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ERITREA

Home Office Science and Research Group

COUNTRY OF ORIGIN INFORMATION SERVICE

Country of Origin Information Reports are produced by the Science & Research Group of the Home Office to provide caseworkers and others involved in processing asylum applications with accurate, balanced and up-to-date information about conditions in asylum seekers' countries of origin.

They contain general background information about the issues most commonly raised in asylum/human rights claims made in the UK.

The reports are compiled from material produced by a wide range of recognised external information sources. They are not intended to be a detailed or comprehensive survey, nor do they contain Home Office opinion or policy.

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1. Scope of document

1.01 This Country of Origin Information Report (COI Report) has been produced by Research, Development, Statistics, Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 1 September 2005.

1.02 This COI Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

1.03 This COI Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey.

For a more detailed account, the relevant source documents should be examined directly.

1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the Contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

1.05 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.

1.06 As noted above, this COI Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

1.07 This COI Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more

recent documents. All sources contain information considered relevant at the time this Report was issued. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- 1.08 This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.
- 1.09 COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins (COI Bulletins), which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.
- 1.10 In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

Country of Origin Information Service

Home Office

Apollo House

36 Wellesley Road

Croydon

CR9 3RR

United Kingdom

Email: COIS@homeoffice.gsi.gov.uk

Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

- 1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country information material. The Advisory Panel welcomes all feedback on the Home Office's Country Reports and other country information material. Information about the Panel's work can be found on its website at www.apci.org.uk.
- 1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-

Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Advisory Panel on Country Information

PO Box 1539
Croydon
CR9 3WR
United Kingdom

Email: apci@homeoffice.gsi.gov.uk

Website: www.apci.org.uk

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2. Geography

2.01 Africa South of the Sahara in its 2005 report stated that:

“The State of Eritrea, which formally acceded to independence on 24 May 1993, covers an area of 121,144 sq km (46,774 sq miles)....Eritrea, which has a coastline on the Red Sea extending for almost 1,000 km, is bounded to the north-west by Sudan, to the south and west by Ethiopia, and to the south-east by Djibouti....At mid 2002, according to UN estimates, Eritrea’s population totalled 3,991,000. The population is fairly evenly divided between Tigrinya-speaking Christians, the traditional inhabitants of the highlands, and the Muslim communities of the western lowlands, northern highlands and east coast.”
[1a] (p402)

2.02 The United States Department of State Background Note for July 2005 stated that the estimated population of Eritrea in 2005 was 4.5 million. [4a] (p1)

2.03 Lonely Planet in its guide to Ethiopia, Eritrea and Djibouti published November 2000 noted that the capital is Asmara and the main port cities are Massawa and Assab. Several languages are spoken, including Tigrinya, Tigre and Amharic. Arabic and English are also widely spoken. [32]

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3. Economy

3.01 The CIA World Factbook, updated 27 January 2005, noted that:

“Like the economies of many African nations, the economy is largely based on subsistence agriculture, with 80% of the population involved in farming and herding.... Since the war ended, the government has maintained a firm grip on the economy, expanding the use of the military and party-owned businesses to complete Eritrea’s development agenda. Erratic rainfall and the delayed demobilization of agriculturalists from the military kept cereal production well below normal, holding down growth in 2002. Eritrea’s economic future depends upon its ability to master social problems such as illiteracy, unemployment, and low skills, and to open its economy to private enterprise so the diaspora’s money and expertise can foster economic growth.” [28] (p5-6)

3.02 Afrol News reported on 10 February 2005 that: “A new report on the economic performance of Eritrea indicates that the country is far from stepping out of its economic crisis. The economic detraction of the last six years has been even greater than previously assumed, and Eritrea’s regional isolation has strongly damaged trade.” [16a]

3.03 CARE reported on 25 July 2005 that:

“Like thousands of other women in Eritrea, Meheret Tsegai, a mother of three, lost her husband during the two and a half year border war with Ethiopia that ended in 2000. Humanitarian organizations such as CARE International say that, in more than a third of the households in this Horn of Africa country, widows like Meheret and the wives of serving soldiers are now the sole breadwinners in their families....Meheret explained how a nationwide scheme backed by CARE is helping her and 20 other widows in the small village of Abardae to tackle a role traditionally reserved for the husband in a deeply conservative society. The widows...are pooling their savings as part of a program to help them develop business opportunities.” [30]

3.04 BBC News reported on 14 April 2005 that: “The Eritrean Government is threatening jail terms and large fines for anybody caught using foreign currency. Eritrea has a serious shortage of foreign exchange – which is vital for imports such as oil and food.” [8i]

3.05 IRIN News reported on 20 April 2005 that: “Since the border war with Ethiopia ended in 2000, drought and tensions with its larger neighbour have continued to take a heavy toll on Eritrea’s economy and the welfare of its people, a USAID (US Agency for International Development) official told IRIN in an interview.” [19g]

3.06 Africa South of the Sahara 2005 stated that: “£1 sterling is equivalent to 24.45 nafka”. [1a] (p415)

3.07 Africare states that the: Annual per capita income in Eritrea is \$890. [25]

3.08 CARE reported that:

“However, with a £65,515 grant from Band Aid, CARE International UK is helping 300 vulnerable mainly female-headed households to establish 10 Community-based Savings and Credit Associations (CSCAs) in Eritrea, where 70% of the population lives below the poverty line. The group provides a safety net to households, preventing the sale of household assets (e.g. livestock) in times of need. Typically each member contributes a small amount of money every month. Loans will then be granted to members, as necessary, from the growing fund, and repaid with small interest. Training is provided, including workshops on gender awareness and rights, to improve participation by empowering women with the confidence and skills they need to join and run these associations....Phase one of the project finishes in December 2005 and phase two in June 2006.” [26]

3.09 IRIN News reported on 19 May 2005 that:

“Woldai Futur, Eritrea's current minister for national development and a former World Bank employee, told IRIN that military spending was expected to consume about 17 percent of the 2005 national budget – a high figure compared with international standards, but still much lower than the 50 percent that was spent during the war in 2000....Farmers in the southwestern province of Gash-Barka, Eritrea's main bread basket, told IRIN they could produce much more if their sons who were in the army could help them with irrigation and dam-building during the rainy season. The government argues that soldiers work in state-run and private farms during the agricultural season making up for manpower that otherwise would have been lost.” [19]

3.10 IRIN News reported on 26 August 2005 that:

“The Eritrean government has asked the US Agency for International Development (USAID) to cease its operations in the Horn of Africa country, the US Ambassador said on Thursday in the capital, Asmara....Relations between the aid community and the Eritrean government have become strained in recent months, following the impounding of more than 100 project vehicles and the announcement of a new proclamation requiring aid agencies to pay taxes. The new regulations also require international NGOs to register on an annual basis, to have at least US \$2 million at their disposal in the country and to pay taxes on the import of relief aid items, including food.” [19]

PETROL RATIONING

3.11 The BBC reported on 15 October 2004 that: “Eritrea has banned the sale of petrol to the public because of the rising price of oil on world markets. Information Minister Ali Abu Ahmed said diesel would remain available, but petrol had to be conserved for essential use.” [8e]

3.12 The Foreign and Commonwealth Office assessed in a letter dated 26 April 2005 that petrol is still rationed. [10]

DROUGHT AND FAMINE

3.13 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005 UNHCR stated: “Even though the Government did approve of

the 3 year Integrated Recovery Programme (IRP), there have been problems with regard to resource mobilisation and the IRP has yet to be initiated.” [18b]

- 3.14 The United Nations Children’s Fund (UNICEF) in their report dated 15 July 2004 stated that:

“The first in a series of nutritional surveys was conducted in the first quarter of the year by the MOH [Ministry of Health], with support from six agencies including UNICEF. The results show deterioration in nutritional status of pastoral based groups and slight improvement in southern agricultural based groups....Poor diet contributes to micro – nutrient deficiencies and is of concern for poor growth and development of Eritrean children. This can result in poor cognitive and physical outcomes for generations to come....Some 2.3% of children were found with eye damage, indicating that as many as 7,000 Eritrean children would go blind without Vitamin A supplementation.” [27]

- 3.15 IRIN News reported on 24 November 2004 that:

“Relief agencies have jointly appealed for nearly US \$157.2 million to fund humanitarian activities in Eritrea in 2005, saying the country had continued to endure the aftermath of war, five years after the 1998 to 2000 border conflict with Ethiopia....‘With the travails of post-conflict resettlement, the period following the war has heralded a period of fragile peace, great hardship and competing urgent needs,’ the UN Office for the Coordination of Humanitarian Affairs (OCHA) said in the appeal document....They said that malnutrition continued to plague Eritreans, with 10-20 percent chronic malnutrition cases among infants and children in three of the country’s six regions. Eritrea also has one of the highest malnutrition rates in the world at 53 percent. The need for food aid, clean water, increased supplementary, and therapeutic feeding and maternal healthcare remains acute, the agencies said.” [19d]

- 3.16 IRIN News reported on 4 May 2005 that: “An estimated one million Eritreans will go hungry unless the donor community can give the country further support, a senior government official in charge of food distribution, said on Tuesday”. The deputy commissioner at the Eritrean Relief and Refugee Commission said, ‘We are reaching less than 60 percent of the needy population’.” [19h]

- 3.17 IRIN News noted on 19 May 2005 that: “The European Commission (EC) said on Thursday it had allocated €620,000 (US \$783,447) to fund emergency food security measures for up to 35,000 vulnerable households in the Gash Barka and Debub regions of Eritrea. The aid would be distributed through the Commission’s Humanitarian Aid department, ECHO, and channelled through the UN Food and Agriculture Organisation. It would cover the distribution of seeds, tools and animal feed.” [19i]

- 3.18 IRIN News reported on 24 May 2005 that:

“According to a country-wide nutrition survey conducted by UN agencies and the government in June 2004, acute malnutrition in Eritrea ranged from 10 percent to 20 percent, depending on the area. Based on last year’s crops assessment, the UN Consolidated Appeal Process (CAP) predicted that Eritrea would face a food deficit of 431,000 mt in 2005. This takes into account 108,000mt of local production and 30,000mt of commercial imports, including government imports and other informal sources. Out of a population of 3.8

million, about 2.3 million people in Eritrea need food assistance. Of these, 600,000 are urban poor, who rarely benefit from distributions and subsist by buying limited amounts of bread at subsidised prices. The remaining 1.7 million are drought-affected peasants, internally displaced persons from Eritrea's war against Ethiopia from 1998 to 2000, returnees who had fled into Sudan during Eritrea's 30 year war for independence and people who were expelled from Ethiopia because they were Eritrean citizens." [19k]

3.19 IRIN News reported on 25 May 2005 that:

"Eritrean President Isayas Afewerki has said food security is his country's priority, but acknowledged that self-sufficiency and economic stability would not be achieved immediately.

"Food security remains the priority of the priorities," Isayas said in a speech on Tuesday to mark 14 years of independence. "It is clear that food security cannot be achieved in one day." It would take "a long way to resolve all economic problems", he added. While Eritrea had implemented most major initiatives to replace traditional farming methods with modern agricultural practices, Isayas said, delays in the importation of heavy equipment and the high price of oil had impacted negatively on development programmes." [19l]

3.20 BBC News reported on 17 August 2005 that: "Eritrea has released 20 tonnes of food from a stockpile held up at the port of Massawa over a tax row between the authorities and aid agencies. In May [2005], a law was introduced requiring non-governmental organisations to pay tax on aid imports." [8j]

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4. History

Refer to Africa South of the Sahara (source [1a]) for a more detailed history of events prior to 1991.

FOUNDATIONS OF ERITREA

4.01 Africa South of the Sahara in its 2005 report stated that:

“Modern Eritrea dates from the establishment of an Italian colony in the late 19th century. From a small concession gained near Assab in 1869, the Italians extended their control to Massawa in 1885 and to most of Eritrea by 1889. In the same year the Ethiopian emperor, Menelik, and the Italian government signed the treaty of Ucciali, which effectively recognized Italian control over Eritrea.... The period of Italian rule (1889-1941) and the subsequent years under British military administration (1941-52) created a society, economy and polity more advanced than in the semi-feudal Ethiopian empire. Following the Second World War, Ethiopia, which historically regarded Eritrea as an integral part of its territory, intensified its claims to sovereignty....In 1962 Eritrea was reconstituted as a province of Ethiopia.” [1a] (p402)

RESISTANCE TO ETHIOPIAN RULE 1960-1991 – 30 YEAR LIBERATION STRUGGLE

4.02 The same report stated that:

“The Eritrean Liberation Front (ELF)....began an armed struggle in 1961. Organizational and ideological differences erupted into violence within the ELF in the mid-1960s....A reformist group separated from the ELF and formed the Popular Liberation Forces (renamed the Eritrean People’s Liberation Front, EPLF, in 1977). A major consequence of the split was the civil war of 1972-74. Some reformists remained within the ELF, although most of these eventually left in two stages, the first group breaking away in 1977-78 and the second (the Sagem group joining the EPLF) in 1985, following a second civil war. These desertions destroyed the ELF as a coherent military organization....The EPLF leadership consolidated a highly centralized and disciplined political and military organization, in contrast to the more loosely organized and factionalized ELF.” [1a] (p402)

4.03 The same report said that: “The 1974 revolution in Ethiopia and its violent aftermath brought thousands of new recruits into the resistance groups. Even greater number of recruits joined the EPLF after the Mengistu regime launched its ‘red terror’ campaign in Asmara, and following its capture of smaller cities such as Keren and Decamhare in 1977”... The EPLF captured Massawa in 1990 and Asmara in May 1991. [1a] (p402)

INDEPENDENCE 1993 AND TRANSITIONAL GOVERNMENT

4.04 Europa 2005 stated that:

“Concurrent with the liberation of Asmara in 1991 was the London Conference under the chairmanship of the US Assistant Secretary of State for Africa. Representatives of the EPLF attended in a delegation separate from the Ethiopian People’s Revolutionary Democratic Front, now in control of Ethiopia

and sympathetic to Eritrean nationalist aspirations. Both the USA and the Ethiopian delegation accepted the EPLF as the provisional Government, and the latter agreed to hold a referendum on independence in 1993.” [1a] (p403)

4.05 This report continued:

“In advance of the referendum, the EPLF formed a Government and established ministries, most of whose key personnel were drawn from the EPLF....In April a UN-supervised referendum took place in an atmosphere of national celebration. Of the 1,102,410 Eritreans who voted, 99.8% endorsed national independence. The anniversary of the liberation of Asmara, 24 May [1993] was proclaimed Independence Day, and on 28 May the State of Eritrea formally attained international recognition.” [1a] (p403)

4.06 It also said:

“Following Eritrea’s accession to independence, a four-year transitional period was declared, during which preparations were to proceed for establishing a constitutional and pluralistic political system. At the apex of the transitional Government were three state institutions: the Consultative Council (the executive authority formed from the ministers, provincial governors and heads of government commissions); the National Assembly (the legislative authority formed from the Central Committee of the EPLF, together with 30 members from the Provincial Assemblies and 30 members appointed by the Central Committee); and the judiciary. One of the National Assembly’s first acts was the election of a Head of State. To little surprise, Issaias Afewerki, the Secretary-General of the EPLF, was elected, by a margin of 99 votes to five.” [1a] (p403)

THE PFDJ AND CONSTITUTIONAL DEVELOPMENTS

4.07 Europa 2005 stated that:

“President Afewerki, appointed a new Consultative Council in June 1993, comprising 14 ministers (all members of the EPLF politburo) and 10 regional governors. The third congress of the EPLF was convened at Nafka, in Sahel province, in February 1994. There the EPLF formally transformed itself from a military front into a national movement (the People’s Front for Democracy and Justice, PFDJ) hoping to embrace all Eritreans (except those accused of collaboration during the liberation struggle). The party congress also confirmed its support for a plural political system, which was to be included in the final draft of a new constitution, which (together with legislation to regulate the formation of political parties) was to be submitted for approval by a national referendum.” [1a] (p403)

4.08 Furthermore that:

“In March 1994 the National Assembly adopted a series of resolutions whereby the former executive body, the Consultative Council, was formally superseded by a State Council. Other measures adopted by resolutions of the Assembly included the creation of a 50 member Constitutional Commission and the establishment of a committee charged with the reorganization of the country’s administrative divisions. It was decided that the National Assembly would henceforth comprise 75 members of the PFDJ Central Committee, and 75 directly elected members. However no mechanism was announced for their

election. All but eight of the 50-member Constitutional Commission were government appointees, and there was no provision for any opposition participation in the interim system.” [1a] (p403)

- 4.09 Also that: “International conferences on the draft constitution were held in the capital in July 1994 and in January 1995. The symposia were presided over by Dr Bereket Habteselassie, the Chairman of the Constitutional Commission. Many foreign constitutional experts were invited to attend and discuss the draft document, and there was extensive popular consultation, with more than 1,000 meetings throughout the country, attended by some 500,000 Eritreans. However, no opposition parties or opponents of the regime were invited to contribute.” [1a] (p403)

- 4.10 It continued that:

“In May [1995] Afewerki announced that the 30,000-strong civil service was to be reduced by one third. All ministries (with the exceptions of interior and defence) would be subject to the rationalization programme, and 6,500 civil servants who had not been combatant members of the EPLF were made redundant immediately. In the same month the National Assembly approved a law reducing the previous 10 administrative regions to six, each with regional, sub-regional and village administrations.” [1a] (p403)

- 4.11 The same report also said:

“In early 1997 a Constituent Assembly was established to discuss and ratify the draft Constitution. The Constituent Assembly comprised 527 members, of whom 150 were from the National Assembly, and the remainder selected from representatives of Eritreans residing abroad or elected by regional assemblies (adhering to a 30% quota for women). On 23 May the Constituent Assembly unanimously adopted the Constitution, instituting a presidential regime, with a President elected for a maximum of two five-year terms. According to the Constitution, the President, as Head of State, was empowered to appoint, with the approval of the National Assembly, the ministers, the commissioners, the Auditor-General, the President of the central bank, and judges of the Supreme Court.” [1a] (p403)

- 4.12 It similarly continued:

“‘Conditional’ political pluralism was authorized. Following the adoption of the new Constitution, the Constituent Assembly was disbanded, having empowered a Transitional National Assembly (comprising the 75 members of the PFDJ, 60 members of the Constituent Assembly and 15 representatives of Eritreans resident abroad) to act as the legislative body until the holding of national elections. The outbreak of war in 1998 delayed the implementation of the Constitution, although government officials continued to insist that it would be implemented gradually, once peace returned.... In October 2000 it was announced that Eritrea’s first post independence elections, which were scheduled to have been held in 1998, but were postponed following the outbreak of hostilities with Ethiopia would take place in December 2001 but these were postponed indefinitely by the National Assembly when it met in January 2002. In 2003 elections of local administrators and magistrates were held in villages throughout Eritrea and in 2004 elections took place for regional assemblies.” [1a] (p403 and p6)

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BORDER CONFLICT WITH ETHIOPIA 1998-2000

4.13 Europa 2005 stated that:

“Relations with Ethiopia deteriorated in late 1997 as disagreements arose following Eritrea’s introduction of a new currency, the Nakfa. In late December there was a military confrontation around an Eritrean army post on the frontier in northern Dankalia, an area where Ethiopian rebels were reported to be operating. In May 1998 fighting erupted between Eritrean and Ethiopian troops in the border region after both countries accused the other of having invaded their territory.” [1a] (p404)

4.14 The same report said that: “The war was a major issue at the OAU [Organisation of African Unity] Heads of State summit held in Algiers in July 1999 where both sides confirmed their commitment to the OAU’s framework agreement. President Afewerki announced that Eritrean troops would be withdrawn from all territory captured from Ethiopia since 6 May 1998.” [1a] (p404)

4.15 However the source noted that:

“There were reports of numerous clashes between Eritrean and Ethiopian troops throughout late 1999 and early 2000....On 31 May [2000] the prime Minister of Ethiopia, Meles Zenawi, announced that the war with Eritrea was over and that his troops had withdrawn from most of the territory that they had captured from Eritrea. Nevertheless, fighting continued to take place while discussions were ongoing in Algiers, with each side accusing the other of resuming hostilities....On 18 June [2000] a peace agreement was signed, which provided for an immediate cease-fire and the deployment of a UN peace-keeping force in a 25-km buffer zone until the disputed 966-km border had been demarcated.” [1a] (p404)

4.16 The report added that, “In mid-September 2000 the UN Security Council approved the deployment of a 4,200-strong UN Mission in Ethiopia and Eritrea (UNMEE) peace-keeping force. UNMEE, which was placed under the charge of the Special Representative of the UN Secretary-General, Legwaila Joseph Legwaila, was charged with monitoring and ensuring that both Eritrea and Ethiopia comply with the agreement.” [1a] (p404)

4.17 In the same volume it also said that:

“A definitive peace agreement, formally bringing the war to an end, was signed in Algiers on 12 December [2000]. Both sides agreed to a permanent cessation of all hostilities and the release and repatriation of all prisoners of war. The UN pledged to establish two separate independent commissions to delineate the border and assess compensation claims. The border commission was to demarcate the border in accordance with colonial maps.” [1a] (p404-5)

UNRESOLVED BORDER DEMARCATION

4.18 Europa World 2004 stated that:

“In early March 2003 the Boundary Commission [BC] reported to the UN Security Council that Ethiopia’s requests for changes to the border ruling, in order to ‘take better account of human and physical geography’, threatened to undermine the peace process as a whole. Despite Ethiopia’s claims that it had been promised that demarcations could be refined, later in March the BC categorically ruled Badme to be Eritrean territory. Meles (Zenawi, the Ethiopian Prime Minister) subsequently complained that the decision was ‘wrong and unjust’ and vowed to continue to contest the ruling.... The demarcation of the border, which had originally been scheduled to take place in May, was postponed until July, and then delayed again until October; both the MCC [Military Co-ordination Committee] and the UN expressed their frustration at the resolution of the matter. In October, in a letter to the Security Council [SC], Meles called for a new body to be established to resolve the crisis and again denounced the Boundary Commission’s ruling as ‘unacceptable’. However, the SC stated that Ethiopia had committed itself under the 2000 Algiers agreement to accept the BC’s decision as ‘final and binding’ and urged it to accept and implement the border ruling. Both Legwaila and the Chairman of the BC, Elihu Lauterpacht, were critical of Ethiopia’s lack of compliance with its obligations under the terms of the peace accord, and the ongoing impasse was further compounded by the BC’s announcement in late October [2003] that the demarcation of the border had been delayed indefinitely.... Eritrea continued, however, to insist that the ruling be fully implemented. [1b]

The process suffered a further reverse in mid-November 2003, when Eritrea withdrew its ambassador to the AU [African Union] and accused the organisation of neglecting its responsibilities over the dispute with Ethiopia. However, in the following month both countries agreed to establish three Sector Military Co-ordination Committees...in order to improve the mechanism for dealing with incidents in the border areas... in December Lloyd Axworthy, a former Canadian Minister of Foreign Affairs, was appointed as the UN’s special envoy to the region, tasked with resolving the stalled peace process between Eritrea and Ethiopia. While Ethiopia welcomed the appointment and pledged to work closely with Axworthy, the Eritrean Government expressed its opposition to the appointment, as it feared that it would result in amendments to the BC’s ruling.” [1b] (p1576)

- 4.19 IRIN News in its report of 20 August 2004 said that: “The Ethiopian government has allowed the United Nations Mission in Ethiopia and Eritrea (UNMEE) to operate direct flights between Addis Ababa and Asmara, lifting a ban that was put in place after the border war between the two countries ended in 2000.” [19c]
- 4.20 BBC News reported on 7 December 2004 that: “Eritrean President Isaias Afewerki has rebuffed an Ethiopian proposal to resolve a border dispute between the two countries. In his first public reaction, he said it was a move ‘that would drag the peace process another step backwards’. Last month, Ethiopia’s leader Meles Zenawi said for the first time he accepted ‘in principle’ the ruling of the independent boundary commission.” [8m]
- 4.21 Human Rights Watch [HRW] in its 2005 report stated that:

“The 1998-2000 war with Ethiopia ended with an armistice agreement by which Eritrea and Ethiopia agree to binding arbitration of their border. In 2003, Ethiopia announced that it rejected the decision of the independent

commission, largely because it awarded the village of Badme, the flashpoint for the war, to Eritrea. The Eritrean government uses the possibility of renewed conflict as a justification for postponing elections and for prolonging national service. Eritrea has increasingly lashed out against the international community for not compelling Ethiopia to implement the border decision. Throughout 2004, it adamantly refused to meet with the special envoy appointed by the U.N. Secretary General to attempt to resolve the border impasse. UNMEE maintains just under four thousand troops along the twenty-five-kilometer-wide armistice buffer line between the two countries. In September 2004 the Security Council voted to extend UNMEE's mandate through March 2005." [29c]

4.22 *The Daily Monitor (Addis Ababa)* reported on 11 February 2005 that: "The Eritrean government has this week began disposing 16,000KG (16 tones) of unserviceable munitions with the support of the UN mission in the area. UN officials said Thursday that the United Nations Mission in Ethiopia and Eritrea (UNMEE) Mine Action and Coordination (MACC) Explosive Ordnance Team is supporting the ongoing operation by the Eritrean Demining Authority (EDA)." [31]

4.23 Reuters reported on 1 April 2005 that: "The stalemate between Ethiopia and Eritrea over their border is unsustainable and will lead to war, although peaceful options to end it remain open, a senior Eritrean official said on Friday." [34]

4.24 Global Security reported on 11 July 2005 that:

"With no bilateral agreement on the boundary demarcation between Ethiopia and Eritrea so far, the United Nations Security Council today said its options for resolving the stalemate included a meeting of witnesses to the relevant peace accords and a possible Council visit to both Horn of Africa countries. After a closed briefing by Under Secretary General for Peacekeeping Jean-Marie Guehenno, the 15-member body said in a press statement: 'Members of the Council note with deep concern the continued lack of progress in the implementation of the final and binding decision of the Eritrea-Ethiopia Boundary Commission and urge Ethiopia to accept fully and both sides to implement completely this decision'....On the peace process, Council Members expressed concern over recent shooting incidents in the Temporary Security Zone....." [33]

4.25 The Secretary-General's United Nations Security Council report dated 30 August 2005 noted that:

"As a result of an improved climate of cooperation between UNMEE and the two parties on the ground during the reporting period, there has been a decline in the restrictions placed by Eritrea and Ethiopia on the freedom of movement of UNMEE in the discharge of its mandated tasks. Despite my appeals to the Government of Eritrea, however, the vital road from Asmara to Barentu, via Keren, has remained closed to UNMEE traffic, and there is no indication that it could be reopened in the near future....As mentioned in my previous report, severe restrictions imposed by the Eritrean authorities on UNMEE military police in Asmara continued in spite of the Mission's protests, which went unheeded. Further efforts by United Nations Headquarters and the Mission have not succeeded in resolving the stand-off with the Government of Eritrea to enable the Italian contingent to resume its activities. In view of those complications, the Government of Italy decided to withdraw its military

contingent in July 2005, after about 5 years service with UNMEE....the redeployment of troops of the Ethiopian Armed Forces and their continued presence closer to the southern boundary of the Temporary Security Zone, coupled with the underlying tension in the area, have generated a need for greater surveillance and observation along the border. In the present circumstances, UNMEE believes that a reconfiguration of its military component would be required, which could be achieved within the overall existing authorized strength.” [35]

RELATIONS WITH SUDAN

- 4.26 IRIN News reported on 29 June 2005 that: “The Eritrean government has denied giving military support to rebels in eastern Sudan, saying that such accusations by the government in Khartoum were an exercise in public relations. The remarks follow a complaint filed by Sudan to the UN Security Council on Monday accusing Eritrea of providing military assistance to rebel groups, including artillery, reconnaissance and logistics, during recent clashes in the east.” [19p]

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5. State Structures

THE CONSTITUTION

- 5.01 The CIA World Factbook 2005 stated that: “The transitional constitution, decreed on 19 May 1993, was replaced by a new constitution adopted on 23 May 1997, but not yet implemented.” [28]
- 5.02 Africa South of the Sahara 2005 stated that: “The outbreak of war in 1998 delayed the implementation of the Constitution, although government officials continued to insist that it would be implemented gradually, once peace returned.” [1a] (p403)
- 5.03 HRW in its 2005 report stated that:
- “The government has refused to implement the 1997 constitution, drafted by a constitutional assembly and ratified by referendum, that respects civil and political rights. The constitution contains restraints on the arbitrary use of power. It provides for writs of habeas corpus, the rights of prisoners to have the validity of their detention decided by a court, and fair and public trials. The constitution protects freedom of the press, speech, and peaceful assembly. It authorizes the right to form political organizations. It allows every Eritrean to practice any religion.” [29c] (p1)

CITIZENSHIP AND NATIONALITY

- 5.04 The Eritrean Nationality Proclamation No.21/1992 published in April 1992 details the criteria and law as regarding Eritrean Nationality. [7]
- 5.05 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated: “The Dergue took power in the early 1970s when the Emperor was overthrown.” [18b]
- 5.06 A British Fact Finding Mission reported in April 2003 that: “An applicant may apply for naturalisation through marriage to an Eritrean citizen provided s/he demonstrates three years of legal residence in Eritrea following the marriage and a renunciation of other nationality.” [3] (p46)
- 5.07 On 27 January 2004, the Home Office received a letter from the Eritrean Embassy in London clarifying certain points with regards to obtaining Eritrean nationality. The letter stated that:
- a “A person who is with an Eritrean father/mother would be eligible for Eritrean nationality as long as the person provides three witnesses.
 - b The political views of the three witnesses are not relevant to establishing the nationality.
 - c The political views of the applicant for nationality are not relevant to establishing eligibility for nationality and obtaining an Eritrean passport.
 - d The voting in the 1993 Referendum is not a necessary precondition to establishing nationality.

- e Paying a 2% tax on nationals overseas is not a precondition for eligibility for Eritrean nationality and obtaining a passport.
 - f Claiming refugee status overseas does not preclude eligibility for Eritrean nationality or obtaining an Eritrean passport.
 - g All application forms are filled in person by the applicant at the Embassy's consular section and has (*sic*) to be authorised by the Ministry of Foreign Affairs in Eritrea. No application forms out of the standard provided by the Embassy are accepted." [14]
- 5.08 A British Fact Finding Mission reported on 29 April 2003 that: "If a person's parents or grandparents were born in Eritrea you will certainly be entitled to Eritrean nationality but will have to prove this". It was also confirmed that applicants would not be asked about their views, political or otherwise. [3] (p46-48)
- 5.09 The British Embassy in a letter dated 2 July 2001 noted that: "The Political Director of the Ministry of Foreign Affairs...was quite clear that the 1993 referendum plays no part in whether or not someone is entitled to Eritrean nationality." [15]
- 5.10 HRW, in a report dated January 2003, stated that:
- "The legal status of Ethiopian residents in Eritrea who had not sought Eritrean nationality at the time of the war's outbreak does not appear to be in dispute. The Eritrean government as a rule considered them as aliens. It did not automatically issue the Eritrean national identity card or passport to these Ethiopians nor did it recruit them for employment reserved for nationals. Ethiopians were also not called up for military service in Eritrea. For the purposes of residency and departure procedures, the Eritrean government continued to deal with Ethiopian nationals under the normal institutions and procedures governing aliens residing in the country, i.e. they were required to acquire residency permits and obtain exit visas to leave the country." [29a] (p31)

THREE WITNESSES

- 5.11 A British Fact Finding Mission [FFM] reported on 29 April 2003 that the three witnesses method is used because it would not always be possible to check a person's identity by use of birth certificate. As this can be rather hard to do the three witnesses identification method is favoured in all cases. [3] (p48)
- 5.12 The same report stated that: "An applicant can call on any 'three witnesses' to verify that the applicant is an Eritrean national. The 'three witnesses' must be Eritreans who hold an Eritrean identification card or passport." [3] (p48)
- 5.13 It also noted that: "Though every adult is supposed to have a national ID card and anyone holding an Eritrean passport would be in possession of that card, identity records are not centralised and it is often difficult to find information about an individual...while documentation can help a person to prove nationality the Eritrean government now relies on the 'three witness' rule." [3] (p48)

- 5.14 Furthermore, it noted that: "They [an applicant] can choose any three Eritreans in the world that they know personally. The person abroad will have to go to the Eritrean embassy of that country in order to answer questions. These are standard questions about how long they have known the person, relationship etc. They sign a piece of paper that is then faxed onwards." [3] (p48)
- 5.15 Additionally, it stated that: "According to the [Operations Chief – Department of Immigration and Nationality for Eritrea] the profile of the witness does not have a bearing on this [acceptability]. They are not asked for political or any other views. They must be a registered Eritrean citizen and must show that they know the person well. It is a character witness procedure; they must agree to be responsible for the person's application to be a recognised Eritrean citizen." [3] (p48)
- 5.16 This report also stated that:
- "There are over three million people in Eritrea, as well as hundreds of thousands in the Diaspora (Eritreans abroad)...even if they came from Ethiopia or Sudan they would have known many other Eritreans. It is a matter of history that those in Ethiopia kept close contact with family in Eritrea, even those that stayed in Ethiopia after independence. Most formed 'clubs' to celebrate and remember their culture. Those in the Sudan lived in 'Eritrean communities and camps'...many tens of thousands of those returned from Ethiopia and Sudan had their stay regulated and have Eritrean passports....' not only will we [the authorities] allow witnesses from all over the globe but we will follow up claims. So for example if someone claims to be from a certain village we will send word to that community so that they can get the witnesses to come forward." [3] (p49)

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THE 1993 REFERENDUM

- 5.17 The FFM reported in April 2003 that:
- "The issue of participation in the 1993 Referendum has no bearing on eligibility for Eritrean nationality. Participation had importance when Eritrea first achieved independence but now over a decade later this is no longer the case. The problem is that many people were not able to vote in the referendum for one reason or other and it would not be reasonable or logical to apply such criteria after a decade of independence. Some had been in inaccessible areas, some had been sick, some out of the country, some were too young." [3] (p49)
- 5.18 The report further noted that:
- "Over time such a criterion has lessened in importance to the point now where it is of little importance....the initial vote was conducted largely thanks to the machinery of the Ethiopian government. They held the central records. We [the Eritrean authorities] have most of the information now but since the border war, we can no longer check any discrepancies. Therefore we cannot always verify if a person voted in the referendum or not." [3] (p49-50)

MIXED MARRIAGE AND MIXED BIRTH

- 5.19 A British Fact Finding Mission reported on 29 April 2003 that: "...in most cases a mixed marriage will prove to be no problem if both partners are already in Eritrea. If they are split between Eritrea and Ethiopia then the ICRC arranges visits and temporary reunions." [3] (p50)
- 5.20 The report further noted that: "...if both partners are in Eritrea...the non-Eritrean would apply for a residence permit. This is also the situation if a person is unable to prove nationality. While a person attempts to prove their credentials, a person is given a residence permit, these are renewable every six-months. With most residence permits a person is allowed to work." [3] (p50)
- 5.21 Moreover the report stated that: "...in cases where a person is part of an expelled mixed marriage they will if at all possible be dealt with faster...the Eritrean Government is very sympathetic to such cases." [3] (p50)
- 5.22 This report also noted that: "...in the case of a mixed birth a person would generally not have too many problems as long as they can prove that they have Eritrean roots. This would make them eligible for Eritrean nationality under the normal procedures of the nationality proclamation." [3] (p50)
- 5.23 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated [regarding family reunion and the ICRC arranging visits between split families] that: "In reality, this is extremely difficult for the majority of cases and not all are able to avail themselves of the ICRC mechanism, which is the only possibility for travel between the two countries. A person must decide to move permanently to the other country if they are to repatriate with ICRC and often, Ethiopia will not accept the arrival of an Eritrean spouse and vice versa." [18b]
- 5.24 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated [regarding nationality issues]:
- "If a couple is in a mixed marriage, it is very difficult to acquire Eritrean nationality for the foreign spouse who wishes to do so. With regard to dual nationality, the person will only be regarded as an Eritrean citizen if s/he is in Eritrea and no consideration will be taken to the other nationality, an issue which has caused some friction between certain western diplomatic missions and the Government of Eritrea, especially with regard to detention cases." [18b]

THE POLITICAL SYSTEM

- 5.25 In its 2002 report Human Rights Watch noted that:
- "The assembly approved an election law designed to preserve the PFDJ's monopoly on power. Under the law, no political party other than the PFDJ would be allowed to operate. The assembly resolution criticized previous attempts to permit political pluralism. The election law disenfranchised anyone who commits treason or 'crimes against the nation'. It permitted members of the armed forces to be candidates for office. Although President Isayas appointed a five-person electoral commission at the end of January 2002, no elections had been scheduled as of October [2002]." [29b] (p2)
- 5.26 The USSD 2004 report, released on 28 February 2005, noted that:

“The law provides citizens with the right to change their government peacefully; however, citizens were not allowed to exercise this right. The Government came to power in a 1993 popular referendum in which voters chose to have an independent country managed by a transitional government run by the PFDJ. The PFDJ has not allowed for a democratically elected government, and national elections, originally scheduled for 1997, were never held. The only authorized political party was the PFDJ, and there were no opposition parties active domestically.” [4e] (p8)

- 5.27 Amnesty International in its 2005 report covering events from January – December 2004 supports the USSD position, stating that: “The Government and ruling People’s Front for Democracy and Justice made no move towards multi-party elections as required by the 1997 constitution. No opposition activity or criticism was tolerated and no independent non-governmental organizations were allowed.” [5a]

- 5.28 The CIA World Factbook 2005 stated that the Eritrean government is a transitional government:

“Following a successful referendum on independence for the Autonomous Region of Eritrea on 23-25 April 1993, a National Assembly composed entirely of the People’s Front for Democracy and Justice or PFDJ, was established as a transitional legislature; a Constitutional Commission was also established to draft a Constitution; Isaias Afworki was elected President by the transitional legislature; the constitution, ratified in May 1997, did not enter into effect, pending parliamentary and presidential elections; parliamentary elections had been scheduled in December 2001, but were postponed indefinitely; currently the sole legal party is the People’s Front for Democracy and Justice (PFDJ).” [28]

- 5.29 The USSD Background Note dated July 2005 stated that:

“In September 2001, after several months in which a number of prominent PFDJ party members had gone public with a series of grievances against the government and in which they called for implementation of the constitution and the holding of elections, the government instituted a crackdown.” [4a]

CORRUPTION

- 5.30 Freedom House 2005 noted that:

“Personal corruption among individuals has historically been low in Eritrea – and severely punished when uncovered – but the state and the ruling party have made extensive use of economic levers for political ends, often acting in concert. It is common, for example, for the PFDJ to pressure enterprises to include it as a partner in new ventures and to exact payment or a percentage of profits for its cooperation. Meanwhile, in recent years, strict controls on travel – both within the country and abroad – have generated a lucrative business in such documents as highly prized exit visas and, in the process, fostered a growing practice of graft and corruption among state bureaucrats.” [36]

THE JUDICIARY

5.31 The USSD 2004 noted that:

“The judicial system suffered from a lack of trained personnel, inadequate funding, and poor infrastructure that, in practice, limited the Government’s ability to grant accused persons a speedy trial. At independence the Government chose to retain many Ethiopian legal proclamations, but issued new laws via proclamation, covering, among others, commercial, criminal, banking, and civil matters.” [4e] (p4)

5.32 This report further stated that:

“Detainees did not always have access to legal counsel. Defendants could hire a legal representative at their own expense; however, not all detainees could afford to do so. Although there was no formal public defender’s office, the Government frequently assigned attorneys to represent defendants accused of serious crimes punishable by more than 10 years in prison who could not afford legal counsel. Defendants could appeal verdicts to a High Court panel, composed of the High Court president and four other judges.” [4e] (p4)

5.33 Furthermore:

“Most citizens only had contact with the legal system through the traditional village courts. Elected village judges heard civil cases, while magistrates versed in criminal law heard criminal cases. Village courts and local elders used customary law to adjudicate local problems such as property disputes and petty crimes. The Ministry of Justice offered training in alternative dispute resolution to handle some civil and criminal cases.” [4e] (p4)

5.34 Travel Document Systems 2005 supports the USSD view quoted above, stating: “Nominally the judiciary operates independently of both the legislative and executive bodies, with a court system that extends from the village through to the district, provincial, and national levels. However, in practice, the independence of the judiciary is limited. In 2001, the president of the High Court was detained after criticizing the government for judicial interference.” [37]

5.35 USSD 2004 reported that: “Shari’a law could be applied when both litigants in civil cases were Muslims. Traditional courts cannot impose sentences involving physical punishment.” [4e] (p4)

5.36 Europa 2005 stated that:

“The judicial system operates on the basis of transitional laws which incorporate pre-independence laws of the Eritrean People’s Liberation Front, revised Ethiopian laws, customary laws and post-independence enacted laws. The independence of the judiciary in the discharge of its functions is unequivocally stated in Decree No. 37, which defines the powers and duties of the Government. It is subject only to the law and to no other authority. The court structure is composed of first instance sub-zonal courts, appellate and first instance zonal courts, appellate and first instance high courts, a panel of high court judges, presided over by the President of the High Court, and a Supreme Court presided over by the Chief Justice, as a court of last resort. The judges of the Supreme Court are appointed by the President of the State, subject to confirmation by the National Assembly.” [1a] (p418-19)

5.37 USSD 2004 reported that:

“The drafting into national service of many civilians, including court administrators, defendants, judges, lawyers, and others involved in the legal system, continued to have a significant negative impact on the judiciary; however, during the year, the ministry made certain improvements in judicial capacity. For example, elections were held throughout the country to staff approximately 700 village courts with local judges. The High Court, which had been reduced to three benches in 2003, was restored to seven benches, and a separate bench heard final appeals. Unlike in the previous year, the High Court had no case backlog.” [4e] (p4)

SPECIAL COURTS

5.38 The USSD 2004 report stated that:

“The executive-controlled special courts issued directives to other courts regarding administrative matters, whereas their domain was supposed to be restricted to criminal cases. The special court system ostensibly was created to reduce a growing backlog in the civilian court system; however, in practice special courts, which banned defense counsel and the right of appeal, allowed the executive branch to mete out punishment without respect for due process. Judges in the special courts were senior military officers, most of whom had little or no legal experience. They based their decisions on ‘conscience’, without reference to the law. There was no limitation on punishment.” [4e] (p4)

5.39 The report further noted that:

“The special courts had jurisdiction over many criminal cases, such as capital offenses, felonies, some misdemeanors, cases of tax evasion involving large sums, and cases of embezzlement by senior officials. The office of the Attorney General decided which cases were to be tried by a special court. The Attorney General also allowed special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy.” [4e] (p4)

5.40 It further added that:

“Special courts also reportedly were authorized to handle crimes involving corruption, theft, and misuse of government authority; however, the courts had not heard such cases.” [4e] (p4)

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LEGAL RIGHTS/DETENTION

5.41 The USSD 2004 report stated that:

“The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were serious problems....The Penal Code stipulates that detainees may be held for a maximum of 30 days without being charged with a crime. In practice, authorities often detained persons suspected of crimes for much longer periods. Detainees did not always have access to legal counsel, and incommunicado detention was widespread.” [4e] (p3)

- 5.42 The same report noted that: "There were reports of numerous politically motivated detentions of those who were seen as critical of the Government, and many of those detained remained in prison at year's end. Many were perceived to have ties to political dissidents or were believed to have spoken against government actions. There were unconfirmed reports that the number of such persons detained may be several hundred." [4e] (p3)
- 5.43 It further stated that: "There were reports that the Government continued to hold numerous members of the Eritrean Liberation Front (ELF), an armed opposition group that fought against Ethiopia during the struggle for independence." [4e] (p4)
- 5.44 And it continued that:
- "The Government held numerous pretrial detainees during the year. An unknown number of persons suspected of association with the Ethiopian Mengistu regime, with Islamic elements considered radical, or with suspected terrorist organizations, continued to remain in detention without charge, some of whom had been in detention for more than 10 years....There were no developments in the 2002 arrests of individuals associated with the detained group of 11 PFDJ/National Assembly members and diplomats who were recalled from their posts. At least four of these detainees, in addition to many detained in previous years, remained in prison without charges at year's end." [4e] (p3)

THE DEATH PENALTY

- 5.45 The Free Glossary 2004 states that Eritrea retains the death penalty as a legal form of punishment. [38]
- 5.46 Hands off Cain, at 24 June 2005, stated that: "...no death penalty [in Eritrea had been applied] since independence in 1993." [39]

INTERNAL SECURITY

- 5.47 The USSD 2004 report stated that:
- "Police were officially responsible for maintaining internal security and the army was responsible for external security; however, the Government could call on the armed forces, the reserves, and demobilized soldiers in response to both domestic and external security requirements. Civilian authorities maintained effective control of the security forces. In addition to border incidents with Ethiopia, the army contended with the Eritrean Islamic Jihad Movement (EIJM), a small, Sudan-based insurgent group that has mounted attacks in the north and west since 1993. Some members of the security forces committed serious human rights abuses." [4e] (p1)
- 5.48 The same report noted that: "Corruption was not prevalent. During 2003, the police force was reorganized and active duty military officers were placed in charge of key police divisions. The military has the power to arrest and detain persons, and internal security forces and the military detained many persons during the year [2004]." [4e] (p3)

PRISONS AND PRISON CONDITIONS

5.49 The USSD 2004 report stated that:

“Prison conditions remained Spartan. The Government generally permitted three visits per week by family members, except for detainees arrested for national security reasons. There were no confirmed reports that any prisoners died due to lack of adequate medical care. There were substantial reports that prison conditions for persons temporarily held for evading military service were poor....At a detention facility outside Asmara, detainees reportedly were held in an underground hall with no access to light or ventilation, and in sometimes very crowded conditions.” [4e] (p2)

5.50 The ICRC 2004 report noted that:

“[It] visited detainees of Ethiopian origin in detention facilities countrywide, mainly prisons and police stations, to ensure that their rights were being respected in accordance with international humanitarian norms. After the visits, it reported its findings, in confidence, to the authorities....For the first time, the ICRC also held briefings for prison guards and police officers on the basic principles of IHL and the rationale and standard procedures for ICRC detention activities.” [40]

5.51 AI commented in their report of 28 July 2005 (which supports the USSD position), in connection with the treatment of relatives of military conscription evaders and deserters, that:

“None of those arrested has been charged with a criminal offence or taken to court within the 48 hours stipulated by the Constitution and laws of Eritrea. They are held incommunicado in different prisons. Many held in Adi Keih town prison reportedly began a hunger strike in protest against their detention and have been moved to Mai Serwa military camp near the capital Asmara. Prison conditions are harsh, with many held in metal shipping containers or underground cells.” [5b]

5.52 The USSD 2003 report noted that: “The Government allowed the International Committee of the Red Cross (ICRC) to visit and register Ethiopian civilian detainees in police stations and prisons; however, the ICRC was not permitted to visit the unknown number of Ethiopian soldiers who the Government claimed were deserters from the Ethiopian army. The ICRC was allowed to monitor prison conditions, but local groups were not.” [4b] (p3)

5.53 The USSD 2004 report noted that:

“...the Government continued to authorize the use of deadly force against anyone resisting or attempting to flee during military searches for deserters and draft evaders, and deaths occurred during the year. For example, in November, there were credible reports of the deaths of 20 civilian and 4 security force members in an incident at a detention facility near Asmara following searches for military draft evaders in and around the capital. The individuals were killed when a cinderblock wall at the facility collapsed, and guards reportedly fired at inmates attempting to escape. No action was taken against the guards.” [4e] (p1-2)

- 5.54 AI 2005 stated that: "Torture continued to be used against many recent political prisoners and as a standard military punishment. Army deserters, conscription evaders and forcibly returned asylum-seekers were held incommunicado and tortured in military custody. They were beaten, tied hand and foot in painful positions and left in the sun for lengthy periods (the 'helicopter' torture method) or were suspended from ropes from a tree or ceiling. Religious prisoners were among many detainees held in Sawa and other military camps, beaten and forced to crawl on sharp stones. Many prisoners were kept in overcrowded metal shipping containers in unventilated, hot and unhygienic conditions and denied adequate food and medical treatment. Conditions in military prisons around the country were extremely harsh." [5a]
- 5.55 AI 2005 stated that:
- "On 4 November, Eritrea security forces in Asmara indiscriminately arrested thousands of people suspected of evading military conscription. People were arrested at places of work, in the street, at roadblocks and at home. Prisoners were taken to Adi Abeto army prison near Asmara. That night, a prison wall was apparently pushed over by some prisoners, killing four guards. Soldiers opened fire and shot dead at least a dozen prisoners and wounded many more." [5a]
- 5.56 HRW 2005 reported that: "Arbitrary arrests and prolonged imprisonment without trial have not been limited to political leaders and the press. The government detains about 350 refugees who fled Eritrea but were involuntarily repatriated in 2002 (from Malta) and in 2004 (from Libya). They are held incommunicado in detention centers on the Red Sea coast and in the Dahlak islands." [29c]

THE MILITARY

- 5.57 Europa 2005 stated that: "In August 2003 Eritrea's active armed forces included an army of about 200,000, a navy of 1,400 and an air force of about 800." [1a] (p421)
- 5.58 IRIN News reported on 13 June 2005 that: "Because of the ongoing border dispute with Ethiopia, an estimated 300,000 Eritrean men currently serve in the country's military, reducing the agricultural labour pool and opportunities for income from other employment...." "With large numbers of men doing compulsory national and military-service requirements, there is a shortage of skilled manpower," FAO [UN Food and Agriculture Organization] said." [19n]

DRAFT EVADERS

- 5.59 A British Fact Finding Mission reported in April 2003 that: "There were particular problems with the call up of Muslim women...once a Muslim has undertaken her service her chances of being able to marry are considered to be reduced; this was given as a reason why this section of society in particular, though by no means exclusively, try to evade service." [3] (p61)
- 5.60 An Amnesty International report of May 2004 stated:
- "The legal penalty for evading conscription or assisting evasion is two years' imprisonment.... In practice, offenders are punished administratively by local commanders without any form of trial, legal recourse or opportunity for appeal or redress. The forms of punishment consist of torture and arbitrary detention

for an indefinite period. Although these punishments are unlawful and abuses of human rights, they are well-known to government and military officials and the public, and no army officer has ever been punished for employing them.” [5c] (p18)

MILITARY SERVICE

5.61 An Amnesty International report dated 19 May 2004 noted that:

“In November 1991 the new EPLF government issued regulations to make national service compulsory for all citizens. The first intake of national service was in 1994 and it continued in staged phases since then. Under the revised national service regulations of 23 October 1995 (19), national service is compulsory for all citizens aged between 18 and 40 years, male and female. It consists of six months of military training (performed at Sawa military training centre near Tessenei in western Eritrea) and 12 months of ‘active military service and development tasks in military forces’ under Ministry of Defence authority. It extends to military reserve duties up to the age of 50. It may be continued under ‘mobilisation or emergency situation directives given by the government’.” [5c] (p19)

5.62 USSD 2004 noted that: “According to the Office of General Counsel for Jehovah’s Witnesses Society, 20 Jehovah’s Witnesses remained imprisoned without charge, including 6 allegedly detained during the year for failing to participate in national service. Although the maximum penalty for refusing to perform national service is 3 years’ imprisonment, three of the individuals had been detained for more than 10 years.” [4e] (p7)

5.63 Furthermore the report stated that: “Students who wished to travel abroad often were unable to obtain exit visas.” [4e] (p7)

5.64 It also said that: “There were reports that military officials seized residences belonging to relatives of persons identified with the political opposition and rented the property or used it as housing for senior military officers’ families.” [4e] (p5)

5.65 The ICRC 2004 report noted that: “The Eritrean armed forces agreed in principle to integrate IHL [International Humanitarian Law] into their training programme....To support the integration process, the ICRC conducted a 10 day course for 30 military IHL instructors and a week-long introductory course on IHL for three senior officers. It also produced Tigrinya translations of the ICRC’s Essentials of the law of war and Behaviour in combat for use as teaching tools.” [40]

5.66 AI 2005 stated that:

“On 4 November, Eritrea security forces in Asmara indiscriminately arrested thousands of people suspected of evading military conscription. People were arrested at places of work, in the street, at roadblocks and at home. Prisoners were taken to Adi Abeto army prison near Asmara. That night, a prison wall was apparently pushed over by some prisoners, killing four guards. Soldiers opened fire and shot dead at least a dozen prisoners and wounded many more.” [5a]

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DEMOBILISATION

5.67 The War Resisters International Global Report 2004 reported that:

“In July 2002 the Eritrean National Commission for Demobilization announced the completion of a pilot project for the demobilization of 200,000 combatants over the next two years. In March 2004 former combatants already incorporated in the government armed forces were issued with demobilization cards and asked to continue national service until January 2005. The World Bank, a principal funder, recognized the need for a special program for combatants under the age of 25. The UN Security Council called for Ethiopia and Eritrea to facilitate the sustainable reintegration of demobilized soldiers.” [23]

5.68 USSD in its July 2005 Background Note stated:

“The government has been slow to demobilize its military after the most recent conflict, although it recently formulated an ambitious demobilization plan with the participation of the World Bank. A pilot demobilization program involving 5,000 soldiers began in November 2001 and was to be followed immediately thereafter by a first phase in which some 65,000 soldiers would be demobilized. This was delayed repeatedly. In 2003, the government began to demobilize some of those slated for the first phase. The demobilization program has not yet been approved by the World Bank, and funding for it from other donors is uncertain.” [4a]

PRISONERS OF WAR

5.69 Europa 2005 stated that:

“The repatriation of prisoners of war began in December 2000. Despite a number of set-backs, all prisoners of war had been returned to their respective states by the end of November 2002. A total of 1,067 prisoners of war and 5,055 civilian internees were returned to Ethiopia, and 2,067 prisoners of war and 1,086 civilians were returned to Eritrea, under the auspices of the International Committee of the Red Cross.” [1a] (p405)

MEDICAL SERVICES

GENERAL

5.70 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated: “...the medical system suffers from an acute lack of resources which include medical personnel, medicines, facilities etc. There is no national cardiac treatment available, no burn unit and very limited trauma care facilities. Also, ongoing medical training is very limited and candidates for medical school may not travel abroad to accept scholarships.” [18b]

5.71 The World Health Organisation in their most recent Country Summary for Eritrea stated that life expectancy is 58 years for males and 61 years for females; healthy life expectancy being 49.3 and 50.8 years respectively. [41]

- 5.72 Europa 2005 reported that: "Under-five mortality is 93 per 1,000 live births; HIV/AIDS % of persons aged 15 to 49 – 2.70; access to water % of persons – 46%." [1a] (p414)
- 5.73 Afrol news in an article dated 15 March 2005 reported that: "In the eleven years that have passed since Eritrea's independence, there has been no national service to educate health personnel. Today, however, the Eritrean Ministry of Health announced the opening of the Orotta School of Medicine in Asmara, which already has 32 students. The Eritrean Ministry of health in a press release today said that the country's first ever medical school had finally been established in Asmara." [16b]
- 5.74 IRIN News reported on 1 July 2005 that:
- "The World Bank said on Thursday it had approved a grant of US \$24 million to support Eritrea's efforts to reduce maternal mortality, fight malaria, tuberculosis, HIV/AIDS and sexually transmitted infections (STI). The funds would support Eritrea's HIV/AIDS/STI, TB, Malaria and Reproductive health Project (HAMSET II) which aims to stem the spread of HIV, with particular attention to high-risk populations, the Bank said in a statement. The project is also intended to improve the detection and treatment of TB, reduce the morbidity and mortality rate of malaria, and strengthen reproductive health coverage." [19q]

SPECIALIST FACILITIES

- 5.75 A British Fact Finding Mission in April 2003 reported that: "Asmara has a number of specialist facilities including a dedicated paediatric hospital and an eye clinic." [3] (p85)
- 5.76 It also stated that:
- "There is a single hospital for psychiatric care – the 'St Mary's Neuropsychiatric Hospital' located in Asmara with a capacity of 240 beds. According to the MLHW [Ministry of Labour and Human Welfare] staff here include one trained psychiatrist and seven psychiatric nurses. There is no specialist child psychiatrist in the country or dedicated facilities for children with psychiatric problems, where hospital admission is necessary children are placed in a ward alongside adult patients. The paediatric unit of the Mekane Hiwot Hospital, also located in Asmara, may also....[treat] a small number of children with psychiatric conditions. However, as a result of poor community awareness children or adolescents with psychological problems are often believed to be either 'bad kids' or have their condition associated with 'demons or other traditional beliefs'." [3] (p89)

HIV/AIDS

- 5.77 Europa 2005 stated that:
- "Although the rate of HIV/AIDS infection is relatively low – prevalence among women aged 15-24 was 4.3% and among men of a similar age only 2.8% in 2001 – it is thought to have increased in recent years and is now judged to be the second leading cause of death in patients over 5 years old. The rate of infection among the adult population was recorded at 2.7% in 2003. In the early 2000s particular concern was being raised over the rates of infection in the

military and the implications of the return of these men and women to their home communities after demobilization.” [1a] (p414)

- 5.78 All Africa.com, in an article dated 30 June 2005, reported that:

“The World Bank Board of Executive Directors today approved an International Development Association (IDA) grant of US\$24 million to support the Government of Eritrea’s efforts to continue to improve the health status of its citizens, especially in reducing maternal mortality, and fighting malaria, tuberculosis and HIV/AIDS/STI. The Eritrea HIV/AIDS/STI, TB, Malaria and Reproductive Health Project (HAMSET II) aims to contain the spread of HIV/AIDS and other sexually transmitted infections with particular attention to high-risk populations, improve detection and treatment for tuberculosis (TB), reduce the morbidity and mortality rate of malaria, and improve reproductive health coverage.” [42]

- 5.79 HIVInsite in its Eritrea report dated August 2005 states that there are: “55,000 adults age 15-49 with HIV/AIDS; Adult HIV prevalence is 2.7%; 31,000 women aged 15-49 with HIV/AIDS, 5,600 children with HIV/AIDS.” [43]

THE DISABLED

- 5.80 The USSD 2004 report stated that:

“There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. The war for independence and the conflict with Ethiopia left thousands of men and women with physical disabilities from injuries they received as guerrillas, soldiers, and civilian victims. The Government dedicated a substantial share of its resources to support and train these former fighters, who were regarded as heroes. There are no laws mandating access for persons with disabilities to public thoroughfares or public or private buildings; however, many newly constructed buildings provided access for persons with disabilities.” [4e] (p10)

- 5.81 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated: “The facilities for disabled are not functioning and there is very limited assistance to disabled, despite the high numbers.” [18b]

EDUCATIONAL SYSTEM

- 5.82 The USSD 2004 report noted that:

“Education through grade seven is compulsory, and the Government provides tuition free education....The Ministry of Labor and Human Welfare operated an Integrated Early Childhood Development Project to keep children in school by providing some of the most vulnerable with necessary books, uniforms and other supplies....There was a shortage of schools and teachers at all levels, remedied in part by holding morning and afternoon shifts at schools. According to Ministry of Education estimates, the net enrollment rate of school age children in the 2001-02 school year was approximately 38 percent. Approximately 75 percent of the population was illiterate. In rural areas, young girls usually left school early to work at home.” [4e] (p9)

5.83 The same report noted that:

“...in 2003, the Government added an additional grade to secondary school during the year and required that all students attend their final year at a location adjacent to the Sawa military training facility. Students who do not attend this final year of secondary school do not graduate and cannot sit for examinations to be eligible for advanced education. The remote location of this boarding school, concerns about security, and societal attitudes restricting the free movement of girls resulted in few female students enrolling for their final year of high school; however, women may earn an alternative secondary school certificate by attending night school after completing national service. In 2003, the Government opened Mai Nafhi Technical Institute on the outskirts of Asmara. Students from the Sawa school who scored well on the university exams were admitted to Mai Nafhi and then could be eligible to attend the University of Asmara. No new students were accepted at the University of Asmara in the current or previous year.” [4e] (p9)

5.84 BBC News in a report dated 11 January 2004 stated that:

“The United Nations children’s agency, UNICEF, says the north-east African country of Eritrea is breaking human rights regulations by making children complete the final year of their secondary education at ...Sawa – in the far west of the country near the Sudan border –Now to matriculate you must leave home and complete Grade 12 in Sawa – a move the government say was taken because they do not have the money to expand secondary schools around the country....Those who attend grade 12 in Sawa and matriculate will have the chance to pursue further educational opportunities. For those who choose not to go – their national service begins when they turn 18 and that usually starts with training in Sawa’s military camp.” [8b]

5.85 BBC News on 20 September 2001 noted that the University of Asmara is the only University in the country. [8o]

5.86 Europa 2005 stated that:

“Education is provided free of charge in government schools and at the University of Asmara....Education is officially compulsory for children aged between seven and 13 years of age. Primary education begins at the age of seven and lasts for five years. Secondary education beginning at 12 years of age, lasts for as much as six years, comprising a first cycle of two years and a second of four years.” [1a] (p421)

5.87 It further stated that: “By 1996-97 Eritrea had about 600 schools, almost three times as many as in 1997. In 1997 there were 3,096 students enrolled at the University of Asmara or at equivalent-level institutions.” [1a] (p405)

5.88 Europa 2005 stated that the adult literacy rate in 2001, according to UNESCO estimates, was 56.7% for males and 45.6% for females. [1a]

5.89 Moreover, the USSD 2003 report noted that:

“The University of Asmara refused to give diplomas to graduates unless they had completed their national service obligations, and the Ministry of Education did not release transcripts or exam results for those who were not released from

national service. The Government placed tight controls on students who wanted to study abroad. Many were unable to obtain exit visas or were prevented from departing at the airport despite having necessary approvals. In addition, new graduates were frequently pressured to work for government entities". [4d] (p7)

- 5.90 The same report noted that: "High school students also were required to participate in a paid summer work program". [4b] (p13)

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6. Human Rights

6A. HUMAN RIGHTS: KEY ISSUES

GENERAL

6.01 The Foreign and Commonwealth Office Country Profile dated 9 May 2005 stated that: "The human rights situation in Eritrea is very poor. Detention without charge is common. Freedom of expression is severely restricted and political critics and journalists have been held for long periods." [44]

6.02 The draft Constitution prohibits torture or cruel, inhuman or degrading treatment or punishment. [2]

6.03 The USSD 2004 report noted that:

"Security forces were responsible for unlawful killings, however, there were no new reports of disappearances. There were numerous reports that police resorted to torture and physical beatings of prisoners, particularly during interrogations, and police severely mistreated army deserters and draft evaders. The Government generally did not permit prison visits by local or international groups, except the International Committee of the Red Cross (ICRC). Arbitrary arrests and detentions continued to be problems; an unknown number of persons were detained without charge because of political opinion. The use of a special court system limited due process. The Government at times infringed on the right to privacy. The Government severely restricted freedom of speech and press, and restricted freedom of assembly, association, freedom of religion for religious groups not approved by the Government, and freedom of movement." [4e] (p1)

6.04 The AI report of 19 May 2004 stated that:

"Human rights violations continue in Eritrea on a massive scale. Thousands of government critics and political opponents – many of them prisoners of conscience who have not used or advocated violence – are detained in secret. Some have been held for several years. None has been taken to court, charged or tried. In some cases, panels of military and police officers have reportedly handed down prison sentences in secret proceedings that flout basic standards of fair trial. Detainees are not informed of the accusations made against them, have no right to defend themselves or be legally represented, and have no recourse to an independent judiciary to challenge abuses of their fundamental rights." [5c] (p2)

6.05 Human Rights Watch noted in their January 2004 report that:

"The government has refused to implement the 1997 constitution, drafted by a constitutional assembly and ratified by referendum. The constitution contains restraints on the arbitrary use of power. It provides for writs of habeas corpus, the rights of prisoners to have the validity of their detention decided by a court, and fair and public trials. The constitution protects freedom of the press, speech, and peaceful assembly. It authorizes the right to form political organizations. It allows every Eritrean to practice any religion." [29d] (p1)

6.06 SPLMToday.com stated in an article dated 21 December 2004 that: “The Eritrea-Ethiopia Claims Commission has found Eritrea liable for persistent, widespread, and serious violations of international law for its mistreatment of Ethiopians in Eritrea during the war, the Ministry of Foreign Affairs told ENA (Ethiopian News Agency) on Monday. It rejected most of the claims made by Eritrea.” [45]

6.07 Global IDP reported in January 2005 that:

“Dissent, nongovernmental political, civic, social, and minority religious institutions largely forbidden....Prison visits by international human rights organisations prohibited. Plagued by famine and heightened tensions with Ethiopia over their joint border, Eritrea has remained a highly repressive state in which dissent is suppressed and nongovernmental political, civic, social, and minority religious institutions are largely forbidden to function.” [22]

6.08 The Secretary-General's United Nations Security Council report dated 30 August 2005 noted that:

“As a result of an improved climate of cooperation between UNMEE and the two parties on the ground during the reporting period, there has been a decline in the restrictions placed by Eritrea and Ethiopia on the freedom of movement of UNMEE in the discharge of its mandated tasks. Despite my appeals to the Government of Eritrea, however, the vital road from Asmara to Barentu, via Keren, has remained closed to UNMEE traffic, and there is no indication that it could be reopened in the near future....As mentioned in my previous report, severe restrictions imposed by the Eritrean authorities on UNMEE military police in Asmara continued in spite of the Mission's protests, which went unheeded. Further efforts by United Nations Headquarters and the Mission have not succeeded in resolving the stand-off with the Government of Eritrea to enable the Italian contingent to resume its activities. In view of those complications, the Government of Italy decided to withdraw its military contingent in July 2005, after about 5 years service with UNMEE....the redeployment of troops of the Ethiopian Armed Forces and their continued presence closer to the southern boundary of the Temporary Security Zone, coupled with the underlying tension in the area, have generated a need for greater surveillance and observation along the border. In the present circumstances, UNMEE believes that a reconfiguration of its military component would be required, which could be achieved within the overall existing authorized strength.” [35]

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FREEDOM OF SPEECH AND OF THE MEDIA

THE MEDIA

6.09 The draft Constitution provides for freedom of speech and of the press. [2] However, Afrol News in an article dated 21 October 2003 commented on the previous day's publishing by Reporters Sans Frontières (RSF) of the “world press freedom ranking”. It reported that: “The states with the most catastrophic situation according to RSF, are to be found in Asia, with eight countries in the

bottom ten. These include North Korea, Burma, China and Iran, but also Cuba and Eritrea – the worst country in Africa, according to RSF”. [16a]

6.10 The AI report of September 2002 documented that:

The [following] 10 journalists detained in September 2001

Said Abdulkadir

Chief editor and founder of the newspaper, Admas; also employee of the Ministry of Information’s Arabic-language newspaper, Haddas Eritrea; aged 34.

Yosuf Mohamed Ali

Chief editor of the newspaper, Tsigenay; business studies graduate; aged 45.

Amanuel Asrat

Chief editor of the newspaper, Zemen (“Time”); EPLF member since the 1970s.

Temesgen Gebreyesus

Sports reporter on the newspaper, Keste Debena (“Rainbow”); amateur actor; aged 36.

Mattewos Habteab

Editor of the newspaper, Meqaleh (“Echo”); mathematics graduate, University of Asmara; aged 30.

Dawit Habtemichael

Assistant chief editor and co-founder of the newspaper, Meqaleh; physics graduate, University of Asmara; full-time science teacher employed by the Ministry of Education; aged 30.

Medhanie Haile

Assistant chief editor and co-founder of the newspaper, Keste Debena; law graduate, University of Asmara; full-time employee of the Ministry of Justice; aged 33.

Dawit Isaac

Editor and co-owner of the newspaper, Setit; dual Eritrean and Swedish citizen as a result of being granted asylum in Sweden in the 1980s; education graduate; writer and theatre producer; aged 38.

Seyoum Tsehay

Freelance photographer; French language graduate and former French teacher; EPLF veteran since the 1970s; former director of Eritrean state television in the early 1990s; aged 49.

Fessaye Yohannes (“Joshua”)

Reporter and co-founder of the newspaper, Setit; EPLF veteran since 1977; poet and director of an amateur cultural dance group; studied in the United Kingdom (UK) in 2000; aged 46.

[5d] (p10-11)

6.11 The USSD 2004 report stated that: “The Government permitted one reporter for a foreign news organization to operate in the country. In September, the

Government ordered another reporter who had previously reported for the British Broadcasting Corporation and Reuters to leave the country.” [4e] (p5)

6.12 It further said that:

“The arrests of journalists continued during the year [2004]. In September authorities reportedly arrested Goitom Biahon, a journalist who submitted reports to Deutsche Welle, for filing a story that the Ministry of Information (MOI) found unfavorable. At year’s end, he reportedly was being held without charges. In late December, the Government released Aklilu Solomon, a journalist arrested in 2003 who had submitted articles to the Voice of America. At least 15 other journalists who were arrested in 2001 remained in government custody at year’s end.” [4e] (p5)

6.13 Freedom in the World 2004 stated that: “The government of President Isaias Afewerki continued its repressive policy of allowing no opposition or independent organizations in the political or civil sphere.” [36b]

6.14 AI 2005 reported that: “Private media remained banned. Fifteen journalists from the private, international and state media were still held incommunicado at the end of the year [2004], most detained in the September 2001 crackdown.” [5a]

6.15 Reporters Sans Frontières in their 2005 Annual Report stated that:

“The situation in Eritrea is tragically simple: There is no longer any privately-owned press, no freedom of expression and no foreign correspondents....Ten journalists who had begun a hunger strike in protest were in April 2002 moved to unknown places of detention and nothing has been heard of them since. Their families are not allowed to visit them. The authorities have only confirmed that these ‘traitors to the country’ are still alive....At the time of the 2001 roundup, the authorities had said that a parliamentary commission would be set up to study the conditions under which the independent media could resume operations. In October 2004, Information Minister Ali Abu Ahmed said that the report was still being prepared....The minister however insisted that the imprisoned journalists ‘were not journalists either professionally or ethically’ but ‘enemy agents before and after the war’ of 1998–2000....Eritrean journalists who are not in prison or recruited into the state-run media are living in exile. The government media tamely relays official propaganda. The Eritreans only other source of news is that of the rare foreign radio stations that can be picked up in the country. But this has its risks, so tight is Eritrean police control...”. [17]

6.16 Freedom House in their 2005 report noted that:

“The only media in Eritrea today are those controlled by the state: EriTV, which began broadcasting in Asmara in 1993; Dimtsi Hafash (Voice of the Masses radio), broadcasting in six languages with a transmission power of 1,000 kilowatts; three newspapers, one published in Tigrinya (Hadas Eritrea), one in Arabic (Eritrea al-Hadisa), and one in English (Eritrea Profile), all of which carry roughly the same information and opinion; and a government-run press service, the Eritrean News Service (EriNA). The Ministry of Information....uses the media to propagandize without permitting opposing views to be published or broadcast....What information and independent analysis of domestic and international issues reaches Eritreans does so largely through radio and Web-based media originating abroad. Three political parties – the EDP, the ELF-RC,

and the ENA – beam weekly shortwave radio programs to Eritrea via satellite. These and other opposition groups also maintain active Web sites, as do several unaffiliated groups in Eritrea’s very active diaspora, most of them highly critical of the Isaias regime. The most prominent of those opposed to the current government are Awate.com and Asmarino.com. Government supporters in the diaspora also maintain a number of sites, the most prominent of which is Dehai.org.” [36a]

6.17 IRIN News reported on 26 May 2005 that:

“The global media freedom watchdog Reporters Without Borders has called on Eritrean President Isayas Aferwerki to release journalists and political detainees who it said are being held in Eritrean jails. In a statement issued on Monday to mark Eritrea’s independence day, the group told the president that “to turn this day into a genuine celebration he would need to release senior journalists from the newspapers Tsigenay, Maqaleh, Keste Debenä, Zemen, Admas and all the other political detainees”. Eritrean authorities have denied allegations that they hold political dissidents.” [19m]

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FREEDOM OF RELIGION

6.18 AI reported on 1 June 2004 that:

“Church leaders Haile Naizgi and Dr Kiflu Gebremeskel were arrested at their homes in the capital, Asmara, on 23 May [2004]. They are reportedly held incommunicado in the 1st and 6th police stations respectively in Asmara. Amnesty International considers them prisoners of conscience, arrested solely because of their religious beliefs. They are at risk of torture to abandon their faith. They have not been taken to court within 48 hours, as required by law, or charged with any offence. Tesfatsion Hagos, pastor of the Rema evangelical church in Asmara, was arrested on 27 May [2004] while on a visit to Massawa port. His whereabouts are not yet known, but he too is believed to have been arrested solely on account of his religious beliefs. Haile Naizgi is the chairperson of one of Eritrea’s largest pentecostal churches, the Eritrean Full Gospel Church (also known as Mullu Wongel church). Dr Kiflu Gebremeskel, a former chairperson, is now a pastor. Their arrests are part of an intensifying wave of government persecution of minority Christian evangelical and pentecostal churches in Eritrea. Both men are in their 40s. Haile Naizgi, formerly an accountant for World Vision, is married with four children. Dr Kiflu Gebremeskel, a former mathematics lecturer at the University of Asmara, with a PhD from a US university, is also chair of the Eritrean Evangelical Alliance, a grouping of different churches including the Rema church. Hundreds of members of Eritrea’s evangelical and pentecostal churches, both adult and children, and several pastors, have been arrested since early 2003, following a government directive of May 2002 closing down the minority churches and ordering them to register with the new Department of Religious Affairs. Many people have been tortured to try to force them to abandon their faith.” [5e]

6.19 The USSD 2004 Religious Freedom report noted that:

“The Constitution, which the Government has not yet implemented, provides for freedom of religion; however, in practice the Government severely restricted

this right for all but the four government-sanctioned religions – Orthodox Christians, Muslims, Catholics, and the Evangelical Church of Eritrea (affiliated with the Lutheran World Federation), which together represent the vast majority of the population. Oftentimes, treatment of religious minorities varied depending on local authorities.” [4c] (p1)

- 6.20 The USSD 2004 noted that: “The Government prohibited political activity by religious groups and faith-based nongovernmental organizations (NGOs). The Government’s Office of Religious Affairs monitored religious compliance with this proscription against political activity.” [4e] (p8)

- 6.21 BBC News reported on 17 September 2004 that:

“If you are a Catholic, Muslim, or a member of the Orthodox and Evangelical churches in Eritrea then it seems you can breathe easy. However, those who believe and practise minority faiths are routinely persecuted, according to human rights groups. Two years ago the Eritrean government introduced a registration system for religions which forced groups to submit information about themselves in order to be allowed to worship. Apart from the four mentioned, other faiths have not been recognised. And human rights groups have regularly complained that people practising minority religions have faced harassment.” [8d]

- 6.22 AI 2005 reported that:

“In February [2004], 56 members of the Hallelujah Pentecostal Church in Asmara were arrested, including children. They were taken to Adi Abeto and Mai Serwa military prisons and tortured. Many were still held at the end of the year. Haile Nazgi, a former accountant for the non-governmental organization World Vision, and Dr Kiflu Gebremeskel, a former mathematics lecturer, both leaders of the Full Gospel Pentecostal Church, were arrested at their homes in Asmara in May. They were still held incommunicado at the end of the year. Dozens of Muslim teachers arrested in Keren and other towns in 1994 remained ‘disappeared’.” [5a]

- 6.23 AI 2005 noted that:

“A 2002 ban on religions other than the Eritrean Orthodox Church, the Catholic and Lutheran Churches and Islam remained in force. Police targeted minority Christian churches, broke up home-based worshipping, arrested and beat church members and tortured them in military detention centres to try to make them abandon their religion. Muslims suspected of links with Sudan-based armed Islamist groups were also targeted for secret detention. The government claimed there was no religious persecution and in October [2004] the leaders of the four government-permitted faiths issued a statement condemning ‘subversive activities against the religious institutions of the country’ by ‘alien and externally driven’ Christian and Islamic groups.” [5a]

- 6.24 AI reported on 20 July 2005 that:

“Semere Zaid, a lecturer in agriculture at the University of Asmara, and 18 students at Halhale College, part of the University of Asmara, are reportedly being detained incommunicado, and are at risk of torture or ill-treatment....Semere Zaid was detained on 6 July. He had been detained for a

month in February 2005 and warned to stop his religious activities. He had to report regularly to a police station in Asmara following his release. He was rearrested during one of these routine visits. He is reportedly detained in a special security service section of the Second Police Station....." [5d]

- 6.25 BBC News reported on 26 August 2005 that: "The spiritual head of the Eritrean Orthodox Church, Patriarch Antonios, has reportedly been removed from his post by the Eritrean government....Patriarch Antonios reportedly objected to government interference in the church and the arrest of three priests." [8k]
- 6.26 On 31 August 2005 it subsequently reported that: "The Eritrean government has denied reports that the head of the Orthodox Church, Patriarch Abune Antonios, had been dismissed from his position. Last week, diplomatic sources confirmed an opposition website report that the patriarch was replaced following a meeting with government officials....Information Minister Ali Abdu told the AFP news agency the patriarch was still at his post, and dismissed the website report as 'trash'." [8l]

RELIGIOUS GROUPS

- 6.27 A British Fact Finding Mission reported in April 2003 that: "The Sawa military training establishment is not only secular, but also that the practice in operation there is to mix religions and races of the military trainees. This is so that squad members have to rely on people who are of differing religions and races but who above all are Eritreans." [3] (p33)

- 6.28 The USSD 2004 Religious Freedom report noted that:

"Although reliable statistics are not available, approximately 50 percent of the population is Sunni Muslim, and approximately 40 percent is Orthodox Christian. The population also includes a small number of Eastern Rite and Roman Catholics (5 percent), Protestants (2 percent), smaller numbers of Seventh-day Adventists, and fewer than 1,500 Jehovah's Witnesses. Approximately 2 percent practices traditional indigenous religions. Also present in very small numbers are practicing Buddhists, Hindus, and Baha'is. The population in the eastern and western lowlands predominantly is Muslim and in the highlands predominantly is Christian. There are very few atheists. Religious participation is high among all ethnic groups." [4c] (p1)

- 6.29 This report continued that:

"Within the country's geographic and ethnic groups, the majority of the Tigrinya is Orthodox Christian, with the exception of the Djiberti Tigrinya, who are Muslim. The majority of members of the Tigre, Saho, Nara, Afar, Rashaida, Beja, and Blen are Muslim. Approximately 40 percent of the Blen is Christian, the majority being Catholic. More than half of the Kunama are Roman Catholic, with a large minority of Muslims and some who practice traditional indigenous religions. The central and southern highland areas, which generally are more economically developed than the lowlands, predominantly are populated by Christian Tigrinyas and some Muslim, Djiberti, Tigrinya and Saho. The Afar and Rashaida, as well as some of the Saho and Tigre, live in the eastern lowlands. The Blen live on the border between the western lowlands and the central highlands and are concentrated in the Keren area, which also includes a

significant minority of Tigre and Tigrinya speakers. The Beja, Kunama, Nara, and the majority of Tigre live in the western lowlands.” [4c] (p1-2)

- 6.30 It further said that: “Leaders of the four principal religions meet routinely and engage in efforts to foster cooperation and understanding among those religions. Of these religions only the Catholic Church has publicly defended the right of freedom of conscience for all faiths. Leaders of the four principal religious organizations enjoy excellent interfaith relations.” [4c] (p5)
- 6.31 The same report also noted that:
- “Citizens generally are tolerant of one another in the practice of their religion, particularly among the four government-sanctioned religious groups. Mosques and the principal Christian churches coexist throughout the country, although Islam tends to predominate in the lowlands and Christianity in the highlands. In Asmara, Christian and Muslim holidays are respected by all religions. Some holidays are celebrated jointly. Societal attitudes towards Jehovah’s Witnesses are an exception to this general tolerance....There was some social prejudice against members of the non-sanctioned religious groups. Some individuals reportedly cooperated with government authorities by reporting on and harassing those members.” [4c] (p5)
- 6.32 The report continued that: “The military has no chaplains. Military personnel are free to worship at nearby houses of worship for the four sanctioned religions. Military members reportedly are sometimes allowed to possess approved religious books to pray privately in their barracks but not in groups. Several members of nonsanctioned religious groups were arrested for violating this rule.” [4c] (p3)
- 6.33 Africa South of the Sahara 2005 noted that: “Eritrea is almost equally divided between Muslims and Christians. Most Christians are adherents of the Orthodox Church, although there are Protestants and Roman Catholic communities. A small number of the population follow traditional beliefs.” [1a] (p419)

NON-SANCTIONED RELIGIOUS GROUPS

- 6.34 The USSD 2004 Religious Freedom report noted that:
- “There were several reports that on occasion police tortured those detained for their religious beliefs, including using bondage, heat exposure, and beatings. There also were credible reports that some of the detainees were required to sign statements repudiating their faith or agreeing not to practice it as a condition for release. In some cases where detainees refused to sign, relatives were asked to do so on their behalf.” [4c] (p4)
- 6.35 AI, in a report dated 3 June 2005, stated that:
- “The security forces arrested a wedding party of over 200, including the bride and groom on 28 May [2005], in the capital, Asmara. All are reported to be members of the Meseret Christos church, which is banned in Eritrea....Those arrested are held in a police station in the Expo district of Asmara. A few were released without charge on 29 May, but most are still in custody....By law they

should have been brought before a court within 48 hours of arrest, but this has not been done.” [5f]

- 6.36 Al further reported on 20 July 2005 that: “Binyam Gezay and about 130 of the guests at his wedding have been released. However, some 70 others are still detained incommunicado without charge or trial, in Mai Serwa army camp.” [5g]

- 6.37 The Institute on Religion and Democracy, in an article dated 20 July 2005, noted that: “While the Eritrean constitution states that all people ‘shall have the right to freedom of thought, conscience and belief’ and ‘have the freedom to practice any religion and to manifest such practice’ (Chapter 3, Article 19), these freedoms are confined to state-endorsed religious belief and expression. Eritrea’s president, Isaias Afwerki, claims independent churches must be stopped because they were ‘distracting from the unity of the Eritrean people and distorting the true meaning of religion’. However, it is believed that religious persecution is a direct result of pressure from the politically significant Orthodox Church, which accounts for 40% of the country’s population. At least 400 members of ‘non-official’ government churches are incarcerated for their faith.” [46]

- 6.38 The USCRF 2005 report stated that:

“As part of the campaign against the religious activities of those persons not belonging to officially recognized religious denominations, Eritrean security forces have disrupted private worship, conducted mass arrests of participants at prayer meetings and other gatherings, and detained those arrested without charge for indefinite periods of time....In recent months, following Eritrea’s designation as a CPC [Country of Particular Concern], the government’s religious crack-down has intensified with a series of arrests and detentions of clergy and hundreds of others....Almost all allegations of religious freedom violations by international human rights or advocacy groups are routinely denied or ignored by the Eritrean authorities, who have not permitted investigations by these organizations.” [47]

- 6.39 The UN Civil and Political Rights, including the question of Religious Tolerance, reported on 15 March 2005 that:

“On 15 March 2004, the Special Rapporteur sent a communication to the Government of Eritrea regarding a pastor known only as Iyob, from the Kale Hiwot (World of Life) evangelical Christian Church, and seven unnamed members of his congregation who were reportedly held incommunicado in November 2003 at a police station in the southern town of Mendefera....The reason for their arrest was unknown and they had not been charged with any offence. It was feared that they were detained solely for exercising their legitimate right to freedom of religion. The main Kale Hiwot church in Asmara was reportedly closed down by soldiers in October 2003, apparently as part of the Government’s actions to restrict religious freedom. The Hale Kiwot Church is one of 12 minority Christian Churches that were allegedly banned in May 2002 and ordered to register with the new Department of Religious Affairs, but were informally allowed to continue their religious activities. Churches complained at the registration requirements, which included providing extensive details of members and funds....Tefatsion Hagos, pastor of the Rema Evangelical Church in Asmara, was reportedly arrested on 27 May 2004 while on a visit to Massawa port....On 3 November 2004, the Special Rapporteur

transmitted a communication to the Government of Eritrea in connection with information received according to which, on 25 July 2004, the police disrupted a Christian wedding ceremony in Senafe and arrested 30 people who were present. Police officers allegedly ordered everyone who was not a 'Pente'....to leave the place immediately. May of the guests did so, but the 30 Evangelical Christians who stayed were taken to a police station. According to the information received, all but two of the prisoners were released after signing a document promising not to participate in any Evangelical Christian wedding in the future." [48]

- 6.40 The same report continued: "On 24 January 2004 [a group twelve strong], all Jehovah's Witnesses, were reportedly arrested along with 26 other people, including eight children, while they were holding a religious service in a private home in Asmara." [48]

- 6.41 Serving in Mission reported the following statistics for the Kale Hiwot Church of Eritrea (KHCE):

"Organized Churches: 12; Developing Churches: 13; Ministry Training Centres: 1; Vernacular Bible Schools: 1....The KHCE has more than 1,200 baptized members in its churches and fellowships, but because of national conscription many of these churches lack the pasturing and teaching they need. The church has also been granted permission to open Kindergarten schools in unreached areas." [49]

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JEHOVAH'S WITNESSES

- 6.42 The USSD report on Human Rights for Ethiopia, 2002 noted that: "The Government continued its policy of not deporting members of Jehovah's Witnesses of Eritrean origin, who might face religious repression in Eritrea." [4d] (p16)

- 6.43 A British Fact Finding Mission reported in April 2003 that:

"According to this source [the delegation met a prominent member of the Jehovah's Witnesses in Eritrea], the procedures for becoming a recognised Jehovah's Witness are strict and difficult. Before they are baptised, a person has to prove their knowledge and devotion to the faith. Much study is needed, so much so that the source stated 'If a person claiming to be a witness did not know all of the main points of the faith then that is a lie'. They added, 'A person can be termed a Witness, attendee or liar. An attendee is nothing, anyone can attend a witness event but that does not make the person a Witness. Only those baptised and possessing the correct knowledge should be considered as Witnesses'." [3] (p35)

- 6.44 The same report stated that: "Over a number of months the Witness applicant will often without warning be asked to visit a group of noted Witnesses. Often these are Elders and generally three people will be present. Here they will be extensively tested on their knowledge and thus their acceptability to the faith. Many describe this process as being the hardest but most rewarding experience of their lives." [3] (p35)

6.45 It continued that:

“There are no Kingdom Halls [places of worship for the Jehovah’s Witnesses] in Eritrea, nor have there been any since independence. The Government owns all land and as they do not recognise the faith it can not get permission to set up Kingdom Halls. Worship ‘underground’ is illegal also. Meetings that are not sanctioned are not allowed to involve more than 5 persons. There exists an Eritrean Council of Elders but the branch office is in Nairobi (Kenya) and has been for many years. All witnesses in Eritrea know this. It is basic knowledge even to attendees.” [3] (p35)

6.46 The USSD 2004 Religious Freedom report noted that: “Most members of Jehovah’s Witnesses have refused to participate in national service or to vote based on their religious beliefs, which has led to widespread criticism that they collectively were shirking their civic duty.” [4c] (p4)

6.47 The same report noted that:

“In 1994 a presidential decree was issued declaring that because Jehovah’s Witnesses had ‘foresaken their nationality’ by refusing to vote in the 1993 independence referendum and by avoiding national service duty, the Government would dismiss Jehovah’s Witnesses from government employment, revoke their right to hold business licenses, and refuse issuance of identity or travel documents. This governmental action resulted in economic, employment, and travel difficulties for many Jehovah’s Witnesses, especially former civil servants and merchants.” [4c] (p2)

6.48 It further noted that:

“Although members of other religious groups, including Muslims, reportedly have been punished in past years for failure to participate in national service, the Government has singled out Jehovah’s Witnesses who were conscientious objectors for harsher treatment than that received by followers of other faiths for similar actions. Jehovah’s Witnesses who did not participate in national service have been subject to dismissal from the civil service, revocation of their business licenses, eviction from government-owned housing, and denial of passports, identity cards, and exit visas.” [4c] (p4)

6.49 AI, in a report dated 19 February 2004 stated that:

“On 24 January 2004 Eritrean police arrested 38 members of the Jehovah’s Witnesses religion who were holding a religious service in a private home in the capital, Asmara. Ten were released without charge in the next few days but 28 remain in custody, including children, and a 90-year-old man. AI considers them prisoners of conscience, detained solely because of their religious beliefs. The Eritrean authorities have not publicly acknowledged the arrests or given any reason for them. The whereabouts of the 28 are not known, but they are believed to be held in one of Eritrea’s many secret detention centres.” [5j] (p1)

6.50 Afrol News, in an article dated 20 February 2004, stated that: “The Eritrean Constitution guarantees the right to freedom of religion. However, Jehovah’s Witnesses in Eritrea – who number about 1,600 – have frequently been arrested on account of their faith’s principle of refusing military service, according to a US government report.” [16d]

6.51 AI reported on 19 May 2004 that:

“Three Jehovah’s Witnesses who refused military service are among the longest-held prisoners of conscience held since 1994. Paulo Iyassu (who had willingly completed 18 months development service but refused military service), Isaac Moges and Negede Teklemariam, have been held incommunicado in Sawa military base since 24 September 1994. Two others, Aron Abraha and Mussie Fessahaye, were forcibly conscripted in May 2001 and in 2003 respectively, and are detained in army custody.” [5c] (p11)

6.52 The United States Committee for International Religious Freedom 2005 report stated that: “The President has ordered that Jehovah’s Witnesses be dismissed from government jobs, as well as denied a range of important government services, including business licences, national identity cards, marriage licenses, passports and exit permits.” [47]

MUSLIMS

6.53 It was noted by the USSD 2004 Religious Freedom report that although Muslims have been punished in past years for failure to participate in national service, the Government has singled out Jehovah’s Witnesses who were conscientious objectors for comparatively harsher treatment. [4c] (p4)

6.54 The same report noted that: “Some Muslims also have objected to universal national service because of the requirement that women perform military duty.” [4c] (p4)

6.55 It further noted that: “The Government also restricts what it deems to be radical forms of Islam. Most foreign preachers of Islam are not allowed to proselytize, and funding of Islamic missionary or religious activities is controlled.” [4c] (p3)

6.56 AI in its Press Release of 19 May 2004 noted that: “Muslims have been targeted too, some held in secret incommunicado detention for years on suspicion of links with an Islamist armed opposition group operating from Sudan.” [5k]

FREEDOM OF ASSEMBLY AND ASSOCIATION

6.57 The USSD 2004 reported that:

“The Law provides citizens with the right to change their government peacefully; however, citizens were not allowed to exercise this right....The PFDJ has not allowed for a democratically elected government, and national elections, originally scheduled for 1997, were never held. The only authorized political party was the PFDJ, and there were no opposition parties active domestically.” [4e] (p8)

6.58 The report continued:

“During the year, elections for community judges were held throughout the country, and elections took place for regional assembly positions in Asmara and other large cities....No campaigning was allowed beyond posting photographs

of candidates and providing information such as name, age, and work experience.” [4e] (p8)

6.59 The Constitution states that every citizen has the right to form organisations for political ends. [2]

6.60 BBC News reported on 15 August 2004 that:

“The opposition to Eritrean President Isaias Afewerki has been meeting, leading to the most significant shake-up in Eritrean politics for many years. Opposition groups, which have been notoriously disunited, have come up with a common set of objectives, which could – for the first time in years – begin to pose a greater challenge to the president’s hold on power. Since achieving independence from Ethiopia in 1993, Eritrea has been a one party state, with the ruling *People’s Front for Democracy and Justice (PFDJ)* the only party allowed to function. But there was a critical moment in September 2001 when some of President Isaias’ closest associates sent him an open letter calling for the implementation of the Eritrean constitution, which guaranteed a wide range of human rights. The president’s reaction was to detain his critics without trial, some of whom had fought alongside him during the 30-year long war of independence. All independent newspapers were closed and journalists arrested. Many members of the PFDJ living abroad formed the Democratic Party, but have since then been attempting to come up with a strategy for resisting the president’s rule. Now the Democratic Party has agreed on a common set of objectives with two older parties, the ELF and the ELF-RC. At a meeting in Frankfurt, Germany, the parties agreed to work together to try to bring about what they called a ‘national dialogue’. An influential student grouping – the Movement for Democratic Change – led by the exiled former President of the University of Asmara student’s union, Semere Kessete, has decided to formally merge with the Democratic Party. This has left the Eritrean opposition in two clear camps. One camp – the Eritrean National Alliance – is based in Ethiopia and wishes to overthrow President Isaias by force. It has refused to take a stand on the contentious issue of where the border between Ethiopia and Eritrea lies – something the two countries went to war on in 1998. The other camp includes the Democratic Party, the ELF and ELF-RC. They resist Ethiopian intervention in Eritrean affairs. They also support the adjudication of an international tribunal, which ruled in Eritrea’s favour over key aspects of the border with Ethiopia. This grouping also appears willing to meet President Isaias – if that would lead to a democratic renewal in Eritrea. For the first time in many years, President Isaias now faces a more united and more determined opposition.” [8]

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POLITICAL ACTIVISTS

POLITICAL OPPOSITION

6.61 Europa 2005 stated that: “Following Eritrea’s accession to independence, a four-year transitional period was declared, during which preparations were to proceed for establishing a constitutional and pluralist political system....In early 1997 a Constituent Assembly was established to discuss and ratify the draft constitution....The outbreak of war in 1998 delayed the implementation of the

Constitution, although government officials continued to insist that it would be implemented gradually, once peace returned.” [1a]

- 6.62 USSD 2004 noted that: “There were no reports of political prisoners; however, there were numerous reports of persons detained for political reasons.” [4e] (p4)

- 6.63 Europa Regional Surveys of the World: Africa South of the Sahara 2005 stated that:

“Relations between Eritrea and Sudan deteriorated in late 1994, when the Eritrean authorities accused Sudan of training 400 terrorists. Sudan accused Eritrea of training some 3,000 Sudanese rebels in camps within Eritrea....In January 1997 the National Democratic Alliance launched an attack from Eritrea on Sudanese forces in the border region, resulting in numerous casualties. Sudan, however, blamed the incident on Eritrea’s armed forces. Meanwhile, Eritrea claimed that the EIJ was training more than 4,000 Eritrean Muslims in Sudan to launch attacks against the Eritrean authorities from Sudanese bases in Eritrea.” [1a] (p407-408)

- 6.64 Furthermore, the report noted that:

“In March 1999 the Alliance of Eritrean National Forces (AENF) was launched in Khartoum by 10 Eritrean opposition organizations. It was led by Abdallah Idriss, the Chairman of an ELF faction, who had consistently opposed the Afewerki Government from exile. The AENF declared that it would establish a Government-in-exile and commence negotiations over the border dispute with Ethiopia. However, the AENF, composed of conflicting religious and ethnic factions, was accused of largely being a creation of Sudan and Ethiopia. By mid-1999 Sudan indicated its willingness to improve its relations with Eritrea too. In May 1999 President Afewerki and his Sudanese counterpart signed a reconciliation agreement in Qatar, which, inter alia, restored diplomatic relations.” [1a] (p408)

- 6.65 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated: “Relations with Sudan still remain strained....Violent incidents, e.g. bomb blasts, planting of mines, ambushes, which took place in Eritrea during 2003 and 2004 have been blamed on the EIJ, operating and supported in Sudan.” [18b]

- 6.66 Freedom House 2005 reported that:

“In 2004, more than 18 externally based factions opposed the PFDJ. Some define their separate identity by ideological orientation, but most are differentiated by their links to external powers, their regional or ethnic base, or the personalities who lead them. Most seek the ouster of the Isaias Afewerki regime by extralegal means and maintain military bases or offices in neighboring Ethiopia or Sudan....In 2004 13 such groups were affiliated with the Ethiopia-based Eritrean National Alliance (ENA), which is committed to the armed overthrow of the Isaias government. Its adherents are drawn mainly from among former ELF fighters and from refugees in Sudan and Ethiopia.” [36a]

DEMOCRATIC ELECTIONS

- 6.67 The Economist Intelligence Unit report of August 2004 stated that:

“Eritrea’s ruling party, the People’s Front for Democracy and Justice (PFDJ) and its president, Isaias Afewerki, are expected to remain in power during the forecast period given that there is little hope of national elections – postponed from December 2001 – being held within the next five years. Although the chairman of the National Elections Commission, Ramadan Mohamed Nur, has suggested that May’s [2004] nationwide elections for the third regional assembly – essentially a PFDJ rubber – stamping exercise – augur well for national elections, the Economist Intelligence Unit does not expect the commission to set a date for these in the near future. Additionally, the National Assembly has yet to pass a law on multiparty democracy.” [20]

- 6.68 The same report noted that: “The elections were held in 178 administrative localities in Gash-Barka over a 37-day period, but few other details are available. Since the government still holds many of its main political opponents in detention, voters are likely to have been limited to choosing from among supporters of the administration.” [20]
- 6.69 Europa 2005 noted that: “In 2003 elections of local administrators and magistrates were held in villages throughout Eritrea and in 2004 elections took place in regional assemblies.” [1a] (p406)

THE G15 GROUP

- 6.70 AI on 18 September 2002 advised that: “In response to increasing criticisms and opposition to the President and to the latest G15 letter detailing ‘obstacles to reform’, the security authorities detained 11 members of the group in Asmara on 18 September 2001. Four members escaped arrest: three were out of the country and one withdrew his support for the group.” [5d] (p7)

- 6.71 The report goes on to note that:

“The 11 were all members of the Central Committee of the PFDJ and had been senior EPLF military or political leaders during the liberation struggle. They included three former Foreign Ministers – Haile Woldetensae, Mahmoud Ahmed Sheriffo (who was later Vice-President) and Petros Solomon, Aster Fissehatsion, a prominent woman EPLF leader, and three army generals. As Central Committee members, they automatically became members of the first National Assembly under the 1997 Constitution and should therefore have enjoyed parliamentary immunity from arrest. The National Assembly, however, declared on 4 February 2002 that ‘by committing such a crime, defeatism, they have removed themselves from the National Assembly’. Some had been co-founders and leading members of the EPLF since the 1970s, subsequently being appointed government ministers following independence, although all had been dismissed from their posts by the time of their arrests.” [5d] (p4-5)

- 6.72 AI in its September 2002 report stated that:

The 11 “G15” detainees

Ogbe Abraha

Army General; formerly Chief of Staff of the Defence Force, Minister of Trade and Industry, and Minister of Labour and Social Welfare; he has chronic asthma.

Aster Fissehatsion

Director in the Ministry of Labour and Social Affairs; executive member of the official National Union of Eritrean Women; EPLF official since 1977; former wife of Mahmoud Ahmed Sheriffo, also detained in September 2001; she has stomach ulcers.

Berhane Gebregziabeher

Army Major-General; head of the National Reserve Force; EPLF political bureau member since 1977.

Beraki Gebreselassie

Former Ambassador to Germany (to May 2001); previously Minister of Education and Minister of Information and Culture.

Hamad Hamid Hamad

Head of the Arabic (Middle East) Department in the Ministry of Foreign Affairs; former Ambassador to Sudan.

Saleh Kekiya

Former Minister of Transport and Communication, Vice-Minister of Foreign Affairs and Head of the Office of the President.

Germano Nati

Regional Administrator.

Estifanos Seyoum

Army Brigadier General; former Head of the Inland Revenue Service (to August 2001).

Mahmoud Ahmed Sheriffo

Former Vice-President (dismissed in February 2001), Minister of Local Government, and Minister of Foreign Affairs; EPLF co-founder.

Petros Solomon

Former Minister of Maritime Resources; previously Minister of Foreign Affairs, EPLF military commander and intelligence chief, EPLF political bureau member since 1977.

Haile Woldetensae (or Weldensae, also known as "Durue")

Former Minister of Trade and Industry (until July 2001); previously Minister of Foreign Affairs during the war and the peace talks, and also Minister of Finance; former EPLF head of political affairs and political bureau member since 1977; he is diabetic.

[5d] (p6)

- 6.73 Al further noted that: "In the months following and through 2002 to the time of writing, there have been reports that dozens of other people have been detained by the security police for supporting views expressed in the G15 open letter and in some cases for criticising the G15 detentions. Some elders were reported to have been detained after trying to mediate between the Government and its critics. Arrests also have in many cases been difficult to confirm because of the secrecy and pervasive intimidation." [5d] (p10)

6.74 A British Fact Finding Mission reported in April 2003 that:

“People have read about them [G15] when there was an independent press although nobody really seems sure what they stood for or whether like the ELF and AENF the only policy they were perceived to have was a wish to replace President Issayas. They are however connected to the wish for greater democracy, and that has stirred interest in itself. The source emphasised there is no evidence of a reform movement based on the beliefs and policies of the G15.” [3] (p12)

6.75 AI's report dated 18 September 2002 noted that:

“None of the eleven has been brought to court or formally charged with an offence, although the Constitution and the Penal Code require that detainees should be charged before a court or released within 48 hours of arrest. The maximum period for holding a suspect for investigation is 28 days. No lawyer, however, has dared to bring a habeas corpus action to challenge the detentions and to demand that the authorities produce the detainees in court.” [5b] (p7)

6.76 Furthermore, it noted that:

“The Government said the eleven ‘had committed crimes against the sovereignty, security and peace of the nation’. In February 2002 the National Assembly ‘strongly condemned them for the crimes they committed against the people and their country’. It was claimed that the G15 had committed treason during the war with Ethiopia. Although no death penalty has been carried out in Eritrea since independence, treason is a capital offence.” [5b] (p5)

6.77 AI reported on 19 May 2004 that there had been many arrests since late 2001 when dissent increased rapidly. Senior civil servants, diplomats, military commanders, health professionals, business people and more journalists had been arrested. The report stated:

“Nearly all had a long EPLF background as senior fighters and supporters. They had not expressed criticisms of the government as forcefully and publicly as the G15 journalists, and they had been less prominent in the democratic reform movement or even marginal to it. Several are reportedly held secretly in the 2nd or 6th police stations in Asmara. Only four of those arrested in the months after the 2001 crackdown have been released.... AI considers these and other detainees as prisoners of conscience imprisoned for their non-violent opinions. Their whereabouts in detention are not known. None of them has been taken to a court, allowed access to legal counsel, charged or tried. Dozens of other people arrested in late 2001 and early 2002 are still held, although information is difficult to obtain due to the secrecy of arrests and intimidation of families and associates.” [5f] (p7)

6.78 AI 2005 advised that: “Thousands of government critics and opponents arrested during the first decade of independence after 1991 were believed to be still detained in secret military and security detention centres throughout the country. Some were feared to have been extrajudicially executed.” [5a] (p2)

6.79 It further advised:

“Nothing was known of the whereabouts or condition of 11 former government leaders detained since September 2001. They included former Vice-President Mahmoud Ahmed Sheriffo, former Foreign Minister Haile Woldetensae and former Eritrean People’s Liberation Front intelligence chief Petros Solomon. Dozens of others remained in incommunicado detention, including Aster Yohannes, Petros Solomon’s wife, who was detained on her return to Eritrea from the USA in December 2003. The few releases reported in 2004 included Abdurahman Ahmed Yunis, aged 75, and Sunabera Mohamed Demena, aged 82, both seriously ill due to harsh prison conditions.” [5a] (p1)

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SUPPORTERS OF THE ETHIOPIAN DERG REGIME

- 6.80 The USSD 2004 report noted that: “An unknown number of persons suspected of association with the Ethiopian Mengistu regime, with Islamic elements considered radical, or with suspected terrorist organizations continued to remain in detention without charge, some of whom have been detained for more than 10 years.” [4e] (p3)

SUPPORTERS OF THE ELF AND ELF-RC

- 6.81 AI in its report dated 18 September 2002 stated that:

“In 1987 the EPLF, uniting with an Eritrean Liberation Front (ELF) faction, agreed a policy objective of creating a multi-party democratic system in a future independent state. At independence in 1991 when the victorious EPLF formed the Provisional Government of Eritrea, there was no reconciliation between the ruling EPLF and the ELF rivals. However, ELF members were allowed to return to Eritrea as individuals on condition that they renounced opposition. Some ELF members complied, such as the ELF-Unified Organisation, whose leaders were given government and military posts. Others, such as the ELF-Revolutionary Council [ELF-RC], remained in opposition – some launching a new armed struggle from bases in Sudan, others engaging solely in political opposition in exile.” [5d] (p2)

- 6.82 On 10 August 2003 Gedab News reported that ELF-RC withdrew from the Eritrean National Alliance (ENA), an opposition umbrella group, formerly the AENF, in October 2002: “...to protest the ENA’s alleged willingness to allow foreign forces to exert pressure on its operations including on matters dealing with the election of its leadership.” [50]

SUPPORTERS OF THE ERIJM

- 6.83 The USSD 2004 report stated that: “In addition to border incidents with Ethiopia, the army contended with the Eritrean Islamic Jihad Movement (ERIJM), a small Sudan based insurgent group that continued to attack in the north and west since 1993. Some members of the security forces committed serious human rights abuses.” [4e] (p1)

DONOR AID

- 6.84 IRIN News reported on 15 June 2005 that: “Poor donor response to the UN humanitarian appeal for Eritrea has forced some UN agencies to slow down

their activities and others to stop aid programmes, a senior official of the UN Office for the Coordination of Humanitarian Affairs (OCHA) said on Monday. "Some activities that would have been implemented are still at an early stage or have been stopped," Damien Gugliermi, the humanitarian affairs officer for OCHA, said in Asmara, the Eritrean capital. He said as of June, US \$42 million dollars, representing about 27 percent of total requirements, had been received. This has affected the operations of the UN Population Fund (UNFPA) in Eritrea." [19o]

6.85 IRIN News reported on 29 August 2005 that:

"Some 90,000 Eritrean and Ethiopian refugees living in eastern Sudan could go hungry unless more money is found to fill a 47 percent funding gap in a feeding programme for them, the UN World Food Programme (WFP) said on Friday....The agency said more than halfway through its two-year operation to feed the Eritrean and Ethiopian refugee populations living in eastern and southeastern Sudan, it had received US \$9.4 million of the required \$17.7 million. It added that it was feeding almost 50 percent more refugees than expected because concerns about general conditions in their homelands meant many refugees had decided not to go home. The refugees are living in 12 camps in Kassala, Gezira, Sinnar and Gedaref states....." [19s]

EMPLOYMENT RIGHTS

6.86 The USSD 2004 report noted that:

"Proclamation 118 of 2001, which has the effect of law, provides workers with the legal right to form unions to protect their interests; however, some government policies restricted free association or prevented the formation of unions, including within the civil service, the military, the police, and other essential services. The Ministry of Labor and Human Welfare must grant special approval for groups of 20 or more persons seeking to form a union. There were no reports that the Government opposed the formation of labor associations during the year [2004]." [4e] (p10)

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FORCED OR COMPULSORY LABOUR

6.87 The USSD 2004 report noted that: "The law prohibits forced or compulsory labor, including by children; however, there were unconfirmed reports that it occurred during the year [2004]." [4f] (p10)

FREEDOM OF MOVEMENT

6.88 The draft Constitution provides for the rights of free movement and emigration. [2]

6.89 The USSD 2004 report noted that: "Camp facilities [for Internally Displaced Persons] were rudimentary, but conditions generally were adequate. There also was a large but unknown number of IDPs residing outside camps during the year [2004]." [4e] (p7)

6.90 It also said that:

“Citizens and foreign nationals were required to obtain an exit visa to depart the country....Citizens of national service age (men 18 to 45 years of age, and women 18 to 27 years of age) [since updated by the AI report of May 2004 to men and women aged 18 to 40 years (see 5.61)], Jehovah’s Witnesses, and others who were out of favor with or seen as critical of the Government were routinely denied exit visas. Students who wished to study abroad often were unable to obtain exit visas. In addition, the Government frequently refused to issue exit visas to adolescents and children as young as 5 years of age, either on the grounds that they were approaching the age of eligibility for national service or because their diasporal parents had not paid the 2 percent income tax required of all citizens residing abroad. Some citizens were given exit visas only after posting bonds of approximately \$7,400 (100,000 Nakfa).” [4e] (p7)

6.91 Moreover, the report noted that: “In general, citizens had the right to return; however, citizens had to show proof that they paid the 2 percent tax on their income to the Government while living abroad to be eligible for some government services on their return to the country. Applications to return from citizens living abroad who had broken the law, contracted a serious contagious disease, or had been declared ineligible for political asylum by other governments, were considered on a case-by-case basis.” [4e] (p7)

6.92 The USSD 2004 report noted that:

“The law provided for these [freedom of movement within the country, foreign travel, emigration and repatriation] rights, however the Government restricted some of them in practice. While citizens could generally travel freely within the country and change their place of residence, authorities sometimes restricted freedom of movement and emigration. For security reasons, the Government restricted travel to some areas of the country.” [4e] (p7)

6.93 The Global IDP Project in an article dated 6 August 2004 stated that: “At the height of the 1998 – 2000 border war with Ethiopia there were 1.1 million internally displaced people (IDPs) in Eritrea. This number has fallen sharply but there are still some 59,000 people who cannot return home because of the tensions that persist around the border demarcation process. The physical marking out of the frontier, originally scheduled to start in May 2003, has been delayed indefinitely....The resulting stalemate is perpetuating the plight of the IDPs, as well as that of people expelled from Ethiopia and refugees returning from Sudan. Furthermore, delays in de-mining and rehabilitation activities are hampering the return of IDPs.” [22b]

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6B. HUMAN RIGHTS: SPECIFIC GROUPS

RETURNING ERITREANS

6.94 AI reported on 19 May 2004 that: “Eritreans returning from abroad, like Aster Yohannes, risk arbitrary detention if they return to Eritrea and are suspected of opposing the government – even if they have a foreign passport. In May 2003 two Eritrean nationals, Saleh Ali Sheikh, and his wife, Saret Ramadhan, were

reportedly detained on arrival from Saudi Arabia at Asmara airport and 'disappeared'." [5c] (p22)

6.95 Furthermore, the same report stated that:

"The majority of the refugees rejected the option of voluntary repatriation. Most long-term refugees, some of whom had been in Sudan for a generation, wished to remain in Sudan, either permanently (although Sudan had not officially agreed to accept them as citizens or provide them with permanent residence permits), or through retaining their refugee status. By early 2004 only a few thousand had voluntarily returned to Eritrea." [5f] (p24)

6.96 The USCFR report for 2003 also noted that:

"Returnees also benefited from UNHCR-implemented community-based reintegration programs that included education, health, and water projects. The government's Eritrean Relief and Refugee Commission allocated five-acre (2 hectares) plots of land, enabling returnee families to construct their homes and cultivate new crops. Many returnees expressed concern that the government-issued land was not favorable for cultivation and that development projects in returnee areas were virtually non-existent." [26a]

6.97 The United States Committee for Refugees (2004 report) stated that: "The World Food Program (WFP) provided returnees with a two month food supply. UNHCR provided blankets, water containers, agricultural tools, materials to construct traditional homes, and mosquito nets to each returnee family. UNHCR also issued cash grants to returnees." [26c]

6.98 UNHCR in a letter dated 11 March 2005 stated that:

"Based on various reports, it appears that the human rights situation in Eritrea has seriously deteriorated in the past two years. Human rights violations continue to be reported, *inter alia*, with regard to the treatment of opposition political groups and movements, freedom of expression, freedom of religion, arbitrary detention and detention conditions (including reports of torture, ill-treatment and forced labor) and treatment of draft evaders/deserters. This is especially so in light of reports that many persons deported from Malta to Eritrea between September 2002 and October 2002 were reportedly arrested immediately on arrival in Asmara and taken to detention incommunicado where they faced persecution including being subjected to forced labor, interrogated and torture. Some detainees are believed to have died of diseases suffered as a result of the unsanitary conditions in which they were held and/or injuries sustained as a result of persecution and/or torture. At least one person was allegedly killed by shooting during an escape attempt....." [18f]

ERITREANS RETURNING FROM SUDAN

6.99 The USSD 2004 report noted that:

"UNHCR reported that it repatriated 9,351 refugees from Sudan during the year. At year's end, UNHCR ended organized repatriation of citizens living in Sudan. The Eritrean Relief and Refugee Commission (ERREC), a government agency, was the principal organization responsible for returnees and IDPs. The Office of

Refugee Affairs was responsible for refugees of non citizen origin, including management of the Elit and Emkulu camps.” [4e] (p8)

6.100 Reliefweb confirmed on 5 March 2004 that: “The voluntary repatriation of Eritrean refugees from Sudan resumed on 25 February 2004 after a two-month suspension, as agreements between Eritrea and Sudan were finalised. A total of 180 initial returnees cross the border by bus where they received meals and rest at the Tesseney Reception Centre. Many have been away for 10–20 years and the return home is an emotional one.” [52]

6.101 The report further noted that: “The second movement on 29 February 2004 saw a further 545 returnees with many more scheduled to come. A total of 23 convoys are planned before the start of the rainy season in June this year [2004]. At present, over 30,000 refugees have registered to be assisted to return through the Government of Eritrea /UNHCR repatriation programme.” [52]

6.102 AI in their report of 19 May 2004 stated that:

“Prior to independence there were hundreds of thousands of Eritrean refugees in many countries of the world, but most in Sudan who had fled from Ethiopian government attacks and repression of the liberation movement and its actual or suspected supporters. It was well-known that Eritrean refugees would face torture, arbitrary detention and extrajudicial execution if returned to Ethiopia, whichever opposition group they belonged to. Eritreans were usually granted asylum and in western countries many proceeded to naturalization after some years, though retaining their Eritrean identity in the large and increasing Eritrean diaspora....After the war with Ethiopia and the increase of political opposition, there were new flows of refugees, particularly army deserters and youths fleeing conscription, as well as supporters of the new reform movement, including defectors from the government, civil service or armed forces. In March 2001 the UNHCR declared a partial cessation (ending) of refugee status for Eritrean refugees who had fled before independence and those who had fled the fighting during the Ethiopia war. This was aimed at reducing the long-standing refugee camp population in Sudan, who were required to register for voluntary return or re-apply for asylum. However, the fact that the declaration was partial and did not cover all Eritrean refugees – numbering over 300,000 – was not clearly communicated by UNHCR, even though UNHCR recognized that there were new flows of Eritrean refugees to Sudan and elsewhere. The cessation created considerable insecurity among Eritrean refugees in Sudan, who feared the long-standing collaboration between elements of the Eritrean and Sudanese security, despite hostilities between Sudan and Eritrea which led to fighting in western Sudan near the Eritrean border for some months in mid-2002.....” [5c] (p23-24)

6.103 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated:

“There were approximately 190,000 Eritrean refugees in Sudan at the time when the cessation deadline was applied (31 December 2002). Out of the Eritrean refugee population in Sudan, 150,000 persons applied for refugee status in Sudan, while approximately 35,000 persons registered for voluntary repatriation. During 2003, 9,415 refugees returned from Sudan and approximately 9,300 returned during 2004, bringing the recent figure of returns for the last 2 years to approximately 19,000 persons. The UNHCR organised

voluntary repatriation operation from Sudan to Eritrea formally ended on 31 December 2004, in agreement with the Governments of Eritrea and Sudan.” [18b]

ERITREANS FROM ETHIOPIA

6.104 HRW reported in January 2003 that: “Expellees were asked to fill out a detailed registration form and were issued the same type of registration card that Eritrean refugees returning from exile received. Once registered, the deportees were entitled to the standard government assistance for returning refugees: including short-term housing, food, and settlement aid; medical coverage; and job placement assistance.” [29e] (p28-29)

6.105 The same report added that:

“For the first year of the war, the ERREC issued the expellees an identification card known as a ‘green card’ or ‘Repatriated Refugees Card’. The card identified the expellee’s name, age, gender, level of education, native language, occupation, and dependents, as well as the date and location of the individual’s arrival. The card did not identify the citizenship of the holder. ERREC’s clerks were instructed to note, under the heading ‘remarks,’ that the individual or individuals named on the card had been ‘forcibly expelled from Ethiopia’. The cards were written in both Tigrigna and Arabic, the two languages of Eritrea. In mid-1999, the ERREC began issuing expellees from Ethiopia a new identification card, labeled ‘Identification Card For Eritreans Expelled from Ethiopia,’ and also known as the ‘blue card’. The information on the card largely corresponded to that on the green card, although the blue card used English in addition to Tigrigna and Arabic.” [29e] (p28 footnote)

6.106 The ICRC 2004 report stated that:

“The Eritrea – Ethiopia border was still closed, and telecommunications and postal services were not yet functioning between the two countries. The tracing and RCM [Red Cross Message] network was the only means of communication for thousands of relatives separated by the border....The ICRC also reunited vulnerable people, such as children, the elderly, sick or destitute, with relatives across the border who could care for them....The ICRC, with local Red Cross support, assisted in the voluntary repatriation of civilians to Eritrea and Ethiopia, organizing transport and providing basic supplies for the trip and short stay in a transit camp. It also helped those who were being repatriated to contact their families and retrieved and forwarded their official documents, mainly education certificates, so that they could continue their studies or apply for work.” [40]

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ETHIOPIANS IN ERITREA

GENERAL

6.107 A British Fact Finding Mission of April 2003 reported that:

“One international observer commented to the delegation that since 2000 the attitude towards Ethiopians had changed, not as a result of any Government led initiative but as a result of a shift in the attitude of the public and police towards

them. The inability to earn a living had been a leading cause for those that chose to be repatriated. Without the possibility of work they have little option but to leave. The source added that since the end of the war not only have societal attitudes changed, but with so much of the potential workforce in the military it is possibly a lot easier to gain employment now if one is registered as a resident foreigner.” [3] (p45)

6.108 SPLMToday.com in an article dated 21 December 2004 stated that:

“The Eritrea-Ethiopia Claims Commission has found Eritrea liable for persistent and serious violations of international law for its mistreatment of Ethiopians in Eritrea during the war, the Ministry of Foreign Affairs told ENA (Ethiopian News Agency) on Monday. It rejected most of the claims made by Eritrea. The commission has determined that Eritrea committed frequent and serious violations of international law in its treatment of Ethiopian civilians in Eritrea.” [45]

6.109 The USSD 2004 report stated that: “During the year, the Government repatriated approximately 549 Ethiopians to Ethiopia. They were repatriated voluntarily and with ICRC participation.” [4e] (p7)

6.110 Relief Web reported on 29 August 2005 that:

“A total of 226 Ethiopian civilians have been repatriated from neighboring Eritrea under the auspices of the International Committee of the Red Cross (ICRC), the aid agency said on Monday. According to a press release from the ICRC country office, amongst those repatriated on Friday were 11 unaccompanied minors and three medical cases who could join their families in Ethiopia. The press release said that in the same operation, 18 Eritrean civilians, including four unaccompanied minors, could join their families in Eritrea.” [52b]

6.111 The Secretary General of the UN Security Council on 30 August 2005 reported that: “UNMEE monitored the repatriation of 298 persons of Ethiopian origin and 163 persons of Eritrean origin, under the auspices of the International Committee of the Red Cross. I received with concern reports from both countries of discrimination on the grounds of nationality, and of difficulties in accessing public social services, against each other’s nationals. I appeal to the parties to ensure that repatriations remain voluntary....” [35]

TREATMENT

6.112 The USSD 2002 noted that: “The few deportees of Eritrean origin from Ethiopia who could not demonstrate their ties to the country were issued documents that identified them as Ethiopians, which permitted them to stay in the country. Government and army officials reportedly considered these Ethiopian deportees to be citizens who were trying to avoid national service. As a result, they were subjected to harassment and detention while the authorities checked their status.” [4d]

6.113 More recently, the USSD 2004 report documented that: “During the year [2004], ICRC provided shelter to approximately 68,000 persons who were displaced by the conflict with Ethiopia. The ICRC also visited prisons and detention centers where Ethiopians were held, and provided assistance to approximately 157,000

citizens through projects in water supply, health structure rehabilitation and housing.” [4e] (p8)

6.114 It continued: “Ethiopian nationals reportedly were singled out for arrest because they were unable to pay the necessary fees to renew their residency permits every 6 months. Although numbers of detainees fluctuated from month to month, the ICRC visited approximately 300 Ethiopians were detained at various times during the year.” [4e] (p3)

6.115 The International Committee for the Red Cross in its 2004 report stated:

“The ICRC pursued its efforts to ensure that the rights of civilians of Ethiopian origin living in Eritrea, including detainees, were respected regarding their living conditions and repatriation, in accordance with humanitarian norms and, where applicable, provisions of the Fourth Geneva Convention. It visited detainees and for the first time, gave briefings on international law (IHL) to personnel in prisons and police stations countrywide. The ICRC continued to assist in the voluntary repatriation of people of Eritrean and Ethiopian origin....At their request, vulnerable people were reunited with their families across the border.” [40]

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WOMEN

GENERAL SITUATION

6.116 The USSD 2004 report stated that: “The transitional Civil Code prohibits discrimination against women and persons with disabilities, and the Government generally enforced these provisions. However, there continued to be problems with violence against women.....” [4e] (p8)

6.117 The report continued:

“The Government consistently advocated improving the status of women, many of whom played a significant role as fighters in the independence struggle. Women have a legal right to equal educational opportunities, equal pay for equal work, and legal sanctions against domestic violence; however, in practice, men retained privileged access to education, employment, and control of economic resources, with greater disparities in rural areas than in cities. Women generally did not enjoy a social status equal to men. Laws were enforced unevenly, because of a lack of capacity in the legal system and long-standing cultural attitudes.” [4e] (p9)

6.118 The USSD 2004 report noted that: “During the year [2004], efforts to detain women draft evaders and deserters generally decreased. According to reports, some women drafted for national service were subject to sexual harassment and abuse. During the year, hundreds of women were demobilized from national service due to age, infirmity, motherhood, marriage or needs of their families. Once demobilized, women were not required to serve in a government ministry.” [4e] (p9)

6.119 The same report noted that:

“Three women served on the PFDJ’s 19-member Executive Council and 11 women on the 75-member Central Council. Women participated in the Constitutional Commission (occupying almost half of the positions on the 50-person committee). They also served in several senior government positions, including the Ministers of Justice, Tourism, and Labor and Welfare. By law, one-third of regional National Assembly seats are reserved for women, and women also may compete for the unreserved seats; however, the National Assembly does not meet.” [4e] (p8)

- 6.120 AI reported on 19 May 2004 that: “Women played an important part in the EPLF’s liberation struggle in both military and civilian roles and there was an official commitment to gender equality in the EPLF and its social policies.” [5c] (p21)

- 6.121 CARE USA reported on 25 July 2005 that:

“Like thousands of other women in Eritrea, Meheret Tsegai, a mother of three, lost her husband during the two and a half year border war with Ethiopia that ended in 2000. Charity organizations such as CARE International say that, in more than a third of the households in this Horn of Africa country, widows like Meheret and the wives of serving soldiers are now the sole breadwinners in their families....Meheret explained how a nationwide scheme backed by CARE is helping her and 20 other widows in the small village of Abardae to tackle a role traditionally reserved for the husband in a deeply conservative society. The widows....are pooling their savings as part of a program to help them develop business opportunities.” [53]

- 6.122 IRIN News noted on 19 May 2005 that: “The economic decline that Eritrea is experiencing has also affected people’s health. According to the UN Children’s Fund (UNICEF), about 40 percent of all pregnant and lactating women are malnourished. The last country-wide nutrition survey was made in June 2004, and experts say that in the meantime the situation has worsened.” [19j]

FEMALE GENITAL MUTILATION

- 6.123 The USSD 2004 report noted that:

“FGM was widespread, with estimates placing the number of women and girls who have been subjected to FGM as high as 95 percent. Almost all ethnic and religious groups in the country practiced FGM. In the lowlands, local groups practiced infibulation, the most severe form of FGM. There was no law prohibiting FGM; however, the Government worked to combat the practice. The Government and other organizations, including the National Union of Eritrean Women and the National Union of Eritrean Youth and Students, sponsored education programs that discouraged the practice. The U.N. Population Fund, through the Ministry of Health, sponsored reproductive health projects that provided training and awareness programs that focused on the harmful physical and psychological impacts of FGM.” [4e] (p9)

- 6.124 The Inter-Parliamentary Union supported the USSD position:

“Infibulation, excision and sunna are reportedly practised in Eritrea by Muslims and Christians. According to WHO, the prevalence was 97% in 1995 despite positions taken against FGM by the Eritrean People’s Liberation Front and the

National Union of Eritrean Women....In 1996, government policy was enunciated to eliminate FGM; to create and enforce legislation prohibiting practices such as FGM; to include in women's health care the prevention of such practices as FGM; and to provide treatment, counselling and rehabilitation for women suffering from FGM-related complications. The Government includes information on FGM in its health and general education programmes. The Ministry of Health carries out government policy relating to FGM and provides training on the topic to primary health care coordinators throughout the country." [54]

DOMESTIC AND SEXUAL VIOLENCE

6.125 The USSD 2004 report noted that:

"Violence against women was pervasive. Spousal abuse is a crime; however, spousal abuse, especially wife beating, was widespread. Women seldom openly discussed domestic violence because of societal pressures. Such incidents were more commonly addressed, if at all, within families or by religious clergy." [4e] (p8)

6.126 AI reported on 19 May 2004 that:

"There have been allegations from former conscripts of a pattern of sexual violence against female conscripts. Female conscripts are reported to have been subject to sexual abuse including rape. AI has received reports that some of the new female recruits were selected for sex under duress, through being threatened with heavy military duties or being sent to the battle-front during the war or to a remote and harsh posting, or being denied home leave....There was no mechanism for complaining to the military or civilian authorities, and when complaints were made, no action was known to have been taken to stop and prevent this practice, which appears to have been widely known." [5c] (p20-21)

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CHILDREN

GENERAL

6.127 The USSD 2004 report noted that: "The Ministry of Labor and Human Welfare is responsible for policies concerning children rights and welfare. The Children's Affairs Division in the Ministry of Labor and Human Welfare covered childcare, counseling, and probation. Although the Government was generally committed to children's rights and welfare, its programs were limited by resource constraints." [4e] (p9)

6.128 The same report noted that:

"The Government has a national plan of action to protect children from exploitation in the workplace; however, child labor occurred. The legal minimum age for employment is 18 years, although apprentices may be hired at age 14. Proclamation 118 bars children, young workers and apprentices under 18 years of age from performing certain dangerous or unhealthy labor, including working in transport industries, jobs involving toxic chemicals or dangerous machines, and underground work such as in mines and sewers. It was common for rural

children who did not attend school to work on family farms, fetching firewood and water, and herding livestock among other activities. In urban areas, some children worked as street vendors of cigarettes, newspapers, or chewing gum. Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws; however, due to the small number of inspectors, inspections were infrequent.” [4e] (p11)

6.129 BBC News in a report dated 11 January 2004 stated that:

“The United Nations children’s agency, UNICEF, says the north-east African country of Eritrea is breaking human rights regulations by making children complete the final year of their secondary education at the site of a military training camp. Eritrea’s recent history has been dominated by conflict with Ethiopia and 10% of the population is thought to be in the army. Sawa – in the far west of the country near the Sudan border – has always occupied a special place in Eritrean society. It is the site of a massive military training camp where every Eritrean aged between 18-40 must go as part of their compulsory military service. Now to matriculate you must leave home and complete Grade 12 in Sawa – a move the government say was taken because they do not have the money to expand secondary schools around the country....Those who attend grade 12 in Sawa and matriculate will have the chance to pursue further educational opportunities. For those who choose not to go – their national service begins when they turn 18 and that usually starts with training in Sawa’s military camp.” [8b]

6.130 AI reported on 19 May 2004 that:

“The government should strictly forbid and denounce recruitment of children under 18 years to national military service, and immediately allow any child conscripts to return to their families;

Detention of a child for a suspected criminal offence should only be allowed as a measure of last resort, in conformity with the law and international principles of juvenile justice, and for the shortest possible time – there should be no arbitrary detention on account of religious belief;

Children should not be detained together with adults, except in special circumstances where it is in the best interests of the child.” [5c] (p32-33)

6.131 IRIN News reported on 20 July 2004 that: “Hundreds of thousands of Eritrean children are living in extreme poverty due to prolonged drought, the aftermath of border conflict with neighbouring Ethiopia and its impact on the country’s economy, the United Nations Children’s Fund reported. UNICEF said in a humanitarian update that an estimated 425,000 children under 14 years of age were affected, mostly in families that were dependent on and headed by women.” [19]

6.132 The United Nations Children’s Fund (UNICEF) in a report dated 15 July 2004 stated that: “Children living in urban poor families are also of prime concern to UNICEF, as street children and destitution become more evident. Vulnerable urban areas have received very little food aid....” [27]

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CHILDCARE PROVISIONS FOR ORPHANS

6.133 A British Fact Finding Mission reported in April 2003 that:

“The number of orphans within Eritrea is identified by the MLHW [Ministry of Labour and Human Welfare] as one of the main social problems in Eritrea. In 1992–1993 a national survey identified approximately 90,000 orphans in the country. A survey conducted in 1999 - 2000 identified 51,000 in need of urgent support. A survey is presently underway to identify the number of AIDS orphans, as of October 2002 there were a total of 552 registered with the ministry on this basis. Within Eritrea the term orphan is defined as ‘a child who lost either one or both parents or has been abandoned.’ [3] (p72)

6.134 The same report stated that:

“The Government policy with regards to orphans and unaccompanied children is against the proliferation of orphanages and other forms of institutionalisation. Instead, the policy is to strengthen the traditional safety nets that have been in place within communities throughout Eritrea for generations. On the basis of information provided by the Ministry of Labour and Human Welfare’s Report on the implementation of the convention on the rights of the child the Government strategy for caring for orphans and unaccompanied children can be summarised as follows:

- **Reunification of orphans** with close relatives is regarded as the best solution for guaranteeing their psychological integration and developmental needs. This is the most favoured option; between 1994 and 1997 just under 14,000 orphans were re-unified with nearly 7,000 families.
- **Foster care** with an unrelated family has been tried as a second alternative to reunification in Eritrea since 1992 in situations where a close relative can not be found. However, for a number of factors, including the rejection of foster care by communities as an alien concept, the Government does not consider the foster care programme to have been successful and has no plans to extend the programme.
- **Adoption** is possible within Eritrea and involves the legal recognition that the child is part of the adopted family. Consent of any surviving parent is required, as is the consent of the adopted child itself if aged over 10 years. A relatively large number of families wish to adopt but priority is given to childless families or those with one child, hence few Eritrean families qualify. In the case of infants adoption is only permitted where the child has been abandoned; the Government states there are an average of 6/7 abandoned infants per year. A total of only 50 children have been adopted in Eritrea since independence.
- **Community based children’s homes (Group care)** have been considered the best alternative to reunification, foster care or adoption. It is considered that this option, in which children are established in group-homes within the community, can limit the social and psychological effects of institutional living. Residents are kept to a manageable size of 10 –12 children and two housemothers. As of 2002 a total of 132 children had been placed in 12 group homes situated within larger towns; six further homes are under construction. Children aged between 1 and 12 are

selected for placements in group homes, siblings are kept together and where possible placements are within the region the child originates from. Government evaluations of group-homes in 1998 and 2002 conclude that these homes provide a secure and caring environment for the children.

- **Institutional care (orphanages)** is considered as the Government's least desirable option. Due to the effective reunification programme and the reunification of many children within their extended families all but one of the Government run orphanages have been phased out. There are however ten non-governmental orphanages within Eritrea, all these are administered by religious organisations. The (MLHW) carries out supervision of all orphanages. Children may be admitted to orphanages from birth up until the age of 11; in 2002 official estimates suggested a total of 1,500 were in such institutions." [3] (p72-73)

6.135 A British Fact Finding Mission reported in April 2003 that:

"Review of Placements is undertaken by social workers of the Ministry of Labour and Human Welfare. All children placed under the provisions of the reunification or foster care programmes are checked upon regularly. However, the authorities do acknowledge that there is a need to develop guidelines for social workers working in the field, particularly in respect of their handling of cases involving children. It is also the case that many social workers have not received formal training, however the MLHW have worked in conjunction with United Nations Children's Fund (UNICEF) to upgrade social workers skills." [3] (p73)

6.136 The same report stated that: "[The] UNICEF Representative to Eritrea commented to the UK delegation to Eritrea that there is a very well defined programme for alternative childcare arrangements within Eritrea. The Child Protection Officer, United Nations Children's Fund (UNICEF), confirmed this was the case, so much so that the UN agency considers the Eritrea model suitable to export to other countries." [3] (p73)

6.137 It continued that:

"[The CPO] confirmed that the authorities' favoured arrangement is reunification of orphans within their extended family. She considered that in practice, the second option favoured by the authorities is the placement of children into group homes. The third option is the use of orphanages; she advised that Eritrea has one state run orphanage and 10 further orphanages managed by churches. UNICEF stated that there are approximately 1,500 children in these facilities, 300 of whom are in the state orphanage. With regard to adoption of children, either to foreign families or within the country, she confirmed that this could sometimes be arranged but commented that it was a difficult process." [3] (p73)

6.138 It also said that:

"There are several large orphanages within Eritrea adding that Asmara has one of the biggest. Orphanages are either run by the state or Christian NGOs in the country. They are considered by UNICEF to have satisfactory facilities such as adequate bedding, food and clothing provisions etc. Acceptability for entry to an orphanage is universal; there are no unacceptability rules that apply. Eritrea

does all that it can for orphans and the Eritrean public and expatriate community supports them in this policy.” [3] (p73-74)

- 6.139 It further added that: “The Government’s priority is to place orphans with surviving family if at all possible, if that is not possible then the authorities will attempt to place in a group home (essentially an extended foster family). The last resort is for a child to be put in an orphanage.” [3] (p74)

- 6.140 The World Bank reported on 15 December 2004:

“Another promising approach which could be ‘scaled up’ and used in as an example in other countries is the Eritrea Integrated Early Childhood Development Project (ECD), the largest World Bank project to specifically help orphans. It reaches out to families with vulnerable children by giving them economic assets such as cows or donkeys which have generated extra money to pay for orphans to go to school. So far, this program, which is supported by the Italian government, has successfully helped 28,000 orphans in Eritrea.” [55]

ABUSE AND TRAFFICKING OF CHILDREN

- 6.141 A British Fact Finding Mission reported in April 2003 that:

“The above mentioned report also refers to the rape of large numbers of young girls by Ethiopian soldiers during the border war. Rape is not dealt with openly in Eritrean society and the families of rape victims often keep such incidents a secret as a consequence of the shame brought on the family of a rape victim. In most Eritrean families’ virginity is a pre-requisite for marriage and consequently marriage for a girl who has been raped can become unattainable.” [3] (p82)

HOMOSEXUALS

- 6.142 According to the British Embassy in Asmara: “Penal Code Proclamation of 1957 No. 158/1957 Book V Title IV Section II which is still in force in Eritrea strictly prohibits ‘Sexual Deviations’, among which is performing sexual acts with someone of the same sex”. Confirmation is given that people who commit “such an act are prosecuted and punished whenever found guilty.” [10c]
- 6.143 However, the International Lesbian and Gay Association states that same-sex sexual activity is legal for men and women in Eritrea, though the association does note that much of the information is out of date. [12]
- 6.144 According to Globalgayz in an article dated 5 November 2003: “Despite the fact that homosexuality is legal under the interim Eritrean law, Asmara Military Police say those whom they arrested were involved in gay behaviour, gathering in a public bathroom in mid-town Asmara, the county’s [sic] capital. After some days spent in the Capital, Military Police then transferred the men to Diabeto, outside Asmara to the north.” [56]
- 6.145 The FCO in a letter dated 26 April 2005 assess that homosexuality in Eritrea is considered illegal. [10b]

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6.C HUMAN RIGHTS: OTHER ISSUES

USE OF TORTURE

6.146 The USSD 2004 noted that:

“The Penal Code prohibits torture; however, there were numerous reports that police resorted to torture and physical beatings of prisoners, particularly during interrogations. During the year [2004], police severely mistreated and beat army deserters, draft evaders, and members of particular religious groups. Security forces detained deserters and draft evaders and subjected them to various disciplinary actions that included prolonged sun exposure in temperatures of up to 113 degrees Fahrenheit or the binding of the hands, elbows and feet for extended periods.” [4e] (p2)

6.147 The AI report of May 2004 stated that: “Torture is systematically practiced within the army for interrogation and punishment, particularly of conscription evaders, deserters and soldiers accused of military offences, and members of minority churches. Torture is also used against some political prisoners. Furthermore, the atrocious conditions under which many political prisoners are held amount to cruel, inhuman or degrading treatment.” [5c] (p2)

6.148 AI in its report dated 19 May 2004 described the following methods of torture:

“The helicopter”: the victim is tied with a rope by hands and feet behind the back, lying on the ground face down, outside in the hot sun, rain or freezing cold nights, stripped of upper garments. This is a punishment allocated for a particular number of days, the maximum reported being 55 days in the Dahlak Kebir island prison, but it is more often one or two weeks. The prisoner is tied in this position 24 hours a day, except for two or three short breaks for meals and toilet functions.

“Otto” (Italian for “eight”): the victim is tied with hands behind the back and left face down on the ground, but without the legs tied.

“Jesus Christ”: the victim is stripped to the waist, wrists tied, and standing on a block with hands tied to a tree branch; the block is removed, leaving the victim suspended with the feet just off the ground in a crucifix-like posture. Beatings are inflicted on the bare back. This is said to be an extremely severe torture, restricted to only 10 –15 minutes to avoid serious lasting injury. This method was first reported from Adi Abeto prison in 2003.

“Ferro” (Italian for “iron”): the wrists are bound behind the back with metal handcuffs while the victim lies on the ground face down and is beaten with sticks or whipped with an electric wire on the back and buttocks.

“Torch” or “Number eight”: inside a special torture room, the victim is tied up by wrists behind the back and with the feet bound; a stick is placed under the knees and supported on a framework on both sides horizontally, and the body is turned upside down with the feet exposed. The soles of the feet are beaten with sticks or whipped.... Torture used in interrogations of political prisoners held in security prisons has allegedly also included electric shocks and sexual torture – a coca-cola bottle filled with water and tied to the testicles.” [5c] (p14-15)

- 6.149 The USSD 2004 Religious Freedom report noted that: "Some of the detainees reportedly have been rolled around in oil drums, abused by fellow prisoners, and the women sexually abused; some of the detainees reportedly suffer from partial paralysis and other physical injuries as a result of their torture. Other reports describe other individuals and groups in the military and national service who have been detained, harassed, and physically tortured for practicing non-sanctioned religions." [4c] (p4)

REFUGEES IN ERITREA

- 6.150 The US Committee for Refugees World Refugee Survey 2004 reported that:

"Nearly 280,000 Eritreans were refugees at the end of 2003, including some 270,000 in Sudan, nearly 7,000 in Ethiopia, and some 3,000 Eritrean asylum seekers in various Western countries. About 75,000 Eritreans were internally displaced at year's end [2003]. Fewer than 10,000 Eritrean refugees repatriated during the year, primarily from Sudan. Eritrea hosted nearly 4,000 refugees, including more than 3,000 from Somalia and fewer than 1,000 from Sudan." [51b]

- 6.151 The USSD 2004 report noted that: "Ethiopian nationals reportedly were singled out for arrest because they were unable to pay the necessary fees to renew their residency permits every 6 months. Although numbers of detainees fluctuated from month to month, the ICRC visited approximately 300 Ethiopians who were detained at various times during the year." [4e] (p3)

- 6.152 It continued:

"The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol and there is no domestic legislation relating to refugees. Consequently, the Government cannot issue legal refugee status or asylum to persons seeking protection on its territory; however, the Government offers temporary protection to persons from Sudan and Somalia on a prima facie basis and provided protection against refoulement, the return of persons to a country where they feared persecution. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees. There were 732 Sudanese refugees at Elit camp in the west and 3,400 Somali refugees at Emkulu camp, near Massawa. There were also up to 30,000 Beja Sudanese and approximately 600 Ethiopians in the Gash Barka region to which UNHCR has no access or responsibility. UNHCR accommodated 441 Ethiopians in urban areas who arrived over the past several years. The Government issued, for a fee, residency permits to Ethiopians living in the country." [4e] (p7-8)

- 6.153 The report further noted that: "The Office of Refugee Affairs (ORA) was responsible for refugees of non-Eritrean origin, including management of the Elit and Emkulu camps. In November and December [2003], the Government cooperated with UNHCR to re-register Sudanese and Somali refugees at the Elit and Emkulu camps." [4b] (p10)

- 6.154 IRIN News stated on 23 January 2004 that: "Thousands of refugees who fled northeastern Sudan into Eritrea are living in appalling health conditions, with no

access to adequate water and unable to send their children to Eritrean schools.” [19a]

- 6.155 The report goes on to state that Action by Churches Together (ACT), a worldwide alliance of churches and related agencies, said that: “The water supply for human and animal use is desperately inadequate. Girls take water from small, shallow pools in the dry riverbeds, the same pools where animals drink and pollute the water. Waterborne diseases are frequent among young children, weakening further their already weak status”. [19a]

INTERNALLY DISPLACED PERSONS

- 6.156 The World Refugee Survey 2004 reported that:

“About 75,000 war-uprooted Eritreans remained displaced throughout the country at year’s end [2003]. The prevalence of landmines, poor security, and the widespread destruction of businesses, homes, and water and transportation systems within the Temporary Security Zone prevented the return of tens of thousands of internally displaced Eritreans. As in previous years, the absence of basic health care and education services in war-destroyed villages also impeded large-scale return. More than 55,000 internally displaced persons continued to live in camps in western Eritrea’s Gash Barka and Debub Zones. An additional 8,000 resided in makeshift camps and host communities. Eritrea’s displaced population also included some 15,000 people of Eritrean descent who Ethiopian authorities deported from Ethiopia during the war. Severe drought, food shortages, and Eritrea’s depressed economy compounded the already difficult lives of the country’s displaced population. Insufficient rainfall left rivers dry and dams and wells empty. Most war-uprooted internally displaced persons lacked alternative sources of income and continued to rely exclusively on relief organisations for their daily needs, including WFP food rations. ‘The emergency needs of internally displaced persons and expellees, living in and outside camps, has not improved,’ the UN reported. Most camp-based war-uprooted internally displaced persons continued to live in temporary shelters. Nearly 75% of tents sheltering internally displaced persons required urgent replacement, according to the UN Office for the Coordination of Humanitarian Affairs.” [51b]

- 6.157 IRIN News reported on 23 January 2004 that:

“ACT said many of its target communities were situated in the war-affected extreme south of Eritrea, which also hosts many internally displaced people. Another 66,000 vulnerable poor people were in Zoba Maekel in central Eritrea, where most households are headed by women. ‘About 90 percent [of the vulnerable community consists of] women-headed households; the rest are vulnerable groups consisting of disabled, elderly persons with nobody to look after them. Most of the female-headed families lost their husbands during the 30-year war for liberation and the recent bloody border war with Ethiopia,’ ACT added.” [19]

- 6.158 The USSD 2004 report stated that: “Approximately 67,000 IDPs from the conflict with Ethiopia remained in 11 camps in the Debub and Gash Barka zones at year’s end. Camp facilities were rudimentary, but conditions generally were adequate. There also was a large but unknown number of IDPs residing outside camps during the year [2004].” [4e] (p7)

- 6.159 The Child Soldiers Global Report 2004 stated that: "In early 2004 some 60,000 people remained internally displaced in Eritrea following the two-year border war with Ethiopia that ended in December 2000. Both countries expelled an estimated 75,000 of each other's nationals during the war, some of whom continued to be subjected to torture and illegal detention." [57]

RESETTLEMENT

- 6.160 The UNHCR in an article dated 6 April 2005 stated that: "...The 35 year old former journalist was one of 10 Eritrean refugees from Shimelba camp in northern Ethiopia who recently boarded a flight from Addis Ababa to New Zealand, where the UN refugee agency has arranged for him to be resettled.... 'The further I go from home, the more my cherished dream of growing as a professional journalist withers away', he says grimly." [18a]

- 6.161 It continued:

"Of course, UNHCR prefers to help refugees to back to their home countries when they can do so in safety and dignity,' said Daniela Cicchella, head of UNHCR's Regional Resettlement Hub in Nairobi. Another lasting solution is sometimes for refugees to settle permanently in their country of asylum. 'However, there are some instances where the only appropriate solution to a particular refugee's plight is resettlement in a third country,' she added." [18a]

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TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

- 6.162 The USSD 2004 report noted that:

"There were no developments concerning the approximately 220 citizens deported from Malta in 2002 on suspicion that they had fled the country to escape or avoid national service. It is believed they were held at secret locations without contact with their families and without formal charges. There were reports that security forces killed some of those who tried again to escape." [4e] (p3)

- 6.163 However UNHCR, in its position paper of January 2004, also noted the treatment of the Malta returnees and concluded: "It appears that the deportees from Malta to Eritrea may have faced persecution owing to an imputed political opinion, conscientious objection or other reasons. It cannot be excluded that future deportees would face a similar risk." [18c] (p7)

- 6.164 This report continued:

"It is again emphasized that the scope of the cessation clauses for Eritrean refugees announced by UNHCR in May 2002 is limited to persons who fled their country as a result of the war of independence which ended in 1991, or the border conflict between Eritrea and Ethiopia which ended in June 2000. Other Eritrean refugees, i.e. those fleeing persecution, remained and continue to be unaffected by the cessation clauses. It is also underlined that the applicability of the cessation clauses is always rebuttable and, upon request, each individual case is to be examined on its merits. In this context, the possibility of a valid 'sur place' claim should not be excluded.

In the light of the above, UNHCR recommends that asylum claims submitted by Eritrean asylum seekers should undergo a careful assessment to determine their needs for international protection. It is also recommended that states refrain from all forced returns of rejected asylum seekers to Eritrea and grant them complementary forms of protection instead, until further notice. This position will be reviewed in the second half of 2004.” [18c] (p7)

- 6.165 UNHCR in a letter dated 10 April 2005 provided clarification of the validity of the January 2004 UNHCR position paper on the return of failed asylum seekers to Eritrea:

“UNHCR acknowledges that the final paragraph of the above paper states the following: ‘It is also recommended that states refrain from all forced returns of rejected asylum seekers to Eritrea and grant them complementary forms of protection instead, until further notice. This position will be reviewed in the second half of 2004’. We would like to confirm that the January 2004 UNHCR position paper on the return of rejected asylum seekers to Eritrea remains valid in all parts.” [18d]

- 6.166 In a further letter, dated 11 April 2005, UNHCR stated that: “UNHCR Headquarters have kept the situation in Eritrea under close review during the past months and there has been no such change in the situation that would warrant a different position at this time. Therefore, our recommendation for complementary protection remains firmly in place until further notice.” [18e]

- 6.167 AI reported on 19 May 2004 that:

“In response to Amnesty International’s concern about the deportations, the Maltese government said that it was “not in possession of any evidence that any ill-treatment was afforded to the Eritreans repatriated from Malta” and that the Eritrean Director for Refugees “was reported to have rejected any allegations of ill-treatment”.

As Amnesty International learned later, women, children and those over the conscription age limit of 40 years were released after some weeks in Adi Abeto prison but the rest of the Malta deportees – mostly army deserters – were kept in incommunicado detention and tortured. Some EPLF veterans among them were sent separately to “Tract B” military prison in Asmara. The rest were transferred to the secret Dahlak Kebir island prison in December 2002. Later the civilians (about 95) were sent to secret mainland prisons in July 2003, leaving behind about 85 conscript deserters in Dahlak Kebir. About 30 later escaped and fled again to Sudan, where they sought UNHCR protection. They gave testimonies of their detention and torture to Amnesty International. Some 200 other Eritreans – also mostly army deserters or conscription evaders – remained in detention in Malta in poor conditions, some appealing in court against the threat of deportation. The Maltese authorities were much criticized for their treatment of the Eritreans and other migrants and asylum-seekers, at a time when Malta was applying to join the European Union and therefore expected to comply with European Union asylum standards and establish refugee status determination procedures more in line with international standards. In December 2003 they released most of the remaining Eritrean asylum-seekers to a non-custodial hostel. The rest were released in February 2004 and resettlement was being considered for all 105 Eritrean asylum-

seekers still in Malta.(29) More Eritreans reportedly arrived in Malta in April 2004 after encountering difficulties at sea.” [5f] (p23)

6.168 Malta Media reported on 23 May 2004:

“With reference to reports in some newspapers on the deportation of Eritrean citizens in 2002, the Ministry for Justice and Home Affairs insists that the United Nations High Commission for Refugees (UNHCR) did not oppose their repatriation. The Ministry also said that the Eritreans did not apply for refugee status in Malta and were illegal immigrants to all effects. The reaction was triggered by reports from Amnesty International that some of these Eritreans in question were imprisoned and tortured after their return from Malta.” [58]

6.169 UNHCR, in its position paper of January 2004, has stated that it has not noted any: “...incidents of reprisals or persecution perpetuated by the Government of the State of Eritrea against refugees who voluntarily elected to return to their country, and did so under the auspices of UNHCR’s voluntary repatriation programme”. UNHCR add that: “...the voluntary repatriation programme continues and UNHCR hope to be able to assist as many refugees as possible to repatriate, including the remaining 35,000 refugees who are currently registered for voluntary repatriation in Sudan.” [18c] (p6)

6.170 IRIN News stated on 12 March 2004 that: “After more than 30 years in exile, an estimated 1,700 Eritrean refugees left their camps in eastern Sudan to return home to Eritrea this week, in the biggest return convoy this year [2004]. On Wednesday, a convoy of 58 passenger buses and more than 30 luggage trucks carrying 1,770 refugees and their belongings crossed into Eritrea under the escort of officials from Sudan and the UN refugee agency.” [19c]

6.171 The article further stated that:

“Eritrea is one of several countries that has been chosen for UNHCR’s pilot testing of a new initiative dubbed the 4Rs – Repatriation, Reintegration, Rehabilitation and Reconstruction – which is already being tested in Sierra Leone, Sri Lanka and Afghanistan. The 4Rs project aims to ensure that the return of the refugees and their reintegration is backed by ‘solid rehabilitation and reconstruction programmes’, UNHCR reported.” [19c]

6.172 The article noted that: “The Sudanese government estimates the total number of Eritreans remaining in Sudan to be over 200,000. About 35,000 people have signed up for voluntary repatriation to Eritrea this year [2004], while over 29,000 families have applied to remain in Sudan as refugees.” [19c]

6.173 EHRA reported on 28 July 2004 that:

“The Libyan authorities are reported to have forcibly returned over 110 people to Eritrea on 21 July [2004]. It is feared that they are now in secret, incommunicado detention in military camps, where they are at serious risk of torture. At least 200 Eritrean nationals currently detained in Libya are also feared to be in imminent danger of forcible return. All were reportedly hoping to travel on from Libya to seek asylum in Europe. It is feared that many Eritrean nationals held in detention centres in Kufra, Misrata, Tripoli and elsewhere, as well as others living in Libya, are at imminent risk of forcible return to Eritrea. This fear is compounded by reports that members of the Libyan security forces

may have been searching for Eritrean nationals residing in the country, apparently with a view to arresting and deporting them. About 40 of those returned on 21 July were reportedly arrested in a street round-up in Tripoli in recent weeks. They were apparently convicted of drug and alcohol-related offences, which they denied, and deported the same day. At least another 40 had been detained for longer in detention centres in Misrata and Tripoli, apparently for illegal entry.” [60]

HUMAN RIGHTS ORGANISATIONS IN ERITREA

6.174 The USSD 2004 report noted that: “The Government prohibited political activity by religious groups and faith based nongovernmental organizations (NGOs). The Government’s Office of Religious Affairs monitored religious compliance on this proscription against political activity.” [4f] (p6)

6.175 Europa 2005 stated that:

“From the first years of independence both international and local NGOs have been tightly controlled....Financial controls were also tightly mandated, with organizations only allowed to maintain an office in the country, if administration comprised less than 10 percent of the overall budget. Local organizations, of which there are 14, are required by law to rely mainly on local, rather than international financial support, although in practice this requirement is not met. In 1996 these restrictions were tightened with the result that international organizations could only work in the areas of health and education. Many NGOs left in 1997, when foreign staff were required to pay high rates of local tax. Some NGO representatives insisted that they were ‘asked to leave’. Although a few NGOs returned in the aftermath of the Ethiopian – Eritrean border war, donor reluctance to fund non-humanitarian aid has diminished the sector.” [1a] (p406-407)

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Annex A: Chronology of major events

- 1952** UN approves federation between Eritrea and Ethiopia; however, Ethiopian rule effectively stifles Eritrean autonomy. [1a] (p402)
- 1958** Eritrean Liberation Movement (ELM) founded. [1a] (p402)
- 1961** Eritrean Liberation Front (ELF), which had superseded ELM, begins armed campaign for Eritrean independence from Ethiopia. [1a] (p402)
- 1962** Eritrea's status reduced to that of an Ethiopian province. [1b] (p1573)
- 1972-1974** Civil war in Eritrea between ELF and breakaway Popular Liberation Forces (which went on to form the Eritrean People's Liberation Front [EPLF] in 1977). [1a] (p402)
- 1974** Revolution which brings hard-line Marxist 'Derg' regime to power. [1a] (p402)
- 1977-1978** Further splits within ELF. [1a] (p402)
- 1985** Second civil war between ELF and breakaway factions, leading to further splits from ELF, effectively neutralising it as an effective military force; EPLF now the main opposition force to Ethiopian rule. [1a] (p402)
- 1990** EPLF captures Massawa. [1a] (p402)
- 1991** **May:** EPLF captures Asmara; at same time EPRDF captures Addis Ababa and overthrows Derg; EPRDF recognises EPLF as government of Eritrea and agrees independence referendum for Eritrea in 1993. [1a] (p402, 426)
- 1993** **April:** UN-supervised referendum overwhelmingly approves independence from Ethiopia. [1a] (p403)
24 May: Independence proclaimed. [1a] (p403)
28 May: International recognition of independence of the State of Eritrea; EPLF establishes transitional government, with EPLF leader Issayas Afewerki becoming first President of Eritrea. [1a] (p403)
8 June: Issayas Afewerki elected first President of Eritrea by the National Assembly. [1a] (p403)
- 1994-1995** Conferences on constitutional reform held throughout Eritrea, but Government opponents not invited to participate. [1a] (p403)
- 1994** **February:** EPLF becomes the People's Front for Democracy & Justice (PFDJ) and espouses its support for a pluralistic political system. [1a] (p403)
- 1995** **May:** Government rationalisation programme cuts size of civil service and reorganises administrative regions. [1a] (p403)

- 1997** **May:** New Constitution adopted by Constituent Assembly but not fully implemented. Government officials continue to insist that the Constitution would be implemented gradually. [1a] (p403)
- 1998** **May:** Border conflict with Ethiopia erupts into heavy fighting; thousands of Eritreans expelled from Ethiopia and many Ethiopians leave Eritrea. [1a] (p404)
- 1999** **February:** Upsurge in fighting with Ethiopia. [1a] (p404)
March: Ten opposition groups based in Sudan form Alliance of Eritrean National Forces (AENF), led by ELF-CC's Chairman. [1a] (p408)
- 2000** **May:** Ethiopia launches all-out attack on Eritrea, capturing territory taken by Eritrea in May 1998. [1a] (p404)
June: Eritrea and Ethiopia sign cease-fire agreement and agree to UN monitoring force along border. [1a] (p404)
October: Eritrean professionals and academics meet in Berlin, Germany, and write a letter to President Issayas Afewerki, since known as the 'Berlin Manifesto', about the 'political and economic challenges that confront us as a new nation'. [1a] (p405)
December: Eritrea and Ethiopia sign peace agreement in Algeria establishing commissions to mark border, exchange prisoners, return displaced people and hear compensation claims. [1a] (p404-05)
- 2001** **February:** Eritrea accepts United Nations plans for a temporary demilitarised zone along its border with neighbouring Ethiopia. [1b] (p1576)
22 February: Ethiopia says it has completed its troop withdrawal from Eritrea in accordance with a United Nations-sponsored agreement to end the border war. [1b] (p1576)
April: Eritrea announces that its forces have pulled out of the border zone with Ethiopia – a key provision of the peace agreement signed between the two countries. [1b] (p1576)
May: A dissident group at the centre of the PFDJ publicly expresses strong criticisms of the President. This group is known as the 'Group of 15' or 'G-15'. [1a] (p405)
July: Semere Kesete, the student union president at the University of Asmara, makes a speech at the graduation ceremony criticising the Government. He was arrested shortly afterwards. [1a] (p406)
August: Hundreds of students protest about Kesete's arrest; police arrest 400 of them, two of whom die during hard labour in detention. [1a] (p406)
September: The Government closes all privately owned newspapers. Following this the police arrest ten leading journalists. [5c] (p6)
18 September: Security authorities detain 11 members of the G-15 group. Four members escape arrest. [1a] (p406)
- 2002** **February:** It was decided that the National Assembly would comprise 75 members of the PFDJ Central Committee and 75 directly elected members. All but eight of the 50-member Constitutional Commission were government appointees, and there was no provision for any opposition participation in the interim system. [1a] (p403)
31 March: The ten journalists arrested in September 2001 begin a hunger strike. Nine of the ten were moved from the 1st Police Station in Asmara to an unknown location. [5c] (p7)

13 April: The International Tribunal announces the border decision. Both Eritrea and Ethiopia declare victory. Confusion over which country controls Badme remains. [1a] (p405)

May: Roma Gebremichael, the wife of one of the G-15 detainees, is arrested. [5c] (p7)

May: The UN High Commissioner for Refugees (UNHCR) announces that by the end of the year Eritreans in Sudan would no longer automatically be entitled to refugee status. [5a] (p1)

August: Semere Kesete escapes prison and flees to Ethiopia. [8i]

October: Malta deports over 200 asylum seekers back to Eritrea. They are detained on arrival and held incommunicado without charge or further explanation. [5c] (p5)

29 November: 1,130 POWs and 95 civilian internees of Eritrean origin are released by the Ethiopian authorities and repatriated. [1a] (p405)

2003 March: The Boundary Commission categorically rules Badme to be in Eritrean territory. Ethiopia voices its opposition to the ruling. [1a] (p405)

August: The Government detained 57 students who were members of non-sanctioned religious groups; the students were arrested while at a mandatory three-month summer course at the Sawa Military Camp. [4b] (p8)

2004 January: UN Secretary-General Kofi Annan says in a report to the Security Council that the peace process between Ethiopia and Eritrea “remains difficult, even precarious”. He says he is “concerned that a minor miscalculation by either side could have serious consequences”. [19e]

February: Former Canadian Foreign Minister Lloyd Axworthy is named UN special envoy to help defuse the stand-off between Ethiopia and Eritrea. [1a] (p405)

May: The Security Council expresses deep concern over the “continued lack of progress” in resolving the border dispute between Ethiopia and Eritrea. It urges Eritrea to end restrictions imposed on UN peacekeepers in the region – including limits on their freedom of movement, saying the Council is concerned over deterioration in cooperation with UNMEE. [19f]

July: UN Secretary-General Kofi Annan visited the Horn of Africa in a new initiative to kick-start the stalled Ethiopian-Eritrean peace process. [19f]

September: UNMEE expresses disappointment after the Eritrean Government re-imposed restrictions of movement along a crucial supply route for its peacekeepers. [19f]

November: Prime Minister Zenawi announces a five-point plan to try to end the border stalemate with Eritrea, saying his country would accept, “in principle”, the April 2002 ruling of the independent Boundary Commission that was intended to end hostilities between the two neighbours. He, however, insists that the ruling is still illegal and unjust. Any attempt to implement the Hague-based decision, he adds, “might lead to a serious escalation of the tension between the two countries and thereby undermine the peace”. [19f]

December: Eritrea calls on Ethiopia to abide by the ruling of an independent commission that delineated their disputed border in 2002 and urges the international community to help secure peace and stability in the Horn of Africa. It demands Ethiopia’s “cooperation with the Boundary Commission to ensure expeditious demarcation of the boundary” and calls for “full and unconditional respect of the Algiers Agreement”. [19f]

2005 February: The large number of troops being deployed at the border between Ethiopia and Eritrea is worrying the United Nations. The troops remained on

their own soil, but Ethiopian soldiers had come within a 20–40 kilometre range of the frontier. [8h]

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Annex B: Political organisations

Alliance of Eritrean National Forces (AENF) – see **Eritrean National Alliance**. [1a] (p419)

Democratic Movement for the Liberation of Eritrea (DMFLE)

Opposition group; leader Hamid Turkey. [1a] (p418)

Eritrean Islamic Jihad (EIJ)

Radical opposition group; in August 1993 split into a military wing and political wing; leader of political wing Sheikh Mohamed Arafa. [1a] (p419)

Eritrean People's Liberation Front

After 1962, Eritreans who opposed union carried on sporadic guerilla warfare against Ethiopia, and the Eritrean Liberation Front (ELF) was founded. In 1972 a rival insurgent group, the Eritrean Popular Liberation Forces (EPLF), was formed and battled the ELF for supremacy. [22]

Islamic Salvation Movement

Eritrean Islamic Jihad Movement (EIJM), Harakat al Jihad al Islami' – The Federation of American Scientists (statement last updated 1999) said:

"The Eritrean opposition group Harakat al Jihad al Islami (EIJM) changed its name to Harakat al Khalas al Islami (Islamic Salvation Movement) in September 1998. The Movement has been seeking the forceful overthrow of Eritrea's government and its replacement by an Islamic government. Sudanese authorities indicated their support of the Movement allowing the Movement's Secretary-General Sheikh Mohamed Amer to hold a news conference in Khartoum." [24]

Eritrean Liberation Front (ELF)

Founded 1958; commenced armed struggle against Ethiopia in 1961; subsequently split into numerous factions; mainly Muslim support; opposes the PFDJ; successor to the Eritrean Liberation Movement. Factional splits in 1970s led to formation of rival EPLF, with which ELF fought, and lost, two civil wars in the 1970s and 1980s; now broken into several factions – see principal factions **ELF-CC**, **ELF-NC**, **ELF-RC**: [1a] (p419)

Eritrean Liberation Front-Central Command (ELF-CC)

Founded 1982; Chairman Abdella Idriss. [1a] (p419)

Eritrean Liberation Front-National Council (ELF-NC)

Leader Hassan Ali Assad. [1a] (p419)

Eritrean Liberation Front-Revolutionary Council (ELF-RC)

Established by former ELF members who remained outside EPLF; President Seyoum Ogbamichael; leader Ahmed Mohamed Nasser. [1a] (p419)

Eritrean National Alliance (ENA)

Formerly **Alliance of Eritrean National Forces (AENF)** and founded in 1999. Changed name in 2002 – Grouping of 13 opposition organisations (including EIJ, EIS, ELF, and a number of ELF factions). Military wing aimed set up in 2003; Chairman Hiruy Tedla Bairu; Secretary General Husayn Khalifa. [1a] (p419) [59]

Eritrean People's Liberation Front Democratic Party (EPLF-DP)

Founded 2001; breakaway group from the PFDJ. Gains credibility in not being connected to Sudan or Ethiopia as most opposition groups are. Leader the former Defence Minister Mesfin Hagos. [1a] (p403) [8]

People's Front for Democracy and Justice (PFDJ)

Founded 1970 as the Eritrean Popular Liberation Forces (EPLF); following a split in the Eritrean Liberation Front, renamed the Eritrean People's Liberation Front in 1977; adopted present name in February 1994. Christian and Muslim support; in May 1991 took control of Eritrea and formed provisional Government; formed transitional Government in May 1993; Chair Issaias Afewerki, President of Eritrea; Secretary General Alamin Mohamed Said. [1a] (p419)

Popular Liberation Forces

Breakaway faction from ELF which went on to form EPLF in 1977. [1a] (p402)

Red Sea Afar Democratic Organisation

Afar opposition group; Secretary General Amin Ahmmad. [1a] (p419)

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Annex C: Prominent people*

Ahmed Nasser

Until recently (2003) leader of ELF-RC. [1a] (p403)

In its sixth regular meeting in Addis Ababa (October 2003), the ENA had resolved and appointed a committee for a national conference chaired by Ahmed Nasser, who had recently abandoned his official position in ELF-RC and later joined the ENA without assessment of his past withdrawal from it. [60]

Alamin Mohamed Said

Secretary-General of PFDJ. [1a] (p419)

Ali Sayyid Abdullah

Minister of Foreign Affairs (died 28 August 2005). [1a] (p418)

Amin Ahmmad

Secretary General of Red Sea Afar Democratic Organisation. [1a] (p419)

Berhane Abrehe

Minister of Finance. [1a] (p418)

Hamid Turkey

Leader of Democratic Movement for the Liberation of Eritrea. [1a] (p418)

Hassan Ali Assad

Leader of ELF-NC. [1a] (p419)

Hiruy Tedla Bairu

Leader of the ENA; replaced Abdallah Idris in January 2005. [59]

Issayas Afewerki

Secretary-General of EPLF, Chairman of PFDJ and President of Eritrea June 1993 to present. [1a] (p403 & 419)

Mesfin Hagos

Former Defence Minister, member of G-15 group of dissenters. Hagos escaped arrest in September 2001 by being out of the country. Leader of EPLF-DP. [1a] (p419)

Sebhat Ephrem

Minister of Defence. [1a] (p418)

Semere Kesete

Once President of Students' Union at University of Asmara.

Seyoum Ogbamichael –

President of ELF-RC. [1a] (p419)

Sheikh Mohamed Arafa

Leader of EIJ. [1a] (p419)

* It is more usual for people in Ethiopia and Eritrea to be addressed by their first name. This is reflected in this list and at times in the text of this report.

Annex D: Tribal groups

Ethnic Groups

The Constitution prohibits discrimination on the grounds of race, ethnic origin, language, colour, sex, religion, disability, political belief or opinion, or social or economic status or any other factors. [2]

Europa 2005 stated that: "The population is fairly evenly divided between Tigrinya-speaking Christians, the traditional inhabitants of the highlands, and the Muslim communities of the western lowlands, northern highlands and east coast". [1a] (p402)

The UK Fact Finding Mission to Eritrea stated that: "...while there are problems with ethnicity in all areas of the world, Eritrea has no real problem with the individual racial groupings, in fact in comparison to other areas of Africa it is remarkably stable. The source stated that nobody in Eritrea truly believes that a person would be persecuted for being part of any particular Eritrean ethnic group, as this would go against the beliefs of Eritrean unity espoused by the Government." [3] (p40)

Languages

Lonely Planet in its guide to Ethiopia, Eritrea and Djibouti, published November 2000, stated that: "In theory Tigrinya, Arabic and English are all the official languages of Eritrea. In practice Tigrinya is mainly confined to the highlands, Arabic to the coastal regions and along the Sudanese border and English to the educated urban populations (particularly in Asmara)....Each of the nine ethnic groups speaks its own language....Amharic, a legacy of Ethiopian rule is still widely spoken." [32] (p334)

The Encyclopedia of the Peoples of the World, published 1993, stated that: "...the Eritreans consist of nine ethno-linguistic groups: Rasha'ida, Baria, Kunama, Beja, Tigre, Tigray, Bilin, Saho and Afar." [31] (p195)

A British Fact Finding Mission reported in April 2003 that, prior to independence, Amharic: "...had been used by the Derge regime as the language of education. This 'language of domination', although still widely known and understood in Eritrea, is now generally avoided. While a person would not be shunned as an Amharic speaker, it is known that deportees from Ethiopia were badly thought of if they had not mastered another language for communication as soon as possible. Tigrinya, Arabic and English were popular choices as these are the most widely spoken. It would be considered taboo for a person to try to converse in Amharic unless there was no alternative." [3] (p78)

Please note that as different peoples may be known differently to various groups, there may be more than one name for each group. This is indicated where possible.

Afar/Danakils

Lonely Planet stated that: "...the Afars also known as the Danakils, make up 5% and inhabit the long coastal strip stretching from the Gulf of Zula into Djibouti. Predominantly nomadic pastoralists, the people are Muslim, though elements of ancient ancestor-worship still persist." [32] (p331)

Baria/Nara

Lonely Planet stated that: “The Nara, also known as the Baria, tribes make up 1.5% of the population and inhabit the Barka Valley near the Sudanese border.” [32] (p333)

The Encyclopedia of the Peoples of the World stated that: “They speak Nara, a Nilotic language. The Baria are Sunni Muslims. They are sedentary agriculturalists. The academic ethnic label ‘Baria’ (Bareya) has in Amharic the literal meaning of ‘slave’, denoting the status of the Baria (and the adjacent Kunamas) in the eyes of their dominant neighbours.” [61] (p97)

Hedareb/Beja/Beni Amber/Beni Amer

Lonely Planet stated that: “The Hedareb, along with their ‘brother’ tribes the Beni Amer and Beja, make up 2.5% of the population, and inhabit the north-western valleys of Eritrea, straddling the border with Sudan.” [32] (p331)

It further stated that: “Most Hedareb are nomadic and travel great distances in search of pasture. The people are Cushitic in origin (probably directly descended from the ancient Beja tribe) and speak mainly Tigre and an ancient Beja language. The Beni Amer are a strongly patriarchal, socially stratified, almost feudal people. Their skills as camel drivers and in raising camels are legendary. Many of the men scarify their cheeks with three short, vertical strokes – the Italians called them the ‘111 tribe’.” [32] (p331-32)

Bilen/Bogós

Lonely Planet stated that: “The Bilen inhabit the environs of Keren and make up 2.1% of the population. Cushitic in origin, the Bilen are either sedentary Christian farmers or Muslim cattle rearers.” [32] (p332)

The World Directory of Minorities stated that: “The mostly agricultural people comprise two main tribes of about 15,000 each: Bet Teqwe and the Gebre Terqe.” [6] (p411)

The Encyclopedia of the Peoples of the World stated that: “They speak Bilin and Tigre, members of the central Cushitic language group. Until the second half of the nineteenth century, they were Ethiopian Orthodox Christians, but since then have shifted to Sunni Islam with a smaller number becoming Roman Catholics.” [61] (p112)

Lonely Planet stated that: “Bilen traditional society is organised into kinship groups. The women are known for their brightly coloured clothes and their gold, silver or copper nose-rings which indicate their means and social status. Like the Beja language, Bilen is slowly being replaced by Tigre, Tigrinya and Arabic, due to intermarriage, economic interactions and because Arabic is taught in local schools.” [32] (p332)

Kunama – Cultural

Lonely Planet stated that: “The Kunama are Nilotic in origin, and are very dark skinned. They are the original inhabitants of the region.” [32] (p332)

A British Fact Finding Mission report of April 2003 stated that: “Originally, the Kunama were nomads; eventually they settled near the disputed border between Ethiopia and Eritrea. The Kunama are peaceful, but the ongoing wars between Ethiopia and Eritrea have been devastating, drastically reducing the tribe’s population to roughly 50–60,000 people.” [3] (p41)

It continued: "Isolation and a tenacious adherence to tribal customs have enabled the Kunama to retain their traditions, which existed long before the introduction of Christianity and Islam into the area. Living in close harmony with nature and each other, they have survived by excluding the dominant cultures of the outside world." [3] (p41)

The Encyclopedia of the Peoples of the World stated that: "Their exogamic clan system still bears the traces of an older system of matrilineal descent." [53] (p340)

A British Fact Finding Mission explained in its April 2003 report that: "...the Kunama are organised matrilineally, so that daughters inherit from their mothers instead of sons from their fathers. Women therefore have far more freedom and decision power than women from other ethnic groups." [3] (p41-42)

The report further stated that:

"Kunama marriage customs reveal the tribe's practical yet gentle lifestyle. After much dancing and celebration, the newlyweds spend a few days together, but then the young woman returns to her mother, often for a year or more. During this time, the mother teaches her daughter the role of a wife and mother. This does not mean only learning how to cook and sew, but how to manage finances, how to organise, how to cultivate skills, how to care for a baby and more. By the time the couple are reunited, her husband and his family will have completed the new couple's home." [3] (p42)

It also stated that: "For over 50 years, the highlanders in Ethiopia and Eritrea have pushed the Kunama territories to smaller and smaller dimensions. The population density in the Kunama lands are minute in comparison to the highland areas where most people are living, so as the non Kunama population grows, Kunama land is needed." [3] (p42)

And that: "This is broadly in accordance with the 1994 Land Proclamation (Law No. 58/1994). This is the principal piece of legislation regulating land ownership, and stipulates that all land is the property of the state." [3] (p42)

Kunama – Treatment

A British Fact Finding Mission reported in April 2003 that: "...the Kunama has traditionally relied on the Ethiopian Army when larger and more powerful ethnic neighbours attacked them. For historic reasons, although the majority of the Eritrean population strongly supported Eritrean independence, the Kunama still maintained their support for the Ethiopian army, although there was also support for independence and a number of Kunama fought on the side of the Eritrean Liberation Front (ELF)." [3] (p42)

The same report stated that: "But the perception has always been that the Kunama were the least enthusiastic of the Eritrean peoples with regards to Eritrean independence....'...the Kunama people were in fact divided in opinion and had a great respect for the Ethiopians as well as many believed in Eritrea as a separate and independent nation. In the absence of a unifying Kunama political figure all conflicting opinions were heard', stated Gilkes [a consultant on the Horn of Africa]." [3] (p42)

It also stated that: "...the Eritrean People's Liberation Front (EPLF) has tried to foster a closer relationship with the Kunama both before and after independence, but the

fiercely independent nature of the Kunama leads many Eritreans to believe that the Kunama are pro-Ethiopia, whether this is true or not.” [3] (p42)

And that: “...the Kunama have been mistrusted due to alleged support for Ethiopia in the border war of 1998-2000. However most people in Eritrea tend to dismiss the stories of persecution against the Kunama as being a way that the Ethiopians and supporters of Ethiopia can attack Eritrea.” [3] (p43)

UNHCR comment that: “Those Kunama who were detained during 2004 were also released during 2004.” [18b]

A British Fact Finding Mission report of April 2003 noted Amnesty International believes that: “...the Kunama are the only ethnic group considered as being likely to have any basis for an asylum claim from the ethnic groups in Eritrea.” [3] (p43)

The report, however, further noted that the UK delegation to Asmara was told that: “...the Government does not discriminate along ethnic lines and that different groups within Eritrea co-exist peacefully.” [3] (p43)

The report noted that: “...the same source added that the Government strives to promote ethnic balance and that is one of its strengths. However, it was explained that the authorities would be likely to react harshly if members aligned to any particular ethnic group politicised issues.” The UK delegation was told that: “...a specific ethnic group such as the Kunama could not seriously cite ethnic persecution in Eritrea.” [3] (p43)

It further stated that: “...there is a long history of conflict between the EPLF/PFDJ (People’s Front for Democracy and Justice) and the Kunama...at least 55 Kunama, administrators and civil servants under the previous regime of Ethiopia, were arrested in 1991 when the EPLF took over for alleged human rights abuses under the Derg, and have not been seen since. None have been released and it is unclear if any have been charged or tried publicly.” [3] (p44)

The same report stated that:

“...the Kunama have also suffered from extensive land take-overs...in Barentu...between 1991 and 1997 some 30,000 Tigreans were moved into the towns and given land/houses by the Government. ‘They [the Tigreans] fled on arrival of the Ethiopian troops in 2000 [and the destruction by Ethiopian troops was very precisely targeted at their houses] and I think they have largely returned despite Kunama complaints, [both before and after the war] about the way the fighters were losing lands and property’”, stated Dr Patrick Gilkes, a consultant on the Horn of Africa.” [3] (p44)

The report further noted that Gilkes stated that probably the two best-known Kunama resistance groups are the “Democratic Movement for the Liberation of Eritrean Kunama (DMLEK) and the Eritrean Democratic Resistance Movement-Gash Setit (EDRM).” [3] (p44)

The report further stated that: “...the Eritrean Democratic Resistance Movement-Gash Setit (EDRM), which also calls itself ‘Sawrawi Baito’, is led by Ismail Nada and is reportedly close to the current ELF. Some expect them to merge with the ELF at some point. Nada is a former ELF fighter is said to think along similar lines to leading ELF-RC members.” [3] (p44)

A British Fact Finding Mission also noted, in April 2003, that: "...the Democratic Movement for the Liberation of Eritrean Kunama (DMLEK) is led by Kerneolos Osman and is best known for the material it places on pro-opposition websites. The DMLEK is based in Addis Ababa." [3] (p44)

Refugees International, in an article dated 18 February 2004, stated that:

"UNHCR has begun discussions with the governments of Ethiopia and Eritrea concerning the possible voluntary return of the Kunama to Eritrea. Repatriation would be the ideal, most durable solution for the refugees; however, there are no concrete plans in place at this time. Eritrean officials insist that the refugees would be welcomed back to Eritrea, but refugees are skeptical of this claim. Many of the Kunama refugees fled Eritrea to avoid having their sons conscripted into the army. 'I came here to save myself and my family,' one refugee told the UN. 'Until things change I do not want to return.' Resettlement in Ethiopia does not appear to be a viable option for the Kunama, and few of the refugees have made efforts to seek relocation in a third country." [21] (p2)

Rashaida

Lonely Planet stated that: "The Rashaida are the only true Eritrean nomads. Making up just 0.5% of the population, they roam the northern coasts of Eritrea and Sudan, as well as the southern reaches of the Nubian desert. Like their neighbours the Beja (related to the Hedareb) they live by raising cattle and are Muslim....Their language is Arabic." [32] (p333)

It also stated that: "The Rashaida people are known for their great pride; marriage is only permitted within their own clan. The people are expert goat rearers, as well as merchants and traders along the Red Sea coasts." [32] (p333)

Saho

The World Directory of Minorities stated that: "Sandwiched between Afar and Tigre are Saho nomads and semi-nomads....Saho speak local languages but have also used Arabic in commercial dealings and have long been exposed to foreign influence in the form of trade with expanding empires." [6] (p411)

The Encyclopedia of the Peoples of the World stated that: "They are Sunni Muslims, with some Ethiopian Orthodox Christians." [53] (p509)

Lonely Planet stated that: "Many Saho children (up to the age of 16) wear little leather pouches around their neck, which are full of herbs and spices to ward off evil spirits....The Saho are organised in patrilineal descent groups. The leaders, elected by the male assembly, are known as 'rezantos', and were formerly military chiefs in times of war." [32] (p331)

Tigrinya

This guidebook also stated that: "The Tigrinya make up 50% of the Eritrean population and inhabit the densely populated central highlands, extending over the provinces of Seraye, Hamasien and Akele Guzay. The people are sedentary farmers and are overwhelmingly Orthodox Christian, with just a small minority of Muslims, who are better known as Jiberti." [32] (p330)

According to the Foreign and Commonwealth Office, in a letter dated 10 May 1996, the Tigrinya Jiberti are “Muslims scattered throughout the Christian Highlands who practise Islam but also observe some customs of the Christians among whom they live.” The document also concludes that the Jiberti speak the Tigrinya language and some Arabic. [10]

Tigre/Tegre

The World Directory of Minorities stated that: “The Tigre peoples, who represent about one-third of the country’s population, are dominant. Culturally and ethnically they are related to the Beja of Sudan. Claiming Arab origin, their language, Tigre, is Semitic....Its use is declining under the impact of Tigrinya in Eritrea.” [6] (p410)

The Encyclopedia of the Peoples of the World stated that they also speak “Bedawiye and Arabic. They are Sunni Muslims or Ethiopian Orthodox Christians. A major shift from the latter to the former religion took place during the first half of the nineteenth century, which loosened Tigre links with the Ethiopians.” [53] (p600)

The World Directory of Minorities goes on to state that: “Their primary occupation is cattle herding. Most are nomadic, however, some have settled by rivers such as the Barka and on state cotton plantations.” [6] (p410)

The Encyclopedia of the Peoples of the World noted that: “The Tigre include ten major tribal units: Ad Sawra, Ad Sheikh, As Mu’allim, Aflenda, Bet Asgede, Bet Juk, Marya, Mensa, Meshalit and Sabdarat.” [61] (p600)

Lonely Planet stated that: “Tigrean society is traditionally hierarchical, with a small aristocracy known as ‘shemagille’ ruling the masses. When the village leader dies, his power passes to his offspring.” [32] (p330)

The Encyclopedia of the Peoples of the World stated that: “Historically ‘Tigre’ was used to denote a vassal to a ruling stratum claiming descent from the Beni Amer or Saho.” [61] (p600)

Eritreans Returning from Sudan

The AI 2003 report stated that: “...over 100,000 Eritreans who had lived in Sudan for up to 25 years were offered voluntary repatriation, which many refused, or an alternative option of alien resident status in Sudan. Voluntary repatriation was suspended by the UNHCR in October 2002 for security reasons. The cessation of refugee status was widely misunderstood to mean that Eritrea was safe for all refugee returns, which was not the case. Many of the long-term refugees in Sudan feared persecution on return on account of their links with the Eritrean Liberation Front (ELF), a rival to the Eritrean People’s Liberation Front (EPLF) which formed the independence government in 1991, or because of conscientious objection to military service. Army deserters during and after the Ethiopian war feared persecution on return. Over 10,000 refugees applied for exemption from the cessation.” [5b]

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