

The All-Party Parliamentary Group on Eritrea in conversation with United Nations Special Rapporteur on the situation of human rights in Eritrea, Mohamed Abdelsalam Babiker

Held on Zoom, 16:00-17:20 Tuesday 15 June

Key points:

- The Special Rapporteur called for an international independent commission to verify the whereabouts and safety of the 96,000 Eritrean refugees who were in the Tigray region of Ethiopia prior to the outbreak of the war; and into the use of sexual and gender-based violence as a weapon of war. The current UN and Ethiopian investigation is not an adequate mechanism.
- More must be done to compel Eritrea to comply with relevant international human rights instruments, including by implementing recommendations laid out by the Special Rapporteur in [his report](#), and by heeding the 2015 Human Rights Council report that found the levels of inhumane treatment and incidents of torture in Eritrea evidence of Crimes Against Humanity.

Welcome and introduction from Lord Alton of Liverpool, as co-chair of the All-Party Parliamentary Group on Eritrea, noting attendance also of Fiona Bruce MP as fellow co-chair.

Introduction from Lord Alton: Lord Alton mentioned that this event had been spoken of in the House of Lords, following an Urgent Question in the House of Commons on Monday 14 June. Noted that Belgium has considered using universal jurisdiction against those accused of human rights abuses in Tigray, Ethiopia. Looking to the United Nations Security Council for action, but so far China and Russia are blocking the cause. In addition, access to the region has been denied, notably of the Special Rapporteur to Eritrea. Eritrea has failed to cooperate with Human Rights Council Special Rapporteurs and mandate holders. The Third Cycle Universal Periodic Review recommendations remain unimplemented, as are African Commission on Human and Peoples' Rights decisions. Noting also border issues with Djibouti and prisoners of war from that area. Then there are the shocking reports of massacres in Axum and elsewhere, and continued displacement of refugees. In February 2021 the Special Rapporteur alerted the Human Rights Council to the fact that there are 20,000 Eritrean refugees missing, and of horror stories facing those who now lack humanitarian protection. In addition, noting that the coming Saturday 19 June is International Day for the Elimination of Sexual Violence in Conflict, and a chance to highlight the horrific use of rape as a weapon of war.

Remarks from Special Rapporteur: Started his mandate in November 2020, and just 4 days later the war in Tigray began. There were 2 Special Rapporteurs appointed before him, as the Special Rapporteur system started a few years back. Eritrea is a difficult country to deal with in terms of systematic human rights violations, even though the Special Rapporteur comes from Sudan, with its own 30-year legacy of dictatorship before 2019's revolution in that country. There are a lot of similarities between the previous regime of Sudan and Eritrea's current regime.

His report (see [here](#) for full report) is due to be presented to the Human Rights Council next week. To respect protocol the Special Rapporteur cannot speak about the report itself but about the situation of human rights in general. His mandate was to focus on specific areas according to the last resolution of the Human Rights Council:

1. Improvement in the promotion of the rule of law and strengthening of national justice and law enforcement institutions

Since beginning of his appointment, and with consideration of previous Special Rapporteur reports, rule of law in Eritrea is completely absent. The country lacks a Parliament and its constitution is suspended. There is no independent judiciary, no promotion of human rights, and no system or structural governance. There have been no periodic elections for the past 30 years. Law enforcement institutions are abusive. "Due process of law is completely absent in Eritrea." Lack of rule of law in itself affects other freedoms, notably of assembly and association, the press, and freedom of religion or belief. An area of particular concern is incommunicado detention. Eritrea is one of the few countries where detainees and prisoners face incommunicado detention, and arrest and detention without due process of law, as well as following enforced disappearances, without access to legal support. People of faith are unable to practice their religion freely, notably Jehovah's Witnesses, Christians, and Muslims. The Special Rapporteur

said he required access in order to verify the incidents and conditions of prisons, but did not get cooperation from Eritrea for such. “Country is completely closed for access. This actually makes my mandate and monitoring and reporting obligations very difficult.”

2. Demonstrated commitment to introducing reforms to the national/military service

Huge concern around national military service and forced labour used in camps. Of particular concern is Sawa, where students are required at grade 12 to enrol for military service, which is then prolonged, with recruits additionally used as a source for forced labour on projects. This also violates the right to education for youth, as many recruits are under-18s. A 2015 Human Rights Council report mentioned that the level of inhumane treatment and incidents of torture amounted to Crimes Against Humanity. Forced conscription is one of the main reasons people flee the country to seek refuge abroad, by seeking refugee protection in Europe. This also leaves them exposed to dangerous routes and networks of human traffickers.

3. Demonstrated commitment to addressing all forms of gender-based violence and to promoting the rights of women and gender equality

Eritrea has a track record of abusing women’s rights.

4. Strengthened cooperation with the United Nations country team

“Eritrea is not really willing to cooperate with international human rights system.” There have been many recommendations issued by UN treaty bodies (for instance on the rights of the child, and economic, social and cultural rights), but Eritrea ignores them all, even where it has before ratified them. The regional human rights system includes the African Commission on Human and People’s Rights which has issued decisions on incommunicado detention, freedom of religion or belief, and beyond, but these remain unimplemented by the government of Eritrea.

In terms of cooperation with other countries, the Special Rapporteur noted that pressure has been brought to bear on Eritrea through publicly-interested litigation. In Sweden civil society organisations have raised a case against Eritrean President Isaias Afwerki regarding the continued detention of journalist Dawit Isaak, as nothing of his whereabouts are known dating from his arrest in 2001. In addition in the Netherlands there has been a case raised against the use of national military service, and in the UK regarding the diversion of funding under the European Union Trust Fund. But though the international community and individual states continue to try to exert pressure, there is little progress, and it is unclear how much this is encouraging Eritrea to open up. For instance, note the application of sanctions by the EU for human rights violations.

- Tigray

This is the site of some of the key violations committed during the Special Rapporteur’s mandate period, given the participation of Eritrean Defence Forces alongside the Ethiopian government. He has received a lot of information on this over his mandate period, for instance the Eritrean shelling of Tigrayan structures in both an indiscriminate and targeted fashion, and the violations of human rights and international humanitarian law committed by the EDF and Ethiopian forces. These range from extrajudicial killings, widespread sexual and gender-based violence, and the transportation by Eritrean forces of looted goods like stolen trucks and of market and hospital goods to Eritrea. Reported violations in Axum, in Mekelle, including further attacks on those casualties in hospitals. Eritrea has extended its monopoly of power and has a free hand to have ‘effective control’ over certain areas in Tigray, and he received constant reports and verified information about systematic attacks against civilians. The source of his information is first-hand testimony from refugees in Sudan, where he was based from November 2020 to January 2021. Sources indicate that Eritrea has extended its violations of human rights extra-territorially with “absolute complicity of Ethiopian government”. It took months for the Ethiopian government to admit the presence of Eritrean troops in Ethiopia. He has also seen no evidence of the withdrawal of Eritrean troops.

Of particular concern is the targeting of refugee camps, as a key area of his mandate. There were 96,000 Eritrean refugees in Tigray who had fled to Ethiopia for support. Those in the Hitsats and Shimelba camps were targeted despite their protected humanitarian status. So far the Special Rapporteur has not received a response from the Ethiopian or Eritrean governments regarding the fate of these refugees, despite Eritrea being given right of reply. In communications with Ethiopia he raised the case and the fate in particular of the 25,000 refugees in those camps, and the fact that this is a violation not only associated with Eritrea but of the international obligations of Ethiopia, including under the Geneva Protocol. There is a need for access by international observers to determine the whereabouts of those displaced, whether in Tigray, beyond borders in Sudan (Kassala and Gadaref), in the Ethiopian capital Addis Ababa, Kenya, and other neighbouring countries. Some may have even crossed the Mediterranean. Others will have been forcibly returned to Eritrea to prisons. He called for an international independent commission to verify this.

The Tigray conflict highlights that Eritrea has been given a free hand to commit violations as part of a war strategy on the part of Ethiopia - "it needs the presence of Eritrean forces in terms of military domination of the region".

Eritrea is one of the difficult mandates in the region: the state commits multiple violations of human rights, lack of rule of law and independence of judiciary, religious persecution, incommunicado detention, military service and now involved extraterritorially in Ethiopia committing violations on protected groups under humanitarian law. The Special Rapporteur hopes that international diplomatic pressure is exerted against Eritrea.

Question and answers

Question from Lord Alton: On the issue of access to the region, the restrictions placed on you shows the contempt of Eritrea for relevant conventions and declarations. What has been done to raise the undermining of your ability in the UK Parliament, and has the UK done enough to support your mandate? This could provide a good nudge for Parliamentarians in attendance to lodge Parliamentary Questions on these matters.

Answer from Special Rapporteur: The UK is part of the European groups in the Council supporting the Special Rapporteur, but more international pressure is needed. Agreed with Lord Alton that it is really worrying for a state not to cooperate with the Special Rapporteur, and also the 2015 Human Rights Council report accusing Eritrea of Crimes Against Humanity. Hope that UK and other countries follow up on the findings of that report.

Question from Fiona Bruce MP: Share grave concerns about freedom of religion or belief in Eritrea, especially as the Prime Minister's Special Envoy on this brief. Keen to refer back to a question she made during an Urgent Question on Monday 14 June regarding the deployment of child soldiers in Tigray. She has heard credible reports of young men being rounded up in streets and forcibly conscripted into army. Aware that the UK is supporting the joint OHCHR and Ethiopian investigation, but how to address this particular abuse?

Answer from Special Rapporteur: Freedom of religion or belief is detailed in his report. Forced conscription of child soldiers is additionally a concern in existing reports, and the system of military service is abusive, causing many to flee country and seek asylum abroad. There are some strategies to be used, notably UK court action against EU Trust Fund regarding projects utilising forced labour, and the diversion of money in future from Eritrea to the region. This is one way to exert pressure against Eritrea without harming the social and economic rights of its people.

Question from Carol Monaghan: Spoke in the same Urgent Question yesterday as Fiona and asked particularly about sexual violence being used against women and girls. When this form of violence is used, there is the additional issue of stigma for victims in seeking support or disclosing information to begin with. What is being done to destigmatise the issue?

Answer from Special Rapporteur: There is lots of information about sexual and gender-based violence, especially in Tigray. Incidents need to be verified and investigated using special and sensitive investigators, but trend indicates that rape is being used as a weapon of war, including accounts he heard directly from victims. To him this fact underlines the need for an independent commission of inquiry into Tigray.

Question from Yafet Zereou from Eritrean Embassy: Understood Special Rapporteur had a background in law, but his report amounts to unverified and unevidenced allegations that would not stand up in a court of law. While his report makes serious allegations against the Eritrean government, it does not mention attacks by the TPLF on Asmara which targeted civilians. His report also fails to mention that the COVID-19 pandemic has raged since March 2020 and before the beginning of his mandate in November 2020, causing access to be denied to not just the Special Rapporteur but others. Unclear what a visit to Eritrea would add to the Special Rapporteur as he has clearly already made up his mind and his presentation is biased.

Answer from Special Rapporteur: He has a track record in performing investigations. He really tried to engage with the Eritrean government, including requesting access in January 2021. When he submitted his report on 24 February 2021 he asked the Eritrean representatives in Geneva to cooperate but got no response. In June he submitted his report, but although the government of Eritrea was given right of reply, they did not respond to allegations. Of course allegations can be individually wrong but he has consistent information. Taking the opportunity to request that the Eritrean government cooperates with his mandate, constructively and in a courageous way to promote human rights.

Question from George Kidane: It is very important that the Special Rapporteur's mandate continues to investigate Eritrea's human rights abuses. Wants to know more about the refugees unaccounted for in Hitsats and Shimelba, how many have been displaced and where are they now?

Answer from Special Rapporteur: There are no specific figures, but we know Hitsats and Shimelba held 25,000 refugees before their destruction. Looking to verify these figures and receive new information.

Question from Hailemariam Tesfair: It has been 9 years since the 1st Special Rapporteur was appointed, but the record has been disappointing. What measures exist beyond the Special Rapporteur mandate, and what are the Special Rapporteur's specific recommendations for the Human Rights Council on this situation?

Answer from Special Rapporteur: There needs to be an international, independent commission of inquiry into Tigray. Important for member states of UN instruments to individually and collectively follow up on his recommendations and those of previous Special Rapporteurs.

Question from Ahmed Mohammed: An indigenous Afar from an ethnic and religious (Islamic) faith, meeting for the 1st time with an Eritrean official. Mentioned 2 developments, including the closure of a privately owned Islamic school that had previously existed for 50 years. More generally the Afar has been colonised since Eritrea's inception. Also noting the role of the United Arab Emirates in Tigray as having an impact on local Afar fishermen.

Answer from Special Rapporteur: Thanked for information, and encouraged him to read his report.