

Response

Eritrea: Reactions towards returning asylum seekers

- How is an application for asylum as such perceived by Eritrean authorities?
- Has the sole act of applying for asylum led to reactions from Eritrean authorities?

Introduction

Amnesty International claims that the act of submitting an asylum application as such will be construed as criticism of the Government and that the Eritrean authorities can react with criminal proceedings against returning asylum seekers:

Testimonies of returned asylum-seekers indicate that the act of claiming asylum is perceived by the authorities as involving a criticism of the government and – as with all other forms of dissent – is therefore not tolerated. Forcibly-returned asylum-seekers interviewed by Amnesty International were tortured both as a form of punishment for perceived criticism of the government, and for the purposes of interrogation. According to accounts given by escaped detainees, Eritrean security officials were particularly interested in how asylum seekers fled the country, who assisted them, and what they said against the Eritrean government during their asylum application process. Returnees have reported that under torture, or threat of torture, they were forced to state that they have committed treason by falsely claiming persecution in asylum applications (Amnesty International 2013, p. 30).

Amnesty International bases its report on a series of interviews with Eritrean refugees and asylum seekers in African and European countries. Eritrean activists and journalists in exile, aid workers and former diplomats in Eritrea were also interviewed.¹ It should be noted that

¹ Amnesty International states the following about its sources: "... this report is based on interviews with Eritrean refugees and asylum-seekers in other countries, including family members of prisoners of conscience and political prisoners. Between 2010 and 2013, Amnesty International conducted over 40 interviews with refugees and asylum seekers in countries including, inter alia, Egypt, Germany, Israel, Kenya, the Netherlands, Russia, Saudi Arabia, Sweden, Uganda, and the UK. These interviews took place face to face or on the telephone. Further information included in this report came from Eritrean activists and journalists in exile, humanitarian workers and diplomats formerly based in Eritrea, and partner organizations working on Eritrea, including religious-based organizations and press freedom organizations. Research for this report also draws on

Amnesty International does not define what they mean by the expression "the act of claiming asylum".

In a previous statement Amnesty International has also claimed that Eritrean authorities regard seeking asylum as treason, "Seeking asylum abroad is considered by the Eritrean government to be an act of treason" (Amnesty International 2012).

Landinfo considers it very difficult to get certain and verifiable information about the responses to which returned asylum seekers are exposed upon their homecoming, as there is very little empirical data about this.² British officials have noted that little is known about the treatment of returning Eritrean asylum seekers (UK Home Office Border Agency 2012, p. 142). The Eritrea expert Gaim Kibreab³ has stated that he does not have specific examples of what has happened with returned asylum seekers (Landinfo 2013).⁴

In addition, Landinfo would like to point out that the majority of Eritrean asylum seekers have left the country without exit visas, and that the majority of them have deserted or refused national service.⁵ Given the lack of empirical information, it is, in Landinfo's opinion, difficult to determine what actions Eritrean authorities might have taken against a returning asylum seeker for his/her sole act of claiming asylum.

In accordance with our mandate, Landinfo does not make risk assessments with respect to what can happen to a single asylum seeker or a group of asylum seekers after any return. Landinfo relays facts (that is, information of what has happened) and assessments that are based on empirical data and source analysis. At the same time our products may also include assessments made by other experts and sources which, in a number of cases, themselves make projected assessments of what *in their view* could occur on the return of asylum seekers. This is also the case in the present Response. With regard to this Response, however, it is important to point out that the empirical basis for these assessments is very limited.

How is an application for asylum as such perceived by Eritrean authorities?

Eritrea has, since independence in 1993, gradually developed an authoritarian and repressive government under which an unknown number of regime critics and others are imprisoned. The authorities are very sensitive of criticism about human rights violations and statements that can be perceived as a threat to the regime, but they know that most persons who leave the

media reports and reflects information contained in 20 years of Amnesty International's public documents covering Eritrea (Amnesty International 2013, p. 8).

² See also the Landinfo report on Eritrea: "Nasjonaltjeneste" (Landinfo 2015).

³ Gaim Kibreab is from Eritrea. He is Professor of Research & Director of Refugees Studies at London South Bank University.

⁴ See also Landinfo's response on Eritrea: "Politisk aktivitet i eksil" (Landinfo 2010).

⁵ Many people are leaving Eritrea illegally every month, but the exact number is uncertain. According to the UNHCR between 3000 and 5000 Eritreans leave the country each month (UNHCR 2014).

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country seek asylum and that the applications can contain critical remarks about their home country.⁶

In addition, there are a number of examples of Eritrean asylum seekers, who have been granted asylum (or residence), coming back to Eritrea, for example, for a visit or holiday. These Eritrean exiles have probably restored their relationship to the authorities by signing a so-called retraction letter⁷, by paying "the two percent tax"⁸ and by not participating in activities critical of the government (international representatives and diplomatic sources, talks in Asmara in January-February 2013; January 2015). Other sources also claim that an asylum application can be perceived as criticism of the country's Government and its policies. According to the UNHCR in Khartoum (as recorded in Migrationsverket 2013a, p. 2), the government of Eritrea regards an application for asylum as a political action, probably on a par with other political actions.⁹

Historian and anthropologist Dr. Gunther Schröder¹⁰ (email of June 2013) has told Landinfo that the Eritrean authorities "[...] most definitely consider asking for asylum as a hostile act against the Eritrean nation which must be punished accordingly."

In Landinfo's opinion, these views must be assessed in the light of existing empirical data about returning asylum seekers.

Has the sole act of applying for asylum led to reactions from Eritrean authorities?

The available empirical data about this issue is limited and to some extent out of date: In 2002, 220 Eritreans, who had their asylum application refused, were expelled from Malta and extradited to Eritrea. All were arrested after arriving in Eritrea and taken to the military camp in Adi Abeto. In the spring of 2004, many of them were still imprisoned and had no contact with the outside world, and many will have been tortured (Amnesty International, 2004, p. 30). In July 2004, 109 Eritrean asylum seekers were expelled from Libya, repatriated to Eritrea and imprisoned. The same year 75 Eritreans who were deported from Libya to Eritrea hijacked a plane (Osman 2004). For fear of imprisonment and torture they forced the crew to fly to Sudan. According to Human Rights Watch, up to 1200 Eritreans, who had been refused asylum, were extradited from Egypt in June 2008. In December 2008 at least 740 of them were still in a military prison (HRW 2009, p. 68). There were also deportations in 2009 and

⁶ Amnesty was denied a visa in 2002 and Human Rights Watch in 2003 and has since then not been in the country (Freedom House 2011).

⁷ See Eritrea: Immigration and Citizen Services request form-the "angrebrev" (Landinfo 2014).

⁸ Eritreans in the diaspora are required by the Eritrean authorities to pay the two percent tax of their gross salary if they need consular assistance. This tax, which in Tigrinya is called "Mehwey Gibri" - Rehabilitation and development, was introduced in 1994 (Ministry of Foreign Affairs of the State of Eritrea 2011, p. 26)

⁹ According to Migrationsverket (2013b) avoiding national service or deserting is seen as a political action by the Eritrean authorities. A person who deserts or avoids national service is considered, therefore, to be an opponent of the regime and is seen as a traitor and threat.

¹⁰ Dr. Günther Schröder has worked on Eritrean politics and history for many years and has very good contacts with parts of the Eritrean diaspora and with communities in Eritrea.

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2011 from Egypt, but no one has been able to track or monitor their situation after their return (international representatives and diplomatic sources, talks in Asmara in January 2015).

According to Dr. Gunther Schroeder (email of June 2013), Eritreans who return after having committed a crime, in this case by having applied for asylum, will be vetted by the National Security Office in Asmara upon their return and probably punished.

Senior Advisor at the International Law and Policy Institute in Oslo, Dr. Daniel R. Menkonnen, informs Landinfo (email of November 2013) that he agrees in his assessments with Amnesty International that the Eritrean authorities may react with criminal proceedings against returning asylum seekers:

[...]the observation of Amnesty International is accurate. It tells a widespread practice of the Eritrean Government. I know several case studies which correspond with the assertions made by Amnesty International.

Dr. Menkonnen has not, however, described the empirical basis (case studies) he is referring to.

The views of Dr. Schroeder and Dr. Menkonnen are in line with the UN Special Rapporteur Sheila B. Keetharuth who states the following in her report to the UN general Assembly:

Eritrean nationals who are repatriated after a failed refugee or asylum application usually disappear upon their return (UN Special Rapporteur 2013, p. 10).

The UN Special Rapporteur does not indicate from which countries the Eritrean asylum seekers were repatriated. The quotation also does not say explicitly that it is the asylum application as such that can cause the asylum seeker to disappear after returning to Eritrea.

Anthropologist David Bozzini¹¹ on the other hand points out that the variation in responses to returning Eritreans who have sought asylum is great, and that it is difficult to know how the Eritrean authorities will respond:

[...] from nothing to torture and indefinite detention [...] I know several people who have been deported back from Sudan in Eritrea and these people are in jail for many months now. [...] I know there are various situations people face. [...] there is no security that people who return in Eritrea will be safe. [L]ack of accountability from the state will never ensure that we know how people are treated (David Bozzini, email of July 2013).

The Eritrea expert Gaim Kibreab says that Eritreans who leave the country illegally are likely to be exposed to reprisals, but he does not have specific examples of this having happened (Landinfo 2013).¹²

The British Government notes that it is not sure how the Eritrean authorities will react and that some returning asylum seekers have not met with reprisals on their return:

This is a grey area as there is little experience of failed asylum seekers returning to Eritrea. However, the Eritrean authorities tell us that if they return and have not

¹¹ David Bozzini did field work in Eritrea in 2003 and 2005-2007. He has since worked on Eritrea and Eritrean conditions.

¹² See also Landinfo's response Eritrea: «Politisk aktivitet i eksil» (Landinfo 2010).

committed a criminal offence, no action would be taken. But we have to put this into context. It is an offence to leave the country illegally, so returnees would be liable to detention and questioning. Some have been released without further action but those who have not undertaken military service could be sent to a military training camp (UK Home Office Border Agency 2012, p. 142).

Summary

In our experience, it is difficult to get certain and verifiable information about what has actually happened and how Eritrean authorities have reacted when asylum seekers have been sent back or have returned to Eritrea. We do not currently have an empirical basis for saying that an application for asylum as such will lead to reactions from the Eritrean authorities.

The Country of Origin Information Centre (Landinfo) is an independent body that collects and analyses information on current human rights situations and issues in foreign countries. It provides the Norwegian Directorate of Immigration (Utlendingsdirektoratet – UDI), Norway’s Immigration Appeals Board (Utlendingsnemnda – UNE) and the Norwegian Ministry of Justice with the information they need to perform their functions.

A Response consists of answers to specific questions presented to Landinfo by case workers within the Norwegian immigration authorities. Responses are not intended to provide exhaustive reviews of a topic or theme, and the variety of sources consulted may not be as comprehensive as in our reports. Responses are prepared within time constraints and do not necessarily include background information.

Landinfo’s Responses are not intended to suggest what Norwegian immigration authorities should do in individual cases; nor do they express official Norwegian views on the issues and countries analysed in them.

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