

Reparation for historical injustices committed during the Italian occupation of Ethiopia from 1935 to 1941: analysis of the prospect for success

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ABSTRACT: Ethiopia is considered a symbol of freedom in Africa as it maintained its independence by defeating the Italian colonial power in 1896 at the Battle of Adwa. To avenge this defeat and consolidate support for the then Italian government led by the Fascist Party, Italy waged another war in 1935 against Ethiopia, resulting in Italian occupation of some parts of Ethiopia for five years. During this period, Italian soldiers committed war crimes, tortured and killed thousands of civilians arbitrarily. After the end of the occupation, Italy neither officially acknowledged the violations formally nor paid adequate compensation to the victims. This article argues that Ethiopia's claim for reparations regarding atrocities committed during Italian rule has a strong chance of success, as it fulfils most criteria for a successful claim. However, it is not easy to implement the claim in practice as it faces challenges and internal problems that work against it. The challenges include an evidentiary gap in proving the claims with primary evidence because of the passage of time and the development aid and assistance Italy provided in different periods, which may complicate the claim. Internal problems include the reluctance on the part of the Ethiopian government to pursue such claims, corruption and ongoing conflicts as limitations. To overcome these challenges, the article highlights strategies Ethiopia could employ to address the evidentiary gap. It also argues that the development assistance provided by Italy could not be considered a reparation as it was done without acknowledging the atrocities committed and had other strategic objectives. Further, the article urges the Ethiopian government to revisit its engagement with Italy, and to take concrete measures to address corruption and ongoing conflicts to mobilise the public to support Ethiopia's demand for justice and reparation.

TITRE ET RÉSUMÉ EN FRANÇAIS

Réparations pour les injustices historiques commises durant l'occupation italienne de l'Éthiopie (1935-1941): analyse des perspectives de succès

RÉSUMÉ: L'Éthiopie est considérée comme un symbole de liberté en Afrique, en ce qu'elle a préservé son indépendance en défaisant la puissance coloniale italienne en 1896 lors de la bataille d'Adwa. Afin de venger cette défaite et de consolider le soutien au gouvernement italien de l'époque, dirigé par le Parti fasciste, l'Italie engagea une nouvelle guerre contre l'Éthiopie en 1935, laquelle aboutit à l'occupation italienne de certaines régions du pays pendant cinq années. Au cours de cette période, des soldats italiens ont commis des crimes de guerre, torturé et arbitrairement tué des milliers de civils. A l'issue de l'occupation, l'Italie n'a ni reconnu officiellement et formellement les violations commises, ni versé une indemnisation adéquate aux victimes. Le présent article soutient que la demande de réparations formulée par l'Éthiopie au titre des

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atrocités perpétrées durant l'administration italienne présente de fortes chances de succès, dans la mesure où elle satisfait à la plupart des critères requis pour l'aboutissement d'une telle revendication. Toutefois, la mise en œuvre effective de cette demande demeure complexe, en raison de défis et de difficultés internes qui en entravent la réalisation. Parmi ces défis figurent notamment un déficit probatoire lié à la difficulté d'établir les faits au moyen de preuves primaires en raison du temps écoulé, ainsi que l'aide au développement et l'assistance fournies par l'Italie à différentes périodes, susceptibles de compliquer la revendication. Les difficultés internes comprennent, pour leur part, la réticence du gouvernement éthiopien à poursuivre de telles revendications, la corruption et les conflits en cours, qui constituent autant de contraintes. Afin de surmonter ces obstacles, l'article met en lumière des stratégies que l'Éthiopie pourrait adopter pour combler le déficit probatoire. Il soutient également que l'aide au développement fournie par l'Italie ne saurait être qualifiée de réparation, dans la mesure où elle a été octroyée sans reconnaissance des atrocités commises et poursuivait d'autres objectifs stratégiques. Enfin, l'article exhorte le gouvernement éthiopien à réexaminer ses relations avec l'Italie et à prendre des mesures concrètes pour lutter contre la corruption et les conflits persistants, afin de mobiliser l'opinion publique en soutien à la revendication éthiopienne de justice et de réparation.

TÍTULO E RESUMO EM PORTUGUÊS

Reparação pelas injustiças históricas cometidas durante a ocupação italiana da Etiópia de 1935 a 1941: análise da perspetiva de sucesso

RESUMO: A Etiópia é considerada um símbolo de liberdade em África, pois assegurou a sua independência ao derrotar, na Batalha de Adwa, em 1896, a potência colonial italiana. Esta derrota seria vingada em 1935, pelo governo italiano liderado pelo Partido Fascista, no qual a Itália travou outra guerra contra a Etiópia, e da qual resultou a ocupação de partes do território etíope por um período de cinco anos. Durante este período, os soldados italianos cometem crimes de guerra, torturaram e mataram arbitrariamente milhares de civis etíopes. Após o fim da ocupação, a Itália não reconheceu formalmente as violações nem pagou uma compensação adequada às vítimas. Este artigo argumenta que a reivindicação da Etiópia, por reparações relativamente às atrocidades cometidas durante o domínio italiano, cumpre a maioria dos critérios para uma reivindicação bem-sucedida. No entanto, existem desafios de implementação e reclamação na prática, sobretudo por contradições internas. Os desafios incluem uma lacuna probatória devido ao passar do tempo e à ajuda e assistência ao desenvolvimento que a Itália forneceu em diferentes períodos, o que pode colocar em causa as reivindicações etíopes. Os problemas internos incluem a relutância do governo etíope em avançar com tais reivindicações, a corrupção e os conflitos internos contínuos. Para os ultrapassar, o artigo destaca estratégias que a Etiópia poderia adotar para colmatar a lacuna de evidências. Argumenta também que a assistência ao desenvolvimento fornecida pela Itália não pode ser considerada uma reparação, pois foi feita sem reconhecer as atrocidades cometidas e tinha outros objetivos estratégicos. Além disso, o artigo insta o governo etíope a rever o seu envolvimento com a Itália e a tomar medidas concretas para combater a corrupção e os conflitos em curso, mobilizando o público para apoiar a exigência da Etiópia por justiça e reparação.

KEY WORDS: reparation; atrocities; war crimes; Italian occupation; Ethiopia; challenges

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1 INTRODUCTION

This article seeks to analyse the prospect of a reparation claim of Ethiopia for the atrocities committed during the Italian occupation from 1935 to 1941. The key research questions the article addresses are the following: What factors determine the success of reparation claim for historical injustices? What was the nature of the atrocities committed in Ethiopia under Italian occupation? How do these atrocities meet the requirements for a successful reparation claim? What challenges and internal problems may Ethiopia face in pursuing a reparation claim and what are the opportunities? The author used a doctrinal research method to answer the research questions. The main finding of the article is that Ethiopia's claim for reparations regarding atrocities committed during Italian rule has a strong chance of success, as it fulfils most criteria for a successful claim. Yet, it is not easy to implement it in practice as it faces challenges and internal problems that work against it.

The article is organised in five parts. The first part discusses factors that determine the success or failure of reparation claims. The second part mainly focuses on highlighting the grave atrocities committed during the Italian occupation, including war crimes. The third part assesses Ethiopia's reparation claim in light of factors identified by researchers that contribute to the success of such demands. The fourth part addresses the challenges, internal problems and opportunities for instituting the Ethiopian reparation claim. The final part concludes and recommends the way forward.

2 REPARATION CLAIMS FOR HISTORICAL INJUSTICE: SUCCESS FACTORS

The term 'reparation' is a broad concept that embraces elements such as truth seeking, acknowledgment of harm, apology, restitution, and payment of monetary compensation.¹ It is often invoked in discussions about gross human rights violations and historical injustices such as the slave trade and colonialism. The beneficiaries of reparation could be

¹ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, December 2005.

individual victims as well as groups.² Yet, there seems to be a debate among scholars about why some reparation claims for historical injustices succeeded and why other reparation claims failed. To illustrate this debate, we focus on reparation claims that are often raised in connection with Africa, specifically the slave trade, colonialism and post-colonial relations with the West. Historical records reveal that more than 10 million Africans were taken out of the continent during the slave trade.³ A considerable number of these also died on their way to Europe, the United States (US) and other places.⁴ The slave trade deprived Africans of dignity as well as identity. The economic development of the continent was also severely affected by it.⁵ Similarly, colonialism also exposed Africa to a great deal of oppression and exploitation of resources. The situation did not change much even after African states gained their independence.

Since 1991, there have been several attempts by Africans to seek reparation for injustices suffered because of slavery, colonialism and post-colonial exploitation in different forms.⁶ However, these claims were not successful. In contrast, some historical injustices, such as the Holocaust against the Jewish people by the Nazi regime, were properly addressed. Reports indicate that by 2022, Germany had paid a compensation of nearly €80 billion to survivors and their descendants.⁷ Some scholars argue that the suffering Africans endure due to the slave trade and colonialism is comparable to the injustice done against Jews, if not more severe.⁸ However, the Western states seem to have a double standard of not treating white and black victims of injustice similarly.⁹ The resistance towards Africa's reparation claims of Africans also shows a lack of concern and respect for the dignity of Africans by the West. Further, since many African states are economically poor and have limited influence, this may be an additional factor why their claims are often easily ignored.

On the contrary, other scholars argue that the main reason why African reparation claims so far have not been successful is mainly related to its problematic framing and lack of specificity.¹⁰ To illustrate

2 As above.

3 S Mintz 'Historical context: facts about the slave trade and slavery', <https://www.gilderlehrman.org/history-resources/teacher-resources/historical-context-facts-about-slave-trade-and-slavery> (accessed 28 May 2025).

4 B M'baya 'The economic, political, and social impact of the Atlantic slave trade on Africa' (2006) 11 *The European Legacy* 607-622.

5 M'baya (n 4) 611-613.

6 RE Howard-Hassmann & AP Lombardo *Reparations to Africa* (2008) 26.

7 K Grieshaber 'Germany marks 70 years of compensating Holocaust survivors', <https://apnews.com/article/holocaust-survivor-compensation-fund-germany-od35aa1cba7756d1b9b6008e9d7841b7> (accessed 28 May 2025).

8 B Abiola 'Why reparations?' *West Africa* 1-7 June 1992; B Makanjuola 'Cost of suffering: Africans demand compensation for slavery and exploitation' *West Africa* 4-10 February 1991; AA Mazrui, A Luthuli & AD White 'The campaign for black reparations: an African initiative' in Howard-Hassmann & Lombardo (n 6) 43.

9 AA Mazrui *Black reparations in the era of globalisation* (2002) 87.

10 Howard-Hassmann & Lombardo (n 6) 56, 42-59.

this point, they mention the issue of slave trade as an example. Here, Africans are demanding reparation for more than 600 years of suffering and injustice. Because of the longer duration of the period, they argue that it would be difficult to reasonably assess the harm in monetary terms or that it would be too exaggerated to be taken seriously.¹¹ Further, the immediate victims as well as their close descendants may have died a long time ago, and it would be difficult to see who will present their claims as victims. Similarly, it may be cumbersome to pinpoint the specific state or group of states that are responsible for the slave trade. Moreover, it is also important to note that colonialism became a crime under international law only after World War II.¹² As such, it will be difficult to hold Western states accountable for an act that was not a crime at the time of its commission as it violates the principle against retroactive application of the law.¹³

Noting these challenges, scholars propose several criteria for a successful reparation claim.¹⁴ One of these requirements is specifying/shortening the period covered and making the reparation focus on specific issues or violations. Second, it would also help focus on aspects of the violations that were illegal at the time of their commission as well as the claim. This helps to address the issue of retroactivity. Third, wherever possible, the particular victims harmed by the injustice, as well as the responsible perpetrators, should be clearly identified. Fourth, effective communication and social mobilisation is important. One reason for the success of the Jewish movement for reparations was the significant media coverage and attention it received.¹⁵ One could mention here the many influential books that were published about the Holocaust and the suffering of the victims.¹⁶ Movies also did the same. In addition, Jewish groups seeking reparation were well organised and supported by experts. The same cannot be said when it comes to the reparation claim of Africans for colonialism, slave trade and post-colonial exploitation.

In the view of the author, some of the historical injustices that Africans suffered, such as the slave trade, are so unique in nature and cover hundreds of years. The impact of this injustice is also continuing. Considering this, it will be unfair to expect all African reparation claims to have well defined periods and identifiable victims such as the Holocaust against the Jewish people. Rather, it would be good to explore innovative strategies that could address the gross injustice committed against Africans through slave trade and colonialism. Further, one could also adopt an incremental approach that starts from

¹¹ As above.

¹² As above.

¹³ Universal Declaration of Human Rights 1948, art 11(2): 'No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.'

¹⁴ Howard-Hassmann & Lombardo (n 6) 42-59.

¹⁵ RJ Berger *Fathoming the Holocaust: a social problems approach* (2002).

¹⁶ A Frank *The diary of a young girl* (1947).

specific violations in specific periods and proceeds towards a more generic claim that could address the historical injustices Africans suffered collectively in a sustainable manner. In addition, it would also be important to see whether African reparation claims for specific violations have succeeded or not in comparison to other injustices committed in other parts of the world.

3 ITALIAN OCCUPATION OF ETHIOPIA FROM 1935 TO 1941 AND THE ATROCITIES COMMITTED

The Italian presence in East Africa began in 1869 when an Italian company bought port Assab which is currently part of Eritrea.¹⁷ The plan of the Italian government at the time was to expand further and control new territories. According to historians, the major reason behind this plan and the subsequent invasion of Ethiopia was an 'inferiority complex'.¹⁸ Compared to European powers in that period, Italy was economically poor.¹⁹ Further, it was also not an active participant in the scramble for Africa and did not have colonies like other European states.²⁰ Accordingly, it decided to invade Ethiopia.²¹ Yet, the big Italian army was defeated in a humiliating manner by Ethiopian patriots led by Emperor Menelik II in the Battle of Adwa on 2 February 1896.²² The Italian colonial ambition was halted, which led to further humiliation. Ethiopia was also able to maintain independence until the second Italian invasion in 1935.

Similar to the attack in the 1890s, Italy's second invasion of Ethiopia was carried out without provocation. There were many justifications provided by Mussolini for invading Ethiopia.²³ One of them was the desire to restore the greatness of the ancient Roman empire by conquering and occupying other states. This narrative particularly became popular after the establishment of the Fascist Party in 1922. Further, Mussolini had the objective of avenging the defeat of Italy in the Battle of Adwa and consolidating his domestic support. In addition, Italy was on a mission to civilise what they considered the 'barbaric' Abyssinians. Finding living space for Italians, spreading Catholicism, and utilising Ethiopian natural resources for the development of Italy were also mentioned as justification for the brutal attack on the sovereign nation of Ethiopia.

¹⁷ R Pankhurst 'Italian purchase of the port of Assab by Giuseppe Sapeto' 15 November 1869, <https://zantana.net/italian-purchase-of-the-port-of-assab-by-giuseppe-sapeto/> (accessed 28 May 2025).

¹⁸ I Campbell *The Addis Ababa massacre Italy's national shame* (2017) 11.

¹⁹ A Sabachi *Legacy of bitterness: Ethiopia and fascist Italy* (1935-1941) 45.

²⁰ Sabachi (n 19) 45-47.

²¹ As above.

²² R Jonas *The battle of Adwa African victory in the age of empire* (2015).

²³ Campbell (n 18) 18-19.

The major reason for selecting Ethiopia for the attack was its past engagement with Italy and its low level of technological advancement at the time.²⁴ During the second invasion, Italy used chemical weapons, deployed a massive air force, tanks and machine guns, among others.²⁵ Ethiopian fighters possessed a few old rifles, and for most of them, it was their first encounter with the airplanes that dropped explosives and sprayed gas. Further, the embargo on the importation of arms that the League of Nations imposed on both countries significantly affected Ethiopia as it lacked the industry and technology to produce arms domestically.²⁶ This ultimately led to the Italian victory despite fierce resistance from Ethiopian patriots. In 1936, Italy controlled Ethiopian capital Addis Ababa and started to consolidate its rule.

As many historians agree, one of the things that makes the Italian rule in Libya and Ethiopia unique is the extent of its brutality against civilians. The viceroy of Italy in Ethiopia, Rodolfo Graziani, in particular, is reputed for his cruelty and he was nicknamed as the 'butcher of Tripoli'.²⁷ Before his appointment to Ethiopia, he was leading Italian forces in Libya. He applied similar brutal tactics to quash any resistance to Italian rule in Ethiopia. To illustrate this, one could mention the Yekatit/February 1937 massacre that took place in the capital Addis Ababa.²⁸ On 19 February 1937, Graziani and his officials organised an alms-giving ceremony in the former place of emperor Haile Selassie. More than 3 000 Ethiopians were inside the compound to attend the event.²⁹ Eyewitnesses also mentioned the heavy security presence in the palace and the placement of Italian machine guns in different corners.

Yet, a few minutes after Graziani finished his speech, hand grenades were thrown at him by two young men of Eritrean origin, Moges Asgedom and Abraha Deboch.³⁰ The move was intended to kill Graziani and ignite an uprising against Italian rule. However, Graziani survived the attack with minor injuries. No Italians were killed as a result of the attack. The intended uprising also did not materialise. Regardless of that, Italian soldiers immediately started a retaliatory attack by shooting civilians present without showing any mercy to women as well as children. All those that were present in the place were killed with a machine gun. In just a few hours the place was filled with dead bodies.

Subsequently, the Italian officials placed the city under curfew and the massacre continued for three successive days. Further, the soldiers were given a licence to kill any civilian. One of the commanders said, 'for three days I will give you *carta bianca*', which literally means 'do as

²⁴ Campbell (n 18) 25.

²⁵ Campbell (n 18) 19.

²⁶ Sabachi (n 19) 215.

²⁷ Campbell (n 18) 32.

²⁸ Campbell (n 18) 47-48.

²⁹ As above.

³⁰ J Pearce *Prevail the inspiring story of Ethiopia's victory over Mussolini's invasion 1935-1941* (2017).

you please' or 'do whatever you want' to Ethiopians.³¹ Following this order, Italian soldiers started to go door to door to hunt down Ethiopians. Those who were found on the street were taken to concentration camps and executed. They also burnt down houses with their inhabitants. When crawling children tried to escape, the soldiers threw them back into the fire.³² Italian soldiers used benzene, kerosene and fire throwers to burn as many houses as possible.

Heavy trucks were also used to run over and kill Ethiopian prisoners as well as to demolish their homes.³³ Hundreds of Ethiopians were also tied to heavy trucks and dragged to death. Other means of killing the Italian soldiers used included beheading, live skinning, hanging, throwing people from airplanes, throwing people into rivers and water wells while their hands were tied behind their backs. One could see shocking brutality of Italian troops in the photos included in Ian Campbell's book *The Addis Ababa massacre: Italian shame*. Among the pictures, one depicts Italian soldiers displaying the severed head of an Ethiopian man on a stick as though it were a trophy.³⁴ Campbell also mentions the shocking story of wives of Italian officials in Addis Ababa watching the progress of the massacre as a tourist by moving around the different parts of the city. Within three days, from 19 to 21 February 1937, nearly 20 000 to 30 000 Ethiopians were killed.³⁵ In total during the Italian occupation, an estimated 250 000 people are believed to have lost their lives.³⁶ Other sources even mention a number larger than this figure.³⁷

4 REPARATION CLAIMS OF ETHIOPIA FOR ATROCITIES: THE POSSIBILITY OF SUCCESS

Ethiopia became a member of the League of Nations in 1923. When Italy was preparing to invade Ethiopia, Ethiopian emperor Haile Selassie submitted his concern to the organisation and sought protection.³⁸ However, Ethiopia was alone at that time, and no one took its plea seriously. Following the end of the Italian occupation, Ethiopia utilised various avenues to seek accountability for war crimes. One of these mechanisms was the United Nations (UN) War Crime Commission established to investigate war crimes committed in relation to World War II. When Ethiopia attempted to submit a case before the Commission, it was rejected on the ground that the Italian occupation of Ethiopia did not have a direct connection with World War

³¹ Campbell (n 18) 111-158.

³² Campbell (n 18) 129.

³³ Campbell (n 18) 95.

³⁴ Campbell (n 18) 41.

³⁵ Campbell (n 18) 324-327.

³⁶ Campbell (n 18) 26.

³⁷ Sabacchi (n 19).

³⁸ Pearce (n 30)

II.³⁹ Ethiopia then established the Ethiopian War Crime Commission to investigate and try Italian war criminals domestically.⁴⁰ This move was unsuccessful because the great powers of Europe at the time, including Britain, were not willing to extradite Italian officials for trial because of their political interest.⁴¹

The only success that could be mentioned in relation to reparation is the agreement of the Italian government to pay US \$25 million as compensation to Ethiopia in the Ethio-Italian peace treaty for war-related damages.⁴² Even this amount was not fully paid, and the fund was mainly used for building a hydroelectric dam. Even if Italy agreed to pay \$25 million, it did not openly acknowledge the war crimes and massacres it committed during the occupation.⁴³ It also did not seek an apology. The amount of reparation that it agreed to pay also is not commensurate with the immense suffering it caused to hundreds of thousands of Ethiopians. With this background in mind, let us try to assess the likelihood of success for the reparation claim of Ethiopia for atrocities committed by Italy during the occupation.

As mentioned previously, for reparation claims to stand a greater chance of succeeding, it is preferable to confine the claims to a clearly defined period, with specified victims, perpetrators, and violations that, as far as possible, were unlawful both at the time they were committed and at the time of the claim.⁴⁴ When one assesses the Ethiopian reparation claim for atrocities committed during the Italian occupation, it seems to meet most of the requirements. To begin with a defined period, the violations took place from 1935 to 1941. This makes it easy for the purpose of proof in comparison to injustices committed over hundreds of years. In addition, even if the violation happened 85 to 90 years ago, the immediate descendants of the victims are alive. As such, they could claim reparation on behalf of their parents. In other words, the causal chain between the atrocities and the victims is not remote.

In relation to the perpetrators, the Italian government at the time was responsible for these atrocities. In its claim before the UN War Crime Commission, Ethiopia even identified around ten individuals or Italian military officers who were mostly responsible for the war crimes committed.⁴⁵ As successor of the then Italian government, reparation claims could be submitted against the current government of Italy. Most importantly, the atrocities for which Ethiopia could claim reparation were violations of international law at the time of their

39 M Donaldson 'Ethiopian war crimes tribunal' *Max Planck Encyclopedias of International Law* March 2022.

40 Donaldson (n 39).

41 As above.

42 Treaty of Peace with Italy, signed at Paris, 10 February 1947.

43 Donaldson (n 39).

44 Howard-Hassmann & Lombardo (n 6).

45 Campbell (n 18) 348.

commission.⁴⁶ To illustrate this point, one could mention the use of mustard gas and the bombardment of Red Cross hospitals by Italy during the war.⁴⁷

Even if both Italy and Ethiopia at the time were members of the international protocol that prohibits the usage of such weapons,⁴⁸ Italy blatantly disregarded this. The response of the Italian government to calls to respect international laws at that time was that these conventions only govern the conduct of weak states, not Italy. Further, the extra-judicial killing of civilians, the execution of prisoners of war, indiscriminate attacks on women and children, the burning of houses, the destruction of property, and torture were internationally recognised crimes at the time of their commission as well as currently. As such, the Italian government cannot raise the issue of retroactive application of the law as defence to the reparation claim of Ethiopia for the atrocities. Thus, one can safely argue that the Ethiopian reparation demand for the atrocities committed during the occupation meets the requirements for a successful claim and has a prospect of success.

5 REPARATION CLAIMS OF ETHIOPIA FOR ATROCITIES: THE CHALLENGES, INTERNAL PROBLEMS AND OPPORTUNITIES

5.1 Challenges and internal problems

As mentioned in the previous part, Ethiopia has concrete grounds to seek acknowledgment, apology, restitution and monetary compensation for the historical injustices committed by Italy. Yet, there are two challenges and two internal problems it may face.

The first challenge is the fact that 85 to 90 years have passed since the time of the commission of the atrocities, which makes the task of evidence collection a cumbersome exercise. This is because individual victims of these violations or their close relatives who have witnessed the atrocity first hand may not be alive to give their testimony and corroborate the reparation claim. Even in cases where some of the family members of the victims are alive, their memory may fade, and

⁴⁶ Convention (IV) Respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, The Hague, 18 October 1907.

⁴⁷ Sabacchi (n 19); N Perugini & N Gordon 'Between sovereignty and race: the bombardment of hospitals in the Italo-Ethiopian war and the colonial imprint of international law' (2019) 8(1) *State Crime Journal* 104-125.

⁴⁸ Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare signed 17 June 1925, entered into force 8 February 1928 94 LNTS 65.

they may not remember everything.⁴⁹ Further, since the atrocities were committed in different parts of Ethiopia, tracing family members of victims or direct witnesses will be extremely difficult. In addition, most estimates indicate that the atrocities committed by Italy between 1935 and 1941 claimed the lives of thousands of victims. This makes it even more challenging to establish the nature and extent of individual harms suffered by victims on a case-by-case basis. As such, there is a limited chance of supporting the reparation claim against Italy with direct or primary evidence.

The other type of evidence that Ethiopia could use to substantiate its reparation claim is secondary or documentary evidence. In comparison to the direct evidence, this type of evidence seems readily available. Two documents are particularly crucial here.⁵⁰ The first is the charge file Ethiopia submitted to the UN War Crime Commission in 1948.⁵¹ This is a document of 259 pages that lists the key perpetrators of war crimes committed in Ethiopia during the Italian occupation, the dates and places of the alleged crimes as well as the evidence corroborating it. The information contained in this file could play a key role in establishing the atrocities committed by Italy on Ethiopians. The second important document is that released by the Ethiopian Minister of Justice in 1949 and 1950 in two volumes, entitled 'Documents on Italian war crimes submitted to the United Nations War Crimes Commission'.⁵²

According to Pankhurst, the first volume of this document contains a telegram exchange between Mussolini and Graziani who was the Italian military commander in Ethiopia.⁵³ The second volume of this document 'consisted of affidavits sworn by Ethiopians, who had witnessed atrocities, or suffered torture or confinement in concentration camps'.⁵⁴ The testimonies documented in this issue would be vital to support Ethiopia's reparation claim. Apart from these documents, photographs, letters and other evidence that show the atrocities committed by Italy are also found in the hands of different individuals and organisations as well as archives of different states. The passage of 85 years after the commission of the atrocities, however,

49 H Niebergall 'Overcoming evidentiary weaknesses in reparation claims programmes' in C Ferstman and others (eds) *Reparations for victims of genocide, war crimes and crimes against humanity* (2009) 145-166.

50 *Ethiopia v Italians* UNWCC charge files 4 March 1948, <https://unwcc.org/wp-content/uploads/2023/06/Reel-4-Charge-files-Ethiopia-vs-Italians-1-10.pdf> (accessed 9 November 2025); Ethiopia YaFerd ministér *Documents on Italian war crimes: affidavits and published documents Volume 2 of Documents on Italian war crimes: submitted to the United Nations War Crimes Commission by the Imperial Ethiopian Government, United Nations War Crimes Commission* (Ministry of Justice 1950).

51 *Ethiopia v Italians* (n 50).

52 YaFerd ministér (n 50).

53 R Pankhurst 'Italian fascist war crimes in Ethiopia: a history of their discussion, from the League of Nations to the United Nations (1936-1949)' (1999) 6 *Northeast African Studies* 83-140.

54 Pankhurst (n 53).

makes the tracing and compilation of these documents together challenging.

The second challenge is that Italy paid US \$25 million as reparation under the Ethio-Italy peace treaty,⁵⁵ that it extended loan and development assistance to Ethiopia through time, which will complicate the determination of the amount of the reparation claim. As various sources indicate, the \$25 million Italy paid as war reparation was mainly used to finance the construction of Koka hydroelectric power dam in Ethiopia, which was completed in 1960.⁵⁶ Here, it is important to note that the supply of construction materials for the dam as well as the construction itself were undertaken by an Italian company.⁵⁷ In relation to development assistance and loan, the exact figure Italy provided to Ethiopia is not also known. According to the 2016 open aid Italia report, since 1976 'Italy contributed with a total amount of nearly 800 million euros to Ethiopia's development'.⁵⁸ Furthermore, the report of the Italian Agency for Development Cooperation shows that for the period 2023 to 2025 alone, Italy allotted €140 million to support various activities in Ethiopia. This may seem a considerable amount if it is considered part of the reparation Italy paid and may complicate the estimation of future reparation claims.

However, there are two main reasons why the development assistance and aid Italy provided to Ethiopia should not be considered a form of reparation. The first reason is that reparation primarily aims to redress victims of harm for the violation they had suffered. When Italy provided aid or development assistance, it did not intend to support victims that were subjected to Italian war crimes during the occupation of Ethiopia. It did not even acknowledge the commission of these atrocities by Italian soldiers. Further, in some of the development projects, such as hydropower electricity, the main beneficiaries of the finance were Italian companies.⁵⁹ Second, the development assistance Italy provided to Ethiopia had other objectives such as promoting the security and economic interest of Italy. In a way it could also be considered a form of investment rather than reparation. A good example for this is the Mattei plan Italy adopted in 2023 to strengthen collaboration with African states.⁶⁰ The plan allocates €5,5 billion to

⁵⁵ Treaty of Peace With Italy (n 42).

⁵⁶ K Alemayehu 'Rodolfo Graziani: a war criminal who escaped justice' 17 August 2015, https://www.africanidea.org/RODOLFO_GRAZIANI2.pdf; GC Novati 'Re-establishing Italo-Ethiopian relations after the war: old prejudices and new policies' (1996) 3 *Northeast African Studies* 27-49.

⁵⁷ E Distrett 'Reparations, beyond infrastructure' September 2021, <https://www.eflux.com/architecture/coloniality-infrastructure/411242/reparations-beyond-infrastructure>, 'Ethiopia veterans want Italy apology, compensation' <https://www.aa.com.tr/en/world/ethiopia-veterans-want-italy-apology-compensation/50348> (accessed 9 November 2025).

⁵⁸ 'Italian development aid in brief', <http://openaid.esteri.it/en/code-lists/recipients/238/?year=2014> (accessed 9 November 2025).

⁵⁹ Distrett (n 57).

⁶⁰ D Fattibene & S Manservisi 'The Mattei plan for Africa: a turning point for Italy's development cooperation policy?' <https://www.iai.it/sites/default/files/iaicom2410.pdf> (accessed 9 November 2025).

nine pilot countries, including Ethiopia, to promote collaboration with Italy in the area of education, training, agriculture, health, energy and water.⁶¹ This is believed by the Italian government to be crucial to ensure its energy security and address the root cause of migration.⁶² As such, one should not regard such initiatives as one form of reparation. With this in mind, let us briefly discuss the internal problems.

The first of the internal problems is the reluctance of the Ethiopian government to institute the reparation claim. One could mention two examples to demonstrate this fact. The first incident occurred in 2012. This was a period where the hometown of the fascist leader in Ethiopia, Rodolfo Graziani, decided to build a memorial park in his honour, which offended many Ethiopians.⁶³ To express their disappointment, a few Ethiopians gathered in front of the Italian embassy in Addis Ababa and tried to protest peacefully.⁶⁴ However, they were arrested by the police. The peaceful protesters were very few, and they were posing no security threat as such. The main motive for the government to arrest these Ethiopians seems to be its desire to maintain its good relationship with Italy.

The second example demonstrating the reluctance of the Ethiopian government to raise the issue of reparation is its recent engagement with Italy, especially after the coming to power of Prime Minister Abiy Ahmed in 2018. As some commentators argue, the Ethio-Italian relationship has been impacted for so long by the effects of a colonial legacy and deep resentment that resulted in mistrust between the two states.⁶⁵ The new policy direction the Ethiopian government adopted after 2018, however, transformed the relationship between the two countries from 'a history shaped by colonial legacy to a model of pragmatic partnership and cooperative diplomacy'.⁶⁶ In line with this policy change, Italy's Prime Minister Gorgio Meloni and Ethiopia's Prime Minister Abiy Ahmed have met several times since 2023.⁶⁷ The two countries signed a defence cooperation agreement in 2019 and a declaration of cooperation in 2023. A joint declaration of cooperation that seeks to implement the Mattei plan was also signed by Ethiopia

61 As above.

62 As above.

63 'Italian memorial to war criminal sparks controversy' 16 August 2012, <https://www.tamilguardian.com/content/italian-memorial-war-criminal-sparks-controversy>; 'Italy memorial to fascist hero Graziani sparks row', <https://www.bbc.com/news/world-europe-19267099> (accessed 28 May 2025).

64 'Ethiopia arrests 43 anti-Graziani statue protesters in Addis Ababa', <https://ethi-freedom.blogspot.com/2013/03/ethiopia-arrests-43-anti-graziani.html> (accessed 28 May 2025).

65 'From shadows to synergy: the drivers of evolving Ethiopia-Italy strategic partnership since 2018' 25 October 2025, <https://www.ifa.gov.et/2025/10/25/from-shadows-to-synergy-the-drivers-of-evolving-ethiopia-italy-strategic-partnership-since-2018/> (accessed 9 November 2025).

66 As above.

67 T Simie & S Hirpa 'Italy's return to the Horn must come with an apology', <https://issafrica.org/iss-today/italy-s-return-to-the-horn-must-come-with-an-apology> (accessed 9 November 2025).

and Italy in 2025.⁶⁸ The important issue worth noting is that in all these agreements and cooperations, the issue of reparation has not been raised except for the return of Ethiopia's first aircraft, Tsehay, by the Italian government in 2024.⁶⁹ As such, the priority of the current Ethiopian government seems to be strengthening investment and bilateral cooperation with Italy instead of claiming reparation for the grave injustices committed against Ethiopians during the Italian occupation, which it calls a pragmatic approach.

The second of the internal problems is government corruption, conflict situation and weak societal attention to the reparation claim in the country. As many studies indicate, corruption is a rampant problem in Ethiopia.⁷⁰ Further, for many Ethiopians today, the top priority is living in peace and managing the ever-increasing cost of living. The ongoing conflicts in different parts of the country and rights violations by government and non-state actors including indiscriminate attacks on civilians are the major concern for many.⁷¹ In addition, some of the grave violations of human rights that occurred during the Italian occupation, such as extra-judicial killing of civilians,⁷² are happening in some parts of the country. Considering all these factors, people may wonder what the point is of claiming reparations for atrocities committed by Italy when similar things are happening in Ethiopia today. Thus, to initiate a strong social movement for reparations in Ethiopia, the government must cease committing similar atrocities, respect human rights, and ensure accountability and transparency.

68 'Italy and Ethiopia sign joint declaration of bilateral cooperation' 27 July 2025, <https://www.agenzianova.com/en/news/Italy-and-Ethiopia-signed-a-joint-declaration-of-bilateral-cooperation> (accessed 9 November 2025).

69 'From shadows to synergy' (n 65).

70 D Goshu and others 'The state of corruption in Ethiopia' Policy Brief Ethiopian Economics Association (EEA) No 10 November 2024; 'Transparency International: corruption worsening in Ethiopia', <https://ethiopianpolicy.com/2025/02/13/corruption-worsening-in-ethiopia/> (accessed 9 November 2025); Transparency International Corruption Perception Index 2024, https://files.transparencycdn.org/images/CPI2024_Report_Eng1.pdf (accessed 9 November 2025).

71 E Bekele 'Ethiopia: civilian deaths mount from drone strikes in Amhara' 3 December 2024, <https://www.dw.com/en/ethiopia-civilian-deaths-mount-from-drone-strikes-in-amhara/a-70946525> (accessed 28 May 2025); 'Drone strike kills over 100 civilians in East Gojjam: Enarj Enawga community devastated by tragedy' 23 April 2025, <https://www.addisinsight.net/2025/04/23/drone-strike-kills-over-100-civilians-in-east-gojjam-enarj-enawga-community-devastated-by-tragedy/> (accessed 28 May 2025).

72 'Ethiopia: end extrajudicial executions in Amhara region, bring perpetrators to justice', <https://www.amnesty.org/en/latest/news/2024/02/ethiopia-end-extrajudicial-executions-in-amhara-region-bring-perpetrators-to-justice/>; US Department of State 2024 Country Reports on Human Rights Practices: Ethiopia, <https://www.state.gov/reports/2024-country-reports-on-human-rights-practices/ethiopia>; EHRC reports increase in extrajudicial killings, forced disappearances' <https://www.thereporterethiopia.com/43497/>; 'Extrajudicial killings leave 66 dead in Ethiopia' 15 February 2024, <https://ehrc.org/extrajudicial-killings-leave-66-dead-in-ethiopia-group-says-bloomberg/> (accessed 28 May 2025).

5.2 Opportunities

Even though 85 to 90 years have passed, Ethiopians still remember the massacre on 19 February/Yekatit 12 every year as Martyrs' Day by gathering around the *Yekatit 12* monument in Addis Ababa. Every year on this day, they call for acknowledgement of the atrocities committed by Italy and seek apology and compensation.⁷³ Further, there is a recent initiative of a civil society organisation in Ethiopia that seeks to mobilise society on the issue of reparations for atrocities committed during the Italian occupation and to submit the claims to the Italian government by the end of 2025.⁷⁴ The organisation is inviting interested experts to support the effort. If things go as planned, the initiative will strengthen the reparation claim of the country.

Another promising development is the recent initiative of the African Union (AU) to seek reparations for historical injustices the continent suffered, including slave trade, colonialism and post-colonial exploitation.⁷⁵ One of the challenges Ethiopia faced in its pursuit of justice and reparation before international platforms, such as the League of Nations and the UN War Crime Commission, was the absence of supportive partners. Ethiopia stood alone in its efforts and because of its limited economic and political influence, the great powers of the time did not take its demands seriously. Now that Ethiopia is seeking reparation with other African states under the umbrella of the AU, its voice will be strengthened and its bargaining power increased.

6 CONCLUSION AND RECOMMENDATION

Ethiopia's claim for reparations regarding atrocities committed during Italian rule has a strong chance of success, as it fulfils most criteria for a successful claim. Yet, it is not easy to implement it in practice as it faces challenges and internal problems that work against it.

The following needs to be done on the way forward regarding the challenges and internal problems:

Regarding the challenges: as highlighted in the article, the first key challenge is the difficulty of collecting primary evidence that establishes the nature as well as extent of harm suffered by individual victims 85 to 90 years ago. In order to overcome this challenge, Ethiopia could draw

73 A Tamene 'Ethiopia veterans want Italy apology, compensation' <https://www.aa.com.tr/en/world/ethiopia-veterans-want-italy-apology-compensation/5034805.05.2015>, (accessed 28 May 2025); 'Will Italy start paying colonial reparations to Ethiopia? Massacres should not be forgotten' 18 May 2024,

74 https://parstoday.ir/en/news/world-i228954-will_italy_start_paying_colonial_reparations_to_ethiopia_massacres_should_not_be_forgotten (accessed 28 May 2025).

74 Africa Day Initiative, <https://africadayinitiative.org/latest-news/> (accessed 28 May 2025).

75 AU Theme of the Year 2025: 'Justice for Africans and People of African Descent Through Reparations, <https://au.int/en/theme/2025> (accessed 28 May 2025).

useful lessons from other successful reparation claims.⁷⁶ One of these strategies is filing group-based claims instead of individual cases.⁷⁷ This will help to fill evidentiary gaps and ease management as the number of individuals affected by the atrocities committed by Italy are numerous. In addition, Ethiopia should not be discouraged by the absence of primary evidence such as testimony of victims. In jurisdictions such as Germany, reparation programmes used relaxed evidentiary standards to process reparation claims.⁷⁸ These include distributing the burden of proof, standard of plausibility, fact finding, presumptions and standard valuation.

In relation to burden of proof, reparation commissions established in countries such as Germany distributed the responsibility of proving violations between the victim and actors responsible for violations.⁷⁹ This implies that victims are not expected to prove everything on their own. Rather, perpetrators who committed the violations also assume the duty to cooperate in providing the necessary evidence. This is critical because a considerable amount of documentary evidence is found in the archives of Italy. Further, the experience of reparation claims in Germany shows that victims are only required to produce evidence that shows reasonable plausibility of their claims.⁸⁰ In situations where evidentiary gaps exist, the commission responsible for processing reparation claims also facilitates fact-finding and evidence collection. Further, where the victims are unable to prove a specific incident, the commission takes the presumption that if a certain incident happened within a certain period controlled by a certain actor, the violations will be attributed to the entity with effective control.⁸¹

Accordingly, Ethiopia could rely on the available documentary evidence to demonstrate the plausibility of the atrocities committed by Italy during the occupation. In addition, the reparation commission that could be established by Italy may also support the collection of evidence or engage in fact-finding activity on its own to verify submitted claims. It may also corroborate reparation claims by making the necessary inferences and presumptions where necessary. Moreover, instead of attempting to seek individual compensation for individual victims, Ethiopia could demand lump sum compensation for victims or apply standard evaluation techniques to calculate reparation claims. This would help to overcome evidentiary gaps Ethiopia may encounter in the course of demanding reparation for the atrocities committed by Italy.

Concerning the second challenge, that is, the payment of US \$25 million by Italy as war reparation and the provision of development, it would be preferable for Ethiopia not to consider this reparation for atrocities committed by Italy during the occupation. This is because

76 Niebergall (n 49) 145-166.

77 As above.

78 As above.

79 As above.

80 As above.

81 As above.

Italy neither acknowledged the commission of these crimes nor apologised for them. In addition, the \$25 million Italy paid is too insignificant compared to the gravity and extent of atrocities committed during occupation. One could also compare what Italy paid to Libya, US \$5 billion, to that of \$25 million given to Ethiopia to build a hydroelectric dam.⁸² In addition, the exact amount of development assistance given to Ethiopia by Italy is not known. This was also done partly to further the strategic interests of Italy, such as investment, energy security and the prevention of migration. As such, it would be inappropriate to consider them reparations paid to compensate the victims of atrocities committed by Italy.

Regarding the internal problems: it would be advisable for the Ethiopian government to reconsider its relationship with Italy and bring the issue of reparation to the forefront. As highlighted in this article, the current position of the Ethiopian government seems to leave behind past injustices committed by Italy on Ethiopia and strengthen the bilateral cooperation between the two countries in the area of investment and development. This would amount to betraying hundreds of thousands of Ethiopians that were victims of grave crimes committed by Italy during the occupation and their call for justice. Instead, the government of Ethiopia should openly demand from Italy to acknowledge the crimes committed during the occupation, apologise and pay appropriate compensation for victims. This should be the foundation for a sustainable relationship between Ethiopia and Italy.

The government of Ethiopia should also take adequate measures to tackle corruption and ongoing conflicts. This is crucial because without government accountability and public trust in the process, achieving the underlying goal of the reparation claim, namely, justice for victims, will be a pipe dream. As such, devising strategies to fight corruption and ensuring the utilisation of the reparation for the intended purpose is expected on the part of the government. Further, to effectively mobilise the public towards the cause of reparation, the Ethiopian government is expected to end ongoing conflict-related grave violations of human rights committed by different actors. For this to happen, the government should genuinely implement the national dialogue and transitional justice processes initiated in 2022 and ensure accountability by involving all stakeholders.

82 'Gaddafi and Berlusconi sign accord worth billions' *Reuters* 30 August 2008, <https://www.reuters.com/article/world/gaddafi-and-berlusconi-sign-accord-worth-billions-idUSLU16188/> (accessed 9 November 2025).