



**UPR Submission
Eritrea
April 2009**

Eritrea is a closed country where basic human rights are not respected and thousands of dissenters are in jail. A constitution guaranteeing a broad range of rights was ratified in 1997 but steps needed for implementation have never been taken. A handpicked interim assembly has not been convened since 2002. The judiciary exercises no independent authority; its last attempt at independence ended in 2001 with dismissal of the chief justice of the high court for protesting government interference. The independent press was shut down in 2001; its editors and publishers arrested or forced to flee. No independent civil society is permitted.

Widespread and systematic human rights violations have become routine, including arbitrary arrest and detention, torture, extra-judicial killings, and severe restrictions on freedom of expression, freedom of worship, and freedom of movement. Despite the government's efforts to veil its abuses from scrutiny an increasing number of Eritreans are fleeing the country and provide first-hand accounts of human rights violations. In this submission Human Rights Watch focuses only on the most alarming and pervasive human rights abuses.

Arbitrary Detention, “Enforced Disappearances,” and Deaths in Custody

Eritreans who criticize the president or question government policies, practice a religion that the government deems objectionable, or attempt to evade prolonged and indefinite compulsory “national service” are frequently arrested and detained for months or years without charge or trial. Thousands—and possibly tens of thousands—of Eritreans are currently estimated to be incarcerated in various known and secret detention facilities.

Dozens of government officials and journalists were detained in the first high-profile wave of mass arrests in September 2001. Although the government had planned a democratic transition after the 1993 referendum that established Eritrea's independence, the 1998-2000 border conflict with Ethiopia prompted the Eritrean government to postpone elections. In 2001 some members of the government who called for elections and democratic reforms were among the first to be arrested in what became a massive crackdown; they subsequently became known as the G-15. The government has refused to implement two judgments from the African Commission on Human and People's Rights

and a finding of the United Nations Working Group on Arbitrary Detention criticizing the detentions and ordering the detainees' release.

These prominent cases represent only a fraction of the total number of people arbitrarily detained since September 2001. Thousands of less prominent people have been arrested and incarcerated without charge, trial, or opportunity to appeal and without access to family, lawyers, or independent prison monitoring organizations. A few prisoners are freed without explanation for their arrest or for their release, and warned not to speak to anyone about their detention. Most prisoners, however, remain in jail indefinitely.

Deaths in custody are common as a result of ill-treatment, torture, starvation, and denial of medical care. One escapee told Human Rights Watch that during his imprisonment, "every day someone died." Many other detainees have "disappeared," their whereabouts unknown. Some families finally learn of their relatives' fate only when informed of death in custody (but not its cause). Many families do not receive even that fragment of information.

The Eritrean government is also responsible for extra-judicial killings. Some deliberate killings occur during detention but more occur when prisoners attempt to escape confinement or flee the country. Reliable witnesses, including some who were instructed to implement the policy, told Human Rights Watch of official "shoot-to-kill" orders against anyone trying to flee across the country's borders.

Torture and Cruel, Inhuman, and Degrading Treatment

Torture and other forms of cruel, inhuman, and degrading treatment in detention are routine. Former detainees told Human Rights Watch that detention almost always includes severe beatings, often leading to permanent physical damage. In addition to beatings, prisoners are often punished by being subjected to specific torture methods such as being hung up by the arms from trees, tied up in the sun in contorted positions for hours or days, and subjected to mock drowning.

Cruel, inhuman, and degrading treatment also result from the detention conditions. Prisoners are held in a variety of known and secret detention facilities, in unlit underground bunkers, or in shipping containers where they may be subjected to extreme temperatures of well over 104°F (40°C) during the day and freezing conditions at night. People who escaped detention report poor nutrition and starvation rations in most facilities. Medical care is, at best, minimal and often non-existent. Overcrowding is constant; former detainees describe being packed into spaces so tight that it is impossible for all to lie down and sleep at a time.

Restrictions on Freedom of Expression and Association

No dissent is tolerated. The government closed the private press in 2001, arrested its leading journalists, and has not allowed any independent newspaper to re-open. No political organizations other than the ruling People's Front for Democracy and Justice (PFDJ) are permitted. Human Rights Watch was told by eyewitnesses that actions as innocuous as signing a petition for changes in educational policy resulted in imprisonment and beatings. Asking a critical question at a government-convened forum can have the same consequences.

The government prohibits the formation of private associations not under governmental leadership and control, including labor unions and self-help organizations. Gatherings of more than three persons require government permission, a prohibition that has particular impact on the practice of religion.

Restrictions on Religious Freedom

Since 2002 it is unlawful to practice any religion except the four official faiths—Eritrean Orthodox, Islam, Catholicism, and Lutheranism. Despite government statements that other religious group can apply for registration, no applications have been granted.

Security forces frequently disrupt peaceful religious services by members of what the government calls "illegal" religions and arrest and indefinitely detain religious leaders. People are also arrested for being present at a wedding in a private home or being caught possessing a Bible. Persons arrested for their religious affiliations and practices suffer the same torture and abuse as other prisoners, sometimes with the express intent of compelling them to renounce their religions. International religious organizations estimate that a minimum of between 2,000 and 3,000 Eritreans are incarcerated solely because of their religious practices and affiliations.

Jehovah's Witnesses face elevated levels of discrimination. After they failed to vote in a 1993 referendum on independence and because their religion does not permit them to participate in military service, the Eritrean government in effect stripped them of their citizenship. They cannot access public services or obtain official identification cards or commercial licenses. At least three Jehovah Witnesses have been incarcerated since 1994, and at least 19 were swept up in raids in 2008.

Government interference does not end with arresting members of unregistered religions. The government deposed the octogenarian Patriarch of the Eritrean Orthodox Church and placed him under house arrest in 2006. The government has also confiscated

property belonging to the Orthodox and Catholic churches, including parishioner prayer donations.

Forced Labor

A 1995 Eritrean proclamation subjects all able-bodied Eritreans to 18 months of national service. Under the proclamation, the government can recall men up to the age of at least 50 and women without small children up to the age of 47 in the event of compelling need. In practice, the government uses that power to prolong national service long after conscripts have completed the obligatory 18 months. The indefinite nature of national service, the use of conscripts for forced labor, the lack of any provision for conscientious objection, and the abuses associated with Eritrea's national service regime violate international human rights law.

National service conscripts are paid 150 Nakfa per month (roughly US\$9), insufficient to live on, let alone feed a family. Conscripts are used as cheap and involuntary labor on private construction projects for military leaders, on private farms, and other projects for the personal benefit of ranking civilian and military leaders. They are also used to provide labor to implement development projects funded by foreign governments and international agencies such as the UN. Besides receiving below-minimum wages, conscripts deployed to work on commercial farms, mines, or construction projects are often housed in appalling conditions with poor nutrition.

Restrictions on Freedom of Movement

Eritrea severely restricts the movement of its citizens both within and outside of the country. Eritrea requires all national service conscripts to have written permission to travel within the country. Military checkpoints along all roads check travel permits to assure that travel has been authorized. Even Eritreans not actively serving in national service must present identity cards at every check point as well.

The government does not issue travel documents or exit visas to Eritreans eligible for national service therefore men younger than 50 (or even 55) and women younger than 47 are confined to the country. Children older than 14 are also not allowed to travel outside Eritrea. Despite these restrictions, increasing numbers of Eritreans are fleeing the country, braving the government's shoot-to-kill policy at the borders rather than endure the unending toil and abuse inflicted during their national service.

Collective Punishment

The government punishes family members—notably parents and spouses—for the actions of relatives who flee national service or the country, whether or not they knew of the relative’s actions or had the ability to control them. When a relative deserts national service or flees the country, the family is fined an extremely large sum, 50,000 Nakfa (\$3,050), and family members are routinely imprisoned if the fine is not promptly paid. In some instances, the family’s land is forfeited. The government also arrests Eritreans whose expatriate family members have not paid the extraterritorial income tax that Eritrea attempts to impose on Eritreans living abroad, the so-called ‘two percent’ tax.

Recommendations

- Unconditionally release, or charge and bring before a court of law all persons being detained for political reasons, including the members of the G-15 and imprisoned journalists.
- Issue clear, public orders to the security forces to cease the arbitrary arrest, detention, and torture of people based on their religious beliefs.
- Immediately allow independent monitors access to all known and secret Eritrean detention facilities; register and notify family members of the whereabouts of detainees; and restore visiting rights, access to legal representation, and respect international standards of law in the treatment of prisoners.
- Investigate and prosecute all government officials including military officers suspected of committing murder, rape, torture, or cruel and degrading treatment of detainees and national service conscripts.
- Publicly affirm the rights to freedom of expression, opinion, religion, association, and movement, and publicly state that no one may be imprisoned for exercising his or her non-violent opinions or beliefs. End discrimination against Jehovah’s Witnesses.
- Rescind the suspension of the private press and permit the establishment of independent media outlets.
- End the practice of indefinite national service and begin a process of phased demobilization for those who have served for more than the statutory 18 months. Cease using national service conscripts as forced labor for private enterprises.
- End the requirement of exit visas and travel permits for travel outside and within Eritrea and allow full freedom of movement within Eritrea for Eritrean citizens and for

those seeking to work in Eritrea, with due regard for reasonable national security concerns.

- Publicly rescind the shoot-to-kill policy for those suspected of trying to cross Eritrea's borders without exit visas and issue orders to military and other security forces to that effect.
- Cease recruitment of children under the age of 18 into military service and training.
- Implement the 1997 constitution, approve a political party law, and begin preparations for democratic elections with international monitoring throughout the process.
- Invite independent and impartial humanitarian agencies seeking to provide assistance to assess humanitarian needs and facilitate their unhindered access to civilians in need.
- Issue standing invitations to UN special procedures, including the Working Groups on Arbitrary Detention and Enforced Disappearances, and the Special Rapporteurs on extrajudicial, summary or arbitrary executions, human rights defenders, torture, religious persecution and the right to freedom of expression and opinion, among others, to investigate and report on allegations of serious abuses in Eritrea.
- Sign and ratify the Rome Statute, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocols to the International Covenant on Civil and Political Rights and the Convention Against Torture.

Annex of Relevant HRW reporting

Service for Life

State Repression and Indefinite Conscription in Eritrea

This report documents patterns of serious human rights violations in Eritrea, including arbitrary detention, torture and other mistreatment in detention, indefinite forced conscription and forced labor. It also analyzes the situation of Eritrean refugees who increasingly flee Eritrea only to be forcibly returned by host countries.

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April 16, 2009

Egypt: Stop Deporting Eritrean Asylum Seekers

Egyptian Authorities Should Give UN Refugee Agency Access to Detained Migrants

Egypt should immediately halt deportations of Eritrean asylum seekers to their home country, where they face detention and the risk of torture, Human Rights Watch said today.

January 8, 2009

Egypt: Don't Return Eritrean Asylum Seekers at Risk

Allow UNHCR Access to Detained Migrants

Egypt should under no circumstances deport Eritrean asylum seekers now in detention without first allowing the UN refugee agency access to assess their refugee claims, Human Rights Watch said today.

December 19, 2008

The Horn of Africa War

Mass Expulsions and the Nationality Issue

The 64-page report, "The Horn of Africa War: Mass Expulsions and the Nationality Issue," recounts the plight of almost one hundred thousand citizens and residents of both countries who were uprooted and deprived of their residence and nationality without a semblance of due process. It documents cases of mistreatment typical of the mass expulsions, including prolonged detention, lack of food, water, and medical care, beatings, and other physical abuse.

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