



European Asylum Support Office

EASO

Country of Origin Information Report

Eritrea

National service and illegal exit



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November 2016

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Disclaimer

This report was written according to the EASO COI Report Methodology (2012) ⁽¹⁾. It is based on carefully selected sources of information. All sources used are referenced. To the extent possible and unless otherwise stated, all information presented, except for undisputed or obvious facts, has been cross-checked.

The information contained in this report has been researched, evaluated and analysed with utmost care. However, this document does not claim to be exhaustive. If a particular event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

'Refugee', 'risk' and similar terminology are used as generic terminology and not as legally defined in the EU Asylum Acquis and the Geneva Convention.

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The target users are asylum caseworkers, COI researchers, policymakers, and decision-making authorities.

The drafting of this report was finalised on 10 August 2016. Any event taking place after this date is not included in this report.

⁽¹⁾ The EASO methodology is largely based on the Common EU Guidelines for processing Country of Origin Information (COI), 2008, and can be downloaded from the EASO website: <https://www.easo.europa.eu/information-analysis/country-origin-information/coi-methodology-and-guides>

Glossary and Abbreviations

COI	Country of Origin Information
Giffa	Round-up, razzia
Hagerawi Age glot	National service (in Tigrinya)
SEM	(Swiss) State Secretariat for Migration
PFDJ	People's Front for Democracy and Justice
NUEYS	National Union of Eritrean Youth and Students
NUEW	National Union of Eritrean Women
UN	United Nations

Executive summary

According to most sources consulted for this report, deserters apprehended within Eritrea are usually returned to their military unit or civilian duty and punished. These punishments are imposed extrajudicially by their superiors. There is no possibility of appeal. However, the treatment of deserters appears to have become less harsh in recent years. Most sources report that first time offenders are now usually detained for several months. Punishment for deserters from the military part of national service is reportedly more severe than punishment imposed on those deployed in the civilian part. As deserters are not tracked down systematically, a number of them effectively go unpunished.

Draft evaders are usually tracked down in round-ups ('giffas'). Those apprehended are usually detained for some time before starting a military training, which often takes place in camps with hazardous and detention-like conditions. A part of the draft evaders, however, manages to avoid these round-ups in the long run. Sporadically, military units try to individually track down certain draft evaders, particularly those who have been called up already.

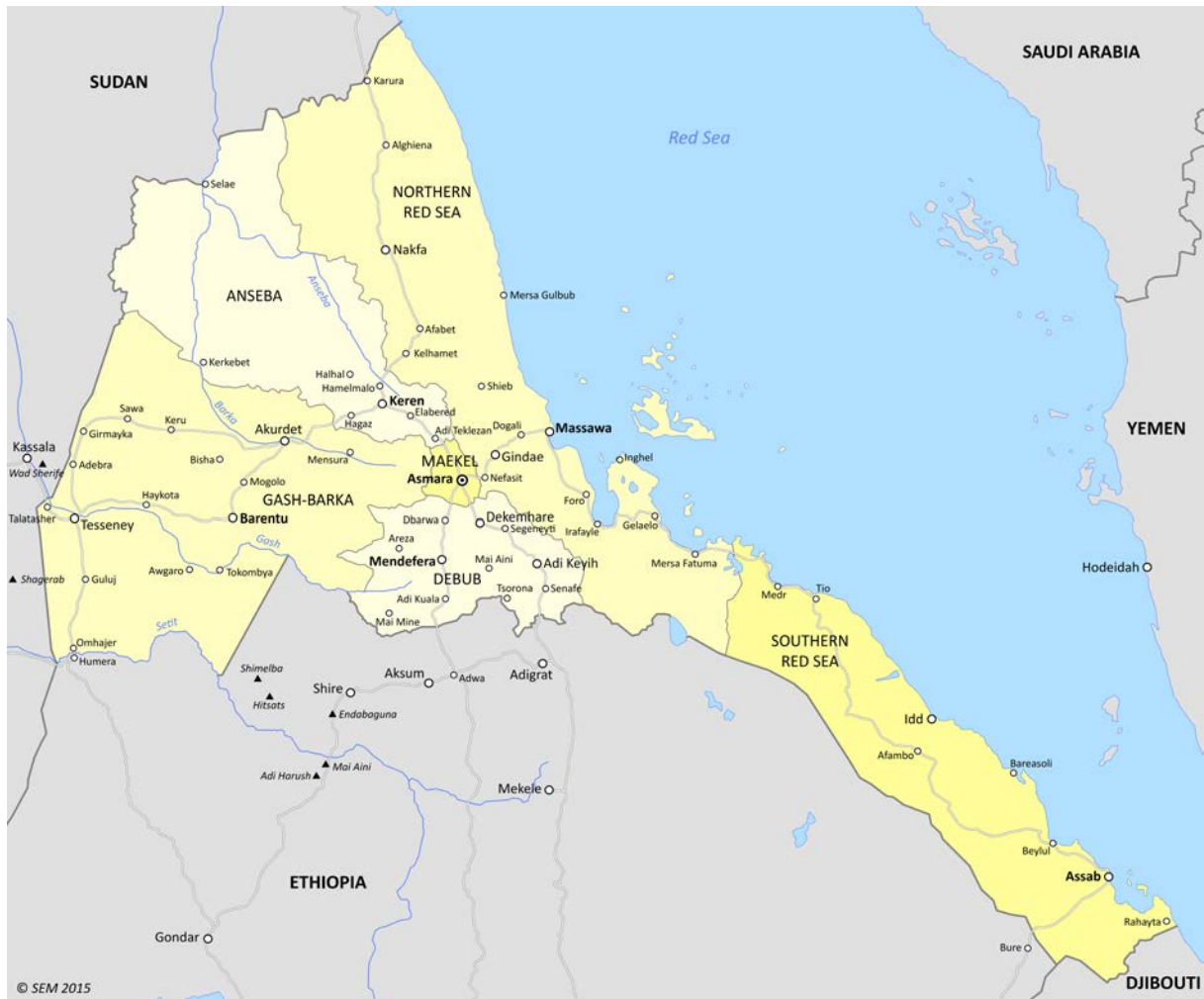
According to almost all sources, individuals who leave Eritrea illegally are also subjected to extrajudicial punishment. It is unclear who is in charge of imposing penalties. No judgments are made public and there is no possibility of appeal. However, the policy currently applied by the authorities appears to allow for shorter prison sentences than those enshrined in the law. According to most reports, the detention period now commonly lasts a few months up to two years, depending on the circumstances. After being released, deserters have to resume their national service, while draft evaders are conscripted for military training. The alleged 'shoot-to-kill order' at the border is not followed strictly, according to most consulted sources. However, shootings may occur. For voluntary returnees from abroad who had previously evaded draft, deserted or left the country illegally, the draconian laws are reportedly not applied at the moment, provided they have regularised their relationship with the Eritrean authorities prior to their return. According to a new, unpublished directive, such returnees are exempt from punishment. It is understood that the majority of the individuals who have returned according to this directive have effectively not been persecuted. Nonetheless, concerns remain.

There is no legal certainty, because the directive has never been made public. Furthermore prospective returnees are obliged to pay a diaspora tax (2 % tax) to an Eritrean representation abroad and to sign a 'letter of regret' in case they have not yet fulfilled their national service duty. It should also be noted that not all Eritreans are able to return this way. For example, persons who were critical of the Eritrean government during their time abroad are either denied return or would risk detention upon their return. So far, the majority of Eritreans who returned did so voluntarily and only temporarily. The long-term consequences of returns on a permanent base are still unknown.

There is hardly any information available regarding the treatment of forcibly returned persons. In the last few years, only Sudan (and possibly Egypt) forcibly repatriated Eritreans. As opposed to voluntary returnees, those forcibly returned are not able to regularise their relation with the Eritrean authorities prior to returning. The few available reports indicate that the authorities treat them similarly as persons apprehended within Eritrea or while leaving illegally. For deserters and draft evaders, this means being sent back to national service after several months of detention. Regularisation is not necessary for persons who have not reached conscription age yet or who have fulfilled their national service duty already. Nevertheless, it cannot be excluded that adults are punished for non-payment of the diaspora tax or for illegal exit.

Over the last few years, the Eritrean authorities have announced several reforms of the national service. Most notably, they promised to limit the length of duty to 18 months starting from the 27th conscription round. This has not been fulfilled yet. National service remains open-ended and conscription lasts for several years. According to sources consulted, a growing number of conscripts who had been deployed in civilian roles are discharged once they have served for between 5 and 10 years. However, no reliable information is available on the demobilisation and dismissal of conscripts assigned to the military part of national service. In early 2016, the authorities announced a pay rise in the civilian part of the national service. According to sources consulted, implementation has already started.

Map Eritrea



Source: State Secretariat for Migration 2015 (Switzerland) ⁽²⁾. All borders and names used on this and other maps in this report do not imply official endorsement or acceptance by the European Union. The border line between Eritrea and Ethiopia corresponds to the *Eritrea-Ethiopia Boundary Commission's* ruling of 2002 ⁽³⁾. Since the ruling has not been implemented, the *de facto* border line diverges from that line at several points ⁽⁴⁾.

⁽²⁾ Map created by the State Secretariat for Migration (Switzerland), 2015, based on Eritrean Demining Authority et al., *Landmine Impact Survey – 2004* [map], 2004; UN Cartographic Section; *Eritrea* [map], n.d.; Eritrea-Ethiopia Boundary Commission, *International Boundary between the State of Eritrea and the Federal Democratic Republic of Ethiopia* [map], 2002.

⁽³⁾ Eritrea-Ethiopia Boundary Commission, *International Boundary between the State of Eritrea and the Federal Democratic Republic of Ethiopia* [map], 2002.

⁽⁴⁾ TesfaNews, *Africa's Cuba: Eritrea Endures 13 Years of Illegal Occupation and Sanctions*, 16 April 2015.

Introduction

This report was drafted by the Country of Origin Information (COI) unit of the State Secretariat for Migration (SEM) and provides a summary of the SEM's findings on aspects related to national service and illegal exits in Eritrea relevant to international protection status determination for Eritrean asylum seekers. It is therefore not to be considered as a general assessment of the human rights situation in Eritrea, nor as a comprehensive presentation of national service in Eritrea. The present report represents a partial update of the 2015 EASO COI Report *Eritrea Country Focus* ⁽⁵⁾.

Definitions

Since this report takes an in-depth look at aspects of national service and illegal exits from Eritrea, a clear definition of these terms is needed. There are significant differences between Eritrea and other countries in relation to both these terms. National service is mandatory for men and women and is divided into two branches: a military branch and a civilian branch. In view, *inter alia*, of the indefinite duration of the national service, leaving the country illegally is the only option for many Eritreans wishing to leave ⁽⁶⁾.

National Service

National service (in Tigrinya: *Hagerawi Ageglot*) is a political project. It was established by the government not just as a means of defending the country, but also with a view to achieving the material and spiritual reconstruction of Eritrea following its 30-year struggle for independence (1961 to 1991) ⁽⁷⁾. National service is mandatory for men and women. The National Service Proclamation of 1995 outlines 18 months of compulsory service, including six months of military training and 12 months involvement in civilian construction projects. However, the reality today is quite different (see [Chapter 4.1 Length of service](#) ⁽⁸⁾). The Eritrean national service has a military branch and a civilian branch:

- Those assigned to the **military branch** perform their service within the Eritrean military (army, navy or air force). They are also sometimes deployed for specific projects, predominantly projects to develop the country's infrastructure and within the agricultural sector. They live on military bases and are divided into units. Administration of the military branch is a matter for the Ministry of Defence.
- Those assigned to the **civilian branch** perform their service by participating in civilian projects. For that purpose, the government assigns individuals to different ministries. Those individuals are usually well-educated people or have specialist skills. They are typically deployed in schools and courts or provide medical care. Individuals performing national service undertake the duties assigned to them as they would in a normal job. They live with their parents, families or in private accommodation at their workplace ⁽⁹⁾.

No reliable information was found about the distribution of those performing national service between the two branches or about the distribution of new recruits. In the experience of the SEM, information provided by Eritrean government representatives and public officials on the national service frequently relates exclusively to the civilian branch. Foreign contacts in Asmara are likewise able to provide better information about this branch than about the military, since people performing national service in Asmara are primarily assigned to the civilian branch, whereas the military bases are located at some distance from the capital.

The UN Commission of Inquiry points out that the Eritrean government's standard reply to foreign delegations is to state that all new recruits are assigned to the civilian branch of the national service ⁽¹⁰⁾. According to official statements made by government representatives, the majority (90 %) of national service conscripts perform civilian duties ⁽¹¹⁾ and 85 % of the people eligible for national service are assigned to the civilian branch after a three-month military training ⁽¹²⁾. The focus of discussions held with government representatives is largely on the graduates

⁽⁵⁾ EASO, Eritrea Country Focus, May 2015.

⁽⁶⁾ EASO, Eritrea Country Focus, May 2015, pp. 33, 52-53.

⁽⁷⁾ Information on the history of Eritrea can be found in Chapter 1.3 of the EASO report and the references therein. EASO, Eritrea Country Focus, May 2015, pp. 15-17.

⁽⁸⁾ Cf EASO, Eritrea Country Focus, May 2015, p. 32; Eritrea. Proclamation on National Service No 82/1995. 23 October 1995. Art. 5, 6, 12, 23.

⁽⁹⁾ Cf EASO, Eritrea Country Focus, May 2015, pp. 38-40; Landinfo, Temanotat Eritrea: Nasjonaltjeneste. 14 May 2016, pp. 15-16.

⁽¹⁰⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1. 8 June 2016, pp. 21-22.

⁽¹¹⁾ Shabait, Asmara. Press Statement by H.E. Mr. Yemane Gebreab. 8 June 2016.

⁽¹²⁾ Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 11.

from the 12th grade ⁽¹³⁾ in Sawa. However, those pupils account for only about 20 % of a year group ⁽¹⁴⁾. Some of the remaining 80 % continue to perform their national service within the military ⁽¹⁵⁾. That figure also includes those people apprehended during round-ups or *giffas* (see [Chapter 1.2 Punishment for draft evasion](#)). However, the allocation of the new recruits is likely to differ from year to year, since it depends on the needs of the ministries (including the Ministry of Defence) ⁽¹⁶⁾.

In this report, the term ‘national service’ covers both the military and civilian branch, except where it is explicitly stated that reference is being made to just one branch. The terms ‘desertion’ and ‘draft evasion’ each relate to both branches of the national service.

Illegal exits

It is difficult for Eritreans to leave their country legally. In accordance with Article 11 of Proclamation 24/1992, a valid travel document (passport), a valid exit visa and a valid international health certificate are required in order to leave legally. In addition, individuals must also cross the border at a designated border control point (Article 10) ⁽¹⁷⁾.

In order to obtain the exit visa, Eritreans must be able to prove that they have completed the national service or that they have been granted an official exemption from it. They must also provide a reason for leaving the country. For example, travelling abroad for medical treatment not available in Eritrea, overseas studies and, in some cases, attending sporting events or conferences, are permissible reasons, according to the authorities ⁽¹⁸⁾. Staff at the Eritrean Department for Immigration and Nationality, the department responsible for issuing visas, told the SEM that they have also increasingly issued visas to women aged over 30 whose husbands have left the country ⁽¹⁹⁾. The US Department of State mentioned in its 2015 report on human rights practices that ‘women younger than 30’ are usually denied exit visas, which may suggest that women above that age receive them ⁽²⁰⁾.

Since there are still no time limits on national service (see [Chapter 4.1 Length of service](#)), few Eritreans have the discharge papers required to leave the country. As such, a large percentage of migrants leave the country illegally ⁽²¹⁾.

Methodology

Defining the terms of reference

The Swiss COI unit continually assesses new reports from international organisations, NGOs, the academic community, the media and other reliable sources. It also maintains contact with experts on Eritrea in a variety of fields, with representatives of the Eritrean government and its neighbouring countries, and with partner agencies in other European countries. Official visits are made to Eritrea and to the neighbouring countries of Ethiopia and Sudan, where many Eritrean migrants stay. In May 2015, the Swiss COI unit produced an overview on these findings, which was peer-reviewed by several experts. The European Asylum Support Office (EASO) published this overview, entitled *Eritrea Country Focus* ⁽²²⁾.

⁽¹³⁾ Information on the 12th school year in Sawa can be found in Chapter 3.4 of the EASO 2015 report and its referenced sources. EASO, *Eritrea Country Focus*, May 2015, pp. 37-38.

⁽¹⁴⁾ According to the statistics of the Eritrean Ministry of Education, 87 618 pupils attended the first school year in the school year 2012/13, with only 17 417 pupils in the 12th year. This rate is similar in other school years, but the attendance of the 12th year has tended to increase in recent years. Ministry of Education, Asmara. *Eritrea: Basic Education Statistics 2012/13*. December 2013. p. 6.

⁽¹⁵⁾ Amnesty International, *Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees*. 2 December 2015, pp. 21-23. Diplomatic source (3), Asmara. Interview March 2016; Resident of Asmara (1), Asmara. Interview March 2016; Representative of National Union of Eritrean Youth and Students (NUEYS), Asmara.

⁽¹⁶⁾ Representatives of the National Union of Eritrean Youth and Students (NUEYS), Asmara; Berhane Habtemariam, Minister of Finance, Asmara, interview 29 February 2016; Amnesty International, *Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees*. 2 December 2015, p. 22.

⁽¹⁷⁾ Eritrea. Proclamation No 24/1992 of 1992 issued to regulate the issuing of travel documents, entry and exit visa from Eritrea, and to control residence permits of foreigners in Eritrea. 1 April 1992. (14 June 2016).

⁽¹⁸⁾ EASO, *Eritrea Country Focus*, May 2015, pp. 52-54.

⁽¹⁹⁾ Department for Immigration and Nationality, Asmara. Interview 29 February 2016.

⁽²⁰⁾ U.S. Department of State, *Country Reports on Human Rights Practices 2015*. Eritrea. 13 April 2016, p. 14. Cf. Landinfo, *Respons Eritrea: Utstedelse av utreisetilatelse og ulovlig utreise*. 15 September 2016. p. 5.

⁽²¹⁾ EASO, *Eritrea Country Focus*, May 2015, p. 54.

⁽²²⁾ EASO, *Eritrea Country Focus*, May 2015.

The present report updates certain chapters of the *Eritrea Country Focus* that are key to the international protection status determination of Eritrean asylum seekers. In this regard, findings relating to the following questions are of particular relevance (see also [Terms of Reference](#)) ⁽²³⁾:

1. Are deserters, draft evaders and people who left the country illegally punished if they return to Eritrea?
2. If so, how severe are the punishments for returning deserters, draft evaders and people who left the country illegally?
3. Are the punishments meted out according to law and does legal certainty exist (procedural guarantees, written judgments, possibilities of appeal)?
4. Are the punishments and conditions of detention for deserters, draft evaders and people who left the country illegally more degrading and/or more brutal than those for people who have committed an offence under another generally applicable law?

Collecting information

The information in relation to the first three questions can be found in Chapters 3.8 and 6.4.4 of the EASO 2015 report *Eritrea Country Focus*. As part of a fact-finding mission conducted in February and March 2016, and through the evaluation of reports that have been published recently, the Swiss COI unit collected new information on these issues; this information updates and expands on the relevant chapters in the *Eritrea Country Focus*. Most of the information used to produce the *Eritrea Country Focus* was not newly evaluated. Instead, footnotes inserted at certain points make reference to the relevant findings of that report.

The Swiss COI unit has very little new information in relation to the fourth question. This is mainly because it was not possible to visit any detention facilities during official visits made to Eritrea. Other migration services, international organisations and diplomats likewise had no access to Eritrean prisons. One exception was a visit by the United Nations Commission on Human Rights to Sembel Prison in February 2016 ⁽²⁴⁾; however, the United Nations has not produced a detailed report on that visit. A balanced analysis on that issue, which takes into consideration all the sources mentioned in this chapter, is therefore impossible. As a result, Chapter 4 of the 2015 *Eritrea Country Focus* ⁽²⁵⁾ still represents the findings of the SEM ⁽²⁶⁾.

New information is available regarding the duration of compulsory service and the salary paid while performing national service. In recent years, the Eritrean government has announced comprehensive reforms in these two areas and there have been some changes. The new findings on those issues are presented in [Chapter 4. National Service reforms](#).

Regarding the information in those chapters of the 2015 *Eritrea Country Focus* not updated here, no new information is available at the Swiss COI unit indicating changes in the situation described in these chapters. The 2015 information therefore remains valid.

Availability of sources

Access to information about Eritrea, particularly on human rights issues, is difficult. The Eritrean Ministry of Information controls all media in Eritrea. Researchers, journalists and representatives of human rights organisations are generally unable to conduct research in the country, or can do so only to a very limited degree. The Eritrean authorities publish very little detailed information about the national service. There is a similar lack of transparency regarding the implementation of legislation on national service and illegal exit; and the authorities do not publish any guidelines or implementing provisions ⁽²⁷⁾. This means that there is a lack of essential sources of information on those topics that are relevant to international protection status determination. The information available is based almost exclusively on the following three categories of sources:

⁽²³⁾ As specified by the asylum policy makers on Eritrea in the State Secretariat for Migration (SEM), Bern-Wabern, February 2016.

⁽²⁴⁾ UN Office of the High Commissioner on Human Rights. Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, A/HRC/32/CPR.1. 8 June 2016, p. 17; Reuters, London. Crisis give Eritrea routes for closer global engagement. 29 February 2016. Landinfo, Temanotat Eritrea: Nasjonaltnjeneste, 20 May 2016, p. 7.

⁽²⁵⁾ EASO, *Eritrea Country Focus*, May 2015.

⁽²⁶⁾ Recent findings which are, however, based solely on statements by persons outside Eritrea, are also found in the following reports: Amnesty International, *Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees*. 2 December 2015, pp. 47-51. UN Office of the High Commissioner on Human Rights, Genf. Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1. 5 June 2015, pp. 221-280.

⁽²⁷⁾ See also Landinfo, Temanotat Eritrea: Nasjonaltnjeneste, 20 May 2016, pp. 6-7.

- **Statements made by the Eritrean government:** The Eritrean government generally dismisses all allegations of human rights violations. It makes its statements public, *inter alia*, via Eritrea's state media, including the portal www.shabait.com. Representatives of the Eritrean government, of the ruling party (the People's Front for Democracy and Justice, PFDJ) and of organisations close to the government also constantly make statements to foreign media and delegations. These statements can be accessed via the media and in various Country of Origin Information (COI) reports.
- **Assessments by persons in Eritrea:** Residents of Eritrea (Eritreans and foreign nationals) are best placed to report on the current situation in the country. However, in the experience of the SEM, their knowledge is limited: just like foreign visitors, people from Asmara who are normally contacted by journalists and other observers have no access, for example, to prisons or military camps, meaning that information they provide is based on reports from acquaintances. In recent years, the Eritrean authorities have appeared to tolerate greater criticism. However, residents of Eritrea are rather cautious and reserved when speaking to foreigners (in particular foreign media and official delegations). Accordingly, situation reports provided by Eritrean residents and foreign observers (diplomats, employees of international organisations) tend to be more positive than those provided by exiled Eritreans. These assessments – predominantly assessments by foreign observers – are accessible, *inter alia*, in the reports produced by various national COI units in Europe.
- **Assessments by persons who have left Eritrea:** Reports by human rights organisations in particular are based to a considerable extent on statements by people who have left Eritrea. In the experience of the SEM, these organisations are mainly contacted by people who claim to have had terrible experiences before leaving the country or who, for other reasons, would like to draw attention to abuses in Eritrea. The Eritrean government is likewise frequently the subject of harsh criticism in pro-opposition diaspora media; there are, however, also pro-government diaspora media. The views of people who have left Eritrea can mostly be found in human rights reports produced by organisations such as Human Rights Watch and Amnesty International or by the US Department of State, and also sometimes in the media in the destination countries of Eritrean migrants.

In recent years, a number of reports on the human rights situation in Eritrea have been published that were either based exclusively on sources in Eritrea or that only used information obtained from people who had left the country. Adopting such an approach may lead to a biased report.

Structure of the report and use of sources

The aim of the present report is to bring together the latest findings from all the aforementioned sources. With that in mind, the information from the individual categories of sources (Eritrean government, international observers, reports by third parties) is set out in separate sub-chapters in relation to each topic. A further sub-chapter discusses the legal position.

With the publication of the *Eritrea Country Focus* in May 2015⁽²⁸⁾, the SEM produced a first situation report. The SEM has not come across any information indicating changes in the situation described in the chapters that are not updated in the present report, and thus the 2015 report can still be consulted on those subjects. In February and March 2016, it conducted a fact-finding mission to Eritrea in order to verify and supplement the information of that report, partly because the Eritrean government had publicly announced reforms. As part of that mission, the SEM sought to gather facts such as court judgments, statistics and guidelines, and interviewed representatives of the Eritrean government and authorities, foreign observers and other residents of Eritrea. The fact-finding mission was conducted in line with international quality standards⁽²⁹⁾. In addition, the SEM also assessed the publicly accessible reports on the human-rights situation in Eritrea that have appeared since May 2015 and are based, completely or partly, on the views of people who have left Eritrea. Moreover, it brought together the various legal provisions governing the topics covered.

The Swiss COI unit's views on the sources used in the individual sections are as follows:

Legal position: The Eritrean legal provisions on national service and illegal exits are publicly accessible. However, the authorities' and the military's internal guidelines are not accessible despite apparently also being applied in those areas.

Position of the Eritrean government: This information is mostly based on statements made by representatives of the Eritrean government, of the authorities, of the ruling party (the PFDJ) or of one of two organisations that are close

⁽²⁸⁾ EASO, *Eritrea Country Focus*, May 2015.

⁽²⁹⁾ European Country of Origin Sponsorship (ECS), EU common guidelines on (Joint) Fact Finding Missions, November 2010.

to the government, the National Union of Eritrean Youth and Students (NUEYS) and the National Union of Eritrean Women (NUEW). During the fact-finding mission, these representatives provided information on the topics covered in this report. The Eritrean authorities proofread and confirmed all the statements taken from the discussions held and used in the report. In addition to the interviews conducted as part of the fact-finding mission, public statements made by representatives of the Eritrean government were also included in the report. The government representatives provided information about the arrangements for dealing with deserters, draft evaders etc. that is at odds with the legal position. However, neither they nor other people interviewed as part of the fact-finding mission were able to substantiate the information provided by means of guidelines, court judgments or statistics. Nor was it possible to discuss issues relating to national service with the competent ministry – the Ministry of Defence.

Views of international observers in Asmara: The assessments of the situation by people in Eritrea were mostly obtained by interviewing representatives of international organisations and foreign embassies as well as a number of other residents of Asmara. The views of the international observers are based almost exclusively on anecdotal knowledge acquired from conversations with Eritreans and on the conclusions that they themselves have drawn from that information. Since these observers are based in Asmara, this anecdotal knowledge relates mostly to the capital and its surrounding areas; regional variations cannot be ruled out. They also do not have access to guidelines, court judgments or statistics about the arrangements for dealing with deserters, draft evaders etc. Since only relatively few international representatives reside in Asmara and they are in frequent contact with one another, there is a risk of information round-tripping⁽³⁰⁾ and false corroboration. In addition, in isolated cases, this section also provides information obtained from interviews with Eritreans living in Asmara. At the request of the people interviewed for this report, the sources of all information of this kind have been made anonymous.

2015 and 2016 reports⁽³¹⁾: Four different categories of reports were used:

- Detailed human rights reports published by the UN Commission of Inquiry in June 2015 and 2016 and by Amnesty International in December 2015. Both sets of reports are mainly based on statements made by people who have left Eritrea for reasons that make them very critical on the situation there, and in addition on external experts and public sources. The statements used by Amnesty International relate to 2014 and 2015⁽³²⁾, and those used by the UN Commission of Inquiry cover the period from 1991 to 2015/2016⁽³³⁾.
- Annual summary reports on the human rights situation in 2015 produced by Amnesty International, Human Rights Watch and the US State Department. These reports are based on a variety of sources, primarily from outside Eritrea, which in most cases are not explicitly stated⁽³⁴⁾.
- Reports by Country of Origin Information (COI) units in the United Kingdom, Norway and Sweden that were published following fact-finding missions conducted in late 2015 or in the spring of 2016. In producing these reports, and in addition to the findings of the fact-finding missions, these units (with the exception of the UK unit) also used findings taken from other reports and the views of experts from outside Eritrea.
- Various relevant media reports from Europe, Eritrea and the Eritrean diaspora that are based on a very wide variety of sources.

Quality control

In order to ensure that the EASO COI Report Methodology was respected, a review was carried out by COI specialists from the countries listed as reviewers in the Acknowledgment section. All comments made by the reviewers were taken into consideration and most of them were implemented in the final draft of this report.

⁽³⁰⁾ This happens when secondary sources cite each other, instead of referring to the original source of the information. EU, Common EU guidelines for processing COI, April 2008, p. 7.

⁽³¹⁾ In [Chapter 3. Punishment of returnees](#)), additional slightly older reports are included, which had not been included in the 2015 EASO report for reasons of space. They are predominantly about returnees from Israel, Egypt and Sudan.

⁽³²⁾ Amnesty International, Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees. 2 December 2015. p. 10.

⁽³³⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1, 5 June 2015, p. 10; UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1. 8 June 2016, p. 6.

⁽³⁴⁾ Human Rights Watch, World Report 2016. 27 January 2016, p. X.; U.S. Department of State, Country Reports on Human Rights Practices 2015. Appendix A. Notes on Preparation of the Country Reports and Explanatory Material. 13 April 2016, p. 1. Amnesty International does not give information on the sources used in its annual report.

1. Punishment within Eritrea

This chapter focuses exclusively on the punishment of people who have deserted from the national service (the military or civilian branch) but have not left Eritrea. The punishment of deserters and draft evaders who have also (illegally) left the country is dealt with in Chapters 2 and 3.

1.1 Punishment for desertion

1.1.1 Legal position

In accordance with Article 37(1) of the Proclamation on National Service of 1995, any infringement of that proclamation (including desertion) is punishable by two years' imprisonment and/or a fine of 3 000 Birr ⁽³⁵⁾. The right is reserved to apply stricter penalties according to the Eritrean Penal Code of 1991 ⁽³⁶⁾.

Article 300 of the Penal Code of 1991 stipulates that desertion is punishable by a term of imprisonment of up to five years. During wartime, the term of imprisonment varies between five years and life imprisonment; in serious cases, the death penalty is imposed ⁽³⁷⁾. Eritrea has since published a new penal code ⁽³⁸⁾ but it is not yet being applied in practice ⁽³⁹⁾. Article 119 of the new penal code outlines a jail term of between one and three years in the following scenarios (referred to as 'interference with military service'):

'A person who intentionally:

- a) evades or attempts to evade compulsory military service, knowing that he is not entitled to do so;
- b) incites or assists another, or attempts to incite or assist another, to intentionally evade compulsory military service, knowing that person is not entitled to do so; or
- c) incites or assists another, or attempts to incite or assist another, to disregard military orders or discipline knowing that person is not entitled to do so.' ⁽⁴⁰⁾

Pursuant to Article 120 of the new penal code, 'during [a] time of emergency involving the armed forces of Eritrea, general mobilization, or war', the same offence is regarded as 'aggravated interference with military service' and is punishable by a term of imprisonment of between seven and 10 years ⁽⁴¹⁾. The provisions of criminal law relate to 'compulsory military service'. No mention is made of the equally compulsory civilian branch of national service. It is unclear whether the provision also applies to that branch.

The Eritrean government has never made any explicit statements on the state of emergency defined in Article 120. However, it does refer to the current circumstances as a 'no war, no peace' situation, and justifies the general mobilisation of forces on that basis ⁽⁴²⁾. The indefinite extension of national service was legalised by the government on 7/8 May 2002 by a decision which provided for the creation of a national (civilian) development programme called Warsay Yikealo Development Campaign ⁽⁴³⁾:

⁽³⁵⁾ The Eritrean currency nakfa was introduced in 1997 with a ratio of 1:1 to the Ethiopian Birr. The nakfa is officially linked in the ratio 15:1 to the US dollar. Until the monetary reform at the end of 2015, the black market exchange rate had been for years in the range of 50 nakfa per US dollar. After the currency reform, the black market price has fallen to 20 to 25 nakfa per US dollar.

⁽³⁶⁾ Eritrea, Proclamation on National Service No. 82/1995. 23 October 1995, Art. 37.

⁽³⁷⁾ Eritrea, Eritrean Transitional Penal Code (Penal Code of Ethiopia 1957). 28 July 1957, Art. 300.

⁽³⁸⁾ TesfaNews, Government of Eritrea Puts Into Effect New Civil and Penal Codes, 11 May 2015.

⁽³⁹⁾ Ministry of Justice of Eritrea, Asmara, Interview 29 February 2016; Landinfo, Temanotat Eritrea: Nasjonal tjeneste, 20 May 2016, p. 20; UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1. 8 June 2016, p. 41.

⁽⁴⁰⁾ Eritrea, Civil Code of the State of Eritrea. 15 May 2015. Art. 119.

⁽⁴¹⁾ Eritrea, Civil Code of the State of Eritrea. 15 May 2015. Art. 120.

⁽⁴²⁾ Ministry of Justice of Eritrea, Asmara, Interview 29 February 2016; International Crisis Group, Eritrea: Ending the Exodus? 8 August 2014, p. 3; Tronvoll, Kjetil und Mekonnen, Daniel R., Woodbridge. The African Garrison State. Human Rights & Political Development in Eritrea, 2014, pp. 172-175.

⁽⁴³⁾ Tronvoll, Kjetil und Mekonnen, Daniel R., Woodbridge. The African Garrison State. Human Rights & Political Development in Eritrea, 2014, p. 173; For more sources, cf. EASO, Eritrea Country Focus, May 2015, p. 40.

1.1.2 Position of the Eritrean government

The responsibility for punishing deserters from the national service is unclear. The Ministry of Justice was unable to provide any information in this regard. It was not possible to organise a meeting with the Ministry of Defence as part of the fact-finding mission, nor did any other European COI unit hold talks with the Ministry during official visits⁽⁴⁴⁾.

In December 2015, the Eritrean Ministry of Foreign Affairs made the following statement on the punishment of deserters:

‘Desertion from active military service remains by law a serious crime punishable with rigorous imprisonment. Hence, they are duly accounted through both the legal and administrative measures. This in as much as possible greatly takes into account the rights of the guilty citizen and whenever there is discrepancy or any degree of violations appears, both judicial and administrative remedies are made’.

In the same statement, the Ministry of Foreign Affairs denied that the punishments imposed have a political dimension⁽⁴⁵⁾.

As part of the fact-finding mission, PFDJ representative and presidential adviser Yemane Gebreab stated that, if a person deserts, as a general rule nothing at all actually happens, and that there are many people in Eritrea who simply left the national service. He also spoke of an amnesty in the spring of 2016, under which deserters could return to their units without facing any consequences. The text of this amnesty has not been made public because it is an army document⁽⁴⁶⁾.

In the context of a meeting organised by the Eritrean Ministry of Foreign Affairs, young Eritreans who were fulfilling their national service duty in various ministries said that if they failed to appear at work, they would receive a warning and a cut in salary. An individual could, however, also be charged at the Ministry of Defence and be transferred to the military. They provided no details about desertion from the military branch of national service⁽⁴⁷⁾.

1.1.3 Views of international observers in Asmara

The picture painted by the responses to questions put to diplomats and representatives of international organisations in Asmara about the punishments imposed for desertion (where the deserter does not subsequently leave the country illegally) is very diverse. The SEM has not found information from these sources indicating a systematic approach taken by the Eritrean army and the Eritrean authorities to the issue of desertion.

Some of the interlocutors gave examples of individuals who had deserted from the national service and continued to live in Eritrea without experiencing any problems. As a consequence, in these cases the deserters stopped receiving any pay and had no access to public services⁽⁴⁸⁾. This in particular applies to those within the civilian branch of the national service who have stopped attending their assigned workplace. It is also often the case that people formally remain within the national service but rarely go to work, having another job in the private sector⁽⁴⁹⁾.

One interlocutor stated that many people left the national service without initially facing any consequences. However, as soon as they broke the law in some other way (e.g. by committing theft) or came to the authorities’ attention for another reason, they were re-drafted into the national service⁽⁵⁰⁾. The security forces did, nevertheless, also continue to search actively for deserters, in particular deserters from the military branch of the national service. However, the Eritrean authorities lacked the capacity to conduct these searches and checks systematically⁽⁵¹⁾.

⁽⁴⁴⁾ Cf. Bibliographies of the reports by Norway, Sweden and UK: Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 20 May 2016, pp. 27-30; Migrationsverket, Landrapport Eritrea, 15 December 2015; UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service, (February 2016). May 2016, p. 8.

⁽⁴⁵⁾ Shabait, UNHCR Eligibility Guidelines: Factual Findings or Recycled Defamation? 17 December 2015.

⁽⁴⁶⁾ Yemane Gebreab, Head of Political Affairs, People’s Front for Democracy and Justice, Asmara. Interview 11 March 2016.

⁽⁴⁷⁾ Employees serving in national service from various ministries, Interview 2 March 2016.

⁽⁴⁸⁾ International organisation (2), Asmara. Interview March 2016; Diplomatic source (2), Asmara. Interview March 2016; Diplomatic source (7), Asmara. Interview March 2016; International organisation (4), Asmara. Interview March 2016.

⁽⁴⁹⁾ Diplomatic source (3), Asmara. Interview March 2016; Cf. Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 20 May 2016, p. 16; BBC, Has Eritrea’s migration problem been exaggerated? 8 June 2016.

⁽⁵⁰⁾ Diplomatic source (7), Asmara. Interview March 2016; cf. UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016), May 2016, p. 79.

⁽⁵¹⁾ Diplomatic source (1), Asmara. Interview March 2016; International organisation (4), Asmara. Interview March 2016.

If the authorities apprehended deserters from the military, they transferred them back to their units, which usually punished them. Most interlocutors stated that the detention of deserters for a period of several months in harsh conditions was a common occurrence, and also mentioned detainees being moved to remote areas and the length of their service being extended⁽⁵²⁾. It is unclear under what circumstances the punishment is determined and whether there are possible means of appeal. One interlocutor assumed that senior military officers continue to determine the punishments applied independently⁽⁵³⁾. None of the interlocutors was aware of any guidelines for the punishment of deserters, any specific judgments or any related statistics⁽⁵⁴⁾.

1.1.4 2015 and 2016 reports

Several reports published recently note that a proportion of deserters apprehended in Eritrea must serve terms of imprisonment, in some cases in harsh conditions. They mention detention periods of between one month and two years⁽⁵⁵⁾. In recent years, the punishment seems to have become less severe, according to the sources consulted⁽⁵⁶⁾. After detention, the deserters are returned to their units⁽⁵⁷⁾. In 2015, the UN Commission of Inquiry reported that people performing the national service can also be detained merely on the suspicion that they were planning to desert⁽⁵⁸⁾.

According to the reports, senior military officers continue to determine the punishments arbitrarily and without following any formal procedure. Some deserters who are apprehended are held in incommunicado detention; some receive no pay for the period of their detention. The conditions and length of detention vary greatly depending on the responsible military superior⁽⁵⁹⁾. According to various reports, the sentences imposed on deserters from the military branch are more severe than those imposed on deserters from the civilian branch⁽⁶⁰⁾. Two reports mention that teachers who have deserted the posts assigned to them by the Ministry of Education may be re-assigned to their earlier teaching position following their desertion without being punished⁽⁶¹⁾.

The reports do not comment to which extent the Eritrean authorities systematically search for deserters in the country. In its 2015 report, Amnesty International gives a number of examples of people who were found by their unit after not returning from leave for a very long period of time⁽⁶²⁾. However, the UN Commission of Inquiry noted in 2015 that the authorities did not find some deserters for years and that these people were living without punishment in Eritrea. They did, however, have to refrain from using public services and their freedom of movement was restricted⁽⁶³⁾. According to the people interviewed as part of a UK fact-finding mission, it is likewise impossible for deserters to be legally hired by an employer because they do not have the documents that prove their discharge from national service⁽⁶⁴⁾.

⁽⁵²⁾ Diplomatic source (3), Asmara. Interview March 2016; Diplomatic source (1), Asmara. Interview March 2016.

⁽⁵³⁾ Diplomatic source (1), Asmara. Interview March 2016.

⁽⁵⁴⁾ Cf. Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 20 May 2016, p. 20.

⁽⁵⁵⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1. 5 June 2015, p. 133; Amnesty International, Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees. 2 December 2015, p. 8; Migrationsverket, Landrapport Eritrea, 15 December 2015, p. 15; UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, pp. 62-65.

⁽⁵⁶⁾ Migrationsverket, Landrapport Eritrea, 15 December 2015, p. 15; UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1. 05 June 2015, p. 133.

⁽⁵⁷⁾ Sammy Sium (KM), Wrocław. Hashferay Prison: Memories of a Prisoner, 2015, p. 84.

⁽⁵⁸⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1. 5 June 2015, p. 208.

⁽⁵⁹⁾ Amnesty International, Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees. 2 December 2015, p. 8; Migrationsverket, Landrapport Eritrea. 15 December 2015, p. 15; UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1. 8 June 2016, p. 26.

⁽⁶⁰⁾ Migrationsverket, Landrapport Eritrea, 15 December 2015, p. 15; UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016), May 2016, pp. 62-63; Resident of Asmara (1), Asmara. Interview March 2016; Landinfo, Temanotat Eritrea: Nasjonaltjeneste. 14 May 2016, p. 21.

⁽⁶¹⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1. 5 June 2015, p. 359; UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, p. 63.

⁽⁶²⁾ Amnesty International, Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees, 2 December 2015, pp. 40-41.

⁽⁶³⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1., 5 June 2015, p. 359.

⁽⁶⁴⁾ UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, p. 65.

According to earlier reports, deserters are regarded by the government as political opponents and traitors ⁽⁶⁵⁾. Although this issue is now less frequently addressed ⁽⁶⁶⁾, the view is still expressed in certain recent reports (primarily reports by the UN Commission of Inquiry) that deserting from the national service, leaving the country and other offences such as draft evasion are regarded as treason ⁽⁶⁷⁾.

1.2 Punishment for draft evasion

1.2.1 Legal position

In accordance with Article 37(1) of the Proclamation on National Service of 1995, any infringement of that proclamation (including draft evasion) is punishable by two years' imprisonment and/or a fine of 3 000 Birr ⁽⁶⁸⁾. The right is reserved to apply stricter penalties under the Eritrean Penal Code of 1991. Under Article 37(2), the same punishment applies to people who fraudulently avoid performing their national service, *inter alia*, by inflicting self-harm ⁽⁶⁹⁾.

Article 279 of the Penal Code of 1991 outlines a five-year term of imprisonment for draft evasion during wartime ⁽⁷⁰⁾. The penalties for draft evasion (offence of 'interference with military service') laid down in the Penal Code of 2015 are the same as those for desertion. They are set out in [Chapter 1.1.1 Legal position](#).

1.2.2 Position of the Eritrean government

It is unclear which authority is responsible for punishing draft evaders. The Ministry of Justice was unable to provide any information in this regard. It was not possible to organise a meeting with the Ministry of Defence as part of the fact-finding mission, nor did any other European country hold talks with the Ministry during official visits ⁽⁷¹⁾.

The PFDJ representative, Yemane Gebreab, stated that a lot of young people refuse to perform the national service and that, in most cases, this has no consequences. He mainly referred to young women who are pregnant, have a child or are married. There have, however, also been cases of young men who simply were not conscripted, for example because they did not attend the 12th grade classes in Sawa ⁽⁷²⁾.

1.2.3 Views of international observers in Asmara

All the interlocutors mentioned round-ups (*giffas*) during which the security forces conducted searches for and arrested draft evaders in city neighbourhoods or a village. The information provided by the interlocutors about the frequency of these *giffas* varies widely: two diplomats spoke of *giffas* that had taken place in the week prior to the interview (late February of 2016) ⁽⁷³⁾, another had not heard of any *giffas* for 18 months ⁽⁷⁴⁾. The other responses fell somewhere in between those two timescales ⁽⁷⁵⁾.

⁽⁶⁵⁾ Human Rights Watch, *Service for Life*. 4 April 2009, p. 27; UNHCR, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea*, 20 April 2011. p. 14; Müller, Tanja R., *Bare life and the developmental state: implications of the militarization of high education in Eritrea*. In: *The Journal of Modern African Studies*. March 2008, 46: 1. p. 115.

⁽⁶⁶⁾ Migrationsverket, *Landrapport Eritrea*, 15 December 2015, p. 15.

⁽⁶⁷⁾ UN Office of the High Commissioner on Human Rights, *Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea*. A/HRC/29/CRP.1. 5 June 2015. pp. 114, 300; UN Office of the High Commissioner on Human Rights, *Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1*. 8 June 2016, p. 59; Landinfo, *Respons Eritrea: Reaksjoner mot hjemvendte asylsøkere*. 27 April 2016, pp. 3-4; IRB, *Eritrea: Situation of people returning to the country after they spent time abroad, claimed refugee status, or sought asylum (2012-August 2014)*, 10 September 2014; Resident of Asmara (2), Asmara. Interview March 2016.

⁽⁶⁸⁾ The Eritrean currency nakfa was introduced in 1997 to a ratio of 1: 1 to the Ethiopian Birr. The nakfa is officially linked in the ratio 15: 1 to the US dollar. Until the monetary reform At the end of 2015, the black market exchange rate had been in the range of 50 nakfa per US dollar for years. After the currency reform, the black market price has fallen to 20 to 25 nakfa per US dollar.

⁽⁶⁹⁾ Eritrea, *Proclamation on National Service No. 82/1995*. 23 October 1995, Art. 37.

⁽⁷⁰⁾ Eritrea, *Eritrean Transitional Penal Code (Penal Code of Ethiopia 1957)*. 28 July 1957, Art. 300.

⁽⁷¹⁾ Cf. bibliographies of the reports by Norway, Sweden and UK. Landinfo, *Temanotat Eritrea: Nasjonaltjeneste*, 14 May 2016, pp. 27-30; Migrationsverket, *Landrapport Eritrea*, 15 December 2015; UK Home Office, *Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016)*. May 2016, p. 8.

⁽⁷²⁾ Yemane Gebreab, Head of Political Affairs, People's Front for Democracy and Justice, Asmara. Interview 11 March 2016.

⁽⁷³⁾ Diplomatic source (1), Asmara. Interview March 2016; Diplomatic source (2), Asmara. Interview March 2016.

⁽⁷⁴⁾ Diplomatic source (7), Asmara. Interview March 2016.

⁽⁷⁵⁾ Diplomatic source (3), Asmara. Interview March 2016; Diplomatic source (6), Asmara. Interview March 2016; Internationale Organisation (4), Asmara. Interview March 2016; Cf. UK Home Office, *Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016)*. May 2016, pp. 67-69.

The interlocutors had little information about what subsequently happened to those arrested. They assumed that the Ministry of Defence sent them for military training and then assigned them to military units ⁽⁷⁶⁾. One interlocutor believed that assignment to the military branch of the national service (rather than to civilian workplaces) could be regarded as punishment and that this possibility deters young people from evading the draft ⁽⁷⁷⁾.

Several interlocutors mentioned that many draft evaders led a normal life and were never apprehended over a period of several years ⁽⁷⁸⁾. This is partly due to the Eritrean authorities' lack of capacity to arrest draft evaders on a systematic basis (e.g. by conducting home visits), because there are too many draft evaders ⁽⁷⁹⁾. In addition, the young people concerned pass information between themselves in the event of a *giffa* taking place ⁽⁸⁰⁾. *Giffas* are also significantly rarer in remote areas (particularly in the lowlands) ⁽⁸¹⁾. The consequence for these draft evaders is that they are unable to access public services ⁽⁸²⁾.

Rural Muslim women, as well as pregnant women, married women and women with children, are also usually exempted from national service ⁽⁸³⁾. However, since this practice is not covered legally, unlike people discharged from national service, they do not receive the papers (see [Chapter 4.1.4 2015 and 2016 reports](#)) that legalise their status outside the service ⁽⁸⁴⁾.

1.2.4 2015 and 2016 reports

In the aftermath of the Eritrean-Ethiopian border war (1998 to 2000 ⁽⁸⁵⁾), the Eritrean authorities and military units conducted systematic house-to-house searches for draft evaders ⁽⁸⁶⁾. They no longer seem to have the capacity to conduct such searches. However, for people who have received personal military conscription papers but fail to comply with them, there is still the possibility of units conducting house-to-house searches for them. As punishment, they can be detained for several months or even years ⁽⁸⁷⁾. Pupils who continually repeat academic years in order to avoid conscription to attend the 12th grade at the Sawa military training camp are, according to Amnesty International, regarded as draft evaders by the authorities who search for them at their schools. They are detained and then subsequently undergo military training ⁽⁸⁸⁾.

More recent reports also mention *giffas*. During such round-ups, the security agencies cordon off part of a town neighbourhood or village. Everyone residing within that area must be able to prove why they are not performing national service. Those who can show that they are a minor, student or foreign national, that they have already completed their national service or that they are currently doing so and have a valid permit to travel to the area in question, are not detained. The remainder are, however, arrested on suspicion of draft evasion ⁽⁸⁹⁾. According to Amnesty International, these *giffas* still occur several times a year throughout the country ⁽⁹⁰⁾. However, according to information provided by Landinfo, such round-ups are less common than before (i.e. up until 2010) ⁽⁹¹⁾.

⁽⁷⁶⁾ Diplomatic source (3), Asmara. Interview March 2016; Diplomatic source (1), Asmara. Interview March 2016; Diplomatic source (6), Asmara. Interview March 2016.

⁽⁷⁷⁾ Diplomatic source (1), Asmara. Interview March 2016.

⁽⁷⁸⁾ International organisation (2), Asmara. Interview March 2016; Diplomatic source (6), Asmara. Interview March 2016; Diplomatic source (2), Asmara. Interview March 2016.

⁽⁷⁹⁾ International organisation (2), Asmara. Interview March 2016.

⁽⁸⁰⁾ Diplomatic source (2), Asmara. Interview March 2016; Diplomatic source (1), Asmara. Interview March 2016; Cf. Asmarino, San José. Eritrea: Amazing solidarity against gifa in Asmara, 17 January 2015.

⁽⁸¹⁾ Diplomatic source (6), Asmara. Interview March 2016.

⁽⁸²⁾ International organisation (2), Asmara. Interview March 2016.

⁽⁸³⁾ International organisation (2), Asmara. Interview March 2016.

⁽⁸⁴⁾ EASO, Eritrea Country Focus, May 2015, p. 33.

⁽⁸⁵⁾ Information on the history of Eritrea can be found in Chapter 1.3. of the 2015 EASO Eritrea Country Focus and the sources therein. EASO, Eritrea Country Focus, May 2015, pp. 15-17.

⁽⁸⁶⁾ Cf. Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 9.

⁽⁸⁷⁾ UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, pp. 62-65.

⁽⁸⁸⁾ Amnesty International, Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees. 2 December 2015, pp. 24, 39.

⁽⁸⁹⁾ Amnesty International, Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees, 2 December 2015, pp. 8, 24; UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, A/HRC/29/CRP.1. 05 June 2015, pp. 349-355; US DoS, Country Reports on Human Rights Practices 2014, Eritrea, 25 June 2015, p. 5; US DoS, Country Reports on Human Rights Practices 2015, Eritrea, 13 April 2016. Cf. EASO, Eritrea Country Focus, May 2015, pp. 35-36.

⁽⁹⁰⁾ Amnesty International, Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees. 2 December 2015, p. 24.

⁽⁹¹⁾ Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 10.

Those detained are sometimes initially held in facilities near their homes, so they still have the opportunity to produce relevant documents ⁽⁹²⁾. According to Amnesty International, they are initially imprisoned for a period of time without charge – their interlocutors speak of detention periods of between one and eight months. Detention periods are determined arbitrarily by the security forces. Following detention, they are transferred to camps for training. Amnesty International mentions the following training camps where conditions are said to be harsher than those at the Sawa facility: Kiloma (Klima), Nakfa, Maeter, Ubel, Gergera and Mendefera ⁽⁹³⁾.

Violent incidents and rioting occur regularly during *giffas*. There are even isolated reports of people being killed during *giffas* ⁽⁹⁴⁾.

According to Amnesty International, time and again the authorities arrest conscientious objectors who refuse to perform national service. These people are mostly Jehovah's Witnesses. In September 2015, at least 16 Jehovah's Witnesses were imprisoned for draft evasion. In May 2014, one conscientious objector was detained ⁽⁹⁵⁾.

Various reports mention that draft evaders can sometimes avoid round-ups for years. They manage to do so, *inter alia*, thanks to timely warnings (passed on using code words, for example) or by using forged documents. In some cases, draft evaders also move from main settlements to the surrounding areas. However, they refrain from using public services and their freedom of movement is restricted ⁽⁹⁶⁾. According to those interviewed as part of the UK fact-finding mission, they are also unable to be legally hired because they have no national service discharge papers ⁽⁹⁷⁾.

⁽⁹²⁾ Cf. Vincent, Léonard, *Les Érythréens*, Paris, 2012, pp. 76-80.

⁽⁹³⁾ Amnesty International, *Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees*. 2 December 2015, pp. 8, 24-26, 39-40; Cf. UN Office of the High Commissioner on Human Rights, *Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea*. A/HRC/29/CRP.1, 5 June 2015, pp. 266, 377.

⁽⁹⁴⁾ UN Office of the High Commissioner on Human Rights, *Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea*. A/HRC/29/CRP.1, 5 June 2015, pp. 316, 355; UN Office of the High Commissioner on Human Rights, *Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1*, 8 June 2016, p. 79.

⁽⁹⁵⁾ Amnesty International, *Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees*. 2 December 2015, pp. 27, 28.

⁽⁹⁶⁾ UN Office of the High Commissioner on Human Rights, *Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea*. A/HRC/29/CRP.1, 5 June 2015, pp. 104-105, 359; Amnesty International, *Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees*. 2 December 2015, p. 24; Asmarino, *Eritrea: Amazing solidarity against gifa in Asmara*. 17.01.2015.

⁽⁹⁷⁾ UK Home Office, *Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016)*. May 2016, p. 65.

2. Punishment for illegal exit

2.1 Legal position

The entry and exit requirements of Eritrea are laid down in Proclamation 24/1992. In accordance with Article 11 [of the Proclamation], a valid travel document (passport), a valid exit visa and a valid international health certificate are required in order to leave Eritrea legally. Individuals must also cross the border at a designated border control point (Article 10). Infringements of these rules and attempts to cross the border illegally or to help others to do so are punishable by a term of imprisonment of up to five years or a fine of up to 10,000 Birr⁽⁹⁸⁾ or both (Article 29(2) [of the Proclamation])⁽⁹⁹⁾.

The provisions of the National Proclamation and of the Penal Code cited in [Chapter 1.1.1](#) also apply to people who leave the country after deserting or evading the draft. However, in accordance with Article 37(3) of the Proclamation on National Service of 1995, there is also the aggravating factor that records are kept of people liable for compulsory service ('any citizen ... knowing that he has the duty of serving in the National Service') who flee to another country. If they do not return before their 40th birthday and complete their compulsory service, they may be jailed for five years up until their 50th birthday. They also lose the right to work and to own land. In this area, the law does not distinguish between legal and illegal exits⁽¹⁰⁰⁾.

2.2 Position of the Eritrean government

The representatives of the Eritrean authorities contacted as part of the fact-finding mission to Eritrea in February and March 2016 confirmed that people apprehended attempting to leave the country illegally were arrested. The interlocutors spoke of terms of imprisonment of between two and sixth months for first-time offenders, depending on the circumstances. In the case of repeat offenders, the sentence may be up to two years⁽¹⁰¹⁾. In October 2015, Minister for Information Yemane Gebremeskel told the *Süddeutsche Zeitung* that people who are caught trying to leave the country illegally should expect to spend 'two or three months in prison... perhaps even less'⁽¹⁰²⁾.

Yemane Gebremeskel and the PFDJ representative and presidential advisor Yemane Gebreab stressed that the penalties for leaving the country illegally were not imposed arbitrarily. They say they are consistent with internal guidelines and are proportionate. However, these guidelines are not publicly accessible and are applied as part of 'administrative procedures' in order to reduce the burden on the courts⁽¹⁰³⁾. Deserters from the national service are returned to their unit and imprisoned on that unit's base⁽¹⁰⁴⁾. Those arrested who have not evaded national service are held in 'correctional' or 'rehabilitation facilities'⁽¹⁰⁵⁾. Government representatives did not clarify which institution was responsible for applying the guidelines mentioned.

Representatives of the Department for Immigration and Nationality told the UK Home Office that the army is the competent body for the control of (illegal) migration away from the official border crossing points. The army is also in charge of the punishment of those apprehended which, depending on the circumstances, may be one or two months of detention. The army then arranges for the people detained to be taken 'back to where they came from'⁽¹⁰⁶⁾.

⁽⁹⁸⁾ The Eritrean currency nakfa was introduced in 1997 to a ratio of 1: 1 to the Ethiopian Birr. The nakfa is officially linked in the ratio 15: 1 to the US dollar. Until the monetary reform At the end of 2015, the black market exchange rate had been in the range of 50 nakfa per US dollar for years. After the currency reform, the black market price has fallen to 20 to 25 nakfa per US dollar.

⁽⁹⁹⁾ Eritrea, Proclamation No. 24/1992 of 1992 issued to regulate the issuing of travel documents, entry and exit visa from Eritrea, and to control residence permits of foreigners in Eritrea. 1 April 1992.

⁽¹⁰⁰⁾ Eritrea, Proclamation on National Service No. 82/1995. 23 October 1995.

⁽¹⁰¹⁾ Department for Immigration and Nationality, Asmara. Interview 29 February 2016; Yemane Gebremeskel, Minister of Information, Asmara. Interview 11 March 2016; Yemane Gebreab, Head of Political Affairs, People's Front for Democracy and Justice, Asmara. Interview 11 March 2016.

⁽¹⁰²⁾ *Süddeutsche Zeitung*, "Keine Ahnung, was Sie meinen". 29 October 2015.

⁽¹⁰³⁾ Yemane Gebremeskel, Minister of Information, Asmara. Interview 11 March 2016; Yemane Gebreab, Head of Political Affairs, People's Front for Democracy and Justice, Asmara. Interview 11 March 2016.

⁽¹⁰⁴⁾ Department for Immigration and Nationality, Asmara. Interview 29 February 2016; Yemane Gebreab, Head of Political Affairs, People's Front for Democracy and Justice, Asmara. Interview 11 March 2016.

⁽¹⁰⁵⁾ Department for Immigration and Nationality, Asmara. Interview 129 February 2016; Yemane Gebreab, Head of Political Affairs, People's Front for Democracy and Justice, Asmara. Interview 11 March 2016.

⁽¹⁰⁶⁾ UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, p. 119.

Special arrangements are in place for minors, who are usually released without punishment or placed in a 'rehabilitation centre' for a short time⁽¹⁰⁷⁾. However, during the fact-finding mission, and despite making several requests, the SEM was unable to obtain any information about such centres⁽¹⁰⁸⁾.

Reports of shoot-to-kill orders on people leaving the country illegally were described by the Eritrean Ministry of Foreign Affairs in December 2015 as 'unfounded, irresponsible and an insult to the nation and the government'⁽¹⁰⁹⁾.

Representatives of the Department for Immigration and Nationality told the UK Home Office that the nomadic population living on the border gets a different treatment. According to the officials, these people 'have the right to come and go'⁽¹¹⁰⁾.

2.3 Views of international observers in Asmara

All the representatives of international organisations and western embassies contacted in Asmara believe that people apprehended by border troops while attempting to leave the country illegally are imprisoned for a number of months, depending on various circumstances (national service status, number of attempts to leave the country, section of the border in question etc.)⁽¹¹¹⁾. The interlocutors assumed that deserters from the military branch of the national service are a special category of deserters and are taken back to their unit, where they restart their service after serving a term of imprisonment⁽¹¹²⁾. In addition to the prison sentence, one interlocutor also mentioned forced labour, transfers to remote areas, extension of the length of the national service, and demotion as possible forms of punishment. In his view, most minors go unpunished⁽¹¹³⁾. By contrast, for example, to political prisoners, people jailed for trying to leave the country illegally are not always held in solitary confinement, according to one interlocutor. It is normal for relatives to visit these detainees and bring them food⁽¹¹⁴⁾.

The interlocutors were unaware which authority was responsible for imposing and enforcing sentences. They did, however, assume that the punishment was not determined on the basis of regular and transparent judicial or administrative proceedings⁽¹¹⁵⁾. One Eritrean national said that the army had been responsible for punishing illegal migrants since 2005. According to him, the army did not apply the law. Instead, commanding officers within the military are responsible for determining the punishment. There are, therefore, considerable regional differences in the punishments imposed⁽¹¹⁶⁾.

The interlocutors either believed that the shoot-to-kill-order on people attempting to leave the country illegally was not applied in practice or that there was no such policy. At the border – in particular on the frontline with Ethiopia – shots may be fired, and there are also isolated incidences of fatalities. The border troops attempt to stop people leaving the country. However, considering the thousands of illegal migrants who leave the country each month, these sources consider a systematic practice of killing such migrants to be unlikely⁽¹¹⁷⁾.

⁽¹⁰⁷⁾ Yemane Gebreab, Head of Political Affairs, People's Front for Democracy and Justice, Asmara. Interview 11 March 2016; UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, p. 119.

⁽¹⁰⁸⁾ Paragraph 135 of the report of the UN investigation commission of 2016 might describe such a center. UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1. 8 June 2016, p. 33.

⁽¹⁰⁹⁾ Shabait, UNHCR Eligibility Guidelines: Factual Findings or Recycled Defamation? 17 December 2015.

⁽¹¹⁰⁾ UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, p. 106.

⁽¹¹¹⁾ Diplomatic source (5), Asmara. Interview March 2016; Diplomatic source (3), Asmara. Interview March 2016; Diplomatic source (1), Asmara. Interview March 2016; Diplomatic source (6), Asmara. Interview March 2016; Diplomatic source (2), Asmara. Interview March 2016; Diplomatic source (7), Asmara. Interview March 2016; Resident of Asmara (3), Asmara. Interview March 2016; Internationale Organisation (4), Asmara. Interview March 2016; Cf. Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 21; UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, pp. 62-64.

⁽¹¹²⁾ Diplomatic source (6), Asmara. Interview March 2016; Diplomatic source (2), Asmara. Interview March 2016; Internationale organisation (4), Asmara. Interview March 2016; Cf. Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14.05.2016, p. 21; UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, p. 120.

⁽¹¹³⁾ Diplomatic source (1), Asmara. Interview March 2016.

⁽¹¹⁴⁾ Diplomatic source (3), Asmara. Interview March 2016.

⁽¹¹⁵⁾ Diplomatic source (5), Asmara. Interview March 2016; Diplomatic source (1), Asmara. Interview March 2016; Diplomatic source (6), Asmara. Interview March 2016; Diplomatic source (7), Asmara. Interview March 2016.

⁽¹¹⁶⁾ Resident of Asmara (3), Asmara. Interview March 2016.

⁽¹¹⁷⁾ Internationale organisation (2), Asmara. Interview March 2016; Diplomatic source (1), Asmara. Interview March 2016; Diplomatic source (6), Asmara. Interview March 2016; Diplomatic source (2), Asmara. Interview March 2016; Diplomatic source (7), Asmara. Interview March 2016; Internationale organisation (4), Asmara. Interview March 2016.

2.4 2015 and 2016 reports

As was the case in previous years ⁽¹¹⁸⁾, more recent reports show that the penalties for leaving Eritrea illegally are not imposed by the courts and are therefore arbitrary ⁽¹¹⁹⁾. In 2015, Amnesty International reported that the term of detention was usually between six months and one year; in some cases, detention for up to 18 months was reported. In the past few years, the punishments imposed have tended to get shorter ⁽¹²⁰⁾. According to the UN Commission of Inquiry, since 2010 the detention imposed has been between six months and two years. The detention period is longer in the case of repeat offenders and [people] smugglers ⁽¹²¹⁾. In previous years, the reports pointed to considerably longer detention periods of up to seven years ⁽¹²²⁾.

According to one view expressed in the UK fact-finding mission report, people who leave the country illegally in military uniform are punished more severely than civilians ⁽¹²³⁾. According to Landinfo, the punishment imposed on people who have deserted from the national service depends on various factors, including whether the individual deserted the military branch or the civilian branch ⁽¹²⁴⁾. Very harsh punishments for a period of years may still be imposed, for example in the case of individuals who occupied a senior position within the military prior to their desertion ⁽¹²⁵⁾. In addition to prison sentences, the reports also refer to fines, national service conscription (for people who were not previously serving) and immediate release ⁽¹²⁶⁾. Since the punishments are not imposed by courts, it is unclear whether the individuals concerned are being fined for leaving the country illegally per se or also for desertion/draft evasion ⁽¹²⁷⁾.

In 2015, the UN Commission of Inquiry provided specific information about the detention procedure. It is, however, unclear to which period of time that information relates and if the described procedure is applied systematically. According to that information, the border troops apprehend migrants and hand them over to the national security agency, which interrogates them. There are reports of people being assaulted (tortured, sexually abused) during such interrogations ⁽¹²⁸⁾. In his book, the former prisoner Sammy Sium reports that, on the basis of those interrogations, a judgment imposing a punishment is then handed down by a ‘committee’. However, the prisoners are not told the length of their detention ⁽¹²⁹⁾. According to Amnesty International, the people detained are often held in incommunicado detention, usually in military prisons ⁽¹³⁰⁾.

Both Amnesty International and the UN Commission of Inquiry report that there are also cases of minors being detained after attempting to cross the border illegally. Amnesty International mentions 16 and 17-year-olds (with reference to 2014 and 2015) ⁽¹³¹⁾, whereas the UN Commission of Inquiry 2015 report makes more general comments, refers to ‘children’ and gives no indication of the dates in question. These children are detained as unaccompanied minors and as minors accompanied by their parents ⁽¹³²⁾. In 2016, the UN Commission of Inquiry also reported the rape of women and girls at the border but did not say when incidents occurred. In one incident in 2015, women and girls were required to undress in front of a group of soldiers ⁽¹³³⁾.

⁽¹¹⁸⁾ Cf. EASO, Eritrea Country Focus, May 2015, p. 55.

⁽¹¹⁹⁾ Amnesty International, Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees. 2 December 2015, pp. 8, 44; Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 21.

⁽¹²⁰⁾ Amnesty International, Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees. 2 December 2015, pp. 9, 44.

⁽¹²¹⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1, 5 June 2015, pp. 133, 299.

⁽¹²²⁾ HRW 2014, UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1, 5 June 2015, p. 133.

⁽¹²³⁾ UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, p. 120.

⁽¹²⁴⁾ Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 21.

⁽¹²⁵⁾ Landinfo, Temanotat Eritrea: Grensepassering, registrering og forhold for eritreiske flyktninger i Etiopia. 14 January 2016.

⁽¹²⁶⁾ Migrationsverket, Norrköping. Landrapport Eritrea, pp. 20-21; Upper Tribunal, Immigration and Asylum Chamber, London. MO (illegal exit – risk on return) Eritrea CG [2011] UKUT 00190 (IAC). 27.02.2011, p. 14.

⁽¹²⁷⁾ Cf. EASO, Eritrea Country Focus, May 2015, p. 55.

⁽¹²⁸⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, A/HRC/29/CRP.1, 5 June 2015, pp. 133, 298. Cf. US DoS, Country Reports on Human Rights Practices 2015, Eritrea, 13 April 2016, p. 3; Cf. Sammy Sium (KM), Hashferay Prison: Memories of a Prisoner. 2015, pp. 185-188.

⁽¹²⁹⁾ Sammy Sium (KM), Hashferay Prison: Memories of a Prisoner. 2015, pp. 92, 185-188.

⁽¹³⁰⁾ Amnesty International, Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees, 2 December 2015, pp. 44-46.

⁽¹³¹⁾ Amnesty International, Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees, 2 December 2015, pp. 44-45.

⁽¹³²⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1, 5 June 2015, pp. 298-299.

⁽¹³³⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1, 8 June 2016, pp. 30-31.

In previous years, human rights organisations have repeatedly reported on a shoot-to-kill order for people leaving the country illegally⁽¹³⁴⁾. Recent reports (2014 to 2016) suggest that the border troops do not appear to be applying that order systematically⁽¹³⁵⁾. In 2015, the UN Commission of Inquiry found that the border troops tended to shoot at people's legs in order to prevent people from leaving. However, some people told the Commission that the border troops did not stop them from leaving the country illegally⁽¹³⁶⁾. In its 2016 report, the Commission stated that the order was still in place but was less rigorously applied than in recent years. People leaving the country illegally are therefore not killed but are wounded, so that the border troops can arrest them⁽¹³⁷⁾.

One reason for the more lax border controls could be border troops' lack of resources, given that several thousand leave the country illegally each month. In 2015, some 36 000 Eritrean migrants arrived in northern Ethiopia. Approximately 12 000 Eritreans were registered as refugees in the east of Sudan in 2015. A significant number of migrants do, however, travel directly to Khartoum without registering themselves before travelling onwards to other countries; the actual figure is therefore considerably higher⁽¹³⁸⁾. Nevertheless, there are relatively few reports of people being shot while crossing the border⁽¹³⁹⁾. The UN Commission of Inquiry refers to an incident in 2014 in which, according to witness statements, 40 people were killed while crossing the border⁽¹⁴⁰⁾.

However, there are constant reports of arrests in the border regions. For example, the oppositional diaspora portal Erimedrek reported in April 2016 that, over five days, the Eritrean security forces arrested 467 people attempting to leave the country illegally near the border town of Tsorona and took them to Alla Prison⁽¹⁴¹⁾. In 2016, the UN Commission of Inquiry cited one interlocutor who mentioned the arrest of six people in their home who had allegedly travelled to another country without permission⁽¹⁴²⁾.

⁽¹³⁴⁾ Cf. EASO Eritrea Country Focus, May 2015, p. 55; US DoS, Country Reports on Human Rights Practices 2014. Eritrea. 25 June 2015, p. 2; Amnesty International, Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees, 2 December 2015, p. 8.

⁽¹³⁵⁾ IRB, Eritrea and Sudan: Situation of the border region between the two countries, including military and police patrols, as well as legal crossing points; information on physical obstacles to prevent crossing, such as fences and mines; number of people legally and irregularly crossing the border (2013-May 2014), 20 December 2014; Landinfo, Temanotat Eritrea: Nasjonalteneste, 14 May 2016, p. 20; Kibreab, Gaim, The Open-Ended National Service. 16 October 2014 pp. 60-61; UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1., 5 June 2015, pp. 319-320; UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). Mai 2016, pp. 95-96.

⁽¹³⁶⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1, 5 June 2015, pp. 319-320.

⁽¹³⁷⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1, 8 June 2016, pp. 15, 32-33, 78-79.

⁽¹³⁸⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1, 8 June 2016, p. 18.

⁽¹³⁹⁾ Cf. UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, p. 96.

⁽¹⁴⁰⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1, 8 June 2016, pp. 33, 79.

⁽¹⁴¹⁾ Erimedrek, ከብ 13 ከሳህ 17 ሚያዝያ እብ ዘሎ መዓልታት ጥራይ ብመንገዲ ጸርና ዶብ ከሰዓሩ ዝፈተኑ 467 ኤርትራውያን፣ እብ ትሕቲ ቀይዲ እትኹም። [467 Eritreans who attempted to cross the border in the days between the 13th and 17th Miyaziya at Tsorona were arrested]. 26 April 2016.

⁽¹⁴²⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1, 8 June 2016, p. 25.

3. Punishment of returnees

3.1 Legal position

Some people who return to Eritrea after having lived in another country, for example as a rejected asylum seeker, have previously broken Eritrean laws – in particular the National Service Proclamation (on account of their desertion or draft evasion) or Proclamation 24/1992, which lays down rules governing the entry to and exit from the country.

The provisions of the National Proclamation and of the Penal Code, cited in [Chapters 1.1.1.](#) and [1.1.2.](#), also apply to people who leave the country after deserting or evading the draft. However, in accordance with Article 37(3) of the Proclamation on National Service of 1995, there is also the aggravating factor that records are kept of people liable for compulsory service ('any citizen ... knowing that he has the duty of serving in the National Service') who flee the country. If they do not return before their 40th birthday and complete their compulsory national service, they may be jailed for up to five years until their 50th birthday. They also lose the right to work and to own land. In this area, the law does not distinguish between legal and illegal exits ⁽¹⁴³⁾.

Leaving the country illegally, attempting to do so or assisting others to do so are offences punishable under Proclamation 24/1992 with a jail term of up to five years or a fine of up to 10,000 Birr ⁽¹⁴⁴⁾ or both (Article 29(2) [of the Proclamation]) ⁽¹⁴⁵⁾. Detailed information about the legal position of people who leave the country illegally can be found in [Chapter 1.1.1 Legal position](#).

3.2 Position of the Eritrean government

Several Eritrean government representatives interviewed by the SEM as part of its fact-finding mission unanimously stated that the legal provisions governing the punishment of deserters, draft evaders and people who have left the country illegally who return to Eritrea are not applied ⁽¹⁴⁶⁾. Government representatives also made such statements publicly and stressed that all Eritreans have the right to return. ⁽¹⁴⁷⁾ There is, however, no formal basis for this practice, for instance in the form of an amnesty. The presidential adviser Yemane Gebreab referred to a statement made by President Isaias Afewerki, who stressed in a TV interview that Eritreans (including deserters and draft evaders) may return to Eritrea without being punished ⁽¹⁴⁸⁾. The adviser was referring to an interview with President Isaias broadcast on New Year's Day in 2012. The interview is not available online but a summary is accessible on diaspora news pages ⁽¹⁴⁹⁾. In December 2015, the Eritrean Ministry of Foreign Affairs released the following statement: 'Although in purely legal terms, those who leave the country illegally commit an offence and should face appropriate, though lenient, penalties for breaches of the relevant laws, the government waived these regulations to practically exercise clemency for the returnees.' ⁽¹⁵⁰⁾

According to information provided by the competent authority (Department for Immigration and Nationality), before returning to the country, people must obtain a passport or a laissez-passer travel document from an Eritrean diplomatic mission abroad in order to be able to enter Eritrea legally. They must pay the diaspora tax (2 % tax, rehabilitation and recovery tax) ⁽¹⁵¹⁾. People who have refused to complete their national service or have deserted

⁽¹⁴³⁾ Eritrea. Proclamation on National Service No. 82/1995. 23 October 1995.

⁽¹⁴⁴⁾ The Eritrean currency nakfa was introduced in 1997 to a ratio of 1: 1 to the Ethiopian Birr. The nakfa is officially linked in the ratio 15: 1 to the US dollar. Until the monetary reform at the end of 2015, the black market exchange rate had been in the range of 50 nakfa per US dollar for years. After the currency reform, the black market price has fallen to 20 to 25 nakfa per US dollar.

⁽¹⁴⁵⁾ Eritrea. Proclamation No. 24/1992 of 1992 issued to regulate the issuing of travel documents, entry and exit visa from Eritrea, and to control residence permits of foreigners in Eritrea. 1 April 1992.

⁽¹⁴⁶⁾ Department for Immigration and Nationality, Asmara. Interview 29 February 2016; Yemane Gebremeskel, Minister of Information, Asmara. Interview 11 March 2016; Yemane Gebreab, Head of Political Affairs, People's Front for Democracy and Justice, Asmara. Interview 11 March 2016.

⁽¹⁴⁷⁾ SRF, Zürich. Flüchtlinge aus Eritrea werden zum Wahlkampfthema. 11 March 2015; Madote, Yemeane Ghebreab speaks on Eritrea Limiting National Service to 18 months. 2015; Shabait, Asmara. Statement by Foreign Minister Osman Saleh, Ministerial Conference on 'Sustainability of Migratory Phenomenon; towards a new Model of Dialogue', Rome, Italy. 28 May 2016.

⁽¹⁴⁸⁾ Yemane Gebreab, Head of Political Affairs, People's Front for Democracy and Justice, Asmara. Interview 11 March 2016.

⁽¹⁴⁹⁾ Mereja, Addis Abeba. Isaias Afewerki gives amnesty to Eritreans who escaped conscription, 10 January 2012; Awate, Isaias Shrugged: And The Eritrean People Sighed. 8 February 2012. The information on return without punishment is in paragraph 13.

⁽¹⁵⁰⁾ Shabait, Asmara. UNHCR Eligibility Guidelines: Factual Findings or Recycled Defamation? 17 December 2015.

⁽¹⁵¹⁾ As payment to Eritrea is not possible in all countries due to sanctions, there is also a possibility to pay the taxes in Eritrea itself. Cf. UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, pp. 115-116.

must also sign – again at the diplomatic mission – a repentance form (officially known as ‘Form B4/4.2’ or the ‘Immigration and Citizenship Services Request Form’). In that form, they admit to having committed a criminal offence and accept the penalty for it ⁽¹⁵²⁾. The English translation of the original text (in Tigrinya) reads: ‘I ... confirm [...] that I regret having committed an offence by not completing the National Service and am ready to accept appropriate punishment in due course’ ⁽¹⁵³⁾. The interlocutors did, however, point out that no punishment follows from this declaration ⁽¹⁵⁴⁾.

Eritreans who have spent at least three years outside the country may, on their return to Eritrea, make an application for ‘diaspora status’ to the Department for Immigration and Nationality in Asmara. For that application, in addition to the documents mentioned above, they also require a supporting letter from the diplomatic mission that proves that they have lived outside Eritrea for more than three years. The Department issues a document called Residence Clearance Form to returnees who have ‘diaspora status’. According to official information, people who hold this document are exempt from compulsory national service and – contrary to the provisions of Proclamation 24/1992 – may leave Eritrea again without an exit visa ⁽¹⁵⁵⁾.

The Residence Clearance Form, and thus ‘diaspora status’, may also be obtained by people who are returning to Eritrea not just as visitors but who intend to resettle there in the long-term. However, the ‘diaspora status’ expires after three years of uninterrupted residence in Eritrea. Thereafter, the authorities regard the person as a resident of Eritrea once again, subject to the associated duties and obligations (national service, exit visas). Similarly, people who have resided in another country for fewer than three years are regarded as residents of Eritrea again and not as people with ‘diaspora status’ should they return to Eritrea. This may also mean that such people have to perform their national service again ⁽¹⁵⁶⁾.

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ادارة الهجرة و الجنسية

DEPT. OF IMMIGRATION & NATIONALITY

RESIDENCE CLEARANCE FORM

(Foto)

Approval No: [Redacted]

Customer Name := [Redacted]

Application No := [Redacted]

DIN Number := [Redacted]

Passport Number := [Redacted]

National ID := [Redacted]

Gender := [Redacted]

Residence Clearance Form issued in 2015 in Asmara (image: State Secretariat for Migration ⁽¹⁵⁷⁾)

As part of its fact-finding mission, the SEM conducted interviews in four Eritrean cities (Asmara, Keren, Barentu and Tesseney) with 27 Eritreans who had returned to the country from Israel, Sudan or Yemen having previously left the country illegally. The interlocutors gave consistent accounts of how they had obtained the documents to travel back to Eritrea from the country’s diplomatic missions abroad (payment of the diaspora tax, signature of the repentance form), and in some cases produced those documents and the Residence Clearance Form issued to them following their return. They stated that because of their ‘diaspora status’ they had not received a summons to (re-)

⁽¹⁵²⁾ Department for Immigration and Nationality, Asmara. Interview 29 February 2016; Yemane Gebremeskel, Minister of Information, Asmara. Interview 11 March 2016; Cf. UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, pp. 114-115; UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1, 5 June 2015, pp. 117-118.

⁽¹⁵³⁾ United Nations Security Council, Letter dated 11 July 2012 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council. S/2012/545, 13 July 2012, pp. 62-64.

⁽¹⁵⁴⁾ Department for Immigration and Nationality, Asmara. Interview 29 February 2016; Yemane Gebremeskel, Minister of Information, Asmara. Interview 11 March 2016; Yemane Gebreab, Head of Political Affairs, People’s Front for Democracy and Justice, Asmara. Interview 11 March 2016.

⁽¹⁵⁵⁾ Department for Immigration and Nationality, Asmara. Interview 29 February 2016; Yemane Gebremeskel, Minister of Information, Asmara. Interview 11 March 2016; Cf. Landinfo, Respons Eritrea: Reaksjoner mot hjemvendte asylsøkere. 27 April 2016, pp. 3-4.

⁽¹⁵⁶⁾ Department for Immigration and Nationality, Asmara. Interview 29 February 2016; Cf. UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, p. 105.

⁽¹⁵⁷⁾ A slightly different version from 2014 is available online. Cf. Strategic Initiative for Women in the Horn of Africa, A Report to the Commission of Inquiry on Human Rights in Eritrea, May 2015, p. 11.

enter the national service following their return. However, the majority of them had not found work⁽¹⁵⁸⁾. Interviews conducted by the UK Home Office with 39 returnees in the same cities produced largely identical findings. Two returnees reported that they were called up to perform national service six months after their return. However, they had returned to Eritrea as early as 2009 and 2011, respectively⁽¹⁵⁹⁾.

The interviews with the returnees were organised by the Eritrean Ministry of Foreign Affairs, and each interview was translated by a member of the ministry's staff. The interviews with two voluntary returnees from Switzerland which the SEM had requested did not take place. Despite these reservations, the interviews with the returnees suggest that the authorities complied with the procedures and assurances explained above, at least in the case of some of the returnees.

The Eritrean government does not accept forced returns as a matter of principle⁽¹⁶⁰⁾. Voluntary return from Ethiopia is also impossible. According to information provided by the UNHCR, in the spring of 2015, the Eritrean government blocked the return of 50 migrant children from the Shire refugee camps⁽¹⁶¹⁾.

People who commit a criminal offence other than desertion, draft evasion or illegally leave the country before leaving Eritrea must continue to expect to be punished on their return⁽¹⁶²⁾.

3.3 Views of international observers in Asmara

All those interviewed reported that many Eritreans return to Eritrea each year. These returnees include people who had refused to perform national service or deserted from that service, as well as many representatives of the first diaspora generation who have already lived outside Eritrea for a considerably longer time. The interlocutors were also in agreement about the requirements for a person to be able to return; members of the diaspora had to regularise their status by paying the diaspora tax at the competent Eritrean diplomatic mission, signing the repentance form (Form B4/4.2, see [Chapter 3.2 Position of the Eritrean government](#)) and obtaining Eritrean travel documents⁽¹⁶³⁾. The international representatives were unaware of any more recent examples of people being arrested on entering the country⁽¹⁶⁴⁾. They based their views on their own observations (i.e. the fact that many members of the Eritrean diaspora spent the summer in Asmara) and anecdotal reports from people to whom they had spoken. In addition, they believed that the diaspora would not holiday in Eritrea to this extent if there was a threat of arrest, and that news of arrests would spread in any event⁽¹⁶⁵⁾.

However, most people interviewed also reported that not all members of the Eritrean diaspora can return to the country easily. For example, people who have engaged in opposition or anti-government activities outside the country or were involved in the work of human rights organisations are at risk. People who, aside from draft evasion/desertion, were guilty of something in the eyes of the government before they left the country are also unlikely to be allowed to return readily and should expect to be punished⁽¹⁶⁶⁾.

⁽¹⁵⁸⁾ Returnees from Israel and Jemen, Asmara. Interview 2 March 2016; Returnees from Sudan and Israel, Tesseney. Interview 7 March 2016; Returnees from Israel, Barentu. Interview 8 March 2016; Returnees from Sudan and Israel, Keren. Interview 9 March 2016.

⁽¹⁵⁹⁾ UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016), May 2016, pp 107-114, 117, 214-220, 228-241.

⁽¹⁶⁰⁾ Ministry of Foreign Affairs, Eritrea, Departement for Eritreans abroad, Asmara. Interview November 2013; Diplomatic source (5), Asmara. Interview March 2016; Diplomatic source (4), Asmara. Interview March 2016; Immigration and Refugee Board of Canada, Eritrea: Situation of people returning to the country after they spent time abroad, claimed refugee status, or sought asylum (2012-August 2014), 10 September 2014; An employee from the Eritrean Ministry of Foreign Affairs made the statement to the British Home Office fact-finding mission that Eritrea could also accept compulsory return, but that he had to negotiate. UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, p. 106.

⁽¹⁶¹⁾ U.S. Committee for Refugees and Immigrants, Forgotten refugees: Eritrean children in Northern Ethiopia, December 2015, p. 4.

⁽¹⁶²⁾ Yemane Gebreab, Head of Political Affairs, People's Front for Democracy and Justice, Asmara. Interview 11 March 2016.

⁽¹⁶³⁾ Diplomatic source (5), Asmara. Interview March 2016; International organisation (2), Asmara. Interview March 2016; Diplomatic source (3), Asmara. Interview March 2016; Diplomatic source (1), Asmara. Interview March 2016; Diplomatic source (6), Asmara. Interview March 2016; Diplomatic source (2), Asmara. Interview March 2016; Diplomatic source (7), Asmara. Interview March 2016; Diplomatic source (4), Asmara. Interview March 2016; Internationale Organisation (4), Asmara. Interview March 2016.

⁽¹⁶⁴⁾ Diplomatic source (1), Asmara. Interview March 2016; Diplomatic source (6), Asmara. G Interview March 2016; Diplomatic source (2), Asmara. Interview March 2016; Diplomatic source (7), Asmara. Interview March 2016; Diplomatic source (4), Asmara. Interview March 2016; Cf. UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, p. 101.

⁽¹⁶⁵⁾ Diplomatic source (5), Asmara. Interview March 2016; International organisation (2), Asmara. Interview March 2016; Diplomatic source (3), Asmara. Interview March 2016; Diplomatic source (1), Asmara. Interview March 2016; Diplomatic source (2), Asmara. Interview March 2016; Diplomatic source (7), Asmara. Interview March 2016; Internationale Organisation (4), Asmara. Interview March 2016; Cf. UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, pp. 120-121.

⁽¹⁶⁶⁾ Diplomatic source (5), Asmara. Interview March 2016; International organisation (2), Asmara. Interview March 2016; Diplomatic source (2), Asmara. Interview March 2016; Internationale Organisation (4), Asmara. Interview March 2016.

The international representatives' observations and reports are based mainly on people who had returned to Eritrea temporarily to visit their family or take a holiday. By contrast, it is rare for members of the Eritrean diaspora to return permanently⁽¹⁶⁷⁾ and there are only isolated reports about what happens to permanent returnees. One interlocutor assumed that such people are likely re-conscripted to the national service⁽¹⁶⁸⁾.

The only larger group of permanent returnees are former asylum seekers who have voluntarily returned, or have been forcibly returned, from Israel, Egypt or Sudan. The governments of those three states do not, however, monitor what happens following the individuals' return, meaning that they have little information in this regard (aside from what is obtained in the context of the meetings mentioned in [Chapter 3.2](#))⁽¹⁶⁹⁾. Some of the people interviewed believed that at least some of these people were not arrested⁽¹⁷⁰⁾. However, one Eritrean interlocutor stated that there had already been cases of military commanders conducting searches for and arresting former asylum seekers who had returned from other countries. He did not, however, provide any dates or give any specific examples⁽¹⁷¹⁾.

In May 2016, Sudan returned about 400 Eritreans via the land border (see [Chapter 3.4 Reports from previous years](#)). Following this, the SEM's COI unit asked some of the interlocutors based in Asmara (via e-mail) what had happened to the returned people. The interlocutors had no first-hand information about this. They did, however, assume that the people returned were first arrested and were then likely dealt with according to their national service status. Deserters were returned to their units; draft evaders were imprisoned or immediately conscripted to the national service. By contrast, civilians and – in all likelihood – minors were released⁽¹⁷²⁾.

3.4 Reports from previous years

Between 2002 and 2008, Eritrean migrants returning from a variety of European and African countries were repeatedly subjected to harsh and arbitrary punishment, including indefinite incommunicado detention and torture⁽¹⁷³⁾. Partly on the basis of these reports, European countries subsequently ceased returns to Eritrea; there have, however, been some isolated cases in recent years of Eritreans still returning to the country voluntarily. Post-2010, Eritreans returned to the country permanently only in the following circumstances:

- Actual forced returns were effected solely from Sudan. In the past few months and years, there have also been regular reports of the Sudanese authorities handing over detained Eritrean migrants, including asylum seekers, to the Eritrean authorities at the land border. There is little information about what happens or happened to these migrants following their arrival in Eritrea⁽¹⁷⁴⁾. In May 2016, there were reports of more than 400 Eritreans being handed over to the Eritrean authorities at the Talatasher border crossing point⁽¹⁷⁵⁾.
- The authorities in Egypt and Israel often detain Eritrean migrants⁽¹⁷⁶⁾. They are then often faced with the choice of either leaving the country or remaining in detention⁽¹⁷⁷⁾. Given these circumstances, in recent years many Eritreans have decided to leave those countries "voluntarily". In the past three years, more than 4 000 people

⁽¹⁶⁷⁾ Diplomatic source (3), Asmara. Interview March 2016; Diplomatic source (1), Asmara. Interview March 2016; Diplomatic source (2), Asmara. Interview March 2016.

⁽¹⁶⁸⁾ International Organisation (4), Asmara. Interview March 2016.

⁽¹⁶⁹⁾ Diplomatic source (3), Asmara. Interview March 2016; Diplomatic source (2), Asmara. Interview March 2016.

⁽¹⁷⁰⁾ Diplomatic source (1), Asmara. Interview March 2016; Diplomatic source (6), Asmara. Interview March 2016; Diplomatic source (7), Asmara. Interview March 2016.

⁽¹⁷¹⁾ Resident of Asmara (3), Asmara. Interview March 2016.

⁽¹⁷²⁾ Diplomatic source (1), Asmara. E-Mail 8 July 2016; Diplomatic source (3), Asmara. E-Mail 8 July 2016; Diplomatic source (5), Asmara. E-Mail 13 July 2016.

⁽¹⁷³⁾ Human Rights Watch, New York. *Service for Life*. 4 April 2009, pp. 27-29, 68, 70, 72, 74; Amnesty International, *Eritrea: 20 years of independence, but still no freedom*. 9 May 2013, pp. 30-31; Kibreab, Gaim, *The Open-4 National Service*. 16 October 2014, pp. 60-61; UNHCR, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea*, 20 April 2011, p. 14; UN Office of the High Commissioner on Human Rights, *Report of the Special Rapporteur on the situation of human rights in Eritrea*, Sheila B. Keetharuth. 13 May 2014, p. 10; Landinfo, *Respons Eritrea: Reaksjoner mot hjemvendte asylsøkere*. 27 April 2016, p. 4.

⁽¹⁷⁴⁾ Human Rights Watch, *I just wanted to lie down and die*. 11 February 2014, p. 18; Human Rights Watch, *Sudan: Stop Deporting Eritreans*. 8 May 2014; US DoS, *2014 Country Reports on Human Rights Practices – Sudan*. 25 June 2015, p. 42; US DoS, *2015 Country Reports on Human Rights Practices – Sudan*. 13 April 2016, pp. 53-54; African Centre for Justice and Peace Studies, *32 Eritreans at risk of forced return from Sudan*, 1 June 2015; Plaut, Martin, *Eritreans rounded up in Sudan*. 14 June 2016.

⁽¹⁷⁵⁾ IRIN News, *Sudan and Eritrea crackdown on migrants amid reports of EU incentives*. 25 May 2016; Human Rights Watch, *Sudan: Hundreds Deported to Likely Abuse*. 30 May 2016.

⁽¹⁷⁶⁾ In Israel, the migrants are partly also held under prison-like conditions at the Holot detention centre (as well as in the Saharonim prison).

⁽¹⁷⁷⁾ IRIN News, *African migrants in Israel face 'voluntary' return or detention*. 27 February 2015; *Neue Zürcher Zeitung*, Zürich. *Mahlzeit, Hotel und Billett einfach nach Uganda*. 10 June 2015; Human Rights Watch, *Israel: Thousands Coerced Into Leaving the Country*. 9 September 2014, p. 41; *The Forward*, *Don't Send Eritreans Back to Hell Homeland*. 16 July 2013; Hotline for Refugees and Migrants, *Rwanda or Saharonim*. July 2015, pp. 13-19; Hotline for Refugees and Migrants, *Where there is No Free Will*. April 2015, pp. 11-13; US DoS, *2013 Country Reports on Human Rights Practices – Egypt*. 27 February 2014, p. 25; Human Rights Watch, *Egypt: Don't Deport Eritreans*. 15 November 2011; Hotline for Refugees and Migrants, *Deported to the Unknown*. December 2015.

have returned from Israel⁽¹⁷⁸⁾. The official numbers from Egypt are not known. According to one international organisation, four people have been handed over since January 2015, and a further 48 are thought to have been handed over⁽¹⁷⁹⁾. In both countries, the people concerned were given the alternative of leaving the country to travel to a country other than Eritrea (in the case of Israel: Uganda or Rwanda; in the case of Egypt: Ethiopia). A large proportion⁽¹⁸⁰⁾ of the Eritreans expelled from Israel opted for this alternative⁽¹⁸¹⁾, partly because they regarded travelling to their country of origin to be too risky⁽¹⁸²⁾. According to Eritrean sources, 1 300 people who left Eritrea illegally have so far returned to the country from Israel⁽¹⁸³⁾. In the case of Egypt, the UNHCR doubts whether the returnees were voluntary returnees. Rather than return to Eritrea, many Eritreans have left Egypt for Ethiopia in recent years, although apparently this ceased to be possible from the summer of 2015⁽¹⁸⁴⁾.

- Over the past few years, there have been isolated cases of Eritreans returning to their country of origin voluntarily from various European countries as well as from Sudan and Israel⁽¹⁸⁵⁾. The Eritrean authorities did not allow the return of unaccompanied minors who wanted to travel back to Eritrea voluntarily from Ethiopia⁽¹⁸⁶⁾.

No secured information is available about what has happened to the categories of people listed above following their return⁽¹⁸⁷⁾. Israeli authorities do not monitor what happened to the Eritreans following their return from Israel⁽¹⁸⁸⁾. There is likewise no information on this issue in the recent annual reports produced by the US State Department⁽¹⁸⁹⁾, Human Rights Watch⁽¹⁹⁰⁾ or Amnesty International⁽¹⁹¹⁾. Despite efforts to do so, the human rights organisations Human Rights Watch and Hotline for Refugees and Migrants have been unable to contact those returned from Israel or learn anything about what has happened to them⁽¹⁹²⁾. There are, however, more recent, isolated and anecdotal reports about the consequences of returning or being returned:

- Eritreans who returned from countries of the Middle East told Human Rights Watch in 2012 that, shortly after their return to Eritrea, they were beaten and imprisoned in overcrowded cells. One informant explained that several people in his group of returnees died as a result of those beatings. Shortly afterwards, a percentage of the returnees managed to flee Eritrea once more⁽¹⁹³⁾. Human Rights Watch does not have any more recent reports on this issue⁽¹⁹⁴⁾.
- Sammy Sium, a former conscript within the national service who has published a book about his time in detention at Hashferay Prison in 2013–2014, tells of returnees from South Sudan who were imprisoned together with him in late 2013 because they had not paid the diaspora tax before leaving South Sudan⁽¹⁹⁵⁾.
- In 2014, IRIN cited a report by the Swedish-Eritrean journalist and human rights activist Meron Estefanos claiming that Uganda had handed over an Eritrean national to Egypt who had been previously expelled from Israel. Egypt

⁽¹⁷⁸⁾ Swiss embassy, Tel Aviv. E-Mail 15 July 2016. According to the Israeli government, 4 439 Eritreans have left Israel from 2013 to 2015. UNHCR reports 4 171 departures of Eritreans between December 2013 and the end of 2015. The Israeli daily newspaper Haaretz quoted official sources, according to which 3 039 Eritreans had departed between January 2013 and late July 2015. UNHCR, Current protection environment for asylum-seekers in Israel – Issues of concern. 15 February 2016, p. 10; Haaretz, 5,667 African Refugees Who Left Israel Returned to Home Countries. 20 August 2015.

⁽¹⁷⁹⁾ International source, Cairo. E-Mail 16 June 2016.

⁽¹⁸⁰⁾ 1 980 of 3 039 persons, according to Haaretz, 1 472 persons until September 2015 according to UNHCR. Haaretz, 5 667 African Refugees Who Left Israel Returned to Home Countries. 20 August 2015; UNHCR, Current protection environment for asylum-seekers in Israel – Issues of concern. 15 February 2016. p. 10.

⁽¹⁸¹⁾ Hotline for Refugees and Migrants, *Deported to the Unknown*. December 2015, p 4; Hotline for Refugees and Migrants, *Rwanda or Saharanim*. July 2015, p. 7; International Refugee Rights Initiative, 'I was left with nothing'. September 2015, p. 2.

⁽¹⁸²⁾ International Refugee Rights Initiative, 'I was left with nothing'. September 2015, p. 3; Hotline for Refugees and Migrants, *Where there is No Free Will*, April 2015, p. 21.

⁽¹⁸³⁾ UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, p. 102.

⁽¹⁸⁴⁾ Human Rights Watch, *I just wanted to lie down and die*, 11 February 2014, p 76; US DoS, *2013 Country Reports on Human Rights Practices – Egypt*. 27 February 2014, p. 25; Ethiomedia, *Meles Zenawi asks Egypt to deport Eritrean refugees to Ethiopia (and not Eritrea)*. 29 June 2008; IRIN News, *For Eritreans, Egypt is the new route to Europe*, 6 June 2016.

⁽¹⁸⁵⁾ The findings of the SEM are based on answers to a questionnaire posed to EU+ countries as well as information acquired through European conferences, May 2016; Returnees from Israel and Jemen, Asmara. Interview 2 March 2016; Returnees from Sudan and Israel, Tesseney. Interview 7 March 2016; Returnees from Israel, Barentu. Interview 8 March 2016; Returnees from Sudan and Israel, Keren. Interview 9 March 2016.

⁽¹⁸⁶⁾ US Committee for Refugees and Immigrants. *Forgotten refugees: Eritrean children in Northern Ethiopia*. December 2015, p. 4.

⁽¹⁸⁷⁾ Cf. Landinfo, *Respons Eritrea: Reaksjoner mot hjemvendte asylsøkere*. 27 April 2016, p. 3-5.

⁽¹⁸⁸⁾ Swiss Embassy, Tel Aviv. E-Mail 15 June 2016; Diplomatic source (4), Asmara. Interview March 2016.

⁽¹⁸⁹⁾ US DoS, *Country Reports on Human Rights Practices 2015, Eritrea*, 13 April 2016; US DoS, *Country Reports on Human Rights Practices 2014, Eritrea*, 25 June 2015.

⁽¹⁹⁰⁾ Human Rights Watch, *World Report 2016: Eritrea. Events of 2015*, 27 January 2016; Human Rights Watch, *World Report 2015: Eritrea. Events of 2014*, 29 January 2015; see also Human Rights Watch, *Israel: Thousands Coerced Into Leaving the Country*. 9 September 2014.

⁽¹⁹¹⁾ Amnesty International, *Annual Report Eritrea 2015/16*; Amnesty International, *Amnesty International Report 2014/15, Eritrea*, 2015, pp. 145-147.

⁽¹⁹²⁾ Human Rights Watch, *Israel: Thousands Coerced Into Leaving the Country*. 9 September 2014, p. 42; Hotline for Refugees and Migrants, *Where there is No Free Will*. April 2015, p. 21; Cf. UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, p. 101.

⁽¹⁹³⁾ Human Rights Watch, *World Report 2014: Eritrea. Events of 2013*, 21 January 2014.

⁽¹⁹⁴⁾ Human Rights Watch, *World Report 2015: Eritrea. Events of 2014*, 29 January 2015.

⁽¹⁹⁵⁾ Sammy Sium (KM), *Hashferay Prison: Memories of a Prisoner*, 2015, p. 83.

subsequently returned the individual to Eritrea. The person in question was imprisoned in Eritrea for 10 months before managing to flee to Sudan. The report does not say when this occurred ⁽¹⁹⁶⁾.

- The UN Commission of Inquiry's 2015 report mentions two returns in 2014. The first case concerns the handover of a group of Eritreans from 'Country D' to Eritrea. The group paid the diaspora tax before returning to Eritrea. The person with whom the Commission spoke was given permission to return to his home. However, he had to get this permission extended every two months. The second scenario concerned a group of Eritreans who were forcibly returned. The witness reports that seven older men were released following their return but that the younger men were not ⁽¹⁹⁷⁾.
- As part of the aforementioned return of more than 400 Eritreans from Sudan in May 2016, Swedish human rights activists drew attention to the claims of one member of the Eritrean diaspora that the people handed over (including his sister) were placed in detention in the border town of Tesseney ⁽¹⁹⁸⁾. Three people told the UN Commission of Inquiry that the people returned were arrested following their arrival. Those arrested who had been in the national service before leaving Eritrea are being held at Adi Abeyto Prison in Asmara. Those who had not yet completed any military training are imprisoned in Tesseney and Hashferay pending their transfer to a military training camp ⁽¹⁹⁹⁾. There is no information about other categories of returnees (minors, released persons).
- According to one international organisation in Asmara, Eritreans who are forcibly returned are initially held in prisons at the border. Deserters are then required to resume their national service. It is unclear what happens to those who do not resume their military service ⁽²⁰⁰⁾.

In his commentary on the country of origin report produced by the UK Home Office, dated September 2015, the researcher John Campbell ⁽²⁰¹⁾ writes that there is 'extensive information' about how the Eritrean authorities deal with returnees. However, he bases that claim exclusively on the 2015 report produced by the UN Commission of Inquiry ⁽²⁰²⁾.

In addition, a variety of views on the treatment of returnees have been published. Amnesty International believes that every returnee who is old enough to be liable for compulsory national service runs a major risk of being subject to arbitrary detention, torture and subsequent transfer into the national service ⁽²⁰³⁾. In 2015, the UN Commission of Inquiry referred to the 'common pattern' of people returned to Eritrea by forcible means being placed in detention. The detention conditions are hazardous and those interviewed reported instances of forced labour and torture. Aside from the two aforementioned cases, the Commission substantiates these findings by reference to returns that took place between 2002 and 2008 ⁽²⁰⁴⁾. Several sources contacted by Landinfo and the Canadian migration authorities said that, following their arrival, the returnees were probably questioned and detained or taken to camps. These sources were, however, unable to provide any specific examples ⁽²⁰⁵⁾.

Several more recent reports – including the 2015 reports by Amnesty International and the UN Commission of Inquiry – mention that returnees need not generally expect to be detained ⁽²⁰⁶⁾. A return to Eritrea is possible in particular where the returnee regularises his/her status at an Eritrean diplomatic mission abroad. Most sources agree that signature of the repentance form (Form B4/4.2, see [Chapter 3.2 Position of the Eritrean government](#)) and payment of the diaspora tax are essential in this regard; in addition, returnees are likely not to have criticised the Eritrean

⁽¹⁹⁶⁾ IRIN News, African migrants in Israel face 'voluntary' return or detention. 27 February 2015.

⁽¹⁹⁷⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, A/HRC/29/CRP.1, 5 June 2015, pp. 115-116.

⁽¹⁹⁸⁾ IRIN News, Sudan and Eritrea crackdown on migrants amid reports of EU incentives, 25 May 2016; Human Rights Watch, Sudan: Hundreds Deported to Likely Abuse. 30 May 2016.

⁽¹⁹⁹⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CRP.1, 8 June 2016, p. 25.

⁽²⁰⁰⁾ International source, Asmara. E-Mail 16 June 2016.

⁽²⁰¹⁾ Dr John Campbell is a Reader in the Anthropology of Africa and Law, Department of Anthropology and Sociology, School of Oriental and African Studies, London. He has extensive knowledge of the Horn of Africa and has published widely on the region.

⁽²⁰²⁾ Campbell, Dr. John, Review of UK Home Office Country Information and Guidance – 'Eritrea: National (incl. Military) Service' (version 2.0e, September 2015) and 'Eritrea: Illegal Exit' (Version 2.0e, September 2015). 15 November 2015, pp. 9, 14-15, 30-35.

⁽²⁰³⁾ Amnesty International, London. Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees. 2 December 2015, p. 9.

⁽²⁰⁴⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1, 5 June 2015, pp. 114-116, 118, 210, 300.

⁽²⁰⁵⁾ Landinfo, Respons Eritrea: Reaksjoner mot hjemvendte asylsøkere. 27 April 2016, p. 3; IRB, Eritrea: Situation of people returning to the country after they spent time abroad, claimed refugee status, or sought asylum refugee status, or sought asylum (2012-August 2014), 10 September 2014.

⁽²⁰⁶⁾ Amnesty International, Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees. 2 December 2015, p. 9; Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea; A/HRC/29/CRP.1, 5 June 2015, pp. 115-118; Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 22.

government publicly or engaged in pro-opposition activities in a foreign country⁽²⁰⁷⁾. Some make the point that the repentance form has to be signed by people who left Eritrea illegally⁽²⁰⁸⁾. However, the form does explicitly refer to the ‘failure to complete national service’ and not to all situations in which a person leaves the country illegally⁽²⁰⁹⁾.

In this regard, reports from Norway and the United Kingdom also mention the practice described in [Chapter 3.2 Position of the Eritrean government](#): that Eritreans who have resided in another country for at least three years are able to obtain preferential ‘diaspora status’ should they return voluntarily. According to Landinfo, this applies to returnees from Sudan after just one year abroad⁽²¹⁰⁾. However, the UK Home Office reported that a three-year period now also applies to such returnees⁽²¹¹⁾.

This option appears to be used predominantly by members of the diaspora who travel to Eritrea to visit family members or to have a holiday⁽²¹²⁾. In the past, such people have apparently also included asylum seekers and recognised refugees. According to people interviewed as part of the UK fact-finding mission, only a small number of those travelling to Eritrea for a holiday have recently left the country illegally⁽²¹³⁾. There are isolated reports of people returning to Eritrea permanently under the arrangements described above from countries such as Israel or Sudan. A proportion of these people clearly left Eritrea again illegally shortly after entering the country⁽²¹⁴⁾. The UN Commission of Inquiry reported in 2015 that there have also been cases of people being arrested after travelling to Eritrea to visit family members, but did not say when this occurred⁽²¹⁵⁾. According to people interviewed by UK officials, returnees who have ‘diaspora status’ are exempt from national service but may still be called up to the People’s Army⁽²¹⁶⁾.

However, many members of the Eritrean diaspora – in particular those who have recently left the country illegally – appear to continue not to risk returning because they fear arrest⁽²¹⁷⁾. This is also demonstrated by the fact that a substantial proportion of the people expelled from Israel prefer to travel to Uganda or Rwanda rather than return to Eritrea⁽²¹⁸⁾. One Eritrean national interviewed by the SEM stated that this was particularly the case with deserters from the military branch of the national service since they feared lengthy prison sentences⁽²¹⁹⁾.

COI reports from the United Kingdom and Norway also address the issue of how the Eritrean authorities view applications for asylum made in another country and, as the case may be, how such applicants are punished. The problem is that, in principle, it is virtually always the case that someone who has sought asylum has left the country illegally or committed an offence connected with his/her performance of the national service. The Norwegian COI unit Landinfo therefore concludes that there is no evidence to support the claim that simply seeking asylum triggers

⁽²⁰⁷⁾ Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 22; Landinfo, Respons Eritrea: Reaksjoner mot hjemvendte asylsøkere. 27 April 2016, p. 3; UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, A/HRC/29/CRP.1, 5 June 2015, pp. 115-116, 118; Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 22; NZZ am Sonntag, Die harte Hand von Eritreas Regime in der Schweiz. 13 December 2014; UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, pp. 114-115.

⁽²⁰⁸⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1, 5 June 2015, pp. 117-118; Diplomatic source (8), Asmara. Interview November 2013; UK Home Office, London. Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, pp. 119, 121.

⁽²⁰⁹⁾ Image of the form including English translation: United Nations Security Council, New York. Letter dated 11 July 2012 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council. S/2012/545, 13 September 2012, pp. 62-64.

⁽²¹⁰⁾ Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 22.

⁽²¹¹⁾ UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, pp. 105-106.

⁽²¹²⁾ Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 22; Tages-Anzeiger, So fließt Schweizer Steuergeld zum eritreischen Diktator, 16 July 2015; NRK, Eritreere misbruker norsk asylsystem og reiser til hjemlandet. 26 June 2014.

⁽²¹³⁾ Landinfo, Respons Eritrea: Reaksjoner mot hjemvendte asylsøkere, 27 April 2016, p. 3; UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, pp. 103-104, 107, 124.

⁽²¹⁴⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1, 5 June 2015, pp. 115-116; Diplomatic source (8), Asmara. Interview November 2013.

⁽²¹⁵⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1, 5 June 2015, p. 210.

⁽²¹⁶⁾ UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, pp. 104, 121.

⁽²¹⁷⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1, 5 June 2015, pp. 116-117; UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, p. 103.

⁽²¹⁸⁾ Haaretz, 5 667 African Refugees Who Left Israel Returned to Home Countries, 20 August 2015; Hotline for Refugees and Migrants, Deported to the Unknown, December 2015, p. 4; Hotline for Refugees and Migrants, Rwanda or Saharanim, July 2015, p. 7; International Refugee Rights Initiative. ‘I was left with nothing’. September 2015, pp. 2-3; Hotline for Refugees and Migrants, Where there is No Free Will, April 2015, p. 21.

⁽²¹⁹⁾ Resident of Asmara (1), Asmara. Interview March 2016.

responses by the Eritrean authorities⁽²²⁰⁾. The people interviewed in Asmara by the Norwegian and UK delegations had no knowledge of people being punished solely because they had sought asylum⁽²²¹⁾.

3.5 Analysis of the information

The treatment of returnees is primarily dependent on two factors: whether they returned to Eritrea voluntarily or were forcibly returned, and what their national service status was prior to leaving. Regarding the national service status, the Eritreans can roughly be split into five groups in the analysis of the SEM:

- minors, who are not yet liable for compulsory national service;
- people old enough to be liable for compulsory national service but who have not yet received their conscription papers;
- people who have failed to comply with their national service conscription papers;
- people who have deserted from active national service;
- people who have been discharged from active national service or who are no longer liable for compulsory service for other reasons.

When dealing with **voluntary returnees** from the diaspora, the aforementioned statutory provisions governing desertion, draft evasion and those who leave the country illegally are apparently not currently applied. Instead there are related guidelines, which contradict the legal position. These guidelines say that members of the Eritrean diaspora who have not completed their compulsory national service⁽²²²⁾ can regularise their status with the Eritrean authorities and then return to Eritrea without being punished. If they have resided in another country for at least three years they can apply for 'diaspora status' in Asmara. That status exempts them from national service and the need to apply for exit visas. Having regularised their status, the national service status of voluntary returnees is not of any great significance to the Eritrean authorities, at least immediately after their return.

The authorities have never published the related guidelines. There is therefore no redress in law or legal certainty regarding their application. Several sources report that they nevertheless are applied. This is substantiated by the observations made by members of the diaspora while holidaying in the country and documented in detail by international representatives in Asmara and by the press, as well as by the interviews with permanent returnees from, *inter alia*, Israel and Sudan conducted as part of the fact-finding mission in March 2016. Regarding those who have returned to Eritrea voluntarily and with 'diaspora status', it can be assumed that most of them were not persecuted.

Nevertheless, reservations do exist:

- In order to obtain 'diaspora status', the returnee must have regularised his/her relationship with the Eritrean State before a diplomatic mission abroad. To that end, s/he must pay the diaspora tax (2 % tax). People who have not complied with their duty to perform national service must also sign a repentance form⁽²²³⁾. This also comprises an admission of guilt together with a declaration that the signatory accepts due punishment.
- A proportion of the Eritrean diaspora is likely either to be at risk should they return to Eritrea or have no option of regularising their status. This is particularly the case with people who have been critical of the regime during their time in another country or have made themselves prominent in some other way, as well as those who committed a criminal offence (other than desertion, draft evasion or leaving the country illegally) before leaving Eritrea. It is also unlikely that people who held an important office within the state, party or military prior to leaving Eritrea are able to return easily and go unpunished.
- The vast majority of people who have returned and have gone unpunished did so voluntarily and on their own responsibility. As the experiences from Israel show, not all people expelled from there return to Eritrea voluntarily. A significant proportion opted to leave Israel and travel to a third country in Africa.
- Most people who have returned and have gone unpunished travelled to Eritrea temporarily to visit family members or to have a holiday. As part of the fact-finding mission, the SEM was able to interview some people who had

⁽²²⁰⁾ Landinfo, Respons Eritrea: Reaksjoner mot hjemvendte asylsøkere, 27 April 2016, p. 6.

⁽²²¹⁾ UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, pp. 119-122; Landinfo, Respons Eritrea: Reaksjoner mot hjemvendte asylsøkere. 27 April 2016, p. 6.

⁽²²²⁾ They include deserters and draft evaders. People are considered draft evaders, which have not followed up a summons. Furthermore, it is possible that the authorities consider persons as draft evaders, if they had the conscription age prior to their departure, but had not received a summons yet, due to their illegal departure.

⁽²²³⁾ According to some sources, this concerns in general people who have left the country illegally (see [Chapter 3](#)). However, the form refers explicitly to the 'non-completion of the National service' and not to all illegal emigration.

returned to Eritrea permanently. However, those people still had 'diaspora status', which expires only three years after returning. There is no evidence as to what happens once the privileges associated with that status cease to apply. There is similarly no evidence as to what happens in the isolated cases of permanent returnees from Europe. It can, however, be assumed that returnees must perform national service once more, at the latest after their 'diaspora status' expires.

- As is clear from earlier reports on the stricter approach taken when dealing with returnees, the Eritrean authorities are constantly changing their practices in this regard, without amending the formal legal basis. Changes in practice cannot, therefore, be ruled out in future either.

Very little information exists about the Eritrean authorities' treatment of **forcibly returned people**, since in recent years there have been forced returns only from Sudan (and possibly from Egypt). Unlike voluntary returnees, people who have been returned cannot regularise their status with the authorities. All the information available points to the fact that, as in the case of a *giffa* or an apprehension during a flight attempt, their national service status is checked and then the procedure followed is the same as that adopted in the case of people apprehended in Eritrea. However, the imposition of a heavier sentence because the individual left the country illegally is not ruled out.

4. National Service reforms

4.1 Length of service

4.1.1 Legal position

Under Article 8 of the Proclamation on National Service of 1995, all Eritrean nationals between the ages of 18 and 40⁽²²⁴⁾ are required to perform 18 months of national service. This includes six months of training in a military training camp and then 12 months of active service in the military or in development work⁽²²⁵⁾. Article 21(1) stipulates that, in the event of war or a general mobilisation of forces, the duration of conscription may be extended beyond that period of time if the competent authority has not officially discharged the person liable for compulsory national service⁽²²⁶⁾.

4.1.2 Position of the Eritrean government

Following the outbreak of the border war with Ethiopia, Eritrea announced the general mobilisation of its forces, as a result of which Article 21(1) was triggered⁽²²⁷⁾. Despite the end of combat operations in 2000, Ethiopia – unlike Eritrea – has never recognised the border drawn by the UN Eritrea-Ethiopia Boundary Commission ruling in 2002. Accordingly, the Eritrean government has not lifted the state of emergency which has, in practice, been in force since 1998 but was never officially declared. For this reason, since that time there has ceased to be any time limit on national service, meaning that it usually lasts for several years⁽²²⁸⁾. The government justifies this by pointing at the continued threat of aggression from Ethiopia⁽²²⁹⁾.

In 2014 and 2015, government representatives repeatedly told foreign delegations and media that the national service was to be restricted to the 18-month period provided for in law⁽²³⁰⁾. That provision was due to be applied to all recruits from the 27th recruitment round onwards who from July 2013 had passed the 12th grade at Sawa and began their national service in July 2014. The discharge of those recruited in previous years was never announced⁽²³¹⁾. The authorities never officially announced the restriction on national service in Eritrea⁽²³²⁾.

In March 2016, the Minister for Information, Yemane Gebremeskel, stressed that the threat from Ethiopia continued to exist and that, for that reason, the length of the national service could not be limited to 18 months⁽²³³⁾. The PFDJ representative and presidential adviser Yemane Gebreab confirmed that some of the recruits from the 27th round were receiving vocational training. He further stated that, in the next sixth months (from March 2016 onwards), the remainder of those recruited in October 2014 would be discharged and transferred to vocational education programmes. However, it remained unclear whether these programmes were meant to be undertaken in the framework of the national service or whether the people in question were fully discharged from national service in order to undertake these programmes. However, discharges from national service are, in principle, granted on a

⁽²²⁴⁾ According to Art. 6, however, the national service obligation extends to the age of 50.

⁽²²⁵⁾ Eritrea, Proclamation on National Service No. 82/1995, 23 October 1995. Art. 8.

⁽²²⁶⁾ Eritrea, Proclamation on National Service No. 82/1995., October 1995. Art. 21, Abs. 1.

⁽²²⁷⁾ Kibreab, Gaim, Forced Labour in Eritrea. In: *The Journal of Modern African Studies*, March 2009. 47:1, p. 44.

⁽²²⁸⁾ International Crisis Group, *Eritrea: Ending the Exodus?* 8 August 2014, p. 3; US DoS, *Trafficking in Persons Report 2014, Eritrea*, 20 June 2014, p. 168; Tronvoll, Kjetil, Mekonnen, Daniel R., *The African Garrison State - Human Rights & Political Development in Eritrea*, 2014, p. 172-175; US DoS, *Country Reports on Human Rights Practices for 2013 – Eritrea*, 27 February 2014, p. 23; Landinfo, *Temanotat Eritrea: Nasjonaltjeneste*, 14 May 2016, p. 10.

⁽²²⁹⁾ Kibreab, Gaim, *The national service/Warsai-Yikealo Development Campaign in post-independence Eritrea*. In: *Journal of Eastern African Studies*. 7 November 2013. 7: 4, 7, p. 636.

⁽²³⁰⁾ SRF, *Yemane Ghebreab speaks about 18 Month Eritrean National Service*, 26 March 2015; UK Parliament, *Eritrea: Written question – HL4645*, 12 February 2015; Amnesty International, *Unbefristeter 'Nationaldienst', Flüchtlinge brauchen Schutz*, 1 December 2015; UN Office of the High Commissioner on Human Rights, *Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1*, 8 June 2016, pp. 20-21; Plaut, Martin, *The Eritrean regime promises – no more than 18 months of military service*. 13 February 2015; Asmarino, An Eritrean official 'promises' policy changes on the indefinite national service. 24 November 2014; UK Home Office, *Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016)*, May 2016, p. 51.

⁽²³¹⁾ Landinfo, *Temanotat Eritrea: Nasjonaltjeneste*, 14 May 2016, pp. 10-11; Amnesty International, *Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees*, 2 December 2015, p. 14.

⁽²³²⁾ Landinfo, *Temanotat Eritrea: Nasjonaltjeneste*, 14 May 2016, p. 11; Campbell, Dr. John, *Review of UK Home Office Country Information and Guidance – 'Eritrea: National (incl. Military) Service' (version 2.0e, September 2015) and 'Eritrea: Illegal Exit' (Version 2.0e, September 2015)*, 15 November 2015, pp. 17-18.

⁽²³³⁾ Yemane Gebremeskel, Minister of Information, Asmara. Interview 11 March 2016.

case-by-case basis only; there are no 'blanket discharges' ⁽²³⁴⁾. The Minister for Information, Yemane Gebremeskel, also made statements to foreign media in October 2015 and February 2016 confirming that there were no plans to place time limits on national service given the unchanged threat level ⁽²³⁵⁾. There is no longer any reference to the restriction of national service to 18 months in more recent official statements by the Eritrean government; instead continual reference is made to the military threat from Ethiopia ⁽²³⁶⁾.

Representatives of two organisations close to the government, the National Union of Eritrean Women (NUEW) and the National Union of Eritrean Youth and Students (NUEYS), stated that the length of the national service was still longer than 18 months, but that its duration was trending downwards. At present, four or five years' service is common for men, and three years or fewer for women ⁽²³⁷⁾. According to information provided by employees at the Department for Immigration and Nationality, there are now hardly any women in their 30s still performing national service ⁽²³⁸⁾. According to a public statement made by presidential adviser Yemane Gebreab, 'virtually all' women have been removed from active service ⁽²³⁹⁾. At a meeting organised by the Eritrean Ministry of Foreign Affairs, 12 entrepreneurs stated that they had completed between three and 15 years' national service; the majority of them had been discharged in the past few years ⁽²⁴⁰⁾.

In connection with the national service reforms announced, the two government representatives interviewed pointed out that, given the increase in salaries (see [Chapter 4.2 Salary](#)), national service is now comparable with a normal job. In addition, in the past few years, an increasing number of those assigned to civilian national service have been demobilised ⁽²⁴¹⁾ or discharged ⁽²⁴²⁾. Yemane Gebreab told the Norwegian COI unit Landinfo that Eritrea has discharged 70 % of national service members since the end of the border war with Ethiopia. In addition, 85 % of the conscripts are now assigned to the civilian branch of national service after completing a three-month military training programme ⁽²⁴³⁾. In June 2016, Yemane Gebreab made a public statement to say that 90 % of those performing national service were working on civilian projects, primarily as teachers or within the health service ⁽²⁴⁴⁾.

Interlocutors from the fields of education and politics mentioned that university graduates were newly required to undertake one year's community service. After completing their studies, the graduates are deployed as teachers or at courts, for example. The idea is that, in this way, they are giving something back in return for their free university. Performance of community service does not, however, constitute an exemption from national service ⁽²⁴⁵⁾.

4.1.3 Views of international observers in Asmara

Most international representatives in Asmara interviewed as part of the fact-finding mission felt that the government had not implemented and will not implement the announced restriction of the national service to 18 months. Those recruited in July 2014 as part of the 27th recruitment round should have been discharged in early 2016 but were not ⁽²⁴⁶⁾. The interlocutors also made similar comments on fact-finding missions led by Norway and the United Kingdom ⁽²⁴⁷⁾.

⁽²³⁴⁾ Yemane Gebreab, Head of Political Affairs, People's Front for Democracy and Justice, Asmara. Interview 11 March 2016.

⁽²³⁵⁾ Wall Street Journal, Thousands flee isolated Eritrea to escape life of conscription and poverty. 20 October 2015; Reuters, Eritrea won't shorten national service despite migration fears. 25 February 2016.

⁽²³⁶⁾ Shabait, Press Statement by H.E. Mr. Yemane Gebreab. 8 June 2016; Shabait, UNHCR Eligibility Guidelines: Factual Findings or Recycled Defamation? 17 December 2015; Shabait, Commission of Inquiry Report : Devoid of Credibility and Substance, 19 June 2015.

⁽²³⁷⁾ Representative of the National Union of Eritrean Women (NUEW), Asmara. Interview 2 March 2016; Representative of the National Union of Eritrean Youth and Students (NUEYS), Asmara. Interview 2 March 2016; Cf. Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 15; UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016), May 2016, p. 42.

⁽²³⁸⁾ Department for Immigration and Nationality, Asmara. Interview 29 February 2016.

⁽²³⁹⁾ Shabait, Press Statement by H.E. Mr. Yemane Gebreab. 8 June 2016.

⁽²⁴⁰⁾ Young businessmen from Eritrea, Asmara. Interview 2 March 2016.

⁽²⁴¹⁾ The Eritrean authorities tend to apply the term 'demobilisation' also to the transfer of conscripts from the military to the civilian part of national service.

⁽²⁴²⁾ Yemane Gebremeskel, Minister of Information, Asmara. Interview 11 March 2016; Yemane Gebreab, Head of Political Affairs, People's Front for Democracy and Justice, Asmara. Interview 11 March 2016; Reuters, Eritrea won't shorten national service despite migration fears. 25 February 2016; Shabait, Press Statement by H.E. Mr. Yemane Gebreab. 08 June 2016; UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, pp. 47-48.

⁽²⁴³⁾ Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 11.

⁽²⁴⁴⁾ Shabait, Press Statement by H.E. Mr. Yemane Gebreab. 8 June 2016.

⁽²⁴⁵⁾ Yemane Gebreab, Head of Political Affairs, People's Front for Democracy and Justice, Asmara. Interview 11 March 2016; Representative of Hamelmalo Agricultural College, Hamelmalo. Interview 9 March 2016; Representative of National Board of Higher Education, Asmara. Interview 4 March 2016; Representative of College of Arts and Social Studies, Adi Qeyih. Interview 10 March 2016; Cf. Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 11.

⁽²⁴⁶⁾ Diplomatic source (5), Asmara. Interview March 2016; Diplomatic source (3), Asmara. Interview March 2016; Diplomatic source (1), Asmara. Interview March 2016; Diplomatic source (6), Asmara. Interview March 2016; Diplomatic source (2), Asmara. Interview March 2016.

⁽²⁴⁷⁾ Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 11; UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016), May 2016, pp. 41-43, 50-53.

The government has told diplomats of its intention to reform the national service rather than apply time limits to it. That reform includes raising the previously very low salaries paid and increasingly assigning recruits to civilian jobs. The diplomats believe the government has made efforts in this regard ⁽²⁴⁸⁾. Despite the partial implementation of salary increases (see [Chapter 4.2](#), those performing national service are still not allowed to choose a job; the authorities decide on their deployment ⁽²⁴⁹⁾.

People are being discharged from the national service, particularly women. One interviewee put the usual length of service at between 5 and 10 years. However, longer periods of service are also possible. When discharging someone from national service, the Defence Department issues a discharge letter. An individual who has been discharged can, however, still be called up to undertake refresher courses ⁽²⁵⁰⁾.

The comments made by the international interlocutors in Asmara mostly related to the civilian national service. They had little information about discharges from the military branch. One Eritrean national contacted as part of the fact-finding mission said that the chances of being discharged from the military remained slim ⁽²⁵¹⁾.

4.1.4 2015 and 2016 reports

The annual reports on the human rights situation produced by Human Rights Watch, Amnesty International and the US Department of State for the year 2015, as well as the reports on the national service recently published by Amnesty International and Landinfo, continue to note that there is no time limit on the national service and that, despite the restriction to 18 months laid down in law, national service can last for more than 10 years ⁽²⁵²⁾. Most of the people interviewed by UK officials as part of a fact-finding mission made similar comments ⁽²⁵³⁾.

The two reports published by the UN Commission of Inquiry state that, following the border war with Ethiopia, the Eritrean Army did not demobilise all its forces from active duty, and that military service is usually extended beyond the 18-month period laid down in law. The 2015 report does, however, point out that some people are discharged, for example pregnant women ⁽²⁵⁴⁾. In addition, people serving within the civilian branch of the national service are normally discharged after six to eight years; by contrast, those in the military branch still have no prospect of being discharged ⁽²⁵⁵⁾.

Various reports also refer to the announcement that the national service would be restricted to 18 months. In 2015, the UN Commission of Inquiry reported that only some of those recruited in the 27th recruitment round knew of the government's intention to discharge them after 18 months ⁽²⁵⁶⁾. In late 2015 – i.e. still before the point at which the recruits in question would have been discharged – Amnesty International established that up until that time there had been no identifiable changes to the national service in this regard. None of the people to whom it spoke had heard of the authorities' announcement ⁽²⁵⁷⁾. The UN Commission of Inquiry's 2016 report cites experts and journalists who are of the view that a restriction of the national service would be inconceivable already on socio-economic grounds: the government would have no workforce and there would not be enough jobs for them in the private sector. In addition, the national service allows the government to keep young people under control ⁽²⁵⁸⁾.

⁽²⁴⁸⁾ Diplomatic source (5), Asmara. Interview March 2016; Diplomatic source (3), Asmara. Interview March 2016; Diplomatic source (1), Asmara. Interview March 2016; Diplomatic source (6), Asmara. Interview March 2016; Diplomatic source (7), Asmara. Interview March 2016.

⁽²⁴⁹⁾ Diplomatic source (5), Asmara. Interview March 2016; Diplomatic source (7), Asmara. Interview March 2016.

⁽²⁵⁰⁾ Diplomatic source (3), Asmara. Interview March 2016; Cf. Landinfo, *Temanotat Eritrea: Nasjonaltjeneste*, 14 May 2016, p. 23.

⁽²⁵¹⁾ Resident of Asmara, Asmara (1). Interview March 2016.

⁽²⁵²⁾ Human Rights Watch, *World Report 2016: Eritrea. Events of 2015*. 27 January 2016; Amnesty International, *Annual Report Eritrea 2015/16*; US DoS, *Country Reports on Human Rights Practices 2015*. Eritrea, 13 April 2016, p. 23; Amnesty International, *Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees*, 2 December 2015, pp. 14-17; Landinfo, *Temanotat Eritrea: Nasjonaltjeneste*, 14 May 2016, p. 10.

⁽²⁵³⁾ UK Home Office, *Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016)*. May 2016, pp. 41-43.

⁽²⁵⁴⁾ UN Office of the High Commissioner on Human Rights, *Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea*. A/HRC/29/CRP.1, 5 June 2015, pp. 360-365; UN Office of the High Commissioner on Human Rights, *Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1*, 8 June 2016, pp. 51-52.

⁽²⁵⁵⁾ UN Office of the High Commissioner on Human Rights, *Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea*. A/HRC/29/CRP.1, 5 June 2015, p. 426; Cf. Landinfo, *Temanotat Eritrea: Nasjonaltjeneste*, 14 May 2016, p. 24.

⁽²⁵⁶⁾ Only two of the interviewees of the UN Commission of Inquiry were aware of such an announcement. UN Office of the High Commissioner on Human Rights, *Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea*. A/HRC/29/CRP.1, 5 June 2015, p. 366; Cf. UN Office of the High Commissioner on Human Rights, *Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1*, 8 June 2016, p. 22.

⁽²⁵⁷⁾ Amnesty International, *Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees*, 2 December 2015, pp. 13-14.

⁽²⁵⁸⁾ UN Office of the High Commissioner on Human Rights, *Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1*, 8 June 2016, pp. 23-24.

In interviews conducted in Asmara in January 2016, the Norwegian COI unit Landinfo got the impression that changes to the national service were under way, but that these would likely not amount to restricting the length of service to 18 months⁽²⁵⁹⁾. Those interviewed as part of the UK fact-finding mission made similar comments⁽²⁶⁰⁾. By contrast, according to Landinfo, it has long been reported time and again that women are discharged earlier than men, at about the age of 25. People with financial means or who have good relations with their superiors also have better chances of an early discharge⁽²⁶¹⁾.

The UK Home Office asked many interlocutors in Eritrea detailed questions about discharges from the military. It is clear from their reports that a formal procedure must be followed to be discharged. A person performing national service may apply to be discharged by submitting a reasoned request to the human resources department of his/her ministry. The following are examples of grounds often given for a discharge:

- for women: pregnancy, motherhood, marriage;
- people who are the sole providers for a family (e.g. only children);
- people who, for example, as orphans are the only ones able to continue their family line;
- people whose siblings are all performing national service and have served for at least 18 months;
- people who have already completed a very long period of service.

Generally, women are discharged sooner than men and in all cases before their 30th birthday. The ministries concerned make decisions on a case-by-case basis. A person's discharge depends on the ministry's workforce needs and other factors. The interlocutors spoke of discharges predominantly from the civilian branch of the national service⁽²⁶²⁾.

Landinfo and the UK Home Office mention in their reports that the ministry issues a notice confirming an individual's discharge. This notice is either an A4 letter or in the form of a credit card-sized ID card. A similar yellow ID card is issued when someone is transferred from the military branch of national service to the civilian branch⁽²⁶³⁾.

4.2 Salary

4.2.1 Legal position

In accordance with Article 22 of the Proclamation on National Service of 1995, during military training and active national service, the Ministry of Defence provides food, accommodation, clothing, medication, transport and sporting and recreational activities. People who have completed military training are also meant to receive 'pocket money'⁽²⁶⁴⁾.

4.2.2 Position of the Eritrean government

The Ministry of Finance developed the salary scheme for national service in the 1990s and made no further changes to it until 2015. During official visits made by the SEM to Eritrea, government representatives conceded that these amounts (starting from approximately 500 nakfa⁽²⁶⁵⁾ per month) were far too small to cover living expenses given the currency's depreciation. It was also regarded by the government as 'pocket money' and not as a salary⁽²⁶⁶⁾.

As such, according to Minister for Finance Berhane Habtemariam, a new salary scheme for the civilian branch of the national service came into force on 1 July 2015 which provides for salaries rather than pocket money. After completing the 12th grade, school leavers who finish a vocational course are entitled to earn 2 000 nakfa per month; depending on the qualification obtained and the length of their studies, university graduates are to receive between

⁽²⁵⁹⁾ Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, pp. 10-11.

⁽²⁶⁰⁾ UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016), May 2016, pp. 50-52.

⁽²⁶¹⁾ Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 24.

⁽²⁶²⁾ Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016), May 2016, p. 75-89.

⁽²⁶³⁾ UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016), May 2016, pp. 87, 89-91.

⁽²⁶⁴⁾ Eritrea. Proclamation on National Service No. 82/1995. 23 October 1995.

⁽²⁶⁵⁾ The Eritrean nakfa is officially linked to the US dollar in the ratio of 15: 1. Until the monetary reform At the end of 2015, the black market exchange rate had been for years in the range of 50 nakfa per US dollar. After the currency reform, the rate has fallen to 20 to 25 nakfa per US dollar.

⁽²⁶⁶⁾ Yemane Gebreab, Head of Political Affairs, People's Front for Democracy and Justice, Asmara. Interview 6 November 2013; Berhane Habtemariam, Minister of Finance, Asmara. Interview 29 February 2016; Cf. UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016), May 2016, p. 44.

2 500 and 4 000 nakfa (such graduates would have previously earned between 1 200 and 1 500 nakfa) ⁽²⁶⁷⁾. The government published the increase in salaries in the 2016 New Year's Day address made by President Isaias Afewerki and through announcements on the television and radio as well as in the press. However, the announcement related to employees of public authorities ⁽²⁶⁸⁾.

Representatives of the National Union of Eritrean Youth and Students (NUEYS), a youth organisation that is close to the government, as well as other interlocutors arranged by the Ministry of Foreign Affairs, confirmed that the new salary scheme has not been fully implemented. People recruited in the 27th and 28th recruitment rounds and those who have finished their college studies since 2015 are paid in line with the new scheme. For the remaining people performing national service, a salary increase backdated to 1 July 2015 is planned for a later date ⁽²⁶⁹⁾. Minister of Finance Berhane Habtemariam told the UK fact-finding mission that it was still unclear when the salary increases would be fully implemented ⁽²⁷⁰⁾.

There is no new salary scheme for the military branch of the national service. However, the Ministry of Finance says that salary increases have been made. National service conscripts earn 800 nakfa per month, while senior officers earn considerably more (starting from 1 800 nakfa). However, according to its own sources, the Ministry of Finance is working on a standardised salary scheme for the whole national service ⁽²⁷¹⁾.

4.2.3 Views of international observers in Asmara

Diplomats in Asmara confirmed that, by all accounts, implementation of the national service salary increases has begun. They point out that, by taking this action, the government is addressing one problem that young people have with the national service. The new salaries are surprisingly high and are even somewhat higher than the salaries paid ⁽²⁷²⁾ for comparable work in the private sector ⁽²⁷³⁾.

4.2.4 2015 and 2016 reports

According to consistent reports from most sources, by late 2015 national service conscripts were earning about 500 nakfa per month, although they received considerably less during the training period ⁽²⁷⁴⁾. Accordingly, the annual reports on the human rights situation produced by Human Rights Watch, Amnesty International and the US Department of State for 2015 regarded the salaries as too low to cover living expenses ⁽²⁷⁵⁾. The report on national service published by Amnesty International at the end of 2015, and the reports of the UN Commission of Inquiry, refer solely to the old salary scheme under which conscripts were paid about 500 nakfa per month. However, the 2015 UN report mentioned higher salaries of 700 nakfa per month for the civilian branch of national service ⁽²⁷⁶⁾.

Landinfo's report alludes to the salary increase, based on the same sources as those used in [Chapter 4.2.2](#). Implementation of the increases is said to have begun in either September or October 2015. Landinfo was unable to estimate how much progress had been made by the time of its visit to Asmara (in January 2016) ⁽²⁷⁷⁾. Most people interviewed as part of the UK fact-finding mission in February 2016 confirmed that the government announced the

⁽²⁶⁷⁾ Berhane Habtemariam, Minister of Finance, Asmara. Interview 29 February 2016; Cf. UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016), May 2016, p. 44; Reuters, Eritrea won't shorten national service despite migration fears, 25 February 2016.

⁽²⁶⁸⁾ Eritrea Profile, 'In order to effectively implement our Priority Programmes for 2016 ...' President Isaias. 30 January 2016, pp. 2, 6; Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 16.

⁽²⁶⁹⁾ Representative of National Union of Eritrean Youth and Students (NUEYS), Asmara. Interview 2 March 2016. Employees serving in national service from various ministries, Asmara. Interview 2 March 2016; Cf. UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016), May 2016, p. 44-45.

⁽²⁷⁰⁾ UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016), May 2016, p. 45.

⁽²⁷¹⁾ Berhane Habtemariam, Minister of Finance, Asmara. Interview 29 February 2016.

⁽²⁷²⁾ According to Landinfo, teachers in Eritrea earn between 700 and 800 nakfa a month, private practitioners between 1 000 and 2 000 nakfa and ministers about 3 000 nakfa. Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 17.

⁽²⁷³⁾ Diplomatic source (5), Asmara. Interview March 2016; Diplomatic source (6), Asmara. Interview March 2016; Diplomatic source (7), Asmara. Interview March 2016; Cf. UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016), May 2016, pp. 44-52.

⁽²⁷⁴⁾ Cf. EASO, Eritrea Country Focus, May 2015, p. 38; Landinfo, Oslo. Temanotat Eritrea: Nasjonaltjeneste, 14.05.2016, p. 16; UK Home Office, London. Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, p. 43.

⁽²⁷⁵⁾ Human Rights Watch, World Report 2016: Eritrea. Events of 2015. 27 January 2016; Amnesty International, Annual Report Eritrea 2015/16; U.S. Department of State, Country Reports on Human Rights Practices 2015. Eritrea. 13 April 2016, pp. 23-24.

⁽²⁷⁶⁾ Amnesty International, Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees. 2 December 2015, p. 31; UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea. A/HRC/29/CRP.1. 5 June 2015, pp. 421-422, 425-427; UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1. 8 June 2016, p. 53.

⁽²⁷⁷⁾ Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 14 May 2016, p. 16-17.

salary increase. However, higher salaries had so far been received only by those who have recently started their service or completed a college course ⁽²⁷⁸⁾. The UN Commission of Inquiry adopted a sceptical stance in 2016: it did mention the announcement of the salary increase, but made the point that none of the persons to whom it had spoken had yet received higher wages. However, it had heard of the government's plans and of people who were already receiving higher salaries ⁽²⁷⁹⁾.

⁽²⁷⁸⁾ UK Home Office, Report of a Home Office Fact-Finding Mission. Eritrea: Illegal exit and national service (February 2016). May 2016, pp. 44-50.

⁽²⁷⁹⁾ UN Office of the High Commissioner on Human Rights, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea – A/HRC/32/CPR.1. 8 June 2016, p. 24.

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Terms of Reference

- Are deserters and draft evaders punished in Eritrea, and if so, in what way?
- Are people punished who had left the country illegally and have been caught at the border, and if so, in what way?
- How are Eritreans living abroad treated by the authorities at their return to Eritrea, when they had deserted or refused to join the national service and/or had left the country illegally?
- Has the Eritrean government its announced improvements in national service implemented, and if so, in what way?

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