

ERITREA: SPECIAL RAPPOORTEUR'S REPORT

6/2/13

HUNDREDS OF WILD CHARGES, NONE VERIFIABLE



E-SMART

Eritrean Sanctions
Must be Annulled &
Repealed Today!

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Global Eritrean Movement Against Unjust Sanctions

The Special Rapporteur on the situation of human rights in Eritrea in her report submitted on May 28, 2013 has made hundreds of wild charges, yet she was unable to verify any of these. It looks she never made an attempt to know the reality of Eritrea and the Eritrean people, yet she didn't hesitate to make any charge under the sun about things she herself admits she didn't know anything about. She was selective in her choice of neighbors to visit or individuals and groups to meet. Given her anti-Eritrean disposition, we expected her report to be another cut-and-paste of the disinformation compiled over the last 15 years by Eritrea's sworn enemies and their supporters. But, this report is even worse than our expectations. See for yourself. Her below is a paragraph-by-paragraph rebuttal of the report.

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Summary: *The Special Rapporteur on the situation of human rights in Eritrea in her report submitted on May 28, 2013 has made hundreds of wild charges, yet she was unable to verify any of these. It looks she never made an attempt to know the reality of Eritrea and the Eritrean people, yet she didn't hesitate to make any charge under the sun about things she herself admits she didn't know anything about. She was selective in her choice of neighbors to visit or individuals and groups to meet. Given her anti-Eritrean disposition, we expected her report to be another cut-and-paste of the disinformation compiled over the last 15 years by Eritrea's sworn enemies and their supporters. But, this report is even worse than our expectations. See for yourself. Her below is a paragraph-by-paragraph rebuttal of the report.*

1. The Special Rapporteur starts her report by stating "*based upon the **initial observations** of the Special Rapporteur on the situation of human rights in Eritrea and information gathered from a variety of other sources, including Eritrean refugees interviewed during a field mission to neighboring countries from 30 April to 9 May 2013*". From the onset, it is not clear what the "initial observation" is supposed to mean? Does it mean the Special Rapporteur has yet to verify and validate the stories she has been told by the "unidentified victims"? Are her observations subjective or objective? Are her observations limited to the "unidentified victims" that she met during her mission to the "sizable Eritrean refugee population" in Ethiopia and Djibouti or she has talked with other 'victims'? If the Special Rapporteur was able to reach out to other "victims" stating the time and place would have been of a great help. To our understanding, ever since the Special Rapporteur was assigned her responsibility, she was stationed in Mauritius, or at least that is what she claimed to when responding to the many communities that requested to meet with her. Could the Special Rapporteur be drawing her "observations" from secondary, mostly biased, politically motivated sources?
2. By going to Ethiopia and Djibouti she has essentially prejudiced her report and undermined her own credibility and integrity as she has broken UN's own rules on impartiality and strict conformity with her mandate by seeking instructions from these two and other governments. The UN rules also state that she should keep the information acquired in discharging her mandate confidential even after she has fulfilled her mission, yet she didn't wait-instead she decided to publish her preliminary findings through a widely distributed Press Statement.¹ In addition, she must know that, regardless of their numbers, those living in Ethiopia and Djibouti were not a fair representation of the Eritrean population. Secondly, it is the Council that should analyze the information gathered-not the Special Rapporteur herself who is the fact-finder, one who is supposed to balance the interests of all stakeholders.
3. We read Para 6 "*the Special Rapporteur reached out to a **broad range of stakeholders** in the preparation of the present report. In the implementation of her mandate, she is committed to **giving a voice to Eritreans who have experienced violations directly or indirectly** and whose fundamental freedoms and human rights have been breached.*" How exactly did she reach out to a "broad range of stakeholders"? How many stakeholders did she identify? What are the specific attributes of the "stakeholders"? What tools and techniques did the Special Rapporteur use to perform "Stakeholders Analysis". For example, a basic analysis of Ethiopia and Djibouti, as "stakeholders",

¹ [http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/48CC87A4F665D7E8C1257B6B00562682?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/48CC87A4F665D7E8C1257B6B00562682?OpenDocument)

would have shown that both countries are parties to unwarranted conflicts with Eritrea. As such, how can the Special Rapporteur accept any information that comes out of Ethiopia and Djibouti at face value? With respect to her "Stakeholders Analysis", the Special Rapporteur also appears to have identified "Eritrean refugee population" in 11 countries as "Stakeholders" and only 3 countries responded positively to her request (two of which are in a war footing with Eritrea). In that case, was it not clear to the Special Rapporteur that from the get go there was something fundamentally flawed with her "assignment" when only 3 out of the 11 countries that presumably host the majority of the "stakeholders" she had identified responded positively to her request to visit? How about the large number of stakeholders that explicitly informed her about the human rights violations they suffered and are still suffering at the hands of hostile neighboring countries, such as Ethiopia, that deprived them of their citizenship, deported them and is occupying territory where their places of residence are situated? Looking at it purely from basic stakeholders analysis, the Special Rapporteur appears to have been assigned a project with highly influential "sponsor" and voiceless and inconsequential "Stakeholders".

4. In addition, the entire people of Eritrea's human rights are violated by Ethiopia's violations of international law, the UN and African Union Charters, the Eritrea Ethiopia Boundary Commission's (EEBC) final and binding delimitation and demarcation decisions of 13 April 2002 and November 2007 and the continued military occupation of sovereign Eritrean territories, including Badme, the flashpoint for the 1998-2000 Eritrea Ethiopia border conflict.
5. Does the fact that the Government of Eritrea (GoE) has not responded to her "requests" to visit Eritrea, in one way or another, affect her objectivity and color her views of the GoE? Is she holding a grudge against it? It has to be noted, despite the GoE's rejection of the Council's politically motivated Resolution and her appointment, government officials have met with her on a number of occasions, both in Geneva and the Gambia.
6. In the interest of transparency, can she name the third government that "positively" responded, the two that responded "negatively", and the six that have not yet responded yet to her request to visit them? Why didn't she name the European country she wanted with "the Eritrean diaspora there" and wanted to explore in "a future report"?
7. The report says Para. 5. "*The Special Rapporteur endeavoured to implement the mandate in a constructive, transparent, **independent** and **impartial** manner, aiming at contributing to strengthening the respect for the human rights of all Eritreans.*" If that was the case, why is her report compiled on the basis of the visits that she made to Ethiopia, a country which has a vested interest in portraying Eritrea in a negative light and with which Eritrea has an unresolved border matter and its official position is regime change in Eritrea and Djibouti, which, even though to a lesser extent, has also an unresolved issue with Eritrea as well? Furthermore, Djibouti is the only country that stands to benefit from tense relations between Eritrea and Ethiopia because Ethiopia continues to boycott Eritrea's ports?
8. How do we know that no undue influence was placed on her by the authorities she "paid courtesy calls" in Ethiopia and Djibouti? Did she randomly pick the names of the individuals she interviewed or were they pre-selected? How did she ascertain their citizenship? Did she check their IDs? If so what means did she use to authenticate their IDs? What measures did she take to corroborate the stories she heard, particularly taking into account that she had made her conclusions within one week of her visit?
9. Why did she have to attend the Banjul session? Is that part of her mandate? How about the NGO Forum? Why did she attend it? Who are the "human rights defenders" that she met there? Her Banjul trip, in her own admission, was "useful for the collection of information from various

stakeholders". Who are these "stakeholders" she met there? What are the "variety of other sources, including governmental, non-governmental and intergovernmental sources" that she used to compile her report? Shouldn't she disclose who they are and under what legal provisions and mandates they disclosed the "information" to her? How did she verify these sources were authentic and not politically motivated? How many and who filled the "questionnaire" she distributed over the Internet? Does she plan to meet the "more than 200" people that sent her "emails and letters with requests for meetings?" If not why not? Aren't they stakeholders as the ones she had already met?

10. What made her conclude that "*military expenditure, including the huge costs of military mobilization, is one major factor contributing to the country's economic decline*"? Does she have numbers to back up her claims, and how is that related to her mandate as a Special Rapporteur on Human Rights? Why did she find it necessary to interject her "humble view" that the border issues "should not serve as an excuse for" the human rights situation in Eritrea? Does she mean to tell us that the right of a population to live in peace, the right to return to their homes that are occupied by the enemy, and the sovereignty of a country and the sacrifices paid to bring it about and defend it are to be taken lightly? Who gave her the mandate to decide what national matters are important or not?
11. Isn't whether or not countries ratify an international treaty a matter of sovereign right? Why did she question Eritrea's right to exercise its right? In Para. 28, she states, "*The core treaties to which Eritrea is not a party include: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*"; other than padding her list of accusations, not a single, even one country of the developed world is party to the MWC. All 46 nations that are parties to it are either from West Africa, Latin America or South East Asia like Indonesia and the Philippines. Only 57 countries are party to the "International Convention for the Protection of All Persons from Enforced Disappearance" (ICCPED), some of the notable non-parties are, the United States, Canada, Australia, the United Kingdom, and New Zealand.
12. For example, the United States of America has not ratified the 2007 "Convention on the Rights of Persons with Disabilities" (CRPD), the 1966 "International Covenant on Economic, Social and Cultural Rights" (ICESCR), the 1981 "Convention on the Elimination of all Forms of Discrimination against Women" (CEDAW), the 1989 "Convention on the Rights of the Child" (CROC) and the 1989 "Indigenous and Tribal Peoples Convention". It is also worth mentioning that the USA ratified the 1966 "International Covenant on Civil and Political Rights (ICCPR)" in 1992, after a long delay of 26 years. Can the Special Rapporteur dare to say the United States of America is a major abuser of Human Rights just because it is not a party to UN conventions? Doesn't Eritrea's compliance with the Universal Periodic Review show its commitment to treaties and international agreements it is signatory to? We have no doubt Eritrea has no qualm in being a party to any of the listed UN Conventions for they are part of its core beliefs and we are certain Eritrea's non signing these treaties is an issue of technicality than one of policy.
13. Para. 43: "**An unknown number** of people have been shot near the Eritrean borders with Djibouti, Ethiopia and the Sudan, allegedly for attempting to cross illegally. Border military personnel have standing orders to implement a shoot-to-kill policy to those attempting to flee." What is "unknown number" supposed to mean, 1? 10? 100? Or could it also be **ZERO**? Did it also occur to the Special Rapporteur the border between Eritrea and Ethiopia is a border that is yet experiencing the tension of war?
14. Eritrea has the right to establish credibility of the witnesses that the Special Rapporteur allegedly interviewed and collected testimonies from. What is her mechanism for that? The same with

statement that "the policy was confirmed in the discussions and interviews held by the Special Rapporteur **with several former military personnel who had been required to implement** the "shoot-to-kill policy"? If these interviewees indeed had killed people, shouldn't they be charged with murder? They could not claim that they were under duress to shoot and kill? Duress is no defense to murder.

15. Para. 43: "The account of a young woman who was shot while crossing the border in 2012 was particularly harrowing. After her first attempt to cross failed, she was imprisoned at Sawa detention centre for almost a year, without her family being informed. When she attempted to cross the border again, she was shot seven times, in the leg, foot, hand and breast, but still managed to escape. She had to be hospitalized for nine months." Who is the young woman that was shot seven times and survived? In addition, she attempted escape in 2012, was imprisoned for "almost a year" in Sawa, then was hospitalized for nine months, the arithmetic doesn't add up.
16. Para. 44, "Owing to the harsh conditions at the Sawa military training camp, students commit suicide or fall ill and die." The Special Rapporteur doesn't care to tell us how many students had died, how many have committed suicide, or how many fell ill and died. Her mandate was not to just throw out accusations, but to investigate. Unfortunately, she is showing how a shoddy investigator she is.
17. She continues to say: "In one year, two girls died. For having failed to clean the bathroom, a female student was punished by being forced to roll on the hot ground, thus sustaining severe burns to her body. Unable to bear the pain, she leaned on a live electric wire and was electrocuted. Her friend, who was trying to rescue her, also died." How does she know whether or not accidents were indeed the causes of death of the "two girls"? Does she have access to the coroner's report? And she also alleges "when students die in Sawa, their bodies are buried in a graveyard with no tombstones" and she goes on to allege "Parents are rarely informed about the death of a child." This is definitely hard to accept considering the long-standing Eritrean tradition and ritual with regards to burial and respect for the dead. Does she care to disclose the names of the deceased and the informants?
18. Para. 47: "the thousands of others who have disappeared is distressing"; Para. 48 "There have been thousands of victims of enforced disappearance or incommunicado detention in Eritrea." Para. 49 "The **number of Eritreans jailed for their perceived political opposition is difficult to confirm, but may be as high as 10,000.**" Para. 51: "The number of people arrested and detained without charge or due process **amounts to thousands.** National service evaders or escapees, and those suspected of wanting to flee or caught during flight further swell detention figures and **may reach tens of thousands.**" If the 10,000 figure she mentioned is "difficult to confirm", as she claims, then why did she include it in her report? She conveniently attributes this number to the document: A/HRC/WG.6/6/ERI/3, para. 15, a look at that document shows the source is Human Rights Watch, a group that has no presence in Eritrea. Furthermore, a close reading of that same report reveals that the other sources is a Joint Submission of a coalition of anti-Eritrea groups that work closely with Ethiopia.
19. In Para. 56, she complains that "obtaining information from inside Eritrea poses severe challenges"; yet she goes on to throw numbers without any hesitation. While admitting that "it was impossible for the Special Rapporteur to know how many secret detention centres, holding cells such as shipping containers or underground bunkers controlled by the military or internal security service exist", she takes it for granted the existence of these. Which is it, knowing or guessing? We are certain that was not what the Council was expecting. She also reports "Deaths in prison from torture, overcrowding, disease, inadequate food and other harsh conditions are frequent, though no exact

- figures were available”, the same as above, if she has no exact or close to exact figures or she cannot corroborate the stories related to her, she would have been better not to mention it.
20. How come her report does not mention the fact that there are many "National Service evaders or escapees" that have returned to Eritrea to visit their families and left with no problem?
 21. Para. 60 "**Internet access is limited**, with a penetration below four per cent, primarily through cyber cafés in Asmara and other main towns. Users are closely monitored, **Telephone services and the Internet are unavailable in rural areas**. To obtain a mobile telephone number, an application must be forwarded to a government-appointed committee, which vets the applicant before a decision is reached. Young people are denied their own mobile telephone numbers." These accusations are not only disingenuous in a sense that she claims that "Telephone services and the Internet are unavailable in rural areas," yet she is either ignorant or purposely concealing the fact this is because of lack of electricity in the rural areas. Why is she trying to politicize this? However, it is undeniable that the country has mobile phone coverage of 85% of the area and anyone who has a charged phone can use a mobile phone service.
 22. Access to the Internet, even though marred by slow connection, is accessible to all that want and can afford it. Her claim that "users are closely monitored" is a red herring. Her claim of "Young people are denied their own mobile telephone numbers" is patently false; age is not a factor in determining who gets a mobile phone; whoever can afford it can get it.
 23. Para. 65. "The followers of unrecognized religious denominations, such as the Jehovah's Witnesses, and Evangelical and Pentecostal Churches, among others, face draconian restrictions and are persecuted, and may be denied administrative services, such as the issuance of national identity cards, as this would require denouncing their religion on the application form" this is an often repeated lie. Governments everywhere may restrict the time, manner and place where gatherings can take place. The government vigorously pursues Eritrea's policy of self-reliance, and it ought be commended not criticized. The government is secular and does not endorse or favor one religion over another. However, it has issued a proclamation as early as 1995 that regulates foreign financing for religious activities. Every religious institution is expected to follow the rule of the land. Those that comply would be allowed to undertake their religious activities and those that choose to ignore it could face punishment. It is as simple as that;
 24. She talks "possession of religious material, including Bibles, can be a reason for arrest" this is a pure fabrication. About 50 percent of Eritreans are Christians, among these more than 99% of them are followers of either the Orthodox, Catholic, or Evangelical Church of Eritrea, is she telling us these people carry no Bibles? She cannot present a single person arrested for possessing a Bible, not even a single one. However, the government has the right to ban proselytization in government and public premises. As a secular government, it shouldn't allow its premises to be used for religious proselytization.
 25. She also raises the issue of the Jehovah's Witnesses, but the issue with this group is not one of religious freedom, but one of not accepting Eritrean sovereignty. Many of them had refused to take Eritrean ID in 1992 when every person of Eritrean origin all over the world was taking Eritrean citizenship saying, "they don't recognize an earthly authority"; since Eritreans before this date were all considered Ethiopian citizens anyone who refuses to take Eritrean citizenship automatically remains an Ethiopian subject. This was and still is at the heart of the problem. The issue was not as some falsely allege because the Jehovah Witnesses refused to vote in the referendum, it was not, it was because they refused Eritrean citizenship. We are talking of some who refuse to take Eritrean citizenship and yet have no qualm to apply and take western citizenships.

26. She reports lifting from the now discredited Somalia Eritrea Monitoring Group that “*The payment of the ‘diaspora tax’, a 2 per cent tax often levied by unofficial agents of the Government involving threats, harassment and intimidation*”. First the proper name of the 2 percent contribution is “Rehabilitation and Development Tax”; second there is no threat of violence, harassment or intimidation involved. Those who want full Eritrean citizenship right, like property and other ownership do and those who don’t want, nobody forces them. In a sense it is all voluntarily paid and it is not “a prerequisite for Eritreans abroad who wish to return home.” She cannot produce even a single case of an Eritrean that had been denied entry to Eritrea or exit from Eritrea because of non-compliance with the “Rehabilitation and Development Tax”, not even a single one. On this count her report is patently false and misleading.
27. She admitted, and as evidenced by UN agencies, Eritrea has meet 7 of 8 MDG goals, one of which deals with the promotion of gender equality and empowerment of women, and yet she reports “***The situation of women in Eritrea is a cause for concern. The role of women during liberation was well recognized. Eritrean society nonetheless remains patriarchal to a large extent, where women may have the same legal rights, but are not treated equally in practice.***” While admitting “*the role of women during liberation was well recognized*”, she tries to insinuate the role of women are not “well recognized” now. This is blatantly false. It is the same Front that waged the war of liberation that is leading Eritrea, its commitment to gender equality hadn’t wavered a bit. She continues “*Eritrean society nonetheless remains patriarchal to a large extent, where women may have the same legal rights, but are not treated equally in practice,*” why is this unique to Eritrea? The issue is does Eritrea’s government treat women differently than men? The answer is emphatically no. As for changing attitudes of men, it takes time, but slowly but surely it is changing. There is no part of the world that is not “patriarchal”, from Mauritius to India, from Canada to Australia, and in this regard the situation in Eritrea is no different. However, contrary to the assertion of the Special Rapporteur Eritrea’s traditional society accepted the equality of women and is working to improve it. That is the reality on the ground.
28. In Para. 70 she writes: “Allegations of rape and sexual harassment, particularly in military and educational training camps or during interrogation, **are frequent.**” This also reads from the pages of old and discredited fake stories. As early as 2002, some groups who might as well have been her sources now, were circulating a fake but sensational story about rape in Eritrea; except, the story, was word for word taken from a BBC report on rape in South Africa. What they did was the replaced the country, South Africa with Eritrea, and the South African girls’ names with Eritrean sounding names.² It is shameful the Special Rapporteur repeats another version of these discredited stories of “rape and sexual harassment” and she has the temerity to say they “are frequent” without any fact to back her accusations. Eritrea’s laws and customs are harsh when it comes to rape; sexual harassment of any sort is not tolerated. There could be few exceptions, but far from being frequent, and when and if they are reported the punishment and social backlash is severe. This Eritrea’s reality, she can take it or leave it.
29. In Para. 71 she says: “*Although domestic violence is prohibited under international law and **criminalized under the Eritrean Penal Code**, it is still prevalent. Cases of domestic violence are, however, rarely brought to trial, and hence no legal penalties are imposed. Furthermore, women seldom openly discuss domestic violence because of social pressure.*” We would not say domestic violence is totally absent in Eritrea, however, let alone now, when there is a government that is committed to gender equality, even traditional Eritrean laws had penalties for domestic violence. The “social pressure” she is talking about, if any, is one of her perception than an Eritrean reality.

² <http://www.ephrem.org/~ephrem/archives/2002/aug02/0003.html>

In this day and age, there is no family that would pressure a daughter or a sister to keep quiet under a violent relationship. Of course, as in all legal cases involving domestic violence, the victim needs to cooperate in pressing charges. What would have helped the Council is that if the Special Rapporteur had solid evidence showing where a victim had filed charges but the Eritrean court system had refused to prosecute; without such a case you cannot blame domestic violence on a government or a society. Furthermore she says: "*incidents are more commonly addressed within families or by the clergy and other religious figures*" this might be the case in some, but that is only if the woman is willing. Other than that we don't think the police will tell a woman that reports domestic violence to go to the clergy.

30. In Para. 72 she writes, "*high number of unaccompanied children crossing the border*". First how did she verify these children are indeed Eritreans? There are no IDs for children, so what measure did she use to ascertain that they were bona fide Eritreans? Had it occurred to her that they could be Ethiopian children coached to tell her fake stories? If indeed they were Eritreans, could it be that someone might have smuggled them out of Eritrea to get her attention? Let these be as they may, the real question is what had she done to reunite these children with their parents?
31. Para. 72 "*The children referred to their dysfunctional family circumstances and the difficulties faced in **child-headed households owing to the long absence of their parents**, who, as soldiers, were mostly in the military camps, detained or in exile.*" In Para. 97 "*citing dysfunctional family circumstances caused by the **absence of one parent or even both as a result of conscription**, detention or exile or forced military training as the reasons for flight.*" This is a pure fabrication. We don't think the Special Rapporteur could provide even a single case where both parents were away and children were left on their own. This is unheard of. It is a sensational story peddled to paint a non-existent picture. Furthermore, her allegation in Para. 72 and Para. 97 squarely contradicts the statement she had in Para. 69: "*Young women are getting married and giving birth at a young age, often to avoid compulsory military service.*" Here she is telling us women can avoid national service if they have children, on the other hand she talks of "child-headed households" because both parents are required to serve. She cannot have it both ways. Furthermore, the African extended family relation that is still solid in Eritrea would negate her baseless charge of "child-headed households".
32. Furthermore in Para. 97 she has "***Even children as young as 7 or 8 years of age** are crossing borders unaccompanied.*" This is a bare-naked lie. How is it possible for 7 or 8 year olds to cross borders as harsh as those Eritrea has with its neighbors? It is not as if a 7 or 8 year old can sneak into a bus or a train and find himself on the other side of the border. A 7 or 8 year old might be able to stowaway, even that as a game rather than out of calculation, in Geneva to cross a boundary unnoticed, but never in Africa. It would have been better if the Special Rapporteur had used common sense. This kind of exaggerated reporting shows not only does she lack credibility, she also has no commonsense at all. Furthermore how can a 7 year old cite "dysfunctional family circumstances"? May be the Special Rapporteur has no experience with 7 and 8 year olds, but the 7 or 8 year olds we are raising in the Diaspora or those we know in Africa are not physically or mentally capable of doing what she alleges.
33. She adds in Para. 72: "*The children also cited lack of educational opportunities*" this is also another lie. Education up to Grade 8 is mandatory. The country has enough elementary, middle and secondary schools to accommodate every student. The government also has boarding schools and mobile schools to accommodate those children of nomads. We cannot say a 100% of school-aged children are in school, but if there are any not in school, it is not for lack of educational opportunities, but some other reasons. College education is also free for all those who meet the

academic requirement. For those who do not meet the requirements for a degree program, they have opportunities to pursue diploma or certificate programs, and those who fail to get these latter two, they can get professional and technical training in many areas. Thus, this accusation of "lack of educational opportunities" is not grounded on facts. Had the Special Rapporteur done her homework right, she would not have jumped to such unsubstantiated conclusion.

34. Para. 67 *"Travel within the country is extremely restricted and requires a travel permit, which is difficult to obtain. Controls are frequent at checkpoints between cities."* This is also patently false. At this time there are no checkpoints in Eritrea; they are long gone! Even when they were in place, they were only set up because of the war with Ethiopia. Even in the West, with all the security and surveillance cameras and all the other monitoring that goes on, we are all familiar with the security checks that countries had to go through to ensure the security of their citizens. So we would like to say to the Special Rapporteur, get your facts right.
35. Para. 74 *"Minority groups in Eritrea include the Afar, the Bilen, the Beni Amer, the Kunama, the Nara, the Saho and the Tigre."* We are curious on what basis the Special Rapporteur decided to classify some as "minority groups." If it is based on population size, how is it that the Rashaida and Hedariib are left out, while the Tigre, one of the biggest groups in Eritrea, is included? Furthermore, why did she put the Beni Amer separately from the Tigre? Saying this, we want to underscore that the issue of "minority" vs. "majority" is non-existent in Eritrea. Eritreans rarely think in terms of ethnic or religious affiliations, or they don't conduct their business based on numbers. Eritrea is home to all its citizens; Eritrea's languages are all considered equal. It has no official language(s); every Eritrean child is taught elementary school in her/his mother tongue. Eritrean cultures, way of life, religions are all equally respected. Thus the idea of minority majority metric is not relevant in the Eritrean context. It is all politically motivated.
36. Para. 74 *"During her mission, the Special Rapporteur met with members of the Afar and the Kunama ethnic groups and was able to hold group discussions with them. While the **human rights violations they described were not necessarily uniquely experienced by the groups**, they have had a disparate impact on them."* If this is her conclusion *"the human rights violations they described were not necessarily uniquely experienced by the groups"*, why then raise the issue here? We will come more to say about this in Para. 42 and 43.
37. Para. 77 she presents not a single evidence how the *"The Afar are subjected to the **destruction of their traditional means of subsistence and livelihood**" and "have also **been forced into displacement from their traditional territory**"?* She also never cares to explain how the issue *"national service requiring young Afar women to leave their homes for long periods of time is met with criticism"*. How are young Afar women any different than any other young Eritrean women vis-à-vis their obligation to the National Service? Which is it, on one hand the Special Rapporteur laments the "patriarchal" nature of Eritrean society, and here she is trying to make an issue out of it. She needs to choose one. If not it is called CONTRADICTION!
38. She continues in Para. 78 with: *"The Afar consider that they are targeted as a community and are discriminated against, given that the **Afar region has suffered from lack of development and security for the past 20 years,**"* yet, she gives no evidence on how *"the Afar region has suffered from lack of development"*; this accusation is based neither on facts nor on solid research. None of the statistics we saw for the Southern Red Sea Region backs what she reports. Granted the nomadic life-style of the Afar, like all nomadic people in Eritrea, might have its own challenges as far as modern development is concerned, but there is no policy in Eritrea that disenfranchises the Afar by singling them out. Had the Special Rapporteur read the extensive response the GoE gave on 15

February 2012³ to the UN High Commissioner for Human Rights, she would have thought twice before regurgitating these baseless accusations that have their source in Ethiopia.

39. Para. 80. *“Since independence, many people from other regions of Eritrea, particularly from the highlands, have been encouraged to settle in areas traditionally populated by the Kunama.”* This is also a pure lie. Eritreans, from time immemorial, have been coexisting together wherever they think they can find a better living. We can excuse her ignorance of history, but the area she is talking about, is has been settled by the mosaic of the Eritrean population, farmers as well as pastoralists, not only highlanders. At the same time she cannot give a single evidence of the displacement of the Kunama because other ethnic groups are living along with them. As we will argue below this, like the Afar issue, is also a lifting off the pages of Ethiopian fabrications and accusations.
40. Para. 81. *“The Kunama assert that they have been marginalized, a situation that has brought about disparities in their access to such basic social services as health care and education.”* Again she has no fact to back up this accusation. Here too she has failed as a fact finder, and she cannot take cover by saying “I was not allowed into Eritrea”.
41. Para. 82. *“During the border dispute between Eritrea and Ethiopia, the Government of Eritrea accused the Kunama of being sympathetic to the Ethiopians, and persecuted them.”* Who is the source for this accusation? Can she backup her claim? Can she cite examples? Quite to the contrary, and if she was a good student of history, she would have found out that it is the Ethiopians that are violating the human rights of the Kunama, going now to over a hundred years. At one time, around the coming of the Italian colonization, an Ethiopian warlord, we might add a warlord taken these days as a hero by those in power in Ethiopia, had committed an act of Genocide against the Kunama. When he was done with his killing spree, he had annihilated two-thirds (67%) of the population of the Kunama and the Nara.⁴ Yes, this is the dark history of the Ethiopian ruling classes. It is very ugly and brutal, particularly when it comes to what they consider “dark-skinned” Africans. That is why they are committing genocide as we write in Gambela. Yes, even though her mandate is on Eritrea, she needs to look into Ethiopia if she is going to take the stories they tell her.
42. At this point it is essential to ask a fair question: why is the Special Rapporteur raising the issue of the Kunama and Afar? Out of 9 Eritrean ethnic groups why focus particularly on the Afar and the Kunama? We doubt she had asked herself this question? Is it really because there is an issue of “majority” vs. “minority” that singles out these two groups as the Special Rapporteur tried to insinuate, or there is a sinister reason behind it? Could it be she was unduly influenced by Ethiopia’s not so hidden agenda? It is an open secret that one of Ethiopia’s main obsession and appetite for (re)-invading Eritrea is Ethiopia’s illegal desire to own access to the Sea at the expense of Eritrea. The Afar happen to live along coast that Ethiopia is interested in and is doing its best to create stories and unrest. Annexing the whole of Eritrea, if not at least the Denkalia (the home of the Afar, now called Southern Red Sea) has been Ethiopia’s desire ever since the Allied Forces liberated it from Italian occupation back in 1941. For instance, at the time of the Communist dictatorship (1974-1991), in hopes of remaining with some sea access in the face of an imminent defeat in Eritrea, Ethiopia had attempted to administer the Denkalia separate from the rest of Eritrea. However, the plan didn’t succeed; Eritrea was liberated as a unit in 1991 and during the UN supervised Referendum of 1993, like in other parts of Eritrea, the vote in Denkalia

³ http://www.dehai.org/archives/dehai_news_archive/jun-dec12/att-0189/Reply_On_Human_Rights_Allegations_From_Eritrea2.pdf

⁴ H. Erlich. *Ras Alula and the Scramble for Africa: A Political Biography: Ethiopia & Eritrea 1875-1897*. Red Sea Press, 1996 pp.101-2

was 99.54% for independence. That is, the Afar who had gallantly fought for Eritrea's independence like their fellow Eritreans against Ethiopian rule, also voted overwhelmingly for independence in front of the world. In a nutshell, this is the Afar story.

43. As for the Kunama, if we may, let us educate the ignorance of history of the Special Rapporteur; Badme, the so called flash-point of the 1998-2000 war between Eritrea and Ethiopia, is located in Kunama territory. The name Badme (Baduma) is also a Kunama word for a plain. By the 2002 finding of the Eritrea Ethiopia Boundary Commission (EEBC), Badme was and is an Eritrean town. Badme is also one of the Eritrean towns Ethiopia is still illegally occupying. Furthermore, in explaining its 2002 Decision, the EEBC had clearly stated the object of the 1902 colonial border treaty was neither about a river or a mountain but the Kunama people. To the EEBC the issue "that the Kunama tribe belong to Eritrea, is of a different order of significance." In other words, the Eritrea-Ethiopia border was to be demarcated, based on the 1902 colonial treaty, so as to ensure "*the whole of the Kunama tribe up to the Mareb*" stays in Eritrea. This is exactly how it was for hundred years and that is what the Commission affirmed in its 2002 Ruling. Ethiopia, who seeded this baseless "Kunama story" in the Special Rapporteur's Report, has yet to accept the final and binding EEBC Decision or its order to vacate the occupied territories, including the town of Badme, or stop the illegal settlements it is building in the occupied territories. In other words, the Ethiopians by raising the Kunama issue are hoping to use the Special Rapporteur's Report to get what they couldn't get legally in a court of law. We want to add that Badme and all the occupied territories had long been ethnically cleansed of the majority of their Eritrean inhabitants and those that are unfortunate to stay under Ethiopian rule are enduring a life of a constant threat of intimidation and harassment. However, as if this is not a major abuse of Human Rights of an Eritrean people, the Special Rapporteur didn't care to devote even a single paragraph on it. That is why we are saying by talking about the Afar and Kunama without any historical context the Special Rapporteur is deliberately pushing the Ethiopian agenda.
44. Para. 55, as many other paragraphs, is lifted, without proper citation, from other sources for example one can read Amnesty International's May 2004 Report AFR 64/003/2004. The same with Para. 65 from Amnesty International's 2013 Report.
45. Para. 57, "*Family members are frequently punished for the conduct of another family member, especially in the case of draft evasion and desertion*", she should have investigated this one carefully. Could it be the family members had aided and abated in the crime of desertion?
46. Para. 83, the Special Rapporteur, in her attempt to minimize Eritrea's commendable achievement on 7 of the 8 Millennium Development Goals, zeroes in without any context on the one and only one that Eritrea is working hard to meet. The elimination of extreme hunger. She says: "*Eritrea is experiencing difficulties in meeting the Millennium Development Goal 1 target of eradicating extreme hunger and poverty....*" We are glad the Special Rapporteur admitted that food security is a human right par to none and that is why Eritrea is putting its priority right. Human dignity, human security and human development. Furthermore, the numbers she chose to quote are suspect. In 2012, Sam B.⁵ had done a brilliant analysis where he showed how the 2012 Global Hunger Index for Eritrea was based on decade-old, 2002 numbers, the year Eritrea had experienced a severe drought rather than more recent figures. Thus the only numbers she had tried to bring are suspect and politically motivated. We want to say, "next time around do your homework right."
47. Para. 86: "*Medical facilities have nonetheless deteriorated over the years, with hospitals generally understaffed and underequipped.*" She has no facts to back this. Para. 87: "At the same time,

⁵ Sam B. Eritrea: What Global Hunger Index 2012 Really Means, <http://www.yfpdcalifornia.org/?p=1070>

farmers may sell their produce only to the Government, and at a very low price.” She gives no evidence for this as well. It is not based on facts. Farmers indeed can sell their produce anywhere and everywhere they want. Para. 88: “a coupon system that was the only means of access to basic food items and which, they claimed, also served as yet another measure to control the population.” This is also a baseless allegation. The coupon system she is attempting to distort is one where the population can get some basic items in a reasonable price because of government subsidy. It is one designed to help not control. Many countries have similar various social safety nets for their populations: they call it: food stamps, welfare, etc. We don’t think the Special Rapporteur would dare call these western systems “another measure to control the population”. What is wrong if Eritrea tries to provide some basic needs at a reasonable price? In fact the shops where you can get these items are called “reasonable price shops”.

48. She adds, “In addition, as a result of the self-reliance policy, **humanitarian aid organizations are not allowed to operate in Eritrea.**” Is she telling us humanitarian aid organizations can help Eritreans get out of poverty? We would love to get a single example of a country that had overcome poverty through food aid. Quite to the contrary, Eritrea’s next-door neighbor has been receiving billions in food aid since the mid 1970s, yet to this day the country is a basket case. It might help the Special Rapporteur to read what some economists think of aid. In fact, one of her fellow Africans, a Zambian economist, Dambisa Moyo, had an apt name for western aid that help no one: “Dead Aid”.⁶
49. Para. 89. “While basic education in the country is compulsory, free and universal, the Government has a tight control over the curriculum. School children, parents and teachers alike pointed out that a yearly amount for school material and uniforms had to be paid. For cash-strapped families, it was very difficult to gather the necessary amount at the beginning of the school year.” Of course note how she conveniently left out the fact that the government provides all the textbooks; if parents had to pay, it is for notebooks and pencils/pens. Compared to the cost of books this doesn’t amount to much and even with this the government has a system to help those who couldn’t afford it. As for “uniforms”, it is disingenuous of her to bring it. Yes, it is required, but the uniform is out of the cheapest material that every parent can afford. It is designed to protect parents from unnecessary competition that teenagers might demand to wear. A modest amount for a uniform saves far more than what could happen without uniforms. We know this because, as Eritreans we all passed through such a stage. The Special Rapporteur should have never tried to misconstrue a good policy for her own political designs.
50. She adds, “The only university in the country, the University of Asmara, was closed in 2006. Regional colleges, which are **administered by the military and linked closely to military training and political indoctrination**, are the only option for post-secondary education.” This is patently false. She cannot produce a single college administered by the military, nor can she dismiss these colleges are there for “military indoctrination” only.
51. “Children who do not pass the eighth grade are conscripted and sent for military training in Wi’a, including those who are underage.” This is also patently false. No one who is under 18 is sent for military training. It is a fact that anyone can verify. Why she chose to wallow in such false allegations is beyond our imagination.
52. Finally Para. 92. “Despite the deadly risks run while attempting to escape the country, large numbers of Eritrean citizens have fled over the past decade. In 2012, the total Eritrean population of concern to UNHCR amounted to 305,808 persons” what has she done to ascertain the identity of these

⁶ Dambisa Moyo, *Dead Aid: Why Aid Is Not Working and How There Is a Better Way for Africa*, 2009.

refuges? Eritreans in the Diaspora are well aware that in some instances as many as 4/5 of those that are being resettled in western countries are actually Ethiopians using fake Eritrean IDs. Since claiming an Eritrean citizenship is the easiest way to get a political asylum in the west, East Africans are taking advantage of it. Had the Special Rapporteur been serious she could have asked the authenticity of these numbers before cutting and pasting them.

53. The Report is full of hundreds more of unverifiable wild accusations; we don't want to write a report longer than hers. Saying this we urge the Council members to reject her report and not to renew her mandate.