

Facts Report: Arbitrary Detention and Forcible Deportation of Eritrean Asylum Seekers from Egypt



Between October 31, 2021, and the date of publication of this facts report, the Refugees Platform in Egypt (RPE) documented the Egyptian authorities' violation of the principle of non-refoulement and the forcible deportation of at least 70 Eritrean asylum seekers to Asmara, the capital of Eritrea, including women, children and patients. [1] The authorities deported asylum seekers to Asmara on five separate flights despite the confirmed danger to their lives. According to families' testimonies about the fate of their children since the time of their deportation, some of them were sent to compulsory military service after their return, while some fled again from Eritrea to Sudan, and no news came of others and disappeared without a trace. Eritrea continues to suffer from a horrific human rights crisis and returnees face inhuman treatment, persecution, torture and forced conscription for life.

The forcible returns of Eritrean asylum seekers were carried out after they were arbitrarily detained in Egypt for periods ranging from a few months to two years in poor detention conditions unsuitable for pregnant women, children, or the sick. People were detained and deported after they attempted to irregularly enter Egypt with the aim of seeking asylum. Deported former detainees faced a lack of adequate medical care, inadequate and poor quality food for children, denial of legal defense and no access to United Nations High Commissioner for Refugees (UNHCR) asylum procedures in the country. Currently detained asylum seekers face the same illegal and inhumane detention conditions, in addition to the threat of forcible deportation.

The following report presents the total documented forced deportations of Eritrean asylum seekers between October 2021 and May 2022. The report includes an explanation of the pattern/methodology of the Egyptian authorities in cooperation with the Eritrean Embassy in Cairo followed in the deportations, the number of deportees in each process, and their age and gender classifications (in those deportations where age classifications were documented). The report also contains a description of the violations that occurred against asylum seekers during their detention in Egypt until the time of their deportation, and the attempts of Egyptian authorities to conceal the facts about their forced deportations. The report ends with recommendations for the Egyptian government and authorities.

Date	Number of Eritreans forcibly deported	Number of women among deportees	Number of children among deportees (Infants and under-18s)
March 17, 2022	7	Unknown.	Unknown.
15/16 March 2022	24	5	8
December 24, 2021	24	Unknown.	7
November 18, 2021	7	Unknown.	5
October 31, 2021	8	3	4

- **Detention of asylum seekers for entering Egypt irregularly:**

The brutal human rights violations in Eritrea have prompted many of its citizens to flee in search of other safe countries due to modern slavery of indefinite forced national and military service. Egypt is one of the main destinations for Eritreans, with about 22,130 Eritreans registered as refugees and asylum seekers, ranking the third largest group of refugees in Egypt, as of 31 May 2022, according to the last UNHCR Egypt statistical report. [2]

Eritreans often arrive irregularly in Egypt by crossing the country's southern border with Sudan from some areas of the Red Sea and Aswan governorates, which are the main entry points for asylum seekers from Sudan. After entering Egypt, the destination becomes the UNHCR office in Cairo to register their asylum applications, as they usually have families who also live in Egypt as refugees or asylum seekers. Registering an asylum application is the only way to legalize their residency in Egypt and obtain a residence permit after the registration procedures are completed.

Article (2) of Law 82 on Combating Irregular Migration in Egypt states that “no criminal or civil liability shall be imposed on the smuggled immigrant for the offenses of smuggling migrants stipulated in this law. The consent of the smuggled immigrant or the consent of the person responsible for him or his guardian shall not be considered in the offenses of smuggling

immigrants stipulated in this law.” Despite this, Egyptian security authorities have arrested asylum seekers near the borders since the issuance of Presidential Decree 444 of 2014 regarding the designation of the areas adjacent to the borders as military zones, and asylum seekers are often detained on charges of being in military areas without a permit and trying to enter or leave the country without the permission and consent of the competent official. But they are never brought before investigative bodies or before a court, in violation of other local laws and in violation of international refugee law and international human rights law. In the case of the arrest of migrants after crossing the border and adjacent areas to the borders, they are also detained and charged in administrative records with accusations related to ~~illegal entry~~ without the permission of the competent authorities and in violation of the provisions of Law 82 of 2016.

During the past two years, the Refugees Platform in Egypt documented the testimonies of community leaders, former detainees and their families, stating that they were being held in detention centers, some of them unofficial, in the governorates of Red Sea (Al-Qusayr Police Department - Hurghada Police Department - Safaga Police Department), Aswan (Central Security Forces Camp in Shallal in Aswan - Kom Ombo Police Station - Daraw Police Department - Nasr Al Nuba Police Department - Edfu Police Department - Aswan Police Department 1 - Aswan Police Department 2) - and in Menoufia Governorate, al-Qanater al-Khairiya Prison, in addition to 15 May Police Station in Helwan, south of Cairo. In these centers, an uncountable number of detainees were arrested at different times between 2019 and 2022. Using the documents and testimonies we obtained, we were able to create a list containing the information and names of the detained Eritrean asylum seekers; we counted more than 200 detainees, including 44 children. [3]

Illustrative map of places of detention for Eritrean asylum seekers in Egypt



● Arbitrary detention in bad and inhuman conditions:

In general, the authorities detain asylum seekers without a clear legal basis, and the detainees are not informed of the charges against them or allowed to appoint a lawyer to provide legal defense for them, or present them to independent investigation bodies, or provided with any of the conditions and guarantees of a fair trial.

In some of the documented cases, the defendants' papers were presented to the Military Prosecution and then referred to a military court. They were sentenced to one year in prison with a suspended sentence, but they were not released after that due to security refusal. This incarceration results in subsequent forced return or indefinite arbitrary detention, such as what happened with Eritrean asylum seekers "Alem Tesfay" and "Kibrom Adhanom", who were arbitrarily detained without charge for over nine years, [4] then released by the Egyptian authorities in January 2022 after the Canadian government agreed to host them.

“ I was in prison for 10 years and I didn't know why and there was no case, no prosecutor, no mosque, no church, and no reason.” The Egyptian authorities talk about prisons, rights and freedoms. They are all lies. I tell you. I have spent 10 years without any case: a lawyer is forbidden, visits are forbidden, and I have not seen anyone, no contact with anyone.” “No one can be taken off the street and put in place or in a prison for no reason for 10 years;!. ”

Alem Tesfay to El País, in April 2022, after he was released by the Egyptian authorities and arrived in Canada. [5]

In addition, detainees live in large numbers in cramped cells. They are not provided with adequate food, and they are not allowed to go outside to exercise in the sun, as stipulated by the prison regulations. In November 2021, RPE documented attacks by the Detention Center Department on detainees at the Daraw Police Department in Aswan Governorate because of their request to open their cells after they were filled with torrential water and heavy rain that caused a humanitarian crisis in Aswan at the time and poisonous scorpions spread in the area and stung and poisoned hundreds of people. The prison officers' attacks caused injuries to a number of detainees, some of whom were later deported, and they broke someone's arm.

At the same time: the authorities of detention facilities do not allow visits to detainees except over long and distant periods, and refuse visits from community leaders, initiatives and charities, which worsens the detention conditions.

Women and children detained at Al-Qusayr Police Station, Red Sea Governorate, November 2021



 © Global Detention Project

Children suffer from inhumane conditions of detention that do not conform to the standards related to the detention of children in Egyptian law or international covenants, as they are detained in places designated for adults, and they are not provided with any kind of medical and psychological care. Also, the food provided to them is insufficient in quantity and not appropriate in quality, of inappropriate nutritional value, especially to pregnant women and mothers who were detained with their infants and children.

- **Exposure to health risks with restricted access to medical assistance:**

By documenting the conditions of the detention facilities in which asylum seekers are held, none of the detainees received appropriate medical care or any kind of psychological care. According to some official medical documents reviewed by researchers, detainees are not transferred to the hospital outside the detention center except in critical cases and only once to sign a medical examination and they get returned to the detention facilities even if the result of the medical examination indicates the

detainee's need for private medical care. In view of preventing detainees from walking outside the cells or exposure to the sun, health risks increase.

On October 31, 2021, Egyptian authorities deported 8 Eritrean asylum seekers from the same family, including children, after being arbitrarily detained for two years. Five of them had chronic diseases that required medication and surgical intervention (diabetes, irregular blood pressure, severe shortness of breath, and a blood clot in the feet that prevented walking). Despite the critical health conditions, the necessary health care was not provided during the period of detention and the authorities rejected their requests and those of their relatives to purchase necessary medicines at the time of their deportation to Asmara [6]. One of the deported women, Saadia, was suffering from health problems in the larynx, and she was not informed of the name or causes of the disease after her examination in July 2021. While she was detained, doctors in the hospital told her that she needed an operation, but she received no medical intervention, which led to her losing her ability to speak, and she could only swallow food with great difficulty.

Among the women forcibly deported on March 15, 2022, was a mute woman who could neither speak nor hear - she was deported with her husband and their two children. The woman was pregnant at the time of her detention in Daraw police station in Aswan Governorate until the time of delivery of her baby. She was transferred to a hospital in the city of Aswan in very poor health condition, as she did not receive any health care during her detention. After the birth, the guards told her that her newborn had health problems and would remain in neonatal care (nursery) and that she had to be taken back to detention again without being able to see her baby or providing her with adequate medical care. Two days later, she was informed that her baby had died and the officers asked her to identify the newborn, but she explained to them that she would not be able to do so because she was not allowed to see her at birth before the baby was buried.

- **Denied access to asylum procedures or family reunification:**

Systematically and unjustifiably, authorities in places of detention deny asylum seekers access to UNHCR's asylum registration procedure even though there are valid and strong reasons for applying for protection with UNHCR. The Egyptian authorities also deny UNHCR access to detained, unregistered asylum seekers.

The security authorities also reject requests by detainees' relatives to register their detained relatives with UNHCR, or to register at the same addresses where their families live inside Egypt, and for the family to be reunited instead of separated due to detention or deportation. Relatives of detainees residing in Egypt and registered as refugees or asylum seekers submitted the same requests to UNHCR but received no response.

“ Our relatives asked the commissioner of Al-Qusayr Police Department - the Red Sea Security Directorate - several times to be allowed to communicate with UNHCR to submit a request for asylum sanctioned by the Egyptian constitution and it is the only way to legalize their status. The request was rejected and they were told that they can't register while in prison. Our families asked through the Eritrean Refugee Community Committee to register them with UNHCR and the members of the committee told us that the response from UNHCR was that they will contact the authorities and will contact them with any new developments. No response was received. ”

Relatives of detainees to the Refugees Platform in Egypt before they were forcibly deported from Cairo to Eritrea in October last year.

“ We submitted a request to the Security Directorate and the Police Department to release our detained relatives, guaranteeing the residence of members of the same family in Egypt. We also submitted a request to a community association that guarantees their care in the event of their

release, along with a letter from the Eritrean embassy in Cairo stating the relationship between us and the detainees, but security authorities rejected all requests that have been submitted and told us that this was not their decision to make. In the Department of Immigration and Passports in Cairo, the officers also refused to receive these requests from us. ”

Relatives of detainees say to the Refugees Platform in Egypt before forcibly deporting them to Eritrea

- **In light of the denial of asylum, continued cooperation between the Egyptian authorities and the Eritrean embassy in Cairo to obtain travel documents:**

The Egyptian authorities follow a systematic pattern in implementing the steps of the forcible return process, as documented by RPE. It begins in cooperation with the Eritrean embassy in Cairo after the arrest of migrants, and is called in the official papers reviewed by RPE, “presentation to the embassy.” At this stage, the detainees are either transferred against their will from their place of detention to another place of detention in Cairo, where they are transferred to the Eritrean embassy in Cairo in the days following their arrival. In cases where detainees refuse to be transferred from the detention facility, employees from the Eritrean embassy are summoned to the detention facility, and the embassy staff obtains the detainees' data and then confirms that they are Eritrean nationals. After that, the same procedure is repeated, but to take biometric data, photographs and fingerprints, and then produce "travel documents valid for Eritrea only" for the detainees.

After issuing the travel documents, the authorities conduct a “Covid-19” test for the detained asylum seekers who will be deported and transferred to other detention centers close to Cairo International Airport if they are being held in border police stations. In the end, they are forcibly returned to Asmara on evening flights run by Egypt Air, often on board "MS833", a direct flight from Cairo to Asmara.

- **Forced to sign documents of voluntary return without having them translated and without informing detainees of their contents:**

During these procedures, given the risk indicated to people being returned to Asmara and likely the Egyptian authorities' keenness not to bear responsibility for the security and safety of the deported asylum seekers, the authorities are trying to get detainees to sign documents of good treatment in detention and voluntary return. In all of the documented cases, the detention center authorities refuse to show them the papers or translate them for those who are unable to speak or read Arabic.

Some of the detainees who could read were able to quickly look at the documents that they were asked to sign, to discover that their content was a request for voluntary return to Eritrea before their deportation, while officials in the Immigration Department of the Ministry of Interior exert a lot of pressure on the detainees, such as threats, intimidation and sometimes physical assault until they sign the "request for voluntary return" documents.

Egyptian authorities force detained asylum seekers to sign documents without knowing their content (good treatment during detention and consent to voluntary return)



During the years of detention of Eritreans "Alem Tesfay" and "Kibrom Adhanom" in Qanater prison, RPE researchers documented that the Ministry of Interior forced them more than once to sign documents whose contents they did not know and took their fingerprints. On one occasion, "Tesfay" was able to know the content of some of the papers they signed, on which it was written "a certificate of good treatment inside the detention facility, obtaining all rights as prisoners, and consent to voluntary return."

- **Violation of regional and international obligations towards asylum seekers:**

In five forcible transfers documented by the Refugees Platform in Egypt, at least 70 people were forcibly returned to Asmara without assessing their protection claims or assessing the risks of human rights violations they would face upon return to Eritrea.

Egypt is a signatory to the 1951 Refugee Convention, which states: The right to freedom of movement (Article 26) - The right to non-refoulement (Article 33) - The right not to be penalized for ~~illegal entry~~ into the territory of the signatory states (Article 31). The return of asylum seekers to a country where they may be exposed to human rights violations, torture or extrajudicial killing, which is the case in Eritrea, is a violation of the principle of non-refoulement. Also, Egypt is a signatory to the 1969 African Refugee Convention, which prohibits the refoulement of refugees and asylum seekers. It is also a signatory to the 1984 Convention against Torture, which prohibits the forcible return of people to countries where there are "real reasons" to believe that the person would face a risk of torture.

- **Deliberate blackout and withholding of information about forced deportations by the Egyptian and Eritrean authorities:**

On May 24, 2022, reliable sources reported to RPE that eight Eritrean asylum seekers were transferred from their detention center to conduct a coronavirus test in preparation for their forcible deportation to Asmara, [7] According to the sources, the decision to deport them was made on the evening of May 25, 2022. Until the time of publishing this report, we are

unable to confirm any information clarifying their fate because the Egyptian authorities do not announce data or statistics regarding asylum seekers detained or deported from Egypt.

On December 20, 2021, Human Rights Watch wrote to the Egyptian Ministry of Interior requesting information on detained Eritrean asylum seekers, UNHCR's access to detainees, related policies, and available alternatives to child detention. Interior Ministry officials did not respond. [8]

Mohamed Abdelsalam Babiker, the Special Rapporteur on the situation of human rights in Eritrea, sent official letters to the Egyptian government in July 2020, warning of the dangers of deporting "Alem Tesfay" and "Kibrom Adhanom" asylum seekers from Egypt to Eritrea, calling for a response from the Egyptian government and urging all necessary measures to be taken to stop violations, prevent their recurrence, and hold accountable those responsible for carrying out these violations, if investigations support the validity of the facts. Abdelsalam Babiker received only one response from the Egyptian government on August 26, 2020, and he received no response to the follow-up letters sent thereafter in October 2020 and September 2021.

In two official statements issued by UN Human Rights Council experts, in November 2021 and April 2022, the experts condemned Egypt for expelling Eritrean asylum seekers despite the risks of torture, arbitrary detention and enforced disappearance, and demanded that the government provide information on other detainees. The UN experts did not receive information from the Egyptian government, nor did this prevent repeated deportations. [9]

Since the Eritrean asylum seekers have been forcibly deported from Egypt to Asmara, they were not seen or heard from. Experts of the United Nations Council called on the Eritrean authorities to provide information on their whereabouts, but they did not receive any response.

According to the data of the Egyptian border guards, from 2016 until the last statement issued in April 2021, the number of those arrested due to irregular entry or exit amounted to more than eighty thousand immigrants of different nationalities. The statements are released every few months, succinct without detailed information about what happened to the migrants who were stopped: Did anyone die? How many people were deported?

How many people are in detention? Or what are the procedures followed when arresting migrants or what follows? In the case of detention or expulsion, what are the conditions of detention or expulsion procedures? [10] There is no official data issued by the army, the Ministry of Interior or the Immigration Department on the number of asylum seekers detained or deported out of Egypt.

Currently, dozens of detained Eritrean asylum seekers in Egypt, including children and infants, are still at risk of forcible deportation. The practices of Egyptian authorities indicate that the number of Eritrean or other asylum seekers may be greater than the list of 200 people that we were able to compile at the end of last year. Taking into account that what we were able to document of forcible returns was through unofficial sources, we infer from the methodological pattern used in forcible returns that the number of forcibly deported people may be more than 70, in addition to nationalities other than Eritreans.

At the same time, the Eritrean embassy in Cairo warns the families of the deportees not to talk about the deportation of their relatives, and embassy staff sometimes allowed families to meet their children while the procedures were being completed. After several organizations published about the forced deportations, embassy staff prevented any family members from entering the embassy, meeting their families, or delivering food and drinks to them. A number of families of the deportees received direct threats from Egyptian security officers - according to their documented testimonies. Eritrean community leaders are also subjected to continuous security summons and threats not to communicate with human rights organizations or to publish information related to the situation of Eritrean refugees and the violations that are being practiced against them.

The Eritrean embassy in Cairo warns the families of the deported not to talk about the deportation of their relatives. The Egyptian authorities threaten community leaders and activists not to communicate with human rights organizations or to publish information regarding the situation of Eritrean refugees and the violations being committed against them.



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As a result of RPE having published reports and statements denouncing the forcible returns of refugees, the platform's staff and activists in the field of supporting refugees/asylum seekers and documenting violations against them, including Eritreans, receive threats from Egyptian authorities. Organized incitement and hate campaigns have also been launched targeting the pages of the Refugees Platform in Egypt on social media, accusing its employees of conspiracy and treason, from a group of accounts, some of them fake, and some belonging to extremist national groups that continuously launch hate campaigns against refugees and migrants.

The persecution, threats and incitement against defenders of refugee rights confirm the Egyptian authorities' keenness to keep their practices regarding forced deportation unknown and vague.

- **Dozens of detainees are at risk of forcible deportation:**

On June 22, 2022, RPE documented that the Egyptian authorities transferred 21 Eritrean detainees who had been detained for varying periods in police stations in Aswan Governorate to Cairo with the aim of presenting them to the Eritrean embassy in Cairo, to obtain travel documents for 20 of them and presenting one to confirm his nationality. Among the twenty-one detainees, there were 10 women and two children, one of whom is a nine years old girl and the other a baby girl who is only ten months old, and some detainees are from the same family. This step is considered the last procedure before their deportation. [11]

Dozens of other asylum-seekers are still detained -we have not been able to accurately count their number- pending the completion of forcible deportation procedures by Egyptian security services.

- **Fate of people forcibly deported to Eritrea ... “sent into a human hell”:**

The East African nation of Eritrea, which suffers from authoritarian rule, continues to relentlessly abuse human rights. The state arbitrarily imprisons its citizens, tortures and forcibly disappears them, forces them to serve in the military and work without pay indefinitely under a system of slavery in the name of compulsory national service, and there are severe restrictions on leaving the country, according to United Nations reports and a report by the US State Department for Human Rights. [12]

In the statement issued in November 2021, UN Human Rights Council experts said to the Egyptian government, “Returnees are arrested, interrogated and detained in severe punitive conditions. Deported refugees have been subjected to torture during interrogation, incommunicado detention and enforced disappearance, while others have been forced into forced labor”. They also indicated that there were increasing fears that they might be sent to the front in western Tigray. The Tigray front is engaging in horrific war crimes including large-scale massacres, killings of unarmed civilians and widespread sexual violence including rape, sexual slavery,

widespread looting, and the destruction and looting of crops, according to Human Rights Watch. [13]

The testimonies of the families of those who were forcibly deported from Egypt in the past months differed about the fate of their relatives, some of whom told the Refugees Platform in Egypt that there was no information received about their children since the time of their deportation.

“ We have not heard any news about our relatives, and no information has been received about them. The deportations were tantamount to the death penalty for them. ”

The testimonies of other families indicate that they were able to obtain information about their deported children. This information that reached the families indicated that their relatives **“were able to escape from Eritrea to Sudan”**, or that their relatives **“were placed under the system of compulsory military service”**.

Recommendations:

Under the basic rules of the Egyptian Constitution, local laws and international agreements signed and ratified by Egypt, the Refugees Platform in Egypt (RPE) recommend that the Egyptian government:

- Must stop returning Eritrean men, women and children to the risk of arrest and torture, and facilitate access to asylum registration procedures in line with Egypt's international obligations.
- Refrain from detaining asylum seekers (men, women and children) for reasons related to irregular entry or exit.
- Immediate release of children seeking asylum and their families of all nationalities and providing them with appropriate care and reception.
- Granting UNHCR access to all detainees who request to register protection applications.

- The use of alternatives to the detention of refugees and asylum-seekers due to irregular entry must meet internationally established humanitarian standards and conditions, including freedom of movement within the country, the provision of official documents, the provision of appropriate health and psychological care - especially for victims of human trafficking - and the availability of completion of education for students arrested during the consideration of their asylum applications.
- Disclosure of the number of asylum seekers and detainees in their custody and providing information about their nationalities, ages, gender and procedures followed against them.
- Amending national legislation that guarantees the rights of refugees and asylum-seekers to which they are bound by international conventions that have been signed and ratified by Egypt.
- Amending the Penal Code to include the provision to criminalize the forced deportation of asylum-seekers to a country where they might face torture, arbitrary detention and enforced disappearance.
- The Public Prosecutor's Office should investigate previous forced returns and hold those responsible accountable.

See the references for more information:

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 8. *Egypt: Forced Returns of Eritrean Asylum Seekers,* January 27, 2022. (<https://www.hrw.org/news/2022/01/27/egypt-forced-returns-eritrean-asylum-seekers>)
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