PEN International
Contribution to the 18th session of the Working Group
of the Universal Periodic Review
Submission on Eritrea

June 2013

PEN International welcomes the opportunity provided by the Office of the High Commissioner on Human Rights to comment on the state of human rights in Eritrea. PEN has serious concerns about the lack of freedom of opinion and expression and the continuing practice of incommunicado detention without trial of writers and journalists in Eritrea, as outlined in its report for the first Universal Periodic Review (UPR) of Eritrea in 2009.[1] This report focuses on progress made – or rather the lack thereof – since the 2009 UPR.

International human rights commitments

1. Eritrea acceded to the International Covenant on Civil and Political Rights (ICCPR) without reservations in 2002. Like all state parties to the United Nations (UN), Eritrea is bound by the Universal Declaration of Human Rights. It is also a party to the African Charter on Human and Peoples' Rights, which it ratified in 1999. As such, Eritrea has international obligations to protect the right to freedom of opinion and expression as well as the following rights, among others: the right to life and security; freedom from torture or cruel, inhuman or degrading treatment or punishment; freedom from arbitrary arrest and detention; to humane treatment in detention; a fair trial; freedom of thought and conscience; and freedom of association.

Implementation of recommendations from 2009 UPR

2. Eritrea accepted a number of recommendations relevant to the right to freedom of expression and to the situation of detained writers and journalists as a result of the 2009 UPR, as follows:
    - Sign and ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (recommendations 1-4, 8, 12)
    - Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED) (recommendation 8)
    - Enhance the level of cooperation with different UN treaty bodies and special procedures (recommendation 30) and establish an effective and inclusive process to follow up on UPR recommendations (recommendation 33)
    - Take necessary measures to ensure full enjoyment of the right to life, physical integrity and security of all persons (recommendation 38)

3. However, Eritrea has to date failed to implement any of these recommendations. It has not signed or ratified CAT or CED. In terms of cooperation with the UN, the UN Special Rapporteur on human rights in Eritrea has received no response to her repeated requests for an invitation to visit the country in order to assess the human rights situation in accordance

[1] International PEN (9 April 2009) *Submission on the State of Eritrea*, retrieved from: http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/ER/IP_ERI_UPR_S06_2009.pdf

with her mandate.[2] Eritrea currently has five outstanding requests for visits by thematic Special Procedures mandate holders, including from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.[3] Eritrea is systematically failing to guarantee its citizens' right to life and security, as discussed below.

4. Furthermore, Eritrea had no clear position on a number of other highly relevant recommendations made as a result of the 2009 UPR, as follows:
    - Implement the 1997 Constitution and the rights it enshrines, including freedom of expression (recommendations 15-19)
    - Allow UN special procedures including the Special Rapporteur on freedom of expression to visit the country (recommendations 28-29)
    - Issue clear public orders to the security forces to cease arbitrary arrest, detention and torture (recommendation 66)
    - Provide the International Committee of the Red Cross (ICRC) and/ or other independent monitors to all detention facilities in the country (recommendations 74-76)
    - Ensure that international standards of law in the treatment of prisoners are respected, including the right to legal representation, to be charged with a recognisable criminal offence and to a fair trial, and to release all those detained without charge (recommendations 76-83)
    - Take measures to ensure full respect for freedom of expression and of the press, and release all prisoners detained for exercising their right to freedom of opinion and expression or as a result of their political views (recommendations 94-96)
    - Inform the international community of the conditions of the G15 and other political, media and religious detainees and grant access to them by an international organisation to ascertain their conditions, and make clear the charges against them and the legal process to which they will be subjected (recommendation 99)

5. At the time of writing, Eritrea has also failed to make any discernible progress towards these recommendations, as discussed below.

Update on situation for freedom of expression since 2009

6. Little has changed in Eritrea since the last UPR in 2009. There is no freedom of opinion or expression, no independent media since the government crackdown in September 2001, no political parties apart from the ruling People's Front for Democracy and Justice (PFDJ), no national elections and no civil society. Although ratified by the National Assembly in 1997, Eritrea's Constitution, which includes a Bill of Rights, has still not been implemented. The government of President Isaias Afewerki rules the country by decree, and dissent of any form is not tolerated.

7. Access to alternative sources of information is extremely limited due to low levels of internet and telephone penetration. Around 6.2 per cent of the population in Eritrea have access to the internet, slightly below the African average of 7 per cent.[4] Most users access the internet via cyber cafés in the capital Asmara and other main towns and are closely monitored, with some

[2] Human Rights Council Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth (28 May 2013) UN doc A/HRC/23/53, p. 4, paragraphs 8-9, retrieved from: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.53_ENG.pdf
[3] Ibid, p.7, paragraph 31
[4] Source: www.internetworldstats.com

arrests reported in 2011.[5] Private access to the internet is state-controlled and expensive. Although there is no widespread filtering, the government has reportedly blocked several diaspora websites critical of the regime.[6] Only around 5 per cent of Eritreans have access to a fixed or mobile telephone[7], with ownership of mobile phones also controlled by the state.[8] Government plans to introduce mobile internet capability in 2011 were reportedly abandoned due to fears stemming from Arab Spring uprisings.[9] Both internet and telephone services are reportedly unavailable in rural areas.[10]

8. Thousands of Eritreans have been detained for their actual or perceived criticism or opposition of the government and its policies or other opinions or beliefs – as many as 10,000, according to recent estimates[11] Available information suggests that none of these detainees has ever been tried or charged, been given access to a lawyer or brought before a judge. The Eritrean judiciary is not independent and there is no way to appeal against arbitrary detention. In many cases, the detention amounts to enforced disappearance since the authorities refuse to confirm the arrest, whereabouts or fate of the missing individual.

9. Among the detained are at least 28 journalists[12] – more than any other African country and the highest number of detained journalists per capita of any country worldwide.[13] According to PEN's information, 18 print journalists and writers have been arrested since 2000. All remain detained incommunicado, most in unknown locations, along with 11 political leaders arrested for their views in September 2001 (see paragraph 19).

Arrests of journalists and writers reported since 2009

10. PEN has learned of the arrest of nine of these 18 detained print journalists and writers since its report to the UPR in April 2009. Four were arrested in 2009, one in 2008, three in 2001 and one in 2000.

11. At least four writers working for the Asmara-based state-run Radio Bana were reportedly arrested in a raid on the station on 22 February 2009, during which at least 50 employees were detained by security forces. Around 12 of them are thought to remain in detention, including the following four Radio Bana journalists and staff members who are also known to be writers:
    - **Yirgalem Asfha** (essayist and journalist, former art critic for independent weekly *Zemen*)
    - **Yirgalem Fisseha Mebrahtu** (poet and journalist)

[5] Human Rights Council Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth (28 May 2013) p. 12, paragraph 60
[6] Reporters Without Borders (2012) 'Countries under surveillance: Eritrea', retrieved from: http://en.rsf.org/surveillance-eritrea,39762.html
[7] Article 19 (June 2013) *Eritrea : A Nation Silenced,* p. 12, retrieved from: http://www.article19.org/data/files/medialibrary/3494/Eritrea-a-Nation-Silence.pdf
[8] Human Rights Council Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth (28 May 2013) p. 12, paragraph 60
[9] Article 19 (June 2013) p. 12
[10] Human Rights Council Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth (28 May 2013) p. 12, paragraph 60
[11] Amnesty International (2013) *Eritrea: 20 years of Independence, but still no freedom*, p. 14, retrieved from: http://www.amnesty.org/en/library/asset/AFR64/001/2013/en/64b58cdf-a431-499c-9830-f4d66542c8da/afr640012013en.pdf, and Human Rights Watch (April 2009) *UPR Submission: Eritrea*, retrieved from: http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/ER/HRW_ERI_UPR_S06_2009.pdf
[12] Sources: Committee to Protect Journalists and Reporters Without Borders
[13] Martin, J. D. (2 April 2012) 'Which countries jail the most Journalists Per Capita?', *Columbia Journalism* Review, retrieved from: http://www.cjr.org/behind_the_news/which_countries_jail_the_most.php

- **Meles Negusse Kiflu** (writer, poet and journalist, formerly worked for independent newspaper *Tsigenay*)
- **Bereket Misghina** (aka **Wedi Misghina** – playwright and actor)

12. No reason has been given for these writers' arrest and they have apparently not been charged with any offence. However, it is thought that Asfha and Misghina might have been arrested due to their close working relationship with foreigners and a programme about participatory government broadcast in January 2009. As of May 2013, all four reportedly remained in detention; they had not been charged or brought before a court and their families had not been told where they are being held.[14]

13. In 2008, **Mulubrhan Habtegebriel**, essayist, commentator and translator for the state-run Radio Zara and newspaper *Hadas Eritrea*, and former journalist for the independent newspapers *Meqaleh* and *Setit*, was arrested for unknown reasons. As of August 2012, Habtegebriel was reportedly being held at Adi Abeito military prison.[15]

14. The following two writers were arrested in October 2001; both remain detained incommunicado without charge in secret locations :
    - **Sahle Tsegazab** (pen name **Wedi Itay**), freelance journalist, former journalist for *Keste Debena*, writer and essayist, and reportedly a former member of the Eritrean People's Liberation Front (EPLF).
    - **Idris Aba'are**, writer and disabled EPLF veteran, was arrested after questioning the arrests of the G-15 politicians in September 2001 (see paragraph 19).[16] Aba'are was reportedly a department head at the Ministry of Labour at the time.

15. **Seyoum Tsehaye**, freelance contributor to *Setit*, playwright, newspaper, TV and radio journalist and photographer, was arrested along with nine other journalists as part of the September 2001 crackdown (see paragraph 20).

16. **Gebrehiwot Keleta**, reporter for *Tsigenay* and former EPLF officer, was reportedly arrested in June 2000, after meeting a US embassy official with other journalists. He has been detained incommunicado in a secret location ever since.

17. Those who are or who are suspected of being critical of the regime continue to be arrested and arbitrarily detained without charge in unknown locations. On 21 January 2013 at least 187 people, including at least four high profile politicians, were arrested following an attempted coup where 200 soldiers occupied the Ministry of Information in Asmara and broadcast an announcement calling for the release of all political prisoners and the implementation of the 1997 Constitution. All those arrested remain detained in unknown locations.[17]

Update on journalists and politicians arrested in September 2001

18. There has been little known change in the circumstances of the 11 political leaders and 10 journalists arrested in the September 2001 crackdown on which PEN reported in 2009.[18]

19. The 11 politicians arrested for writing an open letter calling for democratic change are: **Mahmud Ahmed Sheriffo, Haile Woldetesnae, Petros Solomon, Saleh Idris Kekia, General Ogbe Abraha, Astier Feshatsion, Berhane Ghebre Eghzabiher, Hamid Himid,**

[14] Amnesty International (2013) p. 20
[15] Reporters Without Borders (30 August 2012) 'Three journalists held since 2001 die in Eiraeiro prison camp', retrieved from: http://en.rsf.org/eritrea-three-journalists-held-since-2001-30-08-2012,43298.html
[16] Amnesty International (2013) p. 16
[17] Ibid, p. 18
[18] International PEN (9 April 2009)

Estifanos Seyoum, Germano Nati and **Beraki Ghebre Selassie**. All were members of the G-15, a group of 15 PFDJ senior officials who signed the letter.

20. The 10 independent journalists arrested are:
    - **Said Abdelkader** (writer and editor, *Admas*; owner of the press that printed most of the independent newspapers)
    - **Emanuel Asrat** (editor-in-chief, *Zemen*)
    - **Temesken Ghebreyesus** (sports reporter, *Keste Debena*, actor)
    - **Mattewos Habteab** (chief editor, *Meqaleh*)
    - **Dawit Habtemichael** (co-founder/ assistant chief editor, *Meqaleh*)
    - **Medhanie Haile** (deputy editor-in-chief, *Keste Debena*)
    - **Dawit Isaac** (co-owner, *Setit*; playwright and writer)
    - **Yusuf Mohamed Ali** (editor-in-chief, *Tsigenay*)
    - **Seyoum Tsehaye** (see paragraph 15)
    - **Fesshaye Yohannes "Joshua"** (co-owner, *Setit*; playwright, poet)

21. The families of the G-15 politicians and the journalists have never been told where they are held and the vast majority have not heard from their relatives since their arrest. Of the journalists, only Dawit Isaac has been allowed any contact with his family, during a medical check-up in 2005.

22. Although their whereabouts have never been officially confirmed, the politicians and at least some of the journalists are reportedly detained in Eiraeiro, a high security prison which was purpose built to hold them, in a remote location north of Asmara-Massawa road. Prisoners are held in 62 cells, most three metres squared, and are reportedly chained and held in solitary confinement.

Torture and other cruel, inhuman or degrading treatment or punishment in detention

23. Eritrean detainees are systematically tortured and subjected to other ill-treatment, for purposes of punishment, interrogation and coercion. Prison conditions fall far short of international standards and amount to cruel, inhuman or degrading treatment or punishment. Prisoners are often held in underground cells or shipping containers, often in desert locations and are therefore subject to extremes of heat and cold. Food, water and sanitation are scarce.

24. Medical care is extremely limited; reports of detained journalists and politicians being allowed treatment are rare. Most recently, Yirgalem Fisseha Mebrahtu of Radio Bana was reportedly admitted to hospital in Asmara in a serious condition in January 2012. She was under permanent guard and allowed no visitors. Her family and friends were not told of the nature of her illness but her treatment required the purchase of medication abroad. She was reportedly still detained at a hospital in Asmara as of August 2012.[19] In July 2012 it was reported that the G-15 politician Petros Solomon had been admitted to a hospital in Asmara due to a serious illness. However, adequate medical care was not available in Eritrea and it is not known what has happened to him since.[20]

25. ICRC does not have access to detention facilities in Eritrea and there are no civil society organisations to monitor or document conditions. Family members are afraid to ask about the whereabouts of their relatives since some have been arrested themselves for doing so.

[19] Reporters Without Borders (30 August 2012)
[20] Amnesty International (2013) p. 42

Reported deaths in custody of journalists and G-15 politicians

26. As many as nine of the journalists and nine of the politicians listed above may have died in custody due to torture and other ill treatment, harsh conditions and lack of medical treatment, according to unofficial reports. In addition to the four journalists whose possible death was cited in PEN's previous report to the UPR[21], a further three of the journalists arrested in September-October 2001 have been reported to have perished: **Dawit Habtemichael**, **Mattewos Habteab** and **Sahle Tsegazab** (pen name **Wedi Itay**) (reportedly died in Eiraeiro prison camp, Habtemichael in the second half of 2010[22]). According to Amnesty International, in October 2011 it was rumoured that **Dawit Isaac** may have died as he was reportedly no longer in the prison where he had been held.[23] Similarly, a report by Reporters Without Borders in August 2012 stated that a journalist identified only as Bereket had reportedly died as a result of appalling conditions in Adi Abeito military prison and this journalist may be **Bereket Misghina** of Radio Bana.[24] There are also unconfirmed reports that nine out of 11 of the G-15 politicians arrested in September 2011 have died in detention.[25]

27. The Eritrean government refuses to confirm or deny any of these or other reported deaths in custody. In meetings with government representatives in early 2013, the UN Special Rapporteur on human rights in Eritrea asked them to confirm whether or not the 10 journalists and 11 politicians arrested in September 2001 were still alive, their whereabouts, state of health and access to medical treatment, and why they had not yet been brought before an independent court to be charged with a crime recognisable under international law. She has yet to receive any response to these questions.[26]

Recommendations

28. PEN International calls on UN member states to support the renewal of the mandate of the UN Special Rapporteur on human rights in Eritrea

29. PEN calls on the Eritrean government to implement the recommendations from the 2009 UPR, in particular to:

- Respond positively to the UN Special Rapporteur on human rights in Eritrea's requests for information and to visit the country, and issue a standing invitation to all other UN Special Procedures mandate holders[, including the Special Rapporteur on freedom of expression and the Special Rapporteur on torture];

- Release all prisoners detained for exercising their right to freedom of expression or as a result of their peaceful political views, including journalists, writers and the G-15 politicians;

- Make public information on the whereabouts, health and legal status of all detained journalists, writers and G-15 political leaders;

- Provide a verifiable response to allegations that up to nine journalists and writers and nine of the G-15 politicians have died in detention; and if the reports of their deaths are correct, to

[21] The journalists previously reported to have died in custody are Said Abdelkader, Medhanie Haile, Yusuf Mohamed Ali and Fesshaye Yohannes "Joshua", cited in International PEN (9 April 2009)
[22] Reporters Without Borders (30 August 2012)
[23] Amnesty International (2012) *Annual Report: Eritrea*, retrieved from: http://www.amnesty.org/en/region/eritrea/report-2012
[24] Reporters Without Borders (30 August 2012)
[25] Amnesty International (2013) p. 43
[26] Human Rights Council Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth (28 May 2013) p. 10, paragraphs 46-47

ensure a prompt, full and impartial investigation is carried out and those responsible are brought to justice;

- Ensure that international standards of law in the treatment of prisoners are respected, including the right to legal representation, to be charged with a recognisable criminal offence, to a fair trial, freedom from torture or cruel, inhuman or degrading treatment or punishment, contact with families, and access to medical treatment;

- Provide ICRC or other independent monitors with access to all detention facilities in the country;

- Implement the 1997 Constitution and the rights it enshrines, including freedom of expression, freedom of the press and access to information;

- Allow the reestablishment of an independent media;

- Improve access to internet and telephone services, particularly in rural areas, and cease surveillance and harassment of internet users.