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WATCH

“I Wanted to Lie Down and Die”

Trafficking and Torture of Eritreans in Sudan and Egypt



“I Wanted to Lie Down and Die”

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A Survivor's Story

The first group of kidnappers said I had to pay \$3,500. They blindfolded all of us and chained our hands and legs together. They threatened to remove our organs if we didn't pay. Even though my family paid, they didn't release me but instead sold me to a second group.

The second kidnappers said we had to pay them \$33,000 because they had bought us from the first group, so we had to help them get their money back.

They beat me with a metal rod. They dripped molten plastic onto my back. They beat the soles of my feet and then they forced me to stand for long periods of time, sometimes for days. Sometimes they threatened to kill me and put a gun to my head. They hung me from the ceiling so my legs couldn't reach the floor and they gave me electric shocks. One person died after they hung him from the ceiling for 24 hours. We watched him die.

Whenever I called my relatives to ask them to pay, they burnt me with a hot iron rod so I would scream on the phone. We could not protect the women in our room: they just took them out, raped them, and brought them back. They hardly let us sleep and I thought I was going to die but in the end a group of us managed to escape.

Human Rights Watch interview, November 14, 2012, with a 23 year-old Eritrean man kidnapped by traffickers near Sudan's Shagarab refugee camp in March 2012. These traffickers handed him over to Egyptian traffickers in southern Egypt, who held him in Sinai with 24 other men and eight women for six weeks.

A Trafficker's Story

I buy Eritreans from other Bedouin near my village for about \$10,000 each. So far I have bought about 100. I keep them in a small hut about 20 kilometers from where I live and I pay two men to stand guard. I torture them so their relatives pay me to let them go. When I started a year ago, I asked for \$ 20,000 per person. Like everyone else I have increased the price. I know this money is haram [shameful], but I do it anyway. This year I made about \$200,000 profit.

The longest I held someone was seven months and the shortest was one month. The last group was four Eritreans and I tortured all of them. I got them to call their relatives and to ask them to pay \$33,000 each. Sometimes I tortured them while they were on the phone so the relatives could hear them scream. I did to them what I do to everyone. I beat their legs and feet, and sometimes their stomachs and chest, with a wooden stick. I hang them upside down, sometimes for an hour.

Three of them died because I beat them too hard. I released the one that paid. About two out of every 10 people I torture pay what I ask. Some pay less and I release them. Others die of the torture. Sometimes when the wounds get bad and I want them to torture them more, I treat their wounds with bandages and alcohol.

I beat women but not children and I have not raped anyone. My parents don't know I do this and I don't want them to know. I'm not interested in speaking to anyone who wants me to stop doing this. The government doesn't care so I don't mind talking to you. The police won't do anything to stop us because they know that if they come to our villages we will shoot. The military might try to get us, but I am young so I don't think about that.

I first started doing this because I had no money but saw others making lots of money this way. I know about 35 others who sell or torture Eritreans in Sinai. There are 15 just near my house, living close to each other. We are from different tribes. Some just buy them and sell them on to others, and some of us torture them to get even more money.

Human Rights Watch interview with a 17 year-old trafficker near the town of Arish, Sinai, November 6, 2012.

A Witness's Story

When I see the detainees [former trafficking victims detained in Sinai police stations], I see burn marks on hands and arms, I see cigarette burn marks on their cheeks. Some have dislocated wrists and broken fingers. They tell me it is because the traffickers bend the wrists and fingers backwards and into other bad positions. In some cases I saw amputated fingers, usually the middle finger. Some have head injuries. Some can't walk because the kidnappers tied them up for so long or beat them on the soles of their feet or legs and they need someone else's help to stand.

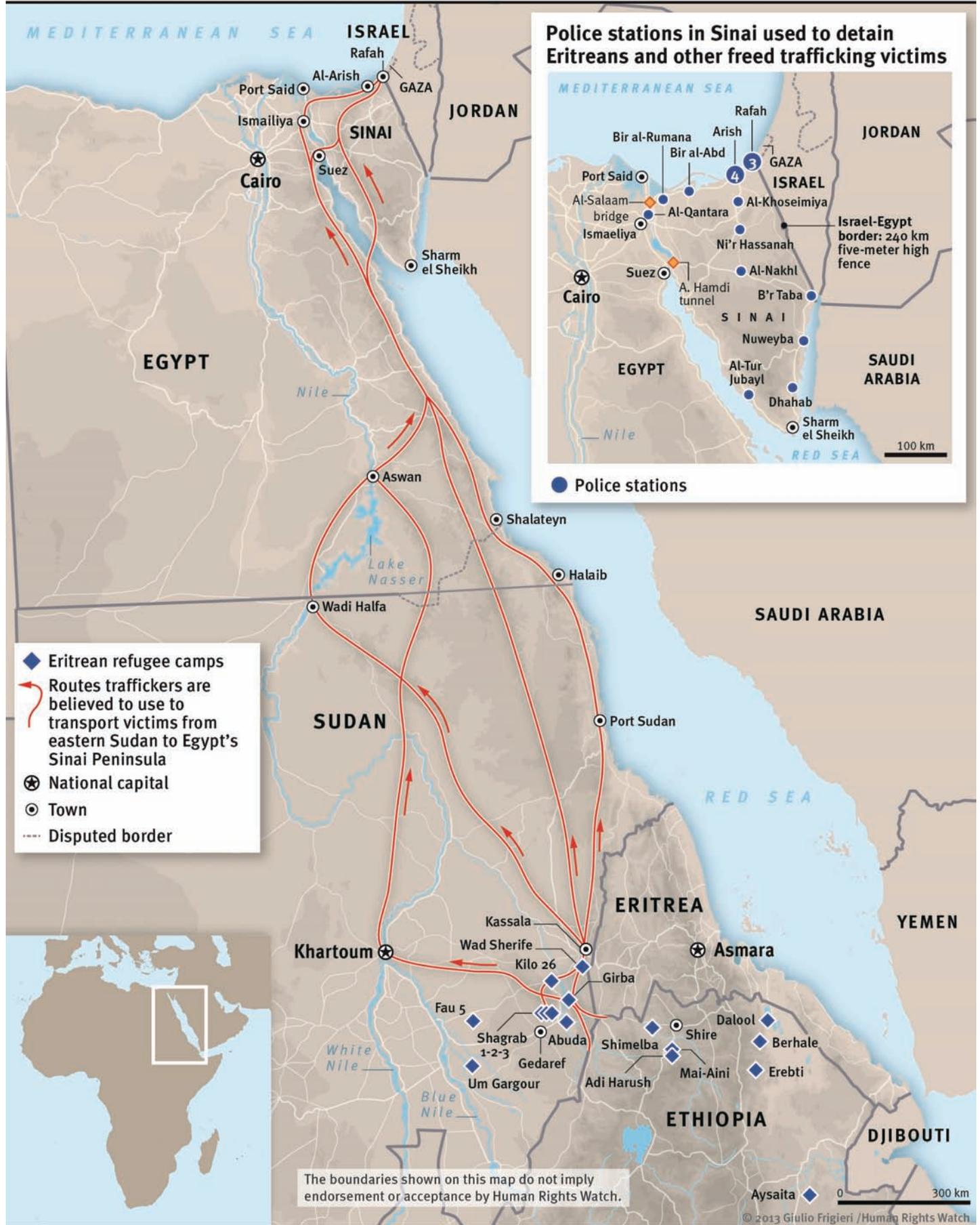
When I ask about the injuries, Eritreans always tell me what happened to them. Most women say the kidnappers raped them and they are ashamed. Some of them tell me only indirectly, for example by saying they missed their period. They tell me the traffickers gave them electric shocks, hung them from the ceiling by the hands, sometimes with their hands tied behind their backs, beat them all over their body, including their head.

Many are obviously traumatized because of the torture. Many are dehydrated and have lost a lot of blood.

The police don't take people to hospital. Some detainees tell me the police refuse to take them and some say they saw other detainees die in the police station of their injuries. When I identify someone who is particularly badly injured I ask the police to take them to hospital. Sometimes they agree and sometimes they say no. And when I speak to doctors in the Arish hospital, some of them ask me why they should treat migrants who are trying to get to Israel where they will be turned into fighters and then attack Egypt.

Confidential Human Rights Watch interview, November 7, 2012.

Map of key locations and routes relating to trafficking and abuse of Eritreans



Summary

To make us pay, they abused us. They raped women in front of us and left them naked. They hung us upside down. They beat and burnt us all over our bodies with cigarettes. My friend died in front of us and I wanted to lie down and die.

—Eritrean trafficking victim on the abuse he and others suffered at the hands of Egyptian traffickers in Egypt's Sinai Peninsula in early 2012.

We reached the checkpoint at the big bridge [at the Suez Canal] ... and I saw three traffickers get out and speak to the police. They checked other cars, but not our truck. The traffickers got back in and we crossed the bridge.

— Eritrean trafficking victim on what he saw from underneath the canvass in the back of a pickup truck at Egypt's only bridge for vehicles across the Suez Canal at al Qantara, July 2011.

Since 2006, tens of thousands of Eritreans fleeing widespread human rights abuses and destitution in their country have ended up in Egypt's Sinai Peninsula. Until 2010, they passed through Sinai voluntarily and generally without problems and crossed into Israel. But over the past three years, Sinai has increasingly represented a dead-end comprised of captivity, cruelty, torture, and death.

Since mid-2010, and as recently as November 2013, Sudanese traffickers have kidnapped Eritreans in eastern Sudan and sold them to Egyptian traffickers in Sinai who have subjected at least hundreds to horrific violence in order to extort large sums of money from the victims' relatives.

A common technique traffickers use is to hold a mobile phone line open to their hostages' relatives as they physically abuse their victims. The relatives hear the screams and the kidnapers demand the ransom for the victims' release. Many Eritreans have told the UN, non-governmental refugee organizations, activists, and journalists of their experiences of rape, burning, mutilation and deformation of limbs, electric shocks, and other forms of violence.



The mutilated hands of an Eritrean trafficking victim who says traffickers in Sinai abused him, permanently injuring his hands, to force his relatives to pay tens of thousands of dollars for his release. Victims have described to Human Rights Watch the techniques traffickers in Sinai used to force them and relatives to pay ransom, including rape, burning, mutilation of limbs, prolonged suspension by the ankles or wrists, and giving electric shocks. © 2013 Moises Saman/Magnum



An Eritrean trafficking victim recovers from skin transplant surgery in Cairo, Egypt after traffickers in Sinai chained her ankles causing a severe infection. Trafficking victims have described to Human Rights Watch and other NGOs how traffickers chained them—often to one another—for months on end, while abusing them, including by raping women in front of other trafficking victims. © 2013 Moises Saman/Magnum

In some cases, these crimes are facilitated by collusion between traffickers and Sudanese and Egyptian police and the military who hand victims over to traffickers in police stations, turn a blind eye at checkpoints, and return escaped trafficking victims to traffickers.

The crimes described in this report constitute trafficking offenses under international law with criminals transporting, transferring, and harboring Eritreans by using force or the threat of force for the purpose of slavery.

Sudan's very limited prosecutions of traffickers of Eritreans and other trafficking victims, and Egypt's failure to investigate and prosecute traffickers, as described in this report, means both countries are breaching their obligations under national and international anti-trafficking laws, international human rights law, and national criminal law. These require the authorities to prevent and prosecute trafficking and to guarantee the right to life and physical integrity of everyone on its territory.

The authorities also have an obligation to investigate any official suspected of colluding with traffickers who inflict severe pain and suffering, failing which they are in breach of the UN Convention Against Torture. To Human Rights Watch's knowledge, Egypt has not prosecuted a single official for such collusion while Sudan only prosecuted four officials in 2012 and 2013.

According to the UN Committee on Torture, which reviews State compliance with the Convention, where state officials have "reasonable grounds to believe ... that acts of torture or ill-treatment are being committed by ... private actors" and "fail to exercise due diligence to prevent, investigate, prosecute and punish such ... actors," such that the state "facilitates and enables [traffickers] to commit acts impermissible under the [Torture] Convention with impunity," the state then "bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the [Torture] Convention for consenting to or acquiescing in such impermissible acts."

The extent of the readily-available evidence in the public realm about the widespread abuses committed in Sinai—as set out in this report—as well as detailed information about trafficker locations given to the Egyptian authorities, means Egyptian officials are therefore also responsible on numerous occasions for breaching Egypt's obligations under the UN Convention Against Torture. Sudan's limited prosecution of both traffickers and officials

who collude with them means some Sudanese officials are similarly responsible for violations of Sudan's responsibilities under the convention.

According to UN reports, Eritreans' ordeal typically begins in or close to Africa's oldest refugee camps in eastern Sudan, near the Eritrean border, sheltering about 75,000 mostly Muslim Eritreans who have lived there for decades.

Between 2004 and mid-2012, about 2,000 mostly Christian Tigrinya-speaking Eritrean refugees also registered in the camps each month after fleeing widespread rights abuses against Christian communities in their country, with the numbers dropping to an average of about 500 a month since then. But faced with life in remote, poorly serviced camps—with no access to work, no right to leave eastern Sudan, and surrounded by Muslim communities whose language they do not speak—they have moved on in search of protection, work, education, and other opportunities to restart their lives in safety and dignity. Some have travelled to Cairo and Khartoum, from where unknown numbers moved on to Libya and the European Union or to Djibouti, Yemen, and Saudi Arabia. Others have paid smugglers to take them to Israel via Sinai.

In 2010, the first reports surfaced of smugglers turning on their clients during the journey, kidnapping and abusing them to extort money from their relatives in exchange for onward travel. By 2011, Sudanese traffickers had started to kidnap Eritreans from inside or near the UN-run refugee camps near the town of Kassala in eastern Sudan and transferred them to Egyptian traffickers against their will.

In 2012, Eritreans told Human Rights Watch about the abuses they suffered in Sinai and about the collusion of Sudanese and Egyptian security forces with the traffickers. They said that in Kassala, Sudanese police and soldiers handed Eritreans over to traffickers, including at police stations. They also said that in Egypt, soldiers and police colluded with traffickers every step of the way: at checkpoints between the Sudanese border and the Suez Canal, at the heavily-policed canal or at checkpoints manning the only vehicle bridge crossing the canal, in traffickers' houses, at checkpoints in Sinai's towns, and close to the border with Israel.



An Eritrean trafficking victim recovers in Cairo in May 2013 from skin transplantation surgery to treat a severe ankle infection caused by the chains traffickers used to shackle her in Sinai. Human Rights Watch interviewed 20 trafficking victims about 29 incidents involving Sudanese and Egyptian security force collusion with traffickers who then tortured their victims. © 2013 Moises Saman/Magnum

In December 2013, Human Rights Watch spoke with an Eritrean activist who has spoken since 2010 by phone with hundreds of Eritreans held in Sinai, as well as with their relatives abroad who have been subjected to extortion. She told Human Rights Watch that after a lull in new reports of Eritreans being taken to Sinai in September and October 2013—which

coincided with an increase in Egyptian military activity in Sinai against suspected Islamist armed groups—the calls started again in November and December 2013 from victims kidnapped and taken to Sinai in November.

Despite the overwhelming evidence of these abuses since 2010—documented in dozens of NGO reports and in extensive media coverage—Egyptian authorities have to the knowledge of Human Rights Watch taken no steps to end them. Senior officials in Sinai and Cairo either deny the abuses happen, or say Egypt’s public prosecutor is powerless to investigate such crimes without receiving names and locations of traffickers. In 2012 and 2013, Sudanese authorities prosecuted 14 cases involving traffickers in eastern Sudan. Egypt has prosecuted no officials for colluding with traffickers of Eritreans, while Sudan has prosecuted only four, in 2012 and 2013.

To make matters worse, Eritreans described how in 2011 and 2012 Egyptian border patrols continued their policy of shooting at escaped or released trafficking victims as they approach the 240-kilometer-long and five-meter-high steel fence that Israel almost completed in early 2013 along its border with Egypt. Egyptian border police killed at least 85 sub-Saharan nationals near the fence between July 2007 and September 2010.

When Egyptian border police intercept Eritreans, they transfer some to military or civilian prosecutors in Sinai’s main northern town of Arish, who order them to be detained in police stations in the city and elsewhere in North Sinai. They take others directly to the police stations. Eritreans are detained there for many months and are not allowed to challenge their detention. In breach of Egypt’s 60-year agreement with the United Nations High Commissioner for Refugees (UNHCR), UNHCR is not allowed to visit the detainees, making it impossible for them to lodge refugee claims.

Egyptian authorities also deny trafficking victims their rights under Egypt’s Law on Combatting Human Trafficking to assistance, protection, and immunity from prosecution. Instead, they charge them with immigration offenses, deny them access to medical care, which means some torture victims die, and detain the survivors for months in inhumane and degrading conditions in Sinai’s police stations.



An Eritrean trafficking victim sleeps at a safe house in Cairo, Egypt on May 2, 2013. Some trafficking victims who escape from or are released by their captors in Sinai find their way to Bedouin community leaders who help them travel to Cairo where various NGOs help them. © 2013 Moises Saman/Magnum

According to Human Rights Watch interviews and the UN, the authorities only release them after the detainees purchase an air ticket to Ethiopia, under an arrangement between Egypt and Ethiopia, which allows Eritreans to fly from Cairo to Ethiopia's capital, Addis Ababa. Egyptian authorities in effect hold the trafficking victims hostage a second time, subjecting them to indefinite and arbitrary detention until their relatives can produce the money for the air ticket which secures their release and removal from Egypt.

Many of those sent back to Ethiopia come full circle, confined once again to the same closed refugee camps near Eritrea from where they made their way to Sudan and onwards to Sinai. As with Eritrean refugees in Sudan, most Eritrean refugees living in the camps in the Afar and Tigray regions of Ethiopia are not permitted to leave the camps to find work and live in poor conditions with limited opportunities to lead productive lives.

With no access to work in Khartoum and other Sudanese cities and facing widespread racism and destitution in Cairo and other Egyptian cities, Eritrean refugees' options for building dignified and self-sufficient lives are shrinking. Anecdotal reports in 2013 suggest that since Israel effectively sealed its border with Sinai, new smuggling and trafficking routes from Ethiopia and Sudan have opened up to the west, taking increasing numbers of Eritreans on a treacherous journey across the Sahara desert to Libya, from where they hope to reach European countries, often on unseaworthy vessels.

In October 2013, UNHCR reported that some of the survivors of a boat tragedy in which 357 Eritreans drowned off the coast of the Italian island of Lampedusa on October 3, 2013, had previously registered as refugees in the eastern Sudanese and Ethiopian camps.

To end the horrific abuses committed against Eritreans in eastern Sudan and Egypt, both governments should launch a concerted law enforcement effort to identify and prosecute traffickers as well as Sudanese and Egyptian officials colluding with them. The Sudanese authorities should specifically investigate senior police officials responsible for collusion with traffickers in the town of Kassala and in the surrounding area, including the use of police stations to hand over Eritreans to traffickers.

As the Egyptian government bolsters its military presence and strengthens its law-enforcement capacity in North Sinai as part of counter-insurgency campaign there, it

should include in law-enforcement operations the rescue of detained trafficking victims from captivity and the arrest and prosecution of the traffickers.

Egypt's public prosecutor should launch an investigation into suspected trafficker locations in and around the town of Arish in north eastern Sinai, where the vast majority of traffickers are reported to be based, as well as at points of entry into Sinai and at the southern border with Sudan. Prosecutors should also investigate how traffickers have managed to bypass police and military checkpoints and how and why police and military authorities have allowed them to do so.

In line with Egypt's anti-trafficking Law, Egyptian authorities should also immediately allow all trafficking victims no longer held by traffickers in Sinai to travel to Cairo, receive medical attention, and register with UNHCR if they are seeking international protection.

International donors to Egypt, including the United States, the European Union and its member states, as well as Norway, should press Sudan and Egypt to end security force collusion with traffickers in eastern Sudan and Egypt, and should urge Egypt to ensure that Egyptian military and police include shutting down trafficking networks among their law enforcement priorities in North Sinai.

Recommendations

To the Government of Egypt

- Ensure that any military and law-enforcement operations in the Sinai include rescuing trafficking victims and arresting and prosecuting the traffickers responsible under Egypt's 2010 Law on Combatting Human Trafficking.
- Investigate military and police collusion with traffickers and prosecute personnel who are responsible, including commanding officers; introduce a new law that criminalises official's participation or complicity in torture, as defined under the UN Convention Against Torture.
- Protect and assist trafficking victims under Egypt's Law on Combatting Human Trafficking, including by setting up witness protection programs and immunity from prosecution to encourage them to assist in investigations against their traffickers.
- Do not prosecute trafficking victims on immigration charges, do not detain them in police stations, and guarantee them access to UNHCR and other agencies in Cairo to receive protection and assistance, including medical and other care.
- Stop detaining Eritreans in inhuman and degrading conditions in Sinai to force them to agree to travel to Ethiopia.
- Order border guards to stop shooting at unarmed Eritreans and other unarmed asylum seekers and migrants near the Israeli border.
- Grant UNHCR access to all places where migrants are detained pending deportation to ensure asylum seekers among them can lodge asylum claims.
- Require the National Committee to Combat Human Trafficking to provide detailed updates every three months on steps taken by Egypt's public prosecutor to investigate trafficking crimes in Sinai and security force collusion with traffickers.

To the Government of Sudan

- Investigate security force collusion with traffickers, particularly police commanders in Kassala, and prosecute personnel who are responsible; introduce a new law that criminalises official's participation or complicity in torture, as defined under the UN Convention Against Torture.
- Investigate and prosecute people suspected of trafficking people in eastern Sudan.
- Urgently improve protection in the refugee camps near Kassala and in border areas to help prevent kidnapping and trafficking of Eritreans.
- Respect the right of all Eritrean and other refugees in Sudan to work and to move freely in Sudan.
- Encourage the National Assembly to swiftly pass anti-trafficking legislation that complies with Sudan's human rights obligations and issue regular public reports documenting progress on prosecutions of traffickers and security officials who collude with them.

To the Government of Ethiopia

- Grant Eritrean and other refugees the right to move freely throughout Ethiopia and to look for work, without first requiring them to show they can sustain themselves financially.

To the United Nations High Commissioner for Refugees

- Regularly and publicly report on the number of known cases in which Eritreans and others are kidnapped by traffickers in eastern Sudan, including a breakdown of locations.
- Encourage Sudan to investigate and prosecute trafficking suspects in eastern Sudan, as well as Sudanese police and military colluding with traffickers; encourage donors to call on Sudan to do the same.
- Call publicly on Egypt to allow UNHCR to access all places where migrants are being detained pending their deportation to ensure asylum seekers among them can lodge asylum claims, including in Sinai.

To the League of Arab States and the African Union

- Call on Egypt and Sudan to investigate and prosecute security officials colluding with traffickers and to investigate and prosecute traffickers.
- Call on Egypt to give trafficking victims the assistance and protection to which they are entitled under Egypt's Law on Combatting Human Trafficking, including immunity from prosecution for immigration offenses, and allow them to register as asylum seekers with UNHCR.

To Donor Governments Providing Support to UNHCR, Egypt, Ethiopia, and Sudan

- Press the Egyptian and Sudanese authorities to investigate and prosecute traffickers responsible for the abuses documented in this report and to hold accountable security officials who facilitate these abuses.
- Press Egypt to give trafficking victims the assistance and protection to which they are entitled under Egypt's Law on Combatting Human Trafficking, including immunity from prosecution for immigration offenses, and allow them to register as asylum seekers with UNHCR.
- To help prevent Eritreans from having to move on from their first country of refuge, press Ethiopia and Sudan to guarantee all refugees' right to freedom of movement and the right to work.

Methodology

This report is based on research conducted in Cairo and Sinai, Egypt between November 3 and 14, 2012 and in Tel Aviv, Israel between November 15 and 20, 2012. A Human Rights Watch researcher conducted in-depth individual interviews with 32 Eritrean, two Ethiopian, and three Sudanese nationals. There were 32 men and five women. Among them, 16 were registered refugees and asylum seekers in Cairo and 20 were lawfully present in Israel under its non-deportation policy for Eritrean and Sudanese nationals not registered as asylum seekers in Tel Aviv.

Human Rights Watch worked with nongovernmental organizations (NGOs) in Cairo and Tel Aviv to identify interviewees who had witnessed Egyptian and Sudanese security force collusion with criminals in Sudan and Egypt who had trafficked and otherwise abused them between 2009 and 2012. Interviews were conducted individually in private confidential settings, and lasted an average of 40 minutes.

Human Rights Watch staff explained the purpose of the interviews, gave assurances of anonymity, and explained to interviewees they would not receive any monetary or other incentives for speaking with Human Rights Watch. We also received interviewees' consent to describe their experiences after informing them that they could terminate the interview at any point. Individual names and other identifying details have been removed to protect their identity and security.

All interviews were conducted in Tigrinya and Arabic, using interpreters. Whenever interviewees referred to police or soldiers colluding with traffickers, interviewers asked the interviewees to describe the uniform the individual was wearing to help distinguish between the police and military.

Human Rights Watch also reviewed the transcripts of 22 detailed interviews with Eritreans conducted by an NGO in Egypt relating to trafficker abuses and Sudanese security forces collusion with traffickers.

Human Rights Watch conducted interviews with two self-confessed traffickers, one of whom spoke about abusing his victims. Human Rights Watch identified them through a

local contact in Sinai who knew them well. The two traffickers told Human Rights Watch they were willing to speak about their criminal activities because they were not afraid of any repercussions by Egyptian law enforcement.

Human Rights Watch also interviewed three Egyptian officials, 13 NGO and international humanitarian staff and four foreign embassy staff in Cairo. The three Egyptian officials are Naela Gabr, the head of Egypt's National Coordinating Committee on Combating and Preventing Human Trafficking; the secretary general of the North Sinai Governorate, Major General Jaber al-Arabi; and a judicial official in Sinai who preferred to remain anonymous.

Human Rights Watch was unable to travel to or conduct interviews in Sudan. The Sudanese government has repeatedly denied visas to international human rights organisations and has effectively closed the country to human rights monitoring. The Sudanese authorities have publicly acknowledged the widespread trafficking of Eritreans in and out of eastern Sudan.

I. Background

Fleeing Eritrea

By early 2013, 300,000 Eritrean refugees and asylum seekers lived in Sudan, Ethiopia, Israel, and Europe, with about 90 percent of Eritrean asylum seekers successfully claiming asylum in recent years.¹ The vast majority left their country after mid-2004, fleeing widespread human rights violations, including mass long-term or indefinite forced conscription and forced labor, extra-judicial killings, disappearances, torture and inhuman and degrading treatment, arbitrary arrest and detention, and restrictions on freedom of expression, conscience and movement. Almost all of the arrivals since mid-2004 are Christians, reflecting increased abuses against that community since 2002.²

Those fleeing Eritrea take serious risks. Eritrean law requires Eritreans leaving the country to hold an exit permit which the authorities only issue selectively, severely punishing those caught trying to leave without one.³ When Eritreans succeed in leaving the country without permits, the authorities often punish their relatives.⁴ Border guards have shoot-to-kill orders against people leaving without permits.⁵ In this environment, the smuggling and trafficking of Eritreans to Sudan has flourished. The UN has documented some Eritrean officials' collusion with abusive Sudanese traffickers in eastern Sudan.⁶

¹ UNHCR, "Displacement: The New 21st Century Challenge, UNHCR Global Trends 2012," <http://www.unhcr.org/4fd9e6266.html> (accessed July 17, 2013).

² Human Rights Watch, "Submission for 2013 Universal Periodic Review," <http://www.hrw.org/news/2013/06/20/eritrea-submission-universal-periodic-review>.

³ Exit permits may be issued to government employees, athletes, Eritrean women over 47 and men over 54. Human Rights Watch, *Ten Long Years: A Briefing on Eritrea's Missing Political Prisoners*, September 2011, <http://www.hrw.org/reports/2011/09/24/ten-long-years>.

⁴ Human Rights Watch interviews with two Eritreans, Tel Aviv, November 19 and 20, 2012; detailed interviews conducted by Egypt-based NGO in 2011 and 2012, on file with Human Rights Watch.

⁵ United Nations Human Rights Council, "Report of the Special Rapporteur on the Situation of Human Rights in Eritrea," A/HRC/23/53, May 28, 2013, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/140/99/PDF/G1314099.pdf?OpenElement> (accessed July 11, 2013).

⁶ United Nations Security Council, "Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2060 (2012): Eritrea," July 25, 2013, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_440.pdf (accessed November 20, 2013), paragraphs 137 and 138.

Eritrean Refugees in the Horn of Africa and Egypt

Over the past ten years, about 130,000 Eritreans have registered as refugees in eastern Sudan's refugee camps and tens of thousands more have registered in Ethiopia's camps. Unknown further numbers have passed through eastern Sudan and Ethiopia without registering as refugees.

Most who register do not stay long in eastern Sudan's camps. After unsuccessfully searching for protection, assistance and work, they move on in search of security and better opportunities. Between 2006 and 2012, close to 40,000 arrived in Israel, passing through Egypt's Sinai Peninsula. Unknown numbers traveled to Saudi Arabia through Djibouti and Yemen and others attempted to reach European countries through Libya.

In October 2013, UNHCR reported that some of the survivors of a boat tragedy in which 357 Eritreans drowned off the coast of the Italian island of Lampedusa on October 3, 2013, had previously registered as refugees in eastern Sudan and Ethiopia.⁷

Refugee Camps in Eastern Sudan

Since the 1960s, hundreds of thousands of Eritreans have fled their country to Africa's oldest refugee camps, in eastern Sudan.⁸ As of October 30, 2013, the camps sheltered 86,087 Eritreans.⁹ Of this number, about 50,000 are Arabic speaking Muslims—from the same community as those living near the camps—who arrived in the camps between 1960 and 2000 and are unlikely to return to Eritrea.¹⁰ UNHCR is working with the Sudanese authorities to permanently integrate this population into eastern Sudanese communities.¹¹

⁷ "UNHCR warns of further boat tragedy risk on Mediterranean," UNHCR news release, October 11, 2013, <http://www.unhcr.org/5257d5599.html> (accessed December 13, 2013).

⁸ United States Committee for Refugees and Immigrants, "Getting Home is Only Half the Challenge: Refugee Reintegration in War-Ravaged Eritrea," August 1, 2001, <http://www.refworld.org/docid/3bc19092d.html> (accessed July 22, 2013).

⁹ Human Rights Watch email exchange with UNHCR, August 7, 2013 and December 8, 2013.

¹⁰ Human Rights Watch email exchange with UNHCR, August 7, 2013.

¹¹ UNDP, "Joint UNDP/UNHCR Transitional Solutions Initiative for Refugees and their Host Communities, Eastern Sudan (Phase 1)" undated, <http://www.sd.undp.org/projects/cp16.htm> (accessed April 29, 2013).

After a four year pause in the Eritrean exodus, Eritreans once again started to flee their country in large numbers in mid-2004 with 129,957 registering in the camps between January 1, 2005 and October 31, 2013.¹² Almost all moved on within weeks or months.¹³

Their reluctance to remain in the camps could be explained by a number of factors. The vast majority of those registering have been young Christian men from urban areas unwilling to become dependent on aid agencies in remote rural locations surrounded by Arabic-speaking and Muslim communities.¹⁴ They have limited work rights and opportunities.¹⁵ They also face tight restrictions on freedom of movement.¹⁶ The restrictions are unlawful.¹⁷ The policy has left them with little alternative but to rely on smugglers to move outside eastern Sudan, which in turn exposes them to the risk of kidnapping by traffickers.

Sudan also has a track record of deporting Eritrean asylum seekers, and Eritreans denied access to asylum, back to Eritrea. Between January and May 2013, Sudan deported at least eight Eritreans to Eritrea. In 2012, Sudan deported at least 68 Eritreans to Eritrea, including registered asylum seekers who were deported just after they had appealed against a refusal to grant them asylum.¹⁸ In October 2011, Sudan deported 300 Eritrean asylum seekers and others unable to claim asylum, and deported dozens more in the five months before that.¹⁹

¹² UNHCR statistics, on file with Human Rights Watch.

¹³ UNHCR, “No turning back: a review of UNHCR’s response to the protracted refugee situation in eastern Sudan,” November 2011, <http://www.unhcr.org/4eb3e5ea9.pdf> (accessed June 18, 2013), p. 15.

¹⁴ Middle East Institute, “The Protracted Refugee Situation in Eastern Sudan,” May 2011, on file with Human Rights Watch, pp. 2 and 5.

¹⁵ To work legally, refugees need a work permit, but according to UNHCR procedures are so complex and expensive that refugees who work do so for low wages in the informal sector. UNHCR, “No turning back,” p. 18.

¹⁶ Sudanese law says “no refugee ... shall ... depart from any place of residence specified for him” on punishment of up to 12 months in prison. Article 10, Regulation of Asylum Act 1974, <http://www.refworld.org/docid/3ae6b50710.html> (accessed June 21, 2013). Camp-based refugees require travel permits to leave areas near the camp. Permits are usually only granted for urgent medical reasons and requests to travel to find work are denied. Middle East Institute, “The Protracted Refugee Situation in Eastern Sudan,” pp. 6-7.

¹⁷ International law guarantees recognized refugees free movement rights unless the state formally justifies restricting their movement according to strict criteria. See for example, Human Rights Watch, *Welcome to Kenya: Police Abuse of Somali Refugees*, June 2010, pp. 71 - 80, <http://www.hrw.org/reports/2010/06/17/welcome-kenya-o>.

¹⁸ Confidential Human Rights Watch email exchange, March 2013.

¹⁹ “Sudan: End Mass Summary Deportations of Eritreans,” Human Rights Watch news release, October 25, 2011, <http://www.hrw.org/news/2011/10/25/sudan-end-mass-summary-deportations-eritreans>.

The number of people registering in the camps declined drastically in May 2012 from a previous monthly average since January 2009 of about 2,000 to a few hundred each month, a trend that continued for the rest of 2012 and the first ten months of 2013.²⁰

To date, none of the agencies working in eastern Sudan, including UNHCR and the International Organization for Migration, have been able to explain the post-May 2012 decrease.²¹ Two possible explanations are that fewer Eritreans reach the camps because they fear being kidnapped by traffickers and therefore avoid eastern Sudan entirely, or because an increasing number are kidnapped as soon as they cross the border before they have a chance to reach the camps.²² Other Eritreans—it is not known how many—have passed through eastern Sudan since 2004, but never registered in the camps, moving on to Khartoum or other countries.²³

Refugee Camps in Ethiopia

Eritreans have also fled in the tens of thousands to refugee camps in Ethiopia where they face “a harsh life in ... arid ... landscape which offers very little opportunities for self-reliance.”²⁴ Refugees are generally not allowed to leave the camps to move freely in Ethiopia, in violation of their free movement rights.²⁵ In 2008, Ethiopia introduced an “out of camp” policy under which Eritrean refugees may only leave camps after six months to live in urban areas if they can show they can financially support themselves or if any relatives already living in such areas can support them.²⁶ Refugees may also apply for a permit to temporarily leave the camps, mostly for medical reasons.²⁷

²⁰ UNHCR statistics, on file with Human Rights Watch.

²¹ In June 2013, UNHCR and IOM concluded that “further analysis is needed for the reasons behind” the decrease. UNHCR and IOM, “Draft Joint UNHCR-IOM strategy to Address Human Trafficking, Kidnappings and Smuggling of Persons in Sudan, 2013-2014,” on file with Human Rights Watch.

²² Confidential Human Rights Watch email exchanges with refugee workers in eastern Sudan, June and October 2013.

²³ As of November 30, 2013, the Sudanese authorities had registered 2,519 Eritrean refugees and asylum in Khartoum though UNHCR estimated there were about 13,000 Eritrean refugees in Khartoum. Human Rights Watch email exchanges with UNHCR, August 7, 2013 and December 8, 2013.

²⁴ “UNHCR Representation in Ethiopia-Briefing Note,” July 2013, on file with Human Rights Watch. As of June 30, 2013, the country was hosting 73,000 registered Eritrean refugees in six camps and two settlements where the authorities recognize Eritreans on a prima facie basis, that is based on their nationality. In the first half of 2013, almost 900 Eritreans registered as refugees in the camps each month. Human Rights Watch email exchange with UNHCR, August 7, 2013. Only the Mai Aini camp has relatively good levels of aid. Human Rights Watch email exchange with former refugee worker, July 7, 2013.

²⁵ See note 17.

²⁶ Interview with former UNHCR staff member, Cairo, November 9, 2012. The Ethiopian government has not issued a formal “out of camp” policy document. Human Rights Watch email exchange with UNHCR, August 7, 2013. Refugees who have lived in the camps for at least six months may also apply for a travel permit that allows them to temporarily leave the camp to

Refugees in Ethiopia are only allowed to work and access education insofar as Ethiopia's laws allows other foreign nationals in Ethiopia to do so.²⁸ Eritreans find it very hard to find informal work in Addis Ababa and other major cities, a fact underscored by the tens of thousands of Ethiopians who leave their country every year in search of work.²⁹

Some Eritrean refugees leave Ethiopia's refugee camps and risk their lives crossing the Mediterranean to Europe or move on to the refugee camps in Sudan in the mistaken belief they will find better assistance or work opportunities there only to find the opposite is true.³⁰ As noted below, over the past few years Egypt has deported thousands of Eritreans intercepted in Sinai to Ethiopia. For those whose journey started in the Ethiopian refugee camps, they come full circle.

Eritreans in Cairo

Some Eritreans end up in Egypt, which does not have any refugee camps. Many registered and unregistered Eritrean refugees and asylum seekers live in the Ard al-Liwa suburb of Cairo.³¹ Egypt restricts refugees' rights to education, social security, and work rights.³²

travel to other parts of the country for medical appointments or, for the most part, educational purposes. As of June 30, 2013, there were 2,450 Eritrean refugees in Addis Ababa. Human Rights Watch email exchange with UNHCR, August 7, 2013.

²⁷ Human Rights Watch email exchange with UNHCR, August 7, 2013.

²⁸ Article 21(3), Refugee Proclamation, No. 409 of 2004, 409/2004, 19 July 2004, Federal Gazette, <http://www.refworld.org/docid/44e04ed14.html> (accessed 18 June 2013). Ethiopia has entered reservations to Articles 17(2) and 22(1) of the 1951 Refugee Convention, which allows it to restrict the right to work to protect the national labor market and to give refugees less access to education than Ethiopians. 1951 UN Convention relating to the Status of Refugees (1951 Refugee Convention), 189 U.N.T.S. 150, entered into force April 22, 1954, and its 1967 Protocol Relating to the Status of Refugees, 606 U.N.T.S. 267, entered into force October 4, 1967, http://www.unhcr.ch/html/menu3/b/o_c_ref.htm (accessed April 23, 2013). Under Articles 17(1) and (22)(2), Ethiopia must guarantee refugees access to work and education to the extent that it does so to other foreign nationals who receive "the most favorable treatment" (in the case of work) and who are "generally in the same circumstances" as refugees (in the case of education). "Reservations and Declarations to the 1951 Refugee Convention," April 1, 2011, <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3d9abe177&query=1951%20Refugee%20Convention> (accessed June 18, 2013).

²⁹ For example, see monthly reports produced by the Regional Mixed Migration Secretariat on migration trends in the Horn of Africa: <http://www.regionalmms.org/index.php?id=41> (accessed April 24, 2013).

³⁰ "UNHCR warns of further boat tragedy risk on Mediterranean," UNHCR press release, October 11, 2013, <http://reliefweb.int/report/world/unhcr-warns-further-boat-tragedy-risk-mediterranean> (accessed November 20, 2013).

Human Rights Watch interview with NGO worker in Ethiopia who interviewed Eritreans in Sudan, Cairo, November 2012.

³¹ As of November 30, 2013, UNHCR had registered 1480 Eritrean refugees and 1342 Eritrean asylum seekers in Cairo and the average time it took for UNHCR to process and asylum claim was two and a half years, although vulnerable cases were dealt with through a fast track procedure. In 2012 and 2013, UNHCR recognized 96 per cent of Eritrean asylum seekers as refugees. Human Rights Watch email exchange with UNHCR, December 17, 2013.

³² Egypt has entered reservations to Articles 20, 22(1), 23 and 24 of the Refugee Convention. Reservations and Declarations to the 1951 Refugee Convention," April 1, 2011, <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3d9abe177&query=1951%20Refugee%20Convention> (accessed June 18, 2013).

Refugees and asylum seekers of all nationalities have long struggled to survive in Cairo's informal economy and to access health care.³³ Christian Eritreans, who generally do not speak Arabic, have few opportunities to make a life in an Arabic-speaking and majority Muslim country with high poverty levels and fierce competition in the informal economy.³⁴

According to NGOs working with refugees in Cairo, the few Eritreans who have lodged asylum claims and live in Cairo do so because they already have relatives in the city who can support them.³⁵ A number of Eritreans who spoke with Human Rights Watch, including those who had already been kidnapped and abused in Sinai, said they feared criminals in Cairo would kidnap them and take them to Sinai. One man described in detail how Bedouin kidnapped and tortured him near Cairo to discover the whereabouts of six other Eritreans the kidnapers wanted to find.³⁶ Cairo-based refugee organizations also told Human Rights Watch that many of their Eritrean refugee clients in Cairo said they feared kidnapers, and that many tried to stay indoors at all times.³⁷ One of the organizations said it knew of two cases in which criminals had kidnapped Eritreans in Cairo.³⁸

³³ Human Rights Watch, *Sinai Perils: Risks to Migrants, Refugees, and Asylum Seekers in Egypt and Israel*, November 2008, pp. 23 - 25. UNHCR refers asylum seekers to a number of Egyptian and international non-governmental organizations who assist asylum seekers with their asylum application and help them with other needs, including mental health, shelter, healthcare and education. Human Rights Watch interview with staff of NGOs, Cairo, November 9, 2012.

³⁴ Human Rights Watch interviews with Eritreans in Cairo, November 2012.

³⁵ Human Rights Watch interviews with staff at two NGOs working with refugees in Cairo, November 8 and 10, 2012.

³⁶ Human Rights Watch interview with Eritrean asylum seeker, Cairo, November 13, 2012.

³⁷ Human Rights Watch interviews with staff at two NGOs working with refugees in Cairo, November 8 and 10, 2012.

³⁸ Human Rights Watch interview with staff at NGO working with refugees in Cairo, November 8, 2012.

II. Trafficking of Eritreans in Sudan

Beginning in 2006, thousands of Eritreans paid Sudanese and Egyptian smugglers to help them travel from eastern Sudan to Israel via Egypt. In 2009, Eritreans started to report to the UN and non-governmental refugee organizations how smugglers turned on them during the journey, kidnapping and then holding them to ransom. By 2011, smuggling had changed into widespread kidnapping by traffickers of mostly Eritreans from eastern Sudan's refugee camps and the nearby border areas with Eritrea. Sudanese traffickers abuse and torture their victims to extort money from them or their families, and then transport them to Egypt where they are handed over to Egyptian traffickers.

The Shift from Smuggling to Trafficking in Eastern Sudan

In 2006, Eritreans started to pay smugglers to take them from eastern Sudan to Israel. In mid-2010, the United Nations High Commissioner for Refugees (UNHCR) and Israeli NGOs began receiving reports that smugglers in Sudan, who had been taking mostly Eritreans to Israel since 2006, had started to turn on their clients before and during the journey to Sinai and abused them to extort additional money from them.³⁹ The smugglers thereby became traffickers, according to the international legal definition.⁴⁰

³⁹ Human Rights Watch, *Sinai Perils*. Einat Fishbein, "Desert Hell: The Journey of Refugees through the Sinai Desert," *Yediot Ahronot*, November 19, 2010, http://www.phr.org.il/uploaded/Article_DesertHell_EinatFishbein_Yediot_19.11.10.pdf (accessed July 24, 2013).

⁴⁰ International law distinguishes between traffickers and smugglers. The Protocol against the Smuggling of Migrants by Land, Sea and Air defines smuggling of migrants as the procurement of "a financial or other benefit" in order to effect an illegal entry. By contrast, the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, defines trafficking as the recruitment, transportation, transfer, harboring or receipt of persons through "the threat or use of force or other forms of coercion...or of the giving or receiving of payments or benefits to achieve the consent of a person having control of another person, for the purpose of exploitation." Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Crime (Smuggling Protocol), adopted November 15, 2000, G.A. Res. 55/25, annex III, U.N. GAOR, 55th Sess., Supp. No. 49, at 65, UN Doc. A/45/49 (Vol. I) (2001), entered into force January 28, 2004, www.unodc.org/unodc/treaties/CTOC/ (accessed July 8, 2013); Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention on Transnational Organized Crime (Trafficking Protocol), adopted November 15, 2000, G.A. Res. 55/25, annex II, 55 U.N. GAOR Supp. (No. 49) at 60, U.N. Doc. A/45/49 (Vol. I) (2001), entered into force December 25, 2003, www.unodc.org/unodc/treaties/CTOC/ (accessed July 8, 2013).

By the end of 2010, increasing numbers of Eritreans started reporting that they had had no intention of travelling to Egypt or Israel but had been kidnapped in eastern Sudan and taken to Sinai against their will.⁴¹

An Eritrean man told Human Rights Watch that he and other Eritreans were kidnapped in eastern Sudan in early 2009, while another said he was kidnapped in June 2010.⁴² A few Eritreans also told refugee social workers in Cairo that they were kidnapped in the spring of 2010.⁴³

Human Rights Watch spoke with 21 Eritreans in Cairo and Tel Aviv who described how they were kidnapped in eastern Sudan in 2011, and reviewed 14 statements taken by refugee organizations in Cairo in which Eritreans said the same.⁴⁴

A community leader in Sinai working with Eritreans released by traffickers in Sinai told Human Rights Watch that in the second half of 2012 a majority of them said they were originally kidnapped in Sudan and taken to Egypt against their will.⁴⁵

In 2011, UNHCR received increasing reports of kidnapping in and around eastern Sudan's Kassala refugee camps and in 2012, UNHCR recorded about 30 kidnapping cases a month, although it estimated that the number was much higher.⁴⁶

⁴¹ Human Rights Watch interview with staff at refugee organizations in Tel Aviv, November 17 – 19, 2012; Feinstein International Center, "Ransom, Collaborations, Corruption: Sinai Trafficking and Transnational Networks," August 2013, <http://reliefweb.int/report/eritrea/ransom-collaborators-corruption-sinai-trafficking-and-transnational-networks> (accessed December 17, 2013). A Bedouin community leader told Human Rights Watch in an interview in Sinai on November 5, 2012 that the first cases involving kidnapping in eastern Sudan he heard about through victims released in Sinai took place in November or December 2010.

⁴² Human Rights Watch interviews, Tel Aviv, November 17 and 19, 2012. A University report presenting testimony of hundreds of victims also refers to a kidnapping case in 2009. *Van Reisen, Estefanos and Riken*, "Human Trafficking in the Sinai: Refugees between Life and Death," Tilburg University, Wolf Legal Publishers, September 2012, http://www.eepa.be/wcm/dmdocuments/publications/report_Human_Trafficking_in_the_Sinai_20120927.pdf (accessed July 17, 2013), p. 9.

⁴³ Statements reviewed by Human Rights Watch, on file with Human Rights Watch.

⁴⁴ Human Rights Watch interviews with Eritreans in Cairo, November 9 - 14, 2012 and Tel Aviv, November 17 - 20, 2012; statements reviewed by Human Rights Watch, on file with Human Rights Watch. See also Amnesty International, Amnesty International, "Egypt/Sudan: Refugees and asylum seekers face brutal treatment, kidnapping for ransom, and human trafficking," April 2013, <http://www.amnesty.org/en/library/asset/AFR04/001/2013/en/9fdcd38-b88b-43a0-b076-ee4b7a3b8c06/afro40012013en.pdf> (accessed July 17, 2013), p. 6; *Van Reisen, Estefanos and Riken*, "Human Trafficking in the Sinai," pp. 26 - 28, which refers to dozens of interviews in which Eritreans say "Rashaida" traffickers kidnapped them in and close to the Eritrean refugee camps in Sudan, held them and then transferred them to traffickers in Egypt.

⁴⁵ Human Rights Watch interview with Bedouin community leader, Sinai, November 5, 2013.

The United Nations High Commissioner for Refugees Antonio Guterres first publicly highlighted in January 2012 the kidnapping and trafficking of Eritreans in eastern Sudan for the purpose of transfer to Egyptian traffickers.⁴⁷

In January 2013, UNHCR issued a press statement following violence in one of the camps triggered by traffickers kidnapping Eritreans from inside the camp. The statement said UNHCR's staff had documented kidnapping incidents since early 2011 and that such incidents were on the increase. UNHCR said, "Local tribesmen ... as well as some criminal gangs" were "kidnapping Eritreans ... at the border ... as they enter eastern Sudan" and from "in and around the camps" before taking them against their will to Egypt.⁴⁸

Kidnapping, Abuse and Torture of Trafficking Victims in Eastern Sudan

Human Rights Watch spoke with 21 Eritreans who said people they described as "Rashaida" kidnapped them and dozens of others, mostly Eritreans, in eastern Sudan near the Eritrean border and refugee camps near the town of Kassala.⁴⁹

They said the traffickers detained them for days or weeks near Kassala, abused them to extort money from them, and then handed them over to kidnapers in Egypt. Seven said they were kidnapped in 2012, twelve in 2011, one in 2010, and one in 2009.

Eighteen of those interviewed said the traffickers demanded they pay from a few thousand dollars to as much as \$10,000 in ransom. Whether they paid or not, all of those interviewed said that the traffickers then transferred them to other men in Egypt who also demanded payment.

⁴⁶ UNHCR-IOM, "Joint Strategy," p. 2; Amnesty International, "Refugees and asylum-seekers face brutal treatment, kidnapping for ransom, and human trafficking," p. 7.

⁴⁷ "Eritrean refugees kidnapped, killed: UNHCR chief," Agence France-Presse, January 12, 2012, <http://www.google.com/hostednews/afp/article/ALeqM5hari7DYAS2PKYVhM4RRAMMMcvGOA?docId=CNG.140doaa1e4b9fa1f6d9de393aaae039f.371> (accessed April 23, 2013). A month later, the BBC reported on kidnapping in and around the camps. "Eritrean refugees kidnapped in Sudan," BBC, February 6, 2012, <http://www.bbc.co.uk/news/world-africa-16903627> (accessed May 2, 2013).

⁴⁸ "UNHCR concern at refugee kidnappings, disappearances in eastern Sudan," UNHCR news release, January 25, 2013, <http://www.unhcr.org/510275a19.html> (accessed April 11, 2013). In June 2013, the US State Department also concluded that throughout 2012, "traffickers sought out vulnerable Eritreans in refugee camps, particularly in Sudan." United States Department of State, "Trafficking in Persons Report 2013," June 2013, pp. 162-164, <http://www.state.gov/documents/organization/210739.pdf> (accessed June 25, 2013).

⁴⁹ The Rashaida, or Beni Rasheed, are a nomadic ethnic Arab group with populations in northern and western Eritrea, in eastern Sudan, and in the Sinai peninsula of Egypt. They have a distinctive look and clothes. Trafficking victims' reference to "Rashaida" refers to members of the Rashaida tribe or those they believe to be members of this tribe.

Human Rights Watch also reviewed the transcripts of 14 detailed interviews taken by an NGO in Egypt in which Eritreans said “Rashaida” kidnapped them in Sudan near the Eritrean border or the town of Kassala and transferred them to traffickers in Egypt. Six said they were kidnapped in 2012, five in 2011, and three in 2010.⁵⁰

Thirteen of the 35 Eritrean cases that Human Rights Watch interviewed or reviewed said that the Sudanese traffickers repeatedly beat and assaulted them in other ways, of whom three said the traffickers severely abused them and three said the traffickers threatened to kill them if they did not pay. One said that traffickers in Khartoum raped her and other female victims.⁵¹

Human Rights Watch documented eight cases in which Sudanese police and Sudanese military handed Eritreans directly to traffickers who then abused them.⁵²

A 33-year-old Eritrean man from Murki in Eritrea’s Gashbarka region, told Human Rights Watch he fled Eritrea and crossed at night to Sudan near Hafira in September 2011. There he met a farmer who let him stay the night and said he knew people who could help him go to the Kassala refugee camps.

The next day five men in civilian clothes with guns arrived and drove me away. They tied my hands together and beat me. They held me for two months with little food or water. They asked me whether I had relatives in Israel or the United States and told me to call my relatives and ask them to pay \$4,000 to have me freed.

They handcuffed me to a bed. Many times four men beat me with wooden sticks on my hands and legs, on my buttocks and on the soles of my feet. Sometimes they whipped me with an electric cable and they often slapped me. After two months they transferred me to other kidnapers who drove me in a large group to Sinai.⁵³

⁵⁰ Statements on file with Human Rights Watch.

⁵¹ Statements on file with Human Rights Watch.

⁵² See below in this Chapter.

⁵³ Human Rights Watch interview with Eritrean, Cairo, November 10, 2012.

An Eritrean boy from Zoba Dobab, age 17, told Human Rights Watch that he fled Eritrea on April 3, 2012, and that local Sudanese people from the Hadarib tribe stopped him and handed him over to “Rashaida.”⁵⁴ He said:

They held me for two weeks in the desert with 155 other Eritreans. They said they would shoot me if I didn’t pay \$2,000. They beat some of the others to force them to pay the same. Next door to where they held me there were women who often screamed and I thought they were being raped.⁵⁵

In one of the detailed statements Human Rights Watch reviewed, a 15-year-old boy who escaped from his kidnappers at the end of December 2011 said that a second group of “Rashaida” kidnapped and then tortured him and other kidnap victims:

They tied our hands and legs and blindfolded us. Then said they would kill us with knives or guns if we didn’t pay \$10,000 and asked us whether we had relatives abroad who could pay. They beat us a lot with metal rods. They poured petrol over us and made us drink water with petrol in it. When we vomited they forced us to drink the vomit. They burned us with cigarettes and we had to stand most of the time.⁵⁶

⁵⁴ The Hadarib are a section of the Beja, an ethnic group in eastern Sudan. Eritreans have also told other researchers they were kidnapped by members of the Hadarib. *Van Reisen, Estefanos and Riken*, “The Human Trafficking Cycle: Sinai and Beyond,” Wolf Legal Publishers, draft version for comment, December 4, 2013, http://www.eepa.be/wcm/dmdocuments/Small_HumanTrafficking-Sinai2-web-3.pdf (accessed December 13, 2013), pp. 25 and 47.

⁵⁵ Human Rights Watch interview with Eritrean boy, Cairo, November 9, 2012.

⁵⁶ Statement taken by NGO in Cairo, May 2012, on file with Human Rights Watch.

Transfer to Egyptian Traffickers

I am 30 years old and newly married. I started trading in Africans in 2009. I only buy and sell them for profit. I don't torture them because that is shameful [haram]. The last group I bought and sold was three months ago.

I buy the Africans from tribes around Aswan. They tell me they buy them from people in Sudan. I use the *hawala* [money transfer system] to pay the people in Aswan. When I started in 2009, I paid \$100 per person, but this year I had to pay up to \$600 per person. This year I have been selling them to other Bedouin here in Sinai for \$5,000 a person, usually after holding them for a week or two.

In 2010 and 2011, I used to buy around five migrants per day, six days a week, so around 1,500 a year. Until September this year [2012], it was about twice that number. The people in Sudan tell the tribes around Aswan that during the Egyptian revolution [which started in January 2011] it was even easier than before to cross the Sudan-Egyptian border without any checks.

The police and military don't come to stop the traders and the torture because they are afraid of losing too many people if the traders shoot at them.

Human Rights Watch interview with Bedouin trafficker an hour and a half from Arish, north eastern Sinai, November 5, 2012.

All Eritreans Human Rights Watch interviewed said that once they had given in to Sudanese traffickers' demands for money and paid, the traffickers transferred them to Egyptian traffickers. Interviewees were unable to say where the transfers happened. In some cases, they said they were transferred four or five times before they reached Sinai.⁵⁷

⁵⁷ A Bedouin community leader in Sinai also told Human Rights Watch in November 2012 that many Eritreans told him they were transferred many times between leaving eastern Sudan and arriving in Sinai.

Eighteen of the Eritreans who spoke with Human Rights Watch said they drove for days through desert, sometimes on roads and sometimes on small paths, and that they generally did not see police or military until they reached either the Nile or the Suez Canal in Egypt. Some said the traffickers forced them to lie down under plastic sheeting in the back of the pickup trucks. Others said they were allowed to sit upright in plain sight.

Two Eritreans in Cairo with good knowledge of the route from eastern Sudan to Aswan in southern Egypt said that moving Eritreans in trucks between those two points was generally quite easy because the traffickers could drive through the desert to avoid checkpoints.⁵⁸

Sudanese Security Force Collusion with Traffickers in Eastern Sudan

Trafficking victims described several cases to Human Rights Watch in which Sudanese police and soldiers arbitrarily detained Eritreans and handed them over to traffickers.

In 13 of the cases documented or reviewed by Human Rights Watch, the Eritreans said that Sudanese police detained them in 2011 or 2012 and then handed them over to traffickers. Eight of them said that the handover to the traffickers happened inside or just outside a police station in Kassala town. Another said that he saw the police allow the traffickers who were transporting him in 2012 to pass through their checkpoints.⁵⁹

Two Eritreans also said Sudanese soldiers detained them and handed them over to traffickers. One case took place in 2011, the other in 2012.⁶⁰

A 28-year-old Eritrean man from Wakikant in Eritrea's central highlands who escaped from Eritrea in November 2011 told Human Rights Watch that one hour after he reached Kassala police stopped him and took him to a police station, took all his money, and put him in a cell. The police then handed him over to traffickers:

⁵⁸ Human Rights Watch interviews with two NGO staff in Cairo, November 9, 2012. According to another Eritrean working in Cairo with good knowledge of the traffickers' routes, the two main routes to Egypt from Kassala involve driving to Aswan via Wadi Halfa in Sudan, or via "Halayeb and Shalatiyn disputed areas" north of Port Sudan. From Aswan, the traffickers move to Ismailia, 150 kilometers north east of Cairo, before reaching the Suez Canal and crossing into Sinai. Human Rights Watch interview with NGO staffer in Cairo, November 8, 2012.

⁵⁹ Human Rights Watch interviews with Eritreans in Cairo, November 9 – 14, 2012 and Tel Aviv, November 17 – 20, 2012; statements on file with Human Rights Watch.

⁶⁰ Ibid.

They asked me whether I had relatives abroad and I said no. The next morning, the police opened the door and there were two Rashaida standing next to them in the doorway looking at me. I speak a little Arabic so I heard a little of what they said. One of the Rashaida asked one of the policemen, “Do these men have families who can pay us?” and he said, “Yes.” The next day the police took us to a car parked outside the police station. The same two Rashaida were in the car. The police told me to get into the car and the Rashaida drove me to the desert about an hour away.⁶¹

A 26-year-old Eritrean man who fled to Sudan in February 2012 described how police handed him over to traffickers:

Shortly after I crossed into Sudan, two policemen in blue uniforms caught me near Wadi Sherifeh and took me to a police station where they kept me and another Eritrean man from around 6 p.m. to midnight. One of them spoke Tigrinya and told me the police would take me to a nearby refugee camp. Then two policemen drove the two of us for around one and a half hours until we met a pickup truck with four Rashaida in it. They hit us with an iron bar and put us in the back of the pickup and covered us with a big plastic sheet. I then heard them talking with the police for half an hour and then we left and they drove us to a house where they held us for a night before taking us to Egypt.⁶²

A 16-year-old boy from Zerejeka, near Asmara, described how Sudanese police handed him to kidnappers in March 2012:

I left Eritrea for Sudan in February or March 2012 with two men. We walked from the Eritrean border to a police station in Kassala because I had heard in Eritrea that the Rashaida in Sudan were kidnapping people near Kassala and the camps and I wanted the police to protect me. The police said, ‘Welcome, welcome,’ and three of them got in a car with us and said they would take us to Shagrab refugee camp. We drove for 15 minutes to a house

⁶¹ Human Rights Watch interview with Eritrean man, Cairo, November 14, 2012.

⁶² Human Rights Watch interview with Eritrean man, Cairo, November 14, 2012.

and they gave us bread and cheese and told us to rest. One of the policemen was on the phone all the time and half an hour later a car arrived with three Rashaida in it. They put us in their car and drove us away. Then they took us to Sinai.⁶³

In 2011, Eritrean asylum seekers in Israel told the Hotline for Migrant Workers, an Israeli NGO, about Sudanese military collusion with traffickers.⁶⁴ Eritreans also told researchers in 2013 about such cases.⁶⁵

In June 2013, the US State Department reported that “the [Sudanese] government did not report investigating or prosecuting public officials allegedly complicit in human trafficking, despite reports that Sudanese police sold Eritreans to the Rashaida along the border with Eritrea.”⁶⁶

⁶³ Human Rights Watch interview with Eritrean boy, Tel Aviv, November 20, 2012.

⁶⁴ Hotline for Migrant Workers, “The Dead of the Wilderness: Testimonies from Sinai Desert, 2010,” February 2011, http://www.hotline.org.il/english/pdf/Testimonies_from_sinay_122010.pdf (accessed May 1, 2013), p.18; Feinstein International Center, “Ransom, Collaborations, Corruption: Sinai Trafficking and Transnational Networks,” pp. 10, 12 and 13.

⁶⁵ *Van Reisen, Estefanos and Riken*, “The Human Trafficking Cycle,” pp. 45, 50 and 67.

⁶⁶ United States Department of State, “Trafficking in Persons Report 2013,” June 2013, <http://www.state.gov/documents/organization/210741.pdf> (accessed June 25, 2013), pp. 342-345.

III. Trafficking of Eritreans in Egypt

Since 2010, Eritreans—and to a far lesser extent, Ethiopians—have suffered horrific abuses at the hands of Egyptian traffickers in Sinai which have been widely publicized through NGO reports and international media coverage, as well in some Egyptian media. In late 2012, Eritreans described incidents to Human Rights Watch in which Egyptian police and military colluded with the traffickers, including at the heavily policed Suez Canal which traffickers must cross to reach Sinai. In November 2012, Human Rights Watch also spoke to Naela Gabr, the head of Egypt’s National Coordinating Committee on Combating and Preventing Human Trafficking (anti-trafficking committee), who acknowledged that trafficking abuses were taking place in the Sinai.

UNHCR says it interviewed trafficking victims abused in Sinai in 2013. In December 2013 and January 2014, Human Rights Watch received new reports of kidnapping in eastern Sudan and trafficking in Sinai that took place between November 2013 and January 2014.

Trafficker Abuses in Sinai

Since mid-2010, the UN, Human Rights Watch and other international NGOs, as well as international and Egyptian media, have reported on abuses committed by traffickers against mostly Eritreans in Egypt’s Sinai Peninsula. The traffickers abuse their victims to extort money from their relatives in Eritrea and other countries, including the United States and European Union member states.

In hundreds of cases documented by refugee organizations and the UN, traffickers abused victims while forcing them to telephone relatives who pay the ransom after hearing the victims’ screams. Unknown numbers have died following months of horrific abuse. In November 2012, Human Rights Watch spoke with 21 Eritreans in Egypt and Israel about abuses they had suffered in 2011 and 2012.

The abuses documented by Human Rights Watch and others, including UNHCR and NGOs in Egypt and Israel, involve: rape of women, including having plastic piping inserted into their anuses and vaginas; burning of women’s genitalia and breasts; stripping women naked and whipping their buttocks; rape of men with plastic piping; beating with a metal rod or sticks; whipping with rubber whips or plastic cables; dripping molten plastic or

rubber onto skin; burning with cigarettes or cigarette lighters; hanging from ceilings to the point of deforming arms; giving electric shocks; beating the soles of feet; forced standing for long periods, sometimes days; threatening to kill them, remove their organs, or cut off fingers; burning with a hot iron rod or boiling water; sleep deprivation; and putting water on wounds and beating the wounds.

Seventeen interviewees told Human Rights Watch they saw people die in front of them after extensive abuse.

Violence, Extortion, Forced Labor, and Death

Eritreans described how traffickers in Sinai held them in appalling conditions for months and abused them viciously to extort tens of thousands of dollars from their relatives. In some cases, this treatment resulted in death.

Twenty-one Eritreans told Human Rights Watch in detail about how traffickers abused them in Sinai in 2011 and 2012. Fourteen showed Human Rights Watch their injuries, mostly what appeared to be burn marks and scars caused by whippings and beatings.

Seventeen Eritreans described how they were sold from one trafficker to another in Sinai and how the violence got worse each time. Five told Human Rights Watch they saw fellow victims die after repeated abuse.⁶⁷ Four described watching or hearing traffickers rape women and two women told Human Rights Watch the traffickers raped them.⁶⁸

In December 2012, Human Rights Watch also reviewed eight detailed interviews with Eritreans taken by NGO staff in Cairo in which they described traffickers' abuses in detail.⁶⁹ The staff told Human Rights Watch that they have over one hundred more such statements.

In these interviews, the individuals describe how traffickers held them for months in appalling conditions, demanding they pay tens of thousands of dollars in exchange for

⁶⁷ Human Rights Watch interviews with Eritreans in Cairo, November 9 - 10, 2012 and in Tel Aviv, November 17, 2012.

⁶⁸ Human Rights Watch interviews with Eritreans in Cairo, November 9, 10 and 14, 2012. The Israeli NGOs Physicians for Human Rights and Hotline for Migrant Workers started documenting significant number of rape cases that took place in 2010. Fishbein, "Desert Hell," p. 7; Hotline for Migrant Workers, "The Dead of the Wilderness," pp. 2 - 5.

⁶⁹ Statements on file with Human Rights Watch.

their release and abused them to compel their relatives to pay.⁷⁰ In every case, the interviewee said that traffickers repeatedly abused them, often daily, including while they put them on the phone so their relatives could hear their suffering.

Human Rights Watch spoke with a 17-year-old boy from Eritrea's capital, Asmara, who fled to Hafir in Sudan in August 2011 where "Rashaida men" kidnapped and transferred him to traffickers in Sinai who abused him for eight months until his relatives paid \$13,000:

They hung me by my arms, and upside down by my ankles. They beat and whipped my back and head with a rubber whip. They beat the soles of my feet with rubber tubes. They put water on my wounds and then beat them. Sometimes they shocked me with electricity, burnt me with hot irons, and dripped melted rubber and plastic on my back and arms. They threatened to cut off my fingers using scissors. Sometimes they came into the room, took the women out, and then I heard the women screaming. They came back crying. During the eight months, I saw six others die because of this torture.⁷¹

Another 17-year-old Eritrean boy from Zoba Dobab said he escaped from Eritrea on April 3, 2012, and that "Rashaida" traffickers transferred him to Sinai two weeks later, where Egyptian traffickers held him for 10 weeks in two different locations together with around 60 other people. When he refused to pay \$20,000 to the second group of traffickers, they abused him:

They beat my back and legs and the soles of my feet with an iron rod. They dripped molten rubber on my arms and hung me from the ceiling by my hands or by my ankles, sometimes for an hour at a time. I saw other men

⁷⁰ On the amounts of money extorted, see also United Nations Security Council, "Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011)," S/2012/545, July 13, 2012, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Somalia%20S%202012%20545.pdf>, accessed April 30, 2013, which concluded that "instead of delivering the passengers to their destination, the traffickers routinely hold their passengers captive and demand exorbitant ransoms from their families for their release – typically between \$30,000 and \$50,000," paragraph 85; Hotline for Migrant Workers and Physicians for Human Rights, "Tortured in Sinai, Jailed in Israel: Detention of Slavery and Torture Survivors under the Anti-Infiltration Law," November 2012, <http://www.hotline.org.il/english/pdf/TorturedInSinaiJailedInIsraelENG.pdf> (accessed July 17, 2013), p. 5; Feinstein International Center, "Ransom, Collaborations, Corruption," pp. 7 – 10.

⁷¹ Human Rights Watch interview with Eritrean boy, Cairo, November 9, 2012.

die in front of me because they just left them hanging for too long. I was in so much pain that I could only get up by using the wall to support me.⁷²

A 20-year old Eritrean man said he fled Eritrea on November 15, 2011 with a friend. He said Sudanese police handed him and his group over to traffickers who transferred them to Sinai. In Sinai, other traffickers held and abused them and dozens of other Eritreans for almost three months, including by raping women:

We were blindfolded most of the time. To make us pay, they abused all of us. They raped some of the women in our room, in front of us, and left them naked. They hung us upside down and beat us and burnt us all over our bodies with cigarettes. My friend died from the torture, in front of us.⁷³

A 33-year-old Eritrean man from Murki in Eritrea's Gashbarka region said he crossed into Sudan in September 2011. There, traffickers held him for two months before transferring him to Sinai, where a second group of traffickers held him and about 25 others and demanded \$25,000 for his release:

They blindfolded us and then tortured us every day. They gave me electric shocks on my hands and feet. They tied my hands and legs and hung me upside down and then they beat me all over my body with wooden sticks and whipped me with plastic cables. They beat me so badly, I could not stand up anymore, but then they forced me to stand all night long to increase the pain. They raped women in front of us. All I wanted to do was lie down and die.⁷⁴

Human Rights Watch also documented traffickers forcing their victims to work as cleaners or on building sites.⁷⁵ Four trafficking victims unable to pay the ransom told Human Rights Watch they agreed to work for the traffickers in exchange for an end to the abuses they had suffered.⁷⁶

⁷² Human Rights Watch interview with Eritrean boy, Cairo, November 9, 2012.

⁷³ Human Rights Watch interview with Eritrean, Cairo, November 10, 2012.

⁷⁴ Human Rights Watch interview with Eritrean, Cairo, November 10, 2012.

⁷⁵ Human Rights Watch interviews with three Eritreans, Tel Aviv, November 17 and 19, 2012.

⁷⁶ Human Rights Watch interviews in Cairo and Tel Aviv, November 2012. Trafficking victim testimony in reports by Hotline for Migrant Workers and Physicians for Human Rights-Israel present similar testimony. See above, note 70.

A Bedouin religious leader of the Sawarka tribe, Sheikh Mohamed, who lives in Mahdiya between Arish and the Egyptian border town of Rafah, told Human Rights Watch that it was common knowledge in the Bedouin community that traffickers forced Eritreans to work:

I know of hundreds [of Eritreans] at this very moment who are forced to work on constructions sites. They are building houses for the kidnappers who pay for the construction materials with the ransom money.⁷⁷

Since 2011, Sheikh Mohamed has turned his home into a safe house for Eritreans and others who manage to escape from traffickers in Sinai or who are released and are directed to him by other Bedouin.

Sheikh Mohamed told Human Rights Watch he had sheltered dozens of mostly Eritrean men who had been tortured and that some Eritreans died in his house as a result of the abuse they had suffered at the hands of traffickers.⁷⁸

One of Sheikh Mohamed's relatives, who helps care for trafficking victims, told Human Rights Watch that "one of the methods [traffickers] use a lot is removing skin and putting salt on the wounds and another is hanging people from the ceiling by their wrists while attaching pincers to their nipples and giving them electric shocks."⁷⁹

Since March 2012, Sheikh Mohamed's colleagues have taken photos of Eritreans in his care, some of which he shared with Human Rights Watch. Sheikh Mohamed gives survivors food, basic health care, and shelter, and arranges for their transfer to Cairo.⁸⁰ UNHCR told Human Rights Watch that "many" of the people Sheikh Mohamed had helped transfer to Cairo had been "severely tortured."⁸¹

All five Bedouin leaders Human Rights Watch spoke with said it was common knowledge who the traffickers were in Sinai. One Bedouin man said he knew of four locations around

⁷⁷ Human Rights Watch interview with Sheikh Mohamed, Mahlia, Sinai, November 5, 2012.

⁷⁸ Ibid.

⁷⁹ Human Rights Watch interview with assistant to Sheikh Mohamed, Mahlia, Sinai, November 5, 2012.

⁸⁰ Human Rights Watch interview with Sheikh Mohamed, Mahlia, November 5, 2012. See Chapter V for more details on transfers of some trafficking victims to Cairo.

⁸¹ Human Rights Watch interview with UNHCR official, Cairo, November 11, 2012.

50 kilometers south of Arish where traffickers from his tribe, the Sawarka, had held dozens of Eritreans over the previous two years and abused them. He said most of the kidnapers are between 16 and 30 years old, and that everyone in his tribe and in Arish city knows these men and what they are doing.⁸²

UNHCR staff has also interviewed hundreds of trafficking victims in Israel. UNHCR told Human Rights Watch:

All interviewees bore wounds, scars, and injuries attesting to the physical treatment and abuse. Testimonies described abuse including chaining, blindfolding, prolonged deprivation of sleep, continuous beatings, suspension until deformation of arms, electrocution, and droppings of melted rubber onto the skin. More recent testimonies also describe new forms of abuse, such as direct burning of the skin with a lighter on the neck, and throwing of boiled water.... 11 of the 15 women that were interviewed claimed they had been sexually assaulted. The abuse included insertion of objects, oral sex, and rape. A number of women and men described how women were also assaulted by Eritrean men held captive, who were forced to sexually abuse the women. Those who refused to participate in the act were punished severely by additional beatings. Additional men maintained they suspect the women in their respective groups were sexually assaulted, since they were taken outside on many occasions and later returned in tears.⁸³

In August 2012 and September 2012, Human Rights Watch spoke with reliable sources in Cairo with regular access to freed or escaped trafficking victims and published a summary of what they said in September 2012.⁸⁴ Victims interviewed in 2011, 2012, and 2013 said that in Sinai traffickers tortured them in numerous ways, including sexual violence against women.⁸⁵

⁸² Human Rights Watch interview with Bedouin man, Arish, November 4, 2012.

⁸³ Human Rights Watch email exchange with UNHCR, Tel Aviv, September 2012.

⁸⁴ "Egypt: End Sinai Nightmare for Migrants," Human Rights Watch news release, September 5, 2012, <http://www.hrw.org/news/2012/09/05/egypt-end-sinai-nightmare-migrants>.

⁸⁵ Human Rights Watch interviews with NGO staff in Egypt interviewing trafficking victims, August and September 2012; *Van Reisen, Estefanos and Riken*, "The Human Trafficking Cycle," pp. 75 and 76.

In December 2013 and January 2014, Human Rights Watch spoke with an Eritrean activist who has spoken since 2010 by phone with hundreds of Eritreans held in Sinai, as well as with their extorted relatives abroad. She told Human Rights Watch that during Egypt's renewed military crackdown in Sinai, which started in September 2013, she had received no new reports of Eritreans trafficked into Sinai, but that in November the calls started again. She said she had spoken to trafficking victims, and in two cases relatives of trafficking victims, who described the circumstances in which four different groups of Eritreans, a total of 47, had been kidnapped in eastern Sudan and taken to Sinai between November 2013 and January 2014.⁸⁶

The international media reported new trafficking cases in Sinai in November 2013.⁸⁷ UNHCR also has interviewed a number of trafficking victims who were abused in Sinai in 2013.⁸⁸

In mid-2012, the UN Monitoring Group on Somalia and Eritrea concluded that “Bedouin traffickers...routinely hold their passengers captive and demand exorbitant ransoms from their families for their release—typically between \$30,000 and \$50,000. If ransom is not paid, hostages may find themselves brutally tortured or killed.” The Monitoring Group included five testimonies of Eritreans who were kidnapped in eastern Sudan or Khartoum and taken to Sinai, where they were tortured and where some of them witnessed fellow kidnap victims die under torture.⁸⁹

In June 2013, the US State Department issued its annual Trafficking in Persons report, which noted:

Instances of human trafficking, smuggling, abduction, torture, and extortion of migrants, including asylum seekers, and refugees—particularly from Eritrea, Sudan, and to a lesser extent Ethiopia—continue to occur in the Sinai Peninsula at the hands of criminal groups. Many of these migrants are reportedly held for ransom and forced into sexual servitude or forced

⁸⁶ Human Rights Watch phone interview with Meron Estefanos, December 6, 2013 and January 30, 2014.

⁸⁷ Louisa Lovelock, “Egypt's Sinai: Trafficking, torture and fear,” Al Jazeera, December 6, 2013, <http://www.aljazeera.com/indepth/features/2013/12/egypt-sinai-trafficking-torture-fear-201312682516380563.html> (accessed December 13, 2013).

⁸⁸ Human Rights Watch email exchange with UNHCR, December 17, 2013.

⁸⁹ United Nations Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2060 (2012), para. 85 and Annex 2.2, pp. 42 – 50.

labor during their captivity in the Sinai, based on documented victim testimonies. Reports of physical and sexual abuse continue to increase....[They] are brutalized, including by being whipped, beaten, deprived of food, raped, chained together and forced to do domestics or manual labor at smuggler's homes.⁹⁰

Over the past three years, hundreds of Eritreans have also given detailed statements to Administrative Tribunals in Israeli detention centers on the torture they suffered in Sinai. Israeli NGOs have published some of the statements.⁹¹ In December 2010, Human Rights Watch reviewed and reported on 30 such statements describing how the traffickers shackled their legs and chained people together for months on end, raped women, burned limbs with hot iron bars, whipped them with electrical cords, beat them and forced them to do manual labor.⁹² Human Rights Watch found the statements to be credible because of the level of detail involved and, additionally, because of their consistency with interviews Human Rights Watch conducted in Egypt and Israel in November 2012.

Since 2010, non-governmental organizations have also issued numerous reports documenting the torture and deaths of sub-Saharan nationals in Sinai.⁹³

Physicians for Human Rights-Israel (PHR-Israel), an NGO that advocates for health rights of undocumented migrants and gives them primary and secondary healthcare, has treated hundreds of people tortured by traffickers in Sinai. Based on 1,300 interviews with sub-Saharan nationals who entered Israel from Sinai between November 2010 and May 2012, the group reported that about a quarter of the interviewees said they had been subjected

⁹⁰ United States Department of State, "Trafficking in Persons Report 2013," June 2013, <http://www.state.gov/documents/organization/210739.pdf> (accessed June 25, 2013), pp. 157-159 and pp. 432-435.

⁹¹ Hotline for Migrant Workers and Physicians for Human Rights, "Tortured in Sinai, Jailed in Israel: Detention of Slavery and Torture Survivors under the Anti-Infiltration Law," November 2012, <http://www.hotline.org.il/english/pdf/TorturedInSinaiJailedInIsraelENG.pdf> (accessed July 17, 2013).

⁹² "Egypt: End Traffickers' Abuse of Migrants," Human Rights Watch news release, December 9, 2010, <http://www.hrw.org/node/94853>.

⁹³ Some of the many NGO reports on abuses in Sinai not already referenced in this report include: Hotline for Migrant Workers and Physicians for Human Rights, "Current challenges facing African asylum seekers arriving in Israel via Sinai," June 2013, <http://www.phr.org.il/default.asp?PageID=100&ItemID=1786> (accessed July 17, 2013); Refugee Rights Forum, "Position Paper - African Asylum Seekers Arriving in Israel via the Sinai Desert," June 2012, http://www.hotline.org.il/english/pdf/NGOs_Refugees_060412_short_paper_Eng.pdf (accessed July 17, 2013); Physicians for Human Rights, "Hostages, Torture, and Rape in the Desert: Findings from 284 Asylum Seekers about Atrocities in the Sinai," February 2011, <http://asmarino.com/press-releases/1341-the-saga-of-the-eritrean-refugees-and-the-human-smugglers-with-a-list-of-their-names> (accessed July 17, 2013).

to serious abuses including sexual assault, electric shocks, burning with metal objects, beating, whipping, prolonged suspension by the limbs, exposure to sun and execution, and threats of organ removal.⁹⁴

In September 2012, Tilburg University in The Netherlands published a report based on interviews with 123 trafficking victims who spoke about torture they suffered in Sinai and what they had witnessed happen to a further 240 torture victims, including children. Interviewees spoke about rape, severe beating, electric shocks, burning, hanging by the limbs, hanging by the hair, and amputation of limbs. They also spoke about watching fellow kidnap victims die under torture.⁹⁵

In December 2013, the University published a second report for which the authors interviewed 115 Eritreans who described how they were kidnapped in eastern Sudan and abused in Sudan and by Egyptian traffickers in Sinai.⁹⁶

Anonymous Egyptian security officials have spoken about finding bodies of African nationals in various parts of Sinai.⁹⁷ International and Egyptian media have published dozens of articles on trafficker abuses in Sinai.⁹⁸

⁹⁴ Hotline for Migrant Workers and Physicians for Human Rights, "Tortured in Sinai, Jailed in Israel: Detention of Slavery and Torture Survivors under the Anti-Infiltration Law," November 2012, <http://www.hotline.org.il/english/pdf/TorturedInSinaiJailedInIsraelENG.pdf> (accessed July 17, 2013).

⁹⁵ *Van Reisen, Estefanos and Riken*, "Human Trafficking in the Sinai."

⁹⁶ *Van Reisen, Estefanos and Riken*, "The Human Trafficking Cycle," pp. 34 and pp. 72 - 76.

⁹⁷ Dīaa Hadīd, "African migrants tortured in Egypt's Sinai desert," Agence France-Presse, February 16, 2012, http://www.boston.com/news/world/middleeast/articles/2012/02/16/african_migrants_tortured_in_egypts_sinai_desert/ (accessed April 23, 2013).

⁹⁸ For example: Michael Obert "Im Reiche Des Todes," *Sueddeutsche Zeitung*, July, 2013, <http://sz-magazin.sueddeutsche.de/texte/anzeigen/40203> (accessed August 5, 2013); Chris Mitchell, "Tortured in the Sinai: 'I Was Hanged for Days'," *CBN*, July 14, 2013, <http://www.cbn.com/cbnnews/insideisrael/2013/July/Tortured-in-the-Sinai-I-Was-Hanged-for-Days/> (accessed July 17, 2013); Hanna McNeish, "Eritrean Refugees Tortured for Ransom in 'Silent Tragedy,'" *Voice of America*, April 24, 2013, <http://www.voanews.com/content/eritrean-refugees-tortured-for-ransom-in-silent-tragedy/1648056.html> (accessed July 17, 2013); Estera Wieja, "The torture camps of Sinai," *The Jerusalem Post*, February 6, 2013, <http://www.jpost.com/Christian-In-Israel/Comment/The-torture-camps-of-Sinai-315165> (accessed July 17, 2013); "Kidnapped' Eritrean man in plea for life," *BBC*, November 24, 2012, <http://news.bbc.co.uk/1/hi/2012/11/21/21278154219904564> (accessed July 17, 2013); Sarah Lynch "Sinai Becomes Prison for African Migrants," *New York Times*, October 31, 2012, <http://www.nytimes.com/2012/11/01/world/middleeast/01iht-mo1-sinai-migrants.html?pagewanted=all&r=0> (accessed July 17, 2013); "African migrants 'tortured in Sinai'," *Al Jazeera*, July 8, 2012, <http://www.aljazeera.com/video/middleeast/2012/07/201278154219904564.html> (accessed July 8, 2012); "Egypt/Israel: Tortured for ransom in the Sinai desert," *IRIN*, June 7, 2011, <http://www.irinnews.org/report/92921/egypt-israel-tortured-for-ransom-in-the-sinai-desert> (Accessed July 17, 2013); Anshel Pfeiffer, "Sharp drop in asylum seekers entering Israel from Egypt," *Haaretz*, February 8, 2011, <http://www.haaretz.com/news/di...gypt-1.342034> (accessed July 17, 2013); Seth

Number of Victims, Length of Time Held, Trafficker Identities and Locations

According to the Egyptian authorities themselves, as well as people working with refugees in Egypt, including on Sinai abuses, the Egyptian authorities have not investigated trafficking and torture in Sinai and do not allow UNHCR to work there. As a result, there are no statistics on the number of trafficking victims and the number subjected to violence.

Between January 2006 and December 2012, UNHCR says about 35,000 Eritreans entered Israel through Sinai. Of these, almost 25,000 crossed in 2011 and 2012.⁹⁹ There is no way of knowing how many of them were tortured and abused. Considering that a quarter of the 1,300 trafficking victims that PHR-Israel interviewed said they were tortured and abused, the number is likely to be in the thousands.¹⁰⁰ One trafficker whom researchers interviewed in 2013 said he was personally responsible for the death of 1,000 Eritreans and other sub-Saharan nationals.¹⁰¹

Between 2010 and 2013, UNHCR in Israel conducted over 700 interviews with sub-Saharan nationals who reached Israel through Sinai who had scars and who described in detailed interviews how traffickers had abused them in Sinai.¹⁰²

Eritreans who spoke with Human Rights Watch said they were held in Sinai from two weeks to three months. Trafficking survivors who spoke with PHR-Israel have described being held between a few days to almost a year, echoing the statements of Eritreans who told an Egyptian NGO that they were held for up to a year.¹⁰³ The average length of detention

Franzman, "The long road of death, massacre in Sinai," *The Jerusalem Post*, August 18, 2010, <http://www.jpost.com/Opinion/C...spx?id=185084> (accessed July 17, 2013).

⁹⁹ UNHCR says a little over 17,000 crossed in 2011. Rachel Humphris, "Refugees and the Rashaida: human smuggling and trafficking from Eritrea to Sudan and Egypt," UNHCR Policy Development and Evaluation Service, March 2013, <http://www.unhcr.org/51407fc69.html> (accessed July 24, 2013). UNHCR also reported that a little over 6,000 crossed in 2012, with a sharp drop occurring in July that year which continued throughout 2012. UNHCR, "Displacement: The New 21st Century Challenge, UNHCR Global Trends 2012," <http://www.unhcr.org/4fd9e6266.html> (accessed July 17, 2013); UNHCR, "UNHCR Strategy and Regional Plan of Action: Smuggling and Trafficking from the East and Horn of Africa, Executive Summary," March 2013, <http://www.refworld.org/pdfid/51d175314.pdf> (accessed November 20, 2013).

¹⁰⁰ See note 94.

¹⁰¹ *Van Reisen, Estefanos and Riken* "The Human Trafficking Cycle," p. 63.

¹⁰² Human Rights Watch email exchange with UNHCR, December 13, 2013.

¹⁰³ Hotline for Migrant Workers and Physicians for Human Rights, "Tortured in Sinai, Jailed in Israel: Detention of Slavery and Torture Survivors under the Anti-Infiltration Law," November 2012, <http://www.hotline.org.il/english/pdf/TorturedInSinaiJailedInIsraelENG.pdf> (accessed July 17, 2013) p. 9. Human Rights Watch interview with staff at NGO working with refugees in Cairo, November 9, 2012.

referred to in a small sample of testimonies trafficking victims gave to Israeli immigration tribunals was 140 days.¹⁰⁴

About a third of the 36 Eritreans who spoke with Human Rights Watch said they had been held for so long because they were sold between various traffickers, and Eritreans have told other organizations the same.¹⁰⁵ The 17-year-old trafficker Human Rights Watch interviewed said he regularly bought from other Bedouin trafficking victims who already had torture wounds and were weak.¹⁰⁶

As noted above, Human Rights Watch interviewed two traffickers who said that there were dozens of trafficker bases in the areas around Arish alone. Journalists have interviewed trafficking victims who were held in Mahdiya, near the border with Gaza.¹⁰⁷

Based on hundreds of interviews with trafficking victims, various organizations have published details of traffickers who victims say held and abused them. As discussed below, Egyptian police have made little or no effort to investigate or apprehend any of those alleged to be responsible.

Local Community Attempts to End Trafficking

Two Bedouin community leaders told Human Rights Watch that Bedouin communities throughout Sinai knew who the traffickers were. In the absence of any Egyptian security forces response to trafficking crimes in Sinai, some community leaders have attempted to dissuade Bedouin traffickers from continuing their crimes.¹⁰⁸

¹⁰⁴ Hotline for Migrant Workers and Physicians for Human Rights, "Tortured in Sinai, Jailed in Israel: Detention of Slavery and Torture Survivors under the Anti-Infiltration Law," November 2012, <http://www.hotline.org.il/english/pdf/TorturedInSinaiJailedInIsraelENG.pdf> (accessed July 17, 2013) p. 5.

¹⁰⁵ Human Rights Watch interviews, Cairo and Tel Aviv, November 2012. 91 percent of the 1,300 people PHR-I interviewed said they had been held by at least three groups of traffickers in Sinai. Hotline for Migrant Workers and Physicians for Human Rights, "Tortured in Sinai, Jailed in Israel: Detention of Slavery and Torture Survivors under the Anti-Infiltration Law," November 2012, <http://www.hotline.org.il/english/pdf/TorturedInSinaiJailedInIsraelENG.pdf> (accessed July 17, 2013) p. 9; *Van Reisen, Estefanos and Riken*, "Human Trafficking in the Sinai," p. 11.

¹⁰⁶ Human Rights Watch interview with trafficker, Sinai, November 6, 2012.

¹⁰⁷ "Stand in the Sinai," CNN, <http://thecnnfreedomproject.blogs.cnn.com/2012/09/26/stand-in-the-sinai-now-online/> (accessed January 2014).

¹⁰⁸ Human Rights Watch interviews in Arish and Mahdiya, Sinai, November 4 and 5, 2012.

Community leaders described to Human Rights Watch how informal “sharia courts” have encouraged kidnapers to renounce their activities.¹⁰⁹ A senior community leader who helped numerous Eritreans and other sub-Saharan nationals after they were released or escaped said he knew of 15 torturers who had renounced their activities in front of such courts.¹¹⁰

Human Rights Watch spoke with one senior community leader who presides over such a court who said ten men had renounced their activities at his council in 2011 and 2012. The sheikh said that he would have no objections to the Egyptian police or military shutting down the various kidnapper hideouts because kidnapping and torture is “not in line with Islamic values.”¹¹¹

Egyptian Security Force Collusion with Traffickers

Human Rights Watch interviews with Eritreans suggest that some Egyptian police and soldiers—including at the heavily controlled Suez canal—have colluded with traffickers taking Eritreans to, and holding them in, Sinai.

In November 2012, Human Rights Watch interviewed 11 Eritreans about 19 incidents that occurred between 2009 and 2012 involving police and military collusion with traffickers who held and tortured them in Sinai. Eleven of the incidents involved the military and eight involved the police.¹¹²

The collusion took place at points along the Nile that victims could not identify by name, where Sudanese traffickers handed victims over to members of the Egyptian military or police who then transferred them to Egyptian traffickers; at the Suez Canal, where Sudanese or Egyptian traffickers crossing in boats handed victims over to Egyptian soldiers on the eastern (Sinai) side of the canal or where Egyptian policemen on the western side of the canal allowed trucks filled with trafficking victims to cross the canal’s only bridge for vehicles; at traffickers’ houses or at checkpoints in Sinai, where members of the Egyptian military visited traffickers houses and saw trafficking victims without

¹⁰⁹ Human Rights Watch interviews, Arish, Sinai, November 5 and 6, 2103; Mara Revkin, “Sharia Courts of the Sinai,” *The Middle East Channel*, September 26, 2013, http://mideast.foreignpolicy.com/posts/2013/09/20/sharia_courts_of_the_sinai (accessed December 13, 2013).

¹¹⁰ Human Rights Watch interview with community leader, Sinai, November 4, 2012.

¹¹¹ Human Rights Watch interview with chair of Sharia court near Arish, Sinai, November 5, 2012.

¹¹² Human Rights Watch interviews with Eritreans in Cairo and Tel Aviv, November 2012.

intervening or where Egyptian military personnel intercepted escaped trafficking victims and returned them to traffickers; and at the Israeli border, where—in contrast to other Egyptian security forces at the border who try to prevent Eritreans and others from crossing to Israel—Egyptian soldiers met with traffickers who had released their victims and helped the victims cross the border.

In November 2012, the head of Egypt's anti-trafficking committee told Human Rights Watch that there have been no prosecutions of traffickers and other criminals responsible for abuses against sub-Saharan nationals in Sinai.

Collusion by members of the Egyptian security forces with traffickers who physically abuse their victims and Egypt's failure to investigate traffickers' abuses, coupled with the serious nature of the abuses, means Egypt is violating its obligations under the Convention Against Torture.¹¹³

As noted below, Egyptian authorities have responded to Human Rights Watch's presentation of these facts by either denying collusion and abuses take place in Sinai or by saying they do not have enough information to initiate investigations.

Collusion at the Nile

Human Rights Watch documented two incidents in which Egyptian soldiers colluded with traffickers at the Nile. Trafficking victims were unable to say where exactly they crossed the Nile.

A 16-year-old Eritrean boy said he fled to Sudan in February 2012 but was kidnapped by six "Rashaida men" soon after crossing who transferred him in a group to Egypt. He said:

When we reached a big river the Rashaida told us it was the Nile. There were already 20 other Eritreans kidnapped before us who were waiting there. They put all of us in a boat, covered us with canvas and we sailed for about two hours. There were six people with guns waiting for us on the other side. It was dark but as we got closer I could see they had lighter skin than the Sudanese, so we all knew they were Egyptians. Three were wearing

¹¹³ See Chapter IV.

jalabiyas [traditional long robes] and three were in military uniform, green jackets with spots and trousers with mixed colors including grey.

The three men in uniform stood to one side and watched while the other three beat us with sticks and forced us into the back of two red pickup trucks and covered us with canvas. I could see through holes in the canvas and I saw the three soldiers get onto the back of the pickup truck I was in.

After a while, we reached a military checkpoint and stopped. I heard people talking and we drove on. The next time we stopped, four men with guns and wearing jalabiyas loaded us all onto a big truck. I saw two of the men in uniform drive off in one of the pickups and the third man stayed with us while we were loaded into the truck. After that, I didn't see him again.¹¹⁴

A 26-year-old Eritrean man said Sudanese traffickers took him and other trafficking victims to Egypt in February 2012, where they crossed the Nile and then held them for three days in a house nearby. He said:

After three days, six beige-colored military vehicles arrived. The men who got out had lighter skin and looked like Egyptians. They were wearing normal civilian clothes, except for two who were wearing jalabiyas. All of them had weapons and military belts with military equipment on them. The men put our group of around 30 people into four of the six military vehicles.

We drove with them for one night and one day. The two other military vehicles followed us all the way. Then the men transferred us into a big civilian truck. None of the men from the military pickup trucks got into the back of the big truck with us.¹¹⁵

¹¹⁴ Human Rights Watch interview with Eritrean boy, Cairo, November 14, 2012.

¹¹⁵ Human Rights Watch interview with Eritrean, Cairo, November 14, 2012.

Collusion at Checkpoints

Human Rights Watch documented five incidents of Egyptian police collusion with traffickers at checkpoints.

In one case typical of three others, Sudanese police intercepted a 20-year-old Eritrean man who fled to Sudan in November 2011 and handed him over to Sudanese traffickers. After holding him for a month in Sudan, they transferred him and dozens of other Eritreans in a medium-sized Mitsubishi pickup truck. The police told them to sit down and covered them in plastic sheeting. He said:

They told us when we reached Egypt. Then we went through three police checkpoints. We could see them through gaps in the plastic. The police had lighter faces than the Sudanese so we knew they were Egyptian. They were wearing green and caps. They never looked under the plastic. Each time, they searched all the other cars but not ours. They just let us pass.¹¹⁶

Collusion at the Suez Canal

Human Rights Watch spoke with six Eritreans who described how soldiers and policemen colluded with traffickers at the Suez Canal. Four cases involved military personnel and two involved policemen. Some instances of collusion happened on the banks of the canal, with traffickers transporting their victims across in boats, sometimes at night. Other cases happened at police and military checkpoints at the entrance to the Suez Canal Bridge at Qantara, 160 kilometers northeast of Cairo and 50 kilometers south of Port Said.

A 32-year-old Sudanese man trying to reach Israel travelled with smugglers to Sinai in April 2011, together with 70 other Sudanese men in a passenger bus. The group was kidnapped by Egyptian traffickers when they reached the Suez Canal. He told Human Rights Watch:

The driver told us to get off the bus and we were told to wait in a house, about 150 meters away from the edge of the water. Just after dark, Egyptian police—in blue uniform—arrived and a little while after a boat arrived. The smugglers put 25 of us in the boat, while the police stood about 50 meters

¹¹⁶ Human Rights Watch interview with Eritrean, Cairo, November 10, 2012.

away, watching. We crossed the canal. On the other side there were three soldiers, wearing beige dotted uniforms and with small handguns, standing next to some men who looked like Bedouin. While the soldiers watched, the Bedouin loaded us into the back of two civilian pickups and told us to lie down and covered us with plastic.¹¹⁷

A 37-year-old Eritrean man had an almost identical story. He told Human Rights Watch that in June 2011 traffickers took him and 80 others across the canal at night in a boat and that on the Sinai side two Egyptian soldiers walked them from the boat to the cars of the Bedouin traffickers who then held and abused them for three weeks.¹¹⁸

A 22-year-old Eritrean man was trafficked from Sudan to Egypt in June 2011. He said:

A few dozen of us were crammed into the back of a pickup truck with canvass on top of us. When we reached the Suez bridge, some of us could see through some holes in the canvas. I saw three of the traffickers get out and speak with the police who were at the checkpoint before we crossed the big bridge. We saw the police were checking some of the other cars but they didn't check ours. The kidnappers got back in the truck and we drove over the bridge.¹¹⁹

One of the two traffickers Human Rights Watch interviewed in Sinai confirmed that Egyptian police and military colluded with traffickers at the bridge and at the Ahmed Hamdi tunnel that runs under the canal about ten kilometres north of the town of Suez:

From Sudan, traffickers travel to Aswan, where they stay a night or two, and then onwards to Ismailiya [30 kilometers south of the Suez Canal bridge]. From there they cross the canal to Sinai, by boat or over the bridge or through the tunnel. On the other side they hand them over to people who work for me with my cars on this [Sinai] side of the canal.

¹¹⁷ Human Rights Watch interview, Tel Aviv, November 17, 2012.

¹¹⁸ Human Rights Watch interview, Tel Aviv, November 19, 2012.

¹¹⁹ Human Rights Watch interview, Tel Aviv, November 17, 2012.

They cross the bridge or drive through the tunnel with buses and trucks full of Africans. Until December 2011, all the police at the bridge and tunnel took bribes to let us bring Africans into Sinai. Sometimes the police even drove the trucks across. In December, the military took over control of the bridge. Sometimes they make it difficult to cross at the bridge and tunnel, but they still take bribes and let us cross.¹²⁰

According to an international aid worker in Cairo with good knowledge of the situation at the Suez Canal, since early 2011 both the military and the police have been stationed at the tunnel and bridge.¹²¹

On November 5, 2012, a Bedouin community leader told Human Rights Watch that Bedouin traffickers told him that if they pay between \$1,000 and \$2,000, soldiers at the bridge and tunnel allow them to cross with trucks with up to 80 Africans inside.¹²²

Other Collusion Cases in Sinai

Human Rights Watch spoke with a 26-year-old Eritrean man who said he was held by a trafficker in Sinai for three months in late 2010:

I was held in a place with about 85 other people, including 20 women. I remember some people told me they thought we were near the United Nations base at the border town of Rafah [Egypt-Gaza border]. During those three months, I heard from Eritrean interpreters who were working for a trafficker who they said was holding another 200 people in other places, so we all thought he was a big trafficker.

The traffickers made some of us work as construction workers and cleaners on the construction sites and in the house of a man the Eritrean interpreters said was also a trafficker. I worked about two weeks in his house and while cleaning there I saw two Egyptian soldiers – wearing military uniform, green and brown and spotted - come to the house three times. Each time it was

¹²⁰ Human Rights Watch interview with trafficker, near Arish, Sinai, November 6, 2012.

¹²¹ Confidential Human Rights Watch interview, Cairo, November 11, 2012.

¹²² Human Rights Watch interview with local community leader, Mahdiya, November 5, 2012.

the same two men and each time they just looked at us, cleaning the house. I remember some of us said we thought we had to clean the house to prepare it for the soldiers.

Some of the other Eritreans in our group managed to escape. Some never came back but soldiers caught one group of five people about an hour after they had escaped and brought them to the trafficker holding us. When the group came back, they told us what had happened.¹²³

A 20-year-old Eritrean man who reads and speaks Arabic said he was taken to Sinai in November 2008, where traffickers held him for nine months near the town of Arish:

During the first week I escaped through a hole in the shower wall and ran until I reached a town. I saw the name “Arish” many times. But soldiers saw me and took me to a checkpoint. They didn’t ask me any questions and said I could not leave. I saw them make phone calls. One hour later the main trafficker holding me arrived. I saw him give one of the soldier’s money and then they handed me over to him and he took me back. He shouted at me, saying ‘I had to pay a lot of money to get you back.’¹²⁴

A 43-year-old Eritrean man told Human Rights Watch he was travelling with his wife and four children and crossed to Sudan in May 2011, where Sudanese traffickers kidnapped and held them for 65 days before moving them to Sinai. There, he said traffickers held them for 25 days and tortured him and other Eritreans. He said that after he paid the kidnappers \$14,000 they released him:

At around 8 p.m., two of the Bedouin who held us took 15 of us—nine Sudanese and six Eritreans—to the [Israeli] border in two cars where we met two Egyptian soldiers. We all sat together for about half an hour and the soldiers took us to the Israeli fence and showed us where to cross.¹²⁵

¹²³ Human Rights Watch interview, Tel Aviv, November 17, 2012.

¹²⁴ Human Rights Watch interview with Eritrean, Tel Aviv, November 20, 2012.

¹²⁵ Human Rights Watch interview with Eritrean, Tel Aviv, November 19, 2012.

In June 2013, the US State department concluded that “police in the Sinai failed to investigate or accepted bribes from criminals transporting trafficking victims to the Sinai. ... Police reportedly failed to investigate vehicles used by criminals to transport migrants—some of whom may be trafficking victims—across Ministry of Interior-controlled bridges into the Sinai.”¹²⁶

¹²⁶ United States Department of State, “Trafficking in Persons Report 2013,” pp. 157-159.

IV. Sudan's and Egypt's Failure to Investigate Trafficking, Collusion, and Torture

National and international law requires Sudan and Egypt to investigate and prosecute traffickers who abuse their victims and officials who collude with them.

To date, Sudan has prosecuted only 14 cases involving trafficking of Eritreans in and out of eastern Sudan and Egypt has prosecuted only one person in relation to Sinai trafficker abuses. Egypt has not prosecuted any officials for collusion with Sinai traffickers, while Sudan has prosecuted only four. Given the nature of the abuses traffickers commit, officials colluding with traffickers, and the authorities' failure to prosecute them, breach Sudan and Egypt's obligations under the UN Convention Against Torture.

In addition, Egyptian and Sudanese officials' failure to act on readily available information on the extent of abuses in eastern Sudan and Sinai means they are responsible under the Torture Convention for consenting to trafficker abuses.

Both countries failure to adequately address the abuses means they are also in breach of their human rights obligations to protect everyone on their territory against attacks on their physical security. Egypt is, in addition, in breach of its national and international anti-trafficking obligations.

Legal Obligations

Sudan's and Egypt's failure (described below) to investigate and prosecute traffickers who take Eritreans and other trafficking victims to Sinai where they are subjected to horrific and exploitative violence means both countries are breaching their obligations under criminal law and international human rights law to prevent and prosecute trafficking and to guarantee the right to life and physical integrity of everyone on its territory. Egypt is also in breach of its international and national anti-trafficking legal obligations.

In cases where Sudanese and Egyptian officials collude with traffickers who inflict severe pain and suffering on the people in their custody in order to coerce the victims or the

victims' families to pay them money, those officials are complicit in torture under the Convention Against Torture and should be investigated and prosecuted.

Obligations to Investigate Trafficking, Related Abuses and Security Force Collusion with Traffickers

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, defines trafficking as the recruitment, transportation, transfer, harboring or receipt of persons through “the threat or use of force or other forms of coercion...or of the giving or receiving of payments or benefits to achieve the consent of a person having control of another person, for the purpose of exploitation” where “exploitation shall include, at a minimum, the exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”¹²⁷

The crimes described in this report constitute trafficking. Criminals transport, transfer, and harbor Eritreans by using force or the threat of force for the purpose of slavery.

International law defines slavery as involving a relationship in which one person exercises “any or all of the powers ... attaching to the right of ownership.”¹²⁸

In 2000, the Preparatory Commission for the International Criminal Court issued guidance on the elements the crimes of “enslavement” and “sexual slavery” and concluded that in both cases, the crimes involved a person exercising “any or all of the powers attaching to the right of ownership over one or more persons, such as by

¹²⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention on Transnational Organized Crime (Trafficking Protocol), adopted November 15, 2000, G.A. Res. 55/25, annex II, 55 U.N. GAOR Supp. (No. 49) at 60, U.N. Doc. A/45/49 (Vol. I) (2001), entered into force December 25, 2003, http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf (accessed May 2, 2013). Egypt acceded to the Protocol on March 5, 2004. Sudan has not signed or acceded to the Protocol.

¹²⁸ Slavery involves “the status or condition of persons over whom any or all of the powers attaching to the right of ownership are exercised.” Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 1926 (Slavery Convention), adopted September 25, 1926, 60 L.N.T.S. 253, entered into force March 9, 1927, article 1, <http://www1.umn.edu/humanrts/instreet/f1sc.htm> (accessed November 21, 2013). The crime of enslavement is “the exercise of any or all the powers attaching to the right of ownership over a person ... including the exercise of such power in the course of trafficking in persons.” Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, article 7(1)(c), http://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/o/rome_statute_english.pdf (accessed November 21, 2013).

purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty.”¹²⁹

In 2002, the Trial Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY) found that that factors contributing to “enslavement” included “control of someone’s movement, control of physical environment, psychological control, measures taken to prevent or deter escape, force, threat of force of coercion, duration, assertion of exclusivity, subjection to cruel treatment and abuse, control of sexuality ...”¹³⁰

The Trafficking Protocol requires states to criminalize trafficking, and the act of working as an accomplice to traffickers, and to strengthen border controls to detect and prevent trafficking.¹³¹

Under the International Covenant on Civil and Political Rights, States are bound to protect a range of rights of anyone within their jurisdiction, including the right to life and physical integrity.¹³²

Under Sudan’s 1991 Criminal Act, the Sudanese authorities are responsible for investigating and prosecuting anyone breaching the Act, which criminalizes, among other things, “intentionally causing wounds [and] hurt,” the use of “criminal force,” “intimidation,” “abduction” and “kidnapping,” “unlawful confinement,” and “extortion.”¹³³ The Act also prohibits “criminal conspiracy,” “assisting” the commission of

¹²⁹ “Report of the Preparatory Commission for the International Criminal Court, Addendum, Part II, Finalized draft text of the Elements of Crimes,” Preparatory Commission for the International Criminal Court, November 2, 2000, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/724/27/PDF/N0072427.pdf?OpenElement> (accessed November 21, 2013). In 2001, the Trial Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY) held that “acquisition” or “disposal” is a “prime example” of the exercise of the right of ownership over someone. ICTY, *Prosecutor v. Kunarac, Kovac and Vukovic*, Judgement of February 22, 2001, <http://www.icty.org/x/cases/kunarac/tjug/en/kun-tjo10222e.pdf> (accessed November 21, 2013), para 542.

¹³⁰ *Ibid.*, para. 543.

¹³¹ *Ibid.*, articles 5(2) and 11.

¹³² International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, <http://www2.ohchr.org/english/law/ccpr.htm> (accessed July 24, 2013), acceded to by Egypt on August 4, 1967 and by Sudan on March 18, 1986.

¹³³ The Criminal Act, 1991, <http://www.pclrs.org/downloads/bills/Criminal%20Law/Criminal%20Act%201991%20English.pdf> (accessed July 26, 2013), sections 139, 142, 143, 144, 161, 162, 164 and 176 respectively.

a criminal act, the taking of bribes, and public servants engaging in acts “with intent to cause injury,” which would apply to officials colluding with traffickers.¹³⁴

Sudan has not yet passed any anti-trafficking legislation. On November 18, 2013, a draft anti-trafficking law was submitted to Sudan’s National Assembly for review.¹³⁵ The draft law criminalizes the act of trafficking which it defines as any act whereby a person “lures, or transfers ... persons or abducts or departs or harbors or receives or detains ... them with the intent to exploit or use them in illegal acts or to achieve an illegal goal for [the purpose of] material gain...” and does so through “the use of force or any form of coercion or kidnapping or fraud and deception or abuse of power and influence or the exploitation or abuse of a position of vulnerability ...”¹³⁶

Egypt’s Law on Combating Human Trafficking defines the “crime [of] human trafficking” as, among other things, the “transport, delivery, harboring, reception, or receipt” of a person” through “use of force, violence, or threat thereof ... or through abduction, fraud, deception, abuse of power, or exploitation of a position of vulnerability or need” where “the purpose of the transaction was exploitation in any of its forms...”.¹³⁷

Egyptian criminals who buy Eritreans from Sudanese traffickers and use money to extort money from them fall under this definition.

In July 2007, a Presidential Decree established Egypt’s National Coordinating Committee to Combat Trafficking (anti-trafficking committee), which is tasked with coordinating the activities of various state agencies to combat human trafficking more effectively.¹³⁸ The anti-trafficking committee’s steering committee has an “anti-trafficking unit” which is

¹³⁴ Ibid, sections 24, 26 and 88.

¹³⁵ “Anti-trafficking draft Act lodged at table of Parliament,” *Al-Rai al-Aam Daily*, November 19, 2013, not available online, copy on file with Human Rights Watch.

¹³⁶ Draft text of law on file with Human Rights Watch.

¹³⁷ Law No. 64 of 2010 on Combating Human Trafficking, http://www.protectionproject.org/wp-content/uploads/2010/09/Egypt_TIP-Law_2010-Ar+En.pdf (accessed July 29, 2013), Article 2.

¹³⁸ Prime Ministerial Decree no. 1584 of 2007, <http://www.mfa.gov.eg> (accessed December 13, 2013). Headed by Ministry of Foreign Affairs advisor Ambassador Naela Gabr, the committee is made up of various representatives, including the Ministries of Domesne, Health, Justice and Interior, the public prosecutor, the police, the National Council for Human Rights and for Women, and the National Council for Childhood and Motherhood. Egyptian Initiative for Personal Rights, “Law Combating Trafficking in Persons: A Welcome Step that Requires Careful Implementation,” November 2010, <http://eipr.org/en/report/2010/11/24/1003> (accessed May 2, 2013); Human Rights Watch interview with international organization in Cairo, November 6, 2012.

charged with working with international and national agencies assisting trafficking victims.¹³⁹

Egypt's penal code also criminalizes murder, attacks on physical integrity, rape, the taking of bribes, and various forms of criminal conspiracy.¹⁴⁰

Obligations to Investigate Torture

The three core elements of the UN Convention against Torture's definition of torture relate to the nature of the abuse, the reason for the abuse, and the involvement of a public official. It defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity...."¹⁴¹

The Convention also requires that "Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture."¹⁴²

The abuses traffickers inflict on Eritreans and others in Sudan and Sinai involve the intentional infliction of severe pain and are done to coerce victims and their relatives into paying ransoms.

¹³⁹ Human Rights Watch interview with international organization in Cairo, November 6, 2012.

¹⁴⁰ "Law No. 58 of 1937 Promulgating The Penal Code," <http://track.unodc.org/LegalLibrary/LegalResources/Egypt/Laws/Egypt%20The%20Penal%20Code%20Law%201937.pdf>, (accessed November 21, 2013), articles 230, 240, 267, 103 and 40 respectively.

¹⁴¹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>, acceded to by Egypt on June 25, 1986, and signed by Sudan on June 4, 1986, Article 1.

¹⁴² *Ibid*, Article 4.

The Convention requires a public official to have instigated the torture or to have consented to or acquiesced in it. The Committee Against Torture, which monitors State compliance with the Convention, has stated:

Where State authorities or others acting in official capacity ... know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with this Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts. Since the failure of the State to exercise due diligence to intervene to stop, sanction and provide remedies to victims of torture facilitates and enables non-State actors to commit acts impermissible under the Convention with impunity, the State's indifference or inaction provides a form of encouragement and/or de facto permission. The Committee has applied this principle to States parties' failure to prevent and protect victims from gender-based violence, such as rape, domestic violence, female genital mutilation and trafficking.¹⁴³

Human Rights Watch's interviews with Eritreans revealed that on at least eight occasions between 2009 and 2012, one or more Sudanese public officials cooperated with traffickers kidnapping Eritreans in eastern Sudan who then severely abused them. On at least those occasions, Sudanese officials have therefore breached Sudan's obligations under the Convention.

Human Rights Watch's interviews with Eritreans also revealed that on at least 19 occasions between 2009 and 2012, one or more Egyptian public officials cooperated with traffickers transporting Eritreans to Sinai where they were severely abused. On at least 19 occasions, Egyptian officials have therefore breached Egypt's obligations under the Convention.

¹⁴³ Committee Against Torture, General Comment 2, Implementation of article 2 by States Parties, U.N. Doc. CAT/C/GC/2/CRP.1/Rev.4 (2007), November 23, 2007, http://www1.umn.edu/humanrts/cat/general_comments/cat-gencom2.html (accessed December 12, 2013).

In addition, the extent of the readily-available evidence in the public realm about the widespread abuses committed in Sinai as well as detailed information about trafficker locations given by private citizens in Sinai to the Egyptian authorities, means there are, as the UN Torture Committee puts it, “reasonable grounds to believe ... that acts of torture or ill-treatment are being committed by ... private actors.” The authorities’ failure “to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors” means Egypt “facilitates and enables [traffickers] to commit acts impermissible under the [Torture] Convention with impunity,” as a result of which Egypt “bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the [Torture] Convention for consenting to or acquiescing in such impermissible acts.”¹⁴⁴

Sudan and Egypt do not criminalize torture in line with article 1 of the Convention. Article 115 of Sudan’s Criminal Act only criminalizes torture when it is done to “influence the fairness of judicial proceedings.”¹⁴⁵ Article 126 of Egypt’s penal code only criminalizes torture when it is done to “induce [a person] to make a confession.”¹⁴⁶

Sudan’s Limited Steps to Investigate

As of early December 2013, the Sudanese authorities had prosecuted 14 cases involving traffickers of Eritreans in eastern Sudan and four police officers in eastern Sudan relating to trafficking of Eritreans.¹⁴⁷

In November 2013, the Kassala state governor made a public plea to visiting EU ambassadors to Kassala to assist him in combatting human trafficking in the state, although he did not say what type of help was needed, nor what steps his office was taking to help prevent trafficking by investigating security forces who collude with traffickers.¹⁴⁸

¹⁴⁴ Ibid.

¹⁴⁵ The Criminal Act, 1991.

¹⁴⁶ Human Rights Watch, ‘*Work on Him Until He Confesses*,’ January 2011, <http://www.hrw.org/reports/2011/01/30/work-him-until-he-confesses-0>, pp. 46 - 49.

¹⁴⁷ Confidential Human Rights Watch interview, December 8, 2013.

¹⁴⁸ “Sudan’s Kassala state governor pleads for EU help to combat human trafficking,” *Sudan Tribune*, November 7, 2013, <http://www.sudantribune.com/spip.php?article48739> (accessed December 13, 2013).

Before 2012, Sudanese police had not prosecuted a single person for trafficking-related offenses in eastern Sudan.¹⁴⁹ Following the January 2012 visit to eastern Sudan by the UN High Commissioner for Refugees Antonio Guterres and related media coverage, Sudan's national security agency, which is responsible for policing trafficking crimes, told Sudanese media it would lead efforts to identify, arrest, and prosecute a number of suspected traffickers.¹⁵⁰ At the end of 2012, Sudanese authorities told UNHCR that they had freed 195 trafficking victims during raids on "different sites within Sudan" or through intercepting vehicles transporting victims.¹⁵¹ It is not clear how many of the 195 were Eritreans or where in Sudan the victims were being held.

In June 2013, the US State Department reported that in 2012, Kassala State prosecutors prosecuted 12 cases involving some form of trafficking resulting in the conviction of 23 people, but that it was not clear whether the cases in fact involved "human trafficking... or other related crimes such as smuggling, kidnapping, or extortion."¹⁵²

In its January 25, 2013 press release, UNHCR said it was "working with the Sudanese authorities ... to reduce the risk of abductions and kidnappings in the area" and that "the Government of Sudan has ... deployed additional police." UNHCR also said it was "supporting the authorities to improve overall security, including with the construction and rehabilitation of police stations, provision of vehicles and communication equipment."¹⁵³

Egypt's Failure to Investigate Despite Detailed Evidence

Since 2010, the evidence of widespread trafficking and torture of sub-Saharan nationals in Sinai has been widely available. Yet, as of this writing, there has been only one prosecution and no conviction of any Sinai trafficker under Egypt's criminal law or anti-trafficking law.¹⁵⁴

¹⁴⁹ Confidential Human Rights Watch telephone interview with aid worker formerly working in eastern Sudan, January 2013.

¹⁵⁰ Confidential Human Rights Watch email exchange, June 2013.

¹⁵¹ UNHCR-IOM, "Joint Strategy," p. 3.

¹⁵² United States Department of State, "Trafficking in Persons Report 2013," pp. 342 - 345.

¹⁵³ "UNHCR concern at refugee kidnappings, disappearances in eastern Sudan," UNHCR News Release, January 25, 2013, <http://www.unhcr.org/510275a19.html> (accessed April 11, 2013).

¹⁵⁴ Human Rights Watch interview with international organization staff, November 11, 2012 and December 12, 2013. Human trafficking prosecutions in Egypt are rare and have focused on the foreign domestic workers trafficked into Egypt and Egyptians trafficked abroad.

Bedouin leaders say their honor codes normally prohibit Bedouin from giving names of criminal suspects to the state authorities or publicly criticizing individual Bedouin.¹⁵⁵ However, some Bedouin who have been frustrated by the authorities' failure to stop the abuses have given traffickers' names and locations to authorities in Arish.¹⁵⁶

One Bedouin community leader told Human Rights Watch that his frustration led him in June 2012 to give the police in Arish names and locations of four traffickers. He said the police told him they could not leave Arish to investigate crimes committed outside the city and that he should instead speak to the General Intelligence Services. When he approached them, he was told they had "other priorities."¹⁵⁷

The same man said that in August 2012 he prepared a printout of a Google Earth map on which he had marked the locations of known kidnappers and torturers in areas close to Arish and gave it to the Criminal Investigation Department in the Arish Security Directorate. He said he repeatedly asked them how they had followed up but received no reply.¹⁵⁸

In 2012, a community source told Human Rights Watch that he told a police officer in Sinai where he thought traffickers were holding a group of migrants. The police officer responded, "There is no way we can do anything about it. That area is known for being under the control of well-armed groups. The police can't enter."¹⁵⁹

Staff working on the issue for an international organization in Cairo told Human Rights Watch that in early 2012 they gave the Bureau of International Cooperation in the public prosecutor's office in Cairo names and locations of traffickers in Sinai and asked what action the prosecutor would take but received no reply.¹⁶⁰

Human Rights Watch spoke with two Bedouin community leaders who said that they have tried to convince fellow Bedouin to end the kidnapping and abuses. They told Human Rights Watch that authorities, including police and the military, clearly know about the

¹⁵⁵ Human Rights Watch interviews with Bedouin community leaders in Sinai, November 4 and 5, 2012.

¹⁵⁶ Human Rights Watch interview with Bedouin community leader who said he knew a number of Bedouin who had given names and locations of trafficker bases to the police in Arish, November 5, 2012,

¹⁵⁷ Human Rights Watch interview with Bedouin community leader, Arish, November 5, 2012.

¹⁵⁸ Human Rights Watch interview with Bedouin community leader, Arish, November 5, 2012.

¹⁵⁹ "Egypt: End Sinai Nightmare for Migrants" Human Rights Watch news release, September 5, 2012.

¹⁶⁰ Human Rights Watch confidential interview, Cairo, November 11, 2012.

trafficking and abuses, because the trafficking victims had to be brought across the heavily-policed Suez Canal and because Sinai has many government informants who know who is buying, selling, and torturing trafficking victims.¹⁶¹

In June 2012, the US State Department concluded that “the government did not actively encourage victims to assist in investigations against their traffickers” and that the authorities had “failed to investigate and prosecute government officials ... complicit in trafficking offenses.”¹⁶²

Egyptian Officials’ Denials of Trafficking and Related Abuses in Sinai

When Human Rights Watch has raised its findings on trafficker abuses in Sinai with officials, they have responded with outright denials and at best obfuscation of the issue. Staff of international organizations working on these issues in Cairo told Human Rights Watch that they heard similar responses when they raised the matter with the authorities.¹⁶³

In November 2012, Human Rights Watch spoke with a North Sinai judicial official in Sinai who requested to remain anonymous. He initially denied any abuses were taking place:

I haven’t received a single police report on my desk that says there is trafficking in Sinai. We don’t have any evidence of torture and as long as I have not received reliable information, I cannot say there is torture in Sinai.

My colleagues and I have been to the police stations here about 10 or 15 times on routine visits to make sure everyone there is treated well. There are no obvious torture marks on migrants detained there and none of my colleagues have ever said they saw torture marks. If they were obviously hurt we would ask but we have never seen such cases, but there are no obvious signs of abuse.

¹⁶¹ Human Rights Watch interview with two Bedouin community leaders, Arish, November 6, 2012.

¹⁶² United States Department of State, “Trafficking in Persons Report 2012,” June 2012, pp.157 - 159.

¹⁶³ Human Rights Watch interviews, Cairo, November 2012.

Victims die here in the desert because they don't have enough food and water. We know there are rotting bodies in the desert. It's probably just that they have been in the desert for so long that they have suffered from dehydration.

Only the Foreign Ministry [which deals with international NGOs] has dealt with 10 or 15 cases relating to corpses found in Sinai. The bodies are taken to hospitals and doctors examine them there.

This is a question of illegal migration. Like any other country, Egypt must protect its borders and cannot bear responsibility for everyone coming in illegally.¹⁶⁴

As the interview progressed, and when pressed on whether he or his staff had seen torture signs on Eritreans detained in Sinai's police stations after escaping from or being released by kidnappers, he said:

I agree that detention and torture happens here. But the prosecutor depends on medical reports from specialists, because without that it is probably just that they have been in the desert for so long that they have suffered from dehydration. We have asked detained migrants in police stations about who tortured them and where it happened but they refuse to tell us. So we have no idea who is committing these crimes.¹⁶⁵

In November 2012, Human Rights Watch also spoke with the secretary general of the North Sinai Governorate, Major General Jaber al-Arabi, responsible for local government affairs. He said:

This is the first time I have heard of the idea that traffickers or kidnappers are torturing people in Sinai. I haven't heard or read any such reports anywhere. The police have never mentioned anything to me about trafficker abuses in Sinai.

¹⁶⁴ Human Rights Watch interview with North Sinai judicial official, Arish, November 6, 2012.

¹⁶⁵ Ibid.

There are no refugees in Sinai and there is no one torturing anyone in Egypt, so don't spread rumors. People enter Egypt and Sinai illegally and we arrest them, prosecute them in the military courts, and transfer them to their embassies.¹⁶⁶

In mid-November 2012, Human Rights Watch also spoke with Naela Gabr, the chairperson of Egypt's anti-trafficking committee established under Egypt's anti-trafficking legislation, who acknowledged that authorities had taken no action to date to address trafficker abuses in Sinai:

I am unaware of any official investigation by the prosecutor into the abuses in Sinai. The Ministry of Interior has asked me for information, but to be able to do something to combat trafficking in Sinai I need detailed information on what is happening in Sinai.

A year ago I sent the public prosecutor information based on newspaper clippings. The public prosecutor and the Ministry of Interior told me they have investigated the issue and that most of the information is false. The public prosecutor says that migrant deaths in Sinai are caused by dehydration in the desert.¹⁶⁷

Two years earlier, in 2010, Human Rights Watch brought the case of a group of 105 detained Eritrean asylum seekers and migrants to the attention of the Foreign Affairs Ministry. An official there denied the information was credible and asked for the names and other personal details of the 105 people.¹⁶⁸ The director of a human rights organization in Cairo later told Human Rights Watch that the Foreign Affairs Ministry had sent the information to the Ministry of Interior, which responded that it was aware of the problem but did not have the capability to intervene with Sinai-based criminal groups.¹⁶⁹

¹⁶⁶ Human Rights Watch interview with Major General Jaber al-Arabi Arish, November 6, 2013.

¹⁶⁷ Human Rights Watch interview with Naela Gabr, Cairo, November 12, 2012.

¹⁶⁸ Human Rights Watch interview with official at Egyptian Ministry of Foreign Affairs, Cairo, December 2010.

¹⁶⁹ Confidential Human Rights Watch interview with director of human rights organization in Cairo, 2010.

Senior diplomats in Cairo told Human Rights Watch that throughout 2011 and 2012 the Ministry of Defence and Ministry of the Interior refused to discuss with them the question of abuses in Sinai.¹⁷⁰

Partial Acknowledgment by Anti-Trafficking Committee of Trafficker Abuses

Until September 2012, Naela Gabr, the head of Egypt's anti-trafficking committee established under Egypt's anti-trafficking legislation, told Cairo-based international organizations that until they gave her names of Eritrean torture survivors in Cairo, she had to conclude that reports of abuses in Sinai were propaganda.¹⁷¹

In September 2012, the anti-trafficking committee published just a five-page summary of a planned but never published "Fifth Period Report" which concluded:

Due to the growing number of African illegal migrants from Southern African countries, as well as the local and the foreign media's discussions of this issue, the ... National Committee prepared awareness flyers ... to be provided to the African countries that export immigrants.... [T]he flyers ha[ve] reached refugee camps ... to raise ... awareness of the illegal practices that expose African migrants to human trafficking, and its forms, which include forced labor, forced exploitation and financial extortion.

[A] further serious challenge that has been highlighted by internal and international media along with the international reports is the issue of African migrants across [sic] Sinai toward Israel who are being severely exploited by the human trafficking gangs. The Committee is alert to this danger and its negative impact on the peace and security of the African migrants as well as the Egyptian image in the eyes of the outside world... [S]ome people claim ... the problem emanates from the lack of Egyptian

¹⁷⁰ Human Rights Watch interviews with diplomats in Cairo, November 12, 2012.

¹⁷¹ Confidential Human Rights Watch interview with international staff, Cairo, November 11, 2012.

control over Sinai. Currently, we hope that the ongoing work of the armed forces in Sinai eradicates the criminal outposts in the Sinai Peninsula.¹⁷²

In November 2012, Gabr told Human Rights Watch that “the security vacuum means Sinai is good for traffickers. Traffickers ask for money and abuse Eritreans. This issue negatively affects Egypt’s image and the country’s credibility.”¹⁷³

Despite these comments indicating awareness of the problems, in January 2013 the anti-trafficking committee released its National Plan for 2013 – 2016 in which the committee made no reference to the situation in Sinai and spoke only in general terms about “African illegal infiltrators.”¹⁷⁴

To date, there has been one prosecution in Cairo relating to the Sinai abuses. In April 2013, the public prosecutor in Cairo charged a suspect living in Cairo with Sinai-related trafficking crimes. As of this writing, the police investigation was ongoing.¹⁷⁵

Possible Impact of Egyptian Military Operations in Sinai in Late 2013

In July 2013, the Egyptian military launched a new offensive against Islamist militants in northern Sinai, which was expanded in September.¹⁷⁶ International media have reported that during the operations, the military may have destroyed the properties traffickers use to hold their victims.¹⁷⁷

In December 2013, Human Rights Watch spoke with an activist in regular phone contact with Eritreans in Sinai. She said that Eritreans had told her that the military had raided a

¹⁷² Egyptian Ministry of Foreign Affairs, “Executive Summary of the fifth annual report,” National Coordinating Committee on Preventing and Combating Human Trafficking, September 2012, <http://www.mfa.gov.eg/English/Ministry/TraffickinginPersons/report/Pages/fifthannualreport.aspx> (accessed May 2, 2103).

¹⁷³ Human Rights Watch interview Naela Gabr, Cairo, November 12, 2012.

¹⁷⁴ Egyptian Foreign Ministry, “2nd National Plan of Action against Human Trafficking (2013-2016),” January 2013, <http://www.mfa.gov.eg/English/Ministry/TraffickinginPersons/nationalplan2015/Pages/2ndNationalPlanofActionagainstHumanTrafficking.aspx> (accessed May 2, 2013).

¹⁷⁵ Confidential Human Rights Watch phone interview with rights worker closely following proceedings, November 2013.

¹⁷⁶ David Kirkpatrick, “Egypt Reports Gains Against Militants in Sinai,” *New York Times*, September 16, 2013, http://www.nytimes.com/2013/09/16/world/middleeast/egypts-military-claims-gains-against-militants-in-sinai.html?_r=0 (accessed December 2013); “Egyptian army expands operations in Sinai,” *Middle East Monitor*, September 16, 2013, <https://www.middleeastmonitor.com/news/africa/7372-egyptian-army-expands-operations-in-sinai> (accessed December 13, 2013).

¹⁷⁷ Louisa Lovelock, “Egypt’s Sinai: Trafficking, torture and fear,” *Al Jazeera*, <http://www.aljazeera.com/indepth/features/2013/12/egypt-sinai-trafficking-torture-fear-201312682516380563.html> (accessed January 4, 2014).

number of houses belonging to traffickers holding Eritreans for ransom and that the authorities had taken about 140 Eritreans to prison although they could not say which one.¹⁷⁸ UNHCR received similar unconfirmed reports that Eritreans were transferred to Qanatir prison near Cairo in late 2013.¹⁷⁹

The Broader Sinai Context

Since 2010, Egypt has designated some parts of the Sinai Peninsula, in particular immediate border areas with Israel, as a “military zone.”¹⁸⁰

The 1978 Camp David Accords set limits on the number of police and soldiers and the type of weapons Egypt is permitted to deploy in Sinai. These limits were meant to create a demilitarized security buffer zone for Israel, but also may have contributed to a security vacuum in Sinai.¹⁸¹

Numerous armed criminal groups in Sinai are involved in production and trade of cannabis, smuggling of weapons and other contraband goods, and trafficking of persons.¹⁸² Until 2013, the Egyptian authorities showed little willingness or capacity to identify and arrest members of these groups.¹⁸³ In 2013, the authorities prosecuted some people smuggling contraband into Gaza.¹⁸⁴

The area’s half a million mainly indigenous Bedouin population has strained relations with police resulting from decades of neglect, discrimination, and abuses against Bedouin by central government and security forces.¹⁸⁵ Human Rights Watch documented how in 2005

¹⁷⁸ Human Rights Watch telephone interview with activist Meron Estefanos, December 5, 2013.

¹⁷⁹ Human Rights Watch email exchange with UNHCR, December 17, 2013.

¹⁸⁰ Presidential Decree 204 of 2010, on file with Human Rights Watch.

¹⁸¹ International Crisis Group, “Egypt’s Sinai Question”, 30 January 2007, <http://www.crisisgroup.org/en/regions/middle-east-north-africa/egypt-syria-lebanon/egypt/061-egypts-sinai-question.aspx> (accessed July 5, 2013), p.6.

¹⁸² Pelham, “Sinai: The Buffer Erodes,” Chatham House, p. 4.

¹⁸³ Lina Atallah “In North Sinai, smugglers face challenges after Mubarak,” *Egypt Independent*, February 6, 2011, <http://www.egyptindependent.com/news/north-sinai-smugglers-face-challenges-after-mubarak> (accessed July 9, 2013).

¹⁸⁴ For example, in May 2013, the authorities arrested 30 suspects for attempting to smuggle 40 vehicles into Gaza. “Egypt Foils Attempt to Smuggle 40 Cars to Gaza,” Al Dostor, May 2013, <http://goo.gl/RQ4yph> (accessed December 18, 2013). Between March and June 2013, there were various reports that the authorities detained suspected militants as well as weapons traffickers, including a number of Libyans. “Arish: Three Libyans Arrested For Allegedly Smuggling Weapons into Gaza,” <http://www.karamapress.com/arabic/?action=detail&id=11169> (accessed December 18, 2013).

¹⁸⁵ International Crisis Group, “Egypt’s Sinai Question,” p. 9; Nicholas Pelham, “Sinai, the Buffer Erodes,” Chatham House, September 2012, <http://www.chathamhouse.org/publications/papers/view/186061>, (accessed July 5, 2013).

the police responded to bombings of tourist areas in Sinai by arresting up to 3,000 Bedouin, including several hundred persons detained solely to secure the surrender of wanted relatives, and disappeared and tortured many of them.¹⁸⁶ In some cases, Bedouin retaliated against the police for investigating and prosecuting members of their tribes.¹⁸⁷

Repeated attacks since 2011 on police by armed militants led police in Sinai to publicly call in March 2013 for more weapons and ammunition, denouncing what they called “inhumane and degrading” working conditions.¹⁸⁸

On August 18, 2011, Israel gave Egypt permission to deploy an additional 2,500 soldiers and 250 armored personnel carriers in specific locations in Sinai to combat armed groups on the understanding that Egypt would withdraw them on Israel’s request.¹⁸⁹ In August and September 2012, Egypt deployed additional troops and armored vehicles throughout North Sinai, including near the Israeli border, without seeking Israel’s permission, according to Israeli media reports.¹⁹⁰ And in mid-July 2012, Israel authorized Egypt to deploy additional troops in Arish and Sharm al-Sheikh.¹⁹¹

¹⁸⁶ Human Rights Watch, *Egypt: Mass Arrests and Torture in Sinai*, February 2005, p. 36 <http://www.hrw.org/en/reports/2005/02/21/egypt-mass-arrests-and-torture-sinai-o>.

¹⁸⁷ For example, in January 2008, Bedouin used rocket propelled grenades to attack police at the Aouja border crossing between Egypt and Israel. “Bedouin attack Sinai border post,” BBC, http://news.bbc.co.uk/2/hi/middle_east/7177683.stm (accessed July 4, 2013). In November 2008, Bedouin kidnapped 25 policemen including the commander of the central security forces in North Sinai, releasing them after a few hours. “Sinai Bedouins release 25 policemen, including a commander, a few hours after kidnapping them, in protest against the killing of one of them by the police,” Al Arabiya, November 2008, <http://www.alarabiya.net/articles/2008/11/11/59932.html> (accessed July 4, 2013).

¹⁸⁸ “Egyptian police protest in Sinai, Cairo demanding weapons,” *Ahramonline*, March 5, 2013, <http://english.ahram.org.eg/NewsContent/1/64/66160/Egypt/Politics-/Egyptian-police-protest-in-Sinai,-Cairo-demanding-.aspx> (accessed July 9, 2013).

¹⁸⁹ “Egypt launches massive operation to control Sinai,” Jerusalem Post, August 14, 2011, <http://www.jpost.com/Defense/Egypt-launches-massive-operation-to-control-Sinai> (accessed July 5, 2013). “Security breakdown in Sinai: Army battles it out with militants,” Russia Today, August 9, 2012, <http://rt.com/news/sinai-egypt-troop-deployment-274/> (accessed July 5, 2013).

¹⁹⁰ “Egypt says it has killed 32 ‘criminals’ and arrested 38 since Sinai terror attack,” The Times of Israel, September 8, 2012, <http://www.timesofisrael.com/weve-killed-32-criminals-and-arrested-38-in-aftermath-of-sinai-terror-attack-says-egyptian-army/> (accessed July 5, 2013). “Egypt deployed troops in Sinai without Israel’s prior approval,” Haaretz, August 16, 2012, <http://www.haaretz.com/news/diplomacy-defense/egypt-deployed-troops-in-sinai-without-israel-s-prior-approval-1.458511> (accessed July 5, 2013). “Egypt deployment of armor in Sinai worries Israel,” Reuters, August 21, 2012, <http://www.reuters.com/article/2012/08/21/us-israel-egypt-idUSBRE87KoU920120821> (accessed July 5, 2013).

¹⁹¹ “Israel allows additional Egyptian troops into Sinai,” *Haaretz*, July 15, 2013, <http://www.haaretz.com/news/diplomacy-defense/1.535988> (accessed July 29, 2013).

Since the Egyptian military deposed Mohamed Morsy on July 3, 2013, attacks on police and military personnel and buildings have increased dramatically in northern Sinai, killing at least 103 security personnel as of mid-November 2013.¹⁹²

Since July 2013, the military has arrested suspected armed militants, demolished homes close to the border with Gaza and Israel, and exchanged fire with armed groups, including by using Apache helicopters.¹⁹³ Some Sinai-based armed groups claimed responsibility for the execution of 25 captured military conscripts on August 19, the assassination attempt against Minister of Interior Mohamed Ibrahim in Cairo on September 5, and for an attack on military intelligence headquarters in North Sinai on September 11.¹⁹⁴

¹⁹² “10 soldiers killed in a car bomb in Sinai,” Reuters, November 2013, <http://ara.reuters.com/article/topNews/idARACAE9B2J5W20131120> (accessed December 18, 2013).

¹⁹³ “Dark clouds over the Sinai,” Slate, October 7, 2013, http://www.slate.com/articles/news_and_politics/foreigners/2013/10/abdel_fattah_al_sisi_s_sinai_campaign_egypt_s_military_is_targeting_civilians.html (accessed October 28, 2013).

¹⁹⁴ “Army captures 11 after killing of 25 conscripts in Sinai,” Daily News Egypt, August 2013, <http://www.dailynewsegypt.com/2013/08/20/army-captures-11-after-killing-of-25-conscripts-in-sinai/> (accessed December 18, 2013); “Ansar Bayt Al-Maqdis claims responsibility for attempt assassination of interior minister,” Al Ahrām, September 2013 <http://goo.gl/iuoQ22> (accessed December 18, 2013); “Ansar Bayt Al-Maqdis claims responsibility for Rafah bombings,” Al Arabiya, September 2013, <http://goo.gl/yRf4n1> (accessed December 18, 2013).

V. Fate of Escaped or Released Trafficking Victims

Until mid-2012, Eritreans and others who escaped their traffickers or who traffickers released had a good chance of crossing the border to Israel, and between 1,500 and 2,000 did so every month in 2011 and early 2012.¹⁹⁵ By June 2012, however, Israel had nearly finished its 240-kilometer border fence with Egypt and the numbers dipped, after which only one hundred or two hundred managed to cross each month for the rest of the year.¹⁹⁶ By mid-2013, not more than ten people crossed each month.¹⁹⁷

Between 2007 and 2012, hundreds or possibly thousands of others who approached the border with Israel were intercepted by Egyptian security forces. Some were shot at and beaten, and those apprehended were detained for months in overcrowded and otherwise poor conditions in Sinai's police stations, sometimes after being convicted in military courts of immigration offences, and without access to medical care or UNHCR. Most, if not all, detained Eritreans agreed to be transferred to Ethiopia.

Far smaller numbers—in the hundreds—found their way to Bedouin who contacted UNHCR and helped organize their transfer to Cairo.

Since it came into force in 2010, Egypt's anti-trafficking law has granted anyone recognized to be a trafficking victim a range of rights, including access to health care, legal representation, and immunity from any criminal charges, including immigration offenses. Yet over the past three years, Egyptian authorities have denied thousands of trafficking victims these rights, detaining them in inhuman conditions, prosecuting them on immigration offenses, and coercing them into paying for their own deportation to Ethiopia.

¹⁹⁵ Throughout 2011 and early 2012 between 1,500 and 2,000 Eritreans crossed each month, according to Israeli government statistics; received from confidential source and kept on file with Human Rights Watch.

¹⁹⁶ Ibid. By early 2013, Israel had built 230 kilometers of fence along its 240 kilometer border with Sinai. Joshua Mitnick, "Israel Finishes Most of Sinai Fence on its Border," *Wall Street Journal*, January 2, 2013, <http://online.wsj.com/news/articles/SB10001424127887324374004578217720772159626> (accessed December 13, 2013). In late 2013, the Israeli authorities announced they had added a further eight kilometres and only had two kilometres of fence left to completely seal the border. AbdelHalim AbdAllah "Work on fence separating Egyptian-Israeli border almost done," *Daily News Egypt*, December 5, 2013, <http://www.dailynewsegypt.com/2013/12/05/work-on-fence-separating-egyptian-israeli-border-almost-done/> (accessed December 13, 2013).

¹⁹⁷ Statistics cited in Israeli High Court judgement of September 16, 2013, HCJ 7146/12, paragraph 5, English translation on file with Human Rights Watch.

Egyptian Security Force Border Shootings

Human Rights Watch has previously reported on Egyptian security forces shooting at sub-Saharan nationals as they make their way to the Israeli border with Sinai. Between July 2007 and September 2010, Egyptian border guards shot dead at least 85 people and in the first eight months of 2010 wounded at least another 28.¹⁹⁸

Based on 1,300 interviews conducted with migrants who entered Israel from Sinai between November 2010 and May 2012, PHR-Israel reported that 29 percent said they had been shot at or witnessed others being shot at as they tried to cross the border into Israel.¹⁹⁹

In November 2012, eight Eritreans described to Human Rights Watch how they were shot at as they approached or crossed the Israeli border in 2011 and 2012. Three of them said they saw men in uniform fire the shots; the others said they only heard the shots and did not see who was shooting.²⁰⁰

A 37-year-old Eritrean man described what happened when he crossed the border with Israel in July 2011:

There were 30 of us trying to cross at night. As we approached the fence, we suddenly heard shooting. We scattered in different directions. I managed to cross and hid on the other side. After some time, I saw 11 others had crossed too and we gathered together. Four of them told the rest of us that Egyptian soldiers had caught them, together with some of the others. They said one of the Eritreans died in front of them because he had been shot in the chest and that the soldiers then beat all of them with their rifle butts. They said one of the soldiers shouted, “They are Christians, let’s kill them.” But a senior officer stopped them and allowed the four of them to cross to Israel because they were so badly injured.²⁰¹

¹⁹⁸ Letter from Human Rights Watch to Egyptian Foreign Minister, Ahmed Abul Gheit, October 9, 2010, <http://www.hrw.org/news/2010/10/08/letter-egyptian-foreign-minister-regarding-election-hisham-badr-unhcr-executive-commi> (accessed July 24, 2013).

¹⁹⁹ Hotline for Migrant Workers and Physicians for Human Rights, “Tortured in Sinai, Jailed in Israel: Detention of Slavery and Torture Survivors under the Anti-Infiltration Law,” November 2012, <http://www.hotline.org.il/english/pdf/TorturedInSinaiJailedInIsraelENG.pdf> (accessed July 17, 2013) p. 9.

²⁰⁰ Human Rights Watch interviews with Eritrean men, Cairo, November 9, 2012 and Tel Aviv, November 17 - 20, 2012.

²⁰¹ Human Rights Watch interview with Eritrean man, November 19, 2012.

In June 2013, the US State Department reported that “there continue to be infrequent reports that Egyptian border patrols shoot and sometimes kill these migrants, refugees, asylum seekers, and trafficking victims in the Sinai as they attempt to cross the Israeli border.”²⁰²

Arbitrary Detention in Sinai’s Police Stations

Eritreans intercepted in Sinai, including trafficking victims, described again and again how they were detained in inhuman and degrading conditions in Sinai’s police stations, sometimes after unlawfully facing prosecution in military tribunals, until they raised enough money to pay for an airplane ticket to Ethiopia. The authorities also unlawfully denied them access to adequate medical care, humanitarian organizations willing to provide assistance, and UNHCR. There appeared to be no legal basis for these detentions which would make them arbitrary.

The Decision to Detain

Egyptian security forces take intercepted Eritreans to Sinai’s Nakhel, Dahab, or Rafah police stations for medical screening before holding them there or transferring them to one of at least 11 other police stations in Sinai or to the Port Said or Ismailiya police stations outside Sinai.²⁰³

²⁰² United States Department of State, “Trafficking in Persons Report 2013,” pp. 157-159. In its 2012 report, the US concluded: “Egyptian border security personnel in the Sinai continued to shoot some undocumented migrants attempting to enter Israel, including suspected trafficking victims, often killing them. Egyptian authorities made no attempt to identify trafficking victims among these migrants transiting the Sinai.”

²⁰³ Confidential Human Rights Watch interview, Cairo, November 11, 2012. Police detain Eritreans and others in the Port Said police station on the edge of Sinai if they intercept them between Alexandria and Sinai and detain them in the Ismailia police station if they intercept them further south before they manage to reach Sinai. Confidential Human Rights Watch interviews, Sinai and Cairo, November 5 and 9, 2012. In Sinai, they detain them in the following police stations: Rafah police station (three small cells, each around 3 square meters, usually used to temporarily hold Eritreans and others intercepted near the Israeli border before transfer to one of the Arish police stations); four police stations in Arish (numbers 1 and 2 have four cells each, each around 3 square meters, number 3 has four cells around 4 square meters each, and number 4 is very small with an unknown number of cells and used as a temporary transit center for transfers to numbers 2 and 3); Al-Khoseimiya police station (40 – 45 km south of Arish on the road to al-Nikhla town located about 2 hours drive south of Arish, two cells, size unknown); al-Nikhla police station (three larger cells each seven square meters and one big yard); Hasala police station (unknown number of cells, about 90 minutes’ drive from Arish); Bir al-Abd police station (11 kilometers west of Arish on the road to Cairo, unknown number of cells or size); Rumana police station (south of the Arish-Cairo road, shortly before reaching western most point of northern Sinai, unknown number of cells or size); Tursainai police station (unknown number of cells or size). Human Rights Watch interviews with individuals sporadically visiting police stations between 2010 and 2012, Cairo, November 9 and 11, 2012.

Human Rights Watch spoke with a person detained in October 2013 in a prison in Galaa, in northern Sinai, who said he met 140 Eritreans in the prison, most of whom had “horrible torture scars” on their bodies.²⁰⁴

In breach of Egypt’s agreement with UNHCR to carry out refugee status determination in the country, the authorities do not allow UNHCR to enter Sinai to visit detainees in the police stations to identify asylum seekers and refugees among them, and other agencies and individuals only have sporadic access, usually on an informal basis. There are therefore no statistics available on how many Eritreans and other sub-Saharan nationals are detained in Sinai’s police stations and prisons at any given time, but throughout 2011 and 2012 the numbers were probably in the high hundreds.²⁰⁵

Individuals with sporadic access to Sinai police stations there say that detainees are held for months, and others for over a year, without charge or trial, until they are released and transferred to Ethiopia.²⁰⁶ In some cases, they are taken after a few days from the police stations to Sinai’s military prosecutor in al-Arish but are then sent back to the same police station.²⁰⁷ In all such cases (cases in which detainees have not been taken to court), Human Rights Watch is not aware of the legal basis on which the authorities detained them. Absent a legal basis justifying their detention in accordance with international human rights law, which requires detention to be for a clearly stated purpose set out in domestic law and detainees to be brought promptly before a judge, such detention is arbitrary.

In other cases, the military prosecutor orders detainees to be taken to one of two military courts near Sinai, in Ismailiya and in Suez, where authorities charge them with immigration offenses and they receive prison sentences.²⁰⁸ Lawyers in Cairo told Human Rights Watch that until mid-2012, some served their sentences in prisons such as Qanatir, north of Cairo.²⁰⁹

²⁰⁴ Human Rights Watch telephone interview with former detainee, mid-November 2013.

²⁰⁵ Human Rights Watch interviews with individuals sporadically visiting Sinai police station between 2010 and 2012, Cairo, November 9 and 11, 2012.

²⁰⁶ Confidential Human Rights Watch interview, Cairo, November 8, 2012. See below on detained Eritreans in Sinai agreeing to travel from Egypt to Ethiopia.

²⁰⁷ Confidential Human Rights Watch interview with person interviewing dozens of detainees in 2009 and 2010, Cairo, November 2012; Human Rights Watch interview with NGO staff, Cairo, November 2012 and subsequent email exchanges. The source interviewed trafficking victims about procedures they went through after being intercepted by police in Sinai. After detention in Sinai, the victims flew back to Ethiopia, returned to Egypt for a second attempt to reach Israel and ended up in Cairo where they were interviewed.

²⁰⁸ Ibid.

²⁰⁹ Human Rights Watch interview with immigration lawyer, Cairo, November 11, 2012.

Some detainees said in late 2012 they were taken to the military court in Ismailiya from where they were taken back to one of Sinai's police stations. They were unable to say whether or not they had been convicted of any offenses and given prison sentences.²¹⁰

Under Egyptian law, the military justice system has jurisdiction over migrants arrested for illegally entering Egypt at a non-authorized border crossing, or for entering the Sinai Peninsula (a designated "security zone") without authorization, or for attempting to cross the border into Israel.²¹¹

Trying civilians in military tribunals—including migrants, asylum seekers, and refugees detained for violating laws because of the way they entered Egypt or attempting to cross the Israeli border—violates Egypt's due process and fair trial obligations under international law.²¹²

Article 21 of Egypt's Anti-Trafficking Law specifically provides criminal immunity for trafficking victims, which means they cannot be charged with immigration offences.²¹³ In

²¹⁰ In November 2012, an individual working with refugees interviewed a group of Eritreans detained in the Nahil police station. They said police had intercepted them as they approached the Israeli border, had taken them to a "military camp" near Rafah where they had been held for two months and that they had then been taken to the military court in Ismailiya. They said the court did not take their names or biometric data such as fingerprints and simply ordered them to be transferred back to Sinai's police stations. Confidential Human Rights Watch interview, Cairo, November 2012.

²¹¹ Entry and Residence of Aliens in the Territories of the United Arab Republic [then a union of Egypt and Syria] and Their Departure Therefrom, as amended, The United Arab Republic Presidential Decree – Law Number 89 of 1960, Official Journal Issue No. 71, March 24, 1960, on file with Human Rights Watch, articles 3 and 4. Under a 1995 decree, Egypt prohibits any unauthorized persons' presence within 150 meters of the Israeli border and that anyone contravening this rule or who attempts to enter or exit Egypt across the Israeli border is liable to at least six months in prison. Security on the eastern border of the Arab Republic of Egypt, Decree of President of Arab Republic of Egypt, No. 298 of 1995, articles 1 and 2, on file with Human Rights Watch. At least four Egyptian military tribunals try persons detained for crossing borders: in Aswan and Ghorgada (for irregular entries from Sudan); in Marsa Matruh (from Libya); and in Ismailia (those entering the Sinai military zone). Human Rights Watch telephone interview with Egyptian lawyer, November 13, 2012.

²¹² The International Covenant on Civil and Political Rights (ICCPR) provides that everyone has the right to be tried by a competent, independent, and impartial tribunal established by law. ICCPR, article 14. Under the African [Banjul] Charter on Human and Peoples' Rights (ACHPR), Egypt has "the duty to guarantee the independence of the courts." African [Banjul] Charter on Human and Peoples' Rights (ACHPR), adopted June 27, 1981, OAU doc. CAB/LEG/67/3rev.5, 21 I.L.M.58 (1982) entered into force October 21, 1986, ratified by Egypt, November 16, 1981, http://www.achpr.org/english/_info/charter_en.html (accessed July 24, 2013), article 26. The Human Rights Committee has stated that the trial of civilians by military courts should be very exceptional and occur only under conditions that genuinely afford full due process. UN Human Rights Committee, General Comment No. 13: Equality before the courts and the right to a fair and public hearing by an independent court established by law (art. 14), April 13, 1984, <http://www.unhcr.ch/tbs/doc.nsf/o/bb722416a295f264c12563ed0049dfbd?Opendocument> (accessed July 2, 2013), para 4. The African Commission on Human and Peoples' Rights, the body created to monitor the implementation of the ACHPR, has said that "the only purpose of military courts shall be to determine offenses of a purely military nature committed by military personnel," and that "military courts should not, in any circumstances whatsoever, have jurisdiction over civilians." African Commission on Human and Peoples' Rights, Principles and Guidelines on the Right to a Fair Trial in Africa, art. I (a) and (c), http://www.justiceinitiative.org/db/resource2?res_id=101409 (accessed July 2, 2013).

²¹³ Anti-Trafficking Law, Bill 64/2010.

2013, the US State Department concluded that in 2012, “trafficking victims, including ... foreign migrants abused in Sinai ... were often treated as criminals rather than victims; some were prosecuted on ... immigration violations.”²¹⁴

Detainees’ Lack of Access to UNHCR and Asylum Procedures

Under a 1954 memorandum of understanding, Egypt allows UNHCR to carry out all refugee status determination in Egypt. The agreement means Egyptian officials should give UNHCR access to all detained third country nationals who are unable to approach UNHCR’s offices in Cairo to ensure that UNHCR can identify and interview those who want to lodge refugee claims.²¹⁵

According to UNHCR, the Egyptian government has consistently denied it access to Eritreans and other sub-Saharan nationals intercepted and detained anywhere in Egypt, including in Sinai. UNHCR also says Egyptian officials have repeatedly asserted that sub-Saharan nationals intercepted in Sinai are all economic migrants and that Egypt therefore has no obligation to allow UNHCR to visit them in detention.²¹⁶

In fact, in 2012, 90 percent of Eritrean asylum seekers worldwide were either recognized as refugees or given some other form of protection, a reflection of the widespread human rights violations and persecution taking place in Eritrea.²¹⁷

According to UNHCR, Egyptian authorities have told them that detained Eritreans and other sub-Saharan nationals intercepted in Sinai could have claimed asylum in Cairo before reaching Sinai, implying they are not asylum seekers.²¹⁸ This ignores the fact that between

²¹⁴ United States Department of State, “Trafficking in Persons Report 2013,” June 2013, pp. 157-159. The findings echo the US State Department’s 2012 report which concluded that “most government officials failed to employ victim identification and referral procedures to proactively identify victims among vulnerable groups, thus treating many trafficking victims as criminals As a result, trafficking victims, including ... some foreign migrants held in the Sinai, were often treated as criminals rather than victims; some were prosecuted on charges of ... immigration violations.”

²¹⁵ Memorandum of Understanding between the Government of Egypt and UNHCR, 1954, on file with Human Rights Watch. Egypt has ratified the 1951 Refugee Convention (1981) and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Refugee Convention), 1001 U.N.T.S. 45, entered into force June 20, 1974, http://www.africa-union.org/Official_documents/Treaties (accessed April 23, 2013) but outsources refugee status determination to UNHCR.

²¹⁶ Human Rights Watch interview with UNHCR, Cairo, November 11, 2012. UNHCR also told Human Rights Watch that it regularly submits requests to the Ministry of Foreign Affairs for access to Sinai’s police stations but has received no response. See also Human Rights Watch, *Sinai Perils*, p. 1.

²¹⁷ See note 1.

²¹⁸ Human Rights Watch interview with UNHCR, Cairo, November 11, 2012.

2011 and 2013 large numbers of Eritreans and other sub-Saharan nationals were kidnapped and forcibly taken to Sinai, with no opportunity to claim asylum in Egypt before arriving in Sinai. Neither Egyptian nor international law obliges asylum seekers to claim asylum in the first safe place they reach.

Egypt's prosecution and detention in Sinai of Eritreans kidnapped in Sudan and brought to Egypt against their will breaches Egypt's obligations under the 1951 Refugee Convention, which does not allow criminalizing refugees for unlawful entry or the detention of refugees unless briefly necessary to regularize their status.²¹⁹

Egypt's immigration law provides that any person unlawfully present in Egypt in contravention of the law may be imprisoned for up to six months or fined 200 Egyptian pounds (\$30), or both. It also says that if the person is attempting to enter or leave from border areas "to be determined by decree by the minister of the interior in agreement with the minister of foreign affairs," he or she may be imprisoned for "not less than two years" and fined between 1000 (\$145) and 1550 (\$225) Egyptian pounds. Finally, the law says all such persons may be deported.²²⁰ However, the law also says it shall not apply to anyone "exempted by virtue of international agreements to which the Arab Republic of Egypt is a party."²²¹

People exempted include refugees and, by extension, asylum seekers, protected under the 1951 Refugee Convention, which provides that Egypt should not "impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence."²²²

By 2013, there was growing evidence that thousands of Eritreans in Sinai between 2011 and 2013 had been kidnapped and abused in Sudan and taken to Egypt against their will. Egypt should therefore consider Eritreans to have directly travelled to Egypt from a place

²¹⁹ Article 31, 1951 Refugee Convention.

²²⁰ Entry and Residence of Aliens in the Territories of the United Arab Republic [then a union of Egypt and Syria] and Their Departure Therefrom, as amended, The United Arab Republic Presidential Decree – Law Number 89 of 1960, Official Journal Issue No. 71, March 24, 1960, on file with Human Rights Watch, article 41.

²²¹ *Ibid*, article 37(4).

²²² 1951 Refugee Convention, Article 31(1).

where their lives or freedom would be threatened and not treat them as people who travelled from Eritrea to Egypt indirectly, via Sudan.

By not allowing UNHCR access to Sinai police stations to identify Eritreans and other nationals kidnapped in Sudan and brought to Egypt against their will and who wish to seek asylum, Egypt systematically violates their right to be exempted from an application of the immigration law's provision on unlawful presence or entry.

In denying would-be asylum seekers the opportunity to lodge refugee claims and thereby recognize their legal status as asylum seekers, Egypt is breaching their right not to be detained unless necessary to regularize their status, such as by ascertaining their identity and the basis of their asylum claim. UNHCR guidelines call on states only to detain asylum seekers as a last resort.²²³

Detention Conditions and Lack of Access to Medical Care and Other Assistance

Egyptian police stations, including those in Sinai, are designed to hold only a few people for hours or at most two or three days, and are not designed for long-term detention of dozens of people. Sinai police station cells are small, on average three or four square meters.²²⁴ Police stations have no budget for food and health care for large groups of detainees held for weeks or months.

Yet individuals who visited hundreds of detainees on dozens of occasions between 2010 and 2012 told Human Rights Watch they saw small cells that held anywhere between 10 and 40 people at any given time who told them they had been held for many months, sometimes as long as 18 months.²²⁵ As noted below, Eritreans are detained for as long as it takes them to raise money to pay for a plane ticket from Cairo to Addis Ababa.

In 2008, Human Rights Watch reported on the lack of medical care for detained migrants and would-be asylum seeker in Sinai's police stations.²²⁶ More recently, Eritreans and

²²³ 1951 Refugee Convention, Article 31(2); UNHCR, "Detention Guidelines: guidelines on the applicable criteria and standards relating to the detention of asylum-seekers and alternatives to detention," October 2012, <http://www.unhcr.org/505b10ee9.html> (accessed July 2, 2013), paras 14, 24 and 28.

²²⁴ Confidential Human Rights Watch interviews with individuals who have been able to access Sinai's police stations since 2010, Cairo, November 2012.

²²⁵ Four confidential Human Rights Watch interviews in Egypt, November 2012.

²²⁶ Human Rights Watch *Sinai Perils*, pp. 68 – 70.

others detained in police stations have survived extreme forms of violence at the hands of traffickers and their torture marks are clearly visible. Yet, according to individuals working with detainees, they are routinely denied access to medical care.

A person with access to detainees on a sporadic basis described to Human Rights Watch the appalling injuries she saw on trafficking victims. She said some detainees with very serious injuries told her that when they had asked police to transfer them to hospital, the police refused. Some also told her they had seen other detainees die as a result of their injuries and no medical care.²²⁷

Naela Gabr, the chair of Egypt's anti-trafficking committee, told Human Rights Watch that in 2012 she had discussed with colleagues plans to "upgrade" Sinai's "detention facilities" in Sinai.²²⁸

Since 2006, when Egyptian authorities first started detaining Eritreans and other sub-Saharan nationals passing through Sinai to reach Israel, the authorities have all but blocked humanitarian access to detainees. Private individuals and some NGO staff have managed to negotiate sporadic access to some of the police stations, and one international agency has had sporadic access to police stations since September 2011 to provide detainees with clothing and food. In 2011 and 2012, such limited access was cut for weeks when international media reported in 2011 and 2012 on the fate of Eritreans in Sinai.²²⁹

In 2013, the US State Department concluded that "while ... officials acknowledged that some of the migrants, refugees, and asylum seekers abused in the Sinai were trafficking victims, the[y] largely considered this vulnerable group as irregular migrants, and authorities made little attempt to proactively identify trafficking victims among this group or provide them with appropriate protective services."²³⁰

²²⁷ Human Rights Watch confidential interview with a person with sporadic access to detainees in Sinai's police stations, November 2012.

²²⁸ Human Rights Watch interview with Naela Gabr, the chair of Egypt's anti-trafficking committee, Cairo, November 12, 2012.

²²⁹ Human Rights Watch, confidential interviews, Egypt, November 2012.

²³⁰ "United States Department of State, "Trafficking in Persons Report 2013," June 2013, pp. 157-159. The findings echo the US State Department's 2012 report which concluded that "most government officials failed to employ victim identification and referral procedures to proactively identify victims among vulnerable groups, thus treating many trafficking victims as criminals As a result, trafficking victims, including ... some foreign migrants held in the Sinai, were often treated as criminals rather than victims; some were prosecuted on charges of immigration violations."

Detaining large numbers of people for months in small police cells, without adequate access to assistance including medical care, breaches Egypt's obligations not to subject anyone to inhuman or degrading treatment.²³¹ They also breach Egypt's obligations under the UN Standard Minimum Rules for the Treatment of Prisoners which require, among other things, a limited number of persons per room, usually not more than two; appropriate sleeping arrangements; adequate facilities for personal hygiene; clothing and bedding; adequate food; an access to medical services.²³²

The Egyptian authorities' failure to assist or permit assistance to victims of trafficking in Sinai also breaches Egyptian law. Under Article 2 of Egypt's anti-trafficking law, anyone recognized as a trafficking victim has all the rights set out in articles 12 – 26 of the law which oblige the state to guarantee “appropriate conditions for his assistance, health, psychological, educational and social care; rehabilitation and reintegration into society, ... and return to his homeland in an expeditious and safe manner,” as well as “shelter, education, and rights to legal representation and due process during any investigations into trafficking crimes affecting him or her.”²³³

Transfer of Eritreans to Ethiopia

Since 2011, Egyptian authorities have routinely told Eritrean trafficking victims detained in Sinai that they can only leave detention when they raise enough money, with the help of friends and relatives who transfer money to the Ethiopian embassy, to pay for a plane ticket from Cairo to Addis Ababa.²³⁴ NGO staff working with refugees in Cairo say they are aware of about ten cases in which it has taken detainees up to 18 months to raise enough money, and some only do so through help from Ethiopian churches in Cairo.²³⁵ Once enough detainees have raised money for their plane tickets, Egyptian officials contact Ethiopian embassy officials in Cairo who travel to Sinai to take their photos and issue them the travel documents.²³⁶

²³¹ International Covenant on Civil and Political Rights (ICCPR), article 7.

²³² UN Standard Minimum Rule for the Treatment of Prisoners, Economic and Social Council, resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/TreatmentOfPrisoners.aspx> (accessed December 13, 2013).

²³³ Anti-Trafficking Law, Law 64/2010, art. 2.

²³⁴ Human Rights Watch interviews with Eritreans in Tel Aviv, November 17 - 19, 2012. UNHCR believes such transfers began in June 2011. Human Rights Watch email exchange with UNHCR, December 17, 2013.

²³⁵ Confidential Human Rights Watch interview, Cairo, November 8, 2012.

²³⁶ Confidential Human Rights Watch interview, Cairo, November 8, 2012.

Local Community Assistance to Trafficking Victims and Transfer to Cairo

In early 2012, a Bedouin community leader, Sheikh Mohamed, who lives in Mahdia, about 30 kilometers from al-Arish, began using his house to give escaped or released trafficking victims basic care such as food, medication, and shelter. Sheikh Mohamed told Human Rights Watch some have died in his house as a result of the torture they suffered while held by traffickers.²³⁷

Since March 2012, Sheikh Mohamed's colleagues and organizations in Cairo have worked together to help trafficking victims to travel from Sinai to Cairo. Between March 2012 and November 5, 2012, Sheikh Mohamed said he had transferred 98 people to Cairo in this way.²³⁸

According to UNHCR, as of mid-2013, they had registered about 250 trafficking victims transferred from Sinai, 40 of them unaccompanied minors.²³⁹ UNHCR interviewed all of those transferred in 2012 and said that "many" of them had been "severely tortured."²⁴⁰ Human Rights Watch also spoke with six Eritrean asylum seekers in Cairo who described in detail how they had been transferred from Sheikh Mohamed's house to Cairo.²⁴¹

As of mid-November 2013, Sheikh Mohamed said he was sheltering 15 Eritreans who had escaped or been released by traffickers but was unable to organize their transfer to Cairo as a result of insecurity in Sinai.²⁴²

Lack of UNHCR Access to Detainees outside Sinai

Egyptian authorities also arrest, detain, and prosecute Eritreans and other nationals intercepted in other parts of the country for immigration offenses and detain them before and after trial in prisons and detention centers around the country, including Qanatir near Cairo, Aswan, Komombo near Aswan, Nakhil in central Sinai, and Hurghada on the Red Sea coast.²⁴³ Authorities also detain them at the Ministry of Interior's Aswan Central Security

²³⁷ Human Rights Watch interview with Sheikh Mohamed, Mahlia, November 5, 2012.

²³⁸ Human Rights Watch interview with Sheikh Mohamed, Mahlia, November 5, 2012.

²³⁹ Human Rights Watch email exchange with UNHCR, December 17, 2013.

²⁴⁰ Human Rights Watch interview with UNHCR, Cairo, November 11, 2012.

²⁴¹ Human Rights Watch interviews, November 9, 10 and 14, 2012.

²⁴² Human Rights Watch telephone interview, mid-November 2013.

²⁴³ Interview with NGO staffer working with refugees, Cairo, November 8, 2013.

Camp in Shalal near Aswan. In 2012, there were between 100 and 300 immigration detainees in Shalal at any given time.²⁴⁴

In January 2012, authorities transferred about 55 trafficking victims detained in Sinai to Qanatir prison after attacks by unknown perpetrators on the police stations. They also transferred significant numbers from Sinai to Qanatir in the summer of 2012 because of overcrowding and “security concerns” in Sinai’s police stations and the peninsula.²⁴⁵

In recent years, UNHCR has struggled to access detainees in order to identify asylum seekers among them. In 2008, Egypt deported 1,400 Eritreans detained in Qanatir prison without giving UNHCR access to them.²⁴⁶ As of late 2012, UNHCR said it still had limited or no access to most immigration detainees.²⁴⁷

²⁴⁴ Confidential Human Rights Watch interview, Cairo, November 11, 2012. A lawyer working with immigration detainees in the Shalal detention center said that during the first week of November 2012, he visited 51 Eritreans, seven South Sudanese, and 22 Ethiopians all facing immigration charges and that similar numbers were detained there in September and October 2012. Human Rights Watch telephone interview with immigration and asylum lawyer, November 11, 2012.

²⁴⁵ Confidential Human Rights Watch interviews with NGO staff and lawyers, Cairo, November 8 and 11, 2012.

²⁴⁶ “Egypt: Deportations of Eritrean asylum-seekers,” UNHCR, June 20, 2008, <http://www.unhcr.org/485b8b032.html> (accessed July 24, 2013). In late December 2008 and early January 2009, Egypt forced 45 Eritreans back to Eritrea without allowing them access to UNHCR. “Egypt: Stop Deporting Eritrean Asylum Seekers,” January 8, 2009, Human Rights Watch news release, <http://www.hrw.org/news/2009/01/08/egypt-stop-deporting-eritrean-asylum-seekers>.

²⁴⁷ Human Rights Watch interview with UNHCR, Cairo, November 11, 2012. An Egyptian lawyer who works with Eritreans arrested mostly near the Sudan-Egypt border and charged with, or convicted of, immigration offenses, told Human Rights Watch in November 2012 that the authorities refused to allow UNHCR to access detainees who said they wished to claim asylum.

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Since 2010, traffickers in eastern Sudan have kidnapped at least hundreds of Eritrean refugees fleeing widespread human rights abuses and destitution in their country. They sell them to Egyptian traffickers who rape, burn, and mutilate them in Egypt's Sinai Peninsula, often holding a mobile phone to their victims so their relatives abroad can hear their screams and pay at least hundreds of dollars in ransom.

Based on interviews with 37 survivors of trafficking and torture in Sinai, *"I Wanted to Lie Down and Die"* documents the abuses and how in some cases, Sudanese and Egyptian security forces collude in these crimes by handing victims over to traffickers in police stations, turning a blind eye at checkpoints, and returning escaped victims to traffickers.

When Egyptian border police intercept released trafficking victims, they routinely deny them medical assistance, protection, and access to the UN refugee agency. Instead they charge survivors with immigration offenses and detain them for months in inhumane and degrading conditions in Sinai's police stations.

Very limited prosecution of the traffickers and a failure to prosecute colluding security official's means both Sudan and Egypt are in breach of their obligations under national and international anti-trafficking laws, international human rights law, and the United Nations Convention Against Torture.

To end these horrific abuses, Human Rights Watch calls on both governments to identify and prosecute traffickers and Sudanese and Egyptian officials colluding with them. It also calls on Egypt to protect, not prosecute, released trafficking victims.

(above) The sun sets near the Egypt-Israel border on April 30, 2013, sealed off since early 2013 by a five meter high Israeli fence. Trafficking victims told Human Rights Watch that throughout 2012, Egyptian border guards or unknown men fired at them as they approached the border.

(front cover) The scarred back of an Eritrean asylum seeker in Cairo who says Egyptian traffickers tortured him for ransom in Egypt's Sinai peninsula by dripping molten plastic onto his back, May 2013.

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