

ERITREA-ETHIOPIA CLAIMS COMMISSION

DECISION NUMBER 8:

Relief to War Victims

1. The Commission is confident that the Parties are mindful of their responsibility to take effective measures, within the scope of the resources available to them, to ensure that their nationals who are victims of armed conflicts receive relief.

2. In its April 13, 2006 letter to the Parties regarding scheduling for the damages phase, the Commission stated:

In view of the humanitarian purposes set forth in Article 5(1) of the December 12 Agreement, the Commission requests that the Parties inform it in their first filings how they intend to ensure distribution of damages received to civilian victims, including presently available information on existing or anticipated structures and procedures for this purpose.

3. The Commission recognizes that the Parties chose to pursue inter-State claims, and that each Party has full authority to determine the use and distribution of any damages awarded to it. The above request was not intended to derogate from the Parties' rights in this regard.

4. In their Memorials and in the first round of hearings in the damages phase in April 2007, both Parties responded to the request in the Commission's April 13, 2006 letter. Both recognized the humanitarian purposes emphasized in Article 5(1) of the Agreement of December 2000, and invited the further views of the Commission.

5. The Commission agrees that, as to many claims on which it has found liability, it would probably be impossible, and certainly inordinately expensive, to attempt to identify the specific individuals who suffered injuries as a result of various illegal acts committed against them. Examples include victims of rape, physical abuse and intentional killings.

6. In view of the foregoing, the Commission decides to invite the Parties to consider further means by which, in the exercise of their discretion regarding the use and disposition of damages that may be awarded to them, the humanitarian objectives of Article 5(1) can best be achieved, for example by different kinds of relief programs for categories of victims, for example to provide health, agricultural and other services.

7. The Commission would welcome comments by both Governments on the matters addressed in this Decision in their final Memorials.



Hans van Houtte
President, Eritrea-Ethiopia Claims Commission
July 27, 2007