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Immigration and Refugee Board of Canada

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Responses to Information Requests

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10 September 2014

ERI104941.E

Eritrea: Situation of people returning to the country after they spent time abroad, claimed refugee status, or sought asylum (2012-August 2014)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In a statement delivered at the Third Committee of the 68th Session of the UN General Assembly, the Permanent Representative of Eritrea to the UN indicated that, concerning returnees,

Eritrea maintains a policy of voluntary repatriation of its nationals wherever they may be. And it opposes any forced repatriation or expulsions. Eritreans who are repatriated face no persecution and are encouraged and assisted to reintegrate to their respective families and societies. (Eritrea 24 Oct. 2013, 3)

The Constitution of Eritrea of 23 May 1997 includes provisions related to a person's right to life and liberty, human dignity, and privacy, as well as clauses related to arrest, detention and fair trial (Eritrea 1997, Art. 15-18). Sources indicate that the provisions of the Constitution of Eritrea have not been implemented (US 27 Feb. 2014, 13; Human Rights Watch 20 June 2013).

The US Department of State's *Country Reports on Human Rights Practices for 2013* indicates that, "[i]n general, citizens had the right to return," but those who either broke the law while abroad, are infected with a contagious disease, or had their refugee application rejected by a foreign country "had their visas and visa requests to enter [Eritrea] considered with greater scrutiny" (US 27 Feb. 2014, 14). In correspondence with the Research Directorate, a professor of African studies and political science at Pennsylvania State University, who has published books and articles about Eritrea and the Horn of Africa, indicated that Eritreans who were authorized by the Eritrean government to leave the country do not face problems when they return, unless they engaged in anti-government activities while abroad (Professor 26 Aug. 2014). Amnesty International (AI) also indicates that "[s]uspected or actual" government opponents are "at risk of detention" upon their return (AI May 2013, 30).

The Professor said that Eritreans who left the country irregularly were at a "very high risk of persecution" upon return to Eritrea, and that they face imprisonment and are closely monitored "if released from prison" (26 Aug. 2014). The Professor added that they would be considered "disloyal and unpatriotic," which is a "big mark on someone's ability to live a normal life" in Eritrea (ibid.). Similarly, a paper published by van Reisen et al. [1] indicates that Eritreans who left the country irregularly face prosecution, persecution, imprisonment, or torture upon their return (4 Dec. 2013, 49, 55). For additional information on the irregular crossing of Eritrean borders, consult the Response to Information Request ZZZ104862.

In correspondence with the Research Directorate, Aaron Berhane, publisher and editor-in-chief of the Toronto-based *Meftih* newspaper [2] who was the former editor-in-chief and co-founder of the Eritrean newspaper *Setit* [3], indicated that "[a]ny Eritrean refugee who is deported to Eritrea faces imprisonment" (Berhane 1 Sept. 2014). Similarly, AI indicates that Eritreans who are returned to the country after having their refugee application rejected are arbitrarily arrested and detained without charge (AI June 2013, 3). According to the UN Special Rapporteur on the situation of human rights in Eritrea, failed refugee claimants who are repatriated to Eritrea "usually disappear upon their return" (UN 28 May 2013, para. 45). The UN Special Rapporteur added that failed refugee claimants and asylum seekers are subjected to "torture, cruel, inhuman and degrading treatment or punishment" (ibid., para. 54). The 2014 US Department of State's *Trafficking in Persons Report* states that "[s]ome fleeing Eritreans face being shot and killed by Eritrean ... authorities" (US June 2014, 168). According to

testimonies of returned Eritrean asylum-seekers collected by AI, authorities consider the act of claiming asylum in another country as criticism against the government and such criticism is not tolerated (AI May 2013, 30).

In correspondence with the Research Directorate, an associate professor at the Institute of African Affairs at the German Institute of Global and Area Studies (GIGA), who researches Eritrean militarization and diaspora, indicated that draft evaders who are later returned to Eritrea are labelled as "traitors" by the government and are detained under "inhuman conditions upon their return" (14 Aug. 2014). AI similarly states that Eritreans who are at the age of performing their military service are "particularly at risk" of arrest upon their return to Eritrea (May 2013, 30).

AI also indicates that adherents of religions not recognized by authorities are at risk of detention upon their return (AI May 2013, 30). Corroborating information could not be found by the Research Directorate within the time constraints of this Response.

Sources indicate that the arrest of Eritrean returnees can take place immediately upon their return (Berhane 1 Sept. 2014; AI May 2013, 30). Detainees may be held incommunicado (*ibid.*; UN 28 May 2013, para. 54). According to the UN Special Rapporteur, they are imprisoned without access to family members, lawyers, or doctors, and without legal procedure (*ibid.*). Detention conditions are characterized by unhygienic environment, poor food quality and water supply, and sometimes underground cells without the possibility to see the daylight (*ibid.*, para. 52). Human Rights Watch indicates that former prisoners describe the existence of underground cells or shipping containers with "oppressive heat and insects" (20 June 2013).

Speaking about the forced return of Eritreans from Sudan, the UNHCR spokesperson indicated that the UNHCR does not have monitors in the country (UN 4 July 2014). According to AI, "it is difficult to follow the cases and discover the fate of many forcibly returned asylum-seekers" due to the lack of transparency on, and the failure of authorities to inform families of, detentions (May 2013, 30).

A Human Rights Watch researcher who conducts research on Eritrea and was interviewed by *The Guardian* indicated that "[t]orture is widespread in Eritrea and any dissenters are dealt with in the harshest of manners" (quoted in *The Guardian* 27 June 2014). Sources indicate that torture and ill-treatment is inflicted on many returned asylum-seekers (AI May 2013, 30; Berhane 1 Sept. 2014). According to Berhane, "[s]ince the Eritrean government sees returnees as spies and defectors, officials torture them in every way to find something" (*ibid.*). AI indicates that, under torture, or the threat of it, returnees are forced to state that they committed treason by filing refugee applications abroad (AI May 2013, 30). During interrogations, Eritrean officials want to find out how returnees fled the country in the first place, who had assisted them, and what they said in their refugee applications (*ibid.*).

Methods of torture include:

- long periods of time in controlled positions (Berhane 1 Sept. 2014; AI June 2013, 5; UN 28 May 2013, para. 55);
- pistols pointed at detainees during interrogations, exposure to insects (*ibid.*);
- beatings with sticks, whipping with electric wires, being forced to "walk on sharp objects barefoot," or to "roll on the ground over sharp stones" (AI June 2013, 5).

Eritreans who fled the country after they were forcibly returned from Middle Eastern countries told Human Rights Watch that they were beaten when they were returned and that several prisoners in one escapee's group of returnees died from beatings (Human Rights Watch 2014, 115).

Sources indicate that family members of Eritrean draft evaders or deserters are targeted by Eritrean authorities (*ibid.* 20 June 2013; UN 28 May 2013, para. 57). Some families of draft evaders or deserters are fined 50,000 Eritrean nakfas (approximately US\$3,333) (*ibid.*; Human Rights Watch 20 June 2013) under the "policy of 'guilt by association'" (UN 28 May 2013, para. 57).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] Mirjam van Reisen, professor of international social responsibility at Tilburg University, Meron Estefanos, a human rights activist and journalist based in Sweden, who is also the co-founder of the International Commission on Eritrean Refugees, and Conny Rijken, professor of European and international law at Tilburg University (van Reisen et al. 4 Dec. 2013, V). The paper was presented before the European Union Parliament (*Sudan Tribune* 5 Dec. 2013; *International Business Times* 5 Dec. 2013).

[2] *Meftih* describes itself as "the sole, leading Eritrean-Canadian newspaper" (Meftih Enterprises n.d.).

[3] According to the Canadian Journalists for Free Expression (CJFE) organization, *Setit* "was targeted by the Eritrean government after it published a letter by senior government officials criticizing the government in September 2001" (CJFE 24 May 2011).

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Additional Sources Consulted

Oral sources: Attempts to contact the following persons and organizations were unsuccessful within the time constraints of this Response: Canada – Consulate in Eritrea; Eritrea – Embassy in Washington, DC; Eritrean-Canadian Human Rights Group of Manitoba; Human Rights Concern Eritrea; LET Legal Facilitation and Translation Service; professor, London South Bank University; Regional Mixed Migration Secretariat.

The following persons and organizations could not provide information: post-doctoral visiting research fellow, City University of New York; National Documentation Centre at Canada Border Services Agency; professor, University of London.

A professor at Boston University could not provide information within the time constraints of this Response.

Internet sites, including: *Africa Review*; *All Africa*; Asmarino; Bloomberg; British Broadcasting Corporation; Center for the Rights of Ethiopian Women; *The Christian Science Monitor*; Droit.Afrique.com; ecoi.net; Eritrea – Embassy in Washington; Factiva; Freedom House; *The Globe and Mail*; *Haaretz*; Institute for War and Peace Reporting; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; *The Jerusalem Post*; *Jeune Afrique*; Middle East Online; Reporters sans frontières; *The Telegraph*; United Nations – High Commissioner for Refugees; United States – Department of Justice.

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