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EGYPT

DEADLY JOURNEYS THROUGH THE DESERT

AMNESTY
INTERNATIONAL



Sub-Saharan African refugees, asylum-seekers and migrants in Egypt are being killed, imprisoned and forcibly returned to countries where they are at risk of serious human rights violations.

Twenty-five people have been shot and killed trying to cross the Egyptian border into Israel since mid-2007 and more than 1,300 civilians have been tried by an Egyptian military court. In June 2008, up to 1,200 Eritrean nationals were forcibly returned from Egypt to their country, where they face the risk of torture and other serious human rights violations. According to the UN High Commissioner for Refugees (UNHCR), between 2 and 3 million migrants, mostly Sudanese, were living in Egypt in 2007.

DEATH AT THE BORDER

Mervat Mer Hatover, a 37-year-old Eritrean, was killed from a shot to the head as she jumped over a barbed wire border fence near El Kuntilla region in the Sinai Peninsula on 16 February 2008. Mervat Mer Hatover, who was accompanied by her two young daughters, was shot by Egyptian security forces posted at the border with Israel. Three days later, 50-year-old Ermeniry Khasheef, a Sudanese national, was shot dead near Rafah; another Sudanese, Adam Mohammed Othman, aged 23,

was killed in the same area on 10 March 2008. On 28 June, a seven-year-old Sudanese girl and a man were shot dead by Egyptian security forces near Rafah.

Since mid-2007, hundreds of refugees, asylum-seekers and migrants from countries in sub-Saharan Africa – men, women and children – have risked their lives trying to cross the Egyptian border into Israel. Aided by local smugglers, they arrive at night and are dropped in small groups near the 250km-long border fence between Egypt and Israel. They then run towards the barbed wire fence which marks the border and struggle to go over it or cut through it as quickly as they can. The Egyptian border guards usually fire warning shots into the air and order them to stop. Those who do not comply often end up paying with their lives. In 2007, six people were killed by the Egyptian border authorities. Seventeen more people were shot dead between January and July 2008 in 14 separate incidents in which tens of others were injured. Many of the wounded arrive at hospital with serious bullet injuries to the chest, back, thighs or legs. In August 2007, 48 people who had managed to cross the border were forcibly

returned to Egypt by the Israeli authorities; around 20 of them were then reportedly forcibly returned from Egypt to Sudan. The fate of the others remains unknown.

The Egyptian government is entitled to regulate the entry and stay of foreign nationals in Egypt but, in doing so, they must respect every person's right to life. International standards require that security forces use firearms only in strictly limited circumstances: if lives are in danger and when there are no other means to respond to that danger. There is nothing to indicate that those seeking to leave Egypt and cross into Israel have used force or posed any threat to the Egyptian border guards who fired at them. However, Amnesty International is unaware of any official investigations carried out by the Egyptian authorities into these killings and the use of lethal force by Egyptian border guards.

UNFAIR TRIALS

While thousands of migrants have managed to cross from Egypt into Israel in recent years, many have been arrested while trying to do so. When this happens, they are stripped of their belongings and transported to Al Arish, where they are charged by the military prosecutor with "attempting to exit unlawfully the Egyptian eastern border".

Under increasing pressure from Israel to staunch the flow of people crossing irregularly, the Egyptian authorities have intensified border controls. Since 2007, more than 1,300 civilians are reported to have been tried and convicted on this charge by an Egyptian military court –

Right: Eritrean asylum-seekers facing trial before Daraw misdemeanours court, north of Aswan, 13 April 2008. Cover image: A girl's dress left on the barbed wire fence marking the border between Egypt and Israel.



SAMAR SADDIK ABKAR

SUDANESE NATIONAL, aged three

Just after midnight on 22 July 2007, Samar, then a two-year-old girl, was hiding in the arms of her 28-year-old mother, Hajja Abbas Haroun, who was then seven-months pregnant. Hajja Abbas Haroun and her husband, Saddik Sahour Abkar, both from the wartorn Darfur area of Sudan, were preparing to sprint towards the border fence. But they were spotted by the Egyptian border guards when a child in their group began crying. Hajja Abbas Haroun died instantly from a shot to the head. Other members of their group were injured and others were arrested.

Samar spent a few days detained at the Al Arish police station and was then taken to Rafah hospital. Her uncle, Haroun Abdel Gabbar, finally arrived to collect her and to recover Hajja Abbas Haroun's body. Amnesty International is not aware of any official investigation into her death. Samar's father, Saddik Sahour Abkar, was tried by a military court and sentenced to one year in prison. Father and young daughter were reunited when he was released on 4 August 2008.

Samar Saddik Abkar, whose mother was shot dead while trying to cross the border from Egypt to Israel, in the arms of her aunt, Nora Hamed.



in contravention of international standards of fair trial. Until recently, men were sentenced to one-year prison terms and a fine of 2,000 Egyptian pounds (US\$376). Now, however, the court tends to impose suspended sentences on both women and men, following which deportation procedures are immediately begun to return those sentenced to their countries of origin. To date, none of those tried have been allowed access to UNHCR representatives in Egypt although many may be refugees or asylum-seekers in need of international protection.

FORCIBLE RETURN OF ASYLUM-SEEKERS

The Egyptian authorities have tightened control measures at the country's southern border with Sudan. Refugees, asylum-seekers and migrants from countries in sub-Saharan Africa who pass through Egypt's southern border are immediately arrested and then

forcibly returned. Since February 2008, hundreds of Eritreans have entered Egypt via its border with Sudan or by crossing the Red Sea. Although many had already been recognized as refugees by UNHCR in Sudan, they have been detained by the Egyptian authorities and denied access to UNHCR representatives in Egypt to assess their asylum claims there. Given suspended one-month prison sentences for entering Egypt irregularly, the Eritrean nationals have been detained and then forcibly returned to Eritrea. This was done in complete breach of UNHCR guidelines calling on all governments not to forcibly return refugees and asylum-seekers, including rejected asylum-seekers, to Eritrea.

Up to 1,200 Eritrean nationals were subject to collective expulsion from Egypt to Eritrea between 12 and 19 June 2008. Subsequently, according to reports reaching Amnesty International from Eritrea, since their

forcible return most men and several women have been detained in military training camps at Wia. Pregnant women and those with children are believed to have been released after several weeks in detention.

These forcible returns clearly breach Egypt's obligation to respect the principle of *non-refoulement*, the provision under international law which prohibits the return of any person to a country where they would be at risk of torture and other forms of persecution. Many of those that the Egyptian authorities forcibly returned to Eritrea fled from their country to avoid indefinite military service or because of religious persecution against Christians.

For more information, see *Egypt: Rights of individuals intercepted at the border with Israel must be protected* (Index: MDE 12/027/2007) and *Egypt: Amnesty International calls for President to stop flights to possible torture in Eritrea* (Index: MDE 12/014/2008).

ACCESS TO REFUGEES RESTRICTED

Egypt is party to both the UN Convention relating to the Status of Refugees and the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa. Both require Egypt to provide international protection to refugees. According to the agreement between Egypt and UNCHR, the Egyptian authorities are obliged to allow asylum-seekers to meet with UNHCR representatives and to respect UNHCR's assessments of refugee status. However, between February and mid-June 2008, UNHCR representatives in Egypt were unable to gain access to Eritrean refugees and asylum-seekers in Egypt, estimated to number some 1,400. On 15 June 2008, however, following appeals from Amnesty International and others, Egypt's Ministry of Foreign Affairs announced that UNHCR would be allowed access to the Eritreans to assess their asylum claims. However, by late July UNHCR representatives had been able to interview only 179 Eritrean and Ethiopian asylum-seekers. The people, including children, were detained at the Shallal Central Security Forces camp near Aswan. Their claims for asylum are still being considered by the Egyptian authorities. Other Eritrean nationals – their number is unknown – remain in detention in Egypt and continue to be denied access to UNHCR.

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RECOMMENDATIONS

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF EGYPT TO:

- urgently ensure that Egyptian security forces use force only in strict accordance with relevant international human rights standards and are instructed that they may not use firearms or other lethal force except when this is strictly necessary to protect their own lives or the lives of others;
- ensure that all members of the Egyptian security forces are given adequate human rights training, including on the rights of refugees and asylum seekers and on the rights of migrants;
- investigate, promptly, thoroughly and impartially, all cases in which Egyptian border guards or other security forces have opened fire on people seeking to cross Egypt's borders with Israel or other countries, bring to justice those responsible for killings or for excessive use of force, and provide reparations to those whose rights have been abused;
- stop trying civilians in military courts in breach of international standards of fair trial;
- ensure that migrants, refugees and asylum-seekers are not detained for migration control purposes; detention is only permissible when the authorities can demonstrate, on an individual basis, that it is necessary and proportionate and is used for a legitimate purpose under international law;
- cease all forcible returns of Eritreans to Eritrea in line with UNHCR guidelines and cease all forcible returns of people to all countries where they face human rights violations in line with Egypt's obligations under international human rights and refugee law;
- ensure that Egypt respects its obligation to allow asylum-seekers meaningful access to asylum procedures and to UNHCR; and to ensure that individuals who are fleeing persecution are afforded international protection.

