



Ten Long Years:
A Briefing on Eritrea's Missing Political Prisoners

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Human Rights Watch
350 Fifth Avenue, 34th floor
New York, NY 10118-3299 USA
Tel: +1 212 290 4700, Fax: +1 212 736 1300
hrwnyc@hrw.org

Poststraße 4-5
10178 Berlin, Germany
Tel: +49 30 2593 06-10, Fax: +49 30 2593 0629
berlin@hrw.org

Avenue des Gaulois, 7
1040 Brussels, Belgium
Tel: + 32 (2) 732 2009, Fax: + 32 (2) 732 0471
hrwbe@hrw.org

51, Avenue Blanc
1202 Geneva, Switzerland
Tel: +41 22 738 0481, Fax: +41 22 738 1791
hrwgva@hrw.org

2-12 Pentonville Road, 2nd Floor
London N1 9HF, UK
Tel: +44 20 7713 1995, Fax: +44 20 7713 1800
hrwuk@hrw.org

27 Rue de Lisbonne
75008 Paris, France
Tel: +33 (1)43 59 55 35, Fax: +33 (1) 43 59 55 22
paris@hrw.org

1630 Connecticut Avenue, N.W., Suite 500
Washington, DC 20009 USA
Tel: +1 202 612 4321, Fax: +1 202 612 4333
hrwdc@hrw.org

Web Site Address: <http://www.hrw.org>



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Summary

Ten years ago this September, while world attention was focused on the destruction of the World Trade Center towers in New York, Eritrea's government arrested its leading critics and destroyed the country's independent press, accelerating Eritrea's transformation into a totalitarian state.

The 20 men and one woman arrested in September 2001—11 high government officials and 10 independent journalists—have never been seen again. They have collectively come to be known as the G-15 because the original group of signatories to a manifesto critical of the government numbered 15. The government has provided no information about their whereabouts or conditions in the decade since their arrests. What is known about them has been garnered largely from information supplied by defectors who have fled the country.

Kept hidden in a secret detention facility, 10 of the 21 have died in prison according to reports that Human Rights Watch has not been able to independently confirm. The others remain in solitary confinement, physically or mentally incapacitated, and emaciated. None of the 21 has been formally charged with a crime, much less convicted. Since the arrest of the journalists and closure of their newspapers, no independent news media have been allowed in Eritrea.

The arrests and dismantling of the press began an era of despotic rule under President Isaias Afewerki. A draft constitution adopted by an interim legislature in 1997 that contains an elaborate bill of civil rights has never been allowed to take effect. The interim legislature has been moribund since January 2002. The court system lost its independence in the summer of 2001 and has been ignored since. The Isaias government has granted no independent civil society institution authority to operate. All labor organizations and youth and women groups are appendages of the ruling party, the People's Front for Democracy and Justice (PFDJ). All news media are owned and closely supervised by the government, relentlessly used as instruments of propaganda.

With the closure of the independent press in 2001, no domestic institution exists to investigate or report on abuses of human rights. The Isaias government tries to veil human rights abuses from scrutiny. No foreign journalists are currently accredited; credentials were withdrawn from some after they filed reports the government did not like or refused to reveal the name of interviewees who had criticized the government. Human rights organizations have been denied entry since 2001. Foreigners are not allowed to travel

outside Asmara without prior permission, which is often denied. Thanks to the mass exodus of Eritreans over the past decade, however, there are ample first-hand reports of the government's repressive rule.

While the 21 prisoners arrested in September 2001 are the most prominent victims of the Eritrean government's abuses, according to media reports and rights organizations they constitute a tiny fraction of the Eritreans imprisoned, tortured, killed, and enslaved since Eritrea won its independence 20 years ago in May 1991. Arrests occur frequently. It is estimated that there are between 5,000 and 10,000 prisoners whose "crime" is that they are suspected of not being fully loyal to the regime or are family members of persons deemed politically untrustworthy. Few of those detained are formally charged, much less tried, for their alleged offenses.

Since 2002 the 18-month national service requirement for Eritreans over the age of 18 has been extended indefinitely. Some conscripts serve for a decade or more and all are likely to be recalled for some perceived offense. Many conscripts are assigned to work for the PFDJ's commercial enterprises and on farms and businesses owned by military and civilian elites. They are paid wages insufficient to meet the basic needs of those with families.

Thousands of political prisoners and others who violated the terms of their national service by deserting or attempting to desert languish indefinitely in overcrowded detention centers, including underground cells and shipping containers, exposed to broiling sun during the day and freezing temperatures at night, with inadequate food, water, and medical care. Torture of prisoners is routine and deaths frequent. Most prisoners are denied contact with family, lawyers, humanitarian organizations, or other outsiders throughout their captivity.

Among the thousands of prisoners held in Eritrea's over 300 detention centers are adherents of religious groups that the government refuses to recognize as legitimate: Jehovah's Witnesses, evangelical Christian groups, and reformist elements of the Ethiopian Orthodox Church. Adherents of "unrecognized" religions are arrested and tortured until they renounce their faiths, if then; many who do not recant die in custody. The four principal religious institutions that the government recognizes—Eritrean Orthodox Church, Sunni Islam, Evangelical Church of Eritrea, and Roman Catholic Church—operate under severe restraints.

In addition, one of Eritrea's ethnic groups, the Kunama, has had large portions of its ancestral land taken and given to members of other ethnic groups. Scores of Kunama have

been arrested because they are suspected of supporting Ethiopia during the 1998-2000 border war between the two countries.

Travel in Eritrea is strictly controlled. National service conscripts cannot travel within the country without specific authorization. Except for high-level government and party officials, travel outside the country is prohibited for men under 50 and women under 40. Children as young as five have been prohibited from leaving Eritrea.

Despite the mortal danger of trying to escape the country, Eritrea's most significant export over the past decade has been its fleeing citizens. Eritrea's youths have adopted a secret motto: "Leave to live!" Despite border guards' shoot-to-kill orders, the exodus persists. Over 222,000 Eritreans (almost five percent of the population) had fled the country as of January 2011, with about 3,000 fleeing per month.

Human Rights Watch calls on the Eritrean government to release the G-15 and all other political prisoners and at a minimum confirm the whereabouts and condition of those held incommunicado. The government should allow families and independent monitors access to detainees. The United Nations (UN), African Union (AU), and other countries should push Eritrea to improve its human rights record.

This briefing paper is intended to call attention to the grave abuses of human rights inflicted on Eritrean citizens in the past decade. It is based on previous Human Rights Watch investigations, media reports, and other evidence that Human Rights Watch believes to be reliable. It does not present new information but a summary of what is known about the G-15 and current conditions in Eritrea.

Methodology

This briefing paper presents a summary of the known information about the G-15 political prisoners on the tenth anniversary of their disappearance and a summary of human rights conditions inside Eritrea. Eritrea is a notoriously difficult country to do research on. Human Rights Watch researchers did not attempt to enter the country in connection with this paper. The briefing paper is based on desk research, previous Human Rights Watch investigations, media reports, academic publications, and interviews with refugees, journalists, and activists outside the country. Researchers also consulted documents from the African Commission, the UN Human Rights Council and Security Council, and the Eritrean government.

The briefing paper is intended to call attention to the plight of the G-15 and that of Eritrea's many other political prisoners as well as Eritrea's human rights record more generally. It does not present any new research about human rights in Eritrea.

Recommendations

To the Government of Eritrea

- Release all political prisoners held without trial, including the so-called “G-15.”
- Inform the families of the locations of those held incommunicado and facilitate visits.
- Allow independent monitors such as the International Committee of the Red Cross (ICRC) and UN and African Commission special mechanisms access (such as the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment) to Eritrea’s detention facilities.
- End the practice of indefinite service and of forced labor for national service conscripts.
- Respect everyone’s right to freedom of expression and to receive information. In particular, allow free and independent journalism.
- Stop interfering in religious observances of Eritrean citizens.
- Immediately implement the recommendations of the Human Rights Council during the 2009-2011 Universal Periodic Review that Eritrea has committed itself to implement, including accession to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the International Labor Organizations’ Worst Forms of Child Labour Convention.
- Investigate and hold to account all civilian and military officials alleged to have abused detainees and national service conscripts.

To the United Nations, African Union, United States, European Union, and Eritrea’s Other Foreign Partners

- Continue to call on Eritrea to release people held without trial, or the victims of summary convictions, in particular the G-15 political prisoners.
- Press Eritrea to allow independent monitors and UN and African Commission special mechanisms (special rapporteurs) access to its detention facilities.
- Press Ethiopia to implement the UN Independent Boundary Commission’s demarcation of the boundary with Eritrea without preconditions or reservations.
- Apprehend and investigate Eritrean officials, governmental or military, suspected of torture and other international crimes.

To All Countries

- Abide by the guidance of the UN High Commissioner for Refugees (UNHCR) that particular categories of asylum seekers may be at risk upon return, in particular, persons avoiding military/national service; members of political opposition groups and Government critics; journalists; trade unionists; members of minority religious groups; members of certain minority ethnic groups; and victims of trafficking.
- Facilitate full access for UNHCR to Eritrean asylum seekers.

The Fate of the September 2001 Victims

Following the September 18-19, 2001 arrest of 11 high-level political and military critics of the president and the closing of all private newspapers, the government extended its repression by arresting 10 journalists working for Eritrea's small group of private newspapers. By the end of September 2001 over 60 of Isaias's critics had been arrested. What started as a relative trickle in September 2001 has since become a torrent.

The 21 arrested in the last two weeks of September 2001 had one attribute in common: they had publicly criticized President Isaias's leadership. Eleven of them, holders of high-level positions in the Eritrean government and in the ruling People's Front for Democracy and Justice, had written open letters along with four others in the summer of 2001 demanding reforms that would curb Isaias's power. The other 10 were journalists who had published those demands in their newspapers and who had written articles and editorials of support.

The "G-15" Prisoners

These are the 11 government/party critics who were arrested and are believed to have been held in solitary confinement since September 2001. Five of them (designated by asterisks) are presumed dead based on credible reports discussed later in this report:

1. **Mahmoud Ahmed Sherifo* (born 1947), former foreign minister and former minister of local government; also former chairman of the committee drafting Eritrea's proposed electoral law;
2. *Haile Woldetensae* (born 1947), former foreign minister and former minister of trade and industry;
3. *Petros Solomon* (born 1948), former minister of defense; former minister of maritime resources; former Eritrean People's Liberation Front (EPLF) chief of intelligence;¹
4. *Berakai Ghebrelessie* (born 1946), former minister of information; former minister of education; ambassador to Germany;
5. *Brigadier General Estifanos Seyoum* (born 1947), former director-general of inland-revenue;

¹The EPLF was the rebel group that won independence from Ethiopia in 1991 after a 24-year war known as "the struggle."

6. *Major General Berhane Gerezgiher* (born 1947), former commander of the armed forces; former head of the national reserve force;
7. **Major General Ogbe Abraha* (born 1948), former chief of staff of the armed forces; former minister of trade and industry; former minister of labor and social welfare;
8. *Saleh Idris Kekya* (born 1950), former minister of transport and communication; former director of the president's office;
9. **Aster Fezhazion* (or *Fesshatsion*) (born 1951), Mahmoud Sherifo's wife, the only woman arrested on September 18-19, former regional head of personnel;
10. **Hamed Himid Hamad* (born 1955), former director of Arabic section of the ministry of foreign affairs; former member of the People's Front for Democracy and Justice executive council;
11. **Germano Nati* (born 1946), former regional director of social affairs.



Members of the Executive Committee of Eritrean People's Liberation Front 1977-1987. Standing: Ogbe Abraha, Ali Said Abdella, Sebhat Ephrem, Haile Woldetensae, Petros Solomon, Mohammed Said Bareh, Mesfin Hagos, and Al-Amin Mohammed Said. Sitting: Berhane Gerezgiher, Ibrahim Afa, Romedan Mohammed Nur, Isaias Afewerki, and Mahmoud Ahmed Sherifo.²

The 11 were veterans of the successful 24-year war of independence from Ethiopia, “the Struggle.” They had held prominent positions in the Eritrean People’s Liberation Front (EPLF), the insurrectionary movement that led the fight for independence and morphed into Eritrea’s single political party, the People’s Front for Democracy and Justice, at independence. Some had been among Isaias’s closest comrades since the founding of the Eritrean People’s Liberation Front.³ Ironically one of the eleven, Haile Woldetensae, had

² “Eritrean People’s Liberation Front Executive Committee 1977-1987,” Wikipedia, August 10, 2010, http://en.wikipedia.org/wiki/File:Eritrean_People%27s_Liberation_Front_Executive_Committee_1977-1987.jpg (accessed January 14, 2011). G-15 members’ names are in boldface.

³ Isaias and Haile Woldetensae had been student organizers in the Prince Makonnen Secondary School in Asmara in the mid-1960s, students together at university in Addis Ababa, and had joined the guerilla movement at the end of 1966. Berhane Gerezgiher, Ogbe Abraha, and Petros Solomon joined the EPLF in 1972.

been responsible for political indoctrination.⁴ Another, Petros Solomon, was head of EPLF's military intelligence and led the EPLF troops that captured Asmara.⁵ All were PFDJ central committee and national assembly members.

The 11 were members of a group of 15 government and party officials—the “G-15”—who had signed open letters to Isaias in May and August 2001 complaining of his “illegal and unconstitutional measures” and calling for prompt but peaceful reform.⁶ The G-15 letters were parts of a string of complaints about Isaias and his policies in 2000-2001. They had been preceded in October 2000 by a “Berlin manifesto” signed by 13 academics and professionals that included most of the criticisms later included in the G-15 letter.

In February 2000 General Ogbe Abraha told Isaias in a private meeting that the country needed collaborative leadership; he was fired a few months later.⁷ In December 2000 Haile Woldetsaie had met privately with Isaias to complain about the president's unwillingness to share power and had been “severely reprimanded.”⁸ In June 2001 he gave a press interview calling for reforms.⁹ In February 2001 a legislative committee headed by Mahmoud Ahmed Sherifo disobeyed an Isaias order prohibiting the distribution to the legislature of the committee's draft law permitting multiparty elections.¹⁰ Mahmoud was

David Pool, *From Guerillas to Government: The Eritrean People's Liberation Front* (Ohio University Press, 2001), p. 84, n. 34.

⁴ Kjetil Tronvoll, “The Lasting Struggle for Freedom in Eritrea: Human Rights and Political Development, 1991-2009,” 2009, http://visendienable.no/oslocenter/www/images/stories/eritrearapport_2_endelig_versjon.pdf (accessed August 8, 2011), p. 48 n. 96.

⁵ David Pool, *From Guerillas to Government*, p. 172.

⁶ Three G-15 signatories escaped arrest because they were outside the country in September 2001: Mesfin Hagos, a former defense minister; Haile Menkerios, the former Eritrea's representative to the United Nations; and Adhanom Ghebremariam, former attorney-general and ambassador to Nigeria. Another signatory, Mohamed Berhan Blata, former governor of the area around the town of Adi Keyh and a member of the PFDJ's central council, recanted his participation at the last moment. He was later permitted to emigrate and lives in exile in Sweden.

⁷ Dan Connell, *Conversations with Eritrean Political Prisoners*, (Red Sea Press, 2005), p. 100.

⁸ *Ibid.*, p. 69. Members of the G-15 had previously written private letters in February and March 2001 urging Isaias to convene the party central council and the national assembly. Isaias replied that the group should abandon “this mistaken belief and come to your senses.” Tronvoll, “The Lasting Struggle for Freedom in Eritrea,” http://visendienable.no/oslocenter/www/images/stories/eritrearapport_2_endelig_versjon.pdf, p. 65, nn. 147-148.

⁹ Dan Connell, *Conversations with Eritrean Political Prisoners*, p. 21.

¹⁰ “Mr. Mahmoud Sherifo to Tsegenai Weekly Newspaper: Responsibility we were given by the National Assembly was snatched,” *Tsegenai Weekly Newspaper* (translated by *Awate.com*), Issue 21-2001, April 16, 2001, <http://www.awate.com/portal/content/view/1041/11/> (accessed August 8, 2011).

fired as minister of local government a day after the legislative committee report was distributed. The G-15 letter was posted on the internet in May. Haile Woldetensae and Petros Solomon were fired from the cabinet the next month. General Estifanos was fired as director-general of Inland Revenue after publicly revealing that businesses owned by the PFDJ party and senior party members were evading income taxes.¹¹

The May 5 letter called only for the convening of the provisional national assembly and the PFDJ central council, bodies that Isaias had refused to convene despite private requests that he do so.¹² The letter said convening these bodies was essential “to pave the road for peaceful, legal and democratic transition to a truly constitutional government, and to establish guarantees for Eritrea to become a peaceful and stable nation where democracy, justice and prosperity shall prevail.”¹³ Notably, although there had been private criticism of Isaias’s conduct of the war with Ethiopia, the G-15 group waited until well after the cease-fire agreement with Ethiopia had been signed in December 2000 before publicly criticizing Isaias’s domestic overreach.

The May 5 letter attacked Isaias’s authoritarian actions:

Because of the weakness of the legislative and executive bodies, the President has been acting without restraint, even illegally.... The president has become so accustomed to acting freely and as he pleased, he is rejecting democratic dialogue.... [He] has created a competing Special Court reporting directly to him. People are being jailed for years without the knowledge and agreement of the judiciary....¹⁴

Isaias’s actions, the May 5 letter stated, had created a “crisis” in Eritrea that could be resolved only:

[W]hen the President is ready to be governed by the constitution and the law, and when the legislative and executive branches perform their legal functions properly; ... [w]hen the impartiality of the mass media is assured to encourage the protection of human rights, freedom of expression and

¹¹ Dan Connell, *Conversations with Eritrean Political Prisoners*, p. 21.

¹² Ibid, p. 182.

¹³ Ibid, p. 172.

¹⁴ Dan Connell, *Conversations with Eritrean Political Prisoners*, pp. 182-183.

political discourse; when the formation and freedom of action of civic organizations are allowed and encouraged; when the Special Courts are dismantled; when those who have been imprisoned for a long time without a court order are brought before a regular court of law; when the independence of the judiciary is guaranteed.¹⁵

The Journalist Prisoners

Ten journalists were picked up in nighttime raids in the 10 days after the arrest of the G-15. They have also been held incommunicado since. Five (designated by asterisks) are reported dead by people fleeing the country and expatriate websites:¹⁶

1. *Dawit Isaac*, owner and co-founder, *Setit*, born 1968;
2. **Fessehaye “Joshua” Yohannes*, co-founder, *Setit*, born 1956; also poet and playwright;
3. *Emanuel Asrat*, editor, *Zemen [Time]*; born 1967;
4. **Medhanie Haile*, deputy editor, *Keste Debena [Rainbow]*; born 1969;
5. *Temesgen Gebreyesus*, sports reporter, *Keste Debena*; born 1966;
6. **Yusuf Mohamed Ali*, editor, *Tsegenai*; born 1957;
7. **Mattewos Habteab*, co-founder and editor, *Meqaleh [Echo]*; born 1972;
8. *Dawit Habtemichael*, deputy editor and cofounder, *Meqaleh*; born 1972;
9. **Said Abdulkader*, founder and editor, *Admas [Horizon]*; born 1968;
10. *Seyoum Tsehaye*, freelance reporter and former director of the government’s television station, ERI-TV; producer of documentaries on the independence war; born 1953.¹⁷

All but three of the arrested newspapermen were in their 30s. Two of them, Medhanie Haile and Said Abdulkader, reportedly died in prison because of the harsh conditions of confinement before they turned 40. In the absence of reliable information to the contrary the others are presumed to be alive, in which case, they would have spent about a quarter of their lives in solitary confinement.¹⁸

¹⁵ Dan Connell, *Conversations with Eritrean Political Prisoners*, pp. 184, 185.

¹⁶ The available information about the G-15 is discussed at greater length below.

¹⁷ Birth dates are derived from Reporters Without Borders, “Eritrea: Journalists in Prison,” September 2009, http://en.rsf.org/IMG/pdf/RSF_Eritrea_Prisoners_Sept_09-2.pdf (accessed August 8, 2011).

¹⁸ Fessehaye Yohannes and Seyoum Tsehaye fought with the Eritrean People’s Liberation Front.

All of their newspapers were closed and none has been allowed to reopen. Journalists from another newspaper were able to escape. Milkias Mehretab, editor-in-chief of *Kestebana*, fled to Sudan on September 18, 2001, the night of the G-15 arrests, together with *Kestebana* reporter Semere Teagaz.¹⁹

The independent journalists and newspapers had given prominent space to the G-15 letters. They also published a September 9 statement by some PFDJ central council and national assembly members, “Obstacles to the Transition of Power to the People,” also calling for political reforms.²⁰ Some newspapers wrote editorials in support of Isaias’s critics. In addition, the newspapers reported on other political ferment in Eritrea in the summer of 2001 and criticized the government’s reaction.

In July 2001 the government arrested hundreds of students at the University of Asmara who demanded reforms that would have given them increased input on educational matters, particularly over the appalling conditions of a mandatory summer work program.²¹ One of those arrested was Semere Kesete, the student council president. Semere remained in jail for a year without trial until he managed to flee to Ethiopia with the help of an absconding guard.²² All other students were sent to Wi’a, a desert camp near the Red Sea port of

¹⁹ Human Rights Watch interview with Milkias Mehretab, March 8, 2002; and Meron Tesfa Michael, “Exiled Eritrean Editor Milkias Mihreteab,” *Worldpress.org*, August 21, 2002, http://www.ehrea.org/Eritrea%20-%20independent%20press%20-%20journalism%20-%20Worldpress_org.htm#down (accessed August 8, 2011). Milkias had previously been arrested, along with five other journalists, for his writings. He had been released because of international pressure. He had been incarcerated at Zara, in western Eritrea: “It was crowded and dirty, family contact was extremely limited. The Zara concentration camp, where I spent almost six months, is the worst. Beating was normal. Some died because of disease and malnutrition.”

²⁰ Charles Cobb, Jr., “Paper Trail That Put Eritrea’s Dissidents in Jail,” *allAfrica.com*, September 21, 2001, <http://www.allafrica.com/stories/printable/200109210221.html> (accessed August 8, 2011).

²¹ For a contemporaneous account, see “Escalating crackdown in Eritrea,” Human Rights Watch news release, September 21, 2001, <http://www.hrw.org/en/news/2001/09/20/escalating-crackdown-eritrea>.

²² In a 2001 response to an Amnesty International report that Semere had been arrested for expressing opposition to the summer work program, Yemane Gebremeskal, Isaias’s spokesman and close political advisor, claimed that there were no restrictions on speech in Eritrea: “[T]he Government is not in the business of detaining people for expressing their views, verbally or through the published articles in the private printed media. The track record is clear and there is not in fact a single person in the country that has been detained on account of holding or expressing political views of any kind.” “Eritrea: Government official reacts to Amnesty’s inquiry into students’ issue,” *Asmarino*, as republished by *BBC Monitoring Service*, August 28, 2001, <http://www.eritreadaily.net/Viserit%20Archives/ERI%20GOV'T%20REACT%20TO%20AMNESTY%20INTL.htm> (accessed August 8, 2011).

Massawa, where summer daytime temperatures reach over 40°C (104°F).²³ The government acknowledged that at least two students died of heatstroke.²⁴ While the students were incarcerated at Wi'a, police used batons to disperse regular gatherings of parents demanding the return of their children and arrested some protesting parents. The newspapers had also given prominence to public criticism by chief High Court justice, Teame Beyene, of the government's interference with the judiciary's handling of the university students' cases. Shortly thereafter Teame was fired.²⁵

Even before the September 2001 arrests the government had targeted journalists for their writings. In July 2001 the government had arrested Mattewos Habteab, the editor of *Meqaleh*, the day after his newspaper published an editorial urging the government to stop its oppression of independent journalists. At the time, at least 15 journalists had been seized on the subterfuge that they needed to "complete" their national service.²⁶

Since September 2001 no independent media has been allowed in Eritrea. For the past 10 years most Eritreans can receive news only from the government-run television station (ERI-TV), radio station (*Dimtsi Hafash*), and its Tigrinya, Arabic, and English newspapers. All produce government propaganda "carefully-vetted material."²⁷ The purpose of Eritrean media, President Isaias has made clear, is "to promote our interests, to present our arguments, and to reflect our views and opinions."²⁸ While slow internet access is available in Asmara, Keren,

²³ For a first-hand report, see S.Y., "The event that I will never forget as long as I live," January 2011, Eritrean Electronic Human Rights Archive, <http://www.ehrea.org/wiadent.php> (accessed September 8, 2011).

²⁴ In the decade after 2001 there have been frequent reports of deaths at Wi'a, a military training camp and prison. The Wi'a camp was closed in 2010. United States Department of State, "2010 Human Rights Report: Eritrea," April 8, 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154345.htm> (accessed August 8, 2011).

²⁵ Human Rights Watch, *World Report 2002* (New York: Human Rights Watch, 2003), "Eritrea," <http://www.hrw.org/legacy/wr2k2/africa4.html>, p. 50; Amnesty International, "Eritrea: Arbitrary detention of government critics and journalists," September 18, 2002, <http://www.amnesty.org/en/library/asset/AFR64/008/2002/en/ed79279e-d801-11dd-9df8-936c90684588/afr640082002en.pdf> pp.7-8 (accessed August 8, 2011).

²⁶ Committee to Protect Journalists, "Journalist abducted by security forces, many others still missing," August 6, 2001, <http://cpj.org/2001/08/journalist-abducted-by-security-forces-many-others.php#more> (accessed August 8, 2011). Also see Tronvoll, "The Lasting Struggle for Freedom in Eritrea," http://visendienable.no/oslocenter/www/images/stories/eritrearapport_2_endelig_versjon.pdf, p. 68.

²⁷ International Crisis Group, "Eritrea: The Siege State," Africa Report No. 163-21, September 2010, <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/ethiopia-eritrea/163%20Eritrea%20The%20Siege%20State.pdf> (accessed August 8, 2011), p. 10.

²⁸ Interview with President Isaias, part X, *Eritrea Profile* (June 11, 2011), p. 5, col. 3.

and perhaps a few other cities, access is monitored and some sites are blocked; according to an international NGO, internet penetration hovers around three percent.²⁹

What Is Known about the Prisoners

During their decade-long ordeal, the 21 critics and journalists have been held incommunicado. None has been allowed a visit by a lawyer, a Red Cross official, or a family member. None has been brought to a public trial.

The Eritrean government has kept the location of the 21 prisoners secret and has never commented on their condition. The 21 officials and journalists have been held in detention, isolated from anyone other than their guards, for a decade. It is not known if they are alive or dead, although information from defectors elaborated below suggest that five G-15 members and five journalists have died in custody, 10 in total.³⁰

It is known that for the first six months the 10 journalists were held incommunicado at an Asmara police station but managed to slip out messages in March 2002 that they had started a hunger strike to demand a hearing before a court.³¹ Immediately after release of the messages, they vanished into secret prisons. Since then only Dawit Isaac has resurfaced briefly. In November 2005 he was released and was allowed to telephone his family in Sweden, leading to optimism that he would soon be allowed to be reunited with them. Instead he was rearrested two days later and has not again been publicly seen or heard from since.³²

Eritrean human rights activists abroad believe that for the past eight years or so, the G-15 and journalist prisoners have been incarcerated in a secret prison, Eiraeiro, expressly built to hold them in Eritrea's very hot lowlands.³³ One expatriate website reported that the prisoners were transferred to Eiraeiro in June 2003 from a colonial-era fort in Embatkala,

²⁹ Reporters Without Borders, "World Day Against Cyber Censorship—Enemies of the Internet," March 12, 2010, http://www.rsf.org/IMG/pdf/Internet_enemies.pdf (accessed August 8, 2011).

³⁰ In 2002, in one of the very few government comments on the condition of the journalists, Yemane Gebreab, Isaias's chief political advisor, stated that only "about eight" journalists were jailed in conditions not as harsh as those in the United States base at Guantanamo, Cuba; see the CPJ, "Attacks on the Press in 2002: Eritrea," March 31, 2003, <http://www.cpj.org/2003/03/attacks-on-the-press-2002-eritrea.php> (accessed August 8, 2011).

³¹ Committee to Protect Journalists, *Annual Prison Census*, December 1, 2010, s.v. "Eritrea," <http://cpj.org/imprisoned/2010.php> (accessed August 8, 2011).

³² *Ibid.*

³³ Human Rights Watch interviews, London, May 2010. Eiraeiro is also written as E'era-E'ero or EiraEiro.

along the Asmara-Massawa road and that General Ogbe Abraha died in 2002, shortly after a suicide attempt while he was incarcerated at Embatkala.³⁴

Eyob Bahta Habtenariam, who claims to be a former Eiraeiro guard and who defected to Ethiopia in 2009, stated in a press interview that 10 of the 21 prisoners are dead (including General Ogbe). His account is discussed at length in reports by the United Nation and the United States.³⁵ According to Eyob's account of 2009, journalist Joshua (Fessehaye Yohannes) committed suicide in 2004.³⁶ The other deaths reportedly resulted from lack of medical care, inadequate food rations, and very high temperatures. According to Eyob, Minister Mahmoud Sherifo died in 2003 when he was denied medical treatment; journalist Medhanie Haile suffered the same fate in 2004. Minister Saleh, Aster Fezhazion, and Yusuf Mohamed Ali all died in 2003, apparently from heat exhaustion. Regional director Germano Nati died in 2009 from an unknown cause, according to Eyob, who also said that Eiraeiro originally held 35 high-ranking government and party officials and journalists, not just the 21 arrested in September 2001. Altogether, 15 of the 35, he said, had died.

Eyob pointed out that the condition of the surviving Eiraeiro prisoners is woeful. Several are mentally and physically disabled, including Minister Haile Woldetensae, who is now blind. Prisoners who are still competent are severely emaciated and are shackled around the clock.

³⁴ An opposition website states that Ogbe was buried with "full military honors" a few years after his suicide. Saleh AA Younis, "Eritrean Spring: OqbeAbraha Edition," *Awate.com*, March 19, 2011, <http://awate.com/eritrean-spring-oqbe-abraha-edition/> (accessed August 8, 2011).

³⁵ UN Human Rights Council, report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, "Addendum: Summary of information, including individual cases, transmitted to Governments and replies received," A/HRC/16/52/Add.1, March 1, 2011, http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.16.52.Add.1_EFOnly.pdf (accessed August 8, 2011), p. 112-113; United States Department of State, "2010 Human Rights Report: Eritrea," <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154345.htm>, pp. 3-4; Reporters Without Borders, "Prominent Journalist Arrested, Ex-Prison Guard Reveals Fate of Other Detained Journalists," May 12, 2010, <http://en.rsf.org/eritrea-prominent-journalist-arrested-ex-12-05-2010,37459.html> (accessed August 8, 2011). RSF disputes some of the dates Eyob gave for the deaths of some prisoners but not the fact that the prisoners had died. According to RSF, "[a]fter verifying with credible Eritrean sources in Asmara and abroad," Joshua, Said Abdulkader, Medhane Haile, and Yusuf Mohamed Ali died while at Eiraeiro. RSF, "United Nations Asked to Investigate the Fate of Journalists Imprisoned in Eritrea," January 11, 2010, <http://en.rsf.org/eritrea-united-nations-asked-to-11-01-2010,36021.html> (accessed August 8, 2011).

³⁶ The Committee to Protect Journalists and Reporters Without Borders have both reported Joshua's death based on independent sources. See "Another Eritrea Journalist Killed in Prison," *Afrol News*, February 14, 2007, <http://www.afrol.com/articles/24322> (accessed August 8, 2011).

Eyob's account is consistent with a similar report three years earlier by a pro-Ethiopian government website that provided other details about Eiraeiro.³⁷ The website report gave the cell numbers for 36 prisoners: 17 PFDJ Central Committee members; nine journalists; five foreign embassy employees; and five prisoners described as former administrators. The report stated that the prisoners are confined in solitary cells, three by three meters, and shackled. Prisoners are denied reading materials or access to outside information in any form and guards are prohibited from conversing with prisoners. Prisoners never see each other but, beginning in February 2006, they have been allowed outside their cells an hour a day. Food consists of bread, lentils, spinach, and potatoes, with meat rations on holidays.³⁸

The UN Special Rapporteur on Torture reported in 2010 that journalists Mattewos Habteab and Temesghen Gebreyesus had been transferred to one of the Dahlak Islands in the Red Sea in 2008.³⁹ Prisoners there are kept in "solitary confinement in underground cells, in which the heat is unbearable;" few prisoners, he wrote, have survived confinement in Dahlak. Prisoners who have been released from Dahlak told Human Rights Watch that prisoners are kept underground or in cells made of zinc, in both of which temperature rises above 40°C (104°F) and are given only three-quarters of a liter of water per day.⁴⁰ The Special Rapporteur also reported journalist Dawit Isaac twice was admitted to Asmara's psychiatric hospital in 2009 but his whereabouts in 2010 were unknown.⁴¹

³⁷ "The Obscure & Tragic End of the G-15," Aigaforum.com (translated by Awate.com), August 31, 2006, http://www.awate.com/portal/index2.php?option=com_content&task=view&id=4336&pop=1&page=0&Itemid=9 (accessed August 8, 2011). Awate.com indicated that most of the information confirmed reports it had received independently but could not (in 2006) verify the deaths.

³⁸ See also RSF, "Eritrea: Journalists in Prison," http://en.rsf.org/IMG/pdf/RSF_Eritrea_Prisoners_Sept_09-2.pdf; and CPJ, *Annual Prison Census*, s.v. "Eritrea," <http://cpj.org/imprisoned/2010.php>.

³⁹ UN Human Rights Council, report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, "Addendum: Summary of information, including individual cases, transmitted to Governments and replies received," http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.16.52.Add.1_EFOnly.pdf, p. 112.

⁴⁰ Human Rights Watch, *Service for Life: State Repression and Indefinite Conscriptioin in Eritrea*, April 2009, <http://www.hrw.org/reports/2009/04/16/service-life-0>, p. 36.

⁴¹ UN Human Rights Council, report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, "Addendum: Summary of information, including individual cases, transmitted to Governments and replies received," http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.16.52.Add.1_EFOnly.pdf, p. 113.

The Eritrean Government's Shifting Statements about the Prisoners

In January 2002 the provisional national assembly in its final meeting approved a government report accusing the G-15 of “defeatism” and divisiveness. The assembly said that the group had “actively tried to bring down the President” during the war with Ethiopia and had transmitted messages to the Ethiopian government through international peace facilitators. Once the war ended “they sought to cover their shameful defeatism” by starting “divisive campaigns to weaken the unity of the Eritrean” and to incite violence.⁴² The government has never released evidence to support those charges.

The assembly approved the abolishing of the independent press because it allegedly had been “foreign funded” and had “abandoned any semblance of independence and responsibility and engaged in defamation and rumor-mongering.”⁴³ Although circulation of the newspapers had been steadily growing before mid-September, the assembly stated that they had so provoked “the people’s” anger that “the people” had “demanded that they be closed.”⁴⁴

Isaias himself has refused to discuss the prisoners, their current conditions, or their alleged crimes. In a 2010 interview a Qatari reporter asked Isaias about the fate of the G-15 prisoners. Isaias responded: “By God, I do not know about this issue. This issue can be forgotten.”⁴⁵ In an al-Jazeera television interview in May 2008, Isaias denied imprisoning journalists: “There were never any. There aren’t any. You have been misinformed.”⁴⁶ In a

⁴² Resolutions of the 14th Session of the Eritrean National Assembly, 14th Session, January 29 – February 2, 2002, http://www.shaebia.org/14th_session_resolution_english.html (accessed September 9, 2011).

⁴³ Ibid.

⁴⁴ Ibid. The 2002 assembly meeting also approved an “election” law reserving all candidacies for PFDJ members. The law disenfranchises anyone committing treason or “crimes against the nation.” No national elections have occurred in Eritrea since enactment of the law in 2002. In an interview with a Swedish newspaper, Isaias said that giving the citizenry choices is unaffordable luxury for Eritrea: “Choice is not an end, just a means. People may talk about democracy. I say we are a country in a process. People outside may have different opinions about it. That may happen in two or three generations’ time ... but for now I say, even to those who ask the question with good intentions, this is the only option we have, based on our history and reality.” Interview with Donald Boström, *Aftonbladet*, October 11, 2010, reproduced at <http://danielberhane.wordpress.com/2010/10/18/forget-democracy-economics-is-simple-ive-a-solution-for-mid-east-conflict-pres-isaias-afeworki/> (originally published as “Jag haraldrigägnatmigåt den frågan,” <http://www.aftonbladet.se/nyheter/dawitisaak/article7933904.ab>) (accessed September 9, 2011).

⁴⁵ Ahmad Ali, “A Qatari Reporter’s Exposé: ‘The Dictator Has No Clothes,’” *Al Watan* (translated by *Awate.com*) October 29, 2010, <http://awate.com/a-qatari-reporters-expose-the-dictator-has-no-clothes/> (accessed August 8, 2011).

⁴⁶ Reporters Without Borders, *Predators*, s.v. “Issaias Afeworki, President, Eritrea,” http://en.rsf.org/spip.php?page=predateur&id_article=37194 (accessed August 8, 2011).

2003 interview he called the imprisoned journalists “spies.” He claimed they had been bribed by “external persons” during the war with Ethiopia: “They are not even journalists. You cannot say a spy is a journalist.”⁴⁷

In an interview with a Swedish journalist in 2010, Donald Boström, Isaias responded to questions about Dawit Isaac, “I don’t know. I don’t even care where he is or what he is doing. He made a big mistake.”⁴⁸ Isaias’s chief political advisor, Yemane Gebreab, also claimed ignorance about the journalists in response to a 2010 Committee to Protect Journalists (CPJ) inquiry: “I don’t know them at all.”⁴⁹

In 2010 the Special Rapporteur on Torture reported that the Eritrean government had not responded to his 2009 inquiry on the status of Dawit Isaac, Temesghen Gebreyesus, and Mattewos Habteab.⁵⁰ It also never responded to a 2006 letter from the Special Rapporteur asking about the condition of Seyoum Tsehaye.⁵¹

⁴⁷ Transcript of Radio France Internationale (RFI) interview, April 25, 2003, originally published at *addistribune.com*, no longer available.

⁴⁸ Committee to Protect Journalists, *Annual Prison Census*, s.v. “Eritrea,” <http://cpj.org/imprisoned/2010.php>. President Isaias frequently feigns ignorance of prominent events in the small country. Asked during an al-Jazeera interview about the defection of the entire national football team during a tournament in Kenya in 2010, Isaias responded: “This is news to me.” “President Isaias Afewerki: The Eritrean president in a rare interview with al Jazeera’s Jane Dutton,” *al-Jazeera*, February 22, 2010, <http://english.aljazeera.net/programmes/talktojazeera/2010/02/201021921059338201.html> (accessed August 8, 2011). Isaias also freely characterizes unpleasant facts as “lies.” Asked in the al-Jazeera interview about long and indefinite terms of enrollment in national service, he said: “Another lie... A pack of lies.” Asked about UN High Commissioner for Refugees (UNHCR) reports that 63,000 Eritreans had applied for asylum during the decade, he answered: “These are lies. These are your lies.” Isaias also tries to shift blame for Eritrea’s misfortunes to others, particularly the United States and Ethiopia. Those who risk their lives to flee Eritrea, he has claimed, are lured away by an “orchestrated, organized operation financed by the CIA [the United States Central Intelligence Agency].” See Jack Kimball and Andrew Cawthorne, “Interview: Eritrea leader blames CIA plot for youth exodus,” *Reuters*, May 13, 2008, <http://uk.reuters.com/article/2008/05/13/idUKL1374516120080513> (accessed August 8, 2011).

⁴⁹ Committee to Protect Journalists, *Annual Prison Census*, s.v. “Eritrea,” <http://cpj.org/imprisoned/2010.php>.

⁵⁰ UN Human Rights Council, report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, “Addendum: Summary of information, including individual cases, transmitted to Governments and replies received,” http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.16.52.Add.1_EFOnly.pdf, p. 112.

⁵¹ *Ibid.*

International Findings of Human Rights Violations

Eritrea's mistreatment of the G-15 and journalists has twice been held by the African Commission to violate the African Charter on Human and Peoples' Rights, in *Zegveld v. Eritrea*⁵² and *Article 19 v. State of Eritrea*.⁵³ *Zegveld* was a proceeding brought on behalf of the G-15 prisoners; *Article 19* was filed on behalf of the journalists. The UN Working Group on Arbitrary Detention found that Eritrea had violated articles 9 and 10 of the Universal Declaration of Human Rights.

The Isaias government has ignored the African Commission and Working Group decisions.

In *Zegveld*, the African Commission on Human and Peoples' Rights called for "immediate release" of the G-15 prisoners. Their prolonged detention incommunicado, the Commission wrote, violates articles 6 and 7(1) of the Charter:⁵⁴

Incommunicado detention is a gross human rights violation that can lead to other violations such as torture or ill-treatment or interrogation without due process safeguards.... Furthermore, every detained person must have prompt access to a lawyer and to their families and their rights with regards to physical and mental health must be protected as well as entitlement to proper conditions of detention.

⁵² African Commission on Human and Peoples' Rights, 35th Ordinary Session, "Seventeenth Annual Activity Report of the African Commission on Human and Peoples' Rights 2003–2004," June 2004, Banjul, Gambia, http://www.achpr.org/english/activity_reports/activity17_en.pdf (accessed August 8, 2011). "Zegveld v. Eritrea," communication 250/2002, was adopted at the 34th Ordinary Session and issued in Annex VII.

⁵³ African Commission on Human and Peoples' Rights, 11th Ordinary Session, "Twenty-Second Activity Report of the African Commission on Human and Peoples' Rights," Accra, Ghana, June 2007, http://www.achpr.org/english/activity_reports/activty22_eng.pdf (accessed August 8, 2011). "Article 19 v. State of Eritrea," communication 275/2003, was adopted at the 41st Ordinary Session in May 2007 and issued as Annex II.

⁵⁴ African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986. Art. 6 of the Charter provides: Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained. Art. 7(1) provides: Every individual shall have the right to have his cause heard. This comprises, a) The right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force; b) The right to be presumed innocent until proved guilty by a competent court or tribunal; c) The right to defense, including the right to be defended by counsel of his choice; d) The right to be tried within a reasonable time by an impartial court or tribunal.

The African Commission holds the view that the lawfulness and necessity of holding someone in custody must be determined by a court or other appropriate judicial authority.... Therefore, persons suspected of committing any crime must be promptly charged with legitimate criminal offences and the State should initiate legal proceedings that should comply with fair trial standards.⁵⁵

The Commission concluded the G-15 members were being held solely because of their political beliefs, considering that Eritrea failed to cite any specific law that the prisoners had allegedly broken.⁵⁶ Their incarceration also violated the prisoners' right under article 9(2) of the Charter to freedom of expression.⁵⁷

In the 2007 *Article 19* decision, the Commission urged the immediate release or trial of the journalists and their immediate access to families and legal representatives. It recommended that Eritrea compensate them for their suffering. The Commission again found the Isaias government to have violated articles 6, 7(1), and 9 of the Charter, as well as articles 1, 5, and 18.⁵⁸ The Commission rejected as preposterous Eritrea's procedural contention that the journalists should have first tried to obtain redress in Eritrean courts: the Isaias government's decision to hold the prisoners incommunicado for several years and to deny them legal representation made it evident "that domestic remedies, even if available, are not effective and/or sufficient."⁵⁹

The Commission rejected the Isaias government's contention on the merits that jailing journalists without trial was justified by the absence of a final resolution of the war with Ethiopia: "there are certain rights such as the right to life, the right to a fair trial, and the

⁵⁵ African Commission on Human and People's Rights, 35th Ordinary Session, "Seventeenth Annual Activity Report of the African Commission on Human and Peoples' Rights 2003-2004," http://www.achpr.org/english/activity_reports/activity17_en.pdf, p. 123.

⁵⁶ *Ibid*, p. 124.

⁵⁷ *Ibid*, pp. 124-125. Art. 9(2) provides: "Every individual shall have the right to express and disseminate his opinions within the law."

⁵⁸ African Commission on Human and People's Rights, 11th Ordinary Session, "Twenty-Second Activity Report of the African Commission on Human and Peoples' Rights," http://www.achpr.org/english/activity_reports/activty22_eng.pdf, annex II, p. 25.

⁵⁹ *Ibid*, discussing art. 5. Article 5 of the African Charter provides: "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited."

right to freedom from torture and cruel, and inhuman and degrading treatment, that cannot be derogated from for any reason, in whatever circumstances,” it said.⁶⁰ The African Charter did not allow domestic Eritrean law to be an instrument for “a wholesale ban on the press and imprisonment of those whose views contradict those of the Government.”⁶¹

Earlier, in 2002 when the G-15 had been held only for about nine months, the UN Working Group on Arbitrary Detention held that the Eritrean government’s isolation of the G-15 violated articles 9 and 10 of the Universal Declaration of Human Rights.⁶² The Working Group found that the Isaias government had provided no “concrete evidence to substantiate” its claim that the eleven G-15 prisoners had been arrested because they had conspired to overthrow the government.⁶³ Rather, it was clear to the Working Group that the G-15 had been imprisoned solely because they had expressed their political opinions.⁶⁴

⁶⁰ African Commission on Human and People’s Rights, 11th Ordinary Session, “Twenty-Second Activity Report of the African Commission on Human and Peoples’ Rights,” http://www.achpr.org/english/activity_reports/activity22_eng.pdf, p.22.

⁶¹ *Ibid*, p.24.

⁶² UN Commission on Human Rights, “Civil and Political Rights, Including the Question of Torture and Detention: Opinions adopted by the Working Group on Arbitrary Detention,” E/CN.4/2003/8/Add.1, January 24, 2003, [http://www.unhchr.ch/Huridocda/Huridoca.nsf/e06a5300f90fa0238025668700518ca4/c514f021009a2b05c1256cf50036f89d/\\$FILE/Go310553.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/e06a5300f90fa0238025668700518ca4/c514f021009a2b05c1256cf50036f89d/$FILE/Go310553.pdf) (accessed August 8, 2011). *Mahmoud Sherifo v. Eritrea*, Opinion no. 3/2002, p. 15.

⁶³ *Ibid*, p. 13.

⁶⁴ *Ibid*, p. 14.

Other Human Rights Violations by the Eritrean Government

As discussed in the remainder of this report, the Eritrean government persistently violates human rights despite its accession to international treaties.⁶⁵ During the 2010 Universal Periodic Review before the UN Human Rights Council in 2010, Eritrea agreed to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; as of this writing, it had not done so.

President Isaias has never allowed the constitution adopted in 1997 by the interim national assembly to take effect.⁶⁶ That constitution contains a broad set of “Fundamental Rights, Freedoms, and Duties,” that the Isaias government habitually violates.⁶⁷ The government

⁶⁵ Eritrea has ratified the following: International Covenant on Civil and Political Rights (ICCPR) (2001); African Charter on Human and Peoples’ Rights in 1999; International Covenant on Social, Economic and Cultural Rights (2002); Freedom of Association and Protection of the Right to Organize Convention (2000); Right to Organize And Collective Bargaining Convention (2000); Convention Concerning forced or Compulsory Labor (2000); Abolition of Forced Labor Convention(2000); Equal Remuneration Convention (2000); Discrimination (Employment and Occupation) Convention (2000); Convention on the Rights of the Child (1993) and its optional protocol on the involvement of children in armed conflicts (2005); Convention on the Elimination of all Forms of Discrimination against Women (1995); International Convention on the Elimination of All Forms of Racial Discrimination (2001); African Charter on the Rights and Welfare of the Child (1999); International Convention against the Taking of Hostages (1999); International Convention on the Prevention and Punishment of Crimes against International Protected Persons (1999); Geneva Conventions and protocols relating to the Protection of Victims of International Armed Conflicts and Non-International Armed Conflicts (2000). See Annex 7, “Eritrea-European Community Country Strategy Paper and National Indicative Programme for the Period 2009-2013,” February 9, 2009, http://ec.europa.eu/development/icenter/repository/scanned_er_csp10NEW_en.pdf (accessed August 8, 2011).

⁶⁶ English versions of the constitution are available on the Eritrean government website, <http://www.shaebia.org/constitution.html>; and the International Labor Organization website, http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_126648.pdf.

⁶⁷ Articles 14-29 of the constitution provide that that no one will be deprived of life or liberty, or be arrested and detained without due process. The constitution contains a presumption of innocence. It requires anyone detained to be informed of the charges, to be brought before a court within 48 hours, and to receive a “fair and public hearing.” It establishes the right to petition for a writ of *habeas corpus*. It prohibits torture, cruel and inhuman or degrading treatment or punishment. It prohibits slavery and forced labor not authorized by law. It guaranties a right to privacy and prohibits unlawful searches and seizures. It guaranties the rights of freedom of thought conscience, belief, speech, assembly, and access to information. It also protects the “freedom to practice any religion and to manifest such practice.” And it protects the rights to move freely within Eritrea and to leave the country.

rules by force and fear. No national elections have been held in the 20 years since Eritrea won its independence from Ethiopia.⁶⁸ An interim legislature last met in January 2002. Elections scheduled for 1998 were canceled after the beginning of the 1998-2000 border war with Ethiopia and have never been rescheduled. President Isaias maintains that elections would invite divisive tribal politics and so will not be held for 30 or 40 years, if then.⁶⁹

Absent a functioning legislature, Isaias rules by decree. Even that veneer of law is largely a fiction. The UN Monitoring group on Somalia and Eritrea found “systematic subversion of the Government of Eritrea and party institutions by a relatively small number of political, military and intelligence officials, who instead choose to conduct the affairs of state via informal and often illicit mechanisms.”⁷⁰ The government and party structures give “a clear line of command from the President of the State and Chairman of the Party, Isaias Afewerki, at the pinnacle all the way down to the smallest village.”⁷¹

Besides having no functioning legislature and no constitutional restrictions on executive exercise of power, there is also no independent judicial power to curb governmental overreaching. In 1997 a secret presidential decree established a “special court,” staffed by military officers without legal training, empowered to retry defendants in secret proceedings in which defendants have no right to counsel or appeal. The last time a civil court attempted to limit the executive’s authority was in July 1991 when the High Court unsuccessfully attempted to use its habeas corpus powers after student council head

⁶⁸ According to President Isaias, democracy is a highly flexible concept that need not include civil rights, consent of the governed, or restraints on the exercise of government power: “There is no commodity called ‘democracy.’... There is no commodity that is promised by any one person to the people of one country.” “President Isaias Afewerki: The Eritrean president in a rare interview with al Jazeera’s Jane Dutton,” *al-Jazeera*, <http://english.aljazeera.net/programmes/talktojazeera/2010/02/201021921059338201.html>.

⁶⁹ “Not for a ‘long, long, long time.’” Quoted in Stephanie McCrummen, “As thousands flee regime, Eritrea would go it alone,” *Washington Post*, Dec. 14, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/12/13/AR2009121302691.html?sid=ST2009121302885> (accessed August 8, 2011).

⁷⁰ United Nations Security Council, “Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 1916 (2010),” S/2011/433, July 18, 2011, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/433 (accessed Augst 8, 2011), p. 13.

⁷¹ Tronvoll, “The Lasting Struggle for Freedom in Eritrea,” http://visendienable.no/oslocenter/www/images/stories/eritrearapport_2_endelig_versjon.pdf, p. 59. One observer accurately noted, “Eritrea is run by an amorphous, continually shifting group of people surrounding Isaias whose actual rank is irrelevant, because their authority stems from whatever personal favour he chooses to bestow upon them.” International Crisis Group, “Eritrea: The Siege State,” [http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/ethiopia-eritrea/163%20Eritrea%20The%20Siege%20State.pdf](http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/ethiopia-eritrea/163%20Eritrea%20The%20Siege%20State.pdf), p. 11. Outside the capital, five senior generals appointed by Isaias and thought to be the next most powerful figures in Eritrea, are the *de facto* regional governors.

Semere Kesete's arrest. This incident led to the dismissal of the chief justice. Since then the judicial system has been limited to the adjudication of private disputes. As a result, any Eritrean arrested and jailed in the country's widespread network of prisons since September 2001 is highly unlikely ever to be brought before any public court.

Unsurprisingly, Eritrea ranks near or at the bottom of almost every survey of governance and adherence to international norms. The World Bank Institute's Worldwide Governance Indicators places Eritrea in the bottom five percent for "voice and accountability," "government effectiveness," and "regulatory quality;" and in the bottom 10 percent for "rule of law."⁷² Freedom House in 2011 gave Eritrea the lowest possible scores for political rights and civil liberties, one of nine countries it regarded as the "worst of the worst."⁷³ In 2010 Reporters Without Borders (*Reporters Sans Frontieres*, RSF) ranked Eritrea last (178th) in its latest Press Freedom Index.⁷⁴ On Transparency International's 2010 corruption perception index, Eritrea is ranked in the bottom 30 percent, 123rd out of 176.⁷⁵ The Mo Ibrahim Foundation's Index of African Governance listed Eritrea as the fourth worst governed nation in Africa (50 of 53);⁷⁶ in the political participation and human rights category, Eritrea was last for political participation (with Libya) and also last with

⁷² World Bank Group, "Country Data Report for Eritrea, 1996-2009," *Worldwide Governance Indicators*, 2010, <http://info.worldbank.org/governance/wgi/pdf/c68.pdf> (accessed August 8, 2011).

⁷³ Freedom House, "Freedom in the World 2011: Table of Independent countries," January 13, 2011, http://www.freedomhouse.org/images/File/fiw/Tables%2C%20Graphs%2C%20etc%2C%20FIW%202011_Revised%201_11_11.pdf (accessed August 8, 2011); Arch Puddington, "Freedom in the World 2011: The Authoritarian Challenge to Democracy," Freedom House, January 13, 2011, http://www.freedomhouse.org/images/File/fiw/FIW_Overview_2011.pdf (accessed August 8, 2011), p. 3. In a separate report, Freedom House ranked Eritrea among the counties with the least press freedom, together with Burma, Libya and Uzbekistan, followed only by Turkmenistan and North Korea. Freedom House, "Freedom of the Press 2011: Global Press Freedom Rankings," 2011, <http://freedomhouse.org/images/File/fop/2011/FOTP2011GlobalRegionalTables.pdf> (accessed August 8, 2011).

⁷⁴ Reporters Without Borders, "Press Freedom Index 2010," May 2, 2011, <http://en.rsf.org/press-freedom-index-2010,1034.html> (accessed August 8, 2011). In a another 2011 report wrote: "Isaias Afworki in Eritrea, Gurbanguly Berdymukhamedov in Turkmenistan and Kim Jong-il in North Korea head the world's worst totalitarian regimes. Their cruelty is staggering. Their extreme centralization of authority, their purges and their ubiquitous propaganda leave no space for any freedom." RSF, "Thirty-Eight Heads of State and Warlords Sow Terror among Journalists," May 3, 2011, <http://en.rsf.org/maghreb-et-moyen-orient-thirty-eight-heads-of-state-and-03-05-2011,40204.html> (accessed August 8, 2011).

⁷⁵ Transparency International, "Corruption Perception Index 2010 Results," 2010, http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results (accessed August 8, 2011).

⁷⁶ Mo Ibrahim Foundation, "2010 edition of the Ibrahim Index of African Governance," October 2010, <http://www.moibrahimfoundation.org/en/section/the-ibrahim-index> (accessed August 8, 2011), p. 5.

respect to protecting human rights.⁷⁷ The Committee to Protect Journalists, citing 17 journalists in jail, called Eritrea the world's third-worst jailer of journalists, ahead only of China and Iran.⁷⁸

Arbitrary Arrest and Disappearance

The September 2001 arrests of high level officials and journalists triggered a wave of arrests that continues. As one scholar has noted, "By the end of 2001, all dissenting voices demanding democratic reform in Eritrea were quelled; either arrested, driven into exile, or cowed into silence.... Thenceforth, no opposition or alternative voices have been allowed to be heard inside the country."⁷⁹

Eritreans from all walks of life have been jailed since September 2001: government officials; leaders of government-controlled labor unions; businessmen; government journalists; employees of foreign embassies and of international non-governmental organizations; adherents of "unrecognized religions;" and national service evaders or escapees. Estimates of the number of Eritreans jailed are difficult to confirm but range from 5,000 to 10,000, excluding national service evaders and deserters who may number tens of thousands more.⁸⁰ There are said to be more than 300 prisons and detention centers in the small country.⁸¹

Like the officials and journalists arrested in September 2001, prisoners are often held indefinitely without access to family members, prison monitors, or lawyers. There is no appeal procedure. If prisoners are released, they are warned not to speak of their experiences while incarcerated. Those detained have no access to legal counsel. Emblematic of the absence of the rule of law, the government has licensed no new lawyers since 2007; the only law school in the country is closed.⁸²

⁷⁷ Ibid, pp. 23-25.

⁷⁸ Committee to Protect Journalists, "2010 Prison Census: 145 journalists jailed worldwide," December 1, 2010, <http://cpj.org/imprisoned/2010.php> (accessed August 8, 2011); and CPJ, "Iran, China drive prison tally to 14-year high," December 8, 2010, <http://www.cpj.org/reports/2010/12/cpj-journalist-prison-census-iran-china-highest-14-years.php> (accessed August 8, 2011).

⁷⁹ Tronvoll, "The Lasting Struggle for Freedom in Eritrea," http://visendienable.no/oslocenter/www/images/stories/eritrearapport_2_endelig_versjon.pdf, p. 69.

⁸⁰ Human Rights Watch, *Service for Life*, p. 19 and n. 56.

⁸¹ United States Department of State, "2010 Human Rights Report: Eritrea," <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154345.htm>, para. 1d.

⁸² Ibid, para. 2e.

What the prisoners have in common is that they have not been formally charged, much less brought to trial. Arrests can occur for such diverse activities as questioning government policies, criticizing the government's failure to alleviate hunger, alienating a work supervisor or a neighbor, practicing one's religion (see below),⁸³ or owning or listening to Ethiopian music.⁸⁴

Arrests occur without explanation or recourse. People are often arrested at night for no stated reason. Their families are not informed where they have been taken or for how long they will be detained.⁸⁵ Persons inquiring about a relative's whereabouts risk being jailed themselves.⁸⁶ As a security officer told a group of mothers in 2003, "You can't ask about prisoners.... You have no right to ask."⁸⁷ Corpses of prisoners are sometimes delivered to the family without explanation; often, though, the family receives no information about a prisoner's death.⁸⁸

The guard, who facilitated the escape of the University of Asmara student council president in 2002, told an opposition website that the reasons for many arrests are opaque and sometimes haphazard:

It is hard to describe because it is a very sloppy operation. When one is arrested, there is no record of who the arresting officer is, and what the charges against the arrested are. Often, the arresting officer is reassigned and, for years, the case of the arrested is forgotten.... There is no formal system that tells you your crimes. When you are jailed, you are not told how

⁸³ Human Rights Watch, *Service for Life*, p. 58.

⁸⁴ UN Mission in Ethiopia and Eritrea, "UNMEE media briefing notes," January 10, 2003, <http://reliefweb.int/node/116733> (accessed September 9, 2011). A Human Rights Watch researcher travelling in Eritrea in late 2008 was told the ban remained in effect but has spawned a black market in Ethiopian tapes and compact discs.

⁸⁵ Human Rights Watch, *Service for Life*, p. 26.

⁸⁶ *Ibid.*, p. 27; Human Rights Watch interview of a family member, Washington D.C., 2011.

⁸⁷ Amnesty International, "Eritrea: 'You have no right to ask'—Government Resists Scrutiny on Human Rights," AI Index: AFR 64/003/2004, May 18, 2004, <http://www.amnesty.org/en/library/info/AFR64/003/2004> (accessed August 8, 2011), p. 1.

⁸⁸ Human Rights Watch, *Service for Life*, p. 26. Taha Mohammed Nur, a co-founder of the Eritrean Liberation Front, was arrested in November 2005. In February 2008 his family was summoned to collect his body. They were given no information about the circumstances of his death. "Taha Mohammed Nur, Co-Founder of ELF, Died in Prison," *Gedab News* (translated by *Awate.com*), February 16, 2008, http://www.awate.com/portal/index2.php?option=com_content&task=view&id=4771&pop=1&page=o&Itemid=3 (accessed August 8, 2011).

long you will be jailed. If you are lucky, you get released; if you are not lucky, you don't. Sometimes, they tell you so-and-so is released but then you get confused when the families of those who are supposedly released come to ask you of the whereabouts of the jailed family members.⁸⁹

In the last third of 2001 and early 2002, scores of military officers, civil servants, businessmen, and professionals were arrested. Most had not criticized Isaias but some had been close to the G-15 and may therefore have been regarded as a threat to the president. Amnesty International reported in 2004 that four septuagenarians were jailed for simply signing a letter urging the government to reconcile with the dissidents.⁹⁰

One of the many tragic cases involved the arrest and continued incarceration of Aster Yohannes, Petros Solomon's wife. In September 2001 Aster was studying in the United States, far away from not only her imprisoned husband, but also their four young children. In December 2003 she flew back to Asmara, purportedly after she got personal assurances from Eritrea's then-ambassador to the United States, Girma Asmerom, that she would be in no danger. Instead, security officers at the airport immediately arrested her before she could see her children, who were waiting to greet her. She has been in detention since and her whereabouts unknown.⁹¹ A website reported that in 2009, her three now-teenage children were caught trying to flee the country; the youngest child, 11-years-old, escaped.⁹² There is no public information about the whereabouts of the other three.

The abolition of the independent press in September 2001 did not stop the mistreatment of journalists. After 2001 the victims were journalists working for government agencies. Reporters Without Borders and the Committee to Protect Journalists have identified over 20 journalists arrested after September 2001. RSF stated in 2009 that over 30 are imprisoned

⁸⁹ "An Interview with Mehari Yohannes," *Awate.com*, March 5, 2003, http://www.awate.com/portal/index2.php?option=com_content&task=view&id=636&pop=1&page=0&Itemid=11 (accessed August 8, 2011).

⁹⁰ See Amnesty International, "Eritrea: 'You have no right to ask,'" <http://www.amnesty.org/en/library/info/AFR64/003/2004>.

⁹¹ Elsa Chyrum, "Their Voice Is Ours... Their Suffering Too!" Human Rights Concern Eritrea, February 16, 2011, <http://hrc-eritrea.org/?p=77> (accessed August 8, 2011); "Declaration of Prisoners of Conscience," Senait Yohannes [Aster's sister], United Nations Headquarters, New York, August 1, 2008, http://meseley.net/index.php?option=com_content&view=article&id=71:speech-senait-yohannes&catid=4:featured-articles&Itemid=4 (accessed September 9, 2011).

⁹² "Petros Solomon's Children Attempt Escape from Eritrea," *Gedab News* (translated by *Awate.com*), July 21, 2009, <http://www.awate.com/portal/content/view/5233/3/> (accessed August 8, 2011).

incommunicado.⁹³ In 2006 the UN Special Rapporteur on freedom of opinion and expression appealed to Eritrea for information about at least nine employees of state-owned media arrested that year.⁹⁴ The Special Rapporteur noted that the journalists were being kept at secret locations, stated that they were “at risk of torture or other forms of ill-treatment” and that the arrests seemed to be “an attempt to intimidate their media related work.”⁹⁵

In 2009 the government arrested the entire staff of *Radio Bana*, a service of the Ministry of Agriculture. Some of the journalists were later released but Yirgalem Fisseha, one of the few female journalists in Eritrea, remains jailed, as do two of her colleagues, Bereket Misghina and Meles NegusseKifu.⁹⁶ In March 2010 an opposition website reported the arrest for unknown reasons of the former head of the press department of the ministry of information and of the Eritrean news agency, Said Abdulhai.⁹⁷

Forced Labor and other Abuses in National Service

Since 2002 Eritrea has misused its national service system to provide labor at very low wages in a system that violates a number of international treaties to which Eritrea is a party, including the 1930 Forced Labor Convention and the 1957 Abolition of Forced Labor Convention.⁹⁸ Under Eritrean law, all citizens, after turning 18, are expected to serve in the

⁹³ Reporters Without Borders, “Prominent Journalist Arrested, Ex-Prison Guard Reveals Fate of Other Detained Journalists,” <http://en.rsf.org/eritrea-prominent-journalist-arrested-ex-12-05-2010,37459.html>.

⁹⁴ UN General Assembly, Report of the Special Rapporteur on the right to freedom of opinion and expression, AмеbyiLigabo, Addendum, “Implementation of General Assembly Resolution 60/251 of March 2006 Entitled ‘Human Rights Council,’ Civil and Political Rights, Including the Question of Freedom of Expression” A/HRC/4/27/Add.1, March 26, 2007, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/121/77/PDF/G0712177.pdf?OpenElement> (accessed August 8, 2011), p. 88. Among those arrested were Ahmed Baja, SenaitTsfay, PaulosKidane, Daniel Mussie, TemesghenAbay all employed by government television (Eri-TV) or radio (Dimtsi Radio), and Yemane Haile, an employee of Eritrean News Agency. Also arrested were three other Eri-TV employees, two identified only by their first names and one not identified at all.

⁹⁵ Ibid, p. 89. The Special Rapporteur received no reply from Eritrea.

⁹⁶ RSF, “A Year After Her Arrest, Radio Bana Journalist Being Held in Solitary Confinement,” February 18, 2010, <http://en.rsf.org/eritrea-a-year-after-her-arrest-radio-bana-18-02-2010,36487.html> (accessed August 8, 2011); United States Department of State, “2010 Human Rights Report: Eritrea,” <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154345.htm>, para. 2a.

⁹⁷ “Eritrean authorities arrest Said Abdulhai a well-known Eritrean journalist and official,” *Assenna*, March 30, 2010, http://archive.assenna.com/index.php?option=com_content&view=article&id=2517:eritrean-authorities-arrest-said-abdul-hai-a-well-known-eritrean-journalist-and-official&catid=18:news&Itemid=70 (accessed August 8, 2011).

⁹⁸ Human Rights Watch, *Service for Life*, pp. 51-56.

military for 12 months, after six months of training.⁹⁹ The law is not objectionable on its face, except for making no accommodation for conscientious objection (discussed below). National service, one scholar has noted, was designed to inculcate the social values generated by the long war for independence and to “maintain ... the high level of vigilance and sense of insecurity—the siege mentality—that characterized the war period.”¹⁰⁰

Practice, however, has little relationship to the law. Since 2002, when the government announced a “Warsay-Yikealo development campaign,” service is open-ended and typically lasts a decade or longer.¹⁰¹ With some exceptions for women with children and disabled people, service is compulsory until release but release is at the whim of military commanders. Even after being demobilized recruits can be recalled at any time.¹⁰² The recall mechanism is capriciously applied and routinely used to punish perceived dissent. Male conscripts remain eligible to serve until they are in their fifties.¹⁰³ Most of Eritrea’s able-bodied adult population is on involuntary and indefinite active national service or on reserve duty.¹⁰⁴ Four or five times a year the government, looking for draft evaders, conducts huge roundups.

While national service conscripts are given military duties, many spend most of their time as forced labor working for PFDJ commercial enterprises and farms, and for government and even private development projects.¹⁰⁵ In April 2006 the government expropriated private domestic construction companies. Since then, only PFDJ and ministry of defense

⁹⁹ Proclamation on National Service, *Eritrean Gazette*, No. 82/1995, October 23, 1995, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,o.html> (accessed August 8, 2011).

¹⁰⁰ Gaim Kibreab, “Forced Labour in Eritrea,” *Journal of Modern African Studies*, vol. 47, no. 1 (2009), <http://www.ehrea.org/force.pdf> (accessed August 8, 2011), p. 42.

¹⁰¹ Eritrean officials admit that service “extends over decades.” Report of the fact-finding mission of a Delegation of the Development Committee of the European Parliament to the Horn of Africa (Eritrea, Djibouti, Ethiopia) (25 October-2 November 2008), p. 5. There are exceptions according to the United States Department of State: “Students whose families include liberation fighters are sometimes only required to serve five months or less in the military and often assigned to prized places in technical colleges, freeing them of indefinite military service.” United States Department of State, “2010 Human Rights Report: Eritrea,” <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154345.htm>, para. 2a. The Warsay-Yikealo development campaign was launched by President Isaias in May 2002. “Nation Launches ‘Warsay-Yikealo Campaign,’” Eritrea Profile, May 11, 2002, <http://www.shaebia.org/profile/profile-5-11-02.pdf> (accessed August 8, 2011).

¹⁰² Proclamation on National Service, No. 82/1995, October 23, 1995, arts. 23, 28.

¹⁰³ Eritrean refugees variously told Human Rights Watch researchers that the upper limit for national service for men has effectively been raised to 55 or 57. Human Rights Watch, *Service for Life*, p. 43.

¹⁰⁴ *Ibid.*, p. 44.

¹⁰⁵ *Ibid.*, pp. 43-44, 51-56.

construction firms are allowed to operate in Eritrea. According to one analyst, most of their employees are national service conscripts.¹⁰⁶

Conscripts are also used as personal labor by high-level military officials for their private farms and businesses and to provide a spectrum of personal services for lower commanders.¹⁰⁷

National service pay is barely sufficient to support oneself, let alone a family. Pay is about US\$10 per month (150 nakfa) after the first six months. Before that, it is as little as US\$3 (40 to 50 nakfa). Aside from very low wages and endless conscription, national service conscripts assigned to commercial farms, construction projects, and mining sites are often housed in appalling conditions and given insufficient food rations. When private and PFDJ employers use conscripts, they pay market-rate salaries to the ministry of defense, but the conscript receives only the national service allowance.¹⁰⁸

National service members are routinely jailed for raising objections about national service or the mistreatment of fellow recruits. A conscript told Human Rights Watch, “If you don’t work, you go to prison.... If you refuse they see it as a political problem.”¹⁰⁹No court martial hearings or other opportunities to defend themselves against accusations are given. The length of imprisonment is at the whim of the local military commander; so is access to medical treatment while jailed.¹¹⁰

Women in national service are frequently sexually abused or raped by their commanding officers. A 2007 study of Eritrean women seeking asylum in Norway reported rapes and other abuses during national service, including “detention (short- and long-term), beatings, forced abortions (and attempted abortions), forced heavy labor, forced ingestion of drugs, death threats, degrading treatment, continuous sexual violence and rape, as well as possible forced pregnancy and sexual enslavement.”¹¹¹ The women said that military leaders other than the ones they served directly were also abusers. Refusal to submit to sexual exploitation was punished by detention, torture, and limitations on food rations.

¹⁰⁶ See Kibreab, “Forced Labour in Eritrea,” *Journal of Modern African Studies*, <http://www.ehrea.org/force.pdf>, p. 61.

¹⁰⁷ Ibid, pp. 58-62; Human Rights Watch, *Service for Life*, pp. 54-55.

¹⁰⁸ Human Rights Watch, *Service for Life*, p. 63.

¹⁰⁹ Human Rights Watch, *Service for Life*, p. 53.

¹¹⁰ Ibid, pp. 27-28.

¹¹¹ Cecilia M. Bailliet, “Examining Sexual Violence in the Military Within the Context of Eritrean Asylum Claims Presented in Norway,” *International Journal of Refugee Law*, vol. 19, no. 3 (2007), pp. 12-13.

Women described being forced to perform domestic duties for military officers. The Norway asylum applicants stated that some colleagues committed suicide to escape the sexual violence.¹¹²

Since 2003 all secondary school students must complete their final school year inside Sawa military training camp. Eritrea's 11th grade of school is not age specific but for many of those sent to Sawa this can mean military training beginning under the age of 18.¹¹³ A report leaked from the president's office, allegedly written by the head of the Sawa military training camp, revealed that 3,510 youths under the age of 18 had been conscripted in 2007, 1,911 males and 1,599 females.¹¹⁴ At Sawa, the curriculum is primarily military training; academic work is secondary.

Prolonged and indefinite national service has spurred a massive exodus of young Eritreans from the country, despite the dangers involved. As one observer noted, national service

has crushed morale, especially among the young. Sawa and everything it represents have come to be loathed by successive generations of school-leavers, for whom there are no opportunities for advancement, only the prospect of indefinite assignment to military duty.¹¹⁵

Torture and Cruel, Inhuman and Degrading Treatment

Prisoners are cruelly mistreated.¹¹⁶ Prisoners are subject to mock drowning, bound or shackled in painful positions, forced to lie in the sun for hours or days (sometimes smeared with sugar or milk), hung from trees, and trussed into tires and rolled around. Severe beatings are administered routinely, alone or combined with other forms of molestation. One victim told Human Rights Watch, "Beatings were like food in prison—

¹¹² Bailliet, "Examining Sexual Violence in the Military Within the Context of Eritrean Asylum Claims Presented in Norway," *International Journal of Refugee Law*.

¹¹³ Offspring of high-level officials are reportedly exempted from service. See UNHCR, "UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea," April 20, 2011, <http://www.unhcr.org/refworld/docid/4dafaec2.html> (accessed August 8, 2011), p. 10, n. 65.

¹¹⁴ Daniel Rezene, translator, "Report of the Commander of the Sawa Military Training Camp [Major TeklayHabteselassie] to the Office of the President," June 30, 2008, http://www.arkokabay.com/news/index.php?option=com_content&view=article&id=254#_ftn3 (accessed August 8, 2011).

¹¹⁵ International Crisis Group, "Eritrea: The Siege State," [http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/ethiopia-eritrea/163%20Eritrea%20The%20Siege%20State.pdf](http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/ethiopia-eritrea/163%20Eritrea%20The%20Siege%20State.pdf), p. 10.

¹¹⁶ Human Rights Watch, *Service for Life*, pp. 29-34.

every day.”¹¹⁷ Injuries from physical abuse leave some victims unable to walk and with other permanent disabilities. Psychological abuses are also common.¹¹⁸

Conditions of confinement are intensely harsh.¹¹⁹ Some prisons are like ovens. In Kebrir Dahlak, for example, prisoners are kept in cells that regularly reach over 40°C (104°F) but inmates receive less than a liter a day of water. Many sites are underground in dark, dug-out cells. Partly because of jail space, many prisoners are confined in shipping containers that are sweltering during the day and freezing at night. All prisons are severely overcrowded, with no room to stretch out to sleep and full of the stench of sweat and other excretions. Starvation rations are common. Prisoners at Alba prison reported receiving a single slice of bread per day, and at Tract B (recently closed), a single biscuit. Medical staff are not allowed to treat wounds caused by torture on the ground that the victim brought the punishment on himself by withholding information or by other actions.¹²⁰ Prison guards become demoralized and escape along with inmates.

Prisoners are deliberately mistreated to make them suffer. One former Eritrean military intelligence officer assigned to Mai Dima military prison camp told a foreign researcher:

[W]e always gave [prisoners] small amounts of food and water—in order to weaken them and to make them sick and die. When they got sick—we didn’t give them medical treatment and because of this they were having mental and physical problems.... We would put 23-26 people in a small cell so that many would nearly die because of the shortage of fresh air. We scared and beat them continuously.... I also saw some of the prisoners disabled because of the heavy beatings. I also saw prisoners die inside the prison.¹²¹

¹¹⁷ Human Rights Watch, *Service for Life*, p. 33.

¹¹⁸ According to the United States Department of State, former inmates have described a “common technique” in which an interrogator opens and closes cell doors constantly to give the prisoner the impression that he is about to be taken to be tortured. United States Department of State, “2010 Human Rights Report: Eritrea,” <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154345.htm>, para. 1c.

¹¹⁹ Human Rights Watch, *Service for Life*, pp. 34-38.

¹²⁰ Human Rights Watch interview with Eritrean asylum seeker, Washington D.C., August 6, 2011.

¹²¹ Tronvoll, “The Lasting Struggle for Freedom in Eritrea” http://visendienable.no/oslocenter/www/images/stories/eritrearapport_2_endelig_ersjon.pdf, p. 81, n. 223.

If ever released from incarceration, victims are warned not to talk about the conditions of incarceration to anyone including their family.¹²²

Torture, heat prostration, unsanitary conditions, lack of medical care, starvation, overcrowding, and other abysmal conditions of confinement cause the deaths of scores of prisoners.¹²³ When prisoners die, the families are rarely informed. One prison guard told Human Rights Watch, “No investigation is made, or questions asked.”¹²⁴

Guards have orders to shoot-to-kill prisoners who try to escape custody as well as Eritreans who try to flee the country, even though their targets are unarmed. According to the United States Department of State, the shoot to kill order also applies to people found in prohibited areas near international mining projects.¹²⁵

The Isaias government has also authorized the use of force—including lethal force—against youths trying to avoid conscription during periodic dragnet raids (*giffas*) for draft evaders and absconders.¹²⁶ There are reports that those attempting to flee a roundup have been beaten and hospitalized.¹²⁷ In 2005 an Italian diplomat stationed in Asmara happened upon the execution in a city street of a youth trying to flee a *giffa*. The youth was first hit by a burst from a submachine gun and then, while sprawled in the street, shot in the head by a man in uniform. According to the diplomat, the body was left in the street for over an hour to serve as a warning to others.¹²⁸

¹²² Human Rights Watch interview with Eritrean asylum seeker, Washington D.C., August 6, 2011; see also Human Rights Watch, *Service for Life*.

¹²³ Human Rights Watch, *Service for Life*, pp. 40-41.

¹²⁴ *Ibid*, p. 41.

¹²⁵ United States Department of State, “2010 Human Rights Report: Eritrea,” <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154345.htm>, para. 1a.

¹²⁶ *Ibid*, p. 49.

¹²⁷ “Back to Eritrea: Eight Million Nakfas Missing; Thousands of Youth Rounded Up,” Gedab News (translated by Awate.com), May 23, 2009, <http://www.awate.com/portal/content/view/5160/3> (accessed August 8, 2011).

¹²⁸ Massimo A. Alberizzi and Michel Focarete, “Speciale: in fugadall’Eritrea: Massacri e repressioni,” *Corriere Della Sera*, October 25, 2005, www.corriere.it/Primo_Piano/Esteri/2005/09_Settembre/11/speciale_eritrea.shtml (accessed August 8, 2011).



A uniformed man shoots a youth caught trying to evade conscription. Photos courtesy of Massimo Alberizzi/Corriere della Sera.

Collective Punishment

If the government cannot locate someone it wishes to punish, especially draft evaders and national service deserters, it aims its retribution at their families. A former officer explained: “If one of the men escapes, you have to go to his house and find him. If you don’t find him you have to capture his family and take them to prison.”¹²⁹

The family is not given an opportunity to defend itself and may be entirely innocent of wrongdoing. Nevertheless, in 2009 Human Rights Watch found that since 2006, parents have been fined 50,000 nakfa (US\$3,333) for evasion or desertion.¹³⁰ The fine is more than 10 times the maximum fine that can be levied against the draft evader.¹³¹ Families who do not, or cannot, pay are jailed or their property is confiscated. Sometimes a family member is required to serve in place of the absconder even if that family member has satisfied his or her individual national service obligations.¹³² There is no evidence that the practice has yet changed.

¹²⁹ Human Rights Watch, *Service for Life*, p. 45.

¹³⁰ *Ibid*, p. 46.

¹³¹ See Proclamation on National Service, No. 82/1995, October 23, 1995. In art. 37 the proclamation specifies fine for violations of the proclamation at 3,000 Ethiopian birr (the currency in use when the proclamation was issued, equivalent to about 4,600nakfaat the time). It also permits imprisonment for two years. The proclamation nowhere creates vicarious liability.

¹³² United States Department of State, “2010 Human Rights Report: Eritrea,” <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154345.htm>, para. 1f. In 2005 an expatriate website reported that the government had detained around 179 women and about 26 men near the town of Dekemhare: “The targets were the parents of those who left the country without exit visas in the last several years. The arrests mainly focused on mothers, fathers, and in the absence of a father or a mother, the eldest available brother or the closest adult relative was detained.” “Hundreds more of Eritrean parents arrested in the Southern Region,” *EHDR-UK*, October 26, 2005, <http://www.ehdr.org.uk/NE-26Oct05.htm> (accessed August 8, 2011).

The families of Eritreans living abroad are sometimes punished by arrest or confiscation of property if expatriate family members have not paid the two percent income tax the Eritrean government levies on the foreign earned income of expatriate Eritreans. The punishment is inflicted even if the family has no control over the actions of the absent family members.¹³³

Religious Persecution

In 2002 the Eritrean government banned religious activities other than those administered by four registered religious organizations: Sunni Islam, Eritrean Orthodox Church, Roman Catholic Church, and Evangelical (Lutheran) Church of Eritrea. In 2002 Eritrea established a mechanism that could be used to allow religious organizations to register and be recognized as legitimate. The mechanism has not been implemented, despite applications in 2002 by the Presbyterian, Methodist, Seventh-day Adventist, and Baha'i denominations.¹³⁴

The Isaias government appointed the leadership of both the Orthodox Church and Sunni Islam. It appointed the Eritrean Orthodox Church patriarch and deposed his predecessor, Abune Antonios, after the Abune protested government interference in church affairs.¹³⁵ Abune Antonios has been under house arrest, cut off from all but a housekeeper, since 2006. The government also appointed the head of the Muslim community, Mufti Sheik Al-Amin Osman Al-Amin, over the objections of some of the faithful.¹³⁶ Over 180 Muslims who objected to the appointment have been jailed.¹³⁷ There have been reports that the government confiscates property and funds from churches and mosques.¹³⁸

Adherents of “unrecognized” religions, such as Evangelical and Pentecostal Christians, have been seized in raids on churches and homes. They are imprisoned and tortured until

¹³³ United States Department of State, “2010 Human Rights Report: Eritrea,” <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154345.htm>, para. 2a. Expatriates who do not pay the tax are denied passports. If they visit Eritrea they may be denied exit permits until they have satisfied the tax obligation.

¹³⁴ United States Commission on International Freedom (USCIRF), “2011 Annual Report,” May 2011, <http://www.uscirf.gov/reports-and-briefs/annual-report/3594-2011-annual-report.html> (accessed August 8, 2011), p. 68.

¹³⁵ Abune (or Abuna) means patriarch in Tigrinya.

¹³⁶ USCIRF, “2011 Annual Report,” <http://www.uscirf.gov/reports-and-briefs/annual-report/3594-2011-annual-report.html>, p. 67-69. Human Rights Watch has received unconfirmed reports that the Mufti’s Friday sermons are written for him by the office of religious affairs and distributed for delivery to all mosques.

¹³⁷ Ibid, p. 69; Human Rights Watch, *Service for Life*, pp. 59-60.

¹³⁸ United States Department of State, “2008 Human Rights Report: Eritrea,” <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119000.htm>.

they renounce their faiths.¹³⁹ Many die in custody.¹⁴⁰ Christian organizations outside the country claim that 2,000 to 3,000 Christians are currently jailed for their religious beliefs. Evangelical and Pentecostal national service recruits are not allowed to have religious books or to participate in religious services. Witnesses told Human Rights Watch that no prayer, Muslim or Christian, is permitted in national service. Violations result in prolonged detention and the burning of Bibles and other religious materials.

The government singles out Jehovah's Witnesses for particular severity because they refused to vote in the 1991 referendum on independence from Ethiopia. In an October 25, 1994, letter, President Isaias is reported to have personally ordered government agencies to deny them citizenship rights, including business and drivers' licenses.¹⁴¹ Eritrean law does not recognize any form of conscientious objection or substitute service. Because Jehovah's Witnesses will not perform military service for religious reasons, adherents of this faith are imprisoned when they reach military age. The Jehovah's Witnesses official media website lists the names of 51 Witnesses incarcerated as of April 2011, some as conscientious objectors, some for participation in religious meetings, and some for unknown reasons.¹⁴² Three conscientious objectors have been imprisoned for 17 years, since September 1994. Six Jehovah's Witnesses arrested since mid-2008 are in their seventies, fourteen are in their sixties. Two prisoners are children under six.¹⁴³

In 2006 the United States Department of State designated Eritrea as a "Country of Particular Concern" because of Eritrea's multiple violations of religious freedom.¹⁴⁴

¹³⁹ Foreign diplomat notes of interviews in Asmara, 2003, on file; Human Rights Watch, *Service for Life*, pp. 60-61.

¹⁴⁰ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Addendum, "Implementation of General Assembly Resolution 60/251 of March 2006 Entitled 'Human Rights Council,'" A/HRC/4/33, Add.1, p. 95, March 20, 2007, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/Go7/120/41/PDF/Go712041.pdf?OpenElement> (accessed August 8, 2011). The UN Special Rapporteur reported that two members of the Christian Rhema Church, Immanuel Andegeresh Kibrom Firemichael died from torture in 2006 intended to force them to renounce their religion.

¹⁴¹ Notes of interviews conducted by foreign diplomat in Asmara, 2003, provided to, and on file with, Human Rights Watch; United States Bureau of Citizenship and Immigration Services, "Eritrea: Status of Jehovah's Witnesses in Eritrea," December 16, 1997, ERT98001.ZHN, <http://www.unhcr.org/refworld/docid/3df09f7b4.html> (accessed September 9, 2011).

¹⁴² Jehovah's Witnesses, "Fifty-one imprisoned Jehovah's Witnesses as of April 5, 2011," <http://www.jw-media.org/eri/20110405rpt.htm> (accessed August 8, 2011).

¹⁴³ *Ibid.*

¹⁴⁴ United States Commission on International Religious Freedom, "USCIRF Annual Report 2011 – Countries of Particular Concern: Eritrea," April 28, 2011, <http://www.unhcr.org/refworld/docid/4db90c36e.html> (accessed August 8, 2011).

Discrimination against the Kunama Ethnic Minority

The Isaias government oppresses the Kunama people, a relatively small ethnic group in western Eritrea between the Gash and Setit rivers, south and east of the town of Barentu.¹⁴⁵ Population estimates vary widely, from 50,000 to 140,000, because public census by ethnicity is not available.¹⁴⁶

According to a recent report by the Oslo Center for Human Rights, the government retaliates against the Kunama as a group because it believes that some of them collaborated with Ethiopia during the liberation struggle and during the 1998-2000 border war.¹⁴⁷

Retaliation after independence took the form of transferring traditional Kunama lands to other ethnic groups. Land encroachment became so intense by 1996 that the governor of the area, Germano Nati, himself a Kunama, protested.¹⁴⁸ He was immediately removed (and later joined the G-15 prisoners in jail). Kunama refugees said that many Kunama villages have been converted into military bases.¹⁴⁹

Government retaliation also includes widespread arrests of Kunamas. Scores were arrested shortly after independence and hundreds more after the border war. Prisoners included women and children. Their whereabouts and conditions are unknown, but many are feared dead.¹⁵⁰

¹⁴⁵ Article 14(2) of the 1997 draft constitution guarantees non-discrimination on the basis of ethnic origin: "No person may be discriminated against on account of race, ethnic origin, language, colour, sex, religion, disability, political belief or opinion, or social or economic status or any other factors." International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969. The ICERD, to which Eritrea is a party, requires state parties to guarantee fundamental human rights irrespective of ethnicity.

¹⁴⁶ Tronvoll, "The Lasting Struggle for Freedom in Eritrea," http://visendienable.no/oslocenter/www/images/stories/eritrearapport_2_endelig_versjon.pdf, p.119.

¹⁴⁷ Ibid, p. 125

¹⁴⁸ Ibid, p. 127.

¹⁴⁹ Ibid, pp. 125-127.

¹⁵⁰ See Amnesty International, "Eritrea: 'You have no right to ask,'" <http://www.amnesty.org/en/library/info/AFR64/003/2004>, p. 11.; United States Department of State, "Country Reports on Human Rights Practices, 2002" Eritrea, March 31, 2003, <http://www.state.gov/g/drl/rls/hrrpt/2002/18202.htm> (accessed August 8, 2011). One of the more horrific accounts of retaliation was reported by a former military intelligence officer, Mengesteab Girmay Asres, who defected to Ethiopia in 2007. He alleged that the security forces detained 300 Kunama early in 2007, some as young as 9. As a result of overcrowding, a starvation diet, and intense beatings, two prisoners died. Twenty-six

Restrictions on Freedom of Movement

The government restricts travel within the country. This is especially true of national service members on active duty who must obtain authorization to move from town to town. All car and bus passengers must show identification cards at military roadblocks before each town of significant size. National service conscripts who cannot present authorization to travel to a particular location are arrested. Access to border areas is strictly regulated: persons with identification cards showing residence outside the general area are subject to questioning; arrest is likely if they cannot adequately justify their presence.¹⁵¹

The government denies exit visas to anyone of military age, from 18 to 57 (or older for men) and 18 to 47 for women—even for Eritreans who have ostensibly “completed” national service.¹⁵² The United States Department of State reports that boys as young as five have been denied exit visas. Eritreans who are theoretically able to apply for permission to travel outside the country must pay 4,000 nakfa (US\$267) for a passport valid for two years; this is equal to an average year’s income.¹⁵³ According to the U.S. Department of State, some otherwise eligible citizens were issued exit visas only after posting bonds of 150,000 nakfa (US\$10,000).

Despite border guards operating under orders to shoot to kill any person who attempts to cross the border, many still brave the risk. One Eritrean refugee who was incarcerated on arrival in Yemen told the office of the UN High Commissioner for Refugees in June 2011 that he had no regrets: “I would have done the same thing even if I thought I would be imprisoned [in Yemen] for five years. The real horror is what is waiting for me back home, not here.”¹⁵⁴

men were poisoned after they were forced to dig a pit that became their grave. Mengesteab’s account has not been confirmed. Also see Tronvoll, “The Lasting Struggle for Freedom in Eritrea,” http://visendienable.no/oslocenter/www/images/stories/eritrearapport_2_endelig_versjon.pdf, pp. 123-125.

¹⁵¹ Human Rights Watch, *Service for Life*, pp. 62-63; Human Rights Watch interview with Eritrean asylum seeker, Washington D.C., August 6, 2011.

¹⁵² British Embassy in Asmara, as quoted in United Kingdom: Home Office, “Country of Origin Information Report—Eritrea,” April 15, 2011, <http://www.unhcr.org/refworld/docid/4dabf33c2.html> (accessed August 8, 2011). “[W]e know of many Eritrean women who have undergone military service, or are married and have children, but have still been refused exit visas for bona fide visits abroad.”

¹⁵³ Per capita income in Eritrea in 2009 was US\$339. The World Bank, “Eritrea: Country Brief,” April 2011, <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/ERITREAEXT/0,,menuPK:351396~pagePK:141132~piPK:141107~theSitePK:351386,00.html> (accessed August 8, 2011).

¹⁵⁴ Cagri Hurmuzlu, UNHCR, “Detained Eritrean deserters leave Yemen for a new life in Sweden,” June 1, 2011, <http://www.unhcr.org/4de64e9a6.html> (accessed August 8, 2011).

Involuntarily returned refugees are placed under arrest, held incommunicado, and often tortured. In 2009 UNHCR reported that Eritreans forcibly returned from Malta in 2002 and Libya in 2004 were arrested on arrival in Eritrea and tortured; some were killed.¹⁵⁵ More recently, two Eritreans expelled to Eritrea from Germany in 2008 were immediately imprisoned, one in an overcrowded underground cell and the other in a shipping container. According to Amnesty International, which interviewed the men after they managed to escape and return to Europe, “[b]oth men recounted inhumane conditions, including disease, insanity and death among fellow detainees.”¹⁵⁶

¹⁵⁵ UNHCR, “Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Eritrea,” HCR/EG/ERT/11/01, April 20, 2009, http://www.ecoi.net/file_upload/90_1303373613_unhcr-eri20110420-guidelines.pdf, p. 34, nn. 189-190.

¹⁵⁶ Amnesty International, *Annual Report 2011: The state of the world's human rights*, 2011, s.v. “Eritrea,” <http://amnesty.org/en/region/eritrea/report-2011> (accessed August 8, 2011).

The International Response

Eritrea has become increasingly marginalized by regional and international bodies, culminating in UN sanctions on Eritrea for its role in supporting al-Shabaab in Somalia.¹⁵⁷ Eritrea has publicly said that it is the victim of international double standards since it has abided by the Independent Boundary Commission decision on its border dispute with Ethiopia over Badme town while Ethiopia has not.¹⁵⁸ It is true that Ethiopia has not honored this agreement.¹⁵⁹ And although Ethiopia's human rights record has also been heavily criticized by non-governmental and international organizations such as the UN Human Rights Council, Ethiopia has not suffered punitive sanctions or concomitant cuts in aid from international donors. Ethiopia is in breach of its commitment to the Independent Boundary Commission but this in no way justifies Eritrea's gross and continuing human rights violations.

United Nations Human Rights Council

During the Council's most recent Universal Periodic Review of Eritrea in 2009-2011, many countries pressed for implementation of the rights guaranteed by the Eritrean constitution and by the international human rights treaties to which Eritrea is a party. Among the recommendations were to cooperate with the Special Rapporteur on Torture and with the UN special procedures mechanisms for examining human rights abuses.¹⁶⁰ Countries also called on Eritrea to respect the time limits in the national service proclamation, to recognize a right to conscientious objection, to stop using conscripts for commercial enterprises, and to end under-age recruitment.¹⁶¹

¹⁵⁷ Al-Shabaab is an extremist Islamist group in control of much of southern and central Somalia. It is an alliance of clans and groups practises a harsh version of Sharia law, including beheadings and beatings as punishments for crimes. See Human Rights Watch, *Harsh War, Harsh Peace: Abuses by al-Shabaab, the Transitional Federal Government and AMISOM in Somalia*, April 2010, <http://www.hrw.org/reports/2010/04/13/harsh-war-harsh-peace>.

¹⁵⁸ Permanent Court of Arbitration, "Eritrea-Ethiopia Boundary Commission," December 12, 2000, http://www.pca-cpa.org/showpage.asp?pag_id=1150 (accessed August 8, 2011).

¹⁵⁹ "Ethiopia regrets Badme ruling," BBC, April 3, 2003.

¹⁶⁰ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Eritrea, A/HRC/13/2, January 4, 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/101/68/PDF/G1010168.pdf?OpenElement> (accessed August 8, 2011), p. 16.

¹⁶¹ *Ibid*, pp. 18-19.

Eritrea was asked to allow the International Committee of the Red Cross and other independent monitors access to all detention facilities; to release prisoners who have been detained without trial (including the G-15 prisoners); to dismantle the special courts; and to investigate the many claims of torture, degrading treatment, disappearances, and extrajudicial killings.¹⁶²

With respect to freedom of religion, Eritrea was urged to stop its interference with religious worship.¹⁶³ It was also urged to respect the right of opinion and expression, including the right to practice free and independent journalism, and accord legitimacy to human rights defenders.¹⁶⁴ Eritrea was asked not to detain involuntarily returned asylum seekers and to allow the UN High Commissioner for Refugees access to them.¹⁶⁵

Eritrea's reaction to these proposals was threefold.

First, it claimed that it could not yet implement the rights contained in its constitution until "the threat to national security and to the country's sovereignty is irrevocably removed."¹⁶⁶ Although its border war with Ethiopia ended almost 11 years ago, in 2000, and the border has been quiet since then, Eritrea uses the unsettled status of the border as justification for not allowing elections, a free press, an independent judicial system, open and fair trials, and the exercise of other rights.¹⁶⁷ Eritrea also told the UN

¹⁶² UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Eritrea, A/HRC/13/2, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/101/68/PDF/G1010168.pdf?OpenElement>, pp. 19-20.

¹⁶³ *Ibid.*, pp. 20-21.

¹⁶⁴ *Ibid.*, p. 21.

¹⁶⁵ *Ibid.*, p. 21.

¹⁶⁶ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Eritrea, addendum, March 10, 2010, A/HRC/13/2/Add.1, March 8, 2010, http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/ER/A_HRC_13_2_Add.1_Eritrea_E.pdf (accessed August 8, 2011), p. 3.

¹⁶⁷ "Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea," December 12, 2000, Algiers, Algeria, <http://www.pca-cpa.org/upload/files/Algiers%20Agreement.pdf> (accessed August 8, 2011), art. 4. Under the Algiers agreement ending the countries' 1998-2000 war, "the delimitation and demarcation determinations" of an independent and neutral Boundary Commission were to "be final and binding" and "each Party shall respect the border so determined..." Ethiopia reneged on the agreement. In particular, it unlawfully continues to occupy the village of Badme (the flash-point of the 1998-2002 war) that the Commission held rightfully belongs to Eritrea. See "Eritrea-Ethiopia Boundary Commission, Statement by the Commission," November 27, 2006, <http://www.pca-cpa.org>

Human Rights Council that it cannot comply with its own national service proclamation because Eritrea remains “under threat” so long as Ethiopia continues to occupy Eritrean land.¹⁶⁸ It claimed that no foreign pressure is being applied to Ethiopia to comply with the Boundary Commission decision that Ethiopia agreed would be binding; this would appear correct.¹⁶⁹

Second, Eritrea denied that it committed human rights violations.¹⁷⁰

And third, Eritrea promised to make reforms. While commendable, those promises remain hollow. Eritrea does not appear to have implemented any of its more important promises. It has not acceded to the Convention against Torture or the Worst Forms of Child Labour Convention.¹⁷¹ It has not established an independent human rights institution. It has not yet cooperated with the Human Rights Council special procedures for investigating human rights violations.¹⁷² It has not allowed visits by African Commission or UN Human Rights Council special rapporteurs, even on a “case-by-case basis.”¹⁷³

More telling is what Eritrea did not promise (and has not done). It has not allowed access to its detention facilities. It has not released prisoners or given them a fair trial in an independent court. It has not allowed the resumption of an independent press. It has not stopped interfering with the free exercise of religion. It has not stopped fining and incarcerating family members of absconding conscripts. It still uses conscripts for PFDJ commercial enterprises. And, of course, it continues to imprison the journalists and G-15 members in inhumane conditions 10 years after they were arrested.

cpa.org/upload/files/Statement%20271106.pdf (accessed August 8, 2011). Ethiopia’s foreign partners have not made a concerted effort to press Ethiopia to abide by its obligations.

¹⁶⁸ “UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Eritrea, addendum,” March 10, 2010, A/HRC/13/2/Add.1, http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/ER/A_HRC_13_2_Add.1_Eritrea_E.pdf, pp. 4-5.

¹⁶⁹ Human Rights Watch interviews with foreign ambassadors, Addis Ababa, June 2009.

¹⁷⁰ “UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Eritrea, addendum,” March 10, 2010, p. 5.

¹⁷¹ *Ibid.*, pp. 2-3.

¹⁷² *Ibid.*, p. 3.

¹⁷³ *Ibid.*

United Nations Sanctions Monitoring Group on Somalia and Eritrea

In 2010 the UN Security Council imposed an arms embargo and other sanctions on Eritrea for providing political, financial, and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and for occupying parts of Djibouti that it had invaded in June 2008.¹⁷⁴ An existing monitoring group was given the role of monitoring the sanctions and Eritrea's international behavior.¹⁷⁵ The resolution did not address Eritrea's domestic human rights abuses.

In light of its restricted mandate, the monitoring group did not examine Eritrea's domestic policies, with one exception: human smuggling and trafficking. It found that Eritrean officials facilitated the escape of national service conscripts for money: "People smuggling is so pervasive that it could not be possible without the complicity of Government and party officials, especially military officers working in the western border zone, which is headed by General Teklai Kifle 'Manjus.'"¹⁷⁶

Witnesses told the monitoring group that military officers charge about US\$3,000 per person to arrange for the escape.¹⁷⁷ Smugglers associated with the military charge up a US\$20,000 ransom fee to release the escapees for their onward journey. The ransom is sent to Eritrean embassy staff in Cairo. Money from the smuggling is also deposited into a Swiss Bank account.¹⁷⁸

Profits from this human trafficking could be a factor in the government's decision to continue subjecting its citizens to draconian and unlimited national service; goading people to flee provides a lucrative income stream.

¹⁷⁴ United Nations Security Council, Resolution 1907 (2009), SC/9833 (2009), <http://www.un.org/News/Press/docs/2009/sc9833.doc.htm> (accessed August 8, 2011).

¹⁷⁵ *Ibid.*, pp. 5-6.

¹⁷⁶ United Nations Security Council, "Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 1916 (2010)," S/2011/433, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/433, p. 110.

¹⁷⁷ *Ibid.*

¹⁷⁸ *Ibid.*

The United States, the European Union, Qatar, and Libya

The United States and Eritrea have had strained relations, not least because the Isaias government arrested two US Embassy employees in September 2001, claiming they had assisted the G-15. The embassy employees remain jailed. Eritrea is angered because it believes the United States has not pushed Ethiopia to leave Eritrean soil. US State Department annual surveys of human rights practices around the world have been highly critical of Eritrea.

The European Commission agreed in 2009 to provide €122 million for food and infrastructure development, but little has been disbursed because of Eritrea's failure to improve human rights conditions.¹⁷⁹ Sweden has long importuned unsuccessfully for the release of Dawit Isaac, a Swedish citizen.¹⁸⁰ In September 2011 a motion was introduced in the European Parliament condemning the "deplorable human rights situation in Eritrea" and calling for the release of political prisoners, including Dawit; the application of targeted sanctions; and the suspension of development assistance to Eritrea.¹⁸¹

Qatar, China, and (until recently) Libya provide Eritrea with significant financial support.¹⁸² None has publicly called on Eritrea to comply with its international human rights obligations, but such a call should be a minimum diplomatic step for any country engaging with Eritrea.

¹⁷⁹ "Eritrea-European Community Country Strategy Paper and National Indicative Programme for the Period 2009-2013," http://ec.europa.eu/development/icenter/repository/scanned_er_csp10NEW_en.pdf.

¹⁸⁰ Isaias has said that Sweden is using Dawit Isaac's imprisonment as "blackmail against us": "It is an insult to our intelligence when you constantly continue to push the issue again and again." Interview with Donald Boström, *Aftonbladet*, October 11, 2010, reproduced at <http://danielberhane.wordpress.com/2010/10/18/forget-democracy-economics-is-simple-ive-a-solution-for-mid-east-conflict-pres-isaias-afeworki/> (originally published as "Jag haraldrigägnatmigåt den frågan," <http://www.aftonbladet.se/nyheter/dawitisaak/article7933904.ab>) (accessed September 9, 2011).

¹⁸¹ "European Parliament resolution on Eritrea: case of Dawitisaak," B7-0511/2011, September 13, 2011, <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B7-2011-0511&language=IT> (accessed September 15, 2011). On September 15, 2011, the European Union issued a statement urging Eritrea to release the G-15/journalist prisoners. European Union, "Declaration by the High Representative, Catherine Ashton on behalf of the European Union on political prisoners in Eritrea on the 10th anniversary of their detention," 14281/11, PRESSE 310, September 15, 2011, Brussels, http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/cfsp/124597.pdf (accessed September 15, 2011).

¹⁸² United Nations Security Council, "Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 1916 (2010)," S/2011/433, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/433, pp. 90-100.

Conclusion

In 1991 Eritrea achieved independence with high hopes after over 20 years of armed struggle. The fight for independence, a foreign observer wrote in 1977, was “a social revolution to recast their nation into a unified, egalitarian and just one.” As a result, “Eritrea was born as a democratic multicultural nation.”¹⁸³

Ten years later, in September 2001, those hopes were shattered and the Eritrean people betrayed. Today Eritrea is neither just nor democratic. The journalists and Isaias critics incarcerated for the past 10 years are the most prominent victims of injustice, and have paid the severest penalties, but they have been followed by thousands of others. The mass of Eritrea’s citizens, especially the young, are exploited by a small, unelected, unaccountable elite: the president, his immediate staff, a handful of generals, and heads of various internal security agencies. Eritrea is unified in name but not in practice. Each month hundreds of Eritreans risk imprisonment, torture, and even death, to escape its tyranny.

The Eritrean government has shown few signs that it is willing to meet its international and domestic human rights obligations. Its excuse for not doing so—the contested border with Ethiopia—is pretense. Prisoners can be released, torture ended, freedom of expression restored, religious worship allowed, and conscription shortened, irrespective of Ethiopia’s intransigence on the border.

As Isaias himself said in 1994 on political and economic development: “One political party cannot be the solution—this is a very dangerous and risky game. The only alternative is a pluralistic political system, though there are many questions about how this should work. More than anything else, the state has to be limited in its role and should not be expected to do everything for everybody.”¹⁸⁴

There are a few glimmers of hope. Eritrea has at least promised to accede to the Convention against Torture and has agreed to take modest steps towards improving its human rights practices. External pressure in the form of sanctions has caused the Isaias government to modify its behavior in international affairs to a degree. Continued pressure by the international community may therefore also be able to push the government to ameliorate and then end its repression of the Eritrean people. The recommendations contained in this report point the way to achieving that goal.

¹⁸³ Dan Connell, *Against All Odds* (1997, Red Sea Press), p. 264

¹⁸⁴ *Ibid*, p. 272.

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