



TRANSNATIONAL REPRESSION BY ERITREA'S DICTATOR: AFWERKI'S LONG ARM IN CANADA

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EXECUTIVE SUMMARY

The Eritrean regime is one of the most repressive dictatorships in the world. For years, dictator Isaias Afwerki has ruled the country with an iron fist. The country has no elections, legislature, independent civil society, or independent judiciary. The Eritrean Defence Forces (EDF) have been accused of committing numerous gross violations of human rights across Eritrea and Ethiopia, including forced labour, mass arbitrary detention, and sexual and gender-based violence, by numerous independent experts and UN bodies, including the UN Special Rapporteur on the situation of human rights in Eritrea and the International Commission of Human Rights Experts on Ethiopia (ICHREE). The EDF has also been accused by UN bodies including ICHREE of committing numerous atrocity crimes, including war crimes and crimes against humanity.

The repression perpetrated by the Afwerki administration extends beyond Eritrea's borders. As detailed in this report, Afwerki's campaign of transnational repression against members of the Eritrean diaspora and human rights activists who oppose the actions of the Eritrean regime is longstanding and well-documented.

In this context, the events that have arisen in recent years in Canada and internationally, purporting to be harmless celebrations of Eritrean culture, merit serious examination. These events – which have been held in cities across the globe including in Stockholm, Seattle, Tel Aviv, Toronto, and Calgary – have been sites of violent unrest. There is evidence suggesting these events glorify the EDF, as well as evidence signaling potential coordination with Eritrean consulates. Eritreans that fled the dictatorship, and sought refuge in Canada or elsewhere, are impacted.

It is crucial that Canada take seriously the threat of transnational repression by the Afwerki administration, and engage in effective action to protect Eritreans that have sought refuge in Canada from the long arm of the regime.

PART I. BACKGROUND

A. The Human Rights Situation in Eritrea and State Repression of Eritreans

The Eritrean regime is one of the most repressive dictatorships in the world.¹ Under the rule of dictator Isaias Afwerki, Eritreans are subject to widespread forced labour, mass arbitrary detentions, and various restrictions on freedoms, including the right to freedom of religion and freedom of expression.² As noted by the UN General Assembly, April 2023 marked 30 years since Afwerki came into power in Eritrea and he continues to govern the country “without the rule of law, a division of powers and any checks, balances or constraints on his power.”³ The country has no legislature, no independent judiciary, no independent civil society, and no elections.⁴

Over the last eight years, Freedom House has consistently ranked Eritrea as “Not Free”. Between 2017 and 2024, Freedom House has consistently given Eritrea a Global Freedom Score of 3 out of 100,⁵ except for the years 2019, 2020, and 2021, where it gave Eritrea a Global Freedom Score of 2 out of 100.⁶ This is a metric that considers the extent to which

¹ “Eritrea: Events of 2020”, online: *Human Rights Watch* <www.hrw.org/world-report/2021/country-chapters/eritrea> [Eritrea: Events of 2020].

² *Ibid.*

³ *Situation of human rights in Eritrea: Report of the Special Rapporteur on the situation of human rights in Eritrea, Mohamed Abdelsalam Babiker*, A/HRC/53/20, UNGA, 53rd Sess, United Nations Human Rights Council (2023) at para 42 [Report of the Special Rapporteur].

⁴ Eritrea: Events of 2020, *supra* note 1.

⁵ “Eritrea” (2017), online: *Freedom House* <www.freedomhouse.org/country/eritrea/freedom-world/2017>; “Eritrea” (2018), online: *Freedom House* <www.freedomhouse.org/country/eritrea/freedom-world/2018>; “Eritrea” (2022), online: *Freedom House* <www.freedomhouse.org/country/eritrea/freedom-world/2022>; “Eritrea” (2023), online: *Freedom House* <www.freedomhouse.org/country/eritrea/freedom-world/2023>; “Eritrea” (2024), online: *Freedom House* <www.freedomhouse.org/country/eritrea/freedom-world/2024>.

⁶ “Eritrea” (2019), online: *Freedom House* <www.freedomhouse.org/country/eritrea/freedom-world/2019>; “Eritrea” (2020), online: *Freedom House* <www.freedomhouse.org/country/eritrea/freedom-world/2020>; “Eritrea” (2021), online: *Freedom House* <www.freedomhouse.org/country/eritrea/freedom-world/2021>.

political and civil liberties are enjoyed by civilians in a given country.⁷ As explained by the UN Special Rapporteur on the situation of human rights in Eritrea last year:

“Eritrea lacks a minimum institutional infrastructure for the administration of justice and the protection of human rights. The justice system lacks independence and follows the directives of the presidency. Due process rights continue to be systematically violated. Impunity for human rights violations is entrenched. Not only has the Government failed to provide access to justice and redress to victims of human rights violations, but it also has not revised the relevant policies or practices that lead to the commission of such violations. The Special Rapporteur notes that the lack of access to independent justice institutions that Eritreans can resort to and seek redress has contributed to generating a perpetual human rights crisis, with the continued commission of human rights violations, some of which amount to crimes against humanity.”⁸

Eritrea imposes a policy of indefinite national service that includes civil service and compulsory military service components.⁹ Numerous credible reports of human rights violations in the context of forced military service have been made, including instances of torture and inhuman or degrading treatment, sexual and gender-based violence, forced labour, and abusive conditions.¹⁰ Despite recommendations by human rights bodies, as of last year no progress had been made when it comes to reforming Eritrean national service, ensuring legal limits for national service, or protecting the rights of citizens who are serving.¹¹

Conscientious objection is not recognized in Eritrea and deserters and draft evaders are subjected to “arbitrary detention in highly punitive conditions, enforced disappearance, and

⁷ Ibid.

⁸ Report of the Special Rapporteur, *supra* note 3 at para 43.

⁹ Ibid at para 27.

¹⁰ Ibid at para 28.

¹¹ Ibid at para 27.

torture.”¹² Thousands continue to be arbitrarily detained as a result of the regime’s “policy of a permanent crackdown on dissent.”¹³ In addition to deserters or draft evaders, real or perceived critics, and opponents of the government are targeted and imprisoned without due process rights and without any associated legal process.¹⁴ Eritreans including “journalists, political opponents or politically active individuals, artists, people of faith, draft evaders and returned asylum-seekers...[are] arbitrarily detained, in many cases for prolonged periods of time.”¹⁵ Conditions of detention often violate human rights standards, as detainees are often subject to torture and inhuman or degrading treatment, and held in overcrowded and unsanitary conditions without access to health care, water, sanitation, or enough food.¹⁶

The UN General Assembly has described civic space to be “completely closed” in Eritrea as the People’s Front for Democracy and Justice (PFDJ) is the only authorized political party and there is no opportunity for “the participation of civil society, the articulation of any form of political opposition, the expression of critical views or the free exchange of ideas and opinions.”¹⁷ Widespread and systematic repression of the exercise of civil and political rights including rights to freedom of association, assembly, expression, and opinion continue to have a “chilling effect and...stifle attempts to organize or to express any form of dissent.”¹⁸ Further, freedom of the press is “non-existent” and the only media outlets in the country are those directly controlled by the Eritrean Ministry of Information.¹⁹ Finally, the free practice of religious rights is denied to Eritreans. Unless they practice one of the four government-authorized religions in the country, an Eritrean citizen may be arrested or subjected to restrictions on their right to worship, teach, or observe their faith.²⁰

¹² Ibid at para 28.

¹³ Ibid at para 44.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid at para 45.

¹⁷ Ibid at para 49.

¹⁸ Ibid at para 51.

¹⁹ Ibid at para 50.

²⁰ Ibid at para 52.

B. Eritrean Forces' Involvement in Crimes Committed Against Tigrayans

As summarized in a 2022 brief by United Tegar Canada to the Canadian House of Commons Subcommittee on International Human Rights, the Eritrean Defence Forces (EDF) has also been implicated in gross human rights violations and atrocity crimes committed in Tigray, Ethiopia, and this has been a cause of international concern.²¹

The EDF's implication and participation in atrocity crimes in Tigray, Ethiopia is well-documented. There is evidence that Eritrean forces engaged in numerous atrocities against Tigrayan civilians including sexual and gender-based violence; the looting of schools, medical centres, and civilian homes and businesses; the destruction of livestock, crops, and food stores; and large-scale killings across Axum, Mai Kadra, Maryam Dengelat, Bora, Adigrat, Kola Tembien, and Mahbere Dego.²² The International Commission of Human Rights Experts on Ethiopia (ICHREE) concluded in its 2022 report that "several members of the Eritrean Defence Forces ... were present during [these] attacks or were reported to be giving orders".²³

As a result of EDF involvement in these instances, ICHREE found in its 2022 report that there are reasonable grounds to believe that the EDF "committed the following war crimes: violence against life and person, in particular murder; outrages on human dignity, in particular humiliating or degrading treatment; rape; sexual slavery; and sexual violence".²⁴

²¹ David Matas, Sarah Teich, and Maria Reisdorf for United Tegar Canada, "Written Submissions to the Subcommittee on International Human Rights: Current Situation in Tigray" (2022), online (pdf): <www.ourcommons.ca/Content/Committee/441/SDIR/Brief/BR11908641/br-external/UnitedTegarCan-Revised-e.pdf> [United Tegar Canada SDIR Brief].

²² *Report of the International Commission of Human Rights Experts on Ethiopia*, A/HRC/51/46, UNGA, 51st Sess, United Nations Human Rights Council (2022) [ICHREE 2022 Report]; "Ethiopia: Eritrean Forces Massacre Tigray Civilians" (2021), online: *Human Rights Watch*, <www.hrw.org/news/2021/03/05/ethiopia-eritrean-forces-massacre-tigray-civilians> ["Ethiopia: Eritrean Forces Massacre Tigray Civilians"].

²³ ICHREE 2022 Report, *supra* note 22 at para 102.

²⁴ *Ibid* at para 97.

Crimes did not cease following the November 2022 signing of the Pretoria Agreement for the cessation of hostilities in Tigray.²⁵ This is particularly true regarding the involvement of the EDF in the region. Eritrea was not a signatory to the Pretoria Agreement, and early reports indicated that the EDF actually intensified their commission of crimes against Tigrayans. For instance, early reports suggested that the Afwerki administration sent additional forces into Tigray and that Eritrean forces continued to commit “sexual assaults, killings, massacres, and property looting”.²⁶

In its 2023 report, ICHREE likewise found the continued involvement of Eritrean troops in the commission of atrocities in Tigray. Ultimately, ICHREE concluded:

“The Ethiopian National Defence Forces, Eritrean Defence Forces, regional forces and affiliated militias perpetrated violations and abuses in Tigray on a staggering scale. These included mass killings, widespread and systematic rape and sexual violence, including sexualized slavery, against women and girls, deliberate starvation, forced displacement, and large-scale arbitrary detentions. These amount to war crimes and crimes against humanity....Many of these violations are ongoing. Eritrean troops and Amhara forces and militia members continue to commit grave violations in Tigray, including rape and sexual violence of women and girls.”²⁷

Further, ICHREE found that EDF’s commission of crimes in Tigray also targeted Eritrean refugees. Their 2023 report stated:

²⁵ United Tegar Canada SDIR Brief, *supra* note 21 at 1-3.

²⁶ *Ibid* at 3; see for example “Eritrea deploying new army units into Tigray, says regional government” (2022), online: *Sudan Tribune*, <www.sudantribune.com/article267040>; see also <[www.twitter.com/kjetiltronvoll/status/1594012660261179393?s=21&t=oOc9JrdQaLYCDh1GBnDyOQ](https://twitter.com/kjetiltronvoll/status/1594012660261179393?s=21&t=oOc9JrdQaLYCDh1GBnDyOQ)>.

²⁷ *Comprehensive investigative findings and legal determinations: International Commission of Human Rights Experts on Ethiopia*, A/HRC/54/CRP.3, United Nations Human Rights Council, 54th Sess, (2023) at paras 505 and 508 [ICHREE 2023 Report].

“Almost 160,000 Eritrean refugees and asylum seekers live in exile in Ethiopia. Most have fled violence and hardship in their country, and in particular conscription and compulsory military service. Prior to the conflict, some 95,000 Eritrean refugees lived in Tigray region, primarily in four main refugee camps: Hitsats, Shimelba, Mai Aini, and Adi Harush....The outbreak of the conflict, and in particular the participation of Eritrean forces in hostilities in Tigray, exposed Eritrean refugees to an additional layer of vulnerability...Eritrean forces are further responsible for abduction and *refoulement* of Eritrean refugees, looting and destruction of shelters and humanitarian facilities and property.”²⁸

The targeting of Eritrean refugees in Tigray in this manner is consistent with the Afwerki administration’s longstanding campaign of repression against Eritreans, wherever they may reside.

C. Transnational Repression of Eritreans Globally

There is a large amount of migration out of Eritrea.²⁹ In 2022, for example, there were 501,677 Eritrean refugees and 76,071 Eritrean asylum-seekers globally.³⁰ However, escaping Eritrea does not always mean escaping the regime.³¹ As explained by Amnesty International:

“The long arms of the state, stretching through Eritrean diplomatic missions and members and supporters of the ruling PFDJ party, closely monitor activities and unleash various forms of threats, attacks and harassment on Eritreans and non-

²⁸ Ibid at paras 400-401.

²⁹ Report of the Special Rapporteur, *supra* note 3 at para 63.

³⁰ Ibid.

³¹ “Eritrea: Repression Without Borders, Threats to Human Rights Defenders Abroad” (2019) at 9, online (pdf): *Amnesty International* <www.amnesty.org/en/documents/afr64/0542/2019/en/> [Repression Without Borders].

Eritreans who are real or perceived critics of the government and its human rights record.”³²

The Eritrean diaspora has long played an active role in Eritrean affairs and has “always been an important constituency providing financial and political support to the PFDJ.”³³ The PFDJ has utilized embassies and some of its overseas party structures to threaten and harass human rights defenders, political opponents, and those perceived to be critical of the regime.³⁴

As explained by Gerasimos Tsourapas in the article “Global Autocracies: Strategies of Transnational Repression, Legitimation, and Co-Optation in World Politics”:

“One autocracy that is particularly adept at using surveillance abroad is Eritrea, which accrues tremendous economic benefits from emigration and has addressed the illiberal paradox via close monitoring of its citizens abroad. The Eritrean community abroad had already been politicized during a long war of independence against Ethiopia between 1961 and 1991, but the ruling regime has stepped up its efforts under President Isaias Afwerki, who took power in 1993. The introduction of open-ended national service (including a minimum six months of military service) in 1995 led to a second wave of exiles seeking to avoid conscription, who are now being targeted by the regime. Eritreans “have to constantly look over their shoulders and watch every word they say.” Filming of demonstrations is a particularly prominent form of surveillance and intimidation, while Eritreans abroad are always mindful of multiple networks of potential spies. The fact that many exiles are expected to register in local embassies diminishes their capacity for political activism, as “spies frequent all public places, and the atmosphere of mutual mistrust has helped to stabilize the

³² Ibid.

³³ Ibid at 12.

³⁴ Ibid at 12-13.

system,” one Sweden-based Eritrean journalist argues. The feeling of not knowing who one can trust is pervasive...”³⁵

Eritrean human rights defenders interviewed by Amnesty International shared that they had been threatened and in some cases assaulted by known or suspected members of the PFDJ abroad because of their work.³⁶ They have to live with “constant threats to their own security and the security of their relatives in Eritrea... [and] continue to take security precautions when conducting public advocacy.”³⁷ Online and offline threats or attacks on Eritrean human rights advocates are “often related to their organization or participation in meetings or events on Eritrea [and this] is a common trend.”³⁸

In 2022, the United States Bureau of Democracy, Human Rights and Labor published a country report on the human rights practices of Eritrea, noting a long history of perpetration of transnational repression by the regime. The Bureau noted the following:

“The country via credible reports is alleged to have killed or kidnapped persons or used violence or threats of violence against individuals in other countries, including to force their return to the country, for purposes of politically motivated reprisal. The Eritrean Defense Forces (EDF) in Ethiopia have reportedly taken hundreds of Eritrean refugees back to Eritrea and, in some cases, detained them....Government officials have used social media to direct harassment and threats against antigovernment members of the diaspora.”³⁹

³⁵ Gerasimos Tsourapas, “Global Autocracies: Strategies of Transnational Repression, Legitimation, and Co-Optation in World Politics” (2021) 23 *International Studies Review* 616 at 623-624.

³⁶ Repression Without Borders, *supra* note 31 at 13.

³⁷ *Ibid.*

³⁸ *Ibid* at 14.

³⁹ United States Department of State, Bureau of Democracy, Human Rights and Labor, (2022) at 8, online (pdf): *Government of the United States* <www.state.gov/wp-content/uploads/2023/02/415610_ERITREA-2022-HUMAN-RIGHTS-REPORT.pdf>.

Eritrean human rights defenders in the diaspora in Europe also report that whenever they speak critically about the human rights situation in Eritrea, their family members in Eritrea receive calls and visits from government security forces to harass and threaten them.⁴⁰ This is aligned with the government's approach to those who refuse conscription; in 2019, Human Rights Watch reported that the Eritrean government had "punished relatives of thousands of alleged draft evaders as part of an intensive forced conscription campaign."⁴¹ It has been reported that while the use of enforced disappearances by the Eritrean regime and its proxies "frequently target high profile dissidents," non-elites are also targeted.⁴²

Scholars have noted that religious institutions have been "an important component of the Eritrean transnational social field for decades".⁴³ Aligned with the PFDJ's tendency to dominate Eritrean social institutions in Eritrean communities abroad, "religious institutions throughout the diaspora have also been subject to state intervention."⁴⁴ Tricia Redeker Hepner notes:

"...the Eritrean Orthodox Church has experienced...transnational repression and intervention more intensely than any other religious body. The Orthodox Church still claims the majority of Eritrean Christians both at home and in the diaspora, and the hierarchical authority structure of the church has meant that each Orthodox Church formed in the diaspora must retain its links to the mother church in Asmara. This is not dissimilar from the structure by which...the government reproduced political hierarchy and authority transnationally. Moreover, throughout both Eritrean and Ethiopian history, the Orthodox Church has played a central role in supporting and legitimizing state power."⁴⁵

⁴⁰ Repression Without Borders, *supra* note 31 at 14.

⁴¹ "Eritrea: Crackdown on Draft Evaders' Families" (9 February 2023), online: *Human Rights Watch* <www.hrw.org/news/2023/02/09/eritrea-crackdown-draft-evaders-families>.

⁴² Repression Without Borders, *supra* note 31 at 17.

⁴³ Tricia Redeker Hepner, "Religion, Repression and Human Rights in Eritrea and the Diaspora" (2014) 44 *Journal of Religion in Africa* 151 at 170.

⁴⁴ *Ibid* at 170.

⁴⁵ *Ibid* at 173.

Nicole Hirt from the Germany-based Federal Agency for Civic Education explained that Eritrean transnational institutions have an impact in non-democratic and democratic countries alike, including through the collection of a ‘diaspora tax’ imposed on Eritreans living abroad:

“Embassies and consulates, community organizations (mahbere-koms) and the YPFDJ have all played a role in raising funds from the diaspora over time. Those who fled repression and the timely unlimited national service and have been granted refugee protection in recent years are also targeted by agents of the regime. For example, government supporters have visited refugee shelters to encourage refugees to pay the diaspora tax, and government-friendly interpreters have tried to manipulate personal interviews in asylum procedures at the German Federal Office for Migration and Refugees. Field research by the author revealed that the government has infiltrated parts of the clergy of Eritrean Orthodox Church communities throughout Europe and that fees for religious services like baptisms and marriages are being transferred to Eritrea. In addition, refugees who approach the Eritrean diplomatic missions to obtain services need to sign a “letter of regret” in which they confess themselves guilty of having failed to fulfil their national obligations and agree to accept any punishment the regime might deem appropriate – and they agree to henceforth pay the diaspora tax.”⁴⁶

The ‘diaspora tax’ or the ‘recovery and rehabilitation tax’ is a 2 per cent income tax imposed on the Eritrean diaspora by the Eritrean government.⁴⁷ The Eritrean government has imposed this ‘diaspora tax’ on Eritreans living in western cities around the world for years, using

⁴⁶ Nicole Hirt, “The Long Arm of the regime – Eritrea and Its Diaspora” (16 April 2020), online: *Federal Agency for Civic Education* <www.bpb.de/themen/migration-integration/laenderprofile/english-version-country-profiles/305657/the-long-arm-of-the-regime-eritrea-and-its-diaspora/>.

⁴⁷ DSP-Group Amsterdam and Tilburg School of Humanities Department of Culture Studies, “The 2% Tax for Eritreans in the diaspora: Facts. Figures and experiences in seven European countries” (June 2017) at 8 [DSP-Group Amsterdam and Tilburg School].

threats to family members still living in Eritrea to ensure the tax is paid.⁴⁸ It has been reported that the Eritrean government levies the tax on Eritrean diaspora to fund its projects in the country and in 2022, the tax was reported to be “collected by Eritrea’s diplomatic and consular offices around the world.”⁴⁹ In the past, failure to pay the tax has effectively barred Eritrean diaspora members from “receiving consular help or assistance from the state, for example, if they want to get a passport or sell property in Eritrea.”⁵⁰

In 2011, the United Nations Security Council (UNSC) condemned the ‘diaspora tax,’ stating that it:

“Condemns the use of the “Diaspora tax” on Eritrean diaspora by the Eritrean Government to destabilize the Horn of Africa region or violate relevant resolutions, including 1844 (2008), 1862 (2009) and 1907 (2009), including for purposes such as procuring arms and related materiel for transfer to armed opposition groups or providing any services or financial transfers provided directly or indirectly to such groups, as outlined in the findings of the Somalia/Eritrea Monitoring Group in its 18 July 2011 report (S/2011/433), and decides that Eritrea shall cease these practices;

Decides that Eritrea shall cease using extortion, threats of violence, fraud and other illicit means to collect taxes outside of Eritrea from its nationals or other individuals of Eritrean descent, decides further that States shall undertake appropriate measures to hold accountable, consistent with international law, those individuals on their territory who are acting, officially or unofficially, on

⁴⁸ “Eritreans in Canada say consul still demands cash from them” (22 May 2013), online: *CBC News* <www.cbc.ca/news/canada/eritreans-in-canada-say-consul-still-demands-cash-from-them-1.1309694>.

⁴⁹ “Stop Eritrea’s ‘war-funding diaspora tax’ say MPs and lords” (4 November 2022) online: *The Guardian* <www.theguardian.com/global-development/2022/nov/04/stop-eritreas-war-funding-diaspora-tax-say-mps-and-lords> [“Stop Eritrea’s ‘war-funding diaspora tax’”].

⁵⁰ Ibid.

behalf of the Eritrean government or the PFDJ contrary to the prohibitions imposed in this paragraph and the laws of the States concerned, and calls upon States to take such action as may be appropriate consistent with their domestic law and international relevant instruments, including the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, to prevent such individuals from facilitating further violations...”⁵¹

Despite this, it has been reported that the Eritrean government continued to collect the ‘diaspora tax’ from Eritreans to “bankroll its military regime...”⁵² Quoting Eritrean human rights activist Noel Joseph, Nicole Hirt and Abdulkader Saleh Mohammad explained that although UNSC sanctions banned the collection of the ‘diaspora tax,’ the regime has found ways to continue the practice abroad:

“In order to extract funds from those who oppose the government or have disengaged from Eritrean politics, the government is making use of various methods of coercion, many of them linked to necessary consular services. Although UNSC sanctions imposed in 2011 ban the embassies from collecting the tax by coercion or illicit means, the government has found various ways to circumvent these restrictions. UK-based Eritrean human rights activist Noel Joseph told the Guardian:

Basically, anything you need from the state—if you want to write a will or get a power-of-attorney for your family or to send parcels home or get a passport—you need a clearance document and you do not get the

⁵¹ United Nations Security Council, RES/2023 (2011) at paras 10-11.

⁵² Laura Kane, “Eritrea still collecting money in Canada for military regime: Documents” (22 May 2013), online: *Toronto Star* <www.thestar.com/news/canada/eritrea-still-collecting-money-in-canada-for-military-regime-documents/article_d910225b-54a0-55d0-9fe5-0d72b98e4377.html> [Kane].

document without paying the 2% tax. It's punishing people and exerting control. The message is: no matter how far you've gone, we will always find a way of affecting your life."⁵³

In 2020, a report from the Norwegian organization, Proba, found that the 'diaspora tax' was imposed on Eritrean diaspora in Norway.⁵⁴ In Norway, services refused when Eritrean diaspora did not pay the tax included "the issuing of passports (and possibly other travel documents such as visas for Norwegian citizens), but also other public documents such as diplomas, birth certificates, marriage certificates etc."⁵⁵ Proba noted that in practice, the enforcement of the tax meant that Eritrean diaspora must "pay annually in order to receive general consular services in Norway, and to maintain contact with Eritrea in terms of visits, property, [and] inheritance rights."⁵⁶

A report from the Dutch Ministry of Foreign Affairs found that the collection of the 'diaspora tax' in the Netherlands and Europe involves coercion of Eritrean diaspora and their family members that includes emotional pressure, intimidation and fear, punishment, and extortion.⁵⁷ The summary of the report notes that "the levying of the tax is accompanied by forms of coercion that give the Eritrean authorities a strong hold on the Eritrean diaspora" in the Netherlands, Italy, Norway, Belgium, Germany, Sweden, and the United Kingdom.⁵⁸ Describing the effects of this coercion on Eritreans living in the Netherlands in more detail, the summary states:

⁵³ Nicole Hirt and Abdulkader Saleh Mohammad, "By way of patriotism, coercion, or instrumentalization: how the Eritrean regime makes use of the diaspora to stabilize its rule" (2018) 15:2 Globalizations 232 at 240 [Hirt and Mohammad].

⁵⁴ Proba, "Pressure and control: A study of economic, ideological or religious pressures originating in countries of origin, directed towards people with an immigrant background in Norway" (2020) at 24 [Proba Report].

⁵⁵ Ibid at 25.

⁵⁶ Ibid.

⁵⁷ Dutch Ministry of Foreign Affairs, "Unofficial translation of the letter of the Dutch Ministry of Foreign Affairs on the Eritrean diaspora tax in Europe report" (18 September 2017) at 2.

⁵⁸ Ibid at 3.

“The means of collection that are described can add to the fact that it is very difficult for Eritreans in the Netherlands to detach themselves from the country that many of them have fled. The Cabinet has labelled this as unacceptable before and this remains unchanged. The means of collection of the diaspora tax that are described in the report have negative effects on the integration of Eritreans in the Netherlands. Those that do not pay the tax (on time) risk social exclusion and isolation, through which the Eritreans feel pressured to comply with the ‘obligations’ imposed on them. The DSP report states that payment of the tax can sometimes be a requirement for participation in social events and is therefore accepted by a large number of Eritreans in order to avoid possible confrontation with the Eritrean government and prevent crossing the imaginary ‘red line’. The fear that family members in Eritrea will become the victims of non-payment can also play a role. The combination of the diaspora tax, high dependency on social security payments (50% in 2014) and possible other contributions complicate the already difficult participation of Eritreans in Dutch society. When these people are pressured to give up part of their – in many cases already limited – financial means and sink below the substance minimum, this limits them in the possibilities to integrate and participate in Dutch society. This holds especially true for those that have trouble accessing municipal arrangements for participation and integration, as is the case for many Eritreans that have recently arrived in the Netherlands.”⁵⁹

Finally, according to the Dutch Ministry of Foreign Affairs report, Eritrean embassies are responsible for the collection of the ‘diaspora tax,’ falling under the hierarchy of the PFDJ. The report found that in the countries studied, the local head of the PFDJ was usually the person in charge of the collection of the tax through Eritrean embassies, instead of an Eritrean diplomat.⁶⁰

⁵⁹ Ibid at 4.

⁶⁰ Ibid at 3.

Considering the Eritrean regime's history of engaging in transnational repression against its diaspora, particularly pro-democracy Eritreans and human rights advocates, in countries around the world, it is important to scrutinize the actions of the Eritrean regime and any potential proxy organizations in Canada. Based on the available research and the personal experiences of Eritrean community members, it appears the regime operates similarly in Canada as it does in other countries.

D. Transnational Repression of Eritreans in Canada

Transnational repression of Eritreans refugees in Canada is an issue that has been studied by Professors Aaron Berhane and Vappu Tyyskä. In their article, "Coercive Transnational Governance and Its Impact on the Settlement Process of Eritrean Refugees in Canada," Berhane and Tyyskä explain that the challenges experienced by Eritrean refugees in Canada "come not only from the host society but also from the government of their home country."⁶¹ They use the term "coercive transnational governance" to describe tactics used by dictatorial regimes to maintain political control and secure financial contributions by force from their nationals living abroad as refugees – actions comparable to forms of transnational repression.⁶² They explain that coercive transnational governance by the Eritrean regime has "exacerbated the settlement challenges of Eritrean-Canadians for over a decade."⁶³ They found that the Eritrean government "interferes aggressively in the life of the Eritrean diaspora to be in command of their transnational activities."⁶⁴ The Eritrean state uses its transnational institutions to restrict the activities of the Eritrean diaspora in Canada, control their influence, and make them "obedient to the regime."⁶⁵

⁶¹ Aaron Berhane and Vappu Tyyskä, "Coercive Transnational Governance and Its Impact on the Settlement Process of Eritrean Refugees in Canada" (2017) 33:2 Refuge 78 at 79 [Berhane and Tyyskä].

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

Although Eritrean diaspora members interviewed by Berhane and Tyyskä encountered obstacles common to the refugee experience in Canada, “most participants described the actions of their own government as the biggest barrier in their lives, through denial of passport renewals, exit visas to family members, birth certificates or original education documents, and interference in local community life.”⁶⁶

Interviewees from the Eritrean diaspora in Canada who participated in Berhane and Tyyskä’s research described the significant role the Eritrean consulate plays in the transnational repression they experience:

“The Eritrean consulate in Toronto creates insurmountable hurdles for Eritrean refugees in the initial stages of their settlement by instilling fear, by dangling its consular services for a payment of 2 per cent income tax and drying up the financial resources of Eritrean refugees. The participants shared a rocky transition to a new life. Their personal lives are put on hold by withdrawal of documents that they could use to establish a better start or to enjoy mobility to tend to their affairs. Their family lives are on hold as well, with many risking the dangers of human smuggling when the exit visas of spouses and children from Eritrea are refused. The monetary and psychological costs that arise from these stresses created by the Eritrean regime are enormous.

One major barrier that all participants experienced during their settlement process was fear instilled by the Eritrean consulate, which effectively silenced the refugees’ critical voices, because the consulate interfered and spied upon their activities and punished family members of any exiled person who spoke against the Eritrean government. Despite the presumed protection granted by the Canadian government, participants lived in constant fear of the regime that was trying to govern them from afar. Fear for the lives of family members prevents

⁶⁶ Ibid at 81.

refugees from contacting Canadian law enforcement bodies, and those who do are frustrated by the unhelpful responses that further discourage people from coming forward.

The findings reveal that the Eritrean consulate is the cause of the rough transition and integration process of Eritrean refugees in Canada. Our research demonstrates that the consulate uses the facade of a legal office to interfere in the settlement and integration process of refugees by applying coercive transnational governance and undermining Canadian law.”⁶⁷

The Eritrean consulates in Canada have been known to use extortion, threats of violence, and other illegal means to collect the ‘diaspora tax’ from Eritrean-Canadians.⁶⁸ Eritrean-Canadians may be forced to comply because the government will not honour their requests for passports or other vital documents necessary to obtain permanent residency in Canada or may be warned to comply for the sake of their families still living in Eritrea.⁶⁹ Eritrean refugees who have refused to pay have “experienced obstacles in sponsoring their family members from their home country or in obtaining educational documents.”⁷⁰

Feruz, interviewed by Berhane and Tyyskä for their article, left Eritrea legally in 2010 to reunite with her family in Canada and was denied renewal of her passport because she refused to pay the tax.⁷¹ This is a tactic commonly employed by authoritarian governments in their attempts to control diaspora. A regime may deny diaspora members the ability to leave the country or try to force them to return once they have left, by controlling the issuance or renewal of travel documents, such as exit visas or passports, or by forcing or

⁶⁷ Ibid at 84-85.

⁶⁸ Ibid at 80.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid at 82.

coercing individuals to appear at consulates or embassies in host countries where they are apprehended, forced, or induced to return to their country of origin.⁷²

Eritrean refugees in Canada already face challenges creating a secure income upon arriving in Canada but have also historically been forced to pay 2 per cent ‘diaspora tax’ which “breaks the financial back bone of many refugees at the very beginning.”⁷³ This may be particularly true for Eritrean diaspora community members who face other forms of marginalization as well. Berhane and Tyyskä interviewed one Eritrean individual with disabilities living in Canada who noted:

“I was helping myself because I didn’t have anyone to cook and clean my house, everything. So my cost was doubled like everyone else. They didn’t even consider my personal challenges as a disabled person. The consulate was looking after my money, not after me as a person or a citizen.”⁷⁴

Three of the participants in the study fulfilled demands given to them by the Eritrean consulate, including by paying the 2 percent ‘diaspora tax’ on their annual income, in order to be granted exit visas for their family and to secure their educational documents from Eritrea.⁷⁵

In 2013, Canada banned the ‘diaspora tax’ and has prohibited the solicitation of funds for the Eritrean military.⁷⁶ However, it appears that the Consulate General of Eritrea in Toronto

⁷² Sarah Teich et al, “Combatting Transnational Repression and Foreign Interference in Canada: A Paper by Secure Canada and Human Rights Action Group” (September 2023) at 18, citing Nate Schenkkan and Isabel Linzer, “Out of Sight, Not Out of Reach: The Global Scale and Scope of Transnational Repression” (February 2021), Freedom House, at 58 [Combatting Transnational Repression].

⁷³ Berhane and Tyyskä, *supra* note 61 at 81.

⁷⁴ *Ibid* at 82.

⁷⁵ *Ibid*.

⁷⁶ “Ottawa forced Eritrea to nix ‘2% extortion tax’ on citizens in Canada” (2 September 2012), online: *National Post* <nationalpost.com/news/canada/ottawa-forces-eritrea-to-nix-2-extortion-tax-on-citizens-in-canada> [“Ottawa forced to nix ‘2% extortion tax’”]; “Eritrea’s ‘diaspora tax’ is

continued to impose the tax and a national defence fee of up to \$500 on Eritrean Canadians regardless.⁷⁷ In 2013, the Eritrean regime continued to collect the tax by requesting that Eritreans in Canada transfer funds through a German bank account as opposed to collecting the funds through the Eritrean consulate.⁷⁸ In 2014, it was reported that the ‘diaspora tax’ continued to be enforced.⁷⁹

In 2017, a report completed by DSP-Group and Tilburg University provided an English translation of a section of the Eritrean embassy’s website at the time regarding the collection of the tax, which read:

“Any citizen who hasn’t paid the 2% rehabilitation tax from their income cannot be allowed to get these services. Thus, you need to send your revival tax documents to Eritrea however it is convenient to you to do so. All fees for services such as guardianship documents, marital status, etc. are paid through money in order to Consulate General of the State of Eritrea.”⁸⁰

The report notes that at the time:

“The Eritrean Embassy in Canada states that in order to request consular services the 2% rehabilitation tax (the 2% Tax) must be paid, this includes

funding violence and oppression” (20 February 2023), online: *Aljazeera* <www.aljazeera.com/opinions/2023/2/20/eritreas-diaspora-tax-is-funding-violence-and-oppression> [“Eritrea’s ‘diaspora tax’ is funding violence and oppression”].

⁷⁷ Kane supra note 52.

⁷⁸ Ibid.

⁷⁹ Stewart Bell, “Eritrea consulate still extorting ‘diaspora tax’ in Canada, a year after top diplomat expelled over scheme” (18 June 2014), online: *National Post* <nationalpost.com/news/canada/eritreas-consulate-still-extorting-diaspora-tax-in-canada-a-year-after-top-diplomat-expelled-over-scheme> [Bell]; Rick MacInnes-Rae, “Eritrea collecting ‘money for the dictator’ from expats in Canada” (19 June 2014), online: *CBC News* <www.cbc.ca/news/world/eritreas-collecting-money-for-the-dictator-from-expats-in-canada-1.2680616> [MacInnes-Rae].

⁸⁰ DSP-Group Amsterdam and Tilburg School, supra note 47 at 38.

obtaining a new ID card. Payment of the tax is also required to receive documents on guardianship and marital status, etc. – documents that are often needed for family reunification procedures. The payment of the 2% Tax is not a service charge, given that in addition to the 2% Tax, the embassy also requests the payment of CAD 60 as a service charge. The website also state that forms will be sent to Eritrea to be processed. The Eritrean Embassy in Toronto facilitates the process.”⁸¹

It appears that the collection of the ‘diaspora tax’ continues although a “greater emphasis has been placed on voluntary contributions through concerts and cultural events organized by PFDJ.”⁸² In January 2024, the *Globe and Mail* reported that the collection of the ‘diaspora tax’ has continued, explaining that “[i]nstead of collecting the tax in Canada, Eritrean diplomats told the émigrés that they must pay the tax to the Eritrean government.”⁸³ It was also reported that “similar demands are reportedly made at many of the Eritrean festivals worldwide.”⁸⁴

Berhane and Tyyskä also noted that the Eritrean government “controls the lives of its citizens outside [Eritrea] by installing undercover representatives in every community event, gathering or association, creating a ‘climate of fear’.”⁸⁵ Berhane and Tyyskä found that fear and unease is prevalent among the Eritrean diaspora in Canada, particularly those who oppose the actions of the Eritrean regime:

⁸¹ Ibid at 38.

⁸² “Eritrea’s ‘diaspora tax’ is funding violence and oppression”, supra note 76; “Letter dated 11 July 2012 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council” (13 July 2012) at 22, online: <www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Somalia%20S%202012%20545.pdf> [Security Council Report].

⁸³ Geoffrey York and Janice Dickson, “Eritrea’s strife goes global as diasporas, including those in Canada, clash at cultural festivals” (18 January 2024), online: *The Globe and Mail* <www.theglobeandmail.com/world/article-eritreas-strife-goes-global-as-diasporas-including-those-in-canada/> [York and Dickson].

⁸⁴ Ibid.

⁸⁵ Berhane and Tyyskä, supra note 61 at 79.

“Participants expressed a number of fears: safety of family members in Eritrea; safety of their passage to Canada; and the threatening presence of [coercive transnational governance] in their lives in Canada, through the acts of the consulate and suspected community collaborators. All participants believe that any activity they engage in Canada can negatively affect the fate of their family. They do not feel free or secure to reject or criticize the demands of the Eritrean consulate in Toronto, despite the protection they are provided by the Canadian government...

...many Eritrean refugees live in a state of fear for their family members who still live in Eritrea. Since those refugees do not know how the system can protect them, they censor their conversations and activities and restrain themselves from complaining to Canadian law enforcement agencies for fear of retaliation to their loved ones by the Eritrean government. Even though they live in a presumably free and democratic society, they do not feel liberated.”⁸⁶

Fear for their loved ones in Eritrea was a central in the lives of those interviewed by Berhane and Tyyskä:

“They do not want their family members to be punished by the Eritrean government for disobeying the Eritrean consulate in Canada. They do not want their issues to end up in the public domain so that the Eritrean regime could retaliate against their loved ones. Those refugees do not see a shield of Canadian police that can protect them from this coercive transnational governance.”⁸⁷

Eritreans living in Canada may fear that if they report their complaints regarding transnational repression, their family members could be tortured, arrested, or forced to

⁸⁶ Ibid at 83.

⁸⁷ Ibid.

pay, in reprisal.⁸⁸ There are several ways that the Eritrean regime retaliates against the families of human rights advocates and political dissidents still living in the country, including “by forcing them to pay a fine or face time in prison, and us[ing] its institutions abroad to maintain political control and governance through fear from a distance.”⁸⁹ This is another common tactic employed by authoritarian states engaged in transnational repression. As members of various diaspora communities have reported, authoritarian states may engage in threats of retaliation as well as actual violence committed against their family members still living in their countries of origin, carried out in response to their advocacy work or political dissidence.⁹⁰

It appears also that the Eritrean regime’s approach to transnational repression may engage community organizations. Another Eritrean refugee interviewed by Berhane and Tyyskä stated that the Eritrean consulate interfered in the business of the community centres that provide settlement services to newcomers:

“The concern I have with the consulate is that they mix their consular business with the community groups, which are supposed to be non-partisan and non-divisive, focusing on the settlement needs of newcomers. To Canadians, the Canadian government, and the media, these groups look like communities from outside, but they are politically polarized; they use different tactics in isolating people who speak up about what happened to them under the regime.”⁹¹

It is with this context in mind that we turn to current events warranting further investigation – namely, events that purport to be Eritrean cultural festivals that in actuality may assist in

⁸⁸ Ibid.

⁸⁹ Ibid at 79.

⁹⁰ See for example *Combating Transnational Repression*, supra note 72 at 18, citing Nate Schenkkan and Isabel Linzer, “Out of Sight, Not Out of Reach: The Global Scale and Scope of Transnational Repression” (February 2021), Freedom House, at 23, 28, 36.

⁹¹ Berhane and Tyyskä, supra note 61 at 83.

facilitating the continued transnational repression of Eritrean refugees in Canada and around the world.

PART II. ERITREAN FESTIVALS

The events that have arisen in recent years in Canada and internationally, purporting to be harmless celebrations of Eritrean culture, merit serious examination. These events – which have been held in cities across the globe including in Stockholm, Giessen, Seattle, and Tel Aviv, as well as in Canadian cities including Toronto, Edmonton, and Calgary⁹² – have repeatedly resulted in violence and physical injury. For example, at an event in Stockholm in August 2023, more than 50 people were injured.⁹³ In September 2023, events were held in two Swiss cities “despite warnings from authorities”, and 12 people were taken to hospital following the first event in Opfikon, Switzerland.⁹⁴ On August 5th, 2023, an event was held in Toronto that was to run until August 7th; following the eruption of violent clashes, resulting in multiple injuries, the City of Toronto revoked the event’s permit.⁹⁵ Several individuals were

⁹² “Giessen Eritrea festival clashes leave 26 police officers injured” (9 July 2023), online: *BBC News* <www.bbc.co.uk/news/world-europe-66145900> [“Giessen Eritrea festival clashes leave 26 police officers injured”]; “Dozens injured after protestors storm Eritrean festival in Stockholm”, (3 August 2023), online: *The Guardian* <www.theguardian.com/world/2023/aug/03/dozens-injured-after-protesters-storm-eritrean-festival-in-stockholm> [“Dozens injured after protestors storm Eritrean festival in Stockholm”]; “Eritrean festival canceled by Toronto following outbreaks of violence” (7 August 2023), online: *The Guardian* <www.theguardian.com/world/2023/aug/07/toronto-eritrean-festival-canceled-human-rights-violation-> [“Eritrean festival canceled by Toronto”]; “More than 150 injured in clash at Eritrean Embassy event in Tel Aviv”, (2 September 2023), online: *The Washington Post* <www.washingtonpost.com/world/2023/09/02/eritrean-embassy-tel-aviv-independence/> [“More than 150 injured in clash at Eritrean Embassy event in Tel Aviv”]; “Edmonton Eritrean festival sees multiple injured in violent clashes” (19 August 2023), online: *Globe and Mail* <www.theglobeandmail.com/canada/article-edmonton-eritrean-festival-sees-multiple-injured-in-violent-clashes/> [“Edmonton Eritrean festival sees multiple injured”]; “‘There has to be consequences’: Falconridge brawl leaves residents shaken”, 4 September 2023), online: *Calgary Herald* <calgaryherald.com/news/local-news/eritrean-conflict-falconridge-violent-clash-consequences> [“‘There has to be consequences’”].

⁹³ “Dozens injured after protestors storm Eritrean festival in Stockholm,” supra note 92.

⁹⁴ “Zurich police intervene after clashes between groups of Eritreans” (3 September 2023), online: *swissinfo.ch* <www.swissinfo.ch/eng/business/police-intervene-after-clashes-between-200-people-near-zurich/48782286> [“Zurich police intervene”].

⁹⁵ “Eritrean festival canceled by Toronto,” supra note 92.

injured and sent to hospital when violence erupted at a similar event in Edmonton on August 19th, 2023.⁹⁶ A violent brawl involving an estimated 150 people broke out in Calgary at yet another event in September 2023, resulting in injuries and damage to several local businesses.⁹⁷

There have been competing narratives concerning the violence at these events, and indeed concerning the nature of the events themselves. Supporters of the events and event organizers characterize them as harmless celebrations of Eritrean culture. For instance, in an interview with CBC, Chair of the Coalition of Eritrean Canadian Communities and Organizations (CECCO) Lambros Kyriakakos disagreed with characterizing the events as pro-regime or ideological. He stated that the events have “been running for 40 years and [have] been always a gathering, celebration of friendship, culture, identity, pride of identity for the new generation, connection to homeland and connection to the wider community”.⁹⁸ Kyriakakos told CBC that fundraising is not the main aim of the events, but that any money that is raised goes to poverty alleviation initiatives and assisting victims of war.⁹⁹ CECCO co-organized the festivals in Edmonton and Toronto.¹⁰⁰

On the other hand, critics of the events characterize the events as pro-regime and propagandistic, and another form of Eritrean transnational repression in Canada and across the globe. One community member told media about the events in Switzerland:

“We fled from the regime here to Switzerland and we are protected here. It can’t be that the regime persecutes us and makes propaganda videos and propaganda festivals here.”¹⁰¹

⁹⁶ “Edmonton Eritrean festival sees multiple injured,” supra note 92.

⁹⁷ “There has to be consequences,” supra note 92.

⁹⁸ Stephen Cook, “Why Eritreans in Canada are clashing at festivals” (23 August 2023) online *CBC News* <www.cbc.ca/news/canada/edmonton/why-eritreans-in-canada-are-clashing-at-festivals-1.6944229?__vz=medium%3Dsharebar> [Cook].

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

¹⁰¹ “Zurich police intervene”, supra note 94.

In September 2023, when more than 150 members of the Eritrean diaspora and dozens of police were injured when violence broke out at an event in Tel Aviv that was sponsored by the Eritrean Embassy,¹⁰² an activist told the Washington Post:

“...the regime and its supporters want to dance in front of us and glorify the war that our sisters and brothers were forced to die in. They are far from being peaceful. They are being used as a propaganda platform for the regime.”¹⁰³

In an interview with CBC News last year, Zeraslasie Shiker, a former Eritrean diplomat who came to the United Kingdom as an asylum seeker and is now pursuing his PhD at University of Leeds in diaspora political activism, shared that “although Eritrean cultural festivals have been happening worldwide for many decades, many have been hijacked by the state to spread its message and raise funds.”¹⁰⁴ Shiker stated that he sees the Eritreans who protest at these events to be “disrupting the transnational institutions of the totalitarian state” and asserts that that is how readers “need to see the local to global connections of these movements.”¹⁰⁵

Although a fulsome investigation is required to look into this issue, a preliminary review of the available evidence militates in favour of the latter narrative.

On March 11th, 2023, Afwerki made statements during an interview with Eri-TV regarding Eritrean organizations abroad and the government’s view as to their role, explaining that “the various organizations in the diaspora are considered part of the Eritrean Defence Forces.”¹⁰⁶ In Norway, it has been reported that the Eritrean regime has taken control over community organizations to form a “repressive apparatus.” In its report, Proba stated:

¹⁰² “More than 150 injured in clash at Eritrean Embassy event in Tel Aviv,” supra note 92.

¹⁰³ Ibid.

¹⁰⁴ Cook, supra note 98.

¹⁰⁵ Ibid.

¹⁰⁶ See the interview online: <www.youtube.com/live/ZGIJdv91jjc?si=Q8sTBL_x_PUTggG->>.

“Our informants tell us that the Eritrean authorities attach great importance to taking control of the exile communities and organizations, including in Norway. The procedure can be described as a "coup" of the governing bodies of the organizations...A representative of the Eritrea Committee states that pro-regime organizations are part of a repressive apparatus that are actually propaganda institutions in Norway for the regime in Eritrea.”¹⁰⁷

It appears that the Eritrean regime may also exert notable influence through its consulates around the world, including in relation to these events. Eritrean consulates in other parts of the world have been directly linked to the events. For example, news outlets reported that an event held in September 2023 in Tel Aviv, which resulted in violence, was in fact sponsored by the Eritrean Embassy.¹⁰⁸

The presence or involvement of Eritrean officials at these events appears to be a common theme. Groups that opposed an event that took place on July 27th, 2022 in Sion, Switzerland noted that the main attraction of the event appeared to be the presence of individuals linked to the EDF.¹⁰⁹ On July 8th-9th, 2023, a similar event was held in Giessen, Germany.¹¹⁰ The Eritrean Information Minister posted about the Giessen event on X (formerly known as Twitter) noting that it would be “graced by presence of Governors of all six Regions from the Homeland”.¹¹¹

Where events are not directly run or sponsored by the Eritrean embassy, they may be indirectly involved. This is indicated by the potential ties between sponsoring organizations and the Eritrean state apparatus. One illustrative example is the reported involvement of the

¹⁰⁷ Proba Report, supra note 54 at 28.

¹⁰⁸ “More than 150 injured in clash at Eritrean Embassy event in Tel Aviv,” supra note 92.

¹⁰⁹ Letter from the Collective of the Eritrean Community in Switzerland to Conference of Cantonal Directors for Justice and Police (22 August 2022), online: <www.mekaleh-eritra.org/index.php/homepage-3/news-english/366-appeal-to-the-swiss-authorities-to-cancel-pfdj-festival>.

¹¹⁰ “Giessen Eritrea festival clashes leave 26 police officers injured,” supra note 92.

¹¹¹ See Yemane Meskel’s public post on X, <www.twitter.com/hawelti/status/1677726840847302658>.

Eritrean National Holidays Organizing Committee (ENHOC). Although little is publicly available to describe the activities or functions of ENHOC, it is our understanding that it is a body that organizes events aimed at the Eritrean diaspora in Canada. It appears that it may operate from the Eritrean Consulate office in Toronto as it has used the Consulate's mailing address and email address on communications.¹¹²

It appears that ENHOC and its affiliated organizations have organized or hosted events in partnership with the Eritrean Consulate in the past. In August 2018, for example, the "Festival Eritrea Eastern Canada in City of Toronto 2018" was advertised on Facebook, with a description that listed the Eritrean Consulate and ENHOC as the organizers.¹¹³ ENHOC has also expressed broad support for these events, including those hosted by the Eritrean Consulate. In August 2023, ENHOC issued a press release, which was shared by CECCO on X (formerly known as Twitter), and which included the following statement regarding the involvement of the Consulate in Toronto in the event:

"For decades, the Festival has been conducted peacefully at Earlescourt Park and other locations within Toronto, facilitated in collaboration with the Eritrean Consulate General. This enduring partnership, rooted in shared principles, seeks to strengthen the bond between Canadians of Eritrean heritage and Eritrea."¹¹⁴

Another illustrative example is the reported involvement of CECCO, which as noted above, co-organized the festivals in Edmonton and Toronto.¹¹⁵ CECCO is an organization that operates across Canada. It describes itself as a "national body that represents Eritrean-

¹¹² See for example the address provided for ENHOC on its header at <www.dehai.org/archives/dehai_news_archive/jun-dec12/att-0404/Toronto_Eritrean_Festival_2012_-_Invitation_to_Eritrean_Businesses_in_Toronto.pdf>; see also, <www.consulateofritrea.ca/about/>.

¹¹³ See the event invitation on Facebook here: <www.facebook.com/events/s/festival-eritrea-eastern-canad/235312710396533/>.

¹¹⁴ See ENHOC's press release, posted on X (formerly known as Twitter) by CECCO, <<https://twitter.com/EritreaCanada/status/1692157498545852886/photo/1>>.

¹¹⁵ Cook, *supra* note 98.

Canadian communities, Eritrean Canadians and Eritrean Canadian organizations in Canada” with the purpose of fostering good relations between the two countries.¹¹⁶ Its partner organizations, which it refers to as its “coalition members,” include the Eritrean Canadian Association of Ontario; the Eritrean Canadian Community of the Prairie Inc; the Eritrean Cultural and Civic Centre of Calgary; the Eritrean Community Cultural Centre of London; the Eritrean Community in Quebec; the Eritrean Community in Winnipeg Inc; and the Eritrean Cultural Centre of Greater Vancouver.¹¹⁷ CECCO Chair Lambros Kyriakakos has publicly supported the collection of the ‘diaspora tax’ and has made representations to a House of Commons subcommittee to that effect.¹¹⁸

In other instances, information that shows the Consulate’s involvement in events is less obvious but concerning nonetheless. For example, communications from CECCO regarding a fundraiser held by the organization to support Eritrean efforts regarding COVID-19 have used the Consulate address and email address to direct donations, instead of a CECCO address.¹¹⁹

Although each foreign government engaged in transnational repression has its own approach, it can be useful to look at potential similarities to identify patterns in the behavior of interfering regimes. It is noteworthy that authoritarian governments often carry out transnational repression through their consulates, embassies, and related community organizations abroad. China’s transnational repression activities, for example, “are embedded in a broader framework of influence that encompasses cultural associations,

¹¹⁶ “About Us” (2020), online: *Coalition of Eritrean Canadian Communities and Organizations* <www.eritreacanada.ca>.

¹¹⁷ “Communities” (2020) online: *Coalition of Eritrean Canadian Communities and Organizations* <www.eritreacanada.ca/communities>.

¹¹⁸ See for example when Mr. Kyriakakos appeared before the Subcommittee on International Human Rights expressing support for the collection of the diaspora tax and disapproval of the federal government’s adoption of sanctions against Eritrea (Lambros Kyriakakos, Subcommittee on International Human Rights (3 June 2014), online: <openparliament.ca/committees/international-human-rights/41-2/31/lambros-kyriakakos-1/only/>).

¹¹⁹ See “COVID-19: Call for Action!” (2020), online: CECCO, <<https://web.archive.org/web/20230807102844/http://www.eritreacanada.ca/covid-19>>.

diaspora groups and in some cases, organized crime networks”, as well as student groups.¹²⁰ The Uyghur community, which is persecuted by the Chinese Communist Party (CCP) in China and subject to transnational repression in Canada, has experienced acts of transnational repression which appears to be facilitated by the Chinese consulate.¹²¹

President Afwerki has made remarks encouraging Eritreans inside and outside the country to support the EDF.¹²² For example, he said on Eri-TV on March 11th, 2023, that the diaspora is an inseparable mosaic with the defense forces, and that everyone must carry a gun (Kalashnikov) in one hand and a work tool in the other.¹²³

Concerningly, it appears that youth have been engaged in the celebration and promotion of Eritrean military activity at at least some of these events. One striking example is an event held in 2022 by the Greater Toronto Eritrean-Canadian Community Centre, where teenagers appear to have been given fake guns to simulate a military victory.¹²⁴ For many Eritrean community members opposed to the actions of the regime, this is seen as an indoctrination of young Eritrean people living abroad into the violent militaristic approach of the government. The glorification of violence in such celebrations is re-traumatizing for community members who have fled the country.

The creation of youth or student groups, sometimes connected to consulates or other community organizations, is another practice employed by other authoritarian governments

¹²⁰ Combatting Transnational Repression, *supra* note 72, at 18, citing Nate Schenkkan and Isabel Linzer, “Out of Sight, Not Out of Reach: The Global Scale and Scope of Transnational Repression” (February 2021), Freedom House, at 16.

¹²¹ *Ibid* at 33, citing Canadian Coalition on Human Rights in China and Amnesty International Canada, “Harassment & Intimidation of Individuals in Canada Working on China-related Human Rights Concerns” (March 2020), at 41.

¹²² See: <http://www.youtube.com/live/ZGIJdv91jjc?si=Q8sTBL_x_PUTggG-> starting at the 49:00-minute mark; a short clip of this video, with a translated message shared by Martin Plaut, is available on X (formerly known as Twitter), <<https://twitter.com/martinplaut/status/1764552391314096507>>.

¹²³ *Ibid*.

¹²⁴ Please see video online: <www.facebook.com/watch/?v=243257881872686>.

engaged in transnational repression in Canada. For example, the CCP and its proxies in Canada are known to engage Chinese international students in acts of transnational repression against what the CCP has labelled the “Five Poisons.”¹²⁵ The Chinese state apparatus has identified overseas students as one of the 12 target groups that require ideological guidance and promotion of CCP policies.¹²⁶ The CSSA is a student group that operates on hundreds of university campuses around the world, including in Canada, and are often backed or closely tied to Chinese embassies and consulates.¹²⁷ Chinese students have also been mobilized to harass Tibetan and Uyghur students on university campuses, similar to the encouragement and potential mobilization of young Eritreans to aggressively defend pro-regime events.¹²⁸

Once again, it is common for acts of transnational repression by authoritarian regimes to result in deep divides within diaspora communities, as well as the instigation of violence within these communities against persecuted groups. This not only results in very real harm and injury, but also the isolation of targeted groups, cutting them off from community support and effectively silencing their voices in their countries of residence.¹²⁹ Other authoritarian governments have also organized events that disparage persecuted groups. The Falun Gong community, targeted by the CCP in China and abroad, has reported that the Chinese Consulate in Toronto has displayed anti-Falun Gong materials at “exhibitions” they hosted that mimic the rhetoric of the CCP and has encouraged pro-CCP organizations to host rallies at which anti-Falun Gong hate slogans are chanted.¹³⁰

The possible continued collection of the ‘diaspora tax’ at these events is a concern, as there are reports of demands to pay the tax “at many of the Eritrean festivals worldwide”.¹³¹ The

¹²⁵ Combatting Transnational Repression, *supra* note 72 at 20.

¹²⁶ *Ibid* at 78.

¹²⁷ *Ibid* at 79.

¹²⁸ *Ibid* at 81-82.

¹²⁹ Combatting Transnational Repression, *supra* note 72 at 15.

¹³⁰ Falun Dafa Association of Canada, “Foreign Interference & Repression of Falun Gong in Canada” (October 2023), at 24-27, 33-34.

¹³¹ York and Dickson, *supra* note 83.

collection of the ‘diaspora tax’ remains a significant issue around the world. In 2022, a group of parliamentarians in the United Kingdom called for an investigation into the collection of the ‘diaspora tax’ which they feared was being collected to fund Eritrea’s participation in the war in Ethiopia.¹³² The issue was addressed yet again by the Special Rapporteur on the situation of human rights in Eritrea in 2023:

“The Special Rapporteur welcomes the efforts made by several European States to protect Eritreans against coercion by Eritrean diplomatic missions and officials in host countries into paying the 2 per cent “recovery and rehabilitation tax”. The Special Rapporteur stresses that, while States are entitled to tax their nationals, including nationals residing abroad, the system for the exaction of the 2 per cent tax is inherently coercive and results in the abuse of vulnerable Eritreans. As previously documented by the Special Rapporteur, for Eritrean refugees and members of the diaspora, failure to pay 2 per cent of their global income results in the denial of access to all documentation, certificates and basic services necessary for Eritreans living in the diaspora, as well as their family members. As a result, Eritreans in the diaspora and their families in Eritrea are denied access to their fundamental human rights, which is conditional on the payment of the tax and the signing of a “regret form”. In some instances, the requirement to pay the tax is accompanied by threats and harassment. The Special Rapporteur encourages countries hosting Eritreans to adopt measures to protect them against this practice.”¹³³

PART III. IMPACT ON THE ERITREAN DIASPORA

Eritrean refugees living in Canada have endured great hardship fleeing their home country to escape the authoritarian regime and are often re-traumatized by the violence perpetrated

¹³² “Stop Eritrea’s ‘war-funding diaspora tax,’” supra note 49.

¹³³ Report of the Special Rapporteur, supra note 3 at para 74.

at the events at issue. Without concrete action or intervention, tensions are likely to escalate at such events in the future, putting the safety and well-being of the Eritrean Canadian community at risk.

In addition to the risks of physical injury, the perpetration of violence at the events in combination with the long-held practice of enforcing the ‘diaspora tax’ and engaging in other forms of transnational repression, has created an environment of intimidation and fear within the Eritrean community in Canada, particularly among those who oppose the actions of the regime and are most vulnerable to transnational repression. The impact of transnational repression on pro-democracy members of the Eritrean diaspora was aptly summarized by Mahdere Berhe in a 2024 interview with The Globe and Mail:

“Eritrean Canadians often face intimidation, surveillance and threats of reprisals at these government-linked events, Mr. Berhe said. If they are deemed to be disloyal in their political views, the regime can punish their families in Eritrea by confiscating their property or businesses, jailing them, denying services to them or even prohibiting their relatives from being sent to their homeland for burial, he said. ‘It’s like you run away from the regime and the regime is right here in Canada re-traumatizing you,’ Mr. Berhe said. ‘That’s basically how the government in Eritrea is controlling the diaspora everywhere in the world. ... Canadian officials are not doing enough to block the foreign interference.’”¹³⁴

PART IV. RECOMMENDATIONS

We submit that it would be beneficial for the Canadian government to pursue the following courses of action to address the events at issue, as well as the transnational repression faced by the Eritrean diaspora in Canada more broadly:

¹³⁴ York and Dickson, *supra* note 83.

1. Study the issue in the House of Commons

A fulsome study should be conducted into the activities of the Eritrean regime, including the transnational repression activities of the Eritrean regime, and any potential proxy organizations in Canada. This study should also include an investigation into the cultural events at issue, considering competing narratives about their nature and purpose. This is consistent with the recommendations of international human rights bodies. For instance, in 2023, the UN Special Rapporteur on the situation of human rights in Eritrea stated that it is critical to closely scrutinize the Eritrean regime and provide protection and support to Eritrean diaspora who are targeted by the regime:

“The Special Rapporteur recommends that member States and international organizations:

- (a) Keep Eritrea under close scrutiny until consistent, verified and tangible improvements have been made with regard to the human rights situation
...
- (h) Support Eritrean human rights defenders and civil society organizations in their efforts to promote human rights in Eritrea and to support Eritrean refugees and asylum-seekers in host countries, as well as Eritrean victims of human rights violations in their search for justice...”¹³⁵

Neither the Canadian Subcommittee on International Human Rights nor the Standing Committee on Foreign Affairs and International Trade have met to hear issues regarding Eritrea for over a decade. In February 2013, the Subcommittee on International Human Rights convened to discuss the human rights situation in Eritrea.¹³⁶ In May 2005 the Standing Committee on Foreign Affairs and International Trade met to discuss the Eritrea-Ethiopia

¹³⁵ Report of the Special Rapporteur, supra note 3 at para 80.

¹³⁶ See <www.ourcommons.ca/Committees/en/SDIR/StudyActivity?studyActivityId=4486672>.

Border question, but it does not appear they have met to discuss issues related to Eritrea since.¹³⁷ It is high time that one or both of these House of Commons Committees turn their attention once again to the experience of Eritreans, in particular members of the Eritrean diaspora who are subject to transnational repression in Canada.

Although outside of the scope of recommendations for federal government action, we note that municipalities may wish to stop the hosting of events in their cities, in the interest of protecting public safety, until the completion of a fulsome study.

2. Provide physical and psychological support services to victims

Given the prevalence of violence at the events, federal police as well as psychological support services should be provided to help ensure the safety of Eritreans who have fled the regime. This will be crucial if future events are allowed by the municipalities to proceed, but this is also important as a general protective measure to this community that is subjected to transnational repression.

Proper protection requires proper training for law enforcement and security personnel when it comes to responding to threats of transnational repression. Often victims of transnational repression do not trust Canadian authorities due to the failure of law enforcement to protect them or prevent future incidents of transnational repression. An important aspect of working more effectively with targeted communities and building their trust is ensuring their physical protection. Victims may require physical protection but when they seek it, are often told that they should hire private protection to ensure their safety.¹³⁸ This is not an appropriate response, especially considering that victims may face financial barriers associated with their being refugees in Canada. Freedom House states that authorities should review the

¹³⁷ See <www.ourcommons.ca/Committees/en/FAAE/StudyActivity?studyActivityId=1172920>.

¹³⁸ Combatting Transnational Repression, *supra* note 72 at 144.

processes for issuing warnings and assigning police protection in response to threats of transnational repression.¹³⁹

To properly respond to threats of transnational repression, all law enforcement officers should be trained. As explained by Human Rights Action Group (HRAG) and Secure Canada in their report *Combating Transnational Repression and Foreign Interference in Canada*:

“Where police must physically respond to incidents, clear standards should be established to ensure that police responses are legally justified. There should be specific training to ensure that law enforcement does not breach the Charter rights of either victims or alleged perpetrators. It is possible for law enforcement officers to unwittingly become involved in further human rights abuses against targeted individuals. Deliberate, serious, or repeated breaches of these rights should be met with disciplinary consequences. In addition, government and police responses to incidents of transnational repression should be subject to independent civilian oversight. This type of oversight may strengthen public confidence in Canadian law enforcement officials. More funding to police services and the establishment of new criminal legislation may unwittingly result in the criminalization of immigrants and refugees, and the targeting of diaspora communities. Civil society organizations and refugee organizations must be consulted to ensure that adequate safeguards are in place to avoid targeting and further harming refugees and others vulnerable to transnational repression.”¹⁴⁰

Beyond physical protections, Eritrean victims of transnational repression, even where an act of transnational repression cannot be proven, should also be offered psychological and mental health supports by those who have been trained on issues of transnational repression. It is particularly important that Eritrean youth who have been exploited by the

¹³⁹ Ibid.

¹⁴⁰ Ibid at 148-149.

regime and its potential proxies be provided this kind of support. As noted by HRAG and Secure Canada in their report:

“Facing the wrath of repressive regimes can be traumatizing, and the needs of victims should be centered when responding to transnational repression. Lack of assistance to help individuals deal with and recover from that trauma may have severe consequences. It may affect victims’ social participation and ability to integrate into society. There should be mechanisms available for victims to receive psychological assistance. Mental health professionals working with these individuals should be specifically trained on what this harm is and how it works. Additionally, this assistance should be offered in a variety of languages, as some victims may not speak English with enough fluency to describe their trauma with nuance, and/or to feel comfortable.”¹⁴¹

3. Bar perpetrators of transnational repression from Canada

Various provisions of the *Immigration and Refugee Protection Act* (IRPA) may apply to bar from entry individuals engaged in acts of transnational repression against the Eritrean diaspora in Canada. Individuals may be held inadmissible for engaging in acts of espionage; engaging in acts of subversion against a democratic government, institution or process; being a danger to the security of Canada; engaging in acts of violence; or being a member of an organization that engages in any of the above.¹⁴²

Diplomatic or consular staff engaged in acts of transnational repression may also be expelled from Canada using the *Foreign Missions and International Organizations Act*.¹⁴³ This Act provides that any member of a consular or diplomatic staff can be declared *persona*

¹⁴¹ Ibid at 145.

¹⁴² *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, s 34 (1) (a), (b.1), (d)-(f) [IRPA].

¹⁴³ *Foreign Missions and International Organizations Act*, S.C. 1991, c. 41.

non grata, for any reason, or without giving a reason.¹⁴⁴ These provisions can and should be utilized to bar or remove individuals engaged in transnational repression, including that which is perpetrated against Eritrean diaspora, where appropriate.

An individual may also be held inadmissible if they misrepresented on their application to enter Canada.¹⁴⁵ If an individual is found inadmissible under IRPA for any reason, they could lose their status and face removal from Canada. The Refugee Protection Division can also revoke someone's refugee status by vacating a decision to grant refugee protection, "if it finds that the decision was obtained as a result of directly or indirectly misrepresenting or withholding material facts relating to a relevant matter."¹⁴⁶ If a perpetrator of transnational repression entered Canada as a refugee, and they misrepresented in this manner, their status may also be subject to revocation on this basis.

4. Impose sanctions in response to gross human rights violations

As a result of longstanding repression in Eritrea, in 2010 Canada imposed sanctions related to Eritrea under the *United Nations Act*.¹⁴⁷ The sanctions included prohibitions on "sale, supply or transfer of arms and related material to Eritrea", and assets freezes and travel bans.¹⁴⁸ However, the sanctions were repealed by Canada in June 2020¹⁴⁹, following the signing of a peace agreement between Ethiopia and Eritrea which led to the UN Security

¹⁴⁴ Combatting Transnational Repression, *supra* note 72 at 138.

¹⁴⁵ *Ibid* at s 40.

¹⁴⁶ *Ibid* at s 109(1).

¹⁴⁷ "Canadian Sanctions Related to Eritrea", online: *Government of Canada*, <https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/eritrea-erythree.aspx?lang=eng>.

¹⁴⁸ *Ibid*.

¹⁴⁹ *Ibid*.

Council agreeing to lift sanctions against Eritrea.¹⁵⁰ The Ethiopia-Eritrea peace agreement also landed Ethiopian Prime Minister Abiy Ahmed the Nobel Peace Prize in 2019.¹⁵¹

Notably, the peace agreement between Ethiopia and Eritrea was only signed after Abiy Ahmed became Ethiopia's Prime Minister; Eritrea was not at peace with Ethiopia when Ethiopia was ruled by the Tigray People's Liberation Front (TPLF), the prior ruling party until 2018. Given Abiy's launching of war on Tigray shortly thereafter, and the demonstrated involvement of Eritrean forces in the atrocities being committed against Tigrayans, the significance of the signing of the Ethiopia-Eritrea peace agreement appears diminished. The Afwerki regime and the EDF simply carried on waging war against the Tigrayan faction, and according to ICHREE, in a staggeringly brutal fashion.¹⁵² Further, Eritreans continue to face ruthless repression by the regime, in Eritrea, Ethiopia, and abroad.¹⁵³

In light of this, the imposition or reimposition of sanctions by Canada related to Eritrea can and should be considered. This may take a similar form to the 2010 sanctions if Canada, perhaps along with other like-minded countries, pushes for the UN Security Council to reimpose sanctions on Eritrea, or alternatively Canada can use its Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law) or a regulation passed under the Special Economic Measures Act to impose targeted sanctions on Eritrean officials responsible for gross violations of internationally recognized human rights.

¹⁵⁰ "Sanctions are being lifted against Eritrea. Here's why" (2018), online: *The Conversation*, <<https://theconversation.com/sanctions-are-being-lifted-against-eritrea-heres-why-106881>>.

¹⁵¹ "Nobel body criticizes Ethiopian prime minister, a Peace Prize winner, over Tigray war" (2022), online: *NPR*, <<https://www.npr.org/2022/01/13/1072860337/nobel-peace-prize-ethiopian-prime-minister>>; "Nobel Peace Prize Goes To Ethiopia's Prime Minister Abiy Ahmed" (2019), online: *NPR*, <<https://www.npr.org/2019/10/11/769191358/nobel-peace-prize-goes-to-ethiopias-prime-minister>>.

¹⁵² ICHREE 2023 Report, *supra* note 27 at 83.

¹⁵³ *Ibid*; Report of the Special Rapporteur, *supra* note 3; Repression Without Borders, *supra* note 31.

5. Adopt the other recommendations proposed by HRAG and Secure Canada

In their report *Combatting Transnational Repression and Foreign Interference in Canada*, HRAG and Secure Canada conclude with several recommendations for legal and policy changes and other actions that would benefit Eritrean diaspora members affected by transnational repression, as well as other targeted communities. All 37 recommendations contained therein should be adopted, including the recommendations to criminalize refugee espionage,¹⁵⁴ criminalize online harassment and digital violence,¹⁵⁵ implement a Foreign Agents Registry,¹⁵⁶ create a dedicated agency to address the issue of transnational repression,¹⁵⁷ and create a dedicated hotline for reporting incidents of transnational repression, with robust and diverse language capabilities.¹⁵⁸

¹⁵⁴ *Combatting Transnational Repression*, supra note 72 at 135-136.

¹⁵⁵ *Ibid* at 136-137.

¹⁵⁶ *Ibid* at 138-140.

¹⁵⁷ *Ibid* at 130-131.

¹⁵⁸ *Ibid* at 131-132.