



Plenary sitting

B9-0315/2020

6.10.2020

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on Eritrea, the case of Dawit Isaak
(2020/2813(RSP))

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on behalf of the S&D Group

B9-0315/2020

**European Parliament resolution on Eritrea, the case of Dawit Isaak
(2020/2813(RSP))**

The European Parliament,

- having regard to its previous resolutions on Eritrea, notably that of 15 September 2011 on Eritrea: the case of Dawit Isaak, of 10 March 2016 on the situation in Eritrea, and of 6 July 2017 on the cases of Abune Antonios and Dawit Isaak (2017/2755(RSP)),
- having regard to the Statement by the HR/VP on the relations between Eritrea and Ethiopia of 21 June 2018,
- having regard to the peace agreement between Ethiopia and Eritrea signed on 9 July 2018,
- having regard to the OHCHR Statement of the Special Rapporteur on the situation of human rights in Eritrea of 30 June 2020,
- having regard to the conclusions of the Foreign Affairs Council meeting of 21 September 2020,
- having regard to the EU Trust Fund for Africa,
- having regard to the National Indicative Programme for Eritrea under the 11th European Development Fund, of 3 February 2016,
- having regard the decision of the African Commission on Human and Peoples' Rights (ACHPR) from 2018 428/12 Dawit Isaak v Republic of Eritrea;¹
- having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to the Constitution of Eritrea adopted in 1997, which guarantees civil liberties, including freedom of religion,
- having regard to the Vienna Convention on Consular Relations, adopted on 24 April 1963, and to which Eritrea is a state party,
- having regard to the African Charter on Human and Peoples' Rights of 1981,
- having regard to the International Covenant on Civil and Political Rights of 1966,
- having regard to the Universal Declaration of Human Rights of 1948,

¹(which demands the immediate release of Dawit Isaak and his colleagues and that they all get released or get access to a fair trial) <https://www.achpr.org/sessions/descions?id=259>

- having regard to Rule 144 of its Rules of Procedure.
- A. whereas Eritrea continues to have one of the worst human rights and media freedom records in the world, with human rights being subject to routine violations; whereas, following the 2018 Peace Agreement with Ethiopia, Eritrea has made some tentative steps towards the improvement of its human rights record;
- B. whereas the Government of Eritrea has undertaken a widespread campaign aimed at maintaining control over the population and restricting fundamental freedoms, under the pretext of defending the integrity of the State; whereas, since gaining independence, Eritrea under Isaias Afewerki has systematically jailed thousands of people for their political views, their work as journalists or practising their religions; whereas enforced disappearances take place on a structural basis; whereas detainees are typically subjected to arbitrary and unlawful arrests and detentions without charge and denied access to lawyers or family visits;
- C. whereas the situation in Eritrea's overcrowded and unsanitary detention centres amounts to cruel and inhuman treatment; whereas these conditions put detainees at increased risk of transmission of COVID-19; whereas access to healthcare, food and sanitation is extremely limited or entirely absent, resulting in detainees' reliance on visitors for basic supplies; whereas prison lockdowns to combat the pandemic have contributed to further malnutrition and corresponding mental and physical ailments; whereas many more are held in shipping containers, where they are subjected to extremely harsh temperature conditions;
- D. whereas Dawit Isaak, a dual citizen of Eritrea and Sweden and therefore a citizen of the European Union, was arrested on 23 September 2001 for publishing an open letter to President Isaias; whereas Mr Dawit was a successful author playwright as well as a journalist and co-owner of the country's first and widely distributed independent print medium, *Setit*, at the time of his arrest; whereas Mr Dawit had returned from Sweden following Eritrea's independence in 1992 to assist in the solidification of the country's fledgling democracy;
- E. whereas, together with Mr Dawit, 11 high-level politicians were arrested for authoring this open letter to President Isaias in which they called on him to respect the constitution by organising free and fair elections and upholding the rule of law; whereas 17 journalists, including Mr Dawit, were arrested for reporting on this letter; whereas the Eritrean government on 18 September 2001 imposed a ban on free and privately owned media in response to the letter's publication and widespread circulation; whereas in November 2005, Dawit Isaak was unexpectedly released from jail, which after only two days of freedom, and while on his way to the hospital, he was imprisoned again and is since then held in an unknown location;² whereas Amnesty International considers Mr Dawit to be a prisoner of conscience;
- F. whereas all 28 detainees, including Mr Dawit, have been held incommunicado at a secret location following their arbitrary arrest and detainment; whereas no formal charges have been presented against either Mr Dawit or any of his fellow detainees; whereas Mr Dawit has not had access to legal counsel or had a case presented against

² <https://www.mothugg.se/2005/03/11/livstecken-fran-dawit/>

him in a court of law; whereas it has been reported that seven of the prisoners have died

- G. whereas Eritrea is bound by its obligations under the Vienna Convention on Diplomatic Relations; whereas Mr Dawit's right to consular assistance has been subject to structural violation; whereas neither the Swedish authorities nor Mr Dawit's family members have been formally informed on, and allowed access to, his location or situation; whereas Mr Dawit is entitled to his full and indivisible rights as a European citizen and a citizen of Sweden;
- H. whereas Dawit Isaak's family, including his three children, have faced huge distress and uncertainty since his disappearance, having little knowledge of their loved one's well-being, whereabouts or future prospects; whereas Mr Dawit's daughter, Ms Betlehem Isaak, continues to advocate for her father's release; whereas Ms Isaak in 2020 confirmed that her father is alive;
- I. whereas Mr Dawit was a 2017 nominee for the European Parliament's Sakharov Prize for Freedom of Thought; whereas Mr Dawit was awarded the UNESCO/Guillermo Cano World Press Freedom Prize in 2017;
- J. whereas the President of Eritrea continues to refuse holding elections and to implement the country's Constitution, despite the latter's ratification in 1997 and the ratification of Eritrea's election law in 2002; whereas the interim legislature has not met since 2002 and the judiciary is controlled by the government; whereas the lack of democratic institutions, the rule of law and media freedom has created an environment of impunity for crimes against humanity;
- K. whereas there is no freedom of press, as independent media is forbidden in Eritrea following the 2001 ban; whereas, as a consequence, access to reliable information about the human rights situation in Eritrea in general, and Mr Dawit's current situation in particular, is scarce; whereas the Reporters Without Borders World Press Freedom Index ranking Eritrea 178 out of 180 in 2020; whereas the Committee to Protect Journalists ranked Eritrea the world's most censored country in 2019;
- L. whereas, the EU's partnership with Eritrea is governed by the Cotonou Agreement, and that parties to this are bound to respect and implement the terms of that agreement, in particular respect for human rights, democracy and the rule of law;
- M. whereas the EU is an important donor for Eritrea in terms of development assistance; whereas in January 2016, in spite of Parliament's serious concerns, a new National Indicative Programme (NIP) was signed by the EU and Eritrea under the 11th EDF allocating EUR 200 million; whereas the NIP for Eritrea for the years 2014 - 2020 remained uncommitted until 2019 in light of the absence of agreement with the EU principles of engagement on the part of the Eritrean government;
- N. whereas, in response to the historic Joint Declaration of Peace and Friendship between Eritrea and Ethiopia of 9 July 2018, the EU and its Member States embarked on a two-track policy of engagement with the Eritrean authorities; whereas the track of political engagement encourages developments in the field of human rights, in particular in regard to the National Service and the development of private-sector job opportunities; whereas the track of economic engagement seeks to reinforce the 2018 Peace

Agreement through regional integration, the establishment of ties for trade and transportation, and the creation of conditions for internal reforms;

- O. whereas this dual track approach and the implementation of EU development projects allows for incremental progress in the best interests of the Eritrean people while creating conditions for dialogue, monitoring of working conditions, and enhancing regional collaboration;
- P. whereas a dedicated structural human rights dialogue between the Eritrean authorities and the EU Special Representative for Human Rights was established in 2019, making him the first international human rights observer to gain access to the country; whereas two Political Dialogues between the Eritrean authorities and the permanent representatives of the EU and several Member States, including Sweden, took place in 2019 under Article 8 of the Cotonou Agreement; whereas human rights are an integral part of these dialogues and tangible first improvements of the National Service have been implemented;
- Q. whereas a dialogue has been established between the International Labour Organisation and the Eritrean authorities on workers' rights; whereas, on 3 June 2019, Eritrea ratified the Worst Forms of Child Labour Convention.
1. Condemns in the strongest terms Eritrea's systematic, widespread and gross human rights violations; calls on the Eritrean Government to put an end to detention of the opposition, journalists, religious leaders and innocent civilians; demands that all prisoners of conscience in Eritrea be immediately and unconditionally released, notably EU citizen Dawit Isaak and the other journalists detained since September 2001; demands immediate information regarding Mr Dawit's whereabouts and wellbeing; urges the Eritrean authorities to provide Mr Dawit access to Swedish consular assistance;
 2. Expresses concern regarding the crowded and insanitary conditions in Eritrean prisons, in particular in light of the current global pandemic; reiterates the call of the UN High Commissioner for Human Rights to release every person detained without sufficient legal basis while ensuring adequate access to healthcare and creating conditions for the proper implementation of pandemic mitigation measures, including social distancing;
 3. Demands that the Eritrean Government provide detailed information on the fate, proof of life and whereabouts of all those deprived of physical liberty; Calls for fair trials for those accused, the immediate and unconditional release of anyone not charged with any crimes, and the abolition of torture and other degrading treatment such as restrictions on food, water and medical care; Reminds the Eritrean Government of its obligation to investigate extrajudicial killings and enforced disappearances; and in line with the recommendations presented in the UN Human Rights Council annual report 2020 urgently address all human rights violations, including arbitrary arrest, sexual violence and torture.
 4. Underlines that functional cooperation with the Eritrean authorities is crucial to opening up and maintaining avenues for dialogue with the objective of achieving enhanced adherence to the country's obligations under international human rights and humanitarian law; highlights the crucial role played by representatives of the European

Union and its Member States, in particular the EU Special Representative for Human Rights, to improve human rights conditions in Eritrea;

5. Underlines that all Eritreans deserve to be free and to have their basic rights respected, including that of having an adequate standard of living, a family life, and the right to not be arbitrarily detained; calls for the immediate implementation of Eritrea's 1997 Constitution, including through the reestablishment of the National Assembly through direct elections, the nullification of the ban on free and private media, and the holding of free and fair presidential elections;
6. Expresses concern that the Covid-19 pandemic is exacerbating the situation of famine and malnutrition that exists in parts of the country and is contributing to food shortages, in part due to the border closure and the restrictions on food imports currently in place; Calls on the Commission and Member states to work with the assistance of international partners so that emergency food supplies reach all segments of the population;
7. Underlines that EU funding allocated to Eritrea must be strictly and transparently assigned to meeting the needs of the Eritrean people for development, democracy, human rights, good governance and security, and freedom of speech, press and assembly through incremental improvement;
8. Reiterates its call on the EU to ascertain conditionality of its aid, including the Government of Eritrea's increased adherence to its international obligations on human rights; recalls that EU support to Eritrea is conditional on the Eritrean government's continued engagement in the two-track policy of engagement and the implementation of its commitments thereunder;
9. Calls, furthermore, on the EU to make use of all available instruments and tools to ensure that the Eritrean Government respects its obligations to protect and guarantee fundamental freedoms, including through the possibility of launching consultations under Article 96 of the Cotonou Agreement in case Eritrea backtracks on its current engagement with the EU;
10. Expresses its full support for the work of the EU Special Representative for Human Rights; Calls on the government of Eritrea to intensify its engagement with the EU Special Representative and allow him unhindered access to the country, including its detention centres, and all relevant interlocutors in line with his mandate; expresses its support for the UN Special rapporteur on the situation of human rights in Eritrea; urges the Eritrean authorities to allow the Special Rapporteur unhindered access to the country and to cooperate with the rapporteur's mandate; Calls on the EU and its member states to continue supporting the existence of a UN Special Rapporteur every time it is on the Human Rights Council's agenda;
11. Demands that Eritrea fully respect and immediately enact the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and fully uphold its obligations under the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, both of which prohibit torture; Reiterates that although Eritrea is not a party to the Rome Statute of the International Criminal Court, many provisions of the Rome Statute reflect international customary law binding on Eritrea

12. Reminds Eritrea of its obligations under ILO conventions, with particular regard to the right of civil society organisations and trade unions to organise, peacefully demonstrate, participate in public affairs, and campaign for better workers' rights; urges Eritrea to ensure the full implementation of the Forced Labour Convention and to cooperate fully with EU and UNOPS monitoring of labour conditions on EU-funded development initiatives;
13. Remains highly concerned about the endemic link between business, politics and corruption in Eritrea; Condemns foreign companies who are complicit in using forced labour and underlines the need for greater accountability through mandatory due diligence and reporting systems for all those operating in Eritrea;
14. Reiterates its urgent request for a global EU human rights mechanism; calls on the Council to adopt this mechanism as a decision relating to the Union's strategic interests and objectives under Article 22(1) of the Treaty on European Union;
15. Instructs its President to forward this resolution to the Council, the Commission, the ACP-EU Joint Parliamentary Assembly, the Council of the African Union, the East African Community, the Secretary-General of the UN, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, and the Eritrean authorities.