



## COUNTRY OF ORIGIN INFORMATION REPORT

# ERITREA

APRIL 2006

**RDS-IND**

COUNTRY OF ORIGIN INFORMATION SERVICE

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## 1. Scope of document

### 1. Scope of Document

- 1.1 This Country of Origin Information Report (COI Report) has been produced by Country of Origin Information Service, Research Development and Statistics (RDS), Home Office, for use by officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It includes information available up to 10 March 2006.
- 1.2 The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum / human rights determination process.
- 1.3 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- 1.4 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- 1.5 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- 1.6 As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- 1.7 The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent

documents. All sources contain information considered relevant at the time this Report was issued.

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

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## **Advisory Panel on Country Information**

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

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## **2. Geography**

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- 2.01 “Eritrea is located in the Horn of Africa and is bordered on the northeast and east by the Red Sea, on the west and northwest by Sudan, on the south by Ethiopia, and on the southeast by Djibouti. The country has a high central plateau that varies from 1,800 to 3,000 meters (6,000 -10,000 ft.) above sea level. A coastal plain, western lowlands, and some 300 islands comprise the remainder of Eritrea's landmass. Eritrea has no year-round rivers.” [4a]
- 2.02 It continued: “The climate is temperate in the mountains and hot in the lowlands. Asmara, the capital, is about 2,300 meters (7,500 ft.) above sea level. Maximum temperature is 26° C (80° F). The weather is usually sunny and dry, with the short or belg rains occurring February - April and the big or meher rains beginning in late June and ending in mid-September”. [4a]
- 2.03 A map of Eritrea can be found in Annex B and also accessed by the following link <http://www.unhcr.org/cgi-bin/texis/vtx/publ/opedoc.pdf?tbl=PUBL&id=3dee2c620>

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## **3. Economy**

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- 3.01 The International Monetary Fund, reported on 9 February 2005 that: “Eritrea remains one of the poorest countries in the world, with a per capita GDP of about \$130 and a Human Development Index ranking of 156 out of 177 countries. More than half of the population lives on less than US\$1 per day and about one third lives in extreme poverty (i.e., less than 2,000 calories per day). The authorities have produced an Interim Poverty Reduction Strategy Paper and a national food security strategy, which together set out plans aimed at increasing rural incomes and raising productivity”. [9]
- 3.02 Afrol News reported on 10 February 2005 that: “A new report on the economic performance of Eritrea indicates that the country is far from stepping out of its economic crisis. The economic detraction of the last six years has been even greater than previously assumed, and Eritrea’s regional isolation has strongly damaged trade.” [16a]
- 3.03 BBC News reported on 14 April 2005 that: “The Eritrean Government is threatening jail terms and large fines for anybody caught using foreign currency. Eritrea has a serious shortage of foreign exchange – which is vital for imports such as oil and food.” [8i]
- 3.04 Africa South of the Sahara 2005 stated that: “£1 sterling is equivalent to 24.45 nafka”. [1a] (p415)
- 3.05 IRIN News reported on 19 May 2005 that:
- “Woldai Futur, Eritrea’s current minister for national development said that military spending was expected to consume about 17 percent of the 2005 national budget – a high figure compared with international standards .... Farmers in the southwestern province of Gash-Barka, Eritrea’s main bread basket, told IRIN they could produce much more if their sons who were in the army could help them with irrigation and dam-building during the rainy season. The government argues that soldiers work in state-run and private farms during the agricultural season making up for manpower that otherwise would have been lost.” [19j]
- 3.06 IRIN News reported on 26 August 2005 that:
- “The Eritrean government has asked the US Agency for International Development (USAID) to cease its operations in the Horn of Africa country.....Relations between the aid community and the Eritrean government have become strained in recent months, following the impounding of more than 100 project vehicles and the announcement of a new proclamation requiring aid agencies to pay taxes. The new regulations also require international NGOs to register on an annual basis, to have at least US \$2 million at their disposal in the country and to pay taxes on the import of relief aid items, including food.” [19r]

## PETROL RATIONING

- 3.07 The Foreign and Commonwealth Office assessed in a letter dated 26 April 2005 that petrol is still rationed. [10a]
- 3.08 IRIN News reported on 6 July 2005 that: “Eritrean authorities have hiked fuel prices by 28 percent, saying the increase was necessitated by rising oil prices in the international market...Petrol rationing, introduced in September 2004, was,

meanwhile, reported to have come to an end. Diesel rationing would however remain.” [19s]

## **DROUGHT AND FAMINE**

3.09 IRIN News reported on 24 May 2005 that:

“According to a country-wide nutrition survey conducted by UN agencies and the government in June 2004, acute malnutrition in Eritrea ranged from 10 percent to 20 percent, depending on the area. Based on last year’s crops assessment, the UN Consolidated Appeal Process (CAP) predicted that Eritrea would face a food deficit of 431,000 mt in 2005. This takes into account 108,000mt of local production and 30,000mt of commercial imports, including government imports and other informal sources. Out of a population of 3.8 million, about 2.3 million people in Eritrea need food assistance. Of these, 600,000 are urban poor, who rarely benefit from distributions and subsist by buying limited amounts of bread at subsidised prices. The remaining 1.7 million are drought-affected peasants, internally displaced persons from Eritrea’s war against Ethiopia from 1998 to 2000, returnees who had fled into Sudan during Eritrea’s 30 year war for independence and people who were expelled from Ethiopia because they were Eritrean citizens.” [19k]

3.10 IRINnews reported on 1 September 2005 that: “Humanitarian officials in Eritrea have expressed uncertainty about how the probable departure of the US Agency for International Development (USAID) would affect food security in the aid – dependent Horn of Africa State. In July, Eritrea...asked USAID – its largest donor of food aid – to stop operations...”. [19t]

3.11 Dehai News reported on 24 October 2005 that: “Eritrea has stopped food aid distribution to more than one million people, in an apparent attempt by the government to reduce its reliance on foreign aid, according to aid officials in the Eritrean capital of Asmara.” [11a]

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## 4. History

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Refer to Europa World Online for a more detailed history of events prior to 1991.

### FOUNDATIONS OF ERITREA

4.01 Europa World Online, accessed on 30 January 2006, stated that:

“The Treaty of Ucciali, which was signed in 1889 between Italy and Ethiopia, gave the Italian Government control over what is today the state of Eritrea... During 1941-52 Eritrea was under British administration. The Eritrean national identity, which was established during the Italian colonial period, was further subjugated under British rule. As the Allied powers and the UN discussed the future of the former Italian colony, Ethiopian territorial claims helped to foment a more militant nationalism among the Eritrean population. In 1952, a compromise agreement was reached, whereby a federation was formed between Eritrea and Ethiopia. However, the absence of adequate provisions for the creation of federal structures allowed Ethiopia to reduce Eritrea’s status to that of an Ethiopian province by 1962”. [1c]

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

4.02 Europa World Online further reported that:

“Resistance to the Ethiopian annexation was first organized in the late 1950s, and in 1961 the Eritrean Liberation Front (ELF) began an armed struggle... In the mid 1970s a reformist group separated from the ELF and formed the Popular Liberation Forces (renamed the Eritrean People’s Liberation Front, EPLF, in 1977) and the military confrontation with the Ethiopian Government began in earnest. A major consequence of the split was the civil war of 1972 - 74.” [1c]

4.03 The same report said that: “Following the 1974 revolution in Ethiopia and the assumption of power by Mengistu Haile Mariam in 1977, thousands of new recruits joined the EPLF, and the armed struggle transformed into full-scale warfare...” [1c]

### INDEPENDENCE 1993 AND TRANSITIONAL GOVERNMENT

4.04 Europa World Online reported that: “Following the liberation of Asmara by the EPLF [in May 1991], and of Addis Ababa by the Ethiopian People’s Revolutionary Democratic Front (EPRDF), a conference was convened in London, [at which] the Ethiopian delegation accepted the EPLF administration as the legitimate provisional Government of Eritrea, and the EPLF agreed to hold a referendum on independence in 1993. The provisional government, which was to administer Eritrea during the two years prior to the referendum, drew most of its members from the EPLF. The Government struggled to rehabilitate and develop Eritrea’s war-torn economy and infrastructure, and to feed a population of whom 80% remained dependent on food aid. The agricultural sector had been severely disrupted by the war, and urban economic activity was almost non-existent.” [1c]

4.05 This report continued: “At the UN-supervised referendum on independence, held in April 1993, 99.8% of Eritreans who voted endorsed national independence. The anniversary of the liberation of Asmara, 24 May, was proclaimed Independence Day, and on 28 May Eritrea formally attained international recognition. In June Eritrea was admitted to the Organization of African Unity (OAU, now the African

Union, AU). Following Eritrea's accession to independence, a four-year transitional period was declared, during which preparations were to proceed for establishing a constitutional and pluralist political system. At the apex of the transitional Government were three state institutions: the Consultative Council (the executive authority formed from the ministers, provincial administrators and heads of government authorities and commissions); the National Assembly (the legislative authority formed from the Central Committee of the EPLF, together with 30 members from the Provincial Assemblies and 30 individuals selected by the Central Committee); and the judiciary. One of the National Assembly's first acts was the election as Head of State of Issaias Afewerki, the Secretary-General of the EPLF, by a margin of 99 votes to five." [1c]

## THE PFDJ AND CONSTITUTIONAL DEVELOPMENTS

- 4.06 Europa World Online reported that: "In February 1994 the EPLF transformed itself into a political party, the People's Front for Democracy and Justice (PFDJ). An 18-member Executive Committee and a 75-member Central Committee were elected; President Afewerki was elected Chairman of the latter. In March the National Assembly adopted a series of resolutions whereby the former executive body, the Consultative Council, was formally superseded by a State Council. Other measures adopted included the creation of a 50-member Constitutional Commission and the establishment of a committee charged with the reorganization of the country's administrative divisions. It was decided that the National Assembly would henceforth comprise the 75 members of the PFDJ Central Committee and 75 directly elected members. However, no mechanism was announced for their election. All but eight of the 50 members of the Constitutional Commission were government appointees, and there was no provision for any opposition participation in the interim system." [1c]
- 4.07 It continued: "A draft constitution was discussed at international conventions held by the Constitutional Commission in July 1994 and January 1995. In May the National Assembly approved proposals to create six administrative regions to replace the 10 regional divisions that had been in place since colonial rule. In November the Assembly approved new names for the regions and finalized details of their exact boundaries and sub-divisions." [1c]
- 4.08 It further said: "In early 1997 the Government established a Constituent Assembly, comprising 527 members (150 from the National Assembly, with the remainder selected from representatives of Eritreans residing abroad or elected by regional assemblies), to discuss and ratify the draft constitution. On 23 May the Constituent Assembly adopted the Constitution, authorizing 'conditional' political pluralism and instituting a presidential regime, with a President elected for a maximum of two five-year terms. The President, as Head of State, would appoint a Prime Minister and judges of the Supreme Court; his or her mandate could be revoked should two-thirds of the members of the National Assembly so demand. The Constituent Assembly was disbanded, and a Transitional National Assembly (consisting of the 75 members of the PFDJ Central Committee, 60 members of the Constituent Assembly and 15 representatives of Eritreans residing abroad) was empowered to act as the legislature until the holding of elections to a new National Assembly." [1c]
- 4.09 And the report continued: "It was initially announced that Eritrea's first post-independence elections, which were scheduled to have been held in 1998, but were postponed indefinitely following the outbreak of hostilities with Ethiopia (see below), would take place in December 2001. However, during 2001 the likelihood of

elections taking place in that year diminished, as President Afewerki assumed an increasingly authoritarian position”. [1c]

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## **BORDER CONFLICT WITH ETHIOPIA 1998 - 2000**

4.10 Europa World Online reported on 30 January 2006 that:

“Relations with Ethiopia deteriorated in late 1997, following Eritrea’s adoption of a new currency (the nakfa) to replace the Ethiopian birr and the subsequent disruption of cross-border trade. In May 1998 fighting erupted between Eritrea and Ethiopian troops in the border region after both countries accused the other of having invaded their territory. Hostilities escalated in June around Badme, Zalambessa and Assab, resulting in numerous casualties for both sides. A peace plan devised by the USA and Rwanda in early June was unsuccessful, although later that month Eritrea and Ethiopia agreed to an aerial ceasefire, following mediation by the USA and Italy. In August an OAU mediation committee presented its report to the Ministers of Foreign Affairs of Eritrea and Ethiopia at an OAU meeting in Ouagadougou, Burkina Faso. The proposals, which endorsed the US-Rwandan peace plan, were rejected by Eritrea, which maintained that it would not withdraw its troops from the disputed territory prior to negotiations. In November President Afewerki and Prime Minister Meles of Ethiopia were present at different sessions of a special meeting of the OAU mediation committee in Ouagadougou, which was also attended by the Heads of State of Burkina Faso, Zimbabwe and Djibouti. The committee’s peace proposals...were accepted by Ethiopia, but rejected by Eritrea.... Other international mediation attempts...failed to resolve the dispute, and in February 1999 the aerial cease-fire was broken and intense fighting resumed in the border region. In April both sides claimed that they were now prepared to accept and implement the OAU peace proposals.... Afewerki announced that Eritrean troops would be withdrawn from all territory captured from Ethiopia since 6 May 1998.... After requesting clarification of technical arrangements to end the war, Ethiopia informed the OAU in September that it had rejected the peace agreement, owing to inconsistencies contained therein. Eritrea accused Ethiopia of deliberately stalling proceedings, while secretly preparing for a fresh offensive.” [1c]

4.11 Africa South of the Sahara 2005 noted that:

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

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

4.13 In the same volume it also said that:

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

#### UNRESOLVED BORDER DEMARCATION

4.14 Africa South of the Sahara 2005, in its Ethiopia report, stated:

“In late 1997 relations with Eritrea deteriorated, following that country’s adoption of a new currency (to replace the Ethiopian birr) and the subsequent disruption of cross-border trade. Fighting between Ethiopian and Eritrean troops erupted in early May 1998, with both countries accusing the other of having invaded their territory”. [1d]

4.15 The report continued: “Mediation failed and between 1998 and 2000 the two countries fought a bitter war with casualties estimated at 70 - 100,000. Eventually the Eritrean government announced that it would withdraw its troops from all disputed areas and a cessation of hostilities agreement was signed in Algiers on 18 June [2000]. On 12 December 2000 Ethiopia and Eritrea signed an agreement in Algiers which formally brought an end to the conflict. The terms were largely favourable to Ethiopia and included a return to the pre-May 1998 border positions, a 25-km wide demilitarized security zone inside the Eritrean frontier, the deployment of a UN peace-keeping force and the future demarcation of the border (Europa 2003 and Africa South of the Sahara 2005). The Algiers agreement also established a Boundary Commission to rule on the delineation and carry out the demarcation of the disputed boundary.” [1d]

4.16 “Ethiopia expelled 70,000 Eritreans living in the country, a move strongly criticized by Amnesty International and other human rights organizations. Eritrea subsequently encouraged a similar number of Ethiopians to leave Eritrea.” [1d]

4.17 Human Rights Watch 2003 stated: “In late August 2002, Eritrea repatriated 279 Ethiopian prisoners of war (POWs), stating that it had thereby returned all POWs, but the Ethiopian government accused Eritrea of still holding prisoners in undisclosed locations.” [29]

4.18 The BBC reported on 29 November 2002 that more than 1,200 Eritrean prisoners of war held by Ethiopia for more than two years had returned home. The BBC reported that the International Committee of the Red Cross said it wants to work with the Ethiopian and Eritrean governments on the cases of some individual PoWs still being held by either country. However, the Red Cross said all registered prisoners from the conflict – which ended two years before – had now been repatriated. The last group of registered Ethiopian prisoners was sent home three months before the report. [4n]

4.19 An Amnesty International report issued in January 1999 stated that:

“Ethiopia’s policy of deporting people of Eritrean origin after war between the two countries broke out in May 1998 has now developed into a systematic, country-wide operation to arrest and deport anyone of full or part Eritrean descent.” The report further noted that: “At least 22,000 Ethiopians have returned to Ethiopia from Eritrea since May, most after losing their jobs and being rendered destitute as a result of the hostilities, and some in fear of reprisals. No evidence was found to support Ethiopia’s allegations that 40,000 of its citizens have been seriously ill-treated and forcibly deported from Eritrea since May 1998.” [5n]

- 4.20 The FCO Country Profile for Ethiopia stated that: “In September 2000 the UN Security Council approved the deployment of a 4,200-strong UN Mission In Ethiopia and Eritrea (UNMEE), to police the Temporary Security Zone (TSZ); The Boundary Commission announced its decision on the border on 13 April 2002. Demarcation was due to follow in 2003. However, when it became clear that the town of Badme (where the hostilities started) had been awarded to Eritrea, Ethiopia challenged the BC’s conclusions. In November 2004 Ethiopia announced its acceptance ‘in principle’ of the Boundary Commission ruling but progress on demarcation remains stalled. [44]
- 4.21 The profile continued: “Despite an announcement by Prime Minister Meles Zenawi that his country would accept ‘in principle’ a border ruling by an independent commission on Ethiopia’s border with Eritrea, the year 2004 ended without a resolution of the dispute. Meles made the announcement in November. However he insisted that the April 2002 ruling on the 1,000-km frontier with Eritrea, which sparked a bloody two-year war in 1998, was still ‘illegal and unjust’. His announcement was welcomed by the Africa Union and the European Union. However the reaction from Eritrea called for “full and unconditional respect for the Algiers agreement”. A statement issued by the Foreign Ministry in Asmara accused Ethiopia of ‘intransigence’, adding that Eritrea would not ‘accommodate Ethiopia’s forcible occupation of our territory’.(IRIN) 5 January 2005. [44b]
- 4.22 Tensions continued with large numbers of troops massed on the disputed border in early 2005. An UNMEE spokesperson urged both countries to remain calm and show restraint. [44b]
- 4.23 Tensions mounted again at the end of October 2005 when Eritrea banned all UNMEE helicopter flights and vehicle movements on its side of the border (IRIN 2 February 2006). [19]
- 4.24 In December Eritrea ordered out Western UN troops serving in the UNMEE mission. However, most of UNMEE are from Asian and African countries and these remained (BBC 16 December 2005). [8s]
- 4.25 In February 2006 the Witnesses to the Algiers Agreement met to discuss the impasse between Ethiopia and Eritrea. At their request, the Ethiopia Eritrea Boundary Commission convened a meeting in London on 10 -11 March, attended by legal representatives of the two countries, to prepare to resume demarcation of the boundary. A further meeting was planned for April. [52e]
- 4.26 USSD 2005 for Ethiopia noted that:

“At year’s end there were approximately two million landmines in the country, many dating from the 1998 - 2000 war with Eritrea. United Nations Mission in Eritrea and Ethiopia (UNMEE) officials reported that new landmines were planted on both sides

of the Ethiopian-Eritrean border during the year. The government and UNMEE engaged in demining activities in selected areas along the border and disseminated information on the whereabouts of suspected mined areas to local residents.” [4h]

## RELATIONS WITH SUDAN

4.27 Dehai.org reported on 14 October 2005 that:

“Sudan and Eritrea Thursday concluded their official talks here and issued a joint communiqué in which they affirmed the desire of the two countries to open a new chapter in the bilateral relations in the light of the current political developments. In the final communiqué...the two sides stressed the importance of taking steps that are necessary to pave the way for building confidence, top of which is cessation of media campaigns”. [11b]

4.28 The Sudan Tribune reported on 30 November 2005 that:

“First Vice president Lt. Gen. Salva Kiir Mayardit leaves Thursday for Asmara on an official visit to Eritrea, to normalize bilateral relations, during which he will hold talks with the Eritrean President, Isaias Afewerki.. [62]

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## 5. State Structures

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### THE CONSTITUTION

- 5.01 The CIA World Factbook 2005 stated that: “The transitional constitution, decreed on 19 May 1993, was replaced by a new constitution adopted on 23 May 1997, but not yet implemented.” [28]
- 5.02 Africa South of the Sahara 2005 stated that: “The outbreak of war in 1998 delayed the implementation of the Constitution, although government officials continued to insist that it would be implemented gradually, once peace returned.” [1a] (p403)
- 5.03 HRW, in its 2006 report, stated that: “No political party other than the People’s Front for Democracy and Justice (PFDJ) is allowed to exist in Eritrea and no national elections have been held since the country won its independence from Ethiopia in 1993. Using the excuse that Eritrea remains at war, the government has refused to implement the 1997 constitution, drafted by a constitutional assembly and ratified by referendum, that respects civil and political rights.” [29f]

### CITIZENSHIP AND NATIONALITY

- 5.04 The Eritrean Nationality Proclamation No.21/1992 published in April 1992 details the criteria and law as regarding Eritrean Nationality. [7]
- 5.05 On 27 January 2004, the Home Office received a letter from the Eritrean Embassy in London clarifying certain points with regards to obtaining Eritrean nationality. The letter stated that:
- “a A person who is with an Eritrean father/mother would be eligible for Eritrean nationality as long as the person provides three witnesses.
  - “b The political views of the three witnesses are not relevant to establishing the nationality.
  - “c The political views of the applicant for nationality are not relevant to establishing eligibility for nationality and obtaining an Eritrean passport.
  - “d The voting in the 1993 Referendum is not a necessary precondition to establishing nationality.
  - “e Paying a 2% tax on nationals overseas is not a precondition for eligibility for Eritrean nationality and obtaining a passport.
  - “f Claiming refugee status overseas does not preclude eligibility for Eritrean nationality or obtaining an Eritrean passport.
  - “g All application forms are filled in person by the applicant at the Embassy’s consular section and has (*sic*) to be authorised by the Ministry of Foreign Affairs in Eritrea. No application forms out of the standard provided by the Embassy are accepted.” [14]
- 5.06 A British Fact Finding Mission reported on 29 April 2003 that: “If a person’s parents or grandparents were born in Eritrea you will certainly be entitled to Eritrean

nationality but will have to prove this". It was also confirmed that applicants would not be asked about their views, political or otherwise. [3] (p46-48)

5.07 The British Embassy in a letter dated 2 July 2001 noted that: "The Political Director of the Ministry of Foreign Affairs...was quite clear that the 1993 referendum plays no part in whether or not someone is entitled to Eritrean nationality." [15]

5.08 HRW, in a report dated January 2003, stated that:

"The legal status of Ethiopian residents in Eritrea who had not sought Eritrean nationality at the time of the war's outbreak does not appear to be in dispute. The Eritrean government as a rule considered them as aliens. It did not automatically issue the Eritrean national identity card or passport to these Ethiopians nor did it recruit them for employment reserved for nationals. Ethiopians were also not called up for military service in Eritrea. For the purposes of residency and departure procedures, the Eritrean government continued to deal with Ethiopian nationals under the normal institutions and procedures governing aliens residing in the country, i.e. they were required to acquire residency permits and obtain exit visas to leave the country." [29a] (p31)

### THREE WITNESSES

5.09 A British Fact Finding Mission [FFM] reported on 29 April 2003 that the three witnesses method is used because it would not always be possible to check a person's identity by use of birth certificate. As this can be rather hard to do the three witnesses identification method is favoured in all cases. [3] (p48)

5.10 The same report stated that: "An applicant can call on any 'three witnesses' to verify that the applicant is an Eritrean national. The 'three witnesses' must be Eritreans who hold an Eritrean identification card or passport." [3] (p48)

5.11 It also noted that: "Though every adult is supposed to have a national ID card and anyone holding an Eritrean passport would be in possession of that card, identity records are not centralised and it is often difficult to find information about an individual...while documentation can help a person to prove nationality the Eritrean government now relies on the 'three witness' rule." [3] (p48)

5.12 Furthermore, it noted that: "They [an applicant] can choose any three Eritreans in the world that they know personally. The person abroad will have to go to the Eritrean embassy of that country in order to answer questions. These are standard questions about how long they have known the person, relationship etc. They sign a piece of paper that is then faxed onwards." [3] (p48)

5.13 Additionally, it stated that: "According to the [Operations Chief – Department of Immigration and Nationality for Eritrea] the profile of the witness does not have a bearing on this [acceptability]. They are not asked for political or any other views. They must be a registered Eritrean citizen and must show that they know the person well. It is a character witness procedure; they must agree to be responsible for the person's application to be a recognised Eritrean citizen." [3] (p48)

5.14 This report also stated that:

"There are over three million people in Eritrea, as well as hundreds of thousands in the Diaspora (Eritreans abroad)...even if they came from Ethiopia or Sudan they

would have known many other Eritreans. It is a matter of history that those in Ethiopia kept close contact with family in Eritrea, even those that stayed in Ethiopia after independence. Most formed 'clubs' to celebrate and remember their culture. Those in the Sudan lived in 'Eritrean communities and camps'...many tens of thousands of those returned from Ethiopia and Sudan had their stay regulated and have Eritrean passports....' not only will we [the authorities] allow witnesses from all over the globe but we will follow up claims. So for example if someone claims to be from a certain village we will send word to that community so that they can get the witnesses to come forward." [3] (p49)

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## THE 1993 REFERENDUM

5.15 The FFM reported in April 2003 that:

"The issue of participation in the 1993 Referendum has no bearing on eligibility for Eritrean nationality. Participation had importance when Eritrea first achieved independence but now over a decade later this is no longer the case. The problem is that many people were not able to vote in the referendum for one reason or other and it would not be reasonable or logical to apply such criteria after a decade of independence. Some had been in inaccessible areas, some had been sick, some out of the country, some were too young." [3] (p49)

5.16 The report further noted that:

"Over time such a criterion has lessened in importance to the point now where it is of little importance....the initial vote was conducted largely thanks to the machinery of the Ethiopian government. They held the central records. We [the Eritrean authorities] have most of the information now but since the border war, we can no longer check any discrepancies. Therefore we cannot always verify if a person voted in the referendum or not." [3] (p49-50)

## MIXED MARRIAGE AND MIXED BIRTH

The following paragraphs relate to reunions of partners in mixed Eritrean and Ethiopian marriages.

5.17 A British Fact Finding Mission reported on 29 April 2003 that: "...in most cases a mixed marriage will prove to be no problem if both partners are already in Eritrea. If they are split between Eritrea and Ethiopia then the ICRC arranges visits and temporary reunions." [3] (p50)

5.18 The report further noted that: "...if both partners are in Eritrea...the non-Eritrean would apply for a residence permit. This is also the situation if a person is unable to prove nationality. While a person attempts to prove their credentials, a person is given a residence permit, these are renewable every six-months. With most residence permits a person is allowed to work." [3] (p50)

5.19 Moreover the report stated that: "...in cases where a person is part of an expelled mixed marriage they will if at all possible be dealt with faster...the Eritrean Government is very sympathetic to such cases." [3] (p50)

- 5.20 This report also noted that: "...in the case of a mixed birth a person would generally not have too many problems as long as they can prove that they have Eritrean roots. This would make them eligible for Eritrean nationality under the normal procedures of the nationality proclamation." [3] (p50)
- 5.21 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated [regarding family reunion and the ICRC arranging visits between split families] that: "In reality, this is extremely difficult for the majority of cases and not all are able to avail themselves of the ICRC mechanism, which is the only possibility for travel between the two countries. A person must decide to move permanently to the other country if they are to repatriate with ICRC and often, Ethiopia will not accept the arrival of an Eritrean spouse and vice versa." [18b]
- 5.22 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated [regarding nationality issues]:
- "If a couple is in a mixed marriage, it is very difficult to acquire Eritrean nationality for the foreign spouse who wishes to do so. With regard to dual nationality, the person will only be regarded as an Eritrean citizen if s/he is in Eritrea and no consideration will be taken to the other nationality, an issue which has caused some friction between certain western diplomatic missions and the Government of Eritrea, especially with regard to detention cases." [18b]

## THE POLITICAL SYSTEM

- 5.23 The CIA World Factbook 2005 stated that the Eritrean government is a transitional government:
- "Following a successful referendum on independence for the Autonomous Region of Eritrea on 23-25 April 1993, a National Assembly composed entirely of the People's Front for Democracy and Justice or PFDJ, was established as a transitional legislature; a Constitutional Commission was also established to draft a Constitution; Isaias Afworki was elected President by the transitional legislature; the constitution, ratified in May 1997, did not enter into effect, pending parliamentary and presidential elections; parliamentary elections had been scheduled in December 2001, but were postponed indefinitely; currently the sole legal party is the People's Front for Democracy and Justice (PFDJ)." [28]
- 5.24 The USSD Background Note dated January 2006 stated that:
- "In September 2001, after several months in which a number of prominent PFDJ party members had gone public with a series of grievances against the government and in which they called for implementation of the constitution and the holding of elections, the government instituted a crackdown. Eleven prominent dissidents, members of what had come to be known as the Group of 15, were arrested and held without charge in an unknown location. At the same time, the government shut down the independent press and arrested its reporters and editors, holding them incommunicado and without charge. In subsequent weeks, the government arrested other individuals, including two Eritrean employees of the U.S. Embassy." [4a]

## CORRUPTION

- 5.25 Freedom House 2005 noted that:

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

- 5.26 However, the United States State Department 2005 report on Human Rights Practices reported that: “Corruption was not prevalent. There were no mechanisms to address allegations of abuse among the police, internal security, or military forces”. [4f]

## THE JUDICIARY

- 5.27 USSD 2005 stated that: “The judicial system suffered from a lack of trained personnel, inadequate funding, and poor infrastructure that in practice limited the government’s ability to grant accused persons a speedy and fair trial.” [4f]

- 5.28 It continued: “Unlike the special court system, the law provides specific rights to defendants in the regular court system. Although defendants could hire a legal representative at their own expense, most detainees could not afford to do so and consequently did not have access to legal counsel. The government frequently assigned attorneys to represent defendants accused of serious crimes punishable by more than 10 years in prison and who could not afford legal counsel. Defendants have the right to confront and question witnesses, present evidence, have access to government held evidence, appeal a decision, and have presumption of innocence; it was unknown how well these rights were enforced in practice.” [4f]

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

- 5.30 And then that: “Shari’a law could be applied when both litigants in civil cases were Muslims. Traditional courts cannot impose sentences involving physical punishment.” [4f]

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

- 5.32 Europa 2005 stated that:

“The judicial system operates on the basis of transitional laws which incorporate pre-independence laws of the Eritrean People’s Liberation Front, revised Ethiopian laws, customary laws and post-independence enacted laws. The independence of the judiciary in the discharge of its functions is unequivocally stated in Decree No. 37, which defines the powers and duties of the Government. It is subject only to the law and to no other authority. The court structure is composed of first instance sub-zonal courts, appellate and first instance zonal courts, appellate and first instance high courts, a panel of high court judges, presided over by the President of the High Court, and a Supreme Court presided over by the Chief Justice, as a court of last resort. The judges of the Supreme Court are appointed by the President of the State, subject to confirmation by the National Assembly.” [1a] (pp418-19)

- 5.33 USSD 2005 stated that: “The judicial system suffered from a lack of trained personnel, inadequate funding, and poor infrastructure that in practice limited the government’s ability to grant accused persons a speedy and fair trial.” [4f]

### SPECIAL COURTS

- 5.34 USSD 2005 reported that: “The judicial system had two parts: civilian and special courts... The executive – controlled Special Court issues directives to other courts regarding administrative matters, although their domain was supposed to be restricted to criminal cases involving capital offenses, theft, embezzlement, and corruption. The Office of the Attorney General decides which cases are to be tried by a special court. No lawyers practice in the special courts. The judges serve as the prosecutors... The special courts, which do not permit defense counsel or the right of appeal, allowed the executive branch to mete out punishment without respect for due process. The judges...are senior military officers, with no formal legal training. They generally based their decisions ‘on conscience’, without reference to the law. There is no limitation on punishment, although the special courts did not hand down capital punishment sentences during the year.” [4f]

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### LEGAL RIGHTS/DETENTION

- 5.35 USSD 2005 reported that: “The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were serious problems... The law stipulates that detainees may be held for a maximum of 30 days without being charged with a crime. In practice, authorities often detained persons suspected of crimes for much longer periods, usually without warrants. Authorities often did not properly inform detainees of the charges against them. Often detainees did not have access to legal counsel or appear before a judge, and incommunicado detention was widespread. There was a functioning bail system for all cases, except those involving national security or for which capital punishment might be handed down.” [4f]

### THE DEATH PENALTY

- 5.36 The Free Glossary 2004 states that Eritrea retains the death penalty as a legal form of punishment. [38]
- 5.37 Hands off Cain, in their country status report on the death penalty, updated to 2 January 2006, stated that Eritrea is one of 62 countries that retain the death penalty. [39]

## INTERNAL SECURITY

- 5.38 USSD 2005 stated that: “Police are officially responsible for maintaining internal security, and the army is responsible for external security; however, the government can call on the armed forces, the reserves, and demobilized soldiers in response to both domestic and external security arrangements... Generally the police did not have a role in cases involving national security, but beginning in the fall [of 2005], the police became involved in the rounding up of individuals evading national service”. [4f]

## PRISONS AND PRISON CONDITIONS

- 5.39 The ICRC 2004 report noted that:

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

- 5.40 AI commented in their report of 28 July 2005 in connection with the treatment of relatives of military conscription evaders and deserters, that:

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

- 5.41 The USSD 2004 report noted that:

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

- 5.42 AI 2005 stated that: “Torture continued to be used against many recent political prisoners and as a standard military punishment. Army deserters, conscription evaders and forcibly returned asylum-seekers were held incommunicado and tortured in military custody. They were beaten, tied hand and foot in painful positions and left in the sun for lengthy periods (the ‘helicopter’ torture method) or were suspended from ropes from a tree or ceiling. Religious prisoners were among many detainees held in Sawa and other military camps, beaten and forced to crawl on sharp stones. Many prisoners were kept in overcrowded metal shipping containers in unventilated, hot and unhygienic conditions and denied adequate food and

medical treatment. Conditions in military prisons around the country were extremely harsh.” [5a]

5.43 AI 2005 stated that:

“On 4 November [2004], Eritrea security forces in Asmara indiscriminately arrested thousands of people suspected of evading military conscription. People were arrested at places of work, in the street, at roadblocks and at home. Prisoners were taken to Adi Abeto army prison near Asmara. That night, a prison wall was apparently pushed over by some prisoners, killing four guards. Soldiers opened fire and shot dead at least a dozen prisoners and wounded many more.” [5a]

5.44 HRW 2005 reported that: “Arbitrary arrests and prolonged imprisonment without trial have not been limited to political leaders and the press. The government detains about 350 refugees who fled Eritrea but were involuntarily repatriated in 2002 (from Malta) and in 2004 (from Libya). They are held incommunicado in detention centers on the Red Sea coast and in the Dahlak islands.” [29c]

5.45 HRW 2006 reported that: “Prisoners are often held in secret conditions, including underground cells. Because of the large number of arrests, less prominent prisoners are packed into cargo containers or in other overcrowded prisons. In addition to psychological abuse, solitary confinement and abysmal conditions, escapees report the use of physical torture”. [29f]

5.46 USSD 2005 similarly reported that: “Prison conditions for the general prison population were poor. There were reports that prisoners were held in shipping containers with little or no ventilation in extreme temperatures. At Aderser, near Sawa, there were reports that prisoners were held in underground cells.” [4f]

5.47 The report continued: “There were substantial reports that prison conditions for persons temporarily held for evading military service were also poor. Unconfirmed reports suggested there may be hundreds of such detainees. Draft evaders were typically held for 1 to 12 weeks before being reassigned to their units. At one detention facility outside Asmara, detainees reportedly were held in an underground hall with no access to light or ventilation, and in sometimes very crowded conditions. Some detainees reportedly suffered from severe mental and physical stress due to these conditions”. [4f]

5.48 The report further said: “Several persons detained for evading national service died after harsh treatment by security forces, including the binding of hands and feet behind the head. In addition several detainees who suffered from ill health in prison died within days of their release from lack of medical care.” [4f]

5.49 And also that: “Local groups and human rights organizations were not allowed to monitor prison conditions. The government prohibited the ICRC from visiting the unknown number of Ethiopian soldiers who the government claimed were deserters from the Ethiopian army or to visit any Eritrean detainees or prisoners, although the ICRC was allowed to visit and register Ethiopian civilian detainees in police stations and prisons. Authorities generally permitted three visits per week by family members, except for detainees arrested for reasons of national security or for evading national service.” [4f]



## THE MILITARY

5.50 IRIN News reported on 19 May 2005 that:

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

5.51 Europa Online reported that: “Eritrea also has a navy of 1,400 and an air force of about 350.” [1c]

## DRAFT EVADERS

5.52 Article 37 (Penalties) of the National Military Service provisions, issued by the Government of Eritrea on 23 October 1995, reported that a range of sanctions exist for avoiding national service:-

Any violation of this Proclamation may be punished under more severe penalties contained in Eritrea’s criminal law.

Violations of the Proclamation can be punished by imprisonment of up to two years or up to 3,000 Nakfa pecuniary penalty or both.

To avoid national service by deceit or self–inflicted injury the same penalties apply, followed by national service. If the self–inflicted injury precludes national service, the prison term is extended to three years.

Those who travel abroad to avoid national service who return before they are 40 years of age must then undertake national service; those who return after that age, are punished by imprisonment of five years and lose rights to own a business license or apply for an exit visa, land ownership or a job.

Those who assist others in avoiding national service can receive two years’ imprisonment and/or a fine. [13]

5.53 The reality, as reported by USSD 2005, is: “According to the Office of General Counsel for the Jehovah’s Witnesses, up to 22 Jehovah’s Witnesses remained imprisoned without charge, including 3 allegedly detained during the year for failing to participate in national service.” [4f]

5.54 AI 2005 stated that: “On 4 November, Eritrea security forces in Asmara indiscriminately arrested thousands of people suspected of evading military conscription. People were arrested at places of work, in the street, at roadblocks and at home. Prisoners were taken to Adi Abeto army prison near Asmara. That night, a prison wall was apparently pushed over by some prisoners, killing four guards. Soldiers opened fire and shot dead at least a dozen prisoners and wounded many more”. [5i]

5.55 The same report also stated that: “In July and again in November 2005 in the Dehub region in the south, parents and other relatives of individuals who had evaded conscription or fled the country were arrested and accused of complicity. They were only released if they deposited a bond of between 10,000 and 50,000 nakfas (US\$660 – US\$3,000 equivalent) to produce the missing family member.” [51]

### SCHOOL LEAVERS AND CONSCRIPTION

5.56 AI reported on 7 December 2005 that: “National service is postponed for students, who must perform national service after their course. Graduation certificates are only presented on completion of national service. In addition, final year (11th grade) school students and all higher education students are required to do two to three months’ summer vacation work service under military control. In 2003, an extra final school year (12th grade) was added for all children to be undertaken at Sawa military training centre under military authority and including military-type training. They are then selected for higher education or conscripted into the army. In 2003, the government stopped admitting undergraduate students to the University of Asmara, where students were reputed for dissent and opposition to national service or work-service, and allocated them to technical colleges instead.” [5m]

5.57 It further said: “In January 2004, the UNICEF representative in Eritrea was reported to have expressed concern that the militarization of education was a violation of the African Charter on the Rights and Welfare of the Child, which aims to promote the best interests of the child, because it resulted in the separation of children from their families and forced them into a military environment”. [5m]

### MILITARY SERVICE

5.58 Article 8 of the National Service Proclamation (Proclamation No 82/1995) stated that: “In accordance with this proclamation all Eritrean citizens aged 18 to 50 have the duty to fulfil the ‘Active National Service’. Active National Service means the 6 month regular military training given at a base and the participation to a 12 consecutive months of active national service and development programmes under the Army Forces for a total service of 18 months. Those who cannot undertake military training and have to fulfil 18 months are included in this provision.” [13]

5.59 An excerpt from Article 11, ‘Card Registration and Distribution’, stated:

2. “Card distribution. The recruitment center responsible after identifying and registering the citizen gives the recruitment card and informs him to be ready for training.” [13]

5.60 Article 18, ‘Period of Service’, stated: “Included in the training term cited in ART 16(1) of this Proclamation and subject to ART 21 (1) of this Proclamation, a citizen serves a total of 18 months. The Ministry of Defense decides on the inconveniences that may arise upon defining the types of services and length of time”. [13]

5.61 Article 21, ‘Special Duty’, stated:

“In times of mobilization or war any citizen in Active National Service has the obligation to remain on duty even after his formal duty priod [sic] is concluded junless [sic] discharge permission is granted by the competent authority.

Citizens recruited to serve Active National Service, should they change their permanent residence must present their recruitment card [sic] and inform the nearest area administration.” [13]

- 5.62 Amnesty International reported on 7 December 2005 that: “In late 2004 the upper age limit for female conscription was reportedly reduced to 27 years. There are also military reserve duties between the ages of 40 and 50 for former EPLF veterans and former conscripts. National service has been made more military in nature and extended indefinitely as a result of the failure of the border demarcation process and corresponding fears of renewed armed conflict with Ethiopia... Exemptions from national service include provision for the disabled, for mothers while they are breast feeding, on medical grounds, and for a family to retain a young person to remain at home when all other siblings have been conscripted.” [5m]
- 5.63 The Foreign Office, in a letter dated 1 February 2006, stated that: “...if Eritreans are claiming exemption from military service on medical grounds, they are required to go before a medical board (which consists of military doctors at Sawa), who would then issue a certificate of medical condition assessment by the medical board. This certificate would then be given by the individual to the military authorities who would use it to issue the military exemption certificate. If the individual has attended a medical board at Sawa and subsequently been deemed exempt from military service on medical grounds they remain exempt indefinitely”. [10e]

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## DEMOBILISATION

- 5.64 Article 20 of the National Service Proclamation, ‘Discharge from Active National Service’, stated:

“Except for cases provided for in ART 21 (1) of this Proclamation citizens who conclude the Active National Service period are discharged from duty.

On the basis of directives issued by the Ministry of Defence citizens on Active National Service may be discharged before their term is due.

In accordance with this article the Ministry of Defence provides citizens who are discharged from Active National Service with discharge certification and their level of preparation.” [13]

- 5.65 The War Resisters’ International Global Report 2004 reported that:

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

- 5.66 USSD, in its January 2006 Background Note, stated:

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

- 5.67 The Foreign Office, in a letter dated 1 February 2006, reported that: “...the World Bank has been leading on a large demobilisation and reintegration project with support from eg The Netherlands and Norway. An element of the demobilisation component was the provision of cards to those who were finally demobilised from military/national service... Anyone demobilised will have such a card and will be able to produce it to the military or police to prove their exemption. Progress on the whole project has been slow, with Eritrea saying that it cannot make better progress until its border with Ethiopia is demarcated.” [10e]

## PRISONERS OF WAR

- 5.68 Europa 2005 stated that:

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

- 5.69 USSD 2005 reported that: “The [Eritrean] government prohibited the ICRC from visiting the unknown number of Ethiopian soldiers who the government claimed were deserters from the Ethiopian army or to visit any Eritrean detainees or prisoners...”. [4f]

## MEDICAL SERVICES

### GENERAL

- 5.70 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated: “...the medical system suffers from an acute lack of resources which include medical personnel, medicines, facilities etc. There is no national cardiac treatment available, no burn unit and very limited trauma care facilities. Also, ongoing medical training is very limited and candidates for medical school may not travel abroad to accept scholarships.” [18g]
- 5.71 The World Health Organisation in their most recent Country Summary for Eritrea stated that life expectancy is 58 years for males and 61 years for females; healthy life expectancy being 49.3 and 50.8 years respectively. [41]
- 5.72 Europa World Online, accessed on 31 January 2006, reported that: Under 5 mortality rate (per 1,000 live births, 2003) is 85; HIV/AIDS (% of persons aged 15-49, 2003) is 2.70; physicians (per 1,000 head, 1996) is 0.03 [1c]

- 5.73 Afrol news in an article dated 15 March 2005 reported that: "In the eleven years that have passed since Eritrea's independence, there has been no national service to educate health personnel. Today, however, the Eritrean Ministry of Health announced the opening of the Orotta School of Medicine in Asmara, which already has 32 students. The Eritrean Ministry of health in a press release today said that the country's first ever medical school had finally been established in Asmara." [16b]
- 5.74 Asmera.nl reported that: "Medical care is improving rapidly in Eritrea, new hospitals and health facilities are opened every year. Modern facilities may not always [be] available outside Asmara.... Basic non-prescription medicines are available in Asmara, but the selection is not large. Supplies of medicine can be irregular. Visitors should bring a supply of any necessary drugs and prescriptions". [25]
- 5.75 The Foreign Office in a letter dated 7 November 2005 conformed that insulin treatment for diabetes is generally available in Eritrea. [10d]

### SPECIALIST FACILITIES

- 5.76 A British Fact Finding Mission in April 2003 reported that: "Asmara has a number of specialist facilities including a dedicated paediatric hospital and an eye clinic." [3] (p85)
- 5.77 It also stated that:
- "There is a single hospital for psychiatric care – the 'St Mary's Neuropsychiatric Hospital' located in Asmara with a capacity of 240 beds. According to the MLHW [Ministry of Labour and Human Welfare] staff here include one trained psychiatrist and seven psychiatric nurses. There is no specialist child psychiatrist in the country or dedicated facilities for children with psychiatric problems, where hospital admission is necessary children are placed in a ward alongside adult patients. The paediatric unit of the Mekane Hiwot Hospital, also located in Asmara, may also....[treat] a small number of children with psychiatric conditions. However, as a result of poor community awareness children or adolescents with psychological problems are often believed to be either 'bad kids' or have their condition associated with 'demons or other traditional beliefs'." [3] (p89)
- 5.78 Asmera.nl states that there are the following hospitals in Asmara: "Orota Referral Hospital...gives medical services to people from all over Eritrea with critical condition [sic]; Berhan Aini Eye hospital; St. Mary hospital; Sembel hospital; Hospitem – Ospedale Italiano Ente Morale; Mekane Hiwet hospital. Health centres in Asmara deal with vaccinations, wound dressing, anti-conception [sic], ante-natal care and minor ailments and surgery." [25]

### HIV/AIDS

- 5.79 South of the Sahara 2005 stated that:

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

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

- 5.80 IRINnews, giving greater detail on the availability of treatment, reported in January 2006 that there were five HIV treatment sites in the country; in October 2005, 560 people were on Anti - Retroviral Treatment (ART) (160 in the public sector and 300 in non-government programmes); 2,000 were expected to be on ART by the end of 2005. [19u]

## THE DISABLED

- 5.81 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated: “The facilities for the disabled are not functioning and there is very limited assistance to disabled, despite the high numbers.” [18g]
- 5.82 AllAfrica.com, contrastingly, reported on 31 January 2006 that: “Community-based rehabilitation programs for the disabled [sic] in the Southern region are bearing fruitful outcome. Reports from the Ministry of Labour and Human Welfare indicated that out of 1,600 disabled nationals, 877 have made significant improvement in their standard of living in 2005 thanks to the rehabilitation program. Likewise, another 321 disabled persons received health services and were provided with job opportunities. Moreover, the Ministry extended over one million Nakfa interest-free loan that would be paid back after 3 years to 96 disabled citizens so as to help them improve their standard of living”. [42c]
- 5.83 USSD 2005 stated that: “The government dedicated substantial resources to support and train the thousands of men and women with physical disabilities that resulted from the war for independence and the conflict with Ethiopia”. [4f]

## HEALTH

- 5.84 Reliefweb reported on 24 November 2005 that: “Despite the vaccination of over 400,000 children under five years in January to May this year, one case of wild polio was detected in Eritrea in July. A national house to house polio vaccination campaign was conducted 11-14 November [2005] targeting half a million children...UNICEF continues to support various nutrition programme areas. [52c]
- 5.85 Shabait reported on 13 February 2006 that: “The Ministry of Health branch office in Maekel region disclosed that promoting mother and child care, controlling blood pressure and diabetes, as well as preventing communicable diseases would be the Ministry’s prior attention this year”. [26]

## EDUCATIONAL SYSTEM

- 5.86 The USSD 2005 report noted that:

“Education through grade seven is compulsory, and tuition – free; however, students were responsible for uniforms, supplies, and transportation... There was a shortage of schools and teachers at all levels, remedied in part by holding morning and afternoon shifts at schools. According to Ministry of Education estimates, the net enrollment rate of school age children in the 2001-02 school year was approximately 38 percent. Approximately 75 percent of the population was illiterate. In rural areas, young girls usually left school early to work at home.” [4f]

5.87 The same report noted that:

“The government required that all students attend their final year of secondary school at a location adjacent to the Sawa military training facility in the western section of the country. Students who do not attend this final year of secondary school do not graduate and cannot sit for examinations to be eligible for advanced education. The remote location of this boarding school, concerns about security, and societal attitudes restricting the free movement of girls resulted in few girl students enrolling for their final year; however, women may earn an alternative secondary school certificate by attending night school after completing national service. The Government operated Mai Nafhi Technical Institute on the outskirts of Asmara. Students from the Sawa school who scored well on the university exams were admitted to Mai Nafhi and then could be eligible to attend the University of Asmara. Mai nafhi offered a wide variety of classes, ranging from the sciences to business and technology. No new students were accepted at the University of Asmara in the current or previous year.” [4f]

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

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

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

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

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## 6. Human Rights

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### 6A. HUMAN RIGHTS: KEY ISSUES

#### GENERAL

- 6.01 The Foreign and Commonwealth Office Country Profile dated 18 November 2005 stated that: "The human rights situation in Eritrea is very poor. Detention without charge is common. Freedom of expression is severely restricted and political critics and journalists have been held for long periods." [44]
- 6.02 The draft Constitution prohibits torture or cruel, inhuman or degrading treatment or punishment. [2]
- 6.03 AI 2005 reported that: "Torture continued to be used against many recent political prisoners and as a standard military punishment". [5a]
- 6.04 USSD 2005 reported that: "The law prohibits torture; however, there were numerous reports that security forces resorted to torture and physical beatings of prisoners, particularly during interrogations. During the year security forces severely mistreated and beat army deserters, draft evaders, and members of particular religious groups (see section 2.c.). Security forces subjected deserters and draft evaders to various disciplinary actions that included prolonged sun exposure in temperatures of up to 120 degrees Fahrenheit or the binding of the hands, elbows, and feet for extended periods." (Please see 'Use of torture' section at 6.133). [4f]
- 6.05 Global IDP reported in January 2005 that:
- "Dissent, nongovernmental political, civic, social, and minority religious institutions largely forbidden....Prison visits by international human rights organisations prohibited. Plagued by famine and heightened tensions with Ethiopia over their joint border, Eritrea has remained a highly repressive state in which dissent is suppressed and nongovernmental political, civic, social, and minority religious institutions are largely forbidden to function." [22a]
- 6.06 HRW 2006 stated that: "No political party other than the People's Front for Democracy and Justice (PFDJ) is allowed to exist in Eritrea and no national elections have been held since the country won its independence from Ethiopia in 1993. Using the excuse that Eritrea remains at war, the government has refused to implement the 1997 constitution, drafted by a constitutional assembly and ratified by referendum, that respects civil and political rights." [29f]
- 6.07 It continued: "The government has arrested thousands of citizens for expressing dissenting views, practicing an 'unregistered' religion, avoiding endless military conscription, attempting to flee the country, or on suspicion of not fully supporting government policies. Mass arrests began in September 2001 with the detention of eleven leaders of the PDFJ who questioned President Isayas Afewerki's erratic and autocratic leadership. The government arrested publishers, editors and reporters and closed all independent newspapers and magazines. The arrests continued in 2005 and included three leaders of government-affiliated labor unions, the only unions allowed to operate in the country." [29f]



- 6.08 And further reported: "Most of those arrested are held indefinitely in incommunicado detention. None are formally charged, given access to lawyers or brought to trial. Some prisoners are released but are warned not to talk about their imprisonment or treatment. Some manage to escape and flee the country. As of September 2005, the World Food Program reported that ten thousand fleeing Eritreans are in refugee camps in Ethiopia, two hundred of whom fled since January, with two hundred to three hundred more arriving monthly". [29f]

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## FREEDOM OF SPEECH AND OF THE MEDIA

### THE MEDIA

- 6.09 The draft Constitution provides for freedom of speech and of the press. [2]
- 6.10 Reporters Without Borders, however, ranked Eritrea as one of the world's 'black holes' for news where the privately owned media is not allowed and freedom of expression does not exist. It placed Eritrea 166 in its World Freedom Index for 2005. [17b]
- 6.11 "The Committee to Protect Journalists demanded on 16 September 2005 that Eritrea, which it called the worst jailer of journalists in Africa, account for 15 journalists who are also detained. They are named as Zemenfes Haile, Ghebrehiwet Keleta, Selamyinghes Beyene, Hamid Mohammed Said and Saleh Ajezeeri Said Abdulkadir, Yosuf Mohamed Ali, Amanuel Asrat, Temesgen Gebreysus, Mattewos Habteab, Dawit Habtemichael, Medhanie Haile, Dawit Isaac, Seyoum Tsehaye and Fessaye Yohannes. [30]
- 6.12 The Committee to Protect Journalists demanded today that Eritrea, the worst jailer of journalists in Africa, account for 15 journalists who have been held, some in secret prisons, since the government crushed private media and independent reporting four years ago this month. [30]
- 6.13 "Holding these journalists incommunicado without due process is a gross violation of human rights," said Ann Cooper, CPJ Executive Director. "We have not forgotten those brave journalists who continue to languish in Eritrea's secret jails and our hearts go out to their families at this difficult time." [30]
- 6.14 The journalists have virtually disappeared since the September 18, 2001 press crackdown and closure of privately owned newspapers. Eritrean officials have refused to provide information on their health, whereabouts, or legal status. Some reports say they may have been tortured. The government's monopoly of news, and the families' fear of intimidation, make it extremely difficult to gather information about the detainees. [30]
- 6.15 During the crackdown Eritrean authorities arrested at least ten journalists, accusing them variously of avoiding the military draft, threatening national security, and failing to observe licensing requirements. But CPJ research indicates that the crackdown was motivated by political anxiety ahead of elections which were later cancelled. Africa's youngest nation, emerging from a bitter war with neighboring Ethiopia, had become one of its most repressive. [30]

- 6.16 "Eritrea is the only country in sub-Saharan Africa which does not allow private media, depriving all its citizens of their basic right to free expression. Its record on press freedom is an outrage," Cooper said. [30]
- 6.17 Three journalists arrested before the 2001 clampdown remain deprived of their liberty, with two said to be doing extended military service. Two journalists arrested in 2002 also remain in secret jails, according to CPJ research. [30]
- 6.18 The jailed journalists include Fesshaye "Joshua" Yohannes, whom CPJ honored with an International Press Freedom Award in 2002, and Dawit Isaac, who has both Eritrean and Swedish citizenship. Sweden's repeated requests for his release have so far proved fruitless, and Swedish officials have not been allowed to visit him, according to CPJ sources.

See CPJ's list of journalists jailed in Eritrea.

#### 15 Journalists imprisoned in Eritrea

Zemenfes Haile, Tsigenay  
Imprisoned: January 1999

Sometime in early 1999, Haile, founder and manager of the private weekly Tsigenay, was detained by Eritrean authorities and sent to Zara Labor Camp in the country's lowland desert. Authorities accused Haile of failing to complete the National Service Program, but sources told CPJ that the journalist completed the program in 1994.

Near the end of 2000, Haile was transferred to an unknown location. CPJ sources say he was released from prison in 2002 but was sent to the army and is still doing national service. CPJ sources in Eritrea believe that Haile's continued deprivation of liberty is part of the government's general crackdown on the press, which began in September 2001.

Ghebrehiwet Keleta, Tsigenay  
Imprisoned: July 2000

Keleta, reporter for the private weekly Tsigenay, was kidnapped by security agents on his way to work sometime in July 2000 and has not been seen since. The reasons for Keleta's arrest remain unclear, but some CPJ sources believe that Keleta's continued detention is part of the government's general crackdown on the press, which began in September 2001.

Selamyinghes Beyene, Meqaleh  
Imprisoned: Fall 2001

Beyene, reporter for the independent weekly Meqaleh, was arrested sometime in the fall of 2001. CPJ was unable to confirm the reasons for his arrest, but Eritrean sources believe that his detention is part of the government's general crackdown on the press, which began in September 2001. In 2002 he was taken to do military service, and is still performing his national service requirement, according to CPJ sources.

Amanuel Asrat, Zemen

Imprisoned: in the days following the clampdown of September 18, 2001

Medhanie Haile, Keste Debena

Imprisoned: in the days following September 18, 2001

Yusuf Mohamed Ali, Tsigenay

Imprisoned: in the days following September 18, 2001

Mattewos Habteab, Meqaleh

Imprisoned: in the days following September 18, 2001

Temesken Ghebreyesus, Keste Debena

Imprisoned: in the days following September 18, 2001

Said Abdelkader, Admas

Imprisoned: in the days following September 18, 2001

Dawit Isaac, Setit

Imprisoned: in the days following September 18, 2001

Isaac has Swedish as well as Eritrean citizenship. Efforts by the Swedish government to get him released have been to no avail, while Swedish officials and diplomats have not been allowed to visit him in prison, according to CPJ sources.

Seyoum Tsehaye, freelance

Imprisoned: in the days following September 18, 2001

Dawit Habtemichael, Meqaleh

Imprisoned: in the days following September 18, 2001

Fesshaye "Joshua" Yohannes, Setit

Imprisoned: in the days following September 18, 2001" [30]

- 6.19 In the days following September 18, 2001, Eritrean security forces arrested at least 10 local journalists. The arrests came less than a week after authorities abruptly closed all privately owned newspapers, allegedly to safeguard national unity in the face of growing political turmoil in the tiny Horn of Africa nation. International news reports quoted presidential adviser Yemane Gebremeskel as saying that the journalists could have been arrested for avoiding military service. Sources in the capital, Asmara, however, say that at least two of the detained journalists, freelance photographer Tsehaye and Mohamed Ali, editor of Tsigenay, are legally exempt from national service. Tsehaye is reportedly exempt because he is an independence war veteran, while Mohamed Ali is apparently well over the maximum age for military service. [30]
- 6.20 CPJ sources in Asmara maintain that the suspension and subsequent arrests of independent journalists were part of a full-scale government effort to suppress political dissent in advance of December 2001 elections, which the government cancelled without explanation. [30]
- 6.21 On March 31, 2002, the 10 jailed reporters began a hunger strike to protest their continued detention without charge, according to local and international sources. In a message smuggled from inside the Police Station One detention center in Asmara, the journalists said they would refuse food until they were either released or charged and given a fair trial. Three days later, nine of the strikers were

transferred to an undisclosed detention facility. According to CPJ sources, Swedish national Isaac, was sent to a hospital, where he was treated for posttraumatic stress disorder, a result of alleged torture while in police custody. [30]

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

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

6.23 Freedom House in their 2005 report noted that:

“The only media in Eritrea today are those controlled by the state: EriTV, which began broadcasting in Asmara in 1993; Dimtsi Hafash (Voice of the Masses radio), broadcasting in six languages with a transmission power of 1,000 kilowatts; three newspapers, one published in Tigrinya (Hadas Eritrea), one in Arabic (Eritrea al-Hadisa), and one in English (Eritrea Profile), all of which carry roughly the same information and opinion; and a government-run press service, the Eritrean News Service (EriNA). The Ministry of Information....uses the media to propangandize without permitting opposing views to be published or broadcast....What information and independent analysis of domestic and international issues reaches Eritreans does so largely through radio and Web-based media originating abroad. Three political parties – the EDP, the ELF-RC, and the ENA – beam weekly shortwave radio programs to Eritrea via satellite. These and other opposition groups also maintain active Web sites, as do several unaffiliated groups in Eritrea’s very active diaspora, most of them highly critical of the Isaias regime. The most prominent of those opposed to the current government are Awate.com and Asmarino.com. Government supporters in the diaspora also maintain a number of sites, the most prominent of which is Dehai.org.” [36]

6.24 Awate.com reported on 5 December 2005 that: “The Committee to Protect Journalists is outraged by news that Eritrean journalist Dawit Isaac was returned to jail just two days after being released in mid-November...Isaac was sent back to jail on November 21 for reasons that were not explained...”. [50c]

6.25 AllAfrica.com reported on 8 December 2005 that: “Reporters Without Borders has written to the European Union’s 25 foreign ministers asking them to raise the issue of Eritrea’s imprisoned journalists at a meeting of the General Affairs and External Relations Council on 12 December in Brussels, which will focus on Africa, and calling for the EU to do everything possible to obtain their release.” This followed the reimprisonment of Dawit Isaac. [42a]

- 6.26 USSD 2005 confirmed the proscribed nature of treatment of the media in Eritrea, reporting that: “The government controlled all media, including three newspapers, two magazines, one radio station, and one television station. There was no private media in the country, the law does not allow private ownership of broadcast media or foreign influence or ownership of media, and the government also banned the import of foreign publications. The government had to approve publications distributed by religious or international organizations before their release, and the government continued to restrict the right of the religious media to comment on politics or government policies. The press law forbids reprinting of articles from banned publications”. [4f]

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## FREEDOM OF RELIGION

- 6.27 Eritrea, a nation of about 3.7 million, is divided about equally between Christians and Muslims. Most authorities suggest a 50/50 division. The USSD Religious Freedom report of 2005, however, suggested a division of 60% Moslem and 30% Christian. This report states: “The population also includes a small number of Roman Catholics (about 5 percent), Protestants (about 2 percent), smaller numbers of Seventh–day Adventists, and fewer than 1,500 Jehovah’s Witnesses. Approximately 2 percent practice traditional indigenous religions. Also present in very small numbers are practising Buddhists, Hindus, and Baha’is (less than 1 percent)”. [4g]
- 6.28 It further said: “The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. In September 2004, the Secretary of State designated Eritrea as a ‘Country of Particular Concern’ under the International Religious Freedom Act for particularly severe violations of religious freedom.” [4g]

## RELIGIOUS GROUPS

- 6.29 The Christian community in Eritrea is divided into several different denominations. The overwhelming majority are members of the Eritrean Orthodox Church, with a membership of 1.7 million. Their faith is identical to Ethiopian Orthodox Christianity but they established a separate Church leadership under an Eritrean Patriarch when Eritrea broke away from Ethiopia in 1993. (Human Rights Without Frontiers)[61a] (Africa South of the Sahara) [1a]
- 6.30 The USSD 2005 International Religious Freedom Report stated that: “In 2002, the Minister of Information issued a decree that all religions except for the Eritrean Orthodox Church, Islam, the Roman Catholic Church, and the Evangelical Lutheran Church must fill out registration applications and cease religious activities and services until these applications were approved... A government committee reviews the applications, which in theory are to be approved only if they conform to local culture.” [4g]
- 6.31 The report continued: “The Government approved no registrations during the period covered by this report, despite the fact that four religious groups fully complied with registration requirements over 3 years ago and continued to inquire with the concerned government offices. Several religious groups have complied partially with the registration requirements, and some have chosen not to submit any

documentation... Any religious organization that seeks facilities for worship other than private homes must obtain government approval to build such facilities.” [4g]

- 6.32 Release Eritrea reported on 20 January 2006 that: “[It] is concerned about news coming out of Eritrea, confirming that Abune Antonios, the Patriarch of the Eritrean Orthodox Church has been removed from his duty at the Patriarchate. Further the news also stated that the Patriarch has been placed under house arrest.” [31]
- 6.33 The Roman Catholic Church has 150,000 adherents, according to Catholic-Hierarchy 2004. [33]
- 6.34 The Lutheran World Federation reported in 2005 that the Evangelical Church of Eritrea, a Protestant church affiliated to the Lutheran World Federation, claims 12,000 members. [34]
- 6.35 Four religious groups, The Eritrean Orthodox, Catholic, Evangelical Church of Eritrea and Muslim have been registered since 1995 in accordance with a Proclamation on Religious Organisations No 73/1995. (Human Rights Without Frontiers) [61c]

#### NON-SANCTIONED RELIGIOUS GROUPS

- 6.36 The USSD 2005 International Religious Freedom Report stated that: “Authorities generally have not hindered the four groups that filled in their registration applications in 2002 – the Orthodox Presbyterian Church, the Seventh-day Adventist Church, the Faith Mission Church, and the Baha’i Faith – in holding home prayer or private study meetings, although like other unregistered groups their houses of worship remain closed, and they are not permitted to meet in public settings. Religious groups such as the Kale Hiwot (Baptists), Full Gospel Church, and Meserete Kristos (Mennonite) Church have complied with some, but not all, of the registration requirements... The Government closely monitors the activities and movements of unregistered religious groups and members, including nonreligious social functions attended by members... All religious entities must receive authorization from the Office of Religious Affairs to print and distribute documents.” [4g]
- 6.37 The same report further said: “The military has no chaplains. Military personnel are free to worship at nearby houses of worship for the four registered religions. Military members reportedly are sometimes allowed to possess certain religious books to pray privately in their barracks but not in groups. Several members of unregistered religious groups reportedly were arrested for violating this rule.” [4g]
- 6.38 It also said: “Citizens generally are tolerant of one another in the practice of their religion, particularly among the four government registered religious groups. Mosques and the principal Christian churches coexist throughout the country, although Islam tends to predominate in the lowlands and Christianity in the highlands...Societal attitudes toward Jehovah’s Witnesses and some Pentecostal groups are an exception to this general tolerance.” [4g]
- 6.39 The Institute on Religion and Democracy, in an article dated 20 July 2005, noted that: “Eritrea’s president, Isaias Afwerki, claims independent churches must be stopped because they were ‘distracting from the unity of the Eritrean people and distorting the true meaning of religion.’” [46]

- 6.40 The USSD 2005 International Religious Freedom Report noted that: “Within geographic and ethnic groups, the majority of the Tigrinya are Orthodox Christian, with the exception of the Djiberti Tigrinya, who are Muslim. Most members of the Tigre, Saho, Nara, Afar, Rashaida, Beja, and Blen ethnic groups are Muslim. Approximately 40 percent of the Blen are Christian, the majority being Roman Catholic. More than half of the Kunama are Catholic, with a large minority of Muslims and some who practice traditional indigenous religions...”. [4g]
- 6.41 HRWF reported that: “The government continues to deny charges of religious persecution. In a statement to the UN Commission on Human Rights in April 2005 it claimed that the churches in question were acting in defiance of the law by refusing to register and obtain a permit to operate.” [61d]
- 6.42 Amnesty International reported on 7 December 2005 that there is no law in the penal code criminalising religious practice but the authorities appear to derive authority from a general ban on unauthorised gatherings of more than five persons. In Amnesty’s view detention of church members has been arbitrary and unlawful, with no arrest warrants, charges or due judicial process. [5m]
- 6.43 The activities of Christian advocacy organisations have ensured that news of arrests and detentions in Eritrea have reached a wide audience. At the end of 2005 Compass Direct claimed that the number of Christians jailed for their beliefs had nearly doubled in the previous six months and had reached 1,778. [47a]
- 6.44 There is some overlap between problems of religious persecution and those of enforced national service. Systematic persecution of Jehovah’s Witnesses for refusal to perform military service has been occurring ever since Eritrea became independent in 1993. In October 2005, 22 Jehovah’s Witnesses were in jail either as conscientious objectors or for other religious activities. (Source: HRWF 25 November 2005) [61b]
- 6.45 Since the proscription of the independent Protestant churches in 2002, members of these churches have come under particular scrutiny while undergoing their military service. The secular aspirations of the PFJD are apparent in the army, which has no chaplains. Members of the four main faiths are permitted to practise their religion in local churches and mosques. Members of the non-registered churches are not. According to Amnesty International reports they are not allowed to meet together or worship or possess religious publications or receive pastoral care. Suspected evangelicals are arrested if caught worshipping or in possession of evangelical religious materials. (AI report of 7 December 2005) [5m]
- 6.46 Although it is difficult to obtain numbers for those detained for religious reasons while undertaking military service, there are indications from several sources that the military authorities have taken a particularly hard line. Government spokesmen have cited Pentecostals, along with extremist Islamic groups, as threats to national security. A report (Source: AI report of 7 December 2005) that a religious revival occurred amongst the troops towards the end of the 1998 - 2000 war, leading to a number of conscripts being clandestinely converted to evangelical churches, would help to explain the anxieties. [5m]
- 6.47 Testimonies appearing in Witness (March 2006), the magazine of Release International, indicate that young people are converting from Eritrean Orthodox Christianity to the new churches, both in the military training centre at Sawa (which

they are all consigned to) and in the refugee camps to which they escape. From the perspective of Christian evangelists there is a significant revival movement under way in Eritrea, especially among the Tigrinya people. [48]

- 6.48 Compass Direct reported on 2 February 2006 that: “Eritrean military authorities jailed 75 Protestant Christians yesterday at the Sawa Military Training Camp for ‘reading Bibles and praying during their free time,’ local sources in the small East African nation confirmed.” [47b]

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## JEHOVAH’S WITNESSES

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

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

- 6.50 Jehovah’s Witnesses International Religious Freedom Report 2004 stated: “Approximately 250 families who are Jehovah’s Witnesses have fled Eritrea and sought asylum outside the country because of the hardships. At least 100 JWs lost their employment because of their religion, and this has affected at least 325 persons. Thirty – eight JWs were denied their business licences. JWs cannot be issued national identity cards, and thus they cannot purchase land for homes, legalize their marriages, and receive driver’s licenses, passports or other travel documents. At least 36 families have been expelled from their homes... Thirty – one children who are JEs were expelled from school”. [63]
- 6.51 USSD International Religious Freedom 2005 reported that: “The Government does not excuse individuals who object to military conscription for religious reasons or reasons of conscience and does not allow alternative national service. Based on their religious beliefs, most members of Jehovah’s Witnesses have refused to participate in national military service or to vote.” [4g]
- 6.52 It continued: “Although members of several religious groups, including Muslims, reportedly have been imprisoned in past years for failure to participate in national military service, the Government has singled out Jehovah’s Witnesses for harsher treatment than that received by followers of other faiths for similar actions. Jehovah’s Witnesses who did not participate in national military service have been subject to dismissal from the civil service, revocation of their business licenses, eviction from government-owned housing, and denial of passports, identity cards, and exit visas. They are also prohibited from having their marriages legalized by the civil authorities.” [4g]
- 6.53 An estimated 250 Jehovah’s Witness families had fled the country (Source: AI 7 December 2005) [5m]



## MUSLIMS

- 6.54 The USSD International Religious Freedom report 2005 stated that: “Islam and Orthodox Christianity are practiced widely and are for the most part tolerated, with person allowed to worship freely... Some Muslims also have objected to universal national service because of the requirement that Muslim women must perform military duty.” It also said that a number of Muslims were jailed for evading national service. [4g]

## FREEDOM OF ASSEMBLY AND ASSOCIATION

- 6.55 USSD 2005 reported that: “The law provides for freedom of assembly and association; however, the government did not permit freedom of assembly or association. The government did not allow the formation of any political parties other than the PFDJ.” [4f]
- 6.56 The Constitution states that every citizen has the right to form organisations for political ends. [2]

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## POLITICAL ACTIVISTS

### POLITICAL OPPOSITION

- 6.57 BBC News reported on 15 August 2004 that:

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

Eritrea's favour over key aspects of the border with Ethiopia. This grouping also appears willing to meet President Isaias – if that would lead to a democratic renewal in Eritrea. For the first time in many years, President Isaias now faces a more united and more determined opposition.” [8c]

6.58 USSD 2005 reported that: “There were no reports of political prisoners; however, there were numerous reports of persons detained for political reasons.” [4f]

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

6.60 Freedom House 2005 reported that:

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

## DEMOCRATIC ELECTIONS

6.61 The Economist Intelligence Unit report of August 2004 stated that:

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

6.62 The same report noted that: “The elections were held in 178 administrative localities in Gash-Barka over a 37-day period, but few other details are available. Since the government still holds many of its main political opponents in detention, voters are likely to have been limited to choosing from among supporters of the administration.” [20]

6.63 South of the Sahara 2005 noted that: “In 2003 elections of local administrators and magistrates were held in villages throughout Eritrea and in 2004 elections took place in regional assemblies.” [1a] (p406)

6.64 USSD 2005 reported that: “The PFDJ has not allowed for a democratically elected government, and national elections, originally scheduled for 1997, were never held. The only authorized party is the PFDJ.” [4f]

6.65 Asmarino.com reported on 12 December 2005 that:

“Sources in Asmara have reported that a plot to assassinate President Isayas Afewerki was foiled. Quoting unnamed Eritrean government sources, the news report states that high ranking members of Eritrea’s only political party, the People’s Front for Democracy and Justice (PFDJ) – officers from the Eritrean Police and the Immigration Office - were behind the plot to assassinate President [sic]. Unconfirmed reports also say that Sudanese embassy officials were involved in the plot. As many as 80 people from Eritrea’s capital Asmara and Keren are reported to have been picked [sic] by government security forces in the last three days.” [49]

## THE G15 GROUP

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

6.67 The report goes on to note that:

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

6.68 AI in its September 2002 report stated that:

“The 11 “G15” detainees

### **Ogbe Abraha**

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

### **Aster Fissehatsion**

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

### **Berhane Gebregziabeher**

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

**Beraki Gebreselassie**

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

**Hamad Hamid Hamad**

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

**Saleh Kekiya**

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

**Germano Nati**

Regional Administrator.

**Estifanos Seyoum**

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

**Mahmoud Ahmed Sheriffo**

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

**Petros Solomon**

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

**Haile Woldetensae (or Weldensae, also known as “Durue”)**

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

[5d] (p6)

6.69 Al’s report dated 18 September 2002 noted that:

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

6.70 Furthermore, it noted that:

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

- 6.71 AI 2005 advised that: “Thousands of government critics and opponents arrested during the first decade of independence after 1991 were believed to be still detained in secret military and security detention centres throughout the country. Some were feared to have been extrajudicially executed.” [5a] (p2)
- 6.72 It further advised:
- “Nothing was known of the whereabouts or condition of 11 former government leaders detained since September 2001. They included former Vice-President Mahmoud Ahmed Sheriffo, former Foreign Minister Haile Woldetensae and former Eritrean People’s Liberation Front intelligence chief Petros Solomon. Dozens of others remained in incommunicado detention, including Aster Yohannes, Petros Solomon’s wife, who was detained on her return to Eritrea from the USA in December 2003. The few releases reported in 2004 included Abdurahman Ahmed Yunis, aged 75, and Sunabera Mohamed Demena, aged 82, both seriously ill due to harsh prison conditions.” [5a] (p1)
- 6.73 Eritreans for Human and Democratic Rights reported on 19 October 2005 that: “There are numerous alarming reports from various sources regarding the Government of Eritrea’s intention to execute all or some of the former ministers and top PFDJ officials under arrest since September 2001.” [56]
- 6.74 USSD 2005 reported that: “There were no developments in the 2002 arrests of individuals associated with the detained group of 11 PFDJ/national assembly members and of diplomats who were recalled from their posts. At least four of these detainees, in addition to many detained in previous years, remained in prison without charges at year’s end.” [4f]

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## **SUPPORTERS OF THE ETHIOPIAN DERG REGIME**

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

## **SUPPORTERS OF THE ELF AND ELF-RC**

- 6.76 AI in its report dated 18 September 2002 stated that:
- “In 1987 the EPLF, uniting with an Eritrean Liberation Front (ELF) faction, agreed a policy objective of creating a multi-party democratic system in a future independent state. At independence in 1991 when the victorious EPLF formed the Provisional Government of Eritrea, there was no reconciliation between the ruling EPLF and the ELF rivals. However, ELF members were allowed to return to Eritrea as individuals on condition that they renounced opposition. Some ELF members complied, such as the ELF-Unified Organisation, whose leaders were given government and military posts. Others, such as the ELF-Revolutionary Council [ELF-RC], remained in opposition – some launching a new armed struggle from bases in Sudan, others engaging solely in political opposition in exile.” [5d] (p2)
- 6.77 On 10 August 2003 Awate.com reported that ELF-RC withdrew from the Eritrean National Alliance (ENA), an opposition umbrella group, formerly the AENF, in

October 2002: "...to protest the ENA's alleged willingness to allow foreign forces to exert pressure on its operations including on matters dealing with the election of its leadership." [50a]

## **SUPPORTERS OF THE ERIJM**

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

## **EMPLOYMENT RIGHTS**

6.79 USSD 2005 reported that: "The law provides workers with the legal right to form unions to protect their interests; however, some government policies restricted free association or prevented the formation of unions, including within the civil service, military, police, and other essential services." [4f]

6.80 HRW 2006 reported that: "The government arrested publishers, editors and reporters and closed all independent newspapers and magazines. The arrests continued in 2005 and included three leaders of government – affiliated labor unions, the only unions allowed to operate in the country." [29f]

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## **FORCED OR COMPULSORY LABOUR**

6.81 USSD 2005 reported that: "The law prohibits forced or compulsory labor, including by children; however, there were unconfirmed reports that it occurred during the year." [4f]

## **FREEDOM OF MOVEMENT**

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

6.83 USSD 2005 reported that: "The law provides for these rights; however, the government restricted some of them in practice. While citizens could generally travel freely within the country and change their place of residence, the government restricted travel to some areas within the country particularly along the border with Sudan and Ethiopia. Military police periodically set up roadblocks in Asmara and on roads between other cities to find draft evaders and deserters (see section 1.d.). The government tightened restrictions on travel permits for diplomats; however, they continued to issue travel permits to most NGOs, tourists, and journalists". [4f]

6.84 The report continued: "There were reports that Ethiopians who remained in the country were not allowed to live in the Debub Province bordering Ethiopia. Citizens and foreign nationals were required to obtain an exit visa to depart the country. There were numerous cases where foreign nationals were delayed in leaving for up to two months or initially denied permission to leave when they applied for an exit visa. Men under the age of 50, regardless of whether they had completed national service; women ages 18 to 27; members of Jehovah's Witnesses (see section 2.c.); and others who were out of favor with or seen as critical of the government were

routinely denied exit visas. In addition, the government often refused to issue exit visas to adolescents and children as young as 5 years of age, either on the grounds that they were approaching the age of eligibility for national service or because their diasporal parents had not paid the 2 percent income tax required of all citizens residing abroad. Some citizens were given exit visas only after posting bonds of approximately \$7,300 (100 thousand nakfa).” [4f]

- 6.85 The same report then said: “The law has no provisions concerning exile, and the government generally did not use exile. In general citizens had the right to return; however, citizens had to show proof that they paid the 2 percent tax on their income to the government while living abroad to be eligible for some government services, including exit visas, upon their return to the country. Applications to return from citizens living abroad who had broken the law, contracted a serious contagious disease, or had been declared ineligible for political asylum by other governments were considered on a case-by-case basis.” [4f]
- 6.86 Reliefweb stated in an article dated 24 February 2006 that: “Seven countries from the East and Horn of Africa worst affected by displacement, said at a Nairobi conference they were committed to increasing cooperation and adopting regional strategies to deal with forced displacement in the region...a staggering figure of 11 million displaced, or close to eight percent of the 150 million-strong population of the seven countries from the IGAD [the Intergovernmental Authority on Development] sub-region of Africa...”. [52d]
- 6.87 The Global IDP Project in an article dated 6 August 2004 stated that: “At the height of the 1998 – 2000 border war with Ethiopia there were 1.1 million internally displaced people (IDPs) in Eritrea. This number has fallen sharply but there are still some 59,000 people who cannot return home because of the tensions that persist around the border demarcation process. The physical marking out of the frontier, originally scheduled to start in May 2003, has been delayed indefinitely....The resulting stalemate is perpetuating the plight of the IDPs, as well as that of people expelled from Ethiopia and refugees returning from Sudan. Furthermore, delays in de-mining and rehabilitation activities are hampering the return of IDPs.” [22b]

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## 6B. HUMAN RIGHTS: SPECIFIC GROUPS

### RETURNING ERITREANS

- 6.88 AI reported on 19 May 2004 that: “Eritreans returning from abroad, like Aster Yohannes, risk arbitrary detention if they return to Eritrea and are suspected of opposing the government – even if they have a foreign passport. In May 2003 two Eritrean nationals, Saleh Ali Sheikh, and his wife, Saret Ramadhan, were reportedly detained on arrival from Saudi Arabia at Asmara airport and ‘disappeared’.” [5c] (p22)
- 6.89 UNHCR in a letter dated 11 March 2005 stated that:

“Based on various reports, it appears that the human rights situation in Eritrea has seriously deteriorated in the past two years. Human rights violations continue to be reported, *inter alia*, with regard to the treatment of opposition political groups and movements, freedom of expression, freedom of religion, arbitrary detention and detention conditions (including reports of torture, ill-treatment and forced labor) and

treatment of draft evaders/deserters. This is especially so in light of reports that many persons deported from Malta to Eritrea between September 2002 and October 2002 were reportedly arrested immediately on arrival in Asmara and taken to detention incommunicado where they faced persecution including being subjected to forced labor, interrogated and torture. Some detainees are believed to have died of diseases suffered as a result of the unsanitary conditions in which they were held and/or injuries sustained as a result of persecution and/or torture. At least one person was allegedly killed by shooting during an escape attempt...". [18f]

- 6.90 BBC News reported on 1 December 2005 that: "At least seven Ethiopian soldiers have defected to Eritrea while on a private training course in Israel, the Israeli foreign ministry has confirmed. The Eritrean ambassador in Israel said the soldiers – reported to be of Eritrean descent – arrived at his house and asked for political asylum." See also the section on treatment of failed asylum seekers. [8p]

### ERITREANS RETURNING FROM SUDAN

- 6.91 AI reported on 19 May 2004 that:

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

- 6.92 USSD 2005 reported that: "The UNHCR reported that although it ended organized repatriation of refugees from Sudan on December 31, 2004, 18 refugees returned to the country spontaneously during the year [2005]." [4f]

- 6.93 AI in their report of 19 May 2004 stated that:

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



fighting in western Sudan near the Eritrean border for some months in mid-2002...”.  
[5c] (pp23-24)

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

“There were approximately 190,000 Eritrean refugees in Sudan at the time when the cessation deadline was applied (31 December 2002). Out of the Eritrean refugee population in Sudan, 150,000 persons applied for refugee status in Sudan, while approximately 35,000 persons registered for voluntary repatriation. During 2003, 9,415 refugees returned from Sudan and approximately 9,300 returned during 2004, bringing the recent figure of returns for the last 2 years to approximately 19,000 persons. The UNHCR organised voluntary repatriation operation from Sudan to Eritrea formally ended on 31 December 2004, in agreement with the Governments of Eritrea and Sudan.” [18g]

### ERITREANS FROM ETHIOPIA

- 6.95 HRW reported in January 2003 that: “Expellees were asked to fill out a detailed registration form and were issued the same type of registration card that Eritrean refugees returning from exile received. Once registered, the deportees were entitled to the standard government assistance for returning refugees: including short-term housing, food, and settlement aid; medical coverage; and job placement assistance.” [29e] (pp28-29)

- 6.96 The same report added that:

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

- 6.97 The ICRC 2004 report stated that:

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

## ETHIOPIANS IN ERITREA

### GENERAL

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

“One international observer commented to the delegation that since 2000 the attitude towards Ethiopians had changed, not as a result of any Government led initiative but as a result of a shift in the attitude of the public and police towards them. The inability to earn a living had been a leading cause for those that chose to be repatriated. Without the possibility of work they have little option but to leave. The source added that since the end of the war not only have societal attitudes changed, but with so much of the potential workforce in the military it is possibly a lot easier to gain employment now if one is registered as a resident foreigner.” [3] (p45)

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

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

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

6.101 The International Committee for the Red Cross reported on 11 November 2005 that: “On 11 November 2005, 298 Ethiopian civilians were repatriated from Eritrea to Ethiopia under ICRC auspices. The group included 8 unaccompanied minors, 2 elderly persons and 2 sick persons who were returning home to their families. As part of the same operation, 15 Eritrean civilians were repatriated from Ethiopia to Eritrea. This group included 4 unaccompanied minors who were also returning home with their families.” [40]

6.102 USSD 2005 reported that: “There were...approximately 600 Ethiopians in the Gash Barka region to which the UNHCR had no access or responsibility. The UNHCR was accommodating 1,100 Ethiopians in urban areas, an increase from only 5 cases in 2002.” [4f]

### TREATMENT

6.103 The USSD 2002 for Ethiopia noted that: “The few deportees of Eritrean origin from Ethiopia who could not demonstrate their ties to the country were issued documents that identified them as Ethiopians, which permitted them to stay in the country. Government and army officials reportedly considered these Ethiopian deportees to be citizens who were trying to avoid national service. As a result, they were

subjected to harassment and detention while the authorities checked their status.” [4d]

6.104 In comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR stated: “Ethiopians must renew residency permits every year not [every] six months.” [18g]

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

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

6.106 USSD 2005 reported that: “The Government granted 19 Ethiopians who deserted the Ethiopian army, residency status. Another 1,400 Ethiopians sought asylum with the UNHCR, but the government refused to issue them exit visas. Approximately 16 thousand Ethiopian [sic] had temporary residence in the country.” [4f]

6.107 It further reported that: “During the year [2005] the ICRC provided shelter to approximately one thousand persons who were displaced by the conflict with Ethiopia. The ICRC also visited prisons and detention centers where Ethiopians were held and provided assistance to approximately 50 thousand citizens through projects in water supply, health structure rehabilitation, and housing.” [4f]

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## WOMEN

### GENERAL SITUATION

6.108 USSD 2005 reported that: “Women have a legal right to equal educational opportunities, equal pay for equal work, and equal property rights; however, in practice men retained privileged access to education, employment, and control of economic resources, with greater disparities in rural areas than in cities. Women generally did not enjoy a social status equal to men.” [4f]

6.109 The same report continued: “Laws exist prohibiting sexual harassment; however, cultural norms prevented women from reporting these types of incidents, and no one was charged or prosecuted for sexual harassment.” [4f]

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

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

6.112 AllAfrica.com reported on 30 January 2006 that: “The Chairperson of the National Union of Eritrean Women (NEUW), Ms. Leul Gebreab, attended the UN meeting in New York on putting an end to gender discrimination... In her briefing, Ms Leul said that the issue of gender equality in Eritrea was practiced as a significant aspect of the Liberation struggle before the adoption of gender equality at global level. She added that Eritrean women have taken [an] active role along with their male counterparts in all domains of life during the 30 year struggle.” [42b]

## FEMALE GENITAL MUTILATION

6.113 USSD 2005 reported that: “FGM was widespread, with some estimates as high as 89 percent frequency among girls. Almost all ethnic and religious groups in the country practiced FGM. In the lowlands, infibulation – the most severe form [sic] of FGM – was practiced. There is no law prohibiting FGM; however, the government worked to combat the practice.” [4f]

6.114 The Inter-Parliamentary Union broadly supported the USSD position:

“Infibulation, excision and sunna are reportedly practised in Eritrea by Muslims and Christians. According to WHO, the prevalence was 97% in 1995 despite positions taken against FGM by the Eritrean People’s Liberation Front and the National Union of Eritrean Women....In 1996, government policy was enunciated to eliminate FGM; to create and enforce legislation prohibiting practices such as FGM; to include in women’s health care the prevention of such practices as FGM; and to provide treatment, counselling and rehabilitation for women suffering from FGM-related complications. The Government includes information on FGM in its health and general education programmes. The Ministry of Health carries out government policy relating to FGM and provides training on the topic to primary health care coordinators throughout the country.” [54]

## DOMESTIC AND SEXUAL VIOLENCE

6.115 See Women section.

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## CHILDREN

### GENERAL

6.116 USSD 2005 reported that: “Although the government has a national plan of action to protect children from exploitation in the workplace, it was not enforced effectively, and child labor occurred. The legal minimum age for employment is 18 years, although apprentices may be hired at age 14. The law bars children, young workers, and apprentices under age 18 from performing certain dangerous or unhealthy labor, including working in transport industries, working in jobs involving toxic chemicals or dangerous machines, and working underground such as in mines and sewers. It was common for rural children who did not attend school to work on family farms, fetching firewood and water and herding livestock, among other activities. In urban areas, some children worked as street vendors of cigarettes, newspapers, or chewing gum. Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws, but inspections were infrequent.” [4f]

6.117 It further said: “UN Children’s Fund reported that in the west and in costal [sic] areas child marriage occurred... The law criminalizes child prostitution, pornography, and sexual exploitation; however, some children were involved in prostitution. The government had an aggressive program to identify these children and reintegrate them into their families and society.” [4f]

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

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

6.119 AI reported on 19 May 2004 that:

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

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

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

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

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## CHILDCARE PROVISIONS FOR ORPHANS

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

“The number of orphans within Eritrea is identified by the MLHW [Ministry of Labour and Human Welfare] as one of the main social problems in Eritrea. In 1992–1993 a national survey identified approximately 90,000 orphans in the country. A survey conducted in 1999 - 2000 identified 51,000 in need of urgent support. A survey is presently underway to identify the number of AIDS orphans, as of October 2002 there were a total of 552 registered with the ministry on this basis. Within Eritrea the

term orphan is defined as 'a child who lost either one or both parents or has been abandoned.'" [3] (p72)

6.122 The same report stated that:

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

- **Reunification of orphans** with close relatives is regarded as the best solution for guaranteeing their psychological integration and developmental needs. This is the most favoured option; between 1994 and 1997 just under 14,000 orphans were re-unified with nearly 7,000 families.
- **Foster care** with an unrelated family has been tried as a second alternative to reunification in Eritrea since 1992 in situations where a close relative can not be found. However, for a number of factors, including the rejection of foster care by communities as an alien concept, the Government does not consider the foster care programme to have been successful and has no plans to extend the programme.
- **Adoption** is possible within Eritrea and involves the legal recognition that the child is part of the adopted family. Consent of any surviving parent is required, as is the consent of the adopted child itself if aged over 10 years. A relatively large number of families wish to adopt but priority is given to childless families or those with one child, hence few Eritrean families qualify. In the case of infants adoption is only permitted where the child has been abandoned; the Government states there are an average of 6/7 abandoned infants per year. A total of only 50 children have been adopted in Eritrea since independence.
- **Community based children's homes (Group care)** have been considered the best alternative to reunification, foster care or adoption. It is considered that this option, in which children are established in group-homes within the community, can limit the social and psychological effects of institutional living. Residents are kept to a manageable size of 10 –12 children and two housemothers. As of 2002 a total of 132 children had been placed in 12 group homes situated within larger towns; six further homes are under construction. Children aged between 1 and 12 are selected for placements in group homes, siblings are kept together and where possible placements are within the region the child originates from. Government evaluations of group-homes in 1998 and 2002 conclude that these homes provide a secure and caring environment for the children.
- **Institutional care (orphanages)** is considered as the Government's least desirable option. Due to the effective reunification programme and the reunification of many children within their extended families all but one of the Government run orphanages have been phased out. There are however ten non-governmental orphanages within Eritrea, all these are administered by religious organisations. The (MLHW) carries out supervision of all orphanages. Children may be admitted to orphanages from birth up until the age of 11; in

2002 official estimates suggested a total of 1,500 were in such institutions.”  
[3] (p72-73)

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

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

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

6.125 It continued that:

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

6.126 It also said that:

“There are several large orphanages within Eritrea adding that Asmara has one of the biggest. Orphanages are either run by the state or Christian NGOs in the country. They are considered by UNICEF to have satisfactory facilities such as adequate bedding, food and clothing provisions etc. Acceptability for entry to an orphanage is universal; there are no unacceptability rules that apply. Eritrea does all that it can for orphans and the Eritrean public and expatriate community supports them in this policy.” [3] (p73-74)

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

6.128 The World Bank reported on 15 December 2004:

“Another promising approach which could be ‘scaled up’ and used in as an example in other countries is the Eritrea Integrated Early Childhood Development Project (ECD), the largest World Bank project to specifically help orphans. It reaches out to families with vulnerable children by giving them economic assets such as cows or

donkeys which have generated extra money to pay for orphans to go to school. So far, this program, which is supported by the Italian government, has successfully helped 28,000 orphans in Eritrea.” [55]

## **ABUSE AND TRAFFICKING OF CHILDREN**

6.129 The Protection Project reported on 26 January 2006 that: “Children are reportedly trafficked within Eritrea, and perhaps to the Middle East... Trafficking in African women and children for forced prostitution or labor is exacerbated by war, poverty, and flawed or non-existent birth registration systems, according to a recent study by UNICEF... Several factors contribute to the existence of trafficking within Eritrea...widespread poverty and hunger...massive civilian displacement...the growing sex industry.... The presence of these [UNMEE] troops has worried many Eritreans, who are concerned about the spread of the HIV/AIDS virus... Foreign soldiers have been accused of purchasing sex from Eritrean children.” [57]

## **LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS**

6.130 According to the British Embassy in Asmara: “Penal Code Proclamation of 1957 No. 158/1957 Book V Title IV Section II which is still in force in Eritrea strictly prohibits ‘Sexual Deviations’, among which is performing sexual acts with someone of the same sex”. Confirmation is given that people who commit “such an act are prosecuted and punished whenever found guilty.” [10f]

6.131 However, the International Lesbian and Gay Association stated on 3 March 2004 that same-sex sexual activity is legal for men and women in Eritrea, though the association does note that much of the information is out of date. [12]

6.132 The FCO in a letter dated 9 September 2005 stated that: “...homosexuality is dealt with severely in Eritrea and that anybody with a known history of this kind would find it very difficult to return and reside in the country. If the individual had previously come to the attention of the authorities in the context of his/her sexuality there could be problems in gaining entry to Eritrea and he/she would certainly be ‘ear-marked.’” [10c]

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## **6.C HUMAN RIGHTS: OTHER ISSUES**

### **USE OF TORTURE**

6.133 USSD 2005 reported that: “The Government’s human rights record worsened, and it continued to commit numerous serious abuses... The following human rights problems were reported: Unlawful killings by security forces, including some resulting from torture [and] numerous reports of torture and physical beatings of prisoners, particularly draft evaders.” [4f]

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



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

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

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

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

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

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

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

## REFUGEES IN ERITREA

6.137 USSD 2005 reported that: “The UNHCR was accommodating 1,100 Ethiopians in urban areas, an increase from only 5 cases in 2002. The government issued residency permits to Ethiopians living in the country for a fee; however, it did not issue them exit visas.” [4f]

6.138 It continued:

“The law does not provide for the granting of asylum or refugee status in accordance with the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol and the government has not established a system for providing protection to refugees. As a result, the Government cannot issue legal refugee or asylum status. However, in practice the government provided some

protection against refoulement, the return of persons to a country where they feared persecution and provided temporary protection to approximately four thousand persons from Sudan and Somalia on a prima facie basis. The government granted 19 Ethiopians who deserted the Ethiopian army, residency status. Another 1,400 Ethiopians sought asylum with the UNHCR, but the government refused to issue them exit visas. Approximately 16 thousand Ethiopian had temporary residence in the country. The government cooperated with the office of the UNHCR in assisting refugees who were not from Ethiopia. There were 770 Sudanese refugees at Elit camp in the west and 3,500 Somali refugees at Emkulu camp, near Massawa. There were also up to 30,000 Beja Sudanese and approximately 600 Ethiopians in the Gash Barka region to which the UNHCR had no access or responsibility. The UNHCR was accommodating 1,100 Ethiopians in urban areas, an increase from only 5 cases in 2002. The Government issued residency permits to Ethiopians living in the country for a fee; however, it did not issue them exit visas.” [4f]

- 6.139 In comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR stated: “There were a very low number of arrivals in 2004 and only 41 persons in 2005. The total camp population for Sudan as of end of December 2005 is 748 persons. These include all the Sudanese who were accommodated there since 1999.” [18g]
- 6.140 The World Refugee Survey 2005 for Ethiopia reported that: “The [Ethiopian] Government did not have an agreement with Eritrea to receive rejected asylum seekers, and therefore granted status to some Eritreans who did not qualify as refugees... At the border, local authorities identified most Eritrean arrivals and referred them to the Administration for Refugee and Returnee Affairs (ARRA) for status hearings, which then transferred them to a camp.” [51b]

### INTERNALLY DISPLACED PERSONS

- 6.141 The World Refugee Survey 2004 for Eritrea reported that:

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

- 6.142 IRINnews reported on 26 January 2006 that: “Some 2,208 families who have been living in makeshift camps in the southern Mai-wurai and Senafe areas since the 1998 - 2000 border war with Ethiopia are preparing to return to their villages, the Eritrean government has said. Experts were setting up the necessary facilities for the IDPs in Hadish-Adi and Lahyo areas, and in villages located in the eastern escarpment, to which they would return, the Eritrean government said in a statement on Tuesday...the administrator of the southern region, said the government would extend all possible support to enable the IDPs to settle down and prepare their farms for the next rainy season. They would also be provided with health and education services, the government added.” [19v]
- 6.143 Relief Web reported on 17 June 2005 that: “As of May 2005, fewer than 45,400 persons remained displaced, out of which 38,000 lived in 16 camps in Gash-Barka, Debub and Northern Red Sea, and the rest outside camps in Gash-Barka... As the border demarcation is supposed to involve demining and transfer of territory as well as movement of people, the current deadlock blocks any incentive for the remaining IDPs to return home.... Indeed 20 per cent of IDP’s places of origin are impacted by landmines and 83 per cent of mine-impacted communities report blocked access to pastureland which severely affects food security... The worst affected area is the Gash-Barka region around Shilalo and Shambuko...”. [52b]
- 6.144 USSD 2005 reported that: “Approximately 20 thousand IDPs from the conflict with Ethiopia were permanently resettled during the year. Approximately 51 thousand IDPs remained in 7 camps in the Debub and Gash Barka zones at year’s end.” [4f]

## RESETTLEMENT

- 6.145 Relief Web reported on 6 April 2005 stated that: “...The 35 year old former journalist was one of 10 Eritrean refugees from Shimelba camp in northern Ethiopia who recently boarded a flight from Addis Ababa to New Zealand, where the UN refugee agency has arranged for him to be resettled.... ‘The further I go from home, the more my cherished dream of growing as a professional journalist withers away’, he says grimly.” [52a]
- 6.146 It continued:
- “Of course, UNHCR prefers to help refugees to back to their home countries when they can do so in safety and dignity,’ said Daniela Cicchella, head of UNHCR’s Regional Resettlement Hub in Nairobi. Another lasting solution is sometimes for refugees to settle permanently in their country of asylum. ‘However, there are some instances where the only appropriate solution to a particular refugee’s plight is resettlement in a third country,’ she added.” [52a]
- 6.147 Relief Web reported on 17 June 2005 that: “The humanitarian conditions of the internally displaced remain critical as many of their emergency needs are still unaddressed... Replacement of temporary shelter is needed for 8,000 IDP households living in camps. Serious water shortages are also a cause for concern... The sanitary conditions are poor.... School materials are needed for 11,000 IDP children.” [52b]
- 6.148 The report continued: “In addition to IDPs, there are other categories of people to be reintegrated and whose livelihoods need to be reconstructed. Over one million Eritrean former IDPs, expellees from Ethiopia and refugees who have returned to their home villages since the end of the fighting are unable to resume their

livelihoods and remain dependent on humanitarian assistance. These also include a total of 19,000 former IDPs and expellees of the Adi Keshi camp returned in early 2005 and returnees from Sudan who require different levels of continued support for their complete reintegration. Most of those who have returned are in communities located near Goluj, Haykota, Tesseney and Barentu in the regions of Gash-Barka and Northern Red Sea, areas suffering both severe drought and the consequences of war. Host communities, equally affected by the ramifications of war and drought, are struggling to cope with the added burden of returns...Eritrea's capacity to cope with this unresolved situation has declined... Scarcity of resources has prevented the government from meeting the enormous needs of its people and the country remains heavily dependent on food and non-food assistance... The Eritrean Relief and Refugee Commission (ERREC) is the main government institution responsible for coordinating national and international humanitarian operations, including those targeting IDPs... Recently, the UN – as part of an ongoing programme supporting the return of IDPs and expellees – assisted the government in resettling over 14,000 IDPs and 4,600 expellees to 22 villages of origin within Gash-Barka". [52b]

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#### TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

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

6.150 This report continued:

"It is again emphasized that the scope of the cessation clauses for Eritrean refugees announced by UNHCR in May 2002 is limited to persons who fled their country as a result of the war of independence which ended in 1991, or the border conflict between Eritrea and Ethiopia which ended in June 2000. Other Eritrean refugees, i.e. those fleeing persecution, remained and continue to be unaffected by the cessation clauses. It is also underlined that the applicability of the cessation clauses is always rebuttable and, upon request, each individual case is to be examined on its merits. In this context, the possibility of a valid 'sur place' claim should not be excluded. [18c]

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

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

"UNHCR acknowledges that the final paragraph of the above paper states the following: 'It is also recommended that states refrain from all forced returns of rejected asylum seekers to Eritrea and grant them complementary forms of

protection instead, until further notice. This position will be reviewed in the second half of 2004'. We would like to confirm that the January 2004 UNHCR position paper on the return of rejected asylum seekers to Eritrea remains valid in all parts." [18d]

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

6.154 AI reported on 19 May 2004 that:

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

As Amnesty International learned later, women, children and those over the conscription age limit of 40 years were released after some weeks in Adi Abeto prison but the rest of the Malta deportees – mostly army deserters – were kept in incommunicado detention and tortured. Some EPLF veterans among them were sent separately to "Tract B" military prison in Asmara. The rest were transferred to the secret Dahlak Kebir island prison in December 2002. Later the civilians (about 95) were sent to secret mainland prisons in July 2003, leaving behind about 85 conscript deserters in Dahlak Kebir. About 30 later escaped and fled again to Sudan, where they sought UNHCR protection. They gave testimonies of their detention and torture to Amnesty International. Some 200 other Eritreans – also mostly army deserters or conscription evaders – remained in detention in Malta in poor conditions, some appealing in court against the threat of deportation. The Maltese authorities were much criticized for their treatment of the Eritreans and other migrants and asylum-seekers, at a time when Malta was applying to join the European Union and therefore expected to comply with European Union asylum standards and establish refugee status determination procedures more in line with international standards. In December 2003 they released most of the remaining Eritrean asylum-seekers to a non-custodial hostel. The rest were released in February 2004 and resettlement was being considered for all 105 Eritrean asylum-seekers still in Malta.(29) More Eritreans reportedly arrived in Malta in April 2004 after encountering difficulties at sea." [5c] (p23)

6.155 Malta Media reported on 23 May 2004:

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

6.156 UNHCR, in its position paper of January 2004, has stated that it has not noted any: "...incidents of reprisals or persecution perpetuated by the Government of the State of Eritrea against refugees who voluntarily elected to return to their country, and did so under the auspices of UNHCR's voluntary repatriation programme". UNHCR add that: "...the voluntary repatriation programme continues and UNHCR hope to be

able to assist as many refugees as possible to repatriate, including the remaining 35,000 refugees who are currently registered for voluntary repatriation in Sudan.” [18c] (p6)

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

6.158 The article further stated that:

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

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

6.160 Awate.com reported on 28 July 2004 that:

“The Libyan authorities are reported to have forcibly returned over 110 people to Eritrea on 21 July [2004]. It is feared that they are now in secret, incommunicado detention in military camps, where they are at serious risk of torture. At least 200 Eritrean nationals currently detained in Libya are also feared to be in imminent danger of forcible return. All were reportedly hoping to travel on from Libya to seek asylum in Europe. It is feared that many Eritrean nationals held in detention centres in Kufra, Misrata, Tripoli and elsewhere, as well as others living in Libya, are at imminent risk of forcible return to Eritrea. This fear is compounded by reports that members of the Libyan security forces may have been searching for Eritrean nationals residing in the country, apparently with a view to arresting and deporting them. About 40 of those returned on 21 July were reportedly arrested in a street round-up in Tripoli in recent weeks. They were apparently convicted of drug and alcohol-related offences, which they denied, and deported the same day. At least another 40 had been detained for longer in detention centres in Misrata and Tripoli, apparently for illegal entry.” [50d]

6.161 BBC News reported on 27 August 2004 that: “A plane has been hijacked and forced to land in Sudan, apparently by a group of Eritrean asylum seekers. The hijackers of the plane – which was deporting the Eritreans from Libya – later surrendered to security forces. No-one was badly hurt, reports said. One Sudanese official said the hijackers were hoping to find asylum in Sudan rather than return to Eritrea.” [8q]

#### **HUMAN RIGHTS ORGANISATIONS IN ERITREA**

6.162 USSD 2005 reported that there were: “limits on the activities of nongovernmental organizations (NGOs).” [4f]

6.163 Europa 2005 supported this, and stated that:

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

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## Annex A: Chronology of Events

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



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

- 13 April:** The International Tribunal announces the border decision. Both Eritrea and Ethiopia declare victory. Confusion over which country controls Badme remains. [1a] (p405)
- May:** Roma Gebremichael, the wife of one of the G-15 detainees, is arrested. [5c] (p7)
- May:** The UN High Commissioner for Refugees (UNHCR) announces that by the end of the year Eritreans in Sudan would no longer automatically be entitled to refugee status. [5a] (p1)
- August:** Semere Kesete escapes prison and flees to Ethiopia. [8f]
- October:** Malta deports over 200 asylum seekers back to Eritrea. They are detained on arrival and held incommunicado without charge or further explanation. [5c] (p5)
- 29 November:** 1,130 POWs and 95 civilian internees of Eritrean origin are released by the Ethiopian authorities and repatriated. [1a] (p405)
- 2003**
- March:** The Boundary Commission categorically rules Badme to be in Eritrean territory. Ethiopia voices its opposition to the ruling. [1a] (p405)
- August:** The Government detained 57 students who were members of non-sanctioned religious groups; the students were arrested while at a mandatory three-month summer course at the Sawa Military Camp. [4b] (p8)
- 2004**
- January:** UN Secretary-General Kofi Annan says in a report to the Security Council that the peace process between Ethiopia and Eritrea “remains difficult, even precarious”. He says he is “concerned that a minor miscalculation by either side could have serious consequences”. [19e]
- February:** Former Canadian Foreign Minister Lloyd Axworthy is named UN special envoy to help defuse the stand-off between Ethiopia and Eritrea. [1a] (p405)
- May:** The Security Council expresses deep concern over the “continued lack of progress” in resolving the border dispute between Ethiopia and Eritrea. It urges Eritrea to end restrictions imposed on UN peacekeepers in the region – including limits on their freedom of movement, saying the Council is concerned over deterioration in cooperation with UNMEE. [19f]
- July:** UN Secretary-General Kofi Annan visited the Horn of Africa in a new initiative to kick-start the stalled Ethiopian-Eritrean peace process. [19f]
- September:** UNMEE expresses disappointment after the Eritrean Government re-imposed restrictions of movement along a crucial supply route for its peacekeepers. [19f]
- November:** Prime Minister Zenawi announces a five-point plan to try to end the border stalemate with Eritrea, saying his country would accept, “in principle”, the April 2002 ruling of the independent Boundary Commission that was intended to end hostilities between the two neighbours. He, however, insists that the ruling is still illegal and unjust. Any attempt to implement the Hague-based decision, he adds, “might lead to a serious escalation of the tension between the two countries and thereby undermine the peace”. [19f]
- December:** Eritrea calls on Ethiopia to abide by the ruling of an independent commission that delineated their disputed border in 2002 and urges the international community to help secure peace and stability in the Horn of Africa. It demands Ethiopia’s “cooperation with the Boundary Commission to ensure expeditious demarcation of the boundary” and calls for “full and unconditional respect of the Algiers Agreement”. [19f]
- 2005 February:** The large number of troops being deployed at the border between Ethiopia and Eritrea is worrying the United Nations. The troops remained on their

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

**July:** UNMEE expresses concern over “continuing incidents of violence” along the disputed 1,000 km border between the neighbouring countries. [19w]

**August:** Martti Ahtisaari, UN special envoy for the humanitarian crisis in the Horn of Africa, begins an eight day visit to the region to assess prospects for long-term food security. The government asks the US Agency for International Development (USAID) to cease its operations in the Horn of Africa country. [19w]

**October:** The Government imposes more restrictions on the movement of UN peacekeepers, days after grounding UN helicopter flights. [19w]

**December:** The Eritrean Government rejects a claim by Amnesty International that it engages in religious persecution. The UN relocates some UNMEE staff to Ethiopia following Eritrea’s decision to expel European and North American personnel. [19w]

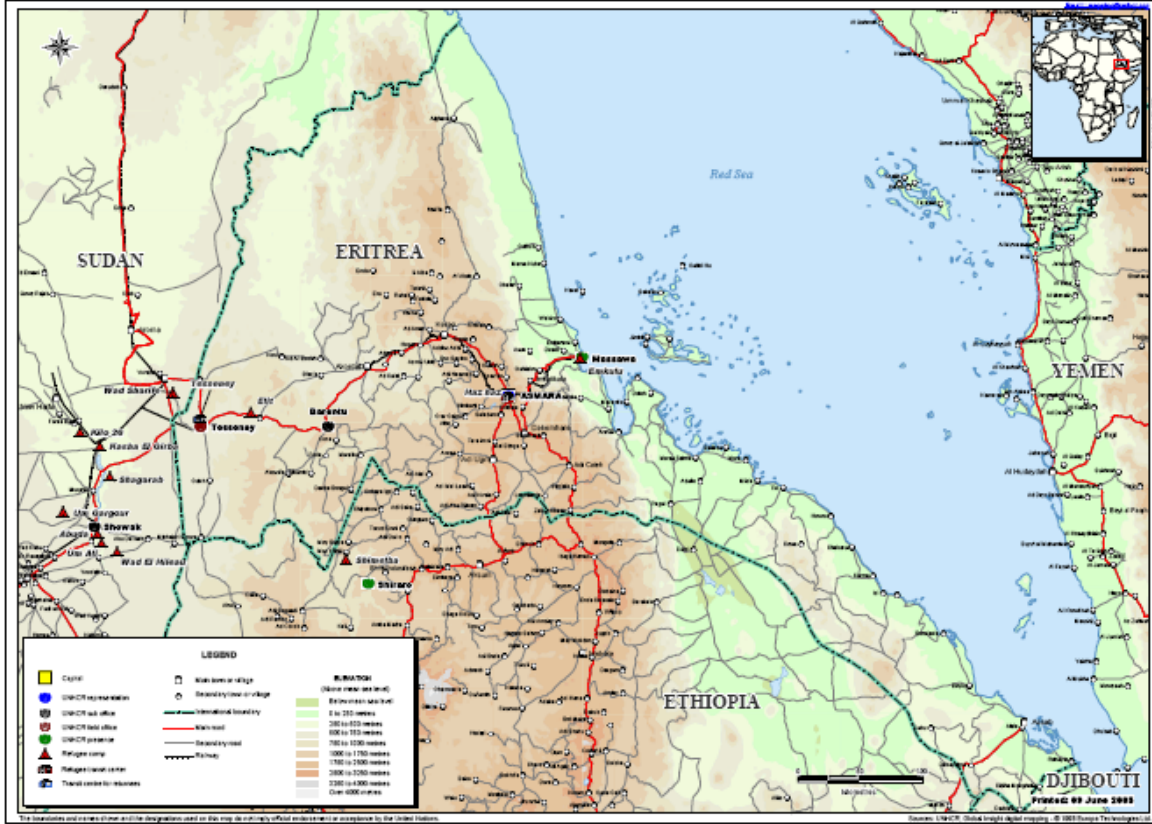
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# Annex B: Maps



## Eritrea Atlas Map As of June 2003

PGDS in DOS  
Provisional Geographic Data Entity  
Division of Operational Support



## **Annex C: Political Organisations**

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

**Democratic Movement for the Liberation of Eritrea (DMLE)**

An organization opposed to the People’s Front for Democracy and Justice (PFDJ).  
Leadership. Hamid Turkey

**Eritrean Islamic Jihad (EIJ)**

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

**Eritrean People’s Liberation Front**

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

**Islamic Salvation Movement**

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

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

**Eritrean Liberation Front (ELF)**

Mainly Muslim and formed in the late 1950s to pursue Eritrean autonomy. It initiated anti-Ethiopian guerilla activity in the early 1960s, but its influence later declined as it was increasingly marginalised by the breakaway Eritrean People’s Liberation Front (which later became the People’s Front for Democracy and Justice). Now split into numerous factions, the ELF opposed the PDFJ transitional government of Eritrea.

**Eritrean Liberation Front-Central Command (ELF-CC)**

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

**Eritrean Liberation Front-National Council (ELF-NC)**

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

**Eritrean Liberation Front-Revolutionary Council (ELF-RC)**

Established by former ELF members who remained outside EPLF; President Seyoum Ogbamichael; leader Ahmed Mohamed Nasser. [1a] (p419). Mr Ogbamichael died on 16 December 2005, as reported by Awate.com. [50d]

**Eritrean National Alliance (ENA)**

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

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

The first opposition organization to be created from the membership of the PFDJ that now rules Eritrea. Established at the end of 2001 with a statement on the Internet, the EPLF/DP aims to protest at President Afewerki's authoritarian rule. It is believed that one of its founding members is the former Defence Minister, Mesfin Hagos. [1a]

**People's Front for Democracy and Justice (PFDJ)**

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

**Popular Liberation Forces**

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

**Red Sea Afar Democratic Organisation**

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

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## **Annex D: Prominent People\***

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**Ahmed Nasser**

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

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

**Alamin Mohamed Said**

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

**Ali Sayyid Abdullah**

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

**Amin Ahmmad**

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

**Berhane Abrehe**

Minister of Finance. [1a] (p418)

**Hamid Turkey**

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

**Hassan Ali Assad**

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

**Hiruy Tedla Bairu**

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

**Issayas Afewerki**

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

**Mesfin Hagos**

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

**Sebhat Ephrem**

Minister of Defence. [1a] (p418)

**Semere Kesete**

Once President of Students' Union at University of Asmara. [8f]

**Seyoum Ogbamichael –**

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

**Sheikh Mohamed Arafa**

Leader of EIJ. [1a] (p419)

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

## **Annex E: List of abbreviations**

<b>AI</b>	Amnesty International
<b>CPJ</b>	Committee to Protect Journalists
<b>FCO(UK)</b>	Foreign and Commonwealth Office
<b>FGM</b>	Female Genital Mutilation
<b>FH</b>	Freedom House
<b>HIV/AIDS</b>	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
<b>HRW</b>	Human Rights Watch
<b>HRWF</b>	Human Rights Without Frontiers
<b>ICRC</b>	International Committee for Red Cross
<b>IDP</b>	Internally Displaced Person
<b>MSF</b>	Médecins Sans Frontières
<b>RSF</b>	Reporters Sans Frontières
<b>UN</b>	United Nations
<b>UNAIDS</b>	Joint United Nations Programme on HIV/AIDS
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>USSD</b>	United States State Department



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## **Annex G: Tribal groups**

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### **Ethnic Groups**

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

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

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

### **Languages**

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

The Encyclopedia of the Peoples of the World, published 1993, stated that: "...the Eritreans consist of nine ethno-linguistic groups: Rasha'ida, Baria, Kunama, Beja, Tigre, Tigray, Bilin, Saho and Afar." [53] (p195)

'The Languages of the World' 2005 edition, by Kevin Katzner, stated that: "The two main languages here [in Eritrea] are Tigrinya, with about 2 million speakers, and Tigre, with about one million. Others include Afar (150,000) and Beja (125,000)." [60]

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

### **Afar/Danakils**

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



## **Baria/Nara**

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

The Encyclopedia of the Peoples of the World stated that: “They speak Nara, a Nilotic language. The Baria are Sunni Muslims. They are sedentary agriculturalists. The academic ethnic label ‘Baria’ (Bareya) has in Amharic the literal meaning of ‘slave’, denoting the status of the Baria (and the adjacent Kunamas) in the eyes of their dominant neighbours.” [53] (p97)

## **Hedareb/Beja/Beni Amber/Beni Amer**

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

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

## **Bilen/Bogos**

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

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

The Encyclopedia of the Peoples of the World stated that: “They speak Bilin and Tigre, members of the central Cushitic language group. Until the second half of the nineteenth century, they were Ethiopian Orthodox Christians, but since then have shifted to Sunni Islam with a smaller number becoming Roman Catholics.” [53] (p112)

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

## **Kunama – Cultural**

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

A British Fact Finding Mission report of April 2003 stated that: “Originally, the Kunama were nomads; eventually they settled near the disputed border between Ethiopia and Eritrea. The Kunama are peaceful, but the ongoing wars between Ethiopia and Eritrea have been

devastating, drastically reducing the tribe's population to roughly 50–60,000 people.” [3] (p41)

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

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

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

The report further stated that:

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

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

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

### **Kunama – Treatment**

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

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

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

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

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

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

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

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

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

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

The same report stated that:

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

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

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

A British Fact Finding Mission also noted, in April 2003, that: “...the Democratic Movement for the Liberation of Eritrean Kunama (DMLEK) is led by Kerneolos Osman and is best

known for the material it places on pro-opposition websites. The DMLEK is based in Addis Ababa.” [3] (p44)

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

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

### **Rashaida**

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

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

### **Saho**

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

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

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

### **Tigrinya**

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

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

## **Tigre/Tegre**

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

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

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

The Encyclopedia of the Peoples of the World noted that: “The Tigre include ten major tribal units: Ad Sawra, Ad Sheikh, As Mu’allim, Aflenda, Bet Asgede, Bet Juk, Marya, Mensa, Meshalit and Sabdarat.” [53] (p600)

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

The Encyclopedia of the Peoples of the World stated that: “Historically ‘Tigre’ was used to denote a vassal to a ruling stratum claiming descent from the Beni Amer or Saho.” [53] (p600)

## **Eritreans Returning from Sudan**

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

