Immigration Detention in Egypt

Global Detention Project

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The Global Detention Project (GDP) is a non-profit research centre based in Geneva, Switzerland, that investigates the use of detention in response to global migration. The GDP’s aims include: (1) providing researchers, advocates, and journalists with a measurable and regularly updated baseline for analysing the growth and evolution of detention practices and policies; (2) facilitating accountability and transparency in the treatment of detainees; and (3) encouraging scholarship in this field of immigration and refugee studies.

"Immigration Detention in Egypt"
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Introduction

Against a backdrop of harsh civil society crackdowns in Egypt, ongoing political turmoil in the Middle East, and severe poverty and repression in nearby African countries like Eritrea, refugees, asylum seekers, and unauthorized migrants in Egypt remain subject to numerous abuses and face enormous challenges regarding their futures.

Egypt has long been a destination and transit country for large numbers of asylum seekers and irregular migrants, including Sudanese, Iraqis, Ethiopians, Somalis, and Eritreans, as well as more recently people fleeing violence in Syria and Gaza. Since early 2013, the Egyptian police have reportedly detained more than 6,800 persons fleeing Syria (Kingsley 2014).

There have been reports of Egyptian soldiers firing on smuggling vessels heading for Europe that are packed with Palestinians fleeing the destruction in Gaza wrought by Israeli bombing during its recent conflict with Hamas (Rollins 2014; Beaumont and Kingsley 2014). To accommodate those detained during these operations, authorities in Alexandria have reportedly begun using a youth centre in Alexandria (Rollins 2014), bolstering a large network of police stations in the region that been used recently for migrant detention operations (see the section “Detention Infrastructure” below).

Egypt is also an important country of emigration. According to official statistics, some 10 million Egyptian nationals (more than 10 percent of the total population) were living abroad as of 2011 (DW 2011).

Migrants and asylum seekers in Egypt are particularly vulnerable to detention and deportation. During more than three decades, the country was under an emergency decree, which gave authorities enormous latitude on who they could detain and why. Although these powers were mainly targeted at citizens and have recently been rescinded, security personnel in the country can apprehend foreign nationals for a variety of reasons.

An important legal justification for detaining migrants is provided in criminal law. According to information received by the Global Detention Project, unauthorized migrants are often charged with criminal violations stemming from their alleged irregular status and then incarcerated in prison facilities, which are notorious for being overcrowded and lacking basic detention conditions.

However, while it appears that migrants are frequently prosecuted for status-related violations, authorities reportedly avoid imposing criminal sanctions, instead keeping migrants in a form of administrative detention until they can be deported. Rights groups have repeatedly criticised the country for arbitrarily detaining non-citizens and using military tribunals to try them.

Egypt has also been widely condemned for implementing a “shoot-to-stop” policy targeting migrants crossing from Egypt to Israel; denying detained migrants access to appeal; undertaking mass forced returns of Eritreans and Syrians, who face persecution...
in their countries; preventing UNHCR and other rights bodies access to detainees; and indefinitely detaining stateless persons and unregistered asylum seekers.

Observers have also noted an apparent correlation between European efforts to block migrant routes across the Mediterranean and increases in the trafficking of migrants across the Sinai desert. According to one study, between 2007 and 2013, as many as 30,000 people were trafficked in the Sinai (Reisen, Meron and Rijken 2013).

In some cases, victims of trafficking are held in harsh conditions by Bedouin tribes. If they manage to escape and make it to Israel, they are subject to detention for up to three years under a new law adopted in Israel (PHRI/HL2012). If, on the other hand, they attempt to reach Cairo, they can be detained for long periods in police jails or military camps. According to unofficial estimates, thousands of victims of trafficking in Egypt have disappeared in recent years, some of whom were later found confined in Egyptian jails (Van Reisen, Meron and Rijken 2012, 2013).
Detention Policy

Legal provisions relevant to immigration-related detention in Egypt are contained in numerous legal instruments. These include the 2014 Egyptian Constitution, the 1960 Law on Entry and Residence, the Criminal Code, and various presidential decrees. Application of the law can vary considerably from case to case, depending on where a person is detained, the nationality of the detainee, and the detaining authority in a particular case. Numerous observers have criticised Egypt for arbitrary and unlawful detentions (AI 2013b; HRW 2013) and for trying non-citizen civilians in military tribunals for illegal entry into the country (HRW 2008).

Constitutional guarantees. Egypt has voted on a series of Constitutions since the 2011 ouster of President Hosni Mubarak. The most recent constitutional referendum took place in January 2014.

The 2014 Constitution provides several guarantees that can be relevant to the situation of detained non-citizens, including the right to challenge detention (Article 54), the right to be protected from torture and abuse (Article 55), and the provision of judicial oversight over all places of detention (Article 56). Non-citizens who are charged with crimes stemming from their immigration status are to be considered innocent until proven guilty in a fair court of law (Article 96).

Article 54 of the Constitution provides that “every person whose freedom is restricted shall be immediately notified of the reasons therefore; shall be informed of his/her rights in writing; shall be immediately enabled to contact his/her relatives and lawyer; and shall be brought before the investigation authority within twenty four (24) hours as of the time of restricting his/her freedom. Investigation may not start with the person unless his/her lawyer is present. A lawyer shall be seconded for persons who do not have one. Necessary assistance shall be rendered to people with disability according to procedures prescribed by Law.”

Grounds for administrative immigration detention. It is challenging to distinguish between administrative and criminal detention in cases involving non-citizens. Asylum seekers, refugees, and undocumented migrants can be subject to both criminal penalties and administrative detention for unauthorized entry or residence. Nevertheless, it appears that while criminal grounds for status-related violations may be used as the basis for arresting non-citizens, authorities generally do not pursue criminal sanctions, instead opting to hold these people in a form of administrative detention until they are deported or their cases otherwise resolved by immigration authorities (Undisclosed source 2011b). (For more on this phenomenon, see the section on “Criminalisation of immigration-related offenses” below.)

The principle immigration-related laws governing the arrest, detention, and deportation of non-citizens are The Law of Entry and Residence of Aliens in the Territories of the United Arab Republic and their Departure Therefrom (Law No. 89 of 1960 as amended by law No. 88 of 2005) and Presidential Decree Security of the Eastern Border of Arab
Republic of Egypt (1995). The applicable law depends on where and when a migrant is apprehended.

The main function of administrative detention is to enforce the removal of non-citizens.

According to Article 27 of the Law of Entry and Residence, authorities can keep non-citizens in detention after they complete criminal sentences until they are deported.

The Minister of Interior has the authority to deport non-citizens and can order temporary detention until deportation is possible. When a deportation decision is difficult to enforce, the Director of Passports, Immigration and Nationality Administration can order an alien to reside at a specific place and periodically report to a police station until deported (Art. 30).

A foreign national can be issued with an order of deportation by the Director of Passports, Immigration and Nationality and Administration if he/she: enters the country by “illegal methods”; fails to obtain a residence permit following the expiry of an entry visa; violates the “purpose” for which he/she obtained residency; fails to depart from the country within 15 days from the expiry date of the residence period, unless a request for renewal has been approved prior to the expiry of the original residence period; or fails to depart from the country within 15 days from the date of being notified of the refusal to grant residency or renewal of residency (Law of Entry and Residence Art. 31 Bis).

Article 23 of the Law of Entry and Residence provides that non-citizens who “contravene” without permission the original purpose for which they were authorised to enter or reside in Egypt can be penalized with fines of up to two thousand pounds and may be banished from the country (Art. 42). “Aliens” who represent “a threat to the State and country security and safety, internally or abroad, or to its national economy, public health, public moral, or public tranquillity, or [who is] a burden on the state” can be issued with a deportation order (Art. 26).

**Length of administrative detention.** The Egyptian government does not release statistics related to the actual/average length of time for administrative detention (Undisclosed source 2014). There is no maximum length of administrative detention in Egyptian law.

According to recent information provided to the Global Detention Project, undocumented migrants generally no longer serve criminal prisons sentences for violations related to entry or stay (Undisclosed source 2014). However, there have been cases in the past in which foreign nationals apprehended at the Sudanese border and convicted of illegal entry have spent several years in prison, often being transferred from prison to prison as they shift between criminal and administrative procedures. In one case, a group of foreign nationals apprehended at that border were initially detained at a police station in southern Egypt. After completing a one-year prison sentence for illegal entry at the Borg El Arab Prison, they were confined for an additional three months at the same police station where they were initially detained because they were unable to pay the fine for illegal entry. After this three-month period, the migrants were transferred to the Qanater
Men’s Prison, registered with an immigration status and then kept in detention for an additional period of time, until deportation (Undisclosed source 2011e).

When deportation is not possible, detention can be indefinite (Undisclosed source 2011b). According to reports on Eritreans trafficked in Egypt between 2010 and 2012, detained Eritreans have been held in overcrowded cells in police stations for up to 18 months (HRW 2014b).

**Criminalisation of immigration-related offenses.** Most breaches of immigration law appear to carry prison sentences. Criminal sanctions, however, are reportedly rarely applied and there is little information available that accurately documents the nature of the decision-making process for placing asylum-seekers, migrants, and refugees in detention (Undisclosed source 2014).

Activists in Egypt who work with detainees have reported to the Global Detention Project that decisions related to release or length of time spent in prison are distinctly arbitrary, particularly in the case of Syrians. One source in Egypt reports that after being arrested and detained for unauthorized entry in Egypt, entire groups of Syrians have been “kept in detention for months, others released, [and] others pushed to leave the country with no apparent consistency with regard to the decision taken by authorities” (Undisclosed source 2014).

Under Presidential Decree Security of the Eastern Border of Arab Republic of Egypt (1995) anyone convicted of entering or exiting the country illegally through the eastern border can face imprisonment and a fine of up to five thousand Egyptian pounds (Art. 2).

Article 3 of the Law of Entry and Residence prohibits migrants from entering and exiting the country at any points other than those designated as official border crossing points. Article 2 of this law prohibits entry and exit without a valid legal document/passport. Foreign nationals who violate Articles 2 and 3 can face a criminal trial and/or penalties that include imprisonment for up to six months and/or a fine of up to one thousand Egyptian pounds and subject to criminal trial or execution of the penalty can be deportation from the country (Art. 41). These penalties are also applied to asylum seekers, despite the protections against such measures provided in the 1951 Refugee Convention, to which Egypt is a signatory.

Non-citizens who violate the terms of an order of deportation or banishment, fail to reside at a designated residence, or provide false statements or knowingly submit false documentation to Egyptian authorities can be sentenced with up to two years imprisonment and/or fined up to two thousand pounds (Law of Entry and Residence Arts. 38, 40). Penalties are more severe for foreign nationals who (a) are citizens of a country in a state of war with Egypt; or (b) entered Egypt at the border areas listed by decree of the minister of interior, in agreement with the minister of foreign affairs (Law of Entry and Residence Art. 41).

In practice, the prosecution of unauthorized immigrants is not systematically applied in Egypt. According to one source interview by the GDP, since 2008, those arrested for
illegal entry to/exit from the country have generally received a suspended sentence—a sentence issued by a judge which will not be enforced if the defendant meets certain conditions—exempting the migrant from serving the sentence. In most cases, judges refer these cases to the immigration department, which reviews the status of the foreign national and determines whether they should be released, deported, or remain in detention (Undisclosed source 2014).

According to one observer, “the criminalisation of irregular migration is considered disproportionate to the violation and can often lead to additional human rights abuses—a particular concern in Egypt, where, as the UN and human rights groups have noted, torture in prison is widespread, and where non-nationals frequently are denied access to procedural safeguards and adequate legal representation” (Hilal and Samy 2008, p.12).

**Re-entry ban.** Deported persons are prohibited from re-entering the country unless granted permission to do so by the Minister of Interior (Law of Entry and Residence Art. 31). Non-citizens found to violate this article can be subject to imprisonment for a minimum of one year (Art. 39).

The Law of Entry and Residence (Article 16) requires that aliens residing in Egypt obtain a residency permit and depart form the country upon termination of residence.

**Procedural standards for immigration detainees.** The Law of Entry and Residence does not contain any provisions guaranteeing rights to detained migrants, such as access to a lawyer. Asylum seekers, refugees, stateless persons, and migrants arrested for illegal entry at non-authorised border points fall within the jurisdiction of the nearest military tribunal and have no access to appeal, a practice that has been criticized as violation of Egypt’s obligations under the International Covenant on Civil and Political Rights (Art. 14) and the Arab Charter on Human and People’s Rights, which provides for due process and a fair trial (Art. 26). Irregular migrants and refugees are sometimes given an appeal in court, though this appears to occur on an ad hoc basis (Undisclosed source 2011a).

According to Egyptian law, defendants in criminal cases have a right to access legal counsel. Article 96 of the 2014 Constitution establishes that the accused is innocent until proven guilty in a court of law and provides guarantees for legal defence. Additionally, the Criminal Code (Law 214) establishes that the General Attorney nominate a lawyer for any individual accused of a criminal offence. However, this provision is reportedly generally not enforced in cases involving allegations of illegal entry/presence in the country. Individuals arrested are first referred to a general or military prosecutor (according to the area of arrest), who then refers the case to a court (civil or military), where the accused is typically unable to exercise his/her right to a defence as no lawyer is provided (Undisclosed source 2011e).

The Code of Criminal Procedure contains safeguards relating to persons who are being detained on criminal charges. Under the Code, all persons held in detention, regardless of whether they are Egyptian citizens, enjoy the same safeguards available under the law. Every person who is arrested or held in precautionary detention must be informed
immediately of the reasons for his arrest or detention in a language that he understands. He has the right to communicate with anyone he chooses and is entitled to avail himself of the services of a lawyer (Code of Criminal Procedure, art. 139) (CMW 2006).

**Apprehending authorities, custodial authorities, and jurisdictions.** Under Presidential Decree 204/2010, which defines the border of the Arab Republic of Egypt, the Egyptian police have the power to arrest/detain people for immigration related reasons. At border points and in military zones such as the Sinai Peninsula the army may apprehend individuals for unauthorized entry as the military is responsible for guarding the borders of southern and western Egypt.

The Interior Ministry, which is responsible for the administration of prisons in Egypt, country has custody over immigration detainees held in prisons. It also has the authority to deport non-citizens and to order temporary detention until deportation is possible (Art 27 Law of Entry and Residence).

When the military removed President Mubarak in February 2011, the jurisdiction of the military was greatly expanded, which empowered the military to arrest people in areas outside military zones and refer the cases to a military tribunal. In January 2013 the Shura Council, Egypt’s partially elected upper house, passed a law that gives military officers the right to arrest civilians and bring them before military courts. The law will come into force after ratification by the President and publication in the official gazette (HRW 2013a).

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) (HRW 2014b). Some detainees taken to the military court in Ismailia and then returned to police stations in the Sinai were unable to say whether they had been convicted of any offenses and given prison sentences (HRW 2014b).

The Presidential Decree Security of the Eastern Border of Arab Republic of Egypt (1995) prohibits the movement of persons within one hundred and fifty meters of the eastern border (with Israel), between Rafah in the north and Taba in the south, apart from Rafah city and other locations permitted by law or the military (Art. 1). The military has the authority to sentence anyone who violates this law with imprisonment for at least six months (Art. 2, 5).

**Victims of trafficking.** The trafficking of foreign nationals across Egypt has been a major concern for many years. In 2010, the country adopted Law 64 on Combating Trafficking in Persons, Article 21 of which provides that victims of trafficking cannot be held criminally responsible for trafficking-related violations.

Some experts have noted that the law has inconsistencies. For instance, one lawyer wrote that while Article 22 stipulates that victims of trafficking who do not hold “permanent residence permits” in Egypt shall be returned to their country safely and
swiftly, there is no such thing as a “permanent residence permit” in Egypt (Badawy 2011).

According to one study, between 2007 and 2013, up to 30,000 persons were trafficked in the Sinai, of whom between 5,000-10,000 died as a consequence of trafficking (Reisen, Meron and Rijken 2013). Many victims of trafficking are held in harsh conditions by Bedouin tribes. If they manage to escape or make it to Israel, they can be subject to detention for up to three years under a new law adopted in Israel (PHRI/HL2012).

Trafficking victims who endeavour to travel to Cairo are often apprehended en route and placed in detention centres. According to one unofficial estimate, some 4,000 people have “disappeared” in the Sinai in recent years, many of whom were late found detained in Egyptian jails (Van Reisen, Meron and Rijken 2012, 2013). One source in Egypt told the GDP that “those attempting to reach Cairo … are at risk of being arrested as they lack the necessary documentation (in particular due to the high number of check points on the way to Cairo). If apprehended in such circumstances they would face the arrest and indefinite detention as if they were arrested at the Egyptian-Israeli border” (Undisclosed source 2014).

There are allegations of the police working with traffickers. In one case, trafficking victims reported that a group of hostages from Ethiopia and Eritrea were able to subdue their traffickers and bring them to a police station in southern Sinai. The police, however, allegedly set the traffickers free and put the migrants in prison (Reisen, Meron and Rijken 2013).

Sinai is a military zone and anyone arrested there can be brought before a military prosecutor and subsequently tried before a military court, despite the fact that they lack requisite independence for a fair trial (Undisclosed source 2011e).

During military operations in the Sinai that began in June 2013, the Egyptian army reportedly raided “torture houses” used by traffickers to hold—and torture—people as they waited for ransoms to be paid. Some of the houses had rooms that featured “hooks on the ceilings from which the kidnapped are hung as they are beaten” (Hassouri 2013). Many of the people rescued by the military from these houses were subsequently placed in detention and charged with “illegal entry” into Egypt. There were apparently 144 such “rescued” persons in detention in Egypt at the end of 2013. Numerous observers contend that Egyptian authorities make no attempt to identify trafficking victims among migrants transiting the Sinai and do not investigate allegations of collusion between security forces collusion and traffickers (HRW 2014a; Reisen, Meron and Rijken 2013; USDS 2012).

In 2010 and 2012, the European Parliament adopted resolutions on human trafficking in Sinai. The resolutions urged Egyptian and Israeli security forces to avoid the use of lethal force against undocumented migrants and called for this topic to be placed as a matter of high priority on the agenda of political dialogue in Egypt (EP 2012).
**“Shoot-to-stop” policy.** Recent reports received by the Global Detention Project indicate that Egypt’s “shoot-to-stop” policy targeting migrants attempting to cross from Egypt into Israel is no longer being implemented (Undisclosed source 2014). The practice was the focus of global outrage for many years (USCRI 2009; AI 2008a; HRW 2010a, p.494; UN News Service 2010a).

However, there have been reports that soldiers have shot at migrants and asylum seekers attempting to leave Egyptian shores by boat on various occasions during 2013 and 2014. In one incident from October 2014, soldiers allegedly fired on Palestinians at a beach near Alexandria as they attempted to board a smuggling vessel, leaving one person dead (Rollins 2014).

In another incident from 2013, the Egyptian Navy fired on boats at sea. According to an Amnesty International Report: “In the early hours of 17 September, a boat carrying at least 200 people left the Egyptian port city of Alexandria. It was heading to Italy when it was intercepted and pulled back to shore by the Egyptian Navy. Most of those on board the boat were refugees from Syria. When Amnesty International later interviewed some of the refugees, they described how, as they saw the Egyptian Navy ship approaching their boat, people started pleading with the Navy not to shoot, telling them that there were children on board. The Navy approached the boat and, according to witnesses, fired several shots into the hull of the boat. As far as Amnesty International is aware no shots were fired from the boat carrying the refugees. The incident resulted in the death of two people who were shot: Fadwa Taha, a 50-year-old Palestinian refugee woman from Syria, and Amr Dailool, a 30-year-old Syrian refugee. According to one of the refugees who was on the boat, the shots fired by the Navy narrowly missed children. All of the refugees were detained by police” (AI 2013b).

Some 85 unarmed migrants were reportedly killed at the border between July 2007 and October 2010 as part of the previous shoot-to-stop policy in the Sinai (HRW 2010b). In 2011, at least 22 African migrants attempting to cross the Sinai were killed by the Egyptian Border Police (HRW 2012a). According to the U.S. Department of State Trafficking in Persons Report 2012, “Egyptian border security personnel in the Sinai continued to shoot some undocumented migrants attempting to enter Israel, including suspected trafficking victims, often killing them” (USDS 2012).

The shoot-to-stop policy was introduced in 2007 after intense pressure from Israel to halt the smuggling of migrants across the Sinai border (AI 2008a, p.3). Many migrants are also apprehended at this border, stripped of their belongings, referred to the nearest military prosecutor and military court, and charged by the military prosecutor with “attempting to exit unlawfully the Egyptian eastern border.” According to one observer, the court generally suspends the sentence of these migrants and hands them over to the immigration department to commence deportation procedures (Undisclosed source 2011b; AI 2008, p.2-3). Only a handful of countries—including Morocco, Tunisia and Turkey—also criminalize “illegal exit.”

**Deportation practices.** Egypt has been heavily criticised for forcibly returning migrants and asylum seekers to places where they could be subject to persecution and possibly
torture. Of particular concern in this regard are Eritreans, some of whom have reportedly been deported to Ethiopia after being apprehended while attempting to cross the Sinai (HRW 2014b).

The forced return of Eritreans has been a long-standing problem in Egypt. For instance, non-governmental group reported in 2008 that that during a single week in June of that year up to 1,200 asylum seekers were returned to Eritrea despite warnings that they were at grave risk of immediate detention, torture and other ill-treatment on their return. Those returned—including pregnant women and children—were at times subjected to violence and mistreatment during their deportation procedures and denied access to appeal mechanisms and UNHCR. Many of the deportees were subsequently detained at Eritrea’s Wia desert prison (AI 2009, p.6).

More recently, Human Rights Watch reported that in October 2011 “Prison officials in Shallal gave Eritrean embassy officials access to 118 detained Eritrean men who were asylum seekers and beat them to force them to sign paperwork agreeing to return to Eritrea. Egyptian authorities announced they would deport the group to Eritrea” (HRW 2012a).

Egypt has also been criticized for its treatment of people fleeing the conflict in Syria. While it initially maintained an open door policy for these refugees, it adopted stricter entry requirements in 2013 for Syrian nationals. These requirements apparently led to more than 200 Syrians being deported to Syria, Lebanon, and other countries during a single day in July 2013 (AI 2013).

According to the euro-Mediterranean Migreurop network, the Egyptian authorities ask foreigners about to be deported to pay for their air ticket. Most sub-Saharan detained in Egypt for illegal entry or exit do not have the means to shoulder such costs and various hundred foreigners remain stranded in Egyptian prisons. Migreurop also reports that according to local sources there have been cases of persons who have thus spent more than four years in administrative detention (Migreurop 2013).

Asylum Seekers and stateless persons. Egypt is party to the 1951 UN Refugee Convention and its Protocol, with reservations in relation to personal status, rationing, public relief and education, labour legislation, and social security. It is also a signatory to the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa. Additionally, Article 91 of the 2014 Constitution provides that political asylum must be available to anyone who has been persecuted for defending human rights, peace, or justice.

Despite these provisions, national determination procedures have not yet been developed for the recognition of refugees (UNHCR 2014b, ERT 2010, p.144). In addition, Egyptian law does not provide protection for stateless persons, and Egypt is not a party to either of the statelessness conventions (ERT 2010, p.144).

While asylum seekers and stateless persons have the right to legal representation, the lack of access to asylum procedures frequently leaves them subject to criminal and
administrative detention based on charges of illegal entry and residence in Egypt (HRW 2010a, p.494; USCRI 2009).

UNHCR’s Cairo office has the authority to make Refugee Status Determinations (RSDs) based on a 1954 Memorandum of Understanding (MOU) with Egyptian authorities (UNHCR 2014b, USCRI 2009). In 2011, UNHCR began conducting RSD interviews at the border points of Sallum for persons entering Egypt from Libya and wishing to claim asylum (Undisclosed source 2011e).

However, UNHCR representatives in Egypt are often denied access to detention facilities, refugees, and asylum-seekers (AI 2008a, p.4; HRW 2010a, p. 494), or have their access restricted to those refugees or asylum seekers already registered with the UNHCR prior to their arrest, or on a case by case basis (Undisclosed source 2011c). One observer claims that this may “prevent victims of trafficking and/or smuggling from coming forward to report their situations” (Hilal and Samy 2008, p.12). UNHCR Cairo has requested access to a number of persons in detention, including potentially stateless persons, without success (Pierrot 2013). In some cases, stateless individuals who were found to be non-deportable were simply released with a 6-month laissez-passer document (Undisclosed source 2011e).

Rejected asylum applicants are provided with reasons for their rejection (Undisclosed source 2011a) and they must appeal the decision within one month. Rejected or late appeals result in cases being closed and a loss of UNHCR protection. Stateless persons often face indefinite detention because they cannot be deported (ERT 2010, p.145). Those definitely rejected by UNHCR remain in detention until they voluntarily repatriate or the Egyptian government forcibly deport them (Undisclosed source 2011e).

According to UNHCR the detention of those moving irregularly, including asylum-seekers, has increased in recent years (UNHCR 2013b). This increase is reportedly adding to the workload of UNHCR staff conducting protection assessment interviews and putting a strain on financial resources for the provision of legal aid (UNHCR 2014b). The refugee agency reported in 2013: “After intensive multilateral efforts, more than 170 Syrian and Palestinian refugees were released in December from detention centres in Alexandria, Beheira and Port Said governorates” (UNHCR 2013c).

In 2011, the UN Committee on the Rights of the Child recommended that Egypt should not detain asylum-seeking children and should ensure unimpeded access to any detained asylum-seeking child by UNHCR (CRC 2011).

**Syrian refugees.** Egypt initially applied an open-door policy regarding people fleeing the conflict in Syria. However, since the ouster of former President Morsi in 2013, the country has adopted increasingly stricter policies, including new entry requirements for Syrian nationals.

According to government estimates approximately 250,000-300,000 Syrians resided in Egypt as of 25 July 2013 and 133,023 were registered with UNHCR as of end of January 2014 (UNHCR 2013a, 2014b).
Approximately 1,500 refugees from Syria, including at least 400 Palestinian refugees and 250 children, were detained during the second half of 2013, according to Human Rights Watch. Up to 1,200 of these detainees were sent to Turkey, Lebanon, or Syria, where they could face arrest and torture. The government denied that Syrian refugees were forced to leave and stated that "No Syrian refugee is made to depart from Egypt unless they have been proven to have entered the country through illegal immigration, an action contrary to Egyptian law" (AFP 2013). As of November 2013, approximately 300 Syrian refugees remained detained in overcrowded police stations, 211 of them Palestinians (HRW 2013b, HRW 2014a, Dunne 2013).

In one case, the public prosecutor dropped charges against several hundred detained refugees and ordered them released. The police, however, initially defied the order and continued to hold them in crowded police stations while pressuring them to leave the country (Chick 2013).

The worsening conditions have led many Syrians to attempt to flee Egypt. According to one report, “More than 1,500 Syrian and Palestinian refugees from Syria have been arrested in Egypt [between August and December 2013] for trying to leave illegally by sea. The attempted exodus underscores how unwelcoming Egypt has become to Syrians since the military ousted former President Mohamed Morsi” (Chick 2013).

**European Union cooperation.** An EU/Egypt Action Plan adopted in 2007 covers cooperation on political, security, economic, trade, investment, scientific, technological and cultural relations. Within the framework of the so-called EU Neighbourhood Policy, it includes a section entitled “border management” and purports to strengthen cooperation on migration-related issues, including the effective joint management of migration flows, legal and illegal migration and readmission. Under the section on human rights the Plan foresees EU assistance to implement relevant UN recommendations and the recommendations of the Egyptian National Council for Human Rights pertaining to security, detention conditions and prison staff and the protection of the human rights and integrity of detainees and the fight against impunity (Action Plan 2007, Ceccorulli 2011).

In 2012 the EU reiterated its offer to negotiate with Egypt the establishment of a Mobility Partnership (similar agreements have been negotiated with other Mediterranean countries, including Morocco). However, Egyptian authorities rejected the offer.

In 2007, Italy and Egypt concluded a readmission agreement under which Italy has sent back unauthorized migrants—including many Egyptians—without any asylum screening (Giuffré 2013).
Detention Infrastructure

Egypt does not operate facilities specifically for migrants. Rather, the country’s prisons, police stations, and military camps have been used to detain migrants and refugees apprehended at the borders or after entering the country (HRW 2014b, Undisclosed source 2011b). Numerous observers have documented detention cases at these facilities (HRW 2014b, HRW 2008, p.29; Grindell 2003, p.30-31; Malek 2008, p.31-46; IDC 2009; Migreurop 2013).

According to the latest count by the Global Detention Project, at least 57 facilities have been used in recent years for immigration-related reasons (see List of Detention Sites). Many of these facilities are police stations, including many stations in the Sinai Peninsula and the Nile Delta region, as well as two prisons in Cairo (HRW 2014b; Undisclosed source 2012).

Among the facilities that reportedly have been used are: Tura Prison, Cairo; Qanater Prisons, Cairo; Aswan City Police Station; Nasr El Nuba police station; the Aswan Central Security Camp in Shalal; Ismailia Prison and Ismailia Police Station; Qena Police Station; Hadra Prison, Alexandria; Kom Ombo Police Station; Edfu Police Station; Hurghada Police Station; Marsa Alam Police Station; Daraw Police Station; Gourna Police Station in Gourna/Luxor; Ras Gharib Police Station on the beach of the Suez Gulf; the Romana Police Station; Bir El Abd Police Station; Al- khoseimya (El – Khoseyma), Al-Nikhma Police Station (El Nakhil) and Hassana Police Station; four police stations in Arish; Ataqa Police Station in Suez; Dahab Police Station; Nuweiba Police Station ( Sinai); Rafah Police Station ( Sinai); Ras Sidr Police Station ( Sinai); Tabia Police Station ( Sinai); Tur Sina Police Station (El-Tor) ( Sinai); Galaa Prison; and the El Mostaqqbal Police Station (list developed based on numerous sources, including Undisclosed source 2014, 2012, 2011c; HRW 2014b, 2009; Nowak 2010, p.108; Bustamante 2010; Malek 2008, p.31; AI 2009, p.6).

According to a source in Egypt, there are a number of additional police stations in the Nile Delta region that have been used recently for immigration-related reasons, in particular for detaining Syrians. This source provided the following list to the GDP, stating that each of these facilities had been visited by organisations that provide medical assistance to detained refugees and migrants. The names of these police stations are Karmouz Police Station, Montaza 2 Police Station, Bab Shark Police Station, Raml 1 Police Station, Borg El Arab Police Station, Amreya Police Station, Dekheila Police Station, Anfouchi Police Station, Matrouh Police Station, Edko Police Station, Rashid Police Station, Rahmaniya Police Station, Shabrakeet Police Station, Prembal Police Station, Biyala Police Station, Hemma Police Station, Zaafaran Police Station, Baltim/Borolos Police Station, Gamasa Police Station, Port Said Police Station, and Damietta Police Station (Undisclosed source 2014b).

In addition to these criminal facilities, as of late 2014, authorities in Alexandria had reportedly commandeered a youth centre, the Anfoushy Youth Centre, to accommodate people detained by the Egyptian military trying to leave Egypt in
smuggling vessels heading to Europe. This facility, which the Global Detention Project categorizes as an Ad Hoc detention site, held approximately 130 people in early October 2014 who had been arrested on Egyptian shores in recent weeks. One journalist reported that the detainees were denied access to lawyers while held at the youth centre (Rollins 2014).

A 1986 decree (Decree 659) established that the following prisons be used for the temporary custody of foreigners awaiting deportation: Qanater El Khayereya Men’s Prison, the Qanater El Khayereya Women’s Prison, the Alexandria Prison, the Port Said Prison, and Tura Prison. These are all important prisons in Egypt for incarcerating convicted criminals (Undisclosed source 2011b).

In October 2013, Human Rights Watch visited Dakhliya Police Station and Karmooz Police Station in Alexandria. Each held between 50-75 refugees from Syria at the time (HRW 2013b).

**Conditions of detention.** NGOs and International Organisations, including UNHCR, have little or no access to the facilities and no access to detainees, and little is known about the conditions of many of these facilities (Undisclosed source 2014). The UN Special Rapporteur on Torture and the UN Working Group on Arbitrary Detention have also been denied permission to visit Egypt.

According to accounts provided by migrants and refugees who have spent time in detention in Egypt, anywhere between 20-35 people typically share cells in Egyptian prisons. The cells are generally between 16-30 square meters and provide access to a single toilet and washing/drinking facility. Detainees receive one meal a day. A blanket is provided to each prisoner—their only bedding—and each detainee sleeps on the floor. Treatment of detainees varies greatly depending on the particular prison. In police stations, detainees are generally not allowed to leave their cells and are locked up 24 hours a day. Cells in police stations can be as small as 3 or 4 square metres and are meant to hold a few people at a time for short periods. There is no budget for food or health care of larger groups of detainees held for weeks or months (HRW 2014b).

In late 2013, a coalition of Egyptians NGOs documented the situation of several hundred Syrian refugees arrested and arbitrarily detained in Alexandria from August to October 2013. They were held in crowded detention facilities that lacked minimum health standards. Some facilities had insect infestations that led to skin diseases and respiratory and gastrointestinal illnesses among detainees (EIPR et al. 2013).

In May 2011, a seriously ill Eritrean male detainee died in El-Mostaqbal police station in Ismailia. He never received medical treatment and was not transferred to hospital. Another Eritrean reportedly died in the Taba police when he failed to receive treatment for tuberculosis (Undisclosed sources 2010b and 2011e).

While segregation of males and females is generally respected in Egyptian prisons (HRW 2008, p.32), children are reportedly detained alongside adults (Nowak 2010). However, minors are generally held with their mothers and unaccompanied children are
generally detained with women (Undisclosed source 2011a). Administrative detainees—including refugees, asylum seekers, and irregular migrants—are frequently detained alongside criminal detainees (Nowak 2010; Grindell, Richard 2003, p.30; HRW 2008, p.29). While foreign nationals are frequently held alongside Egyptian citizens in police stations, they are, where space permits, detained separately from Egyptian citizens in prisons (Undisclosed source 2010b; ERT 2010, p.146).

A 2011 EU progress assessment of the EU/Egypt Action Plan listed as a “cause for concern” the paltry conditions at prisons and detention centres, as well as the lack of access to these facilities. The report also stated that “torture and ill treatment, mainly in police stations, State Security investigation centres and places of detention, remain a very serious human right abuse” (EC 2011).

A 2013 European Commission report stated that “hundreds of African nationals (most of them Eritreans) are reportedly detained in police stations in Sinai in conditions that fall well below minimum detention standards required by human rights law” (EC 2013).
Facts & Figures

Egypt does not provide statistics or information about where people are detained for immigration-related reasons or how many people are detained. According to research undertaken by various human rights groups, some four dozen prisons, police jails, and military camps have been used for this purpose in recent years (see the GDP’s List of Detention Sites).

One NGO study reports that during 2011-2012 the numbers of Eritreans and other sub-Saharan nationals detained in police stations and prisons “were probably in the high hundreds” in the Sinai region alone (HRW 2014b).

Between 2007 and 2013, approximately 30,000 persons were trafficked in the Sinai, of whom up to 10,000 likely died as a result of having been trafficked (Reisen, Meron and Rijken 2013).

Approximately 1,400 Eritreans were forcibly returned from Egypt to Eritrea in 2008, where they faced the risk of torture and other serious human rights violations (USCRI 2009), and approximately 180 were granted access to the UNHCR (UN News Service 2008), most of whom were granted refugee status (Undisclosed source 2011a).

Sources in Egypt who work with detainees have reported to the Global Detention Project that irregular migrants are arrested at the Egypt-Israel border for irregular exit and infiltration; at the Libya-Egypt border for irregular entry; and at the Sudan-Egypt border for irregular entry and exit. Until the end of 2008, migrants and refugees arrested at the border were tried before a military court, sentenced to one-year imprisonment, and fined.

As of mid-2013 there were 183,398 official refugees and 18,307 asylum seekers in Egypt (UNHCR 2014a). In contrast, during all of 2012, Egypt received approximately 6,600 new asylum claims according to UNHCR statistics.

In addition, according to government estimates between 250,000 and 300,000 Syrians were residing in Egypt as of 25 July 2013 and 133,023 were registered with UNHCR as of January 2014 (UNHCR 2013a, 2014b).

Before the Syrian crisis, most asylum seekers originated from African countries, including Sudan, Iraq, Somalia, Ethiopia and Eritrea (UNHCR 2010). Syrian and Palestinians have become more numerous in recent years. One observer estimates that there are now approximately 70,000 Palestinians in Egypt, many of whom are stateless persons detained in Egyptian prisons and not registered with UNHCR, and thus not included in statistics. UNHCR reported only 74 non-Palestinian stateless persons living in Egypt in 2007 (ERT 2010, p.145). As of end of January 2014, the United Nations Relief and Works Agency (UNRWA) reported an additional 6,000 Palestinian refugees from Syria (UNHCR 2014b).

One journalist has estimated that there could be several million undocumented foreign nationals in Egypt. Wrote Berlin-based journalist Amir Heinitz in 2012: “The UN High
Commissioner for Refugees (UNHCR) registered around 50,000 refugees and asylum seekers in 2010, and 95,000 in 2011. But taking into account non-registered migrants and asylum seekers brings the unofficial numbers in Egypt to anywhere from 500,000 to 4 million” (Heinitz 2012).

The 4 million figure has also been cited by Egypt’s State Information Service (SIS Undated).
## List of Detention Sites

<table>
<thead>
<tr>
<th>Name</th>
<th>Status (Year)</th>
<th>Location</th>
<th>Facility Type</th>
<th>Security</th>
<th>Detention Timeframe</th>
<th>Authority</th>
<th>Management</th>
<th>Capacity</th>
<th>Reported Single Day Pop.</th>
<th>Demographics &amp; Segregation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Al-Nikhita Police Station</td>
<td>In use (2014)</td>
<td>Makadi (North Sinai)</td>
<td>Police station</td>
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<td>Amroha Police Station</td>
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<td>Shalal (Aswan)</td>
<td>Ad-hoc Camp</td>
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<td>El Monsha, Damietta region</td>
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Adult males, adult females, children; no segregation of criminal and administrative detainees. No family unit (2011)
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<tr>
<th>Police Station</th>
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<th>Governorate/Area</th>
<th>Security Type</th>
<th>Long-term Status</th>
<th>Ministry/Department</th>
<th>Additional Info</th>
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<td>Hurghada Police Station (1)</td>
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<td>Khalifa Police Transit Section</td>
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<td>Location</td>
<td>Type</td>
<td>Security Level</td>
<td>Detention Type</td>
<td>Ministry/Department</td>
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<td>Nuweiba Police Station</td>
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<td>Type</td>
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<td>Ras Ghallib Police Station</td>
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<td>Ras Ghallib (on the beach of the Suez Gulf)</td>
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<td>Ras Sidr Police Station</td>
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<td>Romana Police Station</td>
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<td>Romana, Sinai region</td>
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<td>Interior Ministry</td>
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<tr>
<td>Taba Police Station</td>
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<td>Taba, South Sinai</td>
<td>Police station</td>
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<td>Long-term</td>
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</tr>
<tr>
<td>Tur Sina Police Station</td>
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<td>Long-term</td>
<td>Interior Ministry, Security Department</td>
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<tr>
<td>Location</td>
<td>Status</td>
<td>Governorate</td>
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<td>Security Level</td>
<td>Authority</td>
<td>Capacity</td>
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<td>Police Station</td>
<td>Secure</td>
<td>Long-term</td>
<td>500</td>
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</table>
Map of Detention Sites

Country View
1. Al-Khoseimiya Police Station
2. Al-Nikhl Police Station
3. Armiya Police Station
4. Anfoushi Police Station
5. Anfouchi Youth Centre
6. Ansh Police Station (1)
7. Ansh Police Station (2)
8. Ansh Police Station (3)
9. Ansh Police Station (4)
10. Aswan Central Security Camp
11. Aswan City Police Station
12. Atafe Police Station
13. Bab Shark Police Station
14. Sallim/Borlos Police Station
15. Bir El Abd Police Station
16. Eljala Police Station
17. Borg-al Arab Police Station
18. Dahab Police Station
19. Damiata Police Station
20. Daraw Police Station
21. Dekheila Police Station
22. Edfu Police Station
23. Edko Police Station
24. El Mostaqbal Police Station
25. Estinaf Prison
26. Galsa Prison
27. Gamasa Police Station
28. Gurna Police Station
29. Hadra Prison
30. Hassana Police Station
31. Hemma Police Station
32. Hurghada Police Station (2)
33. Ismailia Police station
34. Ismailia Prison
35. Kameuz Police Station
36. Kom Ombo Police Station
37. Marsa Alam Police Station
38. Matrouh Police Station
39. Montaza 2 Police Station
40. Nasr El Noubia Police Station
41. Nuweiba Police Station
42. Port Said Police Station
43. Prembal Police Station
44. Qanater El Khayereya Men’s Prison
45. Qanater El Khayereya Women’s Prison
46. Qena Police Station
47. Rafah Police Station
48. Rahmaniya Police Station
49. Ramla Police Station
50. Ras Hanib Police Station
51. Ras Sidr Police Station
52. Rashid (Rashed) Police Station
53. Romana Police Station
54. Shabrakeet Police Station
55. Taba Police Station
56. Tur Sina Police Station
57. Tura Prison
58. Zaafaran Police Station
Country links

Government Agencies

Egypt State Information Service

International Organizations

International Organization for Migration
http://www.egypt.iom.int/index.html

UNHCR Egypt – Country Information
http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486356

NGOs and Research Institutions

Africa and Middle East Refugee Assistance (AMERA)
http://www.amera-uk.org/

Alkarama
http://en.alkarama.org/

Cairo Institute for Human Rights Studies (Arabic, English, French)
http://www.cihrs.org/?lang=en

Center for Migration and Refugee Studies, American University in Cairo
http://www.auc.edu/gapp/cmrs/Pages/default.aspx

Egyptian Initiative for Personal Rights
http://eipr.org/en/page/who-we-are

Human Rights Watch – Egypt page
http://www.hrw.org/middle-eastn-africa/egypt

Media

ahramonline
http://english.ahram.org.eg/Index.aspx

Inter Press Service—Middle East and Mediterranean
http://ipsnews.net/middle.asp

Middle East News Agency
http://www.mena.org.eg/index.aspx
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Emergency Law. 1958. Law no. 162.


Undisclosed source. 2010a. Email communication between representative of a non-governmental organization and Cecilia Cannon (Global Detention Project). 31 March 2010. (Source asked to remain anonymous).

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