RESPONSES TO INFORMATION REQUESTS (RIRs)

28 February 2007

ERI102026.E

Eritrea: Military service, including age of recruitment, length of service, grounds for exemption, penalties for desertion from and evasion of military service and availability of alternative service (2005 - 2006)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Amnesty International (AI) has written extensively on military service in Eritrea (AI 21 Dec. 2006; ibid. Dec. 2005, 15-17; ibid. 28 July 2005; ibid. May 2004 22-27). With respect to the nature of military service, age of recruitment and length of service, a December 2005 AI report notes that

> [u]nder the national service regulations of 23 October 1995, national service of six months' military training and 12 months' development service (such as labour on construction projects) is compulsory for all Eritrean citizens aged between 18 and 40 years, male and female. In late 2004 the upper age limit for female conscription was reportedly reduced to 27 years. There are also military reserve duties between the ages of 40 and 50 for former EPLF [Eritrean People's Liberation Front] veterans and former conscripts. National service has been made more military in nature and extended indefinitely as a result of the failure of the border demarcation process and corresponding fears of renewed armed conflict with Ethiopia. (AI Dec. 2005, 15; see also HRW Jan. 2007; ibid. 18 Jan 2006; US 8 Mar. 2006, Sec. 6.c)

With respect to exemptions from military service, the same AI report notes that

> [t]here is no exemption for conscientious objectors, whether on account of a principle of religious faith or other conscientious belief or opinion. Jehova's Witnesses refuse military service for reasons of their faith.... [and] Jehovah's Witnesses who have been conscripted ... are detained indefinitely without any judicial process. (AI Dec. 2005, 15; US 8 Mar. 2006, Sec. 2.c)

> Exemptions from national service include provisions for the disabled, for mothers while they are breast-feeding, on medical grounds, and for a family to retain a young person to remain to help at home when all other siblings have been conscripted. In Muslim areas in the east, female recruitment is said to have ceased on account of substantial opposition on grounds of customary and religious beliefs. (AI Dec. 2005, 15)

A February 2006 news article published by *Awate.com*, an online news site maintained by Eritrean political opposition expatriates in the United States (US), reports that the government requires persons previously granted exemptions for medical reasons, athletes and students previously permitted to participate in sports, as well as previously demobilized soldiers, to re-register for national service (*Awate.com* 23 Feb. 2006). There is no alternate form of national service for conscientious objectors (US 8 Mar. 2006, Sec. 2.c).

With respect to the transition from high school to national service, AI explains that

> [n]ational service is postponed for students, who must perform national service after their course. Graduation certificates are only presented on completion of national service. In addition, final year (11th grade) school students and all higher education students are required to do two to three months' summer vacation work service under military control. In 2003, an extra final school year (12th grade) was added for all children to be undertaken at Sawa military training centre under military authority and including military-type training. They are then selected for higher education or conscripted into the army. (AI Dec. 2005, 16)

AI reports that many young people avoid conscription by escaping the country and also that there is a "high rate of defection from national service, despite the risks of being caught and severely punished" among those within the military (ibid., 15). To prevent young people from avoiding the draft, the government requires youth who are 17 years old to register for national service for the following year and refuses them exit-permits to leave the country (ibid., 15).

> *Awate.com* reports that a government decree issued in January 2007 bars parents from visiting their children at the Sawa high school military camp (AI 28 July 2005), as well as from sending them cash or food (*Awate.com* 19 Jan. 2007). Although the decree's stated purpose is to help students focus on their

exams, the *Awate.com* news article says that the decree is really a government attempt to "stem the flow of escapees" from the school (ibid.).

Conscription

The government's method of conscription includes "round-ups" (AI 21 Dec. 2006; ibid 28 July 2005; ibid. May 2004, 25), which are known as *giffa* and involve house and workplace searches as well as road blocks (ibid.). These round-ups are reportedly conducted by the police (ibid.) and the military and are enabled by the collaboration of local zone (known as *zoba*) officials (*Awate.com* 7 Dec. 2006).

A February 2006 round-up in the Anseba region included a sweep of all high schools in the region (ibid. 23 Feb. 2006). All students in grades 10 and 11 who were 17 years or older were put on waiting buses and sent to a remote military location in Wia, in the north of the country (ibid.). The London-based organization Eritreans for Human and Democratic Rights reports that a year earlier, in 2005, 161 Eritrean youth were killed, allegedly on direct orders of the President, while trying to escape from the Wia "detention camp" (EHDR-UK 29 July 2005). A second February 2006 round-up reportedly took place in the Northern Red Sea Region of Eritrea (*Awate.com* 23 Feb. 2006). Information about whether the round-ups continued throughout the rest of the country as anticipated by *Awate.com* (ibid.) could not be found among the sources consulted by the Research Directorate.

In July 2005 and again in December 2006, the Eritrean government arrested and held hundreds of the parents and family members of young draft evaders and deserters without charge as a form of "collective punishment" (AI 21 Dec. 2006; ibid. 28 July 2005; Asmarino Independent 16 Dec. 2006; *Awate.com* 7 Dec. 2006; HRW Jan. 2007). These arrests reportedly took place in the southern Debub region (AI 28 July 2005; ibid. Dec. 2005, 16; EHDR-UK 22 July 2005), in Tsaida Kristiyan to the west of Asmara (*Awate.com* 7 Dec. 2006), in the region of Asmara (AI 21 Dec. 2006) and in the capital city itself (Asmarino Independent 16 Dec. 2006). The authorities pressured the relatives to either produce the missing conscript or pay a fine of between USD 660 and USD3,500 (AI 21 Dec. 2006; ibid. Dec. 2005, 16; HRW Jan. 2007). Those unable to do so were to be forced to serve in the army for six months in place of the missing relative (AI 21 Dec. 2006). Human Rights Watch (HRW) notes that, according to the World Bank, the average annual income in Eritrea is around USD 220 (Jan. 2007).

Penalties for desertion from and evasion of military service

The 1957 Ethiopian penal code, which, according to AI, was adopted by Eritrea at independence (AI May 2004, 23), and, according to the British embassy in Asmara, was still in force in July 2003 (UK 1 Dec. 2006, para. 23.03), details various penalties for desertion from and evasion of military service (Eritrea July 1957). For example, penalties for "refusal to perform military service," "failure to enlist," "intentional provocation of unfitness" and "fraudulent evasion of service" range from "simple imprisonment" for six months to "rigorous imprisonment" for up to fifteen years (ibid., Art. 296-299). Penalties for desertion range from five years of "rigorous imprisonment" to the death penalty (ibid., Art. 300).

The US Department of State notes that the government authorizes the use of lethal force against anyone "resisting or attempting to flee during military searches for deserters and draft evaders," and that deaths were reported throughout 2005 (US 8 Mar. 2006, Sec. 1.a). Human Rights Watch reports that persons detained for evading national service are often "held incommunicado indefinitely without formal charge" (HRW Jan. 2007). Prison conditions are reportedly harsh and include overcrowding, extreme temperatures, solitary confinement, the absence of sanitation, "starvation rations," hard labour and mental abuse (ibid.; see also US 8 Mar. 2006, Sec. 1.c).

Both AI and the US Department of State note that there have been reports of sexual[I1] violence perpetrated against female conscripts (AI May 2004, 26; US 8 Mar. 2006, Sec. 1.c), including rape, sex under threat of harsh military duty or denial of leave and, in some cases, coercion amounting to sexual slavery (AI May 2004, 26; see also WRI n.d., 10). Impregnated women are generally returned to their families where, in the absence of a legitimate father, they are subject to "extreme social dishonour" within the community (AI May 2004, 26).

Draft evaders are reported to be "frequently tortured" (HRW 18 Jan. 2006; ibid. Jan 2007; AI May 2004, 2), while conscientious objectors face "extreme physical punishment" as a means of forcing them to perform their service (US 8 Mar. 2006, Sec. 2.c). As a result, three courts ruling on immigration issues - an appellate court in the United States, the European Court of Human Rights and the United Kingdom Immigration Appeal Tribunal - have each granted asylum to Eritreans escaping conscription "on the grounds that national service is used as a measure of political repression and that anyone forcibly returned to Eritrea is likely to be tortured" (HRW 18 Jan. 2006; see also European Court of Human Rights Aug. 2005, Art. 3).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: The Embassy of Eritrea in Ottawa and the Embassy of Eritrea in Washington did not provide information to the Research Directorate within the time constraints of this Response.

Internet sites, including: Coalition to Stop the Use of Child Soldiers; Eritrean Anti-militarism Initative; Office of the United Nations (UN) High Commissioner for Human Rights; ReliefWeb; UN Integrated Regional Information Networks (IRIN); U.S. Committee for Refugees and Immigrants (USCRI).

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