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JUST DESERTERS:

WHY INDEFINITE NATIONAL SERVICE IN
ERITREA HAS CREATED A GENERATION
OF REFUGEES

AMNESTY
INTERNATIONAL



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Cover photo: In Asmara, Eritrea, a young man walks outside an abandoned building in central Asmara.

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MAP OF ERITREA



Map of Eritrea. ©MAPS OF.NET

EXECUTIVE SUMMARY

“My father has been in military conscription since before I was even born, and he is paid 450 Nakfa [USD43] per month which is not even enough to buy oil. My older sister was in conscription for three years and then escaped to Ethiopia. I left just before I was conscripted to avoid it. It is useless. I have learnt that from my father and my sister. We might see my father every six months for one or two weeks, but if he overstayed, his division would come and take him back. I do not want to have children who see me once every six months, I want to see my children every day.”

Note: 450 Nakfa/USD43 is the official exchange rate, though it is reported to be worth closer to USD10 on the black market in the country
Binyam, an 18 year old, who fled Eritrea unaccompanied

Eritrea is one of the biggest refugee producing countries in the world. During the European summer in 2015, headlines, political summits and activism abounded over the refugee crisis. The largest groups among those risking their lives to cross the Mediterranean were Syrians and Afghans, fleeing from armed conflict and abuses by non-state actors including the Islamic State. This has received significant media coverage, and the reasons causing people to flee are at least partly understood by the wider world. But the third biggest group crossing the Mediterranean were Eritreans, fleeing from a tiny country in the Horn of Africa with no ongoing armed conflict. The UN refugee agency, the UN High Commissioner for Refugees (UNHCR), estimated at the end of 2014 that 5,000 people were leaving Eritrea every month. In November 2014, the UNHCR said that 90% of Eritreans arriving in Europe were between 18 and 24 years old. The reasons why Eritreans, especially young adults flee, are less publicized and less well understood.

A predominant factor in asylum applications made by Eritreans is indefinite conscription into National Service. This system, established by law in 1995, requires every adult Eritrean to undertake an 18 month period of National Service. However, in practice, conscription has been extended indefinitely for a significant proportion of conscripts.

In recent years, the authorities in several countries where Eritreans have claimed asylum have tried to refute the notion that those who flee National Service have valid grounds for claiming international protection. In 2014 and 2015, some countries, including the United Kingdom and Denmark, claimed that there has been an improvement in the experience of National Service conscripts and other Eritreans to the point where those fleeing no longer have grounds for asylum. This claim is in part based on assurances given by members of the Eritrean government to several interlocutors in late 2014 that conscription would henceforth revert to the 18 months mandated in Eritrean law. In the second quarter of 2015 (1 April to 30 June), the UK government rejected 66% of Eritrean asylum cases in first instance decisions.

In response to these developments, Amnesty International undertook research to establish the current reality of National Service in Eritrea, to determine whether there have been any discernible changes in National Service practices in the last two years or any changes in the treatment of people caught attempting to evade or desert service including by fleeing the country.

Amnesty International found that there have been no discernible changes in National Service practices as of November 2015. Conscription into National Service continues to be extended indefinitely and conscripts continue to be deployed in a range of civilian as well as military roles. The system therefore continues to amount to forced labour, in violation of international law. Amnesty International interviewed people who had been conscripted for over ten or fifteen years before fleeing the country

between mid-2014 and mid-2015, and others who had husbands or fathers who were still conscripted after 20 years of service. National Service conscription still often entails work going beyond military duties, with many conscripts assigned to a wide range of civilian roles, including agricultural work, construction, teaching and the civil service. Many state institutions and functions are staffed by conscripts. National Service remains the key factor causing people to flee from Eritrea - almost every person interviewed by Amnesty International in 2015 had fled to avoid or desert from National Service because of its indefinite nature.

Assurances given by members of the government in late 2014 that conscription would henceforth be limited to the mandated 18 months have not been translated into any discernible changes in practice. The guarantees were supposed to apply from the 27th round of conscripts onwards. While conscripts of the 27th and 28th rounds are still within their mandated 18 month period, Amnesty International interviewed several conscripts from the 27th round, their family members or other conscripts who had come into contact with members of the 27th round, who said they had no knowledge of the new guarantee. There was no public announcement of the new guarantee.

The assurances did not include any suggested change in practice for those conscripted before the 27th round, including those who have served for up to 20 years - who continue to serve indefinitely and to be deployed in a range of roles, including non-military roles. The Wall Street Journal, whose correspondent was permitted a media trip to Eritrea in September 2015, reported that the government had rejected a USD227 million plan from the European Union to facilitate the demobilisation of a group of long serving conscripts because it "would violate the principle that no one is exempt from patriotic duties."

People fleeing Eritrea object not only to the prolonged and indefinite nature of service, but also to the impact this has on their ability to survive economically, enjoy their right to a family life and due to the other violations they experience within National Service. There has been no change in the pay of conscripts. Every former conscript interviewed by Amnesty International said it was not possible to meet a family's basic needs on the National Service salary of 450 Nakfa, or on the higher salaries of 600, 800 or 1000 Nakfa which a small number of interviewees stated that they received. Conscripts receive limited and arbitrarily-granted leave. Multiple family members – siblings, husbands and wives, and even parents and children – are conscripted at the same time and geographically separated. Conscripts have no say over the nature of the roles they are assigned to and they frequently are assigned to posts far from their homes and families, all of which disrupt their ability to enjoy a family life. Many interviewees told Amnesty International that they saw their spouse, parents or children once per year. The poor working conditions within National Service include limited access to health care.

There were a high proportion of children, of 16 or 17 years old, and young adults, among interviewees. The UNHCR has also commented on what it called the relatively high number of unaccompanied minors among Eritrean refugees. Eritrea is hemorrhaging its youth. Children are walking alone, often without telling their parents, to another country, to avoid a life of perpetual forced labour on low pay with no genuine education or viable work opportunities through which they or their families could live. These young people repeatedly told Amnesty International that they had seen their parents and older siblings subjected to indefinite and prolonged service and that they were determined to avoid it at all costs.

While National Service officially does not start until early adulthood, the system is negatively impacting on the lives and human rights of children in a number of ways. All the main routes of conscription effectively result in the conscription of children into military training, where they face harsh conditions and military-style discipline. Children drop out of school early in attempts to avoid conscription and parents are sometimes getting girls married early in the hope that marriage will disqualify them for conscription. The prolonged conscription of parents has also caused children to assume the economic burden of families which has also contributed to some children leaving school early. Some young

interviewees told Amnesty International that they had seen their fathers once a year for their entire lives because of National Service conscription and that this fuelled their determination to avoid conscription at whatever cost. Some are detained without charge as punishment for evading conscription and for attempting to flee the country. Others who, unaccompanied, flee the country to avoid conscription face perilous journeys through Sudan, Libya and across the Mediterranean.

Amnesty International also found that not only has there been no change in the experiences of National Service conscripts, there has actually been an expansion in practices imposing forced labour on the population. Since early 2013, older men throughout the country have been re-conscripted into a form of civilian militia known as the 'People's Army,' which falls outside National Service. These men are sent for refresher training of one or two months and then assigned duties for which no pay is given. Failure to comply attracts penalties. Amnesty International was told during interviews that these militia conscripts were assigned duties including construction work and guarding of civilian entities, such as banks. Men as old as 67 have been re-conscripted through this system. Additionally, some interviewees told Amnesty International about the conscription of older women, including women with children, into civilian duties in the Gash Barka region early in 2015.

The government claims that indefinite conscription into National Service is necessary for the defence of Eritrea in the face of the constant threat of aggression by Ethiopia. Compulsory National Service is not in itself a violation of the international prohibition on forced labour set out in the International Covenant on Civil and Political Rights and the International Labour Organisation Convention concerning Forced or Compulsory Labour. Both treaties provide exceptions for national service or conscription in the event of a state of emergency, provided that the work is of a purely military character, and the duration, extent and purposes of compulsory service are limited to what is strictly required by the situation. The use of forced or compulsory labour for purposes of economic development is explicitly prohibited under international law.

Conscription into National Service generally takes place through the education system and through 'round-ups.' The other main route of conscription is where people are caught trying to leave the country, detained first as punishment and then sent for training.

All school pupils are required to take the final grade of secondary school at Sawa National Service Training Centre, where they spend a year studying for their final matriculation exam and undergoing military training. Those who receive a sufficiently high exam mark at the end of the year are assigned to one of seven government colleges, while the rest are immediately assigned to their national service role. Often, students will have no say over the college or course of study to which they are assigned. At the end of their degree or diploma programme, they are then assigned to their national service role.

The other main route of conscription is through military 'round-ups' of people who have already left school or who are evading, or are suspected of evading, conscription. Those caught via round-ups are sometimes sent to Sawa, but more frequently sent to other military training camps. Amnesty International was told that the conditions at Sawa and other military training camps are poor, with limited food and water, both of poor quality, extreme temperatures, and restricted access to limited health care. There is no assessment of physical or mental fitness prior to training or deployment. Conscripts are also subjected to harsh punishments for alleged infractions.

Amnesty International found that National Service conscripts continue to risk being subjected to further human rights violations within National Service, including arbitrary detention without charge or trial for attempted evasion, desertion or over-staying leave. Those attempting to cross the border with Ethiopia risk being shot, and capture on either border (with Ethiopia or Sudan) results in arbitrary detention. People who make it over the borders face multiple deadly risks on their onward journey.

People caught in round-ups, including children, are frequently subjected to a period of detention

without charge as punishment for evading service, before being sent for military training. Those caught trying to desert from their post or over-staying periods of leave are also arbitrarily detained without charge. Interviewees who had been detained for attempted evasion or desertion said that periods of detention ranged from one month to 16 months. Interviewees also spoke of fellow detainees who had been detained for several years for the same reason. There was no apparent pattern to the lengths of detention periods, which seem to be imposed arbitrarily by the commander *in situ*. Information from Amnesty International's interviews in 2015 indicates that many people are arrested for attempting to flee the country without authorisation. Interviewees who had been arrested and detained for attempting to flee the country had been subjected to detention periods that mostly ranged from six months to one year. Amnesty International interviewed boys of 16 and 17 years old who were detained alongside adults in appalling conditions.

All of those arrested, whether for evading or deserting National Service or attempting to cross the border, are detained arbitrarily and incommunicado. Everyone interviewed by Amnesty International who had been arrested and detained said that they were not charged or taken before a court (whether in civil, criminal or military proceedings), had no access to a lawyer, and, in almost all cases, also had no access to family members throughout the period of their detention.

Several interviewees told Amnesty International that as a result of their attempt to evade or desert from National Service, a member of their family had been detained to force the family member to reveal the whereabouts of the conscript or to force the conscript to hand themselves in. This amounts to collective punishment which is unlawful under international law.

Detainees, including children, are held in appalling conditions, often underground or in shipping containers. Cells are overcrowded and detainees are often only permitted to leave them on a restricted basis, which includes limited access to adequate sanitation facilities. Food and drinking water are also scarce and of poor quality. Detainees risk torture or other ill-treatment, either as punishment or to extract information on how or with whom they had planned to leave the country.

The experiences of people who are caught, arrested and arbitrarily detained for attempting to leave the country is indicative of the likely treatment failed asylum-seekers will face if they were forcibly returned to Eritrea. There is a high likelihood that anyone of approximately National Service age who is returned to Eritrea would be subject to arbitrary detention without charge, as is the widespread pattern, would face possible torture or other ill-treatment to extract information on how and with whom they left the country and then would be conscripted or returned to indefinite National Service. It is possible that some would avoid such a fate, but as the implementation of punishments is arbitrary, the risk must be considered to apply in every case.

The Eritrean government should bring an end to practices of indefinite conscription in National Service which amounts to forced labour in violation of international law, and ensure the prompt demobilisation of those who have served more than the stipulated 18 months mandated in the Proclamation of 1995. An immediate end should be brought to the conscription of children into military training whether via the education system or round-ups. The government must also make provision for conscientious objection to military service.

Unlawful practices of arbitrary detention without charge or trial must end immediately. Any detainee suspected of a recognizable criminal offence must be promptly charged and tried by an independent and impartial court within a reasonable time in a trial which complies with international standards. Anyone who is detained must have access to family members, to a lawyer of their choice and to medical care. The government of Eritrea must also ensure that all detainees are treated humanely and in accordance with international human rights standards; an immediate end must be brought to the practice of holding prisoners in metal shipping containers and underground cells; and no one should be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

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METHODOLOGY

The research contained in this report was undertaken to examine and document the current nature of National Service in Eritrea, to determine whether there had been any discernible changes in the policy and practice of National Service conscription since 2013, including in the period since members of the government reportedly gave guarantees to several interlocutors in late 2014 that conscription would henceforth be limited to the mandated 18 month period. These guarantees were given, for example, to a delegation from the UK government. The Asmarino Independent website reported that a pro-government Eritrean website had reported the news from the head of Public Affairs at the Eritrean Embassy in Washington DC.

Whilst many of the human rights violations described in the following pages are long-standing, this report documents the situation in 2014 and 2015, current patterns of conscription and experiences of conscripts within National Service, the consequences for Eritreans caught attempting to evade or desert conscription and those caught trying to flee the country.

Amnesty International has for many years been unable to access Eritrea to conduct research, and has received no response to its communications sent to the government of Eritrea on a range of human rights issues. Accordingly, research could not be conducted inside the country. Amnesty International also does not have access to Ethiopia or Sudan, where the majority of Eritreans first arrive when leaving their country. This research was carried out in European countries where there are significant numbers of recently-arrived Eritrean asylum-seekers.

Amnesty International sent a letter to the Eritrean authorities on 27 October, which communicated the research findings, requested further information from them and their response to the findings. At the time of publishing, Amnesty International had not yet received any communication from the government of Eritrea.

In September 2015, Amnesty International conducted face-to-face interviews with 72 Eritreans who had fled from Eritrea between July 2014 and July 2015 and had up-to-date information on the situation in the country. Thirty-four of the people interviewed had left Eritrea in 2015 and a further 15 interviewees had left in November or December 2014 - around the time of, or after, the government's announcements about changes in National Service practice. Interviewees were aged between 16 and 43 years old. Fifty-eight were male, and 14 female. Interviews were conducted in four locations in Italy (Rome) and Switzerland (Zurich and two other locations). The latter two locations are not specified to protect the identity of interviewees. Corroborating information on certain issues raised in the interviews was also taken from a further 15 interviews with Eritreans who had left Eritrea in 2013 and 2014.

A range of sources and interlocutors were used to identify individuals to be interviewed. Interviews were conducted in Tigrinya, using translators, except for a small number of cases where the interviewees spoke English. Five translators were used during the interviews.

Most of those interviewed feared repercussions if their names were revealed, particularly those who still have family members in Eritrea. For this reason, the names of all interviewees have been withheld. All names used in this report are pseudonyms. In some cases, the location in which the events described took place has also been withheld for the same reason.

Information was also taken from previous Amnesty International research - to corroborate details, locations and continuing patterns. Additional details and corroborating information were also taken from phone calls and emailed exchanges with Eritrean activists in exile. There are no independent

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civil society organisations inside Eritrea who could provide additional information for this or other research.

PART I: INDEFINITE SERVICE - FORCED LABOUR ON A NATIONAL SCALE

Under the 1995 Proclamation of National Service, every Eritrean between the ages of 18 and 40 is required to perform a compulsory period of National Service, mandated to last for 18 months. National Service consists of six months' military service followed by 12 months' deployment in military or government service, after which reserve military duties follow, up to the age of 50.

Under international law, states must recognise and safeguard the right of everyone to gain their living by work which they freely choose or accept. Forced labour is prohibited, although this does not prohibit, *inter alia*, military service or alternative national service for conscientious objectors; any service exacted in cases of emergency or calamity threatening the life and well-being of the community; or any work or service which forms part of normal civil obligations.¹ The Convention concerning Forced or Compulsory Labour (Forced Labour Convention) specifies a prohibition on using any form of forced or compulsory labour for the purposes of economic development. The Forced Labour Convention also specifies that only able bodied males of not less than 18 and not more than 45 years can be called upon for those exempted areas of forced or compulsory labour and that limitations and conditions should be applied, including, *inter alia*, a respect for physical fitness for work, as determined by a medical officer and respect for conjugal and family ties.²

The ILO, commenting on Eritrea as a party to ILO Conventions, has stressed that compulsory military service is excluded from the prohibition on forced labour only if used for "work of a purely military character," and that any power to call up labour on emergency grounds must be confined to sudden unforeseen events calling for instant countermeasures and that the duration, extent and purposes of compulsory service should be limited to what is strictly required by the exigencies of the situation and to counter an imminent danger to the population. The ILO has underlined that the large-scale and systematic practice of imposing compulsory labour on the population within the framework of National Service in Eritrea is incompatible with ILO Conventions, which prohibit the use of forced or compulsory labour as a method of mobilising and using labour for purposes of economic development.³

¹ Article 1, Abolition of Forced Labour Convention, 1957 (No. 105),
http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C105 (accessed 16/11/2015).

The ICCPR, in Art. 8(c) also allows limited exceptions to the prohibition on forced or compulsory labor, but restricts these to hard labor as part of a punishment for a crime, and: (i) Any work or service... normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention; (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors; (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community; (iv) Any work or service which forms part of normal civil obligations."

² Article 11(1&2), Convention concerning Forced or Compulsory Labour, 1930 (No. 29),
http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029 (accessed 16/11/2015)

³ International Labour Organization, Committee of Experts on the Application of Conventions and Recommendations (CEACR), Comments on Eritrea adopted 2010,
http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2337201:NO (accessed 16 November 2015)

Military service is exempt from prohibitions on forced labour under a state of emergency for a finite period. However, there has not been an official declaration of a state of emergency in Eritrea to date.⁴

As has previously been highlighted by Amnesty International,⁵ the system of indefinite, involuntary conscription imposed in Eritrea amounts to forced labour and is in itself a violation of human rights, in particular a violation of Eritrea's obligations as a state party to the International Covenant on Civil and Political Rights (ICCPR), Article 8 of which explicitly prohibits forced labour. National Service has also provided a context for violations of other human rights, including the conscription of children,⁶ the use of violent methods to enforce conscription, the lack of any recognition of the right to conscientious objection,⁷ detention without charge or trial of those who evade or desert National Service, the detention of their family members⁸ and violations of the right to freedom of movement, all of which are covered later in this report.

Those serving within this system of indefinite forced labour are also prevented from being able to enjoy several other human rights which Eritrea, as a state party to the relevant treaties, is bound under international law to respect, protect and fulfil. These include the right to work, comprising 'the right of everyone...to gain his living by work which he freely chooses or accepts',⁹ the right to an adequate standard of living, including adequate food,¹⁰ and the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, as a minimum, with:...(ii) A decent living for themselves and their families.¹¹

The ICCPR states that the family is "the natural and fundamental group unit of society and is entitled to protection by society and the State" and recognises "the right of men and women of marriageable age to marry and to found a family."¹² The Human Rights Committee, the body of independent experts established under the ICCPR to monitor its implementation by states parties, has specified in its General Comment 19 that the right to marry and found a family implies the possibility to live together, and further, implies the adoption of appropriate measures [by the State] to ensure the unity or

⁴ Article 27 of the Constitution of Eritrea (1997) lays out the steps necessary in the declaration of a national state of emergency, <http://www.refworld.org/docid/3dd8aa904.html>. The Constitution has not been implemented to date. (accessed 16 November 2015)

⁵ In Amnesty International, '*Eritrea: 20 years of independence but still no freedom*,' (May 2013), <https://www.amnesty.org/en/documents/afr64/001/2013/en/> (accessed 16 November 2015)

⁶ Article 2, Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACRC.aspx> (accessed 16 November 2015)

⁷ Article 18, International Covenant on Civil and Political Rights and UN Human Rights Committee, General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18), UN Doc. CCPR/C/21/Rev.1/Add.4, 30 July 1993, http://www.un.org/ga/search/view_doc.asp?symbol=CCPR/C/21/Rev.1/Add.4. (accessed 16 November 2015)

⁸ Article 9, International Covenant on Civil and Political Rights, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> (accessed 16 November 2015)

⁹ Article 6(1), International Covenant on Economic, Social and Cultural Rights, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> (accessed 16 November 2015)

¹⁰ Article 11, International Covenant on Economic, Social and Cultural Rights, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> (accessed 16 November 2015)

¹¹ Article 7, International Covenant on Economic, Social and Cultural Rights, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> (accessed 16 November 2015)

¹² Article 23 (1 and 2), International Covenant on Civil and Political Rights, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (accessed 16 November 2015)

reunification of families, particularly when their members are separated for political, economic or similar reasons.¹³ Compulsory military service as envisaged in Article 8(c) of the ICCPR may require separation of the individual concerned from other members of his or her family for the period of national service or, in the event of conscription in a national emergency, interference with family relationships where several members of the same family may be conscripted at the same time and required to serve in different locations. However, National Service in Eritrea runs counter to the protections provided for in the ICCPR. Amnesty International was told consistently by those interviewed for this report that those eligible for National Service are conscripted for indefinite periods. Several members of the family could be in National Service at the same time and posted in different locations, often for a prolonged and indefinite period, without any indication when it will end. There is little evidence of measures taken by the state to facilitate the maintenance of the family unit.

The right to education, enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), includes the right to secondary education that is “available and accessible to all” and the “right to higher education, equally accessible to all, on the basis of capacity.”¹⁴ National Service interrupts the ability of children and young adults to exercise their right to education. All students are required to undertake grade 12 of secondary school in Sawa National Service and Training Centre immediately after which they are assigned to National Service or, in some cases, to higher education courses. As detailed later in this report, conscripts have no choice over their assignments, over whether to attend higher education, or over which higher education courses they are registered for.

In late 2014, members of the Eritrean government gave assurances to several interlocutors that National Service conscription would henceforth revert to the mandated 18 months. The Asmarino Independent website stated in November 2014 that a pro-government website had reported that the Head of Public Affairs at the Eritrean Embassy in Washington DC had made an announcement confirming the same.¹⁵ A UK government document states that, during a meeting in Asmara in December 2014, Presidential advisor, Yemane Gebreab “confirmed that from November 2014 national service is reverting to a duration of 18 months.” Gebreab also added that this would “now be all based in the military (although there are some civilian type jobs within the military). This has started with the 27th round and people have been informed.” Gebreab is also quoted as having specified that the change would apply to everyone still in education as well as everyone who has not yet reported for National Service.¹⁶

However, Amnesty International’s research in 2015 found that there have been no discernible changes to date in National Service policy or practice from that which was described in previous reports by

¹³ General Comment No.19 on Article 23, (Protection of the family, the right to marriage and equality of the spouses), para 5. “The right to found a family implies, in principle, the possibility to procreate and live together... Similarly, the possibility to live together implies the adoption of appropriate measures, both at the internal level and as the case may be, in cooperation with other States, to ensure the unity or reunification of families, particularly when their members are separated for political, economic or similar reasons.” HRI/GEN/1/Rev.9 (Vol. I), [http://ccprcentre.org/doc/ICCPR/General%20Comments/HRI.GEN.1.Rev.9\(Vol.I\) \(GC19\) en.pdf](http://ccprcentre.org/doc/ICCPR/General%20Comments/HRI.GEN.1.Rev.9(Vol.I) (GC19) en.pdf), (accessed 16 November 2015)

¹⁴ Article 13 (2) (b) and (c), International Covenant on Economic, Social and Cultural Rights, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> (accessed 16 November 2015)

¹⁵ <http://eritrea.asmarino.com/news/4078-an-eritrean-official-promises-policy-changes-on-the-indefinite-national-service> (accessed 16 November 2015)

¹⁶ [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/459488/Eritrea - National incl Military Service - v2 0e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/459488/Eritrea_-_National_incl_Military_Service_-_v2_0e.pdf) (accessed 16 November 2015)

Amnesty International and other human rights bodies.¹⁷ The patterns of violations previously identified continue on a wide scale. Conscription continues to be indefinitely imposed.

Eritrean government representatives declared that the new policy would apply starting with conscripts of the 27th round, who graduated from Sawa National Service Training and Centre in 2014, and stated that these conscripts had been informed. The 27th and 28th round of conscripts are still within their mandated 18 month period of conscription. However, Amnesty International interviewed several conscripts from the 27th round, siblings of conscripts from that round or people who had come into contact with 27th round conscripts through their own National Service. None of those interviewed had heard about the commitment by government to cease indefinite conscription starting with the 27th round.

The statements made by members of the government did not suggest any plans concerning the demobilisation of those conscripted earlier than the 27th round, including those who have been conscripted for up to 20 years. Conscription continues to be indefinite for a large proportion of conscripts in the country. The Wall Street Journal, whose correspondent was permitted a media trip to Eritrea in September 2015, reported that the government had rejected a USD227 million plan from the EU to facilitate the demobilisation of a group of long-serving conscripts because it “would violate the principle that no one is exempt from patriotic duties.”¹⁸

Among the people whom Amnesty International interviewed for this report were people who had been conscripted in service for 15 years before they fled the country. Some of them fled the country in July 2015, indicating that long-term conscription without demobilisation continues. Other interviewees had husbands or fathers who are still in service and have been conscripted for 20 years. For example, Binyam, an 18 year old, told Amnesty International,

*“My father is still in military conscription. He started conscription before I was even born;”*¹⁹

Similarly, Danait, a 34 year old woman, said,

*“My husband has been in service since 1994. Twenty years in conscription and his salary is still 450 Nakfa,”*²⁰ *and he has four children;”*²¹

Eyob, a 23 year old man said,

“I have two brothers and they are both in service. One brother has been conscripted for ten years, one for four years. I also have another older brother. He was in the army, but he spent eight years in prison

¹⁷ See for example, Amnesty International, ‘Eritrea: 20 years of independence, but still no freedom,’ (May 2013), (available at <https://www.amnesty.org/en/documents/afr64/001/2013/en/>); Human Rights Watch, *Service for Life: State Repression and Indefinite Conscription in Eritrea*, (April 2009), available at https://www.hrw.org/sites/default/files/reports/eritrea0409webwcover_0.pdf.

¹⁸ <http://www.wsj.com/articles/what-its-like-inside-asmara-one-of-africas-most-isolated-capitals-1445390907> (accessed 16 November 2015)

¹⁹ Amnesty International interview, male, 18 years old, Rome, Italy, 6 September 2015

²⁰ This equates to around \$43 USD, according to international exchange rates www.xe.com, (accessed 22 October 2015). However, according to a journalist who was granted a rare visa to visit Eritrea in October 2015, it would buy about \$10 USD on the black market inside the country (<http://www.wsj.com/articles/eritreans-flee-conscription-and-poverty-adding-to-the-migrant-crisis-in-europe-1445391364>)

²¹ Amnesty International interview, female, 34 years old, Rome, Italy, 3 September 2015

and then he ran from the country. I did not want to go to National Service because I did not want to go to prison.”²²

Amnesty International heard numerous similar stories from interviewees. All former conscripts interviewed by Amnesty International could not leave National Service and had not been told when their service would end. They spent years and, in some cases decades, in National Service. Among the longer serving conscripts interviewed, there was only one case where demobilisation was reported. Medhanit, a pregnant 32 year old woman, told Amnesty International that her group from the 19th round had recently been demobilised, after ten years of service. However, she believed they were only demobilised because one member of her group was the daughter of a commander and that he had used his influence to ensure the group was demobilised. She had been assigned to work on a government farm until her demobilisation. She said,

“I was doing plant protection in a government farm in Gash Barka. It was like a prison more than a job, we weren’t even doing efficient work, I think they did it just to control us.”²³

Conscripts continue to be assigned to a range of civilian as well as military roles, and have no say over the nature of the role they are assigned to. These practices within National Service continue to amount to forced labour as defined, and prohibited, under international law. Almost every person interviewed by Amnesty International in 2015 had fled to avoid or desert from National Service because of its indefinite nature; several of them specified that they did not object to performing a period of service in principle, provided it was clearly defined and not indefinite. There was a high proportion of children, of 16 or 17 years old, and young adults²⁴ among interviewees, who had fled the country to avoid the indefinite and prolonged service they had seen their parents and older siblings subjected to.

People interviewed objected not only to the indefinite nature of service and the harsh conditions of service which are compounded by its prolonged duration; but also to the fact that prolonged conscription prevented them from being able to work to earn enough money to survive or to access education opportunities. For example, Aklilu, 31 years, explained his reasons for fleeing this system,

“I was seven years in the military, but it was impossible to live. I have my mother, my three children and my wife all dependent on me, and I could not afford to feed any of them.”²⁵

Birhane, a young man of 22 years demonstrated how conscription obstructs people from being able to exercise choice over the way they may spend a large part of their working life,

“My preference is music. I studied the guitar and I wanted to follow those studies and spend my life creatively, but you cannot do that in Eritrea. I was assigned to construction work.”²⁶

The indefinite nature of service also has a destructive impact on family life, in violation of Eritrea’s obligations as a state party to the ICCPR. Several interviewees objected to the fact that the indefinite nature of service meant that multiple members of the same family were conscripted at the same time, including parents and children serving simultaneously. Awate, a young man aged 23, said,

²² Amnesty International interview, male, 23 years old, specific location withheld, Switzerland, 11 September 2015; also referenced in footnote 71

²³ Amnesty International interview, female, 32 years old, Rome, Italy, 3 September 2015

²⁴ In this report, young adult (man or woman) refers to people between the ages of 18 and 25 years

²⁵ Amnesty International interview, male, 31 years old, Rome, Italy, 2 September 2015

²⁶ Amnesty International interview, male, 22 years old, Rome, Italy, 6 September 2015

*"I left to avoid conscription, before they called me. My father has been in military service ever since independence, we would see him twice per year. My father is already in service, so I objected that they would also add me. At least if they free my father, they can take me, but not both of us, that's not fair. It's OK to make some contribution to the nation but not the sacrifice of the whole family."*²⁷

Stories of multiple members of the same family being conscripted at the same time were common among interviewees. Fikru, aged 25, said,

*"My two older brothers are both in the military. One has been conscripted for ten years, the other brother has been in the military for seven years. I am the third brother. I served three years before I ran away."*²⁸

Mariam, an 18 year old, told Amnesty International that a new requirement for older women to report for duty in some areas in 2015 - detailed later in this report - meant that every member of her immediate family was affected by conscription,

*"My father has been in the military since before my older brothers were born. And now, earlier this year [2015], they introduced this new thing that women had to go - including my mother, she had to go for training for about one month. My older brother was in the military for about six years, then he fled the country, and now they want me too?"*²⁹

A significant proportion of conscripts are stationed away from their family, in some cases, substantial distances away. The allowance for home leave for most conscripts is limited and often arbitrarily-administered. Conscripts are also unable to travel within the country without a movement pass. As a result many families – spouses, parents and children – see little of each other. The situation is exacerbated by the poor communications infrastructure and low mobile phone penetration,³⁰ as well as their cost, unaffordable for many families where key wage-earners are conscripted. Often for periods of many years, spouses and parents and children have little or no contact with each other outside of their limited periods of home leave. Elen, a woman aged 34 years, told Amnesty International,

*"My husband has been in service since 1994. I saw him one month per year during his leave. The rest of the time, we had a real problem of communication because if he wasn't stationed in a city where he could call then we might go for the whole 11 months without speaking to each other."*³¹

Many people interviewed by Amnesty International in 2015 had fled the country because they were already conscripted with no clear sign of when they would be demobilised, and because of the attendant hardships outlined above. However, a notable proportion of interviewees were children of 16 and 17 years and young adults who had fled to avoid being conscripted. This younger group often repeated in interviews that they were determined to evade National Service because they did not want to experience what they saw their parents and older siblings going through. Specifically, they objected to being trapped indefinitely in barely-paid labour, in harsh conditions, with no control over their own lives. Rahel, a 16 year old girl who left Eritrea alone, said she and her family wanted to avoid her conscription, but that her family's solution was to marry her off, which she also did not want,

²⁷ Amnesty International interview, male, 23 years old, Rome, Italy, 4 September 2015

²⁸ Amnesty International interview, male, 25 years old, Rome, Italy, 1 September 2015

²⁹ Amnesty International interview, female, 18 years old, Rome, Italy, 7 September 2015

³⁰ A study published by the Guardian newspaper (UK) in September 2015 reported Eritrea had the lowest mobile phone penetration rate in Africa: <http://www.theguardian.com/commentisfree/datablog/2015/sep/10/africa-in-numbers-how-its-countries-compare> (accessed 16 November 2015)

³¹ Amnesty International interview, female, 34 years old, Rome, Italy, 3 September 2015

*"I wanted to avoid it [conscription] because it is a nonsense activity, both for the country and for me. There is no war. I do not see the use of people being stationed on the border always as if there is war, and I cannot imagine myself spending years of my life on that border. It is stupid. My parents wanted to marry me off to avoid me being conscripted, but I imagined my life with a husband always in National Service, so I would have the burden of the survival of the family."*³²

Osman, a 16 year old boy, expressed similar sentiments,

*"My father has grown old in their service. I do not want that."*³³

In addition to the continuing practice of prolonged and indefinite conscription, Amnesty International received information that, since 2012, there has been a mobilisation of older men and women, detailed later in this report. While this mobilisation falls outside of National Service, it is a further illustration of the imposition of forced labour on the Eritrean population.

³² Amnesty International interview, female, 16 years old, Rome, Italy, 6 September 2015

³³ Amnesty International interview, male, 16 years old, Rome, Italy, 3 September 2015

PART II - NATIONAL SERVICE FRAMEWORKS AND PRACTICES

THE NATIONAL SERVICE LEGAL FRAMEWORK

In 1995, the Eritrean government issued the Proclamation of National Service (No. 82/1995)³⁴ under which National Service, which encompasses active national service and reserve military service, was declared mandatory for men and women between the ages of 18 and 50. Active National Service is compulsory for all citizens between the ages of 18 and 40, followed by reserve duties. The initial period of service is meant to be 18 months, consisting of six months' military service followed by 12 months' deployment in military or government service.³⁵

The objectives of National Service include, *inter alia*, "the establishment of a strong Defence Force based on the people to ensure a free and sovereign Eritrea; to create a new generation characterised by love of work, discipline, ready to participate and serve in the reconstruction of the nation; to develop and enforce the economy of the nation by investing in development work our people as a potential wealth; to develop professional capacity and physical fitness by giving regular military training and continuous practice to participants in Training Centers."³⁶

The Ministry of Defence is responsible for National Service.³⁷ In practice, other ministries are involved in the assignment of people to National Service positions which fall under the mandate. The National Service Proclamation also lays out the punishments for evasion or desertion, including for attempting to do either by trying to leave the country.

In 2002, the government launched the 'Warsai Yikealo Development Campaign' (WYDC) where National Service conscripts were deployed to posts in the civil service, national and local administrations and state-owned companies, in addition to the military. The WYDC also extended the statutory 18 month period of service indefinitely.³⁸

The government cites aggression and the threat of invasion from its neighbour Ethiopia as the key justification for the necessity of indefinite service.³⁹ After the two countries returned to armed conflict

³⁴ Proclamation on National Service No. 82/1995 of 1995, <http://www.refworld.org/docid/3dd8d3af4.html>. This formalised an earlier Proclamation - No. 11/1991 which had established National Service as an 18 months development service under the Ministry of Regional Administration. (accessed 16 November 2015)

³⁵ Article 8, Proclamation of National Service (No. 82/1995) (Translation), <http://www.refworld.org/docid/3dd8d3af4.html>

³⁶ Article 5, *ibid*. Note: this is a direct quote of the translation.

³⁷ Article 34, *ibid*.

³⁸ There is no written Proclamation of the WYDC

³⁹ After World War II, despite the desire of many Eritreans for independence, the UN supported a plan to merge Eritrea with Ethiopia as an autonomous federated unit. Ethiopia began to erode that autonomy shortly afterwards, culminating in a decree abolishing the federation in 1962 - illegally annexing Eritrea and sparking a 30-year war of independence. In 1991 the government of Mengistu Haile-Mariam was overthrown in Ethiopia and the new provisional government agreed to hold a referendum on Eritrea's future. In April 1993 the people of Eritrea - in the country and dispersed around the world, voted overwhelmingly for independence.

from 1998-2000, an independent Eritrea-Ethiopia Boundary Commission ruled, in 2002, in favour of Eritrea over a disputed piece of land occupied by Ethiopia. The ruling has not been implemented and the international community has made little effort to enforce the decision. Partly as a result of this, the government considers the country must be on a permanent war footing. Whether or not this fear is valid, the fact that a significant proportion of conscripts are assigned to non-military roles is inconsistent with the government's claims about the military necessity for indefinite conscription. With regard to the claim that Eritrea faces a national emergency, under international law the power to call up labour to meet a national emergency or to use military conscripts to perform non-military activities should be confined to genuine cases of emergency or *force majeure* – that is, a sudden unforeseen happening calling for instant countermeasures. The duration of such compulsory service and the purpose for which it is used should be limited to what is strictly required for the exigencies of the situation;⁴⁰ In any case, the government has never officially declared a state of emergency.

METHODS OF CONSCRIPTION

Conscription into National Service primarily takes place via two channels; the education system and regular 'round-ups' (*giffa* in Tigrinya) of the population. Orders to report for duty are also sent to the parents of children no longer in school, but only one person interviewed by Amnesty International had complied with such orders when they came. Many interviewees stated that they ignored the summons or even that its arrival precipitated their departure from the country. Most people caught attempting to flee the country are arrested, detained and then conscripted once released, as discussed later in this report.

CONSCRIPTION THROUGH THE EDUCATION SYSTEM - SAWA NATIONAL SERVICE AND TRAINING CENTRE

Since 2003, all schoolchildren are required to undertake grade 12 of school in Warsai Yikealo Secondary School in Sawa National Service and Training Centre (Sawa). Grade 12 students are aged between late teens and early twenties, depending on the age at which they first joined school and on whether they had to repeat grades. Some grade 12 students transferred to Sawa are 17 years old, occasionally younger. The year spent at Sawa culminates in assignment to National Service.

Each annual intake of conscripts at Sawa is referred to as a 'round.' The 28th round graduated from Sawa in July 2015. According to the Ministry of Information, 11,000 students participated in this round.⁴¹ This number does not include people conscripted through round-ups and arrests and trained at different military training centres.

The year spent at Sawa consists of around six months of education during which students study for their final school exams, followed by four to five months of military training. Most of the instructors for both the grade 12 education and military training components are conscripts themselves. Former conscripts recounted that the military component involves physical fitness training, military discipline and procedures and training in the use and care of weapons and munitions. Students also undertake a two- to four-week 'war simulation' training in the bush away from the camp. Tesfay, a 21 year old man, explained this simulation training to Amnesty International,

⁴⁰ See International Labour Organization (ILO), Forced Labour Convention, 1930 (No. 29), Eritrea: Observation of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) - adopted 2014, published 104th ILC session (2015), http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13101:0::NO::P13101_COMMENT_ID:2337201 (accessed 5 November 2015)

⁴¹ See for example <http://www.shabait.com/news/local-news/20141-participants-of-28th-round-national-service-and-7th-course-vocational-training-centre-in-sawa-graduate-> (accessed 17 November 2015)

*"You go out from the camp, make a makeshift shelter to sleep in, and live in the open. It's so you can know how the life was in the war of independence, to show you what they [the government] experienced and went through, and the trainers said if the war comes we must be ready to resist."*⁴²

Students are also instructed in the political and ideological basis of National Service. Former students at Sawa told Amnesty International that they were taught that Eritrea was under threat from Ethiopia, and must be defended against invasion; about the sacrifice of the 'martyrs' and the fighters in the war of independence, and that they [the conscripts] had a duty to serve and build the country. Some former students also told Amnesty International they were taught that they should not leave the country. Solomon, 20 years old, said,

*"The training involves the political situation of the country, like how it's our duty to serve the country. And that we should not leave the country because it is harmful for the country and for ourself."*⁴³

Former conscripts and instructors say that Sawa can accommodate around 20,000 students. Former students at Sawa described the living conditions and the training and treatment of students at the centre as harsh.

*"There are a lot of people fainting or getting sick because of the heat, the little food and the hard training."*⁴⁴

The region where Sawa is located can experience high temperatures during the day.⁴⁵ Students sleep in hangars, with 100 or 150 sharing a dormitory. Several former conscripts at Sawa told Amnesty International the food they were given was inadequate and of poor quality, mostly consisting of lentils and bread every day. Semere, a 20 year old man, added,

*"The food is not really food that should be given to people. It is very poor quality, there are insects in it. But you have no choice, you have to eat it in order to survive. The beds are also not clean, there are parasites that bite you in the night so you cannot sleep."*⁴⁶

Although students are purportedly there for education as well as military training, the whole ethos of Sawa is militarised. The students are subjected to military style discipline, presided over by military commanders. Simon, 23 years and a former conscript, underlined the militarised nature of Sawa,

*"It is not good conditions in Sawa, but because you are there for military education you do not expect something comfortable."*⁴⁷

Harsh punishments are meted out for minor infractions. Yonas, 25 years old, and former conscript assigned as a trainer at Sawa, told Amnesty International,

⁴² Amnesty International interview, male, 21 years old, Rome, Italy, 7 September 2015

⁴³ Amnesty International interview, male, 20 years old, Rome Italy, 4 September 2015

⁴⁴ Amnesty International interview, male, 25 years old, Rome, Italy, 7 September 2015

⁴⁵ During May and June, which are the hottest months of the year, day time temperatures regularly reach 35 degrees, and can go up to 40 degrees Celsius.

⁴⁶ Amnesty International interview, male, 20 years old, Zurich, Switzerland, 12 September 2015

⁴⁷ Amnesty International interview, male, 23 years old, specific location withheld, Switzerland, 11 September 2015

"I was assigned as a trainer at Sawa for seven years. I was responsible, among other things, for discipline. If students were caught trying to run away I was obliged to hand them over to my superiors and they would be imprisoned."⁴⁸

ASSIGNMENT FROM SAWA

At the end of the year at Sawa, students undertake their final Eritrean High School Leaving Certificate examination (matriculation). Interviewees told Amnesty International that, after the exams, students are given a month of home leave and then are required to return to Sawa for their exam results and their assignment to National Service.

Based on the frequency with which it was mentioned by interviewees, it appears that a number of students take this point as their opportunity to evade National Service and do not return to Sawa.⁴⁹

"I did not get enough points to pass my exam so I knew I would be assigned to the military, so I did not go back. Conscription means work without salary."⁵⁰

According to a study on education in Eritrea, students must score a minimum 2.0 General Point Average to be assigned to further education. Higher grade students are assigned to degree programmes and those with a lower pass mark are assigned to diploma programmes.⁵¹

Those who do not score a sufficiently high grade to be assigned to higher education are immediately assigned to National Service, either in the defence forces - military, naval and airforce - or in a civilian role. In some cases, those assigned to the defence forces are sent for further training, depending on the role they are assigned to.

Those who pass the exam are assigned to one of seven government colleges. These are the College of Agriculture in Hamelmalo; the Eritrea Institute of Technology, in Mai Nefhi, near Asmara, which has three colleges - Science, Engineering and Technology and Education; the College of Marine Science and Technology in Massawa; the College of Arts and Social Sciences in Adi-Keih; the College of Business and Economics in Halhale; the College of Health Sciences in Asmara; and the Orotta School of Medicine and Dental Medicine also in Asmara. These colleges provide degree and diploma programmes. The colleges have a number of employees who are non-nationals due to the shortage of qualified labour in Eritrea, including many employees from India and a number from Kenya.⁵² Expatriate employees are paid in USD, while their Eritrean colleagues are conscripts and are paid National Service wages.

There is no university in Eritrea since Asmara University was closed down by the government. Asmara University stopped new student enrolments in 2002 and then closed completely when the last students graduated in 2004. Some of the university buildings are now used for the medical colleges based in Asmara. The government claimed the move to close down the university and open colleges

⁴⁸ Amnesty International interview, male, 25 years old, Rome, Italy, 4 September 2015

⁴⁹ Evasion and its consequences are discussed in Part III of this report.

⁵⁰ Amnesty International interview, male, 22 years old, Rome, Italy, 8 September 2015

⁵¹ p.9, Norwegian Agency for Quality Assurance in Education (NOKUT), Report on recognition of higher education in Eritrea and Ethiopia, 2013, http://www.nokut.no/Documents/NOKUT/Artikkelbibliotek/Kunnskapsbasen/Rapporter/UA/2013/Gulliksen_Anne-Kari_Audensen_Erik_Report_on_recognition_of_higher_education_in_Eritrea_and_Ethiopia_2013-1.pdf (accessed 17 November 2015)

⁵² See for example: <http://www.the-star.co.ke/news/eritrea-hires-35-kenyans> (accessed 17 November 2015)

of higher education around the country was intended to enable higher education access to a larger number of students, including to students outside the capital. However, the university was shut down shortly after its Student Union President, Semere Kesete, was arrested in 2001 for protesting against its mandatory summer work programme, followed by the arrest of around 2,000 students who protested against his arrest.⁵³

Higher education in Eritrea is part of National Service. Students are assigned from Sawa to a college and programme of study, neither of which they have a choice over in most cases. Tadesse, a 21 year old man, told Amnesty International,

*"I passed to college, but I did not get the department I wanted, you do not have any say. I wanted to study medicine, but they put me in the scientific department in Mai Nefhi in the EIT [Eritrea Institute of Technology]."*⁵⁴

Students are assigned to National Service once they complete their courses. They have little or no say over their assignment, which sometimes has no connection with their course of study, as Tesfalem, another former conscript aged 21, related:

*"I was assigned to study construction, and then I was not even assigned to construction work, so even the little you study is pointless."*⁵⁵

Several interviewees told Amnesty International that they and their fellow students were ordered to do either military summer programmes or were assigned to tasks which interrupted their study while at one of the colleges. For example, Mesfin, a 21 year old man, told Amnesty International,

*"When I was about to finish the second year of college, they ordered me to do a military summer programme in Afar. They call your number randomly. I was called but I did not want to go. They said go or be imprisoned. My older brother had been imprisoned for two months because he refused to do that programme."*⁵⁶

Another young man, Kifle, who had been assigned to college in Mai Nefhi said that when he was in the second year of study, he and his fellow students were deployed to a temporary military assignment for one year, carrying out an inventory on an army depot.⁵⁷

Theoretically, all students who achieve above a certain grade are assigned to one of the colleges, but a number of interviewees said that this had not happened in the last two to three years. Several interviewees reported to Amnesty International that far fewer students graduating from Sawa in the 26th, 27th and 28th rounds, between 2013 and 2015, were assigned to college than in previous years. Mebrahtu, a 27 year old former conscript said,

⁵³ See for example, 'You have no right to ask', *Government resists scrutiny on human rights*, (Report), Amnesty International, May 2004, <https://www.amnesty.org/en/documents/AFR64/003/2004/en/> and <http://news.bbc.co.uk/1/hi/world/africa/1501092.stm> (accessed 17 November 2015)

⁵⁴ Amnesty International interview, male, 21 years old, Rome, Italy, 7 September 2015; interview also referenced on page 27, FN 73

⁵⁵ Amnesty International interview, male, 21 years old, Rome, Italy, 6 September 2015

⁵⁶ Amnesty International interview, male, 21 years old, Rome, Italy, 7 September 2015

⁵⁷ Amnesty International interview, male, 20 years old, Rome, Italy, 4 September 2015

“When the 27th round completed their military training they were distributed to the military with very few sent to college. I heard this from some from the 27th round who were assigned to where my military unit was based.”⁵⁸

Solomon, a 38 year old man, likewise said,

“When the 27th round of students finished at Sawa, almost all of them were sent to the military. Only the ones who got the very highest marks went to college and the other ones were all sent to the military. This was against their expectations, the ones who did well expected to go to college.”⁵⁹

No information on numbers of people conscripted and their assignments in National Service is publicly available. But, if these reports are accurate, it appears that this might further obstruct the right to access tertiary education, as admission is only via assignment from Sawa.

CONSCRIPTION THROUGH OTHER ROUTES - ROUND UPS

Not all conscription happens through the education system because a number of children drop out of school before they reach, or finish, grade 11. Amnesty International found that early school drop outs are caused in part by National Service, demonstrating that National Service contributes to negative impacts on people's ability to enjoy or exercise their right to education. National Service influences what age children leave school in several ways. Yemane, a 22 year old, told Amnesty International,

“I stopped 11th grade half way through to avoid going to Sawa.”⁶⁰

Many other children drop out of school for economic reasons. National Service puts an economic burden on young children because their fathers, sometimes their mothers and their older siblings are either already conscripted and paid insufficient wages to cover the family's needs or have fled the country to escape National Service. The period before conscription is often the best opportunity children have to earn money to help the family financially, causing children to leave school early. Several children told Amnesty International they felt they had economic responsibilities towards their families. Rahel, a 16 year old girl, said,

“After my older brother escaped⁶¹ from the country I was the oldest child, with a younger brother and sister. It was difficult for my family to survive, so I left school and went to work so that the family could have money.”⁶²

Several other interviewees said they dropped out of school because the treatment and fate of conscripts was the same whether or not they were educated. They had concluded there was no point being educated. Haile, a 16 year old boy, told Amnesty International,

⁵⁸ Amnesty International interview, male, 27 years old, specific location withheld, Switzerland, 13 September 2015

⁵⁹ Amnesty International interview, male, 38 years old, specific location withheld, Switzerland, 13 September 2015

⁶⁰ Amnesty International interview, male, 22 years old, Rome, Italy, 7 September 2015

⁶¹ Many interviewees used the verb 'escape' when talking about fleeing the country

⁶² Amnesty International interview, female, 16 years old, Rome, Italy, 6 September 2015. Interview also referenced on footnote 32

"In my school the military came to take the older class than me. They do not care if you study or not. After they took the others I left school. I was in the 8th grade. Because what is the point of school if they take you anyway?"⁶³

The families of children and young adults no longer in school receive orders that the individual must report for duty. For example, Dawit, a 17 year old boy, explained to Amnesty International,

"I stopped going to school to help my family economically, because my parents are old. When I was 16 my family received a letter from the local administration asking why I had stopped school and saying if I wasn't going to school any longer I had to go to conscription. My father appealed that I was too young, because I was 16, but they said if I was not going to school I had to go for training."⁶⁴

Comments by interviewees to Amnesty International suggested that few people comply with these orders. It is more often the case that most of those who are not conscripted through the school system are either caught in round-ups or are caught attempting to leave the country. In both cases, interviewees indicated that it is regular practice that the would-be conscript is first arbitrarily detained without charge or trial and then transferred to training.

Round-ups ('*giffa*' in Tigrinya) are regularly conducted by the military to look for people evading conscription. Round-ups take place several times a year throughout the country. Soldiers search in the streets and in houses, shops and businesses looking for people of National Service age and checking their papers. Anyone found without documents justifying their absence from National Service - such as a student ID or medical exemption papers - is taken immediately for training. Yodit, aged 18, told Amnesty International,

"I had to leave school to help out my mum, because my father was dead. But because I was not in school they could catch me any time without papers and take me to Sawa. I could not move anywhere because I did not have papers."⁶⁵

Interviewees caught in round-ups frequently mentioned they were subjected to a period of arbitrary detention as punishment for trying to evade conscription before being sent for training. As with all National Service-related detention, when, to whom and for how long these punishments were meted out was arbitrary and at the discretion of the commander present.⁶⁶ Yemane, a 22 year old man who had dropped out of school to avoid conscription described to Amnesty International how he was conscripted,

"I was caught in a round up in Mendefera. Soldiers surrounded the town and asked everyone for their papers. They caught me in the street, I did not have papers so they took me to Oubol. There is a training camp and an underground prison there. So they punished me in that prison for one month for not reporting for duty, because they said I had dropped out of school on purpose to avoid conscription, then [they] sent me for training."⁶⁷

Some interviewees told Amnesty International that the military would sometimes round up students in school on the basis that they were either too old and therefore due to report for training instead or

⁶³ Amnesty International interview, male, 16 years old, Rome, Italy, 2 September 2015

⁶⁴ Amnesty International interview, male, 17 years old, Rome, Italy, 7 September 2015

⁶⁵ Amnesty International interview, female, 18 years old, Rome, Italy, 4 September 2015

⁶⁶ See part III of the report – Evasion, Desertion and Trying to leave the country (arrests/detention) from page 40

⁶⁷ Amnesty International interview, male, 22 years old, Rome, Italy, 7 September 2015. Interview also referenced on footnote 60

of intentionally failing classes to repeat years and avoid conscription. Students rounded up under these circumstances risked arbitrary detention as punishment before being sent for training.

Woldu, a 25 year old man, told Amnesty International,

*"They [the military] took me from school straight to Klima camp. I was 21. I had some problems in school and was repeating some years, that's why they took me straight instead of going to Sawa."*⁶⁸

It is possible to avoid round-ups. Several interviewees said they had hidden for up to several years, often by going into the bush and away from residential centres when round-ups were happening. But many also stated that they decided to flee the country because it was impossible to hide forever. Mehret, a 24 year old woman told Amnesty International,

*"People would warn me when a round-up was happening and I would hide. They regularly did sweeps, they would arrest everyone and then check their status - if your papers are in order, OK, you can go. If you are meant to be in conscription, they take you. I was afraid the whole time."*⁶⁹

Eyob, a 23 year old man similarly said,

*"I left school after 8th grade. For about three and a half years I just hid in the bush. I was staying in an area which is a bit remote so it was easy to hear if a round-up was happening and go and hide in the bush. But the giffa was too strong, so I had to leave."*⁷⁰

Restrictions on freedom of movement in Eritrea also facilitate round-ups and the arrest of people evading service. Movement passes are required for all travel around the country and even within towns. Papers are checked on an ad hoc basis, increasing the risk of capture for people of National Service age without documents validating their absence from service. Checkpoints are in place at several points around Asmara and on roads between major towns. Any vehicle can be stopped at these checkpoints and travellers' papers checked, principally to find National Service evaders and deserters. A number of interviewees noted this makes fleeing the country more difficult for people who do not live, or who are not stationed in their National Service role close to one of the borders. Tadesse, who travelled from the interior of the country when trying to leave said,

*"There were about three checkpoints between Asmara and Teseney."*⁷¹ *The soldiers were checking everyone in all the buses."*⁷²

Woldu, a 25 year old man who also travelled from the interior of the country, related a similar experience,

*"I was travelling by bus and I was told there was a checkpoint ahead, near Barentu. We left the bus and went on foot, but the soldiers saw us. They were firing at us but we ran and we got away."*⁷³

⁶⁸ Amnesty International interview, male, 25 years old, Rome, Italy, 1 September 2015; Interview also referenced see FN 76; FN

⁶⁹ Amnesty International interview, female, 24 years old, Rome Italy, 3 September 2015

⁷⁰ Amnesty International interview, male, 23 years old, specific location withheld, Switzerland, 11 September 2015. Interview also referenced on footnote 22

⁷¹ Teseney is a town very close to the border with Sudan

⁷² Amnesty International interview, male, 21 years old, Rome, Italy, 7 September 2015. Interview also referenced on footnote 54

⁷³ Amnesty International interview, male, 25 years old, Rome, Italy, 1 September 2015. Interview also

OTHER MILITARY TRAINING CAMPS

Some of those caught in round-ups and similar circumstances described above are transferred to Sawa to train alongside those conscripted through the education system. However, among people interviewed by Amnesty International, the majority of those caught in round-ups and those suspected of trying to evade conscription were sent to different training camps. In all cases of people caught in round-ups reported to Amnesty International, the individual was arbitrarily detained without charge at the detention facility of the camp or another detention facility for attempting to evade service, as discussed in part III of this report. The information given to Amnesty International by former conscripts indicates that the conditions in these training camps are harsher than at Sawa.

Training centres/camps mentioned to Amnesty International where conscripts had undergone training in recent years included Klima, near Assab; Nakfa; Me'eter; Oubol; Gergera and Mendefera.

Teodros, a 21 year old man, told Amnesty International he was arbitrarily detained for attempting to evade conscription though he had received a temporary exemption for sports training and had voluntarily reported for National Service training when ordered to do so. He said,

*"For four months, I was in military training in Nakfa, where the new military training centre is, from January until May [2014]. There were more than 50 people, they had all been rounded up from different places. The ages were very different. Some were rounded up from Asmara, up to the age of 40 or even 50, who had to do the training with us. I felt very bad for those, the training was very hard for them. Even worse training than ours."*⁷⁴

A few interviewees said that, after they were caught, they were initially held in detention, until enough people had been caught via round-ups or other methods to constitute a big enough group to transfer for training. For example, Filmon, a 21 year old man said,

*"I was captured when I tried to leave Eritrea and they took me to Me'eter, which is a military training camp and also a prison. I was there for eight months. It is detention, but also they were gathering people who have been caught trying to leave until there were enough people for a division for training, and then they sent us to training. So it is punishment and waiting at the same time. After eight months I was assigned to Mai Seraw, near Segheneyti, for training for six months."*⁷⁵

CONSCRIPTION OF CHILDREN

The Optional Protocol to the Convention on the Rights of the Child (OPAC) on the involvement of children in armed conflict, to which Eritrea is a party, states that "States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces."⁷⁶ At the point of ratification, the government made a binding declaration as required under Article 3(2) of the Optional Protocol, setting out their minimum voluntary recruitment age as eighteen

referenced on footnote 68

⁷⁴ Amnesty International interview, male, 21 years old, specific location withheld, Switzerland, 13 September 2015

⁷⁵ Amnesty International interview, male, 21 years old, specific location withheld, Switzerland, 13 September 2015

⁷⁶ Article 2, Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRG.aspx> (accessed 17 November 2015)

years.⁷⁷ The African Charter on the Rights and Welfare of the Child also explicitly calls on states to refrain from recruiting any child [into the military].⁷⁸

Whilst conscription into National Service does not involve immediate military deployment, but rather begins with a period of training, the students at Sawa as well as those sent directly for military training at other military camps have military status and are under the jurisdiction of the Ministry of Defence. As described above, the training includes military discipline and procedures, weapons training on the use and care of weapons and munitions, as well as a two- to four-week 'war simulation.' Conscripts in the camps are subject to military-style living conditions and discipline, with harsh punishments, including for minor infractions. The training is effectively the first stage of conscription into the military and would appear to run counter to Eritrea's obligations under the OPAC.

Children of 16 and 17 years old have been taken for military training, which generally lasts for around four to six months. While many conscripts are assigned to civilian roles at the end of training, a high proportion are assigned to continue in military roles. Therefore, it is likely that some conscripts have still been under 18 years of age when deployed to the military at the end of training.

NO PROVISION FOR CONSCIENTIOUS OBJECTION

It is a violation of an individual's freedom of conscience to compel them to engage in military service against their conscience, religion or belief. Any system of compulsory military service without special accommodation for those who are conscientious objectors because of their religious or other convictions or beliefs is incompatible with international human rights law. The UN Human Rights Committee has noted that conscientious objection to military service derives from the right to freedom of thought, conscience and religion under Article 18 of the ICCPR.⁷⁹ This has been reiterated in repeated resolutions of the UN Commission on Human Rights and the UN Human Rights Council which have called on states not to imprison conscientious objectors, to take measures to exempt people with a genuinely held conscientious objection from military service and to make provisions for conscientious objectors to carry out alternative service compatible with their reasons for conscientious objection.⁸⁰ The UN Working Group on Arbitrary Detention has ruled that imprisonment of conscientious objectors to military service is a form of arbitrary detention.⁸¹

⁷⁷ Article 3(2) : "Each State Party shall deposit a binding declaration upon ratification of or accession to the present Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced." <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACRC.aspx>

⁷⁸ Article 22.2, African Charter on the Rights and Welfare of the Child, [http://www.au.int/en/sites/default/files/Charter En African Charter on the Rights and Wlefare of the Child AddisAbaba July1990.pdf](http://www.au.int/en/sites/default/files/Charter%20En%20African%20Charter%20on%20the%20Rights%20and%20Welfare%20of%20the%20Child%20Addis%20Ababa%20July%201990.pdf) (accessed 17 November 2015)

⁷⁹ UN Human Rights Committee, General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18), UN Doc. CCPR/C/21/Rev.1/Add.4, 30 July 1993, http://www.un.org/ga/search/view_doc.asp?symbol=CCPR/C/21/Rev.1/Add.4. The Committee adopts its General Comments unanimously. (accessed 17 November 2015)

⁸⁰ UN Commission on Human Rights Resolutions 1989/59, 1993/84, 1995/83, 1998/77, 2002/45, and 2004/35 and UN Human Rights Council Resolution 24/17 adopted without a vote on 27 September 2013. (The UN General Assembly established the Human Rights Council on 16 June 2006 (A/RES/60/251), to replace the Commission on Human Rights.)

⁸¹ Opinion No. 8/2008 (Colombia) adopted 8 May 2008 and Opinion No. 16/2008 (Turkey) adopted 9 May 2008, in Opinions adopted by the Working Group on Arbitrary Detention, UN Doc. A/HRC/10/21/Add.1, pp.

States with systems of compulsory conscription into the military that comply with international human rights law need to ensure that relevant legislation and the conscription system recognizes of conscientious objection. They must also ensure that if conscientious objectors are not entirely exempted from military service, they have the option to perform an appropriate alternative non-punitive service of a genuinely civilian character which is under civilian control and of a length comparable to that of military service.

In Eritrea, there is no provision for conscientious objection in the National Service Proclamation to provide an alternative civilian service for those who object to military service on religious, ethical or other conscientious grounds. Those who refuse National Service conscription on conscientious grounds, such as Jehovah's Witnesses,⁸² continue to be indefinitely arbitrarily detained, without charge or trial, for refusing to undergo military training. The most recent arrest reported was that of Bereket Habteyesus, a 23 year old man, arrested in May 2014 for refusing to undertake military training on conscientious grounds as a Jehovah's Witness. At least 16 Jehovah's Witnesses are arbitrarily detained without charge or trial in Eritrea for conscientious objection, as of September 2015.⁸³

As far as Amnesty International is aware, the longest cases of detention of conscientious objectors in Eritrea are those of Paulos Eyassu, Isaac Mogos and Negede Teklemariam, who have been detained for their conscientious objection to military service since 1994.

EXEMPTION FROM NATIONAL SERVICE

Exemption from National Service is usually granted to women and girls who are married, pregnant or have children. This is an unwritten policy and appears to be arbitrarily implemented. While a number of those interviewed by Amnesty International in 2015 stated that either they or female relatives were not conscripted because they were married, other female interviewees had been required to continue in National Service after marriage, consistent with patterns of conscription and demobilisation identified previously by Amnesty International. The possibility of obtaining an exemption on grounds of marriage causes some parents to marry off girls at a younger age than would otherwise have been the case. Several interviewees reported this strategy to Amnesty International. For example, Haile, a 16 year old boy said,

*"My two older sisters are not in National Service. My family married them before they finished school so they could avoid it."*⁸⁴

110–14 and pp. 139–47, or available at <https://www1.umn.edu/humanrts/wgad/8-2008.html> and [http://www.unwgdatabase.org/un/Document.aspx?id=1989&terms=\(+turkey+\)](http://www.unwgdatabase.org/un/Document.aspx?id=1989&terms=(+turkey+)) respectively.

⁸² Jehovah's Witnesses have also been imprisoned for practising a religion not permitted by the state. Only four religions – Islam and the Orthodox, Catholic and Lutheran churches – are officially recognised in Eritrea. Thousands of adherents of religions not recognised by the state, including Pentecostal and Evangelical Christian denominations, have been arrested for practising their religion. Many have been subjected to torture or other ill-treatment to force them to recant their faith. For more details see for example, Amnesty International, *'Eritrea: 20 years of independence but still no freedom'* (available at <https://www.amnesty.org/en/documents/afr64/001/2013/en/>).

⁸³ See: <http://www.jw.org/en/news/legal/by-region/eritrea/jehovahs-witnesses-in-prison/> (accessed 17 November 2015)

⁸⁴ Amnesty International interview, male, 16 years old, Rome, Italy, 3 September 2015. Interview also referenced on footnote 63

As quoted above, Rahel, a 16 year old girl told Amnesty International,

*"My parents wanted to marry me off to avoid me being conscripted, but I imagined my life with a husband always in National Service, so I would have the burden of the survival of the family."*⁸⁵

The 1995 Proclamation exempts from National Service people "who suffer from disability such as invalidity, blindness, psychological derangement."⁸⁶ It also provides for temporary exemption on educational or health grounds.⁸⁷ But former conscripts told Amnesty International of people conscripted alongside them with physical disabilities, who were taken to Sawa for training. Some interviewees were also rounded up from school and taken for training. Two other interviewees told Amnesty International they had been sent for further military training or deployed to a military task while they were mid-studies at one of the colleges, despite the temporary exemption for students.

There is no health check or assessment of physical or mental fitness to serve either when people are first conscripted and sent for training or before they are assigned to their roles, whether military or civilian.

A medical assessment can take place at the end of the year at Sawa. But, according to information from former conscripts, the medical assessment is carried out on an ad hoc basis, and usually only if the conscript repeatedly requests it. To obtain exemption at this stage, a doctor has to recommend that the conscript is unfit to serve, whether for physical or mental health reasons, and this recommendation has to be confirmed by a military commander. The same is true once the conscript is assigned to National Service.

Those who are exempted from National Service are provided with relevant exemption documents. Conscripts refer to demobilisation on these grounds as being given 'board.' This expression apparently comes from the Proclamation on National Service, which specifies that "'board' means the Committee created...to examine and decide the petitions submitted by those who for various reasons are temporarily or permanently unable to undertake military training and are therefore free from national service."⁸⁸ In practice however, it is not clear whether such a Committee exists and, in the cases reported to Amnesty International, 'board' was decided at the discretion of the commander *in situ*.

People with disabilities and health problems have nevertheless been assigned to National Service roles. Habte, a 43 year old former conscript interviewed by Amnesty International, spent three years in National Service despite having a heart problem. He said,

*"There is not enough treatment available in National Service. I had a health check because I was always weak because I had a heart problem, but there was no health check at the beginning and no regular health check. I was assigned to construction work, controlling the machines. Eventually I was demobilised because of my heart problem. But after four years, they ordered me to go back. I delayed, but in 2014, they found me and made me go back."*⁸⁹

⁸⁵ Amnesty International interview, female, 16 years old, Rome, Italy, 6 September 2015. Interview also referenced on footnote 62

⁸⁶ Article 15, Proclamation on National Service (82/1995), <http://www.refworld.org/docid/3dd8d3af4.html>

⁸⁷ Article 14, Proclamation on National Service (82/1995), <http://www.refworld.org/docid/3dd8d3af4.html>

⁸⁸ Article 3(8), Proclamation on National Service No. 82/1995, "Board" means the Committee created under the directives of the Ministry of Defence from different Government Organs to examine and decide the petitions submitted by those who for various reasons are temporarily or permanently unable to undertake military training and are therefore free from national service. <http://www.refworld.org/docid/3dd8d3af4.html>

⁸⁹ Amnesty International interview, male, 43 years old, Rome, Italy, 2 September 2015

Another former conscript, Semere, who still walks with a crutch, described to Amnesty International how he had sustained injuries to both legs in a car accident while serving in the military as his National Service. He required further treatment and still experienced pain when he was returned to the military. He was told that being injured was not a reason for demobilisation. Semere said when he was returned to the military some x-rays were conducted from which the commanders concluded he could not carry out physically demanding tasks,

"But the commander decided that I could work anyway. It is not a medical decision, it is the commander's decision. If the doctor says he cannot walk, cannot march and the commander says yes he can, it is the commander's decision that holds."

Semere was assigned to administrative work for that military unit. He continued to have pain and ask for pain relief medication but was told there was none. Nor was he granted permission to see the doctor in the (military) camp.⁹⁰

ROLES ASSIGNED

At the end of training at Sawa or other camps or at the end of their further education in the colleges, conscripts are assigned to National Service. The information provided by interviewees on what roles they were assigned to within National Service indicates that a significant proportion are assigned to the Eritrean Defence Forces (EDF), which includes the airforce, the navy and the military, or to various roles in the military administrative infrastructure.⁹¹ Many conscripts are stationed on the border with Ethiopia, while others are responsible for military arsenals, guarding detention centres, ordnance, military communications and other roles. Some former conscripts said their unit had been hired out as construction labour to private individuals or companies.

However, many other conscripts are assigned to a wide variety of civilian roles, including construction work of dams, roads, housing, military buildings and camp infrastructure, agricultural work in government-owned farms or projects, teaching in schools, training of other conscripts, various posts within government ministries or local administrations and other civil service roles.

The roles conscripts are assigned to are decided on a seemingly arbitrary basis and the conscripts themselves have no say over the nature of their work.

Gebre, a 24 year old, illustrated that not everyone who does not pass their final exam is assigned directly to the army. Some students are also assigned to civilian roles. He said,

"I was assigned to work for the department of Immigration, because I did not get high enough marks at Sawa [to go to college]. I was stationed in Teseney [near the border with Sudan] checking entry and exit visas."⁹²

Medhanit said she received training in agricultural management and was assigned to a government farm,

⁹⁰ Amnesty International interview, male, 28 years old, specific location withheld, Switzerland, 11 September 2015

⁹¹ Official statistical information on the assignment of National Service conscripts is not publicly available

⁹² Amnesty International interview, male, 24 years old, Rome, Italy, 6 September 2015

*"I was assigned to agricultural work in Gash Barka. I was doing plant protection. We were growing tomatoes. I had to check there were no pests, no diseases in the plants. The government owned all the food we produced. There was a factory where it was processed and we do not know where most of it goes, though I believe the tomatoes were sent abroad - to Italy. It was a very big farm - the biggest agricultural production area in the country grew onions, tomatoes, paprika, sugar cane. I was there for ten years."*⁹³

Several interviewees told Amnesty International they were assigned to construction work in military and civilian capacities. Woldu, a 25 year old former conscript, said,

*"I was military, but we were building, mostly doing construction inside the military camp, though sometimes they sent us to build for others and the wages were given to the commanders, not to us."*⁹⁴

SALARY AND LEAVE

International law and standards stipulate that everyone has the right to gain their living by work that they freely choose or accept, the right to an adequate standard of living and the right to the enjoyment of just and favourable conditions of work which ensure, *inter alia*, remuneration which provides them, as a minimum, with a decent living for themselves and their families.⁹⁵ International law also stipulates the family is entitled to protection by the state. The Human Rights Committee has noted that protection implies the possibility to live together and the adoption of appropriate measures [by the State] to ensure the unity of families, particularly when their members are separated for political, economic or similar reasons.⁹⁶ The right to just and favourable conditions of work set out in Article 7 of the ICESCR include remuneration which provides workers with a decent living for themselves and their families, reasonable limitation of working hours and periodic holidays with pay. While the specific characteristics of work in the armed forces may entail certain restrictions on leave which would not be permissible in a civilian context, for example during military operations, such restrictions should not be so great as to amount to depriving members of the armed forces of their right to periodic leave.

National Service salaries have not changed for many years, despite the fact that inflation has increased the price of basic goods and services. Without exception, every former conscript interviewed by Amnesty International said it is impossible to meet the basic needs of a family on the standard conscript salary or on the slightly higher salary some said they received. The basic conscript salary is 450-500 Nakfa per month (USD43-8), from which deductions are made. Some interviewees stated that rent for basic accommodation can be around 500 Nakfa per month. As a result, conscripts are often dependent on their parents or extended families and, particularly, on family members in the diaspora to survive. Petros, a 31 year old man who fled after several years of conscription said,

"I was in the military for seven years and I was paid 450 Nakfa per month the whole time. So I was living on 150 Nakfa for me and sending 300 to my family. It was impossible to live. I had my mother, wife and three children dependent on me and I could not afford to feed any of them. I was the only

⁹³ Amnesty International interview, female, 32 years old, Rome, Italy, 3 September 2015

⁹⁴ Amnesty International interview, male, 25 years old, Rome, Italy, 1 September 2015. Interview also referenced on footnote 68 and footnote 73

⁹⁵ Article 7, International Covenant on Economic, Social and Cultural Rights, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

⁹⁶ See Part I of this report on indefinite service

child in my family. My family had land, but I could not cultivate it because of service. Of my 150 Nakfa, I had to give 40 Nakfa to the communal fund for onions, berbera [spice] to make our food edible and toilet paper. So I had 110 Nakfa only to live on.”⁹⁷

Two female interviewees had husbands who had spent up to 20 years in service and whose salary had not changed during the whole period, irrespective of years spent in conscription, how many children they had to support or other considerations. Danait, told Amnesty International,

“My husband has been in National Service since 1994. His salary is 450 Nakfa - with four children and 20 years of service.”⁹⁸

Another woman, Liah, who spent four years in service until she got pregnant, told Amnesty International her husband’s salary had not changed from the initial 500 Nakfa he received per month in his nine years in National Service.⁹⁹

Although the salary is already unfeasibly low, several people mentioned that various deductions were taken from it. Mesfin, a 25 year old former conscript who was assigned to the police, said,

“I earned 600, but they would take a reduction from this, so I actually received 510. 50 Nakfa was for food allowance, 10 for sport sponsorship (to promote national sports teams), 10 was for the Eritrean Youth.”¹⁰⁰

Former conscripts interviewed consistently reported being responsible for multiple family members whom they could not afford to support on a conscript’s salary. For example, Hayat, a young man who was the oldest child in his family, deserted from National Service and fled the country because his salary was not enough to feed his five siblings.¹⁰¹

There is no standard leave entitlement for conscripts. Those interviewed reported a leave allowance of one month per year. However, leave is granted at the discretion of the relevant commander and therefore varies. Some conscripts get leave more frequently - maybe twice per year or for shorter periods - a few days or one or two weeks. Some former conscripts told Amnesty International they had gone for several years without being granted any leave. Requests can be made for leave, for personal or family reasons, including the death of a relative or a marriage, but may not necessarily be granted. Woldu, told Amnesty International what happened when he took leave without permission,

“After I had done one year of service (in construction work), my grandfather died. I asked for permission to go home for his funeral ceremonies, but it was denied. So I went anyway. The same night that I arrived home, they came and arrested me. I spent a year in prison for that.”¹⁰²

Woldu added that his salary was subsequently withheld for two months as further punishment.

⁹⁷ Amnesty International interview, male, 31 years old, Rome, Italy, 2 September 2015

⁹⁸ Amnesty International interview, female, 34 years old, Rome, Italy, 3 September 2015. Interview also referenced on footnote 21

⁹⁹ Amnesty International interview, female, 25 years old, Rome, Italy, 4 September 2015

¹⁰⁰ Amnesty International interview, male, 25 years old, specific location withheld, Switzerland, 13 September 2015

¹⁰¹ Amnesty International interview, male, 22 years old, Rome, Italy, 1 September 2015

¹⁰² Amnesty International interview, male, 25 years old, Rome, Italy, 1 September 2015. Interview also referenced on footnote 68, footnote 73 and footnote 94

Hagos, a 31 year old former conscript who spent 15 years in the military also reported punishment being meted out for taking leave when it was refused. He said,

*"The commander did not allow me to go to visit my wife when I got the message that she was ill. So I went anyway. But they did not arrest me, they arrested my wife."*¹⁰³

A high proportion of conscripts are stationed away from home, whether in the defence forces, in agricultural projects, construction work, border checks or a variety of other roles that require them to be stationed around the country. Where conscripts are stationed away from their family home, this frequently has a detrimental effect on family life - between parents and children, and between spouses. As cited above, 18 year old Binyam told Amnesty International,

*"My father is in military conscription. He is paid 450 nakfa per month which is not even enough to buy oil. He started conscription before I was even born. We might see him every six months for one or two weeks, but if he overstayed his leave, his division would come and take him back. I don't want to have children who see me once every six months, I want to see my children every day."*¹⁰⁴

Danait, a 34 year old woman similarly told Amnesty International,

*"My husband has been in service for 20 years. I saw him one month per year during his leave. We had a real problem of communication because if he was not in a big city where he could call then we might go for the whole 11 months without speaking."*¹⁰⁵

Hiyab spent six years in National Service before she was demobilised after she got pregnant. She told Amnesty International her husband had been in service for nine years, and that they would see each other once a year.¹⁰⁶

The low salaries and the minimal, arbitrarily-applied, leave allowances in National Service exacerbate the hardship caused by the indefinite nature of conscription. Conscripts and their families cannot survive on National Service salaries and the leave allowances, or lack thereof, obstruct family life for extended periods over many years.

LACK OF ACCESS TO HEALTH CARE IN NATIONAL SERVICE

The ICESCR affords everyone the right to 'the enjoyment of the highest attainable standard of physical and mental health,' and also affords everyone the right to 'just and favourable conditions of work which ensure...safe and healthy working conditions.'¹⁰⁷

Former conscripts repeatedly told Amnesty International that access to health care in National Service is restricted, including at Sawa and including for children conscripted under the age of 18. Conscripts have to secure the permission of a commander to access even basic first aid, and this is reluctantly and infrequently granted. A number of former conscripts said only when people are visibly very ill

¹⁰³ Amnesty International interview, male, 31 years old, specific location withheld, Switzerland, 13 Sept. 2015

¹⁰⁴ Amnesty International interview, male, 18 years old, Rome, Italy, 6 September 2015. Interview also referenced on footnote 19

¹⁰⁵ Amnesty International interview, female, 34 years old, Rome, Italy, 3 September 2015. Interview also referenced on pages 34 FN107 and 16 FN21.

¹⁰⁶ Amnesty International interview, female, 25 years old, Rome, Italy, 4 September 2015

¹⁰⁷ Articles 12, and 7 (b) respectively, International Covenant on Economic, Social and Cultural Rights, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

might permission to seek health care be granted. This means that access to healthcare for less visible mental health issues is more difficult to obtain. Medhanit, who spent ten years working in a government farm said,

*"In National Service, there is emergency health care and malaria prevention but nothing else. If you are really sick, you can see a doctor for first aid. He can sign for board if the symptoms are obvious and visible. But, if it is a mental health problem which is not obvious then you cannot get any assistance or board. Unless you have a paper that can show you were in a mental health hospital before. Otherwise there are no services available for mental health problems in national service."*¹⁰⁸

Former conscripts also repeatedly told Amnesty International that, even when access to health care is granted, the care available is limited and of poor quality. During training and for conscripts in the military, government farms and other residential roles, health care consists only of basic first aid. In cases of serious illness, conscripts can be taken to hospital, but interviewees consistently told Amnesty International this only happens in serious cases and always at the discretion of a commander. Access to primary healthcare is also at the discretion of a commander and is rarely granted. Goitom, a 27 year old former conscript who was assigned as a first aid officer in a training camp, told Amnesty International,

*"The students had to get a permit from their unit leader even to come and see me for first aid assistance. This was very hard to get."*¹⁰⁹

Goitom also said, as did another former conscript assigned as a first aid officer, that he received little training for this role and also had inadequate equipment and supplies. He told Amnesty International he received only a few weeks first aid training before he was sent to Nakfa military camp to act as first aid officer for conscripts from the 26th round transferred to Nakfa from Sawa. Goitom said,

*"I had learnt nothing, so all I could do was write that I thought people should go to the clinic. But it is hard to get permission for that. We only really had painkillers and antibiotics, so I gave those whether it was relevant or not, as I really did not know what I was doing anyway. For emergencies, we were allowed to send people to the military hospital in Keren."*¹¹⁰

Former conscripts confirmed the same. For example, one young man, Samuel, told Amnesty International,

*"I was assigned to the military in Assab. While I was there, I broke my arm. There was a clinic in that place, but they only put a bandage on it, they did not have anything more advanced and they did not do anything else for me. As a result, it did not heal properly."*¹¹¹

Amnesty International interviewed people who received temporary exemptions because of injury and illness or mental health issues but were then returned to National Service before they were recovered. Girma, a former conscript who spent 15 years in the military before he fled the country, told Amnesty

¹⁰⁸ Amnesty International interview, female, 33 years old, Rome, Italy, 3 September 2015. Interview also referenced on footnote 23 and footnote 93

¹⁰⁹ Amnesty International interview, male, 27 years old, specific location withheld, Switzerland, 13 September 2015

¹¹⁰ Amnesty International interview, male, 27 years old, specific location withheld, Switzerland, 13 September 2015

¹¹¹ Amnesty International interview, male, 26 years old, specific location withheld, Switzerland, 11 September 2015

International how he had developed mental health issues while in the military and what happened as a result,

“When I was in a severe state, the commanders allowed my family to take me to Kidist Maryam (mental health hospital in Asmara).¹¹² It was out of fear for their own safety. I spent two or three months in the hospital and started regular medication. But, after three months, I was sent back to my unit. It was not the hospital, it was the unit who said ‘you are ok now, you can go back to the military. Without the permission of the commander, I could not go back to the hospital to get my repeat medication.’”¹¹³

Another former conscript, 28 year old Ibrahim, said he had been detained for deserting from training and had tried to escape while in detention. He was caught and beaten so badly that his leg was broken. Ibrahim was transferred to hospital for treatment and then remained at home. However, he then received an order to return to the army,

“They did not come and check if I was recovered or see how I was, they just wanted to take me back to the army.”¹¹⁴

Ibrahim walked with a crutch and had a pronounced limp.

CONSCRIPTION OF OLDER PEOPLE INTO THE ‘PEOPLE’S ARMY’

In 2012, reports began to circulate that the government was re-arming older people, to create a form of civilian militia - the ‘People’s Army’ (*Hizbawi Serawit* in Tigrinya), to defend the country against infiltrators. Information collected by Amnesty International in 2015 indicate that, after the initial process of distributing guns to both male and female members of the older civilian population, these recruits were given orders to report for duty. These conscripts were taken for training and assigned to compulsory duties including in construction, guard duties and neighbourhood patrols. These compulsory duties are unpaid and have resulted in some people having to discontinue their paid employment. Conscription into the People’s Army appears to be an unwritten policy and it is not clear what, if any, legal framework exists for the practice.

Around a dozen people interviewed by Amnesty International reported that their fathers had been re-mobilised through this system or that the interviewee had been assigned in National Service to be a commander of a People’s Army unit. Interviewees considered that this re-conscription of older people was separate from National Service. The upper age limits of reserve duties, as laid out in the National Service Proclamation of 1995, is 50 years.¹¹⁵ Yet Amnesty International received several reports of men in their late 60s being re-conscripted, which supports the indication that these militia are separate from National Service.

Interviewees repeatedly protested about the injustice of older people being required to report and, in some cases, return for duty, and also saw this as part of the arbitrary and life-long nature of service exacted by the state. A 20 year old man, Aklilu, told Amnesty International,

¹¹² Kidist Maryam hospital in Asmara is reportedly the only mental health hospital in Eritrea.

¹¹³ Amnesty International interview, male, 31 years old, specific location withheld, Switzerland, 13 September 2015

¹¹⁴ Amnesty International interview, male, 28 years old, specific location withheld, Switzerland, 11 September 2015

¹¹⁵ Articles 13(2), 23 & 26, Proclamation on National Service, No. 82/1995, <http://www.refworld.org/docid/3dd8d3af4.html>

*"My father used to be a fighter [in the war], but he had been demobilised. But in 2013 he was ordered to join again. He was 67 years old. They took him back for training for one and a half months and then assigned him duties."*¹¹⁶

Kidane, a 20 year old man, said,

*"I was hoping for a change, that things would be different for my children. But nothing changed. And then my father was recruited for the second time, in May 2014, despite his 54 years. That's when I gave up."*¹¹⁷

Three people interviewed by Amnesty International in 2015 had been assigned in National Service to command such militia. Mikhael, a 25 year old former conscript explained,

*"We were managing the militia, the older people who were re-conscripted. I was assigned in 2013 as a group leader to this new militia. And these people were all older than me and I was supposed to give them orders. I could not accept that. Even my own father was in this group and there was also a priest who was re-armed. Sometimes I allowed him time to be in church instead, as he wanted, but I was punished for that."*¹¹⁸

People who refuse or fail to report for duty in the People's Army when ordered to do so risk the confiscation of their property, businesses or the coupons that allow them to buy food at subsidised rates in government shops and access government services. Solomon, assigned to oversee a section in the People's Army, spoke about the consequences for people who failed to report for duty. He said,

*"I was a higher rank soldier. The orders we had to follow were always oppressive. It was having to follow such orders that made me leave. For example, in January (2015), because so many people have fled the country, they [the authorities] had to re-conscript people, old people, even those who were demobilised for health reasons. Some did not report for duty because they were harvesting and so those people were gathered and taken to Gergera for detention. And there was a second rounding up after November and those people were taken to detention and then training in Kerkebet in Gash Barka. All were detained for four months as punishment and these were people in their 60s and 70s. And they lost their crops because of this."*¹¹⁹

MOBILIZATION OF WOMEN IN 2015, GASH BARKA

Three interviewees who left Eritrea around mid-2015 told Amnesty International that in early 2015 a new policy was introduced in the Gash Barka region requiring women who were not already in National Service to report to the local administration for duty, including women with children. Amnesty International was unable to confirm whether this was an official or an ad hoc policy, what level of the local or national administration it came from or if a similar policy was implemented in other regions.

Bisrat, a 30 year old woman with a four year old child who lived in Gash Barka region, told Amnesty International the 'last straw' for her was when she was called to report for service. Bisrat said that in

¹¹⁶ Amnesty International interview, male, 20 years old, Rome, Italy, 3 September 2015

¹¹⁷ Amnesty International interview, male, 20 years old, specific location withheld, Switzerland, 13 September 2015

¹¹⁸ Amnesty International interview, male, 25 years old, specific location withheld, Switzerland, 13 September 2015

¹¹⁹ Amnesty International interview, male, 38 years old, specific location withheld, Switzerland, 13 September 2015

her area there was an announcement that women, even those with children, aged between 18 and 45, had to report to the local administration for service. She said,

“The last straw was that now even they want to make women like me with children go in military service in our region. I had the order to report for service. Already we suffer economically and worry about our children having to go into this situation when they grow. But on top of this they want us to go to service?”¹²⁰

Mariam, an 18 year old, said her mother also had to go for one month of training in early 2015 in Teseney in Gash Barka region, after a new announcement that women had to report for duty. As a result, her entire family was or had been conscripted,

“My father and mother are already conscripted, my father since before my older brother was born. My brother was in the military for six years before he fled the country. And now they want me too?”¹²¹

¹²⁰ Amnesty International interview, female, 30 years old, Rome, Italy, 4 September 2015

¹²¹ Amnesty International interview, female, 18 years old, Rome, Italy, 7 September 2015. Interview also referenced on footnote 29

PART III - EVASION, DESERTION AND TRYING TO LEAVE THE COUNTRY (ARRESTS/DETENTIONS)



Suspected detention centres in Eritrea ©Amnesty International

For several years, the UNHCR has reported that an average of 3,000 people per month were fleeing Eritrea. This number increased to 5,000 crossing into Ethiopia in October 2014 alone.¹²² Between January and November 2014, close to 37,000 Eritreans sought asylum in Europe, compared to almost 13,000 in the same period in 2013.¹²³ These figures account only for those who successfully made it over the border. Almost all of the people interviewed by Amnesty International in 2015 said they had fled the country to avoid or desert from National Service, due to the indefinite nature of service, the harsh conditions, the destruction of family life, the inability to live on a conscript's wage and other reasons laid out above. This is also consistent with findings and accounts of other human rights bodies and the basis of numerous Eritrean asylum cases.¹²⁴

¹²² <http://www.unhcr.org/5465fea1381.html> (accessed 17 November 2015)

¹²³ See for example <http://www.unhcr.org/5465fea1381.html>

¹²⁴ See for example the report of the UN-mandated Commission of Inquiry on human rights in Eritrea, June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (accessed 17 November 2015)

The strategies that people adopt to evade conscription, desert from National Service or flee the country can interrupt their enjoyment of other rights, including the right to education as mentioned earlier in this report and many put the individual at risk of other violations. Evasion or desertion are punished with arbitrary imprisonment. People attempting to cross the border with Ethiopia risk being shot, and capture on either border with Ethiopia or Sudan will result in arbitrary detention. Those who make it over the borders face multiple deadly risks on their journey if they travel onwards in Sudan and beyond, including from people traffickers, hostage-taking for ransom by Libyan and Chadian armed groups and the potentially deadly crossing of the Mediterranean. For example, on 3 October 2013, in one of the Lampedusa boat tragedies,¹²⁵ Eritreans constituted the majority of the 368 people who drowned attempting to reach the Italian island.

The National Service Proclamation lays out a punishment for attempted evasion or desertion of two years' imprisonment or a fine or both; and five years' imprisonment for those attempting to evade service by fleeing abroad.¹²⁶ However, in practice, the usual punishment for those caught attempting to evade, desert or flee the country is arbitrary detention - without charge or trial, and often incommunicado, without access to a lawyer or family members. The lengths of detention reported to Amnesty International for each of the three areas - evasion, desertion and attempting to flee the country - vary from case to case and are imposed arbitrarily at the discretion of the relevant commander.

Many thousands of draft evaders and deserters have been detained without charge or trial since 1995.¹²⁷ As with the cases of other political prisoners in Eritrea, lack of transparency and judicial oversight mean it is impossible to know the exact number of those in detention.¹²⁸ Information from interviews conducted by Amnesty International in 2015 indicate that not only do arrests on the basis of evading National Service or desertion continue at scale, on a regular basis, but may also have increased. As mentioned above, in 2014, the UNHCR reported a significant increase in numbers of Eritreans crossing the border each month. The frequency with which arrest and detention of people caught trying to flee the country was mentioned by people interviewed by Amnesty International in 2015 suggests that, if numbers of successful departures have increased, numbers of those detained for trying probably have too.

Interviewees spoke of their own detentions and of the majority of their fellow detainees having been detained for the same reason. Several of those interviewed by Amnesty International had also served

2015)

¹²⁵ See for example, <http://www.unhcr.org/524e8d2d9.html>

¹²⁶ Article 37 (1 & 3), Proclamation on National Service No. 82/1995, <http://www.refworld.org/docid/3dd8d3af4.html>

¹²⁷ See for example, Amnesty International, *'Eritrea: 20 years of independence, but still no freedom.'* (May 2013), (available at <https://www.amnesty.org/en/documents/afr64/001/2013/en/>); Human Rights Watch, *Service for Life: State Repression and Indefinite Conscription in Eritrea*, (April 2009), available at https://www.hrw.org/sites/default/files/reports/eritrea0409webwcover_0.pdf; Gaim Kibreab, (London South Bank University), *The Open-Ended Eritrean National Service: The Driver of Forced Migration*, (October 2014), https://www.ecoi.net/file_upload/90_1416473628_gaim-kibreab-the-open-ended-eritrean-national-service-the-driver-of-forced-migration.pdf; the report of the UN-mandated Commission of Inquiry on human rights in Eritrea, June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>

¹²⁸ No independent national or international monitors of treatment and standards of detention, including the International Committee of the Red Cross (ICRC), have access to visit detention centres in Eritrea.

as guards in detention centres during National Service and spoke of the high proportion of people detained for evasion or desertion - whether inside Eritrea or while attempting to flee the country.

PUNISHMENTS FOR TRYING TO EVADE CONSCRIPTION INTO NATIONAL SERVICE

Young people reaching conscription age are well aware of what National Service holds in store for them; of the indefinite nature of service, the hard life and the low pay; the lack of life choices for many years, possibly for most of their adult lives; once conscripted, the inability to pursue educational opportunities; and the inability to help their families economically. They have observed and heard it from their parents, older siblings and friends. This leaves many young people determined to avoid conscription at all costs and some are advised to do so by their conscripted family members. As discussed below, increasing numbers, many of them teenagers, attempt to leave the country to avoid conscription. Some try to avoid it by hiding whilst remaining in Eritrea.

One strategy adopted to evade conscription is to drop out of school before conscription occurs at the end of the 11th grade. Yemane, a 22 year old man, told Amnesty International,

*"I stopped 11th grade half way through to avoid going to Sawa. The military believed I did this on purpose so they punished me when they caught me in a round up. They took me to Oubol and put me in the underground prison for one month for not reporting for duty. There were about 30 prisoners in the cell, either arrested for trying to escape the country, or avoiding national service."*¹²⁹

Ermias, a 19 year old young man, said,

*"I was in school until I was 17 [years old]. I then hid to avoid service and they caught me and took me to prison in Hashferay. I was there for a month and then I escaped, but they caught me and took me then to Nakfa. In Nakfa, there were many prisoners there and I would estimate maybe half of them were there for the same reason as me. It was underground, it was horrible conditions."*¹³⁰

The information gathered by Amnesty International from interviews suggests that people caught in round-ups are often punished before being sent for training, on suspicion of having intentionally evaded conscription. For example, Kidane, told of how he and two friends were punished in those circumstances. He said,

*"I was caught in a round-up with two classmates though we were still in school. We were even wearing our school uniforms but because our student ID cards were not renewed we were rounded up. We were taken to Mendefera and arrested for two months in underground. In the detention, there were also people arrested for trying to leave the country. After the two months, they took us to Oubol for military training."*¹³¹

¹²⁹ Amnesty International interview, male, 22 years old, Rome, Italy, 7 September 2015. Interview also referenced on footnote 60 and footnote 67

¹³⁰ Amnesty International interview, male, 19 years old, specific location withheld, Switzerland, 11 September 2015

¹³¹ Amnesty International interview, male, 20 years old, specific location withheld, Switzerland, 13 September 2015

Mebrahtu, a 19 year old, told Amnesty International how he was punished after being caught in a round-up, though he was under 18 at the time,

*"I stopped going to school because I had to help my mother financially. So I did not have papers as a student or leave to remain at home...I was caught in a round-up and arrested in Gergera for five months. They keep people there until the next round of training and because the detention conditions are very harsh, you prefer to go to the training instead."*¹³²

Another young man, Teodros, who had been a regional cycling champion, told Amnesty International he had temporary exemption from conscription while he continued with his cycling training. He was ordered to report for military training, which he did voluntarily. He was nevertheless arrested when he did so.

*"After my championship, they called me to report to the Zoba administration. They said I had to go to complete training, but they would get me back again for my cycling career afterwards. I took this letter and reported to them. But instead they sent me to Aderser prison near Sawa, where there is an underground prison, for one month. I did not even know why I was being detained. Then I was sent to Nakfa to the military training centre."*¹³³

PUNISHMENTS FOR ATTEMPTED DESERTION FROM NATIONAL SERVICE

Attempted desertion from National Service also appears to be a regular phenomenon, based on interviews with former conscripts. While some people attempt to run away from their posts, many desert by not returning to their assigned posts after a period of leave. However, while some do this with an intention to desert completely, many interviewees told Amnesty International they intended to return to their posts and only overstayed their leave to do a variety of things they were otherwise unable to do because of the limited and irregular allowance of leave from National Service. For example, conscripts wanted time to tend their family crops to supplement their family's food or income or participate in family events, such as a marriage or a funeral. Some left their posts after they were denied their requests to take leave for certain reasons. In almost all cases reported to Amnesty International, the deserter was punished with arbitrary detention. Some also had their salary withheld for a period after the end of their detention. As with punishments for evasion of conscription or attempting to leave the country, the detention periods varied without any evident reason. Detention periods reported to Amnesty International in 2015 ranged between one and 16 months, with six to eight months being the duration most frequently reported. Those assigned to the military were likely to be held in the detention centre of their military division for some or all of their period of detention. Goitom, a 27 year old man told Amnesty International,

"I was on leave in Barentu with my family and I stayed longer so that I could do some work to try to help my family. Four military guards came with their car and took me. For five months they detained me. After that, they relieved the strict controls on me and I was able to escape. I was detained in a place called Wedi Zara inside Barentu. It's the detention centre of a small intelligence unit of the

¹³² Amnesty International interview, male, 19 years old, specific location withheld, Switzerland, 13 September 2015

¹³³ Amnesty International interview, male, 21 years old, specific location withheld, Switzerland, 13 September 2015. Interview also referenced on footnote 74

army.”¹³⁴

Haile, a 16 year old boy, reported,

*“My father extended his leave. He stayed several months without going back. Eventually the military came and took him. They arrested him for eight months. We did not know any news of him when he was in prison.”*¹³⁵

Fessehaye, a conscript assigned to the military, requested permission to travel home when his grandfather died but it was denied. He decided to go anyway, without permission. He told Amnesty International what happened next,

*“The very night I got home to my family, they [the military] came and arrested me. I was in prison for one year and four months. First in Keren police station, then in prison and finally in the detention centre of my military division.”*¹³⁶

Fessehaye added that his salary was withheld for two months after his release as further punishment.

Sometimes those who attempt to desert are subjected to physical punishment or worse. Ibrahim, a former conscript, who still walked with a crutch and a limp, told Amnesty International,

*“I ran away from training and was in hiding but eventually I was caught and they took me to detention in a police station. I tried to run away but they caught me and beat me up badly and broke my leg. I was taken to hospital and it was from there I was able to escape again when my leg was a bit recovered.”*¹³⁷

Kidane, who was caught in a round-up and detained for two months before being sent to Oubol for training, said he saw one his fellow conscripts killed while attempting to escape.

*“Three people tried to run away from Oubol. One of them was shot, so the two others turned themselves in. His father came to ask where he was and the military in the end said they did not know him. They denied all knowledge.”*¹³⁸

Osman, a 27 year old former conscript, told Amnesty International he was ordered to take five prisoners who were caught trying to leave the country to Mendefera while he was stationed on the border with Ethiopia. One of the prisoners escaped,

“The commander said ‘Why didn’t you shoot him?’ I said I have no responsibility to kill someone. So

¹³⁴ Amnesty International interview, male, 27 years old, specific location withheld, Switzerland, 13 September 2015. Interview also referenced on footnote 109 and footnote 110

¹³⁵ Amnesty International interview, male, 16 years old, Rome, Italy, 3 September 2015. Interview also referenced on footnote 63 and footnote 84

¹³⁶ Amnesty International interview, male, 25 years old, Rome, Italy, 1 September 2015

¹³⁷ Amnesty International interview, male, 28 years old, specific location withheld, Switzerland, 11 September 2015. Interview also referenced on footnote 114

¹³⁸ Amnesty International interview, male, 20 years old, specific location withheld, Switzerland, 13 September 2015. Interview also referenced on footnote 117 and footnote 131

I was put in prison for four months for that."¹³⁹

ARRESTS OF FAMILY MEMBERS OF DESERTERS

Arresting family members in place of someone else violates international human rights law. No one may be deprived of their liberty except on grounds and according to procedures established by law.¹⁴⁰ International law prohibits the imposition of collective punishments. The African Charter on Human and Peoples' Rights (ACHPR), to which Eritrea is a party states, "Punishment is personal and can be imposed only on the offender."¹⁴¹

Seven interviewees reported that their spouse or parent had been arrested as a result of their attempted desertion. This action is intended to induce the conscript to return and to pressure the family member to 'produce' them to ensure their return to duty. In a number of these cases, the arrested family member was released on the guarantee they would deliver or send the conscript back to National Service.

One young man, Filmon, told Amnesty International of the various means of coercion used by his military unit to try to force his return, including by arresting his father,

*"After 14 months of conscription, I asked for leave to visit my family. I got 10 days. But in these 10 days, I cannot do anything to help my family. So, I did not go back and was trying to work to help my family but not staying at home, sleeping in the forest and my small brother was bringing me food. But after two weeks, they [the military] came and took my family's two oxen so that I could not use them to plough. So this was meant to be a way of forcing me to come back. Then they took my father and detained him for 40 days in my unit. Even though he was ill. They took him to [the] clinic, but under armed escort. When I saw this, I gathered my belongings, my uniform and returned to my unit. In total, I had overstayed my leave [by] three months, including the oxen and my father's detention. They released my father and detained me. They arrested me for six months in my unit's detention centre, underground."*¹⁴²

21 year old Amanuel told Amnesty International that his mother was arrested to force his return;

*"I had leave and I did not go back after the leave was over. I stayed one week extra only. After one week, they [the military] came and took my mother because I was missing and told her to bring me back. She was arrested for two weeks. So I handed myself in, in order to release my mother. I was in prison for a whole year. First in Kebah Barentu, where we had to do labour while we were prisoners, then secondly, in a container in a prison near Mendefera."*¹⁴³

In these reported cases, the parent or spouse was released after committing to produce the conscript or guaranteeing their return. For example, Demsas, a young man aged 19 years, told Amnesty

¹³⁹ Amnesty International interview, male, 27 years, specific location withheld, Switzerland, 13 September 2015

¹⁴⁰ Article 9, International Covenant on Civil and Political Rights,
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

¹⁴¹ Article 7(2), African Charter on Human and Peoples Rights, <http://www.achpr.org/instruments/achpr/#a7>
(accessed 17 November 2015)

¹⁴² Amnesty International interview, male, 21 years old, specific location withheld, Switzerland, 13 September 2015. Interview also referenced on footnote 75

¹⁴³ Amnesty International interview, male, 21 years old, specific location withheld, Switzerland, 11 September 2015

International,

*"After I went missing from National Service, they arrested my mother for three months in Mai Seraw. She was released on the guarantee that she would bring me to them."*¹⁴⁴

ARRESTS OF PEOPLE TRYING TO FLEE THE COUNTRY

International law provides that every person has the right to freedom of movement, including the freedom to leave any country, including their own. This right must not be subject to any restrictions except those provided by law, demonstrably necessary for the protection of national security or other specific interests and consistent with the state's other human rights obligations.¹⁴⁵ The imposition of certain restrictions on people leaving the country before they have completed their military service obligations may be permissible under international law if they are limited to what is necessary and proportionate to ensure compliance with a system of military service which does not in itself violate international law. The restrictions imposed in Eritrea do not comply with international human rights law. The controls on movement applied are draconian, with harsh penalties for those who try to leave to avoid conscription into a system that amounts to forced labour in violation of international law and that also exposes them to other violations of their human rights. While some who try to flee do so during their initial 18 month period of mandated National Service, while at one of the government colleges, or before conscription, people should not be punished for fleeing to avoid being subjected to human rights violations.

The possibility of indefinite conscription causes many people to decide to flee the country. The numerous other human rights violations the Eritrean authorities perpetrate were also cited by some people as the primary or secondary cause of deciding to flee. However, almost every person interviewed by Amnesty International in 2015 said they had fled to evade or desert National Service conscription, because of its indefinite nature; because of the other violations conscripts were subjected to within it, including arbitrary detention, and because indefinite conscription precluded their being able to survive economically or pursue educational opportunities. A high number of unaccompanied children, between 16 and 18 years old at the time of the interviews, were among those who had fled Eritrea to evade this future. Rahwa, an unaccompanied girl who left the country when she was 17 years old, told Amnesty International,

*"I left the country just before I was conscripted, just in time."*¹⁴⁶

This sentiment, and cause of flight, was repeated by many young interviewees.

Exit permits are required to leave the country. With few exceptions, people of National Service age, between 18 and 50 years, cannot obtain an exit permit unless they have demobilisation or exemption papers. Teenagers approaching conscription age are also subjected to these restrictions. It is possible for people not of National Service age or people who have been demobilised to get an exit permit. Of the people interviewed by Amnesty International in 2015, only one had an exit permit. The information obtained in these interviews indicates that the majority of people leaving the country do so without

¹⁴⁴ Amnesty International interview, male, 19 years old, specific location withheld, Switzerland, 13 September 2015

¹⁴⁵ Article 12, International Covenant on Civil and Political Rights,
<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

¹⁴⁶ Amnesty International interview, female, 18 years old, Rome, Italy, 4 September 2015

authorisation.

Some people interviewed by Amnesty International used smugglers to get out of the country. Some interviewees mentioned that this was particularly the case with people who lived or were posted in National Service far from the border. Several people reported that soldiers or military vehicles were involved in smuggling them out of the country.¹⁴⁷ For example, Fikru, 25 years, told Amnesty International he had paid someone to take him from Asmara to Ethiopia. He said the man he paid knew the way because “*he was a soldier on the border.*”¹⁴⁸

Tadesse paid a smuggler who produced a fake ID which enabled him to get to the border and cross over,

*“I paid a smuggler to get me out via Teseney. He made me a fake ID that I live in a town on the border [withheld]. The car we were in was military. I do not know if he was military or not, if he had somehow hired the vehicle, I heard that is possible.”*¹⁴⁹

However, according to the testimonies of people who have fled the country, most of the attempts are made on foot, across the porous borders with Sudan in the west and Ethiopia in the south. A small number of people interviewed in 2015 had crossed in a vehicle. In all cases, these were reported to be military vehicles, where the person fleeing had found and paid a smuggler to arrange their passage across the border.

The information collected from Amnesty International’s interviews indicates that most, if not all, people caught attempting to cross the border are arrested and detained arbitrarily. 15 people interviewed by Amnesty International who fled Eritrea in 2014 and 2015 reported that they had made one or two previous attempts to flee the country and had been caught, arrested and detained arbitrarily. These included several people as young as 16 or 17 years old at the time of their detention.

These detentions are arbitrary because the detained individuals are not charged with any offence, brought before a judicial authority, able to challenge their detention before a competent court or given access to a lawyer. Detainees are often held incommunicado throughout their detention. No-one interviewed by Amnesty International in 2015 who had been detained when trying to flee communicated with their families while in detention. As with other groups of prisoners, the absence of due process and lack of transparency made it impossible to know how many are detained in Eritrea for trying to flee. However, the information given in interviews with former detainees indicates that detention on this basis is commonplace.

The duration of the detention in each case is also seemingly arbitrary. Periods of detention for people caught trying to flee ranged between six and eighteen months. Simon, a 25 year old man who took the opportunity of temporary leave from college to try to flee the country, told Amnesty International,

“I tried to cross the border and was arrested near Adhuala. I was imprisoned first in Mendefera for six months, then four months in Nakfa, then two months in Massawa. After I had been in prison for about one year, I escaped. In Nakfa I shared a cell with 56 people. Everyone was there for the same

¹⁴⁷ Note: Eritreans are also reported to be prominent among the smugglers and traffickers spread along the whole journey from Ethiopia and Sudan to Europe.

¹⁴⁸ Amnesty International interview, male, 25 years old, Rome, Italy, 7 September 2015

¹⁴⁹ Amnesty International interview, male, 21 years old, Rome, Italy, 7 September 2015. Interview also referenced on footnote 54 and footnote 72

reason.”¹⁵⁰

Information gathered by Amnesty International indicate that the detention periods for people trying to cross the border, as well as for evasion or desertion from National Service have decreased in the last few years. This may be partly due to the high numbers of people trying to cross, and proportionally being caught, causing a sizeable population of detainees. It is possibly also due in part to a desire to return people quickly to National Service where high levels of desertion have left gaps in the ‘workforce.’

A number of former detainees interviewed by Amnesty International said they were moved between different detention centres during their detention. In some cases, former detainees reported being detained in four different detention centres. Girma, a 26 year old man, had been arrested on two separate occasions for trying to leave the country. He described the different places of detention he was held in during the two periods of detention and the conditions he experienced,

“The first time I tried to leave, I was arrested in Hafir and taken to Teseney. I was held there for two weeks, then taken to Hashferay for another two weeks, then to Nakfa. That is a very harsh prison. I was two months there, then sent for training for three months. I ran away and tried to leave the country again and was arrested again. I was seven days in Ona Gobay, handcuffed the whole time, then taken to Dekemhare, where we got no food for four days, then to Mai Edaga for six days. We were around 60 there. Finally, I was imprisoned for four months underground in Gergera.”¹⁵¹

Children have also been detained when caught fleeing. Several former detainees interviewed by Amnesty International were under 18, or had been at the time of their detention. The presence of many 16 and 17 year olds among newly-arrived asylum seekers interviewed also suggests a number of children are among those caught attempting to cross the borders.

Tesfalem, a 17 year old boy, told Amnesty International what happened when he was caught near the border with Ethiopia,

“Last year [2014], when I was in 9th grade, I tried to escape because I am afraid of Sawa and military service. But they caught me in Tserona [near the Ethiopian border]. I was taken to a place where I was kept for a week. When the cell was full, they took us to Dekemhare where they clarified the status of the people who had been caught. They confirmed I am a student and underage. I was held for six months as punishment then released. I was 16 at the time. In Dekemhare, the underage prisoners were in a container. We were maybe 50 people, all there for trying to escape the country. We had one window, and one jerry can in the corner to use as a toilet. It smelt so bad. We got one serving of bread in the morning and one at night.”¹⁵²

Robel, another 17 year old boy interviewed, was detained for six months in Gergera after he was caught trying to flee. He was held in a room with 150 other people and, for the first month of his detention, was not allowed to leave the cell.¹⁵³

Most of the people interviewed by Amnesty International who had been detained, said that when they were released from detention, they were either sent for military training if they had not yet been

¹⁵⁰ Amnesty International interview, male, 25 years old, Rome, Italy, 7 September 2015. Interview also referenced on footnote 47

¹⁵¹ Amnesty International interview male, 26 years old, Rome, Italy, 7 September 2015

¹⁵² Amnesty International interview, male, 17 years old, Rome, Italy, 8 September 2015

¹⁵³ Amnesty International interview, male, 17 years old, Rome, Italy, 3 September 2015

conscripted or back to National Service if they were already conscripted. Seble, a young man who had already completed his initial training and then further military training, reported that he was sent for training again after release from detention,

*"I tried to go to Ethiopia but I was caught and detained for seven months in Gergera. Then I was sent for re-training in Mai Seraw and assigned to the military."*¹⁵⁴

Yonas, a young man who had tried to flee the country before he was conscripted, said,

*"I was captured when I tried to leave Eritrea and they took me to Me'eter, which is a military training camp and also a prison. I was there for eight months. It is detention, but also they are gathering people who have been caught trying to leave until there were enough people for a division for training, and then they sent us to training. So it is punishment and waiting at the same time. After eight months I was assigned to Mai Seraw, near Segheneyti, for training for six months."*¹⁵⁵

Several people interviewed by Amnesty International were assigned in National Service as guards of detention centres - usually in military camps or National Service training camps. These interviewees reported that a high proportion of the people in the detention centres they were guarding were detained for attempting to leave the country. Interviewees who were detained for trying to flee also consistently reported that a high proportion of their fellow detainees were there for the same reason of trying to flee. Mesfin, a former conscript who had been assigned as a police guard in a detention centre, told Amnesty International,

*"Most of the people in the prison were captured while crossing the border, maybe 80 percent. They were brought to us by the military intelligence unit. We would conduct some interrogation and then they would stay three or four days in this centre and then would be sent to Barentu. In a week, 50 or 60 might come through the police station arrested for this reason. We had to interrogate them to know why are they trying to cross, who organised it, how many people were there with them."*¹⁵⁶

Isaac, 24 years and a former conscript, told Amnesty International he had been assigned to a border post in Teseney for the Department of Immigration. He was arrested, detained underground, interrogated and beaten for three days on the accusation that he had purposefully allowed someone to leave the country with a forged exit permit.¹⁵⁷

Nebay, 27 years old, was stationed on the border with Ethiopia. He estimated that around 50 people per week were arrested in his area of the border and someone was shot once or twice per week. Nebay also believed that approximately 40 or 50 percent of everyone attempting to cross the border was caught and detained.¹⁵⁸ Several interviewees talked about researching the risks and opportunities of leaving the country before they started their journey. Bisrat, a 30 year old woman said,

"Many are succeeding to cross the border, but just as many - about 50 percent - are caught and

¹⁵⁴ Amnesty International interview, male, 25 years old, Rome, Italy, 6 September 2015

¹⁵⁵ Amnesty International interview, male, 21 years old, specific location withheld, Switzerland, 13 September 2015

¹⁵⁶ Amnesty International interview, male, 25 years old, specific location withheld, 13 September 2015. Interview also referenced on footnote 100

¹⁵⁷ Amnesty International interview, male, 24 years old, Rome, Italy, 6 September 2015

¹⁵⁸ Amnesty International interview, male, 27 years old, specific location withheld, Switzerland, 13 September 2015

imprisoned. You learn this because you make research before you leave. Every village is affected by people being arrested, so you hear about arrests all the time."¹⁵⁹

As a general pattern, it appears most of the older interviewees were aware of the risks of trying to cross the border, while many of the younger interviewees were less informed or aware of the risks they were undertaking when they decided to flee.

¹⁵⁹ Amnesty International interview, female, 30 years old, Rome, Italy, 4 September 2015. Interview also referenced on footnote 120

CONDITIONS AND TREATMENT IN DETENTION



An example of a shipping container used by the Eritrean government for detention ©Private

All people deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person.¹⁶⁰ This obligation is a fundamental and universally applicable rule, which cannot be dependent on the availability of material resources.¹⁶¹ International standards set out certain specific requirements for the accommodation of prisoners, in particular with regard to space, ventilation, sanitation and hygiene.¹⁶²

Torture and other ill-treatment is absolutely prohibited under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the ICCPR, the ACHPR and under customary international law.¹⁶³

People arrested for evasion, desertion and attempting to flee the country are detained in police stations, prisons and detention facilities within military camps, bases and training centres. Many of these are unofficial places of detention¹⁶⁴ which are unlawful under international law and none are visited by independent national or international monitors of treatment and standards of detention such as the International Committee of the Red Cross (ICRC).

No-one interviewed by Amnesty International detained for evasion, desertion or attempting to flee the country had been charged with an offence, brought before a court to determine the lawfulness the detention, provided with access to a lawyer or permitted access to their family members while in detention. This is consistent with previous findings of Amnesty International and long-standing patterns of human rights violations identified by Amnesty International and other international human rights bodies over many years - arbitrary detention without charge is the norm and the rule of law is absent.¹⁶⁵

Conditions of detention are appalling and fall so far short of international standards that they amount to cruel, inhuman or degrading treatment or punishment. Former detainees interviewed by Amnesty

¹⁶⁰ Article 10, International Covenant on Civil and Political Rights,

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

¹⁶¹ Human Rights Committee General Comment 21, concerning humane treatment of persons deprived of liberty, para. 4, [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/3327552b9511fb98c12563ed004cbe59?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/3327552b9511fb98c12563ed004cbe59?Opendocument) (accessed 17 November 2015)

¹⁶² Particularly, the United Nations Standard Minimum Rules for the Treatment of Prisoners, https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf. These Rules, originally adopted by the UN Crime Congress in 1955, have been revised (and renamed) during 2010-2015. The revised Rules – known as the Mandela Rules – were adopted by the UN Commission on Crime Prevention and Criminal Justice on 21 May 2015 (E/CN.15/2015/L.6/Rev.1), which recommended their adoption by the UN General Assembly, a process which should be completed by the end of 2015.

¹⁶³ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>; Article 7, International Covenant on Civil and Political Rights, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; Article 5, African Charter on Human and Peoples Rights, http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf

¹⁶⁴ They have not been officially declared as places of detention in Eritrea

¹⁶⁵ See for example, Amnesty International, *'Eritrea: 20 years of independence, but still no freedom.'* (May 2013), (available at <https://www.amnesty.org/en/documents/afr64/001/2013/en/>); Amnesty International, *'Eritrea: 'You've no right to ask' - Government resists scrutiny on human rights.'* (May 2004), (available at <https://www.amnesty.org/en/documents/AFR64/003/2004/en/>); the report of the UN-mandated Commission of Inquiry on human rights in Eritrea, June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>

International spoke of severe over-crowding, as well as the widespread use of underground cells and shipping containers to hold prisoners. Children are sometimes held alongside adults and subjected to the same conditions. Kidane, who was caught in a round up with two classmates because their student ID had not been renewed, though they were wearing their school uniforms at the time, told Amnesty International how the detainees dealt with the over-crowding in their underground cell,

“We were taken to Mendefera and arrested for two months in underground. There were 40 people in there in a very narrow place. We slept in shifts: evening to midnight and midnight to morning, because there wasn’t enough room for everyone to lie down at the same time.”¹⁶⁶

Tesfalem was still 16 years old when he was caught trying to leave the country in 2014 and was detained for six months. He was first held in Dekemhare with a mixed group of children and adults, after which the adults were taken away to another location. He described the conditions in Dekemhare,

“We were put in a [shipping] container. There were maybe 50 of us, all underage and all there for trying to escape the country. There was one small window. We got one break in the morning and one at night. There was no toilet. Inside the container, there was a jerry can for urinating. The smell was horrible. We stayed in that hole all day long, only going out for excretion. When this happened, we were handcuffed together with someone else and went without shoes.”¹⁶⁷

Amnesty International interviewed Sebhat, a young man who had dropped out of school to avoid conscription, but was caught. He was first detained in Hashferay for a month, from where he unsuccessfully tried to escape, before being taken to detention in Nakfa. Sebhat told Amnesty International about the conditions in the two places of detention. He was 17 years old at the time,

“In Hashferay, the conditions were similar to Nakfa, which I experienced later, but a bit better. There were less lice and more air. There were holes in the roof so air got in a bit. In Nakfa, there were many prisoners there and I would estimate maybe half of them were there for the same reason as me. It was underground, it was horrible conditions. There were lice, so bad that you could not wear your clothes. You did not go out of the cell unless you were leaving the prison, you ate your food there underground. There were 350 people in the prison. There were no cells. It was just one big underground space. All 350 people were there together. There was no room to lie down to sleep.”¹⁶⁸

Former detainees told Amnesty International they received little food and drinking water, both of which were reported to be of poor quality, in all the different detention centres cited. Former detainees also said they had limited access to toilet facilities, many cells having only one jerry can for urinating in and detainees were let out of the cell once a day to defecate in the open. Former detainees interviewed said they had almost no access to washing facilities.

Woldu, detained for 16 months because he left his unit without permission to go to his grandfather’s funeral, was held in different types of detention centre. He told Amnesty International,

“First I was taken to Keren police station, for three months, then to Adi Abeto prison [near Asmara] for six months and the third place of imprisonment was in my division base in Keru. Conditions were

¹⁶⁶ Amnesty International interview, male, 20 years old, specific location withheld, Switzerland, 13 September 2015. Interview also referenced on footnote 117, footnote 131 and footnote 138

¹⁶⁷ Amnesty International interview, male, 17 years old, Rome, Italy, 8 September 2015. Interview also referenced on footnote 152

¹⁶⁸ Amnesty International interview, male, 19 years old, specific location withheld, Switzerland, 11 September 2015

very bad, particularly in Adi Abeto. We were around 100 people in a space about five metres by 10 metres. For 20 hours we could not use a toilet except in a bucket in the cell. We slept on the floor without anything to sleep on or any bedding. There were fleas, cockroaches and lice. We had bread and boiled lentils twice per day. Three people died of suffocation in my room. If you knock and say someone is dying they do not even open the door."¹⁶⁹

Said, a 23 year old man, was detained for one year in Gergera after he tried to desert from his post after four years of National Service. He described a system used when detainees were permitted to defecate,¹⁷⁰

*"To go to the toilet, they would tie our elbows behind us, then attach our elbows with two other people with our belts taken off, then you go to the toilet in the open air joined together like that."*¹⁷¹

Many former detainees interviewed by Amnesty International reported that they had been held in more than one detention centre and they had compared conditions in other detention centres with their fellow detainees. Simon told Amnesty International,

*"[In 2013] I was in prison for a year because I tried to cross the border, then I escaped. I was six months in Mendefera, four months in Nakfa and two months in Massawa. Nakfa was the worst. We were more than 50 people and the room was about six by six metres. The food was terrible - three hard portions of bread per day with tea. We stayed in the room at all times except when we went out to get the food three times per day."*¹⁷²

Amnesty International also received reports of torture used as punishment or to extract information from people who had attempted to flee the country. One frequently reported method of torture is tying people in stress positions, often in conjunction with leaving the victim in full sunlight for hours or even days in regions of high temperatures during daylight hours.¹⁷³ Yohannes, detained for attempting desertion, reported he was subjected to physical punishment,

*"The commanders of my division prison, where I was detained, took me out in the hottest part of the day, made me kneel and look at the sun for three hours. I was not allowed to move."*¹⁷⁴

Mesfin was assigned to work as a policeman and guarded a police detention centre where, he said, most of the detainees had been captured while crossing the border. Mesfin told Amnesty International that he participated in interrogations to extract information, using methods that amount to torture,

¹⁶⁹ Amnesty International interview, male, 25 years old, Rome, Italy, 1 September 2015. Also referenced on footnote 68, footnote 73, footnote 94 and footnote 102

¹⁷⁰ Several interviewees reported the same system

¹⁷¹ Amnesty International interview, male, 23 years old, Rome, Italy, 1 September 2015

¹⁷² Amnesty International interview, male, 25 years old, Rome, Italy, 7 September 2015. Interview also referenced on footnote 47 and footnote 150

¹⁷³ Temperatures range between 30 and 40 degrees Celsius

¹⁷⁴ Amnesty International interview, male, 25 years old, Rome, Italy, 1 September. 2015



Torture technique used by the policeman during interrogation ©Private

“The interrogation was to know why the person was trying to cross, how they organised it, how many people were involved in the attempt. If people were crossing together, we would interrogate them until their accounts were in agreement. Sometimes we would use torture to extract the information. We used a method where you tie the arms around the ankles and place a pole under the knees and over the elbows. We would then suspend the person upside down, and beat [them] on the soles of the[ir] feet.”¹⁷⁵

SHOOTING THOSE ATTEMPTING TO CROSS THE BORDER WITH ETHIOPIA

International law places an obligation on states to protect the right to life and explicitly prohibits the arbitrary deprivation of life. This right and the associated prohibition on the arbitrary deprivation of life applies at all times and in all circumstances; it is not subject to limitation or derogation, even in times of public emergency which threatens the life of the nation.¹⁷⁶ Outside a situation of ongoing armed conflict, international law and standards stipulate that security forces must not use firearms

¹⁷⁵ Amnesty International interview, male, 25 years old, specific location withheld, Switzerland, 13 September 2015. Interview also referenced on footnote 100 and footnote 156

¹⁷⁶ Human Rights Committee, General Comment no. 6: Article 6 (Right to life), <chrome-extension://gbkeegbaiigmenfmjfcldgdpimamgkj/views/app.html> (accessed 22 November 2015)

against persons except in self-defence or in defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life and only when less extreme means are insufficient to achieve these objectives. The intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.¹⁷⁷

A long-standing policy to shoot people crossing the border remains in place on the Eritrea-Ethiopia border and several of the interviewees referred to this (often known as the “shoot to kill”) policy. Soldiers stationed on the border - many of whom are conscripts - are instructed to shoot anyone sighted crossing the border, though arrest is the first option. Information provided in interviews with Amnesty International indicates that people who are caught or respond to an order to halt are arrested. Interviewees who left Eritrea across the border with Ethiopia during late 2014 and 2015 or who had been stationed on the border until they left the country confirmed that this policy is still in place.

The “shoot to kill” policy is only in place for the border with Ethiopia, due to the continued enmity between the two countries following the failure to implement the decision of the Boundary Commission at the end of the 1998-2000 border conflict. Tareke, a 21 year old former conscript who had been stationed on the Eritrea-Ethiopia border, told Amnesty International,

“If people were crossing to Ethiopia, we were ordered to shoot them because we were told “if they go to Ethiopia they will give information to our enemies.” If they were wounded not killed, they might go first to our division centre for treatment then imprisonment, which might be three years or more. I saw people being shot and injured.”¹⁷⁸

Zecahrias, 19 years old, crossed the border in late 2014. He said that, of the four people he crossed the border with, three turned back because soldiers were shooting at them.¹⁷⁹ Ermias, who left in December 2014, said he crossed the Ethiopian border with a group of 15 people, of whom three were shot. He believes two of them died and one was injured. The rest of the group kept running.¹⁸⁰

Several people interviewed by Amnesty International had been stationed on the Eritrea-Ethiopia border as conscripts. They all stated they did their best to avoid shooting anyone trying to flee, due to sympathy with the effort, though they risked getting into trouble for failing to follow orders. They also reported that people were frequently caught and arrested. Petros, who left Eritrea around April 2015, told Amnesty International he had spent seven years in National Service as a soldier on the border with Ethiopia. He said,

“We let people cross when we could but if our commanders found out that we were letting people, we would have serious trouble, we might even be killed. So sometimes we had to arrest people who were crossing so that it looked like we were trying. If we saw people escape, sometimes we had to obey the order and shoot them, so we would fire in the air, in the wrong direction, then we would have trouble with our commanders. Nine in my group were accused of collaborating with border crossings. We did not see them again, I think they were killed.”¹⁸¹

¹⁷⁷ UN Basic principles on the use of force and firearms, Principle 9.

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx> (accessed 22 November 2015)

¹⁷⁸ Amnesty International interview, male, 21 years old, Rome, Italy, 6 September 2015

¹⁷⁹ Amnesty International interview, male, 19 years old, specific location withheld, Switzerland, 13 September 2015

¹⁸⁰ Amnesty International interview, male, 20 years old, specific location withheld, Switzerland, 13 September 2015

¹⁸¹ Amnesty International interview, male, 31 years old, Rome, Italy, 2 September 2015. Interview also

referenced on footnote 97

CONCLUSION

Conscription into National Service in Eritrea continues to be extended indefinitely and conscripts continue to be deployed in a range of civilian as well as military roles in a system that amounts to forced labour. Assurances given by members of the government in late 2014 that, henceforth, conscription for future rounds of conscripts would be limited to the mandated 18 months have not been translated into any discernible changes in practice. Further, the assurances did not include any suggestion that any change in practice would apply to longer-serving conscripts. The experience of National Service continues to be one of prolonged and indefinite conscription. Conscripts continue to be paid low wages insufficient to meet a family's basic needs. Many are assigned to posts far from their families, conscripts receive limited and arbitrarily-granted leave and multiple family members are conscripted at the same time, which all result in disruptions of family life. Poor working conditions include limited access to health care. Further, older men throughout the country have been re-conscripted into the 'People's Army' – a form of civilian militia, wherein they are assigned duties with no pay under threat of penalties, including detention for failure to comply. Men as old as 67 have been conscripted into this imposition of forced labour. Amnesty International has also received information of older women, including women with children, being ordered to report to the local administration to be assigned 'duties' in the Gash Barka region in early 2015.

Conscripts continue to be at risk of further human rights violations within National Service, including arbitrary detention without charge for attempted evasion, desertion or over-staying leave. Family members of conscripts have been arrested as a result of conscripts' attempts to evade or desert from National Service to force them to reveal the whereabouts of the conscripts. People caught trying to flee the country are arrested and arbitrarily detained. Attempts to cross the Ethiopian border also carry the risk of being shot. Of the many people interviewed by Amnesty International who had been arbitrarily detained for attempted evasion, desertion or fleeing the country, none had been charged, tried, had access to a lawyer or had access to their family while detained. Detainees, including children, are held in appalling conditions, often underground or in shipping containers. Detainees are at risk of torture or other ill-treatment, either as punishment or to extract information on how or with whom they had planned to leave the country.

IMPACT OF NATIONAL SERVICE ON CHILDREN

While National Service conscription officially does not start until early adulthood, in practice, it has a negative impact on the lives and human rights of children in Eritrea in several ways. The main routes of conscription – through the school system, through round-ups, via letters ordering would-be conscripts to report for duty, result in the conscription of children under 18 years old into military training where they face harsh living conditions, military-style discipline and severe punishment for minor infractions.

The long-term conscription of parents, and of older siblings, has resulted in children assuming economic responsibility for their families at young ages. As well as the emotional stress this caused some young interviewees, it also caused children to leave school at an early stage to work to earn money before they were conscripted, interrupting their right to access an education. The desire to evade conscription also causes children to leave school early and, for girls, sometimes results in earlier marriage than would otherwise be the case. The long-term stationing of conscripts away from home and minimal and erratically-allocated leave allowances have also resulted in some children barely seeing their fathers for their entire lives.

Children are among those arrested for attempted evasion from National Service or on suspicion of

trying to evade conscription and those caught attempting to flee the country. They are punished with arbitrary detention without charge, with no access to lawyers and, in most cases, with no access to or communication with their families. Children are detained in dire conditions, sometimes alongside adults, in over-crowded underground cells and shipping containers with little food, drinking water or sanitation facilities.

Children have observed the experiences of their parents and older siblings in National Service and are determined to avoid the same fate. As a result, children now constitute a high proportion of those fleeing Eritrea. The UNHCR, references what it calls ‘the relatively large number of unaccompanied minors arriving [in Ethiopia] from Eritrea’ and notes the “high risk of trafficking and smuggling of Eritrean refugees [as] a major protection concern.” Eritrea is hemorrhaging its youth – children are walking alone, often without telling their parents, to another country, to avoid a life of perpetual forced labour on low pay with no education or work opportunities by which they or their families could live.

IMPLICATIONS FOR ERITREAN ASYLUM CASES

Authorities in a number of countries where Eritreans have sought asylum have claimed in recent years that those who have fled National Service conscription do not as such have grounds for being granted asylum and have tried to assert that the majority of Eritrean asylum seekers are economic migrants because they are travelling abroad to access education and work opportunities. These claims and assertions miss the point that National Service robs Eritreans of choice over key aspects of their lives. Eritreans cannot access education opportunities on the basis of their capacity, or work that they freely choose and accept or that provides them with a decent living for themselves and their families, or indeed other life opportunities over which they can exercise any free choice, because they are trapped within a system of indefinite forced labour.

People caught attempting to flee the country are arrested and arbitrarily detained without charge or trial for months. This practice must be taken as an indication of the likely treatment of failed asylum seekers forcibly returned to Eritrea. To return someone to Eritrea is to hand that person over to the authorities who would have arrested and detained the person if caught in the attempt of leaving. It must therefore be concluded that there is a high likelihood that anyone of approximately National Service age who is returned to Eritrea, would be subject to arbitrary detention without charge and face possible torture to extract information on how and with whom they left the country. It is possible that some would avoid such a fate, but as the implementation of punishments is arbitrary, the risk must be considered to apply in every case. There would be a high likelihood that the individual would then be conscripted or returned to National Service, which, if extended indefinitely, is in itself a human rights violation and exposes conscripts to a host of other human rights violations. National Service is so pervasive that anyone who has fled from it faces the risk, if returned to Eritrea, of again being subjected to the human rights violations which take place within it, as well as the risk of harsh punishment for having fled. On this basis, those of National Service age who have fled from conscription into indefinite National Service in Eritrea have strong grounds for being given international protection.

RECOMMENDATIONS

TO THE GOVERNMENT OF ERITREA

CONSCRIPTION IN NATIONAL SERVICE

- Bring an end to practices of indefinite conscription in National Service which amount to forced labour in violation of international law;
- Prepare frameworks for the demobilisation of all conscripts at the end of the 18 months of active service mandated in the Proclamation of 1995;
- Ensure the prompt demobilisation of those who have served more than the stipulated 18 months, with reparations including compensation proportionate to the excess time served;
- Bring an immediate end to the conscription of children into military training, including the requirement that schoolchildren undertake 12th grade at Sawa National Service and Training Centre and the inclusion of children under 18 years of age in forced round-ups for National Service;
- Ensure that no-one undertakes military training before they attain 18 years of age;
- Make provision for conscientious objection to military service and ensure that, if conscientious objectors are not entirely exempted from military service, they have the option to perform an appropriate alternative non-punitive service of a civilian character under civilian control and of a length comparable to that of military service;
- End the recent practice of conscripting into the militia older members of the population past the normal conscription age;
- Ensure that all conscripts, whether during training or in their assigned posts, are provided with accommodation and conditions which comply with international human rights law, in particular with food and water of quantity and quality sufficient to satisfy their dietary needs; and access to health care to ensure the highest attainable standard of physical and mental health.

ARREST AND DETENTION

- As indefinite service beyond the 18 months mandated in the National Service Proclamation constitutes forced labour, anyone who has served over the mandated 18 months of service should not be subject to punishment for attempting to desert that system; Ensure those who are currently in detention for this reason are promptly released;
- Ensure anyone caught evading or deserting from National Service is treated in accordance with international human rights law and standards, in particular:
 - Bring an immediate end to the unlawful practices of arbitrary detention without charge or trial, incommunicado detention without access to the outside world and detention in unofficial detention centres;
 - Ensure disciplinary procedures comply with internationally recognised standards of fairness and that penalties imposed within this framework are not so severe as to amount de facto to criminal penalties;
 - Ensure any detainee suspected of a recognisable criminal offence is promptly charged and tried by an independent and impartial court within a reasonable time in a fair and public trial which complies with international fair trial standards as set out in Article 14 of the ICCPR;
 - Where such a trial does not take place within a reasonable time, detainees should be released pending trial, in particular those who have to date been detained for prolonged periods without charge;

- Immediately provide detainees' families with information on their whereabouts and fate, including their current health status or official confirmation of any death in custody. In the latter case, there must be an independent and impartial investigation into the death to establish the facts with a view to ensuring those responsible are held accountable and the families are afforded reparation, including compensation;
- No one should be held in a place which is not an officially recognised place of detention. Up to date lists of all officially recognised places of detention must be made public;
- An up to date register of detainees must be maintained in all places of detention and centrally. The information in such registers must be made available to detainees' families and others with a legitimate interest in the information;
- Ensure that anyone who is detained:
 - is able without delay to inform, or have the authorities notify, their family or another third party of their detention, including information on the place of detention and any transfers;
 - is given prompt access to family members, including the rights to receive visits, and to a lawyer of their choice, with whom they must be able to communicate in private, as well as to medical care;
 - is brought promptly before a judicial or other authority whose status and tenure afford the strongest possible guarantees of competence, impartiality and independence, has the lawfulness of their detention reviewed by a court or other authority at reasonable intervals and is able to challenge the lawfulness of their detention before a court at the outset or at any time thereafter.

UNLAWFUL KILLINGS

- Immediately end the policy of shooting those attempting to cross the Eritrea-Ethiopia border.

DETENTION CONDITIONS, TORTURE AND OTHER ILL-TREATMENT

- Ensure all detainees are treated humanely and in accordance with international human rights standards, particularly the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the updated UN Standard Minimum Rules for the Treatment of Prisoners, and the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa;
- Provide all detainees with adequate shelter, food, clean drinking water, sanitation facilities and access to medical care;
- Bring an immediate end to the practice of holding prisoners in metal shipping containers and underground cells;
- Ensure no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment. In particular, bring an immediate end to tying of detainees (for example in the "helicopter" torture technique) as a punishment or as a method of interrogation;
- Ensure all allegations of torture or other ill-treatment are promptly, impartially, thoroughly and effectively investigated in a way capable of leading to the identification and punishment of those responsible; perpetrators must be prosecuted in proceedings which comply with international fair trial standards and, irrespective of whether perpetrators are identified, victims must receive reparation, including rehabilitation and compensation;
- Open all prisons and other places of detention to inspection by appropriate independent monitoring bodies.

COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

The President and Government of Eritrea must institute reforms and practices to ensure that Eritrea

complies with its human rights obligations, that human rights are respected, protected and fulfilled by the authorities at all levels and are enjoyed by all individuals in Eritrea; certain steps should be taken as urgent priorities to demonstrate genuine commitment towards improving the human rights situation in the country, including:

- Immediately and unconditionally release all prisoners of conscience – those detained because of their peaceful exercise of their rights to freedom of expression or freedom of thought, conscience, religion or belief, including because of their peaceful opposition to the government;
- Release information on any deaths in detention of prisoners of conscience and any other prisoners;
- Immediately implement the 1997 Constitution;
- Comply with Eritrea's obligations to report to bodies responsible for monitoring implementation of the international human rights treaties to which Eritrea is a party;
- Respond positively to any requests for an invitation to visit Eritrea made by UN and African independent experts, including the Special Rapporteur on the situation of human rights in Eritrea, the Commission of Inquiry on Eritrea and the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression and freedom of religion or belief.

INTERNATIONAL COMMUNITY

TO ALL COUNTRIES WHERE ERITREANS ARE MAKING CLAIMS FOR ASYLUM

- Ensure guidelines for officials examining asylum claims make clear that with regard to Eritrea;
- Indefinite conscription in National Service as practised in Eritrea is in itself a human rights violation amounting to forced labour prohibited under international law and someone fleeing their country to evade or desert such a system is attempting to avoid being subjected to human rights violations;
- The treatment of those caught attempting to leave the country without authorisation must be taken as an indication of the likely treatment of failed asylum seekers forcibly returned to Eritrea;
- There exists a generalised risk of arbitrary detention and torture and other ill-treatment for any asylum-seekers returned to Eritrea.

TO ALL COMPANIES, DONORS AND OTHER INTERNATIONAL ACTORS IN ERITREA

- Companies or other entities investing or operating in Eritrea, or planning to do so, must undertake human rights due diligence with regard to the relevant project and ensure that conscripted labour is not used at any point in their operations and that they do not provide funds or other support to projects using conscripted labour, with regard in particular to the fact that state-owned businesses in Eritrea are often staffed by conscripted labour. Donors and other international actors should likewise put in place effective safeguards to ensure their funds or activities are not used to support or facilitate the use of conscripted labour.



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JUST DESERTERS

WHY INDEFINITE NATIONAL SERVICE IN ERITREA HAS CREATED A GENERATION OF REFUGEES

During the refugee crisis of 2015, the third biggest group of people risking their lives to cross the Mediterranean were Eritreans - fleeing from a country in the Horn of Africa with no ongoing armed conflict. A large percentage were between 18 and 24 years old.

One factor in particular continues to drive Eritreans to flee - indefinite conscription into National Service.

In late 2014, members of the Eritrean government gave assurances that the indefinite extension of conscription would end. This report details the recent experiences of conscripts in National Service. Amnesty International's research in 2015 found no discernible changes to National Service. Conscription continues to be indefinite for a high proportion of conscripts and sometimes lasts for decades. Deployment continues in a range of civilian as well as military roles, including agricultural work, construction, teaching and the civil service. The system amounts to forced labour on a national scale.

Conscripts are unable to enjoy family life because they are often deployed far away from home. Leave is limited and arbitrarily granted. Conscripts do not earn enough in National Service to make ends meet. The system impacts ever-increasingly on children. Children are dropping out of school early to avoid conscription and assuming the economic burden of families. They rarely see their fathers and girls are married off earlier in the hope that this will render them ineligible for National Service.

But it is next to impossible to evade conscription. Those attempting to evade, or desert conscription are often caught in round-up, and subjected to months in arbitrary detention as punishment, before being sent for National Service. Those caught trying to leave Eritrea without authorisation face a similar fate. Conditions in detention are appalling.

Yet a number of countries where Eritreans are seeking asylum are refusing to recognise that those who flee National Service have valid grounds for claiming international protection.

The Eritrean government needs to bring an end to indefinite conscription into National Service. Countries hosting Eritrean asylum seekers need to offer them international protection, while advocating with the government of Eritrea to institute urgent reforms to National Service.

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