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Office of the High Commissioner for Human Rights (OHCHR)



Africa region

QUARTERLY REPORTS OF FIELD OFFICES

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Africa region

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Highlights from the Africa Region November 2003 to January 2004

In the period under review OHCHR's support to peacekeeping and post conflict initiatives in Africa were increased by the establishment of a presence in UNMIL, Liberia and strengthening of the human rights component in Cote d'Ivoire (MINUCI). The Office is also involved in mapping out of post-conflict peace plans in Burundi and Sudan.

At the regional level, the continued to provide support to the African Union (AU), its institutions, (such as the African Commission on Human and Peoples' Rights (ACHPR)) and its initiatives (such as NEPAD and CSSDCA) and support to the sub-regional economic communities.

- **Support for the AU:**

- Through its regional offices and participation from Geneva, OHCHR continues its support for the NEPAD process and the AU's consolidation of its human rights agenda. OHCHR contributed extensively to the development of the AU's human rights programme and plan of action for 2004/5.
- The Office participated in the 34th Session of the African Commission on Human and Peoples' Rights in November 2003. The Session provided another opportunity to review the human rights situation in Africa and to discuss future mutual collaboration between OHCHR and the ACHPR. Discussions on areas of technical support to the African human rights system are ongoing especially in light of the coming into force of the Protocol for the Establishment of the African Court on Human and Peoples' Rights in January 2004.
- As part of its support for the consolidation and implementation of NEPAD, the Office co-sponsored a regional conference on the African Peer Review Mechanism for parliamentarians and civil society representatives in December 2003.

Office of the High Commissioner for Human Rights
Human rights component of UN Peace Mission (UNMEE)

ETHIOPIA / ERITREA

Quarterly report
(Period covered: November 2003 to January 2004)

1. Political context

On 29 January the Secretary-General appointed former Canadian Foreign Minister Lloyd Axworthy as his Special Envoy to Ethiopia and Eritrea to help break the impasse in the peace process. The Special Envoy is scheduled to commence his first visit to the region on 19 February. The decision of the Ethiopia and Eritrea Boundary Commission (EEBC) of April 2001 is being contested by the Government of Ethiopia.

A Security Council Press Statement issued on 7 January noted that the Secretary-General's offer of good offices did not represent an alternative mechanism to resolve the border dispute, and stressed that the EEBC decision would not be renegotiated. The international community has remained firm in its position that the Parties should abide by the terms of the Algiers Peace Agreement and respect the "final and binding" nature of the EEBC decision. All observers agree on the need for expeditious implementation of the EEBC decision.

The stalemate in the peace process is seen to constitute a threat to military stability.

2. Executive summary

Monitoring of the Temporary Security Zone (TSZ) and adjacent areas continued, and the Human Rights Office conducted investigations into all reports of cross-border incidents. Human Rights Officers were instrumental in facilitating the repatriation of several individuals who strayed across the Southern Boundary of the TSZ, as well as locating persons reported missing by family members. Officers were unable to verify the whereabouts of several persons reportedly arrested by Eritrean police or security officials. Investigations into the fatal shooting on Eritrean territory of a young man attempting to defect to Ethiopia were inconclusive as his body was never found.

The voluntary repatriation of Ethiopian civilians by Eritrea continued, under ICRC auspices. Ethiopian civilians repatriated by Eritrea in December gave Human Rights Officers consistent information indicating a deterioration in their treatment by Eritrean immigration officials.

UNHCR operations to assist the repatriation and resettlement of Eritrean refugees from the Sudan also continued, with the last convoy of 2003 arriving on 24 December. UN and other

agencies suspended most activities in January pending clarification of directives from the Government of Eritrea imposing restrictions on their freedom of movement.

The Human Rights Office continued monitoring of IDP, refugee and deportee camps within UNMEE's AOR, most of which are located in the Western Sector. Despite two written requests to the Eritrean Government by the SRSG, Human Rights Officers were still denied access to the politically sensitive camp of Eritrean refugees and asylum seekers close to the border in Ethiopia.

3. Highlights of human rights activities and events

3.1. Human rights monitoring activities within the TSZ and adjacent areas

The Human Rights Office faced restrictions in Eritrea with regards to access to information concerning the location and legal status of detainees who fell within UNMEE's mandate. A regional police chief informed HRO in November that he had been instructed not to discuss individual cases with the Office. In addition, no response was received to a letter to the Government in January, requesting access to detention facilities. Interviews with Ethiopian civilians who have been detained indicate that they are usually held incommunicado and without access to due process. Eritreans arrested arbitrarily within the TSZ are usually able to contact their families, but are not charged or tried.

On a positive note, UNMEE was instrumental in the repatriation to Ethiopia of several civilians who had strayed across the Southern boundary of the TSZ. They included two individuals with psychological problems, one of whom was detained arbitrarily for nearly four months in Assab. HRO confirmed his safe return to his family.

Defections by both Eritreans and Ethiopians continued. In November five cases of unaccompanied Eritrean minors were registered at Adigrat temporary detention centre (Ethiopia). In most cases the children said that they had crossed the border to join family members in Ethiopia. Since January 2004 HRO has been denied information concerning defectors held in Adigrat. No explanation has been offered as to the reason behind the change in policy.

An investigation into a shooting incident at Serha (CS) on 1 December suggested that an Eritrean youth attempting to defect was shot dead by Eritrean militia. Bloodstains found at the location, together with eye-witness accounts, appeared to confirm the fatal shooting but the body was removed before it could be examined. Local Eritrean police and militia officials denied all knowledge of the incident.

Clear guidelines were issued to peacekeepers on their role and responsibilities with respect to the handling of the cross-border movement of persons after several incidents in which individuals asked for UNMEE assistance or protection.

3.2. Monitoring of IDP, deportee and refugee camps

Restrictions concerning freedom of movement within UNMEE's AOR continued to hinder the implementation of the human rights mandate. Despite a second request by the SRSG in December 2003, HROs were still denied access to the camp of Eritrean refugee and asylum

seekers near Shiraro, Ethiopia. By the end of January 2004 the population of this camp had risen to 7,000. Of these, 799 were new arrivals, registered between November 2003 and January 2004.

The UNHCR assisted the return and resettlement of 8,529 Eritrean refugees from the Sudan in 2003, including 2,538 on 24 December in what was by far the largest repatriation of the year. Numbers returning were around a quarter of the 25,000 projected for 2003. HRO felt that news of the political situation in Eritrea combined with the prospect of peace in the Sudan could have discouraged Eritreans from returning. Some 30,000 more Eritreans have registered to return and UNHCR hopes to complete the process in 2004. Convoys were due to restart in late February.

Some 48,000 IDPs remain in camps in Eritrea, and another 9,000 live in host communities. It is unlikely that they will return home or be resettled until demarcation of the border is completed. After three years in camps, there is concern that the displaced have become dependent on humanitarian assistance and will face difficulties re-adapting once resettled. HRO was informed by the government relief commission in the Eastern Sector of Eritrea that assistance to the Debasyima camp would cease, as the remaining Afar inhabitants were considered to have settled there permanently.

Some 60-70,000 Ethiopian civilians remain displaced, and are sheltered by host communities. In the last months of 2003 some 11,000 former residents of the border town of Zelambessa, which was devastated by the conflict, were moved back there as part of a resettlement and reconstruction program funded by the World Bank.

3.3. Monitoring the treatment by Ethiopia and Eritrea of each other's nationals

The voluntary repatriation of civilians continued, under ICRC auspices. During 2003 HRO monitored the repatriation of 901 persons of Ethiopian origin by Eritrea, including 121 former detainees. HRO also monitored the return of 75 persons of Eritrean origin by Ethiopia

Ethiopian civilians repatriated by Eritrea on 19 December gave human rights officers disturbing information with regards to the conditions under which they were repatriated. All were searched before leaving Asmara and, in many cases, strip-searched in circumstances they called "humiliating". Items of value found during the searches were confiscated. For the first time, the buses transporting the Ethiopians stopped some five to six kilometres from the Mereb Bridge crossing point and the occupants were obliged to walk, carrying their possessions. The group included many elderly persons and small children, who were assisted by the ICRC.

Discrimination against Ethiopian civilians in Asmara appeared to increase, possibly as a result of the stalled peace process. More than a hundred Ethiopian civilians were arrested in January during national service round-ups. Many were kept in detention despite having valid resident cards. In the case of those held at the Maitemenai detention centre, several reported that they threatened with deportation if they did not pay up to Nfa 5000 (c.USD 350) for their release.

In January 2004 the Ethiopian Government issued directives stating that Eritrean residents of Ethiopia could henceforth obtain Ethiopian citizenship, with associated benefits. However it later became clear that persons of Eritrean origin deported during the conflict and anyone who had held a government position might not be eligible. The move could be seen either as

a step towards the normalization of relations with Eritrea, or as indication that Ethiopia wished to be regarded in a better light by the international community, despite rejection of the EEBC decision.

3.4. Human rights promotion

The HRO mandate is limited, omitting as it does human rights promotional activities and technical cooperation. HRO strongly recommends that the mandate be reviewed. The inclusion of these elements would enhance general human rights awareness, and could serve as a tool build confidence between the Parties.

Human Rights Officers continued to provide human rights training for incoming military and civilian personnel. The Office also provided seminars on human rights and the law for Ethiopian law enforcement and judicial officials on an ad-hoc basis. These seminars are always well-received and produce requests for more systematic human rights training.

The Human Rights Office organized a second five-day workshop on "Human Rights, Conflict Resolution and the Protection of Vulnerable Groups" in Asmara for key military and civilian staff of UNMEE. The seminar was facilitated jointly by the Legon Center for International Affairs of the University of Ghana and the Scuola Superiore Sant'Anna of Pisa, Italy.

Celebrations of International Human Rights Day at six locations marked the 55th anniversary of the Universal Declaration of Human Rights.

4. Cooperation with partners

The Human Rights Office continued to work closely with the UN Country Teams of Eritrea and Ethiopia on human rights concerns. HRO Asmara continues to chair regular meetings of the UNMEE/UNCT Human Rights Forum to coordinate strategy, information and activities. The office also participates in other working groups of the UNCTs in both Ethiopia and Eritrea, such as the Child Protection Working Group in Asmara, and the UNCT UNDAF Working Group on Human Rights in Addis Ababa, which is chaired by the regional office of the OHCHR.

Building on close ties with the diplomatic community in Addis Ababa, the HRO participated in the Donors' Human Rights Working Group that brings together representatives of diplomatic missions with a specific interest in the advancement of human rights.

5. Impact and achievements

The impact of the human rights promotional activities undertaken by the Human Rights Office is evident. In addition to the increased knowledge and awareness of those taking part, which is reflected both in their work and their interaction with UNMEE, each activity results in many more requests for training, which the office would like to be in a position to meet.

The Human Rights Office continues to work closely with the Force to address human rights concerns, and provide ongoing human rights training for peacekeepers. Specific concerns arising from the work of the peacekeepers have been addressed as they arise, resulting in

increased sensitivity on the part of the peacekeepers to human rights issues and a greater awareness of the needs and concerns of a civilian population in a post-conflict environment.
