኖ ሲሳራ በመንግስታና በህዝብ የተሰጠዉን ሃላፊነት ወደ ጎን በመተዉ በዞኑ የተነሳዉን የብሄር ግጭት ሲመራ እና ሲያስተባብር የነበረ ሲሆን በተለይም ከ13ኛ፣ከ14ኛ፣ከ15ኛ ፣ከ16ኛ እና ከ17ኛ ተከሳሾች ጋር በመሆን እና በመምራት በካዝና ዉስጥ የነበረ ጦር መሳሪያ ለጉሙዝ ተወላጆች በየገጠሩ ያከፋፈለ እና የጦር መሳሪያ እና ቀስት በመያዝ በዳንጉር ወረዳ ጉሙዞች ስለሞቱ አኛም በወረዳችን ቀዬችን እንጨፈጭፋለን በማለት ቅስቀሳ በማድረግ በ18/08/2011 ዓ.ም ከምሽቱ 3፡00 ሲሆን ወደ ኤዲዳ ቁጥር ሁለት ቀበሌ አብረዉት ያሉትን ተከሳሾች መርቶ በመግባት ቀዮች የሚኖሩበትን ቤት ከበባ በማድረግ አዚህ አገር የእናንተ መሬት የለም ነገ ሕይወታቹሁን እና ንብረታቹሁን አታገኙም በማለት ጥቃት እንዲፈጸም በማድረድ በርካታ የቀይ ማህበረሰብ ከወረዳዉ ከቤት ንብረታቸዉ እንዲፈናቀሉ እና እንዲገደሉ አስደርገዋል ፣

17ኛ ተከሳሽ በ19/08/2011 ዓ.ም በግምት ከቀኑ 7፡00 ሲሆን በግልገል በለስ ከተማ ብዛት ያለዉ ቀስት በማዘጋጀት ቀዮችን ገለን መቼ ነዉ እሬሳ የምንበዳ እያለ ሲቀሰቅስ እና ሲያነሳሳ የነበረ መሆኑ እንዲሁም በ22/08/2011 ዓ.ም ከጠዋቱ 3፡00 በሚሆንበት ግዜ በግልገል በለስ ከተማ አሳዬ ተብሎ



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በሚጠራዉ ቤት ዉስት ጉሙዝ የተባለ ሁሉ እያንዳንዱ ቀስት በመያዝ ቀይ የተባሉ ማህበረሰቦችን ለመግደል መዘጋጀት እንዳለባቸዉ ሲቀሰቅስ የነበረ መሆኑ

18ኛ እና 19ኛ ተከሳሾች እንደቅደምተከተላቸዉ በማንዱራ ወረዳ በድወንዝ በጉና ቀበሌ ፖሊስ ኦፊሰር እና የቀበሌዉ ሊቀመንበር በመሆን ስራቸዉን ሲሰሩ የተሰጣቸዉን ሃላፊነት ወደ ጎን በመተዉ በቀን 21/08/2011 ዓ.ም ከቀኑ 6:00 በሚሆንበት ጊዜ በአካባቢዉ የሚኖሩ የጉሙዝ ተወላጆችን በመሰብሰብ የእኛ ወገኖች እና ዘመዶች በአማራ ክልል በጃዊ ወረዳ ስላለቁ እኛም አዚህ ያሉትን ቀዮች መግደል አለብን ቀስት ያለህ ቀስትህን መሳሪያ ያለህ መሳሪያህን በመያዝ መጀመሪያ መሳሪያ የያዘዉን እርምጃ መሰድ ቀጥሎ መሳሪያ የሌላቸዉን በእጃችን ይዘን እናርዳቸዋለን እያሉ ሲያስተባብሩ ቆይተዉ በዚሁ መሰረት በቀዮች ላይ ጠቃት ተሰንዝሮ በርካታ ቀዮች ከቤት ንብረታቸዉ እንዲፈናቀሉ አድርገዋል፣

20ኛ ተከሳሽ ፣21ኛ ተከሳሽ እና 22ኛ ተከሳሽበቀን 18/08/2011 ዓ.ም በግምት ከቀኑ 8:00 ሰኣት በሚሆንበት ግዜ በዳንጉር ወረዳ ጊጺ ቀበሌ ዉስጥ የጉሙዝ ብሄር ተወላጆች በአማራ ብሄር ተወላጆች ላይ ጥቃት እንዲፈፅሙ ሲያነሳሱ እና ሲያስተባብሩ የነበሩ ሲሆን በተለይም **20ኛ ተከሳሽ** የእኛ የጉሙዝ ልጆች ተገለዋል እኛም ቀዮችን መጨረስ አለብን እያለ በጦርነት መቀስቀሻ ጥሩምባ ቅስቀሳ በማድረግ ፣ለቀስት መስሪያ አስራ አምስት ቁጥር ምስማር ለጉሙዝ ተወላጆች ሲያከፋፍል የነበረ መሆኑ፣**21ኛ ተከሳሽ** ግጭቱ ሲነሳ 15 ካርቶን 15 ቁጥር ሚስማር ለቀስት መስሪያ በእርሻ ትራክተሩ አምጥቶ ማንቡክ ከተማ በዚሁ በ18/8/2011 ዓ.ም ያከፋፈለ መሆኑ ፣**22ኛ ተከሳሽ** አይሲካ ቀበሌ የጉሙዝ ብሄር ተወላጆች ስለተገደሉ ቀዮችን ግደሉ እያለ ሲቀሰቅስ እና ሲያስተባብር የነበረ ሲሆን በአጠቃላይ ሶስቱም ተከሳሾች በዳንጉር ወረዳ በማንቡክ ከተማ በተለያዩ ቀበሌዎች የጉሙዝ ብሄር ተወላጆች በአማራ ተወላጆች ላይ የእርስ በርስ ግጭት እንዲፈጠር ሲያስተባብሩ እና ሲመሩ የነበሩ ሲሆን በዚም መሰረት ጥቃቱ በአማራ ብሄር ተወላጆች ላይ ተሰንዝሮ በርካታ የአማራ ብሄር ተወላጆች እንዲፈናቀሉ፣እንዲገደሉ እና ሃብት ንብረታቸዉ እንዲዘረፍ አድርገዋል

23ኛ ተከሳሽበ17/08/2011 ዓ.ም በዳንጉር ወረዳ አይሲካ ቀበሌ በርካታ የጉሙዝ ተወላጆችን በማደራጀት እና የጦር መሳሪያ በማስታጠቅ ቀዮች እንዲገደሉ እና እንዲፈናቀሉ ትእዛዝ በመስጠት በትእዛዙ መሰረት ቀዮች ላይ ጥቃቱ ተፈጽሞ በርካታ ቀዮች ከቤት ንብረታቸዉ እንዲፈናቀሉ እና አንዲገደሉ አድርጓል

ከ24ኛ እስከ 35ኛ እና ከ101ኛ አስከ 103ኛ ያሉት ተከሳሾች በመተከል ዞን በዞን እና በወረዳ አመራርነት ተመድበዉ ስራቸዉን ሲሰሩ በህዝብና በመንግስት የተሰጣቸዉን ሃላፊነት ወደ ጎን በመተዉ በመተከል ዞን በዳንጉር ወረዳ ቆታ ቀበሌ ከቀን07/04/2011ዓ.ም እስከ 10/04/2011 ዓ.ም ድረስ በቀበሌዉ በመንቀሳቀስ የጉሙዝ ተወላጅወጣቶችን እየሰበሰቡ ፍየል በማረድና ወጣቶችን በመጋበዝ እናንተ ጉሙዞች ቀዮች የድሮዉን አገዛዝ ሊያመጡ እና መሬታቹሁን ከመተከል ዞን ወደ አማራ ክልል ሊወስዱ ስለሆነ ሚያዚያ ወር 2011ዓ.ም የእህል መዝሪያ ሰኣት ሲደርስ ጠብቃቹሁ ወደ ሀገራቸዉ እንዲወጡ አድርጉ አልወጣም የሚል ቀይ ካለ አንድ በአንድ በድምፅ አልባ መሳሪያ ግደሏቸዉ የሚያስፈልጋቹሁን የቀስት መስሪያ አስራ አምስት ቁጥር ሚስማር እናመጣላቹሃለን በማለት ሲቀሰቅሱ

የነበረ ሲሆን በተለይምከ24ኛ እስከ 30ኛ ያሉት ተከሳሾችቀዮች መተከል ዞንን ወደ አማራ ክልል ለማድረግ እየተንቀሳቀሱ ስለሆነ ቀስት በመስራት ጀርባ ጀርባቸውን እያላችሁ ግደሏቸው አልሞት ካሉ በድንጋይና በካራ ግደሏቸው በማለት ቅስቀሳ በማድረግ የብሄር ግጭቱ ሚያዚያ ወር አጋማሽ 2011ዓ.ም ሲቀሰቀስ በቦታዉ ድረስ በመሄድ የማስተባበር ስራ በመስራት ለቀስት መስሪያ የሚሆን 15 ቁጥር ሚስማር በካርቶን በመኪና እና በሞተር ሳይክል በማከፋፈል በቆታ ቀበሌ ግጭቱ በሁለቱ ብሄር መሃል ተነስቶ በርካታ ሰዉ ህይወቱ እንዲያልፍ እንዲሁም የቀይ ማህበረሰብ አባላት ከቤት ንብረታቸዉ እንዲፈናቀሉ በንብረታቸዉ ላይ ጉዳት እንዲደርስ በማድረግ ተሳትፈዋል

ከ36ኛ እስከ 46ኛ ያሉት ተከሳሾች በቀን 20/08/2011 ዓ.ም በግምት ከጠዋቱ 1:30 አካባቢ በዳንጉር ወረዳ በለስ ቁጥር ሁለት ተብሎ በሚጠራዉ አካባቢ 300 ከሚጠጉ የአማራ ብሄር ተወላጆችን በማደራጀት እና በመምራት ሁሉም የጦር መሳሪያ በመታጠቅ በአካባቢዉ በሚኖሩ የጉሙዝ ብሄር ተወላጆች ላይ ጥቃት በማድረስ 1ኛ፣ነጋዴ ሆራ 2ኛ፣ቸኮል ገሰሰ 3ኛ፣ካቺ ሰለሞን በአሰቃቂ ሁኔታ የገደሉ ሲሆን ጀንበር ጎሆንን፣መጋኮ ቢቴና እና ቀናዉ ነጋዴ ላይ ተኩስ ከፍተዉባቸዉ የግድያ ሙከራ ያደረጉ ሲሆን 26 የሚጠጉ የጉሙዝ ብሄር ተወላጆችን ቤቶችን በማቃጠል ተሳትፈዋል

ከ47ኛ አስከ 56ኛ ባሉት ተከሳሾችበቀን 27/08/2011 ዓ.ም በመተከል ዞን ዳንጉር ወረዳ በለስ ቁጥር ሁለት ቀበሌ ወይም ዳቡህኮከል ቀበሌ ሁሉም ተከሳሾች የጦር መሳሪያ በመታጠቅ በአካባቢዉ በሚኖሩ የጉሙዝ ተወላጆች ላይ ተኩስ በመክፈት የግል ተበዳይ አቶ አበበ ሰንቢት የገደሉ ሲሆን አልማዉ ሳንቢት ላይ ከባድ የአካል ጉዳት እንዲደርስ በማድረግ በቀጥታ ተሳታፊ በመሆናቸዉ

57ኛ ተከሳሽ በቀን 25/08/2011 ዓ.ም በማንዱራ ወረዳ ገነተ ማሪያም ተብሎ በሚጠራዉ አካባቢ አቶ ሰለሞን መኩሪያ ግልገል ከተማ ሰዉ እየተገደለ ነዉ አንተም በቀስት ሰዉ ግደል ብሎኛል በማለት ግልገል ቁጥር ሁለት ቀበሌ ተብሎ በሚጠራዉ አካባቢ የግል ተበዳይ ወርቅነህ አበጀን ከብት በመጠበቅ ላይ ሳለ የተለያዩ የሰዉነት ክፍሉን በአሰቃቂ ሁኔታ በቀስት በመዉጋት እና አንገቱን በማረድ የገደለዉ መሆኑ፣

58ኛ እና 59ኛ ተከሳሾች በ15/09/2011 ዓ.ም ከቀኑ 11:00 በሚሆንበት ጊዜ በዳንጉር ወረዳ ህዳሜ ቀበሌ ዉስጥ በወቅቱ ከብቶች በመፈለግ ላይ የነበረዉን የግል ተበዳይ ቀስስ ንጉሴን የእርስ በረስ ግጭቱን መሰረት በማድረግ በያዙት ቀስት በሰዉነቱ የተለያዩ ቦታዎች በአሰቃቂ ሁኔታ ወግተዉ የገደሉት መሆኑ

60ኛ ተከሳሽበዳንጉርወረዳ ዳቡኮከል ቀበሌ በ02/09/2011 ዓ.ም ከቀኑ በግምት 8:00 በሚሆንበት ጊዜ የጉሙዝ ተወላጆች በየ ቦታዉ እያለቁ ነዉ እኔም አማራ ብሄር ተወላጅን መግደል አለብኝ በማለት 08 ቀስት በመያዝ ወደ ጫካ በመዉጣት በወቅቱ ከብቶች ፍለጋ ላይ የሆነዉን የግል ተበዳይ አቶ እንገርዳን የአባቱ ስም የማይታወቅ በቀስት ልቡ ላይ በመዉጋት በአሰቃቂ ሁኔታ ህይወቱ እንዲያልፍ አድርጓል፣

61ኛ ተከሳሽ በ12/09/2011 ዓ.ም ከቀኑ 8:00 በሚሆንበት ግዜ በማንዱራ ወረዳ በጅግዳ ቀበሌ በአማራ ክልል በጃዊ ወረዳ በእኛ በጉሙዝ ተወላጆች ላይ ጭፍጨፋ ደርሷል እኛም አማራዎችን መጨረስ

አለብን ከሚል ሃሳብ በመነሳት የግል ተበዳይ አብዬ በላይን መኖሪያ ቤቱ ድረስ በመሄድ መጀመሪያ በቀስት ጭንቅላቱን በመምታት የግል ተበዳይ ሲወድቅ አንገቱን በካራ በማረድ በአሰቃቂ ሁኔታ በመግደል የእጅ ጣቱን ቆርጦ በማስቀረት አስከሬኑን ሽንት ቤት ዉስጥ የቀበረዉ መሆኑ፣

ከ62ኛ እስከ 66ኛበቀን 20/08/2011 ዓ.ም ከቀኑ በግምት 6፡00 ሰኣት በሚሆንበት ጊዜ በዳንጉር ወረዳ አሳዬ እርሻ ልማት ዉስጥ ሁሉም ተከሳሾች በነፍስ ወከፍ ክላሽ ታጥቀዉ በመግባት በስራ ላይ ያሉትን በአካባቢዉ አጠራር ቀዬችን የሚባሉትን 1ኛ፣አበበ አለሙ 2ኛ፣መላኩ ደመላሽ 3ኛ፣ምናለ ሽታዉ ላይ ተኩስ በመክፈት የገደሉዋቸዉ ሲሆን የግል ተበዳይ ጥበቡ ይልቃል እና ታንቴ ሞላን በማቁሰል ከባድ የአካል ጉዳት በማድረስ የእርስ በርስ ግጭቱ ዉስጥ የተሳተፉ መሆኑ

ከ67ኛ እስከ 81ኛ ያሉት ተከሳሾችበቀን 17/08/2011 ዓ.ም ከቀኑ በግምት 11፡00 ሰዓት ሲሆን በመተከል ዞን በዳንጉር ወረዳ አይስካ ቀበሌ አዲሱ ሰፈር ተብሎ በሚጠራዉ አካባቢ በወቅቱ በትራንስፖርት ታሪፍ ምክንያት አለመግባባት ተፈጥሮ በአካባቢዉ የህግ ማስከበር ስራ የሚሰሩ የፌደራል ፖሊስ አባላት ግጭቱን ለማስቆም ወደ ስፍራዉ ሄደዉ ግጭቱ ባለመቆሙ ከፌደራል ፖሊስ የተተኮሰ ጥይት አንድ የጉሙዝ ተወላጅን በመግደሉ ይህንን ወደ ብሄር ግጭት በመቀየር ሁሉም ተከሳሾች ክላሽ እና ቀስት ይዘዉ በመዉጣት የኛን ሰዉ የገደለ የፌደራል ፖሊስ ተላልፎ ይሰጠን አንድ ሰዉ ከኛ ሞቷል በምትኩ ሃያ ቀይ መሞት አለበት እያሉ የጉሙዝ ተወላጆችን በመቀስቀስ እና በማስተባበር በአካባቢዉ ልማዳዊ አጠራር ቀዬች የሚባሉ የማህበረሰ አባላትን በማሳደድ ትቃት በመፈጸም እና እንዲፈፀምባቸዉ በማድረግ የግል ተበዳዮች 1ኛ ፣ጋሻዉ በቀለ 2ኛ፣ፍቃዱ ደሳለኝ፣3ኛ ገብሬ አስማረ፣4ኛ ፣ስንታየዉ ጌትነት ፣5ኛ ፣ሙሉቀን ....6ኛ ፣ፍቃዱ መንግስቴ የተባሉትን በቀስት እና ጦር መሳሪያ በአሰቃቂ ሁኔታ የገደሏቸዉ ሲሆን በሺዎች የሚቆጠሩ ዜጎች ከቤት ንብረታቸዉ እንዲፈናቀሉ እና ንብረታቸዉ እንዲዘረፍ በማድረግ ተሳትፈዋል

82ኛ ተከሳሽ ከ78ኛ ተከሳሽ ጋር በመሆን በ25/08/2011 ዓ.ም ከጠዋቱ 1፡30 ሲሆን ፓዊ ወረዳ መንደር ሁለት ቀበሌ በለስ ወንዝ አካባቢ ወንዙን ተሻግረዉ ወደ የግል ተበዳይ አቶ ሙሉሰዉ ምስጌ የጫት ማሳ ዉስጥ በመግባት 82ኛ ተከሳሽ በያዘዉ ቀስት ወርዉሮ የግል ተበዳይ አቶ ሙሉሰዉ ምስጌን የቀኝ እጁ ላይ ሲመታዉ 78ኛ ተከሳሽ በያዘዉ ክላሽ የግል ተበዳይ አዲሱ ሙሉሰዉን በጥይት ለመምታት ምላጩን ሲሰበዉ የከሸፈበት ሲሆን የግል ተበዳዮች አምልጠዉ ሕወታቸዉን ያተረፉ ሲሆን ተከሳሾች የግል ተበዳዮች ላይ ከባድ የመግደል ሙከራ ወንጀል በማድረግ የእርስ በርስ ግጭቱ ዉስጥ ተሳትፈዋል

83ኛ እስከ85ኛተከሳሾችበቀን 24/09/2011 ዓ.ም ከቀኑ በግምት 12፡00 ሰዓት በሚሆንበት ጊዜ በዳንጉር ወረዳ ጉል ቀበሌ በወቅቱ በነበረዉ ግጭት ተፈናቅለዉ ወደ አማራ ክልል ንብረታቸዉን ጭነዉ በመፈናቀል ላይ ያሉትን መኪናዉን በማስቆም ተኩስ ከፍተዉባቸዉ 1ኛአበበ በላይነህ 2ኛ የፀዳዉ ተመስገን 3ኛ ልሳን ማሩ4ኛ ላቀ ከፍያለዉ 5ኛ ዮሃንስ አንተነህ ሲገድሉ ይበልጣል ምስጋናዉ፣ሞላ አስናቀዉ፣አዳሙ አለማየዉን በማቁሰል የወንጀሉ ተሳስታፊ ሆነዋል

በኢትዮጵያ ፌደራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ጠቅላይ ዐቃቤ ሕግ
The Federal Democratic Republic of Ethiopia
Attorney General

ቁጥር
Ref.No
ቀን
Date

86ኛ ተከሳሽካልተያዙ ግብረ አበሮቹ ጋር በመሆን በ02/09/2011 ዓ.ም ከጠዋቱ በግምት 12:00 ሰዓት በሚሆንበት ግዜ በዳንጉር ወረዳ ጊጺ ቀበሌ ላይ የግል ተበዳዮች እነ መሃመድ ጅብሪል አሳፍሮ ሲጓዝ የነበረዉን መኪና በማስቆም መሳሪያ እና ቀስት በመተኮስ የመግደል ሙከራ በማድረግ ተሳትፏል

87ኛ ተከሳሽ ከሌሎች ካልተያዙ ተጠርጣሪዎች ጋር በመሆን 19/08 /2011 ዓ.ም በመተከል ዞን ዳንጉር ወረዳ ዳቡኮከል ቀበሌ በግምት ከቀኑ 12:00 ሲሆን የግል ተበዳይ መስረሻበላይን በወቅቱ የብሄር ግጭቱ ፈርቶ ከብቶቹን ይዞ በመፈናቀል ላይ ሳለ በቀስት ወርዉሮ በመዉጋት በአሰቃቂ ሁኔታ ህይወቱ እንዲያልፍ አድርጓል

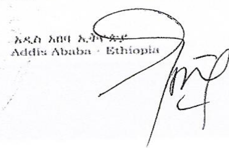
89ኛ ተከሳሽ በቀን 14/09/2011 ዓ.ም ከምሽቱ 12:00 ሲሆን በመተከል ዞን ማንዱራ ወረዳ ገነተ ማሪም አካባቢ በወቀቱ በነበረዉ ግጭት ተፈናቅለዉ ከማንዱራ ወረዳ ወደ አማራ ክልል በመኪና በመጓዝ ላይ ያሉትን 1ኛ አዲሱ ሞገስ 2ኛ እንዳልክ ወርቂ 3ኛ ወ/ሮ ሀገሬ ብርሃን ተኩስ ከፍቶባቸዉ በአሰቃቂ ሁኔታ የገደላቸዉ መሆኑ

90ኛተከሳሽ በቀን 21/08/2011 ዓ.ም ከቀኑ 9:00 ሰዓት በሚሆንበት ጊዜ በማንዱራ ወረዳ ገነተ ማሪያም ቀበሌ ጫካ ዉስጥ ከብቶች በመጠበቅ ላይ ያለዉን የግል ተበዳይ አዲሱ ሰዉአየዉን የተለያዩ የሰዉነት ክፍሉን በአሰቃቂ ሁኔታ በቀስት ስድስት ቦታ በመዉጋት የግድያ ሙከራ በማድረግ የተሳተፈ መሆኑ

91ኛ፣92ኛ እና 93ኛ ተከሳሾች ከ6ኛ ተከሳሽ ጋር በመሆን በማንዱራ ወረዳ በአሲፃ ጎጥ በቀን 19/08/2011 ዓ.ም የጉሙዝ ተወላጆችን በመሰብሰብ በአካባቢዉ አጠራር ቀዮችን መግደል አለብን በማለት ሲቀሰቅሱ የነበረ ሲሆን አነዲሁም ቀስት እንዲያዘጋጁ ትእዛዝ በመስጠት በ21/08/2011 ጥቃት በቀዮች ላይ ሰንዝረዉ በርካታ ቀዮች ከቤት ንብረታቸዉ እንዲፈናቀሉ እና ንብረታቸዉ እንዲዘረፍ አስደርገዋል

94ኛ ተከሳሽ በቀን 20/08/2011 ዓ.ም ከቀኑ 8:00 ሲሆን በዳንጉር ወረዳ ዳቦኮከል ቀበሌ አዝርቲ አዝመራ ተብሎ በሚታወቅበት ቦታ ከሌሎች ማንነታቸዉ ካልተለዩ እና ካልተያዙ ተጠርጣሪዎች ጋር በመሆን አማራዎች አባ ነጋዴ የሚባል የጉሙዝ ተወላጅ ከነቤተሰቡ ገለዋል እኛም አማራዎችን መግደል አለብን በሚል ለግዜዉ ስማቸዉ ያልታወቁ አንድ ሴት ከህጻን ልጇ ጋር እና ሁለት ወንዶችን በአሰቃቂ ሁኔታ በቀስት እና በድንጋይ በመግደል በአንድ ጉድጓድ ዉስጥ የቀበሩ መሆኑ

95ኛ ተከሳሽ እና 96ኛ ተከሳሽበዳንጉር ወረዳ ዳቡህኮከል ቀበሌ አዘርቲ አዝመራ ተብሎ በሚጠራዉ አካባቢ በቀን 20/08/2011ዓ.ም ከቀኑ በግምት 8:00 በሚሆንበት ጊዜ አባ ነጋዴ የሚባል የጉሙዝ ተወላጅ ከነባለቤቱ በአማራዎች ተገድሏል እንዲሁም በአማራ ክልል በአዊ ዞን በጃዊ ወረዳ በጉሙዝ ተወላጆች ላይ ግድያ ተፈጽሟል እኛም አማራዎችን መግደል አለብን በማለት በወቅቱ ሁለት ስማቸዉ ያልታወቀ የአማራ ብሄር ተወላጆች ከአዝመራ ጫካ ወደ ማንቡክ በመጓዝ ላይ ሳሉ በአሰቃቂ ሁኔታ በቀስት ወግተዉ እንዲሞቱ በማድረግ በአንድ ጉድጓድ የቀበሯቸዉ መሆኑ



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በኢትዮጵያ ፌደራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ጠቅላይ ዐቃቤ ሕግ
The Federal Democratic Republic of Ethiopia
Attorney General

ቁጥር
Ref.No
ቀን
Date

ከ97ኛ እስከ 100ኛ ተከሳሾች በቀን 04/09/2011 ዓ.ም በማንዱራ ወረዳ በድኩል ቀበሌ በግምት ከምሽቱ 1:30 ሲሆን በወቅቱ ግጭቱን በመፍራት ከድኩል ቀበሌ ወደ አማራ ክልል ከብቶቻቸዉን ይዘዉ እተፈናቀሉ ያሉትን 1ኛ የግል ተበዳይ ዉባንተአባቴ 2ኛ ደመላሽ አባቴ እና 3ኛ ፋንታሁን አባቴ ወንድማማቾች ላይ በቀስት እና በጦር መሳሪያ ተኩስ ከፍተዉባቸዉ 1ኛ እና 2ኛ የግል ተበዳዮች በአሰቃቂ ሁኔታ ህይወታቸዉ እንዲያልፍ ያደረጉ ሲሆን 3ኛ የግል ተበዳይን በማቁሰል የግድያ ሙከራ በማድረግ ተሳትፈዋል

በአጠቃላይ ከ1ኛ እስከ 12ኛ ያሉት ተከሳሾች እና ከ24ኛ እስከ 35ኛ የተጠቀሱት ተከሳሾች በዞኑ እና በወረዳዎች የተለያዩ በመንግስት ሃላፊነት ቦታ ተበድበዉ ሲሰሩ የተሰጣቸዉን ሃላፊነት ወደ ጎን በመተዉ ቀዮች በህገ ወጥ መንገድ መሬት ወረዋል እንዲሁም የዱሮዉን ስረአት በመመለስ ዞኑን ወደ አማራ ክልል ሊመልሱ ነዉ በማለትቀዮችን የእርሻ ሰዓት ሚዚያ ወር 2011 ዓ.ም ሲደርስ በሃይል ከዞኑ ለማሰወጣት እና ለማፈናቀል የጉምዝ ተወላጆችን በማደራጀት፣ በማስተባበር ፣በማነሳሳት፣ስምሪት በመስጠት እንዲሁም ቀስት እና ለቀስት መስሪያ አስራ አምስት ቁጥር ሚስማር እና የጦር መሳሪያ ከነጥይቱ በማከፋፈል የእርስ በርስ ጦርነት እንዲነሳ በማድረግ የጉሙዝ ተወላጆች ጥቃቱን በቀዮች ላይ እንዲፈጽሙ በማድረግ እንዲሁም ከ36ኛ እሰከ 56ኛ ያሉት ተከሳሾችም በጉሙዝ ተወላጆች ላይ ጥቃቱን በማድረስ በማንዱራ ወረዳ የ16 ሰዎች ፣በዳንጉር የ56 ሰዎች ፣በፓዊ የ4 ሰዎች በጠቅላላዉ ከሁለቱም ወገን የ76 ንፁሃን ዜጎች ህይወት በአሰቃቂ ሁኔታ እንዲጠፋ እና 20 ሰዎች ከባድ የአካል ጉዳት እንዲደርስ፣በሺዎች የሚቆጠሩ የቀዮች ማህበረብ አባላት ከቤት ንብረታቸዉ እንዲፈናቀሉእንዲሁምግምቱ ከፍተኛ የሆነ ንብረት ከሁለቱም ወገን እንዲዘረፍ እና እንዲወድም በማድረግ ሁሉም ተከሳሾች ከላይ በተገለፀዉ አግባብ በወንጀል ድርጊቱ የተሳተፉ በመሆኑ በፈፀሙት የጦር መሳሪያ ይዞ ማመጽ ወይም የእርስ በርስ ጦርነት በማስነሳት በመንግስት ላይ የሚደረግ ወንጀል ተከሰዋል፡፡

2ኛ ክስ

በ1ኛ አስከ12ኛ እና በ57ኛ ተከሳሾች ላይ ብቻ

<u>ወንጀሉ</u>

በ1996 ዓ.ም የወጣዉን የኢ.ፌ.ዲ.ሪ የወንጀል ህግ አንቀፅ 32(1) ሀ፣ለ፣35፣ 38(1) እና 539 (1) ሀ ስር የተመለከተዉን በመተላለፍ፣

የወንጀሉ ዝርዝር

ተከሳሾች በዋና ወንጀል አድራጊነት በወንጀል ድርጊቱና በሚሰጠዉ ዉጤት ሙሉ ተካፋይ በመሆን ሰዉ ለመግድል በማሰብ በመተክል ዞን በተለያዩ ወረዳዎች ከ17/08/2011 ዓ.ም ጀምሮ የተነሳዉን የእርስ በርስ ግጭት ከ1ኛ እስከ 12ኛ ያሉት ተከሳሶች በተለያየ ቀናቶች በማንዱራ ወረዳ ገነተማሪያም ቀበሌ ድረስ በመሄድ የጉሙዝ ተወላጆች ቀዮችን እንዲገድሉ እና እንዲያፈናቅሉ ትእዛዝ እና ቅስቀሳ በማድረግ በቀን 28/08/2011 ዓ.ም 57ኛ ተከሳሽ የግል ተበዳይ ወርቅነህ አበጀን ከብት በመጠበቅ ላይ ሳለ የተለያዩ የሰዉነት ክፍሉን በቀስት በመዉጋት እና አንገቱን በማረድ በአሰቃቂ ሁኔታ ህይወቱ እንዲያልፍ የደረገ በመሆኑ በፈፀሙት በከባድ ሰዉ መግድል ወንጀል ተከሰዋል፡፡

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ጠቅላይ ዐቃቤ ሕግ
The Federal Democratic Republic of Ethiopia
Attorney General

ቁጥር Ref.No
ቀን Date 1 9 2013

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በፌደራል ከፍተኛ ፍርድ ቤት

ስመተከልና አከባቢው ተዘዋዋሪ ችሎት

የፖ/መ/ቁ 577/13

አዲስ አበባ

ከሳሽ:- የፌደራል ጠቅላይ ዐቃቤ ህግ

ተከሳሾች:

1. ሻባን መንሱር ከሪሮ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
2. ሻባን ካባስ ረጅብ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
3. አልሀጅ ሳህኑን ጅበርትባ እድሜ 22 ስራ የመንግስት አድራሻ:- መ/ዞን ጉባ ወረዳ ማንኩሽ ቀበሌ
4. ጋሻው አህመድ እስማኤል እድሜ 27 ስራ የመንግስት አድራሻ:- መ/ዞን ጉባ ወረዳ ማንኩሽ ቀበሌ
5. ሰንቢት በቂ መሀመድ እድሜ 32 ስራ ገበሬ አድራሻ:- መ/ዞን ጉባ ወረዳ ማንኩሽ ቀበሌ
6. ያዕቆብ ፖሊስ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
7. ባንተ ፖሊስ ባፌሪ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
8. ጋሻው አብድሮህማን ባሻየው እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
9. በድን በሰንከር እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
10. አደም በልገሽ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
11. አብድንግ ከማል እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
12. ኤልባ አሊ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
13. አብደላ ጌትነት እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
14. ዘሪሁን ህክም እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
15. አልጋድ ጅታን እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
16. ሲማም አብሽ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
17. ሰገድ ሙጃን እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
18. ትርኩም በደርግ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ

ለሕግ፣ ለፍትህ፣ ለርትዕ!
For law, Justice, Equity

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19. መሰሰ ደርጉ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
20. ሙስጠፋ ያራት እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
21. ሀዋጅ ቢድ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
22. ረጅብ በኩር እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
23. ከርታቱ ስመድ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
24. ወ/ሮ ሳይማ አረጋ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
25. ወ/ሮ ፈጥና ሻልቢ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
26. እንድሪስ ሀምደን እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
27. ጫኔ አብሾክ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
28. ሰዩም ሚስማር እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
29. በረሁን አሸብር እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
30. አዲሱ ባውዲ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
31. ሙስጠፋ/ባሹ/ ጀሰኔ ሀሚስ እድሜ 22 ስራ ገበሬ አድራሻ:- መ/ዞን ጉባ ወረዳ አይሽመሽ ቀበሌ
32. ጉባ ባኬ አልመኪ እድሜ 33 ስራ ምኒሻ አድራሻ:- መ/ዞን ጉባ ወረዳ አይሽመሽ ቀበሌ
33. ማዘር ትንሳኤ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
34. ሳድቀ መርቀኒ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
35. ሬድዋን ሰዩም እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
36. አብድሮህማን ፖሊስ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
37. አንዳርጌ ጀላን እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
38. ወበቀ ጀላን እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
39. አሲ አባስ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
40. ሳሌ አባስ እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
41. ስሌማን አልፈን እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
42. አደም አልፈን እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
43. አቡድ ረመዳን እድሜ -- ስራ-- አድራሻ:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ

44. ሽባባው ረመዳን እድሜ -- ስራ-- አድራሻ�:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
45. ቀንጣሬ አቡድ እድሜ -- ስራ-- አድራሻ�:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
46. ገስመሳ ደፍሀሳ አልመኪ እድሜ 24 ስራ ምኒሻ አድራሻ�:- መ/ዞን ጉባ ወረዳ አደሽመሽ ቀበሌ
47. ቻሌ አልፈን አህመድ እድሜ 27 ስራ ገበሬ አድራሻ�:- መ/ዞን ጉባ ወረዳ አደሽመሽ ቀበሌ
48. አልፋል አልመኪ በብክር እድሜ -- ስራ ገበሬ አድራሻ�:- መ/ዞን ጉባ ወረዳ አደሽመሽ ቀበሌ
49. ሀጅና/አጅርገ/ ተሾመ አልመኪ እድሜ 21 ስራ ገበሬ አድራሻ�:- መ/ዞን ጉባ ወረዳ አደሽመሽ ቀበሌ
50. መድኔ መንግስቱ እድሜ -- ስራ-- አድራሻ�:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
51. አሊ ባስል እድሜ -- ስራ-- አድራሻ�:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
52. ሻምበል ጳራ እድሜ -- ስራ-- አድራሻ�:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
53. አስሌማን/ሱሊይማን ገበና እድሜ -- ስራ-- አድራሻ�:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
54. ዮሴፍ አደሳ እድሜ -- ስራ-- አድራሻ�:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
55. አቡሽ አሰግድ እድሜ -- ስራ-- አድራሻ�:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
56. ወሎ አሰገድ እድሜ -- ስራ-- አድራሻ�:- መተከል ዞን ጉባ ወረዳ -- ቀበሌ
57. ጅማ ተሎሳ ሲዲ እድሜ 20 ስራ ገበሬ አድራሻ�:- ካማሽ ዞን ሰደል ወረዳ ጎንቆሮ ቀበሌ
58. ኪሊ አሊ በደአ እድሜ 50 ስራ ገበሬ/ሚሊሻ አድራሻ�:- መ/ዞን ጉባ ወረዳ ባቢዘንዳ ቀበሌ
59. ደስሀቅ ገመዳ በውከ እድሜ 35 ስራ መ/ር አድራሻ�:- መ/ዞን ጉባ ወረዳ ባቢዘንዳ ቀበሌ
60. አሰማየሁ በውከ መስሀ እድሜ 32 ስራ ገበሬ አድራሻ�:- መ/ዞን ጉባ ወረዳ ባቢዘንዳ ቀበሌ
61. አብነህ ባሳድር አማሬ እድሜ 60 ስራ ገበሬ አድራሻ�:- መ/ዞን ጉባ ወረዳ ባዘንዳ ቀበሌ
62. ኢብራሂም ሸርነጥ ማዋን እድሜ 40 ስራ ገበሬ አድራሻ�:- መ/ዞን ጉባ ወረዳ አደሲዲ ቀበሌ
63. አስቻለው አዳሜ ሸልምቢ እድሜ 20 ስራ ተማሪ አድራሻ�:- መ/ዞን ጉባ ወረዳ ባቢዘንዳ ቀበሌ
64. ሂካ አምበሳ ደስታ እድሜ -- ስራ -- አድራሻ�:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
65. ሙስታ ስሜነህ በጣሬ እድሜ -- ስራ -- አድራሻ�:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
66. ሻምበል ሌንጫ በጤጤ እድሜ -- ስራ -- አድራሻ�:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
67. አሰፋ ጉታ ጋዚና እድሜ -- ስራ -- አድራሻ�:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
68. አስቻለ ገሰሰ በረዳ እድሜ -- ስራ -- አድራሻ�:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ

ፋክስ FAX 0115...
ፖ.ሣ.ቁ P.O.Box 1370
ስልክ Tel. 0115 51 50 00
አዲስ አበባ ኢትዮጵያ Addis Ababa, Ethiopia

69. ኮ/ር ማርዩ ቶሎሳ ዲንቃ እድሜ -- ስራ -- አድራሻ:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
70. ሳጅን አትንኩት ፍሰሀ ሽፈራው እድሜ -- ስራ -- አድራሻ:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
71. ሮመዳን በሽር እድሜ -- ስራ -- አድራሻ:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
72. እስራኤል በሳ እድሜ -- ስራ -- አድራሻ:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
73. መሀመድ ረቡ እድሜ -- ስራ -- አድራሻ:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
74. ባባየ የሱፍ ባኬ እድሜ 22 ስራ ነጋዴ አድራሻ:- መ/ዞን ወምበራ ወረዳ በገንዲ ቀበሌ
75. ባኬ ባጃርድ እድሜ -- ስራ -- አድራሻ:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
76. መሀመድ ሀሲድ እድሜ -- ስራ -- አድራሻ:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
77. አስቻስ መራ እድሜ -- ስራ -- አድራሻ:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
78. ልጃቡ ረቡ እድሜ -- ስራ -- አድራሻ:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
79. ተወካይ በሾም ሀይሌ እድሜ 25 ስራ ነጋዴ አድራሻ:- መ/ዞን ወምበራ ወረዳ መልካን 01 ቀበሌ
80. ባሴታ ኩልበር እድሜ -- ስራ -- አድራሻ:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
81. አዳሙ በግዱ እድሜ -- ስራ -- አድራሻ:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
82. ዲንጅ ባንዶ እድሜ -- ስራ -- አድራሻ:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
83. ጉርሜሳ ሊተፋ እድሜ -- ስራ -- አድራሻ:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
84. ገለታ ሽፈራው በምብሳል እድሜ 25 ስራ ገበሬ አድራሻ:- መ/ዞን ወምበራ ወረዳ መልካን ቀበሌ
85. ልባሽ ጎጅ እድሜ -- ስራ -- አድራሻ:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
86. ሽፈራው ሻሎ የምቡ እድሜ 27 ስራ ገበሬ አድራሻ:- መተከል ዞን ወምበራ ወረዳ መልካን ቀበሌ
87. ህዝባሎ ሃጆው እድሜ -- ስራ -- አድራሻ:- መ/ዞን ወምበራ ወረዳ -- ቀበሌ
88. ቶሎሳ አመኑ በቤጓፅ እድሜ 30 ስራ አ/አደር አድራሻ:- መተከል ዞን ቡለን ወረዳ አይጋሊ ቀበሌ
89. መብራቱ መንግስቱ በዓምን እድሜ 17 ስራ ተማሪ አድራሻ:- መተከል ዞን ቡለን ወረዳ አይጋሊ ቀበሌ
90. ገሰሰ ሁያጮ ባንዶ እድሜ 30 ስራ አ/አደር አድራሻ:- መተከል ዞን ቡለን ወረዳ አይጋሊ ቀበሌ
91. ተስፋዬ ልጊ ሴንጫ እድሜ 20 ስራ ተማሪ አድራሻ:- መተከል ዞን ቡለን ወረዳ አይጋሊ ቀበሌ
92. ተስፋዬ አድገ በኬ እድሜ 18 ስራ ተማሪ አድራሻ:- መተከል ዞን ቡለን ወረዳ አይጋሊ ቀበሌ
93. አመኑ አረጋ ቤዋ እድሜ 17 ስራ ተማሪ አድራሻ:- መተከል ዞን ቡለን ወረዳ አይጋሊ ቀበሌ

94. ባሲንገ ባበል ሻዊ   እድሜ 30 ስራ ገበሬ አድራሻ:- መተከል ዞን ወምበራ ወረዳ መልካን ቀበሌ

95. ሀብታሙ ሙሳ ወዲ   እድሜ 29 ስራ ገበሬ አድራሻ:- መተከል ዞን ወምበራ ወረዳ መልካን ቀበሌ

96. በሙሳ በጅኩ ወዳይ   እድሜ 30 ስራ ገበሬ አድራሻ:- መተከል ዞን ወምበራ ወረዳ መልካን ቀበሌ

97. ሸበሽ በየነ ሰርደ   እድሜ 30 ስራ ገበሬ አድራሻ:- መተከል ዞን ወምበራ ወረዳ መልካን ቀበሌ

98. ታረቀኝ ሲሰሴ መጌ   እድሜ 38 ስራ ገበሬ አድራሻ:- መተከል ዞን ወምበራ ወረዳ መልካን ቀበሌ

1ኛ ክስ

በሁሉም ተከሳሾች ላይ

ወንጀሉ

በ1996 ዓ/ም የወጣውን የወንጀል ህግ አንቀፅ 32(1)ሀ፣ ለ፣ 35፣ 38(1) እና 240(3) ስር የተመለከተውን ድንጋጌ በመተላለፍ:-

የወንጀሉ ዝርዝር

ተከሳሾች በተደራጀ ወይም በተነሳሳ የእርስ በርስ ጦርነት ወይም አንዱ ወገን በሌላኛው ላይ ጥቃት ለመፈፀም በተነሳበት ድርጊት ውስጥ ተሳታፊ በመሆን በዚሁ ፍርድ ቤት በመዝገብ ቁጥር 266151 በሆነው በክስ 1 ላይ የተጠቀሱት ተከሳሾች "የቤንሻንጉል ጉምዝ ክልላዊ መንግስትን መምራት ያለበት አሁን ስልጣን ላይ ያለው የብልፅግና ፓርቲ ሳይሆን የጉህዴን ፓርቲ ነው፣ ብልፅግና የሚባል ፓርቲ ለጉምዝ ህዝብ አያስፈልግም፣ መሬታችሁን አማራ ክልል ሲቀማችሁ ነው፣ በክልሉ መኖር ያለበት እና መሬቱን መጠቀም ያለበት የጉምዝ ተወላጅ ብቻ ነው ስለዚህ ከጉምዝ ብሄረሰብ ተወላጅ ውጭ የሆኑ ማህበረሰቦች በተለምዶ በአካባቢው "ቀይ" ወይም "አማራ" ተብለው የሚጠሩት መሬታችንን ወርረው የያዙብን ስለሆነ እና የብልፅግና ደጋፊዎች በመሆናቸው ለቀው ሊሄዱ ይገባል፣ ብልፅግና ማለት ደግሞ የጉምዝን መሬት ለቀዮች የሚሰጥ እና አሀዳዊ መንግስትን የሚመሰርት ነው፣ ስልጣን በአፈሙዝ እንደዛለን " በሚል በአነሳሱት እና በመሩት ወንጀል ተከሳሾች በራሳቸው ፈቃድ ተካፋይ ለመሆን በማሰብ እራሳቸውን የጉሙዝ ህዝቦች ነፃ አዉጭ ነን በማለት አሁን ለጊዜው ካልተያዙት ግብረአበሮቻቸው ጋር በመሆን የ "ቀይ" ወይም "አማራ" ማህበረሰብን እና የጉምዝ ብሄር ተወላጅ ሆኖ መንግስትን የሚደግፍ የመሰላቸውን በሙሉ ከአካባቢው መጥፋት አለባቸው በማለት በ 2012 ዓ.ም እና በ 2013 ዓ.ም በተለያዩ ቀንና ቦታ ላይ የተደራጀው የሽፍታ ሀይል ተተኳሽ የጦር መሳሪያ፣ ቀስት፣ ካራ፣

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ጠቅላይ ዐቃቤ ሕግ
The Federal Democratic Republic of Ethiopia
Attorney General

ቁጥር ______
Ref.No
ቀን ______
Date

መፐረቢያ እና የመሳሰሉትን በመጠቀም ህጻናትን ሁሉ ሳይለዩ ሁሉንም ሰዎች የሰውን አካል በመቆራረጥ በአሰቃቂ ሁኔታ በጅምላ እንዲገደሉ በማስደረግ፣ በርካታ ሰዎችም የአካል ጉዳት እንዲደርስባቸው ያደረጉና የተረፉትም ሀብት ንብረታቸውን ጥለው እንዲሸሹና እንዲፈናቀሉ ያስደረጉ ሲሆን የመከላከያ ሰራዊትም ሆነ ሌላ ማንኛውም የፀጥታ አካል ወንጀል ወደ ተፈፀመበት ቦታ ሲሄድ እና ለፀጥታ ማስከበር ስራ ከቦታ ወደ ቦታ ሲንቀሳቀስ በጫካ ተደብቀ ውጊያ በመክፈት በርካታ የፀጥታ ሀይሎችን እንዲገደሉ ያስደረጉ ሲሆን፤ በተለይም:-

ከ1ኛ-27ኛ ያሉ ተከሳሾች ከሌሎች 40 ከሚሆኑ ግብረአበሮቻቸው ጋር የጉህዴን ድርጅት ታጣቂ ሽፍታ በመሆን ህዳር 25/2013 ዓ.ም ከጥዋቱ 12:00 ሳይ በጉባ ወረዳ ማንኩሽ ከተማ ቀጠና 4 ፋንጉስ ከሚባል ቦታ ሳይ የተለያዩ ጦር መሳሪያ /ብሬን፣ ስናይፐር፣ ክላሽ/ በመያዝ ከአደሩበት ከ5ኛ ተከሳሽ ቤት ወጥተው በአከባቢው በሚኖሩ በተለምዶ ቀይ ከሚባሉ ማህበረሰቦች ላይ ማንነትን መሰረት ባደረገ ጥቃት ሰፈር ውስጥ ገብተው የተኩስ እሩምታ በመክፈት 1/ሀንሽ ገሰሰ 2/ ወ/ሮ አሙና ገሰሰ 3/ በሽር አለሚን 4/ ኡስማን ሀሰን 5/ ወጣት ቻይና ጋዋ 6/ ወ/ሮ ደህያ ኢብራሂም 7/ ህፃን ነፊስ ጁማ 8/ ወ/ሮ ሳሀያ መሀዩ 9/ ወ/ሮ ሞካ መኩሪያ 10/አቶ ጆን ሀሰን የተባሉ ሰዎችን በጥይት በመምታት የአካል ጉዳት እንዲደርስባቸው ያደረጉ ሲሆን 1/ መዲና ነጋሽ 2/ ወጣት ዳሬሰላም ጅማ 3/ አሙና አብደላህ 4/ የአሙና አብደላህ የ3 ዓመት ልጅ ቲንጅ/ጅማ/ ብሬንጅ 5/ ህፃን ሞባረክ ባውዲ 6/ ህፃን ራቢህ አቡድ 7/ አቶ ባሰን በኩብ የተባሉትን ሰዎችን በጥይት የገደሉ በመሆኑ እና በሰፈሩ ውስጥ 13 መኖሪያ ቤቶችን ያቃጠሉ በመሆኑ፤

ከ28ኛ-45ኛ ያሉ ተከሳሾች ከሌሎች 100 ከሚሆኑ ካልተያዙ ግብረአበሮቻቸው ጋር በመሆን ጥር 03/2013 ዓ.ም ከጥዋቱ 1:00 ሳይ በጉባ ወረዳ አይምሽምሽ ቀበሌ ውስጥ የተለያዩ የጦር ማሳሪያ /ብሬን፣ መትረጊስ፣ ክላሽ/ በመያዝ ማንነትን መሰረት ባደረገ ጥቃት ማስትም አማራን እና ወልቃይትን ብቻ በመለዩት ሚቾች 1/ ደበልጣል ደስማው 2/ቄስ ኤፍሬም ተ/ሀይማኖት 3/የማነ ብርሀኑ 4/ አስቴር አወቀ 5/ ሀረጓ/ሀረገወይን/ ገ/ህይወት 6/ ሽታዬ ከእነ ህጻን ልጇ/ገብረሚካኤል/ 7/ አብዱ 8/ በቀለ 9/ ብሩ 10/ አየሁ ያረጋል በአጠቃላይ 11 ሰዎችን እጃቸውን በሲባጎ ወደ ኋላ በማሰር ጥይት ተኩሰው በመምታት የገደሏቸው በመሆኑና ሰፈር ውስጥም በአጠቃላይ 6 ቤቶችን ያቃጠሉ በመሆኑ፤

ለሕግ፣ ለፍትህ ለርትዕ!
For law, Justice & Equity

ፋክስ ፖ.ሣ.ቁ ስልክ አዲስ አበባ ኢትዮጵያ

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ጠቅላይ ዐቃቤ ሕግ
The Federal Democratic Republic of Ethiopia
Attorney General

ቁጥር
Ref.No
ቀን
Date

32ኛ ተከሳሽ እና ከ46-49ኛ ያሉ ተከሳሾች ጥር 03/2013 ዓ.ም በጉባ ወረዳ አይምሽምሽ ቀበሌ ላይ ሽፍቶች መጥተው ጥቃት ባደረሱበት ወቅት የመንግስት ሚሊሻ ሆነው መሳሪያ ታጥቀው እያሉ ከሽፍታዎች ጋር በመተባበርና ሽፋን በመስጠት ጓደኛቸው የሆነውን ኡስማን መሀመድ የተባለው ሚሊሻ ሽፍቶች ሲደበድቡት ተከሳሾች አባሪ ተባባሪ በመሆን ዙሪያውን ከበው ሲስቁበት የነበረና የተፈጠረውን መልካም አጋጣሚ በመጠቀም የቀበሌውን ጤና ኬላ በመስበር የተለያዩ መድሀኒቶች በመዝረፍና በማደበሪያ በመከተት ስማሽሽ ሲሞክሩ የነበረ እና የነዋሪውን ህብረተሰብ ከጥቃት ከመከላከል ይልቅ አባሪና ተባባሪ የነበሩ በመሆኑ፤

ከ50ኛ-56ኛ ያሉ ተከሳሾች መስከረም ወር 2013 ዓ.ም ጀምሮ በተለያዩ ቀናት በጉባ ወረዳ አይሲዲ ቀበሌ ውስጥ ከሌሎች ግብረ አበሮቻቸው ጋር በመሆን ጫካ ውስጥ ሽፍተው የሚኖሩ ሲሆን በአከባቢው ማንነትን መሰረት ባደረገ ምክንያት በቀበሌው ውስጥ በእነዚህ ተከሳሾች መሪነት ጥቃት ሲፈፅሙ የነበረ ሲሆን መስከረም 26/2013 ዓ.ም ከጥዋቱ 1:20 ላይ በዚህ ቀበሌ ውስጥ የግብርና ስራ ይሰሩ የነበሩት ላይ ድንገተኛ ተኩስ በመክፈት ማን መሰረት ሽመልስን እና ይናገር አዲሱ የተባሉትን በጥይት የገደሏቸው በመሆኑ፤

57ኛ ተከሳሽ ከሌሎች ካልተያዙ ግብረ አበሮቹ ጋር በመሆን ነሐሴ 03/2012 ዓ.ም ከቀኑ 5:00 ጀምሮ ጉባ ወረዳ ያሬንጃ ቀበሌ በርፍት ነጥ ላይ የያሬንጃ ቀበሌ ሊቀመንበር፣ የሀገር ሽማግሌ እና የፀረ ሽምቅ ፖሊስ አባላት ወደ ቀበሌ እየሄዱ እያለ የሚሄዱበትን መኪና ተከሳሾች በመትረጊስ በመምታት እንዲገለበጥ በማድረግ 1/ ኢሊያስ 2/ መስፍን 3/ ታመነ መንዲ 4/ ሚሊሻ ግርማ 5/ አቢሲኒያ 6/ ፀጋዬ ታደሰ(የመከላከያ ሰራዊት አባል) በድምሩ 6 የክልሉ ፀረ ሽምቅ ፖሊስ እና መከላከያ ሰራዊት የተገደሉ ሲሆን 1/ ም/አ/አለቃ ፍሮምስ የሴፍ(የመከላከያ ሰራዊት አባል) 2/ ሰለሞን ታደሰ(የመከላከያ ሰራዊት አባል) 3/ ኮ/ር ከበደ ወ/ማሪያም የተባሉትን በጥይት መተው በማቁሰል የመግደል ሙከራ የፈፀሙ በመሆኑ እና መኪናው በመገልበጡ 1/ ኮ/ል ነጋሲ ብርሀኑ እና ሳጅን የሺጥላ ነመራ የአካል ጉዳት እንዲደርስባቸው በማድረጋቸው፤

ከ58ኛ-60ኛ ያሉ ተከሳሾች ጥቅምት 08/2013 ዓ.ም ከምሽቱ 2:00 ላይ እና በበነጋታው ጥቅምት 09/2013 ዓ.ም ላይ በጉባ ወረዳ ባቢዘንዳ ቀበሌ ውስጥ በአከባቢው በሽፍታነት የሚታዎቁትን እና በተለያዩ ጊዜ ወንጀል እየፈፀሙ በህግ የሚፈለጉትን ሽፍታዎች 1/ ለምሪ ገመዳ 2/ ለጃቡ በሰንኩር 3/ ጋሻው አብድርህማን 4/ ባንተ ፖሊስ የተባሉትን በቤታቸው በመደበቅ፣ የተለያዩ መድሀኒት በመግዛት፣ መረጃ በመስጠት እና ለህግ እንዳይቀርቡ ሽፋን በመስጠት ሲረዷቸው የነበረ በመሆኑ፤

ፋክስ FAX 0115 51 ... ፖ.ሣ.ቁ P.O.Box 1370 ስልክ Tel. 0115 51 50 00 አዲስ አበባ ኢትዮጵያ Addis Ababa, Ethiopia

61ኛ ተከሳሽ ደካቲት 7/2013 ዓ.ም ከቀኑ በግምት 12:00 ሰዓት ሳይ በጉባ ወረዳ ባቢዘንዳ ቀበሌ ውስጥ በአከባቢው በሽፍታነት የሚታዎቀትን እና በተለያዩ ጊዜ ወንጀል እየፈፀሙ በህግ የሚፈለጉትን ሽፍታዎች 1/ በገዳ በሜታ 2/ አብዱልበጊ ሻባን 3/ ዋድብል ካ.ይ 4/ ባልቡን ጋዊ የተባሉትን በቤቱ በመደበቅ፣ ምግብ በመስጠት፣ መረጃ በመስጠት እና በወቅቱ አሰሳ ስራ ሳይ የነበሩ የፀረ ሽምቅ አባላት ሳይ ከቤቱ ወጥተው ጥቃት እንዲፈፅሙ በማደረግ 1 የፀረ ሽምቅ አባል እንዲገደል ያደረገ በመሆኑ፤

62ኛ ተከሳሽ በ2013 ዓ.ም ወሩ እና ቀኑ በትክክል በማይታዎስ ጊዜ ከቀኑ 7:00 ሳይ በጉባ ወረዳ አደሲዲ ቀበሌ ልዩ ቦታው አደሲዲ ወንዝ ሳይ በጊዜው በፀጥታ ማስከበር እየተንቀሳቀሱ ባሉ በሀገር መከላከያ ሰራዊት ሳይ በአከባቢው ሳሉ የፀረሰላም ሀይሎች መከላከያ እየመጣባችሁ ስለሆነ ሽሹ በማለት በስልክ መረጃ በመስጠት ሲደግፍ የነበረ በመሆኑ፤

63ኛ ተከሳሽ ከሌሎች ካልተያዙ ግብረ አበሮቹ ጋር በመሆን በ2013 ዓ.ም ታህሳስ ወር ሳይ በተለያዩ ቀናት ጉባ ወረዳ በተለያዩ ቀበሌዎች ሳይ በመንቀሳቀስ ማንነትን መሰረት ባደረገ ጥቃት ሲፈፅሙ የነበረ በመሆናቸው እንዲሁም በተለያዩ ጊዜ ከሀገር መከላከያ ሰራዊት እና የክልሉ ፀረሽምቅ ፖሊስ ጋር ተኩስ በመግጠም ጥቃት ሲፈፅሙ የነበረ እና ተከሳሹም በሽፍታነት ሲንቀሳቀስ የነበረ በመሆኑ፤

ከ64ኛ-70ኛ ያሉ ተከሳሾች ጥር 08/2012 ዓ.ም ከቀኑ 5:00 አከባቢ በወምበራ ወረዳ ኮንግ ጀመራ ቀበሌ ውስጥ ከሌሎች ከክልል ባለስልጣናት ጋር ወደ ቀበሌው በመምጣት የቀበሌውን ህብረተሰብ ስስብሰባ በመጥራት እራሳቸው የመንግስት ሰራተኛ እና ተሹዋሚ ሆነው እያለ ገዢው መንግስት አይጠቅማችሁም ጉህዴንን ምረጡ በማለት ሲቀሰቅሱ ከቆዩ በኋላ በስብሰባው በተፈጠረው አለመግባባት ስብሰባውን በትነው በፍጥነት ወደ ወምበራ ወረዳ የሄዱ ሲሆን ወዲያውም የታጠቀው የሽፍታ ሀይል በመግባት በቀበሌው ውስጥ ማንነትን መሰረት ባደረገ ጥቃት 9 ቀይ ማህበረሰብ (አማራ) እንዲገደሉ እና አስክሬናቸው እንዳይገኝም እንዲቃጠሉ ያስደረጉ በመሆኑ እና ፀጥታውን ለማረጋጋት መከላከያ ሰራዊት ወደ ቦታው እንዳይገባ ሰላም ነው የተፈጠረ ነገር የለም በማለት የተሳሳተ መረጃ በመስጠት ለታጠቀው ሀይል ሽፋን ሲሰጡ የነበሩ በመሆኑ፤

ከ71ኛ -76ኛ ያሉ ተከሳሾች መስከረም ወር 2013 ዓ.ም ቀንና ሰዓቱ በትክክል በማይታዎስ ጊዜ በወምበራ ወረዳ ሙዝ ቀበሌ ሳይ ቀይ ሰው እዚህ ክልል መኖር የለበትም በሚል ማንነትን መሰረት ባደረገ ምክንያት

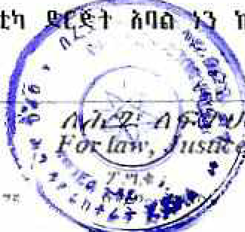
የተለያዩ የጦር መሳሪያ በመያዝ እና ጫካ በሽፍታነት በመግባት የተለያዩ ወንጀሎች ሲፈፅሙ የነበረ ሲሆን አከባቢያቸውን ከሽፍታ ለመጠበቅ ተደራጅተው በወጡ የቀበሌው ሚሊሻዎች ላይ የተኮሱ በመሆናቸው እና በከበባ የተያዙ በመሆኑ፤

77ኛ እና 78ኛ ተከሳሾች ጥቅምት ወር 2013 ዓ.ም ቀንና ሰዓቱ በትክክል በማይታዎስ ጊዜ በወምበራ ወረዳ ጳዲያ ቀበሌ ጎሪ ጎጥ ላይ ቀይ ሰው እዚህ ክልል መኖር የለበትም በሚል ማንነትን መሰረት ባደረገ ምክንያት የተለያዩ የጦር መሳሪያ በመያዝ እና ጫካ በሽፍታነት በመግባት የተለያዩ ወንጀሎች ሲፈፅሙ የነበረ ሲሆን አከባቢያቸውን ከሽፍታ ለመጠበቅ ተደራጅተው በወጡ የቀበሌው ሚሊሻዎች ላይ የተኮሱ በመሆናቸው እና በከበባ የተያዙ በመሆኑ፤

79ኛ ተከሳሽ መስከረም ወር/2012 ዓ.ም ቀኑ በትክክል በማይታዎስ ቀን በወምበራ ወረዳ መልካን 01 ቀበሌ ውስጥ ከእያንዳንዱ የቀበሌው ነዋሪ ላይ ከባለትዳር 100 ብር ትዳር ከሌላቸው ላይ 50 ብር ለፀረ ሰላም ሀይሎች ድጋፍ በሚል ካልከፈላችሁ ትገረፋላችሁ እያለ በድምሩ 7450 ብር /ሰባት ሺህ አራት መቶ ሀምሳ ብር/ በመሰብሰብ ለሽፍታ በማስረከብ ሲደግፍ የነበረ በመሆኑ፤

80ኛ እና 86ኛ ተከሳሾች ነሀሴ 29/2012 ዓ.ም ከቀኑ 9:00 ሰዓት ላይ በወምበራ ወረዳ ኤቤች ቀበሌ ኤባንጅ ጎጥ ላይ ቀይ ሰው እዚህ ክልል መኖር የለበትም በሚል ማንነትን መሰረት ባደረገ ምክንያት እያንዳንዳቸው በያዙት ባለ ሰደፍ ክላሽ መሳሪያ አከታትለው በመተኮስ ሟች አሳዬ ነመራን እና ደረጀ ይለማው የተባሉትን በጥይት በመምታት የገደሏቸው በመሆኑ፤

81ኛ ተከሳሽ ነሀሴ 26/2012 ዓ.ም ሰዓቱ በውል ባልታወቀ ጊዜ በወምበራ ወረዳ መልካን ቀበሌ ውስጥ ከፀረሰላም ሀይሎች ጋር ቀጥታ ግንኙነት በማድረግ የብልፅግና ፓርቲ አመራሮች ናችሁ በሚል ምክንያት 10 የቀበሌ አመራር እና 16 የሀገር ሽማግሌ አፍነው በዚሁ ተከሳሽ ቤት ያገቱና ተከሳሽም ሲጠብቃቸው የነበረ ሲሆን ከነዋሪው ማህበረሰብ ላይም ለሽፍታ የሚያግዝ በማለት ከእያንዳንዱ ከ100 ብር እስከ 300 ብር በነጭ ወረቀት እየሰበሰበ ለሽፍቶች ሲሰጥ የነበረ ሲሆን ከ81ኛ-87ኛ ያሉ ተከሳሾችም ጳጉሜ 02/2012 ዓ.ም ከጥዋቱ 2:00 እስከ 6:00 ባለው ጊዜ ውስጥ በወምበራ ወረዳ መልካን ቀበሌ ልዩ ቦታው ቤተክርስቲያን አከባቢ ጉህዴን ከሚባለው የፖለቲካ ድርጅት አባል ነን ከሚሉ ፀረ ሰላም ሀይሎች ጋር ተደራጅተው በአከባቢው ፀጥታ



ለማስከበር እና የታገቱ ሰዎችን ለማስለቀቅ ከተሰማራው የመንግስት ሀይል ላይ ድንገተኛ ተኩስ በመክፈት 3 የፖሊስ አባላት /ረ/ሳ ኢታና ሀብታሙ፣ ም/ሳ አድገ አምሳያ እና ረ/ሳ ሙስጠፋ/ ፣ 2 የፀረ ሽምቅ ፖሊስ አባላት እና 1 የአገር መከላከያ ሰራዊት አባል የገደሉ በመሆናቸው፤

ከ88ኛ-93ኛ ያሉ ተከሳሾች ህዳር 24/2013 ዓ.ም ከቀኑ 5:00 ሲሆን በወምበራ ወረዳ መልካን ቀበሌ ዲዒሳ ጎጥ ላይ ክሊሉች በርካታ ግብረ አበሮቻቸው ጋር በመሆን የተለያዩ የጦር መሳሪያ በመያዝ በፀጥታ ችግር ምክንያት ሀብት ንብረታቸውን ሳይይዙ አካባቢያቸውን ለቀው ወደ መልካን ቀበሌ ማዕከል የሄዱ ነዋሪዎችን ሀብት ንብረት/ፍየል፣ ከብት/ በመዝረፍ በአካባቢው ለሚንቀሳቀሱ ፀረ ሰላም ሀይሉች በመስጠት የሚረዱ እና የጥፋት ሀይሉ ጋር ቀጥታ ግንኙነት ያላቸው ሲሆን ፤ ከ94ኛ-98ኛ ያሉ ተከሳሾችም ከላይ የተጠቀሱትን ተከሳሾች በማስታጠቅ፣ መረጃ በመስጠት፣ ቤታቸው በማስቀመጥ እና ሽፋን በመስጠት ሲረዷቸው የነበረ በመሆኑ፤

በአጠቃላይ ተከሳሾች የህዝቡን ሰላምና ደህንነት ስጋት ውስጥ በመክተት በተለያዩ ጊዜያት በመተከል ዞን የተለያዩ ወረዳና ቀበሌዎች ውስጥ በድምሩ 44 /አርባ አራት/ የሰው ህይወት እንዲያልፍ፣ 15 /አስራ አምስት/ ሰው የአካል ጉዳት እንዲደርስበት፣ 19 /አስራ ዘጠኝ/ ቤቶች እንዲቃጠሉና መጠኑ ያልታወቀ የንብረት ጉዳት እንዲደርስ እና በዚህ ምክንያትም በርካታ በሺዎች የሚቆጠሩ ሰዎች ከአካባቢያቸው እንዲፈናቀሉ ያደረጉ በመሆኑ በዋና ወንጀል አድራጊነት ተካፋይ በመሆን በፈፀሙት በተነሳሳ ወይም በተደራጀ አንዱ ወገን በሌላኛው ላይ በተነሳበት አመፅ ወይም እንቅስቃሴ ውስጥ ተካፋይ መሆን ወንጀል ተከሰዋል።

<u>2ኛ ክስ</u>

<u>በ5ኛ ተከሳሽ ላይ ብቻ</u>

<u>ወንጀሉ</u>

በ1996 ዓ.ም የወጣውን የወንጀል ህግ አንቀጽ 525 /4/ /ሀ/ ስር የተመለከተውን በመተላለፍ፤

<u>የወንጀሉ ዝርዝር</u>

ተከሳሽ ራሱ ወይም ሌላ ሰው በግል እንዲጠቀም[illegible] በማሰብ በቀን 14/04/2013 ዓ.ም በጉባ ወረዳ ማንኩሽ ቀበሌ ቀጠና 4 ወስጥ በተከሳሽ መኖሪያ ቤት [illegible] ቤት የመበርበሪያ ትዕዛዝ መዝ/ቁ 14283 መ[illegible]ሰረት ቤቱ

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
በፍትሕ ሚኒስቴር የጠቅላይ ዐቃቤ ሕግ ዘርፍ
The Federal Democratic Republic Of Ethiopian
Ministry Of Justice, Prosecution General Division

2651/15

ቁጥር Ref.No 6/ጠ/0/የ/18
ቀን Date 27-6-15

ለፌደራል ከፍተኛ ፍ/ቤት መተከልና አካባቢዋ

1ኛ ተዘዋዋሪ ምድብ ችሎት

<u>ግልገል በለስ</u>

የፍ/ቤት መ/ቁ 272067
የዐ/ህግ መ/ቁ -------
ያፖሊስ መ/ቁ--------

ከሳሽ፡- የኢ.ፌ.ድ.ሪ.ፍ/ሚ/ጠ/ዐ/ህግ ዘርፍ

ተከሳሾች፡- እነ ሻባን መንሱር 98 ሰዎች

ጉዳዩ ፡- <u>ክስ ማንሳትን ይመለከታል፡፡</u>

በከሳሽ የኢ/ፌ/ድ/ሪ/ፍ/ሚ/ጠ/ዐ/ህግ እና በተከሳሾች እነ ሻባን መንሱር 98 ሰዎች በተከሰሱበት መ/ቁ 272067 ውስጥ ተከሰው ከነበሩ ተከሳሾች መካከል፤

1. 1ኛ ተከሳሽ ሻባን መንሱር ከራሮ
2. 2ኛ ተከሳሽ ሻባን ካባስ ረጅብ
3. 3ኛተከሳሽ. አልሀጅ ሳህኑን ጅበርትባ
4. 4ኛ ተከሳሽ ጋሻው አህመድ እስማኤል
5. 5ኛተከሳሽ ሰንቢት በቂ መሀመድ
6. 6ኛተከሳሽ ያዕቆብ ፖሊስ
7. 7ኛ ተከሳሽ ባንተ ፖሊስ ባፌሬ--
8. 8ኛ ተከሳሽ ጋሻው አብድሮህማን ባሻየው
9. 9ኛተከሳሽ.በድን በሰንክር-
10. 10ኛተከሳሽ.አደም በልገሽ ረዳ
11. 11ኛተከሳሽ.አብድንግ ከማል
12. 12ኛ ተከሳሽ.ኤልባ አሲ.
13. 13ኛ ተከሳሽ. አብደላ ጌትነት
14. 14ኛ ተከሳሽ ዘሪሁን ህክም
15. 15ኛ ተከሳሽ አልጋድ ጅታን
16. 16ኛተከሳሽ ሊማም አብሽ
17. 17ኛ ተከሳሽ ለግድ ሙጃን
18. 18ኛተከሳሽ ትርኩም በደርግ
19. 19ኛ ተከሳሽ መለሰ ደርጉ
20. 20ኛተከሳሽ ሙስጠፋ ያራት

ለሕግ ፤ ለፍትህ፣ ለርትዕ!
For Law, Justice, Equity

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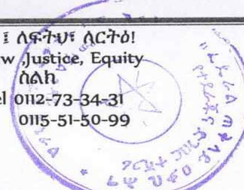

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
በፍትሕ ሚኒስቴር የጠቅላይ ዐቃቤ ሕግ ዘርፍ
The Federal Democratic Republic Of Ethiopian
Ministry Of Justice, Prosecution General Division

የፍትሕ ሚኒስቴር
MINISTRY OF JUSTICE

ቁጥር ________
Ref.No
ቀን ________
Date

21. 21ኛ ተከሳሽ ሀዋጅ ቢድ
22. 22ኛ ተከሳሽ ረጅብ በኩር
23. 23ኛ ተከሳሽ ከርታቱ ስመድ
24. 24ኛ ተከሳሽ ወ/ሮ ሳይማ አረጋ
25. 25ኛ ተከሳሽ ወ/ሮ ፊጥና ሻልቢ
26. 26ኛ ተከሳሽ እንድሪስ ሀምደን
27. 27ኛ ተከሳሽ ጫኤ አብሾክ
28. 28ኛተከሳሽ ስዩም ሚስማር
29. 29ኛ ተከሳሽ በሪሁን አሸብር
30. 30ኛ ተከሳሽ አዲሱ ባውዴ
31. 31ኛተከሳሽሙስጠፋ/ባሹ/ ጀለኔ ሀሚስ
32. 32ኛ ተከሳሽ.. ጉባ ባኬ አልመኪ
33. 33ኛ ተከሳሽ.ማዞር ትንሳኤ
34. 34ኛ ተከሳሽ.ሳድቅ መርቀኒ
35. 35ኛ ተከሳሽ ሬድዋን ስዩም
36. 36ኛተከሳሽ.አብድሮህማን ፖሊስ
37. 37ኛተከሳሽ..አንዳርጌ ጀላን
38. 38ኛ ተከሳሽ.. ወበቆ ጀላን
39. 39ኛ ተከሳሽ. አሊ አባስ
40. 40ኛ ተከሳሽ ሳሌ አባስ
41. 41ኛ ተከሳሽ ስሌማን አልፊን
42. 42ኛ ተከሳሽ.. አደም አልፊን
43. 43ኛ ተከሳሽ.. አቡድ ረመዳን
44. 44ኛ ተከሳሽ.. ሽባባው ረመዳን
45. 45ኛ ተከሳሽ ቆንጣሬ አቡድ
46. 46ኛ ተከሳሽ ገስመሳ ደፍሀሳ አልመኪ
47. 47ኛ ተከሳሽ ቻሌ አልፊን አህመድ
48. 48ኛ ተከሳሽ አልፏል አልመኪ በብክር--
49. 49ኛ ተከሳሽ.. ሀጀና/አጅርግ/ ተሾመ አልመኪ
50. 50ኛ ተከሳሽ.. መድኒ መንግስቱ---
51. 51ኛ ተከሳሽ.. አሊ ባስል
52. 52ኛ ተከሳሽ.. ሻምበል ጃራ
53. 53ኛ ተከሳሽ.. አስሌማን/ሱሌይማን ጎበና
54. 54ኛ ተከሳሽ.. ዮሴፍ አደላ
55. 55ኛ ተከሳሽ.. አቡሽ አስግድ
56. 56ኛ ተከሳሽ.. ዉሎ አስግድ
57. 57ኛ ተከሳሽ.. ጅማ ቶሎሳ ሊዲ
58. 58ኛ ተከሳሽ.. ኳሊ አሊ በደአ
59. 59ኛ ተከሳሽ.. ይስሀቅ ገመዳ በውክ

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60. 60ኛ ተከሳሽ.. አለማየሁ በውከ መለሀ
61. 61ኛ ተከሳሽ.. አብነህ ባሳድር አማራ
62. 62ኛ ተከሳሽ.. ኢብራሂም ሸርነጥ ማዋን
63. 63ኛ ተከሳሽ.. አስቻለው አዳሜ ሽልምቢ
64. 64ኛ ተከሳሽ.. ሂካ አምበሳ ደስታ
65. 65ኛ ተከሳሽ.. ሙለታ ስሜነህ በጣሬ
66. 66ኛ ተከሳሽ.. ሻምበል ሌንጫ በጤጤ
67. 67ኛ ተከሳሽ.. አሰፋ ጉታ ጋዚኖ
68. 68ኛ ተከሳሽ.. አስቻለ ገሰሰ በሬዳ
69. 69ኛ ተከሳሽ.. ኮ/ር ማርዬ ቶሎሳ ዲንቃ
70. 71ኛ ተከሳሽ.. ሮመዳን በሽር
71. 72ኛ ተከሳሽ.. እስራኤል በላ
72. 73ኛ ተከሳሽ.. መሀመድ ረቡ
73. 74ኛ ተከሳሽ.. ባባየ የሱፍ ባኬ
74. 75ኛ ተከሳሽ.. ባኬ ባጃርድ
75. 76ኛ ተከሳሽ.. መሀመድ ሀሊድ
76. 77ኛ ተከሳሽ.. አስቻለ መራ
77. 78ኛ ተከሳሽ.. ሺጃቡ ረቡ
78. 79ኛ ተከሳሽ.. ተወካይ በሾም ሀይሌ
79. 81ኛ ተከሳሽ.. አዳሙ በግዱ
80. 82ኛ ተከሳሽ.. ዲንጅ ባንዶ
81. 83ኛ ተከሳሽ.. ጉርሜሳ ኢተፋ
82. 84ኛ ተከሳሽ.. ገለታ ሽፈራው በምብላል
83. 85ኛ ተከሳሽ.. ሊባሽ ጎጅ
84. 87ኛ ተከሳሽ.. ህዝባሎ ሃጀው
85. 88ኛ ተከሳሽ.. ቶሎሳ አመኑ በቤኒፅ
86. 89ኛ ተከሳሽ.. መብራቱ መንግስቱ በየምን
87. 90ኛ ተከሳሽ.. ገሰሰ ሁያጮ ባንዶ
88. 91ኛ ተከሳሽ.. ቱስፋዬ ልጌ ሌንጫ
89. 92ኛ ተከሳሽ.. ተስፋዬ አድጎ በኬ
90. 93ኛ ተከሳሽ.. አመኑ አረጋ ቤዋ
91. 94ኛ ተከሳሽ.. ባሊንጎ ባበል ሻሂ
92. 95ኛ ተከሳሽ.. ፀብታሙ ሙሳ ወዬ
93. 96ኛ ተከሳሽ.. በሙሳ በጅኩ ወዳይ
94. 97ኛተከሳሽ ሽበሽ በየነ ሰርደ
95. 98ኛ ተከሳሽታረቀኝ ሲለሴ መጌ

ለሕግ ፤ ለፍትህ፣ ለርትዕ!
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ግልባጭ

- ለክቡር ጠቅላይ ዐቃቤ ህግ ዘርፍ ሚኒስቴር ዲኤታ
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