



Joint submission for the UPR of Eritrea by PEN International,

PEN Eritrea in Exile and the Committee to Protect Journalists (CPJ)

Contribution to the 32nd session of the Working Group of the Universal Periodic Review

12 July 2018

Executive Summary

- I. The coalition of submitting organisations (the coalition) welcome the opportunity provided by the Office of the High Commissioner for Human Rights to contribute to the third cycle of the Universal Periodic Review (UPR) on Eritrea. The coalition has serious concerns about the severe restrictions on freedom of opinion and expression and the continuing practice of incommunicado detention without trial of writers and journalists in Eritrea. These concerns were outlined in PEN International's two previous reports for the 2009 and 2013 Universal Periodic Reviews (UPR) of Eritrea.
- II. As organisations promoting freedom of expression, this submission focuses on Eritrea's compliance with international human rights obligations related to freedom of opinion and expression and on progress made since the 2013 UPR. In particular, the concerns raised in this submission relate to:
 - Update on the situation for freedom of expression since 2013
 - Arrest of journalists and writers reported since 2013
 - Update on situation of writers and journalists arrested in 2001
 - Reported deaths in custody of journalists and G-15 politicians
 - Torture and other cruel, inhuman or degrading treatment or punishment in detention
 - Situation of other detained journalists and writers

International human rights commitments

- III. Eritrea acceded to the International Covenant on Civil and Political Rights (ICCPR) without reservations in 2002. Eritrea is also bound by the Universal Declaration of Human Rights (UDHR) and is party to the African Charter on Human and Peoples' Rights, (ACHPR), ratified in 1999. These treaties oblige Eritrea to protect the right to freedom of opinion and expression as well as the following rights, among others: the right to life and security; freedom from torture or cruel inhuman or degrading treatment or punishment; freedom from arbitrary arrest and detention; to humane treatment in detention; a fair trial; freedom

of thought and conscience; and freedom of association. In 2014 Eritrea also acceded to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Implementation of recommendations from 2013 UPR

- IV. During the last review, Eritrea received 24 recommendations related to freedom of opinion and expression and freedom of the press, 9 of which they accepted¹; as well as 23 related to practices of incommunicado detention and torture, 10 of which they accepted.² Eritrea also received a number of recommendations related to general civil and political rights, and implementation of the Constitution, 5 of which they accepted³; and others related to engagement with treaty bodies and with UN mechanisms, 9 of which they accepted.⁴
- V. Despite accepting the above recommendations, Eritrea has demonstrated an unwillingness to follow through on reforms and there has been no discernable progress towards their implementation.

General civil and political rights

- VI. Eritrea enacted a new Civil Code, Penal Code, Code of Civil Procedure and Code of Criminal Procedure in 2015, though there is conflicting information about their current status. According to the 2016 report of the Commission of Inquiry, there are a number of provisions in the 2015 Criminal Procedure Code that are consistent with international human rights standards (as per the recommendation to harmonize national laws in line with the ICCPR). However, Article 5 imposes a 'duty to follow [the] constitution' and includes numerous

¹ Eritrea accepted the following: Take necessary measures to ensure respect for human rights, including the rights of women, political rights, the rights of persons in detention and the right of freedom of expression as it pertains to the press and other media (122.67); Ensure a conducive climate to the work of human rights defenders and the civil society activists and journalists (122.168); Take policy and other measures which ensure the enjoyment of freedom of expression, opinion and assembly (122.162); Ensure that any physical or moral harm against journalist or human rights defenders is investigated and that the perpetrators are duly prosecuted (122.152); Ensure that the rights of all its people to freedom of expression, religion, and peaceful assembly are respected (122.158;122.159; 122.60 and 122.154); Harmonize national laws to incorporate the International Covenant on Civil and Political Rights, in particular articles 9,12,19,21 (122.107);

² Accepted: Ratify Convention against Torture (122.5; 122.7, 122.8, 122.9, 122.11, 122.13 and 122.14); Expedite the implementation of the accepted recommendations of the first UPR cycle, including the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment, and the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Form of Child Labor (122.52); Ratify the Convention on Disabilities and CAT (122.24. and 122.28.)

³ Accepted: Enhance and implement domestic laws to further promote and protect civil and political rights of the Eritrean people (122.43); Comply in law and practice, with its obligations under the International Covenant on Civil and Political Rights (122.22); Apply all the provisions of the Constitution relevant to human rights and the rule of law (122.31); Step-up efforts and take urgent measures for a rapid and definitive application of the country's Constitution, ensuring that it incorporates the principles and commitments arising from international human rights instruments to which Eritrea is signatory or has acceded to (122.32 and 122.41)

⁴ Accepted: Consider the possibility of acceding to all the international human rights treaties and conventions (recommendation 122.2); On cooperation with the Office of the High Commissioner, Human Rights Council mechanism and the regional and international human rights bodies (122.73; 122.76;122.79;122.81;122.82; Further develop cooperation with the relevant United Nations bodies and is ready to support the country's efforts in all aspects (122.98); Submit all the reports due under treaty bodies (122.74); Cooperate with the High Commissioner for Human Rights, treaty bodies and special procedures mandate holders (122.75);

references to the ‘Supreme Court’⁵, yet the Constitution of 1997 has still not been implemented, despite assurances from officials to the UN Special Rapporteur on the situation of human rights in Eritrea that they are in the process of reviewing and updating the Constitution⁶, and a Supreme Court does not exist.

Engagement with regional and international treaty bodies

- VII. In terms of cooperation with regional and international treaty bodies and the UN, Eritrea submitted its first report⁷ to the African Commission on Human and Peoples’ Rights (ACHPR) after years of failing to do so, though it has still not implemented any of the ACHPR decisions in relation to freedom of expression and the enforced disappearances of journalists and politicians. Positively, Eritrea acceded to the CAT on 25 September 2014.
- VIII. Eritrea has also increased its engagement with the international community since the last UPR, and has granted access to bilateral and international delegations, apparently in order to improve diplomatic relations and to strengthen its cooperation with the international community.⁸ In October 2017 the government invited the Office of the UN High Commissioner for Human Rights (OHCHR) for a short-term technical assistance mission.⁹ However, Eritrea has continued to ignore requests by the UN Special Rapporteur on Eritrea to visit the country in order to assess the human rights situation in accordance with her mandate. The government has also ignored requests to grant independent experts from regional and international human rights groups the access needed to carry out comprehensive studies on the human rights situation¹⁰ including from the Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment; freedom of religion or belief; extrajudicial, summary or arbitrary executions; the right to food; and freedom of opinion and expression.¹¹
- IX. Eritrea has also refused to meaningfully engage with the UN Commission of Inquiry (CoI), in place from 2014-2016. The CoI report published on 8 June 2016 concluded that there were ‘reasonable grounds to believe’ that Eritrean officials have committed crimes against humanity in the 25 years since independence ‘as part of a campaign to instill fear in, deter

⁵ Detailed findings of the commission of inquiry on human rights in Eritrea A/HRC/32/CRP.1, 8 June 2016, para 177, http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A_HRC_32_CRP.1_read-only.pdf

⁶ Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth, A/HRC/35/39, 7 June 2017, para 56.

⁷ Eritrea: Initial National Report (1999-2016) - Prepared on the African Charter on Human and People’s Rights (ACHPR)” 28 March 2017, The State of Eritrea, Ministry of Foreign Affairs, para 294, http://www.achpr.org/files/sessions/62nd_os/state-reports/1st-1999-2016/achpr_eritrea_initial_report_1999_2016.pdf

⁸ Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth, A/HRC/35/39, 7 June 2017, para 52

⁹ “Eritrea: Extend UN Special Rapporteur mandate, help end generalized impunity,” 29 May 2018, https://www.defenddefenders.org/press_release/eritrea-extend-un-special-rapporteur-mandate-help-end-generalized-impunity/

¹⁰ Report of the Special Rapporteur on the situation of human rights in Eritrea, 7 June 2017, Sheila B. Keetharuth, A/HRC/35/39,

<http://www.ohchr.org/EN/HRBodies/SP/CountriesMandates/ER/Pages/SREritrea.aspx>

¹¹ “Eritrea: Extend UN Special Rapporteur mandate, help end generalized impunity,” 29 May 2018, https://www.defenddefenders.org/press_release/eritrea-extend-un-special-rapporteur-mandate-help-end-generalized-impunity/

opposition from and ultimately to control the Eritrean civilian population'.¹² The Col called for perpetrators to be held accountable. The government has not taken steps to address the serious concerns raised by the Col.¹³

- X. Reports from the UN Special Rapporteur on Eritrea indicate that the country was working with international partners on the implementation of UPR recommendations and was due to submit a mid-term report¹⁴, but it is unclear what progress, if any, has been made.

Update on situation for freedom of expression since 2013

- XI. Despite accepting several UPR recommendations on respecting freedom of expression, there has been no discernable progress towards their implementation.
- XII. Under the period of review, the situation for freedom of expression has remained deeply problematic. Eritrea is still one of the worst places to be a journalist, imprisoning at least 15 journalists and writers at time of writing in conditions amounting to enforced disappearance, without charge or trial (see below for further information).
- XIII. The government retains tight control on the state media and runs all news outlets in the country through the Ministry of Information¹⁵. All journalists in the country are expected to follow a strict editorial line and face stringent censorship in a media climate characterized by the recycling of official information.¹⁶ Many journalists are fearful of stepping out of line. At least ten journalists have contacted CPJ to ask for assistance, having fled their country for fear of government reprisal.
- XIV. Since 2012, when the country made it compulsory for all civilians aged 18-70 to enroll in military service, except for ministers,¹⁷ all state media journalists and staff members of the ministry of information have also been armed and are required to undertake regular military training.¹⁸ Various journalists have been sent to military prisons because of the new decree.¹⁹

¹² "UN Inquiry finds crimes against humanity in Eritrea," OHCHR, 8 June 2016,

<http://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=20067&LangID=E>

¹³ Report of the Special Rapporteur on the situation of human rights in Eritrea, 7 June 2017, Sheila B. Keetharuth, A/HRC/35/39, para 30,

<http://www.ohchr.org/EN/HRBodies/SP/CountriesMandates/ER/Pages/SREritrea.aspx>

¹⁴ Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth, A/HRC/35/39, 7 June 2017, para 54.

¹⁵ "10 Most censored countries," Committee to Protect Journalists, December 2015,

<https://cpj.org/2015/04/10-most-censored-countries.php>

¹⁶ <https://www.aljazeera.com/indepth/opinion/remembering-day-eritrean-press-died-170918074330130.html>

¹⁷ "Eritrea is a prison state – no wonder so many are desperate to escape," Abraham T. Zere, 23 September 2016, <http://pen-international.org/news/eritrea-is-a-prison-state-no-wonder-so-many-are-desperate-to-escape-abraham-t-zere>

¹⁸ The 2012 military programme requires nationals between the ages of 18-70 to attend regular military training and guard government buildings in the evenings. Journalists in Eritrea, just like all civil servants, are required to attend this militarization program as well.

¹⁹ "The life of a state journalist in Eritrea," Abraham T. Zere, *The Independent*, 30 June 2016,

<https://www.independent.co.uk/voices/campaigns/voicesindanger/the-life-of-a-state-journalist-in-eritrea-a7111931.html>

- XV. The UN Commission of Inquiry observed that in Eritrea ‘even conjectured thoughts are used to rule through fear’ based on which ‘individuals are routinely arbitrarily arrested and detained, tortured, disappeared or extra judicially executed.’ That is why the Commission concluded: ‘It is not law that rules Eritreans, but fear.’²⁰
- XVI. On top of this, extensive censorship practices have also severely restricted literary, artistic and cultural production. In 2015, Eritrea was named the world's most censored country by CPJ²¹, due to the combined lack of access to information, stringent control of online media and pervasive collective surveillance.²² Although the pervasive practice of censorship was officially lifted in 2016, the inherent fear that persists among Eritreans and other conditions, such as limitations on money withdrawals from banks, has also crippled the country’s art production, such as the film industry.²³
- XVII. Due to this situation, access to information in the country is extremely limited – journalists living in exile try to provide access to independent online news websites and radio broadcasts, for example *Radio Erena*, but they are frequently jammed. According to UN International Telecommunication Union figures, access to the Internet is extremely limited. Less than 1 percent of the population goes online. There is only one mobile communications provider, and all Internet service providers must go through the government-controlled gateway.²⁴ The UN Special Rapporteur has also reported that customers are required to register at internet cafes, which allows for tracking of browsing history.²⁵
- XVIII. There have been a few recent developments that have the potential to increase access to information in the country – for example BBC Radio announced in late January 2018 that it would begin broadcasting news via shortwave and satellite, and would stream content on its Facebook page.²⁶ While a small number of international journalists have also accessed the country since the last UPR review their visits were tightly controlled and independent observers and researchers continue to be denied access to the country, according to a recent statement by the Special Rapporteur on Eritrea.²⁷
- XIX. As reported in PEN’s previous UPR submission on Eritrea in 2013, thousands of Eritreans have been detained since 1993 for their actual or perceived criticism of or their opposition to the government and its policies, or for other opinions or beliefs. Available information suggests that few, if any, of these detainees have ever been tried or charged, been given

²⁰ First Report of the Commission of Inquiry on Human Rights in Eritrea, A/HRC/29/42, 4 June 2015 p. 1 and para 38, <https://daccess-ods.un.org/TMP/9278236.62757874.html>

²¹ ‘10 Most Censored Countries’, CPJ, <https://cpj.org/2015/04/10-most-censored-countries.php>

²² “Writing in Exile: “Home” is My Mailing Address,” Abraham Tesfalul Zere, 10 December 2015, <http://pen-international.org/news/writing-in-exile-home-is-my-mailing-address-abraham-tesfalul-zere>

²³ <http://www.peneritrea.com/blog/shadow-report-in-response-to-the-initial-report-of-the-state-of-eritrea-to-the-african-commission-on>

²⁴ ‘10 Most Censored Countries’, CPJ, <https://cpj.org/2015/04/10-most-censored-countries.php#1>

²⁵ Human Rights Council Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth, 7 June 2017, para 29

<http://www.ohchr.org/EN/HRBodies/SP/CountriesMandates/ER/Pages/SREritrea.aspx>

²⁶ “Overview of the Human Rights Situation in the East and Horn of Africa October 2017 – April 2018: Report submitted to the 62nd Ordinary Session of the African Commission on Human and Peoples’ Rights (ACHPR)” Nouakchott, Mauritania, April 2018, Defend Defenders, <https://www.defenddefenders.org/wp-content/uploads/2018/05/ACHPR62-Bi-Annual-Submission.pdf>

²⁷ “Eritrea: UN expert says more arrests, detentions after elderly school chief dies in custody,” OHCHR, 14 March 2018, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22823>

access to a lawyer or brought before a judge. The Eritrean judiciary is not independent and there is no way to appeal against arbitrary detention. In many cases, the detention amounts to enforced disappearance since the authorities refuse to confirm the arrest, whereabouts or fate of the missing individual.²⁸

- XX. Among those detained are the politicians and journalists arrested in the 2001 crackdown as well as other journalists who have been arrested over the years; see below for more information.

Arrests of journalist and writers reported since 2013

- XXI. Six *Radio Bana* journalists were released on bail on 21 January 2015 after almost six years in detention without charge or trial. They were the last six remaining detainees following a raid of the Asmara-based *Radio Bana* in February 2009,²⁹ during which at least 29 employees, at least 14 of whom were journalists, were arrested.³⁰ They were detained in military prisons with harsh regimes and subjected to deplorable conditions.³¹
- XXII. This welcome step, while initially promising for the fate of the other detained journalists and writers, has not been followed through with further positive developments.
- XXIII. Journalists who have remained in the country and work for the state owned media continue to face the risk of arbitrary arrest, imprisonment and enforced disappearance.³² Recent reports indicate that the Eritrean security forces arrested Mohammednur Yahya, Editor-in-Chief of the Eritrean State Arabic-language newspaper *Eritrea Alhaditha*; Abdulkader Ahmed, features editor of the Eritrean State Tigrinya-language newspaper *Haddas Ertra*; and Abubeker Abdelawal, former associate editor and 'opinion' section editor of the state newspaper, *Haddas Ertra*, in late March 2018. All three have worked for their respective newspapers for decades and are respected within the profession. The precise circumstances of their arrest were not clear. Reports indicate that the journalists were released in early April 2018.³³
- XXIV. In January 2017, reports indicated that owners and directors of content in the budding YouTube industry in Eritrea, such as LYE TV and YONAN, were arrested, while some fled the

²⁸ PEN International Contribution to the 18th session of the Working Group of the Universal Periodic Review Submission on Eritrea, June 2013, para 8, <http://pen-international.org/app/uploads/archive/2013/06/24-06-2013-Eritrea-Report-to-UPR-PEN-International1.pdf>

²⁹ "Eritrea: Writers released after six years' arbitrary detention," 23 January 2015, PEN International, <http://pen-international.org/news/eritrea-writers-released-after-six-years-arbitrary-detention>

³⁰ "2009 Prison Census: 136 journalists jailed worldwide," December 2009, Committee to Protect Journalists <https://cpj.org/imprisoned/2009.php>

"2012 Prison Census: 232 journalists jailed worldwide," December 2012, Committee to Protect Journalists <https://cpj.org/imprisoned/2012.php>

"2014 Prison Census: 221 journalists jailed worldwide," December 2014, Committee to Protect Journalists <https://cpj.org/imprisoned/2014.php>

³¹ <https://humanrightscommission.house.gov/sites/humanrightscommission.house.gov/files/documents/Abraham%20Zere-%20Pen%20Eritrea.pdf>

³² "Eritrea: UN rights expert urges end to crippling media restrictions," World Press Freedom Day, 3 May 2018, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23022&LangID=E>

³³ "Eritrean security arrests three prominent state-journalists," Tedros Abraham, 30 March 2018 <http://www.peneritrea.com/blog/eritrean-security-arrests-two-prominent-state-journalists>

country fearing arrest.³⁴ While initial reports indicated that the arrests may have been associated with the retention of currency, the arrests appear to have been a warning by the authorities to the growing YouTube industry, which defies the narratives and disproportionately patriotic songs that abound on state-media.³⁵ They were later released after being held for nine months in military prison. While internet usage is very minimal, as outlined above, many singers and producers today also distribute songs and videos to internet cafes.

Update on journalists and politicians arrested in September 2001

- XXV. There has been little known change in the circumstances of the political leaders and journalists arrested in the September 2001 crackdown, who remain detained incommunicado. Although their whereabouts have never been officially confirmed, the politicians and at least some of the journalists are reportedly detained in Eiraeiro, a high security prison, which was purpose-built to hold them, in a remote location north of Asmara-Massawa road.
- XXVI. Research by PEN and CPJ indicates that the journalists who were in 2001 arrested include: **Said Abdelkader, Yusuf Mohamed Ali, Amanuel Asrat, Temesgen Ghebreyesus, Mathewos Habteab, Dawit Habtemichael, Medhanie Haile, Dawit Isaac, Fesshaye Yohannes (Joshua) and Seyoum Tsehaye.** In addition CPJ lists **Tesfay “Gomora” Ghebreab** as among the journalists who were arrested in September 2001.³⁶ Two other journalists, **Idris Said ‘Abu’Are’ and Sahle ‘Wedi-itay’ Tsegazab** were arrested in October 2001.³⁷
- XXVII. Over the years, the authorities have either denied that a clampdown took place, claiming instead that the journalists have merely been sent to carry out their national service, or that the closures and mass arrests were necessary for the sake of national unity or were carried out because of the newspapers’ failure to comply with laws covering media licenses.
- XXVIII. The authorities have not replied to repeated enquiries made by the UN Special Rapporteur on Eritrea on the whereabouts, state of health and access to medical treatment of the journalists and politicians arrested in September 2001, or why they have not yet been brought before an independent court to be charged with a crime recognised under international law.³⁸ In response to 2017 enquiries from CPJ, authorities similarly refused to comment on specific cases or provide substantive information on the whereabouts, legal status and health of imprisoned journalists.³⁹

³⁴ “Eritrean filmmaker Tesfit Abraha speaks out about state repression.”

Yonatan Tewelde, 7 February 2017 <http://www.peneritrea.com/blog/eritrean-filmmaker-tesfit-abraha-speaks-out-about-state-repression>

³⁵ “Whatever happened to Afwerki’s comely face? Eritrean music in an age of YouTube,” Abraham T. Zere. <http://africanarguments.org/2018/02/13/whatever-happened-to-afwerkis-comely-face-eritrea-music-in-an-age-of-youtube/>

³⁶ “Tesfay “Gomora” Ghebreab,” Committee to Protect Journalists, December 2017. <https://cpj.org/data/people/tesfay-gomorra/index.php>

³⁷ For more information see PEN International Case List, January to December 2015, <http://pen-international.org/app/uploads/CASE-LIST-January-December-2015.pdf>

³⁸ Human Rights Council Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth, 7 June 2017, para 18

<http://www.ohchr.org/EN/HRBodies/SP/CountriesMandates/ER/Pages/SREritrea.aspx>

³⁹ “262 journalists imprisoned,” December 2017, Committee to Protect Journalists

- XXIX. The authorities have made several claims in the media, for example in a June 2016 interview with *Radio France Internationale* (RFI) in which the Foreign Minister of Eritrea claimed that all of the journalists and politicians arrested in 2001 are alive, though without providing any proof. In the same interview, the Foreign Minister said that these men would be tried ‘when the government decides’.⁴⁰
- XXX. Most recently, in Eritrea’s initial state report to the ACHPR, the government claimed that the politicians arrested in 2001 were not arbitrarily arrested. The report asserts that in 2002 the National Assembly discussed the nature of the ‘criminal acts’, but that ‘subsequent developments...[including]...a prolonged state of belligerency by Ethiopia, a state of no war no peace; and Ethiopia’s pronounced policy of “regime change” have compounded the problem and made various options of resolving the issue difficult.’⁴¹
- XXXI. However, despite these claims, the authorities have not provided any proof or confirmation of the whereabouts of the writers and politicians.
- XXXII. In late 2017 the director of the state-owned Eritrean News Agency, responding on behalf of the Ministry of Information to a request for information by CPJ, said that two of the journalists on CPJ’s list of imprisoned, Tesfay “Gomora” Ghebreab and Idris Said ‘Abu’Are’, were members of “the civil service” and “not journalists” but did not reply to questions regarding his whereabouts or provide other information.⁴²

Reported deaths in custody of journalists and G-15 politicians

- XXXIII. For many years, there have been rumours that several of the detained journalists died in custody as a result of ill-treatment and neglect.⁴³ Their deaths – which have not been officially confirmed – were attributed to harsh conditions of detention and lack of medical attention. Since the last UPR, the government of Eritrea has still not provided proof of life for the detainees.

Torture and other cruel, inhuman or degrading treatment or punishment in detention

- XXXIV. As PEN documented in its 2013 Universal Periodic Review shadow report on Eritrea, Eritrean detainees are systematically tortured and subjected to other ill-treatment, for purposes of punishment, interrogation and coercion. Prison conditions fall far short of international standards and amount to cruel, inhuman or degrading treatment or punishment. Prisoners are often held in underground cells or shipping containers, often in desert locations and are therefore subject to extremes of heat and cold. Food, water and sanitation are scarce.⁴⁴ As

https://cpj.org/data/imprisoned/2017/?status=Imprisoned&start_year=2017&end_year=2017&group_by=location

⁴⁰ “Eritrea’s foreign minister denies rights abuses, blames Ethiopia for clashes,” RFI, Brenna Daldorph, 21 June 2016, <http://en.rfi.fr/africa/20160621-eritrea-foreign-minister-denies-human-rights-abuses-clashes-ethiopia-disappeared-act>

⁴¹ Eritrea: Initial National Report (1999-2016) - Prepared on the African Charter on Human and People’s Rights (ACHPR)” 28 March 2017, The State of Eritrea, Ministry of Foreign Affairs, para 294, http://www.achpr.org/files/sessions/62nd_os/state-reports/1st-1999-2016/achpr_eritrea_initial_report_1999_2016.pdf

⁴² “Idris Abba Arre,” CPJ, <https://cpj.org/data/people/idris-abba-arre/index.php>

⁴³ <https://rsf.org/fr/actualites/emprisonnes-depuis-2001-trois-journalistes-sont-morts-au-camp-deiraeiro>

⁴⁴ PEN International Contribution to the 18th session of the Working Group

the journalists who were imprisoned in connection with the *Radio Bana* raid attested, they were forced to eat with defecation-tainted utensils.⁴⁵

XXXV. As outlined above, information is difficult to obtain in Eritrea, due to the lack of independent media, restrictions on access to information, and the fact that no independent monitors have been granted access to prisons. However, reports by the Special Rapporteur, as well as Médecins Sans Frontières in 2017 indicate that the use of torture in civilian and military detention centres continues.⁴⁶ In light of this, the coalition continues to have serious concerns about severe ill-treatment and possible torture of the journalists who remain detained, despite Eritrea having acceded to CAT in 2014. Medical care is thought to be extremely limited; reports of the detained journalists and politicians being allowed treatment are rare. This is in contrast to Eritrea's state report to the ACHPR, which asserts that "...detained persons are treated with humanity and their dignity, security and development guaranteed in accordance to the National Codes."⁴⁷

Other detained journalists and writers

XXXVI. **Ghebrehiwet Keleta**, a reporter with the defunct private weekly *Tsigenay* was arrested in 2000 on his way to work and has not been heard from nor seen since.⁴⁸

XXXVII. Since the crackdown on dissent in 2001, other journalists and writers have been arrested over the years as restrictions on free expression became entrenched.

XXXVIII. Among those arrested after 2001, the following journalists and writers remain detained incommunicado and without charge, according to the available information as of the date of reporting:

- **Saleh Idris 'Aljazeera'**, journalist for the state-owned Arabic daily newspaper *Eritrea al-Haditha* and the Eritrean State Radio Arabic desk, arrested in February 2002
- **Hamid Mohamed Said**, editor for the Arabic-language service of the government-controlled national broadcaster Eri-TV, arrested in February 2002
- **Idris Mohamed Ali**, popular singer and songwriter in the Tigre language, arrested in November 2005
- **Jim'ie Kimeil**, investigative reporter and editor of the sports section for *Eritrea al-Haditha* arrested in November 2005⁴⁹

of the Universal Periodic Review Submission on Eritrea, June 2013, <http://pen-international.org/app/uploads/archive/2013/06/24-06-2013-Eritrea-Report-to-UPR-PEN-International1.pdf>

⁴⁵ "Firsthand account of four years in solitary confinement in Eritrea's most notorious prison," Tesfagiorgis Habte, 27 May 2017, <http://www.peneritrea.com/blog/an-account-of-four-years-in-solitary-confinement-in-eritrea-s-most-notorious-prison>

⁴⁶ Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth, 7 June 2017, p 7, para 23, A/HRC/35/39

⁴⁷ Eritrea: Initial National Report (1999-2016; Prepared on the African Charter on Human and People's Rights (ACHPR)" 28 March 2017, The State of Eritrea, Ministry of Foreign Affairs, para 77.

http://www.achpr.org/files/sessions/62nd_os/state-reports/1st-1999-2016/achpr_eritrea_initial_report_1999_2016.pdf

⁴⁸ "Ghebrehiwet Keleta," Committee to Protect Journalists, December 2017.

<https://cpj.org/data/people/ghebrehiwet-keleta/index.php>

⁴⁹ "SHADOW REPORT IN RESPONSE TO THE INITIAL REPORT OF THE STATE OF ERITREA TO THE ACHPR," PEN Eritrea and PEN International, <http://www.peneritrea.com/blog/shadow-report-in-response-to-the-initial-report-of-the-state-of-eritrea-to-the-african-commission-on>

"262 journalists imprisoned," December 2017, Committee to Protect Journalists

Recommendations

- The coalition calls on the Eritrean government to promptly implement the recommendations from the 2013 UPR, in particular to:
 - Clarify the fate and whereabouts of all disappeared journalists and other writers, and provide all of those still alive with independent medical assessments and access to adequate medical treatment;
 - Return the bodies of any detained writers and journalists who have died in custody to their families;
 - Release immediately and unconditionally all disappeared journalists and other writers, and politicians arbitrarily detained;
 - Re-establish an independent media without constraints or interference and allow international media unfettered access to the country;
 - Encourage literary, artistic and cultural production;
 - Implement all constitutional provisions and international obligations relating to the right to life, liberty and security of person, including by unconditionally releasing all political prisoners, civil society activists and journalists;
 - Guarantee the physical integrity of all prisoners, improve conditions of detention in accordance with international standards and allow unhindered access by international monitors to all detention facilities;
 - Take all necessary steps to fully implement the principles of CAT in particular the duty to investigate allegations of torture and the right to redress;
 - Implement the 1997 Constitution and the rights it enshrines, including freedom of expression, freedom of the press and access to information;
 - Fully cooperate with the special procedures mandate holders, in particular the Special Rapporteur on the situation of human rights in Eritrea.