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## U.S. Department of State

### Eritrea Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

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#### ERITREA

Eritrea became an independent state in May 1993, following a U.N.-supervised referendum in which citizens voted overwhelmingly for independence from Ethiopia. The Eritrean People's Liberation Front (EPLF), which led the 30-year war for independence, has been in control of the country since it defeated Ethiopian army forces in 1991, and its leader, Isaias Afwerki, serves as the President. The EPLF, renamed the People's Front for Democracy and Justice (PFDJ), has outlined an ambitious program for transition to a democratically elected government by 1997. In April 1994, the National Assembly, partly appointed by the PFDJ leadership and partly elected, created a 50-member National Constitution Commission to draft a constitution by mid-1996. The Commission presented a draft to the public in September and debate continued through the end of the year. The draft constitution provides for democratic freedoms, including the rights of free assembly, free speech, and free association.

The Government made a sustained effort to reduce the armed forces, over 95,000 strong by the end of the war for independence, to its current 47,000 strength. The police are generally responsible for maintaining internal security, although the Government may call on the army, the reserves, and demobilized soldiers in times of internal disorder. The army is responsible for external and border security. Since 1993 the army has been forced to deal with the Eritrean Islamic Jihad (EIJ), a small, Sudan-based insurgent group that has mounted sporadic terrorist attacks in western Eritrea.

Eritrea underwent a transition from a centrally planned economy introduced by the former Ethiopian military dictatorship to a free-market economy introduced through the recent privatization of state-owned enterprises and liberalization of investment and trade. The economy is largely based on

subsistence agriculture, with over 70 percent of the population of 3.6 million involved in farming and herding. The small industrial sector consists mainly of light industries with outmoded technologies. International economic assistance accounts for a significant portion of external revenues. The country is extremely poor, with an annual per capita income of less than \$150.

The Government continued to enjoy strong public support and generally respected the rights of its citizens with the exception of Jehovah's Witnesses. Because of their refusal to vote or to participate in certain aspects of national service for religious reasons, the Government has imposed economic, employment, and travel restrictions on all Jehovah's Witnesses. A government proclamation issued in May requires that all private and nongovernmental organizations (NGO's) hire those who have completed their national service tour, demonstrating the Government's resolve to establish a national service program as a legal obligation of all citizens regardless of their religious beliefs. The Government has yet to permit prison visits, and an unknown number of persons suspected of association with the Ethiopian Mengistu regime, radical Islamic elements, or terrorists organizations remain in detention. The undeveloped judicial system limits the provision of speedy trials. There are no domestic human rights organizations. Despite the Government's efforts to support rights of women, they generally have a lower status than men, and female genital mutilation (FGM) remains widespread.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for Integrity of the Person, Including Freedom from:**

#### **a. Political and Extrajudicial Killing**

There were no reports of political or other extrajudicial killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The Ethiopian Penal Code, as modified by the transitional Penal Code of Eritrea, prohibits torture, and there were no reports that the authorities employed it.

Prison conditions are Spartan but generally not inhuman. The Government does not permit prisoners to correspond with family and friends and restricts visitation privileges. There were no confirmed reports that prisoners were beaten or may have died due to lack of proper medical care. The Government does not permit independent monitoring of conditions in detention facilities.

#### **d. Arbitrary Arrest, Detention, or Exile**

The Penal Code stipulates that detainees may be held for a maximum of 30 days without being charged with a crime. In practice, the authorities sometimes hold persons suspected of crimes for much longer periods. In May 1995, on the second anniversary of independence, the Government pardoned and released 91 detainees who had been held for up to 4 years for collaboration with the Mengistu regime. An unknown number of additional suspected collaborators remain in detention without charge, despite a statement by President Isaias in September 1995 that their cases would be dealt with soon. An unspecified number of persons associated with radical Islamic elements or suspected terrorist organizations also remained in detention without charge. There were unconfirmed reports that the

Government arbitrarily detained several Eritrean Liberation Front (ELF) members.

The Government does not use exile as a means of political control.

e. Denial of a Fair Public Trial

The judiciary is independent, and there were no known incidents of executive interference in the judicial process over the past year. The undeveloped judicial system, however, suffers from a lack of trained personnel, resources, and infrastructure that in practice limits the State's ability to grant accused persons a speedy trial. At independence Eritrea chose to retain the Ethiopian legal system based on the Napoleonic Code, until the new constitution is promulgated, which is expected in late 1997. Under this Code, simple crimes are brought to the lower court and are heard by a single judge. Serious crimes are tried publicly by a panel of three judges, and defendants have access to legal counsel, usually at their own expense. Although there is no formal public defender's office, the Government has successfully requested that attorneys work without fee to represent defendants accused of serious crimes who are unable to afford legal counsel. Defendants may appeal verdicts to the Appellate Court,