



“HANDCUFFED LIKE

DANGEROUS CRIMINALS”

ARBITRARY DETENTION AND FORCED RETURNS
OF SUDANESE REFUGEES IN EGYPT

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Cover photo: A group of Sudanese women and children detained in a makeshift detention centre inside a military site in Aswan governorate in Egypt, that borders Sudan, pending their forced return to Sudan, January 2024. © private

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1. EXECUTIVE SUMMARY

Since armed conflict erupted in Sudan in April 2023, millions of people have fled the country, including 500,000 to neighbouring Egypt. Instead of facilitating their safe and dignified passage as required by international refugee law, the Egyptian authorities have imposed stringent entry restrictions and arbitrarily arrested and unlawfully deported Sudanese refugees for entering Egypt irregularly.

For decades, Egypt was home to millions of Sudanese people studying, working, investing or receiving healthcare in the country, with Sudanese women, girls, boys under 16 and men over 49 exempt from entry requirements. In late May 2023, the Egyptian government introduced new rules requiring all Sudanese nationals to obtain visas, forcing people fleeing conflict to cross the border irregularly. In the months that followed, particularly from September 2023, the Egyptian authorities have cracked down on Sudanese refugees solely for entering the country through irregular border crossings or for not possessing valid residence permits.

Evidence gathered by Amnesty International indicates that Egypt's Border Guard Forces operating under the ministry of defence as well as police operating under the ministry of interior have carried out mass arbitrary arrests of Sudanese people, and held women, men and children in cruel and inhuman conditions pending their forced return to Sudan. In 12 incidents documented by Amnesty International, the Egyptian authorities forcibly returned an estimated 800 Sudanese nationals between January and March 2024 without carrying out individualized assessments or granting them the possibility to claim asylum or challenge deportation decisions.

The mass arrests and collective expulsions campaign came after a prime ministerial decree issued on 29 August 2023 required all foreign nationals in Egypt to regularize their status through Egyptian sponsors and the payment of fines. The campaign also followed statements by top officials highlighting the economic "burden" of hosting millions of refugees, and a rise in xenophobic and racist speech against refugees and migrants by pro-government television anchors.

To document the arrests of Sudanese refugees in Egypt and their forced return to Sudan, Amnesty International interviewed 19 affected people, including individuals or relatives of individuals forcibly returned from Egypt to Sudan, community leaders, lawyers and medical professionals. It also reviewed official statements and documents. The organization's Evidence Lab reviewed photos and videos of makeshift detention facilities in Aswan governorate taken by former detainees, and verified the details of these facilities through satellite imagery analysis. Amnesty International shared its findings and recommendations with the Egyptian ministries of defence and interior as well as the National Council for Human Rights (NCHR) on 12 April 2024, receiving a response from the latter on 16 April.

The exact number of Sudanese nationals arrested in Egypt and deported since the outbreak of the conflict in Sudan is not known as Egyptian authorities fail to provide statistics and have not publicly acknowledged the policy of removals. In its response to Amnesty International, the NCHR denied the organization's findings on the rise in the number of arrests and deportations of Sudanese refugees since September 2023, saying that the authorities act in accordance with their obligations under international law. According to the United Nations High Commissioner for Refugees (UNHCR), which carries out the registration of asylum-seekers and refugee status determination in Egypt, 3,000 people were deported to Sudan from Egypt in September 2023 alone. For this report, Amnesty International has documented in detail the ordeals of 27 Sudanese refugees who were arrested with about 260 others between October 2023 and March 2024. Subsequently, 26 of the

27 were collectively expelled along with an estimated 800 other Sudanese refugees between January and March 2024.

Human rights violations against Sudanese refugees are facilitated by flawed Egyptian legislation governing migration, which grants the ministry of interior wide powers to place foreign nationals in indefinite administrative detention pending removal from Egyptian territory, and lacks safeguards against refoulement (the forcible return of anyone to a place where they would be at real risk of persecution or human rights violations). Under international human rights law, migration-related detention can only be used in the most exceptional circumstances and only as a last resort, while any expulsion decision must be assessed on an individual basis and be subject to procedural safeguards, including the ability to challenge individually the decision to deport and access to legal counsel.

Sudanese refugees in Egypt are most vulnerable to arrest in urban areas, including neighbourhoods of Cairo and Giza known to host large Sudanese populations, as well as in the southern governorate of Aswan that borders Sudan. Since September 2023, police, mainly in plain clothes, have been conducting mass stops and checks of identity documents targeting Black people in the streets, using transport or at checkpoints, creating a state of panic within the refugee community in Cairo and Giza and forcing many to restrict their movement. Police have arbitrarily arrested on the spot Sudanese refugees who were not carrying identity documents or valid residence permits and subsequently arbitrarily detained them in police stations for between three and 45 days. Those unable to produce valid documents, including UNHCR registration cards, have been transferred to police stations in the south of the country and deported. In Aswan governorate, Sudanese refugees are vulnerable to arrest by police or Border Guard Forces while travelling in or boarding buses, in the streets of the city of Aswan and its outskirts, in remote areas bordering Sudan. Amnesty International also documented police arrests of 14 Sudanese refugees from public hospitals in Aswan, where they were receiving treatment for injuries sustained during road accidents on their journeys from Sudan to Egypt.

In the cases documented by Amnesty International, following arrest by the police, Sudanese refugees were transferred to police stations or a camp in Shallal region run by the Central Security Forces (the riot police), while those arrested by Border Guard Forces were held at makeshift detention facilities, including warehouses in Abu Simbel and a horse stable near Nagaa Al Karur village, all in Aswan governorate. Conditions in all these detention facilities are cruel and inhuman, with detainees subjected to overcrowding, lack of access to toilets and sanitation facilities, substandard and insufficient food, and denial of adequate healthcare. In at least two cases documented by Amnesty International, refugees receiving treatment at hospitals were transferred to detention before fully recovering and against medical advice, and were forced to sleep on the ground after undergoing surgery.

Refugees arrested by the police in Cairo, Giza and Aswan governorate were brought before prosecutors and questioned over accusations of smuggling or irregularly entering or staying in Egypt, usually without a lawyer present, although to date such interrogations have not resulted in indictments. Following their interrogation, in many of the cases documented by Amnesty International, refugees were taken back to detention even when prosecutors ordered their release. Those rounded up by the Border Guard Forces in Aswan were usually not brought before any judicial authorities, although in one instance documented by Amnesty International security forces took a group of 46 refugees arrested by Border Guard Forces to the military prosecution where they were not questioned but were forced to thumbprint documents without being allowed to read them.

Under international law, everybody regardless of their immigration status, has the right not to be arbitrarily detained or detained solely on migration-related grounds without the opportunity to challenge the lawfulness of their detention.

After periods of detention of up to six weeks, the police or Border Guard Forces forced Sudanese refugees into buses or vans, drove them to the Qustul-Ashkeet border crossing and handed them to Sudanese authorities. None was given the opportunity to claim asylum even when they had registration appointments with UNHCR or asked to speak to UNHCR or pleaded not to be sent back. Such forced returns violate Egypt's international obligations under human rights and refugee law, including the principle of non-refoulement.

With the conflict in Sudan continuing, tens of thousands of undocumented Sudanese refugees in Egypt, including those still awaiting registration appointments with UNHCR, remain at risk of arbitrary arrest, detention in appalling conditions and forced return to Sudan. Despite this, the EU announced in March 2024 a strategic partnership agreement with Egypt, involving a €7.4 billion aid and investment package that seeks, among other things, to deepen cooperation over migration and border control, and dismissing

concerns about Egypt's abysmal human rights record. Earlier cooperation agreements with Egypt on migration have been marred by a lack of transparency, including on the existence of any due diligence, monitoring and accountability mechanisms. Under a 2022 agreement, the EU seeks to enhance the skills and capacity of the Egyptian Border Guard Forces, involved in documented human rights violations against Sudanese refugees, with the declared objective of "humanitarian border management ... with a human rights-based approach".

In light of its findings, Amnesty International is calling on the Egyptian authorities to:

- immediately halt mass arbitrary arrests of Sudanese refugees solely on migration grounds or for entering the country irregularly;
- ensure that all those fleeing the conflict in Sudan are provided with prompt, safe and dignified entry into Egypt, and unrestricted access to fair and effective asylum procedures;
- immediately release all those arbitrarily detained in police stations, Central Security Forces' camps and makeshift detention facilities controlled by the Border Guard Forces;
- halt the deportations of Sudanese nationals to Sudan, which risks violating the principle of non-refoulement; and
- refrain from forcibly returning anyone without individually assessing their protection needs and the human rights risks they may face upon their return.

Additionally, Amnesty International is calling on the EU to not be complicit in violations of the rights of refugees and migrants in Egypt and to:

- ensure that all border control and migration cooperation agreements with Egypt include prior risk assessments on the human rights impacts of such agreements as well as effective monitoring and accountability mechanisms; and
- press the Egyptian authorities to adopt concrete and verifiable measures to protect the rights of refugees and migrants.

2. METHODOLOGY

This report is primarily based on research carried out by Amnesty International between February and April 2024, including interviews with 19 affected individuals. Those interviewed were: eight Sudanese refugees¹ arbitrarily arrested and detained in Egypt between September 2023 and March 2024, seven of whom were subsequently deported to Sudan; five relatives or friends of Sudanese refugees who were arbitrarily arrested in and/or deported from Egypt between October 2023 and March 2024; four Sudanese community leaders based in Cairo and Giza; a lawyer at the independent human rights group Egyptian Commission for Rights and Freedoms (ECRF), who represented dozens of detained refugees; and a health worker who witnessed the treatment of Sudanese refugees in a public hospital.

Interviews were carried out by phone or through secure messaging applications with individuals based in Canada, Egypt, France and Sudan. Apart from one interview that was carried out in English, all interviews were carried out in Arabic without the use of interpreters. All individuals interviewed for this report requested anonymity out of concern for their safety and/or privacy. Consequently, pseudonyms are used in all cases featured in this report and identifying details are omitted.

Based on the accounts of these individuals, Amnesty International was able to document in detail the arbitrary detention of 27 Sudanese nationals, including nine women and three children, arrested along with 260 other Sudanese nationals between September 2023 and March 2024. Of these, 26 were unlawfully deported to Sudan between January and March 2024 alongside an estimated 800 other Sudanese nationals, including dozens of women and children.

Amnesty International also reviewed two official judicial case files involving 23 Sudanese nationals who were interrogated by the Egyptian prosecution in relation to their irregular entry to Egypt between October 2023 and January 2024; and a travel document issued by the Sudanese consulate to a Sudanese refugee prior to his deportation. The organization further reviewed police reports, issued on 29 October 2023 and 21 February 2024, related to two road accidents involving 22 Sudanese refugees who were travelling to the city of Aswan in the south of Egypt, a few kilometres from the border, who were subsequently arrested for entering Egypt irregularly via unofficial border crossings.

Amnesty International's Evidence Lab analysed photographs and videos taken by former detainees in January or February 2024 and shared with Amnesty International. These images show two sites used by the Border Guard Forces of the ministry of defence as makeshift detention facilities for Sudanese refugees; one in Abu Simbel and the other near Wadi Al Karur village, both in Aswan governorate. The footage shows features of the buildings, such as the entrances and roofs, which were used to geolocate the detention facilities in satellite imagery.

¹ The UN Convention Relating to the Status of Refugees (UN Refugee Convention) defines a refugee as a person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country". The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa expands the definition of "refugee" to include people who have fled situations such as generalized violence, internal conflicts or events seriously disturbing public order. In this report, the term "refugee" refers to any Sudanese national who has fled the armed conflict in Sudan that erupted in April 2023, regardless of whether s/he has been formally recognized as a "refugee".

Amnesty International also reviewed relevant national laws and decrees, official statements, and reports by the United Nations High Commissioner for Refugees (UNHCR), human rights organizations and the media.

On 12 April 2024, Amnesty International sent its findings and recommendations to the ministries of interior and defence, and the National Human Rights Council (NHRC), seeking comments and clarifications. No response was received from the two ministries in time for publication. A short response from the NHRC, received on 16 April 2024, denied Amnesty International's findings and is reflected in this report. On 17 May 2024, Amnesty International also sent its findings and recommendations to the Directorate-General for Neighbourhood and Enlargement Negotiations and the European External Action Service under the European Commission, seeking information on human rights safeguards put in place in the context of the EU's cooperation with Egypt. Concerns raised in the letter were further discussed with representatives of the European Commission and the European External Action Service on 27 May 2024 and 11 June 2024, , but no written response was received in time for publication.

Amnesty International received reports of other Black asylum seekers, migrants and refugees, including nationals of Eritrea, being arbitrarily detained in Egypt since September 2023, including following police stops and identity checks in urban centres. However, this report focuses on the targeting of Sudanese nationals given the mass scale of deportations to Sudan amid the ongoing armed conflict in the country; and the risks of arbitrary arrest solely on migration grounds and forced return of tens of thousands of other undocumented Sudanese refugees in Egypt awaiting registration appointments with UNHCR.²

² See section 3.2, "Arrivals of Sudanese people fleeing armed conflict".

3. BACKGROUND

3.1 SUDANESE COMMUNITY IN EGYPT BEFORE THE 2023 ARMED CONFLICT IN SUDAN

A large Sudanese community has for decades resided in Egypt given the geographic, historic and linguistic ties between the two countries, with arrivals of Sudanese nationals to Egypt peaking during periods of internal armed conflict in Sudan, including in 1955-1972, 1983 and 2003.³ Between 1976 and 1995, Sudanese nationals were exempted from entry visa requirements into Egypt based on the Wadi El Nil bilateral agreement between the two countries. The Egyptian authorities repealed the agreement after the 1995 assassination attempt on former Egyptian President Hosni Mubarak in Ethiopia's capital Addis Ababa.⁴

Since then, Sudanese nationals have been required to obtain a visa to enter Egypt. In 2004, Egypt and Sudan signed the so-called Four Freedoms Agreement, guaranteeing freedom of movement, residency without a permit, right to work, and property ownership for their respective nationals.⁵ However, the government of Egypt failed to implement or ratify the agreement.⁶ From May 2017 to May 2023, Egypt eased entry requirements for Sudanese nationals, exempting Sudanese women, girls, boys aged under 16 and men over 49 from visas and removing visa fees from men.⁷

In March 2023, just before the outbreak of the armed conflict in Sudan, Egypt hosted an estimated 2 to 5 million Sudanese nationals, including 59,896 refugees and asylum seekers registered with UNHCR.⁸ Sudanese nationals resided in Egypt for education, employment (including in the informal sector), medical treatment, and investment opportunities.⁹

Over the past two decades, Amnesty International and other human rights organizations have documented the sporadic targeting of Sudanese nationals in Egypt, including during racially-motivated raids in neighbourhoods known to host people from sub-Saharan Africa, the interceptions of Sudanese nationals attempting to cross the Egyptian borders with Israel, and arrests during and in the aftermath of the deadly dispersal by security forces of protests by thousands of Sudanese nationals in front of the UNHCR building in Cairo in October 2005.¹⁰

³ Refugees International, "Sudan in Crisis: Improving the Response for Sudanese Refugees in Egypt", 24 July 2023,

<https://www.refugeesinternational.org/reports-briefs/sudan-in-crisis-improving-the-response-for-sudanese-refugees-in-egypt/>

⁴ International Organization for Migration (IOM), *Triangulation of Migrants Stock in Egypt*, July 2022,

https://egypt.iom.int/sites/g/files/tmzbd11021/files/documents/migration-stock-in-egypt-june-2022_v4_eng.pdf

⁵ Egypt, Decision of the President of the Arab Republic of Egypt No. 144 of 2004 in relation to the approval of the agreement on the freedom of movement, residence, work and ownership between the two governments of the Arab Republic of Egypt and the Republic of Sudan, 2004, <https://manshurat.org/NODE/38306> (in Arabic).

⁶ International Labour Organization (ILO), Review of national policy, legislative and regulatory frameworks and practice in Egypt - A baseline study on the access of refugees and asylum seekers to the labour market, 17 November 2022,

<https://documents.aocegypt.edu/Docs/GAPP/Review%20of%20National%20Policy%20legislative%20and%20regulatory%20frameworks-baseline%20study.pdf>

⁷ CNBC Arabia, "السودان ومصر يفتحان صفحة جديدة لمشكلة التأشيرة بينهما" ["Sudan and Egypt open a new page for their visa problem"], 2 September 2022, <https://shorturl.at/p12Yu> (in Arabic).

⁸ The United Nations High Commissioner for Refugees (UNHCR), "Egypt Fact Sheet", March 2023, https://www.unhcr.org/eg/wp-content/uploads/sites/36/2023/03/Egypt-Factsheet_March-2023.pdf

⁹ Refugees International, "Sudan in Crisis: Improving the Response for Sudanese Refugees in Egypt" (previously cited).

¹⁰ Amnesty International, "Egypt: Protests by Sudanese migrants and refugees over the brutal killing of child met with violence and arrests", 4 November 2020, <https://www.amnesty.org/en/latest/press-release/2020/11/egypt-protests-by-sudanese-migrants-and-refugees-over->

3.2 ARRIVALS OF SUDANESE PEOPLE FLEEING ARMED CONFLICT

The ongoing armed conflict in Sudan erupted in April 2023 between the Sudanese Armed Forces and the Rapid Support Forces. Since then, more than 8.7 million people have been forced to flee their homes, with some 1.8 million fleeing to neighbouring countries, according to UNHCR and International Organization for Migration (IOM).¹¹ According to figures received by UNHCR from the Egyptian government, as of April 2024, some 500,000 Sudanese nationals along with 6,000 individuals of other nationalities had crossed into Egypt since the beginning of the conflict.¹²

UNHCR, which carries out registration of asylum-seekers and refugee status determination in Egypt on the basis of a memorandum of understanding with the Egyptian authorities signed in 1954,¹³ reported in January 2024 that there had been a 242% increase in Sudanese nationals registering as refugees and asylum seekers since the start of the conflict. The agency said that, as of April 2024, it had provided pre-registration appointments to 507,701 people who fled Sudan,¹⁴ with just under half registered with the agency.

In May 2023, UNHCR called on all countries to allow civilians fleeing Sudan access to their territories without discrimination, including those without passports or other forms of identity documentation. However, the same month, the Egyptian authorities started imposing additional restrictions on the entry of Sudanese nationals fleeing the conflict.¹⁵ These included requiring all Sudanese nationals to obtain an entry visa, from which girls, women, boys under 16 and men over 49 had previously been exempted. In May 2023, the authorities also reversed the earlier practice of allowing entry of Sudanese nationals with expired passports or temporary travel documents, and introduced the additional requirement of security clearance for boys and men aged between 16 and 50 entering Egypt through Cairo International Airport.

In July 2023, UNHCR reiterated its calls on Sudan's neighbours to reduce the bureaucratic entry requirements that hinder access to asylum for persons with international protection needs.¹⁶ Egyptian authorities ignored these calls and continued to impose entry restrictions on those fleeing conflict in Sudan, which, according to accounts of Sudanese community leaders and refugees interviewed by Amnesty International, left people seeking to flee the conflict with no option other than crossing the Egypt-Sudan borders irregularly.

3.3 RISE IN XENOPHOBIC AND RACIST SPEECH

Egyptian mainstream media and pop culture have long presented racist depictions of people from Sub-Saharan Africa and those with dark skin.¹⁷ Sudanese nationals, like others from Sub-Saharan Africa, are subjected to racism and xenophobia in their daily lives in Egypt, and are vulnerable to violent attacks by non-state actors amid the failure of the Egyptian authorities to provide protection and redress.¹⁸ According to a 2012 study by the American University in Cairo involving 565 Sudanese nationals, 82.5% said that they had

[brutal-killing-of-a-child-met-with-violence-and-arrests](#); Amnesty International, "Migrant shot dead trying to cross Egypt/Israel border", 21 February 2008, <https://www.amnesty.org/en/latest/news/2008/02/migrant-shot-dead-trying-cross-egyptisrael-border-20080221/>; Amnesty International, *Egypt: Amnesty International calls for inquiry into killings and opposes threatened collective expulsions of Sudanese protesters* (Index: MDE 12/002/2006), 5 January 2006, <https://www.amnesty.org/en/documents/MDE12/002/2006/en/>; Human Rights Watch (HRW), "Egypt: Mass Arrests of Foreigners - African Refugees Targeted in Cairo", 10 February 2002, <https://www.hrw.org/legacy/press/2003/02/egypt0206.htm>; HRW, "Egypt: Police Target Sudanese Refugee Activists - Arbitrary Arrests, Beatings, Forced Labor", 27 March 2022, <https://www.hrw.org/news/2022/03/27/egypt-police-target-sudanese-refugee-activists>

¹¹ The United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "SUDAN - Situation Report", 16 May 2024, <https://reports.unocha.org/en/country/sudan/>

¹² UNHCR, "Sudan Situation - External Update 60", 8 May 2024, <https://reliefweb.int/report/sudan/sudan-situation-unhcr-external-update-60-8-may-2024>

¹³ See Chapter 4, "Legislative framework".

¹⁴ UNHCR, "Sudan Situation - External Update 60" (previously cited).

¹⁵ Amnesty International, "Sudan: Neighbouring countries must provide safe passage to those fleeing conflict", 5 July 2023, <https://www.amnesty.org/en/latest/news/2023/07/sudans-neighbours-must-allow-safe-passage-to-those-fleeing-the-conflict/>

¹⁶ The UNHCR Operational Data Portal, UNHCR Protection Brief – Sudan – July 2023, 16 July 2023, <https://data.unhcr.org/en/documents/details/101967>

¹⁷ Associated Press (AP), "Fleeing war, poverty, African migrants face racism in Egypt", 2 January 2020, <https://apnews.com/article/ap-top-news-international-news-poverty-sudan-immigration-50f901e74759384266bf6a189805c8f2>

¹⁸ Amnesty International, "Egypt: Protests by Sudanese migrants and refugees over brutal killing of a child met with violence and arrests" (previously cited).

experienced abuse by the local community, including name-calling, stone-throwing at the windows of their homes, and dumping water on their drying laundry.¹⁹ According to research by Human Rights Watch in 2022, Black women, including Sudanese women,²⁰ face prevalent sexual violence in Egypt that is sometimes racially-motivated.²¹

Since May 2023, Egypt has witnessed a rise in racist and xenophobic online speech against Sudanese refugees. According to analysis carried out by Daraj,²² an independent digital media platform, in May 2023, several online groups launched what Daraj described as a coordinated campaign on social media targeting Sudanese refugees who had fled to Egypt since the inception of the armed conflict in April 2023. Some posts cited a quote by Egypt's President Abdel Fattah Al Sisi in an interview with the Japanese newspaper The Asahi Shimbun in May 2023, when he said, "If we were to accept even more Sudanese, Egypt will definitely feel the effects".²³ Some of these online groups support the government's policies and engage in attacks and smear campaigns against government critics. The campaign used hashtags calling for the expulsion of Sudanese nationals, closing down UNHCR and shutting the border with Sudan.

Senior government officials publicly blamed refugees and migrants for creating "burdens" on Egypt. For instance, in January 2024, the Minister of Foreign Affairs, Sameh Shoukry, said during a meeting with the European Commissioner for Home Affairs that Europe should increase its support to Egypt in the field of migration to enable the country to address the "burdens and challenges" stemming from the country hosting 9 million refugees and migrants who "receive the same basic services as Egyptians".²⁴ He underscored the importance of receiving European support that is "commensurate with Egypt's successful efforts" in preventing all irregular boat departures off its coast to Europe since 2016.

In August 2023, General Khairat Barakat, chairman of the Central Agency for Public Mobilization and Statistics, claimed that the number of refugees in Egypt is equal to the population of three or four European countries combined, which, he argued, creates pressure on the Egyptian economy in relation to demand on commodities and services, and impacts the labour market.²⁵ However, government officials regularly conflate the number of refugees, asylum seekers and migrants in Egypt. According to the IOM, as of August 2022, the number of foreign nationals in Egypt reached 9 million, of which 575,000 are registered as refugees with UNHCR.²⁶

Similar rhetoric was used by pro-government television anchors. On 8 January 2024, the prominent anchor Ahmed Moussa said in his talk show on Sada El Balad channel that refugees and migrants cost Egypt tens of billions Egyptian pounds and use Egypt's scarce water resources.²⁷ Other pro-government anchors such as Nashaat Al Dihy²⁸ and Qaswaa Al Khelaly²⁹ also made comments suggesting that the refugees and irregular migrants in Egypt create pressure on services and goods.

Between October 2023 and January 2024, online racist and xenophobic speech against refugees and migrants in Egypt proliferated even further, with more than 45,000 accounts participating in a discriminatory

¹⁹ American University in Cairo (AUC), *Remittances to transit countries: The impact on Sudanese refugee livelihoods in Cairo*, September 2012, <https://documents.aucegypt.edu/Docs/GAPP/Issue%20no.3.pdf>

²⁰ UNHCR, *Frozen words: memory and sexual violence amongst Sudanese refugee women in Cairo*. Ginger A. Johnson, June 2012, <https://www.unhcr.org/uk/media/frozen-words-memory-and-sexual-violence-amongst-sudanese-refugee-women-cairo-ginger-johnson>

²¹ HRW, "Egypt: Sexually Abused Refugees Find No Justice - Lack of Investigation, Follow Up by Police", 24 November 2022, <https://www.hrw.org/news/2022/11/24/egypt-sexually-abused-refugees-find-no-justice>

²² Daraj, "كفاية لاجئين... حملات مصرية منسقة لرفض دخول السودانيين الفارين من الحرب" ["Enough refugees"... Coordinated Egyptian campaigns to deny entry to Sudanese fleeing war], 14 May 2023, <https://daraj.media/108182/> (in Arabic).

²³ The Asahi Shimbun, "Interview: Egypt president willing to work with Japan for Sudan cease-fire", 2 May 2023, <https://www.asahi.com/ajw/articles/14898341>

²⁴ The official page of the Egyptian Ministry of Foreign Affairs, Facebook post, "خلال زيارته الحالية إلى بروكسل، وزير الخارجية يلتقي بالمفوضة الأوروبية" ["During his current visit to Brussels, the Minister of Foreign Affairs meets with the European Commissioner for Internal Affairs and Migration and stresses the principles of the Egyptian position regarding the issues of migration and refugees"], <https://rb.gy/s5xiz8> (in Arabic).

²⁵ Youm7, "الإحصاء: عدد اللاجئين في مصر يسجل 9 ملايين لاجئ يوازي تعداد عدة دول أوروبية" ["Statistics: The number of refugees in Egypt is recorded at 9 million refugees equivalent to the population of several European countries"], 28 August 2023, <https://www.youm7.com/6286738> (in Arabic).

²⁶ UNHCR, "Fact-Sheet Egypt", April 2024, https://www.unhcr.org/eg/wp-content/uploads/sites/36/2024/04/UNHCR-Egypt-Factsheet_APR-2024.pdf

²⁷ Sada Albalad, Youtube video, "الهواء على موسى أحمد من قوى وتعليق.. الأعداد بتدقيق اللاجئين ملف تفتح مصر" ["Egypt opens the refugee file by checking the numbers. And a strong comment from Ahmed Moussa on air"], <https://www.youtube.com/watch?v=JAKescOZT4I> (in Arabic).

²⁸ Elwatan, "نشأت الديهي: 10 ملايين مهاجر يعيشون في مصر" ["Nashaat Al-Dihy: 10 million migrants living in Egypt"], 29 May 2023, https://www.elwatannews.com/news/details/6601244#goog_rewarded (in Arabic).

²⁹ Elwatan, "قصواء الخلالي: مصر تفتح أبوابها للجميع ونعاني من الهجرة غير الشرعية" ["Qaswaa Al-Khelaly: Egypt opens its doors to everyone and we suffer from illegal migration"], 18 February 2024, https://www.elwatannews.com/news/details/7154641#goog_rewarded (in Arabic).

campaign on various social media platforms including Facebook and X (formerly Twitter), according to Egyptian fact-checking online platform Matsadaash³⁰ and Arabi Facts Hub,³¹ a non-profit organization. The campaign promoted unfounded accusations against Syrian restaurants, claiming they were operating illegally and being used as fronts to smuggle drugs.

Amidst this campaign, on 8 January 2024, Prime Minister Mostafa Madbouli announced during a cabinet meeting the authorities' efforts to record the exact number of foreigners in the country and assess the costs borne by Egypt for the services they receive.³²

In February 2024, Refugees Platform in Egypt, an independent NGO, also raised the alarm about the rise in incidents of "bullying and racism" reported by Sudanese nationals. It called on the public prosecution to investigate claims that members of security forces subjected refugees gathered in front of the UNHCR building in the city of 6th of October, Giza governorate, to violence and racist verbal insults.³³ The organization said it had obtained a video that showed a member of the security forces addressing refugees as "slaves" and "filth". At the time of writing, the Egyptian authorities had not publicly announced if any investigations have taken place into this reported incident.

3.4 EGYPT-EU PARTNERSHIP

On 17 March 2024, the EU and Egypt agreed a new Strategic and Comprehensive Partnership.³⁴ As part of the partnership, the EU announced it will provide a financial and investment support package to Egypt of €7.4 billion for 2024-2027, including €5 billion in loans as macro-financial assistance, €1.8 billion to support private investments, and €600 million in grants, including €200 million for migration management. According to the joint declaration,³⁵ the EU will provide financial support for "migration related programmes" including "combating smuggling of migrants and trafficking in persons, strengthening border management, and ensuring dignified and sustainable return and reintegration" as well as continued support for Egypt's efforts in hosting refugees. The declaration emphasized that "both sides are committed to the protection of migrants' and refugees' rights", but did not provide further details on any human rights safeguards or concrete benchmarks.

Article 25 of the Council of Europe's decision to provide short-term macro-financial assistance to Egypt states: "A precondition for granting the Union's macro-financial assistance should be that Egypt continues to make concrete and credible steps towards respecting effective democratic mechanisms, including a multi-party parliamentary system, and the rule of law, and guaranteeing respect for human rights."³⁶

On 19 March 2024, a statement by the European Ombudsman raised concerns over the lack of human rights safeguards and measures to provide redress in case of violations, a recurring shortcoming across EU migration partnerships, such as those with Libya and Tunisia.³⁷ In the case of Libya, a UN fact-finding mission found in March 2023 "reasonable grounds to believe" that violations against migrants and refugees by Libyan entities that received "technical, logistical, and monetary support from the European Union and its

³⁰ Matsada2ch, Facebook post, "خلال الأسابيع الماضية، تنشط حملات إلكترونية تدعو إلى ترحيل وطرد #اللاجئين من مصر" ["Over the past weeks, electronic campaigns have been active calling for the deportation and expulsion of #refugees from Egypt"], 10 January 2024, <https://rb.gy/p07n2f> (in Arabic).

³¹ See Arabi Facts Hub, <https://arabifactshub.com/en>

³² The Cabinet of the Arab Republic of Egypt, "الحكومة تبدأ تدقيق أعداد اللاجئين... وتكلفة ما تتحمله الدولة من خدمات لرعايتهم" ["Government Starts Scrutinizing Refugee Numbers and State's Services Cost"], 8 January 2024, <https://www.cabinet.gov.eg/News/Details/74779> (in Arabic).

³³ Refugees Platform in Egypt (RPE), "The Egyptian Public Prosecution must investigate a racist assault by police officers on refugee women and children in front of the UNHCR office, and the UN agency must take preventive measures and provide protection", 26 February 2024, <https://rpegy.org/en/editions/the-egyptian-public-prosecution-must-investigate-a-racist-assault-by-police-officers-on-refugee-women-and-children-in-front-of-the-unhcr-office-and-the-un-agency-must-take-preventive-measures-and-protect/>

³⁴ European Parliament, "EU-Egypt Strategic and Comprehensive Partnership", April 2024, [https://www.europarl.europa.eu/RegData/etudes/ATAG/2024/760406/EPRS_ATA\(2024\)760406_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2024/760406/EPRS_ATA(2024)760406_EN.pdf)

³⁵ European Commission, "Joint Declaration on the Strategic and Comprehensive Partnership between The Arab Republic of Egypt and the European Union", 17 March 2024, https://neighbourhood-enlargement.ec.europa.eu/news/joint-declaration-strategic-and-comprehensive-partnership-between-arab-republic-egypt-and-european-2024-03-17_en

³⁶ Council of the European Union, Council Decision 2024/1144, 12 April 2024, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401144

³⁷ Reuters, "Ombudsman raises concern over EU migration deal with Egypt", 19 March 2024, <https://www.reuters.com/world/ombudsman-raises-concern-over-eu-migration-deal-with-egypt-2024-03-19/>

member States for, inter alia, the interception and return of migrants” to Libya amounted to crimes against humanity.³⁸

Several members of the European parliament (MEPs) opposed the aid package to Egypt, citing concerns over the human rights situation in the country as well as the compliance of the aid deal with EU treaties. For instance, one MEP argued that the new partnership with Egypt risks leading to human rights violations and fails to end irregular migration.³⁹

In recent years, EU-Egypt cooperation in the field of migration has been marred by a lack of transparency and failure to meaningfully consult independent civil society. For instance, in October 2022, the EU and Egypt signed an agreement for the first phase of a €80 million border management programme, involving among other issues strengthening the operational capacity of the Egyptian Coast Guard and Border Guard Forces to carry out effective border surveillance and interceptions and search-and-rescue at land and sea, with a view to preventing irregular departures into the Mediterranean Sea.⁴⁰

In response to questions on 5 July 2022 by two MEPs, on the integration of human rights safeguards to ensure that assistance to Egypt in field of migration does not facilitate human rights violations, the European Commission confirmed that a prior risk assessment would be conducted, yet this assessment has not been published.⁴¹ A human rights monitoring mechanism was never made public, despite this being foreseen, as part of the agreement’s implementation. The action document published in October 2022 lists among its objectives for the “Egyptian Coast Guard and Border Guard to have enhanced knowledge and skills on humanitarian border management and search and rescue of migrants in respect to national and international obligations and with a human rights-based approach.”⁴² In this report, Amnesty International documents the involvement of Egyptian Border Guard Forces in human rights violations against Sudanese refugees since the outbreak of the armed conflict in Sudan in April 2023.⁴³

Despite Egypt’s problematic human rights record in general and its well-documented abuses against migrants and refugees in particular,⁴⁴ the EU continues to cooperate with Egypt in the field of migration and border management cooperation, seeking to prevent departures to Europe, including by way of Libya. Without rigorous human rights assessments and an independent monitoring mechanism, such agreements risk facilitating further human rights violations by Egyptian authorities against many refugees and migrants.

³⁸ Fact-Finding Mission on Libya, *Report*, 3 March 2023, UN Doc A/HRC/52/83.

³⁹ Euroobserver, “MEPs to sue Commission over ‘blank cheque’ to Egyptian dictator Sisi”, 23 May 2024, <https://euobserver.com/Migration/arf0cf2a87>

⁴⁰ Reuters, “EU funds border control deal in Egypt with migration via Libya on rise”, 31 October 2022, <https://www.reuters.com/world/eu-funds-border-control-deal-egypt-with-migration-via-libya-rise-2022-10-30/>

⁴¹ European Parliament, “Answer given by Mr Várhelyi on behalf of the European Commission”, 24 August 2022, https://www.europarl.europa.eu/doceo/document/E-9-2022-002428-ASW_EN.html

⁴² European Commission, “Action Document for strengthening the operational capacity of the Egyptian Coast Guard and Egyptian Border Guards to manage migration flows through effective border surveillance and search and rescue at land and sea”, October 2022, https://neighbourhood-enlargement.ec.europa.eu/document/download/95145364-3086-43fc-8e26-2719e311bad6_en?filename=C_2022_6933_F1_ANNEX_EN_V1_P1_2132169.PDF

⁴³ See Chapter 5.2.2, “arbitrary arrest and detention by border guard forces.”; See Chapter 6.1, “Detention facilities controlled by the border border guardsguard forces.”; See Chapter 7, “Collective expulsions and other unlawful deportations”.

⁴⁴ Amnesty International, *The state of the world’s human rights April 2014* (Index: POL 10/7200/2024), 23 April 2024, <https://www.amnesty.org/en/documents/pol10/7200/2024/en/>; Amnesty International, “France: Attack on journalist attempt to cover up ‘pattern of complicity in serious human rights abuses’”, 20 September 2023, <https://www.amnesty.org/en/latest/news/2023/09/france-attack-on-journalist-attempt-to-cover-up-pattern-of-complicity-in-serious-human-rights-abuses/>

4. LEGISLATIVE FRAMEWORK

Egypt is a state party to the 1951 Refugee Convention and its 1967 Protocol, and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. The Egyptian constitution recognizes the right to “political asylum” for foreign nationals who are persecuted for defending human rights, peace and justice, and prohibits the extradition of “political refugees”. However, Egypt lacks any legislation regulating asylum. On 7 June 2023, the Council of Ministers approved a draft bill regulating asylum, amid media reports that the government was seeking to expedite the passage of the legislation. The draft bill has not been made public, amid concerns raised by Egyptian NGOs about the lack of transparency and adequate consultation with affected communities and other stakeholders.⁴⁵

The entry, stay and exit of foreign nationals in Egypt is regulated by Law No. 89 of 1960⁴⁶ amended by Law No. 100 of 1983,⁴⁷ Law No. 88 of 2005⁴⁸ and Law No. 77 of 2016.⁴⁹ The law criminalizes entering or leaving the country irregularly through unofficial border crossings and/or without a valid passport or other travel document. Such acts are punishable by up to six months’ imprisonment and/or a fine. Under this law, residing in the country without a permit is also punishable by a fine.

The law grants extensive powers to the minister of interior and the director of the General Department of Passports, Immigration and Nationality, which is under the ministry of interior, to expel foreign nationals from Egypt, including if they entered the country’s territory irregularly or failed to obtain a residence permit.

According to decree No. 180 of 1964⁵⁰ issued by the minister of interior concerning the implementation of Law No. 89 of 1960, the General Department of Passports, Immigration and Nationality is responsible for deportation procedures including informing foreign nationals of deportation orders through “administrative methods”, without specifying the nature of such “administrative methods”.

Both the law and the decree fail to establish any procedural safeguards, including the ability to individually challenge the decision to deport, access a lawyer or review negative decisions.

Egypt’s constitution and Code of Criminal Procedures contain some safeguards against arbitrary arrest and detention, and stipulate that the police must bring suspects in front of prosecutors within 24 hours of their

⁴⁵ RPE, “(10 months of Concealment and Neglect) – A Position Paper on Prime Ministerial Decree No. 243 of 2023”, 8 April 2024, <https://rpegy.org/en/editions/10-months-of-concealment-and-neglect-a-position-paper-on-prime-ministerial-decree-no-243-of-2023/>

⁴⁶ United Arab Republic, 1960 لسنة 89 لقانون دخول وإقامة الأجانب رقم 89 لسنة 1960 [Law No. 89 of 1960 on the Entry and Residence of Foreigners], 24 March 1960, <https://manshurat.org/node/7355> (in Arabic). The United Arab Republic is the short-lived political union between Egypt and Syria, established in 1958. While Syria withdrew in 1961, Egypt retained the official name until 1971.

⁴⁷ Egypt, تعديل النقرة الثانية من المادة 41 من قانون دخول وإقامة الأجانب بأراضي مصر والخروج منها [Amendment of the second paragraph of Article 41 of the Law on the Entry and Residence of Foreigners in the Territory of Egypt and Exit from it], 5 August 1983, <https://manshurat.org/node/35270> (in Arabic)

⁴⁸ Egypt, 2005 لسنة 88 لقانون دخول وإقامة الأجانب بالقانون 88 لسنة 2005 [Amendment of some provisions of the Law on the Entry and Residence of Foreigners by Law 88 of 2005], 8 May 2005, <https://manshurat.org/node/7356> (in Arabic).

⁴⁹ Egypt, 2016 لسنة 77 لقانون دخول وإقامة الأجانب بأراضي مصر والخروج منها سنة 2016 [Amendment of some provisions of the Law on the Entry, Residence and Exit of Foreigners in 2016], 27 September 2016, <https://manshurat.org/node/47> (in Arabic).

⁵⁰ Minister of Interior of Egypt, قرار رقم 180 لسنة 1964 بتنفيذ بعض أحكام القانون رقم 89 لسنة 1960 في شأن دخول وإقامة الأجانب بأراضي الجمهورية العربية المتحدة والخروج منها [Decree No. 180 of 1964 implementing some provisions of Law No. 89 of 1960 regarding the entry and residence of foreigners in the territory of the United Arab Republic and their exit from it], 26 November 1964, <https://rb.gy/wvrg7x> (in Arabic).

arrest, and that lawyers must be present to represent the arrested person during questioning by prosecutors.⁵¹ Prosecutors have the authority to order suspects to be held in pretrial detention pending investigations for up to four days.⁵² Any further extensions of pretrial detention must be ordered by judges and cannot exceed two years. Despite these safeguards, Egyptian legislation allows for indefinite migration-related detention, in contravention of international human rights law and standards. Law No. 89 of 1960 permits the minister of interior to order the “temporary detention” of those subject to removal until removal procedures are completed, without establishing any maximum limits for the length of the administrative detention or any mechanisms enabling those detained to challenge the lawfulness of their detention.

These safeguards are further eroded in areas under the jurisdiction of the military, including border areas or other areas designated by military orders, as Egyptian legislation, including the Military Judiciary Law (Law No. 25 of 1966),⁵³ grants members of the military powers to assume functions of the police and civilian prosecution, and extends the jurisdiction of military court to civilians.⁵⁴ There are no legal time limits for referring suspects arrested by the military to the military prosecutors or judges, and the legislation allows for indefinite pretrial detention.⁵⁵

On 7 November 2016, President Abdel Fattah Al Sisi signed Law No. 82 of 2016⁵⁶ on combating irregular migration and smuggling of migrants, which was introduced to punish those engaged in transferring people from one country to another illegally. This exempted those smuggled from legal liability. The law stipulated the state to introduce the necessary measures to protect the rights of smuggled migrants, including their right to life, humane treatment and healthcare, physical and mental safety, and legal aid, with special care required for women and children. However, the law provided for the removal of foreign nationals from Egyptian territory, without specifying safeguards against refoulement.

The bylaws for Law No. 82 of 2016 issued in 2018 further stipulated the authorities’ obligation to protect the rights of smuggled migrants, including by providing them with information on relevant legal, administrative and judicial procedures in a language they understand. The bylaws also assert their right to adequate defence during criminal proceedings.

⁵¹ Egypt’s counter-terrorism legislation introduced in 2015 erodes these fundamental safeguards against arbitrary arrest and detention for those suspected of “terrorism”. Egypt, 1966 لسنة 25 رقم للقضاء العسكري [Military Justice Law No. 25 of 1966], 1 June 1966, <https://manshurat.org/node/1487> (in Arabic); Egypt, 54 المادة 2019 المعدل الدستور المصري [Amended Egyptian Constitution 2019, Article 54], 23 April 2019, <https://manshurat.org/node/14675> (in Arabic).

⁵² Egypt, 206 المادة 150 الإجراءات الجنائية رقم 150 المادة 206 [Criminal Procedure Code No. 150, Article 206], <https://manshurat.org/node/14676>

⁵³ Egypt, Military Justice Law No. 25 of 1966, (previously cited) Article 12.

⁵⁴ Egypt, Military Justice Law No. 25 of 1966, (previously cited), Article 23.

⁵⁵ Egypt, Military Justice Law No. 25 of 1966 (previously cited), Article 35.

⁵⁶ Egypt, 82 لسنة 2016 رقم المهاجرين وتهريب الشرعية غير الهجرة مكافحة قانون [Law No. 82 of 2016 on Combating Illegal Migration and Smuggling of Migrants], 8 November 2016, <https://manshurat.org/node/13565> (in Arabic).

5. ARBITRARY ARRESTS AND DETENTION

Prior to the outbreak of the armed conflict in Sudan in April 2023, reports of arrests of Sudanese nationals in Egypt and their detention solely on the grounds of their migration status were rare and frequently carried out in response to protests by Sudanese nationals. The rare reports of arrests of Sudanese nationals for irregular entry pertained to individuals seeking to cross the Egypt-Israel border, rather than the Egypt-Sudan border.⁵⁷ Since September 2023, such arrests have been carried out on a mass scale. In that timeframe, Amnesty International has documented how police or Border Guard Forces, who are part of an ongoing border management agreement with the EU, under the military have arrested an estimated 260 Sudanese refugees, including at least 11 children as young as two, solely for entering Egypt irregularly or due to their lack of valid residence in Egypt. Authorities arbitrarily detained them for periods ranging from a few days to six weeks, prior to their deportation. Under international law, migration-related detention can only be used in the most exceptional circumstances and only as a measure of last resort. It must be prescribed by the law, strictly justified for a legitimate purpose, necessary, proportionate and non-discriminatory, and follow an individualized assessment of the circumstances and needs of each foreign national. Routine or automatic migration-related detention is, by definition, arbitrary, and therefore illegal. Migration-related detention should never be imposed on children.

All 12 incidents of arrests of Sudanese refugees documented by Amnesty International in Greater Cairo and Aswan governorate, in the south of Egypt, by either police or Border Guard Forces were marred by breaches of fair trial rights in contravention of Egypt's obligations under the International Covenant on Civil and Political Rights (ICCPR). Authorities routinely flouted detainees' rights to: be informed of reasons for their arrest; be promptly brought in front of a judge; access a lawyer of their choosing; an adequate defence; and challenge the legality of their detention. Those detained were also routinely denied the right to call their families and lawyers and were held incommunicado for the duration of their detention. Prosecutors questioned those arrested by the police over accusations of entering the country irregularly, frequently without lawyers present, but none of those arrested was formally charged or referred to trial. In at least 23 cases documented by Amnesty International, security forces ignored release orders by the prosecution and continued to detain refugees arbitrarily, until their deportation.

5.1 CAIRO AND GIZA

Since September 2023, Egyptian security forces have intensified checks of identity documents and mass stops of refugees and migrants, according to accounts collected by Amnesty International from three Sudanese nationals subjected to such checks as well as four Sudanese community leaders based in the Greater Cairo metropolis encompassing Cairo and Giza who receive reports of arrests of members of their communities. They said that neighbourhoods known to host large communities of foreign nationals such as

⁵⁷ See section 3.1, "Sudanese community in Egypt before the 2023 conflict in Sudan".

6th of October city, Ard Al Liwa and Faisal, all in Giza governorate, as well as central locations in Cairo such as Al-Ataba and Ramsis, have been particularly affected.

They said that police, sometimes in uniform but usually in plain clothes, stationed in marked or unmarked police vans on public streets or at temporary checkpoints, were targeting Black individuals, usually pedestrians or individuals boarding minibuses or other transport, and ordering them to present their identity documents. During such security checks, police arrest foreign nationals without valid residency permits, even if they have valid UNHCR cards and regardless of how long they have been living in Egypt.⁵⁸

Such security checks appear to have intensified since 29 August 2023, when the Egyptian Prime Minister Mostafa Madbouli issued decree No. 3326 of 2023 requiring all foreign nationals in the country "irregularly" to regularize their status within three months through an Egyptian sponsor and the payment of US\$1,000.⁵⁹ In December 2023, the prime minister extended the deadline by three months,⁶⁰ then in March 2024 by a further six months.⁶¹

Amnesty International investigated the cases of five Sudanese nationals who were arbitrarily arrested between September and December 2023 during such police checks. Among them was Samir, aged 27, a UNHCR-registered refugee who had lived in Egypt since 2021; and Mousa, aged 29, who is not registered with UNHCR but had a valid residency permit and had lived in Egypt since 2022. Police arrested them and two of their Sudanese friends, who are not registered with UNHCR but had valid residency permits, at a security checkpoint in 6th of October city on 26 December 2023.⁶² The prosecution opened investigations against the four for not carrying valid residency permits, but ordered their release a day later after valid residency permits were provided, according to Samir and Mousa. However, the police refused to release them, accusing them of begging, an offence punishable by up to two months' imprisonment, but did not refer them to the prosecution for a formal pretrial detention order. After 45 days' detention at a police station in 6th of October city without appearing in front of a prosecutor or judge or being allowed to challenge the legality of their detention, the authorities released Samir and deported Mousa and the other two to Sudan.⁶³

Khaled, a 39-year-old Sudanese refugee registered with UNHCR who had been living in Egypt since 2013, told Amnesty International that on 10 September 2023, two plainclothes policemen stopped him in Ramsis Square in Cairo. After the policemen showed their police identification cards, they escorted Khaled to Al-Azbakeya police station because he did not have a residency permit and only had a copy of his UNHCR card on his mobile phone. Police detained him for three days without allowing him to appear in front of the prosecution, exceeding the legal limit of 24 hours to question suspects following arrest, as per the Code of Criminal Procedures. They then released him, warning him to carry a valid residency permit and a hard copy of his UNHCR card or else he would be deported.

The wave of arrests led Sudanese refugees who had entered Egypt irregularly in recent months to restrict their movement in Cairo and Giza, limiting their access to essential services and employment. Those interviewed by Amnesty International said that were afraid to leave their homes until registration with UNHCR was complete, which they said generally takes up to two months. For instance, Mona, a 24-year-old Sudanese woman who entered Egypt on 22 January 2024 and was awaiting her scheduled appointment with UNHCR as of 15 April, told Amnesty International that she was staying in an overcrowded apartment with relatives, and was unable to search for her own accommodation fearing arrest.

Around 251,869 individuals, of whom 90% are Sudanese, who fled Sudan to Egypt following the outbreak of armed conflict, were awaiting registration appointments, according to statistics released by UNHCR in May 2024.⁶⁴ Undocumented Sudanese nationals remain at risk of arbitrary detention and unlawful deportation if apprehended during security checks in Greater Cairo.

⁵⁸ See Chapter 2, "Methodology".

⁵⁹ Almasry Alyoum, "الجريدة الرسمية تنشر قرار رئيس الوزراء بشأن رسوم الإقامة للأجانب", 31 August 2023, <https://www.almasryalyoum.com/news/details/2970524> (in Arabic).

⁶⁰ Gate Ahram, "مد فترة توفيق أوضاع وتقنين إقامة الأجانب المقيمين بالبلاد بصورة غير شرعية لمدة 3 أشهر", 7 December 2023, <https://gate.ahram.org.eg/News/4635940.aspx> (in Arabic).

⁶¹ Masrawy, "مد فترة توفيق أوضاع الأجانب المقيمين بصورة غير شرعية 6 أشهر", 19 March 2024, https://www.masrawy.com/news/news_egypt/details/2024/3/19/2555024/ (in Arabic).

⁶² See Chapter 7, "Collective expulsions and other unlawful deportations".

⁶³ See Chapter 7, "Collective expulsions and other unlawful deportations".

⁶⁴ UNHCR, "Sudan situation-External update 60" (previously cited).

5.2 ASWAN GOVERNORATE

Sudanese refugees remain particularly vulnerable to arbitrary arrest and detention in Aswan governorate, which borders Sudan. Amnesty International has documented 10 incidents of arbitrary arrest and detention by the police or Border Guard Forces in the governorate involving over 250 Sudanese refugees, including at least 23 women and at least 11 children as young as two, who had entered Egypt irregularly from Sudan between October 2023 and February 2024.

On 16 April 2024, the NCHR responded to Amnesty International's findings in a letter that said it had found no information about the "detention" or "unlawful arrest" of Sudanese refugees by Egyptian security forces during a visit by an NHCR delegation to Aswan between 21 and 25 May 2023, where they met local officials and other stakeholders. The letter emphasized that the NCHR recorded no complaints or other relevant information through its monitoring unit or complaints system regarding cruel and inhuman detention conditions, denial of adequate food and healthcare, and lack of access to asylum procedures. The NHRC defended the Egyptian government's record, claiming that officials have acted in accordance with national laws and relevant international treaties that Egypt has ratified.

5.2.1 ARBITRARY ARRESTS AND DETENTION BY THE POLICE

The police were involved in seven of the 10 incidents documented by Amnesty International, arresting Sudanese refugees from the streets, at checkpoints, from transport or in hospitals where they were receiving treatment for injuries sustained during their journeys from Sudan to Egypt.

In four cases – on 26 December 2023 and 7, 15 and 26 January 2024 – the police arrested refugees at security checkpoints in Aswan governorate while they were travelling by bus to Cairo, usually immediately after their entry to Egypt. Policemen in uniform typically boarded the buses and conducted identity checks targeting Sudanese men, based on their appearance. They arrested those found without valid passports or without entry stamps on their passports.

Anwar, aged 21, told Amnesty International that he fled Sennar city in Sudan in December 2023 after the Rapid Support Forces attacked the nearby city Wadi Madani:

"I entered Aswan irregularly from Sudan along with my father and mother and four cousins in December 2023, then we all took a bus to Cairo. At a security checkpoint in Aswan, policemen boarded the bus and took me and two other young Sudanese men. They detained us in a room inside the security checkpoint with 18 or 19 other Sudanese men for several hours. A police officer told us, 'Now you are going to Cairo, your issue is very easy, we will just keep you for three days to complete your paperwork and then release you.' Everyone was relieved since we were all going to do the paperwork in Cairo anyway, but now it came to us. We all agreed it was no problem if it took three days. It turned out the police told us this so no one would escape."⁶⁵

Anwar said that following his arrest he was held in Kom Ombo police station, around 108km from Aswan, for 13 days before being transferred to Shallal Central Security Camp where he was held for 18 days before being deported to Sudan on 22 January 2024. Two days after his arrest, he had been questioned by the prosecution without a lawyer present. The prosecution then ordered his release, but he remained detained without being granted the opportunity to challenge the lawfulness of his detention. He was also denied access to a phone, so was unable to inform his family of his detention and whereabouts.

In other cases documented by Amnesty International, police approached 12 refugees on the streets near the Karkar area of Aswan on 29 January 2024 and arrested them because they did not have identity documents or their passports did not have entry stamps. The 12 had arrived in Egypt between October 2023 and January 2024. On 23 February 2024, police arrested three Sudanese men from a street in Aswan because they did not have identity documents. The three had entered Egypt earlier that day through an irregular border crossing. The same day, the police arrested a group of eight other refugees at a security checkpoint

⁶⁵ Interview by voice call with Anwar (real names withheld for security reasons), 20 March 2024.

near Karkar. They had entered Egypt irregularly on separate occasions between August 2023 and February 2024.

In two other incidents documented by Amnesty International, police arrested eight Sudanese refugees from public hospitals in Aswan where they were receiving treatment for injuries sustained during two separate road accidents on 29 October 2023 and 21 February 2024. The accidents took place after they entered Egypt irregularly from the southern border through Wadi Allaqi (Allaqi Valley).

Additionally, Amnesty International learned from relatives and lawyers that in October 2023 police arrested and forcibly transferred six women, aged between 26 and 55, from an Aswan hospital to different police stations in Aswan, where they were held for up to 10 days without appearing in front of a prosecutor or judge until their deportation. Also, in the second incident documented by Amnesty International, police arrested and transferred two Sudanese men from the hospital, where they were receiving treatment, to an Aswan police station where they remained detained without charge and without an opportunity to challenge the legality of their detention until they were deported to Sudan on 20 March 2024.

The police failed to inform any of the arrested refugees of the reasons for their arrest. In two cases documented by Amnesty International, the police told the refugees that they would be detained for three days to regularize their status or undergo a drug test before their release, but instead detained them for between nine and 23 days until their deportation. According to an official case file of the Aswan prosecution reviewed by Amnesty International,⁶⁶ eight refugees told prosecutors during their questioning on 30 January 2024 that following their arrest the previous day near Karkar, police did not inform them of the reason for their arrest after having checked their identity documents and did not provide them with facilities to inform their families or lawyers before transferring them to the prosecution.

Following arrest, the police transported the refugees cited above to several detention places in Aswan, including the First and Second Aswan police stations, Kom Ombo police station and Edfo police station, as well as Shallal Central Security Camp, which is an unofficial detention place controlled by the Central Security Forces, the riot police.

All those arrested by the police told Amnesty International that upon arrest, the police confiscated their mobile phones and did not allow them to make any phone calls, leaving them unable to contact the outside world. The refugees were only allowed to make phone calls for the first time through Sudanese officials at the Sudanese consulate in Aswan, where they were taken days after their arrest in preparation for deportation.

Those arrested by the police were taken before prosecutors for questioning about their irregular entry into Egypt. In relation to the case cited above involving 12 refugees arrested on 29 January 2024, the prosecution opened investigations into charges of “joining a criminal organized group for the purposes of smuggling migrants in more than one country, including Egypt” and “transferring migrants into the country [Egypt] irregularly in return for material benefits” against eight of the 12. On 30 January, the prosecution ordered the release of the 12, and referred them to the administrative entity of the General Department of Passports, Immigration and Nationality, according to a lawyer with the Egyptian Commission for Rights and Freedoms (ECRF), an independent NGO. Despite the release order, as of 6 March 2024, all 12 remained detained at First Aswan police station, without a clear legal basis, pending deportation. Amnesty International has been unable to verify whether they have since been deported.

Another case file reviewed by Amnesty International revealed that on 24 February 2024, the Aswan prosecution questioned 11 refugees arrested from the streets in Aswan city and at a security checkpoint near Karkar. The prosecution charged eight with “joining a criminal organized group for the purposes of smuggling migrants in more than one country, including Egypt” and “transferring migrants into the country [Egypt] irregularly in return for material benefits”, but failed to present any material evidence supporting these claims in the case file.⁶⁷ The case file records the refusal of police officers to disclose evidence of the

⁶⁶ Official case files typically contain minutes of interrogations of suspects by police and prosecution, police reports, prosecution reports, and forensic or other expert reports, as relevant.

⁶⁷ Both are crimes under Law No. 82 of 2016 on Combating Illegal Migration and Migrants Smuggling.

refugees' involvement in smuggling, citing "secret sources" during questioning by the prosecution. The prosecution ordered the pretrial detention of the eight pending investigations for three days, and the release of the other three, and then referred them to the "administrative entity". According to an ECRF lawyer, all 11 remained detained as of 6 March 2024 at First Aswan police station. Amnesty International was unable to verify whether they have since been deported.

In most cases documented by Amnesty International, prosecutors questioned refugees arrested in Aswan without a defence lawyer present. In the two aforementioned case files, prosecutors justified the absence of lawyers by stating their desire to proceed with the investigation before the expiration of the legal time limit of 24 hours to question suspects arrested by the police, as per Egyptian Code of Criminal Procedures. The prosecutors claimed to have sent a representative to the lawyers' syndicate to assign lawyers for the refugees, but "no one attended."

Ibrahim, a 24-year-old Sudanese man who fled Wadi Madani in Sudan in December 2023 along with his family, fearing their safety amid the ongoing armed conflict, told Amnesty International that police in Aswan arrested him in January 2024 and subsequently transferred his case to the prosecution in Aswan, where he was questioned without a lawyer present. Similarly, the Aswan prosecution questioned Anwar, a 21-year-old Sudanese man, in December 2023 without a lawyer present. Both men said that they were never informed by the authorities whether they faced any charges, or whether they were interrogated as suspects or witnesses. The prosecution ordered the release of both men following the initial investigation session, but they remained detained for 10 days and 30 days respectively before being deported.

5.2.2 ARBITRARY ARREST AND DETENTION BY BORDER GUARD FORCES

Amnesty International documented the involvement of the Egypt's Border Guard Forces, which fall under the military, in arresting in three separate incidents an estimated 200 Sudanese refugees who entered Egypt irregularly from Sudan between January and February 2024. In two of the incidents, the border guards intercepted the refugees in remote areas in Egypt, namely in Wadi Allaqi near Lake Nasser and near the Argeen border crossing, as they were boarding pickup trucks headed to the city of Aswan. In the third incident, the border guards intercepted the refugees in Kasarat, some 5km outside Aswan city, as they were boarding minibuses headed to central Aswan. The border guards did not inform the refugees of the reasons for their arrest in any of the three incidents. In one of the incidents, the guards falsely claimed that refugees would be provided with facilities to inform their relatives or friends in Cairo of their arrival, who would be allowed to collect them.

Ahmed, aged 39, told Amnesty International that he was arrested on 21 February 2024 along with his wife and two-year-old child after they entered Egypt irregularly from Argeen. He said that those arresting them identified themselves as Border Guard Forces and subsequently transferred them to a makeshift detention centre in Abu Simbel, where they were held for six days prior to their deportation, without ever appearing in front of judicial authorities or undergoing any other proceedings.

Israa, aged 27, fled Khartoum along with her mother in June 2023 after their house was hit during fighting between the Sudanese army and the Rapid Support Forces. She told Amnesty International that on 18 January 2024, she and her mother, together with 17 other Sudanese refugees, including 10 children and five women, entered Egypt irregularly after they crossed the border in a pickup truck that dropped them in Kasarat outside Aswan. From Kasarat, they boarded a microbus heading to Aswan, which was approached by several pickup trucks with mounted guns, prompting the driver to flee. Israa said that men in camouflage uniform emerged from the pickup trucks and welcomed them in Egypt. She added that five other minibuses carrying around 80 Sudanese refugees were also intercepted in the next four hours from the area. Officials then escorted the six minibuses to what she described as a military site in Aswan near Nagaa Al Karur village and the Arab Academy for Science, Technology & Maritime Transport, where she was held for eight days before deportation, also without appearing in front of judicial authorities.

Mohsen, aged 28, fled Omdurman in Sudan in December 2023 due to the armed conflict. He told Amnesty International that in late January 2024 he crossed the border into Egypt irregularly through Wadi Allaqi, travelling in a pickup truck along with five similar pickup vehicles, each carrying around 18 Sudanese

refugees. He said that the six trucks – three transporting women and children, and three transporting men – were driving towards Aswan when about seven military vehicles surrounded them, forcing the drivers to stop. He said that five or six armed men in khaki uniforms with badges of Egypt's Border Guard Forces alighted from each vehicle, and approached the refugees, asking their nationalities. They then escorted the six pickup trucks to a checkpoint in Aswan, belonging to the Border Guard Forces, according to signs read by Mohsen. He added that they were held there for about a day, before being handed over to police at the First Aswan police station. Mohsen told Amnesty International that the guards transferred him and dozens of other refugees from the First Aswan police station to the military prosecution in Aswan, two days after their arrest. He said that at the prosecution, he and other refugees were forced to thumbprint documents that they were not allowed to read, and were never interrogated or told whether they faced any charges. He was then taken back to First Aswan police station, where he remained held for 10 days before being transferred to Second Aswan police station, where he was detained for nine days. He was then transferred to Abu Simbel police station, from where he was deported seven days later.

6. CRUEL AND INHUMAN CONDITIONS OF DETENTION

Amnesty International found that refugees were held in cruel and inhuman conditions in police stations as well as makeshift detention centres controlled by the Border Guard Forces, violating the absolute prohibition of torture and other ill-treatment. The authorities also failed to provide adequate healthcare to detainees, including to those with chronic and other serious health conditions, and some were transferred from hospitals, where they were receiving treatment for serious injuries, to detention facilities before fully recovering and against medical advice.

6.1 DETENTION FACILITIES CONTROLLED BY THE BORDER GUARD FORCES

Border Guard Forces held Sudanese refugees at multiple makeshift detention facilities in Aswan governorate, in poor conditions.

According to two former detainees, border guards detained them together with dozens of others inside two dirty warehouses in a military site in Abu Simbel, for five to seven days. Photos and videos taken at the site in January 2024 show two adjacent warehouse sites: one used to detain men, and the other used to detain women and children. Satellite imagery also from January 2024 was used to verify the site's exact location based on the building entrances, roofs and activity seen outside.



Video/photo sources: Private
Image: 6 March 2024 © 2024 Planet Labs, Inc


↑ Satellite imagery from 6 March 2024, shows a walled military camp in Abu Simbel, Egypt, approximately 45km north of the Sudan border post, Qastal Land Port. Videos and photos of detainees, acquired by Amnesty International, were confirmed to have been taken inside two structures within the facility.

Photos shared with Amnesty International show dozens of women and children sitting on a dirty floor, with rubbish scattered in one corner. Former detainees told Amnesty International that the warehouse had a rat infestation and pigeon nests. They also described having to endure cold temperatures at night because of large, permanently open windows in the warehouse, without being provided with climate-appropriate clothes or blankets.

Videos of the men's warehouse show overcrowded conditions, with dozens of men cramped together on the floor with barely room to move. Former detainees, held there in January and February 2024, said that over a hundred Sudanese nationals were held in the warehouse at a time. They also described limited access to unhygienic and overflowing toilets. They said that male detainees only had access to toilets during the day when a guard would accompany them outside the warehouse. At night, detainees were forced to urinate in plastic bottles.

Israa described harsh conditions at another military site near Nagaa Al Karur village, where she was held with her mother for three days in January 2024. She said that women and children were held in a horse stable approximately 3x5m without doors, with two armed soldiers guarding them all the time. Amnesty International reviewed pictures of the site, shared by former detainees, showing women and children sitting on the ground in a stable with arched openings. Satellite imagery and testimony describing an area filled with minibuses and trucks suggest that they were held in a building on the east side of the military site. The men were constantly locked in a separate room with a toilet. Israa only witnessed two men being exceptionally allowed to leave the room to briefly see their wives and children.



 ↑ Satellite imagery from 20 March 2024 shows the area where witnesses were detained in Nagaa Al Karur, Egypt. Testimony describing the location and photos from inside the building – including the presence of a thatch roof – suggest they were held in a structure on the east side of the complex.

Israa told Amnesty International that Samia, another Sudanese woman detained at the site at the same time, managed to send her location to a relative in Cairo, who visited the site twice on two consecutive days, but guards denied that Samia was there and claimed that no individuals were detained at the site, subjecting Samia to an enforced disappearance.

Mohsen, who was held for about 24 hours in January 2024 at a Border Guard Forces' checkpoint in Aswan, described to Amnesty International extreme overcrowding and poor ventilation. He said that he was held with 46 other men at a room measuring about 4m², with two tiny cracks for ventilation, making it very difficult for detainees to breathe. He added that the 46 men were only given a packet of biscuits to eat for the full day.

Former detainees held at the three facilities said that all the refugees, including pregnant women and older people, had to sleep on the ground as no mattresses were provided.

Amnesty International found that at least 11 children, seven aged between four and 10 and four under the age of four, were detained with their mothers at these military sites. Under international law, the detention of children is never in their best interests and should not be justified based on maintaining family unity. Children should never be detained for their migration status.

The three former detainees highlighted the lack of health facilities and the failure of the authorities to provide access to adequate healthcare, including for serious and chronic conditions. For instance, Israa who has asthma, told Amnesty International that guards at the site near Nagaa Al Karur ignored her request for an inhaler, which she asked them to buy at her own expense. Israa said that medical staff came to the centre once but did not examine all those detained and provided no medication to any of those examined. She added that she witnessed the authorities transferring a refugee woman who was bleeding from her uterus to

a hospital, but, despite warnings from doctors, brought her back the same day before she had fully recovered and where she was forced to sleep on the floor.

Ahmed told Amnesty International that detaining authorities at the Abu Simbel facility failed to provide his two-year-old child with any treatment for chest infections and refused to transfer him for treatment to an outside hospital.

6.2 DETENTION FACILITIES CONTROLLED BY POLICE

Former detainees held by the police in Aswan, including at First and Second Aswan police stations, the Kom Ombo police station, the Edfo police station and Shallal Central Security Camp consistently described being confined in overcrowded, poorly ventilated cells and denied sufficient and nutritious food and access to adequate healthcare.

Those held in First and Second Aswan police stations and Shallal Central Security Camp told Amnesty International that they received only one meal per day, typically consisting of bread, small triangles of cheese and packaged cheese to be shared by four to five refugees.

Anwar, who was detained between December 2023 and January 2024, described how the food in Shallal Central Security Camp was inedible:

“Very very very stinky, no human being can eat this food. We had to order food from outside through bribing the prison guard but not everyone had money to do so.”

Mohsen also told Amnesty International that in Second Aswan police station, refugees could purchase additional food with their own money if they bribed guards. He said that officials shrugged their complaints about the quantity of food, saying: “this is what we have, buy food for yourself.”⁶⁸

Those interviewed by Amnesty International complained about being forced to sleep on the floor in overcrowded cells in First and Second Aswan police stations and Shallal Central Security Camp. Mohsen told Amnesty International that in Second Aswan police station, over 100 refugees were kept in a single room measuring about 4x8m, forcing them to sleep in two shifts as there was no space for all detainees to lie down at the same time. He said that even though there were air conditioners and one air vent, detainees struggled to breathe due to the small space and large number of detainees. He also said that authorities occasionally turned off the vent as punishment for fights between detainees.

In some instances, the police subjected Sudanese refugees to racist insults. Ibrahim recounted to Amnesty International how policemen at Shallal Central Security Camp mistreated detained Sudanese refugees:

“Some policemen at Shallal camp would target Sudanese detainees with darker skin tones, assuming they hailed from Darfur [a region in western Sudan] and label them as thieves, attributing various troubles in Egypt to them. Those with lighter skin tones were often presumed to be from northern parts of Sudan and branded as smugglers. When Sudanese detainees attempted to communicate with the policemen in their dialect and were not understood, they were met with curses. For instance, one individual asked a policeman for permission to call his family so they wouldn't worry about him. The policeman was unable to comprehend the Sudanese dialect, crudely dismissed him, saying, 'Get lost, you son of a bitch.'”⁶⁹

Mousa, who was arrested on 26 December 2023 in 6th of October city, told Amnesty International that it was common for Sudanese detainees to be verbally insulted during most interactions with policemen at a police station in 6th of October city, where he was held for 30 days. He also said that one officer mockingly asked

⁶⁸ Interview by voice call with Anwar (real name withheld for security reasons), 20 March 2024.

⁶⁹ Interview by voice call with Ibrahim (real name withheld for security reasons), 26 February 2024.

him and other Sudanese detainees “why they come to Egypt while they should remain in Sudan to fight in their homeland.”⁷⁰

According to information gathered by Amnesty International, authorities failed to ensure that detainees had adequate access to healthcare, including medication. Even in cases where Sudanese refugees received treatment for life-threatening injuries, generally sustained during road accidents on their journeys from Sudan, their treatment was interrupted against medical advice and before they fully recovered. Amnesty International learned from one medical source that in January 2024 at least 20 patients were handcuffed to their beds in public hospitals in Aswan, despite having serious injuries. Among them was Amira, a 32-year-old Sudanese woman who fled Khartoum with her mother and was receiving treatment at an Aswan hospital following a fatal car crash on 29 October 2023 on the road from the border near Shalateen to Aswan. Her mother had been instantly killed and six others were injured in the crash.

Nora, one of Amira’s relatives, recounted Amnesty International:

“My relative was injured in the accident and suffered fractures to the neck and the back. The doctors [in Aswan] carried out surgeries to treat these fractures and later discovered another issue in her throat, so they operated again. During her stay in the hospital, the policemen handcuffed her to the bed most of the time. The doctors said that she needed three months of medical care, but the police transferred her to a police station in Aswan after only 18 days. She was sleeping on the ground [at the police station] for around 10 days. In Sudan, the doctors who saw her said that she should have never slept on the ground after the first surgery and that this caused some complications in her condition.”⁷¹

A medical source in a public hospital in Aswan recounted witnessing the police transferring a Sudanese patient in a serious condition to a police station before the treatment was complete:

“This man survived a car accident on his way to enter Egypt irregularly [from Sudan]. When he was brought to the hospital, he had an open fracture in his leg, for which he needed surgery. On the same day of the surgery, the police transferred him to a police station in Aswan although he required at least one week of medical care. He would need specific medication, injections, and changing the dressing on the wound every day and I don’t think he would receive such care in the police station. The police kept him handcuffed to his bed all the time, except when he was eating.”⁷²

Ibrahim and Anwar, who were held in Shallal Central Security Camp in January 2024, told Amnesty International that a doctor used to attend weekly and examine the detainees, but treated all ailments with painkillers only. Ibrahim said that infections and skin conditions were common among detainees in his cell, but doctors continued to give them painkillers and only rarely ointment.

According to the information collected from Mohsen and other informed sources, in Second Aswan police station a doctor examined the detainees three times a week but did not provide them with treatment or medication. Mohsen said that he had to bribe a guard to buy him flu medication when he fell ill in January 2024.

As a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), Egypt is obliged to respect, protect and fulfil “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” In its General Comment No. 14, the Committee on Economic, Social and Cultural Rights stated: “In particular, States are under the obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees.”⁷³ In General Comment No. 36 on the right to life, the Human Rights Committee clarified the obligation of state parties (which include Egypt) to the ICCPR to: “... assume the responsibility to care for their [individuals deprived of liberty] life and bodily integrity, and they may not rely on lack of financial

⁷⁰ Interview by voice call with Mousa (real name withheld for security reasons), 18 April 2024.

⁷¹ Interview by voice call with Nora (real name withheld for security reasons), 20 February 2024.

⁷² Interview by voice call with a medical source in a public hospital in Aswan, 26 February 2024.

⁷³ UN Committee on Social, Economic and Cultural Rights, General Comment No. 14: The Right to the Highest Attainable Standard of Health, UN Doc E/C.12/2000/4.

resources or other logistical problems to reduce this responsibility... The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriate regular monitoring of their health.”⁷⁴

⁷⁴ UN Human Rights Committee, General Comment No. 36 on article 6 of the International Covenant on Civil and Political Rights (ICCPR), on the right to life, UN Doc CCPR/C/GC/36, para. 25.

7. COLLECTIVE EXPULSIONS AND OTHER UNLAWFUL DEPORTATIONS

The exact number of Sudanese nationals arrested and deported since the outbreak of the conflict in Sudan is not known as Egyptian authorities fail to provide statistics and have not publicly acknowledged their policy on removals. However, on 13 June 2024, an unnamed security official at Qena Security Directorate was quoted in the local media as reporting the arrest of Sudanese nationals boarding buses in Qena governorate, south Egypt, because they did not carry valid residence permits.⁷⁵ The authorities then deported the group, according to Cairo 24, a local news website.⁷⁶ On the same day, 13 June 2024, the Sudanese News Agency reported the expulsion of 721 Sudanese nationals from Egypt to Sudan through Argeen border crossing.⁷⁷

In its response to Amnesty International, the NCHR denied Amnesty International's findings on the rise in the number of arrests and deportations of Sudanese people since September 2023, saying that authorities act in accordance with their obligations under international law. According to UNHCR, between April and September 2023, the agency recorded over 5,000 deportations, mostly of Sudanese people including registered refugees, from Egypt to Sudan due to expired legal documentation and/or lack of residency status.⁷⁸ In September 2023 alone, the agency recorded more than 3,000 deportations. It said that roughly 1,600 Sudanese people were reportedly deported from Egypt in November, including registered refugees.⁷⁹ Since then, UNHCR has not publish further statistics on deportations from Egypt to Sudan. Amnesty International documented in detail the deportations of 26 Sudanese refugees, who were collectively expelled alongside an estimated 800 other Sudanese refugees between January and March 2024.

All deportations documented by Amnesty International were carried out without individualized assessments of risk of persecution or other human rights abuses if forcibly returned. All those deported were denied the opportunity to challenge deportation decisions and claim asylum, including by accessing UNHCR, or to access legal counsel. None of those interviewed by Amnesty International was permitted to review their

⁷⁵ Dostor, "هجرة غير شرعية. تفاصيل ضبط لاجئين سودانيين أثناء مرورهم بقنا", 13 June 2024, <https://www.dostor.org/4734827> (in Arabic).

⁷⁶ Cairo 24, "بسبب مخالفات الإقامة. ضبط 7 أتوبيسات لاجئين سودانيين وترحيلهم بقنا", 13 June 2024, <https://www.cairo24.com/2025224> (in Arabic).

⁷⁷ Sudan News Agency, "معبّر ارقين تستقبل أكثر من ٧٠٠ سودانيا مرحلا من مصر", 13 June 2024, <https://shorturl.at/EDJMK> (in Arabic).

⁷⁸ UNHCR, *Sudan | Protection Brief - September 2023*, 23 October 2023, <https://data.unhcr.org/en/documents/details/103952>

⁷⁹ UNHCR, *Sudan Situation - UNHCR External Update #38 - 4 December 2023*, 7 December 2023, <https://data.unhcr.org/en/documents/details/105271>

deportation order or informed of the exact entity responsible for their deportation. In all cases documented by Amnesty International, the refugees deported were only informed of their deportation verbally.

The Border Guard Forces also carried out collective expulsions of groups involving an estimated 400 Sudanese refugees without any due process.

Accounts by Sudanese nationals indicate that following arrest by the Border Guard Forces and transfer to military sites across Aswan governorate, officials recorded their names and, in some instances, took photographs of the individuals; and detained them for up to eight days before loading them onto military vehicles or buses and driving them to the Sudanese border.

For instance, Israa, who was arrested on 18 January 2024 by the border guards along with her mother and nearly 90 other Sudanese refugees near Kasarat, said that following their arrest they spent three days at a military site near the Arab Academy for Science, Technology & Maritime Transport before being transferred to the Abu Simbel military site. They were detained for about a week before being transported in overcrowded military vehicles or buses to the Qustul-Ashkeet border crossing, where they were handed over to Sudanese authorities. Israa said:

“When we told the officers at this military site near the Arab Academy for Science, Technology & Maritime Transport that we wanted to register with UNHCR, they informed us that they were collecting our information to facilitate the procedures of our registration with UNHCR. These were apparently just lies.”⁸⁰

Border Guard Forces also expelled Ahmed, his wife and two-year-old child together with a group of roughly 200 detainees, including children and women, on 26 February 2024, after detaining them for six days at the Abu Simbel military site.

Even prior to the influx of Sudanese refugees into Egypt following the outbreak of the armed conflict in Sudan in April 2023, UNHCR raised concerns that individuals in need of international protection in “detention facilities or border points in Egypt have no access to asylum procedures and are often at imminent risk of deportation.”⁸¹

In one case documented by Amnesty International, border guards handed over a group of about 100 refugees they had arrested in January 2024 outside Aswan city, to First Aswan police station after detaining them for one night at a Border Guard Forces’ checkpoint in Aswan. One of the refugees, Mohsen, told Amnesty International that for the next 19 days he was transferred between various police stations in Aswan, before being taken together with the 46 other refugees to Abu Simbel police station where they were held for seven days before their deportation. He said that on the day of deportation, the police forced him and nearly 400 other Sudanese refugees into 10 large police vans and drove them to Qustul-Ashkeet border crossing, where they handed the refugees over to Sudanese authorities. Mohsen said that during the transfer, he was handcuffed to another refugee. He added that several detainees urged the border guards at the checkpoint in Aswan not to return them to Sudan, but the guards responded, “This is not going to happen. There are orders to deport everyone.”

Amnesty International found that those arrested and deported by the police were also denied the opportunity to challenge their deportation, claim asylum or access legal counsel. In all cases documented by Amnesty International, the police took them for questioning by the prosecution in Aswan within days of their arrest, and subsequently transferred them to the General Administration of Passports, Immigration and Nationality in Aswan after the prosecution had ordered their release. There, officials briefly questioned the refugees about how they entered Egypt and gathered some biographical information, including their professional occupations. Those deported told Amnesty International that they remained handcuffed in the police vans during transfer to the General Administration of Passports, Immigration and Nationality and during their questioning by officials.

⁸⁰ Interview by voice call with Israa (real name withheld for security reasons), 4 March 2024.

⁸¹ UNHCR, “UNHCR Egypt Detention Prevention and Response (November 2022)”, 1 December 2022, <https://reliefweb.int/report/egypt/unhcr-egypt-detention-prevention-and-response-november-2022>

In preparation for their deportation, police transferred Sudanese refugees detained in police stations, including Mohsen and the group who were arrested by the Border Guard Forces, to the Sudanese consulate in Aswan, where they were issued emergency travel documents. Amnesty International reviewed one such document, which was titled “Emergency Travel Document for a Deportee” and included the person’s name, date and place of birth, occupation, national identity number, date and place of issuance. Following the issuance of the travel documents, the police immediately transferred the refugees back to detention. Some deportees remained in detention for up to 25 days after their travel documents were issued by the Sudanese consulate and before their deportation.

On the day of deportation, the police forced refugees into police vans and drove them to the Qustul-Ashkeet border crossing, where they handed them over to Sudanese authorities. Anwar told Amnesty International that he and all other male deportees remained handcuffed all the way to Sudan:

“They handcuffed us like we were dangerous criminals. They only removed the cuffs before handing us to Sudanese authorities not to show them that we were mistreated.”⁸²

Similar deportation procedures were followed for those arrested by the police in Greater Cairo. Mousa and Samir, who were arrested by the police on 26 December 2023 at a security checkpoint in 6th of October city, told Amnesty International that the authorities escorted them and two other Sudanese nationals with whom they were arrested to the General Department of Passports, Immigration and Nationality in Abbassia, Cairo, in early January 2024. There, officials briefly gathered some biographical information from the four. Samir added that officials forced him to fingerprint documents without allowing him to read them, while Mousa said he was not asked to sign or fingerprint any documents.

While Samir was released after 30 days, Mousa and the other two Sudanese nationals were forcibly returned to Sudan. Mousa told Amnesty International that the three were not escorted to the Sudanese consulate for travel documents. After they had been kept with Samir for 30 days at a police station in 6th of October city, the police transferred him and the other two Sudanese nationals to a police station in Red Sea governorate in south Egypt, before they were eventually transferred to Abu Simbel police station from where the authorities forced them, along with around 300 other Sudanese refugees, including women and children, into 11 police vans and drove them to the Qustul-Ashkeet border crossing and handed them over to the Sudanese authorities.

Relatives of five refugees deported by the police, following their arrest in Aswan or Cairo, told Amnesty International that their loved ones had scheduled appointments for their registration with UNHCR prior to their arrival in Egypt, hoping that this would protect them from deportation. However, none of the five was allowed to contact UNHCR following their arrest.

The principle of non-refoulement prohibits states from sending anyone to a place where they would be at real risk of serious human rights violations such as torture. This principle is enshrined in numerous international human rights instruments, to which Egypt is a state party, including the 1951 Refugee Convention and its 1967 Protocol and the Convention against Torture and other Cruel, Inhuman, Degrading Treatment or Punishment, and additionally forms part of customary international law. Collective expulsions are prohibited under international law. Any expulsion decision must be assessed on an individual basis and be subject to procedural safeguards, including the ability to challenge individually the decision to deport, access legal counsel, and access a review of the deportation decision. Deporting individuals without carrying out individual risk assessments of real risks of human rights violations they would face upon their return can amount to refoulement.

In May 2023, UNHCR called on states to suspend the forcible return, as a minimum standard, of any nationals or stateless persons who used to live in Sudan even if their asylum claims were rejected.⁸³ It added that this suspension needs to remain in place until the security situation in Sudan significantly improves to permit a safe and dignified return.

⁸² Interview by voice call with Anwar (real name withheld for security reasons), 20 March 2024.

⁸³ UNHCR, *UNHCR Position on Returns to Sudan*, 9 May 2023, <https://data.unhcr.org/en/documents/details/100562>

Amnesty International has long documented violations against refugees, asylum seekers and migrants in Egypt, including the arbitrary detention of Syrians, Palestinians,⁸⁴ Sudanese,⁸⁵ and Eritreans⁸⁶ solely for their migration status; and hundreds of forced returns of individuals to places where they are at real risk of serious human rights violations, including Eritrea⁸⁷ and China.⁸⁸

⁸⁴ Amnesty International, “Scores of Syrian and Palestinian refugees at imminent risk of deportation from Egypt”, 14 November 2014, <https://www.amnesty.org/en/latest/news/2014/11/scores-syrian-and-palestinian-refugees-imminent-risk-deportation-egypt/>

⁸⁵ Amnesty International, “Egypt: Protests by Sudanese migrants and refugees over brutal killing of a child met with violence and arrests”, (previously cited).

⁸⁶ Amnesty International, “Egypt: Eritreans at imminent risk of deportation”, 25 March 2022, <https://www.amnesty.org/en/latest/news/2022/03/egypt-eritreans-at-imminent-risk-of-deportation/#:~:text=Worrying%20rise%20in%20deportations.between%20October%20and%20December%202021>

⁸⁷ Amnesty International, “Eritrean asylum-seekers face deportation from Egypt”, 19 December 2008, <https://www.amnesty.org/en/latest/news/2008/12/eritrean-asylum-seekers-face-deportation-egypt-20081219/>

⁸⁸ Amnesty International, “Egypt: Uighur students at risk of forcibly return to China” (Index: MDE 12/6681/2017), 7 July 2017, <https://www.amnesty.org/en/documents/mde12/6681/2017/en/>

8. CONCLUSION AND RECOMMENDATIONS

Since the outbreak of the armed conflict in Sudan in April 2023, the Egyptian authorities have subjected Sudanese refugees to arbitrary arrest and detention solely based on their immigration status or for crossing the Sudan-Egypt border irregularly. Despite the raging conflict and catastrophic humanitarian situation in Sudan, thousands of the refugees have been forcibly returned, without the possibility to claim asylum or any individualized assessment of risk, in violation of the principle of non-refoulement. Prior to their forced returns, Egyptian authorities have held refugees, including pregnant women, children and older people, in inhumane conditions at police stations or makeshift detention facilities, under the control of the Border Guard Forces of the military, and denied them access to adequate medical care. The Egyptian Border Guard Forces are part of an ongoing border management agreement with the EU that claims to apply “rights-based, protection oriented and gender sensitive approaches.”⁸⁹Tens of thousands of other undocumented Sudanese nationals, including those awaiting registration appointments with UNHCR, remain at risk of arbitrary detention and forced returns.

The crackdown on Sudanese nationals on immigration grounds is taking place against a backdrop of rising racist and xenophobic speech, particularly through traditional and social media, laying the blame on foreign nationals for the country’s economic woes, and statements by top Egyptian officials about the economic “burden” of hosting a large number of refugees.

These violations are happening within the context of Egypt’s longstanding and deep-rooted human rights crisis, and the authorities’ disregard of its international human rights obligations. Meanwhile, the EU has announced a strategic partnership with Egypt that includes an assistance package of €7.4 billion, which, among other things, will contribute to combating irregular migration.

In light of these findings, Amnesty International makes the following recommendations to the Egyptian authorities and the EU and its member states.

To the Egyptian authorities

- Lift all entry restrictions for displaced Sudanese who are fleeing the armed conflict in Sudan and seeking safety in Egypt.
- End the arbitrary arrest and detention of Sudanese nationals solely based on their immigration status or their irregular entry to the country; and immediately release all those arbitrarily detained. Pending their release, ensure that they are held in conditions in line with the international standards on the treatment of prisoners, and have access to their families, lawyers and any medical care they might require.

⁸⁹ European Commission, “Action Document for strengthening the operational capacity of the Egyptian Coast Guard and Egyptian Border Guards to manage migration flows through effective border surveillance and search and rescue at land and sea”, (previously cited)

- Ensure that all Sudanese nationals, including those held at border points and in detention facilities controlled by the police or Border Guard Forces, have access to UNHCR and are able to apply for international protection.
- Immediately halt all collective expulsions and other forced returns to Sudan and respect the principle of non-refoulement by not transferring anyone to a country such as Sudan where they would be at real risk of serious human rights violations.
- Conduct prompt, impartial, independent and thorough investigations into all allegations of torture or other ill-treatment against Sudanese refugees, and ensure that all public officials against whom there is sufficient admissible evidence are prosecuted in fair trials.
- Amend Law No. 89 of 1960 to end administrative and indefinite detention pending removal of foreign nationals, to ensure that migration-related detention is only imposed as a matter of last resort and when legal, proportionate and necessary.
- Immediately halt the detention of accompanied or unaccompanied children on migration-related grounds, and prohibit such detentions in law and practice.
- Amend relevant legislation and practice to ensure access to asylum procedures and individualized assessment of the protection needs of all foreign nationals, without discrimination, regardless of their status and country of origin.
- Ensure respect for procedural safeguards for all foreign nationals subject to deportation, including: access to fair and transparent procedures; and the ability to challenge individually the decision to deport, access competent interpretation services and legal counsel, and access a review of a negative decision. Ensure the right to fair trial of all detained migrants and refugees, including the right to be informed of the reasons for arrest, the right to have a lawyer of their choosing and adequate defence, and the right to challenge the legality of their detention.

To the EU and member states

- Ensure that the human rights of migrants, asylum seekers and refugees are central to the development and implementation of any migration cooperation agreements with Egypt.
- Ensure that any engagement with Egypt on border control and migration includes human rights safeguards, follows rigorous human rights risk assessments on the human rights impact of agreements, and develops concrete benchmarks, indicators and conditions to this end.
- Ensure that transparent monitoring and accountability mechanisms are in place. If abuses occur, ensure that cooperation is suspended until the abuses are rectified, and ensure that such cooperation does not facilitate further violations of the rights of refugees and migrants, including through public reporting of the outcomes of such monitoring.
- Commission an independent review of the human rights impacts of the existing migration cooperation agreements with Egypt, including the 2022 agreement financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI), and make the results public.
- As a major donor to UNHCR, urge the Egyptian government to adopt concrete and verifiable measures to protect the rights of refugees and migrants, including by releasing all those arbitrarily detained solely due to their migration status, ensuring that UNHCR has unimpeded access to all places of detention where refugees, asylum seekers and migrants are held, and allow them to make their international protection claims and have these fairly assessed.
- Commit to global responsibility-sharing and to facilitating safe and regular migration pathways to the EU, which remain too limited and inaccessible. States should implement and increase resettlement pledges and expand alternative pathways for people in need of international protection – including humanitarian visas, refugee labour and student mobility schemes, and community sponsorship initiatives. They should also expand and diversify the availability of regular pathways for those who wish to migrate, including for employment, study and family reunification.
- Support efforts to establish a monitoring and reporting mechanism on Egypt at the UN Human Rights Council.

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“HANDCUFFED LIKE DANGEROUS CRIMINALS”

ARBITRARY DETENTION AND FORCED RETURNS OF SUDANESE REFUGEES IN EGYPT

Since September 2023, Egypt’s Border Guard Forces and police have carried out mass arbitrary arrests of Sudanese people who fled the ongoing armed conflict in Sudan for irregularly entering or staying in Egypt. The Egyptian authorities held women, men and children in cruel and inhuman conditions, including in warehouses or horse stables, pending their forced return to Sudan without giving them the opportunity to claim asylum or to challenge their deportation.

With the conflict in Sudan continuing, tens of thousands of undocumented Sudanese refugees in Egypt remain at risk of arbitrary arrest, detention in appalling conditions and forced return to Sudan. Despite Egypt’s abysmal human rights record including violations against refugees and migrants, the EU announced in March 2024 a strategic partnership agreement with Egypt, involving a €7.4 billion aid and investment package that seeks, among other things, to deepen cooperation over migration and border control.

Egyptian authorities must immediately stop all forced returns of Sudanese nationals, and facilitate the safe and dignified passage of people fleeing conflict in Sudan. The EU must ensure any engagement with Egypt on border control and migration includes human rights safeguards and follows rigorous human rights risk assessments on the human rights impact of agreements.