



Responsibility of Eritrea for Grave Human Rights Violations: Call to Action

Foundation Human Rights for Eritreans, 10 May 2022

The Foundation Human Rights for Eritreans calls urgent attention to, and has started an investigation into, the grave human rights violations and mass atrocity crimes committed by the State of Eritrea under the rule of Isaias Afewerki. The Foundation asks the international community to urgently take actions to bring the perpetrators of these violations to justice and to ensure the rights of the victims are fully respected.

There is credible and convincing evidence of **systemic and gross violations of human rights within Eritrea**, stretching back decades. These violations include mass atrocity crimes. Secondly, Eritrea has played a destabilizing role within the Horn of Africa region during that same time period, which has led to various measures against it by the international community. Thirdly, research has shown that the Eritrean regime at its highest levels is involved in various illegal activities, most notably (but not solely) the organization of human trafficking through the Sinai region and Libya. For that reason, the Eritrean regime can be characterized as an international criminal organization.

Recently, Eritrea (again) **exported its systematic and widespread human rights violations**. In early November 2020, Eritrea invaded Tigray, leading to a major war which quickly escalated into one of the worst humanitarian crises in the world.

Since then, damning evidence has come to light showing **the involvement of the Eritrean army in grave violations of human rights**, *inter alia* the widespread and pervasive use of rape as a weapon of war, use of starvation as a weapon of war, the deliberate destruction of health facilities, the perpetration of massacres and the deliberate destruction of refugee camps, followed by the forced deportation of Eritrean refugees back into Eritrea.

The actions by Eritrea in Tigray qualify undoubtedly as (in any case) war crimes and crimes against humanity. They include mass atrocity crimes. Up until now, **these crimes have been committed with full impunity**. That is clearly unacceptable. The victims of this war deserve justice, relief and reparations. However, so far the response of the international community has given them little hope that any of these aims will be realized. At this moment, systematic and widespread destruction of evidence, such as exhuming mass graves and burning the remains of the victims of massacres, is taking place, while investigations are impossible with an almost complete shut-down of internet and communication, as well as severe blocking of media access in Eritrea and in Tigray.

In light of the above, the **quick and decisive action of the international community following the Russian invasion of Ukraine** has struck the Foundation. The EU quickly adopted some of the most far-reaching sanctions ever against Russia and set up a Joint Investigation Team together with the ICC. The Prosecutor at the ICC announced 'active investigations' into the Situation in Ukraine on 2 March 2022. Russia was suspended from the Human Rights Council and on 24 March 2022, the General Assembly voted in favor of a resolution condemning Russia's violations of international law and demanding an immediate end to the war in Ukraine.

The situation in Ukraine fully merits taking each and every one of these measures. **The situation in Tigray and Eritrea equally merits taking such measures.** However, none of these measures have been taken so far. The United States has re-established sanctions against key Eritrean actors, but the EU and the UN have not done that – no sanctions against Eritrea are currently in place. A joint OHCHR-EHRC investigation found that ‘extreme brutality’ had taken place, and that the Eritrean forces bore “*huge responsibility*” for “*many violations*” (UN High Commissioner for Human Rights Michele Bachelet).¹ However, no concrete steps were taken against the perpetrators of these violations. The Foundation notes the establishment of the Independent Investigation led by Ms Fatou Bensouda, which should be supported to the full extent by the international community, and underlines that any outcomes of this investigation should be used for follow-up actions.

At this moment, however, **it appears that Eritrea has been able to commit grave violations of human rights, including mass atrocity crimes, without any significant consequences.** The Foundation underlines that Eritrean, Tigrayan and Ethiopian people enjoy the same rights as all other people. rights as all other people. Yet the international community does not (sufficiently) protect them.

Non-discrimination is a core norm of international law. All people are entitled to equal protection of the law. At the moment, this principle is disregarded in the situation in Tigray and Eritrea. There is no conceivable justification for such a distinction, which is so blatant that Tedros Ghebreyesus, the head of the WHO, has publicly pointed it out: “*I need to be blunt and honest that the world is not treating the human race the same way (...) Some are more equal than others.*”² The **international community should do more to ensure the rights of the victims in Tigray and Eritrea are respected**, and perpetrators of human rights violations are held to account.

The Foundation notes that the lack of action is all the more concerning as **Eritrea has allied itself with Russia.** Notably, Eritrea voted against the UNGA resolution condemning Russia for starting the war in Ukraine (A/ES-11/L.1), as only one of five votes against (including Russia itself). Eritrea also voted against removing Russia from the Human Rights Council and against the establishment of a Commission to investigate the violations of human rights in Ukraine. Clearly, Eritrea recognizes the similarity between Russia’s actions and its own and is seeking to prevent accountability for these actions.

Eritrea and Russia have been cooperating since at least 2018, at that stage in the context of mining. Now, the Foundation is receiving information to the effect that Russia is providing Eritrea with weapons (in any case drones). Furthermore, the Foundation has recently been informed that the mercenary Russian “Wagner” group has been fighting in Sudan and in Ethiopia during the conflict in Tigray, on the side of Eritrea and Ethiopia. The Wagner mercenaries have been linked to the Russian State.

Given the above, the Foundation notes **there is a high risk Eritrea will continue to engage in acts which qualify as grave violations of human rights, will continue to destabilize the region and will further deepen its relationship with Russia. This must stop and Eritrea must be held to account.** For these reasons, the Foundation:

¹ Reuters 3 November 2021, “*Joint UN, Ethiopia rights team: all sides committed abuses in Tigray*”.

² The Guardian 13 April 2022, “*WHO chief blames racism for greater focus on Ukraine than Ethiopia*”.

A. Calls upon the European Union to urgently:

- I. Re-instate sanctions against Eritrea, similar to or going further than the sanctions instated by the United States, against key elements of the Eritrean State such as the EDF, PFDJ and its subsidiary bodies, Red Sea Trading Corporation (RSTC) and the entire leadership cadre of the Eritrean State;
- II. Stop providing any financial aid to parties in Eritrea which are linked to the Eritrean regime;
- III. Stop its financing of parties in Libya and elsewhere, where such financing may lead to enabling the network of human traffickers active in Libya, which include Eritrean State officials on the highest levels.

B. Calls upon the International Criminal Court to urgently:

- I. Commence an investigation into the situation in Tigray and Eritrea, or *alternatively* take all necessary steps to be able to commence such an investigation, in particular by asking for State referrals pursuant to Article 14 Rome Statute (and any other steps which may be necessary to establish jurisdiction);
- II. Begin proceedings to investigate victim identification and needs pursuant to article 79 Rome Statute.

C. Calls upon the United Nations to urgently:

- I. Re-instate sanctions against Eritrea, similar to or going further than the sanctions instated by the United States, against key elements of the Eritrean State such as the EDF, PFDJ and its subsidiary bodies, RSTC and the entire leadership cadre of the Eritrean State;
- II. Ensure that all organs and agencies of the United Nations do not enter into collaborations with the Eritrean authorities, and stop any ongoing collaborations with the Eritrean authorities;
- III. Support any ongoing investigations, including any investigation into human rights violations committed in Ethiopia such as the Independent Investigation led by Ms. Fatou Bensouda, to the maximum extent;
- IV. Facilitate the referral of the situation in Eritrea and Tigray to the International Criminal Court by the Security Council.

The Foundation will continue its research and continue to closely monitor the situation. In two months, or earlier as the situation necessitates, the Foundation will compile and communicate its findings and take further (legal) steps where appropriate.