

**Security Council**

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Letter dated 4 August 2011 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Upon instruction from my Government I hereby attach Eritrea's preliminary remarks on the report of the Monitoring Group on Somalia and Eritrea (S/2011/433) of 18 July 2011 (see annex). While Eritrea is in the process of preparing a comprehensive response to the report, which has been made public since 28 July 2011, I would be most grateful if the present letter and its annex could be issued as a document of the Security Council.

(Signed) Araya **Desta**
Ambassador and Permanent Representative



Annex to the letter dated 4 August 2011 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Preliminary remarks by Yemane Ghebreab, Political Adviser to the President of the State of Eritrea, on the report of the Monitoring Group on Somalia and Eritrea

New York, 22 July 2011

Let me take this opportunity to express my delegation's appreciation to you as Chairman of the Security Council Committee, pursuant to resolutions 751 (1992) and 1907 (2009), and through you to the members of the Committee, for arranging the informal consultations.

It must be acknowledged that despite its strong reservations on the whole affair, Eritrea has fully cooperated with the Monitoring Group on Somalia and Eritrea in the discharge of its mandate.

The Monitoring Group visited Eritrea twice and there was also a third informal discussion held in Europe. Eritrea also responded to the Group's written queries. Eritrea finds that the substance and tenor of the Group's report do not reflect those discussions and is hugely disappointed. In contrast, the Monitoring Group has received a ringing endorsement from Ethiopia, which is vociferously calling for an extension of the Group's mandate and tightening of the sanctions regime against Eritrea.

Eritrea is also dismayed by the fact that the contents of the report were presented by a high-level international civil servant to the Intergovernmental Authority on Development (IGAD) Summit held in Addis Ababa. The selective presentation was used inappropriately to sway the opinions of the IGAD leaders, who subsequently called for additional sanctions against Eritrea.

At this time, the Eritrean delegation can only register a preliminary, but factual, response since Eritrea was not given a copy of the report, despite a written formal request. The Eritrean delegation has been briefed and allowed some access to the report, but due to the limited time allotted and the inability to contact relevant authorities in Eritrea for comments and verifications on the various allegations contained in the report, the delegation is unable to give a full response.

Eritrea, therefore, once again requests from the Sanctions Committee a copy of the report and adequate time to present a definitive reply with supporting documents. This is only fair since Eritrea cannot be judged on the basis of a document that is not in its possession and without the opportunity to properly defend itself.

Eritrea's overview of the report of the Monitoring Group on Somalia and Eritrea

The report can be divided into three parts: background information and analysis; main body of the report with specific accusations; and recommendations.

Eritrea's overview of the report can be distilled into the following points:

- The background (contextual) section of the report is replete with sweeping statements about the policies, practices and institutions of the Eritrean Government as well as gross accusations that are not borne out by either the reality on the ground or the main body of the report. A casual reading of the report can easily lead to misleading perceptions and erroneous conclusions, while a careful reading reveals that the report is tall on accusations and short on tangible evidence.
- The accusations against Eritrea in the main body of the report generally fall into two categories: allegations that are narrated in great detail creating wrong impressions, but with the Monitoring Group on Somalia and Eritrea then admitting that the allegations are not backed by conclusive evidence; and allegations of events and actions that took place prior to 23 December 2009, the cutoff date for any determination of Eritrea's compliance with resolution 1907 (2009).
- There is no conclusive evidence in the report of any Eritrean violations in regard to Somalia and Djibouti, as well as the arms embargo on Eritrea. These are highly significant as they were accusations of Eritrean wrongdoings in regard to Somalia (particularly support to Al-Shabaab) and Djibouti that were the basis for the imposition of sanctions on Eritrea. Fairness would require an acknowledgement of this fact and a decision to lift the sanctions against Eritrea.
- The centrepiece accusation against Eritrea, the basis for calls for additional sanctions, is the sensationalized allegation of a plot to bomb Addis Ababa during the African Union Summit in January 2011. Here it is pertinent to point out that the goalpost in accusations against Eritrea has shifted from Somalia and Djibouti to Ethiopia, which is the culprit, accuser and source of all "evidence" at the same time. Additionally, Eritrea would have no interest in disrupting a Summit of the African Union, when it had just reopened its mission in Addis Ababa and was participating in the Summit for the first time after a long absence. It would be reckless or stupid to contemplate such a hideous attack. More crucially, Eritrea can prove definitively and conclusively that it is not guilty of masterminding and directing the said plot. (We present our preliminary response to this allegation below.)

Eritrea's remarks on the contextual analysis of the Monitoring Group on Somalia and Eritrea

Domestic Eritrean situation

The report lacks any sense of balance and projects an extremely negative portrait of Eritrea, which is at variance with reality. As Eritrea informed the Security Council during the informal interactive dialogue on 19 July 2011, Eritrea is focused on development, making it the country's paramount priority.

Eritrea-Ethiopia relations

While the Monitoring Group on Somalia and Eritrea recognizes the vital relevance and crucial role of this issue in regard to Eritrea, it does not give it the consideration that it deserves.

It acknowledges that Ethiopia is actively working to destabilize Eritrea and mentions “Ethiopia’s support of armed opposition groups”, but it again fails to give it due weight.

In fact, Ethiopia has repeatedly carried out armed incursions, sabotage and other terrorist operations against Eritrea, targeting the mining sector in particular. There have been over 30 operations in the past two years alone, including one against the headquarters of a Chinese mining company. Ethiopia has also been hosting for almost 11 years now — and with audacity — an assortment of 16 subversive and terrorist “Eritrean” groups, including the Eritrean Islamic Jihad Movement, to promote its publicly pronounced agenda of destabilizing Eritrea.

The Monitoring Group report glosses over these facts as well as the repeated public threats made by Ethiopia on so many occasions. Indeed, Ethiopia has informed visiting Security Council members that Ethiopia’s official policy is the removal of the Eritrean Government.

Significant ramifications of the relationship between the two countries:

- Two wars: a 30-year one, which claimed the lives of 65,000 martyrs; a second one, which exacted a human toll of 20,000 lives. These human losses are huge for a small country with a small population;
- Ethiopia continues to occupy huge and sensitive chunks of sovereign Eritrean territories;
- Ethiopia has made clear its intention to take military measures to overthrow the Eritrean Government.

Today, Ethiopia is seeking economic sanctions and diplomatic isolation to hamstring and pre-empt Eritrea’s serious efforts to reach out and contribute to enduring regional stability and harmony.

Eritrea’s regional role

Once again the Monitoring Group on Somalia and Eritrea chooses to ignore Eritrea’s constructive regional role, including its widely acknowledged contribution to peace in the Sudan, unwittingly revealing its biases.

Eritrea’s preliminary reply to accusations of the Monitoring Group on Somalia and Eritrea

1. Support to armed groups involved in violence, destabilization and terrorism

The Monitoring Group begins treatment of the subject by identifying officers it considers essential in the direction and conduct of Eritrea’s external intelligence operations. It names seven persons, most of whom are officers of the defence forces, with no links to external intelligence.

For instance, the Monitoring Group mentions Colonel Gemachew Ayana, who is not even Eritrean. Colonel Gemachew Ayana is an Ethiopian citizen and was a member of the Ethiopian Defence Forces. He was commander of a Mechanized Division of the Ethiopian army until 2003 when he was accused, like dozens of other Oromo military officers, of clandestine involvement with the opposition Oromo Liberation Front and relieved of his post. Some three years later, he joined the Oromo Liberation Front. Given that these are easily verifiable facts, it is puzzling why the Monitoring Group claimed in its report that he is an Eritrean officer in external intelligence. As we shall see, Gemachew is accused of playing a key role in the alleged plot to bomb Addis Ababa. A statement by Colonel Gemachew is attached (see enclosure).

2. Training facilities

Eritrea's military facilities and their locations are not a secret. Contrary to what the Monitoring Group report states, Eritrea's National Security Agency does not undertake military training. Most importantly, much of the information contained in the report predates resolution 1907 (2009) and is therefore irrelevant.

3. Assistance to armed groups alleged to be in violation of resolution 1970 (2009)

Djibouti

Although the report presents two allegations of what it calls "Eritrean support of limited scale", its sources are dubious to say the least. A former FRUD commander, detained by the Djibouti Government, can hardly be expected to be a credible source. Although the detainee claimed that Eritrea provided "food, medicines and treatment for wounded fighters", he denied receiving any weaponry or military equipment. He said that FRUD uniforms, arms and ammunition were purchased from Yemen. This contradicts claims by Djibouti authorities that the detainee had admitted that Eritrea provided arms. In addition, this Monitoring Group allegation relates to the period prior to December 2009, as the latest claim of any Eritrean involvement was October 2009.

There is only one other allegation in the report, which claims that in February 2011 the Djibouti military seized 50 kgs of explosives hidden in a cave. The Monitoring Group said that the explosives were of Soviet era manufacture and that it "has been unable to trace their place of origin or chain of custody". Since there was no allegation of any Eritrean involvement, why mention this under Eritrea's alleged violations?

It is clear that there is no evidence of Eritrean violation of resolution 1907 (2009) in regard to Djibouti.

Ethiopia

As mentioned above, the centrepiece of the Monitoring Group's (and Ethiopia's) accusations that Eritrea is engaged in terrorist plots and acts of regional destabilization is the alleged plot to bomb Addis Ababa during the African Union Summit in January 2011. The Monitoring Group claims that "although ostensibly an OLF (Oromo Liberation Front) operation", it was conceived, planned and directed by the Eritrean National Security Agency. It concludes that the "operation was effectively an Eritrean intelligence activity falsely flagged as an OLF initiative".

The operation is described in a dramatic thriller fashion over several pages of confusing and contradictory narrative, one full of holes. If it is given the opportunity, Eritrea will present a detailed exposé that will prove conclusively that the Monitoring Group accusation of Eritrea is utterly unfounded. As to the alleged role of OLF, the organization can speak for itself.

In this preliminary response, Eritrea presents the following facts and pieces of evidence that underscore that the Monitoring Group's accusations are not based on solid and conclusive evidence.

The source for the information and "evidence" that underpin the accusation are highly suspicious and not credible. The Monitoring Group admits that its only sources for its allegations are Ethiopian security authorities and alleged perpetrators detained by Ethiopian security. It is obvious that an Ethiopian Government that is hostile to Eritrea and actively campaigning for additional sanctions has the desire and the means to tamper with, embellish, distort, even fabricate pieces of evidence. It is also clear that any testimony by detainees in the hands of a Government that is well known for routinely resorting to torture cannot contradict the official Ethiopian Government version as this would lead to severe consequences for the detainees.

An additional fact that severely tests the credibility of the testimony of the detainees is their claim that the person who allegedly played the central role, Colonel Gemachew Ayana, is an official in Eritrean intelligence and not an OLF official, as we have seen above. If the informants actually played the roles ascribed to them in the narrative of the alleged plot, there is no conceivable reason why they would not know that Gemachew was in fact an OLF official. If they knew and deliberately misled the Monitoring Group (to give the benefit of the doubt to the Monitoring Group) into thinking that he was an officer in Eritrean intelligence, then they must have been coached by their handlers with the express purpose of implicating Eritrea.

The Monitoring Group's claim that Eritrean officers played the central role in the plot is plain wrong and contradicted by its own narrative. To justify its premise that the attempted bombing of Addis Ababa was an Eritrean operation, the Monitoring Group states that only one OLF detainee, the "team leader Omar Idriss Mohamed appears to have been in regular contact with the OLF leadership ... All other team members were isolated from OLF structures from the moment of recruitment and received all training and orders directly from Eritrean officers."

It adds that according to Omar (the team leader) only OLF Chairman Dawud Ibsa "was aware of the existence of this special operation and its objectives, but he does not appear to have exercised any command or control over its actions".

According to the narrative in the report, however, and again we are by no means lending any credence to the allegations, it is OLF officials who allegedly played the key role.

This is what the narrative says. Back in 2008, an OLF associate in Kenya had put the leader of team 1, Fekadu, in contact with an Eritrean Colonel named Gemachew Ayana. (As previously stated, Gemachew is in fact an OLF official and not an Eritrean.) Gemachew also approached Omar Idriss Mohamed, the overall team leader, who says that he was contacted in August/September 2009 by OLF Chairman Dawud Ibsa and informed that he would be given a secret assignment. In March 2010, Gemachew "instructed Fekadu and his team to return to Addis Ababa".

Fekadu “remained in contact with Gemachew with phone records indicating at least 27 conversations”. Gemachew also arranged for money transfers to team members in Addis Ababa. According to Omar, it was Gemachew who gave team members the equipment and explosives that would be used in the operation. Again, Gemachew “provided final instructions and explosives”. In early January, Omar “requested additional funds from Gemachew”. In the last week of January, “with time running out ... Omar felt the need to consult with Gemachew ... Phone records appear to indicate that they made contact 39 times ... mainly initiated by Gemachew.”

There is some mention of Eritreans in the narrative, but in a limited and secondary role, again based on suspicious testimony from detainees.

Even if we allow that the narrative is in fact true — and Eritrea believes it isn’t — it is abundantly clear that the alleged attempt was from start to finish an OLF effort.

There are other major problems with the narrative.

It states categorically that the operation did not target the African Union leaders, but then claims that one of the targets was the Sheraton Hotel where most of the leaders were staying.

The report states that a sniper rifle, which was allegedly in the possession of one member of the team, was sold to Eritrea by Romania as corroborated by the Romanian Government. We will seek to get back to the Sanctions Committee with information on the veracity of this claim. But even if we assume that it is of Eritrean source, this still does not show conclusively when and how the rifle ended up in the hands of the Ethiopian Government. On the other hand, the report does not provide any evidence at all that the essential equipment and the explosives that were going to be used in the alleged plot were sourced from Eritrea.

The Monitoring Group bases much of its claims on an OLF contact list in Asmara but it then admits that this key piece of evidence is an outdated one from 2006. Realizing it is on untenable grounds, it flimsily tries to justify itself by claiming that unnamed former OLF members (defectors) had told it that the list is currently valid, forgetting that the testimony of defectors, now collaborating with the Ethiopian Government, cannot be regarded as credible sources.

This account belies the claim that the alleged Addis Ababa operation was conceived, planned and directed by Eritrea. It also shows that there is no incontrovertible evidence of Eritrean involvement, even the limited role that remains once we take into account the alleged key actors, those who allegedly had the command and control, were non-Eritreans. If given the time, Eritrea wishes to provide crucial extra information pertaining to this sensationalized accusation, which reminds of an earlier accusation by the Monitoring Group that Eritrea had 2,000 soldiers in Somalia, with detailed information on when and how they arrived and where and in what numbers they were deployed. This showpiece of an earlier report, which proved to have been totally groundless, was used at the time to build a case for sanctions against Eritrea.

Somalia

Given that the allegations of Eritrea's military support to Al-Shabaab has been the central concern of the Security Council and the main impetus behind the imposition of sanctions under resolution 1907 (2009), it is remarkable that the Monitoring Group report confirms that Eritrea is not in violation of resolution 1907 (2009) in regards to military support to Al-Shabaab or any armed group in Somalia. It mentions claims from unidentified sources of Eritrean arms shipments to Kismaayo (in fact, Ethiopia had publicly made those accusations), but states categorically that it "could not independently verify the reports".

Regarding financial support, the Monitoring Group states that it has documentary evidence of Eritrean payments to individuals linked to Al-Shabaab, but admits that these relate only to 1998. It mentions allegations that financing continues, one source claiming to the tune of \$80,000 per month, but does not present a shred of evidence.

Sudan

The report acknowledges that it is not possible to conclude that Eritrea has provided direct military assistance to groups engaged in the destabilization of South Sudan in violation of resolution 1907 (2009).

4. Violation of the arms embargo

The Monitoring Group speaks about reports and circumstantial evidence of Eritrean arms procurement, but does not claim that it has evidence beyond a reasonable doubt. It also states that it has not been able to determine whether any Government is directly involved in any deliberate violation of the arms embargo in regard to Eritrea.

The report mentions allegations received that an Eritrean military officer is involved in arms smuggling from Eritrea to the Sudan. It does not provide any proof of the allegations and in any case they relate to the pre-resolution 1907 (2009) period.

5. Financing in support of violations of resolution 1907 (2009)

The report devotes a lot of space to allegations that there may be covert financial activities in support of arms embargo violations. It goes into detail into what it considers are sources of revenue for the Eritrean Government, with particular emphasis to contributions from the Eritrean diaspora as well as the mining sector. It is sad that it repeats accusations (from suspicious sources, including individuals with personal agendas) without providing any evidence that insinuates that Eritrean community members and business people are involved in illegal activities. These allegations are simply defamatory and tarnish the reputations of these individuals, who are also citizens of the countries they reside in, as well as their families and businesses.

The report also steps on a legal minefield by suggesting that contributions by the Eritrean diaspora are illegal and violate the Vienna Conventions. Since the Monitoring Group did not conclusively establish violations of the arms embargo, the discussion of the possible source of its financing can only be hypothetical. It seems

the whole exercise is meant to give a fig leaf to calls for economic sanctions to Eritrea.

Eritrea's response to the recommendations of the Monitoring Group

The recommendations of the Monitoring Group on Somalia and Eritrea to impose additional sanctions against Eritrea fly against the content and evidence presented in the main body of its own report. As we have seen, Eritrea is in compliance with resolution 1907 (2009) in regards to Somalia, Djibouti and the arms embargo. We have also shown that the accusation that Eritrea masterminded and attempted the bombing plot on Addis Ababa is not supported by solid evidence. This being the case, fairness and justice demand that the sanctions on Eritrea be lifted immediately, not to speak of additional sanctions. Justice and fairness would also require that measures be taken against the Ethiopian Government as the Monitoring Group has stated categorically that Ethiopia is "in violation of the general and complete arms embargo" on Somalia. It is highly significant that the Monitoring Group inexplicably fails to make any recommendations in regard to Ethiopia's violations of relevant Security Council resolutions, including 1907 (2009).

Conclusion

Eritrea concludes its preliminary submission by requesting once again the opportunity to present a comprehensive and definitive response after receiving and reviewing the report of the Monitoring Group on Somalia and Eritrea. Clearly there is no emergency that would justify a hasty, unfair and dangerous decision against Eritrea, for the second time in only 18 months.

Enclosure

Statement by Brigadier General Hailu Gonfa and Colonel Gemechu Ayana

14 September 2006

Until a few days ago, we were officers in the Ethiopian army sworn to protect the country's laws and diverse people from any threats. To our deepest dismay, we have come to the conclusion that the greatest threat to Ethiopia and the people emanates not from elsewhere but from the regime on power. Over the last years, the armed forces have been systematically reduced to protecting the narrow interest of a small clique determined to cling to power at all costs. Under the circumstances the choices confronting us are: Either to remain with the same oppressive machinery or wait and see hoping against hope that things would improve on their own or through a miracle. We have waited too long; we cannot wait any longer.

Despite the calls by opposition groups to peacefully deal with the dire situation, EPRDF is showing no inclination whatsoever to address the country's mounting social, economic and political problems. Instead, it is intensifying repression. Even though this repressive machinery did not spare any people in the country, the magnitude and scale of repression, harassment and intimidation committed against Oromo people has no comparison. Moreover, it is considering new military adventures in the region that would not serve the legitimate interest of all affected — and could plunge the region into chaos.

Throughout the years we served this regime, we served hoping things would improve over time and expected the regime would also resolve political conflicts peacefully and truly democratize the country where political power emanates from the will of the people not from force. Now we have found this to be an empty promise. We are particularly elated that the Alliance for Freedom and Democracy (AFD) has offered a hope not only to eliminate the spectre of more mayhem but also chart a better future through a process of dialogue involving all stakeholders in the search for comprehensive solutions.

We regret that the regime has flagrantly, and without serious consideration, rejected this offer of goodwill and continued on its path of destruction. We cannot therefore continue to defend a minority and overwhelmingly rejected regime, sadly, that is committing untold atrocities against our own people.

It is time for us to take side in the fight between tyranny and liberty. Accordingly, we have dissociated ourselves from TPLF/EPRDF and joined the liberation struggle of our people gripped by the claws of tyranny. We have therefore joined the Oromo Liberation Front that is a member of the Alliance for Freedom and Democracy (AFD) to realize the age-old dream of all peoples for freedom and democracy.

To the Ethiopian Armed Forces

The incumbent regime has been fooling us all by falsely extolling its commitment to freedom, democracy and speedy economic development. This commitment has been put to test over the last 15 years. The tyrannical behaviour of the regime demonstrates that this pledge runs skin deep and does not show any sign

of change, which makes all our efforts and sacrifices in vain. We believe as long as the regime continues to defy the will of the people, our problems would multiply. That is why it has to be compelled to desist from its destructive path or be removed. We therefore call on you to follow our example and join the just and popular struggle.

To the international community

The minority Ethiopian regime does not have the capacity or the legitimacy to continue to rule the country. The regime, whose dismal 15-year tenure is more than enough to gauge its goodwill, needs to be pressed rather than appeased to submit to the call for dialogue. We strongly urge you to reconsider your support for it as it does not any more serve our common strategic interests.
