



QUESTION & ANSWER SERIES

ERITREA & ETHIOPIA: LARGE-SCALE EXPULSIONS OF POPULATION GROUPS AND OTHER HUMAN RIGHTS VIOLATIONS IN CONNECTION WITH THE ETHIOPIAN-ERITREAN CONFLICT, 1998-2000

[QA/ERI/ETH/02.001]

January 2002

DISTRIBUTED BY:

**INS RESOURCE INFORMATION CENTER
425 I STREET, N.W.
(ULLICO BUILDING, 3RD FLOOR)
WASHINGTON, D.C. 20536**

PRODUCED BY:

**HUGH BYRNE
INDEPENDENT CONSULTANT
SILVER SPRING, MD**

DISCLAIMER

The July 27, 1990 Regulations, “Aliens and Nationality: Asylum and Withholding of Deportation Procedures,” mandated the creation of a new corps of Asylum Officers to provide an initial, nonadversarial adjudication of asylum claims. Asylum Officers use asylum law, interviews with asylum applicants, and relevant information on country conditions to determine the merits of individual claims for asylum. As specified in the Regulations (8 CFR 208.12), as amended, such information may be obtained from “the Department of State, the Office of International Affairs, other Service offices, or other credible sources, such as international organizations, private voluntary agencies, news organizations, or academic institutions.”

Question and Answer series reports are one means by which information on human rights conditions in a country and/or conditions affecting given groups or individuals deemed “at risk” within a given country is presented to Asylum and Immigration Officers. These reports are descriptions of conditions in countries based on information provided by the sources referred to above. They are prepared by expert consultants and/or the staff of the Resource Information Center (RIC), Immigration and Naturalization Service (INS), U.S. Department of Justice (DOJ). This report was researched and written by an expert consultant, Hugh Byrne.

Question and Answer reports cannot be, and do not purport to be, either exhaustive with regard to the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. The inclusion of this report in the Question and Answer Series compiled by the Service does not constitute an endorsement of the information in the report. *The views expressed in the report, therefore, do not necessarily represent statements of policy of the United States Government, nor does this report reflect foreign policy concerns of the United States Government.*

Research for this paper was completed on 20 September 2000.

TABLE OF CONTENTS

| | |
|--|-----------|
| I. FOREWARD..... | 1 |
| II. BACKGROUND..... | 2 |
| III. THE "ETHNIC" QUESTION | 6 |
| IV. THE 1993 REFERENDUM ON ERITREAN INDEPENDENCE | 8 |
| V. EXPULSION OF PEOPLE OF ERITREAN ORIGIN OR HERITAGE FROM ETHIOPIA | 12 |
| A. The Profile of Expelled Persons | 15 |
| B. Expulsions 1998 - 2000 | 20 |
| VI. THE STATUS OF PERSONS EXPELLED FROM ETHIOPIA TO ERITREA..... | 22 |
| A. Reception in Eritrea | 22 |
| B. Residence and Citizenship Status of Persons Expelled to Eritrea | 25 |
| C. Military Conscription of Expelled Persons | 27 |
| VII. THE STATUS OF PERSONS OF ERITREAN ORIGIN OR HERITAGE WHO HAVE REMAINED IN ETHIOPIA | 28 |
| VIII. EXPULSION OF ETHIOPIANS FROM ERITREA..... | 30 |
| IX. POSTSCRIPT | 34 |

A Note on Terminology

A major focus of this Question and Answer Series on the Ethiopian-Eritrean conflict is the removal from Ethiopia of thousands of Eritreans and Ethiopians of Eritrean origin (and also, in the aftermath of the signing of a ceasefire agreement between the two nations in mid-2000, the forcible removal of Ethiopians from Eritrea). The term used in much of the analysis and reporting of these removals of large numbers of people is "deportation." However, deportation connotes a legal process by which a person is required to leave a country. ("Deportation": 1. "the lawful expulsion of an undesired alien or other person from a state," *Random House College Dictionary*, 1975.) The overwhelming evidence in the case of removal of Eritreans from Ethiopia (and, more recently, in the removal of smaller numbers of Ethiopians from Eritrea) points to the absence of any form of due process in the removals. It would appear more accurate, therefore, to use the term "expel/expulsion" to describe these activities and (except where the language of "deportation" is used in the original source) this is the terminology that will be used in this report.

I. FOREWARD

In the period since research for this paper was completed (September 2000), there have been a number of important developments in the relationship between Ethiopia and Eritrea and its implications for the people of both countries.

Ethiopia and Eritrea signed a final peace agreement on 12 December 2000. This agreement called for the freeing of political prisoners and others detained; an investigation of the causes of the conflict; the creation of a commission to investigate claims of loss or damage from those who had suffered as a result of actions of either government; and the creation of a neutral commission to demarcate the boundaries between the two nations.

Despite continuing tensions between the two governments, both parties have taken steps to implement the December 2000 peace agreement. A temporary security zone was established in the disputed border region and both sides have released political prisoners, though hundreds of others still remain in camps. By September 2001, 2,659 civilian Eritreans and 21,072 Ethiopians had been repatriated under the auspices of the International Committee of the Red Cross (ICRC)¹; and 170,000 Eritrean internally displaced persons (IDPs) had returned to their villages, though 70,000 IDPs were still living in temporary camps.²

Finally, in an apparently serious violation of the peace agreement, the Ethiopian government deported 722 Eritreans from Ethiopia in late June 2001, which, according to the ICRC, “was the first involuntary repatriation since the two countries signed an accord to end their border war.”³

¹ “Ethiopia: Release of POWs Halted,” *Africa News* (12 September 2001) - as reported on NEXIS.

² “Ethiopia: Many Internally Displaced Persons Still in Camps, says Report,” *Africa News* (11 September 2001) - as reported on NEXIS.

³ “ICRC concerned over Ethiopia’s forced deportation of Eritreans,” *Agence France Presse* (12 July 2001) - as reported on NEXIS.

II. BACKGROUND

In May 1998, an intense border conflict broke out in the Horn of Africa between Ethiopia and Eritrea. The hostilities surprised most analysts and close observers because the current rulers of both nations had fought side-by-side to overthrow the Ethiopian military regime of Mengistu Haile Mariam in 1991 and had maintained seemingly amicable relations in the subsequent years.⁴

The conflict has cost tens of thousands of lives of combatants in warfare reminiscent of World War One.⁵ Well over a million people have been forced from their homes by the conflict.⁶ The two nations, among the ten poorest on earth, have multiplied their spending on arms, and 250,000 troops faced each other on either side of the border.⁷

Following the outbreak of hostilities, Ethiopian authorities began detaining and expelling Eritreans and Ethiopians of Eritrean origin. Over 60,000 have been expelled; families have been split up, and the property of many of those forced to leave has been auctioned, while the situation of those of Eritrean origin still in Ethiopia is tenuous. There are also recent reports of the

⁴ Prunier, Gérard. November 1998. "The EthioEritrean Conflict: An Essay in Interpretation," UNHCR Refworld, WRITENET Country Papers (November 1998). [Internet] URL:

<<http://www.unhcr.ch/refworld/country/writenet/wrieri02.htm>> [Accessed on 27 May 2000].

⁵ Last, Alex. "Eritrea: 'A Forgotten War'," *British Broadcasting Corporation News Online (World)* (London: 22 July 1999). [Internet] URL: <<http://news.bbc.co.uk>> [Accessed on 30 May 2000]; "Africa's Forgotten War," *The Economist* (London: 8 May 1999). [Internet] URL: <<http://www.economist.com/archive>> [Accessed on 5 June 2000].

⁶ United Nations High Commission for Refugees. "Refugees Daily" (22 May 2000). [Internet] URL: <<http://www.unhcr.ch/refworld/cgi-bin/news/country.pl?country=ethiopia>> [Accessed on 5 June 2000]; "Global Hot Spots: Ethiopia-Eritrea," Policy.com (Washington, DC: 29 May 2000). [Internet] URL:

<<http://www.policy.com/hotspots/detail754.html>> [Accessed on 4 June 2000]; following the intensive fighting in mid-2000, the United Nations High Commission for Refugees estimated that one million Eritreans had been internally displaced as a result of the conflict, 90-95 percent of them women. United States Agency for International Development. "Eritrea--Humanitarian Crisis Fact Sheet #1, Fiscal Year (FY) 2000" (11 September 2000). [Internet] URL: <<http://www.reliefweb.int/w/rwb/nsf/80fa873b88bbc3c12564f6004c8ad5/>> [Accessed on 4 June 2000]; and the United Nations reported that "the Ethiopian government estimated that 349,837 people were displaced from the conflict area in the northern areas of Tigray and Afar as a result of the conflict," including those who had been returned from Eritrea since the start of the fighting. United Nations Country Team in Eritrea. "Updated Appeal for Rehabilitation and Recovery Programmes for Internally Displaced Persons in Ethiopia" (22 August 2000). [Internet] URL: <<http://www.reliefweb.int/w/rwb/nsf/>> [Accessed on 12 September 2000].

⁷ "Global Hot Spots: Ethiopia-Eritrea," Policy.com (Washington, DC: 29 May 2000). [Internet] URL: <<http://www.policy.com/hotspots/detail754.html>> [Accessed on 4 June 2000]; Alex Last. "Eritrea: 'A Forgotten War'," *British Broadcasting Corporation News Online (World)* (London: 22 July 1999). [Internet] URL: <<http://news.bbc.co.uk>> [Accessed 30 May 2000]; Amnesty International. "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict" (London: Amnesty International: 21 May 1999), p. 6. [Internet] URL: <<http://www.amnesty.org/ailib/aipub/1999/AFR/16400099.htm>> [Accessed on 4 June 2000].

detention of Ethiopians in Eritrea,⁸ accusations of atrocities committed against detained Ethiopians, claims that up to 10,000 Ethiopian men remained in detention in July 2000,⁹ reports that Eritrea has also resorted to the forced repatriation of Ethiopians with the expulsion of 92 women from the Red Sea port of Assab to the coast of Djibouti in mid-July,¹⁰ and documented reports of large-scale expulsions of Ethiopians from Eritrea¹¹ since the signing in mid-June 2000 of a fifteen-point Organization of African Unity (OAU) plan to end the conflict.¹² In September 2000 the ceasefire was still in force, and a United Nations fact-finding mission had visited Eritrea and Ethiopia to assess the situation on the ground in preparation for the arrival of a 4,000-strong peacekeeping force to separate the two armies.¹³

The two nations have a complex history and relationship. Eritrea became a political entity when it was occupied by Italy from 1890 to 1941. It was under British Administration from 1941 to 1952 and then was federated with Ethiopia from 1952 until the Ethiopian Emperor Haile Selassie annexed Eritrea and made it a province of Ethiopia in 1962. An armed struggle for independence developed from the early 1960s, first against Emperor Selassie and then against the military regime led by Mengistu Haile Mariam that took power in 1974.¹⁴ The movement that defeated the Mengistu regime was led in Eritrea by the Eritrean People's Liberation Front (EPLF) which drew the bulk of its support from the Tigrean people who are predominantly Eastern Orthodox Christian and speak the Tigrinya language. The EPLF were allies of the Tigray People's Liberation Front (TPLF) from Ethiopia--that also largely drew its support from the

⁸ Nelson, Craig. "Ethiopians Feel Safer in Camp," *Associated Press*, AP Online (6 June 2000) - as reported on NEXIS.

⁹ Bhalla, Nita. "Ethiopian Refugees' Atrocity Tales," *British Broadcasting Corporation News, World: Africa* (London: 7 July 2000). [Internet] URL: <<http://news.bbc.co.uk>> [Accessed on 8 July 2000].

¹⁰ "Eritrea Deports Ethiopian Women to Djibouti Coast," *Agence France Presse* (Paris: 17 July 2000) - as reported on NEXIS.

¹¹ "Ethiopia, Eritrea Urged to Settle on Route for Returning Refugees," *Xinhua News Agency* (8 August 2000), reporting a statement from the International Committee of the Red Cross (ICRC) that 2,700 Ethiopians were sent from a camp 65 kilometers north of Asmara and dropped off 40 kilometers from the front line and had to walk for 18 hours before reaching the border - as reported on NEXIS; and, "Red Cross Reports that Eritrea Forcibly Deporting Ethiopians," AP Worldstream (10 August 2000) - as reported on NEXIS.

¹² "Ethiopia Accepts Peace Accord," *Associated Press* (14 June 2000) - as reported on NEXIS; "Ethiopia-Eritrea Peace Plan," *British Broadcasting Corporation News, World: Africa* (London: 12 June 2000). [Internet] URL: <http://news.bbc.co.uk/hi/english/world/africa/newsid_787000/787602.stm> [Accessed on 14 June 2000].

¹³ "UN Fact-finders Visit Eritrea," *British Broadcasting Corporation News, World: Africa* (London: 7 July 2000). [Internet] URL: <<http://news.bbc.co.uk>> [Accessed on 8 July 2000].

¹⁴ *The Europa World Year Book, 1998*. 39th ed. (London: Europa Publications:1998), p. 1255.

Tigrean ethnic group--and the efforts of both were instrumental in the defeat of Mengistu's forces in 1991. Following an April 1993 referendum, supported by the new Ethiopian government, Eritrea declared independence in May 1993.¹⁵

Eritrea has a population of about 3.9 million, 83 percent of which is rural. About half the population (mainly in the north) is Orthodox Christian; and about half (mainly in the south) is Muslim. There are nine ethnic groups, the largest of which is the Tigray, who make up about half the Eritrean population and provided the leadership of the independence movement.¹⁶ Since independence in 1993, Eritrea's leaders have sought to create a unitary state and to minimize the importance of ethnicity and religion in the politics of the nation.¹⁷

Modern Ethiopia, a country of about 61.7 million people,¹⁸ achieved its independence following the defeat of Italian forces in 1913. About 45-50 percent of the population (mainly in the south) is Muslim, and 35-40 percent Orthodox Christian. There are some 70-80 ethnic groups in the country, with the Oromo (about 40 percent), Amhara (about 30 percent), Tigray (about 14 percent), and Somali (3-4 percent) groups being the four largest.¹⁹ The struggle against the Mengistu regime was led by the Tigrayan people of northern Ethiopia under the leadership of the TPLF, who mobilized effectively among Tigrayan peasants. By the late 1980s the TPLF had inflicted major defeats on the Ethiopian military in close alliance with the EPLF of Eritrea, and the TPLF took power in Ethiopia in 1991. A referendum in Eritrea brought that nation independence in 1993.

Once in power, the TPLF sought to broaden its support beyond the Tigrean people and founded other ethnically based political parties to form the Ethiopian People's Revolutionary

¹⁵ "Referendum '93: The Eritrean People Determine Their Destiny," *Report of the Referendum Commissioner of Eritrea*, (Trenton, NJ: The Red Sea Press Inc.: August 1993); de Waal, Alex. "Rethinking Ethiopia," in Charles Gurdon (ed.) *The Horn of Africa*, (New York: St. Martin's Press: 1994), p. 26; Fukui, Katsuyoshi; Markakis, John. *Ethnicity and Conflict in the Horn of Africa* (London: James Currey Ltd. and Athens: Ohio University Press: 1994), p. 229; Prunier, Gérard. "The EthioEritrean Conflict: An Essay in Interpretation," UNHCR Refworld, WRITENET Country Papers (November 1998). [Internet] URL: <<http://www.unhcr.ch/refworld/country/writenet/wrieri02.htm>> [Accessed on 27 May 2000].

¹⁶ Levinson, David. *Ethnic Groups Worldwide: A Ready Reference Handbook* (Phoenix, AZ: Oryx Press: 1998), p. 130; *The Europa World Year Book, 1998*. 39th ed. (London: Europa Publications: 1998), p. 1255.

¹⁷ Ottaway, Marina. *Africa's New Leaders: Democracy or State Reconstruction*. Carnegie Endowment for International Peace (Washington, D.C.: Brookings Institution Press: 1999), p. 54.

¹⁸ U.S. Department of State. "Ethiopia," *Country Reports on Human Rights Practices for 1999 - Volume 1* (Washington, DC: U.S. Government Printing Office: 25 February 2000), p. 183. [Internet] URL: <http://www.state.gov/www/global/human_rights/1999_hrp_report/ethiopia.html> [Accessed on 4 June 2000].

¹⁹ Levinson, David. *Ethnic Groups Worldwide: A Ready Reference Handbook* (Phoenix, AZ: Oryx Press:1998), pp. 131-132.

Democratic Front (EPRDF). The EPRDF has taken a very different approach to the "ethnic" question than has its counterpart in Eritrea--setting up an ethnically based federation of nine regions, with the major ethnic groups having substantial autonomy within their "own" region, while major political and economic power is still held by the central government.²⁰

While Ethiopian Prime Minister, Meles Zenawi and Eritrean President, Isaias Afewerki have been portrayed as a new younger generation of African leadership that held out hope for the solution of some of the continent's major problems, neither nation fully fits the description of a democracy.²¹ One analyst presents Eritrea as having a political system where "mobilization. . . has taken precedence over democratic participation" while in Ethiopia there is the presence of "democratic form without democratic content."²² In each nation, prior to the outbreak of the border conflict, serious human rights violations persisted though apparently on a lesser level than under previous regimes.

The current conflict between Ethiopia and Eritrea had its origin in disputes over economic issues--following Eritrea's introduction of a new currency, the *nakfa*, in 1997 and its desire for it to trade at parity with the Ethiopian *birr*, and Ethiopia's demand that transactions over \$250 be conducted in US dollars, as well as growing tensions over the location of the border between the two nations.²³ The border dispute erupted following land conflicts between former Ethiopian guerrillas who moved into the Badme region and Eritrean farmers who were already there. In 1997, Ethiopian forces displaced Eritrean administrators and Ethiopia published a map that claimed most of the Badme region as Ethiopian. In May 1998, Eritrean troops seized areas beyond the disputed territories and the conflict exploded into full-scale war.²⁴

²⁰ Ottaway, Marina. "Africa's New Leaders: African Solution or African Problem?" *Current History* (Philadelphia: Vol. 97, No. 619: May 1998), pp. 210-211; Prunier, Gérard. "The EthioEritrean Conflict: An Essay in Interpretation," UNHCR Refworld, WRITENET Country Paper (November 1998). [Internet] URL: <<http://www.unhcr.ch/refworld/country/writenet/wrieri02.htm>> [Accessed on 27 May 2000]; Ottaway, Marina. *Africa's New Leaders: Democracy or State Reconstruction*. Carnegie Endowment for International Peace (Washington, D.C.: Brookings Institution Press: 1999), pp. 65-82; de Waal, Alex. "Rethinking Ethiopia," in Charles Gurdon (ed.) *The Horn of Africa* (New York: St. Martin's Press: 1994), pp. 28-36.

²¹ Ottaway, Marina. "Africa's New Leaders: African Solution or African Problem?" *Current History* (Philadelphia: Vol. 97, No. 619: May 1998), p. 209.

²² Ottaway, Marina. *Africa's New Leaders: Democracy or State Reconstruction*. Carnegie Endowment for International Peace (Washington, D.C.: Brookings Institution Press: 1999), pp. 53 and 77.

²³ Cornwall, Richard. "Africa Watch: Ethiopia and Eritrea: Fratricidal Conflict in the Horn," *African Security Review* (Pretoria, South Africa: Institute for Security Studies: Vol. 7, No. 5, 1998). [Internet] URL: <<http://www.iss.co.za/Pubs/>> [Accessed on 28 May 2000].

²⁴ Smyth, Frank. "Africa's Horn War," Intellectualcapital.com (29 April 1999). [Internet] URL: <<http://www.intellectualcapital.com/issues/issue225/item4237.asp>> [Accessed on 29 May 2000].

The war has been fought on three main fronts, Badme, Zelambessa, and Bure, with tens of thousands of combatants dying and hundreds of thousands of Eritreans and Ethiopians displaced by the fighting. In the two years between the time the fighting began and the signing of a ceasefire agreement in mid-2000, there were persistent and ongoing efforts by the OAU, the United Nations, and U.S. and European diplomats to find a negotiated settlement to the conflict. In mid-June 2000, following major advances on the battlefield by Ethiopian forces, a fifteen-point OAU peace plan was accepted by the two sides.²⁵

III. THE "ETHNIC" QUESTION

In the period since Ethiopia began expelling people of Eritrean origin or heritage to Eritrea, the question whether the expulsions are ethnically motivated or directed has been raised in highly charged debates. Eritrean authorities and supporters have called the expulsions "ethnic cleansing" and have sought to equate Ethiopia's actions with ethnic persecution in the Balkans and elsewhere in the last decade.²⁶ Reports and statements from the U.S. government have referred to actions taken against "ethnic Eritreans"²⁷ and this language has also found its way into press reports.²⁸ The Ethiopian government has denied that its actions are ethnically motivated, and has claimed that the expulsions have been carried out for national security reasons.²⁹

It is important to emphasize that Eritreans do not constitute an ethnic group (any more than do Ethiopians or Americans) and that there is not an "ethnic Eritrean." Eritrea is a multiethnic society with nine ethnic groups. Eritrea did not exist as an entity prior to its colonial demarcation and domination by Italy in 1890. Eritrean nationalism developed during the period of Italian domination and deepened in the thirty-year liberation struggle that began in the early 1960s after Eritrea's annexation by Ethiopia.³⁰ One analyst argues that the "frame of reference"

²⁵ "Ethiopia-Eritrea Peace Plan." *British Broadcasting Corporation News, World: Africa* (London: 12 June 2000). [Internet] URL: <http://news.bbc.co.uk/1/hi/english/world/africa/newsid_787000/787602.stm> [Accessed on 14 June 2000]; "Ethiopia Accepts Peace Accord," *Associated Press* (14 June 2000) - as reported on NEXIS.

²⁶ Mengisteab, Kidane. "Ethiopia's Ethnic Cleansing" (21 July 1999). [Internet] URL: <http://www.primenet.com/~ephrem2/articles/kidane_on_ethnic-cleansing.html> [Accessed on 28 May 2000].

²⁷ U.S. Department of State, Office of the Spokesman. "Ethiopia: Expulsion of Eritreans." Press Statement by James B. Foley (Washington, DC: 6 August 1998).

²⁸ Last, Alex. "Ethiopia Resumes Mass Deportations," *British Broadcasting Corporation News Online, World: Africa* (London: 6 July 1999). [Internet] URL: <<http://news.bbc.co.uk>> [Accessed on 29 May 2000].

²⁹ Government of Ethiopia. "Eritrea's Baseless Accusations" (9 July 1999). [Internet] URL: <<http://www.ethiospokes.net/News/Releases/July99/r0907991.htm>> [Accessed on 28 May 2000].

³⁰ Gilkes, Patrick. "The Effects of Secession on Ethiopia and Somalia," in Charles Gurdon (ed.) *The Horn of Africa* (New York: St. Martin's Press: 1994), pp. 3-4.

of the struggle for Eritrean independence was "a territorial unit carved out by colonialism" and that in an:

. . . effort to resist absorption and subordination of their region into a state controlled by ethnic groups with a monopoly of power and resources . . . regional solidarity evolved into a consciousness of distinct identity that is akin to a national consciousness.³¹

Eritrea, then, is a political entity, a "coalition of ethnic groups sharing a region," rather than an ethnically based entity.³²

However, even if there is not an "ethnic Eritrean," there may still be ethnically based motivations behind the expulsions. The difficulty is, however, that the politically dominant ethnic group in both Eritrea and Ethiopia is the same--Tigreans who share culture, religion, language and a long history, but who differ now in their state allegiance and their interpretation of recent history.³³ As many analysts have pointed out, the leaderships of the two countries are dominated by Tigreans, and President Isaias Afewerki of Eritrea and Prime Minister Meles Zenawi of Ethiopia are second cousins, who even at the height of the war spoke several times a week by telephone.³⁴ According to Gérard Prunier:

The war is a kind of family affair. Apart from the fighting along the road between Addis Ababa and Assab, it was even fought on ethnically homogeneous ground, the disputed areas being entirely populated by Tigrinya-speakers, belonging to the provinces of Tigray on the Ethiopian side and bordering Akele Guzay and Saray provinces on the Eritrean side. In a way, it was more of a civil war among Tigreans than an 'international' war.³⁵

³¹ Fukui, Katsuyoshi; Markakis, John. *Ethnicity and Conflict in the Horn of Africa* (London: James Currey Ltd. and Athens: Ohio University Press: 1994), p. 227.

³² Fukui, Katsuyoshi; Markakis, John. *Ethnicity and Conflict in the Horn of Africa* (London: James Currey Ltd. and Athens: Ohio University Press: 1994), p. 227.

³³ Fukui, Katsuyoshi; Markakis, John. *Ethnicity and Conflict in the Horn of Africa* (London: James Currey Ltd. and Athens: Ohio University Press: 1994), p. 227-231; Prunier, Gérard. "The EthioEritrean Conflict: An Essay in Interpretation," UNHCR Refworld, WRITENET Country Papers (November 1998). [Internet] URL: <<http://www.unhcr.ch/refworld/country/writenet/wrieri02.htm>> [Accessed on 27 May 2000].

³⁴ "Africa's Forgotten War," *The Economist* (London: 8 May 1999). [Internet] URL: <<http://www.economist.com/archive>> [Accessed on 5 June 2000]; Prunier, Gérard. "The EthioEritrean Conflict: An Essay in Interpretation," UNHCR Refworld, WRITENET Country Papers (November 1998), p. 9. [Internet] URL: <<http://www.unhcr.ch/refworld/country/writenet/wrieri02.htm>> [Accessed on 27 May 2000].

³⁵ Prunier, Gérard. "The EthioEritrean Conflict: An Essay in Interpretation," UNHCR Refworld, WRITENET Country Papers (November 1998), p. 2. [Internet] URL: <<http://www.unhcr.ch/refworld/country/writenet/wrieri02.htm>> [Accessed on 27 May 2000].

The evidence is that the political leadership that ordered the expulsion of Eritreans is largely from the Tigrean ethnic group, "about two-thirds of the EPRDF fighters are TPLF [a fundamentally Tigrean organization]; and the same is true of the political leadership,"³⁶ and the bulk of those directing the detentions and deportations were Tigrean according to an Eritrean study.³⁷ Moreover, since there is no evidence that the expulsions were specifically directed against non-Tigrean Eritreans, it can be reasonably inferred that the expulsions were directed either against Eritreans in general (of whatever ethnic group they might be)--which would be targeting based on nationality rather than ethnicity--or against Tigrean Eritreans--which would be Tigreans violating the rights of other Tigreans--more akin to the "family affair," cited above from Prunier.

Clearly, ethnicity is a major element in Ethiopian politics and in the expulsions--taking such action against Eritreans (including people from the same Tigrean ethnic group as the Ethiopian leaders themselves) allows the TPLF/EPRDF leaders to consolidate support among other ethnic groups (the Amhara, particularly) and present themselves as a truly "national" leadership.³⁸ But this does not make the expulsions into "ethnic cleansing" or turn the nine ethnic groups in Eritrea into one "ethnic Eritrean." From the standpoint of clarity and objectivity, it would hence appear more helpful to use the term "Eritreans and Ethiopians of Eritrean origin" in describing those expelled from Ethiopia rather than "ethnic Eritreans."

IV. THE 1993 REFERENDUM ON ERITREAN INDEPENDENCE

The 1993 referendum on Eritrean independence resulted from the defeat of the Mengistu military regime by the Eritrean People's Liberation Front (EPLF) that fought to free Eritrea from Ethiopian domination; and the Tigrean People's Liberation Front (TPLF) that led the struggle of the Ethiopian opposition to the Mengistu regime and is now a core of the leadership of the current Ethiopian government. According to Gérard Prunier, senior researcher at the National

³⁶ de Waal, Alex. "Rethinking Ethiopia," Charles Gurdon (ed.) *The Horn of Africa* (New York: St. Martin's Press: 1994), p. 29.

³⁷ Legesse, Asmarom. *The Uprooted: A Scientific Survey of Ethnic Eritrean Deportees from Ethiopia Conducted with Regard to Human Rights Violations* (22 February 1999), p. 36. [Internet] URL: <<http://www.primenet.com/~ephrem2/legesse/uprooted2.html>> [Accessed on 29 May 2000].

³⁸ "Africa's Forgotten War," *The Economist* (London: 8 May 1999). [Internet] URL: <<http://www.economist.com/archive>> [Accessed on 5 June 2000].

Center for Scientific Research in Paris, the two parties secretly agreed in 1988 that once Mengistu was overthrown:

. . .the TPLF would assume power in Addis Ababa and accept a referendum on independence in Eritrea. The agreement was. . . perfectly adhered to. The referendum was held in Eritrea in 1993 and the new Ethiopian regime immediately recognized the independence of its former province.³⁹

Registration to vote in the 1993 referendum was tied to verification of Eritrean nationality; and establishment of nationality and registration to vote took place in tandem. To be eligible to vote, a person had to be an Eritrean as defined by the Nationality Law of Eritrea (Proclamation No. 21/1992). To be an Eritrean national a person had to be born to a father or mother of Eritrean origin--which was defined as a person who was resident in Eritrea in 1933. Nationality could also be established "by naturalization" for those who entered and resided in Eritrea between 1934 and 1951 and with greater restrictions (including ability to speak an Eritrean language, being domiciled for ten years in Eritrea before 1974, and having the intention to be permanently domiciled in Eritrea) for those entering and residing in Eritrea after 1952.⁴⁰ "All Eritreans were eligible to register to vote at designated places in Eritrea or abroad" and in order to register, they had to produce a valid Eritrean nationality (ID) card, be over eighteen and without a criminal conviction.⁴¹ In order to receive an Eritrean nationality card, a person claiming to be entitled to vote in the 1993 referendum had to fill out a detailed form and give information on current residence; religious affiliation; details on parents and grandparents; specify the basis on which s/he was claiming Eritrean nationality; and provide three people of Eritrean citizenship who would testify to the authorized official that the person was who s/he claimed to be and that the statements made were true. The statements of the witnesses had to be signed before the authorized official. Registration forms for applicants outside of Eritrea were processed through the provisional government's offices in major cities. Individuals were appointed in different communities to be responsible for distributing and collecting the forms,

³⁹ Prunier, Gérard. "The EthioEritrean Conflict: An Essay in Interpretation," UNHCR Refworld, WRITENET Country Papers (November 1998), p. 1. [Internet] URL: <http://www.unhcr.ch/refworld/country/writenet/wrieri02.htm> [Accessed on 27 May 2000].

⁴⁰ "Referendum '93: The Eritrean People Determine Their Destiny," *Report of the Referendum Commissioner of Eritrea* (Trenton, NJ: The Red Sea Press Inc.: August 1993), pp. 118-122.

⁴¹ "Referendum '93: The Eritrean People Determine Their Destiny," *Report of the Referendum Commissioner of Eritrea* (Trenton, NJ: The Red Sea Press Inc.: August 1993), pp. 23-24.

publicizing the election, and finding appropriate places for the voting to take place. (In Washington, DC, for example, referendum voting took place in the gymnasium/auditorium at American University.) In Addis Ababa and other towns within Ethiopia the Ethiopian government supported the carrying out of the referendum, for example by allowing schools to be used for balloting.⁴²

There was just one question on the ballot: "Do you approve Eritrea to become an independent and sovereign state?"⁴³

The total number of registered voters in the referendum was 1,173,706. Of this number, 1,156,280 participated in the voting. 99.8 percent of those voting cast a 'yes' vote. 57,710 persons resident in Ethiopia voted in the 1993 Eritrean referendum on independence--57,466 (99.5%) voted 'yes'; 204 voted 'no'; and 40 ballots were invalid. The United Nations sent a mission to Eritrea to observe the elections and found them to have been "free and fair at every stage."⁴⁴

Following the outbreak of conflict between Ethiopia and Eritrea in May 1998, the question of who voted in the 1993 referendum became a critical issue in the expulsion process and in the mutual recriminations between the two states--though it had not been an issue in the previous five years. One of the questions most frequently asked of potential deportees was "Did you vote in the 1993 referendum?"⁴⁵ An affirmative answer was sufficient basis for expulsion in the eyes of Ethiopian authorities.

The Ethiopian government argued that the individuals who were expelled were citizens of Eritrea rather than Ethiopia because they registered to vote in the 1993 referendum and thereby renounced their Ethiopian citizenship--since, the Ethiopian authorities claimed, registration to

⁴² Vicky Rentmeesters. Information Officer, Embassy of Eritrea (Washington, DC)]. Telephone interview (12 September 2000).

⁴³ "Referendum '93: The Eritrean People Determine Their Destiny," *Report of the Referendum Commissioner of Eritrea* (Trenton, NJ: The Red Sea Press Inc.: August 1993), p. 183.

⁴⁴ "Referendum '93: The Eritrean People Determine Their Destiny," *Report of the Referendum Commissioner of Eritrea* (Trenton, NJ: The Red Sea Press Inc.: August 1993), p. 183, 188 and 193.

⁴⁵ Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998* (Connecticut: Yale School of Law: 1999). [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/Klein.html>> [Accessed on 19 November 1999]; Legesse, Asmarom. *The Uprooted: A Scientific Survey of Ethnic Eritrean Deportees from Ethiopia Conducted with Regard to Human Rights Violations* (22 February 1999), p. 25. [Internet] URL: <<http://www.primenet.com/~ephrem2/legesse/uprooted2.html>> [Accessed on 29 May 2000]; United Nations Development Programme (Asmara, Eritrea). "Update on Deportees: 12-19 July 1998" (19 July 1998), p. 7. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/UNDP.html>> [Accessed on 28 May 2000].

vote connoted acceptance of Eritrean citizenship and Ethiopia does not permit dual citizenship. Both governments, the Ethiopian authorities argued, recognized that participation in the referendum signified acceptance of Eritrean citizenship long before the current conflict began; and thus Ethiopia had a legal right to deport Eritreans deemed to be a risk to national security because "they are citizens of a foreign country."⁴⁶

Amnesty International argued that:

Although those expelled had identity cards, which entitled them to vote in the referendum, and were entitled to take up Eritrean citizenship if they wished, they had not formally done so, and so had not formally renounced their Ethiopian citizenship.⁴⁷

The human rights group concluded that the "removal of Ethiopian citizenship and expulsion of people of Eritrean origin is a clear breach of international law."⁴⁸

Natalie S. Klein in her study of the forced expulsions argued that:

...at no point during the independence process was it suggested that persons whose family traced its roots to the Eritrean part of Ethiopia would automatically lose their legal status as Ethiopian citizens simply by virtue of the fact that Eritrea became an independent state. Neither was it ever suggested that the price of participating in the independence referendum was an automatic loss of Ethiopian citizenship.⁴⁹

Thus, there "is no legal basis for any Ethiopian government claim that it is 'foreigners' who are being deported."⁵⁰

An assessment from Human Rights Watch, confronting the Ethiopian government's argument that only those who had opted for Eritrean citizenship were eligible to vote in the referendum, argued that "such a choice would have been contingent upon, and meaningful only

⁴⁶ Government of Ethiopia. "Eritrea's Baseless Accusations" (9 July 1999). [Internet] URL: <http://www.ethiospokes.net/News/Releases/July99/r0907991.htm> [Accessed on 28 May 2000].

⁴⁷ Amnesty International. "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict." (London: Amnesty International: 21 May 1999), pp. 15-16. [Internet] URL: <http://www.amnesty.org/ailib/aipub/1999/AFR/16400099.htm> [Accessed on 4 June 2000].

⁴⁸ Amnesty International. "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict." (London: Amnesty International: 21 May 1999), pp. 15-16. [Internet] URL: <http://www.amnesty.org/ailib/aipub/1999/AFR/16400099.htm> [Accessed on 4 June 2000].

⁴⁹ Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998* (Connecticut: Yale School of Law: 1999), p. 9. [Internet] URL: <http://www.primenet.com/~ephrem2/newscom2/Klein.html> [Accessed on 19 November 1999].

after being ratified by each individual after Eritrea had gained independence." Moreover, "Ethiopian authorities failed to declare at the time of the referendum that participation in it would constitute a formal renunciation of Ethiopian nationality." Those persons expelled were thus "being retroactively punished for an act that the Ethiopian government had at the time facilitated and encouraged."⁵¹

V. EXPULSION OF PEOPLE OF ERITREAN ORIGIN OR HERITAGE FROM ETHIOPIA

In June 1998, Ethiopian authorities began expelling people of Eritrean origin or heritage from Ethiopia to Eritrea, following the outbreak of a border conflict between the two nations on 6 May 1998. Amnesty International reported that:

On 12 June 1998, the government of Ethiopia announced that officials of the Eritrean government and ruling party were required to leave the country. The government also announced that individual Eritreans found spying and mobilizing financial resources to support Eritrea in its war with Ethiopia would be expelled and sent to Eritrea. At the time of the announcement the government estimated that this affected 1,045 Eritreans. On 11 July 1998, Ethiopia announced that another 1,000 Eritreans would be expelled for the same reasons of national security.⁵²

Ethiopian government statements emphasized that the expulsions were focused on those who were deemed a security risk because they were former Eritrean People's Liberation Front (EPLF) combatants, functionaries of the EPLF office and other party interests in Addis Ababa or individuals engaged in spying and those "contributing financial and material support to Eritrea's war effort."⁵³

Between June 1998 and February 1999 when hostilities resumed, a total of 54,000 people of Eritrean origin were detained and expelled, according to Amnesty International. Orders for

⁵⁰ Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998* (Connecticut: Yale School of Law: 1999), p. 9. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/Klein.html>> [Accessed on 19 November 1999].

⁵¹ Human Rights Watch. *World Report 2000*. (New York, Washington, London, Brussels: Human Rights Watch: 1999), p. 44.

⁵² Amnesty International. "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict" (London: Amnesty International: 21 May 1999), p. 13. [Internet] URL: <<http://www.amnesty.org/ailib/aipub/1999/AFR/16400099.htm>> [Accessed on 4 June 2000].

⁵³ "Ethiopian Foreign Minister Explains Deportations," *British Broadcasting Corporation News Online (World)* (London: 22 June 1998). [Internet] URL: <http://news.bbc.co.uk/low/english/world/monitoring/newsid_117000/117379.stm> [Accessed on 29 May 2000].

the expulsion of Eritreans and Ethiopians of Eritrean origin came from the Security, Immigration and Refugee Affairs Authority of the Ethiopian Government in Addis Ababa.⁵⁴

People were arrested, mainly at night, and detained for periods ranging from one or two days to several months.⁵⁵ They were transported on crowded buses to the Eritrean border--a journey that usually lasted at least three days, but often took longer--with the provision of food and water "minimal or non-existent."⁵⁶ Few of those forced to leave Ethiopia were able to bring anything with them--such as clothes, money, or personal documents--and where they had been able to gather their documents, these were in many cases taken from them by Ethiopian officials.⁵⁷ Families were "deliberately and systematically split up" and expelled in different groups, months apart⁵⁸ and among 250 deportees interviewed by a United Nations Development Programme delegation, no intact families were found.⁵⁹ On reaching the border, those expelled were forced to walk across, often under arduous, frightening and dangerous conditions.⁶⁰

There were no hearings to determine the merits of the expulsions, and those forced to leave were not given access to counsel or any meaningful opportunity to register protests.⁶¹ The

⁵⁴ U.S. Department of State. "Ethiopia," *Country Reports on Human Rights Practices for 1999 - Volume 1*. Washington, DC: U.S. Government Printing Office: 25 February 2000), p. 188. [Internet] URL:

<http://www.state.gov/www/global/human_rights/1999_hrp_report/ethiopia.html> [Accessed on 4 June 2000].

⁵⁵ Amnesty International. "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict." London: Amnesty International: 21 May 1999), p. 14. [Internet] URL:

<<http://www.amnesty.org/ailib/aipub/1999/AFR/16400099.htm>> [Accessed on 4 June 2000]; Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998* (Connecticut: Yale School of Law: 1999), p. 4. [Internet] URL:

<<http://www.primenet.com/~ephrem2/newscom2/Klein.html>> [Accessed on 19 November 1999].

⁵⁶ Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998* (Connecticut: Yale School of Law:1999), p. 22. [Internet] URL:

<<http://www.primenet.com/~ephrem2/newscom2/Klein.html>> [Accessed on 19 November 1999].

⁵⁷ United Nations Development Programme (Asmara, Eritrea). "Update on Deportees: 12-19 July 1998" (19 July 1998), p. 5. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/UNDP.html>> [Accessed on 28 May 2000].

⁵⁸ Amnesty International. "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict" (London: Amnesty International: 21 May 1999), p. 14. [Internet] URL:

<http://www.amnesty.org/ailib/aipub/1999/AFR/16400099.htm> [Accessed on 4 June 2000].

⁵⁹ United Nations Development Programme (Asmara, Eritrea). "Update on Deportees: 12-19 July 1998" (19 July 1998), p. 4. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/UNDP.html>> [Accessed on 28 May 2000].

⁶⁰ Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998* (Connecticut: Yale School of Law: 1999), p. 4. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/Klein.html>> [Accessed on 19 November 1999].

⁶¹ U.S. Department of State. "Ethiopia," *Country Reports on Human Rights Practices for 1999 - Volume 1* (Washington, DC: U.S. Government Printing Office: 25 February 2001), p. 188. [Internet] URL:

<http://www.state.gov/www/global/human_rights/1999_hrp_report/ethiopia.html> [Accessed on 4 June 2000];

Amnesty International. "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict" (London: Amnesty

expulsions involved substantial confiscation of property of those expelled. As well as personal possessions taken from individuals during the expulsion process, those forced to leave lost substantial economic assets--shops, homes, businesses--that were taken over by Ethiopian authorities.⁶² After being expelled, the property of a number of Eritreans was auctioned to pay taxes or other debts, or in some cases was illegally acquired by other people.⁶³ In early 1999, property, vehicles and factories belonging to two-hundred expelled Eritreans was to be auctioned to recover over forty-million dollars worth of debt⁶⁴ and in late 1999 property belonging to 386 expelled Eritreans--including houses, garages and warehouses--was put up for auction to recover \$50 million in loans said to be owed by those forced out of Ethiopia.⁶⁵

"The expulsion of people of Eritrean origin was often carried out in an inhumane manner that amounts to cruel, inhuman or degrading treatment," according to Amnesty International's investigation.⁶⁶ The expulsions were protested by the U.S. government which found "fundamental humanitarian and human rights concerns raised by the forcible separation of families, the undue hardships of those detained or expelled to Eritrea, and the financial losses caused by sudden expulsions," and called on the Ethiopian government to "follow appropriate due process in handling its security concerns."⁶⁷ The United Nations High Commissioner for Human Rights expressed deep concern at the "violation of human rights of Eritrean nationals

International: 21 May 1999), pp. 15-16. [Internet] URL:

<<http://www.amnesty.org/ailib/aipub/1999/AFR/16400099.htm>> [Accessed on 4 June 2000].

⁶² Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998* (Connecticut: Yale School of Law:1999), p. 16. [Internet] URL:

<<http://www.primenet.com/~ephrem2/newscom2/Klein.html>> [Accessed on 19 November 1999]; Stewart, Julia.

"Ethiopian Government Under Fire for Deportation of Eritrean Businessmen," *The Birmingham Post* (Birmingham, England: 7 November 1998) - as reported on NEXIS); Pearce, Justin. "Plight of the Stranded Eritreans," *British Broadcasting Corporation News, World: Africa* (London: 4 November 1999). [Internet] URL:

<<http://news.bbc.co.uk/hi/english/world/africa/newsid%SF504000/504784.stm>> [Accessed on 29 May 2000].

⁶³ Amnesty International. "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict" (London: Amnesty International: 21 May 1999), p. 14. [Internet] URL:

<<http://www.amnesty.org/ailib/aipub/1999/AFR/16400099.htm>> [Accessed on 4 June 2000].

⁶⁴ "Ethiopian Auction of Eritrean Property," *British Broadcasting Corporation News Online, World : Africa* (London: 9 January 1999). [Internet] URL:

<http://news.bbc.co.uk/low/english/world/africa/newsid_251000/251885.stm> [Accessed on 30 May 2000].

⁶⁵ Bhalla, Nita. "Ethiopia Auctions Eritreans' Property," *British Broadcasting Corporation News, World: Africa* (London: 20 December 1999). [Internet] URL: <<http://news.bbc.co.uk/>> [Accessed on 30 May 2000].

⁶⁶ Amnesty International. "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict" (London: Amnesty International: 21 May 1999), p. 14. [Internet] URL:

<<http://www.amnesty.org/ailib/aipub/1999/AFR/16400099.htm>> [Accessed on 4 June 2000].

⁶⁷ U.S. Department of State, Office of the Spokesman (Washington, DC). "Ethiopia: Expulsion of Eritreans." Press Statement by James B. Foley (6 August 1998). [Accessed on 28 May 2000].

being expelled from Ethiopia" and termed the expulsions "serious violations of the rights and freedoms set forth in the Universal Declaration of Human Rights."⁶⁸

In January 2000, the BBC reported a statement from the Eritrean Foreign Ministry stating that Ethiopia's prime minister had given a pledge to the president of the International Committee of the Red Cross (ICRC) in August 1999 to "refrain from further deportations."⁶⁹ However, there were news reports of the expulsion of 1,700 Eritreans in late October 1999⁷⁰ and Eritrean authorities claimed Ethiopia expelled 1,500 "ethnic Eritreans" on Christmas morning (25 December) 1999⁷¹--a claim found to be "convincing" by a representative of Amnesty International who had investigated the earlier expulsions.⁷²

A. The Profile of Expelled Persons

Prior to the outbreak of hostilities between Ethiopia and Eritrea in May 1998, there were (by most estimates) between 200,000 and 500,000 people of Eritrean origin or heritage living in Ethiopia.⁷³ They were well integrated into Ethiopian society, with significant intermarriage with Ethiopians (as seen in the numbers of families split between an expelled Eritrean spouse and an Ethiopian partner who was not forced to leave.⁷⁴) They were one of the most "economically important components of the population of Addis Ababa"⁷⁵ especially in "key sectors such as transportation, construction, garages and electronics."⁷⁶ People of Eritrean origin or heritage

⁶⁸ United Nations. "High Commissioner for Human Rights Expresses Deep Concern at Continuing Expulsion of Eritrean Nationals from Ethiopia." Press Release (New York: United Nations: 1 July 1998). [Internet] URL: <<http://www.unhchr.ch>> [Accessed on 28 May 2000].

⁶⁹ "Ethiopia Deports 1,000 Eritreans." Report by Eritrean news agency Erina on 10 November 1999, *British Broadcasting Corporation Worldwide Monitoring* (London: 28 January 2000) - as reported on NEXIS.

⁷⁰ "Storm over Eritreans' Repatriation," *British Broadcasting Corporation News, World: Africa* (London: 29 October 1999). [Internet] URL: <http://news.bbc.co.uk/hi/english/world/africa/newsid_493000/493424.stm> [Accessed on 29 May 2000].

⁷¹ Government of Eritrea. Ministry of Foreign Affairs (27 December 1999). [Internet] URL: <http://www.visafric.com/news/1999/News_Dec99/fresh_expulsions_on_christmasmin.htm> [Accessed on 29 May 2000].

⁷² Hill, Martin. Representative, Amnesty International (London). Telephone Interview (17 July 2000).

⁷³ 550,000 (*Birmingham Post*, 7 November 1998); 300,000 (Negash, Tekeste. *Eritrea and Ethiopia: The Federal Experience* (New Brunswick, NJ: Transaction Publishers, 1997), p. 175; 250,000-500,000 (UN, IRIN 1998); 400,000 (U.S. Department of State, 1 April 1999); 200,000 (*The Economist*, 8 May 1999); 200,000 (BBC News, 15 August 1999); 150,000-200,000 (UN, IRIN News Brief, March 2000).

⁷⁴ Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998* (Connecticut: Yale School of Law, 1999), p. 13-15. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/Klein.html>> [Accessed on 19 November 1999].

⁷⁵ Henze, Paul. "The Primacy of Economics for the Future of the Horn of Africa," in Charles Gurdon (ed.) *The Horn of Africa* (New York: St. Martin's Press, 1994), p. 15.

⁷⁶ Stewart, Julia. "Ethiopian government Under Fire for Deportation of Eritrean Businessmen," *The Birmingham Post* (Birmingham, England: 7 November 1998) - as reported on NEXIS.

were active in many walks of Ethiopian life and in many regions of the country, as is demonstrated by the professions and regions of those interviewed after expulsion.⁷⁷

The Ethiopian government claimed to be carrying out the detention and expulsion of Eritreans for "national security" reasons. But while the initial detentions may have targeted people who were "political activists,"⁷⁸ once the expulsions began the net was cast very broadly to include almost anyone with family connections to Eritrea or any actions that could be construed as support for that nation. The Ethiopian government gave a broad interpretation of "security risks" to include people who had served the Eritrean government; performed national service in Eritrea; been members of the EPLF or Eritrean community groups; participated in activities in Eritrea; raised funds for Eritrea or "helped Eritrea in any way."⁷⁹ But the criteria for expulsion appear to have been even broader and more indiscriminate.

The questions asked of those forced to leave prior to detention and expulsion were, according to one investigation "whether they or one of their parents or grandparents was born in Eritrea; whether they had voted in the [1993] referendum [on Eritrean independence], whether they held an Eritrean identity card; whether they had undertaken national service, whether they were 'spies' for the Eritrean government."⁸⁰ Another report based on interviews with those expelled identified the justifications for expulsion as including Eritrean citizenship; voting in the 1993 referendum; membership of Eritrean communities in Ethiopia; membership of the Eritrean ruling party, the People's Front for Democracy and Justice (PFDJ); and making monetary

⁷⁷ Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998* (Connecticut: Yale School of Law, 1999), p. 16-18. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/Klein.html>> [Accessed on 19 November 1999]; United Nations Development Programme (Asmara-Eritrea). "Update on Deportees: 12-19 July 1998" (19 July 1998), p. 4. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/UNDP.html>> [Accessed on 28 May 2000]; Legesse, Asmarom. *The Uprooted: A Scientific Survey of Ethnic Eritrean Deportees from Ethiopia Conducted with Regard to Human Rights Violations* (22 February 1999), p. 5-6. [Internet] URL: <<http://www.primenet.com/~ephrem2/legesse/uprooted2.html>> [Accessed on 29 May 2000].

⁷⁸ Pearce, Justin. "Plight of the Stranded Eritreans," *British Broadcasting Corporation News, World: Africa* (London: 4 November 1999). [Internet] URL: <<http://news.bbc.co.uk/hi/english/world/africa/newsid%SF504000/504784.stm>> [Accessed on 29 May 2000].

⁷⁹ Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998* (Connecticut: Yale School of Law: 1999), p. 11, citing Ethiopian Embassy representative in Eritrea. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/Klein.html>> [Accessed on 19 November 1999].

⁸⁰ Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998*. (Connecticut: Yale School of Law, 1999), p. 19. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/Klein.html>> [Accessed on 19 November 1999].

contribution to Eritrean development programs.⁸¹ A third study based on interviews with people expelled from Ethiopia included the above justifications (except citizenship) along with participation in summer development programs in Eritrea, possession of firearms, participation in Eritrean national service, and making visits to Eritrea, as justifying expulsion.⁸²

Given the high level of integration of people of Eritrean heritage into Ethiopian society, and the reality that many Eritreans and (particularly Tigrean) Ethiopians share the same language, culture, and religion, how are people identified for detention and expulsion? There is very little evidence in the reports from human rights groups, academics, and other institutions or agencies that have monitored the expulsion of Eritreans that racial or ethnic profiling has been used in the identification of Eritreans for expulsion from Ethiopia. While there are ethnic groups within Eritrea who would be more identifiable ethnically (e.g., Rashaida, Hedareb, Kunama, Nara, Bilen), these are people who would have been much less likely to move to Ethiopia.⁸³ With the majority of Eritreans or Ethiopians of Eritrean origin or descent living in Ethiopia there would be no physical means of identifying a person as Eritrean, and no significant difference in customs, dress or food eaten. Neither would family or given names be particularly revealing. Rather, since many communities were fairly stable (prior to the upheaval of the armed conflict), neighbors, friends and co-workers would tend to know something of each others' family background, and, prior to the Ethiopian-Eritrean war, there was no reason for people of Eritrean heritage to hide their origins. It would then be relatively straightforward for Ethiopian authorities (assisted by neighborhood committees, or *kebelles*) to identify Eritreans for expulsion from the country. Ethiopian authorities would also have had access to information from forms that people filled in requiring background information (for licenses, certificates, etc.), though there is not evidence of the use of such information as the basis for apprehension and expulsion.⁸⁴ Natalie S. Klein argues that:

⁸¹ United Nations Development Programme (Asmara-Eritrea). "Update on Deportees: 12-19 July 1998" (19 July 1998), p. 7. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/UNDP.html>> [Accessed on 28 May 2000].

⁸² Legesse, Asmarom. *The Uprooted: A Scientific Survey of Ethnic Eritrean Deportees from Ethiopia Conducted with Regard to Human Rights Violations* (22 February 1999), p. 25. [Internet] URL: <<http://www.primenet.com/~ephrem2/legesse/uprooted2.html>> [Accessed on 29 May 2000].

⁸³ Rentmeesters, Vicky. Information Officer, Embassy of Eritrea (Washington, DC). Telephone Interview (12 September 2000).

⁸⁴ In an interview with the Information Officer at the Embassy of Eritrea a possible parallel was drawn between the situation of many Eritreans living in Ethiopia and, for example, a person of Irish family background born and raised

...such identification of Eritrean national origin is not difficult. One person forced to leave explained that it would be well known to the *kebele* (local neighborhood authorities) that a person is Eritrean--due to the person's language, friends and/or community group involvement. Informants in the *kebele* could easily notify the police of the identity of Eritreans and Ethiopians of Eritrean origin.⁸⁵

People expelled from Ethiopia told of meetings throughout the country which people of Eritrean origin or descent were "required to attend and register as Eritreans with their local *kebele*."⁸⁶ In another study, 20 percent of those expelled reported that neighbors had reported them to security authorities for deportation, 6.8 percent said they were reported by co-workers, and 4.1 percent by friends.⁸⁷

Those expelled came from many walks of life. One group of about 250 forced to leave Ethiopia, interviewed by a UN delegation, included many people over 60 and people retired from business or civil service. There were teachers, mechanics, shop owners, and managers, lecturers, a physician, and two Catholic priests. Many of the men had been born in Ethiopia, had never been to Eritrea, and did not speak Tigrinya, the main language of Eritrea. Many had voted in the Eritrean referendum of 1993; some had not. All reported having voted in the [1998] Ethiopian elections. All reported being Ethiopian citizens.⁸⁸ A separate group containing 1,987 adult Eritreans and 511 children included business people, garage owners, traders, civil servants, retirees, farmers, and priests rounded up in various cities, towns, and villages in Ethiopia.⁸⁹

in London. In each case, race, ethnicity, differences in customs and language or accent would not be obvious or conclusive regarding origins, while in a close-knit community general awareness of a family's national origins would be quite likely. (In the Irish case, family name and religion could also be somewhat revealing, though far from conclusive.) This parallel was found to be a relatively useful one. Rentmeesters, Vicky. Information Officer, Embassy of Eritrea (Washington, DC). Telephone Interview (12 September 2000).

⁸⁵ Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998* (Connecticut: Yale School of Law, 1999), p. 11. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/Klein.html>> [Accessed on 19 November 1999].

⁸⁶ Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998* (Connecticut: Yale School of Law, 1999), p. 11. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/Klein.html>> [Accessed on 19 November 1999].

⁸⁷ Legesse, Asmarom. *The Uprooted: A Scientific Survey of Ethnic Eritrean Deportees from Ethiopia Conducted with Regard to Human Rights Violations* (22 February 1999), p. 15-16. [Internet] URL: <<http://www.primenet.com/~ephrem2/legesse/uprooted2.html>> [Accessed on 29 May 2000].

⁸⁸ United Nations Development Programme (Asmara-Eritrea). "Update on Deportees: 12-19 July 1998" (19 July 1998), p. 4. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/UNDP.html>> [Accessed on 28 May 2000].

⁸⁹ United Nations Development Programme (Asmara-Eritrea). "Update on Deportees: 12-19 July 1998" (19 July 1998), p. 7. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/UNDP.html>> [Accessed on 28 May 2000].

According to Amnesty International, "Most of the Eritreans ordered to be expelled were born, or long resident, in Ethiopia, held Ethiopian passports and had lived or worked in Ethiopia all, or most of their lives."⁹⁰ Ethiopian government officials claimed that people of Eritrean origin who registered to vote in the Eritrean Referendum of 1993:

. . . thereby forfeited their Ethiopian citizenship [since Ethiopia does not permit dual citizenship]. Although those expelled had identity cards, which entitled them to vote in the referendum, and were entitled to take up Eritrean citizenship if they wished, they had not formally done so, and so had not formally renounced their Ethiopian citizenship.⁹¹

The human rights organization concluded that "a huge number of Eritreans expelled from Ethiopia had their Ethiopian citizenship arbitrarily removed and were illegally and forcibly deported and sent into exile" in "breach of international law."⁹² Similarly, a Human Rights Watch investigator expressed the concern that the expulsions by Ethiopia had rendered stateless many of those expelled.⁹³

The criteria for expulsion of Eritreans and Ethiopians of Eritrean origin to Eritrea were extremely broad and relatively indiscriminate: family origin of the deportee (self, father or grandfather born in Eritrea) and/or a minimal level of activity that in the mind of Ethiopian authorities signified allegiance to Eritrea (such as participation in summer tree planting programs, membership in Eritrean community associations, or participation in the 1993 referendum).⁹⁴ While the issue of ethnicity and particularly "ethnic cleansing" has figured prominently in the mutual recriminations between the contending states and their supporters, there is little evidence in news or human rights reports to support charges of targeting based on

⁹⁰ Amnesty International. "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict" (London: Amnesty International: 21 May 1999), p. 15. [Internet] URL: <<http://www.amnesty.org/ailib/aipub/1999/AFR/16400099.htm>> [Accessed on 4 June 2000].

⁹¹ Amnesty International. "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict" (London: Amnesty International: 21 May 1999), p. 15. [Internet] URL: <<http://www.amnesty.org/ailib/aipub/1999/AFR/16400099.htm>> [Accessed on 4 June 2000].

⁹² Amnesty International. "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict" (London: Amnesty International: 21 May 1999), p. 15. [Internet] URL: <<http://www.amnesty.org/ailib/aipub/1999/AFR/16400099.htm>> [Accessed on 4 June 2000].

⁹³ Ali Baldo, Suliman. Representative, Human Rights Watch/Africa (New York). Telephone Interview (10 July 2000).

⁹⁴ See, for example, Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998* (Connecticut: Yale School of Law, 1999), p. 4. URL: <<http://www.primenet.com/~ephrem2/newscom2/Klein.html>> [Accessed on 19 November 1999].

ethnicity of the victim *per se*, and much evidence of egregious human rights violations targeted toward people seen to be associated with the political entity of Eritrea.⁹⁵

However, while the expulsions covered a broad spectrum of the Eritrean population of Ethiopia in terms of region of residence, age, gender, and occupation, the available evidence points to an important economic component to the expulsions, particularly in the targeting of the business community. News reports in the first weeks of the expulsions stated that many of those arrested and expelled as "spies" were well-known businessmen who ran transport companies and retail shops.⁹⁶ Reports later that year cited an aid official who believed that wealthier Eritreans were the first targets for deportation.⁹⁷ A study carried out for Citizens for Peace in Eritrea concluded that "[t]he Ethiopian authorities expel a disproportionately large number of males of retirement age or retirees on pensions who are an economic burden on the regime."⁹⁸ Finally, in her report on the expulsions, Natalie S. Klein states that "[i]nterviews conducted with a range of deportees indicate that the police purposely target particular people with certain assets. Large companies, hotels and trucks have commonly been taken."⁹⁹

One analyst has argued that the "policy of expulsion has a perverse appeal to the Ethiopian leadership: the expulsions impose resettlement costs on Eritrea, provide revenue in the form of expropriated properties, and unite other Ethiopians against an enemy in their midst."¹⁰⁰

B. Expulsions 1998 - 2000

The vast majority of the expulsions took place between June 1998 and February 1999 (54,000 according to Amnesty International). In early July 1999, another 3,000 people were

⁹⁵ See, for example, Government of Ethiopia. "Eritrea's Baseless Accusations" (9 July 1999). [Internet] URL: <<http://www.ethiospokes.net/News/Releases/July99/r0907991.htm>> [Accessed on 28 May 2000]; Mengisteab, Kidane. "Ethiopia's Ethnic Cleansing" (21 July 1999). [Internet] URL:

<http://www.primenet.com/~ephrem2/articles/kidane_on_ethnic-cleansing.html> [Accessed on 28 May 2000].

⁹⁶ "Ethiopia to Deport Eritrean 'Spies'," *British Broadcasting Corporation News Online, World: Africa* (London: 13 July 1998). [Internet] URL: <http://news.bbc.co.uk/low/english/world/monitoring/newsid_130000/130965.stm> [Accessed on 30 May 2000].

⁹⁷ Pearce, Justin. "Plight of the Stranded Eritreans," *British Broadcasting Corporation News, World: Africa* (London: 4 November 1999). [Internet] URL:

<<http://news.bbc.co.uk/hi/english/world/africa/newsid%SF504000/504784.stm>> [Accessed on 29 May 2000].

⁹⁸ Legesse, Asmarom. *The Uprooted: A Scientific Survey of Ethnic Eritrean Deportees from Ethiopia Conducted with Regard to Human Rights Violations* (22 February 1999), p. 6. [Internet] URL:

<<http://www.primenet.com/~ephrem2/legesse/uprooted2.html>> [Accessed on 29 May 2000].

⁹⁹ Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998* (Connecticut: Yale School of Law, 1999), p. 16. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/Klein.html>> [Accessed on 19 November 1999].

expelled, some of whom had been detained up to ten months prior to expulsion.¹⁰¹ In late October 1999, a group of 1,700 deportees was bused to the Eritrean border by Ethiopian authorities.¹⁰² The Eritrean government claimed that 1,500 "ethnic Eritreans" were put on buses for expulsion on 25 December 1999 but reports of their actual expulsion and arrival in Eritrea have not been found.¹⁰³ As noted above, however, an Amnesty International investigator who has followed the expulsions and related human rights situation closely found the Eritrean authorities' claim to be "convincing."¹⁰⁴ No reports have been located of expulsions by Ethiopia in the first six months of year 2000.

What are the prospects of new rounds of expulsions? In their public statements Ethiopian government officials have sought to justify the expulsion of Eritreans and Ethiopians of Eritrean origin as a legitimate exercise of national sovereignty designed to protect the security of the nation.¹⁰⁵ Thus, it does not appear that the expulsions will end because Ethiopian authorities have had a change of heart and become convinced that forcing Eritreans to leave Ethiopia is in any way illegitimate. There has undoubtedly been a cost to Ethiopia's international image from actions that have been paralleled to egregious human rights violations in the Balkans and elsewhere. But international attention to the issue has been limited. And it is not clear that the costs to the Ethiopian government have outweighed the perceived benefits.

It has been argued that "if there was a strategy of deportations, it is becoming increasingly redundant, as unemployment or the departure of relatives encourage Eritreans to leave of their own free will."¹⁰⁶ By late 1999, international press reports indicated that 4,500 people had

¹⁰⁰ Novogrodosky, Noah Benjamin. "Identity Politics," *Boston Review* (Summer 1999). [Internet] URL: <<http://bostonreview.mit.edu/BR24.3/novogrodosky.html>> [Accessed on 28 May 2000].

¹⁰¹ Last, Alex. "Ethiopia Resumes Mass Deportations," *British Broadcasting Corporation News, World: Africa* (London:6 July 1999). [Internet] URL: <<http://news.bbc.co.uk>> [Accessed on 29 May 2000].

¹⁰² "Storm over Eritreans' Repatriation," *British Broadcasting Corporation News, World: Africa* (London: 29 October 1999). [Internet] URL: <http://news.bbc.co.uk/hi/english/world/africa/newsid_493000/493424.stm> [Accessed on 29 May 2000].

¹⁰³ Government of Eritrea, Ministry of Foreign Affairs (27 December 1999). [Internet] URL: <http://www.visafric.com/news/1999/News_Dec99/fresh_expulsions_on_christmasmin.htm> [Accessed on 29 May 2000].

¹⁰⁴ Hill, Martin. Representative, Amnesty International (London). Telephone Interview (17 July 2000).

¹⁰⁵ Government of Ethiopia. "Deportation of Eritreans Considered to be a Threat to Ethiopian National Security" (no date). [Internet] URL: <<http://www.ethiospokes.net/News/Releases/July99/r0907991.htm>> [Accessed on 28 May 2000]; Government of Ethiopia. "Eritrea's Baseless Accusations" (9 July 1999). [Internet] URL: <<http://www.ethiospokes.net/News/Releases/July99/r0907991.htm>> [Accessed on 28 May 2000].

¹⁰⁶ Pearce, Justin. "Plight of the Stranded Eritreans," *British Broadcasting Corporation News, World: Africa* (London: 4 November 1999). [Internet] URL: <<http://news.bbc.co.uk/hi/english/world/africa/newsid%SF504000/504784.stm>> [Accessed on 29 May 2000].

registered to return "voluntarily" to Eritrea.¹⁰⁷ Eritrean authorities reported a pledge by the Ethiopian prime minister to the president of the ICRC in August 1999 to "refrain from further deportations"¹⁰⁸ though a mass expulsion took place in October 1999.¹⁰⁹ Finally, in what may hold the best prospect of an end to forced expulsions, Eritrea and Ethiopia accepted an Organization of African Unity (OAU) plan to end the armed conflict that would involve a ceasefire, the entry of a UN peacekeeping mission under the auspices of the OAU, and a process of delimitation and demarcation of the border.¹¹⁰

VI. THE STATUS OF PERSONS EXPELLED FROM ETHIOPIA TO ERITREA

A. Reception in Eritrea

In the early days of the expulsions, the reception of those expelled to Eritrea was welcoming and even jubilant. "A group of more than 700 Eritreans expelled from Ethiopia returned to a huge welcome in the Eritrean capital, Asmara. A crowd of up to 100,000 people lined roads from the airport in . . . a show of unity and defiance against Ethiopia."¹¹¹ A study of a large group of expelled Eritreans and Ethiopians of Eritrean origin reported that those forced to leave Ethiopia were welcomed "as if they were heroes, people line up along the streets to welcome the fleets of buses. They cheer, they sing, they dance defiantly. They bring them food, drink, and sometimes clothing."¹¹²

The process of reception of the expelled refugees was described in a study conducted by Natalie S. Klein in the early months of expulsions:

¹⁰⁷ Pearce, Justin. "Plight of the Stranded Eritreans," *British Broadcasting Corporation News, World: Africa* (London: 4 November 1999). [Internet] URL: <<http://news.bbc.co.uk/hi/english/world/africa/newsid%SF504000/504784.stm>> [Accessed on 29 May 2000].

¹⁰⁸ "Ethiopia Deports 1,000 Eritreans." Report by Eritrean news agency Erina on 10 November 1999, *British Broadcasting Corporation Worldwide Monitoring* (London: 28 January 2000) - as reported on NEXIS.

¹⁰⁹ "Storm over Eritreans' Repatriation," *British Broadcasting Corporation News, World : Africa* (London: 29 October 1999). [Internet] URL: <http://news.bbc.co.uk/hi/english/world/africa/newsid_493000/493424.stm> [Accessed on 29 May 2000].

¹¹⁰ "Ethiopia-Eritrea Peace Plan," *British Broadcasting Corporation News, World: Africa* (London: 12 June 2000). [Internet] URL: <http://news.bbc.co.uk/hi/english/world/africa/newsid_787000/787602.stm> [Accessed on 14 June 2000]; "Ethiopia Accepts Peace Accord," *Associated Press* (14 June 2000) - as reported on NEXIS.

¹¹¹ "Tensions Rise over Eritreans Deported by Ethiopia," *British Broadcasting Corporation News Online, World: Africa* (London: 21 June 1998). [Internet] URL: <http://news.bbc.co.uk/low/english/world/africa/newsid_116000/116569.stm> [Accessed on 29 May 2000].

On arrival in Eritrea, the deportees are taken by government buses to the reception center closest to the point that they crossed the Eritrean-Ethiopian border. . . The Eritrean Relief and Refugee Commission (ERREC) manages these centers and registers all deportees upon arrival. Deportees receive a relief package and then are transported to the towns or villages in Eritrea with which they have ties. Deportees without families to accommodate them remain at the reception centers until appropriate arrangements can be made.¹¹³

Another study described how a group of refugees was taken to an ERREC reception center:

. . .photographed, registered by ERREC officers, issued refugee cards, given the *nakfa* equivalent of seventy US dollars (\$70) per person, regardless of age or status. They are also given utensils. From there, they go by bus to Asmara and to their respective towns and communities where they are, once again, given a hero's welcome.¹¹⁴

The State Department reported that those expelled:

. . . were provided with a \$200 (1,500 *nakfa*) grant from the Eritrean Relief and Refugee Commission, and, if they wished, were placed in villages with friends or family. Those who no longer had connections in Eritrea were placed temporarily in camps with other deportees and internally displaced persons before being settled in the general population.¹¹⁵

Also, the report noted that "to facilitate the deportees' integration into society, the government has provided deportees with documentation of Eritrean citizenry."¹¹⁶ The report noted too that Eritrea's "four main religious groups (Orthodox, Catholic, Muslim, and Protestant) created a

¹¹² Legesse, Asmarom. *The Uprooted: A Scientific Survey of Ethnic Eritrean Deportees from Ethiopia Conducted with Regard to Human Rights Violations* (22 February 1999), p. 40. [Internet] URL: <http://www.primenet.com/~ephrem2/legesse/uprooted2.html> [Accessed on 29 May 2000].

¹¹³ Klein, Natalie S. *Mass Expulsion from Ethiopia: Report on the Deportation of Eritreans and Ethiopians of Eritrean Origin from Ethiopia, June-August, 1998* (Connecticut: Yale School of Law: 1999), p. 5. [Internet] URL: <http://www.primenet.com/~ephrem2/newscom2/Klein.html> [Accessed on 19 November 1999].

¹¹⁴ Legesse, Asmarom. *The Uprooted: A Scientific Survey of Ethnic Eritrean Deportees from Ethiopia Conducted with Regard to Human Rights Violations* (22 February 1999), p. 40. [Internet] URL: <http://www.primenet.com/~ephrem2/legesse/uprooted2.html> [Accessed on 29 May 2000].

¹¹⁵ U.S. Department of State. "Eritrea," *Country Reports on Human Rights Practices for 1999 - Volume 1* (Washington, DC: U.S. Government Printing Office: 25 February 2000), p. 179. [Internet] URL: http://www.state.gov/www/global/human_rights/1999_hrp_report/eritrea.html [Accessed on 4 June 2000].

¹¹⁶ U.S. Department of State. "Eritrea," *Country Reports on Human Rights Practices for 1999 - Volume 1* (Washington, DC: U.S. Government Printing Office: 25 February 2000), p. 179. [Internet] URL: http://www.state.gov/www/global/human_rights/1999_hrp_report/eritrea.html [Accessed on 4 June 2000].

committee to coordinate the provision of relief services to ethnic Eritrean deportees from Ethiopia in conjunction with the Eritrean Refugee and Relief Organization."¹¹⁷

A United Nations delegation that witnessed the arrival of a group of deportees observed that they needed shelter, food, water, health care, relocation, reunification of families, and farm inputs to work; and that the Eritrean government had provided 1,500 *nakfa* as a one-time cash payment to each family and 65 *nakfa* to each member of the family for six months (July to December 1998) as a way of helping address these needs.¹¹⁸ Finally, one international humanitarian organization noted that the Eritrean government had provided "initial cash grants equivalent to \$200 per family and several months' food supply, as well as household items and tools for farming."¹¹⁹

It appears that the situation for later deportees and those without family members in Eritrea is more complex and difficult. The Department of State reported that:

. . . the first waves of deportees were welcomed with open arms by the Eritrean government and citizens. Their integration into Eritrean society was facilitated and monetary sums were given to aid in the transition. Those who had family members living in Eritrea were more rapidly integrated into society from the camp situation where they resided upon expulsion. Those without family members were more in limbo. As the numbers of those expelled reached 50,000, the Eritrean government was becoming overwhelmed with the flow.¹²⁰

Other reports from mid-1999 indicated that "peasant farmers expelled from their villages near the disputed border now have nowhere to go except a bleak refugee camp in western Eritrea."¹²¹

With the renewal of fighting in mid-2000, Eritrean forces suffered major setbacks and Ethiopian troops occupied significant areas previously held by Eritrean forces. Up to a third of

¹¹⁷ U.S. Department of State. "Eritrea," *Country Reports on Human Rights Practices for 1999 - Volume 1* (Washington, DC: U.S. Government Printing Office: 25 February 2000), p. 180. [Internet] URL: <http://www.state.gov/www/global/human_rights/1999_hrp_report/eritrea.html> [Accessed on 4 June 2000].

¹¹⁸ United Nations Development Programme (Asmara-Eritrea). "Update on Deportees: 12-19 July 1998" (19 July 1998), p. 3. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/UNDP.html>> [Accessed on 28 May 2000].

¹¹⁹ U.S. Committee for Refugees. "Country Report: Eritrea," *World Refugee Information 2000* (Washington, DC: Immigration and Refugee Services of America: 2000). [Internet] URL: <<http://www.refugees.org/world/countryrpt/africa/eritrea.htm>> [Accessed on 28 May 2000].

¹²⁰ United States Department of State, Bureau of Democracy, Human Rights and Labor. Letter to INS Resource Information Center (1 April 1999).

¹²¹ "Eritrean Ethiopians Lose their Homeland," *British Broadcasting Corporation News* (London: 22 July 1999). [Internet] URL: <<http://www.bbc.co.uk>> [Accessed on 30 May 2000].

the Eritrean population (an estimated one million people) was displaced by the fighting,¹²² and many took refuge in camps for internally displaced persons (IDPs). In early September 2000, there were 22 occupied IDP camps situated in Debub, Gash-Barka and the Northern Red Sea Zones with a total population of 210,000 persons.¹²³ People who had been expelled from Ethiopia and had not been able to move in with family members continued to occupy camps in Eritrea. But, due to the upheaval of large-scale movements of IDPs into the camps as a result of the fighting and the return of thousands of IDPs to their homes following the mid-June 2000 ceasefire, estimates of the number of persons expelled from Ethiopia still living in camps was difficult to obtain by mid-September 2000.¹²⁴

B. Residence and Citizenship Status of Persons Expelled to Eritrea

According to the State Department's 1999 Country Report on Human Rights Practices for Eritrea, the Eritrean government "provided deportees with documentation of citizenship" to facilitate their integration into Eritrean society.¹²⁵ However, other reports indicate that this is not a general rule applicable to all those expelled. Department of State Bureau of Democracy, Human Rights and Labor (DRL) officials cited a consular officer at the Eritrean Embassy in Washington as confirming that "Eritrea does not automatically grant Eritrean citizenship or travel documents to Ethiopian deportees of Eritrean origin."¹²⁶ Such deportees must establish nationality under the provisions of the Nationality Law of Eritrea (Proclamation No. 21/1992). To be an Eritrean national a person has to be born to a father or mother of Eritrean origin--which

¹²² United States Agency for International Development. "Eritrea--Humanitarian Crisis Fact Sheet #1, Fiscal Year (FY) 2000" (11 Sept 2000). [Internet] URL:

<http://www.reliefweb.int/w/rwb/nsf/480fa873b88bbc3c12564f6004c8ad5/> [Accessed on 12 September 2000].

¹²³ Twelve camps in the Debub zone (Birhinnet, Halai, Soyra, Zula, Agraa, Mai Sagla, Salina, Adi Nebri, Deda, Media Walta, Adi Ketina, and Alba) held a total of 77,832 persons; nine camps in the Gash-Barka zone (Dige, Girmaika, Meleboor, Adi Keshi, Dembe Doran, Jejeh, Korokon, Koytobia, and Tologamja) held a total of 81,277 persons; and four camps in the Northern Red Sea Zones (Boya, Ghinda, Harena, and Mekete) held a total of 51,649 persons. Information Coordination Center (formed by Eritrean Relief and Refugee Commission, ERREC, and the United Nations Office for the Coordination of Humanitarian Affairs, OCHA). UN Information Coordination Center. "Eritrea: ICC Weekly Update, 9 September 2000 (9 September 2000). [Internet]URL:

<http://www.reliefweb.int/w/rwb/nsf/vLCE/Horn+of+Africa+Drought?> [Accessed on/in September 2000].

¹²⁴ A representative of the Eritrean Development Foundation thought that "not a big number" of expellees were still in camps since the majority of those forced to leave Ethiopia had taken residence in urban centers in Eritrea. Nohad Jamal. Representative, Eritrean Development Foundation. Telephone Interview (15 September 2000).

¹²⁵ U.S. Department of State. "Eritrea," *Country Reports on Human Rights Practices for 1999 - Volume 1* (Washington, DC: U.S. Government Printing Office: April 2000), p. 179. [Internet] URL:

http://www.state.gov/www/global/human_rights/1999_hrp_report/eritrea.html [Accessed on 4 June 2000].

¹²⁶ United States Department of State, Bureau of Democracy, Human Rights and Labor. Letter to INS Resource Information Center (1 April 1999).

was defined as a person who was resident in Eritrea in 1933. Nationality could also be established "by naturalization" for those who entered and resided in Eritrea between 1934 and 1951 and with greater restrictions (including ability to understand and speak an Eritrean language, being domiciled for ten years in Eritrea before 1974, intending to be permanently domiciled in Eritrea, being of high integrity, and not likely to become a burden on Eritrean society) for those entering and residing in Eritrea after 1952.¹²⁷

Department of State officials reported that:

While Eritrea has generally facilitated the resettlement of deportees into Eritrean society, the consular officer at the Eritrean Embassy in Washington noted that many of those expelled from Ethiopia are often unable to prove their alleged ties or Eritrean heritage adequately enough to satisfy Eritrean nationality requirements. Language may be another stumbling block. Many deportees do not speak any of the Eritrean languages.¹²⁸

According to a communication from the Washington office of the United Nations High Commissioner for Refugees, a deportee would need to establish Eritrean citizenship under the aforementioned provisions of the Eritrean Nationality Proclamation No. 21/1992.

According to the Representative of the Eritrean Permanent Mission in Geneva, not all deportees from Ethiopia of Eritrean origin are Eritrean citizens. Evidence of Eritrean citizenship is the certificate of nationality issued upon request by Eritrea's Department of Internal Affairs.¹²⁹

UNHCR concludes that:

. . . Ethiopian citizens expelled from Ethiopia to Eritrea on the ground of ethnic origin [see discussion of 'ethnic' question in Section II above] would have a claim for refugee status if they do not possess another nationality or if, although possessing another/other nationality/ies, they cannot avail themselves of the protection of the other country/ies' of nationality. If, as a result of the deprivation of nationality, these persons become stateless, they would be entitled to recognition as refugees under the 1951 Convention and 1967 Protocol relating to

¹²⁷ "Referendum '93: The Eritrean People Determine Their Destiny," *Report of the Referendum Commissioner of Eritrea* (Trenton, NJ: The Red Sea Press Inc.: August 1993), p. 118-122.

¹²⁸ United States Department of State, Bureau of Democracy, Human Rights and Labor. Letter to INS Resource Information Center (1 April 1999).

¹²⁹ Passade Cissé, Bernadette. United Nations High Commissioner for Refugees, Regional Office for the United States of America and the Caribbean (Washington, DC). 'Re: The Status of Ethiopian Deportees in Eritrea.' Letter to INS Resource Information Center (17 July 2000).

the Status of Refugees, as Ethiopia would be their country of former habitual residence.¹³⁰

According to UNHCR:

Ethiopian or former Ethiopian nationals who are expelled to Eritrea on the ground mentioned above, and whom the Eritrean authorities recognize as Eritrean nationals may qualify as refugees if their nationality does not provide effective protection. Moreover, if the Eritrean authorities do extend to these persons the rights and obligations which are attached to the possession of Eritrean nationality, this would not necessarily mean that they should be excluded from refugee status by virtue of Article 1E of the Convention. Article 1E. . . provides that 'this Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.' This provision requires an act of volition on the part of the person concerned to take up residence. Individuals forced from Ethiopia to Eritrea are not voluntarily taking up residence in Eritrea and thus would not necessarily fall under Article 1E.¹³¹

C. Military Conscription of Expelled Persons

Eritrean law requires all citizens aged 18 to 40 to participate in the country's national service program, which includes military training as well as civic action programs. Women as well as men are required to participate and women have been engaged in combat in the conflict with Ethiopia. However, during 1999 the "[g]overnment began removing women from direct combat and assigning them other responsibilities, including training and heavy equipment operation."¹³² Conscientious objection is not recognized and "those who seek to avoid conscription for any reason are forcibly conscripted and possibly punished too," according to an Amnesty International representative. "Whatever the current situation as regards Eritreans

¹³⁰ Passade Cissé, Bernadette. United Nations High Commissioner for Refugees, Regional Office for the United States of America and the Caribbean (Washington, DC). 'Re: The Status of Ethiopian Deportees in Eritrea.' Letter to INS Resource Information Center (17 July 2000).

¹³¹ Passade Cissé, Bernadette. United Nations High Commissioner for Refugees, Regional Office for the United States of America and the Caribbean (Washington, DC). 'Re: The Status of Ethiopian Deportees in Eritrea.' Letter to INS Resource Information Center (17 July 2000).

¹³² U.S. Department of State. "Eritrea," *Country Reports on Human Rights Practices for 1999 - Volume 1* (Washington, DC: U.S. Government Printing Office: 25 February 2000), p. 181. [Internet] URL: <http://www.state.gov/www/global/human_rights/1999_hrp_report/eritrea.html> [Accessed on 4 June 2000].

expelled from Ethiopia and their citizenship rights in Eritrea, it is likely many have been conscripted."¹³³

With 250,000 troops facing each other on either side of the border¹³⁴ and with Eritrea suffering military setbacks in the fighting that took place in mid-2000, it would appear very unlikely that the military service obligation would be eased or that those expelled from Ethiopia would be exempt from the requirement. Department of State officials report that "[m]ales expelled to Eritrea are subject to national service in the armed forces, a frightening prospect for many given the possibility of future conflict,"¹³⁵ while the Department's country report on the human rights situation in Eritrea reported that "[s]ome of the deportees that have assumed Eritrean citizenry were ordered to report for military service."¹³⁶

The State Department also reported that on 16 April 1999 police rounded up hundreds of secondary school students to determine their eligibility for military service. Many students were released because they were too young to serve, were not Eritrean, or were able to demonstrate that their financial support of other family members was critical, but some 350 students were sent directly to military training.¹³⁷ With the cessation of hostilities between Eritrea and Ethiopia, it may be hoped that requirements for military service in both nations will be scaled back.

VII. THE STATUS OF PERSONS OF ERITREAN ORIGIN OR HERITAGE WHO HAVE REMAINED IN ETHIOPIA

The situation of Eritreans who remain in Ethiopia appears very precarious. They have witnessed fellow Eritreans and Ethiopians of Eritrean origin being detained, separated from family members, expelled under very difficult conditions--without access to the courts or any appeal process--and with their property in many cases confiscated, taken over or sold to pay

¹³³ Hill, Martin. Representative, Amnesty International (London). Electronic mail communication to author (15 August 2000).

¹³⁴ Amnesty International. "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict" (London: Amnesty International: 21 May 1999), p. 6. [Internet] URL: <http://www.amnesty.org/ailib/aipub/1999/AFR/16400099.htm> [Accessed on 4 June 2000].

¹³⁵ United States Department of State, Bureau of Democracy, Human Rights and Labor. Letter to INS Resource Information Center (1 April 1999).

¹³⁶ U.S. Department of State. "Eritrea," *Country Reports on Human Rights Practices for 1999 - Volume 1* (Washington, DC: U.S. Government Printing Office: 25 February 2000), p. 179. [Internet] URL: http://www.state.gov/www/global/human_rights/1999_hrp_report/eritrea.html [Accessed on 4 June 2000].

¹³⁷ U.S. Department of State. "Eritrea," *Country Reports on Human Rights Practices for 1999 - Volume 1* (Washington, DC: U.S. Government Printing Office: 25 February 2000), p. 177. [Internet] URL: http://www.state.gov/www/global/human_rights/1999_hrp_report/eritrea.html [Accessed on 4 June 2000].

debts. "All Eritreans and Ethiopians of Eritrean origin over 18 years of age who had taken part in the 1993 referendum on Eritrean independence" and "those who had been granted Eritrean citizenship" were "required to register with the Security, Immigration and Refugee Authority (SIRAA) and complete residence application forms" in August 1999. After registration, they received identity cards and residence permits for six months.¹³⁸ In February and March 2000, SIRAA ordered Eritreans living in Ethiopia to renew their residence permits for the next six months and warned it would take "necessary legal measures" against Eritreans who failed to do so.¹³⁹ Human rights investigators report that Eritreans remaining in Ethiopia "feel very vulnerable," that "they don't belong anymore," and that it is only a matter of time before they are expelled from Ethiopia,¹⁴⁰ and that while "public incitement [against Eritreans] has stopped" Eritreans in Ethiopia are "scared" and unwilling to voice their complaints or concerns for fear of harassment.¹⁴¹

The State Department reports that Eritreans and Ethiopians of Eritrean origin have been able to obtain exit visas--which are required before departing the country--but often are not permitted to return to Ethiopia.¹⁴² However, according to a representative of Amnesty International who has followed closely human rights developments in the Horn of Africa, "Ethiopia has been refusing to let Eritreans leave," for Eritrea or elsewhere, and has not "to my knowledge granted exit visas, as this would mean recognizing the Ethiopian citizenship of many of them."¹⁴³ The information officer at the Eritrean Embassy in Washington, D.C. also stated that Eritreans had not been allowed to leave Ethiopia voluntarily for third countries. "A lot left

¹³⁸ U.S. Department of State. "Ethiopia," *Country Reports on Human Rights Practices for 1999 - Volume 1* (Washington, DC: U.S. Government Printing Office: 25 February 2000), pp. 188 and 194. [Internet] URL: <http://www.state.gov/www/global/human_rights/1999_hrp_report/ethiopia.html> [Accessed on 4 June 2000].

¹³⁹ United Nations. Office for the Coordination of Humanitarian Affairs. Integrated Regional Information Network for Central and Eastern Africa (IRIN). "Horn of Africa: IRIN News Briefs, Friday 3 March (3 March 2000). [Internet] URL: <<http://www.reliefweb.int/w/rwb.nsf/3a81e21068ec1871c1256633003c1c6f/8bc4e69395d8ffcb852568980068bf2a>> [Accessed summer 2000].

¹⁴⁰ Ali Baldo, Suliman. Representative, Human Rights Watch/Africa (New York). Telephone Interview (10 July 2000).

¹⁴¹ Hill, Martin. Representative, Amnesty International (London). Electronic mail communication to author (15 August 2000).

¹⁴² U.S. Department of State. "Ethiopia," *Country Reports on Human Rights Practices for 1999 - Volume 1* (Washington, DC: U.S. Government Printing Office: 25 February 2000), p. 194. [Internet] URL: <http://www.state.gov/www/global/human_rights/1999_hrp_report/ethiopia.html> [Accessed on 4 June 2000].

¹⁴³ Hill, Martin. Representative, Amnesty International (London). Electronic mail communication to author (15 August 2000).

illegally--to Djibouti, Somalia, Kenya, Sudan; some tried to pay bribes to get visas; some people have gone into hiding."¹⁴⁴ As noted above, by late 1999, international press reports indicated that 4,500 people had registered to return "voluntarily" to Eritrea.¹⁴⁵

While the actions of the Ethiopian authorities have caused great harm and suffering to people of Eritrean origin or heritage living in Ethiopia, the response of the Ethiopian public to the plight of their Eritrean neighbors appears to have been mixed. Media and other reports suggest that ordinary Ethiopians have been sympathetic to the plight of their neighbors who are being expelled solely on the basis of their country of origin or heritage. A UNDP investigation reported "most deportees" as saying that "their neighbors and others in their communities were very upset at their treatment and were very sympathetic." Some of those expelled reported that their Ethiopian neighbors were crying because of their situation and giving them food and water en route.¹⁴⁶ However, according to one human rights investigator, while "some Ethiopians did sympathise with their Eritrean neighbours. . . many did not--denouncing them or grabbing their property."¹⁴⁷

VIII. EXPULSION OF ETHIOPIANS FROM ERITREA

Prior to the outbreak of hostilities in June 1998, there were an estimated 100,000 Ethiopians working in Eritrea, many of whom worked in the Red Sea port of Assab. Many lost their jobs when the conflict erupted and Ethiopian trade was rerouted to Djibouti. The ICRC assisted some 22,000 Ethiopians to return by January 1999.¹⁴⁸ However, Amnesty International concluded that while there were incidents of private citizens and police officials violating the rights of individual Ethiopians, the organization did not find "a systematic policy of ill-treatment

¹⁴⁴ Rentmeesters, Vicky. Information Officer, Embassy of Eritrea (Washington, DC). Telephone Interview (12 September 2000).

¹⁴⁵ Pearce, Justin. "Plight of the Stranded Eritreans," *British Broadcasting Corporation News, World : Africa* (London: 4 November 1999). [Internet] URL: <<http://news.bbc.co.uk/hi/english/world/africa/newsid%SF504000/504784.stm>> [Accessed on 29 May 2000].

¹⁴⁶ United Nations Development Programme (Asmara-Eritrea). "Update on Deportees: 12-19 July 1998" (19 July 1998), pp. 5 and 12. [Internet] URL: <<http://www.primenet.com/~ephrem2/newscom2/UNDP.html>> [Accessed on 28 May 2000].

¹⁴⁷ Hill, Martin. Representative, Amnesty International (London). Electronic mail communication to author (15 August 2000).

¹⁴⁸ Amnesty International. "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict" (London: Amnesty International: 21 May 1999), p. 12. [Internet] URL: <<http://www.amnesty.org/ailib/aipub/1999/AFR/16400099.htm>> [Accessed on 4 June 2000].

of Ethiopians by the government of Eritrea or its security forces."¹⁴⁹ Similarly, a Human Rights Watch investigator considered that while some measure of coercion may have been involved in the exodus of Ethiopians from Eritrea (making the departures less than fully "voluntary"), what was missing was an official policy--the "bureaucracy of deportations."¹⁵⁰ Recent press reports, however, detail the rounding up of over 7,000 Ethiopians for expulsion. The Eritrean authorities claim this is for the protection of the Ethiopians while the Ethiopian government views the detentions as revenge for recent Eritrean setbacks in the two-year border war.¹⁵¹ In mid-July 2000 (after the signing of a peace agreement between the two nations) *Agence France Presse* reported that 92 Ethiopian women--mostly domestic workers--were detained for 17 days and then put on an Ethiopian boat and expelled from the country "wearing almost no clothes" to the coast of Djibouti, some 100 miles north of Djibouti City.¹⁵²

There has been a torrent of mutual accusations of grave human rights violations by Eritrean and Ethiopian authorities, including expulsions, in the aftermath of the signing of the ceasefire agreement in mid-June 2000. There are corroborated reports that a very large number of Ethiopians were expelled from Eritrea in the months of July and August 2000.

Ethiopian radio claimed on 3 August 2000, that Eritrean authorities deported 3,000 Ethiopians, forcing them to cross the border through an area that had been mined by Eritrea, and that on 30 July Eritrean officials had deported 550 women and children.¹⁵³ These expulsions of Ethiopians from Eritrea in late July and early August 2000 were confirmed by the International Committee of the Red Cross (ICRC) which stated that 2,700 Ethiopians were dropped 40 kilometers from the Tsorena front line from where they had to walk 18 hours before they reached Ethiopian territory. Four men and one woman apparently died from illness during the journey. The ICRC reported that two other groups of Ethiopians, numbering 567 and 240, were also deported across the demilitarized zone without the knowledge and involvement of the ICRC.

¹⁴⁹ Amnesty International. "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict" (London: Amnesty International: 21 May 1999), p. 13. [Internet] URL:

<<http://www.amnesty.org/ailib/aipub/1999/AFR/16400099.htm>> [Accessed on 4 June 2000].

¹⁵⁰ Ali Baldo, Suliman. Representative, Human Rights Watch/Africa (New York). Telephone Interview (10 July 2000).

¹⁵¹ Nelson, Craig. "Ethiopians Feel Safer in Camp," *Associated Press*, AP Online (6 June 2000) - as reported on NEXIS.

¹⁵² "Eritrea Deports Ethiopian Women to Djibouti Coast," *Agence France Presse* (Paris: 17 July 2000) - as reported on NEXIS.

The Red Cross concluded that the deportations did not comply with international law. The ICRC also said that it had supervised the safe return of nearly 10,000 Ethiopians since repatriations began in mid-June 2000.¹⁵⁴

The Eritrean Embassy in Washington argued that the repatriation of Ethiopian citizens living in Eritrea was on a voluntary basis, although, it also claimed there were a small number who had to be sent home because they lacked the legal status for residence.¹⁵⁵

The Ethiopian news agency ENA claimed a further 1,000 Ethiopians were deported via Rama (northern Ethiopia) on 15 August without the International Committee of the Red Cross (ICRC) being informed.¹⁵⁶ On 18 August 2000, *Agence France Presse* reported claims by Ethiopian officials in the Tigre region that 2,200 Ethiopians living in the Eritrean capital Asmara and the central town of Keren were forced on August 16 to cross the Mereb river along their common border. The latest expulsions brought to 9,000 the number of Ethiopians forced to leave Eritrea since July 30, according to a tally from figures given by Addis Ababa.¹⁵⁷

On 21 August 2000, the Ethiopian national news agency ENA reported that Eritrea had expelled 541 Ethiopians into northeastern Ethiopia.¹⁵⁸ And on 22 August 2000, Ethiopian Tigray radio reported that 3,792 Ethiopians, residents of Asmara, its environs and some towns in southern Eritrea, were deported in two separate rounds. The report claimed that since the signing of the Algiers temporary cessation of hostilities in mid-June the Eritrean government had deported 19,000 Ethiopians.¹⁵⁹

On 29 July 2000, Eritrean radio reported that the Ethiopian army had forcibly deported about 3,800 Eritrean nationals from their home areas in Indel and Alha on 26th July after stealing

¹⁵³ "Eritrea Reportedly Deports 3,000 Ethiopian Nationals," *British Broadcasting Corporation Summary of World Broadcasts* (London: 5 August 2000) - as reported on NEXIS.

¹⁵⁴ "Red Cross Reports that Eritrea Forcibly Deporting Ethiopians," *Associated Press*, AP Worldstream (10 August 2000) - as reported on NEXIS; "Ethiopia, Eritrea Urged to Settle on Route for Returning Refugees," *Xinhua News Agency* (8 August 2000) - as reported on NEXIS.

¹⁵⁵ Embassy of Eritrea (Washington, DC). "Ethiopia has an Obligation to Receive its Own Nationals" (16 August 2000).

¹⁵⁶ "Eritrea Deports Over 1,000 Ethiopians--Ethiopian Report," *British Broadcasting Corporation Summary of World Broadcasts* (London: 18 August 2000) - as reported on NEXIS.

¹⁵⁷ "Over 2,000 More Ethiopians Expelled from Eritrea: Addis Ababa," *Agence France Presse* (Paris: 18 August 2000) - as reported on NEXIS.

¹⁵⁸ "Eritrea Expels 541 Ethiopians: Addis Ababa," *Agence France Presse* (Paris: 22 August 2000) - as reported on NEXIS.

¹⁵⁹ "Eritrea Deports Further 3,972 Ethiopians Across Mereb River," *British Broadcasting Corporation Summary of World Broadcasts* (London: 24 August 2000) - as reported on NEXIS.

their cattle, looting their property and burning down their houses.¹⁶⁰ Independent verification of this claim has not been found.

¹⁶⁰ "Ethiopian Army Reportedly Deports 3,800 Eritreans from Home Areas," *British Broadcasting Corporation Summary of World Broadcasts* (London: 3 August 2000) - as reported on NEXIS.

IX. POSTSCRIPT

Since the signing of the December 2000 peace agreement both parties have taken steps to implement the accord. In April 2001 the head of the United Nations Mission in Ethiopia and Eritrea (UNMEE) announced the establishment of a Temporary Security Zone in the disputed border region and commended both parties for fulfilling their obligations under the peace agreement.¹⁶¹ By August 2001, about 629 Ethiopian and 860 Eritrean prisoners of war had been released, while 400 Ethiopians and 1,800 Eritreans reportedly remained in detention camps awaiting release.¹⁶² By September 2001, 2,659 civilian Eritreans and 21,072 Ethiopians had been repatriated under the auspices of the International Committee of the Red Cross (ICRC).¹⁶³ The 170,000 Eritrean internally displaced persons (IDPs) who had previously been in camps in the Gash Barka and Debub regions, had returned to their villages, though 70,000 IDPs were living in temporary camps owing to the presence of mines and unexploded ordnance in the vicinity of their villages.¹⁶⁴

There have, however, been problems in the implementation of the peace agreement. In late September 2001 UNMEE stated that both countries had not fully adhered to the peace agreement—the Eritreans having restricted the movement of peacekeepers and the Ethiopians having not “provided all their minefield maps.” Tensions reportedly remained high in the Temporary Security Zone.¹⁶⁵ The Special Representative of the UN Secretary General said that relations between Ethiopia and Eritrea remained “terribly polarized” and that the UN mission had “not achieved every objective that we wanted to achieve.”¹⁶⁶

In an apparently serious violation of the peace agreement, the Ethiopian government deported 722 Eritreans from Ethiopia in late June 2001, which, according to the ICRC, “was the first involuntary repatriation since the two countries signed an accord to end their border war.”

¹⁶¹ United Nations, Office for the Coordination of Humanitarian Affairs, Integrated Regional Information Network (IRIN). “Ethiopia-Eritrea: ‘Milestone’ reached in peace process” (19 April 2001). [Internet] URL: <<http://www.reliefweb.int/IRIN/cea/countrystories/eritrea/20010419.phmtl>> (Accessed 2 October 2001).

¹⁶² “Ethiopia Halts POW Exchange with Eritrea,” *Xinhua News Agency* (3 August 2001) - as reported on NEXIS.

¹⁶³ “Ethiopia: Release of POWs Halted,” *Africa News* (12 September 2001) - as reported on NEXIS.

¹⁶⁴ “Ethiopia: Many Internally Displaced Persons Still in Camps, says Report,” *Africa News* (11 September 2001) - as reported on NEXIS.

¹⁶⁵ Bhalla, Nita. “Ethiopia-Eritrea truce worries UN,” *BBC News* (23 September 2001) - as reported on NEXIS.

¹⁶⁶ “Ethiopia: Bilateral Relations Still ‘Terribly Polarized,’” *Africa News* (18 September 2001) - as reported on NEXIS.

The Red Cross declined to participate in the deportation because “the Ethiopian government refused to abide by the ICRC’s requirement that those being repatriated express their consent.”¹⁶⁷

Finally, complicating the implementation of the December 2000 peace agreement, both states have experienced political turmoil since the end of the conflict. In March 2001, twelve members of the Central Committee of the Tigray People’s Liberation Front (TPLF)—the main party in the ruling Ethiopian coalition—came out in opposition to Prime Minister Meles Zenawi, complaining, *inter alia*, that he “had failed to capitalize on the military reverses that Ethiopia had inflicted on Eritrea during the war.” The dissidents were expelled from the party and some were charged with corruption. In Eritrea, fifteen members of the ruling party signed a declaration stating that President Isaias Afwerki’s behavior had plunged the country into crisis and that he had conducted himself in “an illegal and unconstitutional manner.”¹⁶⁸ Eleven of the officials were detained and potentially face the death sentence for treason. In September 2001 the government shut down all eight of Eritrea’s independent newspapers for “endangering national unity.”¹⁶⁹

¹⁶⁷ “ICRC concerned over Ethiopia’s forced deportation of Eritreans,” *Agence France Presse* (12 July 2001) - as reported on NEXIS.

¹⁶⁸ “Political turmoil in Ethiopia and Eritrea,” *BBC News* (5 June 2001). [Internet] URL: <http://news.bbc.co.uk/1/hi/english/world/africa/newsid_1371000/1371175.stm> (Accessed 2 October 2001).

¹⁶⁹ Salmon, Katy. “Politics: Crackdown in Eritrea Provokes International Condemnation,” *Inter Press Service* (21 September 2001) - as reported on NEXIS.