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دولة إرتريا
وزارة الشؤون الخارجية

The State of Eritrea
Ministry of Foreign Affairs

The Ministry of Foreign Affairs of the State of Eritrea presents its compliments to the United Nations Human Rights Council and has the honour to submit the position of the Government of Eritrea regarding Resolution A/HRC/20L.19/Rev.1.

On July 2012 the Human Rights council adopted Resolution A/HRC/20L.19/Rev.1. entitled "situation of human rights in Eritrea" tabled by Djibouti, Nigeria and Somalia. Regrettably, the Council's adoption of such an openly biased and politically motivated resolution does not inspire Eritrea's already eroded confidence in the UN system. Eritrea strongly believes that the Council's decision will promote neither the cause of human rights in Eritrea nor regional peace and security.

None of the sponsors of the Resolution has the moral or legal ground to level such sweeping accusations against Eritrea. The Nigerian Government has neither the diplomatic nor any commercial, economic or cultural relationship with Eritrea. We would be very surprised if it possesses any appreciable knowledge of Eritrea's history and society, let alone details of its human rights situation. We are firm in our belief that it has based its action either on unfounded information or it has done for ulterior motives, not for the advancement of human rights in Eritrea.

As for Somalia, Eritrea's wish and policy is to see the people of this friendly nation constitute a government of national unity without its people suffering the torture, death and social up-rooting and the dismantling of its institutions perpetuated by foreign forces, particularly by naked Ethiopian military aggression. The Somali nation deserves nothing less than a government that assures its sovereignty, stability and security and not one that goes off tangent in spearheading the concoction of human rights violations in Eritrea that have nothing to do with the welfare of the Somali people, neither, for that matter, with the welfare of the Eritrean people.

The issue of Djiboutian combatants missing in action is dealt with under the mediation of the brotherly State of Qatar.

Madame Laura Dupuy Lasserre,
President of the Human Rights Council,
Geneva, Switzerland

The Mediation Agreement between the two Parties stipulates that, "The Pows and missing persons shall also be settled under the supervision of the state of Qatar". Disregarding this provision of the Agreement, the Government of Djibouti, has time and again politicized the issue at various venues and has used it as an instrument of punishing Eritrea, as in UN resolutions 1907/09 and 2023/11. Djibouti has, therefore, taken these political moves in contravention of international law principle, *packta sunta servanda*.

Though many have attempted to imply that the DR was endorsed by the Africa Group, nothing could further be from the truth. All attempts by the authors to have the DR endorsed by the Group have failed.

There is an inescapable reality, however, in the unholy alliance of the authors of the Resolution in attacking Eritrea: the three countries are neither geographically contiguous, nor are they collectively members of any regional association. They have come to author the DR only at the bidding of the United States. As we pointed out in a previous communication, the role of the United States in arm-twisting the official sponsors of the Resolution was quite apparent in the spectacle of the "consultations" among the authors just minutes before it was introduced to the Session when the United States delegation openly joined them in a frantic move to avoid any last minute hitch in adopting the Resolution. More specifically, the aim of the United States in ensuring the adoption of the Resolution was to "open a new front" so as to tighten, or at least maintain, the unwarranted UN Security Council Resolutions (1907/09 and 2023/11) that it had managed to impose on Eritrea in the past three years. In fact, the timing of the resolution was deliberately planned to coincide with the pending review of these resolutions by the UN Security Council in August.

Eritrea, like any other country, faces challenges in the human rights area. The litany of accusations of gross violations of human rights in the areas of civic, political, economic, social and cultural rights is, however, unfounded, misconstrued, outdated or exaggerated. Eritrea's significant progress in most all of these areas since independence is a matter of record and is out there for everyone to see.

We are well-aware that one of the prime objectives of the Resolution is to curtail Eritrea's capacity to sustain its sovereignty and security. It is for this reason that this politically motivated Resolution viciously attacks, among others, Eritrea's National Service Law and the Mining Sector. We reiterate our right to take every appropriate and lawful measure to defend our hard-won sovereignty and independent political line.

Moreover, the Resolution contains a number of procedural and substantive abuses, hasty measures to achieve a political agenda, use of unreliable and

outright false information and issues unrelated to human rights. Some of these are detailed below.

1. Phrases such as “shoot to kill practice”, “guilty by association”, “forced conscription” and “indefinite period of national service” are all abusive terms or phrases and hence constitute an offence against the Domestic Laws of Eritrea. The misconstruing of legal terms and coining of new offences to fit accusations of grave crimes are, therefore, in direct conflict with the national laws of Eritrea over which the Council has no authority.
2. Effect of arrest of human traffickers may result in unintended or undesirable results in any country. However, this legal measure was labelled as a “shoot to kill practice” in the Resolution. The accusation of “guilty by association” is also groundless and abusive. Nevertheless, anyone who is proven to be an accomplice to a crime is answerable to the Transitional Penal Code of Eritrea. Nonetheless, the authors of the Resolution replaced these legal terminologies by abusive terms and coined new crimes in order to augment the gravity.
3. Moreover, the adoption of resolutions without exacting any accountability from the authors gives the licence to level any kind of charges against Member States without the fear of responsibility. An excellent example of this is the accusation that the Government of Eritrea conducts “summary execution”. Regrettably, this accusation is such a blatant lie and undermines the credibility of how decisions are reached at Council.
4. Hasty procedural steps to justify the adoption of the punitive Resolution. In the same vein, the fact that the membership term in the Council of the cosponsors of the Resolution- Nigeria and Djibouti- and the USA expires at the end of 2012 is not lost to us. Eritrea would be surprised if the haste with which this Resolution was rammed through the Council was not linked with the membership expiration date of these countries.
5. It is a well- known secrete these days that asylum seekers from a number of countries, especially Ethiopia and Somalia, present themselves as Eritrean refugees to immigration offices of potential host countries. To accept as fact accounts of accusations of human rights abuses provided by these people, even for that matter, by Eritrean illegal immigrants, is naïve at best and dubious at worst.

6. Eritrean law prohibits the hiring of minors, and no industry is allowed to hire minors. As noted earlier, the real purpose of targeting the emerging mining industry is to cripple the Eritrean economy thereby crippling the country's capacity to defend its sovereignty. Be that as it may, it is the mining companies and not the Government that recruit workers in that industry. The mining companies operating in Eritrea are reputable multinational corporations and are obliged to observe ILO labor conventions and Eritrean labor laws and directives.

Eritrea is engaged with the UN Human Rights Council through the Universal Periodic Review. It presented in 2009 its first national report under the UPR. It is working on the implementation of the recommendations it accepted then, and is in the process of preparing its second report in 2014. We are committed to working with the Council in the advancement of human rights in the spirit of dialogue and mutual respect.

In conclusion, the objective of the cosponsoring states is not to serve the cause of human rights in Eritrea but to use the Resolution as a pretext for their ill intention of stifling the development of Eritrea and its independent political line. Their final aim is, having failed in many illegal measures they have undertaken so far to destabilize Eritrea, to use this resolution as a pretext of humanitarian ground to attack Eritrea in pursue of their political agenda.

The Ministry of Foreign Affairs of the State of Eritrea would like to avail itself of this opportunity to renew to the Human Rights Council the assurances of its highest consideration.



Asmara, 13 August 2012

