

PUBLIC

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UA 02/06 Fear of forcible return/fear of torture and ill-treatment

EGYPT Up to 650 Sudanese nationals

The Egyptian authorities announced on 3 January that they intend to forcibly return up to 650 Sudanese nationals, who have been detained, to Sudan on 5 January. The group is believed to include asylum-seekers and refugees recognised by the United Nations High Commissioner for Refugees (UNHCR) who were not carrying their residency documents when they were arrested. Some would be at risk of torture if returned to Sudan.

Egypt is a state party to the Convention Against Torture and other international agreements which expressly prohibit the forcible return of anyone to a country where they would be at risk of torture or ill-treatment. An Egyptian government spokesperson said on 3 January that the individuals would be sent back because they had "broken the law of the host country." However, under customary international law and international human rights law, the prohibition on forcibly returning people to countries where they would be at risk of serious human rights violations is absolute in all cases, regardless of whether the people in question have broken any laws. The use of torture against certain individuals and groups by the Sudanese authorities is widely documented by Amnesty International. Deporting the entire group, without giving each member of the group access to adequate procedural guarantees, would violate Article 13 of the International Covenant on Civil and Political Rights, which states that non-citizens may be expelled "only in pursuance of a decision reached in accordance with law."

BACKGROUND INFORMATION

Tens of thousands of Sudanese nationals have sought asylum in Egypt since the late 1990s, many of them fleeing the civil war in the south of the country and the conflict in Darfur, in the east. The UNHCR has recognized a large number of them as refugees, and large numbers have been resettled in other countries. At the beginning of 2005, there were over 14,000 Sudanese in Egypt whom the UNHCR had recognized as refugees, and thousands more whose asylum applications had been rejected.

The 650 are part of a group of over 2,500 Sudanese nationals who had been involved in a peaceful protest in the Egyptian capital, Cairo, since 29 September 2005. Their demands included improvements to their work and educational opportunities, protection from forcible return to Sudan, and resettlement in third countries. The police broke up the protest violently on 30 December, in an action that left at least 27 protesters dead and dozens of protestors and police injured.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Arabic or your own language:

- expressing concern that the Egyptian authorities are intending to forcibly return up to 650 Sudanese nationals without access to adequate procedural safeguards;
- reminding them that they are bound by customary international law and international human rights law, including the Convention against Torture and other Cruel, Inhuman or Degrading Treatment, not to send anyone to a country where they would be at risk of torture or ill-treatment;
- urging the Egyptian authorities not to forcibly return anyone to Sudan, if this would put them at risk of torture, ill-treatment or other serious human rights violations;
- calling on the Egyptian authorities to allow all Sudanese nationals in Egypt unhindered access to the UNHCR.

APPEALS TO:

H.E. Muhammad Hosni Mubarak
President of the Arab Republic of Egypt
'Abedine Palace, Cairo, EGYPT

Fax: +20 2 390 1998

E-mail: webmaster@presidency.gov.eg

Salutation: Your Excellency

General Habib Ibrahim El Adly
Minister of the Interior, Ministry of the Interior
Al-Sheikh Rihan Street, Bab al-Louk, Cairo, EGYPT

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Salutation: Dear Minister

COPIES TO:

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and to diplomatic representatives of Egypt accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.