

Submission to the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families

39th Session 2024

Egypt: Urgent Appeal concerning Egypt's Responses to Humanitarian Crises in Sudan and Eritrea

Submitted in June 2024

This document is intended to provide a brief overview of a number of pressing violations facing refugees and migrants in Egypt for consideration by the Committee on Migrant Workers in preparing the list of issues for the CWM's 39th Session. This submission builds on the previous submission from the Global Detention Project in April 2017. In particular, this submission focuses on critical recent events in Egypt, which are spelled out in more detail in the attached Urgent Appeal concerning the treatment of Sudanese in Egypt that the Global Detention Project and the Committee for Justice issued in early 2024 concerning the detention and *refoulement* of Sudanese refugees in Egypt, as well as in the investigative article by the New Humanitarian "Inside Egypt's secret scheme to detain and deport thousands of Sudanese refugees."

This submission also notes the ongoing deportation of Eritrean refugees from Egypt, many of whom have disappeared upon arrival in Eritrea.

- 1) According to information provided, detentions of refugees and migrants in 2023 increased by 42 percent compared to 2022; totaling 'as many as' 5,200 detentions in comparison to 3,800 detentions in 2022. The majority of those detained are Sudanese fleeing the active conflict in Sudan and arrested due to irregular entry to Egypt. Those arrested at the border are denied any access to asylum through registration with UNHCR. **As a signatory of the 1951 Convention Relating to the Status of Refugees, how is Egypt upholding Article 31 of the Convention requiring States not to "impose penalties, on account of illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization"?**
- 2) Among those arrested and detained for irregular entry or lack of documentation in Egypt are children. **As per the joint CRC/Committee on Migrant Workers in General Comment No. 23 (2017)/No. 4 (2017) on "State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return[,] how is Egypt upholding its obligations under the Convention on the Rights of the Child to end immigration detention for children and their families?**

- 3) Reports from July 2023 indicate that Egypt pushed back into Sudan of up to 7,000 refugees and migrants, including Sudanese, South Sudanese, Eritrean, and Ethiopian. In August 2023, UNHCR reported in its Sudan Situation Report that “UNHCR continues to receive reports that 40 persons are deported daily for illegal entry/stay and criminal acts in Egypt. In another report from November 2023, UNHCR indicated that “close to 1,600 people, including documented refugees were reportedly deported from Egypt.” Protection partners operating in Sudan have reported that in the first three months of 2024, approximately 4,500 Sudanese were deported from Egypt to Sudan. However, these figures do not represent the comprehensive number of those deported due to the absence of any official data or access to detention or border areas. According to recent reports, some refugees told reporters that Egyptian border guard forces had shot at them in desert areas, and then arrested and deported them without any legal process. **In light of the UNHCR Non-Return Advisory for Sudan, how is the deportation of Sudanese refugees and pushback of other nationalities in Sudan in line with Egypt’s obligations in accordance with the 1951 Convention Relation to the Status of Refugees and its obligation of *non-refoulement* as a rule of customary international law?**
- 4) Egyptian authorities started requiring all Sudanese to obtain a visa to enter Egypt as of 10 June 2023, the waiting period for visa processing has increased to up to six months. Since then, there are reports of the collection of exorbitant fees of up to USD 2,000 per visa to expedite processing, despite Egyptian authorities waiving visa fees for the Sudanese.¹ As such the government effectively prevents Sudanese fleeing direct harm and persecution access to territory, and prevents them from practicing the fundamental right to asylum, it meets the definition of *refoulement* in accordance with different International Legal Instruments. **As signatory to a number of these instruments, how is Egypt upholding its active responsibility of ensuring *non-refoulement* of Sudanese refugees fleeing imminent persecution?**
- 5) The non-entrée regime Egypt has adopted towards Sudanese refugees have forced Sudanese to rely on migrant smugglers to escape persecution and harm in Sudan. The Sudanese Consul in Egypt announced this week the burial of 51 bodies of Sudanese refugees during their smuggling journey to Egypt due to heat, thirst, and traffic accidents. Among the dead are women, children, and entire families. Many of the Sudanese who made it alive into Egypt reported their family members missing in the desert, and seeing many bodies of migrants in the desert.² **Considering the direct correlation between increasing reliance on migrant smugglers, and difficulties accessing visas to Egypt, how does Egypt intend to take measures to prevent further deaths among refugees fleeing active conflict and imminent persecution?**
- 6) Since the start of the aggression on Gaza, Egypt has only allowed Palestinians to enter Egypt if they are being medically evacuated or if they pay security coordination fees of USD 5,000 for adults and USD 2,500 for children to a government owned

¹ Radio Dabanga, *The Public Prosecution in Wadi Halfa closes its doors due to lack of police cooperation in arresting defendants in the visa case*, 3 April 2024, available in Arabic [here](#).

² Facebook, *Al Jazeera – Sudan*, 11 June 2024, available in Arabic [here](#). See also; Twitter, *Refugees Platform in Egypt*, 10 June 2024, available in Arabic [here](#). See also; Madameek, *Aswan Hospitals Crowded with Bodies of Sudanese Fleeing Hell of War*, 8 June 2024, available in Arabic [here](#).

company.³ As such regime effectively prevents Palestinians fleeing direct harm and persecution access to territory, and prevents them from practicing the fundamental right to asylum, it meets the definition of *refoulement* in accordance with different International Legal Instruments. **As signatory to a number of these instruments, how is Egypt upholding its active responsibility of ensuring non-refoulement of Sudanese refugees fleeing imminent persecution?**

- 7) In 2021, the Global Detention Project issued an Urgent Appeal on the disappearances of Eritreans deported from Egypt. These deportations eventually received widespread condemnation (see attached UN press release); however, while the pace of deportations of Eritreans may have slowed, sources in Egypt report that there continue to be cases of mass removal flights from Egypt to Eritrea, including a recent planned deportation of Eritrean children, which as of this writing remains shrouded in secrecy and the whereabouts of the children unknown. **How is Egypt adhering to its obligation not to return people to a situation where they may be harmed in the case of Eritreans? How is to ensuring non-refoulement of Eritreans who have a legitimate claim of asylum? And when will Egypt abide by its obligations under the Joint CRC-CWM General Comment not to detain children for immigration reasons in the cases of detained Eritrean children as well as all migrant and asylum-seeking children (see also point 2 above)?**

Attachments

1. Urgent Appeal: The Detention and Refoulement of Sudanese Refugees in Egypt
2. The New Humanitarian, “Inside Egypt's secret scheme to detain and deport thousands of Sudanese refugees,” 25 April 2024
3. OHCHR Press Release, “UN experts condemn expulsions of Eritrean asylum seekers despite risks of torture, arbitrary detention and enforced disappearance”
4. Global Detention Project, CMW Submission, List of Issues: Egypt, April 2017

³ Mada Masr, *The Argany peninsula*, 13 February 2024, available [here](#).



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SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF MIGRANTS
SPECIAL RAPPORTEUR ON MINORITY ISSUES
UN HIGH COMMISSIONER FOR REFUGEES
INTERNATIONAL ORGANISATION FOR MIGRATION

THE DETENTION AND REFOULEMENT OF SUDANESE REFUGEES IN EGYPT

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ABOUT THE GLOBAL DETENTION PROJECT

The Global Detention Project (GDP) is committed to ending arbitrary and harmful migration-related detention practices around the world, and to ensuring respect for the fundamental human rights of all migrants, refugees, and asylum seekers. To achieve this, we seek to:

- Increase public knowledge and awareness of immigration detention policies.
- Expand coverage of immigration detention by human rights monitoring bodies and other international agencies.
- Expand partnerships with local and international civil society organisations working to end arbitrary and harmful immigration detention practices.
- Strategically target research and advocacy so that it effectively challenges arbitrary and harmful detention laws and policies.

ABOUT THE COMMITTEE FOR JUSTICE (CFJ)

The Committee for Justice (CFJ) is an independent association for the defense of human rights established in 2015 by a diverse group of human rights advocates in Geneva, Switzerland. It seeks to defend victims of and persons vulnerable to human rights violations with a focus on the MENA region.

To the attention of:

- **European Commission & Parliamentary Members**
- **UN Working Group on Arbitrary Detention**
- **UN Subcommittee on the Prevention of Torture**
- **UN Special Rapporteur on the Human Rights of Migrants**
- **UN Special Rapporteur on Minority Issues**
- **UN High Commissioner for Refugees**
- **International Organisation for Migration**

With the escalating conflict in Sudan between the Sudanese army and opposition paramilitary forces entering its twelfth month, the humanitarian crisis in the country continues to deteriorate, with important spill-over effects into neighbouring Egypt. As large numbers of Sudanese refugees have entered Egypt, Egyptian authorities have responded by ramping up arrests, arbitrary detentions, pushbacks, and *refoulements*, in breach of Egypt's obligations under international refugee law and its international human rights commitments. Critically, these violations are occurring at a time of increased support from the European Union aimed at boosting Egypt's migration management operations, which raises concerns about Europe's potential culpability in abuses committed against vulnerable refugees and asylum seekers in the region.

The power struggle in Sudan, which erupted into a full-scale conflict in April 2023, has led to massive displacement, exasperating long-standing instability in the country where nearly 25 million people—more than half of Sudan's population—are thought to be in urgent need of humanitarian aid.¹ While this crisis has struggled to get adequate international attention as conflicts flare in the Middle East, Ukraine, and elsewhere, what little attention it has received has largely failed to take into account Egypt's draconian response along its southern border, which violates fundamental human rights and humanitarian norms and principles.²

Since the start of the conflict in Sudan, Egypt has seen the number of immigration-related detentions skyrocket—particularly those on the grounds of irregular entry and exit. The majority have targeted Sudanese refugees entering Egypt to escape the ongoing conflict who, due to the challenges in obtaining an entry visa to Egypt, enter the country irregularly. Recorded arrests during the year were 42 percent higher than in 2022, totalling as many as 5,200 arrests in comparison to 2022's 3,800 arrests. Reports of arrests in January 2024 already indicate that increased detention rates will continue: in January 2024 alone, more than 990 individuals were arrested. Prior to the conflict, meanwhile, detentions in Egypt averaged approximately 300 per month. These numbers, however,

¹ International Rescue Committee, "Crisis in Sudan: What is Happening and How to Help," 14 December 2023, <https://www.rescue.org/eu/article/fighting-sudan-what-you-need-know-about-crisis>

² There are some exceptions, such as this statement from the Refugees Platform in Egypt: "Joint Statement: Egyptian Authorities Must End Arbitrary Detention and Forced Deportations of Sudanese Refugees and Asylum Seekers," 27 March 2024, <https://rpegy.org/en/editions/joint-statement-egyptian-authorities-must-end-arbitrary-detentions-and-forced-deportations-of-sudanese-refugees-and-asylum-seekers/>

do not reflect de facto arrests and detentions, which reports suggest could be occurring on a large scale, underscoring the urgency for the international community to address this situation.

The increase in detentions has also been accompanied by an unprecedented rise in incidents of *refoulement*, particularly to Sudan, an active conflict zone, demonstrating a clear shift in Egyptian authorities' policies towards deportation in comparison to previous years. In previous years, authorities funded and enforced deportations at a more limited scale—not exceeding 500—to Eritrea, as previously reported by the Global Detention Project, and South Sudan. Before 2021, authorities almost never funded or enforced deportations, instead leaving those who were unwilling to return to their countries to linger in indefinite administrative detention. In 2023, information shared with refugee protection partners indicated that more than 3,300 individuals were forcibly removed, including over 40 group deportation incidents. As with the arrest and detention numbers, however, these statistics likely do not take into the account potentially large numbers of unreported or unobserved pushbacks that are also likely occurring along the border.

Egypt's draconian response to the crisis in Sudan is occurring at the same time that it has successfully negotiated major financial agreements with the European Union to assist "migration management," which threaten to undermine the EU's commitment to human rights values. In March 2024, the EU announced an EUR 7 billion aid package for Egypt, which reportedly includes at least 200 million for boosting Egypt's migration controls.³ While some EU leaders, like Italian Prime Minister Giorgia Meloni, regard these deals as "the best way to address migratory flows," to the extent such support enables Egypt's violations of fundamental human rights and humanitarian norms, they may also implicate Brussels and all EU countries in these violations. We urge the international community and leaders in Brussels and across Europe to scrutinise efforts to "externalise" EU migration controls to ensure that financing provided to Egypt cannot be used to harm refugees, asylum seekers, or migrants.

1. LEGAL FRAMEWORK IN SUMMARY

Egypt is a signatory to the 1951 Convention Relating to the Status of Refugees and has ratified several relevant international human rights instruments, which provide important protections for refugees, asylum seekers, and migrants. These include legal obligations to guarantee the right to asylum, to prevent *refoulement*, to not punish non-citizens for irregular entry or presence in Egypt, and to uphold the right to liberty and security of persons of all people—citizens and non-citizens alike.

In 2004, Egypt and Sudan also signed an agreement, the so-called "Four Freedoms Convention," allowing the free movement of citizens between both countries. With the eruption of the armed conflict in April 2023, Egypt was therefore naturally perceived as the primary destination for refuge given the

³ P. Werr, "EU Pledges Billions of Euros for Egypt as it Seeks to Curb Migration," 17 March 2024, <https://www.reuters.com/world/eu-bolster-egypt-ties-with-billions-funding-2024-03-17/>

long intricate history between the two countries.⁴ This was also emphasised in UNHCR's Position on Returns to Sudan published in May 2023, which stipulates that Egypt has an obligation to suspend the forcible return of any Sudanese to Sudan considering their apparent international protection needs and eligibility for refugee status.

Despite these legal obligations however, on 7 June 2023 the Egyptian authorities harshened their position by issuing a decision requiring women, children under 16, and men over 50 to obtain entry visas to cross into Egypt. This agreement was issued on the same day that the Egyptian Cabinet announced its approval of a draft law on foreign asylum, the details of which remain unknown to this day. Moreover, since the eruption of the conflict in Sudan, Egypt has engaged in detention and deportation of thousands of Sudanese refugees, in addition to large numbers of non-Sudanese seeking to transit Sudan en route to Egypt and other destinations.

Additionally, Egypt's domestic laws have in some cases been selectively applied and in others altogether ignored during its response to the humanitarian crisis spilling across its border. Several legal provisions are relevant to immigration-related detention in Egypt. Applications of the law vary depending on factors such as; where the person is arrested, the apprehending authority, and their immigration status, including their registration with UNHCR.

Overall, authorities have in practice largely chosen not to press criminal charges for immigration-status violations, including irregular entry, exit, or unauthorised residence despite different legal provisions in the 1960 Law No. 89 on Entry and Residence of Aliens in the Territories of the United Arab Republic and their Departure, therefrom (amended by Law No. 88 in 2005) which regulates foreigners' entry, stay, and exit from Egypt.⁵ Instead, authorities have used administrative detention for migration-related violations. The main use of administrative detention is to enforce the removal of non-nationals.⁶

- **For UNHCR registered individuals:** If an individual is arrested and detained by Egyptian authorities for migration related-infractions while registered with UNHCR, the Passport and Foreign Emigration Administration will verify their registration with UNHCR. UNHCR will confirm the detainees' registration as an asylum-seeker or refugee and their entitlement to reside in Egypt in accordance with the 1951 Convention Relating to the Status of Refugees. Once registration with UNHCR is confirmed, the case is then referred to Egyptian National Security for further security clearance, after which Egyptian authorities allow for the individual's release from detention within an overall average of two to three weeks.

⁴ It is important to note, however, that with the escalation of violence in Sudan and the influx of displaced individuals heading to Egypt, crossing procedures became extremely slow. According to accounts from Refugees Platform in Egypt (RPE), "many displaced individuals [contracted] diseases, with some of them dying after the deterioration of their conditions" due to the waiting area being largely unequipped to accommodate large numbers of displaced individuals.

⁵ The American University in Cairo, "Refugee Entitlements," February 2020, (p.248), <https://documents.aucegypt.edu/Docs/GAPP/Refugee-Entitlements-Report%202.0.pdf>

⁶ The American University in Cairo, "Refugee Entitlements," February 2020, (p.248), <https://documents.aucegypt.edu/Docs/GAPP/Refugee-Entitlements-Report%202.0.pdf>

- **For unregistered individuals:** The Director of the Passport and Foreign Emigration Administration will issue a deportation order in accordance with Article 31 of Law No. 89, while the Ministry of Interior will order their “temporary” detention until deportation in accordance with Article 25 of the same law. The “temporary” detention ordered by the Ministry of Interior has no time limit.

Foreigners who are detained cannot avail the guaranteed rights provided under Criminal Procedure Law, including access to legal counsel or the limitation of detention periods, because they do not face criminal charges and are detained as a result of an executive order. Therefore, holding individuals under administrative detention for migration-related infractions creates a loophole in which refugees and migrants are unable to access legal representation or challenge decisions. In theory, Egyptian law entitles any person to appeal against decisions by administrative/executive bodies through Administrative Courts “on the grounds of lack of jurisdiction, or defect in legal form, or violation of laws or regulations, or error in their application and interpretation.”⁷ Therefore, the law entitles refugees to appeal their deportation order, even if they are unable to challenge their detention itself. However, the State Council only accepts appeals submitted by those who are personally impacted by the executive decision.⁸ While they are detained, refugees lack the legal status to provide power of attorney for a lawyer to act on their behalf to file a lawsuit against the deportation decision and cannot be physically present to file the lawsuit themselves.

As a standard, prior to 2021 Egyptian authorities did not cover the expenses of deportation and individuals unable to cover their own expenses or unwilling to avail of their national governments due to a well-founded fear of persecution were instead left in indefinite administrative detention. However, between 2021 and 2022, an increasing number of deportations of Eritreans, covered by Egyptian authorities, took place, marking a shift in the authorities’ approach to detention.⁹ This was highlighted by the GDP in an 2021 Urgent Appeal.¹⁰ There were also multiple reports of South Sudanese being deported, including a group of South Sudanese students.¹¹

In 2023, the rate of detentions for immigration violations significantly increased, including deportations, showing a deteriorating protection environment for refugees, especially those fleeing the war in Sudan.

⁷ The American University in Cairo, “Refugee Entitlements,” February 2020, (*supra* note 1, p. 277), <https://documents.aucegypt.edu/Docs/GAPP/Refugee-Entitlements-Report%202.0.pdf>

⁸ *The State Council Law, Law No. 47 for 1972*, available at: <https://static1.squarespace.com/static/554109b8e4b0269a2d77e01d/t/554b8c3fe4b05198a8a4eb53/1431014463746/State+Council+Law-Arabic.pdf> [accessed 23 December 2021] (available in Arabic).

⁹ Refugees Platform in Egypt, “Facts Report: Arbitrary Detention and Forcible Deportation of Eritrean Asylum Seekers from Egypt,” August 2022, <https://rpegy.org/en/editions/facts-report-arbitrary-detention-and-forcible-deportation-of-eritrean-asylum-seekers-from-egypt/>

¹⁰ Global Detention Project, “Urgent Appeal: The Case of Egypt and Eritrea,” 20 December 2021, <https://www.globaldetentionproject.org/urgent-appeal-the-case-of-egypt-and-eritrea>

¹¹ Voice of America, “Egypt to Deport More South Sudanese Students,” 25 October 2022, <https://www.voafrika.com/a/egypt-deports-south-sudanese-students-/6804966.html>

2. CONTEXT: THE CONFLICT IN SUDAN AND ACCESS TO EGYPT

In May 2023, following the onset of the conflict in Sudan, UNHCR issued a non-return advisory note for Sudan.¹² UNHCR called on “all countries to allow civilians of all nationalities fleeing Sudan non-discriminatory access to their territories” and for “States to suspend the forcible return of nationals and stateless persons who were habitual residents of Sudan, including those who have already had their asylum claims rejected.”¹³

Despite this, two months into the conflict, Egypt suspended visa free entry for Sudanese women and children (including boys under 16 years old), and men over 60. Since June 2023, Egyptian authorities have required all Sudanese arrivals to have an Egyptian visa on a valid Sudanese passport. Immediately following these restrictions on entry, the number of Sudanese entering Egypt from Sudan regularly from the two border crossings (Qustul and Argeen) dropped from a daily average of around 7,000 to a daily average of between 300 and 400. Between 15 April and 29 May, 164,000 Sudanese and 5,565 third-country nationals had entered Egypt regularly; this figure accounts for 44 percent of the total number of Sudanese (370,000) that regularly entered Egypt and 55 percent of the third country nationals (8,504) up to 31 December 2023.

Waiting periods to obtain Egyptian visas from consulates in Sudan range from two to five months, while conditions in border areas such as Wadi Halfa have grown precarious. Many areas are severely overcrowded and resources are limited—particularly for those with severe medical needs.¹⁴ It is reported that the combination of these circumstances and the intensification of violence in Sudan has pushed increasing numbers of people to seek protection in Egypt, even if irregularly.

The risks involved in irregular entry, however, are high. In late December 2023, the Consulate General of the Republic of Sudan in Egypt, which is based in Aswan, issued a statement warning people of the “significant dangers” of entering Egypt “through illegal ways.”¹⁵ Among the risks it lists are “traffic accidents involving vehicles used for smuggling, the threat of robbery and extortion by human trafficking gangs, becoming lost in the desert, and possible arrest and detention.”¹⁶ It highlighted that those able to enter irregularly face ongoing risk of detention and deportation, inability to enroll children in Egyptian schools, and inability to return to Sudan regularly.¹⁷ As well as Sudanese nationals

¹² UNHCR, “UNHCR Position on Returns to Sudan,” May 2023, <https://www.refworld.org/policy/countrypos/unhcr/2023/en/124252>

¹³ UNHCR, “UNHCR Position on Returns to Sudan,” May 2023, <https://www.refworld.org/policy/countrypos/unhcr/2023/en/124252>

¹⁴ Radio Dabanga, “Egypt Asked to Ease Visa for Sudan Transport Drivers and Medical Patients,” 28 November 2023, <https://www.dabangasudan.org/en/all-news/article/egypt-asked-to-ease-visa-procedures-for-sudan-transport-drivers-and-medical-patients>

¹⁵ UNHCR, “Sudan Situation - UNHCR External Update #42,” 8 January 2024, <https://reliefweb.int/report/sudan/sudan-situation-unhcr-external-update-42-26-december-2023-3-january-2024>

¹⁶ UNHCR, “Sudan Situation - UNHCR External Update #42,” 8 January 2024, <https://reliefweb.int/report/sudan/sudan-situation-unhcr-external-update-42-26-december-2023-3-january-2024>

¹⁷ UNHCR, “Sudan Situation - UNHCR External Update #42,” 8 January 2024, <https://reliefweb.int/report/sudan/sudan-situation-unhcr-external-update-42-26-december-2023-3-january-2024>

however, registered refugees and asylum seekers in Sudan have no legal avenue for entering Egypt, leaving them no option but irregular movement or remaining in Sudan, which is becoming increasingly perilous.

Without access to border areas, humanitarian actors have no ability to verify the number of irregular entries arriving from Sudan. Prior to the introduction of visa restrictions, UNHCR reported that less than 30 percent of registered refugees displaced by the conflict in Sudan had entered irregularly. But by October 2023 this percentage had increased to around 50 percent. By early 2024, of the 168,000 that UNHCR had registered after they fled the conflict in Sudan, over 60 percent had entered Egypt irregularly. For those fleeing the conflict in Sudan and who registered with UNHCR in December 2023 and January 2024, the percentage of irregular entries reached 80 percent in each month respectively.

UNHCR has yet to be given permission to conduct registration at the border or in Aswan. To formally seek asylum, all those fleeing Sudan, regardless of regular or irregular entry, must reach Cairo or Alexandria to register with UNHCR. The sheer length of this journey (more than 1,000 km) leaves asylum seekers acutely vulnerable to detention and deportation: to reach either of these cities, they must pass multiple checkpoints or face ID checks on trains, exposing them to apprehension. Despite UNHCR significantly increasing its registration capacity, the demand for registration continues to increase, also causing delays in waiting periods for registration.¹⁸

3. DETENTIONS AND DEPORTATIONS

According to information shared with refugee protection agencies, detentions in 2023 increased by 42 percent compared to 2022; totaling 'as many as' 5,200 detentions in comparison to 3,800 detentions in 2022. The majority of those detained are Sudanese, and only approximately a third were registered with UNHCR at the time of their arrest.

UNHCR and other humanitarian actors are unable to access any detention centres in Egypt, leaving UNHCR unable to assess detainees' international protection claims. As such, detention reports are based on community members informing service providers or UNHCR. UNHCR's lack of access to detention facilities and the lack of a systematic monitoring mechanism of detentions makes it increasingly difficult to track detentions and deportations. Instead, much information is provided by community members. However many detentions are taking place in Aswan, with refugees arrested and detained simply for being in the area. With the city becoming a highly securitised environment since the conflict erupted in Sudan, it has become increasingly challenging for community members to document detention-related information.

Egyptian authorities have increasingly relied on police stations and security camps scattered across southern and western border areas to hold those detained for irregular entry or exit—with children

¹⁸ UNHCR, "Fact Sheet-November 2023," https://www.unhcr.org/eg/wp-content/uploads/sites/36/2023/11/UNHCR-Egypt-Factsheet_NOV-2023.pdf

included amongst detainees. These sites are particularly difficult to access, and conditions are precarious and not suited to prolonged detention. Observers on the ground in Egypt have received reports of detainees suffering illnesses without any medical care, leading to at least one death.

The increase in detentions in 2023 was also accompanied by an unprecedented rise in confirmed cases of *refoulement*. Although official data on deportations is publicly unavailable, there have been increasing reports of deportations in the media or public humanitarian sphere to provide evidence of the changing shifts in deportation. In observing publicly available sources on deportations from Egypt in 2023, they confirm concerns that the numbers of deportation incidents are higher than those recorded by observers.

In July 2023, news sources confirmed the deportation of over 2,000 individuals to Sudan that month; this included at least 350 Sudanese miners.¹⁹ Mining in Egypt is heavily regulated and restricted.²⁰ Further reports indicated that non-Sudanese were also being deported to Sudan.²¹ According to firsthand accounts and numerous reports, Sudanese arrested in border areas or in Aswan are processed for deportation within a matter of days and in some cases within 24 hours of their arrest.

- There have been further reports of Egyptian security operations taking place in gold mines in southern Egypt. A report from the Refugees' Platform in Egypt has highlighted that following the security raids of the mine since July 2023, there is evidence of Egyptian authorities deporting scores of Sudanese and other non-Sudanese African nationals across the Asif border crossing, a border crossing usually used for trade vehicles only.²² Some reports from Sudan indicate that up to 7,000 individuals were deported.²³ The report also flags incidents of disappearance, death, and injury of miners.²⁴
- In August, UNHCR reported in its Sudan Situation Report that "UNHCR continues to receive reports that 40 persons are deported daily for illegal entry/stay and criminal acts in Egypt. Intelligence authorities report that they are overwhelmed with the high volume of deportees and urge humanitarian actors to scale up support to relocate individuals deported to their regions of

¹⁹ Sudan Tribune, "Egypt Turns Away More than 2,000 Sudanese," 25 July 2023, <https://sudantribune.net/article275427/> (Arabic)

²⁰ Mada Masr, "Gold War," 13 July 2023, Available at: <https://www.madamasr.com/ar/2023/07/13/feature/%D8%B3%D9%8A%D8%A7%D8%B3%D8%A9/%D8%AD%D8%B1%D8%A8-%D8%A7%D9%84%D8%B0%D9%87%D8%A8/> (Arabic)

²¹ Sudan Tribune, "Egypt Turns Away More than 2,000 Sudanese," 25 July 2023, <https://sudantribune.net/article275427/> (Arabic), Radio Dabanga, "Egypt Deports Hundreds of Sudanese," 27 July 2023, <https://www.dabangasudan.org/en/all-news/article/egypt-deports-hundreds-of-sudanese-via-oseif-border-crossing>

²² Refugees Platform in Egypt, "Gold Struggle over the Bodies of Migrant Workers," 18 August 2023, <https://tinyurl.com/4kjmb49> (Arabic)

²³ Refugees Platform in Egypt, "Gold Struggle over the Bodies of Migrant Workers," 18 August 2023, <https://tinyurl.com/4kjmb49> (Arabic)

²⁴ Refugees Platform in Egypt, "Gold Struggle over the Bodies of Migrant Workers," 18 August 2023, <https://tinyurl.com/4kjmb49> (Arabic)

origin.”²⁵ Those deported included newly arrived as well as those who lived in Egypt for longer periods. This supported previous reports of large numbers being deported via land borders.

- In a UNHCR Sudan Situation response report, UNHCR indicated that “close to 1,600 people, including documented refugees were reportedly deported from Egypt” in November 2023.²⁶ This is already some 13 times higher than the number of reported deportations in all of 2022—with UNHCR reporting that 124 deportations took place throughout 2022.²⁷
- According to information shared with protection partners, UNHCR verified the deportation of more than 40 unregistered individuals and 50 registered individuals. Verified cases refer to those that UNHCR is able to identify by name and case. The disparity in numbers between verified cases and those reported by UNHCR, and the reports in the media, indicate a large and concerning gap. Lack of access to detention sites and systematic monitoring systems compound this gap in a time when increasing trends of *refoulement* are taking place.

Without access, there are no means to confirm age and gender breakdown of those deported. However, firsthand accounts confirm the detention and deportation of women and children—amongst them both accompanied and unaccompanied children.

- There are also reports among protection organisations of increasing numbers of children detained in southern Egypt, with a recent monthly report estimating the detention of more than 100 children. In 2022 and 2021, the highest number of children detained during a period/month was approximately 70.
- In January 2020, the National Council on Children and Motherhood (NCCM) published SOPs that it developed with UNICEF, IOM, and Save the Children over 18 months on the Protection and Assistance of Child Asylum-Seekers, Refugees and Victims of Migrant Smuggling and Trafficking in Persons.²⁸ The SOPs prohibit immigration detention for children and identify the process to refer them into alternatives to detention. However, since the adoption and publication of the SOPs, no refugee child has been released from immigration detention or referred into any alternatives to detention, as the SOPs have not been implemented for non-Egyptian children to date.

A further concerning development has been the increasing *refoulement* of registered refugees and asylum seekers. By the end of 2023, reports by UNHCR indicated that more than 50 registered refugees had been deported; a figure that represents a 1000 percent increase from the five registered refugees deported in 2022. Such an increase is indicative of a shift in policies around the protection extended to refugees, and further indicates that even with formalised access to asylum, the risk of *refoulement* is growing, particularly for Sudanese refugees.

²⁵ UNHCR, “Sudan Situation - UNHCR External Update #21, 1 – 7 August 2023,” 9 August 2023, <https://reliefweb.int/report/sudan/sudan-situation-unhcr-external-update-21-1-7-august-2023>

²⁶ UNHCR, “Sudan Situation - UNHCR External Update #38,” 7 December 2023, <https://reliefweb.int/report/sudan/sudan-situation-unhcr-external-update-38-28-november-4-december-2023>

²⁷ UNHCR, “Egypt Detention Prevention and Response,” November 2022, <https://reliefweb.int/report/egypt/unhcr-egypt-detention-prevention-and-response-november-2022>

²⁸ NCCM, “Standard Operating Procedures for the Protection and Assistance of Child Asylum-Seekers, Refugees and Victims of Migrant Smuggling and Trafficking in Persons,” January 2020, <https://tinyurl.com/2aajvtyr>

In previous years, deportations of registered refugees were made on the grounds of national security concerns including criminal charges, or targeted specific protection profiles. In 2023 however, some of the deportations of registered refugees were on lack of residency grounds and included women and children who pose no apparent security threat. In addition, there have been a number of cases in which registered refugees and asylum seekers have been arrested under criminal charges which were quickly dropped, but they have still been issued immediate deportation orders.

The gap between the number of verified incidents of *refoulement* and the actual number of incidents of *refoulement* has been widening this year, as indicated above. Authorities do not release data on immigration detention or deportations and UNHCR is not systematically notified of the detention of refugees, regardless of their UNHCR registration status. In addition, UNHCR and partners have no access to those in detention. Both UNHCR and other protection partners have primarily relied on community reporting to identify cases in detention and those at risk of *refoulement*. Deportations to Sudan are particularly difficult to monitor as they are happening swiftly, within less than a week and in some cases within 24 hours of the arrest directly from Aswan to the border.

4. SUMMARY OF KEY OBSERVATIONS

- The rising trends of immigration detention cases reveals Egypt's use of detention as a means to control the large influx of refugees—Sudanese and otherwise—escaping the war in Sudan.
- Despite the lack of concrete publicly available data, reports from the community, media, and UN agencies indicate that thousands have been subject to *refoulement*.
- With the vast majority of deportations taking place to Sudan (despite UNHCR's Non-Return Advisory clearly highlighting the clear international protection needs of Sudanese refugees and the legal ban on their forced return to Sudan), these incidents are in direct violation of the obligation of *non-refoulement* enshrined in the 1951 Convention Relating to the Status of Refugees and the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa.
- A 1000-fold increase in cases of *refoulement* among registered refugees and asylum-seekers indicates a departure from years-long policy or upholding international protection principles for those who formally apply for asylum by registering with UNHCR Egypt.
- The prevalence of women and children among those who are increasingly facing *refoulement* is indicative that Egyptian authorities are not employing detention and deportations to address security concerns regarding certain profiles, but as a tool of managing the influx of refugees.
- Police stations and security camps used to hold refugees and migrants lack basic infrastructure and deny access to any humanitarian actors, leaving refugees and migrants in unsanitary, unhealthy, and degrading conditions.
- Without the release of official data pertaining to immigration detention and deportation and without access to police stations where refugees are detained, community reporting continues to be the primary source of information on immigration detention and those at risk of *refoulement*. Since the eruption of the conflict in Sudan, Aswan has become highly securitised

and refugees may be arrested and detained simply for being in the area, particularly as it is more difficult for refugees to have valid residency. With the majority of detentions and deportations taking place here, it has become an increasingly challenging environment for community members to visit and document information.

- Deportations to Sudan are particularly difficult to monitor as they may occur swiftly. In the past, for other nationalities, they are usually transferred to Cairo before deportation, allowing community members to visit or communicate with those detained.

5. RECOMMENDATIONS

We urge the international community—including representatives of human rights monitoring bodies and relevant international organizations—as well as EU officials and elected representatives to raise these concerns with their counterparts in Egypt and to make several critical recommendations, including:

- **Cease de facto and arbitrary detention operations in border regions** and ensure that all apprehended refugees, asylum seekers, and migrants in these areas are provided proper medical attention and assistance, as well as information about their rights, as per the recommendations of the UN Working Group on Arbitrary Detention (WGAD) in its *Revised Deliberation No. 5 on the deprivation of liberty of all non-citizens*, which stipulates that “Arbitrary detention can never be justified, including for any reason related to national emergency, maintaining public security or the large movements of immigrants or asylum seekers” (Paragraph 8).
- **End immigration detention for children and their families in line with recommendations** issued by the Committee on the Rights of the Child (CRC) in light of the “best interests” principle enshrined in the Convention on the Rights of the Child, as per the joint CRC/Committee on Migrant Workers in General Comment No. 23 (2017)/No. 4 (2017) on “State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return.”²⁹
- **Ensure that detainees are able to challenge the grounds of their detention before a court or other competent, independent, and impartial authority, and provided access to legal aid**, as per the WGAD’s *Deliberation No. 5, paragraph 30*, which states that “Any detention in the course of migration proceedings that makes it impossible to mount an effective challenge to the continued detention is arbitrary.”

²⁹ UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, “Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return,” CMW/C/GC/4-CRC/C/GC/23, 16 November 2017, <https://www.refworld.org/docid/5a12942a2b.html>

- **Remove visa requirements for those fleeing the conflict in Sudan** in line with Egypt's obligation under the 1951 Convention Relating to the Status of Refugees and Egypt's obligation of *non-refoulement* under international law.
- **Suspend all deportations to Sudan** in line with UNHCR's Advisory Opinion on Returns to Sudan and Egypt's obligations under the 1951 Convention Relating to the Status of Refugees.
- **Establish procedures that guarantee access to fair and efficient asylum proceedings for all those who are in Egyptian territory and claim asylum**, including immigration detainees, in line with the 1951 Convention Relating to the Status of Refugees and the
- **Suspend the enforcement of penalties on refugees coming directly from a territory where their life or freedom was threatened on account of their illegal entry or presence in Egypt** In line with Article 31 of the 1951 Convention Relating to the Status of Refugees.
- **Grant access to UNHCR and humanitarian organisations to border areas where large influxes of refugees are occurring and guarantee the right to access detention centre for independent institutions** such as the national human rights commission and civil society organisations as per *WGAD Revised Deliberation No. 5, paragraph 47*: "The Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other relevant organizations, including national human rights institutions, national preventive mechanisms and international and national non- governmental organizations, must be allowed free access to the places of detention where those detained in the course of migration proceedings are held."
- **Provide data on immigration detention and deportations to ensure transparency and accountability.**

EXCLUSIVE: Inside Egypt's secret scheme to detain and deport thousands of Sudanese refugees

'I pleaded with the soldiers, but they refused to help us.'

Sara Creta

Freelance journalist focused on conflict, human rights, and humanitarian issues

[Nour Khalil](#)

Researcher specialising in immigration and border policy issues and the Executive Director of the Refugees Platform in Egypt



Satellite image ©2024 Maxar Technologies

A composite photo showing a satellite image of a military camp where refugees are being detained, and a smuggling vehicle (obtained from social media but with credit removed for security reasons) used by refugees crossing the desert.

About this investigation: Last summer, the Refugees Platform in Egypt, a civil society organisation that defends human rights, contacted The New Humanitarian to share evidence that the Egyptian military was carrying out large-scale deportations of Sudanese refugees. Reporters substantiated the allegations by interviewing dozens of refugees, lawyers, and right groups, obtaining documents from inside secretive government agencies, and through open source investigative techniques.

ASWAN, Egypt

Thousands of Sudanese refugees who escaped to neighbouring Egypt have been detained by Egyptian authorities in a network of secret military bases, and then deported back to their war-torn country often without the chance to claim asylum, an investigation by The New Humanitarian and the Refugees Platform in Egypt has found.

The pushbacks uncovered by reporters contravene refugee conventions that Egypt has ratified, and are being carried out as the EU has pledged billions of dollars to Cairo in exchange for the government curtailing migration to Europe, a deal that [critics say](#) could make European countries complicit in the abuses taking place.

The pushbacks are also being enforced amid a worsening of [the year-long war](#) between the Sudanese army and its former ally, the powerful paramilitary Rapid Support Forces (RSF). The fighting is expanding into new parts of the country, leaving tens of thousands of people dead, and triggering warnings of a looming famine.

"I pleaded with the soldiers, explaining that my mother was gravely ill and urgently needed medical attention, but they refused to help us," said 25-year-old Hassan, who was deported from Egypt in February after being kept in a squalid military camp with his 68-year-old mother, who has a heart condition, and his cousin, who has cancer.



At a glance: Egyptian abuses against Sudanese refugees

Hassan, who asked for his name to be changed, like all of the Sudanese refugees quoted in this story, said he escaped the capital city, Khartoum, earlier in the year after his house was invaded and his brother was killed by RSF fighters. Following his deportation, he said he was "unsure if there is still a home awaiting" him.

Sudan's conflict has created one of the world's largest displacement crises, with nearly nine million people uprooted over the past year. Two million people have fled to neighbouring states, including more than half a million who have crossed into Egypt.

Egyptian authorities have taken [various measures](#) to restrict Sudanese from entering legally, despite an agreement guaranteeing freedom of movement between the countries. [Most refugees](#) are now forced to use smugglers to enter, even as they risk being detained for irregular entry or injured in dangerous mountain passages.

The UN's refugee agency (UNHCR) and [the Global Detention Project](#) have both documented pushbacks, yet reporters from The New Humanitarian and the Refugees Platform are the first to comprehensively investigate how the deportation system is operating, the facilities being used for detention, and how refugees are mistreated.

Over six months, reporters spoke to 15 deported refugees and interviewed Egyptian lawyers, government officials, and local rights organisations. Reporters also obtained internal police, military, and public prosecutor records, and used photographs, videos, and satellite images to confirm the presence of half a dozen military bases whose locations are mostly unknown and which are being used as detention centres without legal approvals.

The interviews and documents reveal a systematic, nationwide effort to deny Sudanese refugees the right to claim asylum. The campaign involves multiple components of the Egyptian security apparatus as well as other agencies of the government, which had not responded to requests for comment by the time of publication.

Some refugees told reporters that Egyptian border guard forces had shot

at them in desert areas, and then arrested and deported them without any legal process. Others said they were rounded up in towns and cities and accused by security authorities of spurious offences, including smuggling, being part of a criminal smuggling group, or "causing serious harm" to Egypt.

Refugees and lawyers said children, elderly people, and individuals who had suffered serious injuries during their journeys into the country were among those deported, as were Sudanese who had registered with UNHCR. In one case, a lawyer described an individual who was deported despite having refugee status.

The military bases that reporters geolocated include places where Egyptian rights defenders and critics [have died](#) or [been disappeared](#) in the past by security agencies. Refugees described facilities with rodent infestations and overflowing sewage. One refugee said they were detained for 70 days in a base and allowed out just once.

"All of the prisoners' mental states were severely affected," said 31-year-old Mahmoud, who was detained on a Cairo-bound bus earlier this year having escaped fighting in Khartoum. "For some, the prospect of deportation to a country at war was better than remaining in such dire circumstances."

Click on the red dots in the map below to see the six military bases verified by reporters:

Dangerous journeys and mass deportations

Egypt shares deep historical ties with Sudan and has long been home to millions of Sudanese migrants. The government has taken the side of the army in the current conflict, yet refugees have faced [growing hostility](#) by Egyptian politicians and members of the public amid a deepening economic crisis in the country.

Entry restrictions for Sudanese have been tightened over the past year. Initially, men between 16 and 50 were prevented from entering unless they had a visa issued by Egyptian consulates in Sudan. This policy was then extended to cover all Sudanese citizens, most of whom turned to smugglers due to long visa processing times.

Smugglers take refugees through the desert, on a long, bumpy trip that crosses mountains, rocky outcroppings, and military checkpoints. Refugees are packed by smugglers onto the back of pick-up trucks, having to cling onto ropes to avoid falling out and use surgical masks to keep out the choking dust.

A photo of a smuggling route taken by a refugee who asked not to be identified.



Read more: [Travel agents and fast-track visas](#)

It is unclear how many refugees have been detained and deported for irregular entry over the past year, though the Global Detention Project and UNHCR have recorded or reported on [thousands](#) of cases between them.

In addition to the 15 deported refugees who spoke to The New Humanitarian and the Refugees Platform, reporters were able to confirm two dozen more cases through interviews with the relatives and friends of deported refugees, and another 44 cases through a database shared by a lawyer from the [Egyptian Commission for Rights and Freedom](#), a civil society group that monitors human rights violations.

Reporters also obtained internal police, military, and public prosecutor files on nearly 200 other refugees who were arrested and detained by authorities. One file described the arrest of 16 people, including a one-year-old child; another detailed the detention of 14 people, including a girl aged 10. Most arrests targeted Sudanese citizens and Egyptian drivers, though one case involved six people from South Sudan.

The majority of the cases investigated by reporters involved refugees detained in southern Egypt, either shortly after crossing the border or after arriving in the first main towns in the south. However, reporters also spoke to the relatives of several refugees who were arrested while conducting their daily business in the northern cities of Cairo and Alexandria and later deported, suggesting the crackdown is nationwide.

"This feeling is looming over us," said 34-year-old Ahmed, who entered Egypt irregularly in December and has been staying in Cairo for the past five months. "I rarely get out of the house. I only make short trips to get food and then return promptly."

Refugees said authorities carried out mass deportations, with buses taking hundreds of people to border crossings. Three said border guards or aid workers gave them bags of food, drinks, and hygiene supplies. The bags had printed logos of the World Food Programme and USAID, according to pictures shared with reporters. Refugees also said the towns they were deported to lacked accommodation and basic services.

"When they told us that we would be deported to Sudan, the children cried because the soldiers lied to them and they were afraid of returning in light of the war," said Nasifa, who was deported in late January. She described having an asthma attack while detained in a ramshackle military

base and said soldiers did not bring her medicine.

Arbitrary detentions and forced returns of migrants, refugees, and asylum seekers are common in Egypt, with previous campaigns by security forces also targeting citizens of Eritrea and South Sudan. Human rights groups say the crackdowns are [hard to document](#) because authorities do not publicly release detention and deportation data.

The campaigns have been carried out while government and security forces [have received support](#) from European states. The support is motivated by Europe's desire to stem migration from the country, which is a transit route for individuals wanting to cross the Mediterranean, and is also [producing a growing number](#) of its own migrants.

Experts said state abuses against refugees and migrants are likely to increase as a result of the new [\\$8 billion EU funding package](#), which includes more than \$200 million for migration control. The deal is part of a [part of a broader](#) EU approach of partnering with third countries – many with poor human rights records – to reduce migration.

"These agreements are unlikely to stem the flow [of migrants]," said Hossam el-Hamalawy, an Egyptian journalist and scholar who researches the country's military and security services. "Instead, they may exacerbate casualties and further empower the already dominant military, which lies at the root of many issues in Egypt."

EU spokesperson Peter Stano said migration is just one of six pillars of intervention addressed by the new partnership with Egypt, and that "respect for human rights and international humanitarian law is a priority" for all EU-funded projects. "The EU expects Egypt, as other partners, to fulfill its international obligations including on the right to non-refoulement, and to uphold the human rights of all refugees and migrants," Stano said.*

Torture, car chases, and rapid returns

The refugees detained in southern Egypt are handled differently depending on whether they are intercepted close to the border or arrested in towns and cities, according to witness testimonies, interviews with lawyers and government officials, and internal military, police, and public prosecutor documents.

Refugees are especially vulnerable to abuse if they are intercepted near border areas, which are under military jurisdiction across Egypt. The areas are patrolled by border guard forces, which are a key part of the Egyptian military. Access, including for humanitarian and human rights groups, requires permits from military authorities.

Several lawyers and border guard sources said Sudanese refugees detained in these areas are rapidly deported by border guard forces without being registered, and without any legal process. The sources said this is not in keeping with how border guards used to handle refugees and migrants intercepted in border areas.

"Previously, deportations occurred following the conclusion of a military trial and referral to the appropriate authority," said a military officer who has served in the border guards for five years. "However, we are witnessing a new trend where individuals detained are neither officially registered nor presented before the court."

Four refugees told reporters that border guard forces ambushed them in the desert, with three recounting being pursued by military vehicles, and three claiming that guards shot at their vehicles or in the air, causing panic. Two refugees also described their Egyptian drivers being tortured and beaten by border guards after being caught.

"I said to the girls with me: 'You experienced the war and saw atrocities, so do not look at what is happening!'"

Amina, a refugee who crossed the border in February with 13 others, said her smuggler driver crashed into a tree after border guards engaged them in a 30-minute car chase through mountains. Amina said the driver of the vehicle fled after the crash, but his teenage assistant was caught and then tortured by a border guard officer. The officer forced the teenager to remove his clothes, kicked him, hung him with a rope, and penetrated his rectum with a stick until he bled, Amina said.

"I said to the girls with me: 'You experienced the war and saw atrocities, so do not look at what is happening,'" Amina told reporters. She added that the border guards insulted the group of refugees before taking them into detention.

Amina's experience is unlikely to be unique. The New Humanitarian and the Refugees Platform analysed local media reports, finding 13 car crashes mostly involving Sudanese nationals travelling on the same southern roads that refugees are taking. More than 160 people were injured and 20 died in the crashes – which occurred between May 2023 and February 2024 – though the reports all describe the incidents as accidents.

Reporters also obtained internal police and public prosecutor documents that detailed three car crashes, one of which claimed several lives. The survivors mentioned in the documents do not accuse border guards of causing the crashes, but the cases have not been transparently investigated and unidentified bodies are not being handled with care, according to a well-placed lawyer in Aswan, the largest city in southern Egypt.

The lawyer, who asked not to be named, citing the risk of reprisals from the government, said civilian police and public prosecutors have been asked to investigate certain crashes but lack the authority to do so when they occur in areas where the military has jurisdiction.

Investigations and 'false accusations'

Refugees who pass through border areas undetected still risk being intercepted. This can happen on the streets, at bus and train stations in southern cities like Aswan, or during the 1,000-kilometre journey north to Cairo or Alexandria, where refugees [can access UNHCR offices](#) to register themselves.

Unlike those intercepted along the border, refugees arrested in these areas are not immediately deported. However, internal government documents and interviews with refugees show how they face Kafkaesque investigations without access to lawyers and which result in deportation no matter the outcome.

Reporters obtained files on nearly 200 refugees who faced investigations.

The files include internal arrest reports; investigations conducted by police, border guards, the Mabahith secret police agency, and the Department of Combating Illegal Migration and Human Trafficking; and decisions taken by public prosecutors.

One of the many internal documents on apprehended Sudanese refugees that reporters obtained from various government agencies.

In the investigation documents, refugees are often accused of being part of smuggling groups or are labelled as “suspected outlaws” responsible for “causing serious harm to the dignity and reputation of Egypt”. The language and allegations are identical in several different documents, which local lawyers said indicates that the charges are premeditated.

Many of the refugees were brought in front of a public prosecutor, yet guilty verdicts appear to be rare: In 34 cases where reporters obtained documents detailing public prosecutor decisions, the proceedings all ended with prosecutor statements calling for the release of the accused because of a lack of evidence.

“We've endured injustice and false accusations without the opportunity to defend ourselves or contact a lawyer. This is despite authorities being aware of the perilous journey we have undertaken in pursuit of asylum in Egypt.”

Following the release decisions, refugees are handed over to security agencies, according to lawyers and refugee testimonies. They then have deportation orders processed against them anyway, raising questions as to why they are being put through the proceedings in the first place.

Throughout the process, refugees are consistently denied legal defence and the chance to initiate asylum procedures, said Mahmoud, the 31-year-old from Khartoum. He said he was detained in mid-January and accused by secret police of smuggling offences.

“We've endured injustice and false accusations without the opportunity to defend ourselves or contact a lawyer,” Mahmoud told reporters. “This is despite authorities being aware of the perilous journey we have undertaken in pursuit of asylum in Egypt.”

Since his deportation, Mahmoud said he has been “tormented” by the question of why refugees fleeing a war zone are being punished. Still, he said he considers himself fortunate to have survived, given that others

ensured “even nastier experiences along the same journey”.

Rodents, sewage, and stifling heat

Reporters identified six of the main military bases where refugees are being detained. Some former detainees provided coordinates of the facilities, while in other cases reporters matched Google Earth and Maxar satellite images with open source photographs and videos of the sites, and with verbal descriptions from refugees.

The facilities verified are all in military-controlled bases in the southern Aswan and Red Sea governorates. Five are operated by border guard forces under the control of the Ministry of Defence, and one is operated by a police unit under the Ministry of Interior.

None of the bases are designated as official detention centres by the Ministry of Interior, which is a legal requirement, according to three local lawyers who asked not to be named because of the risk of reprisals. They said the detentions are therefore illegal under Egyptian law.

Satellite images for four of the facilities show pick-up vehicles of the kind that refugees said are used by smugglers. In one facility, over 200 cars are visible, while in pictures of another – taken in December and March – the number of cars increases. The images support the conclusion that the facilities are housing refugees and that border guards are engaged in large-scale anti-refugee and anti-smuggling operations.

Satellite image ©2024 Maxar Technologies

All the former detainees said they were denied access to lawyers and UNHCR workers, and that security forces requested their phones, though some were able to hide them. Only one said they were able to speak to relatives during their detention period.

Videos, photographs, and refugee testimonies reveal harrowing conditions inside the bases, which The New Humanitarian and the Refugees Platform are identifying in order to provide information that could be useful for the relatives of missing refugees.

Nasifa, the refugee deported in January, stayed in a place that reporters verified as the Aswan border guard base. She said refugees were held in a part of the facility that looked like “a horse stable”, and that space was so cramped that new arrivals were put out in a cold courtyard. Among the detained refugees was a woman suffering from bleeding, another with high blood pressure, and a man with throat cancer, Nasifa said.

Amina, the refugee involved in the car crash, said she stayed in a “very bad” facility verified by reporters as the Abu Ramad military base. Amina said there was no light, insufficient water, and a bathroom without a door. She said she asked for diabetes medication from soldiers but was not given any during her detention.

Three refugees said they stayed inside a facility that reporters verified as the al-Shallal base, which is managed by a police unit known as the Central Security Forces. They said the base is being used for refugees detained outside of border areas, and that brief family visits were occasionally allowed.

Screenshots taken from a video of the Abu Simbel military base that was posted online by a detainee. The credit has been removed for security reasons.

Mahmoud, the refugee accused of smuggling, said he stayed in al-Shallal for 70 days. He said hundreds of people were packed into small spaces, and that many were suffering from respiratory infections and skin diseases due to outbreaks of lice and ticks. “It is like a grave,” Mahmoud said. “The lack of sunlight, coupled with the closed doors, created an environment conducive to the spread of diseases.”

Another facility identified and geolocated by reporters is Abu Simbel military base. Former detainees, lawyers, and local government officials said refugees are transferred to the base from other military camps ahead of them being deported through the nearby Ashkit border crossing.

Nasifa said she was transferred to Abu Simbel from the Aswan border guard base. She described overcrowding, sewage overflowing in front of a kitchen, and women and children with food poisoning. She said a pregnant woman in labour was left on the floor for 90 minutes without medical help. The day after her arrival she said buses brought dozens more refugees to the camp, all of whom were awaiting deportation.

Nowhere to go

Interviews with refugees and other sources identified two key places where refugees are being deported from: the Ras Hadaraba crossing, for refugees intercepted in the disputed Hala'ib Triangle; and Ashkit, a busy crossing where deported refugees are sent to the adjacent town of Wadi Halfa.

Seven refugees said they were transported to the border crossings alongside hundreds of others and then handed over to Sudanese authorities. Their accounts are backed up by a social media video of a mass deportation that has been geolocated and verified by reporters.



Read more: How reporters verified footage of a mass deportation

Two refugees said local aid workers gave them humanitarian support on the border, though others said they were given no assistance, and some said they were even asked to pay for their own deportation by Egyptian authorities.

Several refugees deported to Wadi Halfa said they stayed put in the border town, which has an Egyptian consulate and has attracted tens of thousands of people seeking visas over the past year. Several dozen have succumbed to dehydration, heat stroke, and infections while waiting for visas, according to local hospital records shared with reporters by a human rights activist.

Amina, the refugee involved in the car crash, said she was deported via Ras Hadaraba in early March. She said Sudanese soldiers picked her and 200 others up at the border, and then drove them to the eastern city of Port Sudan in tractors usually used to transport cattle. They were given sandwiches and water on arrival in Port Sudan but had no accommodation, Amina said.

Despite her ordeal, Amina did not stay in Port Sudan for long. She soon contacted smugglers and set off again for Egypt, this time successfully reaching Cairo. She said Egyptian soldiers had even encouraged her to make the journey again: For every 30-40 vehicles that cross the border, "we catch three or four", the soldiers told her.

After being deported to Sudan's remote northern border region in late January, Nasifa told reporters she had no way of returning to her home state of Al-Jazira, where RSF forces have reportedly killed hundreds of civilians in recent months. Yet she said risking her life with smugglers in the desert to get back into Egypt isn't an option either.

"The situation in Sudan might be dire enough to make survival impossible," Nasifa told The New Humanitarian and the Refugees Platform. "But nobody would venture out under these circumstances."

Edited by Philip Kleinfeld.

***(Comments added to the story on 9 May)**

Egypt: UN experts condemn expulsions of Eritrean asylum seekers despite risks of torture, arbitrary detention and enforced disappearance

GENEVA (13 April 2022) – UN human rights experts* deplored Egypt's recent and ongoing collective expulsions of Eritrean asylum seekers, and called on the authorities to immediately halt any further forced returns.

The experts expressed grave concern at what is shaping up to be a policy of arbitrary and collective expulsion of Eritreans, and cautioned the Egyptian authorities that such deportations violate Egypt's obligations under international law.

"Collective expulsion is prohibited under international human rights law. Patterns of human rights violations against Eritreans who have been forcibly returned, including torture, ill-treatment, enforced disappearance, trafficking in persons and arbitrary detention have been well documented by UN human rights mechanisms," they said. "These expulsions also violate the principle of non-refoulement."

Since October 2021, Egyptian authorities have deported at least 68 Eritrean nationals, including children, without assessing the risks they may face of human rights violations at their return to Eritrea. Several of those deported have not been seen or heard from since their return to Eritrea, and are believed to be held in incommunicado detention.

"We call on the Eritrean authorities to provide information on their whereabouts," said the experts, noting that there are growing fears that they may have been sent to the front in western Tigray.

The deported asylum seekers were allegedly held in detention in Egypt in overcrowded police stations and detention centres from a few months to several years, according to reports. They would have been denied access to adequate food, water and sanitation, and medical care.

They were never informed about whether they had been charged with criminal offenses, and were denied access to lawyers, to UNHCR or to any other official asylum procedures. While Egypt is a State party to the 1951 Refugee Convention, the country lacks an adequate national legal framework for the protection of asylum seekers. No measures were taken to identify victims of trafficking, or to ensure protection and non-punishment of victims, including in particular child victims of trafficking.

"We are concerned about the safety and dignity of Eritrean asylum seekers in detention in Egypt, and call on the authorities to put an end to their arbitrary detention and to ensure that, pending their release, they are held in conditions that meet international standards," they said. An estimated 70 to 200 Eritreans, including children, are currently in detention in Egypt, and at risk of deportation. "Immigration detention of children is never in the best interests of the child and is always a violation of international human rights law. Asylum seeking children and their families should be released immediately and provided with adequate care and reception."

"The Egyptian authorities must stop sending Eritrean men, women and children back to danger, and instead grant them protection in line with Egypt's international commitments," they emphasised.

The UN experts, who are charged with monitoring respect for human rights under international law, have made efforts to engage with the Government of Egypt on this issue.

The experts have [previously](#) warned the Egyptian Government about the risks of deporting asylum seekers to Eritrea, and expressed concern that the treatment of Eritrean asylum seekers by Egypt violates [international](#) refugee law and international human rights law.

ENDS

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UN Human Rights, Country Page — Egypt

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Global Detention Project Submission to the UN Committee on Migrant Workers (CMW)

26th Session (3-13 April 2017)

Egypt

Geneva, March 2017

Issues concerning immigration detention

The Global Detention Project (GDP) welcomes the opportunity to provide information relevant to the list of issues prior to reporting for the second periodic report of Egypt (due in July 2009 and not yet received by the CMW), with respect to the implementation of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (ICRMW). Egypt was the first UN member state to ratify the ICRMW in February 1993.

The GDP is an independent research centre based in Geneva that investigates immigration-related detention. As per the GDP's mandate, this submission focuses on the State party's laws and practices concerning detention for immigration-related reasons. This submission is based on the Global Detention Project [Egypt Immigration Detention Profile](#) as well as recent research findings by civil society organisations and other stakeholders.

Ia. Concerning implementation of ICRMW Articles 16 and 17

In its Concluding Observations to the initial report of Egypt on 25 May 2007 (CMW/C/EGY/CO/1), the CMW raised the issue of administrative detention: "While noting the State party's assertion that there are no migrant workers in administrative detention, the Committee remains concerned about information according to which some migrant workers are arrested without warrant and if they are unable to show valid identity documents, are detained by law enforcement officials and allegedly sometimes subjected to torture or ill-treatment." CMW recommended that Egypt: "take measures to investigate promptly all complaints of torture or ill-treatment of migrant workers while in detention, and to prosecute and punish the perpetrators."

Since then, the new [2014 Constitution](#) provides several guarantees that can be relevant to the situation of detained non-citizens, including the right to challenge detention (Article 54), the right to be protected from torture and abuse (Article 55), and the provision of judicial oversight over all places of detention (Article 56). Non-citizens who are charged with crimes stemming from their immigration status are to be considered innocent until proven guilty in a fair court of law (Article 96).

Article 54 of the Constitution provides that "every person whose freedom is restricted shall be immediately notified of the reasons therefore; shall be informed of his/her rights in writing; shall be immediately enabled to contact his/her relatives and lawyer; and shall be brought before the investigation authority within twenty four (24) hours as of the time of restricting his/her freedom. Investigation may not start with the person unless his/her lawyer is present. A lawyer shall be seconded for persons who do not have one. Necessary assistance shall be rendered to people with disability according to procedures prescribed by Law."

Despite these safeguards, detention of migrants, asylum-seekers and refugees remains a significant concern in Egypt. They are under threat of detention both as they attempt to leave the country and inside cities. Amnesty International reports that “Egyptian security forces arrested more than 4,600 refugees, asylum-seekers and migrants as they attempted to cross the Mediterranean Sea to Europe, according to figures published by UNHCR, the UN refugee agency, in September [2016].”¹ This campaign of arrests is said to represent an 85 percent increase compared with 2015.² Most of the detainees are Syrians, as well as Sub-Saharan and persons from the Horn of Africa held for unauthorized entry or residence. There are also allegations of security crackdowns on Syrian, Sudanese and other African refugees hosting neighbourhoods leading to detention and abuse including beatings and torture during detention.³

The principle immigration-related laws governing the arrest, detention, and deportation of non-citizens are The Law of Entry and Residence of Aliens in the Territories of the United Arab Republic and their Departure Therefrom (Law No. 89 of 1960 as amended by law No. 88 of 2005) and Presidential Decree Security of the Eastern Border of Arab Republic of Egypt (1995). The applicable law depends on where and when a migrant is apprehended.

It is challenging to distinguish between administrative and criminal detention in cases involving non-citizens. Asylum seekers, refugees, and undocumented migrants can be subject to both criminal penalties and administrative detention for unauthorized entry or residence. Nevertheless, it appears that while criminal grounds for status-related violations may be used as the basis for arresting non-citizens, authorities generally do not pursue criminal sanctions, instead opting to hold these people in a form of administrative detention until they are deported or their cases otherwise resolved by immigration authorities (see the GDP Egypt Immigration Detention Country profile).

The Law of Entry and Residence does not contain any provisions guaranteeing rights to detained migrants, such as access to a lawyer. Asylum seekers, refugees, stateless persons, and migrants arrested for illegal entry at non-authorized border points fall within the jurisdiction of the nearest military tribunal and have no access to appeal, a practice that has been criticized as violation of Egypt’s obligations under the International Covenant on Civil and Political Rights (Art. 14) and the Arab Charter on Human and People’s Rights, which provides for due process and a fair trial (Art. 26). Irregular migrants and refugees are sometimes given an appeal in court, though this appears to occur on an ad hoc basis.

Egypt does not operate facilities specifically for migrants. Rather, the country’s prisons, police stations, and military camps have been used to detain migrants and refugees apprehended at the borders or after entering the country. Many of these facilities are police stations, including many stations in the Sinai Peninsula and the Nile Delta region, as well as two prisons in Cairo.

Reports indicate that UNHCR has access to registered refugees in detention but not to unregistered asylum seekers. The UN Committee on the Elimination of Racial Discrimination (CERD) recommended in 2015 that Egypt put an end to the detention of asylum seekers and refugees and, use detention solely for very specific cases and for the shortest possible time and allow UNHCR “to visit the persons

¹ Amnesty International, Annual Report – Egypt 2016/2017

<https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/>

² Sofian Philip Naceur and Tom Rollins, “Europe’s migration trade with Egypt,” Mada, 1 February 2017, <http://www.madamasr.com/en/2017/02/01/feature/politics/europes-migration-trade-with-egypt/>

³ U.S. Department of State, Country Reports on Human Rights Practices for 2016 – Egypt, 4 March 2017 <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

concerned with a view to identifying those who may be entitled to international protection.”⁴ Civil society meets obstacles when trying to access detained migrants.⁵

Ib. Key questions Concerning implementation of ICRMW Articles 16 and 17:

How are safeguards in the 2014 Constitution implemented for immigration detainees? Who makes the decision to detain? Are immigration detainees informed about the reasons for arrest and detention (in a language they understand)? Can the decision be challenged in court? Do immigration detainees have access to legal counsel? What is the limit for the length of detention?

Where are persons detained for their immigration status currently held? Is it possible to develop a comprehensive list of facilities used to detain people for immigration or asylum-related reasons? Are children detained? Are immigration detainees held separately from convicted prisoners? Who has access to visit the various categories of immigration detainees in the different places for immigration detention?

Ila. Concerning implementation of ICRMW Part VI – Promotion of sound, equitable, humane and lawful conditions in connection with international migration

European Union Neighbourhood Policy (ENP) in Egypt

In 2013 a European Commission report monitoring implementation of the ENP stated that “hundreds of African nationals (most of them Eritreans) are reportedly detained in police stations in Sinai in conditions that fall well below minimum detention standards required by human rights law.”⁶ The European Commission implementation report for 2014 stated that: “The human trafficking problem in Sinai subsided, as a result of closing the border with Israel, the toughening of immigration laws and an increased army presence in Sinai. Migration flows shifted westwards towards Libya.”⁷

In parallel to these findings, the European Union has pursued an EU/Egypt Action Plan that includes “support effort to prevent and counter illegal migration into Egypt and the European Union.”⁸ An EU contribution of 20 million euros will support the implementation of the Action Plan.⁹ An additional “migration partnership framework and increased action along the Central Mediterranean route” also includes Egypt. Within this partnership, the EU has pledged 200 million euros for migration-related projects in Libya and North Africa throughout the EU Trust Fund. According to EU official documents

⁴ CERD, Concluding observations on the combined seventeenth to twenty-second periodic reports of Egypt, CERD/C/EGY/CO/17-22, 8 December 2015, <http://uhri.ohchr.org/document/index/daa025b7-657c-4732-b034-4347fc64b6c6>

⁵ U.S. Department of State, Country Reports on Human Rights Practices for 2016 – Egypt, 4 March 2017 <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

⁶ “Joint Staff Working Document - Implementation of the European Neighbourhood Policy in Egypt - Progress in 2012 and recommendations for action.” European Commission. High Representative of the European Union for Foreign Affairs and Security Policy. SWD (2013) 89 final. 20 March 2013. eur-lex.europa.eu/Result.do (accessed 11 February 2014).

⁷ Joint Staff Working Document - Implementation of the European Neighbourhood Policy in Egypt - Progress in 2014 and recommendations for action.” European Commission. High Representative of the European Union for Foreign Affairs and Security Policy. SWD (2015) 65 final. 25 March 2015 <http://publications.europa.eu/en/publication-detail/-/publication/b333bddd-d2df-11e4-9de8-01aa75ed71a1/language-en>

⁸ EU/Egypt Action Plan, The European Union Delegation to Egypt, 12 August 2016, https://eeas.europa.eu/delegations/egypt/8201/euegypt-action-plan_en

⁹ SAAP III-Support to the Implementation of the Action Plan Programme and the Association Agreement – EU contribution 20 million euro., https://eeas.europa.eu/delegations/egypt/8745/saap-iii-support-implementation-action-plan-programme-and-association-agreement_en

“Discussions are under way to focus support on protection at disembarkation points and in detention centres, as well as support for alternatives to detention.”¹⁰

Academic researchers had noted an apparent correlation between European efforts to block migrant routes across the Mediterranean and increases in the trafficking of migrants across the Sinai desert. According to one study, between 2007 and 2013, as many as 30,000 people were trafficked in the Sinai.¹¹

IIb. Key questions Concerning implementation of ICRMW Part VI

Are European Union funds used to “support” detention centres and are EU policies and agreements with Egypt contributing to the development of immigration detention policies and practices in the country? How are EU-supported interdiction efforts in Egypt jeopardizing the lives, well-being, and human rights of migrants and asylum seekers who are forced to change their routes to cross other, often more dangerous and lawless regions of the Mediterranean coast?

¹⁰ European Commission - Fact Sheet, Commission reports on progress under the migration partnership framework and increased action along the Central Mediterranean Route, Brussels, 2 March 2017, [http://europa.eu/rapid/press-release MEMO-17-369_en.htm](http://europa.eu/rapid/press-release_MEMO-17-369_en.htm)

¹¹ Van Reisen Mirjam, Estefanos, Meron and Rijken, Conny. (2012). “Human Trafficking in the Sinai: Refugees between Life and Death.” Wolf Legal Publishers. October 1012. asmarino.com/articles/1540-human-trafficking-in-the-sinai-refugees-between-life-and-death5