

Thought Leader

No justice for Dawit Isaak, the world's

longest-detained journalist

Isaias: ruthless, authoritarian and paranoid

In October, Reporters Without Borders and others filed a complaint with the office of the Swedish prosecutor for international crimes accusing Eritrea's president and other senior officials of a crime against humanity by holding the journalist incommunicado since 2001. She rejected the request for an investigation

COMMENT
Reporters without Borders

The National Unit for International and Organised Crimes, which is attached to the Swedish prosecutor's office, said in a decision published on 12 January that it had reasons to believe Swedish-Eritrean journalist Dawit Isaak is the victim of a crime against humanity coming under Sweden's universal jurisdiction. Yet it refused to open an investigation on the grounds that it would be difficult to carry out in the absence of any cooperation by the Eritrean authorities.

"The Rule of Law and the primacy of fundamental rights are at the heart of prosecutorial Functions," reads a sentence from the Guidelines for Prosecutors on Cases of Crimes Against Journalists adopted by Unesco and the International Association of Prosecutors last December.

It rings strange when you read the recent decision by a Swedish prosecutor, who suspects crimes against humanity against one of the longest detained journalists in the world. Isaak has been held in Eritrea for almost two decades without ever being tried in court. Yet the Swedish prosecutor decided not to open an investigation of the crime she suspects are being committed against him. We cannot accept the decision and are now appealing to a higher prosecutor.

Isaak was imprisoned in Eritrea when the regime in Asmara decided to ban all independent newspapers and started rounding up journalists in September 2001.

Isaak and his colleagues are now the longest detained journalists in the world.

His case has been brought to the Swedish Prosecution Authority by his brother, Esayas Isaak, Reporters Without Borders (RSF), his Swedish legal team and 12 prominent international human rights lawyers. The Nobel Peace Prize laureate and lawyer, Shirin Ebadi, signed the complaint. Navi Pillay, the former United Nations high commissioner on human rights, Canada's former justice minister, Irwin Cotler, and the former chair of the African Commission on Human and Peoples' Rights, Pansy Tlakula, are also behind the complaint.

But the Swedish prosecutor does not think that Isaak, a Swedish citizen since 1992, deserves an investigation.

The Prosecutors Guidelines state: "When prosecutors make fair decisions, impartially and with integrity to secure justice to victims and the public, they help maintain a free and democratic society."

We believe the prosecutor's decision is neither fair nor convincing. It does not secure justice for Isaak or the public. Nor does she help maintain a free and democratic society. In her decision she declares it would be possible to investigate the crime that she suspects and says it could be

tried by a Swedish court. She gives two reasons to not even try.

First, that an investigation would need her to go to Eritrea and that she would most likely not be given permission to do that. We agree. Eritrea is one of the world's most repressive countries when it comes to the media. In Reporters Without Borders Press Freedom Index Eritrea is placed 178 of 180 countries in 2019.

But in our complaint, we present evidence that can be found outside of Eritrea — witnesses to Isaak's arrest, a person who shared a cell with him and other journalists who have been hunted and detained by the regime.

And we point to the trove of evidence collected by the UN Human Rights Council Commission of Inquiry on Human Rights in Eritrea. The evidence is held in Geneva and is available to prosecutors investigating crimes against humanity in Eritrea.

It is no surprise that crimes against humanity may be the most complex to investigate. Legislating about them and creating a specialised prosecutorial unit aims precisely at confronting that complexity instead of avoiding it and rewarding impunity.

Second, the prosecutor contends that an investigation may harm Sweden's relations with Eritrea. She does not want to do that for fear of making it harder for Sweden's ministry for foreign affairs to achieve Isaak's freedom.

That is of greater value, she states, than that of pursuing justice by trying to investigate the most serious of international crimes — those against humanity.

The argument is hollow. Sweden has been trying to negotiate Isaak's release for almost two decades. It has been fruitless. Swedish diplomats have not been allowed to see him; they have never even been given proof of life, despite pleas.

In our complaint we refer to a statement by Foreign Minister Ann Linde. In parliament she described her ministry's many efforts regarding Dawit and said: "I am forced to conclude that Eritrea in no way has listened to our concerns or acted on them."

Neither this nor almost two decades in detention in one of the most hostile countries to journalism on Earth impresses the Swedish prosecutor. She thinks an investigation would be made difficult by Eritrea and thus rewards a dictatorial regime by giving up without trying to battle impunity.

And she hopes for some magic to happen on the diplomatic front while acknowledging that diplomatic efforts have been in vain, including in 2016 when her predecessor refused to open an investigation for the same reason.

It is unreasonable and runs counter to the final conclusion in the International Association of Prosecutors/Unesco Guidelines for



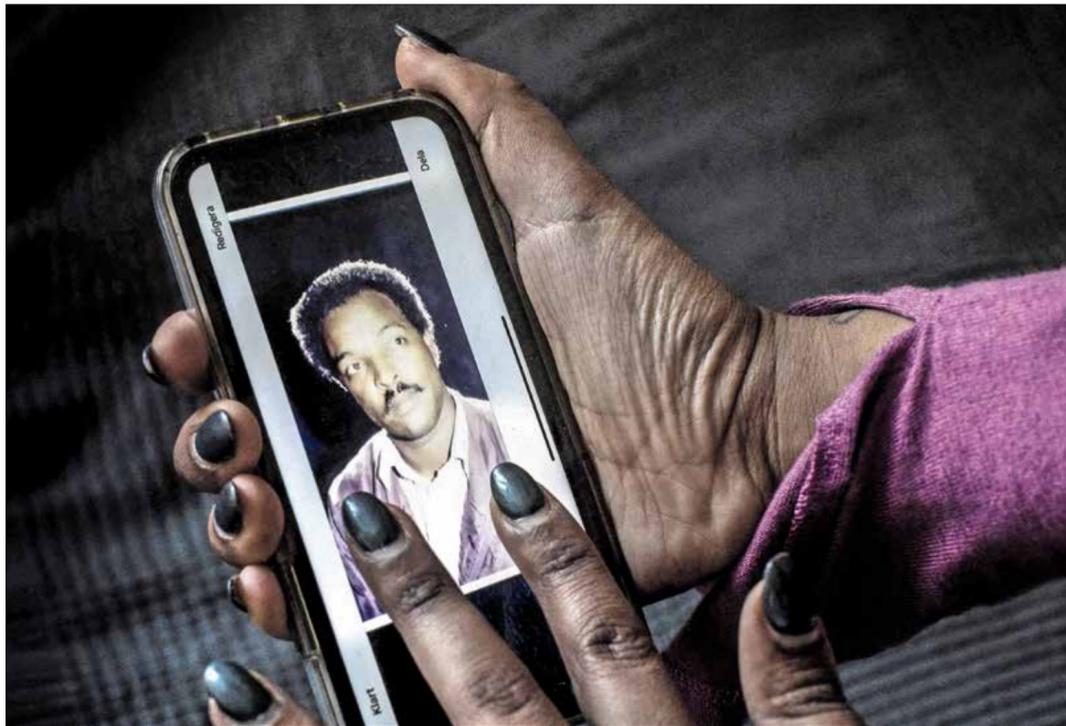
Inhumane: Demonstrations for the release of Eritrean-Swedish journalist Dawit Isaak, who has been imprisoned in Eritrea for 20 years, were held in Stockholm. He and other journalists were arrested in 2001, when all independent media was banned. Photo: Hampus Andersson/TT News Agency/AFP



Prosecutors: "All above are part of the general commitment of prosecutors to protect justice, equity, the public interest and the common good."
We are now asking for a review higher up in the prosecution authority. We are doing this for the sake of protecting justice, equity, the public interest and the common good — and for the sake of the journalist, husband and father of three who risks his life in the Eritrean prison system every day.

Signatories
Jesús Alcalá, Dawit Isaak's Swedish legal team;
Susanne Berger, Raoul Wallenberg Research Initiative;
Antoine Bernard, international lawyer, senior adviser for international litigation, Reporters Sans Frontières (Reporters Utan Gränser/Paris);
Irwin Cotler, former minister of justice and attorney general of Canada;
Bernhard Döcke, criminal defence lawyer, human rights lawyer and member of the Human Rights Committee of the German Federal Bar;
Shirin Ebadi, lawyer and Nobel

Peace Prize laureate 2003;
Esayas Isaak, brother of Dawit Isaak;
David Matas, Canadian human rights lawyer;
Daniel Mekonnen, Eritrean legal scholar;
Navanethem Pillay, former judge of the High Court of South Africa, former president of the International Criminal Tribunal for Rwanda, former judge of the International Criminal Court, and former United Nations high commissioner for human rights;
Björn Tunbäck, Dawit Isaak team leader, Reporters Utan Gränser (RSF/Sweden);
Frans Viljoen, director for the Centre for Human Rights, University of Pretoria, professor of international human rights law and editor-in-chief of the African Human Rights Law Journal, convening editor of the African Human Rights Yearbook.
Reporters Without Borders is an international nonprofit and nongovernmental organisation, which aims to safeguard the right to freedom of information



Prisoner of conscience: Betlehem Isaak (above), the daughter of jailed Eritrean-Swedish journalist Dawit Isaak who has written a book, *My Life Without You*, looks at a photograph of her father. Eritrea's President Isaias Afwerki (below left) has silenced all independent media. Sweden's foreign minister, Ann Linde (below right), has said that efforts to free Isaak have failed and 'I am forced to conclude that Eritrea, in no way has listened to our concerns or acted on them'. Photos: Eva Tedesjo/TT News Agency/AFP & Eduardo Soteras/AFP



Jailed for 20 years in Eritrea, Africa's most censored country

Dawit Isaak was born on 27 October 1964 and grew up in Asmara, which was then part of the Ethiopian Empire, where his parents ran a small Italian deli.
Isaak started writing and directing plays while he was still at school. He later wrote several novels.
In 1985 he fled the Eritrean War of Independence (1961-1991) and settled in Lerum, outside Gothenburg on the west coast of Sweden and worked as a cleaner. He gained Swedish citizenship in 1992.

According to Reporters Without Borders (RSF), throughout this time, Isaak participated in the Eritrean diaspora movement, where "dreams of a free and democratic Eritrea thrive".
In a report published by Unesco, his brother Esayas said: "I have few early childhood memories of Dawit since he is 10 years older than me, but when I was a teenager, he was my Tigrinya language teacher here in Sweden. He used to tell me over

and over: 'Don't forget your language, your country, your roots.'"
When Eritrea became independent in 1993, Isaak returned to Asmara and married Sofia. They had three children, Yorun, Betlehem and Danait. Betlehem later wrote *My Life Without You*, a book about her father whom she has not seen for 20 years.
Isaak continued to write plays and set up a children's theatre group and when the country issued a new law that permitted independent newspaper ownership, he co-founded Eritrea's first independent newspaper, *Setit*.
According to the Free Dawit campaign, Isaak's motto is: "If you have the opportunity to write, do it." To Dawit, all news is of importance, anything from large issues like war to local incidents, and needs to be shared with the public.

In 1998, just five years after Eritrea's independence from Ethiopia, a border war broke out

between the two countries. In 2000, Isaak relocated his family to Gothenburg but returned to Asmara in April 2001, despite the political instability.
He reported on the growing democracy movement and the criticism of Eritrean President Isaias Afwerki. *Setit* also published an open letter to the president.
All independent newspapers were then banned and Isaak was arrested on 23 September 2001 and jailed along with other politicians and journalists.

In 2019, the Committee to Protect Journalists listed Eritrea as the world's most censored country.
With the exception of a few days in 2005, he has been imprisoned ever since. No formal charges have ever been brought against him, he has not been granted a trial and Swedish diplomats have not been allowed to meet him. Nine foreign ministers have tried to secure his release. All have failed.

Over the years, the Swedish ministry for foreign affairs has received harsh criticism, including from RSF in Sweden, for not doing enough to get him released. When he was freed on November 19 2005 for health reasons, the ministry was again criticised for having no plan to get him out of Eritrea. Instead, he was rearrested two days later.
A portrait of Isaak has become a global symbol in the fight for press freedom and the freedom of expression. He has been given the Freedom of the Press award by RSF's Swedish chapter, the Unesco Freedom of the Press award and the Sakharov Prize for Freedom of Thought, among others. He has been named a prisoner of conscience by Amnesty International, which has called for his unconditional release. Yet the battle for his liberty continues in a country that consistently rates one of the worst in the world in terms of individual freedoms. — *Leif Eijkelfoef*

Martin Plaut

There are few leaders as enigmatic as Eritrea's president, Isaias Afwerki.

In my book, *Understanding Eritrea: Inside Africa's Most Repressive State*, I profile the president who led the country as it fought for 30 years for its freedom from Ethiopia, only to then turn on his own people.

Eritrea has been independent since 1993 but has no constitution and no parliament. No budget has ever been published. Elections have never been held and Isaias's opponents are in jail.

Isaias was born in Asmara in 1942. In 1965 he left to study engineering in Addis Ababa. In October 1966 he joined the Eritrean Liberation Front, which was fighting for Eritrea's independence. He soon began plotting against its leaders. He declared the organisation was dominated by Muslims and participated in a series of splits that created the Eritrean People's Liberation Front in 1974-75.

In May 1991 his fighters ended the 30-year war of independence by capturing Eritrea's capital, Asmara. Isaias still leads both the country and his party, which changed its name to the People's Front for Democracy and Justice in February 1994.

Eritrea is among the most repressive states in Africa; its human rights abuses are well documented.

Isaias expects the same unquestioning obedience from the population that he expected of his troops. Control is enforced through indefinite conscription which the United Nations has declared a form of slavery.

Part of how all this came about lies in Isaias's personality: an intelligent, secretive man, he has a highly developed sense of insecurity. In a leaked assessment from the American ambassador to Asmara in 2008, the president was described as "paranoid". He also believed that Ethiopia and the United States were attempting to kill him. He was reported to switch plates with subordinates, apparently to avoid being poisoned, and to sleep in different locations to foil a coup or assassination attempt.

Isaias also established a secret, controlling "party within a party" — the Eritrean People's Revolutionary Party. He used this organisation to crush his rivals and has not hesitated to use force to end any signs of opposition — as happened in 2001 with the arrest and incarceration without trial of senior liberation front leaders and journalists, some of whom have not been seen since.

Yet Isaias has not survived by brute force alone. Sections of the population still revere him as the leader who brought about independence. He is also a skilled regional tactician and has cemented relations with Ethiopian Prime Minister Abiy Ahmed with whom a peace agreement was signed in Saudi Arabia.

The peace agreement confirmed relations between Eritrea, the Saudis and the United Arab Emirates, both of which have bases in Eritrea from where they conduct their wars in Yemen and Libya. Eritreans have seen few benefits from the agreement. Food and even water are scarce, electricity is intermittent and the land border with Ethiopia is closed.

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