

## **32<sup>nd</sup> Session of the Universal Periodic Review**

### **Eritrea**

#### **Joint Submission by CSW (Christian Solidarity Worldwide) UK, and CSW-Nigeria**

##### **Introduction**

1. CSW (Christian Solidarity Worldwide) and CSW Nigeria seek to highlight grave, and continuing human rights violations occurring in the State of Eritrea. The report draws on interviews conducted yearly with refugees and their community leaders in five countries, as well as from research that has been ongoing since 2002, when the government effectively outlawed every religious community except Sunni Islam, Orthodox Christianity, Catholicism, and Evangelical Lutheranism.
2. During the second Universal Periodic Review (UPR) cycle, Eritrea received 199 recommendations, 91 of which were accepted. Eritrea agreed, among other things, to continue the process of ratifying and domesticating outstanding human rights instruments, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); to cooperate with the UN High Commissioner for Human Rights, treaty bodies and special procedures mandate holders; and to guarantee the right to freedom of expression, opinion, conscience and religion or belief, as well as the right to peaceful assembly and the freedom of association.
3. In apparent contradiction, Eritrea noted 108 recommendations including calls to ratify the CAT, the International Covenant on Civil and Political Rights (ICCPR) and its optional protocol, and to abolish military conscription and compulsory military training, particularly for children. Eritrea also rejected numerous recommendations to implement fully the 1997 Constitution and the rights it enshrines. The constitution was drafted by the National Assembly and ratified, but remains unimplemented by the very government that oversaw its creation.
4. The Eritrean government's seeming obsession with controlling every aspect of its citizens' lives and its heightened sensitivity to any perceived challenges meant that extensive rights enshrined in within the constitution were and continue to be violated severely. Due to the pervasive repression and large-scale, systematic and egregious violations of the rights of Eritrean citizens by the government and its agents, a United Nations (UN) Commission of Inquiry (COI) concluded in 2016 that there were reasonable grounds to believe that crimes against humanity have been occurring since 1991 in detention facilities, military training camps and other locations across the country, including enslavement, imprisonment, enforced disappearances, torture, persecution, rape, and murder .

5. CSW UK and CSW Nigeria welcome the recent rapprochement between Eritrea and Ethiopia, and hope the declared end of war between the two nations will not only assist in reducing tensions in the Horn of Africa, but will also encourage Eritrea to demobilize its army, to release all prisoners of conscience, and to grant greater freedoms to its people. In the past Eritrea pointed to continuing tensions caused by Ethiopia's resistance to the demarcation of an internationally-agreed common border as the reason for the excessive militarisation of society, the effective institution of a perpetual war footing, a military service regime that is indefinite in nature, onerous civilian militia duties even for the elderly and clergy, rule by presidential decree and the indefinite deferral of elections and democratisation.

### **Arbitrary Detention, Torture, Cruel and inhumane and degrading treatment**

6. Arbitrary detention, torture, cruel and inhumane and degrading treatment continue to occur with impunity in detention centres, with tens of thousands of Eritreans remaining detained without charge or trial and in life threatening conditions in more than 300 sites across the country.
7. While Eritrea's accession to CAT in 2014 is to be welcomed, its reservations included non-recognition of the competence of the Committee against Torture provided for in Article 20 of CAT, thereby precluding the possibility of a visit by members of the Committee in the event a complaint was received that was deemed to merit one. In addition, Eritrea declared it did "not consider itself bound by Article 30, which stipulates that all disputes concerning the interpretation of the Convention shall be referred to the International Court of Justice by one of the parties."
8. Former prisoners continue to report experiencing cruel, inhuman and degrading treatment, including being forced to undertake extreme physical exercise, to stand for hours in the midday sun, and to endure beatings administered with electric prods, whips or pipes. Reports indicate that beatings are administered routinely, systematically, frequently, and even casually on all prisoners, regardless of creed or lack thereof, and without regard to the vital organs or, indeed, the life of a prisoner. Beatings can range from a single blow to any convenient part of the body merely to attract the attention of a prisoner as an alternative to using a name, to lengthy pummelings with fists, stampings with feet, and blows with an iron rod known as a shafshafa or any other convenient implement nearby.
9. Torture remains rife in detention centres. Reports persist of prisoners dying following torture, or after being denied life-saving medication or treatment after falling ill and refusing to recant their religion or belief as a precondition to accessing it.
10. Despite the nation's acceptance during the second UPR cycle of recommendations on the need to improve "the penitentiary system and the situation of detainees", including from the Russian Federation, prisoners continue to be held in inhumane conditions, such as poorly ventilated metal shipping containers, underground cells, and in the open air in desert areas

surrounded by barbed wire or thorns. Female prisoners remain vulnerable to sexual violence, including rape.

11. Prisoners of all faiths and none are deprived of adequate food and water and timely access to medication. According to accounts, they are fortunate if they receive stone-hard bread and watery soup with few lentils twice a day. They are generally allowed to go to the lavatory once a day only, and bathe infrequently, usually in pools of stagnant water. The lack of access to hygiene poses particular difficulties for female prisoners, given their monthly cycles.

### **Violations of the right to freedom of religion or belief (FoRB)**

12. During the second UPR cycle Eritrea accepted recommendations from Canada, Romania and Japan regarding the need to guarantee freedom of religion or belief and to ensure the rights of religious minorities and protect religious communities from persecution. However, events during the reporting period illustrate the government's long-held ideological antipathy towards all forms of religion persists.
13. In its 2018 and first report to the African Commission on Human and Peoples Rights, the Eritrean government claimed it maintains religious harmony by ensuring "Islamic or Christian fundamentalism that corrode the social fabric" are not allowed to "perturb" "religious tolerance and harmony". In reality, since independence in 1991 the government has embarked on a course of repression so severe that it currently stands accused of committing the atrocity crime of persecution. The actions of the Eritrean government clearly violate Article 18 of the ICCPR, to which the nation is party, and despite having accepted a recommendation to harmonise the nation's laws to incorporate the ICCPR (Mexico).
14. Several hundred Christians from non-sanctioned churches are currently thought to be detained indefinitely in Eritrea, as a result of a campaign of arrests that has been ongoing since 2002, and which at its zenith saw an estimated 3,000 detained arbitrarily. Arrests of adherents continued during the reporting period, with members of non-sanctioned churches being arrested even while attending social gatherings. In a clear violation of the nation's undertakings under the Convention on the Rights of the Child (CRC), in some cases children were either detained along with their parents, or left unattended following the arrests of parents.
15. In May 2016, 79 men, women and children, including a mother and baby, were rounded up during a wedding party. They were initially incarcerated in Barentu and Agordat. Later, over 30 were reportedly transported to Mai Serwa detention camp. In August 2016, eight Christians, including a mother and her three year-old child, were arrested after they gathered in a rural area around 4 km north of Asmara. Reports emerged later of the arrests of a significant number of Christians on Christmas Eve 2016 in the capital city Asmara, after they had been caught praying. They were reportedly transported barefoot to an unknown location.

16. In May 2017, the government intensified its crackdown on non-sanctioned churches by launching house to house raids in several cities. CSW was informed that as part of these raids committees consisting of members of local administrations, the security services and members of the Orthodox Church sympathetic with the government went from house to house inquiring about the faith of the occupants.
17. During May 2017, 45 Christians were arrested during raids in Adi Quala, including entire families, the elderly and a disabled woman. The arrests left 23 children without parental care. Fifteen people were rounded up in Gindae, while in the Godaif district of Asmara, 45 people, mostly women, were arrested at a party for newlyweds, with 17 more people arrested a week later.
18. By the end of June 2017, 170 Christians had been detained in house to house arrests in eight towns. CSW also learned that 33 women, who were amongst the first to be arrested in these raids, were being held in an infamous prison in the Dahlak Archipelago created by Italian colonialists in the late 19<sup>th</sup> Century to crush political dissent. Most were reported to be young mothers whose husbands were either military conscripts, or were eking out an existence elsewhere. Consequently, their arrests left 50 children without parental care.
19. Government sanctioned churches also faced repression, including with regard to violation of property rights. The nonagenarian legitimate Patriarch of the Eritrean Orthodox Church, Abune Antonios, who was illegally removed from office following a series of machinations between 2006 and 2007, remains under house arrest, following the effective “capture” of the Orthodox Church by the state. The patriarch had refused a request to excommunicate members of the Church’s renewal movement, Medhane Alem, had objected to the arrests of its priests, had rejected a demand for priests to report for military training and had generally decried increasing government interference in ecclesiastical affairs.
20. The patriarch’s reappearance in public during a church service on 16 July 2017 sparked speculation regarding his imminent release and reinstatement. However, he was not permitted to speak during the service despite requesting to do so, and was rushed from the premises to a new place of detention. He is reported to currently reside in two rooms in the servants’ quarters within the grounds of a villa occupied by two renegade bishops, one of whom is eager to replace him. Church sources allege that while Patriarch Antonios has received occasional selected visitors, he is not permitted to discuss his situation with them. He is reportedly under pressure to resign in favour of the pro-government bishop.
21. The Eritrean government currently controls the hiring and firing of Orthodox Church personnel, administering Church finances, selling off its assets and appointing its highest administrative officials. Priests seen as sympathetic to the legitimate patriarch are detained, harassed, forced out or conscripted. A November 2014 visit to Ethiopia by CSW and CSW Nigeria coincided with the arrival at Endabaguna Refugee Reception Centre of 15 Orthodox monks in full regalia from seven different monasteries including Mariam Debre Sina, Mariam Dearit and Gedam Tsaedanaba. The monks maintained that

monasteries were being destroyed throughout the country and the government was insisting monks surrender a share of any income they may receive. The monks had discussed available options, and had ultimately decided to flee. In addition the school at Enda Mariam Orthodox Cathedral was closed in 2017, and in early 2018, a monk named Abba Amaha was detained for calling for the release and reinstatement of Patriarch Antonios.

22. The Catholic Church has also faced harassment. In September 2017, the Education Minister for the Central Region (Zoba Ma'ekel) wrote to the Director of the Medhane Alem Seminary School in Asmara, which provides religious education to aspiring priests and nuns, demanding its closure and a list of all its students. The letter was copied to the Minister of Education, the office of the Eritrean Police and the Chief of Police of Zoba Ma'ekel, and cited Proclamation 73 of 1995, the restrictive legislation which states, inter alia, that the provision of social amenities rests within the remit of the government, and that religious organisations should confine themselves to spiritual issues. Following an unfruitful appeal to officials, church leaders decided not to close the school. The government responded by closing the school in October 2017 and detaining a diocesan priest who had volunteered to take the place of the school's director, and a Comboni nun. Both were reportedly released weeks later.
23. However, the school remains closed and the government is alleged to have transferred students to "other schools", although some are believed to have been sent to military service. It has also prevented Catholic nuns and clergy from pursuing further studies abroad, and made it difficult for clergy based overseas to obtain visas. In addition, six health clinics run by the Catholic Church across the country were closed between November and December 2017.
24. In 2014, the third officially sanctioned denomination experienced repression when five members of the Evangelical Lutheran Church were arrested shortly after the church announced they were to be ordained. However, this denomination has been harassed to a lesser degree, perhaps due to the government's burgeoning relationship with Norway, where the Evangelical Lutheran Church is the state church, and Finland, where it is the largest national church.
25. Between April 2016 and September 2017, six Jehovah's Witnesses were arrested, three of them male and three of them female. One, a woman, has since been released. In July 2017, all Jehovah's Witnesses held in the Meitir Camp were transferred to Mai Serwa Prison outside of Asmara, where the conditions are said to be less harsh. On 30 November, 2017, 13 Witnesses detained in Sawa Camp were also transferred to Mai Serwa.
26. By the end of 2017, a total of 55 Jehovah's Witnesses were reported to be imprisoned without trial or formal charges.<sup>1</sup> Three of them, Paulos Eyassu, Isaac

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<sup>1</sup> Jehovah's Witnesses, 'Imprisoned for Their Faith' [www.jw.org/en/news/legal/by-region/eritrea/jehovahs-witnesses-in-prison/](http://www.jw.org/en/news/legal/by-region/eritrea/jehovahs-witnesses-in-prison/)

Mogos, and Negede Teklemariam, have been incarcerated since 1994. The number also includes 12 people arrested during 2012 while attending a funeral, and 31 arrested in April 2014.

27. Arrests of members of the Muslim community have continued intermittently since 1994. On 20 October 2017, Hajji Musa Mohammed Nur, the nonagenarian respected Honorary President of Al Diaa Islamic School in Asmara, was arrested, along with several others for opposing the government's attempted expropriation of the Al Diaa private Islamic school in line with a 2014 plan devised by the Ministry of Education to transfer control of every school to local communities, and for resisting pressure for female students to stop wearing hijabs. Transferring control to local communities would mean religious schools such as Al Diaa, which was established in the late 1960s and run by parent committees as a private Islamic school, would become secular and open to the public.
28. On 31 October 2017, a rare but peaceful protest against the arrests and restrictions broke out in Asmara. It was dispersed by members of the security services firing live ammunition. Hundreds were arrested, including students, most of whom were male and several of whom were minors. According to the Asmara-based activist network Arbi Harnet, the school has been "quietly" reopened and a few students and women have been released. However, some reported suffering mistreatment while in detention and at time of writing, an unknown number remain in custody.
29. During the reporting period two high profile Christian detainees were released, although both are reported to be in poor physical condition. Senior Pastor of Kale Hiwot Church Pastor Oqbamichael, who was initially arrested in 2005 at a wedding ceremony, briefly released after suffering a breakdown following 10 months of severe mistreatment, then rearrested in October 2007, was reportedly released on 30 April 2018. Merigeta Yitbarek Berhe, an Orthodox scholar and advisor to the patriarch who had been detained without charge since 2006, was released either in late April or early May.

### **Deaths in detention**

30. During the second UPR cycle Eritrea accepted a recommendation from Canada to "take the necessary measures to ensure", inter alia, the rights of women and of persons in detention, and another from Lithuania to intensify efforts to protect women from sexual violence, ensuring incidents are fully investigated and perpetrators are held accountable.
  31. However, in March 2017, two Pentecostal Christian women were reported to have died on 17 March, days after being transferred to Massawa hospital from detention, where they had been on hunger strike, allegedly in protest at the abuse they were experiencing in detention. According to the website Erimedrek the women's bodies were marked with bruising consistent with sexual violence. Once at the hospital, they were reportedly kept in isolation and guarded in shifts by security personnel. Following their deaths, military
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commanders reportedly confiscated their medical cards.

32. Moreover, in August 2017 Fikadu Debesay, a Christian mother of four who was detained in May 2017 during house to house raids in Adi Quala , died in Metkel Abiet, a desert camp in the Northern Red Sea Region, died on her way to hospital following mistreatment, privations, poor conditions and delayed medical assistance. Her husband and eldest son, who had also been detained, only found out about her death when they were unexpectedly released weeks later.
33. In March 2018, news emerged that two elderly Jehovah's Witnesses had died in Mai Serwa Prison. 76 year-old Habtemichael Tesfamariam who died suddenly on 3 January, is believed to have suffered a stroke. Habtemichael Mekonen, aged 77, died on 6 March, reportedly due to kidney failure. Both left behind wives and children. Both had suffered mistreatment in detention, including being held in a partially buried building along with other Witnesses, where they suffered severely from heat in the summer, and insufficient water and food.
34. On 3 March 2018, the family of Honorary President of Al Diaa Haji Musa was told to recover his body from a government hospital. The family later learned he had died the day before in Asmara's 5th Police Station, where he had been held since his arrest. Following his burial, hundreds were arrested, again mainly male, and some as young as 13. While family members did not received formal notification of the arrest and detention of their loved ones, some were able to discover their whereabouts through informal channels and deliver food and clothing.

## Conclusion

35. In her fifth and final report to the Human Rights Council (HRC) the Special Rapporteur on the situation of human rights in Eritrea noted there was "no meaningful progress to address specific human rights violations to report", adding that "the current situation in Eritrea perpetuates the patterns of human rights violations identified by both her mandate and that of the Commission of Inquiry on human rights in Eritrea."<sup>2</sup>
36. The UPR process is undermined if states are allowed to accept recommendations, only to defer implementation indefinitely. This in view of the grave and ongoing violations, CSW and CSW Nigeria urge the Human Rights Council (HRC) to formulate verifiable time-bound benchmarks to monitor Eritrea's progress in implementing accepted UPR recommendations from the previous and upcoming cycles, in order to measure the government's commitment to facilitating the enjoyment of human rights for all its citizens.
37. CSW and CSW Nigeria also urge the HRC to support the creation of accountability mechanism "to ensure accountability for continuing and past human rights violations and crimes against humanity."<sup>3</sup>

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<sup>2</sup> A/HRC/38/50, 11 June 2018

<sup>3</sup> A/HRC/38/50

## **Recommendations to the government of Eritrea**

- 38. Implement the ratified constitution and fully facilitate the rights enshrined within it**
- 39. Ensure the full enjoyment of the right to freedom of religion or belief for all citizens in accordance with the constitution and international statutes to which the nation is party, including the African Charter on Human and Peoples Rights (ACHPR), and the International Covenant on Civil and Political Rights (ICCPR)**
- 40. Grant immediate and unhindered access for the International Committee of the Red Cross (ICRC) and/or any other competent body to long-term detainees in order to assess their wellbeing and ensure the conditions in which they are held meet UN minimum standards**
- 41. End enforced disappearance, arbitrary arrest and indefinite detention without charge or trial, and bring all long-term detainees before recognised courts of law in the presence of international observers, or release them. All detainees subjected to arbitrary and irregular detention, such as those held under the *atsnehaley* policy, should be released immediately. Eritrea is also urged to adhere to the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa**
- 42. End incommunicado detention, and grant access for all detainees to immediate family members, timely medical treatment and legal representation**
- 43. Urgently improve conditions in the nation's prisons, and end the use of unsuitable, substandard facilities as holding cells and detention centres**
- 44. Agree to verifiable, time bound benchmarks to monitor and measure progress in the implementation of accepted UPR recommendations and improvements in the situation of human rights**
- 45. Implement the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Eritrea has already acceded to the ICCPR and ACHPR, both of which prohibit the use of torture**
- 46. Extend invitations to relevant special mechanisms and mandate holders, including the incoming special rapporteur on the situation of human rights in Eritrea, enabling them to conduct unhindered, thorough, independent and impartial human rights investigations**



**47. Given the ending of hostilities with Ethiopia, facilitate the ending of the civilian militia, the demobilising of army conscripts, and the aligning of secondary and tertiary education with international norms.**