

## Query response

### **Eritrea: Reactions towards returned asylum seekers**

Translation provided by UK Home Office.

- How do Eritrean authorities perceive an application for asylum in itself?
- Has an application for asylum in itself led to reactions from Eritrean authorities?

#### **Comment on sources**

This response is partly based on information retrieved during Landinfo's fact finding mission to Eritrea in January and February 2016.<sup>1</sup> All the sources Landinfo met in Eritrea have been anonymized for security reasons, as they fear reprisals from the Government or that their work will be made harder if their full identity is known. The sources are assessed as professionally experienced and credible by Landinfo.

Because access to primary sources and relevant information on a variety of subjects is limited, obtaining information in Eritrea is challenging. Landinfo is aware that there may be cases where information is the result of so called round-tripping; secondary sources citing each other rather than the original source. False confirmations – as when multiple sources say the same thing which apparently confirms a situation, while they are in fact referring to one and the same source – can also occur. Such methodological challenges are largely due to the fact that international sources in Eritrea are barely independent of each other. The international community in the country is limited. None of the representatives Landinfo has met over the years have tried to conceal that the bulk of information provided is not fact-based, but rather points of view and to some extent speculations.

In accordance with our mandate, Landinfo does not perform risk assessments as to what *can* happen to an individual asylum seeker or a group of asylum seekers upon return. Landinfo communicates facts (that is, knowledge of what has happened) and analysis based on empirical data and source analysis. At the same time, our products and statements include

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<sup>1</sup> In addition to Asmara, Landinfo visited the towns Mendefera, Barentu and Keren Tesseney in 2016. Interviews were only conducted in Asmara.

assessments by other experts and sources, who, in a number of cases, offer forecasts of what *in their view* could occur to asylum seekers upon return. This is also the case in the present query response. With regard to this response, however, it is important to point out that the empirical base for these opinions is limited.

## Background

Amnesty International claims that submitting an asylum application in itself is perceived as criticism of the government and that Eritrean authorities may react with sanctioning returned asylum seekers:

*Testimonies of returned asylum-seekers indicate that the act of claiming asylum is perceived by the authorities as involving a criticism of the government and – as with all other forms of dissent – is therefore not tolerated. Forcibly-returned asylum-seekers interviewed by Amnesty International were tortured both as a form of punishment for perceived criticism of the government, and for the purposes of interrogation. According to accounts given by escaped detainees, Eritrean security officials were particularly interested in how asylum seekers fled the country, who assisted them, and what they said against the Eritrean government during their asylum application process. Returnees have reported that under torture, or threat of torture, they were forced to state that they have committed treason by falsely claiming persecution in asylum applications (Amnesty International 2013, p. 30).*

Amnesty International's report is based on a series of interviews with Eritrean refugees and asylum seekers in African and European countries.<sup>2</sup> Eritrean activists and journalists in exile, aid workers and former diplomats in Eritrea have also been interviewed.<sup>3</sup> It should be noted that Amnesty International does not define what is meant by the phrase "act of claiming asylum" (asylum application in itself).

Amnesty International has also in a previous statement claimed that Eritrean authorities regard seeking asylum as treason: "Seeking asylum abroad is considered by the Eritrean government to be an act of treason" (Amnesty International 2012).

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<sup>2</sup> Amnesty was refused a visa in 2002 and Human Rights Watch in 2003. Neither organization have been in the country since then (Freedom House 2012).

<sup>3</sup> On sources, Amnesty International writes as follows: "...this report is based on interviews with Eritrean refugees and asylum-seekers in other countries, including family members of prisoners of conscience and political prisoners. Between 2010 and 2013, Amnesty International conducted over 40 interviews with refugees and asylum-seekers in countries including, inter alia, Egypt, Germany, Israel, Kenya, the Netherlands, Russia, Saudi Arabia, Sweden, Uganda, and the UK. These interviews took place face to face or on the telephone. Further information included in this report came from Eritrean activists and journalists in exile, humanitarian workers and diplomats formerly based in Eritrea, and partner organizations working on Eritrea, including religious-based organizations and press freedom organizations. Research for this report also draws on media reports and reflects information contained in 20 years of Amnesty International's public documents covering Eritrea" (Amnesty International 2013, p. 8).

## Reactions from Eritrean authorities upon return

There is very little empirical data on the topic, and it is very difficult to find reliable and verifiable information on which reactions returned asylum seekers are exposed to upon return.<sup>4</sup> This is corroborated by British authorities, amongst others, who also note that there is limited evidence with respect to how Eritrean returnee asylum seekers are treated (UK Home Office Border Agency 2012, p. 142).

Key sources such as Eritrea expert Gaim Kibreab (Landinfo 2013) cannot give specific examples of what has happened with returned asylum seekers.<sup>5</sup> Nor did the sources that Landinfo met in Asmara (source A and E, interviews in January/February 2016) know of reactions against returning Eritreans. Source A added that the person did not know of any cases where persons had been punished for having sought asylum in another country. Another source (source B, interview in Asmara in January/February 2016) believed that leaving the country illegally or deserting was treason,<sup>6</sup> but the source did not know, or have specific examples, of reactions from the authorities against deported persons or persons who had voluntarily returned.<sup>7</sup>

Landinfo comments that most Eritrean asylum seekers have left the country without exit visas and the majority have deserted from or evaded national service.<sup>8</sup> In Landinfo's opinion it would be very difficult to identify reactions from the authorities caused exclusively by an application for asylum *in itself*, because of the insufficient empirical basis.

## How do Eritrean authorities perceive an application for asylum in itself?

Since independence in 1993, Eritrea has gradually developed an authoritarian and repressive governance under which an unknown number of critics of the regime and others are imprisoned. The government is very mindful of criticism about human rights violations and statements that can be perceived as a threat to the regime, and are aware that most persons who leave the country are seeking asylum and that the applications can contain critical remarks about their home country.

Additionally, there are a number of examples of Eritrean asylum seekers who have been granted asylum (or residence permit) and who return to Eritrea, for example, for a visit or

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<sup>4</sup> See also Landinfo' report *Eritrea: National Service* (Landinfo 2016).

<sup>5</sup> See also Landinfo's query response *Eritrea: Political activity in exile* (Landinfo 2010).

<sup>6</sup> Migrationsverket (2013, p. 2) and UK Home Office (2015, p. 5) refer to sources that say that to leave the country illegally or to abandon it can be viewed as treason.

<sup>7</sup> The sources have not come across persons who have returned to Eritrea and have been met with reactions from the authorities. Few people have been sent home forcibly in recent years, and Eritreans who return home voluntarily probably do not experience reactions from the authorities.

<sup>8</sup> Many people leave Eritrea illegally every month, but the exact number is uncertain. According to UNHCR between 3000 and 5000 Eritreans leave the country each month (UNHCR 2014). Ethiopia received on average 2500 Eritreans each month in 2015. Some months the figure rose to 5000 (source F, interview in Ethiopia in September 2015).

holiday. These Eritrean exiles have probably restored their relations with the authorities by signing a so-called repentance letter,<sup>9</sup> by paying the “two per cent tax”<sup>10</sup> and by not participating in activities critical of the government (international representatives and diplomatic sources, interviews in Asmara in 2013 and 2015). This information was confirmed by sources Landinfo talked to in Asmara in January/February 2016. Representatives of the Directorate of Immigration (interview in Asmara January/February 2016) claimed that Eritreans who have remained in exile for three years or more are considered “diaspora Eritreans”, which means they do not have national commitments, such as completing national service. Whether the departure was illegal or not, was, according to the Directorate of Immigration, not essential. They can return home on holiday and visit and be able to stay in Eritrea for up to one year without losing their diaspora status.

Some other sources claim that an asylum application can be understood as criticism of the country’s government and its policies. According to UNHCR in Khartoum (as cited by Migrationsverket 2013a, p. 2), the government of Eritrea regards an application for asylum as a political action, probably on a par with other political actions.<sup>11</sup>

Historian and anthropologist Dr. Gunther Schröder<sup>12</sup> (email of June 2013) has claimed to Landinfo that the Eritrean authorities “[...] most definitely consider asking asylum as a hostile act against the Eritrean nation which must be punished accordingly.”

Landinfo believes that these views must be considered in light of the available evidence on returned asylum seekers.

### **Has an application for asylum in itself led to reactions from Eritrean authorities?**

The available evidence on the issue is limited and to some extent out of date: In 2002, 220 Eritreans with rejected asylum applications were expelled from Malta and extradited to Eritrea. All were arrested after arriving in Eritrea and taken to the military camp in Adi Abeto. In the spring of 2004, many of them were still imprisoned and had no contact with the outside world, and many had allegedly been tortured (Amnesty International 2004, p. 30). In July 2004, 109 Eritrean asylum seekers were expelled from Libya, extradited to Eritrea and imprisoned. The same year 75 Eritreans who were being deported from Libya to Eritrea hijacked a plane (Osman 2004). From fear of imprisonment and torture they forced the crew to fly to Sudan. According to Human Rights Watch (HRW 2009, p. 68) up to 1200 Eritreans

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<sup>9</sup> See Landinfo response Eritrea: Immigration and Citizen Services request form - "repentance letter" (Landinfo 2014).

<sup>10</sup> Eritreans in the diaspora are required by the Eritrean authorities to pay a two percent tax on their gross salary if they need consular assistance. This tax, which in tigrinya is called "Gibri Mehwey" (Rehabilitation and development), was introduced in 1994 (Ministry of Foreign Affairs of the State of Eritrea 2011, p. 26).

<sup>11</sup> According to Migrationsverket (2013b) evading national service or deserting is regarded as a political action by the Eritrean authorities. A person who deserts or evades national service is considered, therefore, to be an opponent of the regime and seen as a traitor and threat.

<sup>12</sup> Dr. Günther Schröder has worked on Eritrean politics and history for many years, and has very good contacts with parts of the Eritrean diaspora and with communities in Eritrea.

whose asylum applications were rejected, were extradited from Egypt in June 2008. In December 2008 at least 740 of them were still kept in a military prison. There were also deportations in 2009 and 2011 from Egypt, but no one has been able to track or monitor their situation after their return (international representatives and diplomatic sources, interviews in Asmara in January 2015).

Allegations about the return of Eritrean asylum seekers from Israel to Eritrea in 2015 are also very uncertain. Source B (interview January/February 2016) claimed that they were probably mainly sent to other African countries (such as Uganda and Rwanda),<sup>13</sup> and if any returned to Eritrea they are probably in camps (the source used the term “camps” without giving a closer definition of what he meant by the term). The source did not have any information about which camps or the location of the camps.

Dr. Gunther Schroeder (email of June 2013) has claimed that Eritreans who return after having committed a crime, in this case by having applied for asylum, will be vetted by the National Security Office in Asmara on returning home and probably punished.

Senior Advisor at the International Law and Policy Institute in Oslo, Dr. Daniel R. Menkonnen, told Landinfo (email of November 2013) that he agreed with the assessments of Amnesty International that the Eritrean authorities could react by sanctioning returned asylum seekers:

*[...] the observation of Amnesty International is accurate. It tells a widespread practice of the Eritrean government. I know several case studies which correspond with the assertions made by Amnesty International.*

Dr. Menkonnen has not, however, described the empirical basis (case studies) he is referring to.

The views of Dr. Schroeder and Dr. Menkonnen are in compliance with the UN Special Rapporteur Sheila B. Keetharuth, who writes in her report to the UN general Assembly that:

*Eritrean nationals who are repatriated after a failed refugee or asylum application usually disappear on their return (UN Special Rapporteur 2013, p. 10).*<sup>14</sup>

The UN Special Rapporteur does not indicate which countries have supposedly repatriated Eritrean asylum seekers. The quotation also does not say explicitly that it is the asylum application as such that can cause the asylum seeker to disappear after return to Eritrea.

Anthropologist David Bozzini<sup>15</sup> for his part has stated that there is great variation in responses to Eritrean returnees who have sought asylum and that it is difficult to know how the Eritrean authorities will respond:

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<sup>13</sup> Several sources claim that Israel has sent Eritreans back to “third countries”, in particular, to Uganda and Rwanda (BBC 2016, Kagire 2015).

<sup>14</sup> The Special Rapporteur has not been given an entry permit to Eritrea and bases her information primarily on interviews with Eritreans in the diaspora.

<sup>15</sup> David Bozzini did field work in Eritrea in 2003 and 2005-2007. He has since worked on Eritrea and Eritrean affairs.

*[...] from nothing to torture and indefinite detention [...] I know several people who have been deported back from Sudan in Eritrea and these people are in jail for many months now. [...] I know there are various situation people face. [...] there is no security that people who return in Eritrea will be safe. [L]ack of accountability from the state will never ensure that we know how people are treated (Bozzini, email of July 2013).*

Eritrea expert Gaim Kibreab, as already noted above, has stated that Eritreans who leave the country illegally are likely to be exposed to reprisals, but has no concrete examples of that having happened (Landinfo 2013).<sup>16</sup>

The British government states that it is not sure how the Eritrean authorities will react and that some returning asylum seekers have not been met with reactions upon return:

*This is a grey area as there is little experience of failed asylum seekers returning to Eritrea. However, the Eritrean authorities tell us that if they return and have not committed a criminal offence, no action would be taken. But we have to put this into context. It is an offence to leave the country illegally, so returnees would be liable to detention and questioning. Some have been released without further action but those who have not undertaken military service could be sent to a military training camp (UK Home Office 2012, p. 142).*

## **Summary**

In Landinfo's experience, it is difficult to retrieve reliable and verifiable information about what has actually happened and how Eritrea has reacted when asylum seekers are sent back or return home to Eritrea. We do not have empirical basis to say that an application for asylum in itself will lead to reactions from Eritrean authorities. On the contrary sources Landinfo talked to in Eritrea in January/February 2016, who had never met any returnees, claimed that they did not know of specific reactions or that an application for asylum in itself had led to reactions from the Eritrean authorities.

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<sup>16</sup> See also the Landinfo response Eritrea: Political activity in exile (Landinfo 2010).

## About Landinfo's Query responses

The Norwegian Country of Origin Information Centre, Landinfo, is an independent body within the Norwegian Immigration Authorities. Landinfo provides country of origin information (COI) to the Norwegian Directorate of Immigration (Utlendingsdirektoratet – UDI), the Immigration Appeals Board (Utlendingsnemnda – UNE) and the Norwegian Ministry of Justice and Public Security.

Query responses produced by Landinfo are based on information from carefully selected sources. The information is researched and evaluated in accordance with [common methodology for processing of COI](#) and [Landinfo's internal guidelines on source and information analysis](#).

Responses provide brief answers to queries from the Directorate or Appeal's Board. They are written within time constraints and do not provide exhaustive overviews of topics or themes.

Country of origin information presented in Landinfo's Query responses does not contain policy recommendations nor does it reflect official Norwegian views.

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