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# **amnesty international**

## **Eritrea**

2002-02

### **Arbitrary detention of government critics and journalists**

September 2002

Summary

AI Index: AFR 64/008/2002

Critics of the government and journalists from the private press in Eritrea have been held in secret incommunicado detention for one year now, since the government clamped down on increasing criticism of the government in September 2001. Eleven members of the National Assembly (parliament) who had been leading figures during Eritrea's independence struggle were arrested for voicing their opposition to government policies. Ten journalists were also arrested in September 2001 when the government shut down all the privately-owned news media. Dozens of other government critics – civil servants, businesspeople, journalists, former liberation movement fighters, and elders who had sought to mediate between the government and its critics – have been arrested since September 2001.

None of those detained has been taken to court or charged with any offence. They have been denied all access to the outside world, including their families, and there are serious concerns for their health. The authorities have not provided the detainees' families with formal notification of the detentions or the detainees' whereabouts or conditions. Their secret incommunicado detentions have given rise to fears for their safety.

Amnesty International has made numerous urgent appeals to the Eritrean authorities about these prisoners, but without receiving any satisfactory response to the organization's concerns. The government has refused to allow an Amnesty International delegation to visit Eritrea to discuss its concerns directly with the authorities.

Amnesty International considers these detainees to be prisoners of conscience, held for peacefully expressing their opinions. Their continued detentions flout Eritrea's own constitutional and legal safeguards against arbitrary detention, and disregard commitments to international human rights treaties ratified only recently by the government.

This report documents these detentions over the past year and places them in the context of political developments and the human rights situation, including previous secret detentions and "disappearances", since independence (1991). The report concludes with Amnesty International's recommendations to the Government of Eritrea to release prisoners of conscience, to end secret incommunicado detention, to try fairly or release other political prisoners, and to bring Eritrea's laws and practices into line with international human rights standards. The international community is urged to support the development of human rights protection and promotion in Eritrea.

This report summarizes a 24-page document : Eritrea, Arbitrary detention of government critics and journalists (AI Index: AFR 64/008/2002) issued by Amnesty International in September 2002. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email:

<http://www.web.amnesty.org/web/news.nsf/thisweek?openview>

**INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM**

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# **amnesty international**

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# Eritrea

## Arbitrary detentions of government critics and journalists

### Introduction

Government critics and journalists in Eritrea have been held in secret incommunicado detention for one year now, since the government clamped down on increasing criticism of the government in September 2001. Eleven members of the National Assembly (parliament) who had been leading figures during Eritrea's independence struggle were arrested for voicing their opposition to government policies. Ten journalists were also arrested in September 2001 when the government shut down all the privately-owned news media. In April 2002 they went on hunger strike in protest at their unlawful detention and were transferred to an unknown place of detention. Dozens of other government critics – civil servants, businesspeople, journalists, former liberation movement fighters, and elders who had sought to mediate between the government and its critics – have been arrested since September 2001.

None of those detained has been taken to court or charged with any offence. They have been denied all access to the outside world, including their families, and there are serious concerns for their health. The authorities have not provided the detainees' families with formal notification of the detentions or the detainees' whereabouts. In some cases they have refused to acknowledge that the detainees are being held in custody, giving rise to fears for their safety.

Amnesty International has made numerous urgent appeals to the Eritrean authorities about these prisoners, but without receiving any satisfactory response to the organization's concerns. The government has refused to allow an Amnesty International delegation to visit Eritrea to discuss its concerns with the authorities.

Amnesty International considers many of the detainees to be prisoners of conscience, held for peacefully expressing their opinions. Their continued detention flouts Eritrea's own constitutional and legal safeguards against arbitrary detention, and disregards commitments to international human rights standards made only recently by the government.

This report documents the arrests in September 2001 and other recent political detentions in Eritrea, placing them in the context of political developments and the human rights situation since independence (1991). The report concludes with Amnesty International's recommendations to the Government of Eritrea to release prisoners of conscience, to try fairly or release other political prisoners, and to bring Eritrea's laws and practices into line with international human rights standards. The international community is urged to support the development of human rights protection and promotion in Eritrea.

**Amnesty International's work and international human rights standards**

Amnesty International is a worldwide movement of people campaigning for internationally recognized human rights. Independent of any government, political ideology, economic interest or religion, it does not support or oppose any government, opposition party or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the impartial protection of human rights.

Amnesty International's research and action focus on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination. In this context it seeks the release of all prisoners of conscience. These are people detained for their political, religious or other conscientiously held beliefs or because of their ethnic origin, sex, colour, language, national or social origin, economic status, birth or other status – who have not used or advocated violence. Amnesty International also works for fair and prompt trials for all political prisoners. It opposes indefinite administrative detention without charge or trial and calls for all political prisoners to be released if they are not to be promptly charged with a recognized criminal offence and fairly tried according to international standards. Amnesty International campaigns for an end to "disappearances" (where the authorities deny and conceal the detention) and secret incommunicado detention (where the authorities do not deny the detention); both place the victims at severe risk of further violations of their basic human rights, including torture or extrajudicial execution. Amnesty International works for worldwide abolition of the death penalty, which contravenes the right to life and the prohibition on cruel, inhuman and degrading punishment. It opposes extrajudicial executions and political killings, whether by government forces or armed political opposition groups.

Amnesty International's concerns, recommendations and campaigning are based on the Universal Declaration of Human Rights and on international human rights treaties and standards. Specific treaties and standards have been drawn up by the international community to protect these rights – including the right to freedom of peaceful expression and association (including the freedom of the media), the right to fair trial and prisoners' rights – and to prohibit "disappearances", torture, ill-treatment and extrajudicial executions. These human rights standards are also recognized, with certain limitations, in Eritrea's own Constitution and laws. However the omission of the right to legal representation in the Constitution, which is a fundamental element of fair trial, is incompatible with the international human rights instruments, including the African Charter on Human and Peoples' Rights.

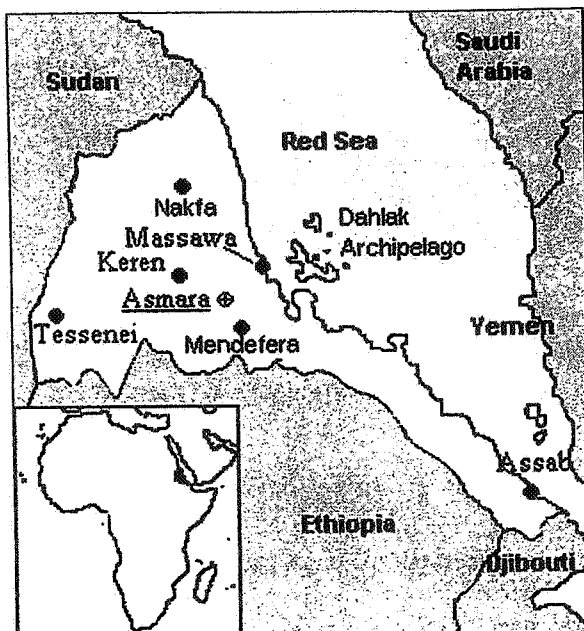
These human rights treaties and standards state that no-one should be arbitrarily arrested or detained indefinitely without charge or trial. They require that any person arrested on suspicion of committing a criminal offence should be promptly charged and fairly tried in an independent court before competent and trained judges. All detainees should have the right to legal representation and to appeal to a higher court. Detainees have the right to be treated humanely, to be allowed private access to their families and legal representatives, and to have medical treatment of their choice. International standards demand that evidence-based allegations of "disappearance", extrajudicial execution, torture or ill-treatment should be thoroughly and impartially investigated.

In working for human rights, Amnesty International carries out its own investigations into human rights violations. It collects evidence from as wide a range of sources as possible, including both governmental and non-governmental sources, and makes every effort to ensure its research is independent, impartial and accurate.



## Background

### Political developments



The Horn of Africa state of Eritrea, with a population of 3.9 million (see map), attained independence from Ethiopia in May 1993 after a UN-supervised referendum. It joined the UN and Organization of African Unity. It had been *de facto* independent since May 1991 under a Provisional Government headed by the leader of the Eritrean People's Liberation Front (EPLF), Issayas Afewerki, who is currently Eritrea's head of state and government. In 1991 the EPLF defeated the Ethiopian army after a 30-year liberation war fighting for independence from Ethiopia. An Italian colony from 1890 to 1941, Eritrea was federated with Ethiopia in 1952 and then incorporated within Ethiopia in 1962. Eritreans in Ethiopia accused of supporting the Eritrean liberation struggle

were victims of the atrocious human rights record of the previous Ethiopian government of Mengistu Haile-Mariam and the Dergue from 1974 to 1991.<sup>1</sup> The new Ethiopian government in 1991 accepted Eritrea's independence and at first the two governments were close allies.

Since independence, Eritrea has been headed by a government and sole political party based on the EPLF, now called the People's Front for Democracy and Justice (PFDJ). The EPLF had aimed at a major transformation of Eritrean society during the liberation war and had placed great emphasis on political instruction of its members. EPLF members were all military-trained and were often in the field working alongside peasants or as political cadres, some practising civilian professions such as healthcare or teaching in liberated zones or in refugee camps in Sudan. Dissent from official EPLF marxist-leninist policies was not permitted. At times dissidents had been vigorously silenced, as in 1975 when many members of the clandestine *Menka* opposition group (called "bats", because they were accused of meeting at night) were allegedly secretly executed.

The rival Eritrean Liberation Front (ELF), also fighting for Eritrea's independence, was largely defeated by the EPLF in 1981, leaving the EPLF as the only effective force fighting the Ethiopian government and armed forces in Eritrea. The EPLF administered large areas of liberated Eritrean territory. In 1987 the EPLF, uniting with an ELF faction, agreed a policy objective of creating a multi-party democratic system in a future independent state. At independence in 1991 when the victorious EPLF formed the Provisional Government of Eritrea, there was no reconciliation between the ruling EPLF and the ELF rivals. However, ELF members were allowed to return to Eritrea as individuals and on condition that they

<sup>1</sup> *Ethiopia: End of an era of brutal repression – a new chance for human rights*, Amnesty International, May 1991 (AI Index: AFR 25/005/1991).

renounced opposition. Some ELF members complied, such as the ELF-Unified Organization, whose leaders were given government and military posts. Others, such as the ELF-Revolutionary Council, remained in opposition – some launching a new armed struggle from bases in Sudan, others engaging solely in political opposition in exile.

Relations between the governments of Eritrea and Ethiopia, who had been allies against the Dergue, began to deteriorate in the mid-1990s. Eritrea and Ethiopia fought a devastating two-year war from 1998 to 2000 over the disputed joint border. In accordance with the peace treaty brokered by the UN and Organization of African Unity, a UN military mission to Ethiopia and Eritrea (UNMEE) established a buffer zone on the Eritrean side of the border which would revert to civilian administration, pending international delimitation and demarcation of the border. In April 2002 the International Boundary Commission at The Hague delivered its judgement on the border issue, which both sides had agreed in advance to accept. The border delimitation is currently in process, despite continuing tensions.

Eritrea's new Constitution (1997) allowed for the formation of multiple political parties, but the democratization process was postponed during the 1998-2000 war. No date has yet been set for the formation of political parties other than the PFDJ or for elections to the National Assembly. Opposition groups are not allowed within Eritrea but receive some support from within the Eritrean diaspora that has developed over several decades as refugees fled from persecution by the Ethiopian government. The diverse opposition includes new political groups formed in exile and the opposition Alliance of Eritrean National Forces (AENF), which is centred on the ELF and contains armed political groups having close links to Ethiopia during and since the 1998-2000 war.<sup>2</sup>

The government has not allowed the development of an independent civil society outside the EPLF/PFDJ or its affiliated organizations of students and academics, youth, women and workers, which had been formed in world-wide refugee communities since the 1980s. Independent national non-governmental organizations (NGOs) which might be critical of the government are generally not allowed. The Eritrean Human Rights and Development Centre set up in 1992 to promote human rights was shut down in 1993. Citizens for Peace in Eritrea (CPE) was granted registration during the Ethiopian war but its work focused on Ethiopia's abuses against Eritreans. In 1994 the government enacted a law allowing religious freedom but barring religious groups from engaging in political activities. It stripped the Jehovah's Witnesses (Watchtower) Christian sect of civil and political rights because its members in Eritrea refused compulsory national service. International development NGOs have also experienced government restrictions on their work and have been required to channel all their activities and funds through the government, rather than working directly with local communities.

A Press Law introduced in 1996 permitted privately-owned newspapers but under tight restrictions (see below). As it became established, the private press became the vehicle for public expression of criticisms being made against the government, particularly from dissidents within the ruling party as well as other members of the public. The Press Law, while affirming the freedom of the press, also placed restrictions on it. Journalists from the private press became increasingly subject to intimidation, harassment, short-term arrests, conscription into the army, and charges under the Press Law or the Penal Code, although no

<sup>2</sup> The opposition Alliance of Eritrean National Forces (AENF) is an alliance of the Eritrean Liberation Front (ELF), the Eritrean Liberation Front-Revolutionary Council (ELF-RC), the Eritrean Islamic Salvation Movement (formerly known as Eritrean Islamic Jihad), and other smaller groups.

charges actually proceeded to trial. The circumstances in which journalists have continued to be detained, and could be prosecuted in future, reflect some of its provisions.

### The Press Law

The Press Law (enacted in June 1996, Proclamation no.90/96) allowed private newspapers to operate alongside the government-owned print media for the first time. It did not permit privately-owned radio or television to compete with the government's broadcasting services. It guarantees freedom of the print media and prohibits censorship except under special circumstances such as threats to public order or national security. The press, according to the law's definition of its objectives and functions (Article 2), "serves society by disseminating political, social, economic and other information", "respects human rights and liberties and defends them", "works for unity, peace and stability and the development of democratic practice and culture", "works to realize national objectives, rectify the operation of government and develop public control and constructive criticism by affording opportunity for diversity of opinion in national matters and contributing to the clarification of ideas helpful to the organs of government in seeking solutions".

The private press took up the challenge and by 2000, eight weekly Tigrinya-language newspapers had been opened and had developed a substantial readership. Although the journalists were mainly untrained, the professionalism and standards of the newspapers developed steadily. A new course in journalism was started at the University of Asmara, its first graduates being pressed to work in the Ministry of Information as part of their national service. The US embassy began professional training courses for print journalists, which were attended by staff from both the privately-owned and government media.

However, the Press Law also imposed tight restrictions on press freedoms. Newspapers must be officially registered and owned by Eritreans only. People who are "prohibited from establishing political associations", "deprived of their political rights" and who "oppose the principle of national unity or advocate for division or disintegration" are banned from owning newspapers. Publishing articles from foreign publications requires official permission.

The broad restrictions on subject matter (in Article 12) could be interpreted to stifle press freedoms in certain situations. Restrictions include material "*which vilifies or belittles humanitarian and religious beliefs*", "*incites religious and sub-national [i.e. ethnic] differences, promotes the spirit of division and dissension among the people, vilifies the Eritrean people's tradition of struggle and incites violence and terrorism*", "*undermines territorial integrity, sovereignty and independence of the nation*", "*contravenes general morality*". It is also prohibited to publish state secrets, defamation and "*inaccurate information and news intentionally disseminated to influence economic conditions, create commotion and confusion and disturb general peace*".

These vaguely-worded restrictions are punishable as offences under the Penal Code, mainly Articles 256-269, which carry lengthy prison sentences.

The Press Law goes far beyond the restrictions allowed under the International Covenant on Civil and Political Rights in relation to "*respect for the rights or reputations of others, for the protection of national security or of public order, or of public health or morals*" (Article 19.3); propaganda for war or "*advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence*" (Articles 20.1 and 20.2).

The importance of the right to freedom of opinion and expression, which underpins a broad range of fundamental human rights, has been highlighted by the UN Special Rapporteur on the Right to Freedom of Opinion and Expression: *"the right to freedom of expression can be described as an essential test right, the enjoyment of which illustrates the degree of enjoyment of all human rights enshrined in the United Nations Bill of Human Rights, and...respect for this right reflects a country's standard of fair play, justice and integrity."*<sup>3</sup>

One leading journalist, **Milkias Mihretab**, a former magistrate and founder-editor of the *Keste Debena* ("Rainbow") newspaper, was facing charges in 10 criminal cases when he fled Eritrea in September 2001, just before the 18 September arrests. He had been briefly detained on several occasions, and held without charge or trial for over five months in 2000 at a secret detention and labour camp. After his release, he headed an unofficial Association of Free Journalists, which the government refused to register. Charges brought against him included defamation of the government, contempt of court, incitement to violence and publishing false information, all punishable by heavy prison sentences. The authorities did not proceed with these charges against him, nor with other similar charges against several other journalists briefly detained and charged with similar offences in 1999-2001 for publishing critical articles. None appeared to have advocated violence.

One journalist arrested before the September 2001 crackdown is still detained without charge or trial - **Gebrehiwot Keleta**, a reporter aged 49 on the newspaper *Tsegenay*. He was arrested in June 2000 after he and other journalists met a US embassy official. A former ELF information officer, he had previously been abducted from Sudan in 1991 and secretly detained in Eritrea for eight years.

In an earlier case in April 1997, **Ruth Simon**, a former senior EPLF fighter and correspondent for the international news agency, *Agence France Press* (AFP), was arrested after reporting that the President had admitted giving military assistance to the armed opposition in Sudan. She was detained without charge or trial, at first secretly and later in Haz-Haz prison in Asmara. Officials reportedly threatened to bring serious charges against her if the international media and others publicised and campaigned against her detention. She was released after 18 months.

### **Calls for change**

There had been a tradition of political debate within the EPLF and the PFDJ but within defined boundaries. The government initiated extensive consultations about the new Constitution but its implementation and the formation of a multi-party system were held back by the Ethiopian war. A new and critical political debate began soon after the cease-fire in June 2000. It found expression particularly in the private press, which published interviews and articles by dissident members of the PFDJ central committee and others.

In October 2000, Eritrean professionals and academics met in Berlin, Germany, and wrote a letter to President Issayas Afewerki, since known as the "Berlin Manifesto", about the *"political and economic challenges that confront us as a new nation"*. The group, most of them from abroad, said that the government had *"lagged behind in the development of democratic institutions, including mechanisms for ensuring accountability and transparency."* The letter complained that civil society had become alienated and that the collective leadership of the EPLF had been *"abandoned and replaced by one-man leadership"*. It cited the *"absence of freedom of expression which has prevented the citizens from exercising their*

<sup>3</sup> Commission on Human Rights, UN Economic and Social Council, 4 February 1997, E/CN/1997/31.

*rightful duties of restraining the undue accumulation of power in the presidency.*" In the letter, the group criticized the Special Court, established outside the normal judicial system, for "...undermining the rule of law and creating disaffection... People have been languishing in jail for many years without being formally charged with any crime." The letter ended with a call for open debate.

PFDJ officials and members of the government reacted vigorously to the criticisms in the "Berlin Manifesto". Editors from the independent press were arrested to prevent them from publishing it. Nevertheless the criticisms persisted.

In May 2001 a dissident group at the centre of the PFDJ, dissatisfied with the responses to previous private complaints addressed to President Issayas Afewerki and the PFDJ, publicly expressed strong criticisms of the President. This group, known as the "Group of 15" or "G15", issued an open letter to PFDJ members, which was reported and widely commented on in the increasingly assertive independent press. The authors of the letter said it was "*a call for correction, a call for peaceful and democratic dialogue, a call for strengthening and consolidation, a call for unity, a call for the rule of law and for justice, through peaceful and legal ways and means.*" Government critics gave interviews to the private press, including criticising the government's conduct of the war and the peace talks, which were disseminated on the new internet websites set up by the opposition abroad. The government and the PFDJ responded through the state media and websites, branding the G15 authors as "defeatist" and accused them of disloyalty during the 1998-2000 war and the peace talks. Journalists were again arrested and harassed, and some of them fled the country. Accusations have been made by the government against the G15 and recently formed political parties and human rights groups that broadly support the G15's call for democratic reform, of conspiring with the AENF opposition to overthrow the government, an accusation they have denied.

In July 2001 at a meeting of the Eritrean Studies Association at the University of Asmara, the President of the High Court (Chief Justice), Teame Beyene, delivered a paper on the Eritrean judiciary which criticized the government's interference with the judiciary and harassment of the media, and the violation of legal rights by the Special Court. He spoke against the silence and complicity of legal professionals, and arbitrary acts of the government which violated constitutional democracy.

Dissent increased dramatically with protests and arrests of students (see below), and further open letters to the government, one of which set out a detailed list of "obstacles to reform". The government dismissed the criticisms, saying they had no significant support in the party. The crisis came to a head on 18 September with the arrests of the leading dissidents and the closure of the private press.

### Student Arrests

There was also protest from students at the University of Asmara. On 31 July 2001, Semere Kesete, the student union president, made a speech at the graduation ceremony criticising the government. In particular, he attacked a compulsory student vacation work program under the national service regulations, and he also complained of government interference with the university. He was arrested shortly afterwards. On 11 August 2001, a *habeas corpus* application was made to the High Court for the authorities to produce him in court and justify his detention. Hundreds of students demonstrated outside the court. The President of the High Court (also Chief Justice) ordered the police to produce him but the police requested more time. The Chief Justice was shortly afterwards dismissed, apparently on account of his *habeas corpus* decision.

The police arrested about 400 students outside the court and detained them for about 30 hours in Asmara stadium in the open air and rain. The security forces turned water hoses on parents who gathered to protest at the detentions and at being denied access to them. The students were then transported at gunpoint to Wia army camp near Massawa. Many were severely beaten for continuing to protest at their detention. They were made to work at the makeshift camp, alongside more than 3,000 other students who had opted for the vacation work program. As punishment, these 400 students were reportedly given no food for the first three days, only water and sugar, and only milk in the week following. Throughout their stay at Wia camp and later at the nearby Galaalo camp, they had to work in harsh conditions and extreme heat, building roads and moving heavy stones. Two of the students died from heat-stroke. The government said that it regretted the deaths, but no investigation was known to have been carried out nor steps taken to improve conditions. Most of the students were held for about three months, with no family visits allowed. The last five to be released in November 2001 were student union officials and leaders of the protest.

Semere Kesete continued to be detained incommunicado in an undisclosed prison, unlawfully and without charge or trial. He was a prisoner of conscience. However, in early August 2002, he escaped to Ethiopia. In an interview with the Voice of America (VOA) radio station on 8 August 2002, he said that he had been held in a maximum security unit of the 6<sup>th</sup> Police Station in Asmara. For the first two weeks of his imprisonment his hands were chained behind his back. He said he was held for most of the time in a small dark cell in solitary confinement with no-one speaking to him. After some months he was allowed to sit outside in the open air for short periods. He had no contact with the outside world. He reported that other prisoners had been held there for several years in the same conditions.

## The September 2001 arrests

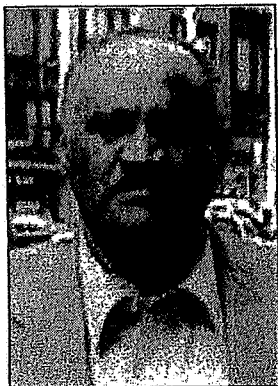
In September 2001 members of the G15 and journalists were arrested. They have since been held incommunicado and without charge or trial. In the months following, other journalists, government critics and supporters of the dissidents have also been detained. Appeals from the families of the detainees and from the international community for the detainees to be formally charged and tried or else released, and criticising their secret incommunicado detention, were dismissed by the Eritrean authorities.

### *The G15 detainees*

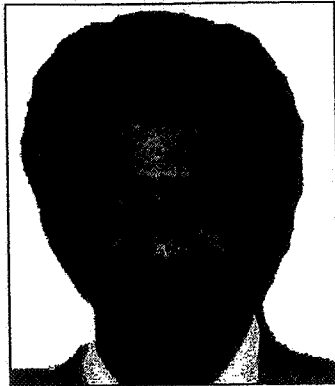
In response to increasing criticisms and opposition to the President and to the latest G15 letter detailing "obstacles to reform", the security authorities detained 11 members of the group in Asmara on 18 September 2001. Four members escaped arrest: three were out of the country and one withdrew his support for the group.

The 11 were all members of the Central Committee of the PFDJ and had been senior EPLF military or political leaders during the liberation struggle. They included three former Foreign Ministers - Haile Woldemariam, Mahmoud Ahmed Sheriffo (who was later Vice-President) and Petros Solomon, Aster Fissehatsion, a prominent woman EPLF leader, and three army generals. As Central Committee members, they automatically became members of the first National Assembly under the 1997 Constitution and should therefore have enjoyed parliamentary immunity from arrest. The National Assembly, however, declared on 4 February 2002 that "by committing such a crime, defeatism, they have removed themselves

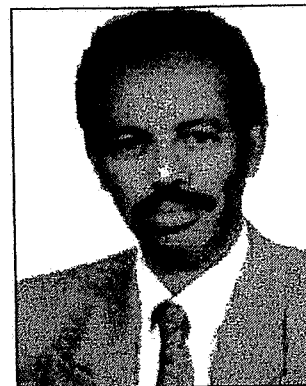
from the National Assembly". Some had been co-founders and leading members of the EPLF since the 1970s, subsequently being appointed government ministers following independence, although all had been dismissed from their posts by the time of their arrests.



**Haile Woldetsae** ©Private  
Former Foreign Minister



**Mahmoud Ahmed Sheriffo** ©Private  
Former Vice President



**Petros Solomon** ©Private  
Former Foreign Minister

None of the 11 has been brought to court or formally charged with an offence, although the Constitution and the Penal Code require that detainees should be charged before a court or released within 48 hours of arrest. The maximum period for holding a suspect for investigation is 28 days. No lawyer, however, has dared to bring a *habeas corpus* action to challenge the detentions and to demand that the authorities produce the detainees in court.

The government said the 11 "had committed crimes against the sovereignty, security and peace of the nation". In February 2002 the National Assembly "strongly condemned them for the crimes they committed against the people and their country". It was claimed that the G15 had committed treason during the war with Ethiopia. Although no death penalty has been carried out in Eritrea since independence, treason is a capital offence.



**Aster Fissehatsion** ©Private  
Civil servant & women's leader

Amnesty International has carefully considered the government's allegations of treason by the G15, although these have not been formulated as charges or expressed in detail. A specific allegation contained in the National Assembly resolution was that during major military setbacks in May 2000, some of them (unnamed) requested the international peace talks facilitators (the United States and Algeria) to convey an offer to the Ethiopian government to remove the President if Ethiopia would stop its offensive. This has been denied by the leader of the US peace talks facilitators, Professor Antony Lake, who has stated to Amnesty International: "*At no point did any Eritrean official ask the American facilitators to become involved in domestic Eritrean affairs or to pass military intelligence to Ethiopia. If they had done so, we would have refused, but they absolutely did not do so.*"

Amnesty International considers the G15 detainees to be prisoners of conscience who have not advocated violence but were arrested because of their peaceful criticisms of the government. The treason allegations have not been clarified or substantiated. Amnesty International is concerned that the 11 could be detained indefinitely without charge or trial, or unfairly tried. Amnesty International also fears that by being held incommunicado, with no contact with their families or lawyers, and in secret, they are at risk of ill-treatment, including

being denied adequate medical care. Some of them have health problems – including diabetes (**Haile Woldetensae**), asthma (**Ogbe Abraha**) and ulcers (**Aster Fissehatsion**) – which could become serious if adequate medical treatment is not provided. There have been various unconfirmed reports about where they might be detained or what their condition is, but the government has said nothing.

#### **The 11 “G15” detainees**

<b>Ogbe Abraha</b>	Army General; formerly Chief of Staff of the Defence Force, Minister of Trade and Industry, and Minister of Labour and Social Welfare; he has chronic asthma.
<b>Aster Fissehatsion</b>	Director in the Ministry of Labour and Social Affairs; executive member of the official National Union of Eritrean Women; EPLF official since 1977; former wife of Mahmoud Ahmed Sheriffo, also detained in September 2001; she has stomach ulcers.
<b>Berhane Gebregziabeher</b>	Army Major-General; head of the National Reserve Force; EPLF political bureau member since 1977.
<b>Beraki Gebreselassie</b>	Former Ambassador to Germany (to May 2001); previously Minister of Education and Minister of Information and Culture.
<b>Hamad Hamid Hamad</b>	Head of the Arabic (Middle East) Department in the Ministry of Foreign Affairs; former Ambassador to Sudan.
<b>Saleh Kekiya</b>	Former Minister of Transport and Communication, Vice-Minister of Foreign Affairs and Head of the Office of the President.
<b>Germano Nati</b>	Regional Administrator.
<b>Estifanos Seyoum</b>	Army Brigadier General; former Head of the Inland Revenue Service (to August 2001).
<b>Mahmoud Ahmed Sheriffo</b>	Former Vice-President (dismissed in February 2001), Minister of Local Government, and Minister of Foreign Affairs; EPLF co-founder.
<b>Petros Solomon</b>	Former Minister of Maritime Resources; previously Minister of Foreign Affairs, EPLF military commander and intelligence chief, EPLF political bureau member since 1977.
<b>Haile Woldetensae (or Weldensae, also known as “Durue”)</b>	Former Minister of Trade and Industry (until July 2001); previously Minister of Foreign Affairs during the war and the peace talks, and also Minister of Finance; former EPLF head of political affairs and political bureau member since 1977; he is diabetic.

In early May 2002 **Roma Gebremichael**, the wife of one of the G15 detainees, Haile Woldetensae, was arrested. She too has since been detained without charge or trial and incommunicado. She was reportedly arrested for assisting her son, a university student detained in 2001 and subject to national service, to flee the country, and also for her own criticisms of the government. Previously an EPLF fighter, she worked in a bookshop in Asmara. In June 2002 she reportedly became seriously ill in detention and was transferred to hospital under guard.



## ***The closure of newspapers and detentions of journalists***

On 18 September 2001, the same day as the G15 members were arrested, the government announced that all privately-owned newspapers were shut down and that a parliamentary committee would examine conditions under which they would be permitted to re-open. The newspapers were accused of contravening the 1996 Press Law, but their alleged offences were not specified.

Over the days following the arrests, 10 leading journalists were arrested by the police. They included newspaper editor/owners such as Yosuf Mohamed Ali, Amanuel Asrat, Mattewos Habteab, Medhanie Haile, Dawit Habtemichael, Seyoum Tsehaye, a photographer and former director of Eritrean television, and Fessahaye Yohannes, a well-known arts performer. Several had been EPLF members. They had protested in writing to the Minister of Information at the arrests of the G15 members and at the closure of the newspapers. The government said that it was compiling evidence that they had broken the Press Law. Initially held at the 1<sup>st</sup> Police Station in Asmara, they were allowed to receive food from their families but not visits or correspondence. None was taken to court within the 48 hour limit prescribed by law or charged with any offence.

### **The 10 journalists detained in September 2001**

Said Abdulkadir	Chief editor and founder of the newspaper, <i>Admas</i> ; also employee of the Ministry of Information's Arabic-language newspaper, <i>Haddas Eritrea</i> ; aged 34.
Yosuf Mohamed Ali	Chief editor of the newspaper, <i>Tsigenay</i> ; business studies graduate; aged 45.
Amanuel Asrat	Chief editor of the newspaper, <i>Zemen</i> ("Time"); EPLF member since the 1970s.
Temesgen Gebreyesus	Sports reporter on the newspaper, <i>Keste Debena</i> ("Rainbow"); amateur actor; aged 36.
Mattewos Habteab	Editor of the newspaper, <i>Meqaleh</i> ("Echo"); mathematics graduate, University of Asmara; aged 30.
Dawit Habtemichael	Assistant chief editor and co-founder of the newspaper, <i>Meqaleh</i> ; physics graduate, University of Asmara; full-time science teacher employed by the Ministry of Education; aged 30.
Medhanie Haile	Assistant chief editor and co-founder of the newspaper, <i>Keste Debena</i> ; law graduate, University of Asmara; full-time employee of the Ministry of Justice; aged 33.
Dawit Isaac	Editor and co-owner of the newspaper, <i>Setit</i> ; dual Eritrean and Swedish citizen as a result of being granted asylum in Sweden in the 1980s; education graduate; writer and theatre producer; aged 38.
Seyoum Tsehaye	Freelance photographer; French language graduate and former French teacher; EPLF veteran since the 1970s; former director of Eritrean state television in the early 1990s; aged 49.
Fessaye Yohannes ("Joshua")	Reporter and co-founder of the newspaper, <i>Setit</i> ; EPLF veteran since 1977; poet and director of an amateur cultural dance group; studied in the United Kingdom (UK) in 2000; aged 46.

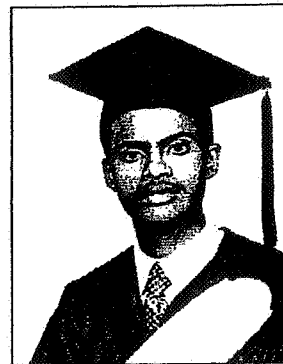
On 31 March 2002 the journalists began a hunger strike, demanding a fair trial before an independent court if they were charged with breaking the law, or their release. The authorities allegedly refused them water. Three days later, as the hunger-strike began to attract international attention and protests, nine of the ten were moved from the 1<sup>st</sup> Police Station in Asmara to undisclosed places of detention. Dawit Isaac, who had recently undergone medical surgery, was taken under guard to a hospital in Asmara, but nothing has been heard of him since. The outcome of the hunger strike is not known and nothing has been heard of the nine other journalists since, from government or unofficial sources.



**Mattewos Habteab** ©Private  
Editor, *Meqaleh*



**Medhanie Haile** ©Private  
Assistant Editor, *Keste Debera*

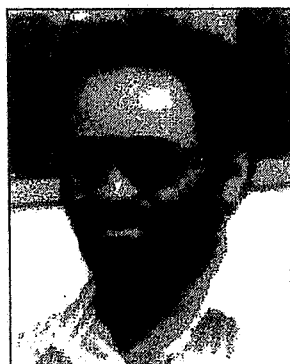


**Dawit Habtemichael** ©Private  
Assistant Editor, *Meqaleh*

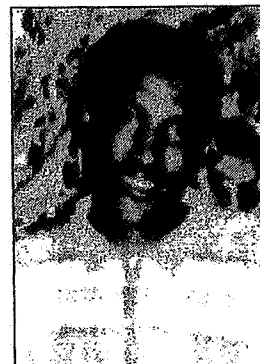
A year after their arrests, these 10 journalists remain in arbitrary and incommunicado detention without charge or trial. At the time of writing of this report, the parliamentary committee has not delivered any report, and the private press remains banned. No charges have been specified against any of the journalists. Officials have at times indicated that they might be charged with receiving foreign funding, e.g. for computers, but otherwise they could be subject to vague and ill-defined criminal offences. The independence of the judiciary has yet to be tested in any case involving media freedom issues, as there have been no press trials to date.



**Dawit Isaac** ©Private  
Editor, *Setit*



**Fessaye Yohannes** ©Private  
Reporter, *Setit*



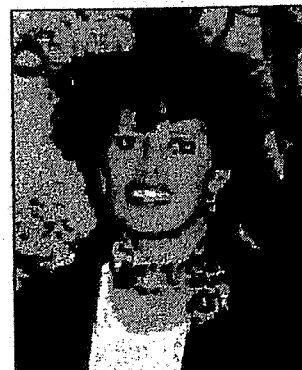
**Amanuel Asrat** ©Private  
Editor, *Zemin*

Amnesty International considers these detained journalists to be prisoners of conscience, imprisoned because of their legitimate professional work as journalists. As human rights defenders, they placed themselves at risk of government reprisal by publishing articles about human rights and democracy and by asserting the right to freedom of expression and publication. Amnesty International is concerned that their secret and incommunicado detention placed them at risk of further human rights violations, such as ill-treatment or forcible feeding.

## Further political arrests 2001-2002

In the months following and through 2002 to the time of writing, there have been reports that dozens of other people have been detained by the security police for supporting views expressed in the G15 open letter and in some cases for criticizing the G15 detentions. Some elders were reported to have been detained after trying to mediate between the government and its critics. Arrests have in many cases been difficult to confirm because of the secrecy and pervasive intimidation.

The authorities have not publicly acknowledged any of these further detentions, to Amnesty International's knowledge, and in most cases not privately to their families either. The arrests mostly took place when there would be likely to be no witnesses, and families learnt of their arrest when the person failed to return home from work or other business. Relatives and friends went round police stations and hospitals and privately contacted officials to try to find out what had happened to the missing person. In most cases, officials at all levels of the law enforcement agencies and criminal justice system either refused to respond or said they had no knowledge of the missing person. The security police did not provide any information about detainees to their families.

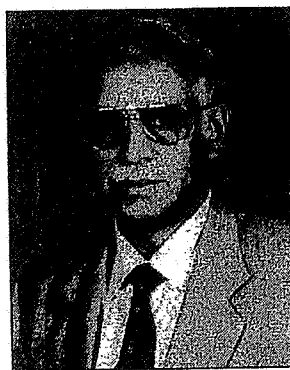


**Roma Gebremichael** ©Private  
EPLF veteran

The following are some cases reported to Amnesty International. They include diplomats such as **Ali Muhammed Saleh**, **Bisrat Yemane** and **Ibrahim Siraj**; senior civil servants **Tesfaye Gebreab**, **Kiros Tesfamichael** and **Feron Woldu**; the writer **Idris Aba'ere**, who is severely disabled as a result of being wounded during the liberation struggle and will have special problems in detention; two US embassy employees, **Ali Al-Amin** and **Kiflom Gebremichael**; prominent businesspeople such as **Suleiman Musa Haji** and **Sunabera Mohamed Demena**; health professionals **Abrehet Ankere** and **Ibrahim Siraj** (see also mention above); and the country's leading cinema administrator, **Miriam Hagos**. Three women have been detained apparently for assisting students, the sons of two of them, to flee the country – **Roma Gebremichael** (wife of **Haile Woldetensae**, a G15 detainee), **Asgedet Semere** and **Miriam Ahmed**. Several were long-standing EPLF members or supporters.



**Idris Aba'ere** ©Private  
Writer & senior civil servant



**Ali Muhammad Saleh** ©Private  
Senior civil servant



**Feron Woldu** ©Private  
Senior civil servant

**Further arrests 2001-2002**

Idris Aba'ere	Writer and department head in the Ministry of Labour, arrested October 2001; severely disabled EPLF veteran.
Miriam Ahmed	Wife of a regional administrative head and member of parliament, arrested with Roma Gebremichael in May 2002.
Ali Al-Amin	Employee in the Political Section of the US Embassy, arrested in October 2001 after protests from the Embassy about the G15 arrests.
Abrehet Ankere	Medical doctor, EPLF veteran, arrested in early 2002.
Sunabera Mohamed Demena	Businessman (SETAO transport company) aged 79, arrested October 2001 after reportedly attempting to mediate between the government and its critics; EPLF supporter for many years in Sudan; he has the honorific title of <i>Kegnazmatch</i> .
Tesfaye Gebreab ("Gomorra")	Director in the Ministry of Foreign Affairs, aged 53, arrested 23 October 2001; previously a director in the Ministry of Labour, and earlier employed in the Immigration Department and the PFDJ headquarters; EPLF veteran, trained pharmacist; awarded a Master's degree at Syracuse University, US, 2000.
Kiflom Gebremichael	Employee in the Economic Section of the US Embassy, arrested in October 2001 after protests from the Embassy about the G15 arrests.
Roma Gebremichael	Wife of G15 detainee Haile Woldetensae, former EPLF fighter, arrested May 2002 for assisting her son to flee the country, ill in hospital.
Miriam Hagos	Director of Cinemas, Ministry of Information, arrested mid/late 2001, former EPLF film department director, c. 55.
Suleiman Musa Haji	EPLF veteran aged in his late 60s, arrested in his home town of Keren in early October 2001.
Hassen Kekia	Prominent elderly businessman, arrested October 2001 after writing an open letter criticising the G15 arrests; EPLF supporter for many years in Sudan.
Alazar Mesfin	Former Governor of Keren, arrested 23 October 2001; EPLF veteran. Awarded a Master's degree at Syracuse University, US, 2000.
Ali Muhammad Saleh	Political advisor in the Arabic (Middle Eastern) Department of the Ministry of Foreign Affairs, arrested at his office on 4 April 2002; formerly posted in the Eritrean Embassy in United Arab Emirates (1994-1998) and Yemen (2000-2001); previously a leader of the ELF-Unified Organization (ELF-UO) who returned to Eritrea under the amnesty in 1991.
Asgedet Semere	Wife of a senior civil servant, arrested in May 2002 with Roma Gebremichael (below) in connection with the flight from the country in early 2002 of their sons, both university students arrested in 2001 and subject to national service.
Tesfaldet Seyoum	Army Colonel, arrested March 2002, brother of G15 detainee Estifanos Seyoum.
Ibrahim Siraj	Eritrean embassy official in Saudi Arabia, arrested after being recalled in early 2002, former head of Haz-Haz maternity clinic in Asmara, EPLF veteran (medical services).

Kiros Tesfamichael ("Awer")	Director general in the Ministry of Tourism, former teacher and EPLF veteran, arrested October 2001.
Feron Woldu	Director in the Ministry of Trade and Industry, EPLF veteran, Master's degree in education, 45, arrested in mid/late 2001.
Bisrat Yemane	Former Consul General in the Eritrean embassy in Germany (Frankfurt), arrested after being recalled in early 2002.
Abdulrahman Ahmed Younis	Elderly businessman, arrested October 2001.

### ***More journalists detained – others fled***

Four more journalists have also been detained since September 2001 and are held incommunicado and in secret without charge or trial – this brings to 15 the number of journalists detained:

- **Semret Seyoum**, assistant editor of the newspaper *Setit*, was arrested near the Sudanese border trying to flee the country in early October 2001. He is a law graduate and a former EPLF member. He is reported to be held, incommunicado and without charge or trial, at Sawa military camp near Tessenei;
- Three journalists working for the government's Arabic-language news service were arrested in February 2002 and have been detained without charge or trial. They are **Saadia Ahmed**, a 22-year-old woman television reporter; **Saleh Al-Jezaeri**, a radio and newspaper reporter; and **Hamid Mohamed Said**, a news and sports editor on the Arabic-language television station. They were reportedly detained for privately advocating more Arabic-language provision in the media and elsewhere, and for criticizing the government for not giving Arabic equal status with the other official languages in Eritrea, English and Tigrinya.

Over 20 other journalists have fled the country to avoid imminent arrest. Most are from the privately-owned press but some are also from the government-owned media. They are seeking asylum in countries including Ireland, Kenya, Saudi Arabia, Sudan, the UK and the USA. In the USA, new refugees have formed an Eritrean Journalists in Exile Association (EJEA), which claims over 30 members worldwide and publishes on the internet.

### ***International response***

There was immediate international criticism of the detentions. Governments and international human rights organizations called for the prisoners to be charged with a recognizably criminal offence or released.<sup>4</sup> The Italian Ambassador to Eritrea was expelled after leading a joint European Union (EU) delegation to the authorities to protest at the detentions, and EU diplomats were temporarily recalled by their governments in response. After criticisms from the US embassy, the Eritrean authorities detained two of the embassy's Eritrean staff members in October 2001 (see p12-13). They are still held, incommunicado and without charge or trial.

The Eritrean government dismissed international appeals about the detentions and the ban on the privately-owned press, and ignored criticisms of the unlawful nature of the detentions.

<sup>4</sup> *Eritrea: Growing repression of government critics*, Amnesty International news release, 20 September 2001 (AI Index: AFR 64/001/2001); "Eritrea arrests critics and closes independent press", The Wire, Amnesty International, March 2002.

On 7 February 2002 the European Parliament passed a resolution criticizing the detentions of the G15 members and journalists and other human rights violations in Eritrea.

Commenting on the outcry on 27 May 2002, the PFDJ political director and head of the Office of the President, Yemane Gebreab, told the UN IRIN News Agency that the government had not yet decided what to do with the G15 and journalist detainees. He said, *"Eritrea is looking at a solution that will help us move beyond this present problem to solve this in a way that will heal wounds in this country rather than creating more wounds... I really can't say if [the detained journalists] will be brought to trial – they may not. It's possible that they could be freed, it's possible that some of them could be taken to court. Again we are trying to handle this within the context of the difficult period that we went through."*

### **Amnesty International refused visas**

In July 2002 the government refused Amnesty International's request to visit Eritrea to discuss its concerns and hear the views of the government. The government accused Amnesty International of biased reporting and having failed to support its liberation struggle. Amnesty International wrote to the government expressing disappointment at the refusal of visas for its representatives and that the organization would thus be prevented from communicating directly with the government and seeing the conditions in the country for itself. It said:

*"It is widely accepted by the international community that human rights organizations should be permitted to do their legitimate work in promoting and protecting human rights. Allowing access to a country and readiness to engage in a dialogue are an integral part of a government's respect for human rights and its implementation of human rights treaties and standards."*

In previous years the government had been willing to receive delegations from Amnesty International to visit Eritrea and meet with the government and others. During its first visit to the new state in 1991, Amnesty International welcomed the government's willingness to respond to human rights concerns, and President Issayas Afewerki and the Provisional Government gave positive assurances about their commitment to human rights.<sup>5</sup> In 1999 Amnesty International again visited Eritrea, to investigate human rights issues during the war with Ethiopia. It subsequently severely criticised the mass expulsions of Eritrean civilians by Ethiopia under extremely cruel conditions, while also expressing concern at the treatment of Ethiopian civilians in Eritrea. After the visit, Amnesty International welcomed Eritrea's ratification of the African Charter on Human and Peoples' Rights later in 1999 but was concerned at the government's unsatisfactory responses on some issues, including reports of secret detentions and "disappearances".<sup>6</sup>

<sup>5</sup> *Ethiopia and Eritrea: The Human Rights Agenda*, Amnesty International, November 1991 (AI Index: AFR 25/009/1991).

<sup>6</sup> *Ethiopia and Eritrea: Human rights issues in a year of armed conflict*, Amnesty International, May 1999 (AI Index: AFR 04/003/1999). See also the articles on Eritrea in the annual Amnesty International Reports of 2000, 2001 and 2002 ([www.amnesty.org](http://www.amnesty.org)).

## Continuing concern about earlier political imprisonment and detentions

Although the focus of this report is on detentions in the past year, these appear to reflect a pattern of secret incommunicado detentions and "disappearances" since independence (1991). Reliable and independent information about these cases has been difficult to obtain and the government has refused to admit them. Amnesty International continues to be concerned about particular cases known to the organization for many years where in some cases new evidence has been obtained, and is investigating other cases as new information is coming to light. Their families are still trying to find out what has happened to them. Recent information suggests some may still be alive in detention, even many years later, even though it had previously been feared that they might have been extrajudicially executed.

Some cases concern individuals "wanted" by the EPLF who "disappeared" just after independence. Amnesty International representatives inquired with the government during their visit in December 1991 about some government opponents who were alleged to have been secretly detained and had "disappeared" but they received the response that they were not detained. They included the following:

- **Ali Higo Mohamed**, a former member of the Ethiopian parliament and a former Governor of Massawa in Eritrea, "disappeared" after being abducted in Addis Ababa on 12 July 1991 and reportedly taken to Eritrea. He had been regarded by the EPLF as a "traitor" on account of working for the Ethiopian government, and had been given a "final warning" in 1989.
- **Daniel Gebrekidan**, a lawyer and former EPLF member who had been working for the Ethiopian government for many years as a senior political official in Addis Ababa and Eritrea, and was also given a "final warning" by the EPLF in 1989. He "disappeared" after abduction in Addis Ababa on 4 June 1991 and was reportedly flown to Eritrea.
- **Woldemariam Bahlibi** and **Tekleberhan Gebretsadik**, officials in Sudan of the Eritrean Liberation Front-Revolutionary Council (ELF-RC), "disappeared" after being abducted from Kassala in Sudan on 26 April 1992 and reportedly taken to Eritrea.

Members of the Ethiopian administration and armed forces who were captured or who surrendered in 1991 were eventually returned to Ethiopia, except for those of Eritrean origin. The authorities informed Amnesty International in 1999 that some 120 of the latter were still detained for alleged war crimes or human rights abuses. The government did not put any detained former officials or security force members on public trial but there were reports that they had been given prison sentences after secret and summary "trials", without any right to defence or appeal. They appear to be still detained, without formal charge or trial. Among them are **Isaac Tseggai**, former Chief Administrator of Eritrea, and **Tesfaye Ma'asho**, Vice-Administrator. One former official, **Ajal Abdurahman**, reportedly died in detention in 1995, although the authorities have given no explanation.

With regard to the internal conflicts with armed opposition groups since 1991, the ELF opposition has claimed that some of its fighters have been captured in fighting zones and secretly detained in Eritrea. It alleged that **Gebreberhan Zere**, leader of an allied group, the Ethiopia-based Eritrean Democratic Movement, was detained in March 1997, and that many other associated opposition members or former opposition members are also detained or have "disappeared" or possibly been extrajudicially executed. Amnesty International continues to

investigate these claims and to seek independent verification of such reports. In one particular incident involving arrests of suspected supporters of the armed opposition, several teachers of Islamic or state schools and traders were arrested in Keren in December 1994 and are believed to be still detained without charge or trial. They include **Fuad Mohamed Omar**, **Idris Mohamed Ali**, a teacher of English who was educated in Syria, and **Mohamed Said Abdullah**, a shop-keeper. A teacher in Asmara, **Mohamed Aden**, was arrested at the same time on a similar allegation and remains "disappeared".

Since the ratification by Eritrea of the Geneva Conventions in July 2000 after the cease-fire in the Ethiopian war, the International Committee of the Red Cross (ICRC) been given access to most Ethiopian prisoners of war held by Eritrea. The ICRC has publicly criticised both sides for not yet returning all their prisoners of war. (Eritrea released 15 more of its prisoners of war on 2 August 2002.) Some hundreds of prisoners of war are believed to be still held by both sides, even though the Geneva Conventions require the return of all prisoners of war as soon as possible following the cessation of hostilities. The ICRC has expressed particular concern over the safety of an Ethiopian airforce colonel, **Bezabih Petros**, who was shot down over Asmara on 5 June 1998, paraded in public and seen on television, but never seen since or shown to the ICRC. He had been previously captured by the EPLF during the liberation war in 1984 and had been returned to Ethiopia after independence in 1991.

Some civilian internees arrested during the Ethiopian are also reportedly still detained without charge or trial by both sides, such as **Neftaliem Kassa**, an Ethiopian goldsmith and member of the Tigray Development Association (TDA), a welfare association of Ethiopian migrants from Tigray, still detained in Asmara since 26 July 2000.

Amnesty International has received reports of detentions of members of the armed forces including national service conscripts. Many are said to be held in Tsatsarat military prison in Asmara, and others in prisons in military zones. One such case is that of General **Bitweded Abraha** who is reported to be still held incommunicado and without charge in an Asmara police station after being arrested in 1992. Several officers arrested in 1993 when some sections of the armed forces briefly took over key installations on the eve of independence are also reportedly still secretly detained without charge in Tsatsarat prison, such as **Tewelde Zemichael**, **Tesfaldet Tewelde** and **Hadera Kahsu**, a medical doctor. An Eritrean airforce pilot arrested during the war with Ethiopia in January 1999, **Abdurahim Ahmed**, who had previously been a member of the ELF, is reportedly still detained without charge or trial.

National service regulations require six months' military service, a further 12 months development service and military reserve obligations, for all men and women aged between 18 and 40. There is no recognition of conscientious objection. Former EPLF fighters can be recalled for service at any time, and those who have completed national service can also be recalled for reserve duties. During and since the war with Ethiopia, the military service of conscripts was extended indefinitely and few have been demobilized to date. Conscriptation continues on a substantial scale, carried out by house and street searches.

Those who refuse national service are forcibly conscripted, detained, beaten and ill-treated as punishment. Conscripts are subject to military law but no information is available to Amnesty International on any judicial processes against conscript offenders where the penalty for refusing national service is reported to be three years imprisonment.



Prominent among those refusing conscription are members of the Jehovah's Witnesses (Watchtower) Christian sect, which opposes national military service on religious grounds. There have also been reports in the past year of defections of soldiers and young people fleeing the country to avoid military service. Desertion is harshly punished for. Those liable to conscription caught fleeing the country or forcibly returned to Eritrea after seeking to avoid conscription would be detained and punished for refusing conscription and leaving the country illegally without an exit visa.

### **Refugees**

The recent detentions have led to a number of Eritreans seeking asylum abroad because of fears of persecution on account of their political opinions. This has come at a time when efforts are being made towards closure of the previous situation when hundreds of thousands of Eritreans fled during the liberation struggle, particularly to Sudan. In May 2002 the Office of the UN High Commissioner for Refugees (UNHCR) declared the cessation (end) of refugee status for two categories of Eritreans - who had fled during the 30-year independence struggle up to 1991, and those who fled during the war with Ethiopia from 1998 to 2000. Many of these have already returned voluntarily to Eritrea from Sudan, although others have expressed reluctance to return and will have their cases reviewed by UNHCR. However, only full protection of international human rights standards in the country will bring an end to the flight of asylum-seekers and the free and safe return of all who had fled in the past decades or more recently.

## **The administration of justice**

The administration of justice in Eritrea after independence commenced provisionally on the basis of the Ethiopian Penal Code and Criminal Procedure Code as amended to reflect the state's independence. Revisions of these codes have not yet been completed. The new government inherited a weak and under-resourced judicial system with few qualified judges, prosecutors and lawyers. There had been little experience of judicial independence or legal defence activism under Ethiopian rule in Eritrea, in part as a result of the systematic practise of arbitrary and unlawful detention, torture, "disappearances" and extrajudicial executions of thousands of political prisoners, and secret military trials and executions of suspected opponents and EPLF or ELF supporters. The government faced a difficult task of building an efficient system of administration of justice, both civil and military, which is far from complete. The implementation of international standards of fair trial requires much more determination on the part of the authorities, especially in view of the criticisms made by the former Chief Justice about government interference with the judiciary (see p7), despite the guarantees of the independence of the judiciary in the Constitution and laws of Eritrea.

There have been no trials on political charges since independence, or trials of journalists. The possibility of a treason trial of the G15 detainees, or trials of journalists with reference to the Press Law, raises concerns about the capacity of the judiciary in its present situation to provide justice in accordance with international standards of fair trial. Of particular concern to Amnesty International in this respect has been the Special Court, even though political offences do not come under its jurisdiction.

## **The Special Court**

In 1996 a Special Court was established to try cases of corruption, embezzlement and theft. The government considered that such offences were increasing and that the courts were being too lenient. Hundreds of people accused of corruption have been unfairly tried by the Special Court, a special court outside the normal court system. They have been denied the rights to a public hearing, to legal representation or to appeal to a higher or independent jurisdiction. Some of those arrested under the Special Court's jurisdiction have been detained incommunicado and secretly for long periods without charge or trial, and it has been alleged that charges have been politically motivated in some cases.

In 1999 the Attorney General informed Amnesty International that it was a "temporary measure", but there have been no signs of the authorities rescinding it or responding to the widespread assessment that it deliberately and systematically violates fundamental principles of fair trial. Shortly after the Chief Justice (in July 2001, see p7) criticised its "illegality and unconstitutionality", saying "No legal mind can condone and be comfortable with such a disturbing legislation", he was summarily dismissed.

Amnesty International is concerned about the violations of basic legal rights in the statute and practice of the Special Court. The Special Court is a separate jurisdiction not under the authority of the Chief Justice and lacking judicial independence and impartiality. It is not bound by the Code of Criminal Procedure or Penal Code, or existing court decisions. It increased without limit the penalties for the existing relevant offences, which the government regarded as being inadequately prosecuted and punished. A Ministry of Justice official reported in 1999 stated that 450 people were in detention awaiting trial by the Special Court. The failure of trials before the Special Court to meet international standards of fair trial was strongly criticized by the Chief Justice in July 2001, shortly before he was dismissed.

The Special Court does not allow public trial, legal representation for the defendants or appeal to a higher court. Trials are held in closed court and in secret: no members of the public or news media are allowed to observe the trial and no information is usually given to the family of the accused or in public about the timing or whereabouts of the trial. There is no public reporting of the charges against the accused or of the proceedings and judgements of the court. Its judges are appointed directly by the Head of State and under different criteria from the normal courts, with no specific requirements of judicial training or competence. Many judges are army officers and former EPLF commanders with little or no legal training. Trials are summary, with little or no opportunity to present a full legal defence and a serious lack of judicial impartiality and independence.

People arrested under the Special Court's jurisdiction are initially held in secret incommunicado detention, and later transferred to an official prison in Asmara. There have been long delays before prisoners have been charged or brought to trial.

Amnesty International representatives met some Special Court prisoners in May 1999 when the government invited the delegation to visit Haz-Haz prison. Conditions in the prison appeared to meet internationally recognized standards in the areas briefly seen. A prisoner privately told an Amnesty International delegate that his trial had been summary and unfair. It is reported that prisoners are warned on release not to divulge any details about their imprisonment.

One particular case of a Special Court trial is that of **Ermias Debessai**, a former EPLF representative in the United Kingdom and Eritrea's Ambassador to China at the time of his arrest in 1997. He was held for three years in pre-trial detention and in 2000 was brought

before the court, convicted of embezzling government funds and sentenced to seven years' imprisonment. Amnesty International has received allegations that he was prevented from presenting his own case properly and was unfairly convicted, possibly for political reasons.

## Recommendations to the Government of Eritrea

Amnesty International is concerned that these detentions of prisoners of conscience and other political prisoners places Eritrea in contravention of the international and regional human rights treaties which the government has only recently ratified. Human rights violations in Eritrea appear to indicate a pattern of impunity and a lack of accountability on the part of the authorities.

Amnesty International makes the following specific recommendations to the Government of Eritrea to strengthen the protection and promotion of human rights in Eritrea and the rule of law.

### ***Prisoners of conscience and other political prisoners***

- All prisoners of conscience should be immediately and unconditionally released. They include:
  - Haile Woldetensae, Mahmoud Ahmed Sheriffo, Petros Solomon, Aster Fissehatsion and the other G15 detainees;
  - Yosuf Mohamed Ali, Mattewos Habteab, Seyoum Tesfaye, Fessahaye Yohannes, Saadia Ahmed, Semret Seyoum and all others of the 15 journalists detained in September 2001 or later without charge or trial;
  - Ali Muhammed Saleh, Sunabera Mohamed Demena, Roma Gebremichael, Miriam Hagos, Idris Aba'ere, Tesfaye Gebreab and others detained after the September 2001 crackdown;
- Other political prisoners should be released if they are not to be promptly charged and fairly tried in accordance with international standards for fair trial;
- Amnesty International calls on the Government of Eritrea to state publicly a commitment to recognize and uphold the rights to freedom of expression, opinion and belief, including the rights of political association and the freedom of the press. The government should not order or perpetuate the detention of critics who express and publish their opinions peacefully and who do not advocate violence. Laws which place restrictions on these rights in contravention of international standards of freedom of expression should be amended;
- The government should recognize the right to conscientious objection to national military service and should provide an alternative to military service: the civil and political rights of members of the Jehovah's Witness sect which were removed on account of the sect's opposition to national service should be immediately restored, in order to respect, ensure, and protect their basic human rights as citizens, including the equality before the law.

### ***Secret incommunicado detention***

- Amnesty International calls on the Government of Eritrea to end the practice of secret incommunicado detention, which may in some cases amount to “disappearances”, and which raises serious concerns for the health and safety of the detainees;
- The security forces and relevant justice administration officials should be instructed to uphold the rule of law and that:
  - suspects detained on suspicion of committing an offence, including in political cases, should be held strictly according to the law and in an authorized place of detention, and the detentions reported publicly;
  - all detainees should be brought before a court within 48 hours, and either charged or released within 28 days, as prescribed by the Constitution and laws of Eritrea;
  - the families of detainees should be immediately advised of their arrest and place of detention, and given immediate and regular private access;
  - detainees should have immediate and full access to legal representatives and medical practitioners of their choice;
  - detainees should be treated humanely and in conformity with international standards for treatment of prisoners, and fully safeguarded from torture or ill-treatment, including forcible feeding of hunger strikers;
  - The authorities should immediately transfer all detainees and prisoners held in secret and unauthorized place of detention to officially designated prisons - those detained unlawfully and without charge should be brought before a court to face recognizable criminal charges, or should be released without delay;
- Evidence-based allegations of “disappearance”, extrajudicial executions, torture or ill-treatment of prisoners should be fully investigated by an independent and impartial body which would ensure that witnesses were protected from reprisal, and any officials found to be responsible for human rights violations should be brought to justice;

### ***Fair trial***

- Amnesty International calls on the Government of Eritrea to ensure that international standards of fair trial are incorporated into the laws of Eritrea and implemented throughout the process of the administration of justice and the judicial system. In particular, the right to legal representation should be included in the Constitution to bring it into compliance with Eritrea’s commitments to international and regional human rights instruments;
- The government should establish training in human rights for all officials involved in the administration of justice;
- In view of the numerous ways in which the provisions of the Special Court deliberately and systematically violate fundamental rights of fair trial, in particular through institutionalizing secret and summary trials and denying defendants the rights to legal representation and appeal to a higher court, Amnesty International urgently calls for the Special Court to be abolished as being in flagrant contradiction with the international human rights treaties which Eritrea has ratified;

- All cases under the jurisdiction of the Special Court should be immediately transferred to the jurisdiction of the ordinary courts. Those prisoners who have been convicted by the Special Court and are serving sentences should be re-tried before ordinary courts, and those held in pre-trial detention should be formally charged and tried by ordinary courts or released;
- In the same light, Amnesty International would oppose the creation of any new special court which systematically violated the rights of individuals.

### ***The death penalty***

Amnesty International welcomes the effective suspension of the death penalty since independence. All death sentences were commuted in 1993 and it is believed that courts have not imposed the death sentences since then, although the death penalty is an optional penalty for homicide in aggravated circumstances and treason.

- Amnesty International requests the government to abolish the death penalty in law and join the international movement for the abolition of the death penalty throughout the world.

### ***Human rights commitments***

Amnesty International welcomes the Government's ratification of important international human rights and humanitarian treaties including the four Geneva Conventions and their Two Additional Protocols (in 2000); the International Covenant on Social, Economic and Cultural Rights (in 2001); the International Convention on the Elimination of All Forms of Racial Discrimination (in 2001); the International Covenant on Civil and Political Rights (in 2002); the Convention on the Rights of the Child (in 1994); the Convention on the Elimination of All Forms of Discrimination against Women (in 1995) - and also key regional human rights instruments, the African Charter on Human and Peoples' Rights (in 1999), and the African Charter on the Rights and Welfare of the Child (in 1999).

- Amnesty International calls on the Government of Eritrea to fully implement these important treaties and also to ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Amnesty International urges the Government to implement other human rights declarations, including:
  - the UN Declaration on the Protection of All Persons from Enforced Disappearance;
  - the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;
  - the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;
  - the UN Standard Minimum Rules for the Treatment of All Prisoners;
  - the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (known as the UN Declaration on Human Rights Defenders);

- The Eritrean authorities should institute human rights training for members of the security forces, including police and prison officers;
- An independent and impartial National Human Rights Commission and Office of Ombudsman should be established;
- The Government should publicly recognize the right of human rights defenders to work for the promotion and protection of human rights;
- The right of citizens to freedom of association including forming independent civil society organizations should be protected.

### ***Recommendations to the international community***

Amnesty International calls on the international community – governments, aid donors and international NGOs working in Eritrea:

- to support Amnesty International's recommendations for the protection and promotion of human rights in Eritrea, to monitor the situation of human rights in Eritrea and to press the Government of Eritrea to review its practices in the field of human rights so as to bring them into conformity with recognized international treaties and standards;
- to assist the Government of Eritrea to strengthen the criminal justice system by building an independent, competent and effective judiciary, and by providing training in human rights and professional standards as required for an effective system of administration of justice and treatment of offenders;
- to provide support for the establishment of a National Human Rights Commission and Office of Ombudsman;
- to support human rights defenders and the development of independent civil society organizations in Eritrea, and to encourage recognition in Eritrea of the important role that civil society and human rights defenders can play in promoting human rights and fundamental freedoms.

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## Eritrea

### Arbitrary detention of government critics and journalists

### ERRATA

14/10-02

18 September 2002

AI Index: AFR 64/008/2002/ERR

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1. The list of detainees on p14 (and reference also on p13) incorrectly includes Abrehet Ankere, a popular singer and the wife of detainee Feron Woldu - she has not herself been detained (and she was also mistakenly described as a medical doctor).
2. P16, para 2: the PFDJ political director is a presidential advisor but not head of the President's Office.

*These errata have been corrected in the text posted on the Amnesty International website.  
[www.amnesty.org](http://www.amnesty.org).*

#### Postscript

On 29 August 2002 the Eritrean government released the remaining 279 ICRC-registered Ethiopian prisoners of war (see p18).

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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

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