

December 2019

**ARC Foundation and Dutch Council for Refugees comments on the EASO  
Country of Origin Information Report: Eritrea National service, exit and  
return, September 2019**

Asylum Research Centre Foundation (ARC Foundation) and the Dutch Council for Refugees (DCR) welcome the publication of the EASO Country of Origin Information (COI) Report on [Eritrea National service, exit and return](#) of September 2019 (hereafter the EASO Eritrea report).

This marks the first EASO report prepared under its new June 2019 [COI Report Methodology](#) and therefore some of our comments pertain more generally to the methodological approach in addition to the specific content of the Eritrea report.

Our comments are intended as constructive feedback based on an initial reading of the report, first making some general observations and recommendations and further focusing on the *Executive Summary, 1.2. Internal affairs, 2.7.1. Treatment of family members [of deserters and draft evaders]* and *3.3.2 Illegal exit to Ethiopia*.

As active members of the Consultative Forum, we would have welcomed the opportunity to input into the Terms of Reference of the report and to have been able to provide the following comments in advance of the report's final publication.



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We are extremely grateful to Paul Hamlyn Foundation for its support of this project.

#### **Feedback and comments**

Please help us to improve and to measure the impact of our publications. We'd be most grateful for any comments and feedback as to how the reports have been used in refugee status determination processes, or beyond. Thank you. <https://asylumresearchcentre.org/feedback/>

Please direct any questions to [info@asylumresearchcentre.org](mailto:info@asylumresearchcentre.org)

## **1. General observations and recommendations**

### **1.1. Acknowledgements**

It is observed that whilst the Swiss-drafted EASO Eritrea report benefited from the quality review of two state COI units and EASO itself, no non-state actor was invited to peer review the report. We strongly recommend that as a matter of principle EASO invite UNHCR and other relevant external bodies, institutions, civil society actors or country experts to also be involved in the review process of every EASO COI report prior to publication as is provided for in section 4.1 *Review* of the EASO COI Report Methodology.<sup>1</sup> We too would have welcomed the opportunity to submit our comments in advance of the report's final publication.

### **1.2. Methodology - Terms of Reference**

The Terms of Reference (provided in *Annex 2* of the EASO Eritrea report) sets out the topics of the report and states that they were "specified by the asylum policy makers of the Swiss State Secretariat for Migration (SEM). Participation in conferences on European level and discussions in the EASO COI Specialist Network meetings have shown that the same questions are relevant for the other EU+ states which treat Eritrean asylum cases".<sup>2</sup>

We strongly recommend that EASO consult with relevant external bodies, institutions, civil society actors or country experts who are not linked to a state during the Terms of Reference drafting process, modelled on the Dutch practice which involves civil society actors in drafting the Terms of Reference for the Netherlands Ministry of Foreign Affairs *Ambtsbericht*.

### **1.3. Methodology – Collecting Information**

#### **Public sources**

We welcome that the EASO Eritrea report clarifies the scenarios in which reports published prior to August 2016 (the date of a preceding EASO Eritrea report) are included:

[EASO Country of Origin Information Report on Eritrea National service, exit and return, September 2019](#)

[...] Introduction

[...] Methodology

[...] Collecting information

[...] Public sources

[...] Reports published prior to August 2016 were included as sources, when no newer information was available, to corroborate information which was otherwise only given by oral sources, or when referring to events and situations in the past. [...]

1 EASO, [Country of Origin Information Report Methodology](#), June 2019, 4.1 *Review*, p.23

2 EASO, [Country of Origin Information Report on Eritrea National service, exit and return](#), September 2019, *Methodology*, p. 11 and *Annex 2*, p. 81

## Oral sources

Whilst this section of the methodology explains why and where interviews were conducted, as well as providing brief details about interviewees' professional background, no information is provided as to the questions that were posed to the interlocutors nor are the transcripts of their responses included. Whilst we appreciate that sensitive or personal security concerns may preclude EASO from publishing full transcripts of some or all interviews (which would be preferable in order to promote transparency), in our view not publishing at least the interview questions undermines the transparency of the EASO Eritrea report as users are unable to see the nuance of how questions are framed.

It would have also been interesting to note whether all interlocutors were asked the same set of questions, how structured the interviews were, whether the interviews were recorded, and whether their responses are presented verbatim in the EASO report, or are summaries. Also it is recommended to make clear if the persons conducting the interviews also drafted the report, as their observations/impressions may have a bearing on analysis they provided.

Furthermore, it would have been of interest to note whether there was convergence or not between the answers, given the high number of interlocutors (71).

It is considered good practice to ask interlocutors what experience they base their views on. To take the following example:

[EASO Country of Origin Information Report on Eritrea National service, exit and return, September 2019](#)

[...] 3.4. Treatment of persons crossing the border illegally

[...] There have also been reports of persons detained, in which cases the treatment was similar as before peace with Ethiopia, including torture.<sup>407</sup> [...]

407 Academic expert, email interview, 21 July 2019

As we do not know as users of the report whether the cited academic expert's answer is verbatim or a summary, or the extent to which it was probed, it is difficult to gauge the time period that the expert was referring to or the number of reports of persons detained, or whom the reports were received from.

It is also not made clear in the *Oral sources* section that several of the 'interviews' were in fact focus groups, as described in the *Bibliography* and that some were interviewed as part of a focus group, and then separately in personal interviews (emphasis added):

[EASO Country of Origin Information Report on Eritrea National service, exit and return, September 2019](#)

[...] Introduction

[...] Methodology

[...] Collecting information

Oral sources

After assessing these publications, some information gaps remained.

In order to complete the desk research, the SEM has conducted a number of interviews with sources who have information about Eritrea. In order to obtain a broad base of information and to avoid a bias as much as possible, these interviews were conducted in three sequences in three different places:

- interviews with 34 refugees and 9 local sources in Tigray regional state and Addis Ababa, on the occasion of a research visit to Ethiopia in May 2019;
- 22 interviews with government officials, diplomats and representatives of international organisations and the civil society in Asmara, on the occasion of a research visit to Eritrea in July 2019;
- 6 interviews with academic Eritrea experts and human rights advocates by phone and email in July 2019. Five of the selected experts are researchers, whose publications are often quoted in COI reports; the sixth is a legal expert.

Most of the interviewed sources wish to be quoted anonymously. They are described in the Bibliography.

To fill still persisting information gaps on particular issues, further experts and organisations have been

contacted via email.

[...] Annex 1: Bibliography

Oral sources, including anonymous sources

[...] Eritrean asylum seekers, Rama (Ethiopia), group interview, 18 May 2019. **This is a group of seven Eritreans who arrived to Ethiopia in May 2019. They were interviewed by the SEM during the technical visit in May 2019.**

Eritrean refugees, Mai Aini (Ethiopia), group interview, 20 May 2019. This is a group of 20 Eritreans who have left Eritrea between 2017 and 2019 and were living in Mai Aini refugee camp in May 2019.

**They have been interviewed as a group by the SEM during the technical visit in May 2019, followed by individual interviews with two persons.** [...]

Eritrean refugee, Mai Aini (Ethiopia), individual interview, 20 May 2019. The SEM conducted two individual interviews with participants of the group interview mentioned above. [...]

Given that focus groups naturally provide an interactive dynamic, distinct from a personal interview, it is expected that topic guides will differentiate from individual interview questions, which it would have been useful to have been shared. Furthermore, as focus groups involve discussions between participants, it would have been interesting for the report to write up which commonalities or differences in opinions were expressed.

## Challenges in collecting information

It is considered that the following text makes assumptions (emphasis added):

[EASO Country of Origin Information Report on Eritrea National service, exit and return, September 2019](#)

[...] Introduction

[...] Methodology

[...] Collecting information

[...] Challenges in collecting information

[...] **The information provided by oral sources through interviews is by and large more current than any other published information as of August 2019. Often, the oral information is very similar to the published and hence mainly shows that there has been no change in a subject.** Despite the described efforts, some information gaps and uncertainties remain. They are mentioned in the text. This mostly concerns the military component of national service, potentially adjusted punishments after the end of the 'no war, no peace' situation with Ethiopia, and the treatment of returnees. [...]

It is not evidently always the case that an interviewee's information is current as of the date of the interview. Their evidence could be based on previous experiences or based on older published sources. In our view, this is why it is important to publish full transcripts of interviews (where possible) as interlocutors should always be asked what they are basing their views on. Furthermore, if an oral source is consistent with published material, this doesn't necessarily mean that there has been no change in a situation - it could for example be because the interviewee based their opinion on the same source material.

## Source assessment

Unusually, the Eritrea EASO report provides source assessments for a range of different types of sources: the Eritrean government; foreigners in Eritrea; Eritrean migrants and human rights advocates outside Eritrea; academic experts and media reports. However, these types of sources are not exhaustive and interestingly no mention is made of the potential biases displayed by diplomats, or representatives of international organisations or civil society in Eritrea, despite representatives from these being interviewed for the report. This may be read to imply (erroneously) that there is less need for source assessments to be taken for such sources.

It is considered that the source assessments provided are rather generalised and that they should have been accompanied by an emphasis of the importance of conducting individualised source assessments. To exemplify (emphasis added):

[EASO Country of Origin Information Report on Eritrea National service, exit and return, September 2019](#)

[...] Introduction

[...] Methodology

[...] Collecting information

[...] Source assessment

[...] Eritrean migrants and human rights advocates outside 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 very negative experiences before leaving the country or who, for other reasons, would like to draw attention on abuses in Eritrea.**<sup>6</sup> Likewise, opposition media based in the diaspora use such information to criticise the Eritrean government.

According to the SEM's experience, **recently arrived Eritrean refugees** such as those interviewed in Ethiopia **are less sensitised for politics and hence less likely to provide biased information.** Like the sources inside Eritrea, information by persons who have left Eritrea is to a large extent anecdotal. To a certain degree, Eritreans abroad are able to fill information gaps regarding the situation outside Asmara and in the military component of national service, because their background is more diverse than the sources of expatriates in Asmara. [...]

6 cf. Røsberg, A.H. and Tronvoll, K., Migrants or Refugees? ILPI, 14 February 2017, [url](#), pp. 14-15

It is considered that it is an overgeneralisation to assert that it is mainly persons who have had negative experiences that contact human rights organisations outside of Eritrea. On the contrary, organisations themselves may reach out to potential interviewees. To take two illustrative examples of methodologies from sources cited in the EASO Eritrea report:

[Human Rights Watch, "They Are Making Us into Slaves, Not Educating Us". How Indefinite Conscription Restricts Young People's Rights, Access to Education in Eritrea, August 2019](#)

[...] Methodology

[...] Interviewees were identified with the help of several different community interlocutors and translators whom Human Rights Watch identified independently. Many interviewees were selected randomly, based largely on an assessment of their age, while most of the teachers were chosen because of the profession to which the government assigned them during national service. [...]

[Amnesty International, Just Deserters: Why indefinite national service in Eritrea has created a generation of refugees, 2 December 2015](#)

[...] Methodology

[...] A range of sources and interlocutors were used to identify individuals to be interviewed.

Interviews were conducted in Tigrinya, using translators, except for a small number of cases where

the interviewees spoke English. Five translators were used during the interviews. [...]

Furthermore, the supposition highlighted above that “recently arrived Eritrean refugees such as those interviewed in Ethiopia are less sensitised for politics and hence less likely to provide biased information” may be read to imply that the contrary is true i.e. that longer-settled refugees are more sensitised for politics and then more likely to provide biased information. Again, it is recommended that caution should be exercised when making un-evidenced over-generalisations without emphasising the need for individualised assessments.

## 2. Section specific observations and recommendations

### Executive Summary

The EASO Eritrea report begins with an ‘Executive Summary’ which runs to one and a half pages, without subheadings. The EASO COI report Methodology provides for the existence of such a summary, however with very little guidance on how to draft this:

[EASO, Country of Origin Information Report Methodology, June 2019, 3.2.4 Structure of EASO COI reports, p.23](#)

[...] 3.2.4 Structure of EASO COI reports

[...]

Body of the report

In the body of the report, the analysed and synthesised information found during the research process is presented. It may include an executive summary or COI conclusions depending on the nature of the information and the relevance for the target users. [...]

The EASO Eritrea report does not present any clearly identified ‘COI conclusions’, to use EASO’s terminology in the ‘Executive Summary’ or elsewhere in the report. However, very few direct quotes of COI are presented in the report, and thus the majority of the information is either analysed or synthesised. The ‘Executive Summary’ therefore marks a further synthesis of already condensed material spanning almost 50 pages (pp 16- 64).

It is concerning to us that such an Executive Summary is included for the following reasons:

- It provides an additional layer of unavoidable subjectivity by the authors in deciding what information is pertinent to condense from the 50 pages of material to 1.5 pages;
- Further condensing summaries distorts the original language from the source material even more;
- It may encourage decision-makers of the report to only engage with the Executive Summary and not the full text.

We have provided a number of examples to exemplify the first two points and therefore the danger of the third. The *Executive Summary* states:

[EASO Country of Origin Information Report on Eritrea National service, exit and return, September 2019](#)

[...] Executive Summary

[...] Government critics and members of unrecognised religious denominations continue to be detained. [...]

Whilst this is an accurate summary of the information found in section 1.2 *Internal Affairs* which reported that “According to human rights reports, arbitrary arrests of political dissenters and members of unregistered religious groups continue”, it neglects to include the human rights abuses that detainees face. It is of concern that time-poor decision-makers reading either this summary or even the full section 1.2 *Internal Affairs* may not be aware or lack evidence on the use of indefinite detention in harsh conditions, including the use of torture against detainees as documented by publicly available sources at the time of drafting (some of which were cited elsewhere in the report). See discussion further below under 1.2 *Internal Affairs*.



To take another example, the *Executive Summary* only mentions the following with regards to the situation for and treatment of military service recruits (emphasis added):

[EASO Country of Origin Information Report on Eritrea National service, exit and return, September 2019](#)

[...] Executive Summary

The open-ended national service has not yet been reformed. The Eritrean government stresses that reforms are planned, but that more time is needed: before releasing hundreds of thousands of young people from national service to the job market, opportunities had to be created for them. Furthermore, Ethiopia has not yet retreated from the disputed border territories. **As a consequence, there are no indications of changes in terms of conditions,** recruitment or policies in national service. Most notably, the unlimited duration of national service remains in place. The remuneration reform announced in 2015 and 2016 has partly been implemented. However, due to substantial deductions introduced simultaneously, net salaries remained on a similar level as before for many beneficiaries. Furthermore, Ethiopia has not yet retreated from the disputed border territories. As a consequence, there are no indications of changes in terms of conditions, recruitment or policies in national service. Most notably, the unlimited duration of national service remains in place. The remuneration reform announced in 2015 and 2016 has partly been implemented. However, due to substantial deductions introduced simultaneously, net salaries remained on a similar level as before for many beneficiaries.[...]

Remarkably, whilst the *Executive Summary* describes that there “are no indications of changes in terms of conditions” in national service, no information is provided on the actual treatment of recruits during their period of national service (either civilian or military). This is despite there being a whole section *2.6 Treatment of conscripts* included in the EASO Eritrea report. Indeed, that section describes a number of abuses during military national service (emphasis added):

[EASO Country of Origin Information Report on Eritrea National service, exit and return, September 2019](#)

[...] 2.6. Treatment of conscripts

[...] 2.6.2. Military national service

[...] Problematic circumstances in military service are described below.

- **Punishment** for lack of discipline – including inability to learn skills correctly – **is often harsh and arbitrary**, being imposed by military commanders. Conscripts are reported to be **beaten or tied up for hours or days**.<sup>238</sup>
- Most military units have own prisons, **in which conditions are reportedly precarious. Some prisons are located underground or in shipping containers. They are often overcrowded, with tenuous hygienic, medical and nutrition conditions**.<sup>239</sup>
- **Work assignments are hard**; 72-hour work weeks are reported.<sup>240</sup> Also military exercises are reported to be overly demanding.<sup>241</sup>
- Leaves are unregulated: they are prolonged, shortened or denied at the will of commanders.<sup>242</sup>
- Many female conscripts are subjected to **sexual abuse** (see Chapter 2.6.3.).
- **The duration is not limited**, and conscripts do not know their release date. Duty times of 10 or 20 years are common (see Chapter 2.4.).

These circumstances are credibly documented.<sup>243</sup> Although few updated information is available on the subject, there are no indications that the situation has changed significantly. Neither are there indications to what extent and how systematically such hardship occurs. Circumstances in military service depend heavily on the commander. While the documented treatment by some commanders presumably happens, normal (i.e. non-abusive) treatment is usually not reported. Hence, even a rough estimation of the share of conscripts who are subjected to the mentioned abuses would be pretentious.<sup>244</sup> [...]

238 Human Rights Watch, *Service for Life*, April 2009, url, pp. 29-34; Riggan, J., *The Struggling State*, 2016, p. 181; Kibreab, G., *Sexual Violence in the Eritrean National Service*, April 2017, url, pp. 137-139; Human Rights Watch, *World Report 2019: Events of 2018*, 17 January 2019, url, p. 2; Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”, August 2019, url, pp. 37-39; Legal expert, interview, Bern, 18 July 2019

239 Sweden, Migrationsverket, Temarapport: Eritrea – fängelser och förvarsanläggningar [Topical report: Eritrea – prisons and detention facilities], 12 September 2016, url; Landinfo, Repons Eritrea: Faktagrundlag og kildekritikk [Response Eritrea: Fact base and source criticism], 14 January 2019, url, p. 3; Tronvoll, K. and Mekonnen, D.R., *The African Garrison State*, 2014, pp. 92-106; Human Rights Watch, *Service for Life*, April 2009, url, p. 34-38; Amnesty International, *Just Deserters*, 2 December 2015, url, pp. 47-51; Amnesty International, *Eritrea: 20 years of independence, but still no freedom*, 9 May 2013, url; Human Rights Concern Eritrea, *A Submission on the Initial Report of the Government of Eritrea (1999-2016)*, 2018, url, p. 32

240 Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”, August 2019, url, p. 40; Human Rights Watch, *World Report 2018: Events of 2017*, 18 January 2018, url, p. 201

241 Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”, August 2019, url, p. 36-37; SFH, *Eritrea: Nationaldienst [Eritrea: National service]*, 30 June 2017, url, p. 10

242 Kibreab, G., *Sexual Violence in the Eritrean National Service*, April 2017, url, pp. 131, 137 243 See Footnotes 238-242 244 cf. Landinfo, Repons Eritrea: Faktagrundlag og kildekritikk [Response Eritrea: Fact base and source criticism], 14 January 2019, url, p. 3

By the *Executive Summary* omitting to summarise the treatment of military service recruits, users only reading that section would fail to appreciate the human rights abuses perpetrated. This is a serious concern and supports the argument that an ‘Executive Summary should be removed from subsequent reports.

Similarly, the specific treatment of persons crossing the border illegally is not mentioned in the *Executive Summary*, despite this issue being addressed in section 3.4 of the EASO Eritrea report and documented to include arrest, detention and torture (emphasis added):

[EASO Country of Origin Information Report on Eritrea National service, exit and return, September 2019](#)

[...] Executive Summary

**The punishment for desertion from national service, draft evasion, and illegal exit continues to be applied arbitrarily and inconsistently**, mostly by military commanders and other representatives of the security forces. Transgressors can be arrested during giffas (round-ups), through searches, when trying to cross the border, or after returning from abroad. **According to many sources, arrested persons are screened, profiled and treated accordingly.** Deserters and draft evaders are reported to be sent to prison, mostly for terms between one and twelve months, during which interrogations and torture may occur. Prison terms for repeated offenders, document forgers and persons who have left the country illegally or have tried to do so are reportedly higher, up to three years. Draft evaders are afterwards sent to military trainings, while military deserters are sent back to their unit. Their commander decides arbitrarily whether to further punish them or reintegrate them into the unit. Deserters from the civilian national service are often transferred to a military unit as a punishment, in addition to time in prison. Persons who have returned from abroad or been deported are reported to be treated similarly to those arrested within Eritrea. Returnees who have paid the 2 % tax and signed the ‘Letter of Regret’ are usually not arrested upon arrival. After the expiry of their privileged status, however, (re-)conscription into national service and punishment occur at the discretion of the authorities.

[...] 3.4. Treatment of persons crossing the border illegally

Pursuant to Proclamation 24/1992 (Article 29(2)), 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 Birr390 (ca. EUR 600) or both.<sup>391</sup>

[...] De facto, the treatment of persons apprehended when crossing the border is arbitrary and depends on numerous factors, such as:

- the unit or the responsible commander making the arrest;
- the place of the arrest;
- the national service status (deserter, draft evader, exempted/completed, too young);
- for deserters: the unit they belong to;
- the time of the year (i.e. harsher treatment when national holidays are approaching).<sup>393</sup>

The arrested person is usually held for some time in a cell at the border area and afterwards brought to prisons such as Barentu, Hashferay (for Gash-Barka), Adi Abeito, or Edaga (for Debub; see map in Chapter 2.3.2.). There, military and security officers investigate whether the person is a civilian or not.

**Torture such as beating or tying detainees up in painful positions is common during this investigation.** The follow-up depends on their national service status.<sup>394</sup> [...]

391 Eritrea, Proclamation No. 24/1992 of 1992 issued to regulate the issuing of travel documents, 1 April 1992, url [...]

393 International organisation 3, Asmara, interview, July 2019; Legal expert, interview, Bern, 18 July 2019; Amnesty International, Amnesty International Report 2017/18, 22 February 2018, url, p. 160

394 Legal expert, interview, Bern, 18 July 2019; Local source 2, Tigray regional state (Ethiopia), interview, May 2019; Amnesty International, Eritrea: Repression without borders, 27 June 2019, url, p. 7; United States, USDOS, Country Reports on Human Rights Practices for 2018 – Eritrea, 13 March 2019, url, pp. 3, 4, 6; Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”, August 2019, url, pp. 49, 61-62

## 1.2. Internal affairs

Whilst it is acknowledged that the treatment of government critics is not the focus of this report, a short sub-section is included in the EASO Eritrea report which addresses their treatment, which in turn is then mentioned in the *Executive Summary*. This describes that (emphasis added):

[EASO Country of Origin Information Report on Eritrea National service, exit and return, September 2019](#)

[...] 1.2. Internal affairs

[...] According to human rights reports, **arbitrary arrests** of political dissenters and members of unregistered religious groups continue.<sup>29</sup> Most prominent is the case of Berhane Abrehe, the former finance minister. In September 2018, Berhane published a book abroad in which he criticised the government. Berhane was detained shortly after the publication, on 16 September 2018; his whereabouts remain unknown. His wife had already been arrested in February 2018.<sup>30</sup> Persons arrested in previous years generally remained in detention.<sup>31</sup> An exception was made for 35 members of unregistered evangelical churches, who were released in July and August 2018 after they had renounced their religion four years earlier.<sup>32</sup> [...]

29 UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, 16 May 2019, url, para. 17; United States, USDOS, Country Reports on Human Rights Practices for 2018 – Eritrea, 13 March 2019, url, p. 3

30 Voice of America, Former Top Eritrean Official Arrested After Criticizing President, 20 September 2018, url; Amnesty International, Urgent Action, Ex-Minister arbitrarily held after book release, 18 September 2018, url; Amnesty International, Eritrea: Repression without borders, 27 June 2019, url, p. 6; Human Rights Watch, World Report 2019: Events of 2018, 17 January 2019, url, pp. 3-4; UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, 16 May 2019, url, para. 21 ; United States, USDOS, Country Reports on Human Rights Practices for 2018 – Eritrea, 13 March 2019, url, p. 5

31 United States, USDOS, Country Reports on Human Rights Practices for 2018 – Eritrea, 13 March 2019, url, p. 3; Horn of Africa expert, email interview, 23 July 2019

32 United States, USDOS, 2018 Report on International Religious Freedom, 21 June 2019, url, p. 6

The EASO Eritrea report only mentions that political dissenters and members of unregistered religious groups are arbitrarily arrested. In fact the sources cited in reference 29 provide the following further details of their treatment (emphasis added):

[UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, 16 May 2019](#)

[...] 17. The Special Rapporteur is concerned about reports of arbitrary arrest, **indefinite detention, death in detention and enforced disappearance** in Eritrea. She notes that Eritrea continues to hold political prisoners and prisoners of conscience. **She is concerned that individuals continue to be held incommunicado and to be detained indefinitely**, in violation of their basic due process rights, including the rights to be informed of the charges against them, to be brought promptly before a judge, to have their detention put to judicial review, to have access to counsel and medical attention and to receive family visits. A common feature in these cases is the **lack of access to effective legal remedy for the victims and for their families**. Such violations continue to be committed with

impunity, despite repeated calls for respect of due process and for accountability from various United Nations bodies and mechanisms (e.g. CCPR/C/ERI/CO/1, paras. 27–28; Human Rights Council resolution 38/15, para. 6; A/HRC/35/39, para. 78; and A/HRC/32/47, para. 122), and despite the concrete recommendations made by Member States during the second cycle of the universal periodic review (A/HRC/26/13, paras. 122.134–122.137, 122.139–122.140, 122.142 and 122.144–122.150). At its sixty-third ordinary session, held in late 2018, the African Commission on Human and Peoples’ Rights too expressed concern regarding the absence of information on a range of basic guarantees for persons in detention in Eritrea.<sup>9</sup> [...]

9 See [www.achpr.org/files/sessions/63rd\\_os/conc-obs/1st-1999-2016/concluding\\_observations\\_and\\_recommendations\\_on\\_the\\_initial\\_and\\_combined\\_periodic.pdf](http://www.achpr.org/files/sessions/63rd_os/conc-obs/1st-1999-2016/concluding_observations_and_recommendations_on_the_initial_and_combined_periodic.pdf).

[United States, USDOS, Country Reports on Human Rights Practices for 2018 – Eritrea, 13 March 2019](#)

[...] c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

[...] According to NGO and UN reports, **security forces tortured and beat** army deserters, national service evaders, persons attempting to flee the country without travel documents, **and members of certain religious groups**. [...]

Detention conditions reportedly remained harsh, leading to serious health damage and in some instances death, but the lack of independent access made accurate reporting problematic. [...]

Data on the prevalence of death in prison and detention facilities were not available, although **persons reportedly died from harsh conditions, including lack of medical care and use of excessive force**. The government did not take action against persons responsible for detainee deaths.

Authorities placed **political prisoners in solitary confinement** more often than other detainees. [...]

Thereby, by failing to include information on the use of indefinite detention in harsh conditions, including the use of torture against detainees as is reported on by other sources, the EASO Eritrea report inaccurately summarises the sources it cites in the *Executive Summary*.

Indeed, the practice of not only arbitrary arrests, but also the use of indefinite detention in harsh conditions, including the use of torture against detainees is reported on by other sources – one of which was included elsewhere in the EASO Eritrea report. Illustrative examples include (emphasis added):

[Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”, August 2019](#)

[...] Background

[...] Arbitrary and indefinite detention in the country’s extensive network of official and secret jails and prisons is common. Thousands of prisoners detained arbitrarily **languish indefinitely in overcrowded places of detention, including underground cells and shipping containers, exposed to the sun during the day and freezing temperatures at night, with inadequate food, water, and medical care**.<sup>12</sup> Many prisoners are denied contact with family, lawyers, humanitarian organizations, or other outsiders.<sup>13</sup> **Torture and ill-treatment are common**.<sup>14</sup> The government has neither released nor improved the conditions of its most prominent prisoners. Government officials and reporters arrested in 2001 have been detained incommunicado ever since. Religious freedom, particularly for those practicing religions the government does not officially recognize, is severely restricted.<sup>15</sup> Several hundred people are believed to be imprisoned solely for their religious beliefs.<sup>16</sup> [...]

12 “Eritrea: Diplomacy Changes, but Political Prisoners Remain,” Human Rights Watch news release, October 3, 2018; Amnesty International, Just Deserters. Why Indefinite National Service in Eritrea Has Created a Generation of Refugees (AFR 64/2930/2015), p. 37-42, <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>, (accessed July 15, 2019); COI report 2015, paras. 1234-1244.

13 Human Rights Watch, “Submission to the Universal Periodic Review of Eritrea,” September 12, 2018.

14 UNHRC, “Report of the Detailed Findings of the Commission of Inquiry on Human Rights in Eritrea,” A/HRC/32/CRP.1, June 7, 2016, (hereafter COI report 2016), para. 102,

[https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIEritrea/A\\_HRC\\_32\\_CRP.1\\_read-only.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIEritrea/A_HRC_32_CRP.1_read-only.pdf), (accessed July 15, 2019); Human Rights Committee, “Concluding observations on Eritrea in the absence of its’ initial report,” CCPR/C/ERI/CO/1, May 3, 2019, para. 23,

[https://www.ecoi.net/en/file/local/2005728/INT\\_CCPR\\_COC\\_ERI\\_34490\\_E.pdf](https://www.ecoi.net/en/file/local/2005728/INT_CCPR_COC_ERI_34490_E.pdf)

(accessed June 18, 2019).

15 For recent incidents of restrictions on religious institutions and freedom of religion see “UN expert allow religious institutions to operate freely and respect the right of freedom of religion,” OHCHR News and Events, June 21, 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24721&LangID=E> (accessed July 12, 2019).

16 Christian Solidarity Worldwide, “Eritrea Submission to the 32nd UPR,” July 2018, <https://www.csw.org.uk/2018/07/17/report/4047/article.htm>, (accessed August 5, 2019); see also JW.ORG, “Imprisoned for their Faith.”

#### [Freedom House, Freedom in the World 2019 – Eritrea, 4 February 2019](#)

[...] Basic principles of due process are systematically violated. Arbitrary arrests and detentions are common; targets include those who evade military service, try to flee the country, or are suspected of practicing an unauthorized religion. Eritreans who offend high-ranking government or party officials are also reportedly subject to arbitrary arrest.

**Prisoners are routinely held incommunicado for indefinite periods without charge or trial, with the authorities refusing even to inform family members whether they are still alive.** There is no operational system of public defense lawyers. Thousands of political prisoners and prisoners of conscience remain behind bars. [...]

UN investigators have described the routine and systematic use of physical and psychological torture in both civilian and military detention centers. **Deaths in custody or in military service due to torture and other harsh conditions have been reported.** Security forces employ lethal violence arbitrarily and with impunity. Individuals attempting to escape military service or flee the country have been fired on by soldiers. [...]

It should be noted that whilst section 1.3 *Religious issues* of the EASO Eritrea report notes the detention of members of unregistered religions, it neglects to mention their treatment in detention.

#### **2.7.1. Treatment of family members [of deserters and draft evaders]**

In section 2.7.1. *Treatment of family members* the conclusion is drawn that detained relatives are usually released once the person has fled the country (emphasis added):

#### [EASO Country of Origin Information Report on Eritrea National service, exit and return, September 2019](#)

[...] 2.7.1. Treatment of family members

Family members of deserters or draft evaders are sometimes imprisoned for a couple of weeks or months in order to put pressure on the searched persons to report back to the unit. **This applies as long as the searched person is believed to be still inside Eritrea. Once the person has left the country, the relatives are usually released [...].**<sup>279</sup>

279 Legal expert, interview, Bern, 18 July 2019; Eritrean asylum seeker, Rama (Ethiopia), individual interview, 18 May 2019; SFH, Eritrea: Reflexverfolgung, Rückkehr und “Diaspora-Steuer” [Eritrea: Persecution of family members, return, and ‘diaspora tax’], 30 September 2018, url, p. 7; United States, USDOS, Country Reports on Human Rights Practices for 2018 –Eritrea, 13 March 2019, url, p. 7; Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”, August 2019, url, p. 48 [...]

The footnote to this paragraph refers to two anonymous sources and three public sources. Having a closer look at the three publicly accessible sources, only one of them suggests that a family member is released once the person had left Eritrea (emphasis added):

#### [SFH, Eritrea: Reflexverfolgung, Rückkehr und “Diaspora-Steuer” \[Eritrea: Persecution of family members, return, and ‘diaspora tax’\], 30 September 2018](#)

[...] 2. Nationaldienst

[...] Reflexverfolgung von Familienangehörigen von illegal ausgereisten Personen

[...] Eine Kontaktperson mit Expertenwissen zu Eritrea (B) sagte am 4. Juli 2018 gegenüber der SFH, dass die Armee trotz vieler Desertionen immer noch die Kapazität für die Verfolgung von

Familienangehörigen von Deserteur\_innen und illegal ausgereisten Personen habe. **Wenn die Behörden glaubten, dass sich die gesuchte Person noch im Land befinde, sei der Druck auf Familienmitglieder am grössten, weil dann die Möglichkeit bestehe, dass sich die gesuchte Person den Behörden stele [...].**<sup>21</sup>

21 Gespräch mit Kontaktperson B mit Expertenwissen zu Eritrea vom 4. Juli 2018 [...]

[Note: Unofficial translation provided by the authors of this commentary using Google translate on 16<sup>th</sup> December 2019: "If the authorities believed that the person wanted was still in the country, the pressure on family members was greatest because there was a possibility that the person sought would stand up to the authorities". The source clearly states that the "pressure was greatest" if the person of interest was still in the country, but this does not imply that the pressure is completely removed when the person of interest is no longer residing in Eritrea]

### [Human Rights Watch, "They Are Making Us into Slaves, Not Educating Us", August 2019](#)

[...] Reprisals Against Students Perceived as Evading Sawa, National Service, Fleeing  
[...] A young man from a town in the Gash-Barka region came under the government radar shortly after he dropped out of school in November 2015, aged 18. He said:  
The military came to my house. My grandmother was there; they told her that I had to go to military service. She went to the regional administration to try to convince them to let me continue my education. That's when they arrested her. They took her to Shambuco prison. **They only released her when they found out that I had fled to Ethiopia.**<sup>175</sup>

### [United States, USDOS, Country Reports on Human Rights Practices for 2018: Eritrea, 13 March 2019](#)

[...] Section 1. Respect for the Integrity of the Person, Including Freedom from:  
[...] d. Arbitrary Arrest or Detention  
[...] Arbitrary Arrest:  
[...] There were occasional reports, particularly from rural areas, that security forces detained and interrogated the parents, spouses, or siblings **of individuals who evaded national service or fled the country** [...]

Two of the public sources referenced in this paragraph do not in themselves seem to indicate an existing practice that family members are usually released from detention once the offender has left the country. This would imply that the two anonymous sources made a statement about this. For reasons of transparency it would have been preferable to make clear which information was derived from which source. Moreover, the EASO COI Methodology report states that there is a strong need to corroborate information "when information stems from anonymous sources" (EASO COI report Methodology page 15).

With regards to the interviewed sources, it would have been useful here if the full transcripts had been provided (where possible) as would be a clear note outlining where there was convergence or not between the answers and by whom. This would be closer in line with EASO's own COI methodology, which highlights the need to corroborate information, particularly "when information stems from anonymous sources".<sup>3</sup>

3 EASO, [Country of Origin Information Report Methodology](#), June 2019, 3.1.3. Selection and validation of information, p.15

### 3.3.2. Illegal exit to Ethiopia

Sub-section 3.3.2 *Illegal exit to Ethiopia* contains a brief reference to the temporary lifting of the requirement of an exit visa to leave Eritrea [emphasis added]:

[EASO Country of Origin Information Report on Eritrea National service, exit and return, September 2019](#)

[...] 3.3.2. Illegal exit to Ethiopia

[...] After the formal opening of the border in September 2018, **crossing the border legally became possible** even without exit visa or other travel documents (see Chapter 3.2.3.) [...]

The way this sentence is phrased using the word “legally”, could be read to imply that exit visa requirements were **formally** lifted from September 2018, which was not the case. It was a **de facto** lifting of the exit visa requirements; formally the requirements were still in place. Although this becomes clear in other sections, it is important that it is also formulated in a precise way in this section about illegal exit.

The following paragraph taken from the EASO Eritrea report describes the *modus operandi* for Eritreans leaving their country illegally in the first half of 2019:

[EASO Country of Origin Information Report on Eritrea National service, exit and return, September 2019](#)

[...] 3.3.2. Illegal exit to Ethiopia

[...] The most common *modus operandi* in the first half of 2019 was to travel by bus to a town close to the border such as Serha, Tsorona or Adi Kuala, and then to continue on foot. Most popular is the Serha/Zalambessa crossing. Buses and private vehicles travel all the way from Asmara to Serha. From there, migrants, smugglers and other travellers continue on foot, avoiding the checkpoint at the road border crossing. After a short walk, they reach the bus stop in Zalambessa on the Ethiopian side, with onward connections to Adigrat and Mekelle [...]

It would have been useful to include information about routes and tactics used by Eritreans prior to the Eritrean-Ethiopian peace agreement. As this report is used by member states to consider asylum applications, it is worth noting that the Eritreans who currently request for asylum in Europe have usually left Eritrea in the previous years.

The sub-section 3.3.2 *Illegal exit to Ethiopia* also contained information derived from social media; in this case three Twitter accounts [emphasis added]:

[EASO Country of Origin Information Report on Eritrea National service, exit and return, September 2019](#)

[...] 3.3.2. Illegal exit to Ethiopia

[...] In August 2019, **social media entries claimed** Eritrea had moved troops to the Serha/Zalambessa border crossing in order to stop the outflow of migrants. Persons crossing have reportedly been detained.<sup>386</sup> **There is no independent confirmation of this information and neither an indication whether this is a temporary or permanent measure** [...]

386 Asmara Standard [Twitter], posted on: 19 August 2019, url; Selam Kidane [Twitter], posted on 19 August 2019, url; Eminetti [Twitter], posted on 19 August 2019, url [...]

In country situations like Eritrea where little public information is available, the use of social media sources next to more 'traditional' sources is welcomed. Yet, it would have been useful to include some further information (if possible and where available) on the three Twitter sources and how they self-identify on their profile to assist in any source assessment. For example, '[Asmara Standard](#)' states "We Demand Constitutional Government For Eritrea! Peace & Prosperity 4 Eritrea!" and does not include a location; '[Selam Kidane](#)' notes "...human rights activists: because I am only human" and puts "London UK" as her location; whilst '[Eminetti](#)' put "The Sacrifice of EPLF & Founding Vision of PFDJ" as its self-identification tag and also did not include its location.