



Security Council

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Letter dated 7 February 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached supplementary report of Eritrea submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as Eritrea's response to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Ricardo Alberto **Arias**

Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

Letter dated 19 December 2006 from the Permanent Representative of Eritrea to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to forward the supplementary report of the State of Eritrea to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism. The supplementary report is in response to a follow-up letter of the Security Council Committee dated 27 August 2002, and I hope it also covers the issues referred to in the letter of 27 April 2006 based on Security Council resolution 1624 (2005) (see enclosure).

(Signed) Araya **Desta**
Ambassador
Permanent Representative

Enclosure

**Supplementary report of Eritrea to the Security Council
Committee established pursuant to resolution 1373 (2001)
concerning counter-terrorism, in accordance with the letter
from the Chairman of the Counter-Terrorism Committee dated
27 August 2002 and Security Council resolution 1624 (2005)**

1(a)

In regard to the undertaking to prevent and suppress the financing of terrorism the State of Eritrea has been striving to build up the needed capacity. To this end, senior government officials have participated in the 5th Regional Interpol Meeting held on the 29th of August 2002 in Johannesburg, South Africa and at the International Forensic Seminar on Counterfeit Currency held in Kashiua City, Japan from February 26 to March 19, 2002.

The Fifth Meeting on Economic Crime for the Sub-Group of Eastern and Southern African Countries had placed special emphasis on money laundering, illegal money transfer, cyber crimes and other commercial frauds. The International Forensic Seminar on Counterfeit Currency discussed money counterfeiting, counterfeit detection and anti-counterfeit technologies. Furthermore, the head of security of the Bank of Eritrea participated in a training programme held in South Africa from April 9th through April 13th, 2002.

Financing is indeed one of the means by which an accomplice offender participates in an offence. Accordingly, Art. 36 of the Penal Code of the State of Eritrea provides that an accomplice is a person who knowingly assists a principal offender either before or during the carrying out of a criminal design, whether by information, advice, supply of means or material aid or assistance of any kind whatsoever in the commission of an offence. The phrase, 'assistance of any kind whatsoever in the commission of an offence' indeed includes financing of terrorism.

The punishment imposed on an accomplice would be commensurate to the degree of his criminal guilt as assessed by a trial court within the limits of the punishment prescribed for the intended offence. In cases where the offence is serious partaking the nature of terrorism, as described in the answer given in relation to sub-paragraph 2(a)(d)(e), the penalty would be substantial.

1(b)

The above stated reply focused on the preventive mechanism which is an important aspect of fighting terrorism. As for purposes of punishment concerning violations of obligations laid down in regard to entities established according to the Eritrean Civil Code, the Code indicates that the punishment specified in the Penal Code shall apply where:

The founders of an association have contravened the provisions of the Civil Code of the State of Eritrea relating to declarations to be made, which includes reporting of financial statements of the associations, at fixed intervals of time fixed by the said law.

Furthermore members are subject to punishment prescribed in the Penal Code, if they continue to take part in the association's activities being aware of its illegal character. The Civil Code provides for the dissolution of an association whenever it conducts unlawful activity. Certainly, acts related to funding of unlawful activities call for the application of the above stated criminal sanctions triggering the relevant article of the penal law. If the illegal activity by such entities involves providing funds or collecting in circumstances envisaged by the sub-paragraph 1(b) i.e. involving serious offences of a terrorist nature, it could implicate Art. 36, which has been analysed in connection to, sub-paragraph 1(a).

1(c)

Concerning actions to be taken in regard to supporting terrorism and freezing of accounts the response provided for 1(a) and (b) would equally apply here.

1(d)

There are legislative measures to monitor the collection and use of funds by religious, cultural and other institutions. Religious related Proclamation number 73/1995 Art. 8 states that religious institutions are to conduct only legal activities compatible with their nature of work. As for donations, they are required to keep proper financial records and are required to report annually to the relevant body as established pursuant to the said Proclamation. And they are expected to run their activities in a transparent and accountable manner.

Cultural and other institutions can take the form of associations as defined in the Civil Code. And if so organized, they shall be subject to certain requirements of the Law on Associations as provided in the Civil Code. Accordingly, a registered entity is required to report annually to the responsible government body about its financial transactions as audited.

2(a)

As per your instruction here follows an outline of the relevant articles.

Art. 477

It is entitled "Secret Societies and Armed Bands". This provision needs to be seen in the context of the broad divisions of the Penal Code of the State of Eritrea for purposes of clarity. It is categorised under Book IV of the Code entitled "Offences Against the Public Interest of the Community", and specifically under title VI of the said book entitled "Offences Against Law and Order; Breaches of the Peace", and more specifically Under Section II of the said title headed "Offences calculated or likely to provoke Public Disturbances".

Therefore, taking into consideration the above mentioned framework within which Art. 477 fits; it is obvious that it aims at prohibiting the formation of the armed bands which work towards disturbing public peace within which terrorism would be subsumed under. It carries penalty of imprisonment and fine.

Art. 475.

It is entitled "Prohibited Traffic in Arms". The analysis forwarded in relation to Art. 477 equally applies to this article. This article specifies that whosoever makes imports, exports or

transports, acquires, receives, stores or hides, offers for sale, puts in circulation or distributes, without special authorisation or contrary to law, weapons or ammunitions of any kind; or without indulging in trafficking, knowingly sells, delivers or hands over arms to suspect or dangerous persons is punishable with imprisonment without prejudice to the imposition of fine and to confiscation of the material seized.

In this connection it is noted that in relation to the second question of Paragraph 2(a) no one can possess arms, weapons or any explosives without authorisation; and weapons and explosives cannot be manufactured, sold, possessed, stored, or transported by private individuals or undertakings.

Article 473.

It is titled "Harbouring and comforting Evil-doers". Again the analysis given in relation to articles 475 and 477 is also relevant to this article. Basically, it provides that whosoever, knowingly harbours, comforts, assists or shelters evil-doers who are members of bands or associations formed to commit offences against the community, individual or property, or provides a meeting place for evil-doers is punishable with imprisonment or fine. Indeed the offences, which these articles envisage to suppress, are offences that militate against public peace and order partaking in the nature of terrorism.

2(c)

Indeed the immigration law of the State of Eritrea consists of provisions that help to combat terrorism. To begin with, the regulation of entry and stay in Eritrea is specified in Chapter 3 and 5 of Proclamation N. 24/92 embodying the immigration law of the State of Eritrea. Thus, under articles 7 and 14 of the Proclamation, any entrant can enter and stay in Eritrea only if he/she has a valid travel document and entry visa. And any non-immigrant who stays in Eritrea beyond six months is required to have a residence permit renewable at specified intervals. Moreover legal ports of entry to and departure from Eritrea are specified through legal notice issued by the competent authority.

Furthermore, relevant provisions of the said Proclamation requires for records to be kept of persons staying at hotels and other premises where lodging or sleeping accommodation is provided. Illegal entrants are subject to deportation. In addition, the Proclamation empowers immigration officers to conduct examinations in view of ensuring whether prospective entrants comply with the requirements of the immigration law. Those persons who help illegal entrants are punishable by law. Alteration or falsification made in an attempt to circumvent the Eritrean Immigration Law is also punishable.

2(d)

Art. 273 of the Penal Code has the object of preventing the use of Eritrean territory for committing terrorist acts against other countries. It is entitled "Hostile Acts against a Foreign State". According to this provision, it is prohibited being within the territory of the State of Eritrea, and at the risk of endangering peaceful relations with foreign countries, to attempt to

disrupt by subversive activities ... or by violence the internal political order or security of a foreign state. The provision carries serious penalty of imprisonment.

2(e)

It is to be noted that very serious offences partaking the nature of terrorism come under the heading of the Eritrean Penal Code titles which cover serious offences. These are, besides those mentioned under Paragraph 2(a), offences against law and order including: Prohibited Traffic in Arms (Art. 475); Offences Against Public Safety and the Security of Communication including Arson (Art. 488); Explosions (Art. 491); Danger caused by the use of Explosive, Inflammable or Poisonous Substances (Art. 493); Illicit Making, Acquisition, Concealment or Transport of explosives, incendiary or poisonous substances (Art. 494); Offences Against the Freedom and Security of Communications including Damage to Services in Installations of Public Interest (Art 499); Grave endangering or Sabotage of Communications or Transport (Art. 500). These offences being grave entail punishments commensurate to their gravity and may result in imprisonment for life or capital punishment in aggravated circumstances.

2(f)

The State of Eritrea has signed CEN-SAD'S Convention on Mutual Assistance in Security Matters on 15 May 2004. As per Article 1 of the Convention, the member states of the Community shall take stringent and tough measures to prevent terrorism, hostile activities and organised crimes in its various forms; and to make sure that their territories are not used as a ground for planning, organising and perpetrating the mentioned actions and crimes.

It has also signed the Protocol on Mechanism for Conflict Prevention, Management and Resolution within the CEN-SAD Region on 15 May 2004. The mechanism is, as enunciated in its Articles 2 and 3, and 7, designed to ensure collective security, peace and stability. Furthermore pursuant to Article 4 (3) one of the main objectives of the mechanism is to control international terrorism.

In addition, the State of Eritrea has ratified the Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD member states. According to this Protocol, member states are committed among other things, to co-operate in sharing of information on peace and security related issues of the sub-region.

Moreover the government of the State of Eritrea has signed a Protocol Agreement on Security and Related Matters with the Government of the Republic of Djibouti on February 15, 1998. It involves the exchange of information on mutual security matters. Considering that terrorism constitutes an issue of security, the said Agreement would promote and strengthen the efforts being exerted in view of combating terrorism regionally and internationally.

Draft texts of EAPCCO (East African Police Chiefs) in the fields of combating narcotic drugs, extradition of offenders and combating terrorism are being considered by the relevant government authorities for appropriate action.

2(g)

The project to enhance the security features of travel documents including Passports and Identification Cards has been finalised. It has since been forwarded for budget appropriation to the relevant government body.

3(a)(b)(c)

None

3(d)(e)

The State of Eritrea has acceded to the following treaties on February 2002.

1. Single Convention on Narcotic Drugs, 1961
2. Convention on Psychotropic Substances, 1971
3. Protocol Amending the Single Convention on Narcotics Drugs, 1972
4. Convention Against Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

3(f)(g)

It is still being studied.

Paragraph 4

The State of Eritrea has ratified the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, on the 21st of April 2004. Needless to say, the objectives of the Protocol are very much tied up with the global and regional measures that are being taken towards curbing the spread of terrorism.

The Eritrean National Focal Point on Small Arms and Light Weapons - ENFP-was officially launched on the 9th of August 2005. As per the prescription regarding the functions of relevant national focal points of the Region covered by the Nairobi Declaration and the Nairobi Protocol, the ENFP is mandated to undertake various activities. The mandate of the ENFP includes, communicating and co-ordinating on the sub-regional level, planning and co-ordinating operational activities on the national level and implementing the responsibilities of Eritrea as undertaken in the Declaration and the Protocol. Obviously, the Regional Documents' objective of controlling accessibility to weapons is relevant to the overall strategy of eliminating terrorism.

Moreover, the State of Eritrea actively participated in the formulation of the agreement that constituted the Regional Centre for Small Arms (RECSA) which was adopted on 25/4/2006. RECSA is an

institutional framework arising from the Nairobi Declaration with the purpose of co-ordinating the joint efforts of National Focal Points of member states in combating illicit trafficking in small arms and light weapons in the Great Lakes Region and the Horn of Africa.

Other Matters

Senior government officials of the National Security Agency and Bank of Eritrea participated in a Legislative Drafting Workshop on Combating the Financing of Terrorism held from 25-29 July 2005 in Tunis, Tunisia. The Workshop was organized by the International Monetary Fund in collaboration with the Joint African Institute. It involved Djibouti, Egypt, Eritrea, Ethiopia, the Libyan Arab Jamahiriya, Sudan and Tunisia. The purpose of the workshop was to promote the adoption of harmonized terrorism financing legislation in the sub-region.

Senior government officials from the National Security Agency and the Bank of Eritrea also participated in a Training Workshop for COMESA Member States on International Cooperation in the fight against terrorism and its financing. This Workshop was organised by the United Nations Office on Drugs and Crime (UNODC) and the Government of the Republic of Djibouti, and was held in Djibouti from 14 to 16 March 2006. The purpose of the initiative was to provide officials from concerned countries of the legal mechanisms available under the universal legal framework against terrorism and to strengthen their co-operation, particularly in the area of terrorist financing.

As for illegal trafficking in small arms and light weapons, Eritrea actively participated in related international conferences namely: -

1. UN sponsored Conference in New York in July 2001.
2. OAU sponsored conference Bamako, Mali in December 2000, and in Pretoria, South Africa in March 2002.
3. IGAD sponsored Conference in Djibouti in December 2001.
4. East and Central Africa sponsored meeting in Nairobi, Kenya.
5. EAPCCO organised meetings in Uganda and the United Republic of Tanzania.