

ERITREA-ETHIOPIA CLAIMS COMMISSION

DECISION NUMBER 2:

Claims Categories, Forms and Procedures

A. Claims Categories. The Commission has decided that claims may be filed in the following six categories:

Category 1 - Claims of natural persons for unlawful expulsion from the country of their residence;

Category 2 - Claims of natural persons for unlawful displacement from their residence;

Category 3 - Claims of prisoners of war for injuries suffered from unlawful treatment;

Category 4 - Claims of civilians for unlawful detention and for injuries suffered from unlawful treatment during detention;

Category 5 - Claims of persons for loss, damage or injury other than those covered by the other categories;

Category 6 - Claims of Governments for loss, damage or injury.

B. Mass Claims Procedures/ Fixed Amount Compensation. The Commission has decided to establish a mass claims process under which claims of persons in Categories 1-5 may be filed for fixed amount compensation. The Parties shall prepare claims forms for all such claims, using forms to be established by the Commission. Specified data derived from those forms may be filed with the Commission in electronic form pursuant to guidance the Commission will provide.

Each Party will group its claims in each Category in sub-categories that it selects, in such a manner that each sub-category contains all of that Party's claims in that Category alleged to arise from a particular violation of international law and/or from the same events.

Subject to further decisions by the Commission, fixed amount compensation shall be available in two tiers depending on the type of evidence available. The amount in each tier shall be decided by the Commission after receiving further views and evidence from the Parties. Fixed amount compensation shall be available in accordance with procedures to be established in Chapter Three of the Commission's Rules of Procedure.

C. Other Claims. All claims in Category 6, and those claims in Categories 1 through 5 that seek to prove actual damages or otherwise require individual consideration, shall be filed in accordance with procedures to be established in Chapter Two of the Commission's Rules of Procedure.