

Submitting Coalition:

Eritrean Global Solidarity
Network of Eritrea Civil Societies-Europe
Suwera Center for Human Rights - Sudan
The Eritrean community in Australia Inc
Eritrean Australian Mercy Association Inc.

Universal Periodic Review Eritrea

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The coalition sponsoring this report is composed of a group of civil society organizations from different parts of the world with interest in the issues of human right and democratization of Eritrea. The report is submitted by Awate Foundation's and prepared by awate.com, an active alternative media to the banned free press in Eritrea. Awate.com has an extensive experience and network in monitoring human rights situation and issues of governance in fortress Eritrea. All references are in-house resources from awate.com's records. Awate.com has a nine year experience in collecting, monitoring, documenting and researching. It also translates important documents and carries out interviews for testimonials and documentation. Awate.com disseminates news through its media section under the brand name, Gedab News.

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I. INTRODUCTION

1. The population of Eritrea is not known since the government has never published the figures. Estimates vary from 2.5 to 5.5 million people. A significant percentage of the population lives in the Diaspora.
2. Eritrea is a one-party state ruled by the People's Front for Democracy and Justice (PFDJ). Formerly known as the Eritrean People's Liberation Front (EPLF), the party brought about Eritrea's independence militarily by defeating occupying Ethiopian forces in 1991. In 1993, in a UN-monitored referendum, the Eritrean people overwhelmingly voted for independence from Ethiopia. PFDJ has been the sole legal party since then, and it has usurped the people's sovereignty and now controls all aspects of the nation's economic, social and political life.
3. Historically, Eritreans have always defined and understood their rights from the perspective of their traditional, cultural and religious values. Despite the fact that the State of Eritrea is a signatory to the Universal Declaration of Human Rights, its political class had always presented the "universality" of rights as being contradictory to Eritrean values. The regime presents rights as privileges that have to be earned, and only after an increasingly onerous list of duties.
4. The ruler and chairman of the ruling party for 39 years, Isaias Afwerki, is also the head of state. He rules the country much as he has ruled the party—with the help of a wide network security apparatus and little tolerance for any form of dissent. In a recent interview with AlJezeera¹, Isaias indicated that presidential election would be held in Eritrea after "three of four decades...maybe more." The country has no constitution, no independent judiciary and no elected lawmakers. The last "national assembly"—a group of hand-picked yes-men—met in February 2002.
5. Government officials are helplessly bonded to the head of state who can freeze them, fire them, dispose of them, disappear them or even take their life at whim if they show any sign of dissent.
6. Dictatorships do not change their behavior voluntarily. In the process of tightening their grip, they kill, expropriate properties, imprison and torture people, exile dissidents and destroy families. Fearing retribution and revenge, they stick to the best tactic they know: measures that are more repressive and more crimes. The Eritrean regime is following this pattern.

II. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

7. When Ethiopia annexed Eritrea in 1961, the Constitution of 1952 was replaced with the Penal Code Proclamation of 1957. The government of Eritrea is using this very same Penal Code Proclamation of 1957 as a "temporary" document for the last 18 years.
8. Scholars, intellectuals and functionaries entirely hand-picked by the ruling party in 1995 drafted and presented a Constitution in 1997, which was ratified by a constituent assembly. The constitution has been shelved since its adoption.
9. Eritrea is ruled by a series of unilateral declarations and proclamations.

III. INSTITUTIONAL AND HUMAN RIGHTS STRUCTURE

10. There are no Eritrean human rights organizations allowed to operate in Eritrea. The Diaspora-based Eritrean human rights organizations have been declared enemies of the state and are subjected to harassment by the supporters of the government.
11. Foreign NGOs, particularly those who were considered friendly to the ruling party when it was still a guerrilla movement, were allowed to operate in the 1990s, but they are all virtually banned now under the pretext of “self-sufficiency.”
12. Neither consultation, nor dialogue with the civil society has been organised by the Government of Eritrea in regard to the Universal Periodic Review.

The Government must accept human rights groups to be active in Eritrea and it should protect independent human rights promotion activities and stop the harassment of human rights defenders.

IV. POLICY MEASURES

13. **The policies that the Eritrean government promotes are openly hostile to the development of human rights.** At varying times, the government has described human rights advocacy as dangerously naive misplacement of priorities or serving the interests of enemies of the State. These expressions have had a chilling effect: while reminders of what the individual owes the State are numerous, there is no mention of what the State owes the individual.

V. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

a. Cooperation with Human Rights Mechanisms

14. **The government is openly hostile to all human rights mechanisms** which it considers as an inappropriate violation of Eritrea’s sovereignty.
15. Eritrea has ratified the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Covenant on Economic, Social and Cultural Rights (CESCR) and the African Charter on Human and People’s Rights (ACHPR). But the government is contemptuous of these treaties: most reports are due to the UN treaty bodies.
16. Eritrea also ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). A very frugal participation in the treaty bodies can be seen in each Committee.

The Government must cooperate actively in the work of each treaty body.

b. Non-Discrimination and Equality

17. By promoting a “one nation, one people” policy, the Government promotes cultural homogenization and discriminates against minorities’ way of life.

c. Right to Life, Liberty and Security of the Person & Administration of Justice and the Rule of Law

18. **There is no rule of law in Eritrea:** citizens are arrested arbitrarily, the reason for their arrest—or even the fact that they are arrested—is never disclosed to family members. Even when their arrest and place of arrest is confirmed, the arrested are never told what they are alleged to have done, they are not presented to a court of law, and they are not presented with the opportunity to defend themselves. They are never told how long they are sentenced.
19. Since **there is no legal framework to due process**, all killings can be considered extra-judicial. The government did not follow on its declarations to investigate the mysterious death of several individuals and if it did, it never publicized its findings. Since 1991, many people have been killed. In one well-publicized instance, a number of Muslim teachers and shieks were summarily executed². Recently, Menghesteab Girmay Arese³, formerly an intelligence officer with the regime, has testified that out of 300 people from the Kunama ethnic group who were arrested, many are serving 20-year jail terms while 26 others were asked to dig pits in the ground and were then poisoned and buried in the pits they dug.
20. Prisoners who are arrested in dubious circumstances disappear and, sometimes, the government informs the relatives to come and collect the body. Taha Mohammed Nur⁴, one of the founders of the Eritrean Liberation Front, an Islamic Awqaf leader and member of the constitution drafting committee, had been jailed for years. On February 2008, his family was informed to come and collect his body. They were given no explanation.
21. **There are thousands of prisoners who were not formally charged who have disappeared for years.** Eritreans depend on testimonies of persons abandoning the regime or rumours from former guards to follow the fate of their loved ones.
22. Nobody can feel secure from the arbitrary and sadistic grip of the regime. Not even old or frail individuals are exempted. The government has arrested 80-plus-year-old citizens of poor health and kept them in detention in dreadful, inhumane conditions. These include Hassen Sheik Feres⁵ and Sunaberra Mohammed Demena⁶. Even patriots with long and distinguished service are not immune—these include those known as G-15⁷, ministers and parliamentarians who were arrested in 2001 for calling for the immediate implementation of the ratified constitution.
23. **Most extra-judicial arrests are of political nature** and cases are seen by a special court whose judges are ranking PFDJ officials appointed by Isaias himself. There is no council in these courts which were established in 1996 to look into cases of “corruption” and cases of financial embezzlement. But after the border war with Ethiopia, in 2001, the Special Court has become a tool for fighting dissent.
24. The ruling regime has divided Eritrea into Military Command Zones paralleling the civilian Administrative Regions. The military exercises full executive, legislative and judiciary authority starting at the lowest units. Offences deemed serious are transferred to Brigade commands: colonels and upwards have the authority to pass death sentences and execute soldiers for trying to escape, abandoning position or simply for “cowardice.” It is customary to bring the other members of the units to witness the execution in order to intimidate them.

The Government must bring an immediate end to arbitrary detentions. The Government should not control justice and should put clear rules on the means and measures taken by police force, especially regarding the detention. The military should not be in charge of civil police activities under control of justice.

The Government must release all political prisoners, conscientious objectors, prisoners incarcerated due to their beliefs and those who are not formally charged.

Every case of disappearance must be investigated and those responsible for the extra-judicial killings must be pursued and brought to justice.

d. Freedom of Religion and Belief, Expression and Opinion

25. **The government discriminates against (and promotes the discrimination of) religious groups who worship their God in a manner that is unfamiliar to the sensibilities of the ruling elite.** Christians who do not belong to one of the three sanctioned groups (Tewahdo, Catholic, Kenisha) and Muslims who do not meekly accept the Secular Islam that the government promotes are denied their livelihood, liberty and sometimes life.
26. In keeping with its totalitarian indoctrination, **the ruling party had always declared some religions as CIA-hatched counter-revolutionary plots designed to weaken the patriotic fervour of the citizenry**⁸. The suspect religions include the Jehovah's Witnesses⁹ who were the first targets of the regime in 1993. These were followed by Muslim teachers and elders in 1994¹⁰. Subsequently, it curtailed the activities of the Catholic Church (by banning its newsletter) and in 2002, the Eritrean government began severely restricting and eventually banning Pentecostal and evangelical churches. A couple of years ago, the government began targeting the leadership of the Tewahdo (Orthodox) church and engineered a coup to replace the independent Patriarch Abuna Antonios with the more pliable patriarch. Diaspora Eritreans who organized a move to restore the original patriarch have been subjected to an extensive vilification campaign and are ostracized by the government via its Europe and US-based media¹¹ threatening Eritreans citizens or citizens of foreign countries with Eritrean ancestry outside Eritrea.
27. The Muslim Mufti, also handpicked and appointed by Isaias, has no religious autonomy. The government's religious affairs department writes the Friday sermon and copies are passed to mosques and the Mufti is no more than a conduit for the indoctrination messages of the government.
28. There is no free press in Eritrea since the government arrested journalists¹² in mass in 2001 and closed the private press. Today Eritrea remains one of the few countries with no free press. Ironically, they were all accused of violating the unimplemented Eritrean Press Law of 1996.
29. Yousif Mohammed Ali, Medhanie Haile, Said Abdulkadir and Joshua Yohannes¹³ died in detention in between 2006 and 2008. Foreign journalists are censored and often expelled if they file a report not cleared by the government. The government controls all radio, television and print media and even monitors the Internet.

The Government must accept the diversity of religions and must renounce its vindictive actions against religions or people's choice of worship.

e. Right to Privacy, Marriage and Family Life

30. **There is no right to privacy in Eritrea.** A wide network of spies is employed by the regime to report on who said what to whom. Fear permeates the land and people do not confide to anyone except to trusted family members. The people assume that their telephones are bugged and speak in codes with one another.
31. There is, in theory, a right to marriage and family life. In practice, the conscription-without-end that is applicable to all Eritreans between the ages of 18 and 40 makes planning for marriage and family virtually impossible.

The Government must stop spying on Eritrean citizens in the country and outside of the borders.

The Government must adopt objective rules regarding the conscription with the aim to allow young people to plan for marriage and family.

f. Right to Work and to Just and Favorable Conditions of Work

32. As every institution is controlled by the PFDJ, officials of all state apparatuses are former combatants. The small private sector is also owned and run by supporters and sympathizers of the ruling party.
33. The government is known to undermine and violate conventions of international treaties with impunity. **There are no labour rights or free labour unions to defend them.** Trade union leaders were arrested in 2005.
34. Since 1993, tens of thousands of youth have been conscripted for indefinite periods and if not in active military duty, they are bonded into forced “national development” labour (known as Warsai Yike’alo) at 250 Nackfa (apx. \$12) per month. Some of the national development consists of building ranches and villas for the corrupt commanders.
35. **The government does not recognize the freedom of people to work and earn for themselves** and considers human resources a nationalized asset that it owns like any other property. Evading service (1995 Proclamations of national service)¹⁴ is considered a serious offence and people captured in the regular round-ups (gffa) are subjected to severe punishment including torture and imprisonment and a shoot-to-kill order.
36. By monopolizing all aspects of life, **the government has denied the people the right to entrepreneurship and creating wealth to improve their lot.** Entry to the market is next to impossible because the Red Sea Trading Corporation, the party’s economic arm, monopolizes shipping, insurance, banking, transportation, communication, fisheries, agriculture, mining, construction and even retail trade.
37. Even the issuing of small commercial license is politicized to screen unwanted and disloyal Eritreans from the economic life. An applicant has to fill a form stating where each and every one of his relatives live, and if they pay their dues to the government, etc.¹⁵

38. The economic unit in Eritrea, especially rural, is the family. With all the youth of productive age being conscripted indefinitely since 1994, older parents have no helping hand to tend to their cattle or to farm their land. Many self-sustaining families have been reduced to begging because they do not have the labour on which they depended traditionally.

The Government must allow free and independent economic activity, especially when the initiative comes from Eritreans living inside or outside of the country.

The Government must stop spying on Eritrean citizens in the country and outside of the borders.

The Government must adopt objective rules regarding the conscription with the aim to allow young people to plan for marriage and family.

g. Right to Education

39. The citizens' right to education is negatively impacted by two of the government's policies: militarization and cultural homogenization.

40. Beginning in eighth and ninth grade, students spend the larger part of their summer break in military-supervised outings to assist the government-owned agro-businesses. The nation's only 12th grade classes are all located in Sawa—which is also the nation's major military boot camp. Because students associate education with conscript service, many have dropped out and there is an incentive to do poorly and repeat classes.

41. The government pursues a policy of equality of languages, which in theory means that the nine language groups can learn using their own languages. In practice, this is hindered by the government's lack of resources and its tendency to want to use Tigrinya as the default official language. This discourages parents who see their own languages, although a source of pride, a poor substitute for Tigrigna and Arabic languages and thus always placing their children at a severe disadvantage. The proof of the disproportionate outcome is this: While the government may produce aggregate numbers to show that more and more citizens are being educated and while, at times, it may break this down by gender, it never publishes the ethnic composition of the students, or graduates, or students who are awarded scholarships. Vocal critics of the mother tongue education, like Idris Aba Arre¹⁶, who have articulated the danger of this policy in creating a two-tier country of literate and illiterate society have been imprisoned and their whereabouts are unknown.

The Government must abolish of all military linked summer break activities and replace them with summer break activities organised by the Ministry of education and to which young people can assist on a voluntary base.

The Government should undertake a complete review of the education system, with a particular attention to the ethnic composition, social agreements in this regard, and the right to learn and speak the language of their choice.

h. Minorities and Indigenous People & Migrants, Refugees and Asylum Seekers

42. The government has not published a census report since it assumed power in 1991. Any reference to majority and minority population is based on 20-year old surveys and extrapolation.
43. The government's policy of (a) nationalizing all land, (b) converting pastoral land to agricultural land, (c) engaging in cross-border skirmishes and wars with neighbouring countries, and (d) refusing to acknowledge any opposition group, have had a serious and negative consequence on the population who live on border areas, including sections of the Beni Amer, Hdareb, Akele Guzai, Seraye, Maria, Kunama, and the Afar populations of Eritrea.
44. **Any opposition from the Muslim part of these communities is immediately branded and blackmailed by the regime as a Muslim extremist, Jihadist, fifth columnist,** etc, while opposition from Christian communities is immediately branded as regionalist, defeatist, etc. Kunama and Afar are immediately branded as lackey of the "Weyane" (Ethiopian) regime.
45. The biggest number of refugees languishing in Sudan for decades belongs to groups whose representation in the government is almost nil. More than 150,000 Eritrean refugees still languish in Sudanese refugee camps. About 30,000 returned to Eritrea with promises of rehabilitation and most have since went back to the refugee camps as second time refugees due to the repressive nature of the government.
46. The government has nationalized not just the land but also the Sea. For centuries the people of Dankalia (the Afar) lived by trading with Yemen and Saudi Arabia and small-boat fishing besides their nomadic lifestyle. This small trade has now been declared contraband and the Afars were encouraged to trade their small-boats and to buy, in instalment, bigger boats. In the process, the government became a predatory lender and the formerly independent small fishermen are now indentured servants fishing just to make enough to make their monthly payments.
47. The dire situation in the country has now created a large population of refugees, especially youth conscripts escaping the indefinite forced labour.

j. Internally Displaced Persons (IDP)

48. The ongoing wars with neighbouring countries, and the confrontational attitude of the regime, have created even more internal displacement. Since 1998, the people living in southern Eritrea, along the designated 15 mile stretch of buffer zone with Ethiopia, have been displaced, their lives disrupted, and their villages abandoned. The land is heavily mined thus endangering the lives of the people.
49. The government has recently embarked on the forceful resettlement of villagers from the Akele Guzai and Seraye regions ("South Zone") to the Gash-Barka region. Villages are being forcefully uprooted from their ancestral lands. This is protested both by the settlers and the indigenous inhabitants of the region and has a potential for a communal strife. Claimants to the land are in Sudanese refugee camps. The area planned for settlement is a wild life abode and grazing land for nomads; some of the land is considered sacred by the indigenous Kunama.

VI. Recommendations

50. To tackle the root causes of the abysmal human rights situation in Eritrea, we recommend the following (already recommended above):

- The Government must accept human rights groups to be active in Eritrea and it should protect independent human rights promotion activities and stop the harassment of human rights defenders.
- The Government must cooperate actively in the work of each treaty body.
- The Government must bring an immediate end to arbitrary detentions. The Government should not control justice and should put clear rules on the means and measures taken by police force, especially regarding the detention. The military should not be in charge of civil police activities under control of justice.
- The Government must release all political prisoners, conscientious objectors, prisoners incarcerated due to their beliefs and those who are not formally charged.
- Every case of disappearance must be investigated and those responsible for the extrajudicial killings must be pursued and brought to justice.
- The Government must accept the diversity of religions and must renounce its vindictive actions against religions or people's choice of worship.
- The Government must stop spying on Eritrean citizens in the country and outside of the borders.
- The Government must adopt objective rules regarding the conscription with the aim to allow young people to plan for marriage and family.
- The Government must allow free and independent economic activity, especially when the initiative comes from Eritreans living inside or outside of the country.
- The Government must abolish of all military linked summer break activities and replace them with summer break activities organised by the Ministry of education and to which young people can assist on a voluntary base.
- The Government should undertake a complete review of the education system, with a particular attention to the ethnic composition, social agreements in this regard, and the right to learn and speak the language of their choice.

¹ Aljezzerah interview: <http://www.youtube.com/watch?v=UAXKsZ8OsWo&feature=user>

² Mehari Yohannes interview: <http://www.awate.com/cgi-bin/artman/exec/view.cgi/11/1090>

³ Menghsteab's testimony: <http://www.awate.com/portal/content/view/4982/6/>

⁴ Taha Death: On Feb of 2008, the security informed his family to pick his body, he has been in jail since 2005. <http://www.awate.com/portal/content/view/4771/3/>

⁵ Hassen Feres's arrest: <http://www.awate.com/portal/content/view/4528/3/>

⁶ Sunaberra Demena: <http://www.awate.com/portal/content/view/4963/3/>

⁷ G-15: http://www.awate.com/artman/publish/article_3629.shtml

⁸ Application forms for religious institutions to be allowed to operate: http://www.awate.com/artman/publish/article_3696.shtml

⁹ Dimtsi Hafash Radio: http://www.awate.com/artman/publish/article_1454.shtml

¹⁰ Mehari Yohannes interview: <http://www.awate.com/cgi-bin/artman/exec/view.cgi/11/1090>

¹¹ A translation of a radio statement by the PFDJ embassy in Washington DC: <http://www.awate.com/portal/content/view/4651/9/>

¹² Journalists: <http://www.awate.com/portal/content/view/626/3/>

¹³ Jeshua: <http://www.englishpen.org/writersinprison/bulletins/eritreadetainedwriterfeareddead/>

¹⁴ National Service Proclamation: http://www.awate.com/artman/uploads/national_service.pdf and <http://www.awate.com/portal/content/view/4646/9/>

¹⁵ License forms: http://www.awate.com/artman/publish/article_4151.shtml

¹⁶ Abba Arre: <http://www.awate.com/portal/content/view/133/11/>