



Refugees Platform in Egypt

# The crime: Seeking asylum in Egypt

Case report on arbitrary detention and forcible deportation of Eritrean asylum seekers

**STOP ARBITRARY DETENTION AND FORCED DEPORTATION!**

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The "Refugee Platform in Egypt (RPE) has received first-hand information. Community leaders and families stating that the Egyptian government has detained more than 200 Eritrean refugees and asylum seekers (men, women and children) in detention facilities by the Ministry of Interior in the governorates (Aswan and Red Sea).

This detention comes after they were arrested while entering the Egyptian territories irregularly, hoping to seek asylum after escaping the human rights violations in their country. Which are forced conscription and national service for life.

National service in Eritrea can range from administrative work to construction and advanced military training. Eritreans have absolutely no choice in the matter. In addition, the entire civil service system in Eritrea - teachers, doctors and everyone else does not receive a living wage. The prevalence of modern slavery in Eritrea was estimated at [451,000 people in 2018](#).

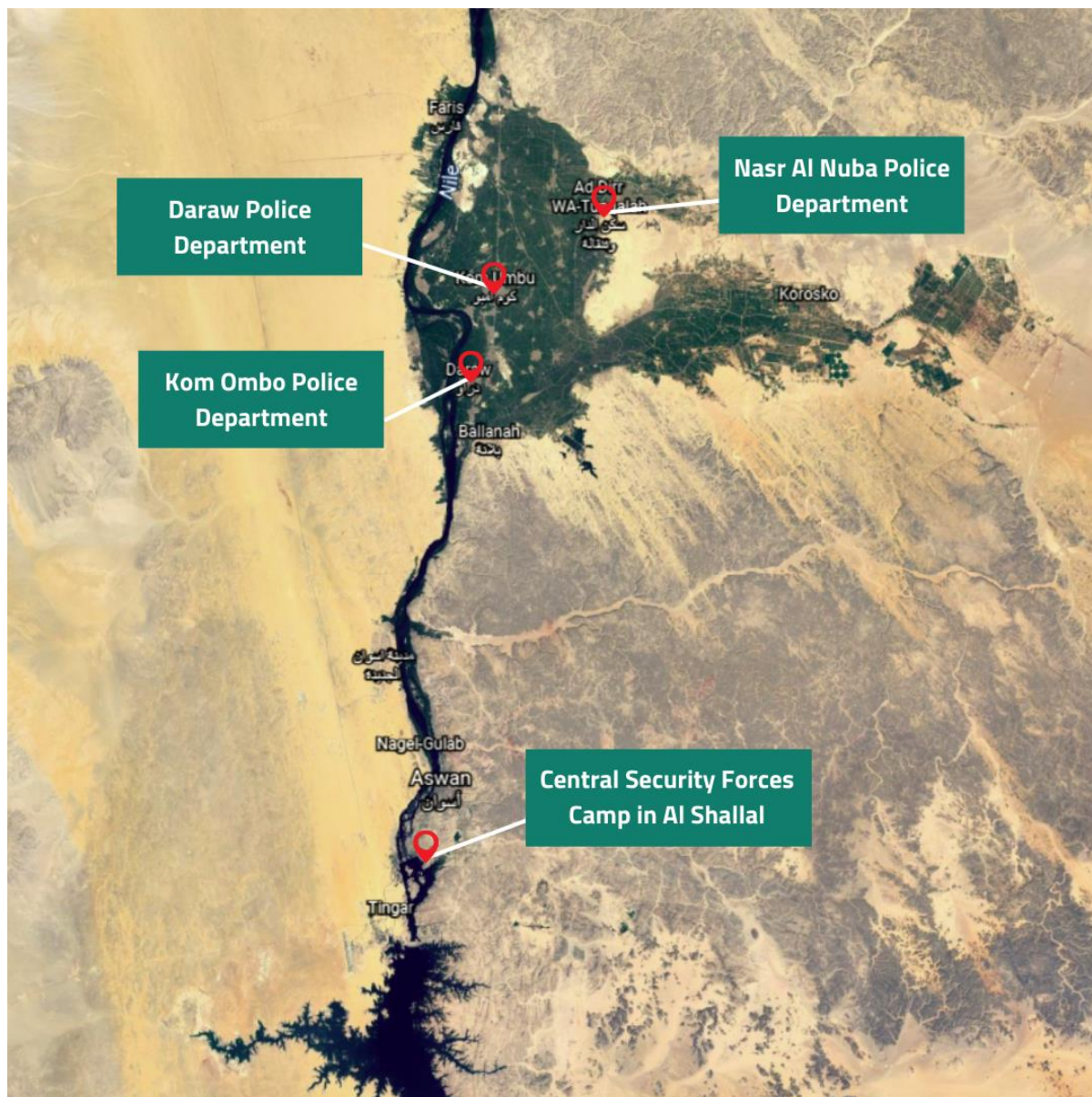
According to the statistics of the High Commissioner for Refugees in Egypt at the end of November 2021 on the number of registered refugees in Egypt, there are 269,826 refugees registered with the UNHCR. Including 20,778 people from Eritrea.

### **More than two hundred detainees in Aswan Governorate and their situations are getting worse day by day, including forty-four children and a woman who gave birth while she was being held and is still detained with her infant:**

Detainees in Aswan Governorate, whose number is estimated by community leaders at more than two hundred detainees, have been distributed in different detention centres since the beginning of their detention. Such as the Central Security Forces Camp in Shallal, Kom Ombo Police Department Police Department, Daraw Police Department, and Nasr Al Nuba Police Department. All of them were arrested after they entered the Egyptian territory to submit asylum requests.



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*Locations of detention centres for asylum seekers in Aswan Governorate*

The largest number of them were arrested during 2021, and some of them have been detained since 2019 and 2020.

According to what the “Refugee Platform in Egypt” documented, the detainees did not have any of the conditions or guarantees of a fair trial. As they were not informed of the charges against them, nor were they presented to independent investigation bodies. According to what the detainees and their families mentioned, they were not brought before a court, nor allowed to appoint a lawyer to represent them and provide legal defence. Also, the authorities did not appoint a lawyer to provide the right of legal representation.

The detainees requested several times to enable them to submit asylum applications to the UNHCR office in Egypt. Nevertheless, their requests were rejected by the detention facilities authorities.

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The detainees live in inhumane conditions of detention where they are held in small cells in large numbers. They are not provided with adequate food, and none of the detainees has access to any kind of medical or psychological care. They are not allowed to exercise outside the cells, seeing the daylight or standing in the sun. Their families were not allowed to visit them.

Detention conditions have worsened since the fourteenth of November 2021 when Aswan Governorate was exposed to a storm and floods. Which caused the emergence of many [poisonous scorpions in Aswan Governorate](#) and caused the sting and poisoning of hundreds in the governorate. Floods caused the sinking of cells in police stations and the death of conscripts in the Central Security in Al-Shallal camp.

At this time, the cells of the Daraw Police Department sank in water. With the detainees' fear, they demanded the administration of the detention centre to take them out of the cells. Their demand was met by the department's physical assault. Which caused injuries to a number of detained migrants and one of them had a broken arm.

In the aftermath of the floods that overran Aswan Governorate, the authorities of the Security Directorate of Aswan Governorate transferred detainees from the Kom Ombo police station and the Central Security Forces camp in Shallal to the Daraw Police Department. Which led to the increase of detainees number and to overcrowd the cells there. In addition, there are still more than twenty-five detainees in Nasr El-Nuba Police Department, Aswan Governorate.

Among the detainees, 44 children and minors below 18 years old. According to what the Refugee Platform in Egypt documented, the children are being held in inhumane conditions that do not conform to the standards related to the detention of children in Egyptian law or international covenants regulating this. They are detained in places designated for adults, no medical and psychological care is provided to them. Meanwhile, the food provided to them is insufficient in quantity and not qualitatively appropriate as it does not give an appropriate healthy nutritional value to detainees, especially mothers and children.

A well-informed source about the situation of four detained children in Aswan Governorate told the refugee platform in Egypt that international organizations working in Egypt have reports and complaints from families and community leaders about the situation of detained Eritrean children. Since the beginning of their detention, UNHCR, Save the Children and UNICEF were informed "but their situation was considered very special and sensitive because they were arrested for their irregular entry."

According to the same previous source, the organizations that have been informed about the inhumane situation of the detained children have organized meetings to discuss the situation of the detainees. However, they have not intervened in any form or any kind of support so far, and the decision was in the end that the mentioned international organizations will cooperate with some "Local partners" to provide humanitarian aid to them in detention centres. After all, no action has been taken regarding enabling detainees to submit asylum requests or to address the Egyptian government to demand their release.

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One of the detainees in the Daraw Police Department of the Aswan Governorate Security Directorate is a girl who was arrested in June 2021, when she was pregnant. She gave birth after her detention. According to her family, she was taken from the detention centre to the hospital for delivery. After she gave birth, the security authorities returned her to the detention facility again without providing proper medical care for her and her new born in the first months of birth.

### **The Ministry of Interior initiate procedures for the deportation of 49 detainees, and refuse to enable them seeking asylum:**

On December 5, 2021, the Ministry of Interior transferred 49 detainees, including more than seven minors, under the age of eighteen with their families, from the Daraw Police Department to a detention facility in 15 May city - southeast of Helwan, 35 km south of the capital, Cairo. It is a deportation department affiliated to the Ministry of Interior with the purpose of presenting them to the Eritrean embassy in Cairo. Despite the fact that the detainees expressed their complete rejection of this procedure, stressing that if they return to Eritrea they will be subjected to major violations.

However, the security authorities did not lend any attention or respond to this refusal and this warning or to their requests and the requests of their relatives to enable them to submit the asylum application. Instead, the police officials of the detention centre told them that a decision was issued to deport them from Egypt, and the procedures for their deportation will be completed in the coming weeks.

According to what RPE have monitored, the detainees have already been presented to the Eritrean embassy in Cairo and asked to sign some papers, which the detainees refused. Then the authorities returned them to their detention centre in 15 May city, under very bad detention conditions.

They are stacked and no food is provided to them. In addition, the food and necessities that detainees' families deliver to the policemen in the station are mostly stolen from the responsible police personnel before they reach the detainees.

On the morning of December 16, 2021, the authorities transferred them from Helwan and distributed them to detention centres in the governorates of Aswan and Luxor, where they arrived there on the morning of December 17, 2021.

On the morning of December 20, the security authorities transferred four other detainees from the Daraw police station, and it is expected that they will also be presented to the Eritrean embassy in Cairo in the coming days.

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### **A step to implement the forced deportation process:**

According to the analysis of researchers in the RPE, the step of transferring the detainees to obtain travel documents from the Eritrean embassy in Cairo is the beginning of the procedures for carrying out a forcible deportation process - which the detainees expressed their great fear of.

The RPE researchers explain that the same procedures and methodology followed with the aforementioned 49 detainees happened to fifteen asylum seekers before them and these procedures ended with their forced deportation.

On November 18, 2021, the Egyptian authorities [forcibly deported seven asylum seekers to Eritrea](#). Also before that, on October 31, 2021, the authorities [forcibly deported eight asylum-seekers to Eritrea](#).

UN experts at the United Nations Human Rights Council issued a UN statement on November 19, 2021, criticizing the arbitrary detention of this group of asylum seekers for more than two years, and forcible return to Eritrea without any individual assessment of the human rights violations that they may face upon their return. The experts recommended the Egyptian government to immediately halt the deportation of Eritrean asylum seekers and asylum seekers. and review of state policies in the event of expulsion of Eritrean nationals without any assessment of the significant risks of arbitrary detention, disappearance, torture and ill-treatment in Eritrea.

All the 15 deported Eritreans belong to the same family and were detained before deportation in Egypt for two years without legal basis and in inhumane conditions due to irregular entry into Egypt. Among them were children, women and people with chronic diseases that needed medication and surgical intervention - they were not enabled to submit an asylum-seeking request. They were also detained in very bad and inhuman detention conditions in Al-Qusayr Police Department of the Red Sea Security Directorate, where they did not receive any medical care during their detention.

There is no information about the 15 deported people and have not been seen since their forcible deportation to Asmara airport in Eritrea on November 18th. Their fate is unknown until now.

### **The imminent threat of deportation threatens 21 asylum seekers who are being held in Aswan Governorate in the coming days:**

RPE had documented that the Egyptian authorities, in cooperation with the Eritrean embassy in Cairo, had already issued travel documents to eleven refugees, including children and women, and the Eritrean embassy had informed their relatives that a decision had been issued to deport them and it would be implemented in the coming days without



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specifying a date. The detainees were informed by the authorities of the place of detention with the same information.

The refugee platform had documented this information by examining the travel documents that had already been extracted for the detainees.

We also examined the requests that were submitted to the Passports, Immigration and Nationality Department of the Ministry of Interior from the families of some detainees residing in Egypt and who have a place of residence permits and a fixed known place of residence for the authorities, but the requests submitted were rejected despite being signed and stamped by the Eritrean embassy in Cairo to confirm the relationship between the applicants and their detained family members.

### **Not only the detainees in Aswan who are threatened with deportation:**

According to what the “RPE” documented, [the Egyptian government has also detained two Eritrean asylum seekers](#) (Alem Tesfay Abraham and Kibrom Adhanom Okbazghi) since 2012 and 2013 arbitrarily without any legal basis or access to asylum procedures in Egypt in Al-Qanater Prison in Qalyubia Governorate under very bad humanitarian conditions. The two face the risk of forcible return to Eritrea at any time, in which case they would be at risk of enforced disappearance, torture and forced recruitment akin to slavery.

The Egyptian authorities arrested 42-year-old Alem Tesfay near the Egyptian Libyan border, near the city of Salloum on March 10, 2012. He was detained in Marsa Matrouh governorate and then transferred to Qanater al-Khairiya prison. While the authorities arrested Kibrom Adhanom, 37, on December 30, 2013 in North Sinai Governorate, where he was kidnapped by one of the human trafficking gangs. He was transferred between several unofficial military detention facilities between the North Sinai and Ismailia governorates, and eventually he was transferred to the Qanater al-Khayriyah Prison as well, and they are still being held.

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*Qanater Khayria Prison*

According to a volunteer lawyer who tried to provide them with legal support, they have not been charged with any criminal offence. Since then, the detainees were repeatedly pressured to sign papers requesting “voluntary” return to Eritrea by officials at the Immigration Department of the Ministry of the Interior, but they refused to sign it many times. The Egyptian authorities also extracted travel documents for them from the Eritrean embassy in Cairo, in preparation for their forcible deportation. In mid-September, the security authorities tried to deport them, but after a big advocacy campaign demanding to stop the deportation, the authorities retracted the deportation process.

The conditions of the two Eritrean detainees (Tesfay and Adhanom) have worsened since July 2020, when [United Nations experts addressed the Egyptian government](#) to release them and enable them to submit asylum applications. They were prevented from charitable visits, and they were stripped of their personal belongings several times. The security authorities tortured them several times by beating them, handcuffing them, forcing them to



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sign papers in Arabic, and they were not allowed to know the content of the papers they signed.

UN experts submitted complaints to the Egyptian government twice regarding the case of the two prisoners, the first in July 2020 and the last on 10 September 2021. The Egyptian government responded on 26 August 2020 to the letter of the first complaint that it would try to find a solution. But there were no further responses after that, and the two men are still being held and threatened with deportation at any time.

The Egyptian government did not respond to letters and recommendations of [international and local organizations](#) calling for a halt to the deportation process and the release of the two men and enabling them to register with the UNHCR in Egypt.

So far, the Egyptian authorities are still detaining three Eritrean asylum seekers, including a 3-year-old child with his father, in Al-Qusayr Police Station in the Red Sea Governorate in the southeast of the country. Since their arrest in October 2019 after they entered Egypt irregularly, they have been held in inhumane conditions and without providing any kind of medical care. They were not provided with any of the conditions for a fair trial. The detention authorities also informed them that the authorities would issue travel documents for them in the coming days to start their forcible deportation process to Eritrea, and they were also not able to submit an asylum application.

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*Al-Qusayr Police Department of the Red Sea Governorate, southeast of the country*

### Where is the role of the UNHCR office in Cairo in this case?

Egypt is a signatory and ratifier of the 1951 International Convention on the Rights of Refugees, which is the basic international legal instrument that establishes a framework for the protection of refugees. Egypt joined the Convention in 1981. UNHCR began its presence and work in Egypt in 1954 under a memorandum of understanding that is still in effect until now, and according to the memorandum of understanding, the Egyptian state assigned most of its responsibilities related to dealing with refugees (identification, registration, providing aid, in addition to resettlement).

In view of the very bad humanitarian situation and the legal situation, in which the Egyptian authorities are not bound by the minimum standards of respect for human rights and the

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rules of justice and fairness. The Egyptian authorities also do not enable them to submit asylum requests, and in light of these circumstances, there is no effective and real role of the UNHCR in providing appropriate support to detainees. Neither of interfering with their release nor providing humanitarian assistance to them.

While the Office of the UNHCR in Egypt has not issued any comments so far on the forced deportations practised by the Egyptian authorities or the practises of detaining asylum seekers without legal basis, despite the UNHCR's knowledge of the deportations before they occurred and the detention of dozens of asylum seekers without legal basis, the RPE has also previously sent warnings to UNHCR's Egypt office about arbitrary detentions and forcible deportations of Eritrean refugees without receiving any response.

After the forced deportations for the 15 Eritreans last two month took place, Radwa Sharaf, UNHCR's media official in Egypt, told [Mada Masr](#) that UNHCR "has learned of the detention of the relevant detainees who are not registered with it, and UNHCR is ready to meet with the detainees concerned to assess their protection claim. So far, UNHCR has not been granted access to them and UNHCR didn't call on the Egyptian authorities to assess any detainee seeking asylum to assess his claim to international protection.

### **Hostility against Eritrean asylum seekers and asylum seekers since 2019:**

On July 21, 2019, hundreds of refugees gathered peacefully in front of the office of the UNHCR in the 6th of October city to express their protest against the inhumane treatment they are subjected to in Egypt and to demand more protection and humanitarian assistance for them and to seriously consider their requests for resettlement. UNHCR staff in Cairo did not respond to the protesters' requests or listen to their complaints.

While the security forces dispersed the gathering with excessive force, using beatings, assaults and tear gas canisters among the crowd, which included families, children and patients, causing dozens of bruises and many cases of suffocation. They also arrested more than ninety refugees and asylum seekers randomly. After a short time and the next morning, the authorities released most of the detainees after interrogating them from the security services, while the security services presented five of them to the Public Prosecution for investigation on charges of gathering, demonstrating without a permit, blocking the road and assaulting security forces. The five remained in detention until they were released on financial guarantee (bail) on October 27, 2019.

Since then, it seems to us that the UNHCR in Egypt has not been able to guarantee the safety and security of Eritrean asylum seekers and refugees in Egypt. No effective steps have been taken to resettle refugees in a third country where they will receive legal and social protection, and their situation is still going from bad to worse.

According to a community leader, prior to July 2019, the Egyptian government was allowing the registration of Eritrean asylum seekers who were arrested while entering Egypt



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irregularly, “but after the Eritrean refugees demonstration at that time, the Egyptian government began to deny access to detainees for asylum procedures due to irregular entry” the community leader added, “This can only be considered a clear retaliation against the Eritrean refugees’ demand for their rights of protection and humanitarian assistance, especially in difficult economic conditions that refugees of all nationalities have been living in Egypt in recent years.”

### **Tens of thousands of detainees of different nationalities at the Egyptian borders without clarification of any information or procedures:**

Migrants are stopped at the border or within the country most of the time. According to the data of the Egyptian army, the authorities’ border guards have arrested more than 42,648 migrants trying of different nationalities from 2019 to the first half of 2021.

The data of the Border Guard forces shows that, from 2016 until the first half of 2021, the number of those arrested due to irregular entry or exit was more than eighty thousand of different nationalities, and the Egyptian army issued two statements this year, during the months of ([February](#) and [April](#)), announcing that “unofficial immigration operations were countered and 6,490 people were stopped”. All statements are issued every year without clarifying what happened to the people who were stopped. Has anyone died? How many people were deported? How many people are in detention? What are the procedures followed when arresting people? What happens to them after their arrest? What are the conditions of detention?

[According to what the refugee platform in Egypt documented](#), asylum seekers in the event of their stoppage in the border areas (according to the military law) or in the areas adjacent to the borders (according to Presidential Decree 444 of 2014) they are presented to the Military Prosecution and then their papers are referred to the military court - an exceptional court - which imposes a one-year prison sentence with suspended execution and referral to the competent administrative authority. According to previous cases, the competent administrative authority that issues the decision in this case is the "National Security Agency" of the Ministry of Interior, while the status of the detainees are in the custody of the "Passports, Immigration and Nationality Sector" of the same ministry.

According to the community leaders, the security services before 2019, released detainees after a period of detention and the end of the trial, and were able to submit an asylum application before the NNHCR office, especially if the detainees were a group of one family. But after 2019, the security authorities refuse to enable the detainees to apply for asylum because of unofficial entry, and in 2021 the authorities began forcibly deporting them to Eritrea, and dozens of detainees are still detained and threatened with deportation.

The Refugee Platform in Egypt condemns the Egyptian authorities’ systematic arrest of Eritrean asylum seekers and subjecting them to illegal and unofficial detention conditions without the right to representation and legal defence before the authorities, and in some cases referring people to exceptional military courts and refusing to enable them to apply for asylum before UNHCR and the choice between accepting deportation or prolonged

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detention without legal justification and then forcible deportation is a violation of all treaties and covenants signed and ratified by Egypt, which prohibit punishment for irregular entry, and the forced deportation of asylum seekers, threats and implementation of it is a flagrant violation of international law and a breach of Egypt's international and regional commitments.

We call on the Egyptian authorities to abide by their international and regional responsibilities and duties and to immediately release detained asylum seekers of all nationalities and to immediately stop any plans or preparations for deportations to countries where the safety and security of individuals are feared.

We also call on the authorities to immediately release detainees and ensure their physical safety and to treat asylum seekers in a manner that guarantees human dignity, and to replace detention with other measures established by international conventions to verify the identities of asylum seekers in these cases without violating their rights and to enable them to submit asylum claims procedures with UNHCR in Egypt.

We also urge the UNHCR in Egypt to move to change policies that violate the rights of refugees and work to enable detained asylum seekers to register and request asylum, provide the necessary humanitarian aid to them and their families, and intervene in the urgent need to provide the necessary relief to the currently detained persons.