

# Eritrea

*National service, exit and entry*



Ministry of Immigration  
and Integration

The Danish  
Immigration Service

**DRC** DANISH  
**REFUGEE**  
**COUNCIL**

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## Disclaimer

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This report is the product of a joint mission between the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC). It is written in alignment with the guiding principles for Country of Origin Information (COI) as they are stated by the European Asylum Support Office (EASO) in the report on methodology issued in 2019.<sup>1</sup> The present report is based on carefully selected sources and on approved interview notes. Statements from all interviewed sources are used in the report, and all of the included statements are referenced.

The report does not purport to be a detailed or a comprehensive survey of all aspects of how national service is being implemented as well as about the rules and practices which regulate exit from Eritrea and entry into the country. The statements in the report should be weighed against information in other available reports with updated information about the situation in Eritrea. The report does not include conclusions, policy recommendations or analysis. The information in the report does not necessarily reflect the opinion of the DIS or the DRC.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

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<sup>1</sup> EASO, *EASO Country of Origin Information Report Methodology*, June 2019, [url](#)

## Abbreviations

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**COI** – Country of Origin Information

**CSO** – Civil society organisation

**DIS** – Danish Immigration Service

**DRC** – Danish Refugee Council

**EASO** – European Asylum Support Office

**EAY** – East Africa and Yemen

**EEBC** – Eritrea-Ethiopia Boundary Commission

**EPRDF** – Ethiopians People’s Revolutionary Democratic Front

**ESECE** – Eritrean Secondary Education Certificate Examinations

**FGD** – Focus Group Discussion

**FGM** – Female Genital Mutilation

**IMF** – International Monetary Fund

**NGO** – Non-Governmental Organisation

**MMC** – Mixed Migration Centre

**OPDO** – Oromo People’s Democratic Organisation

**PFDJ** – People’s Front for Democracy and Justice

**ToR** – Terms of Reference

**TPLF** – Tigray People’s Liberation Front

**UN** – United Nations

**UPR** – Universal Periodic Review

**YPFDJ** – Young People's Front for Democracy and Justice

## Executive summary

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The present report provides an update of the situation in Eritrea after the signing of a peace agreement between Ethiopia and Eritrea. This event, which occurred on 9 July 2018, marked the rapprochement between these two countries after 20 years of what has been referred to as the ‘no war, no peace’ situation. The report focuses primarily on findings of relevance for national service as well as on the rules and practices regulating exit and entry into the country after the peace agreement.

There have been no changes in the duration of national service since the signing of the peace agreement with Ethiopia. The hopes for reforms of the national service that the Eritrean population had had after the Eritrean leadership stopped to refer to Eritrea as a country in war has not yet materialised. In line herewith, there have been no observed changes, or improvements, in the working or living conditions for conscripts of national service after the peace agreement.

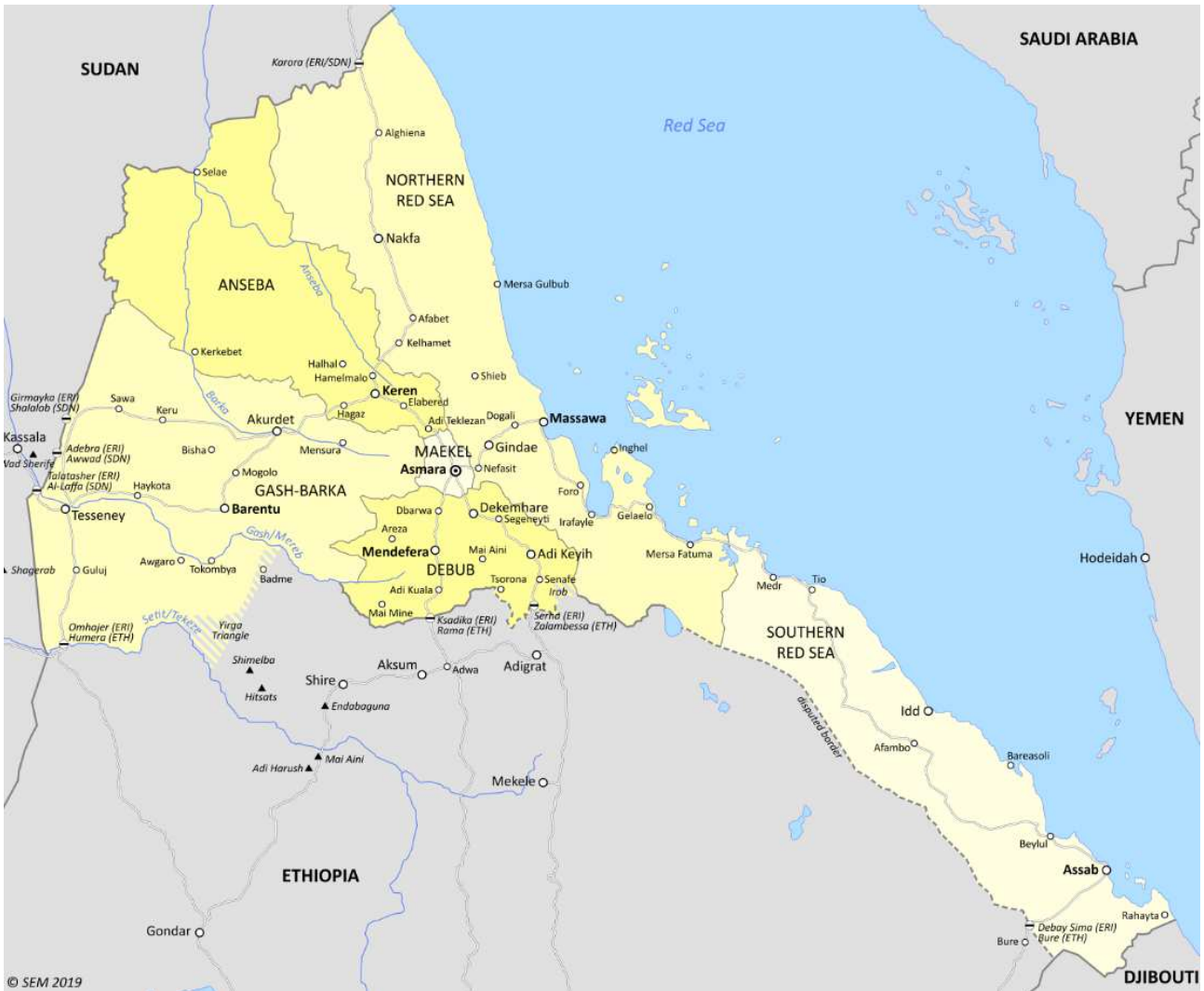
Evasion or desertion from national service remains punishable, according to the official Proclamation on National Service in Eritrea from 1995. However, there is no visible pattern in implementation of punishment by the authorities against draft evaders or deserters and punishment for national service-related infringements is imposed arbitrarily by military commanders. Draft evasion and desertion can also have consequences for family members in an arbitrary manner.

There have been no indications of change with regards to exemption from national service. Exemptions are arbitrarily granted, and it is difficult to obtain reliable information about how exemptions are administered.

Eritrean nationals still need to obtain an exit visa to leave the country legally and there have been no changes in terms of procedures for obtaining an exit visa. Being granted an exit visa remains difficult for Eritrean citizens.

Diaspora members who have paid their diaspora tax and who have signed the repentance letter are not likely to face problems upon return to Eritrea, if 1) they have obtained a foreign citizenship and are equipped with the proper visa; 2) if they have returned in the 1990s or 3) have obtained diaspora status in Eritrea, which is limited to a certain period of time.

## Map of Eritrea



Source: State Secretariat for Migration SEM (Switzerland), 2019, [url](#)

The borders and names used on this map do not imply official endorsement or acceptance



# 1. Introduction and methodology

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The present report provides an update of the situation in Eritrea after the signing in Asmara of a peace agreement between Ethiopia and Eritrea. This event which occurred on 9 July 2018 marked the rapprochement between the neighbouring countries after two decades of so-called ‘no war, no peace’. The report focuses on different aspects of national service in Eritrea as well as on the rules and practices regulating exit and entry into the country after the peace agreement, since these aspects are relevant for the refugee status determination in Denmark.

## **Initiation of report and Terms of Reference**

This report has been initiated by the Danish Immigration Service (DIS) in order to meet Country of Origin Information (COI) needs at a moment in time where the declaration of peace between Ethiopia and Eritrea may have changed the situation inside Eritrea. The focus of the report is thus to gather information about possible changes – if any – which have occurred as a consequence of the peace declaration and the rapprochement. It is not within the scope of the report to gather information systemically about areas where no changes have occurred.

The report has been collaboratively drafted by DIS and the Danish Refugee Council (DRC). It is based on terms of reference (ToR) which have been developed jointly by DIS and DRC. In the process of preparing the ToR the defined target users of the report, in particular the Secretariat of the Danish Refugee Appeals Board and the Asylum Division of DIS, have been consulted. Their inputs have been taken into account when the ToR was finalised. In relation to one element of the ToR – the extent to which desertion or evasion from national service is perceived by the authorities as an act of political consciousness – it has not been possible to gather sufficient information from the interviews to address this topic in the report.

After the ToR was agreed upon, it was shared with a Danish advisory group consisting of organisations and institutions involved in asylum work.<sup>2</sup> This group was invited to provide comments on the ToR and also to suggest relevant oral and written sources. The ToR is included in this report as appendix C.

## **Selection and validation of sources**

The production of this report has been guided by EASO’s quality standards for COI.<sup>3</sup> These standards are focused on relevance (that the sources have updated and relevant knowledge about the topics in ToR) and on reliability (that the sources are trustworthy). It is particularly challenging to find reliable and valid information about Eritrea, in particular about national service and human rights, partly because of the dearth of civil society and independent media inside the country. It is thus difficult to obtain detailed data from Eritrea, which fulfils EASO’s standards. The difficulties related to obtain COI from Eritrea are

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<sup>2</sup> The group consists of Danish Refugee Council, Amnesty International in Denmark, Danish Institute for Human Rights, Dignity, representatives of two Christian organisations (Danish European Mission and Open Doors), the National Commissioner of Police and the Danish Bar and Law Society (representing asylum lawyers).

<sup>3</sup> EASO, *EASO Country of Origin Information Report Methodology*, June 2019, [url](#)

addressed in several publications, including reports from the Norwegian COI unit,<sup>4</sup> EASO<sup>5</sup> and academic researchers.<sup>6</sup> In the EASO report on national service in Eritrea, published in September 2019, sources are divided into five categories: the Eritrean government, foreigners in Eritrea, human rights experts outside Eritrea and Eritrean migrants, academic experts, and media reports.<sup>7</sup> DIS and DRC have used sources from all five categories when information has been gathered for the present report and each category has been thoroughly assessed. As noted in the EASO report, all the above-mentioned categories of sources are useful and have obvious insights from their different perspectives, but they are all associated with different types of disadvantages which require attention.

With reference to the above-mentioned EASO-report as well as experiences collected during the process, the disadvantages for each of the five categories of sources can be summarised as follows:

- The Eritrean government has published very little official data, including basic demographic and economic data. Eritrean government representatives refrain from sharing information about national service, and Eritrean law and regulations are not consistently available online. Government representatives will most often decline to comment on allegations of human rights violations or to engage in discussions with foreign diplomats, international journalists or foreign representatives of civil society.
- Foreigners in Eritrea have a position inside the country from which they can observe signs of changes in the current situation; however, they have difficulties in obtaining access to dialogue with Eritrean authorities. Furthermore, their movement in the country is limited. With no active opposition, a limited civil society and no free media, obtaining information from independent sources is difficult inside the country. Foreigners do not have access to military camps or to the training centre in Sawa and are therefore without access to direct visual observation of these facilities. With limited possibility to direct observations, these sources may have to rely on second hand observations which potentially increase the risk of round-tripping of information – when multiple sources say the same thing which apparently confirms a situation, while they are in reality referring to the same source of information.<sup>8</sup> Furthermore, foreigners in Eritrea may be cautious during interviews with reference to the need to protect their own safety or that of their organisation.
- Human rights advocates and their organisations outside of Eritrea gather knowledge and insights from interviews and focus group discussions with people who have recently left Eritrea and who are willing to share their experiences. People who fled Eritrea often have their focus on the negative experiences they had, before they left the country, which may shape their narratives.<sup>9</sup>

<sup>4</sup> Landinfo, *Respons Eritrea: Faktagrunnlag og kildekritikk* [Response Eritrea: Fact base and source criticism], 14 January 2019, [url](#)

<sup>5</sup> EASO, *Eritrea: National service and illegal exit*, p. 12, September 2019, [url](#)

<sup>6</sup> Røsberg, Andreas Holm and Tronvoll, Kjertil: *Migrants or Refugees? The internal and external drivers of migration from Eritrea, Project Report*, 14 February 2017, [url](#)

<sup>7</sup> EASO, *Eritrea: National service and illegal exit*, pp. 13-14, September 2019, [url](#)

<sup>8</sup> See Landinfo note for a discussion of the risk of roundtripping. Landinfo, *Respons Eritrea: Faktagrunnlag og kildekritikk* [Response Eritrea: Fact base and source criticism], 14 January 2019, [url](#)

<sup>9</sup> See Røsberg et al. for a discussion of the dichotomy of narratives by migrants and refugees from Eritrea. Røsberg, Andreas Holm and Tronvoll, Kjertil: *Migrants or Refugees? The internal and external drivers of migration from Eritrea, Project Report*, 14 February 2017, [url](#)

Another of their sources of information may be diaspora members who have left the country a long time ago which may mean that they do not have updated first-hand information.

- Academic experts often encounter difficulties in obtaining permission to conduct research in Eritrea. It is only a limited number of researchers who are granted visa from the authorities which means that there are few researchers who publish qualitative or quantitative studies on Eritrea and thus few to compare with. Access to information and to conduct research on the ground can be a challenge in Eritrea. The advantage of including academic findings is that this type of research must, in order to pass peer reviews and be published in peer reviewed journals, provide a transparent and detailed account of their methodology, including their empirical basis. This enables the reader to get a clear picture of the quality of the study. However, the production time is long and academic publications rarely discuss recent events.
- Media reports may be of high journalistic standards and have a short production process which enables immediate publication and thus allows for news to be shared while they are still new. National media are under strict government control and international media have very limited access to the country and to independent sources. Furthermore, media reports do not necessarily contain the amount of details which meet COI-requirements for standard of proof or academic standards for triangulation of sources.

To meet the methodological challenges of collecting detailed, neutral and updated information about Eritrea, great care has been taken by DIS and DRC to select a wide range of sources which were differently positioned, and which represent different perspectives and experiences. The interviewed sources were identified with inputs from the knowledge networks of DIS and DRC. These networks include other COI units as well as partners and collaborators of DRC based in the Horn of Africa. They suggested a number of organisations and individuals who were known to have either first-hand knowledge of the topics in the ToR or who had access to well-informed individuals or organisations inside Eritrea. Sometimes consulted sources suggested other sources with relevant knowledge and experience. All the suggested sources were validated by DIS and DRC before collectively deciding who to contact. The interviewed sources are listed in Appendix A.

#### **Interviews with oral sources inside and outside of Eritrea**

The great majority of the desired sources were available for interviews and accepted to talk with the delegation. All sources demonstrated a high – and much appreciated – level of flexibility and interest in the production of this report. Most interviews were conducted as individual interviews where DRC and DIS collectively asked questions. At a few occasions, interviews were – at the request of the interlocutors – conducted as group interviews with two or more interlocutors at the same meeting. A few interviews were conducted over email, with sources answering the questions in writing. All the interviews were conducted in English.

The sources consulted were informed about the purpose of the interview and the fact that their statements would be included in a report to be made publicly available. The interlocutors were asked how they wished to be introduced and quoted, and all sources are introduced and quoted according to their own wishes. Some sources are referred to by their name and/or the name of their organisation; several are anonymous,

for the sake of discretion and upholding tolerable working conditions, as well as for personal safety, in accordance with their own request.

#### *Fact-finding mission*

DIS conducted a joint mission to Eritrea together with DRC from 26 September to 3 October 2019. The purpose was to interview as many sources as possible inside the country. The delegation consisted of three persons from DIS and one from DRC and the delegation stayed in Asmara. Here, the delegation managed to be granted meetings with western diplomats, international development organisations and NGOs. The delegation was not successful in obtaining a meeting with representatives of the Eritrean authorities despite numerous requests.

#### *Interviews outside of Eritrea*

To complement the meetings in Eritrea with differently positioned sources, a range of interviews have been conducted before and after this mission with people outside of Eritrea. Some of these interviews were conducted over the telephone whereas others took place during a short follow-up mission to the UK in October 2019. The interviewees included academic researchers and experts, international development NGOs, human rights organisations as well as consultants, journalists and observers who were following the situation in Eritrea. The interviewed sources are listed in Appendix A.

#### **Writing up of the report and quality assessment**

After each interview had been conducted (either as a meeting or over the phone) a summary of the interview was written. It is not a full transcript of what was said, but rather a summary of each interview with a focus on the elements of relevance for the ToR and with all relevant details included. All these meeting notes were forwarded to the interlocutors for their approval and amendment. This gave them the opportunity to reflect on what they have said during the interview and to offer corrections, take out elements of the written summary or add to their statements. All sources approved the meeting notes, which then are included in their full extent in Appendix B of this report. If the delegation met the sources, the meeting notes are referenced as ‘meeting with’ and if the delegation conducted interviews over the phone or via email; the notes are referenced as ‘interview with’.

In the meeting notes, the interviewed sources are, where possible, briefly introduced with a description of their organisational affiliation and details regarding their access to information about the situation in Eritrea. However, in many cases such introduction of the consulted sources has not been possible, since many sources requested a high level of anonymity; not only regarding their name and their organisational affiliations but also concerning the length, period and details of their work inside Eritrea. This request for anonymity, which was explained with concern for their security or the safety of their sources, has in all cases been respected.

The report is a synthesis of the sources' statements and does not include all details from the interviews. In the report, care has been taken to present the views of the interlocutors as accurately and transparently as possible and reference is made to the specific paragraphs of the meeting notes in foot notes. Furthermore, a variety of academic texts, COI reports and news media articles have been included in the report as a supplement to the interviews.

*Quality assessment*

This report is a product of a joint collaboration between two organisations and all elements in the reports and its production have been subject to thorough discussions and reflection throughout the process. An internal review process has been conducted in which the drafters and the peer reviewers have worked together to meet the EASO quality standards for COI products regarding content and presentation of the findings. All comments by the reviewers were taken into consideration.

**Assistance**

During the preparation of the mission to Asmara, the Danish Embassy in Nairobi kindly and promptly assisted DIS and DRC in obtaining visas and in setting up the meetings, and for that the delegation is thankful. Other types of assistance were kindly offered by the State Secretariat for Migration (SEM) of Switzerland, the Swedish Migration Agency and the UK Home Office. They shared important information, practical advice and offered valuable inputs in identifying potential sources and were willing to provide inputs to source assessment in order to find a balanced selection of differently positioned sources. For that the delegation wishes to express its gratitude.

**Publication**

The report is made available to all stakeholders in the refugee status determination process as well as to the general public via the website of DIS [www.newtodenmark](http://www.newtodenmark) and of DRC <https://drc.ngo/>. The publication is announced on these websites.

The report was initiated in July 2019 and was finalised in January 2020.

## 2. Background: recent developments in Eritrean politics

### *A chain of peace agreements*

On 9 July 2018, Eritrea's first, and so far only, president, Isaias Afewerki, and Ethiopia's newly appointed Prime Minister, Abiy Ahmed, signed a peace agreement in Asmara. Prime Minister Abiy Ahmed had declared that Ethiopia now willingly and unconditionally recognised the decision made by the Eritrea-Ethiopia Boundary Commission (EEBC) of 2002 which demarcated the border between the two countries.<sup>10</sup> This signature officially put an end to the dispute between the two neighbouring countries over the border demarcation; a dispute which resulted in a brutal war from 1998 to 2000 followed by two decades of so-called 'no war, no peace' deadlock.<sup>11</sup> Over the years of internal and inter-state crisis, Eritrea has become one of the world's largest producers of refugees, if the number of refugees is compared to the estimated size of the population.<sup>12</sup>

The same day the 'Agreement on Peace and Friendship between Eritrea and Ethiopia' had been signed, the diplomatic relations between the two countries were restored; the borders were opened on 11 September 2018 at two border checkpoints.<sup>13</sup> First the point at Debay Sima-Burre in the South-East, which connects the Eritrean coastal town Assab with Addis Ababa in Ethiopia, was opened, and secondly the border point at Serha-Zalambesa, which connects Asmara to Ethiopia's north-eastern Tigray region and to central and southern Ethiopia, was opened.<sup>14</sup> The block on telecommunication between the two countries was lifted allowing people to call their relatives across the border for the first time in nearly two decades. Also, flights between Asmara and Addis Ababa were resumed.<sup>15</sup> Another tangible change for the Eritrean population was the possibility to buy critical building materials, in particular cement, in Ethiopia and to bring these materials to Eritrea.<sup>16</sup>

The rapprochement in July 2018 between Eritrea and Ethiopia represented a dramatic development in the conflicts which have taken place at the Horn of Africa and came as a surprise to researchers of both Eritrean and foreign backgrounds.<sup>17</sup> According to one researcher, it was 'sudden and dramatic' and it came as a 'surprise' to all observers of the Eritrea-Ethiopia conflict, including researchers and diplomats.<sup>18</sup> Eritrea

<sup>10</sup> EASO, *Eritrea: National service and illegal exit*, September 2019, [url](#)

<sup>11</sup> Hagmann, Tobias: *Abiy Ahmed Won the Peace Prize. Now He Needs to Earn It*. New York Times, 17 October 2019, [url](#)

<sup>12</sup> Røsberg, Andreas Holm and Tronvoll, Kjertil: *Migrants or Refugees? The internal and external drivers of migration from Eritrea*, Project Report, p. 7, February 2017, [url](#)

<sup>13</sup> Bereketeab, Redie: *The Ethiopia-Eritrea Rapprochement: Peace and Stability in the Horn of Africa*, p. 15, April 2019, [url](#)

<sup>14</sup> Bereketeab, Redie: *The Ethiopia-Eritrea Rapprochement: Peace and Stability in the Horn of Africa*, p. 15, April 2019, [url](#)

<sup>15</sup> The Guardian: *Ethiopia and Eritrea restore ties after 20 years of enmity: Leaders sign agreements in Eritrean capital and lift block on phone calls across border*, 9 July 2018, [url](#)

<sup>16</sup> BBC News: *Ethiopia-Eritrea border boom as peace takes hold*, 9 January 2019, [url](#)

<sup>17</sup> Müller, Tanja R.: *Borders and boundaries in the state-making of Eritrea: revisiting the importance of territorial integrity in the rapprochement between Eritrea and Ethiopia*, September 2019; Bereketeab, Redie: *The Ethiopia-Eritrea Rapprochement: Peace and Stability in the Horn of Africa*, April 2019, [url](#)

<sup>17</sup> Eritrean Center for Strategic Studies, *Eritrea-Somalia Joint Declaration On Brotherly Relations and Comprehensive Cooperation*, 30 July 2018, [url](#)

<sup>18</sup> Bereketeab, Redie: *The Ethiopia-Eritrea Rapprochement: Peace and Stability in the Horn of Africa*, April 2019, [url](#)

followed up on the peace declaration with Ethiopia with the adoption of a peace agreement with Somalia on 30 July 2018 (Eritrea –Somalia Joint Declaration on Brotherly Relations and Comprehensive Cooperation<sup>19</sup>), and then with another peace agreement on 6 September 2018 with Djibouti.<sup>20</sup> As a result of these events, the international sanctions against Eritrea were lifted in November 2018 by the UN Security Council, and in March 2019 the UN Secretary General appointed a Special Envoy for the Horn of Africa to support the positive development in the region.<sup>21</sup> These events were intensely covered by the international media and nurtured speculations that the dysfunctional relations between the states of the Horn of Africa would be improved and eventually lead to betterment for the populations.<sup>22</sup>

The announcement of a peace agreement was followed by euphoria in both countries. However, frustrations have followed because of lack of *de facto* progress in implementation of the promises: the Ethiopian troops have not effectively left the contested village of Badme which thus remains under Ethiopian control (as of November 2019).<sup>23</sup> The land borders, which had been opened, were closed again by the Eritrean authorities in December 2018 and in April 2019 respectively.<sup>24</sup> Prime Minister Abiy is confronted with resistance from the Tigray People’s Liberation Front (TPLF), the dominant group in the country’s north-east region, which is sceptical of the rapprochement between the two countries.<sup>25</sup>

### *Eritrea-Ethiopian conflicts*

Eritrea became a separate territorial entity only in 1993 when it gained *de jure* independence from Ethiopia by recognition of the UN.<sup>26</sup> However, independence did not mean that the border was no longer contested, and independence was followed by a war from 1998 to 2000 with Ethiopia over the exact territorial boundary between Eritrea and the Tigray region in Ethiopia, in particular the village of Badme; a village which the TPLF had been unwilling to let go. This was then followed for the next 18 years with a situation of ‘no war, no peace’.<sup>27</sup> During that period, all attempts from Western and non-Western actors of mediating between the two countries failed, and the socio-economic development of Eritrea suffered.<sup>28</sup> The Eritrean leadership has been intensely preoccupied with territorial integrity and security of the young nation.<sup>29</sup> This

<sup>19</sup> Eritrean Center for Strategic Studies, *Eritrea-Somalia Joint Declaration On Brotherly Relations and Comprehensive Cooperation*, 30 July 2018, [url](#)

<sup>20</sup> UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Eritrea*, 18 April 2019, p. 3, [url](#), EASO, *Eritrea: National service and illegal exit*, September 2019, [url](#)

<sup>21</sup> UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Eritrea*, 18 April 2019, p. 3, [url](#)

<sup>22</sup> Bereketeab, Redie: *The Ethiopia-Eritrea Rapprochement: Peace and Stability in the Horn of Africa*, April 2019, [url](#)

<sup>23</sup> BBC News: Nobel Peace Prize: Has Abiy brought peace to East Africa? 11 October 2019, [url](#), EASO, *Eritrea: National service and illegal exit*, September 2019, pp. 37-39, [url](#)

<sup>24</sup> BBC News: Nobel Peace Prize: Has Abiy brought peace to East Africa? 11 October 2019, [url](#); EASO, *Eritrea: National service and illegal exit*, September 2019, pp. 45-46, [url](#)

<sup>25</sup> BBC News: Nobel Peace Prize: Has Abiy brought peace to East Africa? 11 October 2019, [url](#)

<sup>26</sup> Müller, Tanja R.: *Borders and boundaries in the state-making of Eritrea: revisiting the importance of territorial integrity in the rapprochement between Eritrea and Ethiopia*, p. 282, September 2019

<sup>27</sup> Müller, Tanja R.: *Borders and boundaries in the state-making of Eritrea: revisiting the importance of territorial integrity in the rapprochement between Eritrea and Ethiopia*, September 2019

<sup>28</sup> Bereketeab, Redie: *The Ethiopia-Eritrea Rapprochement: Peace and Stability in the Horn of Africa*, April 2019, pp. 42-44, [url](#)

<sup>29</sup> UN Human Rights Council: *Report of the Working Group on the Universal Periodic Review, Eritrea, section 93*, 18 April 2019, [url](#)

has been done, according to one scholar, at the expense of developing democratic institutions.<sup>30</sup> During that period, one effect of this conflict was that Eritrean politics became increasingly top-down oriented, militarised and authoritarian combined with a high level of mistrust in the then Ethiopian TPLF leadership. It was the shift of power inside of Ethiopia, with Prime Minister Abiy Ahmed of the Oromo People's Democratic Organisation (OPDO) as elected chairman of Ethiopia's ruling coalition that became the catalyst for change in the frozen relations between Asmara and Addis Ababa.<sup>31</sup> Abiy's willingness to accept the EEBC decision regarding the border created grounds for the Eritrean leadership to trust Ethiopia's intentions.<sup>32</sup>

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<sup>30</sup> Müller, Tanja R.: *Borders and boundaries in the state-making of Eritrea: revisiting the importance of territorial integrity in the rapprochement between Eritrea and Ethiopia*, p. 280, September 2019

<sup>31</sup> Hagmann, Tobias: *Abiy Ahmed Won the Peace Prize. Now He Needs to Earn It*. New York Times, 17 October 2019, [url](#)

<sup>32</sup> Müller, Tanja R.: *Borders and boundaries in the state-making of Eritrea: revisiting the importance of territorial integrity in the rapprochement between Eritrea and Ethiopia*, p. 286, September 2019; Bereketgab, Redie: *The Ethiopia-Eritrea Rapprochement: Peace and Stability in the Horn of Africa*, April 2019, pp. 30-31, [url](#)



## 2.1 Brief overview of the general situation in Eritrea, including human rights

### *Governance*

Eritrea is a republic led by President Isaias Afewerki who also heads the country's only legal party, the People's Front for Democracy and Justice (PFDJ). The administration of the country is highly centralised, and the government is authoritarian.<sup>33</sup>

Government functions are executed by the president and a restricted group of advisers. Together with the military, the Eritrean political leadership holds a monopoly on the economic sphere. The PFDJ operates at all levels of the administration, allowing the party to control the administrative structures throughout the entire country.<sup>34</sup>

### *Sources of law*

The main sources of law in Eritrea are the transitional codes of 1991, proclamations and legal notices. The Eritrean Constitution of 1997 has never been implemented.<sup>35</sup>

Punishment for violations such as desertion or draft evasion as well as illegal exit is not handled by the Eritrean judiciary, but is instead determined by military commanders. Such punishments would be executed without any formal procedures, which make them to a large degree arbitrary and inconsistent. In this regard, Eritreans are often unaware of the content and extent of existing legislation, and what the potential consequences would be of transgressing the law as well as other rules and regulations.<sup>36</sup>

According to the USDOS Country Report on Human Rights Practices 2018, there are no internal or external mechanisms to investigate abuse by the security forces or government actions; and hence impunity for abuse is the norm.<sup>37</sup>

### *Civil society*

The government restricts academic freedom and cultural events. Furthermore, the Eritrean leadership bans private and foreign ownership of media and requires submission of publications, including books, to the government for approval prior to dissemination.<sup>38</sup> Additionally, international human rights and civil society organisations are generally not able to operate in the country, and there are no local human rights NGOs operating in the country.<sup>39</sup>

There are no legally approved opposition groups or other political organisations independent of the PFDJ. The Eritrean government restricts citizens' rights to criticise the government in public or in private through intimidation by national security forces, which effectively hinders citizens' possibility to participate in

<sup>33</sup> USDOS – US Department of State: *Country Report on Human Rights Practices 2018 - Eritrea*, 13 March 2019 [url](#)

<sup>34</sup> EASO, *Eritrea Country Focus*, May 2015, p. 28, [url](#), Bertelsmann Stiftung, *BTI 2016 Eritrea Country Report*, 2016, p. 3, [url](#)

<sup>35</sup> EASO, *Eritrea: National service and illegal exit*, September 2019b, p. 20 [url](#)

<sup>36</sup> EASO, *Eritrea: National service and illegal exit*, September 2019b, p. 21 [url](#)

<sup>37</sup> USDOS – US Department of State: *Country Report on Human Rights Practices 2018 - Eritrea*, 13 March 2019 [url](#)

<sup>38</sup> USDOS – US Department of State: *Country Report on Human Rights Practices 2018 - Eritrea*, 13 March 2019 [url](#)

<sup>39</sup> USDOS – US Department of State: *Country Report on Human Rights Practices 2018 - Eritrea*, 13 March 2019 [url](#)

political activities. The security apparatus is described as making excessively use of force. The leadership under President Isaias Afewerki views democracy more in terms of involvement of the entire population than of accountability based on parties and elections.<sup>40</sup>

There are four officially recognised religious groups in Eritrea: the Eritrean Orthodox Church, Sunni Muslims, the Roman Catholic Church, and the Evangelical Lutheran Church of Eritrea. The authorities' control of civil society also extends to religious groups; and members of un-registered religious groups have been harassed or detained without due process.<sup>41</sup>

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<sup>40</sup> USDOS – US Department of State: *Country Report on Human Rights Practices 2018 - Eritrea*, 13 March 2019 [url](#), Bertelsmann Stiftung, BTI 2016 *Eritrea Country Report*, 2016, p. 3, [url](#)

<sup>41</sup> USDOS – US Department of State: *2018 Report on International Religious Freedom: Eritrea*, 21 June 2019 [url](#)

## 3. National Service

### 3.1 Duration of national service

1. The national service in Eritrea was initiated in the Proclamation on National Service No. 82 of 23 October 1995. Article 5 in the proclamation stipulates that the objectives of national service include development of the economy and to foster national unity among the people. The proclamation's article 8 establishes the duration of national service to 18 months, which includes six months of military training and 12 months of civil service.<sup>42</sup> However, as a result of the 1998-2000 border war between Ethiopia and Eritrea, and of the following unresolved border conflict known as the 'no war, no peace' situation, the Eritrean government has enacted article 21(1) in the proclamation on national service. This article stipulates that during a mobilisation or a war period anyone in active service is under the obligation of remaining even beyond the prescribed period.<sup>43</sup>
2. In June 2018 the Ethiopian Prime Minister Abiy Ahmed proclaimed that Ethiopia would now accept the UN decision on the Eritrean-Ethiopian border,<sup>44</sup> which they had refused since 2002. Furthermore, the Ethiopian prime minister signed a peace agreement with the Eritrean President, Isaias Afewerki, on 9 July 2018 in Asmara.<sup>45</sup> According to a number of sources, the new peace agreement between the two countries let many to believe that the Eritrean government would revise the duration of national service and revoke article 21(1) in the Proclamation on National Service, and thereby end the indefinite national service.<sup>46</sup>
3. Almost all the interlocutors confirmed that there have been no changes in the duration of national service since the signing of the peace agreement with Ethiopia.<sup>47</sup> Several sources referred to national service being without a set time for discharge,<sup>48</sup> while other sources referred to cases they had heard of with persons spending between 12 and 30 years in national service.<sup>49</sup> Human Rights Watch advised that to their knowledge, there has been no significant numbers of discharges from

<sup>42</sup> Eritrea: *Proclamation on National Service No. 82/1995 of 1995* [Eritrea], 23 October 1995, [url](#), Landinfo: *Eritrea: National Service*, 20 May 2016 p. 10, [url](#)

<sup>43</sup> Landinfo: *Eritrea: National Service*, 20 May 2016 p. 10, [url](#), Eritrea: *Proclamation on National Service No. 82/1995 of 1995* [Eritrea], 23 October 1995, [url](#), EASO, *Eritrea: National service and illegal exit*, September 2019 p. 33, [url](#)

<sup>44</sup> United Nations: *Decision regarding delimitation of the border between Eritrea and Ethiopia*, 13 April 2002, [url](#)

<sup>45</sup> Shabait, *Joint Declaration of Peace and Friendship between Eritrea and Ethiopia*, 9 July 2018, [url](#)

<sup>46</sup> Meeting with a Western diplomat, a: 6, Interview with an observer from civil society: 3, Meeting with five Western diplomats, e: 4, interview with an international organisation, c: 4

<sup>47</sup> Meeting with a Western diplomat, a: 4, Meeting with a Western diplomat, b: 5, Meeting with a Western diplomat, c: 6, Meeting with a Western diplomat, d: 5, Meeting with five Western diplomats, e: 1, Meeting with an international development organisation, b: 5, Interview with an international organisation, c: 4, Interview with an international human rights organisation: 1, Interview with Human Rights Watch: 3, Meeting with a researcher, Dr Tanja R. Müller: 5, Meeting with academic experts, Martin Plaut and Habte Hagos: 10, Interview with a journalist, Tom Gardner: 4, Interview with Mixed Migration Centre: 8, Interview with an observer from civil society: 1, Meeting with an international humanitarian organisation working in Ethiopia: 2; Interview with Amnesty International: 5

<sup>48</sup> Meeting with a Western diplomat, c: 6, Meeting with a Western diplomat, d: 5, Meeting with a Western diplomat, b: 5, Interview with a journalist, Tom Gardner: 4

<sup>49</sup> Meeting with five Western diplomats, e: 19, Meeting with a Western diplomat, a: 4, Meeting with a Western diplomat, d: 5

national service and that discharge remains arbitrary and very limited.<sup>50</sup> Academic researcher, Tanja R. Müller, noted that some people are released after 18 months while others are released after 2-3 years and others never.<sup>51</sup>

4. Two sources mentioned that they had no knowledge of possible changes in the length of national service,<sup>52</sup> whereas consultant Ruby Sandhu argued that there had been reforms in the length of national service as well as discussions at government level about the possibility of reducing the term to 18 months. However, she stated that there had not been a formal public announcement by representatives of the Eritrean government about any reductions.<sup>53</sup>

### 3.2 Expectations for a future national service

5. Although there are little to no indications of change in the duration of national service, a number of sources advised that there have been ongoing discussions about the length of national service within the government.<sup>54</sup> One source stated that it was reported on EriTV at the 25th anniversary of the Sawa training centre in August 2019 that the government is currently reviewing how they can reduce the duration of national service to 18 months.<sup>55</sup> Three sources indicated that the president in 2018 had told new conscripts in Sawa that the length of national service would return to the statutory 18 months. However, this did not appear to have been repeated or followed up on, and the government's intentions remain unclear.<sup>56</sup>
6. Several sources advised that they did not expect changes in the duration of national service in the near future. According to these sources, the reluctance of the Eritrean government to engage in a reduction of the length of national service could be explained with two factors: economic and security related concerns.<sup>57</sup>

#### Economic concerns

7. Two sources assessed that if the government reduced the duration of national service it would require thorough planning to avoid the chaos that would follow by the large numbers of conscripts being demobilised all of a sudden.<sup>58</sup> At present, the existing labour market would be unable to absorb the high number of people who would be released from national service and subsequently

<sup>50</sup> Interview with Human Rights Watch: 4

<sup>51</sup> Meeting with a researcher, Dr Tanja R. Müller: 5

<sup>52</sup> Meeting with an international development organisation, a: 8, Interview with an international development organisation, c: 3

<sup>53</sup> Meeting with a consultant, Ruby Sandhu: 17

<sup>54</sup> Meeting with a Western diplomat, b: 8, Meeting with academic experts, Martin Plaut and Habte Hagos: 10, Interview with a journalist, Tom Gardner: 4, Interview with an international organisation, c: 4, Meeting with five Western diplomats, e: 1

<sup>55</sup> Meeting with a Western diplomat, b: 8

<sup>56</sup> Meeting with a Western diplomat, c: 13, Interview with an international organisation, c: 4, Meeting with five Western diplomats, e: 2, Meeting with academic experts, Martin Plaut and Habte Hagos: 10

<sup>57</sup> Interview with a journalist, Tom Gardner: 4, Interview with Amnesty International: 5, Meeting with a Western diplomat, b: 11, Meeting with five Western diplomats, e: 3, Meeting with a Western diplomat, c: 11-12

<sup>58</sup> Meeting with a Western diplomat, b: 6, Meeting with an international development organisation, b: 7

many would exchange national service with unemployment.<sup>59</sup> A Western diplomat estimated that there would be approximately 50,000 people released per year. Therefore the government had to find a solution for releasing 50,000 persons, thus the country needs economic reforms and job creation to cope with this challenge.<sup>60</sup> Another diplomatic source referred to the mixed messages regarding reforms and added that the government would probably be reluctant to yield this control over the labour force.<sup>61</sup> The same source considered that the president genuinely believed in the national service, also from an economic perspective.<sup>62</sup> Another diplomatic source opined that the president had a profound animosity of private companies and their for-profit activities and that in itself constitutes a barrier to any reform of the labour market.<sup>63</sup>

8. At the same time there were indications that national service in its current form, and despite the low salary of the conscripts, had become a heavy economic burden for the government.<sup>64</sup> Another source mentioned, however, that the Minister of Foreign Affairs Osman Saleh Mohammed had been quoted as saying that release from national service can only happen after the Eritrean economy has been built up in order to absorb the discharged conscripts.<sup>65</sup>

#### **Security concerns**

9. Other sources suggested that the Eritrean government is reluctant to demobilise conscripts from national service because of external security concerns. These concerns are related to the Tigray region in Ethiopia and the Muslim Brotherhood in Sudan.<sup>66</sup> According to five Western diplomats, it is a concern for the Eritrean leadership how the ruling party in the Tigray regional state, TPLF will react to the new situation following the peace agreement. TPLF is perceived as a state within the state and will not necessarily follow the federal government of Ethiopia. The party has been in power for the past 25-30 years in Ethiopia and might not accept the loss of power after the change of leadership in Ethiopia.<sup>67</sup> The Tigrayans are a minority within the federal state of Ethiopia. However, they hold 25 percent of the seats in the federal parliament.<sup>68</sup> In this context, although Eritrea and Ethiopia has signed a peace agreement, the leadership of Eritrea is cautious about the ongoing changes in Ethiopia and to what extent Ethiopia would roll back the rapprochement.<sup>69</sup>
10. The TPLF is still controlling the army, and troops and heavy weaponry remain on the border with Eritrea.<sup>70</sup> Therefore, the consulted sources expected that until the next election in Ethiopia next year, the Eritrean government would have a wait-and-see approach. If Abiy Ahmed wins the

<sup>59</sup> Meeting with a Western diplomat, b: 6, Meeting with academic experts, Martin Plaut and Habte Hagos: 10, Meeting with an international development organisation, b: 7, Meeting with five Western diplomats, e: 3

<sup>60</sup> Meeting with a Western diplomat, b: 6

<sup>61</sup> Meeting with a Western diplomat, c: 11

<sup>62</sup> Meeting with a Western diplomat, c: 12

<sup>63</sup> Meeting with a Western diplomat, a: 3

<sup>64</sup> Meeting with a Western diplomat, b: 9

<sup>65</sup> Interview with an international human rights organisation: 1

<sup>66</sup> Meeting with five Western diplomats, e: 5, Meeting with a Western diplomat, b: 10-12, Meeting with a Western diplomat, c: 4

<sup>67</sup> DIS: *Ethiopia: Documents and citizenship*, 5 November 2018, [url](#)

<sup>68</sup> Meeting with five Western diplomats, e: 5

<sup>69</sup> Meeting with a Western diplomat, b: 10

<sup>70</sup> Meeting with a Western diplomat, b: 12

elections, there could be grounds for a more profound trust in a lasting peace with Ethiopia, which could lead the way to reform of the national service. But until then, the sources do not think that one would see any change or reform of the national service.<sup>71</sup>

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<sup>71</sup> Meeting with a Western diplomat, b: 11, 13, Meeting with five Western diplomats, e: 6, Meeting with a Western diplomat, c: 3, 5

### 3.3 Conditions and salaries during national service

11. In Eritrea, recruitment to national service officially takes place immediately after the 12<sup>th</sup> and last grade (secondary school). All secondary school students, with very few exceptions, must complete their 12<sup>th</sup> grade at the Warsai Yekalo Secondary School in the Sawa National Training and Education Centre. This government facility is located near the border to Sudan and is also referred to as the Sawa military training camp. This.<sup>72</sup> The term ‘Sawa’ is often used to refer to the national service. Students, both male and female, have to complete military training during the year in which they prepare for their secondary school exams.<sup>73</sup> Most, but not all, of the students are over 18 when they enrol in grade 12.<sup>74</sup>
  
12. According to several sources who are quoted in the EASO report on National Service in Eritrea, published in 2019, the content of the programme for students at Sawa is physical training, military and political training and six to eight months of academic education. After completion of this programme, the students are awarded with the Eritrean Secondary Education Certificate Examinations (ESECE). It is, according to official statistics quoted in the EASO report, only a small proportion of Eritrean youth who reach the 12<sup>th</sup> grade and are enrolled in national service through the schooling system as prescribed by the law: in 2019 it was reportedly 16,064 students who participated in ESECE.<sup>75</sup> According to the mentioned EASO report, the group of youths who have dropped out before 12<sup>th</sup> grade is recruited by the local administration or rounded up by the army. School dropouts who are apprehended while trying to leave the country are usually recruited into national service. Some youths manage to avoid conscription or are exempted.<sup>76</sup>

#### General conditions

13. The treatment of conscripts in the national service has been a subject of concern in several reports by human rights organisations and governmental institutions.<sup>77</sup> The material and physical conditions were also a topic in a statement on the national service in Eritrea issued by the UN Special Rapporteur to the Human Rights Council.<sup>78</sup> The EASO report noted that conditions and disciplinary measures were assumed to be ‘not as harsh’ for conscripts of civilian national service as for those who served in the military, but that conscripts were assigned a specific duty station and a specific job regardless of any individual wishes, that salaries remained ‘low’, and that conscripts were restricted from travelling abroad. Possible disciplinary sanctions in the civilian part of national service include re-assignment to the military component, arrest or both. It was further mentioned

<sup>72</sup> USDOS: *Country Report on Human Rights Practices 2018 - Eritrea*, 13 March 2019, [url](#), HRW: “*They Are Making Us into Slaves, Not Educating Us*”, August 8, 2019, [url](#), EASO, *Eritrea: National service and illegal exit*, September 2019, p. 26, [url](#), AI: *Repression without borders: Threats to human rights defenders abroad*, June 2019, [url](#)

<sup>73</sup> See figure 1 in the EASO report for an overview of the different forms of recruitment into national service, EASO, *Eritrea: National service and illegal exit*, September 2019, p. 31, [url](#)

<sup>74</sup> HRW: “*They Are Making Us into Slaves, Not Educating Us*”, August 8, 2019, [url](#)

<sup>75</sup> EASO, *Eritrea: National service and illegal exit*, September 2019, p. 26-30, [url](#)

<sup>76</sup> EASO, *Eritrea: National service and illegal exit*, September 2019, p. 28, [url](#)

<sup>77</sup> EASO, *Eritrea: National service and illegal exit*, September 2019, pp 37-39, [url](#), USDOS: *Country Report on Human Rights Practices 2018 - Eritrea*, 13 March 2019, [url](#), UK Home Office: *Country Policy and Information Note Eritrea: National service and illegal exit*, July 2018, pp. 27-32, [url](#), HRW: “*They Are Making Us into Slaves, Not Educating Us*”, August 8, 2019, [url](#)

<sup>78</sup> *Report of the Special Rapporteur on the situation of human rights in Eritrea to the General Assembly* 16 May 2019, [url](#)

in the EASO report that some companies owned by the People’s Front for Democracy and Justice (PFDJ) have their own prisons with unknown conditions. In the military part of national service, commanders seem to have almost unlimited power over their subordinates, work assignments are hard, 72-hour work weeks are reported, leave is unregulated, punishment is often harsh and arbitrary, sexual exploitation and violation is known to happen and most military units have their own prisons. Some of these prisons are underground or in shipping containers.<sup>79</sup>

14. The US Department of State noted in its 2018 report on the human rights situation in Eritrea that the law which regulates working conditions and protects against forced labour and harsh working conditions did not apply to conscripts of national service.<sup>80</sup> The UN Special Rapporteur to the Human Rights Council noted that wages were ‘insufficient’ and that housing was not ‘adequate’ for conscripts in the national service. The Special Rapporteur further stated that some conscripts are forced to work without pay, and; that there are reports that military conscripts are subjected to abuse and ill-treatment. The Special Rapporteur had received testimonies of former female conscripts who were abused by their superior and who recounted that sexual harassment and sexual abuse of female conscripts were common, in particular at the Sawa military training camp.<sup>81</sup>
15. According to the interviewed sources, there has been no observed changes, or improvements, in the working or living conditions for conscripts of national service after the peace agreement. Furthermore, none of these sources anticipated any changes in the foreseeable future.<sup>82</sup>
16. A western diplomat noted that accessing information on conditions in the military was particularly difficult.<sup>83</sup> One source referred to national service being perceived as forced labour,<sup>84</sup> whilst another source considered it ‘slavery’ and spoke of living conditions totally degrading to the dignity of the person.<sup>85</sup> A diplomatic source believed that the conditions of conscripts under military service were horrible and referred to allegations of sexual violence committed with impunity.<sup>86</sup> The academic experts, Martin Plaut and Habte Hagos, mentioned that, according to their information, there has recently been an increase in the number of underage conscripts.<sup>87</sup>
17. One source, academic researcher Tanja R. Müller, emphasised the importance of taking into consideration the national context when analysing the living conditions during national service.

<sup>79</sup> EASO, *Eritrea: National service and illegal exit*, September 2019, p. 37, 38, [url](#)

<sup>80</sup> USDOS: *Country Report on Human Rights Practices 2018 - Eritrea*, 13 March 2019, [url](#)

<sup>81</sup> *Report of the Special Rapporteur on the situation of human rights in Eritrea to the General Assembly* 16 May 2019, p 7-8 [url](#)

<sup>82</sup> Meeting with a Western diplomat, a: 7, Meeting with a Western diplomat, b: 14, Meeting with a Western diplomat, c: 21, Meeting with five Western diplomats, e: 7, Meeting with an international development organisation, a: 10, Interview with an international human rights organisation: 2, interview with Mixed Migration Centre: 8, meeting with academic experts Martin Plaut and Habte Hagos: 4, Interview with the Chairman of the Habeshia Agency: 4, interview with an international humanitarian organisation working in Ethiopia: 4, Interview with Amnesty International: 6

<sup>83</sup> Meeting with a Western diplomat, c: 2

<sup>84</sup> Meeting with a Western diplomat, b: 14

<sup>85</sup> Interview with the Chairman of the Habeshia Agency: 12

<sup>86</sup> Meeting with a Western diplomat, d: 11

<sup>87</sup> Meeting with academic experts Martin Plaut and Habte Hagos: 11



According to this source, conscripts of national service live under conditions which mirror the normal living conditions of the general population in Eritrea.<sup>88</sup> In the interview she furthermore underlined that the food that conscripts of national service receive is not necessarily worse than the food intake of the general population. She added, however, that life is harder for those assigned to urban areas than for those who served in rural Eritrea because of the high costs of living in the cities. Contrary to this, a western embassy knew of one girl who had brought her own equipment to the training centres (clothes, food, etc.), since the equipment that conscripts are provided with while accommodated at the training centres is not sufficient to uphold a reasonable life.<sup>89</sup>

18. An international organisation noted that the Eritrean government lately seemed to have intensified the level of surveillance of conscripts of the national service. This has worsened their economic situation, because it makes it harder for them to attend to their alternative jobs<sup>90</sup> (the low salaries for conscripts of national service has led to financial hardship, which makes an alternative job necessary for many conscripts).<sup>91</sup>
19. According to two sources, there were indications of change in focus in the sense that the government would increasingly focus on vocational training as a part of national service.<sup>92</sup> According to an international organisation, the Eritrean government seems to be interested in enhancing vocational training of conscripts of national service to enlarge the pool of skilled labour in the country.<sup>93</sup> The emphasis on vocational training was shared by a diplomatic source that was under the clear impression that in recent years more students have been sent to vocational training and higher education while the number of students sent to military service and unskilled labour had declined. This source underlined that nothing is voluntary, but that the students with higher grades had some level of choice as to what they want to do. According to this source, the Eritrean government increasingly seeks to direct more youth into the path of what is referred to as a diploma programme. After completion of this vocational training programme the young person is given a vocational certificate which is intended to improve their employability.<sup>94</sup>

### *Salary / payment*

20. In an EASO report published in 2016 it was stated that the Eritrean government had announced a rise in payment for conscripts of national service, and that, according to the sources which were quoted in the report, the implementation of that reform had begun.<sup>95</sup> In the Universal Periodic Review (UPR) on Eritrea, the Eritrean government states that a new remuneration system has been

<sup>88</sup> Meeting with Dr Tanja R. Müller: 6

<sup>89</sup> Meeting with a Western diplomat, a: 7

<sup>90</sup> Interview with an international organisation: 6

<sup>91</sup> Meeting with academic experts Martin Plaut and Habte Hagos: 12, Interview with the Chairman of the Habeshia Agency: 1, Meeting with a Western diplomat, b: 9

<sup>92</sup> Interview with an international organisation: 5, Meeting with a Western diplomat, c: 6, 10

<sup>93</sup> Interview with an international organisation: 5

<sup>94</sup> Meeting with a Western diplomat, c: 6-7

<sup>95</sup> EASO: *Eritrea: National service and illegal exit*, November 2016, [url](#)

installed and that this system has ‘substantially’ increased the salary of conscripts of national service.<sup>96</sup>

21. The majority of the sources, which were interviewed for this report, confirmed that there has been a nominal rise in salary to conscripts of national service, but that this had occurred prior to the peace agreement.<sup>97</sup> Two sources said that the current salary is 3,000 nakfa (the equivalent to 180 euros).<sup>98</sup> According to some sources, wages were, however, still very low and extra jobs were still necessary to uphold a tolerable living.<sup>99</sup> Three sources mentioned that rises in salary had in reality been reduced by raised taxes and higher prices.<sup>100</sup>
22. Other sources added that not all conscripts benefitted equally from this rise in salaries<sup>101</sup> and that the better educated conscripts, in particular IT specialists and teachers, benefitted most.<sup>102</sup> Many of those who benefitted from the increased salaries were the younger cohorts.<sup>103</sup>

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<sup>96</sup> UN Human Rights Council: *Report of the Working Group on the Universal Periodic Review, Eritrea, section 94*, 18 April 2019, [url](#)

<sup>97</sup> Meeting with a Western diplomat, a: 8, meeting with a Western diplomat, b: 16, Meeting with a Western diplomat, c: 18, Meeting with a Western diplomat, d: 7, Meeting with an international development organisation, b: 8, Meeting with an international development organisation, a: 9, meeting with academic experts Martin Plaut and Habte Hagos: 12, Interview with an international organisation: 7, Interview with Human Rights Watch: 6, Meeting with a researcher, Dr Tanja R. Müller: 7, Meeting with a consultant, Ruby Sandhu: 18, Interview with a journalist, Tom Gardner: 5, Interview with the Chairman of the Habeshia Agency: 5

<sup>98</sup> Meeting with a Western diplomat, b: 9, Meeting with a Western diplomat, d: 7

<sup>99</sup> Meeting with academic experts Martin Plaut and Habte Hagos: 12, Interview with the Chairman of the Habeshia Agency: 1, Meeting with a Western diplomat, b: 9

<sup>100</sup> Human Rights Watch: 6, Meeting with a Western diplomat, a: 8, Interview with the Chairman of the Habeshia Agency: 5

<sup>101</sup> Meeting with an international development organisation: 8

<sup>102</sup> Meeting with a Western diplomat, c: 18, Interview with an international organisation: 7, Interview with Human Rights Watch: 6, Meeting with a researcher, Dr Tanja R. Müller: 7

<sup>103</sup> Meeting with a consultant, Ruby Sandhu: 18

### 3.4 Consequences of evasion or desertion from national service

23. Article 37 (1-4) of the Proclamation on National Service in Eritrea from 1995 stipulates the penalties for evasion and desertion.<sup>104</sup> The penalties for evading national service are summarised by the UK Home Office as follows:

- 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 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 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>105</sup>

24. In the EASO report on national service it is noted that article 37 also applies to persons who desert from national service. In this report it is furthermore stated that after the signing of the peace agreement, the Eritrean government representatives no longer refer to Eritrea as a country in war. However, there are no indications that the related measures have been lifted or adapted. Furthermore, it is noted that de facto punishment for national service-related infringements is imposed arbitrarily by military commanders.<sup>106</sup>

25. According to recent reports from US Department of State, UK Home Office and EASO, the Eritrean authorities actively seek to identify draft evaders through round-ups (*giffas*), by contacting workplaces of individuals who are suspected of intending to evade national service and by detaining these individuals.<sup>107</sup>

26. Several sources found no reason to believe that there had been any recent changes relating to consequences of evasion and desertion.<sup>108</sup>

<sup>104</sup> Eritrea: *Proclamation on National Service No. 82/1995 of 1995*, 23 October 1995, [url](#)

<sup>105</sup> UK Home Office: *Country Policy and Information Note Eritrea: National service and illegal exit*, July 2018, p. 38, [url](#)

<sup>106</sup> EASO, *Eritrea: National service and illegal exit*, September 2019, p. 40, [url](#)

<sup>107</sup> USDOS: *Country Report on Human Rights Practices 2018 - Eritrea*, 13 March 2019, [url](#), UK Home Office: *Country Policy and Information Note Eritrea: National service and illegal exit*, July 2018, p. 39, [url](#), EASO, *Eritrea: National service and illegal exit*, September 2019, p. 40, [url](#)

<sup>108</sup> Interview with Human Rights Watch: 7, Interview with Amnesty International: 9, Meeting with a Western diplomat, c: 22, Meeting with five Western diplomats, e: 8, Interview with an international organisation: 8, Interview with an international human rights organisation: 3, Meeting with academic experts Martin Plaut and Habte Hagos: 13

27. A Western embassy confirmed that the authorities continue to track down evaders through crack-downs on private businesses in the cities after the peace agreement. During these round-ups, the authorities will perform a control of a person's ID documents to check whether someone who should be in national service is illegally employed. In such a case both the evader and the employer will face consequences of varying degrees.<sup>109</sup>
28. According to one source, evasion could be divided into three sub-categories leading to different consequences:<sup>110</sup>
- Young people who fail to show up for Sawa and who, as a consequence, are not enlisted. They will not be able to acquire official ID documents (e.g. a driving license) or benefit from social services (such as the occasional distribution of food by the authorities). The consequence of their lack of access to documents is that they must live under the radar and outside of the system.
  - People who are enrolled in Sawa and complete national service, but who then fail to show up once they get assigned a job, or who later abandon their work assignment. They may face consequences, but the severity depends on their individual ability to avoid negative attention from the authorities.
  - People who attend Sawa, who are assigned a job in the civilian sector, e.g. as a teacher or in a ministry, and who manage this assignment by appearance only (by showing up twice a day and sign in, sign out and then hold an alternative job next to their official assignment).
29. According to a number of sources, consequences of desertion and evasion can be serious.<sup>111</sup> According to academic experts, Martin Plaut and Habte Hagos, consequences can be that the evader or deserter is either shot, put in prison or just nothing at all.<sup>112</sup> Several sources talked about the risk of detention,<sup>113</sup> and some of these sources added that there was a risk of mistreatment.<sup>114</sup>
30. The lack of rule of law and thus detention without trial and at the discretion of the relevant commander were mentioned by other sources.<sup>115</sup> Human Rights Watch (HRW) mentioned one conscripted teacher who after an escape attempt was returned to teaching with no salary at all,

<sup>109</sup> Meeting with a Western diplomat, c: 24

<sup>110</sup> Meeting with a Western diplomat, c: 23

<sup>111</sup> Meeting with an international development organisation, a: 11, Meeting with a Western diplomat, a: 9, Interview with Human Rights Watch: 7, Meeting with academic experts Martin Plaut and Habte Hagos: 13, Interview with the Chairman of the Habeshia Agency: 6, Interview with Amnesty International: 8

<sup>112</sup> Meeting with academic experts Martin Plaut and Habte Hagos: 13

<sup>113</sup> Meeting with a Western diplomat, a: 9, Meeting with a researcher, Dr Tanja R. Müller: 8, Interview with Human Rights Watch: 7, Interview with the Chairman of the Habeshia Agency: 6, Interview with Amnesty International: 11, Meeting with academic experts Martin Plaut and Habte Hagos: 13-14

<sup>114</sup> Interview with Human Rights Watch: 7, Interview with the Chairman of the Habeshia Agency: 6, Interview with Amnesty International: 11, Meeting with academic experts Martin Plaut and Habte Hagos: 14

<sup>115</sup> Interview with the Chairman of the Habeshia Agency: 6, Interview with Amnesty International: 8, Meeting with a researcher, Dr Tanja R. Müller: 8

while another in the same situation was sent to the military part of national service.<sup>116</sup> A diplomatic source stated that consequences vary and punishment may also be wrist punishment.<sup>117</sup>

31. Academic researcher, Tanja R. Müller, stated that draft evaders are at risk of being detained, if they are caught outside of their official work assignment.<sup>118</sup> The source had personal knowledge of daughters and sons of acquaintances who had been caught outside of their assigned duty station: some had spent up to three nights at a police station before the police sent them back to their duty stations or simply released them, others had been imprisoned for three to six months, whilst others were not imprisoned at all.<sup>119</sup> According to her, in the absence of rule of law it may be possible to offer a bribe to the direct commander and then face milder consequences.<sup>120</sup>

#### *Detainment in metal shipping containers*

32. Several sources confirmed that detainment in metal shipping containers is still used as a form of punishment, but the majority of these sources stressed that they had no confirmed information about this issue.<sup>121</sup>

#### *Consequences for family members of draft evaders or deserters*

33. Most sources had heard of consequences of evasion and desertion for family members (parents, spouse or siblings) of evaders and deserters.<sup>122</sup> However, some of these sources considered that this was worse in the past.<sup>123</sup> In line with this, journalist Tom Gardner found that the Eritrean government was more ‘relaxed’ now compared to earlier.<sup>124</sup> One source mentioned that family members would certainly be questioned, possibly aggressively, if someone fled, and that family members were potentially punishable if authorities thought that they were in any way involved. According to the source, ‘jail is always an option’.<sup>125</sup>
34. Two sources had not heard of consequences for family members of draft evaders or deserters.<sup>126</sup> Academic researcher, Tanja R. Müller, emphasised that family members had previously faced consequences, but this practice had more or less been abandoned now.<sup>127</sup>

<sup>116</sup> Interview with Human Rights Watch: 7

<sup>117</sup> Meeting with a Western diplomat, c: 24

<sup>118</sup> Meeting with a researcher, Dr Tanja R. Müller: 8

<sup>119</sup> Meeting with a researcher, Dr Tanja R. Müller: 8

<sup>120</sup> Meeting with a researcher, Dr Tanja R. Müller: 8

<sup>121</sup> Meeting with a Western diplomat, a: 13, Meeting with a Western diplomat, c: 27, Meeting with a Western diplomat, d: 9, Interview with the Chairman of the Habeshia Agency: 7, Meeting with academic experts Martin Plaut and Habte Hagos: 14

<sup>122</sup> Meeting with an international development organisation, a: 12, Interview with the Chairman of the Habeshia Agency: 2, Interview with an international humanitarian organisation working in Ethiopia: 6, Interview with Amnesty International: 12, Meeting with an international development organisation, b: 10, Interview with an international human rights organisation: 3, Meeting with academic experts Martin Plaut and Habte Hagos: 13, Interview with Human Rights Watch: 9-10

<sup>123</sup> Interview with the Chairman of the Habeshia Agency: 9, Interview with Amnesty International: 12, Meeting with an international development organisation, b: 10

<sup>124</sup> Interview with a journalist, Tom Gardner: 6

<sup>125</sup> Meeting with a Western diplomat, c: 28

<sup>126</sup> Meeting with a Western diplomat, b: 21, Meeting with a consultant, Ruby Sandhu: 30

<sup>127</sup> Meeting with a researcher, Dr Tanja R. Müller: 9

35. A group of interlocutors emphasised that there is no visible pattern in retaliations and referred to the lack of rule of law in Eritrea, and therefore found it hard to affirm whether there will be retaliations against the family of a person who has deserted. These interlocutors had heard of consequences, including jail, whereas other family members had been left alone.<sup>128</sup>
36. An international organisation, based in Ethiopia, advised that family members of draft evaders or deserters who fled the country are held accountable to pay a fine.<sup>129</sup> According to an academic researcher, Tanja R. Müller, these families had previously been asked to pay an amount of money, but she had not heard about this being requested from her acquaintances in Eritrea for quite a while now.<sup>130</sup>
37. Human Rights Watch advised that when a person evaded or deserted national service, their spouses might be requested to replace them regardless of the fact that married women with children were often exempted from national service.<sup>131</sup> According to HRW, there were some examples of the risk of reprisals for family members being greater if the evader or deserter was believed to still be in the country compared to when the person had fled.<sup>132</sup> Academic experts Martin Plaut and Habte Hagos stated that the practice of requesting family members to take the place of the deserter or the evader used to be widespread and is considered to still apply.<sup>133</sup>

### 3.5 Exemptions from national service

38. The Proclamation on National Service in Eritrea from 1995 states that all Eritreans between the age of 18 and 40 are obliged to perform national service, but that those who fought in the liberation war, the disabled, the visually impaired and the mentally handicapped are fully exempted. Persons who are unable to perform military service, but fit for civilian service shall perform the latter.<sup>134</sup> According to the EASO report on national service, these *de jure* exemptions are not consistently applied.<sup>135</sup>
39. None of the interviewed sources had received any information suggesting that rules or practices regarding exemption from national service had changed after the signing of the peace agreement.<sup>136</sup>

<sup>128</sup> Meeting with five Western diplomats, e: 9

<sup>129</sup> Interview with an international humanitarian organisation working in Ethiopia: 6

<sup>130</sup> Meeting with a researcher, Dr Tanja R. Müller: 9

<sup>131</sup> Interview with Human Rights Watch: 9-11

<sup>132</sup> Interview with Human Rights Watch: 9-10

<sup>133</sup> Meeting with academic experts Martin Plaut and Habte Hagos: 13

<sup>134</sup> Eritrea: *Proclamation on National Service No. 82/1995 of 1995*, 23 October 1995, [url](#)

<sup>135</sup> EASO, *Eritrea: National service and illegal exit*, September 2019, p. 31, [url](#)

<sup>136</sup> Meeting with a Western diplomat, a: 14, Meeting with a Western diplomat, b: 26, Meeting with a Western diplomat, c: 32, Interview with an international development organisation, c: 8, Interview with an international human rights organisation: 4,

40. The following categories were mentioned by a varying number of interviewed sources as exempted in practice from national service:
- a. mentally ill persons<sup>137</sup>
  - b. disabled persons (e.g. the blind, the deaf)<sup>138</sup>
  - c. persons with medical conditions<sup>139</sup>
  - d. pregnant women<sup>140</sup>
  - e. mothers of young children<sup>141</sup>
  - f. persons who are sole providers for their families<sup>142</sup>
41. Regarding exemption based on medical grounds, some sources advised that it depends on the decision of a medical board.<sup>143</sup> The severity threshold was described as rather high, and exemption on the basis of illness could therefore be rather difficult to obtain.<sup>144</sup>
42. Several sources emphasised that it is critical to remember that the context, in which exemptions may be asked for and obtained, is not a country under the rule of law. This means two things. Firstly, that it is difficult to obtain reliable information about how exemptions are administered and that exemptions are arbitrarily distributed.<sup>145</sup> Secondly, a diplomatic source explained that the absence of a functional court system makes it difficult to obtain the certificate of exemption officially.<sup>146</sup> As an effect of the lack of rule of law, exemptions may be easier to obtain for individuals with well-connected families.<sup>147</sup>
43. One diplomatic source advised that exemptions are more difficult to obtain for conscripts of military service.<sup>148</sup>

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Interview with Human Rights Watch: 12, Interview with the Chairman of the Habeshia Agency: 10, Interview with an international humanitarian organisation working in Ethiopia: 10, Interview with Amnesty International: 13

<sup>137</sup> Meeting with a Western diplomat, a: 15, Interview with the Chairman of the Habeshia Agency: 10

<sup>138</sup> Meeting with a Western diplomat, a: 15, Meeting with a Western diplomat, b: 26, Interview with the Chairman of the Habeshia Agency: 10-11

<sup>139</sup> Interview with an international development organisation, c: 8, Meeting with academic experts Martin Plaut and Habte Hagos: 16, Meeting with a Western diplomat, c: 30, Meeting with a Western diplomat, d: 10

<sup>140</sup> Meeting with a Western diplomat, a: 15, Meeting with a Western diplomat, c: 31, Interview with an international development organisation, c: 8, Meeting with academic experts Martin Plaut and Habte Hagos: 16, Interview with the Chairman of the Habeshia Agency: 11, Interview with Amnesty International: 14

<sup>141</sup> Meeting with a Western diplomat, a: 15, Interview with Human Rights Watch: 12, Interview with Amnesty International: 14, Meeting with a Western diplomat, c: 31

<sup>142</sup> Meeting with a Western diplomat, c: 31, Meeting with a Western diplomat, d: 10

<sup>143</sup> Meeting with five Western diplomats, d: 18, Interview with the Chairman of the Habeshia Agency: 11

<sup>144</sup> Interview with the Chairman of the Habeshia Agency: 11, Meeting with academic experts Martin Plaut and Habte Hagos: 16

<sup>145</sup> Meeting with a Western diplomat, a: 15, Meeting with a Western diplomat, c: 31, Interview with Human Rights Watch: 12, Interview with Amnesty International: 14, Interview with the Chairman of the Habeshia Agency: 10

<sup>146</sup> Meeting with a Western diplomat, a: 15

<sup>147</sup> Meeting with a researcher, Dr Tanja R. Müller: 14, Meeting with academic experts Martin Plaut and Habte Hagos: 16, Interview with Human Rights Watch: 12, Interview with the Chairman of the Habeshia Agency: 10

<sup>148</sup> Meeting with a Western diplomat, d: 10

### 3.6 National service for returnees

44. According to Article 37 (3) of the Proclamation on National Service in Eritrea from 1995, any person who has left the country without having performed their duty in national service should do so before their 40<sup>th</sup> birthday. If they fail to do so, they have broken the law.<sup>149</sup> According to EASO's report on national service, there is no distinction made between a person who has left the country legally and a person who has left illegally: both are punishable with up to five years of imprisonment before their 50<sup>th</sup> anniversary. In addition to this punishment, they lose the right to own land and to work. The Eritrean authorities keep records of who are eligible for national service.
45. The abovementioned EASO rapport has compiled a list of factors which, in practice, affect how the Eritrean authorities treat returnees.<sup>150</sup> These factors include:
- a. Nature of return (voluntarily or forced)
  - b. Nature of exit (legal or illegal)
  - c. Time of departure (before or after independence)
  - d. Payment of the two percent diaspora tax ('Rehabilitation and Reconstruction Tax')
  - e. Extent and nature of political activities while residing abroad (none, pro-government or anti-government)
  - f. National service status (never enrolled or completed national service)
  - g. Personal connections to relevant authorities
  - h. Arbitrariness within the public administration
  - i. Intended duration of stay in Eritrea (short-term or permanent)
46. Regarding the intended duration, persons considered to have permanently returned to Eritrea and who have not fulfilled their national service may be re-summoned into national service or the People's Army. They may eventually be punished for desertion, draft evasion or illegal exit if they fail to show up, according to the EASO report. Whether they are actually summoned or not is up to the discretion of the authorities.<sup>151</sup>
47. Several of the interviewed sources suggested that returnees are at risk of being enrolled into national service. Some of these sources spoke of a clear risk,<sup>152</sup> while others simply considered that such a risk could not be ruled out.<sup>153</sup>
48. Academic researcher, Tanja R. Müller, mentioned that she was not aware of anybody who had been forced into national service upon voluntary return, but pointed to the law, stating that those who have not fulfilled national service can be assigned to go back to national service.<sup>154</sup> A western

<sup>149</sup> Eritrea: *Proclamation on National Service No. 82/1995 of 1995*, 23 October 1995, [url](#)

<sup>150</sup> EASO, *Eritrea: National service and illegal exit*, September 2019, p. 55, [url](#)

<sup>151</sup> EASO, *Eritrea: National service and illegal exit*, September 2019, p. 60, [url](#)

<sup>152</sup> Interview with the Chairman of the Habeshia Agency: 13, Interview with an international humanitarian organisation working in Ethiopia: 12, Interview with Amnesty International: 15, Interview with Human Rights Watch: 14-16

<sup>153</sup> Interview with an international human rights organisation: 7, Meeting with academic experts, Martin Plaut and Habte Hagos: 18

<sup>154</sup> Meeting with a researcher, Dr Tanja R. Müller: 17



diplomat stated that the past would be forgotten when a person paid the diaspora tax, but also mentioned that it was unlikely that a returnee would be considered a diaspora member for more than three years.<sup>155</sup> An international development organisation considered, based on anecdotal evidence that a returnee having signed the regret letter and paid the diaspora tax might be allowed to live in the country without further harassment.<sup>156</sup>

49. A western diplomat advised that returnees were not believed to be drafted, but the source mainly knew of persons who had returned in the 1990s or persons who might have foreign citizenships. This interlocutor did not have knowledge of Eritreans who had returned in recent years and added that if a person entered as an Eritrean citizen they would be treated as an Eritrean.<sup>157</sup>

### 3.6.1 People's Army

50. According to the EASO report from 2019, the Eritrean government established the People's Army in 2012, but in 2015 it became a part of the National Reserve Army. Since then, its activities have been intertwined with the army's. All persons who have been formally discharged from national service must serve for a couple of days or weeks per year in the People's Army. Its activities consist of military trainings and work assignments. The People's Army is not a part of the formal national service structure.<sup>158</sup>
51. A western diplomat stated that service in the People's Army is part time (six to eight hours a month), and that it often consists of guarding governments sites in the local community. People cannot refuse to participate, but a person may be able to negotiate some flexibility. Participation in the People's army is not based on a prefixed schedule, and the person can be called in on short notice without regard for other job obligations a person might have. According to the same source, consequences of not showing up for People' Army is difficult to predict, but it might be a few days in prison or being called in for 'tough questioning'.<sup>159</sup>
52. Three sources stated that there were persons who, following release from national service, were enrolled into People's Army,<sup>160</sup> and that men up to 70 years of age had been asked to serve.<sup>161</sup> Two sources advised of the risk of enrolment in People's Army upon return to Eritrea.<sup>162</sup>

<sup>155</sup> Meeting with a Western diplomat, a: 16

<sup>156</sup> Meeting with an international development organisation, b: 12

<sup>157</sup> Meeting with a Western diplomat, c: 33, 36-37

<sup>158</sup> EASO, Eritrea: National service and illegal exit, September 2019, p. 26 [url](#)

<sup>159</sup> Meeting with a Western diplomat, c: 14-16

<sup>160</sup> Meeting with a Western diplomat, c: 14, Meeting with an international development organisation, b: 11

<sup>161</sup> Interview with Amnesty International: 17

<sup>162</sup> Interview with an international organisation: 10, Interview with Human Rights Watch: 15-16

## 4. Exit from Eritrea

53. The requirements for exit from Eritrea are described in Chapter IV (article 10-13) of the Eritrean Proclamation 24/1992. A person can only legally leave Eritrea after having obtained a valid travel document, a valid exit visa, and a valid international health certificate. Furthermore, any crossing of the border must take place at a designated border control point.<sup>163</sup>
54. The National Service Proclamation's Article 17 (1) stipulates that any Eritrean citizen under the obligation of national service may only be allowed to travel abroad upon providing evidence that they are exempted or have completed national service.<sup>164</sup>
55. Reports have stated that until 11 September 2018, the vast majority of Eritreans who have left the country, have left illegally, without an exit permit. Following the rapprochement between Ethiopia and Eritrea in the summer of 2018, three border crossings in mid-September 2018 were opened and could be crossed without a passport and exit visa - although, in principle an exit visa was still a requirement.<sup>165</sup> However, according to the same report, the borders were unilaterally closed again in December 2018 from the Eritrean side.<sup>166</sup>

### 4.1 Conditions for obtaining an exit visa

56. According to most of the sources, there have not been any changes of the requirements for exiting Eritrea. Thus, Eritrean nationals still need to obtain an exit visa to leave the country legally; however, being granted an exit visa is difficult.<sup>167</sup> Sources had limited knowledge about exit procedures, and the gathered information was inconsistent. Categories of persons most often mentioned as eligible for an exit visa were the following:

- Young children – (under five years of age, or under 11 or 12 years of age)<sup>168</sup>
- Persons who can document that they have performed national service and have officially been released from service duties<sup>169</sup>
- Elderly persons<sup>170</sup>
- Persons who need specialised medical care<sup>171</sup>

The decisions regarding medical applications are made on a case-by-case basis.<sup>172</sup>

<sup>163</sup> Eritrea, *Proclamation No. 24/1992 of 1992 issued to regulate the issuing of travel documents*, 1 April 1992, [url](#)

<sup>164</sup> Eritrea: *Proclamation on National Service No. 82/1995 of 1995*, 23 October 1995, [url](#)

<sup>165</sup> Landinfo: *Respons Eritrea: Utreise*, 2. April 2019, p. 2 [url](#), EASO, Eritrea: *National service and illegal exit*, September 2019 pp. 43-47, [url](#), EASO, *Eritrea: National service and illegal exit*, September 2019 p. 48 [url](#)

<sup>166</sup> Landinfo: *Respons Eritrea: Utreise*, 2. April 2019, p. 2-3 [url](#)

<sup>167</sup> Meeting with a Western diplomat, a: 18, Meeting with a Western diplomat, b: 27, Meeting with a Western diplomat, c: 39, Interview with an international human rights organisation: 5, Interview with the Chairman of the Habeshia Agency: 14, Meeting with a consultant, Ruby Sandhu: 31, Interview with Mixed Migration Centre: 14, Meeting with a researcher, Dr Tanja R. Müller: 19, Interview with Human Rights Watch: 20-21, Interview with an international development organisation, c: 10

<sup>168</sup> Meeting with a Western diplomat, a: 18, Meeting with a Western diplomat, c: 39

<sup>169</sup> Meeting with a Western diplomat, a: 18, Interview with the Chairman of the Habeshia Agency: 14

<sup>170</sup> Meeting with five Western diplomats, e: 25, Interview with an international humanitarian organisation working in Ethiopia: 8, 13, Meeting with an international development organisation, a: 14

<sup>171</sup> Meeting with a Western diplomat, a: 18

57. Two sources described the exit procedures as arbitrary.<sup>173</sup> One source stated that persons between 11 / 12 years of age and up to 30 years of age, who are single, would find it close to impossible to obtain an exit visa, whereas married people in their 30s would have a better chance.<sup>174</sup> Individuals with a certain rank working for the government, or individuals working for UN or international organisations were, according to another source, capable of getting a visa.<sup>175</sup>
58. One source mentioned that persons who do not fit in any of the above-mentioned categories, and still wish to apply for an exit visa, must deposit a sum of money which they can recuperate upon return to Eritrea within seven days. If they stay abroad beyond this period of time the deposit is confiscated by the authorities. For an individual person, the sum is the equivalent to 12,000 euros; for a family it amounts to the equivalent to 30,000 euros.<sup>176</sup>
59. Academic researcher, Tanja R. Müller, stated that exit visas are now being granted to whole family units for visits to Ethiopia. Many families, who have benefitted from that lately, have travelled to Ethiopia and have later returned to Eritrea.<sup>177</sup> One source opined that an exit visa was no longer required to enter into Ethiopia. Although the land border is now closed, it is still possible to leave for Ethiopia by plane without an exit visa.<sup>178</sup>
60. A consultant, Ruby Sandhu, advised that if an Eritrean national wishes to exit Eritrea, there are two types of exit visas:
- One that allows you to exit the country – open visa
  - One that allows you to leave and return within a specified time period<sup>179</sup>
61. According to one diplomatic source, diaspora members, who have obtained dual citizenship, receive a so-called return card, which states that the person does not need an exit visa for a period of seven years.<sup>180</sup>
62. One source mentioned that lately it had been observed that elderly women had been granted exit visas in higher numbers than before. The source referred to this new phenomenon as ‘trade grannies’. Due to the fact that Eritrea had forbidden import of any kind, some businessmen had developed a scheme where they send persons, typically elderly women who have easy access to exit visas, to foreign countries to purchase various goods and then bring them back to Eritrea as they travel on planes. This scheme costs minimum 10 dollars per kg goods by transporting them on planes, which is much more than if one could import them by a container. The source estimated that around 60-80 tons of goods were coming into the country by plane per week. Furthermore, it

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<sup>172</sup> Meeting with a Western diplomat, a: 18

<sup>173</sup> Interview with an international humanitarian organisation working in Ethiopia: 8, Interview with the Chairman of the Habeshia Agency: 14

<sup>174</sup> Meeting with a Western diplomat, c: 39

<sup>175</sup> Interview with an international development organisation, c: 10

<sup>176</sup> Meeting with a Western diplomat, a: 19

<sup>177</sup> Meeting with a researcher, Dr Tanja R. Müller: 19

<sup>178</sup> Interview with an international organisation, c: 11

<sup>179</sup> Meeting with a consultant, Ruby Sandhu: 31

<sup>180</sup> Meeting with five Western diplomats, e: 13

seemed that airlines had adapted to this scheme. One can fly 40 kg luggage into Eritrea, but is only allowed to carry 20 kg out Eritrea, and huge hand luggage is accepted on these routes.<sup>181</sup>

63. This phenomenon was corroborated by an interlocutor from an international organisation, who had seen an exit stamp in Eritrean passports, which was granted to elderly Eritreans, and which has been issued quite frequently since the peace agreement.<sup>182</sup>

## 4.2 Duration of exit visa

64. According to three sources, the duration of an exit visa remains one month,<sup>183</sup> which, according to two of these sources, means that a person must leave the country within the month. This would be checked e.g. when the individual is about to board the plane.<sup>184</sup>
65. A person must apply for a visa to a foreign state, before they can apply for an exit visa. The source emphasised, however, that the passport is the hardest to obtain. First stage is to get a passport, thereafter one can apply for an exit visa. If a person can be granted a passport, they would most likely also get an exit visa.<sup>185</sup> However, another source was aware of a person who had been discharged from national service and had not been given an exit visa, even though he had obtained a passport. His father, who was a Jehovah's Witness, had been imprisoned for 17 years. The authorities told him that he could apply for an exit visa when he had reached the age of 50; he was then 32 years old.<sup>186</sup> A humanitarian organisation corroborated that rules concerning exit and entry was applied in an unpredictable way.<sup>187</sup>

## 4.3 Control at the border

66. Several sources indicated that the control at the border with Ethiopia was less strict than before.<sup>188</sup> Academic researcher, Tanja R. Müller, stated that the border areas were not militarised anymore and that it was possible to cross the border by foot.<sup>189</sup> On the other hand, Amnesty International advised that border control remained tight. However, the applied procedures and chances of crossing the border successfully will depend on the profile of the individual and their reason for crossing.<sup>190</sup> Two sources stressed that the procedures at the border were unclear.<sup>191</sup>

<sup>181</sup> Meeting with five Western diplomats, e: 25

<sup>182</sup> Interview with an international humanitarian organisation working in Ethiopia: 13

<sup>183</sup> Meeting with a Western diplomat, b: 27, Interview with an international humanitarian organisation working in Ethiopia: 13, Meeting with a researcher, Dr Tanja R. Müller: 19

<sup>184</sup> Meeting with a Western diplomat, b: 27, Interview with an international humanitarian organisation working in Ethiopia: 13

<sup>185</sup> Meeting with a Western diplomat, b: 28

<sup>186</sup> Meeting with five Western diplomats, e: 19

<sup>187</sup> Interview with an international humanitarian organisation working in Ethiopia: 15

<sup>188</sup> Interview with an international organisation, c: 11, Interview with Mixed Migration Centre: 14, Meeting with a researcher, Dr Tanja R. Müller: 18

<sup>189</sup> Meeting with a researcher, Dr Tanja R. Müller: 18

<sup>190</sup> Interview with Amnesty International: 24

<sup>191</sup> Interview with Mixed Migration Centre: 14, Interview with an international humanitarian organisation working in Ethiopia: 15

67. In relation to the Sudanese border, two sources mentioned that it has been increasingly militarised.<sup>192</sup> Mixed Migration Centre advised that there has been an uptake in crossings into Sudan due to the opening of this border. Many Eritreans go to refugee camps in Sudan. However, Sudan is perceived as a transit country not as a destination country. Furthermore, Sudan has closed its borders with Libya and the Central African Republic, which makes it more difficult for Eritreans to move further via these routes.<sup>193</sup>

#### 4.4. Shoot-to-kill policy

68. The 'shoot-to-kill' policy, meaning that border guards shoot in order to kill when Eritreans try to cross the border illegally, seems to have been relaxed or even abandoned, according to a number of sources.<sup>194</sup> Two sources suggested that it had never, or at least not for a long time, been implemented.<sup>195</sup>

69. Academic experts Martin Plaut and Habte Hagos opined that the shoot-to-kill policy officially was unchanged. However, they noted that lately far more families have been crossing the border, which illustrates that the risk of being shot at the border had diminished.<sup>196</sup>

70. Two sources stated that the shoot-to-kill policy does not seem to have been repealed.<sup>197</sup> Another source advised that if shooting would take place, it was more likely to be at the Sudanese border, due to the increased militarisation of the border. However, shooting at the Ethiopian border could not be entirely excluded.<sup>198</sup> A diplomatic source corroborated this scenario by referring to a recent incident, where young conscripts had been shot and killed at the border.<sup>199</sup>

71. An international organisation mentioned that the authorities would not shoot at people only because they were crossing the border, but the authorities might use the border crossing as an excuse to shoot a person if they wished to harm this person for other reasons.<sup>200</sup>

<sup>192</sup> Interview with an international organisation, c: 12, Meeting with an international development organisation, b: 6

<sup>193</sup> Interview with Mixed Migration Centre: 15

<sup>194</sup> Interview with a journalist, Tom Gardner: 7, Meeting with a Western diplomat, c: 34, Meeting with a researcher Dr Tanja R. Müller: 18, Interview with an international humanitarian organisation working in Ethiopia: 14, Meeting with academic experts, Martin Plaut and Habte Hagos: 20

<sup>195</sup> Meeting with a researcher Dr Tanja R. Müller: 18, Interview with a journalist, Tom Gardner: 6

<sup>196</sup> Meeting with academic experts, Martin Plaut and Habte Hagos: 20

<sup>197</sup> Interview with Mixed Migration Centre: 17, Interview with the Chairman of the Habeshia Agency: 20

<sup>198</sup> Interview with an international organisation, c: 12

<sup>199</sup> Meeting with a Western diplomat, c: 43

<sup>200</sup> Interview with an international humanitarian organisation working in Ethiopia: 14

## 5. Entry into Eritrea

### 5.1 Treatment of voluntary and legally returned Eritreans

72. Several sources advised that, according to their information, diaspora members, who have paid their diaspora tax and signed the repentance letter, are to a certain extent forgiven and would not face problems on return to Eritrea.<sup>201</sup> However, according to most of these sources, these findings were linked to certain conditions described below.<sup>202</sup> According to the above-mentioned sources the following diaspora members could return to Eritrea without facing problems:

- diaspora members, who returned in the 1990s (shortly after the independence)<sup>203</sup>
- diaspora members, who have obtained a foreign citizenship and are equipped with the proper visa<sup>204</sup>
- diaspora members, who have obtained diaspora status when staying in Eritrea

The diaspora status is limited in time; one source thought it was three years<sup>205</sup> while two sources believed it to be seven years.<sup>206</sup>

73. A diplomatic source advised that diaspora members obtain a small card containing information about their country of residence. Many of these persons have dual citizenship and receive a so-called return card, which states that the person does not need an exit visa for a period of seven years. The source was not certain whether this period could be extended.<sup>207</sup>

74. Academic researcher, Tanja R. Müller, mentioned that a person having left illegally was punishable for this offence. However, since the government was more interested in the diaspora tax, members of the diaspora would not face problems upon return if they had paid their diaspora tax.<sup>208</sup> An international organisation opined that these persons might be allowed to live in the country without being exposed to further harassment. However, the moment they may encounter the need to be issued any kind of official document, the lack of having served in national service will constitute a problem for them.<sup>209</sup>

<sup>201</sup> Meeting with a Western diplomat, b: 18-20, Meeting with a Western diplomat, c: 36, Meeting with a Western diplomat, d: 8, Meeting with five Western diplomats, e: 10, Meeting with academic experts, Martin Plaut and Habte Hagos: 21, Interview with an international development organisation, c: 13, Meeting with a researcher, Dr Tanja R. Müller: 20, Meeting with an international development organisation, b: 12, Meeting with a Western diplomat, a: 16-17

<sup>202</sup> Meeting with a Western diplomat, b: 18-20, 32-34, Meeting with a Western diplomat, c: 36-37, Meeting with five Western diplomats, e: 10, Martin Plaut and Habte Hagos: 21, Interview with an international development organisation, c: 13, Meeting with a Western diplomat, a: 17

<sup>203</sup> Meeting with a Western diplomat, c: 36

<sup>204</sup> Meeting with a Western diplomat, b: 32, Meeting with a Western diplomat, c: 36-37, Interview with an international humanitarian organisation working in Ethiopia: 11

<sup>205</sup> Meeting with a Western diplomat, a: 17

<sup>206</sup> Meeting with a Western diplomat, b: 20, 33, Meeting with five Western diplomats, e: 12

<sup>207</sup> Meeting with five Western diplomats, e: 12

<sup>208</sup> Meeting with a researcher, Dr Tanja R. Müller: 20

<sup>209</sup> An international development organisation, b: 12

75. A number of sources stated, however, that if a person leaves the country and joins the anti-government diaspora, they cannot return to Eritrea in any way.<sup>210</sup> Diaspora members should be supportive of the government upon their return to Eritrea.<sup>211</sup> One source stated that a person would be at risk of imprisonment upon return and further reminded that a person abandoning the country is considered disloyal to the state,<sup>212</sup> while two sources noted that things are generally unpredictable in Eritrea.<sup>213</sup>
76. Two sources mentioned that elderly persons and persons, whose families left Eritrea during the struggle, who resided in the West and subsequently obtained a foreign citizenship, have returned to Eritrea without facing any problems by the authorities. They are perceived as legal returnees.<sup>214</sup>
77. A humanitarian organisation opined that the Eritrean government is increasingly seeking to attract diaspora members to return to the country. The financial situation of Eritrea has deteriorated after years of international sanctions, internal restrictions and scarce foreign exchange, and the economy is now in stagnation. The government hopes that the diaspora members could boost the country's economy by bringing foreign exchange to Eritrea – in addition to the cash that they already send to their family members and through diaspora tax paid through the embassies. Therefore, the government is reaching out to educated diaspora members who are assumed to be financially well-off.<sup>215</sup>
78. An international organisation opined that younger individuals would be treated in accordance with the way they exited and returned to the country.<sup>216</sup> Academic experts Martin Plaut and Habte Hagos stated that the diaspora visiting Eritrea was usually supportive of the regime and thus did not face serious problems although they could face problems in form of difficulties in retrieving property.<sup>217</sup> A consultant, Ruby Sandhu, stated that individuals who had returned just for a visit or as dual nationals are not allowed to obtain business permits and anyone who left the country illegally would have to pay for land whereas other nationals will obtain the land as by rights and without payment.<sup>218</sup>
79. HRW had been informed that there were records of Eritreans who had left the country. Some Eritreans who had left the country temporarily to visit family in Ethiopia, and who later returned during the period where the borders were open, were now registered on a list and monitored by the government.<sup>219</sup>

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<sup>210</sup> Meeting with a Western diplomat, b: 20, Meeting with a researcher, Dr Tanja R. Müller: 20, Meeting with academic experts, Martin Plaut and Habte Hagos: 22

<sup>211</sup> Meeting with academic experts, Martin Plaut and Habte Hagos: 21

<sup>212</sup> Meeting with a Western diplomat, c: 33, 44

<sup>213</sup> Meeting with five Western diplomats, e: 10, Interview with an international humanitarian organisation working in Ethiopia: 15

<sup>214</sup> Interview with an international organisation, c: 14, Meeting with a Western diplomat, b: 34

<sup>215</sup> Interview with an international organisation, c: 13

<sup>216</sup> Interview with an international organisation, c: 14

<sup>217</sup> Meeting with academic experts, Martin Plaut and Habte Hagos: 21

<sup>218</sup> Meeting with a consultant, Ruby Sandhu: 27

<sup>219</sup> Interview with Human Rights Watch: 23

## 5.2 Diaspora tax and letter of repentance

80. According to the Proclamation 67/1995 (article 4.1), all Eritreans residing abroad are obliged to pay two percent of their income as Rehabilitation and Reconstruction Tax, also known as the diaspora tax.<sup>220</sup>
81. The majority of those interlocutors that the delegation interviewed stated that there have been no changes in the way the two percent diaspora tax and the repentance letter are administered by the authorities after the signing of the peace agreement.<sup>221</sup>
82. Many Eritreans are believed to be patriotic and will pay the two percent diaspora tax of their income without hesitation.<sup>222</sup> However, the authorities do not have the capacity to check a person's foreign income.<sup>223</sup> The government seems to collect quite a lot of money through this two percent tax<sup>224</sup>. One source estimated that the diaspora community are sending back money that amounts to around 40 percent of the Eritrean GDP.<sup>225</sup>

### 5.2.1 Consequences for persons who do not pay the diaspora tax

83. According to a number of interlocutors, a person who did not pay the two percent tax could not get access to government provided services.<sup>226</sup> One source opined that if a person went back to Eritrea without paying the two percent tax, they were able to visit their family. However, the person could not get access to government provided services.<sup>227</sup> Another source noted that the consequences of not paying the diaspora tax had increased so that sending things to the family in Eritrea was no longer possible if the tax had not been paid.<sup>228</sup>
84. According to academic experts Martin Plaut and Habte Hagos, due to the international criticism of the diaspora tax, Eritrean embassies in certain countries would no longer accept tax payment, and the tax could now be paid upon arrival in Eritrea.<sup>229</sup>

## 5.3 Treatment of persons being returned against their will

85. Several of the interviewed sources stated that the Eritrean government does not accept receiving persons being returned to Eritrea against their will.<sup>230</sup> One source elaborated that the Eritrean government would only allow persons to return if there is an agreement with the returnees.

<sup>220</sup> Eritrea, *Proclamation No 67/1995, Tax Payment Proclamation*, 10 February 1995, [url](#), EASO, *Eritrea: National service and illegal exit*, September 2019 pp. 43-47, pp. 55-56, [url](#)

<sup>221</sup> Interview with an international development organisation, c: 12, Meeting with a Western diplomat, a: 21, Meeting with a Western diplomat, c: 31, Interview with an international human rights organisation: 6, Interview with Human Rights Watch: 22, Meeting with academic experts, Martin Plaut and Habte Hagos: 19, Interview with the Chairman of the Habeshia Agency: 15

<sup>222</sup> Meeting with academic experts, Martin Plaut and Habte Hagos: 19, Meeting with a Western diplomat, c: 35

<sup>223</sup> Meeting with a Western diplomat, c: 35

<sup>224</sup> Meeting with a Western diplomat, c: 35

<sup>225</sup> Meeting with a Western diplomat, b: 23

<sup>226</sup> Meeting with a Western diplomat, c: 35, Meeting with a Western diplomat, b: 31, Interview with the Chairman of the Habeshia Agency: 15, Meeting with academic experts, Martin Plaut and Habte Hagos: 19

<sup>227</sup> Meeting with a Western diplomat, b: 31

<sup>228</sup> Meeting with academic experts, Martin Plaut and Habte Hagos: 19

<sup>229</sup> Meeting with academic experts, Martin Plaut and Habte Hagos: 19

<sup>230</sup> Meeting with a Western diplomat, b: 36, Meeting with five Western diplomats, e: 23, Meeting with a researcher, Dr Tanja R. Müller: 21, Interview with the Chairman of the Habeshia Agency : 22, Interview with Amnesty International: 26



However, the source was not aware of any agreement between Eritrea and another country as for now.<sup>231</sup>

86. However, one source noted that the government had accepted Eritreans deported by African states. This source opined that some of the deportees had ended up in prison and some were sent directly to perform military or civilian national service.<sup>232</sup>
87. Two sources noted that rejected asylum seekers would be subject to rough treatment upon return.<sup>233</sup> According to the Chairman of the Habeshia Agency, the treatment of the returnees would depend on individual circumstances, and what information the authorities received from the consular offices from the country that rejected the asylum seeker.<sup>234</sup> Two sources stated that the Eritrean diaspora is infiltrated by the spies of the Eritrean government<sup>235</sup> who, according to the Chairman of the Habeshia Agency, are widespread in all of the countries where there is a substantial community of Eritreans.<sup>236</sup>
88. One source opined that the Eritrean authorities would probably not care much about the fact that some returning Eritreans were rejected asylum seekers. Instead the authorities were more likely to pay attention to whether these returnees had left the country illegally or not, and would treat them accordingly. This source advised that the deportees were most likely to be detained.<sup>237</sup>
89. Three sources advised that approximately 78 Eritreans had returned from Libya.<sup>238</sup> According to two sources, the returnees had received financial support from UNHCR.<sup>239</sup> After they arrived in Asmara, they were dispatched to the countryside and were not allowed to meet with UNHCR representatives or any other international organisation's representatives.<sup>240</sup> Therefore, it was impossible to know with certainty how these returnees were treated.<sup>241</sup> Contrary to this, one of the sources had heard that after one night an international organisation was granted access to meet the returnees.<sup>242</sup>
90. One source mentioned a case from Sudan in 2018, where the Sudanese authorities had returned Eritreans to Eritrea. The Sudanese government basically deported these Eritreans, who had entered Sudan illegally and had gone to Khartoum instead of going to the refugee camps. According to this source, the returnees were detained when they arrived in Eritrea.<sup>243</sup>

<sup>231</sup> Meeting with five Western diplomats, e: 23

<sup>232</sup> Interview with the Chairman of the Habeshia Agency : 22

<sup>233</sup> Meeting with academic experts, Martin Plaut and Habte Hagos: 22, Interview with the Chairman of the Habeshia Agency : 23

<sup>234</sup> Interview with the Chairman of the Habeshia Agency : 22-23

<sup>235</sup> Meeting with academic experts, Martin Plaut and Habte Hagos: 3, Interview with the Chairman of the Habeshia Agency : 23

<sup>236</sup> Interview with the Chairman of the Habeshia Agency : 23

<sup>237</sup> Interview with an international humanitarian organisation working in Ethiopia: 17

<sup>238</sup> Interview with Mixed Migration Centre: 19, Meeting with five Western diplomats, e: 22, Interview with an international organisation: 15

<sup>239</sup> Meeting with five Western diplomats, e: 22,

<sup>240</sup> Meeting with five Western diplomats, e: 22, Interview with an international organisation: 15, Interview with Mixed Migration Centre: 19

<sup>241</sup> Interview with Mixed Migration Centre: 19, Meeting with five Western diplomats, e: 22

<sup>242</sup> Interview with an international organisation: 15

<sup>243</sup> Interview with an international humanitarian organisation working in Ethiopia: 16

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## 7. Appendix

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### 7.1 Appendix A: Sources consulted

#### Oral sources, including anonymous sources

*Most of the interviewed individuals only offered to participate on the condition that their anonymity would be respected. Because of the very limited number of individuals and organisations that could be interviewed, the sources are not described in detail in order to maintain their anonymity.*

1. A Western diplomat, a
2. A Western diplomat, b
3. A Western diplomat, c
4. A Western diplomat, d
5. Five western diplomats, e
6. An international development organisation
7. An international development organisation
8. An international development organisation
9. An international organisation
10. An international human rights organisation
11. Human Rights Watch
12. Dr Tanja Müller, university researcher, lives in Europe and travels to Eritrea and have regular contact to Eritreans in Eritrea
13. Ruby Sandhu, consultant, lives in Europe and travels to Eritrea
14. Martin Plaut and Habte Hagos, academic experts, both live in Europe and have regular contact to Eritrean diaspora
15. Tom Gardner, journalist, lives in East Africa and travels to Eritrea
16. Mixed Migration Center
17. Interview with the Chairman of the Habeshia Agency
18. Interview with an international humanitarian organisation working in Ethiopia
19. Amnesty International

## 7.2 Appendix B: Interview notes

### 1. Meeting with a Western diplomat, a

**Interview, Asmara, 30 and 31 September, 2019**

*Access to knowledge about Eritrea*

1. This source began the interview by outlining the fact that access to factual knowledge about changes in Eritrea is limited because the government does not announce policy changes or explain any observed changes in political development. This is independent of whether any change in practice or policy may be perceived as positive or negative by the government; in either case no explanation is given. The government of Eritrea does not publish statistics on demography, economy or employment developments of any kind. Thus, what can be known for an outsider in Eritrea, can only be known on the basis of samples, of hear-says, of rumours or of personal or reported observations. This is the working situation for the diplomatic corps. By contrast, the very few remaining civil society organisations or institutions have more direct access to people and to their individual testimonies.
2. In reality, access to the political level in Eritrea is very limited for diplomats. In-coming ambassadors have not all been allowed to present their credentials to President Isaias Afewerki and courtesy visits to the sectorial ministers by in-coming ambassadors are not followed-up upon by these ministers. This source added, that the impression is that the ministers have been instructed to not engage in any real efforts of achieving change, development or engagement with development partners. Numerous offers for development partnerships, technical assistance, funding of projects or prospective private business development have been neglected by the Eritrean authorities. At receptions or meetings, it is rare that a sectorial minister will reciprocate a speech made by a diplomatic guest or that ministers will greet or exchange words with members of the diplomatic corps. Furthermore, travel outside of the given 25 km perimeter of Asmara is depending on permission given, albeit not impossible. Thus, diplomats are in a difficult position to verify information that they have heard and must rely on their own observations.
3. According to the source, President Isaias has a profound animosity against modern facilities, changes of any kind and private companies striving to make profit. The source further noted that the ministers are all old; they are aged 70 to 80. To try to understand Eritrea it is according to this source important to remember their history of struggle for independence, self-reliance and lack of assistance from the outside world.

#### **National service**

*Duration*

4. According to this diplomatic source, there have been absolutely no changes in national service since the signing of the peace agreement with Ethiopia. For a short period of time, in the fall of 2018, rumours had it that males over 40 would be released from national service. Women over 40 are usually already released from national service so they were not expected to have been mentioned. However, the total absence of any government announcement of such release or

reform led this well-informed source to believe that there have been no changes in duration of service time. The source knew personally of a man, trained as an engineer, who had spent the past 14 years in active national service. The source also knew of the wife of a conscript in national service. This conscript was after 18 years still in national service and was deployed far away from his home, and his wife and four children saw him only three to four times a year.

5. President Isaias Afewerki is known for not making public announcements but had he wished to make an announcement about any changes in national service, he could have seized the opportunity at the Independence Anniversary on 24 May 2019 where he made a public appearance.<sup>244</sup> He could also have chosen the occasion of Martyrs Day (20 June) where he gave a public speech in Asmara.<sup>245</sup> Both speeches were focused on the sovereignty of the country, on self-sacrifice and were very much backward looking, according to this source. However, sectoral development plans were outlined but without any concrete timeline or implementation plan. Finally, the source mentioned a rare TV-interview with the president, which was later transcribed and published in the national newspaper. Also on this occasion he made no reference to any reduction of service time or other changes of national service, not even in the form of a general allusion to a gradual reform.
6. Immediately after the signing of the peace agreement with Ethiopia, there was a short period of time in which people seemed to anticipate reforms of society, including of national service. As an example, the source mentioned that people seemed to speak more freely in the streets. Another example was that when the borders were open to Ethiopia, people began to buy Ethiopian cement for the construction of new houses. There has not been authorised any license to build new houses since 2006 – with the exception of the Chinese Embassy, which is a newly constructed large building. The embassy has been finished and is now functional. However, when the authorities discovered the unauthorised construction of new buildings with newly imported cement, these buildings were torn down.

#### *Conditions and salaries*

7. When asked about whether the source knew of any changes in the physical and material conditions during national service, the source stated that no changes or improvements in working or living conditions for conscripts have been reported. The source knew personally of a young girl who had been drafted for Sawa for 2018 and she brought her own equipment to the training centres (clothe, food, etc.), since the package of material equipment that conscripts will be provided with while accommodated at the training centres is not sufficient to uphold a reasonable life.
8. According to this well-informed diplomatic source, there has been a nominal raise in salary to conscripts so that the payment to conscript labour has now risen to 1,550-1,800 nakfas per month. This increase, however, was compensated by increased deductions (for various purposes) from salaries. Thus, in reality, what the government pays national service conscripts amounts to approximately 500-800 nakfas per month.

<sup>244</sup> Keynote Address by President Isaias Afewerki, 28<sup>th</sup> Independence Anniversary, Asmara, 24 May 2019

<sup>245</sup> Keynote Address by President Isaias Afewerki, Martyrs Day, Asmara, 20 June 2019

*Consequences of desertion or evasion of national service*

9. When asked about which consequences a person who either defects or evades the calling for national service, the source answered that there are two outcomes: either the person leaves the country and is never seen again, or the person is caught by the authorities and detained. Thus, an evader or deserter is either abroad or in jail. In either case, any foreign observer in Eritrea has no access to the person and thus has no access to detailed knowledge about what the consequences of defection may be.
10. Further to this, the source was asked about whether family members (parents, spouse or siblings) would face any negative consequences in the event of defection or evasion. The source replied that he had no firm knowledge of that. The source asked that the fear factor in Eritrea should not be underestimated; people were unwilling to talk to foreigners ‘they look at their shoes and are quiet’; thus, it becomes difficult to get knowledge about consequences for family members.
11. Further to the fear factor the source mentioned the security apparatus, which does not even have a name or a logo, and whose staff members operate in plain clothes, and arrest people on a regular basis for no apparent reason.
12. As an illustration of the fear factor, the source explained that recently people had been arrested on religious grounds. It was members of Jehovah’s Witnesses and of the Pentecostal Church who have been arrested based on their religious affiliation. The Catholic Church has also been exposed to repercussions: a number of Catholic run primary health clinics have been closed and eight Catholic run primary schools have been shut down. In October 2017, Islamic schools had been ordered to change their curriculum and semester plan. Between 300 and 600 teachers, parents and students had protested against instruction. Every one of the protesters had been detained and the principal later died in prison.
13. The source advised that he had heard about detainment of Eritreans in metal shipping containers but that he had not visually seen these facilities.

*Exemptions from national service*

14. When asked about the possibility to be exempted from national service for persons inside Eritrea, this well-informed source began by noting that no changes has been announced following the signing of the peace agreement with Ethiopia and that no changes have been reported back to the diplomatic corps.
15. The source emphasised that to understand the context in which exemptions may be asked for and obtained, it is critical to bear in mind that Eritrea is not a normal country under the rule of law. In a country without a sitting Parliament, with no Constitution and without a functional court system, the absence of a legal framework makes it difficult to obtain the certificate of exemption officially. He added that according to a UN report, there used to be as few as 14 lawyers in the country, and



since the last one who took the bar did so in 1994, these lawyers must now be very old. According to the best knowledge of this diplomatic source, exemptions are given to:

- pregnant women
- mothers of young children
- mentally ill persons and to the disabled (e.g. the blind, the deaf)

#### *National service for returnees*

16. When asked about the likelihood of being recalled for national service for people who return to Eritrea, the source began by emphasising that he does not have in-depth knowledge about this topic. He suggested that there is an implicit deal between the government and the diaspora in that members of the diaspora may pay the two percent income tax to an Eritrean representation abroad. The source underlined that this income tax was self-reported and that some diaspora members seemed to take a pride in reporting a high amount and paying it as a patriotic duty. After having paid this diaspora tax and signed the letter of repentance, the person would be 'whitened' and the past would be forgotten. The government seemed then to accept returnees and did not harass them further.
17. The source was uncertain whether the returnee would after three years still be considered a diaspora member or rather a resident but found it likely that a returnee would not be considered a diaspora member for more than three years. Thus, if returnees were to stay in Eritrea for a prolonged period of time, e.g. for more than three years, they would be seen as a burden. The revenue by the diaspora is paramount to the government so the only way for diaspora members to be considered well by the authorities is to continuously send remittances and pay diaspora tax.

#### **Exit from Eritrea**

18. According to this well informed diplomatic source, exit visas are granted on certain conditions. Those being to children under 5 and to persons who can produce evidence documenting that they have performed national service and have officially been released from service duties. Exit visas are also granted to persons who need specialised medical care on a case-by-case basis.
19. For anybody else who wishes to apply for an exit visa they must deposit a sum of money which they can recuperate if they return to Eritrea within seven days. If they overstay this period of time, the deposit is confiscated by the government. For an individual person, the sum is the equivalent to 12,000 euros; for a family it amounts to the equivalent to 30,000 euros.
20. The source had no information about whether the 'shoot to kill' policy was still being applied at the borders.

#### **Entry into Eritrea**

21. According to this source, there has been no changes in the way the diaspora tax is administered by the authorities after the signing of the peace agreement.

22. There have been no changes in the way the ‘letter of regret’ is being administered by the authorities after the signing of the peace agreement.

## 2. Meeting with a Western diplomat, b

### **Interview, Asmara, 27 September 2019**

#### *Access to knowledge about Eritrea*

1. When asked on where the interlocutor got his information, the source, replied that it was gathered through discussion with colleagues and diplomatic sources together with meetings with the Eritrean government. Eritrean media are under state control, and newspapers mainly report on the activities of the President.

#### *Historical background*

2. This source began by offering a sketch of the historical background for the current Eritrea/Ethiopia relations. Since the UN Security Council lifted the sanctions against Eritrea at the end of November 2018, the current policy of this embassy is to seek to deepen the relationship with the Eritrean government. The sanctions contributed to create a high-level mistrust between the West and the Eritrean government, but the signing of the peace agreement offers an opportunity to work on an improvement of relations between Eritrea and the international community.
3. The interlocutor opined that the peace agreement has changed the environment between the West and the Eritrean government. However, in his view there has been too much expectation from the international NGO’s, the UN and the wider Eritrean diaspora for rapid change in this country, but up until September 2019 the international community has observed only minor changes.
4. The current situation is complex and arbitrary practices by the authorities are widespread.

### **National service**

#### Duration

5. The interlocutor noted that the national service is still indefinite. Changes with relation to national service cannot be expected to happen fast. According to this source, the Eritrean government know that they cannot keep the national service length in defiantly. However, he stated that this change will take time.
6. First, the country needs economic reforms and job creation. If the government reduced the duration of national service to for instance five years, the interlocutor estimated there would be approximately 50,000 people released per year. Therefore the government had to find a solution

for releasing 50,000 persons per year in national service when there is a lack of employment opportunities.

7. The interlocutor advised, that Eritrea is a poor country, which is partly due to sanctions, and partly due to the way the Eritrean authorities manage the country's economy. The source mentioned that when the IMF visited Eritrea, they identified that the debt is incredibly high and the GDP is incredibly low. Furthermore, the resources of the country are limited to mining.
8. The source advised, however, that there have been ongoing discussions on the length of national service within the government. Two months ago, in relation to the Sawa 25<sup>th</sup> anniversary it was reported on EriTV that the government is reviewing how they can change it. They want to return the national service to 18 months.
9. On the other hand, the authorities would argue that the national service is important for a small country like Eritrea. As of now, there has been no time line for reforming the national service, but the government knows that the costs for having the national service in its current form are high, even though the conscripts get a low salary. As an example of the low level of salary, the source mentioned a person, who after 11 years in the national service was paid 900 nafka per month. Although the younger recruits who are now getting out of Sawa are getting 3,000 nafka (the equivalent to approximately 200 US dollars), it is still impossible to live on. So they must have a second job.
10. The source emphasised that the president of Eritrea is a cautious man and does not make rapid change. The country has been in a frozen conflict with Ethiopia for nearly two decades. In this perspective the leadership of Eritrea is cautious towards the ongoing changes in Ethiopia and to what extent Ethiopia would not roll back the rapprochement. Could the Eritrean leadership be 100 percent secure? This is a big question for the Eritrean government. The new Prime Minister of Ethiopia Abiy Ahmed has good dynamics and could be a driver for a positive way forward.
11. On the other hand, the Eritrean authorities also see Prime Minister Abiy as insecure. Therefore, the source opined that until the next election in Ethiopia next year, the Eritrean government would have a wait and see approach, what would be the outcome of these elections. If Abiy Ahmed wins the elections then there could be a possible change, which could lead the way to reform of the national service, but until then the source did not think that we would see any change or reform of the national service.
12. Furthermore, the source noticed that an important factor to understand the political dynamics in Eritrea is through understanding the relationship to the TPLF.<sup>246</sup> If there ever is an opposition to Abiy Ahmed in Ethiopia it is the TPLF. The source understood that the TPLF is still holding on to the army, and troops and heavy weaponry remained on the border with Eritrea.

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<sup>246</sup> TPLF: Tigray People's Liberation Front. The leading faction within the ruling party in Ethiopia until Abiy Ahmed became prime minister in 2018.

13. But until they can see a longer lasting change in Ethiopia, the source opined that the length of national service would still be indefinite.

*Conditions and salaries*

14. When asked if the source had seen any changes in the general conditions in the national service, the source replied, that he has not seen any. The national service is seen as forced labour. Being in the national service does not give a person a choice of what kind of career they will pursue.
15. On the other hand, the source noted that there are individuals with good exam results or with strong political connections, who can go to study in Europe, and afterwards come back. These individuals can get better job opportunities.
16. According to this source, there has been a raise in payment. This has not been announced officially and is not discussed with diplomacy or elsewhere – information on this is just picked up different places. The raise is mentioned in UPR<sup>247</sup> 2018.

*Consequences of desertion or evasion*

17. When asked if the government would perceive illegal exit of the country as a political act, the source advised that the Eritrean Minister of Information had said that if a person jumps ship or is leaving a camp and is caught, then they would be punished accordingly, because the person has clearly broken the law of national service.
18. However, the process of those who make it out of the country is typically to obtain asylum and get a job and then choose to return. In these cases, the persons are not punished according to the source, because they have signed a letter of regret and paid their two percent tax.
19. The source mentioned a friend of a colleague who left for Dubai and worked there for three years. He came back without any problems. He is now working in Eritrea.
20. People who leave without the right paperwork can go to an Eritrean embassy and fill out a regret form (repentance letter), pay the two percent tax and then they can go back to Eritrea. If a person does not pay the two percent tax, they cannot receive any services at all in Eritrea. The source believed that the diaspora status would be valid for a seven years period after entering Eritrea. However, the source noted that if one leaves the country and joins the anti-government diaspora, one cannot go back home in any way.
21. When asked if it could have any consequences for family members to flee the country, the source answered that he had not heard of any consequences.
22. The source added that he had heard from members of the diaspora community that the Eritreans are all sending back enumerations.

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<sup>247</sup> UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Eritrea*, 18 April 2019, [url](#)

23. According to this interlocutor, he understood that around 40 percent of the Eritrean GDP is from enumeration. However, the government would not acknowledge that these enumerations play a large part in the Eritrean economy.
24. Furthermore, the source noted, that the Khartoum process session in October 2018 is also about enumerations. The government is working with the diaspora to return to invest in the country.
25. The source had no knowledge of government use of metal shipping containers for punishment. However, the interlocutor was aware of religious and political prisoners in Eritrea and added that conditions in prisons in Eritrea are believed to be very poor. According to the source, unregistered religious groups have very difficult conditions in Eritrea.

*Exemption from national service*

26. When asked if there has been any change in the exemptions of national service, the source stated that he had no information of changes since the peace agreement. The source advised that disabled persons, e.g. deaf, do not have to serve national service.

*Exit from Eritrea*

27. According to this source, it is not easy to get an exit visa. The exit visa would last a month, which means that a person must leave the country within the month. This would be checked e.g. when the individual is about to board the plane.
28. A person must apply for a visa to a foreign state beforehand, and thereafter they can apply for an exit visa. The source emphasised, however, that the passport is the hardest to get. First stage is to get a passport, thereafter one can apply for an exit visa. If a person can get a passport, they would most likely also get an exit visa.
29. However, the source stated that there was an exception to this rule, when the government opened the border to Ethiopia in 2018, and even after the border was closed in December 2018 one could walk across without an exit visa.

*Entry into Eritrea*

30. The source had no information regarding changes in the diaspora tax and the repentance letter.
31. According to this interlocutor, a person who did not pay the two percent tax could not get access to government provided services. If a person went back to Eritrea without paying the two percent tax, they could visit their family. However, the person could not get access to government provided services.
32. If a person has been long term abroad and obtained a foreign citizenship, they can apply for a visa and subsequently return. These persons do not have to sign a letter of regret. According to the source, it seems to be more flexible now.
33. The source stated that a person can get a diaspora status for seven years in Eritrea.

34. The source was aware of a person whose family left Eritrea during the struggle<sup>248</sup> and settled down in the West. He was born in the UK but afterwards came back to do a project in Eritrea. The person was a citizen in a Western country, and he was never afraid to go back into Eritrea.
35. The source had not heard of the shoot to kill policy being applied. The interlocutor knew of a person who in order to visit family in Ethiopia during the summer had crossed border, which was closed at the time. This person had not considered himself to be at risk of being shot. However, the government never announces policy changes, so in that perspective it is impossible to be 100 percent sure what the current practice is.
36. The government would not accept a person coming back against their will. The source was aware of a case, where the authorities wanted thousands of dollars for each Eritrean that the UNHCR wished to return.
37. The source did not have any information regarding the treatment of rejected asylum seekers upon return to Eritrea.

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<sup>248</sup> The armed struggle of independence of Eritrea lasted from 1961-1991.

### 3. Meeting with a Western diplomat, c

**Interview, Asmara, 30 September 2019**

#### **Background**

1. The representative participating in the interview had served in the country for more than one year.
2. Information in Eritrea is generally hard to access, and the source stressed that his knowledge is not perfect. Information on the military is particularly difficult to access. However, this interlocutor had knowledge of national service and the People's militia and was willing to talk about these topics. The source stressed that the government does not communicate much with its people or with the diplomatic corps, and that arbitrariness is an over-all feature in Eritrea.
3. The source informed that the government of Eritrea remains cautious about the chances for a lasting peace with Ethiopia. This may be explained with the facts that Ethiopia and particularly Prime Minister Abiy Ahmed's future power is considered fragile given the internal political situation in Ethiopia and that he will be subject to election in 2020.
4. The hostility between Asmara and the Tigray National Regional State of Ethiopia has been intense for the past many years. For the past three decades, the Tigray party TPLF<sup>249</sup> was the ruling party of the former government of Ethiopia and has been the leading force behind the hostilities towards Eritrea. This hostility has not disappeared, but what has changed is the fact that the Tigray elite no longer control the central government of the federal Ethiopian state. However, TPLF still controls the regional government of the Tigray region, bordering on Eritrea. Furthermore, Eritreans can watch Tigray television on satellite dishes inside Eritrea and are thereby exposed to the messages from the TPLF. Hence, many Eritreans watch Tigray language television, which a substantial minority of Eritreans speak and understand. According to this source, Tigray television is quite hostile towards Eritrea, where one could hear phrases like 'Tigrayans should retake the historic lands on the Red Sea coast'. This message is negatively perceived in Eritrea.
5. National elections are planned to be held in Ethiopia in 2020. There is no certainty that Abiy will win this election or if the TPLF will regain power. The source added that even if TPLF did not win, it would still be a question, whether the TPLF in the Tigray region of Ethiopia could retain the ability as Eritrea's direct neighbour, to be hostile to Eritrea and its regime.

#### **National service**

6. According to this source, national service is still 'open-ended'. The national service needs to be understood in a much wider sense than just military service. All Eritreans must come to Sawa for

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<sup>249</sup> TPLF: Tigray People's Liberation Front

their 12<sup>th</sup> year of high school, where they receive academic instruction and then roughly five months of basic military training. Depending on the grades of their school-leaving exams, the students will after graduation be sent to either military training, unskilled labour, vocational training or to university. The source was under the clear impression that in recent years more students have been sent to vocational training and higher education, while the number of students sent to military service and unskilled labour had declined. The source reminded that nothing is voluntary, but that the students with higher grades had some level of choice as to what they want to do. Most university-bound graduates can choose whether to enter a natural science or social science academic track, and once there are offered some choice of academic major. There are fixed numbers of seats for each academic major, and students compete – apparently based on grades and merit – for the most desirable programmes. A conscript of national service with the highest grades can express a wish to become a doctor, and then they are likely to become a doctor in the national health service as his/her civilian national service post, which is a much better option than being assigned to become a soldier or a construction worker in a remote place of the country. The source stated that even the president is saying that he is doing national service.

7. According to this source, the government is now trying to send more youth into the path of what is referred to as a diploma programme. After completion of this vocational training programme the young person is given a vocational certificate which will improve their employability. The source suggested that at the medium term this may lead more young people towards employment within the private sector.
8. It was further mentioned that more students recently seem to be assigned to teachers training programmes. This ambition may be to properly educate more teachers. Up until now (October 2019), students have been assigned to teaching immediately after graduation from Sawa without proper training in didactics, etc.
9. According to this interlocutor, the vast majority of teachers in Eritrea are conscripts of national service, and the vast majority of them have no real training to work in the education sector. However, the government has developed a new model where young people would attend a teachers training programme for one year, after completing a university degree. However, reportedly only a minority of teachers are actually going through this programme. The majority are still being assigned to teacher position with only a high school degree and after having attended Sawa for the 12<sup>th</sup> grade.
10. The vocational training programme was something the government started at Sawa 8-10 years ago, and this programme is still in the process of being expanded. So now one will find vocational training centres across the country. This programme is something the government is investing in.



11. These changes in the assignments of conscripts were seen as a way for the government to gradually end the open-ended national service. At the same time, it was stressed that the government sent mixed messages regarding reforms, and that the government probably would be reluctant to yield this control over the labour force.
12. The President of Eritrea, Isaias Afewerki, is considered to genuinely believe in the national service as a beneficial strategy for Eritrea and of high value for the country, even from an economical perspective. The idea behind national service may be a sincere conviction for him: Eritrea has lost 20 years of development due to war, and now the country more than ever needs national service to become self-reliant. This may remain a matter of some internal debate in the government.

#### *Duration*

13. While the length of national service in practice remains the same, the source had been informed that the students, who had started at Sawa in 2018, had been told that national service would be 18 months. But this did not appear to have been repeated or followed up on, and it is unclear if this may still be the government's intention.
14. It should be noted that whereas national service is full time, whether the person is assigned to civilian national service or to the military, the People's Army is part time. The People's Army is fairly new. If a person is released from national service, they are often called into the People's Army. The source was not aware of specific criteria for mobilisation into the People's Army. A person cannot refuse to participate, but may be able to negotiate some flexibility with the local commander to accommodate other responsibilities.
15. Duty in the People's Army often consists of guarding government sites in the local community. People's Army duty is usually around six to eight hours a month. However, there is not prefixed schedule, rather the person may be called with a very short notice and often without consideration to other job obligations that the person might have.
16. If a person does not show up for People's Army duty, it is difficult to predict what the consequences may be, but possibly a few days in prison or called in for tough questioning.
17. Occasionally, the government makes a declaration that everybody must attend a two weeks training course consisting of both ideological and military training.

#### *Conditions and salaries*

18. According to the source, there had been a jump in salary a couple of years ago. Not everybody benefitted from this, but the better educated, e.g. IT-specialists, among the recent conscripts had seen a raise in salary.

19. The IMF had held article IV consultations with the Eritrean government in 2019. Article IV is a macroeconomic dialogue which goes on for 2 to 3 weeks. IMF had not had an article IV consultation with Eritrea in more than a decade.
20. According to the source, the dialogue between IMF and the government of Eritrea was good. The Eritrean government has showed a willingness to be open. Under these consultations, IMF had been concerned about the budgetary impact of the recent raises in salaries.
21. The source did not have information on possible changes of the general situation for conscripts but supposed that the conditions in the military, which would be most difficult to find information on, would probably be the worst.

*Consequences of evasion or desertion*

22. The source did not have information suggesting that punishment for desertion or evasion had changed in any way recently. Penalty for desertion, especially from military service, was believed to be more severe compared to the penalty for evasion.
23. Evasion is considered more amorphous than desertion. Evasion seems to come in different forms:
  - One category is people who fail to show up for Sawa at all. These persons will not be enrolled into national service. They will not be able to acquire official ID documents (e.g. a driving license) or to benefit from other social services (they will for example not be considered for the occasional distribution of food). Thus, they will have to live outside the system.
  - Another category of evaders is persons who come to Sawa and are enrolled into the national service, but who then fail to show up once they get assigned a job after completion of Sawa or later abandon their work assignment. Here there may be a different set of consequences.
  - The third category is persons who attend Sawa and at least appear to perform their national service. After Sawa, people are assigned a job in the civilian sector, e.g. as a teacher or in a ministry. However, some of the jobs in national service are in reality not a full-time job and many people manage this job by showing up twice a day and sign in, sign out and then hold an alternative job next to their official assignment. To illustrate this, the source pointed to the shops in Asmara, which are staffed by young people aged 20-25 who almost certainly should be in national service.
24. The authorities may turn a blind eye to the abovementioned situation of evaders holding alternative jobs, but once in a while they will conduct crackdowns on private businesses on an ad hoc basis, where the authorities check people's ID documents to control if someone who should be in national service is found in an unauthorised employment. In such a case both the evader and the

employer will face consequences, though consequences vary and punishment may also be wrist punishment and nothing more.

25. The consequences of evading military are more serious. If a person evades military service, they would need to hide from the authorities – perhaps at a friend’s house.
26. Members of some religious groups often skip Sawa and are to some extent left alone without further harassment.
27. The source informed that detainment in metal shipping containers is still used and added that this is widely reported. Reference was also made to reports of people kept in underground prison facilities.
28. Regarding possible consequences for family members of deserters and evaders, the source informed that family members are certainly questioned, possibly aggressively questioned if someone flees. Family members are potentially punishable if authorities think that they were in any way involved. The source added: ‘Jail is always an option’.
29. When asked whether a family member to a person who fled the country could be punished with enrolment into national service if they already had been exempted before, the source advised that he had never heard of that type of punishment.
30. Regarding exemption, the source mentioned medical cases, and added that such exemption is absolute, which was probably not the case for exemption for other reasons. Pregnant women were also believed to be exempted, but in a less systematic way.
31. The matter of release from national service seemed even more inconsistently applied. Policies and practices may change from year to year or vary across different organisations. It is difficult to obtain authoritative information. Usually a woman would be released if married with children or pregnant but this may depend on the specific the assignment/workplace. If a person is the sole provider of a family, or is politically well-connected, they may also be released.
32. The source was not aware if the rules or practices on exemption had changed since the peace agreement.

#### *National service for returnees*

33. Generally, returnees are not believed to be drafted into national service upon return after being abroad for a prolonged period – if anything, they would be at risk of imprisonment.
34. A person fleeing is, according to the source, disdained as unpatriotic, and someone the government does not want back. On the other hand, there is a system of a kind of forgiveness with the two percent diaspora tax.
35. Many Eritreans are believed to be patriotic and will pay the two percent diaspora tax of their income without hesitation. However, the government does not have the ability to check a person’s foreign salary. The source did not think that the authorities audit an individual citizen but just make

sure that the money is being honestly accounted for by the receiving consulate. Having paid the tax is necessary if a passport or a birth certificate is to be issued from any Eritrean authority or embassy. The government seems to collect quite a lot of money through this two percent tax. The diaspora tax makes it easier to visit family back home in Eritrea.

36. When a person pays the two percent diaspora tax, the person is treated as a diaspora member. The source knew of several Eritrean persons, who had returned to Eritrea after several years abroad and who had not been called in for national service. But these persons mainly returned in the 1990s and they might all have gotten foreign citizenships. The source had no knowledge of Eritreans who had returned in recent years.
37. The source informed that to his knowledge, it is significant for the diaspora who hold foreign citizenship to enter and exit Eritrea using their foreign passports. Because if a person enters as an Eritrean citizen, then they are treated as an Eritrean.

### **Exit from Eritrea**

38. For three to four months of 2018 the borders were open (September-December 2018). Eritrean and Ethiopia nationals could travel back and forth as they pleased with or without ID documents – whether they were in fact either Eritreans or Ethiopian seemed to be assessed by their appearance. In December 2018 the borders were closed for reasons that no one understood.
39. According to the source, the situation regarding exit visas had not changed. Everything remained the same. Young persons between the age of 11-12 years old and up to 30 years old will, if they are single, find it close to impossible to get an exit visa. A married person in their 30s will have a better chance of getting an exit visa.
40. The source did not have information pointing towards changes in the practice of the two percent diaspora tax.
41. The source was not familiar with information on any changes regarding the repentance letter.
42. Before the opening of the borders and the massive exit numbers that followed, it was possible to acquire a passport at an Eritrea embassy even shortly after an illegal exit from Eritrea, according to the source. This practice seemed to have stopped, and the embassies in the neighbouring countries reportedly no longer issued passports to those who had recently fled.
43. The source had heard that a ‘shoot to kill’ policy for those caught attempting an illegal border crossing had been abandoned. However, the source had also heard a report of a recent incident, where young conscripts had been shot and killed at the border. As already mentioned, it is not easy to know what is really going on.

**Entry into Eritrea**

44. Entry into Eritrea has been touched upon in the information provided by the source under previous questions. The source reminded that a person abandoning the country is considered disloyal to the state.
45. The source was not aware of the situation for persons being returned to Eritrea and suspected of being rejected asylum seekers.

## 4. Meeting with a Western diplomat, d

### Interview, Asmara, 2 October, 2019

#### *Access to information about Eritrea*

1. Access to data and information about the political situation in Eritrea is a generalised problem. There is a lack of data, and a lack of transparency.
2. The source has observed minor improvements in the situation in Eritrea, e.g. a tendency from the government of Eritrea to be slightly more open for discussions of issues which were previously not discussed at all. These issues include national service or even human rights. At the same time the representative stressed that lots of patience is required when engaging in dialogue with the Eritrean authorities.
3. The source pointed to a deep mistrust from the Eritrean government towards the West. Persons having left Eritrea in the 1980s are often pro-government and this particular part of the diaspora is considered to be a valuable partner in establishing constructive cooperation with the government of Eritrea.
4. The government of Eritrea blames Europe for the policy of granting Eritrean asylum seekers refugee status en bloc, arguing that these individuals are rather economic migrants than refugees, and that in other cases they may not even be Eritrean nationals.

### **National service**

#### *Duration*

5. National Service is still unlimited in duration. Uncertainty regarding the length of service is a main factor, and conscripts sometimes serve up to 20 to 30 years.
6. The exact number of people performing national service is not known, and similarly, the percentage of the national labour being performed by conscripts is not known. It is estimated that there are 500,000 conscripts and that 80 percent of the labour force is made up of national service conscripts. The government is believed to see national service as a necessity not a choice, the rationale being a combination of mainly two factors: First the security factor, and here the peace agreement with Ethiopia is probably considered to be only a first step and not the full elimination of the threat against Eritrea. Secondly, it would be difficult to offer alternative employment for the up to 500,000 conscripts. The source opined that a private sector and fundamental changes of the economy would be necessary, if large number of jobs were to be created, but saw no actual openness towards such changes from the Eritrean government.

#### *Conditions and salaries*

7. Regarding a raise in payment for national service the source stated that according to their information there had been a raise about two years ago (2017). It was difficult to verify but the raise was believed to benefit those with higher educations, and to amount to up to 3,000 nakfa.

*Consequences of desertion or evasion*

8. Asked about the possible consequences for evaders and deserters, the source replied that they did not know for sure but had heard that if deserters and evaders had left the country and had come back, the consequences would be mild. According to their information, people having paid the two percent tax and returned voluntarily were ok. The source reiterated that verification of this information was not possible.
9. The source had heard about detainment in metal shipping containers, but again the information could not be verified.

*Exemption from national service*

10. Regarding the groups eligible for exemption or release from national service, the source mentioned pregnant women, persons (e.g. only sons) who were the sole provider of their family, medical cases and married persons. The source was less certain about the latter group. The source reminded that the situation was different with military service; here release was much more difficult to obtain.
11. Conditions for conscripts under military service were believed to be horrible. The source reported allegations of physical and sexual violence committed with impunity but these allegations cannot be verified.
12. On a more general note, the source stated that there is no rule of law in Eritrea, no democratic institutions and that arbitrary detention is not uncommon. The source further concurred that the fear factor is dominant in Eritrean society and that arbitrariness is profound.

**Exit from Eritrea**

13. The source further commented that Eritrea has a 'control freak' regime and seen in that context, it is more surprising that the borders were opened in the first place than that they were later closed.

## 5. Meeting with five Western diplomats, e

**Interview, Asmara, 2 October 2019**

### **National service**

1. According to the sources, the peace agreement with Ethiopia is an opportunity, but nothing has changed so far. The official line in Eritrea is that there will be a reform of the national service. However, the government is not expected to inform beforehand when a reform will be implemented or what such a reform process will encompass. The government offers statements like: 'It is not certain, when a reform will be implemented'.
2. The announcement of the reform of the national service was made after the signing of the peace agreement with Ethiopia. It was noted that the reform would reduce the length of national service to 18 months, according to the government.
3. The sources opined that the reform of national service would not come swiftly. It would take time before a reform could be implemented; one contributing factor was the lack of capacity of the labour market to absorb a high number of unemployed youths. Possible consequences with society and the political field were also mentioned. The government is assessing these potential consequences of a reform. However, the interlocutors emphasised that statements of a future reform are - though vague - something that one hears quite a lot.
4. The peace agreement initially gave high hopes for future change of the national service. However, the agreement did not bring any clear change. In this regard, the sources opined that this was an opportunity for change, although it remains to be seen whether any change will happen in reality.
5. According to these interlocutors, one of the reasons why the government is not demobilising conscripts from national service is due to the external threats from the Tigray region in Ethiopia and the Muslim Brotherhood in Sudan. The ruling party in the Tigray state, TPLF, is perceived as a state within the state and will not necessarily follow the federal government of Ethiopia. The party has been in power for the past 25-30 years in Ethiopia and might not accept the loss of power. The Tigrayans are a minority within the federal state of Ethiopia. However, they hold 25 percent of the seats in the federal parliament.
6. Any future changes in Ethiopia are a great concern for the Eritrean leadership. These concerns are focused on questions related to security and include questions of whether the Ethiopian prime minister will continue his reform process and whether the TPLF will return in power. The uncertainty in Ethiopia is a major factor for Eritrea and has a big impact and the security situation in Eritrea and thus on the future of national service. Furthermore, the government needs to create around 500,000 jobs before they can start demobilising. It is also a big question how the government would manage to create so many jobs.



7. When asked if there have been any improvements of conditions for conscripts of national service including raise in salaries, the sources advised that they had not heard of such changes.
8. These sources had no information regarding changes in consequences for desertion or evasion within the national service after the signing of the peace agreement.
9. These interlocutors advised that it is hard to say whether there will be retaliations against the family of a person who has deserted. The sources had heard of retaliation, including jail, others were left alone. There seemed to be no visible pattern in retaliations. The source reminded that there is no rule of law in Eritrea. According to the Eritrean Minister of Information, everybody who defects must expect punishment.
10. When it comes to returning of refugees, the persons have to sign a declaration of regret and pay a two percent diaspora tax based on a self-reported foreign income. Hereafter, the person will be able to return to Eritrea. In most cases these persons have no problems with the authorities, but things are unpredictable in Eritrea. A prospect returnee has to come to an Eritrean embassy, where they will be issued a passport, and then they can go back to Eritrea for holidays without harassment.
11. However, these sources advised that if it becomes known to the government that a person has been politically active against the Eritrean government, these persons could be exposed to problems upon return. The government monitors diaspora (social) media abroad closely.
12. The interlocutors noted that there is a time limit in diaspora status. Persons obtain a small card, including information about their country of residence. The diaspora status lasts for seven years, according to this interlocutor. However, the source was not certain whether this period could be extended.
13. Many of these persons have dual citizenship. They receive a so-called return card, which states that the person does not need an exit visa for a period of seven years.
14. The government has an interest in maintaining a large community of diaspora members, as long as they do not agitate against the government, because they provide remittances to their relatives in the country.
15. When asked if a family member could be requested to replace a person who had fled the country, the sources advised that they had never heard of such a punishment. However, there have been a number of cases where former ministers have left the country, and their families have as a consequence hereof been detained for several years.
16. The source was told that at the level of the Zoba (municipality), the authorities had called for a meeting with a family, where they threatened to collect their ID cards if their son did not go to Sawa. These cards enable the family to collect bread, flour and basic food items.

17. When asked about the use of shipping containers for detainment of prisoners, the source advised that they had read about this, but did not have any first-hand information on this matter since they were not allowed to visit neither prisons nor Sawa.
18. The sources noted that medical exemptions from national service are rather difficult. A medical board would assess the patient's individual case. The source opined that one should suffer from a very serious illness to be exempted from national service.

#### **Exit visa**

19. One of the diplomats knew of a person who had been in the military for 12 years and thereafter was released from national service. His father was a Jehovah's Witness and had been imprisoned for 17 years. The son was, after his release from national service, given a passport; however, he was not given an exit visa. The authorities told him, that he could apply for an exit visa when he had reached the age of 50. He is now 32 years old. It was a 'mystery' to this diplomat, why the authorities had given him a passport in the first place.
20. The sources stated that with a passport it would probably be possible to leave Eritrea through the land border with Ethiopia, but if an Eritrean national could not show an exit stamp from Eritrea at the airport in Addis Ababa, that a person would not be allowed to board the plane to Eritrea from Addis by the Ethiopian authorities. This indicates that Ethiopia is cooperating close with the Eritrean government on this matter.
21. There are four churches that are legal in Eritrea. The Catholic Church is legal but is nevertheless subjected to harsh treatment. Jehovah's Witnesses are not legal. In dictatorships, churches often play an important role, because these are places where people come, and because their leadership may express opinions that are not allowed elsewhere. The government of Eritrea did not tolerate if the church incited the people, and there had been retaliation against critical catholic bishops.

#### **Entry into Eritrea**

22. The sources were aware of a number of returnees from Libya, which had received financial support from UNHCR. After they arrived to Asmara they were dispatched to the country side and were not allowed to meet with UNHCR representatives. Thus, it is impossible to know, how these returnees were treated.
23. When asked about the treatment of a person who is returned against their will, the source advised that the Eritrean government does not accept to receive people against their own free will. The Eritrean government would only allow persons to return if there is an agreement with the returnees. However, the source was not aware of any agreement between Eritrea and another country as for now.
24. The source advised that it was the official government line that no Eritreans deserved to be labelled refugees because everything is fine in Eritrea. Therefore Eritrea believes that all Eritreans who

leave the country should be treated as economic migrants. This question had started a feud between the Eritrean government and UNHCR about their guidelines from 2009 (amended in 2011). The Eritrean authorities want the UNHCR to revise these guidelines. However, there is no reason to think that the document is outdated. UNHCR is therefore saying that if one has to revise these guidelines, they would be even worse for the authorities, because all the justifications, which are stated in the guidelines from 2011, will be irrelevant, now that there is no war anymore.

25. The sources mentioned that the level of irrationality in Eritrea is rarely seen anywhere on earth. The source noted that a new phenomenon in Eritrea – the so-called ‘trade grannies’ had appeared. Due to the fact that Eritrea had forbidden import of any kind – even cement is forbidden, some businessmen had developed a scheme where they send persons, typical elderly women who have easy access to exit visas – to foreign countries to purchase various goods and then bring them back to Eritrea as they travel on planes. This scheme costs minimum 10 dollars per kilo goods by transporting them on planes, which is much more than if one could import them by a container. The source estimated that around 60-80 tons of goods were coming into the country by plane per week. Furthermore, it seemed that airlines had adapted to this scheme. One can fly 40 kg luggage into Eritrean, but is only allowed to carry 20 kg out Eritrea and huge hand luggage is accepted on these routes.

## 6. Meeting with an international development organisation, a

### Interview, Asmara, 30 September 2019

#### *The peace agreement and the current situation in Eritrea*

1. The representatives of the organisation began the interview by stating that the signing of the peace agreement between Eritrea and Ethiopia in July 2018 is influencing everything else in Eritrea. This agreement had ended the 'no war, no peace' situation, which had prevailed for years. However, the expectations and real impact of the peace declaration remains unknown, including to Eritrea's development partners. Currently the International community is trying to understand the implications and the prospective of the new situation so that any assistance to Eritrea can be adjusted accordingly. There seem to be more room for cooperation now, evidenced by the outlook of HE the President's travels to neighbouring countries, however, Eritrea remains a challenging country with regard to development efforts.
2. The Eritrean government has made its development priorities known to the partners of the country but has not done so in the format of formal plans. These priorities include development of infrastructure, of the water sector, as well as improvement of the health sector and strengthening of the education system. Another area of priority for the Eritrean government is regional integration of Eritrea into the politics of the Horn of Africa.
3. The government of Eritrea has recently signed several agreements with different UN agencies, including one with UNODC (United Nations Office on Drugs and Crimes). The purpose of the partnership with UNODC is interventions in three areas; Crime Prevention and Criminal Justice, Administration of Justice and Combating Transnational Organized Crime and International Cooperation.
4. The government is also seeking to strengthen the financial sector and is in dialogue with the World Bank and the International Monetary Fund (IMF). This form of technical assistance is reportedly being well received and especially IMF delegations have visited the country several times with the purpose of providing technical capacity to better national accounting skills.
5. One area which the source hopes to see strengthened in the near future is the generation of valid data and statistics. It is well known that it is challenging to obtain robust data in Eritrea, as exemplified in the Human Development Index (HDI) reports; for the Eritrean HDI reports it has been a problem to obtain the required data.
6. Another area where the source hopes for further development is within the field of human dignity and human rights. The government of Eritrea is familiar with the recommendations made within the framework of the Universal Periodic Review (UPR) and has accepted many of these recommendations. The government seems to recognise the UPR system, but at the same time considers human rights as something used for political purposes against Eritrea.

7. The source was aware of a programme, which shall address the causes and consequences of youth emigration co-funded by the Swedish and the Swiss government. This project is implemented through the National Union of Eritrean Youth. The project has not yet been fully implemented according to the timeline but seeks to improve the skills of young people so that they will find an alternative to migration.

### **National Service**

#### *Duration*

8. Asked about the current status of national service after the signing of the peace agreement, the source replied that they have no detailed knowledge of this topic. According to their understanding, the new situation of peace means that there should no longer be a compelling argument for the continuation of a high level of mobilisation, since the cost of national service lies on the government.

#### *Conditions and Salaries*

9. According to the source, there has been a raise in salary for conscripts of National Service. The source was not knowledgeable about the exact level of increase of salary or for whom it had been implemented.
10. The source was not aware of any changes in the material or physical conditions for conscripts of national service.

#### *Consequences of desertion or evasion*

11. To the best knowledge of the source, evasion or desertion is not taken 'lightly' by the government. The source was asked if the source has heard of the different forms of rough punishment, including detainment in shipping containers as well as in underground prisons in which the detainees are being deprived of daylight for a prolonged period of time, but indicated these allegations could not be confirmed.
12. Asked about the consequences for family members (parents, spouses or siblings) of draft evaders or deserters, the source answered that they had heard people claiming that there were consequences, but again this could not be substantiated.

#### *Exemption from national service*

13. Regarding exemptions for national service for different categories of people, the source indicated that it is said that pregnant women or mothers with infants may be exempted. They also noted that exemptions were dependent on how the individual had performed as well as on his or her grades.

### **Exit from Eritrea**

14. On the topic of exit visas, the source had little evidence-based knowledge, but commented that if a person leaves Eritrea without an exit visa the person has violated the law and could face difficulties

in case of return. It was further mentioned that these days there is increasing mobility, that one will see many people traveling by plane in and out of Eritrea, but that this is mainly women and old people, rarely young men.

## 7. Meeting with an international development organisation, b

### Interview, Asmara, 2 October 2019

#### *Development situation of Eritrea*

1. The source began by outlining the fact that access to factual knowledge about the situation in Eritrea is difficult. This is so because the government does not issue many statistics or censuses. The last Population and Health Survey (EPHS) for Eritrea dates back to 2002, and it has only been followed by a Population and Health Survey (EPHS) in 2010. The lack of census means that the size of the Eritrean population remains unknown: estimates about population size range from 3.6 million up to 5 million. The fact that the government holds back such information may be explained by the fact that any demographic development as well as the exact size of the population remains a highly politicised topic. However, the sources emphasised that the fact that the government has recently engaged in policy dialogue with the World Bank as well as with the IMF about the possibility of receiving assistance in the future might push the government to render a more precise estimate of the population size available.
2. In 2011, all international development organisations (NGOs) were asked to leave the country. This also included ECHO (European Civil Protection and Humanitarian Aid Operations). The only NGO which has remained operational in Eritrea until recently is Finn Church Aid and NRC. The departure of non-governmental organisations leaves very little room for civil society and constitutes a challenge for existing development partnerships. Access to the field needs to be approved by the government and there is never independent access to projects in the field.
3. Despite Eritrea being vulnerable to droughts and changing weather conditions which has a direct impact on agricultural production, and which leads to food insecurity, the government has not allowed specialised agencies to conduct any needs assessment. As self-reliance is an explicit value for the government, the government remains reluctant to accept humanitarian assistance and instead prefers development assistance channelled towards 'basic services'.
4. According to the source there is a Tigrinya newspaper six days a week, Arabic three times a week and English newspapers twice a week, three radio stations and two TV stations, which are all run by the ministry of information.

#### **National service**

##### *Duration*

5. According to these two interlocutors, there have been no observed changes in duration of national service after peace with Ethiopia has been declared. Both interlocutors suggested that now that the context of war has changed there would no longer be a necessity for prolonged service time and thus there would logically be room for reforms. However, up until now (October 2019), the length of service time was to their best knowledge 18 months or longer.
6. The sources were asked about whether the peace with Ethiopia and the ending of the 'no war, no peace' situation had led to the redeployment of forces from military to development work or from

one part of the country to another part, the sources mentioned that they had heard it announced that there should be less military at the borders, but up until October 2019 they had only heard that there had been a redeployment towards the border between Eritrea and Sudan.

7. The sources added that any reduction of service time would require meticulous planning in order to avoid chaos if large numbers of conscripts were demobilised all of a sudden. At present, the existing labour market would be unable to absorb the high number of people which would be in acute need of employment or of vocational training. Currently there is no private sector of any significance in Eritrea as per policy decision, and there is no free market for the regulation of prices. Even small shops can only be opened upon licence by the government and many prices are set by the government.

#### *Conditions and salaries*

8. When asked about whether there had been an increase in salaries for conscripts of national service, the interlocutors answered that there has been an incremental rise lately both in the military and for civilian national service personnel. The reported raise in payment has not been the same for all categories of conscripts.

#### *Consequences of desertion or evasion*

9. Regarding the consequences for a person who either evades or defects from national services, the sources replied based on anecdotal evidence that a high number of persons have not been enrolled into national service. The consequence for these individuals includes that they will no longer benefit from existing social services in the country and they will no longer be allowed to work at the formal job market.
10. According to the same source, the family of someone evading or deserting national service may have to pay, but this was not implemented in any consistent way. Even before the peace agreement, the paying of such a fine was often no longer demanded, according to this source. Again, this is based on anecdotal evidence.

#### *Exemption from national service*

11. Even if a person is demobilised the person can still be called in for People's Army.

#### *National service for returnees*

12. According to the source, based on anecdotal evidence, returnees must pay the two percent diaspora tax and sign a letter or apology if they wish to return to Eritrea. Having done so, they might be allowed to live in the country without being exposed to further harassment. However, the moment they may encounter the need to have issued any kind of official document, (e.g. a licence to open a private business or a small shop), the lack of having served in national service will constitute a problem for them.

#### **Exit from Eritrea**

13. The source mentioned that a number of Eritreans had recently returned from Libya. There had been limited monitoring of these returns, since interviews with the returnees had only been



conducted in the presence of authorities. IOM seems to be preferred by the Eritrean government as their partner regarding return over UNHCR.

## 8. Interview with an international development organisation, c

### Interview, Asmara, 28 September 2019

1. The source stressed that operating in the country was extremely difficult and many interventions by international organisations are not allowed. Information is difficult to access, people are often suspicious among themselves, and many things are not discussed openly. Being confronted with suspicions and accused of doing wrong by the authorities is not uncommon. Thus, the interlocutor emphasised that the context of the interview was sensitive and that he spoke with great caution.
2. Generally, people in Eritrea have information from TV, but they dare not speak out. In late 2018, when the expectations were high, people were a little more outspoken about their frustrations.

### National Service

#### *Duration*

3. Regarding the current situation of the national service, and whether the peace agreement between Eritrea and Ethiopia had in any way led to changes, including a reduction in length of service time, the interlocutor did not have knowledge about this.

#### *Conditions and salaries*

4. Regarding whether there had been any improvements or other kind of changes in the treatment of people in national service, including in physical/material conditions for conscripts, the source did not know much about this.
5. On the topic of any raises in payment paid to national service conscripts, the source said that it is difficult for any outsider to get exact knowledge about salary levels. The source noted that salary for conscripts were the same for all. To put the salary into context, the source explained that after the temporary opening of the borders, the price for teff, the staple used to produce injera (traditional flatbread), fell from 10,000 nakfa for 100 kg to 900 nakfa for 100 kg. Since the closing of the borders, prices had risen again and now 100 kg of teff costs 3,000 nakfa.
6. Asmara city had lived through a period of water crisis with shortage of supply in bottled water; the bottled water disappeared from the stores as well as from restaurants. This seemed to be the result of a number of these factories being shut down by the authorities, allegedly because they had not paid government taxes. For ordinary people this has led to severe water supply problems in terms of shortage and low water pressure. For a period of time, water had only been made available once during the month.

#### *Consequences of desertion or evasion*

7. The interlocutor was asked whether he had any knowledge of any changes in the way the authorities handle desertion and evasion but answered by the negative.

*Exemption from national service*

8. Regarding exemptions from national service, the interlocutor knew that people who were unfit because of medical conditions were exempted. The same was the case with pregnant women. The source did not know whether the signing of the peace agreement with Ethiopia had led to any changes in categories of people who might be exempted from national service.
9. Asked about returnees, who have previously evaded draft, the interlocutor answered that he had no factual knowledge about how they will be treated by the authorities. This remains a very sensitive issue which is not openly discussed.

**Exit from Eritrea**

10. On the topic of the possibility to be granted an exit visa, the interlocutor noted that this was only possible for individuals with a certain rank, working for the government as well as for individuals working for the UN or for international humanitarian organisations. If they wish to travel abroad they must submit a written application to the authorities and then they may be granted an exit visa for the duration of one month.
11. The source had no knowledge about the current status or level of implementation of the so-called 'shoot-to-kill' policy.

**Entry into Eritrea**

12. The two percent diaspora tax, which should be paid by returnees, remains the same, according to this source. To the best of the knowledge of this interlocutor, 'the letter of regret' (the repentance letter) should still be submitted by returnees, albeit he had never seen one.
13. According to this source, members of the diaspora who return voluntary to Eritrea via the airport and equipped with the proper visa, they do not have any problem and can move around freely. Diaspora members are distinct because they speak English, dress differently, can afford a different life style than the average Eritrean citizen, for example by going to certain restaurants.
14. The source had no knowledge of the sort of people who are returned to Eritrea against their will, including people who might be failed asylum speakers, as no humanitarian organisation is allowed to visit people in prisons or in camps. The source also confirmed that whereas some humanitarian organisations had on occasions been granted the right to move outside of the 25 km perimeter of Asmara, other organisations – for example the Catholic Church and its humanitarian activities – had experienced a restriction in its room of operation.

## 9. Interview with an international organisation

**Telephone interview, 23 October 2019**

### **Introduction**

1. The interview began by a brief outline of the current situation for civil society organisations in Eritrea. Eritrea is governed by an authoritarian regime which restricts the operational space for those NGOs, and for the past years the space for civil society has been shrinking. The measures of control include granting or denying entry to international staff and exit visa to national staff. International NGO staff might face challenges on project implementation and monitoring if they do not have the necessary permits and visas, which has been the case lately.
2. The authorities of Eritrea have expressed an interest in strengthening the vocational training system with a view of reforming the national education system. This should enhance the technical skills of young people and help them access employment and create more jobs. An important part of this vocational training takes place at the Massawa Vocational Training Centre.<sup>250</sup>
3. After the peace agreement in the summer of 2018 everything seemed moving in a positive direction, and there was a lot of hope of change among people in Eritrea. However, only a few months later, the situation changed in a negative way and the disappointment created frustrations among people.

### **National service**

#### *Duration*

4. This source had no knowledge of any changes in the duration of service time but was familiar with a rumour about a graduation ceremony attended by President Afewerki in which it was announced that service time would be reduced to the statutory 18 months but in subsequent speeches the president has abstained from following up on this announcement. After the peace agreement with Ethiopia, everybody in the international community as well as among Eritreans waited for a message by the president about reforms of national service but nothing has been said. Since then, members of the government seem to be afraid to address this topic since they were unsure of the president's position.

#### *Conditions and salaries*

5. There had been indications about changes of the general conditions under which conscripts serve during national service. According to this source the government is interested in enhancing vocational training of conscripts of national service to enlarge the pool of skilled labour in the

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<sup>250</sup> All Africa: Eritrea: Vocational Training Provided to 158 Youth, 25 February 2019, [url](#)

country. This could be a first step towards shortening the duration of national service and would also contribute to a strengthening of the national economy, which is currently in a dire situation.

6. The interviewee stated that the authorities have strengthened the surveillance of conscripts of national service lately so that they now have to report up to four times a day to demonstrate that they are physically present at their assigned duty station (their work place). This has worsened their economic situation because it hinders them in attending to their alternative jobs (outside of national service assigned jobs).
7. When asked about the announced raise in payments to conscripts of national service, the source answered that they had not heard about that, although over the years there have been some positive salary developments, i.e., in the education sector.

#### *Consequences of evasion and desertion*

8. Regarding consequences of desertion or evasion for people in national service the interlocutor had no knowledge of any changes.

#### *National Service for returnees*

9. The source had not heard of returnees getting exempted by way of paying a fine. According to this source there existed no established rules or practices in this regard.
10. The source believed that returnees would risk being called to serve in the People's Army. The source informed that members of the People's Army are equipped with weapons that they keep in their homes. A few months after the peace agreement, a huge number of weapons had been collected from people. Later on, there were rumours that weapons were being handed out again.

#### **Exit from Eritrea**

11. Immediately after the peace agreement, Eritreans left the country by thousands through the Ethiopian border, which was open for the first time in 20 years. To the best knowledge of this source, an exit visa is not required to Ethiopia but the land border is closed. By flying it is still possible to leave to Ethiopia without an exit visa. It was, however, the experience of this source that control was less strict than before and that people and goods now cross the border freely without the required papers (exit visa or ID-card) if the guardian on duty chose to turn the blind eye to the person trying to escape. The source did not know the exact situation but explained that at times it is possible to cross the border to Ethiopia if the guards allow. However, the source knows that many people do not want to take the risk that guards may not allow this and cross a border to Ethiopia in non-surveilled areas. The Sudanese border is closer to Europe, and Sudan is hosting a large camp which may have family members etc. for the people who choose to cross this border.
12. Regarding the shoot-to-kill policy, it was difficult for the source to come with any affirmative statement. According to their knowledge, the Sudanese border was increasingly militarised and if

shooting would take place it was more likely to be at the Sudanese border. However, shooting at the Ethiopian border could not be entirely excluded.

### Entry into Eritrea

13. According to the source, the Eritrean government is increasingly seeking to attract diaspora members to return to the country. The financial situation of the country has deteriorated after years of international sanctions, internal restrictions and scarce foreign exchange<sup>251</sup> and the economy is now in stagnation. The government hopes that the diaspora members could boost the country's economy by bringing foreign exchange to Eritrea in addition to the cash that they already send to their family members and through diaspora tax paid through the embassies. Therefore, the government is targeting educated diaspora members – assumed to be financially well-off – through a new website seeking to motivate them to voluntarily return. This website had not been launched at the point of this interview but the source suggested that it was in process of being developed, and that it seemed to be a priority for the senior leadership of the country.
14. Some elderly Eritreans, who have resided in USA, have returned to Eritrea without facing any problems by the authorities, according to this source. They are perceived as legal returnees. The source was not certain how younger individuals would be treated upon return to Eritrea but opined that it was likely to depend on how they had left the country and in what way they returned.
15. The source was aware of a small number of persons being returned to Eritrea from Libya and informed that these returnees had been handled by the government alone, and that no international organisation had been granted access to this group immediately after their return to Eritrea. The source had heard that after one night they were granted access to meet them.

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<sup>251</sup> IMF : *IMF Staff Completes 2019 Article IV Mission to Eritrea*, May 22, 2019, [url](#)

## 10. Interview with an international human rights organisation

**Skype interview, 22 October 2019**

### **National Service**

1. The two interlocutors informed that according to their information there had been no changes to the length of national service. Following the rapprochement between Ethiopia and Eritrea, there had been hopes among the Eritrean population of changes to the practice of extending the national service beyond the 18 month statutory limit. The sources mentioned a recent article, where the Minister of Foreign Affairs Osman Saleh Mohammed had been quoted for saying that the risk against Eritrea is now significantly different, but that release from national service can only happen after the Eritrean economy has been built up in order to absorb the released conscripts. But, to their knowledge, so far nothing has happened, and national service remains unchanged.<sup>252</sup>
2. The interlocutors had not heard of any recent improvements in conditions for conscripts, neither in the military nor in the civilian part of national service.
3. Regarding consequences of desertion and evasion, the sources were not aware of any recent changes. The sources had heard of persons, who had been detained for extended periods because of their family members' desertion or evasion from national service. They also referred to the fact that people leaving Eritrea would often do so by irregular routes, partly due to fear of retaliation against family members in Eritrea in case it became known that they had fled the country.
4. The sources did not have information indicating that rules or practices regarding exemption for national service had changed.

### **Exit from Eritrea**

5. According to the sources, an exit visa is still required to leave Eritrea. The sources were not aware of any changes to the requirements for being granted an exit visa.
6. The sources were not aware of changes regarding the rules or practices around the repentance letter or diaspora tax and recalled that the diaspora tax is an important source of revenue for Eritrea.

### **National service for returnees**

7. The sources had limited information on the risk for returnees of being redrafted but assumed that this could not be ruled out. It was considered that a returnee would most likely be questioned by government officials upon return to Eritrea. According to their information, some returnees were released shortly after such questioning, while others might remain detained.

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<sup>252</sup> TesFaNews: *Interview with FM Osman Saleh: Limiting National Service*, 18 October 2019, [url](#)

## 11. Interview with Human Rights Watch

### Skype interview 19 September 2019

*Interview with Laetitia Bader, Senior Researcher, Africa division, Human Rights Watch (HRW)*

#### Introduction

1. The point of departure for the interview was the Human Rights Watch (HRW) report “They Are Making Us into Slaves, Not Educating Us”: How indefinite Conscription Restricts Young People’s Rights, Access to Education in Eritrea’, published in July 2019.<sup>253</sup> The findings in this research are based on interviews with Eritrean refugees and asylum seekers, mainly students and teachers, arriving to Italy irregularly. HRW does not conduct research inside Eritrea given the restrictions on human rights work in the country and serious concerns with the protection of sources inside the country. Laetitia Bader (LB) has conducted research about the human rights situation in the Horn of Africa for the past eight years. Her main focus has been on the situation in Somalia but since 2017 she has been increasingly engaged in research on the situation in Eritrea.
2. LB noted that according to their knowledge, the number of people leaving Eritrea has not been reduced since the signing of the peace agreement.

#### National Service

##### *Conditions*

3. HRW informed that there had been no changes at all in the length of service time. National service is still indefinite. Reference was made to a statement by the Minister of Information noting that Eritrea remains confronted with a high level of animosity, and that the indefinite national service is therefore still needed. The source further informed that even in August 2019, after the signing of the peace agreement, thousands of school students, most likely including children, had – as in the previous years – been taken to the military training centre in Sawa to complete their final year of secondary school and compulsory military training.
4. HRW informed that to the best of their knowledge, there has been no significant numbers of discharges from national service and discharge remains arbitrary and very limited. There were no signs of change in the set-up of national service following the signing of the peace agreement.

##### *Conditions and salaries*

5. HRW had interviewed a former government official who had fled after the signing of the peace agreement. This person described a meeting of local/ regional education authorities where it had been stated that the government needed more teachers, indicating that more teachers had fled the country following the signing of the peace agreement. Referring to this statement, as well as to other interviews, it seemed that when conscripts were assigned to a position as a teacher – after

<sup>253</sup> HRW: “They Are Making Us into Slaves, Not Educating Us”, August 8, 2019, [url](#)



Sawa including military training and college studies - they would after a while of teaching realise that they would not be demobilised as they may have expected. HRW stated that despite the fact that a teaching position may be a more attractive assignment for a conscript, he or she still would have no choice over geographical location of their duty station and thus might be placed far away from their families. And key is the fact they cannot leave their teaching jobs, have very little chance to be discharged and the lack of freedom over their future. This may explain the high number of teachers fleeing Eritrea.

6. HRW had information suggesting that there has been an increase in salary levels for certain categories of employment within the national service, e.g. for teachers. However, at the same time taxes and living expenditures have increased. For further information on the salaries during national service reference was made to the above-mentioned 2019 HRW report.

#### *Consequences of evasion or desertion*

7. HRW was not familiar with evidence proving that rules and/or practice regarding punishment for desertion or evasion had changed. During their research on national service and secondary education, they interviewed both former students and teachers who had been arrested, detained for around 6 months in dire conditions, some subjected to mistreatment, after trying to flee the country. One conscripted teacher was sent into military service upon release, another was sent back into teaching, but this time with no pay whatsoever. The interlocutor saw no reason to believe that there had been any such changes.
8. Based on the reactions from the authorities, HRW was certain that desertion and evasion are perceived as acts of political opinion, adding that any action that is in any way perceived as critical towards the government is considered as an act of opposition. The source found no reason to believe that this had changed since the signing of the peace agreement.
9. Asked about the possible consequences for family members, HRW informed that when a person evaded or deserted national service, their spouses might be requested to replace them regardless of the fact that married women with children were in theory often exempted from national service.
10. If a person evading or deserting are still believed to be in the country, the family risks reprisals. In some examples documented by HRW the risk was greater than once the person had fled, HRW gave the example of a grandmother who had been imprisoned when her grandson deserted, but when he apparently fled the country, she had been released.
11. HRW emphasised that the organisation only had limited recent information about the risk of consequences for deserters or evaders, including the risk of consequences for family members of deserters and evaders. However, the source reminded that harassment and arbitrary detention were common.

#### *Exemption from national service*

12. HRW had no information suggesting that rules and/or practices regarding exemption from national service had changed. Married women with children benefit from de facto exemptions but this is

not definitive. Exemption is arbitrarily implemented, and often also dependent on possible connections within the ruling party. Falsified documents are reportedly on occasion used to achieve exemption.

13. HRW informed that corruption is in fact more prevalent than what is usually reported on Eritrea. The source provided an example of such corruption from children's summer work programmes: Children of a certain age must participate in work programmes on government sites during summer, which is also the time where families need the assistance of their children to farm their land, etc. If children do not participate in these work programmes, they are not able to advance to the next level in school. However, by paying a bribe, parents are often able to get their children into the next class even if they did not participate in the summer work programme.

#### *National service for returnees*

14. HRW had limited recent information on the topic of the risk of being drafted into National Service for persons, who have been abroad for a prolonged period of time and who return to Eritrea. However, the Human Rights Watch researcher knew of one recent example of an Eritrean man who had been in Sudan for a prolonged period. This person had paid his two percent tax before he returned to Eritrea to get married. After arriving in Eritrea, he was arrested, and his wife whom had been granted an exit visa ended up leaving the country without him.
15. Asked about the topic of re-conscription, the interlocutor had heard of this, including re-conscription of elderly persons notably into local guard militia.
16. HRW is generally concerned about the situation for returnees. According to their information, arrest is often the first step before the person will be enrolled in National Service or the People's Army. The consequences depend on what suits the government best.
17. The Human Rights Watch researcher noted that the People's Army mainly consisted of men over the age of 50. Even teachers are expected to contribute to local guards occasionally, but they sometimes manage to arrange for someone else to replace them.
18. Asked about the possibility for persons returning to Eritrea of being exempted from National Service after having paid a fine, Human Rights Watch researcher had no knowledge about this topic.
19. HRW had no recent information on the extent to which national service is used by the authorities as a punishment for illegal exit from Eritrea upon return for persons who have not previously served.

#### **Exit from Eritrea**

20. Asked about changes in the rules of legal exit, including possible changes in the period given in exit visa, and possible punishment for violations of the given time in exit visa, HRW referred to the period when the borders were open during late 2018. During this time the exit visa requirements were temporarily lifted.

21. HRW had no certain information about punishment for violations of the given time in an exit visa but believed that there had been no recent changes regarding this. The source knew of a teacher who had served time in an underground prison after an escape attempt in early 2018.
22. HRW had no information about any changes concerning diaspora tax or the repentance letter.

#### **Entry into Eritrea**

23. HRW had been informed that some Eritreans, who had left the country temporarily to visit family in Ethiopia and returned during the period where the borders were open, that they had been informed that they were now registered on a list and monitored by the government.
24. HRW had no information on how persons being returned to Eritrea against their will since the peace agreement and possibly suspected of being rejected asylum seekers were treated by the authorities.

## 12. Meeting with a researcher, Dr Tanja R. Müller

### Interview, Manchester, 11 October 2019

*Dr Tanja R. Müller holds a position as a Reader/Associate Professor in Development Studies at the Global Development Institute, University of Manchester. She has conducted extensive research within the field of anthropology of development and international political economy for the past 15+ years. She has published books and articles on African politics including numerous articles on citizenship, political resistance and human rights based on her field work in Eritrea.*

### Sources of information

1. The interview began by Dr Müller describing her research experience with Eritrea where she did her PhD (but which she visited as a journalist from 1995 onwards various times). She has spent one year as a researcher at the then University of Asmara<sup>254</sup> in the academic year 2000/2001 and has visited the country continuously since then; the last time in May 2019. The focus of Dr Müller's research in Eritrea is people's aspirations for a better life and how governmental ideas of development and citizenship foster and shape these aspirations. Her research methodology is repeated ethnographic interviews and observations. From her stay at the University of Asmara, this researcher has come into contact with a diverse group of 12 higher education students whom she had maintained contact with over the years as well as with their families. With time, this cohort has developed in diversified ways and now consists of very differently positioned people: one of the members of the cohort are still in Eritrea, still working in the higher education sector, some have left; some by officially illegal means. In addition to this core group of people, she adds new people to her group of interviewees. She characterised her approach to data collection as a bottom-up approach in which she strives to interview more people on the ground rather than with the elite. She does, however, also interview people in the government which she finds are doing 'an interesting job' and who she finds to be important interlocutors.
2. According to Dr Müller, she has come to occupy a position within the scholarly studies on Eritrea where she at the same time has been quoted by the Eritrean government because the government found that she described the country favourably, but she has also been subject to criticism by the same government. A person from the Ministry of Information wrote a personal, intimidating article about her. She has, however, up until now (October 2019) never been denied a visa to Eritrea so she has been able to enter the country, stay in Asmara and also move outside of Asmara to conduct her research activities.
3. During the interview, Dr Müller reflected on the dynamics of Eritrean diaspora communities as she has come to know them in Europe and the US. She noted that the diaspora community is characterised by many internal dynamics and disagreements and is divided by ideology, religion

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<sup>254</sup> This university has since then stopped enrolling students and has been reconfigured into other kinds of tertiary education institutions.

and ethnicity. This polarisation, sometimes between people, who come from different villages in Eritrea, is carried on in the diaspora.

4. Dr Müller emphasised that it is difficult to get a clear picture of the situation in Eritrea – from the impact of the peace agreement to the veracity of reports about rainfall and droughts, because it is difficult to collect enough information that can be properly triangulated from three different sources. The rule of having information confirmed by at least three independent sources is difficult to apply.

## **National Service**

### *Duration*

5. According to Dr Müller, the length of national service is as it has always been: some people are released even after 18 months, in particular those who have a degree, others after two to three years, and some never. The main problem remains the lack of clarity and rules. So, if you are lucky you are released, and if you are unlucky you may never be released. The situation is now so that some people may just leave and not much seems to happen to them. However, they will be unable to get an official job but will have to rely on finding a job outside of the official sector to maintain a living.

### *Conditions and salaries*

6. According to Dr Müller, the food that conscripts of national service get is not necessarily worse than the food intake of the general population. They live under conditions which mirror the normal living conditions of the general population. Life is harder for those assigned to urban areas because of the high costs of living conditions in the cities. Right after the opening of the borders, everything became much cheaper; by May 2019 prices had increased again to 'something in between' of what they were before and after the signing of the peace agreement.
7. When asked about whether the signing of the peace agreement between Ethiopia and Eritrea has brought about any changes in the level of salaries, Dr Müller answered that to her best knowledge people in national service have started to be paid according to their formal qualifications. Before national service recruits were only paid 'pocket money' or stipends but now different professional groups were paid according to a pay scale based on their educational level as measured by their diplomas. This seemed partly connected to the peace agreement but has started before in some cases, thus there does not seem to be a clear causal link. She was uncertain whether this new practice had been implemented fully across the country, but it should be implemented 'at least' in the urban areas. However, she added, it is not the fact of receiving a salary which is the most important factor for everybody; some people are more concerned about being released from National Service so they are free to do something else.

*Consequences of desertion or evasion*

8. Dr Müller had personal knowledge of daughters and sons of acquaintances who had been caught outside of their assigned duty station and who had been in prisons. Some had been imprisoned for three months and others for half a year and others not at all. Consequences may depend on the individual commander and on the individual behaviour of the deserter or evader. The consequences they have faced do not seem to be guided by any form of logic. Furthermore, in the absence of the rule of law it may be possible to offer a bribe to the direct commander and then face milder consequences. She found that consequences are arbitrary. Some people had been able to spend years ‘under the radar’ without being exposed to any significant trouble. They avoid trouble by using their knowledge about where ‘giffas’ (round-ups) will take place so that they can stay away from these areas. Other people have been caught and had then spent a night, or two to three nights, at a police station before being let to go, either back to their duty stations or simply released and then often disappeared under the radar.
9. When asked about any possible consequences for family members (parents, spouses, siblings) whose relative had been involved in desertion or evasion, Dr Müller answered that this practice (to expose family members to negative consequences) had more or less been abandoned. Initially, the family had been asked to pay an amount of money, but she had not heard about this being requested for quite a while.
10. When asked about to which extent desertion or evasion is perceived as an act of political opinion by the Eritrean authorities, Dr Müller found that this is rarely the case. In the eye of the authorities, people who evade or desert and leave the country are rather seen as victims of human traffickers or lured by foreign countries than as people with strong political convictions.
11. Regarding the conditions of imprisonment, Dr Müller noted that it is difficult to know about existing prisons in Eritrea and the number of people being incarcerated. She was sceptical of data provided by Amnesty International on the basis of satellite photos because she found that this organisation also has an agenda, which stood in the way for a clear description of the situation on the ground. The information she had got from people who had been incarcerated was that it had been crowded and unpleasant but not in a life-threatening way. Thus, the people she had talked to had had different narratives than those you find in COI reports.
12. When asked about why the Eritrean government resists any request by foreign observers to visit prisons inside Eritrea, Dr Müller answered that since the liberation the official line in Eritrea has been that prisons in Eritrea is an internal affair in which no foreign element should interfere. This mind-set also applies in the case of political prisoners. In the eye of the government people in prisons are ‘traitors’, and it is not the business of the West to interfere. Thus, according to this researcher, the lack of access to prisons for foreign observers should not automatically lead to the conclusion that the government has something to hide, rather that they resist interference by the outside world. However, she also added that this does not mean they have nothing to hide.

13. Dr Müller knew personally of people who had been detained in shipping metal containers in settings where shipping containers are more generally being used as living spaces.

#### *Exemption from national service*

14. According to Dr Müller, there are officially no exemptions from national service. Some high profiled people put an honour into demonstrating how their sons and daughters serve, but nevertheless a lot of people who are well-connected manage to not do national service, still without being officially exempted. They will be officially assigned to an office in Asmara and then fail to show up without any consequences.
15. People with a high level of education (those people with a degree from a college – or what used to be the university level) used to be assigned to teaching ‘for ever and ever’ but according to Dr Müller that practice has partly stopped. She was sceptical about the 2019 Human Rights Watch Report on teachers,<sup>255</sup> which according to her was not informed by any new data. People, who are in the system and have been so for years, are, according to this researcher, the unlucky ones, who will remain on their original postings, whereas the newly recruited are likely to have an easier life in the sense that they are paid, but not completely free to take a new job as they are still part of national service.
16. Some people may get a paper certifying that the person has fulfilled their requirements to the national service. This means that the person may have i) freedom of movement within the country, and ii) may apply for an exit visa to visit family abroad and then be likely to be granted such an exit visa. These persons are also employable without their private employer risking getting into trouble for hiring them.

#### *National service for returnees*

17. Dr Müller was not personally aware of anybody being forced into national service when they came back to Eritrea, but those she knew had also returned legally and voluntarily. Legally, under Eritrean law, authorities can assign people, who have not fulfilled their national service before leaving the country, to come back to national service.

#### **Exit from Eritrea**

18. According to Dr Müller, the borders are not militarised anymore, and this is an effect of the peace agreement with Ethiopia. She was sceptical if the ‘shoot to kill’ policy had ever been implemented. It is now possible to cross the border on foot.
19. The length of an exit visa remains one month. Currently, more exit visas are granted to people who wish to visit relatives in Ethiopia. To the great surprise to many, exit visas are now being granted to

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<sup>255</sup> HRW: “They Are Making Us into Slaves, Not Educating Us”, August 8, 2019, [url](#)

whole family units for visits to Ethiopia. Many families have benefitted from that lately, have gone to Ethiopia and have later returned to Eritrea.

### **Entry into Eritrea**

20. People who sign the letter of repentance and pay the two percent diaspora tax do not face problems when they return to Eritrea. Formally leaving without an exit visa is punishable but the government of Eritrea appears to be more interested in the diaspora tax. Members of 'the old diaspora' who return after having spent a considerable amount of time outside even before liberation, bring in a substantial amount of financial resource to the country and the government treats them well. This is well known in the diaspora, so people who wish to return will organise themselves so that they fulfil the requirements to be left alone. Though people in opposition would not return.
21. The Eritrean authorities do not accept people who do not return voluntarily, so asking about how the authorities may treat failed asylum seekers who are deported against their will is a nonsensical question, since such a person never will be allowed entry.



## 13. Meeting with a consultant, Ruby Sandhu

### Interview, London, 10 October 2019

*Ruby Sandhu is a London-based retired senior lawyer and an accredited facilitator and mediator. She specialises in business and human rights and she also teaches and assesses mediation at a leading school in London.*

#### Introduction

1. Ruby Sandhu has worked on Eritrea since 2011. She founded a working group, Business Ethics and Sustainability with an NGO<sup>256</sup> that she is Vice Chair of. She has worked with multinationals in Eritrea including with Nevsun Resources Limited which was recently bought out by a Chinese government-owned mining company.
2. In 2014, Ms Sandhu undertook a self-funded mission to Eritrea and published afterwards a paper in December 2014 entitled: *Eritrea through the lens of nation building, business ethics and sustainability*. The purpose of the paper was to offer a holistic perspective on development in which social and economic rights, nation building and sustainable development were fully included in any discussion on Eritrea. Ms Sandhu stated that one should not focus only on individual civil political rights in Eritrea without looking at economic, social and cultural rights and the country's ground reality and context. Otherwise it creates distortions and violates the principle of Do No Harm which all activists should abide by. She has written extensively on this subject.
3. In addition to her NGO-work including with other international NGOs, Ms Sandhu has worked with the UN on three missions, with the International Labour Organization (ILO). As a consultant, Ms Sandhu has worked on mandates regarding the 'The Future of Work in Eritrea' and preparations for the signing of the instrument of ratification of the Worst Forms of Child Labour Convention (Convention no 182), in Eritrea and the design of country programmes in Eritrea to assist the government of Eritrea in protecting its people against the worst forms of child labour, including forced labour and through human trafficking.

#### *General remarks on Eritrea and the current debate about the country*

4. According to Ms Sandhu, activism on Eritrea is an emotive issue. The diaspora has been polarised, either pro or anti-government and within families.
5. Ms Sandhu's work with the country is solution orientated. One of the government's key priorities is to address the scourge of human trafficking which is luring the youth from Eritrea. It is therefore all the more important to work on infrastructure and country development to reverse the brain drain from Eritrea. The literacy rate is very high in Eritrea and it is laudable what the government has

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<sup>256</sup> Webiste: RS Collaboration, [url](#) and [www.sihrg.org](http://www.sihrg.org)

achieved with limited Eritrean resources to provide free secondary, university education and health care.

6. The Director of the Eritrea Ireland Development Partnership said “..[their] programmes including government and non-governmental Partnership agencies are expanding across agriculture, energy, water and finance. The key [to understand] in Eritrea is to respect local ownership, parity .. and once trust is established, overseas partners can do so much and benefit so much from Eritrea’s unique self-reliance ethos and bottom up development model. Those who talk about Eritrea should be wary of clichés coming from vested interest but rather engage directly and learn of the remarkable value system which made and maintains Eritrea’s sovereignty”.
7. According to Ms Sandhu, young Eritreans are misusing the asylum systems as an easy access to the West and the UK. These persons dare not come forward or provide an alternative perspective of the ground reality as they risk losing their refugee status. Furthermore, the ease of access of asylum in the UK in the past meant that genuine human rights and refugees cannot be discerned from the mass of refugees from Ethiopia and other neighbouring countries with human rights violations and others who are economic refugees. With regards to the latter many young Eritreans and others will use the ease of the asylum laws to obtain refugees status to the West and thereafter voluntarily pay the Eritrean Rehabilitation Diaspora Tax and travel to Eritrea without any fear of repercussions. This is the impact of the “push and pull” policies of the West which have created the brain drain from Eritrea. This is evidenced by the recent drop in numbers of Eritreans seeking asylum as the policies have become less favourable. The situation is complex.
8. Ms Sandhu stated such migration patterns are common the world over. Every country has human rights issues, however to tar Eritrea with a broad brush is disingenuous engagement and / or subversive activism. It is a war-ravaged country and we must support the government’s development efforts if we want to address the root cause of economic migration.
9. According to Ms Sandhu, there has not been a balanced discussion on Eritrea. Ms Sandhu stated that an array of perspectives, opinions and voices needs to be heard on Eritrea and added that she did not think that Human Rights Watch and Amnesty International were NGOs providing genuine factual accounts of the ground reality in Eritrea. Furthermore, many of the activists and NGOs have not set foot in Eritrea or for a period of time which leaves much of their activism questionable. The source opined that the closest comparison of Eritrea should be with Cuba, not North Korea although Eritrea like any other country does not appreciate comparisons and should be understood through its unique journey, historical context and ground reality and not sensationalised narratives.
10. According to this interlocutor, and as evidenced in the many visits to Eritrea, the model of development is sustainable, measured, considered and egalitarian. The Eritrean approach is that when every single Eritrean fought for the country’s liberation then each and every individual is to share in the country’s wealth. As per the SDGs “no-one should be left behind”. So a development model where disparity of wealth is created is not a viable development model that the government

wants to replicate in Eritrea. Eritrea is of our time in the context of climate change and the need for ethical sustainable development and in addressing the wealth and gender divide.

11. Ms Sandhu does not rely on western journalists to provide an honest appraisal and account of the ground reality in Eritrea. Instead she has witnessed journalists experience the ground reality in Eritrea and then at the behest of their editors rehash sensationalised narratives. It is a sad indictment of our free western press. She responded to one such journalism by CBC the Canadian broadcasting programme – the fifth estate in an article she wrote “Deconstructing CBC’s fifth estate article on Eritrea”.<sup>257</sup>
12. Ms Sandhu has over the years met with and had extensive discussions with the former German ambassador’s wife who spent a lot of time with President Isaias when she was working on crop and farming projects in Eritrea. She was happy to be quoted and referred directly to her meetings with the President and witnessing him working in the fields and on dam projects. She referred to the President as an individual who was matter of fact, without pretensions, lived a modest life and as evidenced in his abode, a small two bedroom house that Dr Abiy, Prime Minister of Ethiopia visited during the peace process. The source added that when people describe the president with the word ‘dictator’ it created a toxic narrative and a mind-set, which is not true.
13. When asked if there was any opposition within Eritrea, the source replied that there is no intelligent, fact-based opposition. She was dismayed at the tactics deployed by the activists in the UK including the failure to provide context, ground reality thus creating distortions and in many situations outright mistruths which snowballed into false narratives. She feared whether such activism had any genuine interest in Eritrea, its development or its people, instead it was fuelled by regime change / self-interest agendas. This was evidenced by their failure to engage in open public forums and more importantly shutting down any other perspective. Therefore, it was the opinion of this interlocutor that the activism was regime change with no alternative viable solution for the country’s development. This had dangerous consequences. Furthermore, the opposition was fractured and disaggregated. And importantly it was difficult to engage on genuine human rights violations as the narratives were so sensationalist and many times devoid of real facts.
14. The source mentioned that the media had made reference to a Muslim cleric who had been jailed for carrying out religious duties. When in fact this was not the case, as he was inciting extremist views. Eritrea is a secular state and in this regard, religious organisations must register to operate inside of Eritrea and to ensure that foreign entities are not funding subversive / disruptive activities in Eritrea. When institutions such as the Pentecostal Church or the Jehovah’s Witnesses do not comply with Eritrean law then there are ensuing legal consequences. So, it all comes down to these organisations not complying with the Eritrean law. It has nothing to do with freedom of religion. Registration is required with the Department of Cultural and Religious Affairs in Eritrea.

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<sup>257</sup> RS Collaboration, *Sensationalised Journalism: Deconstructing CBC’s fifth estate documentary on Eritrea*, October 16, 2018, blog post, [url](#)

This registration requests information on foreign funds, official constitution, memorandum and workings of the organisation etc. And of course, failure to comply with the law has consequences.

15. By contrast, Ms Sandhu noted that there are strong civil society organisations in Eritrea and as an example she mentioned the National Union of Eritrea Women which she characterised as a very strong, dynamic, progressive and active organisation that carried out a lot of important work including the fight against female genital mutilation (FGM). Also, the National Confederation of Eritrean Workers, a union standing for worker's rights has over the years carried out exemplary work on ensuring worker's rights.

### **National service**

16. When the national service was launched in 1994, there were 4-6 months of military training and then 18 months of civil or military service. Since 2003 students going into year 12 (around 17/18 + years of age) spend that year studying in Sawa which includes 3-4 months of military training. Thereafter they will either join depending on their grades: (i) vocational training (1-2 years) or (ii) college (university/higher education – (2-5 years and 8 years for medical)). Only after this do students join the national service. So, the minimum age for national service will be 18 years and not younger.
17. The source opined that there had been reforms on the length of national service, discussions at government level reducing the term to 18 months. However there has not been a formal public announcement on this.
18. As to national service salaries, in 2019 Ms Sandhu went as a consultant with the ILO to Eritrea, where she met with a young gentleman, who was promoted to acting director of the National Confederation of Eritrean Workers (NCEW). This gentleman said that he was getting a salary that was higher than what his seniors were getting and who were older, experienced and senior than him at the NCEW. This was due to *the new change*, which means that there has been an increase in the amount for the youth to incentivize them and avoid the brain drain.
19. According to this interlocutor, the bigger issue surrounding national service is demobilisation. The key challenge is whether Ethiopia fully complies with the EEBC ruling and removes troops from the border to Eritrea. The source opined that this was not the case, and that certain TPLF factions within Ethiopia still pose a threat to Eritrean national security, which is why the government cannot demobilise people as well as the need to create infrastructure to support the demobilisation process and engage in purposeful work.
20. International organisations including the ILO can play a role working with the government of Eritrea to create country programmes for jobs for the youth and to assist the demobilisation process.
21. Women who had reached the age of 27 can be demobilised if they have been married or if they have a child. This is again something that needs to be studied more from within Eritrea. Furthermore, an individual with health issues will not be drafted.

22. According to Ms Sandhu, Sawa and national service does not match the sensationalised narratives as stated by activists. The son of British Irish Eritrean nationals is currently undertaking national service. The parents were delighted and said “we are so glad our son has gone to Sawa and [he] will get a life-changing experience, discipline and values. He is hugely enjoying the camaraderie and culture of teamwork and sharing. We have no fear for him staying [in Sawa] as with consolidation of the peace we expect the duration to revert to the original 18 months”.
23. Furthermore, she has heard directly of British Eritreans who have experienced national service and refer to it as a life changing and positive experience. The former German ambassador’s wife made an unexpected and unannounced visit to Sawa and supplied photographs of what she saw and experienced in Sawa. Ms Sandhu has seen these photographs and confirms that it does not match the general and sensationalised narrative supported by anti-Eritrea / government activists.

#### *Consequences of evasion and desertion*

24. According to Ruby Sandhu, people were moving out of Eritrea during the border war 1998-2000. The Eritrean government saw this action as treason and where individuals were drafted in to the national service programme when the situation with Ethiopia was on a war footing and as a consequence hereof these Eritreans were not able to get an Eritrean ID, passport, power of attorney, business license, DBS or land in the village they came from. Culturally the latter is very significant. However, most people who left did not have property or money. However, the family would be prohibited from joining the deserter. It was the opinion of this interlocutor, that all this has now been relaxed. The official Government protocol was that when individuals are deserters – they are not allowed to obtain an Eritrean ID or passport. At that time, naturally it was considered treason. It is important to clarify the distinction as between whether the Government believes that these individuals should not be able to obtain Eritrean IDs because they are deserters with compliance with the list of government / consular services which provide for processes regarding deserters.
25. It is to be noted that even if there was the crime of treason – there were no martial courts in Eritrea for such desertion and so a separate list was created on the rights that would be withheld from the deserters referred to above.
26. Since then, further Immigration Proclamation issued provide for a relaxed government policy as the individuals are seen as leaving for economic reasons and not political ones.
27. If an individual then wishes to return, having left for economic reasons, which the government of Eritrea will not be able to examine, an Apology / Regret Form will need to be completed. There are Eritreans that have migrated because of many reasons that may not fall under economic or political reasons but still wish to return. A distinction has to be drawn between those Eritreans wishing to return to Eritrea to live in Eritrea or simply just to visit. If the individuals are returning just for a visit or as dual nationals, they are not allowed to obtain business permits and anyone who leaves the country illegally (whether they return to Eritrea to live as dual or Eritrean nationals),

they cannot obtain land from their village of origin, which is given to Eritrean nationals free of charge. However, they are permitted to buy properties/land anywhere in the country including their village of origin. So essentially, if they want land in their village of origin, they will have to pay for it whereas other nationals will obtain the land as by rights and without payment. A regret form is completed at the Eritrean Embassy. Individuals are required to pay their outstanding Rehabilitation and Diaspora Taxes of two percent and this amount is only payable from the date that an individual has been earning. And a business license can be obtained for carrying out business in Eritrea as well as having members of their family join them abroad. Property can be purchased and from ones village of origin, the latter is land that you are entitled to and if you have fulfilled your national duties.

28. The situation with regards to National service for returnees is that you are required to fill in a Regret Form and there is no fine, just the outstanding Rehabilitation and Diaspora tax.
29. Ms Sandhu was not aware of the possibility of paying fines but emphasised that an Eritrean should only pay the citizen tax also known as the Rehabilitation Diaspora Tax. In this regard, there seems to be a shift in the Eritrean government's approach to Eritreans living abroad. Now the government recognises that Eritreans are moving out due to economic issues. However, Ms Sandhu also advised that this topic needed to be investigated more thoroughly.
30. When asked if a person fleeing Eritrea was perceived as a political opinion by the authorities, the source stated that she had never seen a case, where a person had left Eritrea due to politics, but everybody she had spoken to had claimed that they left the country due to economic hardship. When asked if there would be consequences for families of a person, who fled the country, Ms Sandhu opined that she has never met such cases.

#### **Exit from Eritrea**

31. If an Eritrean national wants to exit Eritrea, there are two types of exit visas. One that allows you to exit the country – open visa. The second exit visa allows you to leave and return within a specified time period. Many use the latter to leave the country and claim asylum. However, with regards to the latter you can complete a Regret / Apology Form if you wish to return. This is usually for those who are returning from Egypt, Israel, and Libya en route to other countries.

## 14. Meeting with academic experts, Martin Plaut and Habte Hagos

**Interview, London, 11 October 2019**

### About the interviewees

#### Martin Plaut

1. Martin Plaut is a Senior Research Fellow at Institute of Commonwealth Studies, University of London, with Horn of Africa; Southern Africa; Migration; Defence and Security as his main research areas. He was a BBC Africa editor and has been writing about Eritrea for decades. He is the author of the book: 'Understanding Eritrea' published in 2016. Martin Plaut was last in Eritrea in 1991 and fears for the consequences had he to return today.
2. Martin Plaut remains in informal contact with people in Eritrea and stated that he would usually know within a few hours if something important happened in Eritrea. Martin Plaut provided an example from a few years back: He had been informed that a convoy of trucks collecting conscripts in Asmara had been blocked by a bus, giving the conscripts an opportunity to escape. First, the government had denied the incident and when a diplomat had found nothing to see in the streets shortly after he was reluctant to believe that the incident had in fact happened. During the escape the officers on the convoy had opened fire on the escaping conscripts and many ended up in hospitals, and eventually the government had acknowledged the incident. People find ways of getting information out of the country. So, in one way getting information about Eritrea is extremely difficult but, on another level, it can be very easy to know what is going on.
3. To explain why Eritreans are often reluctant to share information with outsiders, Martin Plaut mentioned an old infiltration system and a parallel slandering system (called 03 and 09) which both had a long history in Eritrea. In this country infiltration all the way into families was not uncommon in the past and slandering and destroying a person's reputation was routinely used strategically. He further referred to the scandal in the Netherlands with the system of interpretation of asylum interviews had been infiltrated by people with links to the Eritrean government and pointed to a risk of local staff at embassies being infiltrated by spies.
4. Regarding the peace agreement between Eritrea and Ethiopia, Martin Plaut reminded that President Isaias Afewerki answers to no one in terms of parliamentary accountability and is known for constantly changing his mind. According to Martin Plaut, the Eritrean president sees himself as a disrupter and thrives in instability. In many ways he still acts like a guerrilla leader and most likely he is not truly interested in peace in Eritrea.

#### Habte Hagos

5. Habte Hagos is a founding member and Chair of Eritrea Focus. Eritrea Focus is an association of Non-Governmental Organisations, human rights organisations, exile and refugee groups and individuals concerned with the gross abuses of human rights in Eritrea.

6. Habte Hagos left Eritrea many years ago and now lives in London. Due to fear of reprisals he has not visited Eritrea in the past many years. He remains in close contact with people 'on the ground' in Eritrea especially in the main cities, who monitor the situation and report about it. Habte Hagos recognises that collecting information on Eritrea is very difficult, most is second hand, not everything should be taken at face value and validating information is often not possible.
7. Habte Hagos further informed about the TV station Assenna TV, which started broadcasting in January 2019 from London. Many people follow the TV station from Eritrea where the number of satellite dishes is huge. The TV station collects information from Eritrea daily in order to broadcast news. It was further added that the authorities of Eritrea sometimes jam the signal, e.g. at the time of a recent conference on Eritrea's future held in Norway and broadcasted live on Assenna TV.
8. Habte Hagos found that people in Eritrea had become slightly more open and vocal following the peace agreement. Whereas before there was a fear that there was an actual risk against the sovereignty of the country. This had now changed.
9. In April 2019 Eritrea Focus, in partnership with Institute of Commonwealth Studies, held a two days conference titled 'Building Democracy in Eritrea' at the University of London. The conference brought together a range of experts – Eritrean and international – to discuss, and begin to think about, how a free and democratic Eritrea might emerge in the future, post-dictatorship.

## **National service**

### *Duration*

10. Martin Plaut and Habte Hagos stated that in short nothing has changed regarding national service. They had heard that the government of Eritrea has set up a review group in order to look at how the current national service can be reduced to an 18 months service. How this initiative will progress in practice remains uncertain and the sources reminded that until President Isaias makes an announcement of change nothing is certain. A major concern is what will become of the large number of people who will exchange national service with unemployment in a non-functioning economy.
11. Martin Plaut and Habte Hagos informed that according to their information, there has recently been an increase in numbers of underage conscripts. Youngsters as young as 15-16 years old are being recruited. It was reminded that school grade not necessarily follows age, and that birth certificates are a fairly new phenomenon. Especially if there is a general round up in a particular area, there is a risk that persons under age will be conscripted. Generally, systems are often not strict in Eritrea and things are not 'clear cut'. And when it comes to national service and recruitment much depends on the local commander.

### *Conditions and salaries*



12. According to Martin Plaut and Habte Hagos, there had been a raise in payment for conscripts. However, the wage is still very low and causing many Eritreans to leave the country. As an example, the sources mentioned the copper-zinc Bisha Mine, now run by a Chinese company, where a conscript working there used to be paid the equivalent of 20 US dollars per month, which had now increased to maybe 25 US dollars per month. Thus, the salaries are still very low and most of the money from the mine goes to the government of Eritrea. The sources added that even a medical doctor needs to take two or three extra jobs in order to make a living.

*Consequences of evasion or desertion*

13. Regarding consequences of desertion and evasion, including for family members, Martin Plaut and Habte Hagos were not aware of any changes since the time of the peace agreement. Possible consequences range from being shot, put in prison or just nothing at all. The practice of requesting family members to take the place of the deserter or evader used to be wide spread and is considered to still apply.
14. Martin Plaut and Habte Hagos referred to information that Eritrea has 300 prisons, both underground prisons and metal shipping containers, and that a person can be put in prison for several years for any reason. A specific case was mentioned where a person who had been kept in an underground facility for five years and eventually lost his sight due to lack of light, he was then released and gradually retrieved his sight. Other times persons having spent time in underground facilities for extended periods were released suddenly and the sudden exposure to bright light would cause them to lose their sight.
15. Martin Plaut and Habte Hagos found it difficult to say whether desertion or evasion is perceived as an act of political opinion. Technically it could be considered treason, but, considering the high numbers of people deserting and evading, the sources found it reasonable to believe that it was in fact not necessarily seen as an act of political opinion.
16. Well-connected people are exempted and are often sent abroad by their families to avoid conscription. Pregnancy was a reason for exemption, which had led to an increase in numbers of young girls getting married thereby leading to early pregnancies. Martin Plaut and Habte Hagos did not consider marriage in itself as a sufficient ground for exemption but reminded that in a country like Eritrea, marriage is a prerequisite for pregnancy. Women already in national service would be released in case of pregnancy. Pregnancy by officers was not uncommon. Serious and obvious health issues were also considered a valid reason for exemption.
17. Martin Plaut emphasised that an important aspect of the current situation is the arbitrary way in which policy changes and how much can depend on the decision of the President and on officials and military personnel surrounding him<sup>258</sup>.

*National service for returnees*

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<sup>258</sup> Plaut, Martin (2017) Eritrea: a mafia state?, Review of African Political Economy, 44:154

18. Martin Plaut and Habte Hagos had received information that the risk for returnees of having to perform national service had somewhat decreased. However, even if a returnee has signed the regret letter and paid the two percent tax, the risk of sanctions, or even persecution or being returned to one's unit, should not be ruled out.

#### **Exit from Eritrea**

19. Martin Plaut and Habte Hagos informed that the consequences of not paying the diaspora tax had expanded so that sending things to the family in Eritrea was no longer possible if the tax had not been paid. Due to the international criticism of the diaspora tax embassies in some countries would no longer accept tax payment and the tax could now be paid upon arrival in Eritrea. The essence of the diaspora tax had not changed, and issuance of visa or documentation still depended on payment of the tax. Large parts of the diaspora, including groups and churches, gladly payed the diaspora tax.
20. Regarding the status of the 'shoot to kill' policy at the Ethiopian border Martin Plaut and Habte Hagos opined that this officially was unchanged, but in practice things had changed significantly. Whereas before it was almost exclusively young persons who would risk crossing the border illegally, lately far more families have been crossing the border illustrating the diminished risk of being shot.

#### **Entry into Eritrea**

21. A person who had left Eritrea legally and returned legally could face problems in the form of difficulties in retrieving property, but according to Martin Plaut and Habte Hagos diaspora visiting Eritrea were usually supportive of the regime and thus did not face serious problems.
22. A person who had fled Eritrea and actively opposed the regime could not go back to Eritrea. Asked how a rejected asylum seeker was likely to be treated on return to Eritrea, Martin Plaut and Habte Hagos responded that such a person would be treated badly.

## 15. Interview with a journalist, Tom Gardner

*Tom Gardner is Addis Ababa correspondent for The Economist. He covers the Horn of Africa and has also published articles in the Guardian.*

**Skype interview, 24 October 2019**

### Introduction

1. The interview began by an outline of the different stages that the people of Eritrea have gone through since the signing of the Declaration of Peace and Friendship between Eritrea and Ethiopia on 9 July 2018. Tom Gardner was invited by the Eritrean authorities to visit the country in July 2018 and was asked to be a guest on the first commercial flight between Ethiopia and Eritrea (flight routes had been closed for two decades).<sup>259</sup> At that point of time many Eritreans had expressed the hope that the end of the country's 20 year cold war with Ethiopia would prompt a broader political opening inside Eritrea, including ending indefinite national conscription. This was described as a time of cautious optimism and a window of liberation by Tom Gardner.
2. As examples of this hopeful atmosphere Tom Gardner mentioned that in July 2018, people felt free to play Eritrea music (which used to be forbidden) and that Pentecostal Christians assembled freely in the streets of Asmara (Pentecostalism is banned in Eritrea). Members of the Pentecostal Church were arrested at a later point of time. Above all, it was the opening of the border to Ethiopia on 11 September 2019 following the peace agreement<sup>260</sup> which inspired the most hope. Many people used the opportunity to cross the border, and many of those were the family of people who had previously fled the country. According to Tom Gardner, people crossed the border at high pace because whatever faith people had had in the government just after the peace agreement was soon lost and average Eritreans anticipated that the borders would soon be closed again.
3. During his visit in 2018, Tom Gardner was granted a meeting with several government officials, including the Minister of Information, Yemane Gebremeskel. At this occasion, the journalist asked the minister whether there would be a reform agenda now that the 20 years cold war with Ethiopia had been officially ended, but the information minister had not made any firm commitment and answered: give us time.<sup>261</sup>

### National service

4. The interviewed journalist did not have first-hand observations to build on but had knowledge from a journalist colleague who had been allowed to enter Eritrea in September 2019 and who had reported that conscription (military and non-military) remained indefinite. There had been rumours in Asmara after a speech given to an audience of national service recruits informing that there would be no reduction in terms of service for at least another four years' time. At no occasion since

<sup>259</sup> Gardner, Tom: *Inside Eritrea – Reporting from a country that feels like a prison*, 14 August 2018, the Economist, [url](#)

<sup>260</sup> Gardner, Tom: *'I was euphoric': Eritrea's joy becomes Ethiopia's burden amid huge exodus*, 12 October 2018, the Guardian, [url](#)

<sup>261</sup> Gardner, Tom: *Inside Eritrea – Reporting from a country that feels like a prison*, 14 August 2018, the Economist, [url](#)

then had the president announced any timeline for a reform of national service and at the time of the interview no one seems to expect changes to happen in any near future.

5. When asked about the payment to conscripts, Tom Gardner answered that there had in fact been a raise in salary to conscripts of national service but that had happened well before the peace agreement. The salaries were raised as a part of a deal with the EU in 2015 where the EU approved a 200 million euro aid package to promote socio economic development with a particular focus on the energy and the governance sector.<sup>262</sup> The raise had been triggered by controversies around an EU funded project. The EU had offered a 20 million euros funding for a for poverty eradication in Eritrea, including a job creation element, but was being accused by European civil society organisation of relying on forced labour through its use of national service conscripts. The EU is careful to avoid the use of forced labour but by raising the payments to these conscripts or recruits, it became possible for the Eritrean government to argue that these recruits were no longer forced to work under unbearable conditions.<sup>263</sup>

#### *Consequences of desertion or evasion*

6. When asked about the possible consequences of desertion or evasion, Tom Gardner observed that it seemed to be easier to flee the country now. There was not the same risk of being shot on sight at the border compared to before. Many Eritreans had thus left the country to reunite with family members who were now in Ethiopia. This was in particular the case with women (and their young children) who applied for asylum in Ethiopia, many in the hope of reuniting with their husbands who had previously left Eritrea illegally due to national service duty.<sup>264</sup> Concerning consequences for family members of people who had deserted or evaded at an earlier point of time, the Eritrean authorities seemed to be more relaxed now, although there was not much evidence to substantiate this, so that their situation was less dangerous compared to earlier, according to Tom Gardner.
7. Regarding the shoot-to-kill policy, Tom Gardner noted that he did not know whether it was ever really implemented to the extent that it has been reported. According to his information, it has for the past decade existed more as a threat than as a reality.

#### **Exit of Eritrea**

8. From September to November 2018, the crossing of the border into neighbouring Ethiopia was quite different from now: it was possible for Eritreans to leave the country without a passport and without an exit visa or even a promise to return.<sup>265</sup>

<sup>262</sup> EU – European Commission: *EU announces support for poverty eradication in Eritrea*, 11 December 2015, [url](#)

<sup>263</sup> Gardner, Tom: *Europe accused of financing Eritrean project based on 'forced labour'*, 2 April 2019, the Guardian, [url](#)

<sup>264</sup> Gardner, Tom: *'I was euphoric': Eritrea's joy becomes Ethiopia's burden amid huge exodus*, 12 October 2018, the Guardian, [url](#)

<sup>265</sup> Gardner, Tom: *'I was euphoric': Eritrea's joy becomes Ethiopia's burden amid huge exodus*, 12 October 2018, the Guardian, [url](#)

## 16. Interview with Mixed Migration Centre

### Skype interview, 24 October 2019

*The Mixed Migration Centre (MMC) is a leading source for independent and high quality data, information, research and analysis on mixed migration. Through the provision of credible evidence and expertise in six regions (West Africa, North Africa, East Africa and Yemen, the Middle East, Asia and Europe) MMC aims to increase understanding of mixed migration, to positively impact global and regional migration policies, to inform evidence-based protection responses for people on the move and to stimulate forward thinking in public and policy debates on mixed migration. MMC is part of, and governed by DRC through a Steering Committee consisting of DRC HQ and Regional representation.<sup>266</sup>*

### Introduction

1. According to MMC ‘mixed migration’ refers to ‘cross-border movements of people including refugees fleeing persecution and conflict, victims of trafficking and people seeking better lives and opportunities.’<sup>267</sup> Thus, following this understanding people on the move may have different legal statuses.
2. MMC East Africa and Yemen (EAY) collects information for its research-based publications in various ways. First-hand information can be collected through focus group discussions (FGDs), individual interviews with people on the move as well as key informant interviews. Individual interviews have previously been collected using two surveys – one for interviewing smugglers and the main survey which interviews migrants and refugees. Interviews are based on predefined interview guidelines and questions. Open ended questions are included in the survey, however are not required for interviewees to complete.
3. Regarding Eritrea, MMC’s data collectors interview Eritreans on the move at different stages along their migration journey. That could be prior to their departure, but typically the interviews would take place en route, in transit areas or at destination points, which would typically be in North Africa or in Europe. MMC does not typically carry out FGDs with Eritreans.
4. MMC is using a variety of different data collectors, which means that they would try to get interviewers with similar background as the interviewees e.g. to get Ethiopians to interview Ethiopians. However, for Eritreans MMC EAY has mainly used Ethiopians and Somalis as interviewers. There is some concern that Eritreans on the move could be cautious about being

<sup>266</sup> Mixed Migration Centre website: [url](#)

<sup>267</sup> Mixed Migration Centre website, terminology: [url](#)

interviewed by other Eritreans. There is some research to suggest that Eritreans could fear answering questions to other Eritreans who have unknown connections.

5. MMC asks questions such as reasons for leaving, and the protection risk they face. Other questions are how Eritreans finance their trips, what are their family number, community numbers together with different migration decisions.
6. Based on analysis of data from the Eritrean interviews, MMC finds that 90 percent of Eritreans claim that they flee due lack of rights in Eritrea. Of these, 84 percent cite in particular the fear of conscription/forced labour as a top driver. In comparison 25 percent of the Ethiopian respondents claim a lack of rights in Ethiopia as their top driver.
7. When asked about the number of Eritreans that MMC has interviewed, the interlocutor replied that within the last one year period MMC had interviewed 'a few hundred' Eritreans as part of the standard 4Mi survey and as part of other research projects.

## **National Service**

### *Duration, conditions and salaries*

8. Regarding information on national service, MMC relies on first-hand information from interviews with people from Eritrea as well as secondary sources such as media reports, Human Rights Watch reports and publications by other key stakeholders. According to MMC's understanding, the length of national service has not changed since the rapprochement with Ethiopia, nor had they heard of any general improvements of the conditions for the conscripts of national service, which include raises in salaries.

### *Consequences of desertion or evasion*

9. According to research, Eritreans have a great fear of returning to Eritrea due to the consequences that they would face upon their return. Eritreans who had fled would typically fear detention, prison and torture. The interlocutor opined that this fear had not changed after the peace agreement.
10. When asked about consequences for family members when a person has fled the country, MMC replied that such questions are not included in their interviews.
11. According to this interlocutor, desertion is a very serious move for Eritreans to make, and due to the current political environment it could be seen as a direct political statement by the authorities.

If a person does not want to be subjected to an indefinite conscription, one could argue that desertion has an in-built political element.

#### *Exemption from national service*

12. When asked if MMC had heard of changes in exemptions from national service, the interlocutor stated that being re-conscripted into national service is not something that came up during their interviews with Eritreans. The source speculate that the reasons for the not bringing this up in the interviews could be that exemptions were unlikely to happen. However, the source stated that this issue was definitely a concern that one could read about in the research other partners have done.
13. When asked if the interlocutor has heard of metal shipping containers still being used to detain persons in Eritrea, the source advised that this has not come up during interviews, and is not included in questions asked.

#### **Exit from Eritrea**

14. According to MMC's understanding, there have been no changes in the rules for exiting Eritrea. However, when the borders were open, there was an uptake of people crossing into Ethiopia, and it seemed that the Eritrean government had not implemented particular strong border guidelines. Although the interlocutor stressed that the procedures at the border were unclear. MMC stated that there have been no legal changes in the rules for exiting Eritrea.
15. When asked about the border with Sudan being reopened, the interlocutor opined that there has been an uptake in crossings into Sudan due to this opening. However, Sudan is mostly seen as a transit country though many of the Eritreans are going to refugee camps within Sudan. Furthermore, Sudan has closed its borders with Libya and the Central African Republic, which make it more difficult for Eritreans to move further via these routes.
16. When asked whether there have been changes in the diaspora tax and the repentance letter, MMC noted that they were not aware of any changes.
17. The interlocutor stated that there had been no changes in the shoot to kill policy. However, the fear of border crossing remains high among Eritreans that MMC had interviewed.

#### **Entry into Eritrea**

18. MMC is trying to conduct research about detention facilities in Libya and resettlement and return of Eritreans from Libya. Currently, Eritreans are getting resettled in third countries. It can be

understood that humanitarian partners recognise the ‘quite serious issues’ in Eritrea. Therefore, return to Eritrea is not considered a viable option.

19. MMC was aware that the Eritrean government has claimed that some 78 people have returned from Libya to Eritrea. Nothing is known about these returns, and no reports of communication with people after they returned to Eritrea.



## 17. Interview with the Chairman of the Habeshia Agency

### Email interview, 12 November 2019

*Father Mussie Zerai, Eritrean Catholic priest based in Italy, Chair of the Habeshia Agency. Habeshia Agency for Cooperation and Development (AHCS) is a non-profit agency established in 2006 with the objective of volunteer solely for the purpose of solidarity for asylum seekers, refugees and beneficiaries of humanitarian protection in Italy. Father Mussie is in close contact with people all over Eritrea.*

### National service

#### Duration

*Were there any changes in the duration of the service after the peace agreement was signed on 9 July 2018?*

1. No, there has been no change in any direction. By law the military service and the national service had to be only 18 months. Even today there are people forced to carry out the national service since 1994, in fact in a condition of exploitation, given that they are not paid according to the cost of living in the country.

*Were there any changes in practice?*

2. No, the regime continues to make a raid of young people to send to military service with the use of force.

*Were there any announcements somehow about it?*

3. No, after the signing of peace with Ethiopia, the Eritrean people had great expectations for some announcement on the reduction of the time of the military service that brings to the international standard. But none of this has happened until now.

#### General conditions

*Were there any changes in the physical conditions and treatment of national service conscripts after the new peace agreement was signed?*

4. No, we have no evidence of real and substantial changes over time.

#### Increases announced in national service payments

*Has there been an increase in payments for the national service?*

5. A false increase, because the regime has included a series of taxes that are withheld from the military's salary at 2000 gross, the military receives only 600 net, all the rest is treated by the regime for a series of government expenditure items.

#### Consequences of desertion or evasion

*Were there any changes in the punishment for desertion or evasion compared to before the peace declaration was signed?*

6. All the time, if people are found leaving the country illegally they are arrested and taken to one of the 350 prisons in the country, the sanctions vary according to who is the person who was treated under arrest, the role he held in the military or political ranks of the regime . However, he is punished with arrests and a series of physical deprivations and maltreatments, there is no trial or right to defence.

*Is the holding in metal containers still applied as a means of punishment?*

7. Yes, from the information that still reaches us today they are used, often hidden to hide them from the sight of prying eyes.

*To what extent is desertion or evasion perceived as an act of political opinion?*

8. The position of the regime in this is ambiguous, the consideration of a point that for the Eritrean citizens in Europe the regime asks to sign a declaration of repentance for media abandoned their country illegally, but the same regime has used emigration as a valve of vent, to expel the mass of young people who risked exploding in some form of rebellion against the regime. Once they got the West, the regime tries to turn itself into 'golden egg chickens' pushing them to pay two percent of the salary to the regime from which they fled. By blackmailing them who do not pay two percent of their salary not received, no consular service, no documents from the country of origin; therefore all the rights of citizens denied.

*What are the consequences applied to relatives (spouse and other family members) to a deserter / evader?*

9. Over the years there are various forms of revenge against relatives returned home. Sanction was asked to pay up to 50 thousand nakfa, withdrawal of the license for commercial activities, the arrest of relatives who could not pay the fine. Even very old, 80-year-olds were arrested to force them to pay or return their fleeing relatives. Today this type of punishment is rarely heard, that of not renewing the commercial licenses for fugitive relatives or those who do not pay two percent is still enforceable.

#### *Exemptions from the national service*

*Have there been any changes in the rules and / or practice regarding exemption from the National Service after the declaration of peace was signed?*

10. No! They are very rare cases of exemption for physical or mental disability. If you pay and you have good connections or important relatives in the regime's ranks then get the exemption.

*If not, what is the current practice of exemption? Who is usually exempted and with what consistency are the rules applied?*

11. Women who are pregnant should be exempt, people with disabling illnesses, but here it is at the discretion of military doctors, they often work well only if you are willing to pay, in many cases they have sent people with severe chronic malice who risked their lives during the training military that is very hard. Some have even died during these trainings.

*National service for returnees*

*What is the risk of being enrolled in national service for people who have been abroad for an extended period of time and who return to Eritrea?*

12. The first risk is the reduction to the condition of 'slavery' to which they are forced. People deprived of their freedom, of the possibility of self-determining the plan of life for an unlimited time, the conditions of living totally degrading to the dignity of the person.

*Otherwise, is the person at risk of being called to serve in the popular army?*

13. It is a concrete fact, it is not just a hypothetical risk, and it is a certainty that they will be forced to do military service and national service indefinitely.

**Exit from Eritrea**

*Have there been changes in the legal exit rules?*

14. No! May leave the country only people who are exempt from military service or national service, people who have been discharged after long years of service for reaching the age over 50 for men, over 40 years for women at the discretion of the people at power at that time.

*Have there been changes in the diaspora tax and repentance letter?*

15. No! if the in diaspora people want to return or want to get documents from the country of origin they must sign the repentance letter.

*Have there been changes in the diaspora's obligation to pay two percent taxes on their income (the so-called rehabilitation and recovery tax (RPP))?*

16. No! the only change for the worse, that today Eritrean citizens residing in some countries in Europe or Canada are forced to pay the two percent tax in the country of origin in dollars. This after some trials that have declared illegal that the consular offices or embassies make to pay this heavy tax from the host governments, the regime has found the worst way to make to pay the same the fee, forcing the citizens to send money in homeland, to convert in dollars and pay the tax, show the receipt of payment in order to obtain the document you need, from the Embassy. Here we would have to ask where they find Eritrean dollars since there are also restrictions for the local currency.

*Have there been changes in the attitude of the authorities towards the letter of repentance (letter of apology)?*

17. No!

*What happens if you do not sign the letter?*

18. You do not get passport or documents like birth certificate or criminal record ect. ...

*To what extent is a person who signs the letter (and pays the two percent tax) guaranteed to not be punished for illegal exit and evasion / desertion?*

19. There is no guarantee, the scheme once you return home at any time can arrest you, since you have already signed your sentence. Paying two percent or signing the repentance letter will not protect you from the risk of arrest.

*Shoot-to-kill policy*

*Are you aware of the fact that the government applies a "shoot and kill" policy?*

20. Yes! It does not appear to have been repealed.

**Entry into Eritrea**

*How do the Eritrean authorities treat Eritreans who return voluntarily and legally?*

21. It depends who is the person who returns, what was he doing before he left the country? What activity did you lead in the diaspora against the regime? What opinions did you express in public about the status quo of the country?

*How do the Eritrean authorities treat the people who are returned to Eritrea against their will?*

22. Until now, the regime does not accept deportations that feel of a tariff outside the African continent, with some exceptions. Those who are deported by African states, depends on their personal cases, there are those who have ended up in prison, those who have been sent directly to perform military service or national service.

*How do the Eritrean authorities treat people who are suspected of being rejected asylum seekers?*

23. It depends on their personal cases, and what information they received from the consular offices of the regime from the country from which the asylum seeker was rejected. The Eritrean diaspora is controlled by the spies of the regime which is very widespread in all the countries where there is a numerically consistent community. There are those who have ended up in prison, those who have been sent directly to perform military service or national service.

## 18. Interview with an international humanitarian organisation working in Ethiopia

Skype interview, 24 October 2019

### Introduction

1. The interlocutor has been working on migration issues outside of Eritrea for 5-6 years and worked directly with Eritrean refugees for 3-4 years. The source has also been working in the humanitarian response in refugee camps in aftermath of the peace agreement between Eritrea and Ethiopia. The source is currently based in Addis Ababa, is of half Eritrean descent and in this regard does also draw on the information from this personal side.

### National Service

#### *Duration*

2. The interlocutor did not have any information regarding reductions of the length of service time in the national service after the peace agreement between Eritrea and Ethiopia. The source knew of an Eritrean teacher who is still in national service after many years. He cannot find another job and is obliged to continue working in the national service. Furthermore, people who are coming into Ethiopia today are still saying that the duration and recruitment into national service has not changed since the peace agreement.
3. This source opined that the fact that nothing has changed after the peace agreement. The absence of change after the peace deal has increased awareness among people in Eritrea and the diaspora that the situation in Eritrea is not going to change in Eritrea unless they do something about it.

#### *Conditions and salaries*

4. When asked about changes in general conditions within national service, the source had no information on improvements in Sawa or other places. Furthermore, this interlocutor noted that the number of conscripts for national service had not declined after the peace agreement. In 2017-2018 people were waiting for improvements, which also included anticipated raises in salaries. The expectation of getting a raise in salary made people wait longer before leaving the country. However, when these improvements never materialised, many Eritreans left the country anyway.

#### *Consequences of desertion or evasion*

5. According to this interlocutor, it is difficult to say anything about the current consequences of desertion or evasion in Eritrea, because the demographic profile of Eritreans who have left for Ethiopia since the peace agreement is quite different from before the agreement. Now Eritreans are leaving the country before they are enrolled into national service. People are fleeing from what is about to happen, apparently because they are so scared of what will happen when they are enrolled into national service. Ethiopia is currently receiving mostly young mothers and children.

6. When asked if there have been changes in consequences against family members of those who left, the source mentioned, as an example, the case of a person who had left Eritrea without any notice. However, for his wife to be able to leave before the peace agreement, she had to pay a fine of 200,000 nakfa, which was the husband's punishment before she could leave. Although, it was not clear to the interlocutor, whether this fine was an official fine, or merely a kind of bribe, the wife had to pay for leaving the country. The amounts one has to pay seem to be fixed, which leads one to think that it is an official policy, although there is no official legal framework on these matters in Eritrea. The source added that families of deserters are held accountable to pay such a fine.
7. When asked about whether the government still uses metal shipping containers for detainees the source did not have any information on this subject.
8. When asked if leaving the country was considered by the Eritrean authorities as a political opinion, the interlocutor noted that if a person is leaving the country, they are obviously not willing to be governed by the Eritrean authorities and thus punished for leaving. The formal exit procedures in Eritrea are not available to all and are applied arbitrary. E.g. the elderly can easily obtain passports (for a high fee) and an exit visa (again, restricted and for a high fee). This brings a political element into leaving the country, because it is perceived as a denial of support of the country by most people. On the other hand, there are people who have left the country and are still supporting the government. Supporters of the Young People's Front for Democracy and Justice (YFPDJ) are very supportive of the government. Many Eritrean teenagers abroad, who have never been to Eritrea, are very supportive of the government.
9. According to the source, many Eritreans have, after lack of changes following the peace agreement, recognised that nothing is going to change within Eritrea, which have led them to speak out against the Eritrean government. There was a time earlier in 2019 with some level of discontent inside of Eritrea. Persons had written on walls, recording speeches, and using Telegram messages,<sup>268</sup> which were showing anti-government sentiments. There were also attempts of hijacking of a radio station, which is broadcasting from inside Eritrea, and the shutdown of the TV station EriTV also with no explanation. In this regard, the source mentioned the widespread hashtag #yakil (meaning 'it's enough' in Tigrinya).

#### *Exemptions from national service*

10. This interlocutor had no information on changes in practices regarding recent changes in exemptions from national service.

#### *National service for returnees*

11. If a person has obtained a foreign citizenship, they would not be at risk of getting re-enrolled into national service because the government values the financial contribution by the diaspora who

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<sup>268</sup> Telegram is an encrypted messaging and IP telephony app service.

pays the two percent diaspora tax. However, the source added that there have been cases of this favourable treatment not being applied consistently by the authorities.

12. According to the source, if an Eritrean citizen is caught when they return to Eritrea, they are at risk of getting enrolled into national service. However, the interlocutor also mentioned that there are young diaspora members, who have visited Sawa training centre as tourists, where conscripts had paraded for them. The source opined that these young people are often affiliated with the YPFDJ.

#### **Exit from Eritrea**

13. This interlocutor was not sure whether there had been a change in exit procedures after the peace agreement, but the source had recently seen an exit stamp in an Eritrean passport for the first time. This stamp is granted to elderly Eritreans and is issued quite frequently since the peace agreement. A person needs 400 US dollars to be granted a passport, and then they can be granted an exit visa that is valid for one month. However, Ethiopia is allowing Eritreans to stay in the country for three months, which they can do on a special tourist visa; nationals from other countries only get visas valid for one month. The one month exit visa seems to be the period a person is given to leave Eritrea. The source mentioned the example of two elderly Eritreans who had stayed in Ethiopia for more than one month, and who had not experienced problems when they returned to Eritrea.
14. When asked if the shoot-to-kill policy still is applied by the government, the source was not aware of any cases regarding this issue and opined that the policy has to some extent been relaxed within the past period of time. However, the authorities would not shoot at people just because they are crossing the border, but they might use the border crossing as an excuse to shoot a person if they want to harm this person for other reasons.
15. When asked whether it is predictable for the individual how rules concerning exit and entry will be applied by the authorities, the source answered that a person can never be sure what will happen – maybe they get in trouble and maybe nothing happens.

#### **Entry into Eritrea**

16. When asked about changes regarding Eritrean returnees, the source mentioned a case from Sudan in 2018, where the Sudanese authorities had returned Eritreans to Eritrea. The Sudanese government basically deported these Eritreans, who had entered Sudan illegally and had gone to Khartoum instead of going to the refugee camps. According to this source, the returnees were detained when they arrived at Eritrea. However, the source did not know of cases regarding legal return, as they did not have any cases from Ethiopia.
17. When asked if it would make a difference in treatment if the authorities knew that a person who was deported to Eritrea was a rejected asylum seeking, the source opined that the Eritrean authorities would probably not care much about the fact the they were rejected asylum seekers,

but would care more about the fact that the person had left the country illegally and treat them accordingly. The source advised that the most common treatment of deportees is detention.

## 19. Interview with Amnesty International

### **E-mail interview and follow-up phone interview, 4 November 2019**

*What is the basis for your knowledge on the situation in Eritrea?*

1. Amnesty International's knowledge is from interviews with refugees, close monitoring of the Eritrean human rights situation, and shared information with specific and trusted partners.
2. Amnesty International has strict standards for reporting on the human rights situation to ensure that reporting is to the highest extent possible based on research and documented facts rather than assumptions or educated guesses. These standards apply to the following information and are the reason that answers are not provided to all questions.
3. It is further reminded that it is rarely possible to give 'clear cut' answers to questions on rules and practice in Eritrea, since rule-of-law is very limited and the situation for different profiles can vary a great deal depending on connections etc.

*Could you describe the current situation in Eritrea since the peace agreement with Ethiopia?*

4. Amnesty International maintains that there has been no change in the Eritrean human rights situation since the 'peace agreement' with Ethiopia and describes this as 'dire' due to the national service programme. Amnesty International has heard of a worsening of the social and economic rights in Eritrea and hopes to be able to do research on this in the coming year. The core focus for Amnesty International regarding Eritrea is the right to speech, prisoners of conscious, national service and freedom of movement and in those areas the situation has largely unchanged since the 'peace agreement'.

### **National service**

*Have there been any changes of length of service time after the signing of the peace agreement on 9 July 2018?*

5. Amnesty International is not aware of any changes in the way National Service is practiced, and does not anticipate any changes for the foreseeable future.

*Have there been any changes, in physical conditions and of treatment for conscripts of national service after the signing of the new peace agreement?*

6. Amnesty International is not aware of any changes in physical conditions or treatment of national service conscripts post June 2018 and believes the treatment and conditions to be more or less the same.

*Has there been a raise in payment for National Service?*



7. Amnesty International is not aware of any increase in net payment for national service.

*Have there been any changes in punishment for desertion or evasion as compared to before the signing of the peace declaration?*

8. The National Service Proclamation lays out a punishment for attempted evasion or desertion of two years' imprisonment or a fine or both; and five years' imprisonment for those attempting to evade service by fleeing abroad. However, in practice, the usual punishment for those caught attempting to evade, desert or flee the country is arbitrary detention - without charge or trial, and without access to a lawyer or family members. The lengths of detention reported to Amnesty International for each of the three areas - evasion, desertion and attempting to flee the country - vary from case to case and are imposed arbitrarily at the discretion of the relevant commander.
9. There was a brief time after the Eritrea-Ethiopia 'peace agreement' where the border was open and Eritreans were able to leave Eritrea (and thus, its National Service programme) with a very low risk of getting caught and thus facing punishment. However, there has been no information suggesting that the rules on punishment for evasion or desertion has been changed, and if a person is caught, he or she will probably face punishment of the same nature as before the peace agreement.

*Is detainment in metal shipping containers still being applied as a means of punishment?*

10. Amnesty International has no updated information on this.

*To which extent is desertion or evasion perceived as an act of political opinion (Imputed political opinion)? Please elaborate?*

11. Most Eritrean asylum seekers cite the National Service programme and/or the penalties for not serving as the primary drivers for seeking asylum. However, many of those fleeing say that they are extremely dissatisfied with the Eritrean government and speak out against the government once they leave the country. In the past, high level representatives of the Eritrean government have also referred to asylum seekers as traitors, as individuals who do not stand with the Eritrean people or sometimes not Eritrean at all. By leaving the country a person can be considered to be taking a stand against the government. People caught trying to leave the country are usually detained for months at a time and the violations committed during detention towards these people are indicative of the authorities' perception of their acts as acts of political opinion. If they are high profile, then the punishment can be more severe. But again, it can differ depending on the individual profile.

*What are the applied consequences for relatives (spouse and other family members) to a deserter/evader?*

12. Amnesty International does not have enough documentation to establish the existence of a trend or a policy of family members having to replace deserters or evaders. In the past, there were points in time where there was a clear trend of punishing family members with imprisonment if they had assisted someone in fleeing the country and national service. It seems as if this practice is not in place currently and now consequences for the immediate family of deserters or evaders are more

likely to be a fine or punitive measure at their workplace, few have been detained. However, the situation varies from case to case, and consequences often depend on the person in charge of the particular region; there is a lot of discretion when it comes to how rules are applied.

*Have there been any changes in the rules and/or in practice regarding exemption from National Service after the signing of the peace declaration?*

13. Amnesty International is not aware of any changes in exemption from National Service.

*If not, what is the current exemption practice? Who is usually exempted and how consistently are the rules applied?*

14. Amnesty International is not aware of any changes in exemption from National Service. Exemption 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. While a number of those interviewed by Amnesty International in the past stated that either they or female relatives were not conscripted because they were married, other female interviewees had been required to continue in National Service after marriage, consistent with patterns of conscription and demobilisation identified previously by Amnesty International.

*National service for returnees*

*What is the risk of being drafted into national service for persons, who have been abroad for a prolonged period of time, and who return to Eritrea?*

15. There remains a risk, as long as the individual is not a mother or considered too elderly to serve. Amnesty International cannot definitively say that there is an upper limit in terms of age for enrolment of men or women, since there is not a consistent age at which the government formally releases men and women from national service. Sometimes individuals are released before other age mates for discretionary reasons (ie. connections, favouritism).

*What is the possibility for individuals who return to Eritrea of being exempted from national service after having paid a fine?*

16. Amnesty International has not heard of any new information around national service exemptions for returnees. As we understand the national service programme, no person would be permanently exempt from National Service if they moved back to Eritrea as an Eritrean national to reside permanently in Eritrea.

17. Amnesty International has no information on how someone can ensure they are not drafted into National Service unless the person gets married/pregnant. To Amnesty International's knowledge, there is no way an Eritrean male who has aged out of National Service can be certain to avoid the People's Army (unless he were considered to be too old, noting that men as old as 70 have been asked to serve).

*To which extent is national service used by the authorities as a form of punishment for persons who are accused of illegal exit and who have not previously served, if they return?*

18. Amnesty International has not received any information around National Service being used as a form of punishment for returnees – it's simply the way of life for most of the able bodied and non-elderly population.

### **Exit from Eritrea**

*Have there been any changes in the rules of legal exit?*

19. Amnesty International is not aware of any changes around the rules of legal exit.

*What is the possible punishment for violations of the given time in the exit visa?*

20. Amnesty International is unaware of what the punishment is for violations of the given time in the exit visa, as Amnesty International is not aware of a formal or systematic approach on how the Eritrean government deals with such cases.

*Is there any difference in punishment at different border crossings?*

21. Amnesty International is unaware of differences in punishment depending on the border crossing.

*Have there been any changes in the diaspora's obligation to pay 2% tax of their income (the so-called rehabilitation and recovery (RPP) tax)?*

22. Amnesty International is not aware of any changes to the 2% income tax- to our knowledge it remains as before the peace deal.

*Have there been any changes in the authorities' attitude towards the repentance letter (Letter of apology)?*

23. Amnesty International has received no consistent information neither regarding the fates of those who do not sign the letter nor the fates of those who do sign the letter.

*Are you aware of whether the Government operates a 'shoot-to-kill' policy?*

24. Amnesty International has received no information to indicate that the shoot-to-kill policy at the Ethiopia-Eritrea border is still in place. The border is still tight, however the procedure and chances of getting across the border can depend on the profile of the individual and his/her reason for crossing.

### **Entry into Eritrea**

*How do the Eritrean authorities treat Eritreans who return voluntary and legally?*

25. Amnesty International has not conducted enough research on this issue to answer this.

*How do the Eritrean authorities treat persons who are being returned to Eritrea against their will?*

26. The Eritrean government has publicly stated that it does not accept persons returned against their will. Amnesty International has no other information on this issue.

*How do the Eritrean authorities treat persons who are suspected of being rejected asylum seekers?*

27. Amnesty International does not have enough information on this issue.

## Appendix C: Terms of reference (ToR)

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### **National Service**

- Changes or reduction of time of service, after the signing of the peace agreement with Ethiopia.
- Extent to which, if at all, the announced raises in payment for national service have been implemented.
- Authorities' views of deserters and evaders, including the extent to which such an act is perceived as an act political consciousness.
- Consequences for relatives (spouse and other family member) to a deserter/evader including possible request to replace the deserter/evader with a family member.
- Changes in conditions for exemption from national service for specific social groups including procedures and required documentation by which exemptions are granted.
- Age limit for the national service for persons who have been abroad for a prolonged period of time and who return to Eritrea.

### **Exit from Eritrea**

- Changes in the rules of legal exit, including possible changes in the period of time for legal exit, and possible punishment for violations of given time in exit visa.
- Extent to which national service is used by the authorities as a punishment for illegal exit to Eritrea upon return for persons who have not previously served.
- Status and changes in application of diaspora tax.

### **Entry into Eritrea**

- The authorities' treatment of legally returned Eritreans.
- The authorities' treatment of rejected asylum seekers returning to Eritrea.