

# URGENT ACTION

## ONE SUDANESE REFUGEE REMAINS IN DANGER

**Sudanese refugee Ishaq Fadl Dafallah is at risk of forcible return to Sudan by the Egyptian authorities on 19 April. If returned, he would be in grave danger of torture and other ill-treatment.**

After significant pressure, including by international human rights organizations, Mohamed Adam Abdallah and Ishaq Fadl Dafallah were not forcibly returned on 12 April as feared. Mohamed Adam Abdallah was transferred to Cairo from Aswan Police Station, from where he had been expected to be forcibly returned to Sudan by ship. He remains detained in Cairo. Ishaq Fadl Dafallah was transferred on 11 April from Cairo to Aswan Police Station, indicating that he may still be at risk of forcible return to Sudan on 19 April.

Lawyers filed an appeal against the Egyptian authorities' decision to deport them to Sudan; the court should give its decision next week. Both men are from the Zaghawa ethnic community in Darfur, in western Sudan, and were recognized as refugees by the UN refugee agency, UNHCR, in Egypt in 2009 because they would face persecution if forcibly returned to Sudan.

Ishaq Fadl Dafallah is the chairman of the Union of Darfur Associations in Egypt, a NGO which provides assistance to Sudanese refugees from Darfur in Egypt. He is also chairman of the Zaghawa Association in Egypt, to which Mohamed Adam Abdallah also belongs, which provides language and other training for refugees and asylum-seekers in Egypt.

### **PLEASE WRITE IMMEDIATELY in Arabic, English or your own language:**

- Urging the Egyptian authorities not to forcibly return Ishaq Fadl Dafallah to Sudan;
- Urging them to release him and Mohamed Adam Abdallah immediately unless they are promptly charged with a recognizably criminal offence and given a fair trial in line with international standards;
- Calling on them to uphold their international obligations under the 1951 Convention Relating to the Status of Refugees and the UN Convention against Torture not to forcibly return anyone to a country where they would be at risk of torture and other serious human rights violations.

### **PLEASE SEND APPEALS BEFORE 28 MAY 2010 TO:**

Minister of the Interior  
Habib Ibrahim El Adly  
Ministry of the Interior  
25 El Sheikh Rihan Street  
Bab al-Louk, Cairo, Egypt  
**Fax: +20 22 796 0682**  
**Email: moi@idsc.gov.eg**  
**Salutation: Dear Minister**

Prosecutor General  
Abd El-Megeed Mahmoud  
Dar al-Qadha al-'Ali  
Ramses Street, Cairo, Egypt  
**Fax: +20 22 577 4716**  
**Salutation: Dear Counsellor**

**And copies to:**  
Deputy Assistant Minister of Foreign  
Affairs for Human Rights  
Wael Abu al-Magd  
Human Rights and International  
Humanitarian and Social Affairs  
Ministry of Foreign Affairs  
Corniche al-Nil, Cairo, Egypt  
**Fax: +20 22 574 9713**

**Also send copies to diplomatic representatives accredited to your country.** Please check with your section office if sending appeals after the above date. This is the first update of UA 76/10. Further information: [www.amnesty.org/en/library/info/MDE12/017/2010/en](http://www.amnesty.org/en/library/info/MDE12/017/2010/en)

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### ADDITIONAL INFORMATION

Ishaq Fadl Dafallah and Mohamed Adam Abdallah were arrested on 4 August 2009 in the town of Sheikh Zuwayid, close to Egypt's border with Israel, where they said they had gone to provide assistance to Sudanese refugees and asylum-seekers. Hundreds of Sudanese and other asylum-seekers have been arrested in this area and detained in police stations or prisons. The Egyptian authorities say that the two men are suspected of trying to cross the border illegally into Israel. Tens of refugees, migrants and asylum-seekers accused of trying to cross the border into Israel illegally have been tried before military courts and sentenced to one year in prison and to pay a fine of 2,000 Egyptian pounds (US\$360). Others – at least 19 in 2009 and at least a further 13 since the beginning of this year – have been shot dead by Egyptian border guards while attempting to cross into Israel.

In January 2010, the Egyptian authorities returned a Sudanese UNHCR-recognized refugee, Mohammed El Hadj Abdallah, to Sudan. He had been arrested in September 2009 in Ismailia, in Egypt.

Amnesty International has repeatedly called on the Egyptian authorities to end abuses against refugees, asylum-seekers and migrants who continue to be killed or imprisoned and forcibly returned to countries where they are at risk of serious human rights violations. According to the UNHCR, some two to three million Sudanese nationals live in Egypt. Many of them are migrants, but they include thousands of refugees who have fled persecution in Sudan. Forcible return of refugees and asylum-seekers to Sudan clearly breaches Egypt's obligation under international law not to return any person to a country where they would be at risk of torture or other serious human rights violations. The Egyptian security forces have also used excessive and lethal force against individuals who attempt to cross the border from Egypt into Israel. Most are from Sudan and Eritrea and some are likely to be refugees or asylum-seekers. Amnesty International has repeatedly condemned these killings and use of excessive, lethal force. On 2 March 2010, the UN High Commissioner for Human Rights also condemned these killings saying that "it is a deplorable state of affairs, and the sheer number of victims suggests that at least some Egyptian security officials have been operating a shoot-to-kill policy". The Egyptian authorities have constantly denied the allegations and defended the use of lethal force by border guards, which in international law can be used only when necessary in self defence.

Egypt is party to both the UN Convention Relating to the Status of Refugees and the Organization of African Unity (OAU) Refugee Convention; both require Egypt to provide international protection to refugees. According to a 1954 Memorandum of Understanding between Egypt and UNHCR, the Egyptian authorities are obliged to allow asylum-seekers to meet with UNHCR representatives and to respect UNHCR's assessments of their refugee status. Egypt is currently the vice-chair of the UNHCR Executive Committee, governing the organization.

In recent years and particularly since May 2008 when the Darfur-based armed opposition group Justice and Equality Movement (JEM) attacked the Sudanese capital, Khartoum, Amnesty International has documented many cases of arbitrary and incommunicado detention, torture and other ill-treatment, and extrajudicial executions of Darfuris at the hands of the National Intelligence and Security Services (NISS) in Sudan, on the basis of their ethnicity or suspected political allegiance. In the months that followed the JEM attack on Khartoum, Darfuris from the Zaghawa ethnic group were the main targets of human rights violations committed by the NISS. Amnesty International has recorded several cases of arbitrary detention, torture and one case of extrajudicial execution in the past few months, especially in connection with the April 2010 presidential and parliamentary elections, including among members of the opposition and human rights activists.

Further information on UA: 76/10 Index: MDE 12/018/2010... Issue Date: 16 April 2010

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