
SEXUAL VIOLENCE AS A WAR CRIME: A CASE STUDY OF THE CONFLICT IN TIGRAY (ETHIOPIA)

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ABSTRACT

Sexual violence has been recognized increasingly as a deliberate weapon of warfare, not just as a war's byproduct. This paper examines the international law classification of sexual violence as a war crime with a focus on the Tigray conflict in Ethiopia (2020–2022). ¹The conflict, which involved Ethiopian federal forces, Eritrean troops, along with allied militias, has witnessed common as well as systematic sexual violence that includes rape, sexual slavery, forced sterilization, in addition to deliberate HIV transmission. It is reported that these acts were intended to terrorize as well as humiliate the civilians. They were used to destroy communities as to punish perceived opposition. Based on international legal instruments such as the Rome Statute and the Geneva Conventions, the paper argues that the atrocities committed in Tigray fulfill the legal criteria for war crimes and possibly crimes against humanity. ²It also evaluates just how current legal and institutional mechanisms limit ensuring accountability, especially given Ethiopia's non-membership of the International Criminal Court. The study concludes with calls for independent investigations, international prosecutions, and survivor-centered justice mechanisms. These actions against impunity would uphold the rule of law in conflict zones.

Keywords: Tigray conflict, sexual violence, war crimes, international humanitarian law, Rome Statute, Ethiopia, crimes against humanity, accountability, rape in conflict, ICC.

¹ https://www.ushmm.org/m/pdfs/Ethiopia_Alert_Sheet.pdf

² <https://www.amnesty.org/en/latest/news/2022/04/eth>

Introduction

Sexual violence has historically been one of the most brutal yet underreported weapons of war. From ancient times to modern armed conflicts, rape and other forms of sexual abuse have been inflicted upon civilians—particularly women and girls—as a tool of domination, humiliation, and terror. Despite its prevalence, international recognition of sexual violence as a serious violation of the laws of war emerged only in the late 20th century. Landmark judgments by the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR) helped codify rape and sexual violence as war crimes, crimes against humanity, and, in certain circumstances, acts of genocide. These developments were solidified in the Rome Statute of the International Criminal Court (1998), which explicitly includes sexual violence within its jurisdiction.

Since the Tigray conflict began in November 2020, thousands of women and girls have suffered widespread, systematic sexual violence used as a weapon of war by Ethiopian federal forces, Eritrean troops, and regional militias.

A study investigates the impact of the Tigray conflict (began in November 2020) on sexual and gender-based violence (SGBV), particularly affecting women and girls. Documentation on this issue has been limited.

Methods:

A community-based survey was conducted across 52 of the 84 districts in Tigray (excluding insecure areas). Using multistage cluster sampling, 5,171 women aged 15–49 were randomly selected. Data was analyzed using weighted statistics and regression models.³

Key Findings:

- **Overall SGBV prevalence:** 43.3% of women experienced at least one type of gender-based violence.
- **Types of violence reported:**
 - **Psychological violence:** 40.4%

³ <https://phr.org/our-work/resources/medical-record>

- **Physical violence:** 28.6%
- **Sexual violence:** 9.7%
- **Rape:** 7.9% (of all participants)
- **Of sexual violence survivors:**
 - 82.2% were raped
 - 68.4% of rape cases involved gang rape
 - Young women (15–24 years) were the most affected group (29.2% of sexual violence cases)

Health and Psychological Impacts:

- **Physical trauma:** 23.8%
- **Sexually transmitted infections:** 16.5%
- **HIV infections:** 2.7%
- **Unwanted pregnancies:** 9.5%
- **Depression:** 19.2%

Support and Services:

- A staggering **89.7% of survivors received no medical or psychological support**⁴.

Evidence indicates Ethiopian and Eritrean-linked forces committed grave violations, including war crimes and crimes against humanity like rape, torture, and sexual slavery, causing severe harm to survivors who urgently need medical and psychosocial support. This assignment critically analyzes the classification of such acts under international law, focusing on whether the sexual violence committed in Tigray meets the legal thresholds for war crimes and crimes

⁴ <https://gh.bmj.com/content/8/7/e010270>

against humanity. It further explores the challenges of achieving justice and accountability in the context of limited international jurisdiction, state denial, and survivor stigma.

Understanding Sexual Violence as a War Crime

Definition and Scope

Sexual violence in armed conflict encompasses a wide range of acts including rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and any other form of sexual violence of comparable gravity. Sexual violence against women during war and conflict has long been one of the most neglected and suppressed issues in history. Under International Humanitarian Law (IHL), sexual violence is explicitly prohibited, and its commission during armed conflict is recognized as a grave breach.

The primary legal instruments addressing sexual violence in conflict include:

The Geneva Conventions of 1949 and their Additional Protocols (1977),⁵ ⁶which prohibit outrages upon personal dignity, particularly humiliating and degrading treatment, including rape.

The Rome Statute of the International Criminal Court (1998), which provides a comprehensive legal framework for prosecuting sexual violence as a war crime, a crime against humanity, and in certain contexts, as an act of genocide.

Legal Recognition

The ICTY and ICTR firmly established that sexual violence can be a serious violation of international law when committed during armed conflict.

Importantly, Article 8(2)(e)(vi) of the Rome Statute classifies rape, sexual slavery, enforced prostitution. These provisions ensure that perpetrators of such crimes can be held criminally liable under international law, regardless of whether the conflict is internal or international in nature.⁷

⁵ <https://www.icrc.org/en/document/additional-protocols-geneva-conventions-1949-factsheet>

⁶ <https://www.icrc.org/en/law-and-policy/geneva-conventions-and-their-commentaries>

⁷ <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule93>

The Tigray Conflict: Background and Sexual Violence as a Weapon of War

The Tigray conflict began in November 2020 between the TPLF and Ethiopian government, escalating into full-scale war involving Eritrean troops and Amhara militias. It caused massive destruction, displacement of over two million people, and severe humanitarian crises, including widespread sexual violence.

During the Tigray War, widespread and systematic sexual violence was inflicted on Tigrayan women and girls. UN agencies and human rights groups reported acts such as rape at gunpoint, gang rape, genital mutilation, forced incest, and intentional HIV transmission, primarily by members of the Eritrean Defence Forces and Amhara militias. Victims faced not only physical assaults but also psychological trauma, intimidation, and abuse. The destruction of over 80% of healthcare facilities severely limited access to medical care, leading to untreated injuries, forced pregnancies, and unsafe abortions. Many survivors were left to bear the children of their attackers, compounding their suffering.

Sexual violence in Tigray was systematic, targeting women to punish communities and deter TPLF support, with over 1,200 cases reported early on. Human rights groups demand urgent justice and accountability.

Legal Analysis: War Crimes and Accountability

Classification as War Crimes and Crimes Against Humanity

The sexual violence in the Tigray conflict qualifies as war crimes under international law and the Rome Statute, specifically Article 8(2)(e)(vi), which covers such acts in non-international conflicts. Its widespread and systematic nature may also constitute crimes against humanity under Article 7. Evidence shows these acts were organized, ethnically targeted, and part of a deliberate policy, not isolated incidents.

State and Individual Responsibility

Both state and non-state actors, including the ENDF, EDF, and Amhara militias, are implicated in sexual violence during the Tigray conflict. Under the principle of command responsibility—established by the ICTY and ICTR—military and political leaders can be held liable for ordering, failing to prevent, or not punishing such crimes committed by their subordinates

Challenges to Justice and Accountability

One of the most significant barriers to justice in the Tigray context is the issue of jurisdiction. Ethiopia is not a State Party to the Rome Statute, which means the ICC cannot exercise jurisdiction over crimes committed within Ethiopian territory unless the case is referred by the United Nations Security Council (UNSC). However, such referrals are rare and politically contentious, especially when permanent members of the UNSC hold veto power and may have strategic alliances or political interests in the region.⁸

In addition, domestic prosecution is highly unlikely due to a lack of political will, institutional independence, and judicial capacity within Ethiopia. Victims also face numerous obstacles in accessing justice, including fear of reprisal, social stigma, limited legal aid, and ongoing instability in the region. Therefore, meaningful accountability will likely require sustained international pressure, the establishment of independent investigative bodies, and possibly the creation of ad hoc or hybrid tribunals with international and regional cooperation.

International Responses

The international response to the atrocities committed during the Tigray conflict, particularly sexual violence, has been marked by a combination of investigative efforts, advocacy for accountability, and criticism of state-led inquiries. Despite significant evidence and survivor testimonies, justice remains elusive due to political complexities and limited enforcement mechanisms.

UN and African Union Inquiries⁹

In 2021, the Office of the United Nations High Commissioner for Human Rights (OHCHR), in collaboration with the Ethiopian Human Rights Commission (EHRC)¹⁰, A joint investigation confirmed serious human rights violations in the Tigray conflict, some potentially amounting

⁸ <https://etd.aau.edu.et/server/api/core/bitstreams/a3cbbd21-bb96-454a-a120-11e46f69a5ee/content>

⁹ The African Union (AU) has been closely monitoring the evolving situation within the Tigray People's Liberation Front (TPLF) with deep concern. <https://au.int/en/pressreleases/20250314/press-statement-following-situation-tigray-region-ethiopia>

¹⁰ <https://ehrc.org/ethiopian-human-rights-commission-and-united-nations-human-rights-office-report-on-transitional-justice/> The Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Ethiopian Human Rights Commission (EHRC) have a collaborative relationship, often working together on human rights matters. They have jointly conducted investigations into human rights violations, particularly during the Tigray conflict.

to war crimes and crimes against humanity. However, it was criticized for its limited scope and weak focus on sexual violence, with concerns over the EHRC's lack of independence. In response, calls have grown for impartial international investigations and survivor-centered justice, including prosecution and reparations.

Civil Society and Non-Governmental Organizations

Civil society and NGOs have been vital in documenting sexual violence in Tigray. The UN-established ICHREE confirmed its systematic and targeted use, possibly amounting to international crimes. Groups like Amnesty International, Human Rights Watch, and Doctors Without Borders have reported gang rape, sexual slavery, and torture, emphasizing the organized and ethnically driven nature of the abuses. These organizations have called for urgent international action, including sanctions against individuals responsible, support for survivors, and the establishment of an international accountability mechanism if domestic options remain inaccessible.

Survivor networks and local advocacy groups, including women-led organizations in Ethiopia and the diaspora, have been at the forefront of demanding justice, reparations, and long-term psychosocial support. Their voices have been crucial in shifting the narrative from passive victimhood to active demands for accountability and structural reform.

Despite these efforts, progress has been hindered by geopolitical challenges, the Ethiopian government's resistance to international scrutiny, and the broader issue of impunity in conflict zones. However, the momentum generated by international civil society, survivor testimony, and ongoing documentation offers hope for future justice mechanisms, provided the international community sustains pressure and engagement.

Comparative Case: Sexual Violence during the Rwandan Genocide (1994)

Context and Nature of the Conflict

The Rwandan Genocide¹² occurred over approximately 100 days from April to July 1994, during which an estimated 800,000 Tutsis and moderate Hutus were systematically killed by

¹¹<https://www.ohchr.org/en/meeting-summaries/2022/09/international-commission-human-rights-experts-ethiopia-finds-reasonable>

¹² <https://www.britannica.com/event/Rwanda-genocide-of-1994>

Hutu extremists. During this period, sexual violence was employed as a deliberate weapon of war. Women and girls, primarily from the Tutsi ethnic group, were subjected to rape, sexual mutilation, forced incest, and sexual slavery on a massive scale. Like the Tigray conflict, these acts were intended not only to harm individuals but to destroy the social and ethnic fabric of a community.

Patterns and Purpose

In Rwanda, sexual violence was used to:

- Humiliate and ethnically "cleanse" the Tutsi population.
- Infect women with HIV (perpetrated intentionally by known infected individuals).
- Ensure lasting psychological trauma and social stigma.

In Tigray, similar patterns emerged:

Acts of sexual violence were ethnically driven, targeting Tigrayan women. The violence was committed systematically, often by state and allied forces. Survivors reported intentional HIV transmission and genital mutilation, echoing Rwanda's atrocities.

Legal Response and Accountability

Rwanda: The International Criminal Tribunal for Rwanda (ICTR) was established by the UN Security Council in 1994. It became a landmark for international justice, notably in the case of **Prosecutor v. Jean-Paul Akayesu**¹³, where for the first time:

Rape was recognized as an act of genocide and a crime against humanity. Sexual violence was legally acknowledged as part of a systematic campaign to annihilate an ethnic group.

Tigray: While sexual violence has been widely documented, Ethiopia is not a party to the Rome Statute, and there is no special tribunal or ICC case yet due to jurisdictional and political challenges. International pressure for accountability exists but lacks decisive institutional

¹³ <http://casebook.icrc.org/case-study/ictr-prosecutor-v-jean-paul-akayesu>

response thus far.

Challenges to Justice

In both cases, survivors faced stigma, trauma, and difficulty accessing justice.

Rwanda benefited from a UN-mandated tribunal; Tigray currently lacks such a dedicated mechanism. Political will and international advocacy played a crucial role in Rwanda, while geopolitical interests have stalled effective international intervention in Tigray.

Conclusion of Comparison

Both the Tigray conflict and Rwandan Genocide show how sexual violence is used to terrorize ethnic communities. Rwanda set a precedent with strong international justice, while Tigray exposes gaps due to political barriers, highlighting the urgent need to strengthen global accountability for such crimes.

Recommendations

In light of the grave human rights violations, particularly the widespread and systematic sexual violence committed during the Tigray conflict, it is imperative that the international community, regional bodies, and national institutions take concrete steps to ensure justice, accountability, and prevention. The following recommendations are proposed to address the multifaceted dimensions of sexual violence in conflict:

1. Independent International Investigations

Due to the limits of domestic investigations, independent UN-led inquiries are urgently needed. They must have full access to Tigray, ensure survivor confidentiality, and meet international standards. Mandates should focus on gender-based violence, using gender-sensitive teams trained in trauma-informed interviews and forensic evidence collection.

2. International Criminal Court (ICC) Involvement

Though Ethiopia isn't a Rome Statute signatory, the UN Security Council can refer the Tigray situation to the ICC under Article 13(b). Despite political hurdles, the UNSC has a duty to

pursue accountability. Such a referral would affirm global commitment to justice and set a precedent against wartime sexual violence.

3. Survivor-Centered Justice

Justice must extend beyond prosecution to encompass comprehensive support for survivors. This includes immediate and long-term medical care, psychosocial counseling, sexual and reproductive health services, and legal aid to help survivors pursue justice. Protection mechanisms must be put in place to shield survivors from retaliation and stigma.

4. Preventive Measures

To prevent the recurrence of sexual violence in future conflicts, systemic and institutional reforms are necessary. Armed forces and militias should undergo mandatory training in international humanitarian law (IHL), with a specific focus on gender sensitivity, protection of civilians, and the prohibition of sexual violence.

In conclusion, justice for Tigray's survivors requires a coordinated, survivor-centered approach that ensures accountability, reparation, and prevention, reinforcing the international legal order.

Conclusion

The Tigray conflict in Ethiopia revealed the horrifying use of sexual violence as a calculated and systematic weapon of war. Women and girls were subjected to widespread rape, sexual slavery, forced pregnancies, and mutilation, with the intention not only to terrorize individuals but to inflict collective trauma on communities. These acts amount to serious violations of international humanitarian and human rights law and may constitute war crimes and crimes against humanity under customary international law and the Rome Statute of the International Criminal Court (ICC).

The impact of such violence extends beyond the immediate physical and psychological harm. Survivors face long-term health complications, deep emotional trauma, and severe social stigma, often leading to isolation, poverty, and ongoing discrimination. Despite the gravity of these crimes, justice remains elusive. Ethiopia is not a party to the Rome Statute, restricting the ICC's jurisdiction unless the UN Security Council intervenes—a step obstructed by geopolitical tensions and a lack of political will. Domestic judicial mechanisms have been

inadequate, and investigations into these atrocities have been inconsistent and, at times, politicized.

To break this cycle of impunity, the international community must respond decisively. Independent UN-led investigations, referrals to the ICC, and survivor-centered justice initiatives are urgently needed. This includes legal, medical, and psychosocial support, as well as long-term reintegration programs. Justice for survivors is not just a moral imperative—it is essential for upholding international law, ensuring gender justice, and deterring future atrocities.

If the world fails to act, it risks normalizing the use of sexual violence as a cost-free weapon of war. Accountability in Tigray is not just about justice for past crimes—it is a critical step toward protecting civilians in future conflicts and reaffirming the international community's commitment to human dignity.