

Commission of Inquiry on Eritrea - Press Conference (Geneva, 8 June 2016)

ለበዋ ናይ ጥይያቕ ልዕሊ ኦርትራ - ማሕተም ኮንፈረንሳ (ገንባ, 8 ሰኔ 2016)

Opening remarks of Mike Smith, Chairperson, Commission of Inquiry on human rights in Eritrea (*my apology for mistakes*):

" The commission first report released two months ago documented a multitude of human right violations in Eritrea. Subsequently the human right council asked us to determine whether these violations might amount to crime against humanity and to address the issue of accountability.

እቲ ፈለማ ሪፖርት (ራፕፖርቶ) ናይ እታ ለበዋ እውጫኛ ክልትተ ኣዋርሕ ይገብር ኣልለዋ ዶኩመንታቶ ሓደ ዓቢይ ፍቕዲ ናይ ሓይሊ/ቭዮላዝዮን ናይ እቶም ሰብአዊ ቅኑዓት ኣብ ኦርትራ. ብትኩኡ እቲ ሰብአዊ ምኽሪ ቅኑዓት ለምሚኑና ናይ ተክከነ/ወስሰነ እንተ እዞም ቭዮልዝዮኒ ምክኣሉ ብዝሓ ናብ ገበናት ኮንትሮ ኣንጻር እታ ሰብአዊትነት እውን ናይ ገምበረ እታ ኩስቲኣን ናይ እታ ረስፖንሳቢሊታ.

The commission has concluded that the Eritrean officials have committed crime against humanity. The crimes of enslavement, imprisonment, enforce disappearance, torture, persecution, rape, murder and other inhuman acts have been committed as part wide spread and systematic campaign against the civilian populations since 1991.

እታ ለበዋ ኣልለዎ ድምዳም ዝ እቶም ኦርትራውያን መክኲንንቲ ኣልለዎም ፍጽጹም ገበናት ኮንትሮ/ኣንጻር እታ ሰብአዊትነት. እቶም ገበናት ናይ ባርንነት, ሓብሲታት, ገበረ ኣኽበረ ትዕዛዢቲ, ቶርቱሪ/ torture, ምስጻጻ, ዘረፋ, ቅትለታት እውን ካልኣት ግብሪታት ዘይሰብአዊ እዮም ንቡራት ፍጽጹማት ካብ ወገን ገፍፊሕ ዲፍፋሰዮን/ድርጓሐ እውን ሲስተማቲካዊት ካምፓይና/ወፍሪ ኮንትሮ እታ ሺቪላዊት/ civile ሰብ ካብ እቲ 1991.

The campaign has been aimed at maintaining control over the population and perpetuating the Eritrean leadership's rule. The commission has made every effort to investigate the situation impartially and to report fairly."

እታ ወፍሪ ኢያ ንብርቲ ጥምምቲ ናብ ቀልለበ እቲ ኮንትሮልሎ/ controllo ልዕሊ እታ ሕዝቢ እውን ፕርፕቱዋሪ/ perpetuare (ገበረ ግዛዕ ሓንቲ ግናይ ሀለዋ) ስርዓት ናይ እታ ኦርትራዊት ለኣደርሺፕ/ leadership. እታ ለበዋ ኣልለዎ ግብር ኪልለው ጻዕሪ ምእንቲ መርመረ ልዕሊ እታ ናብራ ኣብ ቅኑዕ ሞዶ/ modo (ስርዓት/ኣግጋባብ, ልዕሊ) እውን ናይ ነገረ ኣብ ርቱዕ ሞዶ.

[...]

What Happens Next? እንታይ ይከውን ድሓር?

- 1) Recommendation of Commission of Inquiry on Eritrea (the COIE) goes to:
ምሕጽንታ ናይ ለበዋ ናይ ጥይያቕ ልዕሊ ኦርትራ (ለበጥኣ) ይከይድ ናብ:
↓
- 2) the UN's Human Rights Council
እቲ ናይ ዩን ሰብአዊ ቅኑዓት ምኽሪ
↓
- 3) the UN General Assembly's Human Rights Committee
እቲ ሰብአዊ ቅኑዓት ኮምሚትተ ናይ ዩን ነገራል ኣስሰምብለያ

► About the start and arrival of the recommendation here is what the expert Bronwyn Bruton says: ብዛዕባ እቲ ንቕሎ እውን ብጽሓት/ምብጻሕ ናይ እታ ምሕጽንታ እንኒሆ እንታይ እቲ አክሰፕርት ብሮንውይን ብሩቶን ይብል፡

By Bronwyn Bruton



“As expected, the United Nations Commission of Inquiry on Eritrea (the COIE) has recommended to the [Human Rights Council](#) that Eritrea be referred to the International Criminal Court and that the human rights situation in Eritrea constitutes a threat to international peace and security.

The COIE is **a panel of three independent human rights investigators who are not employed by the United Nations**, do not represent the views of the United Nations, and whose recommendations carry no legal weight. It should be noted that the COIE’s suggestion that Eritrea constitutes a threat to international peace and security is probably also outside of the COIE’s mandate and within the mandate of the UN Somalia and Eritrea Monitoring Group, which in its own reporting in recent years conflicts with the COIE’s findings.

In order for the COIE’s report to result in any tangible outcome it must be accepted by vote by representatives of [the UN’s Human Rights Council](#), which will also vote on the specific recommendations laid out by the Commission. This vote will take place **on June 21 or 22**.

If the Human Rights Council votes to accept the report the report would then go [to the UN General Assembly’s Human Rights Committee](#). It is possible that the Human Rights Council will not vote to accept the report given the widespread and serious concerns about the methodology used by the Commission to determine its findings. The COIE itself notes that in response to its call for written submissions on the human rights situation in Eritrea, it received approximately 45,000 responses, the “vast majority” of which were critical of its initial report.

If the Human Rights Council accepts the report, it would then fall to the Council’s president to present the report to the UN General Assembly’s Human Rights Committee, which in turn would vote on whether or not to forward the report to the General Assembly. That vote would occur **sometime in October 2016**.

The General Assembly would then have to vote, **in October or November of 2016**, to forward the report and its recommendations to the UN Security Council. But the Security Council would be unlikely to consider the matter before **June 2017**. It would be up to the **Security Council to achieve a majority vote** (without a veto from any of the Permanent Five members) in favor of supporting the COIE report’s finding, and the Security Council would then refer the matter to the International Criminal Court.

The prosecutor of the International Criminal Court, Fatou Bensouda, would conduct an independent review of the evidence to determine whether to bring the case to trial, which would involve issuing arrest warrants and one or more indictments. That timeline is uncertain: the independent review could itself take over a year. The trial itself would also take at least a year, or more, to conduct.

The ICC prosecutor does in theory have the authority to skip the process described above and to act

immediately on the COIE's recommendations. Given the strong backlash in the African Union over the ICC's previous prosecutions of African leaders, however, there would be a high degree of political risk involved in that decision and it is, therefore, unlikely to happen.

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