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ERITREA | Resolution Enables Accountability for Crimes Against Humanity

The United Nations Human Rights Council (HRC) adopted a resolution July 1 extending the mandate of the Special Rapporteur on the situation of human rights in Eritrea for one year and requesting the submission of the report of the Commission of Inquiry on Eritrea (COIE) to all relevant UN bodies “for consideration and appropriate action” to ensure accountability for human rights violations, including crimes against humanity.

In its second report, released June 8, the COIE “found reasonable grounds to believe” that crimes against humanity, “namely enslavement, imprisonment, enforced disappearance, torture, other inhumane acts, persecution, rape and murder” have been committed in a “widespread and systematic manner” in Eritrea since 1991, and continue to occur.

The resolution, which was adopted by consensus, contains a strong condemnation of the “wide spread and gross” human rights violations which “are being committed by the Government of Eritrea in a climate of generalized impunity.” With regard to accountability, the resolution also calls for the creation of an African Union mechanism supported by the international community “with a view to examining and bringing to justice those responsible for violations and abuses of human rights identified by the commission of inquiry, including any that may amount to a crime against humanity.”

Expressing deep concern “that the situation of human rights in Eritrea is a primary factor in the increasing number of Eritreans leaving their country,” the resolution calls for greater international collaboration “to ensure the protection of those fleeing from Eritrea, in particular unaccompanied children.” It also encourages states to protect Eritreans within their borders who provided evidence to the COIE, and urges international businesses to carry out human rights due diligence with regard to the impact of their interests in Eritrea “including with respect to allegations of use of conscript labor.”

The extent of Eritrea’s human rights crisis was highlighted June 23 during a side-event at the

HRC organized jointly by CSW and Human Rights Concern-Eritrea (HRC-E), and sponsored by Article 19, Defend the Defenders and the International Fellowship of Reconciliation (IFOR). The speakers related often harrowing personal experiences. Hanna Petros Solomon, the daughter of a former minister jailed in 2001, broke down while describing the impact of the continuing incommunicado detentions of both parents on her family, and also highlighted the severe mistreatment she experienced within the national service regime and after being imprisoned for attempting to flee the country.

Helen Berhane, the gospel singer detained for 32 months in a shipping container, was subjected regularly to torture, including a severe and sustained assault that almost crippled her. Abdalla Khiyar, a former high court judge, highlighted the stark absence of rule of law in Eritrea, relating, amongst other things, how a fellow judge was arrested in court and transported to detention.

Aaron Berhane, founder of Eritrea's first independent newspaper, described the severe official harassment in the lead-up to the 2001 press clampdown and imprisonment of journalists, while Fathi Osman, a former diplomat, described official pressures exerted on the Eritrean diaspora, including to sign letters condemning the COIE's first report. In addition, the president of the Human Rights Commission of Djibouti, Salebane Oudine, related the experiences of four Djiboutian Prisoners of War (POWs) who were released in March 2016 after being detained in Eritrea since 2008, and the plight of 13 others who are still detained.

The resolution, which was tabled by Djibouti and Somalia and co-sponsored by several delegations, including France, Ukraine and the United States, passed despite strong lobbying by the Eritrean delegation, which was led by the Head of Political Affairs and presidential advisor Yemane Gebreab. Gebreab described the resolution as an unjust, unfair eminently political act that illustrated the politicization of the HRC and the departure from its mandate.

Dr. Khataza Gondwe, Team Leader for Africa and Middle East at Christian Solidarity Worldwide said, "CSW welcomes the passing of this resolution, which marks another important step towards ensuring justice for Eritrean victims. The renewal of the Special Rapporteur's mandate is particularly welcome, as the grave, pervasive and wide-ranging human rights violations underway in Eritrea necessitate continued monitoring with enhanced capacity. Most importantly, the resolution provides for accountability by encouraging the establishment of an African Union justice mechanism with international assistance, while the requested submission of the COIE's report and oral updates to all relevant UN bodies 'for consideration and appropriate action' allows for potential interventions by the Security Council. We commend the Djiboutian and Somali delegations for working diligently to ensure the resolution was adopted by consensus, and urge the Eritrean Government to engage with all HRC special procedures, and particularly with the Special Rapporteur, in order to address and end the crimes against humanity occurring with impunity within its borders."