

# **The Human Trafficking Cycle:** *Sinai and Beyond*

Brussels, 4 December 2013

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## **The Human Trafficking Cycle: Sinai and Beyond [Draft]**

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### **Draft version**

This is a draft version of the book to allow a discussion of its content so that errors can be removed. A final version will be published in January 2014.

This publication is part II in a series of publications by the same authors, the first being: *Human Trafficking in the Sinai: Refugees between Life and Death* (Wolf Legal Publishers, 2012).

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**Disclaimer (Chapter 2):** All characters in chapter 2 are fictitious, but based on real characters and the real testimonies of Sinai survivors and refugees.

### **General disclaimer**

For security reasons and because of limited access to the Sinai region, it was not possible to crosscheck all information provided by the refugees in the interviews. Interviews were provided by interviewees who were distressed. For these reasons it is possible that some of the information given might not be accurate. If you have additional information, or believe that the information presented in this report is (partly) incorrect, please inform the authors. Further scientific research including data collection on the ground is required to verify the practices described in this report. To improve the readability some of the statements of the refugees were slightly amended and to ensure the safety of those interviewed some names and other identifying characteristics have been changed.

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This book is dedicated to 3-year old Lamek, whose mother died in a Sinai torture house, and to 1-year old Ra'ee, who was born in a Sinai torture house, and to all who perished in the Sinai, or at Lampedusa or somewhere else along the route. May there always be hope.

### **RIP angel**

by *Selam Kidane*, 6 October 2013

I wonder what she called you, little one?  
Your precious Mama...  
Maybe she called you Berhan? ... my light  
Or did she call you Haben? ... my pride  
She may have called you Qisanet... after rest she yearned  
Or were you Awet? ... Victory ...  
Tell me little one did she name you after her hope?  
Or her aspirations ... her dream?  
Did she call you Amen as end to her prayers?  
Did she name you after the saints your Grandma prayed to?  
or were you named afther the brother she lost in prison?  
Maybe after her father long gone?  
Did she name you ... Sina ... after the desert she crossed?  
Or Eritrea ... the land she reluctantly left...?  
Perhaps she named you for the land you were to inherit?  
Tell me little one what did you precious Mama call you?  
... For I can't bear you being called number 92...

**Available at:** <http://www.asmarino.com/writers-corner/1873-rip-angel#addcomments>

### **Requiem**

by *Tekle M. Woldemikael*, November 2013

...We will dice and slice the causes of this tragedy endlessly. Let us not go there yet. Not yet, it is too early. It is not even the past. I do not want to go there yet and I want you to stay with them, stay with these young people for a moment, and feel their fears and the horror of their last minutes on this earth. Do not dismiss them as dead yet for in my mind, in our collective mind, they still are here in the waters, they are here, drowning, drowning, drowning; gasping, gasping for air; swallowing, swallowing the salt water; gripping, gripping for something solid for anything that can give them safety, life.



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If you believe there are any errors in this publication or you would like to make comments or provide additional information, please contact the authors.



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## Acronyms

EEPA	Europe External Policy Advisors
EU	European Union
ICER	International Commission on Eritrean Refugees
ICCO	Interchurch Cooperative for Development Cooperation
NGO	non-governmental organisation
PFDJ	People's Front for Democracy and Justice
UN	United Nations
UNCLOS	UN Convention on the Law of the Sea
UNHCR	United Nations High Commissioner for Refugees
US	United States
USD	United States Dollar

Exchange rate (23 November 2013):

1 USD = 15.3 Eritrean Nakfa (ERN)

1 USD = 6.9 Egyptian Pound (EGP)

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Brussels, 4 December 2013

Mirjam van Reisen, Meron Estefanos, Conny Rijken



## Explanation of terminology

The Sinai trafficking has its own idiom, which can only be understood within the context of this phenomenon. Here the principal terms are explained:

**African graves:** These are the collective grave-holes in the Sinai into which the hostages who have died are thrown.

**Bedouins:** Bedouins originate from around the Red Sea and are related to the Hidarib in terms of dialect and ethnography and consist of Beja (who speak Bedawiyet).

**Detention camps (in Egypt):** The detention camps in Egypt are police stations or prisons where immigrants and former hostages are imprisoned. Visits to these facilities by international organisations such as UNHCR are not allowed.

**Group protection:** A general policy regime in Israel for all refugees or migrants of Eritrean origin that provided a legal status until 2012.

**Hidarib:** Pastoralists living in the Horn of Africa, related to the Bedouins.

**Holding areas:** These are areas in the Sinai where the hostages are collected and wait (for weeks or even months) for further transportation. The hostages are guarded and shot or killed if they try to escape.

**Infiltrators:** In Israel the term ‘infiltrators’ is used to refer to African migrants and refugees. The term dates back to the ‘Infiltrators Law’ introduced in Israel after the Nakba in 1948 and is widely used by politicians and the media. In 2012, the term was officially used to refer to asylum seekers from Africa in the so-called new ‘Infiltrators Law’.

**Migrants:** In Egypt and Israel the term ‘migrants’ is used to collectively refer to people of African descent who have travelled to Egypt or Israel and can include labour migrants, but also includes refugees or victims of abduction and trafficking.

**Rashaida:** The Rashaida are related to one of the ancient Bedouin tribes originally from Saudi Arabia.

**Sinai hostage:** A person held hostage in a torture camp in the Sinai and a victim of Sinai trafficking.

**Sinai smuggling:** The process of smuggling migrants or refugees through the Sinai without force and without extortion, torture or killing.

**Sinai survivor:** A survivor of Sinai trafficking who may be held in a detention camp or free.

**Sinai trafficking:** This is a relatively new term coined to refer to the specific phenomenon of trafficking in persons in the Sinai, which started in approximately 2009 and is part of an identified pattern of abduction, torture, extortion, commoditisation and killing.

**Sinai trafficking victim:** A person who has been subjected to Sinai trafficking and who is either a Sinai survivor, Sinai hostage or who has been killed in the Sinai while being trafficked or after release.

**Sudanese:** In the Sinai and Israel, African migrants are sometimes identified as ‘Sudanese’. The reason for this is that the first wave of African refugees at the beginning of the millennium came from Sudan (Darfur). At present, the majority of African refugees are coming from Eritrea, but also include some Tigrayans, Oromo (from Ethiopia and Sudanese principally from Darfur) and Somalis. These tend to be collectively designated as ‘Sudanese’.

**Torture houses:** These are the houses in the Sinai desert in which the Sinai hostages are held and tortured.

**Warehouses (also magazines or stores):** These are the places in the Sinai where the Sinai hostages are collected and from where they are moved to their next location. These warehouses sometimes also function as auction houses where human beings are auctioned for trafficking or slavery.

# Chapter 1. Introduction

*Erik Borgman\**

## **We should be aware of it**

We should be aware of it by now. We should be aware that on our planet millions of people are adrift. Some wander because they crave for a safe haven to protect them from the violence that threatened them at home. Others try to escape the extreme poverty that characterises life in their land of birth. Some are victims of ethnic cleansing. Others are trafficked to provide cheap labour or sex, as modern slaves. And then there are those that are kidnapped, tortured, extorted and blackmailed.

Governments and policy makers in the Western world speak about people adrift as a threat to the security and prosperity of their constituencies. And then, sometimes, out of the blue, these people are pictured as tragic victims of heart breaking circumstances – as if these circumstances are not part of the world we are constantly co-creating and as if these victims are not our responsibility. Every once in a while a boat full of what are misleadingly called ‘asylum seekers’ capsizes and sinks in the Mediterranean Sea. The Mayor of Lampedusa then laments the impossible job the people of his island have in providing food and shelter in what is labelled a refugee ‘crisis’. The president of Italy explains the unfairness that lies in the fact that his country has to take the entire burden of people trying to enter the European Union from Africa. There is talk of measures and new, fairer arrangements. In July 2013, Pope Francis visited Lampedusa, mourning those who drowned and denouncing the indifference of the world.

On 3 October 2013, another boat carrying mostly people from Eritrea sank. The Italian Government announced that the 366 victims would receive a state funeral. After their meeting held the same month, Europe’s leaders expressed their moral outrage. But what European leaders proposed reveals that, in fact, they would not change their migration policies.

## **Seemingly counting for nothing**

However, what happened to the bodies of those drowned in the Mediterranean Sea on 3 October was even more astounding. All but two of the victims were Eritreans, who were offered posthumous Italian nationality. Meanwhile the survivors, many of whom had lost relatives in the tragedy, were put in the

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detention camp on the island. The victims were quickly buried without the presence of the survivors in various places in Lampedusa. The preparations for the state burial were stopped. The Italian Government organised a commemoration service instead, which was attended by the Ambassador of Eritrea, the country that the dead had tried to escape. The survivors, who were locked up, were unable to attend the service. In Eritrea, the government forbid mourning ceremonies and ordered that all obituaries be taken down.

The history and fate of the people adrift seems to count for nothing. They are only seen when they 'interfere' with those who consider themselves the real owners of history. But they are there, among us – bodily present and in need of food, shelter, protection, company. That should count for something. Sometimes they succeed in becoming legal in our world. Sometimes they are detained and, after a while, deported back to where they came from. Sometimes they are sent from country to country, without money or means of existence, in search of a place where they can file their request to become legal refugees. Many end up wandering, unable or unwilling to go back to where they came from; not allowed to stay where they ended up. They survive. They sleep in parks, in improvised tents or in the open air. They manage to find small rooms in dilapidated buildings, often without decent plumbing or fire escapes, often highly overpriced. But who will protect them from the slumlords and others who try to exploit them? Unrecognised in their dignity they become a 'problem' to solve, or to ignore, or a commodity to use and profit from.

Sometimes, almost as if accidentally, there are people who recognise them as human beings and try to support them, try to help them when help is needed, try to make them feel human again. And succeed at least somewhat.

### **Hell protesting against hell**

We know from history that there have always been holy places. Places where the Divine is present in a special way and where the ambivalence that characterises human history is not dominant. Places where light, goodness and meaning are concentrated. There have probably also always been unholy places, places of meaninglessness, of darkness, of death. Places where everything people are afraid of seems present. Places that come to symbolise evil. We, modern people, consider ourselves to be rational and we try to forget that we also have these symbolic places that stand for everything we want to get rid of, want to exclude from our lives and ban from our world. But we have them alright, whether we admit it or not.

Because the existence of these places is denied, nobody takes responsibility for what happens in situations we dare not look at. There are people in what we consider, and not without reason, places of doom which we rather would avoid and ignore. However, is this a message we can give to our fellow human beings:



“We are sorry, but you are doomed, we cannot stand what we see and hear when we look at your life and hear your story.”? Probably not, but we still try.

Sometimes that which we try to expel breaks through and it becomes clear that it is impossible to ban it from hearing and sight, impossible to ignore. People feel compelled to take responsibility. One of the authors of this book, Meron Estefanos, an Eritrean woman living in Sweden who hosts a radio show for Eritreans in the diaspora, was confronted with a growing number of stories about people being abducted, trafficked and kept hostage in the Sinai desert where they were tortured by their abductors to make their family pay a ransom. This is the ultimate commoditisation of people!

Being a journalist, Meron started to investigate what was in fact happening. Others became involved; people who also could not ignore the stories of human tragedy that they were being told. The Sinai desert, which for ages has been a symbol of disorientation, hunger, thirst, lack of shelter, lack of meaning and order, seemed to reveal itself in these stories as a place of evil, as a contemporary hell – but with real, living people in it, real suffering, real cries for help, real appeals for compassion and fellowship. It was hell protesting against hell, evil confronted by the cry against evil that is present in the midst of evil. In my view we cannot just notice evil, and then try to ignore it, because being constantly aware of it, is too much to bear. The protest against evil should also be heard. And responded to.

### **Giving a voice**

Responding to the protest against evil is not without danger. Sometimes evil is so strong that it seems to encapsulate even the protest. And, it could be argued that, if nobody cared that people are being tortured and killed, they would not pay the ransom and the abduction, the trafficking and the torture would stop. And, the fact that the ransoms are being paid by the desperate family of the victims and acquaintances has raised the price considerably: from 1,000 USD when it all started in 2009 to 30,000 to 40,000 USD now, and sometimes even higher.

But how can human beings be indifferent to what is happening to their loved ones; how can we be indifferent to what is happening to our fellow human beings? Indifference cannot be a weapon against indifference and contempt. Indifference dehumanises us already on a devastatingly large scale. We cannot but protest against indifference, siding with those who beg to be noticed in what is happening to them. At least, that is how this book is written: from the belief that the cry for help and the cry to be heard and seen and to not be alone should be the starting point from which a new kind of community can grow, even if the only thing one has to share is despair.

One of the poems on the opening pages of this book is a reaction to a coffin with a child's body, simply marked '92'. It is the body of one of the unidentified victims of Lampedusa, prepared for burial. Selam Kidane, an Eritrean human rights activist living in Great Britain, laments that it is unbearable that this child does not even have a name by which to be identified as the unique person he has been, related to other unique persons to whom he was precious and who were precious to him. On one level, this book is a monument to the people who live in hell, but are still naming themselves, still attempting to tell us who they are and the stories that are important to them, because these stories constitute their lives. The Sinai may seem to be a place of evil, a place to be avoided as much as possible. But it is also the place of their stories, their lives, their struggle – a place that compels us to listen to these stories and to let ourselves be engaged by these stories.

This book gives these people a voice, a place in which to put their stories; stories about what is happening in the Sinai. This book also exposes the reader to these stories – not to tell us to engage, but to make it self-evident that we must engage.

### **Freedom from fear and want**

After World War II the Universal Declaration of Human Rights was drafted. In December 1948, it was adopted by the General Assembly of the United Nations. In the second clause of its Preamble, the Declaration reminds the world how in recent history

...disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.<sup>1</sup>

One sometimes wonders whether this aspiration still exists. Because, if it does, why is it so difficult for those who do not enjoy freedom of speech and belief, and freedom from fear and want to make themselves heard? Would at least a firm interest in their plight and in their struggle to survive and a desire to change their situation not be a necessary expression of our recognition of their inherent dignity? As the Preamble of the Universal Declaration states in its first clause, this recognition is “the foundation of freedom, justice and peace in the world”.<sup>2</sup>

The authors of this book attempt to honour the dignity of the Sinai victims by documenting their stories. These people have been kidnapped, trafficked, tortured and extorted. If they somehow manage to survive these ordeals and end up in Israel, Egypt or Europe, they are routinely treated with indifference, contempt and, sometimes, outright hatred. They are still not seen for who they

are. This sometimes drives them to despair. On 2 July 2013, an Eritrean Sinai victim who had been jailed for a year in Saharonim, a detention centre in Israel where illegal immigrants – mostly from Africa – are imprisoned, sent an open letter to the world stating:

There were about 176 Eritrean in ward three. We went on a hunger strike on Sunday 23-06-2013 in the morning and continued until 30-06-2013. On that period, many of us lost their consciousness, or became dehydrated. No medical help was offered to all those people, except for few of us who were affected very badly. Speaking on my behalf, due to previous health problems, I was very badly affected by the hunger strike. I was almost in a critical stage. On Monday, 24-06-2013, we were visited by some officers from the immigration authority. Some courageous Eritreans told them:

*We were prosecuted and victimized in our country and we didn't have democracy. We were not able to live in peace. Many among us were tortured and raped in Sinai. When we reached this democratic state of Israel, we didn't expect such harsh punishment in prison and we still don't know which crime it is that makes us suffer for such a long time in this prison. We lost all hope and became frustrated by this situation so that we ask you to either provide us with a solution or send us to our country, no matter what will happen to us, even if we have to endure the death penalty by the Eritrean regime.*

The immigration officer tried to calm us down and advised us to be patient. They asked us to eat food but we decided to continue the hunger strike till death, for eight days.

On Sunday (30-06-2013) in the morning, while some of us were on beds, exhausted, and others went out to be counted, police officers tied their hand with plastic robber [sic] and took them away. We didn't know where they took them, but we heard later, that 24 of them were taken to the Seventh Ward. The rest of us were taken to Ktsiyot prison. There we were told to go to the office one by one and we were forced to eat by threats to be taken to isolation cells.

Finally I want to tell you the hunger strike was very difficult and dangerous for our life. I am a witness that everybody lost any hope and patience. Therefore we chose this difficult decision: achieve a solution or die.<sup>3</sup>

What the Sinai victims are going through is unimaginable for most of us, and fortunately so. The Sinai survivors will have to live with the scars for the rest of their lives. We should not be surprised if they sometimes become utterly

desperate. The awe-inspiring miracle is that they so often have the courage to go on and even to make something of the lives.

These people are “bone of [our] bones and flesh of [our] flesh”, to paraphrase the Biblical Adam as he for the first time met another human being (Genesis 2:23), and that should make us proud. It should also lead to outrage as it really starts to dawn on us that our next of kin are being commoditised, exploited, and treated without the slightest bit of respect for their inherent dignity. As with family members in difficult situations, it should awaken our desire to at least know their stories, because they are theirs, no matter how appalled and heartbroken we are because of what they tell us. Even if they tell us they would rather be dead than remain in the situation they find themselves in. “My God, my God, why have you forsaken me?” (Psalm 22:1).

### **Structure of this book**

This book started with the act of listening. Its authors listened to the voices coming from the Sinai – quite literally. One of the mindboggling facts about what is happening in the Sinai is that we are witnessing unspeakable atrocities while they are going on. In order to extort the ransom from their families, the Sinai traffickers supply their victims with mobile phones. They are told to tell what is happening to them, and sometimes even expose their relatives to their cries of pain and despair while they are being tortured. It does not necessary make them less lonely in their experience. It may mean that they develop a self-image of being a burden to their families. It sometimes makes them want to die, to free their families of the grief that comes with the awareness that their son, daughter, nephew or niece is suffering and that it is their impossible task to find the money to free her or him.

Meron Estefanos, Mirjam van Reisen and Conny Rijken started to listen to the voices sounding from the Sinai for those who want to hear. They became engaged by what they heard and tried to understand it, analyse it, find out what was really going on, and why. From their different fields of expertise they bring together different approaches, different concerns, and different ways of expressing their concern. Meron Estefanos is a journalist and an activist. Mirjam van Reisen has a background in international relations and is educated in social and political sciences. Conny Rijken is a victimologist and a human rights lawyer. Together they have mapped out what is happening in the Sinai and unearthed what is really going on in its context. While doing so they present slowly, but surely, the terminology in which the reality of the Sinai is both exposed and obscured.

What is happening in the Sinai is part of what this book calls the ‘trafficking cycle’. After the presentation of the different kind of stories that are circulating about what is happening in the Sinai and the emotions they carry in Chapter 2,

a charcoal sketch of the cycle, as the authors have reconstructed it, is presented in Chapter 3, the details are filled out in the successive later chapters. Clearly a lot of Sinai victims come from Eritrea. Why is this so and how do they end up in the Sinai? This is explained and reconstructed in Chapter 4. What exactly is happening in the Sinai, how does it work, and who are involved and why? That story is told in Chapter 5, in all its monstrous details of dehumanisation, brutality, cynical opportunism and sadism, and of the deep trauma and despair this produces.

Chapter 6 describes what happens to the Sinai victims after they have managed to somehow become free from their traffickers and end up in Israel or Egypt. Usually they are detained there and deported back to Eritrea, the country they needed to escape from in the first place. There are a few stories of the hostages overpowering traffickers and bringing them to the police, but the police put the hostages in prison and set the traffickers free. Some break through the net and make it to Libya, where they are also put in prison, often tortured and raped, and deported back to Eritrea. Some try to cross the Mediterranean sea to Europe. Many drown. The prime minister of Malta has called the Mediterranean ‘one big graveyard’.

In Chapter 7 we meet the boy whose picture is on the cover of this book. His name is Berhan, which in his native Tigrinya means ‘light’. Berhan was in all those places. He escaped from Eritrea at the age of 15 to avoid being drafted as a child soldier. He was tortured in the Sinai, escaped through Egypt, through Libya, across the Mediterranean sea. He was on the boat that sank on 3 October, but survived. When in Lampedusa, the Italians didn’t want journalists to chase the stories of the victims and released the survivors somewhere in Rome. They are now hiding from the police and some are trying to find safety somewhere in Europe. In the week in which this introduction is written, the first group was captured by the police in Germany and put in prison. As this is written, Berhan is still ‘free’, out there somewhere. This chapter will contextualise the entrance into Europe and the applicable legal framework. It shows the end of the trafficking cycle and tries to understand how these atrocities can still continue, despite all the declarations of good will and all the declared efforts to implement human rights and protect the vulnerable.

Chapters 8 and 9 include the conclusions and formulate recommendations that may help to bring the trafficking cycle to a halt.

### **From revolt to rule of law?**

It was mindboggling and heart-breaking. Nevertheless, I consider it an honour and a privilege to have been present at some of the interviews on which this book is based. In some mysterious manner, while witnessing what had happened to them – and what is sometimes still happening to their family members – they

showed that it is impossible to reduce them to commodities, to the equivalent of a sum of money subject to the power of others. They clearly still inhabited and owned their own history, despite everything that had happened. The Sinai survivors were witness to their own irreducible uniqueness, no matter how much the traffickers had tried to reduce them to less than nothing. They spoke about the choices that they made in a situation designed to rid them of all choices, about their moral deliberations in a world from which all morality seems to have been expelled. They embodied, as it were, a stubborn and usually silent, but impressive, revolt against the injustice to which they have been subjected.

At the end of Chapter 2 there is a story that in fact comes from one of the daughters of the authors of this book, who is 14 years of age. After being told about some of the stories presented in the book, she responds:

I hate myself and my little life; I would do anything if I could get ten people out of those torture camps and go myself instead. But it isn't possible.

I have to change it, I have to and I will. I don't care about the rest I want to do. I don't care. It all isn't important. If I could help their lives by giving mine.

This is touching and shocking. Touching, because a young woman deeply understands what it means that she lives in a world in which these stories are lived, although usually not publically told. Shocking because for her the only possible response seems to be to offer her own life as ransom, as some of the relatives of those captured in the Sinai wanted to offer their lives as ransom for their brother or sister, for their child or spouse.

Impressive as this is, as it testifies to the dignity of the human spirit even in the most atrocious of circumstances, and important as the moral and existential intuition is that there are things that require the dedication of one's life without reserve, there should be other possibilities. As the Universal Declaration of Human Rights states:

...it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.<sup>4</sup>

To unearth the trafficking cycle brings with it the obligation to work for the legal protection of refugees who leave their country, for change in the situation that forced them to leave and to make the country to which they are fleeing the safe haven they crave for. Here we Europeans have to be honest with ourselves: We claim to have a system that protects the basic human rights of each and every person, but some of our regulations have devastating effects on the

vulnerable and damaged people we say we want to especially protect. Either we lie cynically and shamelessly about our true intentions, or we change our laws and regulations in response.

**A sign of hope: Ra'ee**

Ultimately, I feel it is a test. Do we still stand by the aspirations for which the Universal Declaration of Human Rights stands? Do we still believe that it is our calling to work for the “advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear”? Do we have the dedication and the creativity to translate that into the ‘rule of law’? There is hardly any reason to be optimistic, I think. But I possess a hope that somehow is born from the stories documented in this book.

Chapter 5 presents the story of a woman called ‘HT’, her name changed for reasons of safety as she was deported back to Eritrea and would face severe consequences if her name were revealed. HT gave birth to a son while in a torture camp in the Sinai. She named him Ra’ee, which in Tigrinya means revelation. HT explains:

I have been through bad times and good times. I have seen it all. I guess I called him so, just so I might be delivered unto a good revelation finally.

I cannot help but hear a Biblical undercurrent here. As Isaiah famously prophesied:

...the Lord himself will give you a sign: Look, the young woman is with child and shall bear a son, and shall name him Immanuel (Isaiah 7:14).

The unstoppable birth of new life, even in the most devastating of circumstances, is a sign of hope for the future, feeding the awareness that something different should be possible and will ultimately occur. We read how Ra’ee does not get enough to eat and becomes ill, but somehow miraculously survives. We read how, in a context of utter indifference to the fate of human beings, sometimes the child is able to break down walls that are impenetrable otherwise. People do respond, give his mother a little extra to take care of herself and her offspring, become aware of the impossible situation in which the Sinai victims have to live.

And the child’s father is still waiting to see his son, Revelation. But he knows that they are part of the same reality, just as his mother knows. Hope dies in the Sinai on many occasions. But hope is also born again, even there. This in itself is a sign of hope, but at the same time a sign of obligation to live from that hope, to work for conditions in which this hope is vindicated and Revelation is respected for his intrinsic dignity and protected in his intrinsic vulnerability. In this sense, I feel that this book is a sign of hope. Sad, tragic, painful hope, but still: hope.





## Chapter 2. Narratives from the Sinai and beyond

In this book we try to establish what is happening in the Sinai and why. We work on unearthing why specific things happen and why things happen in specific ways. We identify what aspects of international law are violated, in spirit and in letter, and what can be done about this. However, what happens in the Sinai is not first and foremost a violation of law, it is a violation of morality and the dignity of human beings. Before they become the subject of legal and policy debate, these people and what is happening to them, exist in the webs of relationships and emotions, images and nightmares, poems and stories.

To acknowledge them first as fellow humans, here we present some of their stories in what could be called a 'fictionalised form'. The stories are constructed from real testimonies, but all names and other identifying characteristics have been changed. The narratives give an insight into the challenges that the refugees face and their limited choices. They look at the trafficking cycle from an insider's perspectives. These narratives reveal the disintegration of families; how the families of Sinai survivors at home and in the diaspora struggle to remain connected; and how every person who is tortured, killed or disappears is mourned and missed. They reveal fear, love and caring. They show how the families and countrymen of the survivors are also victims trapped in a cycle of insecurity. But most of all, they show the engagement of people in the Sinai in response to what is happening, and how being engaged changes their lives. In the rest of the book we will be proving our case. Here we want simply to tell what the Sinai crisis means in terms of real human lives.

### **A father unable to look after his family**

I am 38 years old. I was born in 1975 in a village in Eritrea. Well actually it was not Eritrea then. We were in a war. It was a liberation war, to fight for our freedom. We wanted to be independent from Ethiopia.

When I was about 12 years I was given by my parents to the army. I went into the army with my three brothers. I was the only one who returned alive. The others became martyrs.

In 1991 our country became independent. We were happy and proud. We were grateful to live in our own country where we could live in freedom. However, after that I was three times in prison. I don't know why I was put there. They said I was talking too much. One time I spent one-and-a-half years in an underground prison. There was no light there. They threw food down to me. There are people there who have not come out for many years. If they were to come out, they would be blind. It was a terrible experience.

The third time I was in prison I decided to escape. I hit a guard in the neck and took his weapon and ran. I stopped a car and asked the driver to hide me in the boot of the car. We passed checkpoints, but, fortunately, they did not look in the boot. I asked the driver to leave me outside Asmara. From there I contacted my wife and asked her to send our two daughters. I wanted to leave and bring them with me to a safe place.

My wife had to stay behind with the other children. It would be too risky to take all of them. The little ones were very small. I wanted to take the girls, as they were 12 and 15 and would soon have to join the army. There is forced conscription in my country. Once boys and girls reach the 11<sup>th</sup> grade they are moved to a military camp. These camps are very bad, especially for girls. That is why I chose to take the girls.

When the girls came we walked to the border of Sudan. We slept in the daytime and walked at night. It was far and we had to avoid the checkpoints. But, in the end, we managed to cross the border and once we were in Sudan we could make it to the refugee camp of Shagarab. We were happy that we were now safe.

However, one night some men came and took us. They had guns and we were put in a car. We drove many days until we reached the Sinai. Here we were held in a basement with a group of other hostages. Many were also from my country.

We were chained and the situation was very bad. I did not feel well and I often passed out. When I woke up I did not find my girls. I asked for them. The guards brought them and all of them raped my girls in front of my eyes.

I must have passed out many times. Always when I would regain consciousness they wanted to show me the girls and to look when they abused them. I was very worried. The older one got pregnant and she needed help. I was also very worried about my little girl.

My family was able to collect the ransom for one person. They asked everyone in the village to contribute. I wanted my pregnant girl to go. But they would not let her go. When I was not feeling well they took the money and sent me away with a group of other hostages that were released.

They carried me away to the fence with Israel where they left me. I don't remember what happened, but I am told that I was found by Israeli military and that they allowed me to come in as my situation was so bad. I was unconscious for several months and I woke up in a hospital in Israel.

I did not know what had happened to my daughters and I was very worried. I could not understand the language. I only speak Tigrinya. One day someone

came who told me that the girls were alive. They were still in the same place in the Sinai.

When I was better I left the hospital and started to collect money for my girls. I begged among the refugees in Tel Aviv. The traffickers asked a lot of money. I have never seen so much money. I met friends who helped. In the end, I had the money to pay for the ransom of the two girls.

When we paid the money, we did not know what happened to the girls. In Egypt, everything was a mess. We asked the Bedouins to give the girls to a good sheikh or to the police. But they didn't. I did not know where my girls were. I was sick with worry.

In fact they released my girls in the desert. They were there for many weeks. We heard eventually from others that they were in a detention prison. This was good news, even if they did not deserve to be put in prison. I knew they were alive.

I am very worried about the future. My wife is alone with all the small children. My daughters are in prison. The big one will soon deliver her baby. She is now sixteen. We need to collect money for them so that they can be deported. But where should they go? I don't know what to do. They cannot stay where they are, and there is nowhere else to go.

I am in Israel on my own. I think of my girls. I think of my wife. I think of my other children. I cannot protect them. I cannot support them. I am not a good father.

Maybe one day I can return to my country. I hope one day my family can be reunited in my country. I hope one day I can be a father who can take care of his family.

### **The brothers who fought**

I am 12 years old. I have had a fight with my brother. He is my big brother. He is 14.

I live in a torture camp. We are here with many people. They keep us chained. I am always hungry. If I cry they beat me. Sometimes they are cross. They tell us to collect money so that we can be free. They give us phones and tell us to speak to our parents.

It is difficult to talk to my parents. They put burning plastic on me and I scream so much that my parents do not understand what I say. Sometimes they hang us and it hurts very, very much.

It is not easy for my parents to find so much money. They are very poor. The people here want a lot of money. But one day they said there was money for us and one of us could go. We were so happy. That day we were happy.

But then, when we were happy, we start a fight. I begged to my brother, let me go. I am small. Please, let me go. My brother said, no, he wanted to go. He was tired of this place. He said he was the biggest so he could go first. The guards told us we decide. We fought and fought. Then my brother said he will go. And he went.

Now I feel very bad. I miss him very much. I have not spoken to my parents for a long time. I have no news. I think that my brother feels bad. He is my big brother. I know he worries about me.

When I miss my brother I speak to him in my head. I tell him I am alright. I hope he is fine. I tell him I love him.

### **The official complaints procedure**

I have just arrived in Australia and am trying to set myself up in this place, which is not very easy by the way. I was hoping that my family back home would help me, but no. Here is my Aunt on the phone asking me to help my cousin. How can I help, Auntie, I am really trying to work out my own life. My Auntie is in tears and she says, just speak to your cousin. She gives me a phone-number.

So, what can I do? I hate it when women cry. So I phone my cousin. Now, he is also crying and says he needs money. Not a little bit of money, a lot of money. Ha, ha, ha; where does he think I can find that amount of money? I hang up.

He calls me again and again. "How can you call me if you don't have money", I ask him? He says his torturers give him phone-time so he can tell me his misery. OK, "Tell me about your stuff then", I say, maybe then he will stop annoying me.

He tells me he left with his young wife from our hopeless country and stayed in the camp. He says the commander of the camp came to see his wife. His wife was scared and talked to my cousin. She also talked to her friend in the camp.

My cousin always talks of justice; I think he is really very stupid. He does not understand how this world works. What does he do? You won't believe it, but he makes a complaint. Ha, ha, ha. He says the refugee camp has a complaints procedure. He calls it an official procedure. Oh, yes, an official complaint's procedure.

So he gets an official answer. He receives a letter from the bureau of intelligence

that he must come to explain his official complaint. They will send the security services to bring him and his wife and also the wife's friend to explain their complaint. Yeah, yeah; I tell you, he was even very happy that they would send for a security car so he would be safe. He tells everybody that this is how it works: you must use a formal complaints procedure.

So they go and sit in this security car, but, guess what, they do not go to explain their complaint. Oh no, they are moved into another car and these security people use their guns and then one day they reach the desert. So now he is with his official complaint in a torture camp in the Sinai. Well done! And guess what, he asks me if I can please find the money to free him and his wife and, oh yes, his wife's friend too. Oh my God.

Well, I borrowed from the few people I know here in Australia. It's a lot of money. He says he will pay me back when he is released. I say, "Don't give me more headaches". I tell him, just file an official complaints procedure against these torturers of yours. I thought he would laugh. It was a good joke. But this ungrateful cousin of mine, he was silent and just hung up. He is really very touchy, I tell you.

### **Ceasing to exist**

When I was in the Sinai torture places, it became very bad. Of course, you already know how they treat us. You also know that they have killed many of our group. I don't need to tell you all that.

But what I want to tell you is that I didn't want to live. I thought it was better if I died. So I tried to die. This is how I thought about it. I thought, if my family pays for me they will be so poor that they will suffer forever. How can I pay back the amount of money they are asking for my release. So I told my family not to pay for me.

But then they wanted to pay for me. So I thought, I just have to cease to exist. If I die they will be sad, but then they don't need to bother about me anymore and they can move on. In any case, I can't go back to my family, because they will come and put me in prison. I had left the military camp without authorisation, which I was not allowed to do. They would say I deserted and they will put me in prison, so there was no point in going back home. So it was clear that I wouldn't see my family and my family wouldn't see me again. So, in fact, I don't really exist for them anyway.

I also didn't want my family to sell everything. There are still my younger brothers and sisters and one day my parents will be old. The problem is that they wouldn't stop trying to sell their house and everything.

I also thought that if they pay for me, these kidnapers will continue to get more people. It is a good trade clearly and they make a lot of money. So, the only way to really stop it is if we don't pay. So I thought I have to kill myself, then they don't need to pay and so I can resolve this situation.

I tried three times to do it. But it was very difficult, and I did not succeed. The Bedouins also took everything away, even some old shoelaces I had kept. They wanted to have this money my parents were collecting. When I didn't succeed I got very depressed. I didn't know how to resolve my situation.

The Bedouins punished me because I was not making an effort to collect the money. They hung me three times and my arms got very bad. Now I can't use them. It is difficult to do things without arms.

My parents in the end did pay the money. The Bedouins released me and I have to try and work now to repay the debt I have to my parents. I still can't use my arms so it's difficult to find any job. Since I was released I have been studying technology on a computer and I can work together with a friend of mine. He helps me a lot. I help him work out what to do when a computer is broken and so we repair them together. This way, we make money together, which I can now send home.

I am hoping that one day I can go to America to fix my arms. It will be very expensive. I have been told it will cost much more than what my parents paid for my release. But now I am here, I want my arms back. I want to live.

### **They hurt us badly**

I am 11 years old and I live in Cairo. I am not Egyptian; in fact I come from another place. But I can't go back.

I have no father and mother here. I am just with my youngest brother of 8 and my sisters of 15 and 13. There is also the friend of my sister. She was with us in the torture camp. Oh, yes, and there is my older brother.

It is a long story. In my country we go to military service to graduate from school. My father and mother heard bad things about it. But if you don't go, they will come to search for you and take you. My father said he will bring us to a safer place. He said he would pay money.

Then we left our mother and we went in a pickup truck; we had to hide under a cover. We changed cars. Then we were in another country. They didn't speak our language there, but we went to a place with many other people from my country. At least we could speak our language to them.

My father went to a big city. He wanted to go to a place from where he could help us. When we were alone in the camp, some men came and forced us to go with them. We went again in a car. It was a long journey. My big brother, who is 18 told us to stay in the car so that the men don't kill us. He said he would escape and get help for us.

I think it would have been better if we had all escaped. In the place we went to they beat us and they hurt us very much. We had pain everywhere. They do things with my sisters; I am not allowed to talk about this. In the end I could not cry. I was very tired.

Then they told us to go. They told us there was our brother waiting for us in Cairo. He had collected so much money that even my sister's friend could come with us. When we saw our brother we thanked him for saving our lives.

Now we have many problems. We have no good place to stay and people are angry with us all the time. They come and take our things. My brother looks after us, but sometimes he is very angry.

We spoke to my father on the phone and he told us to be brave. I asked him why he cannot come. He says it takes time to get papers. I don't understand it. I want to see him very much. He tells me, "Be patient".

Last night I spoke to my mother. She was thanking God that we were speaking to her. I don't know why she is so happy. I want to go home.

### **I hope God will come for me soon**

I am a very old woman. I was born in 1960. I am tired. I hope God will come for me soon.

I had two children: one boy and one girl. The boy, he was smart. He left a long time ago to live in Sweden. It is a very beautiful country. He has a good job. He works hard. He has a wife. They have two children. I am very proud of them.

My daughter was here with me in my village. My country is called Eritrea. We look after the fields and she is very good to me. She keeps me company. She is my daughter, but she is also my best friend.

My daughter has three children. They were growing and she was worried that they would have to go to military camp. She was very scared. All her children are girls. She said her girls are too weak to go to military camp.

I love my daughter and I love my granddaughters. They fill my days with happiness. When my son called, I asked him to send money for them. When he

sent money they left. I was happy when I heard they had arrived safely in Sudan. They wanted to join my son in Sweden.

Some days ago my neighbour came. She told me to sit down. She said there was an accident with a boat. Many people drowned. I did not understand why she was telling me this.

Then she said there was a list. It had the names of all the people who had died. My daughter was on the list, and also my three granddaughters.

I am now mourning them. Many people come to visit. It is difficult. I haven't seen their bodies. They say they made the bodies Italian. How? I don't know, I thought it was strange. But they will not bring the bodies back, they tell me. They have been buried in a place called Lampedusa.

My son calls me every day. He is a very good man. But I am an old woman now. I hope that God will come for me soon.

### **My sweetheart and our firstborn**

My sweet love and her newborn baby were in the newspaper. I myself have not seen my baby. I tried to enlarge the picture on my phone screen to see her face. Did the baby look like me or like her mother? But I could not see much. On the picture I could not even see if the baby was a boy or a girl.

It was in all the newspapers, my firstborn baby and her mother. There was an important man. He came to visit. He is the boss of something important in Europe. He came to see them.

I am not allowed to see them. They keep all of us in this closed place. I don't know what we did wrong. I should have not let her sleep maybe. But she needed rest, she was tired.

I tried to get help when it happened. I left as fast as I could. I thought maybe I can reach in time. Anyway, I am glad that she knows I came back for her. You see, at first we tried to run away together. We both were called for military service. But something went wrong. They were shooting at us. I ran and I crossed the border. But she got scared and stopped. They took her, than she went back with them.

I thought maybe I can find a safe place and then get her. She is very beautiful. My parents and hers were not so happy that we are together, but I have loved her always. Her eyes are big and beautiful and her smile, when she smiles it makes you all warm inside. I wanted to be with her for always.



I worked and I got some money and travelled on. At some point I am somewhere and they said if you go to the Sinai you can reach better places. But I had to wait some days as they said the Sinai is full. There is a line of people waiting to go in.

I thought, if I have to wait, maybe I should try to get my girl and so we can go there together. So I went all the way back. I was fortunate, because I found her. That night we fled together.

On the way someone told me going to the Sinai was very bad. So I could go some other way. Anyway, we were here and there and sometimes I found work. The nice thing was that my sweetheart became pregnant. I was proud. I was going to be a father!

Finally, they told us that if we cross over the sea we will be safe. We had to pay a lot of money. Then we had to wait in a warehouse. My sweetheart was tired; she was already big with our child. But she was brave. I said, "After this everything will be all right". That night we went on the boat and everything was quiet and peaceful. The captain said we will reach without a problem.

Then my sweetheart got cramps in her stomach and she did not feel well. I told her to lie down in the boat where the other women and children were. That was my mistake. Then the boat caught fire and when we all rushed to one side it started to go down. We could not reach the rooms down in the boat where the women were and I decided to swim; as fast as I could, I swam to get help.

But I was too late. My sweetheart gave birth to our baby when the boat was going down. I don't know if she was in pain. I know she had no time to cut the baby's cord. In that picture, they were lying in the coffin, tied together, when that big white man visited.

I just hope that my sweetheart saw the face of our baby. I hope she had time to see whether it was a boy or a girl.

### **Collecting money**

You want to know about my life? I can't tell you much. I am here in South Tel Aviv; we have found a room with some women where we all sleep. We are all on our own. They say I don't need to pay.

I can't pay. I don't eat. I don't sleep. I have to collect very much money. I keep it somewhere, so that when I have very, very much I can pay it. It is not the first time I am collecting very much money. I have been here for four years. My life is hard, I have to collect money. I can only ask Habeshia people who understand Tigrinya. That is my language. They can give only a little money – most of them are poor themselves. I can't ask anyone else. I don't speak Hebrew. I don't speak

English. I am just a simple woman. I can only explain why I need the money in the language of my own people.

First, when I came here, my sister called and she said she needed my help. Her son was being tortured in the Sinai and she needed much money to get him free. We collected very much money. I have never seen so much money in my entire life. When we paid this money, the bad people said they let him go free, but we never saw him. My sister is very sad. She has lost her son.

Then my brother-in-law got stuck in the Sinai. He called me and begged me to collect money. What can I do? I collected a lot of money. As much as what I collected for my cousin. These people are very bad. They got the money we collected, but my brother-in-law had already died. I spoke to the people who were there with him in the torture house. They told me he was dead.

This time they are asking twice the earlier amount. They tell me if I had so much money I could buy a house here in this rich country. I am not collecting for a house. My son called me some weeks ago. They have kidnapped him and taken him to the Sinai. He asked if I could collect money so that he can be free. He was crying on the phone. I am very worried for him. I can't sleep. I can't eat. This is all I can tell you.

### **The orphanage**

I am working in an orphanage in Israel. I want to tell you about this child. It is a boy. He is four years old. He was born in 2009.

I don't really like this boy. He is always making trouble with the other children. He does horrible things. Things you can't imagine. He screams. He cries. He hits. I am wondering, how can a four-year-old boy do such things?

One day someone came who knew this boy. She had never seen this boy, but she knew his story. She asked me if I wanted to hear his story. I did not know it was going to be bad so I said okay.

She said the mother was kidnapped with the baby and taken to a torture house in the Sinai desert. She was still breastfeeding the baby. The baby was six months old. Then they hit the baby many times and took it away from the mother. They did many bad things to the mother and she became very weak. She tried to be strong for the baby, but in the end she became weak.

This lady says that the mother was there in this torture place for one and a half year. She tried to live for her baby, but she died anyway. The baby was two years and he cried. He wanted his mother. In the end they sent the baby away with another woman and they walked for a long time until they reached here. He

came here in the orphanage when he was three years old.

The lady asked how I thought he was doing. I said: “This child is very strange. He tries to hurt the other children. He hits the other children. He ties them up. He wants them to cry.”

“Yeah”, she said. “You need to show him new things. Show him good things. Tell him about his mother. His mother loved him.”

I don’t know if I like this boy, but now I tell him his mother loved him. When I do, I see light appearing in his eyes.

### **I would give my life for yours**

People cry, mourn, hit and scream every day. A boy takes a toy of his sister, a girl screams to her mum because she doesn’t want to clean up her room. And every day you hear people say how awful the world is. How people get killed and tortured. Yet it doesn’t seem to me to be that bad. I know there are horrible things happening, but I never really care. People solve my problems, like my mum, that’s why they are here for.

I wake up and go down the stairs. The sun shines, it is a beautiful day. I come in the kitchen and see my mum writing on her laptop. I take a plate and prepare my breakfast. My mum asks me if I am okay if she tells me some stories. I agree, I always like hearing stories. My mum tells me they are sad. I don’t mind.

She begins and horror strikes me. It isn’t sad, it tears me down. I have to cry, my mum sees it and asks if I’m okay. I say she can continue. She finishes her first story, her second, third... I get more and more miserable. How can she torture me that way?

But I know they are real and that it is not me who is the one who is actually tortured. It isn’t me who should complain.

She finishes the last story, I don’t know what to say. My world turns upside down and I am cross. Sad and cross, everything at the same time.

It is horrible, how can God or anyone else let this happen. How can humanity be so cruel?

I look at myself with my small school problems.

I go outside in the cold, barefoot. I don’t care it is cold. I have to change something, I can’t sit here waiting. I want to change this situation with a switch of my hand, but I don’t know how.

Why did my mum do this to me? Why did they do it to them? How can we change it?

I hate myself and my little life; I would do anything if I could get ten people out of those torture camps and go myself instead. But it isn't possible.

I have to change it, I have to and I will. I don't care about the rest I want to do. I don't care. It all isn't important. If I could help their lives by giving mine.

## Chapter 3. Introduction to the trafficking cycle: Sinai and beyond

### People as commodities

This book follows on from a previous research study, *Human Trafficking in the Sinai: Refugees between Life and Death* (van Reisen et al. 2012), which describes a new phenomenon of trafficking of human beings in which people are sold (and sold on) as ‘commodities’ for financial gain. For the first study, interviews were conducted with hostages in the Sinai who were in contact with family members for the payment of ransom. The data emerging from these interviews were triangulated with interviews carried out with survivors of trafficking and people working with survivors in Tel Aviv, Israel. These interviews cover the period 2010 to the beginning of 2012. The hostages included men, women, children and babies, all of whom were subjected to torture. While the purpose of the first publication was to document this phenomenon and give a voice to the people trapped in the Sinai Desert, the purpose of this publication is to build on this by adding to our understanding of the phenomenon, contextualising and mapping the broader scope of the phenomenon, and identifying possible solutions.

The trafficking in the Sinai, here referred to as ‘Sinai trafficking’, which developed after 2008, is particularly brutal and is characterised by abduction, displacement, captivity, extortion, torture, sexual violence and humiliation, serial selling and killing. The ‘trafficking’ aspect of the phenomenon involves the taking of people against their will or by misleading them and holding them as hostages for ransom or further sale. It can start as smuggling and evolve into trafficking or it can start straight away as trafficking. The hostages are often held for some time in places en route to the Sinai and extorted for ransom.

In the Sinai, the hostages are held in various locations and are often moved (and sold on) to subsequent locations. Ransoms are extorted from relatives and friends of the hostages or other third parties. The trafficking and ransom collection is often part of a chain of sales and on sales in which value is added at each point. As the hostages progress through the chain, the amount of ransom demanded increases to cover the ‘investment’ made by the traffickers, often reaching levels that are beyond the capacity of the hostages’ direct family to pay. In the case of Sinai trafficking, the ransoms are so high that entire villages in the country of origin need to be mobilised to collect payments. Relatives in the diaspora are also asked to contribute and the amounts of the ransoms asked are significant, even for those who live and work in Europe or the United States of America.

The torture undertaken as part of the Sinai trafficking is cruel and frequent and is used to force the hostages to initiate contact with relatives or friends to

collect the ransom. Contact takes place using mobile phones. The torture is often applied while the telephone conversations are taking place to pressure contacts into paying the ransom. The torture is functional, but also gratuitous and sadistic. Sexual violence, rape and group rape – humiliating acts of violence that undermine the dignity and self-esteem of the hostages and leave them with lifelong emotional and physical injuries – are frequent. Especially women and young girls are targeted for sexual-based violence. These acts of violence contribute to the commoditisation of the hostages by denuding them of human qualities.

Those who are not able to collect the ransom are often killed. The killing of fellow hostages adds to the pressure on the remaining survivors. Sometimes organs are cut out of corpses or live bodies to convey the message that it is financial profit that drives the traffickers; however, there is no evidence of a link to the commercial organ trade. Corpses are disposed of in the desert and left to rot in view of the hostages, another form of torture in itself. A large number of people have disappeared in the Sinai, perhaps released and died en route to their destination or killed. Even if the requested ransom is paid there is no guarantee that the hostages will be released and, if they are released, that they will reach safety in Egypt or Israel.

Since the first study in 2012, a new practice has arisen in the trafficking value chain in relation to hostages who are incapable of collecting the ransom: traffickers presenting themselves as having a ‘humanitarian’ purpose buy up ‘loss-making’ hostages and sell them at much reduced prices. Believing that these traffickers are good Samaritans who have saved their relatives, families are often more willing to pay the amounts requested.

The Sinai trafficking affects vulnerable refugees from the Horn of Africa, many of whom originate from Eritrea. The trafficking trade is facilitated by the expansion of mobile phones, which are used to coordinate the trafficking and collect ransoms. Ransom payments are arranged by mobile phones through money transfer facilities such as Western Union and MoneyGram or through individual middlemen and company intermediaries. The illegal financial transactions involve Eritrean middlemen who collect the ransoms.

The ransoms being demanded by the hostage takers in the Sinai have rapidly increased since the phenomenon began in approximately 2009, from a few thousand US dollars to tens of thousands of US dollars. Initially, no differentiation in ransom was made in terms of the hostages’ country of origin; however, as time went on, higher ransoms were demanded for particular groups, especially for those originating from Eritrea, as the hostage takers realised that some groups were more able to collect ransoms than others.

There is an assumption that the hostages went voluntarily to the Sinai, either en route to Israel or to other places, motivated by a search for work. However, the first research study found that this was not the case and that the vast majority of hostages interviewed had no intention of going to Israel. In the first study, the hostages held in the Sinai were categorised as either kidnapped (and subsequently sold or surrendered to Bedouins in the Sinai) or smuggled (initially voluntarily, but then sold or surrendered to Bedouins). The research concluded that the status of the hostages varied.

Many of the refugees held hostage in the Sinai were kidnapped while in a refugee camp or on their way to a family reunion in Sudan or Ethiopia. A significant proportion of refugees were kidnapped from within refugee camps or surrounding areas, especially in Sudan (from Shagarab refugee camp) or while working in Kessala (Sudan). A smaller number of interviewees were taken on their way to Khartoum (Sudan), from within Khartoum or from Cairo.

The traffickers include Bedouins, who organise the torture houses in the Sinai. Members of the Rashaida and of the Hidarib tribe are also involved in the abductions in Sudan and in Eritrea. Eritrean refugees are involved as assistants to the traffickers. The steps involved in the Sinai trafficking, as identified in the first study are typically as following:

- Step 1: Initial payment made by the refugee to be smuggled out of their country of origin
- Step 2: Payments made by the refugee to guides en route to destination (refugee camps at Mai Aini or Shagarab)
- Step 3: Abduction; payment demanded from refugee to reach a safe place (pretext)
- Step 4: Sold on is repeated several times, each time increasing the payment demanded.
- Step 5: Release or death<sup>5</sup>

There is a predominance of Eritreans among the victims of Sinai trafficking, which was explained in the first research study as due to:

- the large Eritrean diaspora (with finances at their disposal) and their tightly-knit family and community structure, which increases the chances of collecting ransoms demanded;
- the relatively large number of Eritrean refugees and lack of alternatives for Eritrean refugees;
- the relative destitution of Eritrean migrants and inclusion of Eritrean migrants in the trafficking network; and
- the involvement of (some) Eritrean authorities and military officials in the trafficking and their links with a criminal organisation.<sup>6</sup>

In the first research study, the observation was made that the start of trafficking in the Sinai coincided with the signing of the Italy-Libya Agreement and that this agreement may have compounded the rapid emergence of the crisis. Through this agreement, Italy arranged a de facto push back of refugees to Libya in a bid to reduce the number of incoming refugees. The agreement especially affects Eritreans as, due to Eritrea's colonial relations with Italy and Italy's proximity to the Libyan and Tunisian coast, many Eritreans try to cross the Mediterranean Sea.

In Libya, Eritrean refugees face persecution, detention and even deportation back to Eritrea. The refugees are likely to face prosecution and detention in Eritrea if they return as they would be accused of having left the country illegally (Eritrea does not allow its citizens to leave legally). The tragic events in early October 2013 in which several hundred migrants died while trying to cross the Mediterranean sea to reach Europe at Lampedusa, Italy illustrates the disastrous consequences of people taking such risks to reach Europe.

### **Trafficking cycle**

Along the route to the Sinai, in the Sinai and away from the Sinai, insecurity, abuse, vulnerability, poverty, captivity and torture define the lives of the refugees. Trafficking becomes a semi-permanent situation in which refugees are caught up in a cycle of illegal, semi-legal or legal detention, smuggling, and fleeing during which their future is out of their hands. The refugees remain in a constant state of poverty and dependence. They are occupied solely with finding a way out of their situation in a shadowy existence on the margins of society. They are caught up in the illegal actions of go-betweens and traffickers, on whom they depend. If detained in official locations or at police stations, they also depend on the favour of people within the system. Their vulnerability makes them a target for profiteering.

Many refugees feel that there are no (legal) options open for them to be safe and secure in their home countries or elsewhere. For them, their only option is to reach a refugee camp as a place of security. To reach such places they depend on smugglers. Once in refugee camps they could regularise their situation; however, these camps are compromised and, for many, are not safe. From the perspective of the refugees, the smugglers and their network provide the only option for attaining safety and security. The risks that they run leave many caught up in the worst forms of exploitation. Many find themselves in a state of irregularity in which they try to stay away from torture and exploitation by traffickers and smugglers, on the one hand, and detention, abuse and maltreatment by the authorities, on the other hand. This is the 'trafficking cycle' or 'trafficking trap'.



## **International legal context**

### *Refugee Convention*

The United Nations Convention relating to the Status of Refugees 1951 (the Refugee Convention) and its Protocol relating to the Status of Refugees 1967 provide the international legal framework for refugees. Article 1 a (2) of the Convention defines a refugee as a person who is not in his or her country of nationality and is unable to return there because of “fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion”.<sup>7</sup> It follows from the United Nations High Commissioner for Refugees (UNHCR) guidelines on International Protection relating to the Status of Refugees, victims of trafficking and persons at risk of being trafficked, that victims of trafficking can be considered refugees under certain conditions.

The Refugee Convention furthermore obliges States not to expel a person where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion and to provide such persons with refugee status in accordance with Article 33 of the Refugee Convention. It was clear from the interviews conducted in the first research study that the hostages or refugees held in the Sinai thought it not safe to return to their country of origin; this was especially true of the Eritreans interviewed.

All EU Member States have ratified the Refugee Convention and its Protocol, as have Norway and Switzerland. However, some of them have made declarations or reservations. Other states (relevant to this research) that have ratified the Refugee Convention and the Protocol are: Chad, Djibouti, Egypt, Ethiopia, Israel, Somalia, Sudan and Turkey. States that have not ratified the Convention and the Protocol include: Eritrea, Libya and South Sudan (see Annex 1 for countries who have acceded, ratified and succeeded to the Convention and its Protocol).

In 1969, the Organization of African Unity (later the African Union) adopted in Addis Ababa the Convention Governing Specific Aspects of Refugee Problems, which entered into force in 1974. This Convention is regarded as supplementing the Refugee Convention of 1951. The Convention Governing Specific Aspects of Refugee Problems reiterates the definition of refugee as defined in the Refugee Convention and confirms the principle of non-refoulement. It also establishes the obligation of states to receive refugees who are unable or unwilling to return to their country of origin and provide them with travel documents. It provides that states must cooperate with the United Nations High Commissioner for Refugees. The Convention Governing Specific Aspects of Refugee Problem has been signed by the following countries (most relevant to this research): Chad, Egypt, Ethiopia, Libya and Sudan. Countries

that have signed, but not ratified, the convention are: Djibouti and Somalia. Eritrea has not signed or ratified the African Union Convention (see Annex 1 for a full list).

*United Nations Convention against Transnational Organized Crime*

In 2000, the United Nations Convention against Transnational Organized Crime was signed in Palermo, Italy, and supplemented by two protocols important to the current research, namely, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Trafficking Protocol) and the Protocol against the Smuggling of Migrants by Land, Sea and Air (the Smuggling Protocol).

In order to fulfil their international obligations to combat trafficking in persons under this convention, states need to take action to prosecute, protect and prevent trafficking: (i) to prosecute (including prohibit) those involved in trafficking in persons, (ii) to protect trafficking victims and (iii) to prevent the crime of trafficking. Trafficking in the Sinai falls within the definition of 'trafficking in persons' under the Trafficking Protocol to the United Nations Convention on Transnational Organised Crime, the three principal elements of which are:

- the act: including the recruitment, transportation, transfer and harbouring or receipt of persons;
- the means: including a broad range of coercive measures such as the capture of persons, enforced by means of threat or use of force, which may include other forms of coercion, abduction, fraud, deception, abuse of power or position;
- the purpose: for exploitation.

*Egypt's Law No. 64 to combat human trafficking*

The Sinai falls under the jurisdiction of Egypt. Egypt is a state party to all relevant international legal instruments on combating human trafficking and, in 2004, it ratified the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. In July 2007, the National Coordinating Committee on Preventing and Combating Human Trafficking was established through a Decree of the Prime Minister.

In 2010, Egypt adopted a law to Combat Human Trafficking, Law No. 64, which enacts the United Nations Convention on Transnational Organized Crime into national legislation. This law deals specifically with the three aspects of protection, prosecution and prevention of trafficking (see Annex 2).

Transposing the definition of the Trafficking Protocol into national law, Article 2 of Law 64 defines a person who commits the crime of Human Trafficking as:

...one who deals in any manner in a natural person, including: the sale, offer for sale, purchase, or promise thereof; or the use, transport, delivery, harboring, reception, or receipt, whether within the country or across its national borders; if this occurred through the use of force, violence, or threat thereof; or through abduction, fraud, deception, abuse of power, or exploitation of a position of vulnerability or need; or through a promise to give or receive payments or benefits in exchange for obtaining the consent of a person to traffic another having control over him; or if the purpose of the transaction was exploitation in any of its forms, including: exploitation of acts of prostitution and all forms of sexual exploitation, exploitation of children in such acts and in pornography, forced labor or services, slavery or practices similar to slavery or servitude, or begging or removal of human organs, tissues or a part thereof.<sup>8</sup>

The law further states specifically that:

The consent of the victim to exploitation in any of the forms of human trafficking shall be irrelevant as long as any of the means stipulated in Article (2) of this law have been used.

To establish trafficking in a child or in the incapacitated, use of any of the means referred to is not required, and in all cases his consent or the consent of the person responsible for him or his guardian shall be irrelevant.<sup>9</sup>

Law No. 64 defines the precise punishment for the crime of human trafficking, including imprisonment, fines and life imprisonment if the perpetrator established, organised, or managed an organised a criminal group for the purposes of human trafficking or if the act was committed by way of threats of death, serious harm or physical or psychological torture; or if the act was committed by a person carrying a weapon. Life imprisonment is also specified if the crime resulted in the death of the victim or caused him/her to suffer a permanent disability or an incurable disease and if the victim was a child, incapacitated or a person with disabilities.

Article 18 of the law states that Egypt will cooperate internationally:

The Egyptian judicial authorities and police shall cooperate with respective foreign authorities to combat and prosecute crimes of human trafficking, including: exchange of information, conducting investigations, judicial assistance and letters rogatory, extradition of perpetrators and objects, asset recovery, transfer of sentenced persons, and other forms of judicial and police cooperation, all under the rules decided by bilateral and multilateral agreements in force in the Arab Republic of Egypt or in accordance with the principle of reciprocity.<sup>10</sup>

Article 21 sets out the basis for protection of victims of human trafficking:

The victim shall not be criminally or civilly liable for any of the crimes of human trafficking as long as the crime occurred or was directly related to being a victim.<sup>11</sup>

Under the law, victims of trafficking are guaranteed the following rights:

- a. The right to physical, psychological and mental safety;
- b. The right to protect his inviolability and identity;
- c. The right to inform him of relevant administrative, legal and judicial procedures and access to information related thereto;
- d. The right to be heard and to have his views and interests considered during all stages of criminal proceeding without prejudice to the rights of the defense;
- e. The right to legal assistance, (...) <sup>12</sup>

A fund to assist the victims is also established under Law 64.

A National Action Plan was adopted in 2010, covering the period 2011–2013, which sets out the policy of the government to combat human trafficking.<sup>13</sup>

#### *Principle of non-refoulement*

The principle of non-refoulement (or push back) makes it illegal to forcefully return a person to a country where he or she faces persecution. According to the United Nations Convention Relating to the Status of Refugees of 1951, in no situation can a refugee be sent to a territory where his or her “life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion”.<sup>14</sup> Hence, states that have signed the Refugee Convention cannot extradite, expel or surrender a refugee from their territory in cases there are indications that his/her rights will be violated or that s/he will be subjected to ill treatment or torture. Moreover, a refugee can only be expelled after due process of law.

The push backs by Italy of migrants trying to cross the Mediterranean Sea have resulted in several court cases. A case that originated in an application (No. 27765/09) against the Italian Republic lodged with the European Court on Human Rights by 24 Somali and Eritrean nationals (the ‘Hirsi case’) resulted in a judgement by the Court on 23 February 2012.<sup>15</sup> The Court observed that, “according to the UNHCR and Human Rights Watch, individuals forcibly repatriated to Eritrea face being tortured and detained in inhuman conditions merely for having left the country irregularly”. The Court went on to hold that, with this operation, Italy extradited people who “risked being subjected to ill treatment in the requesting country” and that, therefore, this practice was

illegal. However, in 2012 Italy and Libya signed another secret agreement to stop migrants and refugees crossing the Mediterranean Sea which has not yet been tested in the courts and the ramifications of which are yet to be seen.

### *Involvement of Europol*

Following the ongoing reports of Eritreans in the European diaspora being approached by people in the Sinai torture camps and the Swedish case in which two middlemen were convicted of blackmailing an Eritrean woman in Sweden, Europol has (in line with the recommendations made in the first publication, *Human trafficking in the Sinai: Refugees between life and death*) taken action. As a first step Europol has circulated a questionnaire to all Member States to provide information on similar cases. If appropriate, Europol will consider taking further steps.

### **Terminology**

The choice of language used to describe refugees and victims of Sinai trafficking can be challenging. In the literature, distinctions are made between refugees according to country of origin, transit countries and destination countries. From the perspective of the refugees, these distinctions make little sense. One could perhaps even say that for the majority of the refugees their final destination country is their country of origin, as many refugees long to go home one day.

Similarly, it is often difficult, if not impossible, for refugees to designate their own 'situation' using the terminology used to identify refugees. They might be trying to escape a particular situation, not knowing that they have been smuggled or trafficked. What is legal or illegal also might not be clear to the refugee, particularly if the only possible way to leave their country is by paying officials.

In this publication, the term 'refugee' is used in a general sense to describe people who have fled their country and are outside their country of birth – a refugee may or may not be a hostage already and may or may not know that s/he is being sold and no longer free. In this book, the term 'Sinai hostage' is used to designate those held captive in the Sinai, as they are calling themselves. The term 'Sinai survivor', introduced by those providing assistance to them, is used to refer to those who have been able to escape from Sinai where they were previously held hostage. In the context of their route after leaving the Sinai, the victims of Sinai trafficking can be merged with other groups of 'refugees', as for instance in Lampedusa, where Sinai survivors are among the refugee streams.

The definitions of terms used in relation to the trafficking networks need further research. In this study we broadly speak of 'traffickers' as those who are in charge of recruiting, keeping and releasing the hostages. It is necessary to

develop a more detailed and sophisticated terminology, which we will begin to develop in this study.

In the interviews, we have tried to remain as close as possible to the stories of the refugees and to their narratives to allow us to understand as accurately as possible the perspectives of the refugees. Accordingly, descriptive terminology has been used in the interviews and throughout this publication. Hence, the prior framing of terminology does not limit the scope of interpretation as it emerges from the interview material.

### **Scope and research questions**

In the previous study, the existence of Sinai trafficking was established and information gathered to give a voice to the victims and provide an initial understanding of the phenomenon. This second research study provides a more profound understanding of the nature of Sinai trafficking including how it has evolved, its scope, its modus operandi and who is involved. As part of this, the principal elements constituting Sinai trafficking – abduction and kidnapping, displacement; captivity, extortion, torture, sexual violence and humiliation, serial selling and killing – are re-examined and a further account of trends in relation to these elements provided.

The first publication alerted the broader public to the existence of the trafficking in the Sinai; the current publication clarifies the scope of the problem with a quantitative analysis of all interviews conducted (including those used for the first publication). In addition, new interviews were conducted with survivors, relatives, policy makers and organisations working with survivors to investigate new modus operandi in relation to trafficking in the Sinai, to picture the situation of refugees after they survived the Sinai and to gain a deeper understanding of the reasons why the people leave their home country and get caught up in Sinai trafficking.

Additional and new phenomenon in Sinai trafficking are identified, namely, its cyclical dimension and the buy up of ‘loss-making’ hostages and re-sale at reduced prices. The trafficking cycle or trap is examined as part of analysing the trafficking networks and the involvement of trafficking victims in it, as well as the detention practices of authorities of trafficking victims. The study also seeks to improve our knowledge of what happens to survivors after the Sinai.

The policies of countries of origin, transit and destination are examined in relation to how they contribute to the trafficking cycle. The study also looks at how the Sinai crisis currently has no resolution for the survivors, who face serious difficulties in their subsequent destinations including detention, criminalisation and even deportation (referred to as the trafficking cycle or trap). This study also seeks to identify possible solutions to the problem.

The following questions are central to this book:

1. What are the modus operandi of Sinai trafficking and how have these changed? This question looks specifically at recruitment and routes.
2. What are the methods of extortion and amounts, numbers trafficking victims and locations, practices of torture, sexual violence and sadism, number of killings and disappearances, release and conditions of release?
3. What are the options for the survivors of Sinai trafficking after their release? This question looks specifically at: the safety situation in the Sinai and beyond, support and procedures, detention, deportation and push backs, and follow on routes.
4. How is EU policy responding to the challenges posed by the Sinai crisis? This question looks specifically at: EU policy, policies of Member States and coordination within EU institutions?
5. What defines Sinai trafficking as a new phenomenon and what is contributing to the emergence of this phenomenon?
6. What new policy challenges have emerged as a result of it?

In conducting the research for this study, a high priority was given to understanding the perspectives of the refugees and to voicing their fears, hopes, and motivations. This approach allows for an in depth understanding of the situation, which is necessary for any real analysis of the crisis, how it emerged and the potential solutions. In our approach we hope to respect the refugees as in charge of their own history and destiny. Involving them in the research as the principle stakeholders of solutions is necessary to create a real understanding of their situation and to develop potential strategies to resolve the threats they are faced with. At the centre of this research is the dignity of each and every person trafficked. In this uncertain world, it is important to remember that we could all be a refugee one day.

### **Methodology**

The research on the ways in which Sinai trafficking is carried out is based mainly on interviews with the traffickers, hostages and people working with Sinai survivors. Given the fact that the refugees are often in detention and, therefore, not always free to move around and cannot be visited, most of the interviews were conducted by telephone. This research uses the interviews conducted in 2010–2012 for the first research study, as well as follow up interviews conducted in 2012–2013.

#### *Interview questionnaires*

Interview questionnaires were used and made available to all interviewees, providing a flexible format in which questions could be prioritised depending on the context (Annex 3). Where possible, the interviews and testimonies were recorded. With Sinai hostages, interviews were usually conducted in Tigrinya,

the language of Eritrea. Very rarely Amharic was spoken during the interviews. These recorded interviews were then translated and transcribed in English. Where interviews were not recorded, the conversations were written down and notes were compared if there were multiple interviewees. The verification of findings with other resource people was undertaken throughout the research process.

#### *Interviews with Sinai hostages*

Interviews with Sinai hostages were conducted by mobile phone and recorded. A total of 115 interview-recordings were made as part of the second study, in which 77 interviewees are recorded that directly related to the modus operandi of the traffickers in the Sinai. Interviews were carried out with hostages while in the Sinai, and afterwards, in their various circumstances: escaped in the Sinai, in detention in the Sinai, released in the Sinai and released in Cairo, as well as Sinai survivors who had been able to enter Israel.

A challenge was posed by the diminishing direct access of the researchers to the Sinai hostages in the later period (2012–2013). To compensate, complementary data was collected by interviewing relatives of Sinai hostages in direct touch with the hostages and Sinai survivors, which also provided verification of previous interviews. Interviews with Sinai survivors were conducted in different countries, including European countries.

Some persons were interviewed several times in different stages (as a Sinai hostage and as a Sinai survivor in detention). In several interview recordings, more interviewees speak to the interviewer. In these interviews, which directly relate to Sinai, 48 of the interviewees are men, 23 are women and 6 are of unknown gender. Among the interviewees are at least three minors. In the interviews, reference is made to a total number of 465 hostages.

The majority of the interviews were carried out by Meron Estefanos, but a number of interviews were carried out by the other authors and by research assistants. An interview questionnaire was used as much as possible by the interviewers to collect the information in a systematic way; however, conversations were also led by the interviewees and what they wanted to discuss (Annex 3).

The interviews were undertaken in different languages, but predominantly in local languages, especially Tigrinya (with a few interviews carried out in Oromo, which were not recorded). Some recordings are of more than one interviewee, because the hostages would sometimes interchange during the interview. The interviews were translated by two translators and then transcribed by research assistants. Where information was missing, additional details were sought from the interviewers.



Research assistants analysed the interviews. Two different methods of analysis were used by two separate group and the outcomes were compared. This method provided additional verification of the material.

*Face-to-face testimonies of Sinai survivors and resource people*

Face-to-face interviews were given on a number of occasions by Sinai survivors, both within detention centres and in Egypt, Israel, Africa and Europe. Where possible, these were recorded and transcribed. These testimonies were given in Tigrinya and other languages, including English, and translated during the testimony by a translator or afterwards from the recording.

In order to get an overview of the number of Sinai survivors and also an idea of the number of people killed or disappeared, a list was circulated within the detention centres. In this way, a list of the people held in detention was made and compared with the list of disappeared people. The list of disappeared people was compiled on the basis of information provided by families who contacted researcher Meron Estefanos.

*Visits and fact-finding missions*

The testimonies of a number of Sinai survivors were heard during visits to Israel and Egypt. The Sinai itself was visited to verify the locations and circumstances described in the interviews. Some of the Sinai survivors previously interviewed while held hostage in the Sinai for the first research study were re-interviewed. This served as additional verification of the information in the first set of interviews. The researchers also interviewed traffickers, Bedouin leaders and religious leaders during this research mission to Israel and Egypt.

Extensive use is made of the eye-witness reports of Meron Estefanos during her visit to Egypt and the Sinai in May/June 2013, where she met with Sinai survivors, traffickers (including Abu Abdallah), community leaders, elders and religious leaders. During this visit Estefanos saw the houses and locations of the torture camps. Pictures of these were later shown to hostages for verification. She also met in Cairo with former Sinai hostages.

A number of additional fact-finding missions were conducted to Egypt, Ethiopia, Israel, South Sudan, Kenya and Uganda to complement the research and ascertain the situation of refugees in these countries. A visit was also undertaken by Meron Estefanos to Lampedusa to interview refugees arriving from North Africa. In Lampedusa, although access to the detention centres was denied, interviews were carried out with refugees, including Sinai survivors. In Malta resource people were interviewed by phone.<sup>16</sup>

*Interviews with resource people*

In order to research the questions related to numbers and overall trends, interviews were conducted with a range of resource people and the information gathered was compared to verify perceptions and facts. Resource people were important informants, especially because survivors were difficult to reach as many were held in detention centres and could not be contacted by telephone. The resource people interviewed included staff of organisations assisting the refugees, who had access to detention centres and prisons, religious leaders, people from international organisations and political leaders.

To identify the routes of the refugees to the Sinai and beyond, interviews were conducted with Sinai survivors in Israel, Egypt and Europe. Difficulties were posed by the detention of Sinai survivors in Israel, Egypt and Europe. While in some instances it was possible to carry out direct telephone interviews, in other instances interviews were held with resource people who visited the facilities. These interviews with resource people were held by telephone and in direct meetings. Information gathered in interviews with resource people working with Sinai survivors was used to verify information gathered during interviews with Sinai hostages and survivors.

The interviews were conducted through different avenues and networks. A number of interviews were conducted through unconnected diaspora networks, with connectivity in different countries. Another set of interviews was conducted through contacts with (European) migrant support organisations; these interviews were also conducted during the missions carried out by the researchers.

*Interview with EU officials*

Interviews were conducted with officials in EU institutions to understand the policy dimensions of the problem, including policy coordination and coherence, and the impact of this on the Sinai crisis. Officials in EU Member States were contacted to research the specificities in relation to policy affecting the Sinai crisis and the assistance provided to Sinai survivors. Research was also carried out to contact victims of extortion practices in the EU related to Sinai trafficking. In this context, anonymity was guaranteed, as the victims of extortion interviewed were extremely frightened to talk about their experiences.

*Comparing information*

Information gathered in the interviews, testimonies and meetings has been compared with other sources for verification, including interviews with Sinai survivors conducted by other organisations, such as the Hotline for Migrant Workers and the Physicians for Human Rights, both located in Tel Aviv, and the organisation Samera, based in Cairo, and ARRA in Ethiopia. A comparison of such information from the different sources was undertaken to check estimates

in terms of numbers of Sinai victims, and so forth, and the other facts described in the interviews.

*Radio broadcasts*

Some of the interviews were broadcast on Radio Delina in 2011 and later on at Radio Erena in 2012 and 2013 by Estefanos. As a result of these broadcasts many more Sinai survivors, hostages and their family members contacted the broadcaster. This has helped in compiling the lists of Sinai hostages, Sinai survivors in detention, and Sinai survivors who are free, as well as those who have disappeared or died or were killed. Through this regular contact between the broadcaster with the Sinai hostage community it has been possible to follow their journey in the Sinai, as well as after.

*Policy research and literature review*

Policy research in EU countries was undertaken together with a desk review and literature review in the following languages: Greek (also covering Malta), Cypriot, Italian, Spanish, French, Swedish, Danish, Norwegian, German, Dutch, and English. Documents pertaining to other countries were examined in Hebrew, Arabic and Tigrinya.

Relevant legal cases were examined. A number of resource persons were interviewed to help understand the context of the judicial procedures. A number of list serves provided relevant background material for this study and were used to check the overall findings from the interviews. In particular, the International Commission on Eritrean Refugees (ICER) list serve and Migreurop list serve were used for this purpose.



## Chapter 4. Routes to the Sinai and recruitment of trafficking victims

Alice: *Would you tell me, please, which way I ought to go from here?*

The Cheshire Cat: *That depends a good deal on where you want to get to.*

Alice: *I don't much care where.*

The Cheshire Cat: *Then it doesn't much matter which way you go.*

Alice: *...So long as I get somewhere.*

The Cheshire Cat: *Oh, you're sure to do that, if only you walk long enough.*

Lewis Carroll, *Alice in Wonderland*<sup>17</sup>

This chapter looks at the route(s) trafficking victims take to the Sinai, including how trafficking victims are recruited or abducted and how the smuggling is actually carried out. It also looks specifically at the organisation of the trafficking victims, recruiters, smugglers, and traffickers. It touches on who the trafficking victims and the circumstances that lead them to the Sinai. In the interviews indications can be found of similar practices taking place in other African countries such as Sierra Leone and Chad. These references have not been systematically scrutinised and, therefore, are not further considered in this report. Follow up research will look into these countries as well.

### Recruitment and abduction

#### *Abduction from refugee camps in Sudan*

A large number of the Sinai hostages interviewed as part of this research reported being kidnapped from within or around camps in eastern Sudan. Most of the refugees in these camps are from Eritrea, which shares a border with Sudan; the UNHCR currently lists more than 114,500 Eritrean refugees in Sudan as at June 2013.<sup>18</sup> Given that many refugees may not register with the UNHCR, the real number is likely to be even higher.

The relative high number of Eritrean refugees in Sudan is explained by the fact that there is a shoot-to-kill policy in Eritrea at the Ethiopian border and, therefore, refugees prefer to flee to Sudan. In addition, those caught entering Ethiopia are punishable by death (as Eritrea is at war with Ethiopia), while those caught fleeing from Eritrea to Sudan are punished by imprisonment of three years. Only those living close to the border with Ethiopia try to flee to Ethiopia.<sup>19</sup>

In Ethiopia, the UNHCR has recently opened a new refugee camp in Hitats, which can house 20,000 Eritrean refugees and which aims to improve the security situation of the refugees. Ethiopia currently hosts 71,833 Eritrean

refugees<sup>20</sup>, but, again, the real figure is certainly higher, because not all Eritreans are registered as refugees and some have taken Ethiopian nationality. The camps are also home to refugees from within Ethiopia, such as the Oromo people.

In the camps in Ethiopia there is an increasing number of Eritrean refugees deported from Egypt and elsewhere, trapped in a cycle of despair and with no or little access to trauma counselling or other services. This is leading to an increasing level of tension in those camps. In the aftermath of the tragedy in Lampedusa in which fellow refugees and trafficking victims drowned, the tension led to riots in the camps in which three people were killed. There is quite a high mobility from Ethiopian camps to the Sudanese camps as the refugees are trying to move to places where they feel there are better options for their future.

There are also reports of organised trips from the Ethiopian camps to the refugee camps in Sudan by traffickers.<sup>21</sup> Children (aged 13–14) are: “being enticed [...] without paying anything and their respective families are extorted when they get there. They’re basically taken without the consent of their families.”<sup>22</sup> Being presented with these observations, an interviewee from Mai Ayni camp in the Tigray region (Ethiopia) comments: “It is a bit hard. We know what’s actually going on, we know those things are being perpetuated by individuals who live in this camp or its environs with us. We’re incapable in addressing the issue ourselves even though we know everything.”<sup>23</sup>

The main traffickers working from the Mai Ayni camp in the Tigray region, home to 15,000 Eritrean refugees, are of Eritrean origin. They receive some help from Ethiopians. In 2013, there was a report of people being trafficked from Metema, on the border with Sudan:

...and people are being kidnapped from here [Mai Ayni], in fact, such things have started appearing in Metema as well. There are go betweens here who function freely and we’ve informed the concerned authorities but there’s nothing coming. [...] They lure people, they promise to take them all the way to Libya for free and they will get payment once you reach there – but they already transfer them to Bedouins before they even cross Metema.<sup>24</sup>

From the perspective of the recruitment of hostages for the trafficking, the security of the refugees in the Sudanese camps is an issue that has been reported in the interviews conducted for this research for several years. In 2012 refugees in the Mai Ayni refugee camp initiated a legal case against the traffickers working inside the camps. However the case against the traffickers ran into trouble as the families who pay ransoms for people trafficked from the camps are scared to speak, as they feared reprisals.<sup>25</sup>

In subsequent years, since 2012, UN High Commissioner for refugees, Antonio Guterres, has repeatedly expressed his concern and stated that more resources are needed to ensure security in the camps in Sudan.<sup>26</sup> In 2013, UNHCR reported seeing “rising incidents of abductions and disappearances of mainly Eritrean refugees, allegedly involving border tribes, in Eastern Sudan”.<sup>27</sup> UNHCR stated that:

Over the last two years we have seen people disappearing from the Shagarab camps – some of them kidnapped, and others believed paying to be smuggled elsewhere. Those who are kidnapped are often held for ransom or trafficked onwards for the purpose of forced marriage, sexual exploitation or bonded labour.<sup>28</sup>

UNHCR also reported on kidnapping associated particularly with Sinai trafficking:

The risk of being kidnapped is highest for Eritrean refugees and asylum seekers as they enter Eastern Sudan. Based on numerous reports and individual interviews, the main actors responsible for smuggling and human trafficking from Eastern Sudan into Egypt are local tribesmen in Eastern Sudan and in the Sinai, as well as some criminal gangs. Some asylum seekers are kidnapped at the border between Eritrea and Sudan, before reaching the camps, while others are kidnapped in and around the camps in Eastern Sudan. Those who deliberately resort to smugglers appear to do so either to enter Sudan or for onward movement into Egypt or Israel. In many cases they also end up being abused by their smugglers who sell them to traffickers or detain them for ransom.<sup>29</sup>

In November 2013, new abductions were reported from within the Shagarab refugee camp (Sudan) of two Eritrean refugees and in a separate incident an abduction of two Eritrean women and an Ethiopian man.<sup>30</sup> How UNHCR understands its role in protecting the refugees in the camps is unclear. Sinai survivors are arguing that the UNHCR signboards give them a sense of protection and if the UNHCR cannot secure the camps, these camps should be closed or moved to places where UNHCR can ensure their safety.<sup>31</sup>

Following the tragedy in Lampedusa, the EU Ambassador to Sudan, Mr Ulicny, visited the governor of Kassala state, Mohammed Yousef Adam, to identify how the EU and Kassala could cooperate more to curb the trafficking in the province. According to news agents, the Sudanese officials told the EU delegation that arrests had been made in relation to the trafficking. They also stated that Kassala has passed a law against human trafficking. The UNHCR said that it had started a project to address trafficking, smuggling and kidnapping in eastern Sudan, in cooperation with local authorities and the International Organisation for Migration.<sup>32</sup>

*Route from eastern Sudan to Sinai*

Once people are abducted in eastern Sudan they are collected in warehouses, where they are imprisoned. Groups can stay there for several weeks. From Sudan they drive day and night until they reach the Nile in the north from where they reach Egypt. There they wait for cars to drive them to the Suez Canal, which they all have to cross.

There are three main routes used for the human trafficking: the Martyr Ahmed Hamdy Tunnel, the Kobri (bridge) al-Salam and the Suez Canal, which they cross in small boats.<sup>33</sup> A smuggler testified:

We smuggle immigrants from the Egyptian-Sudanese borders to the Peace Bridge and Shahid Ahmed Hamdy tunnel in Suez, paying big bribes along the way. Then, we put them in a warehouse offering them food in exchange for additional funds we already paid as bribes in order to facilitate their access to the border point.<sup>34</sup>

On the other side of the Suez Canal there are cars waiting to drive them to the Sinai. They then drive north to Arish, the capital of the Sinai. They enter Sheikh Zuweid, which is where the lawlessness part of the Sinai starts, and then move further to Almahdia. From Almahdia, they travel all the way to the Raffa area, close to Gaza and the Israeli border. This is where the torture camps are located. There are many checkpoints on the way, and the cars with the hostages are easily identifiable. Pictured here is the last checkpoint, which is in Sheikh Zuweid.



**Figure 1:** Checkpoint in Sheikh Zuweid, Sinai (Photograph: Meron Estefanos)



*Abduction of Ethiopians*

In this study there appears to be more hostages originally from Ethiopia than in the first study. The interviews suggest that the interviewees migrate for work and are then abducted from the fields where they work, as for instance in the interview below:

- ME: Hello, who is this?  
G: My name is GK. I am from Tembien, I am Ethiopian. I left Ethiopia in 2012. It hasn't been a year. I am 20.  
ME: Okay. How did you leave from Ethiopia?  
G: I left from Ethiopia because they told us there is work. They took us to Sudan, and when we were cutting sorghum, the Rashaida came and took us while we were working in the field, we were working near Gedarif.  
ME: It is near Khartoum?  
G: No it is not in Khartoum, it is near Kassala.  
ME: Hello, are you there?  
G: Anyway, we were working and the Rashaida came and took us, they hit us and they kept us blindfolded. We were three Ethiopians, one was able to get away and run.  
ME: Did you tell them that you were Ethiopians?  
G: They told us to say we are Eritreans. They kept beating up.<sup>35</sup>

There are also more interviews in which Ethiopians explain that they were ordered to say they were Eritreans, apparently so that the Rashaida kidnappers could ask more as they would sell the hostages on to the Bedouin traffickers.

*Abduction from Teseney and Golij, Eritrea*

The interviews conducted with Sinai hostages and their family members reveal that a growing number of people are being abducted directly from within Eritrea. These abductions appear to have started around 2010 and increased dramatically in 2013 and, from the count of cases reported, seems to involve hundreds of victims.<sup>36</sup> Among those abducted are farm workers, women and groups of under-aged children.

In September 2012, an interviewee said that he was kidnapped while working in the fields in Teseney, Eritrea, close to the eastern border of Sudan: "Some Eritrean guy promised us work in a field."<sup>37</sup> This man took a group of farm workers to an area out of town on the pretext of providing them with work and handed them over to the Rashaida. The interviewee did not know the man who sold him, but said his name was Hiran.

There have been other reports of children under the age of 15 and others being kidnapped from Teseney and Golij. Women and children looking for firewood in

Golij have been targeted, as have farm workers near the Sudanese border, who report being kidnapped by Rashaidas and Hidarib tribesmen.

The farms in the Teseney and Golij region are called 'defense farms'. This means that these are owned by the Ministry of Defense in Eritrea and operated by the military. In the last 20 years the Ministry of Defense in Eritrea has taken over successful agricultural businesses. The operation of these businesses has been associated with trafficking in the region.<sup>38</sup> The conscripts of the Eritrean national service are included in forced labour on these farms. Moreover, migrants from Ethiopia are included in ethnically-defined 'military opposition camps' run in Eritrea and forced to work in the agricultural fields of the 'defense farms'. The 'military opposition camp' in which the Ethiopian Tigrayans are trafficked may include some 10,000 members. The trafficking of these migrants and their assignment to the so-called military opposition camps and to slave labour on the 'defense farms' is carried out by the Eritrean Border Surveillance Unit.<sup>39</sup> Traffickers are also operating on the Ethiopian side and Sudanese side of the border.

*Abduction from Sawa Military Camp, Eritrea*

Abductions have also been reported from Sawa Military Camp in Eritrea. In 2012, an Eritrean woman living in Sweden said that her son was abducted from Sawa Military Camp where he was completing his last year of high school.<sup>40</sup> The Eritrean Government requires every student to complete his/her last year of high school year in Sawa Military Camp, which means that most 16 and 17-year old children go there to complete grade 11.

This woman explained that seven children, who were relatives of six families in Sweden, and some other children, who had relatives in other western countries, were ordered by a high-ranking officer in Sawa to get into his car. They were then driven to Sudan without their knowledge or consent. Once the children reached Sudan, the traffickers made the children call their parents and told them if they did not pay USD 7,500 they would be sold to the Sinai. The children's parents were given three days to pay the money and were asked to send the money to someone in Saudi Arabia. The parents sent the money to the middleman in Saudi Arabia, who was known to the Swedish families. The middleman was then contacted by a Sudanese man and given a bank account. The money was wired to this account. Then all of the seven kids with Swedish relatives, as well as the other children who were with them, were released in Khartoum. It is conceivable that these children were specifically targeted as all of the children's parents were living in the west.<sup>41</sup>

In October 2013, there were several reports of the abduction of 211 children from Sawa Military Camp, for whom a ransom of USD 10,000 was demanded per child. One of the children was the nephew of a man who lives in Sweden. The ransom for the nephew was paid in Saudi Arabia and he is now in Khartoum.<sup>42</sup>

*Abduction from various places between Eritrea and Kassala*

The following is an excerpt of an interview with a man who was taken from Barentu, Eritrea, after he had just been released from three months in prison for “contemplating escape from Eritrea”:

I met someone who seemed sympathetic [...] and bought me some food and drinks and told me that I could go back to Asmara with him. I said okay, and then I boarded his car. He called someone else and there were two of them. Then they started to take me in the direction of Sudan and I asked him where he is taking me and he told me to shut up and slapped me a couple of times. When I got there the police found us, I told the police everything. And they took me to Shegarab and two people [...] sold me. I have arrived here [in the Sinai] and they are asking USD 35,000.<sup>43</sup>

Another interviewee held hostage in the Sinai, from Forto Sawa in Eritrea, travelled to Sudan, where Sudanese police caught them and sold them on to the traffickers.<sup>44</sup> Another interviewee from Asmara, Adi Nifas, 18 years old, left Eritrea to join her husband in Sudan, but was kidnapped when she arrived in Sudan, Kessala.<sup>45</sup>

*Abduction from Asmara, Eritrea*

A mother of three children told how she was kidnapped in Asmara. She said that she never intended to leave the country, but merely attended a meeting with her business partner in Asmara.<sup>46</sup> At the meeting there were three men she didn't know. The next thing she remembers is waking up in Kassala with the three men; her business partner was not there. The house where she woke up belonged to Rashaida people. The three others didn't remember how they got there either. They were asked to pay USD 10,000 within a few days and told that if they didn't they would be sold to the Bedouins in the Sinai.

The families of the woman and three men paid the ransom demanded, but were not released. Instead they were taken to the Sinai where a ransom of USD 35,000 was demanded. Again, the families paid the ransom, but the Bedouins refused to let them go, apparently because the Egyptian army was conducting a military intervention in the area after the fall of the then Egyptian President, Mohamed Morsi. Eventually, some of the hostages were released, only to be arrested by Egyptian soldiers. The woman received assistance from a Bedouin family through intermediaries and is now staying in a house in the Sinai waiting to go to Cairo when the situation in Egypt calms down.

Another abduction from Asmara was reported by a young woman who received a telephone call saying that her sister, who was living in a western country, had sent her money. She was told to go to a certain place downtown to collect the money, which was sent by *hawala* (an informal money transfer system). She had no suspicion that

it was not normal to receive money that way. She has no memory of what happened next and when she regained consciousness she was in Kassala (Sudan) with five other people who were in the same situation. Her kidnappers demanded a ransom of USD 10,000 for each person which was paid. They were then moved to the Sinai and her family paid USD 35,000 USD for her release.

Recently there have been reports of roundups in Asmara, in which the military have been searching for military conscripts. Witnesses have reported that the military taking place in these roundups were Ethiopian soldiers who asked for identification cards in a language different than Tigrinya. These roundups have led to riots in Asmara. The increased desertion of Eritreans, escaping national service and fleeing abroad may be related to this development, requiring the army to rely on soldiers from elsewhere.

#### *Targeting children with relatives in the West*

As mentioned above, there is evidence to suggest that children with relatives in the west are being targeted for trafficking from Eritrea. A 15-year old Eritrean schoolgirl, interviewed for this research, related how she was smuggled to the Sinai and ended up in Sweden. She said that she and her three friends were approached by a smuggler at a school in Asmara.<sup>47</sup> The smuggler asked if they wanted to go to Sudan and offered to take them for 20,000 Nakfa (approximately USD 1,340). The smuggler knew that their parents were in the West. The children did not realise how low this rate was compared to the normal price to be smuggled from Asmara to Sudan (which is USD 3,000 to 7,000). He told them that they did not need to worry about payment until they reached Sudan. The girls accepted his offer and walked for more than eight days with him and another smuggler.

Once they arrived in Sudan, they met some Hidarib tribesmen who spoke to the two smugglers in a language that the children did not understand. One of the smugglers told them that there were Rashaida a kilometre ahead and that it was better to stay at the house of the Hidarib people. At the house, they were first told that they would rest for a few hours and later told that they needed to sleep there until morning when they could get a car. The children were tired and fell asleep. Around midnight the children were woken up by a man they had not seen before. The man was holding a paper that said UNHCR and told them that he was from the UNHCR. He said that he had come to register them as refugees. He asked them questions about their families and pretended to write down what they were telling him. Then he said that he would need to register them one by one. He took one of the children with him outside and told the rest that he would talk to them each in turn. He came back and took another and another; at last he took the girl outside and she saw that the others were chained to each other in a pickup truck. There was nothing she could do, but get into the car where she was chained with her friends. She then realised that the two smugglers were also in the car, but

were not chained. They started driving back towards Eritrea, where the two smugglers were ordered to get out of the car. The man gave the smugglers a jar of water and started driving towards Sudan. In Sudan, the children were taken to a warehouse in Kassala in eastern Sudan where they met 16 other hostages, among them a 3-year old boy and his uncle.

The children paid USD 5,000 each to be sent to Saudi Arabia, but were then sold and brought to the Sinai where they were held in the torture camp (term used by the trafficking victims to refer to the places where they live, are imprisoned and tortured for extortion) of Abu Omar (one of the major traffickers, see Chapter 5). Eventually, a ransom of USD 25,000 each was paid for their release.

The girl who relayed this story made it to Israel. Once she arrived in Israel, she lied and said that she was from Ethiopia so that she wouldn't be kept in Israel under the Anti-Infiltration Law. Israel then deported her to Ethiopia. From there she was able to go to the Swedish embassy. The girl fell pregnant while at the Mai Ayni refugee camp in Ethiopia. At last, in April 2013, she was reunited with her mother, who was already living in Sweden. She is now 16 years old and raising her daughter together with her mother in Sweden. The three-year old boy and his uncle ended up in Israel from where he was reunited with his mother in Switzerland.

### **Trafficking network**

Interviewees were also asked about those involved in the trafficking so that the trafficking network could be mapped out. A report of the International Commission of Eritrean Refugees mentions particular individuals who are thought to be included in the trafficking network.<sup>48</sup> In the section, we describe the main elements of the trafficking network associated with Sinai trafficking.

#### *Organisation of recruitment and trade*

The trafficking network has at the top high-ranking officials in Eritrea and Sudan (UN Monitoring Group on Somalia and Eritrea, 2011, 2012 and 2013) and some wealthy Bedouins in the Sinai, who seem to organise the trade. In the next chapter the Bedouins, who are referred to in the interviews, and their role in the trafficking as perceived by the Sinai hostages will be described.

The interviews reveal that smuggling, abduction and transportation are carried out by Eritrean and Sudanese nationals, especially members of the Rashaida and Hidarib tribes. In the case of smuggling, after leaving Eritrea, the people who are smuggled are handed over to Rashaida smugglers in Sudan who sell space on trucks for an average fee of USD 3,000. In Egypt, the Rashaida smugglers hand the refugees over to the Bedouin traffickers who then take them to the torture houses. The Rashaida, Bedouins and Hidarib are related in terms of dialect and ethnography, originating from around the Red Sea, and

consist of Beja (who speak Bedawiyet), Bedouins and Hidarib tribesmen. The Rashaida are also related to one of the ancient Bedouin tribes originally from Saudi Arabia. The authors would like to make it clear that not all Rashaida, Bedouins and Hidarib people are involved in the trafficking and that, in fact some, have been outspoken against it.

*Involvement of Eritrean officials and the Eritrean Border Surveillance Unit*

There is substantial evidence that officials (including high-level officials) in Eritrea are involved with the smuggling of people out of Eritrea (UN Monitoring Group on Somalia and Eritrea, 2011, 2012 and 2013). In interviews with Sinai hostages and survivors undertaken as part of this research, the Eritrean Border Surveillance Unit is mentioned as an agency that takes bribes to help people leave the country. People are driven out of Eritrea hidden under covers in pickup trucks of the Eritrean Border Surveillance Unit so that they can avoid checkpoints and cross the border with Sudan unnoticed. Mekonnen states that the:

Eritreans cross the border to Ethiopia and Sudan with the help of smugglers who are perceived as having discreet deals with senior military officers in the border surveillance unit. Without such deals it is extremely difficult to smuggle people from Eritrea to neighbouring countries.<sup>49</sup>

The Border Surveillance Unit controls the prisons in Eritrea and also the military camps. Given the near impossibility for the majority of Eritreans to obtain a passport or exit visa and the many checkpoints and controls, it is very difficult to leave the country without the involvement of the Border Surveillance Unit. People are not allowed to travel freely in Eritrea and, given that many are assigned to a military camp, those found outside the camp are regarded as deserters and are severely punished. According to the UN Monitoring Report (2011), Military officers involved in the practice reportedly receive around USD 3,000 in bribes for smuggling ‘services’ for one person smuggled out of Eritrea.<sup>50</sup> From our research, we found that members of the Eritrean diaspora in Western countries pay USD 5,000 to USD 7,000 for a safe way to get a relative out of Eritrea. This means that:

...you pay a high rank official, the relative doesn’t get checked at the checkpoints, the official will drive your family member all the way to Khartoum and that is where he receives the money. This is what most of the diaspora use to get their family members out of Eritrea.”<sup>51</sup>

This way they “avoid kidnapping and other problems”.<sup>52</sup>

The Border Surveillance Unit is commanded by General Teklai Kifle (alias ‘Mangus’), who has also been identified by the UN Monitoring Group on Somalia and Eritrea (2011, 2012 and 2013). Due to the involvement of the

Border Surveillance Unit (which is part of the Government administration) in almost all aspects of life, people in Eritrea can't always easily distinguish between what is legal or illegal, as they are follow 'official orders'. In this context it has also been said that the Border Surveillance Unit operates in the Shagarab camp in Sudan and it kidnaps refugees from within the camp to bring them back to Eritrea if they are sought by the Eritrean Government. There are reports that those returned to Eritrea from Shagarab are then imprisoned or killed.<sup>53</sup>

The UN Monitoring Reports of 2011, 2012 and 2013 mention the involvement of the Eritrean Government and high-level officials in the trafficking and identify General Teklai Kifle ('Manjus') and Colonel Fitsum Yishak of the Eritrean Army as being directly responsible for the cross-border smuggling of people and weapons from Eritrea (UN Monitoring Group on Somalia and Eritrea, 2011, 2012, 2013). The reports say that trafficking operations begin in western Eritrea, under the auspices of General Manjus. The report also claims that the smuggling network from Eritrea to the Sinai was organised in 2011 by two military officers under the command of Manjus, namely, Borhame and Yesef Hadegu. Explaining the involvement of the military as a form of forced labour, an informant explained to the UN Monitoring Group on Somalia and Eritrea: "Manjus gets all the money. They don't get anything. They are in the military so they just do what they are told."<sup>54</sup>

In the summer of 2013, graffiti was painted on the house of two colonels in Asmara, the capital of Eritrea, which read: "You built this house with the kidneys of our children". There is a strong perception by Eritreans that the Government of Eritrea is implicated in the human trafficking.<sup>55</sup>

#### *Involvement of Sudanese officials*

The 2011 UN Monitoring Report identifies General Teklai Kifle ('Manjus') as the principal leader of smuggling on the Eritrean side of the border. His counterparts on the Sudanese side are identified as Mabrouk Mubarak Salim and Hamid Abdallah. The report states that Abdallah is:

... a wealthy Khartoum-based businessman who is also an asset for both the Sudanese and Eritrean intelligence services, and who has kinship ties to border police monitoring the Sudan-Eritrea border. He regularly hosts Eritrean officials who visit Khartoum, such as Yemane Gebreab, Abdallah Jaber and General Kifle, and was involved in the sale of millions of dollars of Eritrean scrap metal to Giad, a conglomerate of Sudanese companies, in 2010.<sup>56</sup>

It has also been reported that police and intelligence and security officials in Sudan have some involvement through bribes, by looking the other way or are

actively engaged in part of the smuggling or trafficking operation. Resource people have explained that officials are involved in the abduction of people who are sold and trafficked for extortion.<sup>57</sup> An interviewee explained how his relative, an Ethiopian Oromo who lived in the Shagarab camp, was abducted. Sudanese police stopped a bus in which the refugees were transported to go to another camp. The relative believes that the driver was also informed. The police took out three people, under the pretext of an issue with papers, even though they had the card issued by UNHRC. As soon as the bus and the police left, a car arrived and these people were abducted. The relative was sold to Sinai.<sup>58</sup>

This is especially the case in and around the refugee camps of Shagarab, which are full of Eritrean informants and are run by Eritrean and Sudanese officials who are protected by their governments. UNHCR has limited control over security in these camps.

#### *Involvement of Eritrean nationals and diaspora*

It is almost impossible for ordinary citizens to leave Eritrea legally. Due to the obligation to serve in the military indefinitely, young people cannot obtain a passport or an exit visa. All kinds of additional circumstances also make it impossible for people, including children whose parents are already abroad, to leave. The lack of access to passport and exits visas leave people with no option but to use illegal smuggling services, which drives the market for smuggling and increases the risk of trafficking. Military conscripts are involved in the smuggling, which could be for financial gain, to help their fellow countrymen to leave Eritrea, or because they are ordered to do so by their superiors. These military conscripts pass the people being smuggled to Rashaida herdsmen on the Sudanese side, who speak both Arabic and Tigrinya, who then take them to the Sinai.

#### *Extortion*

Sinai hostages' families in Eritrea, their communities and the Eritrean diaspora are specifically targeted for extortion to pay for their release. However, there are also cases of extortion of people unknown to the hostages. Hostages from other ethnic backgrounds are encouraged to phone members of the Eritrean diaspora to ask their help in paying the ransom. In an interview, an Ethiopian Oromo hostage in the Sinai said that he had been told to call "the Norwegian Eritrean Community or Israel Church Aid" to collect his ransom.<sup>59</sup>

Sinai trafficking has indeed aggravated the extortion of people in the Eritrean diaspora and demands for illegal contributions. The hostages in the Sinai telephone relatives or friends to ask them to collect the ransom demanded by the traffickers. If their relatives agree to pay the ransom they are given a contact person. This contact person is usually an Eritrean in their country who



provides details of the manner of payment. In this way Eritreans in the diaspora are forced to pay:

Eritreans in Sweden have claimed that hundreds of families in Sweden have been targeted by kidnappers operating in the Sinai desert in Egypt, reported news agency TT. Many similar cases have also been reported in other countries, including Norway. “There is a suspicion that Eritrean refugees have been kidnapped while fleeing the country and that people in Sweden have then been forced to pay for their release,” said Peterson.<sup>60</sup>

It has been reported that at least seven Swedish Eritrean families were targeted last year by a high-ranking Eritrean military officer. The report states that:

He reportedly kidnapped relatives of the families in Eritrea, brought them to the Sudanese border and then demanded that the families pay \$7,000 within 24 hours or the relatives would be handed over to kidnappers in Egypt. One woman reported that her 16-year-old brother was abducted in Sudan a few months ago and brought to another group of kidnappers in Sinai. “They called once every half hour while they were beating him and demanded \$38,000...We had to pay to save his life”, the woman said. One month later, the kidnappers released the 16-year-old near the Israeli border. He is now being held in Israel and it is unclear what will happen to him next, according to the woman.<sup>61</sup>

As the extortion is part of a broad range of measures to control the Eritrean diaspora, victims of extortion are scared to report these practices to the police. People who were extorted have been interviewed as part of this research in the United Kingdom, Germany, the Netherlands, Sweden and Switzerland. The fear they have for reprisals is clearly expressed by the Eritrean specialist Bozzini:

There is a fear for reprisals, whether here [in Europe] or there [in Eritrea]. We are dealing with a large mafia network. [...] One should also understand that even if Eritreans live already for a long time in Switzerland, they keep this mistrust towards authorities. In Eritrea, the less the authorities know, the better one is protected.<sup>62</sup>

One extortion case in Sweden which was reported to the police, who then followed the blackmail process, led to a prosecution in court. In the proceedings it was heard that a Swedish-Eritrean woman was asked to pay USD 33,000 and blackmailed that otherwise a man would be killed. The kidnappers said the victim was a relative of the woman who was blackmailed and stated that the relative lived in Egypt. They threatened that they would “remove his organs from his body”. The money was not paid and the hostage sadly died in the Sinai

as a result of the torture endured.<sup>63</sup> The kidnappers were sentenced with one month in prison with probation, which has been appealed.<sup>64</sup>

Those who pay ransoms are required to send the funds via money transfer agencies. In all other cases, interviewees were too scared to report the extortion to the police, even if anonymity was guaranteed. Europol has started an investigation into the extortion of European citizens of Eritrean descent associated with payments for the release of hostages.

An Eritrean living in Switzerland, interviewed by the newspaper *Liberté*, explained:

The man I had on the phone spoke Tigrinya and Arabic, the two official languages of Eritrea. He told me to go to a German town, not far from Schaffhouse. There I have given the money to a go-between, who very quickly disappeared.<sup>65</sup>

The money is sent to a Swiss bank account,<sup>66</sup> or received by Eritrean officials operating in the Eritrean embassy in Egypt and Israel.<sup>67</sup> In European countries, Eritrean supporters of the regime are involved in the collection of the ransom. Given the power of the embassies as intelligence networks for the Eritrean Government, these ransom collectors are most likely working according to the official instruction of the embassies. The UN Monitoring Group concluded that ransom fees:

...have been paid directly to Eritrean officials. In one case, a Germany-based Eritrean citizen was forced to raise roughly 9,000 euros from friends and family to release two of his cousins who had been kidnapped in Sinai, Egypt, in 2011, after they had escaped from Eritrea and had joined a human trafficking caravan in the Sudan. The funds were transferred to a family member in Eritrea who delivered it in cash to a Government security office in Asmara.<sup>68</sup>

In Tel Aviv an interview was held with a lady who had collected three ransoms for Sinai hostages. She had collected USD 35,000 for her cousin, USD 35,000 for her brother-in-law and was now collecting USD 69,000 for her own son.<sup>69</sup> In another interview it was explained that a lady of Eritrean descent living in the United Kingdom was collecting money in the churches to help pay ransoms.<sup>70</sup> In Norway, civic communities helped a newly arrived asylum seeker from Eritrea to collect the ransom for the four kids he had left behind in Shagarab refugee camp who were kidnapped from the camp and brought to Sinai where they were held hostage. The Norwegian community has also helped in the release of a friend of the four children who was held hostage in the Sinai.

**Who are the trafficking victims?**

The vast majority of Sinai trafficking victims come from Eritrea. In the previous research, it was estimated that 95% of Sinai hostages came from Eritrea. The UN Monitoring Group on Eritrea and Somalia reports (2011, 2012 and 2013) confirmed the dominant presence of Eritreans among the Sinai hostages.<sup>71</sup> The Government of Eritrea has also acknowledged this in a letter to the United Nations dated 5 February 2013. In this letter, President Isayas Afewerki asks United Nations General Secretary Ban Ki-Moon for his assistance in resolving the tragedy of trafficking of Eritrean nationals. President Afewerki acknowledges Eritrea's "statutory obligations", as well as its "moral and humanitarian responsibilities" to "stem and eliminate the perpetration of the hideous 'slavery' and flagrant violation of human rights meted on its citizens"<sup>72</sup>. In this letter, President Afewerki "empathically requests the UN to launch an independent and transparent investigation" to "bring to justice the culpable parties"<sup>73</sup>. From this letter it appears that the Eritrean Government is concerned about this issue and willing to have an independent investigation.

While the fact that most Sinai trafficking victims are Eritrean is not in dispute, the question as to why remains unanswered. This section looks at some of the factors that may be driving Eritreans to leave their country and why this makes Eritreans particularly vulnerable to trafficking in the Sinai.

#### *The exodus from Eritrea*

Eritrea has the highest number of refugees per capita leaving the country. According to the UNHCR, 3,500 refugees were registered on average per month in 2013 out of an estimated population of 4 million.<sup>74</sup> However, more realistic estimates are that 5,000 people leave Eritrea each month.

#### *Human rights situation*

The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-seekers from Eritrea (2009) clearly identify the "increasing number of Eritreans being forced into exile as refugees [...] rooted in developments of a political, military, human rights and broad social and economic nature".<sup>75</sup> This document lists the following main issues: In Eritrea, there is no independent media and writers, journalists and opinion-makers are in prison or have left the country. There is no political freedom outside the ruling political party, the People's Front for Democracy and Justice (PFDJ), and all opposition leaders are outside the country. The judicial system consists of 'special courts' in which the judges are military officers who have received little or no legal training. No legal representation is available before the special courts. Most people in prison are held without trial. There is no freedom of religion and most of the churches or faith communities have been restricted or forbidden. Religious leaders are in prison or have left the country. In 2005, the patriarch of the Eritrean Orthodox Church, Abune Antonios, was dismissed and has since been held under house arrest. People in the country

are persecuted on the basis of the opposition activities of relatives outside of the country. The United Nations and non-governmental organisations have not been operational in the country for over five years. Since 2009, the United Nations has adopted sanctions towards Eritrea on the basis of its involvement in terrorism in neighbouring countries as well as in the piracy on the coast of Somalia.<sup>76</sup>

The lack of rule of law and unpredictability of the system of repression creates fear and insecurity. This fear and policy of repression drives the stream of refugees. In recent years, national sporting teams have disappeared while participating in sporting events abroad. Furthermore, even high-ranking officials have sought asylum, including the Minister of Information (who was also involved in foreign intelligence operations), who sought asylum in Canada in 2012<sup>77</sup> and the head of Economics Affairs of the PFDJ, who sought asylum in Norway in 2013.<sup>78</sup> The national football team defected after a tournament in Uganda.<sup>79</sup> It is also whispered that the Eritrean ambassadors abroad no longer dare meet in Asmara out of fear of being persecuted.

#### *Youth fleeing military service*

A predominance of youth and minors are among the Eritrean refugees fleeing indefinite military service. In eastern Sudan and Ethiopia a significant number of children have arrived unaccompanied.<sup>80</sup> Among the refugees in the official camp in Ethiopia are some 1,000 unaccompanied minors from Eritrea.<sup>81</sup>

In Eritrea there has been general and indefinite conscription since 1998, when Ethiopia and Eritrea went to war over a border dispute. The conscription concerns boys and girls and is obligatory from the 11<sup>th</sup> grade onwards; most recently the youth born in 1997 (16-year olds), have been recruited for the military camps. Parents often try to delay their children's school performance in a bid to delay them from being forced to enter the military camps. However, raids pick up children over a certain age and military conscription is unavoidable for the vast majority.

Military conscription is indefinite, with no end-date formulated. In the military service forced labour, child labour and forced child labour are normal practice.<sup>82</sup> The conditions are extremely harsh. Girls are expected to carry out sexual services or are raped. In the case of forced sexual services and rape, girls may be forced by the authorities to marry the perpetrator.<sup>83</sup> Cultural attitudes emphasising the shame of being raped lead to silence, but also leave girls who get pregnant through rape with little other options than to flee; with no medical facilities available, they have few other options. Young people who flee the military camps, hide during the day and walking at night. If they get caught they are imprisoned as deserters.<sup>84</sup>

It should be noted that there is a shoot-to-kill policy in place at the border of Eritrea with Ethiopia. It is unknown how many refugees are stopped or killed at the border. There are also roadblocks and passes are needed to travel from one district to another. It is, therefore, very risky to flee. Refugees found fleeing risk imprisonment. While young people do flee on their own and some succeed in leaving the country, Eritrea's policy of military conscription and the punishment for fleeing encourage the involvement of smugglers to assist in leaving the country in a safe manner.

*Difficulty obtaining passport and exit visa*

For most Eritreans it is not possible to obtain a passport in Eritrea or an exit visa. This forces Eritreans to attempt to cross the border legally or employ the services of smugglers. In Sudan, Eritreans can go to the Eritrean embassy where will be given a legal passport. While this passport is an official document, it has been provided to the refugee after s/he had already illegally left the country and, therefore, cannot be regarded as a normal travel document provided by the government for a citizen to leave and return to the country. Once they have left their country illegally, Eritreans face prosecution (and persecution) if they return to Eritrea, including imprisonment and torture.

The fact that asylum-seekers can have real Eritrean passports, despite claiming that they left the country illegally, is not always well understood by immigration services. The following question was asked in relation to this problem:

The immigration service intends to withdraw the residence permit of this asylum seeker. The reason for this is that it appears that the applicant has held a valid Eritrean passport and a Schengen visa issued by the Portuguese Embassy in Abu Dhabi (c = tourism). This is based on information from the EU - VIS. The immigration service has subsequently concluded that it is sufficiently plausible that the asylum seeker has left her country legally and incorrectly stated about her itinerary and her passport were withheld, which is a contraindication for granting a residence permit. Moreover, the immigration service believes that it is unlikely that the applicant was in negatively viewed by the Eritrean government, as they have given her a passport. The applicant denies that she was given a passport/visa and maintains her illegal exit. She states that the travel agent in Sudan gave her a passport and the trip to Europe was arranged for her (she does not know whether this was an Eritrean passport, because she is illiterate). How would this have happened and are these documents false or real?<sup>85</sup>

In this rationale the immigration service has wrongly assumed that Eritreans can actually obtain a passport inside Eritrea, which is not the case. However, they can obtain passports abroad, which can be purchased at the embassies and are widely available on the black market. According to interviewees, Eritrean

passports and diplomatic passports can be purchased illegally.<sup>86</sup> Embassies of Eritrea vary the price of a passport depending on the market value. Another interviewee observed:

[The Eritrean embassy] charges you for your passport, they will charge you for whatever. The funny thing is that people in Israel pay more for passport and Eritrean ID than anywhere in the world. In Sweden it is like 200 euro for an [Eritrean] passport. While in Israel it is 1,600 dollars, for one passport or ID. Together it can be as high as 3,000 dollars.<sup>87</sup>

Especially in countries where Eritrean refugees or migrants are being deported back to Eritrea, there is much fear. Eritreans pay a 2% tax to the Eritrean Government and extremely high fees for the issue of an Eritrean passport, as the repercussions are serious if they sent back to Eritrea without documents. The power that the Eritrean embassies hold over Eritreans in the diaspora is contributing to a culture of secrecy, which is also fuelling the trafficking.

#### *Difficulty obtaining asylum*

One of the difficulties that Eritreans can have in obtaining asylum is that their stories are not believed because the specific pattern of their trafficking journey is not known to asylum processing agencies. The main issue is with how Eritrean refugees describe leaving Eritrea. Sometimes immigration services find it implausible that trafficking victims have crossed the border by car, despite the shoot-to-kill policy; for example:

The applicant states that he illegally fled Eritrea by car and has crossed the border with Sudan while hiding under a tarpaulin. After he arrived in Khartoum, he traveled to Europe by plane. The immigration service considers this exit from Eritrea not credible because the applicant does not know where he passed the border with Sudan and didn't report any checkpoints. Do you think the story of this asylum seeker is plausible? And is it possible to illegally leave Eritrea by car?<sup>88</sup>

However, such stories are common and certainly plausible as the Eritrean Border Surveillance Unit is involved in the smuggling of refugees to Sudan. Interviewees report that, for a fee, cars of the Border Surveillance Unit drive people over the border in pickup trucks covered by tarpaulins. The cars of the Border Surveillance Unit do not have to stop at roadblocks or check posts. This also means that the refugee would not have known where the border was crossed as the car of the Border Surveillance Unit would not have been stopped at a border crossing.

*Eritrean Government control of refugees and diaspora*

The Eritrean Government controls people of Eritrean descent inside and outside the country through a network of PFDJ supporters, including in the refugee camps. Abroad, this network is run by Eritrean embassies.

An (illegal) 2% tax is levied on Eritreans outside the country, not only in neighbouring countries, but also in Europe, the United States and Canada.<sup>89</sup> For Eritreans in the diaspora, the payment of this income tax is a prerequisite for the renewal of passports, issuance of visas and inheritance matters. The payment of this tax can also affect the issuing of business licences to relatives inside Eritrea. Parents in the diaspora who have received asylum and are attempting to bring their children for family reunification cannot use legal ways to do so, unless they pay the tax. Moreover, relatives inside the country are punished for the actions of their family members abroad. If the 2% tax is not paid, the authorities will not authorise family reunification. The control of Eritreans in the diaspora who hold nationality in a new country is exercised by the Eritrean Government through the PFDJ network.

There is increasing recognition in the European Union that the 2% tax contravenes international tax law and that the control exercised by the Eritrean embassies through its extraterritorial revenue collection is in contravention of the Vienna Convention on Diplomatic Relations. The British Government notified the Eritrean authorities in 2011 that the Eritrean embassy should suspend the collection of the 2% tax. The German Government has also demanded that tax collection by Eritrean diplomatic missions in Germany be stopped.

In addition to collecting the 2% tax, the loyalty of people of Eritrean descent to the Government of Eritrea is also tested through their participation in cultural and political events and fundraising exercises. Those Eritreans who do not conform are blacklisted and targeted by organised campaigns by the Government including hate mail and public accusations. Human rights activists have been publicly denounced by PFDJ supporters, who have accused these activists of being part of the trafficking networks. In addition, non-Eritreans who write about Eritrea and its refugee problem have been publicly condemned and have received hate mail and threats. It would appear that the hate mail is sent by people who are being blackmailed.

In addition to paying the 2% tax, people of Eritrean descent are forced to sign 'regret' papers, in which they admit to deserting from national military service.

This provides an additional barrier to their return as they have admitted to a crime that carries a severe punishment:

I have testimonial evidence that when individuals [Eritreans] apply for passports, they are forced to sign confessions in admitting their guilt in fleeing the national service in Eritrea.<sup>90</sup>

This system of forced confessions creates another barrier to Eritreans finding ways of supporting their relatives to leave the country in official ways, as it provides the military with power over them. In this way the Eritrean refugees are trapped in a vicious circle. The combination of the various powers exercised over the Eritrean diaspora feed the illegal trafficking system and strengthen the capacity of the military to maximise financial gains associated with migration flows provoked and encouraged by the insecurity created by the increasing control of the military system.

In Israel and Egypt interviewees report the involvement of the Eritrean ambassador in the deportation process. This is surprising given that the refugees are fleeing from Eritrea and given that the UNHCR guidelines for asylum clearly list the serious human rights problems in the country. The pressure of the Eritrean embassies on the Eritrean community outside the country is well known and the protection of the refugees should be considered prior to arrangements that involve the Eritrean official representatives.<sup>91</sup>

In the aftermath of the 3 October tragedy with the boat that sank near Lampedusa, a similar incident occurred when the Italian government allowed the Eritrean ambassador to direct the process of identification of the victims, the process of burial and the threatening photographing of Eritrean survivors of the boat accident, who had been fleeing from Eritrea.<sup>92</sup>

### **Trafficking in persons: Policies of Eritrea, Ethiopia and Sudan**

#### *Eritrea*

With regards to Eritrea, the US State Department Trafficking in Persons Report of 2013 informs that:

...during the reporting period, tens of thousands of persons fled the nation [Eritrea], many to escape conditions that amounted to forced labour through exploitative circumstances in the government's mandatory national service program".<sup>93</sup>

The Trafficking in Persons report explains how national service is implemented in Eritrea including child labour. The restrictions on free movement in Eritrea and the impossibility of leaving the country legally, increases the vulnerability



of Eritreans to exploitative practices. While en route from Eritrea, those fleeing run the risk of being subjected to the shoot to kill policies of the Eritrean, Egyptian and Libyan authorities or being forcibly repatriated to Eritrea, where they are often detained without charge or recalled to national service. The Trafficking in Persons report also deals with the recruitment and abduction of Eritreans in the refugee camps by smugglers and traffickers. The Trafficking in Persons report mentions the involvement of, and cooperation between, the authorities of Eritrea, Ethiopia, and Sudan in these practices.

Eritrea is not a party to the UN Trafficking Protocol. Article 605 of the Eritrean Transitional Penal Code prohibits trafficking, but the article is rarely, if ever, used. Furthermore, the provision only relates to sexual exploitation and does not include labour exploitation. Enslavement is prohibited in Article 565 of the Code, but does not include national service.

The Trafficking in Persons report mentions that an unknown number of alleged traffickers of Eritrean descent had returned from Uganda. The Eritrean Government did not provide any further information. No substantive action was taken to provide assistance or protection to the victims and there are no procedures in place to distinguish between returned migrants and returned victims of trafficking. All of them risk being detained after return. On a positive note, Eritrea for the first time acknowledged that its citizen could be at risk of being trafficked and undertook some efforts to inform its citizen.

### *Ethiopia*

The US State Department Trafficking in Persons Report 2013 also mentions recruitment of Eritreans from the refugee camps in Ethiopia. The report states that Eritreans residing in the camp are recruited by traffickers from within the camps, or sometimes voluntarily leave the camps, after which they become caught up in human trafficking in the Sinai.<sup>94</sup>

### *Sudan*

The US State Department Trafficking in Persons Report 2013 considers Sudan<sup>95</sup> a source, transit and destination country for internal trafficking from rural areas to more urban places. It also found that the trafficking of internally displaced persons in Sudan is widespread. The report states that the trafficking seems to be tribally-oriented. The report also talks of smugglers from the Rashaida tribe:

Sudanese and Eritrean nationals are brutalized by smugglers from the Rashaida tribe in the Sinai, including by being whipped, beaten, deprived of food, raped, chained together, and forced to do domestic or manual labor at smugglers' homes; some of these individuals were not willing migrants but were abducted from Sudan-based refugee camps or at border crossings.<sup>96</sup>

Sudan is a transit country for women (including Eritreans) recruited for work in domestic labour in, e.g., in the Middle East. The report is very much concerned with the allegations of young children being the victims of all forms of trafficking including force begging, as child soldiers and for prostitution. According to the US State Department, Sudan does not comply with the minimum standards to combat human trafficking and action, if any, is taken on an ad hoc basis. Sudan has a provision in its Penal Code that prohibits some forms of trafficking, but not all. No convictions have been made based on this provision. New trafficking legislation remains under review. Sudan is not a party to the UN Trafficking protocol. It is reported that no action was taken against government officials despite reported allegations that Sudanese police sold Eritreans to the Rashaida along the border with Eritrea.<sup>97</sup>

Although some government facilities for victim protection exist, it is unknown whether any trafficking victims have received support and protection at such facilities. It is confirmed in the Trafficking in Persons Report (2013) that “authorities in Kassala and Gedaref deported an unknown number of suspected traffickers and potential trafficking victims to Eritrea and Ethiopia during the reporting period”.<sup>98</sup> It appears from the report that Rashaida leaders are heavily involved in trafficking practices in Sudan. To counter trafficking, the Sudanese government has increased the presence of police in Shagarab III Refugee Camp by ten police officers.

## Chapter 5. In the Sinai

*It is estimated that 25,000–30,000 people were victims of Sinai trafficking between 2009–2013 and that the Sinai trafficking industry generated a staggering USD 622 million in ransoms during that time.*

This chapter sets out the findings of the study on the way trafficking is carried out within the Sinai itself. Estimates of number of Sinai hostages held and killed are provided together with an overview of the principal locations in which they are held. It also builds on the information given in the first study from 2012 (*Human trafficking in the Sinai: Refugees between life and death*) by providing further details on the trafficking leaders, sale and resale of hostages, methods of torture, collection and payment of ransoms, and methods of release.

### Counting the Sinai hostages and victims

#### *Basis used for calculation*

In the counting of Sinai victims, only those who have actually passed to Egypt have been included. Therefore, this figure does not include those who were killed while waiting to be transported to the Sinai as part of the Sinai trafficking or killed while trying to escape during their journey to Sinai, which reportedly constituted a relatively large number; however, this cannot be quantified with the information currently available.

Estimating the number of victims of human trafficking is complicated by several factors. The torture houses (houses in which the Sinai hostages are held and tortured) can't be visited, so figures have to be reconstructed from the interviews and testimonies. Furthermore, the numbers are not stable. While human trafficking from Africa started in the Sinai in 2009, numbers rapidly increased from 2010 to 2012. There have been some fluctuations, depending on the political situation in Egypt. In 2013, numbers fluctuated even more, especially after the fall of the President Mohammed Morsi and the military actions in north Sinai, on the border with Israel and in the Rafa area, the location where the hostages are held.

Providing a number is further compounded by the following:

- the overall number of hostages in the torture houses in the Sinai is not constant
- the number of hostages entering or leaving the Sinai is unknown
- the hostages have limited knowledge of where they were held and who held them
- the traffickers often use different names

- the corpses of the people who die in the Sinai are not collected in one place, but are disposed in the Sinai or brought to morgues

Different counts have been collected and compared to develop the estimates based on:

- knowledge of the situation (source: interviews with Sinai hostages, Sinai survivors, Sinai traffickers and resource people)
- the number of people alive and dead counted in Israel and Egypt (source: Physicians for Human Rights in Tel Aviv, lists created as part of this study of people in Tel Aviv and Cairo; lists of people in detention camps in Egypt and Israel; lists of people who have disappeared; and lists of corpses found in the Sinai and in morgues)

The calculation based on knowledge of the situation makes certain assumptions in relation to the:

- number of locations
- number of hostages per location (on average)
- time spent by the hostage in a particular location
- number of people who died who were known to the hostages.

The calculation based on number of people (alive and dead) counted in Israel and Egypt is based on information on the number of Sinai survivors and on the number of people who have died.

The following estimate figures have been collected:

- Sinai survivors counted in Israel
- Sinai survivors potentially not included in the count for Israel
- Sinai survivors in Egypt
- Sinai survivors in ‘detention camps’ in Egypt (police stations or prisons where immigrants and former hostages are imprisoned).
- refugees that have disappeared
- corpses found in the Sinai
- corpses found in morgues in the Sinai
- Sinai survivors in Western countries
- Sinai survivors in Eritrea and in refugee camps in Ethiopia and Sudan

Some numbers, such as the number of people who have disappeared, are reconciled with the other lists.

#### *Estimate of number of Sinai victims*

On the basis of the figures provided from different sources, it is estimated that between 25,000 and 30,000 people were victims of Sinai trafficking between 2009–2013. While these figures are only approximations, they are conservative.

This count only includes people who were tortured and extorted or who died during the period they were trafficked. The number of people smuggled or trafficked through the Sinai (but who were not extorted or tortured) is much larger and beyond the scope of this study.

At present there are some 70,000 people of African origin in Israel, often collectively called 'migrants'. In Egypt and Israel the term 'migrants' collectively refers to people of African descent, who have travelled to Egypt or Israel and can include work migrants, but also often includes refugees or victims of abduction and trafficking. It is estimated that there are 5,000–7,000 Sinai survivors among them and that at least 3,000 Sinai survivors have moved on to other countries during the period 2009–2013.

There are many Sinai survivors who did not go to Israel, but stayed in Egypt instead. There is a group in Cairo and some have moved from Cairo to other countries. Others have been captured by police and are being held in detention centres. From the detention centres some have been deported to Eritrea or Ethiopia. Since 2012, when Israel completed a fence to stop Africans entering the country, the number of Sinai victims entering Israel has drastically decreased. However, the number of people subjected to Sinai trafficking did not decrease and, hence, a large number carried on to Egypt and its detention centres or died.

Therefore, it could conservatively be estimated that at least an equal number have travelled on to Egypt during the period 2009–2013, which would be at least 10,000 Sinai survivors. Some of these will have carried on to other countries or were deported. In Ethiopia it was estimated in April 2013 that almost four thousand Sinai survivors had been deported to Ethiopia.<sup>99</sup>

Furthermore, it is believed that between 5,000 and 10,000 people have died in the context of the Sinai trafficking. The interviews consistently show that approximately 25% of Sinai hostages are killed or die.<sup>100</sup> In some groups the figure is closer to 50%.

One of the traffickers (who is likely to be in charge of a range of between 5–20% of all the hostages) has admitted to having killed 1,000 hostages. While he is known for not being the cruellest trafficker, this figure seems to be in line with the defined range of 5,000–10,000 people having died in the Sinai in relation to Sinai trafficking.

In addition, hostages not identified within a group die on the way, when they are abducted, while travelling as hostages, in attempts to escape and in the warehouses. An additional number of hostages die after they have been released. According to Human Rights Watch, 50 people are shot each year as they try

to cross the border (now fenced) with Israel. Increasingly, hostages are being released in the Sinai desert in a severely weakened or injured state as a result of the torture they have endured and without help, drink or food, many of which disappear or die. The current military operations in the Sinai have increased the danger for Sinai survivors released in this way in the Sinai. An additional number of Sinai survivors die while in detention camps in Egypt. The estimate that between 5,000 and 10,000 people have died in the Sinai as a consequence of Sinai trafficking is, therefore, realistic, even conservative.

In an interview, one of the traffickers (referred to as Abu Faris in the interview), a self-confessed perpetrator of Sinai trafficking admits that he receives at least 100 migrants a week.<sup>101</sup> In the five years from 2009–2013, it is possible that just the gang of Abu Faris handled between 15,000–20,000 hostages.

It is estimated that there are 50 trafficking gangs operating in the Sinai. Some of these may be involved in smuggling rather than abduction, extortion and torture. It is believed that some 40 gangs are involved in the Sinai trafficking. If the figure provided by Abu Faris is correct, the remaining gangs would be handling around 5–20 victims every three months, which is consistent with the numbers provided in the interviews with Sinai hostages.

There is indeed evidence that there are serious differences in the numbers of hostages taken by these gangs and it is confirmed that one gang is particularly large and cruel. It is estimated that approximately 60% of the Sinai survivors went through the torture houses of this gang. Abu Abdallah will keep the hostages until they pay, which can take up to one and a half years. Hostages that can't pay, often succumb to their injuries from the sustained heavy torture. Based on the estimate of 30,000 Sinai victims in total, this gang would have handled approximately 18,000 Sinai victims. This figure is consistent with the figures given by Abu Faris.

Based on the available evidence it is possible to conservatively estimate that the number of Sinai victims is in a range of 25,000–30,000 people from 2009–2013. Furthermore, it is unlikely that the real figure is lower than 25,000 Sinai victims, but it could be much higher than 30,000.

#### *Origin, age and gender of Sinai hostages*

The factors of age and origin matched in every comparison made. The average age of the Sinai hostages is 22. Among the hostages are unaccompanied minors as young as 12 years old. Children are also being held hostage. In the interviews young hostages aged 2, 3, and 8 are mentioned. There are also babies born in captivity, who are also held hostage for ransom.

The nationality of the Sinai hostages and survivors is predominantly Eritrean (an estimated 90%), but there is also a small number of other nationalities (an estimated 10%), mainly Ethiopians and some Sudanese. There are slightly more men than women among the Sinai hostages. The women are often young mothers who at times also have children left behind in their country of origin. Some of the hostages have serious physical and mental problems.

*Amount of ransoms collected and value of the trade*

The total value of the ransoms demanded in the Sinai between 2009 and 2013 is estimated to be USD 600 million, on a conservative estimate.<sup>102</sup> Most of the hostages have also paid for smuggling prior to becoming a hostage, therefore, if the entire Sinai chain of ransoms and payments is included, the actual amount is much higher. As these funds are falling into the hands of criminals (traffickers in the Sinai and others in the trafficking network), it is possible that they are being used to fund other criminal activities. This has not yet been investigated, and is beyond the scope of this research study.

Average indicators were used to calculate the value of the Sinai trafficking trade. The total number of hostages paid for includes some who died or disappeared in the Sinai after their ransom was paid. In some cases, the traffickers have continued to collect ransom, even when hostages had already died (see below).

In 2013, after the fence was built by Israel to stop the flow of refugees and during the military actions in the Sinai desert, the number of people for whom ransom had been paid, but who disappeared or died, increased.

In addition to the sums paid for ransom and smuggling, Sinai survivors who end up in detention in Egypt need to collect money to be deported from the prisons in Egypt back to Eritrea or Ethiopia. These sums are again collected from relatives and can be considered part of the Sinai trafficking cycle in the sense that they add to the financial burden on the Sinai survivors, their families and communities. Additional fees are paid for the release and transportation to Cairo. After their release the refugees who are put in detention are collecting money and trading so as to get phone time and organise the collection of money for their tickets. Hostages who are detained in Egypt have to collect the money for their air-tickets to be deported to Eritrea or Ethiopia. After this they may again seek support of smugglers to reach safer places.

## **Organisation and set up of Sinai trafficking**

*Abduction and holding areas*

As described in the previous chapter, Sinai trafficking may start in Eritrea, Ethiopia or Sudan. From there, people are brought to so-called 'holding areas', located a few kilometres from the Shagarab refugee camp.<sup>103</sup> These

are areas where the hostages are collected and wait for further transportation. Sometimes they have to wait for weeks or even months. They are guarded and are shot or even killed if they try to escape.

In 2012, an alert was issued by the International Council of Eritrean Refugees about 600 Eritrean men, women and children who had been held in the 'holding areas' for months. The holding areas are often open caves guarded by Sudanese guards. The alert explained that in Sudan the abductions had increased rapidly and that a 'special envoy' of Sinai human traffickers had been "sent to Sudan to accelerate the process of kidnapping".<sup>104</sup> The report claims that the police in Sudan had been informed about the situation but had not taken action.<sup>105</sup> The report also said that those who tried to escape from the holding area were shot or chased and that the hostages were chained.

It has also been reported that, in 2012, the Human trafficking trade in the Sinai became so intense that the hostages in the holding areas were kept longer because the "Sinai was full".<sup>106</sup> One of the interviewees from Eritrea spent 10 months in the holding area after he was abducted from Kassala (Sudan) while on his way to Khartoum (Sudan) and sold by an Eritrean friend:

He [my friend] said let's take a break and take a leak here. The Rashaida men came over and put a sack on my head; they tied me up, threw me in the back of their car and took me to a remote area. When I got there, they started hitting me and torturing me with sticks. They said they will take me to Israel. I told them I don't want to go to Israel, I don't have money and I don't have anyone who is capable of paying my fees. [...] So how I found out this guy sold me was that I heard them call him, and I understand a little Arabic. They told him that I don't want to go to Israel and I don't have any money. And then he told them it is impossible to let me go now as I now have information as to his real identity and what he does [...] They chained me and they put me in this house in which I spent 10 months. And they kept bringing people, and once we were all rounded up they transported us to Sinai.<sup>107</sup>

The hostages described travelling for eight days to reach the place where they were exchanged:

They had a disagreement with other people who came to see us, armed, so we were returned back. And then, after two days, they had a Thuraya satellite phone and they were armed with M-14 rifles. Finally, a car with government plates came to us; they were soldiers, and we were made to board a boat. We arrived in the Sinai at six in the morning. Once we got there we were told to pay US \$40,000 each. Some people paid 30,000 and left. But we don't have any money and we're still here.<sup>108</sup>



The following excerpts describe the abduction, and show that these hostages had no intention of coming to Sinai, Egypt or Israel:

I left Eritrea in July, my husband told me to come out. I am from Asmara, Adi Nifas. I got married in January. He left Eritrea three weeks earlier, and when he got out he told me to come and I got there. I was kidnapped when I arrived in Sudan, in Kassala. I was kidnapped along with the kids [these are four kids who were kidnapped together without parents] and ended up there.<sup>109</sup>

I was a soldier in Eritrea. I am a member of the first round of National Service. I have been a soldier for 18 years, during which I was afflicted with fistula and I was operated on. [...] I tried to explain to my superiors, but they would not understand or let me go, so I chose to leave the country. So when I was crossing the border, I didn't know the way, but I was told that there would be a hill called Shemer Adig. I went past that hill and arrived in Kassala where I was met by Sudanese border patrol soldiers. The soldiers received me and after a little while called the Rashaida and sold me to them.<sup>110</sup>

The interviews frequently mention the involvement of officials in Sudan. They also describe a combination in which the abduction process involves people they know or who are sent by their relatives and Sudanese officials.

I am from Fort Sawa [Eritrea]. I had this friend, we left together, we crossed together and when we got to Sudan, the Sudanese police caught us and took us to this house. When we got there a friend of my husband came to see me and told me that he is going to get me out, but he sold me to the traffickers instead. And they brought me here.<sup>111</sup>

The following excerpts are a clear example of the involvement of Sudanese officials:

We came from the Shegarab refugee camp in Sudan. A while back we were approached by the security forces of Sudan and were told that we have a court appointment in Khartoum and were supposed to go there: me, my husband and one girl. So we went and informed UNHCR. [...] So we set off on Saturday morning, even though on Saturday offices are supposed to be closed. [...] On the road taking us to Kassala two cars in front and one in the back started accompanying us. [...] They stopped the car and gave us to them; some of them were armed and some of them were brandishing swords; I was missed by two bullets. They took us. Then they told us we had been sold by a member of the Sudanese security forces. And From there we were taken to the Sinai.<sup>112</sup>

When we were crossing the border to Sudan, the trafficker taking us to Sudan had us kidnapped. And they came and took us, they were armed to the teeth, and there I found 17 others who were kidnapped.<sup>113</sup>

Once the hostages arrive in the Sinai they may be held in warehouses where cannabis is stored for weeks before they are taken to the auction place.

*Auctioning and distribution of hostages*

Most of the interviewees mention two places where they have been held captive during their journey, while some others say they have been in three different places and two persons said they have been in just one place the whole time.

Some of the people that reported having been in more than one place tell a story of how they were received very well in someone's house, where they had some food or tea and sometimes could sleep for the night under the false promise to enable them to continue their journey the next day. In the meantime, the owners of the house would call the Rashaida and sell them.<sup>114</sup>

From the analysis, it is believed that when hostages enter the Sinai, they are first gathered in 'warehouses'. In these warehouses they are asked questions about what telephone numbers they have and the people they know. It is believed that having the telephone numbers of people in the diaspora is an indicator of the 'price' that the hostage will fetch and, hence, the ransom that will be demanded.

From these warehouses the hostages are sold and distributed to different gangs operating in the Central Sinai and especially in the North Sinai (Jaffa region). There is evidence that the different gangs look for different characteristics. There is one gang that is especially focused on extortion from the diaspora in the West and is paying higher prices for hostages with relatives or contacts in these countries.

The demand for hostages with relatives or contacts in the West may have influenced the pattern of abduction in refugee camps and elsewhere, as it would appear that some hostages are selected and abducted for their potential high value because of their contacts in the West.

*Location and set up of torture houses*

In the Sinai, the hostages are held in 'torture houses'. These are normal (but large) houses where families live and the hostages are usually held in the basement. The locations used for torture seem to be specifically built for the purpose of extortion and torture with facilities specifically constructed for this purpose (e.g., bars on which people can be hanged).

Reports on the Internet state the location of one trafficker, Abu Musa, who has a three-storey house found in Ferah, a village near Mount Sinai, in the St Katherine's Protectorate of South Sinai. Hostages are also reportedly held in "underground shipping containers"<sup>115</sup>, three and a half metres underground (also called 'a bunker') in a secluded area north of the city of Mansoura.<sup>116</sup>

Approximately 10 torture camps were identified during a visit to Sinai by Meron Estefanos and four of these were recognised from photographs by the hostages in Cairo. The torture houses are not necessarily different from other houses and are isolated from each other with several kilometres between them. Neighbours may not hear what is happening but in these houses, but, given that it is an open area, they would be able to see what happens outside the houses, although some houses are walled. In some reports, armed guards have been observed around the houses.<sup>117</sup>

There seems little concern about mixing the rooms used to house and torture the hostages with general family living needs. There are accounts of families interacting in the abuse of the hostages. Such accounts include those where the children of the traffickers are allowed to piss and spit on the hostages.<sup>118</sup> There is also an account of a wife being involved in the torture; the wife brings hot cooking oil and spill it on the hostages.<sup>119</sup>

In another house where hostages were kept in the basement inside the family home, the wife used to bring the hostages food when her husband was away. When she was caught one day she was slapped in front of the hostages and told her never to go down to the basement again. In some houses, the torture house is in the yard of the main houses and hostages have reported seeing the wives of the traffickers picking peaches and other fruits from trees planted in the yard.<sup>120</sup>

Most interviewees reported spending 4 to 6 months (7 cases) in these places; the next largest number reported spending a shorter period at one place – about 0 to 8 weeks (4 cases). These short stays could relate to what is mentioned above about the stay in a house for one day under false promises in order to be sold. People are mostly held hostage in the Sinai in groups of up to 20 people, but there are also groups of 21–40 people. It should be noted that there is a constant flow of people coming and going from these groups; hostages are freed, (re) sold, or die on a daily basis.

#### *Trafficking leaders and organisation*

The hostages are often not aware who the organisers of the trafficking are. The different groups have several people engaged in the torture places who guard them, arrange the extortion and carry out the torture. The trafficking leaders may have others in charge of the hostages and, therefore, it may not be clear who makes the decisions.

The trafficker with the largest number of Sinai hostages is called Abu Abdellah or Abu Aleid by the hostages. Abu Abdellah is known to work with two brothers – Ali Hamed and Salim. These people could also be the same persons referred to by the hostages as Abu Ahmed and Abu Sannea,<sup>121</sup> and the latter might also be the same as the trafficker referred to by the nickname John Sina and the owner of a trendy Café called ‘Ghazala’ in the town of Arish.<sup>122</sup> Abu Sannea has since died.

Abu Abdellah is identified by the hostages as missing his front teeth. He has houses with different rooms and up to 300 people may arrive at a time. He has different people in charge of the different rooms and among those working for him are his nephews as well as Eritreans. Abu Abdellah knows lots of Tigrinya words, but he is not a good Tigrinya speaker.<sup>123</sup>

Abu Abdellah is known as a cruel and ruthless trafficker, who will not let hostages go unless the full amount is paid. He especially takes people who have relatives in the West and charges the highest ransoms. If people can’t come up with the ransom, they are killed to set an example for the other hostages (and their relatives). The hostages they hold include small children and babies. Women hostages held by Abu Abdellah have given birth while in chains, with no access to water, cover for them or for the baby and without the interruption of torture.<sup>124</sup> Abu Abdellah tortures all of his hostages, including infants who he tortures the same way as he tortures adults.<sup>125</sup>

Meron Estefanos met with Abu Abdellah when she visited Sinai, and he told her he was hiding since has been convicted in his absence in Egypt for human trafficking and sentenced to 50 years imprisonment. The traffickers also do not seem to be restricted by fear of potential identification through their phones and seem to be carrying and using the latest iPhones. A hostage who got hold of a traffickers’ iPhone 4 and figured out the password said he saw pictures of a lot of weapons. He also noticed that the trafficker has been travelling frequently, including to the United States and Europe. The trafficker was holding passports of different nationalities.

Abu Abdellah seems he have some kind of grudge against God or Allah; he compares himself with the almighty: “I know God will never forgive me so I will never be kind to you, the same way God will punish me when I die, I will also punish you when you are alive or at least till you pay the ransom.”<sup>126</sup>

Another high profile trafficker is Abu Musa, also called Sami, Samieh or El Baah by his friends. Abu Musa is aged somewhere between 45 and 50 years old and is believed to be working with his brothers. His younger brother, Youssuf (19 years old in 2011), was reported to have shot a number of hostages in 2011.<sup>127</sup> According to reports, Abu Mussa was also receiving relatively large groups; for

instance, in December 2011 he was reported to have a group of 59 Eritrean migrants, which included 8 women, some of them pregnant.<sup>128</sup> In March 2012 it was reported that he held 165 Eritrean hostages including 13 women and 15 unaccompanied minors aged 14 to 16.<sup>129</sup>

Another trafficker on whom there is more information is Abu Omar. Abu Omar generally keeps hostages for up to three months and negotiates on the price to eventually release them. He speaks fluent Tigrigna and even knows Tigrigna slang words. Abu Omar likes buying families including siblings, husbands and wives and has a package price for groups of hostages. He tortures the parents, but does not torture the children. He is known to have a soft heart for children. Some of the hostages speak highly of him – one hostage who paid a full ransom called him after his release to thank him for releasing him. Abu Omar has also shown sympathy for children. While he seems to generally have a different relationship with the hostages (as reported by some of them), he is still a perpetrator of Sinai trafficking. Abu Omar prefers to receive ransom payments through Western Union or MoneyGram. A rough estimate suggests that he receives 75% of the ransoms through legal banking and about 25% via handlers and the black market in Israel.<sup>130</sup> The other traffickers prefer to arrange the collection of ransoms through money handlers in Israel and avoid using Western Union and MoneyGram.<sup>131</sup>

Additional names of traffickers appearing in the interviews are Abu Ahmed, Abu Mohammed, Sultan, Abukalid, Kalil, Jaffer, Jima, Issa and Jelani. There are three traffickers referred to as ‘Jelani’, one of whom is either Abu Abdallah or someone working for him.<sup>132</sup> In other sources the names Abu Ali, Ibrahim, Khaled and Ahmed also appear.<sup>133</sup>

### **Torture and violence**

The treatment of the hostages is degrading and torture is frequent and regular, especially in some houses. In addition to torture, the violence includes sexual violence, sadism and killing.

#### *Torture*

The primary purpose of the torture seems to be to put pressure on hostages and relatives to pay the high ransoms demanded. One of the hostages spoke of how the traffickers would film them with their latest phones as they were being tortured. They would then show the footage to newly arriving hostages to add to the pressure.

There is also a level of sadism that accompanies the torture, which goes beyond ‘functionality’. This sadism is not explained by the desire to extort money and perhaps is related more to the need of the traffickers to see the hostages as commodities devoid of any humanity.

In the first study, *Human Trafficking in the Sinai: Refugees between life and death*, torture practices were described in detail. The dripping of melted plastic, beating, hanging and electrocution are among the routine torture practices. Hostages are malnourished and without access to water for cleaning and hygiene. They have no access to health facilities.

Since mid-2012, the torture has become increasingly severe. A range of different torture practices (and injuries resulting from these) have been reported. These include:

- Beatings (often part of a daily routine)
  - beating with whips and sticks three times a day, and sometimes four or five times a day
  - beating on iron ramps
  - beating with heated iron bars
  - beating of hands and legs with a hammer
  - beating the soles of the foot while hanging
  - breaking hands (by beating with a wooden axe handle against a wall)
  - shattering bones
  - breaking bones (legs) with sticks
  - stepping on chests
  - kicking pregnant women in the stomach
- Cutting (of threatening to cut) body parts
  - threatening to cut body parts (incrementally)
  - cutting off fingers one by one
  - cutting off limbs (person died)
  - crushing and prying nails with pincers
- Hanging
  - hanging upside down for long periods of time with hands touching the ground (which may lead to paralysis or their hands being amputated)
  - tying up with the corpses of dead hostages
  - tying up right side up
  - tying up upside down
  - tying up by the hands and hung upside down
  - tying up with both feet and legs chained
  - tying up with hair
  - soles beaten with stick while hanging upside down
  - hang upside down with chains
- Electrocution leading to paralysis
  - the administration of electric shocks and electrocution (which can lead to paralysis in parts of the body)
- Burning, setting on fire
  - using hot iron skewers to burn the feet
  - setting on fire with kerosene

- rolling in blanket and setting on fire
  - burning legs with fire and burning with cigarettes
  - burning backside with fire
  - placing burning wood on chest
- Threats
  - threats that they will order the others prisoners to rape hostage's daughter
  - threats that they will take hostage's kidneys and heart
  - threats that they will kill hostage
- Pouring boiled water
- Withholding food
  - withholding of food for days
  - giving only very small amounts of food
  - pregnant women and nursing mothers are particularly affected
- Withholding (clean) water
  - withholding of drinking water
  - withholding of water for bathing and hygiene including lack of access to toilets and showers (leading to lice and unhygienic conditions)
  - withholding of water for medical reasons, including to clean serious injuries and for women in labour
- Smoking cannabis
  - forced smoking of cannabis and asked to do silly things (such as imitate the sounds of ships or goats or dance)
- Sadism
  - sadistic sexual violence and other sadistic violent acts similar to those carried out for functional torture, but going beyond the 'function' of extorting ransom<sup>134</sup>
- Chains
  - being held in chains
  - tied up by hands and feet, blindfolded and chained
- Isolation
  - held in isolation
- Forced labour
  - labour related to specific skills of the hostages (e.g., mechanic)
  - digging graves and burying corpses
  - translation or other activities that are functional in the context of the torture houses (in this context hostages may gradually become part of the trafficking team)
- Denial of access to medical treatment (infected wounds)
  - denial of access to medical treatment and facilities (the interviews speak of serious injuries and those with injuries complain of the maggots in their wounds; people are left to die of their injuries)
  - denial of water and medical supplies to clean their wounds

*Losing hope*

Often hostages pass out due to the severe torture. The level of stress can be very serious, as is portrayed in this interview excerpt:

Yes I am the only one here. I am shackled. If they come here I am not supposed to say anything. [...] Being alone is the worst of all tortures here. You are left to your own thoughts for days on end. I am a truly a nervous wreck. They have told me that they are going to kill me tomorrow unless I pay the money. I am really scared. I don't know what will happen. God give me strength.<sup>135</sup>

And a young man, tired from the torture he had endured, expresses his concern:

I am worried a bit given that I don't have any hope and because the torture is so bad. I am only afraid of dying young. I dreamt of something else – not this – as I left my country! What I see here is out of the movies. I have no words.<sup>136</sup>

*Killing*

In 2012, the killing of hostages appears to have been more frequent and more violent than in 2013. One interviewee states:

They started asking him for money and he told them that he didn't have anything. They just took this metal ramp and hit him with that, and he just fell down; he didn't even get up, he just died there.<sup>137</sup>

One woman died after having been beaten for four hours. People testify that melted plastic is poured inside hostages' bodies. People testify of bodies being slit open.

With regards to the corpses, testimonies speak of 'African graves', collective grave-holes in the Sinai in which hostages who have died are thrown open graves where the corpses are left.

A practice that became more common in 2012 was for traffickers not to tell families that their relative had died. In this way, money was collected for hostages that were no longer alive.

With the political unrest in Egypt and the increase in military operations in the Sinai, the release of hostages became more dangerous and life threatening. The fence on the border of Israel and the Sinai compounded this hazardous situation. The traffickers would release hostages, who were sometimes very weak, and leave them without food, water or shelter and with no safe place to go to. It is believed that many hostages disappeared and died as a result.



One interview with an Eritrean lady in Tel Aviv was very poignant. She had collected USD 35,000 for a close relative. The ransom was paid to handlers in Tel Aviv (she showed us the place where it was paid) and received by the traffickers. Nevertheless, the relative disappeared. She was then asked to collect a similar amount for another close relative, which she did. After she had paid the ransom she heard from fellow hostages that this relative had already died in captivity. When we spoke to her, the lady was collecting for one of her children, who had been abducted and taken to the Sinai and for whom a ransom of USD 59,000 was demanded.<sup>138</sup>

In another case, two cousins disappeared, even though the family had paid USD 10,000 and USD 35,000 for them respectively. The cousins had both been held at Abu Mohamed's house and were both under 30 years old.<sup>139</sup>

It is estimated that between 25 to 50% of all Sinai hostages have not survived.

Sinai hostages have also been ordered to bury dead bodies. They tell that out in the desert they would dig deep holes, which would be covered afterwards ('African graves'). The Bedouins would drive in circles around the place to distract attention. Other traffickers just throw the corpses out in the open; these are sometimes found and taken to the morgue in Arish.

In 2011, a mass grave was found and in the vicinity of the grave documents were found of the transfer of money from Israel. In the vicinity of the mass grave the television programme discovered some identity documents of Eritrean and Sudanese nationals. In the surrounding area inscriptions written in Tigrinya were found on a cave wall, including Eritrean names of persons and towns and three quotes reading: 'In God we Trust'; 'For those who have no body, there is the Almighty' and 'This shall too pass.'<sup>140</sup>

### **Sexual violence and pregnancy**

Hostages or former hostages do not easily talk about the sexual violence, but it is clear that sexual violence is frequent and sadistic.

Sexual violence includes (from the interviews):

- towards men and young boys
- towards women and young girls
- rape and gang rape by the traffickers, torturers and guards
- rape in front of fathers, husbands, wives, daughters, sons, and other family members (there are several accounts of daughters, including very young girls, gang raped in front of parents or threatened to be)<sup>141</sup>
- rape ordered between hostages while guards watch (including the rape of "a very young girl"<sup>142</sup>)
- other sadistic sexual acts

The following serious consequences result from the sexual violence:

- severe and permanent physical injuries
- severe psychological trauma
- pregnancy (which is frequent due to the frequent occurrence of the rape) and women don't have access to abortion; a high number of women are pregnant among the hostages
- children born in the Sinai or after are stateless

Some hostages fell pregnant by their kidnappers. In one of the interviews a girl tells how she was tortured the same way as the other hostages. What was worse for her was that they kept telling her that she would have to pay the ransom before she gave birth otherwise, after the birth, they would ask ransom for her and the baby – double the amount. People in Israel collected money for her and she was released when she was 8 months pregnant.<sup>143</sup>

*The revelation of new life: The birth of Ra'ee*

The lack of respect for life is probably most vividly described by the way pregnant women are treated and especially how they are treated when they go into labour. When the women go into labour, nothing happens. The traffickers do not respond to the pending arrival of new life. The traffickers pretend very hard that nothing is happening and nothing has happened. The problem they may be facing in acknowledging that women are pregnant or giving birth to new life may be that commodities don't produce new life.

In many interviews the women tell how they are treated exactly the same as the other hostages (or as they were treated before) while pregnant, but also in labour and afterwards. The food and the torture regime remains unchanged. The women get no rest, which is torturous in its own way. But the most striking is the pretence kept up that nothing has happened.

One could perhaps construe that the bearing life is fundamentally challenging the situation of the trafficking in which the traffickers are engaged in a constant attempt to frame the hostages as lifeless commodities, stripped of human qualities. Therefore, the traffickers seem to believe they have no choice but to close their eyes to pregnant women and women in labour.

The interviews give graphic insight into the treatment of pregnant women and infants. Below is an excerpt of an interview by Meron Estefanos with a young woman of 25 years old, called HT. She left Eritrea on April 2012. She was demobilised from the national service and on her way to Shagarab refugee camp. A police officer in Hafir sold her to the Sinai traffickers when she was five months pregnant. She ended up in the torture house of Abu Abdallah, where no consideration was given to her condition: "They didn't care that I was pregnant.

They were in fact hitting me repeatedly in my belly. I don't know how the child came out alive. I was tortured as much as everyone else."<sup>144</sup>

HT gave birth to the baby at nine months, following the daily routine:

I was still in chains when I gave birth. In fact I was tortured in the morning, and in the afternoon my labour came and I gave birth in the evening. I tore off my clothes to cover the baby. [...] There was this other woman who gave birth three months earlier, and there was another lady who was held with us, they helped me. She asked them to get us a blade to cut the umbilical cord, and they brought her a corrugated rusted piece of metal and she had to use that one. [...] They didn't give me anything.<sup>145</sup>

She named the baby Ra'ee, which is Tigrinya for 'revelation' and tells her story in the following moving interview:

ME: Can you please tell me your full name first?

HT: HT

ME: When did you leave Eritrea?

HT: Six months ago.

ME: Where did you want to go when you left Eritrea?

HT: I was going to Shagarab, that's where my husband was. The Rashaida caught me as I was going there, in Hafir, they're the one who brought me here and are asking me for ransom.

ME: Is it correct that you went out of Eritrea as you were pregnant?

HT: Yes, I was four months pregnant. They brought me all the way to the Sinai, and asked me to pay USD 3,000. I told them I didn't have anything and they tortured me quite a lot. After that, seeing that I was pregnant, they sold me to another trafficker. Twelve people were sold with me, and they were asking us to pay USD 35,000 each. My sister begged and paid USD 10,000 towards my ransom, the rest I can't pay.

ME: Okay, did you give birth there?

HT: Yes, two months ago.

ME: Can you tell me what it was like?

HT: Only through the will of God was I able to come out of labour alive.

ME: Were you in chains when you gave birth?

HT: Yes

ME: Who helped you?

HT: There was this other woman who gave birth just before me, she helped me out. She held me through my labour, I got lucky, I guess.

ME: They [the traffickers] didn't help you?

HT: Nothing. I didn't even get water.

- ME: Did they let you rest?
- HT: No.
- ME: Do they now give you some more food given that you just gave birth?
- HT: No, I'm just like everyone else for them. They gave me two [pieces of] bread. That's it.
- ME: Do they know you're nursing a child, I mean, there's no mercy to you?
- HT: That's unheard of. Just now before you called, the child was crying and the guard came to me and asked me why he was crying. I told him, he is hungry and I have nothing to feed him. He just registered that and went away. He could have given me a piece of bread, it would mean a lot to the child. Oh God, the level of cruelty here is unfathomable. I don't even have towels to cover him with. All I use are torn nightdresses belonging to me. Just a few hours go, he was crying and the guard came over and told me to keep him quiet and hit me. He spends the whole day crying you know and they beat me telling me to keep him quiet. My backside is full of scars and melted plastic. They just say: bring the money.
- HT: How much are you being asked for?
- HT: USD 5,000
- ME: So where do you put him when they come every day and beat everyone?
- HT: I just place him on the ground, on the soil – there isn't anywhere else where I can put him you know.
- ME: What to do – All I can tell you is to keep strong.
- HT: Yeah. At least I have you who is on my side and who tells me to keep strong. I don't have anyone who was able to do that for me. You tell me to be strong, you're the only one who calls and gives courage.
- ME: What's the name of your child?
- HT: I have named him Ra'ee (revelation).
- ME: That's a beautiful name, why did you call him that?
- HT: I have been through bad times and good times. I have seen it all. I guess I called him so just so I might be delivered unto a good revelation finally.
- ME: HT, I will call you from time to time, I will check on you. I think you need to take care of your son now. He is crying. Take care of yourself.
- HT: I will Meron. Thank you so much for calling and checking on me. Please don't disappear on me.
- ME: I won't. Keep strong and courageous.<sup>146</sup>

HT's husband first left Eritrea six years ago to avoid forced conscription in the national service and to make it to Sudan. However, from Sudan he was abducted by Eritrean agents (as is a regular practice) and was put in prison in Eritrea. He served four and a half years in prison in Eritrea and was then released. He then met HT and they married. He was ordered to go a military camp for national service, but fled to Sudan. HT decided to join him in Sudan when she was four months pregnant, but was abducted by police officers who sold her to the Sinai. Her husband then paid smugglers to take him to the Sinai so that he could rescue HT. He spent weeks in the Sinai trying to find her, but couldn't and eventually he entered Israel and was arrested under the Infiltrators Law and sent to a detention camp (prison). In the camp he was unable to collect money or to speak to HT.

When he came before a court in Israel, the judge took pity on him and did something which has never been done before: he allowed him to be released from prison for a few months so that he could collect the money to release his wife and baby, after which he would go back to prison. Meanwhile the ransom for the mother and her baby had doubled.

The father collected the money for the release of his wife and baby with the help of others. He never went back to prison as the court had ordered and now lives in hiding in Tel Aviv.

The biggest difficulty that HT had in keeping the baby alive in the challenging circumstances was actually lack of food:

Lots of people who call from Israel hear the baby cry and offer to send money for the purpose of buying milk and stuff, but it is pointless since the guards would keep it for themselves. I don't know... it is only the will of God that this child is still alive after enduring so much, poor him.<sup>147</sup>

The trafficker eventually released HT, with the contributions of her sisters in Eritrea and the collection that her husband organised from Tel Aviv:

My sisters begged for help and paid USD 10,000, while others in Israel managed to collect USD 5,000. So I paid USD 15,000 in total, they still asked me to pay more. And then I told them that this is all I have, I can't come up with anything more and the only thing I have left in my possession is my life, and they may take it if they so desire. So the man came and saw my child, who was really sick and then decided to let us go. But the others who were held with me paid an additional USD 15,000.<sup>148</sup>

After the traffickers decided to let her go, HT and 32 other hostages were taken to the fence at the Israeli border where they were repatriated by the Israelis to the Egyptian soldiers:

They took me all the way to the fence, the Israeli border, we saw a mountain. They told me, Israel is just beyond that mountain and told me to keep going. We were 32 people, early at six in the morning; they told us that once we passed that mountain, the Israelis will receive us. We were caught in the fence the whole day. [...] We were first picked up by the Israelis, who told us that we were being taken to a reception centre; and then they drove us a little distance and we were told to board other cars, which we later found out belonged to the Egyptians.<sup>149</sup>

HT was struggling to keep her baby alive:

The Israeli woman who came [when they had entered Israel] brought me some water and a morsel of bread; that is about it. Once we arrived in Egypt, the soldiers, seeing how sick I was, sent me immediately to the infirmary. [...] Now they give us about two packs of sesame spread, bread and that is it. So I collect the spread and sell them and buy milk for the baby. They Egyptians sell it for me. That is how I get him milk.<sup>150</sup>

Talking to ME again in an interview when the baby was six month old and HT was still in Egyptian detention, she summarises her situation:

Oh yeah, I am better off than I used to be. We are lucky compared to others...<sup>151</sup>

An international support group collected the money demanded by the Egyptian prison authorities to deport HT back to Eritrea. Her husband, who can't return to Eritrea, is still in Tel Aviv, hiding so as not to be imprisoned under the Infiltrators Law. He has not yet seen his son, Ra'ee.

## **Payment of ransoms**

### *Collection of ransoms*

The ransoms for Eritreans have increased while families in the home-country, the diaspora and communities around the diaspora have collected for the payment of the ransoms. In Eritrea (and Ethiopia) families sell their houses, land, gold and any other possessions. Collections are held among families and communities to bring together the ransom sums. The money is transferred via the handlers of the traffickers.

In the diaspora relatives of the Eritrean hostages have contributed and members of the diaspora collect in churches and other places. The money is often directly extorted from intermediaries in the countries of the members of the diaspora. For this research people have been interviewed who were extorted; the names of people who have been extorted are known in the United Kingdom, Switzerland, Sweden and the Netherlands. However there is a deep fear of reporting the extortion to the police and only in Sweden has extortion resulted in a police investigation and subsequent conviction. A Europol investigation into the problem of extortion has started, but will be difficult given the fear of the Eritrean community to come forward with reports of extortion.

In Tel Aviv and Cairo, Sinai survivors do everything in their power to repay the debts incurred in the payment of their ransom. Additionally, they also collect contributions for the ransoms of fellow hostages. Those collections appear to mainly draw on the contributions of the Habeshia community in Israel and Egypt.

In Israel, several people have been convicted for dealings with ransom payments: Victor Siboni, Louie Nasser Aladin, Luway'i Nasir-al-Din, Yakov Grad and Eliran Moshe as well as Yusuf bin Khalid al-Qrinawi were convicted.<sup>152</sup>

In the interviews agents handling the financial transactions in many places are identified: Eritrea, Sudan (Kassala), Israel, Egypt, Saudi Arabia and various European countries.

### *Pricing of nationalities*

The Eritreans are perceived as being able to collect higher ransoms. Therefore, Ethiopians are told by the intermediary traffickers to say they are Eritreans so that higher ransoms can be demanded.<sup>153</sup> An Ethiopian hostage also reported that his traffickers had suggested that he should call “the Norwegian Eritrean Community or Israel Church Aid”<sup>154</sup> to collect his ransom. Norwegian communities collected money in 2012 to release five children held hostage in the Sinai.

### *Ransoms for the dead*

While families are struggling to collect the ransoms, there is no guarantee that their loved ones are still alive. Especially from 2012 onwards, traffickers began to instruct hostages not to say on the phone that fellow hostages had died. The traffickers also said that the ransom would be added to that of the remaining hostages if the ransom of the dead persons were not paid. In an interview:

They killed him like that, and they instructed us not to inform their families.<sup>155</sup>

An interviewee explains it as follows:

They told us that their families need to pay the ransom money even though those people are dead, and the money won't be paid if they know their children are dead. They said to us, "if they don't pay it means they know about their death", and then the ransom is on us. If their families called, we were told to tell them they can't come to the phone, that they are sick or whatever.<sup>156</sup>

And another interviewee, after his release explained the same mechanism:

Y: Don't be cheated as they also collect ransom for the dead ones.

ME: Do they collect money after they are dead?

Y: John's family had paid when their beloved was dead.

ME: Did they collect the money after his life had passed?

Y: Yes, after he died.

ME: Does his family know about his death?

Y: They have strict instructions not to tell about the dead ones; if you tell, they will kill you.

ME: Did you tell the family? Does John's family know about his death?

Y: Who is going to tell them?

ME: So they are not yet told?!<sup>157</sup>

There is also an increasing difficulty in releasing people, because, even though ransom has been paid, they are not released or they disappear.<sup>158</sup>

### *Selling on*

Also since 2012, there have been reports of a man called Mohamed who buys hostages at cheap prices, mostly those that have been in the Sinai for more than six months and who haven't paid any ransom yet. He takes them to his house in the Sinai and lets them call their families. He tells the families that he rescued their loved ones. Mohamed does not torture the hostages; he makes them feel that they are safe and they are grateful that he saved them from the bad guys. Mohamed tells their families that he paid USD 26,000 dollars for their release and asks the family to reimburse him. The families speak so highly of him and say he saved my sister or my brother. At time of writing, Mohamed has five people and their families have to pay USD 26,000 dollars each for him to release them in Cairo.

### *Ransoms and guilt*

The ransoms are part of the Sinai trafficking cycle, as they link the hostages to their communities back home, their relatives in the diaspora and the survivors. They create destitution and poverty for families and communities back in Eritrea or Ethiopia. They also create an ongoing pressure on the Sinai survivors.



Sr Aziza, who works with Sinai Survivors in Israel sees what happens to the survivors and worries about them:

They have this tragedy, they are not concentrating on: I am a victim, I am suffering, I need to give time. No, they came into Israel without anything, only what happened to them. Some of them did not even see Asmara, the capital of Eritrea, or Khartoum, if they are Sudanese. Most of them are from villages who have barely seen development. So many see a different culture, they have a culture shock, but nobody prepares them for integration, for a healing process. They don't want to do that [healing] because for them it would not solve the immediate problem that is at home [they think]: "Because of me, they are poor. So I have to pay back".<sup>159</sup>

The paying back of the ransoms creates additional pressures. As a result of these pressures some Sinai survivors commit suicide, because they find it impossible to carry the weight of the impoverishment that the ransom has caused their families:

Yesterday, I went, there was a woman, she hung herself. So much money had been paid [USD 35,000]. [...] They come here with a big burden of life. A big, big, big one. This [burden] is to pay back the ransom that they have to pay to their families; it hurts them a lot. The girl, she was repeating a hundred times: "I am not good to my mother, I am useless, I better kill myself..."<sup>160</sup>

### **Escaping from death**

One way to escape the Sinai torture camps is death. Sinai hostages face death every day. They often crave for death. They see their fellow hostages die around them. Some are forced to throw the corpses of their fellow hostages into open graves. Some overcome death, as this story of M describes. M is a young woman of 25 who fled from military conscription in Eritrea, during which she was imprisoned and subjected to forced labour. She has been sold numerous times and tells her story of the last period in the Sinai torture houses:

Abu Ahmed, he sold us to one of his cousins, and then to Jaffer, and we were handed to this torturer whose name is Gadafi. [...] They blindfolded us and tied our hands using bands. At this moment my hand is disabled. I can't use my hands as I used to.

We couldn't take it anymore. We yearned for death, but it didn't come. You know how we mourn in our culture when someone dies, right? Here, if someone dies you celebrate for them. They are lucky!

So when I couldn't take it anymore, I tried running away.

He untied us and took off our blindfolds. I wasn't really able to walk back then, as we were tortured day in and out. Two people would come and force us to take off our clothes and beat us up. Our feet were swollen; I kept running even though it was really painful and he chased me all the way. Finally he was able to catch me. Then he chained my feet and hands.

Then Gadafi came over and set me on fire so much that the house smelled of roasted meat. He melted some plastic and threw some kerosene on me and set me on fire.

I was thrown outside unconscious for two days. Then the Eritrean guy who comes to bury the dead didn't come for two days so I was left to rot.

So once he came they wanted to bury me.

But someone saw I was moving and told them. They said that I am as good as dead, so they took me to another house where I laid unconscious for two weeks, so they decided it wasn't worth it and they decided to bury me while I was alive.<sup>161</sup>

But M miraculously survived. Among her group of hostages someone's hand was amputated and six people died cruelly as a result of ever-increasing torture. One fellow hostage died because they "slit him open alive"<sup>162</sup> and another one because they "cut all his limbs and left him to die, bleeding".<sup>163</sup>

Because of her severe wounds, M could not go far after she was eventually released and so ended up in a detention camp, a police prison in El Arish, in the Sinai, where she was held.

Like M, those who survive Sinai, hope for the moment they can leave the torture camps and move on.

## Chapter 6. Beyond the Sinai

This chapter deals with the journey of the Sinai survivors after their release from the torture camps in the Sinai. The hostages are exhausted and in very poor physical and mental condition. They are often recovering from many injuries. Some have lost their hands. Some are unconscious. All have lost their dignity. With serious wounds from beatings, electroshocks, burns and chains, the Sinai survivors now have to continue their journey. Fathers, mothers with young children and babies, young adults, unaccompanied children, pregnant women and girls: these Sinai survivors now must find a way to move on with their lives. Their first concern, and the concern of the relatives who helped collect their ransom, is to get to safety, some place where they can build a new life. This chapter describes the considerable challenges that the Sinai survivors face in doing this and the trap in which the Sinai survivors often find themselves in after reaching 'safety'.

### **Leaving the torture camps**

Once the ransom is paid the process of leaving the torture camp starts. Leaving the houses and reaching some relative safety is a first challenge. In *Human Trafficking in the Sinai: Refugees between Life and Death*<sup>164</sup> it was described that most people would walk to Israel or try to reach Cairo. Many hostages also end up in detention centres in Egypt. Human Rights Organisations in Israel estimate that in 2012, there were between 5,000 and 7,000 Sinai survivors in the Israel, alongside 65,000 people of African origin.

### *Egypt-Israel border fence*

In 2012, in a bid to curtail or control the migration from Africa, the Israeli Government decided to construct a fence on its southern border. This fence has had a dramatic impact on the security of the Sinai hostages, as it has robbed them of their one chance to reach a safe place in the vicinity of the torture houses.

The situation in the Sinai changed quite fundamentally with the construction of the fence and the adoption of the new Infiltrators Law. The double fence is policed by high-tech security facilities. It stands in the middle of the desert where it is very hot and with no access to water. It is essentially impossible to get through the fence without the approval of the military.

The fence creates an obstacle for the Sinai survivors to get access to safety and protection and to an asylum procedure. This is even more the case given the lack of law and order in the Sinai, which leaves the Sinai survivors exposed to dangers and unprotected. More recently, with the political instability in Egypt

and the military operations in the Sinai, the lack of protection of the refugees after their release has become a very serious problem. Hence, their chances of surviving the Sinai trafficking are significantly diminished and there has been an increase in the number of deaths as a result.

When the fence was first constructed, hostages still tried to get through. One group that had arrived soon after its construction had been let in and were sent to a detention centre. A group of several men, two women and some children was released from the torture camps and waited days without food and water, and were chased by both the Israeli and the Egyptian police. One of the women appeared pregnant, but the group explained that she had recently miscarried.

This group of former hostages had crossed the Egyptian fence into Israeli territory and, therefore, were technically in Israeli territory. These Sinai survivors sat for several days between the fences, hoping to be let in by the Israeli soldiers. However, they were shot at by the Egyptian and Israeli soldiers. The Israeli humanitarian organisation, Physicians for Human Rights, sent a delegation from Tel Aviv, but it was stopped by three military jeeps, two police cars and a military police vehicle for ‘security reasons’; the food brought for the refugees by these humanitarians was not provided to them.<sup>165</sup>

Israeli human rights organisations raised the issue and the Israeli interior minister, Eli Yishai, made a statement responding to the criticisms of the human rights defenders stating that Israel should “act with a heavy hand” and explaining that there was “a very clear policy and a border fence” and that the group could not enter.<sup>166</sup> The Israeli Association for Civil Rights responded by stating that:

Israel has the right to build a fence, but a fence does not relieve Israel from its obligations [...] When people are standing at the fence and begging for their lives, we must make sure they are not in danger, and if they are, they must be let in.<sup>167</sup>

Eventually, the Israeli Defense Forces selected the two women and a child and forced all the other members of the group to go back to the Sinai. They called the Egyptians to take them.



**Figure 2:** Sinai survivors and refugees on the Egyptian side of the Israel-Egypt fence (Source unknown)

A heart-breaking testimony of what had happened by one of the two women was published by Rozen in 2012:

We were released near the border of Israel with a group of about 30 Eritreans. The Egyptian soldiers shot at us on the way. Some of us got frightened and returned back to the Egyptian side. We arrived at the giant new fence on the Israeli border and we were not able to cross it. We waited there in the sun for long days with no food and water. There were Israeli soldiers on the other side who kept on telling us to go back. There were several children with us who could not suffer it any longer and attempted to go back. The Egyptian soldiers shouted to the children “you cannot come back unless you bring us the women in your group”. We refused to go back, knowing why they want us back. At the end, the Israeli soldiers came to our side, forced many of [our group] to go to the Egyptian soldiers and they let the women in. It was easy for them to push the people back since they were starved for many days and too weak to resist.<sup>168</sup>

The two women were detained in Saharonim prison in Israel from September 2012 until 4 November 2013 under the new Infiltrators Law.<sup>169</sup>

Due to their insecure situation, the hostages depend on the decisions that are taken by the traffickers, also in the context of their release. The traffickers control the hostages’ future, even after their ransom has been paid.

In some cases traffickers have facilitated an entry through the fence. In 2012, the trafficker Abu Abdallah held a young woman called Selam as a hostage. She

could not collect her ransom and was kept hostage for more than a year, after which she died as a result of the severe torture. She came to the Sinai with a baby of one year and four months, who was also beaten, burnt and tortured by withholding food. When Selam died in November 2012 the child was almost three. The trafficker sent the child together with another hostage (a woman for whom ransom had been paid) to Israel in December 2012. The baby had spent a year and three months in the Sinai. The trafficker arranged for a route to Israel for the baby and the woman to make sure that they would reach Israel; both of them reached Israel despite the fence. The child is now three years and lives in an orphanage in Israel.<sup>170</sup>

Another hostage, held in Abu Abdallah's house, was a particularly serious case. He underwent severe torture while he was held hostage with two young daughters (14 and 16 years old) and passed out frequently. The young girls were frequently and violently gang-raped in front of their father. The 16-year old girl became pregnant. When the money was collected for one of them, the father wanted the pregnant daughter to be released. However, the traffickers decided for him: "If we let one of the girls go, we don't know if she will make it out, she might get taken by someone else, so you go and send us the money. Your daughters will be safe here."<sup>171</sup> Given his bad physical condition, he was no longer able to walk. He was released with a group of other hostages who carried him to the Israeli fence, unconscious. He was left by the other hostages in front of the fence. Somehow the soldiers let him through and he stayed in a hospital in Israel for several months. The girls were eventually released, after ransom had been paid. The traffickers did not arrange a safe departure and the girls disappeared for a while. Eventually they reappeared in a detention centre. The 16-year old gave birth to a still-born baby.

#### *Increasing disappearances during military operations in the Sinai*

The Sinai is very unsafe for the hostages. In the first study, *Human Trafficking in the Sinai: Refugees between Life and Death*, the dangers associated with escape were identified. Many hostages have been shot and killed during attempts to escape. One of the sheiks, Sheik Mohammed, was looking for people who had escaped to give them some protection.

During the military operations, the situation worsened for those who were released. In an interview on 20 August 2013, a small group of two men and two unaccompanied minors, boys of 12, had escaped from the torture houses and were seeking shelter in a mosque: "We were being resold, but we managed to escape with my leadership. The kidnappers were following us with cars and motorcycles, but I managed to escape."<sup>172</sup>

At the same time, another group of six hostages escaped. However the escaped hostages then faced a serious challenge in finding shelter and were scared of

being handed back to the traffickers: “You do not know these people; they can be [friends of the kidnappers] also. We cannot have peace of mind in the situation.”<sup>173</sup> They also expressed concern about the gunfire they heard in the vicinity at night.<sup>174</sup>

The interviews also mention that some hostages are able to escape as a result of the unrest in the Sinai: “After the Muslim extremists burnt their house, the torturers were trying to seize them, but they escaped. Now they [the escaped hostages] are in a police prison.”<sup>175</sup>

In the context of the current military operations, it has been surprising that no action has been taken to release the hostages. Hostages who have been released have found themselves caught up in the military operations and have been trying to hide. Many have disappeared.

The list of people who have disappeared or died in the Sinai after their ransoms have been paid has greatly increased. Even as recent as 20 November 2013, there was a report that two cousins, for whom ransom had been paid eight months earlier, had not yet been found.<sup>176</sup>

#### *Arriving barefoot in Cairo*

The decisions of the traffickers are sometimes random and sometimes made in the context of the ransoms they have collected for particular hostages. The ransom paid may influence the arrangements for departure of the released hostages and on their future prospects and safety.

This is particularly the case for the hostages departing from the torture houses of Abu Omar. If the ransom has been paid in full, as demanded, Abu Omar will arrange for the hostage to safely reach Cairo. This is the best possible outcome at present for the hostages. If the ransom has not been paid in full (and Abu Omar seems to usually prefer not to keep hostages much longer than three months, after which he starts to negotiate the price) the arrangements for departure are different. In this case the hostages are brought to the Egypt-Israeli border, where the hostages are then usually picked up by Egyptian soldiers and brought to detention centres.

If the traffickers decide to release a hostage, they sometimes negotiate the option of assisting the hostages to reach Cairo. The trip to Cairo takes four to five hours. For this they hire a driver and may ‘charge’ USD 1,000 a person. This ‘service’ includes taking the hostages through the many checkpoints on the way.

Ahmed is a driver whose job it is to drive people to Cairo. As far as is known, all the traffickers in the Sinai seem to be using his service. Once a hostage (to be

taken to Cairo) is released from the torture camp s/he is taken to Ahmed's house. Ahmed waits until he has at least five people to drive to Cairo, which can sometimes take up to three weeks. Once he has enough people he provides the women with clothing and shoes, so that they are not recognised as hostages while they are travelling. He usually takes the shoes away once the hostages reach Cairo. The released hostages are left barefooted in downtown Cairo.<sup>177</sup>

The situation in Cairo is hard for the hostages. They are provided with some medical treatment, which is inadequate to deal with the trauma they have endured. They receive USD 400 per person from the UN when they arrive in Cairo. The money is completely inadequate, especially considering that the hostages have no shoes, clothing, shelter, food or anything else when they arrive.<sup>178</sup> USD 400 is equivalent to just over 2,500 Egyptian pounds, while rent for a one bedroom apartment is 1,200 Egyptian pounds. Hence, former hostages share six to a room, which leaves them approximately 1,000 Egyptian pounds to live on, which is not sufficient for basic necessities.

Initially, upon arrival in Cairo, the survivors are usually relatively well; they are just happy to be alive. They help each other, they receive newcomers from the Sinai, they wash their wounds and treat them. However, after about three months they start getting depressed and start to notice their living condition and circumstance. Most of them go through a deep depression. They are also scared because of the trauma that they have been through and many refuse to go out. They will not take a taxi alone, fearful that they will be kidnapped again. They start to feel that nobody cares about them.

Most of the survivors receive phone calls from the traffickers who were holding them hostage; the traffickers threaten the former hostages to receive money for them and order them to work for them while in Cairo. Many of the Sinai survivors change their phone numbers, but they find that somehow the traffickers manage to get hold of their new numbers. For this reason, many feel they are being watched and do not trust anyone:

As I have told you, this [going around] is scary. I am scared to even go anywhere. I have been traumatised. I wish I could go and see things, but I get the feeling that I will be kidnapped. They can see from miles away that we are Habeshia.<sup>179</sup>

The hostages might be free, but their minds are still tortured. There are also some real grounds for fear, as there have been Eritreans and Ethiopians abducted from Cairo to the Sinai.



## Egypt

### *The Egyptian military*

A testimony describes how a group of hostages from Ethiopia and Eritrea captured their traffickers and brought them to a police station in Southern Sinai. The police set the traffickers free and put the hostages in prison.<sup>180</sup> This is illustrative of the situation in Egypt.

While Egypt has a very good legal framework and a national action plan to combat trafficking, in practice the hostages are criminalised and the traffickers are set free and generally left alone to go about their business. The hostages, once freed by the traffickers, are then captured by the Egyptian police or military and detained.

In another example, military or police entered one of the houses of the traffickers in which hostages were held, but failed to search the house – despite detailed information being available regarding the houses and the locations where hostages are held. Egyptian Journalist, Ahmed Abu Draa, who was looking into this issue stated in an article in 2012:

...a security source in the district, who preferred to remain anonymous, confirmed that the security services know exactly the names and places of smugglers [Sinai traffickers]. However, they do not pay attention to them as they are satisfied with only focusing on the priority of restoring safety to Sinai's streets and are not interested in solving the problem of illegal African migrants.<sup>181</sup>

Abu Draa won a price for his journalism in July 2013. He is one of the very few Egyptian journalists who have reported from within the Sinai. Draa has written about the human trafficking with reports from within the Sinai. He was arrested by the Egyptian military in September 2013 in relation to his reporting of military actions in the Sinai. Kept in solitary confinement, he was tried by a military court. The Jakarta post stated:

The case against Ahmed Abu-Draa, who was arrested on Sept. 4, has drawn outrage from fellow journalists and rights groups accusing the army of undermining freedom of expression and continuing to refer civilians to military tribunals, despite a campaign to stop the practice. Colleagues said Abu-Draa's trial was an attempt to silence independent reporting from the flashpoint area, which sits on the border with Israel and the Gaza Strip. Few journalists have direct access to what is happening in Sinai because of security concerns, forcing many to rely on statement by officials.<sup>182</sup>

The lack of action against the trafficking and the criminalisation of the Sinai hostages seems to be part of a more general pattern. The trafficking seems to be operating under a general impunity in which perpetrators are not persecuted while the hostages are criminalised.

The Egyptian Law 64 states defines a victim of human trafficking as: “a natural person who suffered any material or moral harm, in particular bodily, psychological or mental harm; or economic loss if the harm or loss was caused directly by one of the crimes stipulated in this law.”<sup>183</sup> The law provides for “the protection of the victim: [the government] shall work to create the appropriate conditions for his assistance, health, psychological, educational and social care; and rehabilitation and reintegration into the society, within the framework of liberty and human dignity.”<sup>184</sup> Under Law 64, the victims of human trafficking also have a right to legal assistance and council.

While the hostages are in dire need of physical and mental support, they are again bereaved of their freedom and detained.

#### *Detention centres in Egypt*

The Sinai survivors who have endured so much do not necessarily complain much in the detention centres. However, conditions are hard. They are given little food (4 pieces of bread a day, sometimes a little more), which is often exchanged for phone credit. While there is some access to medicine and doctors, the medical treatment is entirely inadequate for the severe injuries of the survivors, which remain untreated.



**Figure 3:** Medicine cabinets in the detention centre at Al Arish, the closest facility to the torture camps (Photograph: Meron Estefanos)

HT, the hostage who gave birth in the torture house and was finally released with her 6-month old baby, was also put in prison in Egypt. After having struggled to keep the baby alive for six months during the torture while in hostage, she finds the detention centre not much better. When asked if she receives enough food, she answered: “Not really. They give us about two packs of sesame spread, bread and that’s it. So I collect the spread and sell it to buy milk for the baby. The Egyptians sell it for me. That is how I get milk to feed the baby.”<sup>185</sup>

The young woman, M, who was burnt with kerosene and almost buried alive, ended up in Ramana prison:

Since I was burnt from head to feet they had to take me to a hospital. They have given me some medicine and injections.<sup>186</sup>

From the hospital she was taken back to the prison:

Here I sleep on top of a blanket; we don’t have mattresses or beds. It is not that clean, but it is better than the former warehouses [of the traffickers] we were being held in. I can’t eat much, but they give me some milk from time to time, that’s all I can eat and drink at the moment, I can’t eat anything else. They give us four [slices of] bread, artichoke and peanut butter. We don’t do much, we just are kept here. We’re a bunch of cadavers with life. We are not allowed to venture out. We don’t know the difference between days and nights.<sup>187</sup>

Another former hostage, E, talks of life in the prison as stressful: “They give us four [pieces of] bread with few ingredients a day. [...] I have pain in all my body.”<sup>188</sup>

M has been processed to be deported back. There seems to be no consideration of the fact that she is a refugee who left Eritrea because she was subjected to forced labour and imprisonment without access to a court of justice. Nor is there any consideration of the fact that she is a survivor of trafficking and a victim of (extremely violent) torture. This is how the interview transcript (January 2013) reads:

Interviewer: Have you been able to find a lawyer?  
M: What lawyer?  
Interviewer: How did you find out you were going to be deported?  
M: They took us to some place, they said it was a court, they told us to sign our names and we signed.  
Interviewer: What did you sign?  
M: I don’t know. I don’t speak or read Arabic. They just gave us papers to sign and told us to sign it and we

complied. We are not provided with a lawyer, or even a translator to follow the court proceedings. We were not even asked to speak and talk about our plight or what happened to us there. Then we were taken to Arish, and we spent two days there, and we were brought here after that. An official from the embassy came here [this could be the Eritrean embassy], he did not say much, but he was informed I was sick and saw that I was suffering.<sup>189</sup>

Another survivor, S, has also ended up in detention and talks about the difficult circumstances:

My feet still have scars and wounds, I can't sleep on my back because of the torture, we are all in pain. The girl with me has been mutilated with a knife and she is in bad pain right now.<sup>190</sup>

Asked whether they have had any assistance, she states:

They just asked us how old we were, asked us to sign the documents, and told us where we are going to – Ethiopia for the most part. There was no translator provided.<sup>191</sup>

Being asked about how she is treated by the guards, M complains about the degrading treatment:

It is bad how they treat us. For example, you know sometimes I go to the infirmary to get some treatment and the doctors ask the guards what happened to me because they are horrified at my wounds, and the guards say: "This whore was caught going to Israel [going to Israel is an insult]." That is just an example of how they treat us.<sup>192</sup>

M feels very depressed and summarises her condition:

I don't think it gets any worse than this. I am someone who is just a level up from the dead and a level lower than the living.<sup>193</sup>

In an interview with journalist Abu Draa, Abdul Wahab Mabrouk, the Governor of North Sinai, confirms how the authorities works with the embassies and foreign ministries of the countries of the refugees. In the interview the protection of the safety of the hostages is not addressed.<sup>194</sup> M expressed in the interview how she would do everything possible in her power to not be deported to Eritrea.

In the prisons it is the Sinai survivors who are criminalised, not the traffickers. In the detention centres and prisons the refugees live in very poor conditions, with very little food, no beds and no basic facilities. They only have access to very basic medical care. In such conditions they are still robbed of their freedom. They continue to have to pay to get phone time to collect their money and they are still collecting money to try and get out of detention. The soldiers profit from the little illegal trading that the refugees have to do to plan for their future.



**Figure 4:** Map of Sinai Peninsula (Map: America Team for Displaced Eritreans 2013)

#### *Deportation from Egypt*

Detention in Egypt can be long for Sinai survivors. Some interviewees reported having been in detention for 10 months. The only way to get out of detention in Egypt is by deportation, even though most of the Sinai survivors have serious grounds to fear persecution in their home country Eritrea. The Sinai survivors are not entered into an asylum procedure and they are not offered conditions that satisfy their needs as refugees seeking safety, torture survivors or survivors of human trafficking. As they have no access to lawyers or translators, they can only sign the papers they are told to sign. They are, therefore, completely dependent on those that control the system.

The former hostages must collect money again in order to be released from the prisons; to be deported they need to collect the fees for travelling to another country. As they are left with only two options: prison or deportation, most will attempt to collect the money for deportation. Those who can't pay are held in prison ('detention'). The following is a conversation with Sinai survivors in detention in Egypt expressing concern regarding a girl who has no means of collecting the money for deportation. She can be expected to be very lonely,

given that she doesn't share a common language with the other prisoners:

The Tiblets girl doesn't know anything [...]. She is from Irob. She only speaks Saho. I think she is 23. She is Ethiopian and she doesn't have any money. Her mother and father died.<sup>195</sup>

This is the interview with a young Eritrean lady who has been in several torture houses, including Abu Abdellah's. After she was released from the torture houses she was recaptured by the Egyptian police. She was then moved to several different detention centres:

When they captured us, they put us in a car and told us the car will ride us to Israel. But we understood that they were returning back to Egypt when we heard them speak Arabic. After we were registered, they told us that we had been captured. Anyway, we are alive. [...] They brought us to the military camp in Rafah, and they registered us there. We stayed for two weeks. Then they brought us to Arish. Now we are in Ramana.<sup>196</sup>

In Egypt those who are in detention and originate from Eritrea are provided with a choice: they can either be deported back to their country of origin or to Ethiopia. Some chose to go back to Eritrea.<sup>197</sup> Most of the interviewees choose to be deported to Ethiopia. There is a feeling that opportunities in Ethiopia will be better:

ME: What is your plan now?

E: My obligation is to help my family [in Eritrea] as my family is poor. I plan to go to Ethiopia.<sup>198</sup>

There is much resentment about the deportations back to Eritrea, the country from which they fled, as is evident from this conversation between an Eritrean hostage who was held in Abu Abdellah's torture house with another Eritrean refugee:

A: If an American is facing a problem the government advocates for him, but our government is turning a blind eye to all our suffering. This is not a government. I hope it will not survive for long.

B: You will be surprised to hear that when a Norwegian was kidnapped by the Bedouins, the Eritrean Government issued a press statement about the kidnapping, but about Eritreans, nothing has been said so far.

A: Yeah, this is not a responsible government. He is betraying those who defended the country and letting them suffer by these nonsense Arabs [he refers to his kidnappers]. This was not a reward for Eritreans, who, even if they cross the border, don't forget their country. The government was supposed to advocate for us, but

is short sighted. When the time of collapse is approaching, such actions take over.

B: The military generals are involved in the human trafficking.

A: There will be a time for everything, everybody will pay it. They are building a grave for them. I was arrested in Eritrea and in a room two-by-two metres were 35 prisoners. I can't explain the harsh situations that I have experienced over there.

B: The problem is that everybody keeps silent after escaping from Eritrea. No one is willing to talk about their bad experiences in Eritrea.

A: The society has lost its confidence. While we were in Barentu [a town in Eritrea], if someone was sick, especially with diarrhoea, they put him in a separate place and leave him to die. The world has to know what is happening in Eritrea. The government has to be exposed.

B: Did you escape or were you released by ransom?

A: We were being resold, but we managed to escape with my leadership.

B: That is great. T also escaped with six hostages from Mohammed's prison.

A: Eritreans are fighting in every sphere, but these nonsense Arabs are torturing them by chaining the hands and legs of the Eritreans who want to make history in defending their country.

B: A courageous person like you is missing. They are not taking action.

A: I will speak to you later.

B: That is fine.<sup>199</sup>

Also M, an Eritrean young girl, who had been imprisoned in Eritrea, and very heavily injured as a result of the torture in Abu Abdellah's house, decided to go to Ethiopia:

ME: So where are you going to, M?

M: I am headed to Ethiopia. What would I do in Eritrea? Perhaps I could work in Ethiopia or help myself somehow.

ME: Why can't you go to Eritrea?

M: Eritrea? What? I don't want to go there. I would be abused, and I can't go there, you know how they are [breathing rapidly].

ME: So when they say you are going to be deported, do they [Egyptians] pay for your air ticket?

M: Oh no, our families are supposed to pay for our deportation.

ME: So, who will help you with your medical expenses when you are in Ethiopia?

M: I don't know, maybe the Red Cross Society or something. I don't

have a cent. I have no one who could help me. Only my faith in God gets me through.<sup>200</sup>

It is ironic that these refugees, who should be let free and not be deported, and who do not want to be deported, have to pay for their own deportation – even though deportation may put them at risk of persecution.

### **Egypt's policy on trafficking in persons**

The practices reported are to large extent confirmed in the 2013 Trafficking in Persons report on Egypt compiled by the US State Department. This report first recalls that:

...instances of human trafficking, smuggling, abduction, torture, and extortion of migrants, including asylum seekers, and refugees—particularly from Eritrea, Sudan, and to a lesser extent Ethiopia—continue to occur in the Sinai Peninsula at the hands of criminal groups.<sup>201</sup>

Similarly it reports migrants being held for ransom (and forced into sexual servitude or forced labour) during their captivity in the Sinai. The report notes that there is a decrease in the number of migrants entering Israel from the Sinai as a consequence of the fence at the Israeli border, which also led to a change in the modus operandi of traffickers and smugglers:

...whereas criminals previously abandoned the migrants at the Israeli border after collecting ransom payments, perpetrators now sometimes abandon migrants— some of whom are trafficking victims—at police stations and medical facilities in Cairo and in remote areas of the Sinai.<sup>202</sup>

In addition it recognises that Egyptian border patrols shoot and sometimes kill these migrants, refugees, asylum seekers, and trafficking victims in the Sinai as they attempt to cross the Israeli border. In addition, and what has been confirmed by our interviews for this research, the report mentions that many of these migrants are also arrested and detained in Egyptian prisons in the Sinai. The report recommends Egypt to further investigate cases of trafficking. Only five convictions under the anti-trafficking law were reported in 2012. These were the first cases in which Law 64 on Trafficking in Persons was used. However, no action was taken following the reports of officials involved in the trafficking. The report found that migrants who end up in the Sinai are particularly vulnerable as the police ignored potential trafficking-related offences in the Sinai, failed to investigate vehicles used by criminals to transport migrants across Ministry of Interior-controlled bridges into the Sinai, and accepted bribes from criminals transporting the migrants and trafficking victims into the Sinai. The shoot to kill policy employed by Egyptian border guards against migrants attempting to enter Israel was also mentioned in the report as adding to the vulnerability. The



trafficking victims who end up in the Sinai are most often not recognised as such by the National Council for Childhood and Motherhood, the entity providing assistance and protection to trafficking victims. They lack adequate protection and instead are put in detention and treated as criminals for violating migration laws. The report mentions that this happened to a group of 11 Ethiopian female victims of trafficking who were detained instead of provided with assistance and protection.

### **Israel: Refugees labelled ‘infiltrators’**

The fence that Israel has constructed on the border with Egypt is intended to keep refugees and Sinai hostages out. Israel has taken a series of specific measures to detain and control refugees and stop them from entering Israel. There has been a dramatic decrease in the number of refugees entering Israel: from approximately 1,000–1,500 refugees per month in 2012 to only one refugee in July 2013.<sup>203</sup> There is no record of the number of people who come to the fence and ask to be allowed in. However, there are reports from the refugees who have been pushed back from the fence and denied access to an asylum procedure. The Sinai survivors have multiple reasons for asking for asylum: their circumstances in their country of origin; the fact that they are victims of abduction, trafficking and torture; and the fact that they are at risk of persecution if being deported to their country. However, the Government of Israel has been actively blocking their entry, pushing refugees back who arrive on Israeli territory and criminalising Sinai survivors who do manage to enter as ‘illegal’.

#### *Push backs from the fence*

The push backs are very clearly described in the interviews.<sup>204</sup> An interviewee relates the following story of what happened after her release from Mohammed’s holding place. She had been in the Sinai for 10 months and paid USD 25,000 for her release. She was seriously injured. This group was actually within the fences and, therefore, certainly on Israeli soil. However, they were stopped by the Israeli soldiers and taken away by the Egyptian soldiers. They were fooled by the Egyptian soldiers:

S: They let us go to the fence, and we climbed in. Then they stopped us, the [Israeli] soldiers. We spent hours inside the fence [between the two fences]. They called the Egyptian soldiers and they took us out of the fence and back. We knew we were inside because we went over the fence. They asked us who we were. We told them, we are Eritreans. They gave us one [piece of] bread each and nothing else.

ME: Did you not tell them that you are not going back?

S: We didn’t know. They fooled us. They took us back and we only realised we were fooled once we got back as were in the car.

ME: Were you wounded as you went into Israel? Have you been able to

- find medical attention now?
- S: We couldn't walk and we had maggots in our flesh because of the torture. My feet still have scars and wounds. I can't sleep on my back because of the torture, we are all in pain. [...]
- ME: Do you remember the date when you went into Israel?
- S: I don't. I am sorry, Meron, we don't even differentiate between days and nights.<sup>205</sup>

Another interview also speaks of the cooperation between the Israeli and Egyptian military to get the refugees out of Israel. This interview is with the girl who gave birth to her baby Ra'ee in chains in the torture house. At the time of the events described in the interview, she was carrying her six-month old baby, who was seriously malnourished. HT herself was also seriously ill. This is what she said in her interview:

- ME: So where did they take you after they let you go?
- HT: They took me all the way to the fence, the Israeli border. We saw a mountain. They told me, Israel is just beyond that mountain and to keep going. We were 32 people, early at six in the morning. They told us that once we go past the mountain, the Israelis will receive us. We were caught in the fence the whole day and eventually, the Egyptians came to pluck us up and took us all away.
- M: But you were inside Israel, were you not?
- HT: We were inside the fence, yes. We were first picked up by the Israelis, who told us that we were being taken to a reception centre, and then they drove us a little distance and we were told to board other cars, which we later found out belonged to the Egyptians.
- M: So they repatriated you to Egypt.
- HT: Yeah.
- M: Did they even give you food for you and your baby [in Israel]?
- HT: The Israeli woman came and brought me some water and a morsel of bread. That is about it.<sup>206</sup>

The following interview also gives a detailed account of a repatriation organised between Israel and Egypt, just after the fence was constructed. The interview is from 2 August 2012, and there are two refugees being interviewed. They are part of a group of 42 refugees who were entering Israel. The refugees seem to have been well within Israeli territory inside the fence. The interview seems to suggest that they were pushed back with brute force in a joint action by the Israeli and Egyptian army. The eye witnesses to this push back were interviewed by Meron Estefanos and the interview was translated and transcribed. It reads as follows:

- Q: Can you tell the details of your situations? When did you arrive in Israel?
- A: We departed from Sinai on 18 July [2012] and in the morning we arrived at the Israeli's border fence.
- Q: How did you confirm that you are on Israel's territory?
- A: We reached the asphalt and we met and were guided by the Israeli army soldiers and a white car also was attending. [...]
- Q: Tell me the overall situation of Israel after you left Sinai.
- A: We travelled for a long distance and when we reached the mountain there was a check point fence of the Israeli's. There were bulldozers and a man and a woman who spoke Amharic, a Felasha (Ethiopian Jew). The woman asked us if we spoke Amharic. They checked us and their team leader was speaking in Hebrew, Arabic and English. First they didn't return us; they accepted us beyond the fence by saying: welcome to Israel. Then they started to move us onto the new road, which was under construction. We sat down, to get some rest. There were sick persons among us who were beaten before and a military car took the patients. They simply left us, so we began to complain, and then they beat us.
- Q: Why did they beat you?
- A: They told us to return, and when we refused to return, they called the Egyptian army by radio. Four Egyptian army soldiers, two well-armed and the others with pistols, came and we started to fight. And in their radio communications the Egyptians said we can't take them from your land, so move them from your land. I followed their conversations as I am able to speak Arabic. We refused to leave the car and the fighting started. They beat us and I was injured, and I still am. They beat us until we lost consciousness and then they threw us from the mountains.
- Q: What did they do while beating you?
- A: First they only used their hands, but when the young ones from our group resisted them, they begun to use the bottom of their rifles and plastic. They have thrown us out.
- Q: Is it a mountain? Have you been in the mountain?
- A: On the side of the fence, a 15 minute walk, there is a mountain.<sup>207</sup>

Another member of the same group also explains what happened, as transcribed from the interview. He mentions the force with which the refugees were thrown off the mountain while in Israel, heavily injured and captured by the Egyptians:

- A: First we started going through the mountain; they were looking at us indicating the way. We were some 600 metres from the road. He told us that this is the road to Israel. We saw a car and the barbed wire as it was at sunrise. The Israeli army was waiting

for us; they encircled us and pushed us towards the barbed wire. [...] They checked us and shot an indicator light towards Israel. They gave us a paper, written in English, which said welcome. Our assumption was that we had entered Israel. After completion of the checkups, they lined us up and parallel to the road there is another road under construction. We were walking in line and [...] there were men with dogs. After a 15-minute walk they had us sit down. We were tired and some were almost unconscious, we carried them. They asked if someone among us spoke Arabic. Though we were having Arabic speaking colleagues, we replied no one speaks Arabic. The Egyptians came and started to order us to leave the car. We resisted them and demanded that if we were going to be returned, we wanted to return to our own country, not to Egypt. As we were in the land of Israel, the Egyptians were not in a position to use force, so the Israeli army was surrounding us.

Q: How many were the Israeli army?

A More than one hundred; first they were few, but later all the army in the trenches came. An Ethiopian lady was among us and the Ethiopian Felasha Jew from the Israeli army asked us if there were Ethiopians among us. The Egyptians told the Israelis to throw us from the mountain and the Israeli army selected strong persons to throw us from the mountain to the Egyptian side. We strongly opposed. So they start to beat us and we fought them. But it was not balanced, they were many and well equipped and there was nobody to assist us even though we shouted. Finally they started to throw us from the mountain and we gave up. Many were heavily wounded. The Israelis threw us from the mountain and the Egyptians chained our hands and so many inhumane treatments were conducted by the Egyptians. We had a pregnant women with us [...] they put her down with their legs at her backbone. Men were also beaten with rifles and they were heavily wounded. We followed the Egyptians to their camp by carrying our wounded. Then they took us to the prison in Egypt.<sup>208</sup>

The young lady who is mentioned in the interview and who was pregnant was also later interviewed. She explained that her pregnancy was from the rape she endured as a Sinai hostage.<sup>209</sup> She and the other members of this group were not given any assistance by the Israeli Defense Forces. A large number of interviewees indicate that push backs organised between the Israeli army and the Egyptian army are taking place. As a result, the Sinai trafficking and torture survivors have no opportunity to request asylum, despite the fact that, if Israel pushes them back to Egypt, they may be deported back to their country of origin, where they may be at risk of persecution.

*The Anti-Infiltration Law*

As part of the measures taken by the Israeli Government to curtail the number of refugees entering the country, in 2012 it adopted amendments to the so-called 'Anti-Infiltration Law'. The derogatory term 'infiltrator' is a translation of the Hebrew word 'mistanen' (plural: mistanenim; in Hebrew: מִיַּנְתָּסִם, מִיַּנְתָּסִם, מִיַּנְתָּסִם) and associates with the words for both "filter" (masnen) and "sieve" (mesanenet).<sup>210</sup>

The origin of the term 'infiltrator' was a reference by the Israeli Government to Palestinian refugees who fled from their villages during the 1948 Arab-Israeli War (the 'Nakba'), in which 700,000 Palestinians were uprooted. A Hebrew dictionary defines it as "entered in secret/hidden and without permission; broke through (penetrated)".<sup>211</sup> In 1954, the term 'infiltrator' was first defined in law in Israel as a person:

...who has entered Israel knowingly and unlawfully and who at any time between the 16th Kislev, 3708 (29th November, 1947) and his entry was – (1) a national or citizen of the Lebanon, Egypt, Syria, Saudi-Arabia, Trans-Jordan, Iraq or the Yemen; or (2) a resident or visitor in one of those countries or in any part of Palestine outside Israel; or (3) a Palestinian citizen or a Palestinian resident without nationality or citizenship or whose nationality or citizenship was doubtful and who, during the said period, left his ordinary place of residence in an area which has become a part of Israel for a place outside Israel.<sup>212</sup>

The law stipulates severe sentencing, which was increased in subsequent amendments. The law also affected those who helped 'infiltrators':

Where a person has sheltered an infiltrator or has otherwise aided an infiltrator in order to facilitate his infiltration or his unlawful presence in Israel, and the Court is satisfied that he has given such shelter or aid before, that person is liable to imprisonment for a term of fifteen years or to a fine of ten thousand pounds or to both such penalties.<sup>213</sup>

An order that amended the law in 1969 provides for the deportation of 'infiltrators':

The military commander may order, in writing, the deportation of an infiltrator from the Area, whether charged with an offence under this order or whether not charged and the deportation order shall serve as the legal source for holding such infiltrator in custody pending his deportation.<sup>214</sup>

In 2010, Israel adopted two new military orders, the 1649 'Order regarding Security Provisions' and the 1650 'Order regarding Prevention of Infiltration', issued by the Israeli Defense Force.<sup>215</sup>

In January 2012 the Anti-Infiltration Law in Israel was once again amended to extend to African migrants. Human Rights Watch commented on the Anti-Infiltration Law stating that it defined "all irregular border-crossers as 'infiltrators'".<sup>216</sup> The law allows Israel to punish all irregular border-crossers by detention – including asylum seekers and their children. Under this law, irregular border-crossers can be detained for three years or more before their deportation. The law also allows officials to detain some people (and children) indefinitely, even if they face persecution upon their return to their home country.

Prior to the introduction of the Anti-Infiltration Law a political campaign to introduce the word 'infiltrator' as a 'proper' term of reference to people of African descent prepared public opinion for what it seeks to do, namely, keep African people out. The media uses the term 'infiltrator' without much discernment (with some notable exceptions), as if it is a descriptive, rather than a value-laden, term. Moreover, by using this term, which has strong historical and military connotations associated with the origin of the State of Israel, it has altered the discourse in Israel on refugees from humanitarian-oriented to security-focused.

#### *Supreme Court ruling*

Since July 2012, refugees and asylum seekers entering Israel have been detained. Women and children have been separated from their husbands and fathers. Despite the fact that most of the detainees are asylum seekers, and despite the fact that Israel recognises that in the vast majority of cases deportation would put their lives in danger, the amendment to the Anti-Infiltration Law allows for their imprisonment as a group. Almost all Eritreans and most Sudanese would qualify for asylum if given the chance to apply. Ziegler (2012) argued that

Globally, 84 percent of applications filed by Eritrean nationals are determined to be genuine, and the respective figure for Sudanese applications is 64 percent. Indeed, should individual RSD [refugee status determination] procedures be conducted in Israel for Eritrean and Sudanese asylum seekers, the statistics are likely to be similar. It is noteworthy that a signatory state to the 1951 Convention that refrains from examining asylum applications may not deny such applicants rights under the Convention.<sup>217</sup>

An expanded panel of nine Supreme Court Justices of the Israeli Supreme Court recognised these concerns as legitimate and overturned the Anti-Infiltration

Law on 16 September 2013.<sup>218</sup> It declared that the prolonged imprisonment of asylum seekers in administrative detention was unconstitutional. It ruled that the Third Amendment to the Law for the Prevention of Infiltration was unconstitutional and should be overturned.

This was in response to the situation in which nearly 1,700 women, men and children are being detained in harsh conditions without trial under the amendment to the Anti-Infiltration Law, which came into force in July 2012. The Supreme Court ruled that an administrative detention of this sort violates the Basic Law Human Dignity and Liberty. The Court ruled that that the state is obliged to examine each of the detainees' cases individually within 90 days and release all those who were entitled to release under the Law of Entry to Israel. Unlike the Anti-Infiltration Law, the Law of Entry to Israel does not allow the extended detention of persons against whom deportation proceedings are not underway.

The ruling was issued on three cases that were joined by the Court: a petition to the High Court of Justice filed by attorneys Oded Feller (Association for Civil Rights in Israel), Yonatan Berman (Clinic for Migrants' Rights at the Academic Center of Law and Business in Ramat Gan), Asaf Weizman (Hotline for Migrant Workers) and Anat Ben Dor (Refugee Rights Clinic at the Tel Aviv University Faculty of Law); an appeal filed by attorneys Yonatan Berman, Omer Shatz and Yiftach Cohen; and an additional appeal filed by attorneys Tomer Warsaw, Yael Rothschild, and Orit Ronen. Attorneys Yonatan Berman and Anat Ben-Do stated that:

The Supreme Court ruled today what should have been taken for granted. Administrative detention of asylum seekers cannot be used as a method of deterring immigration. It is regrettable that the state has imprisoned thousands of people for a year and a half in unacceptable conditions without justification for their arrest. We hope that from now on the state will understand that asylum seekers are human beings who must be treated as such, and begin granting them rights.<sup>219</sup>

In the consideration of the ruling, Supreme Court Judge Edna Arbel referred to the human rights situation in Eritrea and listed the violations as including: extrajudicial killings; the shoot-to-kill policy in relation to people trying to leave the country; enforced disappearances of citizens without notifying their families; arbitrary detentions; widespread use of physical and psychological torture during interrogations by police, army and security forces; inhumane detention conditions; compulsory military service for a prolonged and unlimited period of time during which severe punishments are used that sometimes even lead to suicide; violations of freedom of speech, freedom of assembly, freedom of association, freedom of religion and freedom of movement; discrimination

against women and sexual violence; violation of children's rights, including the drafting of children; and more.<sup>220</sup> In her assessment of Sudan and South Sudan, Judge Arbel referred to the insecure situation in the two countries.<sup>221</sup>

Israeli organisations working with the refugees were hopeful that detainees would be released within two months.<sup>222</sup> However, on 17 September 2013, MK Miri Regev, the head of the Interior Committee in the Knesset (Israeli parliament) summoned an emergency hearing of the committee, despite the Knesset being in recess, in order to discuss the implications of the verdict. After the hearing, she published a press release titled: *The Supreme Court Decision to cancel the Anti-Infiltration Law – Paradise to the infiltrators and hell to the residents of south Tel Aviv*. In her statement, MK Regev said that since the Supreme Court had granted the State 90 days to choose means of actions, she had discussed the issue with the Prime Minister and with the Knesset Chairperson Yuli Edelshtein. It was agreed that a new temporary law would be examined (to hasten legalisation procedures) and would enable the transfer of the infiltrators to a third country. The leader of the lobby against infiltrators in the Parliament, Knesset Member Ayelet Shaked, also announced that she would fight to amend the law so that it would enable the continuation of the policy to keep the 'infiltrators' behind bars.<sup>223</sup>

On 11 November 2013 an announcement was made that the asylum-seekers would not be released.<sup>224</sup> A new Anti-Infiltration Law proposal was presented to the Knesset's Interior Affairs Committee.<sup>225</sup> Despite the High Court decision abrogating the amendment to the Anti-Infiltration Law and instructing the authorities to examine and release the 1,800 asylum seekers according to the Entry to Israel, the announcement stated that about 1,200 of the detainees would not be released. The Ministry of Justice was represented by Dina Zilber and Avital Sterenberg. The Immigration Authority was represented by Daniel Solomon and the head of the Foreigners Department Yossi Edelstein. They stated that following before the committee:

The new Anti-Infiltration legislation needs to be passed by the Knesset by December 15, 2013, since on that day, the 90 days given to the State by the High Court of Justice to release all detainees elapses. The open Facility *Sadot* will contain 3,300 beds and about 1,200 present detainees will be sent there directly from *Saharonim*.<sup>226</sup>

According to the government officials, the purpose of the law is to prevent naturalisation of refugees by keeping 'infiltrators' away from the cities and preventing them from working, as well as encouraging them to leave of their own volition.<sup>227</sup>



It is still unclear how it will be decided who will be sent to this new open facility at Sadot, but those that the authorities will want to transfer to the open facility will not receive permits to stay and will not be allowed to work. The facility will provide them with food, shelter and medicine. Once they are jailed, the refugees will be encouraged to leave 'voluntarily'. Those who violate the conditions in the open facility (for example, not show up to one of the three daily roll calls in the camp) will be imprisoned in a closed facility. Sadot is located in the desert.



**Figure 5:** Open facility at Sadot, Israel (Photograph: Karin Keil)



**Figure 6:** Open facility at Sadot, Israel (Photograph: Sigal Rozen, 21 November 2013)

While it is called an ‘open facility’, it is built in the middle of the desert and completely surrounded by a fence. A space within the fence has been prepared to create the impression of the facility being an open one.<sup>228</sup> A special arrangement is made for it to appear ‘open’:

One of the guard said that the entire area is a closed military area and we do know that it is a part of the army fire zone (we have maps that prove it). When I asked the guard how they will allow 3300 Africans to walk around in a closed Army zone, he said that they will be able to walk around only in the large area designated to it, behind the fence.<sup>229</sup>

While the new law may not mention it, it is very reasonable that the definition of an ‘open’ facility will refer to the access of the prisoners to a walking area in the desert, which is surrounded by a fence. The area is a very secluded place; in the entire area of the Sadot and Saharonim prisons, there are only four Jewish settlements: Kadesh Barnea (with 50 families), Kmehin (with 34 families), Beer Milka (with 20 families) and Ezuz (with 15 families). It would seem unlikely that the authorities would allow the more than 3,000 detained Africans expected to enter the ‘open facility’ to walk around freely in a zone populated with less than 150 Jewish families.

The policy, therefore, seems to be that those detainees ordered by the Supreme Court to be released will be transferred to this ‘open facility’ during the 15 months that it might take for the Court to reach a decision on the new petition that has been filed by human rights groups. In the intermediate period, many refugees may have left Israel ‘voluntarily’ (voluntary deportations).

#### *Detention in Israel and deportations*

The vast majority of the 1247 refugees held in prisons at present were imprisoned after the Anti-Infiltration Law came into force. The Sinai survivors are criminalised – together with the fellow asylum-seekers. The conditions in the prison are very harsh. Prisoners cannot be contacted by telephone and they rely again on small trading to organise ‘air time’ to be able to phone out. Being disconnected by phone from loved ones, who are often in the Sinai or in other harsh conditions, is unbearable for the refugees. The prisons take away the last straw of life the Sinai survivors have and that is their connection (even if only by telephone) to the people they love.

Visitors are not allowed to enter the detention centres and there are only a few aid workers who are allowed to visit the refugees and Sinai survivors. These workers are not allowed inside the centres, but they can meet the detainees in a meeting place.

The most difficult aspect of detention in Israel is the hopelessness of the situation. Women and children are separated from their husbands and fathers. There have been over 20 hunger strikes and the desire for suicide is very high. Not knowing why they are treated as criminals, without support for the trauma they have endured, isolated from their relatives and with no prospect of a future, their lives become worthless. Yet, even this dignity of the refugees, to decide whether they will live or die, is not respected. The refugees who go on hunger strike are severely punished; groups of refugees who go on hunger strike have been split up, force fed and removed to other locations – including to solitary confinement.<sup>230</sup>

### *Life in Israel*

While the Israeli government provides a shelter for trafficked people, there are very few places and very few Sinai survivors who are allowed to stay in this shelter. Another shelter which housed some 35 women and children is in the process of being closed. The refugees who entered before the Anti-Infiltration Law received temporary protection documents, which are difficult to renew, and without which they are vulnerable to being detained or deported.

Those who are not detained are supposed to be the lucky one – the ones who have reached the ‘land of milk and honey’. However the conditions of life for them are very difficult as refugees in Israel face exclusion. In the city of Eilat, children of the refugees were separated and not allowed to enter the normal school system:

Some 50 children from Sudan and Eritrea living in Eilat, who have been in Israel several years and speak Hebrew, are not admitted to state-run schools and sent to a derelict facility near Kibbutz Eilot, which lacks the minimum conditions required of a school.<sup>231</sup>

This policy was petitioned and a ruling of the Supreme Court ended this segregation in 2012.<sup>232</sup> The difficult situation of the Sinai survivors is compounded by their desire to help their families. With the vast amounts that have been extorted, the former hostages know that their families have been left destitute, and they feel guilty and responsible to contribute to solving the problems of their families. Moreover, it is difficult to explain to their families, how they have ended up in detention again, which contributes to their overall despair, which is coupled with shame. This leaves the refugees in a position where they can't deal with their own problems and so the process of healing is delayed. Yet, some of these refugees are mothers, raising children, raising a next generation.

Those Sinai survivors who are not in detention (because they reached Israel before the entry into force of the Anti-Infiltration Law built) also face serious

problems and the suicide rate is high. Israel doesn't provide adequate support to the Sinai victims, and many are sleeping on the streets and in Levinsky Park around the bus station in South Tel Aviv. They rent small places together where Sinai survivors who have lived the same tragedy stay together.

The refugees don't receive papers and are in constant fear of being taken by the police or taken into detention. They can't leave Israel unless they receive legal documents, which are extremely difficult to get. These refugees also trapped. With no adequate means of support they look for work in the informal sector to sustain themselves, which leaves them open to exploitation. Middlemen come to provide illegal jobs. An aid worker explains how this system leads to exploitation:

Two people came to tell me that this middleman never gave them their money. They worked for months. Another one said that he worked for three months. They refused to pay them the money. He said, "I don't know what to do, how do I get my money"; they get frustrated, they get very frustrated. [...] Because it is written in their [papers] don't work, they are not allowed to work. So they can't even complain. So for that reason the ballabai [middlemen] exploit them. I mean, they pay them peanuts and then they won't even pay that little money. To whom are they going to complain: nobody.<sup>233</sup>

The illegal work is work that no one wants to do, "one day here, one day there", "clean the house that has not been cleaned for one year", "so the women have to clean and have so many allergies"<sup>234</sup> laments an aid worker. The lack of work forces women also back into prostitution.<sup>235</sup> Forced marriages also result from the tenuous situation of the refugees.<sup>236</sup>

The tension caused by the overcrowded housing, the insecurity, the exploitation and the lack of support for healing is so high that it creates a range of other problems. These include deep depression, which may result in suicide attempts or suicide. There is also alcohol abuse connected to the lack of trauma healing and lack of prospects for building a life and to help their families back home.

Their vulnerability makes the refugees susceptible to further exploitation. A religious sect leader in Tel Aviv attracts refugees. He is an Ethiopian and calls himself Abba Salama. He says he belongs to Ethiopian Coptic church but was banned from Ethiopian church while living there. He used to live in Libya and many of his followers followed him from Libya to Israel. He has many followers. The refugees are asked to cut all relations with relatives, even husbands and wives, and to cut off ties with their children. The refugees are fearful and mentally unstable, but they become beyond the reach of any assistance, such as the assistance provided by Physicians for Human Rights.<sup>237</sup>

*Right to asylum and voluntary repatriation*

The principle of non-refoulement is binding in Israel under the basic right to life as established in the Basic Law: Human Dignity and Liberty. Israel is party to the Refugee Convention 1951 and the Convention against Torture and Cruel, Inhuman or Humiliating Treatment or Punishment, which establish the principle in international law. In the case of Al-Tai, President Aharon Barak established that:

A person is not to be expelled from Israel to place in which he faces danger to his life or liberty. Any governmental authority – including the authority of expulsion in accordance with the Entry to Israel Law – must be exercised on the basis of the recognition of “the value of the human being, the sanctity of human life, and the principle that all persons are free” (Article 1 of the Basic Law: Human Dignity and Liberty). This is the great principle of nonrefoulement, according to which a person is not to be expelled to a place in which his life or liberty will be in danger. This principle is formalized in Article 33 of the Refugees Convention. It forms part of the domestic legislation of many countries that adopt the provisions of the convention but regulate the matter separately. It is a general principle that is not restricted solely to ‘refugees.’ It applies in Israel to any governmental authority relating to the expulsion of a person from Israel.<sup>238</sup>

Since Israel signed the Refugee Convention in 1951 it has only recognised 220 refugees.<sup>239</sup> The knowledge of this reality is depressing the refugees and adding to their stress. The refugees detained in the detention centres are under the impression that they have no future in Israel, as explained by this aid worker:

I think the most difficult thing is the psychological pressure put on the detainees when they realise that no one is getting refugee status in Israel. The authorities keep on telling them that. They also tell you that if you have opened an asylum file, you cannot go back, you cannot go to another country. Many people, even after they open an asylum file, ask to close it so they can go out [of prison], because they don’t believe they will ever come out of prison. Therefore, they give up their asylum claim for the chance of – maybe – being sent back to their own country or another country.<sup>240</sup>

In accordance with the Anti-Infiltration Law, asylum seekers are detained during the process of their asylum application and if their asylum requests are denied they will remain in detention without trial for at least three years. Those who are not detained have no access to asylum and never had access, as they were under a specific regime which was called ‘group protection’ (applying to those of Eritrean and Sudanese origin).

Some maintain that the detention camps are camps and not prisons. An aid worker who visits the locations where the refugees are held stated:

The conditions, you know, there is food, there are beds, but this is a prison. They don't like to call it a prison, the prison guards, but this is a prison. They have guns, they have handcuffs, if somebody goes out from the sector, they need to put handcuffs on him, if they go to hospital, they put handcuffs on, even on women, not on children. They are prisoners. For them [the guards] they are prisoners.<sup>241</sup>

Those who are currently detained under the Anti-Infiltration Law should have had access to asylum by law, but in reality they did not get access until February 2013. The slow process in asylum applications contributes to the desperation, as seen by this Israeli humanitarian aid worker:

Right now the situation is such that the Eritreans know that they have to apply for asylum, because right now that is their only way out. There are 1,400 asylum requests, it means that almost everyone in the prison has asked for asylum.<sup>242</sup>

According to the Hotline for Migrant Workers, a human rights organisation which assists migrants and refugees, "Eritreans and Sudanese who reside in Israel have had no access to the asylum system and the first few asylum claims of detained Eritreans and Sudanese were first accepted only in February 2013". The Hotline for Migrant Workers assisted in the submission of asylum requests of the refugees detained under the Anti-Infiltration Law. Hotline for Migrant Workers had received 20 replies in November 2013, all of them of Eritrean asylum seekers, and all of them were rejected on the same grounds – there was no individual consideration. The rejection letter sent by the Refugee Advisory Committee of the Ministry of the Interior of Israel states:

By decision of the Minister of the Interior, evasion of army service or deserting of army duties, in and of themselves, or with no connections to any of the grounds listed in the Refugee Convention, are not enough to establish grounds for political persecution in accordance with the Convention, and requests founded solely on draft dodging or desertion of the Eritrean army do not constitute a foundation for refugee status.<sup>243</sup>

The visa rejections add to the psychological pressure felt by the refugees:

After the rejection of the first asylum requests, they [the detained refugees] realize that [...] they are going to spend the rest of their lives in prison. This is what makes people say: "OK, if any way I am going to die, I better die in my country." Or they say, "well, I will try my chances".<sup>244</sup>

The Hotline for Migrant Workers has argued that it is very difficult for refugees, including Sinai survivors, to be released under the Anti-Infiltration Law:

In general, the officers in charge of the Border Control did not see fit to make use of this article to release asylum seekers from prison. When HMWs [Hotline for Migrant Workers] activists referred a request to an Administrative Review Tribunal Judge to release survivors of torture camps in Sinai or children and their mothers, the requests were denied based on the claim that tortures, and children, are not special humanitarian reasons for release under the Anti-Infiltration Law. And yet, during the past six months, Tribunal Judge Marat Dorfman agreed to release from prison two (women) survivors of torture camps who suffered particularly severe torture and were in a difficult mental state.<sup>245</sup>

Another aid worker confirms the pressure felt by the imprisoned refugees and the confusion they feel about their situation. The refugees from Eritrea in the prison are being told that:

“You don’t have any chance to get out of prison; the only way is to go to Eritrea”. Or they say, “we have an alternative for you”, as if they were deceiving [the refugee], “you can go to Uganda”.<sup>246</sup>

The ‘voluntary’ deportations seem to be the result of the pressure and the unlikelihood of the refugees and Sinai survivors being released from prison:

They are desperate. They don’t believe they have a chance to get out of prison. Because this is what they are being told.<sup>247</sup>

In 2013, (at least) 14 refugees were voluntarily repatriated to Eritrea.<sup>248</sup> The Israeli Government was also negotiating new schemes in which third countries would accept the refugees in return for military or economic aid, which is, in a way, a continuation of the ‘trading’ of these refugees. One Eritrean detained in Israel under the Anti-Infiltration Law was sent to Uganda, under the new ‘voluntary’ repatriation scheme. He was under the impression that he would be further deported to Eritrea from Uganda. In an interview he explained his motivation to participate in the scheme:

The Israeli captured me [...]. They put me in jail and when I was in prison, they told me that you will remain in jail for three years without a court verdict. So instead of wasting my time behind bars I decided to go to any other third country. [...] I know that I face a bad chance in Eritrea. But instead of three years in prison in Israel, I just want to try my chance.<sup>249</sup>

The Israeli authorities presented a possibility to be repatriated to Uganda which he accepted. However, when this refugee arrived in Uganda, he was not accepted by the Ugandan authorities, and the following transpired:

The Ugandans said, “if you came from Israel, you are going back to Israel”. But I am not an Israeli. [...] I called the Israeli immigration, suddenly they came at night and forced me to board a plane, which brought me to Egypt.<sup>250</sup>

The psychological pressure results in a voluntary repatriation, which is handled according to the rulebook, and which is videotaped, as ordered by the Supreme Court, to ensure that the repatriation is sincerely voluntary. The refugees sign a form stating that they do not have any political problems at home and that there is nothing that they fear from their government.<sup>251</sup> These refugees, who are all of Eritrean origin, then have a chance to meet with the Ambassador of Eritrea. The refugees receive money from the Israeli Government and promises that they will not be persecuted on their return to Eritrea.

The refugee who chose to be deported to Uganda, and was repatriated from Uganda to Egypt, was then deported to Eritrea. In the mean time he has left Eritrea again, and is now in Ethiopia.<sup>252</sup>

### **Sinai trafficking and Israel**

Israel is primarily a country of destination for trafficking purposes. The Trafficking in Persons Report 2013 says that several hundreds of trafficking victims from African countries have entered Israel illegally through the Sinai Peninsula and confirms the route described in this report.<sup>253</sup> The report mentions a considerable decrease in the number of irregular arrivals through this route because of the building of the fence.

According to the Trafficking in Persons report Israel meets international minimum standards and has increased its efforts to identify victims who have suffered in the Sinai, but that it was not fully successful because of the ill detention facilities, inadequate interpretation and psychological services and lack of sufficiently trained personnel in detention centres. Israel actively prosecutes those suspected of trafficking practices although the sentences remain low in case of conviction. The report is not very critical of the identification procedures, although it mentions the detention of Sinai survivors for several months before being transferred to the shelters. It has been reported that some of the trafficking victims did not receive work permits and, as a consequence, cannot work legally in Israel.

The report mentions the Prevention of Infiltrators Act and that this Act may lead to some trafficking victims being detained for several months before they



are identified, but it does not identify the scale of the detention of victims of trafficking and practices as revealed in the interviews conducted for this research. The report states that:

...the government continued to indicate it did not have the capacity to provide assistance to the large numbers of trafficking victims among the migrants arriving from Egypt. As a result, 35 female and 11 male trafficking victims remained in detention awaiting space in the government-funded trafficking shelters at the end of the reporting period.<sup>254</sup>

The Trafficking in Persons report 2013 reflect on the 'hot-returns' into Egypt by Israeli authorities and the prevention by the military forces of refugees from entering Israel, as reported by NGOs but denied by the authorities. In addition, and due to the lack of work permits issued to a number of Sinai survivors, the re-exploitative practices in the informal labour market occurring in Israel are mentioned as another example of the continuation of the trafficking.



## Chapter 7. To Libya and Europe

*Refugees attempting to escape Africa do not claim a right of admission to Europe.*

*They demand only that Europe, the cradle of human rights, idealism and the birthplace of the rule of law, cease closing its doors to people in despair who have fled from arbitrariness and brutality.*

Judge Pinto De Albuquerque, in his concurring opinion, Hirsi case<sup>255</sup>

### **Crossing over to Europe**

On the front cover of this book is a picture of Berhan. Berhan left Eritrea when he was 15 years old, the age that he would have been conscripted in the national service. He was abducted and held hostage in the Sinai. He was tortured in the torture house of Abu Abdallah, the worst of all torture houses. He was in the same group as Selam and her baby Lamek, who were telephoned regularly by Meron Estefanos. Selam died in November 2012 and Lamek was released in mid-December 2012 with another hostage and brought to Israel. When Berhan was released, the Egypt-Israel border was already closed. Berhan made it out of the Sinai and was next interviewed by Meron in Lampedusa. Berhan was one of the passengers on the boat that sank off the coast of Lampedusa on 3 October 2013. At the age of 17 he swam to reach land and arrived in Europe. It is a dream of many African refugees to reach Europe and many risks are taken to get there: travelling through the Sinai and Libya, crossing the Mediterranean Sea and then onwards.

The Lampedusa tragedy once more draws our attention to the issues of migration control, refugee protection and the EU's policy on receiving the refugees. In this chapter the last stage of the trafficking cycle of exclusion, exploitation, discrimination and dehumanisation are examined. We follow the route of the Sinai survivors such as Berhan from Libya, where they are beaten, raped and used for forced labour, across the Mediterranean Sea to Lampedusa, where many perish or are blocked from entering the EU, and, finally, to Europe where they find themselves in detention or living illegally, still vulnerable to exploitation. In Europe, for many Sinai survivors, the last bit of their dream to reach a better place is destroyed.

### **To Libya**

In an interview to be broadcasted on radio, Estefanos asked an interviewee in a detention centre in Sabha in southwest Libya what lessons he had for his fellow refugees. The interview was held in the first half of 2013, about the same period that Berhan could have been there. The refugee summarises:

You can get lost while travelling in the Sahara. You can stay for some days in the desert until you get in a truck, the car can be broken, they rape the ladies, they beat you with iron bars until you pay money, the car drivers fight with the government troops and, finally, they take you to the refugee prison.<sup>256</sup>

The situation for women and girls is clearly very dangerous, as is expressed in several interviews:

The ladies are in a separate place, they are not with us. The situation of the girls is the worst; they try to rape them. There are many from other countries who are privileged, especially if they are Muslim. But for us we do not have any rights like a human being.<sup>257</sup>

A young woman held in the same location confirms this statement:

We are in a bad situation, to be honest. There is much to be afraid of, given our skin colour and religion. I was in Tripoli and now in Sabha; we are in a prison right now. Over 400 Eritreans are here, the women are held in a separate location. The Muslims of other countries are taken care of, but we Eritreans do not get such an option.<sup>258</sup>

Another Eritrean man explains the situation for Eritrean women in a detention centre in Libya:

It is bad; they want to take girls one-by-one and we scream. That is the situation. Sometimes they come and take us at night, we can't sleep, they smoke hashish.<sup>259</sup>

Asked whether he has found a lawyer to help him with his case, the interviewee responds:

There is no such thing. And they tell us the Eritrean Embassy is going to come, but they haven't showed up. We can't even ask them and, if they give us an answer, it is always inconsistent. They even ask why we need to know, so we are forced to keep quiet.<sup>260</sup>

The interviews report forced labour, especially as workers for military officers:

We clean their military cars and their offices and they beat us if there is anything wrong; as we don't speak Arabic, mistakes happen.<sup>261</sup>

If they send you to work in the army, you work in the day and, during the night, they lock you in containers.<sup>262</sup>

Last July, in the border town between the Sudan and Libya called Kusta, there were black and white Libyans, which never had peace among them. There is a camp also over there. When these groups fight they take us to the field to prepare them food, dig graves and assist the wounded. We were also involved in such activities. It is by force, not voluntary.<sup>263</sup>

A significant number of refugees in the camps and prisons are Eritreans:

It [the fighting] is no more continuing, but there are still Eritreans in the camps. All the prisons in Libya are filled with Eritreans.<sup>264</sup>

Many Eritreans lose their life in Libya, either because they are shot or because of accidents.<sup>265</sup>

The life in the prisons (refugee detention facilities) is combined with forced labour and abuse:

- ME: For how many hours were you working a day?  
I: It is from morning till night  
ME: After work where did they return you?  
I: To the prison and the next days the same happens.<sup>266</sup>

There are reports of unpaid labour, abuse, and serious accidents, in which many lives are lost; the lives of these refugees are 'cheap'. When asked about the solution to their problems and their future, the refugees in Libya respond:

Our goal is to leave the country as we didn't come here to live. There are some among us who have money and these guys can leave the country.<sup>267</sup>

Asked who helps them escape from the prisons, the answer is:

They are Libyans. [...] They charged us USD 400, but there is no guarantee. They put you in a house and, even after they have collected the money, there is a probability that you are not going. After escaping from the prison, they took us to a house to hide and then they gave us an account to transfer the money. He disappeared after collecting the money.<sup>268</sup>

Estefanos asked the interviewee what he advises those who still dream of coming to Libya from Sudan, Ethiopia or Eritrea:

I would say to them, this is not a country. We are looking for a way out.<sup>269</sup>

Some of these practices are mentioned in the US Department of State 2013 Trafficking in Persons Report, which says that Libya's policy on irregular

migrants may be detrimental to the victims of trafficking as no procedure exists to distinguish between irregular migrants and victims of trafficking:

...the government's policies and practices with respect to undocumented migrant workers resulted in Libyan authorities detaining and punishing trafficking victims for unlawful acts that were committed as a direct result of being subjected to human trafficking. There continued to be reports that detained foreign migrants were sold into conditions of forced labor with the complicity of prison and detention center guards.<sup>270</sup>

### **The crossing to Lampedusa**

The detention camp where the interviewees were held (at Sabha in southwest Libya) was described by the Italian prosecutor Maurizio Scalia as a "concentration camp".<sup>271</sup> According to the police, Libyan militiamen and Sudanese traffickers all took part in the alleged assaults in the Sabha detention camp.

The police who investigated the situation of the passengers of the boat that sank on 3 October 2013 stated that they found from the testimonies of the survivors that "the 20 women in the group were repeatedly raped and offered to Libyan visitors as if they were a cup of tea".<sup>272</sup> The testimony of a 17-year old girl stated that: "They forced us to watch our men being tortured with various methods including batons, electric shocks to the feet. Whoever rebelled was tied up."<sup>273</sup> The testimony of the 17-year old girl read that:

"The women who could not pay were assaulted", the girl was quoted as saying in her criminal charge. She also described in horrific detail her own sexual assault, saying that Muhidin [a Somali man accused of being the lead trafficker] was one of the three men who raped her. They threw me on the ground, held down my arms and covered my mouth, and poured gasoline on my head, which burned my scalp, skin and eyes. And then, not yet happy, the three took turns raping me.<sup>274</sup>

According to the published excerpts of the testimonies, the refugees were forced to pay up to USD 3,500 to be released from the Sabha camp and for their journey to the coast and the crossing of the Mediterranean Sea to Lampedusa.<sup>275</sup> Other reports say that just the crossing by boat is at least USD 1,000.<sup>276</sup> Based on this, one shipload of 600 passengers could make as much as USD 2 million. It is estimated that Italy received 35,000 migrants in October 2013. The trade in crossings to Italy would, therefore, be worth well over USD 100 million a year – and this excludes crossings to other destinations such as Malta.

### **The tragedy of Lampedusa**

In the early morning of 3 October, the boat was approaching the island of Lampedusa. Everything seemed fine. Women and children were sleeping below deck. The captain stopped the motor and waited for the morning when he could offload his passengers and the boat drifted slightly outside the perimeter of Lampedusa. When the captain tried to restart the motor, it didn't work. In order to attract the attention of other boats and surveillance who could provide help, he started a basket-fire. He burnt himself and threw the burning rod on the boat. In panic, the passengers on deck moved to one side and the boat capsized.

The testimonies of the survivors brought out by the police and reported in the newspapers do not include the following, which was told to Meron Estefanos and Fr Mussie Zerai when they visited Lampedusa and talked to the survivors: two boats with official features had approached the sinking boat in distress, but offered no assistance. These boats are not mentioned in the reports of the tragedy.

The women and children below deck could not be saved. One young pregnant woman, who was making the crossing with her fiancée, delivered the baby while the boat was sinking and drowned with her newborn baby.

The young men who had been on deck swam to the coast and found a tourist on the beach, who alerted the emergency services. This alert set off a large rescue operation, but for most of the women and children it was too late.

The news soon spread that the majority of the passengers on the ship were from Eritrea. Yet the Eritrean Government did not acknowledge this at first and spoke of 'Africans' on its EriTV channel, seemingly unclear as to how to acknowledge and explain the exodus from Eritrea. Italian Prime Minister Letta called the incident a tragedy and announced a state funeral for the victims. He also announced that the victims would all receive post humus Italian nationality, which, ironically, was not given to the survivors of the shipwreck. Meanwhile, Eritrean refugees and families in Eritrea were demanding that the bodies of the people who died in the shipwreck be brought home.

A few days later, the Italian Government released a list of survivors and it appeared that, except for two, all were Eritreans. The Eritrean Government could no longer deny this reality. Soon after, the arrangements for the funeral seemed to change radically. The arrangements made by the Red Cross to allow DNA to be taken from the survivors and the bodies so that they could be identified was blocked by a measure introduced by Eritrean officials that payment should be made (€ 150) for the taking of DNA samples. The survivors were held in a closed detention camp on the island. Intrusive photographs were taken of the survivors and Eritreans visiting the island, which were interpreted as threatening by the Eritrean community.

The state funeral was cancelled and bodies were hastily buried in different places across the island. A commemoration service was held, to which the survivors were not invited. The Mayor of Lampedusa made a public protest. The Eritrean community perceived the space provided to the Eritrean Ambassador to direct the procedures and decisions in Lampedusa as a threat and as proof of the influence of the Eritrean Government outside Eritrea.

When Estefanos and Zerai visited Lampedusa the Italian authorities did not allow them into the detention centre to speak with the survivors. However, Estefanos and Zerai found a way to speak to the survivors, who asked for phone cards so that they could speak to relatives; some girls even asked for footwear. In the detention camp, they said that they received cigarettes. This is when Estefanos met Berhan and recognised him as one of the hostages who had shared the torture camp of Abu Abdallah with Selam and her baby Lamek.

All of the shipwreck survivors were moved to Rome, except for 16 who had to stay behind to provide further testimony. Among those that stayed behind was a young girl who had been severely raped in Libya and who was very fearful. She wanted to stay with her Eritrean ‘brothers’ (countrymen) to feel secure and protected, but was not actually asked what she thought was good for her. Left alone, she expressed her anxiety in telephone calls with Meron Estefanos.

The group of young Eritreans brought to Rome:

...were offered a home at the Teresa Gerini Institute, a welcome centre in Rome, for those awaiting confirmation of their refugee status. After arriving last Tuesday, on a special flight, they were greeted personally by the Mayor of Rome Ignazio Marino, and received a welcome phone call from Pope Francis. Each was promised Euro 35 a day for basic living expenses.

When they arrived in the city, they were each given a welcome letter, an international phone card, a map, and a wash-kit consisting of shampoo, soap and a towel. But a day later the centre was deserted – with the new arrivals thought to have headed to join family in the UK or Germany. The Rome mayor’s office told the Italian newspaper *Corriere della Sera*: ‘Between Sunday and Monday, all the refugees, in several tranches, abandoned the centre where we had hosted them. We do not know why, because we had offered them the best welcome possible’.<sup>277</sup>

The British Daily Mail claimed to ‘know’ why they all left the accommodation (not having spoken to any of the survivors) cynically headlining: “Lampedusa tragedy survivors flee Italy a DAY after being given free accommodation in Rome. Thought to be heading for countries with generous benefits (now where could that be...?).”<sup>278</sup>



The Mayor explained to the media that it was possible that the young Eritreans were heading to families across Europe. He 'knew' that (as quoted by the Daily Mail):

Many of them wanted to reach Northern Europe, where some already have relatives. ...They generally move in groups, so that would explain the mass departure.<sup>279</sup>

It is unclear from the media reports why Rome offered such 'generous accommodation' if they knew the survivors had other plans.

It is clear that the Lampedusa survivors are genuine asylum-seekers; the question, therefore, is why they were not immediately entered into a procedure to apply for asylum. Other reasons for their departure en masse from Rome should be considered and investigated:

- Did the survivors fear repercussions from the traffickers?
- Did the survivors fear repressive action by the Eritrean Embassy representatives?
- Did the Italian Government fear the testimonies of the survivors about the failure to assist the ship in distress, given the (reported) presence of official boats at the time of the accident?
- Were the survivors encouraged to move on, away from the media spotlight?

These are questions that require further examination.

Some calls were received when some of the survivors moved north to Germany, where they were placed in detention.

### **European migration policy**

The tragedy of Lampedusa gave new impetus to the discussion about what can be done to prevent people from taking such high risks by boarding unseaworthy vessels captained by people who are only interested in making money. Europe then responded by agreeing to intensify the control of borders and called on Frontex to intensify its presence in the Mediterranean Sea. The tragedy also raised questions about who is responsible for people in distress at sea. The (legal) context for exploring an answer to these questions is addressed next.

In the Global Approach to Migration and Mobility, the European Commission reiterated its aim to achieve a coherent and comprehensive migration policy throughout the European Union.<sup>280</sup> The Arab Spring has increased the number of migrants trying to alleviate their situation by migrating to Europe. In response, the EU has intensified its dialogue with Libya, Egypt, Morocco and Tunisia with the aim to strengthen cooperation on 'managing' migration flows laid down in the so-called 'Mobility Partnerships'.

The EU realises that its future labour needs cannot be met from within Europe because of the aging population. At the same time there is also a lack of workforce for some jobs. Accordingly, the EU wants to regularise and adjust some streams of third country nationals. However, the extension of opportunities for legal migration and mobility can only be adopted if irregular migration is reduced through an effective return policy and border controls.

Toward this, the European Commission expressed support for a global responsibility sharing based on the Refugee Convention of 1951. The four pillars of the Global Approach to Migration and Mobility are: legal migration and mobility, irregular migration and trafficking in human beings, international protection and asylum policy, and maximising the development impact of migration and mobility. In this approach, special attention must be paid to human rights and vulnerable migrants.

At present, the following categories of third country nationals can legally migrate to the EU: long-term residence permit holders, students, researchers, highly-qualified third country nationals and people with family members in the EU for family reunification.<sup>281</sup> The EU Blue Card Directive facilitates the migration of highly-qualified third country nationals and the Single Permit Directive simplifies procedures by establishing one single procedure and a single permit.<sup>282</sup> No instrument has yet been adopted for seasonal workers as the directive targeting this group is still under negotiation.<sup>283</sup>

Most of the migrants arriving in the EU through, for example, Greece, Italy or Spain do not qualify under any of these provisions. For them, the only option to remain in the EU is to be granted refugee status. Next, the possibilities for ending this will be elaborated, but first some of the efforts of the EU to control migration flows, apart from the regularisations, are discussed.

### **Externalisation of migration control**

The main ways in which the EU controls irregular migration outside its territory is by building capacity to this end in third states; through intensive cooperation in border control within the EU (Frontex); and through readmission agreements. Ideally for the EU, border control takes place before people actual head off to Europe (in the country of origin or departure). If this cannot be achieved, the border controls preferably take place before people actually enter EU territory. This is what is called the externalisation of border control.

The EU Member States, encouraged by the EU, employ creative measures to prevent people from heading towards the EU and force private entities to help them in implementing such measures, for instance by imposing pre-border checks on flights to the EU, whether or not by private carriers, by push back operations on the high seas, by processing asylum applications in third countries

and by imposing more and more preconditions before a permit can be granted. Although the externalisation of borders is not necessarily problematic, it may become so if fundamental rights are not upheld.

The Hirsi case before the European Court of Human Rights,<sup>284</sup> in which Italy was convicted of violating the European Convention on Human Rights by sending refugees (including a number who held UNHCR refugee status) intercepted on the high seas back to Libya, is an example of a fundamental rights violation in the context of the externalisation of borders. Although in this case it was the State of Italy that was convicted, it could be argued that the EU also bears responsibility, as the control of the external borders is a shared competence (Article 77 of the Treaty on the Functioning of the European Union) and, therefore, the EU cannot hide behind Italy as the executing State. However, so far, the EU and especially the European Commission has been reluctant to press charges against violating Member States (such as Italy, Greece, Spain) and to call on all EU Member States to take common responsibility for massive immigration flows. Even after the tragedy in Lampedusa in October 2013 the EU has not been able to turn migration management into a shared responsibility.

### **Push back operations**

Push back operations are widely used both on land and at sea to control migration flows. The central goal of such operations is to prevent migrants from entering a State's territory, falling under the jurisdiction of that State and triggering State obligations, including those based on human rights. The debate on such practices revolves around the question when a person is considered to fall under the jurisdiction of an acting State. Traditionally, and adopted in many human rights treaties, a State's jurisdiction is linked to a State's territory; but, does that mean that the externalisation of migration control and push back operations outside a State's territory, e.g., on the high seas, are a way for States to circumvent jurisdiction?

States targeted by migrants as destination countries have supported this idea and found legal grounds for this position in the laws of the sea.<sup>285</sup> The argument made is that the action of the State must be considered a 'search and rescue' operation and not an interception. Without the aim of being exhaustive, a few principles relevant to push back operations following from international maritime law are briefly explained here to shed light on this debate.

The most relevant treaties in this regard are the UN Convention on the Law of the Sea of 1982 (UNCLOS),<sup>286</sup> which is supplemented by the International Convention on Maritime Search and Rescue (SAR Convention)<sup>287</sup> and the International Convention for the Safety of Life at Sea (SOLAS Convention).<sup>288</sup> Although coastal seas are divided into various zones, in the context of our

research it is most important to distinguish between the high seas and territorial seas. In accordance with Article 86 of UNCLOS, the high seas is all parts of the sea that are not included in the exclusive economic zone, the territorial sea or the internal waters of a State, or in the archipelagic waters of an archipelagic State. The high seas are open to all States.

Whether or not a State has jurisdiction over a vessel depends on the stretch of water where the vessel is located. When acting within its own territorial waters, a State enjoys full jurisdictional authority, which applies equally to ships flying its flag. There is a general prohibition on entering a ship flying a foreign flag, apart from the situations listed in Article 110 of UNCLOS, among which the fact that a ship that does not have a flag is considered stateless is important. This provision creates a legal basis for interceptive actions on the high seas in the Mediterranean as the boats departing from northern and western African countries are (in most cases) flagless.

On the duty to provide assistance, important provisions can be found in UNCLOS, the SOLAS Convention and the SAR Convention.<sup>289</sup> In general, the shipmaster has an obligation to render assistance to those in distress at sea without regard to their nationality, status or the circumstances in which they are found. Article 98 of UNCLOS states that on the high seas a State requires the master of a ship flying its flag to provide assistance to persons in danger and to rescue persons in distress. A similar provision can be found in Chapter V, Regulation 33(1) of SOLAR.

In accordance with the SAR Convention, the seas are divided into search-and-rescue zones (SAR zones), each with its own coordinating party. This party provides and organises search and rescue services in its SAR zone. The Mediterranean is divided as follows:



Figure 7: Map of SAR Zones in the Mediterranean Sea<sup>290</sup>

The most relevant provisions can be found in Chapter 2 of the SAR Convention. Chapter 2.1.9 provides that:

On receiving information that a person is in distress at sea in an area within which a Party provides for the overall co-ordination of search and rescue operations, the responsible authorities of that Party shall take urgent steps to provide the most appropriate assistance available.<sup>291</sup>

Chapter 2.1.10 provides that:

Parties shall ensure that assistance be provided to any person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.<sup>292</sup>

Furthermore, Chapter 1.3.2 obliges State parties: “to provide for their initial medical or other needs, and deliver them to a place of safety”.<sup>293</sup>

There are two main problems in relation to this legal framework: First, because the division of maritime zones differs from SAR zones the State responsible for the operation depends on which treaty is applied. This is exactly the reason why intercepting States prefer to present their case as a rescue operation, making the coordinating State of that SAR zone responsible for providing and coordinating search and rescue operations. Second, a duty to search and rescue initially does not solve the problem of disembarkation of those who are rescued.

To address these problems amendments were adopted in 2006 which complement the obligation to render assistance with a corresponding obligation to cooperate in rescue situations. To that end, State parties must arrange disembarkation as soon as possible and coordinate and cooperate to ensure that masters of ships providing assistance are released from their obligations. In addition, guidelines on the Treatment of Persons Rescued at Sea have been adopted and include that the SAR coordinating State provides or organises a safe place for disembarkation. The guidelines prohibit disembarkation in territories where the lives and freedom of the rescued persons are threatened and prohibits the screening and status assessment of rescued persons that go beyond rendering assistance to persons in distress.<sup>294</sup>

### **The Hirsi case**

Exactly these issues were at stake in the Hirsi case.<sup>295</sup> A complaint was filed by 11 Somali nationals and 13 Eritrean national who were part of a group of about 200 individuals who left Libya aboard three vessels to reach Italy. On the high seas south of Lampedusa (within the Maltese SAR Zone) they were intercepted by the Italian Revenue Police and the Coastguard. The migrants were transferred onto Italian military ships and returned to Tripoli. The applicants were not

informed about their destination and their personal belongings, including documents confirming their identity were confiscated. When they arrived in Libya they were handed over to the Libyan authorities regardless their protests. This action took place on the basis of a bilateral agreement between Libya and Italy which, according to the Minister of the Interior of Italy, caused a serious decrease in the number of irregular migrants landing along the Italian coast. Italy, conducted nine such push back operations on the high seas in 2009.

Two questions were central in this case:

- Did Italy violate the principle of non-refoulement by sending this group of migrants back to Libya?
- Was this group of migrants protected by the European Convention on Human Rights because of the exercise of jurisdiction of Italy; in other words, did Italy exercise jurisdiction?

In relation to the first question: The principle of non-refoulement entails the prohibition of a State from send a person to a country where he or she risks being subjected to torture, ill-treatment or where his/her life and freedom could be threatened. The Court observed two different aspects of the non-refoulement principle in the Hirsi case: First, the risk that the applicants would suffer inhumane and degrading treatment in Libya and, second, the danger of being returned to their respective countries of origin by Libyan authorities. Based on numerous reports on the human rights situation in Libya, which paint a disturbing picture of the treatment of clandestine immigrants in Libya – including lack of protection of refugees and lack of a distinction between migrants and asylum seekers, the systematic arrest and inhumane detention conditions – the Court could only conclude that the extradition to Libya was in violation of Article 3 of the European Convention on Human Rights, which contains the principle of non-refoulement.

The Italian authorities knew, or should have known, that the applicants who were sent back to Libya would be exposed to ill treatment, or worse, as irregular migrants and that they would not be given any kind of protection, despite the bilateral agreement between Italy and Libya.

In relation to the risk of subsequent removal of the applicants by Libya to Eritrea and Somalia, the Court is clear. The human rights situation in Eritrea reported by many organisations and especially by the UNHCR,<sup>296</sup> Amnesty International<sup>297</sup> and Human Rights Watch<sup>298</sup> made the Court decide that when sending Eritreans back to Libya “the Italian authorities knew or should have known that there were insufficient guarantees protecting the parties concerned from the risk of being arbitrarily returned to their countries of origin...”. Reported violations by the Eritrean Government include arbitrary

arrests, torture, inhumane conditions of detention, forced labour and serious restrictions on freedom of movement, expression and religion. The Court also took serious note of the risks Eritreans face when being repatriated after they have fled their country illegally,<sup>299</sup> including of being tortured and detained in inhumane conditions upon their return. Because the situation in Eritrea (and Somalia) poses widespread serious problems of insecurity, the Court decided that the risk of being removed to their home countries by Libya after deportation was a violation of Article 3 European Convention on Human Rights by Italy.

In relation to the question of whether Italy had jurisdiction, the Court clearly stated that:

... the removal of aliens carried out in the context of interceptions on the high seas by the authorities of a State in the exercise of their sovereign authority, the effect of which is to prevent migrants from reaching the borders of the State or even to push them back to another State, constitutes an exercise of jurisdiction within the meaning of Article 1 of the Convention...<sup>300</sup>

The Italian Government argued it was a rescue operation, which did not create a link between the applicants and the State of Italy and, therefore, that Italy did not exercise any jurisdiction. However, by referring to earlier case law the Court applied the effective control doctrine according to which the exercise of *de facto* control of a State over a person is sufficient to conclude that the person falls within the State's jurisdiction.<sup>301</sup>

The European Court of Human Rights, by referring to the effective control doctrine, established jurisdiction for Italy and, consequently, responsibility for human rights violations on board the military ships. In deciding so, the European Court of Human Rights took due account of the fact that the Italian border guards took the migrants on board and, in that way, took them under their continuous and exclusive *de jure* and *de facto* control.

### **Cooperation between Italy and Libya**

After the Hirsi verdict one would have expected that the agreement between Italy and Libya on controlling migration flows would have stopped. The European Court of Human Rights was crystal clear in its judgement stating that the overall lack of protection of refugees and the absence of any migration procedure violates the principle of non-refoulement by sending migrants back to Libya. It is, therefore, surprising that in April 2012 a memorandum of understanding was reportedly signed between Italy and Libya regarding migration from Libya.<sup>302</sup>

It is said that this agreement is concerned specifically with forming security cooperation between the two countries, under which Italy will provide technical assistance to monitor Libya's borders and assist Libya in returning irregular migrants to their countries of origin. The agreement also provides for the facilitation of the exchange of information regarding human trafficking operations. Again, the priority appears to be to halt irregular migrants from leaving Libya, typically headed towards Italian territory, in particular Lampedusa, and from entering Italian territorial waters. It has been reported that the two countries will also work with the International Organization for Migration in conducting the returns.

The memorandum of understanding has not been made public and there is currently little further information on the agreement. Although it is encouraging that International Organization for Migration is now to be involved in return operations, it is worrisome that after all the loss of life in the Mediterranean Sea, the ongoing unstable situation in Libya, and the lack of progress in the protection of migrants and asylum seekers in Libya, the Italian Government still wishes to conduct transfers to Libya, despite the clear verdict in the Hirsi ruling.

Unfortunately, no direct reference is made to Sinai survivors or Sinai victim of trafficking arriving in Italy in the US State Department 2013 Trafficking in Persons Report. The only indirect reference is that Italy is recommended to improve the identification of victims of trafficking among the irregular migrants and asylum seekers who arrive in Italy, transfer them to the protection facilities and prevent them from being deported contrary to the principle of non-refoulement.<sup>303</sup>

### **Frontex**

When considering border control in the Mediterranean, special attention must be paid to Frontex.<sup>304</sup> Frontex is the acronym of *Frontiere Extérieures*, a body that was established to secure the external borders of the EU. Its main task is to coordinate cooperation and assist Member States in the management of the EU's external borders. It also assists Member States in implementing operational aspects of external border management, including the return of third country nationals who are illegally present in a Member State.<sup>305</sup>

In this way, Frontex is linked to the prevention of illegal migration. Action is taken to remedy illegal status by deporting illegal migrants to their home or transit country or by preventing them from entering the EU, without taking account of the (possible and potential) victim status of these persons. In their operations, Frontex needs to take into account these situations and risks.





**Figure 8:** Caption (English translation): We want to distribute the flow of immigrants more equally. Please continue swimming to France and the group in the back to England. (© Harm Bengen, [www.harmbengen.de](http://www.harmbengen.de))

In the past, Frontex has been heavily criticised, initially in relation to the HERA operations they conducted on the request of, and in cooperation with, Spain.<sup>306</sup> These joint operations (in which Spain, Italy, Portugal and Finland participated) were coordinated by Frontex and took place in the territorial waters of various African states to prevent illegal migrants from trying to reach the Spanish Canary Islands by preventing them from leaving the territorial waters of the African states. When these migrants were intercepted, they were ‘escorted’ by Frontex back to the African mainland and handed over to the authorities of those countries, even though such practices are prohibited under EU fundamental rights principles.<sup>307</sup> The migrants were, thus, prevented from applying for asylum and they could not appeal the decision to refuse entry, if such a formal decision had been made at all.<sup>308</sup>

Criticisms continued when the Rapid Border Intervention Teams (Rabits) were established for the first time in October 2010 when Greece faced a huge influx of migrants entering the country through Turkey.<sup>309</sup> Human Rights Watch reported on these practices indicating that Frontex had violated fundamental rights with their operations on Greek territory, especially by seconding intercepted migrants to Greek detention centres.<sup>310</sup>

Following multiple comments from, for example, UNHCR,<sup>311</sup> as well as evaluations from Frontex, a new regulation was adopted in November 2011.<sup>312</sup> This regulation includes references to fundamental rights and international protection, especially the right to seek asylum and the principle of non-refoulement, as well as the need to train border guards on fundamental

rights. In addition, cooperation between Frontex and UNHCR must lead to a more “protection-sensitive EU integrated border management system”.<sup>313</sup> The UNHCR insists on the improvement of the procedures as it believes that blocking arrivals into a country or the EU will encourage those seeking asylum to choose riskier routes to migrate.<sup>314</sup> To deal with such comments and criticisms Frontex has appointed a human rights officer.

### **Application of the Dublin Regulation**

Sinai survivors who have managed to enter EU territory can apply for asylum under certain conditions. The procedures and criteria are based on EU law (e.g., the Qualification Directive and the Procedure Directive), but the Member States have a wide competence to interpret and transform these instruments in accordance with their own national laws. When transforming and applying European Union law, Member States need to comply with the EU Charter on Fundamental Rights. This equally applies when applying the Dublin Regulation.

The Dublin II Regulation<sup>315</sup> determines which EU Member State is responsible for examining the application of an asylum seeker and provides for the transfer of the asylum seeker to that Member State. Dublin II is part of the Common European Asylum System (CEAS). The ultimate aim of the Regulation is to deter multiple asylum claims and to quickly establish the country responsible for ensuring effective access to an asylum procedure. To that end, the Dublin Regulation establishes a hierarchy of criteria to identify the responsible Member State ranging from the country in which family resides, to the country of irregular entry and the country whose international transit zone of an airport has been entered.

In relation to irregular migrants who arrive by sea or land, most often the state in which the migrant first entered, or the state responsible for entry into the EU, Norway, Iceland or Switzerland, is responsible for processing the asylum application. This has been considered one of the failures of the Dublin system as it puts unbalanced pressure on the Member States on the outside borders of the EU close to countries where migration flows are coming from. Under this system there is unequal burden sharing and no shared responsibility for handling asylum claims of irregular migrants.

As is well known, especially the external borders of Greece, Malta, Italy and Spain have been tested over the last years and these countries have had to deal with mass influxes of migrants, either entering the country on unseaworthy boats or by land. In 2010, Greece was the entry point for 90% of all migrants arriving irregularly into the EU. Although, in all these situations the EU responded to assist these countries in handling the procedures (e.g., under the HERA operations), it did not change the basics of the Dublin system, which hold those countries of first entry responsible for handling the asylum claims.

The same still happens, as in the situation of those who survived and arrive alive at Lampedusa in October 2013.

The Dublin system can lead to serious fundamental rights violations in cases of massive influxes of migrants, as we have seen in the Greek transfer cases – *M.S.S. v Greece and Belgium* (the ‘M.S.S. case’) before the European Court of Human Rights and *N.S. v Secretary of State for the Home Department* (the ‘N.S. case’)<sup>316</sup> before the Court of Justice of the EU. Both cases concern the return of asylum seekers to Greece after they had filed an application in another EU Member State and it was found out that they had entered the EU through Greece. Based on the Dublin system, Greece then was considered the responsible state for handling the application. However, in the *M.S.S. Case*, the European Court of Human Rights, based on the lack of an effective asylum system in Greece and considering how asylum seekers are treated and detained in Greece, the Court considered the removal of M.S.S. by the Belgium authorities based on the Dublin Regulation to be in violation of the principle of non-refoulement, adopted in Article 3 European Convention on Human Rights.

In the *N.S. case*, in which asylum seekers were to be sent back from the United Kingdom and Ireland to Greece based on the Dublin regulation, the judges asked for a preliminary ruling, also in the light of the ruling of the European Court of Human Rights in the *M.S.S. case*. The Court of Justice of the EU ruled that it cannot presume that Member States observe the fundamental rights of asylum seekers, despite the principle of mutual recognition that applies in the EU. The Court held that the Member States, including the national courts, may not transfer an asylum seeker to the Member State indicated as responsible where they cannot be unaware that systemic deficiencies in the asylum procedure and in the reception conditions of asylum seekers amount to substantial grounds for believing that the asylum seeker would face a real risk of being subjected to inhumane or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union.<sup>317</sup> In other words, an asylum seeker cannot be sent back to the country of first entry without further consideration of the fundamental rights aspects if there are grounds to believe fundamental rights are infringed.

Because of flaws in the Dublin Regulation, especially the lack of procedural safeguards, delays in handling procedures leading to excessive use of alien detention and denial of appeal, a new Dublin Regulation (Dublin III) was adopted and entered into force on 19 July 2013. This regulation has a very short transition period and will be fully applicable as of 1 January 2014. Article 3 of the Dublin III Regulation states that:

...where it is impossible to transfer an applicant to the Member State primarily designated as responsible, because there are substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union, the determining Member State shall continue to examine the criteria set out in Chapter III in order to establish whether another Member State can be designated as responsible.<sup>318</sup>

The outcome of the N.S. case is clearly embodied in the revised Dublin Regulation. If no other Member State can be found, the Member State where the application is lodged is responsible. In addition, Article 33 includes a mechanism for early warning, preparedness and crisis management at the initiative of the Member State facing crisis. There are further guarantees in the procedure with strict deadlines, possibilities for appeal and individual assessment.

Back to the situation of the Sinai survivors arriving in Europe: Many of them arrive via Libya into a southern EU Member States. Because of the high number of people arriving, these countries are not well equipped to process applications within a short period of time. In addition, many migrants do not want to remain in Italy, Greece or Malta, either because they know people in other EU Member States or because of these countries lack adequate procedures for asylum seekers. These migrants often leave the country of first arrival and head towards other Member States. This is what happened with the survivors of the Lampedusa tragedy on October 2013, of which some 100 people were reported missing by the Italian authorities. It is assumed that most of them have now left Italy.

### **International protection under the Refugee Convention**

The number of Eritreans seeking refuge in Europe remains high. Given the testimonies in this report and the persons interviewed in the European diaspora, it is safe to say that Sinai survivors are present among the Eritreans seeking asylum. The UNHCR, by the adoption of various guidelines, gives guidance to receiving States (including Israel, as has been reported in Chapter 6) for the assessment of asylum applications. In general, refugee status should be granted in cases where the person fears persecution on one of the grounds given in the Refugee Convention and in cases where the principle of non-refoulement applies (Article 33, Refugee Convention 1951).

In relation to the Sinai survivors, two sets of guidelines are particularly important:

- the UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Eritrea; and

- the Guidelines on international protection relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked.<sup>319</sup>

Both are discussed below. These guidelines are not limited to asylum seekers arriving in the EU, but also apply to the Sinai survivors that end up in Israel (Chapter 6). Because many of the Sinai survivors originate from Eritrea, the UNHCR Guidelines on Eritrea are elaborated here as well.

### **UNHCR guidelines on Eritrea**

In April 2011, the UNHCR adopted new guidelines for the international protection of asylum seekers from Eritrea, replacing the earlier 2009 guidelines.<sup>320</sup> The following groups of Eritrean origin are considered by the UNHCR to be at risk groups: (i) persons avoiding military/national service; (ii) members of political opposition groups and Government critics; (iii) journalists and other media professionals; (iv) trade unionists and labour rights activists; (v) members of minority religious groups; (vi) women and children with specific profiles; (vii) lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals; (viii) members of certain minority ethnic groups; and (ix) victims of trafficking.<sup>321</sup>

On victims of trafficking in human beings, the guidelines state that Eritreans are at risk of being recruited in Eritrea for exploitative purposes inside and outside Eritrea for forced labour and, to a lesser extent, for sexual exploitation. The Eritrean transitional penal code includes a provision on trafficking, but only for the purpose of sexual exploitation. The guidelines explicitly refer to the fact that a large numbers of Eritreans en route to Europe and the Middle East fall victim to human traffickers and are subjected to torture, rape, forced labour and arbitrary detention by their captors, practices that also take place in the Sinai. UNHCR's recommendation in relation to the protection of this group is that: "victims of trafficking and persons at risk of being trafficked or re-trafficking may be at risk on account of their membership of a particular social group, depending on the individual circumstances of the case".<sup>322</sup>

The assessment of asylum claims must be made on a case-to-case basis, but due to the limited access to Eritrea and the serious constraints on the movement of Eritreans, a fully comprehensive picture of the situation is difficult to obtain. This became even more complicated after a number of international NGOs had to leave the country because their permits and visas were not extended. Eritrea is a country led by one political party, in which critical voices, political freedom and emancipation are not accepted inside the country, but can be found in the diaspora. Elections have been postponed in Eritrea for an indefinite period and the Constitution, although adopted, has not been implemented. There is no freedom of speech or expression and the media is fully controlled by the

military government. Arbitrary detentions are practised daily and the rule of law is absent. Ethiopians who remained in Eritrea after the 1998–2000 war (an estimated 15,000) and persons with parents of mixed Eritrean and Ethiopian origin are unable to access naturalisation procedures and are still considered aliens. The UNHCR estimates the number of Eritreans outside the country at the end of 2009 was 197,313, seeking refuge mainly in neighbouring countries such as Sudan and Ethiopia. As reported by UNHCR:

...the actual number of Eritrean refugees at the end of 2010 was 103,798 persons in Sudan, while in Ethiopia, the overall number was 44,791.44. The third quarter statistics for new asylum applications lodged by Eritreans in selected industrialized countries also remain high. The profile of the outflow from Eritrea is largely young, educated applicants from urban centres in the Highlands, many of Christian denomination.<sup>323</sup>

The Warsai Yekalo Development Campaign was introduced in 2002 as a national economic development effort in Eritrea. Those not participating in national service are required to undertake national development activities for an indefinite period and without fixed wages. Activities include working in agriculture and construction. Such situations are qualified as forced labour under the 1930 ILO Convention.

A further elaboration to international protection for victims of trafficking (including trafficking for forced labour) has been given by the UNHCR in its guidelines on international protection for victims of trafficking in 2006. To what extent Sinai survivors fall within the ambit of these guidelines will be discussed next.

### **Applicability of the Refugee Convention to Sinai trafficking victims**

For a person to successfully apply for protection as a refugee, the conditions under Article 1 A of the Refugee Convention shall apply, which are: a fear of persecution on one of the grounds given in Article 1 and causal link between the two. The UNHCR guidelines point out that not all victims or potential victims fall within the scope of the refugee definition and being a victim of trafficking in human beings does not represent a valid ground for claiming refugee status per se. Only if the three requirements are present can victims of trafficking claim international refugee protection, i.e., where the trafficking acts would amount to persecution for one of the reasons contained in the 1951 Convention definition, in the absence of effective national protection.

There is no clear overall definition of ‘persecution’; but systematic and severe violations of human rights are indicative of a failure of State protection. The grounds listed in Article 1 are: race, religion, nationality, membership of a

particular social group or political opinion. In the case of trafficking victims, ‘membership of a particular social group’, is the most obvious ground that might apply. If so, it must be shown that members of this group share common, innate, and unchangeable characteristics, other than being persecuted, and that they are generally recognised as a group. Women, men and children as well as subsets of these groups, may constitute a particular social group for the purposes of refugee status determination. The fact of belonging to one of these groups might be one of the factors contributing to an individual’s fear of being subject to persecution, such as sexual exploitation, through trafficking.

Former victims of trafficking might also be considered as constituting a social group for whom their past trafficking experience would constitute a defining element, and in relation to whom future persecution, involving reprisals, punishment, and ostracism, could form an additional defining element. The trafficking of women and girls for enforced prostitution or sexual exploitation can be a form of gender-related violence that may amount to persecution within the legal definition of refugee.

The causal link as the third element is established if the person fears persecution on one of the grounds as well as if protection is not granted based on one of the grounds. The lack of protection given by authorities in a country can also be an indication of the existence of a fear of persecution. The absence of protection against reprisals from traffickers could amount to persecution depending on the seriousness of the acts feared. Re-trafficking, as the ultimate reflection of lack of protection, would usually amount to persecution. In the case of trauma, past trafficking experience, which is unlikely to happen again, can still be grounds for granting refugee status based on previous persecution. This especially would include situations where the individual is experiencing ongoing traumatic psychological effects that would render return to the country of origin intolerable. In such cases, the impact of the previous persecution continues at present, justifying consideration of refugee status.

For the refugee status to apply it is not required that the persecution emanate from the State or is imputable to the State, but can be exercised by individuals if they are “knowingly tolerated by the authorities or if they refuse, or prove unable to offer effective protection”. Decisive is the ability and willingness of the concerned State to protect the victim or potential victim upon return.

The situations in both Eritrea and the Sinai (in case of Sinai survivors) needs to be taken into account. If national service in Eritrea is qualified as a modern form of slavery or forced labour, then the person can be considered a victim of trafficking. In addition, as has been explained previously, the situation in the Sinai itself qualifies as trafficking as well. It might be difficult to generally qualify all Eritreans and Sinai survivors seeking asylum as members of a social

group that was persecuted in Eritrea. However, those who fled national service (a form of forced labour) might be considered at risk of persecution because they refused the service. In addition, if an asylum seeker belongs to one of the groups at risk identified by the UNHCR in the Eritrea guidelines, this is more easily established. With the prohibition on refoulement a strong case can be made, as upon their return to Eritrea, Eritreans will be persecuted for having left their country illegally and (as has been explained above), will be subjected to unlawful detention under inhumane circumstances, and possibly tortured and subject to other forms of ill treatment.

### **Completion of the trafficking cycle in Europe**

People with an irregular status have an increased risk of falling victim to exploitative practices. This is no different in the EU. As explained above, the options for third country nationals, including Sinai survivors, to legally remain on the European continent are limited. Of course, much depends on the national policy of the country they are in, which is often based on up-to-date and relevant country information on the asylum applicant's country of origin.

The UNHCR guidelines and the reports of NGOs are helpful to national authorities in designing national policies. The testimonies in this book, as well as in the former publication, *Trafficking in the Sinai: Refugees between life and death*, provide further proof of the particular situation in the home countries of the refugees and of the severe human rights violations encountered en route. Unfortunately, such practices do not end when arriving at the presumed safe haven of Europe. It is widely known and reported by many organisations that people who stay in a country without the required documents and permits are at heightened risk of being exploited and becoming a victim of trafficking, and, in addition, that victims of trafficking must receive special protection as a vulnerable group.<sup>324</sup>

Because of their limited access to the regularised workforce, irregular migrants are forced to find work in the shadow economy. Irregular migrants also have limited access to the judicial system, which makes them an easy target for abuse as they usually do not complain or start legal procedures against an employer or exploiter. Their irregular status is a way for the employer or the exploiter to put pressure on the person and the migrant is often threatened with being reported to the migration authorities if they do not abide by their employer's wishes. These people are, thus, forced to live a marginalised life in the Western economies and are unable to participate in civil society as equals.

These exploitative practices are not limited to work, but include accommodation and health. As yet, no empirical research is available on the number of migrants with irregular status in the EU and nothing can be said about the number of Sinai survivors staying either legally or illegally in the EU. However, given the



ever-stricter migration policies in the EU and its Member States, it is highly unlikely that Sinai survivors will be granted refugee status en mass. Therefore, if Sinai survivors remain on EU territory with an irregular status they are again at risk of being exploited and, therefore, remain in the trafficking cycle.



## Chapter 8. Conclusions: The Sinai trafficking cycle

*...recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.*

Universal Declaration of Human Rights, Preamble<sup>325</sup>

HT: *Thank you, I can't muster enough words to thank all those who have contributed, I don't know what to say - may God bless you all. I hope all those who are held here will have my fortunes.*

ME: *Thank you. You have selected such a beautiful name for your son; Ra'ee. I get the feeling he will be an important man.*

HT: *Yeah, I believe God has plans for him.*<sup>326</sup>

In this study we have looked at what happens to people who are captured, extorted and tortured in the Sinai. Treated as commodities, sold and resold – these people are trafficked. The vocabulary of ‘warehouses’ and ‘auctions’ and the negotiation of the ‘price’ of the hostages is reminiscent of the age of slavery, when the value of people was determined by their market price.

In the Sinai, hostages are extorted for phenomenally high ransoms, which are collected from their families and communities at home and in the diaspora. As such traffickers create an even broader web of illegality and trafficking relations. Serial selling and successive extortion against ransom is common practice.

Hostages are brutally and ‘functionally’ tortured to support the extortion, and sadistically, with a level of cruelty that is beyond words and comprehension. The physical injuries from this torture – which includes burning, beating, hanging, dripping melted plastic, electrocution, mutilation, rape, and cutting off of hands and limbs – can be so grave that they impact seriously and lastingly (and fatally) on the victim’s future health. Their injuries incapacitate the survivors physically and mentally for the rest of their lives.

Many hostages die in the Sinai as a result of the trafficking; they succumb to the torture or die (some are shot) or disappear after release. The extortion continues even after the hostages die. The traffickers pressure fellow hostages not to inform the families of the deceased so that ransoms can still be collected.

Sexual violence is extreme, systematic and sadistic and involves all hostages, irrespective of their age or gender. These experiences are deeply dehumanising and shameful. The injuries from sexual violence can be lasting and life threatening. Many of the women become pregnant as a result and these children

are born in the torture houses. Pregnant women continue to be tortured even on the day they give birth. Many give birth while in chains with no access even to water. And yet somehow life continues.

The Sinai survivors are in need of deep physical and mental support. They are often severely depressed, mentally disturbed and suicidal. However, the attempt of the world to close their eyes to the uncomfortable reality of the Sinai (and more broadly of refugees) has resulted in the almost absolute negation of the needs of these survivors.

Egypt's legal framework, Law 64 on Trafficking in Persons and the National Action Plan, provides (in theory) an adequate basis for a policy focused on the prevention, protection and prosecution of trafficking in human beings. However, implementation on all three of these aspects is gravely lacking.

While the leaders of the Sinai trafficking rings seem to enjoy impunity, Sinai survivors are detained or deported from most countries they reach as part of a policy of push backs. The 'extortion' is continued as Sinai survivors are told that they need to collect the money for their fare to be repatriated to their home country – the very place they tried to escape from. The survivors receive little or no legal support or legal representation and have no real access to asylum procedures. They are asked to sign papers that they do not fully understand and that are not translated or read to them. They are also without much needed medical assistance and social support.

Those Sinai survivors who stay in Egypt feel that they are still vulnerable to being pursued by the traffickers (who continue to contact them by telephone) and do not feel safe or secure. Those who manage to cross into Israel face a set of severe measures designed to deny them from seeking asylum and they find themselves detained or deported. The fence constructed in 2012 along the Egypt-Israel border creates a physical barrier to the Sinai survivors entering Israel, even when they have managed to cross the Egyptian fence and are technically on Israeli soil. Regular and violent push backs to Egyptian soil pose a further obstacle to them reaching safety and (sometimes urgently needed) medical help. Collaboration between the military of Israel and Egypt prevent the Sinai survivors from seeking protection; exhausted and unarmed survivors are shot at (and killed or injured) by the military and suffer other forms of violence at the hands of the military. Sinai survivors are also deceived by the military, who tell them they are being brought to Israel, while in reality they are being transported to a detention centre back in the Sinai.

The Anti-Infiltration Law in Israel has the explicit, publicly-stated political intention to push back African migrants (especially Eritreans and Sudanese), framed and implemented with the appearance of legality. In contravention of

the ruling of the Supreme Court, the Government of Israel is continuing with the effective imprisonment of asylum seekers in so-called 'open' facilities that are located in the desert and fully fenced. The interviews conducted with Sinai survivors in detention camps in Israel revealed that the proposed repatriation is only voluntary to the extent that the alternatives offered are utterly inhumane.

Sinai survivors should receive a genuine opportunity to state their case for asylum in Israel, as provided under the law. As refugees, victims of trafficking and victims of torture, with unsafe countries of origin and (as trafficking victims) unsafe last countries of residence, they have multiple grounds for applying for asylum. The current standard refusal based on a formulation collectively used for all applicants denies Sinai survivors the right to introduce their case for asylum.

In Libya, the Sinai survivors undergo detention, forced labour, torture and rape. They are also extorted for their travel fare for deportation back to their country of origin and for assistance to escape from the detention camps. They have no access to legal counsel or to a court. They have no opportunity to apply for asylum.

From Libya there are Sinai survivors who cross over to Europe. In this book we have followed Berhan, who is now 17 years of age and was tortured and extorted in the Sinai at the age of 16. He was on the boat that sank on 3 October 2013 near the coast of Lampedusa. Investigators established that some of the survivors of this tragedy had been detained, tortured and extorted in Libya.

The survivors of the Lampedusa shipwreck on 3 October 2013 have told that they saw two boats with official features near their boat when it capsized, but that no help was offered. This raises questions about the obligation to provide assistance and rescue at sea. The practice of push back operations at the European borders seems to be at the detriment of a balanced policy between security and safety and raises questions about the intention of the policy of Frontex and European Member States: is it directed at the protection of asylum seekers or is it in reality just a push back operation to ensure that the boats of the refugees do not reach European shores?

The increased understanding reached of the circumstances of torture, rape and extortion suffered by these migrants (refugees and Sinai survivors) in North African countries challenges the justification of the externalisation of the EU's migration policy. Surely collaboration in the area of migration will have to respect the basic principle of non-refoulement to countries of origin or countries of last destination as provided under the international legal framework. This is not just a legal, but also a moral, imperative. The phenomenon identified in this study of the Sinai trafficking cycle is a real test of the EU's commitment

to uphold its international obligations to combat trafficking in persons and to uphold human rights in the broader context of its migration policy.

In order to deal with these challenges, the Member States of the European Union have only one option: to cooperate more with each other to identify joint standards and come up with common solutions to the issue of migration from North Africa. The EU Member States must provide the EU institutions with a mandate to develop and implement a realistic, fair and rights-based migration policy.

The passengers that crossed the Mediterranean Sea on the boat that sank at Lampedusa on 3 October 2013 were almost all Eritreans. The vast majority of the hostages in the Sinai are also Eritreans, and those who are not are often told to say that they are Eritreans. Why is this so?

The vulnerability of Eritreans to trafficking is the result of the deeply repressive military government in Eritrea and the involvement of the government's military Border Surveillance Unit in the repression, exploitation, smuggling and trafficking of Eritrean citizens. This study presents various cases of trafficking that start inside Eritrea and involve the Eritrean military in the activities related to the trafficking.

In the analysis of the organisation of abduction, it appears that there is a close collaboration between Eritrean traffickers and Sudanese security, military and police officials. Officials in Egypt are also part of the organisation that works with the trafficking leaders and provides impunity to those involved in the trafficking.

The Sinai trafficking is still going on and numerous recent reports have been received about abductions from Eritrea, the refugee camps in Sudan and other places. The insecurity in Egypt and the military operation in the Sinai have increased the vulnerability of Sinai hostages and releases from the torture houses have become more dangerous, also because of the fence constructed on the Egypt-Israel border. These factors have led to an increase in the number of Sinai survivors who have disappeared or died after they were released from the torture houses.

Based on the interviews conducted for this research and the various reports and figures available in other sources, it is estimated that 25,000–30,000 people were victims of Sinai trafficking between 2009 and 2013. This figure includes those that have died, disappeared, and survived and those currently being held in the Sinai. It is also estimated that the value of the ransoms paid – the 'Sinai trafficking industry' – is, conservatively, USD 600 million over the last five years. The value of the entire Sinai trafficking cycle (including fees paid after

release from the Sinai to be deported back to their own country, fees paid to help them escape from detention centres, or fees paid for them to be taken to Cairo, Israel or Europe) could be much higher.

This study refers to the ‘Sinai trafficking cycle’ as a way of analysing the circular and closed system in which the refugees are trapped. Once in the trafficking cycle, there is no way out for these refugees. Persecuted and enslaved in their own country, they flee to refugee camps where they risk being recruited or abducted to be trafficked and tortured in Sinai. If they survive the Sinai, they face detention or refoulement to the country they tried to escape from, or are forced to take even greater risks to try to reach safety. They have little chance of being granted asylum – if this option is even available. They also find themselves with little options for regularising their irregular status in the host country and live on the fringes of society, which again leaves them vulnerable to exploitation and trafficking.

This study advocates that the Sinai trafficking survivors, as the principal stakeholders of policies aiming to stop these practices, should be provided with the space to help identify solutions. The Sinai survivors should be offered protection and security, while providing them with the necessary medical and psychological help to heal. These survivors have the potential to become our strongest allies in stopping the Sinai trafficking cycle: the trafficking, exploitation, extortion and torture of refugees en route to the Sinai, in the Sinai and beyond the Sinai.

The lessons to be learnt from the Sinai survivors will allow us to understand how we can help to make these places better and safer. Certainly it will help to ensure that these places will become again spaces where people support families and raise children, where communities are proud of their history and look forward to contributing to their common future.





## Chapter 9. Recommendations

Based on the findings of this research we make the following recommendations:

### **To Egypt:**

- End the impunity of those leading the trafficking in the Sinai and those who carry out the torture in the torture camps in the Sinai.
- Combat human trafficking in accordance with international standards (and as provided for in Egypt's Law 64 regarding Combating Human Trafficking) including by preventing the crime, protecting the victims of trafficking and prosecuting those involved of trafficking.
- Prohibit the detention of refugees and trafficking victims and distinguish between criminals, refugees and trafficking victims and provide refugees and trafficking victims with access to asylum procedures.
- Prohibit deportations to Eritrea and Ethiopia in violation of the principle of non-refoulement.

### **To Eritrea:**

- Combat activities of human trafficking and actions in violation of national anti-trafficking law and start investigations into these practices.
- Seek international cooperation in accordance with international human rights standards to guarantee basic rights to all citizens in Eritrea.

### **To Sudan:**

- Further intensify security in refugee camps to prevent people being kidnapped or recruited to be trafficked to the Sinai.
- Combat activities of human trafficking and actions in violation of national anti-trafficking law and start investigations into these practices.
- Seek international cooperation in accordance with international human rights standards to guarantee basic rights to all citizens in Sudan.

### **To all receiving countries (including Egypt, Israel, Libya and European countries):**

- Prevent the detention of Sinai survivors and guarantee their right to seek asylum by providing access to asylum procedures as well as protection procedures set up for trafficking victims that include medical treatment, trauma counselling, legal counselling and protection.
- Stop the deportation of Sinai survivors to Eritrea and act in line with the UNHCR Guidelines on Eritrea, which state that the deportation

- of Eritreans who have not legally left the country is a violation of the principle of non-refoulement.
- Stop the deportation of Sinai survivors of Eritrean descent to other countries where they run the risk of subsequently being deported to Eritrea. Indirect deportation to Eritrea in contradiction with the UNHCR Guidelines is a violation of the principle of non-refoulement.
  - Prevent push back operations both at sea (e.g., by Italy as reported in the Hirsi case) or on land (e.g., at the Israeli fence at the Egypt-Israel border) as a form of externalisation of immigration control, as in such cases the authorities might act in violation of the principle of non-refoulement.

**To the European Commission:**

As the guardian of the treaties, we ask the European Commission in its monitoring task to:

- Ensure that the protection for victims of trafficking, as described in the EU Directive on human trafficking adopted in April 2011, is guaranteed to Sinai survivors. The fact that the trafficking has taken place (in part) outside the territory of the State in which the survivor stays or even outside the EU territory must not negate the application of this guarantee.
- Ensure that a short-term residence permit is provided to Sinai survivors who cooperate with the authorities under the conditions given in the Directive on a short-term residence permit for victims of trafficking (2004/81).
- Ensure that in cases where Sinai survivors are not endowed with protection under the Trafficking Directive or the Short-Term Residence Directive, that they are given protection under the Refugee Convention 1951 in line with the UNHCR Guidelines on Eritrea and on international protection of victims of trafficking and that Member States avoid action in violation of the principle of non-refoulement.
- Consider proposing legislative measures that provide for a more balanced sharing of the burden among the EU Member States of the processing and handling of applications of asylum seekers who have entered the EU irregularly and that protects those who are in need of international protection.
- Together with the European Parliament, address the accountability gap of Frontex, as a consequence of which the activities of Frontex, including those at sea and while assisting EU Member States in migration control, are not duly investigated and controlled.
- Start infringement procedures based on Article 258 of the Treaty on the Functioning of the European Union against Member States that do not comply with EU legislation by violating the principle of non-refoulement.

**To the United Nations Security Council:**

- Renew UN sanctions against Eritrea and include human trafficking and enslavement in the sanctions as reasons for such sanctions.
- Adopt UN sanctions towards Eritrea, including smart sanctions (e.g. confiscating bank accounts and assets of the main perpetrators).

**To the United Nations Monitoring Group on Somalia and Eritrea:**

- Encourage States affected by or involved in the trafficking cycle to investigate the involvement of the military, police and other governmental officials in the trafficking practices that have been reported.

**To UNHCR:**

- Guarantee the protection of refugees in UNHCR supported refugee camps or move these camps to other locations.
- Organise awareness raising campaigns together with returned Sinai survivors on the risks of trafficking and torture in the Sinai in the refugee camps and stimulate community protection plans to increase security in the camps.

**To Europol:**

- Strengthen information gathering on the practices signalled in this (and other) reports on money collection and sensitise national police agencies on these practices and about the fear among the members of the Eritrean community in relation to approaching law enforcement agencies.

**To Interpol:**

- Support the start of a criminal investigation in relevant States on the organisation of trafficking in persons in the Sinai including on the value of the 'Sinai trafficking trade' and where this money is going.

**To all other States:**

- Stop all aid assistance to Eritrea until the Border Surveillance Unit is dismantled and the policy of indefinite national service and forced labour (including of children) by the Eritrean national service is stopped.
- Instigate the prosecutor of the International Criminal Court to start investigations on the organisation of trafficking, torture and killing in the Sinai as a crime against humanity, by referring the situation in accordance with Article 14 ICC Statute to the Prosecutors Office.



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# Annexes

## Annex 1. Accession, ratification and succession to Refugee Convention 1951 and its Protocol on Status of Refugees 1967, and African Union Convention 1969, for selected countries<sup>327</sup>

Participant	Convention relating to the Status of Refugees		Protocol relating to the Status of Refugees		Convention Governing Specific Aspects of Refugee Problems in Africa		
	Geneva, 28 July 1951		New York, 31 January 1967		Addis Ababa, 10 September 1969		
	Signed	Accession (a), succession (d), ratification	Accession(a), succession(d)	Signed	Ratified	Deposited	
Austria	28 Jul 1951	1 Nov 1954	5 Sep 1973 a				
Belgium	28 Jul 1951	22 Jul 1953	8 Apr 1969 a				
Bosnia and Herzegovina		1 Sep 1993 d	1 Sep 1993 d				
Bulgaria		12 May 1993 a	12 May 1993 a				
Chad		19 Aug 1981 a	19 Aug 1981 a	10 Sep 1969	12 Aug 1981	10 Set 1981	
Congo		15 Oct 1962 d	10 Jul 1970 a	10 Sep 1969	16 Jan 1971	1 Feb 1971	
Croatia		12 Oct 1992 d	12 Oct 1992 d				
Cyprus		16 May 1963 d	9 Jul 1968 a				
Czech Republic		11 May 1993 d	11 May 1993 d				
Democratic Republic of the Congo		19 Jul 1965 a	13 Jan 1975 a	10 Sep 1969	14 Feb 1973	4 May 1973	
Denmark	28 Jul 1951	4 Dec 1952	29 Jan 1968 a				
Djibouti		9 Aug 1977 d	9 Aug 1977 d				
Egypt		22 May 1981 a	22 May 1981 a		12 Jun 1980	17 Nov 1980	
Estonia		10 Apr 1997 a	10 Apr 1997 a				
Ethiopia		10 Nov 1969 a	10 Nov 1969 a				
Finland		10 Oct 1968 a	10 Oct 1968 a				
France	11 Sep 1952	23 Jun 1954	3 Feb 1971 a				

**Convention relating to the Status of Refugees**      **Protocol relating to the Status of Refugees**      **Convention Governing Specific Aspects of Refugee Problems in Africa**

**Geneva, 28 July 1951**

**New York, 31 January 1967**

**Addis Ababa, 10 September 1969**

<b>Participant</b>	<b>Signed</b>	<b>Accession (a), succession (d), ratification</b>	<b>Accession(a), succession(d)</b>	<b>Signed</b>	<b>Ratified</b>	<b>Deposited</b>
Germany	19 Nov 1951	1 Dec 1953	5 Nov 1969 a			
Greece	10 Apr 1952	5 Apr 1960	7 Aug 1968 a			
Holy See	21 May 1952	15 Mar 1956	8 Jun 1967 a			
Hungary		14 Mar 1989 a	14 Mar 1989 a			
Iceland		30 Nov 1955 a	26 Apr 1968 a			
Ireland		29 Nov 1956 a	6 Nov 1968 a			
Israel	1 Aug 1951	1 Oct 1954	14 Jun 1968 a			
Italy	23 Jul 1952	15 Nov 1954	26 Jan 1972 a			
Kenya		16 May 1966 a	13 Nov 1981 a	10 Aug 1969	23 Jun 1992	4 Feb 1993
Latvia		31 Jul 1997 a	31 Jul 1997 a			
Libya					25 Apr 1981	17 Jul 1981
Lithuania		28 Apr 1997 a	28 Apr 1997 a			
Luxembourg	28 Jul 1951	23 Jul 1953	22 Apr 1971 a			
Malta		17 Jun 1971 a	15 Sep 1971 a			
Monaco		18 May 1954 a	16 Jun 2010 a			
Netherlands	28 Jul 1951	3 May 1956	29 Nov 1968 a			
Nigeria		23 Oct 1967 a	2 May 1968 a	10 Sep 1969	23 May 1986	24 Jun 1986
Norway	28 Jul 1951	23 Mar 1953	28 Nov 1967 a			
Poland		27 Sep 1991 a	27 Sep 1991 a			
Portugal		22 Dec 1960 a	13 Jul 1976 a			
Republic of Moldova		31 Jan 2002 a	31 Jan 2002 a			
Romania		7 Aug 1991 a	7 Aug 1991 a			
Serbia		12 Mar 2001 d	12 Mar 2001 d			
Slovakia		4 Feb 1993 d	4 Feb 1993 d			



**Convention relating to the Status of Refugees**      **Protocol relating to the Status of Refugees**      **Convention Governing Specific Aspects of Refugee Problems in Africa**

**Geneva, 28 July 1951**

**New York, 31 January 1967**

**Addis Ababa, 10 September 1969**

<b>Participant</b>	<b>Signed</b>	<b>Accession (a), succession (d), ratification</b>	<b>Accession(a), succession(d)</b>	<b>Signed</b>	<b>Ratified</b>	<b>Deposited</b>
Slovenia		6 Jul 1992 d	6 Jul 1992 d			
Somalia		10 Oct 1978 a	10 Oct 1978 a	10 Sep 1969		
Spain		14 Aug 1978 a	14 Aug 1978 a			
Sudan		22 Feb 1974 a	23 May 1974 a	10 Sep 1969	24 Dec 1972	12 Jan 1975
Sweden	28 Jul 1951	26 Oct 1954	4 Oct 1967 a			
Switzerland	28 Jul 1951	21 Jan 1955	20 May 1968 a			
The former Yugoslav Republic of Macedonia		18 Jan 1994 d	18 Jan 1994 d			
Turkey	24 Aug 1951	30 Mar 1962	31 Jul 1968 a			
Uganda		27 Sep 1976 a	27 Sep 1976 a	10 Sep 1969	24 Jul 1987	7 Aug 1987
United Kingdom of Great Britain and Northern Ireland	28 Jul 1951	11 Mar 1954	4 Sep 1968 a			
United Republic of Tanzania		12 May 1964 a	4 Sep 1968 a	10 Sep 1969	10 Jan 1975	24 Jan 1975
Yemen		18 Jan 1980 a	18 Jan 1980 a			

## Annex 2. Egypt Law 64 on Trafficking in Persons

Arab Republic of Egypt  
The People's Assembly

جمهورية مصر العربية  
مجلس الشعب

Law No. (64) of 2010 regarding  
Combating Human Trafficking

قانون رقم (64) لسنة 2010  
بشأن مكافحة الاتجار بالبشر

In the name of The People

باسم الشعب

The President of the Republic

رئيس الجمهورية

The People's Assembly decided the law, the text of which follows:

قرر مجلس الشعب القانون الآتي نصه ، وقد أصدرناه :

Chapter One

الفصل الأول

Definitions

تعريفات

Article (1) :

مادة (1) :

In applying the provisions of this law, the following phrases and words shall have the meanings indicated alongside:

في تطبيق أحكام هذا القانون ، يقصد بكل من العبارات والكلمات الآتية المعاني المبينة قرين كل منها :

- 1) An organized criminal group: a group composed in accordance with a certain structure of at least three or more persons, acting continuously or for a period of time with the aim of committing one or more specified crimes, including crimes of human trafficking; on its own or with others in order to obtain, directly or indirectly, a material or moral benefit.
- 2) A crime of a transnational nature: any crime committed in more than one State, committed in one State with its preparation, planning, direction, supervision or funding in another State or through another State; committed in one State by an organized criminal group engaged in criminal activities in more than one State, or committed in one State with effects in another State.
- 3) The victim: a natural person who suffered any material or moral harm, in particular bodily, psychological or mental harm; or economic loss if the harm or loss was caused directly by one of the crimes stipulated in this law.

- 1) الجماعة الإجرامية المنظمة: الجماعة المولفة وفق تنظيم معين من ثلاثة أشخاص علي الأقل للعمل بصفة مستمرة أو لمدة من الزمن بهدف ارتكاب جريمة محددة أو أكثر من بينها جرائم الاتجار بالبشر وحدها أو مع غيرها وذلك من أجل الحصول بشكل مباشر أو غير مباشر علي منفعة مادية أو معنوية.
- 2) الجريمة ذات الطابع عبر الوطني: أية جريمة ارتكبت في أكثر من دولة ، أو ارتكبت في دولة واحدة وتم الإعداد أو التخطيط لها أو التوجيه أو الإشراف عليها أو تمويلها في دولة أخرى أو بواسطتها ، أو ارتكبت في دولة واحدة عن طريق جماعة إجرامية منظمة تمارس نشاطها الإجرامية في أكثر من دولة ، أو ارتكبت في دولة واحدة وكانت لها آثار في دولة أخرى.
- 3) المجرى عليه : الشخص الطبيعي الذي تعرض لأى ضرر مادي أو معنوي ، وعلى الأخص الضرر البدني أو النفسي أو العقلي أو الخسارة الاقتصادية ، وذلك إذا كان الضرر أو الخسارة ناجماً مباشرة عن جريمة من الجرائم المنصوص عليها في هذا القانون.

## Article (2) :

A person who commits the crime of human trafficking shall be considered one who deals in any manner in a natural person, including: the sale, offer for sale, purchase, or promise thereof; or the use, transport, delivery, harboring, reception, or receipt, whether within the country or across its national borders; if this occurred through the use of force, violence, or threat thereof; or through abduction, fraud, deception, abuse of power, or exploitation of a position of vulnerability or need; or through a promise to give or receive payments or benefits in exchange for obtaining the consent of a person to traffic another having control over him; or if the purpose of the transaction was exploitation in any of its forms, including: exploitation of acts of prostitution and all forms of sexual exploitation, exploitation of children in such acts and in pornography, forced labor or services, slavery or practices similar to slavery or servitude, or begging or removal of human organs, tissues or a part thereof.

## مادة (2) :

يُعد مرتكباً لجريمة الاتجار بالبشر كل من يتعامل بأية صورة في شخص طبيعي بما في ذلك البيع أو العرض للبيع أو الشراء أو الوعد بهما أو الاستخدام أو النقل أو التسليم أو الإيواء أو الاستقبال أو التسلم سواء في داخل البلاد أو عبر حدودها الوطنية - إذا تم ذلك بواسطة استعمال القوة أو العنف أو التهديد بهما ، أو بواسطة الاختطاف أو الاحتيال أو الخداع ، أو استغلال السلطة ، أو استغلال حالة الضعف أو الحاجة ، أو الوعد بإعطاء أو تلقي مبالغ مالية أو مزايا مقابل الحصول علي موافقة شخص علي الاتجار بشخص آخر له سيطرة عليه - وذلك كله - إذا كان التعامل بقصد الاستغلال أياً كانت صورة بما في ذلك الاستغلال في أعمال الدعارة وسائر أشكال الاستغلال الجنسي ، واستغلال الأطفال في ذلك وفي المواد الإباحية أو السخرة أو الخدمة قسراً ، أو الاسترقاق أو الممارسات الشبيهة بالرق أو الاستعباد ، أو التسول ، أو استئصال الأعضاء أو الأسجة البشرية ، أو جزء منها.

## Article (3) :

The consent of the victim to exploitation in any of the forms of human trafficking shall be irrelevant as long as any of the means stipulated in Article (2) of this law have been used.

To establish trafficking in a child or in the incapacitated, use of any of the means referred to is not required, and in all cases his consent or the consent of the person responsible for him or his guardian shall be irrelevant.

## مادة (3) :

لا يُعدّ برضاء المجرى عليه علي الإستغلال في أي من صور الاتجار بالبشر ، متى استخدمت فيها أية وسيلة من الوسائل المنصوص عليها في المادة (2) من هذا القانون.

ولا يشترط لتحقيق الاتجار بالطفل أو عديمي الأهلية استعمال أية وسيلة من الوسائل المشار إليها، ولا يُعدّ في جميع الأحوال برضائه أو برضاء المسؤول عنه أو متوليّه.

## Chapter Two

### Crimes and Punishments

## الفصل الثاني

### الجرالم والعقوبات

## Article (4) :

Without prejudice to any harsher penalty prescribed in another law, the crimes stipulated in the following articles shall be subject to the penalties prescribed thereto.

## مادة (4) :

مع عدم الإخلال بأية عقوبة أشد منصوص عليها في أي قانون آخر ، يُعاقب علي الجرائم المنصوص عليها في المواد التالية بالعقوبات المقررة لها.

## Article (5) :

Aggravated imprisonment and a fine not less than 50,000 pounds and not to exceed 200,000 pounds or a fine equal to the value of the benefit gained, whichever is greater, shall be imposed on anyone

## مادة (5) :

يُعاقب كل من ارتكب جريمة الاتجار بالبشر بالسجن المشدد وبغرامة لا تقل عن خمسين ألف جنيه ولا تجاوز مائتي ألف جنيه أو بغرامة مساوية لقيمة ما عاد عليه من نفع أيهما أكبر.

who committed the crime of human trafficking.

**Article (6) :**

Life imprisonment and a fine not less than 100,000 pounds and not to exceed 500,000 pounds shall be imposed on anyone who committed the crime of human trafficking in the following cases:

- 1) If the perpetrator established, organized, or managed an organized criminal group for the purposes of human trafficking, if he was a leader thereof, if he was one of its members or belonged thereto, or if the crime was of a transnational nature;
- 2) If the act was committed by way of threats of death, serious harm or physical or psychological torture; or if the act was committed by a person carrying a weapon;
- 3) If the perpetrator was the spouse, one of the ascendants or descendants, or custodian or guardian of the victim, or was responsible for the supervision or care or had authority over the victim;
- 4) If the perpetrator was a public official or was assigned to carry out a public service and committed the crime by exploiting the office or public service;
- 5) If the crime resulted in the death of the victim or caused him to suffer a permanent disability or an incurable disease;
- 6) If the victim was a child, was incapacitated or was a person with disabilities;
- 7) If the crime was committed by an organized criminal group.

**مادة (6) :**

يعاقب كل من ارتكب جريمة الاتجار بالبشر بالسجن المؤبد والغرامة التي لا تقل عن مائة ألف جنيه ولا تجاوز خمسمائة ألف جنيه في أي من الحالات الآتية :

- 1) إذا كان الجاني قد أسس أو نظم أو أدار جماعة إجرامية منظمة لأغراض الاتجار بالبشر أو تولى قيادة فيها أو كان أحد أعضائها أو منضماً إليها ، أو كانت الجريمة ذات طابع عبر وطني.
- 2) إذا ارتكب الفعل بطريق التهديد بالقتل أو بالأذى الجسيم أو التعذيب البدني أو النفسي أو ارتكب الفعل شخص يحمل سلاحاً.
- 3) إذا كان الجاني زوجاً للمجنى عليه أو من أحد أصوله أو فروعه أو ممن له الولاية أو الوصاية عليه أو كان مسئولاً عن ملاحظته أو تربيته أو ممن له سلطة عليه.
- 4) إذا كان الجاني موظفاً عاماً أو مكلفاً بخدمة عامة وارتكب جريمته باستغلال الوظيفة أو الخدمة العامة.
- 5) إذا نتج عن الجريمة وفاة المجنى عليه ، أو إصابته بعاقة مستديمة ، أو بمرض لا يرجى الشفاء منه.
- 6) إذا كان المجنى عليه طفلاً أو من عديمي الأهلية أو من ذوى الإعاقة.
- 7) إذا ارتكبت الجريمة بواسطة جماعة إجرامية منظمة.

**Article (7) :**

Imprisonment shall be imposed on anyone who uses force, threats, or offers gifts or benefits of any kind or a promise thereof to induce another to provide false testimony, to conceal a matter, or to provide untrue statements or information in any stages of evidence collection, investigation, or trial in procedures related to the commission of any of the crimes stipulated in this law.

**مادة (7) :**

يعاقب بالسجن كل من استعمل القوة أو التهديد أو عرض عطية أو مزية من أي نوع أو وعد بشئ من ذلك لحمل شخص آخر على الإدلاء بشهادة زور أو كتمان أمر من الأمور أو الإدلاء بأقوال أو معلومات غير صحيحة في أية مرحلة من مراحل جمع الاستدلالات أو التحقيق أو المحاكمة في إجراءات تتعلق بارتكاب أية جريمة من الجرائم المنصوص عليها في هذا القانون.

**Article (8) :**

Imprisonment shall be imposed on anyone who knowingly conceals one of the perpetrators, objects,

**مادة (8) :**

يعاقب بالسجن كل من أخفى أحد الجناة أو الأشياء أو الأموال

or funds derived from any of the crimes stipulated in this law or dealt therein or concealed any traces of the crime or its instrumentalities. The court may exempt from penalty a person who concealed the perpetrators if he was the spouse, one of the ascendants or descendants.

المتحصلة من أي من الجرائم المنصوص عليها في هذا القانون أو تعامل فيها ، أو أخفى أياً من معالم الجريمة أو أدواتها مع علمه بذلك، ويجوز للمحكمة الإغفاء من العقاب إذا كان من أخفى الجناة زوجاً أو أحد أصوله أو فروعه.

### Article (9) :

Imprisonment shall be imposed on anyone who disclosed or revealed the identity of a victim or witness, endangering him; or caused him to suffer harm, facilitated the perpetrator's contact with him, or provided him with inaccurate information regarding his legal rights, with the intent to harm him or to violate his physical, psychological or mental well-being.

### مادة (9) :

يُعاقب بالسجن كل من أفصح أو كشف عن هوية المجنى عليه أو الشاهد بما يعرضه للخطر، أو يصيبه بالضرر، أو سهل اتصال الجناة به ، أو أمدّه بمعلومات غير صحيحة عن حقوقه القانونية بقصد الإضرار به أو الإخلال بسلامته البدنية أو النفسية أو العقلية.

### Article (10) :

Imprisonment shall be imposed on anyone who induces another by any means to commit a crime referenced to in the aforementioned articles, irrespective of whether the inducement had an effect.

### مادة (10) :

يعاقب بالسجن كل من حرض بأية وسيلة علي ارتكاب جريمة من الجرائم المشار إليها في المواد السابقة ولو لم يترتب علي التحريض أثر.

### Article (11) :

The person responsible for the actual management of a juristic person shall be punished if any of the crimes stipulated in this law was committed by one of the employees of the juristic person in his name and for his benefit with the same penalties specified for the committed crime if it is proven that he had knowledge of the crime or if the crime occurred due to breach of the duties of his job.

### مادة (11) :

يعاقب المسؤول عن الإدارة الفعلية للشخص الاعتباري إذا ارتكبت أية جريمة من الجرائم المنصوص عليها في هذا القانون بواسطة أحد العاملين في الشخص الاعتباري باسمه ولصالحه، بذات العقوبات المقررة عن الجريمة المرتكبة إذا ثبت علمه بها أو إذا كانت الجريمة قد وقعت بسبب إخلاله بواجبات وظيفته.

A juristic person shall be jointly liable for fulfilling the financial penalties and damages prescribed in the judgment; if the crime was committed by one of the employees in his name and for his benefit, the court shall order in its decision of conviction the publication of the decision at the expense of the juristic person in two widely circulated daily newspapers and may order a cessation of the activity of the juristic person for a period not to exceed one year.

ويكون الشخص الاعتباري مسؤولاً بالتضامن عن الوفاء بما يحكم به من عقوبات مالية وتوقيضات إذا كانت الجريمة قد ارتكبت من أحد العاملين به باسمه ولصالحه ، وتأمّر المحكمة في الحكم الصادر بالإدانة بنشر الحكم علي نفقة الشخص الاعتباري في جريدين يوميّين وأسعتي الانتشار ، ويجوز للمحكمة أن تقضي بوقف نشاط الشخص الاعتباري لمدة لا تتجاوز سنة.

### Article (12) :

Imprisonment shall be imposed for a period not less than six months and a fine not less than 10,000 pounds and not to exceed 20,000 pounds or one of these two penalties on anyone who had knowledge of the commission of one of the crimes stipulated in

### مادة (12) :

يُعاقب بالحبس مدة لا تقل عن ستة أشهر وبغرامة لا تقل عن عشرة آلاف جنيه ولا تتجاوز عشرين ألف جنيه أو بإحدى هاتين العقوبتين، كل من علم بارتكاب أي من الجرائم المنصوص عليها

this law or of an attempt to commit such a crime and did not notify the competent authority; if the perpetrator was a public official and the crime occurred in breach of the duties of his job, the maximum imprisonment shall be five years.

The court may exempt from punishment a person who fails to make a notification if the person was a spouse of the perpetrator, one of his ascendants or descendents, or one of his brothers or sisters.

في هذا القانون أو بالشرع ولم يبلغ السلطات المختصة بذلك ، فإذا كان الجاني موظفاً عاماً ووقعت الجريمة إخلالاً بواجبات وظيفته كان الحد الأقصى للحبس خمس سنوات. وللمحكمة الإعفاء من العقاب إذا كان المتخلف عن الإبلاغ زوجاً للجاني أو كان من أحد أصوله أو فروعه أو إخوته أو أخواته.

#### Article (13) :

Without prejudice to the rights of a bona fide third party, in all cases, confiscation of funds, possessions, means of transport, or tools derived from any of the crimes stipulated in this law or used in its commission shall be ordered.

مادة (13) :  
يحكم في جميع الأحوال بمصادرة الأموال أو الأمتعة أو وسائل النقل أو الأدوات المتحصلة من أي من الجرائم المنصوص عليها في هذا القانون، أو التي استعملت في ارتكابها، مع عدم الإخلال بحقوق الغير حسن النية.

#### Article (14) :

The crimes stipulated in this law shall be considered principal crimes provided for in Article (2) of the Anti-Money Laundering Act No. 80 of 2008, which also applies to the money laundering derived therefrom.

The provisions of Article 208 bis(a), 208 bis(b), and 208bis(c) of the Code of Criminal Procedures shall also apply to these crimes.

مادة (14) :  
تكون الجرائم المنصوص عليها في هذا القانون من الجرائم الأصلية المنصوص عليها في المادة (2) من قانون مكافحة غسل الأموال الصادر بالقانون رقم 80 لسنة 2002، كما يسري على غسل الأموال المتحصلة منها أحكام القانون المذكور. كما تسري على تلك الجرائم أحكام المواد 208 مكرراً (أ) ، 208 مكرراً (ب) ، 208 مكرراً (ج) من قانون الإجراءات الجنائية.

#### Article (15) :

If one of the perpetrators takes the initiative to notify any of the competent authorities about the crime and its perpetrators before their knowledge thereof, the court shall exempt him from penalty if his notification causes the apprehension of the other perpetrators and the seizure of funds derived from this crime.

The court may exempt him from the principal penalty if the notification occurred after the authorities knew about the crime and led to the disclosure of the other perpetrators, their apprehension, and the seizure of the funds derived therefrom.

The previous two paragraphs shall not apply if the result of the crime was the death of the victim or his suffering an incurable disease or permanent disability.

مادة (15) :  
إذا بادر أحد الجناة بإبلاغ أي من السلطات المختصة بالجريمة ومركبها قبل علم السلطات بها، تقضي المحكمة بإعفائه من العقوبة إذا أدى بلاغه إلي ضبط باقي الجناة والأموال المتحصلة من هذه الجريمة. وللمحكمة الإعفاء من العقوبة الأصلية، إذا حصل الإخبار بعد علم السلطات بالجريمة وأدى إلي كشف باقي الجناة وضبطهم وضبط الأموال المتحصلة منها. ولا تنطبق أي من الفقرتين السابقتين إذا نتج عن الجريمة وفاة المجني عليه أو إصابته بمرض لا يرجى الشفاء منه أو بعاهة مستديمة.

## Scope of the Territorial Application of the Law

## نطاق تطبيق القانون من حيث المكان

### Article (16) :

### مادة (16) :

Subject to the provision of Article (4) of the Penal Code, the provisions of this law shall apply to non-Egyptians who commit the crime of human trafficking stipulated in Articles 5 and 6 of this law outside of the Arab Republic of Egypt, as long as the act is punishable in the State in which it occurred, under any legal description, in the following cases:

مع مراعاة حكم المادة (4) من قانون العقوبات ، تسري أحكام هذا القانون علي كل من ارتكب خارج جمهورية مصر العربية من غير المصريين جريمة الاتجار بالبشر المنصوص عليها في المادتين 5 و 6 منه ، متى كان الفعل معاقباً عليه في الدولة التي وقع فيها تحت أي وصف قانوني، وذلك في أي من الأحوال الآتية :

- 1) If the crime was committed on board any air, land, or water means of transportation that was registered in the Arab Republic of Egypt or under its flag; (1) إذا إذا ارتكبت الجريمة علي متن وسيلة من وسائل النقل الجوي أو البري أو المائي وكانت مسجلة لدى جمهورية مصر العربية أو تحمل علمها.
- 2) If one or more of the victims was Egyptian; (2) إذا كان المجني عليهم أو أحدهم مصرياً.
- 3) If the preparation for the crime or its planning, direction, supervision, or financing occurred in the Arab Republic of Egypt; (3) إذا تم الإعداد للجريمة أو التخطيط أو التوجيه أو الإشراف عليها أو تمويلها في جمهورية مصر العربية.
- 4) If the crime was committed by an organized criminal group engaged in criminal activities in more than one State, including the Arab Republic of Egypt; (4) إذا ارتكبت الجريمة بواسطة جماعة إجرامية منظمة تمارس أنشطة إجرامية في أكثر من دولة من بينها جمهورية مصر العربية.
- 5) If the crime caused harm to any citizen or resident, to the security, or to any of the interests of the Arab Republic of Egypt within the country or abroad; (5) إذا كان من شأن الجريمة إلحاق ضرر بأي من مواطني جمهورية مصر العربية أو المقيمين فيها أو بأمنها أو بأي من مصالحها في الداخل أو الخارج.
- 6) If the one who committed the crime in the Arab Republic of Egypt was found after the crime was committed and was not extradited. (6) إذا وجد مرتكب الجريمة في جمهورية مصر العربية، بعد ارتكابها ولم يتم تسليمه.

### Article (17) :

### مادة (17) :

In the cases provided for in the previous Article, jurisdiction shall be extended to the competent Egyptian authorities through evidence collection, investigation and trial.

في الأحوال المنصوص عليها في المادة السابقة يمتد الإختصاص بمباشرة إجراءات الاستدلال والتحقيق والمحاكمة إلي السلطات المصرية المختصة.

**Article (18) :**

The Egyptian judicial authorities and police shall cooperate with respective foreign authorities to combat and prosecute crimes of human trafficking, including: exchange of information, conducting investigations, judicial assistance and rogatory, extradition of perpetrators and objects, asset recovery, transfer of sentenced persons, and other forms of judicial and police cooperation, all under the rules decided by bilateral and multilateral agreements in force in the Arab Republic of Egypt or in accordance with the principle of reciprocity.

**مادة (18) :**

تتعاون الجهات القضائية والشرطة المصرية مع الجهات الأجنبية المماثلة لها فيما يتعلق بمكافحة وملاحقة جرائم الإتجار بالبشر، بما في ذلك تبادل المعلومات وإجراء التحريات والمساعدات والإنابات القضائية و تسليم المجرمين والأشياء واسترداد الأموال ونقل المحكوم عليهم وغير ذلك من صور التعاون القضائي والشرطي ، وذلك كله في إطار القواعد التي تقررها الإتفاقيات الثنائية أو متعددة الأطراف النافذة في جمهورية مصر العربية، أو وفقاً لمبدأ المعاملة بالممثل.

**Article (19) :**

The Egyptian and foreign judicial authorities may request the necessary legal procedures for the tracking, seizure, or freezing of funds that are the subject of the crimes of trafficking or their revenues and retain them without prejudice to the rights of bona fide third parties.

**مادة (19) :**

يكون للجهات القضائية المصرية والأجنبية أن تطلب إتخاذ الإجراءات القانونية اللازمة لتعقب أو ضبط أو تجميد الاموال موضوع جرائم الإتجار أو عائداتها أو الحجز عليها، مع عدم الإخلال بحقوق الغير حسنى الثنية.

**Article (20) :**

The competent Egyptian judicial authorities may order the execution of the final criminal judgments issued by the competent foreign judicial authorities, including seizure, freezing, confiscation, or recovery of funds derived from the crimes of human trafficking and their revenues in accordance with the rules and procedures embodied in bilateral and multilateral agreements in force in the Arab Republic of Egypt or in accordance with the principle of reciprocity.

**مادة (20) :**

للجهات القضائية المصرية المختصة أن تأمر بتنفيذ الأحكام الجنائية النهائية الصادرة من الجهات القضائية الأجنبية المختصة بضبط أو تجميد أو مصادرة أو إسترداد الأموال المنحصلة من جرائم الإتجار بالبشر وعائداتها ، وذلك وفق القواعد والإجراءات التي تتضمنها الإتفاقيات الثنائية أو متعددة الأطراف النافذة في جمهورية مصر العربية ، أو وفقاً لمبدأ المعاملة بالممثل.

### Chapter Five Protection of Victims

### الفصل الخامس حماية المجنى عليهم

**Article (21) :**

The victim shall not be criminally or civilly liable for any of the crimes of human trafficking as long as the crime occurred or was directly related to being a victim.

**مادة (21) :**

لا يعد المجنى عليه مسؤولاً مسؤلاً جنائياً أو مدنيّة عن أي جريمة من جرائم الإتجار بالبشر متى نشأت أو إرتبطت مباشرة بكونه مجنياً عليه.

**Article (22) :**

The State shall guarantee the protection of the

**مادة (22) :**

تكفل الدولة حماية المجنى عليه ، وتعمل على تهيئة الظروف



victim and shall work to create the appropriate conditions for his assistance, health, psychological, educational and social care; and rehabilitation and reintegration into the society, within the framework of liberty and human dignity, as well as his return to his homeland in an expeditious and safe manner, if he was a foreigner or a non-permanent resident in the State, in accordance with the rules and procedures established by a decision of the Counsel of Ministers.

المناسبة لمساعدته ورعايته صحياً ونفسياً وتعليمياً وإجتماعياً وإعادة تأهيله ودمجه في المجتمع في إطار من الحرية والكرامة الإنسانية، وكذلك عودته إلى وطنه على نحو سريع وآمن إذا كان أجنبياً أو من غير المقيمين إقامة دائمة في الدولة، وذلك وفقاً للقواعد والإجراءات التي يصدر بها قرار من مجلس الوزراء.

**Article (23) :**

In all stages of evidence collection, investigation or trial of the crimes of human trafficking, efforts shall be made to identify the victim, to classify him, to determine his identity, nationality, and age to ensure that he is far removed from his perpetrators.

In addition, the following rights of the victim shall be guaranteed:

- The right to physical, psychological and mental safety;
- The right to protect his inviolability and identity;
- The right to inform him of relevant administrative, legal and judicial procedures and access to information related thereto;
- The right to be heard and to have his views and interests considered during all stages of criminal proceeding without prejudice to the rights of the defense;
- The right to legal assistance, in particular the right to counsel in the investigation and trial stages; if he has not chosen a lawyer, the public prosecutor or the court, whichever the case, may assign him a lawyer in accordance with the rules prescribed in the Criminal Procedures Code regarding assigning a lawyer to the accused;
- In all cases, the competent court shall take measures to ensure that protection is provided to the victims and witnesses to avoid any influence upon them and shall take whatever measures required to conceal their identity, all without prejudice to the rights of the defense and the requirements of the principle of confrontation between adversaries.

**مادة (23) :**

يراعى في جميع مراحل الاستدلال أو التحقيق أو المحاكمة في جرائم الاتجار بالبشر العمل على التعرف على المجني عليه وتصنيفه والوقوف على هويته وجنسيته وعمره لضمان إبعاد يد الجناة عنه.

كما يراعى كفالة الحقوق الآتية للمجني عليه :

- الحق في سلامته الجسدية والنفسية والمعنوية.
- الحق في صون حرمة الشخصية وهويته.
- الحق في تبصيره بالإجراءات الإدارية والقانونية والقضائية ذات الصلة، وحصوله على المعلومات المتعلقة بها.
- الحق في الإستماع إليه وأخذ آرائه ومصالحه بعين الإعتبار، وذلك في كافة مراحل الإجراءات الجنائية وبما لا يمس حقوق الدفاع.
- الحق في المساعدة القانونية، وعلى الأخص الحق في الإستعانة بمحام في مرحلتي التحقيق والمحاكمة، فإذا لم يكن قد إختار محامياً وجب على النيابة العامة أو المحكمة بحسب الأحوال أن تدب له محامياً، وذلك طبقاً للقواعد المقررة في قانون الإجراءات الجنائية بشأن ندب محام للمتهم.
- وفي جميع الأحوال تتخذ المحكمة المختصة من الإجراءات ما يكفل توفير الحماية للمجني عليه والشهود وعدم التأثير عليهم، وما قد يقتضيه ذلك من عدم الإفصاح عن هويتهم، وذلك كله دون الإخلال بحقوق الدفاع وبمقتضيات مبدأ المواجهة بين الخصوم.

**Article (24) :**

The State shall provide appropriate premises to host

**مادة (24) :**

توفر الدولة أماكن مناسبة لاستضافة المجني عليهم في جرائم

the victims of the crimes of human trafficking, which shall be separate from those of the perpetrators and shall allow them to receive their families and lawyers, as well as representatives of the competent authorities, all without prejudice to the various safeguards set forth in this regard in the Child Law or any other law.

الإتجار بالبشر تكون منفصلة عن تلك المخصصة للجناة ، وبحيث تسمح باستقبالهم لذويهم ومحاسيهم وممثلي السلطات المختصة ، وذلك كله بما لا يُخل بسائر الضمانات المقررة في هذا الشأن في قانون الطفل أو أي قانون آخر.

**Article (25) :**

The Foreign Ministry, through its diplomatic and consular missions abroad, shall provide all possible assistance to Egyptian victims in crimes of human trafficking in coordination with the competent authorities in the host States, in particular by returning them to the Arab Republic of Egypt in an expeditious and safe manner. The Foreign Ministry shall also coordinate with the relevant authorities in other countries to facilitate the safe and expeditious return of foreign victims to their countries of origin.

**مادة (25) :**  
تتولى وزارة الخارجية من خلال بعثاتها الدبلوماسية والقنصلية بالخارج تقديم كافة المساعدات الممكنة للمجني عليهم من المصريين في جرائم الإتجار بالبشر ، وذلك بالتنسيق مع السلطات المختصة في الدول المعتمدة لديها ، وعلى الأخص إعادتهم إلى جمهورية مصر العربية وعلى نحو آمن وسريع ، كما تتولى وزارة الخارجية بالتنسيق مع السلطات المعنية في الدول الأخرى تسهيل الإعادة الآمنة السريعة للمجني عليهم الأجانب إلى بلادهم الأصلية.

**Article (26) :**

The competent authorities shall provide care, education, training, and rehabilitation programs to the Egyptian victims, whether through governmental or non-governmental institutions.

**مادة (26) :**  
تقوم السلطات المختصة بتوفير برامج رعاية وتعليم وتدريب وتأهيل للمجني عليهم المصريين سواء من خلال المؤسسات الحكومية أو غير الحكومية.

**Article (27) :**

A fund shall be established to assist victims of human trafficking, which shall have a public juristic personality under the Prime Minister to provide financial assistance to the victims who have suffered harm resulting from any of the crimes stipulated in this law.

**مادة (27) :**  
ينشأ صندوق لمساعدة ضحايا الإتجار بالبشر ، تكون له الشخصية الاعتبارية العامة ، يتبع رئيس مجلس الوزراء ، ويتولى تقديم المساعدات المالية للمجني عليهم ممن لحقت بهم أضرار ناجمة عن أي من الجرائم المنصوص عليها في هذا القانون.

A decision by the President of the Republic shall regulate this fund and determine its jurisdiction, resources and the sources of its funding.

ويصدر بتنظيم هذا الصندوق وتحديد إختصاصاته الأخرى وموارده ومصادر تمويله قرار من رئيس الجمهورية.

The proceeds of the fines sentenced for the crimes stipulated in this law, as well as the properties, objects, and means of transportation forfeited shall be allocated directly to the fund, which may also accept contributions, grants, and donations from national and foreign entities.

وتؤول حصيلة الغرامات المقضي بها في الجرائم المنصوص عليها في هذا القانون، والأموال والأدوات ووسائل النقل التي يحكم بمصادرتها إلى الصندوق مباشرة ، وللصندوق أن يقبل التبرعات والمنح والهبات من الجهات الوطنية والأجنبية.

**Chapter Six  
Concluding Provisions**

**الفصل السادس  
أحكام ختامية**

**Article (28) :**

A National Committee to Combat Human Trafficking shall be established under the Prime Minister and shall have jurisdiction to coordinate at the national level among policies, plans, and programs set forth to combat human trafficking to protect the victims and provide them with services and to protect the witnesses.

A decision by the Prime Minister shall be issued to regulate this Committee and determine its other jurisdictions and its structure.

**مادة (28) :**

تتأسس لجنة وطنية لمكافحة الإتجار بالبشر تتبع رئيس الوزراء تختص بالتنسيق على المستوى الوطني بين السياسات والخطط والبرامج الموضوعه لمكافحة الإتجار بالبشر وحماية المجني عليهم وتقديم الخدمات لهم وحماية الشهود.

ويصدر بتنظيم هذه اللجنة وتحديد إختصاصاتها الأخرى وتشكيلها قرار من رئيس مجلس الوزراء.

**Article (29) :**

The Prime Minister shall issue an executive regulation to this law one month from the date of its publication.

**مادة (29) :**

يصدر رئيس مجلس الوزراء اللائحة التنفيذية لهذا القانون خلال شهر من تاريخ نشره.

**Article (30) :**

This law shall be published in the Official Gazette and shall enter into force the day following the date of its publication.

This law shall have the seal of the State and shall apply as one of its laws.

**مادة (30) :**

يُنشر هذا القانون في الجريدة الرسمية ، ويُعمل به من اليوم التالي لتاريخ نشره.

يبرم هذا القانون بخاتم الدولة ، وينفذ كقانون من قوانينها.

### **Annex 3. Interview questionnaire Sinai survivors in detention**

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1. Date and time of interview:
  2. Interviewer:
  3. Name of interviewee:
  4. Male/female:
  5. Listing of recording:
  6. Language of the interview:
  7. Translator:
- 

#### **Questions**

8. How old are you?
9. Where are you from originally?
10. Are you married? If yes, where is your spouse currently?
11. Do you have children? If yes, where are your children currently?
12. What religion do you follow?
13. Do you have the UNHCR Refugee status / paper?

#### **Sinai**

14. Why did you decide to leave home?  
*What was your reason for leaving your home country?*
15. Where were you heading/planning to go when you left home?
16. How did you end up in the Sinai?  
*Voluntarily? Transported? Transported by who?*
17. With how many others were you held captive in the Sinai?
18. Did you know about the dangers of the situation in the Sinai before you left?
19. How did you manage to get out of the Sinai?

#### **Paid ransom in Sinai**

20. How much did you pay for your release?
21. Can you tell me how and by whom the money was collected for you?
22. How was the money transferred?
23. What do you know about the others that are still in the Sinai?  
*Do you still have contact with the others that are still in the Sinai?*

#### **Or: Escaped from Sinai**

24. From where/which place did you escape from the Sinai?
25. Can you tell me more about how you escaped Sinai?
26. Did anyone help/assist you on your escape?
27. What do you know about the others that are still in the Sinai?  
*Do you still have contact with the others that are still in the Sinai?*

### **Detention**

28. In which city is the detention centre you are in located?
29. What is the name of the detention centre you are held in?
30. What is the reason you are in detention?
31. Can you tell me all about how you ended up in this detention centre?
32. For how long have you been in detention by now?
33. Do you know when you will be/are supposed to be released? When will that be?

### **Situation**

34. What can you tell me about the circumstances in the detention centre?
35. Can you describe what the place looks like?
36. How many guards are there to watch you?
37. How are the guards treating you?
38. If any, what kind of food and drink do you get? Is it sufficient?

### **Help**

39. Is there any access to some form of legal advice?
40. If there is anyone to represent you, who would that be?
41. Did you get any medical help you needed when you arrived in detention?
42. What other forms of help or assistance are you provided with?  
*Psychological? Financial? Social? Emotional?*

### **Abuse in detention**

43. How are you being treated in the detention centre?
44. Do you get abused in detention?
45. What is the reason for abusing you?
46. In what way do they abuse you?  
By whom do you get abused?
47. Are there any specific times you get abused?

### **Other**

48. With how many other people are you being hold in one cell?
49. How many women are there being held captive?
50. How many children are there being held captive?
51. Do you know about or have you witnessed people dying in detention?

### **(Mental) health**

52. What kind of physical injuries do you have due to the torture in either Sinai or related to your release of Sinai?
53. How often do you vividly remember or relive the practices of Sinai?
54. Do you (consciously) avoid certain places, people or practices so you won't be reminded of the situation in Sinai?

55. Do you often feel like your body is responding heavily to specific situations?  
*Can you describe these responses and situations in which it happens? For example: nightmares, high heart rate, sweating*
56. Are you afraid things like the practices in the Sinai will happen again to you?

**Future**

57. What promises are made about your release?
58. Do you feel hopeful for your future?
59. What are your plans for the future?  
*Where do you want to go when you are released?*  
*What do you want to do when you are released?*
60. Is there anything you would like to pass on as a message?

#### **Annex 4. Open letter from an Eritrean asylum seeker jailed for a year in Saharonim (Israel): “Achieve a solution or die”**

2 July 2013

##### **Achieve a solution or die**

I appreciate your caring in advance. There were about 176 Eritrean in ward three. We went on a hunger strike on Sunday 23-06-2013 in the morning and continued until 30-06-2013. On that period, many of us lost their conscious, or became dehydrated. No medical help was offered to all those people, except for few of us who were affected very badly. Speaking on my behalf, due to previous health problems, I was very badly affected by the hunger strike. I was almost in a critical stage. On Monday, 24-06-2013, we were visited by some officers from the immigration authority. Some courageous Eritreans told them:

*“We were prosecuted and victimized in our country and we didn’t have democracy. We were not able to live in peace. Many among us were tortured and raped in Sinai. When we reached this democratic state of ISRAEL, we didn’t expect such harsh punishment in prison and we still don’t know which crime it is that makes us suffer for such a long time in this prison. We lost all hope and became frustrated by this situation so that we ask you to either provide us with a solution or send us to our country, no matter what will happen to us, even if we have to endure death penalty by the Eritrean regime”.*

The immigration officer tried to calm us down and advised us to be patient. They asked us to eat food but we decided to continue the hunger strike till death, for eight days.

On Sunday (30-06-2013) in the morning, while some of us were on beds, exhausted, and others went out to be counted, police officers tied their hand with plastic robber and took them away. We didn’t know where they took them, but we heard later, that 24 of them were taken to the Seventh Ward. The rest of us were taken to Ktsiyot prison. There we were told to go to the office one by one and we were forced to eat by threats to be taken to isolation cells.

Finally I want tell you the hunger strike was very difficult and dangerous for our life. I am a witness that everybody lost any hope and patience. Therefore we chose this difficult decision: achieve a solution or die.

**Available at:** [http://www.tilburguniversity.edu/upload/6137b437-7398-4991-b803-e76769e1dc2a\\_Open%20letter%20after%20Lampedusa.pdf](http://www.tilburguniversity.edu/upload/6137b437-7398-4991-b803-e76769e1dc2a_Open%20letter%20after%20Lampedusa.pdf)

2013 July 2

## **מכתב של מבקש מקלט הכלוא שנה בכלא סהרונים: "להשיג פיתרון לבעייתנו או למות"**

תרגום מטיגריניה, של מכתב שנמסר על ידי מבקש מקלט אריתראי ששבת רעב בכלא סהרונים ביום 2.7.2013:

אני מעריך את תשומת ליבכם למכתבי מראש.

176 אריתראים עצורים באגף שלוש. התחלנו בשביתת הרעב ביום ראשון בבוקר, 23.06.2013 והמשכנו לשבות עד ליום 30.06.2013. בתקופה הזאת, רבים באיתנו איבדו את ההכרה או התייבשו. לא ניתן לנו כל טיפול רפואי, למעט לאלו בינינו שמצבם הבריאותי החריף.

מצבי הבריאותי התדרדר עד מאד עקב בעיות רפואיות קודמות. מצבי כמעט שהפך קריטי. ביום שני, 24.06.2013, ביקרו אותנו פקידים מרשות ההגירה. כמה אריתראים אמיצים בינינו אמרו להם:

**ג'רדפנו והפכנו קורבנות במולדתנו ולא ידענו מהי דמוקרטיה. לא יכולנו לחיות בשלווה. רבים מאיתנו עונו ונאנסו בסיני. כשהגענו למדינת ישראל הדמוקרטיה, לא ציפינו לעונש כה קשה. עדיין איננו יודעים מהו הפשע שביצענו, שבעברו אנו סובלים תקופה כה ממושכת בכלא. איבדנו כל תקווה ואנו כה מתוסכלים מהמצב שאנו מבקשים מכם שתמצאו פיתרון לבעייתנו או תשלחו אותנו למולדתנו, לא משנה מה יהיה גורלנו, גם אם נוצא להורג על ידי המשטר האריתראי.**

פקידי ההגירה ניסו להרגיע אותנו ויעצו לנו להמתין בסבלנות. הם ביקשו שנחזור לאכול אך אנו החלטנו להמשיך בשביתה עד המוות, כך במשך שמונה ימים.

ביום ראשון (30.06.2013) בבוקר, כשכמה מאיתנו שכבו מותשים במיטות ואחרים התייצבו לספירה, שוטרים קשרו את ידיהם באזיקוני פלסטיק ולקחו אותם. לא ידענו לאן לקחו אותם אך שמענו מאוחר יותר ש – 24 מהם הועברו לאגף שבע. אנחנו נלקחנו לכלא קציעות. אז נאמר לנו להיכנס למשרד אחד אחרי השני ואולצנו לאכול באיזונים שנילקח לכליאה בבידוד.

אני רוצה לומר לכם ששביתת הרעב הייתה מאד קשה ומסוכנת לחיינו. אני עד לכך שכולם איבדו כל תקווה וסבלנות. לכן בחרנו בהחלטה הקשה הזאת: להשיג פיתרון לבעייתנו או למות.



## Background documents

### Document 1. Eritrean community raises \$41,000 to free 8 year old girl held in Sinai

*Martin Plaut, Wordpress, 17 March 2013*



**Figure 9:** Sinai survivor with torture marks from plastic dripped on his back

In a desperate race against time, the Eritrean community living in the diaspora has managed to raise \$41,000 demanded by Bedouin people-traffickers to buy the freedom of the girl's family.

Ahlam, who is just eight, has already seen her father beaten and tortured in front of her.

It was when the Eritrean community heard that their kidnappers would force 19 men, all captives themselves, to rape her mother in front of the little girl, that they decided they had no option but to act.

So the community has scraped the money together.

"It will be sent to Cairo," says Meron Estefanos, who has interviewed Ahlam and her family several times since they were captured at the beginning of January.

The interviews were carried by the Eritrean radio station Erena.

The radio operates from Paris, one of the few sources of accurate information for Eritreans, who are subjected to some of the harshest censorship in the world, according to Reporters without Borders.

## **The tragedy begins...**

The story of this family begins when they hear that a close relative is dying in Sudan.

They crossed into Sudan legally, since Ahlam's father is a fighter, who was wounded in Eritrea's long war of independence, that ended in 1991.

Near the Sudanese town of Kassala they were seized by Rashaida tribesmen, who have specialised in these kind of abductions.

They were sold to Bedouin from the Sinai, which is part of Egypt.

The Bedouin took the family to an illegal detention centre in the desert, where they were held with other captives and there their nightmare really began.

Meron says she has spoken to the leader of the gang that is holding the family.

"In September last year I discussed the fate of four siblings being held by the Bedouin with their leader," she says.

"He told me 'I bought the four for \$10,000 each. I cannot lose money on them.'"

The families of these four finally paid a ransom, and the four are now in Cairo.

## **A pattern of torture**

The BBC has carried reports of the plight of the Eritreans being held in the Sinai desert.

Father Mussie Zerai, who leads a Rome-based refugee charity, says 400 people, mainly Eritreans, are being held for ransom by people-traffickers in the Sinai, and regularly tortured to extract a ransom.

**Available at:** <http://martinplaut.wordpress.com/2013/03/17/eritrean-community-raises-41000-to-free-8-year-old-girl-held-in-sinai/>

## **Document 2. Joint statement on the Sinai crisis of human trafficking and torture**

*All Africa Conference of Churches, Tilburg University, Europe External Policy Advisors, Progressive Nationalist Baptist Convention and Release Eritrea Civil Society Organization, Tel Aviv, 10 October 2013*

A delegation from African Church leaders representing All Africa Conference of Churches (AACC), Tilburg University and Europe External Policy Advisors (EEPA), together with the Progressive Nationalist Baptist Convention in USA and Release Eritrea Civil Society Organization in United Kingdom, visited Tel Aviv from the 25th till the 30th of August 2013. We were hosted by the Hotline for Migrant Workers in Tel Aviv and received testimonies from Physicians for Human Rights, Amnesty International and the community providing assistance to the survivors of human trafficking in the Sinai.

The mission of the delegation was to meet with survivors of human trafficking and torture in the Sinai in order to gain understanding of the situation these survivors went through and now live in. Most predominantly these survivors come from Eritrea, whilst a small group come from Darfur and Ethiopia. At present it is estimated that there are tens of thousands of Sinai trafficking survivors, in Israel and Egypt, Europe and other countries.

The delegation is shocked by what it learnt regarding the horrific inhumane experiences of the survivors it has talked to. The delegation listened to the testimonies of survivors, and understood that people are being kidnapped from the Eritrea-Sudan border region, the Ethiopia-Sudan border region and UNHCR refugee camps in Sudan, were sold to traffickers, and brought to Sinai. In Sinai the hostages are subject to cruel and sadistic torture and many lose their life. The ransoms asked are very high. Many lose their lives even after ransoms have been paid.

The delegation heard of the fence that has been built on the Egypt-Israel border, stopping the free passage of Sinai survivors. In fact, the Israeli Immigration Authority states that only 84 new asylum seekers entered Israel since the beginning of 2013. The delegation also learned that currently 200 Sinai survivors are imprisoned in Israeli detention centres where they are subjected to cruel and unjust prison treatment, whilst they are denied access to legal recourse according to Israeli law and treatment to deal with the traumatic experiences they have lived in the Sinai where they have been subject to extreme circumstances of torture and threats of their life. Children are also held in detention In Israel.

The delegation looked into the support provided in Israel, where many of the survivors of Sinai have sought refuge, but do not enjoy any legal recognition. We learnt that the survivors receive undignified treatment or no treatment at all which is clearly in contravention of international standards. Considering the physical and psychological torture experienced by the Sinai survivors, the delegation is shocked that the survivors are receiving extremely inadequate support and lack of legal recognition from the government of Israel. The delegation found that the inhumane treatment of the survivors in Israel compounds the physical, psychological and emotional trauma already inflicted on them.

The delegation is shocked to hear of the sexual violence and rape inflicted on the hostages in Sinai, resulting in unwanted pregnancies. It expresses its concern over the lack of access to desperately needed gynaecological services in and outside the prisons in Israel where the Sinai survivors are held. The delegation was also horrified with the reports of children and infants included in sadistic torture practices in Sinai. The injustice of all this keeps the Sinai survivors in Israel and elsewhere in a vicious circle of despair, resulting in suicides and mental breakdown, as they lose hope of any possibility of amelioration of their especially desperate situation. There is also a generation of (stateless) children growing up in Israel, in and outside prisons, reached after having been held under the cruelest circumstances in Sinai, without any future prospect.

From the testimonies of several torture survivors, the delegation is also aware that in other transit and destination countries equal serious challenges are encountered by Sinai survivors.

The delegation noted with appreciation the efforts of Eritrean community and local Israeli led organisations such as the Hotline for Migrant Workers, Physicians for Human Rights Israel (PHR-Israel), Amnesty International, Aid Organization for Refugees and Asylum Seekers (ASSAF), African Refugees Development Centre (ARDC) in Tel Aviv, in responding to the diverse needs of the survivors. The delegation commends the local initiatives of the survivors to provide mutual support and the solidarity and sharing amongst themselves. The delegation commends all support efforts provided in terms of shelters and safe-houses, but is concerned that most of the survivors are homeless.

In the absence of adequate support facilities, the delegation is concerned with the lack of access to livelihood and work and means to sustain lives, even with the most basic elementary necessities, due to the lack of status of refugees in Israel, and expresses its indignation of the vicious circle of injustice, the lack of support and the absence of any recognition of their human rights. The delegation is concerned that children and infants are imprisoned in Israel under the new so-called 'infiltrators law' (this has in the mean time been repealed by the Supreme Court of Israel). The labelling of Sinai victims and refugees as

‘infiltrators’ would appear as a denial of their situation as torture survivors.

Having witnessed and heard heartbreaking testimonies, we strongly affirm the need to uphold peace, justice and human dignity. We recognise our common responsibility for the welfare of humanity and the well-being of each and every human being. We need to act to find support for the survivors who have been released. We must do everything possible and not spare any efforts to stop these inhumane, cruel and sadistic acts of torture and trafficking in Sinai. It is our responsibility to engage in ending this crisis. It is also our responsibility to sensitize the communities about this.

The delegation calls:

- on the international community to acknowledge this ongoing tragedy and to recognise article 1 of the Refugee Convention so that Sinai survivors receive protection on that basis.
- on the Egyptian Authorities to act quickly in order to free the refugees held hostage in the Sinai, to prosecute the smugglers and those that assist them, to bring an immediate end to the torture camps and the network of human trafficking, and to provide care for the torture survivors.
- on all countries to stop deportation of Sinai survivors and to stop deportations of any refugees to Eritrea, given the uncertainty and fear of persecution the deportees may face in their home country and to respect the principle of non-refoulement.
- on the UN High Commissioner for Refugees to urgently address the needs of survivors of the Sinai crisis, using all available means and most particularly to ensure the protection of refugees in the UN refugee camps which are under his responsibility.
- on the African Union to use all its mechanisms to prevent human trafficking, abduction from refugee camps and to ensure safe movement of African people within and across borders according to their aspirations.
- on the relevant regional groups, including IGAD and the Arab League, to address the Sinai crisis.
- on faith-based organisations in Israel to continue and expand efforts to affirm the dignity of the strangers in the land of Israel and provide pastoral care and to contribute to reconciliation among the affected communities.
- on Israel to treat Sinai survivors in accordance with international law and provide protection and treatment in full respect of the international refugee Convention.
- on the EU to use its influence to find appropriate mechanisms to support the Sinai survivors and to provide asylum to Sinai survivors and to improve reception of refugees in general in accordance with international law.

- on Egypt, Israel, Libya, Sudan and Yemen to use their respective influence to find appropriate mechanisms to support the Sinai survivors and to provide asylum to Sinai survivors and to improve reception of refugees in general in accordance with international law.

In recognition of the historical experiences of exclusion, torture and marginalisation of the Jewish people, we appeal to the Israeli government to be more humane in responding to the needs of the Sinai trafficking survivors within its borders.

We commit ourselves to step up the efforts of our respective institutions, deepen our knowledge and understanding of the crisis and its causes and to collaborate with others to stop this crisis of human trafficking, torture and killing, to improve the safe movements of people across borders, to protect refugees and to support the Sinai survivors in full respect of human dignity.

**Available at:** [http://www.tilburguniversity.edu/upload/6137b437-7398-4991-b803-e76769e1dc2a\\_Open%20letter%20after%20Lampedusa.pdf](http://www.tilburguniversity.edu/upload/6137b437-7398-4991-b803-e76769e1dc2a_Open%20letter%20after%20Lampedusa.pdf)

### **Document 3. The ruins of a crushed dream**

*Selam Kidane, Asmarino, September 2013*

***How do you pick up the threads of an old life? How do you go on, when in your heart you begin to understand: there is no going back? There are some things that time cannot mend; some hurts that go too deep, that have taken hold.***

#### ***Lord of Rings: Return of the King***

The best thing that can happen to an Eritrean dream is to only be a victim of PFDJ's brutality...that fact has become the Eritrean reality of this wretched generation... Even after surviving Sinai and overcoming reality as 'unwanted infiltrators' in Israel Eritreans remain victims of a regime that squandered their youth and vitality and then snuffed out the light of their dreams... for nothing will now change the reality that has scattered them in every direction and delivered them into the hands of evil, the type of which the world still continues to not grasp.

... I have been avoiding writing this piece for long enough, I didn't trust myself to narrate the horrors of our reality and do merit to the narratives of the people that looked me in the eye and asked me: 'who really cares?'... I do care but a lot of good that will do, for many of the victim-survivors that continue to live the horrors of the Eritrean reality...

Our reality of the victims of PFDJ's barbaric grip on our young nation (a nation of the young too)... who can only hope to be survivors of brutes who deal in human life and those who deny others the protection that they themselves were accorded when they were brutalised like we are being brutalised now.

The story begins where it ends really... 'what is the meaning of life?'

...to anyone looking we would have looked like any other group of visitors to Tel Aviv... breakfast outdoors, sunglasses, shorts and sandals and cameras and mobile phones... the conversation at that point was quiet ordinary too... but it suddenly occurred to me that life would never be the same for any of us ever again... and I was just as surprised with my own question as the others were: 'what does life mean?'...

I was looking at Filmon... and the moment took a sudden surreal turn... Filmon started talking and it felt like time stopped...at 28 everything that happened to him could make a gruesome reading... too gruesome even for the most grisly horror story... a very young and extremely bright person who had

dreams bigger than is permissible in Eritrea these days.... You know the old fashioned dreams of our parents and grandparents?... well Filmon had those... to get education and improve his prospects and live up to the expectations of his forefathers... but in Eritrea these days a young man with a dream has only got one way of attaining them... leaving the country and so following several years of dodging the grip that threatened to snatch that dream he left the country... only to fall into the grips of those who had their own dreams...describing what happened to him in Sinai is describing the depth of the darkness in human heart...it is frightening to realise that we share a planet with people who think so little about the value of another human being... and when you know that other human being, happened to be such a beautiful soul as Filmon, who is able to delve into his experience and describe the horrors in such details and is still able to carry on...the bitterness is multiplied untold times over...

‘life is to experience...to discover...to be present... to be all there’ he was going on and nothing in what he was saying and the way he was saying it says of the fact that the barbaric kidnapers who extorted (...) from his family had left him hanging from the arms for days on end and until he lost consciousness temporarily and lost his arms permanently... still in his twenties and escaping the horrors with only his dream intact... a life of education and opportunities... despite a reality poked by a brutal experience and now a disability that blights the dream.

In our Eritrea, it is a crime to dream... in our Eritrean reality it is an offence to diligently seek the realisation of your dream... a self-taught IT expert (he didn’t own a laptop until he left the country) has to bribe his way around the city where he grew up to remain safe from being sent to the trenches as a sacrificial lamb to a paranoid deity. Top of the many questions that went through my hazy head every time... I looked at the deformed hands... and the stolen childhood... ‘where is justice?’...

Even in Tel Aviv... amidst people whose reality wasn’t that different from his, just a few decades back... protection and support is another dream to add to his list of unrealised dreams... unrealizable ... just like the dream to eat injera with his own hands... or hold a pen or tinker with a laptop like he loved to do...

...justice continues to elude the boy with a stubborn dream... those who saw him as an absconder drove him to those who held him hostage to that dream and now he is in the hands of those who see him... only as an ‘infiltrator’ and threat to their own dreams...It seems there is nowhere safe for an Eritrean boy to have a simple dream...yet the dream refuses to die, but continues to feed on the sacrifice made for its realisation...It is absurd but I think the lesson for mothers across Eritrea should be to raise their children with few or no dreams...



The conversation continued and at some point...somehow... I dared to ask to see the deformed fingers (carefully covered in a pair of dark gloves), that I had thus far refused to see even in video footages... Filmon indulged me... and it was worse than in the footage... not just the extent of the damage to the hand... but now that I knew the searching eyes and the stubborn dream that were contained also contained in the body that would never be the same again, I realised that my own life would never be the same again too... This pain is deeper than the usual frustration of an unaccomplished ideal (even an ideal as noble as the quest for justice).

Nothing mundane has made sense to me since that morning... no conversation has registered much significance and yes no action could quell my personal feeling of total failure! Over ten years of activism... Tens of organisations committed to the 'Eritrean cause' and hundreds of activists... thousands of sympathisers and millions of Eritreans seeking change... yet we are still unable to secure a world safe enough for an Eritrean boy to have the simplest of dreams: '... to experience...to be present... to be all there... all intact'.

**Available at:** <http://www.asmarino.com/articles/1852-the-ruins-of-a-crushed-dream>

## **Document 4. EU must grant asylum to all Eritrean refugees**

*Mirjam van Reisen, IDN-InDepth NewsViewpoint, 5 October 2013*

BRUSSELS (IDN) – The tragic loss of some 300 refugees off Lampedusa on October 3 gives public focus to the harsh and cruel reality facing thousands fleeing insecurity and oppression in the countries of their birth. A boat which traveled from Libya caught fire in close reach of the Italian coast. There were some 500 Eritreans on board, but only 147 were rescued according to media reports.

The large loss of life taking place in sight of the Italian beaches has shocked Italy, Europe and the world. It emphasizes the failure of Europe and Africa to protect the rights of refugees who embark on their perilous voyages believing that they have little choice. According to the UN, 30,100 migrants reached Italy by sea so far this year and some 7,500 Eritreans have been registered amongst them. October 5 is being observed as a day of mourning and Pope Francis has called for ‘a day of tears’.

The victims of the latest tragedy are largely from Eritrea. Eritrea is one of the most repressive and isolated African countries. It is estimated that some 5,000 Eritreans leave their country every month, most risking death for crossing the border without official sanction. A minority of these reach Europe. In reality most of the refugees remain in Africa, trying to survive until such time that they feel it is safe for them to return home. Many fall victim to criminal gangs and traffickers seeking to exploit their vulnerability. Thousands of Eritreans have been abducted with the assistance of Eritrean and Sudanese officials and taken to the Sinai where they are held captive, brutally treated, raped and tortured. Held for ransom for up to US\$ 40,000, they risk death should this not be paid. The EU still has a diplomatic mission in Asmara, the capital of Eritrea, yet there has been an utter failure to bring about any change in this country. Being in an extremely strategic location on the Red Sea and with the high plateau overseeing the Arabic peninsula, the EU’s presence should be seen as essentially strategically motivated. The economic and political situation as well as the human rights record in this country are so tragic and dismal that it is hard to imagine what other reason could possibly motivate a presence of the EU. People leave Eritrea in desperation and despite a shoot-to-kill policy at the border. They are smuggled and trafficked, often kidnapped along the way. In Libya they face detention, torture and hunger and risk being deported back to Eritrea. Many refugees are kidnapped and taken by force to Sinai where they face cruel torture and killing and where incredible sums of ransoms are demanded. In Egypt the situation has dramatically worsened since the political crisis there erupted and refugees are held in closed detention centers.

### **Europe's failures**

The Lampedusa tragedy emphasizes Europe's failures to address the needs of the refugees. While the EU Frontex policy has been focused on keeping the refugees out, at all costs, no investments or policies have been made to secure the safety of the refugees who are trapped. Official policies that aim to prevent unauthorized migration into Europe are partly to blame.

"Italy's immigration law is inhumane," Giusi Nicolini, Lampedusa's mayor, says. "Three fishing boats didn't offer rescue and left the vessel to its destiny because our country has put fishermen who helped migrants at sea under trial accusing them of facilitating illegal immigration." Being trapped and desperate they risk everything, including their lives, to try and reach Europe. Italy's secret agreement with Libya to keep the refugees out is dismally failing, especially because Libya has no asylum-policy.

The EU has done far too little to bring coherence in its own policy. While the Italian policy is in flagrant contradiction of international law, the European Commission and Member States have entirely failed to establish a policy that is based on solidarity with the Southern Member States who carry the brunt of the refugee problem. The refugees are stuck in countries hardest hit by the financial crisis: Greece, Italy and Spain. Pope Francis, who recently visited Lampedusa, said "the recent tragedy is one of the results of the European lack of solidarity with countries affected by hard economic conjunction and political persecutions".

European Commissioner for Home Affairs, Cecilia Malmström, recognizes the need to address such tragedies. "Europe has to step up its effort to prevent these tragedies and show solidarity both with migrants and with countries that are experiencing increasing migratory flows," she said. She also expressed her support for the Italian authorities in the "enormous effort, including the apprehension of smugglers, they have undertaken over the last few months which have seen a vast increase in the influx of irregular migrants at their external borders."

The Italian Vice Prime Minister emphasizes that Italy should not be left to manage the problem alone. "This is not an Italian tragedy. This is a European tragedy. Lampedusa has to be considered the frontier of Europe, not the frontier of Italy."

Malmström is urging Europe to implement stronger common action and to not forget "that there are still many people in need of international protection". The European Commissioner has also called upon Member States to do more for the resettlement of people in need of international protection.

### **Human commodity**

The tragedy off Lampedusa is shocking. Yet it is only one part of a much larger tragedy taking place in Eritrea. Eritrean migrants have become a human commodity to be bought, sold and exploited for profit, even by their own government, as the latest UN Monitoring Report on Somalia and Eritrea points out. It thrives on the back of conflict and repression.

The ultimate solution lies in bringing democratic, accountable governance to Eritrea. Until this is realized, the EU has no other option but to grant asylum to Eritreans who are fleeing the country. As long as the Southern neighboring countries are not providing adequate protection, these refugees must be given a safe place in Europe.

The UN General Assembly discussed the issue of migration in New York at the High-level Dialogue on International Migration and Development on October 3–4. The UN Secretary General Ban Ki-Moon stated in his report that “the plight of migrants unable to return to their country of origin as a result of humanitarian crises in their country of destination or transit has often been overlooked.”

According to Human Rights Watch, worldwide, some 80 percent of Eritrean asylum seekers “are granted some form of protection because of credible fears of persecution relating to punishment for evading indefinite military service in Eritrea and other widespread human rights abuses”. The tragedy in Lampedusa shows that the issue of legitimate asylum-seekers must be addressed and that Europe must offer protection and demonstrate internal solidarity and coherence in providing for this need. Without delay, the EU must provide protection and asylum to Eritrean refugees.

**Available at:** <http://www.indepthnews.info/index.php/global-issues/1814-eu-must-grant-asylum-to-all-eritrean-refugees>

## **Document 5. ‘Lampedusa’ forces EU asylum policy overhaul**

*Mirjam van Reisen, IDN-InDepth NewsViewpoint, 7 October 2013*

BRUSSELS (IDN) – The Italian government has published the names of the occupants of the boat that drowned near Lampedusa on October 3. All those on the list appear to be Eritreans. At the weekend hundreds of bodies were recovered, washed ashore on the Italian island of Lampedusa. The European Union is soul-searching and identifying the problems of its increasingly repressive refugee and asylum policy.

A meeting of Ministers of Home Affairs has been called in Luxemburg to consider a package of measures, in a first response to the Lampedusa tragedy. Observers are pointing out that the effect of the European policy to effectively control the ‘safe routes’, forces the most desperate refugees to take ever bigger risks in their attempt to reach safety.

It is in this context the particular circumstances of the refugees who are trapped matter and should be acknowledged. Eritrea produces an unusually high number of refugees. At the moment there are about 5,000 refugees each month, according to CIA estimates; UNHCR registers around 3,000 refugees each month. These refugees defy a shoot-to-kill policy at the border.

In light of these figures, Europe carries out a contradictory policy. On the one hand Europe prevents the refugees from Eritrea to enter the EU, even though all EU member states recognise the dictatorial nature of the Eritrean regime. On the other hand it cooperates with Eritrea, because this country has a geostrategic location on the Red Sea and is an important transit for international shipping. The EU still has an embassy in Asmara, even if the embassy officials are hardly allowed to move in the country.

Only a small amount of the vast number of Eritrean refugees arrive in North Africa, the majority is received in African countries. For those who arrive in North Africa, the situation is a lot more difficult. In the Sinai, refugees are threatened by organised human traffickers who ask high ransoms for their release. This is associated with cruel torture and many do not survive or are killed.

In Egypt, Yemen and Libya the refugees are locked up in detention centres where they are malnourished and do not have access to asylum procedures. In Israel the refugees were also detained, but the Supreme Court repealed the law stating that the measures under the law were ‘disproportionate’. Israel has however constructed a double fence on its Southern border, preventing Africans from entering the country. For the vast majority of those who nevertheless do reach Israel, asylum is not an option.

All European member states recognise that the majority of Eritrean refugees are indeed entitled to asylum. But the detention centres in Southern Europe, where the majority of refugees arrive, are overflowing and once in Greece, Italy or Malta they have great difficulty in accessing asylum procedures. The necessary institutional structures to receive them are lacking. Since the economic crisis, which has hit these countries hard, the situation of the refugees has seriously deteriorated.

The implementation of the EU Dublin Convention, which states that asylum must be asked in the country of entry, creates further problems for the refugees. Referring to this Agreement the EU Member States refuse to take responsibility and push the refugees back to Southern Member States.

Hence the refugee and asylum policy needs to be better coordinated from Brussels. A successful outcome of the European Home Affairs Ministers on October 7–8 will depend on whether the European Union acknowledges that the majority of Eritrean refugees are likely to be entitled to asylum.

The European Commission must identify a coherent policy to ensure that the refugees get access to an asylum procedure. European Member States must also act in solidarity to provide an answer to the challenge of the large flow of refugees by offering internal redistribution of refugees from Southern to other European Member States. Besides, the European Commission must be given a greater role in managing this. The measures that are needed have been set out in an Open Letter to Ministers and the EU Commission.

A more robust approach to the Eritrean regime is also necessary and the EU should invoke the means it has to make clear that it does not accept the human rights violations taking place in the country. The European Union can instigate procedures it has under its Cotonou Partnership Agreement to do this.

**Available at:** <http://www.indepthnews.info/index.php/global-issues/1819>

## **Document 6. Open letter from the Mayor of Lampedusa to the European Union**

*Giuseppe Nicolini, 15 November 2012*

I am the new Mayor of the islands of Lampedusa and Linosa.

I was elected in May, and from then until the 3rd November, 21 drowned bodies of people who were trying to reach Lampedusa have been delivered to me. This, for me, is something intolerable. Lampedusa now bears an enormous burden of pain. We have had to go through the Prefecture to ask other boroughs for help in order to provide the last 11 corpses with a dignified burial as we have no more sites available. I know there will be others that we will bury, but I have one question which I must address to everyone: just how large exactly does the cemetery on my island need to be?

I am not able to understand how such a tragedy can be considered normal. Last Saturday the bodies of 8 young women and two boys aged 11 and 13 were recovered from the sea. They were on a journey that was meant to be the beginning of a new life. How is it possible that the fact that 11 people can just die together like that, cease to have an impact on daily life? 76 people were rescued but there were 115 people altogether, the number of deaths is always a much higher number than what the sea actually returns to us.

I am full of indignation about the acclimatization that seems to have contaminated everyone. I am scandalised by Europe's silence, which can only be exacerbated by the fact it has just recently been awarded the Nobel Prize for Peace yet continues to stay silent over a tragedy that is now reaching figures more commonly associated with war. I am becoming more and more convinced that European policy on immigration sees this toll of human lives as a means to moderate the flow, if not as an actual deterrent. If the journey by boat is the only possibility of hope that these people have, I believe that Europe should be ashamed and disgraced by the deaths which occur at sea.

In all of this extremely sad page of history that we are writing together, the only reason for any pride is provided by the men of the Italian State who save lives 140 miles from Lampedusa. This is what happened last Saturday, even though those who were only 30 miles away from the scene of the disaster and who should have gone immediately with the fast patrol ships that our previous government gave to Gaddafi, ignored the request for help. The patrol boats, nonetheless, work very well when given orders to kidnap our fishing boats, even when they are fishing outside Libyan territorial waters.

Everyone has to realise that it is Lampedusa, and its inhabitants, with the structures providing rescue and reception, which give human dignity to these people, and who also give dignity to our country and Europe as a whole. So, if these deaths remain solely Lampedusa's responsibility, I would like to receive a telegram of condolence for every drowned body we receive – as if it had white skin, as if it were one of our own children who had drowned whilst on holiday.

**Available at:** <http://migrantsicily.blogspot.be/2012/12/open-letter-from-mayor-of-lampedusa-to.html>



## **Document 7. Eritrea, a generation in flight**

*Selam Kidane, Open Democracy, Free Thinking for the World, 16 October 2013*

Many of the hundreds of Africans drowned off the Italian coast came from Eritrea. Why are they so desperate to leave their country, asks Selam Kidane.

In two separate incidents in early October 2013, the hopes of Africans attempting to reach Europe on crowded boats across the Mediterranean were destroyed when their dangerous vessels sank near the Italian island of Lampedusa. At least 339 died in the first incident, on 3 October, and thirty-four in the second, on 11 October. These tragedies are the latest in a long series, though the fact that the death-toll in the earlier incident is the highest ever in accentuated the shock. The political fallout has been intense, with Malta's prime minister strongly critical of his European colleagues' policy failures over the issue and the Italian government holding a national day of mourning.

The reaction among Eritreans has also been profound, since a great majority of the victims on the first boat came from the tiny Horn of African country. In fact, the United Nations' refugee agency UNHCR says that of the 30,100 migrants who reached Italy on boats from north Africa from 1 January-30 September 2013, the three biggest groups were from Syria (7,500 in total), Eritrea (7,500) and Somalia (3,000). The populations of these countries are respectively 22.4 million, 6 million and 10 million. The reason for the exodus of Syrians and Somalis is clear: devastating civil war and the destructive impacts of longer-term conflict. But what of Eritrea?

### **The prison country**

In the wake of the disaster, a leaked document circulated among Eritrean online forums and among the Eritrean diaspora. It said that most of the dead and survivors alike (around 150 in the latter case) were Eritreans in their 20s; that is, born or raised since the country gained its independence in 1991–93 following no less than thirty years of war.

If the view is extended from the vicinity of Lampedusa and Malta, the even greater scale of the problem can be seen. In fact, most Eritreans look for other routes of escape. There are roughly 40,000 Eritreans seeking refuge in Israel, 125,000 in Sudan and 86,000 in Ethiopia. In each case, their demographic profile – mostly young men – is the same. The consistent picture is of an unprecedented exodus of Eritrea's youth.

Those who sank off Lampedusa would have paid anything up to €5,000 (\$6,800) for their spot on a rickety, overcrowded, dangerous boat lacking life-jackets and communication equipment. No facilities were available even for

children or pregnant women. The would-be refugees sank within a kilometre of their destination and within sight of the harbour lights.

Yet the Libya-Italy crossing isn't the hardest or most expensive. On the other side of the Sahara, scores of Eritreans cross into Israel after, in very many cases, enduring terrible experiences at the hands of human-traffickers along the way: rape, torture, starvation, and the threat of being forced to sell their organs if they fail to deliver huge ransom payments.

That hundreds of thousands of young Eritreans are ready to risk everything to get as far away from Eritrea as possible poses the question: why are they so desperate?

Eritrea is one of the poorest countries in the world, whose GDP per capita was \$800 in 2012. In addition, reliable human-rights organisations report that Eritrea lacks press freedom or freedom of religious worship, has tens of thousands of political prisoners, is ruled by a ruthless dictator, and is embroiled in regional tensions across nearly all its borders. Somehow, though, a contrary view is promoted that forces baffled observers to ask: "is it really that bad?" This complacent narrative holds that Eritrea has achieved some Millennium Development Goals, is in a boom of some kind thanks to its mining industry, has a low crime rate, is free of military challenges from its neighbours, and has a secure government that faces little in the way of opposition.

If the latter portrait is correct, however, it's hard to understand why young Eritreans choose to flee their country in such unprecedented numbers, taking unimaginable risks at a time when conditions in the destination countries may also be uncomfortable. So what is wrong with these young Eritreans?

When they are asked, they are actually surprised by the question, for they assume everyone should by now know what is going on in the country. And they know the cost of what they have done: almost all those who perished on 3 October (bar the children), nearly all languishing without documentation in Tel Aviv, and practically everyone in the refugee camps in Sudan and Ethiopia (again minus the really young children) would be considered absconders were they to return home to Eritrea for any reason.

Every Eritrean between the age of 18 and about 50 is meant to be doing national service, and those between 50 and about 65 are supposed to be in the "popular army". In 2011, average life-expectancy in Eritrea was just over 61 years; that is, every adult in Eritrea is effectively under the command of the government, mobilised as soldiers, regimented as such, and deprived all sorts of freedom, including the freedom to make a decent living. The national-service recruits are trained and required to do any duty demanded of them, including hard labour

in construction; their stipend amounts to about €25 a month. They all know that this is their fate, which only regime-change in Eritrea will alter.

### **The far horizon**

But any hope of regime-change, or even reform, was quashed long before those who are leaving the country today were old enough to understand the predicament that would dominate their lives. In September 2001, whilst the world's attention was focused on 9/11, Eritrea's president, Isaias Afwerki, and his close circle of generals and advisors arrested eleven reform-seeking ministers and officials. Anyone who sympathised with their call was over subsequent years made to disappear one way or another. Anything that represents a free society – again, free media and worship, business and enterprise, intellectual freedom – was systematically crushed in the post-2001 years, turning the country into a giant prison. The Eritrean youth, terrorised and demoralised, started to take their lives into their own hands in the only way they could. A trickle of desperate young people grew into the deluge of an entire generation scattering across the globe, setting new records in hopelessness but also of the despairing will to survive.

When Isaias Afwerki is asked to explain the exodus of his people, his questioners have trouble understanding his reasoning. To the president, his country is the victim of an international conspiracy that seeks to empty Eritrea of its youth. He offers his own set of statistics in corroboration. That mentality is precisely what convinces young Eritreans of the futility of their situation, the factor that confirms their salvation is nowhere on the Eritrean horizon. It is the reality that makes them choose and leaves the rest of us asking: “is it really that bad?”

**Available at:** <http://www.opendemocracy.net/selam-kidane/eritrea-generation-in-flight>

## **Document 8. The Lampedusa tragedy: Why sons could not mourn their mothers**

*Mirjam van Reisen, IDN-InDepth NewsAnalysis, 26 October 2013*

BRUSSELS (IDN) – In the early morning of October 3 a tourist was enjoying the beautiful quiet beach of the Italian Mediterranean Island when three swimmers appeared. Three African young men frantically asked for help. They had left their mothers behind in a ship on sea that was on fire.

The ship had made the crossing that night and had reached the 800 perimeter of Lampedusa with over 500 passengers on board. While waiting to be able to offload the passengers, the ship was pushed away from the shore. When the captain tried to start the engine to bring his ship back into the perimeter, it didn't work. He then decided to seek attention to get help by making a basket-fire. He burnt himself and threw the burning rod in the boat, rather than in the sea. The passengers on the boat panicked and rushed to one side. Inside the boat, in the cabins, women and children were asleep. Locked in the cabins, they would not survive the journey. Only six women made it alive.

The survivors were these mothers' sons, sons of Eritrea, who could swim and were strong enough to make it. This is part of the testimony journalist Meron Estefanos and Father Mussie Zerai heard when they went to Lampedusa (on October 21). There were only 155 survivors. The Italian coast guard states that the death toll could go up to 400. Most of the passengers were refugees from Eritrea.

The government of Eritrea denied that the survivors were Eritreans while the President of Italy offered citizenship to those that had died, but not to the survivors. Survivors and family members from Eritrea called for the bodies to be brought home. The Italian President announced a state burial.

As it became clear that the majority of the victims were indeed Eritreans, the scenario rapidly changed. The Mayor of Lampedusa was no longer in control. The state burial was abandoned. Bodies were hurriedly buried in different places on the island without the consent of the families. Eritrean officials took over the process. While the Italian Red Cross had already offered to take DNA tests so that the victims could be identified, the Eritrean officials misled survivors by asking €150 for a DNA test– an amount they would obviously not have. The survivors were intimidated, as their pictures were taken. They were locked up in detention centres. They could not attend the funerals, and were not invited to the memorial service. They went on hunger strike to mourn their mothers.

### **Why are they risking their lives?**

Boats with each 200 and 150 passengers on board arrived on October 24 and 25 (and these were also mostly Eritreans) in Lampedusa. This has triggered the question that everyone is thinking: why are people risking their lives knowing the peril and the dangers?

EU President Manuel Barosso asked this question rhetorically when he was looking at a coffin in which a mother was laid to rest with a newborn baby.

Journalists have asked the question over and over again to migration experts in the previous two weeks.

Meron Estefanos and Fr Mussie asked this question to the young men and boys that survived. The answer was simple: they would rather die on sea in a spirit of hope than perish in the torture camps of traffickers and cruel detention centres in Libya, Chad, Egypt, Sinai and Yemen.

An EU Summit of Heads of State addressed this question on October 25. A Task Force for the Mediterranean will work out proposals to be adopted at the next Summit in December. It is hoped that this task force will aim to understand what refugees are fleeing from and why they are taking such desperate risks.

### **Wrong priorities**

The EU is in danger of addressing the wrong priorities. Military equipment and drones are no answer to such large numbers of desperate refugees who are ready to risk their lives even if they need to swim over the Mediterranean. Instead of militarisation we need to create safe places and communities for refugees, where those that are survivors of trafficking can heal and raise awareness. The EU needs to strengthen a policy of dialogue and involvement of the communities concerned. We are all to gain from this.

The decency of a country can be measured by the way in which it treats those that have died. For Eritrea the tragedy is that it did not receive the bodies of the mothers and children of its soil that died that early morning on the sea. For Italy the tragedy is that it could not provide a dignified burial for those that perished. For the EU the tragedy of Lampedusa is that it failed to be the place of decency where sons could respectfully mourn their mothers.

**Available at:** <http://www.indepthnews.info/index.php/global-issues/1855>

## **Document 9. Commemoration – A gimmick for convenience of politicians**

*Meron Estefanos and Father Mussie Zerai, Palermo, 24 October 2013*

The deaths of 366 refugees within sight of Lampedusa on 3 October shocked the world and exposed the failings of the EU and the international community to protect refugees. This week the Italian government organised a commemoration for those who died. Meron Estefanos and Father Mussie Zerai, Eritreans who are working with the Eritrean refugees, were present. They described the so-called funeral as a gimmick arranged for the convenience of politicians.

The deaths could, and should, have been prevented. The refugees, both those who died and those who survived, and their families continue to be treated with contempt as the Italian authorities hand the management of the process to the Eritrean regime. Their statement on what they found is set out below.

We have now returned from a three-day visit to Sicily and Lampedusa. On October 21, we visited the Questura in Agrigento, where Eritrean families had come to identify the bodies of their loved ones. We observed that the process was disorganized. Many of the families were confused, distressed, and unable to obtain the information they were seeking. A representative of the Eritrean regime had taken over the process. The process should have been under the control of the Italian authorities, but it was not. This caused pain and delay to many of the families, who were not comfortable giving information to representatives of the regime. The representatives of the regime gave incorrect information out to the families. While presenting themselves as the rightful representatives of the Italian government, they circulated papers requesting payment of 150 Euros for DNA testing. The Italian Red Cross had already offered to provide this service for free. These families are already in a great deal of pain. This deceptive, unprofessional process is an insult to the victims. The authorities of Agrigento must not allow regime supporters to misrepresent themselves as representatives of the Italian government.

We attended a so-called funeral ceremony, a gimmick arranged for the convenience of politicians. The survivors of the October 3 disaster, who are in desperate need of closure, were not permitted to attend. Many lost their brothers, sisters, husbands, wives, and dear friends in the Mediterranean on that day. None of the survivors were permitted to attend the ceremony. A further insult was delivered by the presence of Zemedede Tekle and his supporters. Mr Tekle is the Eritrean regime's ambassador to Italy. He was invited to the ceremony by the vice prime minister of Italy. Mr Tekle represents the same regime that the victims of October 3 fled from, the same regime that drove them across the Mediterranean where 366 of them perished. Mr Tekle's presence brought further pain to the families, who are still mourning their loved ones. Some of the families were so insulted that they called Angelino Alfano, the vice prime

minister, “assassino.” Instead of seeking to understand their grief, he accused them of being accomplices of the human traffickers.

On October 22, we arrived in Lampedusa. The authorities did not allow us to enter the refugee camp, even though the survivors themselves asked to see us. The survivors wanted us to be present as witnesses to their living conditions. We have been in contact with many of these individuals as they traveled through Ethiopia, the Sudan, and Libya. Some of the survivors who we met are young men and women, not yet of legal age, who made the journey alone. Among them were survivors of torture, kidnapping, rape, and human trafficking. They need assistance from psychological and medical professionals. Some of the survivors have lost their spouses and children. Their loved ones’ bodies were moved from Lampedusa to Agrigento without their knowledge or authorization. When the survivors asked to be at the so-called funeral ceremony, their request was denied. They then went on a hunger strike for twenty-eight hours.

The survivors had many questions for us. They do not know when they will leave Lampedusa, or where they will be taken. The uncertainty adds to their stress. Regarding the October 3 disaster, we collected testimonies that two boats, which the survivors believe to be from the Italian Navy, circled around their boat and did not help. It was out of desperation, when these two boats failed to provide assistance, that the captain started a fire. Had the two boats intervened, the survivors told us, not a single life would have been lost. They blame the Italian Navy for the loss of 366 lives. They are prepared to appear before any court and testify to what they have witnessed.

We demand:

- an investigation by an independent body.
- that the government of Italy formally apologize for insulting the survivors and not allowing them to attend the so-called funeral ceremony.
- that the government of Italy grant citizenship to the survivors of the October 3 disaster, as it did to those who died.
- that all countries of the European Union welcome the survivors of this trauma as refugees, grant them asylum, and assist with their resettlement.
- immediate treatment for the survivors by psychological and medical professionals. the transfer of all migrants now held at Lampedusa to refugee camps where they can claim refugee status.
- financial assistance for the survivors, to compensate them for their ordeal, and provide for their basic daily needs.

**Available at:** <http://www.eepa.be/wcm/320-eepa-news-and-activities/3425>

**Document 10. Open letter (to Ministers, Vice President Ashton, Commissioner Malmström)**

*Mirjam van Reisen, Erik Borgman and Conny Rijken, Tilburg University, 6 October 2013*

Dear Ministers,  
Dear Vice President Baroness Ashton,  
Dear Commissioner Cecilia Malmström,

The General Assembly High-level Dialogue on Migration and Development on 3–4 October coincided with the dramatic loss of life of at least 300 refugees in European waters, off the Italian coast. The EU must respond to this dramatic event, so as to uphold the values of human dignity and human rights as the basis of its foundation.

We would like to draw your attention to the particular aspect that many of the victims are from Eritrea. Eritrean communities in Europe and elsewhere are grieving their loss.

The UN sanctions against Eritrea converge with EU Member States' assessments that Eritrea is governed by a ruthless dictatorship, and that the violations of human rights are the cause of the refugee-crisis that has emerged. UNHCR registers monthly 3000 refugees, but the CIA estimates that as many as 5000 refugees leave Eritrea every month, despite a shoot-to-kill policy at the border. The majority of these refugees are absorbed in Africa, while a small proportion travels North.

In Sinai, Egypt, Sudan, Yemen and Libya the refugees are subject to the dangers of kidnapping, human trafficking and torture. Basic safety is lacking. Provisions or adequate provisions for access to asylum are lacking. The refugees are placed in detention centres, malnourished and without any prospects. This is the background against which Eritrean refugees try to cross over the Mediterranean Sea to Europe.

In response to this crisis it should be emphasised that the obligation to protect refugees should be upheld by the EU at all times. The following points follow from this obligation:

1. The majority of Eritrean refugees are legitimate asylum-seekers who must receive access to an adequate asylum procedure in the EU;
2. The majority of Eritreans arrive in Greece, Malta and Italy; greater solidarity among European Member States is needed to absorb these refugees across Europe;
3. The Dublin Convention is often cause for Eritreans to be transferred



to subsequent EU Member States who do not take responsibility for their asylum application, consequently they risk to be detained in EU Member States;

4. All deportations of Eritreans should be stopped on the ground of danger of persecution at home;
5. Frontex should operate within the boundaries of international refugee law;
6. Increased monitoring of small boats in the Mediterranean Sea should be accompanied by measures to ensure boats and people reach the European shore in safety;
7. Cooperation with North African countries must be legal and transparent and in full adherence of international refugee law.

The serious and well documented violations of human rights and fundamental governance principles in Eritrea should be ground to invoke art 96 and art 97 of the Cotonou Agreement on the suspension of cooperation with the EU.

We sincerely hope that a package of measures will be adopted by the EU that leads to upholding the rights and dignity of people who find themselves trapped in such circumstances beyond their control.

Sincerely yours,



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Professor in  
International  
Social Responsibility,  
Tilburg University



Prof Dr Erik Borgman  
Professor in  
Public Theology,  
Tilburg University



Dr Conny Rijken  
Associate Professor in  
International and  
European Public Law,  
Tilburg University

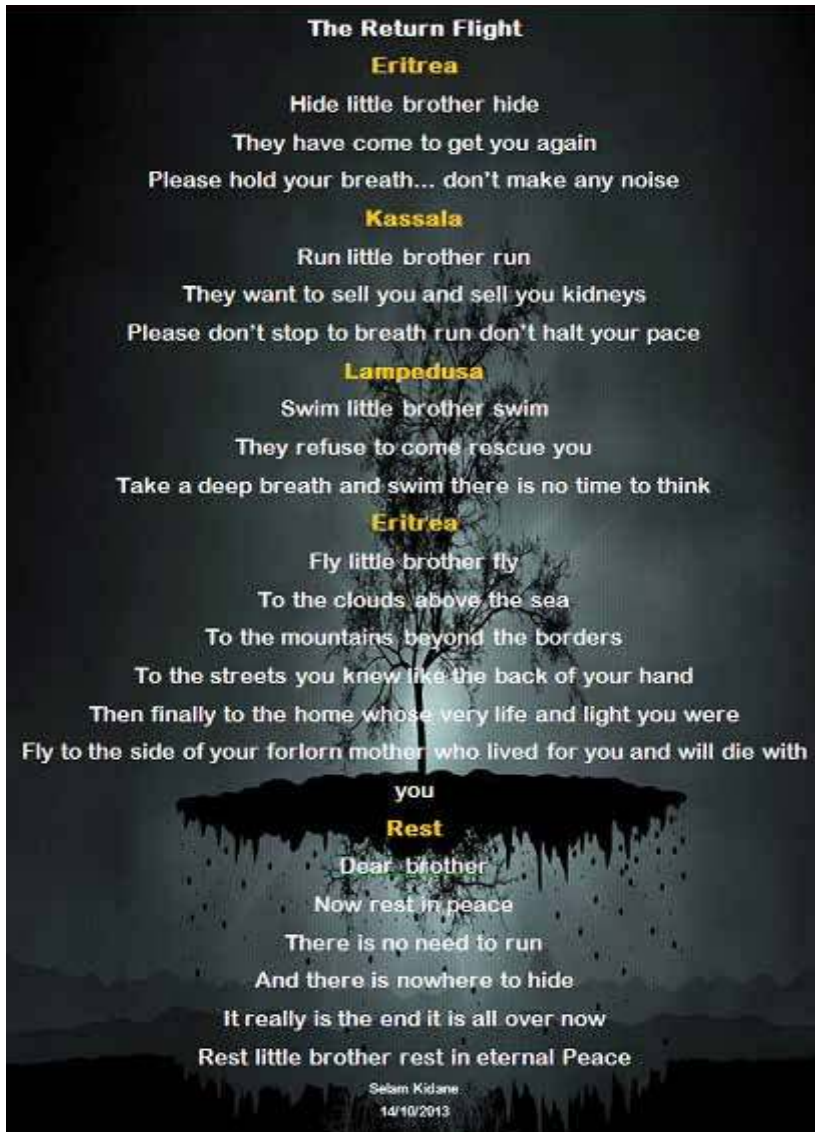
**Available at:** [http://www.tilburguniversity.edu/upload/6137b437-7398-4991-b803-e76769e1dc2a\\_Open%20letter%20after%20Lampedusa.pdf](http://www.tilburguniversity.edu/upload/6137b437-7398-4991-b803-e76769e1dc2a_Open%20letter%20after%20Lampedusa.pdf)



# Selected poems

## Poem 1. The return flight

by Selam Kidane



Available at: <http://www.asmarino.com/writers-corner/1884-the-return-flight>

## Poem 2. Gravity unloaded

by Gabriel Guangul

Stepping on thorns of sand  
Breathless; for songs yet unsung  
Ballads of untold sorrow; so bad  
For that cursed land

Crippled memories rose; burning  
For lives still floating  
For the drowned and the freezing  
With hearts broken; still bleeding

Words that lay dead  
So long; left unsaid  
Filled the air with a smell  
Of grief beyond belief; just hard to tell

The burden; heavy  
The dead; so many  
All spread; for all to see  
With heads bent on one knee

Still attached to the umbilical; so symbolic  
For a nation lost in sea; unpatriotic  
An involuntary act for some; so unworthy  
Just there; not to worry

So there; gravity unloaded  
Upon the still born; abandoned  
At home or elsewhere; met their fate  
All swallowed; wasted under their own weight

**Available at:** <http://asmarino.com/writers-corner/1903-gravity-unloaded>

### Poem 3. Conscripted II\*

by Wanqui Wa Goro

We longed to travel to the promised land  
They told us  
Told there was milk and honey there  
We thought better to remain silent  
As we have milk and honey here  
But we let our children go  
As they said their backs were too much  
To the wall and were breaking  
We sadly said go, but come back  
Things will change, things always change  
Come back  
We will miss you, we love you  
And off they went

I had never heard of Lampedusa  
Now I hear that my son will not come back  
He drowned in a boat fire  
Lampedusa, Lampedusa  
We long to travel to that cursed, promised land  
To bring back our dead from Lampedusa  
Are there mothers in Lampedusa?  
Do they hear our cry, their cry?  
We will bring back all our dead  
No more Lampedusa there  
No more Lampedusa here  
We want our children home and safe

\*The title is in reference to *The Conscript*, by Gebreyesus Hailu, written in 1927, first published in 1950 and published in English by Ohio University Press in 2013.

#### Poem 4. Let my people go

by Ghirmai Negash (translated from Tigrinya)

Fish of the sea, serpents of the earth

Let my people go; *haram, haram.*

Fish of the sea, serpents of the earth

Let my brother go, the brother of love

Fish of the sea, serpents of the earth

Let my sister go, the sister of love.

Fish of the sea, serpents of the Sahara

Enough Naqura, enough Cetimo

Let my people go.

Let my father go, the beloved one.

The death of the land looms large, with each passing,

of those driven into the hallways of exile and destruction.

Fish of the sea, serpents of the earth

Let my people go, the children of love

Fish of the sea, serpents of the earth

Let my people go, the people of love.

*Haram! Haram! Haram! Haram!*

Let my people go, the people of love.



**Figure 10:** Lampedusa boat tragedy victims

## Endnotes

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- 112 Interview 2.1.10
- 113 Interview II 2.1.28
- 114 For example, Interview: 116(I) (from first study)

- 115 EveryoneGroup (2011) *Sinai. EveryoneGroup locates hideout of trafficker Abu Musa* [online], 29 November 2011. Available at: [http://www.everyonegroup.com/EveryOne/MainPage/Entries/2011/11/29\\_Sinai\\_EveryOne\\_Group\\_locates\\_the\\_hideout\\_of\\_the\\_trafficker\\_Abu\\_Musa.html](http://www.everyonegroup.com/EveryOne/MainPage/Entries/2011/11/29_Sinai_EveryOne_Group_locates_the_hideout_of_the_trafficker_Abu_Musa.html) (accessed 17 November 2013)
- 116 Agenzia Habeshia et al. (2012) *Hundreds of refugees held hostage in Sinai torture camps need rescuing* [online], 31 March 2012. Available at: <http://www.phr.org.il/default.asp?PageID=183&ItemID=1176> (accessed 17 November 2013)
- 117 EveryoneGroup (2011) *Sinai. EveryoneGroup locates hideout of trafficker Abu Musa* [online], 29 November 2011.
- 118 Van Reisen et al. (2012) *Human trafficking in the Sinai. Refugees between life and death.*
- 119 The hostages told ME that this happened in the house of Abu Ahmed in August 2013, see Estefanos, M (2013) *Personal communication.* (Email from ME to MvR, 18 November 2013)
- 120 van Reisen et al. (2012) *Human trafficking in the Sinai. Refugees between life and death.*
- 121 Note, Abu Sannea is a real name.
- 122 EveryoneGroup (2012) *Urgent action required in Sinai* [online], 24 September 2012. Available at: [http://www.everyonegroup.com/EveryOne/MainPage/Entries/2012/9/24\\_Urgent\\_action\\_required\\_in\\_the\\_Sinai.html](http://www.everyonegroup.com/EveryOne/MainPage/Entries/2012/9/24_Urgent_action_required_in_the_Sinai.html) (accessed 17 November 2012)
- 123 ME met AA during her visit to Sinai, see Estefanos, M (2013) *Personal communication.* (Email from ME to MvR, 18 November 2013)
- 124 Interviews
- 125 The torture described in Van Reisen et al. (2012) of infants was carried out in Abu Abdallah's house. The mother of the infant did not survive the torture and died after one and a half years in his torture house. The baby was eventually released and carried to Israel by another hostage. It is now in an orphanage.
- 126 Told on more than one occasion by Sinai survivors to ME, see Estefanos, M (2013) *Personal communication.* (Email from ME to MvR, 18 November 2013).
- 127 EveryoneGroup (2011) *Sinai. EveryoneGroup locates hideout of trafficker Abu Musa*
- 128 EveryoneGroup (2011) *Sinai. EveryoneGroup locates hideout of trafficker Abu Musa*
- 129 Agenzia Habeshia et al. (2012) *Hundreds of refugees held hostage in Sinai torture camps need rescuing.*
- 130 Estefanos, M (2013) *Personal communication.* (Email from ME to MvR, 19 November 2013)
- 131 Estefanos, M (2013) *Personal communication.* (Email from ME to MvR, 19 November 2013)
- 132 Interview II 2.2.3
- 133 EveryoneGroup (2011) *Sinai, slavetrade: 32 more refugees released* [online], 25 December 2011. Available at: [http://www.everyonegroup.com/EveryOne/MainPage/Entries/2011/12/25\\_Sinai\\_slave\\_trade\\_32\\_more\\_refugees\\_released.html](http://www.everyonegroup.com/EveryOne/MainPage/Entries/2011/12/25_Sinai_slave_trade_32_more_refugees_released.html) (accessed 17 November 2013)
- 134 Examples are not given here as they are gruesome and add little to the discourse of this book
- 135 Interview II 2.1.5
- 136 Interview II 2.1.25
- 137 Interview II 2.2.3
- 138 Interview II 3.316
- 139 Estefanos, M (2013) *Personal communication.* (Email from ME to MvR)
- 140 Mekonnen, DR; Estefanos, M (2012) *From Sawa to the Sinai Desert: The Eritrean tragedy of human trafficking* [online], 23 May 2012. Asmarino Independent. Available at: <http://asmarino.com/articles/1411-from-sawa-to-the-sinai-desert-the-eritrean-tragedy-of-human-trafficking6> (accessed 19/11/2013).

- 141 Interview II 2.1.13; Interview MvR 13/11/2013; testimony Tel Aviv
- 142 Interview MvR 13/11/2013
- 143 A similar case was described in Van Reisen (2012) of an interview by Estefanos in 2011.
- 144 Interview II 2.2.3
- 145 Interview II 2.2.3
- 146 Interview II 2.2.6
- 147 Interview II 2.2.3
- 148 Interview II 2.2.3
- 149 Interview II 2.2.3
- 150 Interview II 2.2.3
- 151 Interview II 2.2.3
- 152 Beersheba District Court (2012) *Indictment: The State of Israel vs. Yusuf bin Khalid al-Qrinawi* (Criminal case no. 41584-03-12); Jerusalem (Criminal) District Court (2012) *Indictment: The State of Israel vs. Luway'i Nasir-al-Din* (Criminal case no. 52343-09-12); (2012) *Indictment: The State of Israel vs. Victor Siboni* (Criminal case no. 44801-09-12); (2012) *Indictment: The State of Israel vs. Yaakov Grad and Elian Morse* (Criminal case no. 44333-09-12)
- 153 Interview 50(II), Interview II 2.129  
G: Anyways, we were working and the Rashaida came and took us, they hit us and they kept us blindfolded. We were 3 Ethiopians, one was able to get away and run.  
Meron: Did you tell them that you were Ethiopians?  
G: They told us to say we're Eritreans, they kept beating us.
- 154 Interview MvR 11 November 2013
- 155 Interview II 2.1.3
- 156 Interview II 2.1.33
- 157 Interview II 2.2.10
- 158 Interview II 2.136
- 159 Interview II 2.3.1
- 160 Interview II 2.3.1
- 161 Interview 2.2.1
- 162 Interview 2.2.1
- 163 Interview 2.2.1
- 164 van Reisen et al. (2012) *Human Trafficking in the Sinai: Refugees between Life and Death*
- 165 Matar, H (2012) 'Eritrean asylum seekers trapped on Israel-Egypt border for 7th straight day.' *+972 Magazine* [online], 5 September 2012 Available at: <http://972mag.com/eritrean-asylum-seekers-trapped-on-israel-egypt-border-for-7th-straight-day/55182/> (accessed 19 November 2013)
- 166 Sherwood, H (2012) 'Eritrean refugees trapped by security fence at Israeli-Egyptian border.' *The Guardian* [online], 5 September 2012. Available at: <http://www.theguardian.com/world/2012/sep/05/eritrean-refugees-at-israeli-egyptian-border> (accessed 19 November 2013)
- 167 Oded Feller, quoted in: Sherwood, H (2012) 'Eritrean refugees trapped by security fence at Israeli-Egyptian border.' *The Guardian* [online], 5 September 2012.
- 168 Rozen, S (2012) *Tortured in Sinai: Jailed in Israel: Detention of slavery and torture survivors under the anti-infiltration act* [pdf]. Available at: <http://www.hotline.org.il/english/pdf/TorturedInSinaijailedInIsraelENG.pdf> (accessed 22 July 2013)
- 169 Rozen, S (2013) *Personal communication*. (Email from SR to MvR, 20 November 2013)
- 170 The situation was documented in Van Reisen et al (2012) and updated by ME. Another member of the hostage group of Selam, a minor of 17 years old, is currently in Europe.

- 171 Gallagher, A (2013) 'Anguish for Eritrean refugee over daughters' Sinai fate.' *DW* [online], 11 June 2013. Available at: <http://www.dw.de/anguish-for-eritrean-refugee-over-daughters-sinai-fate/a-16870454> (accessed 20 November 2013)
- 172 Interview II 2.1.37
- 173 Interview II 2.1.37
- 174 Interview II 2.1.37
- 175 Interview II 2.1.37
- 176 Estefanos, M (2013) *Personal communication*. (SMS from ME to MvR November 2013)
- 177 Meron Estefanos took a photograph of Ahmed while he was dropping off hostages in Cairo in 2013 and over 25 hostages in Cairo have identified him from the photograph as the person who drove them from the Sinai to Cairo. Estefanos asked him for an interview when she was in the Sinai and he initially said yes, but then changed his mind.
- 178 Interview II 2.2.10 and Interview II 2.2.8
- 179 Interview II 2.2.8
- 180 Interview MvR 13/11/2013
- 181 Abu Draa, A (2013) *African smuggling gangs turn Sinai into torture land*, p 5
- 182 Associated Press (2013) 'Egypt journalist gets 6-month suspended sentence.' *Jakarta Post* [online], 5 October 2013. Available at: <http://www.thejakartapost.com/news/2013/10/05/egypt-journalist-gets-6-month-suspended-sentence.html> (accessed 23 November 2013)
- 183 Arab Republic of Egypt (2010) *The People's Assembly Law No. (64) of 2010 regarding Combating Human Trafficking*
- 184 Arab Republic of Egypt (2010) *The People's Assembly Law No. (64) of 2010 regarding Combating Human Trafficking*
- 185 Interview II 2.2.3
- 186 Interview II 2.2.1
- 187 Interview II 2.2.1
- 188 Interview II 2.2.9
- 189 Interview II 2.2.1
- 190 Interview II 2.2.2
- 191 Interview II 2.2.2
- 192 Interview II 2.2.1
- 193 Interview II 2.2.1
- 194 Abu Draa, A (2013) *African smuggling gangs turn Sinai into torture land*.
- 195 Interview II 2.2.4
- 196 Interview II 2.2.4
- 197 Interview II 2.2.7
- 198 Interview II 2.2.9
- 199 Interview II 2.1.37
- 200 Interview II 2.2.1
- 201 US Department of State (2013) *Trafficking in Persons Report 2013*, p 157
- 202 US Department of State (2013) *Trafficking in Persons Report 2013*, p 157
- 203 Refugees International (2013) *Hope on hold: African asylum seekers in Israel* [online], 22 October 2013. Available at: <http://refugeesinternational.org/policy/field-report/hope-on-hold-african-asylum-seekers-israel> (accessed 22/11/2013)
- 204 Interview II 2.2.9
- 205 Interview II 2.2.2
- 206 Interview II 2.2.3
- 207 Interview D 1 A, 2 August 2012
- 208 Interview D 1 A, 2 August 2012

- 209 Estefanos, M (2012) *Personal communication*. (Conversation between ME and MvR 2012)
- 210 See: M Handelzalts: “By renaming migrants ‘infiltrators’, Israel is forging a new reality”, Haaretz, 29 June 2012, cited in: Borgman, E; van Reisen, M (2013) *Infiltrators or next of kin: Identity negotiations around the label mistanenim of African migrants in Israel and its connection to the view on Palestinians*. Paper presented at the fifth DIYAR conference ‘Palestinian Identity in relation to time and space: A dialogue between Theology, Archaeology and Art’, 28–29 August 2013, Bethlehem.
- 211 רדח; תושר א. “וּוּטלְשֶׁה תּרְמִצֵּל וְנִתְסֶה לְגֵרְמָה.” <http://milog.co.il/%D7%9E%D7%A1%D7%A%D7%A0%D7%A0%D7%99%D7%9D>
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- 213 Ibid.
- 214 Israel Defense Forces, Order No. 329 regarding Prevention of Infiltration, 1969
- 215 An English translation of the orders is available at: <http://www.alzaytouna.net/en/resources/documents/israeli-documents/114859-israeli-military-orders-1649-quot-order-regarding-security-provisions-quot-and-1650-quot-order-regarding-prevention-of-infiltration-quot-2010.html> (accessed 17 August 2013)
- 216 Human Rights Watch (2012) *Israel: Amend ‘Anti-Infiltration’ Law: Measure denies asylum seekers protections of refugee convention*, [online] 10 June 2012. Available at: <http://www.hrw.org/news/2012/06/10/israel-amend-anti-infiltration-law> (accessed 19 August 2013)
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- 218 The ruling is available at: <http://elyon1.court.gov.il/files/12/460/071/b24/12071460.b24.htm> (accessed 20 November 2013)
- 219 Hotline for Migrant Workers (2013) *Supreme Court overturns Law to Prevent Infiltration*, Press Release [pdf], 16 September 2013. Available at: <http://www.freeeritrea.org/files/HotlinePressRelease9-16-2013.pdf> (accessed 23 November 2013)
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- 221 Supreme Court Judge Edna Arbel about the situations in Eritrea and Sudan from HCJ 7146/12 (16 September 2013). See: “Report of the independent expert on the situation of human rights in the Sudan on the status of implementation of the recommendations complied by the Group of Experts to the Government of the Sudan for the implementation of Human Rights Council resolution 4/8, pursuant to Council resolutions 6/34, 6/35, 7/16, 11/10 and 15/27. Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/155/34/PDF/G1115534.pdf?OpenElement>. (accessed 20 November 2013)
- 222 Rozen, S (2013) *Personal communication*. (Email from SR to MvR, 19 September 2013)
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- 224 Rozen, S (2013) *Personal communication*. (Email SG to MvR, 11 November 2013)
- 225 This is available on: [https://docs.google.com/viewer?url=http%3A%2F%2Fwww.tazkirim.gov.il%2FTazkirim\\_Attachments%2F41775\\_x\\_AttachFile.doc](https://docs.google.com/viewer?url=http%3A%2F%2Fwww.tazkirim.gov.il%2FTazkirim_Attachments%2F41775_x_AttachFile.doc), explanation sent by Rozen, S (2013) *Personal communication*. (Email SG to MvR, 8 November 2013)
- 226 Rozen, S (2013) *Personal communication*. (Email SG to MvR 11 November 2013)
- 227 Rozen, S (2013) *Personal communication*. (Email SG to MvR 11 November 2013)
- 228 Rozen, S (2013) *Personal communication*. (Email SG to MvR 23 November 2013): “I assumed that this space was prepared for extra caravans or tents (for more than 3300 detainees), but discussing the issue with one of the prison guards, made me realise that this space is what makes the prison “open” - open until the fence.”
- 229 Rozen, S (2013) *Personal communication*. (Email SG to MvR 23 November 2013)
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- 231 Lior, I (2011) ‘Groups sue, claiming refugee kids in Eilat face discrimination.’ *Haaretz* [online], 19 July 2011. Available at: <http://www.haaretz.com/print-edition/news/groups-sue-claiming-refugee-kids-in-eilat-face-discrimination-1.373951> (accessed 23 November 2013)
- 232 Tsurkov, E (2012) ‘Legal victory for refugee rights in Israel: the end of school segregation in Eilat.’ *Fahumu Refugee Newsletter Aid Newsletter* [online], 1 September 2013. Available at: <http://frian.tumblr.com/post/30650370672/legal-victory-for-refugee-rights-in-israel-the-end-of> (accessed 23 November 2013); Rosenberg, S (2012) *Eilat Backs down, agrees to enroll African refugee children in public schools* [online], 27 August 2012. Failed Messiah.com. Available at: [http://failedmessiah.typepad.com/failed\\_messiahcom/2012/08/eilat-backs-down-agrees-to-enroll-african-refugee-children-in-public-schools-234.html](http://failedmessiah.typepad.com/failed_messiahcom/2012/08/eilat-backs-down-agrees-to-enroll-african-refugee-children-in-public-schools-234.html) (accessed 23 November 2013)
- 233 Interview II 2.3.1
- 234 Interview II 2.3.1
- 235 Interview II 2.3.1
- 236 Interview 2.3.19
- 237 Interview 2.3.19; Estefanos, M (2013) *Personal communication*. (Email ME to MvR, 23 November 2013): “His followers believe that they claim that he cures people with HIV and cancer. In Israel many of the Sinai survivors go to him when they are depressed or mentally unstable, he tells them someone put a curse on them and that he will cure them only if they don’t go to medical doctors and other churches, if they do his cure will not work. Once they start going there, his followers will be with the new comer day and night and they make sure that non believers don’t have access to them. He now has followers throughout the world; those that used to follow him in Libya live now in Europe and North America and they send him all kinds of gifts and he has the latest phones and laptops that he receives as a gift from his followers. He has an online TV where his followers can follow him through online.”
- 238 HCJ 4702/94 Al-Tai et al. v Interior Minister, Piskei Din 49(3) 843,848, cited in: Refugee Rights Forum (2008) *Policy Paper: The principle of non-refoulement of a person to a place in which he is expected to suffer danger to life, liberty, persecution or torture*. Tel Aviv, p 5. Available at: <http://www.acri.org.il/pdf/NonRefoulementEng.pdf> (accessed 24 November 2013)
- 239 Moshe, N (2013) *RSD Procedures in Israel* [pdf], 18 June 2013. The Israeli Parliament Research and Information Center. Available at: <http://www.knesset.gov.il/mmm/data/pdf/m03216.pdf> (accessed 23 November 2013), p 6–7. “These are “recognized” and not “accepted” refugees, since in addition to those 202 who passed RSD [refugee



status determination] procedure, there were 500 Darfuris who received in January 2008 temporary residency without RSD procedure, several dozens from Kosovo who received temporary residency and several hundred Vietnamese who received Israeli citizenship in 1977. There status was granted as a result of a humanitarian decision of the Israeli government and not based on RSD.”

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241 Interview II 2.3.19  
242 Interview II 2.3.3  
243 Translated from Hebrew by Sigal Rozen from: Hotline for Migrant Workers (2013) “*Your only way out is back home*”  
244 Interview II 2.3.3  
245 Translated from Hebrew by Sigal Rozen from: Hotline for Migrant Workers (2013) “*Your only way out is back home*”  
246 Interview II 2.3.6  
247 Interview II 2.3.3  
248 E-mail 23/11/2013  
249 Interview II 2.2.11  
250 Interview II 2.2.11  
251 Interview II 2.3.6  
252 Rozen, S (2013) *Personal communication*. (Email SR to MvR )  
253 US Department of State (2013) *Trafficking in Persons Report 2013*, pp 207–209  
254 US Department of State (2013) *Trafficking in Persons Report 2013*, pp 207–209  
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256 Interview II 2.7.3  
257 Interview II 2.7.3  
258 Interview 2.7.1  
259 Interview II 2.7.2  
260 Interview II 2.7.2  
261 Interview II 2.7.3  
262 Interview II 2.7.3  
263 Interview II 2.7.3  
264 Interview II 2.7.3  
265 Interview II 2.7.3  
266 Interview II 2.7.3  
267 Interview II 2.7.3  
268 Interview II 2.7.3  
269 Interview II 2.7.3  
270 US Department of State (2013) *Trafficking in Persons Report 2013*, p 238  
271 Al Jazeera (2013) *Lampedusa boat victims raped and tortured* [online], 8 November 2013. Available at: <http://www.aljazeera.com/news/europe/2013/11/lampedusa-boat-victims-raped-an-tortured-201311817482583908.html> (accessed 25 November 2013)  
272 Al Jazeera (2013) *Lampedusa boat victims raped and tortured*.  
273 Quoted in El Republica, published by Al Jazeera (2013) *Lampedusa boat victims raped and tortured*.  
274 Al Jazeera (2013) *Lampedusa boat victims raped and tortured*.  
275 Al Jazeera (2013) *Lampedusa boat victims raped and tortured*.  
276 Interviews in Lampedusa by ME in 2013  
277 Roberts, H (2013) ‘Lampedusa tragedy survivors flee Italy a day after being given free accommodation in Rome. Thought to be heading for countries with generous benefits

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- 279 Roberts, H (2013) 'Lampedusa tragedy survivors flee Italy a day after being given free accommodation in Rome.'
- 280 European Commission (2011) *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The Global Approach to Migration and Mobility*, Brussels, 18.11.2011, COM(2011) 743 final. Available at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/pdf/1\\_en\\_act\\_part1\\_v9\\_com2011-743\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/pdf/1_en_act_part1_v9_com2011-743_en.pdf) (accessed 25 November 2011)
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- 285 See for instance the position of Italy in the *Case of Hirsi Jamaa and Others vs. Italy* (Application 27765/09; Spain in the *Marine I case JHV v Spain*, UN Committee Against Torture, CAT/C/41/D/323/2007, 21 November 2008; Australia in *Ruddock v Vadarlis* (the Tampa case), Federal Court of Australia 1297, 18 September 2001
- 286 *United Nations Convention on the Law of the Seas (UNCLOS) of 10 December 1982*. Available at: [http://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf) (accessed 26 November 2013)
- 287 *International Convention on Maritime Search and Rescue (SAR Convention), 1979, as amended in 2004, which amendments entered into force in 2006*. Available at: <http://treaties.un.org/doc/Publication/UNTS/Volume%201405/volume-1405-I-23489-English.pdf> (accessed 26 November 2013)
- 288 *International Convention for the Safety of Life at Sea (SOLAS), 1 November 1974*. Available at: <http://treaties.un.org/doc/Publication/UNTS/Volume%201184/volume-1184-I-18961-English.pdf> (accessed 26 November 2013)
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- 295 European Court of Human Rights (2012) *Case of Hirsi Jamaa and Others vs. Italy*

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- 299 European Court of Human Rights (2012) *Case of Hirsi Jamaa and Others vs. Italy* (Application 27765/09), para 44
- 300 European Court of Human Rights (2012) *Case of Hirsi Jamaa and Others vs. Italy* (Application 27765/09), para 180
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- 307 Weinzierl and Lisson, *ibid.*, pp. 16–17, 18–23, 42–70
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