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ERITREA

Religious Persecution

1. Introduction: basic human rights denied

Amnesty International has received disturbing reports of increasing violations in Eritrea of the right to freedom of religion, belief and conscience. While Jehovah's Witnesses have been subjected to severe persecution for the past decade on account of their religious beliefs, this report focuses on widespread detentions and other human rights violations of members of evangelical Christian churches in the past three years, intensifying in 2005. Since 2002, their churches have been shut down by the government and many members have been tortured in an attempt to force them to stop worshipping and to thereby abandon their faith. Members of new groups within the officially-permitted Orthodox Church and Islam have also been detained on account of their beliefs.

At least 26 pastors and priests, and over 1,750 church members, including children and 175 women, and some dozens of Muslims, are detained because of their religious beliefs. Amnesty International considers them to be prisoners of conscience.

Amnesty International is appealing to President Issayas Afewerki and the Eritrean government to end the government's policy of repression of religious belief and freedom of conscience, opinion and expression in general. Amnesty International calls on the international community to strengthen efforts to obtain and secure protection of religious freedom and basic human rights in Eritrea.

Human rights in Eritrea are systematically violated by President Issayas Afewerki's government, which has been in power since the country's independence from Ethiopia in 1991 after a 30-year liberation war.(1) The detentions of individuals solely because of their religious beliefs is part of the general denial of the rights to freedom of expression and association in Eritrea, as well as other grave violations of basic human rights. These violations of the right to freedom of thought, conscience and religion are contrary to international law, as well as the Constitution of Eritrea (1997).

Torture has routinely been used as a punishment for critics of the government and members of minority faiths, as well as for offences committed by military conscripts. Arbitrary incommunicado detention "without charge or trial" is widespread and long-lasting - several prisoners of conscience have been held thus for over a decade - with many detainees are held in secret and their whereabouts not known.

Violations of the right to freedom of religion in Eritrea are indirectly linked to a far-reaching pattern of violations of the right to expression of non-violent political opinions and the right to association. Religious prisoners of conscience who have no connection with political opposition groups are subjected to the same torture, cruel, inhuman and degrading treatment and punishment, and the same arbitrary and incommunicado detention, as prisoners of conscience detained on account of their political opinions.

Any expression or suspicion of criticism of the government - impossible to express openly and publicly - is met with threats, arbitrary arrest and sometimes "disappearances", and indefinite, incommunicado detention, without any judicial oversight, and with a high risk of torture. The only permitted political party is President Issayas Afewerki's People's Front for Democracy and Justice (PFDJ), formerly the Eritrean People's Liberation Front (EPLF), which won the independence war and formed the new government.

The rule of law in Eritrea is severely undermined by the lack of an effective or independent judiciary. Lawyers do not dare to challenge the government in the courts. A Special Court sentences people for corruption without the right to defence or appeal. A secret security committee sentences some political and religious prisoners to prison terms without defence representation or appeal. Organizations who might potentially monitor human rights and press for remedies for human rights violations do not and cannot function inside Eritrea on account of the comprehensive denial of the right to freedom of expression of opinion. Human rights violations by members of the security forces are committed with total impunity.(2)

Non-government organisations (NGOs) are heavily restricted. International human rights organisations such as Amnesty International are denied entry. International humanitarian agencies and non-governmental organizations (NGOs) are restricted in their activities and travel, and the official US development agency, US-Agency for International Development, a major bilateral donor, was ordered to leave Eritrea in November 2005 without explanation. Under a new Proclamation in 2005(3), international NGOs, including faith-based agencies - of which only 14 are currently registered(4) - are limited to relief and rehabilitation activities and not permitted to work independently of the government with local communities.

Two thirds of the population are dependent on international emergency food aid since the 1998-2000 armed conflict with Ethiopia. This includes returnee refugees from Sudan and 70,000 internally displaced persons (IDP)(5)camp. Many donor governments have withdrawn development assistance on account of the government's failures in

democratization and human rights.

Fears of new armed conflict with Ethiopia

There are rising fears in the international community (as of late November 2005) that armed conflict may break out again between Eritrea and Ethiopia. The UN Security Council has called on Ethiopia to implement its acceptance in principle of the International Boundary Commission's judgment regarding the border areas, particularly its allocation to Eritrea of Badme town, the flashpoint of war in 1998. Ethiopia refuses to allow border demarcation to proceed, instead calling for negotiation over certain issues. Eritrea demands UN implementation of the border judgment and UN action against Ethiopia to enforce it.

In October 2005, following earlier restrictions it had imposed on the 2,800 - personnel multi-national UN Military Mission for Eritrea and Ethiopia (UNMEE), which administers a "Temporary Security Zone" buffer-zone along the 1,000 km border with Ethiopia, Eritrea banned UN helicopter flights to the UN monitoring posts and imposed other restrictions which severely reduced the mission's ability to fulfil its mandate. Both sides have re-armed since 2000 and have recently deployed troops near the border. On 23 November, UN Security Council resolution 1640 demanded that Eritrea should reserve the ban on helicopter flights and other restrictions imposed on the movement of the UNMEE force. It called on both parties to return to previous levels of military deployment within 30 days, to prevent aggravation of the situation. It demanded that Ethiopia allow border demarcation to start immediately within precondition.

Amnesty International, a non-political and impartial human rights organization working on human rights in all countries of the world, takes no position on the political issues of the border dispute. The organization is concerned that renewed armed conflict could lead to a repeat of grave violations of the Geneva Conventions (war crimes) such as were committed by both sides against prisoners of war and civilians, as well as violations of international human rights law in the 1998-2000 conflict. Furthermore, major humanitarian assistance by the international community might be needed to respond to emergency situations arising from the conflict in terms of destruction of livelihoods, internal displacement of people and out-flow of refugees to neighbouring and other countries.

Amnesty International believes that perceived threats to the security of the country and its borders should not be used by the Government of Eritrea as a pretext for committing human rights violations or as a justification for delaying action to protect human rights in the country.

2. Religions in Eritrea – background to arrests

Eritrea has a highly religious population, with some 98% of its 3.7 million people belonging to a long-established branch of a major world religion. Most Eritreans actively practice their faith, with only a small proportion being merely nominal members of their faith, and even fewer describing themselves as being of no faith at all. The Orthodox Church and Islam have been rooted in the region since the fourth and seventh centuries respectively. These two religions are practised by some 90% of the population, although there are no reliable statistics on which is the larger group. For historical reasons and due to its central position in the former Ethiopian Empire, the Orthodox Church is socially predominant.

Of the other Christian denominations, 5% of the population are Roman Catholics. About 2% are Protestants, of whom about half belong to a Lutheran church, and about half to smaller religious movements, such as the Jehovah's Witnesses and at least 36 evangelical and pentecostal churches. There are a few members of the Baha'i, Jewish, Hindu and Buddhist religions in the larger urban centres. Traditional religious practices continue among some members of Eritrea's nine ethnic groups (or "nationalities") in remoter areas. The central highlands and the majority Tigrinya ethnic group, are predominantly Orthodox, while the lowlands are predominantly Muslim, although most towns and rural areas contain places of worship and members of both of these religions.

All religions in Eritrea are nationally - organized faiths. Some are affiliated to international bodies. The four main "officially recognized" religions are:

The Eritrean Orthodox Church, which separated after independence from the Ethiopian Orthodox Church, part of the worldwide Coptic Orthodox Church of the eastern rite, and a member of the World Council of Churches.

Islam of the Sunni rite, represented by the Muslim Council of Eritrea with mosques throughout the country and predominant in the less developed eastern and western lowlands.

The Eritrean Catholic Church, part of the worldwide Roman Catholic movement.

The Evangelical Church of Eritrea (also known as the Lutheran Church, and before independence linked to the Ethiopian Evangelical Mekane Yesus Church), part of the Lutheran World Federation and a member of the World Council of Churches.

Other religious groups, which are not officially recognized and are not allowed to worship openly, comprise the Jehovah's Witnesses, the Baha'i religion, and an increasing diversity of evangelical, pentecostal, charismatic or "born again" Protestant churches, which are collectively called "evangelicals" (or sometimes "pentes", a pejorative term). These "minority religious groups"(6) had recognized places of worship in many towns until these were all closed down by the government in 2002.

Some of the Eritrean churches, as well as several international Christian and Muslim charities and non-governmental organizations (NGOs), run relief and humanitarian projects, although under government restrictions and subject to the May 2005 NGO Proclamation.

Inter-faith relations in Eritrea since independence have generally been good, with a history of tolerance between Christians and Muslims at both the national official level and in local communities. Christian and Muslim holidays are officially celebrated throughout Eritrea. There is, however, some social intolerance from members of the main

churches toward the Jehovah's Witnesses and evangelical churches. Faith relations have also been affected by the political orientations of the Eritrean independence war, and the conflict between the Marxist - Leninist Eritrean People's Liberation Front (EPLF), which formed the independence government, and the Muslim - oriented Eritrean Liberation Front (ELF) and other linked groups, to whom the EPLF offered no reconciliation at independence. The post-independence exile opposition coalition contains Islamist groups, and consequently the government has frequently suspected Muslims in Eritrea of links with Sudan-based armed opposition groups.

Under Ethiopian rule before independence, all religions were heavily restricted by the marxist-leninist Dergue military government. In Ethiopia in 1979 the Patriarch of the Orthodox Church, *Abune Tewoflos*, and the Reverend Gudina Tumsa, head of the Ethiopian Evangelical Mekane Yesus Church, "disappeared" from detention and were extra-judicially executed by government agents. Members of Dergue detained in 1991 are currently still on trial in Addis Ababa for these and other crimes. In the 1980s there was also a fierce campaign of religious persecution against religious groups with perceived "imperialist" connections, such as US-connected evangelical and Baptist churches and the *Beta Israel* religion, also known as Ethiopian Jews or *Falashas*, as well as discrimination against Muslims.

The EPLF, while it was fighting the Ethiopian government for Eritrean independence, tolerated the main faiths but not the minority religions, and religious persecution was reportedly sometimes an issue.

After independence, the EPLF government recognized the main four religions in state functions. Jehovah's Witnesses became a target of active repression in 1994, as a result of their opposition to military service when it was introduced, and their non-participation in the 1993 independence referendum.

In 1995 restrictions were placed on all faiths by Proclamation Religious Organizations no.73/1995, which prohibited them from receiving international funds or engaging in political activities. Religious organizations were required to register with the authorities and provide details of their membership and assets, including foreign contacts and foreign funding. The four main religions were quickly registered but registration of minority religious groups was postponed. Since then, there has been a rapid growth of evangelical churches in Eritrea. This has often been a source of tension between them and the three main Christian churches, which were losing members to them. They had different doctrines, forms of worship and weddings, and "fellowship" for prayer and study. They often proselytized (sought converts) or expressed their faith in new, "charismatic" ways in public places, which attracted some disapproval from members of the main religious groups - Orthodox, Catholic, Lutheran and Islam.

3. Persecution of Jehovah's Witnesses

In October 1994, President Issayas Afewerki issued a directive which effectively denied all members of the Jehovah's Witness religion their basic civil, political, economic and social rights. His order 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, such as obtaining business permits, buying land and property, registering births, marriages and deaths for legal purposes, applying for internal travel permits, exit visas, passports, etcetera.(7)

On 24 September 1994 when conscription started, several Jehovah's Witnesses who were called up for national service refused for reasons of their faith to undergo military training, although they did not reject non-military service.(8) Three were immediately arrested and are still detained in Sawa military base eleven years later – Paulos Eyassu, Negede Teklemariam and Isaac Mogos, now aged in their 30s.

In March 1995 the Minister of Internal Affairs confirmed and reiterated the ban: "*The Jehovah's Witnesses lost their right to citizenship because they refused to accept the Government of Eritrea and the laws.*" He accused them of not fighting in the liberation struggle, refusing to vote in the independence referendum and refusing to do national service. He said, "*They will not have rights equivalent to any other citizens*". (9)

Jehovah's Witnesses continued to refuse national military service and were routinely imprisoned. They also refused to renounce their faith or stop worshipping clandestinely in homes instead of their "Kingdom Halls", which were closed down by the authorities. After some years, the government appeared to be informally tolerating worship in members' homes, perhaps in an attempt to counter the unfavourable international publicity at this persecutory measure against a whole religious community. Nevertheless, the official position remained unchanged, and arrests continued. Many have been detained for refusing military service. About 250 Jehovah's Witnesses' families have fled the country and sought asylum abroad; about 100 have been dismissed from government employment; and at least 36 families have been evicted from their homes.

There were more arrests after the 2002 ban on minority churches, when the Head of the President's office, denying any religious persecution against them, said: "... *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...*".(10)

At present, a total of 22 Jehovah's Witnesses are in prison. Nine who are imprisoned in Sawa army camp – including Paulos Eyassu, Negede Teklemariam and Isaac Mogos, who have been held there incommunicado since 1994 - are conscientious objectors, although the government does not recognize this status. Ten Jehovah's Witnesses are detained in Mai Serwa, Wia or Sawa army camps, most for attending a religious meeting or preaching. Three others are held in the civilian Sembel prison in Asmara, at least two of them after reportedly being secretly sentenced to prison terms through an extra-judicial procedure. Tekle Tesfay and Fesseha Gebrezadik, who are in Sembel prison,

were reportedly given five and four year prison terms respectively in mid - 2005 for ""teaching religion"" – which is not an offence in the Penal Code. These sentences were imposed *in absentia* by a secret security committee, and the detainees were denied the right to present a legal defence or be legally represented, or the right to appeal to a court. Such a procedure violates international fair trial standards as well as Eritrea's own Constitution and laws.

4. Crackdown on evangelical churches

In May 2002, two years after the armed conflict with Ethiopia ended, the government suddenly ordered all unregistered religions to close their places of worship and stop practising their faith until they were registered. They had to apply for registration with the Department for Religious Affairs in the Office of the President in accordance with the 1995 Proclamation on Religious Organizations, whose full implementation had been delayed. Full details were demanded of each organization's doctrines, its history in the country, its leaders and members, assets and funds, services provided and publications. Four minority religious groups submitted the required details but have received no response. Others were reluctant to provide information which could expose their members to reprisals. The evangelical churches and Jehovah's Witnesses continued to gather in private for "home-worshipping" and for some months the authorities appeared to tolerate this.

In early 2003 arrests of members of minority religious groups began, without any explanation, and have continued up to now, intensifying in 2005. Without having formally rejected any applications for registration, the government does not permit the practise of faith and worship by the minority religious groups. There is no law in the penal code criminalizing religious practice but justifications advanced by the authorities appear to derive from a general ban on unauthorized gatherings of more than five persons. Detention of church members has been arbitrary and unlawful, with no arrest warrants, charges or due judicial process or remedy, as are required by the Constitution and laws.

Amnesty International considers that all the men, women and children detained on account of their religious beliefs are prisoners of conscience, who have not used or advocated violence.

In the first few months of 2003, the authorities began a crackdown on the minority churches. Police and soldiers broke into religious services in private homes, and confiscated religious materials and musical instruments and cassettes. They arrested men, women and children, sometimes beating church members on the spot, detaining them without court warrants or charges. They held them first in police stations, later transferring them to security prisons or military detention centres, where detainees were tortured and detained incommunicado for indefinite periods. They were arrested without court warrants or charges. As in other actions by the authorities related to national service, any who were found to be evading national service were drafted into the army and usually subjected to military punishment too. Many who had completed national military service were re - conscripted.(11)

The detainees were usually pressured under torture or ill-treatment, with the threat of indefinite detention, to sign a document agreeing to certain conditions of release, such as not to attend religious meetings. Some were reportedly forced to recant their faith and agree to rejoin the Orthodox Church. Parents of children who were arrested were often made to deposit sureties (bonds) which would be forfeited if the conditions were broken. Most detainees refused to agree to the conditions of release, regarding them as a demand to deny and abandon their faith, since worship in fellowship is fundamental to their faith. When they refused to provide the promise or bond, the detainees were kept in prison for an indefinite period and often subjected to further ill-treatment.

The arrests increased in late 2003, and have continued up to the present time. Police singled out religious weddings in homes as occasions to round up believers.

None of these religious groups have attempted to function openly. Their premises remain closed and several buildings have been confiscated by the authorities. They practise their faith clandestinely (even in the army) and appear to be attracting more adherents, despite the risks.

The three officially recognized Christian churches were not subject to repression of this nature by the authorities and made no public criticisms of these measures against the minority religious groups. However, several Lutherans who shared worship with evangelical church members have been detained on occasion, and three Orthodox Church priests linked to the Medhane Alem movement are currently detained. The ordained leader of the Episcopal Church in Asmara, whose congregation includes foreign diplomats as well as a growing number of young Eritreans, was forced to depart home to India in October 2005 at 11 days' notice, as the government refused to renew his work permit, and reportedly will no longer allow foreigners to conduct church services.

In August 2005 the Patriarch of the Eritrean Orthodox Church, *Abune Antonios*, was reported to have been stripped of his administrative functions by the government restricted in his movements and placed under virtual house arrest. He is reported to have favoured reform within the church, called for the release of the detained Orthodox priests, and opposed government interference in church affairs. The government denies that it has dismissed him. His special adviser, *Yitbarek Berhe*, is reported to have been detained at about the same time.

Amnesty International has learnt of certain religious prisoners being given secret prison sentences by security committees without any form of trial, defence representation or appeal, and being transferred to normal prisons to serve these prison terms.

The reason for the ongoing crackdown on minority religious groups was never given by the government but it appeared to be partly linked to government action against young people trying to avoid military conscription, although none of evangelical churches opposed military service. It also reflected the government's general repression and

intolerance of freedom of opinion and association. The government appeared to be punishing any kind of expression of dissent, religious or political. It brushed aside criticisms of breaching fundamental human rights standards.

5. Cases of arrests of religious prisoners of conscience, 2003-2005

The following are 44 incidents of religious persecution which have been documented over the past three years and are mainly the consequence of the government's ban in 2002 on the minority religious groups. Those arrested were mostly from the evangelical churches but included Jehovah's Witnesses, several Lutherans and some individuals of Catholic background, three priests and several members of the Orthodox Church, and dozens of Muslims.

The sources of information for these arrests, numbering over 1,750 men, women and children altogether during this period, include international religious organizations monitoring the arrests and Eritrean diaspora faith groups, as well as Amnesty International's own sources.⁽¹²⁾ Undoubtedly there have been many more cases not reported. Amnesty International has cross-checked and carefully scrutinized as far as possible for accuracy the details of the arrests described in this report. Most of those arrested, especially in 2005, are believed to be still detained, although details of detentions and releases are not disclosed by the government and are difficult to obtain, since prisoners are kept incommunicado and there is no access for independent monitoring organizations to police stations, and security or military prisons. Amnesty International has not been allowed entry to the country since 1999.

2003

- On 16 April, 164 Jehovah's Witnesses in Asmara were arrested at a private religious celebration. Some children were released the following day. The rest of the children and some non-Witnesses who were in attendance at the event were released after three days, 65 adults after eight days, and the remainder after about a month.
- In August, 57 school students, including several girls, were arrested during a compulsory work camp placement at Sawa army camp⁽¹³⁾ on account of possessing bibles in the Tigrinya language, although this is not prohibited. Six were held in underground cells in Sawa and the others in metal shipping containers in sweltering conditions, given very little food and no medical care. They were allegedly tortured or ill-treated to abandon their faith and re-join the Orthodox Church. 51 were released after a few weeks but six suspected to be the leaders were detained longer.
- On 7 September, 12 Christians, including members of the Dubre 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, eight members of the Kale Hiwot Church were arrested in Mendefera, including Pastor Iyob. They were denied food for some days, reportedly to pressure them to abandon their faith.
- On 14 December, a pastor and 10 members of the Faith of Christ Church in Adi-Kehey, 100 km south of Asmara, were arrested in a Lutheran church where they were worshipping. A Lutheran evangelist (preacher) was also detained but released two days later.

2004

- On 24 January, 38 Jehovah's Witnesses and non-Witnesses, including several children, one aged 6 years, and two very elderly men, were detained while worshipping in a home in Asmara. Some of the children were kept in detention for three days. Gebrehiwet Tedla, aged 94, Gebreselassie Adhanom aged 78, and Sertsu Yilma, 55, were released after eight months. Six others were detained in Mai Serwa army camp in a shipping container, including two women, Rebka Gebretensaye and Akberet Gebremichael, and four men Asmerom Beraki, Tsegabirhan Berhe, Tekle Gebrehiwet and Yemane Tsegay.
- On 12 February, 56 members of the Hallelujah Church, including Pastor Mengist Teweldemedhin and several children, were arrested in Asmara. Some were taken to Adi Abeto prison, others to Mai Serwa or Sawa army camps, where they were reportedly tortured. Parents were forced to sign documents to obtain the release of their children. Pastor Mengist Teweldemedhin later escaped.
- On 23 February, ten members of the Mulu Wongel Church were detained in Asmara while worshipping in a home. The woman owning the home was released after paying a "fine" of US\$37 equivalent for "holding an illegal meeting", although without being taken to court.
- In February, police arrested Ambakom Tsegezab, a Jehovah's Witness, and took him to Sawa army camp, where he was reported to be held in chains.
- On 17-18 March, whole families of home - worshippers of the Rema Church were arrested in Asmara when they were caught praying and reading the bible. They were taken to Adi Abeto army prison and the 5th police station in Asmara. Some were released when they paid "fines" to police, although without any court process.
- On 18 March, 20 members of the Kale Hiwot Church in Assab were detained, reportedly as a consequence of the President of Eritrea's speech on 5 March attacking the minority churches during the inauguration of the new Patriarch of the Eritrean Orthodox Church.
- On 19 March, Yonas Haile, a gospel singer who had just released a video cassette entitled "The Gospel, solution to man's problems", was arrested in Asmara and taken to Adi Abeto army camp and then Sawa army camp.
- In April, several senior members of the Kale Hiwot Church were detained in Asmara.
- On 22 April, an Orthodox Church deacon and editor of a church newsletter, Teklemariam Merkazion, was arrested when he returned from a visit to Germany, and detained in *Karchele* security prison. He was released on 10 November 2004 left the country.
- On 13 May, Helen Berhane, aged 30, a well - known gospel singer of the Rema Church who had just released a cassette of gospel music, was arrested in Asmara. She is held in a metal shipping container in Mai Serwa army camp. She refuses to abandon her faith and gospel singing, despite promises of release if she does so.
- On 23 May, Pastor Haile Naizgi, chair of the Mulu Wongel Church, and Dr Kiflu Gebremeskel, chair of the Eritrean Evangelical Alliance and former chair of the Mulu Wongel Church, a US-educated former maths lecturer at Asmara University, were arrested in Asmara. They are detained in *Karchele* security prison. They are both reported to have been sentenced extra-judicially to five years' imprisonment by a secret security committee.
- On 27 May, Pastor Tesfatsion Hagos of the Rema Church in Asmara was arrested on a visit to Massawa port and is

detained in *Karchele* security prison. He is reported to have been sentenced extra-judicially to a five-year prison term.

- In June, police arrested six Jehovah's Witnesses: Fesseha Gebrezadik and Yohannes Guish were arrested for preaching in public in Asmara; Tekle Kebede and another relative of a person who had escaped from Sawa army camp were arrested and taken to Mai Serwa army camp; and a full-time Minister of Jehovah's Witnesses, Hagos Woldemichael, was arrested while visiting them at the time of their arrest - he too was taken to Mai Serwa army camp.
- On 5 July, two women from the Mullu Wongel Church were arrested in Asmara - Meaza Araya, aged 34, her second arrest, and Elsa Ghirmay, aged 30. They were detained in Mai Serwa army camp.
- Also on 5 July, Dawit Mesgenna and Tesfa Araya, members of the Rema Church, were arrested and taken to "Track B" army prison in Asmara.
- On 25 July, police arrested scores of people at a church wedding ceremony in Senafe town, 136 km southeast of Asmara, including the bride's 80-year-old father, Woldegabriel Gebremichael. 28 members of the Kale Hiwot and Mullu Wongel churches were detained in Senafe police station for some days, until they signed a document agreeing not to attend any evangelical wedding in future. The two wedding organisers - Teame Kibrom, aged in his 80s, and an evangelist named Michael - were detained longer.
- In November, three Orthodox Church priests, Reverend Dr Futsum Gebrenegus, Eritrea's only psychiatrist, Reverend Dr Tekleab Mengisteab, a medical doctor and diabetic, and Reverend Gebremedhin Gebreghiorgis, a prominent theologian, who are leading members of the Medhane Alem bible study group, were arrested in Asmara and detained in *Karchele* security prison. They are reportedly currently held in Sembel civilian prison in Asmara, with prison sentences of five years each imposed by a secret administrative procedure.
- On 31 December, 60 members of the Rema Church, including 35 women and several children, were arrested in Asmara at a New Year's Eve celebration at the home of Pastor Habteab Ogbamichael and his wife Letensae, who were also arrested, and taken to the 5th police station. They were transferred to Mai Serwa army camp. Most of the women and the children were released in the next two weeks but 13 of the group are reportedly still detained there.

2005

- On 9 January, 25 Christians of Roman Catholic background were arrested in Asmara at a wedding rehearsal. Most were released after a short period in the 1st police station but three are believed to be detained in Wia army camp.
- Also on 9 January, police in Barentu in western Eritrea arrested 115 evangelical church members attending a wedding, including Pastor Ogbamichael Teklehaimanot of the Kale Hiwot Church, Pastor Hagos Toomey of the Mullu Wongel Church, and several elderly people and children. 48 youths were conscripted into the army, while 67 others were taken to Sawa army camp. Pastor Ogbamichael Haimanot was finally released in October after reportedly becoming mentally ill as a result of ill-treatment, including being kept in solitary confinement, and being made to perform hard labour.
- Also on 9 January, five members of the Kale Hiwot Church were arrested in Asmara at a private prayer gathering and taken to Mai Serwa army camp.
- On 21 January, police arrested three leaders of the Mullu Wongel Church in Asmara - Pastors Kidane Gebremeskel, Abraham Belay and Fanuel Mehreteab - who are reportedly detained in *Karchele* security prison.
- On 30 January, police detained 45 members of the Mullu Wongel Church in Asmara in home prayer meetings. 16 were conscripted into the army, while the remainder were released some weeks later.
- On 3 February, Semere Zaid, a lecturer in agriculture at Asmara University, formerly a member of a new Orthodox Church group, and now a member of the Church of the Living God, was arrested in Asmara. He was released on 28 February and ordered to stop attending religious gatherings and to report regularly to the police.
- On 4 February, Pastor Issa Mekonnen and 13 members of the Kale Hiwot Church were arrested at a home in Adi-Tekelzan town, 30 km north of Asmara. They are reportedly held at Mai Serwa army camp.
- On 12 February, police arrested 15 women members of a Medhane Alem (Orthodox Church) bible study group in Keren. They were released a month later.
- On 16 February, police detained 17 members of the Rema Church at a home in Adikwala. Ten were released after two weeks but the other 17 are reportedly detained at Gelalo army camp.
- On 19 February, over 20 children aged between two and 18 years were arrested at a Medhane Alem (Orthodox Church) bible study class in Asmara. The youngest were released the same day, and the others were gradually released over the next few weeks. The five teachers, who work as instructors at Asmara University, are reportedly detained at Mai Serwa army camp.
- In February, two Jehovah's Witnesses, Bemnet Fessahaye and Henok Gebru, were detained in Asmara; three other Jehovah's Witnesses in detention were reported to have been moved to Wia army camp in February and March.
- On 13 March, 16 members of the Kale Hiwot church were arrested near Asmara for watching a church video at one of their homes. Two elderly women among them were released on payment of a police "fine" of US\$12 equivalent, but without being taken to court.
- On 16 March, Pastor Kidane Weldu, aged 55, of the Mullu Wongel Church, and Demoze Afewerki, aged 67, chair of the Gideons (Bible) International branch in Eritrea and head of the inspection department of the Housing and Commercial Bank of Eritrea, were arrested in Asmara. Pastor Kidane Weldu is detained in *Karchele* security prison. The whereabouts of Demoze Afewerki are not known.
- March, Amanuel Abraham, a Jehovah's Witness, was detained in Asmara.
- On 4 May, police arrested two Jehovah's Witnesses in Asmara for preaching, Worede Kiros and Eyob Tekle, who are currently detained in Wia army camp.
- On 27 May, Tekle Tesfay, aged 71, a citizen of The Netherlands who returned to Eritrea in 1997, was arrested in Asmara for teaching religion to another Jehovah's Witness, Fisseha Gebrezadik. Both are now held in Sembel civilian prison and are reported to have been extra-judicially sentenced to secret prison terms of five and four years respectively; a third Jehovah's Witness, arrested earlier, Yohannes Guish, is also held in Sembel prison.
- On 28 May, police raided a wedding party of the Meseret Kristos Church in Asmara and detained the bride and bridegroom and some 200 guests, including gospel singer Essey Stefanos, Pastor Gideon of the Meseret Kristos Church and an evangelist named Amanuel from the Kale Hiwot Church. The bridal couple and over half the guests

were released the following month, leaving some 70 people detained in Mai Serwa army camp.

- On 6 July, Semere Zaid of the University of Asmara was re-arrested when he reported to a police station as a condition of his earlier release in February 2005. He was first detained in the *Karchele* security prison but is now reportedly held in Sembel civilian prison serving a secretly-imposed prison term of two years for unspecified offences.
 - On 8 July, 18 students at Halhale College, part of the University of Asmara, were arrested immediately after sitting their final examinations, on account of attending various evangelical churches. Their current whereabouts in custody are not known.
 - In late July, Yitbarek Berhe, a deacon of the Orthodox Church, deputy administrator of the church synod (council) and adviser to the Patriarch (see section 4 above), was reportedly arrested after being forced to resign from his post. His whereabouts in detention are not known.
 - On 4 September, Mengisteab Tesfamariam and his bride Berekti Keshi Almaz, were arrested together with their wedding entourage (best man and bridesmaids) and wedding guests at a Hallelujah Church wedding celebration. Hallelujah Church leaders Akililu Habteab and Kahsay Imbaye, Zerit Gebrenegusse, a Philadelphia Church evangelist, and six women were among 20 people arrested.
 - On 30 September, dozens of members of evangelical churches were arrested at their homes, workplaces or in the streets in Asmara. They included Pastor Simon and Sirak Gebremichael of the Kale Hiwot Church and Akberet Negusse (f) of the Rema Church.
 - On 3 October, police arrested all 20 staff of the Kale Hiwot Church's development programme, which runs an orphanage, primary schools, nursery schools and emergency feeding projects. Five visitors were also arrested. Police searched the office and seized computers and documents. Some of those detained were released two and three weeks later, and the remainder were conditionally released on 8 November.
- At present, at least 26 evangelical pastors and four Orthodox Church priests and deacons are reportedly detained, as well as over 1,750 church members, including several children and some 175 women, although figures are difficult to confirm due to the rapidly changing pattern of arrests and releases.

6. Detention of Muslims

Particularly in the first few years after independence in 1991, large numbers of Muslims in Eritrea were arbitrarily detained, and in some cases "disappeared" or were extra-judicially executed, on suspicion of being linked to armed Islamist or the mainly Muslim ELF opposition groups.

The EPLF government offered no reconciliation with rival ELF groups which remained in opposition to it but allowed individuals to return if they abandoned opposition. The government continues to suspect Muslims from the western areas bordering Sudan of having links with opposition groups still based in Sudan, which have received support from Sudan's National Islamic Front government and the Sudanese Muslim Brotherhood. The ELF groups are part of the Eritrean Democratic Alliance(14) (EDA, formerly the Eritrean National Alliance until early 2005), which includes Islamist groups and advocates armed opposition to the Eritrean government, although it is not known to have carried out military activities during 2005. The EDA draws support from Eritrean refugees in Sudan, some of whom have been there for 30 years and consider it would not be safe for them to return to Eritrea.

As a consequence of this intermittent armed conflict, the Eritrean security forces have conducted military operations in western Eritrea, particularly in the early and mid 1990s, and seem to have often suspected Muslims of supporting armed Islamist groups or other armed opposition groups. Reliable information has been difficult to obtain on human rights abuses allegedly committed by the Eritrean security forces against peaceful Muslim critics of the government.

On 5 December 1994 hundreds of young Muslim teachers were arrested in Keren and elsewhere when Eritrea broke off diplomatic relations with Sudan. Many had trained as Quranic, Arabic-language or ordinary subject teachers in Sudanese educational institutions. They were not brought to court, nor are they known to have been released. There have been unconfirmed reports that some of these detainees were extra-judicially executed in May 1997.

In September 2004, dozens of Muslim students belonging to new Islamic religious groups (including some known as "Wahabis") were arrested in Asmara and other towns. Many are reportedly still detained incommunicado and without charge.

7. National military service and religion

Under the national service regulations of 23 October 1995, national service of six months' military training and 12 months' development service (such as labour on construction projects) is compulsory for all Eritrean citizens aged between 18 and 40 years, male and female. In late 2004 the upper age limit for female conscription was reportedly reduced to 27 years. There are also military reserve duties between the ages of 40 and 50 for former EPLF veterans and former conscripts. National service has been made more military in nature and extended indefinitely as a result of the failure of the border demarcation process and corresponding fears of renewed armed conflict with Ethiopia.

There is no exemption for conscientious objectors, whether on account of a principle of religious faith or other conscientious belief or opinion. Jehovah's Witnesses refuse military service for reasons of their faith, but this is not recognised by the Eritrean government as a reason for exemption. Jehovah's Witnesses who have been conscripted, such as the three men detained in 1994 in the first intake of conscripts, are detained indefinitely without any judicial process.

Religious practice by members of the four main faiths is permitted in the army, although with minimal provision for worship or for pastoral care in local churches and mosques. Members of the non-registered and banned minority religious groups are not allowed to practise their faith, meet together or worship, possess religious publications or receive pastoral care from a minister of their faith. Suspected evangelicals in the army are monitored closely, and

arrested if caught worshipping or in possession of evangelical religious materials.

Exemptions from national service include provisions for the disabled, for mothers while they are breast-feeding, on medical grounds, and for a family to retain a young person to remain to help at home when all other siblings have been conscripted. In Muslim areas in the east, female recruitment is said to have ceased on account of substantial opposition on grounds of customary and religious beliefs.

Conscription is carried out by local authorities mainly through "round-ups" (*giffa* in the Tigrinya language) where police search houses, work-places and streets and roadblocks to check identity documents at roadblocks.

Young persons aged 17 are required to register for national service for the following year and are refused exit-permits to leave the country in order to prevent them evading conscription. A large number of young people have tried to avoid conscription by hiding or fleeing the country. There is also a high rate of defection from national service, despite the risks of being caught and severely punished. Members of banned religious groups who have been detained or who have been denied the right to practice their religion are among those who have fled the country.

On 4 November 2004, thousands of people of conscription age were arrested in Asmara and taken to Adi Abeto army prison. That night, a prison wall was apparently pushed over by some prisoners, and army guards opened fire, killing up to 28 prisoners and wounding many more. Surviving prisoners eligible for conscription were drafted into the army and others eventually released. In July and again in November 2005 in the Debub region in the south, parents and other relatives of individuals who had evaded conscription or fled the country were arrested and accused of complicity. They were only released if they deposited a bond of between 10,000 and 50,000 nakfas (US\$660-US\$3,000 equivalent) to produce the missing family member.

Militarization of education

National service is postponed for students, who must perform national service after their course. Graduation certificates are only presented on completion of national service. In addition, final year (11th grade) school students and all higher education students are required to do two to three months' summer vacation work service under military control.⁽¹⁵⁾ In 2003, an extra final school year (12th grade) was added for all children to be undertaken at Sawa military training centre under military authority and including military-type training. They are then selected for higher education or conscripted into the army. In 2003, the government stopped admitting undergraduate students to the University of Asmara, where students were reputed for dissent and opposition to national service or work-service, and allocated them to technical colleges instead.

In January 2004, the UNICEF representative in Eritrea was reported to have expressed concern that the militarization of education was 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 resulted in the separation of children from their families and forced them into a military environment.

In these militarized educational structures, children and students who belong to the banned religious groups are targeted for the same religious persecution as civilian life. As described above (Section 5), in August 2003, 57 school students, including several girls, were arrested during their summer work project at Sawa military training centre on account of possessing bibles, and were severely punished. Religious expression is watched closely at schools, colleges and the University of Asmara, and evangelical students and teachers have been arrested. Currently several final year students of Halhale College are detained, and Semere Zaid, a university lecturer in agriculture, is in prison for the second time.⁽¹⁶⁾

No right to conscientious objection

Amnesty International takes no position as regards national military service but supports international standards which require that any government, such as Eritrea, which requires compulsory military service should recognize the right to conscientious objection to military service for reasons of individual's religion (as with Jehovah's Witnesses) or as a matter of individual conscientious opinion or belief.

The denial of the right to conscientious objection to military service, affecting especially the Jehovah's Witnesses religion, is contrary to international law and the right to freedom of religion, belief and conscience. In terms of international law, the right to conscientious objection to military service is a basic component of the right to freedom of thought, conscience and religion as set out in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.

The UN Commission on Human Rights has urged governments to guarantee that individuals objecting to compulsory military service because of their conscientiously-held beliefs are given the opportunity to perform an alternative service. It has stated explicitly in a number of resolutions that this alternative service should be of a genuinely civilian character and of a length which cannot be considered to be a punishment. It has recommended that individuals be permitted to register as conscientious objectors at any point in time, before their conscription, after call-up papers have been issued, or during military service.

Military conscripts detained on account of their religion

Members of minority religious groups undergoing national service who have sought to practice their faith have been subjected to torture or other cruel, inhuman or degrading treatment or punishment.

A former detainee who later fled the country told Amnesty International in 2004 of torture, confiscation and burning of

bibles and religious cassettes in a military prison. He had previously been detained by the army and was later transferred to Nakura prison on the Dahlak Kebir island on the Red Sea, where many political prisoners and prisoners of conscience are detained without charge or trial. He testified that some prisoners detained in Nakura prison who belonged to evangelical churches were punished with torture by tying on account of secretly having bibles in the prison, and their bibles were burned in front of them. His own Orthodox bible had been confiscated and burnt in front of him. He claimed that there was a secret military order during the latter part of the war with Ethiopia to punish anyone caught with a bible or singing hymns or praying. This was apparently because there had been a religious revival during the war with a number of conscripts being clandestinely converted to evangelical churches. According to the same testimony, Muslim prisoners were normally allowed to perform their regular prayers, but when Christians complained about being discriminated against, Muslims were stopped from praying too.

Hundreds of national service conscripts belonging to minority churches have been detained on different occasions and in different places on account of their faith, although details have been difficult to obtain, due to restricted access to military premises.

8. Torture and ill-treatment of religious prisoners of conscience

Amnesty International has frequently reported the use of torture in Eritrea as a punishment for political dissent and military offences, and as a means of interrogation.⁽¹⁷⁾ It has been used against religious prisoners of conscience too, as punishment for practising their religion before being arrested or while in prison. In prison they are routinely prohibited any form of religious activity or discussion, bibles or religious materials, insulted and subjected to public humiliation. They are also commonly tortured or threatened to try to make them sign a statement agreeing to stop their religious worship and abandon their religion as a condition of release.

Typically, prisoners are tied up for several hours, once or repeatedly, in a position commonly known as *"helicopter"* (see sketch below, drawn by a torture survivor who is now a refugee) or in other positions. Prisoners are also beaten by teams of soldiers, or kept in solitary confinement in special underground punishment cells.

Conditions of detention often amount to cruel, inhuman or degrading treatment or punishment. Metal shipping containers of the kind depicted in the photo below are used for religious as well as political prisoners, for example at Sawa army camp, Mai Serwa, Adi Abeto, Nakura prison on the Dahlak Kebir island, and many other army camps. They are usually overcrowded, suffocatingly hot in the day and cold at night. Prisoners are only allowed out for very short periods for toilet purposes, and water is rarely available for washing. Children are held with adults, and there are no special detention facilities for women, in contravention of international standards. Conditions in Wia and Gelalo army camps in eastern Eritrea are particularly harsh on account of the high desert temperatures.

For all prisoners, food is extremely poor and meagre. Many prisoners are ill but medical treatment is virtually non-existent. Prisoners falling seriously ill have been eventually admitted to hospital but swiftly returned to prison after treatment.

Several prisoners are said to have died on account of torture or denied of medical treatment. Pastor Ogbamichael Haimanot of the Kale Hiwot Church, who was arrested in January 2005 in Barentu, reportedly became mentally ill in Sawa army camp as a result of severe ill-treatment and denial of medical treatment – he was released in October 2005.

Over 150 of political prisoners, including many named in this report, are detained incommunicado in a security prison in Asmara known as *Karchele*, adjacent to the 2nd police station. Conditions there are particularly harsh. Some longer-term religious prisoners are held there incommunicado. Other detainees are held in a special security section of the 6th police station in Asmara. Many of the religious prisoners arrested in Asmara in 2004-2005 were taken first to the 5th police station, and then on to army custody, first in Adi Abeto, near Asmara, then to Mai Serwa, Sawa, Wia or Gelalo army camps.

9. Political prisoners and denial of the right to freedom of opinion

In addition to the religious prisoners described in this report, there are possibly thousands of prisoners of conscience in Eritrea who are imprisoned on account of their peaceful political opinions, as well as other political prisoners. The prisoners of conscience include 11 former government ministers who were members of parliament and former EPLF leaders. They have been detained since September 2001 in a crackdown targeting people openly calling for democratic reforms and for the President's resignation after the 1998-2000 war with Ethiopia. There have been continual fears for their safety as their whereabouts and conditions have not been disclosed by the government. They were publicly accused of treason but never charged. They include **Haile Woldetensae**, former Foreign Minister, **Petros Solomon**, former EPLF security head and later Foreign Minister, and **Mahmoud Ahmed Sheriffo**, former Vice-President.

All private newspapers were also shut down (and remain closed) in September 2001. Ten leading journalists of the private press arrested at the same time and two state-media reporters arrested a few months later are still detained. The 12 detained journalists include **Dawit Isaak**⁽¹⁸⁾, a Swedish citizen who has been refused access to Swedish government officials and is detained in *Karchele* security prison in Asmara, together with **Fessahaye Yohannes** (also known as *"Joshua"*).

Several thousand prisoners of conscience and other political prisoners are believed to be held in indefinite and incommunicado detention without charge or trial, some of them in secret places of detention. Details and whereabouts of most of them are unknown. Some political prisoners *"disappeared"* in the first weeks of

independence, and others have evidently been extra-judicially executed since then. Some of the prisoners have been tortured or subjected to cruel, inhuman or degrading treatment or punishment. Many are held in appalling conditions amounting to cruel, inhuman or degrading treatment or punishment, in metal shipping containers or underground cells, without adequate access to medical treatment or sanitary facilities.

Prisoners of conscience detained for political reasons also include former EPLF veterans and members of the armed forces; civil servants and professionals; and some 300 asylum-seekers fleeing military conscription who were forcibly returned by Malta in 2002 and by Libya in 2003 and are reportedly still detained.

Some prisoners of conscience of particular concern to Amnesty International are the following:

Aster Fissehatsion (f): aged in her 50s with one son, she joined the EPLF in 1974, becoming a representative of its women's association. After independence, she worked as a civil servant and was elected to the central committee of the ruling party. She was arrested in the September 2001 round-up of political dissidents, who included her former husband, then Vice-President of Eritrea, Mahmoud Ahmed Sheriffo (see above). Her whereabouts in detention are not known.

Aster Yohannes (f): aged 46 with four children (including twins), she joined the EPLF in 1979 when she was an electrical engineering student. After independence in 1991, she brought up her children and worked as a civil servant. In January 2000 she went to study marketing at Phoenix University, Arizona, USA with a UN grant. Her husband, Petros Solomon (see above) was detained in 2001. Despite warnings of the risk of being arrested herself, she returned voluntarily to Eritrea on 11 December 2003 after her graduation to be with her children. She was detained on arrival at Asmara airport, despite a previous government guarantee of her safety. She is held in *Karchele* security prison in Asmara and has not been allowed to see her children. She is reportedly in a poor state of health emotionally and suffers from asthma and a heart disorder.

Bitwoded Abraha: aged 52, an army major general, former EPLF commander and deputy administrator of Assab port after independence, he has been detained since 1992 except for a few weeks of freedom, when he escaped in 1995 but was recaptured, and in August 1997 when he was released. However, two months later, he was re-detained for criticising the President. He is held in *Karchele* security prison in Asmara, and is reported to be mentally ill on account of long-term solitary confinement and denial of medical or psychiatric treatment.

Miriam Hagos (f): aged in her 50s, a commerce graduate and former EPLF fighter who worked in various departments of the EPLF, she was Director of Cinemas when she was detained on 6 October 2001. She was reportedly suspected of connections with the former government ministers detained the previous month. She has kidney and eye problems. She had been detained three times by the EPLF during the liberation struggle on account of her opinions. Her whereabouts in detention are not known.

Senait Debessai (f): aged in her 40s with three daughters, she joined the EPLF in 1976, initially working in healthcare. She later joined an EPLF cultural performance group. After independence she was elected to the executive committee of the National Union of Eritrean Women. She moved to Kenya in the mid-1990s when her husband was appointed Eritrea's ambassador to Kenya. On their return to Eritrea, Senait entered Asmara University to study accountancy. She was arrested on 15 November 2003, allegedly at the instigation of her pro-government husband with whom she was engaged in difficult divorce proceedings. Her arrests coincided with (and may be connected to) the arrest of her brother, **Ermias Debessai**, former EPLF representative in the United Kingdom during the liberation struggle, later Eritrea's ambassador to China and now a prisoner of conscience. Both are detained incommunicado and separately in *Karchele* security prison, where both are in very poor health. Senait Debessai is reportedly ill after a kidney operation, while Ermias Debessai, a diabetic, is said to be extremely thin and undernourished.

Tewelde Gebremedhin, Minassie Andezion and Habtom Woldemichael - three trade unionists: they were detained in Asmara on 30 March 2005 and are held incommunicado and without charge. Their whereabouts in detention are not known. They were arrested at the office of the official National Federation of Eritrean Workers. The authorities have given no explanation for the arrests, which came at a time of proposed government changes to the trade union structure, which is closely aligned to the ruling party. The International Confederation of Free Trade Unions (ICFTU) and other international trade union organisations have lodged a complaint at these arbitrary detentions with the International Labour Office (ILO).

Releases of prisoners of conscience

Apart from some of the religious prisoners whose releases are mentioned in section 5 above, only a few long-term prisoners of conscience are known to have been released since Amnesty International's May 2004 report. Some of these may have been released on account of severe ill-health due to ill-treatment or denial of adequate medical treatment. Released prisoners are warned not to speak of their detention, kept under surveillance and rarely allowed to leave the country.

Prisoners of conscience who have been released in the past year include Saadia Ahmed (f), aged 24, an Arabic-language reporter for the official Eritrean Television Service, detained in February 2002; Aklilu Solomon, Voice of America (VOA) reporter, detained in July 2003; and Ali Mohamed Saleh, a former senior Ministry of Foreign Affairs official, detained in 2001.

10. Constitutional rights violated

The Eritrean Constitution, which was ratified by the Constituent Assembly on 23 May 1997, guarantees the right to freedom of religion, freedom of thought and conscience, freedom of expression and freedom of association. In Chapter III on Fundamental Rights, Freedoms and Duties, Article 19 guarantees freedom of *“Conscience, Religion, Expression of Opinion, Movement, Assembly and Organisation”*.

Article 14 on Equality under the Law states that *“All persons are equal under the law”* (Article 14.1) and that *“No person may be discriminated against on account of race, ethnic origin, language, colour, gender, **religion** [highlighted here], disability, age, political view, or social or economic status or any other improper factors”*.

Limitations are set on fundamental rights and freedoms *“in the interests of national security, public safety or the economic well-being of the country, health or morals, for the prevention of public order or crime or for the protection of the rights and freedoms of others”* (Article 16.1). However, laws providing such limitations must be *“consistent with the principles of democracy and justice”* and must in any case not limit the right to freedom of thought, conscience and belief as set out in Article 19.1 above. Any such law shall be *“null and void”* (Article 18.1). Any citizen claiming violation of a fundamental right guaranteed by the Constitution *“may petition a competent court for redress”* (Article 28.2).

In practice, the constitutional guarantees of the right to freedom of opinion and of religious belief are not implemented. Violations are systematically perpetrated by the authorities with impunity and without any possibility of legal protection or judicial redress. Constitutional protections against arbitrary detention and unfair trial (Article 17) and against torture or cruel, inhuman or degrading treatment or punishment (Article 16) are also not respected in practice. There is no Constitutional Court to rule on the implementation of the Constitution or on violations of the Constitution's human rights protections.

11. International standards violated on the right to religious freedom

Under international human rights standards and international treaties to which Eritrea is a party, Eritrea is under obligation to respect the right to freedom of thought, conscience and religion, including religious worship, assembly and association. The Universal Declaration of Human Rights, and the International Covenants on Civil and Political, Economic, Social and Cultural Rights, as well as the African Charter on Human and Peoples' Rights, affirm that everyone is entitled to these rights without distinction of any kind, including religion.

Article 18 of the Universal Declaration of Human Rights states: *“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others, and in public or private, to manifest his religion or belief in teaching, practice, worship or observance”*. Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Eritrea acceded in 2002, adds: *“No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice”* (Article 18.2). General Comment no.22 of the Human Rights Committee notes that *“policies or practices having the same intention or effect [i.e. coercion], such as, for example... restricting access to education, medical care, employment or the rights guaranteed by article 25 ... and other provisions of the Covenant are ... inconsistent with Article 18(2)”*.

States which have ratified the two International Human Rights Covenants are required to submit regular reports to the Human Rights Committee on the measures they have taken to give effect to the rights recognized in the Covenants. Eritrea has failed to submit its initial reports to the Human Rights Committee which were due on 22 April 2004.

The African Charter on Human and Peoples' Rights, to which Eritrea acceded in 1999, states that *“Freedom of conscience, the profession and free practice of religion shall be guaranteed”* (Article 8).

The right to religious freedom was elaborated in 1981 when the UN General Assembly adopted a Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The preamble to this Declaration considers that *“religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed”*. This is expanded in the various articles of the Declaration.

Article 6 sets out the relevant freedoms relevant to religion:

- (a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- (b) To establish and maintain appropriate charitable or humanitarian institutions;
- (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- (d) To write, issue and disseminate relevant publications in these areas;
- (e) To teach a religion or belief in places suitable for these purposes;
- (f) To solicit and receive voluntary financial and other contributions from individuals and institutions;
- (g) To train, appoint and elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
- (i) To establish and maintain communications with individuals and communities in matters of religion or belief at the national and international levels.

As expressed by the Special Rapporteur on freedom of religion and belief(19), persons deprived of their liberty have

the right to freedom of religion or belief. Article 10, paragraph 1 of the ICCPR provides that *"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."* In its General Comment No. 22 (1993) on Article 18 of the Covenant, the Human Rights Committee has stressed that *"[p]ersons already subject to certain legitimate constraints, such as prisoners, continue to enjoy their rights to manifest their religion or belief to the fullest extent compatible with the specific nature of the constraint"*.

In 1986 the UN Commission on Human Rights appointed a Special Rapporteur on freedom of religion or belief to *"examine incidents and government actions in all parts of the world which would fall within the provisions of the Declaration and to recommend remedial measures"*. In 2005 the Special Rapporteur's report to the Commission on Human Rights listed communications sent to the Government of Eritrea in 2004 concerning arrests of members of the Kale Hiwot church, Full Gospel Church, Rema Church, and others. The government in February 2004 replied that Jehovah's Witnesses had not been arrested because of their religion beliefs but because they refused to participate in the national service program. Rema church and other church members were detained because they had refused to register and apply for permits. It said they were held for only 10 days because of the *"leniency and tolerance of the government"*, denied they had been ill-treated, and described the charges of ill-treatment as *"only malicious defamations"*. Amnesty International considers that the Eritrean government's replies to the Special Rapporteur on freedom of religion or belief failed to address the seriousness of the concerns about violations of right to freedom of religion and belief.

The Special Rapporteur asked for replies to three other communications and to her request in 2004 to visit Eritrea – to which she has still received no reply.(20) The Special Rapporteur on the question of torture, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, also sent urgent communications to the Government of Eritrea in connection with the case of Jehovah's Witnesses arrested on 24 January 2004.(21)

The UN Committee on the Rights of the Child, considering Eritrea's report on its implementation of the Convention on the Rights of the Child, expressed concern regarding the freedom of expression and religion in Eritrea in regard to children: *"Noting that the State party's Constitution guarantees the right to freedom of expression and religion, [it] is concerned at reports that measures affecting children and young people were taken against students on religious grounds, indicating that these rights were not duly upheld"*.(22)

In April 2005 the Eritrean government representative told the UN Commission on Human Rights, in response to criticisms of religious persecution, that the Seventh Day Adventist Church would soon be given a permit.(23) To date, the permit has not been issued to this religion or three other minority religious groups which officials claimed were about to be registered, including the Baha'i religion, and they all remain banned.

On the question of registration of religion, Amnesty International does not object to administrative regulations for registration which are reasonable, practical and in conformity with international human rights standards. Amnesty International considers that the failure of the government to process the registration applications made by some minority religious groups and to register any of them for the last three years indicates a refusal to recognize the rights of the minority religious groups and their members to religious freedom. Amnesty International is deeply concerned that the imposition of registration requirements for minority religious groups of an extremely restrictive and punitive character has led directly to widespread arrests, torture, and illegal arbitrary detention of members of religious groups, as well as other violations of their basic human rights.

Eritrea's denial of a wide range of basic human rights to Jehovah's Witnesses violates a number of principles in the International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights. The government's actions against Jehovah's Witnesses and other minority religious groups are in violation of the government's obligations under Article 18 of the International Covenant on Civil and Political Rights, and the principles set out in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Government's dismissal of international criticism

The government has frequently reacted dismissively to criticisms of human rights violations, whether by Amnesty International or other international organizations, including media organizations concerned about detentions of journalists,(24) or by diplomats privately. Criticisms of religious persecution have been no exception. The government has rarely responded to Amnesty International members' numerous Urgent Action appeals or replied to Amnesty International reports.

- On 1 May 2003, a government statement replying to criticisms but without making any reference to complaints about particular incidents and cases, merely cited what the Constitution said about the right to freedom of religion. *"People are free to worship according to their wish, or to refrain from worshipping or practising religion"*.(25)
- In December 2003 the Eritrean government described as *"scandalous and misleading"* the reference to Eritrea as one of 11 countries severely violating religious liberty in the US State Department's global report on International Religious Freedom in 2003(26), but it did not comment on or attempt to refute any of the facts presented.(27) Subsequently in September 2004, the US Government designated Eritrea as a *"country of particular concern"* under the International Religious Freedom Act for particularly severe violations of religious freedom. The US State Department 2005 report on religious freedom in Eritrea was also extremely critical.(28)
- In April 2005, the Director of the Office of the President said that *"one cannot question the credentials of this country on religious rights and religious tolerance... If a sect assembles without permission, its members may be arrested for five hours and then let off with a warning"*.(29)
- In September 2005, the Acting Minister of Information, in response to criticism by the Committee to Protect

Journalists (CPJ) relating to secret and arbitrary detentions of journalists since 2001, stated: *“That is our own affair, a sovereign issue. It is up to us what, why, when and where we do things”*.⁽³⁰⁾

The government has refused to cooperate with the Inter-Parliamentary Union (IPU) Committee on the Human Rights of Parliamentarians and the African Commission on Human and Peoples' Rights, both of which criticised the detentions of 11 members of parliament and called for their release.⁽³¹⁾ The IPU has to date received no reply to its request to send a mission to the country.

In denying basic human rights and continuing to postpone implementation of the Constitution's requirements for establishing multi-party democracy in place of the current one-party rule, and in refusing international human rights dialogue and access to the country, the Eritrean President and government have turned Eritrea into a virtually *“closed”* country in respect of its international community obligations and cooperation.

12. Refugees fleeing from religious persecution

Hundreds of members of banned religious groups have fled the country to seek asylum abroad. Some had been arbitrarily detained and tortured, while others fled in fear of similar or other human rights violations. In total, about 250 Jehovah's Witnesses have sought asylum over the last decade. Many members of evangelical churches have also fled in the past three years. There has been a very large flow of Eritrean refugees to neighbouring countries⁽³²⁾, particularly Sudan, whose border is close to Sawa army camp. Some of these fled due to refusal to perform compulsory national service. Their treatment as asylum seekers in countries such as Sudan or Kenya is often poor⁽³³⁾ and many have tried to reach other countries.

Persons who object to compulsory military service and/or associated participation in military action based on religious convictions or other reasons of conscience may be considered to be refugees under the 1951 Convention relating to the Status of Refugees ('Refugee Convention') in particular circumstances, such as where there are no alternatives to military service available or where punishment for refusing to perform it is disproportionately severe.⁽³⁴⁾

Amnesty International considers that asylum seekers who have fled Eritrea after being detained or at risk of detention on account of their religion would be further detained if returned forcibly to Eritrea. They would be at risk of torture as well as indefinite arbitrary detention, especially if they had previously been imprisoned on account of their beliefs and conditionally released, or if they had escaped from conscription. In addition, they would be accused of betraying their country by fleeing, and could be punished harshly for that too.

In January 2004 the Office of the UN High Commission for Refugees (UNHCR) issued a general guideline, which is still current, advising against the return of rejected asylum seekers to Eritrea on account of the poor human rights situation.

13. Amnesty International's recommendations

Amnesty International makes the following recommendations to the Government of Eritrea concerning the right to freedom of thought, conscience and religion. Recommendations are also made about aspects of the administration of justice and the rule of law as they relate to freedom of thought, conscience and religion and prisoners of conscience detained on account of their religious beliefs.

In particular, as the 25th anniversary approaches in 2006 of the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, Amnesty International calls on the Government of Eritrea to respond positively to the call of the UN Special Rapporteur on freedom of religion or belief, addressed to governments and NGOs around the world, to promote freedom of religion and challenge rising trends across the world of religious intolerance.

13.1 Religious freedom

The government should publicly affirm the rights to freedom of conscience, religion, opinion and expression of opinion, movement, assembly and association, in line with its obligations under international human rights law and as set out in Article 19 of the Constitution;

All prisoners of conscience, including those imprisoned for their religious beliefs, should be immediately and unconditionally released;

The government should publicly affirm the prohibition on torture and other cruel, inhuman or degrading treatment or punishment, in line with its obligations under international human rights law. In particular, no one should be subjected to torture or other ill-treatment to force them to cease practising their religion, to deny their faith or to join another religion;

Children should not be imprisoned on account of their religious beliefs, or their parents' religious beliefs;

The government should respect and protect the right to practice a religion, including meeting for worship and using religious texts and materials, both in civilian and military life;

Freedom to manifest one's religion or beliefs should not be subject to limitations, except for those prescribed by law and necessary to protect public, safety, order, health or morals or the fundamental rights and freedoms of others;

The requirement for registration of religious organizations should be revised to ensure that this is not punitive or restrictive of the right to practice a religion;

The government should recognize the right to conscientious objection to military service. It should introduce provisions without delay for alternative civilian service which are not punitive or under military control or administration, for those whose religious, spiritual, moral, humanitarian, philosophical, political or other conscientiously-held beliefs preclude them from performing military service. An independent and impartial decision-making procedure for applying for a

civilian alternative to military service should be established;

The government should end all discrimination against Jehovah's Witnesses on account of their religion, and ensure that their civil, political, economic and social rights are respected and protected.

13.2 The administration of justice and the rule of law

The following recommendations apply equally to all people deprived of their liberty, including those detained on account of their religious beliefs.

Torture and other ill-treatment

The President and officials responsible for the administration of justice should publicly declare their total opposition to torture or other cruel, inhuman or degrading treatment or punishment. They should condemn these practices unreservedly whenever they occur and make clear to all members of the police, military and security services that torture and other ill-treatment are crimes which will not be tolerated, and ensure that the perpetrators are brought to justice;

The government should ratify the UN Convention against Torture and implement its provisions, including by ensuring effective training of police, military and security officials, including their duty to refuse to obey any order to commit torture or other ill-treatment;

The government should ratify the Optional Protocol to the Convention against Torture and, in line with its provisions, establish an effective national preventive mechanism for visiting places of detention;

The use of tying (for example in the "helicopter" torture technique) as a punishment or as a method of interrogation must immediately end;

All complaints and reports of torture and other ill-treatment should be promptly, impartially and effectively investigated by a body independent of the alleged perpetrators. Officials suspected of committing torture or other ill-treatment should be suspended from active duty during the investigation, and complainants, witnesses and others at risk protected from intimidation and reprisals;

Victims of torture or other cruel, inhuman or degrading treatment or punishment should obtain redress and have the right to reparation, including rehabilitation and compensation.

Arbitrary and unlawful detention

The government should immediately stop the illegal practice of indefinite arbitrary detention without charge or trial, incommunicado detention and detention in secret detention centres;

Everyone deprived of their liberty should be allowed to take proceedings before a court to challenge the lawfulness of the detention;

No one should be subjected to arbitrary or unlawful arrest;

Everyone arrested should be informed of the reason for their arrest and informed promptly of any charge against them;

Everyone deprived of their liberty should be brought promptly before a judge and brought to trial within a reasonable time, or released.

The right to fair trial

Anyone accused of an offence punishable by imprisonment or other significant penalty, or any other criminal offence, should be treated in conformity with international standards and entitled to a fair trial in line with Eritrea's obligations under the International Covenant on Civil and Political Rights. These include: the right to prepare and present a legal defence with the assistance of legal defence counsel; the presumption of innocence; the right of an accused person to be informed promptly of the charges against them; to have adequate time and facilities for the preparation of their defence and to communicate in private with counsel of their choice; the right to a fair and public hearing in their presence and without undue delay by a competent, independent and impartial tribunal established by law; not to be compelled to testify against themselves or to confess guilt; 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 principles of the rule of law;

An independent system of military justice should be established with jurisdiction over members of the armed forces, including national service conscripts, containing full guarantees of the right to a fair trial before an impartial and competent court.

Incommunicado or secret detention

No one should be detained except in an officially designated place of custody or prison. Security prisons such as *Karchele* prison in Asmara should be brought within the framework of the prison administration;

The practice of holding prisoners in metal shipping containers must end immediately;

Civilians should not be detained in military premises, such as Sawa army camp, Mai Serwa, Adi Abeto, Wia, Gelalo, Nakura army camps or others;

An up-to-date register of detainees should be maintained in every prison or other place of custody. Information about the arrest of any person and where they are held, including transfers and releases, should be made available promptly to relatives, lawyers, the courts and others with a legitimate interest. The government should keep a central register of detainees to enable relatives to trace anyone arrested and prevent any "disappearance" in custody;

Detainees should have effective access to relatives, lawyers and medical doctors without delay after arrest and regularly thereafter.

Constitutional and legal safeguards against unlawful detention and "disappearances" must be immediately implemented, including guaranteeing an effective right to remedies such as habeas corpus;

Any public official suspected to be responsible for the "disappearance" should be brought to justice;

All prisoners should be treated humanely and their rights as prisoners respected in accordance with recognized

relevant international standards, particularly the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the UN Standard Minimum Rules for the Treatment of All Prisoners; The government should open all its prisons and other places of custody to inspection by appropriate independent humanitarian bodies.

Human rights observance

Amnesty International renews its call on the President and Government of Eritrea to institute reforms and practises which will establish respect for human rights in Eritrea. The Government of Eritrea should ensure that human rights are respected and protected by the government and enjoyed by all individuals within its territory and subject to its jurisdiction;

The government should comply with requirements to report to the bodies responsible for monitoring implementation of the international human rights treaties to which Eritrea is a party. It should respond positively to any requests for information made by UN independent experts, including the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, and on freedom of religion or belief, and extend invitations to those independent experts to visit Eritrea;

Individuals should be allowed to exercise effectively their right to freedom of association, and in particular to form and join independent human rights organizations and carry out the work of promoting and protecting human rights without fear of reprisal. The government should recognize the legitimate role of human rights defenders as set out in the UN Declaration on Human Rights Defenders. The government should allow free and open access to the country by international human rights organizations, including Amnesty International.

13.3 Recommendations to the international community

Amnesty International calls on the international community - the UN and its specialized agencies, the African Union, the European Union and other countries with specific bilateral ties with Eritrea - to support these recommendations in their relations with the Government of Eritrea, and to give special attention to protecting and promoting human rights, including the rights to freedom of thought, conscience, religion and belief;

Amnesty International calls on all governments to ensure that Eritreans who have fled abroad are given access to asylum procedures and have their application fairly and efficiently assessed. Amnesty International urges governments not to forcibly return any rejected Eritrean asylum seekers to Eritrea due to the poor human rights situation.

(1) Eritrea attained de facto independence in 1991, and formally recognised independence in 1993 after a UN-supervised referendum.

(2) For further details of Amnesty International's concerns and general recommendations about human rights violations in Eritrea, see "Eritrea: 'You have no right to ask' - Government resists scrutiny on human rights", Amnesty International, May 2004 (AI Index: AFR 64/003/2004); "Eritrea: Arbitrary detentions of government critics and journalists", Amnesty International, September 2002 (AI Index: AFR 64/008/2002); and numerous Urgent Action appeals and other articles, which are available on www.amnesty.org.

(3) Proclamation No.145/2005 of 11 May 2005 "to determine the administration of non-governmental organisations" requires NGOs to submit quarterly progress reports and audited annual financial reports, pay taxes on all imported goods including food aid, deposit substantial funds (which many do not have) in an Eritrean bank – US\$1 million for local NGOs (who must immediately declare publicly and officially inform the Ministry of any donations received) and US\$2 million for foreign NGOs.

(4) These include Oxfam (Great Britain), Catholic Relief Services, Lutheran World Federation, ACCORD, Africare, Norwegian Church Aid, International Rescue Committee, Concern Worldwide, Mercy Corps and Japan Emergency NGO.

(5) UN Consolidated Appeals Process, 2005.

(6) The term "minority religious group" is used here to distinguish them from the four officially recognized and registered religions above.

(7) This order, although not officially published, was confirmed in further speeches and actions by the authorities.

(8) According to Jehovah's Witnesses' representatives, the 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 and do not refuse civic duties unrelated to the military and war.

(9) BBC Summary of World Broadcasts, 4 March 1995, quoting the official Voice of the Broad Masses of Eritrea in the Tigrinya language.

(10) Interview with Yemane Gebremeskal, IRIN (UN) News Agency, 1 April 2004.

(11) See section 7 below on national military service.

(12) For example, Compass Direct (www.compassdirect.org), Christian Solidarity Worldwide (www.csw.org), the Office of Public Information of Jehovah's Witnesses (www.jw-media.org) and Release Eritrea (www.releaseeritrea.org).

(13) See section 7 on the militarization of education.

(14) The EDA comprises 16 exile opposition groups. It is supported by Sudan and Ethiopia, while Eritrea supports armed Ethiopian opposition groups, the Oromo Liberation Front and the Ogaden National Liberation Front, which are fighting inside Ethiopia.

(15) In August 2001 hundreds of University of Asmara students who refused the summer work project were arrested, beaten and made to work in harsh conditions at Wia and Gelalo army camps, where at least two died from heat stroke.

(16) See incidents described in section 5 above.

(17) Eritrea: "You have no right to ask" – Government resists scrutiny on human rights, Amnesty International, May 2004 (AI Index: AFR 64/003/2004).

(18) On 21 November 2005 Eritrea's Acting Minister of Information stated that Dawit Isaak had been released temporarily for medical treatment but would be returned to prison afterwards. At the time of writing, it appeared that he was back in Karchele security prison.

(19) UN Document A/60/399, paragraph 73.

(20) See UN document General Assembly on Elimination of all forms of religious intolerance, 30 September 2005.

(21) UN document E/CN.4/2005/61/Add.i, 15 March 2005.

(22) Section 29, July 2003, CRC/C/15/Add.204, 2 July 2003.

(23) The Seventh Day Adventist Church has had no members arrested, as far as is known.

(24) For example, the International Federation of Journalists, Committee to Protect Journalists, Reporters Sans Frontières.

(25) Eritrea Arrests, Conscripts More Protestant Christians, Compass Direct, 1 May 2003.

(26) US State Department, Bureau of Democracy, Human Rights and Labour, Article 19, the International Press Institute, December 2003.

(27) www.state.gov.

(28) US State Department, Bureau of Democracy, Human Rights and Labour, 8 November 2005, www.state.gov.

(29) Agence France Presse, 5 April 2005.

(30) Agence France Presse, 19 September 2005.

(31) IPU resolution, Manila, 8 April 2005.

(32) For more details, see Eritrea: "You have no right to ask" – Government rejects scrutiny on human rights, Amnesty International, May 2004, see also section 9 of this report.

(33) Report on Eritrean Refugees in Kenya, Christian Solidarity Worldwide, September 2005, www.csw.org.uk.

(34) UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees (Geneva, re-edited 1992), paras. 167-174; UNHCR Guidelines on International Protection, including Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees, UN doc. HCR/GIP/04/06, 28 April 2004, paras. 25-26.

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