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Minister of Foreign Affairs

**Ms. Cecilia Jimenez-Damary
Special Rapporteur on the human
rights of internally displace people**

Asmara, 14 June 2021

1. Ms. Elina Steinerte
Vi-ce-Chair of the Working Group on Arbitrary Detention
2. Mr. Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary execution
3. Mr. Michael Fakhri
Special Rapporteur on the right to food
4. Mr. Balakrishnan Rajagopal
Special Rapporteur on adequate housing
5. Ms. Cecilia Jimenez-Damary
Special Rapporteur on the human rights of internally displaced people
6. Mr. Siobhan Mullally
Special Rapporteur on trafficking in persons
7. Mr. Pedro Arrojo-Agudo
Special Rapporteur on human rights to safe drinking water

Dear Sirs,

I refer to the joint letter of 19 April 2021 in which you express concern on alleged violations of fundamental human rights - “including deliberate attacks against civilians and summary executions, indiscriminate attacks, sexual and gender-based violence, arbitrary detention, destruction and looting of civilian property and displacement” - by the Eritrean Defense Forces, (EDF), in the Tigray Region in Ethiopia.

Your letter also describes a litany of specific violations of “human rights law and international humanitarian law” in various parts of Tigray Region allegedly perpetrated by the EDF.

These are grave allegations. Eritrea is utterly dismayed that your esteemed institutions deemed it right to launch this campaign against the country essentially on the basis of malicious allegations peddled by various quarters without minimal verification and adequate evidence. Eritrea maintains that this conduct is in contravention of the provisions of Paragraph 24 of the Manual Operations of the Special Procedures of the Human Rights Council, which reads,

“Because of the sensitivity of many of the issues that arise, mandate-holders should be guided in their information-gathering activities by the principles of discretion, transparency, impartiality, and even-handedness. They should rely on objective and dependable facts based on evidentiary standards that are appropriate to the non-judicial character of the reports and conclusions they are called upon to draw up”.

In Eritrea’s view, the letter of allegations utterly lacks impartiality, transparency and objectivity in clear breach of the aforementioned rules. The fact that the detailed particulars of the allegations were not gathered from varied sources seriously affects the impartiality of both the process of collecting information and the subsequent untenable findings and conclusions.

Regarding the cause and beginning of the conflict, the letter states that the armed conflict erupted in Tigray when the ENDF launched a military offensive against the TPLF in response to *reported* attacks against ENDF. This is clearly a misappropriation of facts in a biased manner. The TPLF launched a massive, premeditated, and unprovoked attack against the entire contingents of Ethiopia’s Northern Command with the express aims of neutralizing this force and capturing all its heavy weaponry – which constituted 80% of the entire armaments of the country.

The underlying political motivation of this unprecedented, reckless and dangerous military action was to seize power by toppling the Federal Government. Subsequent occupation of certain territories in Eritrea was also part and parcel of this scheme.

The TPLF took these decisions at the highest levels of its leadership; in the meetings of its Central Committee days prior to the attack. Confident as it was on the “inevitable success of its preparations and plans” – the TPLF had trained around 250,000 militias and Special Forces in previous years while also infiltrating the ENDF to secretly enroll senior officers and soldiers of Tigrayan ethnic origin – the TPLF went as far as publicly and audaciously announcing the rationale and objectives of its military adventure in the early days of the war.

All these incontrovertible information is available in the public domain. Indeed, only two weeks ago, [REDACTED] – acknowledged with some remorse that had it not been for the Drone strikes,

the TPLF's early successes and meticulous plans would have been implemented fully.

Let me also state that the letter does not mention the multiple and indiscriminate missile attacks on the sovereign territories of the State of Eritrea by the TPLF (currently designated as a terrorist group by the Federal Government of Ethiopia). This was a solid fact that was pompously admitted at the time by the TPLF leadership. Missing this fact is a clear indication of lack of objectivity.

As underlined above, the letter does not provide any evidence to support the allegations. In the event, the letter lacks evidentiary standards spelled out in paragraph 23 of the Manual of operations of the Special Procedures of the Human Right Council. This provision stipulates the need to cross-check information received to the best extent possible. Otherwise, forwarding the allegations, which are created by one side as it is, seems to be a clear violation of the special procedures.

In regard to the specific allegations described in your letter, these are part and parcel of the relentless campaigns of disinformation of fabricated events – including through the use of false witness statements and testimonies – that the TPLF vast media network and its enablers have set in motion in the aftermath of its military debacle. Many of the preposterous lies – “the Monaliza gang rape, the Axum Massacre, the use of white phosphorus” etc - have already been exposed for the mendacious allegations that they are (Annex 1). Still, they continue to be recycled by certain quarters irrespective of the hard facts.

In the event, I can only emphasize that the allegations of systemic rape, deliberate massacre of civilians, etc. are smear campaigns that are alien to the traditions, ethics and Rules of Engagement of the EDF.

The fact is, Eritrea had been forced to go through lengthy cycles of war – 30-year armed struggle for liberation as well as the vicious border war from 1998-2000 - with Ethiopia. The track record of the EDF in all these years is clear. Eritrea had never targeted the civilian population of the adversary country; observed fully the four Geneva Conventions on the Humanitarian Laws of War and always differentiated between the adversarial regime and the civilian population. In 1991, after it won the liberation war, Eritrea bussed home around 100,000 Ethiopian POWs, including their top Generals, without recourse to punishment for the crimes that they had committed.

Let me raise a couple of legal and procedural matter before concluding my brief letter.

First off, the Special Rapporteur has exceeded his remit – which is specific and limited to human rights situation in Eritrea – in signing the letter. In our view, the other signatories should not have overlooked this fundamental parameter.

Your letter also refers to certain international human rights norms and standards as well as authoritative guidance on their interpretation in an attached Annex. In paragraph 3 of the Annex, you invoked Article 2, paragraph 1, of the International Covenant on Civil and Political Rights (ICCPR) which states that “each State party must respect and ensure to all individuals, within its territory and subject to its jurisdiction, the rights recognized in the Covenant”. You proceed further to state: “In its General Comment No. 31, the Human Right Committee stated that ‘States Parties are required by article 2, paragraph 1, to respect and to ensure the Covenant rights to all persons who may be within their territory and to all persons subject to their jurisdiction To anyone within the power of effective control of that State Party, even if not situated within the territory of that State Party...’”,

Eritrea is baffled by the apparent insinuations and references in your letter to this provision. In our view, the legal provisions do not apply to Eritrea since the Tigray region is effectively controlled and administered by the Federal Government of Ethiopia.

For all the reasons described above, I urge you to act with due caution and responsibility and not join the chorus of certain forces who harbor their own political agendas in the region and have resorted to unconscionable acts of toxic disinformation to this end.

Sincerely

Osman Saleh

