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Egyptian Authorities Should Give UN Refugee Agency Access to Detained Migrants

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(New York, January 8, 2009) - Egypt should immediately halt deportations of Eritrean [asylum seekers](#) to their home country, where they face detention and the risk of torture, Human Rights Watch said today.

Egypt has forcibly returned home more than 45 Eritrean migrants on several flights in the past two weeks without first providing the UN High Commissioner for Refugees (UNHCR) the required opportunity to interview them.

"Eritreans are fleeing a repressive government with a terrible human rights record and need protection, not further abuse," said Joe Stork, deputy director of Human Rights Watch's Middle East and North Africa division. "Instead of forcing them onto flights, Egypt should give UNHCR immediate access to identify Eritrean migrants with refugee claims."

Since mid-December, the Egyptian authorities have detained dozens of Eritreans in the Nakhil detention center in North Sinai and in police stations in the nearby city of al-Arish. In December, two Eritrean rights defenders contacted four detainees, who said that all 98 persons then detained at Nakhil had tried to enter Israel and were forcibly returned by the Israeli army to Egypt. Egyptian authorities then detained the migrants, and Eritrean officials subsequently visited and registered them before at least 45 were deported. Detainees reported that Egyptian prison guards badly beat several persons, including a woman who was four months pregnant, who refused to be transferred from Nakhil, believing she would be deported.

Those known to have been returned, including 12 women and two children, were apparently sent to Eritrea on flights from Cairo on December 19, 23, and 28 and January 7. The total number of people deported may be significantly higher.

[Egypt](#) and [Israel](#) are obliged under international human rights and refugee law not to return any person to a country where the person faces the risk of torture and persecution. This "nonrefoulement" obligation binds both Israel not to return Eritrean refugees and asylum seekers indirectly to Eritrea via Egypt, and Egypt not to return them directly to Eritrea, given that they face a real risk of torture or persecution in Eritrea.

Both countries are obliged to give migrants an opportunity to seek protection and should allow UNHCR access to places of detention in order to identify asylum seekers and to interview those with refugee claims. UNHCR has recommended that host governments refrain even from forcibly returning rejected asylum seekers to Eritrea because it is likely that all returned Eritreans will be subjected to detention and torture.

Increasing numbers of Eritreans are fleeing the indefinite national military service imposed by the Eritrean government and the pervasive arbitrary detention and torture. Eritrea routinely imprisons individuals caught trying to flee the country and issues "shoot to kill" orders for anyone found crossing the border without permission. If the government identifies someone who successfully crosses into Ethiopia or Sudan, it subjects their family members to large fines and sometimes imprisonment.

The flouting of Egypt's international obligations with respect to Eritreans is not new. In June 2008, Egypt returned to Eritrea up to 1,200 Eritreans who had crossed into Egypt from Sudan. As of December, at least 740 of those returnees were still imprisoned in a military detention facility in Eritrea. After the June deportations generated international attention, Egyptian authorities allowed UNHCR to interview 171 Eritreans detained in Shallal prison, the only occasion since February 2008 when UNHCR has been given access to Eritrean asylum seekers. Most of the 171 Eritreans interviewed by UNHCR have been granted refugee status.

Israel has forcibly returned at least 139 Africans, mostly Sudanese, to Egypt in 2007 and 2008; Egypt has reportedly deported some of them, and the whereabouts and condition of the remainder are unknown. Israel apparently did not allow any of those Eritreans and others it forcibly returned to Egypt the opportunity to present asylum claims, in violation of international refugee law.

In August 2008, Israel Defense Forces (IDF) soldiers [forcibly returned](#) 91 African migrants who had crossed the border from Egypt. Human Rights Watch interviewed several IDF soldiers who confirmed the deportations. One reservist soldier told Human Rights Watch that on August 23, his unit detained a group of 17 African migrants at a point on the border approximately an hour's drive from Mitzpe Ramon. The soldier witnessed Egyptian border forces shooting at the group, one of whom was shot in the leg. Israeli officers ordered the soldiers to handcuff and blindfold the migrants. "Twenty minutes later, we handed them back to the Egyptians without asking them any questions," the soldier said.

"The forced return of Eritreans is the most blatant example of broader concerns over the treatment of migrants in Egypt," said Stork. "Israel should immediately cease summarily returning Eritreans to Egypt."

From July 2007 to October 2008, Egyptian border forces killed 34 African migrants and refugees trying to cross into Israel. In a November 2008 report, "[Sinai Perils: Risks to Migrants, Refugees and Asylum Seekers in Egypt and Israel](#)," Human Rights Watch documented summary returns from Israel to Egypt and from Egypt to other countries, as well as violence against migrants at the Israel-Egypt border. The report called on Egypt to stop shooting migrants trying to cross into Israel and not to deport anyone to countries where they risk persecution or ill-treatment, and on Israel to halt forced returns of migrants to Egypt.

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