



Foreign-funded regime-change activist/ prosecutor not a fact finding commissioner

United Nation Commission of inquiry on Human Rights in Eritrea will face inevitable legal challenges.

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SUMMARY

I am presenting to you with only 18 pages in response to the allegations made by the COI toward Eritrea in a 500 pages report full of slanderous and with criminal intent, fraudulent, erroneous report. Eritrea has suffered and has been infringed upon, abused/harassed, defamed, bullied, and demonized in front of the whole world due to the mishandling and victimizing the Nation of Eritrea by the UN Commission of Inquiry (COI)'

The UN Commission of Inquiry in Eritrea (COI) has released 500 pages against Eritrea with *None-credible and none- verifiable stories*.

The Commission of Inquiry in Eritrea are: Foreign-funded regime change activists and to cover up their fact-finding data informants includes a collection of asylum seekers or permanent residents with few years of living experience abroad and might be living under public assistance program which may not have the freedom of conscience and will always conflicts with their daily wary with the threat of persecutions or deportations.

Several independent world news agencies (Radio and TV) services including the BBC television news crew have visited Eritrea and conformed that what has been portrait by enemies of Eritrea including the COI are absolute false and have concluded that it was a deliberate attack on Eritrea for regime change and wishing to see it: *Destroyed like Iraq, Libya, Syria or Yemen*.

This clearly shows that there is no any truth to these politically motivated alleged human rights violation by Eritrean Government. *The Eritrean Government has not and cannot be able to commit serious violations without any government chain of accountability to deny justice to the alleged victims*.

When an opportunity and fairness presented to the Government of Eritrea for rebuttal these allegations will be disproved due to unsubstantiated and fraudulent intention of the report. It will be challenged in any court of law and the Eritrean Government will be exonerated.

This clearly shows a Negative Preferential Treatment impact toward Eritrea. This is a violation of Article 2 (1) UN Universal Declaration of Human Rights that states: *“The Organization is based on the principle of the sovereign equality of all its Members”*.

The Government of Eritrea has reliable information of the COI biased mission, and they were coming to Eritrea under a mandate a foregone conclusion that may further destabilize the country including regime change propaganda:

“To bring about change [in Eritrea] as has happened in other African and Arab countries like Tunisia, Egypt, Libya, Syria, Yemen and Bahrain”.

I. Introduction

Ms. Sheila B. Keetharuth (*Mauritius*) was appointed in October 2012 as the first Special Rapporteur on the situation of human rights in Eritrea by the United Nation Human Right Council (HRC). The Human Rights Council adopted, by consensus, resolution 20/20, and approved her mandate as a Special Rapporteur, but her actions was developed subsequent to the delivered reports to UNHRC; violate the principles of impartiality, non-selectivity and none objectivity that govern the work of UN Rapporteurs. Intentionally, she becomes an *activist* and a *prosecutor* rather than a mandate holder. Then in June 2014 under resolution 26/24, the Human Rights Council announced “ that she will be joined by Mr. Smith of (Australia) as a Chair and Victor Dankwa of (Ghana)” to serve as members of Commission of Inquiry (COI)

II. Foreign-funded regime-change activists

This article explains how the UN Human Rights Commission of Inquiry (COI) who are not United Nations staffs and are not *remunerated* but their services are compensated through donors. It is another fancy name for (NGO) and serves in their independent personal expert capacity.

The COI gathered data and received information about Eritrea’s human rights violations through a fraudulent method and submitted their final report to the United Nation Human Rights Council (UNHRC) on June 23, 2015. These unsubstantiated data assumed as factual testimonials by witnesses extracted under duress. Indeed, the practice of witness testimonials has to be investigated if it was happened against the free will/choice of their consent. The witness’s personal responsibilities and accountabilities were supposedly explained to them that they were knowingly submitting such gross negative information about Eritrea. Then, why did they remain nameless, faceless witnesses?

All the allegations have been disputed by the Eritrean people and the Government of Eritrea. The Commission of Inquiry requested the Eritrean Diaspora to share information on the *situation* of human right in Eritrea, Ms. Sheila B. Keetharuth contacted the Eritrean Diaspora without *disclosing* her mandate that is: To inquire a systematic abuse of human rights in Eritrea so that her effort was to collect negative information about human rights abuse in Eritrea so that she can investigate and document victims ‘and testimonies, that accounts later for testimonial witnessing. While the appropriate method to deal with the Eritreans in the Diaspora: (a) Must have been conducted without denial our rights to know and have an opportunity to question for clarity and then writes individually about the human rights situation in

Eritrea. (b) It must have been administered with an open and fair environment including in an open *public hearings*.

We the Eritrean people in the Diaspora have protested and sent e-mails to the COI, because of the unfounded allegations and the general handling of the overall situation by the COI. Our question was denied and we are still protesting that the delivered report to UNHRC has series of events story after story untrue and (outright lies) as a matter of fact, it was designed to intimidate us and create propaganda of division among us. Now we found out that the delivery of the report to the UNHRC was politically motivated to serve (International Investors of Social Justice Advocate) like: (The U.S. National Endowment for Democracy) other groups who openly called for regime change as well as George Soros's ambitions to obtain Eritrea as his trophy and at later time to make profit out of his investment. He is the biggest financial donor to the so called anti Eritrean unity, activists/political speakers. Through his financial aid it become possible to corrupt a few expatriate and changed their views to become converted to advocate against the Eritrean Government. That included the effort put forth by these anti Eritrea unity/activists that were able to corrupt and mislead few Eritreans who were considered the National icons such as the National Soccer Teams, Musicians, and corruptible government officials etc., This is in sync with Social Justice ideology that idealistically dictates the foreign policy of the USA and UK to infringe on Eritrea's sovereign legal right by campaigning, asking and intimidating the UN member countries to engage in voting against Eritrea all the time.

III. Bogus Fact-Finding Methodology

The COI itself was lobbied for by groups who have openly called for regime change in Eritrea, while the rapporteur for the commission was nominated by *Elsa Chyrum*, a regime-change activist who has repeatedly called for sanctions against Eritrea. These individuals and other groups who are not mentioned here are serving as informants, experts, or consultants for the total unsubstantiated report. They have received funding, training, and other support from an array of hostile foreign sources (including the U.S. National Endowment for Democracy) – many of which have been actively engaged in dozens of regime change operations in Europe and USA.

The COI have produced about 500 pages accusing Eritrea on Human rights violations and presented to the UN Human Rights Council (UNHRC) on June 23, 2015. The biggest misconception in regard to the methodology set out by the UNHRC was not strictly adhered to by the COI. Their delivered report lacks a broad knowledge of information related to Eritrea's history of colonization, geopolitical relevance, political ideology and system of governance, Millennium

Development Goals. (MDGs), legislation, demographics and other relevant issues. For example: these appointed COI for Eritrea did not fulfill the requirement to our standard in order to accomplish a convincing, credible report. They intentionally did not include key points such as : (a) the colonization era by the British Military Administration on Eritrea negative campaign that "Eritrea was too poor to become an independent state." Additionally, how and why they dismantled hundreds of buildings and factories that the Italians and Eritreans built and the many industries full of machineries sold or transferred to other of their colonies. All the crimes perpetrated just to prove that "Eritrea was too poor to become an independent state" and they did get away with crimes and devious activities until we are able to seek compensation through legal lawsuit action against the harm of the Nation of Eritrea suffering till today. (b) How about there was no mention of US Secretary of State Statement by John Foster of Dulles speech at the UN. General Assembly put his deviant statement in 1952 as follows:

“From the point of view of justice, the opinions of the Eritrean people must receive consideration. Nevertheless the strategic interests of the United States in the Red Sea basin and considerations of security and world peace make it necessary that the country has to be linked with our ally, Ethiopia”.

The above statement made by John Foster of Dulles at the UN, with the added maneuvers applied to some of the delegation by the USA caused them to agree on Eritrea to become an autonomous but under the *sovereignty* of Ethiopian Crown. This event happened against the wishes of the Eritrean people. That denial by the UN against the people of Eritrea on self-determination was the beginning of UN crimes against the people of Eritrea. It was a complete violation of the UN General Assembly resolution 1514 (XV) of 14 December 1960 which states: “Declaration on the Granting of Independence to Colonial Countries and Peoples”. (See: www.un.org/en/decolonization/declaration.shtml)

In 1952, Eritrea become federated with Ethiopia under UN 390A (v) in a Federal Legal Contract between the two states. The contract agreement was then terminated before the due date to occur by Haileseilasie that he literary ripped up the contractual agreement. Thus at that moment he made the ten years contract Null and Void and that was indeed the main reason of the *flush point* in starting the Army Struggle of Eritrean people against the Imperial Government of Ethiopia.

These kind of foundational history of Eritrea are very relevant statements and issues, otherwise the whole investigations could easily be construed by the COI as it already has occurred. The gathered data have also been reviewed by some credible

investigative journalists including the author and found all their investigations and the publication of their report is biased with no substances of synergy between the Eritrean Government and the UNHRC. As a matter of fact it was an effort of witch hunt for gathering data with one method cut and paste from other states experiences that fits all the same that can be used for human rights violation cases.

- (a) Additionally, the COI or (activists/prosecutors) do not have the ability to independently, objectively and impartially collect relevant information. Indeed they can't analyze all the causes and effects of impacts and interrelationships and confirm its accuracy in order to produce credible evidence that can implicate the Government of Eritrea for human rights violations. But this clearly shows that there is no any truth to these politically motivated alleged human rights violation by Eritrean Government.

The Eritrean Government has not and cannot be able to commit serious violations without any government chain of accountability to deny justice to the alleged victims.

The ambitious report by the COI has been discovered as cut and paste of other nation's experience as it was evidenced by the mixture of negative report about Eritrea with the report of North Korea's culpability, later the UNHRC have released their confessed apology to the Eritrean Government. The logic of critical analyses does not seem to matter for the COI when it comes to Eritrea. But it is not far to disprove their allegations beyond any reasonable doubt. We have the legal capability to expose the COI method of work in collaboration with all the enemies of the Nation of Eritrea who are motivated to sabotage and disturb the internal/external peace and harmony of the country.

- (b) When the COI set the objectives such as: "investigations for human rights violations" in Eritrea must not be conducted in secrecy and where appropriate it must have been brought to us through public hearings. Otherwise these are the indicators where the COI method of work is tainted and it was in agreement with the ambitions of the Eritrea's known enemies for working for the destruction of Eritrea. It is like a Sound Bite message with the outcome is a pretext for "regime change" therefore such requirement serves only the enemies of Eritrea.

The data collected was presented to the UNHRC including a set of recommendations with optimal human rights violations by the Government of Eritrea that may constitute supposedly up to the level of "crime against humanity." Prior to the delivery of the report, the over 8,500 Eritreans gathered at Geneva showed their public dismay of how the UNHRC was handling the situation. Over 97 percent (*Estimated by the judgment of experts through Delphi technique*) of Eritreans who

lives inside and outside Eritrea have unanimously denounced this report and will vigorously contest this report in the coming UNSC session.

When an opportunity and fairness presented to the Government of Eritrea for rebuttal these allegations will be disproved due to unsubstantiated and fraudulent intention of the report. It will be challenged in any court of law and the Eritrean Government will be exonerated.

IV. Burdon of Proof, Accountability of Criminal responsibility

Fundamentally, the COI have stated that they gathered alleged statement of facts about human right violation committed by the Eritrean Government, all these turn out to be untrue (outright lies). We are still protesting that this unjust, preferential mistreatment toward Eritrea is criminal in its intentions. The COI practice calls into question that these unverifiable data that came out from the supposed faceless witnesses were extracted under what duress, threats, and violence. Whether there was financial incentives were used to extract the negative testimony from each interviewee? The COI are not following the UN fact-finding protocol but instead they are following and fulfilling the need of the Social Justice Directives for chaos and civil war in Eritrea. The data was gathered with such secrecy to be used in line with Social Justice ideological need and the COI fetches any data that they see fit for their cause. This is a total waste of financial resources and time to the UN and Government of Eritrea and there is no credible and reliable information that is thought to be corroborated and adduced to every story told.

V. Rebuttal due to fraudulent means resulting in Negative Preferential Treatment toward Eritrea

The credibility of the UN. Declaration of Human Rights practice is called into question now, when it pertains to the Nation of Eritrea that they have been demonstrating a bias decision time after time by passing judgments (sanctions) which clearly shows a *Negative Preferential Treatment impact* toward Eritrea. This is a violation of Article 2 (1) UN Universal Declaration of Human Rights that states:

“The Organization is based on the principle of the sovereign equality of all its Members”.

Another violations by the UN are: (a) accepting this fraudulent report as a valid report which has happened at the UNHRC in Geneva on June 23, 2015 and (b) a concern that the same report might be used again at the coming session of the UN Security Council (UNSC) in New York against the Eritrean sovereign right without

an investigation to substantiate and verify this report while Eritrea has vehemently disputed the report in its totality.

VI Denial Entry Visa to Eritrea

First the Special Rapporteur Ms. Sheila B. Keetharuth and second the COI members have requested to set foot on Eritrean soil under the pretense of a fact-finding mission. The critical question to ask is why the Eritrean Government did not allow the Special Rapporteur individual and later as the COI (collectively) to enter the country. First and for most, the Eritrean Government knew the background history of each of the COI members and found them harboring negative preconceived notion against Eritrea. For example Sheila Keetharuth based on a leaked confidential memo <https://redseafisher.wordpress.com/> from Amnesty International (AI) headquarter instructing her employees that she said to:

“Bring about change [in Eritrea] as has happened in other African and Arab countries like Tunisia, Egypt, Libya, Syria, Yemen and Bahrain”.

- A. The entry visa was denied based on their previous history of having a negative preconceived notion against the Eritrean Government without once considering the Nation’s sovereignty. Additionally the UNHRC also attempts to push the issue of entry visa as part of the mandate for the COI with the intention of violating the sovereignty of Eritrea. At the same time the (COI) have a perplexity how to deal with the thousands of Eritreans who have sent testimonies against the alleged of human rights violations written statements by e-mails, but the COI have denied that they have never received any government supporting statements but acknowledged to the whole world that they have received anti government 550 witnesses and 160 written submissions. These clearly show that the COI crooked intention of harm toward the Nation of Eritrea. The COI method of work must have been guided by the principles of the UNHRC protocol that they must have been free from vengeance when conducting their work. The COI have not demonstrated independence, impartiality, objectivity, transparency, integrity to do their investigation by interviewing the faceless witnesses. But in the name of justice the Eritrean people are calling and acknowledging all the work of the COI has been rejected by the Nation of Eritrea. In any event, the COI selected their faceless witnesses to extract statements from the expatriate Eritreans who may have a political bias and grudge against the government of Eritrea. This tainted information has proven that the supposedly 550 faceless witnesses and 160 written submissions account all to:

None- credible and none- verifiable stories.

- B. Based on past experience of the Eritrean Government by allowing the Universal Periodic Review Mechanism (UPR) to enter to the country ended up passing resolutions that have resulted in multiple sanctions against the Nation of Eritrea, (to this day they are still crippling the Nation's economy of Eritrea). Indeed the Nation of Eritrea by now was expecting the UN representatives to begin:

Repealing the two previous sanctions.

- C. The Government of Eritrea has reliable information of the COI biased mission, and they were coming to Eritrea under a mandate a foregone conclusion that may further destabilize the country including regime change propaganda:

“To bring about change [in Eritrea] as has happened in other African and Arab countries like Tunisia, Egypt, Libya, Syria, Yemen and Bahrain”.

VII. Regime Change Activities

- A. First of all, the COI has not followed correct/protocol procedure and they cannot accuse or convict the head of State of Eritrea or other Authorities without **first hand** credible and reliable information. To get first hand information the COI must have been visited Eritrea as well as must have not harbored negative preconceived notion against Eritrea. But any reasonable person can see the establishment of this commission was of:

foreign-funded regime-change activists and to cover up their fact-finding data informants includes a collection of asylum seekers or permanent residents with few years of living experience abroad and might be living under public assistance program which may not have the freedom of conscience and will always conflicts with their daily wary of persecutions or deportations.

- B. The COI can never set foot onto Eritrean Soil, but several independent world news agencies (Radio and TV) services including the BBC television news crew have visited Eritrea and conformed that what has been portrait by enemies of Eritrea including the COI are absolute false and have been concluded that it was a deliberate attack on Eritrea for regime change and wishing to see it:

Destroyed like Iraq, Libya, Syria or Yemen.

- C. Therefore it was decided by the government to deny entry visas which were the

perfect decision by the Eritrean Government in which:

Any responsible sovereign government would do to defend the Nation and the country against any probable cause of harm, sabotage or conspiracies.

VIII. Commission conceals names and identities of witness's amounts to scandalous effect

According to Commissioner Mike Smith statement when interviewed by (Julia Crawford, JusticeInfo.net July 8, 2015) he said the COI have agreed to protect the names and identities of their witnesses from being known by the general public. Never the less, they will be challenged in either at the UNSC or any other UN Agencies to be revealed who these supposed people were. Mr. Smith as he put it regarding the case:

“Is not as strong as it would be”.

This looks like a lame excuse, even if they reveal their faceless witnesses the outcome will not change. The Eritrean people with their government are looking the truth instead blatant lie with criminal intention. On the same session Mr. Smith, accused the government of Eritrea based on the stories received through a questionable mechanism that requires a substantial proof of evidence including the disclosure of the identities of those faceless witnesses whether they are Eritreans, Somalis, Tigrayans (Ethiopians). Sooner or later the truth will come out and the world will know who these people are who have told multitude of stories if they were actual people or not.

According to @RedSeaFisher, Reported that: “Data was fielded from asylum-seekers in two countries in ongoing conflict with Eritrea: Ethiopia and Djibouti. Asylum-seeking migrants have an inherent conflict of interest as they must maintain stories of persecution to gain asylum, compounded by the fact that they are situated in states hostile to Eritrea”.

Mr. Smith's belief taken from his interview that the COI don't have strong case for convictions, but he said:

“There is what might call circumstantial evidence, which is a very steady stream of people leaving the country, they say, because they're fleeing from a system that gives them no hope and is crushing their freedom of choice.”

First of all this was the stream of people leaving the country is the center of focus that the Eritrean people/Government are looking forward to dispute with the COI claims. (a) Many articles with proofs have been written that many Western Countries

have luring Eritreans especially the young ones and are all being tricked or deceived by Human traffickers very lucrative cash cow money making business . Even Obama has admitted of US involvement of human trafficking in Eritrea. Look the video of: [Obama](#), talking like that have led the refugee into foolish course of action, leaving their country and took the trip to Europe, but some they end up drowning in the Mediterranean Sea due to boat capsizing which later was found as ill conceived traffickers act. (b) A deliberate attack on Eritrea which was going on for the last 15 years infringed upon Eritrean sovereignty campaign for defaming, demonizing Eritrea with lies after lies by enemies of Eritrea:

- (a) The true agenda of the western institutions such the IMF promoting and pushing for regime change by motivating and funding those expatriate Eritreans and activists to introduce into the Eritrean Society deviant and detrimental behaviors and life styles to cause social destabilization from within. These people would sell out for money and they never had good intentions for Eritrea in the first place.
- (b) Another example of conspiracy is: The added accusations by the Amnesty International against the Eritrean Government are actually a direct copy of Mr. Connel from The Guardian speech in Washington D.C. May 2013. He instructed a group of Eritreans to campaign for regime change is possible when the focus is around the migrations and human trafficking and unlimited military conscriptions. He stated that: “It is easy to tie together with so many other issues, the unlimited conscriptions into national service, the trafficking issue, would build pressure on Isaias and weaken his ability to [govern](#).” (See: <https://redseafisher.wordpress.com/.../the-traffic-racket-the-eritrean-activi...> May 19, 2015 - by Connell from the Guardian).

“He warned that “if EU and individual states jump too rashly and simply throw money at Eritrea, they risk entrenching the very practices that lie behind much of the exodus, while doing precious little to stem it. of people leaving the country such trends and patterns remains indicative of the possible existence of a systematic policy behind a series of attacks. This could prove critical to meeting the crimes against humanity threshold which requires that prohibited acts have to form ‘part of a widespread or systematic attack against any civilian population on national each story legally interpreted as a candidate of “Evidence for Admissibility” to the Security Council and even if it reach into the ICC Court Room”.

From here on the COI since their illegal activities have shifted from fact-finding mission into criminal indictment, Eritrean Government will fight them back in all the

cases, if they have strong cases time will tell:

To explain their facts that could be accepted as evidences and admissible either to the UNSC or others will demand them to present it with much more coherent, structured, and above all the Burdon of Proof, Accountability of Criminal responsibility beyond a reasonable doubt. in fact it will expose them engaging in criminal activities.

That is why we may never know who those called faceless witnesses are for cross questioning either at the UNSC session or any UN Criminal Courts. These faceless witnesses are the main source of all the evils and deceits on which the COI based their cursory fact finding mission to deliver the 500 pages report. Every effort of the COI have been hinged on those faceless witnesses the starting of the fire and what keeps it continuously burning is until you are left only with ashes. These is the result of the COI to proof their manufactured drama against Eritrea's human rights violation.

IX. Challenging the COI claim, that Eritrea lacks legal system

In accordance to Mr. Smith assertions about the findings from the faceless witnesses, the COI concluded that in all the human abuse that had happened were due to the following lack of government *legal* system that allows or protects operating systems.

According to Mr. Smith's statements as follows:

- (1) Unlimited conscription of National Service
- (2) Have no legal system
- (3) Sexual abuse,
- (4) Torture in the military and in the detention centers,
- (5) Freedom of opinion and expression,
- (6) Arbitrary arrest,
- (7) No free press and no independent news media.
- (8) Extrajudicial, summary or arbitrary executions,

I would like to make a brief statement of explanation to the above listed charges against the Eritrean Government:

- (1) National Service in Eritrea is compulsory has a written rule of law as operating system that guides and orients, what compulsory national service is. National Service is not limited only to military personnel but to all Eritrean citizens with some exemptions to old age. National Service is practiced all over the world, but in Eritrea

it is practiced for the benefit to Nation building that our country is steadily emerging from decades of war and oppression, to rise the Nation from nearly ashes to move it upward. Some western countries have very hard time to swallow it, because many nations are poisoned by the ill notion presented against Eritrea to bring it down to its heel.

- (2) The introduction of indigenes law in Eritrea, in all the Regions have *started* before the Italian colonization time which continued into the introduction of British Common law and goes on to the introduction of civil and criminal law by Ethiopian Government as well as the EPLF legal operating system prior to independence. All these written legality gave birth to the development of customary law. A year ago the Government of Eritrea has announced that they are drafting the main components of the new constitution for Eritrea with a system created which will consist of the immediate necessary and sufficient causes of the top event that could construe a legal interpretation of an article in order to build a *National Constitutional Civil Law*. The progress has been announced by the government that they have completed the *Civil Codes* and the *Criminal Codes*. The Government of Eritrea now following the correct path to build a National Constitution which will be the highest form of written law of the country for the following reasons: (a) the civil and criminal codes including the appeal procedures have been implemented within the Eritrean Judiciary system, and has been put into practice since 1993 now it is fully completed in 2015, (b) It is also the building blocks for the National written *Constitution* which are needed as a necessary and sufficient components to build a constitution with its three parts the (Preamble, Articles, and the Amendments). The new constitution is expected to be the sacred document superior to an old religious scriptures; it is expected to be relevant in the present time no ambiguity, no myths, and no magical formulas and:
- (a) *You can interpret the law enshrined in the constitution only in one way and not in several ways, as in the case with scriptures.*
- (b) Eritrean Government is building the new Constitution intended to endure for future generation to come, it takes time to build the first component of a constitution with a very strong *Foundation* to keep those inside very safe while keeping out all those deviant beliefs. The second component is the *Roof building* with sound engineering with hurricane ties in place, because it is intended to resist strong hurricane-force and other strong winds. The time scheduled to complete

the constitution for Eritrean will be by early 2018.

NOTE: *The 1997 constitution could not be implemented due to:*

- (1) *A flawed constitution which is designed to give unnecessary liability toward the Government of Eritrea to fail.*
- (2) *Due to this flawed constitution the government could be in an unnecessary high, unfair, legal liability that the government would be unable to operate efficiently.*
- (3) *The constitution as it stands if implemented could incite civil unrest, fighting each other and bankrupt the government in no time, due to the institutions needed to enforce protections for many loopholes and unnecessary preferential treatments, While all Eritrean aspirations is about equality and justice for all female and male.*
- (4) *full of construed messages in all the Articles. These could put the Government of Eritrea in severe detriment to the entire Nation of Eritrea with no legal benefit to the Society. If we paid closer attention to its entirety presumably it is a Civil law sources and it treats citizens assumes responsible or educated while our people's literacy is only 20 percent particularly complete deficiency in legal knowledge or no introduction to Romanist legal culture in our country.*
 - (b) Sexual abuse: This is completely unsubstantiated allegation.
 - (c) Torture in the military and in the detention centers: completely unsubstantiated allegation
 - (d) Freedom of opinion and expression: This is unsubstantiated allegations. (Read item (f) listed below.
 - (e) Arbitrary arrest: unsubstantiated allegation
 - (f) No free press and no independent news media: Eritrea had free press and news media. People can write and submit their views freely. At present Eritrea does not have independent news papers and news media because of the reasons Eritrea suffered right after independence by some sellout Eritreans who were found harboring negative propaganda to create chaos in the country. Latter those people were found to be paid agents by foreign countries for their open anti government messages and their practices were being shut to prevent civil unrest/war. This is what a responsible government does.
 - (g) Extrajudicial, summary or arbitrary executions: unsubstantiated allegation

X. Burdon of Proof of Motive

Mr. Smith's argument as a chairman of his team (COI) estimated over all the violations pointing to Eritrea may be decided on his emotionally based feelings and used terms of a likelihood probability that all the above mentioned/violations may have happened. He has a burden of *Proof of Motive* if those allegations and other violations may also reach and constitute up to *Crime against Humanity*. He further stated that:

"In those circumstances, the issue can be taken up by the Security Council, because the Security Council could then refer cases to the International Criminal Court, and then you would have procedures from the ICC who would review the evidence and decide if they were going to try and charge individuals. (Read Julia Crawford, JusticeInfo.net July 8, 2015).

Mr. Smith is now coming to his sense when he admitted that; in order to convict someone or as a matter of fact Head of State, the COI needs factual information of *relevance* that leads to criminal evidences that are admissible into the court room. That is why as he put it, to prove that Eritrean authorities reach crime against humanity, the COI needs to collect relevant data from files and records inside the Eritrean Government institutions without impunity that enhanced to have it occurred.

Mr. Smith throughout his argument has showed gross incompetency, when he did not consider even once that Eritrea has sovereign legal rights and all his statements are in violation of the statute of the ICC 2002 article 67, paragraph 1(e). Therefore, Eritrea is entitled to raise defenses and present other evidences how much it:

Suffered and has been infringed upon, abused/harassed, defamed, bullied, and demonized in front of the whole world induced by the COI.

In this case Eritrea using its sovereign right can and will address the factual issues in conflicts when it totally disputed it. The kind of facts that relate to the conflict which Mr. Smith could not see or doesn't acknowledge is the basic sovereign right of the State of Eritrea these are:

- (a) The kinds of facts involved that requires, determining the validity of the evidence is it must *prove guilt beyond a reasonable doubt*. *The COI must prove that the Government of Eritrea is guilty of the crime(s) charged to the extent that no reasonable person could have a reasonable doubt that Eritrea is guilty*. The ICC cannot prosecute anybody if the facts do not have *Relevance* to the case which means the fundamental rule including International law governing the *admissibility of evidence is that it be relevant*.

- (b) At some times, one kind of evidence requires a different body of experts and fact-finding method from another fact type. For example, technical facts differ from historical and legal facts in that they require experimental evidence and endorsement from scientists or technical experts, as opposed to lawyers, historians, or eyewitnesses.

UN Human Right Commission of Inquiry motive must be proved beyond reasonable doubt for all the allegations and violations, in order to convict the individuals from the Government of Eritrea but must not be through *circumstantial of evidence*.

What an interesting legal argument Mr. Smith when he stated per the above interview session, he said that

“We interviewed more than 550 people for the report and we got story after story. When you put them all on top of each other you get a picture that builds up the way that country is operating and the way the systems operate. Every story is different because every story is personal, but you can see the common elements and you can see where people despair. So it’s building on that we drew conclusions in all these areas,” (Again read Julia Crawford, JusticeInfo.net July 8, 2015).

Today the world becomes closer and closer via electronic internet news that travels at a lightning speed. Mr. Smith and his group, please pay attention to the following: Lies are not facts and facts must be of relevance to the case. Additionally, facts relate to conflicts in many different ways when the available information is itself disputed by the government of Eritrea. Without going further to the collected stories after stories of 550, even a single story delivered as fact of evidence can create conflict if it is disputed. The following example will explain further:

For example, every reader of this article must remember the high-profile conflicts that result when Iraq is thought to hide weapons of mass destruction (WMDs)? While many issues are debated simultaneously (nation-building, economic interests, human rights, justification for the use of force, and international consensus through UN to name a few the common talk of the UN), it would seem that these conflicts, at their core, are factual disputes over whether or not illegal weapons are actually being concealed in the case of Iraq (2003). At last the assumed fact presented by Colin Luther Powell to the UNSC was found to be a hoax. It was never substantiated with evidence which turned out to be false, but:

Iraq has been remained destroyed beyond any body’s imaginations.

The UN Human Rights Commission of Inquiry’s stories are easily be disputed by the Eritrean Government and you Mr. Smith it is going up to you and Ms. Keetharuth (since you fully accepted her value) and determine each story if it is significant

enough to be admissible in the direction you are wishing to reach. ***There will be legal repercussion to each member of the (COI)***. The Eritrean people are continuously protesting and sending clear messages to the COI and to the UNHRC to stop their macho figure treatment to the representative of the Eritrean Government. For example during the deliberation of the illegal report by the UNHRC in June 23, 2015, the Eritrean people have witnessed that the attitude of the UNHRC chairman in Geneva was inappropriate his verbal and body posture was biased against the Eritrean representative Mr. Grahatu.

XI. Conclusion

I would like to mention a brief treats about the Nation of Eritrea and its current Government. I believe the Eritrean people have been tested with pain and suffering for the last 100 years and they are prepared and ready to challenge the UN Human Rights of Inquiry with these unique capability of Eritreans: who are resilient, goal focused with strategic analytic minds,, non emotional intensity, respect for their rich cultural values, guiding their daily habits by following the proven usage of their historical customary law at the sub Zoba level and Civil Law with coded jurisdiction at the Zoba Level, and above all guided by their deep faith in God /Allah fearing people,

Never Again Eritrea Will ever have its Legal Rights Infringed Upon

The Commissioners are not United Nation paid staffs but foreign-funded regime-change activists.

In the first place, Sheila the main architect of the situation was supposed to disclose to us that her mandate is to gather evidences against the Nation of Eritrean. Instead she requested individuals to submit information about the situation of human rights in Eritrea and we responded by writing and e-mailing to her. Now she stated that she never received any positive submissions, but instead, she only received those individual submissions against the Government of Eritrea. This shows clearly to us that she never had the principles of independence, impartiality, objectivity, transparency, integrity and the crime she committed with the others (COI) members by hiding the identities of supposed witnesses denied our rights for cross questioning. Therefore, this lady never had any good intention, but instead she harbors a crooked criminal act toward Eritrea. Therefore, from here on out we will only deal with her with legal representation as well as all the damages that were incurred by her fraudulent criminal organization. Her Method of Gathering data is absolutely criminal in nature no rules of UNHRC applied including our rights were disavowed without public hearing taking place..

Let us be prepared for a big demonstration in front of the UN building in New York

during the next UNSC coming meeting concerning Eritrea Human Rights situation.



Never Again, Eritrea will ever have its Legal Rights infringed upon!!

Does this looks like slavery prohibited by human rights law? One Heart One People going forward not backward!!