

Stakeholder Report on the Human Rights Situation in Eritrea

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HUMAN RIGHTS CONCERN - ERITREA
(HRC-Eritrea)

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The Political Climate

1. Since independence in May 1993, Eritrea has been ruled by the Peoples Front for Justice and Democracy party (PFDJ), a provisional government, led by President Isaias Afewerki. Although in 1994 the government of Eritrea declared that within a four-year transition period it would draft and ratify a constitution, prepare a law on political parties and carry out elections for a constitutional government, to date, no elections are ever conducted and no opposition parties are allowed. The party has not even held its own congress since 1994, and the succeeding years have been marked by increasing repression as the government has aimed at no less than the absolute control of every aspect of its people's lives. This control is systematic, exhaustive, pervasive, relentless and ruthless, and has included defamation of character, intimidation, blackmail, isolation, indoctrination, exile, hard labour, imprisonment, torture, "disappearance", execution, and massacres.
2. Signs of looming authoritarianism were detectable soon after liberation in 1991. From an early stage, the government took harsh measures to silence peaceful critics through defamation, arbitrary and unlawful detention and extrajudicial killings. Bitweded Abraha, deputy administrator of the major port and an army general by rank, has been in solitary confinement in one of the country's most notorious prisons for over 17 years for criticizing government policies. In 1993, hundreds of former fighters who had peacefully protested against a number of political, social and economic policies were rounded up, imprisoned, tortured and sentenced without due legal process. Some still languish in prison.
3. A tragic border conflict between Eritrea and Ethiopia flared in May of 1998. This provided the "national security" excuse the government needed to impose and extend its authoritarian grip indefinitely. The Eritrean constitution, drafted and ratified by the National Assembly in 1997, was put on hold and all its rights set aside; national elections scheduled for 2001 were postponed indefinitely; the National Assembly, comprising of 75 members of the ruling party members and 75 additional popularly elected members, was effectively nullified. In short, every constitutional freedom has now been abrogated. A group of high ranking officials known as G-15, that included parliamentarians, cabinet ministers, generals and ambassadors, was detained on 18 September 2001 for demanding the implementation of the constitution and political reform. They languish in prison to this day, and so far four are confirmed to have died. Eritrea has become a country governed by random verbal decrees emanating from the Presidential office.

Prison and Prison Conditions

4. There are currently around 20,000 Eritreans detained without trial in the more than 300 prison sites throughout the country. Besides the make-shift prisons created in every sizable military facility, there are hundreds more conventional ones. Many are housed in underground dungeons, overcrowded sitting-room-only cells, narrow and low-roofed cubicles and metal shipping containers. Conditions in prison are appalling; prisoners are humiliated and subjected to inhuman and degrading treatment. Thousands have also been abducted and disappeared into the system by the government security apparatus. Extrajudicial, summary and arbitrary executions are extremely common. Prisoners are also routinely tortured. Brutal beatings, innovative and cruel ways of tying up prisoners for extended periods, electric shocks, genital torture, rape and sex slavery and hard labour are common. Deprivations of sleep, food, water, clothing, medicine, sanitary essentials, company and visitation are routine. Many have died due to these appalling conditions.

Freedom of the Press

5. For a time Eritrea's independent media flourished in the hands of innovative editors and creative writers in the immediate post-independence era. This hiatus ended in mid-September of 2001, when the government closed down all independent media outlets, imprisoning at least 15 journalists, the majority of whom remain in incommunicado detention in secret locations to this day. Amongst them is Dawit Isaak, a Swedish-Eritrean journalist, who is currently reported to be

receiving treatment in the air force hospital in Asmara for serious health issues.¹ At least four detained journalists are reported to have died and been secretly buried. Perhaps the most prominent is Fessehaye (Joshua) Yohannes, playwright, renowned liberation fighter and founding editor of the popular weekly paper. In January 2007 credible sources confirmed that he had died in a military prison. He had been tortured on several occasions after his arrest in 2001 and, as a result, one of his arms was paralysed and he had been walking with difficulty for several years. During one bout of torture, his fingernails were allegedly deliberately ripped out.²

6. In 2007, and without explanation, the government began to arrest journalists from state-owned media, some of whom were tortured. Most recently on 22 February 2009, a raid was ordered on the premises of Radio Bana, a small station in the capital city that transmitted educational programmes under the supervision of the Ministry of Education. The entire staff of around 50 people was detained in Dobozi detention centre. Some were subsequently released; several others remain in custody. Those still held were reported to include a heavily pregnant woman, well into her third trimester. As is usual, the government has proffered no explanation for the arrests, neither has it charged those detained with any offence.³ In separate incidents, Isaac Abraham, a journalist on public Eri TV, Girmay Abraham, a journalist on radio Dimtsi Hafash, Mulubrhan Habtegebriel, a journalist, writer and translator, and Meles Negusse, a young writer and poet, were also detained and are currently being held in an unknown location.⁴
7. Eritrea now ranks alongside North Korea as one of the worst international violators of press freedom. In a report by International Research and Exchanges Board (IREX) that investigated the sustainability of media in 37 Sub-Saharan countries, Eritrea came last. In a devastating comment on press freedom in Eritrea, IREX made mention of the fact that while its Index of Media Sustainability (MSI) had been used to measure the degree of repression in such countries as Uzbekistan, Libya and Iran, "Eritrea presented the first case where absolutely no private media exists. Some of the panellists expressed doubt that the MSI would do justice to the dire situation in Eritrea. One wrote that the MSI methodology is not '...tailor-made to media in totalitarian states like Eritrea and North Korea. These deserve categories by themselves."⁵

Judicial System

8. Although the judicial system may initially appear to be operating independently, its independence is very limited. For instance, in 1996, Special Courts were set up to deal with "high level" corruption cases. The Special Courts issue directives to other courts regarding administrative matters, although their domain is meant to be restricted to criminal cases involving capital offences, theft, embezzlement, and corruption. Their judges and military officers are directly appointed by the president. They have no legal training or experience and are not requested to adhere to any legal process. They also have the power to overturn the decision of other courts and defendants have neither legal representation nor the right of appeal.
9. Ever since the detention of the G-15, "national security" has been used to excuse detention without due process, and regular courts are simply bypassed in the most important cases. In 2001, the Chief Justice of Eritrea's High Court Mr. Teame Beyene was dismissed for criticizing the President's direct interference in the judicial system, and for setting up Special Courts.

¹ Reporters Without Borders (RSF)

² "Sources say writer Fessehaye "Joshua" Yohannes has died in detention", Press Release, RSF, 8 February 2007

³ More names of the silenced surfaces – Unborn baby among the detained, www.Assena.com, 3 March 2009

⁴ "Plea to EU to suspend development aid in light of fresh crackdown on journalists", Press Release (RSF), 6 March 2009

⁵ IREX Media Sustainability Index (MSI) Africa: Executive Summary, 2007

Freedom of Assembly and Association, and Civil Society Organisations

10. Eritreans cannot form or join unions of their choice. The formation of political parties or any other associations is prohibited. Peaceful protest, demonstration and public meetings are forbidden. A gathering or a meeting of more than seven people without express permission is considered a criminal activity and is punishable by law.
11. The government is also hostile to NGOs. No independent civil society organisations exist. Organizations such as the teachers' union or nurses' association can conduct no meaningful meetings or independent activities. Those organizations that do exist in active form - for example, the National Union of Eritrean Women, National Union of Eritrean Youth and Students, and the Confederation of Eritrean Workers - are government sponsored and appended, and are lead by senior party leaders.
12. Human rights organisations and human rights defenders cannot operate within Eritrea. In 1992 the Regional Centre for Human Rights and Development was formed, but was closed down a year later. Since then, there has been no attempt to form another human rights organisation within the country, as there is no likelihood that permission would be granted.

Freedom of Religion⁶

13. The Eritrean government ranks internationally amongst the worst violators of religious freedom. The Jehovah Witness Movement, which took no part in the 1993 independence referendum and later decided to participate only in non-military aspects of national service, was the first religious group to experience repression post independence. In October 1994, a presidential directive effectively ended their civil, political, social and economic rights. They could no longer access government employment, accommodation, schools, hospitals or other government services generally available to Eritrean citizens. Most significantly, they were denied the official identity cards necessary, amongst other things, for registration of births, deaths and marriages, purchasing property, and for gaining passports, internal and external travel permits, and commercial licenses. Those who declined full military service were detained indefinitely, and the group continues to experience detention and harassment, including that of children and geriatrics. The Muslim community was next to experience repression. Several hundred were detained during the 1990s suspected of links with the largely-Muslim opposition Eritrean Liberation Front (ELF), or supporting Islamist/jihadi movements, or opposing the government-installed Sunni Grand Mufti. Many suffered torture, some are reported to have been executed extra-judicially; others simply "disappeared". The Government also closed down several Islamic educational institutions and charity organisations, detaining their staff indefinitely. Most recently, around 40 Muslim scholars were reportedly detained in mid-August of 2008.
14. May 2002 saw the harsh enforcement of a 1995 law obliging all religious groups, except Orthodox, Catholic, and Lutheran Christians and followers of Sunni Islam, to officially register and function under the surveillance of the Ministry of Religious Affairs. Severe persecution, particularly of Evangelical and Pentecostal Christians ensued almost immediately. Today adherents from these and other protestant denominations comprise the majority of around 3000 Christians currently estimated to be detained without charge or trial, pending the denial of their faith. "Given Eritrea's small population, this number of prisoners is equivalent to around 175,000 people in the US population, and around 285,000 people in the EU population. This in reality means that if you are an Eritrean, the chances are that either you or one of your siblings or parents or else your close relatives or friends is in jail."⁷ The campaign against proscribed religious groups has been violent and unremitting. Adherents are detained for weeks, months and even years in police stations, open air facilities in military camps and ordinary jails. Some are held, either in isolation, or with a multitude of others in metal shipping containers, in cramped,

⁶ For further detailed information see APPENDIX I: Catalogue of Religious Persecution Since 2003

⁷ Mr. Kebeab Yimesgen Hailegiorgis, co-founder and former secretary of the Eritrean Evangelical Fellowship of Africa and the Middle East (EEF-AME) at Hearing on Human Rights in Eritrea at the European Parliament, 18 September 2008

poorly ventilated cells, in underground cells and even sealed caves. Many are subjected to torture; some have died during or as a consequence of it, while others have been permanently disabled. Detainees do not have access to adequate food, potable water or medical services. In November 2008, repression reached new levels with the initiation of a campaign of house to house, business to business successive searches in each region in an on-going search for members of proscribed churches. Over 150 men, women and children were detained and three detained Christians are so far confirmed dead, at least, as a consequence of torture. A growing body of consistent, compelling and credible eyewitness and victim testimonies indicates the existence of a systematic policy to eliminate targeted denominations by every necessary means. This policy - which is characterised by the forcible closure of churches, the indefinite detention of adherents in harsh, life threatening conditions pending denial of faith, the routine use of torture and even extra-judicial executions - may possibly amount to a crime against humanity. However, the man allegedly given the responsibility of enacting this policy in 2002 is currently living in the United Kingdom where, unlike those he allegedly assisted in detaining, he receives free and immediate care for a serious health condition, while still regularly travelling to Eritrea for political meetings and rallies.⁸

15. Authorised Christian denominations have now begun to experience mounting repression, and an increasing number of Orthodox Christians are being detained. Most significantly, from 2005-6, in a series of highly irregular, government-initiated punitive measures, the legitimate patriarch of the Eritrean Orthodox Church Abune Antonios was removed from office in violation of canon law. He was initially deprived of administrative powers by a government-appointed layman, and placed under stringent house arrest. He was then forcibly evicted from his official residence, and ultimately replaced by a bishop neither appointed nor recognised by the Orthodox Papacy in Egypt. After this unwarranted interference in ecclesiastical affairs passed practically un-noted, the government proceeded to effectively seize control of the Church's finances, and to send its clergy to the military, after rescinding their long-standing exemption. There are now unconfirmed reports that it is planning to seize twenty monasteries and convert them into prisons or army camps, confiscating their historical artefacts and documents.⁹
16. Similar pressure on the Roman Catholic Church in late 2005, precipitated an intervention by Pope Benedict XVI, who requested that "the right to exemption from military service be respected," by the Eritrean government. In June 2006, the country's three Catholic bishops informed the government that the bearing of arms was "not in accordance" with the role of clergy, and in March 2007, it was reported that the Church had not only refused to supply the government with a comprehensive list of clergy and their whereabouts, but was also resisting a request to either reduce their number or send them to the military. Five months later the government reportedly ordered that control of Catholic-run schools, clinics, orphanages and women's vocational training centres should be handed over to the Ministry of Social Welfare and Labour. Finally in November 2007, 14 foreign Catholic charity workers were effectively expelled in a move that could further reinforce the government's hold on humanitarian aid distribution and, consequentially, on the Eritrean population.

Military Service, Militarisation of Education, and Forced/Slave Labour

17. Eritrea allocates about 25% of its budget, the highest in the world, for military use. Out of Eritrea's population of about 4 million, 300,000 are in active military service, with hundreds more in reserve; again, the highest proportion in the world. Cities, towns and villages have been emptied of their most productive population (18 to 50 years olds) in a manner reminiscent of the Khmer Rouge. The single motive for such a draconian measure is the absolute control of a segment of population most feared by the government. There has been no war since 2000, yet the government will not demobilize the army for fear of losing control over the youth, who make up the bulk of the national service. The controlled environment, with constant supervision,

⁸ "Eritrea: Naizghi Kiflu, the dictatorship's eminence grise", Reporters Without Borders, September 2008

⁹ Government to make prisons out of monasteries, 21 March 2009 , www.Assenna.com

regimentation, political indoctrination, harsh punishments, slave labour, routine incarcerations, death sentences and occasional massacres, has so far rendered this group “manageable”.

18. Officially military service should last for a year and a half. In reality, tens of thousands are there for 13 or more years. There is thus a high rate of conscripts escaping from the military, despite the risk of being caught, severely tortured and even shot dead while attempting to flee the country. Arbitrary round-ups are often conducted to fill up the dwindling pool of recruits. There is no provision for conscientious objection in the army. Those who have refused to carry arms have been subjected to years of imprisonment. In addition, any sign of active adherence to a religious creed among Christians, such as reading the Bible, has been met with harsh repercussions.
19. Since 2003, all students are required to finish their last high school year in military camps far from home. They are then transferred to training grounds. Those selected for higher education are sent to vocational colleges that double as boot camps. The only university in the nation has been closed since 2006. This was done to pre-empt potential dissent following a minor protest by students in 2001, which resulted in the entire student body being sent to a desert concentration camp. Several died as a result of the harsh conditions.
20. Forced labour of students (many of them underage), military conscripts and prisoners is widely practiced under the pretext of development programmes. Students are obliged to work in government-owned projects such as farming, dams and housing construction. There is evidence that most manual labour in emerging mining projects is also provided by military conscripts and political prisoners. Thus with the unintended collaboration of international donors, the government appears to have turned what amounts to slave labour into a lucrative business. Utilising fraudulent accounting, it factors in the salaries of these slave labourers, of which they receive nothing, to channel the hard currency meant for aid projects into its coffers. That, in fact, is the primary reason it refuses to accept food and instead champions “cash for work”. Unfortunately, some international donors are duped by this tactic.

Sexual Violence against Female Conscripts

21. Female conscripts are sexually, emotionally and physically abused and are often made servants and sex-slaves of military commanders. This also occurs in prisons, where the sexual abuse is carried out by guards. If the female conscripts or prisoners refuse these advances they are subjected to heavy military duties, torture and other severe punishment. Many end up with unwanted pregnancies, many more with HIV/AIDS or other sexually transmitted diseases. Rape and its consequences are not openly discussed in Eritrea, and often victims remain silent to protect the family reputation and avoid stigma, hence abusers enjoy impunity.
22. To avoid military service, Eritrean women are now dropping out of school at an alarming rate, or marrying early and producing children quickly.

Exodus of Youth, Shoot to Kill Policy, and Punishment of Parents

23. Forced conscription and endless military service have caused a mass exodus of the youth from the nation. Tens of thousands of Eritreans are fleeing to Ethiopia and Sudan and much further afield. Those forcibly returned to Eritrea by such host countries as Malta, Libya, Egypt, Britain and Germany were detained incommunicado and tortured; some were shot dead and some died in prison due to harsh conditions.
24. To leave the country, all citizens require exit visas. Those caught attempting to cross the border to neighbouring countries are detained incommunicado and tortured. Many have been shot dead following the government’s introduction of shoot-to-kill policy at border crossings.
25. However, one of the crueller measures the regime has taken to stem the flow of army deserters is to punish the parents of absconders. This has taken two forms: if parents cannot pay the hefty fine (around US\$ 3000, which amounts to five years’ income of the average household), they are detained indefinitely, and whilst there, some are forced to undertake manual labour until the fine

is paid off. For example, the detained retired father of a deserter has been subjected to forced labour in the port city of Massawa until he pays the allotted fine for his child's escape. He works for a government project as a labourer during the day, and is returned to his prison cell in the evening. Given the low wages of manual labourers, it will take him many years of hard labour to come up with the requisite sum.¹⁰ Others are harshly interrogated and tortured.

Under Age Conscription

26. As thousands of adults desert the army and attempt to flee the country for a variety of reasons, the government is increasingly conscripting underage children, who now constitute a sizable portion of the army. A leaked memo sent to the president by the administrator of a training camp of more than 10,000 recruits in 2008 reveals that 38 percent were underage. In a flagrant contravention of international standards for the protection and welfare of the child, there is growing evidence that children as young as 14 have been rounded up from schools and streets and transported to training in military camps. These young conscripts are referred to as MaHayu (messenger boys) by older conscripts.
27. There is also evidence of youngsters being killed extra-judicially. Former detainees at the underground prison in Tesseney witnessed the execution of Redwan, who was 15 years old at the time of his death. Redwan was rounded up with other students from classrooms for military service but managed to escape and tried to go to Sudan to avoid conscription. He was caught by the border guards and put into a prison in Teseney. He found the harsh prison conditions unbearable, and one day, when he (with others) was taken outside to relieve himself, he tried to escape. He was shot and killed by prison guards as he ran.¹¹

Socio-Economic Mismanagement and Manipulation of Food

28. Under a misguided policy of "self-reliance", the government has bankrupted most private enterprise and monopolized the economy. Prime farmland has been confiscated. Any enterprise generating hard currency – airlines, fishing, mining, large farms, import-export, construction, banking, etc. – have been taken over. In addition inept economic policies have all but bankrupted the country itself, with true inflation estimated at 800% and the local currency, the Nakfa, reportedly losing value daily.
29. The government has now begun to monopolize food distribution. Erratic rainfall, the border problem with Ethiopia and the delayed demobilization of agriculturalists from the military have caused grain production to be well below normal for years. As a result, most of the population is dependent on food and financial aid, which is now disallowed by the government, for fear of losing control of the population to foreign elements. Most of the international NGOs have been expelled; those that remain are subject to unnecessary and severe restrictions. As a result, food is emerging as a primary means of societal control, as day to day survival is now the top priority of the people. At present a full blown famine is raging all over Eritrea. The government has refused to accept food aid from donors and has opted for 'Cash for Work' aid, which it has been misappropriating without giving any account.
30. Food insecurity has now reached critical levels, with reports indicating imminent famine. The only food outlets where food can be legally purchased are run by the government; tiny amounts of food are sold at inflated prices to those fortunate enough to be able to purchase anything. The only milk available in the country is powdered milk from the black-market, which may be out of date. Drought coupled with government restrictions and policies that include buying farm produce at 50% of its value, have driven farmers to bankruptcy or into the black market economy. The Food Commodities Distribution Program, using a coupon-system, controls every gram of food consumed by every member of each household, and information is fed into a database ensuring even more state control and manipulation. The program calls itself 'Fair Price'; in reality the prices are exorbitant. So severe is the food shortage that some people are unable to find grain in their

¹⁰ For further information see: APPENDIX II – Case Studies

¹¹ Ibid.

own villages, yet attempting to obtain maize, wheat, sorghum or other types of grains from elsewhere has now become an illegal activity, as the authorities have blocked the transfer of food stuffs from one region of the country to another, banned the selling of maize, barley and other grain in open-air markets, and even conducts house-to-house searches for 'illegally-obtained produce'. Consequently, avoiding starvation has been criminalized, and even the army is underfed.

Domestic Terrorism Exported Abroad

31. The government's domestic policy is characterized by the use of terror against its own citizens. If the government wants land, it seizes it from the owner without compensation. If an enterprise suddenly becomes profitable, it monopolises it either by bankrupting the businessman, refusing to grant an export license, or simply taking it over. If it wants fresh recruits for its army, it conducts vicious round-ups. If it wants workers in its mines, it uses forced labour. If it wants to stop the desertion of army conscripts, it takes their parents hostage and kills those caught fleeing. If it does not like a particular religion, it renders it illegal and throws its members into prison. Everything that it does is accomplished through sheer terror.
32. This policy is not limited to Eritrea's borders, as the government appears determined to continue to exercise control of Eritreans wherever they may be found. Eritreans living abroad are obliged to remit 2% of their net earnings to Eritrea via the local Eritrean Embassy, or risk losing privileges as a citizen, or the punishment of relatives still in the country, loss of assets in the country, or even imprisonment should they visit. In addition, each year there are reports from a variety of countries in Africa and Europe detailing the harassment, assault, or even disappearances and abductions of Eritrean refugees, asylum seekers and/or members of the Eritrean opposition. Non-Eritrean human rights defenders have also been impacted by this policy. In October 2008, Eritrean government supporters in Rome assaulted eight human rights activists outside an event attended by the Eritrean Minister of Defence, seriously injuring an Italian human rights defender, who was taken to hospital by ambulance. Dania Avallone, who heads the Italian human rights NGO ASPER, is currently being sued by her erstwhile attackers on a variety of charges connected to her human rights activities on behalf of Eritrean refugees.

Recommendations

33. Eritrea has become one of the most paranoid, secretive and repressive nations on earth; perhaps no other nation currently violates the rights of its people to this magnitude except North Korea. There is therefore an urgent need for high-level advocacy on behalf of the Eritrean citizenry in order to persuade the Government to honour its obligations under international law and ensure:
 - The urgent demarcation of the Eritrea-Ethiopia border in line with the international ruling if for no other reason than to eliminate a justification for continued repression.
 - The immediate implementation of Eritrea's ratified constitution, the return of all of the rights enshrined within it, including the freedoms of conscience, religion, expression, opinion, movement, assembly and organisation.
 - An end to the indefinite extension of the legally stipulated 18 month term of military service, and the use of military conscripts and detainees as forced labour.
 - The immediate demobilization of the hundreds of thousands currently serving excessive tours within the army.
 - That humanitarian assistance reaches those so desperately in need of it.
 - That conscientious objection is respected, and non-punitive alternative civilian services provided.
 - An end to underage conscription and to the use of child labour.
 - An end to arbitrary arrest and indefinite detention without charge. Current detainees must either be tried before recognized courts of law – in the presence of international observers to ensure impartiality – or be set free.
 - Unlimited and unhindered access to all detainees for the International Committee of the Red Cross (ICRC) and/or any other competent international body.

- Access for detainees to immediate family members, medical treatment and legal representation.
- Access for credible human rights organisations to carry out a thorough, independent and impartial investigation into all serious violations of human rights in the country.
- That Eritrea signs and ratifies and adheres to the United Nations Convention against Torture (CAT), as it is already party to the ICCPR and the African Charter, which prohibit torture.
- That signatory nations to the Refugee Convention respect the UNHCR's non-return advisory for Eritrean refugees and asylum seekers. Non signatories or recalcitrant states should, at the very least, award temporary asylum pending a more permanent solution, in accordance with article 3 of the U.N. Declaration on Territorial Asylum.