

# **AFAR IN ERITREA**

**Human Rights Report  
September 2016**





SAMAD BAYSA: meaning Ethnic Cleansing in ancient Afar Language

A Summary of the Ethnic Cleansing Policies and Practices Perpetrated Against the Afar in Eritrea

- *Crimes against Humanity*
- *Mass Graves and Extrajudicial Killings*
- *Rapes, Torture and Disappearances*
- *Forcible Displacement and Expropriation of Afar Lands*
- *Destruction of Afar Economy, Culture and Way of Life*
- *Exploitation of Afar Resources, Lands, Sea and Strategy*
- *Internal Colonization and Assimilation (Tigrignaization)*

## Table of Contents

<b>Executive Summary .....</b>	<b>5</b>
<b>Part 1: About this Report (Samad Baysa) .....</b>	<b>7</b>
<b>1.1 About Ease .....</b>	<b>7</b>
<b>1.2 The Purpose and Objectives of this Report (Samad Baysa) .....</b>	<b>7</b>
A. Goals and Objectives - Part One.....	7
B. Goals and Objectives - Part Two .....	8
C. Goals and Objectives - Part Three .....	8
D. Goals and Objectives - Part Four.....	8
<b>1.3 Acknowledgments .....</b>	<b>9</b>
<b>1.4 Acronyms .....</b>	<b>10</b>
<b>Part 2: International Findings .....</b>	<b>10</b>
<b>2.1 International Opinion on Afar and Eritrea .....</b>	<b>10</b>
<b>2.2 Key Findings by United Nations Human Rights Investigators .....</b>	<b>12</b>
<b>2.3 Recommendations by the Commission of Inquiry Report .....</b>	<b>13</b>
Recommendations for the Government of Eritrea .....	13
Recommendations for the United Nations High Commissioner for Human Rights .....	13
Recommendations for the General Assembly .....	14
Recommendations for the Security Council .....	14
Recommendations for the African Union.....	14
Recommendations for Transnational Corporations.....	14
Recommendations for Member States and International Organizations.....	14
<b>Part 3: Human Rights Violations and Indigenous Rights.....</b>	<b>15</b>
<b>3.1 Why the Indigenous Afar Are Being Targeted in Eritrea .....</b>	<b>15</b>
A. Racial Superiority, Historic Discrimination, and Using Fear to Dominate .....	15
B. Dankalia: Strategic Lands, Properties, Sea and Resources .....	17
<b>3.2 Eritrea Systematically Removing Afar and Ignoring Indigenous and Minority Rights .....</b>	<b>19</b>
A. Internal Colonization and Assimilation of Afar with the Dominant Culture .....	19
B. Culture, Language and Education.....	20
C. Media Racism.....	21
D. Destruction of Afar Economy and Way of Life .....	21
E. Exploitation of Afar Resources, Lands and Properties .....	23
F. Destroying the Environment and Indigenous Trees .....	24

<b>3.3 Eritrea Removing Afar Using Murder and Violence .....</b>	<b>25</b>
A. Mass Graves and Extrajudicial Killing .....	25
B. Rape of Indigenous Afar Women .....	30
C. Torture of Indigenous Afar .....	32
D. Kidnapping and Disappearances of Indigenous Afar .....	34
E. Forcible Displacement of Afar and the Afar Refugee Crisis .....	34
<b>Part 4: The Constitution.....</b>	<b>37</b>
<b>4.1 The Hijacking of the Rule of Law .....</b>	<b>37</b>
<b>4.2 The Unimplemented 1997 Eritrean Constitution .....</b>	<b>38</b>
<b>4.3 Way Forward: Criteria Needed for the Modified Constitution .....</b>	<b>40</b>
A. Samara Declaration .....	41
B. Re-Writing the Constitution.....	43
C. Self Governance.....	44
D. Language Rights .....	45
E. Education Rights .....	45
F. Rights to Way of Life and Economic Development.....	46
G. Land and Resource Rights.....	46
E. Conclusion .....	47

## Executive Summary

The Samad Baysa report is an effort to document the extent of human rights and humanitarian law violations taking place in Eritrea, and to convey the size and scope of the injustices committed against the indigenous Afar.

The information in this report is drawn from the United Nations Commission of Inquiry Reports, as well as through information from different government and international organizations. Moreover, the accounts and testimonies in this report are a compilation of years of extensive interviews with first hand victims, traditional Afar leaders and elders, refugees residing in various countries, victims of rape, survivors of torture, and witnesses of mass murder, mass displacement and enslavement.

This Report is named after the indigenous Afar word “Samad Baysa” meaning “Ethnic cleansing” or “to wipe-out”. This Report provides a look into years of gross and systematic human rights violations of Ethnic Afar under one of most repressive governments the horn of Africa region has seen in the past century.

This document is a follow-up and reaction to the United Nations Commission of Inquiry Report on Human Rights in Eritrea (COI), one which was released in June 2015, and the most recent one which was released in June 2016. Both reports conclude that Eritrea is violently and systemically displacing the Afar through dispossession, ethnic cleansing, murdering their leaders and by destroying the basis of their economy.

This report uses the word “Indigenous” as an inclusive and international term to describe civilizations in Eritrea that predate those of subsequent invading or colonizing populations. Throughout this report, the grotesque treatment towards the indigenous Afar is compared with the United Nations’ Declaration on the Rights of Indigenous Peoples. The goal is to demonstrate how the Afar are not even receiving the minimum rights that indigenous people *should* be granted by law. The Declaration’s intention is to “enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith<sup>1</sup>.” However the current regime led by President Isais Afwerki appears to care very little for international criticism about human rights violations.

---

<sup>1</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 6). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

The COI reports have sufficient evidence to prove that the Eritrean government has been intentionally and violently depriving the indigenous Afar of their livelihood for economic and territorial reasons that benefit the country.

The current Eritrean regime is removing the Afar from their traditional homeland in Dankalia and colonizing the area with other Eritrean nationalities. In order to remove the Afar, the Eritrean authorities have been making use of numerous forms of torture including rape against the women, kidnapping people, extrajudicial killings of Afar leaders and mass murder. The Eritrean government has been destroying the basis of the Afar economy by confiscating Afar properties and exploiting the Afar's traditional lands, territories and resources.

Even though the Afar today make up less than 10% of the Eritrean population, the Afar and their homeland constitutes 88% of Eritrea's economic and strategic interests. With approximately 40,000km<sup>2</sup>, Dankalia is the second largest province in the country with approximately 1000 KM of coastline spanning from the tip of Massawa to Rahyta bordering Djibouti. Dankalia is also highly significant in terms of international trade routes, access to the red sea and it is home to the country's two ports (Assab and Massawa). It has a wealth of various minerals such as Potash, salt, copper, lead and other precious metals and variety of fish species. Dankalia is highly critical economically for the regime's continuity. The government has been leasing /selling off the ports, seaways and the Afar's potash mines to multinational corporations illegally.

The Afar population believed to be near 700,000-800,000 prior to Eritrea's independence in 1991. However today, close to half of the Eritrean Afar populations have risked their lives fleeing the country due to violent persecutions. Eritrean security personnel have orders to shoot-to-kill the Afar as they attempt to cross the border to places of refuge. As a result, many Afar have perished trying to escape Eritrea. Thousands of Afar are now living as refugees in Ethiopia, Sudan, Yemen, Djibouti and other countries.

The government has been able to achieve these atrocities since independence with the support of the unimplemented Eritrean Constitution of 1997. This report reviews the political situation in Eritrea which enabled the government to draft a Constitution that blatantly violates the rights of the indigenous people. By focusing on what indigenous peoples' rights are under international standards, this report identifies areas that need strengthening in the implementation of a new Eritrean Constitution including the Afar's right to culture, self-determination, rights to participate in decision-making, and, rights to lands, territories and resources.



## **Part 1: About this Report (Samad Baysa)**

### **1.1 About Ease**

Eritrean Afar State in Exile (EASE) is an exiled Afar opposition group dedicated towards reinstating the sovereign ruling of Afar people in their coastal homeland, Dankalia, where the indigenous Afar are subjected to marginalization, persecution and ethnic cleansing at the hands of the current Eritrean government. EASE aspires to create a federation between multicultural, multi-ethnic and multi-religious groups of Eritrea, to foster a pluralistic society founded on the principles of rule of law, freedom, equality, justice, and respect for the human rights of all citizens of Eritrea. EASE is the voice of the Eritrean Afar people. It draws its mandate from the political and traditional Afar leaders, the leadership of Afar women and youth groups, the Eritrea Afar Diaspora and Eritrean-Afar refugees.

### **1.2 The Purpose and Objectives of this Report (Samad Baysa)**

The general purpose of this report (Samad Baysa) is to reveal over two decades of cultural genocide perpetrated against indigenous Afar people in Eritrea under the ruling of the Eritrean government. Samad Baysa particularly aims to raise international awareness concerning how and why human rights violations have been carried out by the government. By doing so, we seek to hold the regime accountable for their crimes against the indigenous Afar and ultimately motivate the world community to act and deliver safety and security to all Eritrean people.

The Second portion focuses on the regime's failed policies and false promises made to Eritrean people during the struggle for liberation and after independence in 1993. Our goal is to abolish state sponsored violence, culture of fear, humiliation and indignity, enforced poverty and the refugee crises that made Eritrea known negatively internationally. Through our efforts, we seek to rid the Afar people from assimilationist and integrationist programs by current highly centralized repressive systems in Asmara.

Moreover, we aim to put forward effective mechanisms for policies of sustainable governance to reflect the multi-ethnic, multi-cultural and multi-faith societies of Eritrea and transitional model for more tolerant and all inclusive societies founded on the principles of Democracy, rule of law, human rights, federalism, autonomy, equality and political freedom.

#### **A. Goals and Objectives - Part One**

The first section of the report is simply an introduction to the rest of the report. Before getting into the history of the Afar people and the gross human rights committed against them, this section details what this report is about, lists the acronyms used throughout and makes acknowledgements to those who contributed significantly in the creation of this report.

## B. Goals and Objectives - Part Two

The second section focuses on international findings and opinions concerning Eritrea. The United Nations Commission of Inquiry on Human Rights (COIE) which holds Eritrea accountable for human rights violations, the repression of the Afar's fundamental rights, indigenous rights, political rights including rights for self-ruling, and, rights to pursue their economic, social, and cultural independence in Dankalia, their ancestral homeland. Found in this section are the key findings by the United Nations and other international actors which are then elaborated on in depth in the following sections of this report.

The goal is to create discussion with Eritreans and the international community (including The UN, democratic governments and non-governmental groups, experts, human rights groups) to collectively consider the right model and the way forward for governance and the democratization of Eritrea.

## C. Goals and Objectives - Part Three

The third part of this report focuses on exposing some of the morbid violations of human rights against Indigenous Afar Ethnicity in Eritrea, including possible crimes against humanity. This section examines the reasons why Eritrea is targeting and removing the Afar people from their traditional homeland in Dankalia. Furthermore, it demonstrates the ways in which the Eritrean government has implemented policies of exploitation, assimilation and marginalization; prompting the fear of existential threat for the survival of the Afar ethnicity in the country.

## D. Goals and Objectives - Part Four

The fourth part focuses on strategic goals for reform in Eritrea. The government of Eritrea has committed cultural genocide against the Indigenous Afar. The recent Commissions of Inquiry report by the United-Nations holds the Eritrean government accountable for gross violations of human rights. Eritrea is a pariah state that does not respect the lives of its citizens or international condemnations. “Eritreans now make up the fourth largest group of asylum seekers in the European Union, and second largest group to arrive in Italy by boat after the Syrians<sup>2</sup>.”

However invincible the regime might think of itself or the use of violence to suppress the dissent to maintain power grip over Eritrean societies, the change is inevitable. The suffering is simply too great to continue. The statuesque is simply unsustainable. The regime's ideology driven politics and excessively centralized policy is incompatible with a deeply diverse nation like Eritrea. Many of those inner circles who were once the diehard supporters of Afwerki's regime are now fragmented. The Asmara regime is running out of steam. Like many tyrannical regimes in Africa and in the Middle East, Asmara is valuable to sudden political shock.

---

<sup>2</sup> Sharp Increase in Number of Eritrean Refugees and Asylum-Seekers in Europe, Ethiopia and Sudan. (2014, November 14). Retrieved from The United Nations Refugee Agency Website: <http://www.unhcr.org/5465fea1381.html>



Inclusive and sustainable policies must be devised to protect the society and the nation from enraging in prolonged conflicts, insurrections and even the breakup of the state in the aftermath of the regime's collapse.

This section aims to bring forward constitutional reform to account for human rights of diverse ethnicities and cultures within Eritrea. The Afar's needs for self governance, indigenous rights, minority rights, federalism, economic prosperity, cultural diversity, and, land and resource rights need to be integrated in the national strategy for nation building and democratic reform in Eritrea. This section is not only based on Afar ethnic grievances, but provides a sustainable solution and roadmap that focuses on political reform and democratization, a socio-economic plan for peaceful coexistence, sharing of revenues, education and health, peace and security, and, the environment, which are all basic ingredients for a nation building process.

### 1.3 Acknowledgments

Professor Joseph E. University of Ottawa Faculty of Law, Ottawa, is one of Canada's foremost constitutional scholars and is a legal adviser for the Afar nation. Professor Magnet has devoted his legal career to the advancement of the constitutional status and rights of Aboriginal Peoples and minorities in Canada, and globally. Professor Magnet has fought for years to advance the rights of the Afar people of Eritrea, and has fought against human rights violations committed towards the Afar.

On November 1st, 2012, during the University Faculty Awards for Excellence in Teaching and Research, Professor Magnet was recognized by the University of Ottawa for his work with the Afar and his becoming an honorary citizen of the Afar Nation. He is known to the Afar as "Madah-Abba", or "Father of the Constitution". We are forever indebted to Professor Joseph E. Magnet for his invaluable pro-bono work and commitment towards defending the Afar nation's human and political rights in Africa.



Professor Magnet on the right receiving recognition for his work

We would like to acknowledge the lifetime sacrifice made by our late leader, Eritrean liberation hero and intellectual, Mr. Ahaw Ali Halo who passed away on May 20<sup>th</sup>, 2016. As a fierce defender of Eritrean Afar self-determination and human rights advocate, he was instrumental in getting the latest human rights report by Commission of Inquiry in Eritrea (COI), to investigate the Afar human rights violations taking place in Eritrea. Our deepest sympathy goes out to the family of Mr. Halo. The Eritrean Afar will continue on the path of freedom and liberty you've set out for them. We are grateful for your contribution and leadership.



Mr. Ahaw Ali Halo

Moreover, we wish to express our gratitude to every person who has risked their lives to help the Afar people throughout their struggles. We are all indebted to Afar leaders, Afar heroes, victims of kidnapping, torture, rape, mass murder, those who lost their lives crossing the red sea and the Mediterranean, those who survived physical abuse and those who lost their property, their businesses, and their livelihood as a result of government atrocities. This report acknowledges your sufferings, sacrifices and your daily struggles against cultural genocide.

## 1.4 Acronyms

ACHPR	African Commission on Human and Peoples Rights
APDA	Afar Pastoralist Development Association
AU	African Union
ARRA	Administration for Refugee and Returnee Affairs
COI	Commission of Inquiry on Eritrea
CPJ	Committee to Protect Journalists
EASE	Eritrean Afar State in Exile
EPLF	Eritrean People's Liberation Front
HRW	Human Rights Watch
PFDJ	People's Front for Democracy and Justice
UNHCR	United Nations High Commissioner for Refugees
OHCHR	The Office of the United Nations High Commissioner for Human Rights
UNSC	United Nations Security Council
UN	The United Nations

## Part 2: International Findings

### 2.1 International Opinion on Afar and Eritrea

In Recent years Eritrea's name has become synonymous with widespread human rights violation; Governments across the globe condemn Eritrea for committing gross human rights violations against its citizens; including US State Department, the European Union, and the African Union (AU). The United Nations Security Council (UNSC) has recently placed two sanctions on Eritrea for exporting instability and Terrorism into the horn of Africa.

Reports on living conditions in Eritrea have been conducted by different humanitarian rights groups. Below are a few excerpts from their findings:

- The Human Rights Watch (an international NGO that conducts research and advocates for human rights) found in their 2015 World Report that serious human rights violations are practiced “by the “Eritrean government, including arbitrary arrest, torture, appalling detention conditions, forced

labor, and severe restrictions on freedom of movement, expression, and worship<sup>3</sup>.” Georgette Gagnon, Africa director at Human Rights Watch claims that “Eritrea's government is turning the country into a giant prison,” and that it is comparably the North Korea of Africa<sup>4</sup>.”

- In May 2013, United Nations Special Rapporteur on the situation of Human Rights in Eritrea investigated human rights violations against Afar in Eritrea, arriving at the conclusion that the Eritrean regime has been systematically targeting the Eritrean Afar people with “extrajudicial killings, enforced disappearances, torture and rape” in order to “force [them] into displacement from their traditional territory” along the Red Sea<sup>5</sup>.”
- In a report conducted by Reporters Without Borders, they state that Eritrea is the nation that offers the least-free news media, and is “the most repressive nation on Earth<sup>6</sup>.”
- Similarly, the Committee to Protect Journalists (CPJ) finds that “Eritrea secures its place as the most censored country in the world<sup>7</sup>.”
- The Guardian’s article “Eritrea’s Flag-Carrying Runner Seeks Asylum in UK to Flee Repressive Regime,” says that Eritrea is “one of the world’s most reclusive and repressive regime<sup>8</sup>.”
- The United Nations Human Rights Chief investigated alleged “crimes against humanity” committed by the Eritrean government. According to the report, there are “between 5 - 10,000 political prisoners in Eritrea<sup>9</sup>.” “During the past two decades 360,000 Eritreans have left their country in to exile and thousands have died while trying to cross to Europe in a dangerous sea routes<sup>10</sup>.” After Syrians, Eritreans are the second most common nationality to arrive on Italian shores.

---

<sup>3</sup> Eritrea: Repression Creating Human Rights Crisis (Rep.). (2009, April 16). Retrieved February 14, 2016, from Human Rights Watch website: <https://www.hrw.org/news/2009/04/16/eritrea-repression-creating-human-rights-crisis>

<sup>4</sup> Eritrea: Repression Creating Human Rights Crisis (Rep.). (2009, April 16). Retrieved February 14, 2016, from Human Rights Watch website: <https://www.hrw.org/news/2009/04/16/eritrea-repression-creating-human-rights-crisis>

<sup>5</sup> Keetharuth, S. B. (n.d.). Report of the Special Rapporteur on the situation of human rights in Eritrea (p. 15) (United Nations, Human Rights Council). Retrieved from [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.53\\_ENG.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.53_ENG.pdf)

<sup>6</sup> J. B. (2012, April 29). Eritrea, the Most Repressive Nation on Earth. SFGate. Retrieved from <http://www.sfgate.com/news/article/Eritrea-the-most-repressive-nation-on-Earth-3516449.php>

<sup>7</sup> Committee to Protect Journalists. (2015, April 21). Eritrea Most Censored Country in the World [Press release]. Retrieved from <https://cpj.org/2015/04/eritrea-most-censored-country-in-the-world.php>

<sup>8</sup> Quinn, B. (2012, August 15). Eritrea's Flag-Carrying Runner Seeks Asylum in UK to Flee Repressive Regime. The Guardian. Retrieved from <http://www.theguardian.com/uk/2012/aug/15/eritrea-runner-seeks-asylum-uk>

<sup>9</sup> Tekle, T. (2015, July 5). UN Body to Investigate Human Rights Violations in Eritrea. Sudan Tribune. Retrieved from <http://www.sudantribune.com/spip.php?article55586>

<sup>10</sup> Tekle, T. (2015, July 5). UN Body to Investigate Human Rights Violations in Eritrea. Sudan Tribune. Retrieved from <http://www.sudantribune.com/spip.php?article55586>

- According to US Embassy cables released by WikiLeaks, “Young Eritreans are fleeing their country in droves, the economy appears to be in a death spiral, Eritrea's prisons are overflowing, and the country's unhinged dictator remains cruel and defiant<sup>11</sup>.”

## 2.2 Key Findings by United Nations Human Rights Investigators

The United Nations’ reports on the Commission of Inquiry on Human Rights in Eritrea’s key findings prove that since Eritrea’s defacto independence in 1991, the indigenous Afar people have been subjected to enforced disappearances and extrajudicial killings committed by the Government<sup>12</sup>. Although the exact number of people who have disappeared remains unknown, the Commission finds that the Afar people were particularly being targeted.

The Commission finds that, “all the persons who have been victims of enforced disappearances suffered violations towards their right to life, right not to be subject to torture, cruel, inhuman or degrading treatment, right to be treated with humanity and with respect for dignity in the context of detention, right to be recognised as a person before the law and right to liberty<sup>13</sup>”.

The Eritrean government has implemented a shoot-to-kill policy, where military officers are ordered to shoot anybody found trying to flee Eritrea to neighbouring countries. The Commission recalls that, “the right to leave one’s country is a fundamental freedom recognised under international human rights law. The use of lethal force to prevent individuals from leaving Eritrea, albeit not complying with national legal procedures and requirements, is a violation of the right to life<sup>14</sup>”.

The Commission has also found that a large amount of Afar women and girls have been subjected to sexual abuse by members of the military<sup>15</sup>. In depth findings by the Commission of Inquiry can be found throughout this report. The Commission has found the Eritrean Government legally responsible for the torture of the Indigenous Afar, the confiscation of their land, missing peoples and ethnic cleansing. The UN supports the allegation that these measurements have been taken to dispossess the Afar from their ancestral lands, livelihoods and their culture<sup>16</sup>. On May 28, 2013 United Nations Special Rapporteur on the situation of human rights in Eritrea Ms. Sheila B. Keetharuth’s report (A/HRC/23/53)

---

<sup>11</sup> McMullen, A. K. (2009, March 5). US Embassy Cables: Eritrea's President is 'Unhinged Dictator' Retrieved from <http://www.theguardian.com/world/us-embassy-cables-documents/195418>

<sup>12</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 320, paragraph 5) (United Nations, General Assembly, Office of the High Commissioner).

<sup>13</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 221, paragraph 1) (United Nations, General Assembly, Office of the High Commissioner).

<sup>14</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 324, paragraph 2) (United Nations, General Assembly, Office of the High Commissioner).

<sup>15</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 187, paragraph 708) (United Nations, General Assembly, Office of the High Commissioner).

<sup>16</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 338, paragraph 4) (United Nations, General Assembly, Office of the High Commissioner).

acknowledges the unique distinction of the Afar people in Eritrea as an indigenous group who speaks a distinct language and who depend on their environment for their continued existence as such a distinct indigenous minority. The Commission finds that, “the Eritrean Government is responsible of all these extrajudicial executions and arbitrary killings that constitute violations of the right of life guaranteed under international human rights law<sup>17</sup>”.

## 2.3 Recommendations by the Commission of Inquiry Report

With the acknowledgment that Eritrea’s treatment towards the Afar *is* a crime against humanity, the Commission of Inquiry in June 2016 released several recommendations and guidelines for various institutions to follow. All suggestions are made with the intention of granting the Afar people with basic human rights and indigenous rights.

### Recommendations for the Government of Eritrea

It is the universal responsibility of every government to ensure the protection of its citizens. In the case of Eritrea, particular protection must be granted to minority ethnic groups, including the Afar<sup>18</sup>.

### Recommendations for the United Nations High Commissioner for Human Rights

The commission invites the United Nations High Commissioner for Human Rights to continuously report on the lack of human rights in Eritrea. A follow-up strategy is crucial if the Afar are to be safe from their government<sup>19</sup>.

For the Office of the United Nations High Commissioner for Human Rights it is suggested to establish a structure with a protection and promotion mandate, “in particular to assist in ensuring accountability for human rights violations in Eritrea, especially where such violations amount to crimes against humanity<sup>20</sup>.”

---

<sup>17</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 324, paragraph 3) (United Nations, General Assembly, Office of the High Commissioner).

<sup>18</sup> Human Rights Council. (2016) Detailed findings of the Commission of Inquiry on Human Rights in Eritrea (p. 86, paragraph 2) (United Nations, General Assembly, Office of the High Commissioner).

<sup>19</sup> Human Rights Council. (2016) Detailed findings of the Commission of Inquiry on Human Rights in Eritrea (p. 87, paragraph 7) (United Nations, General Assembly, Office of the High Commissioner).

<sup>20</sup> Human Rights Council. (2016) Detailed findings of the Commission of Inquiry on Human Rights in Eritrea (p. 87, paragraph 9) (United Nations, General Assembly, Office of the High Commissioner).

## Recommendations for the General Assembly

Considering the severity of human rights violations taking place, the Commission recommends the General Assembly to keep Eritrea on its agenda and to maintain an active involvement in future findings and discoveries<sup>21</sup>.

## Recommendations for the Security Council

The Commission urges the Security Council to acknowledge that the treatment towards the Afar poses a threat against international peace and security. For this reason, the human rights violations in Eritrea should be referred to the Prosecutor of the International Criminal Court. Anybody that is reasonably believed responsible for crimes against humanity should be tried in court, and have imposed targeted sanctions, namely travel bans and asset freezes<sup>22</sup>.

## Recommendations for the African Union

The Commission recommends to the African Union to investigate, prosecute and try all individuals that are reasonably believed to have committed human rights violations.

## Recommendations for Transnational Corporations

All transnational corporations operating or planning to operate in Eritrea should conduct human rights impact assessments to ensure that Eritrean employees are not being subjected to any human rights violations, including the absence of financial transparency<sup>23</sup>.

## Recommendations for Member States and International Organizations

“(a) Keep Eritrea under close scrutiny until consistent and tangible progress with regard to the situation of human rights is evident, and ensure the centrality of human rights in all engagement with the State;

(b) Insist on the implementation of the decision made on 13 April 2002 by the Eritrea-Ethiopia Boundary Commission on the delimitation of the border;

---

<sup>21</sup> Human Rights Council. (2016) Detailed findings of the Commission of Inquiry on Human Rights in Eritrea (p. 87, paragraph 13) (United Nations, General Assembly, Office of the High Commissioner).

<sup>22</sup> Human Rights Council. (2016) Detailed findings of the Commission of Inquiry on Human Rights in Eritrea (p. 87, paragraph 14-18) (United Nations, General Assembly, Office of the High Commissioner).

<sup>23</sup> Human Rights Council. (2016) Detailed findings of the Commission of Inquiry on Human Rights in Eritrea (p. 88, paragraph 12) (United Nations, General Assembly, Office of the High Commissioner).



(c) Keep Eritrea on the agenda of the International Labour Organization and continue to address the issue of forced labour;

(d) Assist Eritrea in addressing serious legislative and institutional weaknesses by strengthening its judiciary, establishing independent institutions and reforming its security sector through bilateral and multilateral development cooperation, in accordance with the human rights due diligence policy on United Nations support to non-United Nations security forces;

(e) Provide Eritrean nationals seeking protection with refugee status in accordance with the provisions of the international law governing asylum, and in particular the Convention relating to the Status of Refugees;

(f) Exercise jurisdiction over crimes against humanity when any alleged offender is present on the territory of a Member State or extradite him or her to another State in accordance with its international obligations<sup>24</sup>.”

## **Part 3: Human Rights Violations and Indigenous Rights**

### **3.1 Why the Indigenous Afar Are Being Targeted in Eritrea**

#### **A. Racial Superiority, Historic Discrimination, and Using Fear to Dominate**

Until the 19th century the Afar had remained entirely independent from outside control. After colonization, the Afar’s traditional territory was unwillingly split between Djibouti, Ethiopia and Eritrea. As a result, the Afar have been persecuted in all three countries. In Ethiopia, Afar territory was partitioned for agricultural purposes. This was legally facilitated because Ethiopian law did not recognize the title of the Afar pastoralists to their land.

Following the succession of Eritrea in 1991, the Afar have been perpetually persecuted by President Afewerki and the Eritrean State. The Eritrean State has repeatedly attempted to isolate the Eritrean Afar from their counterparts in Ethiopia and Djibouti by attacking their trade practices and linguistic heritage. The Eritrean government is destroying the basis of the Afar economy by confiscating Afar properties and exploiting the Afar’s traditional lands, territories, resources and selling off Dankalia’s ports, seaways and potash mines to multinational corporations illegally. The government has justified destroying the Afar way of life and culture by claiming the Afar are uncivilized and ‘backwards.’

---

<sup>24</sup> Human Rights Council. (2016) Detailed findings of the Commission of Inquiry on Human Rights in Eritrea (p. 88, paragraph 5-11) (United Nations, General Assembly, Office of the High Commissioner).

The United Nations Declaration on the Rights of Indigenous Peoples recognizes and affirms “that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples<sup>25</sup>.”

However since the writing of the 1997 Constitution, the Tigrinya nationality has been imposing their culture on the Afar and has been stripping away their rights to lands, properties and resources. The Afar are victims of ethnic cleansing by the Eritrean State. As a means to avoid being tortured or killed, tens of thousands of Afar risk their lives fleeing from their homeland in Dankalia into neighboring countries like Djibouti, Ethiopia, Yemen and Sudan.

The Afar population believed to be near 700,000-800,000 prior to Eritrea’s independence in 1991 is fleeing Dankalia by the 10’s of thousands. Close to half of the Eritrean Afar population believed to have fled from the country due to violent persecutions. Eritrean security personnel have orders to shoot-to-kill the Afar as they attempt to cross the border to places of refuge. Many Afar have perished trying to escape Eritrea. But those who remained behind live under constant fear, discrimination, forced assimilations and domination over their culture. They are under extreme subjugation economically, politically and socially by the Eritrean State.

Indigenous peoples globally deserve to enjoy the same rights as all other people without discrimination of any kind. They deserve to be regarded by everyone as full and equal human beings. They deserve to be protected from genocide, arbitrary execution, torture, forced relocation, or assimilation, and they deserve to enjoy their rights to freedom of expression, association, religion and language. Yet this is not the case for the Eritrean Afar. The Commission has found that Afar conscripts are prohibited to speak their language and are tortured for not being able to understand Tigrinya. A former Afar conscript told the Commission about the difficulties he encountered during mandatory military training:

“We could not understand what people were saying in Sawa because everything was in Tigrinya. I think the officers thought we were being belligerent but we simply could not understand them. They told us Afar that we were donkeys<sup>26</sup>.”

The indigenous Afar have historically been subjected to racial and cultural discrimination. First by colonial powers, then under the ruling of Ethiopia, and, today, by the independent state of Eritrea.

---

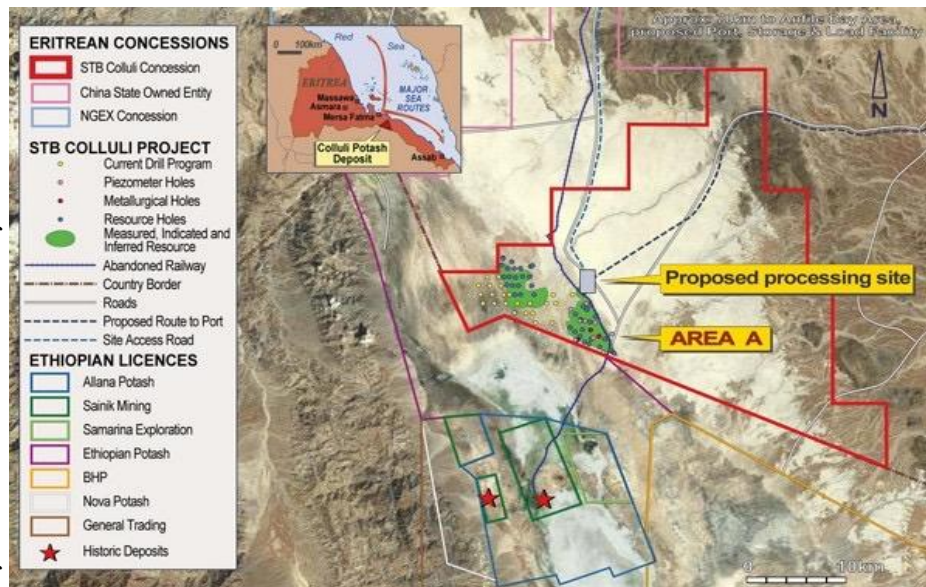
<sup>25</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 7). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>26</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 371, paragraph 9) (United Nations, General Assembly, Office of the High Commissioner).

## B. Dankalia: Strategic Lands, Properties, Sea and Resources

Geographically, the Afar region has been isolated from outsiders until recently. Since Eritrea's independence from Ethiopia in 1991, the government has been displacing the Afar from their homeland in Dankalia, which they have inhabited since the time immemorial.

Even though the Afar today make up less than 10% of current Eritrea's population, they still remain majority population in Dankalia, the Afar and their homeland constitutes 88% of Eritrea's economic and strategic interests. With approximately 40,000km<sup>2</sup>, Dankalia is second largest province in the country, with approximately 1000km coastline spanning from the tip of Massawa to Rahyta bordering Djibouti. This coastal and resources-rich stretch of land has been the main reason why Eritrea's current rulers have been systemically and deliberately targeting the indigenous Afar.



Proposed Potash mine site in Culluli Afar region

Article 23.2 of the unimplemented 1997 Eritrean Constitution declares that, “All lands and all natural resources below and above the surface of the territory of Eritrea belong to the State<sup>27</sup>.” Since this policy has been enforced, the Afar's traditional land has been expropriated. The Afar are being displaced because of illegal trade agreements between the Eritrean government and mining and resource extraction companies. Afar territories and seacoasts contain untapped reservoirs of natural resources, marine life and vast potash deposits with other precious metals.

Today, the government of Eritrea is selling/leasing the Afar's lands and properties to multinational corporations and foreign governments without prior consent from the Afar people. The Eritrean government has signed a 50-50 partnership deal for a potential 200 year agreement between Government owned Eritrea National Mining Co (ENAMCO) and Australia's South Boulder Mining corporation (corporation changed its name recently to Danakali) for a Potash export. The Colluli potash

<sup>27</sup> Grammond, S. (n.d.). Status of the Afar People [Letter written March 21, 2011 to Professor James Anaya, Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People]. In (p. 4).

resource believed to contain over 1.3 billion tonnes of potassium bearing salts and with development costs estimated at US\$ 473 million<sup>28</sup>.

Dankalia is also home to the country's two main port cities, Assab and Massawa, which are economically strategic for Eritrea's future. Report by the Monitoring Group on Somalia and Eritrea (MGSE) UN Security Council indicated United Arab Emirates (UAE) has leased the port of Assab which is 60 km away from the coast of Yemen —for 30 years.<sup>29</sup>

Geopolitically, Dankalia's red sea coast is also significant for international trade, oil transit routes and critical for regional national security interests. Economically, because Dankalia is on the coast, the government aims to implement its land grab policies for various schemes. The government has been achieving this through mass murder, terror, intimidation, rape, persecution and other forms of violence.

### Map of Dankalia, Eritrea Before and After Independence



Eritrea Pre-Independence Map

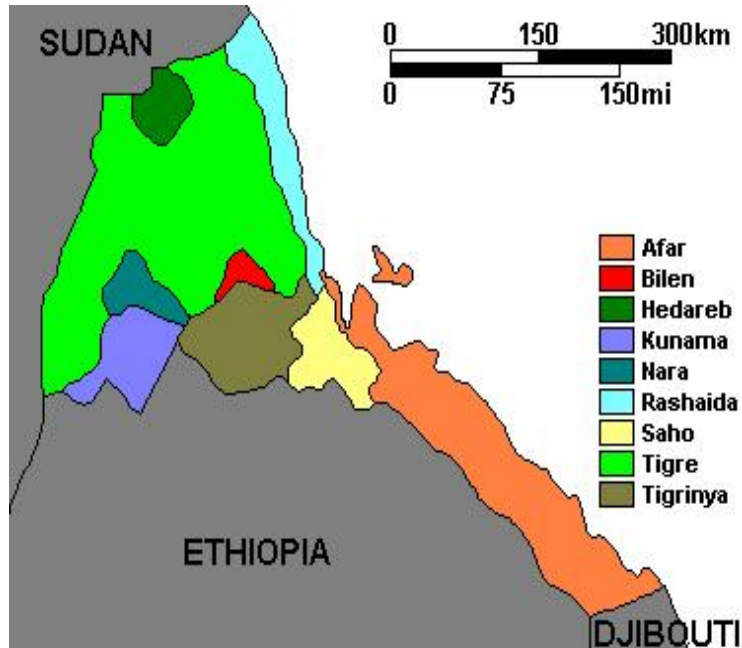


Map of Eritrea After Independence

<sup>28</sup> Proactive Investors, Australia (2016) Danakali Transitions from Studies to Funding and Approvals at Colluli Potash. Retrieved from <http://www.proactiveinvestors.com.au/companies/news/66792/danakali-transitions-from-studies-to-funding-and-approvals-at-colluli-potash-66792.html>

<sup>29</sup> Security Council (2015) Letter Concerning Somalia and Eritrea Written by the Chair of the Security Council [Letter written October 9, 2015 addressed the President of the Security Council], Retrieved from [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2015\\_802.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_802.pdf)

## Map Demonstrating Different Ethnicities in Eritrea Pre-Independence



### 3.2 Eritrea Systematically Removing Afar and Ignoring Indigenous and Minority Rights

#### A. Internal Colonization and Assimilation of Afar with the Dominant Culture

Historically, the Afar nation has put up fierce resistance to foreign occupations and internal colonization by defending their people, lands and properties. Thanks to this resistance, by in large the Afar territories remained intact and undivided by the aggression of others who came to colonize them. It is in these territories that the indigenous Afar have governed themselves autonomously, according to their customary laws, legal systems (Madqas) and traditional values. It is in accordance to these laws and indigenous systems that they exercised autonomous rule, exerted control over their societies, land and resources, carried out their day-to-day economic activities and made peace treaties and conflict resolutions with those who came in conflict with them in their territories.

It was only after the social engineering that systematic violence became a reality for the Afar. Eritrea is attempting to colonize the Afar territory through internal migration. The highlands region of Eritrea can no longer support an exponentially growing population. So, the government's solution is to re-settle approximately 1.5 million Highlanders on the Afar homeland of the Red Sea coast. Since Tigrinya-speaking Eritreans from the highlands have been moved into Afar traditional territory, it has hindered the Afar political, social and economic system and made them a minority in their ancestral homeland.



Moreover, the government plans on developing a tourism industry in several towns in the Afar region including Galalu, Tio and Ingle Island (Dassie). Big hotels are being built and the highlanders are populating Afar territories in the region.

One of the construction companies in the coastal Afar territory, called “Mussa-Alli-Corporation”, is owned by Major General Haile-Samuel. General Haile-Samuel, (aka. “China”), is the current Commander in Chief of the eastern military command (Mabretawi-IZZ) which is responsible for many atrocities against the Afar people throughout Dankalia. The other construction company is called GADAM and owned by PFDJ, Eritrea’s ruling party.

In order to remove the Afar and achieve these goals, the government is aggressively using mass murder, terror, intimidation and other forms of violence to destroy the basis of the Afar economy.

## B. Culture, Language and Education

The Eritrean Afar people have a rich history and culture and their own indigenous rule of law which they lived by for centuries. As stated in the United Nations’ Declaration on the Rights of Indigenous Peoples Article 13.1:

“Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons<sup>30</sup>.”

However, the Eritrea government has successfully prevented the Eritrean Afar language from being used in schools, court systems, newsprints, journals or any publication. The Afar do not have access to any form of mass media or public institution in their language.

In 1986, prior to taking power in Eritrea, the EPLF rebels, which are the current regime, began the process of changing the Afar alphabet. The policy was designed to break down the solidarity and communications among Afar people beyond Eritrea's new borders including Djibouti and Ethiopia. The current Eritrea regime has successfully implemented that policy. Today, the Afar alphabets in Eritrea have different meanings in writing and pronunciations, creating confusions in Afar communities and undermining their unity.

Article 8.1 of the Declaration says that, “Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.” When people are deprived of using their language, they have no means of expressing their opinion fairly. As a result, the whole world is being kept in the dark as to what is happening to the Eritrean Afar people. Moreover, the Commission

---

<sup>30</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 7). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)



collected information suggesting that the Afar received punishment for not being able to understand orders given in the Tigrinya language. A former conscript, who was sent for training in Adi Rosso in 2010, reported:

“We had marching training for hours. If we slowed down we were hit, forced to roll on the hot ground. We built a lot of houses. We trained in shooting, if we missed the target we were forced to roll. The Afar had a difficult time understanding because they could not understand Tigrinya and their trainer could not speak Afar. They were beaten a lot for making mistakes<sup>31</sup>.”

### C. Media Racism

Article 8.1 of the United Nations’ Declaration on the Rights of Indigenous Peoples affirms that, “Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture<sup>32</sup>.” Yet the Indigenous Afar are deprived of any form of media in their own language. All television channels, radio stations and newspaper in Eritrea are in the Tigrinya language. As a result, the Afar are forced to learn the mainstream language. As with all cultures, the indigenous Afar deserve media outlets and institutions that are based in their language.

### D. Destruction of Afar Economy and Way of Life

The Commission report in June 2016 has “reasonable grounds to believe that Eritrean officials have intentionally and severely deprived Eritrean Afar of fundamental rights contrary to international law on ethnic grounds.<sup>33</sup>

Article 20.2 of the United Nations’ Declaration on the Rights of Indigenous Peoples states that, “Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress<sup>34</sup>.” However the Afar have received no compensation for the destruction of their economy.

The Eritrean Afar people are active in animal husbandry, fishing, trades and salt mining yet their livelihood has been severely restricted. For instance, the government has been posing excessive and unaffordable fines on fishermen which results in the confiscation of their daily catch and ultimately their boats. These fishermen are charged with crimes imposed according to extrajudicial laws and then judged in “kangaroo courts” where fines are enforced at the whim of navy generals. Moreover, the revenues and

---

<sup>31</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 306, paragraph 4) (United Nations, General Assembly, Office of the High Commissioner).

<sup>32</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 5). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>33</sup> Human Rights Council. (2016) Detailed findings of the Commission of Inquiry on Human Rights in Eritrea (p. 73, paragraph 2) (United Nations, General Assembly, Office of the High Commissioner).

<sup>34</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 10). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

traditional economic activities in the Afar salt fields in the Assab region which have been a substantial source of local profit have been confiscated and destroyed.

Nomadic pastoralists have a very unique way of life and culture. The Afar people are economically dependent on their livestock. Their daily life consists of tending livestock including goats, camels, and cattle. The systemic destruction of the nomadic way of life is being done in the following ways: individual Eritrean Afar people are being robbed by the Eritrean army; freedom of movement is disallowed which prevents the herders from following the rains for grazing land and indigenous trees have been uprooted for Eritrean army use. Afar are cross-border traders but they are prevented from trading animals to Yemen, Djibouti and other parts of the Middle East. Working people are being forced into poverty or bankruptcy.

This economic deprivation has led thousands of Eritrean Afar people, including the young and the elderly, into starvation. Several Afars interviewed by the Commission suspect that the Government has been intentionally confiscating their lands and properties to cause them to vacate their homeland and ultimately force them into exile.

A man who had a salt flat, recounted: “I had been working on my salt land and started benefiting from it. With that profit, I opened shops. When they saw my situation, they also took my land. I had inherited that land from my great-great-grand-father. It has been in my family since time immemorial ... Everybody knows that we owned that land. During the Derg regime, the then authorities interfered by taking land tax from us. For this regime, they do not even tax us, they seize our land<sup>35</sup>.”

Another man noted: “They also make us poor by taking our camels and our goats. I believe they do it in order to decimate Afar people. They do these things deliberately<sup>36</sup>.”

The Eritrean regime has systematically targeted the Afar’s economy in order to remove them from their homeland of Dankalia along the Red Sea. This area is known to contain vast potash deposits and other precious metals. The Eritrean government is now selling and/or leasing these resource-rich lands to mining companies such as South Boulder Mines Ltd. of Australia without the consent, recognition or knowledge of the Afar people. Dankalia's coast is geopolitically strategic as it includes the country's two main port cities of Assab and Massawa. These ports have been out of business since Eritrea initiated aggressive border wars with neighbouring Ethiopia and Djibouti, severely curtailing the local Afar economy as a result.

---

<sup>35</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 335, paragraph 8) (United Nations, General Assembly, Office of the High Commissioner).

<sup>36</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 335, paragraph 9) (United Nations, General Assembly, Office of the High Commissioner).

## E. Exploitation of Afar Resources, Lands and Properties

Article 26.2 of the United Nations' Declaration on the Rights of Indigenous Peoples states that, "Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired<sup>37</sup>."

Regardless of this law, the Eritrean government proclaimed in 1997 that all Afar land and natural resources belong to the State. Beforehand, land was communal property owned by each village and to which individuals gained access through usufruct rights. However after independence, the Government enacted Proclamation No. 58/1994 "to reform the system of land tenure in Eritrea, to determine the manner of expropriating land for purposes of development and national reconstruction, and to determine the powers and duties of the land Commission<sup>38</sup>." It remains the main text regulating the right to property in Eritrea. The Commission found that the new policy allocates all rights to the Government to "expropriate traditionally owned or used land if it is needed for national reconstruction and development purposes [...]. The expropriation decision made by the Government is final and cannot be appealed against in Court<sup>39</sup>."

Today, the Afar have no rights or say over their traditional land, sea or to the natural resources that are crucial for their subsistence. The Afar have no rights to protect the use of traditional lands or the right to participate in the development of their communities.

Furthermore, article 28.2 of the United Nations' Declaration on the Rights of Indigenous Peoples declares that, "Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress<sup>40</sup>." Yet the Commission found that it is the High Court of Eritrea that has the exclusive jurisdiction over compensation related disputes over the seizure of land and properties<sup>41</sup>.

According to Proclamation No. 58/1994, the land to be used for farming must be distributed in the most equal possible manner among citizens. The Commission collected testimonies of Eritreans whose land had been seized in the framework of the land reform or for development projects – mainly state

---

<sup>37</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 10). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>38</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 325, paragraph 7) (United Nations, General Assembly, Office of the High Commissioner).

<sup>39</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 326, paragraph 3) (United Nations, General Assembly, Office of the High Commissioner).

<sup>40</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 10). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>41</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 327, paragraph 1) (United Nations, General Assembly, Office of the High Commissioner).

farming, as provided by Proclamation No. 58/1994. In most cases, the victims received inadequate or no compensation.

One victim told the Commission that his parents were forced to leave their farm to the Government:

“During the first years, the authorities collected our crops and left us only 100 kg of the harvest. Next they announced that they had to requisition the land for State projects. They encouraged people to go to Gash-Barka to work on new land. However, my parents did not get new land in Gash-Barka. They were compensated with 3,000 Nakfa. It is very difficult to work on new land with that sum<sup>42</sup>.”

## F. Destroying the Environment and Indigenous Trees

The indigenous Afar live symbiotically with their land, yet since independence, the government of Eritrea has been threatening their land and trees. Article 29.1 of the United Nations’ Declaration on the Rights of Indigenous Peoples says that,

“Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination<sup>43</sup>.”

During interviews with the Commission, the Afar mentioned the Eritrean authorities have been the cutting of trees and grass on their traditional land in order to destroy their means of livelihood. An Afar reported: “They cut our trees and when you ask why, they take you and beat you<sup>44</sup>.”

Another told the Commission: “The Government cut almost all trees in Dankalia [central and southern parts of the Southern Red Sea Region]. Beilul [a locality of the southern part of the Southern Red Sea Region] was surrounded by a big forest, but now it is a desert. They cut the trees and took the wood to the Highlands.

---

<sup>42</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 327, paragraph 4) (United Nations, General Assembly, Office of the High Commissioner).

<sup>43</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 10). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>44</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 335, paragraph 11) (United Nations, General Assembly, Office of the High Commissioner).

There was a person who was the leader of a tribe in Beilul. He asked them why they were cutting the trees. He was imprisoned in Massawa for seven months<sup>45</sup>.”

Regarding the cutting of grass, a victim reported: “I had land. Before I left, there was nothing growing on it. The military were cutting the grass and taking it away. We used the grass to feed our goats<sup>46</sup>.”

These trees have been cut down without the prior consent of the Afar, which is illegal according to Article 32.2. of the Declaration on the Rights of Indigenous Peoples which states that,

“States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources<sup>47</sup>.”

### 3.3 Eritrea Removing Afar Using Murder and Violence

#### A. Mass Graves and Extrajudicial Killing

Article 7 of the United Nations Declaration on the Rights of Indigenous Peoples states that, “Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group<sup>48</sup>.”

The Commission of Inquiry’s investigation has found that the Eritrean government has violated these basic human rights. The Commission obtained specific reports on the existence of mass graves in Abihte-Koma, Hayli-Iddi and Wahan. The commission has gathered that extrajudicial killings and enforced disappearances of the Afar people have been taking place since 2000. Moreover, prominent members of society including numerous businessmen and university lecturers are being executed by killing squads established by the Government since 1991<sup>49</sup>.

---

<sup>45</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 335, paragraph 12) (United Nations, General Assembly, Office of the High Commissioner).

<sup>46</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 336, paragraph 1) (United Nations, General Assembly, Office of the High Commissioner).

<sup>47</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 12). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>48</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 5). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>49</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 322, paragraph 4) (United Nations, General Assembly, Office of the High Commissioner).

In the year 2000, the Commission found that two cousins were killed in Dabu by Eritrean soldiers. A few days later in Abihte-Koma, approximately 18 indigenous Afar were killed by members of the military. A further report finds that military officers began shooting on families and killed 16 Afar men. Following the event, they stole the families' personal property including their livestock. The bodies of the victims were left unburied for days until other Afar people came to bury them in mass graves.

A widow of one of the 16 people who were killed in this incident told the Commission that:

“On Sunday morning many soldiers came at about 7 a.m. We did not know we were surrounded. We were loading our camels, making tea and milking our livestock. The soldiers came closer, and without saying anything to us they started shooting. My little daughter of two years old ... my older children and my husband were next to me. My husband was shot. We all escaped and the camels fled when they started shooting. We do not know what happened to us, because it happened very quickly. In this incident 16 people died. My husband died immediately, one was wounded and managed to escape. Those wounded were shot at again and again. They were targeting the men while the children and the women were escaping. 16 men were killed and two women escaped but one woman who was pregnant (first pregnancy) died in the course of the flight<sup>50</sup>.”

The Commission found that the court system in Eritrea is corrupt through extensive executive interference and control<sup>51</sup>. “As a result, killings and executions by the military and other security agents of the state go unpunished. [...] In a country where the mere asking of questions about the whereabouts of a detained or disappeared person attracts detention itself, family members lack the fortitude to seek redress<sup>52</sup>”.

---

<sup>50</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 321, paragraph 6) (United Nations, General Assembly, Office of the High Commissioner).

<sup>51</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 323, paragraph 7) (United Nations, General Assembly, Office of the High Commissioner).

<sup>52</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 323, paragraph 7) (United Nations, General Assembly, Office of the High Commissioner).



## Names of Victims and Map of Mass grave 1

### Afar Extrajudicial killings in Hayli-Iddi- Dankalia-Eritrea

- Ali Yussuf Mohamed
- Mohamed Ahmed Hassan
- Omar Ahmed Ibrahim
- Mohamed Ali Sugne
- Mohamed Yussuf Ali(Liynun)
- Mohamed Ali Haysama
- Issa Ahmed Mohamed
- Ahmed Mohamed Sugne
- Ahmed Hassan Ibrahim
- Ahmed Omar Mohamed
- Ahmed Ali Gibid
- Mohamed Omar Ahmed
- Issa Kamil Ali
- Yarde Salih
- Omar Mohamed Ali



## Names of Victims and Map of Mass grave 2

### Afar Extrajudicial Killing In Abihte-Koma, Dankalia-Eritrea

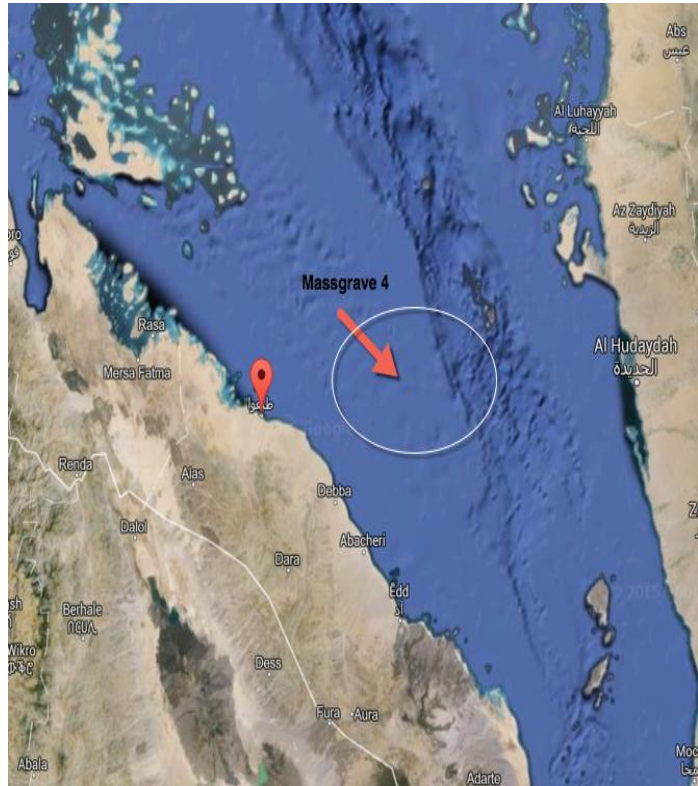
- Qabdalla Miqi Qabdalla
- Musa Qali Dato
- Iskac Musa Qali
- Acaw Musa Qali
- Akito Qali Dato
- Macamad Saqid Qali
- Musa Saqid Qali
- Acaw Macamad Kolboqu
- Qutban Macamad Kolboqu
- Acmad Qali Acmad
- Aydacis Macamad Bolkoq
- Casan Macamad Bolkoq
- Qali Qiisa Qali
- Macamad Adan Qiise
- Gaqas Macamad Qiise
- Macamad Bolkoq Qali
- Idris Acaw Macamad
- Qiise Macamad Ibrahim



## Names of Afar Shoot-to-Kill Victims

Young Navy Conscripts killed at sea on the Red Sea coast of Eritrea while fleeing to Yemen in August 2012. An Eritrean Navy Gun Boat opened fire. 28 were killed, but this list contains 20 verified.

- Ali Mahammed Uto
- Osman Ahmed Ali
- Hussein Lahada
- Idris Lahada
- Momin Ahmed Momin
- Idris Mahammed Utban
- Hamadu Ahmed
- Idris Hanfaxe
- Habib Hanfaxe
- Idris Mahammed Roble
- Taha Mahammed Hanfare
- Issa Mahammed Lahada
- Ahmed Osman Endigo
- Taha Salih Mafaxo
- Abdu Roble
- Ibrahim Hassan Rashid
- Idris Mahammed Idris
- Salih Ahmed Qasqali
- Bereket Berhe
- Abdella Mahammed Hanfare



## Names of Extra-Judicial Killings in Wahan, Dankalia

(In this locality of Wahan-Dankalia alone, there are as many as 400 Afar widows and 370 orphans.)

- Qabdalla Qali Miqi
- Idris Suleyman Idris
- Qiise Qali Ibrahim
- Macamad Saqad Macamad
- Qabdu Casan Macamad
- Adan Qabdalla Casan
- Camadiin Macamad Musa
- Kottina Macamad Musa

## B. Rape of Indigenous Afar Women

Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples states that,

- “Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration<sup>53</sup>.”
- “States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination<sup>54</sup>.”

The Commission confirms that the Eritrean government has violated the rights of Indigenous women. Through an extensive amount of testimonies, the Commission confirms that Afar women and girls were sexually abused by members of the military<sup>55</sup>. After these accusations, the military refused to investigate into the allegations of sexual violence. One Afar contends to the Commission that, “rape and sexual abuse of Afar women and girls by members of the military is a deliberate attack on their community by the State and a tactic to force them from their traditional lands. Reports of Afar women killed after being raped were also received. Gender-related killings are not isolated incidents, but rather represent the ultimate act experienced in a continuum of violence by women living under conditions of gender-based discrimination<sup>56</sup>.”

In an interview with 47 year old Eritrean refugee Ahaw Ali Halo, he claims:

“Widespread rape of Red Sea Afar women by the Eritrean army is wielded as a systemic weapon of ethnic cleansing. These women are left vulnerable as the government is abducting their husbands into endless military service. Women are also being taken into service, used as maids and employed as free labour and made to sweep entire villages, cities, with no payment of any kind. They are forced into sexual misconduct, rape. Any objection on the female part results in rape and imprison or death, for refusing to obey military orders. Those who have the AIDS virus or are infected with HIV are responsible for rape and therefore infect these women with a death sentence<sup>57</sup>.”

A witness of the rapes and killings told the Commission: “The soldiers raped the women and the girls. And if they refused, they killed them. A lot of women were

---

<sup>53</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 9). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>54</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 9). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>55</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 187, paragraph 2) (United Nations, General Assembly, Office of the High Commissioner).

<sup>56</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 187, paragraph 2) (United Nations, General Assembly, Office of the High Commissioner).

<sup>57</sup> Ali Halo, A. (2013, February 12). [Interview].

killed that way. During the last war with Ethiopia, this has increased. They find the women guarding goats or fetching water and food. That is when they rape them. I can tell you about four women who were raped. One was 15 years old; they gorged her eyes out and left her on the street. Another one was sexually violated. They placed big stones on her<sup>58</sup>.”

Many women are too afraid to speak candidly about being raped out of fear of the military. One young victim woman said to the Commission,

“There is no Government person you can tell. They are all mafia. Police were there before but they have since left. Now it is only military. I was too afraid to tell my family. And also I was afraid for my family members if they said something to the military<sup>59</sup>.”

Another victim informs the Commission that it is difficult for the women to gain retribution against the military for these crimes:

“When we tried to complain we were told, ‘how dare you say such things, our soldiers would not do such things. You just hate us.’ Asking the names of the people who did this is impossible<sup>60</sup>.”

According to Ali Abdu Ali, former official head of Dabaysima region in Dankalia: “In addition to the sexual abuse, the oppressors often kill the women after raping them. Anyone who dares to complain goes missing and killed. The Afar are defenseless and the widespread rape of Afar women by the Eritrean military is being used as a tool of persecution and ethnic cleansing of the Afar from the region. I recall an incident where three afar women were raped and killed including fourteen year old girl, and three of their men relatives confronted the army and were taken into custody and were killed for speaking up against the 4731 rapes<sup>61</sup>.”

An Afar man witnessed the aftermath of several rapes of Afar women and the attempts of the community to have the military investigate and prosecute the offending military officers. But he says,

---

<sup>58</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 322, paragraph 2) (United Nations, General Assembly, Office of the High Commissioner).

<sup>59</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 187, paragraph 5) (United Nations, General Assembly, Office of the High Commissioner).

<sup>60</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 187, paragraph 6) (United Nations, General Assembly, Office of the High Commissioner).

<sup>61</sup> Abdu Ali, A. (2013). Ali Abdu Ali [Interview].

“When we report this to the big brigades in the area, they do not tell us [who was responsible], they hide their soldiers. ... I do not know if the soldiers did this on their own or if they received orders. When we report incidents, they say ‘we punished him, we imprisoned him, we arrested him’ But then the same crime happens again another time. We know that nobody was punished for what happened<sup>62</sup>.”

## Names of Afar Victims of Rape in Wade, Dankalia

- |                           |                           |
|---------------------------|---------------------------|
| ○ Fatuma Ibrahim Macammad | ○ Fatuma Cammadu Caydara  |
| ○ Qasawka Macammad Acmad  | ○ Qaabida Qali Ibrahim    |
| ○ Fatuma Qabdalla Caysama | ○ Maryam Qali Leelo       |
| ○ Mayram Acmad Qali       | ○ Anisa Macammad Daud     |
| ○ Momina Ibrahim Qabdalla | ○ Fatuma cumad Daud       |
| ○ Qado Saqiid Cummad      | ○ Leela Adam Cummad       |
| ○ Fatuma Qabdalla Qali    | ○ Fatuma Saqiid Gaddo     |
| ○ Asiya Macammad Qumar    | ○ Asiya Saqiid Qellama    |
| ○ Amina Acmad Qali        | ○ Qasawka Qumar Callato   |
| ○ Casna Qumar Baluqa      | ○ Saqiida Acmad Qali      |
| ○ Casna Acmad Qali        | ○ Katima Qali Casan       |
| ○ Fatuma Qali Faadil      | ○ Qesa Acmad Casan        |
| ○ Leela Qabdalla Macammad | ○ Qeysa Caydara Cammadu   |
| ○ Fatuma Bolkoq Qali      | ○ Haawa Qali Borri        |
| ○ Qaabida Casan Macammad  | ○ Kadija Cammadu Macammad |

## C. Torture of Indigenous Afar

The United Nations’ Declaration on the Rights of Indigenous Peoples affirms that, “Indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind<sup>63</sup>.” However, according to the Human Rights Watch, Eritrea systematically uses torture methods as a form of intimidation. The internationally accepted definition of torture includes “any act that involves the intentional infliction of severe mental or physical pain or suffering for such purposes as the extraction of information or a confession or as intimidation or punishment<sup>64</sup>.” The people most targeted by the Eritrean

---

<sup>62</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 187, paragraph 7) (United Nations, General Assembly, Office of the High Commissioner).

<sup>63</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 4). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>64</sup> Baldwin, C., & Mawson, A. (Eds.). (2009, April 16). Service for Life - State Repression and Indefinite Conscription in Eritrea. Human Rights Watch. Retrieved from <https://www.hrw.org/report/2009/04/16/service-life/state-repression-and-indefinite-conscription-eritrea#page>



military include the indigenous Afar, journalists, teachers and those of minority religions. Torture in Eritrea is being used as a form of discrimination and to prevent people from speaking out about human rights violations.

The following torture methods are commonly used in Eritrea. All accounts are drawn from victims' experiences and eyewitnesses gathered by Human Rights Watch in 2008. The most common torture methods include:

- "Otto": Torture method from the Italian period where the victim's limbs are tied up behind their back and they are left outside in the hot sun face down<sup>65</sup>. One victim told the Human Rights Watch that he was tied up for two weeks after being caught escaping from Wi'a training camp.
- "Jesus Christ": As the name suggests, the victim is tied to a tree or cross and is beaten to death<sup>66</sup>.
- "Goma": The victim is forced inside a truck tire and beaten for long periods of time<sup>67</sup>.
- "Mock drowning": The victim's head is plunged into a barrel of water to the point of believing they will drown to death. This method is used to get the victim to answer questions<sup>68</sup>.
- Beating: Beating happens so often in Eritrea to the point of normality.

Ahaw Ali Halo, a former elected official in Eritrea and member of a highly respected Afar family, was detained at Gaduaela prison, which is a prison for "high value detainees." He was arrested because he "complained to the government officials that the Afar people were being ignored and there were deficiencies in education, health care, and development<sup>69</sup>." Moreover, he spoke out about human rights abuses that he witnessed firsthand. In retaliation, the Eritrean military security intelligence soldiers abducted Halo's father, Ali Halo, a very respected Afar elder. Halo was repeatedly tortured until he was unable to move or speak. He died in Afambo hospital on May 15, 2013 as a result of the torture and beatings he received at Gaduaela prison<sup>70</sup>.

Another prisoner, Naser Mohamed Ali, was imprisoned for 3 years and 3 months for allegedly collaborating with an Afar rebel group. He described spending 1.5 years in an underground solitary confinement cell and was subject to repeated torture and physical abuse. Ali stated that he witnessed the torture and murder of many other Afar prisoners during his time in prison and described cases of sexual assault, electric shock, loss of eyes, limbs and muscle tissue<sup>71</sup>.

---

<sup>65</sup> Baldwin, C., & Mawson, A. (Eds.). (2009, April 16). Service for Life - State Repression and Indefinite Conscription in Eritrea. Human Rights Watch. Retrieved from <https://www.hrw.org/report/2009/04/16/service-life/state-repression-and-indefinite-conscription-eritrea#page>

<sup>66</sup> Baldwin, C., & Mawson, A. (Eds.). (2009, April 16). Service for Life - State Repression and Indefinite Conscription in Eritrea. Human Rights Watch. Retrieved from <https://www.hrw.org/report/2009/04/16/service-life/state-repression-and-indefinite-conscription-eritrea#page>

<sup>67</sup> Baldwin, C., & Mawson, A. (Eds.). (2009, April 16). Service for Life - State Repression and Indefinite Conscription in Eritrea. Human Rights Watch. Retrieved from <https://www.hrw.org/report/2009/04/16/service-life/state-repression-and-indefinite-conscription-eritrea#page>

<sup>68</sup> Baldwin, C., & Mawson, A. (Eds.). (2009, April 16). Service for Life - State Repression and Indefinite Conscription in Eritrea. Human Rights Watch. Retrieved from <https://www.hrw.org/report/2009/04/16/service-life/state-repression-and-indefinite-conscription-eritrea#page>

<sup>69</sup> Ali Halo, A. (2013, February 12). [Interview].

<sup>70</sup> Ali Halo, A. (2013, February 12). [Interview].

<sup>71</sup> Mohamed Ali, N. (2011, August 4). [Interview].

## D. Kidnapping and Disappearances of Indigenous Afar

The Commission also obtained reports that hundreds of Afar have disappeared and are feared dead. With specific incidents of disappearance taking place during the years 1999 and 2000, the Commission states the main reasons for the kidnapping and disappearance of Indigenous Afar has to do with a suspected collaboration with the Ethiopian government and rebel groups.

“The Commission received information that between 1998 and 1999, over 15 members of the Afar ethnic group, who were clan leaders and merchants, were arrested in Harsile by Eritrean security agents and taken to undisclosed locations. The arrest and disappearance of the Afar clan leaders and businessmen between 1998 and 1999 was followed by the arrest and disappearance of four Afar men in 2000 in Assab. Government officials have refused to provide answers and they have at times threatened them with arrests. As such, family members of victims have not heard about their whereabouts<sup>72</sup>.”

The son of a missing Afar businessman told the Commission: “My father was arrested in 1998 ... I have never seen him, never heard about him since then. When I asked about his whereabouts, I did not have any answer. I do not know anything about my father ... He had his own business when they arrested him. Up to now I have not seen him. We do not know why they arrested him ... I have some friends who are in a similar situation<sup>73</sup>.”

Another child of a missing Afar said: “My father has been arrested for over 16 years now. He was arrested around 1998. We do not know if he is dead or alive. We have not seen or heard anything about him ... There is no information about why he was arrested. He was arrested at the same time as other people in Harsile. He was a businessman. Some people say that the Government thought that he helped the opposition ... No one has ever seen him since then<sup>74</sup>.”

## E. Forcible Displacement of Afar and the Afar Refugee Crisis

The Commission collected information that the killings and enforced disappearances of the Indigenous Afar has triggered their displacement from their homeland, which has posed severe difficulty to their livelihoods. The Commission has also documented cases of forced resettlement.

---

<sup>72</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 218, paragraph 3) (United Nations, General Assembly, Office of the High Commissioner).

<sup>73</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 218, paragraph 4) (United Nations, General Assembly, Office of the High Commissioner).

<sup>74</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 218, paragraph 4) (United Nations, General Assembly, Office of the High Commissioner).

A victim reported about his family and 250 households in his village who were relocated to another locality of the Southern Red Sea region:

“Everyone was threatened that if we did not move we would be tortured. After we resettled, 10 small children and two elderly people died. There was no health care in the place we were assigned to<sup>75</sup>.”

Another victim reported: “I left Eritrea because of what they did to me, my family and my parents. We were having goats, sheep and camels. They took them all and forced us to resettle in another area. When they requested the community to resettle, those who refused were tortured, taken to prison and sometimes killed. Soldiers came to inform the community that we had to gather on one specific day. On that day, the military leader - I think he was a colonel - came and spoke to us. ‘We have a plan for you. This area is not good for you. We have a better area for you.’ Some argued. The military leader replied: ‘This is a government order. You do not have to object these things.’ He terrorized us saying: ‘If you try to object the order, we will torture you and kill you.’ I had to leave within a week. Initially, my family refused but when they saw the killings and the rapes, they accepted. They also took our cattle. In my case, they took 172 goats and three camels<sup>76</sup>.”

As a result of the murder, torture, rape and forcible displacement of the Afar, they are fleeing their homeland in Dankalia by the tens of thousands into neighbouring countries like Djibouti, Ethiopia, Yemen and Sudan where they inhabit in overcrowded refugee camps. This has been the saddest chapter in the once proud and resilient African peoples’ recent history. After Syria, Eritrea is currently the next largest refugee-producing nation in the world.

“In 2007 the US Committee for Refugees and Immigrants estimated around 600 Eritreans were crossing into Ethiopia every month. In January 2009 the Ethiopian government claimed the number had grown to 900 a month. In 2007 the UN said that at least 10,000 Eritrean refugees arrived in Sudan and by 2008 this had apparently increased to at least 13,000 known new arrivals, likely a conservative estimate given that many of them do not apply for refugee status and remain in Sudan illegally, in transit for Libya. According to UNHCR, in 2008 more than 3,000 Eritreans entered Italy, the main entry point for

---

<sup>75</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 366, paragraph 5) (United Nations, General Assembly, Office of the High Commissioner).

<sup>76</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 366, paragraph 6) (United Nations, General Assembly, Office of the High Commissioner).

Eritrean asylum-seekers to the European Union, an increase of 50 percent over the 2,000 Eritreans who arrived in 2007<sup>77</sup>.”

The Human Rights Watch has investigated the refugee crisis and has determined that fleeing the country is considered a last resort because of the harsh conditions awaiting refugees abroad. Despite the terrible human rights violations in Eritrea, many countries send them back home without regards to their rights under international refugee law. Once returned back to Eritrea, these individuals are exposed to torturous activity and are potentially killed. The Human Rights Watch states that, "Countries receiving Eritrean refugees need to make sure that they get the protection and assistance they need. Under no circumstances should Eritreans be returned to Eritrea, where they face almost certain detention and torture simply for having fled<sup>78</sup>."

Moreover, trying to escape the country without a valid exit visa is constituted as a crime by the Eritrean government. If people are caught trying to leave they are tortured. If by chance some individuals manage to escape, there is a strong chance that the government will torture the family members left behind. The Commission has found that, "In 2013, about 20 people, who were mainly from the Afar ethnic group, are reported to have been killed when they attempted to flee to Yemen<sup>79</sup>."

The Commission also found that people are being executed by the military if they are suspected of smuggling people into neighbouring countries. A witness recounts an incident that took place in 2002:

“We found one prisoner. He was accused of being a smuggler. This person was beaten until he was unconscious, then we were called and had to bring him from the beating place to the underground cell. He eventually died. The person who killed him was [x], I do not have much information about him. He is the one who had beaten him to death<sup>80</sup>.”

A witness described an announcement made by local administrators on the penalty of death for people caught facilitating the escape of others from the country:

“In the period 2005-2006, the authorities gathered local administrators and people’s representatives in Tessenei and announced to them the Government’s new policy of death punishment to those who are involved in facilitating people’s cross border migration. Following the announcement, many youths were shot

---

<sup>77</sup> Baldwin, C., & Mawson, A. (Eds.). (2009, April 16). Eritrea: Repression Creating Human Rights Crisis. Retrieved from <https://www.hrw.org/news/2009/04/16/eritrea-repression-creating-human-rights-crisis>

<sup>78</sup> Baldwin, C., & Mawson, A. (Eds.). (2009, April 16). Eritrea: Repression Creating Human Rights Crisis. Retrieved from <https://www.hrw.org/news/2009/04/16/eritrea-repression-creating-human-rights-crisis>

<sup>79</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 319, paragraph 7) (United Nations, General Assembly, Office of the High Commissioner).

<sup>80</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 322, paragraph 7) (United Nations, General Assembly, Office of the High Commissioner).

dead in front of people gathered for the sole purpose to observe the process of execution. Mainly people who forced to attend such executions were religious leaders, local administrators and representatives, PFDJ local representatives, Youths and women representatives<sup>81</sup>.”

## Part 4: The Constitution

### 4.1 The Hijacking of the Rule of Law

The Eritrean People’s Liberation Front (EPLF) rose to power after Ethiopia’s repressive control over Eritrea. During this time, Emperor Haile Selassie replaced Eritrea’s official languages and Amharic became the language of instruction in public institutions and schools. Professor Magnet’s report “Constitution Making in Eritrea: Why It’s Necessary to Go Back to the Future” suggests that these repressive language policies became the catalyst for the Eritrean uprising that began in 1961. The following year, “the Emperor pressured the Eritrean assembly to dissolve the federation, annexed Eritrea as part of the Ethiopian Empire, and sent a large army of occupation to enforce the new situation. Eritrea then descended into a bitter civil war which lasted 30 years<sup>82</sup>.”



The EPLF Executive Committee –  
(President Isaias Afwerki is seated 2nd to the right.)

Eritrea’s struggle for independence from Ethiopia was originally led by the Eritrean Liberation Front (ELF), which Professor Magnet mentions was “wracked by religious and philosophical factionalism<sup>83</sup>.” In the 1970s, certain political members of the ELF formed the EPLF as a rival group, which after two wars of conflict, finally defeated the ELF.

In 1974, a military coup took place in Ethiopia which deposed Emperor Haile Selassie and brought the country under Soviet power. However, with the unraveling of the Soviet Union in the late 1980s, they decided not to renew the Soviet-Ethiopian defence agreement. “Without Soviet assistance,

---

<sup>81</sup> Keetharuth, S. B. (n.d.). Report on the Commission of Inquiry on Human Rights in Eritrea (p. 322, paragraph 8) (United Nations, General Assembly, Office of the High Commissioner).

<sup>82</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it’s Necessary to Go Back to the Future (p. 5, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>83</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it’s Necessary to Go Back to the Future (p. 5, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

the Ethiopian/Eritrean conflict tilted decisively toward the EPLF. On May 1991, EPLF forces entered the capital, Asmara, placing the EPLF in control of Eritrea<sup>84</sup>.”

In March 1994, The EPLF declared itself a provisional government, thereby transforming an armed guerrilla organization into a government. Their leader, Isais Afwerki created the “Secret Circle” within the EPLF and named itself the PFDJ (People’s Front for Democracy and Justice), as part of its transformation into Eritrea’s ruling political party. Isaias Afwerki managed to repress any political rivals and successfully guaranteed himself supreme power in Eritrea<sup>85</sup>.” The party then created the Eritrean Constitutional Commission under Proclamation No. 55/1994.

It appointed Dr. Bereket Habte-Selassie, (Professor of African and Afro-American Studies at University of North Carolina at Chapel Hill) as the chairman of the Constitution making committee. The Commission decided that Eritrea needed to build a new national identity through a Constitution that was based on excessively centralized ideology, a socialist model that consequently suppressed smaller Eritrean nationality identities.

## 4.2 The Unimplemented 1997 Eritrean Constitution

Professor Selassie produced a draft of the Eritrean constitution in 1997 but it was never implemented. Although the Constitution appears to be similar to other constitutions found in modern democracies - and has received support from the United Nations, the United-States and the European Union - it blatantly ignores the rights of the indigenous people living in Eritrea. There is no chapter in the 1997 Constitution that protects minority rights. Moreover, it does not provide the smaller nationalities to participate in the central institutions of the state, nor does it provide them any autonomy or right to self-governance<sup>86</sup>.

Article 31 of the 1997 Constitution creates the National Assembly as the only legislative body with power capable of enforcing laws. As a result, the voices of the smaller nationalities are not heard as they do not reserve seats for the minorities on its committees or in the National Assembly<sup>87</sup>. Additionally, Article 57 enables the National Assembly to recruit all civil servants, legally allowing them to prevent the minorities from being represented<sup>88</sup>. Furthermore, Article 31(3) “provides that the National Assembly is elected by all citizens. Given the implied one person, one vote principle, the article insures that the

---

<sup>84</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 6, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>85</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 5, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>86</sup> The Samara Declaration [Press release]. (2011).

<sup>87</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 15, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>88</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 16, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.



National Assembly will be dominated by Eritrea's two large nationalities, the Tigrinya who make up about 48% of the population, and the Tigre who constitute approximately 30% of the population<sup>89</sup>."

As Professor Magnet argues in his report "Constitution Making in Eritrea: Why It's Necessary to Go Back to the Future", Eritrea is a diverse country, consisting of multiple distinct cultures and ethnicities. However, as a result of the Constitutional Articles listed above, the Constitution only benefits the two larger and dominant cultures while suppressing the rights, land, livelihood, religion, economy and culture of the seven smaller and marginalized groups.

After Eritrea's long struggle for independence, the leaders of the EPLF incorporated Stalinist concepts and spread the idea that the nation should build an "all-embracing nation with an Eritrean identity<sup>90</sup>." Professor Selassie explains:

"The timing of the writing of the constitution was in the context of the 30-year war and most people of that generation regarded themselves as socialists. The socialist ethos was a crucial point for the creation of values that were understood to be the main principles. That mindset did not consider the possibility of the minorities not agreeing...we had a mentality of "we are all in it together<sup>91</sup>."

They dubiously made the smaller nationalities believe their interest and needs were taken into consideration, which was harshly not the case. Today, Professor Selassie admits he and the Eritrean people were duped into "believing the process would be democratic<sup>92</sup>." At a roundtable organized in Ottawa in 2012 to discuss Eritrea's Constitution-making process, he mentions that in order to produce the sentiment that they were one homogenous culture, the Commission had over four hundred specially trained teachers that informed the public on constitutional issues. They prepared pamphlets, songs, short-story recitals, poetry and plays as a method to create a national spirit and to make people believe that "nobody was outside or excluded<sup>93</sup>." However, the Afar were unable to truly understand the depth of the constitution as few of them speak Tigrinya or Arabic, "the languages of the Commission's printed materials<sup>94</sup>." Moreover, "there are no guarantees for minority languages in central institutions, not even rights to translation<sup>95</sup>."

---

<sup>89</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 15, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>90</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 9, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>91</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 12, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>92</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 10, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>93</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 9, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>94</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 13, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>95</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 21, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

For this reason, it is easy to assume that their inability to understand the language of the Constitution was used as a weapon to suppress the minorities. For if they were capable of understanding that their language, land, economy and culture would be oppressed, “it is highly unlikely that any would have, or would now, accept the document<sup>96</sup>.”

For instance, Article 23.2 of the 1997 Constitution declares that, "All lands and all natural resources below and above the surface of the territory of Eritrea belong to the State. The interests citizens shall have in land shall be determined by law<sup>97</sup>". This article enables the central authorities to appropriate the traditional lands and resources of the Afar pastoralists to foreign resource extraction companies. It also legally allows the government to displace the Afar from the traditional lands, which their livelihood depends on. The Afar never would have agreed to the implementation of this law if they were able to understand the written language of the Constitution.

The constitution also does not protect their language rights in the government, bureaucracy or in the schools<sup>98</sup>. Magnet draws on his experience protecting indigenous cultures in Canada when he mentions that when languages are in contact, “over time, stronger languages eclipse weaker languages, usually completely in three generations<sup>99</sup>.”

All cultures must be taken into consideration and have effective participation in the constitution-making process if it is to be a democratic state. However in the case of the 1997 constitution, it further marginalizes the Afar, eliminates their autonomy, threatens their livelihood, legally enables the government to take their land, and endangers the Afar’s culture, language and way of life.

Fundamental changes must be made to the constitution before it is implemented if it is to serve in the interest of all Eritrean peoples and cultures. The Afar, among the other smaller nationalities, must be guaranteed rights for national and regional autonomy and for indigenous land and resource rights. Otherwise, Eritrea will continue to serve in the interest of the Tigrinya-Tigre majority and commit grotesque human rights violations to the other groups, including the Afar.

### 4.3 Way Forward: Criteria Needed for the Modified Constitution

The Samad Baysa report is an effort to convey the size and scope of the systemic injustices committed against the indigenous Afar by the current Eritrean government. Although the United Nations, Human Rights Watch and other international organizations have investigated the situation and confirmed that Human Rights and Indigenous Rights are continuously violated in Eritrea, they suggest the first step to solving this problem is to

---

<sup>96</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 20, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>97</sup> The Samara Declaration [Press release]. (2011).

<sup>98</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 22, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>99</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 22, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

implement the 1997 Constitution. However the Afar people reject the Constitution with the way it is now. As demonstrated throughout this report, the 1997 Constitution marginalizes the smaller nationalities in Eritrea, and, if implemented, it would enable the Eritrean authorities to abuse of their powers even more. It is crucial that Eritrea includes and incorporates minority rights in the Constitution-making process. Otherwise, Eritrea will continue to be a fragmented and violent nation.

The Organization for Security and Co-operation (OSCE) High Commission on National Minorities gathered renowned experts on minority issues to write the *Lund Recommendations* report. Together they concluded that the inclusion of minorities in central institutions is “an essential component of a peaceful and democratic society, and that the establishment of such institutions and procedures must be done through an inclusive, transparent and accountable process of consultation with minorities to maintain a climate of confidence<sup>100</sup>.”

Whereas, the unimplemented Constitution of 1997 did not include Minority or Indigenous Rights and did not employ any power-sharing principles such as ethnic federalism. In a federal system, sovereignty and power is shared between the central governing authority and sub-states or provinces. Instead, Eritrea’s Constitution established a centralized unitary state that prevented sub-state national identities from emerging<sup>101</sup>. As a result, the government did not share power with the minority and indigenous cultures in Eritrea, and excluded them from having a political voice.

What modern constitutionalism teaches us today is that the only way to achieve inclusive power sharing is through accommodation strategies which recognize and institutionalize cultural differences. “Accommodation strategies address minority insecurity by guaranteeing national minorities a permanent share of power in public institutions. Means to achieve this include multinational federalism, constitutionally guaranteed devolution and administrative decentralization, legal pluralism, non-territorial minority rights, language rights in central institutions, the bureaucracy and the education sector, religious rights, consociationalism, affirmative action, and legislative quotas<sup>102</sup>.”

However there is no universal accommodationist strategy that Eritrea can implement as each countries’ situation is unique. In order to construct a model that suits Eritrea’s multi-cultural and multi-ethnic society, all of the nationalities need to address their concerns and have rights to self-determination. Mentioned below are what the Afar people demand to be considered in the creation of the revised Constitution.

## A. Samara Declaration

On July 26, 2010, over 1,500 Afar People, including elders and refugees, the political and military leaders of the Eritrean Afar, and members of Afar Women's Organizations and Youth League assembled in Conference to create the **Samara Declaration**. Together, they demand that the Murder, Torture, Rape, Disappearances,

---

<sup>100</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 17, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>101</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 8, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>102</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 21, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

Expulsions, Forcible Confinements and Aggression against the Afar People in their ancestral homeland in Eritrea be condemned.

In the declaration, they declare that it is the solemn will of the Afar People to participate in a reformed Eritrean Constitution that is based on the following principles:

- a. The rule of law;
- b. Democracy;
- c. The equality of each nationality;
- d. That each nationality shall exercise the rights of self-government and self-determination in a federated autonomous region;
- e. That the rights of freedom of religion, conscience, political opinion, expression, assembly, equality, mobility, association and liberty shall be guaranteed;
- f. That the people of all nationalities shall be secure in their persons, shall be free from arbitrary search, seizure, arrest, detention, and charge;
- g. That no conviction shall occur except by due process of law;
- h. That the judicial branch shall be independent and secure in its tenure;
- i. That each nationality shall, through the governments that they freely elect, have the right to own and control their lands and resources including surface and sub-surface resources, sea coasts, fisheries and air space and shall enjoy the profits there from under conditions established by law.
- j. That each nationality shall, through the governments they freely elect, have the right to protect and preserve the vitality of their language, culture, way of life and economy;
- k. That each nationality shall enjoy the right of self determination up to and including the right of secession;
- l. That the rights of indigenous peoples and minorities shall be guaranteed and protected;
- m. That the refugees of all nationalities of Eritrea who have fled shall have the right to return to their homes and regain possession of their properties and citizenship;
- n. That all Afar People shall have the right to return to their ancestral homeland in Dankalia and to have Eritrean citizenship; and
- o. That Dankalia shall have its traditional borders restored to those to which the Afar People enjoyed in 1991.

The Afar leaders currently in exile acknowledge that catastrophic situation requires immediate humanitarian intervention by the international community and the legal framework must take into consideration Minority and Indigenous Rights to prevent the Afar's cultural and social extinction. Eritrea can no longer continue to implement or apply policies that disproportionately marginalize indigenous groups economically and socially, or that exclude them from the process of political decision making.

The transitional process from tyranny to democracy must abolish the current façade mantra of **“Hade Libi, Hade Hizbi”- “One Heart, One People”** by the Eritrean government and must remodel the Constitution to take into consideration the true and historic diversity of the Eritrean population.

## B. Re-Writing the Constitution

The authoritarian PFDJ regime declares that the country shall be ruled without a democratic governance nor will it have free elections for the next forty years. The future of Eritrea is dependent on establishing a new democratic governance that is based on political independence of its national stakeholders, the sovereignty of all of its states with respect of their cultural and ideological beliefs and aspirations.

The framework of the new democratic governance to secure true Eritrean national unity should be based on the rule of law, justice and equality, with respect to all Human Rights including the right to development, and overall commitment to a just and democratic society for development.

In order for these demands to be met, Eritrea needs to politically remodel itself towards a power sharing system so that Indigenous groups can achieve their rights and “aspirations for self-determination and self-rule, their territorial integrity, their right to develop their own resources to eradicate poverty and hunger, and an equitable power sharing with the other Eritrean nationalities<sup>103</sup>.” A power sharing system has proven to be the only political system which fosters stability in pluralistic and deeply divided African societies.

Article 1 of the United Nations Declaration on the Rights of Indigenous Peoples affirms that, “Indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such<sup>104</sup>.” Dr. Selassie acknowledges today that this right was blatantly ignored and if he had the chance to rewrite the Constitution, he “would consider if not a federal system, a system in which a local autonomy of the control over their resources are guaranteed, iron guaranteed<sup>105</sup>.”

The participation and engagement of all cultures, including Minorities and Indigenous groups, is indispensable in creating a new Constitution based on equality. Racial and cultural diversity cannot be ignored. Each cultural group/nationality must feel “that the state is committed to the security of their communities, that their distinctive identities will flourish and prosper<sup>106</sup>.” It is crucial that Eritrea establishes a new democratic governance where all nationalities have equal political participation and there is respect for diverse ideological beliefs and culturally distinct ways of life.

---

<sup>103</sup> Grammond, S. (n.d.). Status of the Afar People [Letter written March 21, 2011 to Professor James Anaya, Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People]. In (p. 4).

<sup>104</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 4). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>105</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 15, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>106</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 20, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

The United Nations Declaration on the Rights of Indigenous Peoples affirms “the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development<sup>107</sup>.” These international indigenous rights are ignored in Article 1(5) of the 1997 Unimplemented Constitution, which “declares that Eritrea is a unitary state<sup>108</sup>.” The constitution deprives communities that have been historically autonomous from exercising any control over their own people and land.

Such centralized control contrasts Eritrea’s 1952 Constitution. Chapter V of the 1952 Constitution protected minority language rights, minority rights and protection of their land, participation in the local administration and government, as well as, acknowledged customary law<sup>109</sup>. For these reasons, the 1952 Constitution should be revised in preparation for writing a new Constitution.

## C. Self Governance

The only form of government acceptable for the diverse populations of Eritrea is a system where each nationality exercises the rights to self-governance and self-determination in a federated autonomous region. Through the Samara Declaration, the Afar people demand to make Dankalia the new Self-Governing Afar State within Eritrea<sup>110</sup>.

Historically, Afar Sultanates served as traditional rulers and governors of Afar territory for thousands of years. They were responsible for maintaining law and order in the region while taking into consideration customary laws and cultural traditions. Their customary laws were more than capable in “maintaining law and order including presiding over and settling criminal civil disputes, land disputes<sup>111</sup>.” For these reasons, the Afar demand to revitalize the Indigenous Afar Customary Laws (MADQA) governing the day to day activities of an Afar individual. The most widely accepted and adhered to are Burilimadqa, Buddutobarih madqa and Debnak-weeima madqa<sup>112</sup>.

“The Afar people’s social, cultural and economic conditions distinguish them from others in the Horn of Africa. Their status must be regulated by their own customs, traditions and special laws and regulations<sup>113</sup>.”

---

<sup>107</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 4). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfi/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfi/documents/DRIPS_en.pdf)

<sup>108</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 14, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>109</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 20, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>110</sup> The Samara Declaration [Press release]. (2011).

<sup>111</sup> The Samara Declaration [Press release]. (2011).

<sup>112</sup> The Samara Declaration [Press release]. (2011).

<sup>113</sup> Grammond, S. (n.d.). Status of the Afar People [Letter written March 21, 2011 to Professor James Anaya, Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People]. In (p. 4).



By re-instating the Afar's traditional law, it will "ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means<sup>114</sup>." Moreover, it will guarantee that the Afar are no longer oppressed and are a part of the decision-making process when it comes to their language rights, their form of education, health care, their way of life and economic development, and their land and resource rights.

## D. Language Rights

All nationalities have the right to protect and preserve the vitality of their language and remain connected to the roots of their culture. But, the Eritrean government has continuously attempted to alienate the Eritrean Afar from the rest of Eritrean society, as well as, from the Afar in Djibouti and Ethiopia. To do so, the government changed the Latin-scripts of the Afar alphabets in Eritrea, creating detrimental linguistic confusion<sup>115</sup>. This impedes on a fundamental United Nations Indigenous Right, which is, "To revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons<sup>116</sup>."

Moreover, the 1997 Constitution only included Arabic and Tigrinya as the official languages during the Constitution-making process. When asked why the languages spoken by the smaller nationalities were not included, Professor Selassie responded that the cost of implementing additional languages in the State was too high<sup>117</sup>. In contrast, the 1952 Eritrean Constitution claimed Tigrinya and Arabic as the official languages but equally guaranteed the other nationalities' languages "in their dealings with the public authorities, in education, in religious institutions and in the private sphere<sup>118</sup>."

The Samara Declaration advocates for the need to include the languages of all the nationalities in the revised Constitution, or, at the very least, be given rights to translation to allow for full comprehension. Additionally, the Afar deserve to establish their own media sources in their own language and should have access to all forms of non-indigenous media without discrimination.

## E. Education Rights

The United Nations Declaration on the Rights of Indigenous Peoples recognizes "in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child<sup>119</sup>."

---

<sup>114</sup> The Samara Declaration [Press release]. (2011).

<sup>115</sup> Grammond, S. (n.d.). Status of the Afar People [Letter written March 21, 2011 to Professor James Anaya, Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People]. In (p. 6).

<sup>116</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 7). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>117</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 19, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>118</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 19, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>119</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 4). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

The Afar people have the right to establish and control their own educational systems and institutions to ensure that their people are receiving a form of education that is in their language and that is appropriate to their cultural methods of teaching and learning.

The revised Constitution must work to provide Eritrean Afar children access, when possible, to an education in their own culture and provided in their own language. For it is through their own form of education and public information that the dignity and diversity of the Afar's culture, traditions, histories and aspirations will be preserved.

## F. Rights to Way of Life and Economic Development

The United Nations Declaration on the Rights of Indigenous Peoples is concerned with how, "Indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests<sup>120</sup>."

The Afar maintain a nomadic pastoralist way of life, meaning their connection with the land is an integral part of their identity. They are an indigenous group that form a minority and are determined "to preserve, develop and transmit to future generations their ancestral territories and their ethnic identity as the basis of their continued existence as peoples in accordance with their own cultural patterns, social institutions and legal systems<sup>121</sup>." To successfully do so, the Constitution needs to sign the United Nations Declaration on the Rights of Indigenous Peoples to critically protect traditional way of life and economic activities.

## G. Land and Resource Rights

Professor Magnet argues that the imposition of article 23(2) of the unimplemented Constitution, "Which confiscates indigenous lands, if properly explained and discussed with Eritrea's small nomadic minorities, could not possibly have escaped criticism from them<sup>122</sup>." Further, he states, "These are fragile communities. Protection of their lands and resource rights is not only a matter of subsistence and livelihood; it is also a matter of their survival as peoples<sup>123</sup>."

The United Nations Declaration on the Rights of Indigenous Peoples is "Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to

---

<sup>120</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 4). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>121</sup> Grammond, S. (n.d.). Status of the Afar People [Letter written March 21, 2011 to Professor James Anaya, Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People]. In (p. 2).

<sup>122</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 13, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

<sup>123</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 19, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.

maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs<sup>124</sup>.”

However, Eritrea’s policies prohibit the Afar from this right. The Afar people have no rights or say over their land, sea or natural resources which are crucial to their survival and the continuity of their ethnic identity. The Afar today have no rights to protect the use of traditional lands or the right to participate in the development of their communities.

Professor Selassie acknowledges that smaller nationalities need to be given control of their traditional land and resources if the Constitution is to be successful:

“I don’t think we will succeed in creating the future, including the basic dignity of Afar and Kunama and others, which is a basis of everything, unless you recognize the basic dignity you will not go to next step of control of their resources on the future<sup>125</sup>.”

Indigenous peoples deserve to have rights that protect their traditional lands, territories, and resources. Where such rights conflict with the needs of the state or other peoples, they want to participate as equals in an impartial and transparent process for resolving the conflict in a fair and respectful way. If the resolution is that indigenous peoples must move, they want equitable reparation, preferably in the form of lands of equal quality and value.

The revised Constitution needs to restore the traditional borders that the Afar people enjoyed in 1991. Through the government that they freely elect, the Afar, including the other nationalities, must be given the right to own and control their land and resources, including sea coasts, fisheries, sub-surface resources and air space. Furthermore, their land must be protected from resource extraction companies and state imposed violence. All too frequently, indigenous lands become places for battle zones because fighting powers see them as “vacant” or regard the resources they contain as being up for grabs.

## E. Conclusion

The Afar people have unified to create the Samara Declaration and the Samad Baysa report to demonstrate the magnitude of the Human Rights and Indigenous Rights violations taking place in Eritrea. Under no circumstance should a Constitution which blatantly prevents Minorities and Indigenous peoples from their rights be implemented. For Eritrea to find peace and stability in the future, it is crucial that international community and organizations worldwide prevent the current government from abusing of its power. The first step in stopping the malice of the Eritrean government is by revising the Constitution to include Minority and Indigenous Rights to self-governance, language rights, education rights, rights to way of life, economic development, and, land and resource rights.

---

<sup>124</sup> United Nations, The General Assembly. (2008). United Nations Declaration on the Rights of Indigenous Peoples (p. 4). Geneva: OHCHR. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>125</sup> Magnet, J. E. (2015). Constitution Making in Eritrea: Why it's Necessary to Go Back to the Future (p. 19, Publication). Ottawa, Ontario: University of Ottawa Faculty of Law.