

HUMAN RIGHTS WATCH

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HRW.org

Prime Minister Mostafa Madbouly
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CC:
Mr. Khaled al-Baqly,
Deputy Assistant Minister of Human Rights Affairs, Ministry of Foreign
Affairs

Mr. Diaa Rashwan, Chairman of the State Information Services,

National Council for Human Rights

May 23, 2022

**Re: Egypt's Policy Towards Palestinians in Gaza Traveling Through
Rafah**

Prime Minister Madbouly,

Your Excellency,

I am writing on behalf of Human Rights Watch, a nongovernmental organization whose work involves investigating and documenting violations of international human rights and humanitarian law by states and non-state armed groups in over 90 countries around the world.

Human Rights Watch's research team that is focused on Israel and Palestine has been investigating restrictions Palestinians face while seeking to exit the Gaza Strip. We intend to publish our findings in the near future.

To ensure our reporting is fair and accurate, we seek your response to several questions regarding Egypt's policy towards Palestinians in Gaza traveling through the Rafah Crossing. In order to be able to reflect your views and information in our forthcoming reporting, we

would appreciate if you could provide us with a reply **by Sunday, June 5.**

Our preliminary findings indicate that Israeli authorities maintain sweeping restrictions and that Egyptian authorities, despite keeping Rafah Crossing open more regularly since May 2018, making it the primary outlet to the outside world for Gaza residents, have imposed onerous obstacles that exacerbate the harm caused by the Israeli closure. According to interviews we conducted with Gaza residents who traveled through Rafah, those obstacles include lengthy delays, denial of entry, and mistreatment of travelers.

Travelers can apparently avoid those obstacles and travel more expeditiously by paying hundreds of US dollars for *tanseeq* or travel in coordination with Egyptian authorities. While Egypt's legal obligations in this regard are more limited than those of Israel, as a state party to the Fourth Geneva Convention, Egypt has an obligation to ensure respect for the convention in "in all circumstances," including protections for civilians living under occupation who are unable to travel due to unlawful restrictions imposed by the occupying power. Egyptian authorities should also consider the impact of their border closure on the rights of Palestinians living in Gaza who are unable to travel in and out of Gaza through another route, including the right to leave a country.

To better understand and reflect the perspective of the Egyptian government on these issues, we would appreciate answers to the following questions:

1. How many exits of Palestinians through Rafah have Egyptian authorities recorded since May 2018? If possible, please break down the data by month and year.
2. The Egyptian authorities frequently refer to security reasons when closing the Rafah Crossing, but without elaborating on the specific security considerations. What are the main security concerns in this regard? Have Egyptian authorities considered less restrictive means of addressing their security concerns? What are the additional factors, if any, that provide basis for opening and closing Rafah?
3. Do Egyptian authorities maintain criteria that restrict who they permit to travel via the Rafah crossing? If so, what are those criteria? Do authorities deny entry to all those who do not fit within those criteria or do officers have discretion on who is permitted entry?
4. Do Egyptian authorities expedite requests to travel for those Palestinians who pay for *tanseeq*? Do different criteria for entry apply to those who pay *tanseeq*? If so, in what way do they differ? Are officers instructed to treat those who pay *tanseeq* differently than others? Do those who pay for *tanseeq* receive any other services?
5. Do Egyptian authorities, armed forces or the police have any links to Ya Hala, Sinai Sons, and other companies that offer *tanseeq* services? Do Egyptian

- authorities receive any part of the revenue those companies generate as a result of their activities? What, if any, arrangements or guarantees have authorities offered these companies?
6. Have authorities investigated allegations of payment of bribes to Egyptian officials for the purpose of facilitating travel and a faster response to entry applications? If so, what was the outcome of those investigations? Was anyone sanctioned and, if so, what was the sanction?
 7. Some people Human Rights Watch interviewed spoke of long delays in traveling between Rafah and Cairo that can turn a ride of seven hours into a journey that can last 2-3 days, in large part due to government closures, checkpoints, and other obstacles. How do Egyptian authorities respond to these claims? What would be the justification for such delays? Have authorities explored how crossing and onward travel from Rafah to Cairo could be expedited?
 8. Some people Human Rights Watch interviewed said that Egyptian police do not allow Gaza residents to use their mobile phones on the journey from Rafah to Cairo. Is this accurate? If so, what is the justification for this policy?
 9. Have authorities received and investigated allegations of mistreatment by Egyptian officers of Palestinians traveling from Rafah to Gaza, in particular, since May 2018? If so, what was the outcome of those investigations? Was anyone sanctioned and, if so, what was the sanction?
 10. Some people Human Rights Watch interviewed alleged that Egyptian police have confiscated their personal items without justification and not returned them. Do Egyptian authorities maintain a list of items that they permit to cross through Rafah? If so, what items are on that list? What is the procedure when an item is confiscated?
 11. Some people Human Rights Watch interviewed said that Egyptian authorities at Cairo Airport force travelers from Gaza to wait in a particular area, referred to as the “deportation room,” until their flights are ready for embarkation, or until their transportation back to Gaza is ready to depart. Is that accurate? If so, in what circumstances are they placed in the room?

We would be pleased to reflect the responses that you provide in our reporting if we receive a written response **by Sunday, June 5**. We would alternatively welcome a virtual or in-person meeting with you or appropriate colleagues, if possible within the same time frame.

Thank you for your attention to these important matters. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,



Eric Goldstein
Deputy Director
Middle East and North Africa Division
Human Rights Watch

