

**Contribution by Reporters Without Borders (RSF)
on press freedom and freedom of information in Erytrea**

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Reporters Without Borders – known internationally as Reporters sans frontières (RSF) - is an international Paris-based non-profit organisation working to defend freedom of information and press freedom around the world since 1985. RSF works globally through its wide network of correspondents in 130 countries, and 12 offices, in addition to its Paris headquarters, and its consultative status at the United Nations, UNESCO, the Council of Europe and the African Commission on Human and Peoples' Rights.

Since RSF's World Press Freedom Index was created in 2002, Eritrea has steadily remained at the very bottom of the ranking. The country is second from last since 2017. This is not due to any softening of the regime but reflects the fact that Eritrea, which has been closed to foreign journalists for years, has recently accepted visits by a number of foreign reporters¹. These journalists reported that they have not been able to work freely during their visit. They witnessed first-hand the climate of self-censorship in which the country has plunged in with Eritreans on the streets refusing to answer questions, in particular on political issues².

1. Independent media ban

In September 2001, all independent media were banned in Eritrea following an official announcement on television. Since this massive crackdown, only state-owned media are operating to relay the government's propaganda. This situation remains unchanged since the last UPR in 2014.

2. Detention and inhuman treatments of journalists

Eritrea is the biggest prison of journalists per capita on the African continent. The outgoing UN Special Rapporteur for Eritrea, Ms. Sheila Keetharuth, in her final report before the Human Rights Council on 26 June 2018, stated she had recorded about 90 journalists detained since 2001, some of whom have been released, some have died, others remain in prison. According to RSF accounts, at least eleven journalists are still in detention up to July 2018³. None of them has ever been tried for any crime. They are kept in complete isolation, allowed no visits and held incommunicado in some cases for almost two decades. The

¹ <https://rsf.org/en/2017-press-freedom-index-ever-darker-world-map>

² <https://www.bbc.com/news/av/world-africa-31859687/inside-eritrea-bbc-crew-gets-rare-access-to-secretive-nation>

³ See the list here : https://rsf.org/en/barometre?year=2018&type_id=235#list-barometre

Eritrean government clearly violates the rights of the detained journalists as they have neither been tried, sentenced or been given the right of Habeas Corpus⁴.

According to RSF accounts, of all the journalists detained since 2001, only 4 are still alive: Dawit Isaak (2017 Unesco Guillermo Cano prize winner), Seyoum Tsehaye, Temesgen Gebreyesus and Emanuel Asrat. Seven of their colleagues arrested at the same time have died in detention.

Reporters Without Borders have brought Dawit Isaak's case before the African Commission on Human and People's Rights. In its decision in the case 428/12 published in 2017 the Commission reiterates its clear findings from 2007 in the case 275/03. The Commission demanded that Dawit Isaak and the other journalists be released or given a speedy trial, that the ban on free press is lifted and that the detainees are immediately granted visits by family and legal representatives. Despite the fact that Eritrea had 11 years to act following the Commission's first decision, nothing has happened.

In an interview with Radio France International in June 2016⁵, Eritrean Minister for Foreign Affairs, Mr. Osman Saleh, said that all prisoners are alive and that the "*government is looking for their safety and they are in good hands*". He specifically stated that Swedish-Eritrean journalist Dawit Isaak, who is being held incommunicado since 2001, is alive and that the government will decide his fate "*through justice*". Minister Saleh claims that "*these are political prisoners and the government is dealing with them*". More than two years have passed since that interview, and there has yet been no trial. These four journalists will soon have spent 17 years in prison without trial.

In November 2017 the Swedish daily *Expressen* published a piece⁶ in which are interviewed Eritrea's Minister for Justice Ms. Fozia Hashim and Minister for Information, Mr. Yemane Gebremeskel. The two officials stated that the issue of Swedish-Eritrean journalist Dawit Isaak is a political rather than a legal matter, that Sweden should not act on Mr. Dawit Isaak's behalf, and that his detention is an Eritrean matter. Minister Hashim said the laws of Eritrea are clear and that they are working on the issue with the detained journalist. However, eight months after this interview Dawit Isaak is still in detention, isolated from the world.

3. Very limited access to international media

Eritrea delivered its first country report ever to the aforementioned ACHPR in February 2018. Though the report was years overdue it is to be welcomed.

In this report (Item 76) the government claims that the people in Eritrea has full access to international media. However, though such media have been reported to be available to visiting journalists and tourists in the capital, Asmara, they are not widely available to

⁴ The Swedish section of Reporters without Borders filed a writ for Habeas Corpus for detained Swedish-Eritrean journalist Dawit Isaak with the Eritrean High Court 2011 and again in 2012. The Court has not reacted.

⁵ <http://en.rfi.fr/africa/20160621-eritrea-foreign-minister-denies-human-rights-abuses-clashes-ethiopia-disappeared-act>

⁶ Interview in Swedish : <https://www.expressen.se/nyheter/eritreas-krav-for-att-ge-dawit-isaak-en-rattegang/>

Eritrea's general population. In rural areas, the State media dominate. The most listened to foreign based radio station reach 1/3 of the interviewees. And satellite TV reaches fewer than radio.

Internet is slow which sets a natural limitation. The penetration is a mere 1,4 percent of the Eritrean population according to Internet World Stats, which is the lowest penetration on the African continent. In a 2015 report on Eritrea the University of Pretoria wrote that the combined reach of mobile and fixed telephone was around five per cent⁷.

4. A misleading country report to the ACHPR

In its report to the ACHPR, the Eritrean government made several claims regarding freedom of expression, most of which are nowhere near reality. In particular, the authorities claimed that *"The fundamental principle in the National Charter, Eritrea's Constitution of 1997 and the national codes and proclamations is that citizens have the right for lawful expression and opinion without interference"* (Item 72). The report further adds *"public media have been strengthened and reflects the truth and reality of national development. It has cultivated progressive thinking, transformational culture and reliable information instrumental to a knowledge society. [...] Hence, the contribution of Eritrea's media establishment to the freedom of expression is ascertained by its democratic nature"*. (Item 73)

These proclamations ring hollow as the Constitution from 1997 has never been implemented, as media are controlled by the government and citizens have no right to free expression.

5. Eritrea's lack of cooperation with international institutions

Eritrea has been continuously uncooperative with international institutions.

The UN Special Rapporteur for Eritrea has not been allowed to visit the country during her six-year mandate. The Special Rapporteurs on Freedom of Expression, on prison conditions of the African Commission on Human and Peoples' Rights (ACHPR) have also not been invited by the Eritrean government. The International Red Cross has not been allowed to visit the imprisoned journalists.

6. Eritrea's lack of implementation of the 2014 UPR recommendations

During the 2014 UPR session, Eritrea supported seven recommendations regarding respect of freedom of expression and the work of journalists. However none of these recommendations have been implemented. Journalists remain in detention without sentence, some of them since almost 17 years, and Independent media are still banned.

7. RSF Recommendations

Reporters Without Borders issues the following recommendations to the Eritrean authorities :

- disclose the whereabouts for all journalists detained since 2001 and show proof of their life;
- allow immediate visits to all detained journalists, in particular by the International Red Cross as well as the UN and ACHPR's Special Rapporteurs;
- release without further delay all journalists detained arbitrarily
- allow independent media to resume operating;

⁷ <http://www.pulp.up.ac.za/other-publications/the-erosion-of-the-rule-of-law-in-eritrea-silencing-freedom-of-expression>, see page 33

- let foreign media visit the country;
- respect the provisions of the Universal Declaration of Human Rights as well as regional and international agreements Eritrea is a party to, in particular the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.