



**Preliminary Response of the Government of the State of Eritrea
To the Counter-Terrorism Committee ‘Stocktaking’ on the Implementation of Security
Council Resolutions 1373(2001), 1624(2005), 2178(2014), 2396(2017) and Other Relevant
Resolutions**



Ministry of Foreign Affairs of the State of Eritrea

6th of July 2020



Introduction

The Government of the State of Eritrea (GoSE) cognizant of its reporting obligation under Security Council resolutions 1373(2001), 1624(2005), 2178(2014), 2396(2017) and other relevant resolutions and pursuant to the request letter of the Counter-Terrorism Committee Ref: S/AC.40/2019/OC.123, dated 2 August 2019, hereby produces its preliminary response to the Detailed Implementation Survey (DIS) and Overview Implementation Assessment (OIA) ‘stocktaking.’ This report is the result of series of consultations among the relevant government institutions under the supervision of the Ministry of Foreign Affairs. These include, the Ministry of Justice, Ministry of Finance, Ministry of Transport and Communications, National Bank of the State of Eritrea, Financial Intelligence Unit (FIU), Department of Immigration and Nationality, National Police and Security Forces (NPSF) and the National Coordination Bureau INTERPOL—Eritrea.

After receipt of the DIS and OIA reports, the Ministry of Foreign Affairs, through the Minister, has transmitted an official letter to all concerned Ministries and agencies and urged to designate responsible officials to participate in the preparation of the national report. Copies of the DIS and OIA were also sent to all concerned institutions. Meanwhile, the questions were clustered in accordance with the mandate of the institutions and consultative meetings have been conducted. Subsequently, the institutions have prepared written replies to the cluster of questions.

The DIS, divided in to four chapters, contains around 200 set of questions. The GoSE’s report, although it has adopted the DIS template; for purposes of lucidity and relevance, it is modified to reflect Eritrea’s counter-terrorism actions and perspectives. Apparently, questions/sections which are deemed to be either overlapping or irrelevant in this context are not addressed as part of the current report. This should not, however, insinuate any indifference to the substantive content of the DIS.



Annexes:

1. Proclamation 175/2014: The Anti-Money Laundering and Combating Financing of Terrorism
2. Proclamation No. 181/2018: Proclamation to Amend the Proclamation No. 175/2014 on Anti-Money Laundering and Combating Financing of Terrorism Proclamation
3. Legal Notice No. 130/2018: Regulations to Determine the Duties of Financial Institutions, Designated Non-financial Businesses and Professionals in the Prevention of Money Laundering, Terrorism Financing and other Serious Offences
4. Directive No. 1/2018: Directive Issued to Determine the Composition, Organization, Operation and Resources of the Financial Intelligence Unit
5. Proclamation No.173/2013: A Proclamation Pertaining to the Opening of Foreign Currency Deposit Accounts, Domestic Commercial Transactions and/or Contracts, Currency Remittance and Exchange and the Declaration of Currency of Travellers Arriving into and Departing from Asmara
6. Proclamation No. 24 of 1992 Issued To Regulate The Issuing Of Travel Documents, Entry And Exit Visa From Eritrea, And To Control Residence Permits Of Foreigners In Eritrea (*Unofficial translation*)
7. Proclamation No. 169/2012: The Eritrean Civil Aviation Proclamation
8. Legal Notice No. 80/2003: Regulations to Issue Work Permit to Non-Nationals



Preliminary Response of the Government of the State of Eritrea to the Detailed Implementation Survey—2019

Chapter 1 of Security Council Resolution 1373 (2001)		
1.1 Criminalization of financing of terrorism and associated money-laundering		
No.	Questions	Response of the Government of Eritrea
1.1.1	Is terrorist financing criminalized as a standalone offence?	Terrorist financing is criminalized as a standalone offence. The Anti-Money Laundering and Combating Financing of Terrorism Proclamation 175/2014, article 2(10) defines financing of terrorism as: <i>‘an act by any person who, by any means, directly or indirectly, willfully, provides or collects funds, or attempts to do so, with the knowledge and intentions that they would be used in full or in part to carry out a terrorist act by a terrorist or terrorist organization.’</i> (Refer Annex-1: Proclamation 175/2014).
1.1.2	Is every element of the "Terrorist Financing" Convention offence covered?	Although Eritrea has not yet acceded to the ‘Terrorist Financing’ Convention, Proclamation 175/2014 lists out financing of terrorism as an offence under article 32(1) and further states that “an attempt to commit financing of terrorism offence or aiding, abetting, facilitating or counseling the commission of any such offence shall be punished as if the offence has been committed”(art.32 (2)). Article 32(3) also deals with participation in, association with and conspiracy to commit and provides similar penalty as the commission of the offence.
1.1.3	Is participating as an accomplice in the commission of the offence, organizing or directing others to commit the offence, or contribution to the offence by a group of persons criminalized in domestic law?	Transitional Penal Code of Eritrea (TPCE) Art. 32-40 illustrate participation in an offence and the levels of punishments.
1.2 Freezing terrorists’ assets		



1.2.1	Does the State have legal measures in place to freeze the funds and other assets of persons who commit, or attempt to commit terrorist acts or participate in, or facilitate the commission of terrorist acts; those of entities owned or controlled directly or indirectly by such persons; and those of persons and entities acting on behalf of, or at the direction of such persons and entities, in accordance with Security Council resolution 1373 (2001)?	Art. 2(9) of proclamation 181/2018 authorizes the FIU to freeze funds without delay and without prior notification. Pursuant to article 39 of proclamation 175/2014, a court or any competent authority shall cooperate with other countries in confiscation of assets and extradition of criminals. (Refer. Annex-2: Proc. 181/2018).
1.2.2	Can the State freeze funds ex parte, or without prior notice?	Proclamation No. 175/2014 Art. 35 as amended by Proclamation No. 181/2018 Art. 2(9), does not require the relevant authorities to give prior notice to anyone.
1.2.3	Can the State freeze funds without delay?	Proclamation No. 175/2014 Art. 35 as amended by Proclamation No. 181/2018 Art. 2(9), requires the financial institutions to freeze funds immediately. The proclamation further establishes a central seizure and confiscation agency (art.37) and a judicial review for persons aggrieved by the decision (art.38).
1.3 Preventative measures to be taken by financial institutions and non-financial businesses and professions		
1.3.1	Is the State's anti-money-laundering/counter-financing of terrorism (AML/CFT) legislation applicable to Non-Financial Businesses and Professions (NFBPs)?	Yes. Legal Notice No. 130/2018 essentially provides 'regulations to determine the duties of financial institutions, designated non-financial business and professionals in the prevention of money laundering, terrorism financing and other serious offences.'
1.3.2	Are financial institutions required to identify their customers, including beneficial owners?	Article 6 of Proclamation 175/2014 lays down specific procedures for customer identification and due diligence.
1.3.3	Are NFBPs required to identify their customers, including beneficial owners?	Based on Legal Notice No. 130/2018 (Art. 14), NFBPs are required to identify their customers.



1.3.4	Has the State established an authority responsible for supervising reporting entities' compliance with their AML/CFT obligations?	The FIU has been established on September 6, 2014 to supervise reporting entities to comply with the AML/CFT regulations. (Proc. 175/2014 Art. 13-28 and Directive no. 01/2018).
1.3.5	Does the State have dissuasive and proportionate sanctions (criminal, civil or administrative) in place for reporting entities that do not comply with AML/CFT obligations?	Failure to comply with the reporting obligation entails criminal sanctions pursuant to articles 18 and 19 of proclamation 175/2014 as amended by proclamation 181/2018.
1.4 Institutional and other measures needed in counter-money-laundering/terrorist financing systems		
1.4.1	Does the State have a Financial Intelligence Unit (FIU) in place?	The FIU was established in September 2014 by proclamation 174/2014 and subsequently a directive (No. 1/2018) was issued to determine its composition, organization, operation and resources. Last year the Eritrea (FIU) became an observatory member of the regional body of Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG).
1.4.2	Does the FIU perform the core functions of an FIU (receive and analyse suspicious transaction report (STRs) and disseminate the results of its analysis to a competent authority)?	The FIU is now in the process of recruiting qualified staff and sensitizing entities to develop their own policies and procedures to combat AML/CTF.
1.4.3	Does the State require financial institutions to report suspicious transactions relating to terrorist financing to the FIU?	Proclamation 175/2014 and legal notice no. 130/2018 require entities to report to FIU and also protect reporting entities from liability when reporting.
1.4.4	Does the State have legal provisions in place to protect reporting entities from liability when reporting to the FIU?	Reporting entities are exempted from administrative, civil or criminal liability, if they acted in good faith in submitting their reports. But, if they acted in a bad faith, abuse their power or exceed the limits of their power, they are liable (Art. 27 of Proclamation 175/2014).
1.4.5	Does the State prohibit reporting entities, by law, from disclosing the fact that an STR or other information has been submitted to the FIU?	As provided in Art. 26 of Proclamation 175/2014, 'except where the law prescribes it, financial institutions directors, other officers and employees may not disclose or communicate to their customer or a third party that information was provided to FIU or that a report concerning suspected



		money laundering or financing of terrorism investigation is being or has been carried out. Disclosures or communications regarding suspicious money laundering or financing of terrorism between and among directors, other officers and employees of a financial institution shall not, however, be precluded.’
1.4.6	Does the law provide that the FIU may obtain additional information from reporting entities?	The FIU may ask for additional information when it considered it necessary and also access financial, administrative and law enforcement information (proclamation 175/2014, article 17).
1.4.7	Is there a provision in domestic law that allows the FIU access to financial, administrative and law enforcement information?	Art. 17 para. 1 of proc. 175/2014 stipulates that ‘FIU shall have the authority to request information from any financial institution, supervisory authority and/or law enforcement authority for purposes of the Anti-Money Laundering and Combating Financing of Terrorism Proclamation.’
1.4.8	Is the FIU fully operational? (Include staffing level, number of analysts; budget; training received; number of STRs received, analysed and transmitted; and indicate, if possible, whether the FIU has software to analyse STRs.)	The FIU is the process of setting-up the Office. A Director and Secretariat have been appointed and it is in the process of staffing and equipping the Office.
1.5 Alternative remittance systems/money value transfer services (e.g. hawala)		
1.5.1	Are persons or legal entities that provide money or value transfer services, whether formal or informal, subject to AML/CFT obligations?	Art. 2(15) of Proclamation 175/2014 defines ‘Money or Value Transfer Service’ as ‘carrying on the business of accepting cash, cheques or any other instrument or other means of storing value, and paying a corresponding sum in cash or in other form to a beneficiary, by means of communication, message, transfer or through a clearing system to which the money or value transfer service belongs.’
1.5.2	Are persons or legal entities that perform this service illegally subject to appropriate administrative, civil or criminal sanctions?	Failure of compliance with the obligations provided in the Proclamation entails from a ‘written warning to financial fines and suspension and stripping of licenses’ by the Supervisory Authority (Art. 29 of Proc. 175/2014)



1.6 Wire transfers		
1.6.1	Does the State ensure that financial institutions include full and accurate originator information and full and meaningful beneficiary information in electronic funds transfers and related messages?	Financial institutions are obliged to include full accurate originator information and full beneficiary in electronic fund transfers (Art. 2(36) and Art. 9 of Proc. 175/2014).
1.6.2	Does the State oblige financial institutions to include, throughout the payment chain, the originator and beneficiary information linked to the electronic-funds transfer?	Financial institutions are obliged to include full accurate originator information and full beneficiary in electronic fund transfers (Art. 2(36) and Art. 9 of Proc. 175/2014).
1.7 Cash Couriers		
1.7.1	Does the State have in place a declaration or disclosure system to detect the illicit physical cross-border transportation of currency?	Pursuant to Proclamation No.173/2013, Art.6, foreign visitors must declare all foreign currency over 10,000 USD or its equivalent upon entering the country.
1.7.2	If the State does have a declaration system in place, is the threshold for declaration equivalent to, or below EUR/US\$ 15,000?	Proclamation 175/2014 Art. 2(13) defines large cash transaction as an amount exceeding USD 10,000 or its equivalent in other convertible currencies.
1.7.3	Are there proportionate and dissuasive civil, administrative or criminal sanctions in place for making a false declaration or disclosure?	Art. 446-452 of the TPCE essentially criminalize making false statements by a party and ‘where the false statement has been made in the course of criminal proceedings and may cause injustice, with rigorous imprisonment not exceeding three years.’
1.8 Non-profit organization		
1.8.1	Has the State reviewed the adequacy of its non-profit sector laws and regulatory framework with regard to risks associated with terrorist financing?	Pursuant to the Transitional Civil Code of Eritrea, the Office of Associations has a legal power to provide directives to govern non-profit organizations (NPOs).



1.8.2	Does the State maintain a central NPO database or similar, centralized register of information (name, purpose, activities, director, etc.)?	The Office of Associations maintains a central database and regularly registers information including the name, purpose, activities, director etc. as well as the memorandum of association.
1.8.3	Can the information about NPOs contained in NPO registers (e.g. name, annual returns, financial statements, name of director, name of board members, etc.) be made available to law enforcement agencies and to the financial intelligence unit (FIU)?	According to the Transitional Criminal Code (TCC) and the regulation of the Office of Associations, the information about NPOs registers e.g name, annual financial statements, name of director, name of board members etc. are made available to law enforcement agencies.
<p>Chapter 2 of Security Council resolution 1373 (2001)</p> <p>2.1 Suppression of recruitment</p>		
2.1.1	Does the State have a national strategy to suppress the recruitment of terrorists?	Even though there is no a comprehensive ‘national strategy’ to suppress recruitment <i>per se</i> , there are certain operational working documents which are going to be developed into a national strategy in the near future.
2.1.2	Does the State have in place legislative provisions to suppress the recruitment of terrorists?	There is no separate legislation to suppress recruitment but there are scattered provisions in the Transitional Penal Code of Eritrea.
2.1.3	Does the State have in place practical (operational) measures to suppress the recruitment of terrorists?	The Security Department and Border Control Forces of the State diligently follow-up any foreign terrorist group not to penetrate in to the country’s territory and use it as training ground. To secure this, the State has operational border security guard that stretches from West to the Northern borders with the Sudan.
<p>2.2 Eliminating the supply of weapons to terrorists</p>		
2.2.1	Does the State criminalize the illicit manufacturing, trafficking or alteration of firearms or the illicit obliteration of their markings?	Firearms are neither manufactured in Eritrea and nor civilian possession is permitted outside of the law enforcement. Eritrea has ratified the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Regions and Horn of Africa. The TPCE Art. Art. 763-766 generally govern illicit manufacturing, trafficking or alteration



		of firearms or the illicit obliteration of their markings.
2.2.2	Does the State have in place practical measures and controls on the illicit manufacturing, trafficking or alteration of firearms or the illicit obliteration of their markings?	Pursuant to article 475 of the Transitional Penal Code of Eritrea (TPCE), trafficking of firearms is punishable. The TPCE also deals with control of firearms and ammunitions under chapter IV, section, and articles 763-66.
2.2.3	What measures and controls on the illicit manufacturing, trafficking or alteration of firearms or the illicit obliteration of their markings are practiced by the State?	TPCE articles 494-5 makes it an offence to carry or possess a firearm or explosive without lawful authority and it also prohibits manufacture, import, transport, store or otherwise transfer firearms or explosives without authorization. Besides that, all fire arms are registered under the ordinance management and reports are made to this authority by concerned institutions every four months, which later developed into a fiscal report.
2.2.4	Has the State introduced legislation regulating the activities of arms brokers and arms brokering?	Arms brokerage is prohibited by law in Eritrea. TPCE Art. 494-495 makes it an offence to carry or possess a firearm or explosive without lawful authority. Moreover, these provisions make it an offence to manufacture, import, transport, store or otherwise transfer firearms or explosives without authorization.
2.2.5	Has the State established a national firearms registry?	A system of firearms registry has been established where each and every unit has an obligation to report periodically.
2.2.6	Does the State have national systems and procedures in place to trace lost or stolen firearms?	There is a well-established national system and procedure in place to trace lost or stolen firearms.
2.2.7	Do the national systems and procedures in place to trace lost or stolen firearms include international tracing?	Yes. The Office of the President and Ordnance Department are responsible for the said activities.
2.2.8	Does the State have in place comprehensive import/export controls for arms, ammunition and explosives? <i>Reply YES only if the answer to all the questions below is YES.)</i> A. Has the State established a national body and	The Ministry of Defense Department of Ordnance is responsible to take appropriate measures and control over illicit manufacture, trafficking or alteration of fire arms or illicit obliteration of their marking. So far, there is no incident of the mentioned crimes. The Staff of Ordnance has a strong stockpile control with clear statistics ranging from Branches down to Battalions. This management system is a heritage and tradition of the armed struggle that controlled not only of firearm but even a bullet.



procedures to review and approve/refuse import/export of small arms and light weapons (SALW), ammunition and explosives?
 B. Does the State require that exporters and importers of SALW, ammunition and explosives maintain records of exported/imported weapons for verification purposes, as may be required?
 C. Has the State established an enforcement capacity to detect and prevent the illegal cross-border movement of SALW, ammunition and explosives (information and intelligence, risk analysis, targeting)?
 D. Does the State have in place an inspection capacity (staff, equipment) for all cross-border movements of SALW, ammunition and explosives (including in-transit movement), and does it consistently verify markings?

2.3 Taking necessary steps to prevent the commission of terrorist acts, including through early warning

2.3.1	Does the State have in place a comprehensive and integrated counter-terrorism strategy?	The State of Eritrea is on the process of developing a national comprehensive and integrated counter-terrorism strategy, but certain operational documents are in place. The State has a designated a Department on counter-terrorism, while the Military Intelligence, Immigration Authority, Police Force, Border Security and Customs operating independently, they share information for the safety of the country and its people.
2.3.2	Does the State have in place a national law enforcement strategy to counter terrorism?	Routine community policing and border security activities are the operational methods to counter-terrorism, where there is a continuous information gathering and sharing at different levels. After proper analysis of the collected information related to terrorist suspects, the Security Department undertakes a monthly risk assessment measures.
2.3.3	Does the State have in place a law enforcement structure for the implementation of the national law enforcement	The State has a counter-terrorism branch that stretches to zone and subzone as a structure and a national law enforcement strategy to counter terrorism. This structure helps to collect information from different angles to prevent



	strategy to counter terrorism?	any act of terrorism and extremist violence.
2.3.4	Is the law enforcement structure supported by technology and equipment that includes, inter alia, databases, biometrics, and communications?	Even though not sufficient, the law enforcement agencies are equipped with modern communication technology and tools. The National Police and Security Forces (NPSF) have a modern training institute and a national police laboratory and database is in place. Efforts are made with partner organizations such as the UNODC to enhance both the human capacity and operational equipment of the law enforcement agencies.
2.3.5	Do law enforcement agencies cooperate, coordinate and exchange information with counterparts in other States?	The Law Enforcement Local Authority which includes the Eritrean Police Force, Security Intelligence Agency, Immigration Department, Inland Revenue Department of the Ministry of Finance and the Customs Department of the Ministry of Finance have a working level cooperation and coordination in exchanging vital information with their counter parts in neighboring countries such as the Sudan.
2.3.6	Do the State's law enforcement agencies conduct threat and risk assessments relating to terrorism?	The Security Department, based on information collected on suspicious cases, conducts a monthly risk assessment whereby the law enforcement agencies get alert.
2.3.7	Describe measures taken by the State to implement education and outreach programmes designed to increase the amount and quality of publicly available information regarding security.	To increase the amount and quality of publicly available information concerning public security and safety, the State, through the Security Department, conducts educational and outreach programs at all levels of the society including the general public, students, associations etc.
2.3.8	Does the State have effective and independent mechanisms in place for oversight of law enforcement agencies, aimed at ensuring professionalism and respect for human rights in their counter-terrorism work?	'Ensuring public safety and security at all times' is the prime goal of the law enforcement agencies and they strive to ensure professionalism and human dignity while conducting their mandate.
2.3.9	Does the State utilize early warning systems regarding terrorism and other related criminal activities?	Early warning systems regarding terrorism and other related criminal activities have been employed to ensure public security and avert risks.
2.4 Denial of safe haven		
2.4.1	Does the State criminalize the harbouring of terrorists?	Proclamation No. 24/92 regulates the entry and stay in Eritrea. Under Art. 7 and 14, a person can enter and stay only if he or she has a valid travel document and entry visa. Any non-immigrant who stays in Eritrea beyond six months is required to have a residence permit. Illegal entrants are



		punishable by law and alteration or falsification made in an attempt to circumvent the immigration law is also punishable.
2.4.2	Does the State have in place legislation to penalize persons or organizations that intentionally provide safe haven to terrorists or facilitate their unlawful stay?	Eritrea has signed CEN-SAD's Convention on Mutual Assistance in Security Matters. Pursuant to Art. 1, member States shall take stringent and tough measures to prevent terrorism, hostile activities and organized crime in various forms, and to make sure that their territories are not used as a ground for planning, organizing and perpetrating these crimes.
2.5 Preventing use of territory for purpose of terrorist acts		
2.5.1	Is it possible to prosecute any preparatory or accessory acts that are conducted in the State with the aim of committing terrorist acts against other States or their citizens outside the State's territory?	Eritrea has signed CEN-SAD's Convention on Mutual Assistance in Security Matters. Pursuant to Art. 1, member States shall take stringent and tough measures to prevent terrorism, hostile activities and organized crime in various forms, and to make sure that their territories are not used as a ground for planning, organizing and perpetrating these crimes.
2.6 Codification		
2.6.1	Does the State's domestic law criminalize all of the offenses set forth in the international counter-terrorism instruments to which it is a party?	Eritrea has only ratified the 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection. Penal Code, 2015, Art. 232 to 235 relate to the use, possession and trafficking of explosives.
2.6.2	If the State defines terrorist acts in its legislation, is the definition clear and precise enough so as not to apply to acts beyond those envisaged by the international counter-terrorism instruments (i.e. acts said to threaten national security or stability without further elaboration, conventional crimes, or non-violent acts of protest or dissent)?	Art. 2(32) of Proclamation 175/2014 defines 'terrorist acts' as shall mean 'an act intended to cause death or serious bodily injury to a civilian, or any other person not taking an active part in the hostilities in a situation of armed conflict, to commit kidnapping or hostage taking, cause serious damage to property, cause serious risk to the safety and health of the public, cause damage to the natural resources, environment, historical or cultural heritage, or to endanger, seize or put under control, cause serious interference or disruption of any public service when the purpose of such act, by its nature or context, is to intimidate a population or to compel a government or an international organization to do or to abstain from doing so.'



2.6.3	Does the State criminalize acts of planning, preparation and supporting of terrorist acts as autonomous offences, with clarity as to the meaning of these terms?	Eritrea has signed CEN-SAD's Convention on Mutual Assistance in Security Matters. Pursuant to Art. 1, member States shall take stringent and tough measures to prevent terrorism, hostile activities and organized crime in various forms, and to make sure that their territories are not used as a ground for planning, organizing and perpetrating these crimes.
2.6.4	Does the State criminalize attempts to commit a terrorist act?	Attempts to commit a terrorist act are criminalized by law as stipulated in Arts. 26-31 of the TPCE.
2.6.5	Does the State's legislation provide an individual convicted of terrorism with the right to request that his/her conviction and sentence be reviewed by a higher court?	The Transitional Criminal Procedure Code of Eritrea (TCPC) provides in Arts. 181-196 the rights of appeal of a convicted individual.
2.6.6	Does the State have habeas corpus legislation or similar provisions allowing detainees in counter-terrorism cases to institute proceedings before a court of law concerning the lawfulness of the detention?	Art. 191 of TCPC provides that 'where notice of appeal or a memorandum of appeal is filed out of time, the court against whose judgment the appeal is filed shall refuse to accept such notice or memorandum and shall require the person submitting such notice or memorandum to apply in writing to the court of appeal for leave to appeal out of time.'
2.6.7	Does the State have in place legislation prohibiting the introduction as evidence, in terrorism proceedings, of any statement made as a result of torture?	Arts. 27 and 35 of TCPC prohibit the introduction as evidence as a result of torture or any sort of coercion against his/her will. The State has also acceded to the Convention Against Torture.

2.7 Jurisdiction

2.7.1	Has the State established its jurisdiction over terrorism offences committed by its own nationals, regardless of the location of the offences committed?	Section II Para 1 and 2 of TPCE and Arts. 99-107 of the TCPCE establishes jurisdiction on material, judicial and local basis.
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2.8 International legal cooperation



2.8.1	Do the extraditable offences defined in the State's legislation include the offences set forth in the international counter-terrorism instruments?	Requests for mutual legal assistance and extradition are processed by the Ministry of Justice and information is transmitted through the diplomatic channels.
2.8.2	Does the State have an INTERPOL National Central Bureau (NCB)?	The State of Eritrea has joined INTERPOL shortly after its independence and established an operational NCB in Asmara. It is staffed with certified officers to use INTERPOL Tools and Services. The NCB office is also connected to the INTERPOL I24/7 services through which it makes use of the INTERPOL notices and other services. Extension of I-24/7 beyond NCB Asmara has not been done yet. Connecting frontline offices to I-24/7 is in consideration. Neither MIND nor FIND has been used. And its training is not yet given.
2.8.3	Is the FIU an active member of an international network that shares good practices and organizes regular meetings?	In 2019, the FIU became an observatory member of the regional body of Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) and it is expected to be a full-fledged member.
2.9 Effective border controls and related issues		
2.9.1	Does the State have in place legislation to prevent illegal entry by terrorists?	<p>Pursuant to Proclamation 24/1992, any foreigner who wants to enter Eritrea shall possess a valid travel document; valid entry visa and health certificate, as may be necessary. A foreigner holding a tourist or transit visa also shall, in addition to those specified, possess a ticket valid for travel from Eritrea to another country; and a valid visa and health certificate which will enable him to enter the country of destination.</p> <p>As far as Denial and Cancellation of Entry Visa is concerned, the proclamation states that, an entry visa may be denied or canceled if the applicant or the holder:</p> <ol style="list-style-type: none"> 1) has no visible means of support or is likely to become a public burden; 2) is found to be a notorious criminal;



		<p>3) has been declared to be a drug addict;’ 4) has been suspected of suffering from a dangerous contagious disease; 5) has been found to be a threat to national security; 6) Has violated the provisions of this Proclamation or Regulations issued hereunder.</p> <p>- Moreover, any person entering Eritrea with any kind of visa shall upon arrival at the entrance site fills a form card and may only be allowed to enter after the stamping of his travel document. Eritrean immigration screening process is connected at the frontline to the national watch lists at the Central Office of the Immigration where there is a special unit monitoring such activity.</p> <p>- The State of Eritrea has access to pre-arrival traveler’s information before issuing visas for foreigners. In addition, requests for granting visa upon arrival are forwarded to the Central Office of Immigration to issue entrance visa for foreigners. After proper screening and checking of the information of the applicant against available databases, the office may grant or deny the request.</p>
2.9.2	Does the State consistently and effectively screen persons for potential links to terrorism prior to their entry into its territory?	<p>In accordance with Proclamation 24/1992, any foreigner who wants to enter Eritrea shall possess a valid travel document; valid entry visa and health certificate, as may be necessary. A foreigner holding a tourist or transit visa also shall, in addition to those specified, possess a ticket valid for travel from Eritrea to another country; and a valid visa and health certificate which will enable him to enter the country of destination. Regulation No. 4/1992 of 1992 of Travel Documents and Immigration specifies the general rules governing entry and tourist visa. Accordingly, the Immigration official at the entrance site may cancel an entry visa issued abroad by the envoy of the Government of Eritrea. The ensuing expense will be borne by the holder of the visa. Any Immigration Authority or the envoy of the Government of Eritrea before issuing an entry or tourist visa;</p> <p>a) shall assure that the Passport or travel document of the applicant is still valid for at least six months; b) Shall assure that the passport or travel document and the particulars</p>



		<p>therein are true and not falsified.</p> <p>Moreover, any person entering Eritrea with any kind of visa shall upon arrival at the entrance site fills a form card and may only be allowed to enter after the stamping of his document.</p>
2.9.3	Is the State's immigration screening process connected at the frontline to national watch lists and alerts?	Definitely Yes. Eritrean immigration screening process is connected at the frontline to the national watch lists. At the Central Office of Immigration, a special unit is in place to supervise such activity.
2.9.4	Is the State's immigration screening process connected at the frontline to the INTERPOL "I-24/7" Stolen and Lost Travel Documents (SLTD) database and Red Notices for suspected criminals and wanted persons, as well as the Al-Qaida Sanctions Lists?	Extension of I-24/7 beyond NCB Asmara has not been done yet. However, connecting frontline to I-24/7 is in consideration.
2.9.5	Does the State use the Mobile INTERPOL Network Database (MIND) and the Fixed INTERPOL Network Database (FIND)?	Neither MIND nor FIND has been used. And its training is not yet given.
2.9.6	<p>Does the State have the capacity effectively to screen travellers at ports of entry? <i>(Reply YES only if the answer to all questions below is YES.)</i></p> <p>A. Does the State have access to pre-arrival traveller information (through Advance Passenger Information Systems), for risk-assessment purposes?</p> <p>B. Does the State have the intelligence and analytical capacity to detect potential terrorists?</p> <p>C. Does the State have the capacity to prevent and detect fraudulent use of identity and travel documents?</p>	The state of Eritrea has access to pre-arrival traveller's information before issuing visa for foreigners. Envoy of the Government of Eritrea collects information about the applicant. In addition, the Envoy requests the consent of Central Office of Immigration to issue entrance visa for foreigners.
2.9.7	Does the State record and store (in an automated system) the entry and exit of persons crossing its borders?	As of 2010, the State of Eritrea introduced ICAO standard machine-readable passport. This technology improved the entry and exit record and store system. At this time, it can simply be identified and have information about persons crossing the border.



2.9.8	Does the State systematically seek to identify individuals who have no legal basis for remaining in the country?	In order to identify individuals who have no legal basis for remaining in Eritrea, the Central Office of Immigration has a special unit by the name 'law enforcement unit'. However, we cannot say that this law enforcement unit has the capacity to systematically seek and identify individuals who have no legal basis for remaining in the Eritrea.
2.9.9	Does the State issue secure ICAO-compliant machine-readable travel documents (MRTDs)?	As of 2010, the state of Eritrea introduced ICAO standard machine-readable passport. This technology improved the entry and exit record and store system. Eritrean passport is printed in Eritrea in a very safe and secure place. Except the authorized officers, no one is allowed to access such a place without special permission from concerned higher official.
2.9.10	Does the State regularly include stolen and lost travel documents/passports in national watch lists and alerts?	Eritrea regularly includes stolen and lost passports in the national watch lists. At the Central Office of Immigration, a dedicated unit is there with such special authority to perform the job.
2.9.11	Does the State regularly communicate relevant data on stolen and lost passports to INTERPOL?	Populating data of stolen and lost passports is very limited. Coordination challenges between NCB and other law enforcement agencies are the main causes for this shortfall.
2.9.12	<p>Does the State implement the WCO SAFE Framework of Standards? <i>(Reply YES only if the answer to all questions below is YES.)</i></p> <p>A. Does the State receive data (electronic transmission) regarding cargo/container shipments prior to their arrival?</p> <p>B. Does the State conduct risk assessments?</p> <p>C. Does the State have the capacity (technology, equipment and trained officers) to conduct non-intrusive inspections of cargo entering, exiting and transiting/transhipped through its territory?</p> <p>D. Does the State implement customs-to-customs cooperation that includes conducting requested inspections?</p> <p>E. Does the State have in place customs-to-business</p>	<p>- Yes. As per legal notice no. 103/2005, the Eritrean Port Regulation section V article 35 a ship shall notify 48 hrs. before arrival at a Port and submit to the Port Authority a list of passengers who will disembark or embark and true copy and duplicate of the cargo manifest and other documents may be required. No vessel may commence loading or unloading cargo unless the documents have first been presented to the Port Authority.</p>



	<p>partnerships to implement cargo security standards, including an Authorized Economic Operator (AEO) programme?</p>	
<p>2.9.13</p>	<p>Does the State have a national civil aviation security programme in place to safeguard civil aviation against acts of unlawful interference? <i>(Reply YES only if the answer is to all questions below is YES.)</i></p> <p>A. Has the State designated an appropriate Government authority for the implementation and maintenance of the national civil aviation security programme?</p> <p>B. Does the State conduct regular threat assessments, audits, tests and inspections to verify compliance and rectify deficiencies?</p> <p>C. Does the State implement an airport security programme at every airport serving civil aviation?</p> <p>D. Does the State ensure that persons implementing security controls are subject to background checks and obtain necessary training and certification?</p> <p>E. Does the State have an identification system for persons and vehicles prior to granting access to airside and restricted areas at civil aviation airports, in order to prevent unauthorized entry?</p>	<p>- The State of Eritrea has a National Civil Aviation Security Program (NCASP) in place which was approved on 31st December 2018. The State of Eritrea has designated an appropriate authority for the implementation and maintenance of the national civil aviation security program (Ref: CAA – Proclamation 169/2012 - Article 84, Ref: AVSEC - Regulation (ECAR – 17)).</p> <p>- Threat assessments, audits, tests and inspections to verify compliance and rectify deficiencies are conducted regularly. (Ref: AVSEC - Regulations (ECAR – 17) Ref: National Civil Aviation Security Program (NCASP) pp.93).</p> <p>- An airport security program has been developed and implemented for the three International Airports (Asmara, Massawa and Assab) (Ref: NCASP – pp. 21 and AVSEC - Regulation (ECAR -17)).</p> <p>- All persons implementing security control are subject to background check and obtain necessary training and certification. (Ref: AVSEC Regulation (ECAR – 17) pp. 23 and NCASP – pp. 32).</p> <p>- There is an identification system for persons and vehicles prior to granting access to airside and restricted areas at civil aviation airports, in order to prevent unauthorized entry. (Ref: NCASP – pp. 36—37 and AVSEC – Regulation (ECAR -17) – pp.25).</p>
<p>2.9.14</p>	<p>Does the State screen the cabin and hold baggage of originating and transfer passengers prior to boarding or loading of the aircraft and ensure that each piece of hold baggage is individually identified as accompanied or unaccompanied before acceptance for carriage?</p>	<p>Regular screening of the cabin and hold baggage of originating and transfer passengers prior to boarding or loading of the aircraft are conducted to ensure that each piece of hold baggage is individually identified as accompanied or unaccompanied before acceptance for carriage. (Ref: NCASP – pp. 40—44 and AVSEC - Regulation (ECAR – 17) pp. 23).</p>



2.9.15	<p>Does the State implement the International Ship and Port Facility Security Code (ISPS Code)? <i>(Reply YES only if the answer to all the questions below is YES.)</i></p> <p>A. Has the State designated a national authority responsible for ship security?</p> <p>B. Has the State designated a national authority responsible for port facility security?</p> <p>C. Has the State designated recipients of ship-to-shore security alerts?</p> <p>D. Has the State established a recognized security organization (RSO)?</p> <p>E. Has the State designated recipients of maritime security-related communications from other contracting Governments?</p> <p>F. Has the State designated recipients of requests for advice or assistance to ships and an agency to whom ships can report concerns?</p> <p>G. Does the State conduct regular threat assessments, audits, tests and inspections to verify compliance and rectify deficiencies, including updating of security plans?</p> <p>H. Does the State implement a seaport security programme at every seaport used in international trade?</p> <p>I. Does the State ensure that persons implementing security controls are subject to background checks and obtain necessary training and certification?</p> <p>J. Does the State have in place a system for checking persons and vehicles before granting them access to seaports in order to prevent unauthorized entry?</p>	<p>Advanced Passenger Information (API) is established in CAA proclamation 169/2012- Article 85 (pp. 54). The State of Eritrea is endeavoring to have access to pre-arrival traveler information based on agreements regarding API conducted between states concerned.</p> <p>-Yes. Massawa Port Authority and Assab Port Authority are designated to perform this duty.</p> <p>- Yes. Both Ports and the maritime are designated. They all receive report concerns via control offices and maritime receives report or other forms of concerns after ship has nominated him as agent.</p> <p>- Yes. Both Ports implement port security programmes in order to keep safe working atmosphere. There is a responsible body formed to look after the issues.</p> <p>- Yes. Periodical training is given for awareness and capacity building.</p> <p>- Yes. As to checking persons, it is handled by searching manually and CC deployment. On the other hand, no vehicles are granted access prior to checking i.e. who owns the vehicles and for what purpose are entering to the port must be known.</p> <p>-No private cars –except big trucks for loading or unloading, are permitted to enter to the port.</p>
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2.9.16	Has the State set up a port security committee at all relevant seaports?	Yes. There are security committees formed on both ports to perform on security issues.
<p>Chapter 3 of Security Council resolution 1373 (2001)</p>		
<p>3.1 Exchange of information</p>		
3.1.1	Does the State alert law enforcement agencies to the INTERPOL-United Nations Security Council Special Notices on individuals and entities who are subject to United Nations sanctions regimes because of their affiliation with Al-Qaida?	In principle, the NCB Asmara has obligation to alert law enforcement agencies INTERPOL, United Nations Security Council Special Notices an individual and entities who are subjected to United Nations Sanctions regimes because of their affiliation with Al-Qaida. However, no such reports have been received by NCB Asmara yet.
<p>3.2 Multilateral and bilateral agreements</p>		
3.2.1	Are the State's law enforcement agencies equipped with bilateral and multilateral tools for cooperation in investigations related to acts of terrorism and terrorist organizations?	Even though law enforcement agencies are partially equipped with bilateral and multilateral tools for cooperation in investigations related to acts of terrorism and terrorist organization, so far there are no serious cases that require for such international investigation.
<p>3.3 Ratification of the international counter-terrorism instruments</p>		
3.3.1	The State is a party to the following international counter-terrorism instruments:	<p>Eritrea is party to:</p> <ul style="list-style-type: none"> - The 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection. - Convention on Assistance in the Case of Nuclear Accident or Radiological Emergency - Convention on Early Notification of Nuclear Accident - Convention on the physical protection of Nuclear Material - Agreement on the privileges and immunities of IAEA <p>Eritrea is also party to:</p>



		<ul style="list-style-type: none">- The 1999 OAU Convention on the Prevention and Combating of Terrorism.- CENSAD Convention on Mutual Assistance in Security Matters.
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Brief Remarks of the State of Eritrea on the ‘Overview of Implementation Assessment’ (OIA)—2019

Along with the Detailed Implementation Survey (DIS), the Government of the State of Eritrea (GoSE) has carefully studied the ‘Overview of Implementation Assessment (OIA)’ and hereby shares its brief observations. In this regard, the GoSE opts to shed some light on the contextual realities of Eritrea instead of dwelling into ‘rebutting exercise’ against the ‘misinformation’ contained in the OIA—a report that does not even endeavour to rectify ‘googlable facts,’ such as Eritrea’s membership to the World Customs Organizations. Thus, for starters, the GoSE wishes to underline the following points:

1. Socio-cultural and Political Factors:

- Eritrea, a multi-ethnic and multi-religious country, has lived for centuries in peace and harmony. In the past three decades, despite the arduous challenges that our region has faced with extremist ideologies, the Eritrean people and government have maintained a peaceful and harmonious nation. Social peace, a proven asset in combating extremism, has been cultivated by policies of secularism, social justice and inclusion as well as an educational system that aimed to inculcate a culture of civic service and promotion of human dignity.

- Active involvement of religious and societal leaders in planning and implementation of national policies have been very crucial. Indeed, there are no ethnic, religious or regional fault-lines that could potentially lead to home-grown threats of terrorism. Public awareness raising programs including at schools are regularly conducted by concerned authorities in coordination with the communities. At the operational level, all relevant law enforcement bodies have been working with the highest vigilance to combat any threat of terrorism and extremist violence.

2. Externally Induced Threats of Terrorism:

- As even observed by the OIA, recently ‘there have been no international incidents in Eritrea.’ However, Eritrea had faced and suffered from serious terrorist threats/attacks in the 1990s from the ‘Jihadist’ movements, sponsored by the presence of the leader of Al-Qaida in the Sudan. Development projects, public and private transport facilities, worship centers and social events such as marriage ceremonies were



indiscriminately attacked. The government of Eritrea, with the full participation of the public, had managed to successfully foil these terrorist attacks. Currently, despite the existing peaceful and stable situation prevailing in the country, the growing regional and international terrorist threats still pose serious security challenges to Eritrea.

3. Regional Peace and Stability Cooperation:

- The GoSE has been striving beyond ensuring national security as combating terrorism requires cooperation to creating a conducive environment for societies to live in peace and dignity. In this regard, the comprehensive peace agreement between Eritrea and Ethiopia signed on the 9th of July 2018 was momentous. Eritrea is further engaged with countries in the region to achieve sustainable peace and to promote cooperation at all spheres and thereby to deny terrorism a breeding ground.
- Moreover, with the aim of enhancing its legal, institutional and technological capacities, Eritrea has signed a comprehensive crime prevention partnership with the United Nations Office on Drugs and Crime (UNODC) last year. These efforts will enable the country to effectively combat transnational organized crimes including terrorism.

4. Challenges and the Way Forward:

- The fight against terrorism entails substantial human, technological and institutional resources. In this regard, developing a comprehensive national policy/strategy and sanctioning specific laws are Eritrea's priorities where the government is endeavoring to put in place. Moreover, enhancing the human, material and institutional capacities of the law enforcement agencies are also essential national programs. To complement its national and international commitment on the fight against terrorism, the GoSE is considering acceding and ratifying pertinent international legal instruments.
- Finally, while submitting these brief remarks, the GoSE wishes to express its strong commitment in the fight against terrorism and its readiness to engage constructively with the Security Council Counter-Terrorism Committee.

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PROCLAMATION NO. 181/2018

Proclamation to Amend the Proclamation No. 175/2014 on Anti-Money Laundering and Combating Financing of Terrorism

Legal Notice No.130/2018

Regulations Issued to Determine the Duties of Financial Institutions, Designated Non-financial Businesses and Professionals in the Prevention of Money Laundering, Terrorism Financing and other Serious Offences

Directive No. 1/2018

Directive Issued to Determine the Composition, Organization, Operation and Resources of the Financial Intelligence Unit

PROCLAMATION NO. 181/2018

Proclamation to Amend the Proclamation No. 175/2014 on Anti-Money Laundering and Combating Financing of Terrorism

Whereas, the establishment of an FIU and the determination of its functions, responsibilities and resources need to be harmonized with those of law enforcement national agencies involved in the fight against crimes in general, and the Bank of Eritrea as supervisory agency for financial institutions;

Whereas, arrangements for the placement of the FIU within the government structure needs to be tailored having regard to the particular features of the legal and administrative systems;

Whereas, a review of the provisions of the Anti-Money Laundering and Combating Financing of Terrorism Proclamation No. 175/2014 that has been done since its issuance made it imperative that these amendments be issued for a better implementation of its objectives;

Now, therefore, the following amendment is issued:

Article 1. Short Title

This Proclamation may be cited as the “Proclamation to Amend the Proclamation No. 175/2014 on Anti-Money Laundering and Combating Financing of Terrorism - Proclamation No. 181/2018”.

Article 2. Amendment

The following amendments shall be made to the Proclamation No. 175/2014 on Anti-Money Laundering and Combating Financing of Terrorism:

- 1) Paragraphs (2) and (29) of Article 2(1) are hereby deleted and replaced by the following new paragraphs (2) and (29) of Article 2(1) respectively:

(2) **“Beneficial Owner”** refers to the natural person who ultimately owns or controls a customer or account, the person on whose behalf a transaction is being conducted, or the person who ultimately exercises effective control over a legal person or arrangement by directly or indirectly holding or controlling at least 25% in the capital or at least 25 % of the voting rights of a company, or who controls of right or de facto the legal entity;

(29) **“Shell Bank”** means a bank that has no physical presence in the country in which it is incorporated and licensed, unless such bank is wholly owned by one or more financial institutions forming part of a regulated financial services group that is subject to effective consolidated supervision.

2) Under Article 14, the following new paragraph (f) to sub-Article (1), and sub-Articles (3) and (4) are hereby inserted:

(1)(f) undertake National Risk Assessment by applying methodology and predicate activity as it may find appropriate.

(3) The Powers of the FIU shall be to:

- (a) issue instructions to stop transactions;
- (b) apply to a competent court of jurisdiction for an order to freezing of accounts;
- (c) conduct inquiries on behalf of foreign counterparts; and
- (d) ensure that non-profit associations established pursuant to the relevant provisions of the Civil Code are not misused to defeat the objectives and purposes of this Proclamation.

(4) the FIU shall have such operational independence in terms of having

- a) its own staff,
- b) documentation and computer system,
- c) office premises, and
- d) budget

3) The words that read “...and the supervisory authority...” in the second line under

paragraph (b) of Article 14(1) are hereby deleted.

- 4) The following new Article 14A is hereby inserted after Article 14:

Article 14A. Investigation of Money Laundering and Terrorist Financing Cases by Investigative or Law Enforcement Agencies

Where reports are received by Law enforcement and investigative agencies pursuant to Article 14(b) of this Proclamation, they shall have the power to investigate the reported case in accordance with the applicable provisions of the law.

- 5) Article 18 is hereby deleted and replaced by the following new Article 18:

Article 18. Administrative Sanctions by the FIU

Whenever the FIU determines that a financial institution is not complying or has not complied with an obligation set-out in this Proclamation, it can impose such administrative sanctions against reporting institutions for non-cooperation or non-compliance as it finds appropriate.

- 6) The following new Article 29A is inserted after Article 29

a) A supervised entity that fails to register with the FIU as may be required by applicable Regulations commits an offence and shall be liable to a fine not exceeding Fifty Thousand (50,000.00) Nakfa.

b) A reporting entity or any director, partner, officer, principal or employee of the reporting entity who discloses to its customer or to a third party that a report or any other information concerning suspected money laundering, financing of terrorism or any other serious offence shall be, is being or has been, submitted to the FIU, or that a money laundering, financing of terrorism or any other serious offence investigation is being, or has been, carried out, except in circumstances as may be set out or required by law to do so commits an offence and shall, upon conviction, be liable to a fine not exceeding Fifty Thousand (50,000.00) Nakfa or imprisonment for a period not exceeding two years, or both.

7) Under Article 30, the following new Sub-Articles (10) and (11) are hereby inserted after sub-Article (9):

“(10) a person who access financial intelligence and information on the database without obtaining authorization from the Director in accordance with applicable Directives;

(11) served as an officer but is no longer employed with the FIU and fails to return the identification document given to him for the performance of functions assigned to the FIU;

8) The following new sub-Articles (4) and (5) are hereby inserted under Article 34:

(4) the provisions under sub-Article (1) shall also be understood to include laundering the proceeds of crime committed abroad.

(5) where the crime of money laundering is committed through agents, the financial and non-financial intermediaries for whom they acted shall be criminally liable for their negligence where negligence as defined in the relevant provisions of the Penal Code can be established.

9) Sub-Article (1) of Article 35 is hereby deleted and replaced by the following new Sub-Article (1) of Article 35:

(1) The funds associated with money laundering, those funds associated with terrorists and who finance terrorists and terrorist organizations shall be frozen by the decision of the FIU. Such decision shall define the terms, conditions and time limits applicable to the freezing. A financial institution holding such funds shall immediately freeze them upon receiving the decision of the supervisory authority.

Article 3. Effective Date

This Proclamation shall come into force on the date of its publication in the Gazette of Eritrean Laws.

Done at Asmara, this 16th day of March, 2018

Government of Eritrea

Legal Notice No.130/2018

Regulations Issued to Determine the Duties of Financial Institutions, Designated Non-financial Businesses and Professionals in the Prevention of Money Laundering, Terrorism Financing and other Serious Offences

Part I

Preliminary

Article 1.- Issuing Authority

These Regulations are issued pursuant to the powers conferred upon the Bank of Eritrea by Articles 40 of the Anti-Money Laundering and Combating Financing of Terrorism Proclamation No. 175/2014.

Article 2.- Short Title

These Regulations may be cited as the “Regulations Issued to Determine the Duties of Financial Institutions, Designated Non-financial Businesses and Professionals in the Prevention of Money Laundering, Terrorism Financing and other Serious Offences - Legal Notice No. 130/2018”.

Article 3.- Scope of Applicability

These Regulations apply to all financial institutions and DNFBPs (designated non-financial business and professionals) in Eritrea.

Article 4.- Interpretation

In these Regulations, unless the context otherwise requires:-

- 1) **“account”** means any facility or arrangement by which a reporting entity does any of the following:-
 - a) accept deposits of funds or other assets;
 - b) allow withdrawals or transfers of funds or other assets; or
 - c) pay negotiable or transferable instruments or orders drawn on, or collects negotiable or transferable instruments or payment orders on behalf of any other person.
- 2) **“bearer negotiable instrument”** includes any monetary instrument in bearer form such as travelers’ cheque, negotiable instruments, including cheque, promissory note and money order, that is either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery.
- 3) **“Currency”** means the coin and paper money of the government of Eritrea, or of a foreign country, that is designated as legal tender or is customarily used and accepted as a medium of exchange.
- 4) **“CTF”** means Combating Terrorism Financing.
- 5) **“Director”** means the director of the Financial Intelligence Unit (FIU).
- 6) **“DNFBP”** means a designated non-financial businesses and professionals.
- 7) **“FATF”** means the Financial Action Task Force, an intergovernmental organization founded in 1989 to develop policies to combat money laundering, the purpose of which expanded in 2001 to act on terrorism financing.

- 8) **“FIU”** means a Financial Intelligence Unit as referred under Article 13 of the AML/CFT Proclamation No. 175/2014.
- 9) **“Foreign FIU”** means a Financial Intelligence Unit of any country established in such countries for the purpose of meeting the Financial Action Task Force’s forty plus nine special FATF recommendations.
- 10) **“Foreign Designated Authority”** means the authority designated for the receipt, requesting, analysis and dissemination of disclosures of suspicious transaction reports in a foreign country.
- 11) **“Law Enforcement Local Authority”** includes:-
- a) The Eritrean Police Force
 - b) “ “ Security Intelligence Agency,
 - c) “ “ Immigration Department,
 - d) “ “ Inland Revenue Department of the Ministry of Finance
 - e) “ “ Customs Department of the Ministry of Finance
- 12) **“Record”** means any material on which information is recorded or marked and which is capable of being read or understood by a person, or by an electronic system or other device.
- 13) **“Reporting Entity”** means an institution regulated by a supervisory authority and required to make a suspicious transaction report under these Regulations.
- 14) **“Sanction”** includes a fine, suspension, de-registration, or any other penalty that may be prescribed by or under these Regulations, but does not include imprisonment.

- 15) **“Shell Bank”** means a bank that has no physical presence in the country in which it is incorporated and licensed, unless such bank is wholly owned by one or more financial institutions forming part of a regulated financial services group that is subject to effective consolidated supervision.
- 16) **“Suspicious Transaction Report”** means a report submitted on suspected money laundering, financing of terrorism or other serious offence or attempted money laundering, financing of terrorism or other serious offence, whether in a form of data message or otherwise.
- 17) Terms defined under the Anti-Money Laundering and Combating Financing of Terrorism Proclamation No 175/2014 shall have the same meaning ascribed to them in that Proclamation.

Part II

Prevention of Money Laundering, Terrorism

Financing and other Serious Offences

Article 5.- Prohibition of Establishment of Anonymous Accounts

A reporting entity shall not establish or maintain an anonymous account of any fictitious name.

Article 6.- Prohibition against Shell Banks

A shell bank shall not be established or permitted to operate in the State of

Eritrea. Eritrean Financial Institutions should not establish correspondence or other related relationships with foreign shell banks.

Article 7.- Obligation to Report Suspicious Transactions

(a) Subject to the provisions of sub-paragraphs (b) and (c) hereof, a reporting entity or a director, principal, officer, partner, professional or employee of a financial institution, that suspects or has reasonable grounds to suspect that any property,

- (i) is the proceeds of a crime, or
- (ii) is related or linked to, or is to be used for, terrorism, terrorist acts, or by terrorist organizations or persons who finance terrorism,

Shall, not later than three working days after informing the suspicion, submit a report settling out the suspicions to the FIU.

(b) sub-paragraph (a) shall also apply to attempted transactions,

(c) Notwithstanding sub-paragraph (a), a legal practitioner, a notary public, an accountant or other DNFBPs, shall submit a report under sub-paragraph (a) if;

- (i) the legal practitioner, notary public or accountant, engages, on behalf of, or for a client, in a financial transaction associated with an activity specified in relation to such professionals under these Regulations, and
- (ii) the relevant information upon which the suspicion is based was not received from, or obtained on, a client -
 - in the course of ascertaining the legal position of the client; or

- in performing their task of defending or representing that client,

or concerning judicial, administrative, arbitration or mediation proceedings, including advice on instituting or avoiding proceedings, whether such information is received or obtained before, during or after such proceedings.

(d) A financial institution shall refrain from carrying out a transaction which it suspects to be related to money laundering, financing of terrorism or any other serious offence.

(e) The FIU shall issue guidelines on the procedures for and form, in which the suspicious transaction reports shall be submitted and shall publish guidance in order to assist reporting entities to fulfill their obligations under this paragraph.

Article 8.- Obligation to Report Currency Transactions

A reporting entity shall promptly but not later than two working days, submit a report to the FIU on any cash transactions exceeding USD 10,000 or its equivalent in other convertible currencies, whether conducted as a single transaction or several transactions that appear to be linked.

Article 9.- Disclosing Information Regarding Compliance

Where it appears to a supervisory authority that a reporting entity or any of its directors, officers or employees, is not complying, or has not complied, with the obligations set out in these Regulations, it shall immediately inform the FIU accordingly.

Article 10.- Inapplicability of Confidentiality Provision

No secrecy or confidentiality provision in any other law shall prevent a

reporting entity from fulfilling its obligations under these Regulations.

Article 11.- Prohibition against Tipping-off

1) A reporting entity or any director, partner, officer, principal or employee of the reporting entity shall not disclose to its customer or to a third party that a report or any other information concerning suspected money laundering, financing of terrorism or any other serious offence shall be, is being or has been, submitted to the FIU, or that a money laundering, financing of terrorism or any other serious offence investigation is being, or has been, carried out, except in the circumstances set out in sub-Article (2) or where otherwise required by law to do so.

2) Sub-Article (1) shall not apply to a disclosure which:-

(a) Is made to carry out a function that a person has relating to the enforcement of any provision of these Regulations or of any other law; or

(b) In the case of a legal practitioner or accountant acting as an independent professional, when seeking to dissuade a client from engaging in an illegal activity, that a suspicious transaction report shall be made, is being made or has been made to the FIU.

(c) A person who contravenes sub-Article (1) commits an offence and shall, upon conviction, be liable to a fine not exceeding Fifty Thousand (50,000.00) Nakfa or imprisonment for a period not exceeding two years, or both.

Article 12.- Protection of identity of Persons and Information Relating to Suspicious Transaction Reports

- 1) Except for the purposes of the administration of these Regulations, a person shall not disclose any information to identify or that is likely to identify the person who prepared or made a suspicious transaction report or handle the underlying transaction.
- 2) A person shall not be required to disclose a suspicious transaction report, or any information contained in the report or provided in connection with it, or the identity of the person preparing or making such a report or handling the underlying transaction in any judicial proceeding unless the court is satisfied that the disclosure of the information is necessary in the interests of justice.

Article 13.- Communication with foreign Competent Authority

Notwithstanding any other written law, the FIU may communicate anything disclosed to it under these Regulations to a foreign designated authority if,

- a) The Director considers the disclosure necessary to enable the foreign designated authority to discharge its functions of receipt, requesting, analysis and dissemination of suspicious transaction reports.
- b) There exists an arrangements between Eritrea and the foreign State under which the foreign designated authority has agreed to communicate to Eritrea, upon Eritrea's request, information received by the foreign designated

authority that corresponds to anything required to be disclosed to the FIU under these Regulations, or

c) The FIU is satisfied that the foreign designated authority has given appropriate undertaking, for:-

(i) protecting the confidentiality of anything communicated to it, and

(ii) controlling the use that will be made of the thing disclosed, including an undertaking that it will not be used as evidence in any proceedings.

Article 14.- Customer Identification Requirements

1) A reporting entity shall identify its customers and verify its customers' identities by means of reliable and independent source documents or information, when:

a) opening an account for or establishing a business relationship with a customer;

b) a customer, who is neither an account holder or is in an established business relationship with a financial institution, wishes to carry out a transaction in an amount on any currency transaction exceeding USD 10,000 or its equivalent in other convertible currencies, whether conducted as a single transaction or several transactions that appear to be linked;

c) notwithstanding paragraph (b), the customer wishes to carry out a domestic or international wire-transfer of monetary amounts on any currency transaction exceeding USD 10,000 or its equivalent in other convertible currencies, whether

- conducted as a single transaction or several transactions that appear to be linked;
- d) doubts exist about the veracity or accuracy of previously obtained customer identification information; or
 - e) there is a suspicion of money laundering, financing of terrorism or any other serious offence involving the customer or the customer's account.
- 2) For the purposes of this part "independent source document of information" shall include, a passport, driver's license, a national identification document or a certified certificate of incorporation.
- 3) A reporting entity shall identify and verify the identity of each customer and obtain other information required by this sub-Article before it establishes an account or a business relationship, or before it carries on further business if it suspects money laundering, financing of terrorism or any other serious offence or doubts, the veracity, or accuracy of previously obtained customer identification information.
- 4) A reporting entity shall, with respect to each customer, obtain and verify, as part of its obligation under sub-Article (1):-
- a) For a normal person, the full name, address, date and place of birth;
 - b) For a legal person, the corporate name, office address, legal status and legal form, provisions governing the authority to bind the legal person, and such information as is necessary to understand the ownership and control of the legal person;

- c) For legal arrangements, the name of the trustees, the settler and the beneficiary of express trusts, and any other parties with authority to manage, vary or otherwise control the arrangements.
- d) In addition to the identity of a customer, the identity of any person acting on behalf of the customer, including evidence that such person is properly authorized to act in that capacity;
- e) Information on the intended purpose and nature of each business relationship.

Article 15.- Customer not Physically Present

A reporting entity shall, where it conducts any business relationship or executes transactions with customer who is not physically present for purposes of identification:-

- a) Take adequate measures to address the specific risk of money-laundering, financing terrorism and any other serious offence;
- b) Ensure that the due diligence conducted is no less effective than where the customer appears in person; and
- c) Require additional documentary evidence or supplementary measures to verify or certify the documents supplied by the customer, or confirmatory certificates from financial institutions or other documentary evidence or measures as may be prescribed.

Article 16.- Obligations Regarding Wire Transfers:

- 1) A financial institution undertaking any wire transfers on any currency transaction exceeding USD 10,000 or its equivalent in other convertible currencies, whether conducted as a single transaction or several transactions that appear to be linked shall:
 - (a) identify and verify the identity of the originator,
 - (b) obtain and maintain the account number of the originator, or
 - (c) in the absence of an account number, a unique reference number, obtain and maintain the originator's address or, in the absence of address, the national identity number.
- 2) Notwithstanding the requirements of sub sub-Article (1), a financial institution is not required to verify the identity of a customer with which it has an existing business relationship where it is satisfied that it already knows and has verified the true identity of the customer,
- 3) Where a financial institution acts as an intermediary in a chain of payments, it shall re-transmit all of the information it received with the wire transfer.

Article 17.- High Risk Customers

A reporting entity shall have appropriate risk management systems to:-

- a) Identify customers whose activities may pose a high risk of money laundering and financing of terrorism and shall exercise enhanced identification, verification and ongoing due diligence procedures with respect to such customers; and

b) Determine if a customer or a beneficial owner is a high risk customer and if so shall:

(i) Obtain approval from senior management of the reporting entity before establishing a business relationship with the customer, or later, as soon as an existing customer is identified as a high risk customer,

(ii) Take all reasonable measures to identify the source of wealth and funds and other assets of the customer, and

(iii) Provide increased and ongoing monitoring of the customer and the business relationship to prevent money laundering, terrorism financing or the commission of any other serious offences and to permit the reporting entity to fulfill its obligations under these Regulations, including all of its due diligence and reporting requirements.

Article 18.- Obligation to Report Currency Transactions

A reporting entity shall, promptly but not later than forty eight working hours, submit a report to the FIU on any currency transaction exceeding USD 10,000 or its equivalent in other convertible currencies, whether conducted as a single transaction or several transactions that appear to be linked.

Part III

Offences and Penalties

Article 19.- Failure to comply with Identification Requirements

A person who intentionally or negligently:-

- a) Fails to undertake the identification of a customer or otherwise to fulfill the customers identification and risk management requirements in accordance with customer identification requirements;
- b) Opens an anonymous account or an account in a fictitious name for a customer in violation of article (13);
- c) Fails to fulfill the obligations relating to the obtaining of information for the processing of a wire-transfer as required under Article (24),

commits an offence and shall, upon conviction by the competent court, be punishable with simple imprisonment from three months to one year or fine not exceeding Ten Thousand (10,000.00) Nakfa or both.

Article 20.- Failure to submit with Regard to Suspicious Transaction or other Reporting

A person who intentionally or negligently fails to submit a report to the FIU as required by these Regulations, commits an offence and is liable, upon conviction, to a penalty provided under Article 30 of the

Anti-Money Laundering and Combating Financing of Terrorism
Proclamation No. 175/2014.

Part – IV

Miscellaneous

Article 21.- Requirement for Supervised Entity to Register

- a) A supervised entity shall, within three months of the coming into force of this Directive register with the FIU.
- b) A supervised entity that fails to register with the FIU as required by sub-Article (a), commits an offence and shall be liable to a fine as prescribed in the AML/CFT Proclamation No. 175/2014.

Article 22.- Change of Address of Supervised Entity

Where a supervised entity changes its registered office or principal place of business, it shall within three months of such change notify the FIU of the new address of its registered office or principal place of business.

Article 23.- Oath of Office Secrecy

Before any officer commences duty under these Regulations, he shall take the Oath of Office Secrecy.

Article 24.- Effective Date

These Regulations shall come into force as of their publication in the Gazette of Eritrean Laws.

Done at Asmara, this 16th day of March 2018

Bank of Eritrea

Directive No. 1/2018

Directive Issued to Determine the Composition, Organization, Operation and Resources of the Financial Intelligence Unit

Part I

Preliminary

Article 1. Short Title

This Directive may be cited as the “Directive Issued to Determine the Composition, Organization, Operation and Resources of the Financial Intelligence Unit – Directive No. 1/2018”.

Article 2. Objectives

The objectives of the FIU shall be to:-

- a) Detect and deter any offence of money laundering and the financing of terrorism;
- b) Maintain public confidence in the financial system;
- c) Sensitize financial institutions to establish and maintain policies and procedures to guard against money laundering and financing of terrorism; and
- d) Proactively work with the law-enforcement agencies, regulators, regional and other international anti-money laundering groups and to effectively assist in deterring, detecting and combating all threats of money laundering and financing of terrorism to our country in particular and the global economy in general.

Part II

Functions, Powers, Authority and Immunity of the Financial Intelligence Unit

Article 3. Functions of the FIU

- 1) The FIU shall be responsible for the collection of financial intelligence and information and the analysis, dissemination, and exchange of such

financial intelligence and information among law enforcement authorities, financial institutions in Eritrea and internationally.

2) Notwithstanding the generality of sub-Article (1), the functions of the FIU are to:-

- a) receive, request and analyze suspicious transaction reports required under this Directive, and the Anti-Money Laundering and Combating Financing of Terrorism Proclamation No. 175/2014 or any other written law, including information from any foreign designated authority;
- b) analyze and evaluate suspicious transaction reports and information as to determine whether there is sufficient basis to transmit reports for investigation by the law enforcement agencies or foreign designated authority;
- c) disseminate information to law enforcement agencies, where there are reasonable grounds to suspect money laundering or financing terrorism;
- d) provide information, advice and assistance to law enforcement agencies in furtherance of an investigation;
- e) provide information relating to suspicious transactions in accordance with this Directive and the Anti-Money Laundering and Combating Financing of Terrorism Proclamation No. 175/2014 to any foreign designated authority subject to such conditions as the Director may determine;
- f) enter into an agreement or arrangement in writing, with a foreign designated authority which the Director considers necessary or desirable for the discharge or performance of its functions;
- g) conduct inquiries on behalf of foreign designated authorities and notify them of the outcome;
- h) inform the public and reporting entities of their obligations and measures that have been or might be taken to detect, prevent and deter money laundering and financing of terrorism;

- i) access directly or indirectly, on a timely basis, financial, administrative or law enforcement information, required for the better carrying out of its functions under this Directive and the Anti-Money Laundering and Combating Financing of Terrorism Proclamation No. 175/2014.

Article 4. Extent of the FIU's Authority

- 1) Subject to sub-Article (2), the FIU shall not, in the performance of its function under this Directive and the Anti-Money Laundering and Combating Financing of Terrorism Proclamation No. 175/2014 or any other law, be subject to the direction or control of any person or authority;
- 2) The Director may, in writing, give the FIU, such directions as he considers necessary in the public interest, and the FIU shall give effect to those directions to the extent that they are not inconsistent with this Directive.
- 3) The FIU may have the authority to:
 - a) Request information from any financial institution, any supervisory agency, any DNFBP, and any law enforcement agency, for purposes of this Directive.
 - b) Instruct a financial institution, in writing, to suspend the processing of a suspicious transaction or suspicious activity for a period not exceeding 3 working days.
 - c) Enter the premises of any financial institution during business hours to inspect any record kept in respect of money laundering or financing of terrorism, and ask any question related to such records, make notes and take copies of a whole or a part of, the record.
 - d) Enter into written agreements with a local authority or foreign Financial Intelligence Unit pertaining to Money laundering and Terrorist Financing.
 - e) Freeze transaction for up to 72 hours.

Article 5. Immunity

- a) An action shall not lie against the Director, Officers or Staff of the FIU, or any person acting under the authority of the Director for anything done or omitted to be done, in good faith in the discharge of any functions, duties or powers under this Directive.
- b) The provisions of this Directive shall have effect notwithstanding any obligation as to secrecy or other restriction on the disclosure of information imposed under any written law or otherwise.
- c) Where any judgment order is obtained against the FIU, no execution, attachment, or process of any nature, shall be issued against the FIU or against any property of the FIU, but the FIU shall cause to be paid out of its revenues such amount as may, by the judgment order, be awarded against the FIU to the person entitled to such amount.

Part III

Composition and Structure of the Financial Intelligence Unit

Article 6. Structure of the FIU

The FIU shall have the following Divisions to perform and exercise its powers, functions and duties:

- a) The Regulatory Division,
- b) The Analytics and Compliance Division,
- c) The Assets Division,
- d) The Legal Affairs Division, and
- e) The Registry.

Article 7. Composition of the Financial Intelligence Unit

The FIU shall be composed of the following organs:

- a) The Director;
- b) Heads of the Divisions on Regulatory, Analytics and Compliance, Assets, and Legal Affairs; and

- c) Other Staff

Article 8. Duties of the Director

The Director of the FIU shall be responsible for:

- a) the management of the FIU, and
- b) the preparation of an annual budget for each new financial year, in accordance with the budgetary process which shall be submitted to the President of the State of Eritrea.

Article 9. Heads of Divisions of the FIU

Heads of each division of the FIU shall lead the respective divisions of the FIU under the supervision of the Director.

Article 10. Other Staff of the FIU

The FIU shall be staffed with qualified and adequate number of staffs and officers as are required for the proper performance of its functions.

Part V

Operation of the FIU with Respect to Collection, Analysis, Dissemination, Storage of Financial Intelligence and Information, Exchange of Information with Local and Foreign FIU's and Monitoring the Effectiveness of the System

Article 11. Collection of Information

- a) The FIU may request financial information from financial institutions by means of written order signed by the Director of the FIU, and/or, in limited or exigent circumstances, the Director can make an oral request for information from a financial institution.

- b) The financial institutions shall have an obligation to respond to the written or oral request immediately.
- c) A financial institution failing to furnish the information requested under this Directive within the period set out to submit, commits an offence and is subject to a fine as prescribed in the AML/CFT Proclamation No. 175/2014.
- d) Where the Director makes an oral request, he shall as soon as reasonably practicable, but in any event within twenty four hours, forward a written request.

Article 12. Information to Analyze STR/SAR and Establishment of System for analysis

a) Requirement to analysis STR/SAR;

Where the FIU receive a STR/SAR or any financial intelligence and information either;

- i. From the result of a request by the FIU to a financial institution; or
- ii. Through the financial institution having reason to believe that some suspicious activity occurred, thereby transmitting to the FIU a voluntary report of the activity; the FIU shall analyze it.

b) Establishment of system for analysis:-

The Director shall put in place and Implement a System for the Effective Analysis of:-

- i. Financial information received from a financial institution; and
- ii. A STR/SAR received from a financial institution.

Article 13. Dissemination of Information

- a) The Director may upon written request, disseminate financial intelligence information to:-
 - (i) Local authorities (law enforcement, or the Attorney General's Office), or
 - (ii) To foreign authorities.
- b) The Director may, upon disseminating financial information, impose the conditions upon which the information may be used; and
- c) Where the Director determines that the sharing of information that is being requested shall require the requesting party to agree to the terms and conditions upon which the information is being shared, it shall subject the sharing of the information to such terms and conditions.

Article 14. Storage of Financial Intelligence and Information

- a) Protection of Financial Intelligence and Information.
 - (i) Where financial intelligence and information has been collected by the FIU, the Director shall insure that the financial intelligence and information in its custody or under its control is secure;
 - (ii) Where reference is made in sub-article (a)(i) to ensuring that the financial intelligence and information is secure, such arrangements shall apply to the collection, storage, access, disclosure, exchange and dissemination of the information.
- b) Responsibilities of the Director in respect of Protection of data:-
 - i. The Director shall be responsible for the development and implementation of internal policies that are in accordance with data protection requirements of the FIU and any other written law.

- ii. The Director shall ensure that financial intelligence and information in the FIU's custody or under its control is secure in the following manner:-
 - copying and storing data into more than one electronic device on an on-site or off-site facility on a daily base; and
 - storing data on an off-site backup facility in the event of a natural disaster, technical malfunction or manmade incidents.
- (iii) The Director shall limit the personnel of the FIU who may access the FIU's database and give specific authorizations in that regard.
- (iv) The Director shall cause a log to be kept of all persons who access the FIU's data base.
- (v) A person who access financial intelligence and information on the database without authorization from the Director under sub-article (b)(iii), commits an offence and shall be liable to a fine as prescribed in the AML/CFT Proclamation No. 175/2014.
- (vi) The Director shall establish a security system or protocol for the physical storage of files and financial intelligence and information received by the FIU.

Article 15. Monitoring the Effectiveness of the System

The FIU shall implement a system for monitoring the effectiveness of its policies with respect to money laundering and financing of terrorism by maintaining a comprehensive statistics on:-

- i. Suspicious transaction or suspicious activity report received and transmitted to law enforcement
- ii. Money laundering and financing of terrorism investigations;
- iii. Property frozen, seized and confiscated; and
- iv. International requests for mutual legal assistance or other co-operation.

Part VI
Sources of Fund and Reports

Article 16. Sources of Fund

The main source of funds of the FIU shall be from:-

- a) Government budget support or subsidy, and
- b) Donations and grants from domestic or international sources.

Article 17. Periodic Reports

1) The FIU shall provide –

a) statistics on:-

- i. the number of disclosures made; and
- ii. the results of the disclosures.

b) information on matters such as the number of STRs/SARs received;

c) the number of STRs/SARs received in relation to the sectors or types of institutions and the geographic areas from which reports have been referred and information:-

- i. as to the types of institutions which STRs/SARs and the types of transactions reported; and
- ii. on current techniques, methods, trends or typologies and examples of actual money laundering cases with no direct offences as to persons or institutions.

2) Reports under sub-Article (1) shall be made available by the FIU on a quarterly basis.

Article 18. Annual Reports

- 1) Within sixty days of the end of the financial year; the Director shall submit an annual report, to the President of the State of Eritrea, of the performance of the FIU, including statistics on suspicious transactions and suspicious activities reports, the results and typologies of money laundering activities, or offences and the financing of terrorism.

- 2) The Director must not, however, disclose any information in the report that would directly or indirectly identify:-
- a) an individual who provided the annual report or information under this Directive; or
 - b) A person about whom a report or information was provided under this Directive.

Part VII

Miscellaneous

Article 19. Identification Documents

- a) An officer performing functions assigned to the FIU under this Directive shall be provided with identification document signed by the Director.
- b) Where the person is no longer employed with the FIU, he/she shall return the identification document given to him.
- c) A person who contravenes sub-section (b), commits an offence, and is subject to a fine as prescribed in the AML/CFT Proclamation No. 175/2014.

Article 20. Oath of Office Secrecy

Before any officer commences duty under this Directive, he shall take the Oath of Office Secrecy.

Article 21. Effective Date

This Directive shall come into force on the date of its publication in the Gazette of Eritrean Laws.

Done at Asmara, this 16th day of March, 2018

Government of Eritrea

GAZETTE OF ERITREAN LAWS
PUBLISHED BY THE GOVERNMENT OF ERITREA

Vol. 22/2014 No. 1 Asmara, September 8, 2014 Price: 15 Nakfa

PROCLAMATION NO. 175/2014

**The Anti-Money Laundering and Combating Financing of
Terrorism Proclamation**

PROCLAMATION NO. 175/2014

The Anti-Money Laundering and Combating Financing of Terrorism Proclamation

WHEREAS, money laundering and the financing of terrorism are serious crimes which threaten the peace, security and development of the country and the world at large;

WHEREAS, the Government of Eritrea is committed to protect the well-being of its citizens from terrorism and guarantee their safety in their day-to-day activities;

WHEREAS, it is necessary to ensure that all financial institutions in the country are in the forefront in combating money laundering and terrorism financing; and

NOW, THEREFORE, it is proclaimed as follows:

PART I

PRELIMINARY PROVISIONS

Article 1. Short Title

This Proclamation may be cited as “Anti-Money Laundering and Combating Financing of Terrorism Proclamation No. 175/2014.”

Article 2. Definitions

(1) In this Proclamation, unless the context otherwise requires:

- (1) **“Bank”** means the Bank of Eritrea, which is the central bank of Eritrea as defined in Proclamation No. 93 of 1997;
- (2) **“Beneficial Owner”** refers to the natural person who ultimately owns or controls a customer or account, the person on whose behalf a transaction is being conducted, or the person who ultimately exercises effective control over a legal person or arrangement;
- (3) **“Competent Authority”** means any physical person or government body which has a delegated or vested authority, capacity, or power to perform a designated function;
- (4) **“Correspondent Banking”** means the provision of banking services by one bank (the correspondent bank) to another bank (the respondent bank);
- (5) **“Cross-Border Transfer”** means any transfer where the originator and beneficiary persons are located in different countries at the time of initiating the transfer. The term also refers to any chain of transfers that has at least one cross-border element;
- (6) **“Customer”** in relation to a transaction or account, includes:
 - (a) a person in whose name a transaction or account is arranged, opened or undertaken;
 - (b) a signatory to a transaction or account;
 - (c) any person to whom a transaction has been assigned or transferred; or
 - (d) any person who is authorized to conduct a transaction;

- (7) **“Domestic Transfer”** means any transfer where the originator and beneficiary persons are located within the same country at the time of initiating the transfer. The term refers to any chain of transfers that takes place entirely within the borders of a single country, even though the system used to effect the transfer may be located in another country;
- (8) **“Depository Institution”** means any financial institution authorized to engage in the business of collecting deposits or their equivalents from the public;
- (9) **“Financial Institution”** means both any authorized depository and non-depository financial institution;
- (10) **“Financing of Terrorism “** means an act by any person who, by any means, directly or indirectly, willfully, provides or collects funds, or attempts to do so, with the knowledge and intention that they would be used in full or in part to carry out a terrorist act by a terrorist or terrorist organization;
- (11) **“Freezing”** means prohibiting the transfer, conversion, disposition or movement of funds or other property on the basis of, and for the duration of the validity of, a decision of a judicial or other competent authority. The frozen funds or other property shall remain the property of the persons or entities that held an interest in the specified funds or other property at the time of the freezing, and may continue to be administered by the financial institution;
- (12) **“High Risk Categories”** means customers, businesses or transactions that need to be subjected to more regular reviews, particularly against the know-your-customer information held by the bank and the activity in the account. Such categories shall include, but not be limited to:
- (a) complex, unusual or large transactions;
 - (b) relationships or transactions with countries known to have material deficiencies in anti money laundering and terrorist financing strategies;
 - (c) politically exposed persons;
 - (d) non-resident customers such as those staying in the country for less than one year or those in short visit or travel; and
 - (e) companies that have shares in bearer form;
- (13) **“Large Cash Transaction”** means a transaction exceeding USD 10,000 or its equivalent in other convertible currencies;
- (14) **“Money Laundering”** means the offence provided for in Article 31 of this Proclamation;
- (15) **“Money or Value Transfer Service”** shall mean carrying on the business of accepting cash, cheques or any other monetary instrument or other means of storing value, and paying a corresponding sum in cash or in other form to a beneficiary, by means of communication, message, transfer or through a clearing system to which the money or value transfer service belongs.
- (16) **“Non-Depository Financial Institution (NDFI)”** means any authorized financial institution which does not collect deposits or their equivalent from the public;
- (17) **“Non-Depository Financial Institution Public’s Funds (NDFIPF)”** means any authorized financial institution which does not collect deposits or their equivalent from the public, but which does collect funds from the public in some form for its operations, and

which is of a specialized nature and includes insurance companies, pension funds, investment funds as well as others which may be designated by the Bank;

- (18) **“Non-Depository Financial Institution Non-Public’s Funds (NDFINPF)”** means any authorized financial institution which does not collect deposits or their equivalent from the public and does not collect funds from the public in any form, and engages in one or more specialized financial activities, foreign exchange dealership, factoring and leasing companies, venture capital firms, credit card companies, installment credit and consumer credit institutions, security companies (such as brokers, dealers, investment analyst, investment fund management, investment advisors, underwriters and investment bankers), stocks (shares) and bond exchanges and clearing, settlement and depository institutions, trustees, custodians, and any other which may be designated as NDFINPF by the Bank;
- (19) **“Non-Face-to-Face Customers”** are customers who do not present themselves for personal interview when they open accounts with financial institutions such as non-resident customers;
- (20) **“Originator”** is a bank account holder or, where there is no account, the person that places an order with the bank or other financial institution to perform a transfer;
- (21) **“Payable-Through Accounts”** refers to correspondent accounts that are used directly by third parties to transact business on their own behalf;
- (22) **“Person”** means any natural or juridical person;
- (23) **“Politically exposed person”** shall mean any person who is or has been entrusted with prominent public functions as well as members of such person’s family or those closely associated with him/her.
- (24) **“Predicate Offence”** shall mean any offence, which generates proceeds of crime and is punishable with rigorous imprisonment;
- (25) **“property”** shall mean assets or funds of every kind, whether movable or immovable, tangible or intangible, and legal documents or instruments in any form, including electronic or digital, evidencing title to or interest in such assets, including but not limited to bank credits, traveler’s cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters of credit, and any interest, dividends or other income on or value accruing from or generated by such assets;
- (26) **“Proceeds of Crime”** means any property derived or obtained, directly or indirectly, from an offence under Articles 31 and 32 of this Proclamation and includes property converted or transformed, in part or in full, into other property and investment yields from such an offence;
- (27) **“Seizing”** means prohibiting the transfer, conversion, disposition or movement of funds or other property on the basis of, and for the duration of the validity of, a decision of a judicial or other competent authority. The seized property shall remain the property of the persons or entities that held an interest in the specified property at the time of the seizure, but shall be administered by the judicial or other competent authority;
- (28) **“Senior Management”** means a team of executives at the highest level who have the day-to-day responsibilities of managing a financial institution as defined by the instruments establishing it;

- (29) **“Shell Bank”** means a bank that has no physical presence in the country in which it is incorporated and licensed, and which is unaffiliated with a regulated financial services group that is subject to effective consolidated supervision;
- (30) **“Supervisory Authority”** means the Bank which is entrusted with the oversight authority of all financial institutions;
- (31) **“Suspicious Transaction”** refers to a transaction which is inconsistent with a customer's known legitimate business or personal activities or with the normal business for that type of account, or a complex and unusual transaction or pattern of transaction that has no apparent or visible economic purpose;
- (32) **“Terrorist Act”** means shall mean an act intended to cause death or serious bodily injury to a civilian, or any other person not taking an active part in the hostilities in a situation of armed conflict, to commit kidnapping or hostage taking, cause serious damage to property, cause serious risk to the safety and health of the public, cause damage to the natural resources, environment, historical or cultural heritage, or to endanger, seize or put under control, cause serious interference or disruption of any public service when the purpose of such act, by its nature or context, is to intimidate a population or to compel a government or an international organization to do or to abstain from doing so;
- (33) **“Terrorist”** shall mean any natural person who:
- (a) commits, or attempts to commit, terrorist acts by any means, directly or indirectly, unlawfully and willfully;
 - (b) participates as an accomplice in terrorist acts;
 - (c) organizes or directs others to commit terrorist acts; or
 - (d) contributes to the commission of terrorist acts by a group of persons acting with a common purpose where the contribution is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act;
- (34) **“Terrorist Organization”** shall mean any group of terrorists that:
- (a) commits, or attempts to commit, terrorist acts by any means, directly or indirectly, unlawfully and willfully;
 - (b) participates as an accomplice in terrorist acts;
 - (c) organizes or directs others to commit terrorist acts; or
 - (d) contributes to the commission of terrorist acts by group of persons acting with a common purpose where the contribution is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act.
- (35) **“Transaction with No Apparent or Visible Economic Purpose”** includes:
- (a) a transaction that gives rise to a reasonable suspicion that it may involve the laundering of money or the proceeds of any crime and is made in circumstances of unusual or unjustified complexity;
 - (b) a transaction whose form suggests that it might be intended for an illegal purpose or the economic purpose of which is not discernible;

- (c) a customer relationship with the financial institution that does not appear to make economic sense, such as a customer having a large number of accounts with the same bank, frequent transfers between different accounts or exaggeratedly high liquidity;
- (d) a transaction in which assets are withdrawn immediately after being deposited, unless the customer's business activities furnish plausible reason for immediate withdrawal;
- (e) a transaction that cannot be reconciled with the usual activities of the clientele of the financial institution or branch office in question, and in which the reason for the customer's choice of that particular financial institution or branch cannot be ascertained;
- (f) a transaction which, without plausible reason, results in the intensive use of what was previously a relatively inactive account, such as a customer's account which shows virtually no normal personal or business related activities but is used to receive or disburse unusually large sums which have no obvious purpose or relationship to the customer or his or her business; or
- (g) a transaction which is incompatible with the financial institution's knowledge and experience of the customer in question or with the purpose of the business relationship;

(36) **“Wire Transfer”** refers to any transaction carried out on behalf of an originator through a bank or other financial institution by electronic means with a view to making an amount of money available to a beneficiary at another bank or financial institution. The originator and the beneficiary may be the same person; and

(2) Any expression in the masculine gender shall also include the feminine.

Article 3. Objectives

The objectives of this Proclamation are to:

- (a) detect, deter and prosecute offences of money laundering and the financing of terrorism;
- (b) maintain public confidence in the financial system;
- (c) facilitate co-operation among reporting entities, Anti-Money Laundering and Combating Financing of Terrorism (AML/CFT) supervisors, and various government agencies, in particular law enforcement and regulatory agencies; and
- (d) sensitize financial institutions to establish and maintain policies and procedures to guard against money laundering and the financing of terrorism.

Article 4. Scope of Application

This Proclamation applies to all financial institutions in Eritrea.

PART II

CUSTOMER DUE DILIGENCNE AND IDENTIFICATION

Section I. Customer Due Diligence of Financial Institutions

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ብመንግስቲ ኤርትራ ዝሕተፎ**

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**GAZETTE OF ERITREAN LAWS
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Vol.21/2013 No.1 Asmara, 20th February, 2013 Price Nakfa

Proclamation No. 173/2013

A Proclamation Pertaining to the Opening of Foreign Currency Deposit Accounts, Domestic Commercial Transactions and/or Contracts, Currency Remittance and Exchange and the Declaration of Currency of Travelers Arriving into and Departing from Eritrea

አዋጅ ቁጽ 173/2013

ብባጤራ ወጻኢ ሕሳባት ንምክፋት፣ ንኣከፋፍላ ኣብ ውሽጢ ሃገር ናይ ዝካየዱ ንግዳዊ ትውጊታት/ውዕላት፣ ንምሕዋልን ንምሽራፍን ባጤራ፣ ከምኡ'ውን ንምምዘጋብ ትሕዝቶ ገንዘብ ናብ ኤርትራ ናይ ዝኣትውን ካብ ኤርትራ ናይ ዝወጹን ገደሾ ዝምልከት አዋጅ

ዓንቀጽ 1. ሓጺር ኣርእስቲ

እዚ አዋጅ'ዚ “ብባጤራ ወጻኢ ሕሳባት ንምክፋት፣ ንኣከፋፍላ ኣብ ውሽጢ ሃገር ናይ ዝካየዱ ንግዳዊ ትውጊታት/ውዕላት፣ ንምሕዋልን ንምሽራፍን ባጤራ፣ ከምኡ'ውን ንምምዘጋብ ትሕዝቶ ገንዘብ ናብ ኤርትራ ናይ ዝኣትውን ካብ ኤርትራ ናይ ዝወጹን ገደሾ ዝምልከት አዋጅ ቁጽ 173/2013” ተባሂሉ ክጥቀስ ይከኣል።

ዓንቀጽ 2. ዝተሰረዙ ሕጋታት

ሕጋዊ ምልክታ ቁጽ 101/2005ን ንዕኡ ንምምሕያሽ ዝወጸ ሕጋዊ ምልክታ ቁጽ 102/2005ን በዚ አዋጅ'ዚ ተሰሪዞምን ተተኪኦምን ኣለው።

ዓንቀጽ 3. ብባጤራ ወጻኢ ሕሳባት ምክፋት

- (1) ብሚኒስትሪ ፋይናንስ ዝተፈቐደሎም ትካላት መንግስትን ብባንክ ኤርትራ ዝተፈቐደሎም ካልኣት ትካላትን፣ ኣብ ኤርትራ ብባጤራ ወጻኢ ሕሳብ ኪኸፍቱ ይክእሉ።
- (2) ኣብ ኤርትራ ዝነበሩ ዜጋታት፣ ኣብ ባንክታት ኤርትራ ናይ ባጤራ ወጻኢ ሕሳብ ከፊቶም ብሕጋዊ መገዲ ክጥቀሙሉ ይክእሉ።
- (3) ካብ ኤርትራ ወጻኢ ዝቐመጡ ዜጋታት ኤርትራ ኣብ ባንክታት ኤርትራ ብባጤራ ወጻኢ ሕሳብ ክኸፍቱን ሕሳቦም ብዘይ ዝኸነ ቀይዲ ከንቀሳቕሱን ይክእሉ።
- (4) ብመሰረት ንኡስ-ዓንቀጽ (1) ናይ'ዚ ዓንቀጽ'ዚ ብባጤራ ወጻኢ ናይ ባንክ ሕሳብ ኣብ ኤርትራ ዝኸፈቱ ትካላት፣ ነቲ ናይ ወጻኢ ባጤራ ሕሳቦም ንኣህጉራዊ ትውጊታት ክጥቀሙሉ ይክእሉ።
- (5) ብባጤራ ወጻኢ ናይ ባንክ ሕሳብ ኣብ ኤርትራ ዝኸፈቱ ኣብ ኤርትራ ዝነበሩ ዜጋታት ቅቡል

መርትዖ ንባንክታት ብምቕራብ ናይ ወጻኢ ባጤራኡም ክጥቀሙሉ ይኸእሉ።

ግንቀጽ 4. ኣከፋፍላ ኣብ ውሽጢ ሃገር ናይ ዝካየዱ ንግዳዊ ትውጊታት/ውዕላት

- (1) ባንክ ኤርትራ ብፍሉይ ብባጤራ ወጻኢ ክፍሊት ክፍጸም እንተዘይኣፍቂዱ፣ ኩሉ ኣብ ኤርትራ ዝካየድ ንግዳዊ ትውጊታትን ዝእቶ ውዕላትን ዝፍጸም ክፍሊታት ብባጤራ ናቕፋ ጥራይ ይኸውን።
- (2) ብፍሉይ ፍቓድ ባንክ ኤርትራ ኣብ ውሽጢ ሃገር ብባጤራ ወጻኢ ትውጊት ክፍጽማ ወይ ኣገልግሎት ክህባ ዝፍቀደለን ትካላት ዝእክባኦም ባጤራ ወጻኢ፣ ባንክ ኤርትራ ኣብ ዝውሰነለን ናይ ግዜ ሰሌዳ ንባንክ ኤርትራ የረክባ(የስተልማ)።

ግንቀጽ 5. ምሕዋልን ምሽራፍን ባጤራ ወጻኢ ምሕዋልን ምሽራፍን ባጤራ ወጻኢ ኣብ ኤርትራ፣ ብመገዲ ባንክታት ኤርትራን ብባንክ ኤርትራ ዝፍቀደለን ካልኣት ፋይናንስያዊ ኣገልግሎታት ዝህባ ትካላትን ጥራይ ይካየድ።

ግንቀጽ 6. ምምዘጋብ ትሕዝቶ ገንዘብ ናብን ካብን ኤርትራ ዝኣትውን ዝወጹን ገያሾ ገያሾ ናብ ኤርትራ ከእትውዎን ካብ ኤርትራ ከውጽእዎን ዝፍቀደሎም መጠን ገንዘብ ገደብ ዘይብሉ ኩይኑ፣ እቲ ዘእትውዎ ወይ ዘውጽእዎ ልዕሊ ዓሰርተ ሽሕ (10,000) ዶላር ወይ ድማ ንዕኡ ዝመጣጠኑ ካልኣት ተለውጥቲ ናይ ወጻኢ ባጤራታት ምስ ዝኸውን፣ ብባንክ ኤርትራ ኣብ ዝተዳለወ መሰረዳ ቅጥዒ ይመልኡን ነቲ ቅጥዒ ንሰብ-መዚ ግምሩክ ኤርትራ ኣብ መውጽኢን መእተውን ኣፍደገ ኤርትራ የረክቡን።

ግንቀጽ 7. መቕጻዕቲ

- ኣብ ካልኣት ድንጋጌታት ሕጊ በንጻሩ ዝሰፈረ ብዘየገድስ፣ ዝኾነ ሰብ ወይ ትካል፦
- (1) ብዘይ ፍሉይ ፍቓድ ባንክ ኤርትራ ናይ ወጻኢ ባጤራ ዘሽረፈ፣
 - (2) ናይ ወጻኢ ባጤራ ተቐቢሉ ኣብ ኤርትራ ብናቕፋ ካብ ሕጊ ወጻኢ ዝሽፈለ ወይ ዝሓወለ፣
 - (3) ልዕሊ ዓሰርተ ሽሕ (10,000) ዶላር ወይ ድማ

ልዕሊ ንዕኡ ዝመጣጠን ካልእ ተለዋጢ ናይ ወጻኢ ባጤራ ብባንክ ኤርትራ ኣብ ዝተዳለወ መአወጂ ቅጥዒ መሊኡ ንሰብ-መዚ ግምሩክ ከየረከበ ናብ ውሽጢ ሃገር ወይ ናብ ደገ ዘሕለፈ፣ ወይ

(4) ብዘይ ፍሉይ ፍቓድ ባንክ ኤርትራ፣ ኣብ ኤርትራ ንዝካየዱ ትውጊታት ወይ ውዕላት ብናይ ወጻኢ ባጤራ ክፍሊት ዝፈጸመ ወይ ዝተቐበለ፣

ኣብ ስልጣኑ ዘፍቅደሉ ሲቪላዊ ቤት ፍርዲ ተኸሲሱ ገበነኛ ምኃኑ ምስተረጋገጸ፣ ናይ ወጻኢ ባጤራ ከሽርፍ፣ ብናቕፋ ክሕውል፣ መአወጂ ቅጥዒ መሊኡ ንሰብ-መዚ ግምሩክ ከየረከበ ናብን ካብን ኤርትራ ናይ ወጻኢ ባጤራ ከእቲ ወይ ከውጽእ፣ ወይ ኣብ ኤርትራ ብናይ ወጻኢ ባጤራ ክሸፍል ወይ ክቕበል እንከሎ ዝተታሕዞ ገንዘብ ኣብ ልዕሊ ምውራሱ፣ ብፎኪስ ማእሰርቲ (ማለት ካብ ዓሰርተ መዓልቲ ክሳብ ሰለስተ ዓመት) ወይ ካብ ሓምሳ ሺሕ ናቕፋ (50,000) ብዘይዛይድ ናይ ገንዘብ መቕጻዕቲ ይቕጻዕ። ኮይኑ ግን ድንጋጌታት ንኡስ-ዓንቀጽ (3) ናይዚ ዓንቀጽዚ ከምኡ'ውን ኣብዚ ዓንቀጽዚ ተደንጊጉ ዘሎ ናይ ማእሰርቲ መቕጻዕቲ ኣብ ልዕሊ ትካላት ተፈጻምንት የብሉን።

ዓንቀጽ 8. ኣብ ግብሪ ዝውዕለሉ

እዚ ኣዋጅዚ ኣብ ጋዜጣ ኣዋጃት ኤርትራ ተሓቲሙ ካብ ዝወጸሉ ዕለት ጀሚሩ ኣብ ግብሪ ይውዕል።

ኣስመራ፣ 20 ለካቲት፣ 2013፣
መንግስቲ ኤርትራ።

PROCLAMATION NO. 173/2013

A Proclamation Pertaining to the Opening of Foreign Currency Deposit Accounts, Domestic Commercial Transactions and/or Contracts, Currency Remittance and Exchange and the Declaration of Currency of Travelers Arriving into and Departing from Eritrea

Article 1. Short Title

This Proclamation may be cited as " Proclamation No.173/2013 Pertaining to the Opening of Foreign Currency Deposit Accounts, Domestic Commercial Transactions and/or Contracts, Currency Remittance and Exchange and the Declaration of Currency of Travelers Arriving into and Departing from Eritrea".

Article 2. Repealed Regulations

Legal Notice No.101/2005 and Legal Notice 102/2005 issued to amend the former are hereby repealed and replaced by this Proclamation.

Article 3. Opening of Foreign Currency Deposit Accounts

- (1) Government institutions authorized by the Ministry of Finance, as well other institutions authorized by the Bank of Eritrea, may open foreign currency accounts in Eritrea.
- (2) Eritrean citizens residing in Eritrea may open foreign currency accounts in Eritrean banks and utilize their foreign currency for legitimate means.
- (3) Eritrean citizens residing outside Eritrea may open foreign currency accounts in Eritrean banks and operate their foreign currency without any restriction.
- (4) Institutions which have opened foreign currency accounts in Eritrea pursuant to sub-Article (1) of this Article may use their foreign currency for international transactions.
- (5) Citizens residing in Eritrea who have opened foreign currency accounts in Eritrea may use their foreign currency upon presentation to the banks acceptable evidence.

Article 4. Currency of Payment in Domestic Transactions/ Contracts

- (1) Unless the Bank of Eritrea specially authorizes payment in foreign currency, all payments relating to commercial transactions and contracts in Eritrea shall only be made in Nakfa.
- (2) Foreign currency collected by institutions specially authorized by the Bank of Eritrea to conduct transactions

or provide services in foreign currency shall be surrendered to the Bank of Eritrea within the time frame prescribed by it.

Article 5. Remittance and Exchange of Foreign Currency

Remittance and exchange of foreign currencies in Eritrea shall be effected only through Eritrean banks and other service-providing financial institutions authorized to do so by the Bank of Eritrea.

Article 6. Declaration of Currency Carried by Travelers Arriving into and Departing from Eritrea

Whereas there shall be no limitation on the amount of foreign currency that travelers may bring into or take out from Eritrea, they shall, where the amount they bring into or take out from Eritrea exceeds US Dollars ten thousand (10,000) or its equivalent in other convertible currencies, complete declaration forms prepared by the Bank of Eritrea and submit the same to Eritrean Customs Officers at the port of entry or departure in Eritrea.

Article 7. Penalty

Notwithstanding any provisions of law to the contrary, any person or institution who/which:

- (1) exchanges foreign currency without a special permit from the Bank of Eritrea;
- (2) remits illegally in Eritrea in Nakfa foreign currency received abroad;
- (3) brings into or takes out of Eritrea foreign currency exceeding ten thousand (10,000) US Dollars or its equivalent in other convertible foreign currency without completing and submitting to Customs Officers declaration forms prepared by the Bank of Eritrea; or
- (4) effects or receives in Eritrea payments relating to commercial transactions or contracts in foreign currency without a special permit from the Bank of Eritrea,

shall, upon conviction by the competent civil court, in addition to the confiscation of the money that he/she/it is found exchanging foreign currency, remitting in Nakfa, bringing into or taking out from Eritrea without filling a declaration form and submitting it to the Customs Officers, or effecting or receiving payments in foreign currency in Eritrea, be punishable with simple imprisonment (ie., from 10 days up to three years) or with a fine not exceeding fifty thousand (50,000) Nakfa; provided that the provisions of sub-Article (3) of this Article as well as the penalty of

imprisonment herein provided for may not apply to institutions.

Article 8. Entry into Force

This Proclamation shall enter into force as of the date of its publication in the Gazette of Eritrean Laws.

Done at Asmara, this 20th day of February, 2013,
Government of Eritrea.

Article 5. Customer Acceptance Policy, Procedure, and Compliance Arrangement

- (1) Financial Institutions shall establish and maintain internal policies, procedures, and controls to prevent money laundering and terrorist financing, and communicate the same to their employees and the Bank. The said policies, procedures and controls shall at a minimum cover:
 - (a) explicit criteria for identification and acceptance of customers;
 - (b) appropriate risk management systems to determine whether a potential customer, an existing customer or beneficial owner is a politically- exposed person or a customer in a high risk category;
 - (c) record retention techniques, methods and periods;
 - (d) unusual and suspicious transactions detection techniques, methods and reporting obligations;
 - (e) measures to be taken to prevent the misuse of technology for the purposes of money laundering or terrorist financing schemes; and
 - (f) specific risks associated with non-face-to-face business relationships or transactions.
- (2) Financial institutions shall develop appropriate compliance management arrangements which at a minimum include:
 - (a) designation of a compliance officer at the management level; and
 - (b) ascertain application of all laws related to anti-money laundering and combating terrorist financing; as well as internal policies, procedures and controls when establishing customer relationships and conducting ongoing due diligence.
- (3) Financial institutions shall maintain an adequately-resourced and independent internal audit function to test compliance with laws and directives of the Bank, as well as internal policies, procedures and controls.

\Article 6. Customer Identification and Due Diligence

- (1) Financial institutions may not keep anonymous accounts or accounts in fictitious names.
- (3) Financial institutions may not enter into, or continue, correspondent banking relationships with shell banks.
- (5) Financial institutions shall undertake customer due diligence measures when:
 - (a) establishing business relations with a customer;
 - (b) carrying out occasional cash transaction with a customer exceeding USD 10,000 or its equivalent in other currencies, and shall include situations where

the transaction is carried out in a single operation or in several operations that appear to be linked or structured;

- (c) there is a suspicion of money laundering or terrorist financing, regardless of any exemptions or thresholds provided under this Proclamation; and
 - (d) they have doubts about the veracity or adequacy of previously-obtained customer identification data.
- (4) Financial institutions shall identify the customer, whether regular or occasional, natural or juridical person or legal arrangement, and verify that customer's identity using, as much as possible, reliable independent source documents, data or information.
- (5) Identification requirements for natural persons shall include:
- (a) given or legal name and all other names used;
 - (b) identity card or residence permit or passport;
 - (c) permanent address;
 - (d) telephone number, fax number, mailing and e-mail address, if available;
 - (e) date and place of birth;
 - (f) nationality;
 - (g) occupation, public position held and/or name of employer, if any;
 - (h) type of account; and
 - (i) signed statement certifying accuracy of the information provided.
- (6) For customers that are juridical persons or legal arrangements, financial institutions shall:
- (a) take reasonable measures to understand the ownership and control structure of the customer and determine who the natural persons that ultimately own or control the juridical person or arrangement are, including those natural persons who exercise ultimate effective control over the juridical person or arrangement;
 - (c) verify that any person purporting to act on behalf of the customer is so authorized, and identify and verify the identity of that person;
 - (e) verify the legal status of the juridical person or legal arrangement at a minimum by obtaining proof of incorporation or similar evidence of establishment or existence. Information concerning the juridical person or legal arrangement's shall include:
 - (i) name;

- (ii) legal form;
 - (iii) some form of official identification number such as tax identification number, if available;
 - (iv) address which includes country, region/city/town/zonal administration in which the head office is located and, if available, house number, mailing address, telephone number and fax number;
 - (v) names of the general manager or chief executive officer and of directors, if applicable;
 - (vi) provisions regulating the power to bind the juridical person or arrangement;
 - (vii) the resolution of the board of directors, if applicable, or any other authorized body or person that authorizes to open an account; and
 - (viii) identification of those who have authority to operate the accounts.
- (7) In carrying out transactions with any person, a financial institution shall identify the ultimate beneficial owner and take reasonable measures to verify the identity of the beneficial owner using relevant information or data obtained from a reliable source such that the financial institution is satisfied that it knows who the beneficial owner is. A financial institution shall, for all its customers, determine whether the customer is acting on his own behalf or on behalf of another person and, if the customer is found to be another person, it shall take reasonable steps to obtain sufficient identification data to verify the identity of that other person.
- (9) Establishment of a financial institution's new business relationship with a politically-exposed person shall be approved by a senior management member of the financial institution.
- (11) Where a customer has been accepted and the customer or beneficial owner is subsequently found to be, or subsequently becomes, a politically-exposed person, continuation of business relationship with such person shall be approved by a senior management member of the financial institution.
- (13) Financial institutions shall take reasonable measures to establish the source of wealth and the source of funds of customers and beneficial owners identified as politically- exposed persons.
- (15) Financial institutions shall obtain information on the purpose and intended nature of the business relationship.
- (17) Banks shall perform enhanced due diligence on high risk categories of customers, business relationships or transactions.

- (13) Financial institutions shall give particular attention to business relationships and transactions with natural and judicial persons from countries which do not or insufficiently apply anti-money laundering and combating terrorist financing laws.

Article 7. Account Monitoring

(1) Financial institutions shall conduct ongoing due diligence measures on existing customers and business relationships, including scrutiny of transactions undertaken throughout the course of that relationship to ensure that:

(a) the transactions being conducted are consistent with the financial institution's knowledge of the customers, their business and risk profile, and where necessary, the source of funds; and

(b) documents, data or information collected under the due diligence process are kept up-to-date and relevant by undertaking reviews of existing records, particularly for higher risk categories of customers or business relationships.

(2) Where financial institutions are in a business relationship with a politically-exposed person, they shall conduct enhanced ongoing monitoring.

(3) Financial institutions shall pay special attention to all complex, unusually large transactions or unusual patterns of transactions that have no apparent or visible economic or lawful purpose, such as significant transactions relative to a relationship, transactions that exceed certain limits, very high account turnover inconsistent with the size of the balance, or transactions which fall out of the regular pattern of the activity relating to the account.

(4) Financial institutions shall examine as far as possible the background and purpose of transactions specified under this Article and set forth their findings in writing.

Article 8. Cross-Border Correspondent Banking

(1) With respect to cross-border correspondent banking and other similar relationships, financial institutions, in addition to performing normal customer due diligence measures, shall:

(a) gather sufficient information about a respondent institution to understand fully the nature of the respondent's business and to determine from publicly- available information the reputation of the institution and the quality of supervision, including whether it has been subject to a money laundering or terrorist financing investigation or regulatory action;

(b) assess anti-money laundering and combating terrorist financing controls of the respondent institution, and ascertain that they are adequate and effective; and

(c) document the respective anti-money laundering and combating terrorist financing responsibilities of each institution;

(2) Where a correspondent relationship involves the maintenance of payable-through accounts, banks shall be satisfied that:

(a) their respondent financial institution has performed all the normal customer due diligence obligations set out in this Proclamation on its customers that have direct access to the accounts of the correspondent financial institution; and

(b) the respondent financial institution is able to provide relevant customer identification data upon request to the correspondent bank.

(3) Where a correspondent bank fails to comply with national anti-money laundering and combating terrorist financing laws, financial institutions shall not open an account, commence business relations or perform transaction or shall terminate the business relationship with such correspondent bank and consider making a suspicious transaction report in relation to that correspondent bank.

(4) Financial institutions shall satisfy themselves that respondent banks in foreign countries do not allow business relationship with shell banks.

Article 9. Wire Transfers

(1) For all wire transfers exceeding USD 10,000 or its equivalent in other convertible currencies, ordering banks shall be required to obtain and maintain the originator's:

(1) Identification of a customer does not need to be verified where the customer is itself a

(a) full name;

(b) account number or a unique reference number; if no account number exists;

(c) complete address; and

(d) date and place of birth.

(2) Banks shall adopt effective risk-based procedures for identifying and handling wire transfers that are not accompanied by complete originator

information. **Article 10. Exemptions**

regulated bank or other financial institution that is subject to anti-money laundering and combating terrorist financing laws and regulations;

(2) Credit and debit card transactions are exempted from standard customer due diligence, provided that they are not used as payment tools to effect money transfer.

Article 12. Training Programs

Section II. Keeping Records on Customer's Identification

Article 11. Records on Customer Identification and Maintenance of Records of Transactions

(1) A financial institution shall keep records on customer identification including copies or records of official identification documents like passports, identity cards, driving licenses or similar documents, account files and business correspondence for a period of 10 years after an account is closed to enable it comply with requests from competent authorities.

(2) A financial institution shall maintain, for a period of 10 years, all necessary records of transaction to enable it to comply with information requests from competent authorities.

(3) The records referred to in sub-Article (2) hereinabove shall be kept in sufficient form to permit reconstruction of individual transaction, including the amounts and types of currency involved, if any, so as to provide evidence for prosecution and criminal proceedings.

(1) Financial institutions shall establish ongoing employee training programs which at a minimum incorporate:

- (a) responsibilities under the financial institution's arrangements for money laundering and terrorist financing prevention;
- (b) policies, procedures, controls and practices for obtaining identification evidence, applying "know-your-customer" standard, account monitoring; enhanced due diligence, record keeping and reporting of suspicion of money laundering and terrorist financing;
- (c) audit function to ensure the bank's compliance with anti-money laundering and combating terrorist financing laws, directives, and internal policies and procedures;
- (d) domestic laws related to money laundering and terrorist financing;
- (e) relevant typologies of money laundering and terrorist financing; and
- (f) potential risks, including reputational, operational and legal risks for being involved in laundering the proceeds of crime or financing of terrorism.

(2) A financial institution shall provide to the Bank the dates and descriptions of all anti-money laundering and combating terrorist financing staff training events, at the beginning of each financial year of the Bank.

PART III

DETECTION OF MONEY LAUNDERING AND FINANCING OF TERRORISM

Section I. Establishment of Financial Intelligence Unit (FIU)

Article 13. Establishment of Financial Intelligence Unit (FIU)

- (1) An autonomous Financial Intelligence Unit (hereinafter referred as “**FIU**”) is hereby established to serve as a national authority responsible for receiving, requesting, analyzing and disseminating information concerning money laundering and financing of terrorism, as provided for by this Proclamation.
- (2) The head of FIU shall be appointed by the President of the State of Eritrea. The composition, organization, operation and resources of the Financial Intelligence Unit shall be prescribed by Government directive.

Article 14. Powers and Functions of FIU

- (1) The functions of FIU shall be to:
 - (a) receive, analyze and access reports of suspicious transactions issued by financial institutions;
 - (b) send any reports referred in sub-Article (1)(a) of this Article to the appropriate law enforcement authorities and the supervisory authority where, on the basis of its analysis and assessment, it has determined that there is an element of money laundering or financing of terrorism;
 - (c) send to the appropriate law enforcement authorities any information derived from an inspection carried out pursuant to sub-Article (2)(a) of this Article if it gives FIU reasonable grounds to suspect that a transaction involves offences of money laundering or terrorist financing;
 - (d) identify training requirements and provide such training for any financial institution in respect of customer identification, transaction record keeping, and report obligations and identification of suspicious transactions; and
 - (e) conduct any investigation into money laundering or terrorist financing in the financial institutions only for the purpose of ensuring compliance of the financial institution with the provisions of this Proclamation.
- (2) FIU may also:
 - (a) enter the premises of any financial institution during ordinary business hours to inspect any record kept in respect of money laundering or financing of terrorism, and ask any questions related to such records, make notes and take copies of whole or any part of the record;

- (b) extend assistance to foreign countries with respect to property tracking, monitoring and confiscation orders in accordance with the laws of Eritrea;
- (c) instruct any financial institution to take such steps as may be appropriate to facilitate an investigation that may be conducted by FIU;
- (d) compile statistics and records, disseminate information within Eritrea and elsewhere as may be necessary, make recommendations arising out of information received, issue guidelines to financial institutions and advise the competent authorities;
- (e) provide periodic feedback to the supervisory authority, financial institutions and other relevant agencies regarding outcomes related to the reports or information received;
- (f) conduct research regarding trends and developments in the area of money laundering and financing of terrorism and improved ways of detecting, preventing and deterring money laundering and terrorist financing;
- (g) educate the public and create awareness on matters related to money laundering and terrorist financing;
- (h) enter into agreement with any domestic government institution or agency regarding exchange of information pertaining to money laundering and/ or terrorist financing through signing memorandum of understanding;
- (i) require the police or prosecutorial bodies to report progress and outcomes on matters referred to them; and
- (k) it may perform such other activities incidental to the attainment of its objectives under this Proclamation;

Article 15. Confidentiality

The staff of the FIU shall be required to keep confidential any information obtained within the scope of their duties, even after the cessation of their duties with FIU. Such information shall only be used for the purposes of this Proclamation. Violations of these provisions shall entail liability under the relevant laws of Eritrea.

Article 16. Relations with Foreign Counterpart Agencies

FIU may, on its own initiative or upon request, share information with any foreign counterpart agency that performs similar functions and is subject to similar secrecy obligations and for this purpose, FIU may enter into an agreement or arrangement with the counterpart agency. The information so provided shall be used only for the purposes of combating money laundering and financing of terrorism and only with the consent of the foreign counterpart agency.

Article 17. Access to information

- (1) FIU shall have the authority to request information from any financial institution, supervisory authority and/or law enforcement authority for purposes of this Proclamation.
- (2) FIU shall, in relation to any information it has received in accordance with its functions, have the authority to obtain from any person, subject to reporting obligations, any additional information it deems useful for fulfillment of its function. The information requested shall be provided within the time limit set by FIU.

Article 18. Disclosure to the Supervisory Authority

Whenever FIU determines that a financial institution is not complying or has not complied with the obligation set-out in this Proclamation, it shall inform the supervisory authority accordingly.

Article 19. Annual budget

FIU shall prepare for each new financial year an annual budget which shall be submitted to the Government at least three months prior to the commencement of the financial year.

Article 20. Annual report

The head of FIU shall:

- (1) from time to time advise the President of the State of Eritrea on the activities of FIU and, in particular, on matters that could affect public policy or the priorities to be set by FIU.
- (2) prepare and submit to the President on or before 31st December of each year an annual report reviewing the activities of FIU.

Article 21. Financial Year

The financial year of FIU shall be a period of twelve months commencing on the 1st of January and ending on the 31st of December each year.

Article 22. Auditing

- (1) FIU shall be audited annually by the Auditor-General or auditors designated by him.
- (2) The Auditor-General or his designee may not use or disclose any information related to the activities of FIU that they have obtained or accessed in the course of auditing. Violations of these provisions shall entail liability under the relevant laws of Eritrea.

Section II. Reporting of Suspicious

Article 23. Obligation to Report Suspicious Activities

Financial institutions that have reasonable grounds to suspect that property constitutes offences of money laundering or is linked or to be used for the financing of terrorism shall submit promptly a report setting forth their suspicions to FIU. This obligation shall apply to attempted transactions as well.

Article 24. Cash Transaction Reporting

Financial institutions shall report to FIU cash transactions exceeding USD 10,000 or its equivalent in other convertible currencies, whether conducted as a single transaction or several transactions that appear to be linked.

Article 25. Postponing of Transactions

- (1) Financial institutions shall refrain from carrying out transactions which they suspect to be related to money laundering or financing of terrorism until they have reported their suspicion to FIU for a period not exceeding three working days.
- (2) Where refraining from the carrying out of a transaction in sub-Article (1) above is impossible or is likely to frustrate the efforts to investigate a suspected transaction, the financial institution may execute the transactions and shall report its suspicion to FIU immediately thereafter.

Article 26. Prohibition of Tipping-off

Except where the law prescribes it, financial institution directors, other officers and employees may not disclose or communicate to their customer or a third party that¹⁵

information was provided to FIU or that a report concerning suspected money laundering or financing of terrorism has been or would be submitted to FIU or that a money laundering or financing of terrorism investigation is being or has been carried out. Disclosures or communications regarding suspicious money laundering or financing of terrorism between and among directors, other officers and employees of a financial institution shall not, however, be precluded.

Section III. Exemption from

Liability Article 27. Exemption

- (1) No criminal, civil, disciplinary or administrative proceedings for breach of banking or professional secrecy or contract may be instituted against the supervisory authority or a financial institution, or directors, other officers or employees thereof who in good faith submit reports or provide information in accordance with the provisions of this Proclamation.
- (2) No criminal action for money laundering and financing of terrorism may be instituted against the supervisory authority or a financial institution, or directors, other officers and employees thereof regarding the execution of a suspicious transaction where a report of suspicions was made in good faith pursuant to the provisions of Articles 23, 24, and 25 hereof.
- (3) No action shall lie against FIU, its head or other officers or employees or any person acting under the direction of FIU for acts done in good faith in the exercise of the powers and/or functions provided for in this Proclamation.
- (4) Persons mentioned under sub-Articles (1), (2) and (3) shall, however, be liable under the relevant laws of Eritrea where they abuse or exceed the limits of their powers provided under this Proclamation.

Section IV. Obligations of Supervisory authority

Article 28. Obligations

The supervisory authority, in order to attain the objectives of this Proclamation, shall:

- (1) adopt the necessary measures to establish appropriate criteria for owning, controlling or participating in the directorship, management or operation of a financial institution;
- (2) regulate and supervise financial institutions for compliance with the requirements of this Proclamation through off-site and on-site examinations;
- (3) issue instructions, guidelines or recommendations to assist financial institutions in complying with their obligations set out in this Proclamation;

- (4) cooperate and share information with other competent authorities, and provide assistance in investigations, prosecutions or proceedings relating to money laundering and financing of terrorism;
- (5) develop, in cooperation with FIU, criteria applicable to the reporting of suspicions taking into account other existing and future national and/or international standards;
- (6) report promptly to FIU information concerning suspicious transactions or facts related to money laundering or terrorism financing;
- (7) provide timely and effective cooperation to agencies performing similar functions in other countries, including exchange of information; and
- (8) maintain records on measures adopted and sanctions imposed in enforcing the requirements of this Proclamation.

PART IV

MEASURES, OFFENCES AND PENALTIES

Article 29. Measures to be Taken by Supervisory Authority

The supervisory authority may impose one or more of the following measures on any financial institution which fails to comply with obligations provided under this Proclamation:

- (1) written warning;
- (2) order compliance with specific instructions;
- (3) order regular reports from the financial institution on the measures it is taking;
- (4) fine in an amount not less than Thirty Thousand (30,000.00) Nakfa and no greater than Fifty Thousand (50,000.00) Nakfa;
- (5) restrict the powers of managers, directors or controlling owners, including the appointing of an ad-hoc administrator;
- (6) suspend, restrict or withdraw the license and prohibit certain activities; or
- (7) other measures that may be

deemed necessary. **Article 30. Offences** Any person who:

- (1) enters into or continues business relations with:

- (a) financial institutions registered in countries where they are not physically present and are not affiliated with a regulated financial group subject to effective consolidated supervision, or

- (b) financial institutions in a foreign country that permit their accounts to be used by shell banks;

- (2) fails to maintain adequate, accurate and current information on the beneficial ownership and control structure of juridical persons and arrangements as required by this Proclamation;

- (3) fails to undertake the identification of customers and risk management¹⁸

measures as required by this Proclamation;

- (4) fails to undertake the monitoring measures as required by this Proclamation;
- (5) fails to maintain the records as per the requirements of this Proclamation;
- (6) fails to implement internal control programs as required by this Proclamation;
- (7) fails to provide information or records or access thereto in a timely fashion when requested by FIU;
- (8) fails to submit a report to FIU as required by this Proclamation;
- (9) discloses to a customer or a third party such information as referred to in Article 26 hereof;

commits an offence and shall, upon conviction by the competent court, be punishable with simple imprisonment from three months to one year or fine not exceeding Ten Thousand (10,000.00) Nakfa.

Article 31. Criminal Offence of Money Laundering

(1) Whosoever intentionally engages in:

- (a) the conversion or transfer of property knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of such property or of assisting any person who is involved in the commission of the predicate offense to evade the legal consequence of his actions;
- (b) the concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime; and/or
- (c) the acquisition, possession or use of property, knowing at the time of receipt that such property is the proceeds of crime;

commits money laundering offence and shall, upon conviction by the competent court, be punishable with rigorous imprisonment from five years to ten years, and fine not exceeding Fifty Thousand (50,000.00) Nakfa.

(2) An attempt to commit a money laundering offence or aiding, abetting, facilitating or counseling the commission of any such offence shall be punished as if the offence had been committed.

(3) Participation in, association with or conspiracy to commit a money laundering offence shall be punishable with the same penalty provided for in sub-Article (1) above.

Article 32. Criminal Offence of Financing of Terrorism

(1) Any person who, by any means, directly or indirectly, intentionally, provides or collects funds, or attempts to do so, with the knowledge and intention that they would be used in full or in part to carry out a terrorist act, or by a terrorist or terrorist organization commits financing of terrorism offence shall, upon conviction by the competent court, be punishable with rigorous imprisonment from five years to ten years, and fine not exceeding Fifty Thousand (50,000.00) Nakfa..

(2) An attempt to commit financing of terrorism offence or aiding, abetting, facilitating or counseling the commission of any such offence shall be punished as if the offence had¹⁸

been committed.

(3) Participation in, association with or conspiracy to commit financing of terrorism offence shall be punishable with the same penalty provided for in sub-Article (1) above.

Article 33. Penalties Applicable to Juridical persons

(1) Any juridical person other than the State of Eritrea on whose behalf or for whose benefit money laundering and terrorism financing offence has been committed by any natural person, acting either individually or as part of an organ of the juridical person, who has a leading position within the juridical person or based on a delegated power or an authority to take decisions on behalf of the juridical person shall, upon conviction by the competent court, be punishable with a fine not exceeding One Hundred Thousand (100,000.00) Nakfa, irrespective of the conviction of those individuals as perpetrators of or accomplices to the offence.

(2) The liability of the juridical person shall not preclude that of the natural person.

(3) Without prejudice to the provisions of sub-Article (1) above, a juridical person may also be held liable where the lack of supervision or control over a natural person referred to in sub-Article (1) above has made possible the commission of money laundering or terrorism financing offence. The competent court may order one or more of the following measures on a juridical person found guilty under this Article:

- (a) prohibit permanently or for a maximum period of two years from directly or indirectly carrying on certain business activities;
- (b) place under court supervision;
- (c) close permanently or for a period of two years the premises which were used for the commission of the offence; and /or
- (d) wind up.

Article 34. Provisional Seizure of Property

(1) The competent authority may, either on its own initiative or that of the Attorney General's Office, request the court to impose provisional measures of seizing property associated with money laundering or terrorism financing.

(2) This provision shall apply without prejudice to the rights of third parties acting in good faith.

(3) Such provisional measures may be lifted at any time by the court that

imposed them. Article 35. Provisional Freezing of Funds

(1) The funds associated with money laundering and those of terrorists and those who finance terrorists and terrorist organizations shall be frozen by the decision of the supervisory authority and such decision shall define the terms, conditions and time limits applicable to the freezing. A financial institution holding such funds shall immediately freeze them upon receiving the decision of the supervisory authority.

(2) A financial institution shall report without delay to FIU the existence of funds linked to money laundering and of terrorists, terrorist organizations, or individuals or entities associated with or that belong to such individuals or organizations.

(3) A financial institution which fails to comply with the provisions of sub-Articles (1) and (2) above shall be subject to measures under Article 29 of this Proclamation.

Article 36. Confiscation of Property

(1) Without prejudice to the provisions of Articles 31 and 32 hereof, the court shall order the confiscation of:

(a) property constituting the proceeds of crime; and/or

(b) property forming the object of the predicate offence;

(2) The court shall, however, not order confiscation of property transferred to a third party if it is satisfied that the third party has acquired the property by paying reasonable price or in return for the provision of services corresponding to its value or any other legitimate grounds, and that he was unaware of its illicit origin.

PART V

MISCELLANEOUS PROVISIONS

Article 37. Establishment of Central Seizure and Confiscation Agency

An autonomous Central Seizure and Confiscation Agency (hereinafter “**The Agency**”) shall be established by Government directive in order to manage and administer properties subject to seizure and confiscation pursuant to this Proclamation. The Agency shall, in particular:

(1) assist the competent authorities and other law enforcement bodies responsible for investigating and prosecuting offences, in identifying and tracing property that may be subject to seizure and confiscation. The Agency shall collect and maintain all data associated with its mandate and manage seized properties in cooperation with the Attorney General’s Office or the court overseeing the investigations;

(2) administer or manage seized property in accordance with the feasible means available to it, and with a view to returning or confiscating such property in a condition reasonably comparable to its condition at the time of the seizure. The court overseeing the investigations may authorize the sale of property likely to incur significant depreciation as the result of management or for which the cost of preservation is unreasonably disproportional to its value; and

(3) manage seized sums of money unless they were already entrusted to a financial institution or were seized or blocked there. **Article 38.**

Judicial Review

(1) Any person aggrieved by an adverse decision of the Bank under this Proclamation may seek a review by the High Court of Eritrea within thirty days of such decision.

(2) The High Court shall set aside a decision which it finds is:

(a) arbitrary, an abuse of discretion, or otherwise not consistent with law; or

(b) unsupported by substantial evidence.

(3) The decision of the High Court shall be final.

Article 39. International Cooperation

(1) A court or competent authority in Eritrea shall cooperate with courts or other competent authorities of another country in taking appropriate measures to provide assistance in matters concerning money laundering and terrorist financing, including the exchange of information, joint investigations and court proceedings such as provisional measures, confiscation and extradition, in accordance with this Proclamation and within the limits of the Eritrean laws.

(2) A final judicial order or judgment that provides for the confiscation of property connected to money laundering or the financing of terrorism, issued by a court or other competent authority of another country may, subject to Eritrean laws, be recognized by Eritrean courts as evidence.

Article 40. Power to Issue Regulations

The Bank may issue regulations for the effective implementation of the provisions of this Proclamation.

Article 41. Effective Date

This Proclamation shall enter into force as of the date of its publication in the Gazette of Eritrean Laws.

Done at Asmara, this 8th day of September, 2014,
Government of Eritrea.

PROCLAMATION NO. 169/2012

THE ERITREAN CIVIL AVIATION PROCLAMATION

WHEREAS, it is desirable to consolidate, modernize and further harmonize Eritrean aviation laws with international standards in order to strengthen the regulatory, administrative, technical and supervisory capabilities of the Eritrean Civil Aviation Authority, as well as for the better regulation of civil aviation to meet the needs for a safe, secure, dependable, efficient and economical civil aviation system;

WHEREAS, The State of Eritrea is a signatory to the convention on International Civil Aviation, (Chicago Convention, signed at Chicago on 7 December, 1944), and is obliged to adopt measures to ensure safety through conformity with international standards in its safety oversight obligations; and

WHEREAS, aviation safety and regulation must be undertaken in compliance with the standards and recommended practices of the International Civil Aviation Organization and it is necessary to provide for the promotion and continuous development of civil aviation regulation and for other purposes incidental thereto;

NOW, THEREFORE, it is proclaimed as follows:

PART ONE

GENERAL PROVISIONS

Article 1. Short Title

This Proclamation may be cited as “The Eritrean Civil Aviation Proclamation No.169/2012”.

Article 2. Definitions

In this Proclamation, unless the content otherwise requires, the following terms and phrases shall have the following meanings:

- (1) “**Accident**” means an occurrence associated with the operation of an aircraft, which takes place between the time any person boards the aircraft with the intention of flight until the time such person has disembarked, in which:

(a) the person dies or is injured as a result of:

- i) being in the aircraft;
- ii) detached from the aircraft, or
- iii) direct exposure to jet blast.

except under paragraph (a) above, death or injury arising from natural causes, self-inflicted or inflicted by other persons, or death or injury of a stowaway hiding outside the areas normally available to passengers and crew is excluded;

(b) the aircraft sustains damage or structural failure which:

- (i) adversely affects the structural strength or performance of the aircraft; and
- (ii) would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories or for damage limited to propellers, wing tips, antennas, tires or brakes failings or small dents or puncture holes in the aircraft skin; or

(c) the aircraft is missing or is completely inaccessible;

(2) “**Aerial Work**” means an aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue or aerial advertisement;

(3) “**Aerodrome**” means an area of land or water intended to be used wholly or partly for the landing, take-off, movement or servicing of aircraft and includes buildings, installations and equipment on or adjacent to such area used for these purposes;

(4) “**Air Carrier**” means an air operator that engages in the provision of transportation services by aircraft for remuneration or hire, whether directly or indirectly by lease or other arrangements, on schedule or charter basis;

(5) “**Aircraft**” means any vehicle that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface;

(6) “**Aircraft Engine**” means any engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances and accessories thereof other than propellers;

- (7) “**Aircraft Operator**” means any person engaged in an aircraft operation;
- (8) “**Air Navigation**” means the operation of guiding an aircraft from one place to another, and includes the fixing of the position of an aircraft;
- (9) “**Air Navigation Facility**” means any area, lights, apparatus or equipment for disseminating weather information, signaling, radio directional finding, radio communication or any other facility for guiding or controlling flight in the air or the landing and take-off of aircraft;
- (10) “**Air Operator’s Certificate**” means a certificate authorizing an operator to carry out specified commercial air transport operations;
- (11) “**Air Route**” means the airspace designated by the Authority for air navigation;
- (12) “**Air Service**” means an air transport service or an aerial work service, whether regular or casual;
- (13) “**Air Traffic Control Service**” means a service provided for the purpose of:
- (a) preventing collisions:
 - (i) between aircraft, and
 - (ii) on the maneuvering area between aircraft and obstructions; and
 - (b) expediting and maintaining an orderly flow of air traffic.
- (14) “**Airworthiness**” means the ability of an aircraft, with all its necessary components and accessories, to perform its function satisfactorily as determined by the Authority;
- (15) “**Appliances**” means instruments, equipment, apparatus, parts or accessories which are used or intended to be used, in the navigation, operation or control of aircraft in flight including parachutes and communication equipment and any other mechanism installed in or attached to aircraft during flight, and which are not parts of aircraft, aircraft engines or propellers;
- (16) “**Authority**” means The Eritrean Civil Aviation Authority re-established under Article 8 of this Proclamation;
- (17) “**Aviation Personnel**” means any individual who carries out a civil aviation operational or

technical function and includes:

- (a) any individual who engages as pilot-in-command, pilot, mechanic or member of the crew, or who navigates an aircraft while the aircraft is underway;
- (b) any individual in charge of the inspection or maintenance of aircraft, aircraft engines or propellers or appliances; or
- (c) any individual who serves in the capacity of flight controller, air traffic controller or aircraft dispatch officer.

(18) **“Civil Aircraft”** means aircraft other than state aircraft;

(19) **“Commercial Flight”** or **“Commercial air transport”** means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;

(20) **“Contracting State”** means a state that is a party to the Chicago Convention;

(21) **“Convention”** means the Convention on International Civil Aviation signed at Chicago on December 7, 1944 and includes:

- (a) any amendment to the Convention which has entered into force under Article 94 (a) of the Convention and has been ratified by Eritrea;
- (b) any annex or amendment thereto accepted under Article 90 of the Convention; and
- (c) the international standards and recommended practices from time to time accepted and amended by the International Civil Aviation Organization pursuant to Article 37 of the Convention;

(22) **“Crew Member”** means a person assigned by the operator to perform specific duties in aircraft in flight;

(23) **“Danger Area”** means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;

(24) **“Dangerous Goods”** means goods capable of posing risk to health, safety or property when transported by air;

(25) **“Director-General”** means the Director-General appointed and mandated to oversee the civil aviation affairs of the State of Eritrea as provided for in this Proclamation;

- (26) **“Domestic Air Transportation”** means transportation by air carried out between places in Eritrea;
- (27) **“Eritrean Aircraft”** means any aircraft registered in Eritrea;
- (28) **“Eritrean National”** means:
- (a) an individual who has Eritrean nationality;
 - (b) a partnership of which each member is a national of Eritrea; or
 - (c) a company created or registered under Eritrean laws;
- (29) **“Flight Crew Member”** means licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period;
- (30) **“Flight Duty Period”** means the total time from the moment a flight crew member commences duty to the moment that he is relieved of all duties having completed such flight or series of flights;
- (31) **“Foreign Aircraft”** means any aircraft not registered in Eritrea;
- (32) **“Foreign Air Carrier”** means an air carrier, not being an Eritrean air operator, engaged in commercial air transport operations within the borders or airspace of Eritrea;
- (33) **“General Aviation Services”** means all civil aviation operations other than scheduled air services and non-scheduled air transport operations for remuneration and hire;
- (34) **“Incident”** means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;
- (35) **“In Flight”** means at any time from the moment when the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of forced landing, the flight shall be deemed to continue until the competent authorities take over responsibility for the aircraft and for the persons and property aboard;
- (36) **“Inspector”** means a person appointed by the Director-General as an Inspector for the

purposes of this Proclamation;

- (37) **“International Air Transportation”** means transportation by air between places in Eritrea and a place outside thereof, or from and to a place in Eritrea with a stopping outside thereof;
- (38) **“Licensing”** means the granting, conditioning, denying or withholding of permission to conduct air transport services on a continuous or long-term basis;
- (39) **“Minister” or “Ministry”** means the Minister or Ministry of Transport and Communications, respectively;
- (40) **“Missionary”** means relief flights following natural and man-made disasters which seriously endanger human health or the environment, and similar emergency situations where United Nations (UN) assistance is required;
- (41) **“Order or Rule”** means a written directive of the Authority issued under this Proclamation or regulations issued hereunder;
- (42) **“Person”** means any natural or juridical person;
- (43) **“Private Air Service”** means the use of an aircraft for the exclusive use of its owner/s;
- (44) **“Prohibited Area”** means an airspace of defined dimensions within which the flight of an aircraft is prohibited;
- (45) **“Regulations”** means any regulations issued under this Proclamation;
- (46) **“Restricted Area”** means airspace of defined dimensions within which the flight of an aircraft is restricted in accordance with certain specified conditions;
- (47) **“Rules of the Air”** means those provisions for securing the safety of aircraft in flight and in movement on the surface and the safety of persons and property on the surface. These provisions include:
- (a) lights and signals to be shown by aircraft;
 - (b) General, Visual and Instrument Flight Rules;
 - (c) Aerodrome Traffic Rules; and
 - (d) Aerodrome Signals and Markings;

(47) "**State Aircraft**" means aircraft used exclusively for military, customs or police services;

(48) "**State**" means the State of Eritrea;

(49) "**Territory of the State of Eritrea**" means the land areas and territorial waters adjacent thereto and the air space above such land and territorial waters;

(50) "**Validation**" means the written acceptance of an action of the civil aviation authority of another country in lieu of an action that this Proclamation assigns to the Authority; and

(51) Any reference to the male gender in this Proclamation shall equally apply to the female gender as well.

Article 3. Scope of Application

(1) This Proclamation shall apply to:

(a) civil aerodromes in Eritrea;

(b) air services and general aviation services operators established or operating in Eritrea;

(c) any aircraft registered by the Authority;

(d) any foreign aircraft within the territory of the State of Eritrea;

(e) aviation personnel and training organizations certified by the Authority;

(f) enterprises operating in Eritrea in the design, manufacture, maintenance, repair and modification of aircraft and aircraft parts or components; and

(g) air navigation facilities and services in Eritrea.

(2) This Proclamation shall not apply to state aircraft, unless otherwise provided by regulation issued in accordance with this Proclamation.

(3) Notwithstanding the provisions of sub-Article (1) of this Article, the Minister, acting on the recommendation of the Authority, may, by agreement made with the appropriate foreign aeronautical authority under the Chicago Convention:

(a) transfer to the concerned civil aviation authority of another country all or part of the Authority's responsibilities for an Eritrean registered aircraft operated by a foreign operator; or

- (b) vest in the Authority all or part of the responsibilities of the civil aviation authority of another country for an aircraft registered by that country and operated by an Eritrean operator.

PART TWO

ADMINISTRATION OF CIVIL AVIATION

CHAPTER ONE

POWERS AND DUTIES OF THE MINISTRY

Article 4. Responsibilities of the Ministry

The Ministry shall be responsible for:

- (1) all policy issues relating to civil aviation;
- (2) promotion of safety and security standards within the civil aviation system;
- (3) hearing and giving final decision on any complaint regarding fees payable to the Authority; and
- (4) generally, monitoring the performance and proper discharge by the Authority of its duties and responsibilities.

Article 5. Power to issue Regulations and Directives

- (1) The Minister may issue regulations necessary for the proper implementation of this Proclamation.
- (2) The Minister may issue directives containing rules and standards necessary for the proper implementation of this Proclamation.

Article 6. Emergency Powers

- (1) In the case of a state of emergency declared by the Government, the Minister may, by order, prohibit absolutely or restrict subject to such conditions as may be contained in the order, the navigation of all or any descriptions of aircraft over Eritrea or any portion thereof.
- (2) Subject to the delegation of powers by the Government, the Minister may, upon making a finding that an emergency exists, exempt, by general or special order, any aircraft or class of aircrafts or persons from any provision of this Proclamation on specific occasions to the extent necessary to respond to the emergency.
- (3) No compensation shall be payable by reason of the operation of an order under sub-Article (2) of this Article or any steps taken there under in good faith.

Article 7. Delegation of Powers

- (1) The Minister may delegate to the Authority part of its powers and responsibilities provided for under this Proclamation.
- (2) The Authority shall, when acting pursuant to any delegation under this Article, be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

CHAPTER TWO

THE ERITREAN CIVIL AVIATION AUTHORITY

Article 8. Re-establishment

- (1) The Eritrean Civil Aviation Authority is hereby re-established as an autonomous government agency having its own legal personality.
- (2) The Civil Aviation Authority shall be accountable to the Minister.

Article 9. Head Office

The Authority shall have its head office in Asmara and may establish branch offices elsewhere, as may be necessary.

Article 10. Objectives

The objectives of the Authority shall be:

- (1) to promote and maintain an efficient and economical civil air service and general aviation service system and ensure the provision of highly secure and safe air service;
- (2) to develop domestic and international air transportation networks and ensure a reliable and sustainable air transport system; and
- (3) to implement and enforce laws, regulations and directives relating to civil aviation as well as treaties to which Eritrea is a party.

Article 11. Powers and Duties

The Authority shall have the powers and duties to:

- (1) regulate the legality of manufacturing, possession, operation, sale, import and export of any aircraft;
- (2) license aviation personnel;
- (3) regulate, license and inspect aerodromes;
- (4) Regulate, license and inspect air navigation services, including air traffic services, flight

- procedure development, aeronautical information services, aeronautical charts, meteorological services for aviation, aeronautical telecommunication services, search and rescue services;
- (5) provide air navigation services, including air traffic services, flight procedure development, aeronautical information services, aeronautical charts, meteorological services for aviation, aeronautical telecommunication services, within and outside the Eritrean airspace;
 - (6) regulate, license and inspect the operators of air service and general aviation services;
 - (7) revoke or suspend any license or certificate issued by it for good cause;
 - (8) determine the conditions under which passengers, goods and mail may be transported in aircraft;
 - (9) conduct research with regard to the development of aviation industry in Eritrea, prepare plans and programmes and formulate policy for the use of navigable airspace and other projects relating to aviation;
 - (10) prescribe air traffic rules and standards governing the flight of aircraft;
 - (11) ensure that the provision of air transport service to the public is safe, expeditious and adequate;
 - (12) register any civil aircraft and any right relating thereto, assign registration marks, issue aircraft registration certificates, issue airworthiness certificates, specify the type of service to which the aircraft is to be used and prescribe conditions as to the maintenance and repair of the aircraft;
 - (13) issue, when delegated by the concerned authority, radio licenses for aircrafts registered and approved air worthy in Eritrea;
 - (14) put into use frequencies assigned to it by the regional or continental bureaus of the International Civil Aviation Organization for civil aviation in accordance with treaties that have assigned separate frequencies for civil aviation and to which Eritrea is a party and upon submitting prior notification to the authority which supervise the use of frequencies in the country;
 - (15) identify air routes to be used within Eritrea and prescribe the conditions for air navigation and admissions to and departure from Eritrean territory, designate and specify restricted, prohibited and danger areas and air routes and enforce the implementation thereof in cooperation with other government agencies;
 - (16) collect, in accordance with the rate approved by the Minister, fees and charges for licenses

and services provided;

- (17) take measures to minimize, to the extent possible, any disturbance to the public and any adverse effect on the environment from noise, vibration, atmospheric pollution or any other cause attributable to the use of aircraft for the purpose of civil aviation;
- (18) implement and enforce the provisions of this Proclamation, regulations and directives issued hereunder;
- (19) own property, enter into contract, sue and be sued in its own name, and may submit disputes to arbitration; and
- (20) carry out other activities as may be necessary for the fulfillment of its objectives.

Article 12. Organization of the Authority

The Authority shall have a Director-General and Department Directors, as required, to be appointed by the Government, and other staff.

Article 13. Powers and Duties of the Director-General

- (1) The Director-General shall be the chief executive officer of the Authority and shall, subject to the general directives of the Minister, direct and administer the activities of the Authority.
- (2) Without prejudice to sub-Article (1) of this Article, the Director-General shall:
 - (a) exercise the powers and duties of the Authority specified in Article 11 of this Proclamation;
 - (b) prepare and submit to the Minister, the work programme and budget of the Authority and implement the same upon approval;
 - (c) effect expenditure in accordance with the approved budget and work programme of the Authority;
 - (d) prepare and submit policies regarding civil aviation to the Minister, and implement the same upon approval;
 - (e) employ and administer employees of the Authority in accordance with directives approved by the Government following the basic principles of the State of Eritrea's transitional civil service laws;
 - (f) represent the Authority in all its dealings with third parties;
 - (g) prepare and submit to the Minister the annual operational and financial reports of the Authority;

(h) carry out any other duties pertaining to civil aviation and incidental thereto, as may be assigned to him by the Minister.

(3) The Director-General may delegate part of his duties and responsibilities to the officials and other employees of the Authority to the extent necessary for the efficient management of the activities of the Authority.

Article 14. Issuance and Publication of Directives

(1) The Authority shall, before issuing any directive under this Proclamation, consult such persons as appear to it to be representatives of:

- (a) the civil air transport industry of Eritrea;
- (b) users of air transport services; and
- (c) other stakeholders.

(2) The Authority shall have the duty to publish the directives it issues from time to time.

(3) The manner of publication of any directive under sub-Article (2) of this Article shall be as the Authority may determine.

Article 15. Delegation of Powers

The Authority may, where necessary, delegate its powers and duties to other qualified organs, provided, however, that such delegation shall not be given in such a way that air operators, aerial work and general aviation operators and maintenance facilities, in effect, regulate themselves.

Article 16. Budget

(1) Without prejudice to the provisions of sub-Article (2) of this Article, the Authority's budget shall be drawn from budgetary appropriations made by the Government and license and service fees collected pursuant to Article 11(16) of this Proclamation.

(2) The financial administration of the Authority shall be governed by the rules and regulations of the Ministry of Finance of the State of Eritrea.

Article 17. Books of Account

(1) The Authority shall keep complete and accurate books of accounts.

(2) The books of account and financial documents of the Authority shall be audited annually by the Auditor General or other auditors assigned by him.

PART THREE
REGISTRATION OF AIRCRAFT

Article 18. Registration and Marks

- (1) No aircraft may operate in the territory of the State of Eritrea unless it carries its national and registration marks in accordance with the laws of the state of registry or in accordance with the international or joint registration system. However, the authority may authorize a non-registered aircraft to fly or land for purposes of technical testing or any other purposes in accordance with the terms of the authorization.
- (2) The nationality and registration marks of an Eritrean aircraft shall be painted on or affixed to the aircraft in such manner as the Authority may prescribe.

Article 19. Nationality of Aircraft

- (1) Aircraft registered in Eritrea shall have Eritrean nationality and shall not be eligible for registration in another state during the period of validity of such registration.
- (2) Aircraft registered in another state shall be deemed to have the nationality of such other state and shall not be eligible for registration in Eritrea during the period of validity of such registration.

Article 20. Registration Procedures and Eligibility, Contents and Removal of Aircraft Register

- (1) The Authority shall determine and enforce procedures and eligibility requirements for the registration of civil aircraft in Eritrea.
- (2) The Authority shall maintain a national register where aircrafts are listed. For an aircraft to be registered therein, it shall first satisfy the following requirements:
 - (a) that the aircraft is not listed in the register of another state or is subject of an international or joint registration;
 - (b) that it is owned by persons holding Eritrean nationality; and
 - (c) that it is held by persons holding Eritrean nationality, under a lease-purchase contract or a leasing contract entitling them to hold the aircraft for a minimum period of two years.
- (3) The register referred to in sub-Article (1) hereof shall contain the following information:
 - (a) the serial number and date of registration;

- (b) the nationality and registration marks;
 - (c) the basic data related to the aircraft, its engines and certificate of airworthiness;
 - (d) the name, nationality and place of residence of the owner or lessee;
 - (e) Statement of the documents and contracts proving the ownership and operation of the aircraft; and
 - (f) any other data that the Authority may determine.
- (4) The register shall contain any changes to the data referred to in sub-Article (3) hereof.
- (5) The Authority shall determine the contents of the certificate of registration and issue the certificate upon completion of the necessary formalities.
- (6) An aircraft may be removed from the aircraft register if:
- (a) its owner or lessee ceases to hold the Eritrean nationality;
 - (b) its ownership is transferred to a person not holding Eritrean nationality; or
 - (c) the aircraft is destroyed, lost or permanently retired from service.
- (7) An aircraft is deemed lost when so determined by decision of the Authority.
- (8) The owner or lessee of an aircraft shall notify the Authority of any change to the conditions covered by this Article and surrender the certificate of registration of the Aircraft.

Article 21. Certificate of Registration

- (1) Upon registration of an aircraft, the Authority shall issue its owner a certificate of registration.
- (2) A certificate of registration shall raise a presumption of ownership of an aircraft in any dispute thereon.
- (3) A certificate of registration of an aircraft may be suspended or revoked by the Authority in accordance with the provisions of Part Nine (Articles 83-90) of this Proclamation.

Article 22. Registration of Documents relating to Rights in Aircraft

- (1) The Authority shall establish a system for the registration of documents which affect title to or interest in any civil aircraft registered in Eritrea or in any engine, propeller, spare parts or appliance intended for use on any aircraft registered in Eritrea.
- (2) Any international registry of interests in aircraft or aircraft equipment shall not relieve the parties having interests in an Eritrean registered aircraft or its equipment from registering their interests with the Authority.

(3) The Authority may adopt procedures necessary to carry out the requirements of treaties relating to interests in aircraft or aircraft equipment to which Eritrea is a party.

Article 23. Effect of Failure to Register Documents

Subsequent to the establishment of a system for registration of documents pursuant to Article 22(1) of this Proclamation, no document affecting title to or any interest in a registered aircraft, aircraft engines, propellers, appliances or spare parts shall be valid, except between the parties thereto, unless it is registered by the Authority.

Article 24. Applicable Laws

The validity of any registered document shall, unless the contracting parties' agreement to the contrary is specified therein, be determined under the laws of the State of Eritrea.

PART FOUR

SAFETY REGULATION OF CIVIL AVIATION

CHAPTER ONE

GENERAL SAFETY PROVISIONS

Article 25. Promoting Safety

- (1) The Authority shall have the powers and responsibilities to promote safety of flight in civil aircraft by prescribing and revising, from time to time:
 - (a) rules necessary for the implementation of standards contained in the Annexes to the Convention; and
 - (b) such other rules and standards necessary to provide adequately for safety in civil aviation.
- (2) In prescribing rules and standards and issuing certificates under this Proclamation, the Authority shall take into consideration the obligations of air operators to perform their services with the highest possible degree of safety in the public interest.

Article 26. Airworthiness Certificate

- (1) No person may fly an aircraft within the airspace of Eritrea, unless it has a valid certificate of airworthiness issued under this Proclamation or under the laws of the state in which the aircraft is registered.

- (2) In the case of an aircraft registered in another state, the certificate of airworthiness shall be recognized as valid in Eritrea if the requirements under which such certificate was issued are equal or exceed those minimum standards for airworthiness established under the Convention and its Annexes.
- (3) The Authority may prescribe in an airworthiness certificate the duration of the certificate, the type of service for which the aircraft may be used and such other terms, conditions, limitations and information as are required in the interest of safety.
- (4) The Authority shall keep records of each airworthiness certificate it has issued.

Article 27. Maintenance Facilities and Aviation Training Institutes

- (1) The Authority shall have the power to issue directives pertaining to the licensing and operation of maintenance facilities and aviation training schools and to issue licenses to such facilities and schools.
- (2) The Authority may provide for the examination and rating of:
 - (a) approved aviation training organizations giving training in flying or in the maintenance of aircraft, aircraft engines, propellers and appliances, as to the adequacy of the courses, the suitability and airworthiness of the equipment and the competency of the instructors; and
 - (b) approved maintenance facilities of aircraft, aircraft engines, propellers and appliances as to the adequacy of their workshops, suitability of their equipment and the competency of their maintenance crew.
- (3) The Authority may establish aviation training organizations and issue certificates for the graduates of such organizations.

Article 28. Communications Equipment

- (1) No person may fly an aircraft within the airspace of Eritrea, unless it is equipped with radio equipment, licensed and installed in the manner prescribed by the laws of the state in which the aircraft is registered and enabling communications to navigate the aircraft in accordance with the standards and procedures established by the Authority.
- (2) The Authority shall issue rules on the installation, maintenance and operation of radio equipment on aircraft registered in Eritrea.

Article 29. Journey Logbook

- (1) No person shall fly an aircraft within the airspace of Eritrea, unless a journey logbook is maintained in which the particulars of the aircraft, its crew members and the journey are entered as required by the laws of the state in which the aircraft is registered.
- (2) In any prosecution for a contravention of this Proclamation or regulations, directives or orders issued hereunder, an entry in a journey logbook shall be considered prima facie evidence of the truth of the statement contained therein, against the person who made the entry and the owner and operator of the aircraft to which the logbook relates.
- (3) The Authority shall prepare a journey logbook form that shall be applicable to aircrafts registered in Eritrea.

Article 30. Documents to be carried on Board

- (1) No person shall fly an aircraft within the airspace of Eritrea unless the following documents are carried on board:
 - (a) the certificate of registration;
 - (b) the certificate of airworthiness;
 - (c) the aviation personnel certificate of each flight crew member;
 - (d) the journey logbook;
 - (e) the aircraft radio license;
 - (f) the passenger list and/or the cargo manifest, if carried;
 - (g) the flight manual; and
 - (h) in the case of a commercial flight, the air operator certificate.
- (2) Documents carried aboard an aircraft registered in another state shall be in conformity with the requirements of that state and the Authority shall have the power to require that such documents be produced for examination.

Article 31. Duty of Operators and Aviation Personnel

- (1) Any holder of an air operator certificate shall have the duty to ensure that the aircraft and all equipment used in civil aviation are regularly inspected and maintained, and that the operations are conducted in accordance with national and international laws, regulations, directives and orders issued hereunder.
- (2) Any holder of an aviation personnel certificate shall comply with the responsibilities and

limitations specified in the certificate and the requirements of this Proclamation and regulations, directives and orders issued hereunder relating to their tasks.

- (3) Any person performing duties in civil aviation shall comply with the provisions of this Proclamation and regulations, directives and orders issued hereunder relating to his tasks.
- (4) Any person who offers or accepts shipments of cargo or baggage for commercial air transport, whether originating or arriving in international flights to or from Eritrea or for flights within Eritrea, shall offer or accept such shipments of cargo or baggage in accordance with the provisions of the Convention and the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air.

Article 32. Inspection

- (1) The Authority shall have the power and duty to:
 - (a) inspect aircraft and aircraft engines, propellers and appliances used by any operator of civil aircraft, including any records pertaining thereto, to determine that they are maintained in safe condition; and
 - (b) advise each operator in the inspection and maintenance of these items.
- (2) Where the Authority finds that any aircraft or aircraft engine, propeller, or appliance used or intended to be used by any operator in civil aviation is not in a condition for safe operation, it shall notify the same to the operator and prohibit its use until it ascertains it is in a condition for safe operation.
- (3) For the purpose of ensuring compliance with the requirements of this Proclamation and regulations, directives and orders issued hereunder, the Authority shall have the power and duty to inspect:
 - (a) approved maintenance facilities, aviation training organizations and air operators;
 - (b) aerodromes, air navigation facilities and airport security; and
 - (c) records required to be maintained under this Proclamation or regulations and directives issued hereunder.
- (4) The Authority may, from time to time, re-examine civil aviation personnel holding certificates issued under this Proclamation.

Article 33. Right of Access for Inspection

- (1) Any duly authorized inspector of the Authority shall, for the purpose of conducting

inspection under Article 32 of this Proclamation, be allowed access to:

- (a) any civil aircraft operated within Eritrea; and have the right to detain aircraft for just cause;
 - (b) any civil aircraft registered in Eritrea and operated anywhere;
 - (c) the premises of any air operator;
 - (d) aviation documents; and have the right to prohibit any person from exercising the privileges of any aviation license, certificate or document for just cause;
 - (e) any maintenance facility or training organization;
 - (f) any aerodrome, air navigation facility or airport security.
- (2) Any inspector shall show the identification card issued to him by the Authority to get access to any aircraft or premises referred to in sub-Article (1) of this Article.
- (3) Any person involved in the services referred to in sub-Article (1) of this Article shall have the duty to provide the necessary support to inspectors.

Article 34. Suspension and Revocation of Certificates and Licenses

If, as a result of any inspection or re-examination conducted under Article 32 of this Proclamation or as a result of any other investigation, the Authority determines that safety in civil aviation requires, it may, in accordance with provisions of Part Nine of this Proclamation, issue an order suspending or revoking, in whole or in part, any certificate or license issued under this Proclamation.

Article 35. Validation

The Authority may, in the discharge of certification, licensing and inspection responsibilities, validate the actions of the civil aviation authority of another state in lieu of taking the specific action, subject to such conditions that it specifies in the interest of safety and the following restrictions:

- (1) for actions applicable to aviation personnel or airworthiness certificates, the other state shall be a signatory to the Convention and is fulfilling its obligations under the Convention with respect to the issuance and validity of such certificates;
- (2) for actions applicable to licenses issued to air carriers, the Authority may exercise discretion and require supporting documents; and

- (3) the Authority shall ensure that there is no information to indicate that the contracting state does not meet its obligations under the Convention regarding the issuance and validity of air operators' certificates.

Article 36. Prevention of Flight

The Authority may prevent an operator or a member of flight crew from operating an aircraft in situations where:

- (1) the aircraft is not airworthy;
- (2) the flight crew member is not qualified or is physically or mentally incapable to conduct the flight;
- (3) the operation may cause imminent danger to persons or property in the aircraft or on the ground; or
- (4) detention of the aircraft or flight crew is necessary to secure compliance with any of the provisions of this Proclamation or regulations, directives or orders issued hereunder or to implement any order made by any court.

Article 37. Prohibitions

- (1) It shall be unlawful for any person to:
 - (a) operate any civil aircraft for which there is no valid airworthiness certificate or in violation of the terms of any such certificate;
 - (b) serve, in any capacity as an aviation personnel, without holding an aviation personnel certificate authorizing him to serve in such capacity or in violation of the terms of any such certificate;
 - (c) employ an aviation personnel who does not have an aviation personnel certificate authorizing him to serve in the capacity for which he is employed;
 - (d) act as an air operator without an operator's certificate or in violation of the terms of any such certificate; and
 - (e) operate aircraft in civil aviation in violation of any directives or orders issued by the Authority under this Proclamation.
- (2) It shall be unlawful to violate the terms of a certificate issued to any civil aviation organization as provided in this Proclamation or to violate any regulations, directives or orders issued under this Proclamation relating to the holding of such certificate.

Article 38. Safe Transport of Dangerous Goods by Air

The Authority shall monitor and enforce compliance with the provisions of Annex 18 of the Convention and the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air, and is authorized to submit variations to the Technical Instructions on behalf of Eritrea, where necessary.

CHAPTER TWO MOVEMENT OF AIRCRAFT

Article 39. Rules of the Air

- (1) The Authority shall issue rules of the air governing the maneuvering of an aircraft in flight applicable within the territory of Eritrea, provided that such rules shall, to the extent possible, be consistent with those established, from time to time, under the Convention.
- (2) No person may fly an aircraft within the Eritrean airspace unless the person complies with the rules of the air issued by the Authority.
- (3) No person may fly an aircraft registered in Eritrea in the airspace of another state, unless he complies with the rules of the air in force in that state or, if over the high seas, with such rules as established under the Convention.

Article 40. Prohibited, Restricted or Danger Areas

- (1) Any pilot-in-command of an aircraft flying over or maneuvering within the Eritrean airspace shall adhere to the air routes as established by the Authority and avoid those areas designated as prohibited, restricted or danger areas.
- (2) Any aircraft deviating from an established air route or entering a prohibited, restricted or danger area shall be considered as engaging in unauthorized operation. The pilot-in-command involved in such an unauthorized operation shall take immediate corrective measures to resume the authorized course and shall strictly comply with any special instructions of the competent authorities, including any instruction to land at a designated location.

Article 41. Foreign Aircraft Operating in or across Eritrean Airspace

- (1) Any foreign civil aircraft not engaged in scheduled international air service may not fly across or into the airspace of Eritrea and make stops without notifying the Authority in advance.

- (2) No foreign air carrier may conduct scheduled international air service over or into the territory of Eritrea, except with the permission of the Authority and in accordance with the terms of such permission.
- (3) Foreign civil aircraft found to have violated sub-Articles (1) or (2) of this Article may be intercepted by Eritrean Air Force aircraft and compelled to land at a designated airport for further investigation.
- (4) A foreign civil aircraft compelled to land may only be released after clearance has been obtained from the Authority on satisfactory payment of a fine or other penalty as the case calls for.
- (5) In the case of a foreign state aircraft, decision for the release and continuation of the flight shall be given by the Ministry of Foreign Affairs, in consultation with concerned authority.

Article 42. Interception of Civil Aircraft

- (1) Notwithstanding its rights and obligations set forth in the Charter of the United Nations, a state shall refrain from resorting to the use of weapons against civil aircraft in flight and ensure that, in case of interception, the lives of persons on board and the safety of aircraft are not endangered.
- (2) In the exercise of its sovereignty, a state is entitled to require the landing at some designated airport of a civil aircraft flying above its territory without authority or where there are reasonable grounds to conclude that it is being used for any purpose inconsistent with the aims of the Convention. It may also give such aircraft any other instructions to put an end to such violations. Regulations in force regarding the interception of civil aircraft shall be published by the Authority.
- (3) Every civil aircraft registered in Eritrea or operated by an operator who has his principal place of business or permanent residence in Eritrea shall comply with an order given by the state or any other state party to the Convention in conformity with Article 3bis of the Convention. Violations shall be punishable by severe penalties and submitted to competent authorities in accordance with laws or regulations in force.

Article 43. Technical Conditions of Operations

- (1) The Authority may adopt rules to determine the technical conditions of operations conducted by holders of air operator certificates, provided that such technical conditions shall, to the

extent possible, be consistent with those established, from time to time, under the Convention and its Annex 6.

- (2) The Authority shall conduct inspections to ensure proper observance of the technical conditions stated under sub-Article (1) of this Article by holders of air operator certificates.
- (3) Any failure to comply with the technical conditions of operations shall be punishable in accordance with the provisions of Part Nine of this Proclamation.

Article 44. Dangerous Flying

Where an aircraft is flown in such a manner as to cause danger to any person or property, the pilot-in-command or the co-pilot in charge of the aircraft and the owner or hirer of the aircraft shall be punishable in accordance with the provisions of Part Nine of this Proclamation.

Article 45. Operations within Airspace designated as Reduced Vertical Separation Minimum Airspace

- (1) An operator may not operate foreign aircraft in defined portions of reduced vertical separation minimum airspace in Eritrea unless:
 - (a) the state of registry of the aircraft has issued an appropriate approval for such operations;
 - or
 - (b) authorized to do so by the Authority under extraordinary circumstances, and in accordance with such limitations as may be necessary to ensure an adequate level of safety.
- (2) No person may operate a civil aircraft registered in Eritrean airspace designated as reduced vertical separation minimum airspace unless:
 - (a) the operator and the operator's aircraft comply with the requirements of airworthiness and operational approval as specified in the relevant regulations and directives issued under this Proclamation; and
 - (b) the operator is authorized by the Authority to conduct such operations.

Article 46. Violations of Rules of the Air

Any pilot-in-command or co-pilot in charge of an aircraft shall be guilty of an offence punishable under this Proclamation where he violates:

- (1) the Eritrean rules of the air when flying any aircraft over or in Eritrean airspace;
- (2) rules of the air of a foreign state when flying an aircraft registered in Eritrea over or in the airspace of that state; or

- (3) such rules of the air as established under the Convention when flying an aircraft registered in Eritrea over the airspace of the high seas.

CHAPTER THREE

AVIATION PERSONNEL

Article 47. Aviation Personnel Certificates

- (1) Any person having the requisite qualifications may file with the Authority an application for an aviation personnel certificate.
- (2) Where the Authority finds, after investigation, that the applicant possesses the proper qualifications for, and is physically able to perform the duties pertaining to the aviation personnel certificate sought, it shall issue such certificate.
- (3) The Authority may consider prior issuance of an aviation personnel certificate by a foreign country that is a member of the International Civil Aviation Organization as satisfactory evidence, in whole or in part, that the applicant possesses the qualifications and physical ability to perform the duties pertaining to the aviation personnel certificate sought.
- (4) The certificate may contain such terms and tests of physical fitness as the Authority may determine to be necessary to ensure safety in civil aviation.
- (5) The Authority may adopt rules to determine the categories and eligibility requirements of certificates to be issued to aviation personnel, including personnel in charge of training and inspection of crew members or personnel engaged in the maintenance of aircraft, aircraft engines, propellers and appliances.
- (6) The Authority may issue a certificate of validation of aviation personnel certificate issued by another state.

Article 48. Prohibition

- (1) No person may fly as a crew member of an aircraft registered in Eritrea unless he is the holder of an aviation personnel certificate issued or validated in accordance with this Proclamation.
- (2) No person may fly in the airspace of Eritrea as a crew member of an aircraft registered in another state, unless:
 - (a) he is the holder of aviation personnel certificate issued under this Proclamation or the laws of the state in which the aircraft is registered;
 - (b) the requirements under which a certificate was issued by such other state are equal to or

- exceed those minimum standards established under the Convention; and
- (c) he is not a person who has been refused equivalent Eritrean certificate.
- (3) No person may engage in the operation or maintenance of an aircraft or perform any other act for which an aviation personnel certificate has been issued except in accordance with the terms and limitations imposed therein.

Article 49. Crew Members

- (1) The Authority shall:
- (a) determine the organization, composition and minimum number of flight crew required for duty aboard an aircraft registered in Eritrea, taking into consideration, among other things, the type of aircraft, configuration, flight lengths and particular uses in which the aircraft is engaged; and
 - (b) set the standards and conditions of duty for flight crew members including maximum duty hours and required rest periods.
- (2) No flight may be operated unless the crew strictly satisfies the standards and conditions determined for the type of flight involved or each individual member of the flight crew satisfies the standards and conditions regarding the performance of duty.
- (3) Any holder of air operator certificate shall submit, for approval to the Authority, the conditions of duties in force with respect to its crew members.

Article 50. Designation of Pilot-in-Command and Second- in- Command

Every air operator shall designate, for each flight segment of an aircraft, a suitably qualified flight crew member as pilot-in-command and another qualified flight crew member as second-in-command who shall assume command when necessary.

Article 51. Responsibilities of Pilot-in-Command

- (1) The pilot-in-command of an aircraft shall be responsible for the safety of all crewmembers, passengers and cargo on board from the moment the doors are closed and the aircraft is ready to move for the purpose of taking off until the moment it finally comes to rest at the end of the flight and the engines used as primary propulsion units are shut down.

- (2) Any pilot-in-command shall observe the rules of the air, appropriate instructions of air traffic controllers and other requirements that may be imposed pursuant to the provisions of this Proclamation and regulations, directives and orders issued hereunder.
- (3) Any pilot-in-command may not be personally liable for damages resulting from any act or omission, provided such act or omission was considered to be prudent and necessary to safeguard the aircraft, or persons or property aboard the aircraft while he was on duty.
- (4) The Authority may impose such additional duties and responsibilities upon a pilot-in-command as may be required in the interests of safety.

CHAPTER FOUR

AERONAUTICAL SERVICES

Article 52. Air Navigation Services

- (1) The Authority shall issue air navigation rules applicable within the territory of Eritrea, provided that such rules shall, to the extent possible, be consistent with those established, from time to time, under the Convention.
- (2) The Authority shall have the power to install, manage, operate and maintain communications, navigation and surveillance systems within Eritrea solely for aeronautical use. It shall also have the power to participate in and become user of communications, navigation and surveillance systems established at regional or continental level, when the need arises and upon the authorization of the Minister.
- (3) The Authority may, both nationally or through regional co-operation, establish and operate communications, navigation and surveillance networks with the appropriate technologies.
- (4) The Authority may, upon the approval of the Minister, issue rules and standards applicable to air navigation services, facilities and personnel, provided that such rules and standards shall, to the extent possible, be consistent with those standards and recommended practices under the Convention.
- (5) The Authority shall publish and distribute aeronautical information of a lasting nature that shall be applicable with respect to civil aviation activities within Eritrean airspace, as well as maps and charts that may be required in accordance with the Convention.

Article 53. Establishment of Air Routes

- (1) The Authority shall establish air routes through which civil aircraft operating in Eritrea can proceed, and it may, in collaboration with the appropriate government authorities, designate prohibited, restricted and danger areas.
- (2) The Authority shall issue arrival, approach and departure procedures for flights in accordance with basic criteria established by the International Civil Aviation Organization and based on appropriate navigation aids serving the aerodromes in Eritrea.

Article 54. Air Navigation Facility Safety Standards

The Authority shall prescribe minimum safety standards for the operation of air navigation facilities located in Eritrea.

Article 55. Aeronautical Meteorological Services

- (1) The Authority shall make arrangements, as appropriate, for the provision of meteorological information at such places and in such manner as it considers necessary to ensure the safe, economic and regular operation of aircraft and to give effect to the Convention.
- (2) The Authority may inspect the conditions of aeronautical meteorology service provision and facilities and prescribe quality standards for the same.

Article 56. Search and Rescue

- (1) The Authority shall:
 - (a) coordinate the establishment of a search and rescue organization which shall ensure that assistance is rendered, as may be required, by any aircraft missing or in distress within the territory of Eritrea; and
 - (b) coordinate government offices and other organizations to pool resources and manpower for the conduct of aircraft search and rescue services.
- (2) In the event the aircraft which is missing or in distress is registered in another state, the Authority may permit its owner or the authorities of such other state to provide such measures of assistance as may be required under the circumstances, provided, however, that the furnishing of any such assistance shall always be under the control of the Authority.
- (3) The Authority may consider requests by another state or an international organization to

render search and rescue assistance to aircraft missing or in distress in adjacent territories.

CHAPTER FIVE

AERODROMES

Article 57. Requirement of License

- (1) No person may operate an aerodrome without first obtaining an investment permit from the pertinent government organ and an operating license issued by the Authority and except in accordance with the terms and conditions of such permit and license.
- (2) Any person entitled to invest in an aerodrome business may file with the Authority an application for an aerodrome operating license.
- (3) The Authority shall issue an aerodrome operating license to the applicant if it is satisfied, after investigation, that the applicant is adequately equipped and able to conduct a safe operation in accordance with the requirements of this Proclamation and regulations and directives issued hereunder.
- (4) Any aerodrome operating license may prescribe such terms, conditions and limitations as may be necessary to ensure safety in commercial air transport.
- (5) Unless the Authority determines that it would be contrary to the public interest, an aerodrome operating license shall incorporate terms, conditions and limitations relating to:
 - (a) the operation and maintenance of adequate safety equipment, including fire fighting and rescue equipment capable of rapid access to any portion of the aerodrome used for landing, takeoff or surface maneuvering of aircraft; and
 - (b) the condition and maintenance of primary and secondary runways, as the Authority determines to be necessary.
- (6) The Authority may, in order to enforce compliance with this Proclamation and regulations, directives and orders issued hereunder, suspend or revoke any aerodrome license in accordance with the provisions of Part Nine of this Proclamation.

Article 58. Criteria

- (1) In determining the terms and conditions of an aerodrome license, the Authority shall have due regard to the requirements of safety, security and protection of the environment and adopt rules to implement the same.

(2) The rules and standards applicable to aerodrome construction and operations issued by the Authority shall, to the extent possible, conform to those standards and recommended practices under the Convention.

Article 59. Designation

The Authority shall:

- (1) designate civil aviation aerodromes and places that may be used as temporary locations for take-off and landing of civil aircraft;
- (2) provide for different classification of aerodromes; and
- (3) designate certain aerodromes as international aerodromes to be used by air carriers engaged in international air transportation.

Article 60. Landing at Designated Aerodromes

No person may operate a civil aircraft to and from an aerodrome or a temporary location unless the Authority has designated the aerodrome or the temporary location for landing and take-off.

Article 61. Removal or Marking of Obstructions

- (1) The Authority may prohibit the erection of buildings or the placement of any obstacle in areas surrounding aerodromes, which may constitute an obstruction to safe flight operations.
- (2) The Authority may, upon approval of the Minister, issue rules and standards for:
 - (a) removing or marking obstructions on land near an aerodrome; and
 - (b) establishing and maintaining warning lights or other aids to safety in air navigation, including pipe lines, power lines and the like, whether underground or overhead, required in connection with such lights or other aids.
- (3) The Authority may serve a notice upon the lessee, usufructuary or occupier of land located in the vicinity of an aerodrome in which an object is located, directing the lessee, usufructuary or occupier to remove within such reasonable time as is specified in the notice the object or a portion of the object or mark it in such manner as may be specified, when such object or such portion of it:
 - (a) constitutes, in the opinion of the Authority, an obstruction or potential hazard to aircraft; or
 - (b) extends above the obstacle limitation surfaces specified in the Convention or other relevant International Civil Aviation Organization technical requirements.
- (4) If the lessee, usufructuary or occupier on whom a notice is served under sub-Article (3) of this

Article fails to comply with the instructions in the notice, the Authority may remove the object or portion of it at its own expense and pay compensation where due.

Article 62. Provision of Land

The Authority or any designated entity shall, upon request, be provided with land for the purpose of air navigation services and other facilities, including the installation of radio and electronic apparatus and equipment.

PART FIVE

LICENSING OF AIR SERVICES

Article 63. Requirement of License

No air operator may engage in air services without having a valid license issued by the Authority.

Article 64. Types of Air Service Licenses

- (1) The following air service licenses may be issued by the Authority:
 - (a) air transport service license;
 - (b) aerial work service license; and
 - (c) private air service license.
- (2) An air transport service license shall be issued for scheduled and non-scheduled domestic and international air transport services.
- (3) An aerial work service license shall be issued for services covered by the definition provided for in Article 2(2) of this Proclamation, provided, however, that prior security clearance shall be obtained from the appropriate organ for an aircraft equipped with any camera.
- (4) A private air service license shall be issued for specific transports or types of flights such as missionary, medical and relief or humanitarian missions.

Article 65. Application for License

Any person intending to engage in air service shall submit an application for the appropriate license referred to in Article 64(1) of this Proclamation in such manner and form as prescribed by the Authority.

Article 66. Criteria for issuance of License

- (1) In determining whether to issue a license for domestic air transportation or aerial work, the Authority shall, *inter alia*, consider the fitness and qualifications of the applicant, the terminal and intermediate points to be served, the schedules and whether the issuance would be in the public interest.
- (2) In determining whether to issue a license for international air transportation, the Authority shall, in addition to the criteria set forth in sub-Article (1) of this Article, consider the requirements of international and bilateral agreements to which Eritrea is a party, as well as international reciprocity.

Article 67. Conditions for Issuance of License

- (1) Any air carrier applying for a license under this Proclamation shall secure an insurance policy that meets the minimum amounts for covering the various liabilities prescribed under the provisions of this Proclamation, regulations issued hereunder and applicable international agreements.
- (2) Failure to secure and maintain in force the insurance policy referred to in sub-Article (1) of this Article shall, in addition to any other penalty that may be imposed, constitute a basis for the grounding of aircraft and suspension or revocation of a license.
- (3) In issuing an air transport or aerial work license, the Authority may attach such other conditions and limitations as may be required in the public interest.
- (4) Any air operator certificate shall specify the terminal points and intermediate points, if any, between which the air operator is authorized to engage in commercial air transport and the services to be rendered, as well as the conditions and limitations attached to the license to safeguard public interest.
- (5) Where it is not practical to designate the terminal and intermediate points in a license issued for international commercial air transport on a scheduled or charter basis, it shall be allowed to designate only the general route or routes to be followed.

Article 68. Tariffs

- (1) No air carrier may engage in air transportation unless it has in force a tariff covering the rates and conditions for the transportation to be provided.

- (2) The tariffs shall be in such form and contain such detail as may be required by the Authority, and in the case of tariffs for international air transportation, the Authority shall consider, in so far as possible, the form and content prescribed by international standards.
- (3) No air carrier or agent thereof may conclude an agreement in respect of the transportation of any persons or goods by the air carrier whereby such persons or goods are to be transported at a toll that differs from that specified in the tariffs then in force or under terms or conditions of carriage other than those set out in such tariffs, except where it is filed with the Authority and has approval thereof.

Article 69. Registration and Suspension of Tariffs

- (1) Unless provided otherwise by law, tariffs shall, prior to implementation, be filed by the air carrier with the Authority for registration.
- (2) Tariffs agreed upon and already approved under bilateral air services agreements shall also be registered.
- (3) The Authority may suspend a tariff in force if it determines that it is unfair, discriminatory or otherwise adverse to public interest.

Article 70. Contract of Carriage

- (1) Any ticket or airway bill issued for air transportation of a passenger or cargo for hire or reward shall contain the contractual conditions of the carriage.
- (2) Where a ticket or an airway bill is not issued to a passenger or consignor, respectively, in accordance with sub-Article (1) of this Article, terms and conditions of the contract stating the liabilities of the carrier shall be made available to the passenger or consignor. Such terms and conditions shall be registered with the Authority in advance.

Article 71. Engaging in the Sale of Air Transport Services

- (1) Except an air carrier, no person may engage in the sale of air carriage provided by another person unless the Authority has issued him a license.
- (2) The Authority may issue rules governing the licensing of persons involved in the sale of air transport services.
- (3) Any person engaged in the sale and distribution of air transport services shall, with effect from a date to be notified by the Authority, be required to obtain a license from the Authority.

PART SIX
AVIATION SECURITY AND FACILITATION

Article 72. Aviation Security

Regarding aviation security, the Authority shall:

- (1) regulate aviation security in Eritrea;
- (2) regulate the security of operations of airports, aircraft, agents and catering operators, as well as other aerodrome facilities; and
- (3) define and allocate tasks and coordinate activities under the National Civil Aviation Security program, between the ministries, departments, agents and other organizations responsible for the various aspects of aviation security.

Article 73. Facilitation

- (1) The Authority shall, in accordance with Article 22 of the convention, adopt all practicable measures to facilitate and expedite air navigation between Eritrea and the territories of other states.
- (2) The measures adopted under sub-Article (1) of this Article shall, to the extent possible, conform to those standards and recommended practices under the Convention.
- (3) The Authority shall follow up the implementation and enforcement of international agreements regarding facilitation to which Eritrea is a party and report its findings to the concerned Eritrean Government authorities.
- (4) A national facilitation committee and airports facilitation committees shall be established as consultative organs in order to coordinate the various functions of the various participants in the clearance process on arrivals and departures.

PART SEVEN
LIABILITY

Article 74. Liability of Aerodrome Operators and Air Navigation Services

The liabilities of aerodrome operators and air navigation services for damages resulting from negligence in the operation of their services shall be limited to the amount set under the contract of carriage with respect to passengers and cargo.

Article 75. Liability of Air Carriers to Passengers and Cargo

The liability of any air carrier for damage caused to passengers and cargo on board the aircraft or during embarking or disembarking operations shall be governed by the rules and limitations contained in the international legal instruments to which Eritrea is a party.

Article 76. Liability of Aircraft Operators to Third Parties on the Ground

- (1) Any aircraft operator shall, while the aircraft is in flight, be liable for damage caused by the aircraft or the operation thereof, or caused by the fall of any person or object aboard the aircraft or attached to the aircraft, which results in the death, personal injury or damage to property of a third party on the ground.
- (3) No action may lie in respect of nuisance by reason only of the noise and vibration caused by, or engine emission from, aircraft on an aerodrome or other place or while in flight, as long as provisions of this Proclamation are duly complied with.

PART EIGHT

OFFENCES AND PENALTIES

Article 77. Jurisdiction

- (1) Eritrean courts shall have jurisdiction over any criminal offence committed:
 - (a) against or on board any aircraft registered in Eritrea, wherever such aircraft may be located;
 - (b) in the territory of Eritrea, irrespective of the nationality of the aircraft;
 - (c) aboard an aircraft in flight outside Eritrea which lands in Eritrea with the alleged offender on board;
 - (d) aboard an aircraft which is leased without crew members to a lessee who has his principal place of business in Eritrea, or if the lessee has no such place of business, his permanent residence in Eritrea; and
 - (e) by an offender where the alleged offender is present in the territory of Eritrea and is not extradited to any other state pursuant to a treaty to which Eritrea is a party.
- (2) For the purpose of any criminal proceedings in Eritrea, any criminal offence referred to in sub-Article (1) of this Article committed outside of Eritrea shall be deemed to have occurred in Eritrea.

(3) Where, pursuant to this Proclamation or any other law, a person has been tried in Eritrea or elsewhere, in respect of an act or omission, which, by the terms of this Proclamation, constitutes a criminal offence and has been convicted or acquitted, such person shall not be tried in Eritrea thereafter in respect of the same act or omission.

Article 78. Prohibited Activities on Board a Civil Aircraft

(1) Any person who, on board a civil aircraft, unlawfully and intentionally:

(a) smokes anywhere including in the lavatories; or

(b) operates a portable electronic device when such act is prohibited;

shall be liable to a fine not exceeding Nakfa 15,000.00 (fifteen thousand) or to a term of imprisonment not exceeding two months.

(2) Any person who unlawfully and intentionally tampers with a smoke detector or any other safety-related devices installed on board an aircraft shall be liable to a fine not exceeding Nakfa 100, 000.00 (one hundred thousand) or to a term of imprisonment not exceeding two years, or both.

Article 79. Removal of Parts of Aircraft Involved in Accident

Any person who intentionally and without authority removes, conceals or withholds any part of a civil aircraft involved in an accident, or any property which was aboard such aircraft at the time of the accident, shall be liable to a fine not exceeding Nakfa 100,000.00 (one hundred thousand) or to a term of imprisonment not exceeding two years, or both.

Article 80. Reporting and Record Keeping Violations

Any person who:

(1) fails to make a report to the Authority as required by this Proclamation or regulations, directives or orders issued hereunder;

(2) fails to keep records in the form and manner prescribed or approved by the Authority;

(3) mutilates or alters any such report or record; or

(4) files a false report or record;

shall be liable to a fine not exceeding Nakfa 100,000.00 (one hundred thousand) or to a term of imprisonment not exceeding two years, or both.

Article 81. Violating Emergency Orders

Whosoever violates the provisions of an order made by the Minister in accordance with Article 6(1) of this Proclamation shall be liable to a fine not exceeding Nakfa 50,000.00 (fifty thousand) or to a term of imprisonment not exceeding three years, or both.

Article 82. General Criminal Provisions

Without prejudice to the provisions of this Part, any criminal act committed in an aircraft flying in Eritrean airspace shall be punishable in accordance with the relevant provisions of the Penal Code of Eritrea.

PART NINE

ADMINISTRATIVE SANCTIONS

Article 83. General

- (1) Administrative sanctions include the imposition of fines pursuant to Article 84 of this Proclamation and the partial or total suspension and revocation of certificates and licenses with respect to violations of the provisions of this Proclamation and regulations, directives and orders issued hereunder.
- (2) The Authority shall have the power to decide and enforce administrative sanctions in accordance with the provisions of this Part.

Article 84. Administrative Sanctions in the form of Fines

Without prejudice to criminal liability under the provisions of Part Seven of this Proclamation and the Eritrean Penal Code, and by taking into consideration the provisions of Articles 86 and 88 of this Proclamation:

- (1) any foreign civil aircraft operator who violates the provisions of Article 41(1) or (2) of this Proclamation shall be liable to a fine up to 15,000.00 (fifteen thousand) United States Dollars;
- (2) any civil aircraft operator other than a person conducting an operation in commercial air transport, aerodrome operator, aviation training school, aircraft maintenance organization, aircraft owner or hirer, or aviation personnel who violates any provision of this Proclamation or regulations, directives or orders issued hereunder shall, depending on the gravity of violation, be liable to a fine of not less than Nakfa 50,000.00 (fifty thousand) and not exceeding Nakfa

150,000.00 (one hundred and fifty thousand). If any such violation is a continuing one, each day of such violation shall constitute a separate offence;

- (3) any civil aircraft operator conducting an operation in commercial air transport who violates any provision of this Proclamation or regulations, directives or orders issued hereunder shall, depending on the gravity of violation, be liable to a fine not less than Nakfa100,000 and not exceeding Nakfa 150,000 (one hundred and fifty thousand). If any such violation is a continuing one, each day of such violation shall constitute a separate offence.

Article 85. Complaints to and Investigations by the Authority

- (1) Any person may file with the Authority a complaint with respect to any act or omission of any person in contravention of any provisions of this Proclamation or regulations, directives or orders issued hereunder.
- (2) Whenever the Authority is of the opinion that a complaint does not state facts that warrant an investigation or action, it may summarily dismiss such complaint.
- (3) The Authority may institute an investigation at any time, on its own initiative, on any case relating to the enforcement of the provisions of this Proclamation or regulations, directives or orders issued hereunder and falling under its jurisdiction.
- (4) The finding of facts by the Authority shall be conclusive if supported by substantial evidence.

Article 86. Conduct of Investigation Proceedings

- (1) Prior to imposing any administrative sanction, the Authority shall advise the concerned person in writing as to any reasons relied upon by the Authority for the proposed action and, except in cases of emergency, shall provide such person an opportunity to respond as to why the action should not be taken.
- (2) The Authority shall conduct investigation proceedings in such manner as will be conducive to the proper accomplishment of business and to the ends of justice.
- (3) No employee of the Authority may participate in any proceeding in which he has a conflict of interest.
- (4) Any person against whom the investigation is conducted may attend the proceeding and be heard in person or by an attorney.
- (5) Any proceeding shall be open to the public upon request of any interested party, unless the Authority determines that withholding it from public disclosure is necessary on grounds of

national interest.

Article 87. Introduction of Evidence

- (1) The Authority may, in conducting investigation under Article 86 of this Proclamation, require the attendance and testimony of witnesses and the introduction of any documents relating to any matter under investigation.
- (2) The attendance of witnesses and the introduction of documents may be required from any place in Eritrea at any designated place of hearing.
- (3) In cases of disobedience to a subpoena, the Authority may invoke the aid of the court in requiring the attendance and testimony of witnesses and the introduction of documents under the provisions of this Article.

Article 88. Decisions of the Authority

In determining any sanction, the Authority shall take into account:

- (1) the nature, circumstance, extent and gravity of the violation committed;
- (2) the degree of culpability and history of prior offences of the person found to have committed the violation;
- (3) in the case of imposing fine, the ability of the offender to pay and its effect on the offender's ability to carry on the business; and
- (4) such other matters as dispensation of justice may demand.

Article 89. Appeals

- (1) Any order issued by the Authority to impose an administrative sanction shall be subject to review by the Minister upon petition filed within ten days after the date of issuance, by any person aggrieved by the order.
- (2) A copy of the petition shall forthwith be transmitted to the Authority by the Minister and the Authority shall thereupon file with the Minister the records of the proceeding conducted in relation to the order.
- (3) No ground of objection to the decision of the Authority shall be considered by the Minister, unless such objection shall have been pleaded before the Authority or unless there were reasonable grounds for failure to do so.
- (4) The filing of an appeal under this Article shall stay the effectiveness of any order of the Authority, unless the Authority advises the Minister that an emergency exists and safety in civil

aviation requires the immediate effectiveness of the order and the Minister authorizes the effectiveness of the order pending review.

- (5) Any person aggrieved by the decision of the Minister under this Article, may appeal the High Court within thirty days (30) of the issuance of the Minister's decision. The decision of the High Court shall be final and subject to no further appeal.

Article 90. Execution of Administrative Sanctions

- (1) The Authority may apply to the High Court of Eritrea for the enforcement of administrative sanctions imposed pursuant to the provisions of this Proclamation.
- (2) Any civil aircraft involved in an operation constituting a violation under Article 84 of this Proclamation may be made a lien for the fine imposed by the Authority.
- (3) Any aircraft subject to a lien under sub-Article (2) of this Article may be seized by and placed in the custody of the Authority.

PART TEN

ACCIDENT AND INCIDENT INVESTIGATION

Article 91. Investigation of Aircraft Accidents and Incidents

- (1) The Authority shall:
- (a) initiate promptly the conduct of an objective and impartial inquiry into the circumstances of any civil aircraft accident or incident occurring in Eritrea and issue investigation reports;
 - (b) participate in the investigation of accidents or incidents involving an aircraft registered in Eritrea and occurring in the territory of a foreign country, in accordance with any applicable treaty or other arrangement between Eritrea and the country in whose territory the accident occurred; and
 - (c) in the event of accident or incident involving an aircraft registered in another state, permit observers duly appointed by such other state to be present at the inquiry and dispatch any final report or findings to such other state.
- (2) The Authority shall, on the basis of the findings of accident or incident investigations, take corrective measures to avoid similar accidents or incidents in the future.
- (3) Any report of the Authority relating to aircraft accident or incident investigation or any part thereof shall not be admitted as evidence in any suit for damages arising out of any matter mentioned in such report.

- (4) Notwithstanding any other provision of this Article, the investigation of an accident or incident involving civil aircraft occurring within military sites in Eritrea or an accident or incident involving an aircraft of the armed forces of any foreign country occurring in Eritrea shall be the responsibility of the military.
- (5) For the application of the provisions of sub-Article (4) of this Article, the term "military sites" means those areas that are under the control of the military.

Article 92. Reporting Requirements

- (1) All civil aviation personnel shall be required to report the following at such times and such form as the Authority shall require:
 - (a) any suspected violation of this Proclamation or regulations, directives or orders issued hereunder;
 - (b) any incident or act which affects or is likely to affect the safety of civil aviation; and
 - (c) any aircraft accident.
- (2) The Authority shall promptly investigate any report submitted pursuant to sub-Article (1) of this Article and determine as to what, if any, further action may be required.

PART ELEVEN

MISCELLANEOUS PROVISIONS

Article 93. Service Charges and License Fees

- (1) The Authority may collect charges for air navigation services provided by it or on its behalf with respect to aircraft in flight within the Eritrean airspace.
- (2) The charges to be collected in accordance with sub-Article (1) of this Article may relate to any service provided by or on behalf of the Authority:
 - (a) during flight in Eritrea or when flight originates or terminates in Eritrea or during that portion of the flight which is over Eritrea; or
 - (b) at any aerodrome.
- (3) License fees to be collected by the Authority may relate to the issuance, renewal, amendment or validation of any license or certificate required under this Proclamation or regulations issued hereunder.
- (4) The registered owner and/or operator of an aircraft shall be jointly and severally liable for payment of charges for services rendered in respect of the aircraft.

Article 94. Detention of Aircraft

- (1) The Authority may seize and detain an aircraft where the registered owner or operator of the aircraft fails to settle any charges and interests payable thereon within a period specified in a written notice it has issued to such owner or operator.
- (2) The Authority shall release the aircraft seized and detained pursuant to sub-Article (1) of this Article where:
 - (a) the debtor settles the amount in cash or certified check; or
 - (b) a bond or other security in a form satisfactory to the Authority for the amount in respect of which the aircraft was seized is deposited with the Authority.
- (3) Regulations issued under this Proclamation may provide for the conditions of detention of aircraft by the Authority to secure compliance with this Proclamation.

Article 95. Repeal

The Civil Aviation Proclamation No. 163/2010 is hereby repealed and replaced by this Proclamation.

Article 96. Judicial Review

- (1) Any person aggrieved by an adverse decision of the Minister or Director-General under this Proclamation may seek a review by the High Court of Eritrea within thirty (30) days of such a decision.
- (2) The High Court shall set aside a decision which it finds is:
 - (a) arbitrary, an abuse of discretion, or otherwise not consistent with law;
 - (b) not made consistent with required procedures; or
 - (c) unsupported by substantial evidence.
- (3) The decision of the High Court shall be final.

Article 97. Effective Date

This Proclamation shall enter into force thirty days (30) after the date of its publication in the Gazette of Eritrean Laws.

Done at Asmara, this 22nd day of October, 2012,

The Government of Eritrea.

Proclamation No. 24/1992 issued to regulate the issuing of travel documents, entry and exit visa from Eritrea, and to control residence permits of foreigners in Eritrea

CHAPTER I - GENERAL

1 - Short Title

This Proclamation may be cited as Proclamation No. 74/1992 issued to regulate the issuing of travel documents, entry and exit visa from Eritrea, and to control residence permits of foreigners in Eritrea.

2 - Repelling and substituting of old laws

All laws already in force to regulate the issuing of travel documents, entry and exit visa from Eritrea, concerning residence permits of foreigners in Eritrea, are repelled and substituted.

3 - Definition

The words enlisted below, unless the context in this Proclamation gives a different meaning, will mean:

- 1) "Secretary" shall mean the Secretary of the Internal Affairs;
- 2) "Concerned" shall mean the authority appointed by the Secretary;
- 3) "Foreigners" shall mean a non Eritrean person;
- 4) "Person" shall mean a natural or juridical person including Eritrean and foreigner;
- 5) "Travel document" shall mean a Passport or any other document that bears the photograph of the interested person, his nationality issued to him by the Provisional Government of Eritrea or by other Governments or international Organizations;
- 6) "Inlet" shall mean if by land or sea close to the Eritrea border; or if by air in or near the airport a control station run by the Immigration authority officials;
- 7) "Means of Transport" shall mean any ship, boat, railway, aeroplane or any other means of transport which at one may be able to carry one or more passengers;
- 8) "child" any person under the age of 15 years;
- 9) "Transit Traveller" shall mean a foreigner travelling to other countries through Eritrea or staying for a short time in Eritrea;

10) "Foreign Service Travel document" shall mean diplomatic travel documents including special travel documents;

11) "Regular Travel Document" shall mean any travel document excluding Diplomatic travel document;

12) "Unwanted Foreigner" shall mean any foreigner whom the Secretary of Internal Affairs has for one of the following motives defined as "unwanted":

a if the foreigner is without any means to support himself or is likely to be a burden to the State;

b if the foreigner has been sentenced in Eritrea or abroad for immoral offences;

c if it is proved that the foreigner is a habitual drunkard;

d if the foreigner has been found on extending acts of immorality in Eritrea;

e if the foreigner has violated the provisions of this Proclamation or provisions; enacted under this Proclamation.

4 - Delegation of power

With exception of the powers mentioned in Art. 23-24 the Secretary may delegate his other powers to other appointed authorities.

CHAPTER II - TRAVEL DOCUMENT

5 - Issuing of travel document

1) Diplomatic travel document and special travel document are issued by the Secretary of Foreign Affairs who also decides the person eligible for it and its duration. The formalities, and if payment is to be made, the amount required will be decided by him.

2) The Secretary of Foreign Affairs may at any time withdraw or cancel the Foreign Service Travel Document issued if it appears to him that the person who holds it does not deserve it.

3) Regular travel for document for work; for tourism, for education or for other valid motives are issued to travelling Eritreans by the Secretary of Internal Affairs, who also determines the validity period of the regular document. An expired regular travel document may be renewed on request.

CHAPTER III - ENTRY INTO ERITREA

6 - Entrance (inlet) spots

- 1) No person may be allowed to enter the country through spots other than those authorized by the Secretary, through provisions issued from time to time;
- 2) Any person who knows or suspects that a person has illegally entered the country should immediately inform the concerned body.

7 - Formalities required for entering Eritrea

- 1) Any foreigner is not allowed to enter Eritrea without:
 - a a valid travel document;
 - b a valid visa;
 - c a valid international health Certificate concerning diseases for which vaccination is required by the Health Dept. through legal notices from time to time;
 - d other documents which the Secretary may require by legal notices from time to time.
- 2) A foreigner in possession of a transit or tourist visa must also be in possession of a:
 - a valid ticket that will enable him to travel from Eritrea to other countries,
 - b valid visa and an international health certificate demanded in the country to which he is travelling.
- 3) Any foreign child may not enter Eritrea unless:
 - a an adult person or an Organization exists in Eritrea to assume responsibility for the child, who has a travel document or a visa;
 - b he is registered in the travel document of the person by whom the child is accompanied.

8 - Types and conditions for the issuing of visa

Visas may be issued to foreigners on the following conditions:

- 1) transit visa:

a transit visa abroad may be issued by the Representative of the Government of Eritrea and in the entrance spots of Eritrea by the Dept, Internal Affairs;

b the validity duration of the transit visa is decided by the Secretary.

2) tourist visa:

a tourist visa abroad is issued by the Representative of the Government of Eritrea;

b the validity duration of a tourist visa is determined by the Secretary;

c a foreigner who enters Eritrea with a tourist visa cannot employed in Eritrea.

3) entry visa:

a an entry visa abroad may be issued by the Representative of the Government of Eritrea and at the entrance spots of Eritrea by the Dept. of Internal Affairs;

b entry Visa may be issued to the following persons:

I to persons engaged to work for the Government of Eritrea;

II to persons engaged by private bodies or companies;

III to persons who intend to set up private enterprise or industries or engage themselves in private trade activities;

IV to persons serving in private schools or hospitals or other social services in Eritrea;

V to persons whom the Government of Eritrea has authorized to enter Eritrea for other special matters;

c the validity period of the entry visa is to be determined by the Secretary;

d an expired visa may be renewed on request, and the Secretary may authorize the renewal according to its necessity.

9 - Forbidding entry into Eritrea

- 1) Any foreigner defined "persona non grata" may not be allowed to enter Eritrea;
- 2) Any of the types of a visa mentioned in Art. 8, sub-art. (1) (2) (3) may be forbidden or if issued cancelled by the Secretary if he deems it necessary for the interest of the Country or has valid grounds to do so.

CHAPTER IV - EXIT FROM ERITREA

10 - Exit spots

- 1) No person can get out of Eritrea through spots other than the ones authorized by the Secretary under revisions issued from time to time.
- 2) Any person who sees or suspects anyone attempting to leave the country illegally should inform immediately the concerned body.

11 - Formalities required to get out of Eritrea

No one can leave Eritrea without being in possession of a:

- a valid Travel Document,
- b valid exit visa,
- c valid international health certificate.

12 - Exit visa

- 1) Exit visa may be issued by the Department of internal Affairs.
- 2) The Secretary determines by provisions the conditions required for the granting of an exit visa.
- 3) The validity period of an exit visa is determined by the Secretary.
- 4) Expired exit visa may be renewed on request; the Secretary may authorize the renewal according to the circumstances.

13 - Forbidding the granting of exit visa

The Secretary may for any of the following motives forbid anyone the granting of an exit visa:

- 1) if a competent Court has ruled that the person cannot leave Eritrea;

- 2) if a competent Court has summoned the person to appear within a month before a judicial audience to testify on civil or criminal proceedings;
- 3) if the Secretary believes on valid grounds that the person's departure might affect the security or interests of the Country.

CHAPTER V - RESIDENCE IN ERITREA

14 - Residence permit and ID cards

- 1) Any foreigner living in Eritrea must hold a residence permit.
- 2) Any foreigner who did not enter Eritrea as a tourist or on transit and has stayed for not more than six months should apply for a residence permit.
- 3) A residence permit may also serve as an ID Card.
- 4) Residence permit is granted by the Department of Internal Affairs and its validity period may be determined by the Secretary.
- 5) An expired residence permit may be renewed on request and the Secretary may authorize its renewal if deemed necessary.

15 - Residence Permit to family members

A residence permit may be granted to a foreigner's family members, i.e. to his wife, to his children and to his parents who live under his protection.

16 - Cancellation of residence permit

If the conditions for which a residence permit has been granted have come to an end or are suspended the permit will be cancelled. But if other conditions arise to justify the granting of residence permit or if there are new grounds which the Secretary accepts as valid the previous residence permit may be continued.

CHAPTER VI - REGISTRATION OF FOREIGNERS

17 - Registration of foreigners

- 1) Any foreigner living in Eritrea or authorized to enter Eritrea, has stayed not less than six months must be registered in the Dept. of Internal Affairs.
- 2) Any foreigner must present his residence permit or his travel documents to Eritrea when requested to do so by the concerned authorities.

3) Any foreigner who has not been able to submit the documents mentioned in Sub-Art. (2) will remain under surveillance until his identity and nationality are investigated and if necessary, will immediately be presented to the Court.

18 - Change of address

1) Any foreigner in possession of a residence permit and who wants to change his residence from one town to another must before doing so inform the office where he has been registered.

2) The foreigner who changes his residence must within three days register himself in the town where he has transferred his residence.

3) The foreigner who entered Eritrea as tourist or on transit, when changing his address, must within 48 hrs. inform the concerned authority.

19 - Loss of travel document and residence permit

Any foreigner who lost his travel document or residence permit, from the moment of his awareness of the loss, must within 48 hrs. inform the Police or the concerned authority.

20 - Obligations and duties of Hotel Managers and boardinghouses owners and houses leased to guests

1) Hotel managers, boardinghouses house owners or lessors of guesthouses must provide that the foreign guests fill the form prepared by the concerned authorities.

2) They must also submit the form to the concerned authorities within the specified period and in the prescribed office.

21 - Obligations of other foreigners

Any foreigner who takes up room in a place other than those registered Hotels and boardinghouses, must within 24 hrs. supply his address to the concerned office.

CHAPTER VII - EXPULSION OF FOREIGNERS FROM ERITREA

22 - Motives for which foreigners may be expelled from Eritrea

Any foreigner who enters Eritrea illegally, or is found in possession of a document not renewed or in possession of an expired permit or defined as "persona non grata" shall be expelled from Eritrea.

23 - Power of expulsion

- 1) The expulsion order of a foreigner from Eritrea shall be given only by the Secretary.
- 2) The Secretary upon giving the expulsion order will specify the reasons why the foreigner is being expelled, and will determine the date and the exit line from Eritrea.

24 - Manner of expulsion

- 1) Any foreigner who by order of the Secretary or of the Court (under the Criminal Code Art. 154-155) is to be expelled from Eritrea:
 - a may remain under arrest until his expulsion; or
 - b may stay in a determined place and at intervals decided by the Secretary may apply to the concerned authority.
- 2) Persons under the protection or responsibility of a foreigner to be expelled may by order of the Secretary be expelled.
- 3) Assets or properties owned by a foreigner to be expelled from the State may by instructions of the Secretary be used to cover the transport expenses of the expelled person or of his protégé or other expenses.

CHAPTER VIII - VARIOUS PROVISIONS

25 - Obligations binding drivers of vehicles crossing regular entrances

- 1) The driver of a vehicle transporting a foreigner entering Eritrea:
 - a has the duty of ascertaining that the foreigner has complied with the provisions of art.7 of this proclamation;
 - b the foreigner has entered the country through the authorized entrance spot.
- 2) The driver who fails to meet the demands provided in Sub-Art. (1) and (b) shall at his own expenses be compelled to force the foreigner to leave the country.
- 3) the driver of the vehicle carrying foreigners leaving or entering Eritrea upon arrival at or before departure from any entrance spot must submit to the concerned authority at the entrance a list meeting the demands required by the Dept. of Internal Affairs.

4) The driver of a vehicle carrying a foreigner leaving Eritrea has the responsibility of assuring that the foreigner has met the conditions demanded under Art. 11 of this Proclamation.

26 - Exemption from provisions of the Proclamation or from regulations

1) In compliance with international treaties and international custom accepted by the Government of Eritrea and with the reciprocity agreements with other States the Secretary.

a may exempt the citizens of those States;

b the Heads or Diplomatic or Consular envoys or other officials of the said states;

c The heads or other heads of International Organizations from all or some of the provisions of this Proclamation or from provisions issued under this Proclamation.

2) On condition that they leave within the prescribed period, the crew of ships or aeroplanes will not be required to have entry and exit visa.

3) Anyone that entered the country with an entry or tourist or transit visa will not be required to have an exit visa on condition that he leaves within the prescribed period.

27 - Immigration Authorities

1) Immigration authorities are appointed by the Secretary. They are empowered by the Secretary to control persons entering and leaving Eritrea and to carry out other tasks entrusted to them by the Secretary.

2) Immigration Authorities are given the following powers to carry out their duty:

a to inspect any vehicle or means of transport entering Eritrea;

b To inspect and control the legality of travel documents, visa, residence permits and other documents;

c To stop for investigation and enquiry any person suspected of attempting to enter or leave Eritrea in violation of this Proclamation or of the regulations issued under this Proclamation on condition that the person is to be brought before the Court of Jurisdiction without delay.

e To stop for investigation and enquiry any vehicle that has carried a person, who in violation of this Proclamation or of the provisions issued under it, has attempted to enter or leave Eritrea illegally on condition that the case be brought before a Court of Jurisdiction without delay.

28 - Power to issue regulations

The Secretary is empowered by this Proclamation to issue regulations compatible with this Proclamation and affecting the matters below.

- 1) As far as the documents and visa mentioned in this Proclamation are concerned:
 - a enact the formalities needed;
 - b prepare the forms to be filled for requesting the granting, renewal or extension of validity periods of documents;
 - c Fix service fees;
- 2) Set rules governing the registration of foreigners and establish registration offices;
- 3) in general use every available facilities to implement the responsibilities and tasks entrusted by this Proclamation.

29 - Penalty

- 1) Any foreigner who in violation of the provisions of this Proclamation enters Eritrea or after the expiry of his visa or the cancellation of his residence permit continues his sojourn or permanence in Eritrea without permission is subject to the punishments prescribed in Sub-Art. (2) of this Article.
- 2) Any person who:
 - a in violation of Art. 10-13 of this Proclamation attempts to enter or leave Eritrea;
 - b Though aware of being prohibited helps any other persons to enter or leave Eritrea;
 - c Though aware that he has no right to stay in Eritrea helps any other foreigner to leave Eritrea;
 - d By deception is found in possession of any type of visa or residence permit for his personal advantage or for other persons in Eritrea;

After conviction he shall be sentenced up to five years imprisonment or up to a fine of 10.000 Bir or to both imprisonment and fine.

3) The driver of any vehicle:

a who knowingly helps a person who has violated this Proclamation or the regulations issued under it to leave Eritrea or to enter Eritrea;

b who fails to submit a detailed list of the persons he has brought into or has taken them out of Eritrea;

c who failed to ascertain that the persons who left Eritrea or entered Eritrea were legally authorized;

d who failed to take the foreigner out of Eritrea in compliance with Art.25(2) of this Proclamation;

shall be subject to a light sentence of up to two years imprisonment or up to a fine of 5,000. = Birr or to both imprisonment and fine.

4) Any person who under this Proclamation failed to register or to renew his residence permit is subject to a light sentence of up to two years imprisonment or up to a fine of 2000 Bir or to both imprisonment and fine.

5) Any person

a who intentionally hinders, hampers, opposes or interferes with an immigration official in the performance of his duty; or

b who violates the provisions of this Proclamation not covered by this Article or regulations enacted under this proclamation shall be punished under the criminal code of Eritrea.

6) If the person to be punished under Sub-Art. 1-5 of this Article is a corporate body with a juridical personality or a company or organization, its punishment shall be up to 20.000 Bir.

30 - Entry into force

This Proclamation shall enter into force from the date of its publication in the Eritrea Gazette.

ጋዜጣ አዋጃት ኤርትራ
ብመንግስቲ ኤርትራ ዝሕተፎ

ቅጂ 12/2003 ቁ. 11 ኣስመራ

29 ታሕሳስ 2003 ዋጋ 3.00 ናቕፋ

ሕጋዊ ምልክታ ቁጽሪ 80/2003
ንዘይዚጋታት ወረቐት ፍቓድ ስራሕ
ንምሃብ ዝወጸ ሕጋጋት

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LEGAL NOTICE NO. 80/2003
REGULATIONS TO ISSUE WORK PERMIT
TO NON-NATIONALS

**ሕጋዊ ምልክታ ቁጽሪ 80/2003
ንዘይዜጋታት ወረቐት ፍቓድ ስራሕ ንምሃብ
ዝወጸ ሕጋታት**

1. ሓጺር ኣርእስቲ

እዚ ሕጋታት'ዚ ንዘይዜጋታት ወረቐት ፍቓድ ስራሕ ንምሃብ ዝወጸ ሕጋታት- ሕጋዊ ምልክታ ቁጽሪ 80/2003 ተባሂሉ ክጥቀስ ይክእል።

2. ትርጉም

ኣብ ዓንቀጽ 3 ናይ ኣዋጅ ዝተዋሀበ ትርጉም ኣብ ድንጋጌታት ናይ'ዚ ሕጋታት'ዚ ተፈጻምነት ይህልዎ፣ ከምኡውን ኣተኣታትውኡ ካልእ ትርጉም ዘውሀቦ እንተዘይኮይኑ ኣብ'ዚ ሕጋታት'ዚ፡

- (1) "ኣዋጅ" ማለት ኣዋጅ ሕጊ ዕዩ ኤርትራ ቁጽሪ 118/2001 ማለት ኢዩ፣
- (2) "ዘይዜጋ" ማለት ኤርትራዊ ዜግነት ዘይወሰደ ሰብ ማለት ኢዩ፣
- (3) "ሚኒስትር" ወይ "ሚኒስትሪ" ማለት ሚኒስትሪ ወይ ሚኒስትሪ ዕዩን ሰብኣዊ ድሕነትን ማለት ኢዩ፣
- (4) "ወረቐት ፍቓድ ስራሕ" ማለት ብመሰረት እዚ ሕጋታት'ዚ ንዝኾነ ዘይዜጋ ኣብ ኤርትራ ንክሰርሕ ዘክእሎ ብሚኒስትሪ ዝወሃብ ፍቓድ ማለት ኢዩ፣

3. ወረቐት ፍቓድ ስራሕ ናይ ምርካብ ግዴታ

- (1) ዝኾነ ዘይዜጋ ፡
 - (ሀ) ብሚኒስትሪ ብዝወሃብ ናይ መለተዊ ፍቓድ ጥራይ ናብ ኤርትራ ይኣቱ፣ ከምኡ'ውን
 - (ለ) ብመሰረት እዚ ሕጋታት'ዚ ብሚኒስትሪ ዝወሃብ ብቐፅ ወረቐት ፍቓድ ስራሕ ከምዝረከብ እንተዘይተረጋገጹሉን ናብ ኤርትራ ኣይኣቱን።
- (2) ወረቐት ፍቓድ ስራሕ፡
 - (ሀ) ነቶም ውዕል ስራሕ ዝሰርሑ ዘይዜጋታት ወይ ከም ወለንተኛታት ዝሰርሑ ዘይዜጋታት፣ ከምኡ'ውን
 - (ለ) ነቶም ኣብ ብሕታዊ ዋናኛም ዝዋፈሩ ዘይዜጋታት ተፈጻምነት ኣለዎ።

4. ምቕራብ መመልከቲ ንወረቐት ፍቓድ ስራሕ

ዝኾነ ኣሰራሒ ንሓደ ዘይዜጋ ከቐጽር ምስገደሊ ምስ'ዚ ሕጋታት'ዚ ኣብ ዘሎ ቅጥዒ ዝተሓበሩ ዝርዝራትን ሚኒስትሪ ከከም ኣድላይነቱ ዘድልይዎ ተወሰኸቲ ዝርዝራትን ዝሓዘ መመልከቲ ብጽሑፍ ናይ ምቕራብ ግዴታ ኣለዎ።

5. አወሃህባ ወረቆት ፍቻድ ስራሕ

- (1) ብመሰረት ድንጋጌታት ዓንቀጽ 4 ናይ'ዚ ሕጋጋት'ዚ ወረቆት ፍቻድ ስራሕ ንምርካብ መመልከቲ ምስቀረብ፡ ሚኒስትሪ ንአመልካቲ ወረቆት ፍቻድ ስራሕ ዝህብ፣
 - (ሀ) ነቲ ዝድለ ዘሎ ሞያ ዝጥለብ አገዳሲ ክእለት ዘማልእ ኤርትራዊ ዜጋ ዘይርከብ ምጂኑን፣ ከምኡ'ውን
 - (ለ) በቲ ዝድለ ዘሎ ሞያ ኤርትራዊ ዜጋ ንምስልጣን ስምምዕ መደብ ስልጠና ምህላውን ብምርግጋጽ ይኸውን።
- (2) ሚኒስትሪ ነቲ መመልከቲ ምስ ዝነጸጎን አመልካቲ ምክንያታት መንጻጺ መመልከቲኡ ምስዝሓትትን ነቲ ምክንያታት ብጽሑፍ ከፍልጦ ይኸእል።

6. አወሃህባ ፍሉይ ወረቆት ፍቻድ ስራሕ

ሚኒስትሪ ንዝኾነ ቅድሚያ ምውጻእ እዚ ሕጋጋት'ዚ ካብ መዳውብቲ ኤርትራ ዝኾነት ሃገር ናብ ኤርትራ ኣትዩ ክሰርሕ ንዝጸንሐ ዘይዜጋ ፍሉይ ወረቆት ፍቻድ ስራሕ ዝህብ ፡

- (1) ዝተሓደሰ መንበሪ ፍቻድ ካብ ክፍሊ ዜግነትን ኢሚግሬሽንን፣ ከምኡ'ውን
- (2) ተቐጻሩ ዝሰርሕ እንተኾይኑ ካብ ኣሰራሒኡ ዝተሓደሰ ውዕል ስራሕ ምስ ዘቕርብ ይኸውን።

7. ሕድገት

እዞም ዝሰዕቡ ካብ አወሃህባ ወረቆት ፍቻድ ስራሕ ነጻ ይኾኑ፣

- (1) አምባሳደራት፡ ቆንሰላትን አባላት ዲፕሎማቲክ ሚሽንን፣
- (2) አባላት ውድብ ሕቡራት ሃገራትን ፍሉይ ትካላቲን፣
- (3) አባላት ውድብ ሕብረት ኣፍሪቃ፣ ከምኡ'ውን
- (4) ብመሰረት ብመንግስቲ ኤርትራ ዝተአተወ ክልተአዊ ወይ ብዙሓዊ ስምምዕ ዝቐጸሩ ሰራሕተኛታት።

8. ወረቆት ፍቻድ ስራሕ ዘገልግሉ ግዜ

- (1) ናይ ወረቆት ፍቻድ ስራሕ አገልግሎት ካብ ክልተ (2) ዓመት ኣይጻዕድን፣
- (2) ወረቆት ፍቻድ ስራሕ ኣብ ነፍሰወክፍ ዓመት ይሕደስ፣
- (3) ኣብ ንኡስ ዓንቀጽ (2) ናይ'ዚ ዓንቀጽ'ዚ ዝተጠቐሰ ድንጋጌ ሕሉው ኮይኑ ወረቆት ፍቻድ ስራሕ ቅድሚያ እቲ አገልግሎት ዘብቃዓሉ ኣብዘሎ ሳላሳ(30) ናይ ስራሕ መዓልታት ይሕደስ
- (4) አድላዪ ኮይኑ ምስዝረኸበ ሚኒስትሪ ነቲ ኣብ ንኡስ ዓንቀጽ (1) ናይ'ዚ ዓንቀጽ'ዚ ተጠቐሱ ዘሎ ናይ አገልግሎት ግዜ ከፍውሖ ይኸእል።

9. ክፍሊት

ዝኾነ ዘይዚጋ ወረቆት ፍቓድ ስራሕ ንምርካብን በብዓመቲ ንምሕዳሱን ናይ ዝጠፍአ መተካእታ ክወሃቦን እዚ ዝሰጠ ክፍሊት ንሚኒስትሪ ክኸፈል ኣለዎ።

- (1) ንወረቆት ፍቓድ ስራሕ
 - ንመውጽኢ ፍቓድ 50 ዶላር ኣመሪካ
 - ንመሓደሲ ፍቓድ 50 ዶላር ኣመሪካ
 - ንዝጠፍአ መተካእታ 25 ዶላር ኣመሪካ
- (2) ንፍሉይ ወረቆት ፍቓድ ስራሕ
 - ንመውጽኢ ፍቓድ 10 ዶላር ኣመሪካ
 - ንመሓደሲ ፍቓድ 10 ዶላር ኣመሪካ
 - ንዝጠፍአ መተካእታ 5 ዶላር ኣመሪካ

10. ምስራዝ ወረቆት ፍቓድ ስራሕ

ሚኒስትሪ ብሓደ ካብዞም ዝሰጠ ምክንያታት ወረቆት ፍቓድ ስራሕ ናይዘይዚጋ ክሰርዝ ይኸእል፡-

- (1) ወረቆት ፍቓድ ስራሕ ንምርካብ ዝቐረበ ሓበሬታ ወይ ሰነዳት ብምሉእ ወይ ብክፋል ናይ ሓሶት ምዃናም ምስዝረጋገጸ፣ ወይ
- (2) ወረቆት ፍቓድ ስራሕ ንምስራዝ ዝብቅዑ ካልኣት ክበድቲ ጉድለታት ምህላዎም ምስዝረጋገጸ።

11. ምዝገባ

ዝኾነ ኣብ ኤርትራ ዝሰርሕ ዘይዚጋ ብመሰረት ኣዋጅ ቁጽሪ 127/2002 ኣብ መጀመሪያ ወርሒ ናይ ነብሲ ወከፍ ዓመት ኣብ ሚኒስትሪ ይምዝገብ።

12. መቐጻዕቲ

- (1) ወረቆት ፍቓድ ስራሕ ብመሰረት ድንጋጌታት ንኡስ ዓንቀጽ (3) ናይ ዓንቀጽ 8 ናይ 'ዚ ሕጋጋት'ዚ ምስዘይሕደስ ብድሕሪኡ ክሳብ ሳላሳ(30) መዓልቲ ኣብ ዘሎ ግዜ ክሕደስ ምስዝሕተት ሰብዓን ሓሙሽተን(75%) ብሚእቲ ናይ መሓደሲ ክፍሊት መቐጻዕቲ ይኸፈላሉ።
- (2) ወረቆት ፍቓድ ስራሕ ነቲ ኣብ ንኡስ ዓንቀጽ (1) ናይ 'ዚ ዓንቀጽ'ዚ ተጠቒሱ ዘሎ ግዜ ምስ-ኣለፈ ኣብ ውሽጢ ሳላሳ(30) መዓልቲ ምስዝሕደስ ክኣ ሓደ ሚእትን ሓምሳን (150%) ብሚእቲ ናይ መሓደሲ ክፍሊት መቐጻዕቲ ይኸፈላሉ።
- (3) ብዘይ ወረቆት ፍቓድ ስራሕ ንዘይዚጋ ክሰርሕ ዝተረገበ ወሃብ ስራሕ ብመሰረት ድንጋጌታት ዝኖዊ ሕጊ ኤርትራ ይቐጻዕ፣
- (4) ዝኾነ ዘይዚጋ ንድንጋጌታት ዓንቀጽ 11 ናይ 'ዚ ሕጋጋት'ዚ ምስዝጥሕስ ወረቆት ፍቓድ ስርሑ ይሰረዝን ብገበኖዊ ሕጊ ኤርትራ ይቐጻዕን።

13. ኣብ ግብሪ ዝውዕሉ

እዚ ሕጋጋት'ዚ ካብ 2 ጥሪ 2004 ጀሚሩ ኣብ ግብሪ ይውዕል፡

ኣስመራ 29 ታሕሳስ 2003

ኣስካሉ መንቀርዖስ
ሚኒስትሪ ዕዮን ሰብኣዊ ድሕነትን

Legal Notice No 80 /2003
Regulations to Issue Work Permit to
Non-Nationals

1. Short Title

These Regulations may be cited as the "Regulations to Issue Work Permit to Non-Nationals- Legal Notice No 80/2003

2. Definitions

The terms defined in Article 3 of the Proclamation shall apply to the Provisions of these Regulations, and in these Regulations, unless the context otherwise requires:

- (1) " Proclamation" means the labour Proclamation of Eritrea Proclamation No 118/2001,
- (2) " Non-National" means a person not in Possession of Eritrean nationality
- (3) "Minister" ' and "Ministry" means the Minister and Ministry of Labour and Human Welfare, respectively; and
- (4) " Work Permit" means a permit issued by the Ministry under these Regulations enabling a non- national to Work in Eritrea.

3. Duty to obtain Work Permit

- (1) A non- national shall:
 - (a) enter into Eritrea only by permission to be issued by the Ministry; and
 - (b) not enter into Eritrea unless there is confirmation that he shall obtain a valid work permit to be issued in accordance with these Regulations by the ministry.
- (2) A work permit shall be applicable to a non-nationals:
 - (a) Who is engaged to work through a contract of employment or as a volunteer; and
 - (b) Who is engaged in his private undertaking.

4. Application for Work Permit

Any employee desiring to employ a non- national shall submit to the Ministry an application containing the particulars shown in the form of these Regulations and such other particulars as may be required by the Ministry in writing.

5. Issuance of a Work Permit

- (1) Where an application to obtain a work permit is submitted to it pursuant to Article 4 hereof, the Ministry shall issue the applicant with a work permit after ascertaining that:
 - (a) an Eritrean citizen with the necessary skills to meet the requirement of the proposed employment is not available; and
 - (b) Programmes will be undertaken to train Eritrean Citizens in the skills required.
- (2) Where the Ministry rejects the application and the applicant requests of its reasons, it shall notify the applicant in writing of its reasons.

6. Issuance of Special Work Permit

The Ministry shall, issue a special work permit to a non-national who has come from a neighbourly country into Eritrea prior to the publication of these Regulations, after ascertaining that the non-national have submitted:

- (1) a renewed resident permit from the Department of Nationality and Immigrations; and
- (2) a renewed contract of employment from his employee.

7. Exemption

The following categories shall be exempted from issuance of a work permit:

- (1) Ambassadors, Consular Officers and Members of Diplomatic Missions;
- (2) Members of the United Nations and its Special Agencies;
- (2) Members of the African Union; and
- (4) Non-Nationals employed in accordance with bilateral and multilateral agreement by the Government of Eritrea.

8. Validity of a work permits

- (1) The validity of a work permit shall not exceed two (2) years.
- (2) A work permit shall be renewed annually.
- (3) Notwithstanding the provisions of sub-article (2) hereof, a work permit shall be renewed within thirty (30) working days before the date of expiration.
- (4) Where it is deemed necessary the Ministry may extend the validity referred to in sub-article (1) hereof.

9. Fees

Any non-national shall pay the Ministry the following fees for issuance of a work permit, renewal and substitution thereof-

(1) A Work Permit		
	Issuance fee	U.S 50 Dollar
	Renewal fee	U. S 50 Dollar
	Substitution	U. S 25 Dollar

(2) Special Work Permit		
	Issuance fee	U. S 10 Dollar
	Renewal fee	U. S 10 Dollar
	Substitution	U. S 5 Dollar

10. Revocation of a Work Permit

The Ministry may revoke a work permit on any one of the following grounds:

- (1) Where it is ascertained that the information or documents presented for obtaining a work permit were fully or partially false; or
- (2) Where it is ascertained that there are other serious faults that justify revocation of the work permit.

11. Registration

Any non-national who work in Eritrea shall, at the beginning of the first month of every year, be duly registered with the Ministry in accordance with Proclamation No 127/2002.

12. Penalty

1. Where a work permit has not been renewed pursuant to the provisions in sub-article (3) of Article 8 hereof and where renewal is requested within thirty (30) days thereafter, seventy-five (75%) percent of the renewal fee shall be paid as a penalty.
2. Where a work permit is renewed within thirty (30) days after the date referred to in sub-article (1) hereof, one hundred and fifty (150%) percent of the renewal fee shall be paid as a penalty.
3. An employer who employs a non-national without a work permit shall be punishable by the Penal Code of Eritrea.
4. Where a non-national violates the provisions of Article 11 hereof, his work permit shall be revoked as well, as be punishable by the Penal Code of Eritrea.

13. Effective date

These Regulations shall come into force as of the 2nd day of January 2004

Done at Asmara, this 29th day of December, 2003

Askalu Menkerios

Minister of labour and Human Welfare

ስእሊ
Photo

ሃገረ ኤርትራ
THE STATE OF ERITREA
ሚኒስቴር ዕዮን ሰብአዊ ድሕነትን
Ministry of labor and Human Welfare
አስመራ - ኤርትራ
Asmara, Eritrea

ቅጥዲ ወረቆት ሰራሕ
Work Permit Form

ዝርዝር ኩነታት ትካል

I. Particulars of the Establishment

1. ስም ትካል
Name of Establishment _____
2. ስም አሰራሒ
Name of Employer _____
3. ስም አካያዲ ሰራሕ
Name of General Manager _____
ተላ. Tel. _____ ፋክስ Fax _____ ቁ.ጳ.ሳ. P.O.Box _____
4. አድራሻ ትካል
Address of Establishment
ዞባ Region _____ ከተማ City _____
ጎደኛ Street No. _____ ቁ.ገዛ House No. _____
ቁ.ጳ.ሳ.P.O.Box _____ ተላ. Tel: _____
ፋክስ Fax _____
5. ዓይነት ንጥፈት
Type of activity _____
6. ቁጽሪ ሊቸንሳ
License No. _____
7. ብዝሒ ኤርትራዊያን ሰራሕተኛታት
No. of Eritrean workers ተባ./Male/ _____ እን./Female/ _____
8. ብዝሒ ወጻኝተኛታት ሰራሕተኛታት
No. of Foreign workers ተባ./Male/ _____ እን./Female/ _____

II. ዝርዝር ኩነታት ሰራሕተኛ
Particulars of the employee

1. ስም ሰራሕተኛ
 Name of the Employee (as in the pass-port) _____

2. ቁ. ፓስፖርት
 Pass-port No. _____

3. ዜግነት
 Nationality _____

4. ዕድመ
 Age _____

5. ጾታ
 Sex _____

6. መንበሪ አድራሻ አብ መበቆል ዓዲ
 Home address in the country of origin
ሃገር _____ **ከተማ** _____
 Country _____ City _____

7. ደረጃ ትምህርቲ
 Educational level _____

8. ዓይነት ትምህርቲ
 Type of Education/Profession/ _____

9. ልምዲ ስራስ
 Experience _____

10. ደረጃ ሓላፍነት
 Position in the Establishment _____

11. ግዴታን ሓላፍነትን
 Brief duties & responsibilities _____

12. ወርሓዊ ደሞዝ _____ **ካልእት ጥቕምታት(ይገለጽ)**
 Monthly salary _____ Other benefits (specify) _____

ስም አስራሐ
 Name of Employer _____ **ክታም Sig.** _____

ዕለት Date _____ **ማሕተም አስራሐ**
 Seal of Employer _____

ሓበሬታ : ሲቪ: ናይ ስራስ ተሞክሮን፣ ናይ ትምህርቲ ሰነዳትን እትሓሒዝካ እቕርብ።
N.B. Attach CV, Work Experience & Educational documents.