

ERITREA-ETHIOPIA CLAIMS COMMISSION

DECISION NUMBER 5:

Multiple Claims in the Mass Claims Process, Fixed-Sum Compensation at the \$500 and \$1500 Levels, Multiplier for Household Claims

On the basis of the Parties' submissions before and during the hearing of 1-3 July, 2001, and the post-hearing submissions filed by the Federal Democratic Republic of Ethiopia (7 August 2001) and the State of Eritrea (8 August 2001) in response to the Commission's letter of 24 July 2001, the Commission decides as follows:

A. Multiple Claims in the Mass Claims Process

Noting that Article 5, paragraph 1, of the Agreement of 12 December 2000 requires the Commission to entertain "all claims for loss, damage or injury" that are related to the conflict and result from violations of international humanitarian law, the Commission decided that the Parties may file claims on behalf of an individual national in more than one of the Categories 1-5 in the mass claims process.

B. Fixed Sum Compensation at the \$500 and \$1500 Levels

Taking into account, among other things, that the Parties may file multiple claims on behalf of individual nationals in the mass claims process, the Commission decides that the level of the first tier of fixed-sum compensation in the mass claims process will be \$500 per individual national and the level of the second tier will be \$1500 per individual national. (The two tiers remain as described in Decision Number 2.)

As set out in paragraph 7 of its letter of 24 July 2001, the Commission will consider establishing additional levels of fixed-sum compensation for claims categories as the claims process develops and evidence is filed.

C. Household Claims

Noting the Parties' concurrence that a multiplier should be used to set the fixed-sum compensation for mass claims for wrongful expulsion and for wrongful displacement (Categories 1 and 2), and further taking note that most families in Eritrea and Ethiopia have children, the Commission decides to adopt the multiplier of three (3).

In response to questions raised in the post-hearing submissions, the Commission further decides:

- (1) A household claim for expulsion may be made even if some members of the household were not expelled.
- (2) A household expulsion claim and an individual expulsion claim for a member of that household cannot both be made.
- (3) The age of a person at the time of expulsion controls, i.e., a person under the age of 18 at the time of expulsion is within the household even if he or she is over the age of 18 at the time of filing.