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ERITREAN GLOBAL ACTION FOR JUSTICE

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New COI Report: Still Out of Balance, Out of Context, Out of Date

The UN Commission of Inquiry on Human Rights in Eritrea today (6/8/2016) issued its second report on Eritrea, a very young and independent-minded African nation, once again distorting the facts on the ground. As expected, the new report is no more evidence-based, balanced, or contextually-grounded, or constrained by the requirements of such investigative tools as impartiality and verifiability--than the last one to correctly reflect the reality in Eritrea. Furthermore, its conclusion that it "*has reasonable grounds to believe that crimes against humanity, ... have been committed in Eritrea since 1991*" contradicts the reality that exists in Eritrea and is part of a well-orchestrated political campaign by those powers that has hijacked the UN system and are not happy to see Eritrea working hard to ensure the rights and dignity of all of its citizens.

In fact, the new report gave additional evidence to show that the Commission has been on a trajectory of an all-out inquisitional assault of Eritrea's political, economic, social and defense pillars under the convenient veil of human rights to advance its regime change agenda and eventually weaken this young nation's hard-won sovereignty—in effect serving as messengers for the country's mortal enemies, especially the minority regime now ruling Ethiopia.

A cursory analysis of the report released Wednesday, June 8, 2016, shows how much the Ethiopian regime, along with its supporters and enablers, has invested in this witch-hunt that even the members of the Commission, who never set foot in Eritrea, may not even understand. For example, the issues the Commission chose to focus on seem to have come from the talking points that the regime has been peddling the last 18 years, including its 5-Point Dialogue plan designed to subvert the border decision by an international commission as well as its sinister attempt to sow dissension within Eritrea's nationalities, another top policy agenda it has been pushing as part of its effort to dismember this Red Sea nation.

What this analysis also shows in clear terms is that, though the nation like many other developing nations is facing and will continue to face the challenges of human rights, the Eritrea the Commission portrays in its report has little resemblance to the realities on the ground—the realities of this battle-hardened African nation born 25 years ago out of the ashes of 30 years of a bitter armed struggle against an expansionist neighbor that enjoyed the full support of the big powers at the time.

The illegality of the establishment of the Commission as well as that of the Special Rapporteur on Human Rights in Eritrea was flagged right from the beginning of this inquisitional process. The UN Human Rights Council's resolutions that led to the establishment of the Commission of Inquiry and the Special Rapporteur are outside of accepted norms by most of the states on country-specific measures where the Universal Periodic Review (UPR) is in place and working as planned. Eritrea has been fully engaged in the UPR process.

The strategy the Commission has been employing to achieve its objectives range from

the politicization and criminalization of the migration process to manufacturing and orchestrating disinformation about the role of women in the Eritrean society; from relentless attacks of Eritrea's institutional pillars to denigrating the status of Eritrea as a sovereign nation. The Commission has been trying hard to use the mass migration of Eritrea's youth as *prima facie* evidence in a desperate attempt to weave a case against the nation, disregarding findings by many independent investigators, including representatives from European nations such as United Kingdom, Denmark and Norway that economic factors are important drivers of the current migration crisis; in its last report it tried to take the migration of Eritrean youth as indisputable proof that there were "systematic, widespread, and gross" human rights violations amounting to "crimes against humanity". It dismisses any effort to prompt it to consider poverty as a key driver behind the migration crisis, which is forcing more than 60 million globally to flee mostly to Europe.

However, the data on which its new report as well as its old one are based--collected mostly in two belligerent neighboring nations, Ethiopia and Djibouti—has little statistical value because of egregious sampling flaws and other methodological shortcomings; in fact, the entire project can be described as being **out of balance**, **out of context** and **out of date** when seen against the facts on the ground.

One of the most disturbing aspects of the report is its extreme one-sidedness, its highly selective and blatantly biased data, unconstrained by the requirements of impartiality and verifiability, because the entire project is based on information coming from individuals the Commission identified—but not verified—as Eritrean refugees in Ethiopian and Djibouti camps, ignoring the voices of thousands of Eritreans at home and abroad who tried to set the record straight. It tried to dismiss the voices of 45,000 Eritreans at home and abroad that vehemently denounced the Commission's effort to undermine their nation's sovereignty and delegitimize their hard-won independence. Thousands of these are young women and men who served in Eritrea's national service and had written to the Commission telling it all what it is reporting about the National Service is a "total fabrication". But, this is not surprising because the Commission sees the process as an inquisition or prosecution, definitely not as an investigation, of the charges against Eritrea, its government as well as its people. As a result, it feels, it has the right to twist, contort and even invent the data it needs to achieve its politically driven goals. One can see this not only in its statistically meaningless data collection methods, but also in the watered-down standard of proof it utilizes to measure the veracity of what it collects. Apparently, the Commission's objective was not to get to the truth by examining all sides of the reality of human rights in the country. That this convenient, non-probability sample of refugees is not representative of the Eritrean population at home and abroad is beyond dispute. That many of those who participated in the study may not be Eritreans should also be beyond dispute because representatives of European refugee destination nations have corroborated what Eritrea and Eritreans at home and abroad have been saying all along that many, if not most, of the refugees that claim to be Eritrean are in fact Ethiopian. However, it seems the Commission did very little to try to verify the sources of the data it touts as *prima facie* evidence of "systematic, widespread, and gross" violations of human rights amounting to "crimes against humanity". The Commission also did very little to achieve a balanced outcome by including the voices of the thousands of Eritreans who asked to be heard; however, it chose to ignore these requests because their views would have frustrated and exposed its politically-motivated agenda.

This selection bias is also obvious in how the Commission chose other dubious external sources that had one thing in common: hatred for Eritrea and for its right to determine its own destiny, groups that are committed to the agenda of regime change in Eritrea. Yet, the

Commission deliberately excluded the voices of non-Eritrean individuals, UN diplomats stationed in Eritrea, experts that had visited Eritrea, groups, and businesses based in Eritrea because that too would have diverted the narrative developed to justify its inquisitorial methodology.

Furthermore, not only is the data extremely one-sided, it also suffers from the absence of context. As a result, the conclusions the Commission reaches are actually vacuous because, as stated above, the data on which they are based is of little substance. For example, it devotes a lot of space to the National Service program, which it tries to tarnish as “forced labor” and “enslavement”. Yet, it ignores the very reason that drives the issue: Ethiopia’s refusal to accept a final and binding decision by an independent boundary commission and its continued occupation of Eritrean sovereignty territory. It is also curious, more ironic, the Commission concludes that “enslavement” in Eritrea started in 2002, the year the Boundary Commission gave a final and binding delimitation decision, a decision that Ethiopia has yet to accept. Also, the Commission chose not to consider the findings of independent investigations pertaining to the National Service program conducted recently by the Danish Immigration Service, the Home Office of the United Kingdom, and the Norwegian Ministry of Justice. These findings based on-the-ground observations—by experts who visited Eritrea, unlike the Commission of Inquiry members—show how the Commission’s conclusions on the National Service program, as on other issues, are out of balance, out of context, and out of date.

The fact that the Commission concluded it “has reasonable grounds to believe that crimes against humanity... have been committed in Eritrea since 1991” shows that it is doing the shameful political bidding of those that cannot accept an independent Eritrea that cares about the human rights, dignity and security of its citizens astride the Red Sea coast of the Horn of Africa.

But, how can an investigation worth its salt come up with any meaningful data about any major socio-political issue in Eritrea today without considering the security issues that seem to shape every aspect of national life in the country? It is impossible to fully understand the human rights situation in Eritrea without giving serious consideration to the occupation of sovereign Eritrean territory by a bigger and externally funded neighbor whose leaders bark threats against Eritrea almost every day, in violation of the human rights of the Eritrean people. This is also in violation of international law and the 2000 Algiers Agreement, among others. In addition, there are the unjust UN sanctions imposed on the nation in 2009 and 2011 that have complicated the security environment in the region further. In fact, the only time the Commission diverted into this core issue of national security was when it saw an opening to advance Ethiopia’s interest by urging the international community “to assist Eritrea and Ethiopia to solve the border issue through diplomatic means,” pushing Addis Ababa’s deceptive agenda of the 5-Point Dialogue proposal to get around the “final and binding” Eritrea-Ethiopia Boundary Commission decision of 2002.

The Commission also failed to see human rights within the context of all the other rights that go with it. “All human rights,” as the 10 December 1948 Universal Declaration of Human Rights states “All human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner on the same footing and with the same emphasis.” When prodded to consider the impact of poverty on human rights in a society, the Commission dismissed it saying, “The dire economic situation is a country cannot be an excuse.”

Moreover, the data the Commission presents as legitimate, is not only out of balance and out of context. It is also out of date. Another dismal shortcoming of the report emanates from

the Commission's unwillingness to consider the changing realities on the ground in Eritrea and globally. Last year, several first-hand reports by independent third parties were issued concerning these realities. Among these were the Home Office of the United Kingdom, the fact-finding mission of the Danish Immigration Service, and a delegation from the Norwegian Ministry of Justice. The findings by these foreign observers who have actually visited Eritrea, unlike the Commission, show how disconnected were the Commission's conclusions from the Eritrean reality.

Finally, though Eritrea like many developing nations is facing and will continue to face the challenges of human rights, it is important to remember that Eritrea was forged in the fight for human rights through a brutal arms struggle that took 30 years against a Western-enabled and relentless expansionist neighbor. Eritreans were forced to resort to arms when it became clear that there was no one out there to hear their cries and pleas as a former colony. So, it is not surprising that it is these mortal enemies of Eritrea's existence as a sovereign nation that are now feigning concern for human rights in Eritrea, using it as yet another attempt to destabilize this oasis of peace to try once again to implement their regime change agenda. Previously, they made elaborate effort for nearly a decade—using lies that Hitler and Mussolini would have been proud of-- to link this Red Sea nation to the terrorism that had and still has been plaguing Somalia. After that effort ran its course unsuccessfully, these enemies have been trying almost anything to destabilize the country in an attempt to advance their agenda. They tried it through the UN Security Council. They tried it through the courts. They tried to destabilize Eritrea's major institutions, including those at the core of its religious life.

However, that nothing worked and that nothing like this is likely to work shouldn't surprise anyone; they were all designed to punish this small African nation for being unwilling to give up on its sovereignty, in part or in whole. But, if the real purpose is to help it meet its human rights challenges, there are better ways of engaging it. As a first step, the UN Human Rights Council should put an end to this three-year old, two-pronged desperate attack—by the Commission of Inquiry and the Special Rapporteur working in tandem--of this young African nation under the cover of human rights.