

# ERITREA

The State of Eritrea was formed after gaining independence from Ethiopia in 1993. Since then the country has been ruled by President Isaias Afwerki, widely regarded as one of the most autocratic leaders in the world. The country does not hold elections and does not have an independent judiciary, or a functioning legislature that could counterbalance the power of the presidency. Eritrea's Constitution was ratified by the National Assembly in 1997 but has never been implemented, although it has been touted as the supreme law of the land. Civil liberties are severely restricted, security forces brutally repress any political dissent, and there is no independent press. As such, the country remains one of the world's most oppressive and grievous violators of human rights.

A 2015 United Nations Commission of Inquiry of Eritrea concluded that the Eritrean government engages in 'systemic, widespread, and gross human rights violations' carried out in a 'context of total lack of rule of law.'<sup>1</sup> Within this totalitarian state, an array of human rights violations occur, some of which may constitute crimes against humanity.

Religious adherence in Eritrea's population of around 6.3 million people<sup>2</sup> is considered to be roughly half Christian and half Muslim: about 50% of the population is Sunni Muslim, 30% is Orthodox Christian, and 13% is Roman Catholic<sup>3</sup>. The country officially recognises four religious groups: the Eritrean Orthodox Church, the Evangelical (Lutheran) Church of Eritrea, the Roman Catholic Church, and Islam. No new religious groups have been approved since 2002, despite numerous applications and attempts to extend religious freedom. Registration of religious groups only requires the president's signature for full approval. In theory, the Constitution, although unimplemented, protects religious freedom in Eritrea.

## Protestants in Prison

**Dr. Kiflu GEBREMESKEL** was arrested in May 2004 and has been detained without charge or trial since then. Senior pastor of Southwest Full Gospel Church, Dr. Kiflu was a mathematics lecturer until 1999 when he left to become a full time pastor. Since his arrest he has been held incommunicado, with no communication between himself, his wife, or their four children.

**Pastor Meron GEBRESELASIE** was arrested in 2004 and has been detained without charge or trial ever since.

<sup>1</sup> The full report can be accessed here:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16054&LangID=E>

<sup>2</sup> <http://data.worldbank.org/>

<sup>3</sup> A more comprehensive review of the religious demography can be found here:

[http://www.state.gov/j/drl/rls/irf/2010\\_5/168406.htm](http://www.state.gov/j/drl/rls/irf/2010_5/168406.htm)

### **Coptic Orthodox in Prison**

**Patriarch Abune ANTONIOS** has been under house arrest since 2006 after his refusal to excommunicate 3,000 members of an Orthodox Sunday School movement and asking for the release of human rights activists. He has been charged with treason. Despite claims of deteriorating health he was reportedly denied medical care and has been prevented from communicating with the outside world. In 2016, one church member managed to visit and photograph him.

**Rev. Ogbamichael TEKLEHAIMANOT** was first arrested in 2005 for participation in Orthodox rituals (presiding over an Orthodox wedding ceremony). Rev. Teklehaimanot was subjected to ten months hard labour and solitary confinement before serving another six years in Barentu following his release. He was re-arrested in 2012, six months after his release, after taking a call from a monitored Orthodox member.

### **Jehovah's Witnesses in Prison**

As of October 2016, fifty-four Jehovah's Witnesses were imprisoned in Eritrea in harsh conditions. Sixteen are known to be held in detention as conscientious objectors. Twenty-four have been detained for their religious activities, participating in religious meetings, or preaching at funerals. Fourteen are in prison for unknown reasons.

The full list of documented cases of FoRB prisoners for each denomination is available on the USB key attached to this report and on our website: <http://hrwf.eu/forb/forb-and-blasphemy-prisoners-list/>

### **Laws Used to Criminalize Religious Activities**

The 1997 (unimplemented) Constitution claims to defend progressive ideals, such as equality under the law, the right to due process, the right to appeal, and the right of access to a court within forty-eight hours of arrest. Even still, these rights and many more are violated in Eritrea on a daily basis. Religious activities are criminalized, although the constitution states that 'every person shall have the right to freedom of thought, conscience and belief.'<sup>4</sup>

In many cases, individuals are detained arbitrarily or without charge. The Penal Code provides for charges which are routinely brought against religious people, whether

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<sup>4</sup> The Constitution of Eritrea, Article 19.1. The whole constitution can be found here: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---ilo\\_aids/documents/legaldocument/wcms\\_126648.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_126648.pdf)

belonging to an officially registered body or not. For instance, in Book II on Offences Against the Interest of the State, there is:

Article 112. - Treason. (1) An Eritrean citizen or any other person entrusted with the protection of the national interests of Eritrea who (b) obstructs, misleads, betrays, entices into disloyalty or dispiritedness persons or entities engaged in the defense of Eritrea;

Article 119. - Interference with Military Service. A person who intentionally (a) evades or attempts to evade compulsory military service, knowing that he is not entitled to do so; (b) incites or assists another, or attempts to incite or assist another, to intentionally evade compulsory military service, knowing that person is not entitled to do so; is guilty of interference with military service, a Class 9 serious offence, punishable with a definite term of imprisonment of not less than 1 year and not more than 3 years.

Proclamation No. 82/1995 on National Service requires all young people who are capable to undergo military training. There is no provision for conscientious objectors under the law, nor is there an alternative for those who do not want to engage in military activities but are willing to do other forms of national service.

Thus conscientious objectors can be sanctioned under Article 119 or even Article 120 for noncompliance (see below), the penalties of which can be harsh and severe, including the withdrawal of passports and ration cards. In addition, members of certain non-recognised religious groups are subjected to persecution and discrimination as a means of coercion into military service.

Article 120. - Aggravated Interference with Military Service. A person who commits an offence under Article 119 during a time of emergency involving the armed forces of Eritrea, general mobilization or war is guilty of aggravated evasion of military service, a Class 6 serious offence, punishable with a definite term of imprisonment of not less than 7 years and not more than 10 years.

Article 190. - Aggravated Public Incitement. A person who commits an offence under Article 189 by inciting others with an appeal to religious or ethnic hatred is guilty of aggravated public incitement. This is a Class 8 serious offence, punishable with a definite term of imprisonment of not less than 3 years and not more than 5 years.

## **National Standards for Detention Conditions**

Embedded within the 1997 Constitution are articles protecting the rights of prisoners in Eritrea:

### Article 16 - Right to Human Dignity

1. The dignity of all persons shall be inviolable.
2. No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
3. No person shall be held in slavery or servitude nor shall any person be required to perform forced labour not authorised by law.

### Article 17 - Arrest, Detention and Fair Trial

1. No person may be arrested or detained save pursuant to due process of law.
3. Every person arrested or detained shall be informed of the grounds for his arrest or detention and of the rights he has in connection with his arrest or detention in a language he understands.
4. Every person who is held in detention shall be brought before a court of law within forty-eight (48) hours of his arrest, and if this is not reasonably possible, as soon as possible thereafter, and no such person shall be held in custody beyond such period without the authority of the court.
5. Every person shall have the right to petition a court of law for a Writ of Habeas Corpus. Where the arresting officer fails to bring the person arrested before the court and provide the reason for his arrest, the court shall accept the petition and order the release of the prisoner.
6. Every person charged with an offence shall be entitled to a fair, speedy and public hearing by a court of law; provided, however, that such a court may exclude the press and the public from all or any part of the trial for reasons of morals or national security, as may be necessary in a just and democratic society.

Even still, while these protections exist in law, none of them can be institutionalized until the constitution is officially implemented and its principles put into practice. Until that time, it is clear that grave human rights violations will continue.

On the subject of the administration of justice, the Government of Eritrea has stressed that human rights violations would be:

...grave crimes resulting in severe punishment under the domestic penal law and as reflected in international conventions to which Eritrea is a party. The Transitional Penal Code criminalizes arrest, confinement, detention or otherwise restraining the freedom of any person without lawful order.

Tortures, ill-treatment of or unlawful killing of a detainee are among the grave crimes dealt with by the Penal Code.<sup>5</sup>

Notwithstanding the report of the Eritrean government, the Office of the High Commissioner for Human Rights, alongside various other organisations, continues to find systematic violations of human rights within Eritrea. This includes various forms of torture, ill treatment as well as cruel and inhumane punishments.

### **International Reports on Prison Conditions in Eritrea**

The 2015 UN Report of the Special Rapporteur on the situation of human rights in Eritrea confirms grave violations of human rights. These include indefinite national military service, arbitrary arrests, and various forms of detention, including detention incommunicado. Also cited are instances of extrajudicial killings, torture, inhumane prison conditions, infringement to freedoms of movement, expression and opinion, assembly, association and religious belief, sexual and gender-based violence, and violations of children's rights. Information gathered for the present report confirms that the above-mentioned violations continue unabated.<sup>6</sup>

In 2013, Amnesty International marked twenty years of Eritrean independence by publishing a special report, detailing prison conditions of cruel, inhuman, and degrading treatment:

Detainees are frequently held in underground cells or in metal shipping containers, often in desert locations and therefore subject to extremes of heat and cold. Food, water and sanitation are scarce. Torture and other ill-treatment are systematically used against prisoners of conscience and political prisoners in Eritrea, for the purposes of punishment, interrogation and coercion. Incommunicado detention – detention without contact with the outside world – in which thousands of prisoners of conscience and political prisoners are held, significantly increases the risk of being subjected to these violations. Torture is reportedly used as punishment for prisoners detained for criticising the government, practicing a religion not recognised by the state, attempted escape from national service or from the country, failure to perform duties during national service (even as a result of infirmity or illness), insubordination or the escape of another prisoner.

Amnesty International received consistent reports from former detainees that a common method of punishment involves prisoners being tied with ropes in painful positions for extended periods. Often the prisoner, while tied, is left exposed to the sun for long periods of time. One of the most frequently reported

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<sup>5</sup> A/HRC/29/42, paras. 41-44, 54-55; A/HRC/29/CRP.1, paras. 724-838, 865-936, 958-1099

<sup>6</sup> The June 2015 report can be accessed here:

<http://www.ohchr.org/EN/HRBodies/HRC/CoIEritrea/Pages/ReportCoIEritrea.aspx>

positions is the ‘helicopter,’ where the hands and feet of the victim are tied behind the back whilst lying on the ground face down, outside in desert sun, in rain or freezing cold desert nights. This is a punishment allocated for a particular number of days, the maximum reported being fifty-five days in the Dahlak Kebir island prison, but it is more often for one or two weeks.<sup>7</sup>

## **Conclusions**

Eritrea presents a particular challenge to freedom of religion or belief due to the especially egregious nature of the Afwerki regime. Severe restrictions on thought, conscience, and religion leave no room for citizens to freely experience one of the most fundamental aspects of their humanity. Those who challenge these restrictions risk harsh penalties.

The abuses perpetrated by the Eritrean government call for much more than shallow reforms. Serious changes must be affected in a timely and urgent manner in order to ensure the most basic rights of Eritrean citizens. Those who have been responsible for their suffering must also be held accountable for their actions and complicity in that suffering. It is only then that the Eritrean people can look to a more hopeful future.

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<sup>7</sup> The full report entitled, “20 years since Independence, but still no freedom” can be accessed here: <https://www.amnestyusa.org/sites/default/files/afr640012013.pdf>