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المبادرة العالمية
الإرترية للعدالة

ERITREAN GLOBAL ACTION FOR JUSTICE

21 June, 2016

Geneva, Switzerland

We are submitting this memorandum to appeal for your support to categorically and unequivocally reject the politically motivated report of the Commission of Inquiry on Human Rights in Eritrea (COI-Eritrea) of June 8, 2016 that is now before the UN Human Rights Council.

As it makes every effort to ensure universal human rights of all its citizens are respected, Eritrea, like all other developing countries, has many challenges and limitation, however, none that can even remotely amount to “crimes against humanity”. There is neither credible evidence nor “reasonable grounds to believe that crimes against humanity have been committed in Eritrea since 1991.” Moreover, there is no individual or institution in Eritrea that “persistently”, or “systematically” attacks the civilian population. At the same time Eritrea doesn’t have “crimes of enslavement, imprisonment, enforced disappearance, torture, other inhumane acts, persecution, rape and murder” as the Commission tells us it found.

The Eritrean community in the Diaspora, based on its intimate knowledge of the context and reality in Eritrea, based on the Commission’s November 2015 call for submissions had submitted nearly 46, 000 written and video testimonials; unfortunately for all those who gave their testimonies, conveniently for the Commission, none of these scores of thousands of testimonials were given any consideration. While the Commission had chosen to accept every innuendo by “witnesses” hand-picked by Eritrea’s sworn enemies on “reasonable grounds to believe”, none of those who contradicted the Commission’s findings were given that same benefit.

Furthermore, as if the COI-Eritrea didn’t tell the world it had considered the testimonies of ALL the 550 “witnesses” that were speaking against Eritrea, by its own admission, the Commission only considered “a sample size of 5 percent – or about 2250 letters – was deemed sufficient”. In other words nearly 44,000 testimonies amounting to hundreds of thousands of pages of written submissions and hours of video testimonies were deemed unnecessary. If this is not a miscarriage of justice what is? To add insult to injury, the Commission only followed up with only 1.1% of those who had stories the Commission didn’t want to hear. It is using this kind of convenient sampling and unscientific methodology the Commission that had never set foot in Eritrea arrogantly tried to dismissed the testimonies of those that contradict its finding by stating they were from those who “visited Eritrea only occasionally”, while it had “gathered a large amount of corroborated evidence and observed the physical and emotional scars of such violence in people who have fled the country” and that “after careful review”, it had concluded “that

the submissions do not undermine the findings described in its first report.”

However, it is not only the testimonies of Eritreans that the Commission chose to neglect, according to the Atlantic Council’s Bronwyn Bruton, the Commission had also

“**refused to consider** the academic literature on Eritrea; refused to use press reports; **refused to speak** with experts who’d traveled recently to the country; refused to speak to UN staff and Western diplomats inside the country.”¹ (Emphasis added.)

Dr. Tanja R. Müller of the University of Manchester adds that many people

“who live, have lived or continue to visit Eritrea, have multiple connections within the country and could have contributed to the COI’s understanding. They **were deliberately ignored**, and the result is a document that describes a country many Eritreans do not recognise.”² (Emphasis added.)

Dr. Müller adds that the COI-Eritrea’s sources were:

“predominately based on interviewees with self-nominated participants in the diaspora [who] in different ways left Eritrea, often experiencing abuse on their journeys, and have learned to navigate international refugee law and asylum systems. ... Human rights advocacy might not be social science, but one would at least expect inconsistencies to be followed up.”³

Not only this, Müller also states that the findings of the COI are based on testimonies of witnesses

“recruited by human rights activists who have their own means of advocacy and persistence, and for example hire public lobbying companies in order to spread their narrative of Eritrea (I was for a while bombarded by emails from such a company with sensational news until I contacted them and asked to be removed from their list). ... What is harder to justify and exemplifies the flaws in the COI report is the fact that all additional experts that were consulted came from the spectrum of human rights advocates in a broad sense, and included **hardly anybody with recent first-hand experience of Eritrea**.”⁴ (Emphasis added.)

In fact Bronwyn Bruton rejects the Commission’s substandard investigation and “poor scholarship” using these words:

“the team was only able to do field research in Ethiopia, which is effectively at war with Eritrea. Obviously, **this is shockingly poor**

¹ Ashish Kumar Sen. What the UN Gets Wrong About Rights in Eritrea <http://www.atlanticcouncil.org/blogs/new-atlanticist/what-the-un-gets-wrong-about-rights-in-eritrea> June 7, 2016

² Tanja R. Müller, Human rights as a political tool: Eritrea and the ‘crimes against humanity’ narrative, June 10, 2016. <https://tanjarmueller.wordpress.com/2016/06/10/human-rights-as-a-political-tool-eritrea-and-the-crimes-against-humanity-narrative/>

³ *ibid.*

⁴ *ibid.*

scholarship—if a college undergrad tried to ignore all academic scholarship and spoke only to people who agreed with him, he'd get flunked out of school.”⁵ (Emphasis added.)

The two-pronged (COI + Special Rapporteur) assault against Eritrea under the cover of human rights is actually part of an insidious two-step design launched seven years ago to i) disarm the country ii) delegitimize its institution of national defense, iii) demoralize its defense forces, and iv) for a good measure, depopulate the nation of its fighting-age children to change the balance forces in the Horn of Africa in favor of the Ethiopian minority regime. So, the target is Eritrea's defense. The appointment of the Special Rapporteur and establishment of the COI-Eritrea are thus a continuation of an orchestrated 18-year long political campaign that seeks to demonize and delegitimize Eritrea in the international arena, and erode the final and binding Eritrea Ethiopia Boundary Commission's delimitation and demarcation decisions.

This demonization of Eritrea continued with the US instigated unjustified UN sanctions of 2009 that imposed an arms embargo on Eritrea on charges that were as outrageous as the ones being thrown around in connection with human rights. The plan there was to make sure Eritrea could not defend itself from the constant aggression from the United States' well-armed, well-funded client state: Ethiopia.

Then four years ago, the United States and its allies launched the so-called human rights investigation to find ways to undermine Eritrea's institution of national defense. The Commission of Inquiry, in its latest report, equated it to an “enslavement” enterprise. This is meant to delegitimize Eritrea's noble institution of National Service and demoralize the members of Eritrea's defense forces and the youth honorably serving their people and nation.

The last COI report was actually the completion of the circle and a “mission completed” signal to its clients. That was why the minority regime in Ethiopia launched a military attack against Eritrea a couple of days after the Commission's press conference touting its “crimes against humanity” against Eritrea.

The COI's faulty conclusion is based on at least three faulty premises. As any student of elementary logic would agree, all those who start with false premises can easily imply any conclusion they wish to get at. These false premises include:

1. “**All those that leave Eritrea are leaving for political reasons**”. Bruton has this to say on this one: “The mere fact that 60,000 people are leaving Eritrea isn't necessarily proof of a massive human rights crisis. ... Eritreans have until extremely recently, been granted automatic asylum rights in Europe. There are push and pull factors at play.”

A 2014 Danish immigration report stated that:

“A Western embassy (D) in Eritrea stated that ‘**most people who leave Eritrea do so for economic reasons** and because of lack of livelihood opportunities **and not because of political repression**. ... A UN

⁵ Ashish Kumar Sen: What the UN Gets Wrong About Rights in Eritrea: A finding of crimes against humanity would be indefensible. <http://www.atlanticcouncil.org/blogs/new-atlanticist/what-the-un-gets-wrong-about-rights-in-eritrea> June 7, 2016. (Last Accessed June 12, 2016)

agency in Eritrea confirmed that **hardly anyone leaves Eritrea for political reasons.**⁶ (Emphasis added.)

Furthermore, the President of the United States, Barack Obama in his 2012 address to the Clinton Global Initiative of September 25, 2012 had admitted that his government has a direct and active hand in the pull factors that are making people to leave Eritrea and other African countries pretending to be Eritreans. The President's words were:

“I recently renewed sanctions on some of the worst abusers, including North Korea and Eritrea. **We're partnering with groups that help women and children escape from the grip of their abusers.** We're helping other countries step up their own efforts. **And we're seeing results.**” (Emphasis added.)

The results he is seeing is not only the flooding of Europe with African impostors who falsely claim an Eritrean identity but also the suffering of women and children in the hands of human traffickers in North Africa and the death of hundreds of innocent Africans by drowning in the high waters of the Mediterranean Sea hopping the paradise that was promised to them by the US President and his agents who want to destabilize Eritrea.

Furthermore, Wikileaks documents⁷ from US cables sent from Asmara, Eritrea's capital, also show how US diplomats were willing to bend and out right violate their own visa laws in order to encourage Eritrean “regime opponents” to flow to the USA. Again innocent youth were falsely promised a paradise and are perishing to reach the “promised land flowing with milk and honey”. In addition another US cables show how the US is behind all those groups that are now being presented as “human rights groups”. The New York Times also reported in 2010⁸ how some Asmara based American diplomats were among those facilitating the exodus of youth from Eritrea. It is ignoring these facts the COI-Eritrea tried to falsely claim that if “youth leave Eritrea, human rights must be bad in Eritrea.” We dare any country to give citizens of other nations of the world the same automatic right to asylum the way “Eritreans” are promised and see if there will be anyone left behind.

2. **“All those that claim to be ‘Eritreans’ are Eritreans”.** Every East African, Ethiopian, Somali or Sudanese for that matter even a West African knows that the easiest ticket a political asylum in Europe, Canada or the USA is to claim he or she is an Eritrean. It is Ethiopians, with the help of the minority regime in Ethiopia who are taking advantage this blanket preferential treatment of “Eritreans”, as a result, every 4 out of 5 of those who claim to be Eritreans are actually falsely claiming to be Eritreans.

Müller states that “In contrast to citizens from a different African country, the Gambia, who top the list of those having entered Italy illegally this year, Eritreans are predominately given asylum and thus **it pays to be Eritrean or rather pose as such.**”

⁶ Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return

[https://www.nyidanmark.dk/NR/rdonlyres/B28905F5-5C3F-409B-8A22-](https://www.nyidanmark.dk/NR/rdonlyres/B28905F5-5C3F-409B-8A22-0DF0DACBDAEF/o/EritreareportEndeligversion.pdf)

[oDF0DACBDAEF/o/EritreareportEndeligversion.pdf](https://www.nyidanmark.dk/NR/rdonlyres/B28905F5-5C3F-409B-8A22-0DF0DACBDAEF/o/EritreareportEndeligversion.pdf)

⁷ <https://www.wikileaks.org/plusd/cables/09ASMARA146a.html>

⁸ Jeffrey Gettleman, In Eritrea, the Young Dream of Leaving, June 19, 2010.

<http://www.nytimes.com/2010/06/20/world/africa/20eritrea.html?r=0>

There are multiple reasons to leave Eritrea – or any other African country for that matter.”

The BBC’s Mary Harper in her recent report from within Eritrea puts it this way:

“Western and other diplomats based in Asmara tell me **the Commission of Inquiry's report is "unhelpful" and does not reflect accurately the current situation in Eritrea.** [They] describe as ‘absurd’ descriptions in the media and elsewhere of Eritrea as ‘Africa's North Korea’. **An international human rights worker I meet outside the country says an estimated 30% of people who claim to be Eritrean for asylum purposes actually come from Ethiopia. I'm told others are Sudanese.** Some Ethiopians and Sudanese share languages, physical characteristics and cultures with Eritreans, and it is significantly easier to obtain asylum as an Eritrean.” (Emphasis added.)

Andreas Melan, Austria’s Ambassador to Ethiopia also corroborates Harper’s report. He is quoted to have admitted that “30 to 40%” of those who claim to be “Eritreans” when they reach Europe are actually “Ethiopians”. What these means is the Commission is falsifying numbers to reach its desired conclusion. If emigration is criminalized, the way the COI-Eritrea is trying to do, then not a single nation in the world will be found innocent because it is in human nature to migrate to wherever one thinks the pasture is green.

Trying to underscore how numbers are being cooked at will by the Commission, Müller draws a parallel between the number of people that were claimed being killed every month in Darfur and the number of Eritreans that are now being claimed to be leaving Eritrea every month by saying: “Maybe 5000 has become a magic figure in relation to when to trigger a ‘crimes against humanity’ claim?”

3. **All those that the COI interviewed will tell anything that jeopardize their pending political asylum cases or recent approved cases.** This premise is best debunked by what an Israeli investigative Journalist of Ethiopian origin, Dabby Adeno Abebe, found in 2012.

“My cover story has not been finalized yet, but luckily I run into Jeremiah, who’s been in Israel for three years now. ‘What do I tell those who ask how I got into Israel?’ I ask him. ‘Lie,’ he says. ‘Don’t tell the whole story. The Israelis, and mostly the non-profit groups working with the infiltrators here, like to be lied to. Say you were a soldier, and that if you return to Eritrea you’ll get a death sentence. Keep in mind that you must be consistent with your story. The bottom line is that everyone uses the story I’m telling you here, and this way they fool everybody,’ he says. ‘Almost none of them arrived on foot from Egypt to Israel. None of us crossed any deserts...it’s all nonsense.’”⁹

⁹ Dabby Adeno Abebe, The dark side of Tel Aviv: Journalist poses as African infiltrator, spends week in Tel Aviv’s most volatile neighborhood <http://www.ynetnews.com/articles/0,7340,L-4239481,00.html> (Last Accessed March 1, 2016)

Since the mid 1940s, Eritrea and Eritreans have been victims of numerous politically-motivated unjust policies orchestrated by the United States. First when decolonization was the order of the day in Africa and elsewhere in the world, Eritrea was singled out for a discriminatory treatment and its right to independence was squashed - while Libya and Somalia, fellow ex-Italian colonies, were granted independence - in order to mollify the overriding "strategic interests of the United States" in the context of a simmering Cold War. In the infamous words of U.S. Secretary of State John Foster Dulles, at the time,

"...From the point of view of justice, the opinion of the Eritrean people must receive consideration. Nevertheless, the strategic interests of the United States in the Red Sea Basin and world peace make it necessary that the country be linked with our ally Ethiopia."

After its hard-won independence, Eritrea was hardly given time to lick its wounds of war or rebuild its war-shattered economy and infrastructure, from the mid 1990s, the United States set out to undermine it and to promote its sinister agenda of regime change. In the words of a British historian:

"Eritrea was seen as a bunker state; they were less easy to control. Ethiopia had a more reliable military perhaps. Their policy was more directable and perhaps predictable. Whereas Eritrea, from the mid 1990s, it was clearly seen unpredictable and couldn't be relied upon to do certain things that Washington might wanted to do..."¹⁰

To this end the Ethiopian government induced and encouraged by the US declared a full-fledged war, under the pretext of a border dispute; when that war didn't achieve its intended goal; Eritrea and Ethiopia were encouraged to go to an international court of arbitration, the court handed a final and binding decision that favored Eritrea and the US openly encouraged Ethiopia to disregard the ruling and to this day is providing a veto cover to dissuade the UN security council from shouldering its responsibility. To provide more cover, and as the wikileaks documents make it abundantly clear, the United States government, particular the US New York mission, through its then Ambassador Susan Rice, incubated and hatched sanctions based on utterly fabricated charges. It is when these sanction lies were getting exposed and members of the United Nations Security Council, except the US, were unanimously in favor of lifting them that the United States through its surrogates started this parallel country-specific mandate at the UN Human Rights Council. In other words, the COI-Eritrea is a continuation of the decades old US hostilities towards a small African nation that is trying to make it through its bootstraps.

Any support to a fraudulent COI-Eritrea findings reached through a fraudulent methodology is a disservice to the Eritrean people's attempt to live in dignity and liberty and is ultimately against the very human rights the UN Human Rights Council is trying to promote. The Council should refrain from being influenced by people and countries who have an axe to grind against Eritrea.

Neither the politically motivated mandate of the Commission of inquiry nor the US lead campaign to isolate Eritrea would serve the cause of human right in Eritrea; in fact we believe it is a prescription for yet another war in the Horn of Africa, as Ethiopia, sensing it is getting a green light from Geneva and Washington has embarked on yet another reckless path of aggression by attacking Eritrea a mere 100 hours after the COI's faulty findings were released in Geneva.

¹⁰ Richard Reid, Eritrea's External Relations, <http://www.wilsoncenter.org/event/eritreas-external-relations>

No country specific mandate should presume the existence of violations and prejudge guilt in advance, which is the case with Eritrea. A mandate co-authored and sponsored by Eritrea's archenemy, Ethiopia and its chief enabler, the United States can not be considered fair or impartial. The mandate also designates individuals, like the Special Rapporteur, who had a long record of making anti-Eritrea statements in the past, undermines the credibility, impartiality and integrity of reports produced and its recent findings are testament to that.

As reflected in its reports to the UN Human Right Council, the discriminatory acts include political bias in the mandate and the appointment of commissioners, the secrecy that surrounds the investigation, the lack of information on the backgrounds and professional capabilities of the researchers and consultants, an apparent absence of expertise on Eritrea, its history and reality, and reliance on unqualified and highly politicized sources. This has shown a high probability of unverifiable allegations, distortions of fact and international law, and selective omissions, producing documents that are exploited in political, academic, media and legal frameworks, including submissions to the UN Human Rights Council.

The Special Rapporteur's and COI-Eritrea reports have ignored central dimensions, such as Ethiopia's years long occupation of sovereign Eritrean territories, the illegal and unjust sanctions imposed against the State of Eritrea, also engineered by Ethiopia and its handlers. Due to this and other blatant omissions, it was impossible for the Special Rapporteur and COI-Eritrea to produce accurate and credible description and analysis of events in Eritrea and have reached outrageous conclusions. These fundamental failures characterized the Reports and are based on false premises and allegations made by dubious individuals and groups, asylum seekers and coerced refugees.

We thus urge members of the UN Human Rights Council to reject the biased findings of the COI-Eritrea and to terminate its politically motivated mandate. That is we again ask you to end this inherently discriminatory process.

Thank you

Eritrean Global Action for Justice
21 June 2016