Eritrea

Issues

- The right to conscientious objection is not recognised.
- Conscientious objectors are detained – often indefinitely – without trial.
- Draft evaders face harsh punishment. In several cases relatives of draft evaders have been arrested to put pressure on the draft evader.

Eritrea became an independent state on 24 May 1993, following a UN-supervised referendum in which a 99.8 percent majority voted for independence from Ethiopia. In 1991 the Eritrean People's Liberation Front (EPLF) had defeated the Ethiopian armed forces after a thirty-year war and had since been in control of the Eritrean territory. The EPLF, which in the past had split from the Eritrean Liberation Front (ELF), formed a government and renamed itself the People's Front for Democracy and Justice (PFDJ)1.

In 1998 another war between Ethiopia and Eritrea broke out in a dispute about the exact location of their border. A peace agreement was signed on 12 December 2000 between Ethiopia and Eritrea putting an end to their two-year border war2.

During peacetime the military of Eritrea numbers approximately 45,000 with a reserve force approximately 250,000 strong and growing. It is estimated that Eritrea currently (2009) maintains a force of at least 300,000 soldiers on the border with Ethiopia3.

Military recruitment

Conscription

Conscription exists

In 1991 the provisional government of Eritrea introduced compulsory national service, including military service (Decree no. 11/1991 of 6 November 1991)4. However, until May 1994, the 1991 decree was not implemented5.

After officially achieving independence from Ethiopia in 1993, the 1991 Decree was initially revised (Decree 71/1995), but later replaced with the 23 October 1995 Decree on national service6.

Military service

The law states that all Eritrean citizens, men and women between the ages of 18 and 40, have the obligation to perform national service7.

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2 Ibid.
Although some refugees claim 55 is now the upper limit, other sources claim up to 57 for men and 47 for women.

In normal circumstances, national service is supposed to last 18 months (article 8). This consists of six months military training and 12 months deployment either on military duties or some other national development project. However, article 13 (2) states that even after completing the compulsory 18 months, national service can be extended until 50 years of age "under mobilization or emergency situation directives given by the government".

At the same time it was reported that many 'voluntary' conscripts had almost completed their eighteen-month national service without having received any military training. Instead of allowing them to perform the missing six-month military training, the President decided they must start again with the entire eighteen-month period.

Moreover, a pattern of sexual violence against female conscripts exists within the military. Some female conscripts are reportedly subjected to sexual harassment and violence, including rape. There have been reports of female conscripts coerced into having sex with commanders, including through threats of heavy military duties, harsh postings, and denial of home leave. Refusal to submit to sexual exploitation and abuse is allegedly punished by detention, torture and ill-treatment, including exposure to extreme heat and limitation of food rations. No effective mechanism for redress or protection exists within or outside the military, and perpetrators generally go unpunished. Women, who become pregnant as a result, are decommissioned and are likely to experience social ostracism from their families and communities as unmarried mothers, and may resort to committing suicide to escape the cycle of abuse.

postponement and exemption

There are exemptions from national service for the disabled (article 15). Exemptions also include provisions for EPLF (Eritrean People's Liberation Front) veterans, for mothers while they are breast-feeding, on medical grounds, and for a family to retain a young person to remain to help at home when all other siblings have been conscripted.

"Psychological derangement" (article 14, 5.1) is also a ground for exemption from military service, and this appears to be a popular way to try and evade service. Recruits who have recently been in Sawa describe a dramatic increase in the number of people in the camp showing signs of severe mental illness.

The 1991 decree allowed postponement to the recently married for the period of their pre-stated honeymoon. Postponement is also possible for pregnant women and sole breadwinners. Postponement was further possible for businessmen, industrial and farm workers, self-employed women, women working in the home, women raising children, and women in employment, except in bars, nightclubs and hotels and there is a postponement for those in higher education. It is not known whether these provisions still exist under the 1995 Decree.

Those considered unfit for military training must serve "in any public and government organ according to their profession."

But in reality, as one Eritrean refugee said, "the only people who don't go to military service are blind or missing their trigger fingers."

recruitment

Until May 1994, there were no call-ups. In May 1994, it was announced that in a first round of recruitment,
10,000 youths who were registered in 1991 in the Asmara province would be called up. In practice women, students and those working in a vital capacity in governmental and non-governmental institutions were exempted. There are two principal means of recruitment; on the one hand a formalised call-up system, facilitated by the formalised militarisation of the education system; on the other hand forced recruitment by raids, which are known as “giffa” in the Tigrinya language, in areas where those who have not responded to the call-up, or who have deserted, may be hiding. These "round-ups" seize all who appear to be of military age and cannot produce documentation to show that they are not liable for military service. Those resisting are reportedly shot, — the government itself has officially admitted some fatal woundings during such operations.15

Both recruitment models are prone to involve the conscription of persons aged under the legal recruitment age of 18. Since the 1998–2000 war with Ethiopia, Eritrea has in practice remained in an almost permanent state of mobilisation.19 Since 2003 all secondary school students are recruited directly after they finish their 11th grade in order to do their final 12th grade inside Sawa military camp, effectively starting their military training. Each round or intake of students incorporates 8,000 to 9,000 students. Those who do not spend the year at Sawa do not get the results of their school leaving examinations and are thus ineligible to sit university entrance examinations.20

Conscientious objection

Conscientious objection for conscripts

Eritrea does not recognise the right to conscientious objection. “The National Service Proclamation of 1995 makes no provision for conscientious objection to military service”21.

practice

Jehovah’s Witnesses are reported to refuse to perform the compulsory national service. This resulted in a October 1994 government directive that Jehovah’s Witnesses had no citizen’s rights. They are denied government employment, government housing, business licenses and passports.22

During the thirty year civil war many Jehovah’s Witnesses were COs and refused to take part in the war.23

As of June 2009, there are a total of 12 Jehovah’s Witnesses in prison in Eritrea due to their objection to military service.24

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Three Jehovah's Witnesses arrested in September 1994 for refusing military service remain in incommunicado detention without charge or trial more than 14 years later. 

Besides conscientious objection, draft evasion and desertion are widespread (see below).

**Conscientious objection for professional soldiers**

Nothing is known about the service conditions of professional soldiers. Given that conscripts do not have a right to conscientious objection, it can be assumed that professional soldiers do not have this right either.

Nothing is known about the conditions for leaving the service prematurely.

**Draft evasion and desertion**

**Penalties**

The 1957 Ethiopian penal code, which was adopted by Eritrea at independence and, according to the British embassy in Asmara, was still in force in July 2003, details various penalties for desertion from and evasion of military service.

According to article 296, “refusal to perform military service” is punished with “simple imprisonment”, or – in time of emergency, general mobilisation, or war – with rigorous imprisonment not exceeding 10 years. “Failure to enlist” is punishable with simple imprisonment not exceeding six months, or – in time of emergency, general mobilisation or war – rigorous imprisonment of up to five years (article 297).

The potential punishment for “intentional provocation of unfitness” (article 298) and “fraudulent evasion of service” (article 299) range from "simple imprisonment" for six months to "rigorous imprisonment" for up to fifteen years. Penalties for desertion range from five years of “rigorous imprisonment” to the death penalty (article 300).

Being absent without leave can be punished with simple imprisonment of up to six months in times of peace, or up to two years in times of emergency, general mobilisation, or war (article 301).

However, according to Amnesty International, “the few functioning courts failed to protect the constitutional rights not to be tortured or arbitrarily detained. Special Courts handed down prison sentences in secret summary trials for corruption and political offences where the accused had no right to legal defence representation or appeal”.

**Practice**

Human Rights Watch reports that persons detained for evading national service are often “held incommunicado indefinitely without formal charge”. Prison conditions are reportedly harsh and include overcrowding, extreme temperatures, solitary confinement, the absence of sanitation, “starvation rations”, hard labour and mental abuse.

Furthermore, an officer in charge of a military prison who subsequently fled to Djibouti explained that sentencing was completely arbitrary and commanders decide how long people remain in jail. Whether or not the sick are given access to medical treatment is left to the caprice of their superior officers: “There were no rules from Asmara on how long prisoners stay in jail, it depends on individual commanders. Prisoners can be detained up to two years. If someone is sick they usually don’t believe him, he might be trying to escape or does not want to be punished.”

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Amnesty International reports: “Military courts were not functioning. Military conscripts accused of a military offence such as desertion, attempted desertion or being absent without permission were arbitrarily imprisoned or punished with torture, or possibly executed in the most serious cases, on the order of their military commander.”

Family members and relatives of draft evaders and deserters may also be at risk of persecution due to the practice of substitute service and/or punitive fines and imprisonment. Since 2005, the Government has instituted measures to address the widespread evasion of and desertion from military service, including arrest of family members, mostly parents, of children who have not reported to the military training camp at Sawa for their final year of high school or have not reported for national service; imposition of fines on families of draft evaders; forced conscription of family members, particularly the father, of the draft evader; and withdrawal of trade licenses and closure of businesses held by members of the nuclear family of a deserter/draft evader.

In a sweep that started on 6 December 2006 more than 500 persons, mostly parents of young men and women who have either deserted the army or avoided conscription, got arrested. In an earlier action in July the year before, several hundred relatives of deserters and draft evaders have reportedly been arrested in the Debub region of southern Eritrea since 15 July. They were held incommunicado, many in harsh conditions with a high risk of torture or ill-treatment.

As a consequence, many young Eritrean flee abroad, also to avoid military service. According to the UNHCR, about 10,000 refugees arrived in Sudan in 2007 alone, adding to the then about 95,000 Eritrean refugees in Sudan. “A lot of it relates to the compulsory military service and the penalties for not doing the services and the penalties that are imposed on family members,” so a speaker of UNHCR in Sudan. From January to June 2009, more than 10,000 Eritrean refugees arrived in Sudan. Once in Sudan, Eritrean refugees are still not safe. According to Eritrean human rights groups, the Sudan has allowed Eritrean intelligence agents to kidnap some of the refugees and return them to Eritrea. Eritrean refugees are also at risk of deportation from many other countries. Amnesty International issued alerts on Egypt, Libya, and European countries. People fleeing Eritrea are at risk of being shot by Eritrean troops when crossing the border.

Amnesty International also reports on the fate of returned refugees. Between 12 and 19 June 2008, up to 1,200 Eritrean asylum-seekers were forcibly returned from Egypt to Eritrea. The majority of the asylum-seekers returned were transferred to the remote Wia prison and other military facilities, where they are still being held,

accessed on 22 June 2009.
while some were released after weeks in detention, including pregnant women and women with children⁴¹.

4 Recruitment by armed insurgent groups

Eritrea has some small armed opposition groups, which are mostly working abroad in countries like Sudan, Djibouti or Ethiopia. About their recruitment methods not much is known. Since 2004 all opposition parties and groups have been driven out of the country⁴².

Apparently, rebels belonging to a Eritrean Liberation Front (ELF) fraction in the Danakil region try to prevent young men performing national military service. In 1995 it was reported that ELF rebels came into conflict with government officials over young men refusing to perform national military service, leading to two deaths on the side of the government⁴³. In 2009, the ELF formed a coalition with Islah, EIJD and EFDM, called Eritrean Solidarity Front⁴⁴.

More recently, two ethnic minority organisations, the Red Sea Afar Democratic Organization (RSADO) and the Democratic Movement for the Liberation of Eritrean Kunama (DMLEK) have announced that they have created the Democratic Front of Eritrean Nationalities (DFEN), and “invited all organizations with military wings to co-ordinate their efforts”⁴⁵. While the Red Sea Afar Democratic Organisation is active⁴⁶, its form of recruitment is unknown. The same applies to the Democratic Movement for the Liberation of Eritrean Kunama⁴⁷.

Furthermore the Eritrean government has accused Sudan of recruiting and training more than 700 of The Eritrean Islamic Salvation Movement (formerly the Eritrean Islamic Jihad), after clashes between Islamic militants and government forces in December 1994. More recent military activities of the group have been reported in 2003⁴⁸. The Islamic opposition is reported to be recruiting among Eritrean refugee camps in Sudan⁴⁹.

6 Annual statistics

There are 1,108,836 males and 1,096,120 (estimated numbers, 2008) females aged between 16-49 available for military service. 834,018 of the males and 887,495 (estimated numbers, 2009) of the females are declared to be fit for military service⁵⁰.

Every year approximately 62,265 male and 62,328 (estimated numbers, 2009) female reach conscription age⁵¹.

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⁴⁹ The Indian Ocean Newsletter nos. 649, 650 & 651, 3, 10 and 17 December 1994.
⁵¹ Ibid.