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EGYPT: GOVERNMENT MUST URGENTLY REIN IN BORDER GUARDS

The Egyptian authorities must urgently rein in their border security forces and end the spate of killings of migrants trying to cross into Israel, Amnesty International said today, after two more migrants were shot dead on Wednesday. Their killings brought the number of those shot dead this year to 14, while at least 15 others have been wounded. At least 28 were killed in 2008 and at least 25 others were shot and injured.

Seven foreign nationals, all believed to be refugees, asylum seekers or migrants, have been killed by Egyptian border guards since the beginning of the month, apparently while they were trying to cross into Israel. Scores more have been seriously injured. Most of those killed and injured are reported to have been nationals of Sudan, Eritrea and countries in sub-Saharan Africa.

On 14 September, in response to Amnesty International's protests, the spokesperson for Egypt's Ministry of Foreign Affairs defended the use of lethal force by border guards and said "protection of the Egyptian borders stems from Egypt's respect to international law and international commitments". The spokesperson said reports that "Egyptian borderline troops had shot those who are infiltrating the Egyptian borders to Israel" were "inaccurate", adding "shooting the infiltrates [the term used to describe irregular border crossers] comes after they ignore the warnings of the border guards". The spokesperson further argued that policing the border is problematic because of the "smuggling of weapons, drugs and goods".

However, the Ministry of Foreign Affairs spokesperson gave no details of the steps taken by border guards to use measures short of lethal force in order to apprehend potential border crossers, suggesting that guards are permitted to open fire and shoot to kill even when their targets are not threatening their lives or the lives of others. None of those killed or injured are reported to have used, or been in the possession of, firearms before they were shot. International human rights standards demand that the use of force by law enforcement officials must be proportionate to the actual threat faced.

To date, the Egyptian authorities have taken no steps to investigate the killings by border guards and other incidents in which they used live fire, and no guards are known to have been disciplined or prosecuted for using excessive force. International standards, such as the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, insist that all cases of suspicious deaths in custody or at the hands of state agents should be promptly investigated.

Amnesty International is calling on the Egyptian government to ensure that its border guards and all other law enforcement officials are instructed that they may use lethal force only in accordance with the strict limitations imposed by international standards, and are not deployed into situations in which they may be required to use force until they have been adequately trained in such standards – in particular, the UN Code of Conduct for Law Enforcement Officials (the Code of Conduct) and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (the Basic Principles).

Two years ago, the UN Committee on the Protection of the Rights of all Migrant Workers and Members of their Families urged the Egyptian authorities to initiate training for “border personnel” but it is not known what steps, if any, the Egyptian authorities have taken to comply with this recommendation, and they have not disclosed the rules of engagement issued to those charged with enforcing border security.

Amnesty International fully recognizes the Egyptian authorities’ responsibility to maintain border security and to combat smuggling and other crime, but when doing so they must comply fully with international human rights law, including the right to life, and international refugee law, notably the requirement of the 1951 Refugee Convention that states must not sanction refugees on account of their illegal entry or presence.

Background

The use of lethal force, which began in mid-2007, may result partly from pressure from the Israeli authorities on the Egyptian government to reduce the flow of people crossing the border into its territory without authorization.

While states have the right to exercise authority over their border and to regulate entry into their territory, any measures taken in this regard must not come in conflict with or violate internationally recognized human rights law and standards.

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