

IMPORTING A TRANSITIONAL JUSTICE AGENDA INTO THE ERITREAN HUMAN RIGHTS DEBATE

Table of Contents

1.	Introduction	1
2.	The alarming nature of human rights violations in Eritrea	3
3.	Legal implications	5
4.	Possible transitional justice strategies	6
4.	Concluding remarks	11

IMPORTING A TRANSITIONAL JUSTICE AGENDA INTO THE ERITREAN HUMAN RIGHTS DEBATE*

Daniel R Mekonnen*

1. Introduction

In its short post-independence history Eritrea has become a centre of attraction “for all the wrong reasons.”¹ This is particularly true since September 2001 when the country began to descend rapidly into “political turmoil, economic decline and social repression”² of an unprecedented scale. At every quarter, Eritrea is now mentioned as a sad example, giving another resounding reason for “Afro-pessimism,”³ the notion that the future of sub-Africa is so bleak because of the magnitude of problems faced by the continent.

The Eritrean human rights crisis requires critical inquiry at two levels. At the initial level, focus should be on how to end the current pervasive culture of impunity in the country. Next to this, attention needs to be paid on how to address the excesses of the current regime, the People’s Front for Democracy and Justice (PFDJ), in the forthcoming post-authoritarian era. The assessment can benefit immensely from a newly developing field of study, widely known as transitional justice. In its conventional sense, transitional justice means “the study of the choices made and the quality of justice rendered” when states transit from conflict or repression to democracy.⁴ As a field of study in a constant state of development, transitional justice also includes the “the full range of processes and mechanisms associated with a

* A paper presented at the international conference on “Joining up EU and US Policy towards Eritrea and the Horn of Africa for the Promotion of Democracy and Human Rights,” Brussels, 9–10 November 2009. This paper is based on the main findings and conclusions of the following work: Daniel R Mekonnen *Transitional Justice: Framing a Model for Eritrea* (VDM Publishing: Saarbrücken/Germany, 2009).

* Dip Law (Asmara), LLB (Asmara), LLM (Stellenbosch), LLD (Free State); email: daniel.mekonnen@ugent.be. The author is a researcher at the Human Rights Centre in Gent University. Formerly, he was judge of the Zoba Maekel Provincial Court in Eritrea.

¹ Richard Reid “Traumatic Transitions: Open Season on the Eritrean State” *African Affairs* (2006) 105: 638.

² Tricia Redeker Hepner “Transnational Political and Legal Dimensions of Emergent Eritrean Human Rights Movements,” Forced Migration Working Paper Series # 36, Forced Migration Studies Programme, University of the Witwatersrand (2007) 3.

³ *Science Encyclopedia* “Afro-Pessimism,” available at <http://science.jrank.org/pages/7475/Afropessimism.html> (accessed 11 August 2009). For a critical view on Afro-pessimism see Wafula Okumo “Afro-Pessimism and African Leadership,” *The Perspective*, available at http://www.theperspective.org/afro_pessimism.html (accessed 11 August 2009, originally published on 5 April 2001).

⁴ Richard Siegel “Transitional Justice: A Decade of Debate and Experience” *Human Rights Quarterly* (1998) 20(2): 433.

society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.”⁵

In this sense, transitional justice presupposes a distinctive framework of political transformation for confronting past abuses.⁶ Such kind of political framework, which is noticeably missing from the current reality in Eritrea, takes places mainly in the form of transition from repression or conflict to democracy. In the case of Eritrea, there are even concerns that the country is still ruled by a notorious, violent and repressive government “which is nowhere near even the beginnings of democratic rule.”⁷ Hence, it could be argued, “the question of transitional justice is ... somewhat abstracted from the reality of today” in Eritrea.⁸ This argument is a result of the disproportionate focus of transitional justice on the past. Nonetheless, there are continuous efforts to make transitional justice responsive to the needs of societies marred by ongoing conflict or repression such as what is currently happening in Eritrea.⁹ Accordingly, it has become increasingly important for researchers to consider transitional justice options even before a conflict or repression has come to an official end.¹⁰ Priscilla Hayner notes that such a need “focuses attention on one of the greatest challenges of international relations: whether and how to seek justice *during an ongoing conflict*, when the worst of the accused perpetrators still hold great power.”¹¹ This provides a sound theoretical basis for the relevance of transitional justice in Eritrea. On the other hand, it may also appear too early to predict which of the major transitional justice toolboxes is suitably applicable to post-PFDJ Eritrea. Nonetheless, some tentative conclusions can be drawn based on the protracted history of human rights violations in Eritrea with the objective of predicting the normative guidelines that should inform the post-PFDJ transitional period.

⁵ *Report of the UN Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, UN Doc S/2004/616, 3 August 2004, para 8.

⁶ Louis Bickford “Transitional Justice” in *Macmillan Encyclopaedia of Genocide and Crimes Against Humanity* vol III (2004) 1045-1047.

⁷ Professor Lovell Fernandez, email message to author, 4 May 2004. The concern raised by Professor Fernandez can serve as one of the major policy considerations that inform transitional justice discourse in Eritrea. Nonetheless, the concern cannot be taken as a terminal obstacle for ongoing discussions on transitional justice in Eritrea.

⁸ Ibid.

⁹ Daniel R Mekonnen “Revisiting the Conceptual Framework of Transitional Justice in the Context of Ongoing Conflicts: A Need for a Paradigm Shift?,” a paper presented at the international conference on “Taking Stock of Transitional Justice,” Oxford Transitional Justice Research, Oxford University, 26–28 June 2009.

¹⁰ Luis Moreno-Ocampo “Transitional Justice in Ongoing Conflicts” *International Journal of Transitional Justice* (2007) 1(1): 8.

¹¹ Priscilla Hayner “Seeking Justice as War Crimes Rage On,” *Chicago Tribune*, available at <http://www.chicagotribune.com/news/opinion/chi-oped0716sudanjul16,0,1238469.story> (accessed 16 June 2008) [emphasis added].

2. The alarming nature of human rights violations in Eritrea

Taking the above as a point of departure, it would be wise to provide a brief contextual background on the alarming level of the human rights crisis in Eritrea. In a brief presentation such as this it would be practically impossible to provide a long list of events and incidents. For our purposes, suffice would it be to provide a brief summary of the overall socio-political crisis in Eritrea. Save for the Eritrean government and its staunch supporters, currently there is a widespread consensus on the alarming level of the human rights crisis in Eritrea. As has been noted elsewhere by this¹² and other authors,¹³ the relevant indicators on the human rights crisis as well as on social and economic development in Eritrea are exceedingly frightening. The following few examples illustrate the dilemma clearly.

The protracted Eritrean history of human rights violations and virulent conflicts starts mainly with the advent of the Italian colonialism in 1890 and has continued unabated up to the current authoritarianism of the PFDJ, the only “legitimate” political party which has ruled the country since independence in 1991. In terms of democratic governance, Eritrea offers the worst example in Africa and perhaps also in the world. There are several unique characteristic features which make the case of Eritrea a typically desolate story. Conventional features of a free and democratic governance are non-existent in Eritrea. With no working constitution, functioning parliament, independent judiciary, free press, bureaucratic accountability or even an officially published national budget, Eritrea offers a bizarre example of “statehood” in the modern history of states.

Virtually all countries in the world have an enforceable national covenant/constitution and most also have functioning parliaments. In the absence of a written constitution, countries may have a constitutional framework that guarantees fundamental freedoms and rights. They conduct regular and periodic elections, irrespective of whether they are free or fair in real terms. They allow private media outlets, even if regulations become so restrictive that they give zero freedom to the press. They also seem to have independent judiciaries. In Eritrea, the government adopted a constitution in 1997, but has never implemented it. The nominal parliament ceased functioning in February 2002. The Eritrean judiciary is the most emasculated public institution in the country. Private media was completely banned in 2001. Only government-owned outlets remain, and their

¹² See Mekonnen, note * above; Daniel R Mekonnen and J Loot Pretorius “Prosecuting the Main Perpetrators of International Crimes in Eritrea: Possibilities under International Law” *Journal for Juridical Science* 2008 33(2): 76–108.

¹³ Kjetil Tronvoll *The Lasting Struggle for Freedom in Eritrea: Human Rights and Political Development, 1991 – 2009* (Oslo: The Oslo Centre for Peace and Human Rights, 2009).

allegiance has always been to the ruling elite rather than the truth. Worst of all, since it gained independence in 1991, the country has never enjoyed free and fair elections.

Social and development indicators from independent sources rank Eritrea miserably. The Global Hunger Index puts Eritrea third from the bottom in terms of starvation, 116th among the 118 countries assessed by the report.¹⁴ The country receives critical grades on the Basic Capabilities Index, denoting serious difficulties in every dimension of social development.¹⁵ Despite its small population of four million, the country's alarming record of human rights violations has caused it to be ranked as the second largest source of refugees in the world (in absolute numbers). By end of 2008, Eritrea produced 62, 700 new asylum seekers around the world. The simplest arithmetic model translates this into 5225 refugees per month. In this regard, Eritrea was preceded only by Zimbabwe which had 118, 500 new claims in 2008. Even failed or chaotic states, such as Somalia and Iraq, which have greater population numbers than Eritrea, were preceded by Eritrea in relation to new refugee outflow.¹⁶ As noted by one Eritrean observer, "it may be easier to count the countries that have no Eritrean refugees than the ones who 'shelter' them."¹⁷

In their 2009 annual reports, the Bonn International Centre for Conversion (BICC) and the International Institute for Strategic Studies (IISS) has ranked Eritrea as the first and the second most militarised country in the world, respectively.¹⁸ BICC particularly states that Eritrea spends "more than 20 percent of its GDP on its armed forces compared with a mere 3.7 percent on public health."¹⁹ Currently, Eritrea has an estimated army personnel of 400,

¹⁴ Welt Hunger Ilfe *The Challenge of Hunger* (2007), available at www.welthungerhilfe.de/fileadmin/media/pdf/Pressemitteilungen/DWHH_GHI_english.pdf (accessed 4 January 2008).

¹⁵ Social Watch Annual Report *Making Finances Work: People First* (2009), available at <http://www.socialwatch.org/sites/default/files/Social-Watch-Report-2009.pdf> (accessed 6 November 2009).

¹⁶ UNHCR 2008 *Global Trends: Refugees, Asylum Seekers, Returnees, Internally Displaced and Stateless Persons*, available at <http://www.unhcr.org/4a375c426.html> (accessed 24 September 2009).

¹⁷ Berhane G Negus "Urgent Need for a Marshal Plan Type of Aid for Our Youth Refugees," unpublished draft paper, November 2009.

¹⁸ BICC "Global Militarisation Index (GMI)," available at http://www.bicc.de/uploads/pdf/publications/jahresbericht/2009/gmi_worldmap_2009.pdf (accessed 12 October 2009); Tesfa-alem Tekle "Eritrea World's Second Biggest Militarized State - Report," available at <http://www.sudantribune.com/spip.php?article32281> (accessed 30 August 2009), citing IISS's *The Military Balance 2009: The Annual Assessment of Global Military Capabilities and Defence Economies*.

¹⁹ BICC "The Trend towards a Build-up of Conventional Arms Continues despite Nuclear Disarmament Initiatives," available at <http://www.bicc.de/index.php/press/press-2009/press-release-annual-report-2008-2009> (accessed 10 October 2009).

000,²⁰ which means a minimum of 10 percent of the total population, a figure which is exceedingly high given Eritrea's miniature economic size. In press freedom, Reporters Without Borders ranks Eritrea the worst country in the world, preceding notorious authoritarian states such as Burma, North Korea and Turkmenistan.²¹ Eritrea holds this infamous record for the third consecutive year. A 2007 report by the International Monetary Fund (IMF) reveals that Eritrea's inflation was the second highest in the world, the first being that of Zimbabwe at that time.²² Basically, the country is in a deep economic, social and political crisis at this moment. Individuals who do not subscribe to state ideology or followers of religious beliefs not officially sanctioned by the government are systematically targeted and severely punished by the security and military apparatus. As a result, human rights violations are rampant; violation is the norm and protection the exception. Some conservative estimates suggest that between 20,000²³ and 40, 000²⁴ people are in detention without trial or any contact with the outside in more than 300 formal and informal prison centres all over the country. Most of these sites are administered by army generals, who are not accountable to either the police or ordinary courts.

Internally, the country has been transformed into an open-air prison where all fundamental rights and freedoms are completely muzzled by nightmarish, Kafkaesque, pervasive and abusive practices. Externally, it has become a major destabilising actor in the entire Horn of Africa region. This is the context within which transitional justice issues on Eritrea have to be examined.

3. Legal implications

Political violence has been the hallmark of Eritrean history during and after the liberation struggle. In its brief post-independence history, Eritrea has seen grave violations of human rights and humanitarian law which amount to international crimes. Factual and legal

²⁰ A24 Media "Eritrea: A Nation Held Hostage," available at <http://www.a24media.com/index.php/component/content/article/90-films/743-eritrea-a-nation-held-hostage> (accessed 11 October 2009).

²¹ Reporters Without Borders *Annual Worldwide Press Freedom Index* (2009), available at <http://www.rsf.org/en-classement1003-2009.html> (accessed 6 November 2009). According to Freedom House, Eritrea is fourth from the bottom (together with Cuba and Libya). It is preceded only by Burma, North Korea and Turkmenistan. See Freedom House *Freedom of the Press 2009: Table of Global Press Freedom Rankings*, available at (accessed 6 November 2009).

²² IMF *World Economic and Financial Surveys* (2007), available at <http://www.imf.org/external/pubs/ft/weo/2007/02/pdf/text.pdf> (accessed 26 March 2008).

²³ Mekonnen, note * above, 120–121.

²⁴ Human Rights Watch *Service for Life: State Repression and Indefinite Conscriptioin in Eritrea* (2009), available at http://www.hrw.org/sites/default/files/reports/eritrea0409web_0.pdf (accessed 16 April 2009), citing Christian Solidarity Worldwide.

analysis²⁵ of major incidents and events that took place between 24 May 1991 and beginning of 2009 reveals that crimes against humanity, war crimes and crimes of aggression have been perpetrated in Eritrea in an alarming manner, affecting hundreds of thousands of people. In most cases, violations have been perpetrated under a clear and premeditated government plan of persecution and repression. Although some incidents appear to be sporadic events occurring only in a specified time and with a specific objective, most of the violations portray a clear, coherent, systematic and widespread government policy of repression. From several violations analysed by a latest research of this author,²⁶ the vast majority of crimes have been carried out as a premeditated government policy of killing, maiming, torturing and persecuting individuals or groups who are believed or perceived to have a different political conviction or religious tendency. Accordingly, the most common grounds of persecution in Eritrea are political and religious factors.

Legally speaking, international crimes of universal concern, mostly human rights violations, have been perpetrated in Eritrea with impunity. This is without forgetting other types of international crimes committed by Eritrean government leaders in the context of the border conflicts or regional squabbles with Djibouti, Ethiopia, Somalia, Sudan and Yemen. Other categories of international crimes include violations of UN Security Council arms embargoes in Sudan and Somalia. All of these violations sufficiently meet the threshold of international crimes as defined by the relevant body of international law. Thus far, the government has done nothing to reverse the sad state of affairs in Eritrea. In spite of repeated calls for democratisation and peaceful political transition since Eritrea's independence in 1991, Eritrean government officials have repeatedly frustrated efforts aimed at ensuring accountability and ending impunity. In the light of the government's non-conciliatory and non-repentant political culture, international criminal law can be seen as one viable legal regime under which accountability mechanisms can be considered.

4. Possible transitional justice strategies

The unabated perpetration of international crimes represents a hideous blot on the pages of post-independence Eritrean history. Together with the regional instability prevailing in the Horn of Africa, the crisis constitutes a real and imminent threat to international peace and security. The situation merits intervention by the international community. With all its

²⁵ For details, see Chapter 4 of Mekonnen, note * above.

²⁶ Ibid.

potential and having the requisite political commitment, Eritrea can competently recover from the current crisis. At the same time, however, Eritrea represents a bleak picture of a failed state in the making. The role of the international community is indispensable in this regard as it is expected to act urgently lest it condemns itself to repeat the same mistakes of the past. Although immense damage has been done in Eritrea by the current government, it is not too late to reverse the course of events.

All atrocities documented by this author and others meet the threshold of international crimes as established by the Statute of the International Criminal Court (ICC) and other relevant bodies of international law. In light of the gravity of the crimes perpetrated by the Eritrean government and the failure of the latter to combat impunity, the international community is duty bound to intervene by referring the matter to the ICC Prosecutor via Security Council referral, pursuant to article 13(b) of the ICC Statute. In the meantime, the international community is also expected to implement interim punitive measures such as travel bans and asset freezes against targeted individuals deemed most responsible for the perpetration of international crimes and destabilisation of international peace and order. This is one of the most effective ways to alleviate the suffering of the Eritrean people, as well as those of other peoples in the Horn of Africa.

Democratic countries of the world should also cooperate in prosecuting incumbent government officials who are not protected by the doctrine of sovereign immunity. The recommendations designed to break the cycle of impunity would hardly be attainable without the effective exercise of universal jurisdiction by democratic countries of the world. Nonetheless, if government officials make themselves amenable to a negotiated and peaceful political transition, conditional amnesty administered by a democratically constituted truth and reconciliation commission (TRC) should be taken as an acceptable transitional justice option. In this regard, any TRC that could be established in Eritrea is expected to comply with international standards and best practices. In addition, the following essential recommendations are advisable for combating impunity, ensuring accountability and enhancing a peaceful political transition to democracy in Eritrea.

First and foremost, the Eritrean government must be amenable to a peaceful political transition in the country. Respect for human rights and fundamental freedoms of all Eritreans must be restored immediately. A halt must be called to the abusive and indefinite national

military service programme (NMSP) and the extension of the same abusive purported development programme, the Warsay-Ykalo Development Campaign (WYDC). All political prisoners detained in Eritrea – some for many years – must be released immediately without preconditions or should be brought before an impartial and independent court of law where they can challenge any accusations against them and ask for appropriate remedies. The government must compensate the wrongs the victims have suffered. Investigations must be conducted with regard to all abuses perpetrated since 1991 or before with a view to facilitating a smooth political transition to democracy, uncovering the misdeeds of the past in full, and establishing as complete a picture as possible about the history of injustices in the country. In order to halt future violations, the independence and impartiality of the judiciary must be strengthened and courts should be endowed with adequate powers to adjudicate on human rights violations. The required assistance in this regard must be sought from the international community which can be implemented via training of judges, prosecutors and lawyers with particular emphasis on human rights law, humanitarian law and international criminal law.

Academic institutions, especially the University of Asmara, which was the only university in the country, must be reinstated to embolden the cultivation of qualified professionals with the requisite legal education and other disciplines relevant for transitional justice and the promotion of human rights. International human rights monitoring groups such as Amnesty International, Human Rights Watch, UN, EU and AU treaty bodies, and others must be given unimpeded access to monitor the situation of human rights in Eritrea. The Eritrean government must ensure the protection of all victims and possible witnesses of human rights violations. The government should also encourage the creation of a TRC via a broad, consultative and democratic process which shall include all stakeholders such as victims, civil society groups, Eritrean Diaspora communities, exiled politicians, intellectuals, religious leaders and others. Any initiative for the establishment of a TRC should comply with international standards and best practices developed by the OHCHR and other renowned international law publicists. Amnesty that can be offered to the leaders should by no means serve to indemnify perpetrators.

In the event that the international community proposes to encourage long-term plans of domestic prosecution by Eritrean courts, it must be noted that in its current state the Eritrean judiciary is less than likely to meet minimal international standards of fair trial and justice. As

a result, greater financial and institutional support should be extended from the international community. However, with the international dimension of some of the crimes perpetrated by the most responsible suspects, it is recommended that prosecutorial initiatives have an international or hybrid character. If need be, an acceptable formula should be found to have foreign judges and prosecutors participating in all stages of proceedings. The involvement of the international community in the national prosecutions can be implemented, if need be, by the establishment of mixed or special tribunals. Alternatively, crimes perpetrated against Eritreans may be prosecuted inside Eritrea and crimes perpetrated against nationals of other countries may also be prosecuted by an international or mixed tribunal. A most important consideration is that any prosecutorial proposal, whether domestic or international, must be compliant with international fair trial principles.

With regard to the stalemate on the Eritrea-Ethiopia border conflict, it is imperative that the international community should impose punitive measures on the party who is frustrating the implementation of the peace plan, including the resumption of political dialogue between the leaders of the two governments. Ethiopia's refusal to cooperate in the demarcation of the common border is an abhorrent violation of the country's international obligations. Equally, Eritrea's rejection of whatsoever type of political dialogue and unwillingness to facilitate normalisation as well as refusal to cooperate with regional and international actors is grossly unacceptable. This sends a message that the simple delimitation and demarcation of the border will not bring a lasting solution in the region. The international community must pressure and encourage the parties to engage in a comprehensive peace plan which will seek solutions to the causes of the war and not only to its consequences. The international community, via the UN Security Council, may also utilise its Chapter VII powers against any party which fails to abide by international law. Only then can there be a lasting peace in the region. The use of force by either of the two parties should be condemned in the strongest of terms. The resolution of the Eritrea-Ethiopia stalemate may have a stabilising effect in other conflicts of the region, particularly in the civil war of Somalia.

With a possible vast number of low- and middle-level perpetrators, a comprehensive prosecutorial plan to punish each and every perpetrator, regardless of the degree of guilt, is practically impossible in Eritrea. To complement all other accountability efforts, the establishment of a TRC, via a democratic and participatory process, is highly recommendable. The international community should strongly encourage this. Recognising the unacceptability

of blanket amnesty for any crime, it is recommended that conditional amnesty administered by a TRC should be considered as a major component of transitional justice. This should be encouraged especially if the current leaders genuinely commit themselves to a peaceful political transition without compromising the requirements of an all-inclusive national reconciliation and the demands of accountability, particularly an independent process of truth-telling and reparations.

A balanced assessment of the competing needs and interests of the Eritrean society (having an intricate and protracted history of political violence) and that of the international community must be duly reconciled and recognition must be afforded to conditional amnesty which is the result of a meticulous balancing of such needs and interests. Admission of guilt accompanied by a genuine and remorseful repentance and contrition is highly regarded in the Eritrean customary law systems. If a genuine repentance and contrition can be proven incontrovertibly on the part of perpetrators, due consideration should be given to its contribution for a smooth and successful transition. This must be accompanied by comprehensive mechanisms of redress, reparations and restorative justice. In this regard, the role of indigenous legal tradition in the proposed transitional justice initiative must be appreciated properly. Such societal needs must be strongly supported by the international community. It is less likely for Eritrea to transit into a new democratic era without consideration of these factors.

The attainment of the above goals is primarily a responsibility that should be met by Eritreans: the government, all opposition groups in exile, Eritrean civil society organisations as well as Diaspora communities. Given the closed political culture of the Eritrean government, exiled political forces, Eritrean Diaspora intellectuals and activists are expected to play a prominent role in this regard. To give effect to the above recommendations, urgent action and planning is required from such stakeholders. It is highly recommended that a consortium of legal academics, professionals, experts and activists shall be established as a matter of urgency to assess transitional justice options for Eritrea.

The proposed consortium of experts must evaluate existing evidence and documentation on the nature of the international crimes committed by Eritrean government officials. It must collect empirical data, testimonies and other relevant information with a view to establishing a reliable body of evidence and reference material for further prosecutorial proposals. The consortium must also, using acceptable standards, tentatively identify most responsible

suspects regarding the perpetration of international crimes in Eritrea and access the feasibility of prosecution of such suspects in foreign municipal courts or before the ICC. It should also facilitate and lead national dialogue and deliberation on issues of reconciliation as relevant to transitional justice with a clear objective of laying the requisite foundation for a future TRC. It must bring together all Eritreans in the Diaspora which now constitutes a great proportion of the entire Eritrean population, not only in terms of absolute numbers, but most importantly in terms of their contribution to the national economy and government expenditure. The consortium must also be mandated to propose other national strategies relevant for a peaceful political transition. In all aspects, the composition of such a consortium must be as representative as possible in terms of the social stratification of the Eritrean society, geographic factors of the Eritrean Diaspora communities, political orientation and other relevant factors.

4. Concluding remarks

Since its independence in 1991, Eritrea has seen egregious violations of international human rights and humanitarian law. The violations are contrary to the international obligations of Eritrea as stipulated in several international treaties ratified by the country as well as in international customary law which is binding by its nature on all countries of the world. Factual and legal analysis of the major incidents and events that took place between 24 May 1991 and beginning of 2009 reveals that crimes against humanity, war crimes and crimes of aggression have been perpetrated in Eritrea in an alarming manner, affecting hundreds of thousands of people. In most cases, human rights violations have been perpetrated under a clear and premeditated government plan of persecution and repression of political dissent and certain religious convictions. Sadly, the government is doing nothing to reverse the depressing state of affairs in Eritrea. To end the culture of impunity, international criminal justice, administered by the ICC, foreign municipal courts, or national or mixed tribunals, should be instituted immediately. However, in the event of a negotiated and peaceful political transition, conditional amnesty administered by a democratically constituted TRC is also regarded as an acceptable option.