



Mr Yemane Gebreab's rebuttal to the Commission of Inquiry Report on Human Rights in Eritrea (June 2016) does not reflect factual reality on the ground.

Introduction

In this piece we aim to highlight some of the discrepancies of Mr Yemane's rebuttal to the COI. In particular we will address the issues of Human Rights, Eritrean asylum seekers, the Eritrean constitution, women under PFDJ, religious freedom, cultural erosion, supporters of the regime, and the regime's policy of division and impoverishment of the Eritrean society. In order to make it more convenient for readers it is published in 3 parts and it ends with concluding remarks.

Part I

Universal Declaration of Human Rights

Eritrea is signatory to the Universal Declaration of Human Rights [1] and as such the Eritrean regime is bound to respect the rights accorded in it to its citizens. In practice, however, many Eritreans have been enduring violations of their basic human rights for decades, and Eritrea is a lawless state which is run by fear. Let's note the following points:

- Article 5 of the Universal Declaration of Human Rights states that **'No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.'** This right is absolute: it must not be violated under any circumstances. Unfortunately many Eritrean citizens have reported that the regime has inflicted pain and degradation upon them. Many Eritreans are being tortured in breach of this Article. Some have lost their limbs, other lost their physical health, and others lost their mental sanity as a result of the torturous treatment they sustained. Others died as a result of these harsh treatments by the regime.
- Article 9 of the Universal Declaration of Human Rights states that **'No one shall be subjected to arbitrary arrest, detention or exile.'** Unfortunately, the regime is in violation of this Article on daily basis. Many Eritreans have been arrested arbitrarily. Most Eritreans know someone who is arrested arbitrarily under inhumane conditions.
- Article 11 (1) of the Declaration says: **'Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.'** The Eritrean regime holds citizens incommunicado for decades, in violation of this Article. This is something most Eritreans know through personal experience or from the experience of family members, relatives, friends or religious denomination. In many instances victims have reported that they did not know the reasons why they were detained for years. If they ask the reasons for their arrest they are given two



options: either to go quietly or to stay in detention. This is in violation of their basic human rights. Those who protested their innocence are accused of tarnishing the regime's name, and are detained for more years until they plead guilty for offences they never committed.

The Commission of Inquiry (COI) conducted its investigation and has concluded that the Eritrean regime has committed Crimes against Humanity. The COI report has re-affirmed what all Eritreans have known for a long time but this gave the chance for many forms of violations to be documented. Lawlessness has long become the source of all forms of suffering for the Eritrean people. We have been alarmed by the scale of lawlessness in Eritrea over the years and conclude that the Eritrean people are in desperate need of emergency assistance by the International Community.

We Eritreans must commend the COI for gathering and considering the ample evidence of unprecedented lawlessness and the many forms of human rights violations taking place in Eritrea. We acknowledge how difficult and risky it is for the victims to share their experiences, and we thank them for their courage.

But we are dismayed to hear the Eritrean regime's spokesman, Mr Yemane Gebreab, dismissing the COI's findings as 'laughable' denying any wrongdoing. Mr Yemane Gebreab's denial is disappointingly scary because his regime has no intention to learn from the disaster that it caused to the Eritrean people. To the contrary of our hope, the regime intends to continue violating the basic human rights of the Eritrean people.

Of course they are Eritreans!

Mr Yemane says that those Eritreans who seek asylum in Europe and elsewhere are economic migrants, implying that there is no political problem in the country. This is an absurd denial of the true reasons why many Eritrean youths, minors, women with their infants are fleeing their country. No economic migrant would risk their lives in the way Eritreans are doing. The fact is that Eritreans have lost hope and fear of every danger with that. Hence they are risking their lives from the borders of Eritrea to Libya to Sinai to the Mediterranean Sea and beyond. He also minimised the number of the Eritrean youth's exodus: he said that many of those who seek asylum in Europe claiming to be Eritreans are not Eritreans. We find his allegations to be at variance with reality for many reasons. Firstly the host countries do have mechanisms of assessing the nationality of the asylum seeking individuals. He must be challenged to produce an evidence in support of his outlandish claim. It is unlikely that he is granted access to the records of the host countries, to be able to cross check the nationality of the asylum applicants. Secondly Mr Yemane knows how many families grieve inside Eritrea every time those boats capsized killing many of our citizens in the Mediterranean Sea – whom his regime calls 'illegal African migrants.' For example:



- Many hundreds of families are currently grieving the loss of their loved ones perished in the Mediterranean Sea in the past few weeks. The number is in the region of a thousand which should alarm any government and merit national mourning day but we have not heard a word from the Eritrean regime.
- In March 2011 about 400 Eritreans and a few Ethiopian nationals died in the Mediterranean Sea [2]. This major disaster sent shock waves amongst all Eritreans but the regime did not acknowledge their citizenship. On the contrary the regime went further to ban any formal mourning and gave strict instructions to church leaders not to hold any formal prayer events for the poor souls.
- On 03 October 2013, 366 people died before they reached the Italian island of Lampedusa; 359 of them were Eritreans [3]. The Eritrean regime refused their repatriation and dignified burial in their soil.
- And after the Lampedusa incident, many more hundreds died in similar circumstances.
- Additionally the regime knows how many Eritreans souls perished in the Sahara desert, how many more Eritreans have been killed or inhumanely suffered in the Sinai at the hands of ruthless Bedouins. Without the risk of exaggeration, the death toll is in thousands. All Eritreans know that many of our citizens were unable to pay their captors and were killed by those inhuman Bedouins and their body parts sold.
- In April 2015 the terrorist group Daesh (aka ISIS) killed 49 men, whom it called were followers of the Ethiopian Church, but in fact the majority were Eritrean Christians – only 8 were Ethiopian citizens - who did not claim to be Eritreans by the way [4]. As it has become the norm under the current regime, these victims were not acknowledged.

These figures suggest high numbers of Eritreans amongst those trying to reach safety. Thus Mr Yemane's claim is refuted. He must accept that Eritrean families are not mourning alien individuals but the loss of their own daughters, sons, and their own spouses. It begs the question, therefore, whether Mr Yemane is being dishonest when he minimises the number of Eritreans seeking asylum in Europe and elsewhere. He seems to be trying to deprive the citizenship of every Eritrean who happens to disagree with his regime or runs away from it. If any Eritrean person disagrees with the regime, their identity is stripped and they are denied all rights including a dignified burial. This is in contravention of Article 15 (2) of the Declaration of Human Rights which says: '**No one shall be arbitrarily deprived of his nationality** [...].' In palpable double standard: the operatives of the Eritrean regime in the West have been publicly begging for signatures from Ethiopian and other migrants in order to discredit the findings of the COI report [5].

A quick glance at facebook and other media outlets will show unprecedented number of families seeking information about their loved ones who disappeared inside and outside of Eritrea. If one checks the video evidence by media organizations such as the BBC



and Aljazeera report on detention centres in Libya they will find that the majority of the detainees are Eritreans. Refugee camps in the neighbouring countries are filled with Eritrean young men, young women, and many children running aimlessly away from their country. It is easy to conclude, therefore, that Mr Yemane's claims do not add up, he is simply denying facts, and misleading the International Community.

The reason why all these citizens are running away from Eritrea is undoubtedly to escape from what the Eritrean regime has to offer them at home: which is wanton extrajudicial incarceration, disappearances, harsh treatment in their daily living, with no sign of hope to change their bleak future. Mr Yemane Gebreab knows so well what his regime's policies have been doing to every Eritrean, yet he audaciously tries to portray a different picture. He may try to deceive the world with his sophistry and well-polished make-believe persona but evidence suggests to the contrary, and truth will triumph in the end. በትሪ ሓቅስ ትቐጥን እምበር ኣይትሰበርን! The noble thing to do would have been to admit wrongdoing and make amends, if the regime is redeemable at all. Or do the honourable thing and jump to the people's camp instead of trying to defend an indefensible position.

Many Eritreans are increasingly finding it hard to comprehend the purpose of the regime. The regime has never tried to alleviate the situation of Eritreans facing multiple hardships at home and outside of its borders. To the contrary many citizens have said that Eritrean officials are cooperating in the process of emptying the country of its youths. There are disturbing allegations that the regime's high ranking officials do cooperate with the traffickers. The regime has not made any effort to liberate those citizens trapped in the hands of inhuman Bedouins or other lawless perpetrators. Instead of helping those in dire need, the regime focuses in hunting citizens in foreign countries and forcefully returns them to its huge detention centres to face extremely harsh treatment. Escapees seeking refuge elsewhere have been made to forcefully return to Eritrea from the Sudan - the latest being in May/June 2016 [6], from Malta in 2002 [7], from Egypt [8], from Malta in 2002 [9] to face torture in Eritrea [10]. Furthermore the regime has been trying to secure deportation of Eritrean refugees from Israel, and other countries such as South Africa, through its embassies. All of these activities contradict international law the Eritrean regime has so far managed to conduct its culture of impunity unabated.

Miscarried Constitution

Eritreans have a long history of written legal codes dating back to 1480 [11]. In spite of its century's long history of extensive written local laws and law abiding society, however, Eritrea under the current regime is perhaps the only country with no working constitution in the whole Africa, often described as the North Korea of the continent. Most observers agree that the actions of the regime are intentionally calculated, and



painstakingly enforced for a reason that worries us all. The regime is not honest; neither does it have benign intentions. Mr Yemane Gebreab says his regime was engaged in drafting the Eritrean constitution between 1991 and 1997. The first challenge for him is that why did the Eritrean regime not prepare a temporary working mechanism instead of governing lawlessly. In those years many individuals, perceived or real opponents of the PFDJ leadership, were purged - inside Eritrea and in the neighbouring countries. Secondly, where is the constitution he alludes to?! President Isaias Afwerki was asked about this very subject and his answer was that the Constitution was dead before it was implemented [12]. The same constitution lacked any input from any political opponents of the PFDJ regime in its drafting process.

Then President Isaias Afwerki signed the constitution not in its rightful place of honour, house of national parliament, but quite symbolically, in the national stadium. The constitution was ratified in this way and it was never implemented. Against this backdrop Mr Yemane's remarks can only be taken as an extension of that mockery when he refers to such a constitution. The other absurdity is the claim that the Eritrean regime is preparing the ground to draft another constitution. No one understands why! No Eritrean will take him seriously when he says his regime is going to write another constitution, because people know that the regime has no regard for any form of rule of law.

If the regime wants to try and resuscitate itself, it has to implement the constitution it has shelved since 1997, release all the political prisoners it has detained illegally, release military conscripts, stop fermenting divisions in society, respect human rights, respect women's rights, respect the rights of children, stop misleading and intimidating citizens, behave like a state rather than reckless spoiler, and give victims the opportunity to bring their abusers to an independent court of law.

Had the regime implemented the ratified Eritrean Constitution in 1997 many citizens would not have been arrested and detained without charge for decades. Article 17 (4) of the Eritrean constitution (1997) says **'Every person who is arrested and detained in custody shall be brought before the court within forty-eight (48) hours of his arrest, and if this is not reasonably possible, as soon as possible thereafter, and no such person shall be detained in custody beyond such period without the authority of the court.'** It goes on to say (3) that **'Every person arrested or detained shall be informed of the grounds for his [her] arrest or detention and the rights he [she] has in connection with his arrest or detention in a language he [she] understands.'** Ask any Eritrean or any person familiar with the current Eritrean affairs, they will tell you that many thousands of people have been arrested without due process of law.



Prominent figures such as the patriarch of the Eritrean Orthodox Church, Abune Antonios who was illegally deposed from his position and has held under house arrest, 11 members of the G-15, military commander Bitwoded Abraha, journalists, priests, pastors, religious teachers, lawyers, politicians, military men and women, have been detained for decades incommunicado. This in itself should meet the criteria for inhumane and degrading treatment but it is beyond doubt that the regime treats them extremely harshly as well. It is no wonder, therefore, that the regime is found to be committing crimes against humanity. If you speak to ex-military persons they will tell you that many of those arrested before the war with Ethiopia were brought to the war and put in front in the battle. According to survivors that war, those individuals were known as 'አጻዖት = shaved.' That was how their bodies were identified. If this is not a crime what is it?

The COI focuses on the post independent Eritrea. However, there were many extrajudicial killings, forced disappearances and abuses perpetrated on the civilian population. The main targets were prominent figures in society, and the aim seems to have been to instil terror amongst the civilian population. If you speak to Eritreans they will tell you how many civilians in their villages were killed or disappeared by the then EPLF operatives [ELF has its own history to be uncovered as well]. The magnitude of those atrocities of killings and disappearances in that era is something researchers may explore and excavate.

Part II will address issues related to women and its adverse effect on society.

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Continues to Part II