

**Some comments on
COI Report Eritrea
(June 2010)**

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and
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Prepared for the Independent Advisory Group on COI
(IAGCI)

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Introduction

Briefing of the 28th October 2010, by Richard Lederle to David Bozzini:

"COI reports are used by asylum decision makers in assessing and determining asylum claims. The aim of the Report that you are reviewing is to be a compact operational tool focusing on issues which frequently arise in asylum and human rights applications from nationals of Eritrea. COI Service identifies these issues through feedback from our internal users in the UK Border Agency (UKBA) – decision makers and policy colleagues. The feedback we have received indicates that the main human rights issues raised in asylum claims made by Eritrean nationals are:

Religious minority groups: Pentecostals and, now less so, Jehovah Witnesses;

Military service (MS): punishments/risks for refusing to undertake and desertion from MS;

Illegal exit from the country;

Political groups and opposition (though less common than the issues above);

Mixed Eritrean/Ethiopian origin/nationality – status and treatment by the authorities.

Issues that do not arise commonly, and thus have less coverage, include ethnicity (other than Eritrean/Ethiopian nationality), gender-based claims (i.e. status/treatment of women) and the availability of healthcare.

Additionally, the UK Border Agency faces some difficulty in distinguishing between Eritrean and Ethiopian nationals.[...]

3. The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. It provides a compilation of extracts from the source material identified. The Report does not undertake analysis of the country situation, though information may be processed in so far as it is organised thematically and chronologically, and cascaded from the general to the specific. All information is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process. The Report is not intended to be a detailed or comprehensive survey. For a more detailed account, decision makers are expected to examine the relevant source documents directly."

The scope of the review defined by IAGCI is the following² :

"Reviews should evaluate the reports in this context and seek to identify areas where they can be improved. Specifically the review will entail:

- (i) assessing the extent to which information from source documents has been appropriately and accurately reflected in the COI Report;
- (ii) identifying additional sources detailing the current human rights situation in the country;
- (iii) noting and correcting any specific errors or omissions; and
- (iv) making recommendations for general improvements regarding, for example, the structure of the report, its coverage or its overall approach."

² http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/Invitation-to-tender_Bangladesh_Eritrea_Iran_OPT_Algeria.pdf

Methodology

Noting that the purpose of this Report is mainly to provide background information on the main issues arising in asylum and human rights claims by Eritreans, we reviewed it for its presentation of facts, balance, user-friendliness and timeliness. Specifically, we evaluated it for consistency with the template provided; proper quotation of the references and availability of the web links used. In addition, we tried to update old information and to provide additional references whenever available.

With the above-mentioned check-list, we found the following general and specific comments and issues for further elaboration and modifications especially for future Reports.

General comments

Given the scarcity of reliable government, non-government and academic studies on Eritrea, we believe that this Report has done a commendable job of presenting a reference material for its users. However, there is still room for improving it in terms of content, analysis, organisation and presentation.

Generally, when it comes to Eritrea the reliability of data is always an issue, for the fact that there has not been many systematic socio-economic studies in the country. Moreover, the Government does not make data publicly accessible. As a matter of fact it maintains a dual data system; one "for own use" and another for use by international partners and outside users.

The first issue that we noted is on the presentation of facts, events and data. We noticed significant factual errors and misrepresentations.

This leads us to the second problem we noticed in this Report: methodological over-dependence on selected and specific references. This is not to allege that the sources are not reliable, but to underline that more accurate and balanced views could be provided by diversifying the sources. In particular, we suggest more reference of scholarly works, as well as the Government's official information or media outlets. Many of the sources, moreover, need updating. In particular the sections on peace and security, regional and border disputes, religious rights, immigrants and ethnic groups need to be updated. In Eritrea, policies and practices change quite quickly and sometimes dramatically. Hence, we have tried to fill up some of the factual gaps and misinterpretations with as much information from various sources as from our own expertise.

The third observation that we noted is on the flow and user friendliness of the Report. We believe that for ease of reading and referencing some rearrangement and replacement of the topics is necessary.

The citation system, which is widely used in the Report is also difficult to work with. We believe proper usage of the hyperlinks would provide easy back and forth reading of the Report from the table of contents to the body and to the list of references at the back. The list of references at the back, moreover, would be easier to access and more useful if they were reordered alphabetically.

Specific comments

For ease of cross-referencing between this Review and the main Report, we have used a number-by-number commentary system.

LATEST NEWS

No latest news was found in the Report. We expect the next Report to include updated information from June 2010 to January 2010. However, we suggest some information and new sources to be included for this period.

BACKGROUND INFORMATION

1. Geography

1.02

The population figure of 5.7 million given in this Report should be taken with caution. In the absence of any systematic population census in the country, and the government's refusal to publish any figures, the population figures are mostly guestimates and extrapolated from some administrative population counts. As a result it varied from one source to the other ranging between 2.5 to 5.5 million³. However, the working population figures of the Government seems around 3 million⁴ excluding substantial numbers of the Diaspora. We are aware that a recent survey, the third Demographic and Health Survey (EDHS III) in 2009, has indicated to a population figures of around 4 million. The UNDP had last estimated the population to be around 3.2 million with a growth rate of 3% in 2001⁵.

1.04

This is repeating 1.03

1.05

- January 6 is not epiphany day and should be corrected as January 19.
- The traditional Christmas according to the Geez calendar is on the 7th of January.
- Ramadan does not have a fixed date, as it varies from year to year.
- 11th of September is the Geez New Year, celebrated as *Kudus Yohannes* in Eritrea and Ethiopia.

Official website (shabait.com) offers National Holiday dates for the current year⁶.

1.07

The map portrays the regions or *awrajas* as they were called in the immediate post-independence period and as such do not convey the current administrative

3 http://www.er.undp.org/about_eritrea.html (JS1_ERI_UPR_SO6_2009_Joint Submission 1)

4 http://www.er.undp.org/about_eritrea.html (Report by the Eritrean Delegation)

5 http://www.er.undp.org/about_eritrea.htm

6 <http://www.shabait.com/events/national-holidays>

system. We suggest that it be replaced by one, which reflects the current administrative divisions of the country into six zones. We advise not using ethnic maps. A new administrative structure was proclaimed in 1995 (cf. Annex A of the Report). We suggest to use the map found at:

<http://www.eritrea.be/old/eritrea%20regional%20map.jpg>

2. Economy

2.01

The national currency is the Nakfa since 1997. Even though the Report does not aim to give a detailed analysis of the economic situation in the country, we believe that including the shadow exchange rates would also better reflect the current economic situation in the country. Although, the rate varies, it is generally believed to be in the range of 1 USD for 35-40 Nakfas⁷.

2.02

The Government insists that these extraordinary economic policies respond only to the extraordinary situation the country faces at the present. However, we believe that these policies are not transitory anymore as with time they are becoming institutionalised⁸. Using "restrictive economic policies" without adding any further details/sources about the precise policies considered as such in the following is problematic. However, apart from the official 2% taxation, the Diaspora is also made to pay different forms of payments such as for Martyrs families funds and orphanages etc. Moreover, officially unaccounted for remittances and transfers from the Diaspora to families and friends remains high⁹.

2.03

Despite the food aid needs of 2/3 of the population, the government denies food shortages and refuses, in principle, to accept food aid. Chronic food deficit coupled with the refusal to accept food aid and the frequent ban on the functioning of the grain market has resulted in alarming rise in hungry people especially in the countryside. As a result there is increased rural to urban migration, which is seen in the rise of homeless people and beggars in the cities¹⁰.

3. History

3.01

1972 PLF formed out of ELF (which will later become EPLF) Reference to *Memorandum* could be provided to access EPLF program¹¹.

3.04-06

The information about PFDJ between 1994 and 2001 is provided only from "europa world". Referring to scholarly writings including Dan Connel's, Gaim Kibreab mentioned in our review can be helpful.

7 http://www.assenna.com/index.php?option=com_content&view=article&id=1582:nakfa-slips-to-economic-coma&catid=18:news&Itemid=70

8 Gaim Kibreab's "Eritrea, a dream deferred" Chapter 6, PFDJ dominance of the Economy

9 <http://www.hrw.org/en/node/79224> ; http://www.chathamhouse.org.uk/files/9764_200407eritrea.pdf

10 <http://asmarino.com/eyewitness-account/249-update-famine-and-resettlement-program->

11 <http://eritrios.net/1970s/Memorandum%20EPLF%201978.pdf>

3.07

The Government of the State of Eritrea insists that the border row is concluded by the virtual demarcation given by the EEBC in January 2008, but Ethiopia does not accept the ruling¹². As a result the Government claims there is a state of "no-war and no-peace" and legitimises its current policies based on this. Hence, although claims based on "war fears" are not mentioned as common in the Report, we believe that a more updated section on the situation of war, conflict and security can be presented.

In-line with this, Section 3 "Border conflict with Ethiopia 1998-2000" should include the latest development on Ethio-Eritrean Border conflict, as well as the "settlement of claims" mentioned in section 3.20 of the Report

3.09-14

What is stated in "The border tensions with neighbouring countries, 2005-2009" is useful only as a background information and needs to be updated to reflect the current security situation. No significant security deterioration was noted after UNMEE left, yet the situation remains tense as before.

3.10

Although this section provides in chronological order the security situation on the border with Ethiopia and the problems faced by the UNMEE, it mixes the border issue with Djibouti in the middle which is chronically wrong and confusing.

3.15

In addition to the arrests of the G-15 and journalists mentioned in the Report, 2001 also saw the detention of University students. From then onwards the Government became suspicious of the student body at the University of Asmara and sought to systematically weaken and ultimately disband and close down the University¹³.

3.16

The same applies to the more recent actions taken against religious groups.

3.17

The Human Rights situation in the country has deteriorated over the last 5 years and this section needs to be updated.

3.18-3.19

For the ease of reading, these two sections could be presented just after section 3.14 and before the analysis of the domestic situation in the Report.

3.15-3.21

Other major events should be discussed in this section, such as:

- Declaration of the Warsay-Yikaalo Campaign in 2003
- Major round up in 2004, known as the Adi Abeyto incident
- Detention and fines of relatives of deserters and escapees

¹² <http://english.aljazeera.net/news/africa/2008/01/200852512180294219.html>

¹³ <http://ehrea.org/> is among others a credible source of information about these events

4. Recent Development

In June 2010, Eritrea and Djibouti agreed to allow a Qatari peacekeeping force in their common border¹⁴. The Eritrean government had long been denying that a border issue existed between its country and Djibouti and refused neither to withdraw its forces from the disputed area, nor to allow mediation and observers from the Arab League and the UN. This is one of the reasons that led the UNSC to impose sanction in late 2009.

The top Generals that are directly accountable to the President are actually the regional military commanders themselves¹⁵. This regional military command structure is superimposed on the civilian Zoba Governorship.

4.03-4.04

Are the issues of Eritreans living in other countries than Eritrea the concern of this section?

5. Constitution

5.01

According to the template, this section lacks a list of main elements of the constitution related to issues mentioned in the Report such as: National Service, Women rights, etc. Moreover the link to the translated constitution is not complete. Use:

<http://www.shaebia.org/constitution.html>

6. Political system

6.03

Two regional and one national assembly elections have been held since 2002.

14 <http://www.awate.com/portal/content/view/5605/3/>

15 <http://asmarino.com/eyewitness-account/512-eritrea-frozen-and-reshuffled-again>

HUMAN RIGHTS

7. HR introduction

A note could be added stating that no HR NGO are in Eritrea currently.

7.01

The 3rd paragraph is out of its context and misleading. A note should specify what category of Eritrean citizens are not allowed to leave the country. Needless to say, not all of them are crossing illegally the borders.

7.03

A note should add that Party members are not all former combatants. *Tegadelti* are not a ruling class as such. Moreover, not all *tegadelti* have positions of power and leadership in the civil service, government and the party. Stating that "control is total" is misleading.

8. Security forces

8.01

States that "...they (police) were heavily involved in rounding up individuals evading national service." However, most of the time round ups are conducted by army units or military police and only occasionally does the police reinforce them.

8.12

Some testimonies can be referred from sources such as:

<http://ehrea.org/tort.php>

8.14

This section mentions extra judicial killings do happen. However, these are not simply a matter of people dying while resisting or attempting to flee draft. There has been an increased number of deliberate killings of people while in custody and many others which are simply reported as mysterious deaths. In 2007, a successful businessman, Fikre, was killed while in custody. Few months later, the owner of the Red Sea Omo factory was found dead under mysterious circumstances. But many suspect the Government had a role, according to one of the President's guards who escaped to Ethiopia in 2009¹⁶.

More on this can also be found on the UN Human Rights website¹⁷.

9. Military and National Service

NS (National Service) is a duty as stated in Art. 25 of the constitution stipulates. The Report should note that ALL citizens must carry on NS, male and female

¹⁶ http://www.assenna.com/index.php?option=com_content&view=article&id=1417:press-release-girmatsion-bairai-zere-&catid=20:articles&Itemid=69.

¹⁷ <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/ERSession6.aspx>

Eritrean citizens.

It must be made clear that there are some serious discrepancies between the legal framework and the enforcement and practices of the NS.

It should also be added that the "Legislative background" should not provide contextual information or events as in 9.07

9.01

It should be clarified that more than one proclamation have set the legal framework of NS: 11/1991 ; 82/1995 ; 71/1995 ; 89/1996. However, the main proclamation remains 82/1995.

9.02

This paragraph refers to "Reserve Military Service" and "Reserve Army" without specifying the legal articles of the proclamation: Art. 2(4)(5) for the definitions, and Chapter 3 (Art. 23-32) for provisions. Art. 2 (1-5) makes a distinction between military service and civilian service. These two type of services should be given more emphasis in 9.01-02.

9.03

Art. 2(2) defines National Services as a "general service a citizen gives in active service AND in reserve military service" (not "and/or" as stated in the Report).

9.07

Other exemptions defined by the law are specified in Art. 12: exemptions from National Service are quite limited on this provision. However, the previous law on NS (11/1991 Art. 5) allowed more exemptions (for married women, young mothers, family breadwinners, etc.). Exemption in practice are in between these two provisions and legally unclear since married and pregnant women are generally exempted even after Proclamation 82/1995 replaced the previous ones.

It states: "Article 14 cover exemptions that are only valid for a limited period, and mainly affects students. These provisions have now been superseded by the restructuring of the education system." To add contextual information to the legal background, it should be noted that Art. 14 (2) [a,b,d,e] is still valid, although the University is closed down.

Students in May Nehfi College EIT as well as in other College undertake National Service after completion of study. However, during their school breaks, they are dispatched to the army units they had been assigned in order to familiarise themselves with their respective army units and take part in Warsay-Yikealo development projects, which includes harvesting and construction works.

We believe two important articles need to be added:

Art. 13 (not mentioned in the Report) states that unfit for military training are enrolled in the NS in civilian service roles.

Art. 17 (not mentioned in the Report) states restrictions to travel abroad for people enrolled in the NS (i.e. either active, reserve, military or civilian service, in emergency situation) unless he/she is released or enters a bond.

Military and National Service in practice

It should be noted that in general the legal Articles mentioned above can be enforced differently than what is stipulated by the law. For instance, Art. 34(12) is not enforced and 37(3) is not implemented.

Especially three issues should be mentioned clearly to avoid misunderstandings:

- Ministry of Local Government does not issue registration card anymore. Sawa is the registration centre. More importantly, registration card or ID card specifying that one is "on duty" does not exist. It is the authorities to which one is assigned after military training that provide conscripts with travel permits or military leave with limited time and travel areas.
- People in the army have a special ID different than permits released for those assigned in the civil sector.
- Some people have demobilisation cards but are not released from national service and cannot leave the country. In fact, all Eritreans on duty are denied to have a passport. The report should make it clear that "demobilised" people are not necessarily RELEASED.

9.11

States: "The government justified its open-ended draft on the basis of the undemarcated border with Ethiopia." Open-ended draft is true but the reason is misleading since the GoE has recognised the virtual border demarcation established by the EEBC¹⁸.

The US State Department HR Report 2009 mentions that "... the government required them to forfeit to the government any money they earned above and beyond that salary."

However, we are not aware of such practices. The Government does not forfeit any money earned above and beyond salary, not for lack of intention but for lack of means to control people's incomes from part-time jobs, which are in fact very rare.

9.12

WYDC was declared in May 2002 during Cabinet of Ministers but is not a (legal) proclamation¹⁹. No legal framework was set for WYDC or NS at this time.

9.13

It should be added that assignation to service is based on school results.

9.14

If they pass the High School Leaving Certificate Examination given for 12th grade in Sawa, conscripts are allowed to pursue studies at the different colleges (EIT May Nehfi, Hamalmalo, Massawa, etc.). However, those who could not join the colleges are partially kept in Sawa for further military or vocational skill training, while most are directly assigned to the army.

The Students Summer Work Programme commonly known as "*Mahtot*" (*maatot*)

¹⁸ <http://www.crisisgroup.org/en/regions/africa/horn-of-africa/ethiopia-eritrea/141-beyond-the-fragile-peace-between-ethiopia-and-eritrea-averting-new-war.aspx>

¹⁹ <http://www.shaebia.org/profile/profile-5-11-02.pdf> ;
http://www.shaebia.org/artman/publish/article_1897.shtml

for High School exists albeit on a more limited scale than before.

9.15

Information from HRW on payment are inaccurate. During the 12 months of service (after the 6 months in military training) conscripts in civil national service receive around 450 Nakfa. After this period, however, their status changes to *kätät* (mobilisation in tigrinya) and they receive only 150 Nakfa/month until they receive eventually the demobilisation card. Payment while demobilised but not released is following school grades. BA grade level is fixed at 1'450 Nakfa/month without food and shelter provision²⁰. Soldiers have food and shelter provided.

9.16

Proclamation 82/1995 Art. 37(3) should be referred at § 9.10.

9.18

States : "...people caught fleeing will get at least two years in prison if they have completed military service. Those who have not done military service will be imprisoned for up to a month and then sent to military training camps."

The first sentence is unclear about what "*completed* military service" means and why such sentence is applied. Is it military *training*? In this case, people caught fleeing while in National Service i.e. after receiving military training, generally get less than 2 years in prison (from our knowledge : from 6 up to 18 months before being reassigned in National Service). Objectors are sent in camps for military training in Kiloma, Wi'a and lately to Mi'tir.

9.19

States: "Some were held for as long as two years before being reassigned to their units." It should be added that reassignment could also apply to people assigned in civilian capacity (and not only in military units).

9.20

We suggest that the topic of deserters' parents jailed and fined be treated and documented separately on its own. A lot has been written about this issue by AI, HRW, Awate, etc.

9.24

Canadian IRB has changed its website. Internet addresses must be updated. [68f] is from 27 February 2007.

9.25

The official name for local administrations is *mmhdar kábabi* in Tigrinya.

Even people on duty in National Service are subjected to round ups known commonly as *gfa* since they do not have a registration card and generally have difficulties obtaining travel permit, leave or *mānqāsaqāsi* (letter from their place of assignation stating that the holder is in National Service).

9.26

States: "Once rounded up, people are sent from Asmara to the Adi Abeto camp for processing and onward assignment." This is misleading. People rounded up in

20 Gaim Kibreab 2009 : "Forced Labour in Eritrea" JMAS 47 (1).

Asmara and the vicinities are also detained in other prisons and police stations in Asmara as well as in other localities all around the country.

9.30

States : "There is no exemption for conscientious objectors, and no alternative non-military service.". This is misleading. Non-military civil service exists²¹.

9.32

It states that "Although many 12th grade students are 18 years old, or less, some are older because they take longer to finish high school". Those who fail classes twice are immediately disqualified from School. However, the Education system adopted in 2002 is built in such a way that failure is rare. The result of this policy is that many of the students that go to Sawa at the end of their 11th grade studies are actually under 18 years of age. Round ups in school have been documented during 2006²². Sources can be found at:

<http://www.unhcr.org/refworld/docid/469cd6b83.html>

9.33

States that "The initial three months of school were spent undergoing military training". The military training is actually organised in two sessions; a 6-8 weeks of preparatory training before the school year begins and another 3-4 months of intensive training just after the students finished their matriculation exams.

9.34

The Proclamation itself can be cited.

9.35

States that "...the ministry of local government has been dissolved and its functions divided up among the military command zones and their 'desks.'..."

We like to point out that, although the Military has been stepping up its influence, the Ministry of Local Government's roles and personnel were, however, taken over by the newly formed Ministry of National Development and the "Director of the Zones" at the President's Office. This gradual dissolution of the Ministry was, in fact, portrayed as giving was to the "devolution" of power to the regions, hence the participation of the Regional Governors in the Cabinet of Ministers meetings. However, the Ministry is now being reconstituted with a new Minister, Woldemikael Gebremariam since the last Cabinet reshuffle in 2009, but it is not clear yet what its responsibilities are going to be in particular with the National Service.

The paragraph continues: "This is now done by the generals who require huge fees and bribes to bestow the 'unfit' certificate on the children of parents with means"

We like to underline that although the Generals rule with total impunity, the Board is, however, constituted by three medical doctors (see 9.44)

9.39

Information provided by the AI report of December 2005 relates to Art. 5 of

21 Gaim Kibreab 2009 : "Forced Labour in Eritrea" JMAS 47 (1).

22 <http://www.awate.com/portal/content/view/4169/3/>

11/1991. Although 11/1991 has been replaced by 82/1995, Art. 5 of 11/1991 is still partly enforced especially related to exemptions regarding women.

9.40

Married women must have permission from their husband to leave the country even those that got married before 1998, which is the requirement for women to get exit visas at the present.

9.44

It should be made clear that *unfit* for military purpose does not mean exempted from National Service. See Art. 13(1) of 82/1995

9.51-9.54

A general note can be made. Unlike the claims by the Oslo Center for Peace and Human Rights, demobilisation has taken place, albeit on a limited scale and very slow pace as claimed by the US, State Department. However, caution should be made on the fact that those demobilised were actually former soldiers disabled during the war, or those working in the civil departments of the Government. As in the latter case, once demobilised, they are remobilised in to the civil national service program.

10. Judiciary

10.1

The Oslo Centre for Peace and HR, mentions that Community courts were established in 2001. However, these were established in 2004 after Proclamation 132/2003 was passed. These courts are presided by two judges who refer to The Civil Code (Amended Ethiopian Civil Code or Transitional Civil Code), the Customary Laws and apply their common sense. These also use out-of-the court settlements using Community elders.

UNDP has been funding the training of the Community Judges. A Report from the UNDP can be found at the following site:

erc.undp.org/evaluationadmin/downloaddocument.html?docid=1314

The material jurisdiction of these Courts is detailed in proclamation 133/2003. In addition, the Minister of Justice, Ms Fozia Hashim, explained their jurisdiction as follows:

"It is worth noting that not all cases fall within the jurisdiction of the community courts. Those involving up to 100,000 Nakfa in immovable property or 50,000 Nakfa in movable property will be directed to the community courts."

http://www.deqebat.com/Fozia_Hashim_01.html

It should also be noted that although out-of-court settlement using Family Arbitrators is the most preferred approach. It is the Regional Court, not the Community Courts that deals with divorce settlement. The judges from the former supervise the written agreement made by the Family Arbitrators.

More information on these can be found from the following:

http://web.archive.org/web/20060929111536/http://www.shaebia.org/artman/publish/article_4206.html

11. Arrest and detention - legal rights

This section can also mention Constitutional rights: Art. 17

12. Prison conditions

12.04

Regarding prison conditions and treatment in detention, several testimonies and personal experiences are found at the following website:

<http://ehrea.org/prisons.php>.

12.07

A few clarifications and corrections should be made on the list of prisons in Eritrea. It should be noted that the list is not exhaustive.

- Halhalas must be Halhale, a location south of Asmara
- Haddish Maaskar is on the border with the Sudan border, Journalist were detained there in 2002²³
- May Serwa is situated not far from Asmara off road to Asmara-Keren road after Adi Abeyto
- May Temenay is also an area in Asmara
- Me'eter is a military training, prison and work camp in Northern Red Sea zone
- Wenjel Märmära²⁴ This is the current Head Office of the National Security Agency. This Office also runs another Office/prison at the former Keren Hotel.
- Tehadasso, near the city of Mändäfära²⁵
- Dahlak Kebir, prison situated in Nakura Island
- Ge'elalo²⁶

The following web link also gives the location of the prisons in Eritrea with satellite views:

<http://asmarino.com/en/interactive/346-the-map-of-terror-in-eritrea->

²³ <http://www.irinnews.org/report.aspx?reportid=33440>

²⁴ <http://www.asmarino.com/press-releases/593-eritrea-continues-to-hold-thousands-of-prisoners-of-faith->

²⁵ <http://www.connection-ev.de/z.php?ID=499>

²⁶ <http://ehrea.org/anageloloinfords.htm>

14. Political affiliation

14.06

Stated "The People's Front for Democracy and Justice (PFDJ), which came to power in 1993 by popular referendum, is however the only authorised political party." By way of elaboration, the referendum was only on the fate of the country and people voted for independence, but not for the party. As a matter of fact, the PFDJ emerged as a party succeeding the EPLF in the 1994 3rd Conference.

Again, it mentions "...opposition groups have been driven out of the country and since late 2004 operate only in exile". However, opposition groups did not have bases inside Eritrea, They were launching some military activities in Eritrea from neighbouring countries, notably the *Jihadist* movement in the 90's²⁷.

14.07

Mr. Mesfin Hagos has resigned as chairman of the EDP²⁸

14.08

In May, 2010 eleven opposition groups agreed to unite their military wings²⁹. The result of their growing military cooperation has been the increasingly coordinated military attacks on the Eritrean Government defences and other facilities³⁰.

In addition, a National Conference of Opposition groups and civil society associations in Diaspora was held in Addis Abeba between July 30 and August 9, 2010. Although the Conference, organised by EDA with the full support of the Ethiopian Government, managed to bring a number of organisations, yet several groups and organisations boycotted it, notably the EDPD. This umbrella organisation, which was formed around early 2010, withdrew out of the Conference citing some procedural problems as well as disagreements over the ethnic and religious make up of the Conference³¹.

However, the Opposition Groups in Diaspora have been mired by disunity, multiplication of parties and a general lack of trust to each other. Recently, EPM, one of the three parties that formed the EDPD has disengaged it self from the umbrella organisation.

15. Freedom of speech and media

15.01

The citation of Reuters mentioned in the section cannot be found.

In connection with this, we strongly suggest that the Report be updated on journalists' detention since 2002. Please refer to 15.03 for list of sources and websites that provide the latest on the detained journalists.

15.02

Regarding newspaper, there are 4 at present: Haddas Eritra, Alhaditha, Eritrea

27 Gaim Kibreab, Associational life in Eritrea

28 <http://asmarino.com/news/122-mesfin-hagos-steps-down-as-chair-of-edp>

29 <http://www.awate.com/portal/content/view/5584/3/>

30 <http://www.reuters.com/article/idUSLDE63M0ZY>

31 <http://asmarino.com/articles/817-the-national-conference-in-hindsight>

Profile and Ertra Hadas (Tigre Newspaper)³².

We also like to add that the government requires approval by the Ministry of Information and the National Security Office for the publication of any socially related pamphlet, even self-designed post-cards. In the same manner foreign journalists' and correspondents' telex are reviewed.

15.03

Many other journalists from state-owned media have been jailed since 2001 crack down on private media. For recent arrests, please refer to the following sources:

http://www.ifex.org/eritrea/2010/05/13/abdulhai_arrested/

<http://ehrea.org/fat.htm>

<http://en.rsf.org/eritrea-state-tv-journalist-secretly-30-10-2008,29140.html>

<http://en.rsf.org/eritrea-journalist-employed-by-state-owned-24-04-2008,26695.html>

<http://en.rsf.org/eritrea-state-tv-editor-goes-missing-while-13-08-2007,23262.html>

<http://ehrea.org/prisonersjournals.php>

15.05

As alluded to in 15.02, the press in Eritrea includes Hadas Ertra (Tigrigna), Eritrea Profile (English), as well as Al Haditha (Arabic) and Ertra Hadis (Tigre). In addition, the main party mouth-piece at the moment is, Hidri, a quarterly publication featuring government sponsored political, economic and social contents³³. Moreover, there is a growing use of the digital and internet media:

www.shaebia.org; www.shabait.com; www.alenalki.com; www.dehai.org

15.07

Currently there are 5 internet service providers in Eritrea; government and private. However, all subscribe to one main gateway owned by the government. Although we cannot rule out such a possibility, we have not encountered any incident involving a random government check on individual's email communications. However, we like to add that the government forces "targeted people" or those under some kind of investigation to handover their email communications to their investigators.

15.11

This should be read as the Ministry of Education instead of education ministry

³² www.shabait.com

³³ www.shaebia.org

16. HR institutions, organisations and activists

16.01

More information about the beginning of the crisis can be found from IRIN report at:

<http://www.irinnews.org/report.aspx?reportid=61499>
<http://www.irinnews.org/Report.aspx?ReportID=58532>

18. Freedom of religion

18.02

It should be noted that the societal attitude towards the minority churches (all are generically referred to as "Pente") remains intolerant. Before the government clamp down started, tensions had surfaced between the established churches, especially the Orthodox church, and the emerging minority churches. Matters escalated in 2001 when supporters of the Orthodox church's youth wing attacked followers of the minority church³⁴ at the Enda Selassie church in Asmara. Even now, neighbours or even relatives and friends tip authorities of gatherings of these minority church followers³⁵.

The section "other groups" from 18.32 to 18.42 depends on information mostly at the time the minority church clamp down occurred. The information given is useful only as a background reading. The persecution and mass arrests of followers of minority churches, continues unabated³⁶ leading to more number of deaths in custody³⁷. Therefore, it should be updated.

Moreover, violations of religious rights are not perpetrated against minority Christians only. The state is equally violent to Muslims that have revivalist tendencies. Several Muslim followers have also been detained and disappeared³⁸ while many of their social and educational infrastructures closed down by the government.

18.25-26, 18.42

"Abbebe Kileyesus" in this section should be corrected as "Abbebe Kifleyesus"

18.37

Menfesawyan are already mentioned separately in 18.28-31.
More information on religious rights violations can be found at:

<http://ehrea.org/index.php>

34 <http://www.uscirf.gov/countries/2077.html?task=view>

35 <http://news.bbc.co.uk/2/hi/africa/3663654.stm>

36 http://www.assenna.com/index.php?option=com_content&view=article&id=3178:eritrea-detains-christians-in-latest-crackdown&catid=18:news&Itemid=70

37 http://release-eritrea.com/index.php?option=com_content&view=article&id=14:eritrean-christian-woman-dies-in-detention-center&catid=3:news&Itemid=19

38 <http://www.ohchr.org/EN/HRBodies/UPR/Pages/ERsession6.aspxv> A/HRC/WG.6/ERI/3

19. Ethnic groups

We believe that more information on social organisation of the different ethnic groups could help this Section of the Report. To this end, basing this section on a tourist guide does not reflect the weight of the issue and more serious sources should be referred on this matter.

In addition, some remarks and comments made in the last review have not been incorporated in successive Reports.

19.02

Amharic is still widely spoken but not any more taught at school. It should be noted that less and less people in Eritrea are speaking it.

However, those Eritreans, (commonly known as *Amitshe*, a name taken from a factory in Ethiopia) deported from Ethiopia during the Ethio-Eritrean war in 1998-2000 speak fluent Amharic. In fact, some have problems speaking Tigrinya since they grew up in an Amharic context.

19.03

The statement about official languages is not accurate. Official languages exist in Eritrea: Tigrinya, Arabic and English. See 6.106 of COI Report 2003³⁹. However, Tigrinya is the most widely spoken. Arabic is spoken mostly in the lowlands but not very widely in the highlands. Telke Woldemikael and Redie Bereketeab have recently written about language policies and referring to their works can be helpful:

- T.W. (2003) Language, Education, and Public Policy in Eritrea. *African Studies Review* 46 (1) 117-136pp.
- R.B. (2010) The Politics of Language in Eritrea: Equality of Languages vs. Bilingual Official Language Policy, *African and Asian Studies*, vol. 9 (1-2), pp. 149-190

19.07

States "They are very traditional in culture and belief; retaining many ancient Cushite animistic practices". However, "to be traditional in culture and belief" does not have a clear and agreed meaning and cannot be useful for assessment.

19.09

As regards the Afar ethnic group, the Report should also note that these are nomadic people who straddle between the Ethio-Eritrean border. More information on their socio-economic organisation can be found in the following sources:

http://www.giga-hamburg.de/openaccess/afrikaspectrum/2008_1/giga_as_2008_1_yasin.pdf

<http://www.unhcr.org/refworld/docid/469f388515.html>

<http://www.cidcm.umd.edu/mar/assessment.asp?groupId=53101>

39 <http://www.unhcr.org/refworld/docid/3f4f24e93.html>

19.10

More information on their socio-economic organisation can be found at the following sources:

<http://www.minorityrights.org/3944/eritrea/kunama-and-nara.html>

<http://www.joshuaproject.net/people-profile.php?peo3=13238&rog3=ER>

<http://www.madote.com/2010/04/eritrea-nara-people.html>

19.11

More on Hidareb/Beja/Ben Amer can be found in the following sources:

<http://orvillejenkins.com/profiles/beja.html>

<http://www.joshuaproject.net/people-profile.php?peo3=10766&rog3=ER>

<http://www.shabait.com/about-eritrea/history-a-culture/343-marriage-and-family-among-the-tigre-ethnic-group>

<http://hornofafrica.ssrc.org/Connell/index1.html>

19.12-13

More on the Bilen/Bogoso on the following source:

<http://www.aai.uni-hamburg.de/afrika/HAAP/WSmidt29-33.pdf>

19.14-18

Additional information on the Kunama is also provided by United States Bureau of Citizenship and Immigration Services which also propose a wide range of references in bibliography⁴⁰.

19.17

[18a]: The link is not complete.

Update on this resettlement since 2007 are available on UNHCR
See also:

http://www.cal.org/co/pdf/backup/background_kunama.pdf

19.19

More on Rashaida on the following source:

<http://www.joshuaproject.net/people-profile.php?peo3=14523&rog3=ER>

19.20

More on the Saho on the following website:

<http://www.allsaho.com/>

40 <http://www.unhcr.org/refworld/country,,USCIS,,ERI,,3f520a484,0.html>

19.21

With regard to the reference "*kebessa*" more elaboration is needed. This means "highland" with reference to the physical location and altitude from the sea-level.

The word *Habesha* is used to refer to the people that live on the highlands of Eritrea or Ethiopia

Saho as well as Tigre and some Mensa and Tigrinya generally move seasonally between the lowlands and highlands for land and pasture.

19.22

This section does not appear directly relevant to the essence and purpose of the COI Report as already mentioned in the last review!

19.23

As mentioned previously, although the Tigrinya are the dominant ethnic group and the language most widely used, they are not the only ethnic group residing on the highlands. In Tigrinya, highlander is not *kebessa* but *Habesha*. see 19.21.

Tigrinya section could be added with some information about *Amitshe*. See 19.02.

It can be added that the Tigrinya are spread across Eritrea and northern Ethiopia specifically in Tigray.

19.24-25

The Djeberti are not considered as an ethnic group as such. However, some are claiming to be a distinct ethnic group from Tigrinya.

In addition, Reference [68] are not complete.

The IRB updated its information on Djeberti in Sept 2009.

19.26

The citation states that the Tigre people are dominant. But, in what regard they are dominant is not clear and the information seems decontextualised.

More about their socio-cultural life can be found on the following web site:

<http://www.shabait.com/about-eritrea/history-a-culture/439-honeymoon-and-married-state-in-the-tigre-ethnic-group>

22. Women

22.05

Marriage payments are illegal by the law but it is a common practice. Its practice differs from one ethnic group to the other.

We like to add that although we are not aware of a recent study regarding this trend, however, girls are getting married earlier than boys not only due to traditional practices but also because that is the only institution that can spare them from the military and national services. Some related comment on arranged marriage as a strategy to avoid conscription can be found in AI reports.

It adds "In most Eritrean ethnic groups except the Kunama, women do not choose their partners.". This statement is misleading and needs to be qualified. Unions and gender relations have changed significantly since long time now especially in the urban centres.

23. Children

23.10

This section mixes children trafficking with adult trafficking when it also discusses the practice of organised maids. So, this is misplaced.

However, to elaborate on the point raised, we believe that this section is not a balanced view of the system of "contracted migrant workers" in the Middle East and Gulf states. By way of clarifying, we would like to point out that the government does not force anyone to become migrant worker. Potential migrant workers seek and compete for these opportunities because of the relatively higher salaries that they would get. The government's role in this case is more of facilitator and guarantor of a minimum level of rights for migrant workers. A number of private agencies operate in this business; however, they do not provide protection and security for their clients. So, the government in facts encourages people to facilitate their processes using the channels opened in the Ministry of Labour and Human Welfare.

23.18

It should be noted that University of Asmara has been closed down in September 2006. Various information can be found from the following source:

<http://ehrea.org/univofasmara.php>

23.20

In addition to the six colleges mentioned, college of Health Sciences, Orotta Medical School⁴¹ and College of Fine Arts, although remains in the campus as the EIT (lumped with the College of Social Sciences), should be included with the list of the colleges in this section.

23.22

States "USAID provides approximately \$2.5 million annually." However, it should be noted that the USAID is not operating in Eritrea any more, having been asked to terminate its operations in the country in 2005. This section needs revision.

25. Medical issues

25.03

States that "The health infrastructure has made considerable progress.....no shortage of supplies and equipment". This contradicts with what is stated in 25.2 above and with what we know. As mentioned in the paragraph above, currently the state of the Eritrean health sector is characterised by severe shortages of medical supplies and personnel. Although basic health care is emphasised and medical infrastructure especially the construction of hospitals and health facilities

41 <http://allafrica.com/stories/200903120020.html>

expanded, the tertiary level of healthcare is simply inadequate, understaffed and poorly equipped. People die in Eritrea of an array of easily curable diseases.

Official media posted the following article about the public disappointment at healthcare service in Eritrea:

<http://www.shabait.com/news/local-news/3973-members-of-the-public-express-complaint-with-the-work-of-halibet-hospital->

25.05

A significant concentration of HIV is believed to be prevalent in the armed forces, although a ministry level HIV testing has not been carried out.

25.11

One of the two psychiatrists Dr. Fitsum is actually in prison since 2004. He is one of those high profile professionals in prison for their faith.

26. Humanitarian issues

It should be noted Eritrea is a chronically food deficit country; Even in the best of rains, the country gets close to 40% of its food requirement through import or food aid. Last summer's rain is said to have been good; However, a timely information on this is needed.

Some update on the humanitarian situation in Eritrea:

<http://www.eastafricaforum.net/2010/03/31/eritrea-the-forgotten-famine/>

[http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/CJUE-87UJH6-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/CJUE-87UJH6-full_report.pdf/$File/full_report.pdf)

http://www.unicef.org/har2010/files/HAR-MYR2010_ERITREA.pdf

[http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/SKEA-8A7FDW-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/SKEA-8A7FDW-full_report.pdf/$File/full_report.pdf)

<http://www.reliefweb.int/rw/rwb.nsf/db900sid/MMAH-8AG9UM?OpenDocument&rc=1&cc=eri>

In addition, information on the the views of the WFP and the government's food distribution schemes in Eritrea:

<http://www.wfp.org/countries/eritrea>

26.01

The prices of basic and consumer goods are on an exponentially rising trend. A timely information on the current prices can be found at the following website:

<http://www.capitaleritrea.com/living/food-in-eritrea/>

26.02

The last sentence of the quotation is not necessary in this section of the Report.

26.03

Quotation beginning with "19 million people ..." is not necessary in this Report.

An update on the government grain confiscation policy is also needed here.

27. Freedom of movement

New passport has been issued replacing the old passports. Some information on this can be found from the following Eritrean Embassy source:

http://www.embassyeritrea.org/consular/PDF-docs/New_PP_Requirements.pdf

The following website also discusses the recent change of passports:

<http://www.awate.com/portal/content/view/5560/3/>

27.02

States "...some possessed laminated cards showing that they had completed national service". However, our observation is that no one is said to have completed national service since 1998; people can be medically board, including those mostly physically disabled soldiers demobilised in 2003-2004, or reassigned to civil national services. Even then demobilisation has not continued after the 14th round. At checkpoints Military Police are checking laissez-passer (or travel permit, *mānqāsaqāsi* in Tigrinya) more than ID card. Laminated card mentioned by the source can be "demobilisation card" which replace travel permit but do not imply that the holder is properly demobilised and released. See section about National Service.

28. IDPs

The Eritrean government reports recent efforts made regarding resettlement:

<http://www.shabait.com/news/local-news/2400-idp-families-in-tsorona-sub-zone-begin-settling-in-the-newly-constructed-residential-houses->

<http://www.shabait.com/news/local-news/709-idps-currently-undergoing-rehabilitation-in-southern-region-leading-better-standard-of-living-says-administrator>

However, OCHA and UNHCR do not mention IDPs in Eritrea :

<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e4838e6>

[http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/MCOI-8BGBSC-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/MCOI-8BGBSC-full_report.pdf/$File/full_report.pdf)

29. Foreign refugees

According to the UNHCR there are 4751 refugees in Eritrea (January 2010)⁴²
More information from the UNHCR can be found on its website.

30. Citizenship and nationality

30.10-13

These sections need update.

32. Exit and return

32.01

As mentioned above, passport has been changed since May 2010. It costs 2000 Nakfa for a renewal while it takes 4000 Nakfa to get a new passport in Eritrea⁴³.

32.02

States that "...citizens had to show proof that they paid the 2 percent tax on foreign earned income to be eligible for some government services to be eligible for some government services..."

However, we like to add that without this payment they cannot get government service, but also are not entitled to ask for many rights such as legal representation, land rights, etc.

32.03

Travel restrictions had existed before 2006. However, these were made official and being rigourously enforced since 2006.

32.04

States that "...on the grounds that they were approaching the age of eligibility for national service or because their expatriate parents had not paid the 2 percent income tax required of all citizens residing abroad."

In addition to this, children are denied exit visa despite fulfilling all other criteria if one of their parents had left the country illegally.

32.05

Women also need the approval of their husbands to travel abroad if they are eligible at all.

32.11

States "If refugees or other Eritrean expatriates do not pay the two percent tax then the government typically punishes family members in Eritrea by arbitrarily detaining them..."

This appears an imbalanced reading of the situation. We have not heard of families detained for the failure of their children abroad to pay 2%. Payment of this tax is more an individual's decision rather than for fear of retaliation on family

⁴² <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e4838e6>

⁴³ <http://www.awate.com/portal/content/view/5560/3/>

members left behind. As we alluded to earlier payment of this 2% tax is associated with the rights one can claim from the State. However, we agree that there is a persistent pressure and barriers on families living in Eritrea be it from the local administration, or when asking certain rights like licence.

33. Eritrean refugees abroad

This section should be thoroughly updated. For example, the section on Eritrean Refugee in Libya can be replaced by the recent (2010) mass detention of Eritrean immigrants, following the expulsion of the UNHCR from the country. Many of those detained were returned by Italian police. Amnesty International issued a statement on this case⁴⁴. The latest on Eritreans in Lybia can be found from the following sources:

<http://fortresseurope.blogspot.com/2006/01/74-eritrean-refugees-amid-89-sent-back.html>

<http://fortresseurope.blogspot.com/2009/01/guantanamo-libya-new-italian-border.html>

<http://eritrealibya.blogspot.com/>

Recently a number of NGOs, Human Rights Organisations and the Pope have called for the release of Eritrean immigrants kidnapped in the Sinai⁴⁵. This scene has become quite rampant for kidnap of illegal immigrants from different countries but mostly from Eritrea. The smugglers kidnap these immigrants and demand heavy ransoms in exchange for their lives.

33.12

In mid 2010, smugglers and the Egyptian police killed 6 Eritrean immigrant⁴⁶.

In a separate incident, other 10 immigrants, mainly from Eritrea, also died there at the same time⁴⁷

33.14

Recently, summer 2010, the Ethiopian government has allowed the Eritrean refugees greater freedom of movement, employment and study opportunities with quotas for University Education⁴⁸.

Ethiopia has closed old camps and opened new ones to accommodate the growing numbers of Eritrean refugees⁴⁹

44 Amnesty International: UA: 150/10 Index: MDE 19/015/2010 Issue Date: 2 July 2010

<http://www.reliefweb.int/rw/rwb.nsf/db900sid/MUMA-87A52M?OpenDocument&rc=1&cc=eri>

45 http://www.assenna.com/index.php?option=com_content&view=article&id=3297:csw-and-hrce-welcome-papal-intervention-on-plight-of-refugees-in-sinai-desert-&catid=18:news&Itemid=70

46 <http://asmarino.com/news/772-six-eritreans-shot-dead-on-egypt-israel-border>

47 http://www.assenna.com/index.php?option=com_content&view=article&id=2736:around-10-african-refugees-including-eritreans-die-at-the-hands-of-human-smugglers-in-sinai-egypt&catid=18:news&Itemid=70

48 http://www.assenna.com/index.php?option=com_content&view=article&id=2948:eritrea-ethiopia-refugees-embrace-life-qout-of-campsq&catid=18:news&Itemid=70

49 <http://www.google.com/hostednews/afp/article/ALeqM5hOUvWCvc2OAgXMQY-BX0F6uRP7Jg>

Moreover, more than 1000 people have so far been resettled in a third country⁵⁰.

34. Employment rights

34.01

To add to the section, although the National and the Public Sector Pension Scheme were proclaimed in 2003⁵¹ with Defined Contributions, and contributions continue to be made to the Scheme, it is not implemented yet and no one has benefited so far. However, the system of Defined Benefit that exclusively benefits the ex-fighters has been operational for some time now.

34.02

States "These individuals continued to receive only their national service salary; the government required them to forfeit to the government any money they earned above and beyond that salary"

We believe that this is not a right representation of the situation. From what we know the Government does not allow one to skip working hours of the official assignment. However, it does not confiscate any income earned by taking off-duty works either.

34.02-05

Regarding National Service labour condition and employment rights Gaim Kibreab's recent article can be a very helpful reference⁵².

50 http://www.assenna.com/index.php?option=com_content&view=article&id=2980:ethiopia-over-1000-eritrean-refugees-resettled-to-a-third-country&catid=18:news&Itemid=70

51 http://www.er.undp.org/about_eritrea.html.A/HRC/WG.6/6/ERI/1

52 Gaim Kibreab 2009 : "Forced Labour in Eritrea" JMAS 47 (1).

Annex A. Chronology of Major Events

1989	Liberation of Massawa, should be replaced as 1990
1896	March Italian Army defeated in Adwa, Peace agreement between the Italians and Menelik II
1971	EPLF founded, union of different ELF dissident groups (Ala-group, ELM, etc.)
1977	EPLF 1st congress

Annex C. Prominent people past and present

Abraha Asfaha, Minister of "Construction" is referred to as Minister of Public Works.

Tesfay Gebreslassie, Minister of Energy and Mines, is currently Minister of Soil, Water and Environment.

Salih Makki died in 2009, and is replaced by Amna Nurhussien as Minister of Health.

Askalu Menkarios is currently Minister of Tourism. She is replaced as Minister of Labour and Human Welfare by Salma Hassan.

Weldemichael Gebremariam is now the Minister of Local Government.

Ahmed Haj Ali is now the Minister of Energy and Mines. He is replaced as Minister of Marine Resources by Tewelde Kelati.

Naizghi Kiflu is on medical treatment in the UK and is not active in the government

Dr. Giorghis Teklemichael is now the Minister of National Development, replacing the now "frozen" Dr. Woldai Futur.

Reshuffle of cabinet ministerial portfolios took place in March 2009⁵³.

Annex E. Reference to the Source Material

This list could be much easier to use, if it follows some logical ordering especially, alphabetical.

53 <http://www.shabait.com/contacts/government-contact/77-ministers-ministries-in-alphabetical-order>