



Inter-Parliamentary Union
For democracy. For everyone.

Eritrea

Decision adopted unanimously by the IPU Governing Council at its 210th session (Kigali, 15 October 2022)



Aster Fissehatsion and Mahmoud Ahmed Sheriffo © Photo courtesy/Ibrahim (Ibu) Mahmoud Ahmed

- ERI/01 - Ogbe Abraha
- ERI/02 - Aster Fissehatsion
- ERI/03 - Berhane Gebregziabeher
- ERI/04 - Beraki Gebreselassie
- ERI/05 - Hamad Hamid Hamad
- ERI/06 - Saleh Kekiya
- ERI/07 - Germano Nati
- ERI/08 - Estifanos Seyoum
- ERI/09 - Mahmoud Ahmed Sheriffo
- ERI/10 - Petros Solomon
- ERI/11 - Haile Woldetensae

Alleged human rights violations

- ✓ Murder
- ✓ Enforced disappearance
- ✓ Torture, ill-treatment and other acts of violence
- ✓ Arbitrary arrest and detention
- ✓ Inhuman conditions of detention – including denial of adequate medical care
- ✓ Violation of freedom of opinion and expression
- ✓ Impunity
- ✓ Other: crimes against humanity

A. Summary of the case

There has been no official information about the fate of the 11 parliamentarians concerned, as they were detained incommunicado on 18 September 2001 under accusations of conspiracy and attempting to overthrow the legal government

Case ERI-COLL-01

Eritrea: Parliament not affiliated to the IPU

Victims: 11 opposition members of the National Assembly of Eritrea; 10 men and 1 woman

Qualified complainant(s): Section I.(1)(a) and (d) of the Committee Procedure (Annex I)

Submission of complaints: September 2002 and 2013

Recent IPU decision: March 2021

IPU Mission(s): - - -

Recent Committee hearings: Hearing with the United Nations (UN) Special Rapporteur on the human rights situation in Eritrea (Kigali, October 2022)

Recent follow-up:

- Communication(s) from the authorities: - - -
- Communication from the complainants: January 2021
- Communication to the authorities: Letter to the President and Speaker of the National Assembly (September 2022)
- Communication to the complainants: September 2022

after publishing an open letter in support of democracy. They have never been formally charged before a court. Their parliamentary mandates were revoked in 2002 by the National Assembly, which has not reconvened since then.

Since their disappearance, there have been sporadic reports by former prison guards who had sought asylum abroad alleging that the 11 parliamentarians were submitted to torture, ill-treatment and inhumane conditions of detention and denied medical care. It is feared that the 11 members of parliament may no longer be alive.

In November 2003, upon examination of a complaint concerning their situation, the African Commission on Human and Peoples' Rights found that the State of Eritrea had violated the right to liberty and security of person, the right to a fair trial and the right to freedom of expression. It urged the State of Eritrea to order their immediate release and to pay them compensation. This decision was ignored by the authorities.

In June 2016, a Commission of Inquiry on Human Rights in Eritrea mandated by the United Nations (UN) Human Rights Council referred to the disappeared parliamentarians and other similar cases and found that it had reasonable grounds to believe that these violations constitute crimes against humanity. In the absence of institutional reform that would allow for accountability, it recommended that the matter be referred to the Prosecutor of the International Criminal Court and urged all States to exercise their obligation to prosecute or extradite any individual suspected of these crimes present in their territory.

In her report of 11 May 2020, the then UN Special Rapporteur on the human rights situation in Eritrea once again urged the authorities to reinstate the National Assembly as a critical step towards the restoration of the rule of law. She reiterated her concern about the "use of the practices of indefinite and arbitrary detention and enforced disappearance to suppress dissent, punish perceived opponents and restrict civil liberties" and mentioned reports of scores of people continuing to disappear in the Eritrean prison system, where "basic due process rights are not guaranteed [and] many are not allowed access to legal counsel, judicial review, family visits or medical attention". She specifically recalled that the 11 parliamentarians – known as the G11 – have been held incommunicado since September 2001, adding that the authorities have provided no information about their fate and have not complied with the decisions of the African Commission on Human and Peoples' Rights.

In his 2021 oral update to the Human Rights Council, the new Special Rapporteur echoed these statements and added that he saw no progress in the situation. He added that it was difficult to speak of progress in Eritrea while the cases remain unresolved and that the "practice of arbitrary and incommunicado detentions in Eritrea has a serious impact on the life of many Eritreans". The Government of Eritrea has denied the findings and refused to cooperate. The Eritrean authorities have not responded to IPU communications for years. On 10 October 2022, the IPU Committee held a hearing with the Special Rapporteur, who called on the IPU to urge its members to exert pressure on the authorities and to renew the call made by the UN Commission of Inquiry on Human Rights in Eritrea to prosecute those responsible, through the Prosecutor of the International Criminal Court or under the principle of universal jurisdiction.

In September 2022, the Secretary General wrote to the Permanent Mission of Eritrea to the United Nations Office and other international organizations in Geneva on several occasions to request a meeting in order to discuss this case. The Permanent Mission has not responded to these requests.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Strongly condemns* the continued and utter contempt of the authorities of Eritrea for the most fundamental human rights of the 11 disappeared parliamentarians for having exercised their parliamentary mandate and their right to freedom of expression in calling for the establishment of a democratically elected parliament; *recalls* that, in light of the consistent jurisprudence of the Committee on the Human Rights of Parliamentarians, the national authorities are under a duty to spare no effort to shed light on the fate of disappeared parliamentarians through diligent investigations, as failure to abide by this duty has systematically been interpreted as the Government's responsibility in the disappearance; and *stresses*, in addition, the legitimate right of the relatives of the victims to know about the fate of their loved ones and to receive adequate compensation;

2. *Strongly disapproves* of the absolute impunity that reigns in this case and the persistent refusal of the authorities to engage with the IPU, the United Nations (UN) Working Group on Enforced or Involuntary Disappearances, the UN Human Rights Council's Commission of Inquiry on Human Rights in Eritrea, the UN Special Rapporteur on the human rights situation in Eritrea, the African Commission for Human and Peoples' Rights, and all other international human rights mechanisms that spoke out on this case;
3. *Emphasizes* that impunity, by shielding those responsible from judicial action and accountability, decisively encourages the perpetration of further serious human rights violations and that attacks against the life and personal integrity of members of parliament, when left unpunished, violate the fundamental rights of individual parliamentarians and of those they represent – even more so when leading figures of parliament are targeted in the context of a broader pattern of repression, as in the present case; and *stresses* that, as defined in article 7 of the Rome Statute of the International Criminal Court, the widespread and systematic practice of enforced disappearance, imprisonment and torture constitute a crime against humanity;
4. *Concurs*, in light of the elements at its disposal, with the findings of the UN Commission of Inquiry on Human Rights in Eritrea in its report of 8 June 2016 that the enforced disappearance of the 11 parliamentarians with the involvement of the Eritrean authorities amounts to a crime against humanity and that, given the unlikely prospect of proving accountability in Eritrea, other countries could exercise jurisdiction over Eritreans accused of crimes against humanity, in accordance with the principle of universal jurisdiction, as could the International Criminal Court, if the Security Council were to refer this situation to the Court; *calls on* all IPU Members, therefore, to prompt the relevant authorities of their respective States to exercise their jurisdiction by prosecuting any individual responsible for this crime against humanity if they are present in their territory, in keeping with the principles reflected in the Preamble to the Rome Statute of the International Criminal Court;
5. *Renews its call on* all national parliaments, in particular members of the IPU African Group, and IPU observers, in particular the Pan-African Parliament, to take concrete actions in the resolution of this case, including by making representations to the diplomatic missions of Eritrea in their countries and raising the case publicly, including within the UN Human Rights Council; *hopes* to be able to rely on the assistance of all relevant regional and international organizations, including the African Union, to ensure that justice is done in this case; and *calls on* all IPU Members and observers to support the mandate of the UN Special Rapporteur on the human rights situation in Eritrea to that end;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.