



**HUMAN RIGHTS HOUSE
FOUNDATION**

Mr. Isaias Afwerki
President of the State of Eritrea

Mr. Osman Saleh
Minister of Foreign Affairs of the State of Eritrea
Fax: +291 112 12 44

Mrs. Fouzia Hashim
Minister of Justice of the State of Eritrea
Fax: +291 112 69 85

Geneva, 9 December 2009

Letter of concern: Stop human rights violations in Eritrea

Your Excellencies,

The United Nations Universal Periodic Review (UPR) of Eritrea took place on Monday 30 November 2009. As you know, a coalition of Eritrean Diaspora communities submitted a joint report for this occasion. The coalition consisted of Eritrean Australian Mercy Association Inc., Eritrean Community in Australia Inc., Eritrean Global Solidarity, Network of Eritrean Civil Societies – Europe, and Suwera Center for Human Rights. The Awate Foundation coordinated the coalition's work and submitted the report on its behalf. The Human Rights House Foundation (HRRHF) provided technical and editorial assistance and facilitated the advocacy carried out by representatives of the coalition who were present at the Human Rights Council in Geneva during the review.

We, the undersigned, are concerned by the numerous and severe human rights violations taking place in Eritrea. We stress that Eritrean authorities must be held responsible for these violations, particularly since the Eritrean people are denied the right to take part in the conduct of public affairs through freely chosen representatives. Contrary to Article 25 of the International Covenant on Civil and Political Rights, ratified by Eritrea on 22 January 2002, the people of Eritrea have yet to be given the opportunity to vote and to be elected at genuine periodic elections through a secret ballot and on the basis of universal and equal suffrage.

We also fully endorse the many recommendations made for Eritrea to invite all thematic UN Special Rapporteurs, and, as a matter of urgency, submit all pending reports to the relevant UN Treaty Bodies.

In our own report, we note that human rights organizations are not allowed to operate in Eritrea. Likewise, Diaspora-based Eritrean human rights organizations have been declared enemies of the state. The government's own report has made clear that the national obligation of Eritrea to promote and support human rights can only be achieved with the participation of civil society. On this ground, we request that the government allows for human rights organisations to be established and operate freely. The government must stop promoting policies that are incompatible with, or openly hostile to universally agreed principles of human rights.

We note with appreciation that numerous states recommended to Eritrea to fully respect the rights of freedom of opinion and expression, association and assembly, and the right to be a human rights defender. Given the flagrant violations of these rights currently taking place in Eritrea, we invite Eritrean authorities to accept all recommendations made on these issues by various country missions during the review.

In the report we submitted to the UPR, we noted that thousands of detainees currently serving in Eritrean prisons have never been formally charged. Many of them have not been accounted for in years, and must be considered disappeared (paragraph 21). Most extra-judicial arrests are of a political nature and cases are reviewed by a special court whose judges are ranking PFDJ officials appointed by President Isaias Afwerki. Established in 1996 to look into cases of “corruption” and financial embezzlement, the court has, since the border war with Eritrea in 2001, instead become a tool to fight dissent. During the UPR session, several countries recommended that all prisoners detained for political reasons or as a consequence of their religious beliefs be immediately released or brought to justice in fair and public trials.

Finally, we wish to express our deep regret that the practice of indefinite service in the country’s armed forces continues. We strongly recommend that the Eritrean authorities bring this practice to an end, in line with the National Practice Proclamation (1994), in which service is limited to 18 months.

We, the undersigned, hope that this first review at the United Nations of the general human rights situation in Eritrea marks a first step towards the full implementation of all of Eritrea’s international obligations. Towards this end, we urge the government of Eritrea to accept and implement the following recommendations, as quoted from the Universal Periodic Review’s adopted report:

- Ratify CAT [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment] without delay (Netherlands);
- Ratify the Rome Statute of the International Criminal Court, including accession to the Agreement on the Privileges and Immunities (Slovakia);
- Ratify CRPD [Convention on the Rights of Persons with Disabilities] as well the optional protocols to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Discrimination against Women (Austria);
- Abolish the death penalty once and for all, sign and ratify the second Optional Protocol to ICCPR (Spain);
- Ratify ILO [International Labour Organisation] convention 182 on the worst forms of child labour following the relevant recommendation made by Committee on the Rights of the Child in 2008 (France);
- Sign, ratify and implement CED [International Convention for the Protection of All Persons from Enforced Disappearance] as soon as possible and cooperate actively with the Working Group on enforced or involuntary disappearances (France);
- Extend a standing invitation to all special procedures and give a positive response to pending visits of Special Rapporteurs on freedom of expression, freedom of religion and the right to food and the Special Rapporteur on torture (Spain);
- Establish an effective and inclusive process to follow-up on recommendations of the Working Group on the Universal Periodic Review (Norway);
- Take necessary measures to ensure full enjoyment of the right to life, physical integrity and security of all persons (Argentina);
- Take all measures which may contribute to combat female genital mutilation (Algeria);
- Strengthen its implementation of the laws to protect women and girls from rape and other forms of sexual violence and sexual exploitation and hold accountable those responsible for such crimes (Ghana);
- Undertake all necessary measures to stop sexual exploitation and violence against women in the armed forces (Slovenia);
- Take all possible measures to prevent the recruitment and torture or cruel and degrading treatment by the police and military of children (Germany);

- Make means available to give effect to the norm which raises the minimum age for military service and guarantees that minors not be subjected to any treatment that violates fundamental human rights and that they be ensured the right not to do their military service (Argentina);
- Respect the provisions of the Proclamation on National Service and immediately end the practice of indefinitely extending military service (Canada);
- Recognize the right to conscientious objection to military service and reinstate the alternative civilian national service (Slovenia);
- Consider ending the practice of indefinite national service and begin a process of phased demobilization for those who have served for more than the statutory 18 months (United Kingdom);
- Look to ensure the avoidance of national service conscripts being used as forced labour for private enterprises and to end the recruitment of children under the age of 18 into military service and training (United Kingdom);
- Curb abuses of Eritrean citizens in the national service programme, pass and enforce a comprehensive anti-trafficking statute, and cease the conscription of children into military services (United States of America);
- Take effective measures to eradicate underage recruitment (under 18), to elaborate programmes for protection of children from torture, cruel, inhuman or degrading treatment and to provide independent access to physical and psychological recovery, social reintegration and compensation for victims of armed conflicts (Poland);
- Make a concerted effort to prevent the use of child soldiers in its recurrent armed conflict (Ghana);
- Issue clear public orders to the security forces to cease arbitrary arrest, detention and torture (Slovenia);
- Adopt measures to improve the access for international and national humanitarian organizations to detention centres (Mexico);
- Provide unlimited access to the International Committee of the Red Cross to all detention facilities in the country (Netherlands);
- Allow independent monitors access to all known and secret detention facilities within one year (Slovenia);
- Allow independent monitors to access all Eritrean detention facilities and ensure that international standards of law in the treatment of prisoners are respected in Eritrea (Australia);
- Treat all detainees humanely and immediately release all prisoners detained without charge or trial or opportunity for appeal (Canada);
- Respect international standards of law in the treatment of prisoners (Slovenia);
- Ensure that arrested persons have adequate access to legal representation and to establish effective judicial oversight over police and security forces (Austria);
- Charge all other prisoners with a recognizable criminal offence and ensure that they are tried in accordance with international standards (Canada);
- Dismantle the “special courts” and transfer all cases to the criminal courts or high courts, to comply with human rights obligations regarding fair hearings and due process (United States of America);
- Release anyone detained without charges (Switzerland);
- Investigate allegations of extrajudicial killings, torture and other cruel and inhuman or degrading treatment and bring perpetrators to justice (Australia);
- Take the necessary measures to inquire into all allegations of human rights violations and bring to trial those responsible (Switzerland);

- Investigate all pending complaints about enforced or involuntary disappearances and have their perpetrators punished (Chile);
- Respect the right of any individual to practice his or her religion of belief without any restriction (Netherlands);
- Issue immediate and clear public orders to security forces to cease arbitrary arrest, detention and torture on the basis of religion or belief (Ireland);
- Take measures to ensure the prompt release of persons detained for exercising their freedom of expression or as a result of their political views (Sweden);
- Take the measures necessary to fully respect the right to freedom of opinion and expression, including by introducing a law to allow independent media and enable journalists to exercise their profession freely (Canada);
- Unconditionally release all prisoners detained solely because of their political, religious or other conscientiously held beliefs (Norway);
- Inform the international community of the conditions of the G11 and other political, media and religious detainees and grant access to them by an international organization to ascertain their conditions, and make clear the charges against them and the legal process to which they will be subjected (United Kingdom);
- Not detain, persecute or prosecute returned migrants and asylum seekers and allow the international community, especially the Office of the United Nations High Commissioner for Refugees, access to returnees (United States of America);
- Within the framework of a broad political dialogue, facilitate the participation of all sectors of the society in the political process, including through support for the independence of the judiciary and the press and freedom of expression and assembly (Ghana);
- Review and ease restrictions on Eritrean and international non-governmental organizations (Australia);
- Create a more favourable environment for a stronger civil society in the country, including guaranteeing the full legitimacy for human rights defenders to spare them from the harassment they had to face so far and establish closer links with international human rights non-governmental organizations (Slovakia);
- Remove any legal and other difficulties that restrict the effectiveness and independence of the work of international non-governmental organizations (Germany);
- Take all necessary steps to ensure the full enjoyment of the right of all persons to take part in the Government of his or her country (Sweden);
- Request technical assistance from OHCHR to submit its fourth report to the Committee on the Elimination of Discrimination against Women as soon as possible and undertake measures to combat attitudes which may be discriminatory against women (Algeria);
- Seek technical and financial assistance by the international community in order to contribute to further promotion of economic, social and cultural rights, including the right to development for better realization of the Millennium Development Goals (Islamic Republic of Iran).

Sincerely,

Awate Foundation

Eritrean American Public Forum of Dallas, Texas

Eritrean Australian Mercy Association Inc.

Eritrean Global Solidarity
Delina Foundation
Eritrean Human Rights
Eritrean Youth Renaissance

Network of Eritrean Civil Societies – Europe
All Eritrean Association for Cultural Unity – Sweden
Eritrean Advocacy for Human Rights – Germany
Eritreans for Human and Democratic Rights – United Kingdom
Eritreans for Justice and Democracy – Benelux
Eritreans for Peace – Germany
Eritreans for Peace and Democracy – Switzerland
Eritrean Movement for Unity – Norway
Mekaleh Eritrea – Germany
Popular Movement for Democracy in Eritrea – Sweden
Release Eritrea – United Kingdom
Snit Selam – Germany
Solidarity for Justice and Democracy in Eritrea – Italy

Suwera Center for Human Rights

Human Rights House Foundation

Copies have been sent to:

- Permanent Mission of the State of Eritrea to the United Nations Office in Geneva
- Permanent Mission of the People’s Democratic Republic of Algeria to the United Nations Office in Geneva
- Permanent Mission of the Argentina Republic to the United Nations Office in Geneva
- Permanent Mission of the Commonwealth of Australia to the United Nations Office in Geneva
- Permanent Mission of the Republic of Austria to the United Nations Office in Geneva
- Permanent Mission of Canada to the United Nations Office in Geneva
- Permanent Mission of the Republic of Chile to the United Nations Office in Geneva
- Permanent Mission of the French Republic to the United Nations Office in Geneva
- Permanent Mission of the Federal Republic of Germany to the United Nations Office in Geneva
- Permanent Mission of the Republic of Ghana to the United Nations Office in Geneva
- Permanent Mission of the Islamic Republic of Iran to the United Nations Office in Geneva
- Permanent Mission of Republic of Ireland to the United Nations Office in Geneva
- Permanent Mission of United Mexican States to the United Nations Office in Geneva
- Permanent Mission of the Kingdom of the Netherlands to the United Nations Office in Geneva
- Permanent Mission of the Kingdom of Norway to the United Nations Office in Geneva
- Permanent Mission of Republic of Poland to the United Nations Office in Geneva
- Permanent Mission of Slovak Republic to the United Nations Office in Geneva
- Permanent Mission of Republic of Slovenia to the United Nations Office in Geneva
- Permanent Mission of Kingdom of Spain to the United Nations Office in Geneva
- Permanent Mission of Kingdom of Sweden to the United Nations Office in Geneva
- Permanent Mission of Swiss Confederation to the United Nations Office in Geneva
- Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office in Geneva
- Permanent Mission of the United States of America to the United Nations Office in Geneva