



## ERITREA

CAPITAL: Asmara  
POPULATION: 4.4 million  
GNI PER CAPITA: \$190

### SCORES

ACCOUNTABILITY AND PUBLIC VOICE: 0.67  
CIVIL LIBERTIES: 1.54  
RULE OF LAW: 1.03  
ANTICORRUPTION AND TRANSPARENCY: 1.71  
(scores are based on a scale of 0 to 7, with  
0 representing weakest and 7 representing  
strongest performance)

*Dan Connell*

### INTRODUCTION

Eritrea won its de facto independence in May 1991, capping a 30-year war against successive U.S.- and Soviet-backed Ethiopian governments that had laid claim to the former Italian colony after forcibly annexing it in the early 1960s. Two years later, Eritreans voted overwhelmingly (99.8 percent) for sovereignty in a UN-monitored referendum in which 98.5 percent of the 1,125,000 registered voters participated.<sup>1</sup> This was the first and last national ballot independent Eritrea ever held; thereafter the Eritrean People's Liberation Front (EPLF), which had already decimated its nationalist rivals or driven them out of the country before defeating the Ethiopian army, moved to institutionalize its monopoly on power.

Early in 1994, the EPLF changed its name to the People's Front for Democracy and Justice (PFDJ) and confirmed its former commander, Isaias Afwerki, as the head of the re-christened political movement and the interim president of the new country, in what was cast as a four-year transition to democratic governance. Over the next three years, the PFDJ

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**Dan Connell**, the author of six books and numerous articles on Eritrea, teaches journalism and African politics at Simmons College, Boston.

established new state institutions, including executive, legislative, and judicial branches presiding over a three-tiered administration (national, regional, local); a streamlined civil service; professional armed forces; and new police and security forces. However, no other political parties were permitted, nongovernmental organizations (NGOs) were sharply curtailed, and there was no independent press until 1997, when print media—but not broadcast—were allowed to publish under a strict new press law.

Between 1995 and 1997, a constitution commission whose members were named by the president oversaw a national education campaign on democratic values and options for governance that drew tens of thousands of Eritreans at home and abroad into a dialogue over the nation's political future. The finished document was ratified at a national conference in May 1997. However, the president has declined to implement the constitution ever since, citing tensions with Eritrea's neighbors, with which the country has experienced a continuing cycle of violent confrontations.

A bloody three-year border war with Ethiopia beginning in 1998 ended with a tense truce in which UN peacekeepers were brought in to keep the combatants apart. Its outbreak triggered a behind-the-scenes power struggle among EPLF/PFDJ leaders over the president's conduct of the war, his hard-line approach to peace negotiations, and his resistance to democratization. These disagreements spilled into public view in the spring of 2001 through both the private press and the Internet after the president refused to allow the party's Central Council or the National Assembly to convene. As he marshaled his supporters through closed-door PFDJ sessions in January and August 2001 from which his critics were excluded, a systematic crackdown on all public dissent got under way.

On September 18 and 19, 2001, the government arrested 11 of 15 top government officials and former liberation movement leaders—the Group of 15, or G-15—who had signed a petition that charged the president with illegally suppressing debate and called for the implementation of the constitution and the democratization of the political arena. Of the remaining four, one recanted and three were out of the country when the arrests took place. Next, the government shut down the private press and arrested many of its leading editors and reporters. In the years since, there have been numerous, less publicized arrests—

elders who sought to mediate on behalf of the detainees, more journalists, mid-level officials, merchants, businessmen, young people resisting conscription, and church leaders and parishioners associated with minority Christian denominations, among others. Some were held for short periods and discharged. Others—like the G-15 and the journalists—have been held indefinitely with no charges leveled and no visitors allowed. Some who were taken and released claim they were tortured, but no executions have been reported.

The overriding problem in Eritrea today is the concentration of power in the hands of one man—Isaias Afwerki. President Isaias and the PFDJ maintain an absolute monopoly on all forms of political and economic power. They control what few media there are in the country and have fenced off the population from the outside world while fostering a xenophobic hostility to foreigners to distract the citizenry from the privations of daily life and the persistent denial of basic rights and liberties. The complete suppression of civil society precludes the development of a legal opposition within the country—or of any organized public discussion of what such an opposition might look like were it to be permitted. Under these conditions, national elections, if conducted, can only serve to ratify those already in power.

## ACCOUNTABILITY AND PUBLIC VOICE – 0.67

Eritrea's political culture has long been authoritarian, predicated on secrecy and the arbitrary exercise of absolute power. Throughout the 1970s and 1980s, the EPLF was led from within by a clandestine Marxist core, the Eritrean People's Revolutionary Party (EPRP), chaired by Isaias Afwerki. The EPRP met in secret to draft the EPLF's program prior to its three general congresses (1977, 1987, 1994); to select slates for leadership prior to elections; and to manage its affairs on a day-to-day basis. Although the EPRP ceased to function as a political organization in 1989 and was officially disbanded in February 1994, this pattern of rule by a behind-the-scenes cabal held true during the construction of the state in the 1990s and continues today.

A provisional National Assembly was established in 1992 with the addition of 75 delegates chosen in PFDJ-run regional elections to the party's 75-member Central Council. This body confirmed Commander Isaias as the acting president in an uncontested ballot that was closed to

the media and the public, as are all National Assembly meetings. President Isaias then personally selected cabinet ministers, regional governors, upper-echelon judges, an auditor-general, the governor of the national bank, new ambassadors, top military commanders, and many mid-level officials and civil authorities. He also presides over all meetings of the PFDJ Central Council and the National Assembly.

Although the government has the appearance of embodying a separation of powers—an executive office with a cabinet of ministers, an interim National Assembly, and a nominally independent judiciary—this is largely an illusion. The cabinet does not provide a forum for debate or decision making. Instead, it serves as a clearinghouse to determine how policies hammered out by the president's inner circle are to be put into practice. The National Assembly is a creature of the ruling party and does not initiate policy or legislation; nor does it meet in open session.

Eritrea's constitution, ratified by a 527-member constituent assembly on May 23, 1997, guarantees citizens "broad and active participation in all political, economic, social and cultural life of the country," but it also says that these rights can be limited "in the interests of national security, public safety or the economic well-being of the country, health or morals, for the prevention of public disorder or crime or for the protection of rights and freedoms of others."<sup>2</sup> Government officials have said the constitution will go into effect once national elections are conducted, but such elections, first scheduled for 1998 and delayed with the outbreak of war, rescheduled for 2001 and then delayed again by the political crisis that engulfed the ruling party, have yet to be set.

Over the past decade, Eritrea has conducted regional and local elections with balloting open to men and women of all religious and ethnic backgrounds, but no forms of new political organization have been permitted, including independent parties and even caucuses within the PFDJ. Nor has the state permitted the formation of politically oriented civil society groups, think tanks, policy organizations, or other independent NGOs. All voting for local public office has been conducted in town-meeting-style sessions presided over by PFDJ cadres. Thus, organizational sectarianism, not ethnic or religious affiliation, has set the parameters for Eritrea's highly constrained political discourse.

Campaigns are not permitted, as there are no legal organizations to put them together, apart from those run by the government. Individuals are not allowed to set up organized political operations during PFDJ-

run elections. Public discussion prior to such elections centers on the character of the candidates and their loyalty to the ruling party. It is extremely rare to find debate over policy options or initiatives in public forums, and there are no media in which new proposals or critiques of existing policies and programs can appear unless they are prepared by party functionaries. The only substantive exchanges over political issues take place behind closed doors at party-run seminars or leadership meetings. However, even these are strictly controlled, as the arrest and subsequent disappearance of dissident former leaders who spoke up in such meetings in 2001 demonstrated to the party faithful.

As there are no legal parties in Eritrea apart from the PFDJ, and as there have been no national elections of any kind, no rotation of power has been possible. A special parliamentary commission in 2001 drafted a party law that legalizes multiple parties and lays the groundwork for national elections, but the president has withheld it. Several opposition parties exist outside Eritrea, however. Chronic turmoil over four decades within the country's original independence movement, the Eritrean Liberation Front (ELF), has produced numerous splinters, including at the extremes both the ruling EPLF/PFDJ and the Sudan-based Eritrean Islamic Jihad.

In 2004, more than 18 externally based factions opposed the PFDJ. Some define their separate identity by ideological orientation, but most are differentiated by their links to external powers, their regional or ethnic base, or the personalities who lead them. Most seek the ouster of the Isaias Afwerki regime by extralegal means and maintain military bases or offices in neighboring Ethiopia or Sudan. Among them are the ELF group led by Adbella Idris (the largest of the former ELF factions), the ELF-Revolutionary Council, the pro-Ethiopia Eritrean Revolutionary Democratic Front (whose name mimics that of the ruling party in Ethiopia), and several smaller regional groups.<sup>3</sup> In 2004 13 such groups were affiliated with the Ethiopia-based Eritrean National Alliance (ENA), which is committed to the armed overthrow of the Isaias government. Its adherents are drawn mainly from among former ELF fighters and from refugees in Sudan and Ethiopia.

The government crackdown on dissent since 2001 has also given rise to a breakaway faction of former EPLF/PFDJ members that favors a nonviolent political transition—the Eritrean Democratic Party (EDP), led by EPLF founder and G-15 member Mesfun Hagos. Its stated goal

is the establishment of “a constitutional system in accordance with the democratic principles laid down in the ratified Constitution of Eritrea.”<sup>4</sup>

The civil service is based on a mix of merit and political loyalty. There are no published guidelines or legal recourse in the event of dismissal, and there is no transparent competitive process for securing civil service positions or gaining advancement. Ministerial portfolios are frequently shuffled to keep rivals from developing power bases of their own. High-ranking officers and government officials who question the president’s judgment over minor issues often find themselves subjected to the Chinese practice of *midiskal* (freezing) in which they are removed from their posts and kept on salary but not permitted to work, then abruptly brought back into the fold when they are perceived to be “rehabilitated.” Meanwhile, hundreds of poorly paid conscripts fill lower-level posts left open by the steady drain of military call-ups and by the flight of many young people since Eritrea went onto a war footing with Ethiopia in 1998 (see “Civil Liberties”).

The only media in Eritrea today are those controlled by the state: EriTV, which began broadcasting in Asmara in 1993; Dimtsi Hafash (Voice of the Masses radio), broadcasting in six languages with a transmission power of 1,000 kilowatts; three newspapers, one published in Tigrinya (*Hadas Eritrea*), one in Arabic (*Eritrea al-Hadisa*), and one in English (*Eritrea Profile*), all of which carry roughly the same information and opinion; and a government-run press service, the Eritrean News Service (EriNA). The Ministry of Information, headed by Ali Abdu Ahmed, uses the media to propagandize without permitting opposing views to be published or broadcast.

A 1996 Press Law guarantees the freedom of the press but prohibits, among other things, the dissemination of material that “promotes the spirit of division and dissension among the people” or that contains “inaccurate information or news intentionally disseminated to influence economic conditions, create commotion and confusion and disturb the general peace.” These vague proscriptions left the state broad discretion to harass the country’s feisty new newspapers in 2001 after they began publishing critiques of the president. The law also bans foreign funding of indigenous press, the contravention of which was the government’s unofficial rationale for the press closures in 2001.<sup>5</sup> The National Assembly created a committee in February 2002 to assess and, if needed, revise the Press Law, but no new proclamation has been announced since then,

and the independent press remains closed. Amnesty International reported that 14 journalists remained in prison without charge in December 2003, including Aklilu Solomon, a reporter for Voice of America, who was detained the previous July after reporting adverse public reaction to the government's announcement that soldiers had been killed in the border war with Ethiopia.<sup>6</sup> Eritrea expelled the last resident foreign reporter, Jonah Fisher (BBC, Reuters), in September 2004 after he reported on human rights issues. Questioned by a local stringer about the country's continued incarceration of indigenous reporters and editors, Information Minister Ali Abdu Ahmed characterized the jailed journalists as "agents of the enemy" who "were not journalists, either professionally or ethically."<sup>7</sup>

What information and independent analysis of domestic and international issues reaches Eritreans does so largely through radio and Web-based media originating abroad. Three political parties—the EDP, the ELF-RC, and the ENA—beam weekly shortwave radio programs to Eritrea via satellite. These and other opposition groups also maintain active Web sites, as do several unaffiliated groups in Eritrea's very active diaspora, most of them highly critical of the Isaias regime. The most prominent of those opposed to the current government are Awate.com and Asmarino.com. Government supporters in the diaspora also maintain a number of sites, the most prominent of which is Dehai.org.

Eritrea has seen an explosion of Internet connectedness, particularly among young people in the main towns and cities. The four private Internet service providers are all monitored by the state, although not directly controlled, and numerous Internet cafes are open to the public. [*Editor's note:* On October 19, 2004, the Ministry of Information announced new controls on Internet cafes and on public libraries, ostensibly to limit access to pornography. Many view this as an effort to block links to the proliferating independent Web sites based outside Eritrea.<sup>8</sup>]

### *Recommendations*

- Eritrea's already-ratified constitution should be implemented without further delay.
- The government should approve the party law legalizing multiple parties and laying the groundwork for national elections.
- The government should grant amnesty to members of opposition political movements based outside the country and allow these

organizations to renounce violence and enter the political process as legal entities competing on a level playing field with the ruling PFDJ.

- An independent commission should be established to organize Eritrea's first national elections, with adequate safeguards for competing parties and open campaigns and with extensive international monitoring throughout the process.
- The 1996 Press Law should be rescinded and constitutional protections for free media respected by permitting the re-establishment of independent newspapers and the creation of independent broadcast media.

#### CIVIL LIBERTIES – 1.54

The as-yet-unimplemented constitution bans torture (Article 16), but former detainees claim to have been routinely subjected to it.<sup>9</sup> Amnesty International reported in May 2004 that torture of prisoners is “widespread and systematic” and that it is the “standard form” of military interrogation and punishment.<sup>10</sup> No public officials have ever been prosecuted for torturing or abusing prisoners.

Conditions for many current political detainees are impossible to ascertain, as the prisoners are denied all access to visitors. Even the sites where many political prisoners are kept are secret. Arrests for political infractions are frequent and arbitrary, rarely accompanied by formal charges, although Eritrea's constitution guarantees the right of habeas corpus (Article 17), and the Eritrean penal code limits detention without charge to 30 days. Estimates of the number of political prisoners detained since 1991 run from the high hundreds to the thousands, but it is impossible to get an accurate count as no charges have been filed against any of them or formal trials held. Reports are widespread of members of opposition groups such as the ELF held under detention since the early 1990s. At least one of the G-15 is thought to have died of what one government official told a visiting journalist in 2003 were natural causes, but there are no confirmed reports of executions of dissidents.<sup>11</sup>

Numerous governments, multilateral organizations, and human rights organizations, including the U.S. Department of State, have called for the release of Eritrea's political prisoners, particularly those arrested



in September 2001. However, the Asmara government insists that it holds no prisoners for political reasons, claiming those who are incarcerated are criminals or security risks. In March 2004, the African Commission on Human Rights issued an advisory ruling that the continued detention of the 11 former high-ranking government officials taken in September 2001 was illegal.<sup>12</sup>

More than 220 Eritreans who were forcibly deported from Malta in 2002 remained in detention in 2004, most in secret prisons on the island of Dahlak Khebir. At Eritrea's request, some 100 Eritrean nationals were forcibly repatriated from Libya on July 21, many of them draft-age men and women who fled Eritrea through Sudan in the hope of reaching Italy once they arrived in Libya. They were reportedly detained upon arrival in Eritrea and have not been seen since. On August 27, a plane carrying another 76 Eritreans from Libya to Eritrea made a forced landing in Khartoum, where 15 were accused of hijacking the plane and sentenced to five years in prison in Sudan. The others have petitioned the UN High Commissioner for Refugees for protected status. UNHCR has recommended that even rejected asylum seekers should not be forcibly repatriated.<sup>13</sup>

All Eritreans between the ages of 18 and 45 are required by law to perform 18 months of national service in the armed forces or in government-run public works projects. Since the outbreak of war with Ethiopia in 1998, however, conscripts have been kept in service on a continuous basis, many serving in low- or no-paying jobs in state and party-controlled enterprises. There have been frequent, often brutal, house-to-house round-ups to identify, induct, or detain evaders. Re-induction for those who have already served has been used as political punishment for members of the press and others who have expressed public criticism of government policy.<sup>14</sup> A steady flow of refugees into neighboring Sudan is one by-product of this policy.

Women played a central role in Eritrea's independence war, constituting more than 30 percent of the 95,000-strong liberation army and playing a wide range of non-traditional roles. Their post-independence participation in public life presents a mixed record, as conservative social values have reasserted themselves and destructive traditional practices such as female circumcision, child marriage, and virginity testing have become increasingly common. The constitution prohibits discrimination based on race, ethnic origin, color, and gender and mandates the

National Assembly to legislate measures designed to eliminate such inequality (Article 14). Although this has yet to be put into effect, the state has already acted to diminish oppressive cultural practices and has effectively blocked trafficking in children or women. The government has declared International Women's Day an official holiday and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Women held three ministerial portfolios in 2004—Justice, Tourism, and Labor and Social Affairs—and in local elections in 2002, women won more than a fifth of the posts. However, gender-related changes in the public sphere are not woman-led, and women, like other social groups, are prohibited from forming their own organizations apart from the party-sanctioned National Union of Eritrean Women.

The government has increased educational opportunities for girls and opened schools in remote areas of the country for children of minority groups, offering primary education in all nine of the country's indigenous languages. Elementary school enrollment rose 270 percent from 109,087 in 1991 to 295,941 in 2001, with that for boys reaching 53 percent of the school-age population and that for girls 49 percent. However, retention and drop-out rates were high, especially for girls.<sup>15</sup> Secondary and post-secondary education is state-subsidized and free to students, who are accepted largely on merit, though the poorly performing economy tends to limit the number of children subsistence farm families can afford to send to school. Social pressures weed out many of the female students as sons are given priority within the family.

The society as a whole is ethnically and religiously diverse. Tigrinya-speakers, mostly Christian sedentary farmers and urban dwellers concentrated on the highland plateau, make up nearly half the population. Tigre-speaking Muslims, many of them agro-pastoralists living in the western lowlands and the coastal plains, are the second largest group, making up close to a third of the population. The remaining fraction is comprised of six, mostly Muslim, minorities, plus the Kunama, who practice traditional religious beliefs. There is no official language, although Tigrinya, Arabic, and English prevail in business and commerce.

This ethnic potpourri is almost evenly divided between Sunni Muslims and Christians (most of whom are Orthodox, along with Catholic and Protestant minorities tracing to the pre-colonial period), with a small minority (2 percent) who practice traditional beliefs. There is

little institutional discrimination based on faith among these historically present groups, although Orthodox Christians of the Tigrinya-speaking ethnic group dominate the economy and hold most high-level political posts. However, the government has taken to actively suppressing evangelical Protestant denominations that have made recent inroads. The as-yet-unimplemented constitution guarantees all citizens “the freedom to practice any religion and to manifest that practice” (Article 15). However, the government has banned what it terms new churches—minority evangelical Christian denominations and mission groups, which have experienced rapid growth over the past decade.

In May 2002, the government proscribed all religious denominations but Islam, the Eritrean Orthodox Church, the Roman Catholic Church, and the Evangelical Church of Eritrea (Lutheran). Members of the prohibited denominations—less than 2 percent of the population but with growing influence among Eritrea’s youth—were forbidden from worshipping anywhere in Eritrea, even in private homes. Twenty-seven girls and 30 boys were held in metal shipping containers in harsh conditions and pressed to abandon their evangelical Christian faith.<sup>16</sup> On January 24, 2004, police arrested 38 members of a Jehovah’s Witnesses congregation worshipping in a private home in Asmara, including children and a 90-year-old man. In February and March, nearly 100 members of evangelical churches in Asmara, Mendefera, and Assab were reportedly arrested for praying in private homes, and some were held as long as one month.<sup>17</sup> In an April 2004 meeting, the government’s Department of Religious Affairs ordered pastors of banned Christian churches to “not inform anyone outside Eritrea of your problems” and forbade them from inviting Christian speakers from abroad without government permission. The pastors at the meeting reportedly rejected these demands and insisted they would continue to inform the outside world of the threats made against them until their constitutional rights to freedom of worship were restored. The following month, three prominent evangelical leaders were arrested. Singer Helen Berhane, who had recently released an album of Christian music, was also jailed and reportedly held in a shipping container at the Mai Serwa military camp. Several evangelicals who were later released showed evidence of severe physical maltreatment.<sup>18</sup>

Meanwhile, the Eritrean government has come under increasing attack from Islamist terrorists based in neighboring Sudan, chiefly the

Eritrean Islamic Jihad Movement (EIJM, recently changed to the Eritrean Islamic Party for Justice and Development). EIJM was founded in Sudan in 1988 and was affiliated with Osama bin-Laden's terrorist network when it was based there in the 1990s. It is blamed for a rash of landmine incidents, ambushes, and bombings over the past decade, including a May 25, 2004, bombing in the western town of Barentu that injured 90 people.<sup>19</sup> This rising confrontation has led to increasingly stringent, and often repressive, government controls over the mostly Muslim inhabitants of the western and coastal lowlands.

With no outlet for political protest in Eritrea, the Islamist resistance has become by default the channel for the rising popular dissatisfaction among Eritrean Muslims. Issues that feed its growth include a litany of perceived cultural slights: the government's refusal to accept Arabic as an official language; government interference in the selection of leadership in Islamic religious institutions, including the appointment of the Grand Mufti in Asmara; the virtual colonization of the lowlands by Tigrinya-speaking Christian entrepreneurs, who own most of the shops, businesses, hotels, and other urban enterprises and control most commerce and trade there; the denigration of pastoralism as a way of life, reflected in government policies and services favoring settled farmers; resentment over a post-independence trend toward unequal representation for Muslims in state and party leadership; fears that the official (but haphazardly implemented) land reform will impinge on traditional grazing rights, a concern that has been reinforced by the recent resettlement of war-displaced civilians and refugees returning from Sudan in the fertile western plains; and, most important, outrage over the conscription of women into an army where they reportedly suffer extensive abuse. These trends have politicized religious identity and augur ill for the future.

The only nonreligious membership-based organizations permitted to operate in Eritrea today are those under the party's direct control—the National Confederation of Eritrean Workers (with an estimated 20,000 members in five federations), the National Union of Eritrean Women (with 200,000 members), and the National Union of Youth and Students (with 170,000 members).<sup>20</sup> The trade unions are not permitted to organize any segment of the workforce without state and party permission, nor are strikes permitted under any circumstances. No independent trade union organizing is allowed by individuals or groups outside these party-controlled structures. The women's and youth orga-

nizations are largely service providers and do not engage in policy advocacy or protest. Donations to these organizations are closely monitored by the state, which bans unrecognized organizations from accepting foreign funds. The PFDJ pre-selects the leadership slates and sets the priorities for these organizations, which are then confirmed at periodic organizational congresses.<sup>21</sup> With few exceptions—Planned Parenthood is one—international groups are not permitted to establish local chapters in Eritrea, and global human rights organizations have been blocked from carrying out local investigations.<sup>22</sup>

No group larger than seven is permitted to meet without government permission, and no organized public protest is tolerated.<sup>23</sup> On July 30, 2001, the president of the University of Asmara Student Union, Semere Kesete, was arrested after criticizing the forced labor imposed on students during the summer months. When University of Asmara students protested his arrest the next day outside the High Court in Asmara, they were rounded up and sent to a summer work camp, where at least two died from extreme climate conditions. In the aftermath, the university's Student Union was disbanded by the authorities and replaced by a chapter of the PFDJ-controlled National Union of Eritrean Youth and Students.<sup>24</sup>

All other instances of public remonstrance since independence—by liberation front fighters upset over the lack of pay in May 1993, by disabled veterans protesting their banishment from major urban centers in 1994, and by young National Service conscripts in 2004—have been forcibly put down, with their leaders detained without trial for lengthy periods.

### *Recommendations*

- The government should either release or bring to public trial all political prisoners, including but not limited to the former liberation front leaders and government officials identified with the Group of 15.
- Allegations of state torture should be investigated promptly and fully, and the government should ensure appropriate prosecution and punishment of perpetrators.
- A law on religion should be adopted that provides legal protections for all religious groups, and prompt legal action should be taken against those who attack members of minority faiths.

- The national service program should be depoliticized and restructured and not be used as a vehicle for coerced, underpaid labor for state and party operations.
- Full and unfettered freedom of public assembly should be permitted, as guaranteed by Eritrea's as-yet-unimplemented constitution.

### RULE OF LAW – 1.03

The judiciary functions as an arm of executive authority, with judges appointed or sacked at the discretion of the president's office. In some cases, panels of military and police officers have sentenced offenders in secret proceedings that flout basic international standards of fair trial. Detainees are not informed of the accusations against them, have no right to defend themselves or to have legal counsel, and have no recourse to independent judges to challenge abuses of their rights.<sup>25</sup>

The president created a system of secret military tribunals (Special Courts) in 1996 to hear cases of corruption and other unspecified abuses by government and party officials. These courts are directly accountable to his office. Hundreds have been sentenced by them, and they are closed to the public. The trials are conducted by largely untrained military judges without legal representation for the accused or any right of appeal. Prisoners are sent to secret security prisons and military camps scattered around the country, which are not open to public scrutiny or even family visits. In July 2001 the chief judge of the High Court, Teame Beyene, was removed from his post after complaining of executive interference in judicial proceedings and calling for the dismantling of the Special Courts.

The military remains under the president's personal control, as he exercises direct command over the four theater-operation generals—the most powerful figures in the country after the president—while ignoring his minister of defense, General Sebhat Ephrem. The country's national security forces are nominally headed by an Isaias Afwerki loyalist, Abraha Kassa, but, like the armed forces, they remain under the president's personal control.

All land is the property of the state under a land reform proclaimed in 1995. This guaranteed usage rights to all citizens for agricultural and residential land but has been incompletely implemented since then. Prior to this, most land in Eritrea was communally controlled under tenure

arrangements that varied widely from one ethnic group to another (and within them, as well). After the sharp decline in Eritrea's economy following the outbreak of war in 1998, the government began offering long-term leases for cash payments and threatened to strip citizens living abroad of their right to land if they involved themselves in dissident political activities or failed to fulfill their tax obligations. With exports extremely low and new investment not forthcoming, the economy survives largely on remittances from the diaspora, whose members are required to pay a 2 percent asset tax in order to maintain rights to purchase land, secure inheritances, and take advantage of other privileges within Eritrea.

#### *Recommendations*

- Executive interference in the judiciary should be halted and judges permitted to function independently.
- The Special Courts should be abolished immediately and their functions taken over by civilian bodies.
- Those accused of any crime—political or otherwise defined—should be informed of the accusations against them, have access to legal counsel, and be able to appeal.
- Access to residential and agricultural land should not be subject to political conditions. All land transactions should be open and transparent, with conditions for lease or extended use spelled out and adhered to by both parties.

### **ANTICORRUPTION AND TRANSPARENCY – 1.71**

Throughout the post-independence years, the economy has been dominated by the state and the PFDJ, which share ownership of the country's major financial and commercial institutions, agricultural and industrial enterprises, utilities, services, communications facilities, and transport companies. The PFDJ itself holds dozens of businesses in banking, trade, construction, shipping, metal-works, auto repair, road surfacing, and well drilling, among other industries, and it holds controlling stakes in a number of joint ventures with foreign investors for other large-scale undertakings, such as mining.<sup>26</sup> These, set up in the 1980s and 1990s, had been operated by the liberation front, and the PFDJ has expanded them since then with state favor. While the state has divested itself of



some large and medium-size enterprises, it continues to play a commanding role in the economy. Privatization has gone slowly, in part out of would-be investors' fear of party interference in economic ventures and in part due to the precarious security situation since 1998.

Personal corruption among individuals has historically been low in Eritrea—and severely punished when uncovered—but the state and the ruling party have made extensive use of economic levers for political ends, often acting in concert. It is common, for example, for the PFDJ to pressure enterprises to include it as a partner in new ventures and to exact payment or a percentage of profits for its cooperation. Meanwhile, in recent years, strict controls on travel—both within the country and abroad—have generated a lucrative business in such documents as highly prized exit visas and, in the process, fostered a growing practice of graft and corruption among state bureaucrats. Largely on this basis, Transparency International rated Eritrea 102nd of 146 nations in its Transparency International Corruption Perceptions Index 2004, scoring the country only 2.6 on a scale of 1 to 10.<sup>27</sup>

Brigadier General Estifanos Seyoum, a high-ranking member of the PFDJ and a veteran of the independence war, was relieved of his post in the ministry of finance in August 2001 after questioning the equity of tax collection from PFDJ-owned enterprises. A signatory of the May 2001 "Open Letter to the PFDJ," he was detained with the other members of the G-15 in September 2001 and has not been heard from since.<sup>28</sup> No public questions about tax collection or government expenditure have been raised in public forums since then. Nor is there any independent auditing body with authority to take up such issues. Under the constitution, the president appoints an auditor general, but this position has not been functional. There is no public record of the party's economic operations, no published line-item national budget for the state, no detailed accounting for tax collection or remittances—no fiscal transparency of any kind for either state or party finances. In fact, the line items for the national budget remain a well-guarded secret—not only from the general public but from most members of the cabinet and the ruling party.<sup>29</sup>

With an executive-dominated government running a one-party state that prohibits independent media, quashes non-party NGOs, and detains without trial or recourse to appeal those who dissent individually, there are no whistleblowers for misconduct of any kind.



### *Recommendations*

- The financial affairs of the state and the People's Front for Democracy and Justice should be fully disentangled and made transparent.
- A comprehensive line-item national budget for revenue and expenses (operational and capital expenditures) should be prepared, published annually, and made easily accessible to the public.
- Tax policies and procedures should be open and transparent and subject to independent review.
- The practice of requiring exit visas to leave the country should be ended. Collection of bribes and favors for issuing government permits and documents should be thoroughly investigated and laws should be passed to prevent it in the future.
- The government should implement safeguards to protect whistleblowers on institutional and personal corruption from retributive action by those whom they expose.

### NOTES

- <sup>1</sup> *Eritrea: A Country Handbook* (Asmara: Ministry of Information, 2002), 23–24.
- <sup>2</sup> Eritrea Constitution, Articles 7 and 26, <http://unpan1.un.org/intradoc/groups/public/documents/CAFRAD/UNPAN00464.pdf>.
- <sup>3</sup> On May 2, 2003, Hiruy Tedla Bairu, general secretary of the Eritrean National Alliance, told the BBC that its military wing would attack strategic targets such as television and radio stations. See the ENA Web site: <http://www.erit-alliance.org>.
- <sup>4</sup> The EDP's founding program (February 2002) can be retrieved from <http://www.eritreaone.com/Docu/publication.htm>.
- <sup>5</sup> "Eritrea: Assembly session 'conservative but not regressive,'" Integrated Regional Information Network [IRIN] News (UN Office for the Coordination of Humanitarian Affairs, Nairobi), 4 February 2002, [http://www.irinnews.org/report.asp?ReportID=20331&SelectRegion=Horn\\_of\\_Africa&SelectCountry=ERITREA](http://www.irinnews.org/report.asp?ReportID=20331&SelectRegion=Horn_of_Africa&SelectCountry=ERITREA).
- <sup>6</sup> "Eritrea 2004" (New York: Amnesty International [AI], January 2004), <http://web.amnesty.org/report2004/eri-summary-eng>.
- <sup>7</sup> "Eritrean report on imprisoned journalists still pending: minister," Agence France Presse [AFP], 6 October 2004, [http://dehai.org/archives/dehai\\_news\\_archive/sept-oct04/0588.html](http://dehai.org/archives/dehai_news_archive/sept-oct04/0588.html).
- <sup>8</sup> "Internet Cafes Place [sic] under Educational & Research Centers and Libraries," Shabait.com (Asmara: Ministry of Information, October 19, 2004), [http://www.shabait.com/articles-new/publish/article\\_2468.html](http://www.shabait.com/articles-new/publish/article_2468.html).
- <sup>9</sup> Interview with former detainee, Asmara, 6 September 2002.
- <sup>10</sup> "Torture is Rife in Eritrea," *The Wire* (AI, July 2004), <http://web.amnesty.org/wire/July2004/Eritrea>.

- <sup>11</sup> Telephone interview with Australian Broadcasting Corporation journalist, 3 December 2003.
- <sup>12</sup> See, "AU's Human Rights Ruling against Eritrea Documented," *Afrol*, 17 September 2004, <http://www.afrol.com/articles/14148>.
- <sup>13</sup> "Libya/Eritrea" (AI, 6 September 2004), <http://web.amnesty.org/library/index/ENGMDE190142004>.
- <sup>14</sup> "Eritrea: Government resists scrutiny on human rights and calls to end torture and arbitrary detention" (AI, 19 May 2003), <http://news.amnesty.org/index/ENGAFR640042004>.
- <sup>15</sup> *Eritrea: A Country Handbook*, 99.
- <sup>16</sup> "Eritrea 2004" (AI, January 2004).
- <sup>17</sup> "International Religious Freedom Report 2004" (Washington, D.C.: U.S. Dept. of State, 15 September 2004), <http://www.state.gov/g/drl/rls/irf/2004/35354.htm>.
- <sup>18</sup> Testimony of Dr. Paul Marshall, Senior Fellow, Center for Religious Freedom, Freedom House, before the U.S. House International Relations Committee, 6 October 2004, [http://www.house.gov/international\\_relations/107/mars0213.htm](http://www.house.gov/international_relations/107/mars0213.htm).
- <sup>19</sup> "Sudan: Peace and the Region," IRIN (Nairobi), 2 April 2004, [http://www.plusnews.org/S\\_report.asp?ReportID=40388&SelectRegion=East\\_Africa](http://www.plusnews.org/S_report.asp?ReportID=40388&SelectRegion=East_Africa).
- <sup>20</sup> *Eritrea: A Country Handbook*, 50–52.
- <sup>21</sup> Numerous interviews with leaders and members of NUEW, NCEW, NUEYS, Asmara, 2001, 2002.
- <sup>22</sup> Amnesty International delegates were refused visas in July 2002 and have not been permitted to enter Eritrea since then. Neither Human Rights Watch nor the Committee to Protect Journalists had representatives in Eritrea in 2003 or 2004.
- <sup>23</sup> "Eritrea: January 2004" (New York: Human Rights Watch [HRW], 2004).
- <sup>24</sup> Interviews with Asmara University students and members of NUEYS, Asmara, October 2001, February 2002; Boston, November 2003.
- <sup>25</sup> "Eritrea: 'You have no right to ask'—Government resists scrutiny on human rights" (AI, 19 May 2004), <http://www.amnestyusa.org/countries/eritrea/document.do?id=14FA0F5364535E3480256E67005A4F30>.
- <sup>26</sup> Interview with Hagos Gebrehewit, responsible for economic affairs in the PFDJ Secretariat, Asmara, 9 March 1996.
- <sup>27</sup> "Corruption Perceptions Index 2004" (Berlin: Transparency International, 20 October 2004), <http://www.transparency.org/cpi/2004/cpi2004.en.html#cpi2004>.
- <sup>28</sup> "Another Critical Official Sacked," IRIN, 7 August 2001, <http://allafrica.com/stories/200108070236.html>.
- <sup>29</sup> Interviews with Eritrean government officials, Asmara, August–September 2001, February–March 2002.