

For Immediate Release

Egypt: Don't Return Eritrean Asylum Seekers at Risk
Allow UNHCR Access to Detained Migrants

(New York, December 19, 2008) - Egypt should under no circumstances deport Eritrean asylum seekers now in detention without first allowing the UN refugee agency access to assess their refugee claims, Human Rights Watch said today.

Egyptian authorities are currently detaining around 98 Eritrean migrants in the Nakhil detention center in the North Sinai, near the city of al-Arish. According to one lawyer familiar with their cases, at least 40 of them have said that they do not wish to return, while another said that many wished to make asylum claims.

Eritrean embassy officials have been visiting the group for the past month, and last week began taking pictures and filling out forms of all detainees in preparation for their deportation. By contrast, the Cairo office of the UN High Commissioner for Refugees (UNHCR) has had no access to Nakhil or other places of detention in the Sinai where Egypt is holding large groups of Eritreans and migrants of other nationalities.

"It is outrageous for the Egyptian authorities to give Eritrean embassy officials access to their nationals who may fear persecution at the hands of this government while barring the UN agency that should review their asylum claims," said Joe Stork, deputy Middle East and North Africa director at Human Rights Watch. "That can impact the well-being of their families still in Eritrea, and calls into serious question the voluntary nature of any decision to return to Eritrea."

Embassy officials have a proper role to play to facilitate voluntary repatriation of their nationals or to facilitate deportation, Human Rights Watch said, but only after the prospective deportees have had the opportunity to seek asylum and refugee authorities have determined that they do not require international protection. Allowing embassy officials access to detained asylum seekers violates their right to a confidential examination of their claims.

Egypt is obliged under international human rights law and refugee law not to return any asylum seeker to a country where they face the risk of torture or persecution. That obligation includes allowing UNHCR access to all asylum seekers in custody, including those not yet registered with UNHCR who claim a need for international protection.

Under the terms of a 1954 memorandum of understanding, Egypt devolved all responsibility for refugee status determination to UNHCR. Under these circumstances, Egyptian officials need to ensure that UNHCR has access to all detained migrants to give them the opportunity to present asylum claims. Only after that process has been properly concluded would Egypt be within its rights to consider deporting those who fall outside the protection of international refugee law.

As a state party to the Convention Against Torture and the International Covenant on Civil and Political Rights (ICCPR), Egypt cannot return refugees to countries where they have a well-founded fear of torture, or

to third countries that might not respect that prohibition. Eritrean migrants face incommunicado detention and torture if forcibly returned to Eritrea, as the Eritrean government regards people who flee Eritrea as having "betrayed" their country.

In June 2008, Egypt summarily returned to Eritrea up to 1,200 undocumented Eritreans who had crossed into Egypt over its southern border with Sudan, despite the substantial risk of torture and ill-treatment they faced upon return to Eritrea. Egypt at that time rejected repeated UNHCR appeals not to send them back. According to Eritrean and international human rights organizations, Eritrea detained 740 of those returnees at a military prison.

Egyptian authorities are holding hundreds of refugees and migrants arrested for "illegal entry" in detention centers in Aswan, New Valley, Red Sea, and North Sinai governorate. UNHCR guidelines state that asylum seekers should be detained only as a last resort.

Egypt has also denied UNHCR access to all 139 African migrants who had crossed the Sinai into Israel and whom Israel returned to Egyptian custody. In a report released in November 2008 (<http://www.hrw.org/en/reports/2008/11/12/sinai-perils-0>), Human Rights Watch described the desperate situation that drives many migrants to attempt the dangerous crossing through Sinai. The organization also called on the Egyptian government to conduct a thorough and impartial investigation into the fatal shootings and beatings by Egyptian border police of at least 32 unarmed African migrants who tried to cross the Sinai border into Israel.

For more of Human Rights Watch's work on Egypt, please visit:
<http://www.hrw.org/en/middle-eastn-africa/egypt>

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