



Home Office

# **Country Policy and Information Note**

## **Eritrea: National service and illegal exit**

**Version 4.0e**

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# Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country Information

The COI within this note has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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# Policy guidance

Updated 25 October 2016

## 1. Introduction

### 1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state because the person evaded or deserted from national service and / or left Eritrea illegally (i.e. without an exit visa).

### 1.2 Points to note

1.2.1 Within this note:

- (a) 'National service' means compulsory military training followed by either military service and/or a civilian posting (see [Legal Framework](#) and [Duration of National Service](#)).
- (b) 'Military training' refers to the initial compulsory period of training of 3 to 6 months at Sawa or another camp that all Eritreans are required to undertake as part of national service.
- (c) 'Military service' means a posting to the military upon completion of compulsory military training.

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## 2. Consideration of issues

### 2.1 Credibility

2.1.1 For guidance on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Assessment of risk

2.2.1 In the country guidance case of [MST and Others \(national service – risk categories\) Eritrea CG \[2016\] UKUT 00443 \(IAC\) \(7 October 2016\)](#) ('MST and Others'), the Upper Tribunal of the Immigration and Asylum Chamber gave guidance on those persons leaving Eritrea illegally and on undertaking national service. The UT broadly reconfirmed the principles in previous caselaw in [MA \(Draft evaders; illegal departures; risk\) Eritrea CG \[2007\] UKAIT 00059 \(26 June 2007\)](#) (hereafter referred to as 'MA') and [MO \(illegal exit - risk on return\) Eritrea CG \[2011\] UKUT 190 \(IAC\) \(27 May 2011\)](#) (hereafter referred to as 'MO') with some exceptions (see paragraph 431(1)).

The guidance in MST and Others replaces the country guidance in MA and MO in their entirety.

i. **Illegal and legal exit**

2.2.2 In MST and Others, the UT found that categories of people who can lawfully exit were likely to be:

- Men aged over 54
- Women aged over 47
- Children aged under five (with some scope for adolescents in family reunification cases)
- People exempt from national service on medical grounds
- People travelling abroad for medical treatment
- People travelling abroad for studies or for a conference
- Business and sportsmen
- Former freedom fighters (Tegadelti) and their family members
- Authority representatives in leading positions and their family members (para 431(4))

2.2.3 The UT further held:

‘It continues to be the case (as in MO) that most Eritreans who have left Eritrea since 1991 have done so illegally. However, since there are viable, albeit still limited, categories of lawful exit especially for those of draft age for national service, the position remains as it was in MO, namely that a person whose asylum claim has not been found credible cannot be assumed to have left illegally.’ (para 431(5))

2.2.4 The Tribunal added that the ‘position also remains nonetheless (as in MO) that if such a person is found to have left Eritrea on or after August / September 2008’, at which time the Eritrean authorities temporarily stopped issuing exits visas and passports, ‘it may be that inferences can be drawn from their health history or level of education or their skills profile as to whether legal exit on their part was feasible, provided that such inferences can be drawn in the light of adverse credibility findings. For these purposes a lengthy period performing national service is likely to enhance a person’s skill profile’ (para 431(5)) and therefore improve the prospect of them being able to obtain an exit visa.

2.2.5 On illegal exit per se, the UT found ‘that the totality of the evidence continues to support the view that the fact of illegal exit is not of itself enough to place an individual at risk.’ (para 345). Rather two further elements are required to place a person at risk, namely:

- that the person will be perceived on return as a national service evader or deserter; and
- that they will be subject to forcible return (para 347).

2.2.6 Even if these additional elements are met, there are certain exceptions – outlined in paragraph 2.2.12(iii) below.

ii. National service

2.2.7 In MST and Others, the UT found that ‘The Eritrean system of military / national service remains indefinite’ and that national service starts at 18 years old, or younger in some cases (para 304), with the upper limit for men being 54 years old, and for women 47 (para 431(3)).

2.2.8 The UT also held that children aged 5 years or above are not likely to be issued an exit visa because the government believes it has lost too many young people, although this is with the exception of some adolescents who have applied for family reunification with relatives outside of Eritrea (paras 322 and 431(3)).

2.2.9 Therefore, children aged 5 and over may be considered by the government to be approaching national service age and by leaving the country perceived as seeking to evade it.

2.2.10 While accepting that national service is ‘indefinite’, the UT also found that many Eritreans are effectively reservists upon being discharged / released from national service. They are unlikely to face recall but it remains unlikely that they will have received or be able to receive official confirmation of completion of national service (para 431(7)).

2.2.11 In practice while many people may not be undertaking active national service, officially they remain subject to national service and are likely to be considered as such by the authorities on return.

2.2.12 The UT went on to find that if a person of or approaching draft age will be perceived on return as a draft evader or deserter, he or she will face a real risk of persecution or a breach of Articles 3 and / or 4 of the European Convention on Human Rights (ECHR) (431(7)), which is highly likely to be for a Convention reason based on their imputed political opinion (para 431(10)). The Tribunal also find that:

- i) ‘A person who is likely to be perceived as a deserter/evader will not be able to avoid exposure to such real risk merely by showing they have paid (or are willing to pay) the diaspora tax and/have signed (or are willing to sign) the letter of regret.
- ii) ‘Even if such a person may avoid punishment in the form of detention and ill-treatment it is likely that he or she will be assigned to perform (further) national service, which, is likely to amount to treatment contrary to Articles 3 and 4 of the ECHR unless he or she falls within one or more of the three limited exceptions set out immediately below in (iii).
- iii) ‘It remains the case (as in MO) that there are persons likely not to face a real risk of persecution or serious harm notwithstanding that they left illegally and will be perceived on return as draft evaders and deserters, namely:

'(1) persons whom the regime's military and political leadership perceives as having given them valuable service (either in Eritrea or abroad);

'(2) persons who are trusted family members of, or are themselves part of, the regime's military or political leadership. A further possible exception, requiring a more case specific analysis is

'(3) persons (and their children born afterwards) who fled (what later became the territory of) Eritrea during the War of Independence.' (para 431(7))

2.2.13 The UT ultimately found that, therefore, '... it remains the case, as in MO, that "(iv) The general position adopted in MA, that a person of or approaching draft age ... and not medically unfit who is accepted as having left Eritrea illegally is reasonably likely to be regarded with serious hostility on return, is reconfirmed, subject to limited exceptions [see para 2.2.12(iii) above]..." (para 431(9))

2.2.14 Furthermore "... a person whose asylum claim has not been found credible, but who is able to satisfy a decision-maker (i) that he or she left illegally, and (ii) that he or she is of or approaching draft age is likely to be perceived on return as a draft evader or deserter from national service and as a result face a real risk of persecution or serious harm.' (para 431(9))

2.2.15 The UT also considered the situation of persons who were able to obtain an exit visa and leave lawfully: 'While likely to be a rare case, it is possible that a person who has exited lawfully may on forcible return face having to resume or commence national service. In such a case there is a real risk of persecution or serious harm by virtue of such service constituting forced labour contrary to Article 4(2) and Article 3 of the ECHR.' (para 431(9))

### iii. People's Militia

2.2.16 The UT in MST and others found that since 2012 national / military service has been 'expanded to include a people's militia programme, which although not part of national service, constitutes military service' (para 431(2) with upper age limits are 'likely to be 60 for women and 70 for men.' (para 431(3)).

2.2.17 However, unlike for national service, the UT found that a person liable to perform service in the People's Militia and who is assessed to have left Eritrea illegally is not likely on return to face a real risk of persecution or serious harm. (para 431(8))

### iv. Failed asylum seekers

2.2.18 In MST and Others, the UT held that '[i]t remains the case (as in MO) that failed asylum seekers as such are not at risk of persecution or serious harm on return' (431(6)).

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## 2.3 Protection

- 2.3.1 As the person's fear is of persecution or serious harm at the hands of the state, they will not be able to avail themselves of the protection of the authorities.
- 2.3.2 For further information on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.4 Internal relocation

- 2.4.1 As the person's fear is of persecution or serious harm at the hands of the state, they will not be able to relocate to escape that risk.
- 2.4.2 For further information on the factors to consider and considering internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Internal Relocation](#).

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## 2.5 Certification

- 2.5.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.5.2 For further guidance on certification, see the [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# 3. Policy summary

- 3.1.1 National service is compulsory for women aged 18 to 47 and for men aged 18 to 54. After national service, both men and women may be expected to undertake further military service in the People's Militia, up to 60 for women and 70 for men.
- 3.1.2 A person of, or approaching, national service age **and** who has left Eritrea illegally and is not:
- perceived to have given valuable service to the government
  - a member of a family that belongs to the military / political leadership
  - someone who fled Eritrea during the war of independence
- is likely to be perceived as having avoided or deserted from national service and to be at risk of persecution on the grounds of imputed political opinion. Such persons are likely to qualify for asylum.
- 3.1.3 Persons who are perceived to have evaded or deserted from national service are likely to be subject to punishment, including detention and ill-treatment that amounts to a breach of Article 3 ECHR on return.
- 3.1.4 Conditions in national service, including its open-ended nature and limits on freedom of movement, are likely to amount to a breach of Articles 3 and/or 4 of the ECHR.

- 3.1.5 However, illegal exit is not, by itself, likely to lead to a person being at risk of serious harm or persecution on return.
- 3.1.6 While most Eritreans leave the country illegally, there remain limited categories of person who are able to obtain an exit visa and leave lawfully.
- 3.1.7 A person who left Eritrea lawfully, therefore has not evaded or deserted from national service, but on return is likely to be required to undertake national service is likely to face conditions that amount to a breach of Articles 3 and 4 of the ECHR.
- 3.1.8 Where a person's claim is found to be wholly incredible, it should not be assumed that they left Eritrea illegally. However, where a person's claim is found not to be credible generally but they are able to demonstrate that they (a) are of or are approaching national service age, (b) that they left illegally; and (c) are likely to be perceived as a draft evader/deserter, they are likely to be at risk of persecution. Each case will need to be considered on its individual facts.
- 3.1.9 If the person left after August / September 2008 it may be that inferences can be drawn from their medical history, education and skills profile, as to whether legal exit was feasible. In general, a longer period in national service increases the likelihood that a person may be able to obtain an exit visa. In such cases, decision makers may be able to conclude that the person is not at risk on return.
- 3.1.10 Persons who are required to undertake military service in the People's Militia are not at risk of serious harm or persecution. Each case will need to be considered on its individual facts.
- 3.1.11 Failed asylum seekers are not likely to be at risk of persecution or serious harm on return just because they are a failed asylum seeker.
- 3.1.12 Neither protection nor internal relocation is available.

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# Country Information

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## 4. Country guidance case – evidence and its consideration

4.1.1 The Upper Tribunal (UT) in *MST and Others* considered a wide range of evidence in making their findings, which is annexed to its judgement in Appendix IV.<sup>1</sup>

4.1.2 The UT set out the principal evidence it considered in section A: evidence and sources. While in subsection B, on methodology and sources, the UT considered the criticisms and evidential value of the main sources. These include:

- Anonymity of sources (paras 163-164)
- Fact-finding mission reports in general (paras 165-171)
- The Danish Fact Finding Mission (DFFM) Report (172-191)
- The UK Fact Finding Mission (UKFFM) materials (para 192-201)
- The 2 Amnesty International Reports, “Just Deserters”...’ and a report on applicant ‘AA’ (para 202 – 208)
- The UN Commission of Inquiry Reports of June 2015 and June 2016 (paras 209 to 223)
- The Home Office Country Information and Guidance (CIG) documents (paras 225-227)
- Assessment of the evidence of Professor Kibreab (paras 228-240)<sup>2</sup>

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## 5. National service

### 5.1 The National Service Proclamation

5.1.1 The National Service Proclamation No 82/1995 issued by the Eritrean government on 23 October 1995 sets out conditions of national service.<sup>3</sup>

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<sup>1</sup> Immigration and Asylum Chamber, Upper Tribunal, *MST and Others*, promulgated on 7 October 2016, reissued on 24 October 2016, [http://www.bailii.org/cgi-bin/format.cgi?doc=/uk/cases/UKUT/IAC/2016/443.html&query=\(mst\)+AND+\(others\)#para163](http://www.bailii.org/cgi-bin/format.cgi?doc=/uk/cases/UKUT/IAC/2016/443.html&query=(mst)+AND+(others)#para163), accessed on 25 October 2016

<sup>2</sup> Immigration and Asylum Chamber, Upper Tribunal, *MST and Others*, promulgated on 7 October 2016, reissued on 24 October 2016, [http://www.bailii.org/cgi-bin/format.cgi?doc=/uk/cases/UKUT/IAC/2016/443.html&query=\(mst\)+AND+\(others\)#para163](http://www.bailii.org/cgi-bin/format.cgi?doc=/uk/cases/UKUT/IAC/2016/443.html&query=(mst)+AND+(others)#para163), accessed on 25 October 2016

<sup>3</sup> Government of the State of Eritrea, ‘Proclamation No 82/1995 - National Service Proclamation of 23 October 1995’, available via UNHCR’s RefWorld website, <http://www.refworld.org/docid/3dd8d3af4.html>, accessed on 7 October 2016.

## 5.2 The aim of national service

### 5.2.1 The EASO Eritrea Country Focus report on Eritrea of May 2015 ('the May 2015 EASO Report') stated:

'Eritrea's national service (Hagerawi Agelglot) differs from the defence forces of other countries in that its overall aim is not only to defend the country, but also to rebuild it following the war of independence and to propagate the national ideology. National service is regarded as the 'school of the nation' in Eritrea.

According to the National Service Proclamation of 1995 its aims are:

- To establish a strong defence force ... [to] ensure a free and sovereign Eritrea.
- To preserve and entrust future generations with the courage, resoluteness and heroic episodes shown by our people in the past thirty years.
- To create a new generation characterised by love of work, discipline and a willingness to participate and serve in the reconstruction of the nation.
- To develop [...] the economy of the nation by investing in the development of our people as a potential wealth.
- To foster national unity among our people by eliminating sub-national feelings.'<sup>4</sup>

### 5.2.2 In its 2016 report, the UN Commission on Inquiry concluded that '...despite the justifications for a military/national service programme advanced in 1995, the military/national service programmes today serve primarily to boost the economic development of the nation, profit state-endorsed enterprises, and maintain control over the Eritrean population ...'<sup>5</sup> This is done, they state '...in a manner inconsistent with international law.'<sup>6</sup>

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<sup>4</sup> EASO, 'Eritrea Country Focus' (section 3), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date accessed: 9 June 2016.

<sup>5</sup> OHCHR, 'Detailed findings of the commission of inquiry on human rights in Eritrea' (para 234), 8 June 2016, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A\\_HRC\\_32\\_CRP.1\\_read-only.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A_HRC_32_CRP.1_read-only.pdf). Date accessed: 9 June 2016.

<sup>6</sup> OHCHR, 'Detailed findings of the commission of inquiry on human rights in Eritrea' (para 234), 8 June 2016, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A\\_HRC\\_32\\_CRP.1\\_read-only.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A_HRC_32_CRP.1_read-only.pdf). Date accessed: 9 June 2016.

## 6. Size of the military

- 6.1.1 The CIA World Factbook estimated Eritrea's population (as of July 2015) at over 6.5 million<sup>7</sup> and that, the 'manpower reaching militarily significant age annually' is around 66,800 males and 66,700 females<sup>8</sup>. The CIA World Factbook also provides data on the age structure of Eritrea, estimated that around 52% of the population is between 15 to 54 years old, which roughly corresponds to the age of national service requirement.<sup>9</sup>
- 6.1.2 However the CIA Factbook's population figure may be an over-estimate. Sources on the UK Home Office fact finding mission to Eritrea, 7-20 February 2016, noted that diplomatic sources and the government itself considered the most accurate figure for the population to be 3.5 million.<sup>10</sup> This would suggest that the numbers reaching military age annually are likely to be lower than estimated by the CIA Factbook.
- 6.1.3 The UN Commission of Inquiry's 2015 report, citing the International Institute of Strategic Studies, observed that, 'According to estimates, the majority of the estimated 201,750 current active members of the armed forces are national service conscripts. Exact figures are not available and it is unclear how many of these are women.'<sup>11</sup>
- 6.1.4 The May 2015 EASO Report stated, 'No official data is available regarding the number of people engaged in national service but various estimates place the figure at between 200,000 and 600,000 in recent years, approximately half of whom are assigned to active military service. Deserters have reported that many army units are seriously undermanned and that the whole force numbers only 100,000.'<sup>12</sup>

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<sup>7</sup> CIA World Factbook, 'Eritrea: Population and society', regularly updated, <https://www.cia.gov/library/publications/the-world-factbook/geos/er.html>. Date accessed: 16 June 2015.

<sup>8</sup> CIA World Factbook, 'Eritrea: Military', regularly updated, <https://www.cia.gov/library/publications/the-world-factbook/geos/er.html>. Date Accessed: 23 June 2015.

<sup>9</sup> CIA World Factbook, 'Eritrea: Population and society', regularly updated, <https://www.cia.gov/library/publications/the-world-factbook/geos/er.html>. Date accessed: 13 May 2016.

<sup>10</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 19: Size of the Eritrean population, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 1 May 2016.

<sup>11</sup> OHCHR, 'Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1178), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 19 June 2015.

<sup>12</sup> EASO, 'Eritrea Country Focus' (section 3.1), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date accessed: 9 June 2016.

## 7. Exemptions and alternatives to national service

### 7.1 General

- 7.1.1 Sources sometimes conflate exemptions with those persons who may be able to be demobilised on certain grounds. See: [Discharge/demobilisation and dismissal](#)
- 7.1.2 Article 12 of the Proclamation covers the categories of people who are exempt from 'Active National Service'. These are: "(1) The citizens who have performed National Service before the promulgation of this proclamation; (2) All Fighters and Armed peasants who have proved to have spent all their time in the liberation struggle".<sup>13</sup>
- 7.1.3 The May 2015 EASO report notes that 'All of these exemptions (with the exception of that applying to former freedom fighters) apply only on a temporary basis and can be withdrawn at any time'.<sup>14</sup>
- 7.1.4 See also sections on Law regulating national service, Exemptions and Demobilisation, in [the report of the UK Home Office fact finding mission to Eritrea, February 2016](#).

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### 7.2 Medical

- 7.2.1 Article 13 of the Proclamation covers those who are unfit for military service. It states that:

'(1) Those citizens who have been declared unfit for military [service] by the Board composed of the Ministry of Regional Administration of other Government Organs under the directives given by the Ministry of Defence will undertake 18 months of National Service in any public and Government organ according to their capacity and profession.

'(2) After completing 18 months of service they will have the compulsory duty of serving according to their capacity until the expiry of 50 years of age under mobilization or emergency situation directives given by the Government'.<sup>15</sup>

- 7.2.2 Article 15 of the Proclamation deals with medical exemptions and states that individuals who are disabled, blind or suffer from psychological

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<sup>13</sup> Government of the State of Eritrea, 'Proclamation No 82/1995 - National Service Proclamation of 23 October 1995', available via UNHCR's RefWorld website, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html>. Date accessed: 19 November 2014.

<sup>14</sup> EASO, 'Eritrea Country Focus' (section 3.2), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date accessed: 9 June 2016.

<sup>15</sup> Government of the State of Eritrea, 'Proclamation No 82/1995 - National Service Proclamation of 23 October 1995', available via UNHCR's RefWorld website, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html>. Date accessed: 19 November 2014.

derangement, can be given official exemption from all types of national service - not just military service.<sup>16</sup>

7.2.3 The British Embassy in Asmara, in a letter dated 1 April 2010, based on information obtained from Eritrean sources, confirmed that people who are disabled or medically unfit for military/national service can and have been exempted from military/national service<sup>17</sup>.

7.2.4 They also explained that:

‘To be exempted, these individuals have to be medically certified by a doctor at a military base as disabled/medically unfit...doctors produce the medical reports needed and then make a recommendation as to whether a particular individual should be exempted from military/national service. The military authorities make the decision regarding exemption and issue the relevant exemption documents.’<sup>18</sup>

7.2.5 The Human Rights Watch ‘Service for Life - State Repression and Indefinite Conscription in Eritrea’ report, published in April 2009, stated: “Psychological derangement” (article 14, 5.1[of the National Service Proclamation]) is also a ground for exemption from military service, and this appears to be a popular way to try and evade service.’<sup>19</sup>

7.2.6 The Commission of Inquiry’s 2015 report observed that it had:

‘documented cases of conscripts who had to participate in military training and subsequent service in the army despite severe injuries sustained during the military training or disabilities sustained during torture inflicted by prison guards or interrogators. The Commission is concerned that exemptions on health grounds are rarely granted, even though the state of health of the persons concerned prevents them from serving in the military.’<sup>20</sup>

7.2.7 During the UK Home Office’s fact finding mission to Eritrea, 7-20 February 2016 (‘the February 2016 UK FFM’), the Home Office spoke to Amina Nurhussk, the Eritrean Minister of Health, about assessments for and exemptions from national service on the grounds of health, including mental health as well as the possibility of appeal and recall. For the notes of that discussion see section 12 of [the report of UK Home Office’s Fact Finding Mission to Eritrea, 7-20 February 2016](#).

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<sup>16</sup> Government of the State of Eritrea, ‘Proclamation No 82/1995 - National Service Proclamation of 23 October 1995’, available via UNHCR’s RefWorld website, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html>. Date accessed: 19 November 2014.

<sup>17</sup> Letter from the British Embassy in Asmara, 1 April 2010, Letter from the British Embassy in Asmara, 11 October 2010. See [Eritrea: Illegal Exit](#), Annex A.

<sup>18</sup> Letter from the British Embassy in Asmara, 1 April 2010, Letter from the British Embassy in Asmara, 11 October 2010. See [Eritrea: Illegal Exit](#), Annex A.

<sup>19</sup> Human Rights Watch, ‘Service for Life - State Repression and Indefinite Conscription in Eritrea’ (p.48), 16 April 2009, <http://www.hrw.org/node/82284>. Date accessed: 19 November 2014.

<sup>20</sup> OHCHR, ‘Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea’ (para 1196), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 19 June 2015.

## 7.3 Women

7.3.1 The British Embassy in Asmara, in a letter dated 1 April 2010, also confirmed that ‘...pregnant women can and have been exempted from military/national service ... Married women and women with children are exempt from military/national service. Single women who become formally engaged are also exempt.’<sup>21</sup>

7.3.2 The British Embassy in Asmara, in a letter dated 3 October 2011, provided the following information, obtained from Eritrean sources:

‘Women are able to marry whilst on a national service work programme, but not during military service, which normally is the first six months of the national service programme.

‘Following her marriage, a woman may apply for demobilisation, a decision on whether to grant lies with the relevant dept/ministry. It is not standard practice for a woman to be demobilised on marriage, some are expected to continue their national service for various reasons ... Women are not automatically exempt on marriage. They have to formally apply for demobilisation, if on national service, or exemption if national service has not yet started. Women who are discharged from national service duties are ... issued with a certificate releasing them from duty, followed by a demobilisation card.’<sup>22</sup>

7.3.3 A presentation by Dr David Bozzini, given to the Swiss Federal Office for Migration on 16 February 2012, entitled ‘National Service and State Structures in Eritrea’, noted that:

‘Women who left school and avoided the National Service are often in [a] clandestine situation. There are two main strategies for these objectors: Either they stay at home and work as housekeepers in their own families, or they search [for] employment in commerce (shops, bars, cafes)

‘... After the age of 27 years, women in clandestine situations can regularize their status, i.e. they’re demobilized without ever having joined the National Service. This possibility was introduced around 2005.

‘...Women are able to travel more freely than men in Eritrea. They can often set up small businesses or even be active in the black market trade of items coming from Sudan to the western lowlands. However, it happens sometimes that they’re recruited after a round-up. In some cases, people claimed that certain round ups were targeting young women. They believe that this happens when leaders of military units require new domestic workers.

‘... Another way to avoid conscription is marriage or pregnancy. Many marriages are arranged for this goal. Especially in Sawa, women often get pregnant in order to be demobilized. In both cases, such demobilizations,

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<sup>21</sup> Letter from the British Embassy in Asmara, 1 April 2010, See [Eritrea: Illegal Exit](#), Annex A.

<sup>22</sup> Letter from the British Embassy in Asmara, 3 October 2011, See [Eritrea: Illegal Exit](#), Annex C.



are fragile: Women aren't promptly issued a demobilization paper, which makes them vulnerable during police controls. Mothers usually aren't re-mobilized, but given the general arbitrariness in Eritrea, such cases can't be categorically excluded. Some women with children were in the National Service. But there's certainly no systematic practice to remobilize mothers.'<sup>23</sup>

#### 7.3.4 The May 2015 EASO Report stated:

'In practice, women who are married or engaged and those who have children or are pregnant, as well as Muslim women from rural areas, are normally also granted an exemption from the military part of national service. They are, however, occasionally conscripted during a giffa (round-up), for example, or assigned to civilian service. Conscripts may marry during national service (with the exception of the six-month military training period) and apply for demobilisation, although this is not always granted. Women who give birth during national service are generally demobilised, however. Women who have not been issued with demobilisation papers frequently work either at home or in shops, although there is an element of risk that they will be recruited during a giffa. Women over the age of 27 can 'regularise' their status, i.e. be officially demobilised.'

'Women frequently marry or get pregnant in order to avoid national service, not least because they are afraid of being sexually assaulted.'<sup>24</sup>

See also [Round-ups \(Giffas\)](#)

#### 7.3.5 The UN Commission of Inquiry's 2015 report stated:

'Proclamation No.11/1991, which regulated the national service prior to the promulgation of the National Service Proclamation (No. 82/1995), provided for married women and single mothers to be exempt from national service. Although the 1995 National Service Proclamation removed these exemptions de jure for married women and mothers, many married women and single mothers continue to be de facto exempted, at the discretion of recruiting officers.

'... Reportedly, the exemption is, however, applied on an ad hoc basis, and women who are married or had children have been taken to national service against their will.

'... The Commission received recent reports indicating the Government of Eritrea is trying to restrict girls and women who have not completed national service from marrying. One report suggests the Government is prohibiting churches and mosques from officiating marriages of women and girls of conscription age without permission from the Government, which is only

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<sup>23</sup> Dr. David Bozzini, 'National Service and State Structures in Eritrea' (agreed minutes of presentation at the Federal Office for Migration, Bern) (p.8-9), 16 February 2012, <http://www.ejpd.admin.ch/dam/data/bfm/internationales/herkunftslaender/afrika/eri/ERI-agreed-minutes-bozzini-e.pdf>. Date Accessed: 29 June 2015.

<sup>24</sup> EASO, 'Eritrea Country Focus' (section 3.2), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date accessed: 13 June 2016.

issued if the woman has completed national service. Such a prohibition would amount to a violation of the right to form a family.

‘...Some women marry while in national service in order to be able to leave with the permission of the officers in charge. Women who become pregnant (by choice or otherwise) are also able to obtain permission to leave. Leaving the national service early due to marriage or motherhood, however, does not guarantee a woman will be officially discharged. The provision of a certificate of completion to a woman who is leaving national service also appears to be a non-standardised practice that is effectively at the discretion of a conscript’s leader. The timing of release is also at the leader’s discretion and women are not always permitted to leave directly after marrying, rather many must serve until they are visibly pregnant.’<sup>25</sup>

7.3.6 The December 2015 Amnesty International Report, ‘Just Deserters’, noted, ‘Exemption from National Service is usually granted to women and girls who are married, pregnant or have children. This is an unwritten policy and appears to be arbitrarily implemented.’<sup>26</sup>

7.3.7 During the the February 2016 UK FFM, the Home Office spoke to three representatives from the National Union of Eritrean Women (including the President of the NUEW), a state-sponsored civic group, and asked them about women and national service. For the notes of that discussion see section 9: National service of [the report of the UK Home Office’s Fact Finding Mission to Eritrea, 7-20 February 2016](#).

7.3.8 The Landinfo report ‘Eritrea: National Service’, dated 20 May 2016, noted: ‘Several sources within and outside Eritrea have in recent years claimed that more and more women are being either exempted or demobilized from national service if they can document marriage, pregnancy or care for children, or if they have contacts in the government apparatus.<sup>25</sup> Although the law does not distinguish between service time for women and men, the sources claim that the authorities have a more relaxed attitude to women’s service, and it is thought that there is an “age limit” of between 25 and 27 years for women. Representatives of the Eritrean authorities went far in confirming to Landinfo in January/February 2016 that married women and mothers to a large extent are exempted from service (interviews in Asmara on 29 January 2016; 5 February 2016). Exemption is not a consequence of formal changes to regulations, but rather of practical and pragmatic considerations. The reason for the “age limit” is that the authorities realize that the majority of the country’s women get married and have children when they are in their mid-twenties and are thus not eligible for the service. This practice may have led to temporary increases in early marriage. Parents

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<sup>25</sup> OHCHR, ‘Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea’ (para 1201,1203, 1205 and 1256), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 19 June 2015.

<sup>26</sup> Amnesty International, ‘Just Deserters’ (page 28), December 2015, <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 27 January 2016

take their daughters out of school at 15 so that they can get married and thus avoid the service.

'At the same time women, like others who do not perform national service, lose many privileges, such as the ability to get land assigned or get ration cards, exit visas or passports.

'It has also been argued that women are released from service if they can document a job offer or study position. Women are also given demobilization papers (Kibreab, interview in London, May 2010; Chyrum, interview in London, May 2010; leaders of Eritrean organization (1) and (2), interviews in Asmara, February 2011).

'In regards the so-called giffas or arrests of persons for enlistment in the service, which occurred relatively frequently in the early 2000's, mothers who had not completed national service risked being taken if they could not demonstrate that they had children. If they could submit the required documentation on care responsibilities, they were usually released in a matter of weeks.

'Mothers who are exempt from service have generally not been recalled to service, but there may be exceptions, and Elsa Chyrum reported in 2010 that it was largely the military commanders who were responsible for such decisions (interview in London, May 2010). Women with children could instead be allocated to different tasks in the local community, such as cleaning public buildings or performing various services for local commanders.

'According to a well-informed diplomatic source in Asmara, as of April 2013 there were clear signs of personnel shortages at all levels in the army, and women with children were in some places ordered to serve (diplomatic source (1), email 2 April 2013). But none of the sources Landinfo has interviewed in Eritrea annually since the spring of 2014 discussed this. Although it is difficult to get an insight into what happens in the country, a large scale summoning of women with children for national service would probably have drawn attention, and the information would probably have reached the international community of Asmara.'<sup>27</sup>

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## 7.4 Religious grounds

- 7.4.1 The US State Department observed that '[t]he law does not provide for conscientious objector status for religious reasons, nor are there alternative activities for persons willing to perform national service but unwilling to engage in military or militia activities.'<sup>28</sup>

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<sup>27</sup> Landinfo, 'Eritrea: National Service (Eritrea: Nasjonaltjeneste)' (section 2.10.3), 20 May 2016, <http://www.landinfo.no/id/834>. Date accessed: 23 June 2016.

<sup>28</sup> US State Department, International Religious Freedom Report for 2015, Eritrea, Legal framework, August 2016, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>, accessed on 10 October 2016

7.4.2 The United States Commission on International Religious Freedom 'Annual Report 2014: Eritrea', published on 30 April 2015, repeated its note from the previous year that: 'In a reversal of policy, in 2010 the Eritrean government began requiring all clergy, including those from registered religious communities, to participate in national military service regardless of their conscientious objections to such service.'<sup>29 30</sup>

7.4.3 The Landinfo report of 20 May 2016, Eritrea: National Service (the report is a composite of many sources, please see the full report for full details of the sources quoted):

'Neither ethnic nor religious affiliations are formal grounds for exemption from the national service. In practice, however, women from rural, Muslim areas where resistance to female military service is strong, are not forced to serve (Chyrum, interview in London, May 2010; Kibreab, interview in Berne, November 2009).

'Muslim women who grow up in the cities of Asmara, Keren and Mendefera, Barentu and Assab, however, are regarded as secularized and are recruited to the national service, in contrast to women from Akordat, which is a conservative Muslim city. Men are not exempted for religious reasons or on the basis of ethnic affiliation (Kibreab, interview in London, May 2010).'<sup>31</sup>

7.4.4 See also [Women](#) and the country policy and information note on [Eritrea: Religious Groups](#).

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## 7.5 Time-limited exemptions (students)

7.5.1 Article 14 of the Proclamation covers exemptions that are only valid for a limited period, and mainly affects students.<sup>32</sup>

7.5.2 The UN Commission of Inquiry's 2015 report stated:

'By law, temporary exemptions to the military service may be granted to students with a view to allowing them to complete their studies. Since the establishment of the 12th grade of high school in the Warsai Yikealo school in Sawa, the temporary exemption regime for students has been rendered irrelevant, as all students have to pass through active military training in Sawa for their final year of high school.

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<sup>29</sup> United States State Department, 'International Religious Freedom Report for 2013 - Eritrea', 28 July 2014, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>. Date accessed: 26 June 2016

<sup>30</sup> United States Commission on International Religious Freedom, 'Annual Report 2015: Eritrea', covering period 31 January 2014 to 31 January 2015, 30 April 2015, <http://www.uscifr.gov/countries/eritrea>. Date accessed: 16 June 2015.

<sup>31</sup> Landinfo, 'Eritrea: National Service (Eritrea: Nasjonaltjeneste)' (section 2.10.2), 20 May 2016, <http://www.landinfo.no/id/834> Date accessed: 23 June 2016.

<sup>32</sup> Government of Eritrea Proclamation No 82/1995 - National Service Proclamation of 23 October 1995, available via UNHCR's RefWorld website, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html>. Date accessed: 19 November 2014.

'According to the National Service Proclamation, students who are temporarily exempted only get their diplomas once they have completed their active military service at the end of their studies. The principle of withholding diplomas is still being applied to students of higher education, who only receive their final diplomas once they have been formally released from national service, which does not happen as national service is indefinite. Those who have graduated are thus unable to apply for jobs for which they would require their diploma.'<sup>33</sup>

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## 7.6 Additional groups

7.6.1 During the the February 2016 UK FFM, Diplomatic source A was asked the question, "We've heard from other sources that doctors or teachers would be released from national service?", and responded that '[the] Government told us the same. Asmara teachers' college: 2 years at college, then 2-3 months in military training. They do that near to Asmara.'<sup>34</sup>

7.6.2 Another anonymous source spoke to the UK FFM about teacher training:  
'Students [of teaching] will have 2 years at Asmara college. Students won't go to Sawa and only do 3 months military training. 700 students were selected [in the new teacher training programme] in 2015. Not sure will be able to do this in 2016. Length of training takes 2 years.**Q:** Will teachers be exempt from national service?**A:** Yes that has been said, but remains to be seen.'<sup>35</sup>

7.6.3 Amina Nurhussk, Eritrea Minister for Health, told the UK FFM that: 'Health Professionals do not do national service. They complete their national service, which is referred as community service working on their profession in the Zonal referral or other hospitals. During the community service doctors get their full salary and are provided with accommodation and other livelihood commodities.'<sup>36</sup>

7.6.4 In response to the question "When a doctor/nurse completes the two years, can the person choose to leave the profession?" Ms Nurhussk replied:  
'In principle and policy wise they are free to change the profession or leave the profession. However, at the moment due to scarcity of health professionals we do not encourage leaving the profession. We encourage

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<sup>33</sup> OHCHR, 'Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea', (para 1198-1199), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 19 June 2015.

<sup>34</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.18, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>35</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.5, July 2016, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>, accessed: 13 July 2016.

<sup>36</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.17, July 2016, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

people to learn more skills and upgrade their profession. We want more health professionals, including technicians, midwives etc. Each year, we send 300-400 students to upgrade their skills and their profession. We also send some people abroad for training. We are trying our best to retain our health professionals. All health training programs are free.<sup>37</sup>

See also [Discharge/demobilisation and dismissal](#).

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## 8. Recall for reserve duties

### 8.1.1 The UN Commission of Inquiry's 2015 report stated:

'In theory, the holder of a certificate of completion of national service should not be subjected to call-up or arrest for service evasion. However, information received by the Commission indicates that people who have been formally released were recalled at a later point in time. For example, conscripts of the 1st to 4th rounds, who completed the statutory 18-months national service before 1997, were initially released and provided with certificates of completion. However, they were recalled ahead of the first round or during the border war with Ethiopia, without being discharged from national service once the war was over and indefinitely retained in the national service ...

'Reportedly, even persons who have documentary evidence that they have completed their active military service find themselves at risk of punishment as evaders of reserve responsibilities if they leave the country while still of military age.'<sup>38</sup>

### 8.1.2 See also [People's Army/Militia](#).

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## 9. Military training: Sawa and other camps

### 9.1 Location of training camps

#### 9.1.1 Based on a range of sources, Landinfo's thematic report of May 2016 noted:

'The six months-long military part of the national service, according to the national service law, must be carried out at a training centre (§ 9). According to various sources, in the course of recent years military camps/training centres have been set up in all regions for those not attending the twelfth school year in Sawa (interviews with international representatives in Asmara March/April 2014). Yemane Gebreab claimed for his part in January 2016 to Landinfo that the military training only lasted three months. He claimed

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<sup>37</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.17, July 2016, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>38</sup> OHCHR, 'Report Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1257 and 1261), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 19 June 2015.

further that for some it was even shorter. A representative of the Eritrean Youth Organisation NUEYS in February 2016 reported that young people who do not come to Sawa have three-month military training in other camps and then serving either in the civilian sector or in the army (interview in Asmara, 11 February 2016).<sup>39</sup>

- 9.1.2 The same source reported: 'Sawa, Kiloma and Wia are the most referred to training centres and have existed for a number of years.'<sup>40</sup>

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## 9.2 Recruitment of persons under 18

- 9.2.1 The US State Department (in their Trafficking in Persons Report), add that those under 18 can and have occasionally been recruited, noting that: 'Though the government bans persons younger than 18 from military conscription, it was undetermined whether all compelled to enter Sawa had reached 18 years of age.'<sup>41</sup>

- 9.2.2 The EASO report noted that

'Standard recruitment procedures operate on the basis of the education system, which means that pupils are called up to Sawa as soon as they have finished their 11th year at school, regardless of their age. Conscripts may therefore be 17 years old or even younger. According to a leaked Eritrean military report, one-third of those drafted during the 21st recruitment round in 2010 were under 18. The Eritrean government claimed that the under-age pupils attending Warsay-Yikealo school did not belong to the army. The conscription of minors for national service during giffas is also a frequent occurrence and age is often judged merely by appearance. Parents who submit identity papers proving their child's real age are often ignored. One report claims that kebab administrations conscript minors for national service partly to make up numbers but also for arbitrary reasons or as a reprisal against the child's family.'<sup>42</sup>

- 9.2.3 The UN Human Rights Council Commission of Inquiry on Human Rights in Eritrea, published June 2015 stated, 'The testimony the Commission collected indicates that the mandatory enrolment in the Warsai Yikealo school for high-school students combined with the military training in Sawa constitute the first step of national service and hence forced conscription of children in violation of international human rights standards.'<sup>43</sup>

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<sup>39</sup> Landinfo, 'Eritrea: National Service (Eritrea: Nasjonaltjeneste)' (section 2.5), 20 May 2016, [http://www.landinfo.no/asset/3382/1/3382\\_1.pdf](http://www.landinfo.no/asset/3382/1/3382_1.pdf). Date accessed: 7 July 2016.

<sup>40</sup> Landinfo, 'Eritrea: National Service (Eritrea: Nasjonaltjeneste)' (section 2.6), 20 May 2016, [http://www.landinfo.no/asset/3382/1/3382\\_1.pdf](http://www.landinfo.no/asset/3382/1/3382_1.pdf). Date accessed: 7 July 2016.

<sup>41</sup> United States State Department, 'Trafficking in Persons Report 2015- Eritrea', 27 July 2015, <http://www.refworld.org/docid/55b73bf3e.html>. Date accessed: 8 March 2016.

<sup>42</sup> EASO, 'Eritrea Country Focus' (section 3.3.3), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date accessed: 9 June 2016.

<sup>43</sup> UN Human Rights Council, 'Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (page 342), June 2015 <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 27

- 9.2.4 Amnesty International, in their December 2015 Report ‘Just Deserters’, also reported that ‘Some grade 12 students transferred to Sawa are 17 years old, occasionally younger’ and that ‘Grade 12 students are aged between late teens and early twenties, depending on the age at which they first joined school and on whether they had to repeat grades.’<sup>44</sup>
- 9.2.5 The Human Rights Watch ‘World Report 2016: Eritrea’ (covering events in 2015), stated that, ‘Most Eritreans begin military training as part of the last year of high school, but children as young as 15 are sometimes conscripted.’<sup>45</sup>

See also [From school to Sawa](#) and [Round-ups \(Giffas\)](#).

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### 9.3 From school to Sawa

- 9.3.1 Professor Gaim Kibreab, in a paper prepared for the October 2014 EASO Practical Cooperation Meeting on Eritrea, explained that: ‘Currently, the main mechanism of conscription is through the Warsai School at Sawa in which all secondary school students at the end of 11<sup>th</sup> grade are automatically transferred to Sawa to complete 12<sup>th</sup> grade under military discipline in combination with military training.’<sup>46</sup>
- 9.3.2 Other sources, such as the US State Department<sup>47</sup>, Amnesty International<sup>48</sup>, and the EASO report<sup>49</sup> confirm that, since 2003, 12th-grade students are required to complete their final year of education at Sawa. The May 2015 EASO report noted that the changes in 2003 meant that ‘there is now only one recruitment round for secondary school pupils each year, in late July/early August.’<sup>50</sup>
- 9.3.3 And that ‘Eritrean pupils are called to register for the 12th school year by their local (kebabi) administration during their 11<sup>th</sup> school year. Following registration, they are sent a letter telling them the time and location of their

January 2016.

<sup>44</sup> Amnesty International, ‘Just Deserters’, December 2015

<https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 27 January 2016.

<sup>45</sup> Human Rights Watch, ‘World Report 2016: Eritrea’ (page 234), 21 January 2016,

[https://www.hrw.org/sites/default/files/world\\_report\\_download/wr2016\\_web.pdf](https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf). Date accessed: 3 February 2016.

<sup>46</sup> Kibreab, Gaim., ‘The Open-Ended Eritrean National Service: The Driver of Forced Migration - Paper for the European Asylum Support Office Practical Cooperation Meeting on Eritrea’ (page 5), 15 October 2014, [http://www.ecoi.net/file\\_upload/90\\_1416473628\\_gaim-kibreab-the-open-ended-eritrean-national-service-the-driver-of-forced-migration.pdf](http://www.ecoi.net/file_upload/90_1416473628_gaim-kibreab-the-open-ended-eritrean-national-service-the-driver-of-forced-migration.pdf). Date Accessed: 19 January 2015.

<sup>47</sup> United States State Department, ‘Trafficking in Persons Report 2015- Eritrea’, 27 July 2015, <http://www.refworld.org/docid/55b73bf3e.html>. Date accessed: 8 March 2016.

<sup>48</sup> Amnesty International, ‘Just Deserters’, December 2015,

<https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 27 January 2016.

<sup>49</sup> EASO, ‘Eritrea Country Focus’ (section 3.3.1), May 2015,

[https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date accessed: 9 June 2016.

<sup>50</sup> EASO, ‘Eritrea Country Focus’ (section 3.3.1), May 2015,

[https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date accessed: 9 June 2016.



departure for Sawa. Recruitment via the 12th school year is primarily carried out in the Eritrean highlands, where the education system is on a significantly stronger footing than in the lowlands. This means that the Tigrinya are over-represented at Sawa.<sup>51</sup>

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#### 9.4 Size/capacity of Sawa

- 9.4.1 The Landinfo report of 23 March 2015, 'Eritrea: National Service' (English translation September 2015) noted that 'Sawa has primarily become an educational institution, rivalling the size of a city. It can reportedly house an estimated 30,000 people.'<sup>52</sup>
- 9.4.2 The May 2015 EASO report stated that 'Between 10,000 and 25,000 pupils are conscripted for the 12th school year in each recruitment round'<sup>53</sup>, whereas representatives of the National Union of Eritrean Youth and Students (NUEYS), when asked to confirm how many people go to Sawa by the UK Home Office's fact-finding mission to Eritrea answered that 'The head of the zoba in charge of Sawa explained that between 18,000-23,000 go to Sawa each year. It depends on the number of children in high school.'<sup>54</sup>
- 9.4.3 See also [Size of the military](#) and sections 9.9 and 9.10 of [the report of the UK Home Office fact finding mission to Eritrea, February 2016](#).

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#### 9.5 Non-attendance at Sawa

- 9.5.1 The Landinfo report of 23 March 2015, 'Eritrea: National Service' (English translation September 2015) noted that '...no other schools in Eritrea offer this [the 12<sup>th</sup>] school year, which must be completed in order to be admitted to a university.'<sup>55</sup>
- 9.5.2 The USSD's Trafficking in Persons Report notes that 'those who refuse to attend cannot receive high school graduation certificates, attain higher education, or be offered some types of jobs.'<sup>56</sup> Despite this, Landinfo add

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<sup>51</sup> EASO, 'Eritrea Country Focus' (section 3.3.1), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date accessed: 9 June 2016.

<sup>52</sup> Landinfo, 'Eritrea: National Service (Eritrea: Nasjonaltjeneste)' (page 9), 23 March 2015. <http://www.landinfo.no/id/834>. Date accessed: 3 March 2016.

<sup>53</sup> EASO, 'Eritrea Country Focus' (section 3.3.1), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date accessed: 9 June 2016.

<sup>54</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 13.4, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>55</sup> Landinfo, 'Eritrea: National Service (Eritrea: Nasjonaltjeneste)' (page 9), 23 March 2015. <http://www.landinfo.no/id/834>. Date accessed: 3 March 2016.

<sup>56</sup> United States State Department, 'Trafficking in Persons Report 2015- Eritrea', 27 July 2015, <http://www.refworld.org/docid/55b73bf3e.html>. Date accessed: 8 March 2016

that ‘However, many young Eritreans leave school before their twelfth school year and thus avoid going to Sawa.’<sup>57</sup>

#### 9.5.3 The May 2015 EASO report explained:

‘There are many Eritrean teenagers who do not attend secondary school and accordingly fail to complete their 12th school year at Sawa. Other methods of recruitment are therefore used, particularly in rural areas. Anyone who drops out of school before their 11th school year can be conscripted for national service directly by the kebab administration once they reach the age of 18. Young people over the age of 18 who are still attending school are also sometimes conscripted by the administration, in particular if there are suspicions that they are delaying leaving school in order to avoid being recruited. This has a particularly strong impact on the children of poor families in lowland areas who rely on them to herd animals and assist with seasonal farming at locations remote from their homes.’<sup>58</sup>

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### 9.6 Sawa: school year

#### 9.6.1 The December 2015 Amnesty International report, ‘Just Deserters’ explained:

‘The year spent at Sawa consists of around six months of education during which students study for their final school exams, followed by four to five months of military training. Most of the instructors for both the grade 12 education and military training components are conscripts themselves. Former conscripts recounted that the military component involves physical fitness training, military discipline and procedures and training in the use and care of weapons and munitions. Students also undertake a two- to four-week ‘war simulation’ training in the bush away from the camp.’<sup>59</sup>

#### 9.6.2 Representatives of the National Union of Eritrean Youth and Students (NUEYS), speaking to the UK Home Office as part of our fact-finding mission to Eritrea provided further detail on the year at Sawa, including their own experiences. The broad timetable was:

- July-mid August = basic introduction to Sawa.
- Mid-August to mid-March = study.
- April – June = military training
- First week of July = graduation.
- Exams are in first week of March.

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<sup>57</sup> Landinfo, ‘Eritrea: National Service (Eritrea: Nasjonaltjeneste)’ (page 9), 23 March 2015. <http://www.landinfo.no/id/834>. Date accessed: 3 March 2016.

<sup>58</sup> EASO, ‘Eritrea Country Focus’ (section 3.3.2), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date accessed: 9 June 2016.

<sup>59</sup> Amnesty International, ‘Just Deserters’, December 2015, <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 27 January 2016.

- 9.6.3 For the full notes of that discussion, see section 9.9 of [the report of the UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016](#).

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## 9.7 Physical conditions at Sawa

- 9.7.1 The Landinfo report of 23 March 2015, 'Eritrea: National Service' (English translation September 2015) noted: 'In winter 2013, Landinfo's sources in Asmara claimed that while Sawa has undoubtedly had a bad reputation in the past, it had improved in recent years. According to the source, Sawa has primarily become an educational institution.'<sup>60</sup>

- 9.7.2 The May 2015 EASO Report on Eritrea pointed out that:

'Human rights monitors describe the conditions in the Eritrean military as highly problematic. According to these reports, recruits and soldiers are mostly subjected to the arbitrary decisions of their superiors and learn first and foremost to be fearful and obedient. Dissent, attempted escape and disobedience are punished severely and even minor transgressions against military discipline may attract draconian punishments including beatings and torture. The absence of functioning military courts means that punishments are meted out by military superiors on an arbitrary basis. Soldiers' living conditions are described as 'harsh'; neither their clothes nor their living quarters are adequate for the weather conditions and they lack food and medicine.'<sup>61</sup>

- 9.7.3 In their December 2015 report, 'Just Deserters', Amnesty International allege that:

'Former students at Sawa described the living conditions and the training and treatment of students at the centre as harsh...

'The region where Sawa is located can experience high temperatures during the day. Students sleep in hangars, with 100 or 150 sharing a dormitory. Several former conscripts at Sawa told Amnesty International the food they were given was inadequate and of poor quality, mostly consisting of lentils and bread every day....'<sup>62</sup>

- 9.7.4 The UK FFM team spoke to Anonymous source 1 who had visited Sawa, and knew others who had. We asked them about the conditions at Sawa:

**Q:** What's the accommodation like? **A:** It was good. It was new house, neat. But quite crowded - there were about 10 in one room – in bunks. The good thing is they don't have shortage of water. They can wash whenever they like. **Q:** What about food? **A:** They don't really have enough. The family always support their children - sending food stuff for the whole year. They

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<sup>60</sup>Landinfo, 'Eritrea: National Service (Eritrea: Nasjonaltjeneste)' (page 9), 23 March 2015. <http://www.landinfo.no/id/834>. Date accessed: 3 March 2016.

<sup>61</sup>EASO, 'Eritrea Country Focus' (section 3.5), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date accessed: 13 June 2016.

<sup>62</sup>Amnesty International, 'Just Deserters' (page 20), December 2015, <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 27 January 2016.

allow us to send anything individually any time if we get someone to go there.’<sup>63</sup>

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## 9.8 Treatment during military training

9.8.1 The UN Commission of Inquiry stated in June 2015 that:

‘...Torture is widespread, routine and deliberate in the military. .... Many witnesses trained in various military training camps described being subjected to harsh punishment amounting to torture during military training. Conscripts are regularly punished and humiliated, often in front of other conscripts....Until today, punishment amounting to torture forms part of the conscripts’ daily routine in Sawa and other military training camps. Punishment inflicted in Wi’a, however, seem to be applied with more cruelty, leading more frequently to death...’<sup>64</sup>

9.8.2 Further details of conditions at Sawa are set out in [paragraphs 1274-1293 of the Commission’s report](#).

9.8.3 Military training is also reportedly undertaken at other camps, including Wi’a. Details about these in [paragraphs 1294-1309 of the Commission’s report](#).

9.8.4 In their December 2015 report, ‘Just Deserters’, Amnesty International allege that: ‘Although students are purportedly there for education as well as military training, the whole ethos of Sawa is militarised. The students are subjected to military style discipline, presided over by military commanders.’<sup>65</sup>

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## 9.9 Reports of gender- and sexual-based violence at Sawa

9.9.1 The United States State Department ‘Trafficking in Persons Report 2014’, published on 20 June 2014, cited media reports claiming that: ‘male and female recruits at the Sawa military training camp were beaten, and female recruits reported being sexually abused and raped; however, the number of claims of abuse reportedly declined in the last year as parents put pressure on school administrators to correct abusive practices.’<sup>66</sup>

9.9.2 The Landinfo report of 20 May 2016, Eritrea: National Service noted (the report is a composite of many sources, please see the full report for full details of the sources quoted):

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<sup>63</sup> UK Home Office’s Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.10, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>64</sup> OHCHR, ‘Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea’ (para 1078-1080), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/CoIEritrea/Pages/ReportCoIEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>65</sup> Amnesty International, ‘Just Deserters’ (page 20), December 2015, <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 27 January 2016.

<sup>66</sup> United States State Department, ‘Trafficking in Persons Report 2014’, 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date accessed: 19 November 2014.

'Rumours and stories of sexual abuse, in both Sawa and other training camps, were previously not uncommon. Kibreab (2009b, p. 60) points out that it is impossible to distinguish between allegations, rumours and truth because of censorship in the country. Thus, a number of unconfirmed stories about suicide, fatal malaria and sexual assaults during service have circulated. Boys and girls live in separate dormitories, but associate freely during the rest of the day. According to a diplomatic source (2) Landinfo met in Asmara in 2011, sexual abuse in Sawa occurred "as much as you can expect in a place like this." Another international representative (3) stated to Landinfo in 2014 that the claims of abuse were probably exaggerated (interview in Asmara, March 2014). None of the sources Landinfo interviewed in Asmara in January/February 2016 mentioned sexual assaults in Sawa as a relevant subject. The Commission, however, argues in its report that there is widespread sexual abuse of women in the training camps.'<sup>67</sup>

- 9.9.3 During the February 2016 UK FFM, the team asked several sources about the allegations in human rights organisations' reporting about violence at Sawa, especially gender based violence. Representatives from the National Union of Eritrean Women stated that 'It's not the case that violence in Eritrea takes place at Sawa', adding that 'Thes[e] stories are made up to get asylum. They know they have to say this and foreigners will believe it. They have to lie to get asylum.

'If it happens [violence against a woman], the punishment is harsh. Offenders will be punished. Even the people given the training there are given gender sensitivity training.'<sup>68</sup>

- 9.9.4 Diplomatic source A told the UK FFM, in response to the question "Is there ill-treatment at Sawa?", 'Personally, I don't think that there is widespread abuse, but abuses may happen, as in many military services. Widespread is doubtful. I know of 1 case of a friend's daughter who came back to Eritrea voluntarily to do National Service. She wouldn't have done so if violence is common place.'<sup>69</sup>

- 9.9.5 In response being asked about the allegations of sexual violence towards women in Sawa the same source replied: 'The Government may be tolerant to harsh treatment, but they would not tolerate sexual violence. Government would follow-up. It would undermine the credibility of the national service program from within. It is not in their interest: reduce their credibility and would be a disincentive for young people.'<sup>70</sup>

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<sup>67</sup> Landinfo, 'Eritrea: National Service (Eritrea: Nasjonaltjeneste)', section 2.6.1, 20 May 2016 <http://www.landinfo.no/id/168.0>, date Date accessed: 23 June 2016

<sup>68</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.10), <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>69</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.10), <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>70</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.10),

- 9.9.6 A group of young professionals and a group of (mainly) young artists whom the UK FFM spoke to also strongly disputed the allegations of widespread sexual violence. A training manager at Bisha mine, in conversation with the UK FFM, said she thought claims of systematic sexual abuse were ridiculous and ‘doesn’t know of any such cases personally. If there are some isolated incidents, it’s nothing more than you would get at any large institution.’<sup>71</sup>
- 9.9.7 For the full notes of those discussions, see section 9.10 of [the report of the UK Home Office’s Fact Finding Mission to Eritrea, 7-20 February 2016](#).
- 9.9.8 The UN Commission of Inquiry’s second report of June 2016 stated:  
‘Sexual and gender-based violence persists in Eritrea. The Commission collected evidence that some cases of rape committed by men against women in local communities had been adjudicated by courts and that the perpetrators had been sentenced to terms of imprisonment. However, rapes committed in military training centres, in the army, and in detention by military officials, trainers, as well as detention officials and guards continue to be committed with impunity. The Commission also collected evidence about recent cases of domestic servitude imposed on some young women in the national service or in the army. Similarly, evidence collected recently confirm that rape in the society, including by soldiers, continue to be committed without fear of prosecution.’<sup>72</sup>

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## 9.10 National service postings after Sawa

- 9.10.1 Tanya Muller describing a visit to Eritrea in October 2011, in her report, ‘Beyond the siege state – tracing hybridity during a recent visit to Eritrea’ published on 12 September 2012, whilst visiting students at Mai Nefhi college observed:

‘Many come from families dispersed all over the world as has been the norm for many Eritrean families for decades, long before the current leadership came into power. A typical example is one of my informants who grew up in Assab, completed her matriculation and service in Sawa and is now studying at Mai Nefhi. She has two older siblings, one of whom graduated and completed national service and now works in Juba. A third is in the Democratic Republic of Congo, while her fourth sibling studies at the agricultural college near Keren. Thinking about her own future she is aware she will be given a job as a teacher, and “for a few years I would be happy to do this, then we will have to see”.

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<https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>71</sup> UK Home Office’s Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.10), <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>72</sup> UN Commission of Inquiry, ‘Detailed findings of the Commission of Inquiry on Human Rights in Eritrea - A/HRC/32/CPR.1’ (para 120), 8 June 2016, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A\\_HRC\\_32\\_CRP.1\\_read-only.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A_HRC_32_CRP.1_read-only.pdf). Date accessed: 23 June 2016.

'This pragmatic attitude, prevalent among many students at Mai Nefhi, is not fundamentally different from attitudes among previous generations of students when the University of Asmara still existed: students always needed to find a way to navigate between government demands on their future and their own ambitions, and have done so in different ways...

'At the same time, students are being sent abroad again on scholarships for master's or PhD degrees, a programme that had all but stopped in the last decade. Main destinations are China, Dubai and South Africa, but it is also becoming possible again to arrange to study in a Western country or find a scholarship of one's own (I6, I14). This represents a considerable advance compared with 2006, and can almost be described as a return to the time before the 1998–2000 war with Ethiopia, in the aftermath of which the siege mentality took hold.

'Taken together, at least among those in higher education opportunities exist to lead a 'normal' life and at least partly fulfil important aspirations, even if a majority might eventually join those who have decided to leave the country.

'She has secured a fulfilling job, is married and has two children, and thus lives in many ways a satisfying life, according to her own judgement. Most of her former classmates who are now abroad – many of whom I know and am still in contact with – have left legally and after the completion of various national service demands that made them eligible to secure an exit visa.'<sup>73</sup>

#### 9.10.2 The same report went on to say:

'It is those who fail the matriculation examination for whom this option of normality does not seem to exist. Only around a maximum of 20% of those who complete their final year of secondary schooling in Sawa actually pass the matriculation examination – roughly the same percentage as when the University of Asmara was still in existence. Apart from those 20%, plus another 3000 students (out of yearly cohorts of between 20,000 and 25,000) who can continue their education at one of the country's technical schools, all other Sawa recruits are assigned straight to the military within the confines of the WYDC. It is predominately these people who try to flee the country, as the only future they can see is one of indefinite service, whether in military or civilian tasks.

'This poses the question of what this rather large population of youth would do otherwise. While a percentage might return to their villages and work the land as suggested by some (see Hirt 2010), for many no viable economic alternatives exist. Government officials acknowledge that a major grievance of the country's youth is this lack of a future perspective combined with the low standard of living that the national service 'wage' – in reality no more than a small handout – condemns them to.'<sup>74</sup>

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<sup>73</sup> Müller, Tanja R., 'Beyond the siege state – tracing hybridity during a recent visit to Eritrea' (page 455), 12 September 2012, <http://dx.doi.org/10.1080/03056244.2012.710839>. Date accessed: 27 January 2016.

<sup>74</sup> Müller, Tanja R., 'Beyond the siege state – tracing hybridity during a recent visit to Eritrea' (page 455), 12 September 2012, <http://dx.doi.org/10.1080/03056244.2012.710839>. Date accessed: 27

9.10.3 The May 2015 EASO report also stated that:

‘Conscripts engaged in civilian national service are deployed as follows:

- ‘Ministries’: this category covers work within national, regional or local administrative structures and in schools (Ministry of Education), hospitals (Ministry of Health), courts (Ministry of Justice) or hotels and restaurants (Ministry of Tourism), for example:

- Work on national development projects in one of the construction companies or agricultural companies under the control of the PFDJ or the army;

- According to reports, national service recruits are also sometimes deployed for the private benefit of army commanders and assigned to tasks in private-sector companies such as gold mines. ‘Civilian national service is predominantly reserved for those with special skills, post-school education or particular privileges. Academy (college) graduates are assigned to tasks appropriate to their area of specialty, and often initially sent to Sawa to work as 12th year teachers. Anyone who drops out of academy is conscripted for military service.’<sup>75</sup>

9.10.4 The UN Commission of Inquiry concluded that:

‘According to article 8 of the National Service Proclamation, on completing their military training conscripts have the duty to undertake active military service and developmental works in a combat force for 12 months. In practice, after their initial military training, the Government assigns conscripts to continue higher education, to vocational training, to jobs outside of the army or positions within the army, without taking into account the choice of conscripts when making decisions concerning the rest of their adult life.’<sup>76</sup>

9.10.5 It continued:

‘Conscripts who fail the exam in Sawa or undertake military training elsewhere, and who do not have any specific skills, are assigned to a military unit, such as the naval force or Mekanayz units, military units for heavy artillery. Generally, they are neither given the possibility to repeat the exam or finish high-school if they were recruited prior to the final school year. Reportedly, illiterate soldiers get assigned to remote areas.’<sup>77</sup>

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January 2016.

<sup>75</sup> EASO, ‘Eritrea Country Focus’ (section 3.6), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date accessed: 13 June 2016.

<sup>76</sup> OHCHR, ‘Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea’ (para 1334), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/CoIEritrea/Pages/ReportCoIEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>77</sup> OHCHR, ‘Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea’ (para 1346), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/CoIEritrea/Pages/ReportCoIEritrea.aspx>. Date Accessed: 16 June 2015.



9.10.6 Paragraphs 1335 to 1350 of the UN report provides information, based on testimonies of witnesses, of the roles undertaken by conscripts following completion of their military/educational training at Sawa and other camps.

9.10.7 The December 2015 Amnesty International report, 'Just Deserters', stated:

'At the end of the year at Sawa, students undertake their final Eritrean High School Leaving Certificate examination (matriculation). Interviewees told Amnesty International that, after the exams, students are given a month of home leave and then are required to return to Sawa for their exam results and their assignment to National Service.

'...Higher grade students are assigned to degree programmes and those with a lower pass mark are assigned to diploma programmes.

'Those who do not score a sufficiently high grade to be assigned to higher education are immediately assigned to National Service, either in the defence forces - military, naval and airforce - or in a civilian role. In some cases, those assigned to the defence forces are sent for further training, depending on the role they are assigned to.

'Those who pass the exam are assigned to one of seven government colleges.'<sup>78</sup>

9.10.8 The report went on to explain what happened after training or graduation from college:

'At the end of training at Sawa or other camps or at the end of their further education in the colleges, conscripts are assigned to National Servic[e]. The information provided by interviewees on what roles they were assigned to within National Service indicates that a significant proportion are assigned to the Eritrean Defence Forces (EDF), which includes the airforce, the navy and the military, or to various roles in the military administrative infrastructure. Many conscripts are stationed on the border with Ethiopia, while others are responsible for military arsenals, guarding detention centres, ordnance, military communications and other roles. Some former conscripts said their unit had been hired out as construction labour to private individuals or companies.

'However, many other conscripts are assigned to a wide variety of civilian roles, including construction work of dams, roads, housing, military buildings and camp infrastructure, agricultural work in government-owned farms or projects, teaching in schools, training of other conscripts, various posts within government ministries or local administrations and other civil service roles.

'The roles conscripts are assigned to are decided on a seemingly arbitrary basis and the conscripts themselves have no say over the nature of their work.'<sup>79</sup>

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<sup>78</sup> Amnesty International, 'Just Deserters' (page 29), December 2015, <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 27 January 2016.

<sup>79</sup> Amnesty International, 'Just Deserters' (page 21), December 2015

#### 9.10.9 Landinfo noted in its report of May 2016:

'Young people taking exams (and performing military training) in Sawa can probably be divided into three categories, which follow different subsequent tracks in the national service (representative of the Eritrean authorities, interview in Asmara, February 2011).

- Graduates with good grades and privileged Eritreans continue to one of the country's eight colleges, which offer study programs for two and four years. After finishing education, their national service consists mainly of civilian work tasks.
- Graduates with poorer grades are offered vocational training, both in and outside Sawa. The centre for vocational training in Sawa, which was established in 2007, is made up of five schools which offer training in construction, administration, technology and agriculture. The centre educates 3,000 students annually (Efrem 2010). After completing vocational training students will be transferred to either the civilian or military service.
- Graduates who attend neither university nor vocational training mostly go into service under military command.<sup>80</sup>

9.10.10 The UK Ambassador to Eritrea told the UK Home Office's fact finding mission to Eritrea, 7-20 February 2016, 'In conversation with me on 7 September 2015, Yemane Gebreab, the Political Advisor to the President, told me that 85% of those in National Service were in civilian positions, and 15% in military positions.'<sup>81</sup>

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## 10. Conditions during national service

### Physical conditions

10.1.1 The UN Commission of Inquiry's 2015 report concluded that:

'During active military service, conscripts perform various tasks, some of a purely military character, others related to prison management, policing and internal security. Often, conscripts also have to perform civil tasks, such as working in construction and agriculture. It is very common for Eritreans, who spend their life in the military, to perform both sets of tasks, military and non-military assignments, either interchangeably during the same period of time, or during alternating periods. Very few conscripts serving in the army perform purely military tasks, such as serving in the logistics department of the army, transportation staff or guarding the borders with neighbouring countries. .. It appears that the Government subjects conscripts to

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<https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 27 January 2016.

<sup>80</sup> Landinfo, 'Eritrea: National Service (Eritrea: Nasjonaltjeneste)' (section 2.6.1), 20 May 2016, <http://www.landinfo.no/id/168.0>. Date accessed: 23 June 2016.

<sup>81</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.3, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

deliberately harsh conditions aimed at transmitting the values and the conditions experienced during the struggle. The various aspects of these conditions in the national service are described below, with the exception of severe forms of punishment to which conscripts are regularly subjected, as these are referred to in a separate chapter. ...<sup>82</sup>

10.1.2 In [paragraphs 1354 to 1382 of the Commission's report](#), it also documents conditions in the Eritrean military based on testimonies of Eritrean migrants.

10.1.3 The US State Department's 'Trafficking in Persons Report 2015' reported that 'Working conditions are often harsh and sometimes involve physical abuse.'<sup>83</sup>

10.1.4 The UN Commission of Inquiry's 2015 report observed that:

'The working and living conditions of conscripts assigned to perform non-military work within military units, such as military nurses and teachers, are usually similar to the conditions of conscripts performing military tasks. ... The Commission finds that working conditions of conscripts assigned to construction and agricultural works are often harsh, similar to the conditions in the army...<sup>84</sup>

10.1.5 However, it also noted that

'General conditions for conscripts assigned to perform work of a civil nature are quite different from those of national service in the army. Shortly after finishing their studies, graduates get their first civil assignment, which can last up to two years. It is referred to as the "university service" or "pre-national service." During the university service, they are paid on average 450 Nakfa per month. ...<sup>85</sup>

10.1.6 And that:

'Conditions in civil service are perceived to be far better than in the army because conscripts may lead a civilian life. They have regular office working hours. Outside working hours, their time is free and they usually have at least part of the weekend off. Only those conscripts assigned to certain public companies or ministries are reportedly requested to work during weekends. However, it seems that it is the exception rather than the rule.

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<sup>82</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1351-1353), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 16 June 2015.

<sup>83</sup> United States State Department, 'Trafficking in Persons Report 2015- Eritrea, 27 July 2015, <http://www.refworld.org/docid/55b73bf3e.html>. Date accessed: 8 March 2016.

<sup>84</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (paras 1427-8; 1440), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>85</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (paras 1427-8; 1440), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

'Conscripts are free to live with their families, may attend religious services outside of working hours and can get married without restriction or prior authorisation. Some may get annual leave, but others have none. Conscripts in civil service are, however, subjected to the same restrictions on movement as those in the army. Their travel permits are limited to their area of service. They must obtain special permits to travel outside their areas, for example to visit relatives.

'Unlike conscripts in the army, those in civil service are not provided with any food or accommodation by the Government. As their salaries are below the subsistence level, they face severe financial difficulties. This is particularly difficult for those assigned in Asmara, where a single room costs a minimum of 500 Nakfa per month. Some conscripts raised this issue directly with the Government, but it fell on deaf ears. The Government only provides accommodation for conscripts in civil service based in remote areas or for those who are former freedom fighters. Consequently, conscripts have to rely on accommodation or financial support from relatives, find a second job or "just need to be creative." Former conscripts assigned to civil service told the Commission about their difficulties.'<sup>86</sup>

10.1.7 The academic Tanja Müller, following a visit to Eritrea in 2012, reported:

'Taken together, at least among those in higher education opportunities exist to lead a 'normal' life and at least partly fulfil important aspirations, even if a majority might eventually join those who have decided to leave the country. In a conversation with one of my former students at the University of Asmara, the student told me how she recently watched the video of her graduation again 'and all those with me there are not here now, I am the only one still in the country'. She has secured a fulfilling job, is married and has two children, and thus lives in many ways a satisfying life, according to her own judgement. Most of her former classmates who are now abroad – many of whom I know and am still in contact with – have left legally and after the completion of various national service demands that made them eligible to secure an exit visa.'<sup>87</sup>

10.1.8 The difference in conditions between military and civilian postings was noted in an August 2015 Guardian article, in which it is said of an Eritrean source who spoke to the journalist outside Eritrea: 'Kemal says his time doing compulsory national service was uneventful, working for a few months as a civil servant in the capital, and avoiding the hard labour and indefinite service that others have described'<sup>88</sup> And that '.... Rather than political pressure, it was Eritrea's crumbling economy that forced Kemal out.'<sup>89</sup>

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<sup>86</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Eritrea' (para 1443-4), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>87</sup> Müller, Tanja R., 'Beyond the siege state – tracing hybridity during a recent visit to Eritrea' (page 456), 12 September 2012, <http://dx.doi.org/10.1080/03056244.2012.710839>. Date accessed: 27 January 2016.

<sup>88</sup> The Guardian, 'Tale of two Eritreans offers glimpse inside Africa's most secretive state', 17 August

## 10.2 Detention conditions

### 10.2.1 The UN Commission of Inquiry's 2015 report observed:

'...The Commission notes that women are generally kept separated from men, in accordance with international standards, but that they are not generally under the responsibility or attention of women officers. The Commission considers that lack of female officers responsible for and attending to female detainees puts them at increased risk of sexual and gender-based violence and causes unnecessary humiliation for the women detainees, who do not have their special needs taken care of.

'...the rights of children in detention are systematically violated. Children are detained together with adults in the same inhumane conditions and without any specific care for their needs. As for the others, children are often held incommunicado, without any possibility to contact their parents or a legal guardian.

'The Commission finds that disciplinary sanctions and measures of punishment of detainees are usually carried out arbitrarily, without due procedure and safeguards and that the forms of sanctions amount to cruel, inhuman or degrading punishment and in some cases torture...'<sup>90</sup>

### 10.2.2 It also described the existence of secret prisons:

'Military, Military Intelligence and National Security have their separate prisons. These prisons are independent of the police and entirely out of the Eritrean judicial system. Throughout the country, military intelligence operates secret prisons for short or long-term incommunicado detention and for interrogation of detainees believed to be traitors or a threat to the country's "sovereignty" or security. Some appears (sic) to be located in remote or hidden locations, while others are villas in city centres converted into prisons, where bedrooms become cells and basements turn into underground detention facility.'<sup>91</sup>

### 10.2.3 It went on to say that the body of testimonies received by the Commission on the matter shows that incommunicado detention is almost the norm in Eritrea. Such detention occurs when a detainee is not permitted any contacts with the outside world, including his/her lawyer and family members:

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2015, <http://www.theguardian.com/world/2015/aug/17/inside-eritrea-glimpse-africas-most-secretive-state-two-men>. Date accessed: 13 June 2016.

<sup>89</sup> The Guardian, 'Tale of two Eritreans offers glimpse inside Africa's most secretive state', 17 August 2015, <http://www.theguardian.com/world/2015/aug/17/inside-eritrea-glimpse-africas-most-secretive-state-two-men>. Date accessed: 13 June 2016.

<sup>90</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 963-969), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/CoIEritrea/Pages/ReportCoIEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>91</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 861), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/CoIEritrea/Pages/ReportCoIEritrea.aspx>. Date Accessed: 16 March 2016.

'Families of soldiers arrested during their national service are never informed of the detention of their relatives, who can disappear without any knowledge by their families. Others just go missing because they have been arrested at work or on the street and their families do not know of their whereabouts unless an eye witness who knows the family informs them or a compassionate prison guard leaks the information. The Commission heard testimonies of family members following the car in which the suspect was forced in order to identify the place of detention.'<sup>92</sup>

10.2.4 The UN Commission of Inquiry's 2015 report concluded that:

'Torture is widespread throughout Eritrea. It is inflicted on detainees – in police stations, civil and military prisons, and in secret and unofficial detention facilities – but also on national service conscripts during their military training and throughout their life in the army. ...

'...the recurrence and prevalence of certain torture methods constitute strong indications that torture is systemic and inflicted in a routine manner...

10.2.5 'Based on testimonies and confidential submissions received, the Commission finds that torture is used as a means to subjugate national service conscripts, instil fear among the population and silence opposition...'<sup>93</sup>The May 2015 EASO Report noted that:

'Human rights reports describe the conditions of detention in Eritrean prisons as precarious. Given the lack of access to Eritrea, the quoted human rights reports are based on a range of sources abroad. International observers such as the ICRC have not been allowed to visit Eritrean prisons since 2009. Therefore the information cannot be verified on-site.'

'The following problems are mentioned in human rights reports:

- Some prisons are located underground or in shipping containers, which can become extremely hot due to the climate in Eritrea.
- Prison cells are often overcrowded to the point that prisoners can only lie down in turns, if at all.
- Hygiene conditions are poor. Some prisons have only a hole in the ground or a bucket instead of a toilet. The prisoners are often not let out to exercise and medical care is limited.
- Food rations are small and non-nutritious, and access to drinking water is scarce.
- Some prisoners are mistreated or tortured or used for forced labour.
- Relatives are frequently unable to visit.

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<sup>92</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 865 and 870), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 March 2016.

<sup>93</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1006-7), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 16 June 2015.

- Women are usually kept in cells separate from men but there are still reports of sexual assaults and rape, for example by guards
- Deaths have been reported a frequent occurrence due to the mentioned difficult circumstances.

'Many prisoners (in particular those imprisoned on political, religious or military grounds, including draft evaders or deserters) are kept in incommunicado detention; no criminal proceedings are initiated, no end date is set for their detention and their relatives are not informed. These prisoners are often mistreated or tortured. Prisoners are kept in incommunicado detention at Aderser and Tesseney prisons and in Track B at Asmara prison.'

<sup>94</sup>

#### 10.2.6 And that:

'Reports on torture in Eritrea are based on the same mainly abroad-based sources as the reports on prison conditions, since visits to Eritrean prisons have not been possible for international observers such as ICRC since 2009.

'Torture is used for various purposes in Eritrean prisons, for example to force confessions, obtain information or as a means of punishment. There are reports of prisoners being tortured for criticising the government, for lack of discipline during national service, for insubordination and in case of other prisoners' escape. Members of religious minorities (including members of Pentecostal churches and Jehovah's Witnesses) have also been tortured as punishment for practising their faith or in an attempt to force them to abandon their religion.

'Methods of torture include being chained at the hands and feet for days or even weeks with ropes and handcuffs ('Helicopter', 'Ferro', 'Otto' or 'Jesus Christ' methods) and being kept in a lorry tyre ('Goma'). Prisoners have also been waterboarded or forced to walk barefoot over sharp objects or the scalding desert floor. Prisoners are also beaten.

'Eritrea acceded to the Convention against Torture in September 2014.'

<sup>95</sup>

#### 10.2.7 Edmund Blair, writing on 29 February 2016 for Reuters reported that:

'In February [2016], a delegation from the U.N. Office of the High Commissioner on Human Rights was allowed to visit Sembel prison, south of the capital, the first time a U.N. mission toured a jail after years of requests.

"We are engaging with them," Osman [Foreign Minister Osman Saleh Mohammed] said, giving the first official confirmation of the visit.

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<sup>94</sup> EASO, 'Eritrea Country Focus' (section 4.1), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date Accessed: 16 June 2015.

<sup>95</sup> EASO, 'Eritrea Country Focus' (section 4.2), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date Accessed: 16 June 2015.

'A U.N. official acknowledged the visit took place without giving details. "That was a big deal," said a diplomat while another said he believed it was the first since about 2008.'<sup>96</sup>

- 10.2.8 The UN Commission on Inquiry's 2016 report noted "It noted that the visit [to Sembel Prison and Rehabilitation Centre in Asmara] was short and not in circumstances that allowed for a full human rights or technical assessment.' The same source also stated:

'Recent evidence confirms that Eritrea's widespread use of arbitrary arrest, enforced disappearance, and torture, continues despite the Transitional Penal Code provisions prohibiting such violations. On the issue of legal safeguards, a witness noted that pursuant to military rules, an officer who abused his authority to obtain sexual favours could be subject to a range of penalties but added that "punishment for this crime is never applied". As noted above, the Government has asserted that remedies are available for such violations, but the Commission has received no evidence indicating that any legal safeguards or available remedies are effective in practice.'<sup>97</sup>

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### 10.3 Redress for mistreatment

- 10.3.1 A Canadian IRB response to an information request, dated 4 September 2012, citing David Bozzini stated that: 'conscripts do not have recourse to any outside authority if they are mistreated during their service (16 Feb. 2012, 5).'<sup>98</sup>
- 10.3.2 Human Rights Watch's World Report 2016 also concluded that, 'There is no mechanism for redressing abuses'<sup>99</sup>
- 10.3.3 The UN Commission of Inquiry of June 2015 observed that
- 'The Commission has received numerous reports regarding the inability of victims of all types of violence, particularly sexual violence, to report the abuse within the national service structure. The first barrier faced by victims of sexual violence in the military training camps (and Eritrea generally) is cultural. According to cultural norms, it is not acceptable for a woman or girl to be known to be a victim of sexual violence. Such knowledge could lead to ostracism, inability to marry and other stigma related consequences for the victim. The second challenge to reporting the sexual and gender-based

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<sup>96</sup> Reuters, 'Insight - Crises give Eritrea routes for closer global engagement', 29 February 2016 <http://af.reuters.com/article/eritreaNews/idAFL8N165230?sp=true>. Date accessed: 15 March 2016

<sup>97</sup> OHCHR, 'Detailed findings of the commission of inquiry on human rights in Eritrea' (paras 65 and 105), 8 June 2016, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A\\_HRC\\_32\\_CRP.1\\_read-only.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A_HRC_32_CRP.1_read-only.pdf). Date accessed: 13 June 2016.

<sup>98</sup> Immigration and Refugee Board of Canada, Response to Information Requests: Eritrea ERI104179.E, 4 September 2012, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454152&pls=1>. Date Accessed: 19 November 2014.

<sup>99</sup> Human Rights Watch, 'World Report 2016: Eritrea' (page 234), 21 January 2016, [https://www.hrw.org/sites/default/files/world\\_report\\_download/wr2016\\_web.pdf](https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf). Date accessed: 3 February 2016.



violence is the involvement of many, including high-ranking officials in the military camps in the abuse. Victims of the sexual and gender-based violence have reported that there is no one to whom they can complain as it is their direct superior abusing them. The third and most pressing barrier to reporting sexual and gender-based violence within the training camps is the lack of gender-sensitive, effective reporting mechanisms that can trigger impartial investigations of the complaints. Reporting sexual and gender based violence perpetrated by officials can lead to severe punishment for the complainants, as described above.<sup>100</sup>

See also: [Reports of gender- and sexual-based violence at Sawa.](#)

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## 10.4 Pay / salary

10.4.1 The United States State Department 'Country Reports on Human Rights Practices for 2014,' published on 25 June 2015, stated that: 'The national minimum wage for employees of PFDJ-owned enterprises and government employees was 360 nakfa (\$24) per month. There was no national minimum wage for private sector workers. The government paid national service recruits according to a fixed scale, and the most common salary was 500 nakfa (\$33) per month.'<sup>101</sup>

10.4.2 Edmund Blair, writing for Reuters, in an article of 25 February 2016 reported that finance minister Berhane Habtemariam outlined some new national service pay scales, including for graduates who would receive 4,000 nakfa a month instead of 1,400 nakfa. This was confirmed by Yemane Ghebremeskel who stated, "'The government is doing the utmost that it can do, under the circumstances," and said salaries would rise.<sup>102</sup>

10.4.3 In describing the reasons people emigrate from Eritrea, a UN Agency consulted as part of the Danish Immigration Service's Fact-Finding Mission (FFM) Report, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published in November 2014 and updated in December 2014, stated:

'Basically, the vast majority of the people who leave Eritrea do so for two reasons. The first reason is that the poor economic situation in Eritrea has led many to look to Europe for a better life. The second reason is the National Service program in Eritrea. The uncertainty concerning the duration of the service together with the low salary make many young people look for

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<sup>100</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1326), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/CoIEritrea/Pages/ReportCoIEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>101</sup> United States State Department, 'Country Reports on Human Rights Practices for 2014', Eritrea section, 25 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 8 March 2016.

<sup>102</sup> Reuters, 'Eritrea won't shorten national service despite migration fears', 25 February 2016. <http://www.reuters.com/article/us-eritrea-politics-insight-idUSKCN0VY0M5>. Date accessed: 8 March 2016.

alternatives to spending several years working for a meager pay. Hardly anyone leaves Eritrea for political reasons.<sup>103</sup>

10.4.4 The May 2015 EASO Report considered that:

‘Military service conscripts are paid very little. Exact figures vary but most sources agree that soldiers earn a monthly salary of about 500 nakfa after completing their training and much less (less than 100 nakfa per month) during the training. According to most sources, this is too little to live on or support a family, and is referred to as ‘pocket money’ in Proclamation 82/1995. Former fighters (tegadelti) and higher-ranking officers have better salaries of up to 3,000 nakfa per month. Soldiers engaged in military service sometimes carry out agricultural or industrial tasks or are deployed for the private benefit of their commanding officers.’<sup>104</sup>

10.4.5 The same sources stated that, in regard to conscripts who work in civilian roles:

‘Salaries vary depending on the work involved, but are generally between 700 and 1,000 nakfa per month (up to 1,500 nakfa for doctors), which is not a living wage. The minimum monthly wage is 360 nakfa. Critics often refer to civilian national service as forced labour; conscripts are subordinate to their civilian employers but must remain mobilisation-ready and can be re-conscripted to the military.’<sup>105</sup>

See [www.xe.com](http://www.xe.com) for currency conversion.

10.4.6 The December 2015 Amnesty International report, ‘Just Deserters’, stated:

‘National Service salaries have not changed for many years, despite the fact that inflation has increased the price of basic goods and services. Without exception, every former conscript interviewed by Amnesty International said it is impossible to meet the basic needs of a family on the standard conscript salary or on the slightly higher salary some said they received. The basic conscript salary is 450-500 Nakfa per month (USD43-8), from which deductions are made. Some interviewees stated that rent for basic accommodation can be around 500 Nakfa per month. As a result, conscripts are often dependent on their parents or extended families and, particularly, on family members in the diaspora to survive.’<sup>106</sup>

10.4.7 Diplomatic source A, talking to the UK Home Office’s fact finding mission to Eritrea, 7-20 February 2016 (UK FFM), about government plans to increase

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<sup>103</sup> Danish Immigration Service, FFM Report (page 33), published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>. Date accessed: 6 January 2015.

<sup>104</sup> EASO, ‘Eritrea Country Focus’ (section 3.5), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date Accessed: 16 June 2015.

<sup>105</sup> EASO Eritrea Country Focus (section 3.5), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date Accessed: 16 June 2015.

<sup>106</sup> Amnesty International, ‘Just Deserters’ (page 31), December 2015 <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 27 January 2016.

pay in national service, explaining that it would be ‘... 2,500 Nakfa for low qualified; 3,500 Nakfa for higher qualified’ and ‘That would not be such a bad salary in Eritrea and people would probably take the job voluntarily if they were released from national service.’<sup>107</sup>

10.4.8 Various other sources the UK FFM team spoke to explained that they had heard about the pending pay rises and knew some of the detail but they had not been fully implemented. For the full notes of those discussions, see section 9.7 of [the report of the UK Home Office’s Fact Finding Mission to Eritrea, 7-20 February 2016](#).

10.4.9 The UN Col of June 2016 concluded

‘The stipends paid to national service conscripts remained very low during the reporting period. In a February 2016 television interview, President Isaias Afwerki stated that pay increases had “started in mid-2015.”<sup>101</sup> The general context of the discussion suggested that the President was referring to public service employees, and it was therefore unclear whether this included military or national service conscript labour. A number of witnesses said they had heard of plans to increase stipend payments to military/national service conscripts, and others had heard of individuals who had received such increases, but none had personally received an increase and some expressed fears about arbitrary implementation of any new stipend scheme.’<sup>108</sup>

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## 10.5 Other entitlements

10.5.1 The December 2015 Amnesty International report, ‘Just Deserters’, considered leave allowance, claiming that:

‘There is no standard leave entitlement for conscripts. Those interviewed reported a leave allowance of one month per year. However, leave is granted at the discretion of the relevant commander and therefore varies. Some conscripts get leave more frequently - maybe twice per year or for shorter periods - a few days or one or two weeks. Some former conscripts told Amnesty International they had gone for several years without being granted any leave. Requests can be made for leave, for personal or family reasons, including the death of a relative or a marriage, but may not necessarily be granted.’<sup>109</sup>

10.5.2 And on access to health care:

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<sup>107</sup> UK Home Office’s Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.7), July 2016, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>108</sup> UN Commission of Inquiry, ‘Detailed findings of the Commission of Inquiry on Human Rights in Eritrea - A/HRC/32/CPR.1’ (paras 94-95), 8 June 2016, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/2016ReportColEritrea.aspx>, Date accessed: 23 June 2016.

<sup>109</sup> Amnesty International, ‘Just Deserters’ (page 31), December 2015, <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 27 January 2016.

'Former conscripts repeatedly told Amnesty International that access to health care in National Service is restricted, including at Sawa and including for children conscripted under the age of 18. Conscripts have to secure the permission of a commander to access even basic first aid, and this is reluctantly and infrequently granted. A number of former conscripts said only when people are visibly very ill might permission to seek health care be granted.'<sup>110</sup>

10.5.3 The UK Home Office's fact finding mission to Eritrea, 7-20 February 2016, spoke to Anonymous Source 2 about national service within the military:

'I know friend who has spent almost 20 years in national service now in Gash Barka Zone. Comes to Asmara after 3 – 4 months, then back to his place in the military. If he is late or needed urgently they call him, sometimes he switches his phone off, they send some of the military staff (sometimes his bosses) to tell him to go back although they do not force him by gun. But he says as far as he stays in the country he ha[s] to go back or leave the country if he can afford crossing the border which he always think about that but he could not afford the money to pay and other reasons.'<sup>111</sup>

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## 11. Duration of national service

### 11.1 The Proclamation and the Warsai Yikealo Development Campaign

11.1.1 The National Service Proclamation stipulates that 'active national service' will last for 18 months and may be extended in case of general mobilisation. See section above on [The National Service Proclamation](#)

11.1.2 However, the with the Warsai Yikealo Development Campaign, the Government extended the statutory national service of 18 months to an indefinite period, effectively leading to a constant state of general mobilisation.<sup>112</sup> The Government cites the threat from Ethiopia and the "no war, no peace" situation as the justification for this extension.<sup>113</sup>

11.1.3 Various sources, including the United States' State Department's 'Trafficking in Persons Report 2015'<sup>114</sup>, Human Rights Watch's 'World Report 2016':

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<sup>110</sup> Amnesty International, 'Just Deserters' (page 33), December 2015, <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 27 January 2016.

<sup>111</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 11.7, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>112</sup> OHCHR, 'Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1181), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 19 June 2015.

<sup>113</sup> OHCHR, 'Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1257 and 1261), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 19 June 2015.

<sup>114</sup> United States State Department, 'Trafficking in Persons Report 2014', 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date accessed: 19 November 2014.

Eritrea<sup>115</sup>, and information gathered from the Danish Immigration Service's<sup>116</sup> and the UK Home Office's<sup>117</sup> FFMs to Eritrea, point to the 18-month timeframe being arbitrary and unenforced, with recruits serving anywhere from 18 months but up to and over a decade.

- 11.1.4 However, during the Danish FFM, Western embassy (B) stated 'there are indications that young people are now released from National Service after a shorter period of service than was previously the case.'<sup>118</sup>, Western embassy (C) stated that '... in general three to four years of National Service seemed to be norm today.'<sup>119</sup> and Western embassy (D) stated that 'Today it is easier to be released from the service and to young people today National Service seems to be limited to a couple of years.'<sup>120</sup>
- 11.1.5 The Landinfo report of 23 March 2015, 'Eritrea: National Service' (English translation September 2015) noted, 'In crisis situations, the upper age limit for military service is raised to age 50, but in practice the upper limit for going through National Service has increased in recent years to between 50 and 57 years old for men and 47 years old for women. However there is much indication that women serve for a shorter period than men.'<sup>121</sup>
- 11.1.6 The UK Ambassador to Eritrea told the UK FFM team, that (from anecdotal evidence) [there were] efforts to reduce further the general demobilisation age for women.<sup>122</sup>
- 11.1.7 In an article on Eritrea in July 2016, Mary Harper, the BBC's Africa editor, reported '... young Eritreans... become locked into a system of obligatory national service, mainly in civilian roles, and have no idea when they will be released.' She provided an example of an individual she spoke to who had been in national service for 9 years. She also reported a conversation with another Eritrean: 'On the plane to Asmara, I meet a man who imports mobile

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<sup>115</sup> Human Rights Watch, 'World Report 2016: Eritrea' (page 233/4), 21 January 2016, [https://www.hrw.org/sites/default/files/world\\_report\\_download/wr2016\\_web.pdf](https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf). Date accessed: 3 February 2016.

<sup>116</sup> Danish Immigration Service, FFM Report (page 23-103), published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/ronlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>. Date accessed: 6 January 2015.

<sup>117</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 9 July 2016.

<sup>118</sup> Danish Immigration Service, FFM Report (page 44), <http://www.nyidanmark.dk/NR/ronlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>. Date Accessed: 22 June 2015.

<sup>119</sup> Danish Immigration Service, FFM Report (page 48), <http://www.nyidanmark.dk/NR/ronlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>. Date Accessed: 6 January 2015.

<sup>120</sup> Danish Immigration Service, FFM Report, (page 52), <http://www.nyidanmark.dk/NR/ronlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>. Date Accessed: 6 January 2015.

<sup>121</sup> Landinfo, 'Eritrea: National Service (Eritrea: Nasjonaltjeneste)' (page 7), 23 March 2015. [http://www.landinfo.no/asset/3235/1/3235\\_1.pdf](http://www.landinfo.no/asset/3235/1/3235_1.pdf). Date accessed: 3 March 2016.

<sup>122</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.18, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 9 July 2016.

phones, televisions and satellite dishes from Dubai. "I have been in national service for 12 years. But I sort of 'dropped out' to become a trader."<sup>123</sup>

See also: [Women](#)

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## 11.2 Reform of length of national service

11.2.1 In spite of statements in late 2014 and early 2015 about returning national service to its mandated 18 month limit in the National Service Proclamation, there is no evidence of a policy move to achieve this.<sup>124</sup> Edmund Blair, writing for Reuters, reported that he had interviewed Information Minister Yemane Ghebremeskel in Eritrea who had told him that '...there were no plans to scrap or cut national service'.<sup>125</sup>

11.2.2 The country analyst section of the Swiss Secretariat for Migration produced a report on Eritrea based on a range of public sources and information obtained in conversations with interlocutors in Asmara during its own fact finding mission in March 2016. The report is in German but provides an unsourced summary of its main findings including reform of national service:

'Over the last few years, the Eritrean authorities have announced several reforms to the National Service. Most notably, they promised to limit the length of duty to 18 months starting from the 27th conscription round. This has not been fulfilled yet. National Service remains open-ended and conscription lasts for several years. It appears, though, that a growing number of conscripts who had been deployed in civilian roles are discharged once they have served for between 5 and 10 years. However, no reliable information is available on the demobilization and dismissal of conscripts assigned to the military part of National Service. However, in early 2016, the authorities announced a pay rise in the civilian part of National Service. Apparently, implementation has already started.'<sup>126</sup>

See also: [Pay/Salary](#)

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<sup>123</sup> BBC News, 'Has Eritrea's self-reliant economy run out of puff?', 14 July 2016, <http://www.bbc.co.uk/news/world-africa-36786965>. Date accessed: 21 July 2016.

<sup>124</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 9 July 2016.

<sup>125</sup> Reuters, 'Eritrea won't shorten national service despite migration fears', 25 February 2016, <http://www.reuters.com/article/us-eritrea-politics-insight-idUSKCN0VY0M5>. Date accessed: 8 March 2016.

<sup>126</sup> Staatssekretariat für Migration (SEM), 'Focus Eritrea: Update Nationaldienst und illegale Ausreise' (p8), 22 June 2016, <https://www.sem.admin.ch/dam/data/sem/internationales/herkunftslander/afrika/eri/ERI-ber-easo-update-nationaldienst-d.pdf>, Date accessed: 21 July 2016.

## 12. Discharge/demobilisation and dismissal

### 12.1 Clarification of terms

12.1.1 Although the UN Commission of Inquiry's 2015 report concluded that the terminology to describe a conscript's separation from the military was unclear<sup>127</sup>, in the May 2015 EASO Report, it was highlighted that: 'a distinction should be made between demobilisations and dismissals; demobilisations follow wartime mobilisations, and dismissals take place on an individual basis after the discharge of national service obligations.'<sup>128</sup>

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### 12.2 Procedure

12.2.1 The UN Commission of Inquiry's 2015 report concluded that the procedure for discharge from national service was unclear<sup>129</sup> and that the Commission had: '...not been able to access official documentation outlining rules and procedures in place guiding the process of release. Testimonies reveal a pattern of arbitrariness in this regard.'<sup>130</sup>

12.2.2 The Commission also reported that:

'It appears from testimonies that conscript first needs to get released from their direct employer, which is certified a release paper. The release paper serves as a travel permit but not as a work permit. It is the precondition for getting a certificate of completion of national service, which is issued by the Ministry of Defence. This certificate indicates that the holders are discharged from national service and permits them to move around and to choose work freely. The Commission found that release was extremely rare and difficult to obtain. It can usually only be obtained through bribery or for medical reasons not on the basis of the number of years of service.'<sup>131</sup>

12.2.3 The Commission went on to quote two "witnesses" from which it had obtained testimonies. The first stated "a certificate of completion of national

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<sup>127</sup> OHCHR, 'Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1252), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 9 June 2016.

<sup>128</sup> EASO, 'Eritrea Country Focus' (section 3.7.1), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date accessed: 9 June 2016.

<sup>129</sup> OHCHR, 'Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1252), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 9 June 2016.

<sup>130</sup> OHCHR, 'Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1252), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 9 June 2016.

<sup>131</sup> OHCHR, 'Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1254), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 9 June 2016.

service was extremely difficult to get without facilitation by a high-ranking employee of the Ministry of Defence”, while another witness “explained that those who could afford it were paying from 100,000 to 200,000 Nakfa [circa £6-12,000] for the much-sought after certificate of completion.” He also noted that certificates were occasionally issued until the 13th round, i.e. around 2000.<sup>132</sup>

12.2.4 Sources consulted during the UK Home Office’s FFM to Eritrea in February 2016 also confirmed that the procedures for demobilisation were opaque and lacked transparency.<sup>133</sup>

12.2.5 The British Ambassador to Eritrea, speaking to the UK FFM in February 2016, was asked if a person could apply to be discharged, to which he replied:

‘Yes. My understanding from conversations with local colleagues and external contacts of the Embassy, including private business-people who have either been through the demobilisation process themselves, or are parents of individuals who have done so, is that any individual is eligible to apply from demobilisation from National Service (either a civilian or a military position) once they have completed their eighteen month service.

‘They do so by submitting a written request to their commanding officer or manager (whichever is appropriate), who must first agree to support it. If the commanding officer or manager does support it, then he or she must forward it to a central authority, noting their support.

‘The central authority will consider the application against internal guidelines for approving requests for demobilisation. My understanding is that this internal guidance is issued [by the Ministry of Defence] and is subject to amendment from time to time, periodically setting out what are good reasons for being demobilised. But these are not publicised or published.

‘No one has reported to me that there is a limit on the number of times an individual may apply for demobilisation.’<sup>134</sup>

12.2.6 The UK Ambassador also provided specific examples.<sup>135</sup>

12.2.7 The May 2015 EASO Report recorded that: ‘Dismissals of national service conscripts take place to a limited extent but it is easier to be dismissed from

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<sup>132</sup> OHCHR, ‘Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea’ (para 1254), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 9 June 2016.

<sup>133</sup> UK Home Office’s Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.18, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 9 July 2016.

<sup>134</sup> UK Home Office’s Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.18, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 9 July 2016.

<sup>135</sup> UK Home Office’s Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.18, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 9 July 2016.



civilian national service than from military national service. Good relations with superiors may also make the process easier.<sup>136</sup>

12.2.8 During the Home Office's FFM to Eritrea in February 2016, Anonymous source 2 explained that the process was that 'if you make application to be demobilised to your boss, say in Ministry of Education, then send to minister, who sends to Ministry of Defence.'<sup>137</sup> They added that the situation varied by ministry:

'[the] same reasons for demobilisation in one ministry may not get demobilised in another. We hear that the Ministry of Defence are more generous. But reasons can be different across ministries. So a person can have the same reasons in different departments and they are treated differently. It depends on who your supervisor is; what your relationship is like with them.'<sup>138</sup>

12.2.9 This was a point reiterated by other sources including Diplomatic source A, who 'believe[d] it depends on the institution.'<sup>139</sup>

12.2.10 The UK FFM Team spoke with the training manager at Bisha mine who said 'Many people ask their bosses when they want to be demobilised.'<sup>140</sup> as well as meeting with representatives of the human resources department at the mine who explained that a person can apply for demobilisation and may or may not be accepted as well as providing further details about the process involved.<sup>141</sup>

12.2.11 Paragraphs 1398 to 1506 of the UN Commission of Inquiry report provides information on the nature and treatment of 'forced labour' in non-military national service. It states that the following areas of work may not be considered to be of purely military character and that conscripts should not be forced to work in any of these fields:

- Construction (including at Bisha mine); [n.b. this does not take into account the Nevsun response]

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<sup>136</sup> EASO, 'Eritrea Country Focus' (section 3.7.1), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf).

Date accessed: 16 June 2015.

<sup>137</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.18, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 9 July 2016.

<sup>138</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.18, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 9 July 2016

<sup>139</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.18, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 9 July 2016

<sup>140</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.18, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 9 July 2016

<sup>141</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.18, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 9 July 2016

- Industries connected with the production or extraction of raw materials  
Agriculture
- Manufacturing industries
- Transport, public works and building operations and public utility services that are not primarily or exclusively for military purposes
- ‘Specialising fields’, i.e. conscripts with specialist technical skills who undertake their national service in non military work at for, example, Bisha mine
- Military teachers and nurses
- Police and national security officers
- Civil service
- Domestic work
- Development programmes.<sup>142</sup>

12.2.12 Landinfo in their thematic report on national service in Eritrea dated 20 May 2016 noted:

‘Between 48,000 and 54,000 former EPLF soldiers were demobilized until the start of the border war against Ethiopia in 1998. According to Eritrea expert David Pool they were recalled by the outbreak of war (Asylum and Immigration Tribunal 2007). Eritrean authorities promised after the peace agreement in 2000 (Algae Agreement) that 200,000 soldiers were to be demobilized in three separate phases. According to UNDP 104,000 Eritreans were demobilized up until 2005 (Asylum and Immigration Tribunal 2007). In 2006, the number of demobilized dropped to 65,000. Neither David Pool nor Gaim Kibreab, however, attribute particular importance to these numbers. Pool concludes that they have been given a demobilization card, but that they in reality have not been demobilized (Asylum and Immigration Tribunal 2007). Eritrean authorities claim that 70% of those who were in national service after the end of the war with Ethiopia in 2000, have been demobilized (Yemane Gebreab, interview in Asmara 19 January 2015).

‘Already in 2011 Landinfo received information that indicated that women were discharged from service for various reasons. This information has been confirmed by various sources at meetings with Landinfo in Asmara, most recently in January 2016. Although women are probably discharged in their mid-twenties, they can, in principle, be recalled to the service in line with the legislation on National Service. During crises and mobilization situations anyone can in principle be summoned to the service. At the same time several of sources emphasize that women do not get exit visas before the age of 47.

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<sup>142</sup> OHCHR, ‘Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea’ (para 1498), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015

'One of Landinfo's interviewees in Asmara in January 2016 believed that demobilization is possible for the resourceful segments of the population, and that the system often favors an individual who has a good relationship with his superiors. The system is structured so that the application for demobilization goes to the immediate superior, who forwards the application to the HR managers in the department. A refusal can also be appealed according to this source (diplomatic source (D), meeting in Asmara 28 January 2016).

'Some have claimed that it is easier to be demobilized from the civilian part of national service than from the military (Eritrean who performed national service in public administration, meeting in Asmara, February 2011; diplomatic source (1), interview in Asmara, February 2011). In principle, both services are subject to the Defence Ministry, but in practice, military commanders, according to these sources, have significantly less influence over those who serve in the civil occupations. Gaim Kibreab underlined in an interview with Landinfo in November 2009 that it is possible to evade further service by using contacts and/or bribery. Several of the sources during Landinfo's mission in February 2011 and 2013 shared this point of view: Eritreans with connections with the authorities and former liberation soldiers can arrange for shorter service, have better service places and be demobilized earlier (meeting with, amongst others, diplomatic source (1)).'<sup>143</sup>

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## 13. Law on Desertion and evasion

13.1.1 Article 17 of the Proclamation sets out the regulations that relate to exit from the country when either being eligible for the draft or performing national service. According to this Article, an Eritrean citizen eligible for national service may travel abroad 'upon giving evidence that he is exempted from National Service or that he has completed his service by producing a Certificate of Service' or, alternatively, by 'producing a registration card and entering into a bond of 60,000 Birr as security that he will return to resume his duty when called upon to do so.'<sup>144</sup>

13.1.2 Article 37 (Penalties) of the National Service Proclamation 82/1995 lists a range of sanctions which exist for evading national service, and is sub-divided into four sections.

- Article 37(1) states that any violation of the Proclamation is punishable by two years imprisonment or a fine, or both.
- Article 37(2) states that avoidance of national service by deceit or self-inflicted injury is punishable by up to two years imprisonment or a

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<sup>143</sup> Landinfo, 'Eritrea: National Service (Eritrea: Nasjonaltjeneste)' (section 4.2), 20 May 2016, <http://www.landinfo.no/id/168.0>. Date accessed: 23 June 2016.

<sup>144</sup> Government of the State of Eritrea, 'Proclamation No 82/1995 - National Service Proclamation of 23 October 1995', available via UNHCR's RefWorld website, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html>. Date Accessed: 19 November 2014.

fine, followed by national service. If the self-inflicted injury precludes national service, the prison term is three years.

- Article 37(3) states that individuals who travel abroad to avoid national service and return before they are 40 years of age must undertake national service. The penalty for individuals who return after the age of 40, but are under 50, is imprisonment for five years; and they also lose the right to employment, to own a business licence, to be issued with an exit visa, and to own land.
- Article 37(4) states that the punishment for deliberately delaying being registered for national service or avoiding national service by deceit or the use of obstructive methods is two years imprisonment or a fine, or both.<sup>145</sup>

#### 13.1.3 The UN Commission of Inquiry explained that:

'Article 37 of National Service Proclamation provides for punishments for the non-performance of military service, without prejudice to more rigorous punishment under the 1991 Transitional Penal Code of Eritrea. Avoiding national service by mischief, deliberate infliction of bodily injury or by any other means (para 1); absconding from national service by leaving the country (para 2); and assisting to avoid national service or registration (para 3) are punishable with payment of a fine or imprisonment of up to five years. Under the Transitional Penal Code, these statutory offences can lead to imprisonment of longer periods of time, in the case of desertion in times of emergency, general mobilisation or war up to life imprisonment. Desertion from active service can be punished with the death penalty.'<sup>146</sup>

#### 13.1.4 See also sections on Law regulating national service and Treatment for evading / absconding, [UK Home Office Fact Finding report, June 2016](#)

#### 13.1.5 The May 2015 EASO Report, citing various sources, stated:

'According to Proclamation 82/1995, a deserter must pay a fine of 3,000 birr and/or serve a two-year prison sentence. The prison sentence rises to five years for those who leave the country after deserting. Deserters also lose their right to be employed or own land. Article 300 of the Criminal Code also stipulates that wartime desertions are punishable by prison sentences ranging in length from five years to life imprisonment, or even the death penalty in particularly severe cases. According to Article 297, wartime draft evasion is punishable by imprisonment of up to five years.'<sup>147</sup>

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<sup>145</sup> Government of the State of Eritrea, 'Proclamation No 82/1995 - National Service Proclamation of 23 October 1995', available via UNHCR's RefWorld website, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html>. Date Accessed: 19 November 2014.

<sup>146</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1234), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>147</sup> EASO, 'Eritrea Country Focus' (section 3.8.1), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf).

## 14. Desertion and evasion in practice

### 14.1 Round-ups (Giffas)

- 14.1.1 Freedom House reports that ‘The police frequently conduct round-ups of people thought to be evading national service; those who resist can be executed on the spot.’<sup>148</sup>
- 14.1.2 The 2015 U.S. State Department report notes that ‘Round-ups of persons suspected of evading national service or militia duty occurred. Security personnel entered markets or towns and picked up men who could not prove they had completed or were excused from national service. There was a report that on August 30 [2014] that the army’s 22 Kefle-Serawit conducted a round-up in Enda-Kebti. Authorities reportedly took such persons to remote camps for training. Authorities sometimes arrested persons whose papers were not in order and detained them until they were able to provide evidence of their militia status or demobilization from national service. The government contacted places of employment and used informers to attempt to identify those unwilling to participate in the militia.’<sup>149</sup>
- 14.1.3 The May 2015 EASO Report, citing various sources, stated: ‘... giffas have taken place on a country-wide basis since approximately 2001. During these raids, checks are carried out to ascertain whether young people have completed their military service and those who have not are imprisoned (mostly in the Adi Abeito prison near Asmara) and then sent for military training. The army closes whole localities or urban districts for the purpose of these raids and demands proof of completed military service from anyone within the relevant area. According to some reports, giffas are now taking place less frequently than before but in October 2013 and January 2015 there were large-scale giffas in Asmara.’<sup>150</sup>
- 14.1.4 The UN Commission of Inquiry provides information on giffas, and provides quotes from witnesses of their experiences up to 2011. However it is not clear from the data if the frequency and location of giffas has changed over time and by location (see paras 1211 to 1233):
- ‘Members of the Eritrean Defence Forces regularly conduct round-ups in search of citizens who have failed to respond to a national service call by the Government to report for national service, have absented themselves from

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Date Accessed: 16 June 2015.

<sup>148</sup> Freedom House, *Freedom in the World – Eritrea – 2011*, 28 January 2015, [https://freedomhouse.org/report/freedom-world/2015/eritrea#.VZEtB\\_IViko](https://freedomhouse.org/report/freedom-world/2015/eritrea#.VZEtB_IViko). Date Accessed: 29 June 2015.

<sup>149</sup> United States State Department, ‘Country Reports on Human Rights Practices 2014’ (section 1d), 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236356>. Date Accessed: 30 June 2015.

<sup>150</sup> EASO, ‘Eritrea Country Focus’ (section 3.3.2), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date Accessed: 16 June 2015.

the army without leave or have otherwise attempted to evade conscription. In Eritrea, these round-ups are known as giffas in Tigrinya or raffas in Afari. While many people reported voluntarily to conscription calls in the early years of independence, the Commission has collected testimonies indicating that people have been forcefully recruited during round-ups from as early as 1995.

'Usually, round-ups are conducted by soldiers in cities and villages where draft evaders or deserters are suspected to be hiding. The number of soldiers participating in a giffa depends on the size of the village or the city. Often soldiers are deployed in regions far from their home town to avoid them coming across relatives and friends when conducting giffas. As a result, they do not know the age of people and arrest everyone without distinction...'<sup>151</sup>

#### 14.1.5 It continued:

'The order for a giffa is taken by the higher ranking officers, sometimes in coordination with the village administration. Soldiers refusing to participate in a round-up risk being arrested and detained or are threatened to be assigned to another military unit further away from their home town. The conduct of the soldiers during the round-up is controlled by their superiors and trainers.

'Giffas target almost everyone who is found on the streets and places of public gathering such as markets, weddings and classrooms. Soldiers arrive in a village and surround it so that no one can escape. Often, the round-ups take place at crossings during the times of the day when many people are moving around, namely in the morning or during market days. The soldiers gather the people they have arrested at the local police station, in a schoolyard, a town hall or in an open-space area where they are screened by the officers in charge.... In addition to giffas targeting everyone passing by, there are also house-to-house searches, as well as targeted round-ups, when soldiers receive a list with names of children who have dropped out of school or deserters who are suspected to be hiding at home.... Round-ups are also conducted at schools, with armed soldiers searching school buildings and indiscriminately rounding up students, often without checking the age.'<sup>152</sup>

#### 14.1.6 The same report also determined that:

'Giffas can also involve house-to-house searches during which soldiers enter houses without search warrants. If they suspect someone is hiding, they search each room, looking for possible hide-outs. The Commission heard

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<sup>151</sup> UN Human Rights Council, 'Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1211-1212), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>152</sup> UN Human Rights Council, 'Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1214-1215, 1220-1221), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

many accounts of witnesses stating that giffas involving house searches are often conducted very early in the morning or at night, when people are sleeping...<sup>153</sup>

14.1.7 The Commission collected a large number of testimonies regarding the round-up of children, both boys and girls. In some instances, the soldiers examined the student identification cards or birth certificates on the spot and refrained from arresting those who had a valid document. However, it is very common for soldiers to initially arrest any young persons who look tall and strong and in good physical condition for national service, without taking into account the fact that the children can prove they are going to school. Later, when their student cards are verified, these children may be released... On many occasions, however, children are rounded up and sent for military training despite the fact that they can produce a document indicating that they are under-age, such as a student card or a birth certificate.<sup>154</sup>

14.1.8 It also concluded that:

‘Soldiers regularly apply excessive use of force when arresting people during the round-ups. When people try to escape during a round-up, soldiers frequently beat and handcuff them. Sometimes, the violence used is so severe that the victims need to be treated in hospital.

‘In several instances, people have been fatally wounded or shot dead during the round-ups. According to testimonies received, soldiers who apply lethal force do so in line with an order from their superiors to shoot those who resist or try to escape. Some were killed while trying to resist the giffa or refusing to comply with the order. Reportedly, others have been killed without any resistance. The Commission did not hear of any of these cases being investigated...<sup>155</sup>

14.1.9 And that:

‘During these round-ups, every man and woman who appears to be of conscription age is a potential target. Soldiers round up people without distinction and irrespective of whether they are in possession of an identification paper. Once people are collected in a place, a screening takes place and those who can present a valid permit may get released. This applies to those with a menkesakesi, a travel permit, students with a valid documentation, children who can prove they are underage and serving

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<sup>153</sup> OHCHR, ‘Advance Version of the Report of the detailed findings of the Commission of Inquiry on Eritrea’ (para 1223), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>154</sup> OHCHR, ‘Advance Version of the Report of the detailed findings of the Commission of Inquiry on Eritrea’ (para 1226-1227), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>155</sup> OHCHR, ‘Advance Version of the Report of the detailed findings of the Commission of Inquiry on Eritrea’ (para 1229-30), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

military officers on leave, as well as occasionally married women and mothers. However, many remain in custody despite being able to present a document that shows they are either below conscription age or have already been discharged.

'Reportedly, some people who are rounded up manage to get released after bribing the officers...

'While the screening takes place, the people who have been rounded up remain under arrest. Once the process is finalised, those who are not released are loaded on trucks and taken to one of the military training centres, such as Sawa, Wi'a or Me'eter. Civilians are sent for military training, while deserters or recruits who were otherwise absent are sent back to their military unit or assignment. Depending on the number of people rounded up, they might be taken to a detention facility first, where they spend time in detention before onward transportation to the final destination is arranged. Frequently, people are detained for a longer period of time, be it for punishment or simply because the next round of military training has not yet started.'<sup>156</sup>

14.1.10 A western embassy (E), discussing the issue with the Danish delegation stated 'Just a week [prior to the interview in October 2014] a number of people in Asmara receive a notice to appear for some military training. The majority did not show up as requested by the authorities and the ones who did show up were told to go home because they were too few to go ahead with the training.'<sup>157</sup>

14.1.11 The Landinfo report of 23 March 2015, 'Eritrea: National Service' (English translation September 2015) noted, '...in conversations with international representatives in Asmara in March/April 2014 and in January 2015, it was agreed that the number of giffas in Asmara had probably gone down considerably.'<sup>158</sup>

14.1.12 Diplomatic source A told the UK Home Office's fact finding mission (UK FFM) to Eritrea, 7-20 February 2016, in response to the question "Does the government rigorously pursue those for National] Service?", 'No but they do round-ups. But hardly anything is consistent, predictable.'<sup>159</sup>

14.1.13 The UK FFM spoke to anonymous source 1 who responded to the following questions:

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<sup>156</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1231-1233), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>157</sup> Danish Immigration Service. FFM Report (page 56), published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/ronlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>. Date accessed: 6 January 2015.

<sup>158</sup> Landinfo, 'Eritrea: National Service (Eritrea: Nasjonaltjeneste)' (page 9), 23 March 2015. <http://www.landinfo.no/id/834>. Date accessed: 3 March 2016.

<sup>159</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.18, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.



**Q:** Are you aware of any 'giffas'/round-ups? [FFM Team explained what meant by 'giffa' = security service round-up] **A:** Armed people suddenly come to city and collect youngster on the street and from their homes. Sometimes they come during the night and sometimes during the day. Never know it when they do so. Especially during the Independence months it is getting worse. They do it randomly you say the define time.

**Q:** Do they come to houses? **A:** Sometimes they find people in the street. Sometimes they come house-to-house. They take young people. The students and others who have the permit papers, they come back home after checking their identity. When come at night, knock on the door and look at every corner of the house.

**Q:** Do they come into the house? **A:** Yes. They even look at under the bed sometimes.

**Q:** When was the last one in Asmara? **A:** Three, maybe four months ago in my zoba administration. They don't do the whole city in one go. They will come to one area for example in one week and the other week or month on the other administration zoba.<sup>160</sup>

14.1.14 In response to questions about round-ups, anonymous source 2 told the UK FFM:

'... These things [round ups] happen very frequently.

**Q:** Very frequently? **A:** Well, ok, not very frequently, but every year. I remember the last one happened around October 2015 [in my area] and people told me to be careful to go home.

**Q:** Do you know any people who haven't done national service? **A:** In this country, people of my age cannot. I knew someone who tried not to but I knew how they were living – staying inside. In different years and in random period, they started searches of houses, especially in early 2000`s.

**Q:** Do they search houses now? **A:** No. I haven't been aware of any here in Asmara for the past 7 years or so. But sometimes in villages. House search was mainly during the war and little years after that. The most common day is Independence Day [24 May]. Security is tight.<sup>161</sup>

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## 14.2 Treatment of draft evaders and deserters

14.2.1 The UN Commission of Inquiry's report of June 2015 stated:

'National service conscripts may be detained for a variety of reasons, including for desertion, unauthorised movement or absence, insubordination or for asking questions. The Commission documented many cases of

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<sup>160</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.16, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>161</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.18, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

detention in military training camps' prisons and others for the reasons mentioned above, often accompanied by torture and ill-treatment. Upon release from prison, national service conscripts are sent back to their military unit where they may be subjected to additional punishment.

'The Commission finds that detention of national service conscripts is more often accompanied with the use of constraints methods (i.e. tied up in various positions) than other detainees tortured and ill-treated in the course of their detention.'<sup>162</sup>

14.2.2 Further material on the reported use of torture is included at paragraphs 1006 to 1131 of its report.

14.2.3 The UN Commission of Inquiry report also stated that 'If caught, draft evaders and deserters are severely punished... Reportedly, people who have fled from the military several times may risk execution...'<sup>163</sup>

14.2.4 However, it also added that

'Despite the regular round-ups and tight controls, it appears that some Eritreans manage to slip under the radar screen and live outside of the national service without being detected by the Government. However, life outside of the system comes with a lot of sacrifices and is dominated by the fear of being reported by one of the numerous spies or uncovered during a military control. Moving from one place to the other becomes almost impossible and most people's daily routines are limited to trying to cope with the situation.'<sup>164</sup>

14.2.5 And that 'Reportedly, teachers who surrender after having deserted from the Ministry of Education can be reinstated as a teacher within the national service, without being punished. This is reportedly due to the shortage of teachers.'<sup>165</sup>

14.2.6 The UN Commission of Inquiry also reported that:

'Unlike those in the army, conscripts in civil service are usually not subjected to harsh punishment in the course of their work. When they leave work without authorisation, they are treated differently from conscripts in the

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<sup>162</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1072-3), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>163</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Eritrea' (para 1241), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>164</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Eritrea' (para 1242), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>165</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Eritrea' (para 1243), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

army. Frequently, conscripts in civil service just stop going to work or are regularly absent because they are engaged in side activities to earn some income. The level of conscript absenteeism in civil service is high, particularly in public administrations and certain ministries, where only Ministers are reportedly present. It usually takes a few months before the missing conscripts are chased down by the administration. This might be due to the lack of capacity within the bureaucracy, as well as a certain tolerance by supervisors who allow conscripts to earn some extra money. During the first months of absence, the absentees' salaries are withheld. If only absent for a few months, conscripts generally receive only light punishment, or none at all when they resume work. However, if they are absent for more than a few months, they are usually sent to prison for some time before resuming work.<sup>166</sup>

#### 14.2.7 It added

'All conscripts in the army are paid between 150 and 500 Nakfas per month. Conscripts assigned to physical tasks do not get additional remuneration for their work, including when the work is undertaken for the benefit of a private individual, or a foreign company that pays the Government for providing manpower. The exact terms for the use of conscripts provided by the Government to foreign companies or other private entities are not known. However, the Commission collected testimonies showing that the amounts disbursed by foreign companies through the Government to remunerate workers are kept by the Government, which continues paying low wages to conscripts.'<sup>167</sup>

See [Pay/Salary](#)

#### 14.2.8 The May 2015 EASO Report, citing various sources, stated:

'In practice, according to most sources, deserters and draft evaders are imprisoned if they are caught within the country before being able to leave, or at the airport after returning. They are frequently kept in incommunicado detention without charges, proceedings or fixed sentence, and sometimes even tortured. Periods of detention vary between several days and several years. According to one report, punishments are more severe in the case of deserters who have dropped out of military national service. However, for the punishment, it does not make a difference whether the desertion has taken place during the legally prescribed service period of 18 months or afterwards.'<sup>168</sup>

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<sup>166</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1447), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>167</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1431), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>168</sup> EASO, 'Eritrea Country Focus' (section 3.8.1), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf).

#### 14.2.9 The same report also highlighted that:

'The information on the treatment of returning deserters and draft evaders is based primarily on the experiences of failed asylum seekers repatriated to Eritrea between 2002 and 2008. There have been no new empirical findings since then on the treatment of repatriated deserters and draft evaders. Therefore, the punishment currently imposed on deserters and draft evaders is difficult to establish. However, most sources state that punishment is imposed arbitrarily on an extra-judicial basis without regard for the laws.

'Eritreans were repatriated from Egypt in 2009 and 2011 and there have been many instances of overland repatriations from Sudan in recent years. No information is available on the fate of those repatriated after their return, however. Some of the respondents contacted in Eritrea during Denmark's and Norway's fact-finding missions in late 2014 and early 2015 believed that deserters and draft evaders were held in prison for several weeks or months and were then reassigned to national service. However, several of the Eritrean experts consulted in 2013 and 2014 by Norway, the Netherlands and Denmark believed that repatriated deserters and draft evaders may still be subjected to interrogations, punishments and mistreatment. Since human rights monitors have no access to Eritrea and the International Committee of the Red Cross (ICRC) is not allowed to visit prisons, it is impossible to verify such statements.'<sup>169</sup>

#### 14.2.10 The December 2015 Amnesty International report, 'Just Deserters', based on the interviews with 72 Eritreans who had fled the country, stated:

'People arrested for evasion, desertion and attempting to flee the country are detained in police stations, prisons and detention facilities within military camps, bases and training centres. Many of these are unofficial places of detention...No-one interviewed by Amnesty International detained for evasion, desertion or attempting to flee the country had been charged with an offence, brought before a court to determine the lawfulness the detention, provided with access to a lawyer or permitted access to their family members while in detention.'<sup>170</sup>

#### 14.2.11 The same source stated:

'Attempted desertion from National Service also appears to be a regular phenomenon, based on interviews with former conscripts. While some people attempt to run away from their posts, many desert by not returning to their assigned posts after a period of leave. However, while some do this with an intention to desert completely, many interviewees told Amnesty International they intended to return to their posts and only overstayed their leave to do a variety of things they were otherwise unable to do because of

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Date Accessed: 16 June 2015.

<sup>169</sup> EASO, 'Eritrea Country Focus' (section 3.8.2), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf).

Date Accessed: 16 June 2015.

<sup>170</sup> Amnesty International, 'Just Deserters', December 2015, <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 27 January 2016.

the limited and irregular allowance of leave from National Service...In almost all cases reported to Amnesty International, the deserter was punished with arbitrary detention. Some also had their salary withheld for a period after the end of their detention. As with punishments for evasion of conscription or attempting to leave the country, the detention periods varied without any evident reason. Detention periods reported to Amnesty International in 2015 ranged between one and 16 months, with six to eight months being the duration most frequently reported. Those assigned to the military were likely to be held in the detention centre of their military division for some or all of their period of detention.’<sup>171</sup>

14.2.12 The country analyst section of the Swiss Secretariat for Migration produced a report on Eritrea based on a range of public sources and information obtained in conversations with interlocutors in Asmara during its own fact finding mission in March 2016. The report is in German but provides an unsourced summary of its main findings covering draft evasion, desertion, illegal exit and voluntary and enforced return. On draft evasion and desertion, the report stated:

‘Deserters apprehended within Eritrea are usually returned to their military unit or civilian duty and punished. These punishments are imposed extrajudicially by their superiors. There’s no possibility of appeal. However, the treatment of deserters appears to have become less harsh in recent years. Most sources report that first time offenders are now usually detained for several months. Punishment for deserters from the military part of National Service is reportedly more severe than punishment imposed on those deployed in the civilian part. As deserters are not tracked down systematically, a number of them effectively go unpunished.

‘Draft evaders are usually tracked down in round-ups (“giffas”). Those apprehended are usually detained for some time before starting a military training, which often takes place in camps with hazardous and detention-like conditions. A part of the draft evaders, however, manages to avoid these round-ups in the long run. Sporadically, military units try to individually track down certain draft evaders, particularly those who have been called up already.’<sup>172</sup>

14.2.13 There is a section on treatment of draft evaders and absconders in the report of a [Home Office fact finding mission to Eritrea of February 2016](#). The following paragraphs are excerpts from this report but see that report for details:

- A UN staff member noted in response to the question, “How are evaders/deserters treated?” the source replied: ‘I don’t have hard evidence except what I observe. I have seen people coming for

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<sup>171</sup> Amnesty International, Just Deserters, December 2015 (page 40), <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 27 January 2016.

<sup>172</sup> Staatssekretariat für Migration (SEM), ‘Focus Eritrea: Update Nationaldienst und illegale Ausreise’ (p7), 22 June 2016, <https://www.sem.admin.ch/dam/data/sem/internationales/herkunftslander/afrika/eri/ERI-ber-easo-update-nationaldienst-d.pdf>. Date accessed: 21 July 2016.

holidays and not being put in prison. If there are those in prison I don't know. I attend weddings of people from diaspora; some of whom did not necessarily finish national service.'

- Anonymous source 2 responded to the following questions posed by the UK FFM:

**Q:** How long could someone be punished for not doing NS? **A:** Punishment is not uniform. Some are imprisoned for years. Some could be months. Then you get re-assigned to same place and in some situations to different [places]. Nowadays, they prefer not to imprison you because so many people are leaving the country and there is a shortage of people. So they prefer just to re-assign you back to what you were doing.

'During Independence Day, they let people go from prisons even before completion of their sentences, which depends on the severity of your case and period stayed in prison.'

**Q:** Is punishment different in different regions? **A:** It is not uniform. It varies all over. Punishments, even things like annual leave, varies a lot. They have to submit the number of people who are actively doing service, periodically, by the administration (personnel) staff in all the ministry offices. It also depends on the military commander for that region. There are many factors that affect this. The general in Assab is very strict.

**Q:** What about in Asmara? **A:** General may be more lenient than other areas (but it does not mean that all NS members in Asmara are administered by one general, as there are many ministries offices) but also depends on local supervisor. Also government moves people [generals / commanders] around.<sup>173</sup>

- The UK FFM asked the UK Ambassador to Eritrea:

**Q:** What is the punishment for evading or absconding from military service? Aware of any specific examples? Are there patterns or factors – depends on what you were doing, where? **A:** Oral advice from my honorary legal advisor was that it varies from a few days' detention to a few months', even up to three years. There are also aggravating and mitigating factors provided for in law.

'Aggravating factor e.g. repeated attempts. Mitigating e.g. only child

'In practice, punishment is reportedly likely to be carried out outside of the formal judicial system, but unlikely to vary much from the punishment provided for in law. The person would then have to do National Service.'<sup>174</sup>

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<sup>173</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.14, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>174</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.14,

- 14.2.14 The UK FFM spoke to Anonymous Source 3 who stated that they had not done national service, 'My mother said I had to stay at home because my father died. At that time, they didn't ask everyone. The round-ups take boys mostly. But after a few years round-ups also take girls, [...] I had to stay at home [to avoid the round-up].'<sup>175</sup>
- 14.2.15 Diplomatic source A interviewed by the UK FFM of February 2016 noted: 'Nobody knows if persons will be punished for leaving illegally or evading national service. We've told Government officials that 18 months would help make national service predictable, but this is currently not under consideration.'<sup>176</sup>
- 14.2.16 Diplomatic Source A gave the FFM a particular example of a member of staff who had not done national service.<sup>177</sup> Diplomatic Source E said, 'People get out. Not everyone is in national service.'<sup>178</sup>
- 14.2.17 The UK FFM also spoke to Yemane Gebreab, Head of Political Affairs, who said:
- 'There are 10,000s who have not done national service [NS]. During the war we actively tried to make everyone do NS. In the 5 years after the war we tried to make everyone do it. But since the change 9 years ago, essentially everyone goes to Sawa for 12th grade, receives military training, university education and then NS. This meant that persons who did not do 11th grade did not go to Sawa, did not do NS. Or people did go to Sawa but did not report for the NS. The Government made no attempt to pursue them.
- 'Q: What has happened to them? A: Nothing has happened and nothing will happen. If the government decides they are required to do it [NS], they will be called. But, there are certain rights and requirements in Eritrea that need you to have done NS, e.g. obtaining a business license, buying land; and travelling abroad/getting a passport/getting exit visas.
- 'Q: Is there way to regularise status? A: Of course. They just need to say they want to do it [NS]. With group of Swedish visitors, I spoke to 3 waitresses who had not done NS. One got married. Even in public sector, people have not done NS.

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<https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>175</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.13, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>176</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.14, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>177</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 11.10, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>178</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 11.18, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

**Q:** They said this in front of you? **A:** Yes. I know lots who have not done NS! If you go to the ministry of foreign affairs, the 2 ladies who bring you the tea haven't done it.

**Q:** Do women who reach 30 and married don't need to do NS? **A:** Yes. Or, if they get married or they have children. Here, the age is coming down – it is in discussion. It may be not 25 but coming down to 28 years.<sup>179</sup>

14.2.18 The CEO of a UK registered, EU-funded international NGO working in Eritrea noted

'It is widely known that thousands of Eritrean people, including the organisation's staff, who have left military service or left the country illegally do return to Eritrea and many are able to do their private business without harassment. This reality is attested to by resident Ambassadors and others. From our extensive discussions with Ambassadors and senior representatives of five European embassies, there is a wide gap in terms of hearing and understanding the reality of human rights concerns. For example one of our staff members left Eritrea illegally for Sudan for economic reason. After a couple of years he returned to start a business and faced no negative consequences. The organisation knows of a further three economic migrants who have since returned from the UK without fear or consequence.'<sup>180</sup>

14.2.19 Landinfo's thematic report on national service of 20 May 2016 (the report is a composite of a range of sources, see the report for full details) observed:

'Factual information about in particular penalties against evaders or deserters is limited. As initially mentioned in the report most of the accounts which describe the penalties are largely based on accounts from asylum seekers in the West. Thus, in terms of source criticism, the information has certain weaknesses, which is not to say that in general it is not credible.

'The general impression that is conveyed in recent years by international sources (which is based on Eritrean sources) is that evaders who are arrested, are taken into custody for a few weeks to a few months and, potentially, are reassigned to national service. Several of Landinfo's interviewees in January 2015 and in January/February 2016, believed that evaders were not likely to be given lengthy penalties and that those who evade national service, first and foremost, risk arbitrary, extrajudicial reactions from military superiors.<sup>30</sup> However, there is widespread uncertainty about the extent of what they are exposed to and the profile of those who are punished. Eritrean authorities point out that the service is an obligation, but they are unclear about the penalties against those who evade. Eritreans who perform the service in the civilian sector, according to some

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<sup>179</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.16, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>180</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.14, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 May 2016.



sources, have been less exposed to military punishments than those who are in the military sector (diplomatic source (1); Eritrean source in national service in the public sector, interviews in Asmara, February 2011). This information may be out of date, but the tendency that emerged at the time, was, according to these sources:

- 'Defection/evasion from national service and subsequent departure from Eritrea are considered as more serious than late return after leave of absence.
- 'There may be a distinction between those who evade the military part of the service and those who evade the civilian part. The former are regarded as deserters and are more frequently subjected to detention and physical abuse than defectors from the civilian service. Some believe that the latter can return to service, but then are likely to receive stricter working conditions and a less comfortable service.
- 'Persons with contacts and networks can get milder penalties.'<sup>181</sup>

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14.2.20 The Landinfo report of 23 March 2015, 'Eritrea: National Service' (English translation September 2015) noted:

'According to a local source, people who leave the country when they are of military age will be seen as deserters and will be punished (Eritrean lawyer, conversations in Asmara, February 2011). However, the source had not heard of any such criminal cases in the regular court system and none of the others Landinfo met in Eritrea had any knowledge of legal proceedings against Eritreans for violations of the National Service Act.'

14.2.21 The UK Home Office's fact finding mission to Eritrea, 7-20 February 2016, spoke to a UN staff member. In response to the question, "human rights organisations allege that people who leave without permission (leave illegally) and claim asylum are viewed as traitors. What are your thoughts on this?", the source said:

'Most people who leave do so illegally. However, people are coming back. I think that people pay the 2% tax, but others don't.

'If it were a taboo to ever come back to this country, people wouldn't come back – even if they had acquired nationality or refugee status abroad. If all of them thought they would end up in prison they would not come I think.

'Most people who leave do so illegally. However, people are coming back. I think that people pay the 2% tax, but others don't.

'If it were a taboo to ever come back to this country, people wouldn't come back – even if they had acquired nationality or refugee status abroad. If all of them thought they would end up in prison they would not come I think.'<sup>182</sup>

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<sup>181</sup> Landinfo, 'Eritrea: National Service (Eritrea: Nasjonaltjeneste)' (section 3.2.1)~, 20 May 2016, <http://www.landinfo.no/id/168.0>. Date accessed: 23 June 2016.

<sup>182</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 11.10,

### 14.3 Punishment of family members

- 14.3.1 The United States State Department 'Country Reports on Human Rights Practices for 2014', published on 25 June 2015, stated that: 'There were occasional reports, particularly from rural areas, that security forces detained and interrogated the parents, spouses, or siblings of individuals who evaded national service or fled the country.'<sup>183</sup>
- 14.3.2 Freedom House reports that 'The government imposes collective punishment on the families of deserters, forcing them to pay heavy fines (approximately \$3,350) and putting them in prison if they cannot pay.'<sup>184</sup>
- 14.3.3 The UN Commission of Inquiry stated that: 'Family members of draft evaders and deserters have been severely punished, by being arbitrarily detained without formal charges. In detention, they risk being tortured and only get released when the wanted person surrenders or a fine of up to 50,000 Nakfa is paid.'<sup>185</sup>
- 14.3.4 In their December 2015 report, 'Just Deserters' Amnesty International stated: 'Seven interviewees reported that their spouse or parent had been arrested as a result of their attempted desertion. This action is intended to induce the conscript to return and to pressure the family member to "produce" them to ensure their return to duty. In a number of these cases, the arrested family member was released on the guarantee they would deliver or send the conscript back to National Service.'<sup>186</sup>
- 14.3.5 The May 2015 EASO Report, citing various sources, concluded that: 'In 2005, the Eritrean authorities began to impose a fine of 50,000 nakfa on the family members of deserters and draft evaders who had left the country illegally. Those who were unable to pay may have been imprisoned for a period and/or conscripted for national service in the place of the deserter. Business licences were also revoked and property seized. These punishments are not imposed consistently, however, and depend on the region (most instances have been reported in the city of Asmara and zoba Debub), the current situation and possibly also whether the deserter dropped out of civilian or military national service.'

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<https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>183</sup> United States State Department, 'Country Reports on Human Rights Practices for 2014', 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236356> Date Accessed: 30 June 2015.

<sup>184</sup> Freedom House, 'Freedom in the World – Eritrea – 2014', 28 January 2015 . [https://freedomhouse.org/report/freedom-world/2015/eritrea#.VZEtB\\_IViko](https://freedomhouse.org/report/freedom-world/2015/eritrea#.VZEtB_IViko). Date Accessed: 29 June 2015.

<sup>185</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1244), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date Accessed: 16 June 2015.

<sup>186</sup> Amnesty International, 'Just Deserters' (page 41), December 2015, <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 27 January 2016.

'Reports about the persecution of family members have become much less common in recent years, probably in part because the Eritrean army no longer has sufficient capacities given the high numbers of deserters. There is no more systematic persecution of family members. But, according to observers, it can still happen for a variety of reasons, particularly in rural areas, especially in the regions of zoba Debub which are close to the border.<sup>187</sup>

- 14.3.6 Anonymous source 2 responded to the question, "Have you heard of anything happening to people's families if one of them leaves the country illegally?" posed by the UK Home Office's fact finding mission to Eritrea, 7-20 February 2016:

'In mid 2000s district or administration officers were forcing families to pay money (it was 50,000.00 ERN if they do not pay), they detain one member of the family, this was obvious in the southern and Maekel region. This was mainly common for students who did not go to Sawa for high school completion, as they could easily be tracked in ministry of education records.

'The whole focus is now on the currency, so that doesn't happen now. But, I know that people have been called and asked to pay money before. But in other places it's different. It's random. Not so much now, but it has happened. But I have also heard that sometimes the MoD – soldiers – come and take the mother or father until the person comes. If they don't, they let them out after a few months. But it is not the same everywhere.

'In 2003-2007, when people were leaving the country illegally, they would come and take someone from the family. They didn't torture people or anything like that. They would question them – where are they? Why aren't they coming?'<sup>188</sup>

- 14.3.7 The UN Col claimed it is report of June 2016: '... the Commission has heard ample evidence that punishment of third parties for alleged wrongful conduct of a family member or associate continues.' The point is referenced with 10 anonymised sources, however only limited further details are provided it is difficult to assess this evidence and conclude if reflects the general situation.<sup>189</sup>

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<sup>187</sup> EASO, 'Eritrea Country Focus' (section 3.8.3), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date Accessed: 16 June 2015.

<sup>188</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.15, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>189</sup> UN Commission of Inquiry, 'Detailed findings of the Commission of Inquiry on Human Rights in Eritrea - A/HRC/32/CPR.1' (para 110), 8 June 2016, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A\\_HRC\\_32\\_CRP.1\\_read-only.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A_HRC_32_CRP.1_read-only.pdf), Date accessed: 23 June 2016.

## 15. People's Army/Militia

15.1.1 The United States' State Department, in its Eritrean 'Trafficking in Persons Report 2015' reported that, 'In 2012 the government instituted a compulsory citizen militia, requiring medically fit adults up to the age of 70 and not currently in the military to carry firearms and attend military training or participate in national development programs such as soil and water conservation projects.'<sup>190</sup>

15.1.2 The Landinfo report of 20 May 2016, 'Eritrea: National Service' noted (the report is a composite of many sources, please see the full report for full details of the sources quoted):

'The People's Army, which is comparable to an extended national guard, was introduced in March 2012 after the Ethiopian incursion in the Afar region, and increased in scope after the

'Ethiopian forces entered the Badme areas in June 2012. People were given weapons and ammunition and had to meet to exercise each Sunday morning. Both men and women between 18 and 70 are required to participate in training that takes place on sports pitches and similar sites, but those who in practice are taking part have been demobilised and discharged from National Service and persons over 50 who no longer form part of the reserve force.

'Some have claimed that the armament and training is in line with the Eritrean defence strategy, which focuses on a small but well trained army, and a population that can be mobilised at short notice. Others have said that the launch of the People's Army is due to the weakening of the army, both because of the lack of personnel and because of a lack of confidence in the political leadership.

'In the extension of the weekly training conducted until the winter of 2013 when it was brought to an end, there have at irregular intervals been requirements for training, and persons who have completed the training have been used as guards outside banks and government buildings and facilities (international representatives (1), (2), interviews in Asmara January/February 2013; international representative (3), interview in Asmara March/April 2014; international representative (4) , interview in Asmara 14 January 2015; diplomatic sources (3), (4), interviews in Asmara 14 and 15 January 2015). '

'The attendance at training in the People's Army was, according to representatives of the international community in Asmara, bad in the autumn of 2014. The relatively few who showed up were pretty much businessmen who could not risk losing their operating licences. The authorities issued a summons to a new training session on 12 January 2015, and it is rumored that the turnout was also low. The question therefore arises how the authorities would deal with this situation, but no information has been

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<sup>190</sup> United States State Department, 'Trafficking in Persons Report 2015- Eritrea, 27 July 2015, <http://www.refworld.org/docid/55b73bf3e.html>. Date accessed: 8 March 2016.

forthcoming about mass arrests or other reprisals against persons who did not appear (international representative (C) and (G), interview in Asmara 27 January 2016 and 28 January 2016).

'The training call up notice is issued as far as Landinfo is aware on house walls and lampposts in the neighbourhoods.'<sup>191</sup>

15.1.3 The December 2015 Amnesty International report, 'Just Deserters', stated: 'Around a dozen people interviewed by Amnesty International reported that their fathers had been remobilised through this system or that the interviewee had been assigned in National Service to be a commander of a People's Army unit. Interviewees considered that this re-conscription of older people was separate from National Service. The upper age limits of reserve duties, as laid out in the National Service Proclamation of 1995, is 50 years. Yet Amnesty International received several reports of men in their late 60s being re-conscripted, which supports the indication that these militia are separate from National Service.'<sup>192</sup>

15.1.4 The May 2015 EASO Report, citing sources, stated: 'Those who ignore the People's Army conscription notices are at risk of losing their food coupons and identity documents or face imprisonment. Many people were nevertheless still ignoring them in late 2014 and early 2015. Reportedly, round-ups and detentions of such evaders occurred.'<sup>193</sup>

15.1.5 The UN Commission of Inquiry reported in June 2015 that:

'The most frequent tasks that members of the People's Army are requested to perform are security and police duties, such as patrolling the streets, guarding buildings, neighbourhoods or the border. These assignments are imposed on conscripts in civil service in addition to their official work. The members of the People's Army do not receive any remuneration for their work, let alone compensation for the work they are prevented from doing on their own fields.

'...There is no doubt for the Commission that the enrolment in the People's Army and the work and service done are not provided voluntarily by the members but under the threat of a penalty. People who do not respond to the call are picked up individually and forced to join. Those who resist risk being sent to prison. Those who refuse to join are punished by being imprisoned, or through the cancellation of their coupons or the withdrawal of their business licences.'<sup>194</sup>

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<sup>191</sup> Landinfo, 'Eritrea: National Service (Eritrea: Nasjonaltjeneste)' (section 5), 20 May 2016, <http://www.landinfo.no/id/168.0>. Date accessed: 20 May 2016.

<sup>192</sup> Amnesty International, 'Just Deserters' (page 34), December 2015, <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 27 January 2016.

<sup>193</sup> EASO, 'Eritrea Country Focus' (section 3.9), May 2015, [https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus\\_EN\\_May2015.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf). Date accessed: 13 June 2016.

<sup>194</sup> OHCHR, 'Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (para 1460, 1463, 1465), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 16

15.1.6 The UK Home Office's fact finding mission to Eritrea, 7-20 February 2016, spoke to Anonymous Source 2 about the People's Militia:

'But, in late 2013 (?), the Government announced that people would have to do the People's Militia training. This is for everyone from 18-60, but some up to 70 in some zobas.

'Again, that varies by region. So you have to go guarding and training. I went for training in 2013. Then, in May 2015, we were called again [for certain employees / administrations]. Everyone went to militia training. You have to do training. We were then issued with the new card to show that you are registered [credit-card like document, shown to the FFM Team].

[The source explained checking of cards...]

'It varies and is very inconsistent. The administration is not good, so sometimes you go home early to avoid being picked up when we heard people are questioned and we call each other from different places. Even though you have the correct paperwork the soldiers sometimes don't necessarily understand and can just take you. You will be taken off to prison then family come and get you, seek to prove your innocence (especially if you do not have your [card] with you).'<sup>195</sup>

15.1.7 Anonymous source 1 added:

'**Q:** Do you know about older people being called up to do national service?

**A:** Not national service. Guarding the city when they take military training. I know a person [they are a security guard in the city], they had to go for one month and two weeks (six weeks, in March 2015) for military training near to Massawa. Then they have to be a security guard at night and during the day in different areas of the city they are living. **A:** They get a call from zoba administration and then tell them that they are on duty. **Q:** How often do they have to do this? **A:** Once a week. You get called by your administration head of security guarding. Sometimes they do it at night, and some times during the day. **Q:** What if the person doesn't report? **A:** They would take punishment action. They give additional guarding duties of three to five days extra on top of normal duties. This is light punishment and the worst is they arrest [the person] for one to three months. I was told this by my [spouse] who heard from [a] friend who experienced this situation.'<sup>196</sup>

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June 2015.

<sup>195</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 9.18, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>196</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 10, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

## 16. Lawful and illegal exit

### 16.1 Requirements to leave Eritrea legally

16.1.1 The EASO Eritrea Country Focus report of May 2015 ('the May 2015 EASO Report'), citing Proclamation 24/1992, an interview with Representatives of the Department for Immigration and Nationality by the Swiss Federal Office for Migration during a 2013 technical mission and a response by the Research Directorate of the Canadian Immigration and Refugee Board (IRB) stated: 'According to Proclamation 24/1992, a valid passport, an exit visa and an international health certificate are required in order to leave Eritrea legally. The EASO report citing the same Proclamation stated: 'Violations of the exit rules laid down in Proclamation 24/1992 or attempts to cross the border illegally or to help others to do so are — according to the law — punishable by prison sentences of up to five years and/or fines of upto 10,000 birr'.<sup>197</sup>

16.1.2 The UN Report of the Commission of Inquiry on Human Rights in Eritrea, published 4 June 2015 ('the UNCOI report 1):

'Proclamation No. 82/1995 regulating national service prohibits Eritrean citizens of military age to go abroad unless they can prove that they have fulfilled their national service duty or that they are permanently exempted. They might also show their registration card and leave a bond of 60,000 Nakfa [c. £3,600<sup>198</sup>] as security that they will return to Eritrea to perform their national service when they will be called for conscription. However, the system that was supposed to deliver registration cards to citizens ahead of their national service has never been put in place. Proclamation No. 82/1995 also obliges applicants for a visa to identify another person as "guarantor". The "guarantor" commits to pay a specified amount should the visa holder not come back to the country.'<sup>199</sup>

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### 16.2 Passports

16.2.1 The May 2015 EASO Report, citing a range of sources noted:

'Since 1 May 2010, machine-readable (but not biometric) passports have been issued, initially valid for only two years, but since 2011 valid for five years. They cost 4,000 nakfa in Eritrea, [c. £245<sup>200</sup>]. Although the old

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<sup>197</sup> EASO Country of Origin Information report, Eritrea Country Focus, sections 6.4.2 and 6.4.4, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf>. Date accessed: 13 June 2016.

<sup>198</sup> Xe Currency Converter, ERI Nakfa to GBP, <http://www.xe.com/currencyconverter/convert/?Amount=60000&From=ERN&To=GBP>. Date accessed: 22 June 2015.

<sup>199</sup> UN Human Rights Council, Report of the detailed findings of the commission of inquiry on human rights in Eritrea (para 406), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 16 June 2015.

<sup>200</sup> Xe.com currency converter, ERI Nakfa to GBP, <http://www.xe.com/currencyconverter/convert/?Amount=4000&From=ERN&To=GBP>. Date accessed:

passports could be issued directly by foreign representations, the new passports are only issued in Asmara. Applicants must submit a supporting letter from the kebab administration, their identity card (or the parents' identity cards in the case of children) and a completed application form at the relevant branch office when applying for a passport. A supporting letter from their employer or proof that they have completed national service must also be submitted. Once the application has been checked, the passport is issued in Asmara and forwarded to the branch office. Passports are not issued to those engaged in national service.

'An identity card, application form and proof that national service has been completed must also be submitted when applying for a passport at a foreign representation. Usually, the payment of the diaspora tax is required for the issuance of a passport abroad. Also deserters and draft evaders are issued passports if certain conditions are met, such as the signing of the letter of repentance; sometimes also when bribes are paid. Passports may also be collected by family members in Eritrea if they are authorised to do so by the Eritrean embassy.'<sup>201</sup>

16.2.2 The State Department report noted in its human rights report for 2015 that:

'The government severely restricted foreign travel and continually modified its requirements to obtain passports and exit visas, sometimes suspending passport or exit visa services without warning. The prohibitive cost of passports deters many citizens from foreign travel. It costs a citizen in national service the equivalent of 40 percent of his or her gross yearly salary to obtain a valid passport. Some persons previously issued passports were not allowed to renew them, nor were they granted exit visas.'<sup>202</sup>

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### 16.3 Exit visas and eligibility

16.3.1 The EASO report of May 2015 citing a number of sources noted:

'In practice, the conditions for the issuance of exit visas are unclear, subject to unannounced changes and to the arbitrariness of the authorities. Most sources agree that exit visas are generally issued to the following categories of persons. However, some contradictions and uncertainties remain, particularly regarding the age boundaries.

- Men aged over 54
- Women aged over 47
- Children aged under 13 (some sources state an even lower age)

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16 June 2015.

<sup>201</sup> EASO Eritrea Country Focus report, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 6.3). Date accessed: 16 June 2015.

<sup>202</sup> United States State Department, 'Country Reports on Human Rights Practices for 2015 – Eritrea' (section 2d), 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252679>. Date accessed: 21 April 2016.



- People exempt from national service on medical grounds
- People travelling abroad for medical treatment, and in individual cases for studies or for a conference
- In some cases, businessmen and sportsmen
- Former freedom fighters (tegedelti) and their family members
- Authority representatives in leading positions and their family members

‘The issuance of exit visas may be denied to government critics, relatives of persons who have left the country illegally or failed to pay diaspora tax while abroad, whole families or parents travelling together and members of non-recognised religious communities.

‘Exit visas cost 200 nakfa and are valid for one month and one trip out of the country. They can be extended three times for one month. The date on which the individual will leave Eritrea is fixed, but a return is possible at any time.’<sup>203</sup>

16.3.2 The UN Report of the Commission of Inquiry on Human Rights in Eritrea, published 4 June 2015 (‘the UN Commission of Inquiry Report’) stated ‘Exit visas are required for any Eritrean national who wishes to leave Eritrea ...The visa, stamped on the passport, indicates the number of exits permitted and the dates of validity during which period the person can leave Eritrea legally.

‘The criteria and conditions to be granted an exit visa are not provided by law and are left to the determination of the Government. However, the law lists specific grounds for the denial of an exit visa, i.e. if a competent court has ruled that the person cannot leave Eritrea; if a competent court has summoned the person to appear within a month before it; and if the Government “believes on valid grounds that the departure of the person might affect the security or the interests of the country.”<sup>204</sup>

16.3.3 The same report stated:

‘Testimony collected by the Commission reveals that exit visas are issued to certain individuals without difficulty. Older women may be granted exit visas readily; even older family members of Government opponents have been permitted to travel outside Eritrea. Male relatives of Government opponents seem not to be accorded similar treatment.

‘An exit visa is also issued to individuals who have completed national service when the nature of their occupation requires regular travel. A witness employed by a foreign-owned shipping company indicated that due to his

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<sup>203</sup> EASO Eritrea Country Focus report, section 6.4.1, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf>. Date accessed: 13 June 2016.

<sup>204</sup> UN Human Rights Council, Report of the detailed findings of the commission of inquiry on human rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>, (para 401-402). Date accessed: 16 June 2015.

work, the authorities would not refuse him an exit visa. Individuals have obtained visas as well for medical reasons.

‘On the other hand, the Commission collected testimony reporting difficulties to obtain exit visas. Some witnesses indicated that it took them almost one year to obtain a passport and an exit visa. In such cases, obtaining the documents often required bribing immigration officials or the intervention of acquaintances at high-level positions within the Government. The Commission also heard cases of Eritreans carrying foreign passports or residents who had been denied exit visas.

‘It appears however that the system described in the Proclamation [No. 82/1995] has been made available only to conscripts travelling for official businesses for the Government. Moreover, it is applied arbitrarily. Some individuals are required to sign a bail bond, others are not. Moreover, the amount of the bail varies. The Commission heard figures between 100,000 and 300,000 Nakfa [c. £6,000–£18,000<sup>205</sup>] being required as security. ...

‘The Commission collected information revealing that even applicants eligible for an exit visa have been denied one without the reasons for the refusal being given. For instance, the Commission heard that young individuals awarded scholarships to pursue their studies abroad had been denied permission to leave.

‘Generally, individuals who have a history of fall-out with the Government have little chance of being granted an exit visa. The ban often applies equally to their family members and irrespective of whether these individuals have completed the national service.’<sup>206</sup>

#### 16.3.4 The December 2015 Amnesty International report ‘Just Deserters’ claimed that:

‘Exit permits are required to leave the country. With few exceptions, people of National Service age, between 18 and 50 years, cannot obtain an exit permit unless they have demobilisation or exemption papers. Teenagers approaching conscription age are also subjected to these restrictions. It is possible for people not of National Service age or people who have been demobilised to get an exit permit. Of the people interviewed by Amnesty International in 2015, only one had an exit permit. The information obtained in these interviews indicates that the majority of people leaving the country do so without authorisation.’<sup>207</sup>

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<sup>205</sup> Xe.com Currency Converter, ERI Nakfa to GBP, <http://www.xe.com/currencyconverter/convert/?Amount=100000&From=ERN&To=GBP>. Date accessed: 22 June 2015.

<sup>206</sup> UN Human Rights Council, Report of the detailed findings of the commission of inquiry on human rights in Eritrea (paras 403-407 and 409-410), 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 16 June 2015.

<sup>207</sup> Amnesty International, Just Deserters (page 43), 15 December 2015, <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 22 March 2016.

16.3.5 The United States State Department (USSD) makes observations on exit requirements in each of its Eritrea human rights reports. In its report covering 2008, it noted that the government suspended exit visas and passport services in August of that year.<sup>208</sup> However, for 2009 and 2010 it noted only that the government sometimes suspended passport and visa services without warning.<sup>209 210</sup> However in 2011, although the USSD noted that the government continued to restrict issuing passports and visas and suspended services without warning, also observing that ‘While not consistently implemented, some relaxation of exit visa requirements took place during the year, allowing an unknown number of persons below the described age cutoffs to leave the country without imposing additional bribes or favors to officials.’<sup>211</sup> The report for 2012 noted ‘Requirements for obtaining passports and exit visas were inconsistent and nontransparent. Nonetheless, increasing numbers of citizens traveled abroad legally to Dubai, Saudi Arabia, Egypt, and Qatar.’<sup>212</sup>

16.3.6 In its report on 2013, the USSD reported:

‘The government has the ability to restrict foreign travel, and requirements for obtaining passports and exit visas were inconsistent and nontransparent... Some relaxation of exit visa requirements appeared to take place, including for medical purposes, allowing an unknown number of persons below the age cutoffs to leave the country. Those persons who reportedly had a better chance at obtaining exit permits included individuals who completed and whom authorities demobilized from national service, those exempt from national service, and those registered and participating in the citizen militia... Diaspora members who visited the country reported being required to pay a 2 percent tax on foreign earned income before being given exit visas.’<sup>213</sup>

16.3.7 The USSD report covering 2014 stated:

‘The government restricted foreign travel. The government required citizens, including dual nationals, to obtain exit visas to depart the country. Requirements for obtaining passports and exit visas were inconsistent and nontransparent. During the year the government imposed new exit visa

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<sup>208</sup> US State Department (USSD), Country Reports on Human Practices, 2008, Eritrea, section 2d, February 2009, <http://www.state.gov/j/drl/rls/hrrpt/2008/af/119000.htm>. Date accessed: 16 June 2016.

<sup>209</sup> USSD, Country Reports on Human Practices, 2009, Eritrea, section 2d, March 2010, <http://www.state.gov/j/drl/rls/hrrpt/2009/af/135952.htm>. Date accessed: 14 June 2016.

<sup>210</sup> USSD, Country Reports on Human Practices, 2010, Eritrea, section 2d, April 2011, section 2d, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154345.htm>. Date accessed: 14 June 2016.

<sup>211</sup> USSD, Country Reports on Human Practices, 2011, Eritrea, section 2d, July 2012, <http://www.state.gov/j/drl/rls/hrrpt/2011humanrightsreport/index.htm#section2d>. Date accessed: 14 June 2016.

<sup>212</sup> USSD, Country Reports on Human Practices, 2012, Eritrea, section 2d, April 2013 USSD, 2012, section 2d, April 2013, <http://www.state.gov/j/drl/rls/hrrpt/2012humanrightsreport/index.htm#section2dfreedom>. Date accessed: 14 June 2016.

<sup>213</sup> USSD, Country Reports on Human Practices, 2013, Eritrea, section 2d, February 2014, <http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm#section2dfreedom>. Date accessed: 14 June 2016.

restrictions. Authorities generally did not give exit visas to children ages five and older. In September members of the civilian militia were told that any man or unmarried woman in the civilian militia would be unable get an exit visa until further notice. Categories of persons most commonly denied exit visas included men under age 54, regardless of whether they had completed the military portion of national service, and women younger than age 47. The government did not generally grant exit permits to members of the citizen militia, although some whom authorities demobilized from national service or who had permission from their zone commanders were able to obtain them. Authorities arrested persons who tried to cross the border and leave without exit visas. A shoot-to-kill policy was in effect for those attempting to cross the border to exit the country without authorization.’<sup>214</sup>

16.3.8 While in its report for 2015, the USSD stated:

‘The law and unimplemented constitution provide for freedom of internal movement, foreign travel, emigration, and repatriation, but the government restricted all these rights. It often denied citizens passports and exit visas on the grounds they had not completed their military duties or arbitrarily for no given reason... The government restricted foreign travel. The government required citizens, including dual nationals, to obtain exit visas to depart the country if they entered on an Eritrean passport or residency card. Requirements for obtaining passports and exit visas were inconsistent and nontransparent. Authorities generally did not give exit visas to children ages five and older. Some parents avoided seeking exit permits for children approaching the age of eligibility for national service due to concern they themselves would be denied permission to travel, although some adolescents were granted exit permits. Categories of persons most commonly denied exit visas included men under age 54, regardless of whether they had completed the military portion of national service, and women younger than 30, unless they had children. The government did not generally grant exit permits to members of the citizen militia, although some whom authorities demobilized from national service or who had permission from their zone commanders were able to obtain them... To prevent emigration the government generally did not grant exit visas to entire families or both parents of children simultaneously. Authorities arrested persons who tried to cross the border and leave without exit visas.’<sup>215</sup>

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## 16.4 Number and process for issuing exit visas

16.4.1 In the UK Home Office’s fact finding mission to Eritrea of 7-20 February 2016 (UK FFM) immigration officials stated that 60-80,000 exit visas were issued

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<sup>214</sup> United States State Department, ‘Country Reports on Human Rights Practices for 2014 – Eritrea (section 2d), June 2015,

<sup>215</sup> United States State Department, ‘Country Reports on Human Rights Practices for 2015 – Eritrea’ (section 2d), 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252679>. Date accessed: 21 April 2016.

annually for Eritrean residents.<sup>216</sup> The same source also provides information on the process for obtaining an exit, including cost (200 Nakfa).<sup>217</sup>

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## 16.5 Numbers leaving illegally

- 16.5.1 The UN Commission of Inquiry estimated, as of the end of 2014, an estimated '5,000 people leave Eritrea each month, mainly to neighbouring countries. The trend has been upwards, with a marked spike during the last months of 2014 ... The total Eritrean population of concern to UNHCR in mid-2014 was 357,406 – depending on estimates of the current population, this would constitute between 6 per cent and 10 per cent of the national population.'<sup>218</sup> A February 2016 report commissioned by European Commission's Instrument Contributing to Stability and Peace, 'GSDRC (2016) Rapid fragility and migration assessment for Eritrea (Rapid Literature Review) Birmingham: GSDRC, University of Birmingham', suggested: '...reports in the past three years suggest hundreds of Eritreans leave their country every month (UNHCR Eritrea, 2015). Some authors suggest the total number of departures may have been up to 5,000 a month in some periods (van Reisen et al., 2013).'<sup>219</sup>
- 16.5.2 However an article of 22 January 2016 by Salem Solomon, Casey Frechette on Poynter (a non-profit school for journalism) noted that 'the U.N. has not published or provided the authors with specific sources for its statistics on Eritrean refugees.'<sup>220</sup>

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## 16.6 'Shoot to kill' policy

- 16.6.1 The UN Commission of Inquiry (UN Col) report of June 2015 noted: 'The Commission finds that the Government of Eritrea has for a considerable period of time, been implementing a shoot-to-kill policy close to the borders with its neighbours to stop Eritreans from fleeing the country, who are labelled as traitors and collaborators of the enemy. The shoot-to-kill policy

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<sup>216</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 11.1, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>217</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 11.1, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016.

<sup>218</sup> UN Commission of Inquiry, Report of the detailed findings of the commission of inquiry on human rights in Eritrea -- A/HRC/29/CRP.1, para 151, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 16 June 2015.

<sup>219</sup> GSDRC (2016). 'Rapid fragility and migration assessment for Eritrea (Rapid Literature Review)'. Birmingham: GSDRC, University of Birmingham, February 2016, [http://www.gsdr.org/wp-content/uploads/2016/02/Fragility\\_Migration\\_Eritrea.pdf](http://www.gsdr.org/wp-content/uploads/2016/02/Fragility_Migration_Eritrea.pdf). Date accessed: 23 March 2016.

<sup>220</sup> Poynter, 'Skepticism before sympathy: why journalists should verify figures from the U.N., NGOs and nonprofits', 22 January 2016, <http://www.poynter.org/2016/why-journalists-should-treat-nonprofits-un-agencies-and-ngos-with-greater-skepticism/392551/>. Date accessed: 23 March 2016.

has largely been implemented by the military, particularly the border surveillance division. The surge in its implementation in 2004 was preceded by warnings from local administrators to their communities regarding the strict instructions received from the Government to shoot and kill those who attempted to leave the country. While the Commission found that people have been shot at while trying to cross the border as recently as 2014, some testimonies indicated that the shoot to kill policy might have been revised. However, the Commission is not in a position to conclude that the policy has been officially abolished by the Government.<sup>221</sup>

16.6.2 Amnesty International, in its December 2015 report, 'Just Deserters', stated:

'A long-standing policy to shoot people crossing the border remains in place on the Eritrea-Ethiopia border and several of the interviewees referred to this (often known as the "shoot to kill") policy. Soldiers stationed on the border - many of whom are conscripts - are instructed to shoot anyone sighted crossing the border, though arrest is the first option. Information provided in interviews with Amnesty International indicates that people who are caught or respond to an order to halt are arrested. Interviewees who left Eritrea across the border with Ethiopia during late 2014 and 2015 or who had been stationed on the border until they left the country confirmed that this policy is still in place.

'The "shoot to kill" policy is only in place for the border with Ethiopia...'<sup>222</sup>

16.6.3 The UK Home Office's fact finding mission to Eritrea, 7-20 February 2016 (UK FFM), asked Diplomatic Source A if they were aware of the government operating a "shoot to kill" policy:

'There is no evidence of the recent application of 'shoot-to-kill'. It could not be ruled out completely that it might happen on the border with Ethiopia, but it doesn't happen on the border with Sudan.

'We visited the Sudan border at Tessenei [sic] – saw no border control. If it happened regularly as Eritrea is a small place, we would hear of it.

'There was an example of a case reported on the internet that people were killed en-route to Sudan via shoot-to-kill. But we had done some research with the people's family and it turned out they had broken down in their car on the way, had then tried to walk to Port Sudan but did not have enough water and died of heat exhaustion.

'If shootings happened, opposition websites would report this.'<sup>223</sup>

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<sup>221</sup> UN Commission of Inquiry on Human Rights in Eritrea, Report of the detailed findings of the commission of inquiry on human rights in Eritrea -- A/HRC/29/CRP.1, para 1130, June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>. Date accessed: 13 June 2016.

<sup>222</sup> Amnesty International, 'Just Deserters' (page 36), December 2015 <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>. Date accessed: 21 March 2016.

<sup>223</sup> UK Home Office, 'Report of fact finding mission to Eritrea', 7-20 February 2016, section 11.4, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 14 June 2016.

16.6.4 During the same FFM, the UK Ambassador to Eritrea observed in regard to the UN Commission of Inquiry report of June 2015:

‘One of the analytical weaknesses was its failure to identify timelines, patterns or trends. So difficult to know whether events described in the report are ongoing or not, e.g. [the] shoot-to-kill [policy for those trying to leave the country illegally]. I am not aware of any reliable example of anyone being shot at while crossing the border since my arrival at post in mid-2014, though one diplomatic colleague has reported hearing of a single, isolated incident in 2014.’<sup>224</sup>

16.6.5 The UN Col report of June 2016 observed: ‘The Commission obtained reliable evidence that a shoot-to-kill policy at Eritrean borders targeting Eritreans attempting to flee the country still exists, but that it is not implemented as rigorously as it was in the past.’<sup>225</sup>

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## 16.7 Number of returnees

16.7.1 On 8 April 2015, during a discussion at the Bruno Kreisky Forum for International Dialogue, Presidential Adviser Yemane Gebreab stated that:

‘For Eritrea the policy is all the Eritreans that have left the country; even illegally; even those deserted from National Service, from their own units in their military. For us, we welcome them back. They will not be punished. They can come back to the country anytime. They don’t have to come permanently to the country, they can come and visit. In fact, thousands... thousands of them come every summer to visit the country.’<sup>226</sup>

16.7.2 The Guardian newspaper’s article ‘Africa’s ‘Little Rome’, the Eritrean city frozen in time by war and secrecy’, part of its “inside Eritrea” series also stated that ‘Each summer Eritrea’s population swells with visitors from the country’s diaspora’<sup>227</sup>

16.7.3 Immigration officials at a meeting with the UK Home Office’s fact finding mission to Eritrea, 7-20 February 2016 (UK FFM), stated: ‘...thousands of Eritreans, including those who left the country illegally, come back to visit, especially in summer, to see family, etc. In 2014, 1,538 males and 389

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<sup>224</sup> UK Home Office, ‘Report of fact finding mission to Eritrea’, 7-20 February 2016, section 11.4, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 14 July 2016.

<sup>225</sup> UN Commission of Inquiry on Human Rights in Eritrea, Detailed findings of the commission of inquiry on human rights in Eritrea (para 131), June 2016, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A\\_HRC\\_32\\_CRP.1\\_read-only.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A_HRC_32_CRP.1_read-only.pdf) Date accessed: 13 June 2016.

<sup>226</sup> Madote, ‘Yemeane Ghebreab speaks on Eritrea Limiting National Service to 18 months’, April 2015, <http://www.madote.com/2015/04/yemeane-ghebreab-speaks-on-limiting.html#ixzz3Y3MHIJzz>. Date Accessed: 22 June 2015.

<sup>227</sup> The Guardian, ‘Africa’s ‘Little Rome’, the Eritrean city frozen in time by war and secrecy’, 18 August 2015, <http://www.theguardian.com/world/2015/aug/18/eritrea-asmara-frozen-in-time-africas-little-rome>. Date accessed: 24 August 2015.

females returned to Eritrea. These had left illegally and been away for three years.<sup>228</sup>

16.7.4 In conversation with the UK Home Office's fact finding mission to Eritrea, 7-20 February 2016 (UK FFM), diplomatic sources B, C and D stated:

'People are returning quickly. There are people coming back to Asmara who only arrived in Lampedusa four months ago. They go, get their status, now return.

'Q: How do you know this? What is the evidence? 'A: We know through the many, many cases of people we have spoken to. But it's hard to give specific evidence. However, there is a large community from [a Western European country] and they are recognised.

'Q: Is it tens, hundreds? 'A: It is many more than hundreds...Anecdotal evidence from the US Embassy is that around 85% of people of their consular cases are Americans of Eritrean descent travelling on an Eritrean passport or identity document. Specific examples from our own consular cases are the same.

'All the flights coming in the summer are full. There are around 15 [flights] per week.

'At the moment, it is a bit more quiet. This is not the real Asmara. In August, it is too unreal – too much money from the diaspora.'<sup>229</sup>

16.7.5 The FFM asked a UN staff member. "How many do you think return?"

'I don't know for sure, people come with different flights all the time from Europe, America and others from Sudan etc. The number of flights and airlines operating are also increasing. Egypt Air; Qatar; FlyDubai; Turkish [Airways].

'I know that people who were sent back from Israel. There is no systematic approach to return and reintegration. We haven't heard any outcry of people being returned, but equally we haven't been able to track those returning.

'I know that people who are coming back were voluntarily. The Government of the State of Eritrea don't look at the context. People who are coming back are people who are coming back. Not sure whether there is a special treatment for those returning voluntarily and those not returning voluntarist [sic].

'I don't know large numbers of people are being put in prison, I have no information. I don't know for sure as I don't have the evidence, but based on

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<sup>228</sup> UK Home Office, 'Report of fact finding mission to Eritrea', 7-20 February 2016, section 11.7, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 14 June 2016.

<sup>229</sup> UK Home Office, 'Report of fact finding mission to Eritrea', 7-20 February 2016, section 11.7, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 14 June 2016.



anecdotal evidence, I think if everyone returning was put in prison we should not see any one coming.’<sup>230</sup>

- 16.7.6 See the UK [FFM report](#) of June 2016 for further information on numbers of returns – largely anecdotal – based on discussions with various sources in Eritrea, including individuals identified by the government who had returned from Sudan and Israel.
- 16.7.7 The Population, Immigration and Border Authority (PIBA), of Israel, in correspondence with the Home Office in March 2016 stated that since 2012 2,167 Eritreans had returned voluntarily to Eritrea from Israel.<sup>231</sup>

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## 17. Punishment for leaving illegally and treatment on return

### 17.1 Treatment for leaving illegally

#### 17.1.1 The May 2015 EASO Report noted:

‘In reality, however, punishment for illegal exits is generally imposed on an extrajudicial and arbitrary basis. Human rights organisations state that people who are caught attempting to leave the country illegally are detained without charge and without being told the grounds for, or duration of, their imprisonment. The reported detention periods vary, but are generally between one and two years according to Amnesty International, whereas Human Rights Watch states that they are between three and five years. Minors are sometimes also recruited for military service. The British embassy in Asmara reported in 2011 that returnees who had left the country illegally are recruited into military units, detained, fined or not punished at all... The Eritrean authorities claim that people who have left the country illegally may return without fear of punishment after they have paid the diaspora tax and signed the repentance form but they may be sent to a six-week training course to “enforce their patriotic feelings”<sup>232</sup>

#### 17.1.2 The same report also noted:

‘In practice, according to most sources, deserters and draft evaders are imprisoned if they are caught within the country before being able to leave, or at the airport after returning. They are frequently kept in incommunicado detention without charges, proceedings or fixed sentence, and sometimes even tortured. Periods of detention vary between several days and several years. According to one report, punishments are more severe in the case of deserters who have dropped out of military national service. However, for the punishment, it does not make a difference whether the desertion has taken

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<sup>230</sup> UK Home Office, ‘Report of fact finding mission to Eritrea’, 7-20 February 2016, section 11.7, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 14 July 2016.

<sup>231</sup> Email correspondence between the Home Office and PIBA, March 2016. [Annex D](#)

<sup>232</sup> EASO, ‘Eritrea Country Focus’ (section 6.4.4), May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf>. Date accessed: 16 June 2015.

place during the legally prescribed service period of 18 months or afterwards.

‘The information on the treatment of returning deserters and draft evaders is based primarily on the experiences of failed asylum seekers repatriated to Eritrea between 2002 and 2008. There have been no new empirical findings since then on the treatment of repatriated deserters and draft evaders. Therefore, the punishment currently imposed on deserters and draft evaders is difficult to establish. However, most sources state that punishment is imposed arbitrarily on an extra-judicial basis without regard for the law.

‘Eritreans were repatriated from Egypt in 2009 and 2011 and there have been many instances of overland repatriations from Sudan in recent years. No information is available on the fate of those repatriated after their return, however. Some of the respondents contacted in Eritrea during Denmark’s and Norway’s fact-finding missions in late 2014 and early 2015 believed that deserters and draft evaders were held in prison for several weeks or months and were then reassigned to national service (see above). However, several of the Eritrean experts consulted in 2013 and 2014 by Norway, the Netherlands and Denmark believed that repatriated deserters and draft evaders may still be subjected to interrogations, punishments and mistreatment. Since human rights monitors have no access to Eritrea and the International Committee of the Red Cross (ICRC) is not allowed to visit prisons, it is impossible to verify such statements.

‘The Eritrean leadership has stated on several occasions that those returning to the country will not be punished as long as they have not committed any offences but it has not yet been made clear whether desertion, draft evasion or illegal exits are regarded as offences. No amendments have been made to the country’s laws and no other documents have been issued to substantiate these announcements ...’Also individuals of draft age, who have left Eritrea illegally, may be perceived as draft evaders upon return’,<sup>233</sup>

17.1.3 The EASO report further noted that:

‘Prison sentences are imposed in Eritrea on general criminal grounds as well as political grounds and religious grounds and in connection with military crimes such as desertion and draft evasion or attempts to leave the country illegally. Human rights reports describe the conditions of detention in Eritrean prisons as precarious. Given the lack of access to Eritrea, the quoted human rights reports are based on a range of sources abroad ... Therefore the information cannot be verified on-site.’<sup>234</sup>

17.1.4 For more on prison conditions, see section 4.1 of the EASO Country Report and paragraph 890 of the UN Commission on Inquiry report of June 2015.

17.1.5 The UK Home Office’s fact finding mission to Eritrea, 7-20 February 2016 (UK FFM), spoke to Anonymous Source (3): ‘Q: Do you know anyone who

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<sup>233</sup> EASO, ‘Eritrea Country Focus’ (section 3.8.1 and 3.8.2), May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf>. Date accessed: 16 June 2015.

<sup>234</sup> EASO, ‘Eritrea Country Focus’ (section 4.1), May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf>. Date accessed: 16 June 2015.

has left Eritrea and returned? **A:** People cross the border, stay 5 years then government accept them back. They pay 2% tax, inside or outside Eritrea, then live here. They can go out. **Q:** Do they have to do NS? **A:** No. They don't have any problems. They get married. **Q:** Do you know anyone who has returned? **A:** Yes, a few. From others.<sup>235</sup>

17.1.6 The UK FFM asked diplomatic source A, "All claims in the UK raise illegal exit, do you have a sense for what the punishment on return?"

'**A:** Difficult to say. I've heard from some Eritreans that some people who leave have been caught and been treated badly. I've not been in a prison, I assume they are bad.

'I also know from anecdotal evidence from people who have left and returned and who were not drawn to national service but are able to move freely. I have also heard from others moaning that people in national service need a permit to move around.

[People returning] is an annoyance and a pull factor for other Eritreans. People run away, come back and are not bothered. Some people get away with it. I know some young people who have never done national service – [the source gave a particular example of a member of staff who had not done it].

'**Q:** How many come back? **A:** A number of people. I've met quite a number of diaspora Eritreans who are definitely of age for national service but who are not bothered by the government. Dozens or hundreds, I can't say.

'**Q:** How long have they been away? **A:** Initially 2 years then come back. More recently it could be almost straight away. The people I've met are fairly young, not waited 10 years.

'**Q:** Had these people got asylum? **A:** To my knowledge, they had all got asylum.

'**Q:** Does the government view them as Eritreans? **A:** Yes. Government population figures refer to a 'resident' population of 3.5 million, so government considers people Eritreans wherever they are.<sup>236</sup>

17.1.7 The UK FFM spoke to a group of voluntary returnees from Israel and Sudan, several of whom described how the process of return and how they were received on arrival. See sections 11.7 and 11.10 of the [UK Home Office fact finding report of February 2016](#).

17.1.8 The US State Department report on human rights for 2015 noted:

'Many persons who fled the country remained in self-imposed exile due to their religious and political views and fears they would be conscripted into

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<sup>235</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 11.10, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 14 July 2016.

<sup>236</sup> UK Home Office's Fact Finding Mission to Eritrea, 7-20 February 2016, section 11.10, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 14 July 2016.

national service if they returned. Others reported there were no consequences for returning Eritreans who had been granted residency or citizenship in other countries... In general citizens had the right to return, but citizens residing abroad had to show proof they paid the 2 percent tax on foreign earned income to be eligible for some government services and documents, including exit permits, birth or marriage certificates, passport renewals, and real estate transactions. The government enforced this inconsistently. Persons known to have broken laws abroad, contracted serious contagious diseases, or been declared ineligible for political asylum by other governments had their visas and visa requests to enter the country considered with greater scrutiny than others.’<sup>237</sup>

17.1.9 The UN Commission of Inquiry report of June 2015 provided information on treatment of forced returns, however because the report has removed detail to avoid identifying individuals it is unclear from which period all the information relates. There appears to be only 1 uncorroborated testimony relating to an incident after 2011, in 2014:

‘The Commission received information on forced repatriation of about 200 Eritreans from [country A] in 2002. They included women and under-age children.

‘The Commission also documented two cases of repatriation from [country B]. In the first case, the repatriation decision was reportedly made by the [country B] court. The witness was handed over to the Eritrean authorities with other deportees. In the other case, the victim was transferred to the Eritrean authorities by the [country B] security officers.

‘The cases of deportation from [country C] brought to the attention of the Commission took place in 2004 and 2008. Several hundreds of individuals, including pregnant women, were refouled in 2008, after being arrested while trying to enter into [country D]. They were flown to Massawa.

‘More recently, the forced repatriation in 2014 of Eritreans from [country D] was reported by a witness. The latter had been held in prison for several years before his deportation. Another 40 Eritreans were also allegedly forced to return from [country E] in 2014.

‘Individuals forcefully repatriated are inevitably considered as having left the country unlawfully, and are consequently regarded as serious offenders, but also as “traitors.” A common pattern of treatment of returnees is their arrest upon arrival in Eritrea. They are questioned about the circumstances of their escape, whether they received help to leave the country, how the flight was funded, whether they contact with opposition groups based abroad, etc. Returnees are systematically ill-treated to the point of torture during the interrogation phase.

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<sup>237</sup> United States State Department, ‘Country Reports on Human Rights Practices for 2015’, Eritrea section, section 2d, April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=119000&year=2008#section2dofredom>. Date accessed: 14 June 2016.

'After interrogation, they are detained in particularly harsh conditions, often to ensure that they will not escape again. Returnees who spoke to the Commission were held in prison between eight months to three years. Male returnees from [country A] were held on Dhalak Island after a few months of detention at Adi Abeito. Deportees from other countries were held in prisons such as Prima Country and Wi'a.

'Witnesses who spoke to the Commission noted the severe conditions during their detention. They were made to undertake forced labour and were frequently punished by prison guards for inconsequential matters. [Country A] returnees recounted that, on one occasion, they had been reportedly even denied drinking water where they were detained at Dhalak Island where temperatures often soared to 50 degrees Celsius. As a consequence, many fell sick after drinking unsafe water.

'Women and accompanied children are also held in detention centres, though they are reportedly treated less harshly. However, the Commission found that unaccompanied children are subjected to treatment and conditions of detention comparable to those of adults. For instance, under-age male returnees from [country A] were detained with the other adults at Adi Abeito and on Dhalak Island... At no point are returnees given opportunity to contact their families, nor are they informed of the length of their detention. Relatives find out about individuals who have been forcefully repatriated only when the latter manage to escape from the prison or the national service, or flee the country another time. After their release, women and accompanied children are usually allowed to go home. Male unaccompanied minors and those of draft age are sent to military training.

'The Commission found however two exceptions to the rule that returnees are arrested, detained and forced to enlist in the national service upon their arrival in Eritrea. A group of Eritreans was returned from [country D] with a letter certifying that they had paid the 2 per cent Rehabilitation Tax and had already been detained several years in [country D]. The witness had himself been imprisoned for three years in [country D]. He was given a permit to return to his hometown, but which had to be renewed every two months. He left Eritrea again shortly after being deported. The other case concerned forced repatriations to Eritrea in 2014, where seven older men were reportedly freed while the younger men who were returned in Eritrea at the same time were not released.'<sup>238</sup>

17.1.10 The UNHCR reported on 2 June 2016 that:

'[It] has learned with great concern of recent collective expulsions from Sudan of Eritreans to Eritrea. At least 313 Eritreans were arrested on 6 May in the northern Sudanese town of Dongola. They were tried and convicted of "illegal entry" into Sudan under national immigration laws and were forcibly

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<sup>238</sup> UN Human Rights Council, 'Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (paras 427–436), June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/CoIEritrea/Pages/ReportCoIEritrea.aspx>. Date accessed: 14 June 2016.

returned to Eritrea on 22 May. The Office has also learned of a previous collective expulsion of 129 Eritreans back to their country of origin a few days before the 22 May incident.<sup>239</sup>

17.1.11 Referring to the same expulsions, the UN Col's second report of 8 June 2016, based on information provided by 3 anonymous witnesses, noted:

'According to corroborated reports by unrelated witnesses, in the days prior to the expulsions, Eritrean authorities visited Eritreans in a Sudanese prison to register the identities of those to be returned. The witnesses also reported that upon arrival in Eritrea, the returnees were arrested and detained. They further indicated that those who were in the national service, prior to leaving the country, were detained at Adi Abeito prison on the outskirts of Asmara, and that those who had not yet undergone military training are currently detained elsewhere, including in Tessenei and Hashferay, apparently awaiting transfer to military training centres. Some family members in Eritrea were able to obtain information about detained individuals through informal means, and not because they were officially notified about the detentions or permitted to visit the detainees.'<sup>240</sup>

17.1.12 The country analyst section of the Swiss Secretariat for Migration produced a report on Eritrea based on a range of public sources and information obtained in conversations with interlocutors in Asmara during its own fact finding mission in March 2016. The report is in German but provides an unsourced summary of its main findings including on illegal exit, voluntary and enforced returns:

'According to almost all sources, individuals who leave Eritrea illegally are also subjected to extrajudicial punishment. It is unclear who is in charge of imposing penalties. No judgments are made public and there is no possibility of appeal. However, the policy currently applied by the authorities appears to allow for shorter prison sentences than those enshrined in the law. According to most reports, detention times now commonly are a few months up to two years, depending on the circumstances. After being released, deserters have to re-sume their National Service, while draft evaders are conscripted for military training. The alleged "shoot-to-kill order" at the border apparently is not followed strictly. However, shoot-ings may occur.

'For voluntary returnees from abroad who previously had evaded draft, deserted or left the country illegally, it seems that the draconian laws are not applied at the moment, provided they have regularised their relations to the Eritrean authorities prior to their return. According to a new, unpublished directive, such returnees are exempt from punishment. It is understood that

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<sup>239</sup> UNHCR, 'UNHCR concerned by expulsions from Sudan', 2 June 2016, [http://www.ecoi.net/local\\_link/324802/450941\\_en.html](http://www.ecoi.net/local_link/324802/450941_en.html). Date accessed: 14 June 2016.

<sup>240</sup> UN Commission of Inquiry on Human Rights on Eritrea, 'Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea - A/HRC/32/CPR.1' (para 98), 8 June 2016, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A\\_HRC\\_32\\_CRP.1\\_read-only.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A_HRC_32_CRP.1_read-only.pdf). Date accessed: 16 June 2016.

the majority of the individuals who have returned according to this directive effectively has not been persecuted. Nonetheless, concerns remain [.]

‘There is no legal certainty, because the directive has never been made public. Furthermore prospective returnees are obliged to pay a diaspora tax (2% tax) to an Eritrean representation abroad and to sign a “letter of regret” in case they have not fulfilled their National Service duty yet. It should also be noted that not all Eritreans are able to return this way. E.g. Persons who were critical to the Eritrean government during their time abroad are either denied return or would risk detention upon their return. The majority of Eritreans which so far returned did so voluntarily and only for temporarily. The long-term consequences of returns on a permanent base are still unknown.

‘There is hardly any information available regarding the treatment of forcibly returned persons. In the last few years, only the Sudan (and possibly Egypt) forcibly repatriated Eritreans. As opposed to voluntary returnees, those forcibly returned are not able to regularise their relation to the Eritrean authorities prior to returning. The few available reports indicate that the authorities treat them similarly as persons apprehended within Eritrea. For deserters and draft evaders, this means being sent back to National Service after several months of detention. Regularisation is not necessary for persons who have not reached conscription age yet or who have fulfilled their National Service duty already. Nevertheless, it can’t be excluded that adults are punished for non-payment of the diaspora tax or for illegal exit.’<sup>241</sup>

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## 17.2 Reasons for detention / ill-treatment

17.2.1 The Landinfo response, ‘Eritrea: Exit visas and illegal exit,’ published 15 April 2015 (English translation December 2015) noted that their impression is that:

‘...the authorities assess Eritreans returning home based on: the circumstances surrounding their departure, national service status, any political activity in exile, their network in Eritrea and the payment of the above-mentioned two percent tax. It is probably the reasons behind the illegal departure that can lead to reprisals on returning home and not the illegal departure in itself.

‘Persons who avoid national service and depart Eritrea illegally, but who later restore their relationship with the authorities by signing the retraction letter, pay the two percent tax in exile, and who do not participate in activities critical of the government, according to several international representatives in Asmara, are likely to be less vulnerable to reprisals from the authorities than those who do not restore their relationship with the authorities. A good network and contacts in the government apparatus and the party are

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<sup>241</sup>Staatssekretariat für Migration (SEM), ‘Focus Eritrea: Update Nationaldienst und illegale Ausreise’ (p8), 22 June 2016, <https://www.sem.admin.ch/dam/data/sem/internationales/herkunftslander/afrika/eri/ERI-ber-easo-update-nationaldienst-d.pdf>. Date accessed: 21 July 2016.

probably also useful (conversations with a diplomat (C) January 2013; international representative (B) in Asmara in January 2013; international representative (C) January 2015).<sup>242</sup>

17.2.2 The May 2015 EASO Report noted: In the reported cases of punishment, it is generally unclear if the punishment was meted out for the illegal exit of the person or due to other circumstances. There are no reports on the treatment of people who merely have left the country illegally without having deserted or evaded conscription.<sup>243</sup>

17.2.3 The Swedish Migration Board's country research service (Lifos) report on Eritrea stated:

'It can be noted that a large number of people continue to flee from Eritrea every month. The majority of those who leave the country do so illegally because they are of eligible age for the National Service and it is therefore very difficult to obtain an exit permit issued by the authorities.

'Under national legislation, the scale of penalties for illegal exit includes both imprisonment and fines. The country information on the ways in which people are punished for illegal exit in itself is limited and unclear. The subject is rarely or never covered on its own. Lifos concludes that it is very difficult to Lifos comment on the manner in which illegal exit itself is penalised. Most likely it is a combination of factors that have a bearing on whether and to what extent a person who returns risks being punished.'<sup>244</sup>

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## 18. Failed asylum seekers

18.1.1 The US State Department in its report covering 2015 observed:

'In general citizens had the right to return, but citizens residing abroad had to show proof they paid the 2 percent tax on foreign earned income to be eligible for some government services and documents, including exit permits, birth or marriage certificates, passport renewals, and real estate transactions. The government enforced this inconsistently. Persons known to have broken laws abroad, contracted serious contagious diseases, or been declared ineligible for political asylum by other governments had their visas and visa requests to enter the country considered with greater scrutiny than others.'<sup>245</sup>

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<sup>242</sup> Landinfo, 'Eritrea: Exit visas and illegal exit' [English translation] (page 7), 15 April 2015, [http://www.landinfo.no/asset/3284/1/3284\\_1.pdf](http://www.landinfo.no/asset/3284/1/3284_1.pdf). Date accessed: 21 March 2016.

<sup>243</sup> EASO, 'Eritrea Country Focus' (section 6.4.4), May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf>. Date accessed: 16 June 2015

<sup>244</sup> Swedish Migration Board (Lifos), 'Eritrea: country Report' (section 7.1.2), 13 December 2015, <http://lifos.migrationsverket.se/dokument?documentSummaryId=36406>. Date accessed: 14 June 2016. (English translation available on request).

<sup>245</sup> US State Department, 'Country Reports on Human Rights Practices for 2015', Eritrea section 2d, April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#section2dfreedom>. Date accessed: 23 June 2016.



18.1.2 Landinfo in a response dated 27 April 2016, which reviewed a range of information sources on the return and treatment of failed asylum seekers, noted:

‘There is very little empirical data on the topic [of the government’s reaction to returning failed asylum seekers], and it is very difficult to find reliable and verifiable information on which reactions returned asylum seekers are exposed to upon return [...] This is corroborated by British authorities, amongst others, who also note that there is limited evidence with respect to how Eritrean returnee asylum seekers are treated (UK Home Office Border Agency 2012, p. 142).

‘Key sources such as Eritrea expert Gaim Kibreab (Landinfo 2013) cannot give specific examples of what has happened with returned asylum seekers.<sup>5</sup> Nor did the sources that Landinfo met in Asmara (source A and E, interviews in January/February 2016) know of reactions against returning Eritreans. Source A added that the person did not know of any cases where persons had been punished for having sought asylum in another country. Another source (source B, interview in Asmara in January/February 2016) believed that leaving the country illegally or deserting was treason,<sup>6</sup> but the source did not know, or have specific examples, of reactions from the authorities against deported persons or persons who had voluntarily returned.

‘Landinfo comments that most Eritrean asylum seekers have left the country without exit visas and the majority have deserted from or evaded national service.<sup>8</sup> In Landinfo’s opinion it would be very difficult to identify reactions from the authorities caused exclusively by an application for asylum in itself, because of the insufficient empirical basis.’<sup>246</sup>

18.1.3 Landinfo stated in its summary of the same response that:

‘In Landinfo’s experience, it is difficult to retrieve reliable and verifiable information about what has actually happened and how Eritrea has reacted when asylum seekers are sent back or return home to Eritrea. We do not have empirical basis to say that an application for asylum in itself will lead to reactions from Eritrean authorities. On the contrary sources Landinfo talked to in Eritrea in January/February 2016, who had never met any returnees, claimed that they did not know of specific reactions or that an application for asylum in itself had led to reactions from the Eritrean authorities.’<sup>247</sup>

18.1.4 The UK Home Office fact finding mission to Eritrea in February 2016 asked sources about the treatment of returnees generally and 2 sources – immigration officials and diplomatic source A – specifically about failed

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<sup>246</sup> Landinfo, ‘Reactions to returning asylum seekers’ (p3), 27 April 2016, <http://www.landinfo.no/id/168.0>, Date accessed: 23 June 2016.

<sup>247</sup> Landinfo, ‘Reactions to returning asylum seekers’ (Summary), 27 April 2016, <http://www.landinfo.no/id/168.0>. Date accessed: 23 June 2016. (English translation available on request).

asylum seekers. However, no source had specific information about the ill-treatment of failed asylum seekers.<sup>248</sup>

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## 19. Diaspora tax

### 19.1 Requirement

19.1.1 Eritreans living abroad are required to pay ‘income tax on [their] earnings working abroad’. This is set at a flat 2% rate. *This was set into law under Proclamation No 17/1991 & 67/1995*<sup>249</sup> and described as a “Rehabilitation and Recovery Tax” (Mehwey Gibri)<sup>250</sup>.

### 19.2 Payment and non-payment

19.2.1 The May 2015 EASO Report noted, ‘The Eritrean authorities claim that people who have left the country illegally may return without fear of punishment after they have paid the diaspora tax and signed the repentance form but they may be sent to a six-week training course to “enforce their patriotic feelings”<sup>251</sup> The same source noted that

‘According to recent observations, however, it has apparently been possible for exiled Eritreans to enter the country for holidays and to visit family without suffering any consequences. In order to do so, they need to rehabilitate themselves vis-a-vis the Eritrean state by paying the diaspora tax (also known as ‘reconstruction tax’ or ‘2% tax’) and signing a letter of repentance as well as abstain from any anti-government activities while abroad. These measures provide no guarantee against punishment, however; signing the letter of repentance implies directly confessing to an offence and declaring a willingness to accept the relevant punishment. It is important to note that most of those who have returned to Eritrea have visited the country rather than relocated for good.’<sup>252</sup>

19.2.2 The UN Commission of Inquiry Report of June 2015 stated: ‘Many Eritreans no longer have an Eritrean passport which is delivered only after payment of the 2 per cent Rehabilitation Tax, collected through Eritrea’s diplomatic representations abroad. The Government has established the Tax levied on the revenues earned abroad by its citizens, arguing that it falls under its sovereign right to levy taxes on its citizens.’<sup>253</sup> The report continued that “in order to ensure the payment of the Tax, the Eritrean Government uses

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<sup>248</sup> UK Home Office’s Fact Finding Mission to Eritrea, 7-20 February 2016, section 11.10, <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>. Date accessed: 13 July 2016

methods which have been considered illicit by the United Nations Security Council.”<sup>254</sup>

19.2.3 The UN Col report of June 2015 also reported that:

‘The Commission obtained information that one of the methods of coercion that is used by the Eritrean Government to force members of the diaspora to pay the 2 per cent Rehabilitation Tax is the denial of access to basic consular services which largely impacts their enjoyment of the right to freedom of movement. While Eritreans living abroad are required to provide proof of payment of the 2 per cent Rehabilitation Tax to have their passports and travel documents renewed, the non-payment of the Tax presents a risk for arrest and detention for those who travel back to Eritrea ... Moreover, in addition to paying the Tax, Eritreans who have left the country unlawfully have to sign an “Immigration and Citizenship Services Request Form” to regularise their situation before they can request consular services. By signing the Form, individuals admit that they “regret having committed an offence by not completing the national service” and are “ready to accept appropriate punishment in due course.”<sup>255</sup>

19.2.4 The UN Monitoring Group on Eritrea and Somalia reported in October 2015 that:

‘The Monitoring Group has reported extensively in its previous reports (S/2014/727, S/2013/440 and S/2012/545) on the proclamation to implement a 2 per cent recovery and rehabilitation tax that was enacted by the National Assembly in 1994. During its mandate, the Group has received testimony from multiple sources in the Eritrean diaspora and host country authorities that the Government continues to impose extraterritorial taxation requirements on Eritrean citizens living abroad. As reported previously, the Government has altered its methods of collecting the tax in the light of the adoption of resolutions 1907 (2009) and 2023 (2011) and increased public scrutiny. The Group has received testimony from multiple sources in the diaspora and Member States that Eritrean consulates and embassies abroad are now less confrontational and citizens are advised to submit payment directly to Asmara. Payment of the tax is a prerequisite for obtaining any government service from Eritrean consular or embassy officials. As previously found, a refusal to pay the tax often results in a denial of the services offered at consulates and embassies.

‘During a videoconference between the Monitoring Group and the Government on 31 March 2015, the Government reiterated its long-standing position that, in the event of failure to pay, citizens living abroad would face administrative challenges such as the denial of a business licence, land entitlement and other services. The Group believes that such administrative penalties are an indirect way of using fear to control the process of collecting the tax. As stated in previous reports, the Government has created a culture

of fear and intimidation among its citizens abroad. Most sources interviewed by the Group have expressed their constant fear of reporting any intimidation or coercion to the local authorities for fear of reprisal by networks of individuals sympathetic to the Government. The Group has interviewed multiple sources who have confirmed the existence of a network of sympathizers and a culture of intimidation that it has instilled in the diaspora. A Europe-based former government official who was a member of the Eritrean internal security forces spoke to the Group following his defection early in 2014. He informed the Group that he had been directly dispatched by the President's Office to Italy to conduct and run operations to gather information on the Eritrean community living abroad through the Eritrean embassy in Italy. The existence of a clandestine network of informants has been further corroborated by testimony received by the Group from multiple Eritrean sources in diaspora communities in the Middle East, Africa and Western Europe.

'The findings of the commission of inquiry on human rights in Eritrea, issued in June 2015, are consistent with the Monitoring Group's own findings that local embassies and consulates have established a complex network of informants to collect information from and observe Eritreans living abroad. The Commission found that, "to conduct spying activities on their behalf, embassies often approach individuals from within the Eritrean communities abroad, in particular those who pay the 2 per cent Rehabilitation Tax as this is perceived as a form of support to the Government" (see A/HRC/29/CRP.1, para. 348).

'The Monitoring Group has also obtained documentary evidence that the Government continues to raise funds for the Eritrean armed forces as part of its tax collection activities in the diaspora. A receipt issued to a private citizen based in the United Kingdom dated 2014 (see annex 5) shows a requirement by the citizen to make a payment of £200 to the Eritrean military.

'Throughout its mandate, the Monitoring Group has consulted Member States in which the tax is being collected. The consensus is that those States are aware that the tax is being collected but have received insufficient evidence from Eritreans living in those countries that the Government of Eritrea is using extortion, threats of violence, fraud and other illicit means to do so. Furthermore, they are advising the Eritrean community to report to local law enforcement authorities any acts by the Government to collect the tax that would violate paragraph 11 of resolution 2023 (2011). Similar to the Group, most States have identified challenges in ultimately convincing the Eritrean diaspora to officially and fully report to the local authorities any activities that constitute extortion, fraud or threats of violence to collect the tax, for fear of retribution against their families in Eritrea.'<sup>256</sup>

19.2.5 Immigration officials who spoke to the UK Home Office's fact finding mission to Eritrea, (UK FFM) 7-20 March 2016, stated: 'All must pay whether they left

legally or illegally. The 2% tax is not related to migration, it's an obligation of an Eritrean who lives abroad.<sup>257</sup> The immigration officials responded to the following questions:

**Q:** Do you check whether a person has signed that letter at the airport? **A:** That is filled [sic] at the Embassy. We have a copy of the letter, so we know who has paid. However, all Eritreans are free to enter the country. Sometimes they might not have the letter. But when they seek to leave the country, they need to apply for an exit visa.

[The FFM team asked for clarification as it was a little unclear]

**A:** We can check on the computer at the airport for the signing of the letter. A person can sign the letter either at an embassy overseas; or at the headquarters here. But they need to apply for an exit visa, so they need to complete it at some time.

**Q:** The FFM team has seen a version of this letter. It says they must complete their national service. Do you tell the ministry of defence they haven't done it? **A:** No. Once the person left the country and stay outside the country for three years, we consider them a member of the Diaspora. If they want to come back to visit, they must sign the letter. They can stay in the country for as long as they want. Then they must apply for an exit visa. To obtain this, they need to have signed the letter.

**Q:** A member of the Diaspora is not required to fulfil their national service. How does a person show they have lived overseas for three years? **A:** One method is payment of the 2% tax. Another is when a person acquired another passport. The embassy in a foreign country may also help.

**Q:** How is the 2% tax calculated? [This question was answered by the Ministry Of Foreign Affairs Rep] **A:** from net income. The person needs to bring salary papers. At the moment they are only paying here; not in embassies abroad due to sanctions.

**Q:** What if a person can't prove how long they've been away? **A:** They know they have to prove this.

**Q:** What if someone has been away for less than three years? **A:** They are considered a citizen and have to fulfil their obligations.<sup>258</sup>

#### 19.2.6 The UK FFM spoke to Diplomatic source E who said:

'The US taxes citizens overseas. It's not illegal. They are quite harsh about it. Under the Foreign Account Tax Compliance Act (FATCA) regulation, they require banks to disclose who is due to pay the tax. Eritrea doesn't have the capacity to enforce this against Eritreans.

'They don't ask people on entry whether they've paid the 2% tax. I also have specific examples from foreign-based Eritreans who say this hasn't happened.'<sup>259</sup>

19.2.7 Landinfo in its thematic report on national service in Eritrea dated 20 May 2016 noted:

'Sources in the international community in Asmara have in recent years pointed out that many Eritrean exiles travel to Eritrea on vacation and for family visits during the summer months. These are persons who by all accounts have residence permits or citizenships in Western or other countries. They have restored their relationship with the authorities by signing the so-called repentance letter (see Landinfo 2014), they pay the "two percent" tax, and they probably do not participate in anti-government activities. Some sources claim that one does not necessarily have to pay this tax, but this probably applies to persons who left Eritrea before independence. There is no reason in Landinfo's opinion to believe that these persons will be punished by return, because word would get around in the exile community, and far fewer would thus venture to travel home for a visit.

'Nor do the authorities conceal the fact that Eritrean exiles visit the country. In the meeting with representatives of the Eritrean immigration authorities and the Foreign Ministry in Asmara in January 2016, Landinfo was told that Eritreans who have stayed abroad for three years no longer had national commitments in Eritrea, irrespective of whether their journey out was illegal. Having no national commitments means that they do not need to perform national service or be punished for evasion. Landinfo's interviewees also said that it is possible to return home before the three years are up without consequences. This scheme is an extension of the practice applied to Eritreans that have stayed in Sudan and elsewhere in the region. They were given "diaspora-status" after one year.'<sup>260</sup>

19.2.8 A translation of the 'letter of apology' is available at annex [VII to the UN Col report of June 2015](#).

# Version control and contacts

## Contacts

If you have any questions about the policy guidance and your line manager or senior caseworker cannot help you or you think that the policy guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this policy guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

## Clearance

Below is information on when this version of the policy guidance was cleared:

- version **4.0**
- valid from **25 October 2016**

## Changes from last version of this guidance

1. Illegal exit and National service country information and guidance (CIG) documents merged and updated to reflect caselaw of MST and Others.
2. CIG renamed Country Policy and Information Note in response to the Upper Tribunal's observations of the potential confusion arising between the courts' and Home Office's use of the term 'country guidance'.

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