

ERITREA ASSESSMENT

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Country Information and Policy Unit

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I. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 The assessment will be placed on the Internet (http://www.homeoffice.gov.uk/ind/asylum/asylum_contents02.html). An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK
Immigration Advisory Service
Immigration Appellate Authority
Immigration Law Practitioners' Association
Joint Council for the Welfare of Immigrants
JUSTICE
Medical Foundation for the care of Victims of Torture
Refugee Council
Refugee Legal Centre
United Nations High Commissioner for Refugees

II. GEOGRAPHY

2.1 The State of Eritrea has an area of 121,144 sq km. It lies on the Red Sea coast of north-eastern Africa and is bordered by Sudan to the north-west, Ethiopia to the south and Djibouti to the south-east. The population was estimated in 1997 to be 3,803,496, based on preliminary census results. The population is fairly evenly divided between Tigrinya-speaking Christians, traditional inhabitants of the highland areas, and the Muslim communities of the western lowlands, northern highlands and eastern coast. The capital is Asmara and the main port cities are Massawa and Assab. Several languages are spoken, including Tigrinya, Tigre and Amharic. Arabic and English are also widely spoken. [1][2][3]

III. HISTORY

Refer to Africa South of the Sahara (source [1]) for more detailed history of events prior to 1991

FOUNDATIONS OF ERITREA

3.1 Italy ruled Eritrea from the late 19th century to 1941, when British forces captured the territory during the Second World War. The United Nations (UN) approved a federation between Eritrea and neighbouring Ethiopia in 1952, rather than outright independence. Under the autocratic rule of Ethiopian Emperor Haile Selassie, Eritrea's autonomy was eroded and in 1962 its status was reduced to that of an Ethiopian province. [1][2]

RESISTANCE TO ETHIOPIAN RULE 1952-1991

3.2 The Eritrean Liberation Front (ELF) began an armed struggle to free Eritrea from Ethiopian control in 1961. Splits within the ELF in the mid-1960s led to the breaking away of the reformist Popular Liberation Forces faction, which was renamed the Eritrean People's Liberation Front (EPLF) in 1977. The ELF and the EPLF fought a civil war between 1972 and 1974. There were further splits within the ELF in 1977-78 and in 1985, following a second civil war. These defections to the EPLF destroyed the ELF as an effective military force. The most influential groups remaining outside the EPLF have been those associated with Ahmed Nasser, leader of the ELF-Revolutionary Council (ELF-RC), and an Islamist group that grew amongst Eritrean refugees in Sudan during the 1980s. The EPLF meanwhile emerged as a well disciplined political and military organisation. [1][2]

3.3 Following the revolution in Ethiopia in 1974, which brought the hard-line Marxist 'Dergue' regime to power, thousands of people joined the Eritrean resistance groups. Resistance to Ethiopian rule increased significantly following the Dergue's 1977 'Red Terror' campaign of political repression. The EPLF fought Ethiopian forces from its bases in the highlands throughout the 1980s and successful campaigns saw the EPLF develop from a guerrilla force into a regular army. The EPLF captured Massawa in 1990 and Asmara in May 1991. [1][2]

INDEPENDENCE 1993 & TRANSITIONAL GOVERNMENT

3.4 At the same time that the EPLF captured Asmara in 1991, the Ethiopian People's Revolutionary Democratic Front (EPRDF), an anti-Dergue alliance led by the Tigre People's Liberation Front (TPLF), captured the Ethiopian capital Addis Ababa and ousted the Dergue. The EPRDF was sympathetic to Eritrean independence, accepting the EPLF as the provisional government of Eritrea, and agreed to the holding of an independence referendum in Eritrea in 1993. [1][2]

3.5 In advance of the 1993 referendum, the EPLF formed a government and established ministries, most of whose key personnel were EPLF members. Eritrea's economy was devastated from years of fighting and the EPLF undertook a programme of reconstruction. A UN-supervised referendum on independence from Ethiopia took place in April 1993. 1,102,410 Eritreans voted in the referendum with 99.8% of votes in favour of independence. Independence was proclaimed on 24 May 1993 with international recognition following on 28 May 1993. [1][2]

3.6 Following formal independence, the EPLF declared a four-year transitional period, intended to pave the way for a constitutional and pluralistic political system. The transitional government consisted of three elements: the Consultative Council, an executive body formed from the ministers, provincial governors and heads of government commissions; the National Assembly, a legislative body formed from the EPLF's central committee and representatives from provincial assemblies and appointees of the central committee; and the judiciary. The National Assembly elected the EPLF's Secretary-General Issaias Afewerki first President of independent Eritrea on 8 June 1993. [1][2]

THE PFDJ AND CONSTITUTIONAL DEVELOPMENTS

3.7 President Afewerki appointed a Consultative Council of 14 ministers, all EPLF members, and ten regional governors in June 1993. At the EPLF congress in February 1994 the People's Front for Democracy and Justice (PFDJ) was formed, to transform the EPLF from a military front to a political movement for peace and democracy. The intention was to embrace all Eritreans, with the exception of people accused of collaborating with Ethiopia prior to independence. The EPLF/PFDJ espoused its support for a pluralistic political system. It was intended that a new constitution, which would be put to a national referendum, would establish a new political structure and regulate the formation of political parties. [1][2]

3.8 In March 1994 the National Assembly resolved to replace the Consultative Council, the former executive body, with a new State Council. A Constitutional Commission was also created. The Assembly also resolved to reorganise itself, to henceforth comprise 75 members of the PFDJ's Central Committee and 75 directly elected members, although no mechanism for their election was announced. There was no provision made for participation by opposition parties in the interim system. Later in March 1994, Afewerki reshuffled government ministries in what was seen as an attempt to formalise the separation of government functions and the PFDJ executive. [1][2]

3.9 Conferences on reforming the constitution took place in 1994 and 1995. There was extensive popular consultation with more than 1,000 meetings throughout the country attended by half a million people. However, no opponents of the Government were invited to contribute. [1][2]

3.10 In May 1995 Afewerki announced a government rationalisation programme. The 30,000 strong civil service was to be reduced by one third and 6,500 civil servants that had not been combatant members of the EPLF were made redundant

immediately. Eritrea's ten administrative regions were reduced to six. New names for these regions were approved in November 1995 that are unrelated to the ethnic groups that inhabited them. [1][2]

3.11 A Constituent Assembly was established in 1997 to discuss and ratify the draft Constitution. The Assembly comprised 527 members, of whom 150 were selected from the National Assembly and the remainder from representatives of Eritreans resident abroad or elected by regional assemblies. A 30% quota for women was adhered to. A new Constitution was adopted by the Constituent Assembly in May 1997. Under the terms of the Constitution, the President would be elected for a maximum of two five-year terms. The President would have the power to appoint the ministers and Supreme Court judges. A two-thirds majority in the National Assembly could revoke the President's mandate. [1][2][4]

3.12 The new Constitution provided for 'conditional' political pluralism. With the adoption of the new Constitution, the Constituent Assembly was disbanded, having empowered a Transitional National Assembly to act as the legislative body until the holding of national elections. The Transitional National Assembly comprises 75 PFDJ Central Committee members, 60 members of the former Constituent Assembly and 15 representatives of Eritreans resident abroad. It was intended that elections to the new assembly would be held in 1998 but these have been postponed indefinitely since border hostilities with Ethiopia began in mid-1998. [1][2][4]

POLITICAL OPPOSITION

3.13 An effective ban on other political groups has operated since the EPLF took power in 1991. The ELF factions have maintained that hundreds of political prisoners have remained in detention. 26 members of the ELF-RC were detained in Ethiopia in 1994 and other ELF-RC members were reportedly returned forcibly to Eritrea. [1][2]

3.14 In December 1996 there were a number of political assassinations, including the ELF's former commanding officer, Abubekar Al-Hussein, and a former military commander of the radical armed Islamist group the Eritrean Islamic Jihad (EIJ). The Government blamed most of these incidents on the EIJ but some speculated that pro-Government elements involved in internal disputes might have been responsible. The killings were also linked to anti-corruption investigations in which PFDJ members were found guilty of involvement in smuggling activities. [1]

3.15 Opposition to the PFDJ Government continued in the late 1990s, mainly from disaffected Eritreans resident abroad. Radio broadcasts on the clandestine 'Voice of Free Eritrea' radio station, apparently broadcasting from Sudan from in late 1997, claimed to represent the Eritrean National Alliance, a group of Eritrean opposition organisations formed in Khartoum in late 1996. [1]

3.16 Following the outbreak of the border conflict with Ethiopia in 1998 (see Sections 3.17 - 3.20) Sudan took advantage of the fighting to resolve differences with Ethiopia at Eritrea's expense. Relations between Sudan and Eritrea had been tense since the early 1993, when members of the EIJ's military wing entered Eritrea from

Sudan. Both countries subsequently accused the other of harbouring opposition groups. Further attacks by the EIJ against targets in Eritrea took place in 1995. Clashes took place along the border between Eritrean and Sudanese troops in 1997 when tension was particularly high. Ten Eritrean opposition groups based in Khartoum launched the Alliance of Eritrean National Forces (AENF) in March 1999, which is led by Abdallah Idriss, the Chairman of the ELF-CC, who has consistently opposed the EPLF/PFDJ from exile. The AENF announced that it would form an Eritrean Government in exile. The AENF has been dismissed as a creation of Sudan and Ethiopia. By mid-1999 Sudan had indicated its willingness to improve relations with Eritrea and in May 1999 President Afewerki and his Sudanese counterpart signed a reconciliation agreement. [1][2]

BORDER CONFLICT WITH ETHIOPIA 1998-2000

3.17 Relations with Ethiopia, which were good following independence in 1993, deteriorated in 1997 as disagreements arose following Eritrea's introduction of a new currency, the Nafka. Fighting erupted in May 1998 in the disputed border area around Badme and spread in June 1998, with both sides carrying out air raids against towns in each other's territory. A cease-fire in aerial warfare was agreed to in June 1998. A lull in fighting after June 1998 was ended in February 1999 when further heavy fighting took place, both on the ground and in the air. Observers estimated that up to 30,000 combatants died in the fighting. The fighting diminished significantly in April 1999, with both sides declaring their commitment to Organisation of African Unity (OAU) peace plans. However, further fighting took place in May 1999 but ended inconclusively, with thousands of casualties on both sides. International efforts to secure a peaceful settlement to the border conflict continue. [1][2][5]

3.18 Immediately following the outbreak of hostilities with Ethiopia, the Eritrean Government expelled approximately 1,000 Ethiopians from Eritrea, mainly for alleged security concerns. Since then, several thousand Ethiopians have left Eritrea, mostly voluntarily because of the impact of the conflict on the Eritrean economy. [6]

3.19 As the conflict escalated, Eritrea called up reserves and increased its armed forces to 200,000 soldiers. The integration of 67,000 Eritreans expelled from Ethiopia since the conflict began and the large numbers of internally displaced persons have exacerbated the damage to the economy caused by the conflict. There is a shortage of skilled labour in many areas as a result of increased military conscription. [6]

3.20 In April 2000 Eritrea and Ethiopia agreed to attend talks in Algeria aimed at resolving the border conflict. The Algerian President, who is the Chairman of the OAU, set up the talks. Eritrea accepted an OAU peace plan under which both countries would withdraw from disputed territory but Ethiopia questioned the technical arrangements in the plan. [10]

3.21 Ethiopia launched an all-out offensive against Eritrea in May 2000 to recapture disputed territory seized by Eritrea in 1998, causing thousands of Eritreans to flee to the north and west of the country. Ethiopia announced on 31 May 2000 that the war

had ended. Ethiopia had, by then, recaptured all the land that Eritrea had occupied in 1998 and its forces held positions deep inside Eritrean territory. [12][13][14]

3.22 Eritrea and Ethiopia signed a cessation of hostilities agreement on 18 June 2000. Under the terms of the agreement, Ethiopia withdrew to positions it occupied before the border war broke out in 1998 and Eritrea withdrew to positions leaving a 25 km-wide buffer zone between its forces and Ethiopia, to be filled by a UN monitoring force. Disputed territory, such as Badme, which was under Ethiopian administration before May 1998 continues to be patrolled by Ethiopian forces. By the end of October 2000, 50 unarmed observers had been deployed, out of a planned 4,200-strong peacekeeping contingent expected later in 2000. [14][15][16]

3.23 The foreign ministers of Eritrea and Ethiopia met again in Algiers in October 2000 for a second round of peace talks aimed at turning the cease-fire agreed in June 2000 into a permanent peace accord. The talks focused on reaching agreement on the demarcation of the border and compensation for war damages. Representatives from the UN, OAU, EU and USA were present at the talks. [14][15]

IV. INSTRUMENTS OF THE STATE

POLITICAL SYSTEM

4.1 The Constitution, which came into effect in May 1998, provides for democratic freedoms but the provisions of the Constitution have not been implemented fully yet, mainly because of the outbreak of the border conflict with Ethiopia in 1998. [4][6]

4.2 The PFDJ continues to dominate the Government and is the sole legal political party in Eritrea. Moves towards a multi-party system have been delayed because of the border conflict with Ethiopia. Elections that should have been held in 1997 were postponed until 1998 and then, after fighting with Ethiopia broke out, were postponed indefinitely. [6]

LEGAL FRAMEWORK & JUDICIARY

4.3 The judiciary is formally independent but is weak and subject to interference by the executive. The judiciary is administered as part of the Ministry of Justice and relies on the Ministry for logistical and salary support, which further limits the judiciary's independence. [6]

4.4 The judiciary has three parts: civilian, military and special courts. The civilian court system consists of village, sub-regional and regional courts and a High Court that serves as an appellate court. The judicial system is still developing but suffers from a lack of trained staff and poor funding, which in practice limits the right of accused people to a speedy trial. 16 new courthouses were completed in 1998 but the conflict with Ethiopia has since limited development of the judicial infrastructure. [6]

4.5 At independence, the Government decided to retain the Ethiopian legal system. Village courts hear simple crime cases. Regional courts hear more serious cases and the High Court hears cases involving murder, rape and other serious charges. A panel of three judges hears cases before the High Court. A single judge hears cases in lower courts. [6]

4.6 Defendants have access to legal counsel, usually at their own expense. While there is no formal public defender's office, the Government has requested successfully that defence attorneys work without fee to represent defendants accused of crimes punishable by more than ten years imprisonment who are unable to afford legal representation. Verdicts may be appealed against to the High Court, which comprises a president and five judges. [6]

4.7 As the population is largely rural, most people only have contact with the legal system through village courts, which deal mainly with civil matters. Criminal cases are transferred to magistrates. Many local issues, such as property disputes and petty crimes, are adjudicated by local elders according to custom, or, in the case of Muslims, Shari'a law. Traditional courts cannot impose sentences involving physical punishment. [6]

4.8 To tackle the growing backlog in the civilian court system, the Defence Minister created the special court system in 1997. Judges in the special courts are senior military officers, most of whom have little if any legal experience. The special courts have jurisdiction over criminal cases, including capital offences, and cases of corruption by senior officials. The special courts may also re-try civilian court cases including those decided by the High Court. [6]

4.9 The special courts also handle cases of alleged corruption during the independence war by former members of the EPLF. Senior former EPLF fighters often are held to a stringent unwritten code of conduct and violations of this code are handled by special courts outside the normal judicial process. Former fighters accused of violating this code have been arrested and held without formal charge. [6]

4.10 In the special courts there are no defence lawyers and no right of appeal. The continued handling of civilian cases by the special courts raised problems of due process because of the absence of defence counsel and denial of appeal rights. In 1997 it was reported that special courts had tried 2,431 civilians. About half were fined and imprisoned, while 360 were found not guilty. There was no information on the remaining 850 cases. [6]

4.11 The drafting of many civilians, including judges, defendants, lawyers and court officials, into the military because of the border conflict with Ethiopia that began in 1998 has had a significant negative impact on the judiciary. The High Court was reduced from seven to three benches and regional and village court personnel were reduced by 40%. There have consequently been lengthy delays in the processing of cases. [6]

4.12 Arbitrary arrest and detention remain a problem. The Penal Code limits the period a detainee may be held without charge to 30 days. In practice, however, the authorities sometimes hold suspects for much longer periods. [6]

V. HUMAN RIGHTS SITUATION

HUMAN RIGHTS: INTRODUCTION

INTRODUCTION

5.1 The Eritrean Government has a poor human rights record. Although serious problems remain there were improvements in some areas in 1999. The Penal Code of Eritrea, a modified version of the Ethiopian Penal Code, and the Constitution prohibit torture or cruel, inhuman or degrading treatment or punishment. In 1999, unlike in previous years, there were no reports of torture or serious physical abuse. Arbitrary arrest and detention remain a problem and an unknown number of people suspected of association with the Ethiopian Mengistu regime, radical Islamic groups and terrorist groups remain in prolonged detention without charge. There have also been unconfirmed reports that several ELF members are arbitrarily held in detention. After the outbreak of the border conflict with Ethiopia the Eritrean Government began to allow the International Committee of the Red Cross (ICRC) broad access to prisoners and detainees, although not to Ethiopian prisoners of war. The Government has also begun to allow some independent monitoring of prison conditions. Freedom of the Press remains limited although independent newspapers are flourishing. [4][6][7]

ERITREAN HUMAN RIGHTS ORGANISATIONS

5.2 There are no domestic human rights organisations operating in Eritrea. Responsibility for handling human rights enquiries is held jointly by the Ministry of Foreign Affairs and the Ministry of Local Government. Also, all NGOs must register with the Eritrean Relief and Refugee Commission. In 1997 the Government restricted the role of NGOs to supporting it in the health and education sectors. [6]

5.3 Journalists from Eritrea's eleven independent newspapers met in late 1999 to form a committee to establish an independent journalists' organisation. They applied to the Ministry of Local Government for a licence in October 1999 but had not received it by the end of 1999. A group called Citizens for Peace was established in 1998 to investigate Ethiopia's deportations of Eritreans. [6]

INTERNATIONAL HUMAN RIGHTS ORGANISATIONS IN ERITREA

5.4 The ICRC opened an office in Eritrea in July 1998. ICRC was granted full access to assist Ethiopians wishing to leave Eritrea and, with its office in Addis Ababa, supervised cross-border exchanges. ICRC operations were expanded in 1999 and it provided shelter and food assistance to some 250,000 people displaced by the border

conflict with Ethiopia. ICRC was also permitted access in 1999 to the few Ethiopians remaining in detention but not to Ethiopian prisoners of war. [6][7]

HUMAN RIGHTS: SPECIFIC GROUPS

WOMEN

5.5 The Government has consistently advocated improving the status of women, many of whom played a major role as independence fighters. Since independence, women have had the legal right to equal educational opportunities, equal pay for equal work and legal sanctions against domestic violence. The Constitution and the transitional Civil Code prohibit discrimination against women and the Government generally enforces these provisions. [4][6]

5.6 Although the authorities report that no serious domestic violence problem exists, much of Eritrean society remains traditional and patriarchal and most women have an inferior status to men in the home and society. In practice, men retain privileged access to education, employment and control of economic resources with more disparities in rural than urban areas. [6]

5.7 Women between the ages of 18 and 40 are required to perform national service and women have been involved in fighting in the border conflict with Ethiopia that began in mid-1998. However, during 1999 the Government began removing women from direct combat and reassigning them to other duties, such as training. [6]

5.8 Women are under-represented in government and politics. To encourage greater participation of women in politics the PFDJ named three women to its Executive Council and 12 women to its Central Committee in 1997. Women filled almost half the positions in the constitutional Commission and hold senior government positions, including the posts of Minister of Justice and Minister of Labour. [6]

5.9 Female genital mutilation (FGM) is widespread with an estimated 95% of women and girls having been subjected to it. Most ethnic and religious groups practice FGM. There is no law prohibiting FGM but the Government discourages it through education programmes. [6]

CHILDREN

5.10 The Government created a separate Children's Affairs Division under the Ministry of Labour and Human Welfare in 1996. The Division covers childcare, counselling and probation. [6]

5.11 Primary education is free but there is a shortage of schools and teachers and only about 60% of primary age children attend school. Secondary education is neither free nor compulsory and attendance is 53%. High school students are required to participate in summer work programmes, for which they are paid. 75% of Eritrea's population is illiterate. [6]

5.12 The legal minimum age for employment is 18 years although apprentices may be hired at 14. During 1999 Eritrea ratified seven basic International Labour Organization conventions including ones on forced labour and minimum age for employment. Labour inspectors in the Ministry of Labour and Human Welfare are responsible for enforcing employment laws pertaining to children. The Constitution prohibits forced or bonded labour, including that performed by children, and there have been no reports that it occurs. However, it is common for children in rural areas who do not attend to school to work on family farms and in urban areas some children work as street vendors. [6]

5.13 A small number of children under the age of 18 have reportedly entered military service, usually as a result of inadequate identification documents. When soldiers have been found to be below 18 they have been removed from service. [6]

ETHNIC GROUPS

[A map of Eritrea showing distribution of ethnic groups is annexed as source document 11]

5.14 The Constitution prohibits discrimination on the grounds of race, ethnic origin, colour or language. The PFDJ discourages political movements based on ethnic or religious groups as it fears that they could exacerbate ethnic and religious differences. [4][6][8]

Ethnic Groups:

5.15 Tigre (Tigray) - the Tigre peoples represent about one third of Eritrea's population. Culturally and ethnically they are related to the Beja of Sudan. Claiming Arab origin, their language, Tigre, is Semitic. Mostly Muslim, their primary occupation is cattle herding. Most are nomadic but some have settled. The use of the Tigre language is declining under the impact of Tigrinya in Eritrea. There are three main Tigre groups, Haba, Ad Teklei and Ad Temaryam. [8]

5.16 Afar (Danakils) - the Afars are mainly Muslim and inhabit the coastal lowlands of the Danakil Depression. They speak Afar and Arabic and are mainly pastoral nomads. Afar leaders have been critical of the EPLF/PFDJ but have been in favour of the freedom enjoyed by the regional assembly in their home areas and the support given by the Government to the Afar-based Front pour la Restauration de l'Unite et la Democratie in neighbouring Djibouti. [8]

5.17 Saho - the Saho live between Afar and Tigre areas and are nomadic or semi-nomadic people, and mainly Muslim. They speak local languages and Arabic. Land

taken for the resettlement of 500,000 Eritrean refugees in Sudan is likely to be that used by the Saho. [8]

5.18 Bilen - the Bilen inhabit the area around the town of Keren. They are a mostly agriculturalist people, comprising two main tribes, the Bet Teqwe and the Gebre Terge, of about 15,000 each. About a quarter of the Bilen population are Roman Catholics. [8]

5.19 Beni Amer - the Beni Amer are a branch of the Tigre people, living in the northern lowlands. They are Muslims and many Beni Amer are included in the thousands of Eritrean refugees in Sudan. [8]

5.20 Kunama and Baria - the Kunama and Baria tribes inhabit the southern part of the western lowlands. They are of Nilotic origin, like the inhabitants of western Ethiopia and southern Sudan. They Baria were forcibly Islamicised and about one third of the Kunama are Christians. [3][8]

ETHIOPIANS IN ERITREA

5.21 Before the border conflict with Ethiopia began in 1998 there were an estimated 100,000 Ethiopians working in Eritrea. They consisted of long-term residents, some married to Eritreans, and more recent migrant workers. The port of Assab in particular hosted some 35,000 Ethiopians. [5]

5.22 Immediately following the outbreak of hostilities with Ethiopia in 1998 the Eritrean Government expelled approximately 1,000 Ethiopians from Eritrea, mainly for alleged security concerns. Since then, several thousand Ethiopians have left Eritrea, mostly voluntarily because of the negative effect of the conflict on Eritrea's economy and some because they feared retaliation as enemy nationals, although the Eritrean Government stated in June 1998 that Ethiopian nationals could leave Eritrea or stay if they wished. [5][6][7]

5.23 There were reports in 1999 that a small number of Ethiopians were expelled from their homes in Eritrea near the border. There were also reports in 1999 that police harassed and intimidated some Ethiopians. A significant but unknown number of Ethiopians were dismissed or otherwise lost their jobs because of their nationality; some of these may have lost their jobs because their Ethiopian employers have left Eritrea or because the businesses have lost Eritrean clients and are no longer viable. An estimated 1,000 Ethiopians in Asmara who can no longer pay rent are homeless and destitute and there were reports in 1999 that the police had, on occasion, dealt harshly with them. [6]

5.24 Allegations were made in the Ethiopian media in 1999 that the Eritrean Government was responsible for the extra-judicial killing and disappearance of Ethiopians in Eritrea. International human rights groups and local and foreign officials have investigated these allegations but no evidence has been found to substantiate them. [6]

5.25 There have been reports of instances in which private citizens threatened and beat Ethiopians. While the police have generally taken action to prevent such abuses there have been reports of incidents in which police allowed abuse of Ethiopians or intervened too late, or were unable, to prevent such abuse. In 1999 Amnesty International noted reports of ill treatment of some Ethiopians by the Eritrean security forces but found no evidence of a systematic policy in Eritrea of deliberate expulsions or widespread ill treatment of Ethiopians. [5][6]

5.26 Following heavy fighting with Ethiopia in February 1999 the Government removed some 1,500 ethnic Ethiopians and some Eritreans away from the combat zone to a camp at Hawasheit. The Ethiopian women and children were then deported to Ethiopia without notification to the ICRC or Ethiopian authorities but the men were released in urban areas and warned not to return to the border. [6]

5.27 In September 1998 the Eritrean authorities relaxed the requirements for exit visas and many Ethiopians registered to leave Eritrea with the assistance of the ICRC. Some 22,000 Ethiopians had left Eritrea with ICRC's assistance by the end of January 1999. [5][6]

SUPPORTERS OF ETHIOPIAN DERGUE REGIME

5.28 91 detainees suspected of collaboration with the former Ethiopian Dergue regime were pardoned and released in 1995. Despite a statement by President Afewerki that their cases would soon be considered, an unspecified number of additional suspected Dergue collaborators reportedly remain in detention without charge. [6]

5.29 Amnesty International has reported that some 120 officials of the former Ethiopian Dergue regime convicted of human rights violations were serving prison sentences in 1998 following secret trials which fell short of international standards, with the defendants denied the right to legal representation or to appeal against their conviction. [7]

RELIGIOUS GROUPS

5.30 The population is fairly evenly divided between Tigrinya-speaking, mainly Orthodox, Christians, traditional inhabitants of the highland areas, and the Muslim communities of the western lowlands, northern highlands and eastern coast. Most Christians adhere to the Orthodox Church but there are also Roman Catholic and Protestant communities. At the end of 1997 there were an estimated 130,889 adherents of the Roman Catholic Church in Eritrea. A small percentage of the population adheres to traditional beliefs. [1][2]

5.31 The separation of the Eritrean Orthodox Church from the Ethiopian Orthodox Church was agreed in September 1993, shortly after Eritrea formally achieved independence from Ethiopia. [1][2][3]

5.32 The Constitution provides for freedom of religion, but the Government restricts this right in practice. Christianity and Islam are practised and tolerated widely with people free to worship at the church or mosque of their choice. The authorities continue, however, to harass, detain and discriminate against members of the small community of Jehovah's Witnesses. [4][6]

5.33 Clashes between Government forces and Muslim fighters of the Sudan-based military wing of the EIJ have taken place along the border with Sudan since 1993, which have led the Government to restrict travel along much of the border. The EIJ occasionally lays mines, leading to additional travel restrictions. [1][2][6]

5.34 Jehovah's Witnesses have experienced harassment and discrimination because of their refusal on religious grounds to perform military service or vote in a referendum. Jehovah's Witnesses did not therefore vote in the 1993 independence referendum and do not fulfil military service obligations and have consequently been denied Eritrean citizenship. Jehovah's Witnesses have also been subjected to dismissal from the civil service, had trading licences revoked and been denied passports, identity documents, exit visas and access to state-owned housing. [1][6]

5.35 The Ministry of Justice denies that any Jehovah's Witnesses were held without charge but acknowledges that some are in gaol for convictions on charges of evading national service. In 1998 several members of the Jehovah's Witnesses were arrested for failing to comply with the National Service Law and some were tried. There is no information available on the verdicts or sentences in these cases. In March 1999 representatives of Jehovah's Witnesses reported that three members of the Jehovah's Witnesses have been detained without trial or charge for more than four years, allegedly for failing to perform national service. (See also Sections 5.50 - 5.53) [1][6]

5.36 The PFDJ has stated its opposition to the formation of any religious or ethnic-based political party on the grounds that such parties could exacerbate religious and ethnic differences. The Government discourages proselytising by members of one faith among adherents of another and also discourages foreign religious groups and NGOs from proselytising as it believes that this could create unnecessary friction in the delicate balance between the Christian and Muslim populations. [6][8]

5.37 The Government informed religious organisations in 1998 that religiously funded schools providing general education would be incorporated into the state education system. No action has been taken to implement this decision because of the outbreak of border hostilities with Ethiopia in mid-1998. [6]

HUMAN RIGHTS: OTHER ISSUES

FREEDOM OF ASSEMBLY & POLITICAL ASSOCIATION

5.38 The Eritrean Government is dominated by the PFDJ, the sole legal political party. There are no legal opposition political parties. The Government has stated its belief that public education and institutional structures are needed before multi-party democracy can be established. Although the new Constitution came into force in May

1998 the Government has still not fulfilled its commitment in the Constitution to move towards a democratically elected government. Elections that should have been held in 1997 were postponed to 1998 and then, with the outbreak of the border conflict with Ethiopia in 1998, postponed indefinitely. [4][6]

5.39 The Constitution provides for freedom of assembly and the Government respects this right in practice. A permit from the Ministry of Local Government is required for a public meeting or demonstration. Permits are, in general, granted freely for non-political meetings or gatherings and there were no reports in 1999 that permits for political demonstrations were denied. [4][6]

5.40 The Constitution also provides for freedom of association and states that every citizen has the right to form organisations for political ends. However, the Government has still not allowed the formation of any legal opposition parties and has also stated its opposition to the formation of religious or ethnic-based parties on the grounds that their formation may exacerbate religious and ethnic differences. [4][6]

FREEDOM OF SPEECH & OF THE PRESS

5.41 The Constitution provides for freedom of speech and of the Press but the Government in practice, restricts these rights, though to a lesser extent of late than in previous years. [4][6]

5.42 The Government controls almost all media, including three newspapers, a radio and television station and the only newspaper printing press. There are no independent radio or television stations, although the independent printing media has flourished since late 1997 after a 1996 press proclamation permitted individuals to publish newspapers. At the end of 1999 there were eleven independent papers and magazines; 'Setit' has the largest circulation. Private ownership of broadcast media and foreign ownership of any media are not permitted. The Government has the authority to ban the import of foreign publications but has yet to use this power. [6]

5.43 The 1996 press proclamation forbids local reprinting of articles from banned publications. The Government continues to restrict the right of the religious media to comment on politics or Government policies. In theory, non-religious media are free to criticise the Government but criticism is limited and the media practices self-censorship. [6]

5.44 All newspapers must obtain a licence from the Ministry of Information (MoI) before publication. All reporters must register with the MoI. The Government has the authority to punish those who publish material that it considers insults or abuses the Government or that contravenes public morality. In November 1999 independent journalists were informed that copy submitted for printing would require the signatures of several MoI censors. The MoI advised independent weeklies that they would be warned if any material should not be published but that they would be free to print despite the warning. While there have been no reports of prosecution under this authority, the development of print or broadcast media critical of the Government had been consequently hindered. [6]

5.45 Journalists from Eritrea's eleven independent newspapers formed a committee in late 1999 to establish an independent journalists' organisation. They applied to the Ministry of Local Government for a licence in October 1999 but had not received it by the end of 1999. [6]

5.46 In October 1999 a newspaper editor was arrested for refusing to divulge the source of an article. The editor was charged with slander and released pending a trial scheduled to start in February 2000. [6]

FREEDOM OF RELIGION

5.47 The Constitution provides for freedom of religion, but the Government restricts this right in practice. (See Sections 5.30 - 5.37 covering religious groups) [4][6]

FREEDOM OF TRAVEL/INTERNAL RELOCATION

5.48 The Constitution provides for the rights of free movement and emigration. Citizens may, in general, choose where they live and travel freely. Citizens are generally free to travel outside Eritrea, although there have been cases in which Jehovah's Witnesses, officials of the former Ethiopian Mengistu regime and those who have not completed national service have been denied passports or visas. Also, since the border conflict with Ethiopia began in 1998 the Government has increasingly denied exit visas to young people, apparently because they have been approaching the age of eligibility for national service. Citizens, in general, have the right of return although instances in which citizens living abroad have been declared ineligible for asylum in other countries are considered on a case-by-case basis. [4][6]

5.49 More than 67,000 ethnic Eritreans have been deported from Ethiopia since the border conflict began in 1998. The Eritrean Relief and Refugee Commission gives deportees resettlement grants. Some deportees have been placed with relatives while those with no remaining connections with Eritrea have been placed temporarily in camps before being permanently resettled. The ICRC has described conditions in the camps as Spartan but adequate. Deportees have been given documents confirming their Eritrean citizenship. Some deportees assuming Eritrean citizenship have been ordered to report for military service. The process for granting exit visas for Ethiopians wishing to leave Eritrea was significantly improved in 1999. [6]

MILITARY SERVICE

5.50 Major demobilisation of freedom fighters began following formal independence in 1993 referendum. Compulsory military service was introduced in 1994 to compensate for the contraction of the armed forces. National service was made compulsory for all Eritreans aged between 18 and 40 years, with certain exceptions, and consists of six months' military training and 12 months' service. Observers at the time suggested that the Government wanted to reduce the influence of potentially

troublesome veteran freedom fighters while introducing a malleable younger element into the forces. High-ranking officers were also re-organised to remove political agitators and non-PFDJ members from the forces. Clashes occurred in 1995 and 1996 between Government troops and groups of young men unwilling to perform national service. [1]

5.51 In August 1998 Eritrea's active armed forces were estimated to number 47,100, of whom 20,000 were conscripts, including an army of 46,000. In addition there were some 120,000 reservists. Following the outbreak of hostilities with Ethiopia in May 1998 Eritrea increased its armed forces to 200,000 by calling up reservists. [1][2][6]

5.52 People who object to military service on religious grounds are not excused from it and there is no provision for any form of alternative service. The maximum penalty for refusing to perform national service is three years imprisonment. Members of the Jehovah's Witnesses religious group have experienced harassment and restrictions because of their refusal to undertake military service (see Sections 5.34 - 5.35). Some Muslims have objected to universal military service with regard to the requirement that women perform military duty. [6]

5.53 There were reports that in April 1999 local officials and police in Asmara rounded up several hundred students at evening classes to determine their eligibility for military service. Although many students were released the next day because they were deemed ineligible for military service, some 350 were sent directly to military training. In 1999 some Eritrean deportees from Ethiopia who assumed Eritrean citizenship were ordered to report for military service. There were reports in 1999 that on occasions the police had used rough physical treatment when dealing with army deserters. [6]

ERITREAN NATIONALITY

5.54 The rules governing eligibility for Eritrean nationality are contained in Eritrean Nationality Proclamation number 21/1992 [*annexed in full as source document 9*]. People are Eritrean by birth if they are born in Eritrea or abroad if their father or mother is of Eritrean origin, which is defined as meaning any person resident in Eritrea in 1933. The proclamation also contains provisions for the acquisition of Eritrean nationality by naturalisation, which covers people not of Eritrean origin but who resided in Eritrea between 1934 and 1951, provided that they did not commit what are termed "anti-people" acts during the campaign for Eritrean independence. People may be deprived of Eritrean nationality if they voluntarily acquire a foreign nationality. [9]

PRISON CONDITIONS

5.55 Conditions in Eritrean prisons are Spartan. Family members are permitted to visit prisoners three times a week. There are no juvenile detention centres and young offenders are often imprisoned with adults. There were no reports in 1999 of prisoners dying through a lack of proper medical care. There were no reports in 1999

of prisoners being beaten or abused, although there were occasional reports of such incidents in previous years. [6]

5.56 Prison visits by local or international human rights groups are not permitted. However, in 1998 the Government began to allow independent monitoring of conditions in detention facilities after the border conflict with Ethiopia began. The Government continues to deny the ICRC access to Ethiopian prisoners of war although ICRC was allowed access in 1999 to the few Ethiopians (non-POWs) who remained in detention. [5][6]

ANNEX A

CHRONOLOGY

1869 - Italian concession established near Assab

- 1885** - Italian control extended to Massawa
- 1889** - Italian control extended to most of modern Eritrea; Ethiopia recognises Italian control over Eritrea in Treaty of Ucciali
- 1941** - British forces capture Eritrea during the Second World War; Eritrea remains under British military administration until 1952
- 1952** - UN approves federation between Eritrea and Ethiopia; however Ethiopian rule effectively stifles Eritrean autonomy
- 1958** - Eritrean Liberation Movement (ELM) founded
- 1961** - Eritrean Liberation Front (ELF), which had superseded ELM, begins armed campaign for Eritrean independence from Ethiopia
- 1962** - Eritrea's status reduced to that of an Ethiopian province
- 1972-74** - 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)
- 1974** - Emperor Haile Selassie of Ethiopia overthrown in revolution which brings hard-line Marxist 'Dergue' regime to power
- 1977** - 'Red Terror' campaign across Ethiopia by Dergue regime increases opposition to Ethiopian rule of Eritrea
- 1977-78** - Further splits within ELF
- 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
- 1990** - EPLF captures Massawa
- 5/1991** - EPLF captures Asmara; at same time EPRDF captures Addis Ababa and overthrows Dergue; EPRDF recognises EPLF as government of Eritrea and agrees independence referendum for Eritrea in 1993
- 4/1993** - UN-supervised referendum overwhelmingly approves independence from Ethiopia
- 24.5.1993** - Independence proclaimed
- 28.5.1993** - International recognition of independence of the State of Eritrea; EPLF establishes transitional government, with EPLF leader Issaias Afewerki becoming first President of Eritrea

- 8.6.1993** - Issaias Afewerki elected first President of Eritrea by the National Assembly
- 2/1994** - EPLF becomes the People's Front for Democracy & Justice (PFDJ) and espouses its support for a pluralistic political system
- 1994-1995** - Conferences on constitutional reform held throughout Eritrea, but Government opponents not invited to participate
- 5/1995** - Government rationalisation programme cuts size of civil service and reorganises administrative regions
- 12/1996** - Political assassinations of ELF's former commanding officer and a former military commander of EIJ
- 5/1997** - New Constitution adopted by Constituent Assembly
- 5/1998** - Border conflict with Ethiopia erupts into heavy fighting, thousands of Eritreans expelled from Ethiopia and many Ethiopians leave Eritrea
- 6/1998** - Fighting with Ethiopia escalates, lull in fighting after June
- 2/1999** - Upsurge in fighting with Ethiopia, 30,000 estimated deaths
- 3/1999** - 10 opposition groups based in Sudan form Alliance of Eritrean National Forces (AENF), led by ELF-CC's Chairman
- 4/2000** - Fighting diminishes and Eritrea and Ethiopia declare support for OAU peace plan
- 5/2000** - Ethiopia launches all-out attack on Eritrea, capturing territory taken by Eritrea in 5/1998
- 6/2000** - Eritrea and Ethiopia sign cease-fire agreement and agree to UN monitoring force along border
- 10/2000** - Eritrea and Ethiopia hold further peace talks in Algiers; UN peacekeepers deployed along common border

ANNEX B

MAIN POLITICAL ORGANISATIONS

- **Alliance of Eritrean National Forces (AENF)** - grouping of 10 Sudan-based opposition organisations, formed in Khartoum 3/1999; led by ELF-CC's Chairman Abdallah Idriss

- **Democratic Movement for the Liberation of Eritrea (DMFLE)** - opposition group; leader Hamid Turkey

- **Eritrean Islamic Jihad (EIJ)** - radical armed Islamist opposition group; split into military wing and political wing 8/1993; leader of political wing Sheikh Mohamed Arafa

- **Eritrean Liberation Front (ELF)** - successor to the Eritrean Liberation Movement founded in 1958; began armed resistance to Ethiopian rule in 1961; factional splits in 1970s led to formation of rival EPLF, with which ELF fought, and lost, two civil wars in the 1970s and 1980s; now broken into several factions - see principal factions **ELF-CC**, **ELF-NC**, **ELF-RC**

- **Eritrean Liberation Front-Central Command (ELF-CC)** - founded 1982; Chairman Abdallah Idriss

- **Eritrean Liberation Front-National Council (ELF-NC)** - leader Hassan Ali Assad

- **Eritrean Liberation Front-Revolutionary Council (ELF-RC)** - established by former ELF members who remained outside EPLF; leader Ibrahim Mohamed Ali

- **Eritrean National Alliance (ENA)** - opposition grouping reportedly based in Sudan

- **Eritrean People's Liberation Front (EPLF)** - formed in 1977 from Popular Liberation Forces which broke away from ELF in early 1970s; fought civil wars with ELF in the 1970s and 1980s as well as fighting against Ethiopia; took control of Eritrea in 1991 and formed first government of independent Eritrea in 1993; transformed into political organisation People's Front for Democracy and Justice (**PFDJ**) in 1994 - leader Issaias Afewerki, President of Eritrea

- **People's Front for Democracy and Justice (PFDJ)** - formed 1994 from ruling **EPLF**; governing party of Eritrea 1994 to date; Chairman Issaias Afewerki, President of Eritrea, Secretary-General Alamin Mohammed

- **Popular Liberation Forces** - breakaway faction from ELF which went on to form **EPLF** in 1977

[1][2]

ANNEX C

PROMINENT PEOPLE

- **Issaias Afewerki** - Secretary-General of EPLF, Chairman of PFDJ and President of Eritrea June 1993 to present
- **Ibrahim Mohamed Ali** - leader of ELF-RC
- **Sheikh Mohamed Arafa** - leader of political wing of EIJ
- **Hassan Ali Assad** - leader of ELF-NC
- **Abdallah Idriss** - Chairman of ELF-CC and leader of AENF grouping
- **Alamin Mohammed** - Secretary-General of PFDJ
- **Hamid Turky** - leader of opposition DMFLE

[1]

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