

OPINION No. 3/1998 (ERITREA)

Communication addressed to the Government on 1 October 1997

Concerning: Ruth Simon

The State is not a party to the International Covenant on Civil and Political Rights

1. The Working Group on Arbitrary Detention was established pursuant to resolution 1991/42 of the Commission on Human Rights. The mandate of the Working Group was clarified and extended pursuant to resolution 1997/50. Acting in accordance with its methods of work, the Working Group forwarded the above-mentioned communication to the Government.
2. The Working Group regrets that the Government has not replied within the 90-day deadline.
3. (Same text as paragraph 3 of Opinion 1/1998.)
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government. In the absence of any information from the Government, the Working Group believes that it is in a position to render an opinion on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.
5. According to the communication, Ruth Simon, born on 16 February 1962, a journalist and correspondent of Agence France Press in Eritrea, on whose behalf the Working Group addressed an "urgent appeal" to the Government of Eritrea on 28 July 1997, was arrested on 25 April 1997. She was detained for three months at the prison of Asmara, and has, reportedly been kept under house arrest since August 1997. Her detention was reportedly ordered by the President of the Republic following the alleged publication of "false news" regarding a statement made by the President of the Republic confirming the support given by Eritrean soldiers to the rebellion in southern Sudan. She is allegedly being held without charge or trial.
6. In the absence of a reply from the Government and taking into account the allegations as submitted, the Working Group notes that the above-mentioned person was held in custody for three months without charges or trial, and that she has since then been under house arrest. For the Working Group her detention at Asmara prison and her subsequent house arrest are in contravention of articles 9, 10 and 19 of the Universal Declaration of Human Rights and of principles 10 to 12 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. For the Working Group, these are violations of international norms relating to the right to a fair trial of such gravity as to confer an arbitrary character upon the deprivation of the liberty of Ruth Simon.
7. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of the liberty of Ruth Simon is arbitrary because it is in contravention of articles 9, 10 and 19 of the Universal Declaration of Human Rights and of principles 10 to 12 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and falls within Category III of the categories applicable to the consideration of cases submitted to the Working Group.

8. Consequent upon the opinion rendered, the Working Group requests the Government:

(a) To take the necessary steps to remedy the situation of Ruth Simon and to bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights;

(b) To take appropriate initiatives with a view to becoming a party to the International Covenant on Civil and Political Rights.

Adopted on 13 May 1998.