

Introduction

CSW (Christian Solidarity Worldwide) is a human rights organisation specialising in the right to freedom of religion or belief (FoRB). This submission draws the Human Rights Council's (HRC) attention to violations of FoRB and other human rights in Eritrea and in neighbouring Tigray.

During an interactive dialogue with the United Nations' 46th session of the HRC in 2021, the UN Special Rapporteur on the situation of human rights in Eritrea stated there had been "no concrete evidence of progress"¹ in any of the five human rights benchmarks (rule of law, national service reforms, the promotion of civil liberties, women's rights and gender equality and an improvement in the operating environment for international agencies).

Detention on the basis of religion or belief

In May 2002 Eritrea effectively outlawed religious practices not affiliated with the Catholic, Evangelical Lutheran or Orthodox Christian denominations, or Sunni Islam. The registration process is onerous, intrusive, restrictive, and inconclusive, despite Article 19 of Eritrea's ratified but unimplemented constitution stating that 'no person may be discriminated against on account of...religion'. Since 2002 thousands of religion or belief adherents, including from permitted faith groups have been detained without charge or trial in inhumane conditions, where they may experience torture or even death.

Members of the Jehovah's Witness movement suffered severe mistreatment on account of doctrinal exigencies that meant they did not vote during the 1993 independence referendum, and requested to participate only in non-military aspects of national service. In 1994 the community was stripped of citizenship rights by presidential directive. Four men who had declined active military service were detained, and were only released in November 2020, possibly to distract attention from emerging evidence of Eritrea's participation in the war in Tigray. More Jehovah witnesses were released in January 2021, leaving 28 in detention.

The number of Christian prisoners is difficult to ascertain, but in September 2020 CSW's sources confirmed the number to be over 300, including 39 children. This year numbers are estimated at 500. Notable is the case of Abune (Father) Antonios, the legitimate patriarch of the Orthodox Church, who has effectively been under house arrest since January 2007. In June 2020 five Orthodox priests from the Debre-Bizen Monastery were arrested, reportedly for supporting Patriarch Antonios and protesting government interference in church affairs. In July 2019 the nonagenarian patriarch was 'excommunicated' illegally by pro-government bishops, and in May 2021 the government announced the appointment of a second illegitimate replacement.

August 2020 saw the releases of 101 members of the Muslim community, who had been detained without charge or trial in connection with protests in 2017 and 2018 following the arrest and subsequent death in custody of respected elder Haji Musa Mohammed Nur, who had opposed the government's attempted expropriation of the Al-Diaa Islamic private school and insistence that female students should no longer wear the hijab.

On 11 May 2021 Eritrean security agents closed the historic Al Mahad al Islami in Assab private school two days before Eid el Fitr. Prior to its forced closure the school had been ordered to stop teaching primarily Islamic classes and include other subjects in its curricula, including Tigrinya, and had complied.

In August and September 2020 up to 64 Christians who had been imprisoned for between two and 16 years were released. This is not thought to have been linked to the Covid-19 pandemic, and was accompanied by further arbitrary detentions, including of five church leaders, eight Christian women and the entire male population aged 14 and over from one community.² Additionally, fourteen Christian men arrested on the direct orders of President Afwerki in 2017 were released from Nakura prison in the Dahlek archipelago while 22 Christian women, arrested at a prayer meeting in March, were freed from Mai Serwa prison. However, twelve Christians who were arrested at a prayer meeting in a home in Assab in

¹ 46th Session of the United Nations Human Rights Council, Oral Update from the Special Rapporteur on the situation for human rights in Eritrea, 26 February 2020 <http://webtv.un.org/search/id-sr-on-human-rights-in-eritrea-9th-meeting-46th-regular-session-human-rights-council-6234947151001/?term=&lan=english&page=4>

² Human Rights Concern Eritrea, 'Arbitrary Punishments, Incommunicado Detention and Other Injustices Against the People of Kuazien are a Continuation of the Eritrean Regime's Inhuman Actions', 17 September 2020 <https://hrc-eritrea.org/arbitrary-punishments-incommunicado-detention-and-other-injustices-against-the-people-of-kuazien-are-a-continuation-of-the-eritrean-regimes-inhuman-actions/>

late March are still confined in harsh conditions in a nearby prison.

The COVID-19 pandemic continues to raise serious concerns for the well-being prisoners of conscience who continue to be detained in unsanitary and unsatisfactory facilities with insufficient access to water, food or medical facilities.

Tigray crisis

On 4 November 2020 Ethiopian Prime Minister Abiy Ahmed ordered a military offensive against the Tigray Peoples' Liberation Front (TPLF) forces in response to an attack on a federal army base which the Tigrayan authorities described as pre-emptive. The order sparked a violent and ongoing war with regional dimensions, due to the initially covert participation of soldiers from both Eritrea and Somalia.

Communications were disabled once the conflict began, effectively obscuring the egregious manner events are unfolding, and remain relatively restricted. Additionally, access to electricity, banking services, and water supplies were suspended, causing further hardship. There are currently serious concerns that atrocity crimes are occurring in the region, with egregious violations reported, including rape, extrajudicial killings, the possible use of chemical warfare, and the indiscriminate bombing of homes, hospitals, churches, mosques, educational establishments and other civilian structures.

The involvement of thousands of Eritrean troops in the fighting in Tigray is no longer disputed. These soldiers are reportedly involved in extensive looting and destruction of property, including cultural heritage sites, in what some observers describe as cultural cleansing. Churches are reportedly attacked on feast days to ensure casualties are on sites. Close to 200 priests are thought to be among the estimated 50,000 civilian fatalities, including 78 who were killed in one zone, and nuns were raped in their convent in Wukro town.

The presence of Eritrean soldiers heightened concerns for the wellbeing of Eritrean refugees in Tigray, accommodated in four camps within reach of the Eritrean border. Shimelba and Hitsats camps have been emptied of occupants and destroyed, with refugees reportedly forced to walk to the town of Shiraro, before being transported to Eritrea. CSW also received credible reports that large numbers of refugees from the Kunama ethnic group, a tribe identified by the UN Commission of Inquiry

as having suffered persecution on the grounds of ethnicity, may have been forced to walk to Eritrea.

In December 2020 reports surfaced of a large number of Eritrean refugees, several of whom had been evacuated by air from Shire in Tigray to the Ethiopian capital Addis Ababa by the federal army, being returned to refugee camps in Tigray under armed guard.

In January 2021 an assessment team from the office of the UN High Commissioner for Refugees (UNHCR) was finally allowed to visit the remaining camps, Mai Aini and Adi Harush, where buildings and structures were found to be still intact. However, a critical shortage of potable water had caused diarrhoea-like illnesses, and while not impacted directly by the fighting, refugees reported harassment, threats and robbery by armed groups who accessed their camps at night. Additionally, some 5,000 refugees who had made their way to Shire town were "living in dire conditions, many sleeping in an open field on the outskirts of the town, with no water and no food."³

Reports have emerged that on the evening of 24 May Eritrean and Ethiopian soldiers forcibly detained more than 500 young men and women from four camps for displaced people in Shire town, loading hundreds onto trucks. Several men were beaten, including the elderly, and their phones and money was confiscated.

³ UNHCR, 'UNHCR finds dire need in Eritrean refugee camps cut off in Tigray conflict', 19 January 2021

<https://www.unhcr.org/uk/news/briefing/2021/1/6006a31a4/unhcr-finds-dire-need-eritrean-refugee-camps-cut-tigray-conflict.html>

Recommendations to the international community

- Call on Eritrea to immediately and unconditionally release all prisoners of conscience, including those detained on account of their religion or belief.
- Prioritise justice by implementing the recommendations of the 2016 report of the UN Commission of inquiry on Eritrea (COIE), including to: “(a) Determine that the situation of human rights in Eritrea poses a threat to international peace and security; (b) Refer the situation in Eritrea to the Prosecutor of the International Criminal Court; (c) Impose targeted sanctions, namely travel bans and asset freezes, on persons where there are reasonable grounds to believe that the said persons are responsible for crimes against humanity or other gross violations of human rights;”
- Act swiftly to ensure an immediate cessation of hostilities, the departure of Eritrean forces from the entire region, and unimpeded access to all of Tigray for local and international aid agencies.
- Mandate an independent international inquiry into alleged human rights violations in Tigray, with a view to securing justice for victims. Urge Ethiopia to ensure refugees and asylum seekers within its borders are treated in accordance with international stipulations, and that their rights and persons are protected.