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RELIGIOUS FREEDOM IN ERITREA

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to highlight systematic human rights abuses in Eritrea for the 2013 Universal Periodic Review (UPR). These abuses primarily result from the Eritrean government's restricting religious freedom and subjecting individuals to discrimination, detention, arrest, imprisonment, and abuse because of their religious beliefs.

Despite Constitutional Protections and International Obligations, Eritrea Has a Long Record of Oppressing Religious and Political Beliefs that has not Improved.

2. The Eritrean Constitution provides broad protections for the right to life and liberty¹; the right of human dignity²; freedom of conscience, religion, and expression of opinion³; equality under the law⁴; and due process⁵. However, in practice these rights and freedoms are very limited. Unfortunately, political abuses, generally—and violations of religious freedom and due process rights, specifically—go largely unchecked by internal institutions⁶. Moreover, the Eritrean government places restrictions on international organisations to provide relief inside Eritrea⁷. The 2010 UPR expressed concern over Eritrea's long-standing record of oppressing

¹CONST. OF ERITREA, art. 15 (“1. No person shall be deprived of life without due process of law. 2. No person shall be deprived of liberty without due process of law.”).

²*Id.*, art. 16 (“1. The dignity of all persons shall be inviolable. 2. No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. 3. No person shall be held in slavery or servitude nor shall any person be required to perform forced labour not authorised by law.”).

³*Id.*, art. 19 (“1. Every person shall have the right to freedom of thought, conscience and belief. . . . 4. Every person shall have the freedom to practice any religion and to manifest such practice. . . . 6. Every citizen shall have the right to form organisations for political, social, economic and cultural ends.”).

⁴*Id.*, art. 14 (“1. All persons are equal under the law. 2. No person may be discriminated against on account of race, ethnic origin, language, colour, gender, religion, disability, age, political view, or social or economic status or any other improper factors. 3. The National Assembly shall enact laws that can assist in eliminating inequalities existing in the Eritrean society.”).

⁵*Id.*, art. 17 (“1. No person may be arrested or detained save pursuant to due process of law. 2. No person shall be tried or convicted for any act or omission which did not constitute a criminal offence at the time when it was committed. 3. Every person arrested or detained shall be informed of the grounds for his arrest or detention and of the rights he has in connection with his arrest or detention in a language he understands. . . . 6. Every person charged with an offence shall be entitled to a fair, speedy and public hearing by a court of law 7. A person charged with an offence shall be presumed to be innocent, and shall not be punished, unless he is found guilty by a court of law.”).

⁶U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, USCIRF ANNUAL REPORT 2013 – COUNTRIES OF PARTICULAR CONCERN: ERITREA 64 (Apr. 2013) [hereinafter “USCIRF ANNUAL REPORT 2013”]. (there are “[n]o private newspapers, opposition political parties, or independent non-governmental organizations” allowed in Eritrea).

⁷Compilation Prepared by the Office of the High Commissioner for the Working Group on the Universal Periodic Review, 6th sess., 30 Nov. – 11 Dec. 2009, U.N. Doc. A/HRC/WG.6/6/ERI/2, ¶ 31 (“non-governmental political, civic, and social institutions and organizations are reportedly largely prohibited from functioning, as are minority religious institutions. . . . Moreover, under the law, international non-governmental organizations are limited to relief and rehabilitation activities, and are not permitted to work with local communities independently of the Government.”).

individuals and groups based on religious beliefs and political views⁸. For example, the 2010 UPR urged Eritrea to take steps to protect and ensure the freedoms of religion, belief, opinion, and expression⁹. Moreover, the 2010 UPR urged Eritrea to immediately “cease arbitrary arrest and detention of people based on their religious beliefs” and to release and grant amnesty to prisoners held for their political and religious beliefs¹⁰.

3. The 2010 UPR urged Eritrea to “review the legal framework governing religious groups and organisations” and to “[r]espect the right of any individual to practice his or her religion o[r] belief without any restriction”¹¹. Finally, the 2010 UPR urged Eritrea to “[t]ake further measures to ensure full respect for freedom of expression . . . in accordance with its international obligations, including ICCPR, to which Eritrea is a party”¹². Unfortunately, the situation in Eritrea has only worsened since the 2010 UPR. As a member of the United Nations, Eritrea is bound by Article 55 of the UN Charter, which calls for “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, *or religion*”¹³. Furthermore, Eritrea is a party to ICCPR which provides broad protections for religious freedom and belief and prohibits religious discrimination¹⁴.

4. Despite these obligations and concerns expressed in the 2010 UPR, since 2004, Eritrea has been designated by the U.S. Department of State as a Country of Particular Concern with its most recent designation occurring in September 2011¹⁵. A 2013 report by the United States Commission on International Religious Freedom noted that “[r]eligious freedom conditions continue to be extremely grave in Eritrea, with torture or other ill-treatment of 2,000 to 3,000 religious prisoners, arbitrary arrests and detentions without charges, a prolonged ban on public religious activities, and interference in the internal affairs of registered religious groups”¹⁶.

Eritrea Only Recognizes Four Registered Religious Groups, Interferes with Their Internal Affairs, and Most Harshly Discriminates Against Unregistered Religious Groups.

5. The Eritrean “government strictly controls and dominates the internal affairs of the four recognized religions”¹⁷. The four officially registered religious groups are Sunni Islam, the Eritrean Orthodox Church, the Roman Catholic Church, and the Evangelical Lutheran Church of Eritrea¹⁸. The government has “appoint[ed] religious leaders and oversee[s] and monitor[s] religious activities”¹⁹. The four registered religious groups “are required to submit activity

⁸Report of the Working Group on the Universal Periodic Review, Human Rights Council, 13th sess., 4 Jan. 2010, ¶¶ 33, 40, 66, 79 U.N. Doc. A/HRC/13/2 [hereinafter “UPR”].

⁹*Id.* at ¶ 79.

¹⁰*Id.*

¹¹*Id.*

¹²*Id.*

¹³U.N. Charter art. 55 (emphasis added).

¹⁴International Covenant on Civil and Political Rights, 16 Dec. 1966, art. 2, 4, 18, 24, 26, 27, 999 U.N.T.S. 171.

¹⁵USCIRF ANNUAL REPORT 2013, *supra* note 6, at 64.

¹⁶*Id.*, at 62.

¹⁷*Id.*, at 66.

¹⁸*World report 2012: Eritrea, World Report 2013 - Eritrea*, HUMAN RIGHTS WATCH (2013), http://www.hrw.org/sites/default/files/related_material/eritrea_2012.pdf.

¹⁹USCIRF ANNUAL REPORT 2013, *supra* note 6, at 66.

reports to the government every six months”²⁰. Furthermore, “[i]n December 2010, the Eritrean Department of Religious Affairs reportedly told these groups to stop accepting funds from co-religionists abroad”²¹. In the Interactive Dialogue section of the 2010 UPR, Eritrea argued that it “does not detain people for their religious belief. There are those that have been detained for committing crimes, including treason and threatening national security”²². Unfortunately, the record does not support Eritrea’s assertions. For example, members of “‘unrecognized’ religions are seized in raids on churches and homes and imprisoned and tortured until they renounce their faith”²³.

6. In 2002, “the Eritrean Minister of Information decreed that all religions except for the Eritrean Orthodox Church, Islam, the Roman Catholic Church and the Evangelical Lutheran Church cease religious activities and services until applications were received and approved”²⁴. The Eritrean government, however, has refused to allow the registration of religious groups since 2002²⁵. The registration process and requirements are very intrusive and detailed, requiring

a description of the history of the religious group in the country, explanation of the ‘uniqueness’ or benefit that the group offers compared with other religious groups already present, names and personal information of religious leaders, detailed information on assets and property owned by the groups, and sources of funding from abroad²⁶.

Because of these requirements and the government’s oppressive behavior toward religion, “[n]o religious groups applied for registration during [2012]”²⁷. As a result of this policy, members of unregistered religious groups are often detained, imprisoned, and tortured by the Eritrean government²⁸.

Mass Arrests

7. In January 2013, ten church leaders were arrested in Eritrea²⁹. According to one source, “[t]here have been several such campaigns in the past, but church leaders fear that this particular campaign is far more serious because it wants to ‘eradicate the underground church by targeting its key leaders around the country’”³⁰. The article also noted that “[s]ince news of the renewed

²⁰*Id.*

²¹*Id.*

²²Addendum to the Report of the Working Group on the Universal Periodic Review, Human Rights Council, 13th sess., 4 Jan. 2010, ¶¶ 31-32 U.N. Doc. A/HRC/13/2/Add.1.

²³*World Report 2013 - Eritrea*, *supra* note 18.

²⁴*Eritrea – Country Profile*, JUBILEE CAMPAIGN, available at http://www.jubileecampaign.org/home/jubilee/eritrea_profile.pdf (last visited 16 Sept. 2013).

²⁵USCIRF ANNUAL REPORT 2013, *supra* note 6, at 64.

²⁶*Eritrea – Country Profile*, *supra* note 24.

²⁷*Id.*

²⁸*World Report 2013 - Eritrea*, *supra* note 18.

²⁹Alex Murashko, *Eritrea Officials Arrest 10 Church Leaders; Christians Fear Increase in Persecution*, CHRISTIAN POST (24 Jan. 2013) <http://www.christianpost.com/news/eritrea-officials-arrest-10-church-leaders-christians-fear-increase-in-persecution-88798/>.

³⁰*Id.*

systematic arrests emerged, several church leaders have gone into hiding for a second time in only a few months”³¹.

8. In October 2012, “seventeen Christians [were] beaten and arrested by Eritrean security forces when they were discovered holding a worship service”³². According to one report, “[a]mong the group were five married women who have children”³³.

9. In 2012, twelve Jehovah’s Witness members were arrested while attending a funeral³⁴. Furthermore, one Jehovah’s Witness incarcerated for religious reasons died from heat prostration in an underground cell³⁵.

Christian Convert Died in Military Camp

10. Adris Ali Mohammad, a Muslim convert to Christianity, died on 30 October 2012 after being held at the Aderset Military Camp³⁶. After his conversion, he was arrested and held for nearly two years and was subjected to “harsh military punishments and faced countless death threats to give up his Christian belief”³⁷. It is believed that about 100 Christians are being held at Aderset³⁸. Unfortunately, Adris is just one of many Christians who have died in prison camps. One source reported that thirty-one Christians died in prison camps in Eritrea in 2012³⁹.

Two Christian Women Died in “Secret Dungeon”

11. One source reported that two Christian women in their twenties, Terhase Gebremichel Andu and Ferewine Genzabu Kifly, “were arrested during a prayer meeting in 2009 at a private home in Tesenai”⁴⁰. They were held in a “secret dungeon,” most likely an unvented metal storage container⁴¹. Both women “faced two years of physical military torture, were denied medical care and ultimately died as a result of starvation and poor health”⁴². Terhase died on 16 October 2012, and Ferewine died one week later⁴³.

³¹*Id.*

³²*17 Christians Beaten and Arrested in Eritrea*, INTERNATIONAL CHRISTIAN CONCERN (12 Oct. 2012) <http://www.persecution.org/2012/10/22/17-christians-beaten-and-arrested-in-eritrea/>.

³³*Seventeen Christians Arrested in Eritrea—Please Pray!*, OPENDOORS USA (17 Oct. 2012) <http://blog.opendoorsusa.org/blog/bid/136880/Seventeen-Christians-Arrested-in-Eritrea-Please-Pray>.

³⁴*World Report 2013 - Eritrea*, *supra* note 18.

³⁵*Id.*

³⁶*Christian Convert Dies in an Eritrean Dungeon*, OPENDOORS USA (7 Nov. 2012) <http://blog.opendoorsusa.org/blog/bid/137955/Christian-Convert-Dies-in-an-Eritrean-Dungeon>.

³⁷*Id.*

³⁸*Id.*

³⁹Murashko, *supra* note 29.

⁴⁰*Christians in Eritrea—Faithful to the End*, OPENDOORS USA (25 Oct. 2011) <http://blog.opendoorsusa.org/blog/bid/103168/Christians-in-Eritrea-Faithful-to-the-End>.

⁴¹*Id.*

⁴²*Id.*

⁴³*Id.*

**Eritrea Fails to Provide Due Process Rights to Individuals
Who Are Subject to Discrimination, Detention, Arrest, Imprisonment, Abuse,
and Torture because of Their Religious Beliefs.**

12. The situation in Eritrea has not improved but has gotten worse since the 2010 UPR. Christians in Eritrea are subjected to mass arrests; are held without charges; are subjected to harsh treatment, torture, and poor prison conditions; and have even been imprisoned in unvented metal shipping containers⁴⁴.

13. The Eritrean Constitution provides for broad due process protections⁴⁵. Unfortunately, Eritrea has a long record of failing to provide due process rights to individuals who are subjected to discrimination, detention, arrest, imprisonment, and abuse because of their religious and political beliefs⁴⁶. For example, “Amnesty International believes that at least 10,000 political prisoners have been imprisoned by the government [since 1993]”⁴⁷. As of 2013, an estimated “2,000 to 3,000 persons are imprisoned on religious grounds in Eritrea”⁴⁸. Unfortunately, “[w]ith no known exception, not a single political prisoner has ever been charged with a crime or tried, had access to a lawyer or been brought before a judge or a judicial officer to assess the legality and necessity of the detention”⁴⁹.

Christians beaten after arrest without due process

14. According to a 31 May 2013 report, at least 191 Christians have been arrested in Eritrea, including “37 students from the College of Arts and Sciences Adi Kihe and five men from the Church of Living God in Asmara”⁵⁰. Up to 3,000 Christians are currently imprisoned for their faith in Eritrea.

15. On 16 March 2013, seventeen Christians, including six female students, were arrested in the city of Keren⁵¹. As of the date of this submission, “officers are not allowing anyone to visit this group” despite the fact that “it is customary for family members to take food to relatives in prison”⁵².

⁴⁴See, e.g., *World Report 2013: Eritrea*, supra note 18; *Eritrea*, BARNABAS FUND, available at <http://barnabasfund.org/US/Eritrea.html> (last visited 9 June 2013); *Eritrea*, THE VOICE OF THE MARTYRS, available at <http://www.persecution.net/eritrea.htm> (last visited 9 June 2013).

⁴⁵CONST. OF ERITREA, art. 17, supra note 5.

⁴⁶UPR, supra note 8, at ¶¶ 28, 29, 33, 39, 40, 42, 56, 66, 67, 79.

⁴⁷*Eritrea: Rampant repression 20 years after independence*, AMNESTY INT’L (9 May 2013) <http://www.amnesty.org/en/news/eritrea-rampant-repression-20-years-after-independence-2013-05-09>.

⁴⁸USCIRF ANNUAL REPORT 2013, supra note 6, at 64.

⁴⁹*Eritrea: Rampant repression 20 years after independence*, supra note 47.

⁵⁰Timothy Fowler, *Minority Christians in Eritrea face extreme persecution says rights group*, ECUMENICAL NEWS (31 May 2013) <http://www.ecumenicalnews.com/article/minority-christians-in-eritrea-face-extreme-persecution-say-rights-groups-22240>.

⁵¹*Persecuted Christian Dies in Eritrean Prison*, CHARISMA NEWS (28 Mar. 2013) <http://www.charismanews.com/world/38872-persecuted-christian-dies-in-eritrean-prison>.

⁵²*Id.*

16. In early 2013, approximately 125 Christian men and women were arrested and taken from their homes and workplaces in the town of Barentu⁵³. One source indicated that at least 40 Christians were arrested on 26 February and at least 45 more were arrested on 27 February⁵⁴. The Christian detainees were arrested at their “homes and workplaces during broad daylight and then marched . . . through town to the police station” while being beaten⁵⁵.

Christian Detainee with Leukemia Died After Being Refused Medical Treatment

17. Belay Gebrezgi Tekabo died in March 2013 at the Ala Military Camp in southern Eritrea⁵⁶. Belay was arrested and imprisoned in April 2012 for “praying and reading his Bible”⁵⁷. In late 2012, he was diagnosed with leukemia, but “officials told him he would not be permitted to go to Dekemhare hospital for treatment until he agreed to sign a recantation statement”⁵⁸. It has been reported that 45 other Christians are being held at the Ala Military Camp⁵⁹.

Christian Detainee with Malaria Died After Being Refused Medical Treatment

18. Twenty-six year old, Angesom Teklom Habtemichel, died in August 2011 after serving two years at the Adi Nefase Military Camp in Asab⁶⁰. According to reports, he had “contracted severe malaria, but was denied medical treatment because of his written refusal to recant his Christian faith”⁶¹.

Conclusion

19. The Eritrean government has become even more restrictive on religious freedom since the 2010 UPR. Christians face discrimination, detention, arrest, imprisonment, and abuse because of their religious beliefs, and are not provided due process. Because of the failure to provide religious choice and the extreme mistreatment that Christians face, the ECLJ urges the UPR to take all efforts necessary to ensure that fundamental human rights and liberties are protected and to continue to monitor the situation in Eritrea.

⁵³*Forty-Five More Eritrean Christians Rounded Up*, OPENDOORS USA (6 Mar. 2013) <http://www.opendoorsusa.org/pray/prayer-updates/2013/03-March/Forty-Five-More-Eritrean-Christians-Rounded-Up>.

⁵⁴*Id.*

⁵⁵*Id.*

⁵⁶*Eritrean Detainee Dies After Being Refused Treatment*, OPENDOORS USA (27 Mar. 2013) <http://www.opendoorsusa.org/pray/prayer-updates/2013/03-March/Eritrean-Detainee-Dies-After-Being-Refused-Treatment>.

⁵⁷*Id.*

⁵⁸*Id.*

⁵⁹*Id.*

⁶⁰*Christians in Eritrea—Faithful to the End*, *supra* note 40.

⁶¹*Id.*