

To Permanent Representatives of Member and Observer States of the United Nations Human Rights Council (Geneva, Switzerland)

10 May 2021

***Eritrea: renew vital mandate of UN Special Rapporteur***

Excellencies,

In 2020, the UN Human Rights Council maintained its scrutiny of Eritrea's human rights situation. Since no progress could be reported in the country, the Council considered that monitoring of and reporting on the situation was still needed.<sup>1</sup>

As Eritrea completes its first term as a Member of the Council (2019-2021), its Government shows no willingness to address the grave human rights violations and abuses UN bodies and mechanisms have highlighted or to engage in a serious dialogue with the international community, including on the basis of the "benchmarks for progress" identified by the Special Rapporteur in 2019. Furthermore, Eritrean forces are credibly accused of being responsible for grave violations in Ethiopia's Tigray region, some of which may amount to crimes under international law, since the beginning of the conflict in November 2020.

**Scrutiny of Eritrea remains vital. At the 47<sup>th</sup> session of the Council (21 June-15 July 2021), we urge your delegation to support the adoption of a resolution extending the mandate of the Special Rapporteur on the human rights situation in the country for a further year. In addition to ensuring that Eritrea's domestic situation remains subject to monitoring and public reporting, the resolution should include a request on the High Commissioner for Human Rights to report on the role played and possible violations committed by Eritrean forces in Ethiopia's Tigray region since November 2020.**

While welcoming the adoption of resolutions 41/1 and 44/1<sup>2</sup> under the Council's agenda item 2, many non-governmental organisations cautioned that any shifts in the Council's approach should reflect corresponding changes in the human rights situation on the ground.

Regrettably, the concerns expressed in a joint civil society letter<sup>3</sup> published last year remain valid. Key human rights issues in Eritrea include:

- *Widespread impunity for past and ongoing human rights violations.* Arbitrary arrests and incommunicado detention continue unabated,<sup>4</sup> as do violations of the rights to a fair trial, access to justice and due process, enforced disappearances, and lack of information on disappeared persons. For instance, the fate and whereabouts of Ciham Ali Ahmed, an Eritrean-American citizen who in 2012 was thrown into indefinite detention aged 15 for attempting to flee the country because her father, a government official, defected, remain unknown.<sup>5</sup>
- *Conscription into the country's abusive national service system.* Secondary school students, some still children, continue to be conscripted in their thousands each year, including amidst the pan-

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<sup>1</sup> DefendDefenders, "Eritrea: the UN extends scrutiny as no human rights progress can be reported," 16 July 2020, <https://defenddefenders.org/eritrea-the-un-extends-scrutiny-as-no-human-rights-progress-can-be-reported/> (accessed on 7 April 2021).

<sup>2</sup> Available at: <https://undocs.org/en/A/HRC/RES/41/1> and <https://undocs.org/en/A/HRC/RES/44/1>

<sup>3</sup> DefendDefenders et al., "Eritrea: maintain Human Rights Council scrutiny and engagement," 5 May 2020, <https://defenddefenders.org/eritrea-maintain-human-rights-council-scrutiny-and-engagement/> (accessed on 7 April 2021).

<sup>4</sup> Amnesty International, "Human rights in Africa, Review of 2019," 8 April 2020, Index: AFR 01/1352/2020, available at <https://www.amnesty.org/en/documents/afr01/1352/2020/en/> (accessed on 7 April 2021), p. 39.

<sup>5</sup> See One Day Seyoum, "Free Ciham Ali Abdu," <https://onedayseyoum.org/ciham>

demic.<sup>6</sup> Indefinite national service, involving torture, sexual violence against women and girls, and forced labour, continues. Thousands remain in open-ended conscription, despite the 2018 peace accord with Ethiopia.<sup>7</sup> Those who joined the national service in 1994 have not been demobilised, and they are still conscripts 27 years later.

- *Restrictions on the media and media workers.* A free and independent press continues to be absent from the country and 16 journalists remain in detention without trial, many since 2001.<sup>8</sup>
- *Severe restrictions on civic space.* These restrictions result in Eritrean citizens being largely unable to exercise their rights to freedom of opinion and expression, peaceful assembly, association, and religion or belief.<sup>9</sup>

On 24 February 2021, in his first address to the Council, the Special Rapporteur on Eritrea, Dr. Mohamed Abdelsalam Babiker, indicated that he had seen “no concrete evidence of progress or actual improvement in the human rights situation in the country.” He added that “Eritrea has not yet put in place an institutional and legal framework to uphold minimum human rights standards in a democratic society. The country lacks rule of law, a constitution and an independent judiciary to enforce the protection of and respect for human rights [...]”<sup>10</sup>

On 26 October 2020, his predecessor, Ms. Daniela Kravetz, highlighted that two years after the peace agreement with Ethiopia and the lifting of UN sanctions, she could only note that severe restrictions on civil liberties remained in place and lament a “lack of meaningful and substantive improvement” in relation to the benchmarks for progress she identified.<sup>11</sup>

On 26 February 2021, High Commissioner Michele Bachelet stressed that she “remained concerned by the lack of tangible progress” in the country and was “disturbed by reported abductions and forcible returns of Eritrean refugees living in Tigray – some reportedly at the hands of Eritrean forces.”<sup>12</sup>

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<sup>6</sup> Human Rights Watch, “They Are Making Us into Slaves Not Educating us.’ How Indefinite Conscription Restricts Young People’s Rights, Access to Education in Eritrea,” 8 August 2019, <https://www.hrw.org/report/2019/08/08/they-are-making-us-slaves-not-educating-us/how-indefinite-conscription-restricts>; Human Rights Watch, “Statement to the European Parliament’s Committee on Development on the Human Rights Situation in Eritrea,” 18 February 2020, available at <https://www.hrw.org/news/2020/02/19/statement-european-parliaments-committee-development-human-rights-situation-eritrea>; Human Rights Watch, “Eritrea Busses Thousands of Students to Military Camp. Government Ignores its own Covid-19 restrictions,” 11 September 2020, <https://www.hrw.org/news/2020/09/11/eritrea-busses-thousands-students-military-camp> (accessed on 21 April 2021).

<sup>7</sup> Amnesty International, “Human rights in Africa, Review of 2019,” *op. cit.*, p. 38.

<sup>8</sup> Committee to Protect Journalists, “16 journalists imprisoned (annual census),” <https://cpj.org/blog/africa/eritrea/> Eritrea remains among the CPJ’s most-censored countries, as per a 2020 report. See CPJ, “Record number of journalists jailed worldwide,” 15 December 2020, <https://cpj.org/reports/2020/12/record-number-journalists-jailed-imprisoned/> (accessed on 7 April 2021).

<sup>9</sup> Eritrea remains classified as “Closed” in CIVICUS’s Civic Space Monitor: <https://monitor.civicus.org/country/eritrea/> (accessed on 7 April 2021). This rating indicates that “[t]here is complete closure – in law and in practice – of civic space. An atmosphere of fear and violence prevails, where state and powerful non-state actors are routinely allowed to imprison, seriously injure and kill people with impunity for attempting to exercise their rights to associate, peacefully assemble and express themselves. Any criticism of the ruling authorities is severely punished and there is virtually no media freedom” (See <https://monitor.civicus.org/Ratings/#closed>).

<sup>10</sup> Office of the UN High Commissioner for Human Rights (OHCHR), “Statement of the Special Rapporteur on the situation of human rights situation in Eritrea, Mr Mohamed Abdelsalam Babiker, 46<sup>th</sup> Session of the Human Rights Council, Update on Eritrea,” 24 February 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26795&LangID=E> (accessed on 7 April 2021).

<sup>11</sup> OHCHR, “Statement of Ms. Daniela Kravetz, United Nations Special Rapporteur on the situation of human in Eritrea, 75<sup>th</sup> Summit of the General Assembly, Social, Humanitarian and Cultural Issues (Third Committee), Interactive dialogue on Eritrea,” 26 October 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26439&LangID=E> (accessed on 7 April 2021).

<sup>12</sup> OHCHR, “High Commissioner for Human Rights Presents her Global Update to the Human Rights Council, as well as her Reports on Colombia, Guatemala, Honduras, Venezuela, Cyprus, Eritrea and on the COVID-19 Pandemic,” 26 February 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26812&LangID=E> (accessed on 7 April 2021).

Since November 2020, these and other independent experts and UN actors have expressed deep concern over the involvement of Eritrean forces in the conflict affecting Ethiopia's Tigray region. The violations reported include violations of Eritrean refugees' rights, including possible killings,<sup>13</sup> abductions, and forced return to Eritrea, as well as atrocity crimes against civilians.

In early 2021, Amnesty International reported that on 28-29 November 2020, Eritrean troops fighting in Tigray systematically killed hundreds of unarmed civilians in the city of Axum, opening fire in the streets and conducting house-to-house raids in a massacre that may amount to a crime against humanity.<sup>14</sup> Human Rights Watch also reported on how Eritrean and Ethiopian forces indiscriminately shelled Axum, killing and wounding civilians, shot civilians, and pillaged and destroyed property, before the Eritrean forces fatally shot and summarily executed several hundred residents, mostly men and boys, over a 24-hour period.<sup>15</sup>

UN actors, including the Secretary-General, Mr. António Guterres, and the Head of the Office for the Coordination of Humanitarian Affairs (OCHA), Mr. Mark Lowcock, called on Eritrean troops to leave Tigray. Mr. Lowcock added that "countless well-corroborated reports suggest [Eritrean forces'] culpability for atrocities."<sup>16</sup> The High Commissioner for Refugees, Mr. Filippo Grandi, also publicly expressed concern about the safety of Eritrean refugees in Tigray, considering in particular the infiltration of armed actors in refugee camps.<sup>17</sup>

In 2018,<sup>18</sup> the Council invited the Special Rapporteur to "assess and report on the situation of human rights and the engagement and cooperation of the Government of Eritrea with the Human Rights Council and its mechanisms, as well as with the Office of the High Commissioner [OHCHR], and, where feasible, to develop benchmarks for progress in improving the situation of human rights and a time-bound plan of action for their implementation."

As a Council member, Eritrea has an obligation to "uphold the highest standards in the promotion and protection of human rights" and to "fully cooperate with the Council." However, the Eritrean Government refuses to cooperate with the Special Rapporteur, and continues to reject findings of ongoing grave violations and calls for reform.

The Council should ensure adequate follow-up by allowing the Special Rapporteur to pursue his work and OHCHR to deepen its engagement with the Eritrean Government. It should also urge Eritrea to meet its membership obligations before the end of its term (31 December 2021) and to engage with the UN human rights system constructively. At the recent 46<sup>th</sup> session, Eritrea announced its intention to again seek Council membership for a further three-year term. The Council should not reward non-cooperation, but rather maintain scrutiny of Eritrea and hold it to its membership obligations to engage in good faith with Council-appointed mechanisms and take concrete, measurable steps to address the grave human rights concerns repeatedly identified by successive Special Rapporteurs and the High Commissioner herself.

**At its upcoming 47<sup>th</sup> session, the Council should adopt a resolution:**

**(a) Extending the mandate of the Special Rapporteur on Eritrea for one year;**

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<sup>13</sup> Other, non-Eritrean actors appear to be responsible for a number of killings of refugees.

<sup>14</sup> Amnesty International, "Ethiopia: Eritrean troops' massacre of hundreds of Axum civilians may amount to crime against humanity," 26 February 2021, <https://www.amnesty.org/en/latest/news/2021/02/ethiopia-eritrean-troops-massacre-of-hundreds-of-axum-civilians-may-amount-to-crime-against-humanity/> (accessed on 7 April 2021).

<sup>15</sup> Human Rights Watch, "Ethiopia: Eritrean Forces Massacre Tigray Civilians," 5 March 2021, <https://www.hrw.org/news/2021/03/05/ethiopia-eritrean-forces-massacre-tigray-civilians> (accessed on 7 April 2021).

<sup>16</sup> Reuters, "U.N., U.S. demand Eritrean troops leave Ethiopia's Tigray region," 5 March 2021, <https://www.reuters.com/article/us-ethiopia-conflict-un-idUSKCN2AX001> (accessed on 7 April 2021).

<sup>17</sup> Office of the United Nations High Commissioner for Refugees (UNHCR), "Remarks by the UN High Commissioner for Refugees Filippo Grandi at the press conference in Addis Ababa," 1 February 2021, <https://www.unhcr.org/news/press/2021/2/6019584e4/remarks-un-high-commissioner-refugees-filippo-grandi-press-conference-addis.html> (accessed on 7 April 2021).

<sup>18</sup> Council resolution 38/15, available at: [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/38/15](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/38/15)

- (b) Urging Eritrea to cooperate fully with the Special Rapporteur by granting him access to the country, in accordance with its obligations as a Council Member;**
- (c) Calling on Eritrea to develop an implementation plan to meet the benchmarks for progress, in consultation with the Special Rapporteur and OHCHR;**
- (d) Requesting the High Commissioner to present an oral update on the human rights situation in Eritrea at the Council's 49<sup>th</sup> session;**
- (e) Requesting the Special Rapporteur to present an oral update at the Council's 49<sup>th</sup> session in an interactive dialogue, and to present a report on the implementation of the mandate at the Council's 50<sup>th</sup> session and to the General Assembly at its 77<sup>th</sup> session; and**
- (f) Requesting the High Commissioner to present an oral report on the role played and possible violations committed by Eritrean forces in Ethiopia's Tigray region since November 2020, at the Council's 48<sup>th</sup> session.**

We thank you for your attention to these pressing issues and stand ready to provide your delegation with further information as needed.

Sincerely,

1. Africa Monitors
2. African Centre for Democracy and Human Rights Studies
3. AfricanDefenders (Pan-African Human Rights Defenders Network)
4. Amnesty International
5. Article 19 Eastern Africa
6. Botswana Watch Organization
7. Cairo Institute for Human Rights Studies
8. Center for Civil Liberties (Ukraine)
9. Center for Reproductive Rights
10. Centre for Constitutional Governance (Uganda)
11. CIVICUS
12. Civil Rights Defenders
13. CSW (Christian Solidarity Worldwide)
14. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
15. Egyptian Initiative for Personal Rights
16. ERISAT
17. Eritrea Focus
18. Eritrean Law Society (ELS)
19. Eritrean Movement for Democracy and Human Rights (EMDHR)
20. Ethiopian Human Rights Center
21. Freedom House
22. Genève pour les Droits de l'Homme / Geneva for Human Rights
23. Global Centre for the Responsibility to Protect
24. Human Rights Concern - Eritrea (HRCE)
25. Human Rights Watch
26. International Commission of Jurists
27. International Federation for Human Rights (FIDH)
28. International Movement Against All Forms of Discrimination and Racism (IMADR)
29. International Service for Human Rights
30. Odhikar (Bangladesh)
31. One Day Seyoum
32. Robert F. Kennedy Human Rights
33. Southern Africa Human Rights Defenders Network (SAHRDN)
34. West African Human Rights Defenders Network / Réseau Ouest Africain des Défenseurs des Droits Humains (ROADDH/WAHRDN)
35. World Organisation Against Torture (OMCT)