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ERITREA

'You have no right to ask' - Government rejects scrutiny on human rights

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Summary

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Torture, arbitrary detention and "disappearances" of suspected government opponents have become widespread in Eritrea. There has been an upsurge of religious persecution in the past year, and torture and ill-treatment of young people trying to evade or escape compulsory national military service.

Criticism of the government and its human rights record is silenced within the country - a group of mothers of detainees trying to find out what had happened to them was told, '*You have no right to ask*'. The government rejects international scrutiny and dialogue on human rights. It ignores the principle of the rule of law, the human rights safeguards in the country's Constitution, and the international and regional human rights treaties it has ratified. There are no independent human rights organizations allowed in the country, and international rights groups, including Amnesty International, have no access.

Thousands of government critics and political opponents - many of them prisoners of conscience who have not used or advocated violence - are detained incommunicado and in secret. Their whereabouts are rarely known to their families and many have completely "disappeared". Some detainees have been held for several years. None has been taken to court, charged or tried. The Special Court has jailed numerous defendants accused of embezzlement in secret summary trials without legal representation or appeal. Panels of military and police officers have reportedly handed down prison sentences in secret proceedings that flout basic standards of fair trial.

Prisoners of conscience include former liberation movement leaders who helped to win Eritrea's independence from Ethiopia in 1991 and later called for democratic reforms. The government postponed multi-party politics and elections on account of the war with Ethiopia in 1999-2000 and continuing post-war tensions between the two countries. The government branded former Foreign Minister Haile Woldemariam and other leading critics arrested in September 2001 as "traitors", supposedly collaborating with Ethiopia during and after the bitter war of 1998-2000. Aster Yohannes, the wife of a detained former minister, who returned to Eritrea in December 2003 from the USA where she had been studying, was detained at the airport and has never been seen since.

Ten independent journalists also remain detained in secret and incommunicado since being arrested in September 2001, when the entire private press was banned. They have been maligned as "mercenaries and spies for Ethiopia", an accusation totally unsubstantiated. More government critics, mostly civil servants, and four more journalists have been detained since then.

Religious persecution has intensified, targeting minority Christian religions, especially Jehovah's Witnesses, and Muslims have often been suspected of links with armed political and Islamist groups based in Sudan. Jehovah's Witnesses were stripped of citizenship rights in 1995 and three have been detained in Sawa military base for ten years on account of their faith-based refusal of military service. Religions other than the main Orthodox, Catholic and Lutheran churches and Islam were shut down in 2002 and in the past year some hundreds of members of evangelical and pentecostal Christians faiths, including children, have been arrested, beaten and tortured to make them abandon their faith.

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 – including dark and dirty underground cells and sweltering and overcrowded metal shipping containers – amount to cruel, inhuman or degrading treatment.

Asylum seekers from Eritrea have fled to Sudan and other countries, where international legal protection has often been weak. Some 220 were deported from Malta in 2002 and detained on arrival. Women (some of them pregnant), children and older men were released but the rest were tortured and – except for a few dozen who have fled a second time – are still incommunicado in harsh conditions. Asylum applications in several other countries have been wrongly rejected.

The report concludes with recommendations to the Government of Eritrea and the international community on the promotion and protection of human rights in Eritrea, including the right to freedom of expression and association, and the freedom of the media. Amnesty International is calling for the release of all prisoners of conscience, and fair trials according to international standards for all other political prisoners. It urges the government to establish an independent and fair system of administration of justice, including within the armed forces, and to treat prisoners humanely – closing down all secret prisons and stopping the use of shipping containers as prisons.

The report urges the international community to monitor and support human rights in Eritrea, and respect the rights of Eritrean refugees and asylum-seekers.

This summarizes a 49-page document (21,611 words), *ERITREA: 'You have no right to ask' - Government rejects scrutiny on human rights*, AI Index: AFR 64/003/2004, issued by Amnesty International on 19 May 2004. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email:

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ERITREA

**'You have no right to ask' -
Government resists scrutiny
on human rights**



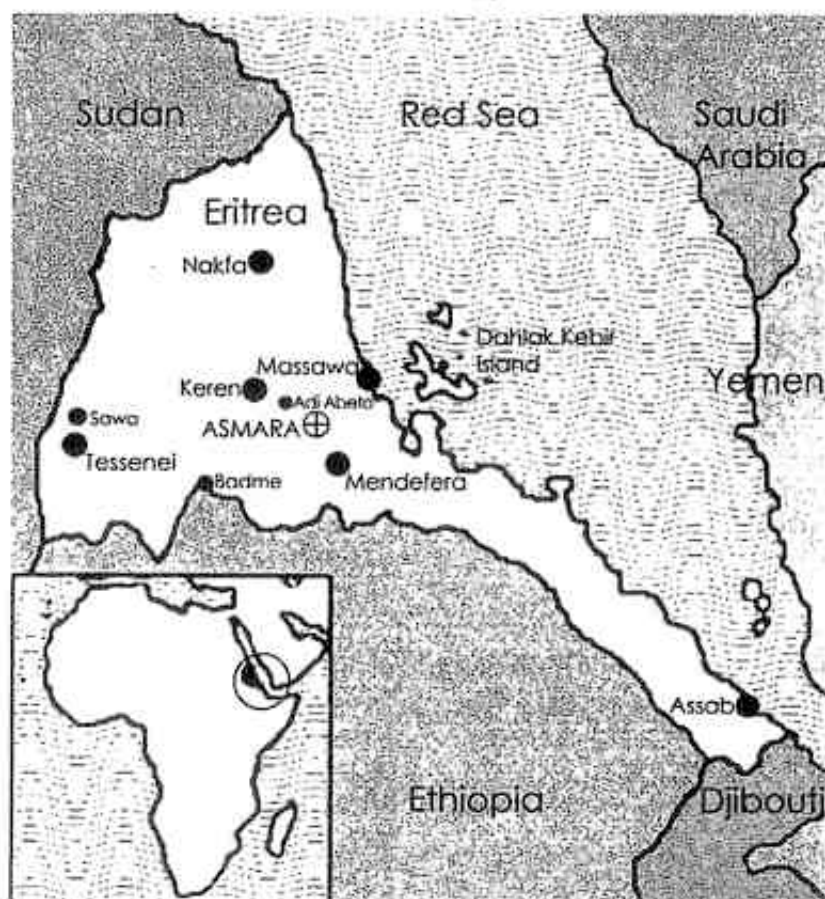
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ERITREA

'You have no right to ask' – Government resists scrutiny on human rights

"We were beaten and mostly were tied in the 'helicopter' position and tortured in groups of 10 to 15. We were tied up day and night, except for three short food and toilet breaks. I was tied up for two weeks. One of us got very ill with bronchitis and there was no medical treatment... Some got paralysed in the arms and legs."

An Eritrean deported from Malta in October 2002, speaking of detention in Adi Abeto prison.

"You can't ask about prisoners... You have no right to ask."

Security officer responding to a group of mothers of detainees, Asmara, mid-2003.

Introduction

On 24 January 2004 police in Asmara arrested 38 members of a Jehovah's Witnesses congregation gathered to worship in a private home, including children and a 94-year-old man. Some were freed after a few days but 20 have still not been released and have been held incommunicado since their arrest. No charges have been brought against them and they have not appeared before a court. They were being pressed to abandon their faith, which forbids them to accept national military service.

Journalist Aklilu Solomon, a local correspondent for the US-based Voice of America radio station, was arrested in July 2003 after VOA broadcast his report about the mourning of the families of conscripts killed in the war with Ethiopia, whose names had just been published. He was sent to the army and is reportedly held incommunicado in a metal shipping container at Adi Abeto prison, near Asmara. His broadcast was at variance with official commemorations of the "martyrdom" of 19,000 conscript soldiers who died in the war with Ethiopia. The Eritrean government said that he had been sent to the army for his compulsory national service, but he had already performed national service and had a medical exemption from being recalled. The real reason for his arrest and military detention seems to be his broadcast, which appeared to criticise the government.

No-one except the highest Eritrean government and security officials knows where former Foreign Minister Haile Woldemariam is detained. Rumours say he might be at a secret underground prison in Embatkala or Dongola. He was arrested at home in Asmara on 12 September 2002 and has never been seen since. His wife was detained for nine months, and his son fled the country. The government refuses to reveal where he is held, or his conditions and state of health – even whether or not he is being given the daily medication he needs for diabetes. With ten other former ministers and liberation war comrades of the President, he has been publicly accused by the President of treason during the border war with Ethiopia.

where he was the government's trusted and chief negotiator. But he has not been charged with any offence or presented before a court. Amnesty International considers him a prisoner of conscience as a leader of the post-war democratic reform movement in Eritrea which has been fiercely suppressed and silenced.

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.

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.

The government dismisses the criticism from all sides of its appalling human rights record. It ignores the principle of the rule of law and flagrantly contravenes the human rights safeguards in Eritrea's Constitution and laws. It has ratified several international human rights treaties – though not the whole range – but does not adhere to them in practice. It allows no criticism in the country – critics and human rights defenders have been detained or have fled the country. The government refuses to engage in dialogue about human rights, either with its own citizens or with the international community.

This report updates and expands on Amnesty International's previously published information about arbitrary detention in Eritrea.¹ It describes new evidence of torture and religious persecution, and sets out the political context in which human rights violations continue to be committed with impunity. It concludes with recommendations to the Government of Eritrea and the international community on the promotion and protection of human rights in Eritrea.

1. Political context

Eritrea is a *de facto* one-party state, where the only party permitted is the ruling People's Front for Democracy and Justice (PFDJ), the re-named former marxist-leninist Eritrean People's Liberation Front (EPLF) which won independence from Ethiopia in 1991 after a 30-year liberation war. Independence was formalized with international recognition in 1993 following a UN-supervised referendum. It was supported by the new Ethiopian government headed by Prime Minister Meles Zenawi, a former ally of the EPLF leader and new Eritrean President, Issayas Afewerki.

¹ *Eritrea: Arbitrary detention of government critics and journalists*, Amnesty International, September 2002 (AI Index: AFR 64/008/2002).

Relations between Eritrea and Ethiopia gradually deteriorated and a bitter two-year border war was fought from 1998 to 2000. After the war, demands inside Eritrea for democratization were suppressed with the detention of dissidents in September 2001. Former government ministers and EPLF leaders heading this movement were accused of links with Ethiopia. Private newspapers which started criticising the government in 2000 after the Ethiopian war have been suspended indefinitely since 2001. Religious persecution has been increasing since 2003. Independent non-governmental organizations (NGOs) are not allowed and the legitimate role of human rights defenders is not recognized. International human rights NGOs (including Amnesty International) are barred from the country, few foreign journalists are allowed in (with the exception of the British Broadcasting Corporation, BBC). Travel inside the country by diplomats, international organizations and foreign journalists is restricted.

The President and his supporters in the PFDJ have stopped engagement with peaceful local criticism which has been silenced by arbitrary and unlawful detentions. The chief critics of the President and many of the prisoners of conscience – self-styled "democratic reformists" – have been branded by him as "traitors, mercenaries and spies". Many are his former comrades among the founders and leaders of the EPLF in its central committee and secret inner circle, military commanders, ex-fighters ("veterans") and civilian activists.

The large world-wide Eritrean diaspora, possibly as many as a half-million on top of Eritrea's estimated 3.5 million population, consists mainly of refugees from harsh Ethiopian repression of the Eritrean liberation struggle. Many Eritreans abroad are now naturalized citizens of western countries which gave them asylum, while others remain in neighbouring countries without having found a durable solution to their plight, some still in refugee camps and unable to return safely to their former homes. But there is now an increasing flow of new post-independence asylum-seekers from Eritrea to various countries in the world. The growing Eritrean diaspora, few of whom are returning home, has been drawn into the current crisis of democracy and human rights. Formerly very supportive of the government and willing contributors to large financial demands during the Ethiopian war, many Eritreans abroad now refuse to comply with the government's enforced 2% development tax, which is a condition of access to government and embassy services. Some Eritreans who have become nationals of other countries and have returned on foreign passports have been detained for suspected opposition.

Opposition political parties, prohibited within Eritrea, have been formed abroad, relying heavily on internet communications. Former government, PFDJ and EPLF members formed the EPLF-Democratic Party (EPLF-DP), which was renamed the Eritrean Democratic Party (EDP) in February 2004, and other non-violent opposition groups. Human rights groups have also been formed in exile.

In addition, the government faces opposition from an armed political group, the Eritrean National Alliance (ENA – formerly the Alliance of Eritrean National Forces), with occasional armed activity reported. The ENA originates from fractions of the rival Eritrean Liberation Front (ELF) with which the EPLF twice fought in the 1980s and which was offered no reconciliation at independence. It is based in the neighbouring countries of Sudan and Ethiopia, whose own internal armed opposition groups are hosted by Eritrea – the Sudanese National Democratic Alliance, NDA, and from Ethiopia, the Oromo Liberation Front, OLF and the Ogaden National Liberation Front, ONLF, in particular. This pattern of

regional/internal conflict threatens to intensify political violence and conflict in the whole Horn of Africa, including in the collapsed state of Somalia.

Fears of renewed war

Fears in the international community grew in mid-2003 of the risk of a new war between Ethiopia and Eritrea over the unresolved border issue, which some observers call a "no war, no peace" situation². The two-year border war with Ethiopia ended with a cease-fire in June 2000 and a Peace Agreement in December 2000.

The international community including the United Nations (UN) is working to prevent any further fighting. A UN peace-keeping force (the UN Military Mission to Ethiopia and Eritrea, UNMEE) controls a buffer-zone along the border. The Eritrea-Ethiopia Boundary Commission was established by the Peace Agreement, under the auspices of the International Court of The Hague and its Permanent Court of Arbitration, to determine and demarcate the boundary. The commission delivered its report in April 2002, which both sides had agreed in advance should be binding. However, in March 2003 it became clear that the Commission had decided that the small border town of Badme, the flashpoint starting the war, was Eritrean territory according to colonial treaties of 1900-1908 and applicable international law. Ethiopia refused to accept this. Eritrea has called for the UN to enforce the ruling. There were widespread fears of a resumption of fighting, even though both governments said that they would not start another war.

In December 2003 the UN Security Council called for political dialogue to help solve the issue and the UN Secretary General appointed a Special Envoy for this purpose, but there has been no progress to date. On 4 May 2004 the UN Security Council called on both states to "explore ways of moving the demarcation process forward". It expressed concern about Eritrea's restriction on UNMEE movements and increasing detentions of UNMEE staff, as well as about Ethiopia's continued rejection of significant parts of the border decision.

Amnesty International is concerned that a renewal of fighting could lead to a repeat of the massive human rights abuses against civilians and violations of the Geneva Conventions which were committed by both sides during the previous war. There were tens of thousands of military casualties on both sides. Serious human rights abuses were perpetrated by both sides in varying degrees against both prisoners of war and civilians. The Eritrea-Ethiopia Claims Commission is examining conflicting compensation claims by both sides in three stages. In July 2003 it delivered its assessment of claims and liabilities regarding ill-treatment of prisoners of war. Claims regarding material destruction, rape, abduction, killings and ill-treatment of civilians in the Central Front (southern Eritrea and northern Ethiopia) were assessed in April 2004. It is currently assessing claims regarding abuses against civilians in the Home Fronts of both countries, including expulsions and detentions of civilians³.

The unquantified impact of the war has been its cost to development and the humanitarian crisis in the two countries, which rank among the poorest in the world. The cost of the UN peace-keeping operation has been estimated at US\$180m so far. This is more than the US\$147m appeal launched by the UN in November 2003 for emergency humanitarian relief for half of Eritrea's population facing food shortages as a result of drought and the

² "Ethiopia and Eritrea: War or peace?", International Crisis Group, Brussels, September 2003.

³ Permanent Court of Arbitration, www.pca-cpa.org.

consequences of the war. 22% of children are suffering from malnutrition, according to aid workers, and 58,000 people are still displaced. The UN is also appealing for funds to avert a similar humanitarian crisis in Ethiopia.

Observers have noted that a lasting peace agreement between the two countries would remove the need for an expensive international peace-keeping operation, reduce the risk of a major humanitarian disaster, limit each country's diversion of resources to rising military expenditure and mobilization, and make redundant the fears of new war-related abuses of human rights.

The government's attitude to human rights

Eritrea's standing in the international community – the UN, the African Union, the Inter-Governmental Authority for Development, IGAD, and the Arab League (where Eritrea recently gained observer status) – has been affected by the country's human rights crisis and political divisions, and the threat of a new war with Ethiopia. Several aid donors, including some who were long supporters of the Eritrean independence struggle, have suspended aid except for emergency humanitarian assistance, or have made aid conditional on consolidation of peace, democratization and human rights improvements.

President Issayas Afewerki and his government, however, appear to have rejected a human rights dialogue, and have failed to demonstrate to the international community any commitment to respect and protect human rights. The government rejects external criticism as interference in its internal affairs. It limits access to the country and attempts to conceal a persistent pattern of serious violations of internationally-recognized human rights and breaches of the international and regional human rights treaties which the government has ratified.

2. Political imprisonment

Several hundreds or even thousands of prisoners of conscience are imprisoned on account of their non-violent opinions, beliefs and criticisms of the government. Some of these prisoners had expressed their peaceful opinions openly or had published them in newspapers, while others were punished for speaking their views in private – or were merely suspected of holding anti-government views. Some former government ministers and journalists have been held since September 2001. A wide range of other people have been arrested since then.

There are some long-term prisoners of conscience, including an army general arrested in the first year of independence, and several people detained for a whole decade – including three Jehovah's Witnesses refusing military conscription and over 20 Muslim teachers. Prisoners of conscience arrested more recently include over 150 Eritreans deported from Malta in late 2002, hundreds of national service conscripts who might be conscientious objectors, over 400 members of minority Christian faiths, scores of civil servants, Ethiopian nationals and allegedly pro-Ethiopian Eritreans arrested during or after the Ethiopian war (1998-2000), and dissident veterans of the Eritrean liberation struggle.

Other political prisoners are members or alleged supporters of armed political opposition groups, some possibly captured in combat although not treated as prisoners of war, but most arrested in non-conflict situations. Some were abducted by Eritrean security agents from Ethiopia and Sudan in 1991. These prisoners too are held arbitrarily, incommunicado and in

secret. Some are feared to have "disappeared" and to have been extra-judicially executed in custody.

Nearly all the prisoners of conscience named in Amnesty International's previous report in 2002 are still in prison, detained arbitrarily and indefinitely without charge or trial, their whereabouts still not known. Very few have been released. Many more suspected political opponents have also been detained. The names and details of only a very small proportion of the huge number of political prisoners, allegedly running into thousands, are known to Amnesty International.

There have been no political trials since independence and all political prisoners are held incommunicado and indefinitely in secret security prisons without charge or trial. Some have simply "disappeared". In some cases, Amnesty International has received reports that political prisoners have secretly and extra-judicially been given prison sentences, sometimes served in official prisons, by committees of security or army officers, without any form of trial or opportunity to present a defence or appeal.

The President has reportedly claimed that there are no political prisoners in Eritrea and says that the former government ministers and journalists detained are "traitors" or "spies". Thousands of people are detained for political reasons but the government does not acknowledge detaining them, or say where they are held or allow any access to them. They are all held without reference to any law, without being brought before a judge, without charge or trial, and without any possibility of challenging their unlawful detention. To their families, they have "disappeared" and their families risk reprisals if they dare to ask the authorities about them.

The G15 prisoners

The major crackdown on dissent in September 2001 had started with the arrests of 11 former government ministers and EPLF leaders (members of the dissident "G15", Group of 15). They were members of the National Assembly (parliament) and long-time close colleagues of President Issayas Afewerki⁴.



Haile Woldemariam Former Foreign Minister ©Private

The President has since then reiterated his accusations – prejudicial to a fair trial, if any trial was being considered – that they were "traitors" and had sold out the country to Ethiopia during the war. They include former Vice-President Mahmoud Ahmed Sheriffo and his former wife Aster Fissehatsion, a former EPLF official and National Union of Eritrean Women leader; former Foreign Minister Haile Woldemariam, whose wife Roma Gebremichael was also detained but has been released; former EPLF intelligence chief Petros Solomon (whose wife Aster Yohannes was detained in December 2003 on her return from the USA); General Ogbe Abraha, former army chief; Beraki Gebreselassie, former government minister and previously ambassador to Germany; and other senior officials and former EPLF leaders.

⁴ See Appendix for full list.

Amnesty International considers all eleven to be prisoners of conscience imprisoned for their non-violent opinions. None has been taken to a court, allowed access to their family or legal counsel, charged or tried. Their parliamentary immunity was removed retroactively, which is contrary to international standards. Their whereabouts are unknown. There have been fears for their safety since several had medical conditions – Haile Woldetensae is diabetic, General Ogbe Abraha is asthmatic and Aster Fissehatsion has ulcers. In General Ogbe Abraha's case, there have been repeated rumours of his death in detention, which the government has taken no steps to disprove.

Journalists in prison

The President also accused the ten journalists detained a few days after the G15 arrests in September 2001 of being "spies and mercenaries" who had supposedly clandestinely supported the G15 "traitors" on behalf of Ethiopia. They include Fessahaye Yohannes (also known as "Joshua"), an EPLF veteran, poet and dramatist, and founder of *Setit* newspaper; Dawit Habtemichael, a science teacher and co-founder of *Megaleh* ("Echo") newspaper; Seyoum Tsehaye, former director of Eritrean state television, a former French-language teacher and photographer; Temesgen Gebreyesus, a sports reporter and actor; and Dawit Isaak, a writer and theatre producer, co-owner of *Setit* newspaper⁵. Dawit Isaak is a Swedish citizen but has been denied access to the Swedish embassy. He had been in hospital when the others, on hunger strike at the time, were moved to secret detention. The journalists are reported to be held in secret security sections of the 2nd and 6th police stations in Asmara.

Amnesty International considers these ten journalists to be prisoners of conscience imprisoned for their non-violent opinions and for exercising their legitimate rights and professional responsibilities as journalists. They published articles about the democratic reform movement, including interviews with critics who were subsequently detained, and their own opinions advocating peaceful change. None of them has been taken to a court, allowed access or contact to their families or legal counsel, charged or tried. The entire private press was suspended at the same time and there has been no word of the supposed review of the ban by a committee (which has never been formed) of the National Assembly – which has not met since early 2002. International media associations such as the Committee to Protect Journalists, Reporters sans Frontières, the International Federation of Journalists, International Press Institute, Article 19 and International PEN, are also campaigning for their release but have received no positive response from the Eritrean Government.

Four more journalists have been detained since September 2001. There may be other journalists forcibly doing extended military service because of their criticisms of the government, since there had already been a pattern of arrests of critical journalists since the end of the war. After the 2001 round-up when the authorities detained the leading independent journalists and founders of the private print media, they turned later to arrest also members of the state radio and television media who appeared to have transgressed their own narrow limits of independent reporting. Government-employed journalists who had never been allowed to print any direct critical articles were now targeted for any suspicion of criticism. Three members of the Arabic-language service were detained in February 2002

⁵ See list in the Appendix of journalists in prison.

when the issue of the subordinate status of the Arabic language in Eritrea was raised – Saadia Ahmed, a 22-year-old woman television reporter, Saleh al-Jezaeri, a radio and newspaper reporter, and Hamid Mohamed Saleh, a television news and sports editor. They are detained without charge or trial, incommunicado and in secret, and the government has given no reasons for their arrests.

Aklilu Solomon, a correspondent of the US-based Voice of America radio station, was arrested in July 2003, forcibly re-conscripted, and is reportedly detained in military custody⁶.



Fessahaye Yohannes
Journalist

©Private



Dawit Isaak
Journalist

©Private

Only one of these detained journalists has been released – Semret Seyoum, who was arrested for trying to flee the country in October 2001, and released in January 2003.

In all, a total of 14 journalists are currently detained in Eritrea – one of the largest number in any country of the world and possibly the largest in relation to the country's population. In addition, over 50 other Eritrean journalists – including virtually all who had been working for the private press – have fled to various countries in the world and sought asylum. International media associations have recognized the plight of Eritrean journalists – a challenging new profession in this small and closed country – with awards for their human rights defence activities.⁷

Political detentions since 2001

There were many other detentions shortly after these two dramatic round-ups in September 2001, when dissent was escalating rapidly. Others arrested in the same conditions and not seen since include dozens of senior civil servants, diplomats, military commanders, health professionals, businesspeople, and more journalists. Nearly all had a long EPLF background as senior fighters or supporters. They had not expressed criticisms of the government as

⁶ See page 1.

⁷ Milkias Mehretab, for example, now a refugee in the USA, received a Media Freedom Award from Amnesty International's British Section in 2002.

forcefully and publicly as the G15 and 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 – including three women (Roma Gebremichael, Miriam Ahmed and Asgedet Semere). 82-year old businessman Sunabera Mohamed Demena (a former EPLF supporter in Sudan whose SETAO company was later shut down) was freed from the 2nd police station in Asmara in



Ali Mohamed Saleh
Civil servant ©Private



Alazar Mesfin (left) and Tesfaye
Gebreab (right) Civil servants
©Private

March 2004, reportedly on account of severe ill-health and arthritis, for which he received inadequate medical treatment. He was a member of a group of elders attempting to mediate between the G15 dissidents and the President who were detained – three others are still held: Suleiman Mussa Haji (aged in his late 60s, reportedly seriously ill), Hassen Kekiya and Abdulrahman Ahmed Yunis.

Amnesty International 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. They include former senior EPLF members, civil servants and diplomats, such as Ali Mohamed Saleh, Alazar Mesfin and Tesfaye Gebreab. More people have been arrested in the past two years, including hundreds of national service evaders and deserters, over 150 asylum-seekers deported from Malta and members of minority churches⁸.

Long-term political detainees

Many hundreds or possibly thousands of political detainees have also been held in the first decade of Eritrea's independence, their names or details of arrest largely unrecorded. They include the following⁹:

General Bitwedded Abraha, an EPLF founder-member, was arrested in 1992 and detained without charge or trial for five years. He was re-arrested a few weeks after his

⁸ See lists in the Appendix of some known cases.

⁹ Other cases are reported in Amnesty International's 2002 Eritrea report.

release and is still detained, apparently for criticising the President's conduct of the war. Now aged in his 50s, after 12 years in detention he is reported to have become mentally ill as a result of prolonged confinement in a dark cell, and is currently said to be held in the 2nd police station in Asmara.



Ali Yusuf Mohamed ©Private
Deputy Mayor of Assab

Over 200 members of the Afar ethnic group (or "nationality"¹⁰) have been detained without charge or trial since May-June 1999, mostly arrested in Assab and accused of links with Ethiopia. They were accused of being in contact with the Red Sea Afar Democratic Organization in Ethiopia, an ethnic Afar organization which is supported by the Ethiopian government. Among them are Ali Issa, said to be a member of the Eritrean National Assembly, and Ahaw Ali, Helem Burhane and Ali Yusuf Mohamed (deputy mayor of Assab), who were members of the Dankalia regional assembly. None of them had their parliamentary immunity lifted. Others were Dankalia regional administration officials, merchants (several of whose businesses were reportedly arbitrarily confiscated as an additional punishment), clan elders, Muslim religious leaders, and nomads.

Many other prisoners have been detained in connection with the internal armed conflict between the government and armed opposition groups, including some fighters supposedly protected by the Geneva Conventions, although no such prisoners have been granted prisoner of war status and the International Committee of the Red Cross (ICRC) has never been given access to them.

War-related detentions

From the start of the war with Ethiopia in 1998, Eritrea police rounded up large numbers of Ethiopian civilians in the country, cancelling permits for business, work and residence. After some cases of ill-treatment the parliament declared that Ethiopians should not be mistreated. At this time, some 75,000 Eritreans were forcibly deported from Ethiopia in harsh conditions and stripped of their Ethiopian citizenship. There were further round-ups of Ethiopians in Eritrea later in the war, including some people of mixed Ethiopian-Eritrean origin. Eritrea allowed the ICRC to supervise the departure of thousands of Ethiopians wishing to return to Ethiopia, most as a result of being rendered destitute¹¹. These repatriations were continuing in early 2004, when arbitrary arrests of Ethiopians were still being reported.

Amnesty International has received reports that there are several Ethiopian civilians secretly detained in Eritrea because of their Ethiopian nationality. Neftaliem Kassa, a member of the Tigray Development Association (TDA) arrested in 26 July 2000, and Mohamed Tiku, another TDA official said to be held in Sembel prison in Asmara, are still detained without charge or trial. Eritreans of part-Ethiopian origin or married to Ethiopians were also often suspected of Ethiopian sympathies and some are believed to be arbitrarily

¹⁰ Ethnic groups are commonly called "nationalities" in Eritrea.

¹¹ *Ethiopia and Eritrea: Human rights issues in a year of armed conflict*, Amnesty International, May 1999, AI Index: AFR 04/03/99; *The Horn of Africa war: Mass expulsions and the nationality issue*, Human Rights Watch, January 2003.

detained without charge or trial. One such case is Saba Berhe, owner of a restaurant in Asmara (later confiscated by the authorities), who is of mixed Ethiopian/Eritrean origin. She was arrested during the war when pregnant and is reportedly detained in Mai Haber prison with her infant daughter.



Bezabih Petros ©Private
Ethiopian prisoner of war.

Hundreds of Ethiopian soldiers were captured by Eritrean forces and held as prisoners of war (POWs), although without being allowed access to the ICRC until Eritrea ratified the Geneva Conventions after the cease-fire in 2002. The final exchange of POWs was delayed because Ethiopia demanded to know the fate of a "disappeared" Ethiopian POW, Bezabih Petros. Many believe he was extra-judicially executed in prison as it was his second capture – he had been captured previously by the EPLF during the liberation war and given a "final warning" not to return to fight the EPLF (which is now the government).

Bezabih Petros – 'disappeared' Ethiopian prisoner of war

Ethiopian airforce colonel Bezabih Petros was shot down in Asmara on 5 June 1998, the first day of the war, after releasing bombs over the joint civilian/military airport which killed one person. He was captured and paraded in public and on television but has never been seen since. Eritrea refused to provide any information about him or give ICRC access to him, even after it ratified the Geneva Conventions. The first known Eritrean government statement about his case was reported by the Eritrea-Ethiopia Claims Commission in April 2003. The Eritrean government admitted his death but gave no explanation of when or how he died, and has not returned his body to his family.

Eritrean soldiers captured by Ethiopian forces were returned to Eritrea after the war but Amnesty International has received allegations that some of these former prisoners of war are in secret detention for political reasons. After the final repatriation of Eritrean POWs to Eritrea under ICRC auspices, 700 Eritrean POWs were reportedly detained in early 2003 because they were alleged to have been subject to political propaganda by the ELF in their POW prison camp in Ethiopia. Over 80 are reportedly held in the 2nd police station in Asmara, and others in military custody in Adi Abeto and elsewhere.

An Eritrean airforce pilot, Abdulrahim Ahmed, was arrested in January 1999, allegedly on suspicion of opposing the government – he had returned to Eritrea after independence after previously being an ELF member in Sudan. He is reported to have been released in early 2004.

An unknown number of Eritrean civilians were detained in fighting zones during the war on suspicion of collaborating with the Ethiopian army, especially when the Eritrean army regained areas captured by the Ethiopian army in southern Eritrea. This was particularly the case with members of the Kunama ethnic group (or "nationality") in south-western Eritrea. The Kunama have historical connections with Ethiopia and were as a result suspected of Ethiopian sympathies during the war. Scores of Kunamas are allegedly still secretly detained

on suspicion of welcoming the Ethiopian army when it captured parts of southwestern Eritrea.

'Disappearances' and possible extrajudicial executions

A special feature of abuses of human rights in Eritrea is the secrecy with which the security forces attempt to conceal them. There is virtually nothing acknowledged or admitted by the authorities about political prisoners and their conditions and treatment. Prisoners are detained in secret and many have "disappeared". Their whereabouts are not disclosed by the authorities to their families or anyone else. Occasionally their whereabouts are discovered through friendly guards or bribery or if they are sent to hospital, but prisoners are often transferred from one secret prison to another. There is no legal process and indeed everything to do with this system of arbitrary detention is contrary to the law and the Constitution, as well as international standards.

"Disappearances" started immediately after independence in 1991 and have continued to the present day¹². How many of the "disappeared" still survive in secret prisons, or have been extra-judicially executed or have died of illness as a result of harsh prison conditions and denial of medical treatment, cannot be estimated.

One recent case of alleged extra-judicial execution is that of Abdallah Ali Abdallah, an army colonel who had left the ELF and joined the EPLF in 1986, becoming elected to the Debub regional assembly after independence. He was allegedly shot dead by soldiers at a hotel in Keren in July 2002 in unexplained circumstances.

Harassment and intimidation

There have been other non-custodial and usually unreported forms of harassment, intimidation and repression of suspected critics, in addition to short-term arrests and interrogations in secret security offices.

Dissent at the University of Asmara has been watched carefully by the security services, and there have been various restrictions on academic freedom. The President of the High Court, Teame Beyene, was summarily dismissed after expressing criticisms of the Special Court and government interference with the judiciary in a paper he presented at an Eritrean Studies Association international conference at the university in mid-2001. Student leader Semere Kesete was arrested in July 2001 after voicing criticisms of the government at the university's graduation ceremony. Hundreds of students demonstrating support for him were beaten, arrested and punished with several months' hard labour in a compulsory student vacation work program. There has been little protest at the university since then, but a student leader was reportedly held for a few days before the university's graduation ceremony in 2003.

Two professors at the University of Asmara were summarily dismissed in August 2003 on account of their opinions or suspected opposition, which they denied. Professor Alexander Naty, Chair of the Department of Sociology and Anthropology, Professor Abdulkadir Saleh Mohamed, Dean of the Faculty of Arts, were interrogated for several hours by security officers, then summarily dismissed by the President of the University, without any process or

¹² Other cases are reported in Amnesty International's 2002 Eritrea report.

right of appeal. They were evidently under suspicion on account of having attended the International Conference of Ethiopian Studies in Hamburg, Germany, in May 2003, although the university authorities had authorized them to accept the invitation. International appeals for their reinstatement were made by academic associations to the university president and its chancellor – State President Issayas Afewerki – but these went unanswered. Professor Alexander Naty died of cerebral malaria shortly after his dismissal.

A long-established EPLF punishment known as "freezing" (*midskal* in the Tigrinya language) has also been widely applied to suspected or potential dissidents. The person ordered to be "frozen" is not detained and is allowed to return to their government or military post but without being allowed to perform their normal working duties and tasks. He or she is ostracized and isolated by colleagues at the order of the security service, which has a wide network of agents and informers able to enforce their instructions and report on dissent.

The families of dissidents, army deserters and refugees are reported to have been harassed, pressurized, threatened and interrogated, to the extent of some of them being detained for months. They were also warned not to say anything about it. Most cases of family harassment or even detention go unreported, for fear of reprisal. In one case known to Amnesty International, the brother of a journalist who fled the country was detained for two years.

3. Religious persecution

A disturbing new development since early 2003 has been an upsurge of religious persecution of members of minority Christian faiths.

Faiths in Eritrea

Eritrea is a secular state with four main and officially-recognized religions:

- the Eritrean Orthodox Church, which separated after independence from the Ethiopian Orthodox Church and is part of the world Orthodox Church of the eastern rite: it is predominant in the central highlands and among the majority Tigrinya ethnic group but is also represented throughout the country;
- Islam of the Sunni rite is predominant in the eastern and western lowlands but is also represented elsewhere and is practised by about 40% of the population, similar to the Eritrean Orthodox Church;
- the Eritrean Catholic Church is part of the worldwide Roman Catholic religion, with an estimated 5% of the population;
- the smaller Evangelical Church of Eritrea, also known as Mekane Yesus, is part of the Lutheran World Conference and the World Council of Churches.

In addition there are over 12 smaller Eritrean Christian religions of different origins (totalling an estimated 2% of the population), many of them pentecostal and evangelical and often collectively known as "*penies*". They had places of worship in many towns until these were closed down in 2002. They include the Jehovah's Witnesses (1,600 members), the Mullu Wongel (Full Gospel) Church, the Rema church, the Kale Hiwot (Word of Life) Church of Eritrea (affiliated to the SIM, formerly the Sudan Interior Mission), the Meseret Christos Church and the newer Hallelujah Church.

Some international Christian and Muslim humanitarian agencies are allowed to work in the country. There are small numbers of members of the Jewish, Baha'i, Hindu and Buddhist religions. Alongside world religions and their local offshoots, traditional religious practices also continue in remoter areas among Eritrea's nine ethnic groups.

Jehovah's Witnesses

The arrests of Jehovah's Witnesses for worshipping in their homes continue. Jehovah's Witnesses were stripped of civil and political rights in 1994, mainly on account of their faith-based refusal of military service.¹³ The government does not recognize the right to conscientious objection. Three Jehovah's Witnesses have been detained since 1994 for this reason. The government appeared, however, to have informally tolerated worship by the Jehovah's Witnesses in members' homes for some years, perhaps in an attempt to counter unfavourable international publicity. In January 2004 (*see page 1*) and again in April 2004, many Jehovah's Witnesses, including children, were detained. The latter were mostly released after some days, but five church elders including the head of the Asmara congregation, as well as a woman who owned the premises where they informally worshipped, were held incommunicado for nearly a month without charge, their whereabouts not disclosed. When released they were warned not to hold religious meetings again.

Three Jehovah's Witnesses held since 1994

Three Jehovah's Witnesses who refused military service are among the longest-held prisoners of conscience, held since 1994: Paulos 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.

Jehovah's Witnesses were also more generally accused of not having joined the EPLF armed independence struggle and not respecting the national flag. For this, the President issued a directive in October 1994 arbitrarily stripping them of their basic civil rights. The government expelled them from government employment and accommodation, denied them access to government services including schools and hospitals, and refused them the official identity cards, essential for daily life and administrative procedures, and passports. This denial, despite being semi-concealed from international attention by not being issued in any official gazette, was confirmed in speeches and actions.

In March 1995 the Ministry of Internal Affairs issued the following statement: "The Jehovah's Witnesses lost their right to citizenship because they refused to accept the Government of Eritrea and the laws." The statement accused them of not fighting in the liberation struggle, refusing to vote in the independence referendum and refusing to do

¹³ Jehovah's Witnesses' refusal to bear arms is a central principle of their religion throughout the world, for which they have been and still are persecuted in many countries. This principle derives from a central requirement of members to "render unto Caesar [i.e. a government] what is Caesar's, and to God what is God's". They do not engage in politics but do not refuse civic duties unrelated to the military and war.

national service - "they will not have rights equivalent to any other citizens"¹⁴. This official position was reiterated in 2004 by the head of the President's office: "There are no restrictions on religion. I think the problems were with the Jehovah's Witnesses early on, because they said they didn't recognize the temporary government, they refused to vote yes or no or to take part in the political process here during the referendum. Their number is very small, they publicly said they don't recognize the temporary government and the government's response was, okay, if they do not recognize the temporary government, the government will also not recognize them..."¹⁵

Arrests of other minority church members

Persecution of members of other Christian minority religions began in early 2003 and is continuing. Religious persecution in Eritrea is contrary to Article 19 of the Constitution which states: "Everyone shall have the freedom to practise any religion and to manifest such practices. Discrimination on the basis of religion is prohibited". Restrictions imposed by a government proclamation in 1995 barred faith groups from political activities or receiving funds from outside the country.

In May 2002 the government suddenly ordered the closure of all religions and churches except the main four faiths (Orthodox, Catholic, Lutheran and Islam), issuing a directive (for which there was no known official written text) saying they must apply for registration with the new Department for Religious Affairs and disclose full details of finances, members, foreign contacts and activities. The minority churches reportedly were willing to comply with most of these demands but were unable to do so, in the absence of registration mechanisms and procedures or any communication from the new department responsible. Some churches considered the requirements of naming members and disclosing foreign aid as violating the right to freedom of religion and exposing members to possible persecution. Religious worship continued informally, mostly in "home-worshipping", without official reaction.

In early 2003, the authorities cracked down on the minority churches, breaking into religious services in church premises or private homes, confiscating bibles and musical instruments, arresting and beating church members on the spot, and torturing them later in military detention centres. Any who were caught evading national service were drafted into the army. They were mostly held without reference to the law or courts, but some were taken to court, though released uncharged some weeks later. If they signed a document promising not to practice their faith, they were released. The arrests were frequent in February-May 2003, started again in September 2003, and have intensified in 2004.

- 57 school students, including several girls, were arrested in August 2003 during their summer work camp placement at Sawa military training centre on account of possessing bibles. Six were held in underground cells and the others imprisoned in metal shipping containers in sweltering conditions, given very little food and no medical care, and pressured to abandon their faith. Most were released after some weeks but some leaders are still detained.

¹⁴ BBC Summary of World Broadcasts, 4 March 1995, quoting the official Voice of the Broad Masses of Eritrea in Tigrinya.

¹⁵ Interview with Yemane Gebremeskal, UN IRIN news agency, 1 April 2004.

- On 7 September 2003 12 members of the Debre Bethel church in Asmara were arrested at a prayer meeting in a private house and taken to the 5th police station. They were released uncharged after some days.
- On 23 November 2003 there were eight arrests in Mendefera of Kale Hiwot church members, including their pastor.
- On 12 February 2004, 56 members of the Hallelujah church in Asmara were arrested, including children. They were taken to Adi Abeto and Mai Serwa army prisons, and reportedly tortured to renounce their faith.
- On 17-18 March, whole families of home-worshippers of the Rema charismatic church were arrested in Asmara when they were caught praying and reading the bible.
- On 18 March 2004, 20 members of the Kale Hiwot church in Assab were detained, reportedly as a consequence of the President's speech attacking the minority churches at the inauguration of the new Patriarch of the Eritrean Orthodox Church on 5 March.

There have been international protests against this religious persecution, although the main churches in Eritrea do not appear to have defended the rights of the minority churches to any significant extent. On 27 April 2004 the government through its embassy in the USA replied to criticisms, making no reference to individual incidents or cases but merely citing the constitutional protection of the right to freedom of religion, saying "People are free to worship according to their wish, or to refrain from worshipping or practising religion". The government earlier had simply dismissed the reference to Eritrea among 11 countries "severe violating religious liberty" in the US State Department's report on International Religious Freedom in 2003¹⁶ as "scandalous and misleading", but without refuting any of the facts presented.

There are currently reported to be over 400 members of minority churches in detention.

Military banned from religious practices

The reason for the 2003 crackdown on minority churches was never given by the government but it appeared to be partly linked to government action against young people trying to avoid military conscription. Young people have been trying to hide from conscription and have deserted in considerable numbers, although only the Jehovah's Witnesses among the minority religions have a faith-based principle of refusal of military service. Dissatisfaction with national service, especially the military part of it, as well as conversion of conscripts to become "born-again" Christians, have reportedly been increasing in the army.

Detainees attempting to practise their faith in prison or in military service have been severely punished, including by torture. Former detainees have told Amnesty International of confiscation and burning of bibles and audio-cassettes.

One former prisoner who had previously been detained in the army and was later detained in Dahlak Kebir island stated that some prisoners on Dahlak Kebir who belonged to different minority faiths were punished for secretly having bibles in the prison and their

¹⁶ US Bureau of Human Rights, Democracy and Labour, December 2003.

bibles were burned in front of them. His own Orthodox Church bible had been confiscated and burnt in front of him. This was, he said, in accordance with a military order during the latter part of the war that "serious action will be taken against anyone caught with a bible or singing hymns or praying". There had been a religious revival during the war with a number of conscripts becoming "born again" Christians. Some conscripts who disobeyed were punished. According to the same informant, Muslim prisoners on Dahlak Kebir island were allowed to perform their regular prayers, but when Christians complained against being singled out, Muslims were stopped from praying too.

Over 80 national service conscripts belonging to minority churches are reportedly currently detained in various military prisons on account of their faith.

Detention of Muslims

Muslims, especially in the western areas bordering Sudan, have often been suspected of links with predominantly-Muslim armed Eritrean political opposition organizations based in Sudan which have received support from Sudan's National Islamic Front government and the Sudanese Muslim Brotherhood. In particular, the Sudan-based Eritrean National Islamic Salvation Front (formerly the Eritrean Islamic Jihad Movement, EIJM) advocates an Islamic state and is part of the Eritrean National Alliance (ENA). According to reports, this Islamist group has been responsible for some violent incidents in Eritrea. Like the ELF, it has recruited fighters and supporters among Eritrean Muslim refugees in Sudan who had fled there many years previously but refused to return after independence when there was no reconciliation with the EPLF.

As a consequence of this armed conflict, the Eritrean security forces have conducted military operations in western Eritrea since the early 1990s and seem to have often profiled practising and activist Muslims as potential or suspected Islamist or ELF opposition members. Hundreds of suspected supporters of these two groups have been arbitrarily detained, tortured and "disappeared", with some feared to have been extra-judicially executed. Some fighters may also have been captured and detained or extra-judicially executed.

Currently there are hundreds of long-term Muslim detainees in Eritrea who may be prisoners of conscience, arrested on suspicion of links with Islamist or ELF opposition forces, but never charged or taken to court. Some may have been arrested simply because of their religion or for complaining against religious discrimination – being treated less fairly than Christians, for example in regard to permits to build religious buildings or raise funds for Muslim welfare or religious education.

Hundreds of young teachers were arrested in Keren and elsewhere on 5 December 1994 when Eritrea broke off diplomatic relations with Sudan. They were detained on suspicion of having links with Sudan, through the Muslim Brotherhood, or with the Eritrean Islamist opposition supported by Sudan's Islamist government – many had trained there as Quranic, Arabic or ordinary teachers in Sudanese educational institutions.

4. Torture and ill-treatment of prisoners

"Rabiel Goniche, a young man from Asmara [deported from Malta¹⁷ and detained at Adi Abeto prison] was shot at the edge of the compound trying to escape and later died. All 27 who tried to escape were badly beaten, flat on the ground, until some were bleeding on the head with teeth and lips cut. One had an arm broken, which never healed straight, and another had his leg cut with a bayonet." Former Adi Abeto detainee deported with him from Malta.

"Ermas [detained in Dahlak Kebir island, a returnee from Germany] escaped twice. After four days free in his second escape attempt he was caught trying to get a boat out of the island. 10 guards surrounded him and two other captured escapees, including Habtom Tekleab, an ex-Malta deportee. They beat them in front of us until they were vomiting blood. They tied them in 'helicopter' method for 55 days outside in the heat. Ermas' skin colour changed, his body swelled and he couldn't walk. For the first two days he was refused food, but the prisoners fed him. I don't know if he is still alive." Former Dahlak Kebir island detainee.

Amnesty International has received new and consistent reports of the widespread and systematic use of torture and ill-treatment of prisoners, particularly by the military against national service conscripts. Torture is used as a standard form of military punishment. Prisoners are commonly beaten but the special and principle torture method is "tying". This was previously used by the EPLF as a punishment within its own forces during the liberation struggle and has been extended since independence. Some of these torture methods are similar to those used by the Ethiopian security forces against suspected supporters of the Eritrean liberation movement in the 1970s and 1980s.

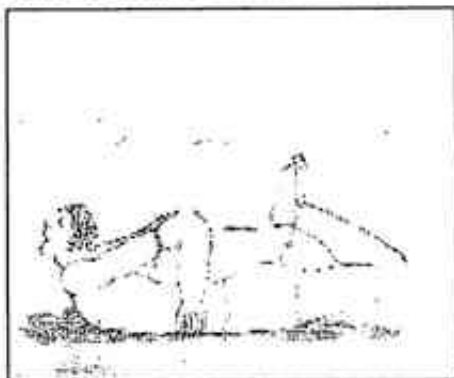
Amnesty International has documented torture and ill-treatment of prisoners through interviewing released or escaped prisoners, though it cannot reveal their names due to fears of reprisals against them, even outside Eritrea, or against their families inside Eritrea. More information is beginning to emerge despite the government's secrecy, intimidation, security control and restriction of investigative access to the country. The secrecy in which political prisoners are detained, to the extent that virtually all are detained incommunicado and have effectively "disappeared", makes them particularly vulnerable to torture and ill-treatment, and at severe risk to their physical integrity or even their lives. Medical treatment for torture injuries or illnesses caused or exacerbated by prison conditions is not provided in any of these places of detention beyond the most minimal medication dispensed by medical assistants. Referrals to hospital are difficult to obtain, long-delayed and rarely result in satisfactory treatment.

Torture methods

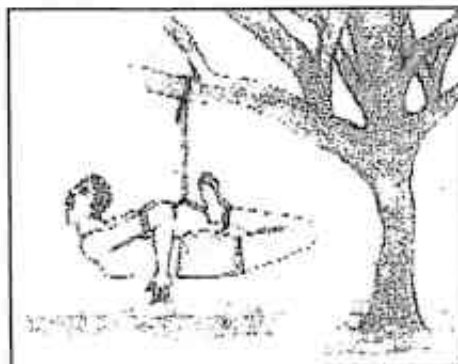
The most commonly described torture method is tying with rope, and the most common form is nicknamed "the helicopter". It can take different forms and other forms of tying also have different names. The illustrations of torture methods below were drawn by former prisoners who had witnessed them.

¹⁷ See pp 31-32 on forcible deportations of Eritrean asylum-seekers from Malta.

"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.



"Helicopter"



"Helicopter", suspended from a tree

"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.



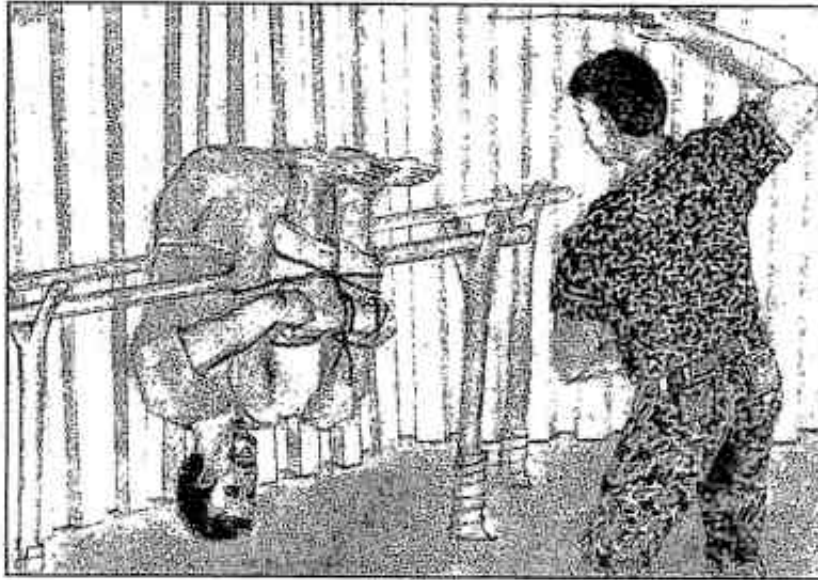
"Jesus Christ"



"Jesus Christ"

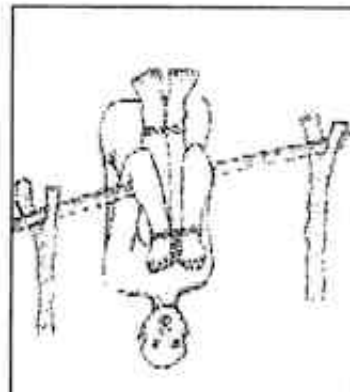
"Ferro" (Italian for "iron"): the wrists are bound behind the back with metal handcuffs while the victim lies on the ground face down and is beaten with sticks or whipped with an electric wire on the back and buttocks.

"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.



"Torch"

"Torch": 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. (This was a common punishment in Ethiopia and pre-independence Eritrea under the Dergue.)



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.

Atrocious prison conditions

"In July 2003 we were taken to Dahlak Kebir island, 130 in a truck, lying on top of one another, then on to a boat to the island. Torture continued there for some prisoners – 'helicopter' and 'Jesus Christ'. We did hard labour – building houses, carrying goods off boats, cleaning soldiers' quarters, from about 8am to 2pm each day. I was accused of spying for Ethiopia [because of being of part-Ethiopian origin] and was tortured by 'ferro' method for a week."

Former detainee on Dahlak Kebir island.

"The food was very poor and looked like washing-up water. It consisted of half-cooked bread, lentils, and half-cooked unsalted cabbage, in very small quantities. It was placed in a communal bowl in our cell where we had to eat by hand – about six spoonfuls' amount each for 26 prisoners. We were given half a cup of tea in the morning, and two meals a day at noon and 4pm. We had tap water to drink, but not enough. There was an open toilet in the cell. We could only wash once in two weeks. We slept on the floor, which was often damp, with two thin blankets. Many of us were suffering from stress. I had arthritis, like many other prisoners. After complaining for a long time I was finally taken to hospital for tests but only given aspirin. The elderly prisoners with us – some of them over 80 years old, such as Suleiman Musa Haji and Sunabera Mohamed Demena – were all in very poor health."

Former detainee in Wenjel Mermera prison in Asmara, early 2004.

"After seven months in Dahlak Kebir island, in July 2003 we were taken to the mainland in small groups and taken to different prisons. I was sent to Haddis Ma'askar. We were kept in handcuffs. I was held in a 2x2 metre underground cell holding myself and another prisoner. It was very hot, with no light and we had no shoes. There were about 1,000 prisoners there, some in big cells holding 200. The building was completely underground, fairly recently built. Prisoners were there for different offences – deserting from the army, spying for Ethiopia, etc. We were occasionally taken to work – fetching firewood, for example. We had to perform toilet functions in the fields around. Other prisoners were told we were 'Jihad' (armed Islamists) and they did not know we had come from Malta. I escaped with another prisoner during a toilet break and reached the Sudan border after three days."

Former detainee in Haddis Ma'askar army prison near Sawa, ex-Malta deportee.

Political prisoners are held in numerous built or make-shift prisons throughout the country, mostly secret with access prohibited and not officially designated as prisons. Many of these prisons are underground. They are under the control of the military or the internal security service, including at the main Sawa army base. Some political prisoners are held incommunicado in secret security sections of official police stations or of officially-designated prisons (such as in Sembel prison in Asmara). In contrast, prisoners for suspected ordinary crimes in official civilian prisons and police stations are normally allowed family visits and food, and their conditions broadly conform to international standards.

Secret Prisons in Eritrea

- Wenjel Mirmera ("special investigation"), a special security section in the 2nd police station in Asmara, which itself is known as *Karchele* (from *carceri*, the Italian word for prison),
- a special security section in the 6th police station in Asmara;

- an 800-inmate prison on Dahlak Kebir, the main Dahlak island on the Red Sea, 7 kilometres from the main town of Nakua: used for army deserters, military and political prisoners and consisting of eight large iron-sheet buildings;
 - several army prison with underground cells, such as Haddis Me'askar and Mai Temenei;
 - Tsererat prison in Asmara, mainly for EPLF veterans, held in underground cells;
 - "Tract B" (also known as "Track B"), a former US storage facility near the airport in Asmara, holding EPLF veterans, conscripts, alleged armed Islamists, and people accused or forging identity documents or smuggling army deserters out of the country.

Members of the armed forces and national service conscripts are held in military prisons, including custodial "rehabilitation centres" in army units. One of the most frequently-named prisons holding recently-arrested political prisoners is Adi Abeto prison near Asmara. This is used for conscripts, returned asylum seekers, and members of minority churches.

The security service is also said to control many secret "safe houses" in Asmara and other towns which are used for short-term detention and interrogation.



Typical shipping container, as used for imprisonment
 © Compass Direct

Metal shipping containers, brought from Assab and Massawa ports and used elsewhere for ordinary purposes such as for storage or even as shops, offices or homes, are now widely used to accommodate the expanding number of prisoners and also for punishment purposes. They have been reported at Sawa military training centre (where 57 religious prisoners were held in containers in mid-2003), Adi Abeto prison, Dahlak Kebir prison, Mai Serwa, Alla near Decamhare, Mai Edaga near Decamhare, Mai Temenei in Asmara, Tehadasso army prison, and other prisons.

Conditions of detention for political prisoners in these secret prisons, as described by released or escaped prisoners, are extremely harsh. Many prisoners are held in crowded underground cells where they hardly ever see daylight, and many are reportedly infected with body lice and diarrhoea. Prisoners suffer extremely dirty and often damp conditions, where they sleep on the floor with dirty blanket coverings, and are provided with little more than dry bread, sometimes cooked lentils, unclean drinking water and hardly any water to wash or bathe.

The International Committee of the Red Cross (ICRC) has no access to any Eritrean prisoners or to these prisons – only to Ethiopian prisoners wishing to repatriate, who are usually held separately in other prisons.

Many prisoners are said to have died in custody as a result of torture or absence of medical treatment. There are no inquests into deaths of prisoners and families are reportedly not informed.

Prisoners held in shipping containers are locked up for almost 24 hours a day. Children are held with adults. Containers, which contain no cell furniture, are overcrowded and

become extremely hot and suffocating during the day and very cold at night, with little room to sleep or move. The conditions are unhygienic and infectious diseases spread rapidly, especially through absence of toilet facilities and the prevalence of diarrhoea among prisoners forced to use a bucket inside the container for a toilet. One former prisoner told of detainees being forced to lie in diarrhoea as a punishment.

Dahlak Kebir island prison conditions

"We were put in zinc-iron buildings and given 3 litres of water a day and bread twice a day. We could only wash about once a month. It was very hot. We were not allowed to talk and were punished with 'helicopter'. We did very hard work in the mornings, on buildings in the port."

"There were other prisoners there from different prisons on the mainland, about 750, including 12 women (not ex-Malta). They were not criminals. Some had refused national service or escaped from the army, about 80 others had complained about land issues, others about their salaries, or they were accused of forgery though not charged or tried. Some prisoners were mentally ill, others were sick with tuberculosis and other diseases or heart problems. There was no medical treatment except a few tablets."

"There was one building for lowland Muslims who had been transferred from being held a long time in another prison on the mainland. There was also a prison for sick prisoners, though no medical facilities, only a few tables, administered by a volunteer prisoner. Most prisoners were ill with diarrhoea because there was a communal toilet bowl in each cell spreading infection, and the water was dirty. We were only allowed to the outside toilet twice a day."

"Walta Haile, an ex-Malta deportee who had been tortured, tried to commit suicide at Massawa by tying his own hands and jumping into the sea [on 15 December 2003]. He got caught in the ship's propeller and his face was badly cut. He was taken out of the sea and we didn't hear of him again, maybe he died."

5. Abuses of military conscripts

Amnesty International's main concerns about national military service in Eritrea are the non-recognition of the right to conscientious objection; arbitrary detention without charge or trial in harsh conditions of possible conscientious objectors or prisoners of conscience; the use of torture as a standard military punishment; sexual violence against women conscripts; and the reported conscription of children into the army.

Amnesty International and national military service

Amnesty International does not oppose national service or military conscription as such but supports in all countries of the world the internationally-recognized right to conscientious objection to military service and the right to perform genuinely and non-punitive civilian alternative service not under military control or administration. Amnesty International considers as a conscientious objector anyone who refuses to perform service in the armed forces for reasons of conscience or profound conviction. It considers imprisoned conscientious objectors to be prisoners of conscience and calls for their immediate and unconditional release. It calls for conscientious objectors not to be imprisoned but to be allowed to perform alternative civilian service.

Torture and arbitrary detention of conscripts and deserters

"In May 2000, I was sent to a rehabilitation centre [military prison] at Tessenet for protesting against the war. I and about 30 others were arrested for talking among ourselves about why we needed this war. This was because I was having nightmares from my work in the medical unit with wounded patients. On the first day there I was beaten. Beating is a normal thing. I was also kicked on any part of my body. Then I was tied for three days in the 'otto' method. My feet were tied, and my hands were tied separately behind my back, and I was left outside in this position for three days continuously, lying on my front, except for short periods for two meal-times and two toilet breaks each day. This was not so bad as 'helicopter', where the hands and feet are also tied together behind the back.

"I saw others tied too, some very tightly. I saw one whose veins in his arms burst and blood flowed out. They just left him there and forgot about him. When the veins burst they took him away and we didn't know what happened to him. Sometimes the veins swelled up because of the sun, and burst.

"One day while I was in the army, three soldiers were brought in front of us and shot. We were told they were traitors but we were not told what the charges were. They had no trial and we didn't know who they were or what they had done." (Former conscript soldier.)

A former military detainee, conscripted from school in 1995, described to Amnesty International how he and a group of seven other conscripts had presented a petition to officers complaining about use of soldiers for officers' private gain. As a result, they were detained for over a year in Tegahesso army prison near Mendefera and tortured. He said one soldier was arbitrarily executed and women conscripts were also detained there and their heads shaved for refusing to have sex with commanders.

Amnesty International is concerned about the arbitrary detention without charge or trial in military prisons of hundreds of possible conscientious objectors or prisoners of conscience. Some were detained for evading conscription. Others performing their national service or members of the armed forces were detained for military offences punishable under military law, such as being absent without leave (AWOL) or disobeying an order. Detainees also included those arrested on opinion-based political grounds, such as criticising the government's or military conduct of the war, requesting demobilization to pursue a civilian employment career, or supporting the calls for democratic reforms. Some women conscripts were also reportedly detained for refusing sexual advances by officers. Several former conscripts and EPLF veterans who have given testimonies to Amnesty International on abuses within the army reported that there was no form of military justice system operating. No-one accused of an offence or punished had the benefit of any form of military trial, and all punishments were arbitrary and summary.

The legal penalty for evading conscription or assisting evasion is two years' imprisonment, as set out in the national service regulations of 1995. 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. Amnesty International has

received testimonies of standard army torture practices particularly from recently released prisoners who have experienced or seen them.

The families of conscription evaders are often punished too – again without any legal or judicial reference – for allegedly assisting them to escape. Fathers or mothers or other relatives have been unlawfully detained in secret for short or long periods without charge or trial when their son or daughter fled the country, sometimes being held as a virtual hostage to try to force the wanted person to surrender.

Offences by members of the armed forces, including conscripts who are also under military jurisdiction, are subject in theory to military law. Penalties for a range of military offences are set out in the former Ethiopian penal code adopted at independence. These include up to five years imprisonment for desertion, except "in time of emergency, general mobilisation or war", where the penalty may be death "in the gravest cases" (article 300). The death penalty is also applicable to mutiny "in time of emergency, general mobilisation or war" (article 312). The offences in similar circumstances of "demoralisation of troops" (article 324), cowardice in the face of the enemy (article 325), and capitulation by a commanding officer (article 326) are punishable by prison terms or, in exceptional circumstances, by death.

In practice, courts martial do not function in the armed forces. Offenders are punished by order of local commanders with torture and arbitrary detention. Amnesty International has also received allegations of extra-judicial executions ordered by local commanders and carried out in front of military units for what might be serious military offences.

Forced conscription

National military service is a key government policy of nation-building. It represents continuity of military-oriented mobilization by a predominantly EPLF government after the liberation war into the independence era¹⁸. Post-war military conscription is also a reaction to the threat of a new war with Ethiopia and the threat from Ethiopia to Eritrea's independence and security. The Eritrean armed forces are a combination of the regular army (consisting mainly of former EPLF veterans, mostly as officers, though about half were demobilized) and a vast majority of national service conscripts.

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 1995¹⁹, 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". The development tasks mainly

¹⁸ See, for example, "From guerrillas to government: the Eritrean People's Liberation Front", David Pool, London, 2001. During the liberation war, the EPLF recruited volunteers and maintained integrated military-civilian structures in the liberated territory it controlled. These included orphanages, schools, medical facilities and development institutions. It had mass political organizations of women, youth and students among the refugee diaspora, and a relief and humanitarian arm, the Eritrean Relief Association (ERA).

¹⁹ Proclamation 82/1995, published in the Eritrean Gazette, 23 October 1995.

consist of labour on construction projects, such as roads, dams, farms, clinics, schools and government or military buildings anywhere in the country, or work in the person's former civilian employment, for example as a civil servant, teacher or health worker, but under military authority. This development work is minimally paid with "pocket money", while those in the latter category receive the same payment as other conscripts, with the remainder of their salaries paid to the Ministry of Defence.

There are exemptions from national service for EPLF veterans and the disabled²⁰. National service is postponed for those in higher education (whose graduation certificates are not presented until they have completed national service) and people with registered medical certificates. There is no exemption for conscientious objectors. Eritreans expelled from Ethiopia during the war were given temporary exemption only. Eritrean citizens returning from abroad and those with dual nationality are not exempted. In practice, national service has been extended indefinitely by administrative decision since the war with Ethiopia, when conscription was accelerated, military training was shortened²¹, and development service was converted to active military service. Post-war demobilization plans to be funded by the international community were postponed by the government as a result of the continuation of the border dispute with Ethiopia and post-war political tensions. The army is thus expanding each year. Some observers claim the Eritrean armed forces at around a third of the able-bodied work-force.

Conscription is enforced by the regional administration through "round-ups" (known as *giffa* in the Tigrinya language) where police search houses, work-places and streets and detain suspected evaders to check their identity documents, and at military road blocks on main roads. Shooting has been reported of people trying to escape conscription. Young persons are required to register at the age of 17 and are usually refused exit-permits when they approach conscription age. Exit-permits are only issued on proof of completion of national service or payment of a bond as security for return to Eritrea to perform national service.

In additional measures related to the aims of national service, the government requires final year (11th grade) secondary students and all university students to do up to 2-3 months summer vacation work service (with pocket money) on development projects. In August 2001 hundreds of University of Asmara students were beaten for refusing a summer work project and made to work in harsh conditions at Wia and Galaalo military camps in eastern Eritrea, where two died from heat stroke. In August 2003, 57 school students on a summer vacation work project at Sawa army base were imprisoned in containers for possessing bibles and belonging to minority churches²².

From 2003, an extra final year (12th grade) has been added to the school system, which all students will attend at Sawa military training centre, reportedly under military authority and including military-type training. At the end of this final boarding year of secondary education, there is competitive selection for higher education and immediate entry to national service for the rest (who are the majority). National service will include military duties as

²⁰ Previous regulations had contained further exemptions which were withdrawn.

²¹ The government reportedly treats Eritrean identity cards for voting in the 1993 independence referendum as evidence of citizenship.

²² See page 1

well as participation in the new "Warsai Yikealo" scheme of development work linking EPLF veterans and the new recruits ("Warsai").

In January 2004 the UNICEF representative in Eritrea criticized this militarization of education as a violation of the African Charter on the Rights and Welfare of the Child (which aims to promote the best interests of the child), because it separated children from their families and forced them into a military environment²³.

No right to conscientious objection

The government's refusal to recognize the right to conscientious objection to military service and provide for alternative civilian service has affected particularly members of the Eritrean congregations of Jehovah's Witnesses, who refuse military service as a principle of faith. Other individuals opposed to military service on the grounds of conscientious opinion or belief, either when being conscripted or during national service, are also denied an option of alternative non-military service.

The right to conscientious objection to military service is inherent in the right to freedom of opinion and belief set out in the Universal Declaration of Human Rights (article 19) and the International Covenant on Civil and Political Rights. The UN Commission on Human Rights and the UN Human Rights Committee (which oversees implementation of the International Bill of Human Rights) have both urged all governments to guarantee that individuals objecting to compulsory military service, because of their conscientiously-held beliefs, are given the opportunity to perform alternative service.

Conscientious objection when advanced in support of an asylum claim from someone evading or escaping compulsory military service is recognized in international refugee law as a valid ground for asylum²⁴, although different countries' asylum legislation and practices have often conflicted with this principle.

Sexual violence against women conscripts

There have been allegations from former conscripts of a pattern of sexual violence against female conscripts. Female conscripts are reported to have been subjected to sexual abuse including rape. Amnesty International has received reports that some of the new female recruits were selected by commanders 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. In some cases, this may be termed rape or possibly sexual slavery because, although it may not have consisted of physical violence, it was coercive within a command and discipline system where women had little or no opportunity to resist. 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. In some cases the women became pregnant and were sent home to their families. They were then subject to extreme social dishonour in the community as unmarried mothers.

²³ BBC World Service, 30 January 2004.

²⁴ The UNHCR Handbook (Geneva, 1999) sets out conditions for recognition of conscientious objectors and national service or army deserters as refugees.

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. This was reflected in the terms of national service after independence, which was established for men and women equally, although there was considerable resistance to female recruitment from Muslim communities, especially among the Afar of Dankalia region on the Red Sea coast. Resistance on the grounds of religious belief, cultural traditions of family honour, or protecting women from sexual harassment and violence in the army, sometimes led to violent confrontations during conscription round-ups. The government appears to have subsequently stopped forcible recruitment of young Muslim women in these areas.

There was an official statement at the end of 2003 that women were to be demobilized but this has reportedly not been implemented.

Child soldier recruitment

"I was recruited in 1999 at the age of 16 in a round-up in Keren when I was still at school. They knew I was not yet 18 and still doing my studies but during the war many were taken who were under 18. We were forced to go and had no choice. I went to Sawa. There were many others under 18 and a few as young as 14. The very young ones were trained separately but I was put with all the others. Girls were trained separately."

Two asylum seekers recently described to Amnesty International their recruitment as child soldiers. One said how she had been recruited at the age of 15 in June 2002 at her home, despite protests from her mother that she was needed there. She was taken to Sawa army camp and performed mainly domestic duties. She escaped to Sudan while fetching firewood. The other said he had been conscripted in April 2000 at the age of 15 while at school in Asmara. He said that after three weeks military training at Sawa, he was sent to the war front. He escaped to Sudan in 2002 while on home leave.

Both Amnesty International and the Coalition to Stop the Use of Child Soldiers²⁵ have received reports that child soldiers under 18 years were conscripted during the war, although the Eritrean government denied it²⁶. Amnesty International has received reports of some continued conscription of children under 18 years since the war²⁷.

6. Refugees and returnees

Eritreans have applied for asylum in many countries of the world in the past few years. In many cases they have had access to proper refugee determination procedures, but in some

²⁵ Report to the UN Security Council, 2002, www.child-soldiers.org.

²⁶ The EPLF had recruited and used child soldiers during the liberation war, mainly those raised and educated in the Red Flames schools in Sudan or the liberated territories for war orphans and abandoned children. The practise of recruiting child soldiers seemed to have been discontinued after independence.

²⁷ The UN Convention on the Rights of the Child, ratified by Eritrea, forbids states from recruiting children under 15 years and participating in hostilities, and its Optional Protocol (2002), not ratified by Eritrea, raised the age limit to 18 years. The African Charter on the Rights and Welfare of the Child, ratified by Eritrea, defines a person under 18 years as a child and prohibits military recruitment of children.

countries – including countries with well-developed procedures – there have been wrongful rejections of asylum and appeals, leaving some asylum seekers homeless and penniless, although the government recognized the dire human rights situation in Eritrea and did not enforce deportation orders against rejected Eritrean asylum seekers.

Returnees arrested

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”.



Aster Yohannes ©Private
Wife of G15 detainee

Detained on return from the USA

Aster Yohannes, the wife of G15 detainee Petros Solomon and herself a former EPLF veteran, was arrested at Asmara airport on her voluntary return from the USA on an Eritrean passport on 18 December 2003. She had completed a Master's degree at the University of Phoenix, Arizona, and wished to be with her children in Asmara, despite warnings that she might be arrested. She has not been seen or heard of since her arrest. She had not been politically active in the opposition but was evidently arrested in connection with her husband's detention.

In some cases of Eritreans with foreign citizenship, the authorities have treated them as Eritrean citizens because they had registered to vote in the 1993 independence referendum, even if they had never formally applied for citizenship. They were given no special status and rights as foreign nationals, e.g. the right to consular services if detained.

In some recent cases known to Amnesty International, Eritreans with foreign citizenship were arbitrarily detained for days or months when visiting the country, possibly for political reasons. A Swedish citizen of Eritrean origin was detained for a short time in 2002 then released and allowed to leave the country and return to Sweden. Mohamed Ibrahim Mussa, a British citizen of Eritrean origin was detained for eight months in 2003 for political reasons. Another British citizen of Eritrean origin was earlier detained for some days in 2002 but refused to speak of his detention as a result of threats of reprisals when he was being released and allowed to return to the United Kingdom.

Detained on a visit from the United Kingdom

Mohamed Ibrahim Mussa, a naturalised British citizen and former refugee, was arrested at Asmara airport in January 2003 when about to return to London after a six-week visit. He was detained in the secret security prison in the 2nd police station in Asmara, without charge or embassy access, and without adequate medical treatment for arthritis. He was accused of attending an opposition meeting in London, and not paying development tax, which was regarded as disloyalty. The security authorities claimed that he was an Eritrean citizen because he had an identity card issued for voting in the 1993 independence referendum and that the British embassy had therefore no right to intervene. He was released on 17 September 2003 and allowed to return to his family in London, with a warning not to engage in opposition activities.

Dawit Isaak, one of the ten detained journalists²⁸, is a naturalized Swedish citizen (former refugee) who returned to Eritrea after independence. The Swedish embassy has been consistently refused access to him on the grounds that he is an Eritrean citizen and thus a dual national with no special status.

Forcibly returned from Malta

"I was on the last of the four planes [leaving Malta], among 57 Eritreans who were flown back to Eritrea. That night at 3am we were woken up, handcuffed, and taken to the airport – some even without their shoes. There were two Maltese Special Force soldiers to each prisoner, holding our arms. Some of us were crying but the soldiers were laughing and joking in their language. We couldn't resist. In the plane, we all had one soldier on each side of us, and there were others with their guns in the centre aisle.

"When we landed at Asmara, the airport was quiet. The Maltese handed us over. There were no relatives meeting us. When the Maltese plane left, the soldiers took us in a military bus to Adi Abeto prison. The women, girls and children were separated. There were interrogation rooms and we were called one at a time, with two guards, one asking the questions, the other doing the beating."

"There were plainclothes security officers at the airport [in Asmara] and they took us to a reception area when the plane returned to Malta. Then soldiers came and put us on buses and took us to Adi Abeto. Our relatives didn't know about us or our returning to Eritrea and there were none there at the airport."

"Three women [deported from Malta in advanced pregnancy] gave birth at Adi Abeto prison but they were not even given blankets. They were not held there for long but we don't know what happened to them. The rest of us all had interrogations and beatings and torture. We were asked why we had left Eritrea, why we had spoken against the government, and we were beaten with leather and rubber whips if we denied their accusations."

²⁸ See page 7.

In 2002 several hundred Eritreans leaving Libya (via Sudan) landed on the island of Malta, mainly as a result of shipwreck or sea rescue, and were detained. In September and October 2002 Malta forcibly deported some 220 Eritreans back to Eritrea, where they were all immediately detained on arrival in Asmara and sent to the nearby Adi Abeto military detention centre. Most had apparently refused to apply for asylum in Malta, hoping to travel on to Italy.

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.

Eritrean refugees in Sudan

Amnesty International is concerned that many Eritrean refugees in Sudan – the most common route out of the country, although some are now fleeing to Ethiopia – lack legal status and are at risk of human rights violations and ill-treatment by the Sudanese police or security forces.

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.

²⁹ *Concerns in Europe and Central Asia: July–December 2003*, Amnesty International, April 2004, AI Index: EUR 81/01/2004.

After independence, the failure of any reconciliation between the victorious EPLF and the rival ELF groups had long-lasting repercussions. Few refugees chose to repatriate. Opposition on a political or armed basis increasingly became a feature of the new independence situation, and there were new flows of refugees as the Eritrean government sought to eliminate support for its ELF opponents and repressed opposition from within EPLF circles. The government pressed the Eritrea diaspora to contribute to the development of the country, and later the war with Ethiopia, intimidating those who refused or were suspected government opponents, and denying embassy and government services to tax refusers. Most Eritreans willingly contributed on account of supporting Eritrea's independence, although many who initially intended to return to the new Eritrea eventually did not go back and became naturalized in their host countries, on account of the anticipated difficulties in re-establishing themselves in employment or business, and because they would be liable to national military service. Returning pro-ELF Eritreans suspected of continued ELF support would be at risk – the Eritrean security services had extensive direct knowledge of ELF members from the time of the liberation struggle, as well as suspected EPLF dissidents.

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 UN High Commissioner for Refugees 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 declared cessation 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. Refugees in Sudan were often subject to ill-treatment by the Sudanese police and security forces – arbitrary arrests, demands for bribes, and threats of refoulement fuelled by rumours of Eritrean refugees being forcibly taken to the border. Many Eritrean refugees believed themselves to be at risk of refoulement.

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.

Many of those who had fled to Sudan during or after the war with Ethiopia went first to Sudan but partly in fear for their safety there proceeded to travel onward in hope of reaching a European destination such as Italy. This involved a hazardous journey across the desert to Libya and a further hazardous boat journey from there to Italy. Some succeeded in reaching Italy or other countries, but the journeys were perilous and often badly organized by

trafficking gangs, so that many died en route in the Libyan desert, and others perished on sea journeys in rickety boats through rough sea conditions.

Eritrean refugees in other countries

Amnesty International is concerned that many Eritreans who would be at serious risk of human rights violations if returned to Eritrea have been denied refugee status in several asylum countries, though not usually deported to Eritrea. Information concerning the human rights situation in Eritrea from Amnesty International and other human rights organizations has often not been taken into sufficient consideration³⁰.

Some of those who fled to Sudan and travelled on to Libya were detained in Libya because of their illegal entry. There are reports, yet to be confirmed, that Libya deported a number of Eritreans to Eritrea in 2001-2, where they were subsequently detained. In July 2003 Amnesty International appealed to the Libyan government not to deport to Eritrea seven Eritreans who were in prison, including Zakarias Michael Belay and Misghina Seyoum. They continued to be detained after serving three-month sentences for illegal entry and were at imminent risk of deportation. They appeared to be army deserters and some claimed they had escaped from detention in army custody in Eritrea. They were kept in harsh conditions in various prisons in Libya and were beaten on two occasions. An eighth Eritrean, Binyam Haile, died in prison after eighteen months' detention, as a result of denial of medical treatment for suspected tuberculosis. Over a dozen other Eritreans had also been detained but were all released in early 2004. The seven were interviewed by an Amnesty International delegation visiting Libya in February 2004 and were given access to UNHCR representatives. UNHCR recognized them as refugees in March and they were finally released on 22 April.

In South Africa many of the 600 Eritreans studying at South African universities on a special World Bank-funded study program did not wish to return home afterwards for political reasons. Some organized demonstrations against the Eritrean government. The Eritrean embassy pressed for the return of the students (who had been national service conscripts) and two were deported to Eritrea in August 2003 and forced back into national service – Rahel Tesfamariam and Isaak Habte. One of those who applied for asylum in South Africa, Solomon Habtemariam, obtained a court order suspending his imminent deportation in February 2004 after being rejected for asylum. The court ordered that his asylum claim should be re-considered by the authorities. Amnesty International called on the South African government not to deport any student to Eritrea who would be at risk of human rights abuses on account of their opinions, as the organization believed many would be.

Eritrean asylum-seekers at risk

Amnesty International considers the following categories of people would be particularly at risk of arbitrary detention (some as prisoners of conscience who have not used or advocated violence), torture and ill-treatment, or possible extra-judicial execution:

- members and supporters or suspected supporters (at all levels, not just those holding official positions) of the ELF or other groups in the armed Eritrean National Alliance;

³⁰ *Getting it right: how the Home Office decision-making fails refugees*, Amnesty International-British Section, February 2004.

- members and supporters of new political opposition groups such as the EPLF-DP (now the EDP) or the "democratic reform" movement in general;
- journalists who had criticized the government;
- national service conscripts and members of the armed forces deserting from the army;
- people evading and refusing conscription on account of their opinions or beliefs;
- members of persecuted minority Christian religions (especially Jehovah's Witnesses);
- Muslims suspected of links with armed Islamist or ELF opposition groups – even without substantive evidence of such involvement;
- people who had previously been imprisoned for political reasons and ignored threats to desist from opposing the government;
- anyone known or suspected to have criticised the government or the President;
- anyone suspected of disloyalty to the government – even the act of applying for asylum abroad would be regarded as evidence of disloyalty and reason to detain and torture a person returned to Eritrea after rejection of asylum.

In addition, two categories of Eritreans affected by the war and continued tensions between Eritrea and Ethiopia would be at risk of human rights violations if forced to return to Eritrea:

- those who wished to remain in or return to Ethiopia as Ethiopian citizens (after living there for all or most of their lives and having no ties to Eritrea) but were *en masse* denied this by Ethiopia and stripped of their Ethiopian citizenship;
- those of mixed Ethiopian-Eritrean families (of which there are many): families were broken up by the expulsions from Ethiopia during the war, where the Ethiopian spouse/parent stayed in Ethiopia in fear of the risks of moving to Eritrea, or where marriage to an Ethiopian or someone of part-Ethiopian descent might lead to their being refused entry to Eritrea, discriminated against in Eritrea or suspected of having Ethiopian government links; some had no ties with Eritrea and did not wish to become Eritrean citizens.

In early 2004 the Ethiopian government issued new regulations for the tens of thousands of Eritreans still remaining in Ethiopia. These regulations would allow them Ethiopian citizenship if they were not Eritrean citizens, or would grant them permanent non-citizen residence status in Ethiopia as well as travel documents and business permits, except for those who were outside Ethiopia for over a year. The latter would be treated as non-citizens for the purpose of government employment but otherwise with the same access to education and health facilities as Ethiopian citizens. It remains to be seen how these regulations will be implemented.

7. Constitutional rights and international treaties

The internationally-recognized rights to freedom of expression, opinion and association are denied in Eritrea. Criticism of abuses and dissent are silenced in the country and there is no voice allowed for an independent civil society. Underlying these human rights violations is the government's failure to respect the human rights protections in the Constitution and laws of Eritrea. The post-independence Constitution designated steps towards its full

implementation within a future multi-party democratic system, but the democratization process away from the one-party state has not been started. The rule of law is further negated by serious deficiencies in the administration of justice. Human rights treaties ratified by the new Eritrean government are ignored or contravened. The government does not accept the internationally-recognized role of human rights defenders.

Constitutional rights ignored

The Constitution was ratified in 23 May 1997 by the Constituent Assembly, which consisted of the PFDJ-dominated interim National Assembly (parliament), members of the six Regional Assemblies and diaspora representatives. However, several institutions required to give the Constitution full effect are not yet in place. A new National Assembly is required to be formed after general multi-party elections, which were postponed on account of the war against Ethiopia in 1998. No announcement has yet been made on when parliamentary elections will be held, nor on the conditions for forming political parties. Regional assembly elections are scheduled for May 2004 but without opposition parties allowed.

The Constitution, which was developed after an extensive public consultation process, does not mention the Universal Declaration of Human Rights or the Charter of the United Nations, but makes clear and prominent reference to protection of fundamental human rights and freedoms and rule of law, especially in Chapter 3, entitled "Fundamental Rights, Freedoms and Duties". These human rights articles are in force and not dependent on the democratization measures not yet implemented, although the latter could be expected to provide fuller protection of human rights.

However, the human rights violations detailed in this report, particularly in relation to the detention of prisoners of conscience and other arbitrarily detained political prisoners, torture and religious persecution, indicate that constitutional rights are not being protected in practice and that rights recognized in the laws of Eritrea are equally being violated. However, there has not been any legal challenge or redress through the courts to violations of human rights.

The Constitution provides important safeguards against arbitrary detention:

- "No person shall be deprived of liberty without due process of law" (article 15.2);
- "No person may be arrested or detained save pursuant to due process of law" (article 17.1);
- "Every person who is held in detention shall be brought before a court of law within 48 hours of his arrest... and no such person shall be held in custody beyond such period without the authority of the court" (article 17.4).

The Eritrean penal code also places a limit of 28 days within which an arrested person brought to court should be charged or released, although this is not adhered to in practice. Other articles in the Constitution guarantee entitlement to a "fair and public trial by a court of law" (article 17.6), with the presumption of innocence (article 17.7) and the right of appeal (article 17.8). However, the Constitution is deficient in not clearly specifying the right to legal defence representation and that the right of appeal should be to a higher court of law, although it upholds "due process of law".

A blatant abuse of constitutional rights is the continued operation of a Special Court created in 1996, which holds trials in violation of the laws of Eritrea and international standards of fair trial. Defence lawyers are barred, there is no right of appeal to a higher court, and judges are military officers without proper judicial training or experience.

The Constitution guarantees "freedom of conscience, religion, expression of opinion, movement, assembly and organization" (article 19), including specific guarantees of "the freedom of the press and other media" (article 19.2). These rights are violated by the widespread practice of arbitrary detention without charge or trial and the imprisonment of prisoners of conscience – some on account of their political opinions critical of the government and the President, others on account of their practising their profession as journalists, and others on account of their religious beliefs.

Citizens are denied the internationally-recognized right to conscientious objection to military service. Jehovah's Witnesses, in particular, have been imprisoned indefinitely on account of refusing the military part of national service, and are denied the right to practise their faith. They have also been subject to an extraordinary measure in 1994 stripping all members of the religion of their civil rights in violation of their constitutional right to equality under the law (article 14.1), the right not to be discriminated against on account of religion (article 14.2), and the right of equal access to publicly-funded social services (article 21.1).

The right to form political organizations is recognized in the Constitution (article 19.6) but not allowed in practice, other than for the ruling PFDJ. Likewise, the right to assembly for various purposes is officially allowed but denied in practice.

International obligations

Eritrea has ratified several important international and regional human rights instruments. In practice, human rights abuses have been committed by the security forces with total impunity. International and regional human rights treaty safeguards seem to mean nothing in Eritrea. International protests and criticisms have been dismissed out of hand.

The international and regional human rights instruments to which Eritrea is a party include the following:

- UN Convention on the Rights of the Child (1994)
- UN Convention on the Elimination of all Forms of Discrimination against Women (1995)
- African Charter on Human and Peoples' Rights (1999)
- African Charter on the Rights and Welfare of the Child (1999)
- International Convention on the Elimination of All Forms of Racial Discrimination (2001)
- International Covenant on Social, Economic and Cultural Rights (2001)
- International Covenant on Civil and Political Rights (2002)
- Statute for the International Criminal Court (2002).

In July 2000 after the ceasefire in the Ethiopian war, Eritrea ratified the Geneva Conventions and their two Additional Protocols relating to the Protection of Victims of International Armed Conflicts and Non-International Armed Conflicts respectively. It had continually refused to ratify them before or during the fighting.

Certain other important human rights instruments have not yet been ratified by Eritrea including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol, and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

With regard to its treaty obligations, Eritrea has not yet delivered any of the reports due on its implementation of treaties.

Formal complaints of human rights violations by Eritrea have been made to various other international and regional human rights mechanism. The African Commission on Human and Peoples' Rights passed a resolution in November 2003 calling for the release of the G15 detainees. The Eritrean government reportedly rejected this resolution in March 2004, calling it "biased and unfair... [and] politically motivated"³¹. The Inter-Parliamentary Union passed a resolution calling for the release of the eleven G15 members of parliament in March 2004.

Human rights defenders

The government does not recognize the legitimate role of human rights defenders as set out in the UN Declaration on Human Rights Defenders³². This important charter for civil society and NGO rights was adopted unanimously by the UN General Assembly on the 50th anniversary of the Universal Declaration of Human Rights in 1998. The government, however, considers any such human rights activism to be subversive or treasonable.

There are no human rights organizations in Eritrea monitoring or reporting on human rights in the country. The Regional Centre for Human Rights and Development, an independent NGO formed in 1992 to promote awareness of international human rights standards, was shut down by the government the following year. Citizens for Peace in Eritrea (CPE) was registered as an NGO during the war with Ethiopia to work on human rights abuses against Eritreans by the Ethiopian government. It gave assistance and support to Eritreans deported from Ethiopia, alongside the official Eritrean Relief and Rehabilitation Commission. It was unable to extend its work to other human rights issues, although it criticized mistreatment of Ethiopian civilians in Eritrea. Official PFDJ-linked associations of students, youth, women and workers do not promote or defend the human rights described above. There is no Bar Association, and the very few lawyers in private practice are unable to assert the right to provide legal defence counsel for detainees. Eritrean human rights groups can only operate from outside the country.

Prisoners of conscience in Eritrea include some who acted as human rights defenders exposing human rights violations and campaigning for respect for universal human rights. Amnesty International considers in particular that journalists who persisted, despite the risks, in reporting about human rights were acting as human rights defenders. Many of the prisoners

³¹ Reuters news agency, 29 March 2004.

³² Its full title is the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

of conscience, however, did not have the freedom to engage openly in human rights advocacy.

8. No justice, no protection of human rights

The administration of justice in Eritrea provides no protection for the rule of law. The normal courts are severely lacking in facilities and resources, professional competence and judicial independence. They provide no defence or redress against violations of constitutional or legal rights, such as arbitrary detention, torture, "disappearance" or extra-judicial execution. The Special Court, although consistently criticised for abusing basic legal rights, continues to function unchanged. There have been no trials where political detainees might have the opportunity to present a legal defence. Some political detainees appear to have been sentenced to prison terms through a secret system of extra-judicial sentencing.

The administration of justice

At independence Eritrea took over the former Ethiopian system of administration of justice, including the Penal Code and Code of Criminal Procedure, adapting them to the new situation. Substantive legal reform was drafted but has not yet been introduced. A Special Court was established which fundamentally contravenes the laws and Constitution of Eritrea, as well as international human rights law. In addition, there seems to be a secret system of extra-judicial sentencing of political prisoners.

The laws of Eritrea prohibit indefinite and arbitrary detention, and are broadly consistent with the Constitution, requiring arrested persons to be brought before a court within 48 hours and setting also a limit of 28 days in which an arrested person may be held without being charged with a criminal offence. This legal limit is routinely violated in regard to political and other arrests.

The courts apply a mixture of national, customary and Islamic law (in respect of family matters among Muslims). They are seriously under-funded and there is a shortage of trained judges, prosecutors and lawyers at all levels, exacerbated by many being conscripted into the army. An independent Judicial Service Commission required by the Constitution to oversee appointments of judges has not been established. The High Court functions as a Court of Appeal, and the President of the High Courts functions as Chief Justice. The former President of the High Court was summarily dismissed in July 2001 after criticising government interference with the judiciary. This took place shortly after a court granted a *habeas corpus* application against the Prisons Commissioner in respect of a detained student leader, Semere Kesete, who was not, to Amnesty International's knowledge, produced in court. Since then, the *habeas corpus* safeguard against arbitrary detention has been defunct, with no lawyer daring to make an application and no court challenging any detention as unconstitutional or unlawful or contrary to Eritrea's treaty obligations.

Certain laws have been enacted by the National Assembly, both before and after the Constitution was ratified, which limit the rights to freedom of belief and expression of opinion, although these laws and regulations have not been challenged on constitutional grounds. These include laws governing religions (1994) and the media (the Press Law, 1996). In addition, there have been regulations promulgated (although apparently not made publicly

available) on the registration of religions (March 2002) and censorship of publications, performances and artistic representations by a Censorship Committee (2003).

The Special Court

The Special Court was established as an extraordinary jurisdiction in 1996. It was set up for embezzlement, reportedly despite the opposition to it of the then President of the High Court, mainly on the grounds that it violated international standards of fair trial. Very little is known about this secretive institution. There is no published statute of its establishment, to Amnesty International's knowledge, nor was it legislated by parliament. The government has not published any record of its procedures or cases. However, in 1999 the Minister of Justice disclosed that 450 people were awaiting trial by it. One prisoner was released in April 2004 - Mohamed Shummay, a businessperson - reportedly on the grounds of ill-health, after three and a half years in detention.

From information compiled from various sources, the Special Court contains numerous elements putting it fundamentally in contradiction with the Constitution, laws and international standards of fair trial.

The Special Court – systematic abuse of legal rights

- no limit on pre-trial detention in cases referred to it by the Attorney General;
- no right to legal defence representation;
- no right of appeal to an ordinary court or higher court or any other court;
- judges are military officers with very little legal training, and possibly some judges have had none at all;
- trials are secret and verdicts are not publicly announced;
- it has allegedly tried some cases outside the range of "embezzlement", although Amnesty International has been unable to verify this or what the cases were;
- it can increase sentences set by the Penal Code or imposed by ordinary courts;
- hundreds of people have been detained and judged by it in summary trials;
- those sentenced are held in a variety of prisons, including both official prisons and secret prisons;
- some cases tried by the Special Court were alleged to have been politically-motivated, as with the conviction for embezzlement of Ernas Debesai, ambassador to China and a former EPLF representative in the United Kingdom: he was released in April 2003 after serving most of a seven-year sentence but was re-detained in mid-November 2003.

Extrajudicial sentencing

Amnesty International has been informed by recently-released prisoners and other sources that some detainees including some who were feared to have "disappeared" have been extrajudicially sentenced to prison terms. Secret committees of security, police and military officers reportedly received statements taken from prisoners after interrogation and assessments by their interrogators, and then made their judgments and delivered sentences. There was no hearing or opportunity for the detainee to present a defence or submit an appeal.

This practice of secret administrative sentencing can have no legitimacy whatsoever. It apparently started with the cases of the "Dergue detainees" – about 150 members of the former Ethiopian administration in Eritrea who were detained at independence in 1991. The

government did not want to give them open trials, but instead they were given secret prison sentences of mostly 10-15 years, as in the cases of Isaac Tseggai, former Chief Administrator of Eritrea (reportedly now released), and Tesfaye Ma'asho, his deputy. They have been serving their sentences in official prisons where they were registered by the prison service as if they were court-sentenced prisoners.

Secret sentencing has allegedly been applied to political prisoners too. EPLF commanders who led a "mutiny" in May 1993 on the eve of Independence Day demanding that the armed forces should be paid, such as Tewelde Zemichael, Tesfaldet Tewelde and army doctor Hadera Kahsu, are said to have been given secret 15-year prison sentences. Amnesty International has received reports that some political prisoners who "disappeared" in 1991 such as Ali Higo Mohamed and Daniel Gebrekidan might also be serving secret prison sentences, some reportedly held in a secret part of the official Sembel prison in Asmara.

Recommendations

Amnesty International makes the following recommendations to the Government of Eritrea, and also to the international community, to achieve protection of human rights and the rule of law in Eritrea in accordance with international and regional standards.

A. Human rights protection

The government should place human rights at the forefront of its domestic and foreign policies, and make public statements of support for international human rights, taking action particularly in the following areas:

Government commitment to human rights

- The government should give a clear message that it is committed to respect and abide by the Constitution, protect the rights enshrined in it, and ensure there is no impunity for public officials if they violate human rights;
- The government should provide, with international assistance, appropriate training based on international human rights treaties and standards for all officials involved in the administration of justice, such as police officers, the security service, prison officers, prosecutors and judges;
- Civil society organizations should be allowed to exercise their legitimate right to form independent organizations to promote and protect human rights, without fear of banning, detention or other forms of harassment;
- The government should allow open access to the country by international human rights and media organizations, including Amnesty International;
- The government should support the establishment of a National Human Rights Commission and Office of Ombudsman, with assistance from the Office of the UN High Commissioner for Human Rights.

Human rights treaties and standards

- The government should ratify further important international and regional human rights treaties set out below;
- It should fulfil the reporting requirements for the human rights treaties it has ratified;
- The government should take the lead in informing its citizens of the rights contained in the international and regional human rights treaties it has ratified, and instruct public officials to implement them;
- It should publicly recognize the legitimate and important role of human rights defenders as set out in the UN Declaration on Human Rights Defenders, and allow independent national human rights organizations to operate freely in the country.

Human rights treaties for Eritrea to ratify

- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and its Optional Protocols;
- Optional First and Second Protocols to the International Covenant on Civil and Political Rights;
- UN 1951 Convention relating to the Status of Refugees and its 1967 Protocol;
- OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- First and Second Optional Protocols to the UN Convention on the Rights of the Child;
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
- Protocol to the African Charter on Human and Peoples' Rights establishing the African Court on Human and Peoples' Rights;
- African Union Convention on Preventing and Combating Corruption.

B. Justice

Amnesty International calls on the government to ensure respect and observance for the rule of law as the mainspring of protection of international human rights, according to recognized international and regional treaties and standards. Victims of human rights violations should be given access to redress, including compensation and rehabilitation.

Laws and courts

- The government should ensure that its judicial structures are consistent with international standards, in particular through the establishment of an independent and competent Judicial Services Commission for the appointment of judges, and that the High Court is empowered to defend the principle of the independence of the judiciary and provide redress for violations of constitutional rights;
- The government should without further delay abolish the Special Court, which flagrantly contradicts the rights guarantees in the Constitution and also international standards of fair trial, by denying in particular the right to legal representation and appeal: prisoners awaiting trial by the Special Court should be transferred to the jurisdiction of the normal courts and those sentenced by it should be given fair re-trials before a normal court or released;
- All other laws which are contrary to the Constitution and international human rights treaties and standards should be reviewed and made consistent with these instruments.

Freedom of opinion and belief

- The government should publicly affirm the rights to freedom of conscience, religion, expression of opinion, movement, assembly and association, as set out in the Constitution;

- All prisoners of conscience imprisoned for their non-violent opinions or beliefs should be immediately and unconditionally released;
- The government should publicly state that no-one may be imprisoned for exercising the right to freely express his or her non-violent opinions or beliefs;
- The right to practise a religion, including meeting for worship and using religious texts and materials, should be publicly affirmed and supported both in civilian and military life;
- The government should affirm the freedom of the media, and withdraw the indefinite suspension of the private press.

Conscientious objection to military service

- The government should recognize the right to conscientious objection to military service and provide for alternative civilian service which should not be punitive or under military control or administration for those objecting to national service for reasons of their religion (as in the case of Jehovah's Witnesses) or as a matter of individual conscientious opinion or belief;
- National service regulations should be amended to make this change, and a fair and transparent mechanism established under independent civilian control for registering conscientious objection.

Child rights

- 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.

Equality under the law and non-discrimination

- The government should restore to Jehovah's Witnesses their equal rights as citizens and equality under the law, so that they have equal access like other citizens to justice if their rights are violated, and to public employment and services.

Arbitrary detention

- The government must immediately stop the illegal practice of indefinite arbitrary detention without charge or trial, incommunicado and in secret detention centres;
- Citizens whose rights are violated through arbitrary detention must be allowed and supported to bring a *habeas corpus* action before a court, and judges should be supported when requiring the police and security authorities to bring prisoners before them so as to ensure their safety and integrity and establish whether the detention is lawful;
- No-one should be arrested without a warrant or court order, and all arrested persons should be brought before a properly established open and normal court of law (except

in special circumstances defined in international law), charged with a recognizably criminal offence within the 48-hour period set by law, and given a fair and early trial in accordance with international standards of fair trial, including the right to present a legal defence and with the right of appeal, or else released.

Fair trial

- International standards of fair trial should be fully respected, including the right to prepare and present a legal defence with the assistance of legal defence counsel, the presumption of innocence, full private access to defence counsel, fair court procedures, and the right of appeal to a higher court;
- The independence of the judiciary must be guaranteed;
- No-one should be given a prison sentence through an extra-judicial procedure contrary to the laws and Constitution of Eritrea, as well as the most basic principles of the rule of law;
- An independent system of military justice should be immediately established with jurisdiction over members of the armed forces and national service conscripts, containing full guarantees of the right to a fair trial before an impartial and competent court, in accordance with international treaties and standards.

Secret detention, "disappearances" and extrajudicial executions

- All arrests must be officially acknowledged, so that no-one can "disappear" in custody;
- Anyone arrested should be allowed immediate access to their family, a lawyer of their choice and medical treatment as needed;
- The government should keep a central register to enable families to trace anyone arrested, and provide information on when they were arrested and why;
- Constitutional and legal safeguards against unlawful detention and "disappearances" must be immediately implemented: any public official suspected to be responsible for such crimes must be brought to justice, so as to end impunity for violations of basic human rights;
- The government should set up an independent body to receive all claims of "disappearances" of prisoners or extrajudicial executions and investigate the allegations: this should be established as a formal and impartial Commission of Inquiry in line with international standards for such investigations, with powers to call witnesses including from the security forces, protect witnesses from reprisal, and make recommendations for bringing to justice anyone suspected to be responsible for these crimes and abuses;
- The widespread practice of incommunicado detention – often for years on end – must be stopped, since it is a key element in facilitating torture and extra-judicial execution;
- The government should close all secret prisons and declare that no-one will be detained except in a designated official prison.

Torture

- The highest authorities should demonstrate total opposition to torture, condemning it unreservedly and publicly stating that torture is a crime which will be punished;
- The government must take all necessary steps to prevent and punish rape (which is a form of torture) and sexual violence against women performing national service;
- The use of torture (tying) as a military punishment and as a method of interrogation of suspected political opponents must immediately be ended;
- There should be independent and impartial investigations into all allegations of torture or ill-treatment of prisoners and the perpetrators should be brought to justice;
- Effective safeguards against torture should be instituted, particularly by ending the practice of secret incommunicado detention, and by training police, military and security officials in international standards prohibiting torture, including their right and duty to refuse to obey any order to torture;
- Torture survivors should be provided with appropriate medical treatment and rehabilitation, as well as compensation;
- The government should ratify the UN Convention against Torture and implement its provisions.

Conditions of detention

- All prisoners should be treated humanely and their rights as prisoners respected in accordance with recognized international standards, particularly the UN Standard Minimum Rules for the Treatment of All Prisoners;
- The government should open all its prisons to inspection and accountability, and close all secret prisons;
- The practice of holding prisoners in shipping containers or in buildings or places which are not recognizable and appropriate places of official custody should be immediately ended;
- All prisoners should be given regular and private access to their families, legal counsel and a medical doctor of their choice;
- The government should allow national or international humanitarian organizations (such as the International Committee of the Red Cross) access to all detention centres and make recommendations to the authorities regarding conditions of detention, including for prisoners of internal armed conflict and security detainees.

Death penalty

- Amnesty International welcomes the fact that there have been no executions since independence resulting from court-imposed death sentences and requests the government to declare a moratorium on the use of the death penalty, commute to a term of imprisonment any death sentences that may be pending, and open a public debate on the death penalty as a human rights issue.

C. The international community

Amnesty International renews its call on the UN and its specialist agencies, especially the Office of the High Commissioner for Human Rights (OHCHR), the Office of the High Commissioner for Refugees (UNHCR) and the UN Development Program (UNDP); the European Union and its agencies, especially the European Parliament and European Commission; the African Union and African Commission on Human and Peoples' Rights; governments and international NGOs closely involved with Eritrea and providing development assistance:

- to monitor closely human rights in the country, and press the Government of Eritrea to abide by international and regional human rights treaties and standards;
- to assist the government to strengthen the administration of justice by giving aid to help build an independent, competent and effective judiciary, and providing training in human rights and professional standards for an effective system of administration of justice and treatment of criminal offenders;
- to provide support for the creation of a National Human Rights Commission and Office of Ombudsman;
- to press for an independent and impartial Commission of Inquiry into "disappearances", and provide resources to establish and support it;
- to support human rights defenders and the development of independent civil society organizations working for human rights.

Amnesty International calls on all governments, particularly those which are party to international and regional refugee protection treaties, to ensure that Eritrean asylum seekers are given all requisite opportunity to apply for asylum and have their applications thoroughly and fairly assessed, and that no Eritrean is wrongfully denied asylum or forcibly returned to Eritrea where she or he would be at risk of suffering human rights violations.

Appendix: Lists of political prisoners

1. The 11 "G15" detainees held since September 2001

Aster Fissehatsion (f)	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.
Beraki Gebreselassie	Former Ambassador to Germany (to May 2001); previously Minister of Education and Minister of Information and Culture.
Berhane Gebregziabeher	Army Major-General; head of the National Reserve Force; EPLF political bureau member since 1977.
Estifanos Seyoum	Army Brigadier General; former Head of the Inland Revenue Service (to August 2001).
Germano Nati	Regional Administrator.
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.
Hamad Hamid Hamad	Head of the Arabic (Middle East) Department in the Ministry of Foreign Affairs; former Ambassador to Sudan.
Mahmoud Ahmed Sheriffo	Former Vice-President (dismissed in February 2001), Minister of Local Government, and Minister of Foreign Affairs; EPLF co-founder.
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.
Petros Solomon	Former Minister of Maritime Resources; previously Minister of Foreign Affairs, EPLF military commander and intelligence chief, EPLF political bureau member since 1977.
Saleh Kekiya	Former Minister of Transport and Communication, Vice-Minister of Foreign Affairs and Head of the Office of the President.

2. Journalists in prison

(a) Detained in September 2001

Amanuel Asrat	Chief editor of the newspaper, <i>Zemen</i> ("Time"); EPLF member since the 1970s.
Dawit Habtemichael	Assistant chief editor and co-founder of the newspaper, <i>Meqaleh</i> ; physics graduate, University of Asmara; full-time science teacher employed by the Ministry of Education; aged 30.
Dawit Isaak	Editor and co-owner of the newspaper, <i>Setit</i> ; dual Eritrean and Swedish citizen as a result of being granted asylum in Sweden in the 1980s; education graduate; writer, poet and theatre producer; aged 38.

Fessaye Yohannes ("Joshua")	Reporter and co-founder of the newspaper, <i>Setit</i> ; EPLF veteran since 1977; poet and director of an amateur cultural dance group; studied in the UK in 2000; aged 46.
Mattewos Habteab	Editor of the newspaper, <i>Meqaleh</i> ("Echo"); mathematics graduate, University of Asmara; aged 30.
Medhanie Haile	Assistant chief editor and co-founder of the newspaper, <i>Keste Debena</i> ; law graduate, University of Asmara; employee of the Ministry of Justice; aged 33.
Said Abdulkadir	Chief editor and founder of the newspaper, <i>Admas</i> ; also employee of the Ministry of Information's Arabic-language newspaper, <i>Haddas Eritrea</i> ; aged 34.
Seyoum Tsehaye	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.
Temesgen Gebreyesus	Sports reporter on the newspaper, <i>Keste Debena</i> ("Rainbow"); amateur actor; aged 36.
Yosuf Mohamed Ali	Chief editor of the newspaper, <i>Tsigenay</i> ; business studies graduate; aged 45.

(b) Detained later

Aklilu Solomon	Reporter for Voice of America (VOA) international radio station, arrested July 2003 and forced into military service.
Hamid Mohamed Said	Sports and news editor, official Arabic television service, arrested February 2002.
Saadia Ahmed (f)	Television reporter, official Arabic news service, aged 22, arrested February 2002.
Saleh al-Jezaeri	Radio reporter, official Arabic news service, arrested February 2002.

3. Other detainees³³

(a) Late 2001-early 2002

Abdulrahman Ahmed Younis	Elderly businessperson in the "mediation group".
Alazar Mesfin	Former Governor of Keren, MA degree from Syracuse University, USA (2000).
Ali Al-Amin	US embassy employee said to be accused of translating opposition documents for the embassy.
Ali Mohamed Saleh	Former leader of an ELF faction who returned voluntarily in 1991 and was working in the Ministry of Foreign Affairs, posted to the embassies in United Arab Emirates and Yemen, then the Arabic department in Asmara.
Bisrat Yemane	Consul general in the embassy in Frankfurt, Germany.
Feron Woldu	Director in the Ministry of Trade and Industry, EPLF veteran.
Hassen Kekiya	Businessperson, elderly, member of the mediation group, EPLF supporter in Sudan, ill.

³³ These are cases reported to Amnesty International from various sources and cannot be regarded as a complete, comprehensive or authoritative list, due to the difficulties cited above of obtaining information about secret detentions. Over 150 ex-Malta deportees are also still detained.

Ibrahim Siraj	EPLF medical veteran, former embassy official in Saudi Arabia, earlier director of maternity clinic in Asmara.
Idris Aba'ere	Disabled EPLF war veteran, writer and a director in the Ministry of Labour.
Kiflom Gebremichael	US embassy employee said to be accused of translating opposition documents for the embassy.
Kiros Tesfamichael ("Awer")	Director general of tourism, former EPLF veteran and teacher.
Miriam Hagos (f)	Director of Eritrea's cinemas, former director of EPLF films.
Suleiman Musa Haji	EPLF veteran in his 60s, member of mediation group, businessperson, seriously ill in prison.
Tesfaldet Seyoum	Army colonel, brother of Estifanos Seyoum (G15 detainee).
Tesfaye Gebreab ("Gomorra")	EPLF veteran and pharmacist, director in the Ministry of Foreign Affairs, MA degree from Syracuse University, USA (2000).

(b) 2003-2004

Abraham Haile	EPLF veteran and department head in the Ministry of Agriculture, detained 2003.
Ahmed Ali Burhan	Former Ambassador to Kuwait, arrested June 2003.
Aisha Shaker	Deputy mayor of Agordat, arrested December 2003.
Aklilu Moges	Athlete, detained in Dahlak Kebir island, 2003.
Aster Yohannes (f)	Wife of G15 detainee Petros Solomon, detained in December 2003 at Asmara airport on return from studying in the USA.
Berhe Tesfamariam ("Wedi Mariano")	Engineer, head of the water supply department, former Eritrean Relief Association (ERA) official, arrested November 2003.
Ermias Debessai ("Papayo")	Former EPLF representative in UK, ambassador to China, imprisoned by the Special Court in 1996, re-detained in November 2003 six months after release.
Girmay Yohannes ("Kurie")	Marathon athlete, detained on Dahlak Kebir island, 2003.
Habtezion Hadgu	Brigadier General, former head of the airforce, arrested July 2003, previous detained for several months.
Ibrahim Saeed	Director of logistics in the official Eritrean Relief and Rehabilitation Commission, arrested in July 2003.
Lissan ad-Deen al-Khateeb	Sudanese opposition activist living in Eritrea for several years, detained early 2003.
Mohamed Osman	Secretary of Gash Barka regional assembly, arrested November 2003.
Senait Debessai (f)	Sister of Ermias Debessai, former senior EPLF official and a singer in the EPLF cultural troupe, detained November 2003.
Solomon Habtom	Head of maintenance department in the Ministry of Transport and Communication, arrested 14 June 2003.
Teweldemariam Tesfamariam	Deputy ambassador in Kenya, detained April 2003 after being recalled in December 2002.
Yemane Fessahaye ("Wedi Reggio")	Police colonel (crime prevention department), detained November 2003.

