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**Black
Box
Egypt**

Egypt's Opaque Detention
and Deportation Practice
against Refugees

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Index

1.	Egypt's Deportation Policy against Eritreans	6
	1.1 Nine Years in Administrative Detention	6
	1.2 Wave of Deportations to Eritrea	7
	1.3 "Deportations Have Never Stopped"	8
2.	Detention Practices against People on the Move	9
	2.1 Premeditated Informality	9
	2.2 Targeted Raids and Arbitrary Identity Checks	10
	2.3 Arrests at Egypt's External Borders	11
	2.4 Decentralized Detention Regime	12
	2.5 Disastrous Detention Conditions	13
3.	Egypt's Opaque Deportation Policy	14
	3.1 The Undermining of International Law	14
	3.2 People on the Move as a Bargaining Chip	14
4.	Egypt's New Asylum Law: A Trojan Horse?	15
5.	Conclusion: The Realignment of Egypt's Border Regime	17

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Black Box Egypt

Egypt's Opaque Detention and Deportation Practice against Refugees

In blatant violation of international refugee and human rights conventions, Egyptian authorities continue their crackdown against refugees and people on the move. While deportations of Eritrean nationals have apparently been expanded significantly since 2021, countless people on the move are currently detained in Egypt in disastrous conditions and without access to legal counsel. The regime now responds to an EU demand by drafting an asylum law. But by doing so, Cairo also pursues its very own goals.

In November 2021 Ylva Johansson, EU Commissioner for Home Affairs, travelled to Cairo for the third session of the EU-Egypt Migration Dialogue, launched in 2017, to meet with senior government officials. On that occasion, she explicitly praised Egypt's actions against irregular migration,¹ and even labelled the country as "a key partner for the EU". Therefore, Brussels wants to deepen its migration cooperation with Cairo and provide additional financial aid, the Commissioner announced.²

Almost simultaneously to Johansson's Cairo visit, Egypt's Ministry of Interior deported seven asylum seekers to the military dictatorship of Eritrea.³ Western embassies reportedly lobbied behind closed doors for the halting of the deportation. However, neither the EU nor individual European states had publicly addressed this clear violation of the 1951 Geneva Convention, which Egypt is a signatory to.

For years, criticism of Egypt's systematic human rights crimes against its own population has mostly only been voiced behind closed doors by European governments or very quietly. Human rights violations against Egypt-based refugees, however, are barely a matter of concern at a diplomatic level. Cairo has, de facto, a free hand in dealing with refugees. Yet, both Egypt and European states have a vital interest in maintaining and even expanding the border control regime in the region.

1 Ylva Johansson, Tweet, Twitter, 15 November 2021, available at <https://twitter.com/YlvaJohansson/status/1460168931537215490>. Last accessed on 30 March 2022.

2 Ylva Johansson, Tweet, Twitter, 15 November 2021, available at <https://twitter.com/ylvajohansson/status/1460197300714803205>. Last accessed on 30 March 2022.

3 See: "Stop the crime of forced deportation against seven Eritrean asylum seekers", Refugees Platform in Egypt, 17 November 2021, <https://rpegy.org/en/stop-the-crime-of-forced-deportation-against-seven-eritrean-asylum-seekers/>, accessed on 30 March 2022.



President Abdel Fattah Al-Sisi during a press conference in Berlin in 2015 © Sofian Philip Naceur

Immediately after the devastating 2016 shipwreck off the coast of the Mediterranean city of Rashid,⁴ in which more than 300 people are believed to have drowned, the regime closed maritime borders. Ever since, almost no boat has, within the scope of irregular migration, set sail from the country's coast towards Europe. Already at that time, the 2016 EU-Turkey deal served as a blueprint for Egypt's President Abdel Fattah al-Sisi to define Cairo's future approach towards Europe. The regime's goals in striking a similar deal are obvious: preventing criticism of human rights violations; and to be redeemed on the international stage after Sisi's bloody 2013 takeover.⁵

Six years later, it can be stated that this strategy has paid off. Public criticism of the Cairo regime is even more restrained, while European states and Egypt have massively expanded their cooperation on migration. The Rashid disaster and the swift closure of the country's maritime borders have paved the way for Sisi to present his regime as a reliable and effective partner regarding border control policies. Ever since, Europe's security and development support for Egypt has also been extended in the context of migration movements in East and North Africa, and the relentlessly invoked "migration potential"⁶ of the Egyptian society.⁷ At an EU level, the police authorities Europol and CEPOL (Agency for Law Enforcement Training), and the border control agency Frontex⁸ are cooperating indirectly with Egypt, whereas the EU Agency for Asylum (EUAA, formerly European Asylum Support Office) is gradually expanding its activities in Egypt. Meanwhile, European states have also increased cooperation with Egypt on a bilateral level since 2016: France delivered heavy military equipment such

4 See: Tom Rollins and Sofian Philip Naceur, "Egypt's Migration Trade with Egypt", Mada Masr, 1 February 2017, available at <https://www.madamasr.com/en/01/02/2017/feature/politics/europes-migration-trade-with-egypt/>. Last accessed on 30 March 2022.

5 See: "All According to Plan", Human Rights Watch, 12 August 2014, available at <https://www.hrw.org/report/12/08/2014/all-according-plan/raba-massacre-and-mass-killings-protesters-egypt>. Last accessed on 30 March 2022.

6 Egypt's population has grown from 83 million in 2010 to 104 million in 2022. Greater Cairo alone now has about 30 million inhabitants. The country's poverty rate is vast, and has additionally grown significantly since the 2016 neoliberal structural adjustment programme and the Covid19- pandemic, and, according to the government, stands at about 30 percent of the population. In view of such data and from the EU's point of view, Egypt must be kept economically and politically stable at all costs.

7 See: Council of the European Union: Discussion Paper 18 ,22/6135 February 2022, available at <https://migration-control.info/wp-content/uploads/02/2022/st06135.en22.pdf>. Last accessed on 30 March 2022.

8 See: EU Commission: Reply to a parliamentary inquiry E28 ,2019/002474- October 2019, available at https://www.europarl.europa.eu/doceo/document/E-002474-2019-9-ASW_EN.html. Last accessed on 30 March 2022.

as jets and warships, while Italy⁹ and Germany¹⁰ have significantly intensified their bilateral development aid and police cooperation with Cairo.



Germany's Minister of Interior Thomas de Maizière during his visit in Cairo 2016 © Sofian Philip Naceur

Yet, the regime is also pursuing its very own goals by its increasingly rigorous migration policy. "Egypt is by no means a passive object of the EU's border externalization", Gerda Heck, a professor at the American University in Cairo (AUC), tells the RLS. On the border to Libya, for example, its own security interests play a considerable role. It is equally important for the regime to exert a maximum degree of control over its borders and the people living in the country—whether Egyptian or not—namely without interference from the UN or other actors.

This is one reason why immigrants are often kept in an all-embracing state of uncertainty. A key element of this population and migration control is a partly systematic, partly arbitrary detention and deportation practice against refugees and people on the move. However, this practice is by no means new, but is rather the consistent continuation of a policy that has already been pursued for years.

Thousands or even tens of thousands of people are arrested at Egypt's borders every year and often held indefinitely in administrative detention. While the military infrequently publishes figures on people arrested at the borders, Egypt is a downright black box regarding deportations. Official statistics do not exist, and neither civil society nor the media are able to grasp official practices in their entirety, given the sensitivity of the issue and the lack of transparency by the Ministry of Interior and the army. Nevertheless, this report attempts to outline some elements of the Egyptian military regime's migration and border control policy, and to present a more nuanced picture in contrast to the image of a supposedly compliant Egypt that acts only at the behest of Europe in migration matters.¹¹

9 See: Sara Prestianni, "Security and Migration", ARCI, May 2019, available at <https://www.arci.it/app/uploads/05/2019/report-2019-inglese-normal.pdf>. Last accessed on 30 March 2022.

10 See: Sofian Philip Naceur, An "Accessory to Repression"? Rosa-Luxemburg-Stiftung, March 2018, available at https://www.rosalux.de/fileadmin/rls_uploads/pdfs/Artikel/18-03_Online-Publ_accessory_to_repression.pdf. Last accessed on 30 March 2022.

11 Note: This report is based on more than 50 interviews conducted between September 2020 and March 2022 with refugees, people on the move, activists, lawyers, and representatives of civil society organizations. Most interviewees requested to remain anonymous.

1. Egypt's Deportation Policy against Eritreans

1.1 Nine Years in Administrative Detention

In August 2021, the London-based human rights group Human Rights Concern Eritrea warned of the deportation of two Eritrean refugees detained in Egypt since 2012 and 2013, respectively.¹² Alem Tesfay Abraham, 42, and Kibrom Adhanom, 37, had been taken from the al-Qanater prison north of Cairo to the immigration authority in Cairo's Abbaseyya district and were informed about their imminent expulsion. About a month later, the already-initiated deportation to Eritrea was halted last-minute—reportedly also due to the interventions of Western embassies in Cairo and the UN refugee agency UNHCR.¹³

Deportation to Eritrea has drastic consequences for those affected. “Anyone of draft age leaving the country without an exit permit is perceived to be a deserter, risking imprisonment in often inhumane conditions [after being deported to Eritrea], as well as forced labor and torture”, according to the human rights organization Human Rights Watch.¹⁴ Eritrea is considered one of the most brutal military dictatorships in the world. Military service is compulsory for women and men, often extended indefinitely, and is one of the main reasons for the significant refugee outflow from the country on the Horn of Africa, a flow which has continued unabated for more than 20 years. Conscripts are systematically subjected to forced labour, abuse, torture, and rape. Sometimes minors are already drafted for military training at the age of 14.

Abraham and Adhanom also fled military service. Whereas Abraham was arrested in Egypt in 2012 while trying to cross the border to Libya, human traffickers had abducted Adhanom in Sudan in 2013 and taken him to the Sinai Peninsula. At that time, appallingly well-organized criminal gangs were operating there, targeting Eritrean refugees and torturing them until their relatives paid ransoms. After torturing Adhanom there for months, the kidnappers left the man, whom they apparently had presumed dead, in the desert where he was then found and handed over to Egyptian authorities. Both men were held behind bars in al-Qanater from 2014 without access to UNHCR.¹⁵

People who enter Egypt irregularly are usually detained temporarily before being handed suspended sentences by a military court and subsequently released or deported. It is unclear why this did not happen in the cases of Abraham and Adhanom. The news platform Mada Masr, citing a lawyer, reports that they might have been simply forgotten,

12 See: “Egypt: Two Vulnerable Eritreans in Imminent Danger of Forced Return to Eritrea”, Human Rights Concern Eritrea, 17 August 2021, available at <https://hrc-eritrea.org/egypt-two-vulnerable-eritreans-in-imminent-danger-of-forced-return-to-eritrea/>. Last accessed on 30 March 2022.

13 See: “Covid19- Updates”, Global Detention Project, 15 September 2021, available at <https://www.globaldetentionproject.org/countries/africa/egypt# covid-19-updates>. Last accessed on 30 March 2022.

14 “Egypt: Forced Returns of Eritrean Asylum Seekers”, Human Rights Watch, 27 January 2022, available at <https://www.hrw.org/news/27/01/2022/egypt-forced-returns-eritrean-asylum-seekers>. Last accessed on 30 March 2022.

15 See: OHCHR, Written Submission to the Government of Egypt, 23 July 2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25388>. Last accessed on 30 March 2022.

given the political instability in Egypt at the time.¹⁶ However, the international attention to the case triggered by the scheduled deportation apparently facilitated Egypt's government giving in. In January 2022, they were released and immediately resettled in Canada.

1.2 Wave of Deportations to Eritrea

Their release is, nevertheless, only a Pyrrhic victory. Between October 2021 and March 2022, Egypt deported 70 people to Eritrea in five deportation flights, meticulously documented by the Refugees Platform in Egypt (RPE). A deportation of eight Eritreans to Addis Abeba in Ethiopia was cancelled last-minute after the Ethiopian airline had reportedly refused to take them. On 31 October, however, they were instead expelled on an EgyptAir flight to Asmara in Eritrea, according to the RPE.¹⁷ However, in view of the well-documented abuse and torture deportees face upon arrival, expulsions to Eritrea are clear violations of international law.¹⁸

A press inquiry regarding the deportation sent to UNHCR on 25 October 2021 was replied to in an entirely grotesque manner only nine hours after the plane had taken off from Cairo airport:

UNHCR has become aware of the deportation of the concerned detainees who are not registered with UNHCR. UNHCR remains ready to meet with the concerned detainees to assess their protection claim. To date, UNHCR has not been granted access. UNHCR continues to advocate with the Egyptian authorities to have access to any detainee seeking asylum to assess their claims for international protection.¹⁹

Barely three weeks later—and almost simultaneously to EU Home Affairs Commissioner Johansson's Cairo visit—Egypt had seven more people deported to Eritrea, per RPE reports.²⁰ Three more collective deportations were carried out between December 2021 and March 2022, in which a total of 55 people, previously incarcerated in Aswan, were deported from Cairo to Asmara.²¹

16 See: Hadeer El-Mahdawy, "After Over Seven Years' Detention in Egypt, Two Eritrean Migrants Face Deportation", Mada Masr, 12 September 2021, available at <https://www.madamasr.com/en/12/09/2021/news/u/after-over-7-years-detention-in-egypt-2-eritrean-migrants-face-deportation/>. Last accessed on 30 March 2022.

17 See: "Egypt Continues to Deport Asylum-Seekers Despite the Risk of Torture", Refugees Platform in Egypt, 1 November 2021, available at <https://rpegy.org/en/egypt-continues-to-deport-asylum-seekers-despite-the-risk-of-torture/>. Last accessed on 30 March 2022.

18 See: "UN Experts Deplore the Expulsion by Egypt of Eritrean Family Seeking Asylum in Violation of the Principle of Non-Refoulement", OHCHR, 19 November 2021, available at <https://www.ohchr.org/en/01/2022/un-experts-deplore-expulsion-egypt-eritrean-family-seeking-asylum-violation-principle-non>. Last accessed on 30 March 2022.

19 Reply from UNHCR Egypt to a press inquiry, 1 November 2021.

20 The 15 people deported in those two flights had been arrested in 2019 after crossing the Sudanese-Egyptian border. Ever since, they had been detained without access to UNHCR in a police station in Quseir near the Red Sea tourist resort of Hurghada. See: "Stop the crime of forced deportation against seven Eritrean asylum seekers", Refugees Platform in Egypt.

21 See: "Egypt: Forced Returns of Eritrean Asylum Seekers", Human Rights Watch; see also "Egypt Forcibly Deports 31 Eritrean Asylum-Seekers to Asmara and Prepares to Deport Dozens of Detained Migrants", Refugees Platform in Egypt, 21 March 2022, available at <https://rpegy.org/en/in-one-week-egypt-forcibly-deports-31-eritrean-asylum-seekers-to-asmara-and-prepares-to-deport-dozens-of-detained-migrants/>. Last accessed on 30 March 2022.



Egypt, Source: OpenStreetMaps/Umap, Sofian Philip Naceur 2022

1.3 “Deportations Have Never Stopped”

To what extent Egypt had deported people to Eritrea in previous years, and following what pattern, remains unclear. “Until 2017, Egypt cooperated with the Ethiopian government and often had Eritrean refugees deported to Ethiopia”, journalist and director of the Eritrean Initiative on Refugee Rights (EIRR), Meron Estefanos, tells the RLS. “However, since the peace agreement between Eritrea and Ethiopia in 2017, this is no longer possible”, she explains. Egyptian-Ethiopian relations are additionally extremely tense due to the dispute over an Ethiopian mega-dam built upstream on the Blue Nile river.

Cairo’s relations with Asmara, on the other hand, appear to be hardly affected by the rapprochement between Ethiopia and Eritrea and the complex regional state of affairs. Eritrea’s President Isaias Afwerki continues to strengthen relations with Egypt and most recently met with Sisi in Cairo in 2018²²—and deportations are apparently still part of bilateral arrangements. Amnesty International reported that, shortly after Afwerki’s 2008 Cairo visit and a meeting with former President Hosni Mubarak, Egyptian authorities deported up to 1,200 Eritreans to Asmara in only one week, in an unprecedented deportation wave.²³

Thus, Egypt’s deportation practice against Eritreans is by no means new, though it has rarely been as well documented as it has been since 2021. Yet, despite the often sparse information available beforehand, Estefanos emphasizes: “deportations to Eritrea have never stopped”. While she recorded the deportation of a man from

22 See: “Eritrea, Egypt Presidents Meet Amid Red Sea Tensions”, Al Jazeera, 10 January 2018, available at <https://www.aljazeera.com/news/10/1/2018/eritrea-egypt-presidents-meet-amid-red-sea-tensions>. Last accessed on 30 March 2022.

23 See: “Eritrean Asylum-Seekers Face Deportation From Egypt”, Amnesty International, 19 December 2008, available at <https://www.amnesty.org/en/latest/news/12/2008/eritrean-asylum-seekers-face-deportation-egypt20081219/>. Last accessed on 30 March 2022.

Egypt to Eritrea in her 2013 documentary *Sound of Torture*, other press reports or accounts by civil society groups about deportations to Eritrea can be found, including from 2009 (64 people on two flights from Aswan),²⁴ 2011 (26 people on one flight from Aswan,²⁵ while the EU Commission confirms a wave of deportations, but does not provide figures²⁶), and 2016 (25 people).²⁷

2. Detention Practices against People on the Move

2.1 Premeditated Informality

Meanwhile, Egypt-based refugees, asylum seekers, and immigrants from African countries are particularly exposed to arbitrary treatment by the authorities and in everyday life; they have no regular access to public education and health services, are mostly barred from registering a residency, are excluded from formal employment (given current labour and residency legislation), and are thus systematically pushed into informality. Asylum procedures are entirely outsourced to UNHCR, whose access to detained people is rarely granted anymore. Thereby, authorities systematically deny detainees the possibility of applying for asylum.

Egyptian government officials, on the other hand, systematically disguise reality. In line with countless previous statements by Egyptian officials, Foreign Ministry spokesman Ahmed Hafez declared in late 2021 that his government “is keen to provide immigrants and refugees a decent life, guarantee their rights and enhance their integration into Egyptian society”.²⁸ Only a short time before, Sisi himself had reiterated that refugees were being treated as guests.²⁹ In its correspondence with the UN, Cairo also claims that refugees receive residency permits and “have access to public education and health services on an equal footing to Egyptians”.³⁰

24 See: Aziz El-Kaissouni, “Egypt Deports 32 Eritreans”, *Die Welt*, 11 January 2009, available at <https://www.welt.de/english-news/article3008422/Egypt-deports-32-Eritreans.html>. Last accessed on 30 March 2022.

25 See: “EYM Visits Eritrean Refugee Camp in Aswan”, *Farajat*, 30 October 2011, available at <https://english.farajat.net/archives/6139>. Last accessed on 30 March 2022.

26 See: EU Commission, Reply to a parliamentary inquiry E9 ,2011/009765- December 2011, available at https://www.europarl.europa.eu/doceo/document/E-009765-2011-7-ASW_EN.html. Last accessed on 30 March 2022.

27 See: “Egypt: Deportation of Migrants to Eritrea”, *Africa Monitors*, 25 February 2017, available at <https://africamonitors.org/25/02/2017/egypt-deportation-of-migrants-to-eritrea/>. Last accessed on 30 March 2022; In addition, US authorities repeatedly deport Eritrean nationals to Eritrea via Cairo. In 2017 and 103 ,2018 people were reportedly deported that way. In 2018, a man died at Cairo airport under dubious circumstances. US authorities wanted to deport him to Eritrea with a stopover in Cairo, but he “allegedly” killed himself in custody awaiting a deportation flight to Asmara, according to the US government. See: European Asylum Support Office, *Eritrea – National Service, Exit, and Return*, September 2019, available at <https://www.justice.gov/eoir/page/file/1207286/download>. Last accessed on 30 March 2022; see also “ICE Detainee Passes Away in Transit to Home Country”, US Immigration and Customs Enforcement, 8 June 2018, <https://www.ice.gov/news/releases/ice-detainee-passes-away-transit-home-country>. Last accessed on 30 March 2022.

28 See: “Egypt proud of hosting 6 M of immigrants, refugees: Foreign Ministry Spox”, *Egypt Today*, 18 December 2021, available at <https://www.egypttoday.com/Article/110980/1/Egypt-proud-of-hosting-6-M-of-immigrants-refugees-Foreign>. Last accessed on 30 March 2022.

29 See: “Egypt Not a Transit Point of Illegal Migrants Eyeing Europe, Sisi to Visegrád Leaders”, *Ahram Online*, 12 October 2021, available at <https://english.ahram.org.eg/News/426760.aspx>. Last accessed on 30 March 2022.

30 See: Permanent Mission of Egypt to the United Nations Office, “Written Submission”, OHCHR, 28 January 2021, available at <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/pushback/EgyptSubmission.pdf>. Last accessed on 30 March 2022.

In fact, however, only those registered with UNHCR have the vested right to a residency permit. The basis for this regulation is an agreement between UNHCR and the Egyptian government signed in 1954, in which the latter commits itself to issuing residency papers for people registered with the UN. Yet, Egypt simply does not provide those permits. In practice, status IDs issued by UNHCR serve as proof of identity and vested protection against deportation. However, UNHCR IDs are often not recognized by Egyptian officials, and those affected are arrested nevertheless. Moreover, in Egypt only 273,152 people are registered with UNHCR (as of January 2022).³¹ Thereby, only a negligible proportion of Egypt-based refugees and people on the move are formally entitled to such papers.

2.2 Targeted Raids and Arbitrary Identity Checks

This informal status of people on the move, created by administrative hurdles, arbitrary practices by the authorities, and malpractice from UNHCR—such as the late extension of expired UNHCR IDs,³² an issue which has become even worse since the pandemic's onset—is further aggravated by residency regulations. Being detained indefinitely or deported after an arrest is a serious threat for many, also as African immigrants are particularly targeted by police due to their racial profiling practices.

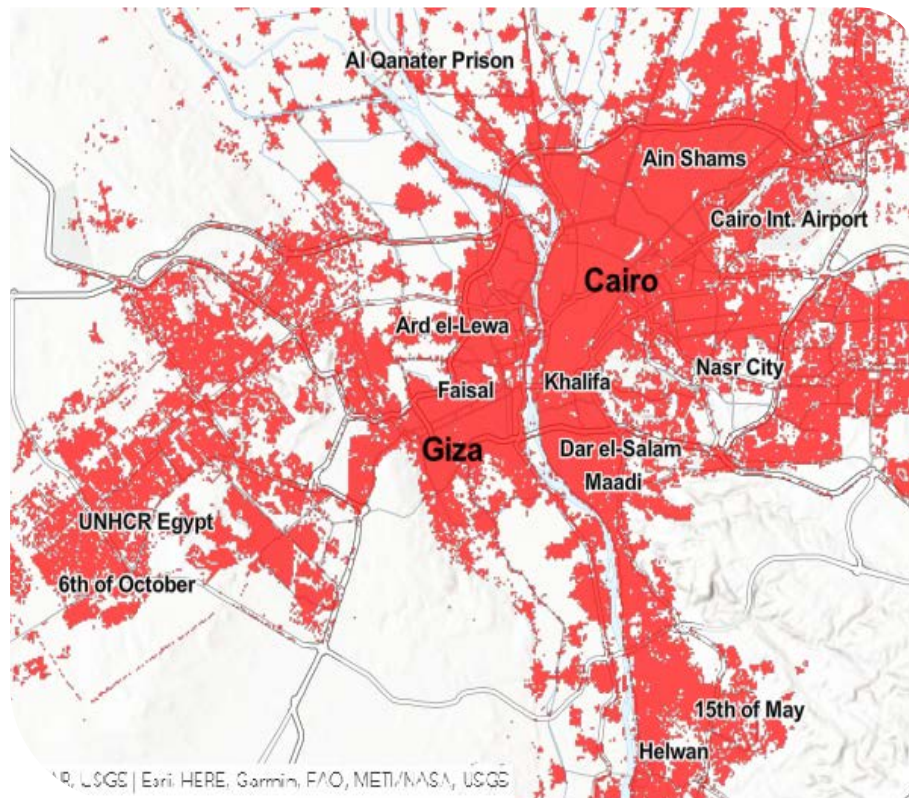
In several neighbourhoods of Cairo and Giza, known for having many inhabitants from Sudan, South Sudan, Somalia, Eritrea, and Ethiopia, Egyptian authorities repeatedly carry out targeted raids against people on the move. In September 2021, for example, police searched numerous apartments in Ard el-Lewa in Giza and arrested dozens of people for not having residency permits.³³

Police officers in these districts also exploit the irregular status of people for their own benefit. A Sudanese person who has lived in Cairo for 15 years tells the RLS that he was arrested by police officers in Maadi in 2021 after refusing to do repair work for them for free. He was released from custody only months later, he says. Cases like this are by no means an exception, rather they are part of everyday life. During the research, people on the move and civil society staff repeatedly told the RLS that police in Maadi, Dar el-Salam, or the satellite city named “6th of October” in Giza regularly conduct checks on people, aimed at receiving bribes in exchange for overlooking the absence of residency permits.

31 See: “Monthly Statistical Report”, UNHCR Egypt, 31 January 2022, available at https://www.unhcr.org/eg/wp-content/uploads/sites/02/2022/36/Monthly-statistical-Report_January-2022-_External.pdf. Last accessed on 30 March 2022.

32 See: Hadeer El-Mahdawy, “Refugees in Egypt: ‘Hunger at Home, Coronavirus on the Streets’”, Mada Masr, 21 May 2020, available at <https://www.madamasr.com/en/21/05/2020/feature/society/refugees-in-egypt-hunger-at-home-coronavirus-on-the-streets/>. Last accessed on 30 March 2022.

33 Such raids have also taken place repeatedly in recent years in the Cairo neighbourhoods of Maadi, Dar el-Salam, Nasr City, and Ain Shams, as well as in Faisal and al-Haram in Giza.



Greater Cairo Metropolitan Area, Source: Esri, Cartographer: Ing.Arch Haider Daoui 2022

2.3 Arrests at Egypt's External Borders

While Egypt's domestic intelligence National Security Agency (NSA, also known as Homeland Security) bears decision-making power over people on the move who are arrested domestically, Egypt's border regions are controlled by the army. Irregular border crossings are therefore handled by the military judiciary. The legal basis for detaining people entering the country irregularly is the vaguely-worded 1960 Immigration Law, which has been amended multiple times since.³⁴ Though in practice, people arrested in border regions were previously not prosecuted, but rather handed suspended sentences by military courts and then deported or released.

Since 2018, however, military courts have sometimes pursued criminal charges against those arrested at the Libyan border, but left it up to the security authorities to release or deport them, according to the human rights group EuroMed Rights.³⁵ In charge of immigration-related offenses are the military courts in Marsa Matrouh (responsible for irregular entries from Libya), Ismailia (Sinai), and Hurghada and Aswan (Sudan), according to the Geneva-based NGO Global Detention Project (GDP).³⁶ In practice, however, people entering from Sudan are usually referred to a military court in Qena

34 See: "Domestic Law", Global Detention Project, September 2018, available at <https://www.globaldetentionproject.org/countries/africa/egypt#domestic-law>. Last accessed on 30 March 2022.

35 See: Muhammad al-Kashef and Marie Martin, EU-Egypt Migration Cooperation: At the Expense of Human Rights EuroMed Rights, July 2019, available at https://adobeindd.com/view/publications/f9b3e-618b43c-4519-a03-467cbd22a1/5025/publication-web-resources/pdf/Egypt_Migration_cooperation_report_copy_layout_07-14.pdf. Last accessed on 30 March 2022.

36 See: "Immigration Detention in Egypt", Global Detention Project, September 2018, available at <https://www.globaldetentionproject.org/countries/africa/egypt#country-report>. Last accessed on 30 March 2022.

by the military prosecution.³⁷

Meanwhile, the Egyptian military only sporadically publishes statements featuring figures on how many people have been arrested at the country's external borders. In 2015, a total of 22,026 people were detained after irregular border crossings, while in 2016, this figure stood at 12,192.³⁸ Since then, more than 80,000 people have been arrested at Egypt's border, according to an RPE report, citing the Ministry of Defence.³⁹

2.4 Decentralized Detention Regime

The 2016 anti-trafficking law legally defines people entering Egypt irregularly as "victims", though it has failed to stop the administrative detention of people charged with irregular entry, according to the GDP's Egypt country report.⁴⁰ Such executive detention orders are now increasingly used against people arrested at the borders, according to staff members of two NGOs. They explain that administrative detention is not necessarily a reflection of the arbitrary actions of police, military, or judicial authorities; rather it is a legal trick:

Refugees and migrants cannot file an official complaint against executive decisions to hold them in administrative detention. This must be filed in person. However, people with an irregular status in Egypt cannot have a state-certified power of attorney issued for lawyers or other persons, since a power of attorney must be stamped by public notaries. These notaries, however, are asking for a residency permit for this procedure.⁴¹

Arrested people without residency papers are detained in a decentralized way in Egypt. Authorities use both prisons and police stations for this purpose. Since 2011, at least 96 different detention facilities have been used across Egypt to detain refugees and people on the move, including ten prisons and the Shellal camp in Aswan, a facility run by Aswan's riot police unit Central Security Forces, according to the GDP.⁴² However, a 1986 decree designated only five facilities for holding foreigners pending deportation: one each in Alexandria and Port Said, Tora Prison in south Cairo, and the two al-Qanater prisons, one for men and one for women.⁴³ The al-Qanater facilities in particular, as well as police stations in Maadi, Dar el-Salam, and in the cities of 6th of October and 15th of May near Cairo are used extensively by the Ministry of Interior to detain people on the move in the capital's metropolitan region, according to personal interviews conducted since 2020.

37 Police stations in Aswan, Luxor, Safaga, Quseir, Hurghada, and Marsa Alam are increasingly being used for the administrative detention of people who have arrived from Sudan. The most important facility for the detention of people on the move in Upper Egypt is the Shellal Camp of the Central Security Forces riot police unit in Aswan, which was already used for immigration detention purposes under Mubarak. On the Libyan border, people are mostly detained in a police station near the Selloum border crossing. More than 80 people on the move are currently incarcerated there, according to a source in Cairo.

38 See: Al-Kashef and Martin, EU-Egypt Migration Cooperation.

39 See: "The Crime: Seeking Asylum in Egypt", Refugees Platform in Egypt, 20 December 2021, available at <https://rpegy.org/wp-content/uploads/-20.12.2021/12/2021Case-report-English.pdf>. Last accessed on 30 March 2022.

40 "Immigration Detention in Egypt", Global Detention Project.

41 Interview conducted in Cairo in October 2021.

42 See: "Egypt Detention Centres", Global Detention Project, (updated 2021), available at <https://www.globaldetentionproject.org/countries/africa/egypt#detention-centres>. Last accessed on 30 March 2022.

43 See: "Egypt Immigration Detention Profile", Global Detention Project, 7 May 2020, available at <https://www.globaldetentionproject.org/countries/africa/egypt>. Last accessed on 30 March 2022.

The 15th of May facility and the al-Khalifa detention centre near Cairo’s historic city serve as transit facilities for people facing deportation. While 15th of May was also used for some of the most recent deportations of Eritreans, al-Khalifa has lately been expanded and is “a central facility for deportees”, according to employees of an aid organization. Yet, al-Khalifa is not a deportation centre, says the director of the Egyptian Commission for Rights and Freedoms (ECRF), Mohamed Lotfy. “Al-Khalifa is a transit facility used to transfer detainees between prisons and police stations in Cairo and other provinces”, Lotfy tells the RLS. It is mostly used for Egyptian inmates, but also refugees and migrants are detained here.

2.5 Disastrous Detention Conditions

Meanwhile, detention conditions in both prisons and police stations are disastrous. Cells usually have only one toilet, despite dozens of inmates, and are often severely overcrowded. Prisoners often have to sleep in shifts due to the lack of space and an insufficient number of blankets. Respiratory and skin diseases such as scabies therefore spread quickly in cells, ECRF says in a statement about a detention centre in Aswan.⁴⁴ Medical care and food are sometimes only handed out in return for cash, with cell phones usually only provided temporarily and also only against payment. Detainees hence rely on donations from their families or charity organizations.

The journalist Estefanos has also been observing the situation in Egyptian detention facilities for years, and recently confirmed once more the drastic consequences of the detention conditions for inmates. “Many people go crazy in custody, injure themselves or even try to commit suicide”, she says. “Although many know what awaits them after a deportation to Eritrea, especially older people keep accepting their return”.

Meanwhile, detained refugees and people on the move are mostly placed in different cells and are not kept together anymore—in contrast to prisons like al-Qanater where special cells for foreigners are still in use. In the past, relatives or employees of charity organizations often had easy access to detention centres and could distribute food and medication. Today, however, this is only possible to a limited extent.



Egyptian riot police during a protest in Downtown Cairo in 2016 © Sofian Philip Naceur

44 See: “ECRF Condemns the Detention of Syrian Migrants and Asylum Seekers by Egyptian Authorities Amid Fears of the Spread of the Coronavirus in Detention Places”, Egyptian Commission for Rights and Freedoms, 4 May 2020, available at <https://www.ecrf.net/ecrf-condemns-the-detention-of-syrian-migrants-and-asylum-seekers-by-egyptian-authorities-amid-fears-of-the-spread-of-the-coronavirus-in-detention-places/>. Last accessed on 30 March 2022.

3. Egypt's Opaque Deportation Policy

3.1 The Undermining of International Law

Egypt is a signatory to the 1951 Geneva Convention and its 1967 Protocol, but consistently violates their provisions. In a 2021 letter to the UN Human Rights Council, the Egyptian government emphasized that it had committed itself to upholding the principle of non-refoulement.⁴⁵ In reality, however, it does exactly the opposite, and systematically and extensively violates the non-refoulement principle.

Meanwhile, information about or even confirmation of deportations from Egypt is extremely rare. While EuroMed Rights reported on deportations of Syrian and Palestinian nationals to Turkey and Lebanon, as well as Sudan, Yemen, Malaysia, and Syria in a 2019 report,⁴⁶ the ECRF confirmed the deportation of two people to Chad in 2021. Deportations to Syria have increased again since 2021, according to NGO staff. In interviews in 2021, people who had been detained in Egypt in recent years stated that during their detention and in their presence, nationals from Sudan, South Sudan, Ethiopia, Nigeria, and Liberia had been informed of their imminent deportation.

According to the Egyptian government, however, there are no deportations from the country, but only “voluntary repatriations”. Usually the NSA tells detained refugees and people on the move that they should not hope for being released, but that it is up to them to leave Egypt “voluntarily”. Those deported are hence forced to sign a document prior to their expulsion, stating that they will leave “voluntarily”. Those who decide to return “voluntarily”, despite the dangers, must pay for their flight ticket on their own. If they are unable to do so, they remain detained indefinitely or rely on charity groups to collect and provide the funds for flight tickets.

3.2 People on the Move as a Bargaining Chip

Meanwhile, the recent wave of deportations against Eritreans appears to be a reflection of the Egyptian authorities' altered approach towards refugees from the East African state. In July 2019, hundreds of refugees and asylum seekers—among them many people from Eritrea—gathered in front of UNHCR in 6th of October City in Giza to protest for better protection and resettlement. Police forces violently dispersed the demonstration and temporarily arrested up to 90 people. Ever since, detained Eritreans have been consistently denied access to UNHCR and thus the possibility of applying for asylum, RPE explains.⁴⁷ Prior to the 2019 protest, this was not the case, according to staff members of an NGO.

Although the tightening of detention and deportation procedures against Eritreans, and the wave of arrests against Sudanese nationals since late 2021, documented by Human Rights Watch,⁴⁸ have also been pursued due to domestic political considerations, Egypt's government is apparently using people of certain nationalities as bargaining chips. Authorities have been working closely with the regimes in Khartoum and Beijing, for instance, to crack down on Egypt-based Sudanese activists and Uyghur immigrants from Western China.

45 See: Permanent Mission of Egypt to the UN, “Written Submission”.

46 See: Al-Kashef and Martin, EU-Egypt Migration Cooperation.

47 See: “The Crime: Seeking Asylum in Egypt”, Refugees Platform in Egypt.

48 See: “Egypt: Police Target Sudanese Refugee Activists”, Human Rights Watch, 27 March 2022, available at <https://www.hrw.org/news/27/03/2022/egypt-police-target-sudanese-refugee-activists>. Last accessed on 2 April 2022.

For years, Egyptian authorities have repeatedly targeted Sudanese opposition figures living in Egypt in raids. In 2017, the activist Mohamed al-Boshi was arrested in Cairo and extradited to Sudan, according to EuroMed Rights.⁴⁹ In 2018, The New Humanitarian reported that Sudanese authorities, within the scope of a security agreement with Cairo, had provided a list of 48 names to Egypt's intelligence services, which then attempted to track them down. These Sudanese people were then threatened by phone with arrest if they did not cease their political activities in Egypt, the media outlet said.⁵⁰ Apparently Egypt had in the past repeatedly requested the extradition of Sudan-based Egyptian opposition figures in return.

Egypt also cooperates with China regarding extraditions. In 2017, up to 120 Uyghurs were arrested in Cairo and other Egyptian cities, with some deported to China, according to a joint report by the ECRF and Egypt's Association for Freedom of Thought and Expression (AFTE).⁵¹ Human Rights Watch confirmed the deportation of 12 people shortly after the arrest campaign had started.⁵² Some of those arrested had been enrolled at Al-Azhar University, an influential Sunni theological college, and were reportedly targeted for arrests outside the university's main gates.⁵³ Meanwhile, UNHCR in Egypt now recognizes Uyghurs as refugees, but issues respective status IDs only after sometimes severe delays, ECRF's Lotfy says.

4. Egypt's New Asylum Law: A Trojan Horse?

For years, European governments have been trying to have North African states declared as "safe third countries" or have been pushing for the adoption of asylum laws in those countries to externalize asylum procedures and to be able to deport people more easily. In Tunisia, a draft asylum law was finalized in 2017 with the support of UNHCR, but was never submitted to parliament for a vote. Morocco's government has been working on such a law since 2013, but appears to be in no hurry to finalize it either.⁵⁴

In contrast, EU authorities have struggled for years to persuade Egypt to give in on this matter. In 2019, however, the government announced its intention to draft an "asylum law". The aim of such a law would be to "enhance national capacities to manage the refugee file more effectively".⁵⁵ Details about the content of the draft are not yet known. Egypt's government, UNHCR, and the EU Agency for

49 See: Al-Kashef and Martin, EU-Egypt Migration Cooperation.

50 See: "Refugees in Cairo Live in Fear of Sudan's Wanted List", The New Humanitarian, 27 August 2018, available at <https://deeply.thenewhumanitarian.org/refugees/articles/27/08/2018/refugees-in-cairo-live-in-fear-of-sudans-wanted-list>. Last accessed on 30 March 2022.

51 See: Mohamed Mostafa and Mohamed Nagi, "They Are Not Welcome", AFTE/ECRF, 1 October 2017, available at <https://afteegypt.org/en/research-en/monitoring-reports-en/-13468/01/10/2017afteegypt.html>. Last accessed on 30 March 2022.

52 See: "Egypt: Don't Deport Uyghurs to China", Human Rights Watch, 7 July 2017, available at <https://www.hrw.org/news/08/07/2017/egypt-dont-deport-uyghurs-china>. Last accessed on 30 March 2022.

53 See: Khadija Awad, "Egypt Rounds up Uyghur Muslims at Behest of China", Middle East Eye, 24 July 2017, <https://www.middleeasteye.net/news/egypt-rounds-uyghur-muslims-behest-china>. Last accessed on 30 March 2022.

54 See: "Immigration Detention in Morocco", Global Detention Project, July 2021, available at <https://www.globaldetentionproject.org/wp-content/uploads/07/2021/Immigration-Detention-in-Morocco-July-2021-Report-GDP.pdf>. Last accessed on 30 March 2022.

55 See: Permanent Mission of Egypt to the UN, "Written Submission".

Asylum, which are providing direct or indirect consultancy and capacity-building support to Egyptian authorities in the drafting process, are keeping a low profile. In October 2020, a spokesperson for the European Asylum Support Office (EASO; renamed EUAA in 2022) stated in response to a press inquiry that the agency “does not have direct access to the asylum-law drafting process” and is only supporting Cairo with capacity-building assistance to “enhance national authorities’ knowledge and expertise on asylum-related matters”. A written inquiry in the European parliament submitted by Özlem Demirel, MEP for the German party Die Linke, likewise received a brief response from the EU Commission in early 2022.⁵⁶

Egypt’s civil society has so far reacted rather cautiously to the legislative initiative, meandering between strict rejection, cautious reluctance, and hesitant optimism. ECRF director Lotfy says it is better to have an asylum law than no law at all, as this would break UNHCR’s monopoly on access to prisoners and processing asylum claims, which in practice has been far less efficient than it should be. An asylum law gives many people living in Egypt irregularly, sometimes for decades, hope of finally getting out of their legally-precarious and insecure situation, says Gerda Heck of the AUC. “On the other hand, hardly anyone has any illusion that an asylum law would seriously improve the living conditions of refugees”. In addition, there is concern in refugee communities that the already very sparse opportunities for being resettled in other countries would all but dry up in adopting such a law, the professor points out.

Meanwhile, other accounts are more explicit. An employee of an NGO unequivocally declares his rejection of the law. Such legislation would end in “disaster”, since the state has neither the experience nor the capacity to carry out adequate asylum procedures. In view of the lack of clarity about the law’s content, it is still unclear what the government actually aims to achieve with it. The NGO employee believes that Cairo is primarily concerned with control and gaining room to manoeuvre vis-à-vis the UNHCR.

Whether Egypt’s government really intends to outmanoeuvre UNHCR with such a law or whether it is primarily trying to respond to a respective EU demand is unclear, given the lack of transparency in the drafting process. In view of the gap between the general legal framework and official practices, the government is likely to regard a new asylum law as binding only if it does not run counter to its own interests later on. Generally, after all, hardly anyone in Egypt expects a real change of policy by the government in migration and asylum-related matters, or a new regulation that could possibly put an end to the authorities’ systematic violations of the Geneva Convention.

⁵⁶ See: EU Commission, Antwort auf parlamentarische Anfrage E31 ,2021/005031- January 2022, available at https://www.europarl.europa.eu/doceo/document/E-005031-2021-9-ASW_EN.pdf. Last accessed on 30 March 2022.

5. Conclusion: The Realignment of Egypt's Border Regime

Egypt's detention practices against refugees and people on the move, and the recent tightening of the authorities' approach towards Eritreans are not only a reflection of an increasing interplay of European and Egyptian border control policies, but also of an increasingly aggressive Egyptian migration policy. Through targeted waves of arrests against people of certain nationalities, Egypt steadily exploits them for foreign policy purposes and thus additionally undermines international law that the country is bound to uphold. The wave of deportations against Eritreans, possibly in retaliation for the 2019 protest in front of UNHCR, and the recent arrests of Sudanese activists also indicate that the government continues to be extremely hostile towards self-organized, Egypt-based refugee communities and their public demands for guaranteeing vested rights.

Meanwhile, the lack of transparency surrounding the asylum law's drafting process is worrying, as this potentially far-reaching legislation could pave the way for Egypt's government to further undermine international refugee law. The UN refugee agency itself plays, at the same time, an ambivalent role in Egypt. By actively supporting the asylum law, it sidelines itself and transfers responsibility to the Egyptian state, which appears to not take the Geneva Convention seriously. Efforts to put Egypt under more effective pressure for violations of the convention will be, thereby, further thwarted.



French and Egyptian Ministers of Foreign Affairs Jean-Marc Ayrault and Sameh Shoukry during a press conference in Downtown Cairo 2016
© Sofian Philip Naceur

Despite Egypt's illegal deportation practices and human rights violations against refugees, the EU is due to intensify its cooperation with Cairo. Among the reasons for doing so are the recent increase of irregular arrivals of Egyptian nationals in Europe⁵⁷ and Egypt's key role in controlling migration movements between East and North

⁵⁷ See: "EU External Borders in 2021: Arrivals Above Pre-Pandemic Levels", Frontex, 11 January 2022, available at <https://frontex.europa.eu/media-centre/news/news-release/eu-external-borders-in-2021-arrivals-above-pre-pandemic-levels-CxVMNN>. Last accessed on 30 March 2022.

Africa.⁵⁸ However, the country is by no means a passive object of the EU border externalization policy, but is pursuing its own goals regarding the expansion of border control capacities, and in migration and asylum policies, according to Gerda Heck. “Egypt’s attempts to restrict and tighten control over migration movements from East Africa are primarily motivated by security concerns, and are also coordinated with external actors such as the EU for political reasons”, the professor says.

In fact, Sisi’s regime has been systematically exploiting the migration file in its approach towards Europe since 2016, following the EU-Turkey blueprint, and successfully acquired substantial development aid funds in Europe, as well as security equipment designated for border control and surveillance. Although European governments and the EU have restrained themselves from publicly criticizing Egypt’s human rights crimes too outspokenly, Cairo continues to react in an extremely sensitive way to any critical remark. Against this background, Sisi has increasingly turned towards those states that do not interfere in the country’s human rights crisis. Egypt has hence progressively intensified its cooperation with France, as well as with the Visegrád states of Hungary, Poland, the Czech Republic, and Slovakia.⁵⁹ The Visegrád states, in particular, are pursuing a hard-line approach regarding migration policies and have noticeably fewer reservations with providing equipment to the Egyptian security apparatus, which is notorious for its systematic human rights crimes.⁶⁰

It is precisely against this background that European states, as well as UN authorities, are falling into a trap with their almost unconditional support for Egypt’s migration policy and their restraint regarding speaking out against human right violations in the country. Cairo is, after all, aware of its strategic role in migration-related matters and is aligning its approach towards Europe accordingly. Any support for the regime therefore inevitably runs counter to compliance with international law and allows Egypt to play states off against each other even more easily.

Note: This report is based on more than 50 interviews conducted between September 2020 and March 2022 with refugees, people on the move, activists, lawyers, and representatives of civil society organizations. Most interviewees requested to remain anonymous.

58 The EU Council discussion paper praises Cairo’s role “as an active and stable member of the Steering Committee of the Khartoum Process”, an informal dialogue and cooperation forum funded by the EU and coordinated by the International Centre for Migration Policy Development (ICMPD) that aims at promoting cooperation among states along the migration route between the Horn of Africa and Europe. The main goals of the Khartoum Process are to monitor borders in the region more comprehensively, and to curb irregular migration. See: Council of the European Union: Discussion Paper 18 ,22/6135 February 2022; see also Sofian Philip Naceur: Decrypting ICMPD, FTDES, June 2021, available at <https://ftdes.net/rapports/DecryptingICMPD.pdf>. Last accessed on 30 March 2022.

59 See: “Europe to Be ‘In Great Trouble’ If Egypt Does Not Continue Blocking Illegal Migration, Hungarian PM Tells V4”, Ahram Online, 12 October 2021, available at <https://english.ahram.org/News/426775.aspx>. Last accessed on 30 March 2022.

60 See: “FM Szijjártó: EU Must Recognize Egypt’s Efforts Against Migration”, Hungary Today, 19 October 2021, available at <https://hungarytoday.hu/szijarto-egypt-migration-eu-ec/>. Last accessed on 30 March 2022.

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