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April 16, 2018

Honorable Commissioner Jamesima Essie L. King
Eritrea Country Rapporteur
African Commission on Human and Peoples' Rights
21 Bijilo Annex Layout, Kombo North District
Banjul, The Gambia
Tel.: (220) 441 05 05
Via email: jking@yahoo.com

Re: Human Rights Situation in Eritrea

Dear Commissioner King:

Human Rights Watch has examined human rights violations in Eritrea since independence in 1991, but especially the steady deterioration of human rights since 2001. In that year, the government closed all independent newspapers, arrested their journalists, and arrested government officials and others critical of President Isaias Afwerki. Since then, the rule of law has been notably absent. Instead, President Isaias exercises totalitarian, often brutal, control.

Eritrea remains closed to human rights organizations, including every United Nations Special Rapporteur who has applied for a visa. Because of Eritrea's exclusionary policy, our information about human rights violations comes primarily from the very large number of Eritreans who have fled the country because of government oppression. Although their individual accounts differ in details, their overall descriptions of the government's sweeping restrictions on basic rights are remarkably consistent.

The information that Human Rights Watch has obtained describes autocratic governance that violates essential safeguards in the African Charter on Human and Peoples' Rights. We discuss our findings in greater detail in an annex to this letter.

Eritrea denies rights based on political opinion and religion. (Art.1). It subjects its citizens to exploitation and degradation through "national service" that traps conscripts for well over a decade and in some cases, forever. (Art. 5). Conscripts as well as civilians are frequently subject to inhuman and degrading punishment, including torture, without recourse. (Art. 5).

Arrests are arbitrary and not subject to judicial review or appeal; until recently, close family members were fined or imprisoned when another member fled the country. (Arts. 6,7). The then-15-year-old daughter of a former minister who fled the country has been jailed incommunicado for over five years, since

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2012, as was the minister's then-84-year-old father; neither has been given a hearing before an impartial tribunal. Journalists and government officials arrested in 2001 have never been brought to trial and remain in incommunicado detention despite two African Commission resolutions urging their release or at least a fair trial.¹ Unconfirmed reports from a former prison guard state that over half of the 21 officials and journalists included in the Commission resolutions have died during their nearly 17-year captivity.

Citizens have been imprisoned without trial and abused for practicing religion not sanctioned by the government. (Art. 8). No independent media or nongovernmental organizations have been allowed to exist. (Arts. 9, 10). Unsanctioned departure from the country is punishable, so thousands flee surreptitiously each month. (Art. 12). For several years, Eritrea had a "shoot-to-kill" policy for citizens trying to flee; the policy appears to have been implemented less consistently in recent years, but has not been altogether abandoned, according to interviewees.

Citizens have no say in the running of the government. (Art. 13). A constitution approved in 1997 by referendum has never been implemented. There have been no national elections since independence in 1991, and an appointed legislature has been moribund since 2002.

We hope that in your capacity as the country Rapporteur, the Eritrean government will cooperate with you and the Commission. We urge that this cooperation reinforces key human rights principles and encourages the Eritrean government to dramatically alter its policies including by: ending the practice of indefinite national service and beginning a process of phased demobilization for those who have served for more than the statutory 18 months; unconditionally releasing, or charging and bringing before a court of law all persons detained for political reasons; publicly affirming rights to freedom of expression, opinion, religion, association, and movement, and publicly stating that no one may be imprisoned for exercising his or her non-violent opinions or beliefs; rescinding the suspension of the private press and permitting the establishment of independent media outlets and allowing space for divergent views on Eritrea's governance to be freely expressed.

We remain very concerned that the government is failing to make critical progress and continues to misrepresent the human rights situation inside the country. For example, the recent 100-page "Initial National Report" submitted by Eritrea to the Commission distorted key issues. The United Nations High Commissioner for Human Rights in March noted that although Eritrea had increased its engagement with human rights "mechanisms" recently, he remained "concerned by [a] very serious lack of progress on human rights issues."

Careful consideration by the Commission should be given to the Human Rights Council's recommendation in its June 21, 2017, resolution (A/HRC/35/L.13/Rev.1, ¶ 24) expressing:

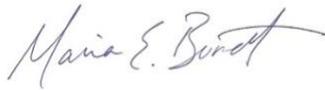
¹ Zegveld v. Eritrea, African Commission on Human and People's Rights, 35th Ordinary Session, "Seventeenth Annual Activity, Report of the African Commission on Human and Peoples' Rights 2003–2004," June 2004, Banjul, Gambia, http://www.achpr.org/english/activity_reports/activity17_en.pdf. Zegveld v. Eritrea," communication 250/2002, was adopted at the 34th Ordinary Session and issued in Annex VI.

Article 19 v. State of Eritrea, African Commission on Human and People's 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/activity22_eng.pdf. Article 19 v. State of Eritrea," communication 275/2003, was adopted at the 41st Ordinary Session in May 2007 and issued as Annex II.

[strong encouragement to the African Union to follow up on the report and recommendations of the commission of inquiry and the update on human rights in Eritrea by establishing an investigation, supported by the international community, with a view to examining and bringing to justice those responsible for crimes involving violations and abuses of human rights identified by the commission of inquiry, including any that may amount to a crime against humanity]

A Human Rights Watch researcher, Ms. Wendy Issack, will attend the 62nd Ordinary Session in Banjul and will appreciate the opportunity to meet with you at your convenience to discuss the human rights situation in Eritrea. She can be reached at issack@hrw.org or +1.347.276.5147.

Respectfully,

A handwritten signature in cursive script that reads "Maria E. Burnett".

Maria Burnett
Associate Director, East Africa

Annex: Summary of Recent Human Rights Violations Documented by Human Rights Watch

1. Abuses in “National Service”

Although President Isaias Afwerki’s regime restricts the rights of all Eritrean citizens, its repressive policies most severely affect Eritrea’s younger generations conscripted into its “national service.” National service has become a misnomer. The United Nations Commission of Inquiry on Human Rights in Eritrea more aptly characterized it as “enslavement.” Prolonged national service is not the sole reason so many thousands flee each month but it remains the primary one. As one escaped conscript told Human Rights Watch, he fled the country because he saw no future except living “like a slave.”

By decree issued in 1992 (no. 82/1995), Eritreans may be conscripted into national service at 18 to serve 18 months, six of which are for military training. Conscripted for a limited time is not a human rights violation, but the 18-month timeframe has been entirely ignored by the government.

In some instances, conscripts serve indefinitely and conscription often lasts over a decade unless the conscript flees. Human Rights Watch recently interviewed some who fled after serving, nine, 12, even 17 years. As one former conscript said, “I don’t mind military service but in Eritrea it never ends and you have no rights.” Another said he fled because he didn’t want to be “in the military the rest of my life.”

The Eritrean government attempts to justify endless conscription in violation of its own decree by asserting it is necessary to protect the country while Eritrea faces a “no-war, no-peace” stalemate with Ethiopia following the end of a bloody border conflict two decades ago. Since then, Ethiopia continues to occupy territory identified by an international boundary commission as Eritrean land.

Many national service conscripts, however, are not working to defend against possible Ethiopian attacks; rather, they are used in civilian capacities: farm labor, teachers, construction workers, civil servants, even lower level judges. Some conscripts assigned to government-owned construction firms which, in turn, assign them to work on building infrastructure at foreign-owned mineral mines.

Conscripts have no choice in assignment. As one told Human Rights Watch, “You can’t do anything without their permission . . . they can send you anywhere they want to do whatever they want.”

In the past decade, Human Rights Watch issued two reports describing the oppression Eritreans face in national service: *Service for Life: State Repression and Indefinite Conscripted in Eritrea* (2009); and *Hear no Evil, Forced Labor and Corporate Responsibility in Eritrea’s Mining Sector* (2013). More recent interviews reveal that nothing has changed in national service since those reports were issued. Life as a conscript remains one of subjugation.

Punishments in national service can be imposed by military commanders at whim, without the possibility of review. Physical abuse, including punishments that qualify as torture, remains extensive. Among those reported to us by interviewees are beatings, being trussed in stressful

configurations, imprisonment in very hot or freezing zinc sheds (*zingoes*) for days, and imprisonment in underground cells for weeks or months. Incarceration in common military jails with more or less harsh conditions is also common. Of course, not all conscripts are subjected to severe punishment because some commanders are more lenient than others; but none is subject to legal restraints and there are no independent monitors of detention facilities.

Pay during national service remains nominal. Although pay has increased during the past two years, those interviewed insist it is still insufficient to support a family. Increases in pay are partially eaten up by higher deductions for food. As a result, conscripts still provide the state, foreign mining companies, and high government officials with cheap labor.

Even though pay is reduced in return for food rations, conscripts tell Human Rights Watch that what they receive in turn is barely subsistence: a steady diet of lentils or faro, occasionally supplemented by pasta. Living conditions, other than for those assigned as teachers, civil servants, or to other white-collar positions, are generally in barracks that are cramped and insufficiently protected from the elements. Medical care is rudimentary, provided by conscripts with elementary training, and consists of providing sick or injured conscripts with a few pills.

While conscripts are allowed about a month's leave each year, they have no say about when it occurs. Conscripts have therefore told Human Rights they were denied leave to attend to sick or dying family members.

Besides keeping so many Eritreans in bondage for years and years, national service produces secondary effects. One is that the education of young Eritreans suffers. As one former conscript trained to be a teacher told Human Rights Watch, "[t]he teachers at the [teachers' training] college were also very bad so we didn't learn much from them."

A combination of inadequate educational opportunities and the knowledge of what awaits them in national service increasingly causes younger children to flee the country unaccompanied. In 2017, the European Asylum Support Office (EASO) reported Eritrean unaccompanied minors were the third largest group of children seeking asylum in Europe. They represented 7% of all Eritreans asking for asylum in Europe that year.

2. Absence of the Rule of Law Generally.

Eritrea's citizens are subject to arbitrary mistreatment without legal protections. No means exist for citizens to express their views or to question government policies affecting them. They have no legislative representation, no independent press, no non-governmental organizations to which they can turn.

Citizens who have spoken out or who have questioned policies during government-called community assemblies have been punished without trial or means of appeal. Imprisonment for an indefinite period is the most likely punishment, sometimes accompanied by corporal abuse, including acts that qualify as torture. In addition, their families are denied government ration cards to buy scarce but essential provisions.

Aside from indefinite length, imprisonment is frequently incommunicado. Relatives are not told of the whereabouts of a prisoner, much less allowed to visit in several cases, family members

have told Human Rights Watch a relative disappeared for years and the family learned of his or her fate only when the body was returned without explanation. Survivors were warned not to ask questions and directed not to have an autopsy conducted.

Suspicion that a citizen's loyalty to the government is not absolute has resulted in arrest, according to witnesses who have suffered that fate. Those arrested are seldom told the reason for the arrest. If they learn why, it is because of questions raised during interrogations. Those interrogations can include beatings and other painful punishments. A former Eritrean interrogator who fled in 2012 told Human Rights Watch: "Basically, my role as interrogator was to order the beatings until they confessed to what they were being accused of.... We never charged anyone, never a trial, just confessions from the beatings."

On or about November 1, 2017, the government arrested 93-year old Hajji Musa Mohammed Nur, the chairman of Al-Dia, a private Muslim school in Asmara, after he spoke out at a school assembly against a government-announced plan to take over administration of the school. Two weeks later, students at the school rallied peacefully and began to march toward government offices in protest. Despite the peaceful nature of their march, they were met by security forces firing into the air. Dozens were arrested. Hajji Musa remained jailed without trial for over four months. Then, at the beginning of March 2018, the government returned his body to the family. We understand from multiple sources that members of the school's executive committee remain jailed without trial.

The most prominent prisoners who have disappeared are the journalists and government officials and journalists arrested in September 2001 after newspapers reported the contents of a letter the officials signed protesting President Isaias' policies and rule. None of those arrested have ever been given an opportunity to defend themselves. They have not been seen since their arrest by anyone other than prison guards. A guard, who fled in 2004, reported that at least half of them had died by then. If any still survive, they remain jailed incommunicado.

Eritreans are not allowed to leave the country without permission, which is seldom granted unless it profits the government in some way. Until recently, the government had a shoot-to-kill policy for anyone trying to flee illegally. A former guard told Human Rights Watch in 2013, "if they don't stop, you shoot. That is the rule. You say once 'Stop'. If they don't stop you shoot to kill." There have been fewer reports of implementation of the policy in the last several years but there is no evidence that the policy has been rescinded.

3. Interference with Religion.

The Isaias regime steadily interferes with religious beliefs and practices. Since 2002, it has "recognized" only four religious groups: Sunni Islam and the Eritrean Orthodox, Roman Catholic, and Evangelical (Lutheran) churches. Although the government professed it would allow other groups to be recognized, it has never acted on applications for recognition that have been pending since 2002, including those of the Baha'i community, the Presbyterian Church, Methodist Church, and Seventh-day Adventist Church.

At times, security personnel raid private homes where devotees of unrecognized religions meet for communal prayer. Arrests and imprisonment of attendees often follow. Imprisonment can involve being packed together with others in shipping containers or subject to other harsh

conditions. Reliable sources reported as many as 170 arrests of Evangelical Christians in May-June 2017 alone. Some reportedly were sent to an infamous Red Sea Dahlak Island prison.

Torture intended to compel renunciation of religious belief happens with some frequency. In any case, repudiation of his or her religion is typically the price of a prisoner's release.

Jehovah's Witnesses have been especially harshly treated since independence. There is no truth to the statement in the Eritrean report to the Commission (on p19) that Eritrean Jehovah's Witnesses refused to recognize the government and "opposed the referendum process" – rather they declined to participate in the 1993 referendum on independence solely because of their beliefs. Members of the faith also refused to serve as soldiers in national service because of conscientious objections. Eritrea provides no substitute service for conscientious objectors. Instead, the government has imprisoned Jehovah's Witnesses, young and old, and denied them ration cards and work permits. Fifty-four are currently in detention, including three arrested and sent to the Sawa military training camp 24 years ago. Prison conditions for Jehovah's Witnesses improved somewhat in 2017. All Witness prisoners, including the Sawa-three, were transferred to the Mai Serwa prison last year. There, they have been allowed visitors for the first time during incarceration and conditions are said to be less oppressive.

"Recognized" religions are hardly immune from government repression. The government deposed Eritrean Orthodox Patriarch Antonios in 2007, placed him under house arrest, and imposed a successor on the church. In July 2017, the octogenarian former patriarch was brought to a church service for the first time in 11 years but not allowed to speak. He has not been seen since. The government also appointed the Mufti of the Muslim community. Religious leaders and laymen who protested the patriarchal and mufti appointments remain imprisoned.