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## The Horn of Africa War

JANUARY 29, 2003

I. SUMMARY

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### I. SUMMARY

#### A Deportee's Story

Ethiopian nurse B.H. was working for a humanitarian agency in Addis Ababa when war broke out between Ethiopia and Eritrea in May 1999. Then in her mid-fifties, she had lived in Ethiopia's capital all of her adult life. She traced her ancestry to Ethiopia's former province of Eritrea, which won its independence in 1993. She was widowed in 1989 from her Ethiopian husband—who had no Eritrean heritage—after more than twenty years of marriage. She had lived and raised her two children in Ethiopia.

In June 1998, Ethiopia authorities set in motion a campaign to round up, strip of all proof of Ethiopian citizenship, and deport Ethiopians of Eritrean origin from the country. Along with as many as 75,000 others, B.H. was taken into custody, denied her Ethiopian nationality, separated from her children, and deported to a purported homeland with which she had only distant ties.

In Eritrea, parallel roundups of Ethiopian nationals ensued later in the course of the war. B.H. told Human Rights Watch her story in May 1999 in Asmara, Eritrea's capital, where she is still a refugee.

In September 1998 police sought out B.H. at her work in Addis Ababa and took her to the local police station for questioning by a "processing committee." As they asked her questions, the members of the committee took down information. B.H. noticed that an agent had marked down her nationality as "Eritrean"—although he had never asked her to state her nationality:

I asked him "what was that?"

He said "nationality."

"Why don't you ask me?" I told him.

He just laughed.[\[1\]](#)

B.H. said that during her entire ordeal she never doubted that the whole thing was a "terrible mistake" on the part of the Ethiopian authorities. She believed that the expulsion bureaucracy would "soon" discover its mistake and allow her to return to her family; indeed, she said that she patiently waited for that moment to arrive even as she was being transported to the border in a convoy of trucks and buses with 1,500 other deportees.

Five months after her expulsion, B.H. said it was still difficult for her to accept her rejection as an Ethiopian. What was most painful at the time of the interview, however, was her forced separation from her Ethiopian children.

### **"Expelled-Never to Return"**

Ethiopian nurse B.H. and tens of thousands of others were expelled en masse as enemy aliens, in groups of up to thousands at a time. Most were trucked or bussed to the border with Eritrea. Documents proving Ethiopian nationality were confiscated, property rights were cancelled, and travel papers in many instances were marked "Expelled-Never to Return." There was no opportunity for judicial review-or even for appeal of rulings through administrative processes. Thousands were detained for periods from a few days to a few months in difficult conditions; many were ill-treated at the time of their arrest or while in detention awaiting transit to Eritrea. Many endured great suffering while in detention and during grueling journeys to the border.

Denied return to Ethiopia, families like that of B.H. were separated on the discriminatory grounds of ethnic or national origin. Children were either left behind with relatives without Eritrean heritage, or more commonly, even though Ethiopian-born, expelled with their parents and denied the Ethiopian nationality that was their birthright under Ethiopian law. Although the authorities of independent Eritrea extended the option of Eritrean nationality to those with ties to that country, most of the uprooted retained the hope that they could return to their homes and families in Ethiopia. Reduced to the status of refugees, they confronted the specter of statelessness.

The Ethiopian government also harshly treated Eritreans visiting, working, or studying in Ethiopia whose status as Eritrean nationals-and not Ethiopians-was not in question. They ranged from exchange students studying in Ethiopian universities to officials of state-owned Eritrean companies. Human rights concerns in these cases centered upon treatment in detention, including some cases of torture and persistent patterns of ill-treatment, and the absence of the due process guarantees which should apply even in situations of national emergency.

In Eritrea, a campaign of roundups, detention, and ultimately expulsion of civilians based on ethnicity and nationality paralleled the concerted nation-wide campaign that began in June 1998 in Ethiopia, but began

considerably later. Even before authorities began a program of arrest, detention, and expulsion, ordinary Ethiopians living and working in Eritrea's towns and cities were attacked by mobs, sometimes with police participation, in apparent retaliation for Ethiopia's air attacks and battlefield advances. Thousands were subsequently interned in harsh conditions prior to expulsion.

In contrast to Ethiopia's campaign of expulsion, Eritrea did not expel its own citizens. This notwithstanding, Eritrea's roundups and mass expulsion, too, were founded firstly on ethnicity. Individual petitions to remain were not heard; there was no legal redress for those making such claims; and administrative decisions apparently disregarded an individual's personal ties to Eritrea or its citizens. Many of the Ethiopians held in administration detention or interned faced conditions constituting cruel, inhuman, or degrading treatment, often for as long as several months. Deportees lost all they owned, with little prospect of pursuing claims for lost, confiscated, or abandoned property, although the peace agreement's provision for claims in this regard offer some little hope. The operation was a harsh campaign to expel en masse a suspect population in wartime—with potentially lasting consequences for the future of the once warring neighbors.

## **The War' Staggering Toll**

The war that broke out between Ethiopia and Eritrea in May 1998 shattered illusions that the two countries were to be a locus of stability in the Horn of Africa. The two-and-a-half-year border war claimed a staggering toll in human life and suffering and precipitated violations of human rights and humanitarian law on both sides.

The opposing armies waged a conventional war over a long front for much of the period. The casualties, mainly soldiers, included an estimated 100,000 dead. The conduct of the war devastated the two countries' economies, decimated their draft age youth, displaced whole populations, and led to the flight-or summary deportation-of tens of thousands across the two countries' imperfectly drawn international borders.

Hundreds of thousands were internally displaced and over one million became refugees in the course of the war. Many fled or were deported to other countries in the region as both countries used mass population transfers as a weapon of war. The negotiated end of the war, agreed on December 12, 2000, stopped the fighting—but it failed to resolve the plight of those uprooted from their homes and cut off from their livelihood in both countries, in particular those deported from their own country and stripped of their nationality.

While Ethiopia and Eritrea both now appear to be conforming with the requirements of the peace agreement, the settlement deals primarily with the formal separation of the belligerents' forces, the demarcation of the border, and competing claims for compensation. The issue of the wartime expulsion of tens of thousands of people on grounds of their purported nationality or national origin garnered surprisingly little attention from the international community during the war and remains largely overlooked in the war's aftermath.

This report examines the use of mass expulsions by both parties to the Horn of Africa war—and their far-reaching human costs.

## The Deportations

The Ethiopian government is known to have forcibly expelled an estimated 75,000 people of Eritrean origin during the war. The Eritrean government forcibly expelled or took part in the voluntary repatriation of an estimated 70,000 Ethiopians, notwithstanding persistent Eritrean government claims that it had no expulsion policy comparable to Ethiopia's.

### Ethiopia's Campaign of Deportations

Ethiopian authorities launched a vast campaign to round up and expel people of Eritrean origin from Ethiopia in June 1998. Most had been born in Ethiopia when Eritrea was still held to be a part of that country-and had no other recognized citizenship other than Ethiopian. Most adults had spent all or most of their working lives in Ethiopia, outside of Eritrea. Ethiopian authorities in June 1998 announced the planned expulsion of residents who posed a security risk to the state, to include members of Eritrean political and community organizations, and former or current members of the Eritrean liberation front.

The Ethiopian authorities moved almost immediately to carry out arrests and to expel Eritreans and those of Eritrean origin in a manner that became increasingly indiscriminate over time. No meaningful steps were made to determine "risk" on a case-by-case basis-or to distinguish between those who had formally assumed Eritrean nationality and Ethiopian nationals distinguished only by their Eritrean origin.

The first wave of arrests and deportations began on June 12, 1998, targeting people of Eritrean origin in Ethiopia who were prominent in business, politics, or community organizations. In conjunction with this campaign, the Ethiopian government revoked business licenses and ordered the freezing of assets of thousands of individuals of Eritrean origin. Those with bank accounts were informed that their accounts had been frozen and were inaccessible. The government provided no avenue for affected individuals to challenge these actions. The main targets of the deportation campaign after June 1998 were tens of thousands of ordinary people who were deported and dispossessed on the sole basis of their national origin.

In a June 18 broadcast, Ethiopian Foreign Minister Seyoum Mesfin had already put members of the Eritrean-Ethiopian community on notice that their citizenship was to be put to the test. "[I]f the Eritreans are innocent citizens and if they appeal in unity, if they condemn the aggression...[and] raise their voices together with the [Ethiopian] people for the achievement of peace, they will not be under threat." [2] The nationality of Eritrean Ethiopians was not questioned in the foreign minister's statement, but the challenge to their standing as "innocent citizens" posed an immediate threat to the entire group. In practice, the selective expulsions of community and business leaders yielded rapidly to wholesale arrests and deportations strictly on the grounds of national origin-on the grounds of presumptive disloyalty.

The expulsion of people from Ethiopia's urban areas generally conformed to a common pattern, with almost all detained and interned prior to being deported-often under very harsh conditions. The majority of the deportees were held for days or weeks, although some were held for as long as several months. A "processing committee"

of policemen, security agents, and political officials from the ruling party normally interrogated detainees on their identity, suspected links to Eritrean institutions-and their ownership of property. During the interrogation, the detainees were not given a meaningful opportunity to refute the allegation that they were Eritrean nationals (or security risks), and were denied access to the courts to challenge the legality of their detention or denationalization.

While the detainees were in custody at police stations, officials searched for and confiscated their Ethiopian identification documents, including identity cards, passports, work papers, and driving licenses. Some detainees managed to hold on to some of their identification documents by hiding them-or because they had not had a chance to bring the documents with them when they were detained. The systematic removal or destruction of such documentation was a peremptory measure to deny the individuals concerned basic evidence to substantiate claims to Ethiopian nationality at any future time. This confiscation of documents prior to deportation appears on its face to be recognition of the potential for such documents to counter Ethiopian government claims that it expelled only non-nationals. By stripping deportees of their Ethiopian papers the government was in a sense validating their claims to Ethiopian nationality by foreclosing the option of their close and independent examination.

Prior to their expulsion, the Ethiopian authorities moved urban deportees through a series of increasingly centralized internment sites holding increasingly larger groups of detainees. The majority of the deportees were transported in bus convoys to the northern border. Conditions during the trip to the border were extremely crowded and uncomfortable. The deportees then were made to cross the border on foot to reach Eritrean posts on the other side. Many others of Eritrean origin fled or were expelled across Ethiopia's southern borders with Djibouti and Kenya. Because of limits on the availability of buses, other equipment, and personnel, the Ethiopian government deported no more than 1,500 people at a time.

Individuals of Eritrean origin who lived in rural areas of Ethiopia were also subject to summary deportation or expulsion. Individuals from those rural villages inhabited predominantly by people of Eritrean origins, mostly in the northern Tigray region, typically had to travel on foot from their villages into Eritrea. They were generally not allowed to take personal possessions with them and some were forced to abandon thousands of livestock.

The Ethiopian government arrested, detained, and deported approximately 75,000 people of Eritrean origin without due process of law. Most were told they being detained because they had voted in the referendum regarding Eritrea's independence-with this cited as evidence they were "Eritreans." Self-identity with others of the same national origin within Ethiopia's multi-ethnic, multi-national state, the essential criterion for voting in the referendum, was reinterpreted as having been an affirmation of citizenship. Membership in Eritrean cultural, social, or political community organizations was also cited as evidence that people of Eritrean ethnicity had lost their Ethiopian nationality. Classification as "Eritrean" and decisions to deport appeared to have been determined by the processing committees even before most individuals were called in for questioning-with a space on forms identifying nationality routinely filled in as "Eritrean" in advance. The Ethiopian government also forced deportees to sign away their property rights-by demanding deportees sign powers of attorney under

threat.

### **Eritrea's Policy of Internment and Deportation**

Eritrea pledged at the outbreak of war that Ethiopian residents would not be penalized for the war, and that they were welcome to stay in the country and to keep their jobs, while offering the option of voluntary repatriation to those wishing to depart. There was no evidence during the first phase of the conflict that Eritrea had a policy to expel Ethiopian residents, although Ethiopian residents suffered considerable abuse. As the conflict dragged on, Eritrea's policy toward Ethiopian residents became increasingly harsh. Thousands had left the country early in the conflict due to economic hardships related to the war and out of concern for their own safety. Increasingly, large numbers of residents were interned and expelled by the Eritrean authorities.

From August 1998 to January 1999, a period of relative calm on the war front, some 21,000 Ethiopian residents of Eritrea left for Ethiopia with the assistance of the International Committee of the Red Cross (ICRC). While Eritrean authorities insisted that these departures were voluntary, a measure of coercion was involved in a number of cases. Indeed, many individuals in this first wave complained upon arrival to Ethiopia of beatings, rape, and the confiscation of their property.

Between February and April 1999, fierce battles were fought on the western and middle segments of the disputed border, but neither party had scored significant gains by the onset of the rainy season in June. However, Ethiopia's retaking of the disputed Badme triangle, on the western front, gave it a certain advantage in the intense propaganda war that the two belligerents fought in the media and on the Internet. During this phase in the war, the Eritrean government appeared to further toughen its policy towards Ethiopians residing in the country, leading to a new wave of internments and forcible expulsions of Ethiopian residents.

The Ethiopian army's major offensive in mid-2000 caused an estimated one-third of Eritrea's three million people to flee their homes. Also displaced were thousands of Ethiopians who had been longtime residents. In the first week of June 2000, Eritrean authorities told Ethiopian citizens living in Asmara "to register with the local authorities in preparation for repatriation." A government spokesman for the foreign ministry in Eritrea denied that the Eritrean government was pursuing a policy of forced repatriation, attributing the directive to a "communication gap," but the internments proceeded anyway. Shortly thereafter, Eritrean authorities acknowledged holding at least 7,500 Ethiopian nationals, and allowed the international press to visit one of several internment sites. Eritrean authorities started expelling larger numbers of Ethiopian residents in earnest in July and August 2000, in several instances without prior information to the ICRC to ensure the safety of deportees as they crossed front lines. The ICRC's request of Eritrea and Ethiopia in early August to agree on common routes for border crossings led to better compliance by the two belligerents with the requirements of safe passage for civilians expelled across the border. Between October 2000 and late 2001, the ICRC accompanied batches of several hundreds of repatriated Ethiopians on a regular basis.

The December 2000 peace agreement established a Claims Commission to decide all compensation claims for loss, damage, and injury related to the conflict and arising from violations of international law. However,

monetary rewards alone will be insufficient to compensate for the suffering resulting from the deportations carried out by the two parties. Nor does the Claims Commission appear to be mandated to address the outstanding consequences of the deportations—the nationality status and right to return of those arbitrarily denationalized and the reunification of families sundered by the mass expulsions.

Overlooking these issues will have grave consequences for thousands of war refugees and displaced persons, many of whom are still living in makeshift settlements and relying for their survival on relief handouts. The peace process has ended the bitter conflict between the two nations. However, the issue of the resettlement or return and the compensation of deportees must be addressed squarely. In particular, the nationality status of those whose citizenship was revoked during the expulsion process must be resolved if lasting peace and reconciliation is to return to the Horn of Africa so that the international peacekeepers can return home.

### **The War and the Question of Nationality**

The war's immediate cause was a border dispute in a dry and stony region called Badme—a consequence of territorial fine-tuning left undone when Eritrea won its independence from Ethiopia in 1993. The final details of the borders then seemed inconsequential, as the leaders of the two governments were fast friends—long-time comrades in arms in the fight against Ethiopia's Derg regime.

The question of the nationality of Ethiopians with ties to newly independent Eritrea was also deferred. Eritrea's newly independent government promptly made provisions for residents of Eritrea and returning refugees to establish their Eritrean nationality and citizenship. Ethiopia's government, for its part, imposed no requirements for Ethiopian citizens of Eritrean origin who remained in Ethiopia to reaffirm their Ethiopian nationality. It did not establish procedures for citizens to choose one or the other nationality, Ethiopian or Eritrean, or to otherwise regularize outstanding nationality issues with its successor state, Eritrea. Indeed, in a 1993 pact with the new Eritrea, Ethiopia recognized that until the issue of citizenship was settled in both countries, rights of residence in both territories would be respected. Most members of the Eritrean minority in Ethiopia got on with their lives, never doubting their standing as Ethiopian citizens.

Ethiopian law was clear that those who took up the option of Eritrean citizenship could not then have dual nationality—they could not retain their Ethiopian citizenship. Most Ethiopians of Eritrean heritage had a clear right to Eritrean citizenship, and this was a criterion for their voting in the 1993 referendum on Eritrean independence. At that time, however, Eritrea was a province of Ethiopia; an option to formally take up Eritrean citizenship could only be exercised after independence was won. Most of these Ethiopians whose habitual residence was outside Eritrea had not taken steps either to renounce their Ethiopian citizenship or to affirm their citizenship in post-independence Eritrea after the referendum.

Eritrea's independence was contingent upon the outcome of the referendum—and the outcome was promptly recognized by the Ethiopian government. Yet there was no provision in Ethiopian law or in the terms of the referendum itself that expressly put the Ethiopian citizenship of those voting in jeopardy should Eritrea win

independence. To have done so would have marred the referendum by threatening to penalize voters who believed in an independent Eritrea. Only long after the fact and in the context of the outbreak of war did Ethiopia's leaders declare that having voted in the referendum was ultimately in itself evidence of Eritrean citizenship-and by extension a renunciation of their rights as Ethiopians. This was the basis for Ethiopia's campaign to strip of their Ethiopian citizenship tens of thousands of people and to expel them en masse to neighboring countries.

### **International Standards and Successor States**

This report focuses on the Ethiopian government's expulsion or deportation from Ethiopia of thousands of Eritreans and Ethiopians of Eritrean origin-and on the Eritrean government's expulsion of tens of thousands of Ethiopians following the outbreak of war. This account looks at the plight of these uprooted civilians, and in particular those who were expelled by Ethiopian authorities from their own country, their documents stamped "Never to Return."

In the course of the war, both sides violated international standards providing safeguards against arbitrary arrest and restricting the use of administrative detention; barring cruel, inhuman, or degrading treatment or punishment; and forbidding the forcible transfer or deportation of civilian populations. International standards concerning nationality in situations of state succession are less incontrovertible, although certain core principles can be identified. These fundamental standards provide a firm basis to assess the expulsion of people from Ethiopia who had not formally taken up Eritrean citizenship, and as a consequence were rendered potentially stateless.

B.H. and other Ethiopians caught up in the campaign to expel people of Eritrean origin faced many of the same issues confronted in other countries transformed by political upheaval, secession, and the emergence of newly independent states in the 1990s. These were in large part issues of state succession, where one state replaced another in its exercise of sovereignty over a given political territory in conformity with international law. As such, independent Eritrea was a successor state to Ethiopia.

For the successor states emerging from the former Soviet Union and the former Yugoslavia, and the division of Czechoslovakia, as with the secession of Eritrea from Ethiopia, issues of nationality were of the greatest importance-as citizenship has proven essential for the exercise of the full spectrum of human rights. A draft declaration prepared by United Nation's International Law Commission, and submitted to the U.N. General Assembly in 1999, provides useful guidance on the principles of international law relevant to the issue of nationality in successor states.

These principles derive from the basic human right to a nationality, and states' obligations to respect this right. They include the right of those with the nationality of the predecessor state not to be rendered stateless; and the obligation of states to ensure that individuals concerned are informed, within a reasonable time period, of the effect of any new legislation on their nationality. Similarly, the consequences for their status in the predecessor state must be made clear to them should they choose to pursue the option of becoming a national of a successor

state.

Of particular relevance to Ethiopia and Eritrea is the principle of nondiscrimination-by which states shall not deny persons concerned the right to retain or acquire a nationality or the right of option upon the succession of states by discriminating on any ground. The absence of due process of law in the denationalization and deportation campaign, in turn, flouts principles prohibiting arbitrary decisions concerning the acquisition and withdrawal of nationality-or options to this end. In particular, this violates the principle that people should not be arbitrarily deprived of the nationality of a predecessor state-in this case Ethiopia-or arbitrarily denied the right to acquire the nationality of the successor state. The principles also require that anyone required to transfer one's residence out of the territory of a state following the voluntary renunciation of that state's nationality be given a reasonable time to do so.

International standards are addressed further below.

## **MethodologyMethodology**

Human Rights Watch closely monitored the treatment of civilians expelled from Ethiopia and Eritrea during and after the war. In May 1999, the organization conducted a three-week mission to the region to gather information about the mass expulsions. Although denied access to Ethiopia, Human Rights Watch interviewed sixty individuals of Eritrean origin who had been expelled from urban and rural areas in Ethiopia. The interviews were carried out in the Eritrean capital, Asmara, and in an Eritrean-run refugee camp in western Eritrea's Gash-Barka province which sheltered people expelled from rural areas of Ethiopia's Tigray region. Human Rights Watch also interviewed members of the diplomatic community, representatives from local and international humanitarian organizations, representatives from United Nations agencies, and Eritrean government officials on the range of issues covered in this report. Names of those who provided testimonies to Human Rights Watch have been withheld from this report in order to ensure security for them and their family members.

After the outbreak of hostilities between Ethiopia and Eritrea, Human Rights Watch received information about the treatment of Ethiopian residents in Eritrea from Ethiopian government officials as well as nongovernmental organizations and other independent sources. Human Rights Watch also monitored the treatment of Ethiopian nationals inside Eritrea through media reports and contacts on the ground. Human Rights Watch's plans to independently corroborate this information by conducting interviews in Ethiopia with Ethiopian nationals expelled from Eritrea were hampered by the Ethiopian government's refusal to grant entry visas to Human Rights Watch researchers on two occasions: first, in March 1999, and again in April 1999.

Human Rights Watch researchers were able to gather some first-hand testimony about the treatment of Ethiopians in Eritrea during its May 1999 mission to Eritrea. During that mission, Human Rights Watch researchers conducted interviews with a dozen Ethiopian residents and also obtained information from interviews with long-term residents of Eritrea from third countries. The organization also met with the chargé

d'affaires of the Ethiopian embassy in Asmara.

This report covers the period June 1998 to April 2002.

I. SUMMARY



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[1]Human Rights Watch interview, Asmara, May 13, 1999. The names of all witnesses are on file with Human Rights Watch.

[2]"Ethiopian foreign minister explains expulsions," interview broadcast on Ethiopian TV on June 18, 1998, reported in BBC's Summary of World Broadcasts, June 22, 1998

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