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### A TRAGEDY OF FAILURES AND FALSE EXPECTATIONS Report on the Events Surrounding the Threemonth Sitin and Forced Removal of Sudanese Refugees in Cairo, September–December 2005

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The American University in Cairo  
Forced Migration and Refugee Studies Program

**A TRAGEDY OF FAILURES AND FALSE EXPECTATIONS**

*Report on the Events Surrounding the Three-month Sit-in and Forced  
Removal of Sudanese Refugees in Cairo, September–December 2005*

June 2006

## **Forced Migration and Refugee Studies Program**

The Forced Migration and Refugee Studies program (FMRS) is a program of education, research, and outreach that seeks to improve the understanding, policies, and practices of those who are concerned or work directly with refugees and other forced migrants. While maintaining a global and comparative perspective, FMRS focuses on the particular issues and circumstances of displacement in Africa, the Middle East, and the Mediterranean basin from multiple viewpoints, including those of host societies, policy makers, states, humanitarian organizations, and, in particular, of the forced migrants themselves.

FMRS offers a multi-disciplinary graduate diploma for that purpose and supports research and service activities that are mutually re-enforcing, grounded in the needs of stakeholders, and promote a growing appreciation of the social, psychosocial, economic, cultural, legal and political relevance of forced migration to academics, practitioners, and the general public.

\* \* \*

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## INTRODUCTION

On September 29, 2005, dozens of Sudanese asylum seekers and refugees initiated a sit-in near the offices of the United Nations High Commission for Refugees in Cairo to protest UNHCR's ongoing suspension of refugee status determination procedures as well as their conditions in Cairo, a situation they considered unbearable. Their number quickly grew to an average of 1,800 to 2,500 and remained at those levels throughout the following three months. Periodic meetings and negotiations among the sit-in leadership, UNHCR, and a number of other parties failed to meet the demonstrators' demands or to result in a satisfactory end to the protest.

In the early morning hours of December 30, 2005, thousands of Egyptian security personnel forcibly removed the protestors to various holding centers in and around Cairo. Tragically, 27 refugees and asylum seekers were killed in the removal, at least half being children and women. A 28<sup>th</sup> person, a 14-year-old boy, died in hospital a month later, and one man committed suicide in detention.

Most card-holding refugees and asylum seekers were released within a few days, but more than six hundred remained in detention until their status was clarified between UNHCR and the government of Egypt. The tragedy continued for weeks, with families trying to find loved ones, children being left unaccompanied overnight or held in separate facilities from their parent(s), and people not knowing whether their relatives were in another detention facility, in hospital, or in the morgue. Two months after the event, no one remained in detention, but several children were missing and families still were not allowed to take possession of the bodies of relatives for burial.

Calls by national and international human rights organizations for an international inquiry into the deaths were rejected by Egypt, which was rumored to have initiated an internal investigation. The forced removal and its aftermath elicited criticism locally and abroad, strained relations between UNHCR and the government of Egypt, and exacerbated an atmosphere of distrust between UNHCR and Sudanese refugees and asylum seekers.

Egyptian and international media coverage of the event was replete with charges of police brutality and countercharges of racism and abuse of Egyptian hospitality by "drunken" and "disease-ridden" refugees and other xenophobic statements. At the same time, human rights and other civil society organizations worked hard to provide needed assistance by tracing families, identifying the deceased, and raising funds to aid the victims. The Mufti Dr. Ali Gomaa issued a *fatwa* approving *Sadaqah* (charitable giving) for all Sudanese refugees during *Eid Al-Adha*.

There is little information in the public domain on what happened that evening or what led up to it. Many questions surrounding the issue remain unanswered. Who was protesting in the first place, and why? Why did they reject several offers by UNHCR? Could UNHCR and

the government of Egypt have offered the protesters more? Why was such excessive force used in the removal, and how did so many people die? Why were autopsy reports not released? Why did it take so long before bodies of victims were released to their relatives for burial, and why were none allowed to be transferred to Sudan for burial? Why was there so little information and care in the immediate aftermath, when dazed asylum seekers and refugees were left wandering the streets of Cairo? Who is responsible and who should be held accountable for which aspect of the problem? Could this tragedy have been avoided and, most important, could it happen again?

One week after the tragedy, FMRS initiated an investigative research in an effort to find answers to some of these questions. From the start, the purpose of the investigation was not so much to assign responsibility as it was to promote a thorough understanding of the problem: why it happened, what are the issues, and what could have been done or should be done in the future and by whom in order to prevent such a tragedy.

This is not the first effort by FMRS faculty, students, and researchers to shed light on the particular issues and problems facing refugees in Egypt and the region, including the Sudanese. The report builds on previous FMRS research and on other sources.<sup>1</sup> In order to identify the particular events that occasioned the three-month sit-in, the removal of the protestors, and the aftermath, an FMRS team of more than 10 researchers gathered eye-witness testimonies, met with officials from UNHCR and the Egyptian Ministry of Foreign Affairs, and relied on information from a number of non-governmental organizations active in providing assistance to the asylum seeker and refugee community in Egypt.

FMRS undertook the complicated task of wading through a large amount of sometimes contradictory and confusing bits of information to corroborate testimonies and newspaper accounts, to separate fact from rumor, and to navigate the passions on the different sides of this event and the issues that gave rise to it. This report is the result of more than two months of these efforts. Preliminary findings were presented on February 8, 2006, at an FMRS Wednesday Seminar and the final version—insofar as any analysis of this event can be final—is in your hands.

## **Terminology**

It is difficult but important to identify correct terminology in clarifying a highly intricate and nuanced situation. On the one hand, not everyone who crosses a border is automatically a “refugee,” and not all those who apply for this legal status are granted it.<sup>2</sup> On the other hand,

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<sup>1</sup> See [www.aucegypt.edu/fmrs](http://www.aucegypt.edu/fmrs), under “Reports.”

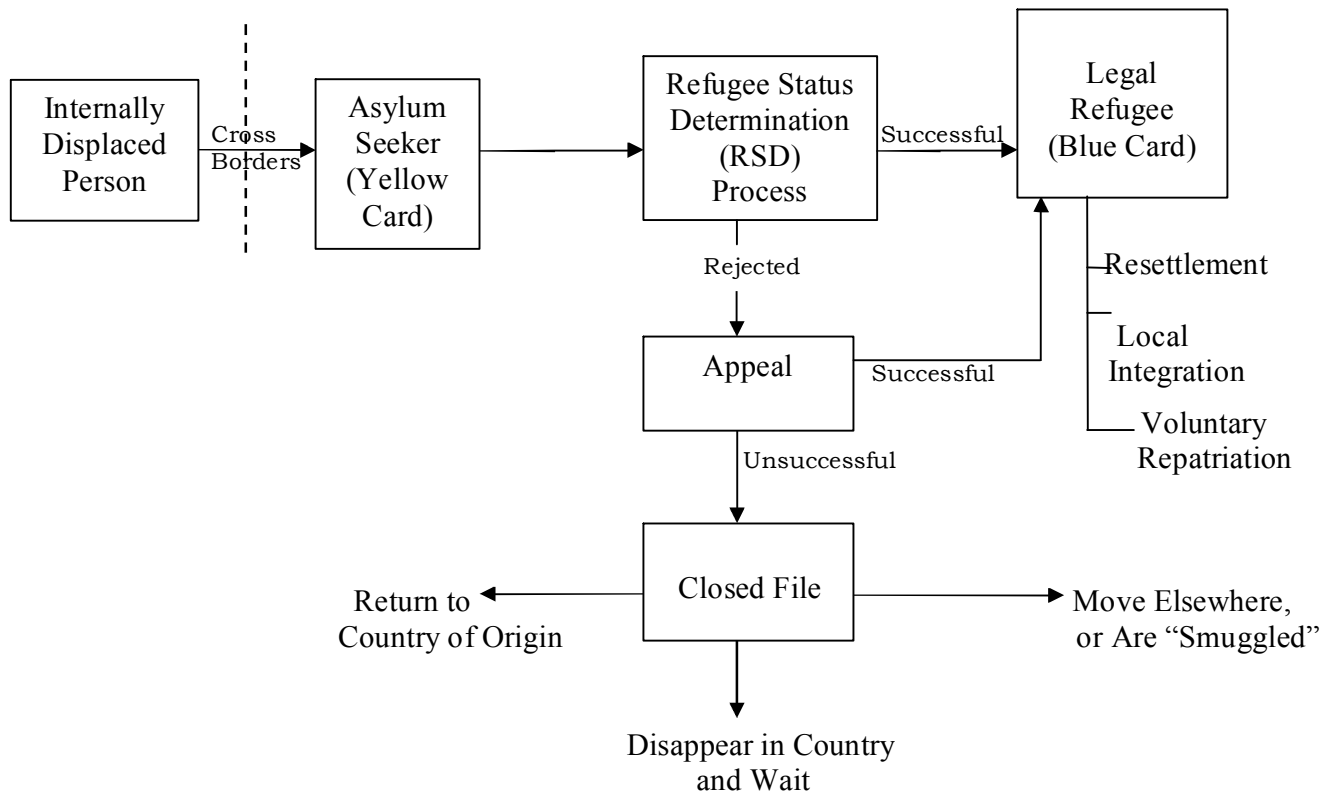
<sup>2</sup> Article 1 of the 1951 Convention relating to the Status of Refugees defines a refugee as an individual who, “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” Article 1(2) of the 1969 OAU Convention adds that a refugee is an individual who “owing to external aggression, occupation, foreign domination, or events seriously disturbing public order in either part or in whole of his country of origin... is compelled to leave his place of habitual residence.”



because of the rigors of the refugee status determination (RSD) process, not everyone who is denied the legal status of refugee should be automatically termed an “economic migrant” or an “illegal migrant.” They may be refugees who simply did not fit the criteria at a particular time or for a particular reason. Individuals in the middle of their RSD process are generally referred to as “asylum seekers,” while those who applied and were rejected are termed “closed files” if no further action is taken or if they appeal and are rejected again.

In interviews and general discussions, FMRS researchers were sometimes confronted with confusion concerning these terms. Users of the term refugee are not always cognizant of the distinctions described above, and the word is often used to describe anyone who is in a refugee situation, whether legally recognized as such or not. This report makes an effort to navigate these complications, clarifying the differences as thoroughly as possible. Where it suits the main purpose of the discussion, the report defers to the general usage, referring to refugees in broad terms without distinction. Most of the time, however, the report makes a distinction between asylum seekers, recognized refugees, closed files, and others. The following chart shows various stages and acknowledged categories in an attempt to delineate the differences. The specific situation described by each of those categories is discussed in the report.

### Process, Status, and Terminology



## BACKGROUND TO THE CRISIS

Not all Sudanese in Egypt are asylum seekers or refugees. There is a long history of migration between Egypt and Sudan, spanning centuries, facilitated by the geography of the Nile and the populations' linguistic and cultural affinities. Estimates of the number of Sudanese nationals in Egypt vary widely, ranging from 750,000 to 4 million.<sup>3</sup> The majority has enjoyed long-term residence and successful careers in business or academia. Some intermarry with Egyptians and are fairly well integrated into Egyptian society, but maintain their Sudanese nationality.

One expression of neighborly relations between Egypt and Sudan was the 1976 Wadi El-Nil (Nile Valley) Treaty, which provided for reciprocal treatment of the nationals of both countries. Under the treaty, Sudanese nationals were granted the right to live in Egypt with near citizenship. They were permitted to enter without a visa and were, in theory, given unrestricted access to employment, education, healthcare, and ownership of property.

In 1995, an assassination attempt was made on Egyptian President Hosni Mubarak in Ethiopia that was attributed to Sudanese Islamist extremists, after which the Wadi El-Nil Treaty was abrogated. That year, the Egyptian government began requiring Sudanese to carry an entry visa and a residence permit, and their rights reverted to those accorded to any foreign national on Egyptian soil. As we shall see, this cut-off date corresponds roughly with when the question of Sudanese refugees became a significant issue in Egypt.

Because of growing political unrest in Sudan, increasing numbers of Sudanese came to Egypt specifically to seek refuge. The first major wave came in 1955 with the start of Sudan's civil war. This wave extended into the mid-1980s, and included opponents of the Nimeiri regime and to the imposition of Islamic law in southern Sudan. The next major wave came in 1983 with another outbreak of civil war in the South. The most recent wave was created by the ongoing conflict in Darfur. These conflicts all but destroyed the country, and millions ended up in camps surrounding Sudan and in camps for the internally displaced within the country. Escapees from political repression in all parts of Sudan continued to come to Egypt, with tens of thousands arriving in Egypt over the past ten years, though even more fled to the south or west of Sudan.

As Egypt increasingly became a recipient country for refugees seeking not just immediate asylum but also eventual resettlement to third countries, responsibility for the asylum seekers fell to UNHCR, whose Cairo office eventually developed one of the largest resettlement operations in the world. Interviews conducted with Sudanese asylum seekers show that resettlement to the United States, Canada, Australia, and other Western countries has consistently been the ultimate goal for refugees. Many asylum seekers came to view resettlement almost as a right, but only about a quarter of them have had this expectation met. The rest remain in Egypt, severely disappointed and surviving in an Egyptian urban environment under difficult circumstances.

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<sup>3</sup> Katarzyna Grabska, "Living on the Margins: Analysis of the Livelihood Strategies of Sudanese Refugees with Closed Files in Egypt," FMRS Working Paper 6, June 2005, p. 17.

## **Egypt, UNHCR, and International Law**

Egypt is a signatory to both the 1951 Convention relating to the Status of Refugees (and its 1967 Protocol)<sup>4</sup> and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. The conventions grant recognized refugees a set of basic rights, starting with the specific prohibition in Article 33 of the 1951 Convention of *refoulement*, the forcible return of an asylum seeker to the country of origin where his or her life may be threatened. Other rights provided to various degrees by the two conventions include free practice of religion, continuity of residence, access to courts, employment, welfare, healthcare, education, and freedom of movement and documentation.

Egypt has no single guiding policy for the treatment of refugees, however, and it has not taken steps to fully implement the principles of the conventions through its national legislation. At the same time, as discussed above, Egypt has parallel policies that relate entirely to its special relationship with Sudan, and these policies often conflict with or confuse the information regarding services and rights available to Sudanese asylum seekers and refugees.

Importantly, the government of Egypt has deferred responsibility for those who seek asylum and refugee status in Egypt to UNHCR, including the conduct of refugee status determination (RSD) and the provision of assistance in its various forms. UNHCR has often called upon the Egyptian government to take on the responsibility for RSD in meeting its legal commitments under the conventions, which the latter has consistently refused to do.<sup>5</sup> Moreover, Egypt sent UNHCR a letter entering a number of significant reservations to the conventions, limiting access to education, healthcare, and employment.<sup>6</sup> In practice, however, Egypt has ameliorated these reservations by softening the restrictions on access to some of these basic services (see discussion below).

UNHCR continues to be responsible for determining who qualifies for refugee legal status and its practices in this regard have received some criticism.<sup>7</sup> After initial registration with UNHCR, an asylum seeker is given a yellow card, granting him or her temporary residence in Egypt until status is determined. The agency has been criticized by researchers as well as refugees for having lengthy and unfair procedures, including cursory interviews by insufficiently trained staff, lack of transparency, lack of adequate and clear information, and

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<sup>4</sup> Ratified by Egypt in 1981. UN Country Report available at <<http://www.un.org/esa/population/publications/ittmig2002/locations/818.htm>> (last accessed 15 January 2006).

<sup>5</sup> Interview with Damtew Dessalegne, Deputy Regional Representative, UNHCR Regional Office in Cairo, 16 February 2006. This position was also held by the government of Egypt during an interview with Nasser Hamzawy, Refugee Affairs Department, Ministry of Foreign Affairs, 25 January 2006.

<sup>6</sup> These include: Article 12(1) (personal status); Article 20 (rationing); Article 22(1) (access to primary education); Article 23 (public relief and assistance); and Article 24 (labor legislation and social security). These reservations were not mentioned in the official *Egyptian Gazette* and thus may not have the force of law in Egypt.

<sup>7</sup> See Michael Kagan, "Assessment of Refugee Status Determination Procedure at UNHCR's Cairo Office, 2001–2002," FMRS Working Paper 1, December 2002.

at times even arbitrary and unreasonable determinations. Diminishing UNHCR resources have been straining the agency's capacity to deal with increasing numbers of applicants in the past 12 years, which has elicited more complaints of inadequate assistance to the most needy.<sup>8</sup>

In September I was beaten up by some Egyptians in Maadi who took all my documents. I tried to file a report at the police station, but they wouldn't let me. Finally after several tries they agreed and I got a police report. Then I went to take the police report to UNHCR so I could get a new yellow card. I went there eight times, but they refused to let me enter. One night [before the sit-in] I slept in Mustafa Mahmoud Park so I could get there early, because I heard that they only let in a limited number of people a day. On that eighth day, I saw that there was a group of people in the park, including two women with their children. I asked them what they were doing there, and they told me they were protesting. I was already having problems with my flat, so that night I came back with my eight children and husband and mother, and went and joined the protest and stayed at the park. *FMRS interview with demonstrator, 28 January 2006.*

### **Suspension of RSD Interviews for Sudanese Asylum Seekers**

In June 2004, as a result of the ceasefire declared earlier in the year between the government of Sudan and the Sudan People's Liberation Army, UNHCR suspended RSD procedures for all Sudanese asylum seekers, regardless of whether they originated from the South, Darfur, or elsewhere. Instead, UNHCR automatically provided all applicants with yellow asylum seeker cards, which offer temporary protection against *refoulement* (forced repatriation). The agency's rationale was that, given the potential for peace in Sudan, this move offered better protection than the rejection of a large number of applicants on the basis of a fundamental change of circumstances in the country of origin, which would undermine the reasons for granting refugee status. The decision was subsequently reviewed and renewed every six months.

Sudanese asylum seekers were deeply disappointed and worried by UNHCR's decision, especially as it put a heavy damper on their hopes for resettlement and relegated them to a longer waiting period under difficult conditions in Egypt. Not long before, in May 2004, the Four Freedoms Agreement between Egypt and Sudan was signed. The agreement, ratified in September of that year, promised a partial return to the Wadi El-Nil Treaty of 1976, guaranteeing reciprocal rights of residence, work, movement, and ownership of property. It was unclear how this agreement would be implemented and whether it would have any impact on asylum seekers and refugees from Sudan; clearly, many worried that its effect on them would be negative.

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<sup>8</sup> Ibid., pp. 40-41.

In August 2004, a number of refugees were prompted by an Egyptian organization to gather in front of UNHCR's offices to present a memorandum protesting the agency's change in policy and the announced reduction in some of UNHCR's assistance to refugees.<sup>9</sup> Confusion about who would meet with UNHCR staff and misinformation about UNHCR "refusing" such a meeting led to an open riot and some damage to UNHCR premises. Police were called in and dozens of protestors as well as 10 police officers were injured. Twenty-two protestors were detained but eventually released. In the end, the concerns of the 2004 protestors were not addressed.<sup>10</sup>

One result of the 2004 protest was the decision by UNHCR to move its first meetings with asylum seekers and refugees to the nearby Mustapha Mahmoud Park, about one block from the agency's offices in Mohandeseen, a Cairo neighborhood. For the following year, initial interviews were conducted at the park and appointments made there for applicants to come to the office for more extensive meetings and follow-up. UNHCR's holding of asylum seekers and refugees "at arm's length" in this fashion can be seen as a physical representation of the increasing distance between UNHCR and the population it purported to protect. Justified or not, Sudanese refugees' long-standing frustration with UNHCR's lengthy procedures, diminishing resources for assistance, and perceived low rate of acceptance (let alone resettlement), as well as their dissatisfaction with the interview process and their treatment by some UNHCR staff and security personnel, combined to fuel loss of trust in the agency. At the same time, asylum seekers could turn to no other agency.

### **Statistics on Sudanese "of Concern"**

Statistics released by the UNHCR Cairo office show that between 1994 and the end of 2005, 58,535 Sudanese nationals sought asylum and registered with the agency. By December 2005, 31,990 of these asylum seekers had been accorded refugee legal status and 16,675 had been resettled in third countries. An additional 15,000 of the recognized refugees did not meet the resettlement countries' criteria and most, if not all, remained in Egypt under "local integration" status. This leaves just over 315 individuals who, according to UNHCR, were referred for resettlement but whose procedures for travel have not yet been completed. Of those who sought refugee status with UNHCR, 16,000 were rejected and eventually became "closed files," and another 10,200 were given temporary asylum seeker protection. As of the end of 2005, 13,327 recognized refugees remained in Egypt.<sup>11</sup> These numbers undergo monthly revision by UNHCR as decisions are made and individuals shift between categories. Importantly, the numbers only include those Sudanese who approached UNHCR and received interviews. Many more may have arrived in Egypt for similar or other purposes; if they have not approached UNHCR, there is no way to accurately count them.

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<sup>9</sup> The South Center for Human Rights called for a "demonstration" in front of UNHCR offices but failed to be present in the morning when dozens of refugees and asylum seekers appeared. See Sudan Human Rights Organization, Cairo Branch, at <<http://www.shro-cairo.org/pressreleases/04/august/26august04.htm>>.

<sup>10</sup> Leben Nelson Moro and Gamal Abdel Rahman Adam, "The Slow Death of Darfurians Out of Sight in Egypt," Damanga Coalition for Freedom and Democracy, 28 July 2005, available at <[http://www.damanga.org/slow\\_death\\_in\\_egypt.html](http://www.damanga.org/slow_death_in_egypt.html)>.

<sup>11</sup> Dessalegne, op. cit.

### UNHCR Statistics on Sudanese of Concern to UNHCR, 1994-2005

1. Total seeking asylum/registered	<b>58,535</b>	100%
2. Total recognized refugees	31,990	54.6% of applicants
3. Resettled refugees – no longer in Egypt	16,675	28.48% of applicants 52.1% of those recognized
4. Pending resettlement	+/-315	
5. Recognized but not referred for resettlement – ‘local integration’	15,000	25.62% of applicants 46.9% of those recognized
6. Asylum seekers with suspended interviews since 2004	10,200	17.4% of applicants
7. Closed files	16,000	27.3% of applicants
8. Other (for integration, or suspended interviews)	345	
<b>Total not resettled (categories 5-8)</b>	<b>41,545</b>	<b>71%</b>

The statistics above show that approximately 71 percent of all Sudanese who have come to Egypt seeking asylum (and eventual resettlement) did not get resettled. A number of them have left, either returning voluntarily to Sudan on their own or trying to make another journey through smuggling networks or by other means to where their hopes may be met. A significant majority of the people in categories 5 through 8 remains in Egypt, however, although exactly how many cannot be ascertained. It is this group of Sudanese refugees, asylum seekers, and closed files who decided to protest their living conditions and uncertain future.

#### **Life as a Sudanese Refugee in 2005: Themes and Livelihood Issues**

Sudanese refugees in Egypt cite difficult or inadequate access to education, healthcare, housing, and employment as pressing concerns. Each of these livelihood issues is colored by the larger themes of racist attitudes and misinformation, as well as increasing frustration with an ambiguous, suspended existence for an indefinite amount of time.<sup>12</sup>

#### ***Work***

Recognized refugees in Egypt are given the opportunity to work, provided they obtain a work permit in accordance with Egyptian law. To do so, they must meet strict criteria, including sponsorship by an employer, legal residence and travel documents, proof of specialized skills that do not put them in competition with Egyptian workers, HIV tests, and the payment of processing fees. Few employers choose this route, so few Sudanese refugees are able to get such work permits. In 2004, the Egyptian government changed its visa stamp format and added “not permitted to work” to the residency stamps of recognized Sudanese refugees.

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<sup>12</sup> For a detailed discussion of livelihood issues among Sudanese with closed files, see Grabska, op. cit.

After more than a year of effort, UNHCR succeeded in having that addition removed in May 2005.<sup>13</sup>

Asylum seekers who do not yet have legal status as refugees, along with closed files, are not guaranteed the right to work in Egypt. Consequently, they, as well as recognized refugees without work permits, can only get temporary employment in the informal and unregulated sector, along with many poor Egyptians and illegal aliens. The refugees' special vulnerability makes them subject to exploitation by employers. Many start their own enterprises, buying and selling handmade crafts and other merchandise on the streets. All have to keep a watchful eye out for police raids and are often subject to round-ups, fines, and detention. Many Sudanese women find work as cooks and maids in private homes, but there, too, the risk of harassment and abuse is high.

I know this Sudanese woman who worked for an Egyptian family in the North coast. She died. Her employer claimed that she died in an accident in the swimming pool, but the autopsy showed that she was hit in the head. I ask the UNHCR to give us protection and to address the problems of refugees. We are not migrants. We are refugees.

*FMRS interviews with demonstrators, 14 January 2006*

Thus, most Sudanese refugees, regardless of their official status, are only able to work sporadically, for little money, with no job security, and often under exploitative conditions. The lack of sufficient employment opportunities causes many refugees to become impoverished. While UNHCR gives minimal financial support to recognized refugees, it does so only to specific vulnerable or destitute families. Indeed, UNHCR reports that while the cost of living in Cairo has increased substantially in the last few years, the subsistence allowance allocated to vulnerable refugees has dropped by an average of 72 percent from US\$55 in 1998 to US\$15.5 in 2002 per person each month, leaving many refugee families well below Egypt's poverty line.<sup>14</sup>

Without a steady income, refugees have difficulty paying rent, educational fees, and costs of healthcare, the quality of which depends on one's ability to pay. While several NGOs, churches, and community groups have developed education and healthcare initiatives, many services are only available to holders of blue and yellow cards, with yellow card-holders only allowed access to emergency healthcare.

### ***Education***

Prior to 1995, all Sudanese, including refugees and asylum seekers, could access Egyptian public schools. This arrangement was separate from Egypt's obligation to provide primary education under the 1951 Convention, a commitment to which it entered a reservation.<sup>15</sup> Regardless, Egypt is bound to provide basic educational services by treaties such as the International Covenant on Economic, Social, and Cultural Rights, the Convention on the

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<sup>13</sup> Dessalegne, op. cit.

<sup>14</sup> UN news story, "Hard Times for Cairo's Refugees," 25 November 2002, available at <http://www.unhcr.ch/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=3de201595&page=newsR>.

<sup>15</sup> See footnote 5.

Rights of the Child, and the African Charter of Human and People's Rights. In 1992, the Ministry of Education issued a decree allowing recognized refugee children to attend Egyptian schools, thus meeting these commitments and bypassing the reservation.

Attempts by Sudanese refugees to enroll their children in Egyptian public schools are often unsuccessful because of the current overpopulation of classrooms and the unwillingness of many school headmasters to accommodate new students. In addition, school fees must be paid. UNHCR provided a fund for educational grants managed by Catholic Relief Services and made them available for asylum seekers and recognized refugees, but many were either unaware of the grants or chose not to apply for them. Because of a preoccupation with and desire for resettlement, many refugees prefer to educate their children in English rather than in Arabic, which is possible only at more expensive private schools. Those who cannot afford a private education must depend on charitable community or church-based schooling, and the largest such program uses an Egyptian curriculum. This type of schooling is unaccredited and may not be recognized by other schools.

### ***Health Services***

The Egyptian Health Ministry issued a directive in 2005 making primary health services at governmental health institutions available to everyone. This subsidized healthcare does not include complicated or long-term medical treatment, surgeries, and costly medicines. Recognized refugees have access to subsidized medical services through UNHCR via its partnership with CARITAS.

Refugees need to be provided with medical care and with shelter. A huge problem is malnutrition. For example, for three months the protesters were eating terribly. There is a lack of food and many people died from malnutrition. There should be a special group of the UN who deal with nutrition.

*FMRS interview with demonstrator, 3 January 2006*

Many refugees expressed serious concern with and a deep distrust of the public healthcare system in Egypt, complaining of poor quality, disrespect, and lack of proper attention to medical problems.<sup>16</sup> Despite assurances to the contrary, many cite fears of organ theft or even intentional malpractice as reasons for not going to public institutions and for preferring church-based clinics for basic medical treatment. A number of mosques offer free healthcare assistance, but few refugees are aware of these unadvertised services. Religious sensitivities are often transmuted into a firm belief on refugees' part that some churches only offer their services to Christians or that Christians cannot approach mosques for medical treatment.

### ***Housing***

Refugees and asylum seekers do not have access to the rent-controlled housing available to Egyptians and have to find housing on the private rental market. With no standardized

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<sup>16</sup> Alexandria is an exception in terms of the services available to Sudanese refugees in Egypt. Cooperation between the city, the refugee community, and a number of churches has resulted in better living conditions for refugees, including easier access to health services. In some cases, however, health services provided in cooperation with churches is limited to refugees from southern Sudan. Grabska, op. cit., pp. 41-42.



estimates of property values, the prices of apartments in Egypt are often arbitrary and increase exponentially for foreign renters, including refugees. Because most refugees do not have a stable income, they are forced into overcrowded living quarters, which results in poor sanitation, minimal personal security, and a stressful home environment. Without regulation, Sudanese refugees are subjected to arbitrary increases in monthly payments and may be evicted without just cause. Although they have a right to do so in theory, refugees do not easily access Egypt's justice system when this happens or when they are cheated out of rental deposits. Under these conditions, refugees often have no permanent home address, and many are vulnerable to exploitation by landlords and by other refugees in seeking to secure a place to sleep at night.

Closed files and, significantly, new arrivals have even more limited means of providing for health, housing, and education.

### ***Racist Attitudes***

Although most Egyptian Cairenes would deny that their society is racist,<sup>17</sup> racism presents a significant, if not well-documented, obstacle for Sudanese and other refugees in Egypt. Sudanese refugees widely report discrimination—which they attribute to racist attitudes—in the realms of employment, access to housing, healthcare, and everyday interactions with civil society.<sup>18</sup> Southern Sudanese, who often have a darker complexion than the average Egyptian, bear the bulk of this abuse. They report being verbally harassed by Egyptians, who shout names such as “oonga boonga” or *samara* (meaning “black”) at Sudanese and other African migrants. Stories of attacks by both the police and street thugs circulate widely. One doctor has reported seeing an average of one violent attack on African refugees per month.<sup>19</sup> Police occasionally round up people on the streets who “look” African and subject them to verbal and physical abuse until UNHCR intervenes to have them released, if they are listed with the agency as an asylum seeker or a refugee.<sup>20</sup> Such round-ups have occurred with far less frequency in the past two years.

In some cases, negative relationships between refugees and locals are perpetuated by the resentment felt by Egyptians, who may be just as poverty-stricken but are unable to access the services available to refugees. In addition, refugees are often blamed for taking jobs away from locals, an especially sensitive issue in a country with an estimated 30 percent rate of unemployment.

A group of Egyptians beat me and broke my leg and stole my money when I was on my way home from work. When I complained to UNHCR, they told me to bring the abusers. How am I to bring them? This kind of treatment is intolerable. I was at the protest.

*FMRS interview with demonstrator, 12 January 2006*

<sup>17</sup> See Anita Fábos, abstract from “Cosmopolitan Racism? Nationalism, Refugees, and Integration in Cairo,” unpublished presentation at the University of Ghent, 17 December 2001, available at <[http://www.evensfoundation.be/PDF%20documents/Intcul\\_Conf\\_Fabos.pdf](http://www.evensfoundation.be/PDF%20documents/Intcul_Conf_Fabos.pdf)>.

<sup>18</sup> See Cynthia Johnston, “Feature: Egypt’s African Migrants Dodge Rocks, Fight Racism,” Reuters, 24 June 2005, available at <<http://www.mafhoum.com/press3/103S21.htm>>.

<sup>19</sup> Ibid.

<sup>20</sup> See Human Rights Watch, “Egypt: Mass Arrests of Foreigners, African Refugees Targeted in Cairo,” 10 February 2003, available at <<http://www.hrw.org/press/2003/02/egypt0206.htm>>.

The already negative experience of becoming a refugee is magnified in Cairo by the absence of sufficient services and the poverty experienced by many refugees. Refugees in Cairo are subjected to both racial and class discrimination, the overall effect being one of extreme frustration, marginalization, and loss of dignity. Many refugees feel so marginalized in Egypt that they complain of “not being treated like a human being.”<sup>21</sup>

Some Egyptians’ racist attitudes shock incoming asylum seekers into negative assumptions about Egyptian society, producing counter-racist attitudes that lead to self-marginalization, which compounds difficulties. Because of widespread high expectations for resettlement, Sudanese refugees often refuse to engage with Egyptian society except at the most necessary levels, viewing their sojourn in the country as temporary. Attitudes such as preference for English over Arabic and for foreign services over Egyptian ones sometimes produce what may be characterized as racist attitudes among refugees, which exacerbate self-marginalization.

I’m from Darfur, from the war, where I had very hard troubles. There I witnessed my father being killed and my mother’s legs being broken. Then I fled from my town to a camp in Darfur, and then to Khartoum, where I was beaten by police and other people, who said, “You make the capitol’s face ugly,” because we were refugees. And then I came to Cairo and went to UNHCR because I heard that they offered protection, but I found that the situation here is just as bad: there are also beatings and killings and persecution.  
*FMRS interview with demonstrator, 28 January 2006*

### ***Misinformation***

Experiences and attitudes of racism are closely linked to the information vacuum. Most Egyptians are misinformed about refugees’ role in Egypt, with many ascribing the responsibility for the country’s poor job market and even a perceived decline in moral values to refugees. In addition, few Egyptians become friendly enough with refugees to appreciate the reality of their situation or their positive contribution, especially economic, to Egypt.

Refugees suffer even worse information failure than Egyptians. They face a glaring absence of reliable and trusted sources of information, and they often do not know what assistance is available. This is partly due to the size and density of Cairo, but it also points to the failure of UNHCR, the government of Egypt, and service NGOs to provide clear and accessible information on what is available, how it can be accessed, and who qualifies. What the law provides is often not available in practice, and what is available is at times more than the law allows for and more than refugees and asylum seekers know about.<sup>22</sup>

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<sup>21</sup> Stacy Schafer, “Sudanese Demonstrators in Mohandeseen: Who They Are and Why They’re Here,” unpublished paper on file with FMRS, p. 15.

<sup>22</sup> UNHCR publishes a booklet in English that describes RSD procedures and some of the assistance available for asylum seekers and refugees. FMRS has a list on its Web site of organizations that provide services for refugees, available at <<http://www.aucegypt.edu/fmrs/organisationsbyservice.htm>>. Little information is available in Arabic, however.

In the absence of credible information, refugees rely on rumors that spread quickly through the community.<sup>23</sup> These rumors often relate to resettlement promises or programs that do not exist. The community is victimized by rumors about churches and mosques only “serving their own,” about gangs of Egyptian youths attacking Africans, assumptions about the disappearance of young Sudanese men and women, poor explanations of deaths, and invasive surgeries on the part of Egyptian medical personnel, including organ theft. Many refugees are convinced to refuse interaction with Egyptian society, often confining themselves to their homes and minimal social networks.<sup>24</sup>

### **Growing Frustration**

These factors have combined over the past two years to create growing frustration within the Sudanese refugee community in Egypt. Frustration is not only the result of the community’s disappointment about the lack of resettlement opportunities. Refugees have had to contend with staying in Egypt for an indeterminate amount of time under difficult living conditions, with only patchy access to basic rights. They are buffeted and confused by rumors, and few receive the minimal assistance available from UNHCR and NGOs working on their behalf. They feel marginalized by the lack of understanding and, at times, outright hostility displayed by Egyptian society, and react by further marginalizing themselves.

A great many refugees are convinced that a long-term stay in Egypt is untenable. This opinion is held by recognized refugees, asylum seekers who were told that their RSD interviews would not occur in the foreseeable future, and closed files not willing to return to Sudan. Their decision to sit in at Mustafa Mahmoud Park and to demand fundamental changes in their circumstances should have come as no surprise.

I was in the park for 91 days. I went there because, 1) I went to get resettled to a secure country. There is no security here. The Sudanese and Egyptian governments have a relationship. I could be deported at any time. 2) I had no where to live at that time. 3) The UN doesn’t give money, shelter, education. 4) The protesters were demanding the same things as me.

*FMRS interview with demonstrator, 2 February 2006*

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<sup>23</sup> See Shafer, op. cit., p. 14.

<sup>24</sup> See Pasquale Ghazaleh, “In ‘Closed File’ Limbo: Displaced Sudanese in a Cairo Slum,” *Forced Migration Review*, January 2003, available at <<http://www.fmreview.org/text/FMR/16/08.htm>>.

### THREE MONTHS OF PROTEST

The sit-in began on September 29, 2005, with several dozen participants. Refugee Voices, a group of Sudanese in Cairo who had been gathering information about refugee rights and international refugee law since January 2005, organized the protest.<sup>25</sup> According to Refugee Voices, the purpose of the demonstration was to draw the “attention of the international community to find solutions to [their] problems.”<sup>26</sup>

Mustafa Mahmoud Park was an obvious choice for the sit-in: it is close to the offices of UNHCR and large enough to accommodate many people, it allowed for the demonstrators to access water and bathrooms at the adjacent mosque, and, being next to a busy intersection, it provided public visibility. The start date roughly coincided with the beginning of Ramadan and the end of seasonal employment for some demonstrators.

In only a few days, the park’s population grew into the hundreds. Within the first month, between 800 and 2,000 people were living in the park full time. An average of 1,500 to 2,000 were present for the duration of the sit-in. Many would leave during the day for work and return to sleep in the park at night.<sup>27</sup> The demonstrators moved onto the surrounding sidewalks when the park became full, and some estimates show that there were 3,000 to 4,000 people at the park by the end of December.<sup>28</sup> Evidence suggests that initial mobilization was spontaneous, and that the majority of those who joined the protest heard about it through word of mouth.

The demonstrators were a mix of men, women, children, and the elderly, though about half were single men between 20 and 35 years old. The numbers of Christians and Muslims were roughly equal. At least 16 tribes from all parts of Sudan were represented, and the three largest ethnic groups—Dinka, Nuba, and Nuer—comprised only 30 percent of the total.<sup>29</sup>

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<sup>25</sup> UNHCR reports that the sit-in began with 20 demonstrators (see “Sudanese Demonstrations in Cairo,” UNHCR Cairo, 30 October 2005, on file with FMRS). Protest representatives report that it began with 70; see statement by members of Refugees Voice in Egypt, “Appeal for Group Protection and Humanitarian Assistance to the Members of ‘Refugees Voice in Egypt,’” 23 February 2006, on file with FMRS. The organizers referred to themselves in written publications in English alternately as Refugees Voice in Egypt, Refugee Voice in Egypt, Refugee’s Voice, and The Voice of Sudanese Refugees in Cairo.

<sup>26</sup> See statement by members of Refugees Voice in Egypt, op. cit.

<sup>27</sup> One demonstrator said, “Most of us stayed in the park all the time. Very few left and came back.” FMRS interview, 14 January 2006.

<sup>28</sup> Estimates include: 20 on 29 September, 300 on 3 October, and 1,500 during peak hours on 9 October in “Sudanese Demonstrations in Cairo,” UNHCR Cairo, op. cit.; 3,000 in Abeer Allam and Michael Slackman, “23 Sudanese Die in Raid in Egypt,” *New York Times*, 31 December 2005, p. A.1; and 4,000 in Ranyah Sabry, “Harsh Life in Egypt Protest Camp,” *BBC News*, 30 December 2005. One demonstrator stated that some Sudanese from outlying areas, including Nasser City, Arba wa Nus, and Heliopolis, were prevented from coming to the demonstration by Egyptian police. FMRS interview, 17 October 2005.

<sup>29</sup> See Schafer, op. cit. *Egypt Today* reported that “a visit to the square reveals that refugees hail from all parts of Sudan....Some are from southern Sudan and the Nuba Mountains, others from Darfur and eastern Sudan.” Viviana Mazza, “Enemy Camps?,” *Egypt Today*, December 2005.

I don't believe this thing will happen again, because all the people stayed like one person, if you are from South, West, East, if you are Muslim or Christian, no difference because you can meet five Christians and two Muslims and they stay together and cook together.

*FMRS interview with demonstrator, 13 January 2006*

### **Media and Civil Society Response**

The demonstration quickly received attention from the public and the media. Because Mustafa Mahmoud Park is bordered on all sides by streets, one of which is a primary commuter thoroughfare, as well as by small businesses, restaurants, and residential buildings, the park's fence was used to display banners with slogans in Arabic and English, such as "We are the victims of mismanagement," "We reject local integration," "Where is the international media?" and "Attention please: Who will restore our rights?" They included tributes to Sudanese killed or missing in Egypt.

Some of the park's neighbors complained about the demonstration,<sup>30</sup> while others gave the protesters words of support and donations of food, blankets, and clothing. One neighbor said:

*I was not bothered by [the demonstrators]. Most of the people in the area were complaining saying that they should go back to their homes or even their country because we as Egyptians have lots of problems. Some people also complained that they were drinking alcoholic drinks; this is true but not all of them so I don't see it as the general behavior of the park.... Since they came to the park, the park was freed from those youth who were hanging around at night till early hours in the morning running around with cars and loud music; honestly, I was bothered by such behavior, not by the peaceful protest by the Sudanese.<sup>31</sup>*

In the first two weeks, Egyptian authorities blocked some news agencies, journalists, photographers, and human rights advocates from accessing the demonstrators,<sup>32</sup> but as the protest wore on, they usually allowed visitors to enter the park at will. Visitors were asked for identification by the sit-in's internal security, often identifiable by red badges and vests, and were usually introduced to a media spokesman.

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<sup>30</sup> See Jamal Al Keshkie, "Radical Refugees," *Al-Ahram Weekly Online*, 17-23 November 2005, available at <<http://weekly.ahram.org.eg/2005/769/feature.htm>>.

<sup>31</sup> FMRS interview, 8 January 2006.

<sup>32</sup> One report said, "News agencies have not been given access to the participants. Journalists reported being turned away and having their film confiscated. In addition, attorneys for the AMERA Center, an organization of Egyptian human rights lawyers, attempted to reach the refugees but were kept away by Egyptian authorities." See "Darfur Refugees Protest UN Policies in Cairo, Egypt," Damanga Coalition for Freedom and Democracy, 13 October 2005, p. 1, available at <[http://www.damanga.org/refugee\\_protest.html](http://www.damanga.org/refugee_protest.html)>.

On the fourth day, as we became more and we were almost 800, so we realized that we had to be organized. So there were committees, one for the press, one who collected money and gave donations, and there was one for security. The members in this committee searched anybody who came into the camp. They did not want anyone to enter with alcohol. When some came drunk to the camp, the security committee held them for some hours, until they became sober.

*FMRS interview with demonstrator, 14 January 2006*

Both English- and Arabic-language Egyptian media covered the demonstration from its start. Statements by journalists and demonstrators attest to a certain amount of distrust between those in the park and the Egyptian media.<sup>33</sup> Most print stories included the views of both demonstrators and UNHCR representatives, and several publications wrote features that presented multiple perspectives, including those of UNHCR representatives, protesters, university professors, Egyptian security personnel, and the park's neighbors. The demonstration was also covered in several African refugee and Sudan-related publications, as well as at least nine online Web logs.<sup>34</sup> No major international newspapers picked up the story until the week before the forced removal.

Cairo NGOs and churches continued to provide services to Sudanese asylum seekers and refugees. Some met with UNHCR to discuss how to resolve the demonstration, and many were present at an October 26 meeting between demonstration and UNHCR representatives.<sup>35</sup> On October 26, FMRS hosted a standing-room-only seminar about the demonstration.<sup>36</sup>

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<sup>33</sup> One report stated, "It seems like that most of the people there don't want to give or show us a lot of information, especially to Egyptian journalists and press, because they think it's not their business and they don't care about their problem. On the other hand, they are so helpful and grateful with the foreign and international press and channels." Mehana Nour and Mohammed Rabie, "They Transformed Mustafa Mahmoud Garden into a Refugee Camp," *October Magazine*, 29 October 2005, p. 79, translated by Omar Idriss.

<sup>34</sup> For sample blog entries, see "Rebelman," So Much Things, 9 October 2005, <<http://sommuchthings.blogspot.com/2005/10/blog-post.html>>; Sarah Sevcik, "Massive Sudanese Demonstration/Protest!," A year in Cairo Egypt, 27 October 2005, <<http://smsevcik.blogspot.com/2005/10/massive-sudanese-demonstrationprotest.html>>; "Refugee tragedy Unfolds Amid Eid Celebrations," Darfur Daily News, 4 November 2005, <<http://darfurdaily.blogspot.com/2005/11/refugee-tragedy-unfolds-amid-eid.html>>; "Madmonk," "Sudanese Refugees Protest in Cairo," 11 November 2005, <<http://www.flickr.com/photos/zarwan/62173336/in/pool-35468135891@N01>>; "Scott," "The Sudanese Regional Government...," 12 November 2005, <<http://scottymac.blogspot.com/2005/11/sudanese-regional-government-commander.html>>; "Sudanese refugees in Cairo Start Hunger Strike...," Blogging Web, 15 November 2005, <<http://www.blogging.web.com/Las-Vegas-Specials/2005/11/sudanese-refugees-in-cairo-start.html>>; Youssef M. Assad, "Photos of the Sudanese Protests in Cairo," Youssef, or Perhaps Not, 27 November 2005, <<http://youssefassad.blogspot.com/2005/11/photos-of-sudanese-protests-in-cairo.html>>; and "Sudanese Refugees," Brian's Study Breaks, 28 November 2005, <[http://bjulrich.blogspot.com/2005\\_11\\_01\\_bjulrich\\_archive.html](http://bjulrich.blogspot.com/2005_11_01_bjulrich_archive.html)>.

<sup>35</sup> Refugee Egypt, Catholic Relief Services, the Association for Human Rights Legal Aid, Heliopolis Community Church, and Musa'adeen were present at the meeting. See "Meeting with demonstrators and NGOs; Date: Thursday 26 October," on file with FMRS.

<sup>36</sup> Demonstration representatives were invited to present their demands and express their points of view, with discussion from the audience. UNHCR had been invited to do a separate presentation on its perspective on the sit-in, but declined the invitation.

## Requests, Demands, and Responses

Participants distributed a list of requests early in the demonstration. The list was handed out at the park to visitors and the media, sent around on email lists, and distributed and explained at meetings with UNHCR and NGOs. Several versions of the list, with different titles, authors, emphases, and demands, eventually circulated. An early list, given to a visitor to the park on October 10, was entitled “Requests” and contained a list of 13 points in English. Another early, slightly different version of the list, with 20 points written in Arabic, was given to the Damanga Coalition for Freedom and Democracy; this list was translated and published by Damanga on October 13. A third list was distributed at the FMRS seminar on October 26. It was entitled “Statement” and contained a list of 12 points, written in better English than the first and with each point explained more fully. A UNHCR statement on October 30 under the heading “What are the demands of the Sudanese demonstrators?” contained a list of 19 points, rewritten, reordered, and rephrased again. The specific names of the authors and editors of each list are unknown.

At the FMRS seminar, demonstration representatives on the panel used their time to go through the list and explain each point in detail. Common to all versions of the list were calls for the resumption of the individual refugee status determination interviews suspended in 2004, a clearer and more transparent RSD process, the opening of closed files by UNHCR, protection from the Sudanese government, extra protection for the vulnerable, registration of asylum seekers upon arrival, and investigations of arbitrary detentions and missing persons cases. The lists also called attention to the problem of pressuring refugees to return to Sudan—what they called “compulsory voluntary repatriation.” The lists also described the difficulties of local integration due to discrimination and lack of basic rights, the geographical and ethnic distinctions made in RSD interviews, and negative reactions to the Four Freedoms Agreement, which the demonstrators worried would adversely affect their protected status. The lists ended with a demand for a “radical solution” to the problems facing Sudanese refugees in Egypt, and for resettlement if another viable solution is not found. An explanation of each of the points on the lists can be found in Appendix A.

On October 3, five protest representatives began a series of meetings with UNHCR protection officers and others to discuss a solution. UNHCR also held a meeting with several NGOs on the same topic. At around this same time, UNHCR temporarily closed its offices, citing security considerations. On October 26, three UNHCR representatives, five demonstration representatives, and parties from five Cairo NGOs and churches held a second meeting. Little progress was made in these early discussions. UNHCR’s early public reactions had a clearly adversarial tone toward the protesters.

For example, the first known list distributed by the protestors, titled “Requests,” stated, “The Sudanese refugees object the UNHCR programme of compulsory voluntary repartition.” The list distributed at the FMRS seminar, entitled “Statements,” explained, “We, the Sudanese refugees in Cairo, fear that UNHCR or the Egyptian government will impose compulsory involuntary repatriation to the South because we read in UNHCR’s newsletters about repatriation how things have improved there. We have contrary information and are afraid to return.” On October 30, UNHCR released a statement that outlined the agency’s views of the

demonstrators' requests. The press release called the demonstrators' requests "demands" and stated simply that "Sudanese refugees reject any notion of voluntary repatriation." The demands mentioned by UNHCR also contained several surprising points that had not appeared before, including "UNHCR should stop holding meetings with Sudanese community leaders and community-based organizations to discuss about voluntary repatriation or local integration" and "There should be no police officers guarding UNHCR premises." These points may have been based on discussions between UNHCR and demonstration representatives on October 3 and 26, but they were not published in any demonstrator statement before or after the sit-in.

The tone of UNHCR's October 30 press release was surprisingly combative. It addressed the "demands of the Sudanese demonstrators" alternately as "priority areas of concern to UNHCR," "self-serving," and "allegations unsupported by any piece of evidence." In the same document, UNHCR attempted to distance itself from the demonstrators by stating as "clear fact" that the protesters were primarily economic migrants who fell outside the agency's mandate and that they were almost all from southern Sudan, undermining their claim to refugee status and protection:

Firstly, the vast majority of the Sudanese demonstrators are southern Sudanese....Secondly, a great many of them are unsuccessful asylum-seekers (the so-called "closed files") *who are not of concern to UNHCR* and new arrivals who have registered themselves as refugee applicants *with the hope of immigration to America or Australia*....The situation of the demonstrating Sudanese nationals, *many of whom are not refugees* as defined by the 1951 Convention or the 1969 OAU Convention, demands national legislation and/or policy measures outside the frame of refugee protection and indeed of UNHCR's mandate....*Objective factors in south Sudan indicate that these people are generally not fleeing persecution or even generalized violence, but economic deprivation*....It is this often *deliberate blurring* of the distinction between refugees fleeing persecution and *migrants in search of economic opportunities* that for the most part characterizes the Sudanese "*protest*" against UNHCR office in Cairo....In addition, the signing of the peace agreement in southern Sudan increased nexus requirements for status recognition and created new opportunities for protection in Sudan, so that UNHCR's responsibility to refugees from that area changed.<sup>37</sup>

The italicized segments above are a series of subjective and judgmental determinations by UNHCR that display a negative if not hostile attitude toward the protestors. It is important to note that UNHCR's insistence that the protestors were not really refugees was echoed in much of the media.<sup>38</sup>

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<sup>37</sup> Emphasis added. See "Sudanese Demonstrations in Cairo," UNHCR Cairo, op. cit.

<sup>38</sup> For example, "These people see themselves as refugees, fleeing a country that offered little hope for a better life, and yet the law does not consider them refugees," in Allam and Slackman, *New York Times*, op. cit.



The facts eventually spoke otherwise. As noted earlier in this report, the demonstrators were from all parts of Sudan, including Darfur, the East, and the North. More importantly, a December 16 study of the park population showed that 43 percent had yellow asylum seeker cards and 24 percent had blue recognized refugee cards, which made a total of 67 percent of the protesters of immediate concern to UNHCR. Of the remainder, 13 percent were closed files cases and only 15 percent had neither a card nor a closed file.<sup>39</sup> These estimates were later confirmed by the Egyptian Ministry of Foreign Affairs, which showed that of the 2,174 people removed from the park at the end of December, around 70 percent were almost immediately released as registered asylum seekers or refugees. UNHCR staff advocated for and obtained the release of those from Darfur and of the vulnerable women and children population. Only 169 individuals were left who may have been considered “of no concern to UNHCR,” and even they were eventually released.<sup>40</sup>

The October 30 UNHCR press release pointed out that the demonstration was illegal and would have to end, praising the Egyptian government’s restraint in dealing with the protesters. The document concluded with the suggestion that obstinacy on the part of the “self-appointed organizers” was the root of the failure to reach a compromise and that “this is regrettable, and many innocent men, women and children who joined the demonstration, misled by rumors, are paying the price.”

On the same day, UNHCR released another document titled “Rumours, Myths and Speculations Behind the Sudanese Demonstrations.” This statement charged that “persons have been spreading false and misleading information in order to induce many into joining the sit-in.”<sup>41</sup> Since knowledge of the protest was primarily spread through word of mouth, it is difficult to confirm the validity of this charge. Demonstrator testimonies reveal that a large majority of the participants held strong convictions about why they were demonstrating and that few, if any, needed to be induced to move out of their homes and into the park. In fact, several demonstrators said that they learned about and joined the protest after discovering it during independent visits to UNHCR’s offices.

I went to UNHCR office weekly to inquire with them about my status, and three days of the start of the demonstration, I went to the office and saw all the people there in the park. I asked what everyone was doing there and they said they all have a lot of problems, and so I went there and joined the protest. I was upset with UNHCR and decided to stay. I stayed until it was broken up. I was disappointed in the office, because I had gone repeatedly for the year, putting in inquiries into my situation, and they never helped me.

*FMRS interview with demonstrator, 29 January 2006*

<sup>39</sup> See Schafer, op. cit. The study included a survey of 150 demonstrators and 15 group interviews. Schafer witnessed an Egyptian television news crew ask everyone at the demonstration to hold up their blue or yellow cards, if they had them, and found that “an overwhelming majority of the refugees immediately produced UNHCR cards, with yellow cards dominating.” Schafer photographed the event; photos are on file with FMRS.

<sup>40</sup> See “The Aftermath” in this report, which provides more detail on these efforts.

<sup>41</sup> UNHCR, “Rumours, Myths and Speculations Behind the Sudanese Demonstrations,” 30 October 2005, on file with FMRS.

## The Response of Egyptian, Sudanese, and Resettlement Country Governments

The Egyptian government's role during the demonstration's first month was primarily protective. Police maintained a constant presence around the park, with some officers in plain clothes and most in uniform. They had a peaceful relationship with the demonstrators. As one demonstrator said,

*The relationship with the police was very good; we respected them and they respected us and they were guarding us. That's why we brought our bags and clothes and money to the park; we knew the police were around the park and it was a safe place. If they found children wandering outside they would direct them back in the park, with no problem.*<sup>42</sup>

Many expected that the park would be cleared in time for *Eid Al-Adha* celebrations at the beginning of November, but it was not. Instead, the police continued to play what seemed a protective role throughout the three-month period. One article quoted a brigadier, Mohamed Ibrahim, as saying, "Security is there to protect them there around the garden twenty-four hours a day." The article went on to claim that the security staff's orders to treat the protesters well came directly from Interior Minister Habib Al-Adly.<sup>43</sup> In a speech in the park in late December, one protestor said, "We thank the Egyptian government...since we came here in this park, we find there is police around us protecting our lives. I am quite sure—250 percent—if not this Egyptian government protecting us, we shouldn't stay here in this park for three months. I give many, many, many thanks to the Egyptian government."<sup>44</sup> Unfortunately, this protection and its appreciation were not to last beyond December 29.

According to a UNHCR representative, the Egyptian government's patience with the protest was not due to prompting from UNHCR.<sup>45</sup> Egyptian government representatives charge that they faced continual pressure and even threats from UNHCR to end the protest, although UNHCR has denied these allegations. In a statement made several days after the forced eviction of the demonstrators, Egypt's Foreign Ministry said that "throughout the three months...the Egyptian authorities faced continued pressure from the regional office of the UNHCR [which] demanded in writing [three times] and verbally the need for the authorities to intervene and end the protest and held [Egypt] responsible for any possible harm on its staff and offices."<sup>46</sup>

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<sup>42</sup> FMRS interview, 29 January 2006.

<sup>43</sup> *October Magazine*, 29 October 2005, op. cit., p. 79.

<sup>44</sup> Speech given 21 December 2005. Transcript on file with FMRS.

<sup>45</sup> The UNHCR representative said the police "have shown remarkable restraint and should be commended. They have had no prompting from UNHCR." See Alex Gomez, Themba Lewis, Martin Rowe, Assad Khalid Salih, Leslie Sander, Stacy Schafer, and Helen Smith, "UNHCR Responds to the Cairo Refugee Sit-in: An Official Response," *Pambazuka News*, 27 October 2005.

<sup>46</sup> "Egypt Deflects Blame for Deadly Sudanese Protest Break-up," *Agence France Presse*, 4 January 2006, available at <[http://news.yahoo.com/s/afp/20060104/wl\\_mideast\\_afp/sudanegyptrefugees\\_060104185427](http://news.yahoo.com/s/afp/20060104/wl_mideast_afp/sudanegyptrefugees_060104185427)>. This charge was repeated in an FMRS interview with the Ministry of Foreign Affairs (see Hamzawy, op. cit.), but has been denied as "nonsense" by UNHCR (see Dessalegne, op. cit.).

It remains unclear, and subject to much speculation, why the government of Egypt was uncharacteristically lenient toward the protesters for such a long period. Some believe this patience should be seen in the context of the government's historical disagreements with UNHCR over who ought to be responsible for refugees, and even that Egypt may have allowed the protest to last so long in order to pressure UNHCR to deal with the mounting problems of Sudanese asylum seekers.

In an article in *Al-Nab'a* newspaper, a UNHCR representative was quoted as saying that "Egypt since President Gamal Abd El Nasser has refused to handle the responsibility of refugees in their land, placing the responsibility on UNHCR. With the large number of problems for refugees inside Egypt and the small amount of funding UNHCR receives, discussions with the Egyptian government about who will be responsible for the refugees will occur. In the next two years, the government will take responsibility for those refugees."<sup>47</sup> Statements by the Egyptian Ministry of Foreign Affairs also emphasize that the government was particularly conscious of Egypt's special relationship with Sudan in its handling of the demonstration.<sup>48</sup>

It's a conspiracy between the Sudanese government and the Egyptian government since they both want us sent to Sudan. The Egyptian government wants refugees out of their country and the Sudanese government doesn't want to look bad by the people who fled their regime.

*FMRS interview with demonstrator, 12 January 2006*

The Sudanese government, meanwhile, took an interest in the sit-in in its early months, a matter of grave concern for many asylum seekers and refugees, who were worried that the government might target them for having fled Sudan. Demonstrators reported that representatives of the Sudanese government often circled the park at night in embassy vehicles. In the early hours of the morning on October 15, a few Sudanese men in a jeep with diplomatic license plates arrived and allegedly infiltrated the camp, distributed alcohol, and attempted to start a fight. The intruders were stopped by demonstrators and handed over to Egyptian police. The rear license plate was removed from the intruders' vehicle to keep as evidence and was photographed. Later, the same vehicle was photographed on a street adjacent to the Sudanese embassy, with its rear license plate missing and a replacement paper license in the window. Sudanese officials indicated that the men using the vehicle that night were friends of embassy employees but that they were not affiliated with the Sudanese government in any official capacity.<sup>49</sup>

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<sup>47</sup> Ahmed Baraka, "The Secrets of the Sudanese Demonstration in Front of Mustafa Mahmoud Mosque and Their Demands to Create Camps for Them in Egypt," *Al-Nab'a*, date unknown, translated by Omar Idriss. Statement made by an Assistant Protection Officer at UNHCR.

<sup>48</sup> For example, "The evacuation could have been done easy and without any loss if we had intervened from the beginning, but we did not want to interfere because of the sensitive relationship between Egypt and Sudan." Hamzawy, op. cit.

<sup>49</sup> "For the Seventh Week: The Sudanese Refugees Keep Going in Front of UNHCR Office," *Al-Wafd*, 14 November 2005. The photos are on file with FMRS.

Representatives of resettlement countries chose not to get involved in the protest and supported UNHCR's negotiation efforts. When asked about the protest in October, representatives from the Australian and the United States governments, which are among the handful of large donors to UNHCR and hosts to resettled refugees, affirmed their support for UNHCR's efforts and gave no indication of any change of policy regarding resettlement programs.<sup>50</sup>

### **Daily Life During the Sit-in**

Although uncomfortable, the park became a refuge for the protesters and many noted that they felt safe there. Their voices were being heard and recognized on a global scale; UNHCR was in dialogue with them about their futures; they did not have to pay rent and thus worry so much about money; and, more than anything, they were together, surrounded by security, in the public eye, and enjoying a strong sense of community and solidarity. Many moved all their belongings and family out of their previous dwellings and into the park.

As the demonstration gained participants and longevity, more comfortable arrangements and structures were created in the park. The ground was covered with a layer of mats and blankets. Luggage and other items formed partitions with narrow walkways between living spaces. Separate sections were built for men and for women and children. Media reports describe how, at first, sheets were hung as shelter from the sun. As the weather turned colder, the sheets were replaced with tarps.

I felt very safe and very relaxed in the park, except for the final day when it was broken up. We received no alarm or warnings.  
*FMRS interview with demonstrator, 28 January 2006*

Meals were prepared in a communal kitchen area on gas stoves, with food bought with money pooled from those in the park and shared. Clothes, food, and blankets were donated by community members, neighborhood residents, and Egyptian and international organizations.<sup>51</sup> Makeshift shops inside the park offered snacks. In addition to the mosque's toilets, some people used the nearby houses of friends.

Still, living conditions were difficult. Demonstrators reported having too little food: "We only had one sandwich to eat everyday, and milk was given only to the children and the elderly." Showing the level of distrust in the community, protesters accepted food contributions from some Egyptians, but several said, "We were afraid that it may have been poisonous."<sup>52</sup>

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<sup>50</sup> United States Regional Refugee Coordinator for North Africa and the Middle East Gerard Cheyne said, "We will work with UNHCR in Cairo and elsewhere in the region to encourage the Sudanese to return to Sudan. At the same time we will continue to consider for resettlement any Sudanese for whom repatriation is not possible and for whom resettlement is believed to be the best durable solution—as determined by the UNHCR." The Principal Migration Officer for the Australian Embassy in Cairo, Ross Wilkie, stated that "any decision by UNHCR is one for them to comment on. Our large refugee resettlement program in Africa, which includes significant numbers of Sudanese from Cairo...is continuing." *Pambazuka News*, 27 October 2005, op. cit.

<sup>51</sup> For a report on donations, see *Al-Ahram Weekly Online*, 17-23 November 2005, op. cit.

<sup>52</sup> FMRS interview, 3 January 2006.

The park had a makeshift hospital with equipment for administering intravenous medication and a small supply of oral medications. A Sudanese refugee doctor regularly visited the park.<sup>53</sup> An Egyptian NGO reported that four babies were born in the park during the protest's three months. There were seven confirmed deaths prior to the forced eviction, including a toddler, twin infants, and an adolescent female, although the number is disputed. One protester reported as many as 11 deaths.<sup>54</sup>

Many visitors and members of the media remarked on the orderliness of the sit-in, despite the presence of a large number of people in a small space:

*They maintained a level of cleanliness in proportion with their numbers—3,000 persons in a park without a lot of services. I saw them more than once collecting their garbage and putting it away. It is not their problem that it was never collected by the garbage collector. I think they were organized and they had a great sense of community. Every one of them was responsible for a particular job, and there were always group meetings. They were also proactive—they prepared for the rain before the rain started.<sup>55</sup>*

Demonstrators themselves highlighted the respectfulness and organization of the sit-in. Protesters organized English, Arabic, and art lessons for children. On one occasion, demonstrators made puppets from disposable items and performed a puppet show for the children in the park. Daily speeches were given in which speakers reminded those present to “respect this place, it is your community,” to “respect the police,” and to ignore the insults of passers-by, stay in the park, “stay orderly, and avoid violence and rowdy behavior.” Demonstrators entering the park were checked, and alcohol and potential weapons were confiscated.

Inside, the park was very organized. It became an independent life....The people tried to reflect civilized behavior, especially because we were portrayed in the Egyptian media as being uncivilized, drinking, etc. We had a time to sleep, a time to wake up. We wanted to deal well with the media coming, with the police outside the park. Even the guards inside the park searched anyone coming into the park to make sure that they didn't have any alcohol with them, and if they did, they would be handed to Egyptian security....The internal environment was very respectful, and everyone respected the other, Muslim or Christian, living together in peace.  
*FMRS interview with demonstrator, 29 January 2006*

<sup>53</sup> Shafer, op. cit.

<sup>54</sup> See *Al-Ahram Weekly Online*, 17-23 November 2005, op. cit.; email from protest leader to Nora Danielson, 17 May 2006; transcript of speech, 21 December 2005, op. cit.

<sup>55</sup> FMRS interview, 8 January 2006.

Some accused the demonstration's internal discipline of going too far. A number of first-hand accounts describe how those who came to the park drunk or who misbehaved were punished. A tree in the middle of the park apparently served as a makeshift prison, where individuals were sometimes tied up, covered by blankets, and doused with water if they cried for help.<sup>56</sup> Even visitors, including suspected security personnel from the Sudanese embassy, were on occasion "disciplined" in such a manner. Personality and political conflicts seemed to mesh, and one interviewee accused the security detail in the park of making up its own law and of stealing mobile phones and money. He said he tried to report the perpetrators but that the police did nothing.<sup>57</sup> Several demonstrators vehemently denied these allegations.

### **Ongoing Negotiations with UNHCR**

Soon after the demonstration began, participants held elections to choose representatives for public relations work and to negotiate with UNHCR. Committees were created to oversee donations and security. With few exceptions, the Sudanese interviewed by FMRS, especially those who participated in the sit-in, spoke at length and with pride of the level of organization and decision-making within the park.

The dynamics of leadership changed as the park's population grew. From the outset of the demonstration until the fateful December 17 agreement, five male organizers maintained a visible public presence. These five leaders, although initially referred to as "self-appointed" in UNHCR documents,<sup>58</sup> were nonetheless viewed by UNHCR, possibly for lack of alternatives or out of convenience, as representing the demonstration as a whole. They were present at multiple meetings and were authorized to negotiate on behalf of the protestors. The five were routinely interviewed by local and international media, met and hosted visitors to the park, and were the main negotiators in meetings with UNHCR and others. In addition, these leaders were responsible for supervising the high level of internal organization in the park.

We wrote our requests on a list and gave the leaders the list and said please talk to the office about them. The leaders were chosen through election...The first five leaders, they were very strict and frank and we trusted in them. If they said, "Go to the moon," we'd go to the moon, because they were trying to give us our rights.  
*FMRS interview with demonstrator, 28 January 2006*

In the beginning of December, the five began backing away from the term "leaders" and began referring to the demonstration as a spontaneous and self-organized event.<sup>59</sup> Media attention also shifted away from individuals who previously had prominent media and public relations roles.

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<sup>56</sup> Leigh Sylvan, "Revised News Article," unpublished, January 2006, on file with FMRS.

<sup>57</sup> FMRS interview, 3 January 2006.

<sup>58</sup> See UNHCR documents, "Rumours, Myths and Speculations Behind the Sudanese Demonstrations" and "Sudanese Demonstrations in Cairo," op. cit.

<sup>59</sup> FMRS interview, 13 January 2006.

On November 17, demonstration representatives met with UNHCR representatives, Goodwill Ambassador Adel Imam, senior Egyptian government officials, and several Sudanese community leaders. The meeting resulted in an offer of one-time housing assistance for demonstrators who had lost their homes while at the sit-in, as well as help with the costs of elementary education and assisted return to southern Sudan for those refugees and asylum seekers who chose to repatriate. During the meeting, the demonstrators were told that residency permit fees had been lifted and that the Four Freedoms Agreement would not be applicable to Sudanese asylum seekers. Finally, UNHCR said it would investigate detentions and missing persons if names were provided.

After the meeting, UNHCR issued a press release that announced the involvement of Goodwill Ambassador Adel Imam and of the government of Egypt in working to resolve the Sudanese sit-in. The release is the first official document to recognize direct cooperation between the Egyptian government and UNHCR in relation to the demonstration, and it is the only public statement by UNHCR that addressed the demonstrators directly, with the term “you.”

Demonstration representatives, in turn, released a statement entitled “In Response to UNHCR’s Statement Dated 17 November 2005,” which acknowledged that since “most of the demands do not fall within the mandate of UNHCR, it is therefore logical to omit some of the 20 demands despite their legitimacy and importance so that we can reach a point of understanding and a meeting point through which UNHCR can respond to the demands of the Sudanese refugees based on the rules and regulations of asylum.” This statement demonstrates that the protesters understood the non-applicability of the Four Freedoms Agreement to Sudanese asylum seekers and refugees, accepted the offers of assistance, and acknowledged that UNHCR was not compelling them to repatriate. The statement reiterated the view that assistance should not be used as indirect pressure to convince refugees to repatriate. It also repeated demands for an honest and transparent RSD process with individual interviews as well as for the opening of closed files. These specific points remained obstacles to fruitful negotiation.<sup>60</sup>

On November 24, a “high-level delegation from UNHCR headquarters in Geneva,” held a meeting with “the five leaders of the demonstration,” Adel Imam, Sudanese community leaders, and Egyptian government representatives. Showing an increasingly conciliatory attitude, UNHCR addressed the demonstrators directly in the park, apparently in an effort to reach the demonstrators through channels other than their leaders. Radhouane Nouicer, Deputy Director of UNHCR’s Geneva-based Bureau for Central Asia, Southwest Asia, Northern Africa, and the Middle East, declared to the crowd:

*We can talk about assistance for the most vulnerable or the reopening of files if there are new and valid arguments, something UNHCR always does. Some other demands, however, are based on false information—such as forced repatriation, which does not*

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<sup>60</sup> Voice of Sudanese Refugees public statement, “In Response to UNHCR’s Statement Dated 17 November 2005,” November 2005, on file with FMRS.

occur—or not realistically feasible, such as massive resettlement to third countries.<sup>61</sup>

A UNHCR press release that followed expressed “extreme concern” on the part of the agency and the Egyptian government about the “deteriorating humanitarian situation” in the park.<sup>62</sup>

On November 27, a meeting was held between the organizers of the demonstration and UNHCR in the presence of Farouk Abu Issa, the former Sudanese Minister for Foreign Affairs, former Secretary-General of the Arab Lawyers’ Union, and current spokesperson for the National Democratic Alliance. On November 29, UNHCR released a public statement entitled “Sudanese Demonstration at UNHCR Cairo,” which described the progress of negotiations. According to the statement, “Although the meeting reached a positive conclusion, it now seems that the leaders of the demonstration have once again changed their mind about ending the sit-in unless all their original demands are met immediately.”<sup>63</sup>

### **The December 17 Agreement**

On December 17, UNHCR announced that an agreement had been signed by the five leaders of the demonstration, which set forth the responsibilities of UNHCR and the demonstrators in ending the sit-in amicably (see Appendix B). The agreement would apply only to demonstrators whose names were included in a definitive list submitted to UNHCR by the protest leaders. While much of the agreement offered little new, it did contain several significant offers.<sup>64</sup>

They brought the agreement to us and told us that this is our limit after three months; this is all we can get from UNHCR office, the office can’t offer more than this from us. We, the refugees, replied, “Okay, but let them write us a guarantee, a document, promising that this will happen,” but the leaders said, “This is the UN, they won’t give a written guarantee to refugees, we are just refugees.”

*FMRS interview with demonstrator, 28 January 2006*

For the first time, UNHCR offered a conditional opportunity for the opening of closed files through a written request submitted by the individual seeking review. Additionally, any person on the list from Darfur with a closed file could approach UNHCR to obtain a yellow card. Under the agreement, all yellow card-holders could have their files reviewed for valid status claims. After an initial interview, if individuals insisted on RSD, it would be undertaken. The offer, however, included an implied threat that, if rejected, individuals would automatically become of no concern to UNHCR and would “no longer be eligible for ongoing assistance.” While appointments for RSD interviews would be provided by the agreement, there was no mention of when or under what circumstances the interviews would take place. The agreement authorized eligibility for those on the sit-in list for one-off

<sup>61</sup> As quoted in “UNHCR and Adel Imam Address Sudanese in the Park and Appeal for the End of the Sit-in,” UNHCR Media Relations and Public Information Service, Geneva, 24 November 2005, on file with FMRS.

<sup>62</sup> See “Sudanese Demonstration at UNHCR Cairo,” UNHCR Cairo, 29 November 2005, on file with FMRS.

<sup>63</sup> Ibid.

<sup>64</sup> See UNHCR, “Cairo, 17 December 2005,” 17 December 2005, on file with FMRS.



financial assistance for housing. It also provided for monthly meetings between UNHCR Cairo senior management and the demonstration leaders.

The other major focus of the December 17 agreement was on how to clear the park logistically. The document outlined that park residents could approach UNHCR for processing in groups of 20 at a time, with priority given to those in need of special assistance and those who came directly from Darfur to Egypt. The demonstrators would be interviewed, their situation decided, and then they would be sent home or to new accommodations with offers of assistance. They were not to return to the park. The entire process was given four days to be completed. The agreement precluded a mechanism for feedback to those remaining in the park, a problem that would prove to be its undoing.

### **Mixed Reactions among Protesters**

On the morning of December 19, UNHCR representatives went to the park to explain the agreement. Although demonstration representatives had signed the agreement, protesters were not in agreement and did not reach a consensus about whether to accept or reject the solution. Confusion and uncertainty reigned, and a few protesters publicly stated their intention to remain until UNHCR finished all interviews. Evidently, the protestors were afraid that by not getting feedback on the initial interviews and by being dispersed, they would lose the momentum and collective strength they had gained over the previous months. Again and again, protesters interviewed for this report emphasized that they had wanted guarantees in writing or from embassy officials. UNCHR tried to reassure them that public and international media attention to the agreement was sufficient guarantee of UNHCR's intentions to honor it. However, no evidence was found to suggest that UNHCR had requested the presence of embassy representatives in the park in order to lend credence to the agreement.<sup>65</sup> A UNHCR representative acknowledged this concern in a December 19 address to the demonstrators, saying, "I know this is the reason why you will not leave the park, because of the guarantees." Agency representatives noted the empowerment experienced by the demonstrators and understood that this perceived power was connected directly to the protesters' presence in the park.

After the agreement between the leaders and UNHCR, most of us waited for UNHCR to call us to come for interviews/processing. We were waiting for normal procedures from the office to start, like getting tickets for interviews, or, for people with blue cards, for RSD interviews. However, we doubted that there would be enough time to process everyone, because they had allocated three days only and there were more than 2,000 refugees.

*FMRS interview with demonstrator, 29 January 2006*

Most demonstrators seem to have consented to the agreement but wanted to stay in the park until all cases were processed. On December 19, one protester declared to the large crowd and in front of UNHCR personnel: "The refugees, they did not refuse a solution. All of us, we did agree to basically all the demands [but] we agree to remain here until all the process is

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<sup>65</sup> One representative said, "This is the first time we hear of this request." See FMRS interview with Eric Audet, 23 March 2006, on file with FMRS.

finished. I'm trying to give you the information....So, we agree that we have to go to the office and meet them.”<sup>66</sup>

In response, a UNHCR representative said:

*I do not want to participate in this political rally. I am only here to clarify some issues for you. Okay, you know the process takes long. To remain here for two, three, four, five, possibly six months will also mean that you will have casualties, not only in terms of physical suffering but also in terms of the legal implications [in the Egyptian system]. And we cannot be held responsible for the casualties or the failure to meet the legal requirements. And the reason I say this is because UNHCR has...done everything that is required of us, but you are not willing to vacate this park. Then it is your responsibility and the international community will view it as such.*<sup>67</sup>

The discussion continued until the crowd was eventually asked whether it would accept the agreement as is or with the condition of continuing to occupy the park until all cases were processed. Loud cheering confirmed the protesters' preference for the second option, and the speaker finished his statement by saying, “If each and every individual, refugee, woman, and child, if you want to go there, that you can solve the problem, then they can go. We don't stop anybody. If each anybody want to go there, let him go. We don't stop him.”<sup>68</sup>

The UN agreed to take a look at yellow cards cases. Eighty percent of the refugees at the sit-in approved of this agreement. They were made up of mostly Northerners, Westerners, and Easterners. The remaining 20 percent were made up of South Sudanese who would probably be deported since the war is over in their area. All the refugees of the park remained there for this 20 percent. They felt that it would split up the Sudanese community if not everyone got what they wanted.  
*FMRS interview with demonstrator, 3 January 2006*

The most visible division in the leadership and among the protesters came as a result of the December 17 agreement. Some suggest that the tragedies that occurred during the forced eviction are the result of an overlong stay in the park and of repeated refusals of solutions proposed by UNHCR. As mentioned above, a UNHCR representative warned of possible casualties and “legal ramifications” in the December 19 speech. A November 17 UNHCR press release maintained that the offer the agency made “represents a final opportunity to resolve the sit-in peacefully and quickly.”<sup>69</sup>

<sup>66</sup> “UNHCR Speech to Sudanese Refugee Demonstrators,” transcribed by FMRS researcher, 19 December 2005, on file with FMRS.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> UNHCR, “Goodwill Ambassador Adel Imam Works with UNHCR and the Government of Egypt to Resolve the Sudanese Sit-in,” 17 November 2005, on file with FMRS.

Communication between UNHCR and the demonstrators ceased. On December 22, UNHCR sent an official letter to the Egyptian Ministry of Foreign Affairs, saying, once again, that it could do no more and paving the way for the forced removal. Despite growing rumors that security forces would break up the protest, demonstrators continued to settle in for winter, reinforcing their makeshift homes with plastic tarp roofs and expanding out onto the pavement surrounding the park.

We demanded that representatives from the embassies guarantee us that the resettlement of Sudanese was open as an option. But the UNHCR said that it would be unable to do that. On the 17 of December, after the meeting with the UNHCR, there was a press conference in the park. Sadiq El Mahdi came. In fact, personnel from the Australian, American, and Canadian embassies were also supposed to attend, but they did not show up. We were told by Sadiq that this was due to security problems.

Sadiq said that the agreement between the UNHCR and the refugees would be fulfilled. But these are only empty words. If any representative of the embassies would have turned up, I am sure that the demonstrators would have left the park.

*FMRS interview with demonstrator, date unavailable.*

## FORCED REMOVAL

The forced removal of the Sudanese protesters was an emotionally and politically charged event. Although it is difficult to determine a precise chronology, the following timeline is based on accounts by protesters, the Egyptian authorities, journalists, human rights activists, local residents, and other eyewitnesses and bystanders who were present on the night of the forced removal.

### Afternoon and evening, December 29

- Witnesses notice an increased police presence in the area of the park.
- Police tell a number of protesters that the officers are there to protect them from a Muslim Brotherhood demonstration. Many protesters accept this explanation when they see a group of 20 to 40 bearded men dressed in traditional *gellabiyas* gather outside the Mustapha Mahmoud mosque.

The police gave protesters no warning that they would be removed from the park, with force if necessary. Throughout the day, the authorities seemed to be deliberately avoiding telling the protesters their intentions. One protester commented:

*In the afternoon, many police vehicles began arriving close to the park. We could see how cars from the parking lot in front of the park had been removed. I heard two different answers from the police. One officer said that this was in preparation for a speech by a Sudanese minister about our rights. Another policeman said that Egyptians wanted to demonstrate against our sit-in; therefore, they had to remove the cars fearing that they might be damaged.<sup>70</sup>*

### Around 1:00 a.m.

- Approximately 4,000 riot police surround the park. An Egyptian bystander counts “60 state security wagons, 10 armored cars, [and] six ambulances.”<sup>71</sup>
- A group of high-ranking Egyptian officials, including the director of security for the Giza district of Cairo, meet with protest representatives.
- The authorities tell protesters that they will be taken under police guard to “camps” with “humane conditions,” and that they would be provided with food, water, and shelter. The demonstrators are told that if they refuse to go voluntarily, they will be removed by force.
- The protest representatives ask for guarantees that the camps really exist and are safe. They suggest that either a delegation of protesters be sent ahead to view the camps in advance or that UNHCR officials provide guarantees regarding the safety of the camps. The authorities tell them neither is possible.

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<sup>70</sup> FMRS interview, 4 January 2006.

<sup>71</sup> El Nadim Center for the Management and Rehabilitation of Victims of Violence, “Testimony: What happened in Mustafa Mahmud?”, 4 January 2006, on file with FMRS.

The protesters refused to leave peacefully for several reasons. One was their fear of mistreatment in police custody, which is well founded. According to a 2003 report on detention conditions for asylum seekers and refugees, 79 percent of respondents said that they were subjected to “violence, harassment, and abuse” while detained.<sup>72</sup> Another reason was the fear that the buses would take the demonstrators to the airport to be deported. Some protesters were concerned about losing the sense of solidarity and strength achieved during the sit-in.

The protesters’ response was to ask for guarantees about the location and conditions of the “camps,” which the authorities refused to give. As became evident later on, the so-called camps were not facilities where refugees and asylum seekers could be permanently housed, but police training camps that had been turned into temporary detention facilities. In the end, the authorities did not address the protesters’ fears and made no concessions.

#### **2:40–5:00 a.m.**

- On three or four occasions, water canons surrounding the park are fired at protesters, each time for 10 to 15 minutes.
- In between the water canons, there are several rounds of talks. The authorities’ initial demands are repeated but no concessions are made by either side.
- Sudanese embassy and Sudanese People’s Liberation Movement (SPLM) representatives meet and negotiate with protest leaders, but they fail to convince them to heed demands made by police and to leave the park peacefully.
- Riot police begin “warming up” by chanting nationalist slogans, running in place, and jumping up and down.

#### **5:00–5:30 a.m.**

- Final negotiations with SPLM officials end and water canons are turned on for the last time.
- Riot police move into the camp to begin removing people by force. They press inward from all sides, leaving no exits for protesters who may want to disperse at this point. The only option is to board the buses.
- In some parts of the park, protesters resist being removed and police aggressively beat them with batons and sticks.
- Some protesters are crushed underfoot as a result of people being forced inward into the park center.
- Some children who were covered by blankets and plastic sheeting to protect them from water are stepped on and may have been crushed or suffocated in the mayhem.
- Individual protesters are restrained by two or three policemen each and loaded on buses.
- The buses move out to different locations in and around Cairo.

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<sup>72</sup> Human Rights Center for the Assistance of Prisoners, “A Study of Refugees’ Experience of Detention in Egypt,” 2003, p. 80.

Egyptian government officials claimed that no violence was used to remove protesters. Soon after the eviction, Mr. Mofid Shehab, Minister of State for the Shura Council, told the People's Assembly that it was "decided to evacuate them without using any weapons." He also stated, "At 4:45 a.m., some of the protesters, some of them drunk, started to throw equipment they had collected at the police."<sup>73</sup> This was also reported in the daily press. Eyewitnesses strongly contradict this account, however, and many say that nothing was thrown at the police before they entered the park. Once the raid began, however, protesters in some parts of the camp reportedly threw kitchen utensils, plastic bottles, and even *fuul* (beans), and some tried to fight back with sticks. This resistance was quickly overcome.

I was not aware of anything until they were hitting me. I think there were five policemen for every refugee. When we started to defend ourselves, there were many more coming. They came and attacked. I saw one person I knew. They were beating him and when he fell down, they broke his neck. One of the police broke his neck with his baton. One pregnant woman also died in the same place.

*FMRS interview with demonstrator, 13 January 2006*

Security forces moved into the park from all sides, blocking possible escape routes. The area was already overcrowded and those on the edges were forced inward. Eyewitness reports indicate that police used disproportionate and indiscriminate violence, causing injuries and death. In the mayhem, both adults and children were trampled by police and possibly by protesters themselves.

Security forces aggressively beat protesters, even those who offered no resistance, including children and some adults who were apparently already unconscious. One journalist who witnessed the removal said, "I saw women and children sitting down being beaten by police—very enthusiastically, too. I saw two guys being beaten while unconscious, totally inert. In 20 years of reporting, I never saw anything like this: people being beaten with such hate and ferocity, like animals. It reminded me of documentaries showing baby seals being beaten."<sup>74</sup>

Police continued to be kick or beat protesters with batons even after they had been restrained and removed from the park, and while they were on the buses. There are some indications that the level of violence was unplanned, or at least that not all security officers were enthusiastic participants in the mayhem. Two bystanders reported plainclothes officers shouting at low-ranking police to stop the beating but being ignored.

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<sup>73</sup> Transcript of the People's Assembly debate on the evacuation of Sudanese protesters, 2 January 2006.

<sup>74</sup> FMRS interview, date unavailable.

Some of the police said, “We are forced, we don’t want to do that, but we have orders.” I thought that Abdulrahman was going to die because he was beaten and I did not know where Abeer was. I saw people...an eighteen-month-old baby died in Abdulrahman's hands in the stampede. People were running over him and his sister was crying and could not find her parents. I think it took 1 hour and 50 min until they brought us to the buses.

*FMRS interview with demonstrator, 8 January 2006*

Several protesters said that after entering the park, some police used hand-held canisters of gas, which may have been CS gas (tear gas, which has a distinctive peppery smell), pepper spray, or another chemical. Demonstrators said it made their eyes burn and one protester described the canisters as having pink and red writing. This description matches photographs of tear gas canisters used by Egyptian police on demonstrators during 2005’s parliamentary elections. Two days later, a bystander returned to the remains of the camp and found police looking for lost canisters of what they referred to as pepper spray.

Before the attack, water canons were aimed over the heads of or directly at protesters. Some protesters suggest that there was a chemical in the last spray of water, but this was not consistently reported. A minority of demonstrators interviewed also reported a number of other weapons, including “electric sticks” (electric cattle prods) and knives or sticks with knives attached,<sup>75</sup> and one person said that police had shot protesters with “silent guns.” None of these reports were confirmed, however.

The authorities deny that any weapons or excessive violence were used, and clearly did not consider wooden batons and tear gas as weapons despite the damage they inflict as a result of misuse. Regarding the causes of deaths, the Ministry of Foreign Affairs official told FMRS: “The police did not use any kind of weapons; the deaths were caused by suffocation, and nobody was beaten.”<sup>76</sup> Minister of State Shehab said, “Regarding the injured, they were 73 Sudanese and they were hospitalized in the instant.”<sup>77</sup>

But eyewitnesses reported that there was no sign of immediate medical attention for protesters. Injured and even apparently unconscious Sudanese were put straight onto buses to be taken to the detention camps. One demonstrator reported, “They beat us with sticks and shoved us into the buses. We were even beaten in the buses.”<sup>78</sup> A protester and a bystander said that a three-year-old boy, who had been hit on the neck by a police baton, was taken to Torah detention center, where he died a few hours later. Reports suggest that the only Sudanese who were put into ambulances were those who were already dead. There are reports of between two and 10 bodies seen lying on the street.

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<sup>75</sup> A doctor who treated demonstrators’ wounds at Sakakini Church on January 3, 2006, noted lacerations that required stitches, but said that these are consistent with both sharp and blunt objects (see next section).

<sup>76</sup> See Hamzawy, *op. cit.*

<sup>77</sup> See People’s Assembly, *op. cit.*

<sup>78</sup> FMRS interview, 12 January 2006.

**5:30 a.m.**

- The park has been cleared.

The scene is one of stunned silence and desolation. Hundreds of blankets and suitcases are strewn all over the park. Other private belongings, such as notebooks, family pictures, children's toys, and blue and yellow refugee identity cards, are scattered on the ground.

We hope the international community to take us to any place except here and Sudan. I feel afraid, I don't feel safe. I left my home where there was a lot of killing and there was no safety. Now there is no safety for me here.

*FMRS interview with demonstrator, 14 January 2006*



## THE AFTERMATH

Confusion and anxiety characterized the weeks following the break-up of the sit-in. It proved difficult to find reliable statistics covering the number of dead, hospitalized, and detained, and even more difficult for individuals to locate their family members and friends. Families were often forced to rely on informal channels, such as word of mouth from church members and detainees who had been released, to discover the whereabouts of loved ones.

Despite this, the Sacred Heart Church (Sakakini) in Abasseya moved quickly to gather a list of missing individuals; it had an incomplete list of 120 by January 1, 2006. Rumors mixed with official reports from the Egyptian government regarding how many were killed. Initial eyewitness reports of bodies seen in the morgue ranged as high as 265.<sup>79</sup> Security officials put the number at 25, while the Interior Ministry claimed only 12 had died in the incident.<sup>80</sup> There was also confusion over whether those Sudanese who had been detained would be deported. While the government issued a statement on January 3 that the then 654 Sudanese in detention would be deported,<sup>81</sup> other sources indicated that no deportation would occur.

### Medical Treatment

Hundreds of demonstrators were severely beaten by riot police and suffered such injuries as concussions, broken bones, bruises, and lacerations. Some reported having been exposed to unknown chemicals and suffering respiratory problems, while others were trampled or smothered under plastic tarps.

While official referrals to hospitals totaled fewer than 150 persons, AMERA estimated that hundreds more sustained injuries. In addition, AMERA estimated that at least 200 people in the three primary detention centers had significant medical concerns.<sup>82</sup> When UNHCR staff gained access to the detention facilities almost a week after the forced removal, most of the detainees had only received first aid.

Approximately 600 injured or sick Sudanese were triaged at a makeshift clinic in Sakakini Church during the five days following the incident. CARITAS, which is the primary provider of health services to refugees in Cairo, was closed on December 30 and in the days immediately following the forced removal. The severely injured were seen within the first day or two and transferred to the Italian Hospital in Abasseya. The injured were also transferred to El Sanabel Hospital and El Agouza Hospital. Injuries included severe head injuries, lacerations, and fractures. Following an attempt by demonstrators to organize a

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<sup>79</sup> See Eric Reeves, "Egypt Celebrates Fifty Years of Independence for Sudan," 3 January 2006, available at <<http://www.sudanreeves.org/index.php?name=News&file=article&sid=83>>.

<sup>80</sup> See Hossam Bahgat, "UN Says Egypt Has Given Another Week to Sudanese Refugees," *Sudanese Tribune*, 9 January 2006.

<sup>81</sup> *Ibid.*

<sup>82</sup> Personal correspondence, 26 January 2006.

second protest within the church premises,<sup>83</sup> the makeshift clinic at Sakakini was closed and the injured were redirected to facilities at Arba wa-Nuss and CARITAS.

UNHCR called a humanitarian coordination meeting on January 9, 2006, at its offices. The Medical Focal Point stated that approximately 700 persons were treated, most with cuts, bruises, and broken bones, of whom 40 persons were sent to the Italian Hospital. There were at least four traumatized children who were non-functional (i.e., not speaking or eating) but who were “starting to come around now.”<sup>84</sup>

Most of those who had been in detention received only basic first aid, some apparently from soldiers and others possibly from doctors. Of the medical cases that were seen at the three detention centers, none was considered life threatening. Most had cuts, bruises, and/or broken bones and associated pains. Four older women were reported to be in a bad state, one with a heart condition and one with a large gash on her leg that could have become serious. Authorities at the detention centers were told to keep on eye on these persons, though they would not allow them to be released immediately for medical treatment.

In the detention center there were many people in a very bad condition. Although there were people trained in first aid at the detention center, they deliberately did not offer to treat anybody.

*FMRS interview with demonstrator, 3 January 2006*

## Deaths

It is believed that all the bodies of those killed were sent to Zenhom Morgue. According to a survey conducted by AMERA on January 2, “Unconfirmed sources indicate that bodies were also being kept elsewhere, at hospital morgues, although Zenhom Morgue...did not have any information on additional incoming bodies.”<sup>85</sup> AMERA collected these unconfirmed reports from four different hospitals—Oum El-Mesreen, Manishiet Bakri, Kasr Al-Aini, and Imbaba—with the total being more than 250 deaths. Investigations by Dr. Ashraf Azer and others from UNHCR, as well as AMERA legal advisors, revealed this number to be exaggerated. Up to 35 had been reported dead at Manishiet Bakri, though this number was never confirmed. The body count from the Kasr Al-Aini Hospital varied from 23 to 27, though UNHCR found only one dead body that was subsequently transferred to the Zenhom Morgue. The Imbaba Hospital reported three dead, all of whom were also transferred to Zenhom. The Oum el-Mesreen Hospital reported nine dead, all of whom were transferred to Zenhom.

Zenhom Morgue’s final count was 28, of whom 11 were children under the age of 12.<sup>86</sup> This included one man who committed suicide while in detention.<sup>87</sup> In a letter dated January 30,

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<sup>83</sup> It is unclear what group or person was responsible for the attempt at organizing this second protest. Some have attributed responsibility to Kifaya, an Egyptian political opposition group. Others have suggested the Muslim Brotherhood may have been involved. There are no confirmed reports.

<sup>84</sup> It is unknown which components of this brief are in reference to those in and those out of detention.

<sup>85</sup> “List of Bodies at Zenholm [sic] Morgue as 2.01.06,” document on file with AMERA.

<sup>86</sup> See “List of Bodies at Zenholm [sic] Morgue as of 18.01.06,” document on file with AMERA.

2006, the Egyptian Ministry of Foreign Affairs put the number of dead at 27.<sup>88</sup> On February 2, another boy died after more than a month in a coma resulting from severe beating suffered during the forced removal. This brought the confirmed number of dead at the morgue to 29.

One of the leaders of the demonstration has suggested that as many as 53 died as a result of the forced removal, but this number has not yet been verified. Testimonies of many Sudanese indicate that there may have been more deaths in the days following the break-up of the demonstration.<sup>89</sup> The Egyptian government has not released any autopsy reports or information regarding the causes of death.

Permission to view the bodies was only given to immediate family members. AMERA reported that bodies were kept in “make-shift coffins/boxes” and that initial information provided by officials at Zenhom about the identification of bodies and the number of children killed was contradictory and confusing.<sup>90</sup> Some relatives expressed concern that organs had been removed at the hospitals or in the morgue, though the assistant to the lead doctor at Zenhom and Dr. Azer from UNHCR reported that, given the time that passed between death in the hospitals and final transfer to Zenhom, the cellular death of the organs would have rendered them inoperative. Relatives and family members were not allowed to photograph the bodies.

Initial family concerns included delayed access to the bodies of their loved ones. In addition, family members were upset by the performance of autopsies and the sacrilege of delayed burial. In late February, bereaved families were seeking closure on the matter, as the government of Egypt had not yet released the bodies of their loved ones. This was a source of considerable emotional stress.

On February 3, one individual, after having secured permission from the relevant Egyptian authorities, traveled with the body of his maternal uncle’s wife to the Cairo International Airport in preparation for a transfer to Sudan. Although he possessed what appeared to be the appropriate paperwork,<sup>91</sup> he was told at the airport that he had to return the body to the morgue.<sup>92</sup>

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<sup>87</sup> See “Detentions” section below.

<sup>88</sup> See “Letter of Egyptian Embassy in London to the Parliamentary Group Concerning the Sudanese Refugees,” 30 January 2006, available at <[http://www.mfa.gov.eg/MFA\\_Portal/en-GB/MFA\\_News/Statements/Letter+of+Egyptian+Embassy+in+London+to+the+Parliamentary+Group+concerning+the+Sudanese+Refugees.htm](http://www.mfa.gov.eg/MFA_Portal/en-GB/MFA_News/Statements/Letter+of+Egyptian+Embassy+in+London+to+the+Parliamentary+Group+concerning+the+Sudanese+Refugees.htm)>.

<sup>89</sup> See “List of Bodies at Zenholm [sic] Morgue as of 18.01.06,” op. cit.

<sup>90</sup> “Note for the Record, 1.01.06,” document on file with AMERA.

<sup>91</sup> This paperwork included: 1) a death certificate (with no cause of death listed); 2) a letter of permission from the Ministry of Health to transport the body to Sudan, confirming his authorization as the closest living relative in Cairo to receive the body; 3) a letter from the Ministry of Foreign Affairs sent from Khartoum via the Sudanese embassy in Cairo that providing permission for the deceased’s body to enter Sudan; and 4) a document from the Ministry of Justice to confirm again that the holder is the legal guardian of the deceased’s body and that he officially took possession of the body on 3 February 2006.

<sup>92</sup> See “Case Details for Family Member Prevented from Transporting Body of Deceased (Victim of Mohandeseen Park Eviction) Back to Sudan, 10 February 2003,” document on file with AMERA.

Two pieces of information have subsequently come to light that explain the delays and problems regarding the transfer of bodies from the morgue to families and, eventually, to Sudan. First, UNHCR noted that it took a considerable amount of time to verify the identity of those who had been killed and then to find relevant family members. Second, a joint investigative team—consisting of officials from the Sudanese Ministries of Foreign Affairs, the Interior, and Justice in partnership with a forensic doctor from the Egyptian Ministry of Justice—was formed to look into the widely circulated rumors of organ theft. According to a UNHCR email, it was the Sudanese authorities in Egypt that requested that no bodies be allowed to leave the country until the investigation was completed.<sup>93</sup> The team completed its work on February 15 and made its findings known to the relevant authorities; the findings have not been made public.

The same email also suggested that as of February 19, relatives would finally be able to take the bodies of their loved ones from the morgue for burial, whether in Sudan or in Egypt. This did not happen. After weeks of confusion, bureaucratic hurdles, and ongoing political infighting, a number of bodies were released from the morgue on March 8, but only for burial in Cairo. By March 21, after almost three months of obstructed efforts by relatives and advocates to transport the deceased to Sudan, all remaining victims were buried in Cairo.

## **Detentions**

An eyewitness notes that six white public transportation buses transported the demonstrators to the Dahshur Military Camp some 40 kilometers outside of Cairo on the Al Fayoum desert road.<sup>94</sup> Other Sudanese were reportedly taken to the Torah police camp, the Alexandria Desert Road Police Camp, the Manshiet Nasr detention facility, and a detention center in Dokki. According to Mofid Shehab, Sudanese were taken to four detention sites, though he did not specify which four.<sup>95</sup>

Those without any identification were sent to three different prisons: all women and children were sent to Kanater Prison, while men were sent to Shebeen Alkoum Prison (some 65 kilometers outside of Cairo) and Abu Zaabal Prison (approximately 40 kilometers outside of Cairo). According to the Egyptian Ministry of Foreign Affairs, “those who have been vacated were safely driven to empty housing units in a suburb of Cairo under the custody of the judicial authority.”<sup>96</sup>

The police divided the demonstrators in detention into three groups: blue card-holders, yellow card-holders, and those without documents, including individuals with closed files and who were newly arrived and not registered with UNHCR. It appears that those who held blue and yellow cards were later grouped together and put back onto buses. They were then released in various areas in small groups (10-12 people) throughout Cairo in the days and nights following the forced removal.

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<sup>93</sup> A copy of the email, sent on 18 February 2006, is on file with the author.

<sup>94</sup> See Nora Younis, “Disgraced to be Egyptian: A Testimony,” available at <<http://www.norayounis.com/2005/12/30/74>>. Last accessed 30 January 2006.

<sup>95</sup> See People’s Assembly, *op. cit.*

<sup>96</sup> See “Letter of Egyptian Embassy,” *op. cit.*

Mofid Shehab reported on January 2 that 2,174 Sudanese had been removed from the park and 1,444 had been released shortly thereafter.<sup>97</sup> The Egyptian Ministry of Foreign Affairs stated on January 18 that after “resolving the protest,” 1,550 people had been released.<sup>98</sup>

According to UNHCR, 627 Sudanese remained in detention on January 5, when it requested a month from the Egyptian government to do “proper legal assessments” to determine whether the detainees met the refugee definition.<sup>99</sup> The Egyptian government allowed UNHCR three days, which was later extended to January 26. UNHCR conducted the legal assessments with the Sudanese in detention. The government did not grant access to lawyers or NGOs.

A January 13 UNHCR press briefing announced that on January 11, “164 Sudanese asylum seekers and refugees, including 41 women and 31 children, and holders of UNHCR registration cards as asylum seekers or refugees, were released by the Egyptian authorities upon UNHCR’s recommendation and following photo identity verification.”<sup>100</sup> UNHCR also noted that it had received “no guarantees” that the 463 demonstrators still in detention would not be deported, though it advised the Egyptian government against “forcible return.”

UNHCR reported that 183 detainees remained in custody by January 19. Radhouane Nouicer, UNHCR’s Geneva-based deputy director for the region, who was then on mission in Cairo, reiterated that UNHCR would conduct a “proper, in-depth legal assessment to ensure whether these people are of concern to UNHCR.”<sup>101</sup>

Employing 25 interviewers, UNHCR representatives met with the 183 detainees for an average of three hours each over a weeklong period and met the January 26 deadline. On January 27, UNHCR announced that 14 of the remaining detainees were found to be “persons of concern who should be released immediately.” The organization also recommended to the Egyptian government that 34 of the recently arrived detainees be allowed to appeal UNHCR’s decision. While under normal circumstances an asylum seeker rejected at first instance has 30 days to express her intention to appeal and a year to formulate a legal argument, UNHCR asked the government that the detainees be given five days to appeal. According to a January 30 letter written by the Egyptian embassy in London, “All those who proved to be refugees, asylum seekers, or have a valid legal permit or entrance visa were released.”<sup>102</sup>

### **Conditions in Detention**

Not much official information on the conditions in detention is available. UNHCR provided clothing, shoes, and personal hygiene items, but also noted that “morale is very low, as a

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<sup>97</sup> See People’s Assembly, *op. cit.*

<sup>98</sup> Ministry of Foreign Affairs Statement on the Sudanese Refugee Crisis, 18 January 2006, available at <[http://www.mfa.gov.eg/MFA\\_Portal/en-GB/MFA\\_News/Statements/sud.htm](http://www.mfa.gov.eg/MFA_Portal/en-GB/MFA_News/Statements/sud.htm)>.

<sup>99</sup> UNHCR briefing, 27 January 2006.

<sup>100</sup> UNHCR briefing, 13 January 2006.

<sup>101</sup> UNHCR briefing, 19 January 2006.

<sup>102</sup> See “Letter of Egyptian Embassy,” *op. cit.*

number of people are showing signs of trauma because of the events and many have been separated from their families.”<sup>103</sup>

In the hall where we stayed [in Kanater Prison] there were beds but not enough for everyone. Each of the 17 beds was shared by two women. About 30 more women had to sleep on the ground, which was very cold and wet, due to the toilets inside the hall. Among us, there were about 15 children. There were three children without their parents in the hall; their ages were approximately one, five, and 11 years old.

*FMRS interview with demonstrator, 8 January 2006*

One demonstrator noted that those injured were only given rags to clean their wounds and no other treatment. Two protesters who were taken to Mounira Hospital noted that the doctor used the same needles to stitch up all of the injured Sudanese without disinfecting them. Describing treatment in the detention centers, one demonstrator said, “When somebody tried to move a bit because of the pain or the coldness/dampness of the floor, he was beaten with sticks or slapped.”<sup>104</sup> Another noted, “In the camp, the officials were writing down names. They were very bad to us. One officer started to abuse people. He was hitting the women,” calling them “whores” and other expletives.<sup>105</sup>

Family members were separated. One man recounted: “On Saturday night, my wife and I were put on two separate buses, one for women and one for men. When we refused to get separated, we were told that both buses would arrive at the same camp. This was not true. My wife was brought to Kanater and I was brought to Shebeen Alkoum.”<sup>106</sup> He described his experience at the prison:

*We were 25 people in our cell. The size of the cell was about 4x3 meters. There were no beds. We received blankets. It was very cold. The floor was cement and was very damp.*

*Inside the cell was a toilet separated by a wall. We were told to drink from it.*

*In the middle of the night, one of the men inside the cell went into the toilet. When he did not come out for a long time and did not answer our calls, we banged against our cell door to get the attention of the police who were on the floor under us.*

*It took about one hour before the police opened the door. When they opened the toilet door they discovered that the man had hung himself. I took a picture on my mobile phone showing him hanging.*

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<sup>103</sup> UNHCR briefing, 13 January 2006.

<sup>104</sup> FMRS interview, 4 January 2006.

<sup>105</sup> FMRS interview, 13 January 2006.

<sup>106</sup> FMRS interview, 8 January 2006.

*During the investigation we were taken to another room and then returned. When we returned to the room we refused to carry on drinking from the WC because of the dead body. We were told to drink further from the WC and we did.*<sup>107</sup>

Many demonstrators said that their belongings, especially money, were confiscated by the Egyptian authorities, although this was not always the case. One man recalled: “One officer offered to keep our money safe until we would leave prison. He held his promise.” Another woman was surprised by the good treatment: “It was very hard to believe that these people were Egyptians because they were treating us very well. They gave us juice and biscuits, and milk, pajamas, slippers, and blankets. The treatment was very good. It was hard to believe that they were from the same nationality like the police who was hitting us.”<sup>108</sup>

Those who had been detained were often released in abandoned areas. One refugee recounted his release from the Torah police camp: “At 2 a.m. on the following night, the weakest were selected. We were promised to be taken to a place where we could get medical treatment, beds, and blankets. In fact, we were asked to leave the bus in small groups of three to four people in the middle of nowhere without shoes or money.” Another described a similar experience: “On Saturday night, the Egyptians brought the bags from the park. But they did not give us sufficient time to look for our belongings. They put a group of 20 people into a bus and dropped us somewhere. I was unable to walk and I did not have shoes on.”<sup>109</sup> One demonstrator recalled, “I was released on Friday 6 p.m. We were insulted by the police. They took us on a bus before we were released and then they would stop every now and then and let us out of the bus after insulting us. They left me out with other refugees in a place that I didn’t know.”<sup>110</sup>

### **Threatened Deportations**

Shortly after the break-up of the protest, the Egyptian Foreign Affairs Ministry indicated that it would deport the Sudanese who remained in detention. *Al-Ahram Weekly* reported that the “Egyptian Foreign Ministry announced that it was deporting 645 Sudanese it classified as ‘illegal immigrants.’”<sup>111</sup> On January 4, the Egyptian daily *Al-Ahram* noted that 650 Sudanese detainees were to be deported to Sudan.

On January 5, however, the Egyptian government announced it would delay the deportations. Astrid van Genderen Stort, a UNHCR spokesperson, said that the government had agreed to move the deportations back three days.<sup>112</sup> It was at this point that UNHCR first had access to the detainees and began to determine which individuals were already registered with UNHCR.

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<sup>107</sup> Ibid. See also the AMERA document, “List of Bodies at Zenholm [sic] Morgue as of 18.01.06.” It appears the body of the man who died in detention was transferred to Zenhom Morgue.

<sup>108</sup> FMRS interviews, 8 January 2006

<sup>109</sup> FMRS interviews, 4 January 2006.

<sup>110</sup> FMRS interview, 14 January 2006.

<sup>111</sup> Gamal Nkrumah, “The Noose Tightens,” *Al-Ahram Weekly*, 5-11 January 2006.

<sup>112</sup> “Egypt to Delay Sudanese Deportations,” *Agence France Presse*, 5 January 2006.

From January 7 through 20, the Egyptian government allowed UNHCR to carry out its legal assessment of the Sudanese detainees and no deportations occurred. On January 18, an article from the *New York Times* confirmed that no deportations would take place. According to Nasser Hamzawy from the African Affairs department of the Egyptian Ministry of Foreign Affairs, “After the UNHCR and the authorities look into their individual files and determine their status, they will be released.”<sup>113</sup>

Nonetheless, there was again concern that detainees would be made to return to Sudan after UNHCR finished its assessment on January 26, at which point 183 Sudanese remained in custody. As discussed above, UNHCR recommended that 14 of the 183 be released and that another 34 be given a chance to appeal. Those remaining were determined “not to be eligible for international refugee protection under UNHCR’s mandate.”<sup>114</sup> The Egyptian government appears to have put those fears to rest when, on January 30, Nasser Hamzawy indicated that none of those remaining in custody would be deported. “Now that the UNHCR has completed its assessment interviews, it’s been decided that none of the remaining detainees will be deported back to Sudan.”<sup>115</sup>

On February 11, all Sudanese remaining in detention were released from prison. It appears that the passport of each had been extended and given a six-month residency stamp—an operation carried out by the Egyptian Ministry of the Interior in cooperation with the Sudanese embassy in Cairo.

### **Involvement of the Sudanese Embassy in Cairo**

One issue that remained unclear during the weeks following the break-up of the demonstration was the role of the Sudanese embassy. AMERA has a list of names, given to the organization by a client, that was apparently collected by the embassy in preparation for deportation. Some of the testimonies also indicate that the embassy was interested in having the Sudanese detainees return. One demonstrator said, “On Wednesday, we were told to go downstairs in groups of 10 people. At the front gate, there were six officials from the Sudanese embassy who wanted to take information from us.” He added, “One official from the Sudanese embassy approached me and said to the policeman that he wanted to take me with him.”<sup>116</sup>

Many of those in prison described how they were told they would be deported. One example came from a woman who was sent to Kanater: “Since we were without documents, the prison management said that we would be sent to the Kanater Prison, and then we would be deported.”<sup>117</sup>

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<sup>113</sup> Michael Slackman, “Egypt Says It Won’t Deport Any of the Jailed Sudanese,” *New York Times*, 18 January 2006, Section A; Column 1; Foreign Desk; p. 3.

<sup>114</sup> UNHCR briefing, 27 January 2006.

<sup>115</sup> “Egypt: No Deportation for Sudanese Detainees, Says Government,” IRIN, 30 January 2006, available at <[http://www.irinnews.org/report.asp?ReportID=51415&SelectRegion=Middle\\_East&SelectCountry=EGYPT](http://www.irinnews.org/report.asp?ReportID=51415&SelectRegion=Middle_East&SelectCountry=EGYPT)>.

<sup>116</sup> FMRS interview, 8 January 2006.

<sup>117</sup> FMRS interview, 28 January 2006.



The “attention” and involvement of the Sudanese embassy gave rise to the possibility that those in detention should be considered to be *sur place* refugees, which are individuals who become refugees by virtue of activities since leaving their country of origin.<sup>118</sup> On January 8, AMERA forwarded a legal argument to UNHCR Cairo and Geneva arguing that those in detention should be considered “of concern” to UNHCR on this basis. It was argued that the involvement of the Sudanese embassy, particularly the preparation of travel documents, the highly politicized nature of the demonstration, and the indication that the demonstration was undermining the bilateral relationship between Sudan and Egypt amounted to a reasonable likelihood of persecution upon return to Sudan.

In an email dated January 13, UNHCR acknowledged that it was clearly aware of the involvement of the Sudanese embassy. The email referred to the “uncertainty surrounding the ramifications for the safety of the persons concerned due to their involvement with the demonstration and the role subsequently played by the Sudanese officials.”<sup>119</sup>

### **Emergency Assistance**

Many of the Sudanese who had moved to Mustafa Mahmoud Park were evicted from their homes. After the demonstration was broken up, many demonstrators had no housing. Compounding this problem was the number of Sudanese who suffered injuries during the violent removal. It proved difficult for humanitarian organizations to coordinate and respond to the great need for assistance in the days and weeks following the removal.

Two staff members from AMERA worked on December 31 to transfer critically injured Sudanese to hospitals in Cairo. Following the advice of the lead doctor from CARITAS, the two began to transport Sudanese to Sanabel Hospital. Starting from 10 a.m., the two worked throughout the day and late into the night taking patients to the hospital. The next day, they transported patients to Oum El Nour Hospital. The two AMERA employees concluded their account of the two days following the break-up of the demonstration on an ambivalent note:

*It was observed that the need for medical attention among the survivors was great. Without guidance and assistance many would have suffered through pains, bruises, and broken bones without being able to care [sic] at a hospital. One can only wonder how many more who we do not know about are still in need of medical attention and still either unconvinced to go to the hospital or not yet linked with assistance in getting to a medical facility. Of course, those still in detention likely had serious injuries, and as no outsider had access initially to the prisons and detention facilities in the early days, these injuries went untreated.*<sup>120</sup>

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<sup>118</sup> The UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status* indicates that the key assessment is “whether such actions may have come to the notice of authorities of the person’s country of origin and how they are likely to be viewed by those authorities.” See par. 96 of the *Handbook*, 1979.

<sup>119</sup> Email from Hamdi Bukhari, UNHCR Geneva, to Tarek Badawy, AMERA, 13 January 2006.

<sup>120</sup> George Milad and Mohamed el Messiry, “Sudanese Eviction Aftermath,” document on file with AMERA.

Staff from UNHCR, CARITAS, and AMERA canvassed various hospitals in Cairo in search of injured Sudanese. As noted above, convincing those who had been wounded, often severely, to go to a hospital posed yet another challenge, as many Sudanese were wary of Egyptian assistance. By January 6, 10 different facilities had seen patients, with over 190 having been treated at the Italian Hospital at Sakakini Church.<sup>121</sup>

AMERA staff coordinated with the church in compiling lists of those missing, as well as lists of Sudanese detained at the various facilities. UNHCR also requested lists, as reliable information on the whereabouts of friends and family members was difficult to access. UNHCR only provided information to the International Committee of the Red Crescent/Cross (ICRC) for security and confidentiality reasons.<sup>122</sup> At January 5, Sakakini's list of missing stood at 120 (and was acknowledged to be incomplete). At January 15, AMERA had a list of 21 clients whose whereabouts were unknown or unconfirmed.

On March 14, UNHCR issued a two-page statement entitled "Missing Persons Following the Events of 29 December 2005."<sup>123</sup> The document describes how community-based associations, churches, and NGOs forwarded lists of missing persons to UNHCR, and how UNHCR collaborated with ICRC to "connect missing family members and answer queries about family members who may be in prison."<sup>124</sup> The number of those missing as a result of the forced removal remains unknown. Although the UNHCR document says that "some organizations have sent follow up inquiries of persons still missing over the last fortnight, and this number remains at less than five persons still missing,"<sup>125</sup> another list given to FMRS includes more than 23 names.<sup>126</sup>

UNHCR established an emergency housing and assistance fund at the Bank of Alexandria that was handled by CARITAS. Assistance was limited to Sudanese who had been at the demonstration from September 29 through December 29, and "whose names appeared on the list submitted to UNHCR by the leaders of the demonstration on 19 December 2005."<sup>127</sup> Sudanese were directed to different branches in Cairo depending on the first letter of their name. By January 18, the housing fund was exhausted. UNHCR claimed that 1,500 people had benefited from the assistance. There were also reports, however, that the bank had told individuals to come back after two weeks, which caused considerable frustration. Some reports indicated that more than 500 people claiming to have been at the protest came to the bank, but their names were not on the list submitted to UNHCR.<sup>128</sup>

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<sup>121</sup> See "Update 6.01.06: AMERA Coordination of Medical Assistances and Related Updates," document on file with AMERA.

<sup>122</sup> See "Report on the UNHCR Meeting on Separated Children and Missing People," 17 January 2006, document on file with AMERA.

<sup>123</sup> UNHCR, "Missing Persons Following the Events of 29 December 2005," 14 March 2006, document on file with AMERA and FMRS.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Document on file with FMRS.

<sup>127</sup> See UNHCR, "Announcement," 3 January 2006 (English and Arabic), facsimile on file with AMERA.

<sup>128</sup> See "UNHCR Meeting on Separated Children and Missing People," op. cit.

UNHCR directed those still in need of assistance to CARITAS or directly to the UNHCR Administration Office.<sup>129</sup> A UNHCR representative also stated that those released from detention would be assisted.<sup>130</sup> The agency said it would give blue and yellow card-holders released from detention LE300 to find housing.<sup>131</sup> Americans Aiding Refugees (AAR), a private charity, established the Sudanese Survivors of December 30<sup>th</sup> Fund, separate from UN resources. This charity directed donations toward medical attention, shelter, and other basic needs.

UNHCR and a Sudanese NGO, SUDIA, coordinated to address the issue of unaccompanied minors. UNHCR stated it would provide for foster care of children who had been orphaned as a result of the removal. It intends to channel funds allocated for an HIV prevention program to foster families in the Sudanese community who would take responsibility for 24 unaccompanied minors.<sup>132</sup>

UNHCR, AMERA, and the El Nadim Center for the Management and Rehabilitation of Victims of Torture collaborated in an effort to meet the mental health needs of those traumatized by the violence and suffering during and after the break-up of the demonstration. These groups coordinated with other service providers in Cairo. AMERA offered counseling to family members of the deceased, and it organized a meeting with UNHCR on January 15 to determine what would be done with the dead. After some negotiation, UNHCR agreed to pay US\$1,000 (through CARITAS) to each family and to facilitate the transfer of the bodies from the morgue to each of the families.<sup>133</sup> In March, more than two months after the forced removal, the money was disbursed. Families were also supposed to be able to decide whether to have the body transferred to Sudan or to have it buried in Egypt. However, as noted above, all of the bodies were buried in Cairo.

AMERA continues to provide crisis counseling for the immediate family members of the deceased and has received referrals for counseling for children traumatized by the violence. In addition, AMERA advocated successfully for assistance to orphans. Four were subsequently reunited with their grandparents in Sudan. Long-term mental health support for immediate family members is still needed. UNHCR and ICRC also need assistance in information dissemination regarding the deceased and missing so that families can be reunited.

Another concern centers on the belongings lost during the break-up of the demonstration. Allegedly, the Egyptian government is holding three truckloads of items in a warehouse in the Dahshur police camp but will not take responsibility for distributing them, claiming this is UNHCR's task.<sup>134</sup>

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<sup>129</sup> Ibid.

<sup>130</sup> See "Briefing at UNHCR on 18 January 2006," document on file with AMERA.

<sup>131</sup> See "UNHCR Meeting on Separated Children and Missing People," op. cit.

<sup>132</sup> Ibid.

<sup>133</sup> See "Meeting at AMERA-Egypt, 15 January 2006," document on file with AMERA.

<sup>134</sup> See "Briefing at UNHCR on 18 January 2006," document on file with AMERA.

## Local and International Reactions

### *UNHCR*

UNHCR's reactions to the eviction of the protest varied. The BBC quoted High Commissioner Antonio Guterres stating on December 30 that he was "deeply shocked at the deaths."<sup>135</sup> In a written statement, he declared that "although we still do not have all the details or a clear picture of what transpired...there is no justification for such violence and loss of lives."<sup>136</sup> Similarly, CNN stated on December 30 that Kofi Annan, Secretary-General of the United Nations, condemned the unjustified violence of the Egyptian security and regretted that the situation was not handled peacefully through dialogue according to UNHCR's demands.<sup>137</sup>

In contrast, Astrid Stort, the spokeswoman for UNHCR Cairo, declared that the Egyptian government had been patiently handling the situation of Sudanese refugees in cooperation with UNHCR. In a press conference attended by Goodwill Ambassador Adel Imam, she announced that several hours had been spent on negotiations with protestors from the beginning of the protest until the December 17 agreement. She added that UNHCR had asked the Egyptian government to end the protest peacefully and had not expected the high rates of injuries and death. She said that UNHCR understood the problems refugees face and that UNHCR tries to assist them to its fullest capacity.<sup>138</sup> Yet she also stressed that UNHCR needed to prioritize its assistance to refugees, alleging that many of the protestors were not refugees but economic migrants. Stort noted that UNHCR could not help prevent discrimination in Egypt, where unemployment is high.<sup>139</sup>

UNHCR noted that the Egyptian government reserved the privilege of ending the protest for the sake of Egyptian society. According to Stort, the Egyptian government had not been reluctant to handle the situation peacefully, especially given its special relationship with Sudan. She said that UNHCR was in full cooperation with the Egyptian government in conducting interviews with demonstrators in detention centers.<sup>140</sup>

The deputy representative of UNHCR Cairo, Dessalegne Damtew, meanwhile, denied that UNHCR had asked the government to end the protest: "Who are we to tell a sovereign government what to do? We have been giving the government updates and we reported the deteriorating health conditions at the park. We never requested the forced removal of the asylum-seekers."<sup>141</sup>

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<sup>135</sup> "Twenty Sudanese Die in Cairo Raid," BBC, 30 December 2005, available at <<http://news.bbc.co.uk/2/hi/africa/4568340.stm>>.

<sup>136</sup> "Annan Slams Cairo Protest Deaths," CNN, 30 December 2005, available at <<http://www.cnn.com/2005/WORLD/africa/12/30/egypt.sudanese/index.html>>.

<sup>137</sup> Ibid.

<sup>138</sup> Fawzi Mekhemer, "UNHCR's Spokeswoman: Protest Eviction Took Place Based on an Agreement by the Egyptian Government," *Al-Akhbar*, 4 January 2006.

<sup>139</sup> "Twenty Sudanese Die in Cairo Raid," op. cit.

<sup>140</sup> Fawzi Mekhemer, "UNHCR's Spokeswoman," op. cit.

<sup>141</sup> Gamal Nkrumah, "The Noose Tightens," op. cit.

The UNHCR is based on three foundations: providing human rights, protection and development....I have been in Egypt for four years and as a refugee I never had any of the these three basic rights. That is why I call upon the international community to interfere and address the problems of the Sudanese refugees here, so that the catastrophe which happened here will not reoccur.”

*FMRS interview with demonstrator, 14 January 2006*

### ***Egyptian Government***

Egyptian Foreign Minister Ahmed Abou-El Geit stressed that throughout the three months of the protest, Egypt’s role as a host country was to mediate between UNHCR and the protestors and to aid the beleaguered residents of the area. According to Abou-El Geit, Egypt played a leading a role in providing security to UNHCR, coordinating several negotiations, protecting refugees in Egypt, contacting Sudanese officials who promised refugees a secured voluntary return, and forming a committee that consisted of concerned Egyptian ministries to discuss strategies for ending the protest peacefully.

On December 22, 2005, the Ministry of Foreign Affairs received a letter from UNHCR stating that the situation had become critical in the park, that it was attracting media attention, and thus that it was affecting the image of the Egyptian government and UNHCR internationally. The letter requested that the Egyptian government end the protest.

Abou-El Geit stressed that ending the protest was not done on the government’s initiative and called attention to the fact that it had provided security for the sit-in for three months, allowing a protest in one of its squares. He also noted that the demonstrators had violated Egyptian law, as well as the refugee convention by breaking domestic law. He added that no other country in the world would allow refugees to protest in one of its most prominent squares for three months. He expressed his sadness at the deaths that resulted from the eviction; however, he stressed the distinction between the decision to end the protest and the events that followed.<sup>142</sup>

I did not imagine people were going to be killed....People say water canons were behind the deaths. It is not true—the water was aimed over their heads. Look at the documentaries to see this was a false claim.

*Minister of the Interior Habib El-Adly, Hadith Al-Medina TV program, January 27*

At a People’s Assembly soon after the removal, opposition groups and parties criticized the violence Egyptian security forces used. However, members of the National Democratic Party, who constitute the majority, as well as Mofid Shehab, noted the strong bonds between Egypt and Sudan. According to the majority of MPs, the Egyptian government violated neither international law nor the Geneva Convention. Like Abou-El Geit, Shehab stressed that the government has a responsibility to its citizens who were negatively affected by the protest.

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<sup>142</sup> Ahmed Abu El Geit, “Egypt’s Calls to Explain the Facts Behind the Eviction of the Sudanese Protest, UNHCR Did Not Direct Any Blame to Egypt,” *Al-Ahram*, 3 January 2006.

He ended his statement by saying that no other country would have allowed such a protest to occur on its territory.<sup>143</sup>

In the months following the sit-in, several demonstrators complained that they were being harassed and threatened by Egyptian police and security forces, who they said were using many of the same arguments put forward by the government officials above. The members of Refugee Voices, the group that first organized the protest, said that they were being interrogated, detained, and threatened with being spied on by the government and “friends of the security.” Several members said that security forces threatened to frame them for crimes such as drug-dealing and currency trading. They appealed for international protection from these humiliating and frightening tactics.<sup>144</sup>

### ***Egyptian Media***

Adel Imam held the protestors responsible for the deaths and injuries that followed the eviction. He argued that the Egyptian government tried to its full capacity to solve the situation through negotiations and to end the protest peacefully, but that protestors never wanted to reach an agreement with the other parties. “As a goodwill ambassador for refugee affairs, I have tried to mediate between UNHCR in Cairo and the refugees, but we never understood what they wanted—finally we realized that they wanted to be resettled. However this is not a simple matter because it has to do with international agreements and depends on acceptance by resettlement countries.”<sup>145</sup> He added that even after the protest ended, a number of refugees who were released threatened the staff at UNHCR and CARITAS, which in turn stopped providing support to the refugees.<sup>146</sup>

On January 1, *Al-Ahram* reported that 36 humanitarian organizations had declared that the Egyptian government had not violated international human rights law, specifically the 1966 Convention on Civil and Political Rights and Convention on Economic, Social, and Cultural Rights. It was also reported that the government had requested an intervention from the National Council for Human Rights.<sup>147</sup>

In an *Al-Ahram* article, Ambassador Masum Marzuk, director of the Sudan department in the Ministry of Foreign Affairs, attempted to clarify Egypt’s position regarding the eviction of the protesters. He said that the eviction was a response to the continuing calls by UNHCR to the Egyptian government to handle the situation and to the complaints of nearby residents, but that the government would have preferred to handle the situation peacefully through negotiations that the ambassador attended personally. He noted having witnessed the stubbornness of the protestors and their refusal of the Four Freedoms Agreement, which he

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<sup>143</sup> Refaat Rashad, Osama Saeed, and Mohamed El Fiqi, “People’s Assembly Discusses the Eviction of Refugee Protestors,” *Al-Akhabar*, 3 January 2006.

<sup>144</sup> Refugee Voice in Egypt, “Appeal for Group Protection and Humanitarian Assistance,” 23 February 2006, on file with FMRS.

<sup>145</sup> “UNHCR Did Not Ask for Investigations for the Eviction and Is Not Blaming Anyone,” *Al-Ahram*, 4 January 2006.

<sup>146</sup> *Ibid.*

<sup>147</sup> Emad Hegab, “According to 36 Humanitarian Organizations: Egypt Did Not Violate International Human Rights Law,” *Al-Ahram*, 1 January 2006.

claimed benefited the refugees specifically. According to Marzuk, refugees considered the park under the jurisdiction of UNHCR and not of the Egyptian government.

The ambassador said that the leaders of the protest were responsible for spreading misleading information to keep the protest going, including rumors that protestors who stayed in the park would receive aid or be resettled. He said that prior to the eviction, protestors had been warned yet had responded to these warnings with violence toward the security forces. Marzuk reminded people who had condemned the action taken by the Egyptian government that the government was previously blamed for not taking action. He praised the patience of the government in dealing with the stubborn protestors, who had refused all previous support.<sup>148</sup>

The main concern of many writers at *Al-Ahram* was to reiterate the positive relations between Egypt and Sudan, as well as to point out the negative impact refugees have on the economy of Egypt. Local newspapers often interpreted blame of the Egyptian government as a conspiracy against the relationship between Egypt and Sudan and argued that the incident should not become a wedge between the two countries.<sup>149</sup>

On January 5, 2006, *Al-Ahram* published a number of articles on Sudanese labor in Egypt. One article, an interview with the Minister of Labor, stressed that the ministry is only concerned with Sudanese laborers who are legally employed. Sudanese who entered the country illegally and who work in the informal sector do not fall under the ministry's mandate.<sup>150</sup> In *Sabah Al-Kheir*, an Egyptian magazine, an article entitled "Sudanese Brothers Refused All the Possible Solutions" blamed the protestors for the situation. It claimed that the spread of AIDS and other epidemic diseases was the main reason behind the eviction.<sup>151</sup>

### ***International Media and International Civil Society***

The *New York Times* reported that the Egyptian government had not only blamed the Sudanese and UNHCR for the eviction but that it had also threatened to deport more than 600 refugees who had no legal documents. It also stated that the way the government handled the situation has not been publicly questioned.<sup>152</sup>

Deirdre Clancy, director of the International Refugee Rights Initiative (IRRI), commented that the eviction appeared to be a "premeditated violent attack by state forces on a group of refugees and asylum seekers carried out with utter disregard for human life."<sup>153</sup> IRRI

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<sup>148</sup> Masum Marzuk, "Truths and Frauds Concerning the Issue of Protest Eviction," *Al-Ahram*, 15 January 2006.

<sup>149</sup> See Nadia Mansur, "Hababakum Ashara: The Slogan of Sudanese Communities" and "The Sudanese in Egypt Who Has an Important Value," Wagih Al-Saqar, "Refugees Dream of the Yellow Card," Nermine Qotb, "A Survey of What Has Happened: Citizens Criticize What Happened in Mohandeseen," *Al-Ahram*, 4 January 2006.

<sup>150</sup> Abd Al Azeem Al-Basel, "The First Conversation with the New Minister of Labor with Al-Ahram Newspaper: I am not responsible for the smuggled informal labor in Egypt," *Al-Ahram*, 5 January 2006.

<sup>151</sup> "Sudanese Brothers Refused All Possible Solutions," *Sabah Al-Kheir Magazine*, Issue 2609, 2 January 2006, pp. 10-11.

<sup>152</sup> See *New York Times*, 18 January 2006, op. cit.

<sup>153</sup> IRRI, "IRRI Condemns Horrific Attack on Refugee Demonstrators in Cairo," Press Release, New York and Kampala, 2 January 2006, available at <<http://www.refugee-rights.org/Newsletters/NorthAfrica/PR01-02-06.htm>>.

criticized the fact that only UNHCR had access to the detainees. Moreover, it claimed that local hospitals had been uncooperative in providing information about the number of injured and the number of dead in their morgues.<sup>154</sup>

The International Federation for Human Rights (FIDH) and the Egyptian Organization for Human Rights (EPHR) issued a condemnation of the violent action of Egyptian security forces and described the attack as a violation of multiple international standards that bind Egypt. FIDH called for an investigation into the eviction. It also called upon the Egyptian government to adopt a new law to guarantee the protection of refugees and asylum seekers.<sup>155</sup>

### ***Egyptian Civil Society and Opposition Parties***

On December 30, 2005, a number of Egyptian human rights NGOs issued a joint statement on the removal. They described the Egyptian Ministry of Interior as the real criminal, who knows no other way of dealing with opposition except through violence. They condemned the local media and newspapers for misleading the public by failing to convey the reality of the situation for refugees, who lived for three months in humiliation and hunger.<sup>156</sup> The NGOs called for a few concessions from UNHCR and the Egyptian government, including the release of detainees, the resignation of Minister of the Interior Habib El-Adly, a transparent investigation of the removal, publication of the names of the dead, and civil society access to detained refugees. They also encouraged condemnation by civil society of UNHCR and of the Egyptian government's treatment of refugees.

On January 9, 12 Egyptian NGOs, many but not all of the same ones that authored the December 30 statement, sent a letter to Louise Arbour, UN High Commissioner for Human Rights. The letter lamented the failure of UNHCHR to make any public statement regarding "the excessive use of force by Egyptian security forces."<sup>157</sup> The groups called for an investigation into what happened, including an examination of UNHCR's conduct. The letter concluded:

*At a minimum, we request that you publicly condemn the killing of dozens of Sudanese protestors, and take steps to ensure that the Egyptian government fulfills its obligations under international human rights law to investigate these serious human rights violations, bring their perpetrators to justice, compensate the victims, and halt any deportation without due process of law of any of the protestors back to Sudan.*

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<sup>154</sup> Ibid.

<sup>155</sup> The statement can be found at <[http://www.fidh.org/article.php3?id\\_article=2952](http://www.fidh.org/article.php3?id_article=2952)>.

<sup>156</sup> A statement by 12 NGOs in Cairo, 30 December 2005, document on file with FMRS.

<sup>157</sup> The letter can be found at <<http://eipr.org/en/press/06/0901.htm>>.



## COMMENTS AND RECOMMENDATIONS

FMRS put this report together in order to clarify what happened on that fateful morning and why, as well as to consider what can be done to ensure that it does not happen again. It is in this spirit that the following comments and analysis are offered.

A series of failures on the part of the Egyptian government and UNHCR, combined with unrealistic expectations and grave miscalculations on the part of the demonstrators and their leaders, resulted in the tragedies of the forced eviction. This is a complicated story with many actors, each of whom bears some level of responsibility for the unnecessary deaths of so many people, including 12 children, and the physical injuries and psychological damage to hundreds more. The incident further damaged already strained relations between UNHCR and refugees and between UNHCR and the government, as well as to the government of Egypt and its reputation as a host country. It will take a long time to repair this damage.

### **Egyptian Government**

The government showed remarkable restraint over the three months of the sit-in, but came under increasing pressure from UNHCR, the local media, and residents to remove the protesters. Under the Egyptian Emergency Law, the gathering was manifestly illegal, and it is to the government's credit that such a long period of time was given for the peaceful resolution of the issues between the demonstrators and UNHCR. Given the failure of negotiations, however, it was inevitable that the Egyptian authorities eventually intervene.

During the removal, Egyptian security forces did not offer protesters the choice to disperse peacefully, which might have averted the violence that occurred. Instead, a decision was apparently made at the highest levels to remove the demonstrators to unidentified detention centers. The authorities gave no clear or consistent information to protesters about the "camps" they were being transported to and refused to grant any requests for guarantees. In fact, misinformation about where the demonstrators would be moved meant that negotiations were compromised from the start: no guarantees concerning the "camps" could be offered because they were actually detention centers. This was very difficult for the protesters to accept, and consequently, neither they nor security officials had an avenue by which to avoid the confrontation.

Egyptian security used excessive and disproportionate force in removing the protesters, leaving no alternatives or avenues for escape. No allowances were made for the safety of the park's occupants, especially vulnerable groups such as children, the elderly, and the sick. Security forces entered the park from all directions at once, leaving nowhere for people to flee. They used indiscriminate violence, and there was no immediate medical attention available to injured protesters. Inadequate training in crowd control methods does not adequately explain the high number of casualties and injuries that resulted. This is clearly a matter for Egyptian and international human rights organizations to pursue.

In statements and in interviews with FMRS, government officials have chosen to deny that there was *any* police violence. Some claim that any violence was only in response to the protesters' aggression. Most eyewitnesses dispute these assertions. Given the substantial international media coverage, this denial seems shortsighted. It has also reduced the possibility of a dialogue about the lessons to be learned from the tragedy and what measures could prevent further incidents of the kind.

With attention focused on asylum seekers and refugees, and the issue discussed openly in the People's Assembly, this may be an opportune time for the government to seriously consider the passage of domestic legislation to detail and systematize Egypt's obligations under the 1951 and OAU refugee conventions, as well as to make its policies and procedures clear. Without transparency and clarity, asylum seekers and refugees cannot access services, and this translates into frustration that could lead to a repeat of the protest strategy. UNHCR has been encouraging the government of Egypt to articulate such laws, putting the legal responsibility for refugees back where it belongs, on the state party to the refugee conventions.

## UNHCR

UNHCR's mandate is the protection of refugees and asylum seekers. From the beginning of the sit-in, however, the agency adopted a hostile and confrontational attitude toward the protesting asylum seekers, refugees, and closed files. It issued statements that accused the protesters of everything from rumor-mongering to outright deception. It suggested that the demonstrators were not of concern to UNHCR, given that they included closed files and persons the agency claimed were economic migrants. UNHCR also implied that the protesters were responsible for keeping other, non-Sudanese asylum seekers away from its offices although the decision to "close" the office was made by UNHCR itself. The agency's claims drove a wedge between the various communities of concern and exacerbated the lack of communication between UNHCR and asylum seekers and refugees. Its attitude served to confirm the protesters' grievances and frustrations.

Throughout the sit-in, UNHCR exercised tight control over its public posture vis-à-vis the protest. It refused to allow its staff to go the Moustafa Mahmoud Park and interact with the refugees directly until December 17. The agency leadership insisted on meeting and negotiating only with the leaders of the demonstration, even as it was denouncing them as "self-appointed" and accusing them of creating false expectations to lure people to the park.<sup>158</sup>

In early statements, UNHCR placed itself squarely on the side of the government of Egypt, citing mutual concerns and interests. It repeatedly asked authorities to remove the protesters, albeit "peacefully," without demanding any substantive assurances that the intervention would indeed be peaceful. UNHCR staff members were present as bystanders during the evening of December 29, but no one from the agency was officially sent to intervene, despite requests by protesters and increasing evidence over many hours that the protest could end

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<sup>158</sup> See, for example, UNHCR's statement, "Rumours, Myths and Speculations Behind the Sudanese Demonstrations," op. cit.

violently. It is unclear what UNHCR could have done at that late stage. The die was cast, and all the agency could do was watch.

UNHCR took a number of grave risks concerning the safety of the population in the park. It must accept accountability for a number of failures and miscalculations that, at least indirectly, led to the tragic results.

### **The Protesters**

Leaders of the protest and the protesters generally must also bear some of the responsibility for the incident. The protesters remained adamant about their demands throughout the three months and refused to accept any compromise that may have ended the protest, such as that offered by UNHCR in the failed December 17 agreement. While the protest leaders did accept and sign the agreement with UNHCR, dissenting voices within the park succeeded in overturning the decision, despite warnings from supporters and friends, and convinced others to continue the protest.

It is understandable that the level of frustration that led to the protest in the first place and the sense of unity and solidarity achieved during the three months militated against a compromise. Nevertheless, the protesters should have been aware of the low likelihood that the authorities would allow the sit-in to continue indefinitely or that it would end peacefully. This was not the first time that authorities reacted violently to demonstrations in Egypt. Many refugees in Cairo have firsthand experience of police brutality, and the refugee demonstration in August 2004 was broken up violently.

Questions remain about whether everyone in the park made an informed decision to be at the sit-in, and whether the leadership actively sought to create and sustain unrealistic expectations. Also relevant are complaints about excessive control by the protest's security and organizing committees, particularly related to the public message and to punishment.

The protesters do not seem to have considered or planned for a possible intervention by the authorities. Some demonstrators thought they were under UNHCR rather than Egyptian government jurisdiction, and thus felt protected from the state's intervention. Given the number of vulnerable people in the park, especially children, the lack of planning by protest organizers was a tragic oversight.

The accountability of victims of violence is a complex and sensitive matter that is impossible to address here. It may be enough to say that the protest leaders had a responsibility to those who elected and followed them, and a particular responsibility to protect children and particularly vulnerable adults.

### **Long-term Thematic Issues**

A number of issues arise that require serious consideration by all parties if such a tragedy is to be averted in the future. They are the same problems and issues that led to the protest, and long-term solutions and programs are required to resolve or at least to ameliorate the

frustration and hopelessness that asylum seekers and refugees in Egypt feel. These issues include problems of communication and trust, the provision of adequate services that make life livable even in limbo, and a redefinition of responsibilities and roles.

### ***Information***

Topping the list is the need for adequate, thorough, and helpful information for asylum seekers and refugees in Egypt. The rumor mill that often plagues newcomers and long-term residents in Cairo and creates false and unrealistic expectations has to be dealt with in an active and comprehensive manner, involving everyone concerned. While the need for good and effective information sharing among all parties concerned has been evident for a long time, it was dramatically highlighted in the aftermath of the forced removal. Throughout January and much of February, most parties did not know where detainees were located, who died or was injured, and what emergency aid was available and where.

UNHCR, the Egyptian government, and organizations that serve refugee communities need to improve access to authoritative, useful information for asylum seekers, refugees, and closed files, as well as for Egyptian society and Sudanese community members. The information must include where to access services, as well as trustworthy details on resettlement prospects and the implications of various authorities' decisions. Refugees must know the policies of resettlement countries, the political dynamics developing between Egypt and Sudan as well as Egypt and UNCHR, and developments in relations between UNHCR and the population of concern. This is a challenging prospect, given the size of the refugee population widely dispersed in Cairo's urban setting.

Centralizing this information through the Web would be one helpful avenue. While many asylum seekers and refugees may not have access to computers or the Internet, some do, and they have a responsibility to share information with their compatriots. Service providers can also rely on such a service to accurately inform their clientele on a regular basis.<sup>159</sup> A recent effort by FMRS students, members of Student Action for Refugees, may be an auspicious beginning for such an effort.<sup>160</sup>

This recommendation applies not only to the need for accurate and helpful information, but also to a reconsideration of its purposes. Beyond simply informing refugees about a particular fact or service, the parties involved must clarify why such a fact or service needs to be known and how to make use of it. For example, UNHCR issued a one-page brochure about its blanket decision to suspend RSD interviews for Sudanese asylum seekers, which may not have been enough. UNHCR might have also organized community meetings to announce the decision and offered more thorough explanations of the reasons for the decision.

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<sup>159</sup> See "Services for Refugees" on the FMRS Web site for an annotated list of organizations that provide services for refugees. This list provides only basic information and needs constant and regular updating, which FMRS sometimes fails to do.

<sup>160</sup> "Refugee Online: The Use of the Internet as a Source of Information and Community-building in Cairo," proposal presented at the FMRS Wednesday Seminar, 17 May 2006. For more information, email [fmrs@aucegypt.edu](mailto:fmrs@aucegypt.edu).

UNHCR has a particular responsibility to coordinate efforts in this regard.<sup>161</sup> There has been a long-standing problem of communication between refugees and UNHCR, and the agency needs to re-examine the “fortress mentality” it periodically exhibits. UNHCR must assess how to rebuild trust, communication, and relationships with the Sudanese asylum seeker and refugee community. A communications strategy may include regular community visits to evaluate needs and share information, the publication of frequently asked questions in accessible and straightforward language, and taking account of the different languages spoken by the various refugee communities. Regular examination and evaluation of how information is publicized and distributed needs to take place, and this can happen in cooperation with partner agencies and service providers. This, of course, requires additional resources from Geneva, which may be difficult to come by, but it is necessary if similar crises are to be avoided. The key is open and transparent communication with the communities concerned. UNHCR needs to rebuild faith in its role as an agency that serves people in need and not only the governments that provide funds.

The government of Egypt also has significant responsibilities in making known to the refugee community what services it is prepared to provide. In particular, the government must work to improve the flow of information from the policy-formation level to implementing bodies, including schools and healthcare providers, and to cut back bureaucratic and fee-based hurdles that hinder access to these bodies.

### ***Racism***

Part of each party’s effort to disseminate accurate information should be to overcoming the reasons people sometimes stay away from, for example, certain service centers for reasons of assumed racism or selectivity. In this regard, Cairo’s Sudanese community has a significant responsibility to ensure that accurate information is available to refugees, to dispel damaging rumors and unrealistic expectations, and to attempt to break down self-marginalizing attitudes and behaviors.

This, however, needs to be complemented by serious educational efforts aimed at Egyptian society generally, to confront the racist attitudes demonstrated by sectors of the general Egyptian public and by Egyptian media, security forces, and police. Educational programs in schools as well as public workshops and other educational efforts should aim at relaying information on why asylum seekers seek protection in Egypt, the living conditions and hardships faced by them in Cairo, and the historic relations between Sudan and Egypt.

It is particularly incumbent upon the Egyptian government to include refugee matters, including refugee law, in its training of police and security forces. Educational institutions such as the American University in Cairo can provide these services, as well as special programs to educate the media and civil society. All need to work together to dispel racism and resentment, in part through education about the struggles and rights of refugees and asylum seekers. All need to work to create programs on international refugee law and on international responsibility toward individuals who have lost the protection of their countries

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<sup>161</sup> UNHCR hosts a bi-monthly Inter-Agency Meeting, where information is shared amongst service-providers and partner NGOs. However, this meeting is by invitation only and does not include refugees. It is designed for the service providers themselves only.

of origin.

The charge of racism has often been levied at the private security personnel employed by UNHCR itself. It is incumbent upon UNHCR to ensure adequate training for its personnel, even if they are formally employed by a private security firm. In the final analysis, UNHCR is responsible for the treatment of its clients from the moment they first approach its offices.

### ***Living Conditions***

Both the government of Egypt and Sudanese asylum seekers see Egypt as a transit country for refugees. They share a preference for rejecting longer-term programs that may ameliorate difficult living conditions with the expectation that, soon enough, refugees will be resettled to another country. Experience has shown that relatively few are resettled and that the majority has to resign itself to many years of life in limbo. Yet life goes on and families need adequate shelter and food and children need schooling. They need a life as normal as possible even if the legal situation is temporary and the future has yet to be resolved. This is the purpose of the rights granted to asylum seekers and refugees by virtue of the 1951 Convention.

The daily difficulties faced by asylum seekers, recognized refugees, and closed files create a situation that is untenable if it lasts for years. The government of Egypt needs to recognize that refugees are a special population with special needs. The 1951 Convention and its regional version, the 1969 OAU Convention, provide for a set of rights and privileges that people must enjoy even as they wait to be repatriated or resettled. Different degrees and levels of rights are provided for by the conventions,<sup>162</sup> and meeting those needs should be a priority for the government of Egypt and for UNHCR.

In particular, the government of Egypt must facilitate the acquisition of work permits by asylum seekers and refugees. It is not enough to say that refugees have a right to work, and then to deny them permits. The ability to work legally would go a long way toward helping this group be self-sustaining and less reliant on the minimal aid provided by UNHCR and its partner agencies. It would enable families to pay school fees for children and to effectively provide for other needs. Legal work would also minimize the exploitation faced by many, as they work “under the table” or in a shadow economy without any protection or recourse. Most of all, the ability to work would make possible a life of self-reliant dignity for asylum seekers and refugees. Lastly, it is important to note that working-age refugees number in the thousands and would not significantly affect the government’s efforts to ensure employment for its own citizens. For example, there should be no reason to deny a work permit for those refugees who can self-employ.

### **In Closing**

Six months after the violent break-up of the demonstration, the situation for refugees is as difficult as it has ever been, and in some cases even worse. Many employers have dismissed Sudanese refugees and asylum seekers out of a generalized fear of “trouble,” and youth

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<sup>162</sup> Some rights under the convention should be equal to those exercised by nationals of the host state, such as elementary education, while others are to be enjoyed at a level at least equal to aliens in the same circumstances.

violence in the community is escalating to dangerous levels. Other than shedding light on the difficult situation that asylum seekers and refugees face in Egypt and highlighting the importance of paying attention to this situation, the tragedy has changed very little on the ground. The government of Egypt has not done enough to meet its legal obligations toward asylum seekers and continues to relegate all matters related to refugees to UNHCR. UNHCR, in turn, continues to implement its mandate in the same fashion, with few significant changes, under the same financial and human resource constraints as before. The population of refugees in Egypt continues to fend for itself, for the most part, dealing with the same constraints, hostilities, and difficulties it has always dealt with in the effort to survive and find some avenue for hope.

## APPENDIX A

### List of Protester Demands with Commentary

1. *We, the Sudanese refugees in Cairo, fear that UNHCR or the Egyptian government will impose compulsory involuntary repatriation to the South because we read in UNHCR's newsletters about repatriation how things have improved there. We have contrary information and are afraid to return.*

This point relates to potential repatriation to Sudan as a result of the January 9, 2005, Comprehensive Peace Agreement between the government of Sudan and the Sudanese People's Liberation Movement (SPLM), which formally ended the country's long-standing civil war. As a result of formalized peace, it is likely that formal refugee status will be harder to access for southern Sudanese. Repatriation has become a favored solution for UNHCR; indeed, UNHCR has asserted that it is now safe for many refugees and asylum seekers to return to Sudan. This controversial repatriation program provides UNHCR aid to Sudanese who voluntarily return to Sudan. Many southern Sudanese in Egypt do not, however, believe that it is safe to return and fear being forced to do so, either directly through policy or indirectly through lack of alternatives and unlivable conditions in Egypt.

In its earliest version, this option read, "The Sudanese refugees object to the UNHCR program of compulsory voluntary repatriation [sic]." The version of the list released by UNHCR states, simply, "Sudanese refugees reject any notion of voluntary repatriation."

2. *Because of racial discrimination and no protection from it, and lack of the right to work, health, and education, we can see no possibilities of our integrating into Egyptian society, even temporarily.*

Local integration is the reality faced by the great majority of Sudanese refugees and asylum seekers in Egypt. Many feel that this option is impossible because of the high levels of discrimination and racism in Egypt, as well as extreme difficulties in finding employment and education. There is also widespread distrust of the Egyptian medical establishment, with accusations of black market organ dealing and malpractice circulating widely.

While Egypt was a drafting member of the 1951 Convention and, in 1954, the first Arab country to welcome a UNHCR office, its signing of the document itself was contingent on five specific reservations to the Convention itself: "article 12(1) (personal status); article 20 (rationing); article 22(1) (access to primary education); article 23 (public relief and assistance); and article 24 (labour legislation and social security)."<sup>163</sup> As a result of these reservations, Egypt has maintained the right to deny refugees employment, education, and legal status. These measures have considerably challenged refugees' ability to integrate into Egyptian society. Egypt, while maintaining a large number of refugees within its borders,

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<sup>163</sup> Sherifa Shafie, "FMO Research Guide: Egypt—Needs and Responses: Policies Towards Refugees," *Forced Migration Online*, June 2005, available at <<http://www.forcedmigration.org>>.



“officially...does not support the policy of local integration as one of the durable solutions to the refugee problem.”<sup>164</sup>

*3. We believe that UNHCR is making unfair distinctions between Sudanese refugees according to their ethnic/geographical origins in Sudan.*

Demonstrators maintained throughout the protest that there is a distinction between being considered refugees (what they considered a unifying quality) and being considered tribes or of different geographical origins (potentially divisive). While vehement about national solidarity and “unity in the park,” it is quite possible that alternative motivations include worries about a blanket policy for all Sudanese. While UNHCR distinguishes the South as safe for return, it does not look at the Darfur region so optimistically.

*4. We ask UNHCR to intervene on behalf of those refugees who have been arbitrarily detained by police and seek their release immediately.*

Egypt’s prison population quite possibly includes refugees, but information regarding who and how many is difficult to acquire and access to this population is limited. UNHCR has successfully intervened in a number of cases to have recognized refugees released, notably following a January 2003 police operation dubbed Operation Track Down Blacks, during which many Sudanese were arbitrarily detained. Stories of arbitrary arrest and detention by Egyptian authorities are ubiquitous in the Sudanese refugee community.

*5. We believe that UNHCR is obliged to consider each refugee’s prospects for the future on an individual basis.*

This point alludes to the fear that all cases from South Sudan will be rejected, rather than considered individually.

*6. We fear the application of the Four Freedoms Act, signed between the Sudanese and Egyptian governments, because we do not know how it will affect the refugees who do not have passports but hold refugee status IDs. There is no guarantee that it will provide us access to work and education and may put us out of reach of UNHCR protection.*

The reciprocal Four Freedoms Agreement, signed by the governments of Sudan and Egypt before the suspension of UNHCR RSD interviews in 2004, creates allowances for freedom of movement, residence, employment, and property ownership between Sudanese and Egyptian citizens. The demonstrators were unsure of the effects of this agreement on their status or potential future status. Many saw the act as jeopardizing their refugee status and opportunities for resettlement. UNHCR has maintained that its function in Egypt will remain “as necessary and required.”<sup>165</sup>

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<sup>164</sup> Grabska, op. cit., p.74.

<sup>165</sup> UNHCR, “Rumours,” op. cit.

*7. We fear the presence of Sudanese National Conference personnel in Egypt and ask UNHCR to ensure our protection from them.*

In an October 30 response to the demonstrators' requests, UNHCR Cairo suggested, "the claim that Sudanese security agents frequently abduct and torture refugees in Egypt is more self-serving than anything else. Why would the Sudanese Government be interested in southern Sudanese in Egypt who are only the victims of the 21 years civil war, which in any event has now come to an end?"<sup>166</sup> There is evidence, however, of harassment of refugees by Sudanese officials, including an incident at the demonstration itself. Protesters reported that Sudanese embassy vehicles would regularly circle the sit-in and that representatives from the Sudanese government entered the prisons where former demonstrators were held.

*8. We request UNHCR register Sudanese asylum seekers immediately on arrival because delays threaten their protection.*

While unregistered in Egypt, Sudanese in flight are in danger of being forced to return to Sudan without the benefit of recognition of their official presence in Egypt and the temporary protection offered by a yellow card. UNHCR maintains that it is a matter of policy to register asylum seekers as quickly as possible. During the three months of the protest, the UNHCR office became more inaccessible. Many Sudanese report being turned away from making inquiries of any kind at the UNHCR offices, before the sit-in and after repeated visits.

*9. We call upon UNHCR to help us locate the missing. Sudanese refugees that we have identified.*

UNHCR is aware of some number of Sudanese who have left Egypt for such places as Libya and Israel "in an irregular manner," and strongly suggests that this is due to the "spouse abandonment [which] is quite widespread within the Sudanese community in Egypt" and the "lure of resettlement."<sup>167</sup> However, it is widely suspected within the Sudanese community that many of their kin have been victims of foul play, prolonged detention, human trafficking, and other fates while in Egypt.

*10. We implore UNHCR to reconsider their criteria for assisting vulnerable refugees, in particular elders, unaccompanied minors, and women who are currently being denied financial support.*

In its response to this request, UNHCR said that it already prioritizes care for the most vulnerable. Funding is limited, however.

*11. Because most files that are now closed were closed when procedures for RSD at UNHCR were faulty, in the interests of fairness, we request UNHCR to reconsider the files of those Sudanese refugees which have been closed.*

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<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

It is thought that RSD procedures were faulty because asylum seekers were not being considered under OAU guidelines, which would give all Sudanese asylum seekers *prima facie* recognition as a result of the situation in their country. The UNHCR deputy regional representative stated that the agency only uses its own statutes, including the “extended definition,” which mirrors the OAU guidelines.<sup>168</sup>

*12. Realizing that Sudanese refugees are faced daily with discrimination and violence and a denial of their human rights, we urge UNHCR to pursue resettlement for as many of the most vulnerable cases as possible.*

Only a portion of refugees are accepted for resettlement. Refugees view this as the most favorable option because local integration is fraught with difficulty and repatriation is viewed by most as dangerous. Both UNHCR and media coverage tended to focus almost entirely on this last point—the desire for resettlement—which undermined some of the legitimate complaints put forward by the protesters.

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<sup>168</sup> Dessalegne, *op. cit.*

## APPENDIX B

### The December 17 Agreement



Cairo, 17 December 2005

UNHCR, considering the best interests of an estimated 2000-2500 Sudanese demonstrators in Mostapha Mahmoud park, mindful of the hardship that the current demonstration is causing to many persons, especially to women and children, and desirous of finding a satisfactory resolution to the demonstration within the requirements of the law of the host country and the abilities of UNHCR, makes the following offer to those persons taking part in the demonstration as a means of resolving the issue:

**1. Persons demonstrating in the park and named on a definitive list provided to UNHCR by the leaders of the demonstration:**

- 1.1. This offer shall apply to all Sudanese nationals present in Mostapha Mahmoud park who are named on a definitive list drawn up by the leaders of the demonstrators under the supervision of the UNHCR.
- 1.2. All individuals named on the list will be processed as follows:
  - 1.2.1 All blue card holders will have their durable solutions reviewed according to standard UNHCR criteria relating to durable solutions.
  - 1.2.2 All yellow card holders (including those newly registered) will have their files reviewed for any valid claims that qualify their case for refugee status determination and will be appropriately counseled. If any yellow card holder demands that refugee status determination (RSD) should be conducted in their case, the individual will be provided with an appointment for refugee status determination to be conducted. However, if such persons are refused status as a result of the refugee status procedures, that individual will no longer be of concern to UNHCR and will no longer be eligible for ongoing assistance from the UNHCR.
  - 1.2.3 All persons not registered with UNHCR will be immediately registered as asylum seekers and issued yellow cards.

- 1.2.4 All persons with closed files will have their case reconsidered for refugee status determination (RSD) in light of new circumstances in Sudan.
- 1.3. All recognized refugees and asylum seekers registered with UNHCR and holding valid yellow cards issued since 1 June 2004 and who are named on the list will be assessed according to standard UNHCR criteria for ongoing assistance (financial, medical and education).
- 1.4. All persons named on the list will be brought as of 18 December 2005 to UNHCR in groups of 20 persons to be scheduled for processing of their case. Priority for processing will be given to those individuals who fall within UNHCR assistance needs criteria (aged and infirmed, sick or disabled, single women, single parents, unaccompanied children). Included in this criterion will be those persons who have come directly to Egypt from Darfur.
- 1.5. All cases named on the list will be eligible for a “one off” financial assistance for housing. This shall apply to any case whether they are a registered asylum seeker, recognized refugee, closed file or have not registered with UNHCR.
- 1.6. Once the individuals’ needs are addressed as above, those who are able to make their own way to their homes will then be able to leave the office. Those persons who are not able to make their own way to their homes will have appropriate arrangements made by UNHCR.

## **2. Voluntary Repatriation:**

2.1. Sudanese refugees and asylum seekers who wish to repatriate can approach UNHCR for **voluntary** repatriation registration, either during the processing for assistance or at any time thereafter. Those registered with UNHCR for voluntary repatriation may be assisted to go by plane directly to Juba, with charter flights organized by UNHCR once a minimum number of people have registered. Small repatriation grants are also available. On arrival in Juba, returnees are given food and other essential items.

## **3. Those persons not present in the park and not named on the list**

3.1. UNHCR procedures allow any person whose refugee status application has been refused and whose file has been closed to request the reopening of her/his file on a case by case basis. All reopening requests must be in writing to UNHCR. Reopening requests are considered where new elements justifying reconsideration of the case are submitted in the request.

3.2. Any person from Darfur previously registered with UNHCR whose file was closed may approach the UNHCR office and obtain a Yellow Card.

3.3. Any asylum seeker issued a yellow card since 1 June 2004 may benefit from UNHCR assistance so long as they meet the established UNHCR assistance criteria.

**4. New Comers:**

4.1. UNCHR will continue, as in the past, to register all new-comers from Sudan and issue them a Yellow Card with which they can obtain a renewable six month residence permit. Registration will be based on a thorough interview which will help UNHCR to identify any individuals with particular vulnerabilities which may require special assistance and/or protection.

**5. Consultations with UNHCR**

5.1. For follow up to the problems presented by the Sudanese demonstrators in the park and any other needs that may arise in the future, UNHCR Cairo agrees to hold monthly meetings between its senior management and the demonstration leaders.

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With the acceptance of this offer, the sit in will come to an end. The persons named on the list mentioned above will be processed in the manner set out in this offer and vacate the park as soon as the initial processing is completed and is in any event before 22 December 2005.

Signed by five leaders of the demonstration